CALIFORNIA COASTAL COMMISSION

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



Click here to go to original staff report

Th17j

ADDENDUM

April 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: APPEAL NO. A-5-VEN-16-0033 (Ariza) FOR THE COMMISSION

MEETING OF THURSDAY, APRIL 14, 2016.

PUBLIC CORRESPONDENCE

Commission staff received one (1) letter of concern for the proposed project from Lydia Ponce. The letter indicates support for finding a substantial issue with regard to the grounds on which the appeal was filed and includes an attached article from a local publication. Commission staff received one (1) letter of concern for the proposed project from Todd Darling. This letter indicates support for finding a substantial issue with regard to the grounds on which the appeal was filed.

ADDITIONAL FINDINGS

Commission staff recommends modifications to the staff report dated April 1, 2016.

The following paragraph shall be added to the De Novo section of the staff report:

C. 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, resulting in the alteration of the size of the structure, without a valid coastal development permit. Any development activity, that is not otherwise exempt, which is not the case here, 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.

The applicant is requesting that the Commission find the proposed development to be exempt. Denial of this application pursuant to the staff recommendation will

Addendum to Appeal No. A-5-VEN-16-0033 Page 2 of 2

result in violations remaining on the property. The Commission's enforcement division will consider options to address said violations as a separate matter.

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.

Oshida, Caitlin@Coastal

	Sent:	Friday, April 08, 2016 12:24 PM
,	To:	Oshida, Caitlin@Coastal
٠	Subject:	Fwd: 645 Santa Clara Ave (A-5-VEN-16-0033)
	Follow Up Flag:	Follow up:
	Flag Status:	Flagged
	Here's one	
	From: Lydia Ponce < venicely Date: Friday, April 8, 2016 Subject: 645 Santa Clara Ave (To: "Rehm, Zach@Coastal" < 2	dia@gmail.com> (A-5-VEN-16-0033)
	California Coastal Commission	
	Coastal Staff & Coastal Commission	oners
	200 Oceangate, 10th Floor	
	Long Beach, CA 90802	
	Re. SUPPORT OF Coastal Exemp	tion Appeal
	645 Santa Clara Ave (A-5-VEN-16	-0033)

Coastal Staff and Honorable Commissioners,

Hearing date: Thursday April 14, 2016

Please consider the previous 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

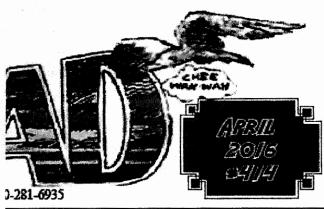
invaluable to the Venice Community's efforts to keep Venice- Venice.

For the love of Venice.....

Agenda Item 17.j.

Sincerely yours,

Lydia Ponce



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 dammed. 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.

Oshida, Caitlin@Coastal

From:

Posner, Chuck@Coastal

Sent:

Friday, April 08, 2016 2:02 PM

To:

Oshida, Caitlin@Coastal; Vaughn, Shannon@Coastal; Revell, Mandy@Coastal

Subject:

FW: SUPPORT OF Coastal Exemption Appeal 645 Santa Clara Ave (A-5-VEN-16-0033)

From: Todd Darling [mailto:tdarling2000@yahoo.com]

Sent: Friday, April 08, 2016 1:35 PM

To: Hudson, Steve@Coastal; Posner, Chuck@Coastal

Subject: Fw: SUPPORT OF Coastal Exemption Appeal 645 Santa Clara Ave (A-5-VEN-16-0033)

April 7, 2016

Via EMAIL:

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

Re. SUPPORT OF Coastal Exemption Appeal 645 Santa Clara Ave (A-5-VEN-16-0033) Hearing date: Thursday April 14, 2016 Agenda Item 17.j.

Coastal Staff and Honorable Commissioners,

I would like you to support our appeal of the Coastal Exemption given by Los Angeles City Planning to the proposed building on 645 Santa Clara, Venice, CA 90291.

The City granted this a Coastal Exemption as a remodel. Instead the owner and builders knocked the whole thing down when more than 50% must remain standing for it to qualify as a "remodel" according to the Coastal Commission. To make matters worse, the builder claims that permission for a total demolition came from a "verbal" approval by an LA City Planner. Without a written record of this "approval" the community has every right to be skeptical. Photos were taken of the site when it was demolished, and then again after the builder leaned some studs back up in place.

The exemption the City granted to this project is flawed in other areas as well. There was an affordable second unit on the property that was removed and not disclosed. The City checked off the boxes indicating that there was no Mello issue, nor affordable housing issue. We have photographic proof to the contrary. The previous tenant of this affordable unit did not receive any relocation money. In sum, the City's lassitude indicts their process and marks their lack of respect for the Coastal Act.

There is a new chief of LA Planning and he needs to learn that the Coastal Act is in effect, and that his department is legally bound to follow it. This project does not qualify for a Coastal Exemption.

Sincerely,
Todd Darling
As an individual and not on behalf of the
Venice Neighborhood Council or its
Land Use & Planning Committee

CALIFORNIA COASTAL COMMISSION

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



Th17j

Filed: 3/4/2016 49th Day: 4/22/2016 Staff: Z. Rehm – LB Staff Report: 4/1/2016 Hearing Date: 4/14/2016

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE AND DE NOVO

Local Government: City of Los Angeles

Local Decision: Claim of Exemption to Coastal Development Permit Requirement

Appeal Number: A-5-VEN-16-0033

Applicant/Agent: Andres Ariza

Appellants: Robin Rudisill, Lydia Ponce, Todd Darling

Project Location: 645 Santa Clara Avenue, Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Exemption No. DIR-

2015-4670-CEX for major remodel of 1,350 sq.ft. single-family home and second story addition, on 5,186 sq.ft. lot, resulting in

2,518 sq.ft., two-story home.

Staff Recommendation: Find Substantial Issue with City of Los Angeles Claim of

Exemption and deny Coastal Exemption

Important Hearing Procedure Note: The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: the development on the site is the demolition of a residential structure and construction of a single-family residence, and is not an improvement to an existing single family residence, and is therefore non-exempt "development" as defined in the Coastal Act. Commission staff was notified on March 4, 2016 that although the City's Local Coastal Exemption, DIR-2015-4670-CEX was issued for an addition and remodel *to an existing single family dwelling*, the entire structure had been demolished, with the exception of portions of the wood framing of portions of two of the exterior walls (see image below and Exhibit 2). 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. A coastal development permit must be obtained for the development. Commission Staff recommends that the Commission deny the claim of exemption and find that the proposed project requires a local coastal development permit, and return this matter to the City for processing. The motions to carry out the staff recommendation are on pages 4 and 10.



