

CALIFORNIA COASTAL COMMISSION

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



Th13b

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original staff report

ADDENDUM

October 28, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **APPEAL NO. A-5-VEN-16-0084 (1333-1335 ABBOT KINNEY) FOR THE COMMISSION MEETING OF THURSDAY, NOVEMBER 3, 2016.**

I. CHANGES TO STAFF REPORT

Commission staff recommends modifications to the staff report dated October 20, 2016. The modifications are recommended to remove an incorrect interpretation in the staff report. Language to be added to the findings and conditions is shown in **underlined italicized bold text**, and language to be deleted is identified by ~~strike-out~~.

Page 13, paragraph 1 under Substantial Issue Analysis, shall be modified as follows:

Furthermore, in 2015, the historic resources study, entitled SurveyLA (which is used as guidance by the City but has not been formally recognized or certified by the Commission), found that the Abbot Kinney Boulevard Commercial Planning District “does not retain sufficient integrity or cohesion to qualify as a historic district.” However, the survey does indicate that the building at 1331 Abbot Kinney Blvd. is a potentially significant historic resource because of its historic context as a “rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice.” ~~The survey does indicate that “most examples from this period do not retain integrity,” which means the building has most likely been altered overtime from its original appearance and does not necessarily accurately reflect the time period in which it was constructed.~~ Moreover, the proposed project consists predominately of minor, interior modifications, with the only minor, exterior modification being a new recessed ADA compliant entryway **and skylights**. The main characteristic of 1920s vernacular-style commercial architecture is the large storefront windows, which, in this case, will remain intact during this project. To preserve the historic character of the front façade, the applicant has indicated on the City-approved plans that the exterior work will match the existing material. Accordingly, the building’s status as a significant architectural, historical and cultural landmark in the Venice LUP does not prevent use of the exemption in this instance.

II. PUBLIC CORRESPONDENCE

Commission staff received one (1) letter supporting the project and a finding of no substantial issue from the representatives of Jake Malott, the project applicant.

Commission staff received one (1) letter opposing the project and a finding of no substantial issue from the appellants, Robin Rudisill, Sue Kaplan and Lydia Ponce.



Howard Robinson & Associates

Oct. 27, 2016

Caitlin Oshida
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: **Item Th13b, November, 2016 Commission Meeting**
A-5-VEN-16-0084
1333 & 1335 Abbot Kinney Blvd, Venice, CA

Dear Caitlin,

I'm writing as the applicant representative. We agree with the staff recommendation that the Commission find No Substantial Issue in this matter.

The appeal is completely without merit. The proposed project consists only of interior tenant improvements to an existing retail space and replacement of two entry doors with new, required ADA accessible doors. There is no change-of use proposed. There is no additional floor area proposed.

In an effort to save the Commission the wasted time of dealing with this matter, we contacted the appellants and invited them to a meeting at the site in order to explain the limited scope of the project. At the site meeting, it became apparent that the appellants had assumed, incorrectly, that we were proposing substantial changes to the facade of the building. We showed plans and project description language which clearly showed this was not the case. We provided a copy of the plans and the building permit application documents to the appellants. They still declined to withdraw the appeal. Obviously, this is quite frustrating.

But most importantly, this is a tiny interior remodel project of an existing retail store. The project easily qualifies for a Coastal Exemption and the City's exemption was properly granted.

Sincerely,

Howard Robinson

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OCT 27 2016

**CALIFORNIA
COASTAL COMMISSION**

8758 Venice Boulevard, Suite 101, Los Angeles, CA 90034
310-838-0180 Howard@HowardRobinson.net
www.HowardRobinson.net

October 27, 2016

Th19c

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

Re. APPEAL of Coastal Exemption for:
1333-1335 Abbot Kinney Blvd (A-5-VEN-16-0084)
Hearing date: Thursday November 3, 2016
Agenda Item Th19c

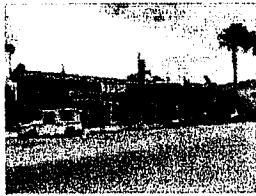
Dear Coastal Staff and Honorable Commissioners,

Please note that the Staff is in error to say

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describe various situations in which permit exemptions do not apply due to the risk of adverse environmental effects, including where an otherwise exempt development is located, for example, on a beach or other sensitive resource area. 14 Cal. Code Regs § 13253(b). However, none of these exceptions include situations where a project may affect a building that is designated as a landmark.

Furthermore, in 2015, the historic resources study, entitled SurveyLA (which is used as guidance by the City but has not been formally recognized or certified by the Commission), found that the Abbot Kinney Boulevard Commercial Planning District “does not retain sufficient integrity or cohesion to qualify as a historic district.” However, the survey does indicate that the building at 1331 Abbot Kinney Blvd. is a potentially significant historic resource because of its historic context as a “rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice.” The survey does indicate that “most examples from this period do not retain integrity,” which means the building has most likely been altered overtime from its original appearance and does not necessarily accurately reflect the time period in which it was constructed. Moreover, the proposed project consists predominately of minor, interior modifications, with the only minor, exterior modification being a new recessed ADA compliant entryway. The main characteristic of 1920s vernacular-style commercial architecture is the large storefront windows, which, in this case, will remain intact during this project. To preserve the historic character of the front façade, the applicant has indicated on the City-approved plans that the exterior work will match the existing material. Accordingly, the building’s status as a significant architectural, historical and cultural landmark in the Venice LUP does not prevent use of the exemption in this instance.



Primary Address: 1331 S ABBOT KINNEY BLVD
Other Address: 1327 S ABBOT KINNEY BLVD
1329 S ABBOT KINNEY BLVD
1333 S ABBOT KINNEY BLVD
1335 S ABBOT KINNEY BLVD
Name: Bundy Building
Year built: 1923
Architectural style: Commercial, Vernacular

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Commercial Development, 1873-1934
Sub theme:	No SubTheme
Property type:	Commercial - Retail
Property sub type:	One-story Commercial Strip
Criteria:	A/1/1&C/3/3
Status code:	3S;3CS;553
Reason:	Rare, <u>intact</u> example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice; <u>most examples from this period do not retain integrity.</u>

Also, it was verified with Ken Bernstein, AICP, Manager, Office of Historic Resources & Principal City Planner, Department of City Planning, City of L.A., that the SurveyLA Finding for this property did indeed indicate that this is a "rare, intact example of early commercial development" (and not one of the examples that does not retain integrity).

Sincerely yours,

Robin Rudisill
Sue Kaplan
Lydia Ponce
Kevin Keresey

Excerpt from Certified Venice Land Use Plan (also approved by L.A. City Ordinance and contained within the L.A. General Plan Venice Community Plan):

**Preservation of
Cultural Resources**

Policy I. F. 1. Historic and Cultural Resources. The historical, architectural and cultural character of structures and landmarks in Venice should be identified, protected and restored where appropriate, in accordance with historical preservation guidelines.

The following buildings, streets, and trees have been identified through the coordinated efforts of surveys performed by the Venice Historical Society, Venice Community, State Coastal Conservancy and City of Los Angeles as significant architectural, historical and cultural landmarks in the Venice Coastal Zone.

Venice City Hall
Lighthouse Street Bridge
Eastwind Community Gardens
Crown Arms (Catamaran St.)
Bay Cities Laundry
Sidewalk Café (1915)
Waldorf Hotel (1913)
St. Charles Hotel (1905) - (St. Marks Annex).
Abbot Kinney Boulevard between Venice Boulevard and Brooks
Avenue

The addresses on Abbot Kinney Blvd between Venice Blvd and Brooks Ave include 900 - 1661 Abbot Kinney Blvd.

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Th13b

Filed: 9/20/2016
49th Day: 11/8/2016
Staff: C. Oshida – LB
Staff Report: 10/20/2016
Hearing Date: 11/3/2016

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Local Government: City of Los Angeles

Local Decision: Claim of Exemption to Coastal Development Permit Requirement

Appeal Number: A-5-VEN-16-0084

Applicant: 1331 W Washington Partners, LLC. c/o Jake Malott

Agent: Howard Robinson

Appellants: Lydia Ponce, Sue Kaplan, Robin Rudisill, and Celia Williams

Project Location: 1333 & 1335 Abbot Kinney Blvd., Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Exemption No. DIR-2016-2937-CEX for the replacement of the existing entryway with a recessed ADA accessible entry and an interior remodel consisting of: (1) the construction of an interior non-loadbearing wall which will divide the space into two individual retail spaces; (2) new accessible ADA compliant bathrooms; (3) new interior steps with an ADA compliant ramp; (4) a janitor's closet; (5) new portion of ceiling; and (6) skylights, in an existing commercial building.

