

CALIFORNIA COASTAL COMMISSION

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

W17c

Appeal Filed: 04/29/15
49th Day: 06/17/15
Staff: M. Alvarado-LB
Staff Report: 5/28/15
Hearing Date: 06/10/15

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-15-0029

Applicants: George Klein, Susan and Kirk Baxter

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Robin Rudisill, Todd Darling, Gabriel Ruspini, Laddie Williams, Pam Anderson, Mark Kleiman, Lydia Ponce, Ivonne Guzman, Noel Gould

Project Location: 521 Rose Avenue, Venice, City of Los Angeles, Los Angeles County

Project Description: Appeal of City of Los Angeles local coastal development permit (Case No. ZA 2014-2166) for the approval of the partial demolition of a one-story duplex and the construction of a three-story, 30-foot high, 3,510 square foot duplex with four covered parking spaces.

Staff Recommendation: No Substantial Issue

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 appeal has been filed for the following reasons: the project, as approved by the City of Los Angeles, is consistent with the community character policies of sections 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 of the Coastal Act when there is an appeal pursuant to section 30602(a).

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken **only** on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes **total** per side. Please plan your testimony accordingly. Only the applicants, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise 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 - NO SUBSTANTIAL ISSUE	3
II. APPELLANTS' CONTENTIONS.....	3
III. LOCAL GOVERNMENT ACTIONS	3
IV. APPEAL PROCEDURES.....	4
V. DUAL PERMIT JURISDICTION AREA	5
VI. FINDINGS AND DECLARATIONS.....	5
A. PROJECT DESCRIPTION	5
B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS.....	6
C. SUBSTANTIAL ISSUE ANALYSIS	6

EXHIBITS

- Exhibit 1 – Project Location and Vicinity Map
- Exhibit 2 – Project Plans, Site Plans, and Elevations
- Exhibit 3 – Appeal with Local Coastal Development Permit
- Exhibit 4 – Correspondence from Agent
- Exhibit 5 – Testimonials
- Exhibit 6 – Pictures of Project Site and Surroundings along Rose Avenue

I. MOTION AND RESOLUTION - NO SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-15-0029 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 **YES** vote. 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-15-0029 presents NO **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 April 1, 2014, the Commission received a valid the notice of final local action for Local Coastal Development Permit (CDP) No. ZA 2014-2166, which approved the partial (more than 50%) demolition of a 1,670 square foot, one-story duplex, and the construction of a 3,510 square foot, 30-foot high, three-story duplex with four parking spaces at 521 E. Rose Avenue, Venice in Los Angeles (**Exhibit 3, page 17**).

On April 29, 2015, within 20 working days of receipt of notice of final local decision, Robin Rudisill, Todd Darling, Gabriel Ruspini, Laddie Williams, Pam Anderson, Mark Kleiman, Lydia Ponce, Ivonne Guzman, and Noel Gould filed an appeal of the local CDP alleging that the proposed project violates the Chapter 3 policies of the Coastal Act and the policies of the Venice Land Use Plan, particularly Policy Group I, which refers to Sections 30244, 30250, 30251, 30252, and 30253 of the Coastal Act (**Exhibit 3**). The appellants assert that the proposed project poses potentially adverse impacts to the community character of Venice, affordable housing ("Mello Act"), and compliance with CEQA. Additional allegations were made relating to the content of the City-issued permit with regards to the following: the proceedings of the public hearing, the permit's inadequate findings and the lack of substantial evidence, and a few discrepancies and inconsistencies. No other appeals were received prior to the end of the appeal period on April 29, 2015.

III. LOCAL GOVERNMENT ACTIONS

On June 12, 2014, the applicants 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. 2014-2166.

The project description of the Local CDP No. ZA 2014-2166 reads as follows:

“...the demolition of more than 50 percent of an existing 1,760 square-foot duplex, to create a 3,510 square-foot, 30-foot in height two-family dwelling with four parking spaces on a 3,139 square-foot lot in the C4-1 Zone, within the single permit jurisdiction of the California Coastal Zone”.

The City’s records state that on October 23, 2014, the City of Los Angeles Office of Zoning Administration held a public hearing before the Los Angeles City Zoning Administrator (ZA) for Local Coastal Development Permit No. ZA 2014-2166. The hearing was attended by the applicants’ representative, the applicants, and the Land Use and Planning Chair (LUPC) Chair, Robin Rudisill on behalf of the Venice Neighborhood Council (VNC) (**Exhibit 3, pages 5 & 23**).

On March 11, 2015, the Zoning Administrator approved with conditions the Local Coastal Development Permit for the proposed demolition of a duplex and the construction of a 2-unit residence. The City issued the Director of Planning Sign-off (DIR 2014-1120-VSO-MEL) on April 3, 2014 for the proposed project’s conformance to the Venice Specific Plan and the CEQA Notice of Exemption (ENV-2014-2167-CE) on June 17, 2014 (**Exhibit 3, page 13**). Although the ZA’s action was appealable to the City Council, 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. 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

The applicants propose to partially demolish an existing one-story duplex with no on-site parking and construct an approximately 3, 510 square foot, 30 foot high duplex with a varied roofline, on a

3,139 square foot, rectangular lot. Proposed parking for the project includes four on-site, enclosed parking spaces accessed from the alley (**Exhibits 2 & 3**).

The project site is a 3,139 square foot lot located at 521 E. Rose Avenue in Venice, approximately ½ of a mile inland of the beach and within the Single Jurisdiction Area of the coastal zone (**Exhibit 1**). The project is located in a highly urbanized area along Rose Avenue, a major street, between Fourth and Seventh Avenues, within the Venice Oakwood neighborhood. In addition, the lot has a C4-1 (Community Commercial) designation and is surrounded by a variety of old and new commercial buildings, mixed-use buildings, multi-unit residential structures and single-family residences (**Exhibit 6**). Moreover, the existing development does not include on-site parking and is currently a non-conforming structure.

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 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 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 primarily to the proposed project's potential impacts to the community character of Venice, conformance with the Venice Certified Land Use Plan, compliance with CEQA, affordable housing ("Mello Act"), and the City's procedural process of the permit.

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. ZA 2014-2166 issued by the City of Los Angeles indicates that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250, 30252, and 30253, of the Coastal Act, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**Exhibit 3, page 17-27**).

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 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

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

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) of the Coastal Act states:

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

Community Character

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 (Cal. Pub. Res. Code §§ 30200-30265.5). The appellants argue that the project is not compatible with the character, scale and mass of the existing neighborhood.

While the certified Venice LUP is not the standard of review for finding substantial issue, the standards provide guidance from which the Commission can evaluate the adequacy of a project's mitigation of impacts. In its adoption of the certified 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.

When the LUP was certified in 2001, the Commission considered the potential impacts that development could have on community character and adopted residential building standards 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 local coastal development permit approves the partial demolition of an existing duplex and the construction of new duplex on a site designated as "Community Commercial" by the certified Land Use Plan (LUP) for Venice.

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The Community Commercial land use designation accommodates a mix of residential dwelling units and neighborhood and visitor-serving commercial uses and services, with commercial uses on the ground floor and residential uses above. The proposed project is a residential-only project and, therefore, cannot provide the types of visitor-serving commercial uses to which Section 30222 gives priority. It is important to note, however, that the Venice LUP provides specific provisions

regarding land use on Community Commercial Areas of Special Interest such as properties along Rose Avenue between Fourth and Seventh Avenues, where the proposed project is located.

The following section of the certified Venice LUP addresses the Community Commercial Land Use:

Policy 1.8.6. Community Commercial Land Use.

The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial/and use category.

Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.

Community Commercial Areas of Special Interest

d. Oakwood Community Commercial. *Properties located along Rose Avenue between Fourth and Seventh Avenues (Exhibit 11a). Uses: Residential use, neighborhood retail and services, personal services, and small scale businesses oriented to the local community.*

The project site is located in the Oakwood Community Commercial neighborhood along Rose Avenue, a major street, in Venice. This neighborhood has a unique blend of old and new commercial buildings, mixed-use buildings, single- and multi-family residences, which vary in architectural style, height, and scale. The Oakwood area of Venice has been recognized in both prior permit and appeal decisions as a unique coastal community. The certified LUP does not prohibit a residential use only project and allows for “residential use” on the subject property, which is within the Oakwood Community Commercial Area of Special Interest.

The standard of review for the substantial issue determination is the Chapter 3 policies of the Coastal Act. The appellants’ appeal addresses the proposed project’s potential non-conformance with the established community character in Venice in relation to the style, mass and scale of surrounding buildings and residences in the area. Throughout the neighborhoods of Venice, there are a wide range of residential and commercial buildings that vary in scale and style. Venice’s historical character, among other attractions including the Ocean Front Walk (boardwalk) and the

beach, makes it a popular touristic destination. As a result of its unique coastal communities, Venice is a coastal resource to be protected.

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.

Sections of the Venice LUP addressing character:

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.

The LUP policies encourage “architectural diversity” in Venice. 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 defined a specific architectural style for the various neighborhoods of Venice.

Ultimately, the extent to which the history of such demolition/rebuild/remodel has altered the community character of Venice remains difficult to determine. 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 two grants to assist in developing a LCP for Venice.

Typically, the Commission looks at allowable land uses, density, and height when evaluating whether or not a project is visually compatible with the character of the neighborhood, along with the existing characteristics and styles of the surrounding area. The proposed development does not raise a substantial issue in regards to Chapter 3 of the Coastal Act. The proposed project is similar in height, mass, and style to other structures along Rose Avenue (**Exhibit 2 & 6**). The Oakwood neighborhood is comprised of an amalgam of new and old one-to-three story buildings; the newer buildings are rooted in the contemporary and modern architectural styles similar to the style of the proposed project. The site is currently developed with a one-story duplex. The existing duplex is flanked by a one-story café/bar on the east side and a two-story apartment building on the west side. Across the street from the proposed lot there is a Commission-approved three-story, 35-foot high 70-unit residential and commercial mixed-use building (A5-VEN-05-206) at 512 Rose Avenue.

The proposed project will be two-stories, 25 feet in height fronting Rose Avenue and two-stories 25 feet in height at the rear alley (**Exhibit 2**). The proposed building facade facing Rose Avenue will be varied and articulated with a balcony and windows facing the street, and frequent windows throughout the structure (**Exhibit 2**). The middle section of the building will be three-stories with a varied roof line at 30 feet above grade (**Exhibit 2**). In addition, the proposed duplex will have a 7-foot front yard setback and the minimum side yard setbacks of 3 feet.

The City of Los Angeles has consistently limited new development in the project area to a height of 25 feet (flat roof), or 30 feet (varied roofline) measured above the fronting right-of-way. The proposed project conforms to the 30-foot height limit of the LUP for varied rooflines. The only portions of the proposed structure that may exceed the 30 foot height limit by no more than 4 feet include the chimneys, HVAC, and one roof access structure (stair enclosure) (**Exhibit 2**). 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. The Venice Specific Plan, which the Commission has not certified, also sets forth the same height limits as the certified Venice LUP. The project, as proposed, conforms to the mandated height limits 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.

To address the contention that the project is not consistent with the community character policies of Chapter 3 of the Coastal Act, the proposed two-unit project with floor area of 3,510 square feet on a 3,139 square foot lot meets the certified Venice Land Use Plan (LUP) and the City of Los Angeles Municipal Code density provisions. The LUP addresses density in this area of Venice and the City approved project is in conformance with the density provision in the LUP Policy.

Policy I.A.7.d of the certified Venice LUP 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...

The Venice Land Use Plan, and the Venice Specific Plan, allow for a two-unit residential structure on lots larger than 2,000 square feet and smaller than 4,000 square-feet. The subject lot, as it is currently oriented, is approximately 3,139 square-feet and complies with the required lot area for a duplex. 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. Moreover, residential use development is allowable under the policies of the LUP for a Community Commercially designated lot for properties along Rose Avenue between Fourth and Seventh Avenues.

CEQA

The appellants oppose the proposed project on the grounds that it violates CEQA. The appellants argue that the CEQA Notice of Exemption was not appropriately prepared for the proposed project, which entails the partial demolition of an existing duplex and the construction of a new duplex, but was prepared for a “duplex remodel and addition” on June 17, 2014 (Receipt No. 17603). Thus, they state the finding is invalid. The Commission has no authority to review and invalidate a lead agency's CEQA determination and thus, the appellants' contention does not constitute a substantial issue.

Mello Act – Affordable Housing

The appellants also contend that the proposed project does not qualify for a Mello Act Exemption. They argue that the existing structure is not “owner occupied”, and, therefore, the City's Mello Act determination to exempt the project from a Mello Act compliance Review is incorrect because the owners do not live in the existing duplex. Since the receipt of the appeal, the Coastal Commission staff has received numerous testimonials from the neighboring residents and one of the owners, George Klein, confirming that the Klein has lived at 521 Rose Avenue for the past two years **(Exhibit 5)**.

Ultimately, the preservation of low-cost housing in the coastal zone was included in early versions of the Coastal Act. This criteria, however, has been removed from the Coastal Act by the California State Legislature and, therefore, does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act. Accordingly, the Commission no longer has authority to review 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.

Other Allegations:

The appellants' allegation relating to the City's account of the Venice Neighborhood Council's involvement during the public hearing does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act. The public hearing was held on October 23, 2014 for Local

CDP No. ZA 2014-2116. According to the City, the proposed project was taken under advisement for a few weeks to allow the Venice Neighborhood Council (VNC), an advisory board, to review the project (**Exhibit 3, page 23**). Conversely, the appellants argue that the case was closed the day of the hearing (**Exhibit 3, page 5**). When Robin Rudisill, the LUPC Chair, arrived late, the Zoning Administrator did not reopen the case even though Rudisill requested that the record stay open to allow the VNC time to make a recommendation. The hearing was from 9:00 am to 9:30 am, as scheduled; Rudisill arrived at the hearing approximately at 9:15 am. After the hearing, VNC President Mike Newhouse also sent a letter to the Chief Zoning Administrator asking to open the case for VNC advisement. Whether or not the case was held open for VNC review raises local procedural issues not related to whether or not the project complies with Chapter 3 of the Coastal Act, and therefore, does not raise a substantial issue regarding the project's conformity with Chapter 3.

The appellants also argue that the Local CDP contains inadequate findings that are not supported by substantial evidence, and that the ZA failed to mention the Venice LUP. Pages 7-9 of the City's Findings (**Exhibit 3, pages 24-26**) provide evidence that the Local CDP complies with the Chapter 3 policies of the Coastal Act. The Venice LUP provides guidance, but the standard review is the 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.

Aside from the typographical errors, the appellants also assert that the Local CDP issued by the City for the proposed project contained discrepancies and inconsistencies. The inconsistencies were primarily had to do with the project description. For instance, the proposed project was sometimes labeled a remodel versus a demolition, or the proposed structure was sometimes described as two stories versus three stories. The appellants also noted that the ZA described the project as a "two-family dwelling" or "two-single family dwellings" instead of a two-unit dwelling or duplex. The matter in which the project's number of units is described does not raise a substantial issue because the two-unit use of intensity will not change. In addition, regardless of how the project is labeled, the City processed the permit for "...the demolition of more than 50 percent of an existing 1,760 square-foot duplex, to create a 3,510 square-foot, 30-foot in height two-family dwelling with four parking spaces on a 3,139 square-foot lot in the C4-1 Zone, within the single permit jurisdiction of the California Coastal Zone". This description is consistent with the approved project plans (**Exhibit 2**). In addition, this contention does not raise a substantial issue as the project is still consistent with the policies of Chapter 3 of the Coastal Act.