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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map Exhibit 2 – Photos of Site Before and After Demolition

Exhibit 3 – Plans Submitted by Applicant Exhibit 4 – Appeal

I. MOTION AND RESOLUTION

MOTION: I move that the Commission determine that Appeal No. A-5-VEN-16-0033 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION:

The Commission hereby finds that Appeal No. A-5-VEN-16-0033 presents A SUBSTANTIAL ISSUE with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

II. APPELLANTS' CONTENTIONS

On March 4, 2016, the Commission received an appeal of Local Coastal Exemption DIR-2015-4670-CEX from Robin Rudisill, Lydia Ponce, and Todd Darling (Exhibit 4). The appeal contends that more than 50% of the structure will be demolished, the mass and scale of the locally-approved project is inconsistent with the community character of the area and therefore is inconsistent with the Venice certified Land Use Plan (LUP) and the Chapter 3 policies of the Coastal Act, and the project was not adequately reviewed for consistency with the Mello Act. For the reasons stated above, the appellants contend that the City-approved project does not qualify for an exemption and requires the review afforded through the coastal development permit process.

III. LOCAL GOVERNMENT ACTION

On December 23, 2015, the Los Angeles Department of City Planning issued a Coastal Exemption (DIR-2015-4670-CEX) for development proposed at 645 Santa Clara Avenue, Venice, Los Angeles. The applicant listed on the City's exemption form is Andres Ariza. The appeal form states that the proposed development is: "Major remodel of existing single family dwelling and addition of 2nd story. Project will maintain 54% of existing exterior walls" (emphasis added). On January 5, 2016, the Los Angeles Department of Building and Safety issued Building Permit No. 15014-10000-04811, and demolition commenced at the project site. The City forwarded a copy of the Coastal Exemption to the Coastal Commission's South Coast District Office on February 4, 2016 – 43 days after the coastal exemption was issued and a month after construction has begun. On March 4, 2016, the appellants submitted the appeal to the Commission's South Coast District Office (Exhibit 4). 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 by the City of Los Angeles can be appealed to the Commission. On March 7, 2016, a Notification of Appeal was sent to the Los Angeles Department of City Planning and the applicant, notifying each party of the appeal of DIR-2015-4670-CEX, and therefore the decision was stayed pending Commission action on the appeal.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to 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. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30625.]

After a final local action on a local coastal development permit application (or permit exemption), the local government is required to notify the Coastal Commission within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including, among other requirements, providing the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local government's decision. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

In this case, Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local government's action (exemption) is voided and the Commission holds a public hearing in order to review the application as a <u>de novo</u> matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that <u>de novo</u> actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will move to the de novo phase of the public hearing on the merits of the application. A de novo public hearing on the merits of a coastal development permit application uses the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan (LUP) is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE/DUAL PERMIT JURISDICTION AREAS

Section 30601 of the Coastal Act provides details regarding the geographic areas where applicants must also obtain a coastal development permit from the Commission in addition to obtaining a local coastal development permit from the City. These areas are considered Dual Permit Jurisdiction areas. Coastal zone areas outside of the Dual Permit Jurisdiction areas are considered Single Permit Jurisdiction areas. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has been granted the authority to approve or deny coastal development permits in both jurisdictions, but all of the City's actions are appealable to the Commission. The proposed project site is located within the Single Permit Jurisdiction Area.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project site is located in the Oakwood subarea in Venice at 645 Santa Clara Avenue within the City's Single Permit Jurisdiction, about 0.8 miles inland of the beach (Exhibit 1). The lot area is 5,186 square feet, and is zoned RD1.5-1 (Multi Family Residential) in the Los Angeles Zoning Code. According to Los Angeles County Records, prior to the demolition of the structure, the site was developed with a two-story, 1,350 square-foot single-family residence constructed in 1914 (see photo in Exhibit 2). The proposed scope of work listed in the City's Local Coastal Exemption, DIR-2015-4670-CEX, describes the proposed project as:

"Major remodel of existing single family dwelling and addition of 2nd story. Project will maintain 54% of existing exterior walls." (emphasis added; see Exhibit 4)

The Commission was notified on March 4, 2016 that although the City's Local Coastal Exemption, DIR-2015-4670-CEX was issued for an addition and remodel *to an existing single family dwelling*, the structure had been demolished, with the exception of portions of the wood framing of portions of two of the exterior walls (Exhibit 2). 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.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulation

simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission had been guided by the following factors:

- 1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
- 2. The extent and scope of the development as approved or denied by the local government;
- 3. The significance of the coastal resources affected by the decision;
- 4. The precedential value of the local government's decision for future interpretations of its LCP; and,
- 5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal are that the project is not an improvement to an existing single-family residence, and is therefore non-exempt "development" as defined in the Coastal Act and so a coastal development permit should have been required.

Coastal Act Section 30610 Developments authorized without permit, states:

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.
- (b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (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. Any improvement so specified by the commission shall require a coastal development permit.

California Administrative Code of Regulations Section 13250 Improvements to Existing Single-Family Residences, states:

- (a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:
- (1) All fixtures and other structures directly attached to a residence;
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

Additionally, the Commission typically requires fifty percent of the structure to be maintained in order to qualify as *an existing structure*.

Section13252 Repair and Maintenance Activities That Require a Permit, states:

(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.

Section 13253 Improvements to Structures Other than Single-Family Residences and Public Works Facilities That Require Permits, states:

- (a) For purposes of Public Resources Code section 30610(b) where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:
- (1) All fixtures and other structures directly attached to the structure.
- (2) Landscaping on the lot.
- (b) Pursuant to Public Resources Code section 30610(b), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:
- (1) Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;
- (3) The expansion or construction of water wells or septic systems;

- (4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code section 30610(b), and/or increase in height by more than 10 percent of an existing structure;
- (5) In areas which the commission or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;
- (6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit;
- (7) Any improvement to a structure which changes the intensity of use of the structure;
- (8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.
- (c) In any particular case, even though the proposed improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

To date, all that remains of the former single family residence at the subject site is portions of the wood framing of portions of two of the exterior walls. On-site observations made by staff and photographic evidence demonstrate that the roof, foundation, siding, electrical system, plumbing, and drywall have been removed (**Exhibit 2**). The amount of the structure that has been removed exceeds fifty percent of the structure. 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, 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, and doorways. 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.

A-5-VEN-16-0033 (Ariza) Appeal – Substantial Issue and De Novo

Therefore, the proposed development is not exempt from the permitting requirement and the applicant must obtain a coastal development permit. This appeal raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act because the development, which did not obtain a coastal development permit, has not yet been reviewed for conformity with the Chapter 3 policies.

Applying the five factors listed in the prior section clarifies that the appeal raises "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the development is exempt from coastal development permit requirements. Issuing an Exemption for a project with the scope of work that includes a "Major remodel of existing single family dwelling and addition of 2nd story. Project will maintain 54% of existing exterior walls" could be, on its face, consistent with the Coastal Act. However, in order to qualify for an exemption, at least 50 percent of the existing single family residence must be retained. The City's issuance of an exemption for this project, however, has resulted in exempting development from permitting requirements that includes demolition of over 50 percent of the existing structure when, in fact, such demolition and reconstruction projects constitute replacement structures under section 13252 of the Commission's regulations. Additionally, City staff states that at the time it issued this coastal exemption, it did not retain copies of the plans for the proposed development that it exempted from coastal development permit requirements. There are no plans in the City record for Commission staff to review to determine whether the City properly determined that an exemption was appropriate. Therefore, the Coastal Commission finds that the City does not have an adequate degree of factual and legal support for its exemption determination.