Staff Recommendation: No Substantial Issue

IMPORTANT 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 applicant, persons who opposed the application before the local government (or their representatives), or those who, for good cause, were unable to oppose the application before the local government, 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.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds on which Appeal A-5-VEN-16-0084 has been filed because the locally approved development does qualify for an exemption and does not require a local coastal development permit from the City of

Los Angeles. The City-approved plans indicate that the project includes minor building alterations, which constitutes an “improvement” to an existing development, because less than 50 percent of the existing commercial building will be demolished (**Exhibit 4**). In addition, for commercial projects, a change in use or a change in intensity of use (which is measured by the parking demand for the building), is what often triggers a CDP requirement. However, no change is proposed for the building’s use or intensity – the commercial building will continue to be used as a commercial retail space, and there will be no increase or decrease in the building’s gross square footage, and therefore no change in the amount of required off-street parking.

Therefore, the proposed project is exempt “development” as defined in the Coastal Act and does not require a coastal development permit. Commission Staff recommends that the Commission find that no substantial issue exists with respect to the grounds upon which the appeal has been filed because the City properly found that the proposed project does not require a local coastal development permit. The motion to carry out the staff recommendation is on **page 4**.

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EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Photo of Site
- Exhibit 3 – Commission Notification of Appeal and Appeal
- Exhibit 4 – Architectural Plans
- Exhibit 5 – Coastal Exemption No. DIR-2016-1370-CEX

I. MOTION AND RESOLUTION

MOTION: *I move that the Commission determine that Appeal No. A-5-VEN-16-0084 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. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo 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-16-0084 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 Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On September 20, 2016, the Commission received an appeal of Local Coastal Exemption DIR-2016-2937-CEX from Lydia Ponce, Sue Kaplan, Robin Rudisill, and Celia Williams (**Exhibit 3**). The City's Coastal Exemption approved the following: "*Construct (N) interior demising wall. Construct (N) accessible entry. Interior remodel to include: (N) accessible bathrooms, (N) interior steps, (N) accessible ramp, (N) Janitor's closet, portion of (N) ceiling, & (N) skylights.*" The appeal contends that, because the certified Venice Land Use Plan (LUP) identifies this building as a "significant architectural, historical and cultural landmark", any change to the building represents a risk of adverse environmental effect. Also, the appellants contend that if the addition and the exterior work identified on both pending and approved City-issued building permits is accurate, then the project description on the claim of exemption form needs to be changed to include this work. For the reasons stated above, the appeal contends that the City-approved project does not qualify for an exemption and requires the review afforded through the coastal development permit process.

III. LOCAL GOVERNMENT ACTION

On April 18, 2016, the City of Los Angeles, Department of City Planning issued a Coastal Exemption (DIR 2016-1370-CEX) for a project consisting of the following at 1335 Abbot Kinney, "(N) interior wall and raised floor for (N) electrical room, (N) exterior door at electrical room, replace (E) exterior window, (N) accessible entry" (**Exhibit 5**). The City forwarded a copy of the Coastal Exemption to the Coastal Commission's South Coast District Office on May 2, 2016, and, at that time, Coastal Commission staff established the 20 working-day appeal period for the local CDP action. No appeals were filed and the Coastal Exemption No. DIR-2016-1370-CEX became final. On June 14, 2016, the City Department of Building and Safety issued Building Permit No. 16016-30000-07076 for a "new interior wall for electrical room and new

raised floor at the electrical room only, new exterior door and new window to alleyway, new Americans with Disabilities Act (ADA) accessible recessed entry” at 1335 Abbot Kinney Blvd., under Coastal Exemption No. DIR-2016-1370-CEX.

On August 11, 2016, the City of Los Angeles, Department of City Planning issued a Coastal Exemption (DIR 2016-2937-CEX) for a project at 1333 and 1335 Abbot Kinney Blvd. that would consist of the following: “*Construct (N) interior demising wall. Construct (N) accessible entry. Interior remodel to include: (N) accessible bathrooms, (N) interior steps, (N) accessible ramp, (N) Janitor’s closet, portion of (N) ceiling, & (N) skylights*” (**Exhibit 3**). The applicant name listed on the City’s exemption is Jake Malott. The box checked on the City’s exemption form is “Improvements to Any Existing Structure Other Than A Single-Family Residence.”

The City forwarded a copy of the Coastal Exemption to the Coastal Commission’s South Coast District Office on August 22, 2016, and, at that time, Coastal Commission staff established the 20 working-day appeal period for the local CDP action on DIR 2016-2937-CEX. On September 15, 2016, the City Department of Building and Safety issued Building Permit No. 16016-30000-17394 for “interior and exterior alteration to existing retail. New electrical room at the rear storage area and new accessible entry” for the existing structure at 1335 Abbot Kinney Blvd. (most likely under Coastal Exemption No. DIR-2016-1370-CEX). On September 20, 2016, the appellants submitted the appeal to the Commission’s South Coast District Office. The appeal of the City’s action was determined to be valid because it was received prior to the expiration of the twenty working-day period (September 21, 2016) in which any action by the City of Los Angeles can be appealed to the Commission.

On September 21, 2016, a Notification of Appeal was sent to the Los Angeles Department of City Planning and the applicant, notifying each party of the appeal of DIR-2016-2937-CEX, and the decision was stayed pending Commission action on the appeal. On October 6, 2016, the Los Angeles Department of Building and Safety issued Building Permit No. 16016-10000-18619 for 1335 Abbot Kinney for: “T.I. to (E) Retail to create new demising wall, install skylight, reframe portion of ceiling, roof, restroom, and reconfigure (E) front entry to be ADA accessible. No additional SQ FT.” On October 12, 2016, the applicant submitted an application for a building alteration/repair permit from the Los Angeles Department of Building and Safety (application no. 16016-10000-24499) for 1333 Abbot Kinney for: “T.I. to (E) Retail to create new demising wall, install skylight, reframe portion of ceiling, roof, restroom, and reconfigure (E) front entry to be ADA accessible. No additional SQ FT.” The permit was not issued – pending the Commission’s actions on this appeal (A-5-VEN-16-0084).

In response to the appeal, on October 13, 2016, the applicant updated the “Description of Work” on the Application for Building Permit for both 1333 and 1335 Abbot Kinney Blvd. While the descriptions of the proposed work is the same on both permits, “T.I. to (E) Retail to Create New Demising Wall, install skylight, reframe portion of ceiling, roof, restroom, and reconfigure € front entry to be ADA accessible. No Additional SQ FT,” the applicant pulled two separate permits, one for each store, in order to have a clear permit history for each of the two individual retail units in the building. The permits were not issued – pending the Commission’s actions on this appeal (A-5-VEN-16-0084).

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, and Section 30625 makes clear that claims of exemption are among the appealable actions.

After a final local action on a local coastal development permit application or a coastal exemption, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice that 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 stating the specific grounds for appeal and summarizing 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 approved project’s conformity with Chapter 3 of the Coastal Act. However, the Chapter 3 policies of the Coastal Act do not apply if the project is exempt from permitting requirements pursuant to Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations. Accordingly, for appeals of coastal exemption determinations such as this, the Commission’s role is to determine whether there is factual and legal support for the local government’s exemption determination. If there is no substantial issue with regard to the propriety of the exemption determination, then there is also no substantial issue with regard to Chapter 3 conformity because those policies do not apply to exempt development. If the Commission decides that there is no substantial issue with the exemption determination—and thus Chapter 3—the action of the local government becomes final.

If, however, the Commission finds that a substantial issue exists with respect to the locally-approved project’s conformity with Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations, then the local coastal development permit decision is voided and the Commission typically continues the public hearing to a later date in order to review the claim of exemption as a *de novo* matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] The standard of review for the *de novo* portion of an appeal is the same as described above—consistency with Chapter 3, as determined by analyzing consistency with Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations. Should the Commission deny the claim of exemption and determine that a coastal development permit is required, then the Chapter 3 policies of the Coastal Act are the standard of review if the applicant applies for, and the local jurisdiction considers, the permit. [Cal. Pub. Res. Code § 30625.]

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. 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 Regulations, 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), or those who, for good cause, were unable to oppose the application before the local government, and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE/DUAL PERMIT JURISDICTION AREAS

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

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The project site is located in the North Venice community at 1333 and 1335 Abbot Kinney Boulevard within the City of Los Angeles Single Permit Jurisdiction Area, about 0.5-mile inland of the beach (**Exhibit 1** and **Exhibit 2**). The structures along Abbot Kinney Blvd. between Venice Blvd. and Brooks Ave. are identified in the Venice certified LUP as "significant architectural, historical and cultural landmarks in the Venice Coastal Zone" (Policy I.F.1).