Conclusion

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. The City's conclusion was adequately supported by sufficient evidence and findings. The City discussed consistency with the Venice Specific Plan, Los Angeles Municipal Code, and Venice Community Plan but did not mention the project's conformity to the provisions of the Certified Venice LUP, which represents Section 30244, 30250, 30251, 30252, and 30253 of the Coastal Act. The City,

Appeal – No Substantial Issue

however, ensured that the proposed project complies with the Chapter 3 policies of the Coastal Act with regards to land use, density, and height. In doing so, the City directly applied the policies of Chapter 3 of the Coastal Act and concluded that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250, 30252, and 30253, of the Coastal Act, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

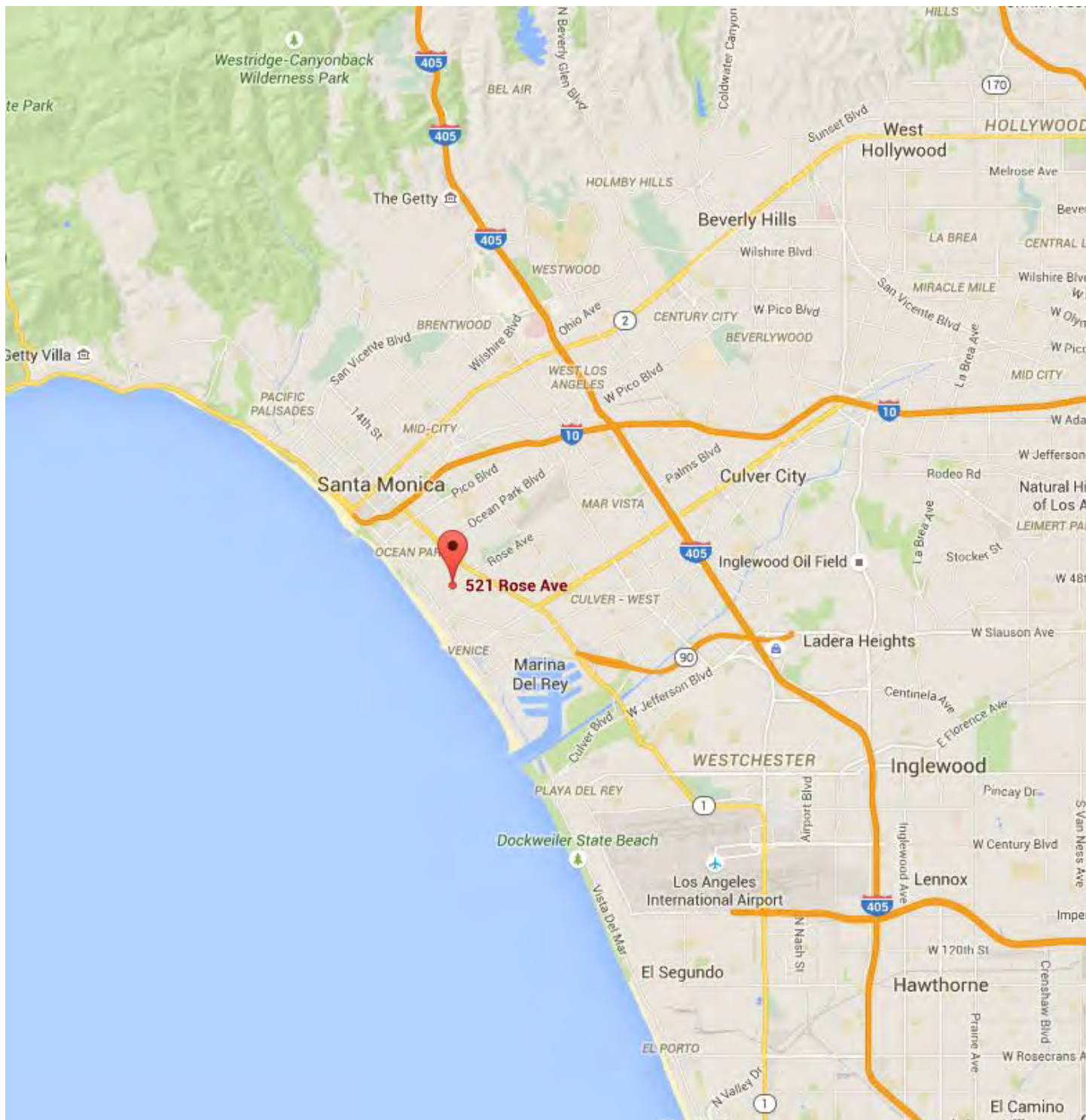
The second factor is the extent and scope of the development as approved or denied by the local government. The scope of the approved development is the demolition of the existing duplex and the construction of a 3,510 square foot duplex on a 3,139 square foot lot, which is a relatively minor project in the inland area of Venice's Coastal Zone. 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. Therefore, the scope of the approved development supports a finding that the appeal raises "no substantial" issues.

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 ½ of a mile from the beach in a developed mixed-use area providing a mix of visitor-serving, commercial, recreational, and residential uses. 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, but it does have a certified Land Use Plan (LUP). The proposed development is consistent with the mass, height and scale of past Commission approvals for this area of Venice, and with the policies of the certified Venice LUP. 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.

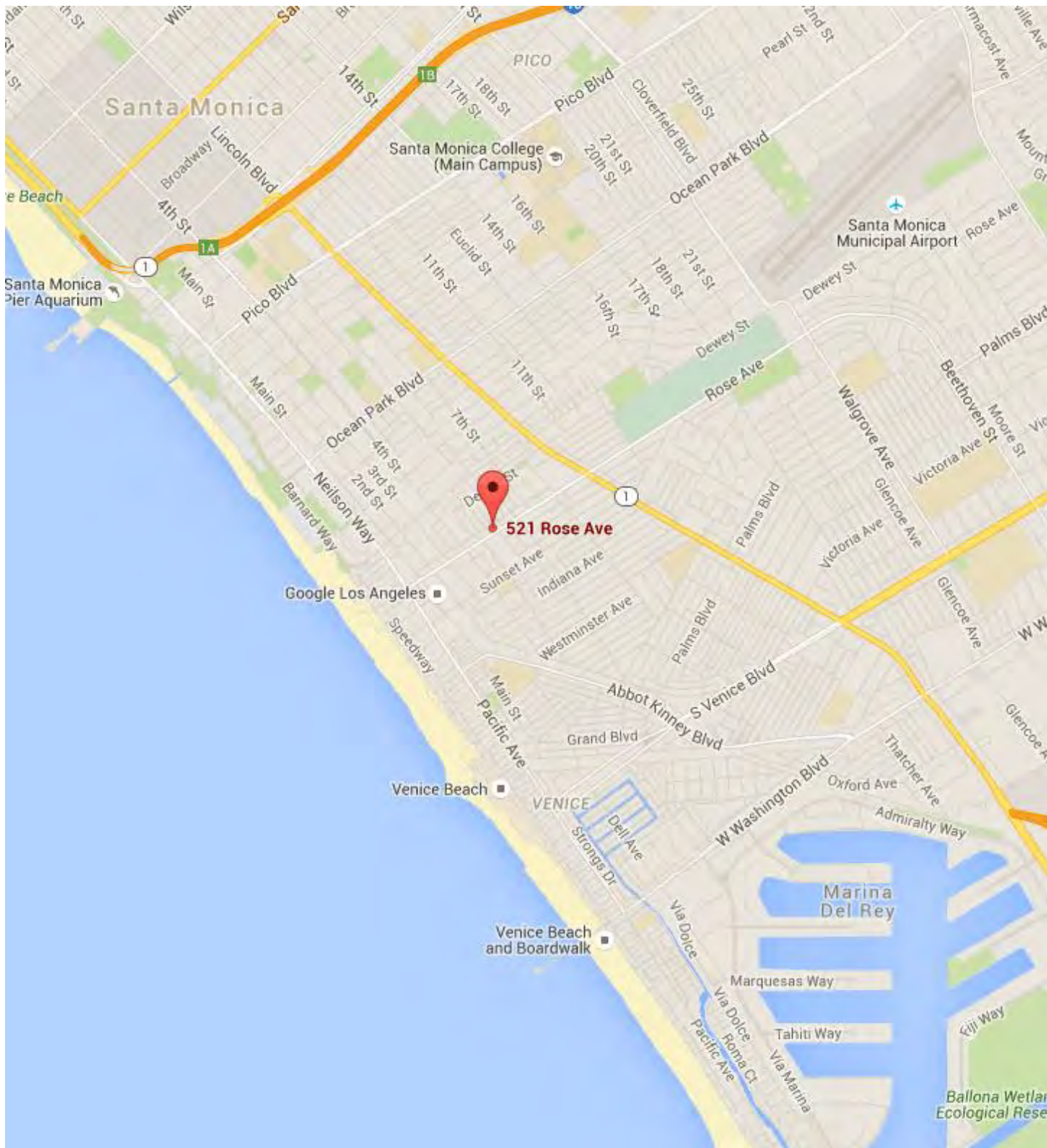
The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources, including community character, are important statewide issues, but this appeal raises local issues only. The City addressed CEQA with a CEQA Notice of Exemption, and addressed the replacement of affordable housing feasibility with a Mello Act exemption determination pursuant to Section 65590(b) of the Mello Act. While there are several local issues that the City addressed, the City's approvals do not raise issues of statewide significance.

In conclusion, the issues for this appeal relate primarily to the potential impacts to the community character of Venice, conformance with the Venice Certified Land Use Plan, affordable housing ("Mello Act"), and compliance with CEQA. In this case, the proposed project is in conformity with the Chapter 3 policies of the Coastal Act. The Commission has no jurisdiction to review local government's compliance with CEQA or 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.



COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 2



COASTAL COMMISSION

521 ROSE AVE, VENICE, CA 90291
MAJOR REMODEL - DUPLEX

MEASURED FROM THE PROJECTION OF MIDPOINT OF LOT FRONTAGE
ON CL. OF THE STREET, AS PER VCASP, SECTION 9-B.3

SHEET INDEX

A1.0	COVER SHEET	A5.1	BUILDING SECTIONS
A1.1	VENUE COASTAL ZONE SPECIFIC PLAN	A5.2	BUILDING SECTIONS
A1.2	VENUE COASTAL ZONE SPECIFIC PLAN	A5.3	BUILDING SECTIONS
C0.0	SLIPWAY	A6.1	PHOTO KEY MAP
A2.1	SITE PLAN	A6.2	PHOTOS
A3.1	1ST AND 2ND FLOOR PLANS	A6.3	PHOTOS
A3.2	3RD FLOOR AND ROOF PLAN		
A4.1	POOR AND WEST ELEVATIONS		
A4.2	REAR AND EAST ELEVATIONS		

VICINITY MAP



PROJECT INFORMATION

ADDRESS	5201 ROSE AVE. KENNESAW, GA 30141
APN #	9-21-0000-002
ZONING	C-4-1
MAX. HEIGHT	
LOT AREA	3,139 S.F.
EXISTING USE	COMMERCIAL & RESIDENTIAL
PROPOSED USE	RESIDENTIAL - TWO DWELLING UNIT
TYPE OF CONSTRUCTION	TYPE V - NON-ADDED
ALLOWED F.A.R.	1.51 F.A.R. (3,139 S.F. x 1.5 = 4,708.50 S.F.)
EXISTING F.A.R.	0.53 F.A.R. (1,670 S.F. / 3,139 S.F.)
PROPOSED F.A.R.	1.11 F.A.R. (3,507 S.F. / 3,139 S.F.)

PROJECT SIZE

EXISTING BUILDING TO BE DEMOLISHED 1,670 SQ. FT.
PROPOSED UNIT A = 1,728.4 SQ. FT. TERRACE: 661 SQ. FT.
PROPOSED UNIT B = 1,782.3 SQ. FT. TERR.+BALCONY: 320 SQ. FT.

HEIGHT

ALLIANCE: 30'-0" FOR ROOFS WITH SLOPES 2.25:12 OR MORE
PROPOSED: DATUM 26.15, HIGHEST POINT OF VAIKED ROOFS: 59.15
PROPOSED HIGHEST POINT FOR ROOFS WITH SLOPES 2.25:12
IS 30'-0" FROM DATUM

SETBACKS

FRONT	7'-0"	7'-0"
REAR AND LATERAL SETBACKS:		
FOR ALL PORTIONS OF BUILDINGS EXISTING AND USED FOR RESIDENTIAL PURPOSES, THE MINIMUM SETBACKS SHALL BE AS SHOWN ON THE MAP.		
FOR THE R4 ZONE, SECTION 12.11.01.02 AND 3), SHALL BE PROVIDED AND MAINTAINED AT THE FOLLOWING MINIMUM SETBACK LEVEL OF: THE FIRST STORY USED FOR		
REAR AND LATERAL SETBACKS:		
FOR ALL PORTIONS OF BUILDINGS EXISTING AND USED FOR RESIDENTIAL PURPOSES, THE MINIMUM SETBACKS SHALL BE AS SHOWN ON THE MAP.		
FOR THE R4 ZONE, SECTION 12.11.01.02 AND 3), SHALL BE PROVIDED AND MAINTAINED AT THE FOLLOWING MINIMUM SETBACK LEVEL OF: THE FIRST STORY USED FOR		
LATERAL:		
EAST:	0'-0" LESS 3'-0" IF LESS THAN 10'-0" FROM THE LOT OR ONE FOOT OF THE LOT	0'-0"
WEST:	3'-0" IF LESS THAN 10'-0" FROM THE LOT OR ONE FOOT OF THE LOT	4'-0"

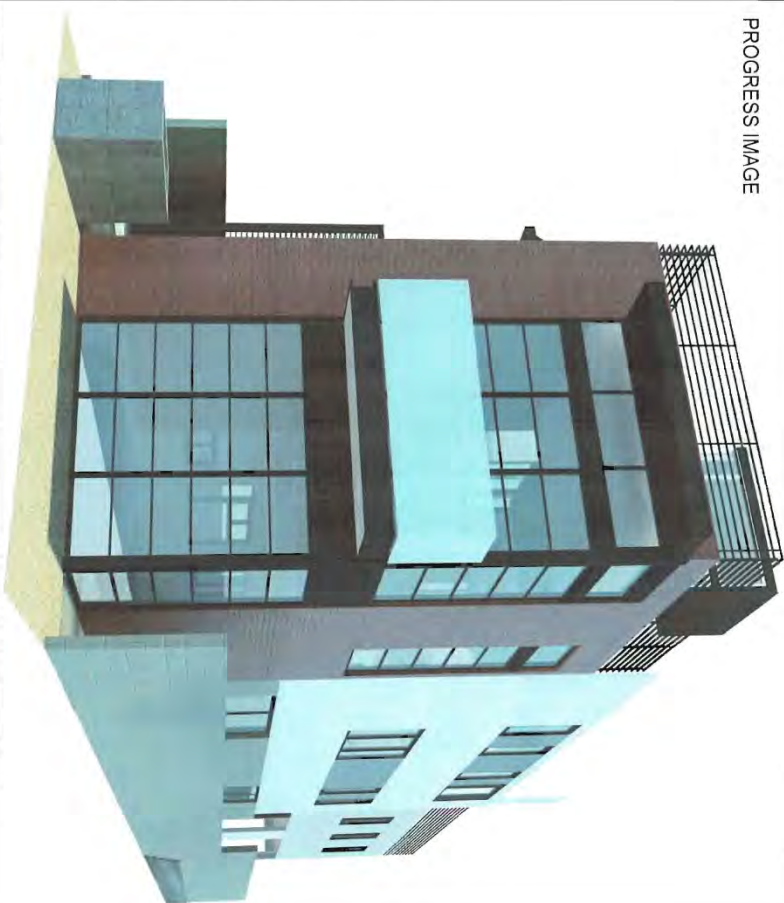
657 Rose Ave.

VENICE, CA 90291
Phone: (310) 393-9128
Fax: (310) 292-2520

OWNER AND CONSULTANTS

RENDERING

PROGRESS IMAGE



ROSE AVE.

PARKING

MULTIPLE DWELLING AND DUPLEX ON A LOT LESS THAN 40 FEET IN WIDTH,
OR 35 FEET IN WIDTH IF ADJACENT TO AN ALLEY PER SECTION 13.0 OF THE
ZONING = 2 SPACES FOR EACH DWELLING UNIT.

PROVIDED:	
STANDARD:	
COMPLIANT:	1/2
TOTAL STALLS:	4

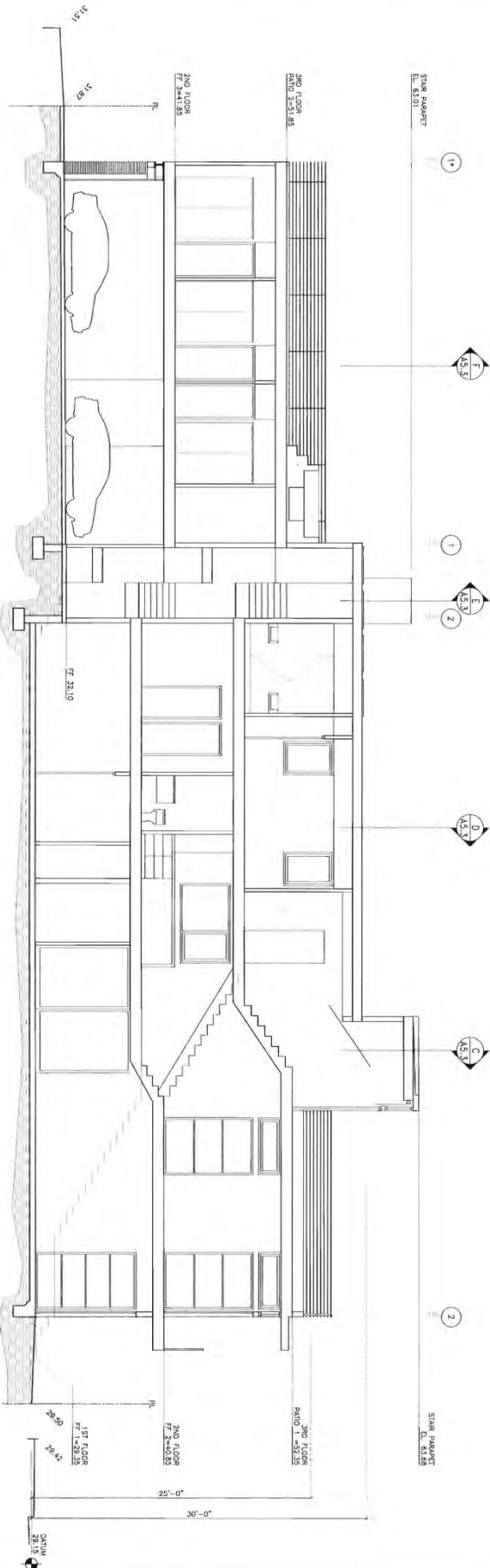
REED
 ARCHITECTURAL
 GROUP, INC.
 657 ROSE AVE. VENICE CA 90291
 Phone: 310 593 9128
 Fax: 310 593 2539
www.reedarchgroup.com

DATE	ISSUE/REVISION
10-22-13	ISSUING DESIGN
10-26-13	CLIENT REVIEW
11-04-13	CLIENT REVIEW

NOT FOR CONSTRUCTION UNIT
 SHEET 35 OF 40 SHEETS

COVERSHEET

A1.0



SECTION A-A

PLANS APPROVED
AS REQUIRED BY
CASE NO. 2014-1125-010-WAL
Planner: [Signature]
Community Planning Bureau
City of Los Angeles Planning Dept.
Date: 4/3/14

521 ROSE AVE.

REED
ARCHITECTURAL
GROUP, INC.
657 ROSE AVE., VINCE, CA 90291
Tel: 310 393 2529
www.reedarchgroup.com

SEE FOR CONSTRUCTION LIMITS
SHOWN BY THE ARCHITECT

DATE	DESCRIPTION
10-24-13	SCHEMATIC DESIGN
10-26-13	CLIENT REVIEW
11-04-13	CLIENT REVIEW

A5.1

ROSE AVE.