The second factor is the extent and scope of the development as approved or denied by the local government. As discussed, the demolition of most of the structure that occurred on the property exceeded the scope of what was authorized under the coastal exemption, which invalidates the exemption. Los Angeles County records indicate that the structure that was substantially demolished was a 1,350 square foot house constructed in 1914. The proposed project to be constructed as a result of the City issued Exemption is a substantial remodel to the existing single family dwelling disregarding the structural integrity of the aged foundation and framing. 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. In fact, it appears all of the floors and walls have already been removed and will be replaced (Exhibit 2). The full extent and scope of the proposed, large project will be reviewed by the City through the local coastal development permitting process.

The third factor is the <u>significance of the coastal resources affected</u> by the decision. The significant coastal resource is community character. The City's coastal exemption process was utilized instead of the coastal development permit process, during which the proposed development would be reviewed for consistency with the character of the surrounding area. Community character issues are particularly important in Venice. Although this exemption relates only to one project, the erosion of community character is a cumulative issue, and the City's cumulative exemption of numerous large-scale remodel and demolition projects has a significant impact on Venice's visual character. See, e.g., staff report dated 1/28/16 for Appeal No. A-5-VEN-16-0005.

The fourth factor is the <u>precedential value of the local government's decision</u> for future interpretations of its LCP. The City does not currently have a certified LCP. Issuing exemptions for proposed projects like these that result in the construction of new larger residences circumvents the coastal development permit process and its requirement for public participation, and sets a bad precedent. As discussed above, significant adverse impacts to coastal resources would potentially occur, if the City's coastal exemption process is inappropriately used to avoid the coastal development permit process, during which the proposed development would be reviewed for consistency with the character of the surrounding area and would potentially set a bad precedent. The abuse of the City's coastal exemption process in order to avoid obtaining a coastal development permit for new development is a recurring problem. See, e.g., staff report dated 1/28/16 for Appeal No. A-5-VEN-16-0005.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although this appeal raises specific local issues, exempting projects from the coastal development process will have potential negative and cumulative impacts to the coast if they are not properly reviewed through the local coastal development permit process and monitored by the City. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeal is that the development is actually the replacement of the existing single family residence with a new single family residence, and therefore a coastal development permit must be obtained in order to ensure that it conforms to the policies of the certified LUP and the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

VII. MOTION AND RESOLUTION – DE NOVO

Motion: I move that the Commission approve Claim of Exemption No. A-5-VEN-16-0033 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.

VIII. FINDINGS AND DECLARATIONS – DE NOVO

A. PROJECT DESCRIPTION

The actual project as documented on the project site, as well as project plans provided by the applicant (**Exhibit 3**), is the demolition of a 1,350 square foot, one-story, single-family residence and construction of a new 2,518 square foot, two-story 28-foot high single family residence on a 5,186 square foot lot in the Oakwood subarea in Venice. To date, nearly the entire pre-existing structure has

been demolished, with the exception of portions of the wood framing of portions of two of the exterior walls (Exhibit 2).

B. COASTAL DEVELOPMENT PERMIT REQUIREMENTS

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 664l0 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 45ll).

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.

Section13252, California Tittle 14 Regulations Repair and Maintenance Activities That Require a Permit, states:

(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 the proposed development. When an applicant has already demolished all or nearly all of a single-family residence, 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 onestory 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 substantial reconstruction/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 its exemption determinations the City of Los Angeles 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, and windows), 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, and doorways. Further, staff has confirmed during a recent site visit that a portion of the studs/framing for the previously existing structure on site have been replaced with new wood (Exhibit 2).

In this case, prior to the demolition of the structure, the site was developed with a one-story 1,350 square foot single family residence constructed in 1914. According to DIR-2015-4670-CEX, the approved project was "Major remodel of existing single family dwelling and addition of 2nd story. Project will maintain 54% of existing exterior walls." The age of the existing structure should have indicated that there may have been underlying issues that would prevent the retention of more than 50 percent of the structure.

To date, all that remains of the former single family residence at the subject site is the portions of the exterior framing of portions of two of the exterior walls. On-site observations made by staff and photographic evidence demonstrate that the roof, foundation, siding, and drywall have been removed (Exhibit 2). The amount of the structure that has been removed exceeds fifty percent of the existing structure. 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.

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

- (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, 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 1,350 square foot, one-story single family residence and construction of a new 2,518 square foot, two-story 28-foot high single family home, which, in the Venice coastal zone is not exempt under any section or provision of the Coastal Act or the Commission's Regulations and require a coastal development permit. 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, and concerns about the project's Mello Act consistency. 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-16-0033* is denied.

Appendix A – Substantive File Documents

- 1. City of Los Angeles Certified Land Use Plan for Venice (2001)
- 2. Appeal File A-5-VEN-16-0005
- 3. Appeal File A-5-VEN-16-0006

