

CALIFORNIA COASTAL COMMISSION

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Filed:	7/31/2014
49th Day:	9/18/2014
Staff:	S. Vaughn – LB
Staff Report:	8/21/2014
Hearing Date:	9/11/2014

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Local Government:	City of Los Angeles
Local Decision:	Approval with Conditions
Appeal Number:	A-5-VEN-14-0041
Applicant:	664 Sunset, LLC
Agent:	Andy Liu
Appellants:	Rene Kraus, Cecilia Williams, Peggy Lee Kennedy
Project Location:	664 Sunset Ave. & 607 7 th Ave., Venice, City of Los Angeles
Project Description:	Appeal of City of Los Angeles Local Coastal Development Permit No. ZA 2013-0768 approved with conditions for the demolition of two single-family residences (956 sq. ft. and 536 sq. ft.) and one 605 sq. ft. detached two-car garage on a single approximately 6,752 sq. ft. lot, the subdivision of the lot into three smaller lots (2,401 sq. ft., 1,945 sq. ft. & 1,992 sq. ft.) and the construction of three single-family residences, one on each lot (1,998 sq. ft., 1,961 sq. ft. & 1,675 sq. ft.) with attached two-car garages and a shared driveway accessed from the alley.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeals have been filed for the following reasons: the project, as approved by the City of Los Angeles, is consistent with public access and community character policies of sections 30212, 30250 and 30253 of the Coastal Act, and therefore does not negatively impact coastal resources. Pursuant to section 30625, the grounds of appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act when, as is the case here, there is an appeal pursuant to section 30602(a). Thus, the appellants incorrectly cite section 30116, 30604 and 30624.7 as grounds for appeal because those section are not included in Chapter 3 of the Coastal Act and will not be considered in the substantial issue analysis.

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion:

MOTION: *I move that the Commission determine that Appeal No. A-5-VEN-14-0041 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION:

The Commission hereby finds that Appeal No. A-5-VEN-14-0041 presents NO SUBSTANTIAL ISSUE with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

II. APPELLANT'S CONTENTIONS

Ms. Rene Kraus, Ms. Cecilia Williams and Ms. Peggy Lee Kennedy have appealed the City of Los Angeles decision to approve a Local Coastal Development Permit with conditions for the demolition of two single-story, single-family residences (956 sq. ft. and 536 sq. ft.) and one 605 sq. ft. detached two-car garage on a single approximately 6,752 sq. ft. lot, the subdivision of the lot into three smaller lots (2,401 sq. ft., 1,945 sq. ft. & 1,992 sq. ft.) and the construction of three three-story, single-family residences, one on each lot (1,998 sq. ft., 1,961 sq. ft. & 1,675 sq. ft.) each with an attached two-car garage and a shared driveway accessed from the alley (**EXHIBIT #2**). The site is located on a corner lot between at Sunset Ave. and 7th Ave. in a residential neighborhood (**EXHIBIT #1**).

The appellants have filed appeals on the grounds that the proposed project poses potential adverse impacts to the community character of Venice, the legality of the small lot subdivision, conformance with the Venice Certified Land Use Plan (including parking requirements), affordable housing (“Mello Act”), compliance with CEQA and a City approved variance. They claim that the City issued permit violates Sections 30116, 30212, 30250, 30253, 30604 and 30624.7 of the Coastal Act (**EXHIBIT #3**).

III. LOCAL GOVERNMENT ACTION

On November 13, 2013, a public hearing for Local Coastal Development Permit No. ZA 2013-0768 (664 Sunset, LLC) and related Parcel Map (for the three lot subdivision) AA-2013-767 was held before the Los Angeles City Zoning Administrator. Seven people spoke at the public hearing in regards to the proposed project (see pages 6 & 7 of the City’s staff report for a list of speakers) (**EXHIBIT #4**). On April 3, 2014, the City Zoning Administrator approved the Local Coastal Development Permit for the demolition of two existing single-family dwellings (and a detached two-car garage) and to allow the construction, use and maintenance of three single-family dwellings on three separate lots (via small lot subdivision) and adopted Mitigated Negative Declaration ENV 2013-769-MDN as the environmental clearance for the

project (**EXHIBIT #6**). Subsequently, Ms. Rene Kraus appealed the Zoning Administrator's approval of the Local Coastal Development Permit to the City of Los Angeles West Los Angeles Area Planning Commission. On May 21, 2014, the Planning Commission heard the appeal and upheld the Zoning Administrator's approval of the proposed project. The project was not appealable to the City Council.

The City's Notice of Final Local Action for Local Coastal Development Case Permit No. ZA 2013-0768 (664 Sunset, LLC) was received in the Coastal Commission's Long Beach office on July 3, 2014, and the Commission's required twenty working-day appeal period was established. On July 31, 2014, Ms. Rene Kraus, Ms. Cecilia Williams and Ms. Peggy Lee Kennedy submitted their appeals of the City's approval of the Local Coastal Development Permit to the Commission's Long Beach office (**EXHIBIT #3**). No other appeals were received prior to the end of the appeal period on August 1, 2014.

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 §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed 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 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 approval of the proposed project. 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.

Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant’s 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 coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission

regulations specifies that de novo 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 schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the 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. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is not located within the *Dual Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The project site is an approximately 6,752 square-foot corner parcel located approximately $\frac{3}{4}$ of a mile from the beach at the intersection of Sunset Ave. and 7th Ave. in Venice. It lies in a residential neighborhood in the Single Permit Jurisdiction of the coastal zone (**EXHIBITS #1 & #2**). The site is currently developed with two single-story, single-family houses that are 956 square-feet and 536 square-feet and a detached 605 square-foot two-car garage (**EXHIBIT #7**).

The applicant proposes to demolish the three existing structures, subdivide the lot into three individual lots, as approved by Parcel Map AA-2013-767-PMLA-SL, and construct three single-family residences, one on each lot. The area of Lot A would be approximately 2,401 square-feet and developed with a three-story, 30-foot high, approximately 1,998 square-foot single-family residence. The area of Lot B would be approximately 1,945 square-feet and developed with a three-story, 30-foot high, approximately 1,961 square-foot single-family residence. The area of Lot C would be approximately 1,992 square-feet and developed with a three-story, 30-foot high, approximately 1,675 square-foot single-family residence. The subdivision also includes a dedication of approximately 414 square-feet added to the alley. All three residences would have attached two-car garages and would share a driveway to be accessed via the adjacent alley. No new curb cuts are proposed. (**EXHIBIT #2**).

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 no 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 grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the project's conformity with Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued or denied prior to certification of its LCP may be appealed to the Commission. 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 relate to the proposed project's potential adverse impacts to the community character of Venice, the legality of the small lot subdivision, conformance with the Venice Certified Land Use Plan (including parking requirements), affordable housing ("Mello Act"), compliance with CEQA and a City approved variance. The project is located in a highly urbanized residential area approximately $\frac{3}{4}$ of a mile from the beach.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

This appeal raises no substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision on Local Coastal Development Permit No. 2013-0768 and accompanying Final Staff Report issued by the City of Los Angeles states that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Section 30250, 30251, 30252 and 30253 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**EXHIBIT #4**).

Section 30212 New development projects

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253(e).

New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In order for no substantial issue to be found, the proposed project must conform to the requirements of the Chapter 3 policies of the Coastal Act. To address the contention that the project is not consistent with community character policies of Chapter 3 of the Coastal Act, the subdivision of the subject lot meets the certified LUP and City of Los Angeles' Municipal Code minimum lot size of 1,500 square-feet (per lot zoned RD1.5-1). The appellants argue that the increased density yielded by this subdivision is non-conforming to the certified LUP and it would lead to negative consequences in the coastal zone of Venice. The LUP does address density in this area of Venice and the City approved subdivision is in conformance with the density provision in the LUP policy.

Certified LUP Policy I.A.7.d states in part:

Density: One unit per 1,500 – 2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5...

However, even if the lot was not to be subdivided, the Venice Specific Plan would allow for three residential units to be built on the same lot. The regulation allows three residential units for lots with a minimum area of 5,500 square-feet. The subject lot, as it is currently oriented, is approximately 6,752 square-feet and exceeds the required lot area for three units. As proposed, the development does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act in relation to the proposed density of the project.

The appellants also object to the City approved front yard setback for the two proposed residences facing 7th Ave. The certified LUP does not mandate a minimum front yard setback for this area of Venice. Many

of the houses that run along 7th Ave. are not facing 7th Ave. Most houses along 7th Ave. are, in fact, the sides of the corner houses that face the cross streets. The average side yard setback, which is the predominant lining of 7th Ave., is approximately five feet (**EXHIBIT #8**). A five-foot setback for the two proposed houses facing 7th Ave. would be in line with the general trend of setbacks along 7th Ave. and does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act.

In order to conform to the requirements of the Coastal Act, the proposed project is required to maintain and enhance public access to the coast by providing adequate parking facilities. The amount of parking that is "adequate" is typically determined by calculating the parking demand of a specific project using a parking standard. The parking standard is usually part of a certified local coastal program or zoning ordinance. The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development shall provide the necessary parking spaces as required by the LUP Parking Requirement Table.

New development must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available in Venice. The provision is that an increased parking supply is required by the certified Venice LUP and Section 30252 of the Coastal Act.

Certified LUP Policy II.A.1 states:

It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.

Policy II.A.3 of the certified LUP states:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for restaurants as follows:²

Single-family dwelling: 2 spaces; except projects in Silver Strand and Venice Canals residential Subareas, where three spaces are required.

² The parking standards in the certified Venice LUP are identical to the parking standard contained in the Commission's Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

Single-family dwelling on lots of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley: 3 spaces

Two of the proposed lots are less than 35 feet wide. The applicant proposes two parking spaces in attached garages for each of those units. The final lot is more than 35 feet wide; however, the apron of the driveway in front of the attached two-car garage can serve as an additional parking space, therefore meeting the parking requirements as mandated in the LUP. The proposed project provides adequate parking. Thus, the proposed project does not raise a substantial issue with respect to the project's conformity with Chapter 3 public access policies of the Coastal Act.