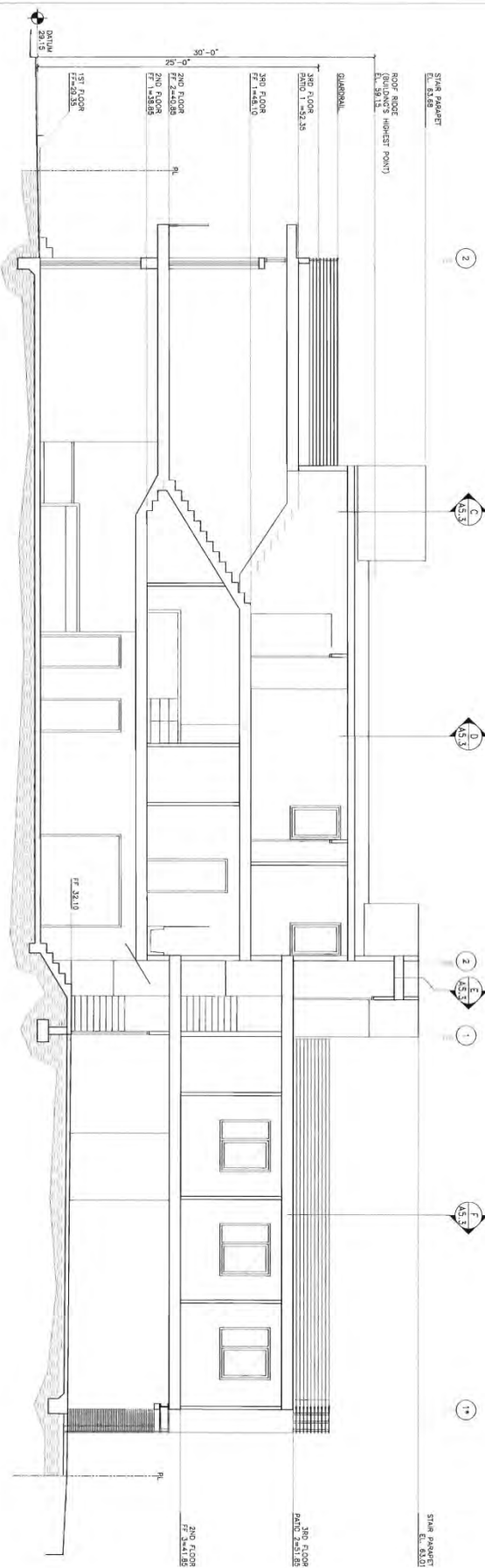
THE **NEW** **YORK** **PUBLIC** **LIBRARY**

**REED
ARCHITECTURAL
GROUP, INC.**
657 ROSE AVE. VENICE, CA 90291
Phone: 310.393.9128
Fax: 310.393.2539
www.reedarchgroup.com

NOT FOR CONSTRUCTION UNLESS
SIGNED BY THE ARCHITECT

DATE	ISSUE/REVISION
10-22-13	SCHEMATIC DESIGN
10-30-13	CLIENT REVIEW
11-04-13	CLIENT REVIEW

A5.5.2



SECTION B-B

$\frac{1}{8}$ " IF PRINTED 19X13

ROSE AVE.

REED
ARCHITECTURAL
GROUP, INC.
660 ROSE AVE., VINCENT, CA 95571
Phone: 310 395 2535
www.reedarch.com

REED ARCHITECTURAL GROUP, INC.
660 ROSE AVE., VINCENT, CA 95571
Phone: 310 395 2535
www.reedarch.com

DATE	REVISION
10-27-13	SCHEMATIC DESIGN
10-30-13	CLIENT REVIEW
11-04-13	CLIENT REVIEW

NOT FOR CONSTRUCTION
DRAWN BY: REED ARCHITECT

A5.3

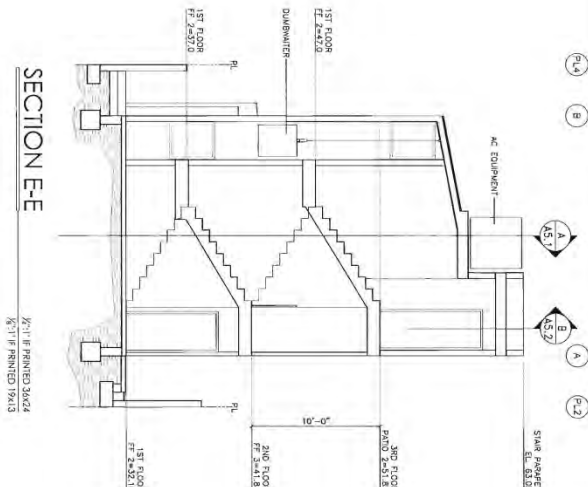
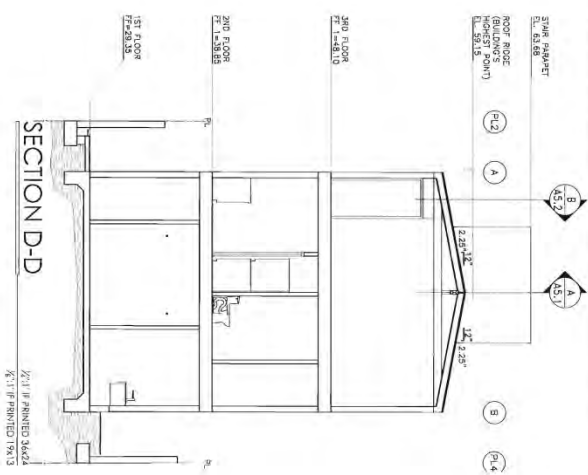
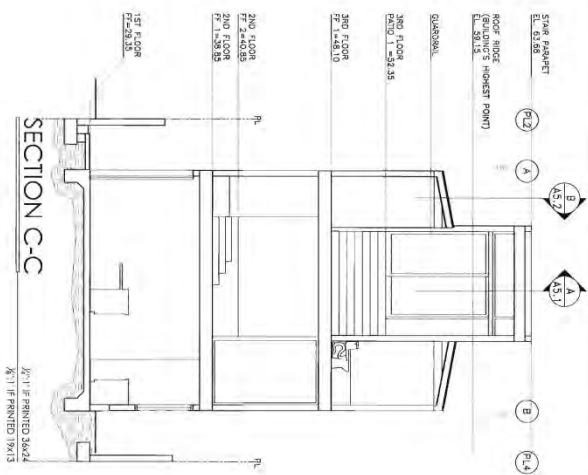


EXHIBIT #

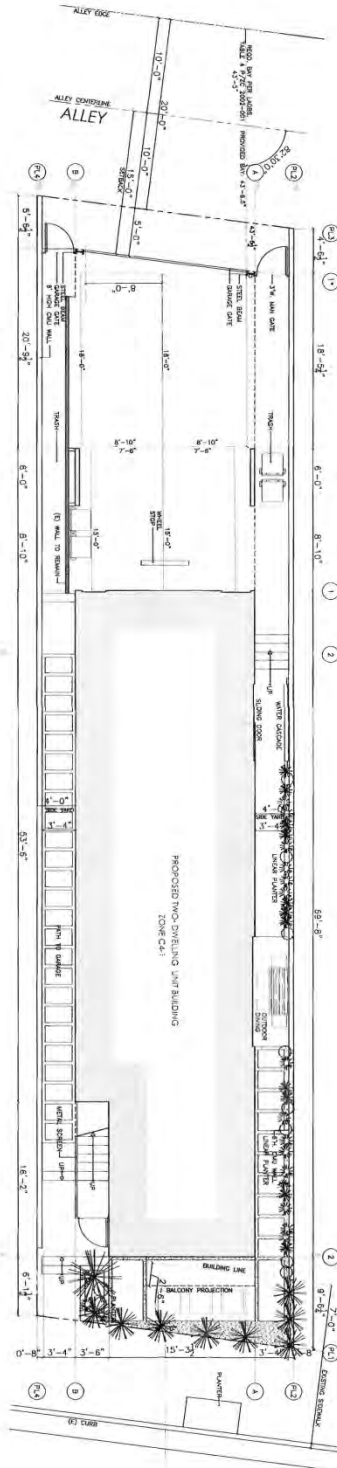
PAGE 5

2

9

SUMMARY TABLE:

ADDRESS	521 ROSE AVE. (UNICE, CA 90231)	LOT AREA	2,139 S.F.
APN #	4340-001-002	PROJECT SIZE	AREAS
ZONING	C-4-1	EXISTING BUILDING TO BE DEMOLISHED	1,410
UNICE COMM. ZONE SPECIFIC PLAN	505-4464 (ADDITION, WALKWAY, 800'-648" UNICE	PROPOSED UNIT #	1,728.4 SQ. FT.
LOT AREA	2,139 S.F.	PROPOSED UNIT #	1,728.4 SQ. FT.
EXISTING P.A.R.	1,410 P.A.R. (1,410 S.F. / 1.410 S.F. / 1.410 S.F.)	TOTAL BUILDING	285.207
PROPOSED P.A.R.	0.53 P.A.R. (1,470 S.F. / 1,138 S.F. / 1,138 S.F.)	TOTAL PROPOSED	4,516.7 SQ. FT.



SITE PLAN

1/2" = 1' IF PRINTED 36x24
1/8" = 1' IF PRINTED 19x13

PLANS APPROVED

as required by

CASE NO. 2016-120-118-wel

Planner

Community Planning Bureau

City of Los Angeles Planning Dept.

Date: 4/3/14

521 ROSE AVE.

REED
ARCHITECTURAL
GROUP, INC.
444 ROSE AVE. SUITE 200
PO BOX 210 203 9128
LOS ANGELES, CA 90021
Phone 310 203 9128
www.reedarchitect.com

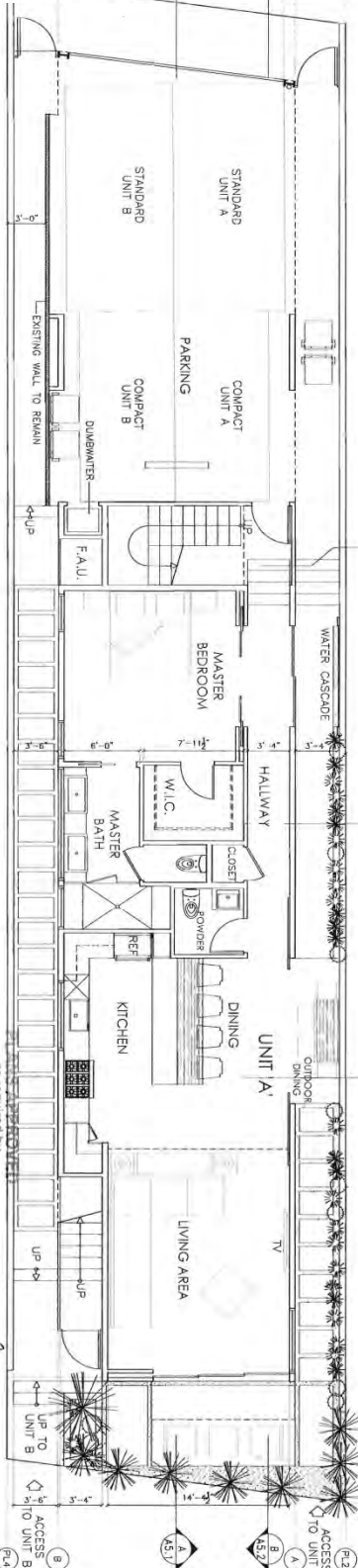
NOT FOR CONSTRUCTION. LINES
SHOWN ARE NOT TO SCALE

DATE	SCALE/REVISION
10-22-13	CLARIFY NOTES
11-25-13	CLARIFY NOTES

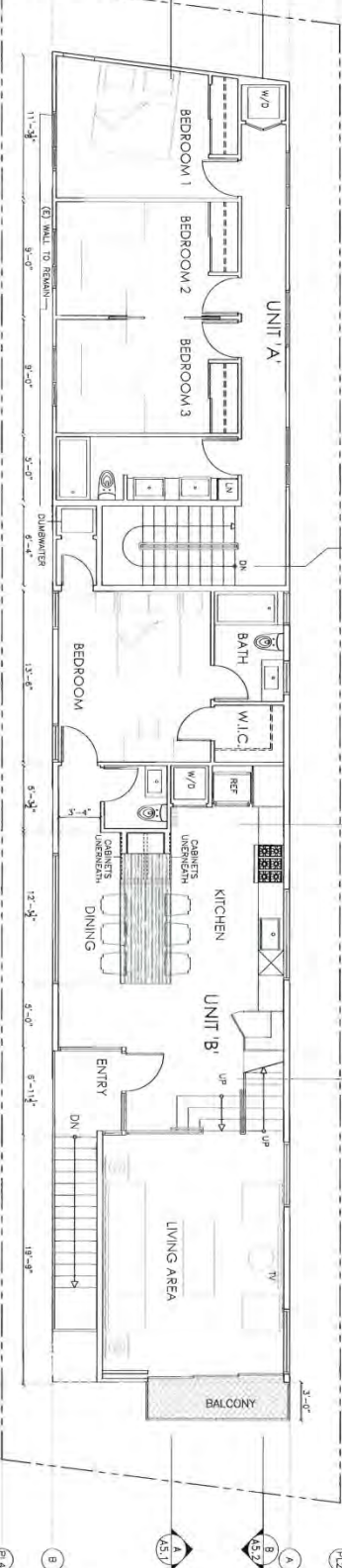
A2.1

ROSE AVE.