Vicinity Map: 645 Santa Clara Ave, Venice, Los Angeles



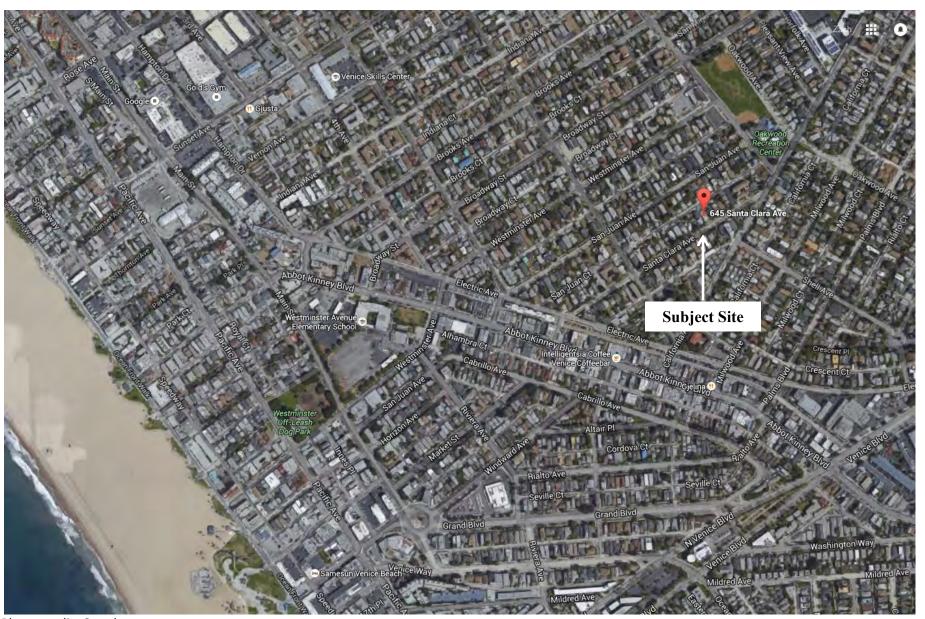


Photo credit: Google maps

Photo of 645 Santa Clara Avenue, Before Demolition

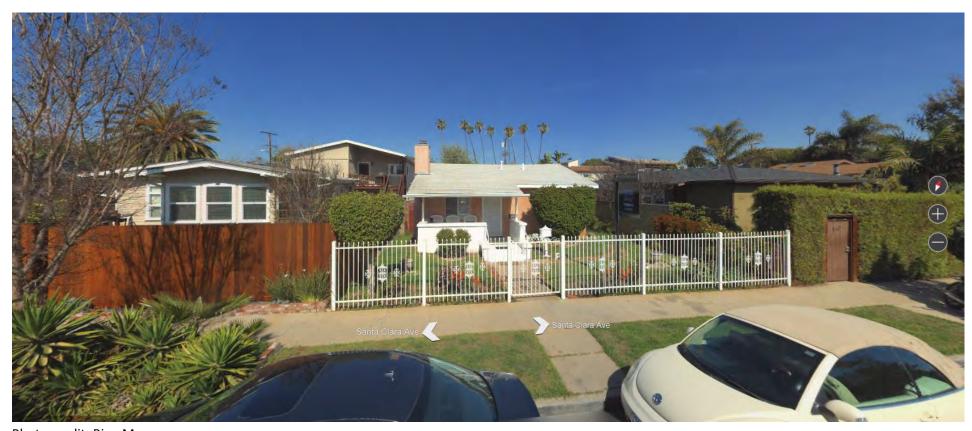


Photo credit: Bing Maps

Photo of 645 Santa Clara Avenue, 3-10-2016

Exhibit 2

Page 1 of 3



California Coastal Commission



Photo: California Coastal Commission staff

Photo of 645 Santa Clara Avenue, 3-10-2016

Exhibit 2

Page 2 of 3



California Coastal Commission



Photo: California Coastal Commission staff

Applicant's Photos of 645 Santa Clara Avenue, 3-31-2016



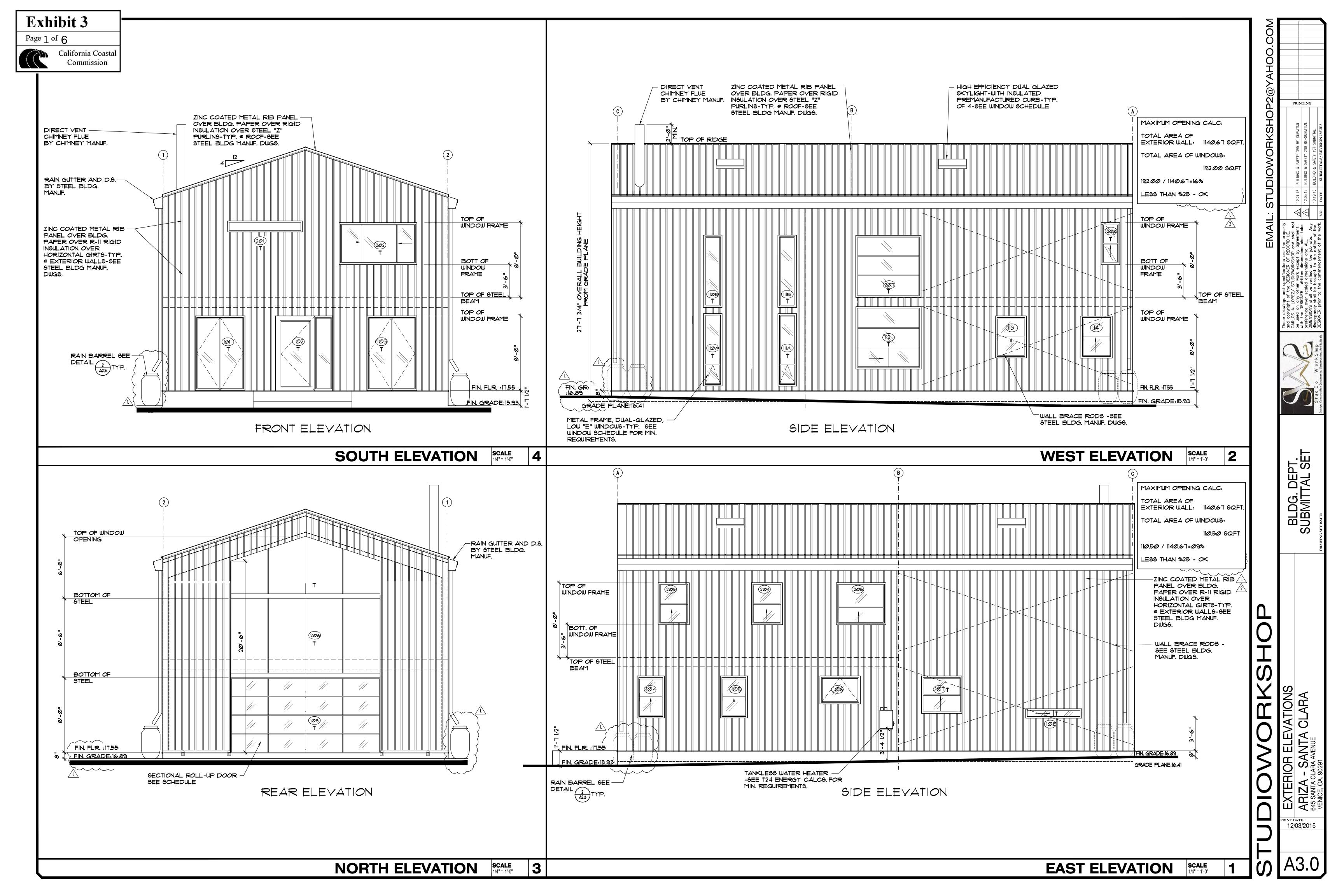


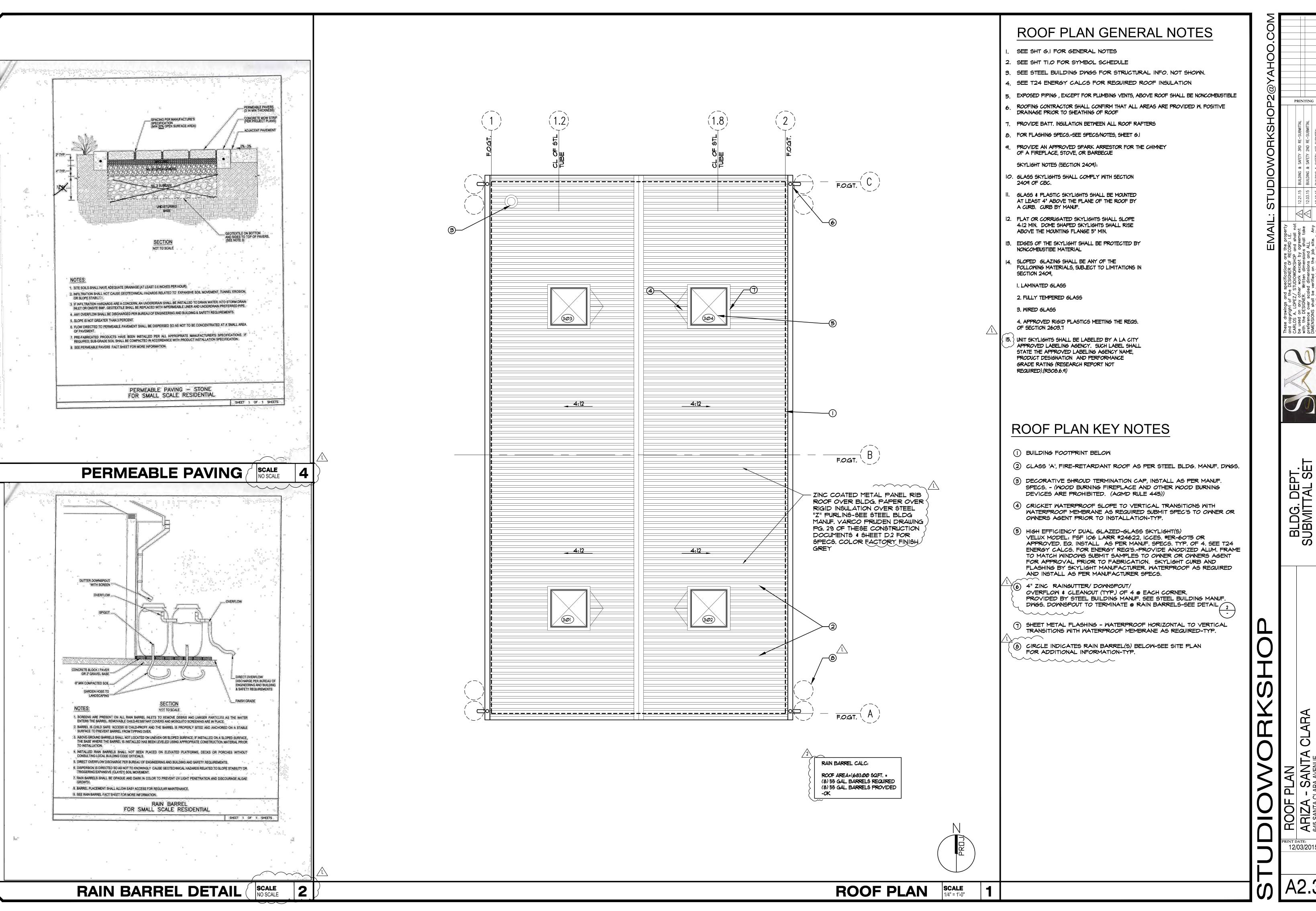
Photo credit: applicant's architect

Exhibit 2

Page 3 of 3







BLDG. DEPT SUBMITTAL S

12/03/2015

SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"

PRINTING

BLDG. DEF SUBMITTAL

12/03/2015

EXTERIOR WALL ASSEMBLY: HORIZONTAL STEEL GIRTS AS PER STEEL BUILDING MANUF DRAWINGS (UNLESS NOTED OTHERWISE ON FLOOR PLANS) ALL EXTERIOR FINISH: STEEL RIB PANEL BY STEEL BUILDING MANUF. OVER 2

LAYERS TYPE D BUILDING PAPER OVER RIGID OR BATT. INSULATION OVER

INTERIOR FINISH: 2 LAYERS OF 5/8" GYP BD. TAPED, SANDED AND PRIMED

INTERIOR PARTITIONS: 2X4 WOOD STUDS @ 16" OC. 5/8" GYP. BD. EA. SIDE SEE STRUCTURAL DWGS FOR PLYMD. SHEATHING

SEE EXTERIOR ELEVATIONS FOR EXTERIOR DOORS & WINDOW TYPES: SEE EXTERIOR GLAZING SCHEDULE FOR ADDITIONAL INFORMATION