The lot area is 10,080 square feet (lots 9, 10, and 11) and is designated for commercial use (Arctcraft) according to the Venice certified LUP. The lot is currently developed with a one-story, 8,988 square foot commercial building constructed in 1923 fronting Abbot Kinney consisting of approximately 8 individual retail spaces (1327 Abbot Kinney Blvd., 1327½ Abbot Kinney Blvd., 1329 Abbot Kinney Blvd., 1329½ Abbot Kinney Blvd., 1331 Abbot Kinney Blvd., 1333 Abbot Kinney Blvd., 1335 Abbot Kinney Blvd., and 1335½ Abbot Kinney Blvd.). The retail spaces for 1333 and 1335 Abbot Kinney Blvd. encompass approximately 2,370 square feet. The scope of work provided by the applicant on the City's Coastal Exemption form is "*Construct (N) interior demising wall. Construct (N) accessible entry. Interior remodel to include: (N) accessible*

bathrooms, (N) interior steps, (N) accessible ramp, (N) Janitor’s closet, portion of (N) ceiling, & (N) skylights.”

The City of Los Angeles did retain copies of plans for this project when it was deemed exempt from permit requirements, and submitted the project plans along with the coastal exemption to the Commission’s South Coast Office on August 22, 2016 (**Exhibit 4**). According to the plans submitted by the City, the scope of work includes the replacement of the existing entryway with an ADA accessible entry and an interior remodel consisting of: (1) the construction of an interior non-loadbearing wall which will divide the space into two individual retail spaces; (2) new accessible ADA compliant bathrooms; (3) new interior steps with an ADA compliant ramp; (4) a janitor’s closet; (5) new portion of ceiling; and (6) four new skylights (**Exhibit 4**). No change in building height, square footage or intensity of use of the existing structure is proposed.

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. As described above, in the case of appeals of coastal exemptions (Section 30625(a) of the Coastal Act), this standard requires the Commission to determine if there is factual and legal support for the local government’s decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations.

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 Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

The grounds for this appeal are that the project is considered a significant historic structure to the Venice Coastal Zone and therefore any development to the structure is considered non-exempt “development” as defined in the Coastal Act. The appellants claim that a coastal development permit should therefore have been required because of the potential risk of adverse environmental effect. In the case of appeals of coastal exemptions, the Commission must determine if there is factual and legal support for the local government’s decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations.

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

“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

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

Coastal Act Section 30610 Developments authorized without permit, states:

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

*(b) **Improvements to any structure other than a single-family residence or a public works facility**; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit....*

*(d) **Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however,***

that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

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

(a) For purposes of Public Resources Code Section 30610(b) where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to the structure;*
- (2) Landscaping on the lot.*

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

Section 13252 Repair and Maintenance Activities That Require a Permit, states:

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

The grounds for this appeal are that the project is not exempt development as defined in the Coastal Act and, as such, the applicant must obtain a coastal development permit for the proposed development. The description and proposed plans of the project, which includes an interior remodel and construction of a new ADA compliant entryway resulting in considerably less than 50 percent demolition of the existing exterior structural elements of the structure, is considered an improvement to an existing structure, and is not a new commercial structure, based on the applicable provisions of the Coastal Act.

Additionally, the City of Los Angeles Certified Land Use Plan (LUP) for Venice, which can be used as guidance by the Commission, defines “remodel” as: an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced. In past actions, the Commission found that when a “remaining wall” is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the fifty-percent guideline should retain its siding, framing (studs), drywall/plaster, windows, and doorways. Furthermore, the Commission found that demolition, reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act, or the Commission’s Regulations and require a coastal development permit. In some cases, even if a development is a remodel under the LUP, it does not mean that it is exempt from the coastal development permitting requirements. The LUP sets forth no policies relative to interpreting remodels as being exempt development and therefore offers no guidance here. As such, an exemption determination is based solely on a reading of applicable Coastal Act provisions and associated implementing regulations. In this case, the amount of existing structure proposed to be removed does not exceed 50 percent. Therefore, a coastal development permit is not required.

In determining whether the project constitutes the replacement of 50 percent or more of the existing structure, Commission staff analyzes the percentage of the various components of the structure that are being replaced. A building consists of many components that can be measured, such as: the foundation, plumbing, electrical, walls, floor, and/or roof of the structure. The project plans must indicate the amount of demolition and augmentation that is necessary to build the proposed remodel. If 50 percent or more of the total of these components are being replaced, then the project would not qualify as exempt development, and must obtain a coastal development permit pursuant to Section 30600(a) of the Coastal Act.

The proposed project does qualify for an exemption under Coastal Act Section 30610(b). Coastal Act Section 30610(b) allows *improvements* to any structure other than a single-family residence or public works facility without a coastal development permit. Improvements to buildings typically include minor exterior projects and interior remodels, as long as 50 percent of the existing exterior structure is not removed, replaced, or demolished.

In this case, the amount of the existing structure proposed to be removed is less than 50 percent and therefore can be considered an improvement to an existing commercial structure that is exempt from coastal development permit requirements. According to the plans submitted by the City, the scope of work includes the replacement of the existing entryway with an ADA accessible entry and an interior remodel consisting of: (1) the construction of an interior non-loadbearing wall which will divide the space into two individual retail spaces; (2) new accessible ADA compliant bathrooms; (3) new interior steps with an ADA compliant ramp; (4) a janitor's closet; (5) new portion of ceiling; and (6) four new skylights (**Exhibit 4**). Exterior work will be limited to two areas: the front entryway and the roof. First, the applicant is proposing to replace the existing front doorway with an ADA compliant entryway, thus improving public access to the interior of the retail space. Materials used will match the existing exterior masonry work. Second, the applicant is proposing new skylights to increase the amount of natural light within the interior space. These will be located on the flat roof and will not be visible from the public right-of-way. These minor projects are considered improvements to the existing structure, and therefore do not require a coastal development permit.

Additionally, for commercial projects, a change in use or a change in intensity of use (which is typically measured by the parking demand for the building), will trigger a CDP requirement. See Pub. Resources Code § 30610(b), 14 Cal. Code Regs § 13253(b)(7).

The Venice certified LUP defines “change of use” as:

A change from (a) an existing residential use to a new residential use resulting in an increase in the total number of dwelling units; or (b) an existing residential use to a commercial or industrial use; or (c) an existing commercial use to a residential use or industrial use; or (d) an existing industrial use to a residential use or commercial use; or (e) an existing industrial use to a new industrial use, when an increase in the number of trips results from the new use, as calculated by the Trip Table (See Appendix); or (f) an existing commercial use to a new commercial use, when an increase in the number of Trips results from the new use, as calculated by the Trip Table (See Appendix); or when an increase in the number of required parking spaces results, as calculated by the LUP parking requirements contained in LUP Policies II.A.3 and II.A.4.

Policy II.A 3 Parking Requirements of the Venice certified LUP states, in part:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use... Extensive remodeling of an existing use of change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency...

The plans approved for coastal exemption DIR-2016-2937-CEX by the City clearly state that the current use of the building is “mercantile” and that “no change” will be made as part of this commercial project. This emphasizes that the existing retail commercial building will remain a retail commercial structure, and a change of use from a retail to a residential unit, restaurant, or an industrial use is not proposed as part of this project. Therefore, this project does not meet the definition of “change of use” set forth in the Venice certified LUP.

Part (f) of the LUP’s definition of “change in use” also does not apply to this project because the proposed project will not result in an increase or decrease in the square footage of the building. As detailed in the “Parking Requirement Table” in the Venice certified LUP, general retail stores (except as otherwise provided) require that “1 space for each 225 square feet of floor area.” This indicates that the square footage of the building is the standard for determining the parking demand for the structure, and the results, in this case, are directly correlated. Because the proposed project is only for minor improvements to the building, and is neither an “extensive remodel” nor will it change the gross square feet of the structure, the number of Trips or required number of off-street parking spaces will also not increase or decrease. Because there is no change in the parking demand and because the retail space will continue to be used as retail, this project will not result in a change of use or a change in the intensity of the building, and is therefore exempt from coastal development permit requirements.

In addition, historically, 1333 and 1335 Abbot Kinney Blvd. have operated as one large space for a single retail tenant (no building permit or record was located that mentioned if and/or when the two units were combined into one space). However, one of the minor interior improvements proposed for this building is the construction of a demising (non-loadbearing) wall that will separate 1333 and 1335 Abbot Kinney Blvd. into two separate commercial spaces. While this does represent a change in the number of tenants occupying the space, change of intensity is determined by the increase or decrease in the overall total square footage of the commercial structure. In this case, the description and proposed plans of the project clearly indicate that, although the proposed minor improvements will make it possible for two tenants to occupy the building, the project will not result in the increase or decrease of gross square footage of the commercial space. The two tenants will actually be splitting the approximately 2,370 square foot space allotted to them in the 8,988 square foot commercial building into two separate spaces. 1333 Abbot Kinney Blvd. will encompass about 530 square feet of the space and 1335 Abbot Kinney will be approximately 1,840 square feet. Overall, the proposed project, supported by the City-approved plans, does not meet the Venice certified LUP’s definition of a change of use of an existing structure, and is therefore exempt from coastal development permit requirements.

