

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

F11a

Appeal Filed: 09/02/15
49th Day: 10/21/15
Staff: M. Alvarado-LB
Staff Report: 09/24/15
Hearing Date: 10/09/15

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-15-0055

Applicant: Kambiz Kamdar

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Robin Rudisill, Todd Darling, Gabriel Ruspini, Mark Kleiman, Jataun Valentine, Pam Anderson, Lydia Ponce, Elena Lerma, Sue Kaplan, George Gineris

Project Location: 665 E. Vernon Avenue, Venice, City of Los Angeles (Los Angeles County)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit (CDP No. ZA 2014-1084) for the demolition of a one-story single-family residence, a small-lot subdivision of an approximately 4,470 square foot lot into two lots, and the construction of a single-family residence on each lot.

Staff Recommendation: Determine that a substantial issue exists.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the project's conformity to the community character policies of sections 30251 and 30253 of the Coastal Act. Pursuant to section 30625, the grounds of appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to section 30602(a).

IMPORTANT NOTE: The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit

A-5-VEN-15-0055

Appeal –Substantial Issue

comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION - SUBSTANTIAL ISSUE	4
II. APPELLANTS' CONTENTIONS.....	4
III. LOCAL GOVERNMENT ACTIONS	4
IV. APPEAL PROCEDURES.....	5
V. DUAL PERMIT JURISDICTION AREA	6
VI. FINDINGS AND DECLARATIONS.....	6
A. PROJECT DESCRIPTION	6
B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS.....	7
C. SUBSTANTIAL ISSUE ANALYSIS	8

EXHIBITS

- Exhibit 1 – Project Location & Vicinity Map
- Exhibit 2 – Site Plan & Elevations
- Exhibit 3 – Appeal
- Exhibit 4 – Local Coastal Development Permit

I. MOTION AND RESOLUTION - SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-15-0055 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-15-0055 presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On August 5, 2015, the Commission received a valid notice of final local action for Local Coastal Development Permit (CDP) No. ZA 2014-1084, which approves the demolition of a one-story single-family residence, a small-lot subdivision, and the construction of two single-family residential units (Unit 1: 2,386 square feet; Unit 2: 2,577 square feet), one on each of the newly subdivided lots, with five tandem parking spaces.

On September 2, 2015, within 20 working days of receipt of notice of final local decision, Robin Rudisill, Todd Darling, Gabriel Ruspini, et al., filed an appeal of the local CDP alleging that the proposed project violates the Chapter 3 policies of the Coastal Act and the standards of the Venice Land Use Plan (LUP). The appellants assert that the proposed project poses adverse impacts to the community character of Venice, compliance with CEQA, and affordable housing ("Mello Act") (**Exhibit 3**). As such, the appellants contend that the City-approved development could prejudice the City's ability to prepare a Local Coastal Program (LCP). No other appeals were received prior to the end of the appeal period on September 2, 2015.

III. LOCAL GOVERNMENT ACTIONS

In 2014, the applicant submitted to the City of Los Angeles Planning Department a Master Land Use Permit Application for the proposed project. The application was assigned Case No. 2014-1084.

The project description of the Local CDP No. ZA 2014-1084 reads as follows:

“...the demolition of a 930 square-foot single-family dwelling and construction of two dwelling units in conjunction with Preliminary Parcel Map AA-2014-1082-PMLA-SL within the single permit jurisdiction of the California Coastal Zone”.

On August 25, 2014, the City issued a Mitigated Negative Declaration (ENV-2014-1083-MND) for the proposed project. On May 28, 2015, the City held a public hearing for Local Coastal Development Permit No. ZA 2014-1084 according to the City's notice of final local decision (**Exhibit 4**). Information concerning who attended the hearing and whether or not public testimony was given at the hearing is not in the City's report.

On July 14, 2015, the Zoning Administrator approved with conditions the Local Coastal Development Permit for the proposed demolition of a single-family residence, a small-lot subdivision into two lots, and the construction of a two single-family residences, one on each lot. The Zoning Administrator's determination was concurrent with the approval of the Parcel Map for the Small-Lot Subdivision No. AA-2014-1082-PMLA-SL.

The Commission received a valid notice of final local action for Local Coastal Development Permit (CDP) No. ZA 2014-1084 on August 5, 2015. Although the ZA's action was appealable to the Planning Commission, no appeal was filed.

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 applicants, 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 as the standard of review. The Venice Land Use Plan (LUP), certified on June 14, 2001, 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 applicants, 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

A. PROJECT DESCRIPTION

On August 5, 2015, the Commission received a valid notice of final local action for Local Coastal Development Permit (CDP) No. ZA 2014-1084, which approves the demolition of a one-story single-family residence, a small-lot subdivision, and the construction of two single-family residential units, one on each of the newly separate lots, with five tandem parking spaces.

The applicant proposes to demolish an existing one-story, approximately 930 square-foot single-family residence, and divide the approximately 4,470 square-foot lot under the Small-Lot Subdivision Ordinance into two separate lots (**Exhibit 2**). The applicant also proposes to construct two single-family residential units (Unit 1 and Unit 2), one on each lot. Unit 1 will be an approximately 2,386 square foot, 23-foot high two-story single-family residence on the lot fronting Vernon Avenue, and Unit 2 will be an approximately 2,577 square foot, three-story, 30-foot high single-family residence on the rear lot (**Exhibit 2**); unit 2 will have two stories of living space with the ground floor as the garage for both units. The proposed approximately 1,100 square-foot garage (under Unit 2) will provide five parking spaces (two standard and two compact tandem spaces, and one guest space) that will be accessible from the alley. Unit 1 will have a flat roof, a roof deck, and an approximately 100 square foot roof access structure. Unit 2 is proposed with a varied roofline and without a roof deck or roof access structure.