EXHAUST FAN "ENERGY STAR" COMPLIANT W HUMIDISTAT (4.506.1). TO BE DUCTED TO TERMINATE TO THE OUTSIDE OF THE BUILDING. EXHAUAST FANS NOT FUNCTIONING AS A COMPONENT OF A WHOLE HOUSE VENTILATION SYSTEM MUST BE CONTROLLED BY A HUMIDITY CONTROL.

FIRST FLOOR PLAN

(3) MECHANICAL DUCTWORK / CHASE FROM FLOOR ABOVE SEE 2ND FLOOR

LOW WATER CONSUMPTION TYPE TOILET W. MAX. I.6 GAL. PER FLUSH (7) SHOWER / TUB WITH WAINSCOT PROVIDE TO INCH HIGH NON-ABSORBENT WALL ADJACENT TO SHOWER AND APPROVED

(B) RECESSED MEDICINE CABINET TOP W/ 1/4" POLISHED

PLATE GLASS MIRROR @ 6'-0" ABOVE FINISHED FLOOR.

COMBUSTION TYPE. MODEL: #8000CMOD, INSTALL AS PER MANUF SPEC'S., SEE SPEC'S. ON SHEET: D.I, DETAIL #2, (4.304.I)

WOOD BURNING FIREPLACE AND OTHER WOOD BURNING DEVICES ARE

(23) HOSE BIB & MAIN SHUT-OFF W/ PRESSURE REGULATOR AND

WALLS SHALL HAVE AT LEAST | 1/2" INCHES BETWEEN THE WALL AND THE HANDRAIL PER SECTION 1006.9, SEE DETAIL: 451

34) STACKED WASHER AND GAS DRYER COMBO - BY OWNER-CONTRACTOR

PROVIDE DRYER VENT TO OUTSIDE AIR. THE MAXIMUM LENGTH SHALL BE 14 FEET W (2) 90 DEGREES ELBOW. UMC, SECT. 504.3.2-DRYER VENT TO BE SMOOTH RIGID VENT THRU WALL/ FLOOR. - PROVIDE G.I. LOUVERED

(35) BASE CABINETS - SEE OWNER APPROVED KITCHEN DWGS. (OAKD)

36) COUNTER TOP W/8" HIGH SPLASH (WHERE OCCURS)- SEE OAKD.

① DOUBLE COMPARTMENT SINK W/ GARBAGE DISPOSAL.-SEE OAKD.

39 UNDER COUNTER DISHMASHER VERIFY DIMENSIONS AND INSTALLATION

(40) 30" WIDE DOUBLE OVEN. VERIFY DIMENSIONS & INSTALLATION W/ OAKD.