The appellants also assert that the project should not be exempt because it will allegedly adversely affect a building that is designated as a “significant architectural, historical and cultural landmark” in the Venice LUP. This argument is without merit. The Commission’s regulations

describe various situations in which permit exemptions do not apply due to the risk of adverse environmental effects, including where an otherwise exempt development is located, for example, on a beach or other sensitive resource area. 14 Cal. Code Regs § 13253(b). However, none of these exceptions include situations where a project may affect a building that is designated as a landmark.

Furthermore, in 2015, the historic resources study, entitled SurveyLA (which is used as guidance by the City but has not been formally recognized or certified by the Commission), found that the Abbot Kinney Boulevard Commercial Planning District “does not retain sufficient integrity or cohesion to qualify as a historic district.” However, the survey does indicate that the building at 1331 Abbot Kinney Blvd. is a potentially significant historic resource because of its historic context as a “rare, intact example of early commercial development located along the former Venice Short Line, a Pacific Electric streetcar line that ran along Electric Avenue in Venice.” The survey does indicate that “most examples from this period do not retain integrity,” which means the building has most likely been altered overtime from its original appearance and does not necessarily accurately reflect the time period in which it was constructed. Moreover, the proposed project consists predominately of minor, interior modifications, with the only minor, exterior modification being a new recessed ADA compliant entryway. The main characteristic of 1920s vernacular-style commercial architecture is the large storefront windows, which, in this case, will remain intact during this project. To preserve the historic character of the front façade, the applicant has indicated on the City-approved plans that the exterior work will match the existing material. Accordingly, the building’s status as a significant architectural, historical and cultural landmark in the Venice LUP does not prevent use of the exemption in this instance.

The City of Los Angeles has the authority to issue coastal development permits, as well as coastal exemptions. The proposed project site is located within the *Single Permit Jurisdiction Area*. For the reasons discussed in detail above, the proposed project constitutes an improvement to an existing one-story approximately 8,988 square foot structure. The project will result in the removal of less than 50 percent of the existing material, there will be no change in the structure’s height or square footage, and there will be no change in the intensity of use or the existing gross square feet of the building, all of which demonstrate that the project is exempt from permitting requirements under the Coastal Act and the Commission’s regulations. Therefore, the proposed project does not require a local coastal development permit from the City of Los Angeles.

Because the proposed development is exempt from coastal development permit requirements, there is no need for the Commission to review the appellants’ concerns regarding the project’s consistency with Chapter 3 policies of the Coastal Act, including its consistency with policies protecting the character of the community. These issues would, however, be important and relevant in a situation where the Commission found that an exemption determination raises a substantial issue and denies the exemption in a de novo action. In such cases, the local jurisdiction will have to review a project’s consistency with Chapter 3 policies (and/or any relevant local coastal plan policies) if the applicant applies for a coastal development permit.

Substantial Issue Factors:

Applying the five factors listed in the prior section clarifies that the appeal raises “no substantial issue”, and therefore, does meet the substantiality standard of Section 30625(a).

The first factor is the degree of factual and legal support for the local government's decision that the development is exempt from CDP requirements. The City used detailed plans in its determination to issue a coastal exemption for a project with the scope of work. According to the plans approved by the City, the scope of work includes the replacement of the existing entryway with a new ADA compliant doorway and an interior remodel. No change in building height, square footage, or intensity of use of the existing gross square feet is proposed. The scope of work and accompanying demolition plans also show less than 50 percent of the existing structure being demolished, removed, or modified – the only exterior changes are the new entryway and skylights. Therefore, the proposed development is considered an “improvement” to an existing commercial building. Any deviation from the approved scope of work and approved plans may void the City-issued coastal exemption and require a coastal development permit.

The locally approved development would not result in a change of use or intensity, nor would it involve more than 50 percent demolition of the existing structure and, therefore, the project is an improvement to an existing structure that qualifies for a coastal development permit exemption under section 30610 of the Coastal Act and the Commission's regulations. Additionally, City staff did retain copies of the plans for the proposed development and provided them to Commission staff to review in order to determine whether the City properly determined that the proposed development was exempt. Therefore, the Coastal Commission finds that the City does have an adequate degree of factual or legal support for its exemption determination.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the locally approved development is clear because there are City-approved plans available to determine the scope (**Exhibit 4**). Based on the project description and plans, the City was able to determine that there would be no change in the building's use/intensity and less than 50 percent of the existing commercial structure would be removed during this project, which does not exceed the limitation to be eligible for a coastal exemption. Therefore, the full extent and scope of the City-approved project was reviewed by the City and determined to qualify for a coastal exemption.

The third factor is the significance of the coastal resources affected by the decision. However, this factor is directly tied to the Chapter 3 policies of the Coastal Act, which, as stated in previous sections, are not relevant when considering appeals of coastal exemptions. Rather, in the case of appeals of coastal exemptions, the Commission must determine if there is factual and legal support for the local government's decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations. If the Commission determines that the City erred in their review of the coastal exemption and a coastal development permit is required, the project will be subject to review with consistency with Chapter 3 policies (and/or any relevant local coastal plan policies).

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 Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations for coastal exemption projects. This project, as proposed, 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. Exempting projects from the coastal development permitting process could have negative, cumulative impacts to the coast if the City and other local governments in the coastal zone apply their exemption authority in an improper manner. Although the City properly reviewed this project prior to issuing a coastal exemption and properly applied the relevant exemptions here, the City's approval does raise potential issues of statewide significance because the interpretation and application of Coastal Act exemptions is of statewide importance.

In conclusion, the central issue for the appeal is whether the development requires a local CDP. Because the evidence supports exempting the proposed project from Coastal Act permitting requirements, the Commission finds that appeal A-5-VEN-16-0084 raises no substantial issue relative to Section 30610 of the Coastal Act and Sections 13252 and 13253 of the California Code of Regulations. Accordingly, Coastal Exemption No. DIR-2016-2937-CEX will become final upon the Commission's passage of the motion that the appeal raises no substantial issue.