The project site is an approximately 4,800 square-foot (4,470 square feet after dedication) through lot located at 665 Vernon Avenue in Venice, over ½ of a mile inland of the beach (**Exhibit 1**). The project is located in the R1.5-1 zoned, Low Medium II and Multi-Family designated developed residential neighborhood of the Oakwood subarea within the City’s Single Permit Jurisdiction Area. The site is located in the Vernon Avenue residential block, between 6th Avenue and 7th Avenue. The rear property line adjoins Sunset Court, the 13.5-foot wide alley behind the project site for Unit 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 a **substantial issue** exists with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program (LCP) are that the locally issued CDP is not in conformity with the Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued prior to certification of its LCP may be appealed to the Commission. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

The City Council, in approving Local Coastal Development Permit No. ZA 2014-1084, found that the proposed residential units would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone and that the proposed project is consistent with the following Chapter 3 policies of the Coastal Act:

Section 30250(a) of the Coastal Act states, in part:

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.

Section 30251 of the Coastal Act states, in part:

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.[...]

Section 30252(1-4) of the Coastal Act states, in part:

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, [...]

Community Character

The appellants contend that the City-approved development is not consistent with the Chapter 3 policies of the Coastal Act and the standards of the Venice LUP because it does not conform to the

established community character, and it is out of scale with the surrounding residences within the Oakwood subarea of Venice.

The protection of community character is a significant issue for the residents of Venice. Venice has a unique blend of style and scale of residential buildings, historical character, walk streets, diverse population, as well as expansive recreation areas and attractions, such as the Ocean Front Walk (boardwalk) and the beach. These features make Venice a popular destination for Southern California residents and tourists. As a result of its unique coastal districts, Venice is a coastal resource to be protected. As a primarily residential community, the residential development is a significant factor in determining Venice's community character. The continued change in the residential character of the Venice Community has been a cause of public concern over the years.

During the March 2014 Commission hearing, public comments made regarding the issuance of De Minimis Waivers for demolition and construction of single family homes in the City of Los Angeles, particularly in Venice, lead to the Commission's decision to remove four De Minimis Waivers from the agenda and place them on the Regular Calendar agenda in near-future hearings. Comments from Venice residents during the March hearing expressed concerns over the lack of proper review and public input to preserve community character during the expedited approval process for projects issued De Minimis Waivers by the Commission. Since 2014, the Commission has decided to no longer process De Minimis Waivers for new residential projects in Venice in hopes that the City would properly address the concerns of the public with regards to the cumulative impacts of new residential development through the Local CDP process and through a more comprehensive approach. Through the local CDP process, the City of Los Angeles is able to address the public participation component of development projects by issuing public notices, holding public hearings and public comment periods for all such development projects in the Venice area, prior to Commission review.

The standard of review for the substantial issue determination is the Chapter 3 policies of the Coastal Act. The Coastal Act requires that the special communities be protected to preserve their unique characteristics and from negative impacts such as excessive building heights and bulks. In particular, Sections 30253(e) and 30251 of the Act, which state:

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 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 its 2001 certified Venice Land Use Plan (LUP), the Commission recognized Venice's unique community character and popularity as a visitor serving destination, and as such, it is imperative that any new development be designed consistent with the community character of the area. While the certified Venice LUP is not the standard of review for finding substantial issue, the LUP policies provide guidance from which the Commission can evaluate the adequacy of a project's mitigation of impacts. When the LUP was certified, the Commission considered how to ensure that future surrounding area would be visually compatible with the character of the surrounding area and adopted residential building standards (e.g. height limits) to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies for determining whether or not the project is consistent with relevant Chapter 3 policies of the Coastal Act.

The policies set forth by the certified Venice LUP echo the priority expressed in Coastal Act for preservation of the nature and character of existing residential neighborhoods:

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...

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.

As previously stated, the City found that the proposed project is consistent with Sections 30250(a), 30251, and 30252(1-4) of the Coastal Act, which, among other things, encourages that permitted development be visual compatible with the character of the surrounding areas.

The City's analysis, however, does not address the visual compatibility of the proposed project with the existing community character of the Oakwood neighborhood in Venice.

The appellants state that the project site is surrounded predominantly by one-story dwellings, and consequently, the appellants assert that the proposed two-story and three-story structures are not compatible with the mass and scale of the surrounding neighborhood. In addition, the appellants argue that the proposed project includes reduced yards and setbacks that are in contradiction with the LUP yard requirements and directly impact the mass and scale of the development. Furthermore, the appellants assert the proposed structures will tower over the neighboring properties and will increase shade over the neighbors. The appellants also argue that the proposed project will result in an adverse impact to the architectural diversity of Venice since the same architectural plans are being used for a similar residential project a few blocks away.

The question is whether or not the proposed project is compatible with the existing community character of the subject Oakwood neighborhood. The City's analysis does not provide information to support how the proposed project, especially the 30-foot high portions, is visually compatible with the existing community character. Consequently, the City's decision that the development is consistent with the Chapter 3 policies of the Coastal Act is not supported by the findings. Further review is required to determine whether or not the project conforms to the Chapter 3 policies of the Coastal Act. Therefore, a substantial issue exists with respect to the grounds of the appeal.

Other Contentions:

The appellants' appeal also raises the following issues:

1. The CEQA analysis and the Mello Act (affordable housing) determination are questionable.
2. The proposed project involves the removal of long-standing trees, which will result in a cumulative impact to the characteristic of the Oakwood neighborhood.
3. Tandem parking will contribute to the parking congestion in the neighborhood.

The contentions relating to the City's California Environmental Quality Act (CEQA) and the Mello Act (affordable housing) determinations do not raise any Coastal Act issues. The Commission has no authority to review and invalidate a lead agency's CEQA determination or its Mello Act determination and thus, the appellants' contention does not constitute a substantial issue.

The appellants assert that the removal of long-standing trees will cumulatively impact the characteristic of the Oakwood neighborhood. The removal of trees on private residential property does not violate the policies of the Coastal Act providing that the vegetation is not considered environmentally sensitive habitat. In their report, the City indicates that there are no trees on the subject site that would be considered native or protected within the City of Los Angeles Protected Tree Ordinance. In addition, there are no allegations that the existing residential landscaping at the project site provides habitat for protected bird nesting activities. Moreover, the project site is over ½

of a mile inland from the beach and within a highly urbanized residential area. No substantial issue exists on this ground of the appeal.