Additionally, the appellants raise concerns regarding the City's approved variance for the width of the shared driveway. The City approved the width of the driveway at 16.5 feet instead of the standard 20 feet. The appellants reason that the City approvals do not conform to the Venice Coastal Zone Specific Plan or to the established community character. While the width of the driveways for the proposed project may not be consistent with other driveways, the Commission does not find that a narrower driveway is a substantial issue with respect to community character because curb cuts for driveways are generally solely a concern for public access. The Commission encourages narrower driveways and alley access to reduce or eliminate curb cuts and to increase and protect on-street public parking spaces in the coastal zone. Thus, the City approved driveway does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act nor does it raise a substantial issue with respect to Chapter 3 public access policies.

The appellants' appeals further address the proposed project's potential non-conformance with the established community character in Venice in relation to the mass and scale of homes in the area. Venice has a wide range of scale and style of residential buildings throughout its various neighborhoods. Venice's historical character, diverse population, as well as its expansive recreation area, Ocean Front Walk (boardwalk), and wide, sandy beach make it a popular destination not only for Southern California but also for national and international tourists. Accordingly, Venice has engendered a status as one of the more unique coastal communities in the State, and therefore, a coastal resource to be protected.

The Coastal Act requires that special communities be protected from negative impacts such as excessive building heights and bulks. In particular, Sections 30253(e) and 30251 of the Act state:

The following sections of the Venice LUP address historical preservation and character preservation:

Policy I. 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.

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.

Policy I. E. 2. Scale.

New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods [...]

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. F. 2. Reuse and Renovation of Historic Structures.

Wherever possible, the adaptive reuse and renovation of existing historic structures shall be encouraged so as to preserve the harmony and integrity of historic buildings identified in this LUP. This means:

- a. Renovating building façades to reflect their historic character as closely as possible and discouraging alterations to create an appearance inconsistent with the actual character of the buildings.*
- b. Protecting rather than demolishing historic or culturally significant properties by finding compatible uses which may be housed in them that require a minimum alteration to the historic character of the structure and its environment.*
- c. Rehabilitation shall not destroy the distinguishing feature or character of the property and its environment and removal or alteration of historical architectural features shall be minimized.*
- d. The existing character of building/house spaces and setbacks shall be maintained.*
- e. The existing height, bulk and massing which serves as an important characteristic of the resource shall be retained.*

These policies encourage “architectural diversity” in Venice and encourage the preservation of historic structures, however individual homes not defined as “historic” and labeled as such in the

LUP are not protected from demolition and new development. The above policies have not been defined in an implementation plan and certified by the Commission in the form of an LCP nor has the City of defined a specific architectural style for the various neighborhoods of Venice. The determination that the character of a proposed project is in conformance with the above policies is subjective.

Ultimately, the extent to which the history of such demolition/rebuild/remodel has altered the community, community character of Venice remains difficult to determine. In order for such a determination to be made, a comprehensive cumulative assessment would likely be required. And, while there is little doubt that a significant amount of redevelopment has occurred within the coastal zone of Venice, it will be difficult to ensure that Venice's character is protected until Venice's community character has been defined. Such a definition, as well as a means to adequately protect such character consistent with the Act, is best determined through first a community effort and then through the Coastal Commission review process as part of the certified LCP. The City of Los Angeles was recently awarded a grant to assist in developing a Local Coastal Program; however, no date for a deliverable has been determined.

In this case, the surrounding neighborhood for this property is comprised of a variety of old and new multi-unit residential structures and single-family residences that vary in height, in size of square footage and architectural style (**EXHIBIT #7**).

The City of Los Angeles has consistently limited new development in the project area to a height of 25 feet (flat roof) of 30 feet (varied roofline) or 28 feet along walk streets measured above the fronting right-of-way. The proposed project conforms to the 30-foot height limit for varied rooflines (**EXHIBIT #9**). The only portions of the proposed structure that may exceed the 30 foot height limit are chimneys, HVAC, etc. Both the City and the Commission permit roof accessory structures (i.e. chimneys and open roof deck railings) to exceed the height limit by no more than 5 feet if the scenic and visual qualities of the area are not negatively impacted and no more than 10 feet for roof access structures. There are no roof access structures proposed in relation to this project. The project, as proposed, conforms to the mandated height limits and the established setback trends in its neighborhood and does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act.

The appellants oppose the proposed project on the grounds that it violates CEQA. The appellants argue that the Mitigated Negative Declaration that was prepared for this project on June 24, 2013 (ENV 2013-769-MND) did not include a cumulative effect study which addresses traffic and parking issues. In their final staff report, the City finds that, with the imposition of ENV 2013-769-MND, there is no substantial evidence that the proposed project will have a significant effect on the environment, therefore complying with CEQA. The Commission has no authority to invalidate a lead agency's CEQA determination and thus, the appellants' contention does not constitute a substantial issue.

The appellants also contend that the proposed project does not comply with the "Mello Act" They argue that the two houses proposed to be demolished are considered affordable housing and the City is not providing assurances that the two affordable housing units will be replaced. The preservation of low-cost housing in the coastal zone was included in early versions of the Coastal Act, however, this criteria was removed from the Coastal Act by the California State Legislature. Accordingly, the Commission no longer reviews the impact of proposed development projects on

low-cost housing in the coastal zone and thus, the appellants' contention does not constitute a substantial issue.

Applying the five factors listed in the prior section clarifies that the appeal raises “no substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are 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 consistent or inconsistent with the relevant provisions of the Coastal Act. As indicated above, the City's conclusion was supported by substantial evidence. In its analysis, the City included various features to address the concerns of the appellants. Density, setbacks, parking, community character, CEQA and “Mello Act” issues were raised as the City's local hearing. The City ensured that the proposed project complies with the policies of the certified LUP and the Chapter 3 policies of the Coastal Act with regards to land use, density, design and parking. The City addressed CEQA issues by implementing a Mitigated Negative Declaration (ENV 2013-769-MND) and the City addressed affordable housing concern by imposing Condition 8, which requires the applicant to comply with the “Mello Act”. Furthermore, the proposed project was subject to review by multiple responsible City Agencies and went through the City's local public hearing process. The proposed development and small lot subdivision are consistent with the residential development that exists along these streets and in this area of Venice. Pages 6 – 11 of the City's Findings (**EXHIBIT #4**), provide evidence that the City complied with the Venice certified LUP and Chapter 3 policies of the Coastal Act. Therefore, the Coastal Commission finds that the City provided an adequate degree of factual and legal support for the local government's decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The subject lot is approximately 6,752 square-feet and is currently used as a residential lot and supports two single-family dwellings. The proposed development approved by the local government is the demolition of the two existing single-family residences and a detached 605 square-foot garage, a small lot subdivision resulting in three smaller lots and the construction of three single-family residences with attached two-car garages and a shared driveway. This type of development is consistent with the type and character of development in the surrounding area and is consistent with development promoted by Section 30222 of the Coastal Act.


The third factor is the significance of the coastal resources affected by the decision. The significance is minimal as there are no coastal resources affected. The location of the proposed development is approximately ¾ of a mile from the beach in a developed residential area. Because of its distant proximity to the beach, this area is not a primary destination for shoreline access.

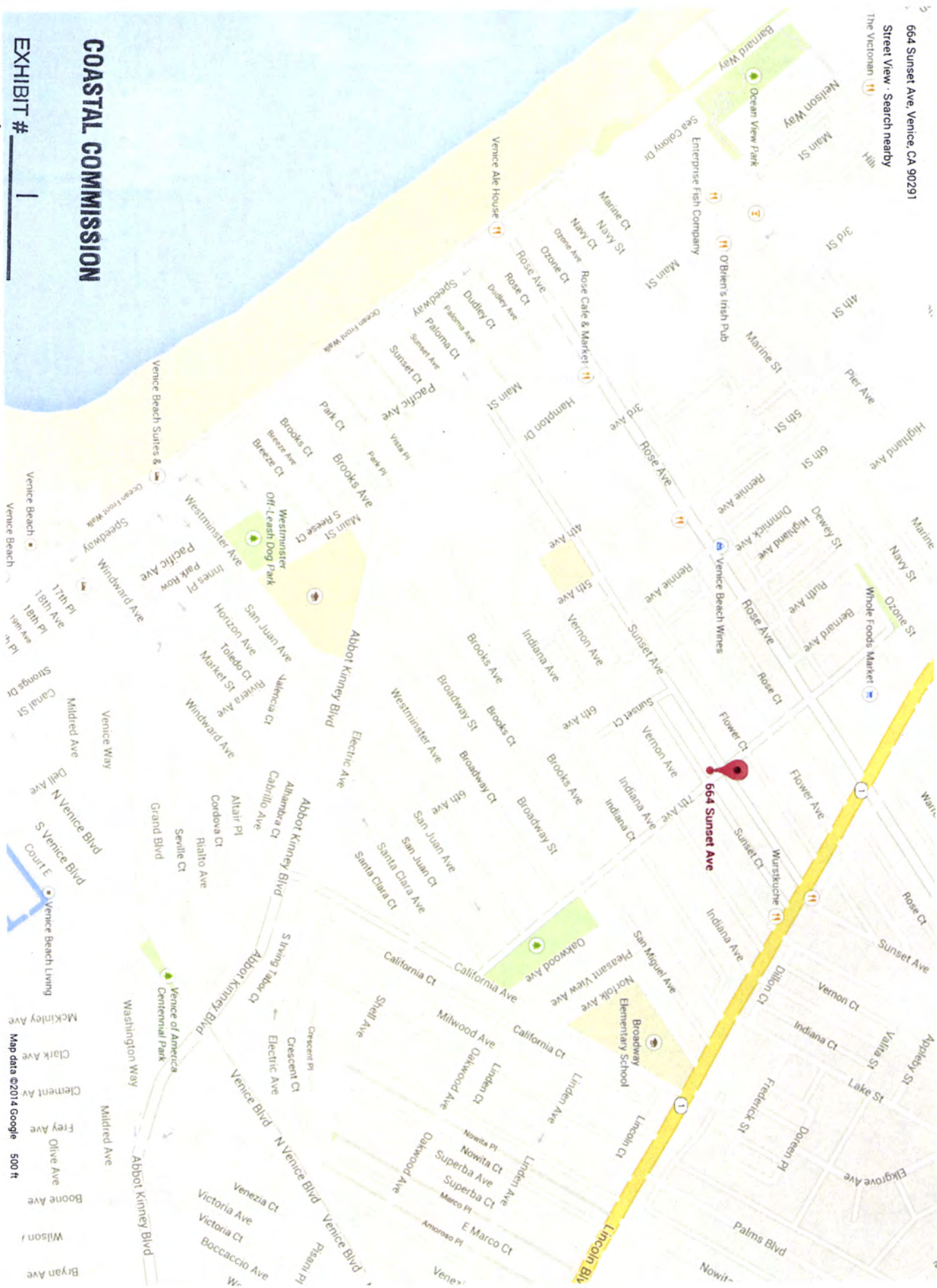
The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP. The proposed development is consistent with the mass, height and scale of past Commission approvals for this area of Venice. This project, as proposed and conditioned, will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources, including community character, are important statewide issues, but this appeal raises local issues only. The City granted a legal and acceptable variance for allowing the driveway