Location Map: 1333-1335 Abbot Kinney Blvd., Venice

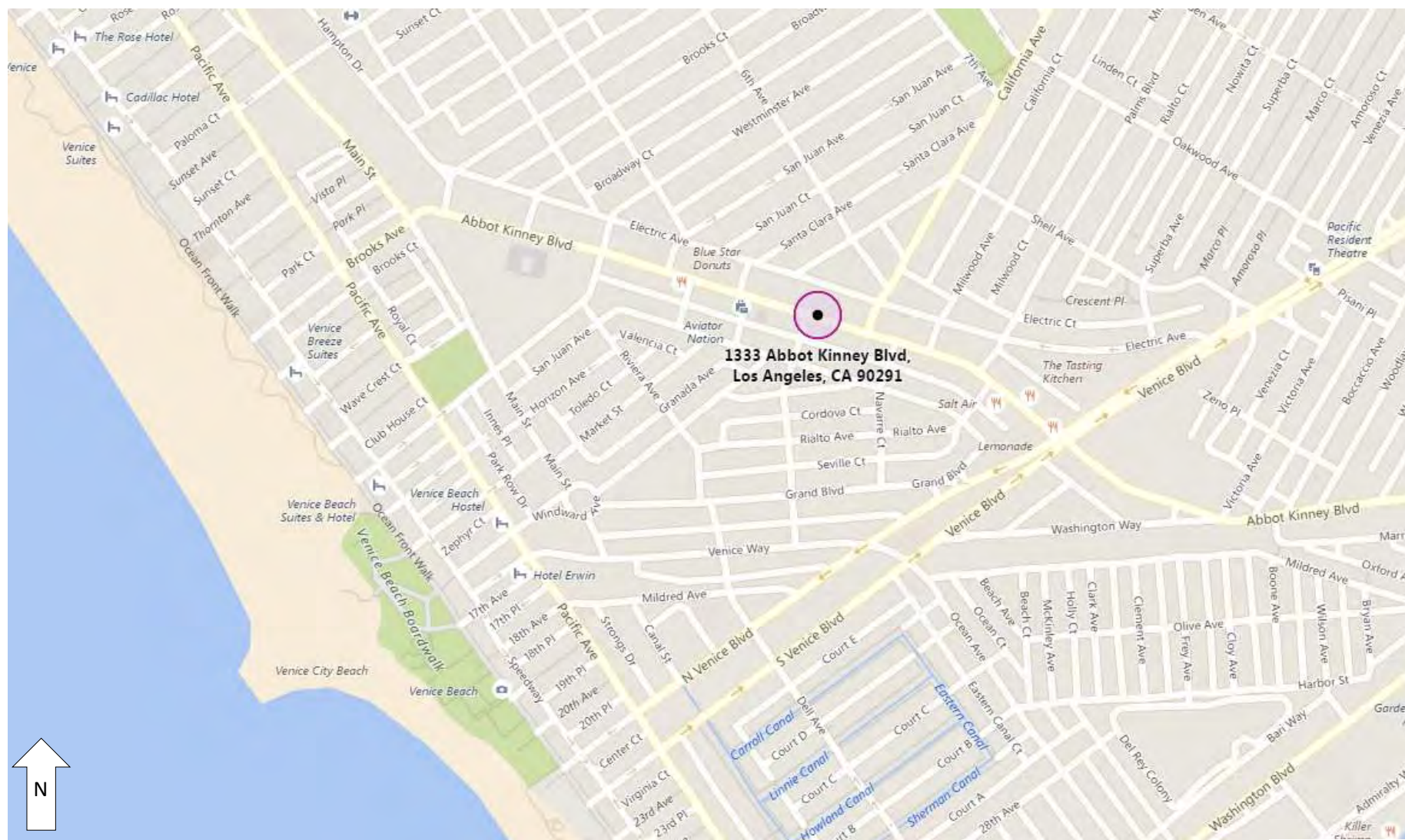


Photo credit: Bing Maps

Exhibit 1

Page 1 of 2



California Coastal
Commission

Vicinity Map: 1333-1335 Abbot Kinney Blvd., Venice



Photo credit: Bing Maps

Exhibit 1

Page 2 of 2



California Coastal
Commission

Photo of 1333-1335 Abbot Kinney Blvd., Venice



Exhibit 2

Page 1 of 1



California Coastal
Commission



CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4418

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

SEP 20 2016

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: Lydia Ponce, Sue Kaplan, Robin Rudisill, Laddie Williams—VC-PUCC (see attached)

Mailing Address:

Venice

Zip Code: 90291

Phone: 310-822-0161

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Interior Remodel to include: (N) accessible [handicapped?] bathrooms, (N) interior steps, (N) accessible ramp, (N) janitor's closet, portion of (N) ceiling, & (N) skylights. ALSO, per building permits (attached) may include exterior alterations, addition to tenant space, reframing of portion of ceiling and roof, and work on Store Front.

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

1333-1335 Abbot Kinney Blvd, near California Ave, APN: 423-902-7009

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-VEN-16-0084

DATE FILED:

Sep. 20, 2016

DISTRICT:

South Coast

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

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: August 11, 2016 (received by LB office on August 22, 2016)

7. Local government's file number (if any): DIR-2016-2937-CEX

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Jake Malott, 11150 Olympic Blvd, #700, L.A., CA

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)

**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.

Project is on Abbot Kinney Blvd between Venice Blvd and Brooks Ave. As such, it is included in the listing on page II-28, Policy I. F. 1. Historic and Cultural Resources, in the certified Venice Land Use Plan (and L.A. General Plan), of identified significant architectural, historical and cultural landmarks in the Venice Coastal Zone. An identified historic place or district involves a risk of adverse environmental effect, and thus a CDP is required.

Also, if the addition and the exterior work identified on both pending and approved building permits is accurate, the Project Description needs to be revised to include this.

See also attached.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****SECTION V. Certification**

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

Laddie Williams *Steve Lapan*
John P. ...
Signature of Appellant(s) or Authorized Agent

Date: September 20, 2016

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

Section VI. Agent Authorization

I/We hereby
authorize _____

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

Signature of Appellant(s)

Date: _____



APPEAL PERIOD ENDS AT 5:00 PM

ON 9-20-2016

CASE NO.: DIR 2016-2937-CEX

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

RECEIVED
South Coast Region
AUG 22 2016
CALIFORNIA
COASTAL COMMISSION

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

SUBJECT: COASTAL EXEMPTION—SINGLE JURISDICTION AREA ONLYUnder no circumstances shall a Coastal Exemption be issued for the following scopes of work:

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

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

PROJECT ADDRESS: 1335 Abbot Kinney *1333 ABBOT KINNEL (AN)*
LEGAL DESCRIPTION: LOT 11 BLOCK BLK C TRACT *Ralph Rogers Subdivision of Block "V" Ocean Park Villa Tract No. 2*
ZONE: C2-1-0-CA COMMUNITY PLAN: VENICE
PROPOSED SCOPE OF WORK: Construct (N) Interior Demising Wall
Construct (N) Accessible Entry
Interior Remodel to include: (N) Accessible bathrooms, (N) interior steps, (N) accessible ramp
(N) Janitor's closet, Portion of (N) ceiling, & (N) Skylights

RELATED PLAN CHECK NUMBER(s): 16016-30000-07076

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

Applicant Name: Jake Malott
Mailing Address: 11150 Olympic Blvd #700
Phone Number: 513-978-6184 E-mail Address: Jake@crestrealestate.com
Signature: *Jake Malott*



CP-1608.3 TA 3010 COUNTY JASTIA

NO

CP-1608.3 TA 3010 COUNTY JASTIA

THIS SECTION FOR OFFICE USE ONLY

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

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

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

Michael LoGrande
Director of Planning

Issued By:

Signature

Print Name and Title

Date:

Invoice No.:

Receipt Number:

Attached:

Copy of Invoice with Receipt No.

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



decrease the rights of any owner of property under the Constitution of the State of California or the United States.

**Preservation of
Cultural Resources**

Policy I. F. 1. Historic and Cultural Resources. The historical, architectural and cultural character of structures and landmarks in Venice should be identified, protected and restored where appropriate, in accordance with historical preservation guidelines. **11**

The following buildings, streets, and trees have been identified through the coordinated efforts of surveys performed by the Venice Historical Society, Venice Community, State Coastal Conservancy and City of Los Angeles as significant architectural, historical and cultural landmarks in the Venice Coastal Zone.

→ Venice City Hall
Lighthouse Street Bridge
Eastwind Community Gardens
Crown Arms (Catamaran St.)
Bay Cities Laundry
Sidewalk Café (1915)
Waldorf Hotel (1913)
St. Charles Hotel (1905) - (St. Marks Annex).
Abbot Kinney Boulevard between Venice Boulevard and Brooks Avenue
Old Venice Jail
Breakwater (1905)
Brick Street - 18th Street
64-72 Market Street (1913-14)
Canals Bridges
Old Venice Library
The Windward area, including the Windward Colonnades, Windward Apartments (1906), 52 Windward Avenue and 80 Windward Avenue (constructed in 1905 and housed the Venice First National Bank).
Walk streets (as shown in the LUP on Exhibit 19, Pedestrian Access and Bicycle Trails).

Policy I. F. 2. Reuse and Renovation of Historic Structures. Wherever possible, the adaptive reuse and renovation of existing historic structures shall be encouraged so as to preserve the harmony and integrity of historic buildings identified in this LUP. This means:

- a. Renovating building facades to reflect their historic character as closely as possible, and discouraging alterations to create an appearance inconsistent with the actual character of the buildings.
- b. Protecting rather than demolishing historic or culturally significant properties by finding compatible uses which may be housed in them that require a minimum alteration to the historic character of the structure and its environment.



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ZIMAS

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1335 S ABBOT KINNEY BLVD

PIN: 100B145 1240

1335 S ABBOT KINNEY BLVD
1335 S ABBOT KINNEY BLVD

ZIP Code: 90001
PIN Number: 100B145 1240
Lot/Parcel Area (Calculated): 3,360.4 (sq ft)
Thomas Brothers Grid: PAGE 671 - GRID H5
Thomas Brothers Grid: PAGE 671 - GRID H6
Assessor Parcel No. (APN): 1206027002
Tract: RALPH ROGERS SUBDIVISION OF BLOCK "V" OCEAN PARK VILLA TRACT NO 2
Map Reference: M B 4-81
Block: BLK C
Lot: 11
Adj (Lot Out Reference): None
Map Sheet: 100B145

Jurisdictional

Community Plan Area: Venice
Area Planning Commission: West Los Angeles
Neighborhood Council: Venice
Council District: CD 11 - Mike Bock
Census Tract #: 2733.00
LADBS District Office: West Los Angeles
Building Permit Info: View

Planning and Zoning

Assessor

Case Numbers

Recent Activity: DIR-2016-1370-CEX
Recent Activity: DIR-2008-4703-DI
Recent Activity: DIR-2016-2937-CFX
Recent Activity: DIR-2016-2733-VSO
City Planning Commission: CPC-25680
City Planning Commission: CPC-2008-6232-CA
City Planning Commission: CPC-2008-4046-CA
City Planning Commission: CPC-1998-119-LCP
City Planning Commission: CPC-1987-848-JCO
City Planning Commission: CPC-1984-226-SP
City Planning Commission: CPC-17632
Ordinance: ORD-175804
Ordinance: ORD-175883
Ordinance: ORD-172897
Ordinance: ORD-172212
Ordinance: ORD-169889
Ordinance: ORD-148362
Ordinance: ORD-130336
Director of Planning: DIR-2014-2624-DI
Environmental: ENV-2005-8253-ND
Environmental: ENV-2004-2891-CE
Environmental: ENV-2002-6836-SP
Environmental: ENV-2001-846-ND
Environmental Case: ED-75-205-SUD-CA