Additionally, the appellants contend that the Local CDP subject to this appeal authorizes tandem parking that will contribute to the parking congestion in the neighborhood. Tandem parking allows for adequate on-site parking on narrow residential lots in Venice. The Coastal Commission has previously approved tandem parking as an acceptable practice to fulfill parking requirements in this area. This ground does not raise a substantial issue.

Conclusion

The City's Notice of Final Local Action for Local Coastal Development Permit (CDP) No. ZA-2014-1084 and accompanying staff reports and file records state 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 Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

A substantial issue exists with respect to the project's conformance with Chapter 3 of the Coastal Act, and with the approval of the local coastal development permit, because the City-approved project does not adequately address the potential community character impacts of the development.

Only with careful review of the City-approved project can the Commission ensure that community character is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the project at the subsequent de novo hearing. Therefore, the Commission Staff recommends that the Commission find that a substantial issue exists with respect to the project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. ZA-2014-1084.

Applying the five factors listed in the prior section clarifies that the appeal raises a "substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1).

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. The City discussed consistency with the Venice Specific Plan, Los Angeles Municipal Code, and Venice Community Plan. The City did not substantially support the project's consistency with the community character provisions of the Coastal Act (Sections 30251 and 30253) and the Certified Venice LUP.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved development is the demolition of a 930 square-foot single-family residence and the construction of two single-family residential units on two newly subdivided lots. Without an adequate analysis in the Local CDP evaluating the character of the immediate community, however, the scope of these structures as compared to the existing residential development is uncertain.

The third factor is the significance of the coastal resources affected by the decision. The project can negatively impact the character of the surrounding community if it is not visually compatible and

consistent with the surrounding development pattern. Therefore, the development could significantly and adversely affect coastal resources.

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, but it does have a certified Land Use Plan (LUP). The appellants assert the proposed development is not consistent with the mass and scale of the existing structures in this area of Venice and with the policies of the certified Venice LUP. Without a finding to support otherwise, the project, as approved and conditioned, raises a substantial issue with regard to the project's potential non-conformity with the community character policies Chapter 3 of the Coastal Act and the certified Venice LUP, and the project's potential to set a negative precedent for future development.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources are important statewide issues, but this appeal also raises local issues. The City addressed CEQA with a CEQA Notice of Exemption, which concerns a local issue that does not raise a substantial issue. However, Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approval does raise issues of statewide significance with regards to Venice's community character.

In conclusion, the issues for this appeal relate primarily to the potential impacts to the community character of Venice, compliance with CEQA, and Mello Act. The Commission has no jurisdiction to review local government's compliance with CEQA and Mello Act. In this case with regards to community character, the proposed project may not be in conformity with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