1ST FLOOR



2ND FLOOR



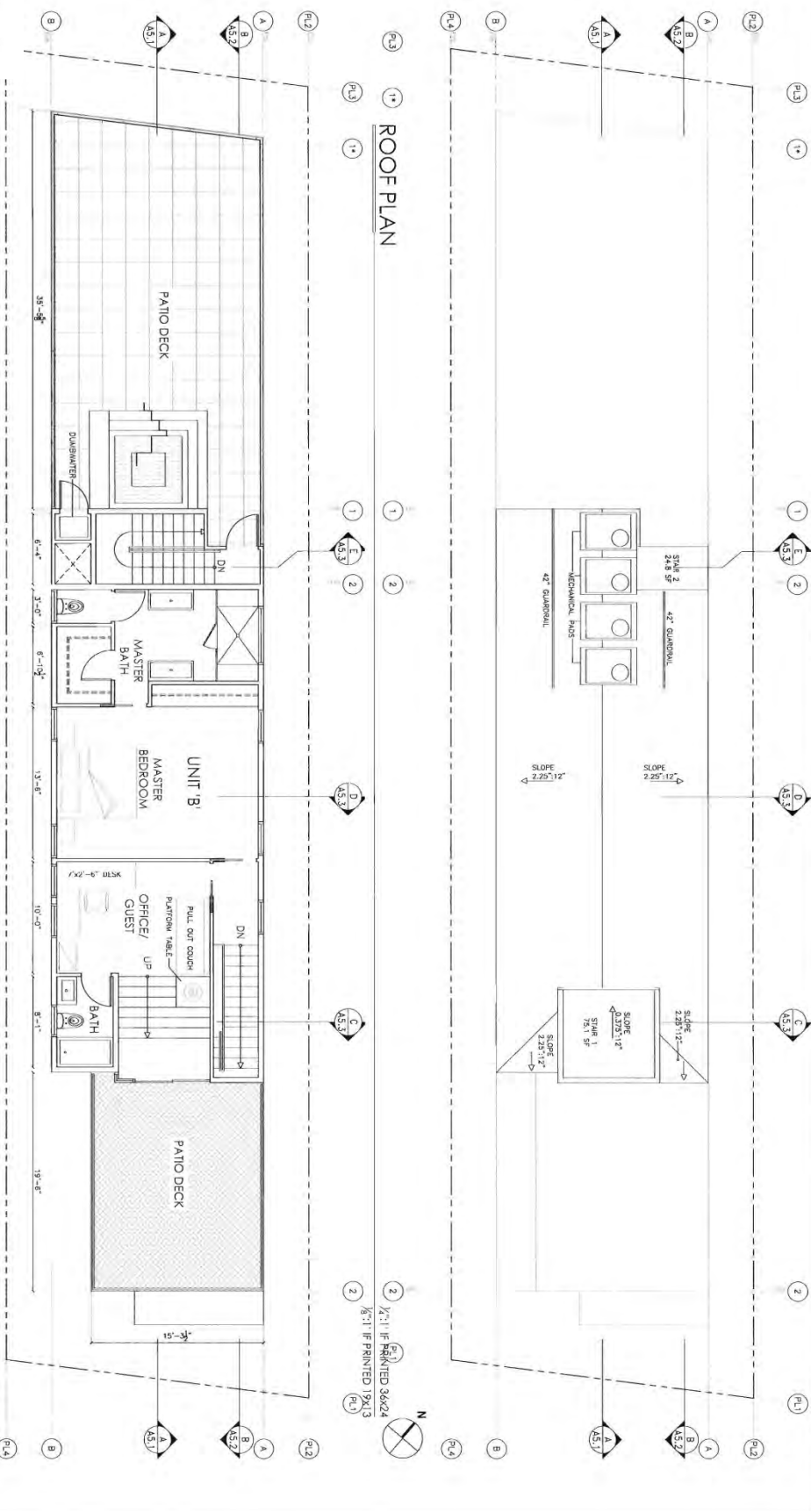
REED
ARCHITECTURAL
GROUP, INC.
1000 S. GATEWAY BLVD., SUITE 100
SAN ANTONIO, TEXAS 78210
Phone: 210.353.2539
Fax: 210.353.2539
www.reedarchitectural.com

DATE: 10-27-13
10-27-13: 10-27-13
11-24-13: 11-24-13
12-14-13: 12-14-13
13-14-13: 13-14-13
14-14-13: 14-14-13
15-14-13: 15-14-13
16-14-13: 16-14-13
17-14-13: 17-14-13
18-14-13: 18-14-13
19-14-13: 19-14-13
20-14-13: 20-14-13
21-14-13: 21-14-13
22-14-13: 22-14-13
23-14-13: 23-14-13
24-14-13: 24-14-13
25-14-13: 25-14-13
26-14-13: 26-14-13
27-14-13: 27-14-13
28-14-13: 28-14-13
29-14-13: 29-14-13
30-14-13: 30-14-13
31-14-13: 31-14-13
32-14-13: 32-14-13
33-14-13: 33-14-13
34-14-13: 34-14-13
35-14-13: 35-14-13
36-14-13: 36-14-13
37-14-13: 37-14-13
38-14-13: 38-14-13
39-14-13: 39-14-13
40-14-13: 40-14-13
41-14-13: 41-14-13
42-14-13: 42-14-13
43-14-13: 43-14-13
44-14-13: 44-14-13
45-14-13: 45-14-13
46-14-13: 46-14-13
47-14-13: 47-14-13
48-14-13: 48-14-13
49-14-13: 49-14-13
50-14-13: 50-14-13
51-14-13: 51-14-13
52-14-13: 52-14-13
53-14-13: 53-14-13
54-14-13: 54-14-13
55-14-13: 55-14-13
56-14-13: 56-14-13
57-14-13: 57-14-13
58-14-13: 58-14-13
59-14-13: 59-14-13
60-14-13: 60-14-13
61-14-13: 61-14-13
62-14-13: 62-14-13
63-14-13: 63-14-13
64-14-13: 64-14-13
65-14-13: 65-14-13
66-14-13: 66-14-13
67-14-13: 67-14-13
68-14-13: 68-14-13
69-14-13: 69-14-13
70-14-13: 70-14-13
71-14-13: 71-14-13
72-14-13: 72-14-13
73-14-13: 73-14-13
74-14-13: 74-14-13
75-14-13: 75-14-13
76-14-13: 76-14-13
77-14-13: 77-14-13
78-14-13: 78-14-13
79-14-13: 79-14-13
80-14-13: 80-14-13
81-14-13: 81-14-13
82-14-13: 82-14-13
83-14-13: 83-14-13
84-14-13: 84-14-13
85-14-13: 85-14-13
86-14-13: 86-14-13
87-14-13: 87-14-13
88-14-13: 88-14-13
89-14-13: 89-14-13
90-14-13: 90-14-13
91-14-13: 91-14-13
92-14-13: 92-14-13
93-14-13: 93-14-13
94-14-13: 94-14-13
95-14-13: 95-14-13
96-14-13: 96-14-13
97-14-13: 97-14-13
98-14-13: 98-14-13
99-14-13: 99-14-13
100-14-13: 100-14-13

A3.1

(2)

A3.2



ROSE AVE.

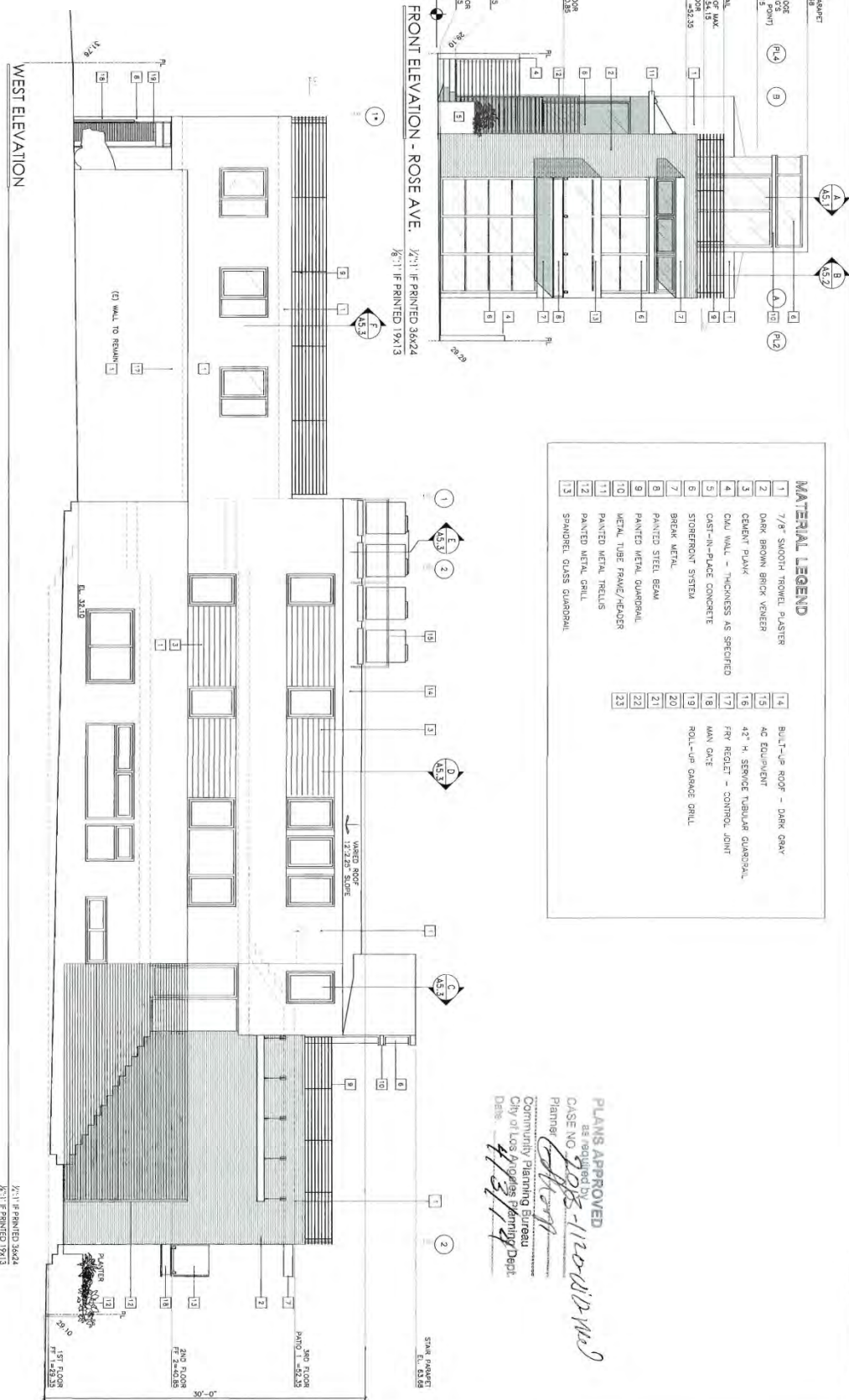


**REED
ARCHITECTURAL
GROUP, INC**

657 ROJE AVE. VENICE, CA 90291
Phone: 310.393.9128
Fax: 310.393.2539
www.reedarchgroup.com

NOT FOR CONSTRUCTION UNTIL
SIGNED BY THE ARCHITECT

A4.1



PLANS APPROVED
AS REQUIRED BY
CASE NO. 2005-1120012-MW
Planner: [Signature]
Community Planning Bureau
City of Los Angeles Planning Dept.
Date: 4/3/14

MATERIAL LEGEND

1	7/8" SMOOTH TROWEL PLASTER	14	BUILT-UP ROOF - DARK GRAY
2	DARK BROWN BRICK VENEER	15	AC EQUIPMENT
3	CEMENT PLANK	16	42" H. SERVICE TUBULAR GUARDRAIL
4	CMU WALL - THICKNESS AS SPECIFIED	17	FRY ROULET - CONTROL JOINT
5	CAST-IN-PLACE CONCRETE	18	MAIN GATE
6	STOREFRONT SYSTEM	19	ROLL-UP GARAGE GRILL
7	BREAK METAL	20	
8	PAINTED STEEL BEAM	21	
9	PAINTED METAL GUARDRAIL	22	
10	METAL TUBE FRAME/HEADER	23	
11	PAINTED METAL TRILLS		
12	PAINTED METAL GRILL		
13	SPANDREL GLASS GUARDRAIL		

PLANS APPROVED
as required by
CASE NO. 2014-1120-110-002
Planner: [Signature]
Community Planning Bureau
City of Los Angeles Planning Dept.
Date: 6/2/16

REAR ELEVATION - ALLEY

1/2" = 1' IF PRINTED 36x24
1/8" = 1' IF PRINTED 19x13

STAIR PARAPET
EL. 58.15

EAST ELEVATION

521 ROSE AVE.

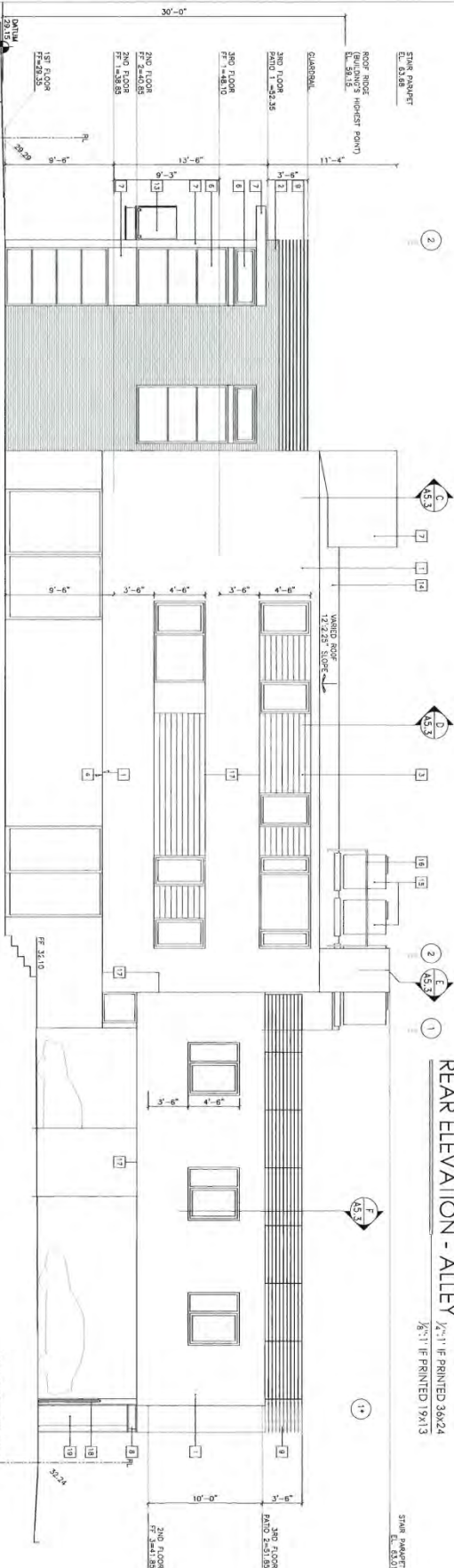
REED
ARCHITECTURAL
GROUP, INC.
8420 REED AVE., SUITE 200
LOS ANGELES, CA 90047
TEL: 310.393.2297
WWW.REEDARCHITECTURAL.COM

A4.2

NOT FOR CONSTRUCTION UNTIL
SEAL & FILE ARCHITECT

DATE	ISSUE / REVISION
10-21-13	SCHEMATIC DESIGN
10-30-13	EXTERIOR ELEVATION
11-04-13	EXTERIOR ELEVATION

1/2" = 1' IF PRINTED 36x24
1/8" = 1' IF PRINTED 19x13



CALIFORNIA COASTAL COMMISSION

South Coast District Office
200 Occangate, 10th Floor
Long Beach, California 90802-4416
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV

**COMMISSION NOTIFICATION OF APPEAL**

DATE: May 01, 2015
TO:
City of Los Angeles, Dept. of City Planning
200 N. Spring Street 7th Floor
Los Angeles, CA 90012
FROM: Charles Posner
RE: **Commission Appeal No. A-5-VEN-15-0029**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

Local Permit #: ZA 2014-2166
Applicant(s): Attn: George Klein, Susan and Kirk Baxter
Description: Demolition and construction of a 30 foot high duplex
Location: 521 E Rose Ave, Venice, CA 90291
Local Decision: Approval With Special Conditions
Appellant(s): Robin Rudisill, Todd Darling, Gabriel Ruspini, Laddie Williams, Pam Anderson, Mark Kleiman, Lydia Ponce, Yvonne Guzman, Noel Gould
Date Appeal Filed: 04/29/2015

The Commission appeal number assigned to this appeal is A-5-VEN-15-0029. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Charles Posner at the South Coast District Office.

Cc: Robin Rudisill et al
Reed Architectural Group Inc. Attn: John Reed

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 29

RECEIVED
South Coast Region

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

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

APR 29 2015

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, Todd Darling & Gabriel Ruspini, all as individuals & not on behalf of LUPC/VNC; et al*

Mailing Address: 3003 Ocean Front Walk

City: Venice

Zip Code: 90291

Phone: 310-721-2343

* SEE ATTACHED FOR ADDITIONAL APPELLANTS

SECTION II. Decision Being Appealed

iruiy5

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Demolition of more than 50% (not sure why these words used by Applicant & City, but it looks to be 100%) of existing 1,760 sq ft duplex, to create 3,510 sq ft 30' high with varied roofline & minimum required step back, 2-family dwelling (not sure why not "duplex" & looks like with habitable basement?), with 4 parking spaces (tandem, 2 deep) on a 3,139 sq ft lot in the C4-1 zone

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

521 Rose Ave, Venice 90291, APN: 424-000-5002, cross street is Rennie Ave

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-S-Ven-15-0029

DATE FILED: 4-29-15

DISTRICT: South Coast

COASTAL COMMISSION

EXHIBIT #

3

PAGE

2

OF

29

2 of 7

Appellants:

Robin Rudisill, as an individual & not on behalf of VNC/LUPC

Gabriel Ruspini, as an individual & not on behalf of VNC/LUPC

Todd Darling, as an individual & not on behalf of VNC/LUPC

Mark Kleiman, as an individual & not on behalf of VNC/LUPC

Lydia Ponce

Laddie Williams

Pam Anderson

Ivonne Guzman

Noel Gould

COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 29

3 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: March 11, 2015 and April 3, 2014

7. Local government's file number (if any): ZA-2014-2166-CDP and DIR-2014-1120-VSO-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:

John Reed, Reed Architectural Group, Inc., 657 Rose Ave, L.A., CA 90291
George Klein, Susan & Kirk Baxter, 31 24th Ave, L.A., CA 90291

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 4 OF 29

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.