Citywide/Code Amendment Cases

Additional

Seismic Hazards

Economic Development Areas

Public Safety

Streets Copyright (c) Thomas Brothers Maps, Inc. Generalized Zoning Terms & Conditions

0.01 Miles
50 Feet



1335 S ABBOT KINNEY BLVD

PIN: 108B145 1240
1333 S ABBOT KINNEY BLVD
1335 S ABBOT KINNEY BLVD

ZIP Code: 90001
PIN Number: 108B145 1240
Lot/Parcel Area (Calculated): 3,380.4 (sq ft)
Thomas Brothers Grid: PAGE 871 - GRID H6
Thomas Brothers Grid: PAGE 871 - GRID H6
Assessor Parcel No. (APN): 4239027009
Tract: RALPH ROGERS SUBDIVISION OF BLOCK "V" OCEAN PARK VILLA TRACT NO. 2
Map Reference: M B 4-81
Block: BLK C
Lot: 11
A/R (Lot Cut Reference): None
Map Sheet: 108B145

Jurisdictional

Planning and Zoning

Special Notes: None
Zoning: C2-1-O-CA
Zoning Information (Z): Z. 1458 Director's Interpretation of the Zoning Ordinance, 10/1/2008
Zoning Information (Z): Z. 1458 Director's Interpretation of the Zoning Ordinance, 10/1/2008
General Plan Land Use: Community Commercial
General Plan Footnote(s): Yes
Hillside Area (Zoning Code): No
Baseline Hillside Ordinance: No
Baseline Mansuization Ordinance: No
Specific Plan Area: Los Angeles Coastal Transportation Corridor Venice Coastal Zone
Specific Plan Area: Venice Coastal Zone
Historic Preservation Review: No
HistoricPlacesLA: View
POD - Pedestrian Oriented Districts: None
CDO - Community Design Overlay: None
NSO - Neighborhood Stabilization Overlay: No
Sign District: No
Streetscape: No
Adaptive Reuse Incentive Area: No
E-Use Act Property: No
Rent Stabilization Ordinance (RSO): No
CRA - Community Redevelopment Agency: No
Central City Parking: No
Downtown Parking: No
Building Line: No
500 Ft School Zone: No
500 Ft Park Zone: No

Assessor

Assessor Parcel No. (APN): 4239027009
Ownership (Assessor):
Owner:
Address:
Ownership (Bureau of Engineering, Land Records):
Owner:
Address:

APN Area (Co. Public Works): 0.231 (ac)
Use Code: 1100 - Stores
Assessed Land Val: \$1,345,819
Assessed Improvement Val: \$347,984
Last Owner Change: 10/20/86
Last Sale Amount: \$1,000,010
Tax Rate Area: 67
Deed Ref No. (City Clerk): 970535
Deed Ref No. (City Clerk): 1402182
Deed Ref No. (City Clerk): 0-767
Building 1:
Year Built: 1923
Building Class: DSA
Number of Units: 0
Number of Bedrooms: 0
Number of Bathrooms: 0
Building Square Footage: 10,080.0 (sq ft)

Streets Copyright (c) Thomas Brothers Maps, Inc. Generalized Zoning Terms & Conditions

0.01 Mile
50 Feet

1923

**Expand Closed 1335 S ABBOT KINNEY BLVD 90291**

Application/Permit #	PC/Job #	Type	Status	Work Description
16016-30000-07076	B16WL01606	Bldg-Alter/Repair	Issued 6/14/2016	NEW INTERIOR WALL FOR ELECTRICAL ROOM AND NEW RAISED FLOOR AT THE ELECTRICAL ROOM ONLY, NEW EXTERIOR DOOR AND NEW WINDOW TO ALLEYWAY, NEW ADA ACCESSIBLE RECESSED ENTRY.
16016-30000-17394	B16WL03862	Bldg-Alter/Repair	Issued 9/15/2016	INTERIOR AND EXTERIOR ALTERATION TO EXISTING RETAIL. NEW ELECTRICAL ROOM AT THE REAR STORAGE AREA, AND NEW ACCESSIBLE ENTRY.
16016-10000-18619	B16LA12072	Bldg-Alter/Repair	Reviewed by Supervisor 9/8/2016	T.I. TO (E) RETAIL TO CREATE ADDITION TENANT SPACE. CONSTRUCT NEW DEMISING WALL, INSTALL NEW SKYLIGHT, REFRAME PORTION OF THE CEILING AND ROOF AND RESTROOM, STORE FRONT



Los Angeles Department of Building and Safety

Certificate Information: 1335 S ABBOT KINNEY BLVD 90291

Application / Permit 16016-30000-17394
Plan Check / Job No. B16WL03862
Group Building
Type Bldg-Alter/Repair
Sub-Type Commercial
Primary Use (16) Retail
Work Description INTERIOR AND EXTERIOR ALTERATION TO EXISTING RETAIL. NEW ELECTRICAL ROOM AT THE REAR STORAGE AREA, AND NEW ACCESSIBLE ENTRY.
Permit Issued Issued on 9/15/2016
Issuing Office West Los Angeles
Current Status Issued on 9/15/2016

Permit Application Status History

Submitted	7/27/2016	APPLICANT
Assigned to Plan Check Engineer	7/27/2016	TARIK SAOUD
Corrections Issued	7/27/2016	TARIK SAOUD
Applicant returned to address corrections	8/3/2016	SERGIO SILVA
Plan Check Approved	8/4/2016	DIEGO BAUTISTA
Issued	9/15/2016	LADBS

Permit Application Clearance Information

Coastal Zone	Cleared	8/2/2016	JOHN DACEY
Specific Plan	Cleared	8/2/2016	COLLINS ALLAN
Specific Plan	Cleared	8/2/2016	JULIET OH
Specific Plan	Cleared	8/3/2016	COLLINS ALLAN

Still in appeal period

Contact Information

Architect	Thoeny, Bret Felix; Lic. No.: C21047	43 HALDEMAN ROAD SANTA MONICA, CA 90402
Contractor	Hasenberg Construction Inc.; Lic. No.: 567891-B	6466 WEST 82ND STREET LOS ANGELES, CA 90045
Engineer	Polon, Gordon Leonard; Lic. No.: C28564	709 19TH STREET SANTA MONICA, CA 90402

Inspector Information

JASON MARKOWSKI, (310) 914-3980

Office Hours: 7:00-8:00 AM MON-FRI

Pending Inspections

Inspection Request History

No Data Available.



Los Angeles Department of Building and Safety

Certificate Information: 1335 S ABBOT KINNEY BLVD 90291

Application / Permit 16016-10000-18619
Plan Check / Job No. B16LA12072
Group Building
Type Bldg-Alter/Repair
Sub-Type Commercial
Primary Use (16) Retail
Work Description T.I. TO (E) RETAIL TO CREATE ADDITION TENANT SPACE. CONSTRUCT NEW DEMISING WALL, INSTALL NEW SKYLIGHT, REFRAME PORTION OF THE CEILING AND ROOF AND RESTROOM, STORE FRONT
Permit Issued No
Current Status Reviewed by Supervisor on 9/8/2016

Permit Application Status History

Submitted	8/9/2016	APPLICANT
Disabled Access Plans Picked Up	8/12/2016	APPLICANT
Assigned to Plan Check Engineer	8/25/2016	HERNAN ARREOLA
Corrections Issued	9/8/2016	HERNAN ARREOLA
Reviewed by Supervisor	9/8/2016	CHAD DOI
Building Plans Picked Up	9/8/2016	APPLICANT

Permit Application Clearance Information

DAS Clearance	Not Cleared	8/11/2016	HAYATO TSUCHIYA
Miscellaneous	Not Cleared	9/2/2016	HERNAN ARREOLA
Coastal Zone	Not Cleared	9/6/2016	HERNAN ARREOLA
Comm Cor/Mini-Mail	Not Cleared	9/6/2016	HERNAN ARREOLA
Specific Plan	Not Cleared	9/6/2016	HERNAN ARREOLA

Contact Information

No Data Available.

Inspector Information

No Data Available.

Pending Inspections

No Data Available.

**Posner, Chuck@Coastal**

From: Sue Kaplan <walkstreetsassn@gmail.com>
Sent: Tuesday, September 20, 2016 4:58 PM
To: Posner, Chuck@Coastal; Henry, Teresa@Coastal; Hudson, Steve@Coastal
Subject: Appeal for 1333-1335 Abbot Kinney Blvd
Attachments: 1333-1335_Abbot_Kinney_CEX_appeal_September20,2016.pdf

Please accept this appeal in the Venice area.