to be slightly narrower than usual; they approved a legal small lot subdivision; addressed CEQA with a Mitigated Negative Declaration; addressed affordable housing issues by imposing the “Mello Act” as a condition of the Coastal Development Permit; and ensured that adequate parking would be provided for the proposed residences. While there are several local issues that the City addressed, the City’s approvals do not raise issues of statewide significance.

In conclusion, the primary issues for the appeal potential adverse impacts to density, setbacks, parking, community character, the legality of the small lot subdivision, conformance with the Venice Certified Land Use Plan (including parking requirements), affordable housing (“Mello Act”), compliance with CEQA and a City approved variance. In this case, the proposed project complies with all of the regulations of the certified LUP, the Chapter 3 policies of the Coastal Act, CEQA and the “Mello Act.” Therefore, Commission staff recommends that the Commission find that the appeal raises no substantial issue as to conformity with Chapter 3 policies.

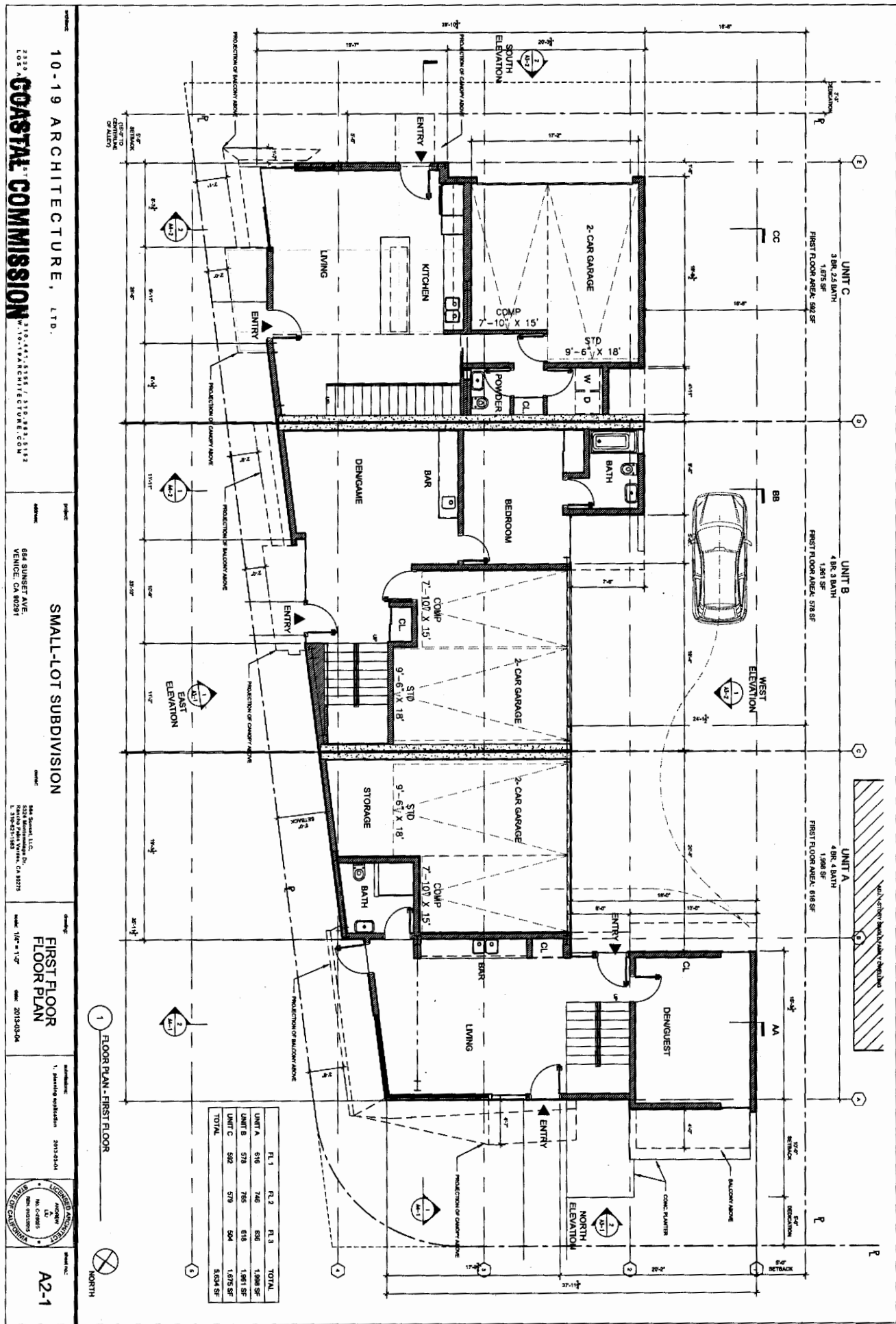
664 Sunset Ave, Venice, CA 90291
Street View · Search nearby
The Victorian  Film



COASTAL COMMISSION

EXHIBIT # _____

PAGE 1 OF 1



CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 591-5084

JUL 31 2014



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Cecilia Williams as Venice Coalition to Preserve Unique Community Character

Mailing Address: 678 San Juan

City: Venice

Zip Code: 90291

Phone: (310) 908-7174

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

Demolish two existing affordable single family dwellings and construct three single family dwellings on three separate lots (small lot subdivision).

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

664 East Sunset Ave, Venice, CA 90291 and 607 South 7th Ave, Venice, CA 90291

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:

A-5 VEN-14-0041

DATE FILED:

7/31/14

DISTRICT:

South Coast/LB

COASTAL COMMISSION

EXHIBIT #

3

PAGE 1 OF 24

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: MAY 21, 2014

7. Local government's file number (if any): _____

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:

RUPESH LUNIA, 664 Sunset, LLC, 5324 Montemalaga Drive, Racho Palos Verdes, CA 90275
SEAN NGUYEN, EZ Permits, LLC, 7251 North Owensmouth Ave #2, Canoga Park, CA 91303

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) Ivonne Guzman

(2) Pamela Anderson

(3) Lisa Green

(4) Lydia Ponce

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 24

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.

Whereas, I Cecilia Williams do hereby disagree with the decision made by the West Los Angeles Area Planning Commission on the May 21, 2014, and hereby appeal the determination made by the West Los Angeles Planning Commission based on a number reasons outlined below.

The determination was made based on information that was both misstated by the zoning administrator and the applicant. Furthermore, information was misrepresented and some crucial information was omitted. There was also conflicting information presented which caused prejudice to the appellant. The determination demonstrates the failure of clear and consistent guidelines regarding all policies related to development in the Venice and how to determine possible CEQA violations and violations to the Venice Coastal Zone Specific Plan.

First, the determination made by the West Los Angeles Area Planning Commission focused entirely on the Director's interpretation of the Small Lot Subdivision Municipal Code and failed completely to examine the applicable code – the Venice Coastal Zone Specific Plan (Ordinance No. 175,693) Effective January 19, 2004 arguing that it was superseded. However, the applicable code (The Venice Specific Plan) clearly states that the development plan proposed is not legal.

The applicant is seeking to subdivide one lot into three fee simple lots. Legal Description: Vawter Ocean Park Tract, Block 1, Lot 15 Commonly known as 664 East Sunset Avenue and 607 7th Avenue, Venice. The Commission stated in their determination that the municipal code allows for this and that the municipal code subsumes the Venice Specific Plan. However, the Venice Specific Plan states on Page 3 Section 4(B):

Wherever the provisions of this Specific Plan differ from provisions contained in Chapter 1 of the LAMC, (with regard to use, density, lot area, floor area ratio, height of buildings or structures, setbacks, yards, buffers, parking, drainage, fences, landscaping, design standards, light, trash and signage) this Specific Plan shall supersede those other regulations. Wherever the specific plan is silent, the regulations of the LAMC shall apply.

The Commission failed to examine the Venice Specific Plan which clearly applies here and supersedes The Small Lot Subdivision Ordinance (SLSO) 176354. The Commission thus erroneously interpreted that the municipal ordinance supersedes the Venice Coastal Zone Specific Plan. The Venice Specific Plan is not silent on the issue at hand and therefore the Directors Interpretation is not legal.

(see exhibit attached)

COASTAL COMMISSION

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.



Signature of Appellant(s) or Authorized Agent

Date:

7/30/2014

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:

7/30/2014

COASTAL COMMISSION

EXHIBIT # 3
PAGE 4 OF 26

Attachment 1 of 4

Second, Section 10 G.2.a.(2) of the Venice Coastal Zone Specific Plan states:

RD1.5 and RD2 Zones. A maximum of two dwelling units per lot shall be permitted for all lots; provided however, that where a lot has a lot area in excess of 4,000 square feet, one additional dwelling unit shall be permitted for each additional 1,500 square feet of lot area in the RD1.5 Zone, and one additional dwelling unit shall be permitted for each additional 2,000 square feet in the RD2 Zone, provided the additional dwelling unit is a Replacement Affordable Unit.