I. Due Process:

One of the main reasons for appealing is that not only do we believe that the Venice Land Use & Planning Committee was treated with disrespect, but the CDP itself has a completely erroneous description of what had occurred, and it is unacceptable to us to have a CDP misstated in this way, especially given the committee's efforts in this regard. On page 6 it is stated by the Chief Zoning Administrator that "the public hearing was attended by....a member of the Venice Neighborhood Council.....and.....The Neighborhood Council representative requested a delay of decision until the project is reviewed by its board members....and The matter was taken under advisement for a few weeks to allow the matter to be presented to the Venice Neighborhood Council. As of the drafting of this report, no communication was provided."

The fact is that LUPC Chair, Robin Rudisill, attended the City's CDP hearing; however, she arrived at approximately 9:15 am (the hearing was from 9:00 to 9:30 am), at which time, upon seeing her, the hearing officer said that the hearing was closed. Rudisill asked if it could be kept open so that she could ask some questions and was told no. She asked if the record could be held open so that the VNC would have time to make a recommendation on the case. Rudisill was told no, with the reason being that they did not know whether the VNC had "ulterior motives." She was then told by the Applicant's Representative that she should not concern herself with the case as he had already briefed VNC President Mike Newhouse that morning. After the hearing, Rudisill requested that Mike Newhouse support writing a letter to the Chief Zoning Administrator asking that the case be held open for advisement by the VNC. After lengthy discussion, he agreed, and the letter, dated October 30, 2014, was sent to the Chief Zoning Administrator, with copies to key Coastal Commission officials. See attached Exhibit A. The Chief Zoning Administrator did not hold these cases open for the VNC's advisement. VNC President Mike Newhouse was told by both the ZA and Councilmember Bonin's office that the project was essentially de minimis and the case was not going to be re-opened.

The CDP also states on page 6 that "Neither the Land Use Committee nor the full body of Neighborhood Council had met to review the proposed project as stated by both the applicant and Neighborhood Council representative." It must be noted, as indicated in the October 30, 2014 letter to the Chief Zoning Administrator, that this was because of both communication/scheduling issues with the applicant (due in part to difficulty in getting requested documents and to confusion regarding the project description and concern there were errors in the filing of the case) and the difficulty in managing the local hearing vs. the City hearing process due to the limited information and lead time for expected City hearing timing.

The CDP needs to be corrected in order to correct the record for the erroneous representations made re. the VNC's involvement.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 29

II. Violations of/Inconsistencies With Coastal Act & Venice Land Use Plan:

The project violates the Coastal Act, Chapter 3, and the development standards and policies of the Venice Land Use Plan, which is certified by the California Coastal Commission as to being in compliance with the California Coastal Act, and which is used as guidance by the Coastal Commission in determining whether a project adheres to the Chapter 3 policies of the Coastal Act. The Venice "Land Use Plan Policies, Policy Group I., Locating and Planning New Development/Coastal Visual Resources and Special Communities" represent Coastal Act Chapter 3 Sections 30244, 30250, 30251, 30252, and 30253 (as per page II-2 to II-3 of the Venice LUP), and thus all inconsistencies or violations noted below are also violations of these Sections of Chapter 3 of the Coastal Act.

1. CDP Finding 7. states that: 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].

See attached Exhibit B for Venice Land Use Plan Policy 1.A.9. Replacement of Affordable Housing.

The Finding in the CDP is incorrect. The project is not consistent with the Mello Act requirements.

A VSO, including "MEL" in the case number, indicating that it included the Mello Determination for the project, was issued on April 3, 2014, and it stated: "Per feasibility study submitted – Not feasible to maintain affordable units." (Note that statement implies that HCID had issued a letter indicating that their analysis determined that there are at least two affordable units.) See attached Exhibit C. The Land Use & Planning Committee (LUPC) asked for a copy of the feasibility study and the HCID determination letter for affordable units, but it was not provided.

The LUPC was subsequently told that the project was exempt from the Mello Act as the owner lived there. This is also indicated in the CDP Application. However, several of the Appellants are aware that the owner does not live there, and in fact the CDP indicates (on page 5) that the ZA Staff visited the location on Tuesday, October 14, at 11 a.m., and the duplex did not appear to be used as dwelling units at all. They stated that: "The site was viewed from the alley in the rear, and a linen services truck was observed hauling away several laundry bags. When the site was viewed from the front, at Rose Avenue, the gate was left open, and the front room appeared to be used as an office with alcohol storage."

In addition, the City is taking the Applicant's word re. the significant "Owner Occupied" Mello Act Exemption. This is very easily checked, as HCID currently checks for Ellis Act owner occupant declarations. However, it does not appear that this was checked. In addition, on the last page of the CDP determination is the Abutting Owners address list, which shows a different address for two of the owners than 521 Rose Ave. This should have also raised suspicion and resulted in the ZA checking into the owner's representation of residing at the property.

Also, very importantly, the City's Mello Act Interim Administrative Guidelines, Section 6.0 DETERMINATIONS state that the Mello Determinations are to be issued as written conditions attached to the determination made with respect to the underlying case. Mello Determinations are also appealable, as per the City's Mello Act Interim Administrative Guidelines, Section 8.0 APPEALS. The Mello Determination was issued in the VSO dated April 3, 2014, not the CDP, and there was NO opportunity made available to appeal the determination. In addition, Finding 7. only refers to Inclusionary units, but does not address Replacement Affordable Units, in violation of the Mello Act.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 6 OF 29

However, the ZA did not modify Finding 7. to reflect the above information. This Finding cannot be made.

2. Finding 6. states that: An appropriate environmental clearance under the California Environmental Quality Act has been granted.

See attached Exhibit D for CEQA Notice of Exemption and excerpt from the City of L.A. CEQA Guidelines.

The project entails construction of a new Duplex, and as such is not "duplex remodel and addition" and thus it does not meet the criteria for the exemption indicated.

This Finding cannot be made.

3. See attached Exhibit E for various other violations and inconsistencies.

4. None of the Findings are supported by substantial evidence, nor do they bridge the analytical gap between raw evidence and the conclusion, as indicated above and as indicated in the notes on Exhibit E.

5. Findings 1., 2., 3., and 4. are each based on the project adhering to Coastal Act Chapter 3 or related documents/interpretive guidelines. However, the project is not compatible with the Character, Scale and Mass of the existing neighborhood.

The CDP states, on page 5. That the properties to the south, east and west are all 1-story buildings. To the north is the "North of Rose" neighborhood, which has been closely protected by the Coastal Commission and neighborhood and which is primarily 1-2 story dwellings. Even though the applicant indicates that the project is a 2-story dwelling, all applications and plans indicate that it is a 3,510 square foot, 3-story dwelling, and as such is not compatible with the scale, mass and character of the surrounding neighborhood.

In addition, Rose Avenue is made up of the old and the new in a mix that is truly eclectic--even though it is primarily a commercial street the buildings are mostly low, the exceptions being those currently in construction or pending for the Applicant's representative, which offer no relation to their surroundings. They are boxes, offering little or no articulated relief in their massing both in the front and the sides. They defy all notions of scale, towering over the predominately 1-story or modest 2-story bungalow style buildings on the street. Compatibility means one honors the styles and make-up/size of the surroundings, and this project is openly defiant of what is there and it does not fit the character of the street.

See attached Exhibit F for boxes/unarticulated structures by Applicant's representative.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 7 OF 29

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.

Mark L. Khan
Robin Godesell *Laddie Williams* *Jeanne Guzman*
Lydia Ponce
Gabriel Caspene *Todd Collins*
 Signature of Appellant(s) or Authorized Agent
 Date: 4-29-15

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.

Mark L. Khan

Signature of Appellant(s)

Date:

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 8 OF 29

Exhibit A 1 of 2



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



October 30, 2014

BY EMAIL

Linn.wyatt@lacity.org

Linn Wyatt
Chief Zoning Administrator
L.A. Department of City Planning
200 N. Spring Street
Los Angeles, CA 90012

Re: Cases to hold open for VNC Board advisement:

1214 Abbot Kinney Blvd.
ZA-2014-1990-CDP-SPP and ENV-2014-1991-CE

521 Rose Ave.
DIR-2014-1120-VSO-MEL and ZA-2014-2166-CDP and ENV-2014-2167-CE

1136 Abbot Kinney
DIR-2013-2233-SPP-MEL and ENV-2013-2234-CE and ZA-2013-3013-CDP
and ENV-2013-3014-MND

416 Grand Ave.
ZA-2014-1356-CDP and ENV-2014-1357-MND and DIR-2013-2903-VSO-
MEL-M

418-422 Grand Ave.
ZA-2014-1358-CDP and ENV-2014-1357-MND and DIR-2013-2903-VSO-
MEL-M

Dear Linn,

I'm writing to ask that you hold the cases listed above "open for VNC Board advisement" as the VNC Board did not have the opportunity to hear them prior to the City hearings. There are several reasons for this request, including the difficulty in managing the local hearing vs. the City hearing process due to the limited information and lead time for expected City hearing timing, the current extensive case workload, the in lieu parking fee issue pending and being heard by the APC this month, information still needed from Applicants, and communication and scheduling issues with Applicants. We are committed to hearing these cases as soon as possible.

It's YOUR Venice - get involved!

COASTAL COMMISSION

EXHIBIT # 3
PAGE 9 OF 29



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



20f2

It's very important for us to work through the VNC process and provide the City our recommendation, thus taking the case under advisement until the VNC Board votes on a recommendation allows us to continue to work towards an effective neighborhood process and reasonable/fair decisions from the ZA's.

Thank you very much for your understanding. Please let me know if you would like to discuss this or have any questions in this regard.

Yours truly,

Mike Newhouse
President
Venice Neighborhood Council

CC:

Los Angeles Department of City Planning:

Michael LoGrande: michael.logrande@lacity.org

Lisa Webber: lisa.webber@lacity.org

Daniel Scott: dan.scott@lacity.org

Shana Bonstin: shana.bonstin@lacity.org

Kevin Jones: kevin.jones@lacity.org

Lourdes Green: lourdes.green@lacity.org

Maya Zaitzevsky: maya.zaitzevsky@lacity.org

California Coastal Commission:

Teresa Henry: teresa.henry@coastal.ca.gov

Jack Ainsworth: john.ainsworth@coastal.ca.gov

Chuck Posner: cposner@coastal.ca.gov

Al Padilla: al.padilla@coastal.ca.gov

Council District 11:

Cecilia Castillo: cecilia.castillo@lacity.org

Venice Neighborhood Council:

Venice Neighborhood Council: board@venicenc.org

Land Use & Planning Committee: LUPC@venicenc.org

Applicants:

John Reed: john@reedarchgroup.com

Shannon Nonn: shannonnonn@yahoo.com

Peter Fergin: pfergin@ca.rr.com

Melinda Gray: mgray@graymatterarchitecture.com

It's YOUR Venice - get involved!

COASTAL COMMISSION

EXHIBIT # 3
PAGE 10 OF 29

Venice LUP
certified by
California
Coastal
Commission

Exhibit B lotz

c. **North Venice**

Use: Two units per lot, duplexes and multi-family structures.

Density: One unit per 1,200 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one additional unit for each 1,200 square feet in excess of 4000 square feet of lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Height: Not to exceed 30 feet for buildings with flat roofs or 35 feet for buildings utilizing stepped back or varied rooflines. The portion of the structure that exceeds 30 feet in height shall be set back one horizontal foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Implementation Strategies

Specific regulations for the implementation of the development standards for new residential developments shall be contained in the LUP.

**Replacement of
Affordable Housing**

Policy I. A. 9. Replacement of Affordable Housing. Per the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act", the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).

Policy I. A. 10. Location of Replacement Housing. The replacement units shall be located in one or more of the following areas, listed in order of priority: 1) on the site of the converted or demolished structure; 2) within the site's Venice coastal subarea; 3) within the Venice Coastal Zone; 4) within the Venice Community Plan area east of Lincoln Boulevard; and, 5) within a three mile radius of the affected site.

Policy I. A. 11. Replacement Ratios for Replacement Units. Replacement ratios shall be at a minimum of 1:1 (one unit replaced for each unit removed). Replacement ratios shall increase according to how far from the affected site replacement units are located as defined in the Mello Act.

Policy I. A. 12. Displaced Residents Priority. Displaced residents shall be given right of first refusal on the new replacement units.

Policy I. A. 13. Density Bonus Applications. Required replacement

Venice Local Coastal Program
11-15

COASTAL COMMISSION

EXHIBIT # 3
PAGE 11 OF 29

2012

based on a finding that no adverse impacts on coastal resources would result.

- e. In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the City determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the City may grant the requested incentive. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.
- f. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Policy I.A.14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

Policy I. A. 15. In-Lieu Credits for Replacement Housing. In-lieu of construction of the required affordable replacement units as set forth above, residential projects shall be permitted to pay a fee, equivalent to the cost to subsidize each required dwelling unit. The in-lieu fee shall be set forth in the Citywide guidelines for the implementation of the Mello Act.

Policy I. A. 16. Exceptions. No exceptions to the replacement housing policies of this LUP shall be permitted within the Venice Coastal Zone except as permitted by Section 65590 of the State Government Code (Mello Act).

Policy I. A. 17. Youth Hostels and Hotels. Development of temporary housing opportunities, such as hotels and youth hostels, shall be permitted through the conditional use permit/coastal development permit process in the Medium Density Residential and Community Commercial categories. The capacity of the proposed youth hostel shall be a factor of consideration for residential zones. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General

Exhibit C 10f2



CITY OF LOS ANGELES
PLANNING DEPARTMENT

City Hall • 200 N. Spring Street, Room 621 • Los Angeles, CA 90012



METRO NEIGHBORHOOD PLAN IMPLEMENTATION DIVISION
DIRECTOR OF PLANNING SIGN-OFF

Venice Coastal Specific Plan (Ordinance 175,893)

Case Number:	DIR 2014-1120-VSO-MEL			Date: April 3, 2014
Applicant Name:	George Klein (o) (310) 989-5252			
Applicant Address:	521 Rose Avenue			
	City: Venice	State: CA	Zip: 90291	
Project Location:	521 E Rose Avenue			
	Zoning: C4-1	Subarea: Oakwood-Milwood-S/E Venice		
Existing Use:	One story duplex		Proposed Use: Three-story duplex with a four car garage accessed from the alley	
Project Description:	Demolition of the existing duplex and the construction of a new three story 3,510.7 sqft. duplex. Four covered parking spaces accessed from the alley will be provided.			
Related Case:	None			

A Specific Plan Project Permit Compliance is not required for the reasons below:

In the Dual Jurisdiction:	
<input type="checkbox"/>	An improvement to an existing single- or multiple-family structure that is not located on a Walk Street
In the Single Jurisdiction:	
<input type="checkbox"/>	An improvement to an existing single- or multiple-family structure that is not on a Walk Street
<input type="checkbox"/>	New construction of one single-family unit, and not more than two condominium units, not Walk Street
XX	New construction of four or fewer rental units, not located on a Walk Street
XX	Demolition of four or fewer units - Per feasibility study submitted - <u>Not feasible to maintain affordable units.</u>
Anywhere in the Coastal Zone	
<input type="checkbox"/>	Any improvement to an existing commercial or industrial structure that increases the total occupant load, required parking or customer area by less than 10 percent (10%).
<input type="checkbox"/>	Any Venice Coastal Development project that has been Categorically Excluded pursuant to a Categorical Exclusion order issued by the Coastal Commission.

This application has been reviewed by the staff of the Metro Plan Implementation Division, and the proposed project complies with the provisions of the Venice Coastal Specific Plan and all development requirements contained in Section 8 A, 10.G, and 13.

Oakwood-Milwood-Southeast Venice Subarea Development Regulations			
SECTION	STANDARDS	REQUIRED	PROPOSED PROJECT
10.G.2	Density	residential development limited to the R3 zone-max two units	Duplex
10.G.3	Height	Flat Roof - 25 feet Varied Roofline - 30 feet	30 foot varied roof with roof deck 75 % open safety railing With roof access structure
10.G.4	Access	Alley	Access from alley
13	Parking	SF - 2-3 spaces per unit pending width MF - 2 spaces plus 1 guest pending width	Four parking spaces - no guest space required

The proposed project shall comply with all other regulations of its subject zone and all other provisions of the L.A.M.C. This Director of Planning Sign-Off is based on the information provided by the applicant. If, at a later date, this information is found to be incorrect or incomplete, this sign-off will become invalid, and any development occurring at that time must cease until appropriate entitlements are obtained.

Gregory L. Shoop
Gregory L. Shoop
Venice Unit, 213-978-1208

COASTAL COMMISSION

EXHIBIT # 3
PAGE 13 OF 29

COASTAL COMMISSION

EXHIBIT # 3
PAGE 14 OF 29

2012

COASTAL DEVELOPMENT PERMIT

ZONE CODE SECTIONS 12.20.2 prior to LCP certification.

The MASTER LAND USE APPLICATION INSTRUCTION SHEET-500' RADIUS should also be followed, except that a 100-foot radius map is required, and 6 copies of the site plan are required. The 100-foot radius starts across the street from the subject property.