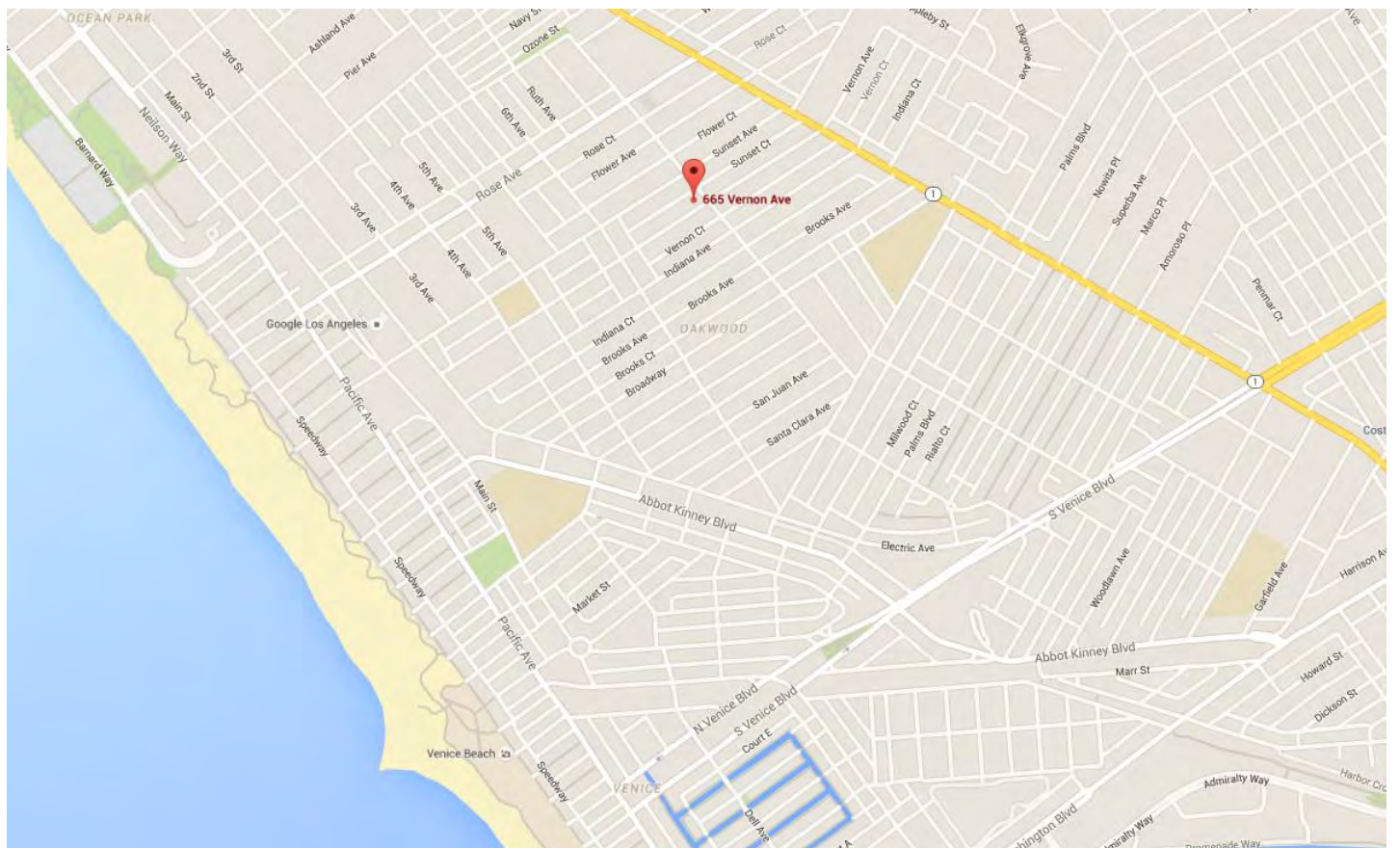
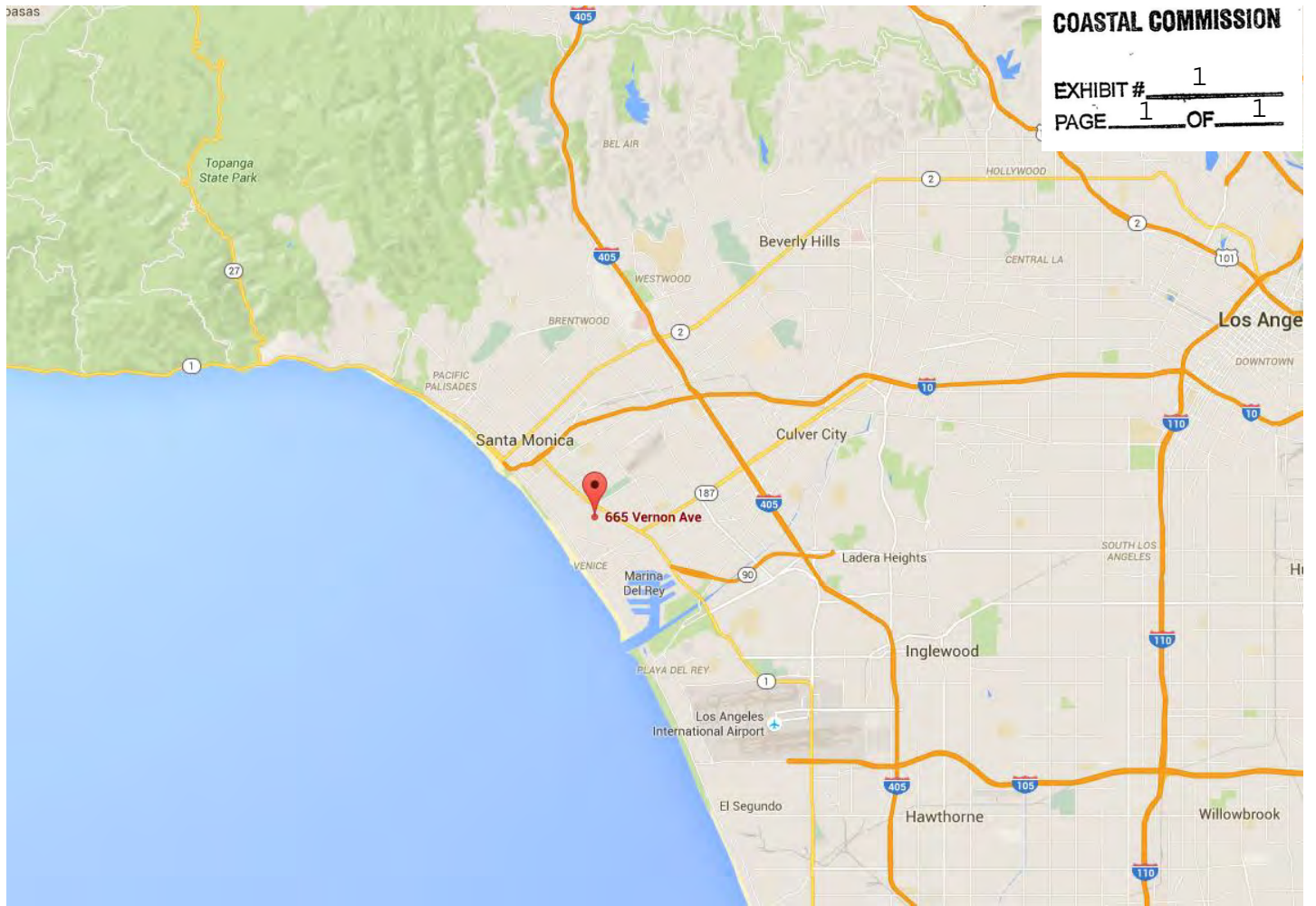
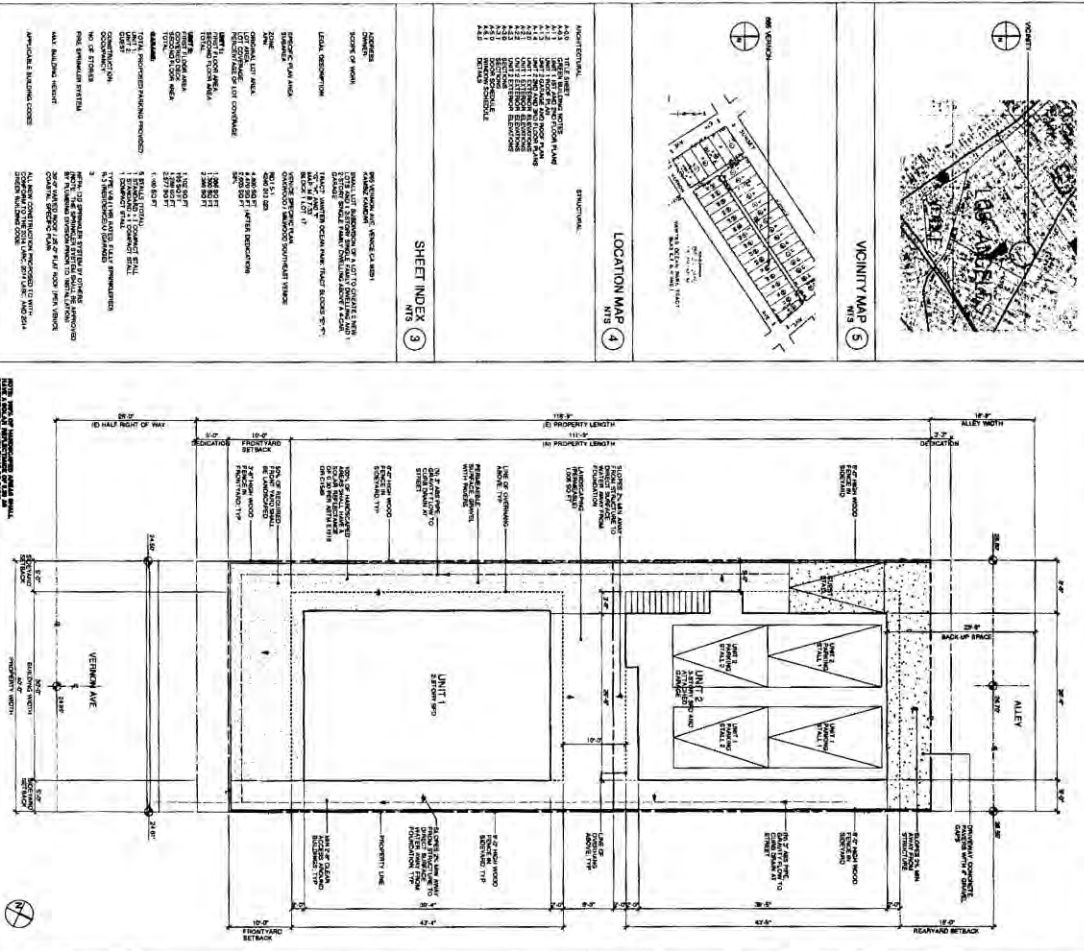
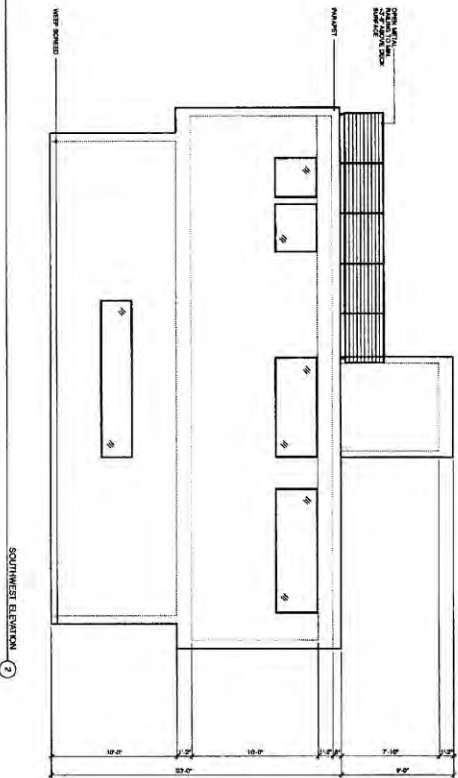