Clearly, even if this subdivision was permitted, only two units can be developed. The decision by the Planning Commission is already allowing for three units, and thus is not legal.

Third, Section 3 of the Venice Specific Plan. Purposes states:

- A. To implement the goals and policies of the Coastal Act.
- B. To implement the Local Coastal Program (LCP) for that portion of the Venice community within the Coastal Zone as designated by the State Legislature.
- C. To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
- D. To assure that public access to the coast and public recreation areas is provided as required by the Coastal Act and the LCP.
- E. To prepare specific provisions tailored to the particular conditions and circumstances of Venice Coastal Zone, consistent with the general policies of the adopted Los Angeles General Plan.
- F. To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be COMPATIBLE in CHARACTER with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.

The project is not compatible in mass, scale or character of the immediate neighborhood. The adjacent property which was used as an example for compatibility is an illegal construction that was originally permitted as a remodel which left of two walls that were later removed. This development did not go through due process thereby denying Coastal Act Section 30006 and is not a valid example of mass, scale and character of the immediate neighborhood.

Misleading interpretation of data by owner representative Andy Liu proposing that 25% are 2-3 story homes thereby being in character. Per commissioner Donovan who drove the site and area at "least 90% of the properties in the area are under three stories. In addition the property next door 660 Sunset was used as an example of the subject property being in character. I would like to point out that this development bypassed due process by pulling a remodel permit and later changing it to new construction.

Fourth, the Resource Value of Venice is being compromised by the cumulative effect of demolitions and development that is inconsistent with the immediate neighborhood. In the last

COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 26

Attachment 2 of 4

two years there have been a minimum of 80 approvals in Venice without a full CEQA including a traffic study and cumulative effect study.

Section 30116 Sensitive coastal resource areas states:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas.
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
- (e) Special communities or neighborhoods which are significant visitor destination areas.
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
- (g) Areas where divisions of land could substantially impair or restrict coastal access

The amount of demolitions and construction of new developments is putting in jeopardy the coastal resource areas as defined above. The City of Venice meets at least three of the conditions described above, making Venice a sensitive coastal resource. The appellant would like to call attention to (e) above. Venice has been for several generations the home of special communities and neighborhoods. Venice has a highly diverse population, with numerous Mexican American and African American families. Importantly, the diversity is also socio-economic. Furthermore, Venice has a vibrant artistic community. The special communities that currently reside in Venice are in risk of being pushed out given the current rate of development focused toward a different demographic than what has historically been present in Venice City.

Fifth, Section 30250 of the Coastal Act provides that "New residential commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources."

In the case at point, the Planning Commission is failing to examine the cumulative effect of the development plans that they are approving. With the high number of similar projects being

COASTAL COMMISSION

Attachment 3 of 4

undertaken, the coastal resource value of the City of Venice is being chipped away, in violation of Section 30250 of the Coastal Act. Furthermore, by examining each request to demolish and rebuild as if they were isolated incidents, the CEQA is also being violated. Section 15355 of the CEQA guidelines states:

CEQA defines cumulative impact as two or more individual affects which considered together are considerable and suggest that cumulative impact may result from individually minor but collectively significant projects taking place over a period of time.

Sixth, Coastal Act Section 30604 (F) is not being enforced by the City thereby allowing demolition of existing affordable housing without assurances that the replacement affordable units are constructed.

Clearly, many issues are not being examined that violate CEQA, given the cumulative impact of these actions. One simple example is the effects on the local traffic of the added housing units, which in turn interferes with access to the coast.

Furthermore, the following is an example of MISSTATED items during the process:

The Deputy Advisor misstated that there was "no need for a variance" at the May 21, 2014 West Los Angeles Planning Commissioners hearing. The word variance is being replaced by variation but in essence has the same meaning and these variations are in compliance with the Venice Coastal Zone Specific Plan.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS:

"14 c. Note to City Zoning Engineer and Plan Check. The advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

- (1) A minimum 16.5 foot common access driveway.
- (2) Per the Director of Planning's interpretation of Small Lot Subdivisions within the Venice Specific Plan, the existing lot may be subdivided into 3 small lots."

Section IV of the Los Angeles Zoning and Planning Code states the following five findings for granting a variance:

1. strict application of the provisions of the Code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;

COASTAL COMMISSION

EXHIBIT # 3
PAGE 7 OF 24

Attachment 4 of 4

2. there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
3. the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
4. granting of a variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
5. granting of the variance will not adversely affect any element of the General Plan

The project infact is requesting a variance in that it is seeking to build three units rather than two on a lot in the Venice Coastal Zone in addition to parking and reduced emergency access.

Throughout the Advisory Agency's Approval of the Mitigated Negative Declaration ENV-2013-769-MND and Parcel Map AA-2013-767-PMLA-SL and ZA 2013-0768(CDP)(MEL) there is conflicting and misrepresented information regarding compliance with the Venice Specific Plan.

The appellant would also like to note for the record that ZA and AA, which are related cases were separated and was required to pay two fees and file two appeals. Yet, the Hearing officers combined both cases and gave one Approval. The West Los Angeles Planning Area Commissioners took note that there were two cases and combined both cases without prior Notice or consent by the appellant.

In addition to the misinterpretations made and the lack of examining the correct normative, the following information was OMITTED during the process:

1. The Venice Neighborhood Council (VNC) letter to deny the project was not in the file at the time of the May 21st 2014 West Los Angeles Commissioners hearing despite it being sent in and the hearing officers being aware of same. This was made clear due to it originally being sent in by the VNC erroneously as an approval and being sent in correctly after discovering the mistake.
2. The community sent in over 600 signatures, emails and letters by immediate neighbors and impacted citizens and this information was not included in the Planning Commissioner's package.

In conclusion the alarming number of irregularities warrants immediate intervention and correction. Please do not allow the interpretation of the small lot subdivision ordinance to trump the Specific Plan in this development, allow this small lot subdivision which is out of mass, scale, and character (three stories) for the neighborhood and displacement of long time residents. Currentlty there is no mechanism to assure the one for one replacement units as mandated in California Government Code Section 65590 and 65590.1 commonly known as the 1982 Mello Act.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 8 OF 26

RECEIVED

South Coast Region EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4418
VOICE (562) 590-5071 FAX (562) 591-5084

JUL 31 2014

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: Rene Kraus

Mailing Address: 607 South 7th Ave

City: Venice

Zip Code: 90291

Phone: (310)396-6674

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

Demolish two existing affordable single family dwellings and construct three single family dwellings on three separate lots (small lot subdivision).

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

664 East Sunset Ave, Venice, CA 90291 and 607 South 7th Ave, Venice, CA 90291

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:

A-5-VEN-14-0041

DATE FILED:

7/31/14

COASTAL COMMISSION DISTRICT:

South Coast/LIB

EXHIBIT # 3
PAGE 9 OF 26

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: MAY 21, 2014

7. Local government's file number (if any): _____

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:

RUPESH LUNIA, 664 Sunset, LLC, 5324 Monternalaga Drive, Racho Palos Verdes, CA 90275
SEAN NGUYEN, EZ Permits, LLC, 7251 North Owensmouth Ave #2, Canoga Park, CA 91303

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(1) Laddie Williams

(2) Ivonne Guzman

(3) Holly Mosher

(4) Robin Rudisill

COASTAL COMMISSION

EXHIBIT # 3
PAGE 10 OF 26

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

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COASTAL COMMISSION

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

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Ken Haus

Signature of Appellant(s) or Authorized Agent

Date: _____

07/30/2014

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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.

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Date: _____

COASTAL COMMISSION

EXHIBIT # 3

PAGE 12 OF 24

Attachment 1 of 4

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COASTAL COMMISSION

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Attachment 2 of 4

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COASTAL COMMISSION

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Clearly, many issues are not being examined that violate CEQA, given the cumulative impact of these actions. One simple example is the effects on the local traffic of the added housing units, which in turn interferes with access to the coast.

Furthermore, the following is an example of MISSTATED items during the process:

The Deputy Advisor misstated that there was "no need for a variance" at the May 21, 2014 West Los Angeles Planning Commissioners hearing. The word variance is being replaced by variation but in essence has the same meaning and these variations are in compliance with the Venice Coastal Zone Specific Plan.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS:

"14 c. Note to City Zoning Engineer and Plan Check. The advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

- (1) A minimum 16.5 foot common access driveway.
- (2) Per the Director of Planning's interpretation of Small Lot Subdivisions within the Venice Specific Plan, the existing lot may be subdivided into 3 small lots."

Section IV of the Los Angeles Zoning and Planning Code states the following five findings for granting a variance:

1. strict application of the provisions of the Code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;

COASTAL COMMISSION

EXHIBIT # 3
PAGE 15 OF 24

Attachment 4 of 4

2. there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
3. the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
4. granting of a variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
5. granting of the variance will not adversely affect any element of the General Plan

The project infact is requesting a variance in that it is seeking to build three units rather than two on a lot in the Venice Coastal Zone in addition to parking and reduced emergency access.

Throughout the Advisory Agency's Approval of the Mitigated Negative Declaration ENV-2013-769-MND and Parcel Map AA-2013-767-PMLA-SL and ZA 2013-0768(CDP)(MEL) there is conflicting and misrepresented information regarding compliance with the Venice Specific Plan.

The appellant would also like to note for the record that ZA and AA, which are related cases were separated and was required to pay two fees and file two appeals. Yet, the Hearing officers combined both cases and gave one Approval. The West Los Angeles Planning Area Commissioners took note that there were two cases and combined both cases without prior Notice or consent by the appellant.

In addition to the misinterpretations made and the lack of examining the correct normative, the following information was OMITTED during the process:

1. The Venice Neighborhood Council (VNC) letter to deny the project was not in the file at the time of the May 21st 2014 West Los Angeles Commissioners hearing despite it being sent in and the hearing officers being aware of same. This was made clear due to it originally being sent in by the VNC erroneously as an approval and being sent in correctly after discovering the mistake.
2. The community sent in over 600 signatures, emails and letters by immediate neighbors and impacted citizens and this information was not included in the Planning Commissioner's package.