• dual permit area

• single permit area

1. **CERTIFICATE OF POSTING.** When the Coastal application is accepted for filing, the applicant must post within 24 hours a **NOTICE OF INTENT** sign (sample attached) at a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development. The notice shall indicate that an application for a permit for the proposed development has been submitted to the City Planning Department. The form to be used for the posting, as well as a statement of Certificate of Posting to be submitted after notice of intent is posted is attached. If the applicant fails to post the completed notice of intent form and sign the Certificate of Posting, the Department will withdraw the application and all processing will stop.

2. **GEOLOGY REPORT.** If the property is in a Hillside area, submit a certified Geology Report.

3. PREVIOUS ACTIONS

Has this property ever had an application submitted to the State Coastal Commission or the City of Los Angeles for Coastal approvals? Yes _____ No X

If yes, state the previous application number(s) _____

Describe on a separate page the facts (dates and determinations) of each of these applications.

4. EXISTING CONDITIONS

- a. Existing use of land 1-story duplex
- b. Number, type and approximate age of structures to be removed/demolished as a result of the project 1 building, Type V, 1951 +/- more than 50% to be demolished
- c. If residential units are being removed or demolished, indicate the number of units and monthly rent None Owner occupied Not true
- d. Is there any similar housing at this price range available in the area? N/A

5. **TREES:** Number of existing trees more than 6 inches in diameter (show on plot plan) None

6. **TREES:** Number, size and type of trees being removed (show on plot plan) None

7. **SLOPE:** State percent of property:

ZA 2014-2166

Exhibit D 1 of 2

CITY OF LOS ANGELES OFFICE OF THE CITY CLERK 200 NORTH SPRING STREET, ROOM 360 LOS ANGELES, CALIFORNIA 90012 CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION (California Environmental Quality Act Section 15062)		CITY CLERK'S USE										
Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90850, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.												
LEAD CITY AGENCY City of Los Angeles Department of City Planning		COUNCIL DISTRICT 11										
PROJECT TITLE * 521 Rose Ave. ZA 2014-2166		LOG REFERENCE ENV 2014-2167-CE										
PROJECT LOCATION * 521 Rose Avenue, Venice, CA 90291												
DESCRIPTION OF NATURE, PURPOSE, AND BENEFITS OF PROJECT * Duplex remodel & addition												
NAME OF PERSON OR AGENCY MANAGING THE PROJECT, IF OTHER THAN LEAD CITY AGENCY: * George Klein / Kirk Baxter												
CONTACT PERSON * John Reed	AREA CODE * 310	TELEPHONE NUMBER * 393-7128										
EXEMPT STATUS: (Check One)												
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%; text-align: center;">STATE CEQA GUIDELINES</td> <td style="width: 33%; text-align: center;">CITY CEQA GUIDELINES</td> </tr> <tr> <td> <input type="checkbox"/> MINISTERIAL Sec. 15268 </td> <td> Art. II, Sec. 2b </td> </tr> <tr> <td> <input type="checkbox"/> DECLARED EMERGENCY Sec. 15269 </td> <td> Art. II, Sec. 2a (1) </td> </tr> <tr> <td> <input type="checkbox"/> EMERGENCY PROJECT Sec. 15269 (b) & (c) </td> <td> Art. II, Sec. 2a (2) & (3) </td> </tr> <tr> <td> <input checked="" type="checkbox"/> CATEGORICAL EXEMPTION Sec. 15300 et seq. </td> <td> Art. III, Sec. 1 </td> </tr> </table>			STATE CEQA GUIDELINES	CITY CEQA GUIDELINES	<input type="checkbox"/> MINISTERIAL Sec. 15268	Art. II, Sec. 2b	<input type="checkbox"/> DECLARED EMERGENCY Sec. 15269	Art. II, Sec. 2a (1)	<input type="checkbox"/> EMERGENCY PROJECT Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)	<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION Sec. 15300 et seq.	Art. III, Sec. 1
STATE CEQA GUIDELINES	CITY CEQA GUIDELINES											
<input type="checkbox"/> MINISTERIAL Sec. 15268	Art. II, Sec. 2b											
<input type="checkbox"/> DECLARED EMERGENCY Sec. 15269	Art. II, Sec. 2a (1)											
<input type="checkbox"/> EMERGENCY PROJECT Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)											
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION Sec. 15300 et seq.	Art. III, Sec. 1											
Class <u>3</u> Category <u>2</u> (City CEQA Guidelines)												
<input type="checkbox"/> OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.												
JUSTIFICATION FOR PROJECT EXEMPTION: Apartments, duplexes, and similar structures, designed for not more than four dwelling units or not in conjunction with the building of two or more such structures. In urbanized areas, the exemption applies to single apartments, duplexes, and similar structures designed for not more than six dwelling units or not constructed in conjunction with the building of two or more such units.												
IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.												
SIGNATURE		DATE										
FEE: \$ 21- RECEIPT NO. 17603 REC'D BY R. Avila		DATE 6-17-2014										

Not True Should not be exemption

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
 Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

* Kari Middlebrook
 NAME (PRINTED)

* [Signature]
 SIGNATURE

* 6/17/14
 DATE

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 15 OF 29

2082

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

- 1) Replacement or reconstruction of existing schools, hospitals, recreation buildings and libraries to provide earthquake resistant structures which do not increase capacity more than fifty percent (50%).
- 2) Replacement of a commercial or industrial structure with a new structure of substantially the same size, purpose and capacity.
- 3) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- 4) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.
- 5) Replacement or reconstruction of surface or subsurface pipelines involving negligible or no expansion of use beyond that previously existing.
- 6) Replacement or reconstruction of existing heating and air-conditioning systems.
- 7) Replacement of existing pedestrian stairways, including such additional rights of way as needed to bring the stairways up to current standards of length and width, providing that the project does not impact cultural resources or remove mature trees.

c. Class 3. New Construction of Small Structures.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable within a two year period. Examples of this exemption include but are not limited to:

- 1) Single family residences not in conjunction with the building of two or more units. In urbanized areas, up to three single family residences may be constructed under this exemption.
- 2) Apartments, duplexes and similar structures, designed for not more than four dwelling units of not in conjunction with the building of two or more such structures. In urbanized areas, the exemption applies to single apartments, duplexes and similar structures designed for not more than six dwelling units of not constructed in conjunction with the building of two or more such units.

Exhibit E

LYNN 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. LOGRANDT
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

March 11, 2015

George Klein (A)(O)
Susan and Kirk Baxter
521 Rose Avenue
Los Angeles, CA 90291

John Reed (R)
Reed Architectural Group, Inc.
657 Rose Avenue
Los Angeles, CA 90291

CASE NO. ZA 2014-2166(CDP)
COASTAL DEVELOPMENT PERMIT
521 East Rose Avenue
Venice Planning Area
Zone : C4-1
D. M. : 111B141
C. D. : 11
CEQA : ENV 2014-2167-CE
Legal Description: Lot 108, Tract 6622

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

100%?

error
s.b.
1,670

a Coastal Development Permit to allow the demolition of more than 50 percent of an existing 1,760 square-foot duplex, to create a 3,510 square-foot, 30-foot in height two-family dwelling with four parking spaces on a 3,139 square-foot lot in the C4-1 Zone, within the single permit jurisdiction 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.
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



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



COASTAL COMMISSION

EXHIBIT # 3
PAGE 17 OF 29

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.

*fining
doesn't
make
sense*

7. Prior to the issuance of any building permits, plot plans shall be submitted for review and approval by the Fire Department Hydrant and Access Unit (213-485-5964). Any conditions required by the Fire Department shall become conditions of this grant. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Zoning Administrator.

8. Approved herein is:

- a. The demolition of an existing 1,670 square-foot residential duplex.
- b. The construction of a new two-story, 3,510 square-foot two-family dwelling.
- c. The building height shall not exceed 35 feet, except for mechanical equipment.

9. The project shall be in compliance with the Venice Coastal Zone Specific Plan and comply with the provisions of Section 12.22-A,26(i) of the Municipal Code. *encl. S.B. 301*

10. Parking shall be provided in compliance with the Specific Plan or Municipal Code, whichever is the most restrictive. *see attached*

11. Outdoor lighting shall be designed and installed with shielding, so that the light source does not overflow into adjacent residential properties.

12. All mechanical equipment including but not limited to a water heater as well as heating and air condition units shall not be placed in the area that adjoins habitable rooms of neighboring properties or in the required yards in order to mitigate potential noise and aesthetic impacts to the surrounding properties. Any mechanical equipment placed on the roof shall not be viewed from the streets or neighboring properties and shall be completely shield by appropriate screening devices or walls.

13. The project shall comply with the applicable provisions of the California Coastal Act. Prior to issuance on any permit or sign-off the plans by the Office of Zoning Administration, evidence showing that the project was approved by the California State Coastal Commission shall be submitted to the file. *fining
doesn't
make
sense*

14. 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

COASTAL COMMISSION

EXHIBIT # 3
PAGE 18 OF 29

LAMC Section 12-22-A. 26(i)

(i) Standards. Adaptive Reuse Projects permitted pursuant to this subdivision shall be developed in compliance with the following standards:

(1) Dwelling Units and Joint Living and Work Quarters. (Amended by Ord. No. 175,588, Eff. 12/1/03.) The minimum floor area for new dwelling units and joint living and work quarters shall be 450 square feet, provided however, that the average floor area of all such units and quarters in a single eligible building, including those that existed prior to June 3, 1999, shall be at least 750 square feet. That minimum average size shall be maintained and not reduced.

Floor area, as defined in Section 12.03 of the Code, shall also not include hallways or other common areas. The floor area of both the living space and the work space shall be combined to determine the size of joint living and work quarters.

(2) Guest Rooms. Guest rooms shall include a toilet and bathing facilities.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 19 OF 29

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 MARCH 25, 2015, 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

COASTAL COMMISSION

EXHIBIT # 3
PAGE 20 OF 29

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 October 23, 2014, 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 located in the Venice Community Plan area of the City of Los Angeles, with a Community Commercial land use category and zoned C4-1. The property is within the Los Angeles Coastal Transportation Corridor and the Venice Coastal Zone Specific Plan areas. The property is located within the area subject to the Director's

COASTAL COMMISSION

EXHIBIT # 3
PAGE 21 OF 29

*see attached here?
OK to have stairs here?*

Interpretation (ZI-2406) applying to Small Lot Subdivision in the Venice Specific Plan and the site is subject to a 7-foot Building Line restriction (Ordinance No. 71585).

Surrounding properties are zoned C4-1, RD2-1 and RD1.5-1 and characterized by a mixture of residential and neighborhood commercial uses. The properties north of the abutting alley are zoned RD2-1 and developed with one- and two-story residential uses, and the property to the south across Rose Avenue are zoned C4-1 and developed with mostly ~~one-story commercial industrial buildings~~. The properties to the east and west along Rose Avenue are zoned C4-1 and developed with one-story commercial buildings.

Rose Avenue, adjoining the property to the south, is a Collector Street with a width of 73 feet and improved with curb, gutter, and sidewalk.

Unnamed Alley, adjoining the property to the north, is a Collector Street with a width of 15 feet and improved with asphalt pavement.

The subject property is a level, rectangular, through lot, consisting of 3,139 square-foot, having a frontage of 27 feet on the north side of Rose Avenue, and an even depth of 116.94 feet. The property is currently improved with a one-story, 1,670 square-foot duplex building constructed in 1951, with no on-site parking. The duplex structure will be demolished, which requires compliance with the California Coastal Act for demolitions that exceed 50% of the existing structure.

The applicant is requesting a Coastal Development Permit, pursuant to the provisions of Code Section 12.20.21 to allow demolition of more 50% of an existing residential structure in order to construct a new two-story residential building consisting of 3,510 square feet, with four on-site parking spaces in the rear.

Site Visit Observations

Staff conducted a site investigation on Tuesday, October 14, at 11 a.m. The duplex does not appear to be used as dwelling units at all. The site was viewed from the alley in the rear, and a linen services truck was observed hauling away several laundry bags. When the site was viewed from the front, at Rose Avenue, the gate was left open, and the front room appeared to be used as an office with alcohol storage.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. DIR 2014-11200(SO)(MEL) On April 3, 2014, the Metro Neighborhood Plan Implementation division issued a Director of Planning Sign-off for a three-story duplex with a four-car garage accessed from the alley. It was determined that the proposed project complies with the provisions of the Venice Coastal Zone Specific Plan.

Surrounding Properties:

Case No. ZA 2004-3779(CDP) – On November 12, 2004, the Zoning Administrator approved a Coastal Development Permit to authorize the construction of a two-

COASTAL COMMISSION

EXHIBIT # 3
PAGE 22 OF 29

213 6th Ave
Frank
Murphy

family dwelling located within the single permit jurisdiction of the California Coastal Zone located at 213 South 6th Avenue.

Case No. ZA 2004-3779(CDP)-1A – On February 17, 2005, the West Los Angeles Area Planning Commission denied the appeal and sustained the action of the Zoning Administrator.

PUBLIC HEARING

A notice of public hearing was sent to nearby property owners and/or occupants residing near the subject site for which an application, as described below, has been filed with the Department of City Plan. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was held by Hearing Officer Theodore Irving from the Office of Zoning Administration who acted under the authority of the Zoning Administrator in taking testimony for ZA 2014-2166(CDP) and CEQA No. ENV 2014-2167-CE. The hearing was held on Thursday, October 23, 2014 at approximately 9:00 a.m. in the Second Floor Hearing Room of the West Los Angeles Civic Center, 1645 Corinth Avenue, Los Angeles, CA 90025.

Incongruent

The public hearing was attended by the applicant's representative, the applicant and a member of the Venice Neighborhood Council. Neither the Land Use Committee nor the full body of Neighborhood Council had met to review the proposed project as stated by both the applicant and Neighborhood Council representative. The Neighborhood Council representative requested a delay of decision until the project is reviewed by its board members. Testimony was taken from both the applicant and the applicant's representative. The matter was taken under advisement for a few weeks to allow the matter to be presented to the Venice Neighborhood Council. As of the drafting of this report, no communication was provided.

Below is summary of the comments from the October 23, 2015 public hearing:

- Submitted email with photos of the building to support the claim that the duplex is not a historic resource (submitted before the public hearing commenced).
- Brief project description, including description of the applicant.
- The project is a De Minimis Coastal Development Permit request and not a Discretionary Coastal Development Permit.
- The 1951 structure will be demolished in order to construct the new two-story residential building.
- The non-conforming parking rights will be forfeited and therefore, the project will provide four on-site parking spaces.
- Owner/applicant also owns the adjacent property to the north.
- The goal is to develop the property in compliance with the Specific Plan ordinance.
- Does not want to anger the surrounding neighbors.

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

But is it 100% demo or > 50%?
but < 100%?

Whose comment is this?

COASTAL COMMISSION

EXHIBIT # 3
PAGE 23 OF 29

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 contains various policy provisions to protect the scenic and visual qualities of the coastal area as a resource of public importance. Pertinent to the instant request are the policies with respect to development.

The Coastal Act's Section 30250 and Section 30252 provide in part 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 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 the development with public transportation. The proposed project consists of razing an existing one-story residential in order to construct a new two-single family dwelling and as a result, it triggers a requirement to obtain a Coastal Development Permit. The project's location within an established Low Density residential area does not change.

The subject property contains approximately 3,139 square feet of lot area with a frontage of approximately 27 feet along Rose Avenue and a depth of 116 feet. The proposed project consists of a two-story two-family dwelling, 29 feet in height and contains a total of 3,510 square feet of floor area. The two-story dwelling will include a roof access area, which is permitted, that extends the project's overall height to 30 feet. The proposed front yard is 7 feet, observing the 7-foot Building Line Restriction. The plan shows minimum side yard setbacks of 3 feet, while there is no rear yard setback observed. Two parking spaces will be provided for each dwelling in the proposed attached garage in compliance with the code. No deviations from the Los Angeles Municipal Code or Venice Coastal Zone Specific Plan have been requested.

The new two-family dwelling has no adverse effects on public access, recreation, public views, or the marine environment. The use will continue to be residential and will neither interfere nor reduce access to the shoreline. The project will involve no dredging, filling, or diking of coastal waters or wetlands or with any sensitive habitat areas, archeological or paleontological resources identified on the site. The proposed use will not block any designated public access.

Ignored LUP

NO

rear yard

but should have!

S.B. 4

Is in community comm. land use designation

Needs variance?

Not a Finding

COASTAL COMMISSION

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.

*Ignore
LCP*

Currently, there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone. Therefore, the adopted Venice Community Plan and the Venice Coastal Specific Plan serve as the functional equivalent. The Community Plan designates the subject property for Community Commercial land use category with the corresponding zones of CR, C2, C4, RAS3 and RAS4 and Height District No. 1. The proposed residential use is permitted by the Community Plan's land use designation and the site's corresponding zone. It also complies with the Venice Coastal Specific Plan pursuant to DIR-2014-1120-VSO(MEL). The new duplex project is not anticipated to prejudice the ability of the City to prepare a Local Coastal Program as no deviations from the Los Angeles Municipal Code or Venice Coastal Zone Specific Plan have been requested.