EXHIBIT # 2
PAGE 1 OF 3

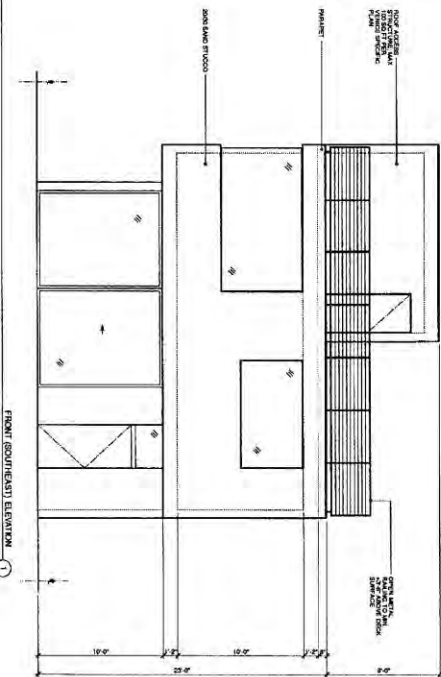
[illegible]

PROJECT DATA 2

PLOT PLAN / SITE PLAN 1
1/8" = 1'-0"[illegible]



SOUTHWEST ELEVATION 2



FRONT SOUTHEAST ELEVATION 1

665
VERNON

ARCHITECT
JULY 1987

PROJECT: 665
VERNON
ARCHITECT: J. L. BROWN
DATE: 7/1/87
SCALE: 1/8" = 1'-0"
SHEET: 2 OF 3

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. SEE ELEVATION 1 FOR DETAILS OF ROOF.

FUNCTIONAL ROOMS

ROOM NO.	ROOM NAME
1	REAR PORCH
2	REAR PORCH
3	REAR PORCH
4	REAR PORCH
5	REAR PORCH
6	REAR PORCH
7	REAR PORCH
8	REAR PORCH
9	REAR PORCH
10	REAR PORCH

UNIT 1

DATE: 7/1/87
DRAWN: JLB
SCALE: 1/8" = 1'-0"

A-2.0

FILE COPY RECEIVED
South Coast Region

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL COMMISSION

SEP 02 2015

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

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

CALIFORNIA
COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Robin Rudisill, as an individual & not on behalf of the VNC or its LUPC, et al (see attached)

Mailing Address: 3003 Ocean Front Walk

City: Venice

Zip Code: 90291

310-721-2343

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Preliminary Parcel Map for a Small-Lot Subdivision to subdivide one lot into two "small lots" with one dwelling unit on each lot, and a Mello Act Determination. The CDP for the Small Lot Subdivision includes a front yard prevailing setback of 10' in lieu of the required 15'; side yard setbacks of 5' in lieu of the required 6' for buildings 3 stories in height; a rear yard setback of 5' in lieu of the required 15'; and also an adjustment to permit a subdivision with less than the required minimum lot area of 5,000 sq ft (after dedication).