In conclusion the alarming number of irregularities warrants immediate intervention and correction. Please do not allow the interpretation of the small lot subdivision ordinance to trump the Specific Plan in this development, allow this small lot subdivision which is out of mass, scale, and character (three stories) for the neighborhood and displacement of long time residents. Currently there is no mechanism to assure the one for one replacement units as mandated in California Government Code Section 65590 and 65590.1 commonly known as the 1982 Mello Act.

COASTAL COMMISSION

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 591-5084

RECEIVED
South Coast Region

JUL 31 2014

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: Peggy Lee Kennedy, Venice Justice Committee

Mailing Address: P.O. Box 2881

City: Venice

Zip Code: 90294

Phone:

SECTION II. Decision Being Appealed

1. Name of local/port government:

Venice, City of Los Angeles

2. Brief description of development being appealed:

Small Lot Subdivision: Demolition of a duplex (two rental units) on a single lot, and subdivide the single lot into three single lots with a Venice Coastal Specific Plan variance for parkings spaces and for access driveway/alley requirements. Both existing duplex units on the single lot are considered affordable and are inhabited by renter tenants, one since April 1988 and the other since March 1983. The proposed project is not offering Mello Act replacement and it is not owner occupied. It is an investment development to be resold.

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

664 East Sunset Ave, Venice, CA 90291 and 607 South 7th Ave, Venice, CA 90291

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:

A-5-VEN-14-0041

DATE FILED:

7/31/14

DISTRICT:

South Coast

COASTAL COMMISSION

EXHIBIT # 3PAGE 18 OF 24

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: 21May2014, 01-Jul-2014 NOD mailing

7. Local government's file number (if any): ZA 2013-768CDP-MEL/AA-2013-767-PMLA

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:

RUPESH LUNIA, 664 Sunset, LLC, 5324 Monternalaga Drive, Racho Palos Verdes, CA 90275
SEAN NGUYEN, EZ Permits, LLC, 7251 North Owensmouth Ave #2, Canoga Park, CA 91303

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) Rene Kraus, 607 7th Street, Venice CA 90291

(2)

(3)

(4)

COASTAL COMMISSION

EXHIBIT # 3
PAGE 18 OF 24

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.

Violation of Coastal Act Section 30116 (F), Sensitive coastal resource areas means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. Sensitive coastal resource areas includes areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons. This development is removing two rare housing opportunities for low- and moderate-income persons at once.

Violation of Coastal Act Section 30250, which provides that "New residential commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources." In the case at point, the Planning Commission and the City of Los Angeles is failing to examine the cumulative effect of the demolition of existing housing in every development plans that they are approving.

Violation of Venice Coastal Specific Plan (Ordinance 175693 effective Jan 19, 2004) . The determination made by the West Los Angeles Area Planning Commission focused entirely on the Director's interpretation of the Small Lot Subdivision Municipal Code and failed to examine the applicable code - the Venice Coastal Zone Specific Plan - arguing that it was superseded. However, the applicable code, the Venice Specific Plan, states that the development plan proposed is not legal.

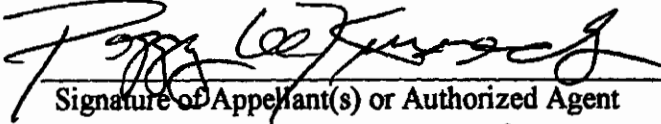
The applicant is seeking to sub divide one lot into three lots. The Commission stated in their determination that the municipal code allows for this and that the municipal code subsumes the Venice Specific Plan. However, the Venice Specific Plan states on Page 3 Section 4(B): Wherever the provisions of this Specific Plan differ from provisions contained in Chapter 1 of the LAMC, (with regard to use, density, lot area, floor area ratio, height of buildings or structures, setbacks, yards, buffers, parking, drainage, fences, landscaping, design standards, light, trash and signage) this Specific Plan shall supersede those other regulations. Wherever the specific plan is silent, the regulations of the LAMC shall apply. The Commission failed to examine the Venice Coastal Specific Plan and thus erroneously interpreted that the municipal ordinance supersedes the Venice Coastal Zone Specific Plan. The Venice Specific Plan is not silent on the issue and therefore the Directors Interpretation is not correct. Section 10 G.2.a.(2) of the Venice Coastal Zone Specific Plan states: RD1.5 and RD2 Zones, A maximum of two dwelling units per lot shall be permitted for all lots; provided however, that where a lot has a lot area in excess of 4,000 square feet, one additional dwelling unit shall be permitted for each additional 1,500 square feet of lot area in the RD1.5 Zone, and one additional dwelling unit shall be permitted for each additional 2,000 square feet in the RD2 Zone, provided the additional dwelling unit is a Replacement Affordable Unit. Even if this subdivision was permitted, only two units can be developed.

COASTAL COMMISSION

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.



Signature of Appellant(s) or Authorized Agent

Date: 29 July 2014

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

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APPEAL TO CITY PLANNING

Appeal to CASE NO. AA-2013-767-PMLA-SL
Appeal to CASE: ZA 2013-768(CDP)(MEL)
664 East Sunset Avenue and 607 South 7th Avenue

Attachment 1, Page 1 of 4
Peggy Lee Kennedy, Venice Justice Committee
CDP Appeal/664 Sunset Ave, 607 7th Ave Venice CA

OBJECTION #1 - VARIANCES

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS:

"14 c. Note to City Zoning Engineer and Plan Check. The advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

- (1) A minimum 16.5 foot common access driveway.
- (2) Per the Director of Planning's Interpretation of Small Lot Subdivisions within the Venice Specific Plan, the existing lot may be subdivided into 3 small lots."

Section IV of the Los Angeles Zoning and Planning Code states the following five findings for granting a variance:

1. strict application of the provisions of the Code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
2. there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
3. the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
4. granting of a variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
5. granting of the variance will not adversely affect any element of the General Plan

Not one has been identified as met in the decision documents or other project documents.

The proposed project is not compatible with the adjacent properties in mass, scale or with the existing character and would disrupt the unique community character of the immediate neighborhood. Granting these variances may harm the Local Coastal Planning process and is especially detrimental when it comes to creating higher density in the area. Allowing any variances may increase the cumulative effect in an already gridlocked coastal area with unstudied traffic and parking and will have a negative effect to the zone and vicinity where the property is located. A big red warning flag should be waived signaling the need for a study of the cumulative effects of any increased density in the area.

The project does not maintain the minimum 20 ft common access strip to the alley (14c1) for access purposes most importantly for emergencies.

The Director of Planning's Interpretation of Small Lot Subdivisions within the Venice Coastal Specific Plan (14c2) is factually incorrect, because there is no Replacement Affordable Unit provided with the additional dwelling in the project.

Section 10 G.2.a.(2) of the Venice Coastal Zone Specific Plan states:

RD1.5 and RD2 Zones. A maximum of two dwelling units per lot shall be permitted for all lots; provided however, that where a lot has a lot area in excess of 4,000 square feet, one additional dwelling unit shall be permitted for each additional 1,500 square feet of lot area in the RD1.5

COASTAL COMMISSION

EXHIBIT # 3
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Zone, and one additional dwelling unit shall be permitted for each additional 2,000 square feet in the RD2 Zone, provided the additional dwelling unit is a Replacement Affordable Unit.

The proposed project does not coincide with the purpose of the Venice Coastal Zone Specific Plan. In fact, the appellant finds that the Small Lot Subdivision Ordinance 176354 in conflict with the purpose of the Venice Coastal Zone Specific Plan (VCZSP), specifically:

Section 3. PURPOSES of the Venice Coastal Zone Specific Plan states:

A. To implement the goals and policies of the Coastal Act (See Objection #5).

F. To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.

The project is not compatible in mass, scale, character, and increases the intensity of use and is not consistent with the goals or policies of the California Coastal Act (See Objection #5).

OBJECTION #2 – MITIGATED NEGATIVE DECLARATION

FINDING OF FACT (CEQA)

"The Environmental Review Section of the Planning Department issued on June 24, 2013, the proposed project Mitigated Negative Declaration No. ENV-203-769-MND. The Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2013-769-MND, reflects the independent judgment of the lead agency, and determined this project, when mitigated, would not have a significant effect upon the environment. "

CEQA requires consideration of substantial secondary environmental impacts. The variances allowed by the city within the last few years have increased density, mass, scale, and created change in intensity of use. When you increase density you increase traffic and the Venice Coastal Zone is in absolute Gridlock traffic every day on every through street. An environmental impact study, which includes traffic and parking, is mandated.

OBJECTION #3 – PARKING

PARKING REQUIREMENTS INTERPRETATION

Parking is inadequate for a small lot subdivision. Each new lot resulting from a small lot subdivision that contains one unit will fall under the "single family dwelling" category of the Specific Plan and Section 13.D. of the Venice Coastal Zone Specific Plan is a parking requirement table which sets forth the number of off-street parking spaces. For Single family dwelling on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley, the required number of parking spaces is "three spaces; the third space may be uncovered and in tandem with the other two required covered parking spaces."

Appeal to CASE NO. AA-2013-767-PMLA-SL
Appeal to CASE: ZA 2013-768(CDP)(MEL)
664 East Sunset Avenue and 607 South 7th Avenue

Attachment 1, Page 3 of 4
Peggy Lee Kennedy, Venice Justice Committee
CDP Appeal/664 Sunset Ave, 607 7th Ave Venice CA

This proposed small lot subdivision requires (9) parking spaces but provides for only (6) parking spaces. The provisions of the VCZSP are not "silent," because the VCZSP requires 3 parking spaces for a single family dwelling on a lot of 40 feet or more in width." The DIR states that a 40" wide lot resulting from a small lot subdivision "shall be considered 'less than 40 feet in width, this statement is contrary to reality and appears to be contrary to law.

Where provisions are silent in the Venice Coastal Specific Plan, regulations of the Los Angeles Municipal Code (LAMC) apply, including Section 12.22 C. The VCZSP is not silent, and specifically requires 3 parking spaces for a "single family dwelling on a lot of 40 feet or more in width." A DIR may not claim to interpret or clarify language that is unambiguous.