*Not
a
Finding.*

*Not
done
correctly*

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 Interpretive Guidelines for Coastal Planning and Permits has been reviewed and considered. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program. Relevant Guidelines involve Hazard Areas and Locating and Planning New Development as set forth in Section 30253 of the Act.

*Not a
Finding*

With respect to locating and planning the new residential development, the lot does not provide access to or from the beach as it is located inland from the beach, nor does the lot adjoin any other public property. Given the new development distance from the beach, there is no conflict with the goal of providing appropriately located public access points to the coast. The subject property is located adjacent to lots that are developed with commercial buildings and is located within a few miles from the beach. The surrounding area is significantly developed with residential and commercial uses. The immediate block has been developed with a mixture of residential and commercial structures.

- a. Land Use Limitation: The subject property is located within the single jurisdiction of the California Coastal zone; the subject application is to allow the construction of a new 3,510 square-foot two-family dwelling, which complies with all the development requirements of the Specific Plan. Therefore, the project will clearly not interfere with or obstruct any access to coastal resources or ocean use.
- b. Density: The proposed construction of a new 3,139 square-foot two-family dwelling. It will not obstruct access to any recreation or visitor serving facilities.

*Too general!
Anything
would
be
compatible!*

COASTAL COMMISSION

- c. Height: The project's building height, including rooftop access structure complies with the Specific Plan and will not impact views. The project site is situated on level topography as do the surrounding properties and its height is comparable to recently developed residential and commercial uses nearby.
 - d. Access Environmentally Sensitive Habitat Area. The project is within a fully developed and established residential and commercial community. It is no with close proximity of any environmentally sensitive habitat area.
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.**

The Coastal Commission has consistently indicated concerns for the public views, important resources, accessibility, and improved access to recreational opportunities for the public and the impacts to marine resources or sensitive habitats. No outstanding issues have emerged which would indicate a conflict between this proposed construction and any other decision of the Coastal Commission. In as much as the property has no physical connection to the beach or any body of water, there are no Commission actions related to marine resources, wetlands, fishing, diving or other water related issues.

The granting of the Coastal Development Permit is consistent with previous Coastal Commission grants for new construction of similar single family dwellings in the Venice Community Plan and the Oakwood, Milwood and Southeast Venice subarea of the Venice Coastal Zone Specific Plan.

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/is not in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The property is outside the area between the sea and Ocean Front Walk, the nearest public road to the sea and is located 1.2 miles east from the nearest ocean/beach. The new construction of the single family dwelling does not interfere or block any public access to the beach and/or public recreation area.

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

A Categorical Exemption (ENV-2014-2167-CE) was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The 1951 one-story dwelling has no significant features worthy of consideration as a Historic Resource. While the structure is greater than 50 years, it is a simple stucco, prefabricated looking structure with no event of historical significance.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 26 OF 29

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].

*Exempt from the exemption?
7!*

The project consists of less than 9 dwelling units so it is exempt from the Mello Act Exemption pursuant to a Settlement Agreement effective January 3, 2001.

*Done
wrong.
Nota
Finding.*

ADDITIONAL MANDATORY FINDINGS

8. 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 X, areas designated as outside of the floodplain.
9. On June 17, 2014, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2014-2167-CE, for a Categorical Exemption, Class 3, Category 2. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

*Does not meet
Nota
Finding.*

Inquiries regarding this matter shall be directed to Theodore L. Irving, AICP, Planning Staff for the Office of Zoning Administration at 213-978-1366.


LYNN K. WYATT
Chief Zoning Administrator

LKW:TLI:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

Coastal Commission?

COASTAL COMMISSION

EXHIBIT # 3
PAGE 27 OF 29

COASTAL COMMISSION

EXHIBIT # 3
PAGE 28 OF 29

ABUTTING OWNERS
FOR 521 ROSE AVE.

1 BAXTER, KIRK 31 24TH AVE VENICE CA 90291 4240-005-002	2 COOPER, GAIL J 1500 E 1ST ST LONG BEACH CA 90802 4240-005-001	3 CAMPBELL, WILLIAM A 250 RENNIE AVE VENICE CA 90291 4240-005-008
9 KLEIN, GEORGE 31 24TH AVE VENICE CA 90291 4240-005-003	13 ARCHSTONE VENICE LP 3 MACARTHUR PL STE 600 SANTA ANA CA 92707 4240-009-051	999 REED ARCH. GROUP INC. 657 ROSE AV VENICE CA 90291

RESIDENT
1413 Abbot Kinney Boulevard, #B
Venice, CA 90291

John Reed
657 Rose Avenue
Los Angeles, CA 90291

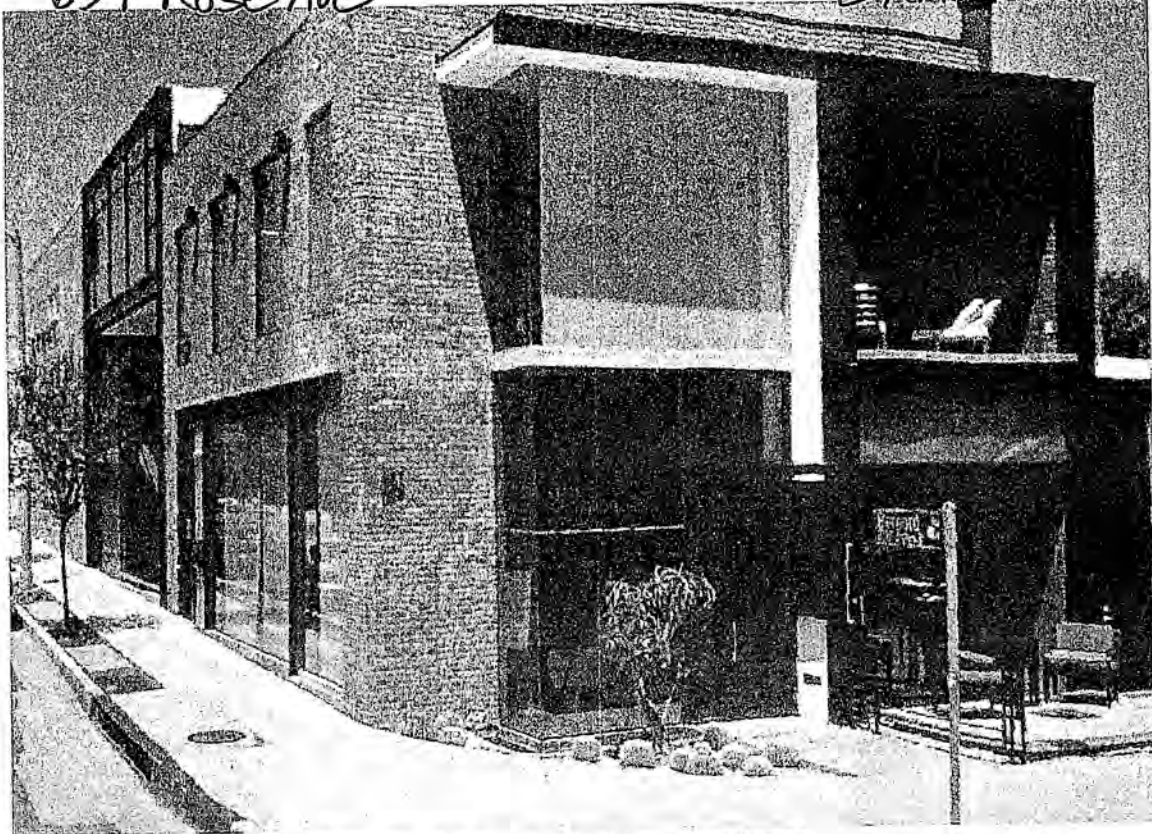
Fran Camaj
1429 Abbot Kinney
Venice, CA 90291

George Klein
521 Rose Avenue
Los Angeles, CA 90291

1st time read
ZA 2014-2166

657 Rose Ave

Exhibit F



Proposed
521 Rose Ave



EXHIBIT "A"

10/12 2013-2014-2

COASTAL COMMISSION

ROSARIO PERRY, A PROFESSIONAL LAW CORPORATION

MAY 22, 2015 AT 3:08 PM

Charles Posner

California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802
tele: 562 590 5071; fax: 562 590 5084;

Marlene Alvarado

Assigned Planner

Commission Appeal No. A-5-Ven-15-0029
Local Permit No. ZA 2014-2166
Applicants: George Klein, Susan and Kirk Baxter
Location: 521 E. Rose Avenue, Venice, CA 90291
Date Appeal Filed: April 29, 2015

Certified Venice Local Coastal Program: Land Use Plan; Low Income Units Replacement Obligations Thereunder; The Right of Exception. Inverse Condemnation.

Dear Mr. Posner

Thank you for taking the time to discuss with me the pending project. In our discussions about the Certified Venice Land Use Plan we discussed the plan's alleged mandatory requirement of replacement of low income units. Discussion was that the Coastal Commission approved plan contained a provision for mandatory replacement of low income units. The Plan's provisions dealing with low income units are based on the Mello Act (Government Code §65590 et seq.) of course as is recited in the Venice LUP itself.

However, there is no absolute requirement in the Plan for replacement. Instead the Plan contains a specific exception to low income unit replacement based on financial feasibility. I have enclosed for your quick review the applicable pages from the Certified Plan. Page one (for your reference); Page 11-15 recites the general rule of replacement at Policy 1.A.9; Page 11-17 Policy 1.A.16 recites "Exceptions." These exceptions are the same as are contained in the Mello Act itself (copy of Mello Act enclosed with this letter for your review as well).

The stated **Policy 1.A.16 Exception** provides:

"No exceptions to the replacement housing policies of this LUP shall be permitted . . . **except as permitted by Section 65590** . . . of Government Code. . . (Mello Act).

This of course is the entire fact finding administrative process of the feasibility study which was of course done in this case by the City of Los Angeles. The specific exemption contained in Mello Act which applies to this project is:

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 10

Gov Code §65590 (b)

*The requirements of this subdivision for replacement dwelling units **shall not apply to the following types of conversion or demolition unless the local government determines** that replacement of all or any portion of the converted or demolished dwelling units is **feasible**, in which event replacement dwelling units shall be required:*

(1) The conversion or demolition of a residential structure which contains less than three dwelling units, or, in the event that a proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer dwelling units.

This of course is exactly what the Owner proved to the City to obtain the City's determination that it was not feasible to build low income units. Note also that the Mello Act requires the City to find "feasibility" not for the Owner to prove "not feasible." This places the burden of proof on government. Owner however clearly proved "non-feasibility" to the City below. This is an important point. Are you asking the Coastal Commission to establish a policy now of having to hire an expert and engage in specific fact finding hearings with the burden on the Commission to show "feasibility." Such attempt for the exempt projects would be impossible to prove anyway. The City of Los Angeles has hired the firm of Hamilton, Rabinowitz & Alschuler to conduct a Technical Study of Permanent Mello Act Ordinance. They produced an exhaustive report in May 2006.¹ The report (and subsequent review studies conducted by them) clearly found that anyone building less than 5 units could not afford to replace low income units anywhere within 3 miles of the Coastal Zone (even as far south as San Pedro).

There are two points I wish to make:

First: The Coastal Commission itself approved this exception to the Venice LUP. How now can the Commission maintain that a specific code section of the LUP is over ride by a much more general and vague review of the "character of Venice" as it deals with the loss of low income units? Clearly such a review of character dealing with the loss of low income units must be reserved to those projects which do not come within the exception the the LUP as approved by the Commission. For the Commission to deny (or even review) a project which comes within the LUP exception, would be for the Commission to intentionally violate established law. This would lead to liability. See for instance *Lockaway Storage v. County of Alameda* (2013) 216

¹ TECHNICAL STUDY IN SUPPORT OF A PERMANENT MELLO ACT IMPLEMENTATION ORDINANCE FOR THE CITY OF LOS ANGELES COASTAL ZONE Prepared for: Department of City Planning City of Los Angeles 200 No. Spring Street Los Angeles, CA 90012 Contract # C-100069 May 2006. This report can be found on line at an official City website: http://cityplanning.lacity.org/Code_Studies/Housing/Final%20HR&A%20Mello%20Act%20Technical%20Study.pdf. The City Study (and the feasibility formula it used) was adopted by the City of Los Angeles Planning Commission on March 11, 2007.

Cal.App.4th 161 (2013); *Ali v. City of Los Angeles* (1999) 77 Cal.App. 4th 246, *Landgate, Inc. v. California Coastal Commission*² (1998) 17 Cal. 4th 1006.

Second: The Mello Act itself contains this feasibility exception as set out above. For the Coastal Commission to deny a project for loss of low income units, when the Mello Act specifically grants an exception to such protected projects, would be a violation of their responsibilities under the Mello Act. Again, the Commission would be intentionally violating established law.

The Commission does not have the authority to make decisions which contradict or violate state law (such as the Mello Act's feasibility exception). For the Commission to find that a Mello Act protected project (i.e., which has proved financial feasibility) cannot be built because of the very general loss of Venice character, would be a finding in direct violation of the Mello Act.

The Commissions obligations are even more pronounced when you remember that the Mello Act is an act which was passed AFTER the Coastal Act, and deals only with property within the Coastal Zone. It is clear that the Mello Act is the State of California legislature specific direction to the Coastal Commission and to the Cities on how to deal with development projects within the coastal zone.

Any direct violations of the Mello Act then would be considered a taking of my client's property under the doctrine of inverse condemnation, and would subject the Commission to liability. If the Commission wishes to consider loss of affordable units, it must not consider those projects which have been given specific statutory exceptions under the Mello Act.

Thank you for staff's consideration of the ideas contained herein.

Sincerely



Rosario Perry

² A taking may result from patently unreasonable or arbitrary governmental action. (*Landgate, supra*, 17 Cal.4th at pp. 1010, 1020-1021, 1024, 1029; see *Ali v. City of Los Angeles, supra*, 77 Cal.App.4th at p. 254 [temporary taking occurred when delay in the regulatory process attributable to an agency position was "so unreasonable from a legal standpoint as to be arbitrary."].)

VENICE

Local Coastal Program

Land Use Plan

TABLE OF CONTENTS

VENICE COASTAL ZONE MAPS

LAND USE PLAN

Chapter 1.	Introduction
Chapter 2.	Land Use Plan Policies
I.	Locating and Planning New Development/ Coastal Visual Resources and Special Communities
II.	Shoreline Access
III.	Recreation and Visitor-Serving Facilities
IV.	Water and Marine Resources and Environmentally Sensitive Habitat Areas
V.	Public Works

www.lacity.org/PLN (General Plan - Other Plans)

City of Los Angeles

COASTAL COMMISSION

EXHIBIT # 4
PAGE 4 OF 10

c. North Venice

Use: Two units per lot, duplexes and multi-family structures.

Density: One unit per 1,200 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one additional unit for each 1,200 square feet in excess of 4000 square feet of lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Height: Not to exceed 30 feet for buildings with flat roofs or 35 feet for buildings utilizing stepped back or varied rooflines. The portion of the structure that exceeds 30 feet in height shall be set back one horizontal foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Implementation Strategies

Specific regulations for the implementation of the development standards for new residential developments shall be contained in the LIP.

**Replacement of
Affordable Housing**

Policy I. A. 9. Replacement of Affordable Housing. Per the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act", the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).

Policy I. A. 10. Location of Replacement Housing. The replacement units shall be located in one or more of the following areas, listed in order of priority: 1) on the site of the converted or demolished structure; 2) within the site's Venice coastal subarea; 3) within the Venice Coastal Zone; 4) within the Venice Community Plan area east of Lincoln Boulevard; and, 5) within a three mile radius of the affected site.

Policy I. A. 11. Replacement Ratios for Replacement Units. Replacement ratios shall be at a minimum of 1:1 (one unit replaced for each unit removed). Replacement ratios shall increase according to how far from the affected site replacement units are located as defined in the Mello Act.

Policy I. A. 12. Displaced Residents Priority. Displaced residents shall be given right of first refusal on the new replacement units.

Policy I. A. 13. Density Bonus Applications. Required replacement

based on a finding that no adverse impacts on coastal resources would result.

- e. In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the City determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the City may grant the requested incentive. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.
- f. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 *et seq.*, including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Policy I.A.14. Parking Requirements for Affordable Housing.

Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

Policy I. A. 15. In-Lieu Credits for Replacement Housing. In-lieu of construction of the required affordable replacement units as set forth above, residential projects shall be permitted to pay a fee, equivalent to the cost to subsidize each required dwelling unit. The in-lieu fee shall be set forth in the Citywide guidelines for the implementation of the Mello Act.

Policy I. A. 16. Exceptions. No exceptions to the replacement housing policies of this LUP shall be permitted within the Venice Coastal Zone except as permitted by Section 65590 of the State Government Code (Mello Act).