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

665 Vernon Ave, APN: 424-001-3023, cross street 7th Avenue

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.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A.S.Ven.19.055

DATE FILED: 9.2.15

DISTRICT: South Coast

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 7

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: July 14, 2015

7. Local government's file number (if any): ZA-2014-1084-CDP-ZAA-MEL

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:

Kambiz Kamdar, Vernon Development, LLC, 528 Palisades Drive, #530, Pacific Palisades, CA 90272
and
Kamran Kazemi, Tala Associates, 1916 Colby Ave, L.A., CA 90025

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

(1)

(2)

(3)

(4)

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 7

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.

The L.A. General Plan's Venice Community Plan Venice Land Use Plan (certified by the Coastal Commission) ("LUP") states on page II-26: "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...."

The LUP states on page II-27: "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."

LUP Policy I. A. 7. Multi-family Residential - Low Medium II Density. D. requires yards in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Section 30116 of the Coastal Act requires special consideration for development in "Sensitive Coastal Resource Areas," which means those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity, and which includes areas possessing significant recreational value and "special communities or neighborhoods which are significant visitor destination areas;" and the Coastal Commission has identified Venice as such a community of neighborhoods that is special and unique in the Coastal Zone.

Section 30251 of Article 6 of Chapter 3 of the Coastal Act states: "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 be visually compatible with the character of surrounding areas..."

Section 30253(e) of Article 6 of Chapter 3 states: "Where appropriate, protect special communities that, because of their unique characteristics, are popular visitor destination points for recreational uses."

Policy I. E. 2. Scale states: "All new development....should respect the scale, massing, and landscape of existing residential neighborhoods ..."

In consideration of the above requirements as well as the facts below, the proposed development would cause a significant adverse cumulative impact on the character, mass and scale of the existing surrounding neighborhood and thus the Subarea of Oakwood and thus the Venice Community, and therefore Findings 1, 2. and 3. of the City CDP cannot be made.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 7

The Venice Community has already been identified in its LUP (part of the L.A. General Plan and Venice Community Plan) and by the California Coastal Commission in numerous reports and permit-related documents, as a "significant and popular visitor destination," and a "community to be protected."

The Venice Community Character is made up of the character of its Neighborhoods. Thus, the compatibility of the project with the Scale, Mass and Character of the surrounding existing neighborhood must be considered.

The Venice Land Use & Planning Committee recommended denial of the project proposed at 665 Vernon Ave, based on it being incompatible with the character, scale and mass of the immediate neighborhood, as it casts shadows on the adjacent property to the east most times of the day, and as it is too tall for the immediate neighborhood and adjoining lots. However, the VNC Board vote on the recommendation resulted in a 9-9 tie vote, thus, the VNC Board took no action on the project.

This project provides a good exercise for the analysis of the cumulative impact of the removal of long-standing trees in the Oakwood neighborhood. Oakwood is known as a neighborhood with many beautiful trees, in fact, this is one of the distinguishing characteristics of the Oakwood Community and its neighborhoods. This is a critical "Land Resources" issue under Chapter 3. For this project, three trees have been identified for demolition that have a trunk in excess of 10". Although the MND states that a mitigating factor for the loss of these significant-sized trees is that they should be replaced one-for-one with a minimum 24" box tree, there is no condition on the CDP requiring this. Even if there were, it is not clear whether a 24" box tree would adequately replace these large, mature, long-standing trees that make up the eco-system as well as the beauty of Oakwood. The cumulative impact of such tree removal is to remove an unacceptable amount of trees from this Community, without adequate mitigation. SEE EXHIBIT A.

This 3-story project is surrounded by a preponderance of 1-story dwellings and as such is not compatible with the scale of the surrounding existing neighborhood. They are also impacted by a decrease in breeze from what they had been getting. This proposed project is located on a street that is dominated by single story, small homes. It would be the largest building on that side of a long block. These are narrow lots to begin with, that run basically north and south, so the effects of a tall structure are increased in terms of shade on the adjacent neighbors.

The shade studies show that these proposed structures would cause a significant material detriment to their neighbor, and would, by extension, become a terrible precedent for the rest of the block. On the Vernal and Autumnal Equinox, the back yard of the neighboring house located to the east would be shaded by 1 pm. The house and yard will be shaded by 2 pm and the entire back yard is covered in shade by 3 pm. The entire property is shaded by 4 pm. On the Summer Solstice shade starts at 1 pm, and by 4 pm the property is almost totally engulfed in shade. That means that the last 4 hours of every day of the year, the proposed structures would entirely block the sun to their eastern neighbor's house. SEE EXHIBIT B.

If this proposed structure were built it would deprive the neighbors of the ability to grow a vegetable garden, or to generate solar power, or simply to enjoy a sunny afternoon. The sun will be forever removed, or vastly compromised every afternoon of the year. This constitutes a significant material detriment for the neighboring property. No one lives in Venice for the shade, and a deprivation of sun can also cause depression. The detriment caused by the shade created by these proposed structures should be adequate reason alone to deny this project.

The architectural diversity of the project is an issue. The Applicant has a project just a couple of

COASTAL COMMISSION

EXHIBIT # 3
PAGE 4 OF 7

blocks away that uses the same architectural plans and general style, which is in contradiction to the policies above with respect to protecting Venice's unique architectural diversity. This kind of thing might be an efficient way of handling development in "Suburbia," but should not be done in a unique and special Coastal Community that is unique and special as a result of its architectural and social diversity.

The side yards are 5' as per Small Lot Subdivision ordinance, which is less than what is required as per the LAMC for a 3-story structure, of 6'. This reduced side yard, in conjunction with the reduced front and rear yards for the project are in contradiction with the LUP yard requirements noted above.

Parking is tandem for both homes of the Small-Lot Subdivision, which will contribute to the parking congestion in this neighborhood and therefore impact Access to this Special Coastal Community.

In general, the cumulative impact of 3-story structures that max out their square footage and leave very little space between the structures and the lot lines is to ruin a Community such as Venice, which is special and unique due to the character of its neighborhoods. Visitors come to Venice to see its special neighborhoods, each with its own unique and diverse architecture and general character, and a materially out-of-scale home with maxed out square footage in the middle of a beautiful coastal neighborhood of mainly 1-story homes, is a big eye sore. The Coastal Act provisions and LUP policies are in place to protect these neighborhoods from significant changes in their character, as developers would increase the size of the structures to the maximum extent possible in the absence of such policies and restrictions, in order to maximize profits.