OBJECTION #4 -- DEVELOPMENT INCONSISTANT WITH VCZSP

FINDING OF FACT (SUBDIVISION MAP ACT)

"The proposed map is consistent with the land use and developmental regulations of the Specific Plan. Therefore, as conditioned, the proposed parcel map is consistent with the intent and purpose of the applicable general and Specific Plans."

The proposed project is not consistent with the Venice Specific Plan nor is it compatible with the adjacent properties in mass, scale or character. It would disrupt the unique community character of the immediate neighborhood.

The adjacent neighborhood is comprised primarily of low density single story homes which enjoy ample front and back yards with a minimum of 15 foot front yard setbacks. The proposed project does not have a 15 foot front yard setback on Lots A, B, or C. The project as designed does not enjoy the green space that makes this part of Venice walkable and aesthetically pleasing to residents and visitors alike thereby diminishing the resource value of the area. The height setbacks which face 7th Ave and Sunset are not set back as intended by the Venice Specific Plan. The proposed development is not visually compatible with the character of the surrounding area and does not protect the unique local character. Additionally there are inconsistencies between the two related cases.

OBJECTION #5 -- DEVELOPMENT NOT COMPLIANT WITH COASTAL ACT

- a. Coastal Act Sec 30253 (E) This type of development maximizes adverse impacts, instead of minimizing them and the city planning is doing nothing to protect the unique characteristics of the Venice Coastal Zone.
- b. Coastal Act Sec 30624.7 Development has adverse effect both individually and cumulatively, because it is not consistent with the unique community character.
- c. Coastal Act Sec 30116 (E) & (F) Venice Coastal Zone community is a sensitive coastal resource area with special communities and neighborhoods which are significant as a visitor destination and also provide existing coastal housing and recreational opportunities for low and moderate income persons.
- d. Coastal Act Sec 30212 (2) & (3) New developments with demolitions are exceeding floor area, height and bulk of the former structures by more than 10% along with changing the intensity by more than 10%.

COASTAL COMMISSION

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Appeal to CASE NO. AA-2013-767-PMLA-SL
Appeal to CASE: ZA 2013-768(CDP)(MEL)
664 East Sunset Avenue and 607 South 7th Avenue

Attachment 1, Page 4 of 4
Peggy Lee Kennedy, Venice Justice Committee
CDP Appeal/664 Sunset Ave, 607 7th Ave Venice CA

OBJECTION #6 – DEVELOPMENT NOT SUPPORTED BY COMMUNITY

After overwhelming opposition to the project by the community, on December 17, 2013 the Venice Neighborhood Council denied the project in a unanimous vote. A petition with over 500 signatures was circulated and forwarded to the Planning department, California Coastal Commission and the Venice Neighborhood Council.

This project is not consistent with the Venice Coastal Zone Specific Plan including mass, scale, and the unique community character of the adjacent block. This project would have a detrimental cumulative effect to the resource value of our community that is visited by local, national, and international tourists and disrupt the walkability and aesthetics of the immediate neighborhood. The demolition of 100 year old homes to be replaced by boxed designs that will only serve a very small segment of the demographic in Los Angeles while displacing and losing much needed and protected affordable housing is not consistent with the requirements of the Venice Coastal Zone Specific Plan or the California Coastal Act.

COASTAL COMMISSION

4

EXHIBIT # 3
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12 November 2013

Re: AA-2013-767-PMLA-SL
664 E Sunset Ave/607 S 7th Ave

Dear Mr Vasques,

I apologize for this last minute request but I only learned of this recently. Please postpone the hearing of this subdivision until the Land Use and Planning Committee and the Venice Neighborhood Council can study and review the developer's application.

The immediate neighborhood is predominately single story SFDs with a few two story SFDs. The Venice Specific Plan requires that any new coastal zone project be compatible in mass and scale with the adjacent lots and immediate neighborhood.

The developer is asking to demolish two single story homes and replace them with three three-story homes and believes to be in the right. But the Venice Specific Plan allows lots to be divided into two single lots, excepting a third if it be an affordable housing unit.

That there is not such a unit while the Housing and Community Investment Department has determines that two affordable housing units exist now on the lot. A postponement is certainly warranted until this can be determined. Certainly allowing a developer to tear down two affordable units to build three (the third being illegal) market rate properties is not in keeping with the spirit and intent of the Mello Act.

Further, even your staff report (P.4, your underline) warns, "The subdivider is hereby advised that the Municipal Code may not permit the maximum approved density." And it doesn't as the specific plan does not G.2. a. (2):

RD1.5 and RD2 Zones. A maximum of two dwelling units per lot shall be permitted for all lots; provided, however, that where a lot has a lot area in excess of 4,000 square feet, one additional dwelling unit shall be permitted for each additional 1,500 square feet of lot area in the RD1.5 Zone, and one additional dwelling unit shall be permitted for each additional 2,000 square feet in the RD2 Zone, provided the additional dwelling unit is a Replacement Affordable Unit.

The Oakwood section of Venice is one of its most fragile areas, historically seeing, until now, little development and being a working class neighborhood. The amount of SLSO development that has been approved by your department is unsustainable and will push out the very people who are the backbone of this community. The Mello Act is to assure that there will be a diversity of peoples in Venice. Please honor

COASTAL COMMISSION

EXHIBIT # 3
PAGE 25 OF 24

the Venice Specific Plan and the Mello Act and at least postpone the hearing until the community of Venice can weigh in, if not denying it altogether.

Thank you,

Sue Kaplan
763 Nowita Place
Venice

Attachment 2, Page 2 of 2
Peggy Lee Kennedy, Venice Justice Committee
CDP Appeal/664 Sunset Ave, 607 7th Ave Venice CA

COASTAL COMMISSION

EXHIBIT # 3

PAGE 26 OF 26

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.planning.lacity.org

April 3, 2014

Rupesh Luna (A)(O)
664 Sunset, LLC
5324 Montemalaga Drive
Rancho Palos Verdes, CA 90275

Sean Nguyen (R)
EZ Permits, LLC
7251 North Owensmouth Avenue #2
Cangoa Park, CA 91303

CASE NO. ZA 2013-0768(CDP)(MEL)
COASTAL DEVELOPMENT PERMIT
664 East Sunset Avenue and
607 South 7th Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV-2013-769-MND
Legal Description: Lot 15, Block I,
Vawter Ocean Park Tract

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

a Coastal Development Permit to allow the demolition of two existing single-family dwellings and to allow the construction, use and maintenance of three single-family dwellings on three separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-767-PMLA-SL, in the single permit jurisdiction area of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 11

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The conditions of approval established under Preliminary Parcel Map No. AA-2013-767-PMLA-SL shall be required as conditions of approval of these requests and shall be satisfied prior to the utilization of this grant (see attached Preliminary Parcel Map No. AA-2013-767-PMLA-SL Conditions of Approval).
8. The project shall comply with those mitigation measures recommended in ENV-2013-769-MND, dated June 24, 2013, attached herein as Exhibit "B", and to the case file.
9. Pursuant to Government Section 65590, the applicant shall replace the two (2) affordable units, as determined by the Los Angeles Housing and Community Investment Department memo dated September 12, 2013, on a one-to-one basis in accordance with the City's Interim Administrative Procedures for Complying with the Mello Act.
10. Prior to the issuance of a building permit, the applicant shall execute and record a Covenant and Agreement to the satisfaction of the Los Angeles Housing and Community Investment Department, guaranteeing that the designated Restricted Affordable Units required by Condition No. 9 shall be reserved for occupancy by eligible households for at least 30 years, and that:
 - a. The Restricted Affordable Units shall conform to the standards and policies contained in the City's Interim Administrative Procedures (Interim Procedures) for Implementing the Mello Act and to the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berhan concerning implementation of the Mello Act in the coastal areas of the City of Los Angeles.

COASTAL COMMISSIONEXHIBIT # 4
PAGE 2 OF 11

- b. The applicant shall submit an Affordable Housing Provision Plan for review and approval by the Los Angeles Housing and Community Investment Department specifying how the applicant will comply with the City's Policies.
 - c. The Los Angeles Housing and Community Investment Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these accessible affordable unit requirements.
11. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within ~~three years~~ after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

COASTAL COMMISSION

EXHIBIT # 4
PAGE 3 OF 11

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. ~~The Zoning Administrator's determination in this matter will become effective after APRIL 18, 2014, unless an appeal therefrom is filed with the City Planning Department.~~ It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

COASTAL COMMISSION

The applicant is further advised that all subsequent contact with this Office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building

permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on November 13, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, irregular-shaped, corner, record lot, having frontages of approximately 48 feet on the south side of Sunset Avenue and 121 feet on west side of 7th Avenue. The subject site contains a total of 6,504 net square feet after required dedications. The subject property is zoned RD1.5-1 and designated Low Medium II Residential in the Venice Community Plan. The property is located within the Venice Coastal Zone Specific Plan (Oakwood subarea) and the Coastal Transportation Corridor Specific Plan.

The subject property is currently developed with two single-family dwellings which will be demolished. Surrounding properties are zoned RD1.5-1 and are developed with a mix of single-family and multiple family dwellings.

The proposed project consists of three single-family dwellings under the Small Lot Ordinance. As designed, Lot A will be 2,610 square feet; Lot B will be 1,945 square feet; and Lot C will be 1,949 square feet. Lot coverage will be less than the 80% permitted for each lot. The lots meet the minimum 600 square-foot lot size of the Small Lot Ordinance. All lots meet the minimum lot width requirement of 16 feet. There will be a 5-foot buffer between the subdivision and the adjoining residential property. As required by the Ordinance, the proposed project is consistent with the density requirements of the RD1.5 Zone.

As designed, the single-family dwellings will be three stories with a maximum height of 30 feet. Per the Venice Coastal Zone Specific Plan regulations for the Oakwood subarea, projects with a varied roofline are permitted a maximum height of 30 feet, provided that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet.

COASTAL COMMISSION All three units will be enclosed within two-car garages. Access to the garages will be through a 16.5-foot wide community access driveway.