Policy I. A. 17. Youth Hostels and Hotels. Development of temporary housing opportunities, such as hotels and youth hostels, shall be permitted through the conditional use permit/coastal development permit process in the Medium Density Residential and Community Commercial categories. The capacity of the proposed youth hostel shall be a factor of consideration for residential zones. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General

Exception
→

§ 65590. Application of section in coastal zone; Replacement dwelling units; Exemptions; Definitions

(a) In addition to the requirements of Article 10.6 (commencing with Section 65580), the provisions and requirements of this section shall apply within the coastal zone as defined and delineated in Division 20 (commencing with Section 30000) of the Public Resources Code. Each respective local government shall comply with the requirements of this section in that portion of its jurisdiction which is located within the coastal zone.

(b) The conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. Replacement dwelling units shall be located within the same city or county as the dwelling units proposed to be converted or demolished. The replacement dwelling units shall be located on the site of the converted or demolished structure or elsewhere within the coastal zone if feasible, or, if location on the site or elsewhere within the coastal zone is not feasible, they shall be located within three miles of the coastal zone. The replacement dwelling units shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition of the residential dwelling unit. In the event that an existing residential dwelling unit is occupied by more than one person or family, the provisions of this subdivision shall apply if at least one such person or family, excluding any dependents thereof, is of low or moderate income.

For purposes of this subdivision, a residential dwelling unit shall be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit and if the eviction was for the purpose of avoiding the requirements of this subdivision. If a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish that structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of this subdivision and the applicant for the conversion or demolition shall bear the burden of proving that the evictions were not for the purpose of avoiding the requirements of this subdivision.

The requirements of this subdivision for replacement dwelling units shall not apply to the following types of conversion or demolition unless the local government determines that replacement of all or any portion of the converted or demolished dwelling units is feasible, in which event replacement dwelling units shall be required:

Exception
←

(1) The conversion or demolition of a residential structure which contains less than three dwelling units, or, in the event that a proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer dwelling units.

(2) The conversion or demolition of a residential structure for purposes of a nonresidential use which is either "coastal dependent," as defined in Section 30101 of the Public Resources Code, or "coastal related," as defined in Section 30101.3 of the Public Resources Code. However, the coastal-dependent or coastal-related use shall be consistent with the provisions of the land use

plan portion of the local government's local coastal program which has been certified as provided in Section 30512 of the Public Resources Code. Examples of coastal-dependent or coastal-related uses include, but are not limited to, visitor-serving commercial or recreational facilities, coastal-dependent industry, or boating or harbor facilities.

(3) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has within the area encompassing the coastal zone, and three miles inland therefrom, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.

(4) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has established a procedure under which an applicant for conversion or demolition will pay an in-lieu fee into a program, the various provisions of which, in aggregate, will result in the replacement of the number of dwelling units which would otherwise have been required by this subdivision. As otherwise required by this subdivision, the replacement units shall, (i) be located within the coastal zone if feasible, or, if location within the coastal zone is not feasible, shall be located within three miles of the coastal zone, and (ii) shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition.

The requirements of this subdivision for replacement dwelling units shall not apply to the demolition of any residential structure which has been declared to be a public nuisance under the provisions of Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.

For purposes of this subdivision, no building, which conforms to the standards which were applicable at the time the building was constructed and which does not constitute a substandard building, as provided in Section 17920.3 of the Health and Safety Code, shall be deemed to be a public nuisance solely because the building does not conform to one or more of the current provisions of the Uniform Building Code as adopted within the jurisdiction for new construction.

(c) The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent", as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

(d) New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. Where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.

COASTAL COMMISSION

(e) Any determination of the "feasibility" of an action required to be taken by this section shall be reviewable pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure.

(f) The housing provisions of any local coastal program prepared and certified pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code prior to January 1, 1982, shall be deemed to satisfy all of the requirements of this section. Any change or alteration in those housing provisions made on or after January 1, 1982, shall be subject to all of the requirements of this section.

(g) As used in this section:

(1) "Conversion" means a change of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

(2) "Demolition" means the demolition of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

(3) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

(h) With respect to the requirements of Sections 65583 and 65584, compliance with the requirements of this section is not intended and shall not be construed as any of the following:

(1) A statutory interpretation or determination of the local government actions which may be necessary to comply with the requirements of those sections; except that compliance with this section shall be deemed to satisfy the requirements of paragraph (2) of subdivision (c) of Section 65583 for that portion of a local government's jurisdiction which is located within the coastal zone.

(2) A limitation on the program components which may be included in a housing element, or a requirement that a housing element be amended in order to incorporate within it any specific provision of this section or related policies. Any revision of a housing element pursuant to Section 65588 shall, however, take into account any low- or moderate-income housing which has been provided or required pursuant to this section.

(3) Except as otherwise specifically required by this section, a requirement that a local government adopt individual ordinances or programs in order to implement the requirements of this section.

COASTAL COMMISSION

(i) No provision of this section shall be construed as increasing or decreasing the authority of a local government to enact ordinances or to take any other action to ensure the continued affordability of housing.

(j) Local governments may impose fees upon persons subject to the provisions of this section to offset administrative costs incurred in order to comply with the requirements of this section.

(k) This section establishes minimum requirements for housing within the coastal zone for persons and families of low or moderate income. It is not intended and shall not be construed as a limitation or constraint on the authority or ability of a local government, as may otherwise be provided by law, to require or provide low- or moderate-income housing within the coastal zone which is in addition to the requirements of this section.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 10 OF 10

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 6

Fleming Brooks
517 Rose Ave
Venice Beach, CA 90291
flemingbrooks@gmail.com

May 21, 2015

To: Venice Neighborhood Council

From: Fleming Brooks

RE: George Klein — 521 Rose Ave

Dear VNC,

I live directly next door to George Klein.
He has been my neighbor at 521 Rose Ave for
over 2 years.


Fleming

COASTAL COMMISSION

Declaration of Kirk Baxter

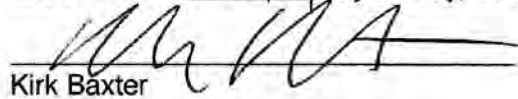
EXHIBIT # 5
PAGE 2 OF 6

I, Kirk Baxter, hereby declare

1. My wife and I are 50% owners of the property located at 521 Rose Avenue, Venice, CA 90291. The other 50% owner is George Klein. We own our share of the property in the name of our family trust.
2. We purchased the property in June 2008 and have been 50% owners ever since that time.
3. Our plan for this property, is to build a new two unit residential structure, whereby I and my wife and one young daughter live on the top floor, and the Kleins live on the bottom floor.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 22nd day of May, 2015.


Kirk Baxter

COASTAL COMMISSION

Declaration of George Klein

EXHIBIT # 5
PAGE 3 OF 6

I, George Klein, hereby declare

1. I am one of the two owners of the property located at 521 Rose Avenue, Venice, CA 90291. The other owner is Kirk and Susan Baxter. They own their share of the property in the name of their family trust. I own 50% interest in the property and the Baxters own the other 50% interest in the property.
2. We purchased the property in June 2008 and have been the owners ever since that time.
3. I moved into the property in approximately May 2013 and I have lived in this property continually ever since that time.
4. I have attached to this declaration letters from my neighbors, verifying that I have lived here for approximately the past two years.
5. I and my daughters are the only people living here.
6. The Baxters' and my plan for this property is to build a new two unit residential structure, whereby I and my three young daughters live on the bottom floor, and the Baxters live on the top floor.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 22 day of May, 2015.


George Klein

COASTAL COMMISSION

Cristina Aragon

EXHIBIT # 5
PAGE 4 OF 6

Dear Neighborhood Council

I live at 529 Rose Avenue, 3 doors down from George Klein. I have been babysitting his three daughters and can confirm that he lives at 521 Rose Ave and has for over 2 years.

Cristina
310 754 6986

Cristina Aragon

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 6

Marcia Lee Gillis

650 Rose Avenue, Unit 4, • Venice, CA 90291
Phone: 424-229-1188 • Cell: 310 663 4460 • E-Mail: marcialeegillis@gmail.com
Web: www.marcialeegillis.com

May 20, 2015

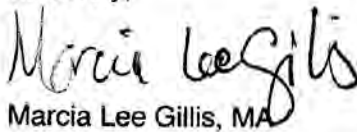
Dear VNC,

I am a resident living on Rose Avenue – my partner Chris Cirak purchased and moved into our condo at 650 Rose in November of 2008.

I am writing on behalf of George Klein, my neighbor at 521 Rose, Venice, who has lived at that address for the past 2 years. I have had the good luck of knowing George, truly one of the most generous, caring and integrous people I've ever met.

Please feel free to contact me directly at 310-663-4460.

Sincerely,


Marcia Lee Gillis, MA

COASTAL COMMISSION

From: Jill Villaluna vanlilajill@gmail.com
Subject: George Klein
Date: May 21, 2015 at 7:39 PM
To: Geo Klein gecklein@gmail.com

EXHIBIT # 5
PAGE 6 OF 6

To Whom It May Concern,

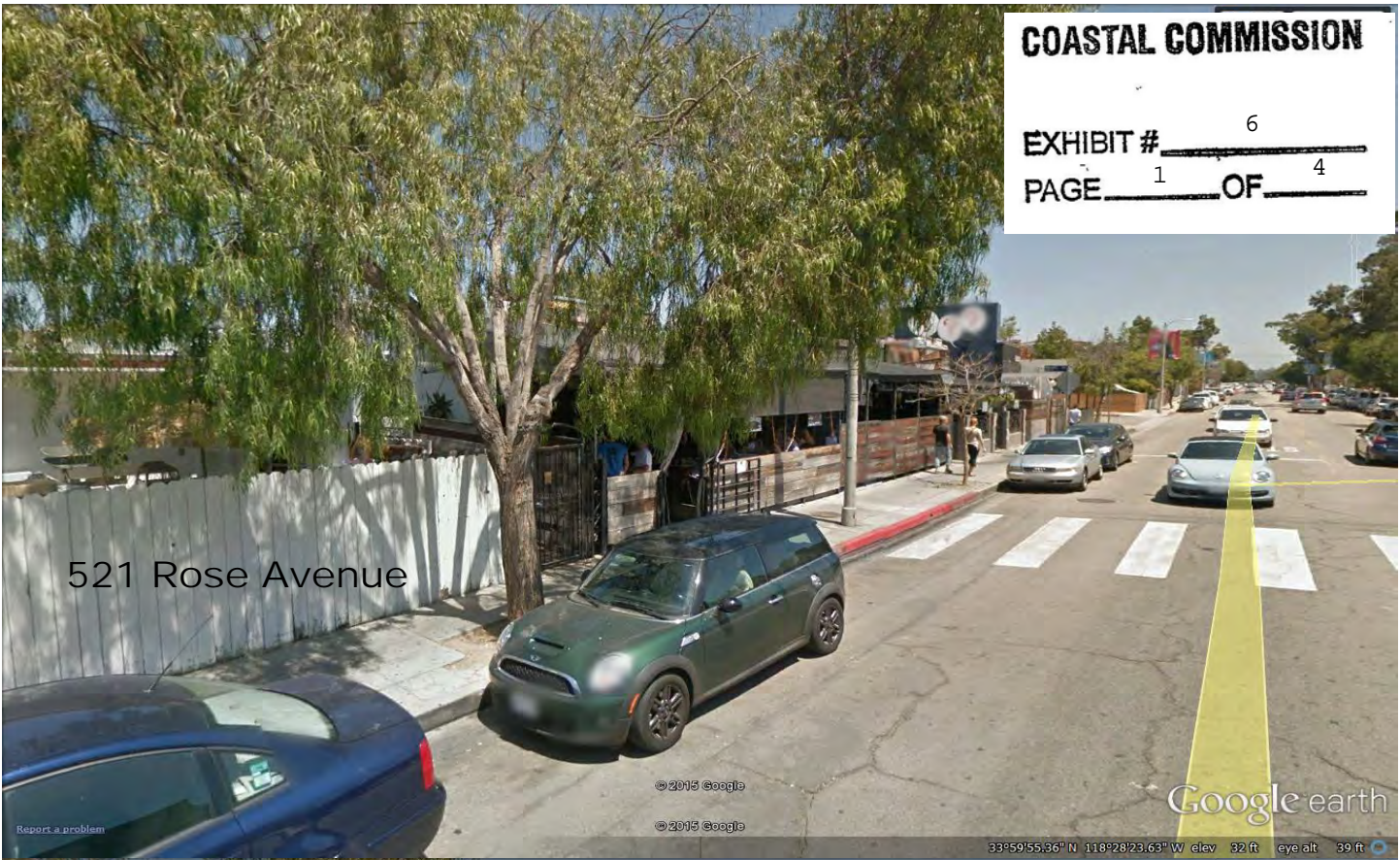
I am a long time resident and property owner in Venice and live at 222 6th Ave, Venice CA 90291.

My home is located north of Rose Ave less than 500 yards from the residence at 521 Rose Ave.

I can personally substantiate that George Klein resides in the above mentioned address. I have walked his dog Tucker and delivered dog food orders to this residence for a few years.

I consider George Klein a good client, neighbor and friend.

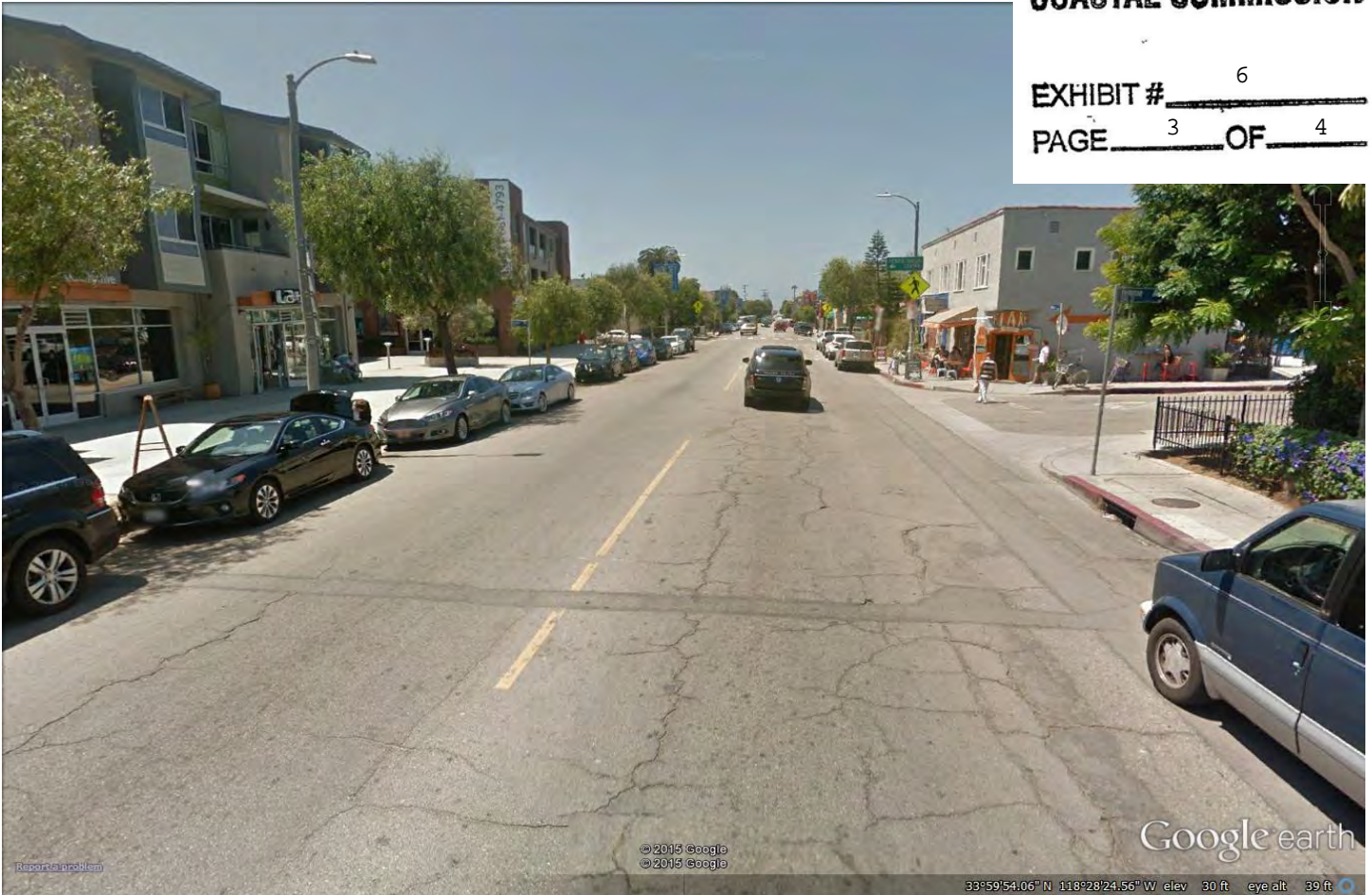
--
-jill



COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 4





COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 4