BUILT-IN REFRIGERATOR, PROVIDE RECESSED CONNECTION FOR ICE-MAKER. VERIFY DIMENSIONS & INSTALLATION REQUIREMENTS W REFRIGERATOR MANUF. SPECS & LISTINGS BEFORE INSTALLATION.

PANEL CAPACITY AND CONDUIT FOR FUTURE INSTALLATION OF A 208/240 Y 40 AMP, GROUND AC OUTLET, FOR EACH DWELLING UNIT (4.106.6)

(44) RADIANT HEATING MANIFOLD-INSTALL AS PER MANUF. SPECS.

(45) PROVIDE PEX TUBING THROUGHOUT SLAB FOR RADIANT HEATING

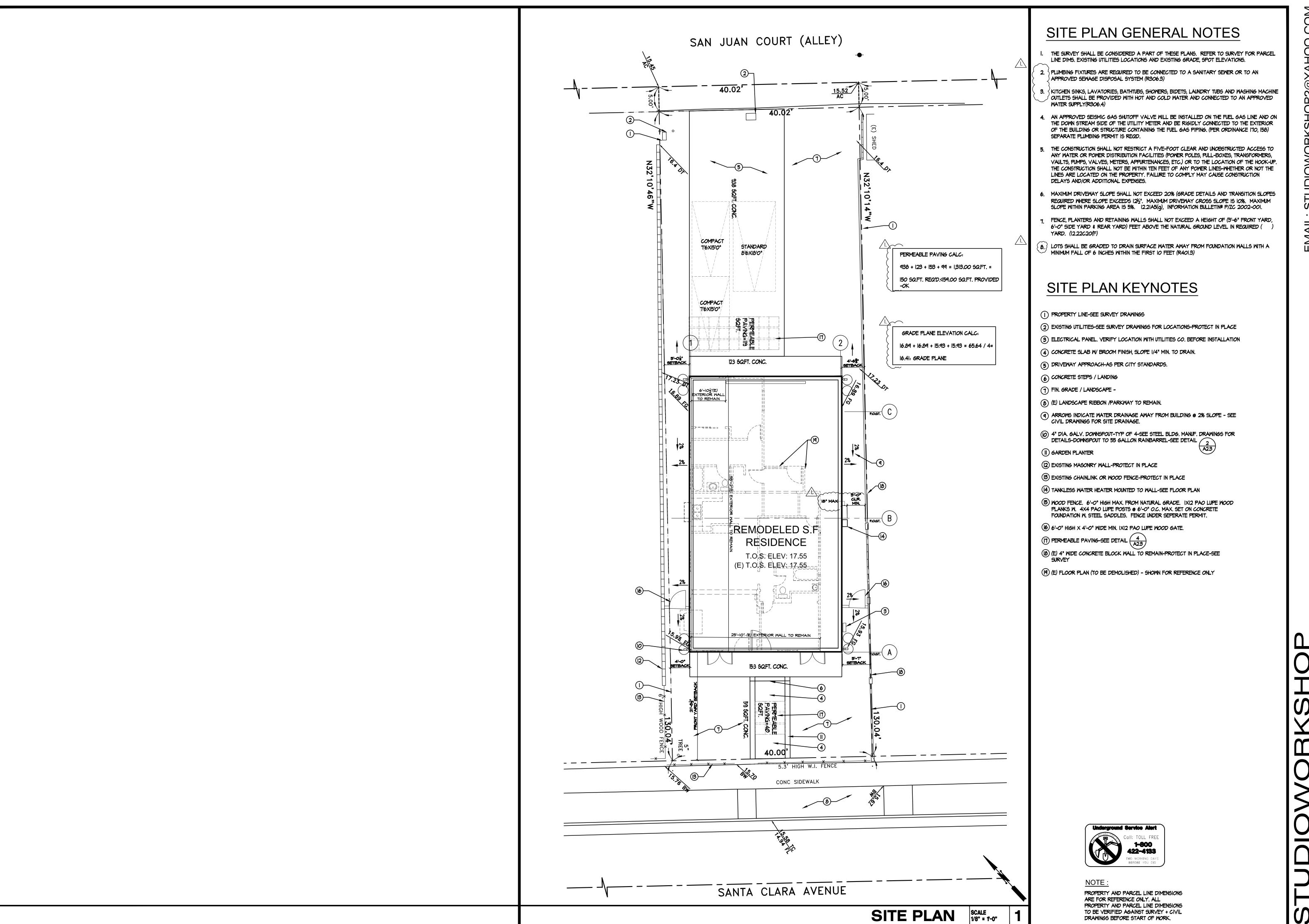
SCALE 1/4" = 1'-0"

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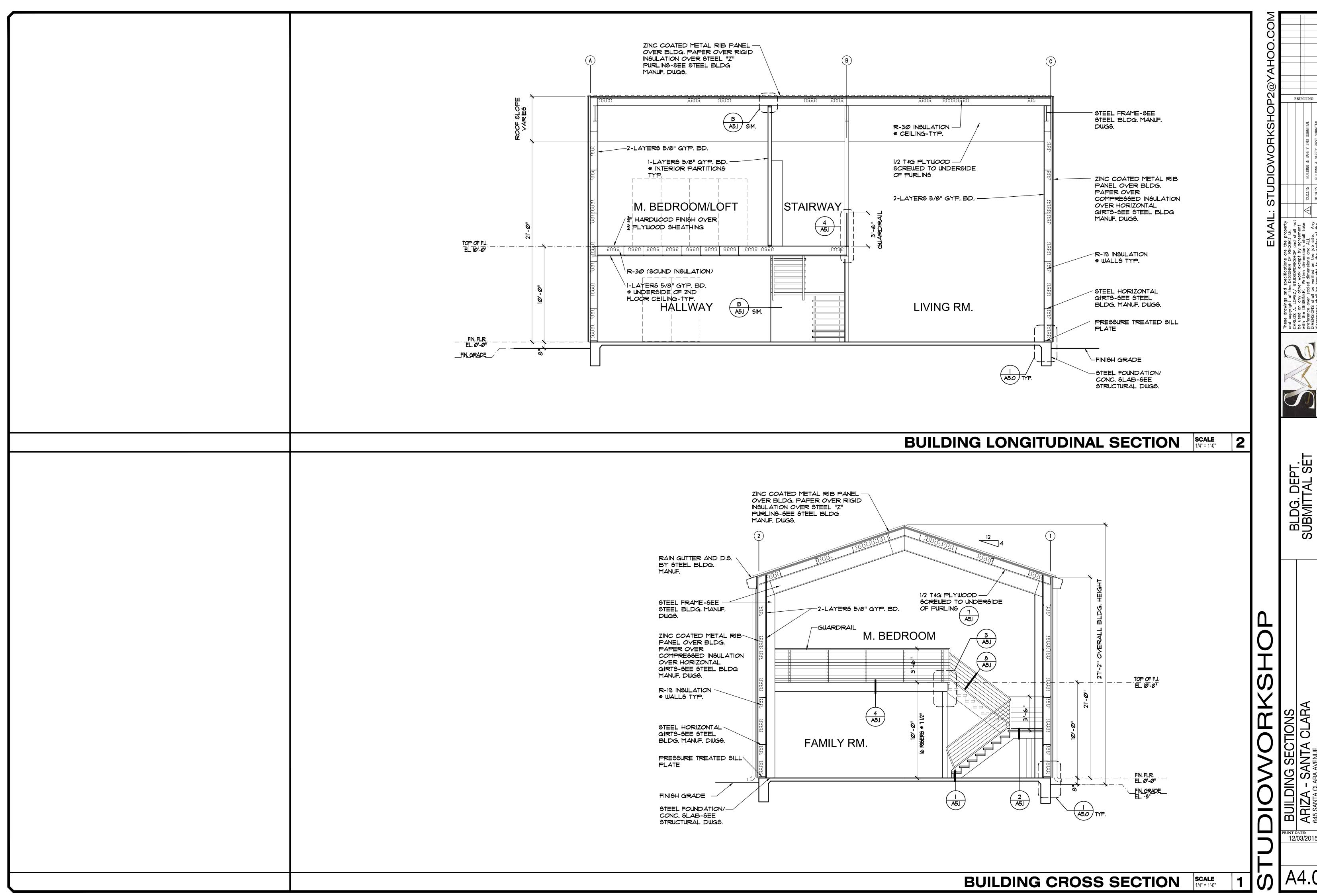
PROPERTY AND PARCEL LINE DIMENSIONS
ARE FOR REFERENCE ONLY. ALL
PROPERTY AND PARCEL LINE DIMENSIONS
TO BE VERIFIED AGAINST SURVEY + CIVIL
DRAWINGS BEFORE START OF WORK.