EXHIBIT # 4 Zoning Information File No. 2406 (Z.I. No. 2406) clarifies the Venice Coastal Specific Plan as it relates to the Small Lot Ordinance. Per Z.I. No. 2406, required parking for subdivision projects shall be based on the parking requirements of the Specific Plan.

3945
2610
1949
6504

✓

Each new lot resulting from a small lot subdivision that contains one unit falls under the 'single family dwelling' category in the Specific Plan. For purposes of parking calculations, small lot subdivisions are considered less than 40 feet in width, or less than 35 feet in width if adjacent to an alley. The proposed project is providing two parking spaces per unit which is consistent with the Specific Plan. Also consistent with the Specific Plan, access to parking will be from the alley. Per Z.I. No. 2406, existing lots may be subdivided into multiple small lots so long as the averaged newly resulting lot size is equivalent to the minimum 1,500 square feet of lot area per dwelling unit in the RD1.5 Zone. The average lot size for the project is approximately 2,168 square feet.

The subject property is located within a liquefaction area, and a seismic fault is approximately two miles away. There are no other known hazards associated with the subject property. The project engineer has provided a tree letter certifying that there are no protected trees on the site.

7th Avenue, adjoining the property to the northeast is a Local Street dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

Sunset Avenue, adjoining the property to the northwest is a Local Street dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site include:

Case No. AA-2013-767-PMLA-SL – On April 3, 2014, the Advisory Agency approved three single-family lots under the Small Lot Ordinance No. 176,354.

PUBLIC HEARING

A public hearing on the project was conducted on November 13, 2013. Seven persons spoke at the public hearing, including the project architect, the applicant's representative, a representative of the Eleventh District Council Office, and a member of the Land Use Committee of the Venice Neighborhood Council.

The project architect and representative indicated that they reached out to the Venice Neighborhood Council by making an informal presentation to the Council. They indicated their willingness to make a formal presentation. The architect stated the project goal is to create a design that is not only true to the neighborhood and its character, but also provides an actual benefit to the surrounding area. The project complies with the provisions of the Small Lot Ordinance, the Small Lot Design Guidelines, and the Director's Interpretation of Small Lots in the Venice Specific Plan. The architect further explained that the project is below the permitted density in the RD1.5 Zone, below the 80 percent permitted lot coverage, and below the permitted floor area ratio for the RD1.5 Zone. Parking will be enclosed in garages with side by side parking spaces. Further, the project is in compliance with the design provisions of the Venice Specific Plan.

COASTAL COMMISSION

Mehrnoosh Mojallali, a member of the Venice Neighborhood Council Land Use Committee, requested a formal presentation of the project to the Neighborhood Council. The Committee member related that they have received many e-mails regarding compliance with the Mello Act.

Three residents, one a tenant of the property, also spoke. It was mentioned that many residents of the area had not received any notice of the project but would like the opportunity to learn more about the project and get involved in the process. One resident stated that a number of tall buildings are already being built in the area and that there is a high volume of traffic on both Sunset Avenue and 7th Avenue. Concern was also raised about compliance with the Specific Plan and the Mello Act, the loss of affordable units, and the fate of displaced tenants.

Debbie Dyer, representing the Eleventh District Council Office, expressed concern that the project did not officially go before the Venice Neighborhood Council. Ms. Dyer stated that there is a risk of affordable housing being lost by these types of projects and asked how the project will comply with the Mello Act. The Council Office requested that the case be left open until the applicant made a formal presentation to the Neighborhood Council.

MANDATED FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

Chapter 3 of the California Coastal Act provides standards by which "...the permissibility of proposed developments subject to the provision of this division are determined." Pertinent to the instant request are the policies with respect to Development.

Section 30250 of the Coastal Act provides that "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

COASTAL COMMISSION The proposed development is consistent with the above-referenced policy as it is an infill development in a residential neighborhood. No deviations from the Municipal Code's zoning regulations with regards to building height, parking, yards, lot coverage, or any other provisions have been requested.

The proposed project can be accommodated by the existing infrastructure and by existing public services. The area surrounding the project is developed with a mix of single-family and multiple family dwellings, thereby making the project site contiguous with, and in close proximity to existing developed areas that are able to accommodate it.

Section 30251 of the Coastal Act provides that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

The subject site is not located near the shoreline and therefore will not impact or impair public views. Additionally, the Preliminary Parcel Map has been conditioned to comply with the requirements of the Venice Coastal Zone Specific Plan which establishes design guidelines for projects and which is incorporated by reference as part of a condition of this grant.

Section 30252 of the Coastal Act provides that the location of new development should maintain and enhance public access to the coast. Once constructed, the proposed project will neither interfere nor reduce access to the shoreline as the site is located approximately three-quarters of a mile from the ocean via roadways, and does not have direct access to any water or beach.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard; and assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that substantially alter natural landforms along bluffs and cliffs.

The proposed project was subject to review by responsible City Agencies, including the Bureau of Engineering, the Department of Building and Safety, and the Fire Department. Their conditions of approval have been incorporated into the conditions of approval of the accompanying Preliminary Parcel Map.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The project is consistent with the goals of the California Coastal Act and the project will not prejudice the development, adoption or implementation of a Local Coastal Program (LCP) for the Venice Coastal Zone.

COASTAL COMMISSION

Act of 1976. The adopted Venice Community Plan designates the subject property for Low Medium II Residential density with corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The 0.15 acre property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The proposed map is consistent with the land use and development regulations of the Specific Plan. Therefore, there is no apparent reason to conclude that the approval of three single-family dwellings on three separate lots would interfere with the implementation of a Local Coastal Program.

3. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP, most specifically associated with new development. In this instance, the project conforms with the Guideline standards for the Venice Community Plan and the Venice Coastal Zone Specific Plan with regards to land use, density, design, and parking. Additionally, the project is required to conform with all applicable zoning regulations for small lot subdivisions as no deviations from any existing, applicable provisions have been requested.

With respect to locating and planning new development, the lot does not provide access to or from the beach as it is far removed inland and there is no evidence of any previous public ownership of the lot. All of the lots in the vicinity which are classified in the same zone are being, or have been developed with residential uses. The project will not conflict with the goal of providing appropriately located public access points to the coast.

4. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

No outstanding issues indicate any conflict between this decision and any other decision of the Coastal Commission regarding addition to or development of new family dwellings in the Venice area.

COASTAL COMMISSION

EXHIBIT # 4 5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and
PAGE 9 OF 11

the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

The project site is located approximately 3/4 mile from the ocean. The proposed project will neither interfere nor reduce access to the shoreline as the site is not located near any shoreline.

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

On June 24, 2013, a Mitigated Negative Declaration (ENV-2013-769-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency found that with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The mitigation measures are incorporated in the Conditions of Approval for the Preliminary Parcel Map.

The Coastal Development Permit does not involve a change in the scope of the Project. For the reasons set forth in ENV-2013-769-MND, the project will not have a significant effect on the environment. The Mitigated Negative Declaration is thereby incorporated into the Conditions of Approval for the Coastal Development Permit.

7. The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].

The Mello Act is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or construction of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative Procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The project involves the demolition of two (2) single-family dwelling units and the construction of three (3) single-family dwellings through a small lot subdivision. The dwelling at 664 East Sunset Avenue is comprised of two (2) bedrooms and the dwelling at 607 South 7th Avenue is comprised of one (1) bedroom. Based on information provided by the owner, the Los Angeles Housing and Community

COASTAL COMMISSION

EXHIBIT # 4

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Investment Department has determined that two (2) affordable units exist on the project site.

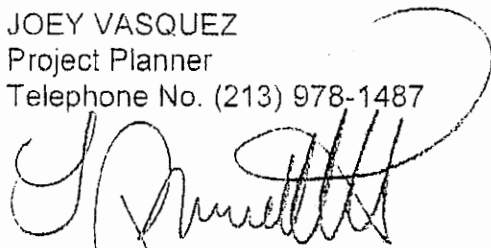
Condition Nos. 8 and 9 of this grant require conformance with the applicable provisions of the Mello Act. Specifically, Condition No. 8 requires the applicant to replace the two (2) affordable units on a one-to-one basis in accordance with the City's Interim Administrative Procedures for Complying with the Mello Act.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
8. On June 24, 2013, a Mitigated Negative Declaration (ENV 2013-769-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

I concur with the report prepared by Joey Vasquez, Planning Staff for the Plan Implementation Division, on this application and approve the same.

JOEY VASQUEZ
Project Planner
Telephone No. (213) 978-1487



LINN K. WYATT
Chief Zoning Administrator

LKW:JV:lmc

cc: Councilmember Mike Bonin
Eleventh District
Housing Property Owners

COASTAL COMMISSION

EXHIBIT # 4
PAGE 11 OF 11



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: JUL 02 2014

CASE NO: ZA-2013-768-CDP-MEL-1A
Related Case: AA-2013-767-PMLA-SL-1A

Location: 664 East Sunset Avenue /
607 South 7th Avenue

Council District: 11

Plan Area: Venice

Zone: RD1.5-1

RECEIVED
South Coast Region

JUL 3 2014

APPLICANT: Rupesh Lunia, 664 Sunset, LLC.
Representative: Sean Nguyen, EZ Permits, LLC

CALIFORNIA
COASTAL COMMISSION

APPELLANT: Rene Kraus

At its meeting on **May 21, 2014**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Granted the appeal in part.
2. Sustained the decision of the Zoning Administrator to approve a Coastal Development Permit to allow the demolition of two existing single-family dwellings and to allow the construction, use and maintenance of three single-family dwellings on three separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-767-PMLA-SL, in the single family jurisdiction area of the California Coastal Zone, subject to Modified Conditions of Approval.
3. Adopted the Findings.
4. Adopted Mitigated Negative Declaration ENV 2013-769-MND as the environmental clearance for the project.