Thank you,

Sue Kaplan
310.822.0161

RECEIVED
South Coast Region

SEP 20 2016

CALIFORNIA
COASTAL COMMISSION

T1.1

Exhibit 4

Page 6 of 8



California Coastal
Commission

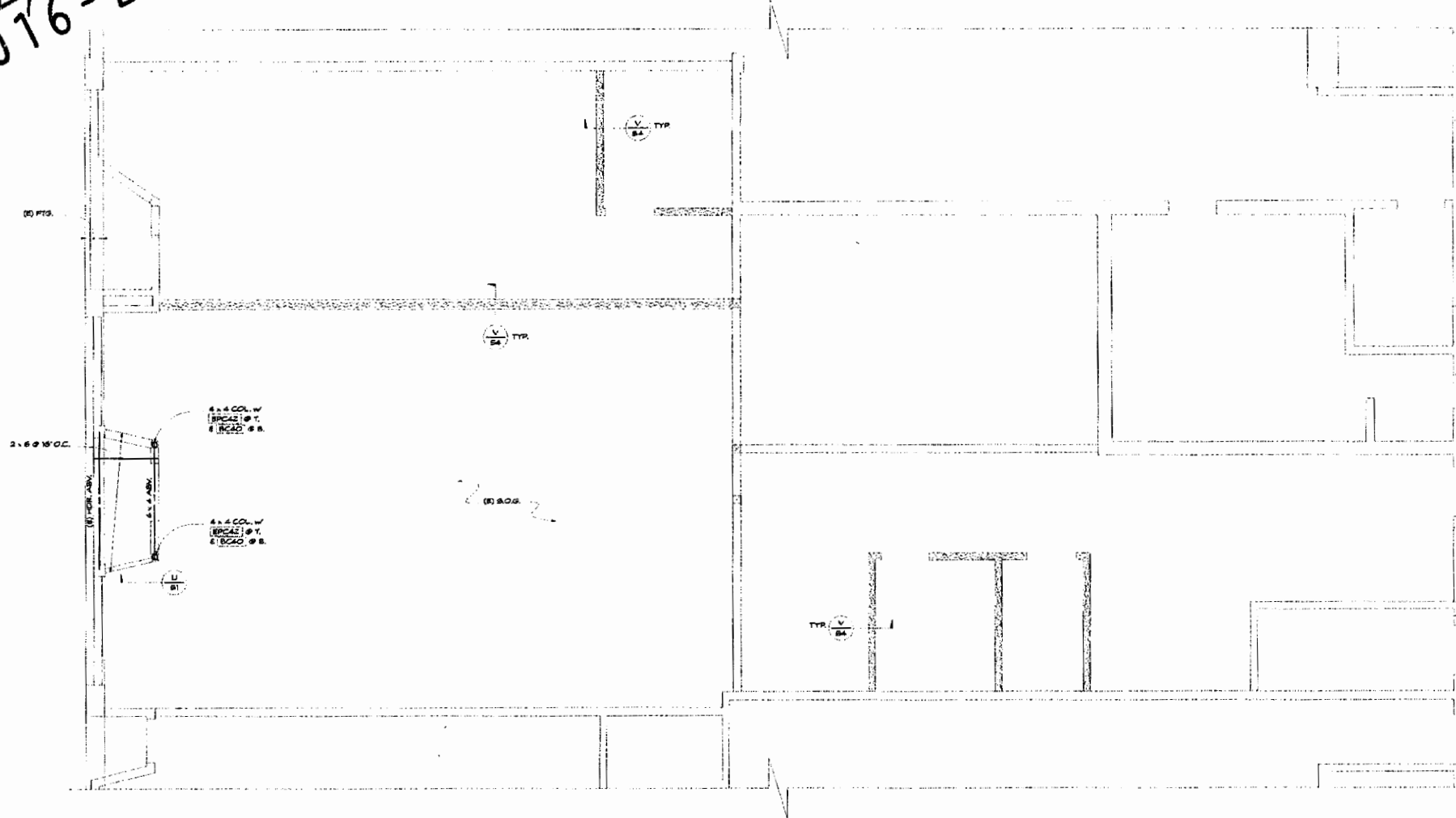
Los Angeles City Planning
COASTAL ZONE PLAN APPROVAL
APPROVAL IN CONCEPT
Single Jurisdiction
Dual Jurisdiction
File No.
Approved by: *[Signature]*
Date: *8/11/16*
DIR 2016-2937

MATERIAL SPECIFICATIONS

Framing:
2 x Studs D.F. Larch Standard
4 x 8 smaller D.F. Larch "No. 2" U.O.N.
6 x D.F. Larch "No. 1" U.O.N.
G.L. Bm. to be 24F-V4
PSL to be Paralam by Trus-Joist MacMillan

Plywood To Comply w/ PS I-95:
Roof: 1/2" 24/0, APA Rated Shig. Exp. 1
Floor: 3/4" 40/20, APA Rated Shig. Exp. 1
Wall: 1/2" 32/16, Struct 1, Exp. 1

Simpson Strong-Bolt2 Anchors to comply with R.R. #25891 or equal.
Epoxy Grout to be Simpson SET-XP R.R. #25744 or equal.



GROUND FLR. FRMG. & FDN. PLAN
SCALE: 1/4" = 1'-0"

- Legend**
- Indicates: 2 x 4 @ 16" O.C. One Ps. Full Ht. Sole To Dbl. T. # U.O.N.
 - Indicates: 1/2" Struct. 1 PW w/ 10d @ 6" O.C. Edges, 10d @ 12" O.C. Field, U.O.N.
 - Indicates: Edge Nailing different than above w/ 3 x @ Panel Edges Struct. Observ. Required
 - Indicates: Wd. col. b/w. U.O.N.
 - Indicates: Simpson Co. "Strong-Tie" connectors
 - Indicates: (E) Fig.

1331-1335 ABBOT KINNEY BLVD.
LOS ANGELES, CA 90291
(PHASE 2)

GROUND FLR. FRMG.
& FDN. PLAN

8.8.16 - PLAN CHECK
SUBMITTAL #1

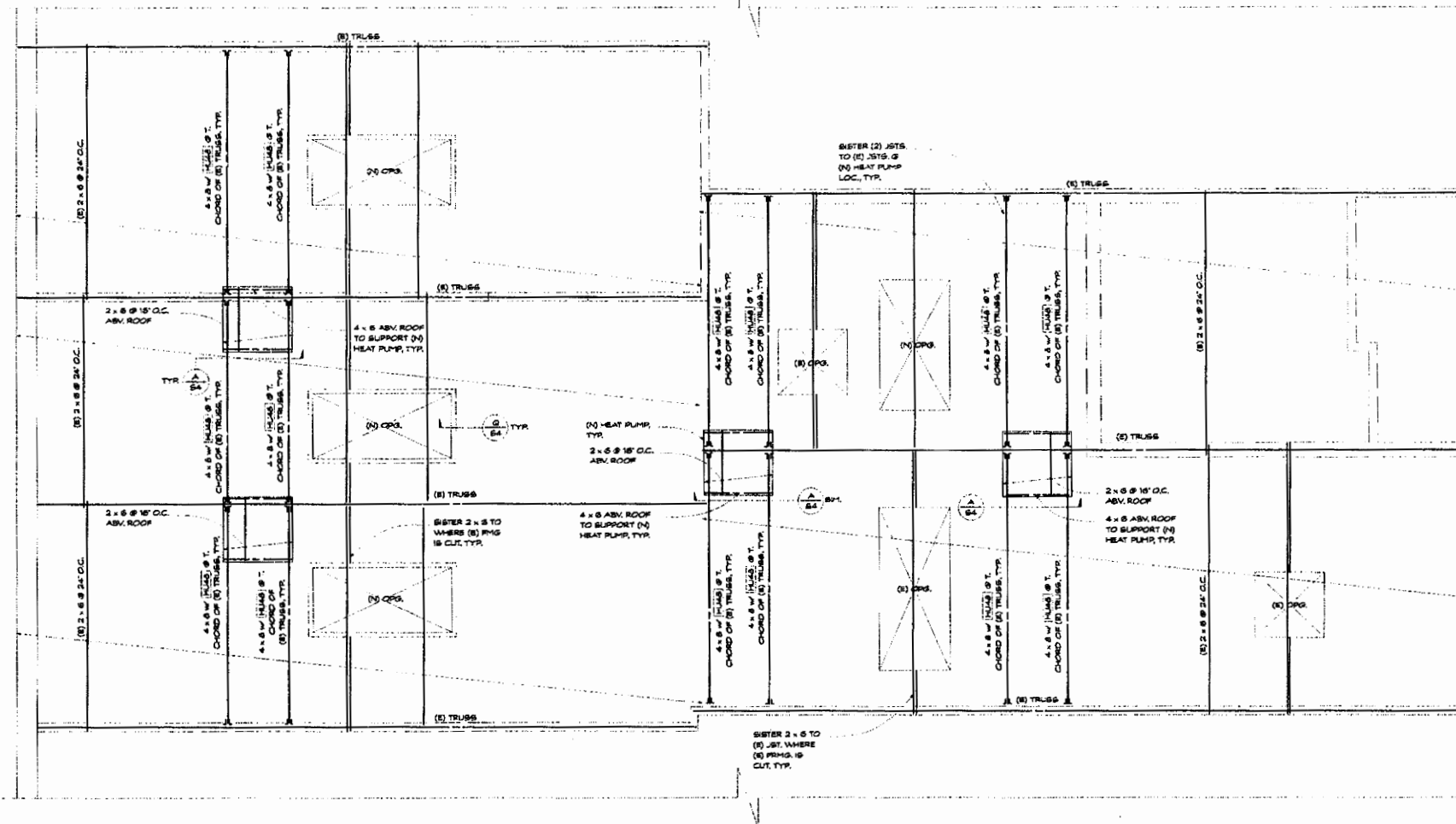
Job#: 10088
Date: 08.08.16
Scale: 1/4" = 1'-0"