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EDMUND G. BROWN JR., Governo



COMMISSION

MAR - 4 2016



LONG BEACH, CA 90802-4416 VOICE (562) 590-5071 FAX (562) 590-5084 CALIFORNIA

COASTAL COMMISSION APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Robin Rudisill, Lydia Ponce, Todd Darling, as individuals & not on behalf of the VNC or its committees

Mailing Address: 3003 Ocean Front Walk

City: Venice

Zip Code:

90291

Phone:

310-721-2343

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Major remodel of existing single-family dwelling and addition of 2nd story. Project will maintain 54% of existing exterior walls

- 3. Development's location (street address, assessor's parcel no., cross street, etc.):
- 645 Santa Clara Ave, APN: 423-902-5038, 7th Ave
 - Description of decision being appealed (check one.):

x 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:

APPÉAL NO:

A.S. UEN-16-0033

DATE FILED:

34-2016

DISTRICT:

South Coast

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

5.	Decision being appealed was made by (che	ck one):
х□	Planning Director/Zoning Administrator	
	City Council/Board of Supervisors	
	Planning Commission	
	Other	
6.	Date of local government's decision:	December 23, 2015
7.	Local government's file number (if any):	DIR-2015-4570-CEX
SEC	TION III. Identification of Other Interes	ted Persons
Give	the names and addresses of the following pa	arties. (Use additional paper as necessary.)
a.	Name and mailing address of permit applica	ant:
Andre	es Ariza, 1357 Vienna Way, Venice, CA 90291	
tl		those who testified (either verbally or in writing) at her parties which you know to be interested and
(1)	▼	
(2)		
(3)		
	•	
(4)	•	
(1)		

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.

State law requires that 50% or more of the structure be maintained in order to qualify as an existing structure for purposes of a Coastal Exemption. This project cannot be considered an addition to and/or a remodel of an existing single-family dwelling when it is clear that most, and definitely more than 50%, of the structure is to be demolished. In addition, the very large size of the addition and the fact that most of the entire structure is to be demolished (the Project Description actually states that less than 50% of the walls are to remain, which is not allowed under ANY definition of partial demolition), leaves little existing structure to add onto or improve, indicates that the development is much more than an "improvement" to a single-family dwelling. As the project is not an improvement to an existing single-family residence, it is therefore non-exempt "development" as defined in the Coastal Act, and thus a CDP should be required.

In addition, the structural integrity of the aged foundation and framing must be considered when considering whether such a project can be done while maintaining 50% or more of the existing structure. Such large projects are likely to require a full demolition of the existing structure, which is development that requires a CDP.

Thus, the CEX must be revoked and the Applicant requested to obtain a CDP.

In addition, the size and scope of the project necessitate a review of the project for consistency under the CDP process, because the proposed new single-family dwelling is inconsistent with the Community Character policies of the Venice Land Use Plan, the L.A. General Plan and relevant Community Plan for Venice and City Codes. Also, the nature of the proposed project and the City's action are not consistent with the policies of Chapter 3 of the Coastal Act. Because an issue exists with respect to the conformity of the CEX action by the City with the Chapter 3 policies of the Coastal Act, the City's exemption action is invalid and must be voided/revoked.

The City's Coastal Exemption process is being used to avoid the CDP process, during which the proposed development would be reviewed for consistency with the character of the surrounding area. Community Character is a significant Coastal Resource, particularly in Venice, which has been designated by the Coastal Commission as a "Special Coastal Community." As also indicated in numerous Coastal Commission reports and decisions, 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. Although this Coastal Exemption relates only to one project, the erosion of Community Character is a cumulative issue, and the City's cumulative exemption of numerous large-scale addition/remodel projects (and the usual associated demolition exceeding 50% of the existing structure) has a significant adverse impact on Venice's character, which is also evidenced by

the significant Community concern expressed in numerous other appeals of Coastal Exemptions.

In addition, the Venice Coastal Zone does not have a certified Local Coastal Program, and issuing exemptions for proposed projects like this one, which substantially exceed the mass and scale of the surrounding area and are also significantly larger than the existing structure, set a very damaging precedent. The abuse of the City's Coastal Exemption process in order to avoid obtaining a CDP for new development has been a recurring problem. The City has inadequate controls over the Coastal Exemption process, including a lack of adequate enforcement, resulting in developers frequently ignoring or violating regulations, including demolition of the entire structure even though the project description indicates otherwise. There is generally no penalty applied by the City when this is discovered, other than a requirement to stop work and obtain a CDP, and thus there is little to discourage Applicants from this practice. Very importantly, exempting projects from the CDP process have potential significant negative cumulative impacts to the entire California Coast, as these projects are not being properly reviewed for Community Character and conformance to Chapter 3 of the Coastal Act.

The Coastal Commission-certified Venice Land Use Plan, used as guidance for determining conformity with Chapter 3, indicates in Policy I. E. 2. that ".... All new development <u>and renovations should respect the scale, massing and landscape of existing residential neighborhoods.</u>" However, the City does not perform such a review for Coastal Exemptions, including for this project.

Relevant law includes Coastal Act Section 30610 and CCR Section 13250 and 13252 (see attached).