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

This action was taken by the following vote:

Moved: Commissioner Donovan
Seconded: Commissioner Waltz Morocco
Ayes: Commissioners Donovan, Waltz Morocco, and Foster
Absent: Commissioners Halper and Linnick

Vote: 3 - 0

Effective Date
Effective upon the mailing of this notice

Appeal Status
Not further appealable to City Council

COASTAL COMMISSION

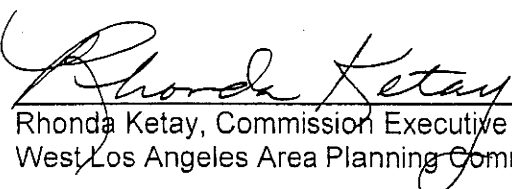

Rhonda Ketay, Commission Executive Assistant
West Los Angeles Area Planning Commission

EXHIBIT # 5
PAGE 1 OF 9

The Coastal Development Permit is effective at the City level on the mailing date of this determination. The Coastal Development Permit is not further appealable at the City level, but appealable only to the California Coastal Commission – South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this determination, will establish the start of the 20-day appeal period.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Modified Conditions of Approval and Findings

cc: Notification List
Jose Carlos Romero-Navarro
Joey Vasquez
Linda Clarke

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 9

**WEST LOS ANGELES AREA PLANNING COMMISSION
CONDITIONS OF APPROVAL
ZA-2013-768-CDP-MEL-1A**

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The conditions of approval established under Preliminary Parcel Map No. AA-2013-767-PMLA-SL shall be required as conditions of approval of these requests and shall be satisfied prior to the utilization of this grant (see attached Preliminary Parcel Map No. AA-2013-767-PMLA-SL Conditions of Approval).
8. The project shall comply with those mitigation measures recommended in ENV-2013-769-MND, dated June 24, 2013, attached herein as Exhibit "B", and to the case file.

9. Pursuant to Government Section 65590, the applicant shall replace the two (2) affordable units, as determined by the Los Angeles Housing and Community Investment Department memo dated September 12, 2013, on a one-to-one basis in accordance with the City's Interim Administrative Procedures for Complying with the Mello Act.
10. Prior to the issuance of a building permit, the applicant shall execute and record a Covenant and Agreement to the satisfaction of the Los Angeles Housing and Community Investment Department, guaranteeing that the designated Restricted Affordable Units required by Condition No. 9 shall be reserved for occupancy by eligible households for at least 30 years, and that:
 - a. The Restricted Affordable Units shall conform to the standards and policies contained in the City's Interim Administrative Procedures (Interim Procedures) for Implementing the Mello Act and to the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal areas of the City of Los Angeles.
 - b. The applicant shall submit an Affordable Housing Provision Plan for review and approval by the Los Angeles Housing and Community Investment Department specifying how the applicant will comply with the City's Policies.
 - c. The Los Angeles Housing and Community Investment Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these accessible affordable unit requirements.
 - d. **That prior to the issuance of the Certificate of Occupancy, the precise location of the designated Restricted Affordable Units required by Condition No. 9 shall be established and guaranteed, to the satisfaction of the Los Angeles Housing and Community Investment Department and the Department of City Planning.**
11. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

COASTAL COMMISSIONEXHIBIT # 5
PAGE 4 OF 9

MANDATED FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Chapter 3 of the California Coastal Act provides standards by which "...the permissibility of proposed developments subject to the provision of this division are determined." Pertinent to the instant request are the policies with respect to Development.

Section 30250 of the Coastal Act provides that "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

The proposed development is consistent with the above-referenced policy as it is an infill development in a residential neighborhood. No deviations from the Municipal Code's zoning regulations with regards to building height, parking, yards, lot coverage, or any other provisions have been requested.

The proposed project can be accommodated by the existing infrastructure and by existing public services. The area surrounding the project is developed with a mix of single-family and multiple family dwellings, thereby making the project site contiguous with, and in close proximity to existing developed areas that are able to accommodate it.

Section 30251 of the Coastal Act provides that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

The subject site is not located near the shoreline and therefore will not impact or impair public views. Additionally, the Preliminary Parcel Map has been conditioned to comply with the requirements of the Venice Coastal Zone Specific Plan which establishes design guidelines for projects and which is incorporated by reference as part of a condition of this grant.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 9

Section 30252 of the Coastal Act provides that the location of new development should maintain and enhance public access to the coast. Once constructed, the proposed project will neither interfere nor reduce access to the shoreline as the site is located approximately three-quarters of a mile from the ocean via roadways, and does not have direct access to any water or beach.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard; and assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that substantially alter natural landforms along bluffs and cliffs.

The proposed project was subject to review by responsible City Agencies, including the Bureau of Engineering, the Department of Building and Safety, and the Fire Department. Their conditions of approval have been incorporated into the conditions of approval of the accompanying Preliminary Parcel Map.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The project is consistent with the goals of the California Coastal Act and the project will not prejudice the development, adoption or implementation of a Local Coastal Program (LCP) for the Venice Coastal Zone.

The Land Use Plan portion of the Venice Local Coastal Program has been certified by the California Coastal Commission pursuant to the California Coastal Act of 1976. The adopted Venice Community Plan designates the subject property for Low Medium II Residential density with corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The 0.15 acre property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The proposed map is consistent with the land use and development regulations of the Specific Plan. Therefore, there is no apparent reason to conclude that the approval of three single-family dwellings on three separate lots would interfere with the implementation of a Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant**

COASTAL COMMISSION

EXHIBIT # 5
PAGE 6 OF 9

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP, most specifically associated with new development. In this instance, the project conforms with the Guideline standards for the Venice Community Plan and the Venice Coastal Zone Specific Plan with regards to land use, density, design, and parking. Additionally, the project is required to conform with all applicable zoning regulations for small lot subdivisions as no deviations from any existing, applicable provisions have been requested.

With respect to locating and planning new development, the lot does not provide access to or from the beach as it is far removed inland and there is no evidence of any previous public ownership of the lot. All of the lots in the vicinity which are classified in the same zone are being, or have been developed with residential uses. The project will not conflict with the goal of providing appropriately located public access points to the coast.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

No outstanding issues indicate any conflict between this decision and any other decision of the Coastal Commission regarding addition to or development of new single-family dwellings in the Venice area.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The project site is located approximately 3/4 mile from the ocean. The proposed project will neither interfere nor reduce access to the shoreline as the site is not located near any shoreline.

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

On June 24, 2013, a Mitigated Negative Declaration (ENV-2013-769-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency found that with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the

COASTAL COMMISSION
EXHIBIT # 5
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environment. The mitigation measures are incorporated in the Conditions of Approval for the Preliminary Parcel Map.

The Coastal Development Permit does not involve a change in the scope of the Project. For the reasons set forth in ENV-2013-769-MND, the project will not have a significant effect on the environment. The Mitigated Negative Declaration is thereby incorporated into the Conditions of Approval for the Coastal Development Permit.

7. **The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].**

The Mello Act is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or construction of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative Procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The project involves the demolition of two (2) single-family dwelling units and the construction of three (3) single-family dwellings through a small lot subdivision. The dwelling at 664 East Sunset Avenue is comprised of two (2) bedrooms and the dwelling at 607 South 7th Avenue is comprised of one (1) bedroom. Based on information provided by the owner, the Los Angeles Housing and Community

Investment Department has determined that two (2) affordable units exist on the project site.

Condition Nos. 8 and 9 of this grant require conformance with the applicable provisions of the Mello Act. Specifically, Condition No. 8 requires the applicant to replace the two (2) affordable units on a one-to-one basis in accordance with the City's Interim Administrative Procedures for Complying with the Mello Act.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is

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located in Zone C, areas of minimal flooding.

8. On June 24, 2013, a Mitigated Negative Declaration (ENV 2013-769-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

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West Los Angeles Area Planning Commission

200 North Spring Street, Room 272, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

TO: California Coastal Commission
South Coast District Office
200 Ocean Gate, Suite 1000
Long Beach, CA 90802

Mailing Date:

Case No.: ZA-2013-768-CDP-MEL-1A
Address: 664 East Sunset Avenue and
607 South 7th Street

Plan Area: Venice
Council District: 11

RECEIVED
South Coast Region

JUL - 3 2014

FROM: West Los Angeles Area Planning Commission

CALIFORNIA
COASTAL COMMISSION

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Applicant name/address

Rupesh Lunia
664 Sunset, LLC
5324 Montemalaga Drive
Rancho Palos Verdes, CA 90275

Representative name/address

Sean Nguyen
EZ Permits, LLC
7251 North Owensmouth Avenue, #2
Canoga Park, CA 91303

The above-referenced Coastal Development Permit was approved effective **JUL 02 2014**, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **May 21, 2014**. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

Appeals must be filed within a 20 working-day appeal period, to be determined by the South Coast District Office of the Coastal Commission in accordance with said Commission's procedures.

- () The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.
- (X) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20-working-day period the applicant may proceed with the subject project.

Attachments: Coastal Development Permit / Commission Determination Report
Zoning Administrator's Determination
Miscellaneous relevant documents

cc: Applicant and Applicant's Representative (Notice, Coastal Permit/APC Determination)
APC Determination Report mailing list (Notice & Coastal Permit/APC Determination)

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653 SUNSET (NEW CONSTRUCTION)
HEIGHT: 30'



657 SUNSET
HEIGHT: 26'



701 SUNSET
HEIGHT: 28'



705 SUNSET
HEIGHT: 35'



660 SUNSET
HEIGHT: 25' + ROOF ACCESS STRUCT.



651 VERNON
HEIGHT: 30'



SITE: 664 SUNSET AVE

ARCHITECT	PROJECT	CONTENT
<p>10-19 Architecture, Ltd.</p> <p>2210 WESTWOOD BLVD. STE. 201 LOS ANGELES, CA 90024 T: 310.441.3155 / 310.963.5152 WWW.10-19ARCHITECTURE.COM</p>	<p>SMALL LOT SUBDIVISION</p> <p>664 SUNSET AVE. VENICE, CA 90291</p>	<p>AERIAL + SITE PHOTOS</p> <p>DATE: 2014.05.21</p>



664 Sunset Ave, Venice, CA 90291
Street View - Search nearby

COASTAL COMMISSION

EXHIBIT # 8

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