The CEQA analysis performed is questionable as it does not adequately provide mitigations and does not adequately analyze the cumulative impact of the project. In addition, the affordable housing issues may not have been handled correctly, as the decisions made and conclusions reached were based on information provided by the developer and not on adequate/independent supporting documentation, which is both a CEQA issue (Environment/Population/Housing/Affordable Housing) and a Mello Act issue.

By not properly enforcing and considering the Mass, Scale and Character of its individual neighborhoods, the City has abdicated responsibility to the surrounding neighborhoods for this, which is not fair or right.

Please insist on proper analysis of compatibility of developments to the unique and special neighborhoods of the Venice Community. Venice is one of the few remaining Coastal Communities in the State, and should be protected as a resource of great importance to the State and its Coastal Zone.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 7

1/11/11

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.

John V. ...

George G. ...

Signature of Appellant(s) or Authorized Agent

Date: 8/30/15

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

Section VI. Agent Authorization

I/We hereby
authorize

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

Signature of Appellant(s)

Date: _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 6 OF 7

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

Robin Rodisell
Lydia Ponce
Todd Darling

Sue Kaplan *Pam Anderson*

Signature of Appellant(s) or Authorized Agent

Date: 3 September 2015

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

Gabriel Chirino

Section VI. Agent Authorization

I/We hereby
authorize

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

Signature of Appellant(s)

Date: _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 7 OF 7

DEPARTMENT OF
CITY PLANNING

CITY OF LOS ANGELES
CALIFORNIA

COASTAL COMMISSION

ES
M 52
-480

DE

P

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

ROBERT L. AHN
CAROLINE CHOE
RICHARD KATZ
JOHN W. MACK
SAMANTHA MILLMAN
DANA M. PERLMAN
MARTA SEGURA

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300



ERIC GARCETTI
MAYOR

RECEIVED EXHIBIT # 4
South Coast PAGE 1 OF 10

AUG 5 2015

(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

CALIFORNIA
COASTAL COMMISSION

FAX: (213) 978-1275

5-VEN-15-0032 INFORMATION
<http://planning.lacity.org>

NOTICE OF PERMIT ISSUANCE

Date: July 30, 2015

TO: California Coastal Commission

FROM: City of Los Angeles Advisory Agency

SUBJECT: Parcel Map No. AA-2014-1082-PMLA-SL and
Coastal Development Permit No. ZA-2014-1084(CDP)(ZAA)(MEL)

Pursuant to a May 28, 2015 hearing for Coastal Development Permit located at 665 East Vernon Avenue, the Deputy Advisory Agency's July 14, 2015 approval of Parcel Map No. AA-2014-1082-PMLA-SL and Coastal Development Permit No. ZA 2014-1084(CDP)(ZAA)(MEL) became final and in effect on July 29, 2015 and not subject to any appeals. Unless an appeal has been filed with your office after Commission receipt of the enclosed Letter of Determination the action on Coastal Development Permit No. ZA 2014-1084(CDP)(ZAA)(MEL) should also become final and effective 20 days after receipt of the enclosures.

Note: Project is in the single permit jurisdiction area.

JOSE CARLOS ROMERO-NAVARRO
Deputy Advisory Agency

JRN:thb

cc: Applicant's representative

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
LOURDES GREEN
THEODORE L. IRVING
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 10

ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

July 14, 2015

Kambiz Kamdar (A)
528 Palisades Drive, #530
Pacific Palisades, CA 90272

Kamran Kazemi (R)
Tala Associates
1916 Colby Avenue
Los Angeles, CA 90025

CASE NO. ZA 2014-1084(CDP)(ZAA)(MEL)
COASTAL DEVELOPMENT PERMIT,
ZONING ADMINISTRATOR'S ADJUSTMENT
Related Case: AA-2014-1082-PMLA-SL
665 East Vernon Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA: ENV-2014-1083-MND
Legal Description: Lot 17, Blocks "E", "F",
"G", "H" and "I", Vawter Ocean Park Tract

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby DISMISS:

A Zoning Administrator Adjustment for 'early start construction' to permit a front yard prevailing setback of 10 feet in lieu of the required 15 feet; 5-foot side yards in lieu of the required 6 feet for buildings 3-story in height; and a rear yard setback of 5 feet in lieu of the required 15 feet; also, an adjustment to a permit a subdivision with less than the required minimum lot area of 5,000 square feet after dedication.

The adjustments that were required for 'early start construction' at the time of filing, are no longer required. Revisions to small lot procedures (Ordinance No. 183,165), signed by the Mayor on August 5, 2014, resulted in no need for Zoning Administrator Adjustments (ZAA) for 'early start construction' for small lot cases. Furthermore, the adjustment for minimum lot area is not required due to the fact that the property is a legal nonconforming lot.

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

a Coastal Development Permit for the demolition of a 930 square-foot single-family dwelling and construction of two dwelling units in conjunction with Preliminary Parcel Map AA-2014-1082-PMLA-SL within the single permit jurisdiction of the California Coastal Zone.

Pursuant to California Governmental Code Sections 66590 and 66590.1 and the City of Los Angeles Mello Act Interim Ordinance, I hereby DETERMINE:

The proposed project qualifies for an exemption from the Mello Act. Furthermore, the Los Angeles Housing Department declared the project does not involve the demolition or conversion of affordable housing. Therefore, the applicant/owner/developer is not required to provide any inclusionary or replacement affordable dwelling units on-site or within the 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.
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 project shall comply with all conditions identified in Case Nos. AA-2014-1082-PMLA-SL and ENV-2014-1083-MND.