S1

1335 ABBOT KINNEY PHASE 2

Los Angeles City Planning
COASTAL ZONE PLAN APPROVAL
APPROVAL IN CONCEPT

Single Jurisdiction
Dual Jurisdiction
File No.
Approved by: *[Signature]*
Date: *2/11/16*
DIR *2016-2937*



ROOF FRMG. PLAN
SCALE: 1/4" = 1'-0"

- Legend
- Indicates: 2 x 4 @ 16" O.C. One P.C. Full Ht. Side To Dbl. T. E.U.O.N.
 - Indicates: 1/2" Struct 1 PW w/ 10d @ 6" O.C. Edges 10d @ 12" O.C. Field, U.O.N.
 - Indicates: Edge Nailing different than above w/ 3 x @ Panel Edges Struct. Observ. Required
 - Indicates: Wd. col. b/w. U.O.N.
 - Indicates: Simpson Co. "Strong-Tie" connectors

Exhibit 4

Page 7 of 8



California Coastal Commission

Office of
The
GORDON
Consulting
1718
Santa Monica
Ph: (310) 998-5611
Fax: (310) 998-2744

1331-1335 ABBOT KINNEY BLVD.
LOS ANGELES, CA 90291
(PHASE 2)

ROOF FRMG. PLAN

8.8.16 - PLAN CHECK
SUBMITTAL #1

Job#: 10088
Date: 08.08.16
Scale: 1/4" = 1'-0"

S3

1335 ABBOT KINNEY PHASE 2



S4

Job#: 10088
Date: 08.08.16
Scale: 1" = 1'-0", U.O.N.

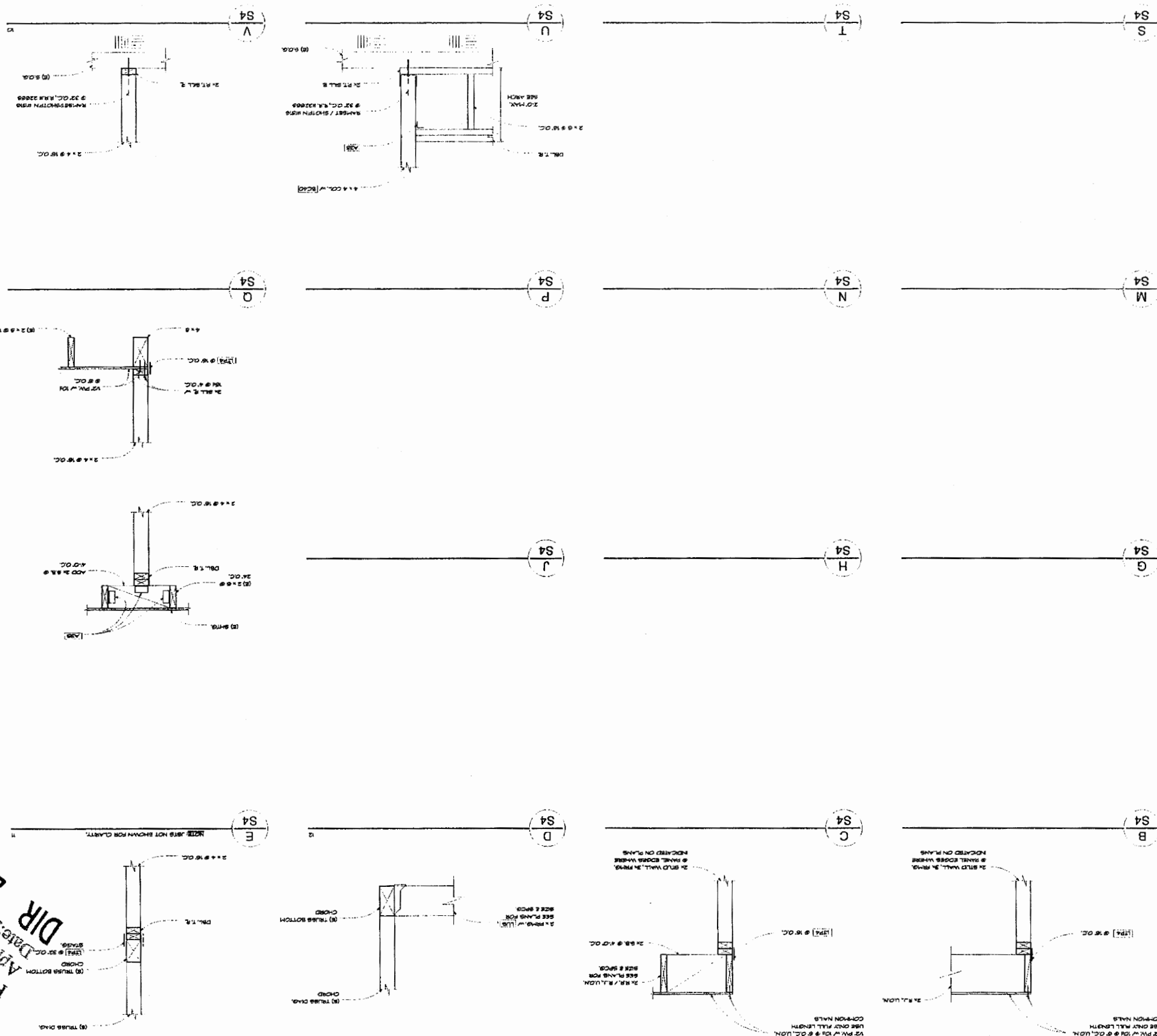
PLAN CHECK
8.8.16 - SUBMITTAL #1

STRUCTURAL DETAILS

1331-1335 ABBOT KINNEY BLVD
LOS ANGELES, CA 90291
(PHASE 2)

The Office Of
GORDON L. POLON
Consulting Engineers
1718 22nd Street
Santa Monica, CA 90404
Ph. (310) - 998 - 5611
Fax (310) - 829 - 2744

COASTAL ZONE PLAN APPROVAL
Los Angeles City Planning
APPROVAL IN CONCEPT
Single Jurisdiction
Dual Jurisdiction
Approved by: *[Signature]*
File No. *2016-2932*
DIR
Date: *8/16/16*



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South Coast Region

Scanned 4-19-16



Application: [REDACTED]

MAY 02 2016

COASTAL EXEMPTION (CEX)

CALIFORNIA
COASTAL COMMISSION

CASE NO.: DIR-2016-1370-CEX

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

Appeal Period Ends at 5:00pm on
5-31-16

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

SUBJECT: COASTAL EXEMPTION—SINGLE JURISDICTION AREA ONLYUnder no circumstances shall a Coastal Exemption be issued for the following scopes of work:

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

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

PROJECT ADDRESS: 1335 Abbott Kinney

LEGAL DESCRIPTION: LOT 11 BLOCK C TRACT Ralph Rogers Subdivision of Block V Ocean Park Villa TR No 2

ZONE: C2-1-O-CA COMMUNITY PLAN: Venice

PROPOSED SCOPE OF WORK: (N) Interior wall & raised floor for (N) Electrical
Room, (N) Exterior door at electrical room, replace (E) exterior window,
(N) accessible entry

RELATED PLAN CHECK NUMBER(s): 16016-30000-07076

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

Applicant Name: Jason Ungar

Mailing Address: 11150 W Olympic Blvd STE 700

Phone Number: 818 300 5580

E-mail Address: jungar@crestaalestate.com

Signature: Jason Ungar



THIS SECTION FOR OFFICE USE ONLY

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

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

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

Michael LoGrande
Director of Planning

Issued By:

Signature

Print Name and Title

Eric Clarar - Planning Assistant

Date:

04/18/2016

Invoice No.:

29252

Receipt Number:

0101570950

Attached:

Copy of Invoice with Receipt No.

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