Adjacent neighbors, neighbors in the surrounding area, and all Venice residents are harmed by the project, as well as the cumulative effect of this project and other such projects. Not only are there adverse effects on adjacent and surrounding properties (without an associated public process including Notice, a Public Hearing, transparency, and an Appeal right), but there is a significant adverse impact on the Community Character of Venice, which is a protected Coastal Resource, and which has the result of significantly reducing the long-term value of the Venice Coastal Zone Community and the current and future Quality of Life for all residents of Venice.

In addition, processing of this type of project using a Coastal Exemption may result in the avoidance of a Mello Act Compliance review and Determination, and thus there is a potential for loss of Affordable Units in the Venice Coastal Zone, which is a significant and very material loss of low-income housing.

This project constitutes the development of a new single-family residence, and therefore the Coastal Exemption and the Building Permit must be revoked (or stopped if still in the clearance process) immediately, and a CDP must be obtained in order to ensure that the project conforms to the policies of the certified LUP and Chapter 3 of the Coastal Act, and local land use regulations.

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

SECTION V. Certification

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

	Signa	ature of Appellant(s) or Authorized Agent
	Date:	March 4, 2016
Note: If signed by ag	ent, appellant(s) mu	st also sign below.
Section VI. Agent Auth	orization	
I/We hereby authorize to act as my/our representative	e and to hind me/us i	in all matters concerning this appeal.
to dot do my/our representativ		w
•		Signature of Appellant(s)
	Date:	

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

SECTION V. Certification

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

	The Wall	all.	Ludia Ponce Told Parli
	man man	Signa	ature of Appellant(s) or Authorized Agent
	.	Date:	March 4, 2016
Note:	If signed by agent, appel	llant(s) mus	st also sign below.
Section VI.	Agent Authorization		
I/We hereby authorize			
to act as my/o	ur representative and to b	oind me/us i	n all matters concerning this appeal.
		~	Signature of Appellant(s)
		Date:	

South Coast Region

FEB 0 4 2016

GOASTAL EXEMPTION (GEX)

CAUFOING

DIR 2015-4670 -CEX

CASE NO	0.:	
TO:	California Coastal Commission South Coastal District 200 Ocsangate, 10 th 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	
RemoAdditionProject	armstances shall a Coastal Exemption be issued for the following scopes of work: dels which involve the removal of 50% or more of existing exterior walls on, demolition, removal or conversion of any whole residential units (unless required by Lists which involve significant grading or boring in a Special Grading or Landsilde area hange of use (to a more or less intensive use)	ADBS)
OWNE	R/APPLICANT TO COMPLETE THE FOLLOWING (type, print, or fill out on-line)	
ZONE: PD	RIPTION: LOT 37 BLOCK N TRACT OCEAN PAYK VILLA 1.5-1 COMMUNITY PLAN: COPE OF WORK: Major Remodel of Existing Single Duelling and Addition of Second Story, Project	·
RELATED PLA	N CHECK NUMBER(s): Permit Apot: 15014 - 10000 - 04811 Check	B51414696
description. The	related work to be pulled under a separate permit, please include in the above project reason for this is so Planning Staff can evaluate the project as a whole and to avoid for another CEX for any subsequent permits related to the original scope of work.	†0 .
Applicant Name	Andres Anza	
Malling Address	: 1357 Vienna Way, Venice, CA 90291	; .
Phone Number:	310-463-0211 E-mail adoress: <u>aariza@mxadeve</u>	opment.
Signature:		ψin
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	THIS SECTION FOR OFFICE USE ONLY
with Coas not: char	application has been reviewed by the staff of the Los Angeles Department of City Planning in accordance the provisions of Section 3010 of the California Coastal Act. A determination has been made that stal Development Permit is not required for the preceding described project based on the fact that it doe (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve age in use contrary to any policy of this division pursuant to Title 14 of the California Administrative Code qualifies for an exemption under one or more of the categories checked below.
Ø	improvements to Existing Single-Familty Residences. This includes interior and exterior improvements additions, and uses which are accessory to a single-familty 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 coestal resources (i.e. viewable from the public right-of-way, involves a significant amount of grading or boring in Hillside, Landslid or Special Grading areas), which may be reviewed on a case-by-case basis.
0	Improvements to Any Existing Structure Other Than A Single-Family Residence. For duplex of multifamily residential uses, this includes interior and exterior improvements, additions and uses which an 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 dwelting 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, Landside 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.
	<u>Demoiltions required by LADBS</u> . This includes projects which have been issued a Nuisance and Abatement or Order to Comply by the Department of Building & Safety requiring demoiltion due to an unsafe or substandard condition. Please attach the Building & Safety Notice.
coder consi with t Coasi	exemption in no way excuses the applicant from complying with all applicable policies, ordinances, and regulations of the City of Los Angeles. This exemption shall not apply if the project is not stant with local land use regulations. If it is found that the project description is not in conformance the actual project to be constructed or is not in conformance with Section 30610 of the California tal Act, this exemption is null and void.

Michael LoGo Director of Pi		Bul		
Issued By:		+ //www		
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CITY OF LOS ANGELES



Department of City Planning — Plan Implementation Division City Hell | 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 2015-4639-VSO	Date: 12/21/15	
Project Address	645 E Santa Clara Ave (0	Ocean Park Villa Tract No. 2; Block N; Lot 37)	
Zoning: RD1.5-1	Subarea: Oakwood-Milwood-So	utheast Venice	
Project Description	Remodel and second-story addition to an (E) one-story SFD. Project will maintain 54% of the (E) exterior walls. Three uncovered parking spaces are provided. (PCIS 15014-10000-04811)		
Existing Use: 1-ston	SFD w/ uncovered pkg spaces	Proposed Use: 2-story SFD with 3 uncovered pkg spaces	
Applicant Name	Mane Ristakian; MXA Development; (818) 657-4676		
Applicant Address	cant Address 1357 Vienna Way, Venice, CA 90291		

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 oclow

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 rental units, not on a Walk Street
- Demolition of four or fewer units

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%)</p>

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.

Section	Regulation	Proposed Project	complie
9.C. Roof Access Structure	10 ft. max. above Flat Roof (25 ft); Area ≤ 100 sq. ft.	n/a	1280
10.G.2. Density	RD1.5: max 2 du C zones: Max. is R3 density	(E) SFD. No new unit.	220
10.G.3. Height	Flat Roof - 25 feet Varied Roofline - 30 feet	Max height of 27'8" varied slope (4:12), set back from the required 15' FY by 6'8.5"	(8)
10.G.4. Access	Alley	Maintain access from alley, San Juan Court	D
13. Parking	SF - 2-3 spaces per unit pending width MF - 2 spaces plus 1 guest pending width	Project shall maintain more 54% of the (E) exterior walls and is not subject to Section 13.D. Project will provide 3 uncovered parking spaces	8

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 any development occurring at that time must cease until appropriate entitlements are obtained.

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