8. The project shall be in conformance with applicable provisions of the Venice Coastal Specific Plan (Ordinance No. 175,693). Prior to any sign-off by the Zoning Administrator, the applicant/owner shall obtain a clearance from the Plan Implementation Division, Community Planning Bureau regarding compliance with the provisions of the Venice Coastal Specific Plan. Said approval shall be in the form of a stamp on the building plans.
9. 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."

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 July 29, 2015 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

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 March 11, 2015, 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 project site is a level, rectangular lot that is 40 feet wide and 120 feet deep. It sits on the north side of Vernon Avenue (a Local Street), between 7th Avenue (a designated Local Street) and Sunset Court (a designated Local Street). A 13.5-foot wide alley is at the rear of the lot. The site is surrounded by single-family and multiple-family dwellings. They are zoned RD1.5-1 and have a General Plan Land Use Designation of Low Medium II. The zoning and land use designation are consistent.

The RD1.5-1 zoning on the site requires 1500 square feet of lot area per dwelling unit. The lot size, which is approximately 4600 net square feet, allows as many as 3 dwelling units. However, the project is for 2 dwelling units. The total number of parking spaces proposed is 5. As designed, the proposed project meets the requirements of the Small Lot Ordinance.

There is a 930 square-foot single-family dwelling on the property that would be demolished as part of the project. There are no trees on the subject site that would be considered native or protected within the City of Los Angeles Protected Tree Ordinance.

The property is located in a liquefaction area and in the Los Angeles Coastal Transportation Corridor. The site is also located in the Venice Coastal Zone, thus the Coastal Development Permit and Mello Clearance must be approved for this project to be developed.

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 Coastal Act contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to Development. The proposed project constitutes new development because it involves the construction of two new single-family dwellings.

Sections 30250, 30251 and 30252 of the California Coastal Act, provide in part and respectively 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 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 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 non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving development with public transportation.

The proposed project will not adversely affect the adjacent or surrounding properties because it is located in a residential district in an existing developed area able to accommodate such uses. The subject property and properties surrounding the site are zoned RD1.5-1 and are developed with multiple-family dwellings and single-family dwellings.

The project has no adverse effects on public access, recreation, public views or the marine environment. The project will not block physical or visual access to or along the coast or public coastal views. The project consists of the demolition of a 930 square-foot single-family dwelling and construction, use and maintenance of 2 dwelling units in conjunction with a Small Lot Parcel Map. The proposed use will neither interfere nor reduce access to the shoreline or beach access. No boating will occur adjacent to the site. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request. There are no identified sensitive habitat areas, archaeological or paleontological resources on the file.

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 Land Use element of the Venice Local Coastal Program (LCP) which is a part of the Venice Community Plan, was adopted in June, 2001.

The project is in compliance with the Venice Community Plan. The Venice Community Plan designates the property for Medium Residential density, consistent with the existing zone of RD1.5-1. The project must be in conformance with the Community Plan Designation and the Zone.

The project shall also be in conformance with applicable provisions of the Venice Coastal Zone Specific Plan (Ordinance No. 175,693). As a condition of approval (Condition #8) prior to any sign-off by the Zoning Administrator, the applicant/owner shall obtain a clearance from the Plan Implementation Division, Community Planning Bureau regarding compliance with the provisions of the Venice Coastal Specific Plan. Said approval shall be in the form of a stamp on the building plans.

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. Because the proposed dwellings are consistent in scale and setback with the surrounding dwellings, and because the site is removed from any sensitive area as well as the shoreline, its construction poses no threat to the protection of coastal resources. Traffic associated with 2 dwelling units is low. The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings.

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 have emerged which would indicate a conflict between this request and any other decision of the Coastal Commission. The subject project does not block physical or visual access to or along the coast. Therefore, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities.

5. **The development is/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 property does not provide access to or from the beach as it is located on East Vernon Avenue at a distance of over 1000 feet from the beach. There is no evidence of any previous public ownership of the lot and the project does not conflict with the goal of providing appropriately located public access points to the coast.

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

On August 25, 2014, a Mitigated Negative Declaration (ENV-2014-1083-MND) was issued for the proposed project. The Mitigated Negative Declaration and Initial Study Checklist were submitted to the State Clearinghouse and posted for a 30-day public review period. The California Resources Agency, California Coastal Commission, Department of Fish and Wildlife, Department of Parks and Recreation, Department of Water Resources, Caltrans, Air Resources Board, Regional Water Quality Control Board, and Public Utilities Commission did not submit any comments regarding the proposed project during that period.

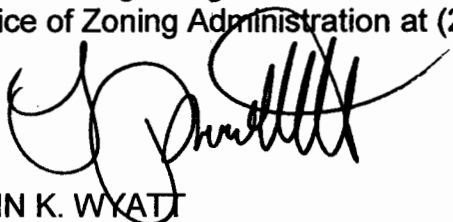
FINDINGS FOR MELLO ACT

7. The proposed project is subject to the Mello Act. In a letter dated March 5, 2014, Robert Manford, Environmental Affairs Officer for the Los Angeles Housing Department issued a letter stating that based on rental information provided by the owner, Vernon Development LLC, a California Limited Liability Company, the Los Angeles Housing Department (LAHD) determined that no affordable units exist at 665 East Vernon Avenue, Venice CA 90291.
8. The proposed project does not meet or exceed the threshold of ten or more new whole dwelling units to require the inclusion of affordable dwelling units. Therefore the applicant/owner/developer is not required to provide any inclusionary affordable dwelling units on-site or within the Coastal Zone.

ADDITIONAL MANDATORY FINDINGS

9. The subject property is not located in an area for which a flood insurance rate map has been prepared.
10. On August 25, 2014, a Mitigated Negative Declaration (ENV-2014-1083-MND) was issued 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 on the original environmental document that with imposition of the mitigation measures described in the MND and adopted as part of the proposed project, there is no substantial evidence that the proposed project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.

Inquiries regarding this matter shall be directed to Kevin Golden, Planning Staff for Office of Zoning Administration at (213) 978-1396.



LINN K. WYATT
Chief Zoning Administrator

COASTAL COMMISSION

EXHIBIT # 4
PAGE 10 OF 10

LKW:KG:thb

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners