

CALIFORNIA COASTAL COMMISSION

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original staff report

Th14a

ADDENDUM

December 7, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th14a, APPEAL NO. A-5-VEN-16-0083 FOR THE COMMISSION MEETING OF THURSDAY DECEMBER 8, 2016.**

I. CHANGES TO STAFF REPORT

Commission staff recommends modifications to the staff report dated 11/23/16 in the Substantial Issue Analysis (Section VI, C), Development-Visual Resources (Section VIII, C), and Unpermitted Development (Section VIII, F). Language to be added to the findings and conditions is shown in **bold underlined** text, and language to be deleted is identified in ~~strike-out~~.

A. Correctly Identify Government Code Section 65590 (Mello Act) on the third paragraph of page 11, the first paragraph of page 12, the last paragraph of page 12, and the second to last paragraph of page 13:

~~California Code of Regulations~~ **Government Code** Section 65590 (the Mello Act of 1982).

B. Clarify Commission Review of potential changes to the project on the first paragraph of page 29:

The Commission finds that all of the applicant's most recent proposed changes are cosmetic in nature and would not reduce the size, mass, and scale of the development or make it architecturally compatible with the neighborhood scale and massing. The applicant has indicated that it is infeasible to modify the development and has not provided any alternatives that would bring the project into conformity with the visual resources and community character policies of Chapter 3 of the Coastal Act. The Coastal Act's requirement to site and design new development in a manner that is compatible with the character of surrounding areas does not contain a limitation stating that its restriction applies only to the extent economically feasible. Further, in cases such as this where the Commission is considering issuing a permit for a project that has already been substantially constructed **without the benefit of a required coastal development permit**, it analyzes the project's consistency with Chapter 3 as if no development has occurred yet. Therefore, the alleged economic infeasibility of redesigning the as-built project is not

relevant to the Commission's analysis of whether this project complies with Chapter 3 policies, and the Commission is not constrained to consider only whether modifications of the existing, as-built project are feasible. Moreover, the Commission is limited in its quasi-judicial de novo review of the applicant's proposed development and ~~cannot design a new project through the imposition of alternatives which the applicant has not proposed, nor can the Commission~~ **it is unworkable in this instance to attempt to design a new project through the imposition of alternatives which the applicant has not proposed, nor would it make sense for the Commission to** impose special conditions which would effectively require construction of a different project. Therefore, because the project is not consistent with Coastal Act Section 30251 and Section 30253, and cannot be made consistent through the imposition of special conditions, the project must be denied.

C. Respond to applicant's legal contentions made in a newly submitted letter dated December 6, 2016, following the second full paragraph on page 32:

Denial of the Permit Would Not Constitute a Taking

Denial would not constitute a taking because there is adequate area on the two parcels (approximately 10,000 square feet) to provide residential development with reduced mass, greater articulation, and greater architectural diversity than what the applicant has proposed. The applicant can apply for a permit to develop another project and achieve an economic use of the property. Although the applicant claims that it will suffer an economic loss if it is required to modify or remove the project, this is not the correct analysis for a takings claim here. Any alleged taking must be analyzed from the perspective of the site as it existed prior to the unpermitted development. *LT-WR, LLC v. California Coastal Commission* (2007) 152 Cal.App.4th 770, 797 ("the Commission properly reviewed the application as though the unpermitted development had not occurred."). Here, there is no evidence that the Commission would deny a smaller, more articulated project that is more in conformity with the character of the neighborhood. Indeed, it has approved permits for many dozens of homes in Venice over the past few years. The fact that the applicant may now lose money because it proceeded with unpermitted development and may now have to remove or modify this development is simply irrelevant in a takings analysis. Furthermore, the applicant already had structures on the property before it demolished those buildings, and those structures could have provided a viable economic use of the property.

The Applicant Has No Vested Right to Its Unpermitted Development

The applicant's vested rights argument is without merit. The applicant's letter cites the case *Anderson v. City of La Mesa* (1981) 118 Cal.App.3d 657, 660 as holding that a "permit later determined to have been issued in violation of an applicable regulation does not, as a matter of law, prevent a property owner from obtaining such vested right." However, *Anderson* involved a situation where a city had properly issued a final building permit and had inspected the house six times before it discovered that the home was built in a manner that violated the zoning code. Here, the City of L.A.'s coastal development permit was not

properly issued and never became final because it was not reported to the Commission as required by law. Pub. Res. Code § 30620.5(c), 14 Cal. Code Regs § 13315 (“[u]nless the local government provides [proper] notification to the commission, the permit issued by the local government shall be of no force and effect.”). By operation of law, the applicant never had a validly issued coastal development permit and therefore could not have obtained a vested right in reliance on it. See *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791–798 (initial grading pursuant to a grading permit, but without a building permit, did not give developer a vested right to complete construction of the development); *Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1348–50 (existing permits for certain development did not create vested right to proceed with additional, unpermitted development); *Pettitt v. City of Fresno* (1973) 34 Cal.App.3d 813, 818–824 (use permit issued in violation of zoning ordinance did not prevent city from later enforcing the zoning ordinance or create vested right to maintain the permitted use).

Vested rights do not lie in this case because the city’s coastal development permit did not comply with the law existing at the time it was purportedly issued – specifically, it did not comply with the Coastal Act and Coastal Commission regulations that required the permit to be sent to the Commission for an appeal period. Applicant’s letter cites no law holding that a person can obtain vested rights in reliance on a permit that was never final or validly issued. Although the present situation is unfortunate, the applicant was not without a way to prevent the current situation from occurring. As the applicant’s letter acknowledges, the city informed the applicant that, before its coastal development permit would be final, the city would need to send notice of the permit to the Coastal Commission, and the Commission would begin a 20 day appeal period. The applicant’s letter implicitly acknowledges that the applicant never checked back with the city to make sure that this notice was provided.

Latches Does Not Bar the Commission’s Denial of the Permit

The latches argument is flawed because the Coastal Commission has not caused an unreasonable delay in its administrative action. The Commission received notice of the City of Los Angeles final action on August 23, 2016, immediately initiated the 20 working day appeal period, accepted two appeals, and promptly scheduled a public hearing within two months of the end of the appeal period. The Commission is charged with determining whether or not the proposed development is consistent with the Chapter 3 policies of the Coastal Act, not whether the applicant will suffer an economic loss as a result of the City’s actions between 2012 and 2016, which the Commission had no involvement in. In analogous circumstances, a court of appeal held that the Commission’s inaction in discovering and enforcing a permit violation over a period of nearly two decades did not prevent the Commission from addressing the violation after it was discovered. *Feduniak v. California Coastal Commission* (2007) 148 Cal.App.4th 1346. Here, the delay in finalizing the applicant’s permit is due to the City of Los Angeles’s inaction, not the Commission’s inaction. Thus, latches does not apply to bar the Commission from promptly undertaking its legal duty to consider the applicant’s permit.

The Commission Cannot Be Estopped From Enforcing the Coastal Act in This Situation

The estoppel argument also relates to the City's failure to follow proper procedures, which may result in economic loss to the applicant. The Commission is not estopped from carrying out its required analysis of the appealed project's consistency with the Chapter 3 policies of the Coastal Act. The case *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 492 is not to the contrary. As the Court described in that case, estoppel can occur "[w]henever a party has, by his own statement or conduct, intentionally and deliberately led another to believe a particular thing true and to act upon such belief, he is not, in any litigation arising out of such statement or conduct, permitted to contradict it." *Id.* at 488-89. But here, the Commission has never intentionally or deliberately led the applicant to believe that its city-issued permit was valid. Indeed, the Commission itself did not find out about the city permit until very recently, and when it did, it promptly informed both the city and applicant that the permit was invalid because it had never been reported to the Commission. The city's actions cannot estop the Commission from carrying out its separate legal duties under the Coastal Act.

The facts in *Mansell* demonstrate how unusual it is for estoppel to lie against a public agency. There, the relevant public agencies had misled thousands of homeowners for a period of many decades. Under these highly unusual circumstances, the Court chose to use its equitable powers to estop the agencies from taking a new position that would cause massive litigation and potentially divest thousands of homeowners of their property. These facts are fundamentally unlike the facts in the present case, which involves one property owner who argues that he had been misled by an agency other than the Commission for a period of three years. This is not the type of unusual situation in which courts will find estoppel against public agencies.

This is especially true given the "well-established proposition that an estoppel will not be applied against the government if to do so would effectively nullify 'a strong rule of policy, adopted for the benefit of the public . . .'" *Id.* at 493 (quoting *County of San Diego v. Cal. Water etc. Co.* (1947) 30 Cal.2d 817, 829-830. Courts apply this rule with particular force in the context of land use permitting:

In the area of permits and zoning laws, . . . the courts have expressly or by necessary implication consistently concluded that the public and community interest in preserving the community patterns established by zoning laws outweighs the injustice that may be incurred by the individual in relying upon an invalid permit to build issued in violation of zoning laws.

***Pettitt v. City of Fresno* (1973) 34 Cal.App.3d 813, 820. As the court explained,**

In the field of zoning laws, we are dealing with a vital public interest - not one that is strictly between the municipality and the individual litigant. All the residents of the community have a protectable property and personal interest in maintaining the character of the area as established by comprehensive and carefully considered zoning plans in order to promote the orderly physical development of the district and the city and to prevent the property of one person from being damaged by the use of neighboring property in a manner not compatible with the general location of the two parcels.

Id. at 822-23. These concerns are present here. Any harm to the applicant in this case must be subordinate to the public interest in upholding the Coastal Act and protecting the character of the community.

A court rejected a similar estoppel argument involving the Coastal Commission in the case *Feduniak v. California Coastal Commission* (2007) 148 Cal.App.4th 1346. There, the Commission ordered a landowner to remove a small golf course built by a prior owner on their property in violation of conditions imposed by the Commission. The landowner claimed that the Commission was estopped from ordering removal of the golf course because the Commission had not inspected the site for ten years or enforced its conditions for eighteen years. The court refused to estop the Commission from enforcing its permit conditions, holding that: 1) the Commission's mere inaction for a number of years was insufficient to demonstrate that the Commission had constructive notice of the violation; 2) the Commission did not intend that the landowner rely on its failure to enforce the permit, and the landowner could not reasonably have believed that the Commission so intended its regulatory inaction; and 3) the public's strong interest in protecting coastal resources and enforcing the law outweighed the landowners' interest in using their unpermitted golf course.

Similarly here, there is no evidence that the Commission knew or should have known about the unpermitted development any earlier; the applicant may not rely on the Commission's prior inaction to estop it from taking action now; and the public's interest in enforcing the Coastal Act outweighs any monetary damage suffered by the applicant. In sum, the applicant's estoppel argument is without merit.

II. Applicant Submittals

The Commission received a copy of presentation materials from the applicant's representative on November 30, 2016, and a letter from the applicant's attorney dated December 6, 2016, both included in this addendum. The presentation materials include a .pdf copy of a powerpoint presentation which focuses on the argument that the size, mass, and scale of the subject homes are consistent with the surrounding area. The presentation provides examples of other Commission-approved three-story structures in Venice and argues that the Oakwood neighborhood is inland and located in a dense, urban community unlike the Venice canals or beach neighborhoods. The letter also argues that the Oakwood neighborhood is inland of the coast and is not identified as a visitor serving destination by the Venice Land Use Plan. Additionally, the letter argues that granting the appeal would be an unconstitutional taking, that the applicant has a vested right to develop the property, and that legal precedent suggests the appeal should not be considered. The legal issues are addressed in this addendum to the staff report and the issues of size, mass, scale, and community character were fully analyzed and addressed in the staff report. The revised plans which the letter references were not included in the local government coastal development permit record but were included as Exhibit 3 of the Coastal Commission staff report dated November 23, 2016. The 80 pages of attachments to the applicant's letter have not been included in printed addendum materials because they were provided digitally two days before the public hearing, but the attachments are included in the Commission file in the South Coast District office and have been published in an addendum dated December 7, 2016 on Commission's website.

III. Appellants' Submittals

Some of the appellants submitted an updated streetscape analysis and updated findings regarding the size, mass, scale, and lack of architectural diversity of the proposed homes on December 2, 2016, included in this addendum. The appellants indicate that the size of the homes, relative to the proposed lot sizes, are three times greater than the median of Brooks Avenue, that the setbacks are less than the median on the subject block, and that 71% of the structures on the subject block are one-story high. These calculations are slightly amended from those included within Exhibit 5 of the staff report and are based on Los Angeles County Assessor's data. The issues of size, mass, and scale and the potential adverse impacts to visual resources and community character were analyzed in the staff report. The updated submittals do not raise any new issues.

IV. Public Correspondence

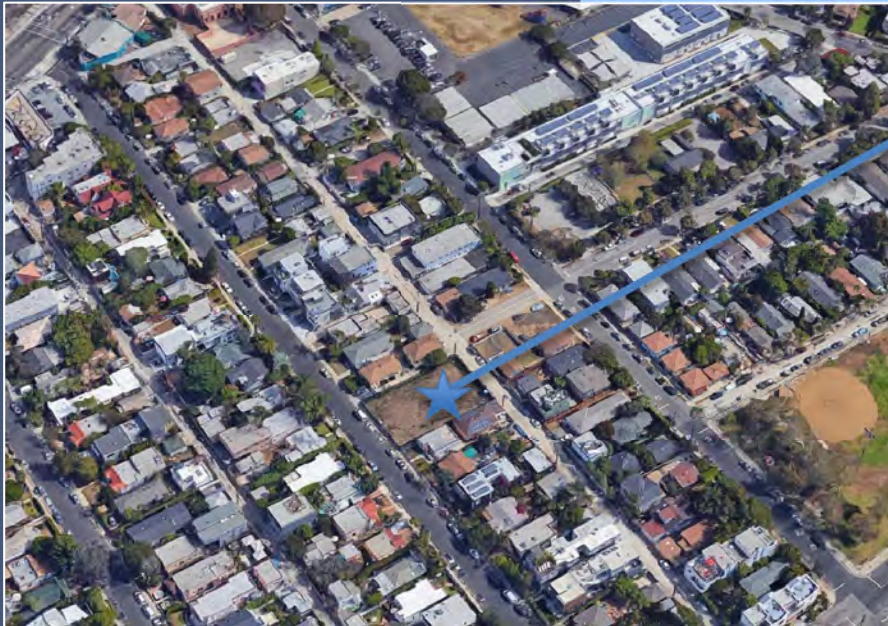
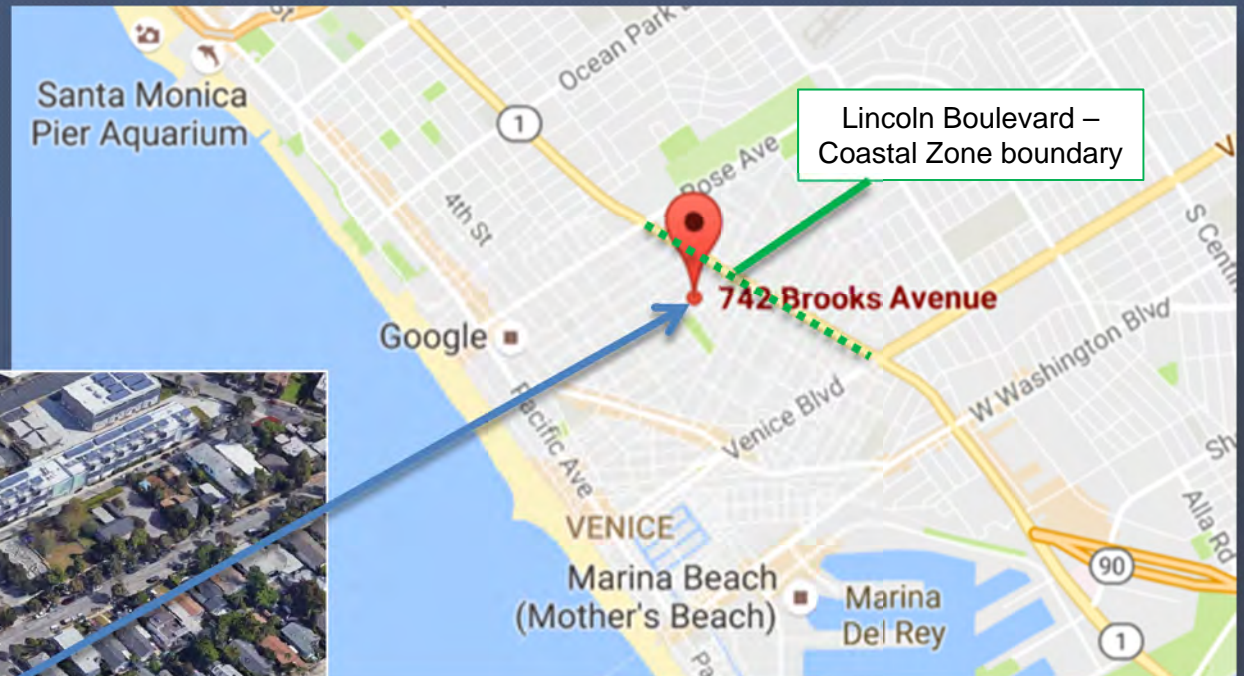
The Commission received a letter in support of the proposed development from an attorney not associated with the applicant, dated November 5, 2016. The letter argues that Commission staff has misjudged Venice's character and that Venice is an avant garde community with a long history of bold, non-conformist architecture, represented by Frank Gehry's work. The Commission received five emails in support of the proposed development from three Venice residents and two Venice realtors. The emails indicate that the pre-existing residential structures were past their useful life, that modern homebuyers demand larger homes, and that the developer should not be punished for a City error. Additionally, the Commission received four letters in opposition to the proposed development from four Venice residents. The letters identify the project as too large for the subject block and out of scale with the neighborhood. All ten letters and emails are included in this addendum and do not raise any issues which were not already addressed in the staff report, which focused on the size, mass, and scale of the proposed development as a whole.

A-5-VEN-16-0083
Lighthouse Brooks LLC
742 – 748 Brooks Ave., Venice

California Coastal Commission
Hearing Item No. Th14a
December 8, 2016

A copy of these materials has been provided to Coastal Commission staff

Vicinity



Project Location

- ◉ 742-748 Brooks Avenue in Oakwood neighborhood of Venice
- ◉ Approximately one mile inland of coast
- ◉ One block west of the Coastal Zone boundary
- ◉ Zoned RD 1.5-1: Restricted Density Multiple Dwelling Zone, Height District 1
- ◉ Low Medium II Multifamily Residential land use designation
- ◉ Development in Venice neighborhoods known for variety of scale, height, and eclectic community character

Project Description

- Demolition of duplex and triplex w/ 4 car garage on two lots
- Subdivision to create four residential lots
- Construction of four 3-story (30' max height) single family homes on four lots w/ four detached 2-car garages
 - 8 onsite parking spaces, w/ second story accessory living quarters & roof deck placed above garages
- Site improvements including interior courtyards and front yard landscaping/screening
- 15 - 19ft front yard setbacks

Project Rendering



Project History

- Dec. 2012:** Applicant purchases property
- Feb. 2013:** Applicant applies to City of LA for local CDP & Mello Act review
- Mar. 2013:** Applicant holds community meeting with residents onsite to gather input on project design
- April 2013:** Changes from community meeting presented to Venice Neighborhood Council's Land Use & Planning Committee
- June 2013:** Venice Neighborhood Council Board meeting
- Oct. 2013:** Zoning Administrator approves LCDP & MND, public hearing held, no opposition at public hearing and one resident in support, no local appeal filed
- Oct. 2014:** City's Dept. of Building & Safety (LADBS) issues demolition permits
- Feb. 2015:** Demolition completed, no opposition or concern expressed to City or CCC
- Aug. 2015:** Parcel Map recorded
- May 2016:** LADBS issues building permits
- June-July 2016:** Site work commences with grading and foundation activity. No concerns or complaints to City or CCC

Project History (cont.)

- Aug. 2, 2016:** Construction begins, crane mobilizes to site
- Aug. 6, 2016:** Crane completes delivery and demobilizes
- Aug. 11, 2016:** CCC staff sends letter to City to inform there was no valid CDP & requests City to issue stop work
- Aug. 19, 2016:** CCC receives City's Notice of Permit Issuance for 2013 CDP approval
- Sept. 6, 2016:** CCC sends Notice of Violation to applicant
Applicant contacts CCC enforcement division, stops all work other than safety and security work to ensure buildings are connected to avoid structural failure
- Sept. 16, 2016:** All site activity and work ceases
- Oct. 2016:** Applicant waives 49-day hearing requirement
- Dec. 2016:** CCC Hearing

Project Site



(As built: after stopped work)

Appeal Contentions

- City-approved project inconsistent w/ Coastal Act policies & City's Certified Land Use Plan for Venice area
- Inadequate Mello Act consistency review
- City did not include demolition of 2 residential structures as part of project
- Project inconsistent with character, mass & scale of surrounding area & adversely impacts Venice community character
- Project approval will prejudice City's ability to prepare certified LCP for Venice

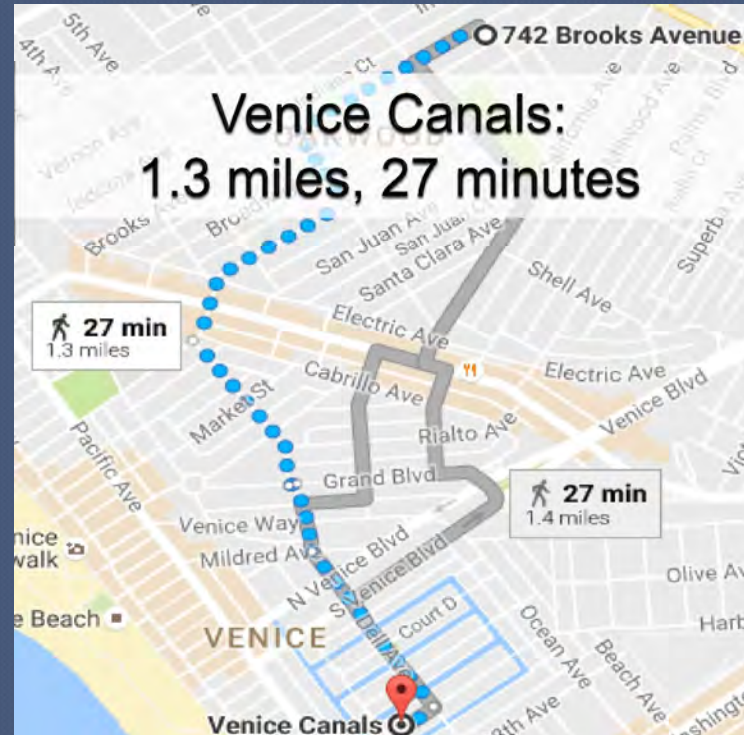
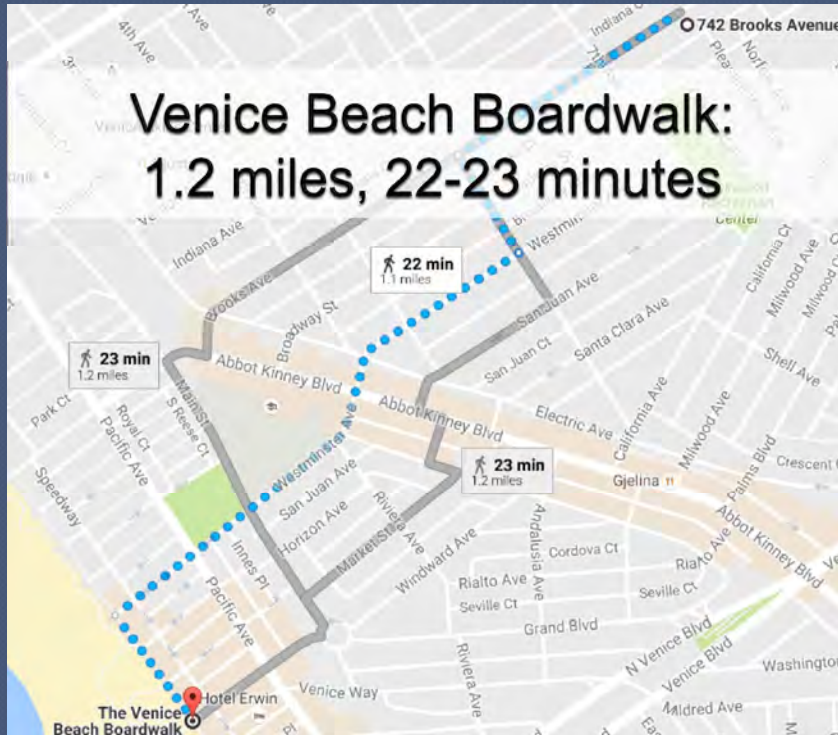
Response to Contentions

- Mello Act: “...*the commission does not have jurisdiction to review*” (Staff Report, pg. 14)
- City review included demolition of two existing units: “...*the demolition was described on page 6 and page 9 of the City’s findings in its local coastal development permit and Mello Act review*” (Staff Report, pg. 14)
- Project consistent with scale of development located within nearby Venice neighborhoods and immediate Brooks Avenue area

“The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California.” (Staff Report, Page 3)



Some perspective...



- Staff report and appeals misleadingly characterize project neighborhood, which is inland and located in a dense, urban community unlike the Venice canal or beach neighborhoods.

Venice – Brooks Subarea

- ◉ Project Site is located one block west of Lincoln Boulevard, a major commercial thoroughfare in Venice that is characterized by a mix of retail, restaurant, fast food, and auto repair uses
- ◉ Lincoln Boulevard is the Coastal Zone boundary
- ◉ Subject block of Brooks Avenue is improved with a traffic light at Lincoln Boulevard, making it a popular cut-through to residential areas of Venice to the west
- ◉ Due to the subject block's proximity to Lincoln Boulevard, the immediate residential area is characterized by 2- and 3-story buildings
- ◉ The following images show the intensity of commercial development along Lincoln Boulevard, the dense residential character of Brooks Avenue, and the continuing residential character farther west along 7th Avenue

Brooks Avenue – Index Map



#1: Lincoln Boulevard

“The Oakwood neighborhood ... is developed at a pedestrian scale which makes it popular with coastal visitors interested in walking and sight-seeing.” (Staff Report, Page 30)



#2: Lincoln Boulevard



#3: Lincoln Boulevard



#4: Lincoln Boulevard



#5: Brooks Avenue



#6: Brooks Avenue



804-812 Brooks Avenue:
Three-story residential buildings

#7: Brooks Avenue



804-812 Brooks Avenue:
Three-story residential buildings

#8: Brooks Avenue



#9: Brooks Avenue



#10: Brooks Avenue



#11: 7th Avenue



#12: Brooks Avenue



Massing Comparison on Brooks Avenue



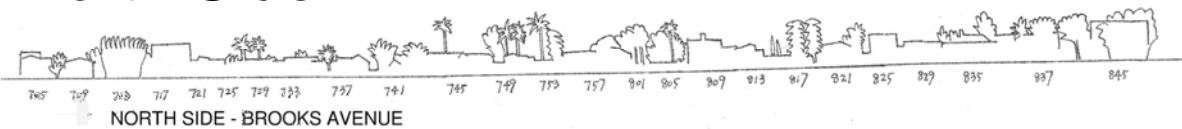
The Project's massing has a similar visual effect from Brooks Avenue as the massing of 804-812 Brooks Avenue – all three stories as well

Brooks Avenue Scale

South Side



North Side



Project Site

Community Scale Examples

**EXAMPLES OF 2 & 3 STORY STRUCTURES IN
NEARBY VENICE NEIGHBORHOODS**

326 Brooks Ave.

406-410 Brooks Ave.

520 Broadway

528 Broadway

534 Indiana Ave.

557 Vernon Ave.

540 Vernon Ave.

546 Vernon Ave.

610 7th Ave.

All examples located within ½ mile radius of subject site and south of Lincoln Blvd.

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Community Scale Examples

615 6th Ave.



619 San Juan Ave.



629 Vernon Ave.



630 Rose Ave.



644 Brooks Ave.



All examples located within 1/2 mile radius of subject site and south of Lincoln Blvd.

645 Indiana Ave.



605 Vernon Ave.



660 Rose Ave.



Community Scale Examples

804-806 Brooks Ave.



1002 5th Ave.



1100 6th Ave.



659 Broadway Ave.



All examples located within 1/2 mile radius of subject site and south of Lincoln Blvd.

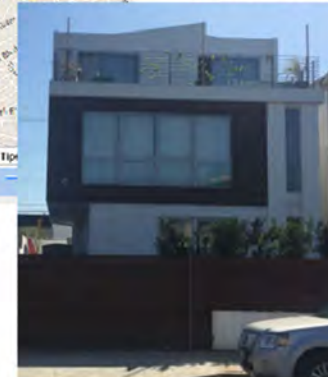
828 Brooks Ave.



709 Broadway Ave.



812 Brooks Ave.



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Venice Land Use Plan Policies

Proposed project consistent with all relevant LUP policies requiring:

Protection of Venice as Special Coastal Community

- Preservation of community character, scale and architectural diversity;
- Development of appropriate height, density, buffer & setback standards; and
- Development of landscape plan.

Venice Land Use Plan Policies

Proposed project consistent with Venice LUP policies, certified by the Coastal Commission on June 14, 2001:

- 30 feet height (Venice LUP Map Exhibit 15a Subarea: Oakwood-Milwood-Southeast Venice)
- Low Medium II Residential Multifamily (Venice LUP Map Exhibit 11b Land Use Plan (Map): Oakwood-Milwood-Southeast Venice)

Specific Plan Policies

Proposed project consistent with Oakwood provision in Venice Specific Plan related to height and setbacks:

3. Height.

a. Venice Coastal Development Projects with a Flat Roof shall not exceed a maximum height of 25 ft. Venice Coastal Development Projects with a Varied Roofline shall not exceed a maximum height of 30 ft provided that any portion of the roof that exceeds 25 ft is set back from the required front yard at least one foot in depth for every foot in height above 25 ft.

- Project front yard setbacks are between 15 - 19 feet
- Heights are consistent with Specific Plan policies
- Additional third story setback required to allow for 5 ft above 25 ft (30 ft max height)
- Landscaping plan includes front yard trees on each lot

Coastal Act Consistency

Proposed project consistent with Sections 30251 and 30253 of the Coastal Act which state that scenic areas and special communities shall be protected.

- Site located inland of Venice's tourist destinations;
- Project consistent with mass, height & scale of prior CCC approvals for Oakwood area;
- Many similar 2 and 3 story projects, including several along Brooks Avenue, approved and constructed in recent years

Conclusion

- ◉ Proposed homes consistent with varied scale and style of development in Venice community
- ◉ Site is located within a neighborhood substantially inland of coastal resources and visitor-serving areas; not a tourist destination
- ◉ Applicant respectfully requests ***approval*** of project as modified

December 6, 2016

VIA E-MAIL AND U.S. MAIL

Commissioner Steve Kinsey, Chair
California Coastal Commission
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903-4193

Re: Appeal No. A-5-VEN-16-0083 (Lighthouse Brooks LLC, Venice, Los Angeles) – Applicant’s Response to Coastal Commission Staff Report and Appeals

Dear Honorable Chair Kinsey:

This firm represents Lighthouse Brooks LLC (“Lighthouse”) and Mr. Ramin Kolahi, its Principal (collectively, the “Applicant”), in connection with the development of four single-family homes (the “Project”) at 742-748 Brooks Avenue (the “Project Site”) in the Oakwood subarea of Venice in the City of Los Angeles (the “City”). As set forth below, the Project is consistent with neighborhood mass, scale and character, and all applicable provisions of the Coastal Act and the Coastal-Commission certified Venice Land Use Plan (the “Venice LUP”). Having relied on a City-issued Coastal Development Permit (“CDP”) for a Project in the single permit jurisdiction, Mr. Kolahi had every reason to believe it was final and effective until he was notified by the Coastal Commission that, due to a City clerical error that occurred approximately three years ago, an appeal notice was never provided. It is unfortunate that Mr. Kolahi has been placed in this position after nearing completion of his Project. As this letter sets forth in great detail, there is no substantial issue that merits review of the Project.¹ Should the Coastal Commission decide a substantial issue exists, however, we respectfully request you deny the appeals and grant a revised CDP with the conditions volunteered herein.

As a threshold matter, we believe the procedural posture of these appeals is highly unusual. Our client, Mr. Kolahi, over a period of several years, played by all the rules to obtain subdivision approval, a City-issued CDP, and associated demolition and building permits. In 2013, when Mr. Kolahi applied for, and lawfully obtained, his entitlements, there was no significant opposition to his proposed development. Mr. Kolahi had numerous discussions with neighborhood stakeholders and incorporated changes to the project after meeting with the Venice

¹ This letter and all attached materials have been concurrently provided to Coastal Commission Staff.

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Neighborhood Council—changes which were made in the plans and forwarded to the City’s Zoning Administrator approximately two weeks before the hearing. By the time he went before the City’s Zoning Administrator for the August 14, 2013 public hearing on the CDP, only one person spoke, and *it was in support of the Project*. Likewise, *not a single administrative appeal* was filed to the local appellate body, the West Los Angeles Area Planning Commission, and no issues or concerns were ever expressed by any residents to the Coastal Commission until the Project was nearly complete (e.g., after demolition and foundation work) several years later.

After Mr. Kolahi had already spent millions of dollars designing and constructing the Project, he was shocked to learn that the City, apparently due to a clerical error, had failed to forward its notice of final action approving the Project to the Coastal Commission, effectively rendering the City’s CDP invalid and opening up an appeal period in 2016. At this point, the Project was approximately 90% complete.

On September 6, 2016, Mr. Kolahi received a notice from Coastal Commission Staff stating that his permit was not valid, requesting that he stop work on the Project and expressing their desire to resolve the matter through the coastal development process. Mr. Kolahi initiated a dialogue with Commission Staff and proceeded to stop work, with the exception of limited safety and security work over a ten-day period, which was required to ensure that the buildings were properly connected to avoid structural failure and protect public safety. We were surprised that the Staff Report states otherwise, but construction completely ceased in mid-September and our client was in constant communication with Coastal Commission Staff—almost all initiated by him—about the exact scope of work that needed to be done to secure the buildings.

A. An Understanding of the Project’s Specific Location Within Venice Is Necessary to Analyze the Project’s Compatibility with the Neighborhood.

While our client believes that all of Venice is special, the Project site’s location within the Oakwood subarea of Venice must be clarified because the Staff Report mischaracterizes the neighborhood and the architectural context in which the Project is situated. The Staff Report fundamentally misrepresents Oakwood as a tourist destination. Specifically, it states that “the Oakwood neighborhood . . . is developed at a pedestrian scale which makes it popular with coastal visitors interested in walking and [sightseeing].” (Staff Report, p. 30.)

Let’s be perfectly clear: *there is no sightseeing at or around the Project Site*. In fact, the Venice LUP, which has an entire chapter dedicated to Recreation and Visitor-Serving Facilities, and which describes walking corridors throughout Venice, is completely silent on any walking and sightseeing in the Oakwood neighborhood, or anywhere near the Project site. That was not an oversight. The Project Site is most decidedly not frequented by coastal visitors interested in sightseeing, and it bears no relationship to the Venice tourist attractions and coastal resources described throughout the Staff Report. The Project Site is *more than a mile from the Venice*

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tourist destinations described in the Staff Report; an approximately 27 minute walk from the Venice Canals per Google Maps, and a 23 minute walk from the Venice Boardwalk per Google Maps. The Project Site is at the easternmost border of the Coastal Zone, half a block from one of Los Angeles's busiest commercial corridors—Lincoln Boulevard—which has large shopping center parking lots fronting the street, major overhead utility wires, billboards throughout, and is currently struggling with homelessness, particularly at its intersection with Brooks Avenue where the Project is situated. (See Exhibit 1 & Exhibit 2.) And Brooks Avenue, because it is improved with a traffic light at Lincoln Boulevard, serves as a vehicular cut-through to and from residential areas to the west.

Exhibit 1: East side of Lincoln Boulevard opposite the intersection of Brooks Avenue, southeasterly facing from Lake Street



Exhibit 2: Northwest corner of Lincoln Boulevard and Brooks Avenue, northwesterly facing (845 Brooks Avenue in the background)



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As discussed below, this neighborhood context is important because the appeals and Staff Report attempt to rely on Coastal Act provisions concerning recreational and visitor-serving facilities. We do not seek to diminish the Oakwood neighborhood in any way—our client loves this community and chose to develop here for a reason—but the Project Site is simply not located in a visitor-serving area. This is borne out both by basic, common-sense observation and the Coastal Commission-certified Venice LUP’s omission of this neighborhood from its discussion of visitor-serving areas.

B. The Appeals and Staff Report Fundamentally Mischaracterize the Project’s Compatibility with the Neighborhood.

The Appeals and Staff Report suggest that Brooks Avenue and the Oakwood neighborhood are characterized by single-story, craftsman and bungalow-type buildings, when in reality the neighborhood is an eclectic hodgepodge of architectural styles and building sizes. Specifically, the Staff Report inaccurately states that the Project’s homes are “out of character with the block” and “would be more massive than any other development on the subject block.” While calling the Project’s 2,500 square foot (approx.) homes “massive” a total of **22 times**, the Staff Report neglects mentioning the massing of multiple three-story buildings just down the street to the east, and multiple other buildings of similar, or even larger size. The Staff Report even neglects to mention that the parcel to the west itself has a two-story apartment building at the rear of the parcel.

Moreover, the lead appellant in this matter notes in her appeal that she lives at 845 Brooks Avenue. This building is a three-story (two residential stories over one above-ground parking structure), approximately 7,168 square foot condominium building just down the street from the Project.² (See Exhibit 3.) The Staff Report failed to mention that this building contains an above-ground parking structure which is **not** included in that square footage number. Because this parking structure takes up the entire first floor of the building, it significantly increases total massing on Brooks Avenue, such that the overall volume of the building is approximately 11,000 square feet. This is a stark contrast from the Project, which has its garages at the rear of the parcel—not on Brooks Avenue. Unfortunately, the lack of nuance in the Staff Report may be due to the fact that much of the information in the Staff Report comes from the “Mass, Scale, and Character: Streetscape Template” in Appellant’s appeal, and which is attached to the Staff Report as Exhibit 5 (page 6 of 6). Reliance on the Appeal’s Mass, Scale, and Character exhibit is very troubling given that even the Venice Neighborhood Council has rejected it. Specifically, at its Board meeting of October 18, 2016, the motion to approve the Mass Scale & Character report failed by a vote of 4-12-3. (See Attachment 1.) The report is highly inaccurate and misleading—it is not being used by the Neighborhood Council and it surely should not be used by the Commission.

² We are working to confirm the exact square footage of 845 Brooks Avenue.

Exhibit 3: 845 Brooks Avenue



Set forth below is our detailed review of additional inaccuracies contained in the Staff Report:

1. The 804-812 Brooks Avenue Development Cluster

Three lots to the east of the Project Site is a development cluster which clearly illustrates that the appeals are groundless. While these buildings are discussed in the Staff Report, it is troubling that they have been severely mischaracterized. First, their combined impact (the three homes are actually on consecutive lots) is completely ignored. Second, when they are described individually, the Staff Report describes them inaccurately and in a manner that falsely distinguishes them from the Project. (See Exhibit 4 & Exhibit 5 on next page.)

The Staff Report's claim that there is a "substantial difference" between similar developments on Brooks Avenue and Lighthouse's proposal to subdivide the existing residential parcels for "four massive, nearly identical homes" completely disregards the visual compatibility of similar developments on the block (Staff Report, p. 18). The characterization of the approved homes as "massive" ignores the fact that these three lots, based on Assessor information accessible through the City's Zoning Information and Map Access System ("ZIMAS"), have similar or greater height and bulk as the approved Project. Further, the three-story structures along Brooks Avenue span a total of 107 feet of frontage, approximately one-third greater than the frontage of the approved Project.

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Exhibit 4: Aerial view of a portion of the subject block



Exhibit 5: 804-812 Brooks Avenue in the foreground, Project Site identified on the right



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The Staff Report inaccurately suggests that the approved Project's parcels are smaller than similarly developed parcels on the subject block, and that somehow it is the lot lines which matter here—not the actual visual impact. The Staff Report states that “the other three story homes on the subject block were each constructed on one [preexisting] residential parcel” (Staff Report, p. 18) in an apparent effort to distinguish these buildings from the Project. This is simply inaccurate, as the graphs below show. The Staff Report neglects to mention that, with the exception of 804-806 Brooks Avenue, every parcel in the 804-812 Brooks Avenue development cluster has a smaller lot area than the four parcels in the approved Project (see [Table 1](#) & [Table 2](#) below). The builder of those projects did not have to subdivide because the parcels were already appropriately sized. And the Project's lots likewise still maintain a lower floor area ratio than the lots just down the street.

Table 1:
804-812 Brooks Avenue

Address	Lot Area*	Floor Area*	Floor Area Ratio (FAR)
804-806 Brooks Avenue	5,201.0 SF	3,693 SF	0.71
808 Brooks Avenue	2,178.1 SF	2,158 SF	0.99
810-812 Brooks Avenue	2,177.9 SF	2,092 SF	0.96
813 San Miguel Avenue	2,177.6 SF	2,092 SF	0.96
809 San Miguel Avenue	2,177.6 SF	2,594 SF	1.19
Total	13,912.2 SF	12,629 SF	0.91

* = based on ZIMAS

Table 2:
The Project

Address	Lot Area*	Floor Area**	FAR
742 Brooks Avenue	2,646 SF	2,196.5 SF	0.83
744 Brooks Avenue	2,277 SF	2,196.5 SF	0.96
746 Brooks Avenue	2,277 SF	2,196.5 SF	0.96
748 Brooks Avenue	2,646 SF	2,196.5 SF	0.83
Total	9,846 SF	8,786 SF	0.89

* = based on Parcel Map L.A. No. 2012-2949

** = based on LADBS permit records

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Cumulatively, the lot size of the 804-812 Brooks Avenue development is over 4,000 square feet larger than the Project Site, and has a higher cumulative FAR than the approved Project.

2. The Staff Report Misrepresents Other Development on the Block and Surrounding Neighborhood

The Staff Report's statement that "the City [approved] four massive three-story structures adjacent to a trifecta of one-story structures on either side" (Staff Report, p. 19) not only neglects the fact that the buildings at 804-812 Brooks Avenue were built next to the same "trifecta," but also mischaracterizes 732 Brooks Avenue. Including 732 Brooks Avenue in the "trifecta of one-story structures" is a blatant error as Brooks Avenue is a two-story structure and is 25 feet high, without a five-foot street setback that the approved Project includes to minimize visual impact from the street at 20 feet. (See Exhibit 6.) Indeed, while the Project only has a height of 20 feet at its northernmost frontage, with the remaining ten feet in height set back an additional five feet, other buildings on the street have all their height in one flat plane along the street-front. It also bears emphasizing that the lot immediately to the east at 752 Brooks Avenue has a two-story structure at its rear (751 San Miguel Avenue)—a point omitted in the the Staff Report.

To overlook all these other buildings when using Commission-certified policies to evaluate "scale compatible with the community (with respect to bulk, height, buffer and setback)" (Policy I.E.2) and "the density, character, and scale of the existing development" (Policy I.A.1) excludes significant contributors to the visual compatibility of the subject block. The Staff Report includes multiple other errors. For example, Staff's brief reference to 804 Brooks Avenue stating that "the City and the Executive Director approved construction of a new 25-foot high single family home" (Staff Report, Page 18) excludes reference to the fact that the City's approval required Zoning Administrator's Adjustments for setbacks (a reduced front yard setback of 13 feet six inches in lieu of the required 15 feet, and a reduced side yard of 5 feet in lieu of the required six feet, ZA-2008-4176-ZAA). (See Attachment 2.) Mr. Kolahi's project, on the other hand, did not require a single adjustment from City code.

The Staff Report dismisses the comparison to a City-approved Coastal Development Permit for 720 and 722 Brooks Avenue, located west on the subject block, by stating that "the structures were developed front to back in order to reduce massing from the street." However, the configurations of both buildings are designed in such a way that they continue all the way through the lots back to the alley. The visual effect from the alley when considered with the 25-foot high rear garage of 716 Brooks Avenue is that of a nearly 65-foot wide unarticulated two-story and three-story wall, much more impactful than the approved Project's two-story structures at the rear of the Project Site. (See Exhibit 9.)

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Exhibit 6: 732 Brooks Avenue



Staff also leaves out that these structures are 25 feet high at their Brooks Avenue frontage, whereas the Project is 20 feet high at its Brooks Avenue frontage. While the Project goes up an additional ten feet (to a total of 30 feet—five feet more than 720 and 722 Brook Avenue), this additional height is set back five feet. In other words, not only does the Project have less massing at its northernmost frontage, the Project is much more articulated than its neighbors.

Exhibit 7: 716 and 720-722 Brooks Avenue



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Exhibit 8: Aerial view of 716 and 720-722 Brooks Avenue



Exhibit 9: Aerial view of a portion of the subject block



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3. The Staff Report References the Incorrect Parcel Map and Plans in Discussion of Articulation and Setbacks.

With respect to building articulation, the Staff Report insists on referencing the wrong set of plans when discussing the design of the four structures, despite the fact that the Project design was modified at the City's Zoning Administrator hearing, as volunteered by Mr. Kolahi to address neighbor concerns, to provide additional building articulation and differentiation between the homes. (It is very common for new plans to be submitted before a hearing in response to community concerns.) Despite the fact that the City's administrative record on this issue is clear as set forth below, the Staff Report consistently and misleadingly refers to the wrong set of plans and states that "the Commission cannot consider these changes to the plans because they were not subject to the local government's action." (Staff Report, p. 10.)

On October 23, 2013, the City's Advisory Agency approved a revised parcel map stamp-dated July 27, 2013, which had been submitted to the City more than two weeks prior to the joint public hearing of the Advisory Agency and the Zoning Administrator on the Project (AA-2012-2949-PMLA-SL, see Attachment 3). The approved parcel map, which had been revised by Lighthouse in direct response to feedback received from community stakeholders and the Venice Neighborhood Council, shows the homes being stepped back two feet further from the street and the side homes being stepped forward two feet (creating setbacks of 15 to 19 feet, respectively, in contrast to the uniform 17 foot setbacks provided in a prior set of plans). These plans, which established the building articulation, were the plans approved by the City, and the July 27 parcel map is specifically referenced in the City's determination as the approved map. The parcel map approval states:

"In accordance with provisions of Section 17.53 of the Los Angeles Municipal Code, the Advisory Agency approved the (Categorical Exemption or Mitigated Negative Declaration) ENV-2012-2950-MND as the environmental clearance and Parcel Map AA-2012-2949-PMLA-SL composed of 2 lots, pursuant to the Small Lot Subdivision Ordinance No. 176,354, for a maximum (4) single family Small Lots, as shown on map stamp-dated **July 27, 2013**." (Emphasis added.)

Indeed, it was this change in articulation and setbacks that likely led in great part to the Project not being opposed at the Zoning Administrator Hearing or being appealed at the local level. The conditions of the approved parcel map, including the required setbacks, were formally incorporated by reference by CDP Condition No. 8:

"This approval is tied to Parcel Map AA-2012-2949-PMLA-SL and ENV-2012-2950-MND, approved by the Deputy Advisory Agency on October 23, 2013. The

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applicant shall comply with all conditions of approval of the parcel map and mitigation measures included in the parcel map approval.”

In neglecting to understand which plans were actually approved, the Staff Report comes to the conclusion that concerns went completely unaddressed when, in fact, the plans were revised prior to the Zoning Administrator Hearing.

The Staff Report does not stop at front yard setbacks, however. It also misrepresents the Project’s side yards. It states that the Project has “zero foot setbacks” between the approved homes, when the approved Site Plan clearly indicates 5’-6” side yard setbacks on 742 and 748 Brooks Avenue, and a five-foot gap between 744 and 746 Brooks Avenue. (Staff Report Exhibit 3, p. 2, Sheet A1.1.) To characterize the approved buildings as being built “side-by-side with zero side yard setbacks” (Staff Report, p. 18) willfully contradicts the dimensions provided in the approved plans for the CDP.

The Staff Report further mischaracterizes the setbacks by stating that the Project’s front yard setbacks are less than those of the structures immediately to the east and west on Brooks Avenue; however, as shown in Table 3 below, the residential front yard setbacks along the subject block average a depth of 13 feet, which is less than the approved Project’s front yard setbacks (See Table 3).

Table 3: Brooks Avenue Front Setbacks

Address	Front Setback*
840 Brooks Avenue	11’
836 Brooks Avenue	10’
828 Brooks Avenue	12’
824/826 Brooks Avenue	10’
816 Brooks Avenue	9’
812 Brooks Avenue	10’
808 Brooks Avenue	10’
800 Brooks Avenue	16’
756 Brooks Avenue	16’
752/754 Brooks Avenue	16’

Address	Front Setback*
738/740 Brooks Avenue	17'
736 Brooks Avenue	16'
732/734 Brooks Avenue	14'
728 Brooks Avenue	16'
724 Brooks Avnue	17'
Average	13'

* = based on ZIMAS

In addition, the Staff Report neglects to mention that: (1) the Project is completely consistent with all required setbacks and did not require any adjustments or variances; and (2) the buildings just to the east, pictured above, actually received discretionary relief to allow deviation from required setbacks. In other words, the Project will have setbacks that are consistent with those of adjacent development.

Nevertheless, should the Commission find Substantial Issue, the Applicant is proposing to incorporate as a special condition to the CDP all features of the July 27, 2013 plans approved by the City (See Attachment 4), as modified, as shown in the plans dated October 18, 2016.

C. The Project Furthers Key Goals of the Coastal Act.

The Staff Report cites two provisions of the Coastal Act concerning visual resources: Section 30251 and Section 30253(e) of the Coastal Act.

Contrary to the Staff Report's analysis, the Project furthers Section 30251 of the Coastal Act. Specifically, Section 30251 provides that "[p]ermitted development shall . . . restore and enhance visual quality in visually degraded areas." That is exactly what this Project does. The previous development on the Project Site had been accepted into the City's Rent Escrow Account Program due to various habitability issues. (See Attachment 5.) The Project will constitute a significant improvement of the Project Site and the block that will enhance visual quality in a previously visually degraded area. As stated above, the Project Site is approximately a mile away from the ocean at the easternmost edge of the Coastal Zone in a highly urbanized environment and near a major commercial corridor.

Likewise, Section 30253(e) of the Coastal Act applies to "popular visitor destination points for recreational uses." Policy Group III (Recreation and Visitor-Serving Facilities) of the

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Coastal Commission-certified Venice LUP makes clear that the Project Site is not in a popular visitor destination area. The Venice LUP describes the visitor destination points in Venice as follows:

Recreation and visitor-serving facilities in the Venice Coastal Zone include the opportunities offered by Venice Beach, Ocean Front Walk, and the bike path; the restaurants and shops along Ocean Front Walk and Main Street; and the walkways and waterways of the Venice Canals and Ballona Lagoon which offer sightseeing, birdwatching and boating. Existing recreation and visitor-serving facilities are shown in Exhibits 19a through 21b. (Land Use Plan, p. IV-1.)

As stated previously, the Staff Report creates a misleading narrative about the Oakwood neighborhood, and especially the Brooks Avenue area where the Project Site is situated. However, it is simply false that the Project Site is popular with coastal visitors interested in sightseeing. More importantly, however, even if Section 30253(e) applied, the Project constitutes an improvement over the preexisting building.

In addition to complying with Section 30251 and Section 30253(e) of the Coastal Act, as explained below, the Project is completely consistent with the standards and policies of the Venice LUP.

D. The Project Is Consistent with the Coastal Commission-Certified Land Use Plan.

The Venice LUP, certified by the Coastal Commission, establishes policies and development standards for implementation of the Coastal Act, including Sections 30251 and 30253, both of which the Staff Report relies upon to recommend granting the appeals and denying the Project. As the Staff Report notes, the Land Use Plan “adopted residential building standards to ensure development was designed with pedestrian scale and in compatibility with surrounding development.” (Staff Report, p. 17.)

As a threshold matter, both the appeals and Staff Report fail to mention that the Project is completely consistent with the land use designation for the Project Site and every development standard in the Coastal Commission-certified Land Use Plan. Under the Land Use Plan, the Project Site is designated “Multiple Family Residential: Low Medium II” (Land Use Plan, Exhibit 11.), which provides for a maximum residential density of one dwelling unit per 1,500 square feet, with which the Project complies. Likewise, the Land Use Plan establishes a maximum building height of 30 feet for buildings with a varied or stepped back roofline, with which the Project also complies (Policy I.A.7.).

The Staff Report argues that the City CDP findings make no reference to the Venice LUP, which is a Coastal Commission-certified document; however, it discounts that the findings

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and conditions concerning the Specific Plan, adopted by the City in approving the CDP, are consistent with the provisions in the Venice LUP and the Coastal Act. This is important, because among the stated purposes of the Specific Plan are:

1. To implement the goals and policies of the Coastal Act;
2. To implement the Local Coastal Program (LCP) for that portion of the Venice community within the Coastal Zone as designated by the State Legislature.
3. To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
4. To assure that public access to the coast and public recreation areas is provided as required by the Coastal Act
5. To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be *compatible in character with the existing community* and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.

Thus, through its compliance with the policies and standards established by the Specific Plan, the Project is consistent with these underlying objectives.

Moreover, the Staff Report dismisses the City CDP's discussion of other development in Venice approved by the City and by the Commission on the grounds that it "does not analyze the subject development in relation to the previously approved development." (Staff Report, p. 20.) While not formally organized beneath the specific "Mandated Findings" heading, the CDP's discussion of four nearby projects is undoubtedly part of the CDP's findings and was included to illustrate that the Project was consistent with recently-approved, nearby development.

The Staff Report inappropriately excludes a discussion of all the Project's inherent environmental benefits that are due to its prefabricated dwelling units. Specifically, it fails to mention that the community had less impacts from noise, parking, traffic and other impacts as compared to standard construction which would have taken years of on-site work (not to mention multiple vehicular trips for workers and materials which would have increased the Project's carbon footprint). Studies have shown that prefabricated construction reduces greenhouse gas emissions, specifically in the improved environmental performance of modular prefabricated steel and timber. Construction waste reduction has also been found to be another benefit of prefabricated construction over conventional construction, making prefab construction more environmentally sustainable. The Project will be obtaining LEED Gold or Platinum status due to the prefabricated methodology and the sustainable choices made for the Project. It is just not true that the Project has the potential to impact biological productivity and water quality of nearby coastal resources a mile away because specific landscaping, drainage, and construction best management practices have not been required. The Project does not have the potential to impact biological productivity and water quality of coastal resources a mile away because

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specific landscaping, drainage and construction best management practices have, in fact, been required or are inherent in prefab construction. As discussed in Section F. of this letter, the Project's MND included multiple water quality measures, and City ordinances further ensured that no adverse impacts would occur.

Finally, as explained in Section B above, based on its compatibility with surrounding development, the Project is consistent with each of the Venice LUP design policies cited in the Staff Report, as follows:³

- 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 of 1976.
- 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*.

E. The Project Will Have No Adverse Impact on Public Access and Recreation.

The Staff Report cites Coastal Act Section 30252, which states, in part, that “[t]he location and amount of new development should *maintain and enhance public access to the coast* by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.” The Project Site is located at the easternmost edge of the Coastal Zone. There is no evidence that Brooks Avenue is used for street parking for anyone seeking public access to the coast, which is approximately a mile away from the Project Site. Moreover, the Project is fully compliant with the City's parking requirements for the proposed, single-family use. There is no basis for finding an adverse parking impact on the unsubstantiated grounds suggested in the Staff Report; i.e., *if* the Project were multi-family (which it is not) and *if* the rear accessory structures were to include kitchens, so as to be classified as dwelling units (which they are not), then additional spaces would be required.

³ The Staff Report improperly relies on Venice LUP Policy I. A. 1, which aims to “[e]nsure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character, and scale of the existing development....” As noted above, the Project Site has a multi-family land use designation, was previously developed with a duplex and a triplex, and there is a two-story apartment building immediately to the west of the Project.

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The Staff Report contains no evidence that the code-compliant Project, which consists of single-family units, will have any impact on street parking, let alone such an impact so as to impede public access to the coast.

F. The Project Will Not Have Adverse Impacts on Water Quality.

The Staff Report claims that the Project does not conform to Coastal Act Section 30231, which requires the maintenance and restoration of “[t]he biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health.” Under Section 30231, this objective may be achieved through “minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.”

First, the Staff Report provides no evidence that the Project will, in any way, impact “the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health.” Instead, the Staff Report justifies its erroneous conclusion on the grounds that the City-approved CDP did not include a landscape plan or mandate drought-tolerant landscaping. However, the Staff Report ignores the environmental conditions that were imposed on the Project by the City through the Mitigated Negative Declaration that was adopted at the time the CDP was approved, and expressly incorporated by reference in the CDP. These include the following, compliance with which was confirmed, pursuant to established City processes, during the LADBS plan-check review:

- The project shall comply with Ordinance No. 170,978 (Landscape/Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff;
 - Matched precipitation (flow) rates for sprinkler heads;
 - Drip/microspray/subsurface irrigation, where appropriate;

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- Minimum irrigation system distribution uniformity of 75%;
- Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials;
- Use of landscape contouring to minimize precipitation runoff;
- A separate water meter (or submeter), flow sensor and master valve shutoff to be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

Further, as acknowledged by the Staff Report, Lighthouse has actually submitted landscaping plans to the Coastal Commission (same as those approved by the City) primarily featuring drought-resistant, noninvasive plant species. These plans also include gutters and downspouts that direct water to rain catchment devices, thereby controlling runoff and preventing further interference with surface water flow.

In addition, the MND imposed the following construction-related conditions related to water quality (among others):

- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- All vehicle/equipment maintenance, repair and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

It is worth emphasizing that the Project Site, located in a highly urbanized area, contains no riparian habitat or natural streams, and there is no evidence that the Project will have any impact on waste water discharge, groundwater supply or waste water reclamation.

Although water quality measures were imposed by the City and have been adhered to by Lighthouse during construction of the Project, the Applicant has nonetheless included a water quality condition in its proposed special conditions (See Attachment 4).

G. The Appeal Does Not Raise a Substantial Issue.

The Staff Report states that, in determining whether an appeal raises a “substantial issue” under Coastal Act Section 30625(b)(1), the Commission relies upon the following factors:

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- (1) Whether 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.

As established above, the Project is consistent with the Coastal Act and the Staff Report lacks substantial evidence for any conclusion to the contrary. The Staff Report also fails in its attempt to support factors (2) through (5), as shown below. Accordingly, because the appeals do not meet the "substantial issue" standard, under Section 30625(b)(1) of the Coastal Act, as is required for the Coastal Commission to hear an appeal, the appeal must be denied.

- Scope of Development: Contrary to the Staff Report's repeated characterization of the Project as "massive," as explained above, it is actually four 2,200 s.f. single-family homes in an urbanized setting with numerous examples of comparably-sized developments throughout the neighborhood. This scope of development, within this project setting, does not constitute a substantial issue.

- Significance of Coastal Resources: The Project Site, located one block from Lincoln Boulevard, does not in any meaningful way represent a significant Coastal Resource. Moreover, there is no evidence that the Project will adversely affect the unique character of the surrounding Oakwood neighborhood or the biological productivity and water quality of nearby coastal resources. In fact, the Project is both consistent with surrounding development and is already required to comply with landscaping, drainage and construction conditions and regulations that protect water quality.

- Precedential Value: The Staff Report finds that the Project would prejudice the City's ability to prepare a certified LCP for Venice by setting a precedent for other projects that are not consistent with the Land Use Plan. (Staff Report, p. 21.) However, as explained above, the Project is consistent with the Land Use Plan's development standards concerning density and height, as well as its policy objectives. Moreover, it is consistent with the Venice Specific Plan, which, although it has not been certified by the Coastal Commission, is intended to implement the policies and goals of the Coastal Act and the City's certified LUP. The Project establishes no precedent that will impair the adoption of an LCP.

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- Issue of Local, Regional or Statewide Significance: The Staff Report concludes that this appeal raises issues of statewide significance on the sole grounds that “Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue.” (Staff Report, p. 21.) Yet the Staff Report includes no evidence that the Project would have any impact on Venice tourism, which it would not. As explained above, the Project Site is nearly a mile from Venice’s tourist attractions, and the character of development in the Oakwood neighborhood, one block from Lincoln Boulevard, does not affect Venice tourism. Furthermore, the Project is consistent with, and will even enhance, the eclectic architectural mix in Venice. The appeal solely raises a local concern.

H. Should the Commission Find a Substantial Issue Exists, the Applicant Is Proposing Special Conditions to Address Concerns Raised in the Staff Report.

The Staff Report concludes that the Project is inconsistent with the visual resources and community character policies of Chapter 3 of the Coastal Act. For all the reasons stated above, we disagree with that conclusion and have submitted substantial evidence and legal analysis to support our position.

But let’s take a step back and clarify facts as they exist today. During prior conversations, Commission staff variously suggested that Lighthouse remove the third floor from each structure, shift the location of entire structures and/or completely remove entire structures. Although the Staff Report analyzes the Project’s compliance with the Coastal Act as if no development exists, that is a fiction.

The facts are as follows. First, Project construction has all but been completed. Very little additional work is required to secure a Certificate of Occupancy. Second, although the Project’s homes are modular, they cannot be modified or moved with ease. Any work needs to be done in a factory and a crane would need to be mobilized two more times (for removal and replacement). Simply removing an entire module results in an over \$2M loss (in cost and revenue) to Lighthouse. That figure more than doubles to \$5M if the homes have to be deconstructed and then reconstructed, which would be required for any relocation of the structures. These are economically infeasible solutions that would bankrupt the Project. Third and finally, Lighthouse has offered design revisions to staff in an effort to address its visual resources and community character concerns. These revisions include:

- Installing a façade on two of the structures to provide visual relief;
- Reducing the height of top floor privacy walls to the balcony height to further articulate the 5’ setback of the top floor;
- Utilizing a more neutral color palate;

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- Incorporating more glass on middle unit front doors to break up mass; and
- Revising landscape plans including planting of a mature California Sycamore tree in each front yard to screen the buildings.

Given the modular design of the structures and their advanced state of development, these represent feasible design concessions.

I. Granting the Appeal Would Be an Unconstitutional Taking.

Any action taken by the Coastal Commission on the appeals that prevents Lighthouse from the reasonable economic use of the Property will constitute a “taking” under both the United States and California Constitutions. The Coastal Commission may only require strict compliance with the Coastal Act where feasible to do so, while also providing a reasonable economic use of the property.

Here, because the Project complies with the Coastal Act, there is no basis for granting the appeal. However, even if the Commission were to adopt the Staff Report’s mistaken conclusions regarding the Project’s non-compliance with the Coastal Act, any action that requires removal, relocation or substantial modification of the Project’s modular buildings will impose a significant loss on Lighthouse that will be impossible to recoup through a new project. Therefore, any such result, which would entirely eliminate the Project’s financial viability, would be a taking warranting the payment of just compensation to Lighthouse.

J. Mr. Kolahi Has a Vested Right to Develop the Property.

Under well-established California law, a property owner obtains a vested right to complete a project upon performing substantial work and incurring substantial liabilities in good faith reliance on a properly obtained, valid permit. *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 795. See also *Anderson v. City of La Mesa* (1981) 118 Cal.App.3d 657, 660. A permit later determined to have been issued in violation of an applicable regulation does not, as a matter of law, prevent a property owner from obtaining such vested right, particularly where there is no cognizable harm to the public. *Id.* at 661. As a matter of sound public policy, a property owner must be able to rely on the unchallenged issuance of a CDP and building permits, or no developer would be willing to undertake any construction projects. Here, Lighthouse clearly satisfies the requirements for common law vesting under California law.

The Applicant obtained the CDP from the City in October 2013, in full compliance with all City procedures for its issuance. Notwithstanding any motions from the Venice Neighborhood Council regarding the Project, no members of the public, including any of the

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present appellants, voiced any opposition, let alone attended, the noticed public hearing on the CDP, or filed an appeal to the West Los Angeles Area Planning Commission pursuant to City procedure. Given the absence of any opposition at the hearing and the expiration of the City's appeal period without the filing of an appeal, it was reasonable for Lighthouse to believe that there was no outstanding opposition to the Project.

Following the expiration of the appeal period, the City, rather than Lighthouse, was obligated to notify the Coastal Commission of the City's approval of the CDP. In fact, as noted in the Staff Report, the City's Determination Letter provided Lighthouse and the general public with the following information concerning the administrative steps after the expiration of the City's appeal period:

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.*** (Emphasis added.)

This language from the Determination Letter is not only a statement by the City of its legal obligation under 14 CCR Section 13315 to notify the Coastal Commission of its approval of the CDP, but also constitutes an express assurance by the City that it would comply with such obligation, upon which it was reasonable for Lighthouse to rely. The Determination Letter does not specify any actions that could be taken by Lighthouse to notify the Coastal Commission, and it is silent regarding any further notices that Lighthouse would receive following the Coastal Commission's receipt of a notice of permit issuance. Accordingly, by mid-December 2013, when Lighthouse had not been notified of any further appeals, it was entirely reasonable for Lighthouse to assume that the City's action on the CDP was final and beyond challenge. On that basis, Lighthouse proceeded with demolition and construction of the Project, obtaining all necessary local demolition and building permits from the City's Department of Building & Safety ("LADBS").

The City issued a demolition permit to Mr. Kolahi in October 2014, upon which he relied to demolish the then-existing building in February 2015. Subsequently, the City issued a building permit in May 2016 for the Project, upon which Lighthouse reasonably relied when commencing construction in August 2016. Issuance of the building permit by LADBS required various departmental clearances, including confirmation that the Project had a valid CDP. This was confirmed on May 25, 2016 by the City's Planning Department. Thus, until September 2016, nearly three years after the City approved the CDP, Lighthouse had absolutely no reason to think that the CDP, or any subsequent LADBS permits issued in reliance on the CDP, were in any way legally suspect. To the contrary, from 2013 until 2016, all indications from the City were that the CDP was valid. For example, Lighthouse was granted a final parcel map,

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which was recorded in August 2015, and the City Planning Department granted four separate Venice Specific Plan sign-offs for the Project in May 2016, thereby confirming compliance with the City's Venice Specific Plan. LADBS issued multiple permits based on these actions, and Lighthouse, in good faith reliance on these permits, commenced construction of the Project.

Throughout all of the initial construction (demolition, foundation work, etc.), no resident or neighbor expressed any concern about the Project to the Coastal Commission, and it was not until after an unfortunate water main break caused by the weight of a crane that nearby residents complained about it.

Here, Lighthouse has a clear vested right to complete development of the Project in conformance with the CDP and any building permits issued by the City based on the CDP. The Applicant incurred substantial expense and completed extensive construction in reasonable and good faith reliance on the CDP without any legal notice that the permits were not final or valid. For nearly three years, Appellants failed to provide any notice to Lighthouse, the City, or the Coastal Commission of any alleged deficiency in the City's issuance of the CDP.

The present case is clearly distinguishable from other circumstances in which courts have held that permits later deemed invalid did not establish a vested right because the permittee had engaged in wrongful conduct, such as a misrepresentation by the permittee (*Stokes v. Bd. of Permit Appeals* (1997) 52 Cal.App.4th 1348, 1357) or a violation by the permittee of required conditions (*McAllister v. California Coastal Com'n* (2008) 169 Cal.App.4th 912, 948). Nor is this a case where the scope of work performed by Lighthouse is materially different from what was approved under the CDP. Instead, Lighthouse fully disclosed the scope of the zoning-compliant Project and strictly followed the City's required rules and procedures for the CDP and subsequent permitting.

The sole basis for determining that the CDP and any City building permits were not valid is the City's failure to notify the Coastal Commission, which caused no cognizable harm. If the City had properly notified the Coastal Commission, an appeal period of 20 working days would have started and ended three years ago. However, as explained above, at the time that the City approved the CDP, no members of the community spoke in opposition to the Project at the City's public hearing and no local appeal was filed. The Applicant was not on notice of any potential invalidity of the CDP or any continued opposition to the Project. Having failed to pursue any administrative remedies at the local level, it is highly unlikely that any of the current appellants would have filed an appeal to the Coastal Commission at that time. Therefore, any claim of harm to the public is entirely illusory. However, having chosen not to participate in the City's duly-noticed CDP process in 2013, the appellants now want a second, much delayed, bite at the apple. This attempt to infringe on Lighthouse's development rights is exactly what the vesting doctrine is intended to protect against.

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K. The Coastal Commission Is Barred by Laches from Revoking the CDP.

The equitable doctrine of laches provides certainty to parties and protects against the unfairness that results from unreasonable delays by other parties in asserting legal or administrative claims. *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal.App.4th 29. Public entities are barred by laches from taking administrative actions where an unreasonable delay has occurred that causes prejudice to the party against which the administrative action is proceeding. *City and County of San Francisco v. Pacello* (1978) 85 Cal.App.3d 637, 644. Laches may be asserted to prevent government actions if necessary to prevent a grave injustice and use of the doctrine would not defeat any strong public policy or result in the indirect enforcement of an illegal contract. *County of San Diego County v. Cal. Water Etc. Co.* (1947) 30 Cal.2d 817, 826. Courts have specifically applied laches to protect property owners where the state's failure to commence an action before the property owner incurred heavy loss created an injustice that outweighed any adverse effect of the State's failure to make timely environmental inquiries. *People v. Dept. of Housing & Community Dev.* (1975) 45 Cal.App.3d 185, 196 (laches barred an action by the California Department of Housing and Community to rescind building permits and prevent construction where the property owner waited four months to ascertain whether the State would require further environmental inquiries by the City and incurred \$40,000 in construction expenses.)

Here, in obtaining the CDP and the building permits for the Project from the City, and in proceeding with construction absent any objection or notice of either a procedural or substantive infirmity, Lighthouse has done nothing wrong. Through no fault of Lighthouse, the City of Los Angeles failed to meet its obligation to notify the Coastal Commission that it had issued the CDP. Moreover, for nearly three years, despite having actual or constructive notice of the Project, including demolition and site clearance in 2015, the appellants took **no** administrative or legal action to challenge the City's approval of the Project or its issuance of permits. Likewise, they did not even call Coastal Commission Staff with any concerns. Waiting three years to register any formal opposition to the Project before seeking denial of the CDP is clearly an unreasonable delay.

The Coastal Commission should not accommodate parties that wait such an unreasonable amount of time to register opposition. By preventing completion of the Project, for which construction is already well underway and for which Lighthouse has incurred substantial expense, the appeal causes an extreme prejudice to Lighthouse. Any action by the Coastal Commission that prevents Lighthouse from completing the Project will inflict significant financial losses on Lighthouse and will result in a grave injustice. Moreover, barring the appeal would not defeat any strong public policy. As explained above, the Project complies with the Coastal Act and the appellants had ample opportunity in 2013 to voice their claims to the

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contrary. Finally, granting the appeals for a project that is undoubtedly vested under California law is clearly against public policy. Instead, a strong policy argument favors certainty in development and against granting unreasonably delayed challenges brought well after construction is underway. Accordingly, the Coastal Commission is barred by laches from granting the appeal and denying the CDP.

L. The Coastal Commission Is Equitably Estopped from Granting the Appeal.

The City of Los Angeles is the only local jurisdiction in California that the Coastal Commission allows to issue Coastal Development Permits without a certified Local Coastal Program. The Applicant strictly followed and reasonably relied upon the established rules and procedures for obtaining the CDP and building permits from the City for the Project. The Coastal Commission has a mandate to implement the Coastal Act and has broad administrative responsibilities to enforce applicable laws and regulations. *Marine Forests Soc. v. Cal. Coastal Comm'n* (2005) 36 Cal.4th 1, 20. The City's rules and procedures, which have been expressly approved by the Coastal Commission, are known, or should have been known, by Coastal Commission staff. Thus, the Coastal Commission either approved or acquiesced to procedures that could not ensure either timely notification of CDP issuance or protection against the infringement on Lighthouse's rights. Although the procedure for notifying the Coastal Commission of the City's issuance of the CDP was entirely outside of Mr. Kolahi's control, he nevertheless risks being punished, through the denial of the CDP, for the Coastal Commission's lack of regulatory oversight.

Estoppel claims arise against governmental agencies when property owners reasonably rely upon governmental actions to their significant detriment. *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 492 (holding that the City and State were estopped from obtaining title over tidelands from private owners, where the landowners reasonably relied on the governmental actions and where to divest these private landowners of title would work a great injustice). In land use cases, courts often evaluate estoppel claims similarly to laches, i.e., estoppel applies where (i) necessary to prevent a grave injustice, and (ii) it would not defeat any strong policy adopted for the public. *County of San Diego v. California Water and Telephone Co., supra*, 30 Cal.2d at 826.

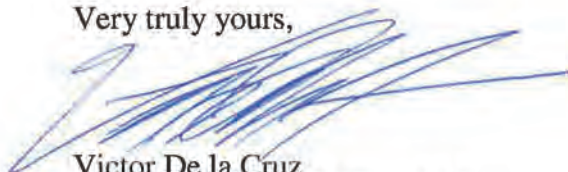
The Coastal Commission had an obligation to require implementation of a more robust notification system that would have prevented the circumstances that arose here. It is fundamentally unfair that Lighthouse alone should bear the burden of the compounding failures of the Coastal Commission and the City to implement procedures that ensure timely notification and protect property owners that otherwise comply with the rules. Denying the CDP and invalidating the City's building permits would constitute a grave injustice against Lighthouse, which relied upon the City's administrative process, including a Determination Letter that (i) assured Lighthouse that the Coastal Commission would be notified and (ii) indicated that, in

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the absence of any appeals, the CDP would be final. The Coastal Commission is therefore barred, by the doctrine of equitable estoppel, from granting the appeals and denying a CDP.

For the reasons set forth above, we respectfully request the Coastal Commission find that no substantial issue exists. In the absence of such a finding, we ask that you approve the Applicant's proposed motion for approval of the Project with special conditions that require submittal of final building plans, water quality measures and landscape plans in conformance with those submitted to Coastal Commission Staff on October 24, 2016 (See Attachment 6).

Very truly yours,



Victor De la Cruz
Manatt, Phelps & Phillips, LLP

ATTACHMENT 1

From: [James Murez](mailto:James.Murez@venicenc.org) on behalf of james.murez@venicenc.org
To: [Ramin Kolahi](mailto:Ramin.Kolahi)
Subject: FW: VNC Mass Scale & Character Committee report
Date: Thursday, November 17, 2016 7:32:45 AM

From: Ira Koslow [<mailto:president@venicenc.org>]
Sent: Thursday, November 10, 2016 10:36 AM
To: Tricia Keane; Craig Weber; Hagu Solomon-Cary; Jonathan Hershey; Ezra Gale; Ken Bernstein; Faisal.Roble@lacity.org; jae.kim@lacity.org; juliette.oh@lacity.org; Ainsworth, John@Coastal; Steve@Coastal Hudson; Henry, Teresa@Coastal; Chuck@Coastal Posner; Rehm,; Antonio.Isaia@lacity.org; Debbie.Lawrence@lacity.org; LUPC; Board; Maury Ruano; Lambert Giessinger; Gabriel Ruspini; kathleenrawson@gmail.com Rawson; Mark Kleiman; LILLIAN WHITE; Joe Clark; Laura Stoland; Brian Finney; George Gineris; Linda Tadic; Shaina Li; Johannes Girardoni; Gina Maslow; David Hertz; Sean Daneshgar; Richard Destin; Robin Rudisill; Sue Kaplan
Subject: VNC Mass Scale & Character Committee report

Dear All,

It has always been the policy of the Venice Neighborhood Council that committee reports are not to be circulated as official documents until the Board has voted on it. At the Board meeting on October 18, 2016, the motion to approve the Mass Scale & Character report failed by a vote of 4-12-3. The report is not therefore official VNC or land use policy .

Respectfully submitted,

Ira Koslow
President
Venice Neighborhood Council
www.venicenc.org

ATTACHMENT 2

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN
R. NICOLAS BROWN
SUE CHANG
LARRY FRIEDMAN
LOURDES GREEN
ERIC RITTER
LINN K. WYATT
MICHAEL S.Y. YOUNG
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING

S. GAIL GOLDBERG, AICP
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

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

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

www.lacity.org/PLN

October 16, 2009

Luz Jimenez (A)(O)
2222 16th Street
Santa Monica, CA 90405

Martin Casteran (R)
1712 Franklin Street, #4
Santa Monica, CA 90404

CASE NO. ZA 2008-4176(ZAA)
ZONING ADMINISTRATOR'S
ADJUSTMENT
804 East Brooks Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV 2008-4177-CE
Legal Description : Lot 43, Tract 8415

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

a Zoning Administrator's Adjustment from Section 12.09.01-B,1 of the Los Angeles Municipal Code to allow a reduced front yard setback of 13 feet 6 inches in lieu of the required 15 feet; and

a Zoning Administrator's Adjustment from Section 12.09.1-B,2 to allow a reduced side yard of 5 feet in lieu of the required 6 feet; all in conjunction with the construction, use and maintenance of a three-story single-family dwelling with an attached garage,

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, floor plan and elevation plans stamp dated October 1, 2009 and marked Exhibit "A", except as revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator 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 proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The site shall be limited to two dwelling units. The structures on the site shall not exceed 25 feet in height in compliance with the Venice Specific Plan and to the satisfaction of the Department of Building and Safety.
8. The project shall observe a minimum side yard setback of 5 feet and a front yard of 13 feet 6 inches from Brooks Avenue. No structures or parking spaces shall encroach into the front yard setback area.
9. Prior to any sign-off by the Zoning Administrator, plans for the project shall be submitted to the Venice Coastal Specific Plan staff of the Community Planning Bureau of the Planning Department for review and approval. Said approval of the plans by the staff of the Community Planning Bureau shall be evidenced by a stamp on the plans. Prior to the issuance of any building permit, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator.
10. The project shall comply with the applicable provisions of the California State Coastal Act of 1976. Coastal clearance shall be obtained from the California Coastal Commission if determined to be necessary after consulting the Planning Department Public Counter, and the use and development of the property shall be in conformance with any conditions that may be required by the California Coastal Commission. Prior to the issuance of any permit, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator.
11. Parking shall be provided in compliance with the Venice Specific Plan (Ordinance No. 175,963 or its subsequent ordinance), the Planning and Zoning code and to the satisfaction of the Department of Building and Safety. No variance or deviation from the parking requirements required by the Specific Plan or the Municipal Code has been requested or granted herein. Prior to the issuance of any building permit, evidence of compliance with this condition such as communication from a

community planning staff and/or a plan check engineer clarifying the parking requirement, shall be submitted to the satisfaction of the Zoning Administrator.

If the parking spaces that are required by the Specific Plan and/or the Code result in a change in the proposed project as shown on Exhibit "A", prior to the sign-off of the plans by the Zoning Administrator, revised plans shall be submitted to the satisfaction of the Zoning Administrator.

12. The outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from the adjacent residential properties.
13. All mechanical equipment including but not limited to a water heater as well as heating and air conditioning units shall not be placed in the area that adjoins habitable rooms of neighboring properties or in the required front and side 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 shielded by appropriate screening devices or walls to the satisfaction of the Zoning Administrator.
14. Within 30 days of the effective date of this action, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator 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 - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 grant 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 if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after NOVEMBER 2, 2009, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

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

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

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, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on February 26, 2009, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting an adjustment as enumerated in Section 12.28 of the Los Angeles Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a rectangular-shaped, interior record lot, located on the south side of Brooks Avenue, and is approximately 5,201 square feet. The site is currently improved with a single-family dwelling unit and a one-car garage accessed from San Miguel Avenue. The proposed site is located in the Oakwood Millwood subarea of Venice Specific Plan.

The Zoning Investigator reports that while most of the properties in the area are improved with one-story single-family dwelling units, there are the following two properties that are improved with two-story single- and two-dwelling units:

- 824 Brooks Avenue – improved with a two-story single-family dwelling unit. ZIMAS search revealed that on January 13, 2003, Director of Planning approved a Specific Plan Project Permit Compliance, to allow the construction of a new two-story, single-family dwelling unit on an RD1.5-1 zoned lot.
- 828 Brooks Avenue – improved with a two-story single-family dwelling unit. ZIMAS search revealed no prior case activity relative to this two-story, two dwelling unit.

The applicant is proposing to maintain the existing dwelling unit and to construct a three-story, 3,310 square-foot dwelling unit with an attached two-car garage with vehicular access from Brooks Avenue.

Brooks Avenue, adjoining the property to the north, is a Local Street dedicated a width of 50 feet and improved.

San Miguel Avenue, adjoining the property to the south, is a Local Street dedicated a width of 25 feet and improved.

Previous zoning related actions in the area include:

Case No. ZA 2007-4161(CDP)(ZAA) - On July 24, 2008, a Coastal Development Permit and a Zoning Administrator's Adjustment were approved to allow a reduced rear yard setback of 5 feet in conjunction with the construction and maintenance of two new single-family dwellings proposed at 720 East Brooks Avenue.

Case No. ZA 2002-4441(ZV)(SPP) - On February 27, 2003, a Zone Variance and a Specific Plan Project Permit Compliance were approved to allow a front yard setback of 5 feet from San Miguel Avenue and tandem parking spaces in an RD1.5 Zone, in conjunction with the construction and maintenance of two single-family dwelling proposed at 737 East Broadway in Venice.

Case No. ZA 2008-2784(ZAA) - On April 24, 2009, a Zoning Administrator's Adjustment to allow a reduced front yard setback of 5 feet in lieu of the required 15 feet was approved, in conjunction with demolition of an existing dwelling unit and construction of two single family dwelling units at 732 E. Brooks Avenue.

MANDATED FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. The granting of an adjustment will result in development compatible and consistent with the surrounding uses.

The surrounding properties are within the RD1.5-1 Zone, are characterized by level topography and improved streets and are improved with single-family residential dwellings. The proposed site is located in the Oakwood Millwood subarea of Venice Specific Plan.

The adjoining property to the northeast is improved with one-story single-family dwelling unit in the northerly portion and a three-story single family dwelling unit in the southerly portion of the property. The two structures observe side yard setbacks ranging from 2 feet 1-inch to 3 feet 3 inches. The structure in the northerly portion of the property observes approximately 13 feet 7 inches of front yard setback from Brooks Avenue.

The northwesterly adjoining property is improved with a one-story single-family dwelling with a detached garage, and observes a front yard setback of 19 feet 9 inches from Brooks Avenue and side yard setbacks ranging from 1-foot 3 inches to 12 feet 2 inches.

The site is improved with a single-family dwelling with a one-car garage accessed from San Miguel Avenue. The existing dwelling unit on the site will remain on the property. The project proposes to build an additional single-family dwelling with an attached garage accessed from Brooks Avenue. The plan stamp dated October 1,

2009 shows a front yard of 13 feet 6 inches from the property line along Brooks Avenue, 5-foot side yard setbacks for the proposed dwelling unit and an 18-foot 3-inch separation between the existing and the proposed dwelling units on the site.

The majority of the surrounding properties were improved in the 1920s through 1940s and observe nonconforming front and side yard setbacks. The plan submitted to the file shows a front yard setback of 13 feet 6 inches from Brooks Avenue in line with a front yard setback provided at the adjoining property to the northeast. The reduced setback of 5 feet and front yard setback on Brooks Avenue are compatible with the surrounding properties and with the pattern of residential uses in the area.

No public comments were received to the file and at the hearing, which was held on February 26, 2009.

2. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.

The Venice Community Plan Map designates the property for Low Medium II Density Residential land uses with corresponding zones of RD1.5, RD2, RW2, and RZ2.5, and Height District No. 1. The property is within the area of the Los Angeles Coastal Transportation Corridor and Venice Coastal Zone Specific Plan. The application is not affected.

The adjustment will not result in a change of use or in the density on the site. The granting of the adjustment will allow the proposed single-family dwelling to be added on the site in a manner that will not impact the neighboring properties. The plan intends to promote stable residential neighborhoods and to protect property values. The conditions imposed will ensure that the residential neighborhoods will be protected and preserved in conformance with the intent and purpose of the General Plan. It is noted that the Venice Community Plan does not specifically address adjustments. Further, the development of this site supports the housing production policies of the Community Plan.

3. The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The granting of the requested adjustments for the reduced side yard and front yard setbacks from Brooks Avenue is consistent with the setbacks on surrounding properties and with the pattern and character of development in the surrounding neighborhood.

The zoning regulations require setbacks from property lines in order to provide compatibility between respective properties as well as to ensure access in the event of an emergency. Such regulations, however, are written on a Citywide basis and cannot take into account the individual unique characteristics that a specific parcel and its intended use may have. In this instance, the Codes desire to achieve compatibility between the respective sites and to protect neighboring properties as well as the applicants desire to provide a more viable/functional, livable dwelling can

be accommodated in a manner that is consistent with the spirit and intent of the zoning regulations.

4. **There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

As conditioned, any adverse impact, real or perceived has been eliminated or reduced to a level of insignificance. Furthermore, the granting of the adjustments is consistent with the setbacks on adjoining properties and with the pattern and character of development in the surrounding neighborhood.

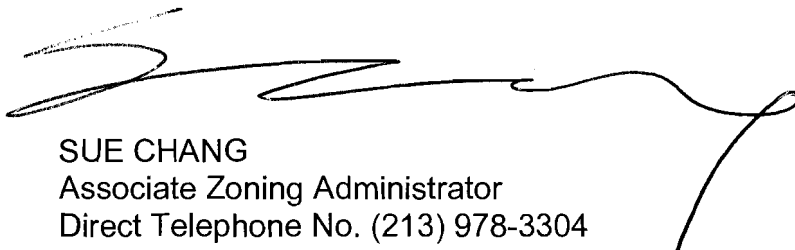
5. **The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

The 5,201 square-foot, 40-foot wide lot, zoned RD1.5-1, makes strict adherence to the zoning regulations impractical or infeasible. The subject property is a through lot and a 15-foot front yard setback is required on each side on Brooks and San Miguel Avenues. The adjustment allows for a more functional building design.

The unique situation of this site, as well as the location, use and design of existing improvements thereon, make the request as proposed, logical because it would allow for the functional integration of the project in context of the neighboring properties in the surrounding area.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
7. On October 9, 2008, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2008-4177-CE, for a Categorical Exemption, Class 3, Category 1, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.



SUE CHANG
Associate Zoning Administrator
Direct Telephone No. (213) 978-3304

SC:lmc

cc: Councilmember Bill Rosendahl
Eleventh District
Adjoining Property Owners

ATTACHMENT 3

DEPARTMENT OF
CITY PLANNING

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

AND

6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

VACANT

PRESIDENT

VACANT

VICE-PRESIDENT

CAMILLA M. ENG

GEORGE HOVAGUIMIAN

ROBERT LESSIN

DANA M. PERLMAN

MARTA SEGURA

RENEE DAKE WILSON

VACANT

JAMES K. WILLIAMS

COMMISSION EXECUTIVE ASSISTANT II

(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR

(213) 978-1271

ALAN BELL, AICP

DEPUTY DIRECTOR

(213) 978-1272

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EVA YUAN-MCDANIEL

DEPUTY DIRECTOR

(213) 978-1273

FAX: (213) 978-1275

INFORMATION

www.planning.lacity.org

Decision Date: October 23, 2013

Appeal Period End: November 7, 2013

Ramin Kolahi (O)
1180 Beverly Drive, #508
Los Angeles, CA 90035

Steve Nazemi (R)
275 Centennial Way, #205
Tustin, CA 92780

Case No. AA-2012-2949-PMLA-SL
Related Case: ZA-2012-0383(CDP)(MEL)
747 East Brooks
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV-2012-2950-MND
Legal Description: Lot 39, Tract 8415

In accordance with provisions of Section 17.53 of the Los Angeles Municipal Code, the Advisory Agency approved the (Categorical Exemption or Mitigated Negative Declaration) ENV-2012-2950-MND as the environmental clearance and Parcel Map AA-2012-2949-PMLA-SL composed of 2 lots, pursuant to the Small Lot Subdivision Ordinance No. 176,354, for a maximum (4) single family Small Lots, as shown on map stamp-dated July 27, 2013. This unit density is based on the RD1.5-1 Zone and subject to the following conditions. The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which shall legally interpret the Zoning Code as it applies to this particular property.

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of Building and Safety for purposes of having a building permit issued.

BUREAU OF ENGINEERING

1. That a 7-foot wide strip of land be dedicated along Brooks Avenue adjoining the subdivision to complete a 32-foot wide half right-of-way dedication.
2. That if this parcel map is approved as small lot subdivision, then the final map be labeled as "Small Lot Subdivision per Ordinance No.176354".
3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve Brooks Avenue being dedicated and adjoining the subdivision by the construction of the following:
 - (1) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk adjacent to the property line, planting trees and landscaping of the parkway.
 - (2) Suitable surfacing to join the existing pavement and to complete a 22-foot half roadway.
 - (3) Any necessary removal and reconstruction of existing improvements.
 - (4) The necessary transitions to join the existing improvements.
 - b. Improve the alley (San Miguel Avenue) adjoining the subdivision by repairing any broken or off grade pavement, together with any necessary removal and reconstruction of the existing improvements.
 - c. Construct the necessary house connections to serve each parcel and evaluate the efficiency of the existing house connection.
4. That in lieu of constructing the improvements in Brooks Avenue at outlined herein, the subdivider be permitted, at their option, and as concurred by the City Engineer to provide a non-refundable cash payment satisfactory to the City Engineer. (The developer under this option will still be required to submit improvement plans for reviewed approval to the West Los Angeles District Office of the Bureau of Engineering and obtain a Class B Permit for processing improvement plans).

Any questions regarding this report should be directed to Ray Saidi of the Land Development Group, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3492.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

5. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure

compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated December 4, 2012, Log No. 78834, and attached to the case file for Parcel Map AA-2012-2949-PMLA-SL.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

6. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

Lots A, B, C, and D are considered to be through lots which have front yard setbacks along both San Miguel Avenue and Brooks Avenue. The submitted Map does not comply with the front yards (15 ft.as measured after the required street dedication) requirement of the **RD1.5-1 Zone** along Brooks Avenue. Revise the Map to show compliance with the above requirement or Obtain approval from the Department of City Planning.

San Miguel Avenue is considered to be a front yard. Accessory buildings may be located in one of the required front yard of a through street if such building is set back from the front lot line a distance of not less than ten percent of the lot depth and does not project beyond the front line of an existing main building along the frontage, except that such building need not be located more than 25 feet from both front lot lines. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning for the 5-foot setback along San Miguel Avenue.

7. Show all streets as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirement shall be required to comply with current code as measured from new property lines after dedication.
8. Dimension the reciprocal private easement for pedestrian egress and ingress on the final map.

Notes: The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete.

The proposed buildings may not comply with City of Los Angeles Building Code requirements concerning exterior wall, protection of openings and exit requirements with respect to the proposed and existing property lines. Compliance shall be to the satisfactory of LADBS at the time of plan check.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

9. This project is subject to the Venice Coastal Zone Specific Plan and the Coastal Transportation Corridor Specific Plan Requirements. A parking area and driveway plan be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval shall be accomplished by submitting the detailed site/driveway plans at a scale of 1"=40' to DOT's West Los Angeles Coastal Development Review Section located at 7166 West Manchester Avenue, Los Angeles, 90045. In addition, any other condition of approval by the Department of Transportation.

FIRE DEPARTMENT

10. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
11. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
12. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
13. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane within the private street easement.
14. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
15. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
16. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

17. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
18. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

Notes: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. 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 please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF RECREATION AND PARKS

19. That the Quimby fee be based on the RD Zone.

LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

20. That prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District.

BUREAU OF STREET LIGHTING

21. Prior to recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
22. Construct new light: one (1) on Brooks Avenue.

DEPARTMENT OF WATER AND POWER

23. Satisfactory arrangement shall be made with the Los Angeles Department of Water and Power (LADWP) compliance with LADWP's Water System Rules and payment of regular connection charges.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

24. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Use. Limit the proposed development to a maximum of four (4) lots.
- b. Parking. That a minimum of two (2) parking spaces per dwelling unit shall be provided for a minimum of eight (8) on-site parking spaces. All exterior parking area lighting shall be shielded and directed onto the site.

Guest Parking. If any guest parking is provided it, it shall be easily accessible, specifically reserved for guest parking, and posted and maintained satisfactory to the Department of Building and Safety. If the guest parking space is gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

- c. **Landscape Plans**. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. **Failure to comply with this condition as written shall require the filing of a modification to this parcel map in order to clear the condition.**

In the event the subdivider decides not to request a permit before the recordation of the final map, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- i. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of each housing unit.
 - ii. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
 - iii. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscape and irrigation installation.
- d. **Plans**. Prior to the issuance of building permits, detailed development plans, including a project design plan shall be prepared consistent with the Community Plan.
 - e. **Parcel Map Conditions on Building Plans**. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable parcel map conditions affecting the physical design of the building and or site, have been included into the building plans. Such letter is sufficient to

clear this condition. In addition, all of the applicable parcel map conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

Alternatively, If a building permit for apartments shall not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant shall not request a permit for apartments and intends to acquire a building permit for a condominium building (s). Such letter is sufficient to clear this condition.

- f. **Fence.** That prior to issuance of a certificate of occupancy, a minimum 6-foot high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard. The wall shall be covered with clinging vines or screened by vegetation capable of spreading over the entire wall.
- g. **Solar Report.** That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- h. **Energy Conservation.** That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- i. **Air Filtration.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better in order to reduce the effects of diminished air quality on the occupants of the project.
- j. **Indemnification.** Upon the effective date of this conditional approval, the applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees 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.

Tenant Relocation Conditions

- 25. That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition. The covenant and agreement shall be executed and recorded with 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to

each eligible tenant within five days of recordation of the covenant and agreement.

26. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Ellis Act (Government Code §§ 7060, et seq.) and §§ 151.22 – 151.28 of the Los Angeles Municipal Code.
27. That the subdivider shall record and execute a Covenant and Agreement to comply with the Venice Coastal **Specific Plan** prior to the issuance of a building permit, grading permit and the recordation of the final tract map.
28. **Small Lot Subdivision -note to City Zoning Engineer and Plan Check.** Pursuant to Ordinance Number 176354 (Small Lot Subdivisions) and Section 17.53 J (Minor Deviations) of the Los Angeles Municipal Code, the Advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site:

a.

	Parcel A	Parcel B	Parcel C	Parcel D
Front yard setback	8'	8'	8'	8'
Rear yard setback	5'	5'	5'	5'
Side yard setback adjacent to lots outside parcel map E/Side	5'	0'	0'	0
Side yard setback adjacent to lots inside parcel map W/Side	0'	0'	0'	5'
Designated front lot line	BROOKS AVE	BROOKS AVE	BROOKS AVE	BROOKS AVE

- b. All structures on any one parcel shall occupy no more than 80% of the lot area for that parcel; and
29. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770.M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by **Condition Nos. 27 and 28** of the Parcel Map approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post

construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

30. Prior to recordation of the final map, a Covenant and Agreement be recorded satisfactory to the Advisory Agency, binding the subdivider and all successors to all the environmental mitigation measures stated in the related ENV-2012-2950-MND:

- MM-1 All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.
- MM-2 All unpaved demolition and construction areas shall be sufficiently wetted daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- MM-3 All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- MM-4 All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- MM-5 All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- MM-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. Trucks having no current hauling activity shall not idle but be turned off.
- MM-7 The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- MM-8 The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- MM-9 Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
 - b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
- MM-10 Environmental impacts may result due to the proposed project's. Location in an area with liquefaction potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:
- MM-11 Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated. Displacements or any combination of these measures.
- MM-12 The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- MM-13 Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- MM-14 Only low-and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
- MM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- MM-16 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

- MM-17 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- MM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- MM-19 Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- MM-20 Construction and demolition shall be restricted to the hours of 7:00 Saturday.
- MM-21 Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- MM-22 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- MM-23 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-24 Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- MM-25 The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler.
- MM-26 Set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

- MM-27 In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
- MM-28 A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 square feet and greater.
- MM-29 If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-30 Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- MM-31 Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- MM-32 Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- MM-33 Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM-34 Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- MM-35 Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be

furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- MM-36 There may be environmental impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. However, these cumulative impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.

31. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- CM-1 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- CM-2 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-6 General contractors shall maintain and operate. Construction equipment so as to minimize exhaust emissions.

Noise

- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-8 Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

- CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Grading

- CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

General Construction

- CM-15 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-16 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.
- CM-17 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

- CM-18 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-19 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-20 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

FINDINGS OF FACT

MELLO FINDINGS:

The project is not consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act). The proposed project does not qualify for the Small New Housing exemption from the Mello Act. Furthermore, in a memo dated September 27, 2012, the Los Angeles Housing Department determined that the project would involve the demolition of two affordable housing units. Therefore, the applicant /owner/developer is required to provide inclusionary affordable dwelling units on-site or within the Coastal Zone.

FINDINGS OF FACT (CEQA):

On August 26, 2013, Planning Staff issued a Mitigated Negative Declaration, No. ENV-2012-2950-MND, for the proposed project. The Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2012-2950-MND, reflects the independent judgment of the lead agency, and determined this project, when mitigated, would not have a significant effect upon the environment.

The Department found that potential impacts could result from:

- ☐ Aesthetics (Visual Character);
- ☐ Air Quality (construction, operational);
- ☐ Green House Gas;
- ☐ Geology (Seismic, construction);
- ☐ Noise (constructions);
- ☐ Public Services (fire, schools);
- ☐ Hydrology/Water Quality;
- ☐ Utilities (solid waste);

The Advisory Agency, to mitigate the above impacts, required **Condition Nos. 26, 27 and 28**, as conditions of approval for the Parcel Map and determined the project would not have a significant impact upon the environment. Other identified potential impacts not mitigated by these conditions are subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such impacts on all projects.

The National Flood Insurance Program rate maps, which are a part of the Specific Plan for the Management of Flood Hazards adopted by the City Council (see Section 5 of Ordinance 172,081), have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

FINDINGS OF FACT (SUBDIVISION MAP ACT):

In connection with the approval of Parcel Map No. AA-2012-2949-PMLA, pursuant to Section 66474 of the State of California Government Code (the Subdivision Map Act), the Advisory Agency of the City of Los Angeles makes the prescribed findings as follows:

(a) **PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Venice Community Plan designates the subject property for Low Medium II residential density with corresponding zones of RW1, RW2, RD2 and RD1.5 (1,500 square feet of lot area per dwelling unit). The two lots, 0.24 acre property, (10,409 sf) is zoned RD1.5, which would allow 6 units. The adopted Plan zone allows for the proposed subdivision. Therefore, as conditioned, the proposed parcel map is consistent with the intent and purpose of the applicable General and Specific Plans.

The proposed project consists of new single-family dwellings under the Small Lot Ordinance. Lot sizes will range from 2,340 square feet to 2,795 square feet, thereby meeting the minimum 600 square-foot lot size of the Small Lot Ordinance. The site plan indicates that lot widths will range from 18.8 feet to 21.5 feet, thereby meeting the minimum lot width requirement of 16 feet. As required by the Ordinance, the proposed project is consistent with the density requirements of the RD1.5 Zone.

(b) **THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The development of this parcel is an infill of an otherwise mix-density multiple-family residential neighborhood.

The project is within the Venice Community Plan, the Venice Coastal Specific Plan and the Coastal Transportation Corridor Specific Plan.

The adopted Venice Coastal Specific Plan designates the subject property for Low Medium II Residential land use with a corresponding zone of RD1.5. The property is approximately 0.23 net acres (9,848 sf) after required dedication. Venice Coastal Specific plan development standards mirrors that of the Venice Community Plan

The Coastal Transportation Corridor Specific Plan will assess the proposed development as a measure to mitigate accumulative traffic impacts caused by

new developments in the area. However, the project is found consistent with the Coastal Transpiration Corridor Specific Plan.

As such the proposed development is consistent with the Venice Community Plan, the Venice Coastal Specific Plan and the Coastal Transportation Corridor Specific Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The development will involve the construction of four (4) small lot single family dwelling units in a mix-density neighborhood. The area is transitioning from smaller one and two-story detached and attached units to three-story units. To the east there are number of multiple-family residential development(s) one stories in height located in the RD1.5 Zone. There are one and two story apartment units adjacent to the site on the west. Within the block of the project there are a mixture of single-family and multi-family developments of various heights in the RD1.5 Zone. Accordingly, the project is providing an appropriate development within the RD1.5 Zone and the Low Medium II Residential land use designation and is consistent with Height District No. 1.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT

On both sides of Brooks Avenue, between Lincoln Boulevard and 7th Avenue, the area is zoned RD1.5 and designated Low Medium II Residential in the Venice Community Plan.

Adjacent land uses include a mix of single family homes, duplexes, condominiums and apartments developed at the density of the RD1.5 zone. The 10,409 square feet in the project site is of sufficient size for a 4 lot Small Lot Subdivision and the density of proposed project is consistent with that of adjoining multifamily/single family residential developments.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned.

For those issues that result in an adverse impact measures are required as part of this approval shall mitigate the identified impact(s) to a less than significant level.

However, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There are no apparent health problems that might be caused by the design or construction of the proposed condominium units. The Bureau of Engineering has reported that existing sanitary sewer is available under San Miguel Avenue adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION

No such easements are known to exist. However, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed Parcel Map.

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code.

As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau, located at 200 N. Main Street, Room 1255, regarding the cable television franchise holder for this area, or by calling (213) 922-8363.

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the West Los Angeles Area Planning Commission within 15 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and appeal fees paid prior to the expiration of the 15-day time limit. Such appeal must be submitted at the City Planning Department Public Counters, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
(213) 482-7077

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

*Please note the cashiers at the public counters close at 3:30 PM.
Appeal forms are available on-line at www.lacity.org/pln.

There is no longer a second level of appeal to the City Council for Parcel Map actions the Advisory Agency.


The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final, including all appeals, if any.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. September 27, 2016.

No requests for time extensions or appeals received by mail shall be accepted.

If you have any questions, please call Dwayne Wyatt at (213) 473-9919.

Michael J. LoGrande
 Advisory Agency


 JIM TOKUNAGA
 Deputy Advisory Agency

MJL:JT:DW

cc: Bureau of Engineering - 4 Community Planning Bureau Planning Office & 1 Map D.M. 111B145 Bureau of Street Lighting Street Tree Division & 1 Map	Dept. of Building & Safety, Zoning & 2 Maps Department of Building & Safety, Grading Department of Fire Department of Recreation & Parks & 1 Map Department of Transportation, CPC Section Room 600, 221 N. Figueroa Street
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CP-1809 (03-01-01)

Robert Ringer
Bel-Air Beverly Crest NC
Municipal Building
1645 Corinth Avenue, Room 103-4
Los Angeles, CA 90025

Kevin Harp
754 Brooks Avenue
Venice, CA 90291

Linda Lucks
Venice Neighborhood Council
PO Box 550
Venice, CA 90294

PARCEL MAP AA-2012-2949-PMLA-SL (stamped map dated July 27, 2013)

HEARING DATE: August 14, 2012

PLANNING DEPARTMENT STAFF REPORT

PURSUANT TO ORDINANCE 164,845, IF A CERTIFICATE OF POSTING HAS NOT BEEN SUBMITTED BEFORE THE DATE OF THE PUBLIC HEARING, IT MUST BE PRESENTED AT THE HEARING, OR THE CASE MUST BE CONTINUED.

REQUEST

Approval for a Preliminary Parcel Map to combine two lots into a single parcel of land, 14,409 square feet, with a community plan designation of Low Medium II, on an existing RD1.5 zone for the purpose of creating four (4) Small Lot Single-Family Subdivision parcels, with eight (8) parking spaces.

ADDRESS

742 Brooks Avenue
Los Angeles, CA 90291

APPLICANT/REPRESENTATIVE

Ramin Kolahi
1118 Beverly Drive, Suite 508
Los Angeles, CA 90035
(310) 566-1600

RELEVANT CASES

ON-SITE:

There are no previous or existing cases relevant to this subdivision.

OFF-SITE:

DIR-2012-2817-VSO-MEL – Demolition of a Single Family Dwelling to construct a new 3-story Single Family Dwelling.

AA-2007-4143-PMLA-CC – Development of 2 Small Lot Subdivision Parcels.

CPC-2005-8252-CA – An ordinance establishing permanent regulations implementing the Mello Act in the coastal zone.

AA-2004-2796-PMLA-SL - A 3-unit Condominium Conversion, with a Coastal Development Permit.

AA-2003-5623-PMEX – Lot Line Adjustment.

CPC-1998-119 – Venice Specific Plan.

PUBLIC RESPONSES

Staff received two emails in support of the project. The first email was from a Mr. Kevin Sharp, a neighbor living adjacent to the development. Mr. Sharp expressed his support of the project, in particular the developer's use of modular construction methods.

The second email was from Mr. Robert A. Ringler, President of the Bel-Air Beverly Crest Neighborhood Council. Mr. Ringler's email expressed strong confidence in the developer, as a positive community member, as well as support for the project.

A letter was also received from Ms. Linda Lucks, President of Venice Neighborhood Council. Ms. Luck reports that her Neighborhood Council opposed the project as presented. It was felt that the proposed 3-story structure was too large and out of scale for the immediate community. That the design did not meet the intent and of the SLSO design guidelines.

Secondly, the VNC felt that two of the existing 5-units were considered affordable, thus the project would be removing needed affordable housing from the area.

GENERAL COMMENTS

The subject property is located midblock, south of Brooks Avenue, west of Lincoln and east of 7th Avenue, lies within the Venice Community Plan area, the Coastal Transportation Corridor and the Venice Coastal Zone. The site has an existing apartment building with a four (4) car garage. Brooks Avenue is oriented in an east-west direction. The combined lots are rectangular in shape having sides of approximately 80 x 130 feet with 80 feet fronting Brooks Avenue. The subject property and surrounding area is flat.

The site has no protective trees, nor in a hazardous area or flood zone. However, the site is located within a liquefaction area.

The surrounding properties of the subject site are within the RD1.5 Zone and improved primarily with duplexes, apartment buildings and single-family homes.

The Bureau of Engineering is requesting a 7-foot dedication along Brooks Avenue adjoining the subdivision to complete a 32-foot wide half right-of-way dedication.

REPORTS RECEIVED

BUREAU OF ENGINEERING: Reports that the Preliminary Parcel Map layout is satisfactory as submitted and recommends approval subject to conditions pertaining to dedications and improvements along Brooks Avenue.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION: Preliminarily approves subject to conditions stated in the memo dated December 4, 2012.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION: A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated November 13, 2012, have been satisfied

DEPARTMENT OF TRANSPORTATION: No comments were available at the writing of the staff report.

FIRE DEPARTMENT: A plot plan be submitted for Fire Department review and approval prior to recordation of the Parcel Map. That the project be subjected to recommendations stated in the memo dated November 30, 2012.

LOS ANGELES UNIFIED SCHOOL DISTRICT: No comments were available at the writing of the staff report.

BUREAU OF STREET LIGHTING: Recommend condition of approval be subjected to conditions stated in memo dated January 3, 2013.

DEPARTMENT OF WATER AND POWER: Reports that the project can be supplied with water from the municipal system subject to condition stated in memo dated November 9, 2012,

ENVIRONMENTAL CLEARANCE

Planning Staff issued a Mitigated Negative Declaration ENV-2012-2950-MND on July 25, 2013. The publication date will end on August 28, 2013.

TENANTS

The subdivider provided a list of 2 tenants.

STAFF RECOMMENDATIONS

The Planning Department staff recommends approval of Preliminary Parcel Map AA-2012-2949-PMLA-SL.

However, in the event the Advisory Agency approves the parcel map, it shall be subject to various conditions as recommended by the City Departments and as amended or augmented by the Advisory Agency.

Prepared by:


Dwayne Wyatt
City Planning Associate

Note: Recommendation does not constitute a decision. Changes may be made by the Advisory Agency at the time of the public hearing.

DRAFT PRELIMINARY PARCEL MAP REPORT WITH CONDITIONS (Condos)

Case No. AA-2012-2949-PMLA-SL
Related Case: ZA-2012-0383-CDP-MEL
Address: 747 E. Brooks
Planning Area: Venice
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV-2012-2950-MND
Legal Description: Lot: 39, Tract: TR8415

In accordance with provisions of Section 17.53 of the Los Angeles Municipal Code, the Advisory Agency approved the (Categorical Exemption or Mitigated Negative Declaration) ENV-2012-2950-MND as the environmental clearance and Parcel Map AA-2012-2949-PMLA-SL composed of 2 lot(s), pursuant to the Small Lot Subdivision Ordinance No. 176,354, for a maximum (4) single family small Lots, as shown on map stamp-dated July 27, 2013. This unit density is based on the RD1.5-1 Zone and subject to the following conditions. The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which shall legally interpret the Zoning Code as it applies to this particular property.

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of Building and Safety for purposes of having a building permit issued.

BUREAU OF ENGINEERING

1. That a 7-foot wide strip of land be dedicated along Brooks Avenue adjoining the subdivision to complete a 32-foot wide half right-of-way dedication.
2. That if this parcel map is approved as small lot subdivision, then the final map be labeled as "Small Lot Subdivision per Ordinance No. 176354".
3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve Brooks Avenue being dedicated and adjoining the subdivision by the construction of the following:
 - (1) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk adjacent to the property line, planting trees and landscaping of the parkway.
 - (2) Suitable surfacing to join the existing pavement. and to complete a 22-foot half roadway.
 - (3) Any necessary removal and reconstruction of existing improvements.
 - (4) The necessary transitions to join the existing improvements.
 - b. Improve the alley (San Miguel Avenue) adjoining the subdivision by repairing any broken or off grade pavement, together with any necessary removal and reconstruction of the existing improvements.
 - c. Construct the necessary house connections to serve each parcel and evaluate the efficiency of the existing house connection.

✓ Any questions regarding this report should be directed to _____
 Ray Saidi of the Land Development Group, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3492.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

2. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated December 4, 2012, Log No. 78834, and attached to the case file for Parcel Map AA-2012-2949-PMLA-SL.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

3. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main

structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

Lots A, B, C, and D are considered to be through lots which have front yard setbacks along both San Miguel Avenue and Brooks Avenue. The submitted Map does not comply with the front yards (15 ft. as measured after the required street dedication) requirement of the **RD1.5-1 Zone** along Brooks Avenue. Revise the Map to show compliance with the above requirement or Obtain approval from the Department of City Planning.

San Miguel Avenue is considered to be a front yard. Accessory buildings may be located in one of the required front yard of a through street if such building is set back from the front lot line a distance of not less than ten percent of the lot depth and does not project beyond the front line of an existing main building along the frontage, except that such building need not be located more than 25 feet from both front lot lines. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning for the 5 ft. setback along San Miguel Ave.

4. Show all streets as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirement shall be required to comply with current code as measured from new property lines after dedication.
5. Dimension the reciprocal private easement for pedestrian egress and ingress on the final map.

Notes: The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete.

The proposed buildings may not comply with City of Los Angeles Building Code requirements concerning exterior wall, protection of openings and exit requirements with respect to the proposed and existing property lines. Compliance shall be to the satisfactory of LADBS at the time of plan check.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

6. This project is subject to the Venice Coastal Zone Specific Plan and the Coastal Transportation Corridor Specific Plan Requirements. A parking area and driveway

plan be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval shall be accomplished by submitting the detailed site/driveway plans at a scale of 1"=40' to DOT's West Los Angeles Coastal Development Review Section located at 7166 West Manchester Avenue, Los Angeles, 90045. In addition, any other condition of approval by the Department of Transportation.

FIRE DEPARTMENT

7. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
8. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
9. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
10. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane within the private street easement.
11. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
12. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
13. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
14. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
15. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

Notes: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. 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 please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF RECREATION AND PARKS

16. That the Quimby fee be based on the RD Zone.

LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

17. That prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District.

BUREAU OF STREET LIGHTING

18. Prior to recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
19. Construct new light: one (1) on Brooks Ave.

DEPARTMENT OF WATER AND POWER

20. Satisfactory arrangement shall be made with the Los Angeles Department of Water and Power (LADWP) compliance with LADWP's Water System Rules and payment of regular connection charges.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

21. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Use. Limit the proposed development to a maximum of four (4) lots.
- b. Parking. That a minimum of two (2) parking spaces per dwelling unit shall be provided for a minimum of eight (8) on-site parking spaces. All exterior parking area lighting shall be shielded and directed onto the site.

Guest Parking. If any guest parking is provided it, it shall be easily accessible, specifically reserved for guest parking, and posted and maintained satisfactory to the Department of Building and Safety. If the guest parking space is gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

- c. **Landscape Plans.** That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in

accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. **Failure to comply with this condition as written shall require the filing of a modification to this parcel map in order to clear the condition.**

In the event the subdivider decides not to request a permit before the recordation of the final map, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- i. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of each housing unit.
 - ii. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
 - iii. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscape and irrigation installation.
- d. **Plans.** Prior to the issuance of building permits, detailed development plans, including a project design plan shall be prepared consistent with the Community Plan.
- e. **Parcel Map Conditions on Building Plans.** In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable parcel map conditions affecting the physical design of the building and or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable parcel map conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

Alternatively, If a building permit for apartments shall not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant shall not request a permit for apartments and intends to acquire a building permit for a condominium building (s). Such letter is sufficient to clear this condition.

- f. **Fence.** That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard. The wall shall be covered with clinging vines or screened by vegetation capable of spreading over the entire wall.

- g. **Solar Report.** That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- h. **Energy Conservation.** That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- i. **Air Filtration.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better in order to reduce the effects of diminished air quality on the occupants of the project.
- j. **Indemnification.** Upon the effective date of this conditional approval, the applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees 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.

Tenant Relocation Conditions

- 22. That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition. The covenant and agreement shall be executed and recorded with 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.
- 23. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Ellis Act (Government Code §§ 7060, et seq.) and §§ 151.22 – 151.28 of the Los Angeles Municipal Code.
- 24. That the subdivider shall record and execute a Covenant and Agreement to comply with the Venice Coastal **Specific Plan** prior to the issuance of a building permit, grading permit and the recordation of the final tract map.
- 25. **Small Lot Subdivision -note to City Zoning Engineer and Plan Check.** Pursuant to Ordinance Number 176354 (Small Lot Subdivisions) and Section 17.53 J (Minor Deviations) of the Los Angeles Municipal Code, the Advisory Agency has approved

the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site:

a.

	Parcel A	Parcel B	Parcel C	Parcel D
Front yard setback	8'	8'	8'	8'
Rear yard setback	5'	5'	5'	5'
Side yard setback adjacent to lots outside parcel map E/Side	5'	0'	0'	0
Side yard setback adjacent to lots inside parcel map W/Side	0'	0'	0'	5'
Designated front lot line	BROOKS AVE	BROOKS AVE	BROOKS AVE	BROOKS AVE

b. All structures on any one parcel shall occupy no more than 80% of the lot area for that parcel; and

26. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by **Condition Nos. 27 and 28** of the Parcel Map approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

27. Prior to recordation of the final map, a Covenant and Agreement be recorded satisfactory to the Advisory Agency, binding the subdivider and all successors to all the environmental mitigation measures stated in the related ENV-2012-2950-MND:

MM-1 All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.

MM-2 All unpaved demolition and construction areas shall be ^{SUFFICIENTLY} wetted ~~at least twice~~ daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- deleted* ✓
- MM-3 The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and ~~at all times~~ provide reasonable control of dust caused by wind.
 - MM-4 All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - MM-5 All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - MM-6 All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - MM-7 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. Trucks having ~~no~~ current hauling activity shall not idle but be turned off?
 - MM-8 The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
 - MM-9 The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
 - MM-10 Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
 - b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
 - MM-11 Environmental impacts may result due to the proposed project's. Location in an area with liquefaction potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:

- MM-12 Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated. Displacements or any combination of these measures.
- MM-13 The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- MM-14 Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- MM-15 Only low-and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
- MM-16 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- MM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- MM-18 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- MM-19 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- MM-20 Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- 2
- MM-21 Construction and demolition shall be restricted to the hours of 7:00 Saturday.
 - MM-22 Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - MM-23 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - MM-24 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
 - MM-25 Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
 - MM-26 The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler MM
 - MM-27 Set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
 - MM-28 In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff

- MM-29 A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 square feet and greater.
- MM-30 If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-31 Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- MM-32 Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- delete* MM-33 *A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.*
- MM-34 Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- MM-35 Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM-36 Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- MM-37 Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- MM-38 There may be environmental impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. However, these cumulative impacts will be mitigated to a less than significant level though compliance with the above mitigation measures.

28. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- CM-1 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- CM-2 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-6 General contractors shall maintain and operate. Construction equipment so as to minimize exhaust emissions.

Noise

- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-8 Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

- CM-11 The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Grading

- CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

General Construction

- CM-15 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-16 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.
- CM-17 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-18 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-19 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

- CM-20 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

FINDINGS OF FACT

MELLO FINDINGS:

The project is not consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act). The proposed project does not qualify for the Small New Housing exemption from the Mello Act. Furthermore, in a memo dated September 27, 2012, the Los Angeles Housing Department determined that the project would involve the demolition of two affordable housing units. Therefore, the applicant /owner/developer is required to provide inclusionary affordable dwelling units on-site or within the Coastal Zone.

FINDINGS OF FACT (CEQA):

On August 26, 2013, Planning Staff issued a Mitigated Negative Declaration, No. ENV-2012-2950-MND, for the proposed project. The Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2012-2950-MND, reflects the independent judgment of the lead agency, and determined this project, when mitigated, would not have a significant effect upon the environment.

The Department found that potential impacts could result from:

- ☐ Aesthetics (Visual Character);
- ☐ Air Quality (construction, operational);
- ☐ Green House Gas;
- ☐ Geology (Seismic, construction);
- ☐ Noise (constructions);
- ☐ Public Services (fire, schools);
- ☐ Hydrology/Water Quality;
- ☐ Utilities (solid waste);

The Advisory Agency, to mitigate the above impacts, required **Condition Nos. 26, 27 and 28**, as conditions of approval for the Parcel Map and determined the project would not have a significant impact upon the environment. Other identified potential impacts not mitigated by these conditions are subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such impacts on all projects.

The National Flood Insurance Program rate maps, which are a part of the Specific Plan for the Management of Flood Hazards adopted by the City Council (see Section 5 of Ordinance 172,081), have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

FINDINGS OF FACT (SUBDIVISION MAP ACT):

In connection with the approval of Parcel Map No. AA-2012-2950-PMLA, pursuant to Section 66474 of the State of California Government Code (the Subdivision Map Act), the Advisory Agency of the City of Los Angeles makes the prescribed findings as follows:

- (a) PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Venice Community Plan designates the subject property for Low Medium II residential density with corresponding zones of RW1, RW2, RD2 and RD1.5 (1,500 square feet of lot area per dwelling unit). The two lots, 0.24 acre property, (10,409 sf) is zoned RD1.5, which would allow 6 units. The adopted Plan zone allows for the proposed subdivision. Therefore, as conditioned, the proposed parcel map is consistent with the intent and purpose of the applicable General and Specific Plans.

The proposed project consists of new single-family dwellings under the Small Lot Ordinance. Lot sizes will range from 2,340 square feet to 2,795 square feet, thereby meeting the minimum 600 square-foot lot size of the Small Lot Ordinance. The site plan indicates that lot widths will range from 18.8 feet to 21.5 feet, thereby meeting the minimum lot width requirement of 16 feet. As required by the Ordinance, the proposed project is consistent with the density requirements of the RD1.5 Zone.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The development of this parcel is an infill of an otherwise mix-density multiple-family residential neighborhood.

The project is within the Venice Community Plan, the Venice Coastal Specific Plan and the Coastal Transportation Corridor Specific Plan.

The adopted Venice Coastal Specific Plan designates the subject property for Low Medium II Residential land use with a corresponding zone of RD1.5. The property is approximately 0.23 net acres (9,848 sf) after required dedication. Venice Coastal Specific plan development standards mirrors that of the Venice Community Plan

The Coastal Transportation Corridor Specific Plan will assess the proposed development as a measure to mitigate accumulative traffic impacts caused by new developments in the area. However, the project is found consistent with the Coastal Transportation Corridor Specific Plan.

As such the proposed development is consistent with the Venice Community Plan, the Venice Coastal Specific Plan and the Coastal Transportation Corridor Specific Plan.

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The development will involve the construction of four (4) small lot single family dwelling units in a mix-density neighborhood. The area is transitioning from smaller one and two-story detached and attached units to three-story units. To the east there are number of multiple-family residential development(s) one stories in height located in the RD1.5 Zone. There are one and two story apartment units adjacent to the site on the west. Within the block to the of the project there are a mixture of single-family and multi-family developments of various heights in the RD1.5 zone. Accordingly, the project is providing an appropriate development within the RD1.5 Zone and the Low Medium II Residential land use designation and is consistent with Height District No. 1.

- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT

On both sides of Brooks Avenue, between Lincoln Boulevard and 7th Avenue, the area is zoned RD1.5 and designated Low Medium II Residential in the Venice Community Plan.

Adjacent land uses include a mix of single family homes, duplexes, condominiums and apartments developed at the density of the RD1.5 zone. The 10,409 square feet in the project site is of sufficient size for a 4 lot Small Lot Subdivision and the density of proposed project is consistent with that of adjoining multifamily/single family residential developments.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned.

For those issues that result in an adverse impact measures are required as part of this approval shall mitigate the identified impact(s) to a less than significant level.

However, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There are no apparent health problems that might be caused by the design or construction of the proposed condominium units. The Bureau of Engineering has reported that an existing sanitary sewer is available under San Miguel Avenue adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION

No such easements are known to exist. However, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed Parcel Map.

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code.

As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau, located at 200 N. Main Street Room 1255, regarding the cable television franchise holder for this area, or by calling (213) 922-8363.

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the West Los Angeles Area Planning Commission within 15 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and appeal fees paid prior to the expiration of the 15-day time limit. Such appeal must be submitted at the City Planning Department Public Counters, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
(213) 482-7077

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

*Please note the cashiers at the public counters close at 3:30 PM.
Appeal forms are available on-line at www.lacity.org/pln.

There is no longer a second level of appeal to the City Council for Parcel Map actions the Advisory Agency.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final, including all appeals, if any.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m.

No requests for time extensions or appeals received by mail shall be accepted.

If you have any questions, please call Parcel Maps staff at (213) 978-1364.

Michael J. LoGrande
Advisory Agency

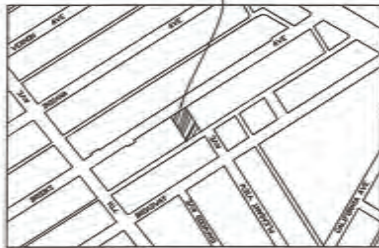
JIM TOKUNAGA
Deputy Advisory Agency

MJL:JT:DW

cc:	Bureau of Engineering - 4	Dept. of Building & Safety, Zoning & 2 Maps
	Community Planning Bureau	Department of Building & Safety, Grading
	Planning Office & 1 Map	Department of Fire
	D.M. 111B145	Department of Recreation & Parks & 1 Map
	Bureau of Street Lighting	Department of Transportation, CPC Section
	Street Tree Division & 1 Map	Room 600, 221 N. Figueroa Street

CP-1809 (03-01-01)

PROJECT SITE



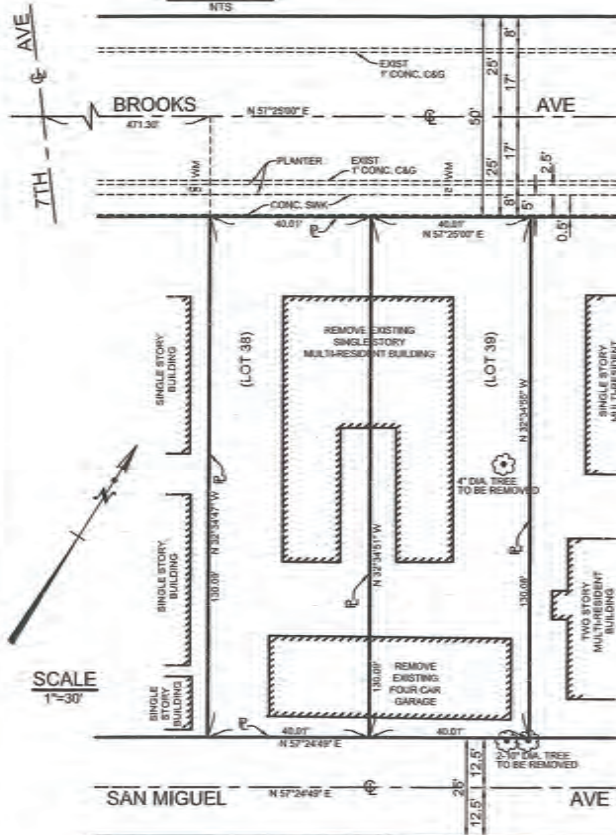
VICINITY MAP
NTS

VESTING PRELIMINARY PARCEL MAP NO.2012-2949

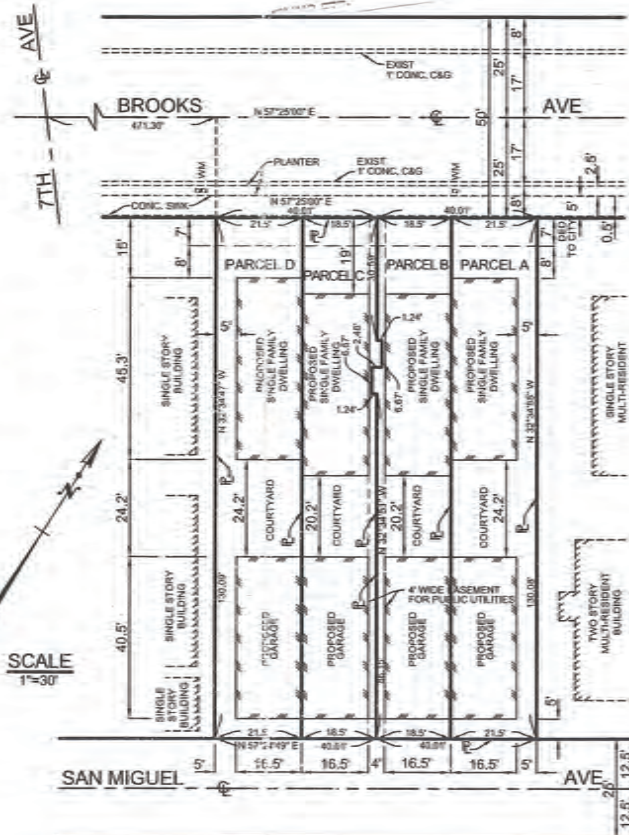
IN THE CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
FOR SMALL LOT SUBDIVISION PURPOSES PER ORD. NO. 176,354

RECEIVED
JUL 27 2013
CITY OF LOS ANGELES
DEPT. OF CITY PLANNING
DIVISION OF PLANNING
TENTATIVE MAP

REVISOR'S MAP
FINAL MAP UNIT
TIME EXTENSION
DEPT. ADVISORY REVIEW
DIVISION OF PLANNING



EXISTING



PROPOSED

SUBDIVIDER:
LIGHTHOUSE INVESTMENTS, LLC
1180 S. BEVERLY DR. SUITE 508
LOS ANGELES CA 90035
TEL: (310) 556-1600

OWNER:
DAVID BRESLIN
742 BROOKS AVE. UNIT #5
VENICE, CA 90291
TEL: (310) 367-6570

REPRESENTATIVE/ENGINEER:
DHS & ASSOCIATES INC.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA 92780
TEL: (714) 665-6569

LEGAL DESCRIPTION:
LOTS 38 AND 39, TRACT NO. 8415
M.B. 96, PAGES 57 & 58
RECORD OF THE LOS ANGELES COUNTY

NOTES:

- EXISTING LOTS CONSIST OF A MULTI FAMILY DWELLING, WHICH WILL BE DEMOLISHED.
- PROPOSED LOT: THE EXISTING LOT WILL BE USED FOR FOUR (4) SMALL LOT SUBDIVISION.
- PROJECT ADDRESS: 742-744 BROOKS AVE
LOS ANGELES, CA 90292
- THERE ARE NO OAK, WESTERN SYCAMORE, CALIFORNIA BAY, OR SOUTHERN CALIFORNIA BLACK WALNUT TREES ON THE SITE.
- THE SITE IS RELATIVELY FLAT.
- THE SITE IS NOT IN THE FLOOD ZONE AREA.
- SEWER AND OTHER PUBLIC UTILITIES ARE AVAILABLE.
- AREA:
NET: (AFTER DEDICATION): 9,848 S.F. (0.226 ACRES)
GROSS: (BEFORE DEDICATION): 10,409 S.F. (0.238 ACRES)
- THOMAS GUIDE: PAGE 793-J5
DISTRICT MAP NO. 033-5-193
CENSUS TRACT NO. 2933.05
COUNCIL DISTRICT NO. 11
- PROPOSED DEVELOPMENT DATA:
FOUR (4) SMALL LOT SUBDIVISION PER ORDINANCE NO. 173354.
PARKING: COVERED PARKING SPACE FOR 4 HOUSES (2 PER HOUSE) = 8
- THERE ARE THREE (3) TREES ON THE LOT, WHICH WILL BE REMOVED.
- GRADING QUANTITIES:
CUT = 400 CY
FILL = 400 CY
- THE SITE IS NOT IN GEOLOGICALLY HAZARDOUS AREA AND IS NOT SUBJECT TO FLOOD HAZARD.
- THIS SITE IS IN LIQUEFACTION AREA.
- EXISTING AND PROPOSED ZONE: RD1.5
- SMALL LOT SINGLE FAMILY SUBDIVISION IN THE RD1.5 ZONE. PURSUANT TO ORDINANCE NO. 176,354.
- MAP REVISED ON 7-9-13

SETBACK MATRIX

	PARCEL D	PARCEL C	PARCEL B	PARCEL A
FRONT LOT LINE DESIGNATION	BROOKS AVE	BROOKS AVE	BROOKS AVE	BROOKS AVE
FRONT YARD SETBACK	8'	8'	8'	8'
SIDEYARD E/SIDE	0'	0'	0'	5'
SIDEYARD W/SIDE	5'	0'	0'	0'
REAR YARDS	5'	5'	5'	5'
AREA (SF) (GROSS)	2,797	2,407	2,407	2,797
NET AREA (AFTER DED.)	2,647	2,277	2,277	2,647

ATTACHMENT 4

Applicant's Revised Motions and Conditions A-5-VEN-16-0083

The Applicant requests that the Commission approve Coastal Development Permit No. A-5-VEN-16-0083 for the Lighthouse Brooks LLC Project as proposed by the Applicant, subject to the Standard and Special Conditions provided below.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. A-5-VEN-16-0083 for the development proposed by the applicant.

I recommend a **YES** vote.

Amending Motion:

I move that the Commission approve Coastal Development Permit No. A-5-VEN-16-0083 for the development proposed by the applicant subject to the standard and special conditions contained in Attachment 4 of the letter submitted by Manatt, Phelps & Phillips, LLP on behalf of the Applicant dated December 5, 2016.

I recommend a **YES** vote.

Passage of the motion and amending motion will result in (1) approval of Coastal Development Permit No. A-5-VEN-16-0083, subject to the Special Conditions set forth as Attachment 4 to the Applicant's letter dated December 5, 2016; and (2) direction to Staff to prepare revised findings in accordance with the Applicant's letter dated December 5, 2016 and statements made on the record in support of the project. The motion and amending motion pass only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings stated on the record on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been

incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Submittal of Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, two sets of final plans, including detailed elevations, which shall be in substantial conformance with the plans dated October 18, 2016, revised to include the following modifications:

- Reduce height of top floor privacy walls to balcony height;
- Utilize neutral color palette as shown in the rendering attached hereto; and
- Modify door of middle units to include additional glass and remove diamond shape

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Construction Responsibilities, Water Quality Control Measures and Debris Removal. By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline

- or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
 - (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
 - (n) During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or stormdrain, unless specifically authorized by the California Regional Water Quality Control Board.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Landscape and Irrigation. By acceptance of the permit, the permittee agrees, on behalf of all future successors and assigns, that:

- (a) Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.calipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucolsoo.pdf>).
- (b) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Permit Compliance. The permittee shall undertake development in accordance with the approved final plans, specifically including the site plan, landscaping plan, and irrigation and drainage plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to Coastal Development Permit No. A-5-VEN-16-0083 unless the Executive Director determines that no amendment is legally required.



ATTACHMENT 5



CODE ENFORCEMENT DIVISION - Property Activity Report

PROPERTY ACTIVITY REPORT

Assessor Parcel Number: 4239013028 **Official Address:** 742 E BROOKS AVE, VENICE 90291
Council District: Council District 11 **Case Number:** 92315
Census Tract: 273200 **Case Type:** SCEP
Rent Registration: 6120679 **Inspector:** Thomas Reichmann
Historical Preservation Overlay Zone: **Case Manager:** Carlos Pelaez
Total Units: 5 **Total Exemption Units:**
Regional Office: West Regional Office **Outreach Contact:** Coalition for Economic Survival
Regional Office Contact: (310)-996-1723

Date	Status
4/6/2012 12:00:00 AM	Rent Escrow Account Program Close Date
4/6/2012 12:00:00 AM	Escrow Account Closed
3/7/2012 12:00:00 AM	Schedule Council Removal Date
3/7/2012 12:00:00 AM	City Council Action for Rent Escrow Account Program Removal
2/21/2012 3:45:00 PM	All Violations Resolved Date
2/15/2012 12:00:00 AM	Positive Outreach Report Date
6/15/2010 12:00:00 AM	City Attorney Filed Date
8/20/2009 1:18:00 PM	Photos
9/23/2008 12:00:00 AM	Referred to City Attorney
3/6/2008 12:00:00 AM	Notice Of Acceptance Mail Sent
3/6/2008 12:00:00 AM	Notice of General Manager Hearing
2/7/2008 4:17:00 PM	Referred to Enforcement Section
1/18/2008 1:00:00 PM	Site Visit/Compliance Inspection
1/12/2008 12:00:00 AM	Compliance Date
12/6/2007 9:32:00 AM	Order Issued to Property Owner
9/11/2007 1:28:00 PM	Site Visit/Initial Inspection



ATTACHMENT 6

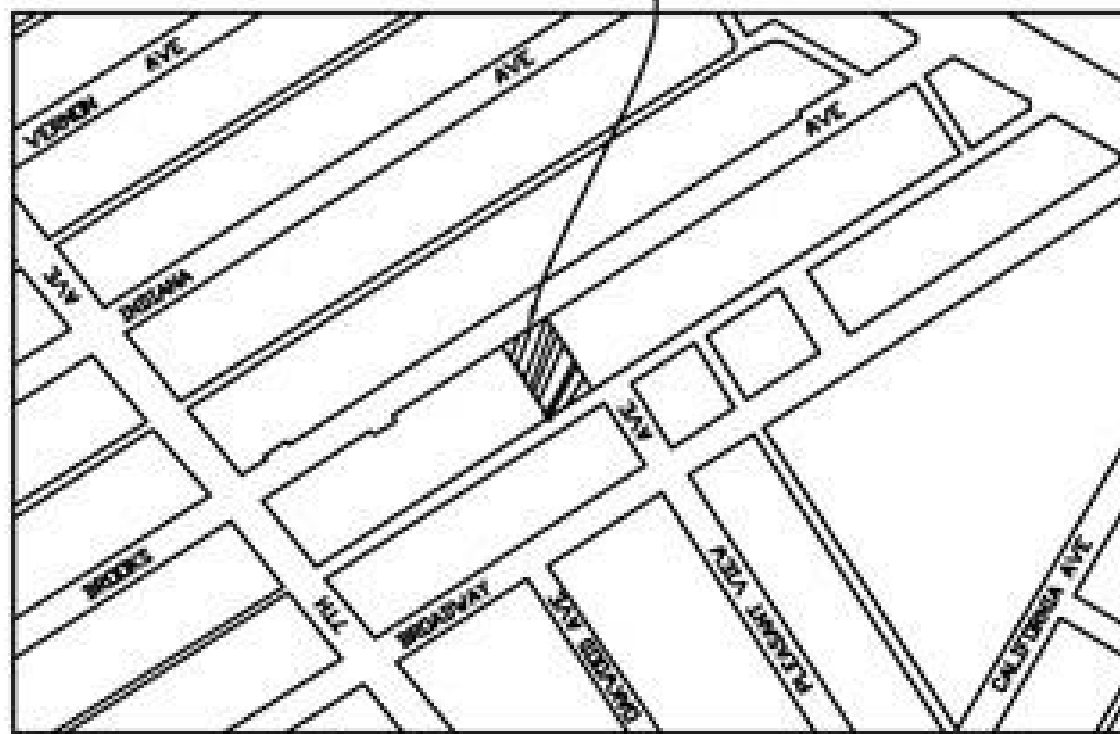


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ISSUE TO CALIFORNIA COASTAL COMMISSION

10.18.16

PROJECT SITE



VICINITY MAP
NTS

VESTING PRELIMINARY PARCEL MAP NO.2012-2949

IN THE CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

FOR SMALL LOT SUBDIVISION PURPOSES PER ORD. NO. 176,354

SUBDIVIDER:

LIGHTHOUSE BROOKS, LLC
1180 S. BEVERLY DR. SUITE 508
LOS ANGELES CA 90035
TEL: (310) 556-1600

OWNER:

DAVID BRESLIN
742 BROOKS AVE., UNIT #5
VENICE, CA 90291
TEL: (310) 367-6570

REPRESENTATIVE/ENGINEER:

DHS & ASSOCIATES INC.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA 92780
TEL: (714) 665-6569

LEGAL DESCRIPTION:

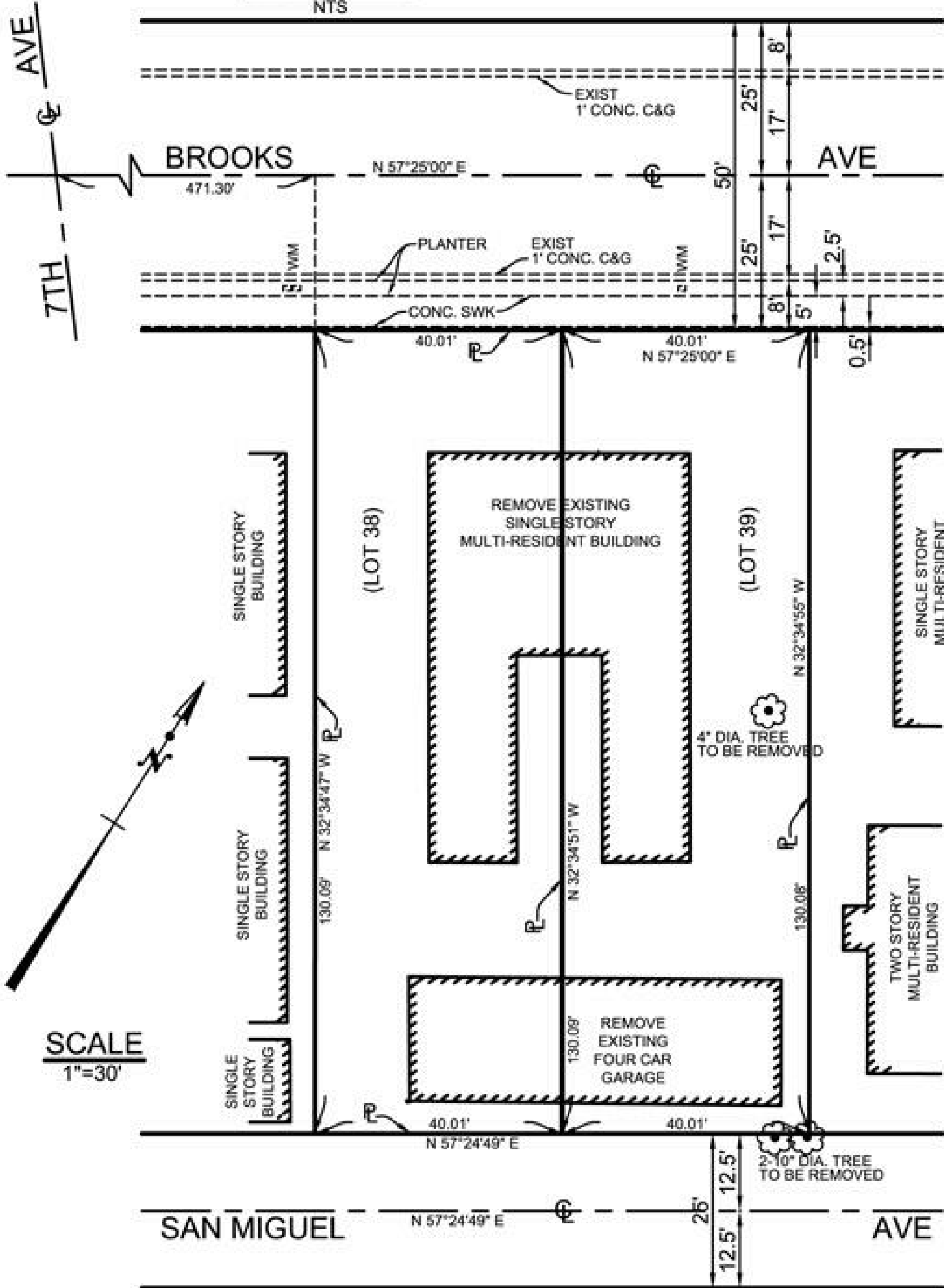
LOTS 38 AND 39, TRACT NO. 8415
M.B. 96, PAGES 57 & 58
RECORD OF THE LOS ANGELES COUNTY

NOTES:

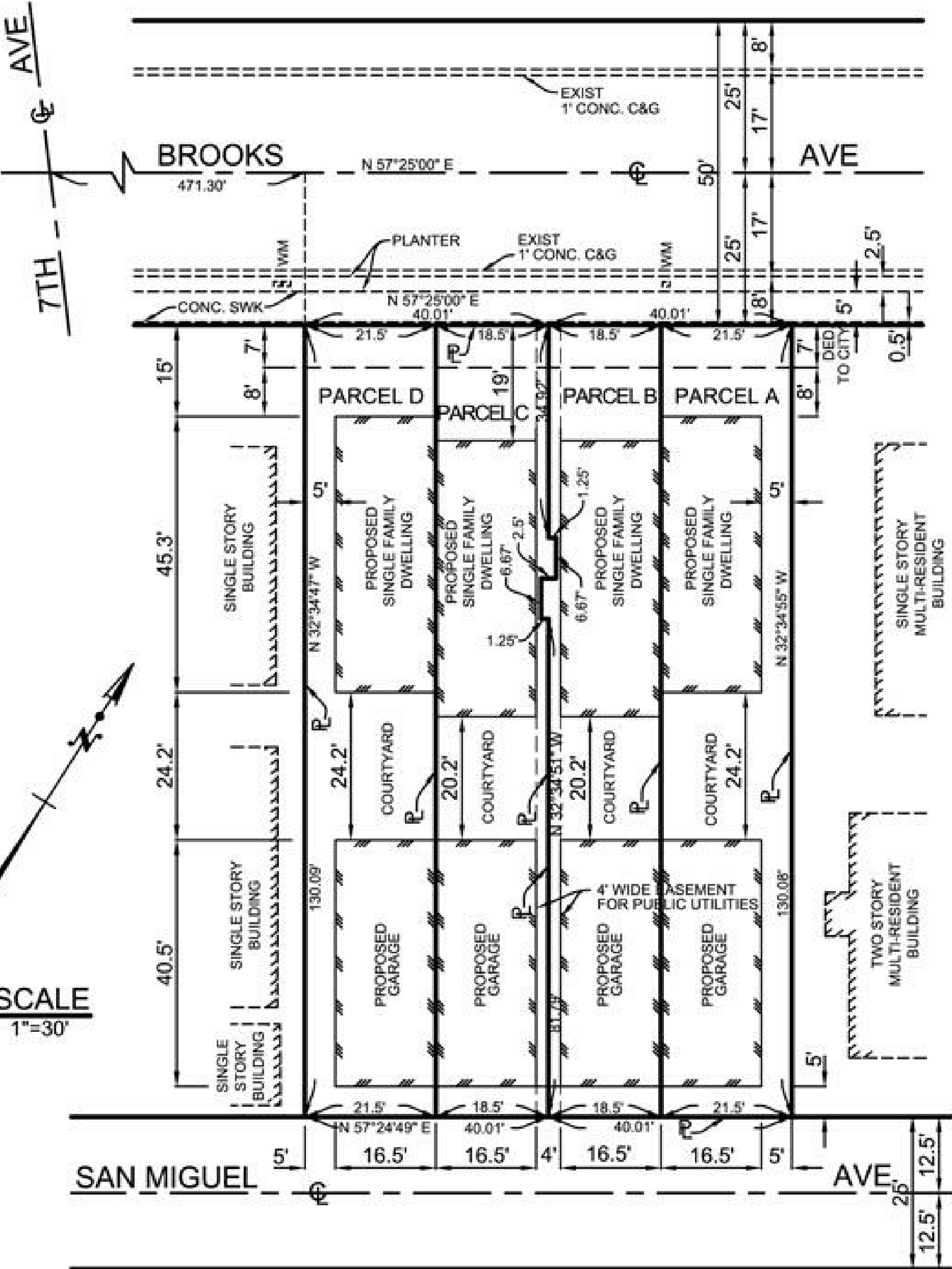
- EXISTING LOTS 38 & 39 CONSIST OF A MULTI FAMILY DWELLING, WHICH WILL BE DEMOLISHED.
- PROPOSED LOT: THE EXISTING LOT WILL BE USED FOR FOUR (4) SMALL LOT SUBDIVISION.
- PROJECT ADDRESS: 742-744 BROOKS AVE
LOS ANGELES, CA 90292
- THERE ARE NO OAK, WESTERN SYCAMORE, CALIFORNIA BAY, OR SOUTHERN CALIFORNIA BLACK WALNUT TREES ON THE SITE.
- THE SITE IS RELATIVELY FLAT.
- THE SITE IS NOT IN THE FLOOD ZONE AREA.
- SEWER AND OTHER PUBLIC UTILITIES ARE AVAILABLE.
- AREA:
NET: (AFTER DEDICATION): 9,848 S.F. (0.226 ACRES)
GROSS: (BEFORE DEDICATION): 10,409 S.F. (0.238 ACRES)
- THOMAS GUIDE: PAGE 793-J5
DISTRICT MAP NO. 033-B-193
CENSUS TRACT NO. 2933.05
COUNCIL DISTRICT NO. 11
- PROPOSED DEVELOPMENT DATA:
FOUR (4) SMALL LOT SUBDIVISION PER ORDINANCE NO. 175354.
PARKING: COVERED PARKING SPACE FOR 4 HOUSES (2 PER/HOUSE) = 8
- THERE ARE THREE (3) TREES ON THE LOT, WHICH WILL BE REMOVED.
- GRADING QUANTITIES:
CUT = 400 CY
FILL = 400 CY
- THE SITE IS NOT IN GEOLOGICALLY HAZARDOUS AREA AND IS NOT SUBJECT TO FLOOD HAZARD.
- THIS SITE IS IN LIQUEFACTION AREA
- EXISTING AND PROPOSED ZONE: RD1.5
- SMALL LOT SINGLE FAMILY SUBDIVISION IN THE RD1.5 ZONE, PURSUANT TO ORDINANCE No. 176,354.
- MAP REVISED ON 10-10-13

SETBACK MATRIX

	PARCEL D	PARCEL C	PARCEL B	PARCEL A
FRONT LOT LINE DESIGNATION	BROOKS AVE	BROOKS AVE	BROOKS AVE	BROOKS AVE
FRONT YARD SETBACK	8'	8'	8'	8'
SIDEYARD E/SIDE	0'	0'	0'	5'
SIDEYARD W/SIDE	5'	0'	0'	0'
REAR YARDS	5'	5'	5'	5'
AREA (SF) (GROSS)	2,797	2,407	2,407	2,797
NET AREA (AFTER DED.)	2,647	2,277	2,277	2,647



EXISTING



PROPOSED

ALTA / ACSM LAND TITLE SURVEY

(BOUNDARY ESTABLISHMENT)

LEGAL DESCRIPTION
FOR TITLE REPORT:
THE TITLE REPORT NO. 12-60512270-A-LR, DATED MARCH 09, 2010 AT 7:30AM BY FIDELITY NATIONAL TITLE COMPANY WAS USED AND IS PART OF THIS SURVEY.

BOUNDARY:
ALL VALUES SHOWN ARE EITHER MEASURED OR CALCULATED FROM MEASURED VALUES UNLESS OTHERWISE NOTED.

BASES OF BEARINGS:
THE BEARING OF S 57°25' 00" W OF THE LINE OF BROOKS AVENUE, AS SHOWN ON THE MAP OF TRACT NO. 8415, RECORDED IN BOOK 96, PAGES 57 AND 58, OF MAPS, WERE USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

EXCEPTIONS:
ITEM 1 PROPERTY TAXES, WHICH ARE A LIEN NOT YET DUE AND PAYABLE, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES TO BE LIVED FOR THE FISCAL YEAR 2012-2013.-NOT PLOTTABLE-
ITEM 2 PROPERTY TAXES, INCLUDING ANY PERSONAL PROPERTY TAXES AND ANY ASSESSMENTS COLLECTED WITH TAXES, FOR THE FISCAL YEAR 2011-2012, ASSESSOR'S PARCEL NUMBER 4239-013-028.

CODE AREA NUMBER:
1ST INSTALLMENT: \$144.33 PAID
2ND INSTALLMENT: \$774.33 UNPAID
LAND: \$26,820.00
IMPROVEMENTS: \$15,684.00
EXEMPTION:
PERSONAL PROPERTY:
-NOT PLOTTABLE-

ITEM 3 THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 75) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.-NOT PLOTTABLE-

ITEM 4 WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.-NOT PLOTTABLE-

ITEM 5 A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW, AND ANY OTHER OBLIGATIONS SECURED THEREBY:
AMOUNT: \$56,306.00
DATED: MARCH 28, 1995
TRUSTOR: DAVID BRESLIN, AN UNMARRIED MAN
TRUSTEE: CHICAGO TITLE COMPANY
BENEFICIARY: JOHN G. BRESLIN AND MARY NESBIT BRESLIN, HUSBAND AND WIFE AS JOINT TENANTS
LOAN NO.: NONE SHOWN
RECORDED: APRIL 08, 1995, INSTRUMENT NO. 95-483515, OF OFFICIAL RECORDS
AN AGREEMENT WHICH STATES THAT THIS INSTRUMENT WAS SUBORDINATED TO THE DOCUMENT OR INTEREST DESCRIBED IN THE INSTRUMENT RECORDED:
APRIL 21, 2004, INSTRUMENT NO. 04-0967893, OF OFFICIAL RECORDS
BY AGREEMENT RECORDED:
APRIL 21, 2004, INSTRUMENT NO. 04-0967892, OF OFFICIAL RECORDS
TO AVOID DELAYS AT THE TIME OF CLOSING, PLEASE SUBMIT THE ORIGINAL NOTE DEED OF TRUST AND REQUEST FOR RECONVEYANCE TO THIS OFFICE, AT LEAST ON WEEK PRIOR TO THE CLOSE OF ESCROW
NOTE: AMENDED CIVIL CODE SECTION 2941, WHICH BECOMES EFFECTIVE ON JANUARY 01, 2002, SETS THE FEE FOR THE PROCESSING AND RECONVEYANCE OF EACH DEED OF TRUST BEING PAID OFF THROUGH THIS TRANSACTION AT \$45.00. THE RECONVEYANCE FEE MUST BE CLEARLY SET FORTH IN THE BONA FIDE PAYOFF DEMAND STATEMENT (DEMAND). IN ADDITION, AN ASSIGNMENT OR AUTHORIZED RELEASE OF THAT FEE, FROM THE BENEFICIARY TO THE TRUSTEE OF RECORD, MUST BE INCLUDED. AN EXAMPLE OF THE REQUIRED LANGUAGE IS AS FOLLOWS:
THE BENEFICIARY IDENTIFIED ABOVE HEREBY ASSIGNS, RELEASES OR TRANSFERS TO THE TRUSTEE OF RECORD, THE SUM OF \$45.00, INCLUDED HEREIN AS "RECONVEYANCE FEE", FOR THE PROCESSING AND RECONVEYANCE OF THE RECONVEYANCE OF THE DEED OF TRUST SECURING THE INDEBTEDNESS COVERED HEREBY, AND THE ESCROW COMPANY OR TITLE COMPANY PROCESSING THIS PAY-OFF IS AUTHORIZED TO DEDUCT THE RECONVEYANCE FEE FROM THIS DEMAND AND FORWARD SAID FEE TO THE TRUSTEE OF RECORD OR THE SUCCESSOR TRUSTEE UNDER THE TRUST DEED TO BE PAID OFF IN FULL.
IN THE EVENT THAT THE RECONVEYANCE FEE AND THE ASSIGNMENT, RELEASE OR TRANSFER THEREOF ARE NOT INCLUDED WITHIN THE DEMAND STATEMENT, THEN FIDELITY NATIONAL TITLE INSURANCE COMPANY AND ITS UNDERWRITTEN AGENT MAY DECLINE TO PROCESS THE RECONVEYANCE AND MAY RETURN ALL DOCUMENTATION DIRECTLY TO THE BENEFICIARY FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REVISED STATUTE.-NOT PLOTTABLE-

ITEM 6 A FINANCING STATEMENT FILED IN THE OFFICE OF THE COUNTY RECORDER, SHOWING:
DEBTOR: DAVID BRESLIN
SECURED PARTY: IMPERIAL CAPITAL BANK
DATE: NONE SHOWN
RECORDED: AUGUST 05, 2002, INSTRUMENT NO. 02-1829182, OF OFFICIAL RECORDS
A CHANGE TO THE ABOVE FINANCING STATEMENT WAS FILED:
DATE: NONE SHOWN
NATURE OF CHANGE: NOT SHOWN
RECORDED: JUNE 27, 2007, INSTRUMENT NO. 2007-1544759, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 7 A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW, AND ANY OTHER OBLIGATIONS SECURED THEREBY:
AMOUNT: \$168,000.00
DATED: MARCH 26, 2004
TRUSTOR: DAVID BRESLIN
TRUSTEE: SPENCER MORTGAGE CORPORATION, A CALIFORNIA CORPORATION
BENEFICIARY: FIRST REGIONAL BANK, CUSTODIAN FBO DENNIS D. PARCELLS AP00010, AS TO AN UNWEIGHED 68.45% INTEREST; LUNG WANG AND ANY WIFE, HUSBAND AND WIFE AS JOINT TENANTS; AS TO AN UNWEIGHED 19.64% INTEREST; AND LILLIE L. HSU, A WIDOW AND LEE HSU, A SINGLE MAN, AS TENANTS IN COMMON, AS TO AN UNWEIGHED 11.9% INTEREST
LOAN NO.: NONE SHOWN
RECORDED: APRIL 21, 2004, INSTRUMENT NO. 04-0967893, OF OFFICIAL RECORDS
AN ASSIGNMENT OF THE BENEFICIAL INTEREST UNDER SAID DEED OF TRUST WHICH NAMES: CALIFORNIA NATIONAL BANK, CUSTODIAN FBO LUNG WANG CH 0010 AS TO UN INWEIGHED 11.9%
LOAN NO.: NONE SHOWN
RECORDED: JULY 31, 2009, INSTRUMENT NO. 09-1174800, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 8 MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "NOTICE OF BUILDING(S), STRUCTURE(S), OR PREMISES PLACED WITHIN THE RENT ESCROW ACCOUNT PROGRAM (REAP) DATED APRIL 15, 2008, EXECUTED BY CITY OF LOS ANGELES AND DAVID BRESLIN, RECORDED APRIL 21, 2004, INSTRUMENT NO. 2008-694291, OF OFFICIAL RECORDS, WHICH DOCUMENT, AMONG OTHER THINGS, CONTAINS OR PROVIDES FOR:
NOTICE IS HEREBY GIVEN TO THE PROVIDERS OF ARTICLE 2 OF CHAPTER 102 OF THE LOS ANGELES MUNICIPAL CODE (LAMC), THE LOS ANGELES HOUSING DEPARTMENT HAS PLACED THE BUILDING(S), STRUCTURE(S), PREMISES OR PREMISES THEREIN LOCATED AT THE SITE DESCRIBED IN THE RENT ESCROW ACCOUNT PROGRAM, CASE #22315, FOR OUTSTANDING HABITABILITY VIOLATIONS ISSUED BY A CITING AGENCY. IN ADDITION, LAMC SECTION 16.12 AUTHORIZES THE HOUSING DEPARTMENT TO COLLECT A NON-REPLENISHABLE ADMINISTRATIVE FEE OF \$60.00 PER RESIDENTIAL UNIT ACCEPTED INTO REAP PER MONTH, CONTACT THE HOUSING DEPARTMENT AT THE NUMBER BELOW TO DETERMINE THE AMOUNT OF ADMINISTRATIVE FEES CURRENTLY DUE. THE OWNER OF THE PROPERTY HAS BEEN DULY NOTIFIED PURSUANT TO THE ABOVE CODE SECTION.
REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS.-NOT PLOTTABLE-

ITEM 9 A TAX LIEN FOR THE AMOUNT SHOWN AND ANY OTHER AMOUNTS DUE, IN FAVOR OF THE UNITED STATES OF AMERICA, ASSESSED BY THE DISTRICT DIRECTOR OF INTERNAL REVENUE:
FEDERAL:
SERIAL NO.: 290748506
TAXPAYER: DAVID BRESLIN
AMOUNT: \$10,126.98
RECORDED: MAY 18, 2006, INSTRUMENT NO. 06-1100004, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 10 A TAX LIEN FOR THE AMOUNT SHOWN AND ANY OTHER AMOUNTS DUE, IN FAVOR OF THE STATE OF CALIFORNIA:
AMOUNT: \$1597.68
FILED BY: STATE OF CALIFORNIA FRANCHISE TAX BOARD
TAXPAYER: DAVID BRESLIN
CERTIFICATE NO.: NONE SHOWN
RECORDED: JUNE 05, 2008, INSTRUMENT NO. 08-989218, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 11 A TAX LIEN FOR THE AMOUNT SHOWN AND ANY OTHER AMOUNTS DUE, IN FAVOR OF THE STATE OF CALIFORNIA:
AMOUNT: \$2,078.34
FILED BY: STATE OF CALIFORNIA FRANCHISE TAX BOARD
TAXPAYER: DAVID BRESLIN
CERTIFICATE NO.: 0001601412
RECORDED: FEBRUARY 04, 2009, INSTRUMENT NO. 09-140304, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 12 A TAX LIEN FOR THE AMOUNT SHOWN AND ANY OTHER AMOUNTS DUE, IN FAVOR OF THE STATE OF CALIFORNIA:
AMOUNT: \$2,083.95
FILED BY: STATE OF CALIFORNIA FRANCHISE TAX BOARD
TAXPAYER: DAVID BRESLIN
CERTIFICATE NO.: 10072548131
RECORDED: MARCH 19, 2010, INSTRUMENT NO. 10-385076, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 13 A TAX LIEN FOR THE AMOUNT SHOWN AND ANY OTHER AMOUNTS DUE, IN FAVOR OF THE STATE OF CALIFORNIA:
AMOUNT: \$1,373.37
FILED BY: STATE OF CALIFORNIA FRANCHISE TAX BOARD
TAXPAYER: DAVID BRESLIN
CERTIFICATE NO.: 103303606
RECORDED: DECEMBER 01, 2010, INSTRUMENT NO. 10-1746736, OF OFFICIAL RECORDS
-NOT PLOTTABLE-

ITEM 14 ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORD:
THIS COMPANY WILL REQUIRE, FOR REVIEW, A FULL AND COMPLETE COPY OF ANY UNRECORDED AGREEMENT, CONTRACT, LICENSE AND/OR LEASE, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS THEREIN, BEFORE ISSUING ANY POLICY OF TITLE INSURANCE WITHOUT EXCEPTING THIS ITEM FROM COVERAGE. THE COMPANY RESERVES THE RIGHT TO EXCEPT ADDITIONAL ITEMS AND/OR MAKE ADDITIONAL REQUIREMENTS AFTER REVIEWING SAID DOCUMENTS.-NOT PLOTTABLE-

ITEM 15 MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION AND/OR BY A CORRECT ALTA/ACSM LAND TITLE SURVEY OF SAID LAND THAT IS SATISFACTORY TO THIS COMPANY AND/OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.-NOT PLOTTABLE-

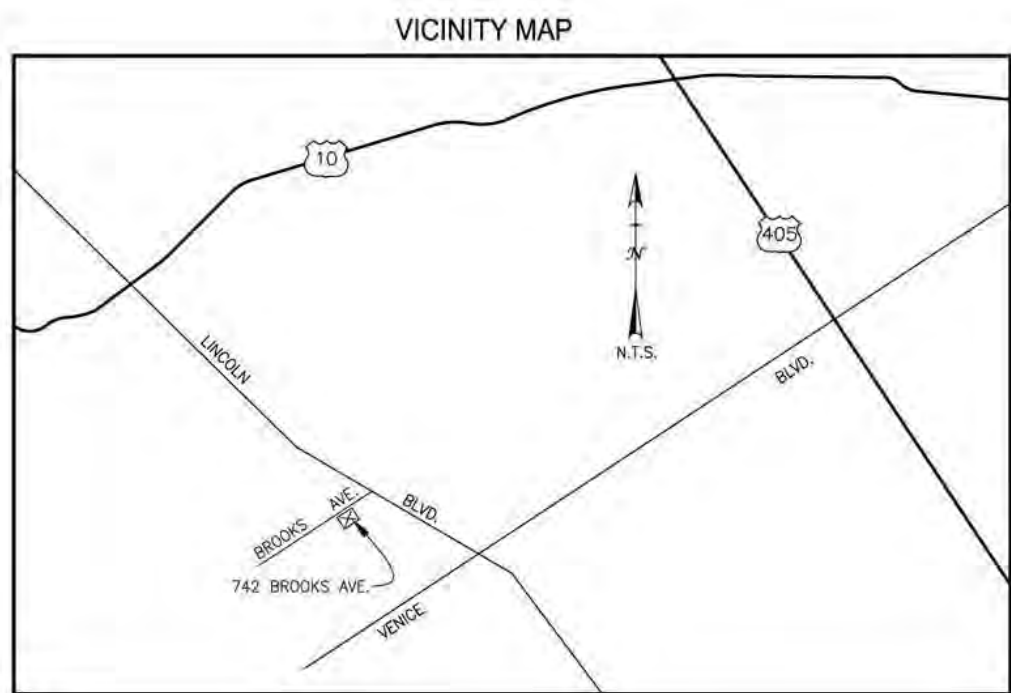
ITEM 16 AN INSPECTION OF SAID LAND HAS BEEN ORDERED; UPON ITS COMPLETION THE COMPANY RESERVES THE RIGHT TO EXCEPT ADDITIONAL ITEMS AND/OR MAKE ADDITIONAL REQUIREMENTS.-NOT PLOTTABLE-

ITEM 17 IN ORDER TO COMPLETE THIS REPORT, THIS COMPANY REQUIRES A STATEMENT OF INFORMATION TO BE COMPLETED BY THE FOLLOWING PARTY:
PARTY: ALL PARTIES
THE COMPANY RESERVES THE RIGHT TO ADD ADDITIONAL ITEMS OR MAKE FURTHER REQUIREMENTS AFTER REVIEW OF THE REQUESTED STATEMENT(S) OF INFORMATION.-NOT PLOTTABLE-

ITEM 18 THE APPLICATION FOR THE TITLE INSURANCE WAS PLACED BY REFERENCE TO ONLY A STREET ADDRESS OR TAX IDENTIFICATION NUMBER:
BASED ON OUR RECORDS, WE BELIEVE THAT THE DESCRIPTION IN THIS REPORT COVERS THE PARCEL REQUESTED, HOWEVER, IF THE LEGAL DESCRIPTION IS INCOMPLETE, IN ORDER TO PREVENT DELAYS, THE SELLER/BUYER/BORROWER MUST PROVIDE THE COMPANY AND/OR THE SETTLEMENT AGENT WITH THE CORRECT LEGAL DESCRIPTION INTENDED TO BE THE SUBJECT OF THIS TRANSACTION.-NOT PLOTTABLE-

SURVEYOR'S NOTES:

NO SURVEY MONUMENTS WERE SET DURING THE COURSE OF THIS SURVEY. SURVEY MONUMENTS FOUND ARE SHOWN HEREON WITH THEIR RELATIONSHIP TO LOT LINES.
• DENOTES SURVEY MONUMENT SET BY ME OR UNDER MY DIRECTION IN CONJUNCTION WITH THE PREPARATION OF PARCEL MAP L.A. NO. 2007-4143 WHICH HAS NOT YET BEEN RECORDED. A PRELIMINARY COPY OF SAID MAP MAY BE OBTAINED BY CONTACTING THE CITY OF LOS ANGELES SURVEY DIVISION.

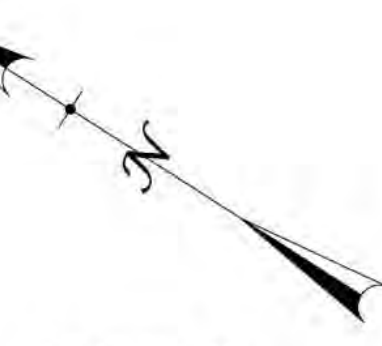


SURVEYOR'S CERTIFICATE:

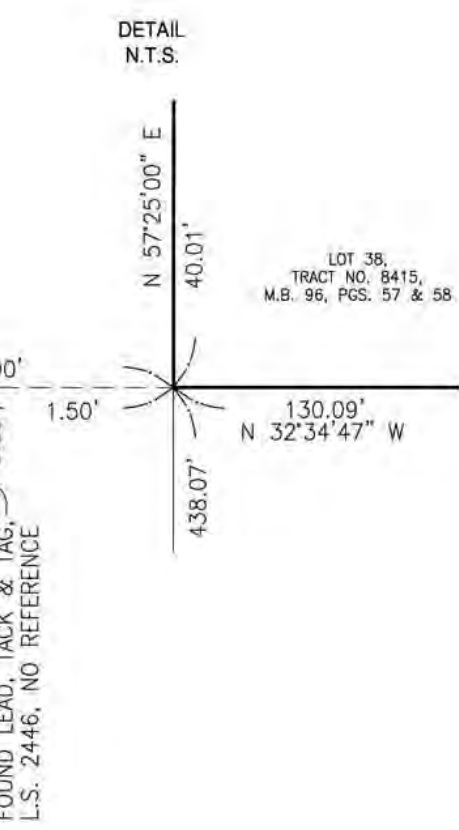
TO: Lighthouse Investment, LLC and Fidelity National Title Company.
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS TO ALTA/ACSM LAND TITLE SURVEYS, AS ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS (3 & 8) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 10, 2012.
MARK R. DANIELSON, P.L.S. 7882
ORIGINAL, ISSUANCE APRIL 23, 2012
ISSUE NO. _____ DATE: _____
LAST FIELD INSPECTION: _____

LEGEND:

BK. = BOOK
C.E.F.B. = COUNTY ENGINEER'S FIELD BOOK
L.S. = LICENSED SURVEYOR
M.B. = MAP BOOK
NO. = NUMBER
PG. = PAGE
PCS. = PAGES
P.W.F.B. = PUBLIC WORK FIELD BOOK
C = CENTERLINE
[] = RECORD INFORMATION PER TRACT NO. 8415, M.B. 96, PGS. 57 & 58
[] = RECORD INFORMATION PER CITY OF LOS ANGELES DISTRICT MAP NO. 111-B-145



Scale: 1" = 20'



 Danielson Surveying Mark R. Danielson, PLS 7882 13916 Teller Street, Sylmar, CA 91342 (818) 362-8886 (226) 337-6854 Fax: (818) 362-8000 www.danielsonsurveying.com	Plan Prepared For: Lighthouse Investment, LLC 1180 S Beverly Dr., Ste. 508 Los Angeles, CA 90035 (310) 556-1600	Legal Description: See Map Sheet 1 of 2 Area: 10,410 Square Feet, 0.24 Acres Date Of Survey: April 10, 2012	Bench Mark: The elevation of 500.00' was assumed on the finished floor of the house as shown hereon and was used as datum for this survey.	Job No. 6179-0002 Sheet 1 of 2

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2910 lincoln blvd
santa monica, ca 90405
p: 310.581.8500 f: 310.496.2167
www.livinghomes.net

OWNER
LIGHTHOUSE BROOKS, LLC
C/O LIGHTHOUSE INVESTMENTS
1180 SOUTH BEVERLY DR.
SUITE 508
LOS ANGELES, CA, 90035

CONSTRUCTION MANAGER
TIM LEFEVRE
P: 323.778.6988

STRUCTURAL ENGINEER
R&S TAVARES ASSOCIATES, INC.
16875 W. BERNARD DR., STE. 285
SAN DIEGO, CA 92127
P. 858.444.3344 x 1810

ELECTRICAL ENGINEER
JM&A
18340 VENTURA BLVD.,
TARZANA, CA 91356
P. 818.757.1171

MECHANICAL
UNICO
7401 ALABAMA AVE.
ST. LOUIS, MO 63111
P. 802.826.6000

GEOTECHNICAL ENGINEER
APPLIED EARTH SCIENCES
4742 SAN FERNANDO RD.
GLENDALE, CA, 91204
P. 818.552.6000
F. 818.552.6007

CIVIL ENGINEER
DHS & ASSOCIATES, INC.
STEVE NAZEMI, P.E., MSCE.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA, 92780
714.665.6569

PROJECT:
BROOKS AVENUE
HOMES
742 - 748 BROOKS AVE
VENICE, CA 90291

Legal Description:
CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA
MAP REFERENCE: BOOK 96, P 57-58
LOT: 38 & 39
TRACT #: 8415
APN#: 423-901-3028

ISSUED:

ISSUE TO CA COASTAL COMMISSION: 10.18.16

DATE: 01/14/16

SHEET: A0.8

SURVEY

2910 lincoln blvd
santa monica, ca 90405
p: 310.581.8500 f: 310.496.2167
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OWNER
LIGHTHOUSE BROOKS, LLC
C/O LIGHTHOUSE INVESTMENTS
1180 SOUTH BEVERLY DR.
SUITE 508
LOS ANGELES, CA, 90035

CONSTRUCTION MANAGER
TIM LEFEVRE
P: 323.778.6988

STRUCTURAL ENGINEER
R&S TAVARES ASSOCIATES, INC.
16875 W. BERNARDO DR., STE. 285
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DHS & ASSOCIATES, INC.
STEVE NAZEMI, P.E., MSCE.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA, 92780
714.665.6569

PROJECT:
**BROOKS AVENUE
HOMES**
742 - 748 BROOKS AVE
VENICE, CA 90291

Legal Description:
CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA
MAP REFERENCE: BOOK 96, P 57-58
LOT: 38 & 39
TRACT #: 8415
APN#: 423-901-3028

ISSUED:

ISSUE TO CA COASTAL COMMISSION: 10.18.16

A	C.1
B	C
B.1	C.1
A.1	C

DATE: 09.20.13

SHEET: **A1.1**
SITE PLAN

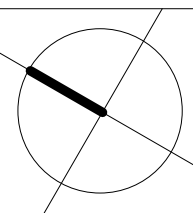
SIDEWALK

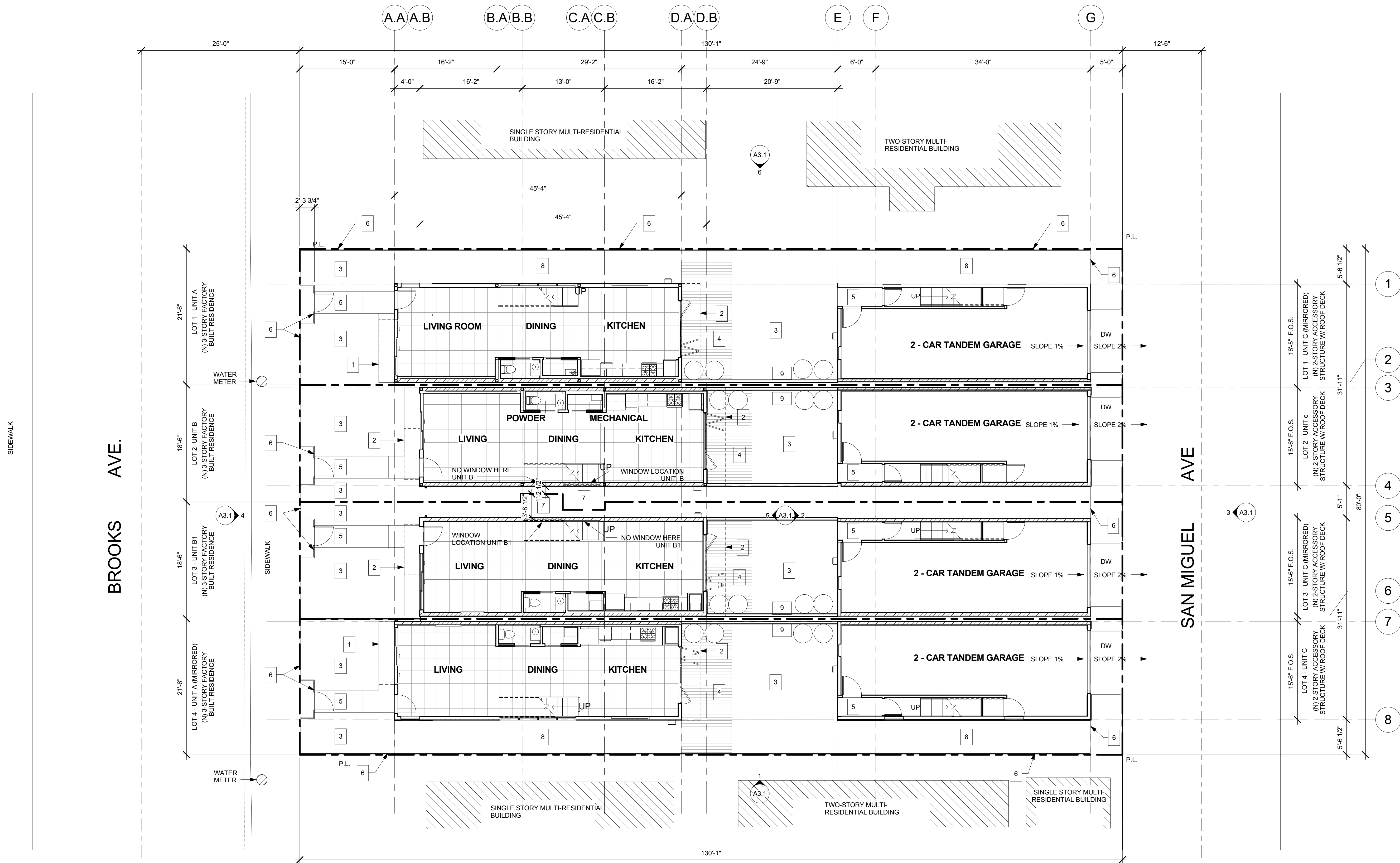
BROOKS AVE.

SAN MIGUEL AVE

1 | SITE PLAN
1/8" = 1'-0"

NOTE:
ALL ROOF AND SITE DRAINAGE
PER CIVIL DRAWINGS.

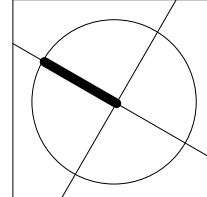




1 | SITE PLAN - FIRST FLOOR

1/8" = 1'-0"

- SITE PLAN LEGEND:**
- 1 - EDGE OF AWNING ABOVE
 - 2 - EDGE OF OVERHANG ABOVE
 - 3 - LANDSCAPED AREA (PERMEABLE)
 - 4 - SITE-BUILT DECK
 - 5 - POURED CONC. WALKWAY
 - 6 - SITE CONSTRUCTED WD FENCE, 6 FT TALL; 42 IN @ BROOKS
 - 7 - WINDOWS AT ADJACENT ELEVATIONS OF B AND B.1 COORDINATED WITH PROPERTY LINE JOG
 - 8 - SEE LANDSCAPE DWG
 - 9 - ONE CONDENSER UNIT FOR EACH LOT'S HOUSE AND GARAGE - EXACT LOCATION TBD



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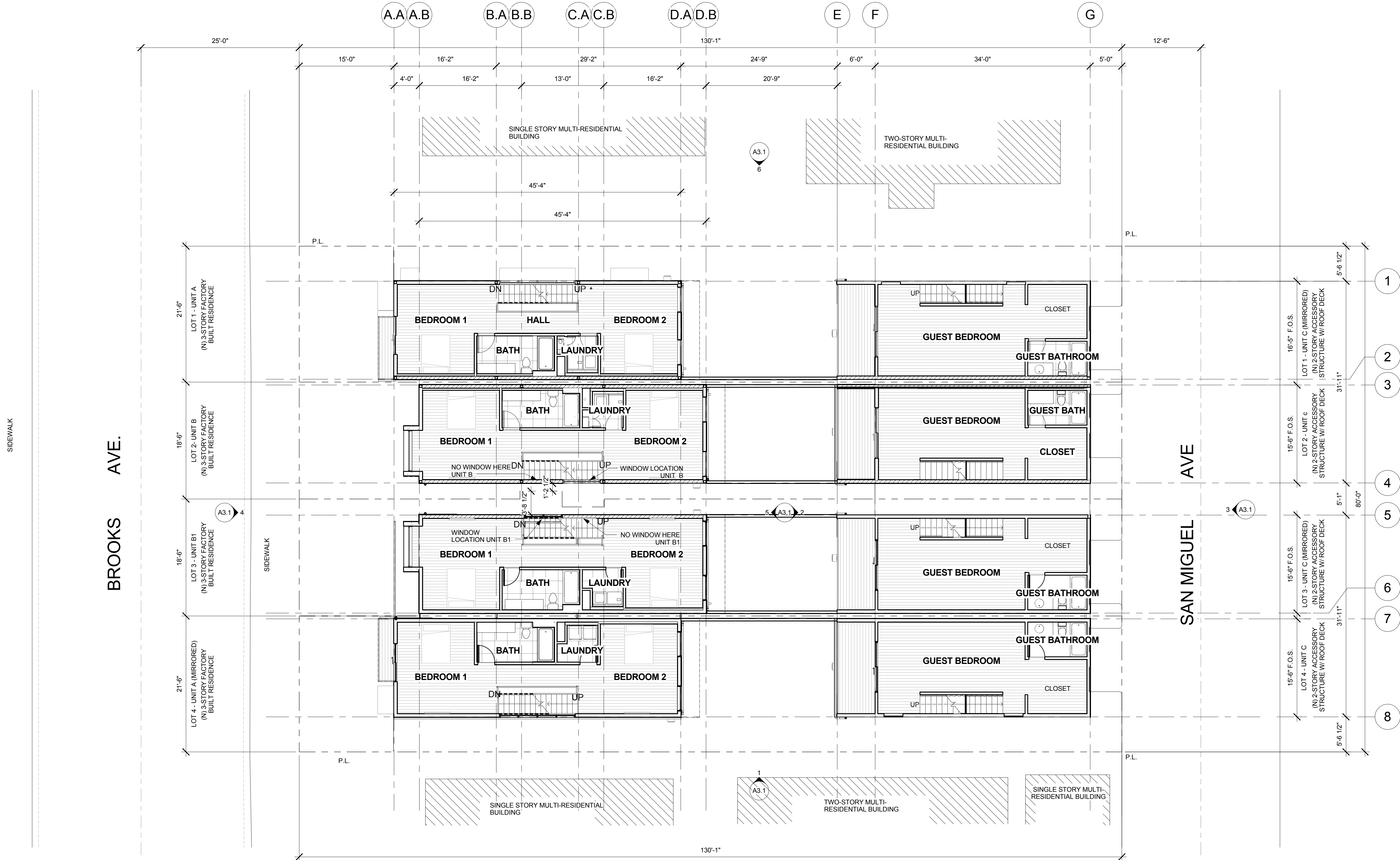
ISSUE TO CA COASTAL COMMISSION: 10.18.16

A	C.1
B	C
B.1	C.1
A.1	C

DATE: 12.12.14

SHEET:

A1.2
SITE PLAN - FIRST FLOOR



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ISSUE TO CA COASTAL COMMISSION: 10.18.16

DATE: 10/19/16

SHEET:

A1.3

SITE PLAN -
SECOND FLOOR

OWNER
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C/O LIGHTHOUSE INVESTMENTS
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SUITE 508
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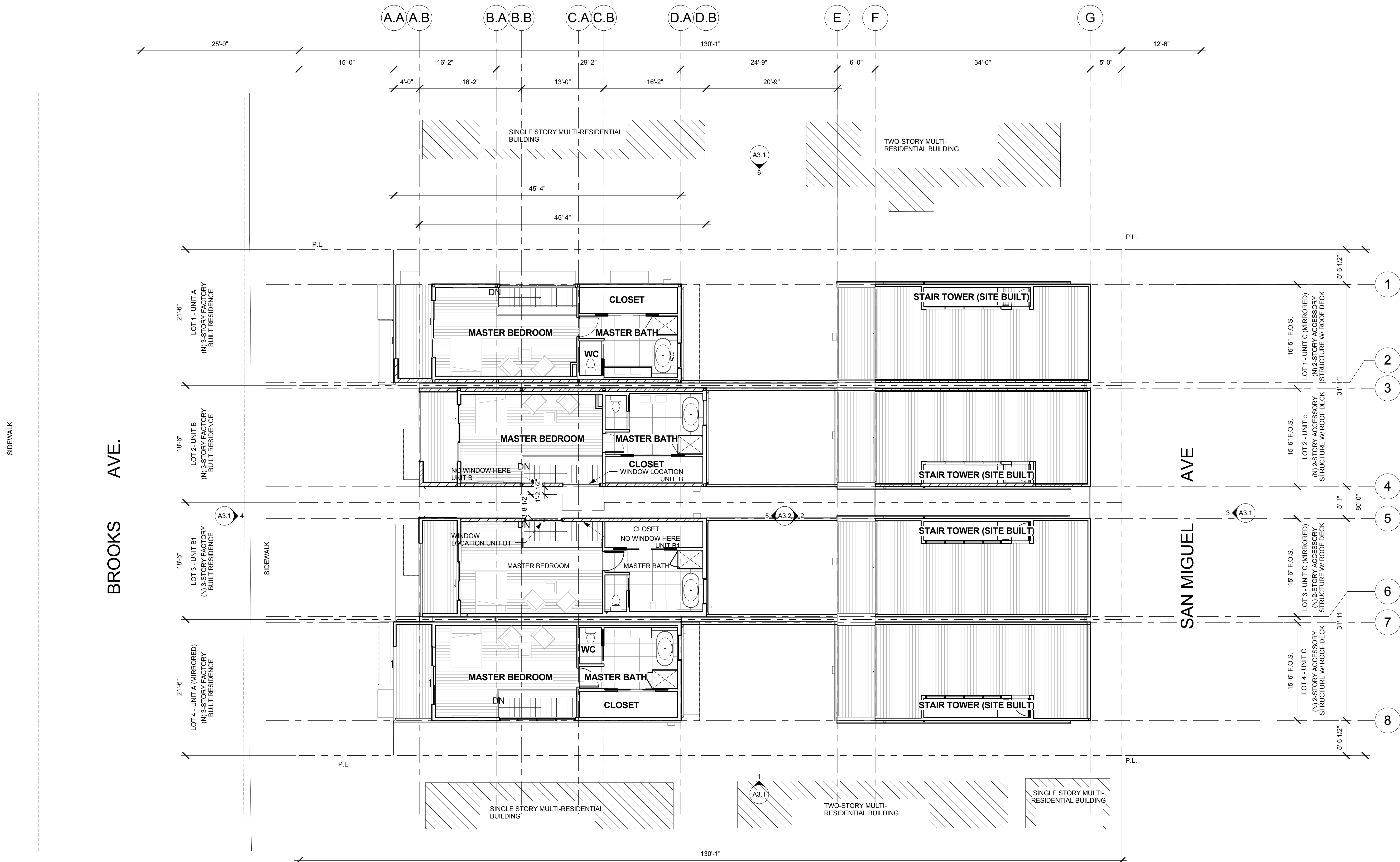
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DATE: 10/19/16

SHEET: **A1.4**
SITE PLAN - THIRD
FLOOR



1 | SITE PLAN - THIRD FLOOR

$$1/8'' = 1'-0''$$



COVENANT AND AGREEMENT

"THE SUBDIVIDER SHALL RECORD A COVENANT AND AGREEMENT SATISFACTORY TO THE ADVISORY AGENCY GUARANTEEING THAT:

A. THE PLANTING AND IRRIGATION SYSTEM SHALL BE COMPLETED BY THE DEVELOPER/BUILDER PRIOR TO CLOSE OF ESCROW OF 50 PERCENT OF THE UNITS OF THE PROJECT OR PHASE.

B. SIXTY DAYS AFTER LANDSCAPE AND IRRIGATION INSTALLATION, THE LANDSCAPE PROFESSIONAL SHALL SUBMIT TO THE HOMEOWNERS/PROPERTY OWNERS ASSOCIATION A CERTIFICATE OF SUBSTANTIAL COMPLETION (\$12.40 G. LAMC.)

C. THE DEVELOPER/BUILDER SHALL MAINTAIN THE LANDSCAPING AND IRRIGATION FOR 60 DAYS AFTER COMPLETION OF THE LANDSCAPE AND IRRIGATION INSTALLATION.

D. THE DEVELOPER/BUILDER SHALL GUARANTEE ALL TREES AND IRRIGATION FOR A PERIOD OF SIX MONTHS AND ALL OTHER PLANTS FOR A PERIOD OF 60 DAYS AFTER LANDSCAPE AND IRRIGATION INSTALLATION."

GREEN BUILDING CODE CALCULATIONS

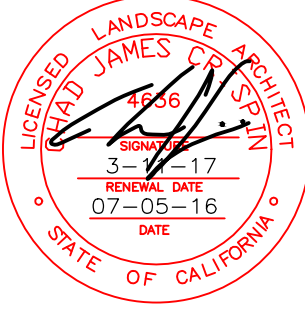
HARDSCAPE MATERIAL W/ INITIAL SOLAR REFLECTANT LOT SIZE - 10,406 SQ.FT.		
TOTAL SQUARE FOOTAGE OF HARDSCAPE PROVIDED		
HARDSCAPE TYPE	REQUIREMENT	SQ.FT.
CONCRETE PAVING/STEPS/LOW WALLS	b. SRI 0.30	667 SQ.FT.
667 SF / 10,406 SF = 0.0640(100) =		TOTAL 6 %

SHADE PROVIDED BY TREES AND PLANTING LOT SIZE - 10,406 SQ.FT.		
LOCATION	TYPES OF SHADING	SQ.FT.
STREET LEVEL	PLANTING / TREE CANOPIES	2,234 SQ.FT.
2,234 SF / 10,406 SF = 0.2146(100) =		TOTAL 21 %
TOTAL PERCENTAGE =		27 %



HARDSCAPE PLAN

1/8" : 1'-0"



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MIRIAM RAINVILLE

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info@rainvilledesign.com

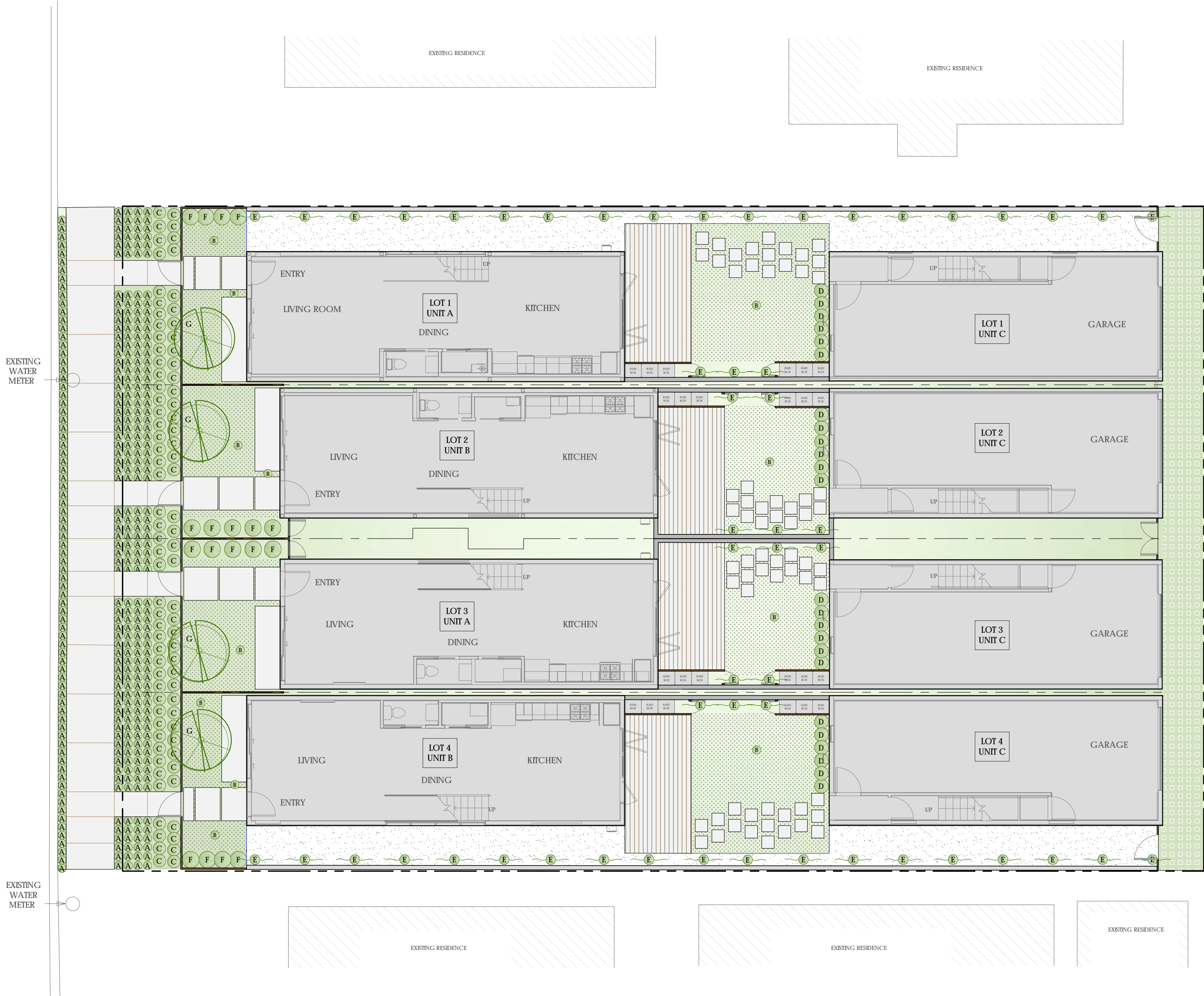
REVISION	
09-12-2016	
09-14-2016	
05-13-2016	
05-20-2016	
06-24-2016	
07-05-2016	

DATE : 07.05.2016
SCALE : AS SHOWN
DRAWN BY : ABG

L-1.0
HARDSCAPE PLAN

BROOKS AVE

SAN MIGUEL AVE



PLANT LEGEND

LEGEND	QTY	SIZE	ARRANGEMENT	PLANT TYPE	COMMON NAME	WUCOLS IV
A	38	QT FLATS	PER PLAN	CAREX PRAEGRACILIS	CALIFORNIA FIELD SEDGE	MOD
B	70	DIRT FLATS	PER PLAN	DYMONDIA MARGARETAE	SILVER CARPET	LOW
C	45	1 GAL.	PER PLAN	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	MOD
D	24	1 GAL.	PER PLAN	LEYMUS CONDENSATUS 'CANYON PRINCE'	CANYON PRINCE WILD RYE	LOW
E	51	15 GAL.	PER PLAN	HARDENBERGIA VIOLACEA 'HAPPY WANDERER'	PURPLE VINE LILAC	MOD
F	18	5 GAL.	PER PLAN	WESTRINGIA 'WYNYABBIE GEM'	WYNYABBIE COAST ROSEMARY	LOW
G	4	24" BOX	PER PLAN	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	MOD

NOTE: THERE ARE NO EXISTING TREES ON THIS PROPERTY.

LANDSCAPE POINT SYSTEM

LOT SIZE	10,406 SF
POINTS REQUIRED	15 PTS
PLANTED PARKWAY - 80 LINEAR FOOT	80
PROVISION OF PERMEABLE DRIVEWAY	5
TOTAL POINTS PROVIDED	85

WATER MANAGEMENT POINT SYSTEM

LOT SIZE	10,406 SF
POINTS REQUIRED	200 PTS
AUTOMATIC IRRIGATION CONTROLLER	5
RAIN SENSOR AND EVAPOTRANSPIRATION DATA USED WITH AUTOMATIC CONTROLLER - TOTAL 4	8
PERMEABLE PAVING (MIN 100 SQ.FT.) - 317 SQ.FT.	5
PLANTS ONCE ESTABLISHED THAT WILL REMAIN IN GOOD HEALTH WITH SUMMER WATER - 142 PLANTS	284
TOTAL POINTS PROVIDED	302

POTENTIAL LANDSCAPE AREA
= (SITE) 10,406 S.F. - (BUILDING) 5,353 S.F. = 5,053 S.F.
LANDSCAPE PROVIDED = 2,234 S.F.

TREE PLANTING AND CARE INSTRUCTIONS

- DRAINAGE**
PREPARE THE HOLE A COUPLE OF DAYS PRIOR TO PLANTING. FILL THE HOLE WITH 12" OF WATER. THE WATER SHALL DRAIN OVERNIGHT. IF IT DOESN'T, YOU HAVE A DRAINAGE PROBLEM WHICH NEED TO BE CORRECTED WITH A FRENCH DRAIN OR SOME OTHER METHOD THAT TAKES EXCESS WATER DOWN AND AWAY FROM THE BOTTOM OF THE ROOT BALL.
- PLANTING**
THE HOLE SHALL BE 2" WIDER THAN THE BOX SIZE AND THE SAME DEPTH AS THE ROOT BALL. LEAVE THE BOTTOM FOR 48" BOX SIZES AND LARGER FOR STABILITY AND SAFETY. VERIFY THE TOP OF THE ROOT BALL IS EVEN OR SLIGHTLY HIGHER THAN THE SURROUNDING SOIL.
- SOIL PIPES**
48" BOX AND LARGER TREES SHALL HAVE FOR 4" PERFORATED PVC PIPES INSTALLED ON ALL FOUR SIDES TO THE BOTTOM OF THE ROOT BALL. FILL 3 PIPES WITH GRAVEL FOR DEEP FEEDING AND WATERING. USE THE FOURTH PIPE FOR CHECKING THE CONDITION OF THE ROOT BALL (TOO MUCH WATER OR TOO DRY). CAP ALL PIPES APPROXIMATELY 4" ABOVE SOIL LEVEL.
- WATERING BERM OR BASIN**
USE LEFT OVER SOIL MIX TO BUILD A SEVERAL-INCH-HIGH CIRCULAR WATERING BERM AROUND THE ROOT BALL. MAKE SURE THE BERM OR BASIN IS NO LARGER THAN THE ROOT BALL. OTHERWISE WATERING MAY WET THE SOIL AROUND THE TREE, BUT NOT THE ROOTBALL.
- WATERING**
IT IS VERY IMPORTANT TO KEEP A NEWLY PLANTED TREE WATERED DURING THE FIRST 12 TO 18 MONTHS. WATER AS OFTEN AS NECESSARY TO KEEP THE ROOT BALL MOIST, BUT NOT SATURATED. THIS MAY MEAN WATERING EVERY 2 TO 3 DAYS AT FIRST. OR ONLY ONCE A WEEK. HOW YOU WATER WILL DEPEND ON THE WEATHER, HOW HOT OR DRY YOUR AREA IS, AND YOUR SOIL TYPE. BE ESPECIALLY CAREFUL TO KEEP THE TREES WATERED DURING SANTA ANA WINDS.
- FERTILIZING**
THE TREE SHOULD BE FED IN MARCH, JUNE AND SEPTEMBER WITH A SLOW RELEASE 20-5-5 FERTILIZER MIXED HALF-AND-HALF WITH BLOODMEAL.

WUCOLS IV NOTE:

WATER REQUIREMENTS FOR ALL PLANTS LISTED HAVE BEEN CONFIRMED BY WUCOLS IV PLANT DATABASE PROVIDED BY THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) WATER USE EFFICIENCY PROGRAM.

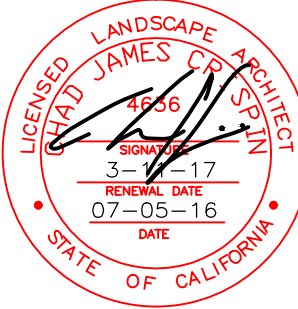
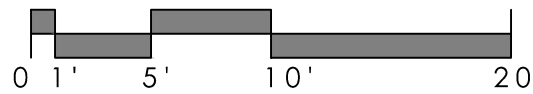
PLANTING NOTES:

- SOIL TO BE SAMPLED BY WALLACE LABS (310.615.0116)
- CONTRACTOR TO AMEND PER WALLACE LAB RECOMMENDATION - 3" MIN.
- LEAF POST MULCH ON SURFACE OF ALL P.A.
- DURA EDGE AT ALL P.A. EDGES WWW.JDRUSSELCO.COM (800.888.7425)
- WEATHER BASED AUTOMATED IRRIGATION SHALL BE PROVIDED FOR ALL THE LANDSCAPED AREAS



PLANTING PLAN

1/8" = 1'-0"



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NOT FOR CONSTRUCTION

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REVISION

09-12-2016	09-16-2016
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SCALE : AS SHOWN

DRAWN BY : ABG

L-2.0

PLANTING PLAN

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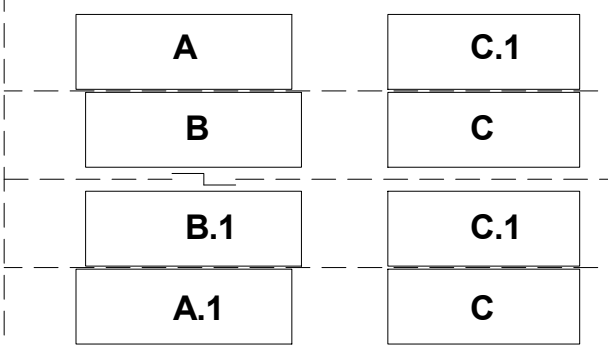
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SITE ELEVATIONS

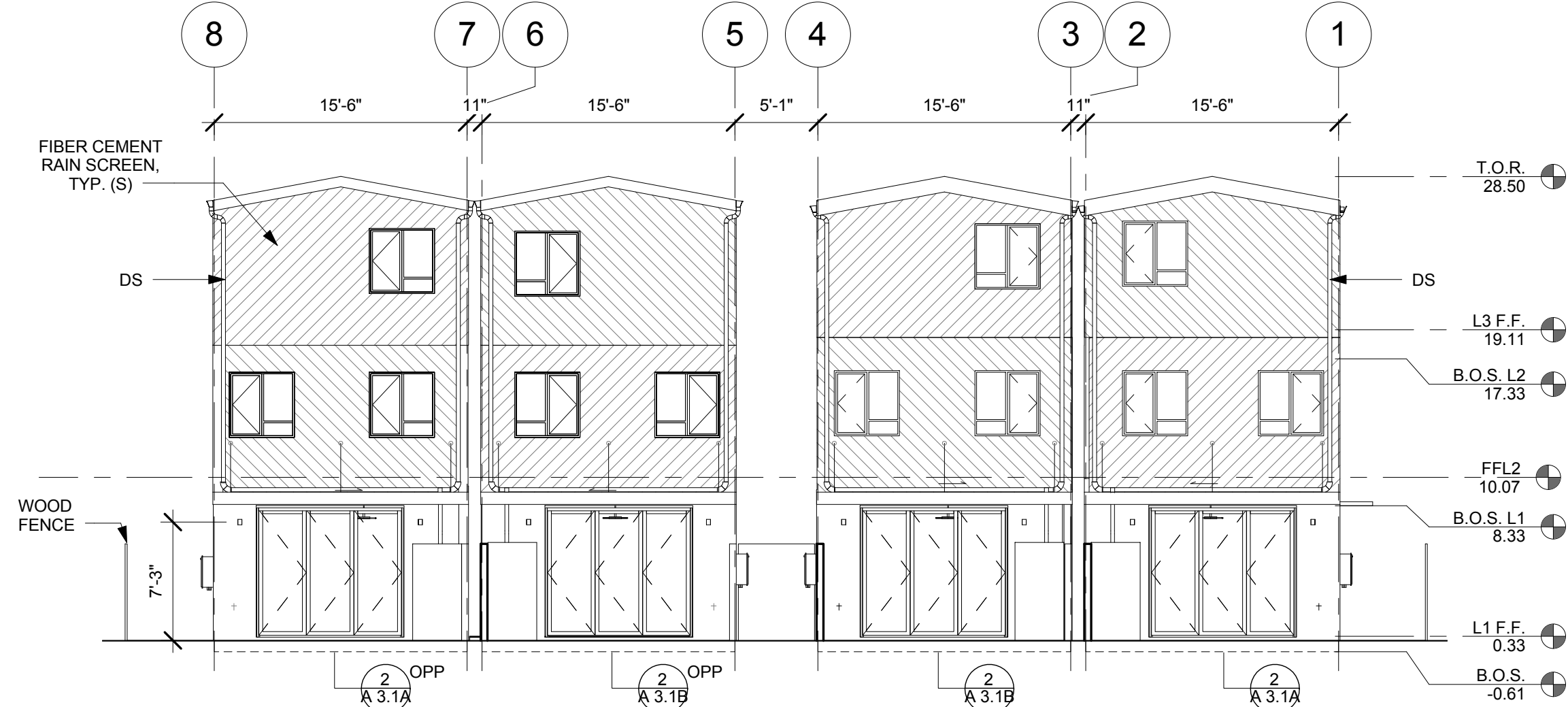
GENERAL NOTE:
PROVISIONS TO BE MADE TO
MAKE ALL STRUCTURAL
CONNECTIONS AND SERVICE
CROSSOVER CONNECTIONS
ONSITE. PROVIDE ACCESS
PANELS WHERE REQUIRED.
FACTORY TO COORDINATE
AND PROVIDE INSTALLATION
MANUAL TO SITE GC.

COORDINATE WITH
LIVINGHOMES



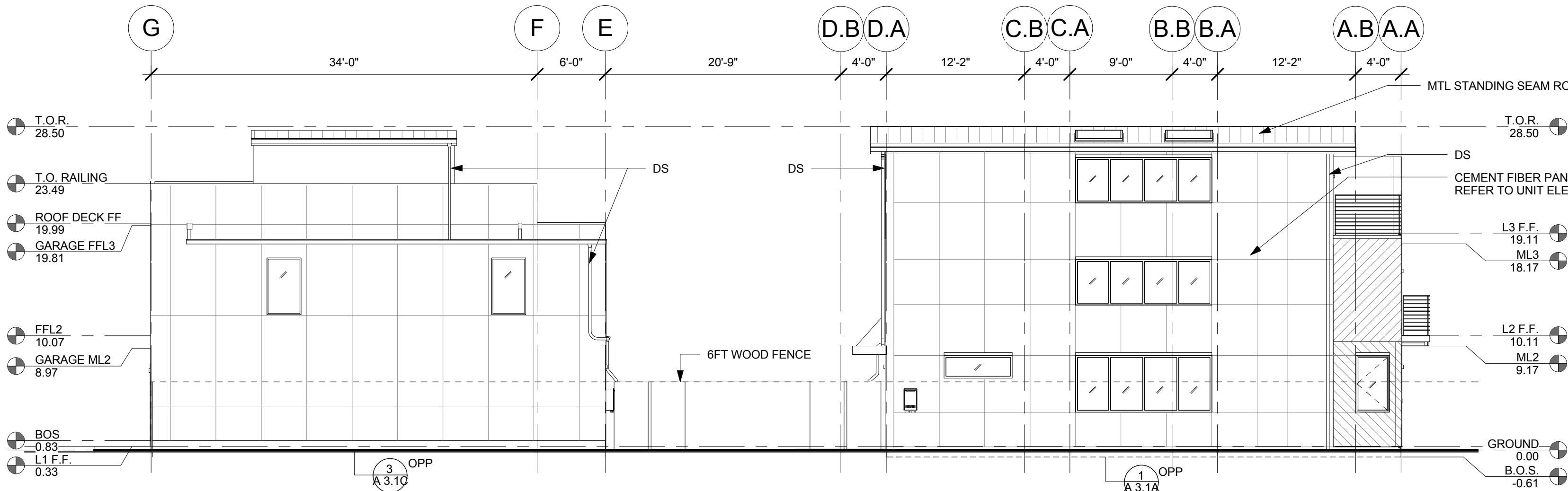
4 | NORTH ELEVATION - UNIT A+B

1/8" = 1'-0"



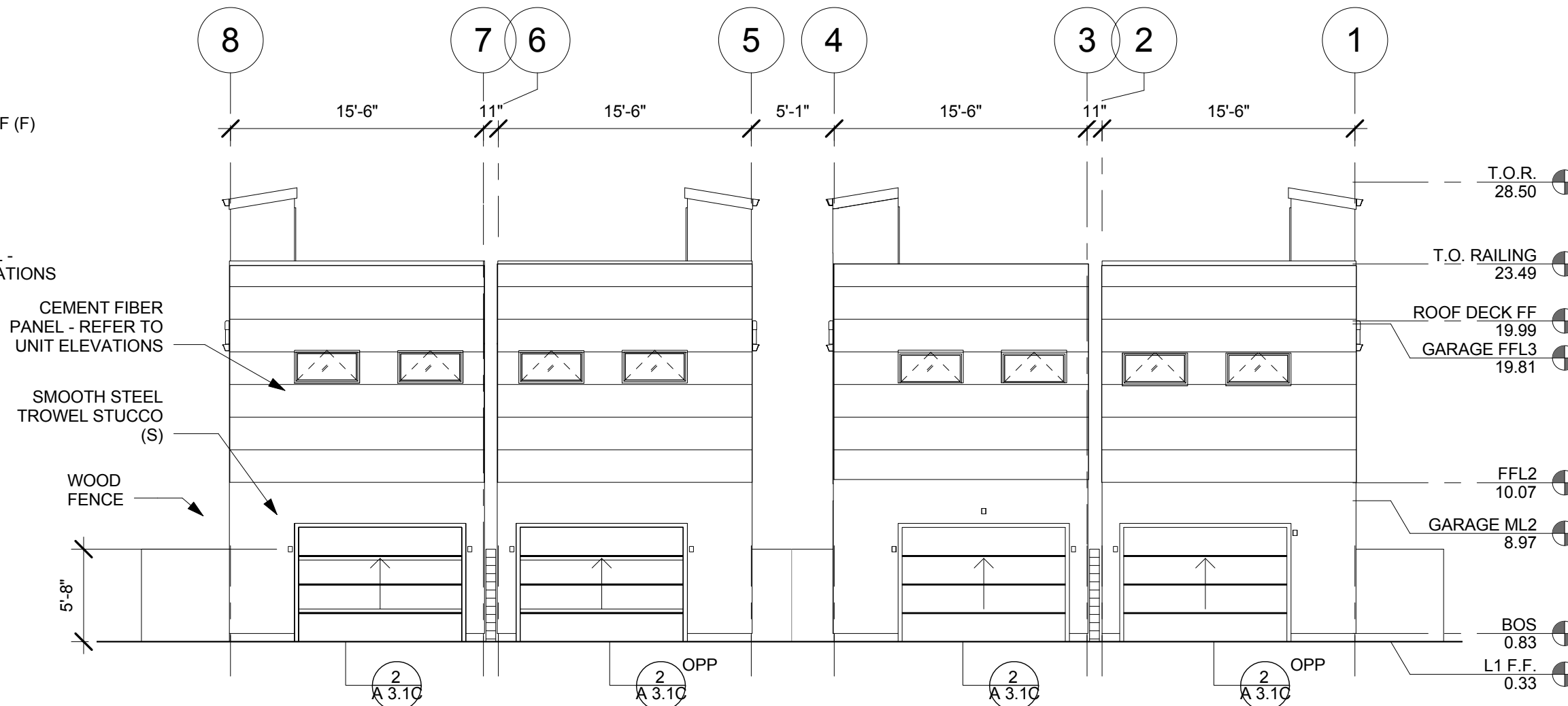
5 | SOUTH ELEVATION - UNIT A+B

1/8" = 1'-0"



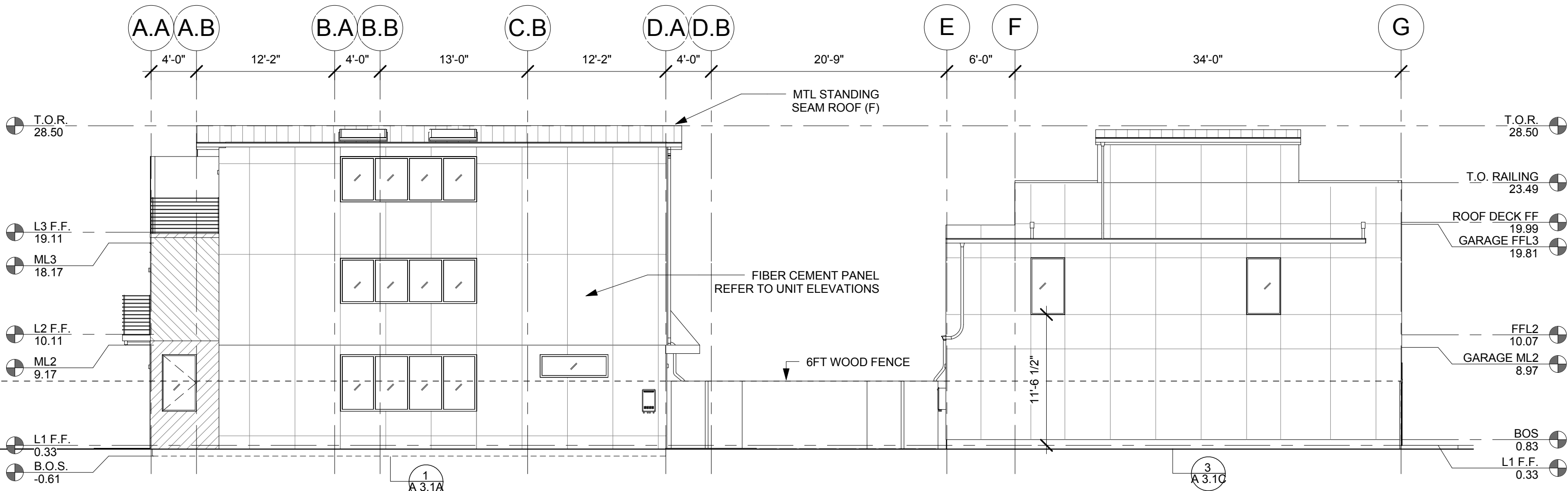
6 | WEST ELEVATION - UNIT A+C

1/8" = 1'-0"



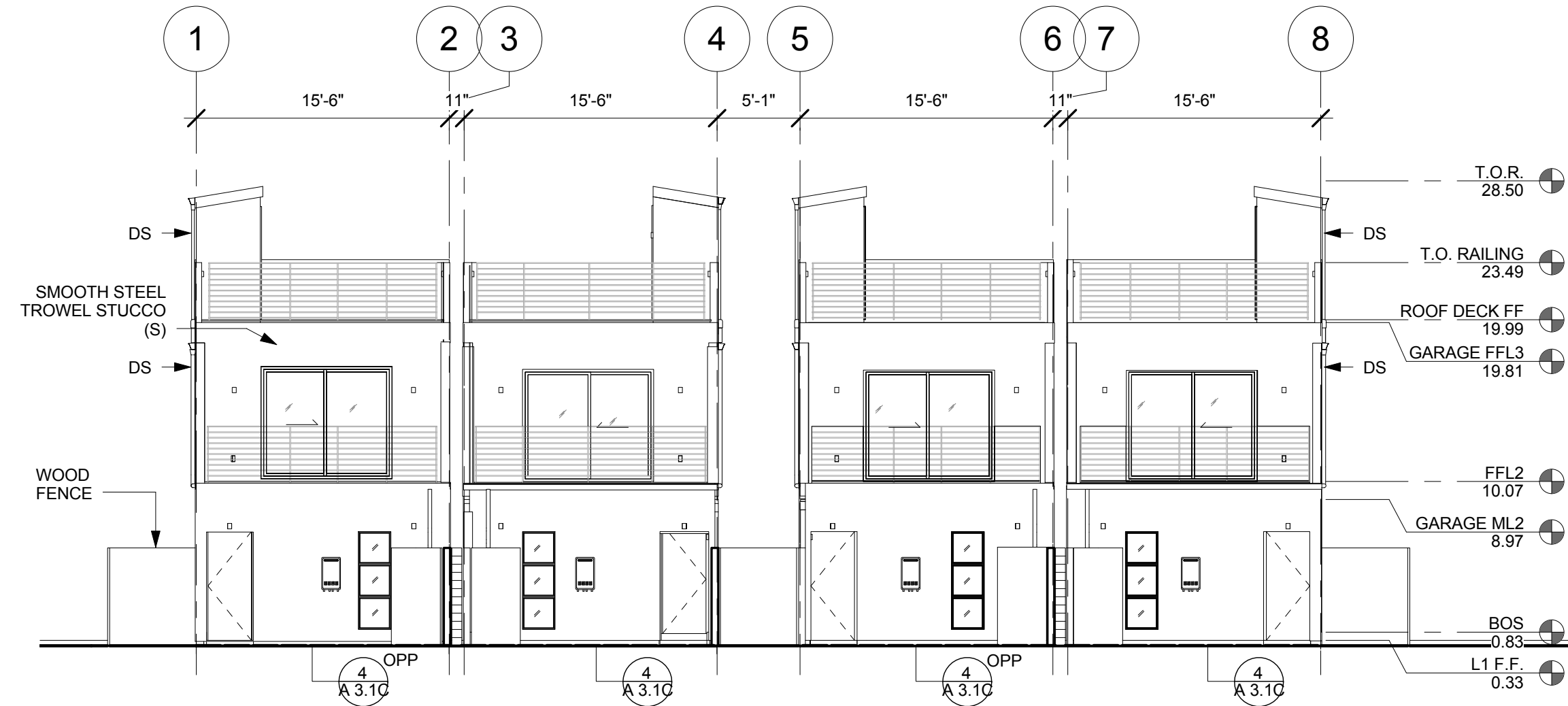
3 | SOUTH ELEVATION - ALL UNIT C

1/8" = 1'-0"



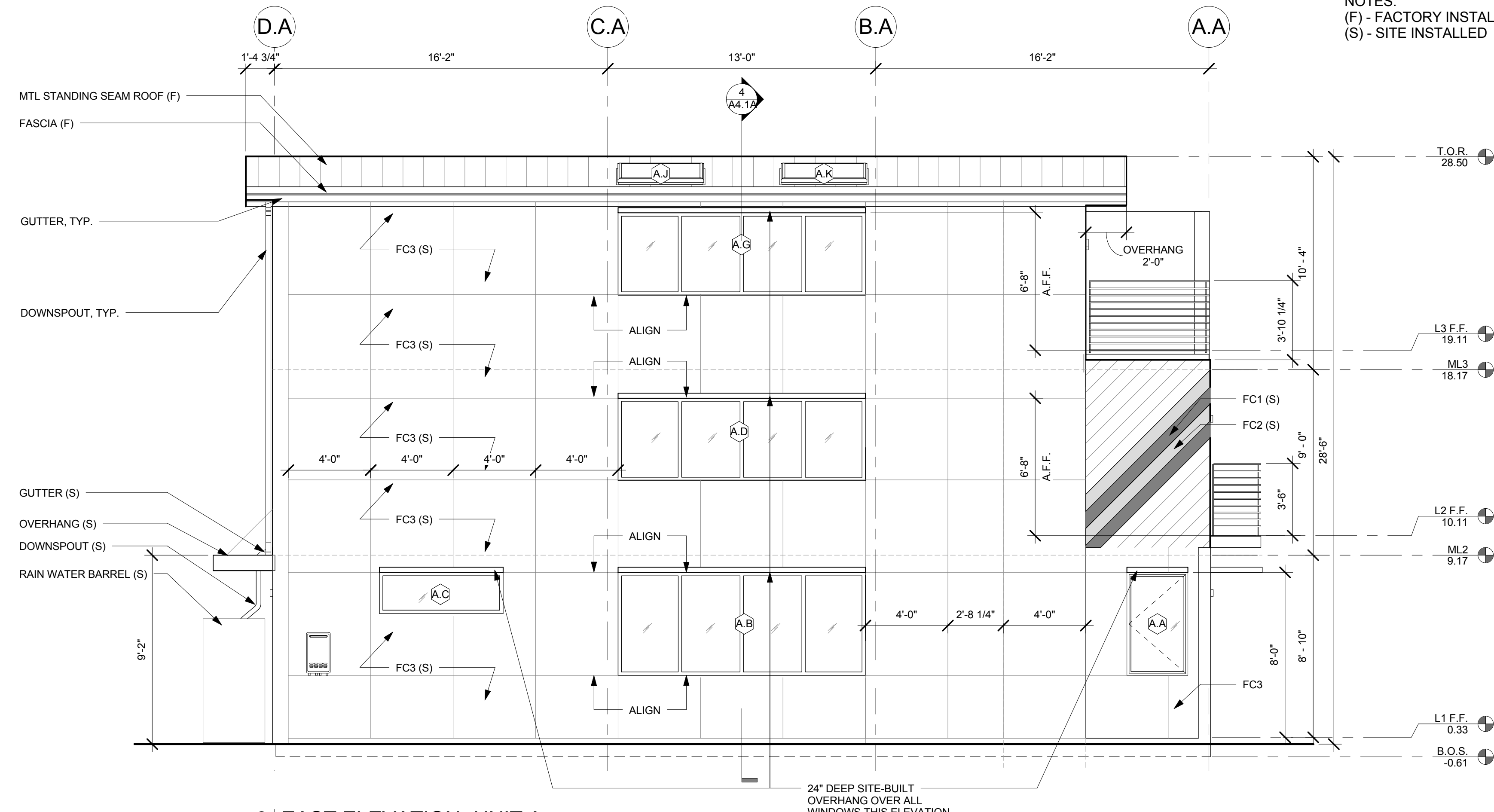
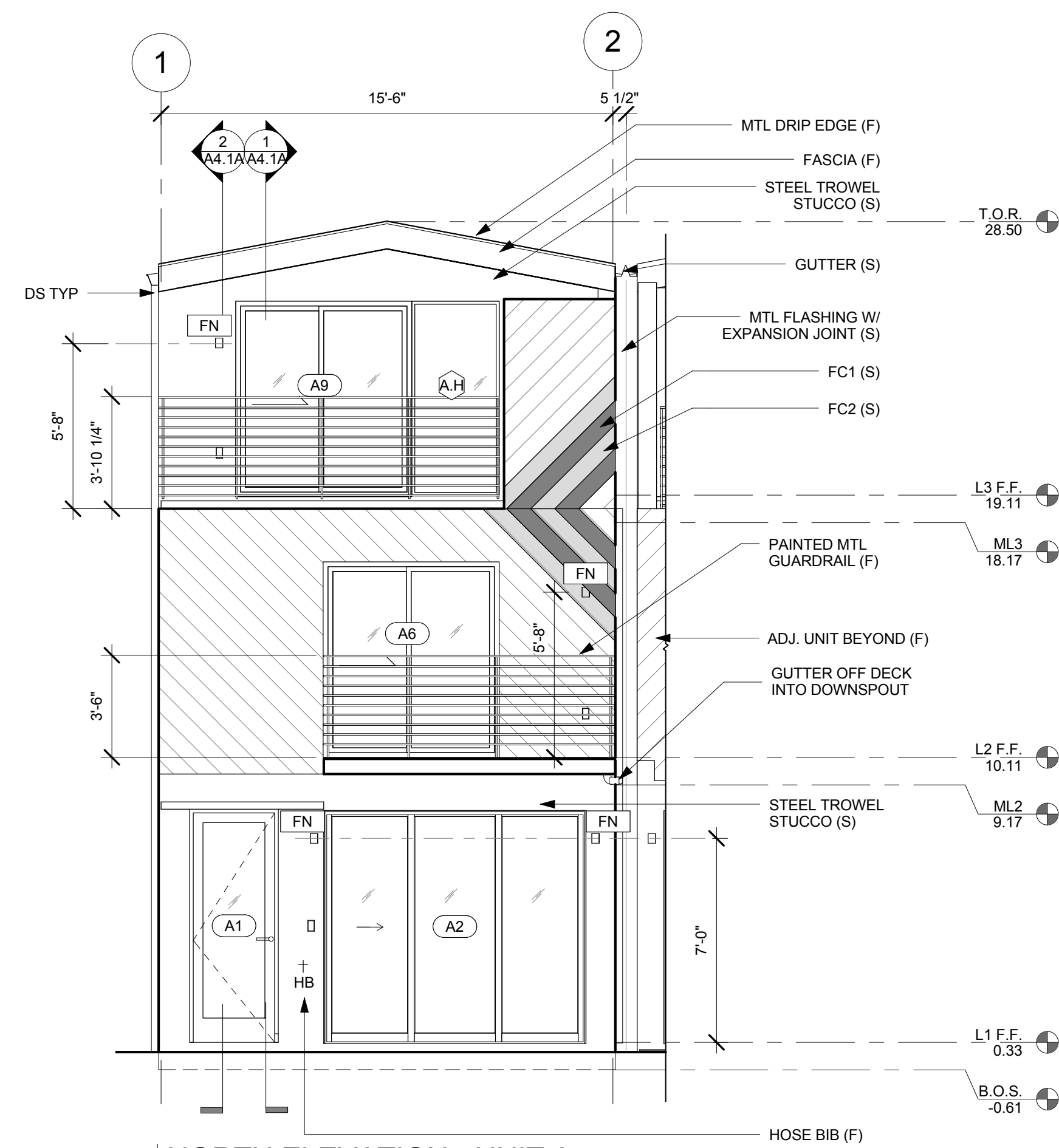
1 | EAST ELEVATION - UNIT A+C

1/8" = 1'-0"



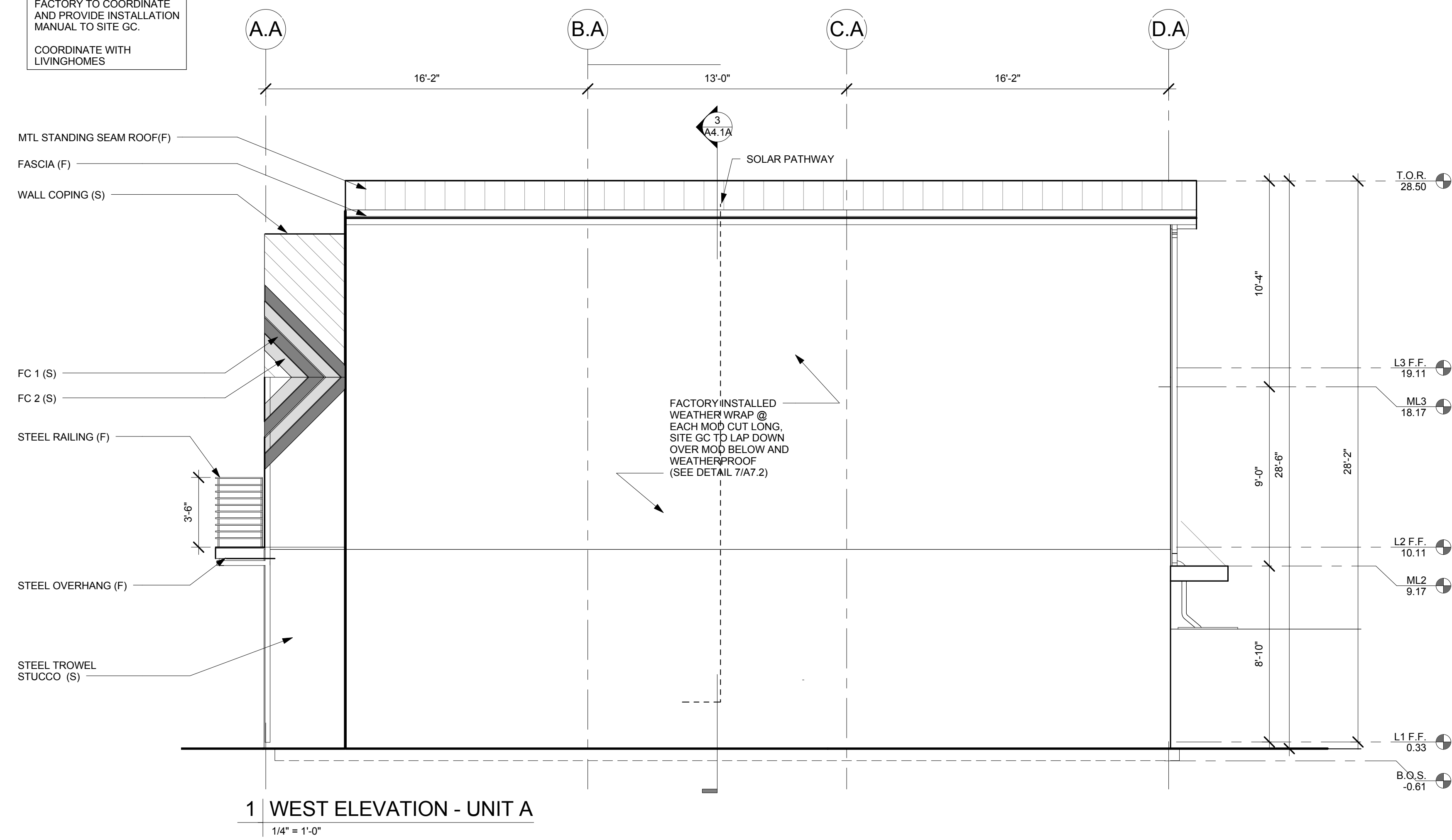
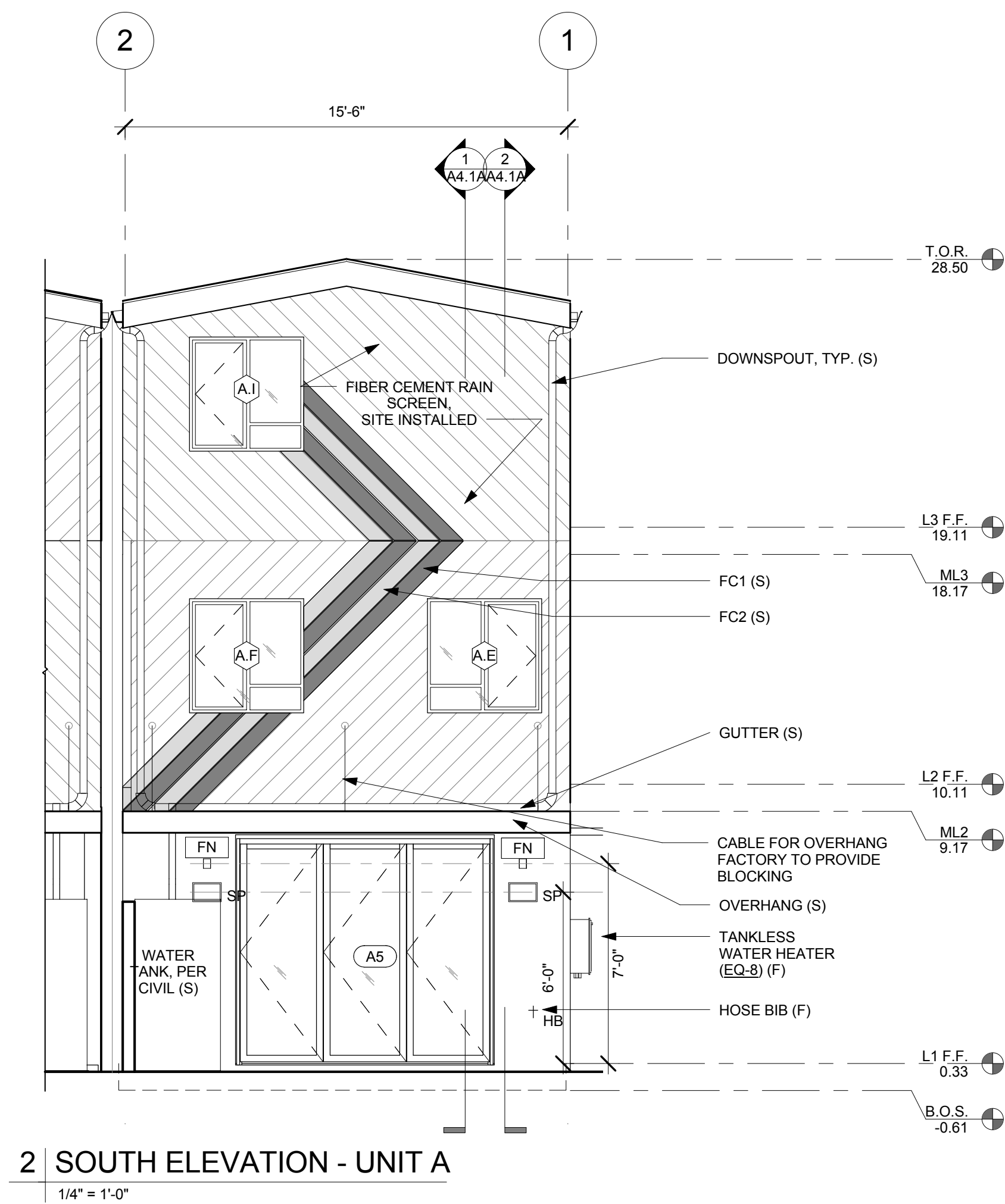
2 | NORTH ELEVATION - ALL UNIT C

1/8" = 1'-0"



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MANUAL TO SITE GC.

COORDINATE WITH
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NOTES:
(F) - FACTORY INSTALLED
(S) - SITE INSTALLED

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4742 SAN FERNANDO RD.
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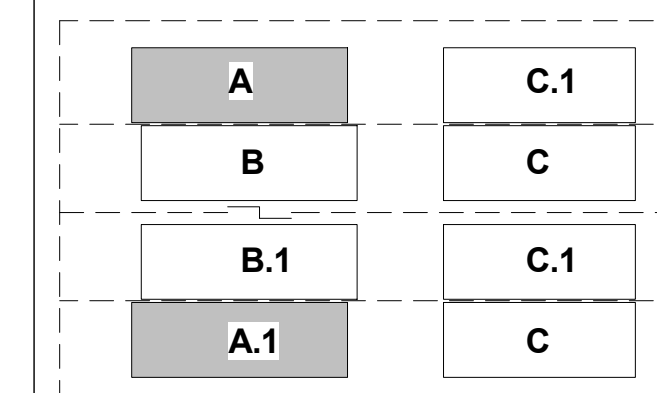
CIVIL ENGINEER
DHS & ASSOCIATES, INC.
STEVE NAZEMI, P.E., MSCE.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA, 92780
714.665.6569

PROJECT:
BROOKS AVENUE
HOMES
742 - 748 BROOKS AVE
VENICE, CA 90291

Legal Description:
CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA
MAP REFERENCE: BOOK 96, P 57-58
LOT: 38 & 39
TRACT #: 8415
APN#: 423-901-3028

ISSUED:

ISSUE TO CA COASTAL COMMISSION: 10.18.16



DATE: 09.20.13

SHEET: **A3.1A**
ELEVATIONS - UNIT
A

OWNER
LIGHTHOUSE BROOKS, LLC
C/O LIGHTHOUSE INVESTMENTS
1180 SOUTH BEVERLY DR.
SUITE 508
LOS ANGELES, CA, 90035

CONSTRUCTION MANAGER
TIM LEFEVRE
P: 323.778.6988

STRUCTURAL ENGINEER
R&S TAVARES ASSOCIATES, INC.
16875 W. BERNARDO DR., STE. 285
SAN DIEGO, CA 92127
P. 858.444.3344 x 1810

ELECTRICAL ENGINEER
JM&A
18340 VENTURA BLVD.,
TARZANA, CA 91356
P. 818.757.1171

MECHANICAL
UNICO
7401 ALABAMA AVE.
ST. LOUIS, MO 63111
P. 602.826.6000

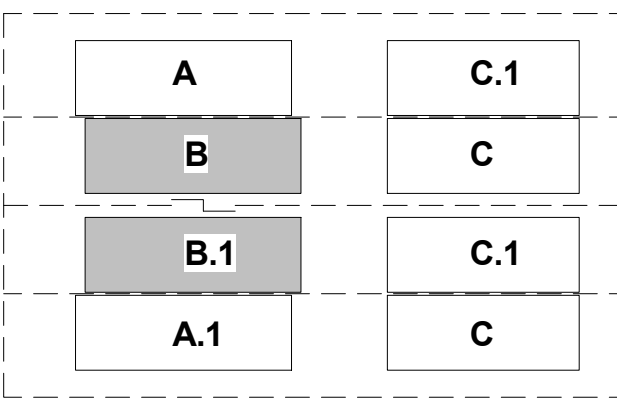
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714.665.6569

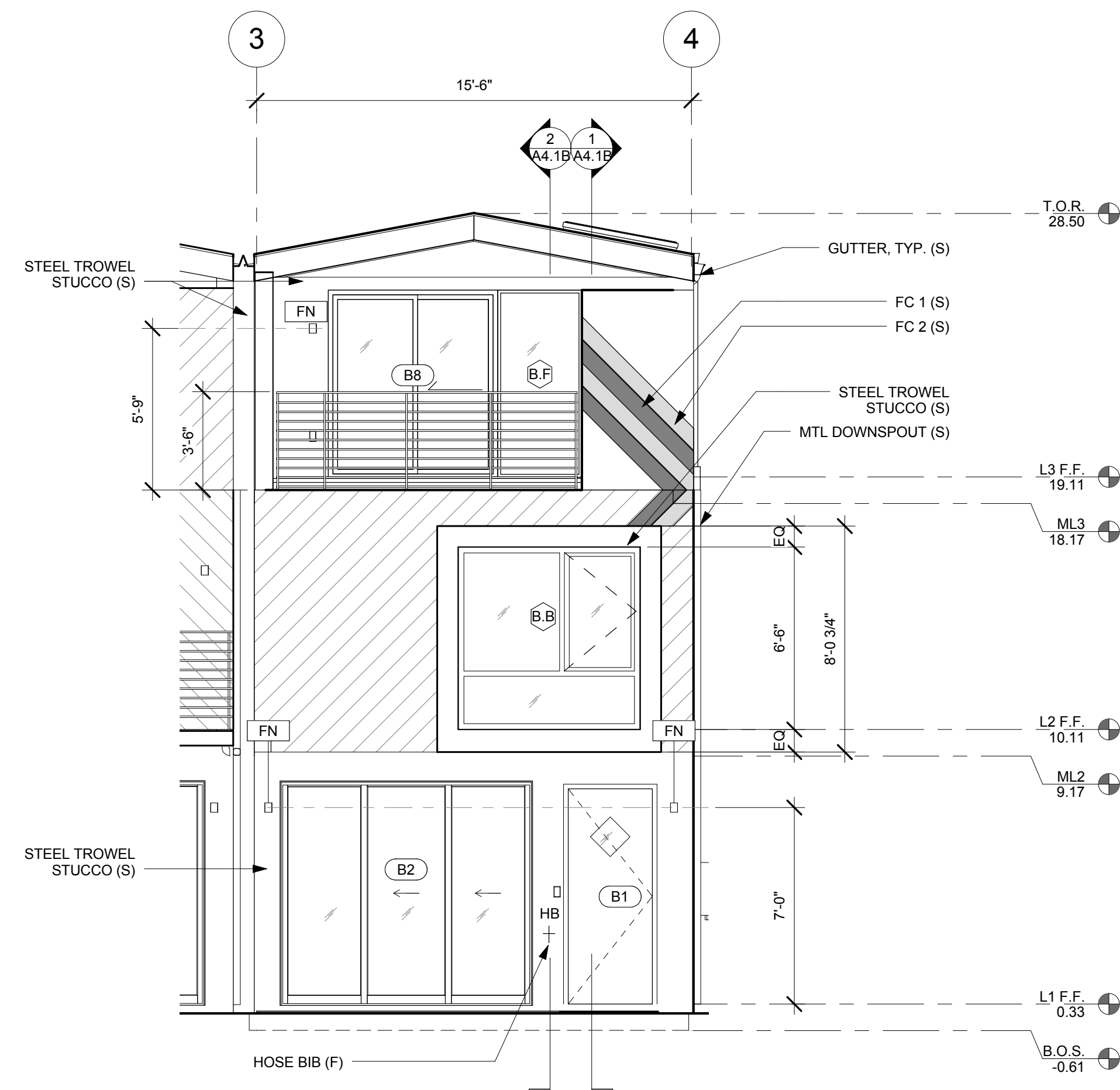
PROJECT:
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HOMES**
742 - 748 BROOKS AVE
VENICE, CA 90291

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ISSUED:
ISSUE TO CA COASTAL COMMISSION: 10.18.16

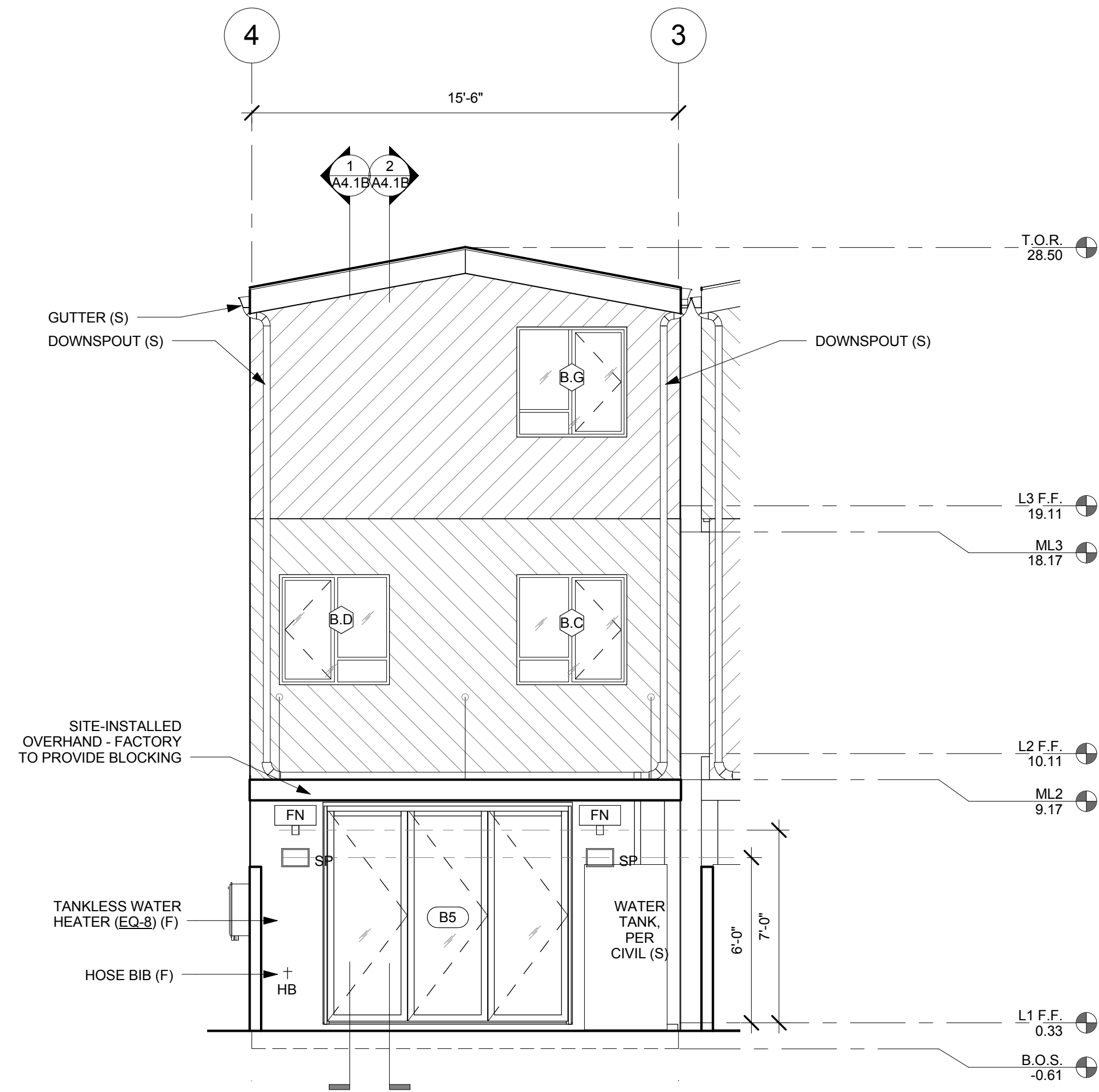


DATE: 09.20.13
SHEET: **A3.1B**
ELEVATIONS - UNIT B



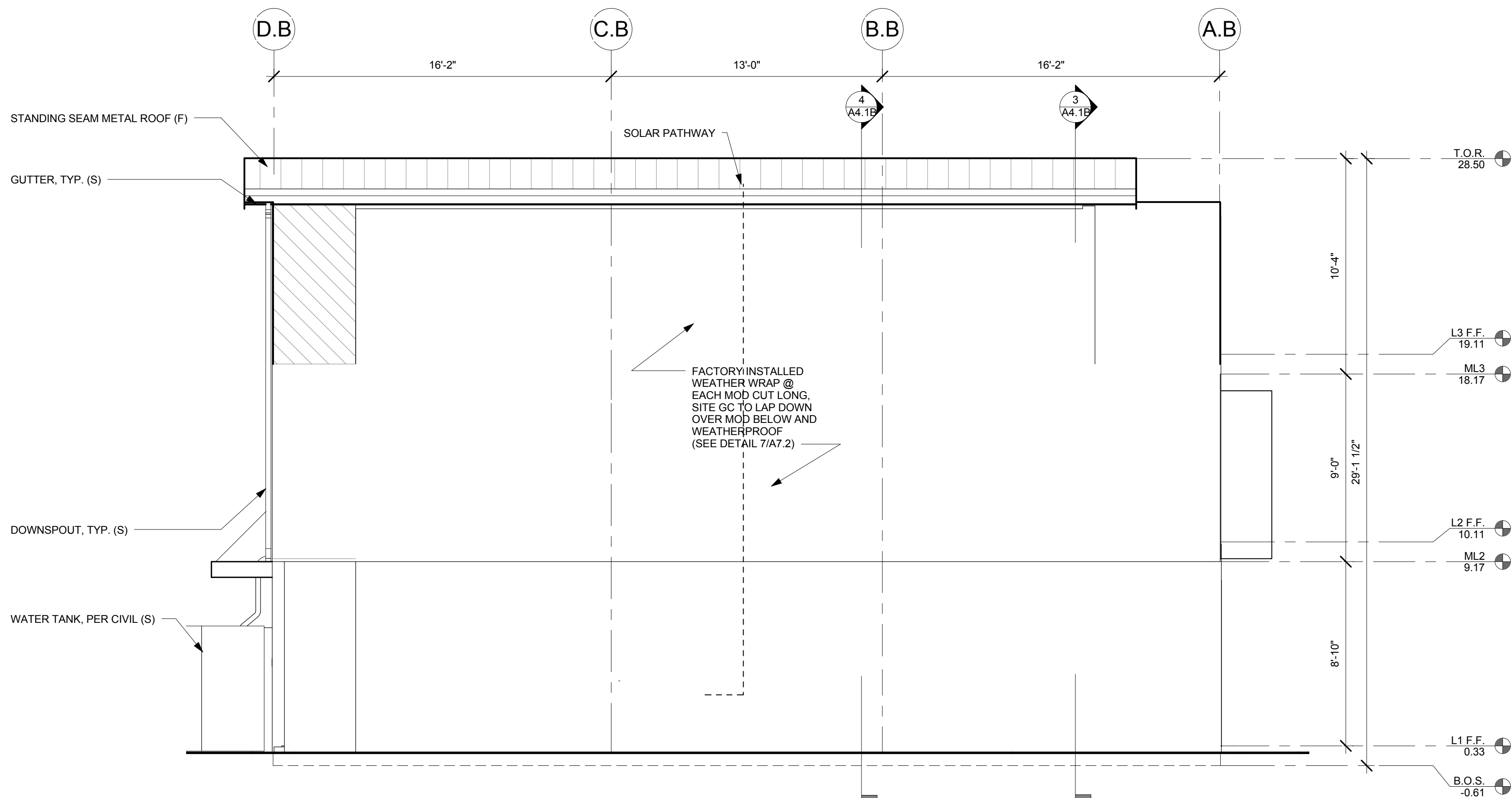
4 NORTH ELEVATION - UNIT B

1/4" = 1'-0"



2 SOUTH ELEVATION - UNIT B

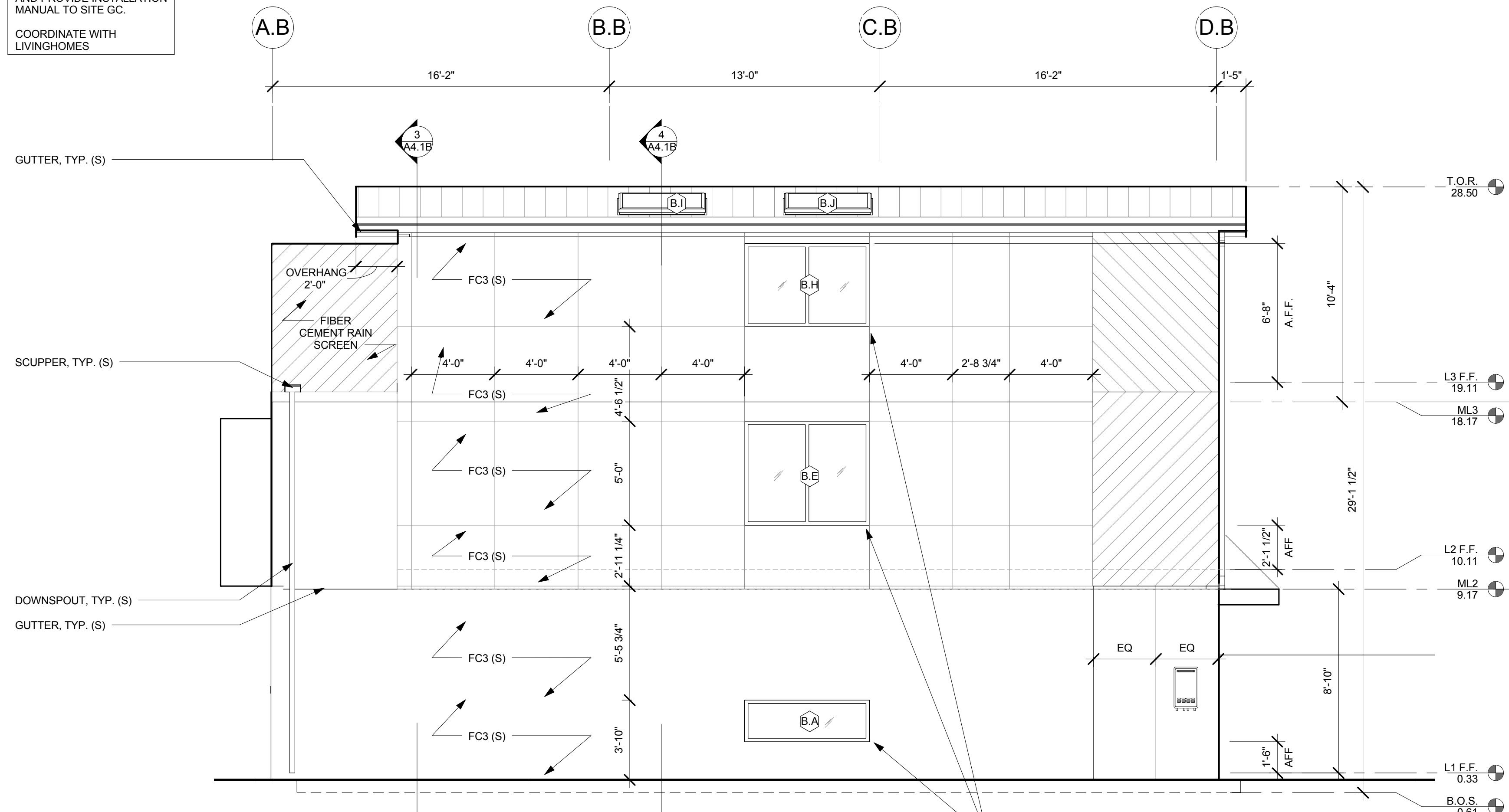
1/4" = 1'-0"



3 EAST ELEVATION - UNIT B

1/4" = 1'-0"

GENERAL NOTE:
PROVISIONS TO BE MADE TO
MAKE ALL STRUCTURAL
CONNECTIONS AND SERVICE
CROSSOVER CONNECTIONS
ONSITE. PROVIDE ACCESS
PANELS WHERE REQUIRED.
FACTORY TO COORDINATE
AND PROVIDE INSTALLATION
MANUAL TO SITE GC.
COORDINATE WITH
LIVINGHOMES



1 WEST ELEVATION - UNIT B

1/4" = 1'-0"

NOTE:
REFER TO A1.2 FOR LOCATION
OF WINDOWS B.A, B.E AND B.H.
WINDOWS MUST ALIGN WITH JOG
IN PROPERTY LINE.

OWNER
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C/O LIGHTHOUSE INVESTMENTS
1180 SOUTH BEVERLY DR.
SUITE 508
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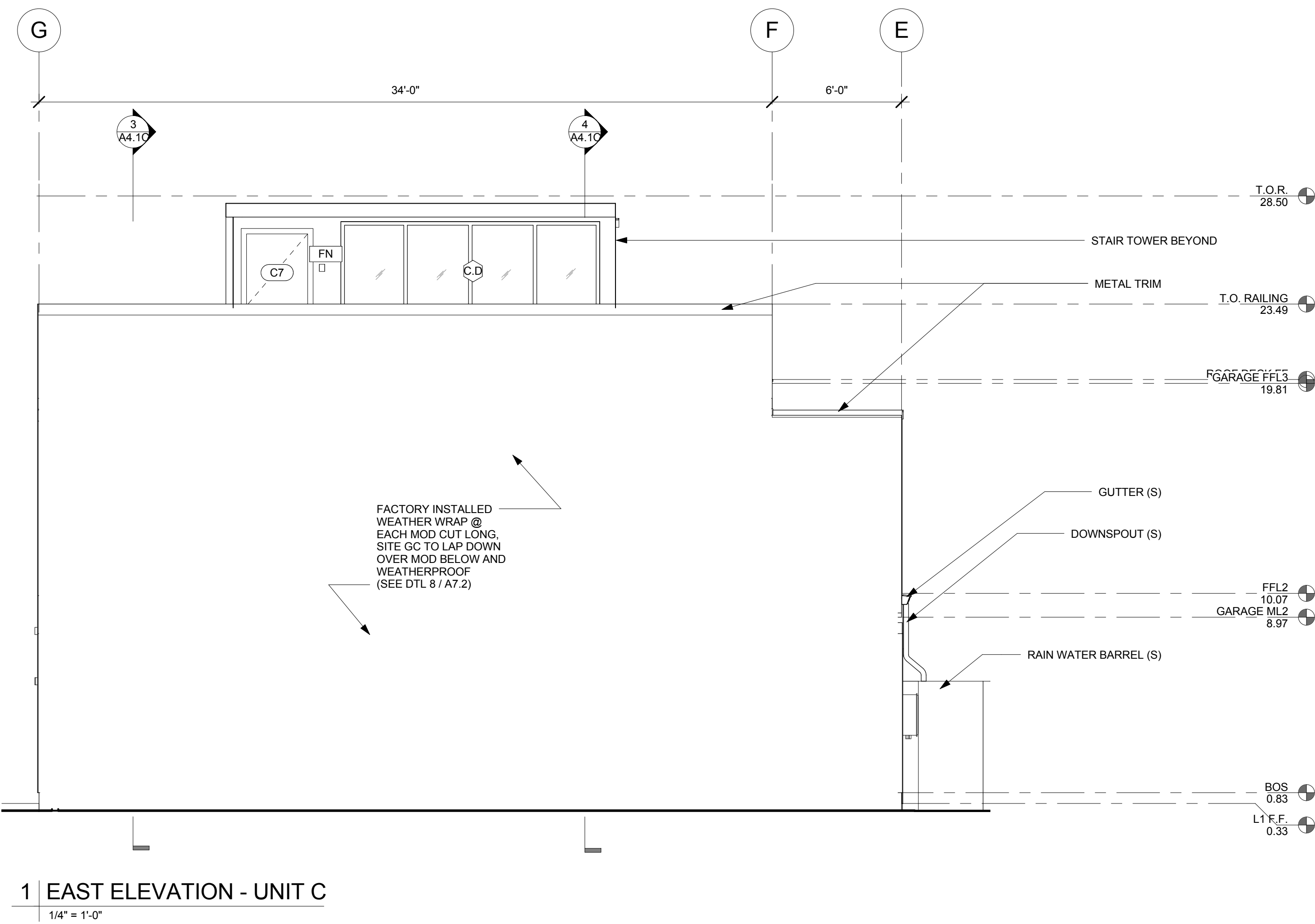
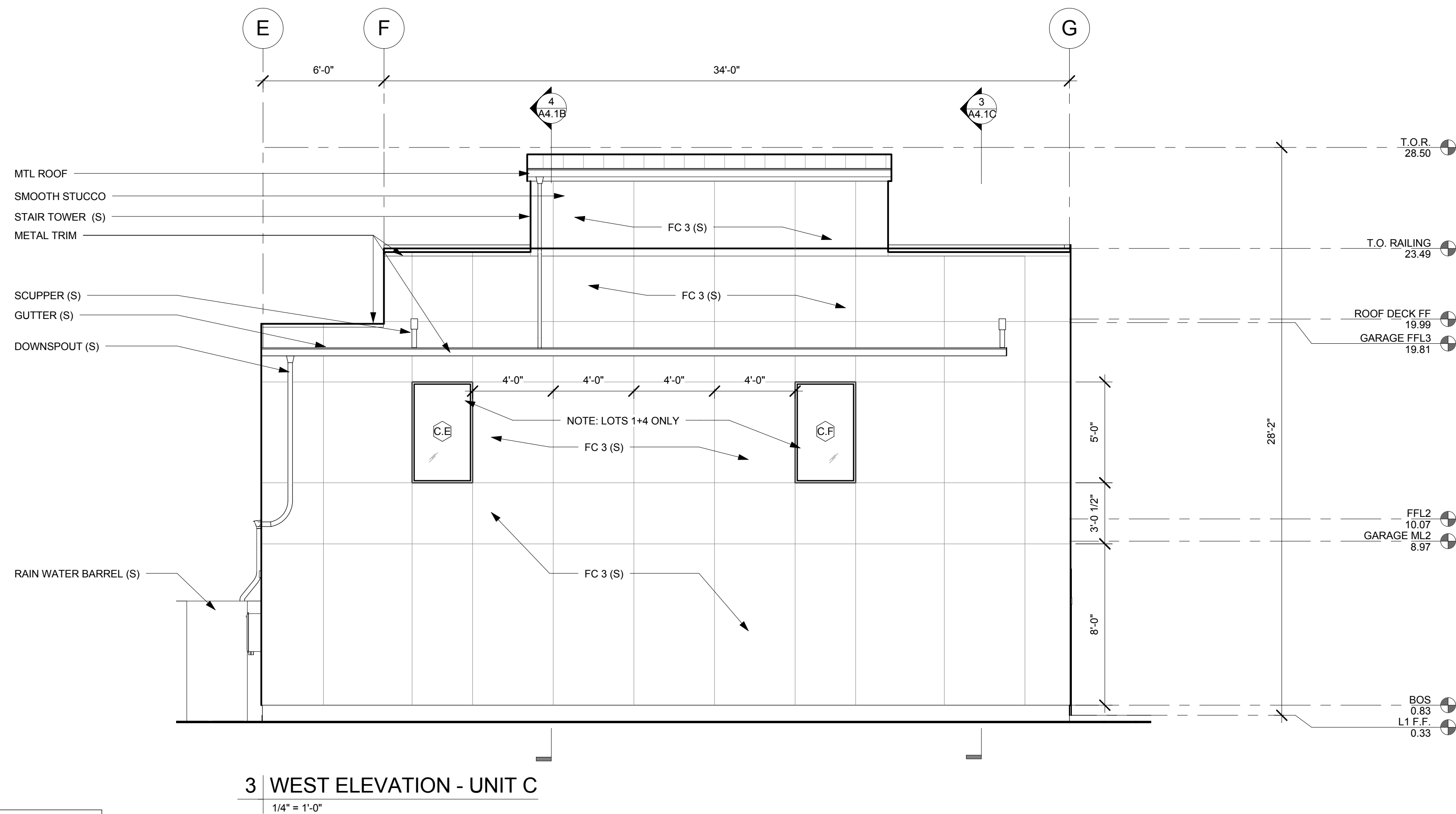
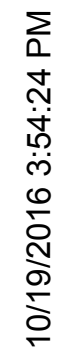
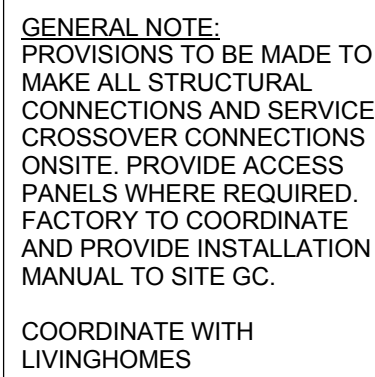
ISSUED:

ISSUE TO CA COASTAL COMMISSION: 10.18.16

The diagram illustrates the effect of a join operation on a query plan. On the left, a query plan is shown with a join node (B) and two leaf nodes (A and B.1). On the right, the resulting query plan after the join operation is shown, where the join node is replaced by a single leaf node (C).

DATE: 09.20.13

SHEET: **A3.1C**
ELEVATIONS - UNIT
C



Date: 12/1/16

To: Coastal Commission + Ramin Kolahi
From: Residents of Brooks Avenue

Updated: Residents of Brooks Changes For 742-748 Brooks

Using an analysis of the block (from Lincoln Blvd to 7th Avenue) we've identified what will make 742-748 Brooks acceptable to the residents of Brooks Avenue.

742-748 Brooks are modular homes - easier to make changes.

It's important to note that 742-748 Brooks are pre-fabricated modular structures. Therefore, they're easier to take down and re-configure when compared to traditional construction. The owner could also use the removed modular units on another project or sell them or donate them for use as homeless housing.

1) Finding: The size of 742-748 Brooks, relative to the lot, is THREE TIMES LARGER than the median of Brooks Avenue. This is substantial evidence that the subdivision is no where near a size that is compatible with the existing neighborhood.

Brooks Residents Want:

Square footage to be removed from each of the houses. Remove story #3 from front buildings and remove the second story above the garage in order to be compatible with the scale and mass of the block.

2) Finding: 71% of the lots on Brooks 700-800 block are 1 story structures, and 96% of the lots on 700-800 Brooks are 1-2 stories. 742-748 Brooks are three full stories plus a balcony off the third story while 742 + 748 have a balcony on both the third story and second story.

The third stories make this part of the block feel significantly out of place. These properties have a looming feel and protrude outward more than any other buildings.



Brooks Residents Want:

Remove the third story of the front building and second story of rear building for all four homes.

3) Finding: The fact that 742-748 Brooks has four modern units that look identical, stacked next to each other does not fit the character of the block and it doesn't protect Venice's unique architectural diversity.

- Certified Venice Land Use Plan: "Preservation of Venice as a Special Coastal Community Policy 1. 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 of 1976.
- Certified Venice Land Use Plan 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."
- On Brooks Avenue there are only two instances of two identical modern buildings stacked next to each other. There aren't more than two identical buildings next to each other.

Brooks Residents Want:

In Venice, every house should be unique to preserve the character of Venice. In this case we're willing to settle for two houses looking completely different from the other two without it setting a precedent for our block or our neighborhood.

4) Finding: The slope of the roof of the 4 structures is not adequate based on the Certified Land Use Plan definition for a varied roofline which requires a slope in excess of 2" to 12". This project is over the height limit.

Brooks Residents Want:

The third story should be removed.

5) Finding: The setback of 742-748 Brooks is too close to the sidewalk and doesn't match the block.

Compared to the other properties on Brooks, especially properties directly next door, it protrudes too far toward the sidewalk.

Certified Venice Land Use Plan Policy I.E.2. Scale: "New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged."

- Lighthouse Brooks lots 742 and 748 Brooks flank their four-house project and the front setback of these houses is 15 ft.
- Lighthouse Brooks lots 744 and 746 Brooks are in between these houses and have a 19ft front setback.
- 46 lots have a 20-35ft front setback – that's 82% of lots on Brooks.
- The neighbors on each side of 742 and 748 Brooks have setbacks of 35ft and neighbors across the street have front setbacks of 20ft.

Brooks Residents Want:

- 742, 744, 746, 748 Brooks front setbacks should be at least 20ft for each house.

6) Finding: 742 Brooks is too close to neighbor

When Lighthouse Brooks was building 742 Brooks they were unable to build it without placing their ladders on the next-door neighbors property. They did not have permission from the next-door neighbor to do this.



Brooks Residents Want: 742 Brooks to be smaller so that it's not so close to the next-door neighbor's property. There is no way this building can be serviced in the future without ladders needing to be placed on the neighbor's property. The neighbor hasn't provided permission.

PROJECT ADDRESS: 742-748 Brooks

HOUSE NO.	HOUSE SQ FT	LOT SQ FT	% HOUSE/ LOT (FAR)	MULT I- UNIT	UNIT SQ FT	YEAR BUILT	HISTORIC AL CONTRIB.	STORIES	FRONT SET- BACK (ft)	HOUSE STYLE	ROOF	SIDING	BALCONIES	ROOF DECK	PORCH ES	ENTRANCE S	LANDSCAPE	
742 Brooks (D)	2,492	2,647	0.94						15									
744 Brooks (C)	2,492	2,277	1.09						19									
746 Brooks (B)	2,492	2,277	1.09						19									
748 Brooks (A)	2,492	2,647	0.94						15									
Total subdivision	9,968	9,848	1.01						17.0									
Median FAR of 700-800 Block			0.34						20.5	Median FRONT SETBACK of 700-800 Block								
Proposed project is THREE TIMES the Mean FAR of the Block																		
North Side of Block																		
845 *	7168	7380	0.97	7		1989		2	8	Modern	Flat	Stucco	2	0	1	1	Bark ground w/trees	
837 & 839	2676	5637	0.47	3		1928		2	19	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
833 & 835	2999	5649.6	0.53	3		1928		2	19	Tradl	Sloped	Stucco	0	0	0	1	Grass / trees	
829	1980	5661.7	0.35			1924		1	27									
825	2320	5042.8	0.46	1		2014		2	22	Modern	Flat	Wood Planks	0	0	1	1	Grass/Shrubs	
821	922	5052.4	0.18	1		1924		1	28	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
817	1019	5062.0	0.20	1		1949		1	26	Tradl	Sloped	Stucco	0	0	1	1	Grass/Trees	
813	1008	5071.6	0.20	1		1926		1	22	Tradl	Sloped	Stucco	0	0	1	1	Grass/Trees	
807 & 809 (2 stories & roofdeck) 807	2500	5081.2	0.49	2		2014		2	15	Modern	Flat	Wood Planks on Front/Stucco?	1	1	1	1	Zeroscaping	
805 & 805 1/2	1583	5090.7	0.31	2		1924		1	20	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
801	1112	5100.3	0.22	1		1949		1	18	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
757	2039	5109.9	0.40	2		1925;1931		1	18	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
753 & 755 (duplex)	3124	5119.5	0.61	4		1959; 1928		1	18	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
749	1180	5219.1	0.23	1		1933		1	20	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
745	1467	5138.7	0.29	1		1928		1	20	Tradl	Sloped	Stucco	0	0	1	1	Zeroscaping	
741	2718	5148.2	0.53	1		1934; 2004		1	20	Tradl	Sloped	Stucco	0	0	1	1	Zeroscaping	
737	1248	5157.8	0.24	1		1928		1	21	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
733	892	5167.4	0.17	1		1921		1	21	Tradl	Sloped	Stucco	0	0	1	1	Dead grass/trees	
729 & 731 (triplex)	2216	5177.4	0.43	3		1953; 1924		2	21	Tradl	Sloped	Stucco	0	0	1	3	Grass / trees	
725	1299	5186.5	0.25	1		1928		1	21	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
721	2496	5198.2	0.48	1		2013		2	19	Modern	Flat	Wood planks on front	0	0	1	1	Trees/Veggie Garden	
717 & 719 (triplex)	1630	5208.8	0.31	2		1952		1	20	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	
713 & 715 (duplex)	1630	5215.3	0.31	2		1952		1	23	Tradl	Sloped	Stucco	0	0	2	2	Dead grass/trees	
709	980	5224.9	0.19	2		1924; 1943		1	24	Tradl	Sloped	Stucco	0	0	1	1	Dead grass	
705 & 707 (separate structures)	2958	5004.9	0.59	5		1927; 1988		1	20	Tradl	Sloped	Stucco	0	0	1	2 & 2	Grass / trees	
701	1792	6942.2	0.26	1		1930		1	20	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees	

South Side of Block																	
HOUSE NO.	HOUSE SQ FT	LOT SQ FT	% HOUSE/ LOT (FAR)	MULT I- UNIT	UNIT SQ FT	YEAR BUILT	HISTORIC AL CONTRIB.	STORIES	FRONT SET- BACK (ft)	HOUSE STYLE	ROOF	SIDING	BALCONIES	ROOF DECK	PORCH ES	ENTRANCE S	LANDSCAPE
860	572	5878.6	0.10	1		1947		1	24	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees
856	872	5848.4	0.15	1		1932		1	24	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees
850, 852, 854	2452	5848.7	0.42	3		1986		2	24	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees
848; 848 1/2	1610	5199.0	0.31	2		1953; 1924		1	20	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees
844	791	2181.3	0.36	1		1929		1	22	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees
840	747	2176.9	0.34	1		1954		1	20	Modern	Sloped	Stucco	0	0	1	1	Grass / trees
836	882	2177.1	0.41	1		1954		1	19	Tradl	Sloped	Stucco		0	1	1	Trees
832	vacant	2177.2							33				2				
828	2053	2177.1	0.94	1		1948		2	19	Modern	Flat	Wood planks	1	0	1	1	Zeroscape
826	1405	2177.3	0.65	1		2003		2	19	Tradl	Sloped	Stucco	0	0	1	1	Trees
820, 818	vacant	2177.8		1				1	40	Tradl	Sloped	Stucco	0	0	1	1	Grass / trees
816	1525	2177.8	0.70	2		2013		1	16	Tradl	Flat	Stucco	0	0	1	1	Grass / trees
812, 810	2092	4355.8	0.48	1				2.5	15	Modern	Flat	Wood planks	0	0	1	1	Grass / trees
808	2158	2178.1	0.99	2		2014		2.5	16	Modern	Flat	Grey Tiling	0	1	1	1	Grass / trees
806; 804	3693	5201.0	0.71	2		1929; 2014		2	15	Modern	Flat	Siding + Stucco	0	1	1	1	Zeroscape
800	1340	5201.2	0.26	1		1925		1	25	Tradl	Sloped	Stucco	0	0	1	1	Grass / shrubs
756	1270	5201.4	0.24	1		1950		1	21	Tradl	Sloped	Stucco	0	0	1	1	Grass / shrubs
754; 75	2356	5201.6	0.45	4		1941; 1950		1	21	Tradl	Sloped	Stucco	0	0	1	2	Grass / shrubs
740, 738; 738 1/2	1921	7566.7	0.25	5		1924; 1940		1	35	Tradl	Flat	Stucco	0	0	3	3	Shrubs
736	1921	5202.4	0.37	1		1947		1	35	Tradl	Sloped	Trad'l Siding	0	0	1	1	Shrubs
734; 732	2996	5202.2	0.58	3		1924; 1940		2	19	Modern	Flat	Black vertical planks	0	0	1	1	Shrubs / Trees
728	1171	5202.8	0.23	1		1937		1	20	Tradl	Sloped	Stucco + Planks	0	0	1	1	Grass / shrubs
724	1509	5203.0	0.29	1		1924		1	20	Tradl	Sloped	Stucco	1	0	1	1	Trees / Shrubs/Bark Cover
722; 720	2522	4923.2	0.51	1		2012		2	20	Modern	Flat	Concrete appearance	0	1	1	1	Trees / Shrubs
716	3628	5203.4	0.70	1		2012		1	20	Modern	Flat	Concrete appearance	0	1	1	1	Trees / Shrubs
712	900	5203.6	0.17	1		1951		1	30	Tradl	Sloped	Stucco	0	0	1	1	Trees / Shrubs
708	1366	5203.8	0.26	1		1924		1	30	Tradl	Sloped	Stucco	0	0	1	1	Trees / Shrubs
796; 704 + 702	1603	4553.5	0.35	2		1951		1	24	Tradl	Sloped	Stucco + horizontal siding	0	0	2	2	Trees / Shrubs
700	832	4572.4	0.18	1		1948		1	24	Tradl	Sloped	Stucco		0	1	1	Trees / Shrubs
Median (north)			0.31						20.0								
Median (south)			0.36						21.0								
Median (all)			0.34						20.5								
Average house size	1871																
% multi unit lots				41													
single story %								70.9		71% of structures on the 700-800 Block of Brooks are 1 story							

12/1/16

To: Coastal Commission
From: Brooks Avenue Residents

Please include the following notes as an addendum to the Staff report. While the Coastal Commission doesn't regulate LA City Notices the topic was briefly mentioned in the Staff report, and we want to make sure our point of view on the matter is noted:

We do take issue with the communication of hearing notices and block closures. We believe both the City of LA and Lighthouse Brooks LLC did not adequately give residents Notices.

Receipt of Hearing Notices:

- We never saw a sign posted on the property of 742-748 Brooks telling us about the City of LA hearing.
- We don't recall receiving a letter in the mail from the City of LA regarding the hearing for 742-748 Brooks. We were extremely upset about this project when we met with Lighthouse Brooks at their onsite meeting and gave them loud feedback in opposition. Had we known about a City of LA hearing we certainly would have showed up again to voice our opposition. This project was never acceptable to our community.

Communication of Block Closure:

- The City of LA typically sends notices when work on a block will result in a block closure, for instance when they need to re-pave the street or do DWP work - they tell you in advance that block will be closed.
- We are extremely upset that we were never told about the closure of our block. The only communication we received was tow away signs. Tow away signs DO NOT communicate a total block closure for over a week.
- Our block was completely closed from 8AM-6PM the first five days of construction. There were also additional days during the second week where Brooks was closed from 8AM-6PM.
- At the end of the first day of the block closure Marvin Ponce, a contractor that Lighthouse Brooks LLC hired to direct traffic during the block closure, was murdered.



THE HENDERSON LAW FIRM

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December 5, 2016

California Coastal Commission and Staff
Attn: Mr. Zachary Rehm
Coastal Staff Analyst
Long Beach, California

Via electronic mail: zach.rehm@coastal.ca.gov

Re: **Commission Appeal No. A-5-VEN-16-0083 – Comments in support of Lighthouse Brooks LLC – 742-728 Brooks Avenue, Venice, CA (Los Angeles County).**

Dear Commissioners and Staff:

I am writing to urge a finding of “no substantial issue” concerning the above-referenced project (the “Project”) or, if unfortunately there will be no such finding and a substantive reconsideration is required, then immediate and wholehearted approval of the Project pursuant to a very swift *de novo* review thereof.

My comments relate primarily to the fact that the Commission’s staff urges the Commission to find the Project to be “out of character” with the historically *avant garde* Venice community in which it should be completed – in terms of its massing, scale, street-orientation, and hence its “character.” The staff’s recommendation in this regard is quite troubling in two ways.

First, simply in terms of institutional deference and so-called “polity,” one would expect that substantial deference should be given to the thoughtful planning that has been undertaken as by the City of Los Angeles specifically concerning the 700 block of Brooks Avenue in Venice and its surrounds. This should be true to some extent even if the Commission ultimately should undertake a *de novo* review.

Importantly, the Project – in terms of its mass, density, scale, height and thus its “character” – is entirely consistent with the approved local plan for the site. For the Commission’s staff or the Commission to conclude that the Project is otherwise somehow “unbefitting” betrays an exercise of unbounded subjectivity, and would be a terrible precedent. Indeed, it seems like the Commission staff would license itself and the Commission to act as an architectural review board (or perhaps an anachronistic architectural critic) concerning how much “change of character” Venice and/or the 700 block of Brooks Avenue in Venice may undergo consistent with the approved local plan.

Second, the staff’s eagerness to second-guess and carve away at the local development plan for Venice is especially hard to take because Venice has a very long and very proud history of bold, non-conformist architecture. In other words, ***architectural non-conformity has virtually become conformity in Venice.*** Relatively bold architectural change within or even well beyond generally adopted planning parameters is therefore consistent with Venice’s vibrant character.

For example, the parallel street immediately to the north of Brooks Avenue is Indiana Avenue. In 1981 — so 35 years ago, there was built on Indiana Avenue, on a single lot, three attached loft units designed by the famous Frank Gehry (called the Arnoldi project), which is described as a “jaw-dropping” triplex. https://cdn0.vox-cdn.com/thumbor/c0-RNHvIT5oC-IP6mZZHq3MjW7I=/0x600/cdn0.vox-cdn.com/uploads/chorus_asset/file/5358173/3Gd3L83J15Ed5K45H6cc3f2506b7fef0f1263.0.jpeg. It was *avant garde* at the time; and it still is very impressive.

Similarly unique projects — often standing starkly in juxtaposition to surrounding land uses — are now relatively normal for Venice. Today, the Gehry Lofts are surrounded by more modern and eclectic structures — which have now become benign. For example, next door to the Gehry Lofts not stands the late Dennis Hopper’s massive, quadrilateral, corrugated steel house, with no windows facing the street, concerning which the Los Angeles Conservancy said it “could not fit better into the streetscape Venice.” See <https://www.laconservancy.org/locations/hopper-residence>

If fact, during the late 1970’s and early 1980’s, Mr. Gehry spearheaded a virtual spree of architectural experimentation in Venice. Apart from the above-mentioned Gehry Lofts on Indiana Avenue, architectural historians opine that three of Gehry’s top ten buildings in the Greater Los Angeles area are in Venice. See <http://blogs.getty.edu/iris/10-frank-gehry-buildings-to-see-in-l-a/>. There is the large, metal Spiller House (a duplex) built on a “sliver” of a Venice lot in 1980. Then there is the bizarre Norton House at Venice Beach, built in 1984 and “inspired by the surrounding visually chaotic and diverse neighborhood...” There is

also the Chiat/Day building (now occupied by Google) in Venice, designed by Mr. Gehry and eventually completed in 1991. It features, among other unusual design attributes, a functional, four-story-tall-high building in the exact shape of a pair of binoculars! See <http://blog.thunderbaybooks.com/wp-content/uploads/2011/09/Gehry10-600x390.jpg>

Because Venice has a long history of architectural and land use eclecticism and bold experimentation, it seems unimaginable that the Commission's staff should parachute into Venice, arbitrarily narrow its focus to merely the one block, take some selective photos with an iPhone, and then pass its judgment on whether the Project adequately fits into the Venice architectural scene (be it the community or the 700 block of Brooks Avenue). ***Once again, the insult is particularly high because the project at issue fits in all respects within the mass, scale, height and density parameters of the local plan. It needed no variance.***

Adding to the irony is the fact that the Project is on the leading edge of environmentally sound, *modular* design, which is in many respects a more environmentally responsible alternative. It is quite true that modular homes cannot practicably be made look like typical, small 1920's bungalows. Admittedly, modular construction has a different "character." So what? It's Venice!

If the staff is indeed worried about the "mass, scale, height and character" of the Project impacting this Venice neighborhood, the staff should consider touring the nearby, forty foot tall, functional "binoculars building" to get a better sense of the character and scale of the Venice community. Such a sightseeing tour might provide some helpful insights and perspectives.

Thank you for considering the comments. The Project should be allowed to proceed forthwith following the hearing this Thursday.

Respectfully,



Andrew R. Henderson

cc: Ramin Kolahi
Effie Turnbull (Effie.Turnbull-Sanders@coastal.ca.gov)
Mark Vargas (Mark.Vargas@coastal.ca.gov)
Martha McClure (Martha.McClure@coastal.ca.gov)
Steve Kinsey (Steve.Kinsey@coastal.ca.gov)
Erik Howell (Erik.Howell@coastal.ca.gov)

Roberto Uranga (Roberto.Uranga@coastal.ca.gov)
Greg Cox (Greg.Cox@coastal.ca.gov)
Belinda Faustinos (Belinda.Faustinos@coastal.ca.gov)
Trent Orr (Trent.Orr@coastal.ca.gov)
Steve Kram (Steve.Kram@coastal.ca.gov)
Nidia Garcia (Nidia.GarciaErceg@coastal.ca.gov)
Sarah Glade (Sarah.GladeGurney@coastal.ca.gov)
Olga Diaz (Olga.Diaz@coastal.ca.gov)
Chuck Posner (chuck.posner@coastal.ca.gov)

Rehm, Zach@Coastal

From: Louis Leal <louis@louisleal.com>
Sent: Monday, November 21, 2016 5:14 PM
To: Sanchez, Jordan@Coastal; Rehm, Zach@Coastal; Posner, Chuck@Coastal
Subject: 742-748 Brooks Avenue

Commissioners,

Thanks for the service you all provide. I work in the real estate industry for full disclosure and have been a resident of the area for almost 20 years now with my wife and child. I just wanted to take a moment to let you know that I support the project going up at 742 Brooks Avenue in Venice. Ramin and his team that are building out this project have had the intention to do so for many years. The need for larger living spaces for individual homes vs. the old housing stock that occupied the site conforms with today's modern family and needs. I love old things, I love restoring old cars and homes when its appropriate but not all old things need to be our lives. In order to move forward we need to take a progressive stance and support in-fill construction as it supplies the area with larger homes (1700-2000 sqft) that families are demanding.

Approximately 5% of homes in Venice change hands in any given year and of that amount approximately 1% are new homes. Going back some 11.5 years I researched that this number holds true, even accounting for the 2008 housing crisis. The face of Venice still has homes from its founding, from the roaring 20's, the 40-50's etc on up to modern times. It hasn't completely changed and at the pace of 1% of new homes coming to town it would take another 100 years to completely change its make up. Though since it didn't happen in the last 100 I'm almost certain it might not in the next 100.

Please support this project, its a breath of fresh air to the community.

Louis Leal & Sharon Beam
Residents 1317 Palms Blvd, Venice

Rehm, Zach@Coastal

From: Tamara Mattox <tamara@haltonpardee.com>
Sent: Tuesday, November 22, 2016 9:23 PM
To: Posner, Chuck@Coastal; Rehm, Zach@Coastal; Sanchez, Jordan@Coastal
Subject: 742-748 Brooks Project

Good evening. This e-mail is to show support of the approval of the 742-748 Brooks project as submitted. As a local Realtor who primarily represents buyer's, I find that the commission undertaking an appeal three years after approval will negatively impact individual homeowners and developers alike who wish to rebuild or simply remodel their homes.

While many of us can appreciate the bungalows of Venice, many renters and potential homebuyers, especially those with growing families find that these homes are too small and do not suit their tastes. As Venice continues to see significant growth and become more desirable, as a buyer's agent I often see that even those with good incomes find Venice to be unaffordable; so a project of this nature is ideal for first-time homebuyers and those relocating to the area. I ask and speak on behalf of those in need of attainable housing that the 742-748 Brooks project be approved.

Thank you so very much in advance. I appreciate your time and consideration,

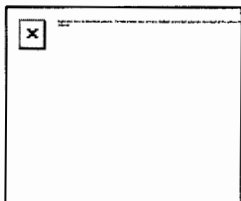
Happy Holidays

TAMARA MATTOX

Buyer's Agent

Opening doors. Lifting hearts. Changing lives.

310.907.6517 office
305.798.2579 mobile
tamara@haltonpardee.com
haltonpardee.com
BRE #01832505



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Rehm, Zach@Coastal

From: Louis Perez <louis.tradewind@gmail.com>
Sent: Sunday, November 27, 2016 6:59 PM
To: Posner, Chuck@Coastal; Rehm, Zach@Coastal; Sanchez, Jordan@Coastal
Cc: Ramin Kolahi
Subject: Support for Small Lot project on Brooks in Venice by Lighthouse Properties in Venice

To whom it may concern,

I am in support of this project and would recommend extinguishing any appeal to stop or retard the construction of same. Venice needs more quality housing particularly where this property is located where formerly a former drug house and a dilapidated single family house was located. It was an eyesore - I would imagine Lighthouse has photos of what use to be there. It took up a lot area of about 10,000 and was definitely not the "best and highest use" for the property.

I recommend Coastal move forward to not hold up the appeal for another reason being we need to encourage investments and improvement particularly in the Oakwood area where lots are larger & mostly underutilized and there where is no real character to the neighborhood like in the canals or SW of Abbot Kinney area on streets such as Cabrillo, Rialto, Rivera, Grand Blvd., Altair, Andalusia, Market, San Juan (west of Rivera) are located.

I am a long time Venice resident since 1965. Home grown in all the local schools. Long time owner including the property at 848 Brooks Avenue right down the street from the development in question.

If you need to call or e-mail me, you are welcome to do with anything needed.

Thank you

Louis Perez
310.717.1592

Rehm, Zach@Coastal

From: murez@venice.net
Sent: Monday, November 28, 2016 8:44 AM
To: Rehm, Zach@Coastal; Sanchez, Jordan@Coastal
Cc: Posner, Chuck@Coastal; 'Ramin Kolahi'
Subject: 742 Brooks, Venice CDP

I'm writing today as a Stakeholder and resident of the Venice community, not as a Board Member of the Venice Neighborhood Council (VNC). My elected status should not influence your considerations of the matters I am writing about below.

In early 2013, I was a member of the VNC Land Use and Planning Committee (LUPC). As one of my duties on this committee, I documented the proposed project located at 742 Brooks Av. The developer was Mr. Ramin Kolahi. The developer fully participated in our review process including conducting a community outreach meeting at the site with the neighbors, a hearing meeting in front of our LUPC committee and presenting his project at VNC Board of Directors general meeting. In all the project was presented and openly aired for more than 3.5 hours in the Venice community and this does not account for the City of Los Angeles Zoning Administrators hearing.

As I recall from memory, some people who lived in the neighborhood but not directly neighboring the project site had some concerns about the aesthetic design commenting about prefabricated buildings could be every bit as nice as other properties designs. At the conclusion of the VNC meeting process the project was denied.

Fast forward to why I'm writing you today. I understand the City erred by not forwarding the CDP approval they issued this project several years ago to the CCC in a timely matter. I further understand some people have now filed an Appeal directly with the CCC to deny this CDP application. It is also my understanding from Mr. Kolahi, his construction of this project is 95% complete.

I want to voice my opinion about the process now being imposed on the developer. I think it is very wrong for the City to error in such a devastating way to a member of our community. The public had many chances prior to the issuance of the development permits to appeal to the City.

None were filed back in 2013 when the project was going through the approval process. Although a few in the community would like everyone to believe the Character, Scale and Mass of this and other projects has changed (an opinion I do not agree with), this project was approved without any exceptions to the CCC Certified LUP.

In my opinion it would be wrong of the CCC to deny a CDP for this project because of a City error in communications three years ago. Any decision today should at the very minimum consider the conditions which existed in 2013 and the simple fact that no one officially objected to the project during the City public hearings.

Please approve the CDP for this project for the reasons stated above.

Thank you for your time on this matter and considerations of my opinion.

Sincerely,
James Murez
Venice resident

Rehm, Zach@Coastal

From: Artesian Shop <artesiashop@mac.com>
Sent: Monday, December 05, 2016 4:57 PM
To: Turnbull-Sanders, Effie@Coastal; Vargas, Mark@Coastal; McClure, Martha@Coastal; Kinsey, Steve@Coastal; Howell, Erik@Coastal; Uranga, Roberto@Coastal; Cox, Greg@Coastal; Faustinos, Belinda@Coastal; Orr, Trent@Coastal; Kram, Steve@Coastal; Garcia-Erceg, Nidia@Coastal; Glade Gurney, Sarah@Coastal; Diaz, Olga@Coastal; Posner, Chuck@Coastal; Rehm, Zach@Coastal
Subject: proposed 742-748 Brooks Street development

<https://share.polymail.io/v2/z/a/NTg0NWVYmY5Nzll/-dWNWsvaJS8gWKqUATXNDFd2Tbv5qzWqUhu69QFS5n6lZBj_c4LIGxuft_fKiSDL682_h4AMbFwRV7Bgy6O47wnk3T_3aZLv_kCvX0EfFxcocWVHoN3J5Eaf-I-A_zqKFQpL2kOxmJvuyWSWYFCf4B7QNg==.png>
dear sir/madam

i am writing regarding a local development in my neighborhood.

i have lived in venice since 2001, owned property here since 2006. i lived on broadway st, just behind the development, for many years, and i saw the character of the neighbors shift and change.

brooks became an utterly transformed street. one by one, tiny cottages were replaced by much larger homes. 'architectural homes', boxes, whatever people called them, they became the new norm on that road.

so i am absolutely stunned to hear that this new development is being threatened !

walk down that street and tell me that the new development is out of scale? walk around the oakwood neighborhood today and you can see everywhere the transformation. when i moved to venice in 2001, i was mugged, threatened and intimidated fairly regularly on the streets of oakwood. today that is laughable. and of course the property boom in venice has made millions for developers, but it has made my neighborhood way safer.

and now its halting, after being unfinished for years, it is now the blot on the neighborhood now.

sincerely

stoof

November 30, 2016

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

Appeal Number: A-5-VEN-16-0083

Oppose The Project 742-748 Brooks Avenue, Venice, 90291

Dear Coastal Staff and Commissioners:

We are aware you have all been working incredibly hard to help us with our objection to the project plopped down as 742-748 Brooks Avenue, Venice CA 90291. We'd like to acknowledge your tenacity and hard work first off before going into the content of this letter. Thank you so very much for your time, concentrated efforts, and focus.

In writing this to you, this is not about a rejection to redeveloping or efforts to improve a neighborhood, or even the overall idea of gentrification; it is about this specific project and the fallout from Day 1 of prepping to Day 1 of beginning construction. Not only has the mismanagement of this specific project been outrageously inefficient, but the sheer force with which the developer has come at this neighborhood hoping for despondence from us and to bulldoze (literally and figuratively) over our community is insulting.

The design and the smashing and cluster of the buildings are offensive. The blatant assumption that he could push us over to get what he wants out of it as much as he wants is arrogant.

And the buildings are far too large and incongruous with the rest of the block. There is not enough parking on the street as it is; to only add to this problem is destructive.

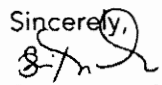
It's saddening to see big modern prefabs go up side by side and watch Venice lose its character, and no longer being able to smell or feel the ocean breeze. But to watch it continue to occur without regard to the sensibility of what makes Venice special and charming and eclectic and different is even more disheartening.

We are at a loss, and we look to you to for help.

Thank you for your time, and please let us know how else we can help.

Many many thanks.

Sincerely,


Smith Cho & Joshua Pollack

November 30, 2016

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

Appeal Number: A-5-VEN-16-0083

Re: Oppose The Project at 742-748 Brooks Ave, Venice, CA 90291

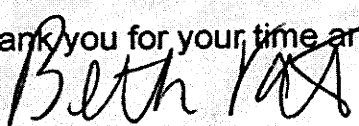
Dear Coastal Commissioners and Staff,

Please add my name to the growing list of residents who oppose the non permitted structures at 742-748 Brooks Ave.

The design and scope of this massive project does not fit into our neighborhood. If allowed to stand as is, it will gravely affect our future prospects for retaining "Venice charm".

The containers were assembled in less than a week, they can be adjusted if Commissioners rule so.

Thank you for your time and consideration,



Beth Tate

845 Brooks Ave #4

Venice, CA 90291

November 30, 2016

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

Appeal Number: A-5-VEN-16-0083
Oppose The Project

742-748 Brooks Avenue, Venice, 90291

Dear Coastal Commission & Staff -

As a Venice resident since 1993, I have witnessed the increasing encroachment of development that is out of scale and character of the community.

This property is beyond the rule - pushing limits outside of reasonable size and scope.

This project can be reconfigured without complete demolition.



ERIK ARNESEN
708 BROOKS
VENICE, CA 90291



SCOTT SAUNDERS
825 BROOKS AVE VENICE, CA 90291

PHONE: 646.298.5257

SCOPIX@GMAIL.COM



December 1, 2016

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

Appeal Number: A-5-VEN-16-0083 742-748 Brooks Avenue, Venice 90291
Oppose The Project

Dear Coastal Commission and Staff:

As residents of Venice and the block of Brooks Avenue on which the above project is being constructed, I would like to voice my opposition to what the developers are doing on this site.

I'm not opposed to building. Indeed, one of the appeals of Venice for me – in addition to the area's unique socioeconomic diversity – is some of the remarkable architectural experimentation going on here. I think some of the work is a genuine contribution to Los Angeles civic life.

However, the development at 742-748 Brooks Avenue is a perfect example of the kind of opportunistic building afflicting the area. The project is egregiously out of scale with the block, and is sited not to blend visually with the neighborhood but to maximize exploitable square footage.

The development is an eyesore, inappropriately scaled, and we strongly oppose it.

Best regards,
Scott Saunders and Tatiana Detlofson

Scott Saunders
Tatiana Detlofson

EX PARTE COMMUNICATION DISCLOSURE FORM

RECEIVED

DEC 06 2016

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: A-5-VEN-16-0083
- 2) Date and time of receipt of communication: Nov. 30, 2016 at 3:30 pm
- 3) Location of communication: 742 Brooks Ave., Venice
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made:
Ramin Kolahi, Lighthouse Brooks LLC
- 6) Identity of persons(s) receiving communication:
Roberto Uranga
- 7) Identity of all person(s) present during the communication:
Ramin Kolahi, Tim Lefevre, Victor De La Cruz, Susan McCabe, Celina Luna

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I visited the project site and received a briefing from the applicant and project representatives in which we went through a briefing booklet that was previously provided to staff. They went over the timeline of events leading to the appeals and explained the City's noticing error. The representatives provided photographs of the site, the Brooks Avenue neighborhood, and the surrounding Venice community. They explained how the proposed residential project was consistent with the scale and character of the area and offered many examples of multi-story development in the immediate vicinity.

The applicant requested that the Commission approve the project as proposed with recent modifications.

11/30/16
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

RECEIVED

DEC 04 2016

From: Martha McClure [<mailto:mmcclureccc@co.del-norte.ca.us>]
Sent: Sunday, December 04, 2016 9:48 AM
To: Miller, Vanessa@Coastal
Subject: Fwd: Briefing w/McClure (Lighthouse Brooks) @ Tue Nov 29, 2016 10:30am - 11am (PST)
(Anne Blemker)

Vanessa

Here is a copy of my last Ex Parte it is for Lighthouse project I will bring a hard copy to the meeting

Thanks
Martha

----- Forwarded message -----

From: Anne Blemker <ablemker@mccabeandcompany.net>
Date: Tue, Nov 29, 2016 at 3:44 PM
Subject: Re: Briefing w/McClure (Lighthouse Brooks) @ Tue Nov 29, 2016 10:30am - 11am (PST) (Anne Blemker)
To: "mmcclureccc@co.del-norte.ca.us" <mmcclureccc@co.del-norte.ca.us>

Here's the draft ex parte form for our earlier call.

Thanks,
Anne

From: Google Calendar <calendar-notification@google.com> on behalf of <mmcclureccc@co.del-norte.ca.us>
Reply-To: <mmcclureccc@co.del-norte.ca.us>
Date: Monday, November 28, 2016 at 10:39 AM
To: Anne Blemker <ablemker@mccabeandcompany.net>
Subject: Accepted: Briefing w/McClure (Lighthouse Brooks) @ Tue Nov 29, 2016 10:30am - 11am (PST)
(Anne Blemker)

mmcclureccc@co.del-norte.ca.us has accepted this invitation.
Briefing w/McClure (Lighthouse Brooks)

When Tue Nov 29, 2016 10:30am – 11am Pacific Time
Where [857 2162160](tel:8572162160); 31486# ([map](#))
Calendar Anne Blemker
Who

- Anne Blemker - organizer
- mmcclureccc@co.del-norte.ca.us - creator
- Susan McCabe

RECEIVED

EX PARTE COMMUNICATION DISCLOSURE FORM DEC 04 2016

Filed by Commissioner: Martha McClure

- 1) Name or description of project: A-5-VEN-16-0083
- 2) Date and time of receipt of communication: Nov. 29, 2016 at 10:30 am
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:-
Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made:
Ramin Kolahi
- 6) Identity of persons(s) receiving communication:
Martha McClure
- 7) Identity of all person(s) present during the communication:
Ramin Kolahi, Victor De La Cruz, Susan McCabe, Anne Blemker

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I received a briefing from project representatives in which we went through a briefing booklet that was previously provided to staff. They went over the timeline of events leading to the appeals and explained the City's noticing error. The representatives provided photographs of the site, the Brooks Avenue neighborhood, and the surrounding Venice community. They explained how the proposed residential project was consistent with the scale and character of the area and offered many examples of multi-story development in the immediate vicinity.

The applicant requested that the Commission approve the project as proposed with recent modifications.

Date _____

Signature of Commissioner _____

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

CALIFORNIA COASTAL COMMISSION

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



Th14a

Filed: 9/19/16
49th Day: Waived
Staff: Z. Rehm-LB
Staff Report: 11/23/16
Hearing Date: 12/8/16

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE & DE NOVO

Local Government: City of Los Angeles

Local Decision: Approval with Conditions - Case No. ZA-2013-383-CDP-MEL

Appeal Number: A-5-VEN-16-0083

Applicant: Lighthouse Brooks LLC

Agents: Ramin Kolah; Steven Nazemi; McCabe & Company; Manatt, Phelps and Phillips LLP.

Appellants: 1) California Coastal Commission Acting Executive Director;
2) Jenni Hawk et al (see list on page five).

Project Location: 742-748 Brooks Avenue (Lot Nos. 38 & 39, Tract 8415)
Venice, City of Los Angeles, Los Angeles County
(APN Nos. 4239-013-028 & 4239-013-040).

Project Description: Demolition of duplex and triplex on two residential parcels; subdivision to create four residential parcels; and construction of four approximately 2,500 sq. ft. three-story, 30-foot high single family homes, each including approximately 660 sq. ft. two-car garage topped by second story accessory living quarters and roof deck.

Staff Recommendation: Determine that a substantial issue exists and deny the project.

NOTE: The Commission will not take public testimony during the 'substantial issue' phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, during which the Commission will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

SUMMARY OF STAFF RECOMMENDATION

The Coastal Commission's Acting Executive Director and a group of 43 Venice residents have appealed a City of Los Angeles decision granting a coastal development permit with conditions to Lighthouse Brooks LLC for demolition of a duplex and a triplex on two residential parcels; subdivision to create four residential parcels; and construction of four approximately 2,500 sq. ft. three-story single family homes, each including approximately 660 sq. ft. two-car garage topped by second story accessory living quarters and roof deck. The City of Los Angeles approved Local Coastal Development Permit ZA-2013-383-CDP-MEL on October 23, 2013 but did not immediately report its final action to the Coastal Commission as required by the Coastal Act and the Commission's regulations. Pursuant to applicable law, the locally-issued permit was therefore of no force or effect. The City issued the required notice to the Commission nearly three years later, on August 19, 2016. The City issued building permits for "construction of new single family small lot subdivision factory built home" and "accessory living quarters with two car garage and roof deck" on May 26, 2016. Construction began in August 2016 and continued intermittently through October despite repeated directives from the Commission's planning staff and enforcement division for the property owner to stop work until a valid coastal development permit is obtained.



The structural elements of the four homes consist of 20 modular units assembled by crane (four homes x three stories + four detached two-story garages and accessory living quarters). The City-approved height is 30 feet, as measured from the centerline of Brooks Avenue, which is the maximum height for structures with sloped roofs (in this case the sloped roof features a horizontal wave design at a 1:6 pitch). The front yard setback referenced in the plans approved by the local coastal development permit is ten feet plus a seven foot street dedication, but the applicant indicates the plans have been revised and the as-built structures are set back 15-to-19 feet from the sidewalk. The rear yard setback is five feet, the side setbacks are zero feet in the center of the four parcels, and five feet at the side ends.

The development approved by the City and partially constructed by the property owner without the benefit of a valid coastal development permit is not visually compatible with the surrounding

development, which consists primarily of one-story single family homes (including three successive one-story homes to the east, two successive one-story homes to the west, and five successive one-story homes across the street. There are several two-story and three-story homes in the vicinity of the proposed homes, but those structures are sited on individual parcels rather than on four narrow parcels side-by-side, those structures are not as massive as viewed cumulatively from the sidewalk, and they feature articulation including varied and stepped back rooflines. The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. Approval of the proposed development would establish a precedent for massive, unarticulated development that would adversely affect the special community of Venice and would prejudice the ability of the City of Los Angeles to prepare a certified Local Coastal Program for Venice.

Staff recommends that the Commission take two actions. First, staff recommends that the Commission find that the appeals of the City-approved coastal development permit raise a substantial issue with respect to the project's conformity with the Chapter 3 policies of the Coastal Act. Second, staff recommends that the Commission conduct a de novo review and deny a coastal development permit for the project because it is not visually compatible with the character of the surrounding area and would adversely affect the special community of Venice, which is a popular visitor destination point for recreational uses.

The motion and resolution to find that a substantial issue exists is on page five of this report. The motion and resolution to deny the coastal development permit are on page 22 of this report.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map
Exhibit 2 – City Approved Plans
Exhibit 3 – As Built/Proposed Plans
Exhibit 4 – Historic Photos of Oakwood, Venice
Exhibit 5 – Appellants’ Streetscape Analysis
Exhibit 6 – Applicant’s Streetscape and Neighborhood Analysis
Exhibit 7 – City of Los Angeles Approval
Exhibit 8 – Example Notice of Permit Issuance; Notice of Appeal Period; Notice of Effectiveness
Exhibit 9 – Letter from Coastal Commission Staff Directing Applicant to Stop Work
Exhibit 10 – Notice of Violation of California Coastal Act
Exhibit 11 – Appeals

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion:

I move that the Commission determine that Appeal No. A-5-VEN-16-0083 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

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

Resolution:

The Commission hereby finds that Appeal No. A-5-VEN-16-0083 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

II. APPELLANTS' CONTENTIONS

The Coastal Commission's Acting Executive Director and a group of 43 Venice residents¹ have appealed a City of Los Angeles decision granting a coastal development permit with conditions to Lighthouse Brooks LLC for demolition of a duplex and a triplex on two residential parcels; subdivision to create four residential parcels; and construction of four approximately 2,500 sq. ft. three-story single family homes, each including approximately 660 sq. ft. two-car garage topped by second story accessory living quarters and roof deck. The appeals are included in **Exhibit 11**.

The appellants contend that the City-approved development is not consistent with the Chapter 3 policies of the Coastal Act and is not consistent with the standards of the City of Los Angeles certified Land Use Plan for the Venice area. Additionally, the Venice appellants contend that the City of Los Angeles did not adequately review the project for consistency with the Mello Act (California Government Code Section 65590), that the City did not include the demolition of the two residential structures in its project description; and that Coastal Commission staff should not have accepted the City's Notice of Permit Issuance and started the applicable appeal period 34 months after the permit was approved. All appellants contend that the City-approved development is not consistent with the character, mass, and scale of the surrounding area and would adversely affect the character of the Venice community, which is a significant coastal resource. Finally, the appellants contend that approval of the project would prejudice the City's ability to prepare a certified Local Coastal Program for Venice.

¹ Jenni Hawk; Jessica Montagne; Amanda Malko; Robert Malko; John Castillo; Smith Cho; Sarah Luntz; Josh Pollack; Nicholas Mele; Jin Ah Park; Jonathan Ward; Rebecca Freise; Laura Stoland; Ira Rosenblatt; Ellen Korak; Antoinette Reynolds; Gerry Katzman; Kate Arneson; Erik Arneson; Lori Sadel; Eduardo Guedea; Josh Crews; Sabrina Hill; Jacob Boston; Nathan Stefanelli; Michael Boyle; Vincent Furrie; Leslie Demos; Ted Demos; Mark Frick; Paula Matisse; Janis Jones; Edward Dabbs; Cleotilde Barbo; Coburn Hawk; Marianne Shell; Noel Gould; George Gineris; Robin Rudisill; Peter Rudisill; Kelly Adams; James Adams; and Sean Longstreet

III. PROJECT HISTORY

The applicant (Lighthouse Brooks LLC) purchased Lot Nos. 38 & 39, Tract 8415 in Venice, City of Los Angeles from DBB-CCI Investments LLC on December 14, 2012. At the time, the two residential parcels supported two structures (a duplex and a triplex) with five residential units. On September 12, 2012, two months before the applicant purchased the property, the Los Angeles Housing Department determined that two of the five units were affordable rental units, based on information provided by the previous property owner.

On February 12, 2013, the applicant applied to the City for a local coastal development permit and a Mello Act review to demolish the structures, subdivide the parcels, and construct four single-family homes. The applicant held meetings with interested community members at the site on March 16, 2013 and April 6, 2013. The community members expressed varying concerns related to height, mass, and scale of the initial design, as well as the potential loss of the two affordable rental units. The applicant indicates that it modified the plans in response to the community concerns by increasing the setback of the homes from 10 feet as originally proposed to 15-to-19 feet. On June 18, 2013, the Venice Neighborhood Council passed a motion (9 yes, 0 no, 3 abstain) in opposition to the project: “the VNC opposes the project as presented based upon the fact that the design appears not to meet the intent of the SLSO design guidelines with 2 very large 3-story structures, which are out of scale with the neighborhood. The applicant was given the option to alter the design and chose to continue with the plans. Further, we believe the Planning Department needs to evaluate the issue of removing affordable housing.”

On October 23, 2013, the City of Los Angeles Zoning Administrator approved Local Coastal Development Permit ZA-2013-383-CDP-MEL for “the construction of four single family dwellings on four lots, in conjunction with Parcel Map AA-2012-2949-PMLA-SL” (**Exhibit 7**). The City’s determination letter accompanying the approval indicates that no one in opposition to the project attended the public hearing on the local coastal development permit. It does not indicate whether any changes to the plans were proposed as a result of the community concerns or the Venice Neighborhood Council motion in opposition, and the plans associated with the city approval indicate that the structures are set back 10 feet without variation. Page four of the determination letter contains a disclaimer regarding appeal procedures, which includes, in relevant part:

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.

The Commission did not receive a copy of the City’s local coastal development permit (or Notice of Permit Issuance) following the City’s approval, which the City is required to provide within five working days pursuant to California Code of Regulations Section 13331. **Exhibit 8** includes an example notice the City would send the Commission after issuing a permit, the notice the Commission would send the City and the applicant following receipt of a valid notice of permit issuance, and the notice the Commission would send the City and the applicant following expiration of the relevant appeal period; in this case no notices were provided by either party and the Commission appeal period was not initiated, thus the local coastal development permit was not effective and was not a valid authorization of the proposed development.

The referenced parcel map was approved with Mitigated Negative Declaration ENV-2012-2950 on October 23, 2013. The parcel map was recorded as Parcel Map No. 2012-2949 in the Los Angeles County Recorder's Office on August 3, 2015. On May 12, 2016, the Los Angeles Department of City Planning approved DIR-2016-1678-VSO (Venice Specific Plan Sign-off) for "construction of a three-story SFD + detached two-car garage with accessory use and roof deck above" at 742 Brooks Avenue, and issued similar Venice Sign Offs for homes on the other three newly created residential parcels (DIR-2016-1678-VSO for a home at 744 Brooks Avenue; DIR-2016-1701-VSO for a home at 746 Brooks Avenue; DIR-2016-1680-VSO for a home at 748 Brooks Avenue).

On October 3, 2014, the City of Los Angeles Department of Building and Safety (LADBS) issued Building Permit No. 14019-30000-01435 to "demo five-unit apartment by hand wrecking to clear lot. Sewer cap and fence required." The demolition was completed in February 2015 and the LADBS issued Building Permit No. 16010-10000-00774 for "construction of new single family small lot subdivision factory built home" and Building Permit No. 16010-10000-01141 for "accessory living quarters with two car garage and roof deck" on May 26, 2016. Construction of the four homes began in early August 2016.

Coastal Commission staff were notified of the project in August 2016 by nearby residents and by the Los Angeles Times after construction ruptured a water main and caused a sinkhole in the public street and after a contractor employed by the applicant was murdered at the site. Commission staff visited the site on August 8, 2016 and provided a letter to the applicant's representatives and the Los Angeles Department of City Planning on August 11, 2016 (**Exhibit 9**). The letter indicated that there was no valid coastal development permit for demolition or new construction on the property, that development undertaken without the benefit of valid coastal development permit constituted a violation of the Coastal Act, that all work on the property must cease until a valid coastal development permit is obtained, and that the City should rescind all building permits issued for the property.

Development of the modular units and accessory structures on the property continued without the benefit of a valid coastal development permit throughout the month of August. Coastal Commission enforcement staff issued the applicant a Notice of Violation of the California Coastal Act on September 6, 2016 (**Exhibit 10**) and communicated with the applicant's representatives by phone on September 9, September 19, and September 30, 2016, in each instance directing the applicant to cease development until a valid coastal development permit is obtained. Development of the modular units and accessory structures on the property continued without the benefit of a valid coastal development permit throughout the month of September. The Commission's enforcement staff communicated with the City on September 21, 2016, again requesting that the City revoke building permits and stop work on the property. The City has not revoked the building permits, but the applicant has ceased work on the property in October and November, except for the installation of weatherproofing materials to prevent damage to the structures during rain events. The City has not issued a Certificate of Occupancy and the homes have not been sold or occupied.

On August 19, 2016 the Commission received a Notice of Permit Issuance for Local Coastal Development Permit ZA-2013-383-CDP-MEL, dated August 16, 2016, nearly three years after the local coastal development permit was approved. Commission staff initiated the required 20

working-day appeal period. On September 19, 2016, the Coastal Commission’s Acting Executive Director and Jenni Hawk et al submitted separate appeals of the City’s approval of the local coastal development permit (**Exhibit 11**). No other appeals were received prior to the end of the appeal period on September 19, 2016. On October 11, 2016, the applicant waived the 49-day hearing requirement for appeals of locally issued coastal development permits.

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. [Cal. Pub. Res. Code § 30620.5(c).] After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] If proper notice is not provided, the local permit has no legal force or effect. [14 Cal. Code Regs § 13315.] 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 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 **substantial issue**. If the Commission decides that the appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local coastal development permit is voided and the Commission holds an additional hearing to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of Title 14 of the California Code of 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 de novo hearing will follow. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan (LUP) is used as guidance in the de novo phase of the appeal. 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 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 applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE 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. 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 subject project site on appeal herein is located within the *Single Permit Jurisdiction Area*. The Commission's standard of review for the appeal is the Chapter 3 policies of the Coastal Act.

VI. SUBSTANTIAL ISSUE HEARING – FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The project site for the City-approved development is located in a residential neighborhood designated Multi Family Residential (Low Medium II) by the Venice Land Use Plan and zoned RD1.5-1 by the Los Angeles Municipal Code. The site is two approximately 5,000 square foot residential parcels within the Oakwood subarea, approximately $\frac{3}{4}$ of a mile inland of the public beach (**Exhibit 1**). The Oakwood neighborhood and the subject block are characterized primarily by one-story and two-story homes of varying architectural styles (often featuring two detached units per residential parcel), with several one-story and two-story multi-unit apartment structures, and several three-story structures.

The City-approved development is demolition of a duplex and a triplex on two residential parcels; subdivision to create four residential parcels; and construction of four approximately 2,500 square foot three-story single family homes. Each home would include an approximately 660 square foot two-car garage with tandem parking, topped by second story accessory living quarters and roof deck. The living quarters and roof deck would be accessed from a stairway within an approximately 400 square foot courtyard connecting each main residence to each accessory structure (**Exhibit 2**). The demolition has already occurred and the structural elements

of the four homes consisting of 20 modular units have been assembled by crane (four homes times three modular stories plus four detached two-story garages featuring accessory living quarters above). The City-approved height is 30 feet, as measured from the centerline of Brooks Avenue, which is the maximum height for structures with sloped roofs (in this case the sloped roof features a horizontal wave design at a 1:6 pitch). The front yard setback approved by the local coastal development permit is 10 feet (plus a seven foot street dedication) for an effective setback of 17 feet from the sidewalk. The rear yard setback is five feet, the side setbacks are zero feet in the middle of the parcels, and five feet at the ends.

The four homes would be sited on four newly designated parcels subject to Parcel Map No. 2012-2949, which has been recorded in Los Angeles County Recorder's Office. Parcel A and Parcel D (the easternmost and westernmost parcels on the ends) are each 21.5 feet wide by 123 feet deep, with area of 2,646 square feet. Parcel B and Parcel C, in the middle, are each 18.5 feet wide by 123 feet deep, with area of 2,277 square feet. The City of Los Angeles Small Lot Subdivision Ordinance (a component of the Los Angeles Municipal Code not certified by the Coastal Commission) allows for small residential parcels (like the two approximately 5,000 square foot parcels on the subject site) to be subdivided into even smaller parcels in order to encourage density, and provides for reduced parking and setback standards compared to what would be required with four residential units on two lots. The parcel map was approved by reference within the City of Los Angeles local coastal development permit subject to this appeal.

The City-approved coastal development permit plans do not identify drainage, landscaping, or fencing. After the appeals were filed, the applicant provided plans (**Exhibit 3**) identifying drainage devices on the roof and water catchment devices in the yards, low and moderate water use plant species and trees, and fencing up to six feet high at the side yards. The revised plans are also different from City-approved coastal development permit plans in that the two middle homes have been stepped back two feet further and the side homes have been stepped forward two feet. The legal setbacks for all four homes are now proposed to be eight feet, although including the seven foot street dedication, the effective setbacks from the sidewalk would be 15-to-19 feet (as opposed to a uniform 17 feet in the plans approved by the local coastal development permit subject to the appeal). The revised plans also include changes to exterior partition walls and balconies. In the substantial analysis, the Commission cannot consider these changes to the plans because they were not subject to the local government's action.

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 regulations 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 if its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

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

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

C. SUBSTANTIAL ISSUE ANALYSIS

Some of the appellants assert the City’s noticing and public hearing procedures were not consistent with the City’s municipal code and were in violation of the Coastal Act. Additionally, the appellants argue that the City’s approval did not comply with California Code of Regulations Section 65590 (the Mello Act of 1982). The appellants argue that the Venice LUP contains standards for implementation of the Mello Act which the City of Los Angeles ignored. They contend that the certified Venice LUP contains policies requiring replacement of affordable housing units if low or moderate income units are demolished or converted to high income units and that the applicants’ study and the City’s findings which concluded that it was not feasible to provide affordable housing on-site or off-site were inadequate.

The California Legislature amended the Coastal Act to remove some specific policies related to the Commission’s direct authority to protect affordable housing in the Coastal Zone.

Section 30604 of the Coastal Act, as amended, contains the following policies:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

These Chapter 7 policies require the Commission to encourage cities and property owners to provide affordable housing opportunities, but they have not been interpreted as a basis for the

Commission to mandate the provision of affordable housing through its regulatory program. In 1982, the legislature codified California Code of Regulations Section 65590 (the Mello Act), requiring local governments to protect and increase the supply of affordable housing in the Coastal Zone.

The City of Los Angeles has struggled to implement the Mello Act in its segments of the Coastal Zone, and especially in Venice. The City's initial regulatory program for Mello compliance was challenged by a 1993 lawsuit brought by displaced low income tenants at 615 Ocean Front Walk, where the City approved a new development with no replacement affordable housing. That lawsuit resulted in a 2001 settlement agreement between the aggrieved parties, the Venice Town Council et al, and the City of Los Angeles². Since 2001, the City has been regulating development through its Interim Administrative Procedures for Complying with the Mello Act.

Also in 2001, the Commission certified the Venice Land Use Plan, which contains specific policies encouraging the protection of existing affordable housing units and the construction of new affordable housing units in Venice.

Policy I. A. 9. Replacement of Affordable Housing, states:

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, states:

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.

Other policies of the certified Venice Land Use Plan require affordable housing units to be replaced at a 1:1 ratio, offer displaced residents priority for new units, provide density bonuses allowing for affordable units to exceed the floor area ratio zoned for a given lot, and allow for the provision of fewer parking spaces that required if a development contains affordable units.

California Code of Regulations Section 65590(b) (Mello Act) is referenced as an exception to the preceding Venice Land Use Plan Policies. Section 65590(b) states:

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

² No. B091312. Second Dist., Div. Seven. Jul 31, 1996. Venice Town Council Inc. et al., Plaintiffs and Appellants, v. City of Los Angeles et al., Defendants and Respondents

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 units.*

As part of its Interim Procedures for Complying with the Mello Act, the City developed a worksheet to assist applicants who propose demolition or conversion of affordable housing units in the Coastal Zone. The “Advisory Notice and Screening Checklist” which the applicant completed through the Los Angeles Department of City Planning Review has three steps which serve to determine whether replacement affordable housing units may be required. For the subject application, the applicant indicated in Steps One and Two that the demolition of the pre-existing duplex and triplex would include the demolition of existing residential units. In Step Three, the applicant identified the proposed project as a small new housing development, which the worksheet identifies as automatically exempt from the requirement to provide inclusionary housing units. The applicant appears to have conflated what are actually two distinct scenarios: demolishing existing housing units and constructing new housing in place vs. constructing new housing where in a location which did not previously support housing.

Additionally, the City findings in its approval of Parcel Map AA-2012-2949-PMLA-SL indicate: “The project is not consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act). The proposed project does not qualify for the Small New Housing exemption from the Mello Act. Furthermore, in a memo dated September 27, 2012, the Los Angeles Housing Department determined that the project would involve the demolition of two affordable housing units. Therefore, the applicant/owner/developer is required to provide inclusionary affordable dwelling units on-site or within the Coastal Zone.”

Nonetheless, the applicant completed a feasibility study for potential replacement of two affordable rental units. The Los Angeles Department of City Planning accepted the feasibility study and determined that it would be economically infeasible for the applicant to provide replacement affordable rental units through its findings in approval of combined Local Coastal Development Permit/Mello Act Review ZA-2013-383-CDP-MEL; October 23, 2013.

While the appellants raise issues related to the City’s compliance with the Mello Act, the Coastal Commission has no jurisdiction to alter the City’s Mello Act determinations. The California Code of Regulations makes it clear that it is the responsibility of the local government to implement Section 65590. Therefore, the appellant’s contentions regarding the City’s Mello Act determination do not raise a substantial issue because the Commission does not have jurisdiction to review those contentions.

As indicated in Section III: Project History, on August 19, 2016 the Coastal Commission received a Notice of Permit Issuance for ZA-2013-383-CDP-MEL, dated August 16, 2016, nearly three years after the local coastal development permit was approved. Public Resources Code Section 30620.5(c) and 14 California Code of Regulations Section 13315 require the local government to provide this notice within five working days of its action, and 14 California Code

of Regulations Section 13315 states that “[u]nless the local government provides such notification to the commission, the permit issued by the local government shall be of no force and effect.” Accordingly, the local permit was not effective until the City issued the permit, provided the Commission with proper notice, and either the Commission’s appeal period ran or the Commission reached a final decision on a submitted appeal. Here, Commission staff initiated the required 20 working-day appeal period after receiving proper notice of the City’s action on August 19, 2016. On September 19, 2016, the Coastal Commission’s Acting Executive Director and a group of 43 Venice residents identified as Jenni Hawk et al submitted separate appeals of the City’s approval of the local coastal development permit (**Exhibit 11**) within 20 working days of the date the City provided the notice of final local action to the Commission’s South Coast District office in Long Beach.

While one group of appellants has requested that the local coastal development be revoked and the City of Los Angeles be reprimanded for its action to approve the permit, the appellants have not provided any additional evidence indicating that the City violated its municipal code through its noticing or hearing procedures. The appellants’ assertion that the City did not include the demolition of the duplex and the triplex in the project description for ZA-2013-383-CDP-MEL is true, but the demolition was described on page 6 and page 9 of the City’s findings in its combined local coastal development permit and Mello Act review. The appellants’ concerns appear to be primarily related to the City’s ongoing struggle to implement the Mello Act and preserve affordable housing in the Coastal Zone, which the Commission does not have jurisdiction to review. The Commission’s substantial issue analysis is limited to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act.

Both appeals contend that the City-approved development is not consistent with Sections 30251 and 30253 of the Coastal Act because the mass and scale of the structures are not consistent with the character of the Oakwood subarea of Venice. Additionally, the group of residents’ appeal identifies the four unit Small Lot Subdivision development as a “hostile takeover” which threatens not only the visual resources but the social fabric of the community.

Section 30251 of the Coastal Act states:

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

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

Sections 30251 and 30253 of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 16 million people visit annually, drawn by the unique characteristics of the area including “the Pacific Ocean, Boardwalk vendors, skaters, surfers, artists, and musicians.”³ Venice was the birthplace of The Doors and The Lords of Dogtown and its unique characteristics attracted myriad artists and musicians from the Beat Generation to the poets and street performers who people still travel to Venice to see.

The Oakwood subarea (of which the subject property is in the center) is located approximately $\frac{3}{4}$ of a mile inland of the beach and was developed almost entirely with one story homes and apartments in the early 20th century (a duplex and triplex were constructed on the subject site in 1910). The City of Los Angeles SurveyLA Historic Resources Report for the Venice Community Plan Area identifies Oakwood as “the area bounded by Dewey Street to the northwest, Lincoln Boulevard to the northeast, California Avenue to the southeast, Electric Avenue to the southwest, and Hampton Drive to the west, evolved as an African-American enclave across multiple generations of ethnic migration to Southern California.” The report continues: “the population of African-Americans in Venice tripled between 1910 and 1920 as blacks arrived to work as manual laborers, service workers, and servants to wealthy white residents. Some of the earliest black residents of Venice settled in the area because they were hired as employees of Abbot Kinney.”

Development patterns in the Oakwood neighborhood and Venice as a whole changed in the mid-20th century as more apartment buildings were developed to support greater density in an increasingly racially and culturally diverse area. **Exhibit 4** features photos of the Oakwood neighborhood in the 1960s and 1970s. In her book “Ghost Town: A Venice California Life” Pat Hartman writes about growing up in the rear unit of an Oakwood parcel in 1978:

Between us and the street are a small yard and the front house, tiny and storybook cute. Our back wall is separated from the alley by a paved parking area and a high chain link fence with gates. This apartment has three bedrooms, and the ones upstairs are exactly like it. The building is typical Southern California crackerbox, smeared outside with pinkish tan stucco. Inside, it somehow has the feel of a house. The stove and refrigerator are ancient and massive. The kitchen and bathroom counters are not Formica, but good old ceramic tiles with plenty of space for germs in the grout lines. And according to Marnie, we have a ghost: a dealer who was murdered when the place was a dooper hangout. And we're only six blocks from the Pacific Ocean.

Today, the Oakwood neighborhood is characterized primarily by one-story and two-story homes of varying architectural styles (often including two detached residential units per parcel), with several one-story and two-story multi-unit apartment structures, and some three-story structures. The four proposed three-story homes and two-story rear units subject to this appeal are constructed along the south side of a very long block (approximately 1,000 feet distance between 7th Avenue and Lincoln Boulevard). The long block is flat and entirely residential with an

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approximately 34-foot wide street featuring public parking on each side, and five-foot wide sidewalks fronting structures set back 10-to-30 feet. According to Los Angeles County Assessor data, the 700 and 800 blocks of Brooks Avenue feature homes constructed in each decade from the 1910s through the 2010s. The smallest structure is a 572 square foot one-story bungalow and the largest structure is a 7,168 square foot, two-story, seven unit apartment building. The appellants contend that the City-approved development is not consistent with the Chapter 3 policies of the Coastal Act and the standards of the Venice Land Use Plan because it is out of scale and not in keeping with the community character of the Oakwood subarea of Venice.

The protection of community character is a significant issue for the residents of Venice and the people of California. Venice has a unique blend of style and scale of residential buildings, historical character, walk streets, diverse population, as well as expansive recreation areas and attractions. These features make Venice a popular destination for both residents and tourists. As a result of its unique coastal districts, Venice is a coastal resource to be protected. As a primarily residential community, existing and ongoing residential development is a significant factor in determining Venice's community character. The continued change in the residential character of the Venice community, especially in the Oakwood and Milwood subareas, has been a cause of public concern over the years.

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Both the appellants and the applicant have submitted streetscape analyses, which are included within **Exhibit 5** and **Exhibit 6**. The appellants indicate that there are 39 one story structures, 13 two-story structures, and 2 two-and-a-half story structures along both sides of the subject block. The appellants also provided data identifying lot sizes and unit sizes for every parcel on both sides of the subject block and an analysis which concludes that the proposed homes and detached structures subject to this appeal are taller and more massive, and sited on smaller parcels, than the vast majority of other residential structures on the block. Additionally, the appellants contend that the proposed structures are not articulated enough and their uniform architecture and substantial massing is out of character with other structures on the subject block (**Exhibit 5**).

In contrast, the applicant argues that there are many other three-story structures within ½ mile of the subject site and that the subject block is characterized by structures of varying heights, including modern, three-story structures. Specifically, the applicant identifies modern two-story and three-story structures on the same side of the block to the east and the west of the subject

site, several of which have been approved by the Coastal Commission and the City of Los Angeles in the previous five years (**Exhibit 6**).

Aside from a different interpretation of what qualifies as a two-and-a-half story structure vs a three-story structure, the two analyses do not contradict one another. The appellants correctly point out that the majority (approximately 75%) of the structures on each side of the subject block are one-story, including the three residential structures on either side of the subject property and all five residential structures directly across the street. The applicant correctly points out that several two-story and three-story structures have been approved in the previous five years and contribute to the character of the block [see 5-13-1213-W (Walters); 5-12-281-W (Misakyan); 5-11-015-W (Jimenez); and 5-07-418-W (McVearry), all of which were waivers of coastal development permit requirements issued by the Executive Director, and were not subject to public hearings before the City or the Commission]. The applicant is also correct that there are three-story structures on other blocks within ½ mile of the subject site, but those blocks have different street widths, different prevailing setbacks, different lot size characteristics, and different development patterns than the subject block. Many of the three-story structures identified by the applicant are not in the Oakwood subarea, but rather in other subareas of Venice which have different building standards identified in the City's zoning code and the certified Land Use Plan.

When the Commission certified the Venice Land Use Plan (LUP) in 2001, it 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 in compatibility with surrounding development. Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the subject development is consistent with Coastal Act Sections 30251 and 30253. In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods.

Policy I. E. 1, General, states:

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

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Policy I. A. 1, Preserve Stable Single Family Residential Neighborhoods, states, in part:

Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character, and scale of the existing development...

Through its approval of Case Number ZA-2013-383-CDP-MEL, the City of Los Angeles did not make findings specific to height, mass, or scale indicating whether or not the development was in character with the surrounding area. The City found: “the proposed project is located within a well-developed existing residential area. The building and infrastructure capable of supporting it have been in place for many years. The existing dwelling on the site is not a new development, since it was permitted and built in 1910. Neighboring residential uses are of a similar age. The proposed dwelling will be four new small single family dwellings. No deviations from the Municipal Code have been requested with respect to building height, parking, yards or lot coverage or any other provisions. The request entails the demolition current dwellings and its replacement with four new dwelling. Abutting uses include apartment buildings.”

The findings in the City approval include a section identified as “Previous related actions in the area,” but none of the four referenced actions were subject to a local coastal development permit. Three of the referenced actions relate to parcel map approvals and one is a Director’s Sign-off, an administrative action. Section 4 of the City’s findings references an approved project at 720 and 722 Brooks Avenue, also referenced by the applicant and identified earlier in this section: Waiver of coastal development permit requirements No. 5-07-418-W (McVearry) included demolition of a single family home and construction of two 30-foot high single family homes on one residential parcel with six on-site parking spaces.

A substantial difference between that project and the City-approved development which the Acting Executive Director and 43 Venice residents have appealed is the fact that the development on these appeals spans two residential parcels, which the applicant proposes to subdivide into four residential parcels and develop with four massive, nearly identical homes side-by-side. The other three story homes on the subject block were each constructed on one residential parcel. In two cases, Small Lot Subdivisions were approved by the City, but those were each for two structures on one lot, not four structures on two lots. In one of those cases the structures were developed front to back in order to reduce massing from the street, rather than side-by-side with zero side yard setbacks as the subject application proposes. In another case at 804 Brooks Avenue, 5-11-015-W (Jimenez), the City and the Executive Director approved construction of a new 25-foot high single family home in the front portion of a residential parcel that already had a residential unit at the rear. Finally, the Commission recently found that the City’s approval of two single family homes on a single residential parcel at 672 Brooks Avenue (one block west of the subject site) raised no substantial after that project was appealed [see: A-5-VEN-15-0059 (Kamdar)]. That project included a Small Lot Subdivision, but the two homes were developed front to back and the street-fronting home was two-stories and 23-feet high.

Another substantial difference between the City-approved development and other homes of similar size approved nearby is the subject development does not feature substantial articulation, as called for by the development standards of the Venice Land Use Plan. Policy I.E.3 of the Land Use Plan indicates that “varied styles of architecture are encouraged with building facades which

incorporate varied planes and textures while maintaining the neighborhood scale and massing.” The sloped roof has been designed to meet the minimum requirement for an extra five feet of building height beyond the twenty-five feet permitted for flat roofs in the Oakwood subarea, but the City-approved development is not articulated except for the third level balcony. It consists of four massive structures side-by-side, with rectangular door openings at each level.

The design of the four structures is nearly identical, and cumulatively, they represent a wall set back the minimal distance from the sidewalk (the applicant indicates that the design has been modified to provide differentiation of two of the four homes, but that design is not identified in the local coastal development permit subject to this appeal). Both the approved 10 foot setback (effectively 17 feet including the street dedication) and the as-built 15-to-19 foot setbacks are less than the setbacks of the adjacent structures to the east and to the west. The third story has been set back the minimum five-feet in order to gain an additional five feet over the twenty-five foot height limit, but aside from that element, the façade of the four homes is not varied and landscaping is not called out. The zero foot setbacks between the two homes are out of character with the block, where no other homes feature such a design, and are out of character in Venice generally. Additionally, the four structures at the rear alley form a similar wall when viewed cumulatively. The accessory structures at the rear are not as high or as massive as those at the front, but they are visible from Brooks Avenue and contribute to the substantial massing of the proposed project, which effectively includes eight structures on two existing residential parcels.

Analyzed cumulatively, the homes and accessory units are not consistent with Coastal Act Section 30251 because they will not be visually compatible with the character of surrounding areas. The project would not be consistent with Venice Land Use Plan Policy 1.E.2 because it would not respect the scale, massing, and landscape of existing residential neighborhoods. The scale and massing of the existing block, and the Oakwood neighborhood, is one-story and two-story single family homes and one-story and two-story multi-unit structures. The City’s approval of four massive three-story structures adjacent to a trifecta of one-story structures on either side and one-story structures across the street is not consistent with Section 30251 or Policy 1.E.2 because it is not visually compatible with the character of the surrounding area. Additionally, the project is not consistent with Coastal Act Section 30253 because it does not protect the character of the Venice community which is a popular visitor destination points for recreational uses. Nor is the development consistent with Land Use General Policy 1.E.1 because it would not protect the unique social and architectural diversity of Venice, which is identified as a Special Coastal Community. Approval of this development would set a precedent for out of scale development in Venice, and additional development of this type (massive structures side-by-side with minimal articulation and lack of architectural diversity) would adversely affect the community character of Venice, which is a popular destination point specifically for its unique characteristics.

Additionally, the City-approved development is not consistent with Coastal Act Section 30231 and with previous Commission-approved projects in Venice because the plans do not identify any drainage, landscape, or low impact development features.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where

feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In order to preserve visual resources and to ensure consistency with the water quality requirements of Coastal Act Section 30231, the Commission has required drought tolerant, non-invasive landscaping and drip or microspray irrigation to minimize water usage, and has required drainage devices to maximize stormwater infiltration. The Commission has also reviewed fence height required trees to be replaced in order to enhance visual resources and avoid adverse impacts to community character. The City-approved local coastal development permit does not include findings or plans to ensure drainage, landscaping, and fencing are consistent with Coastal Act policies, although the applicant submitted revised plans identifying these features after the appeal was filed.

Only with careful review of the City-approved project can the Commission ensure that community character is preserved and visual resources are protected. If the Commission finds that a substantial issue exists, the Commission will have the opportunity to review and act on the project at the subsequent de novo hearing. Applying the five factors listed in the prior section clarifies that the appeal raises “a substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1).

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City included the majority of its findings within the first section of its report titled: “The development is in conformity with Chapter 3 of the California Coastal Act of 1976.” The City’s findings do not reference any specific Coastal Act policies but appear to relate to Coastal Act Section 30250, which requires new development to be located within existing developed areas. The City made no findings in relation to the development’s consistency with Coastal Act Sections 30251 and 30253, related to visual resources and community character. The City referenced the Municipal Code and the Venice Specific Plan, which are not the standard of review and which the Commission declined to certify as an Implementation Plan amendment in 2000. The findings make no reference to the Venice Land Use Plan, which is a certified document and may be used as guidance to determine consistency with the Chapter 3 policies of the Coastal Act. The City references other development in Venice approved by the City and by the Commission, but does not analyze the subject development in relation to the previously approved development. Additionally, the City approved plans do not identify any drainage, landscape, or low impact development features that the Commission has previously required in developed areas to ensure consistency with the water quality requirements of Coastal Act Section 30231. Finally, the applicant has completed the majority of the development without the benefit of a valid coastal development permit and has changed the plans throughout the development process, such that they are no longer consistent with the City-approved coastal development permit. Therefore, the City’s approval is not consistent with Coastal Act Sections 30231, 30251, and 30253 and does not include adequate factual and legal support to justify its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing development is a duplex and a triplex on two residential parcels. The

City-approved development authorizes the demolition of those structures, subdivision of the parcels, and construction of four homes and four accessory structures. The scope is greater than that of the surrounding development, which is comprised primarily of one-story single family homes. The locally approved project would have adverse impacts to visual resources and community character. The scope of the four homes would be more massive than any other development on the subject block, including approximately 10,000 square feet of living space and additional vehicle parking area.

The third factor is the significance of the coastal resources affected by the decision. The City-approved project, and others like it that could be approved in the future, would adversely affect the character of the Oakwood neighborhood of Venice, which is a unique coastal community, because it is not consistent with the surrounding development pattern. Additionally, the project has the potential to negatively and cumulatively impact the biological productivity and water quality of nearby coastal resources because specific landscaping, drainage, and construction best management practices have not been required. Therefore, the development would significantly adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its Local Coastal Program (LCP). The City does not currently have a certified LCP but it does have a certified Land Use Plan. The City-approved development is not consistent the residential building standards related to scale, mass, and architectural diversity set forth in the certified Land Use Plan. Additionally, the project is not consistent with previous Commission actions in the area, which have not authorized massive three- story homes with minimal setbacks and minimal articulation in an area with primarily one-story single family homes and some two-story and three-story residential structures. Thus, the project, as approved with conditions, raises a substantial issue with regard to the project's conformity with the certified Land Use Plan. Approval of a project that is not consistent with the standards of the Land Use Plan would set a precedent for other projects that are not consistent with the Land Use Plan and would prejudice the City's ability to prepare a certified LCP for Venice.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to visual resources and community character. In this case, the City-approved project is not in conformity with the Chapter 3 policies of the Coastal Act and therefore, the Commission finds that the appeals raise a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

VII. MOTION AND RESOLUTION – DE NOVO REVIEW

Motion:

I move that the Commission approve Coastal Development Permit No. A-5-VEN-16-0083 for the development proposed by the applicant.

Staff recommends a NO vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

VIII. FINDINGS AND DECLARATIONS – DE NOVO REVIEW

A. PROJECT LOCATION AND DESCRIPTION

The findings included in Section VI, Subsection A are incorporated by reference.

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 may consider alternative project designs or mitigation measures in its de novo review.

The applicant is proposing demolition of a duplex and triplex on two residential parcels; subdivision to create four residential parcels; and construction of four approximately 2,500 square foot three-story single family homes, each including approximately a 660 square foot two-car garage topped by second story accessory living quarters and roof deck. The applicant has identified several changes to the City-approved plans, which include identification of drainage devices on the roof and water catchment devices in the yards, low and moderate water use plant species and trees, and fencing up to six feet high at the side yards. The revised plans (**Exhibit 3**) also proposed to step the middle two homes back two feet further and step the two end homes two feet forward. The legal setbacks for all four homes are now proposed to be eight feet, although the effective setbacks from the sidewalk would be 15-to-19 feet. The revised plans also include changes to some exterior partition walls and balconies. This is an after-the fact review of the application for a coastal development permit. As such, the Commission considers the proposed development as if it has not yet occurred.

B. PROJECT HISTORY

The findings included in Section III are incorporated by reference.

C. DEVELOPMENT - VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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

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

Sections 30251 and 30253 of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 16 million people visit annually, drawn by the unique characteristics of the area including “the Pacific Ocean, Boardwalk vendors, skaters, surfers, artists, and musicians.”⁴ Venice was the birthplace of The Doors and The Lords of Dogtown and its unique characteristics attracted myriad artists and musicians from the Beat Generation to the poets and street performers people still travel to Venice to see.

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In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods.

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Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character, and scale of the existing development...

The project subject to this de novo review is the demolition of five residential units on two residential parcels, which the applicant proposes to subdivide into four residential parcels and develop with four massive, nearly identical homes side-by-side. This project would be unique in the history of the subject block, and unique to the Oakwood subarea of Venice.

The applicant references two homes approved by the City and the Executive Director at 720 and 722 Brooks Avenue through waiver of coastal development permit requirements No. 5-07-418-W (McVearry) for demolition of a single family home and construction of two 30-foot high single family homes on one residential parcel with six on-site parking spaces. Those two homes and two other projects featuring three-story homes on the subject block were each constructed over a single residential parcel. In two cases, Small Lot Subdivisions were approved by the City, but those were each for two structures on one lot, not four structures on two lots. In one of those cases the structures were developed front to back in order to reduce massing from the street, rather than side-by-side with zero side yard setbacks as the subject application proposes. In another case at 804 Brooks Avenue, 5-11-015-W (Jimenez), the City and the Executive Director approved construction of a new 25-foot high single family home in the front portion of a residential parcel that already had a residential unit at the rear. Finally, the Commission recently found that the City's approval of two single family homes on a single residential parcel at 672 Brooks Avenue (one block west of the subject site) raised no substantial after that project was

appealed [see: A-5-VEN-15-0059 (Kamdar)]. That project included a Small Lot Subdivision, but the two homes were developed front to back and the street-fronting home was two-stories and 23-feet high. In no case in Oakwood has the Commission approved new homes with zero foot setbacks between them, as the applicant requests at the subject site.

Another substantial difference between the development subject to this de novo review and other homes of similar size approved nearby is the subject development does not feature substantial articulation, as called for by the development standards of the Venice Land Use Plan. Policy I.E.3 of the Land Use Plan indicates that “varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.” The sloped roof which has been designed to meet the minimum requirement for an additional five feet of building height beyond the twenty-five feet permitted for flat roofs in the Oakwood subarea, but the subject development is not articulated except for the third level balcony. It consists of four massive structures side-by-side, with rectangular door openings at each level. The design of the four proposed homes and four proposed accessory units is nearly identical.

Although the applicant has revised the proposed setbacks from those originally approved by the local coastal development, the four units are still proposed side-by-side with limited articulation or open space between them. Two of the units have been moved forward two feet closer to the sidewalk and two have been moved two feet back; this design does not substantially change the cumulative massing of the four 30-foot high structures. The front setbacks are now proposed to be eight feet (plus a seven foot street dedication to the City) for an effective setback of 15-to-19 feet from the sidewalk. This setback is less than that of the one-story structures to the east and to the west (see image on page 2 of this report). Thus, the proposed development will not only have the effect of four connected three-story buildings towering over the adjacent one-story buildings on either side, but it will be closer to the sidewalk. The third story has been set back the minimum five-feet in order to gain an additional five feet over the twenty-five foot height limit, but aside from that element, the façade of the four homes is not varied. The zero foot setbacks between the homes are out of character with the block, where no other homes feature such a design, and are out of character in Venice generally. Additionally, the four structures at the rear alley form a similar wall when viewed cumulatively. The accessory structures at the rear are not as high or as massive as those at the front, but they are visible from Brooks Avenue and contribute to the substantial massing of the proposed project, which effectively includes eight structures on two existing residential parcels.

Analyzed cumulatively, the eight structures (four homes and four accessory units) are not consistent with Coastal Act Section 30251 because they will not be visually compatible with the character of surrounding areas. The project would not be consistent with Venice Land Use Plan Policy 1.E.2 because it would not respect the scale, massing, and landscape of existing residential neighborhoods. The scale and massing of the existing block, and the Oakwood neighborhood, is one-story and two-story single family homes and one-story and two-story multi-unit structures. Four massive three-story structures adjacent to a trifecta of one-story structures on either side and one-story structures across the street would not be consistent with Section 30251 or Policy 1.E.2 because such massing and scale would not be visually compatible with the character of the surrounding area.

The project is not consistent with Coastal Act Section 30253 because it does not protect the character of the Venice community which is a popular visitor destination points for recreational uses. Nor is the development consistent with Land Use General Policy 1.E.1 because it would not protect the unique social and architectural diversity of Venice, which is identified as a Special Coastal Community. The scope of the four homes would be more massive than any other development on the subject block, including approximately 10,000 square feet of living space and additional vehicle parking area. Approval of this development would set a precedent for out of scale development in Venice, and additional development of this type (massive structures side-by-side with minimal articulation and lack of architectural diversity) would adversely affect the community character of Venice, which is a popular destination point specifically for its unique characteristics. This appeal raises specific local issues, but Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue.

In conclusion, the Commission finds that, even as modified by the applicant to step back the two middle structures and step up the two outer structures, and to remove exterior partition walls, the project is not consistent with the visual resources and community character policies of the Coastal Act. Venice community members provided the applicant with specific comments and additional suggestions on the project design as it related to community character during meetings on March 16, 2013 and April 6, 2013, which the applicant chose not to implement in the final design. The Venice Neighborhood Council provided the applicant and the City with comments through its June 18, 2013 motion and written findings in opposition to the project as it was proposed, specifically indicating that the applicant was given the option to alter the design, which the applicant chose not to do. Following the two appeals of the City-approved project, Coastal Commission staff advised the applicant by phone and in writing that development of the project must cease until a valid coastal development permit is obtained. The applicant chose to continue building and making improvements to the structures without the benefit of a coastal development permit for nearly two months.

In meetings with the applicant and their representatives on October 11, 2016 and November 9, 2016, Coastal Commission staff advised the applicant that the development subject to this de novo review did not appear to be consistent with the Chapter 3 policies of the Coastal Act or with previous Commission-approved projects in the area, and requested that the applicant consider alternative designs, or at least acknowledge whether alternative designs were feasible given the modular design of the structures. The applicant indicated on November 15, 2016 that alternative designs, including the removal of the third story, the repositioning of multiple structures to provide greater setbacks and articulation, or the removal of one or more of the structures in their entirety, is economically infeasible because doing so would cost approximately \$1.2 million to deconstruct and reconstruct the homes, and an additional \$2.5 million of the applicant's investment could be lost if the homes were reduced in size. The applicant indicated that the modular nature of the homes made them simpler to install on-site, but once installed they cannot easily be deconstructed or repositioned without compromising the architectural design and structural stability of each home. In that response, the applicant suggested that the design could be further modified to reduce the height of top floor privacy walls, utilize a more neutral color palate, change the shape of the doors on the middle units, and plant a California Sycamore tree in each front yard.

The Commission finds that all of the applicant's most recent proposed changes are cosmetic in nature and would not reduce the size, mass, and scale of the development or make it architecturally compatible with the neighborhood scale and massing. The applicant has indicated that it is infeasible to modify the development and has not provided any alternatives that would bring the project into conformity with the visual resources and community character policies of Chapter 3 of the Coastal Act. The Coastal Act's requirement to site and design new development in a manner that is compatible with the character of surrounding areas does not contain a limitation stating that its restriction applies only to the extent economically feasible. Further, in cases such as this where the Commission is considering issuing a permit for a project that has already been substantially constructed, it analyzes the project's consistency with Chapter 3 as if no development has occurred yet. Therefore, the alleged economic infeasibility of redesigning the as-built project is not relevant to the Commission's analysis of whether this project complies with Chapter 3 policies, and the Commission is not constrained to consider only whether modifications of the existing, as-built project are feasible. Moreover, the Commission is limited in its quasi-judicial de novo review of the applicant's proposed development and cannot design a new project through the imposition of alternatives which the applicant has not proposed, nor can the Commission impose special conditions which would effectively require construction of a different project. Therefore, because the project is not consistent with Coastal Act Section 30251 and Section 30253, and cannot be made consistent through the imposition of special conditions, the project must be denied.

D. PUBLIC ACCESS AND RECREATION

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by:
(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The Commission has consistently found that the provision of adequate parking to serve the demand generated by new development is necessary to maximize public access to the coast. Residential development is subject to minimum standards which are imposed in order to encourage residents to park their vehicles on their own property, while leaving public parking spaces along the public streets available for guests, coastal visitors, and members of the general public. When residential development does not provide adequate parking to satisfy the demand generated by residents, public access to the coast may be adversely impacted because residents store their private vehicles on public streets and prevent coastal visitors and members of the public from parking their vehicles and accessing the coast.

As proposed to include four sets of tandem parking spaces to serve the four proposed single family residences, the project meets the minimum parking standards set forth in the certified Venice Land Use Plan, which the Commission may use as guidance (two parking spaces for each single family residence). If the development were classified as a multi-family structure over two residential parcels (rather than four single family resident over four residential parcels), then two guest parking spaces would be required. Additionally, if the rear accessory structures (which are detached from each of the single family homes and include bedrooms, bathrooms, and indoor/outdoor recreational area but not kitchens), were classified as second units, then up to eight additional parking spaces would be required to serve those units. In previous cases where

multiple residential units were proposed in Venice, and where accessory structures were proposed at the rear of one or more residential parcels, the Commission has required some applicants to provide additional parking spaces, in excess of the two parking spaces per dwelling unit identified as the minimum required by the Venice Land Use Plan.

As identified in previous sections of this report, the proposed structures are not adequately set back from Brooks Avenue or from the rear alley. The 15-to-19 foot front yard setbacks and zero foot side setbacks are not consistent with those of the surrounding residential structures and the 30-foot high mass of the homes fronting the street is not adequately articulated to mitigate for the towering effect they have over the subject sidewalk. The character of the neighborhood includes wide sidewalks and structures setback up to 30 feet from the street, which is one reason Venice has been designated as a special coastal community in the Venice Land Use Plan and is one of the most popular visitor serving destinations in California. The character of the popular Venice neighborhoods, including the Oakwood neighborhood, is renowned as one of mixed architectural styles constructed between the 1920s and the present day, but which is developed at a pedestrian scale which makes it popular with coastal visitors interested in walking and sight-seeing. Walking and sight-seeing in the Coastal Zone are popular recreational uses protected under the public access and recreation sections of the Coastal Act.

In this case, the applicant has indicated that site constraints do not allow for additional parking spaces to be provided. In previous sections of this report, the Commission has identified the proposed residential structures as overly massive and out of scale with the surrounding development. Additionally, the Commission has found that the applicant's proposed setbacks are not adequate and would adversely affect the pedestrian scale that makes Venice a popular destination for recreational uses. If the applicant reduced the mass of the structures and provided greater setbacks from Brooks Avenue and the rear alley, it would be feasible to provide additional parking. In any case, the Commission has found that the project is inconsistent with the visual resources and community character policies of the Coastal Act and the parking spaces are proposed within four of the structures which have been identified as contributing to the out-of-scale design of the proposed development. The Commission finds that approval of the development as proposed would not be consistent with Sections 30252 of the Coastal Act as it relates to parking and public access and recreation.

E. WATER QUALITY

As originally submitted by the applicant and approved by the City of Los Angeles, the proposed project was not consistent with Coastal Act Section 30231, which states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The City approved development was not consistent with Section 30231 of the Coastal Act because the site plan did not call out drainage devices and the permit conditions did not require

construction best management practices to prevent discharge of construction debris into coastal waters. The City-approved development did not include a landscape plan or requirement for drought tolerant, non-invasive landscaping. The City-approved development did not include features or requirements for minimizing irrigation or infiltrating stormwater.

The applicant has submitted revised plans. The revised landscape plan features primarily drought tolerant, non-invasive plant species, although some moderate water use plant species are proposed. The drainage plan features gutters and downspouts which direct water to rain catchment devices. A drip or microspray irrigation system is not called out. The revised plans do not identify construction best management practices and the majority of the construction has already taken place without the benefit of a valid coastal development permit, so it is not clear whether or not impacts to water quality occurred during construction.

The Commission finds that the proposed development, as proposed, does not conform with Sections 30231 of the Coastal Act regarding protection of water quality to promote biological productivity. The applicant could modify the project or the Commission could impose conditions to bring the project into conformity with Sections 30231; however, the proposed development cannot be found consistent with other sections of the Coastal Act, and therefore must be denied.

F. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred at the project site subject to this coastal development permit application. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Development is defined by Coastal Act Section 30106, 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).

Coastal Act Section 30600 states, in part:

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or

undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

Coastal Act Section 30600 states that development within the Coastal Zone requires a coastal development permit. Coastal Act Section 30106 states that development includes the erection of any solid material or structure, grading and removing of materials, and any change in the intensity of land. The demolition of the existing duplex and triplex represents development. The subdivision of two residential parcels into four residential parcels represents development. And the construction of four single family homes and four accessory structures represents development. As detailed in Section III: Local Government Actions and Project History, the development occurred without a valid coastal development permit. Any non-exempt development activity, which applies in this case, conducted in the Coastal Zone without a valid coastal development permit constitutes a violation of the Coastal Act. The applicant is seeking after-the-fact approval of the development through this Coastal Development Permit Application No. A-5-VEN-16-0083.

Although unpermitted development has taken place prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the site without a coastal development permit. The Commission's enforcement division will consider all options to address the unpermitted development.

G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As proposed, the proposed development is not consistent with the policies of Chapter 3 of the Coastal Act and is not consistent with the certified Land Use Plan for the area. The City of Los Angeles is in the process of preparing a Local Coastal Program for the Venice area. Approval of the project, as proposed, would prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act. In particular, approving

four three-story, massive homes on two lots with only a 15-to-19 foot setback from the roadway and zero to five foot side setbacks would modify the character of the neighborhood, thereby making it more difficult for the City to adopt an LCP that preserves and protects the existing community character. Protecting community character is a classic cumulative impacts issue, and this project—especially when considered in combination with other past, current and probable future projects that seek to maximize height, density, and mass—would prejudice the City’s ability to prepare and adopt an LCP that protects the community’s existing character. Therefore, the Commission denies the proposed development, consistent with the provisions of Section 30604 (a) of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City is the lead agency for CEQA compliance and adopted a Mitigated Negative Declaration for the project (ENV-2012-2950-MND).

The proposed project has been found to be inconsistent with the Chapter 3 policies of the Coastal Act because the proposed structures would adversely affect visual resources and would be inconsistent with the community character. The adverse impacts have not been avoided or minimized to the greatest extent feasible. There are alternative measures available that would further reduce or eliminate adverse effects to visual resources and community character. The applicant could construct less massive, more articulated single family homes with greater setbacks on the two existing residential lots, or up to eight much smaller units on four subdivided lots, but the cumulative size, mass, and scale of any development would need to be found consistent with the Chapter 3 policies of the Coastal Act and the certified Land Use Plan for the area. There is adequate area on the two parcels (approximately 10,000 square feet) to provide residential development with reduced mass, greater articulation, and greater architectural diversity than what the applicant has proposed. Therefore, the Commission denies the proposed project because of the availability of environmentally preferable alternatives.

In any event, CEQA does not apply to private projects that public agencies deny or disapprove. Pub. Res. Code § 21080(b)(5). Accordingly, because the Commission denied the proposed project, it is not required to adopt findings regarding mitigation measures or alternatives.

Appendix A – Substantive File Documents

1. City of Los Angeles certified Land Use Plan for Venice (2001)
2. City of Los Angeles Record for ZA-2013-383-CDP-MEL (Lighthouse Brooks LLC)
3. Waiver of Coastal Development Permit Requirements 5-13-1213-W (Walters)
4. Waiver of Coastal Development Permit Requirements 5-12-281-W (Misakyan)
5. Waiver of Coastal Development Permit Requirements 5-11-015-W (Jimenez)
6. Waiver of Coastal Development Permit Requirements 5-07-418-W (McVeary)
7. Appeal No. A-5-VEN-15-0059 (Kamdar)



Vicinity Map: 742-748 Brooks Avenue, Venice, Los Angeles



Photo credit: Bing Maps

Exhibit 2

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California Coastal
Commission

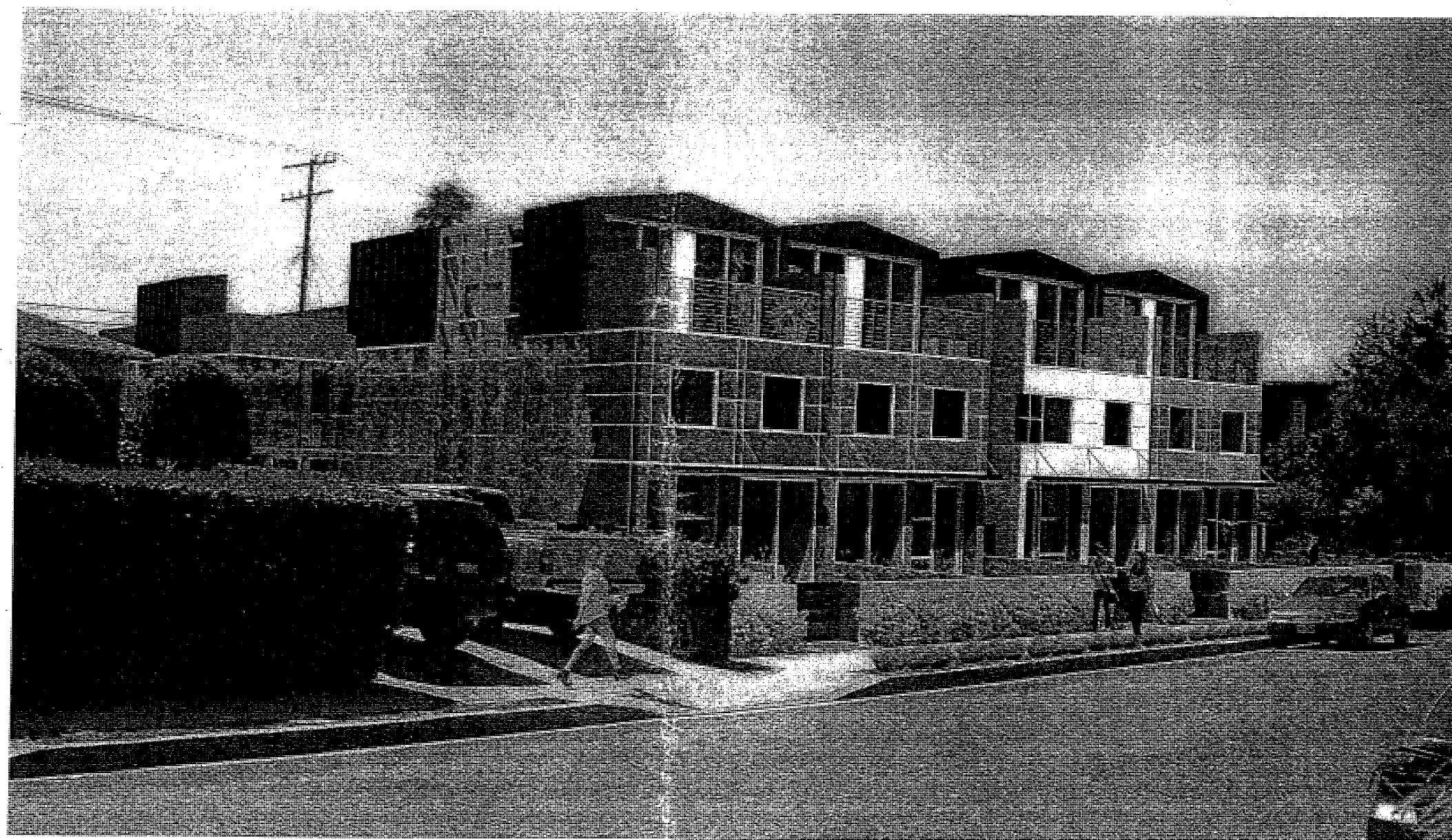
LIGHTHOUSE
Investments

San Diego County Office 310.236.1600
Santa Monica Office 310.236.1600
San Francisco Office 415.774.1600
www.lighthouseinvestments.com

BROOKS AVE SMALL LOT SUBDIVISION

PROJECT NO 12-006

BROOKS AVE SMALL LOT
SUBDIVISION
742 Brooks Avenue
Venice, CA 90291
Owner:
David Breslin
742 Brooks Avenue, Unit 5
Venice, CA 90291
P: 310.367.6570
F: 310.396.7240
E: dbreslin@hotmail.com



09.17.12 PARCEL SUBMITAL

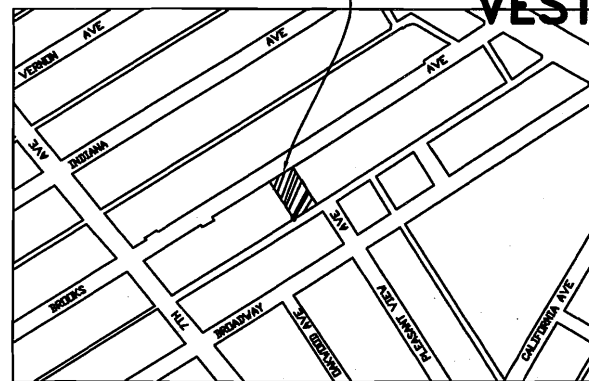
SCALE	DATE
AS SHOWN	9/24/12

COVER SHEET

ZA 2013-383-CDP

ALL UNITS

PROJECT SITE



VICINITY MAP
NTS

VESTING PRELIMINARY PARCEL MAP NO.2012-2949

IN THE CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

FOR SMALL LOT SUBDIVISION PURPOSES PER ORD. NO. 176,354

ZA 2013-383

Exhibit 2

Page 2 of 3



California Coastal
Commission

SUBDIVIDER:

LIGHTHOUSE INVESTMENTS, LLC
1180 S. BEVERLY DR. SUITE 508
LOS ANGELES CA 90035
TEL: (310) 556-1600

OWNER:

DAVID BRESLIN
742 BROOKS AVE., UNIT #5
VENICE, CA 90291
TEL: (310) 367-6570

REPRESENTATIVE/ENGINEER:

DHS & ASSOCIATES INC.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA 92780
TEL: (714) 665-6569

LEGAL DESCRIPTION:

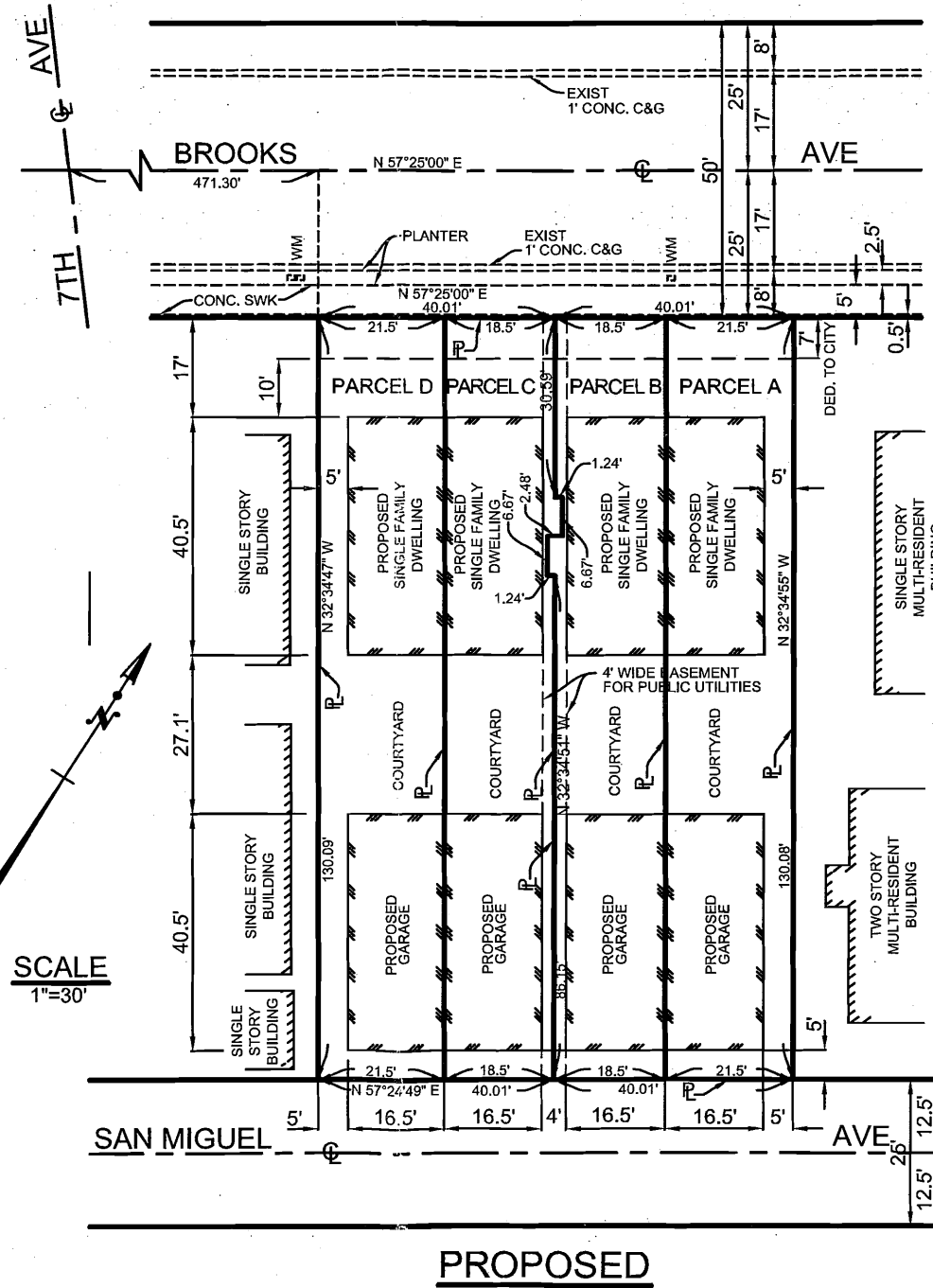
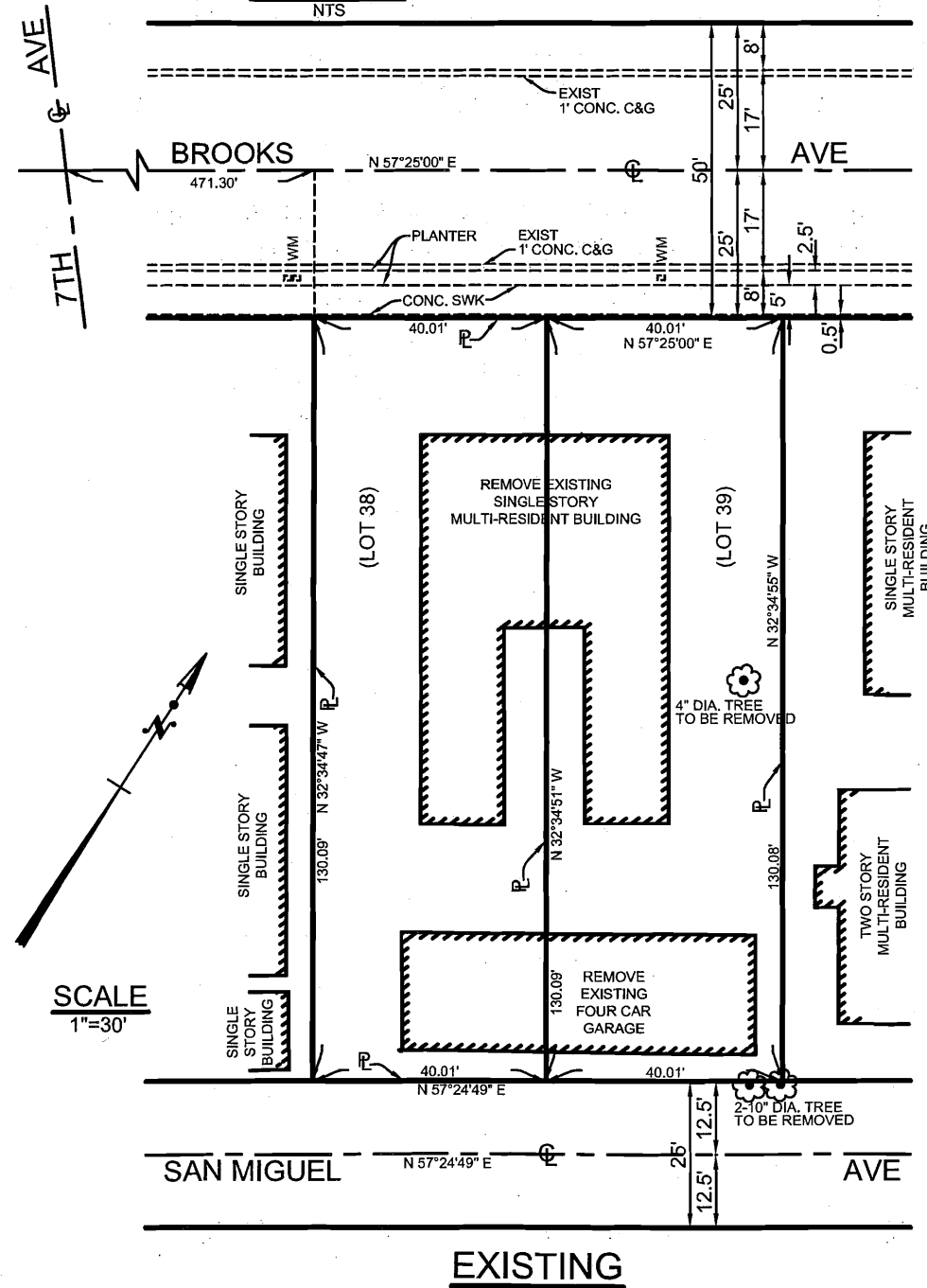
LOTS 38 AND 39, TRACT NO. 8415
M.B. 96, PAGES 57 & 58
RECORD OF THE LOS ANGELES COUNTY

NOTES:

- EXISTING LOTS CONSIST OF A MULTI FAMILY DWELLING, WHICH WILL BE DEMOLISHED.
- PROPOSED LOT: THE EXISTING LOT WILL BE USED FOR FOUR (4) SMALL LOT SUBDIVISION.
- PROJECT ADDRESS: 742-744 BROOKS AVE
LOS ANGELES, CA 90292
- THERE ARE NO OAK, WESTERN SYCAMORE, CALIFORNIA BAY, OR SOUTHERN CALIFORNIA BLACK WALNUT TREES ON THE SITE.
- THE SITE IS RELATIVELY FLAT.
- THE SITE IS NOT IN THE FLOOD ZONE AREA.
- SEWER AND OTHER PUBLIC UTILITIES ARE AVAILABLE.
- AREA:
NET: (AFTER DEDICATION): 9,848 S.F. (0.226 ACRES)
GROSS: (BEFORE DEDICATION): 10,409 S.F. (0.238 ACRES)
- THOMAS GUIDE: PAGE 793-J5
DISTRICT MAP NO. 033-B-193
CENSUS TRACT NO. 2933.05
COUNCIL DISTRICT NO. 11
- PROPOSED DEVELOPMENT DATA:
FOUR (4) SMALL LOT SUBDIVISION PER ORDINANCE NO. 175354.
PARKING: COVERED PARKING SPACE FOR 4 HOUSES (2 PER/HOUSE) = 8
- THERE ARE THREE (3) TREES ON THE LOT, WHICH WILL BE REMOVED.
- GRADING QUANTITIES:
CUT = 400 CY
FILL = 400 CY
- THE SITE IS NOT IN GEOLOGICALLY HAZARDOUS AREA AND IS NOT SUBJECT TO FLOOD HAZARD.
- THIS SITE IS IN LIQUEFACTION AREA
- EXISTING AND PROPOSED ZONE: RD1.5
- SMALL LOT SINGLE FAMILY SUBDIVISION IN THE RD1.5 ZONE, PURSUANT TO ORDINANCE No. 176,354.
- MAP REVISED ON 10-8-12

SETBACK MATRIX

	PARCEL D	PARCEL C	PARCEL B	PARCEL A
FRONT LOT LINE DESIGNATION	BROOKS AVE	BROOKS AVE	BROOKS AVE	BROOKS AVE
FRONT YARD SETBACK	10'	10'	10'	10'
SIDEYARD E/SIDE	0'	0'	0'	5'
SIDEYARD W/SIDE	5'	0'	0'	0'
REAR YARDS	5'	5'	5'	5'
AREA (SF) (GROSS)	2,797	2,407	2,407	2,797
NET AREA (AFTER DED.)	2,647	2,277	2,277	2,647



SCALE
1"=30'

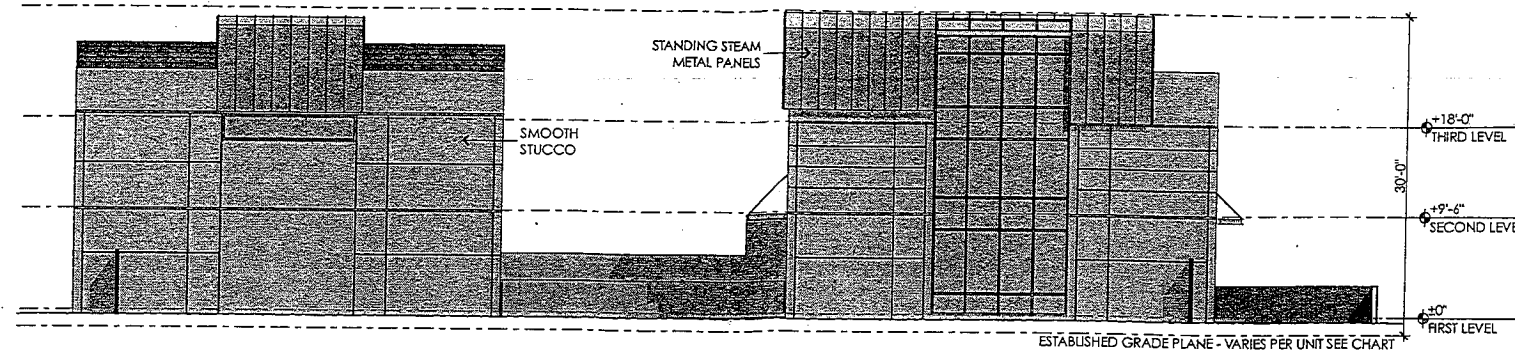
SCALE
1"=30'

Exhibit 2

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California Coastal
Commission



EAST ELEVATION 1

1/8" = 1'-0"

BUILDING HEIGHT CALCULATIONS

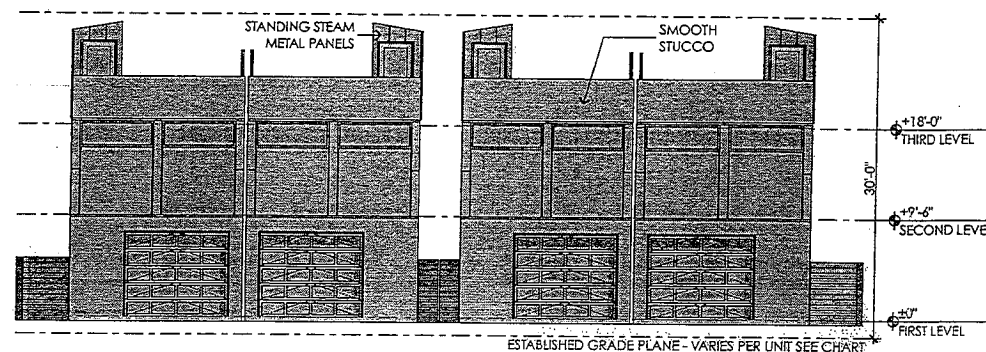
HEIGHT LIMIT = 30'-0" PER SPECIFIC PLAN
PROPOSED HEIGHT = 30'-0"

PARCEL A
ESTABLISHED GRADE PLANE = 495.63
TOP OF STRUCTURE = 525.63
BUILDING HEIGHT = 30.00'

PARCEL B
ESTABLISHED GRADE PLANE = 495.66
TOP OF STRUCTURE = 525.66
BUILDING HEIGHT = 30.00'

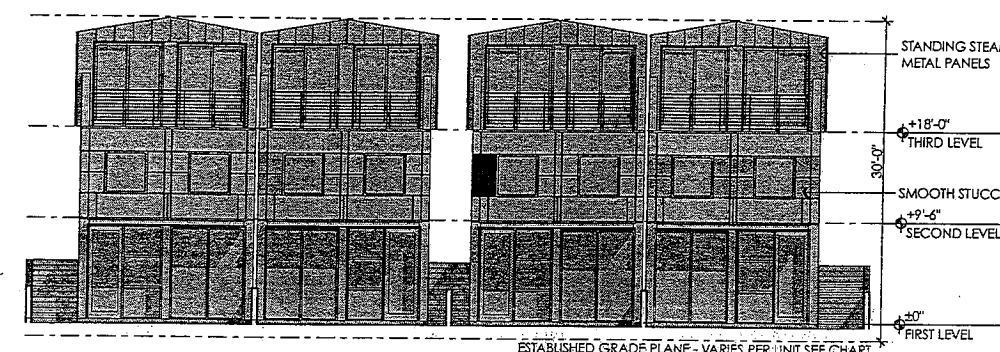
PARCEL C
ESTABLISHED GRADE PLANE = 495.69
TOP OF STRUCTURE = 525.69
BUILDING HEIGHT = 30.00'

PARCEL D
ESTABLISHED GRADE PLANE = 495.74
TOP OF STRUCTURE = 525.74
BUILDING HEIGHT = 30.00'



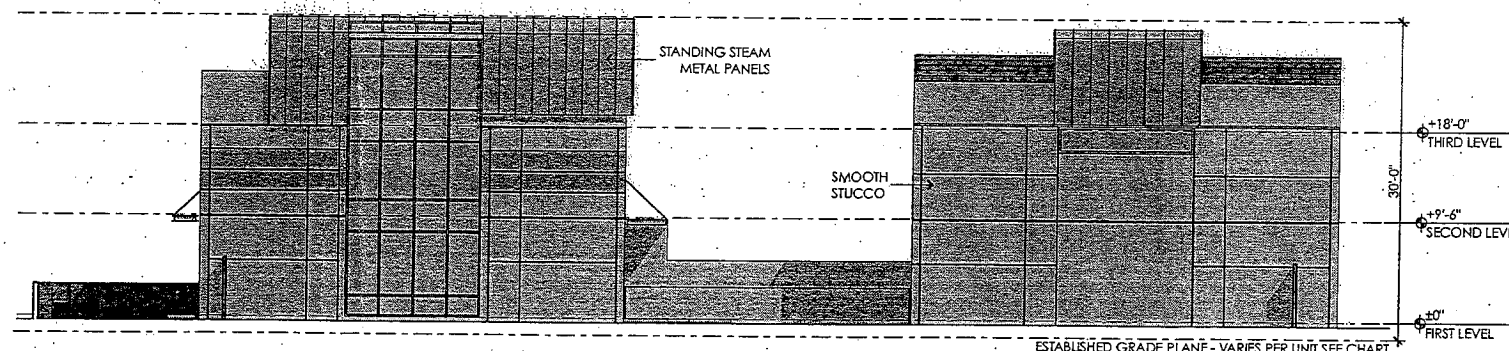
SOUTH ELEVATION 3

1/8" = 1'-0"



NORTH ELEVATION 2

1/8" = 1'-0"



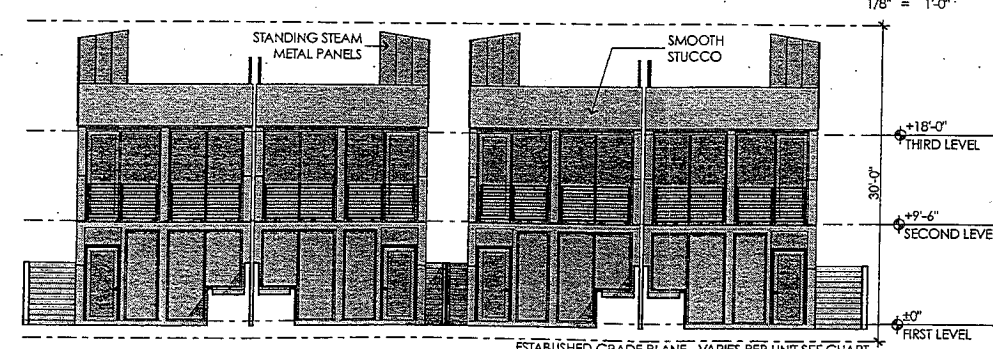
WEST ELEVATION 4

1/8" = 1'-0"



COURTYARD ELEVATION LOOKING NORTH 6

1/8" = 1'-0"



COURTYARD ELEVATION LOOKING SOUTH 5

1/8" = 1'-0"

LIGHTHOUSE
Investments

310.336.1490
310.336.1491
310.336.1492
310.336.1493
310.336.1494
310.336.1495
310.336.1496
310.336.1497
310.336.1498
310.336.1499
310.336.1500

PROJECT NO 12-006

BROOKS AVE SMALL LOT
SUBDIVISION
742 Brooks Avenue
Venice, CA 90291

Owner:
David Breslin
742 Brooks Avenue, Unit 5
Venice, CA 90291
P: 310.367.6570
F: 310.396.7240
E: dbreslin@hotmail.com

09.17.12 PARCEL SUBMITAL

SCALE AS SHOWN DATE 9/24/12

EXTERIOR ELEVATIONS

ZA 2013-383

ALL UNITS

Exhibit 3

Page 1 of 11



California Coastal
Commission



livinghomes®

ISSUE TO CALIFORNIA COASTAL COMMISSION

10.18.16

Exhibit 3

Page 2 of 11



California Coastal
Commission

TIM LEFEVRE
P: 323.778.6988

STRUCTURAL ENGINEER
R&S TAVARES ASSOCIATES, INC.
16875 W. BERNARDO DR., STE. 285
SAN DIEGO, CA 92127
P. 858.444.3344 x 1810

ELECTRICAL ENGINEER
JM&A
18340 VENTURA BLVD.,
TARZANA, CA 91356
P. 818.757.1171

MECHANICAL
UNICO
7401 ALABAMA AVE.
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STEVE NAZEMI, P.E., MSCE.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA 92780
714.665.6569

PROJECT:
**BROOKS AVENUE
HOMES**
742 - 748 BROOKS AVE
VENICE, CA 90291

Legal Description:
CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA
MAP REFERENCE: BOOK 96, P 57-58
LOT: 38 & 39
TRACT #: 8415
APN#: 423-901-3028

ISSUED:

ISSUE TO CA COASTAL COMMISSION: 10.18.16

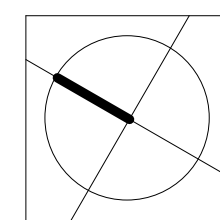
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B.1	C.1
A.1	C

DATE: 09.20.13

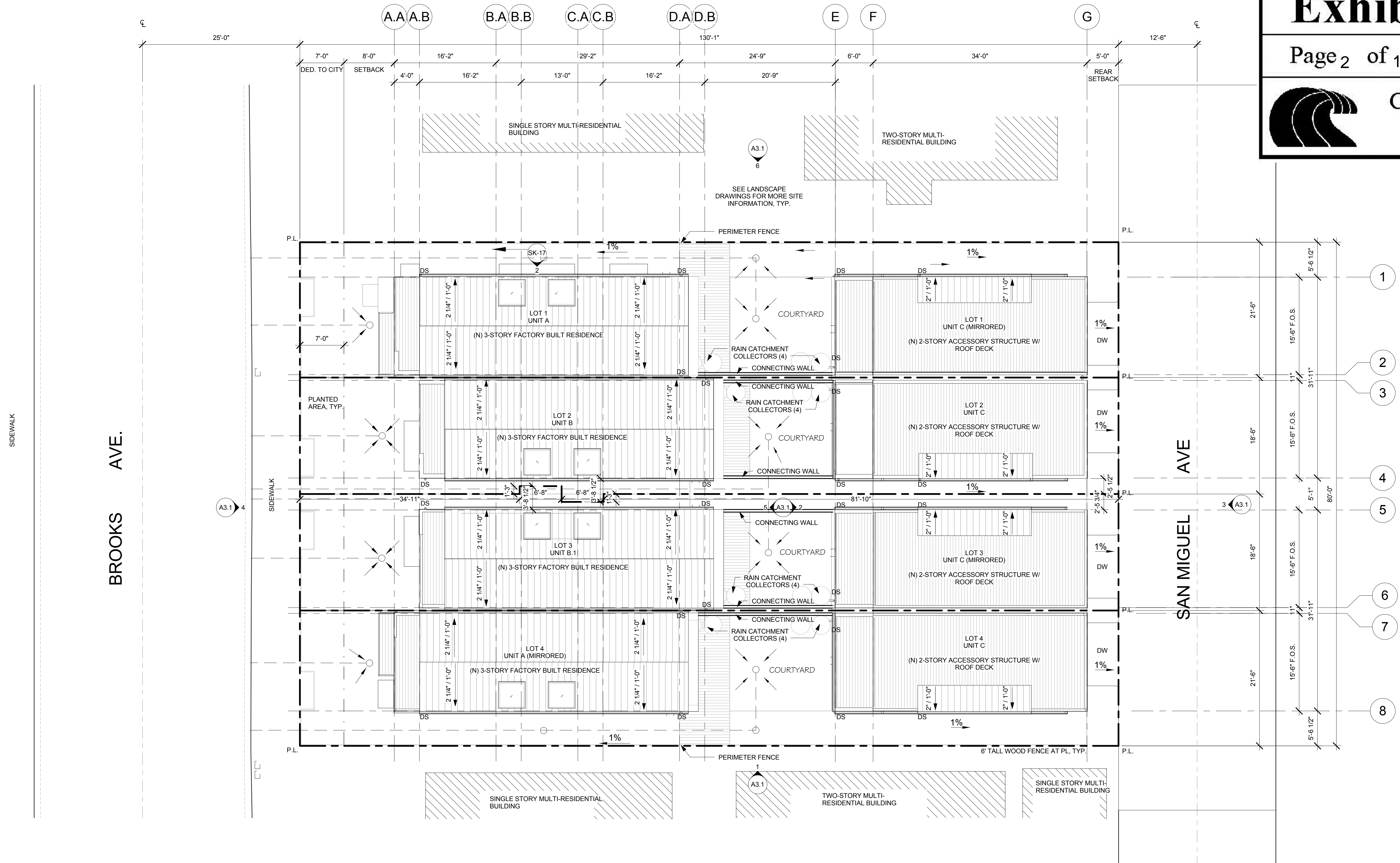
SHEET:

A1.1

SITE PLAN



NOTE:
ALL ROOF AND SITE DRAINAGE
PER CIVIL DRAWINGS.



1 | SITE PLAN
1/8" = 1'-0"

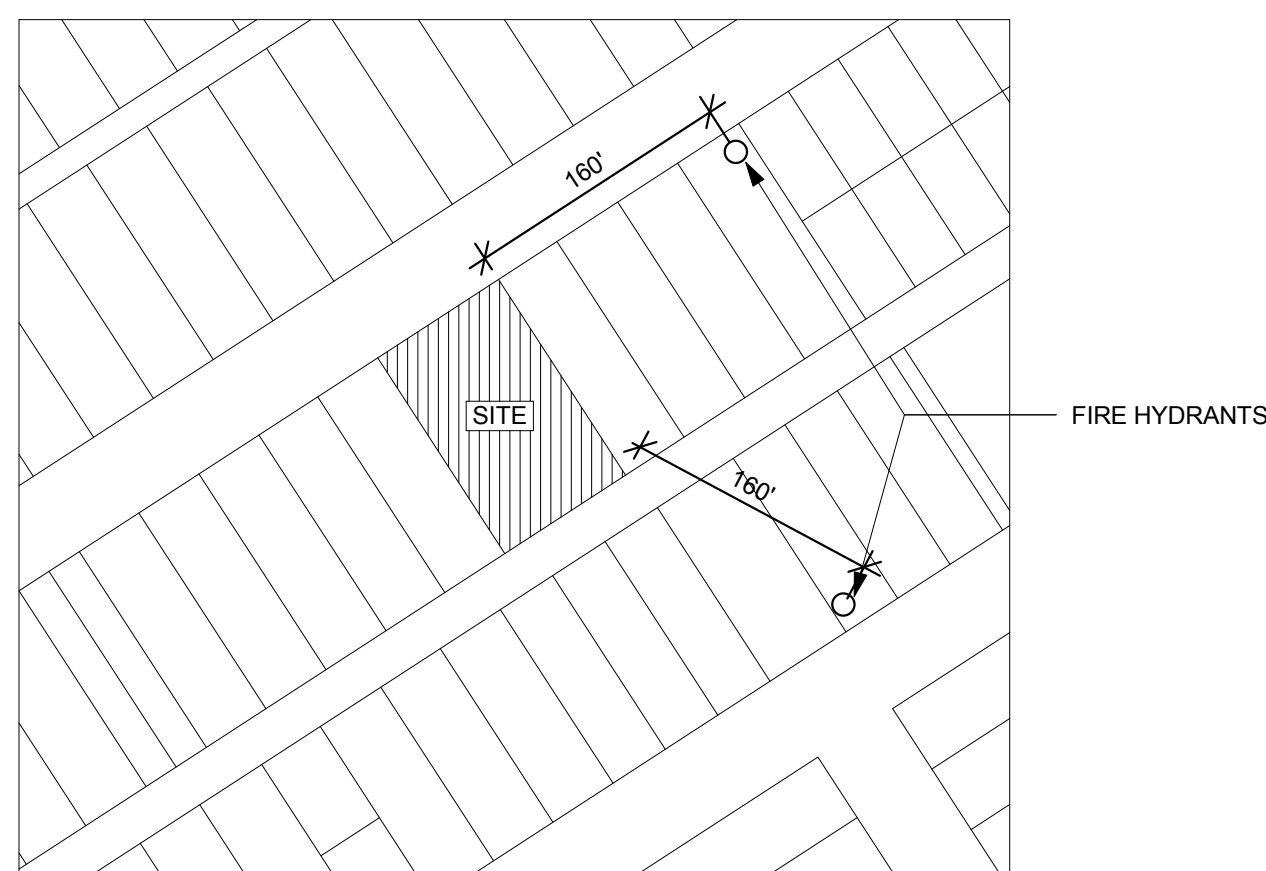


Exhibit 3

Page 3 of 11



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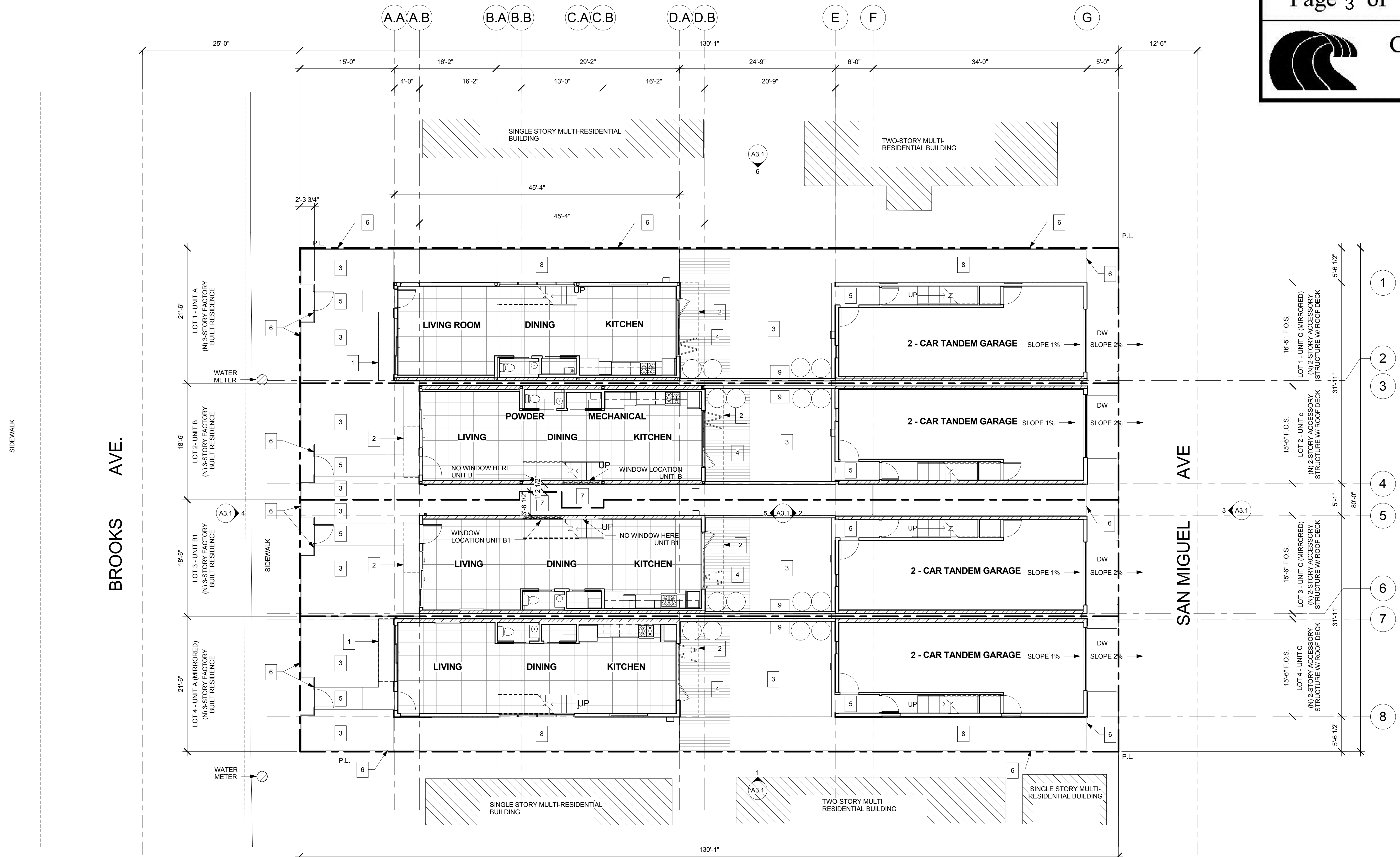
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B.1	C.1
A.1	C

DATE: 12.12.14

SHEET:

A1.2

SITE PLAN - FIRST
FLOOR



- SITE PLAN LEGEND:**
- 1 - EDGE OF AWNING ABOVE
 - 2 - EDGE OF OVERHANG ABOVE
 - 3 - LANDSCAPED AREA (PERMEABLE)
 - 4 - SITE-BUILT DECK
 - 5 - POURED CONC. WALKWAY
 - 6 - SITE CONSTRUCTED WD FENCE, 6 FT TALL; 42 IN @ BROOKS
 - 7 - WINDOWS AT ADJACENT ELEVATIONS OF B AND B.1 COORDINATED WITH PROPERTY LINE JOG
 - 8 - SEE LANDSCAPE DWG
 - 9 - ONE CONDENSER UNIT FOR EACH LOT'S HOUSE AND GARAGE - EXACT LOCATION TBD

1 | SITE PLAN - FIRST FLOOR

1/8" = 1'-0"

Exhibit 3

Page 4 of 11

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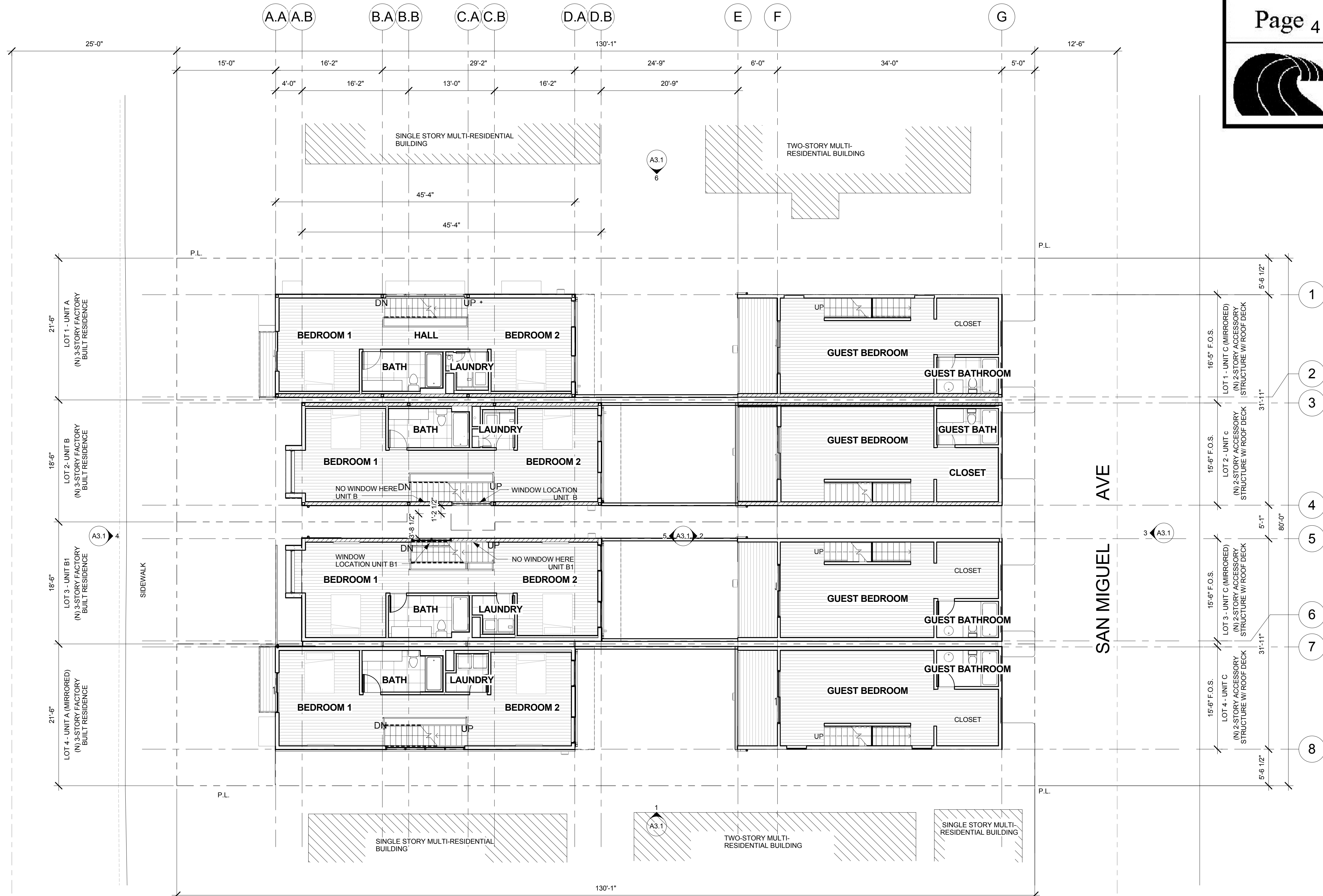
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DATE: 10/19/16

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A1.3

SITE PLAN -
SECOND FLOOR

1 SITE PLAN - SECOND FLOOR

1/8" = 1'-0"

Exhibit 3

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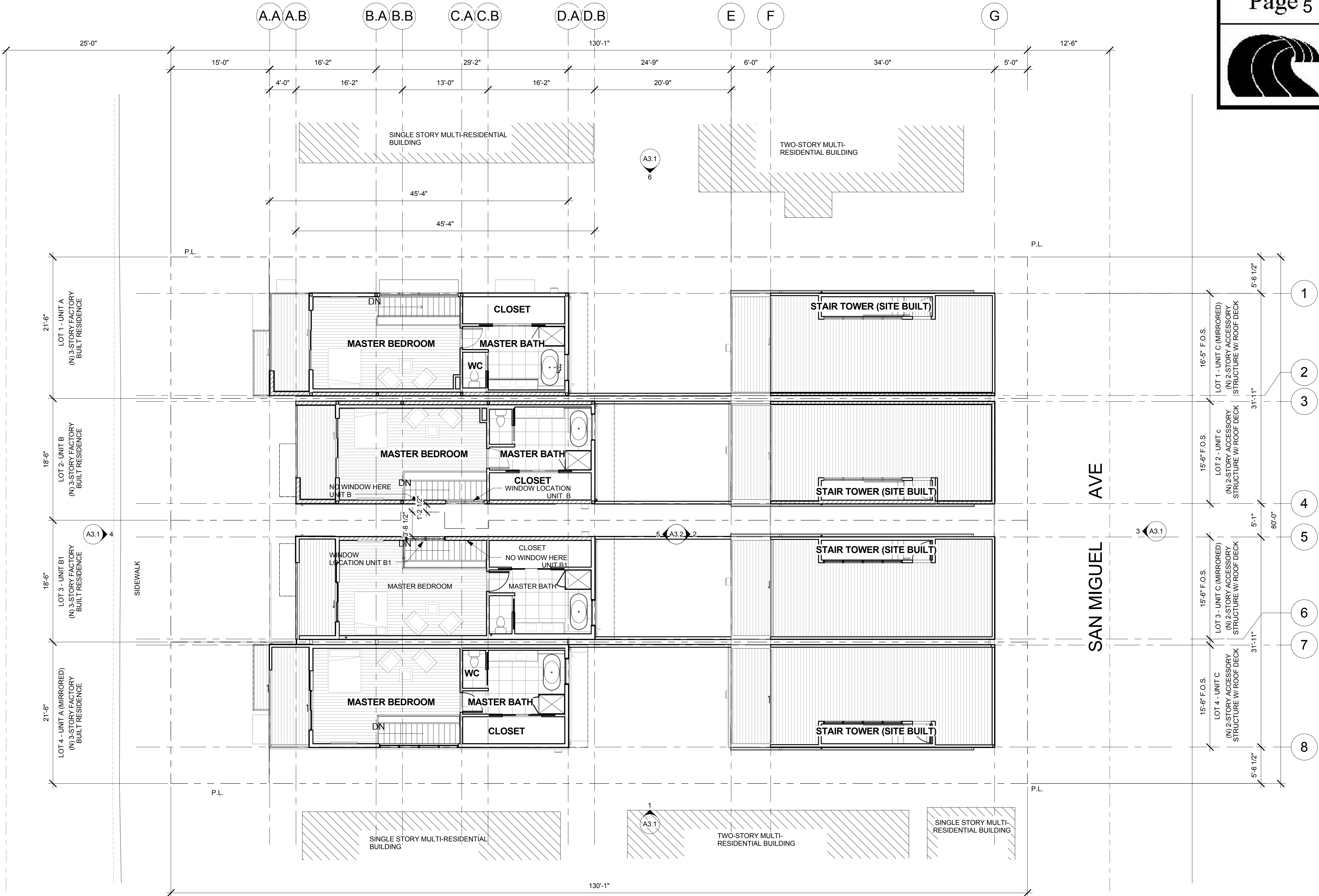
ISSUE TO CA COASTAL COMMISSION: 10.18.16

DATE: 10/19/16

SHEET:

A1.4

SITE PLAN - THIRD FLOOR



1 SITE PLAN - THIRD FLOOR

1/8" = 1'-0"

Exhibit 3

Page 6 of 11



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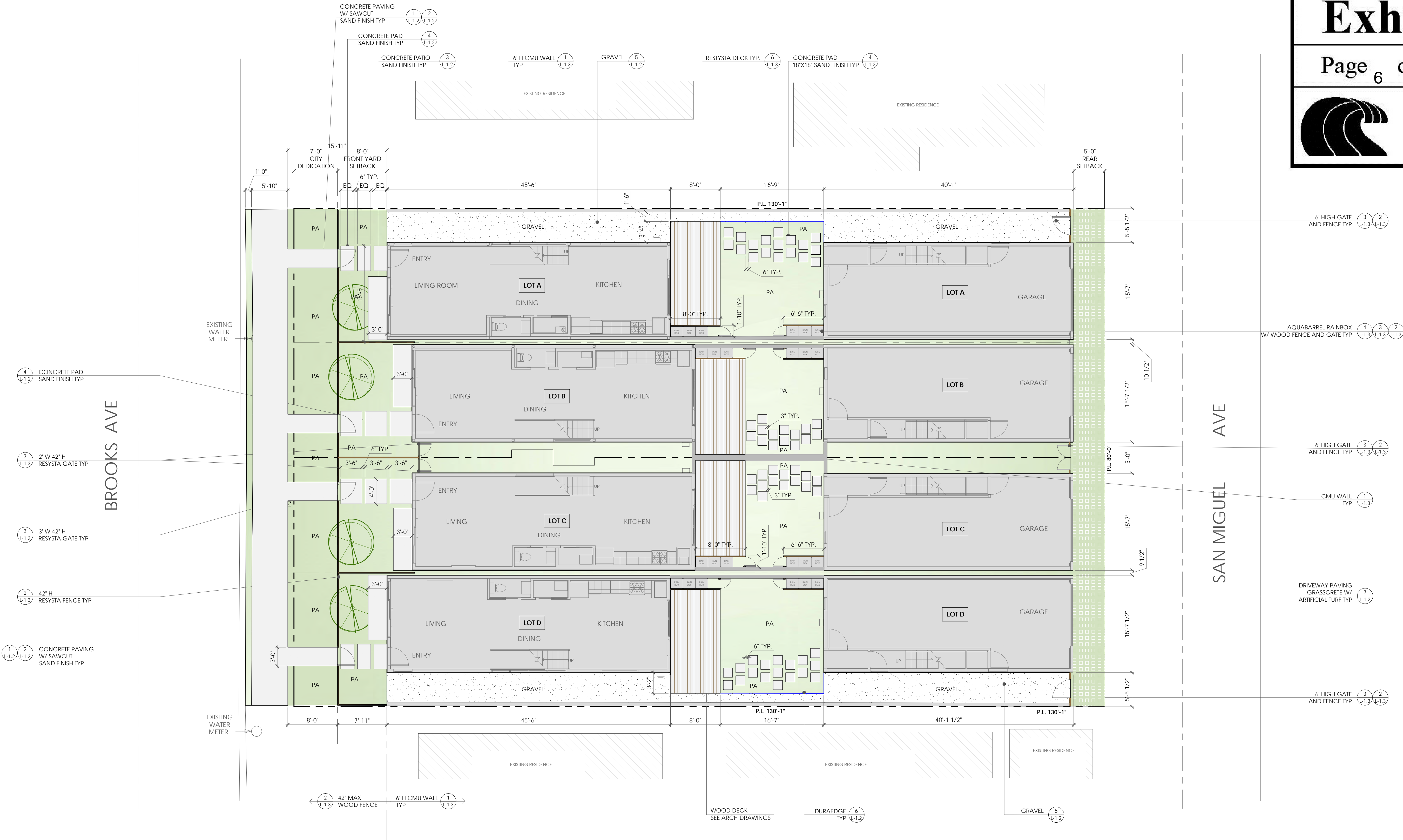
REVISION

09-12-2016	
09-14-2016	
05-13-2016	
05-20-2016	
06-24-2016	
07-05-2016	

DATE : 07.05.2016
SCALE : AS SHOWN
DRAWN BY : ABG

L-1.0

HARDSCAPE PLAN



COVENANT AND AGREEMENT

"THE SUBDIVIDER SHALL RECORD A COVENANT AND AGREEMENT SATISFACTORY TO THE ADVISORY AGENCY GUARANTEEING THAT:

A. THE PLANTING AND IRRIGATION SYSTEM SHALL BE COMPLETED BY THE DEVELOPER/BUILDER PRIOR TO CLOSE OF ESCROW OF 50 PERCENT OF THE UNITS OF THE PROJECT OR PHASE.

B. SIXTY DAYS AFTER LANDSCAPE AND IRRIGATION INSTALLATION, THE LANDSCAPE PROFESSIONAL SHALL SUBMIT TO THE HOMEOWNERS/PROPERTY OWNERS ASSOCIATION A CERTIFICATE OF SUBSTANTIAL COMPLETION (\$12.40 G. LAMC.)

C. THE DEVELOPER/BUILDER SHALL MAINTAIN THE LANDSCAPING AND IRRIGATION FOR 60 DAYS AFTER COMPLETION OF THE LANDSCAPE AND IRRIGATION INSTALLATION.

D. THE DEVELOPER/BUILDER SHALL GUARANTEE ALL TREES AND IRRIGATION FOR A PERIOD OF SIX MONTHS AND ALL OTHER PLANTS FOR A PERIOD OF 60 DAYS AFTER LANDSCAPE AND IRRIGATION INSTALLATION."

GREEN BUILDING CODE CALCULATIONS

HARDSCAPE MATERIAL W/ INITIAL SOLAR REFLECTANT LOT SIZE - 10,406 SQ.FT.
TOTAL SQUARE FOOTAGE OF HARDSCAPE PROVIDED

HARDSCAPE TYPE	REQUIREMENT	SQ.FT.
CONCRETE PAVING/STEPS/LOW WALLS	b. SRI 0.30	667 SQ.FT.
667 SF / 10,406 SF = 0.0640(100) =		TOTAL 6 %

SHADE PROVIDED BY TREES AND PLANTING LOT SIZE - 10,406 SQ.FT.

LOCATION	TYPES OF SHADING	SQ.FT.
STREET LEVEL	PLANTING / TREE CANOPIES	2,234 SQ.FT.
2,234 SF / 10,406 SF = 0.2146(100) =		TOTAL 21 %

TOTAL PERCENTAGE = 27 %



HARDSCAPE PLAN

1/8" : 1'-0"

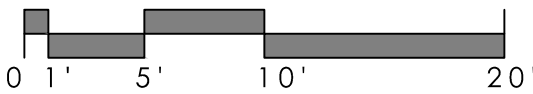


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Page7 of 11



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NOT FOR CONSTRUCTION

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REVISION

09-12-2016	09-16-2016
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06-24-2016	
07-05-2016	
08-17-2016	
08-22-2016	
09-02-2016	
09-07-2016	

DATE : 10.19.2016

SCALE : AS SHOWN

DRAWN BY : ABG

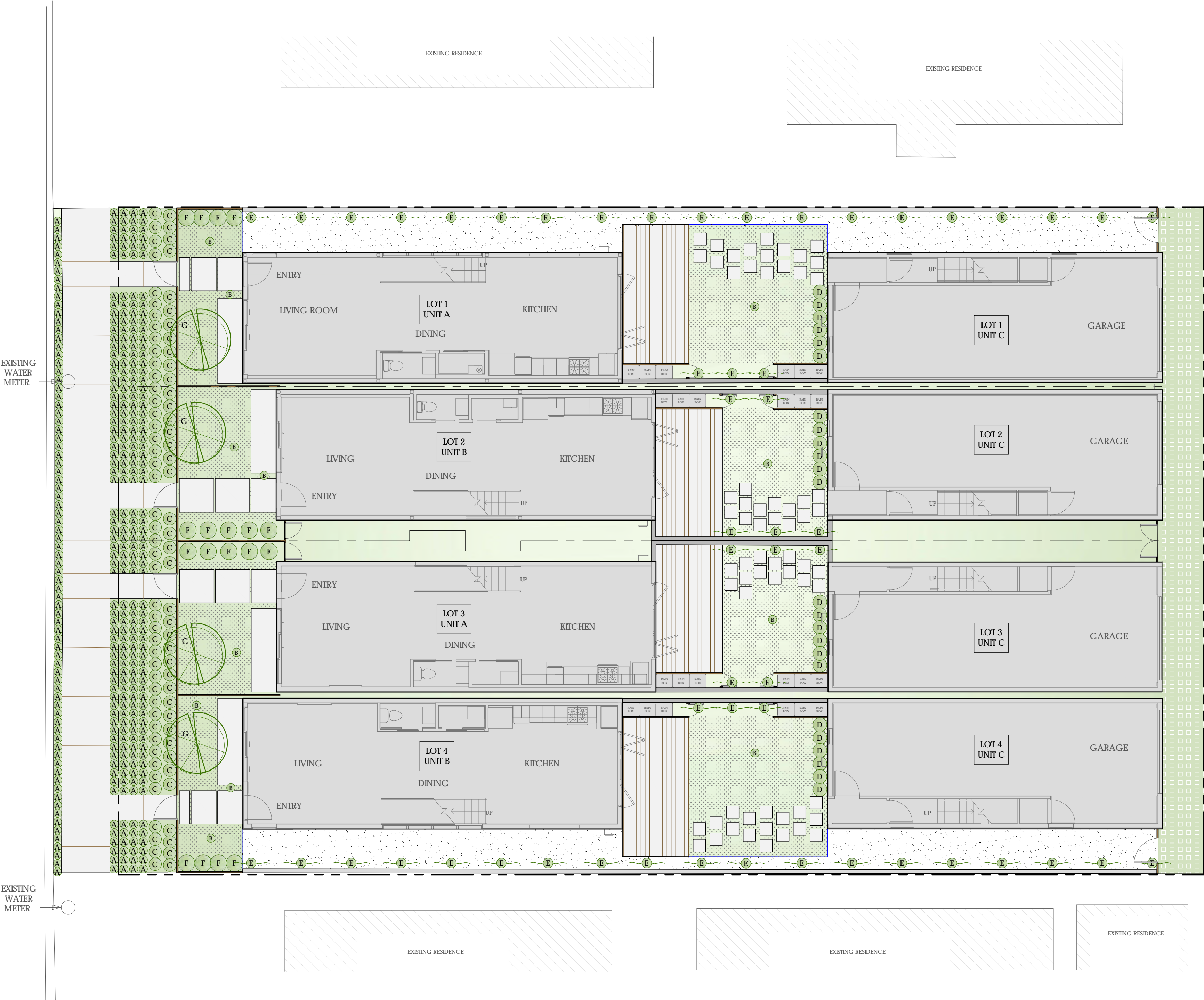
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PLANTING PLAN

BROOKS AVE

AVE

SAN MIGUEL



PLANT LEGEND

LEGEND	QTY	SIZE	ARRANGEMENT	PLANT TYPE	COMMON NAME	WUCOLS IV
A	38	QT FLATS	PER PLAN	CAREX PRAEGRACILIS	CALIFORNIA FIELD SEDGE	MOD
B	70	DIRT FLATS	PER PLAN	DYMONDIA MARGARETAE	SILVER CARPET	LOW
C	45	1 GAL.	PER PLAN	HELIOTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	MOD
D	24	1 GAL.	PER PLAN	LEYMUS CONDENSATUS 'CANYON PRINCE'	CANYON PRINCE WILD RYE	LOW
E	51	15 GAL.	PER PLAN	HARDENBERGIA VIOLACEA 'HAPPY WANDERER'	PURPLE VINE LILAC	MOD
F	18	5 GAL.	PER PLAN	WESTRINGIA 'WYNYABBIE GEM'	WYNYABBIE COAST ROSEMARY	LOW
G	4	24" BOX	PER PLAN	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	MOD

NOTE: THERE ARE NO EXISTING TREES ON THIS PROPERTY.

LANDSCAPE POINT SYSTEM

LOT SIZE	10,406 SF
POINTS REQUIRED	15 PTS
PLANTED PARKWAY - 80 LINEAR FOOT	80
PROVISION OF PERMEABLE DRIVEWAY	5
TOTAL POINTS PROVIDED	85

WATER MANAGEMENT POINT SYSTEM

LOT SIZE	10,406 SF
POINTS REQUIRED	200 PTS
AUTOMATIC IRRIGATION CONTROLLER	5
RAIN SENSOR AND EVAPOTRANSPIRATION DATA USED WITH AUTOMATIC CONTROLLER - TOTAL 4	8
PERMEABLE PAVING (MIN 100 SQ.FT.) - 317 SQ.FT.	5
PLANTS ONCE ESTABLISHED THAT WILL REMAIN IN GOOD HEALTH WITH SUMMER WATER - 142 PLANTS	284
TOTAL POINTS PROVIDED	302

POTENTIAL LANDSCAPE AREA
= (SITE) 10,406 S.F. - (BUILDING) 5,353 S.F. = 5,053 S.F.
LANDSCAPE PROVIDED = 2,234 S.F.

TREE PLANTING AND CARE INSTRUCTIONS

- DRAINAGE**
PREPARE THE HOLE A COUPLE OF DAYS PRIOR TO PLANTING. FILL THE HOLE WITH 12" OF WATER. THE WATER SHALL DRAIN OVERNIGHT. IF IT DOESN'T, YOU HAVE A DRAINAGE PROBLEM WHICH NEED TO BE CORRECTED WITH A FRENCH DRAIN OR SOME OTHER METHOD THAT TAKES EXCESS WATER DOWN AND AWAY FROM THE BOTTOM OF THE ROOT BALL.
- PLANTING**
THE HOLE SHALL BE 2" WIDER THAN THE BOX SIZE AND THE SAME DEPTH AS THE ROOT BALL. LEAVE THE BOTTOM FOR 48" BOX SIZES AND LARGER FOR STABILITY AND SAFETY. VERIFY THE TOP OF THE ROOT BALL IS EVEN OR SLIGHTLY HIGHER THAN THE SURROUNDING SOIL.
- SOIL PIPES**
48" BOX AND LARGER TREES SHALL HAVE FOR 4" PERFORATED PVC PIPES INSTALLED ON ALL FOUR SIDES TO THE BOTTOM OF THE ROOT BALL. FILL 3 PIPES WITH GRAVEL FOR DEEP FEEDING AND WATERING. USE THE FOURTH PIPE FOR CHECKING THE CONDITION OF THE ROOT BALL (TOO MUCH WATER OR TOO DRY). CAP ALL PIPES APPROXIMATELY 4" ABOVE SOIL LEVEL.
- WATERING BERM OR BASIN**
USE LEFT OVER SOIL MIX TO BUILD A SEVERAL-INCH-HIGH CIRCULAR WATERING BERM AROUND THE ROOT BALL. MAKE SURE THE BERM OR BASIN IS NO LARGER THAN THE ROOT BALL. OTHERWISE WATERING MAY WET THE SOIL AROUND THE TREE, BUT NOT THE ROOTBALL.
- WATERING**
IT IS VERY IMPORTANT TO KEEP A NEWLY PLANTED TREE WATERED DURING THE FIRST 12 TO 18 MONTHS. WATER AS OFTEN AS NECESSARY TO KEEP THE ROOT BALL MOIST, BUT NOT SATURATED. THIS MAY MEAN WATERING EVERY 2 TO 3 DAYS AT FIRST, OR ONLY ONCE A WEEK. HOW YOU WATER WILL DEPEND ON THE WEATHER, HOW HOT OR DRY YOUR AREA IS, AND YOUR SOIL TYPE. BE ESPECIALLY CAREFUL TO KEEP THE TREES WATERED DURING SANTA ANA WINDS.
- FERTILIZING**
THE TREE SHOULD BE FED IN MARCH, JUNE AND SEPTEMBER WITH A SLOW RELEASE 20-5-5 FERTILIZER MIXED HALF-AND-HALF WITH BLOODMEAL.

WUCOLS IV NOTE:

WATER REQUIREMENTS FOR ALL PLANTS LISTED HAVE BEEN CONFIRMED BY WUCOLS IV PLANT DATABASE PROVIDED BY THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) WATER USE EFFICIENCY PROGRAM.

PLANTING NOTES:

- SOIL TO BE SAMPLED BY WALLACE LABS (310.615.0116)
- CONTRACTOR TO AMEND PER WALLACE LAB RECOMMENDATION - 3" MIN.
- LEAF POST MULCH ON SURFACE OF ALL P.A.
- DURA EDGE AT ALL P.A. EDGES WWW.JDRUSSELCO.COM (800.888.7425)
- WEATHER BASED AUTOMATED IRRIGATION SHALL BE PROVIDED FOR ALL THE LANDSCAPED AREAS



PLANTING PLAN

1/8" = 1'-0"

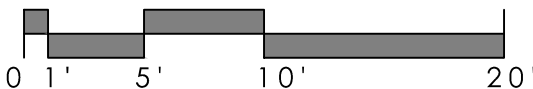


Exhibit 3

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A3.1
SITE ELEVATIONS

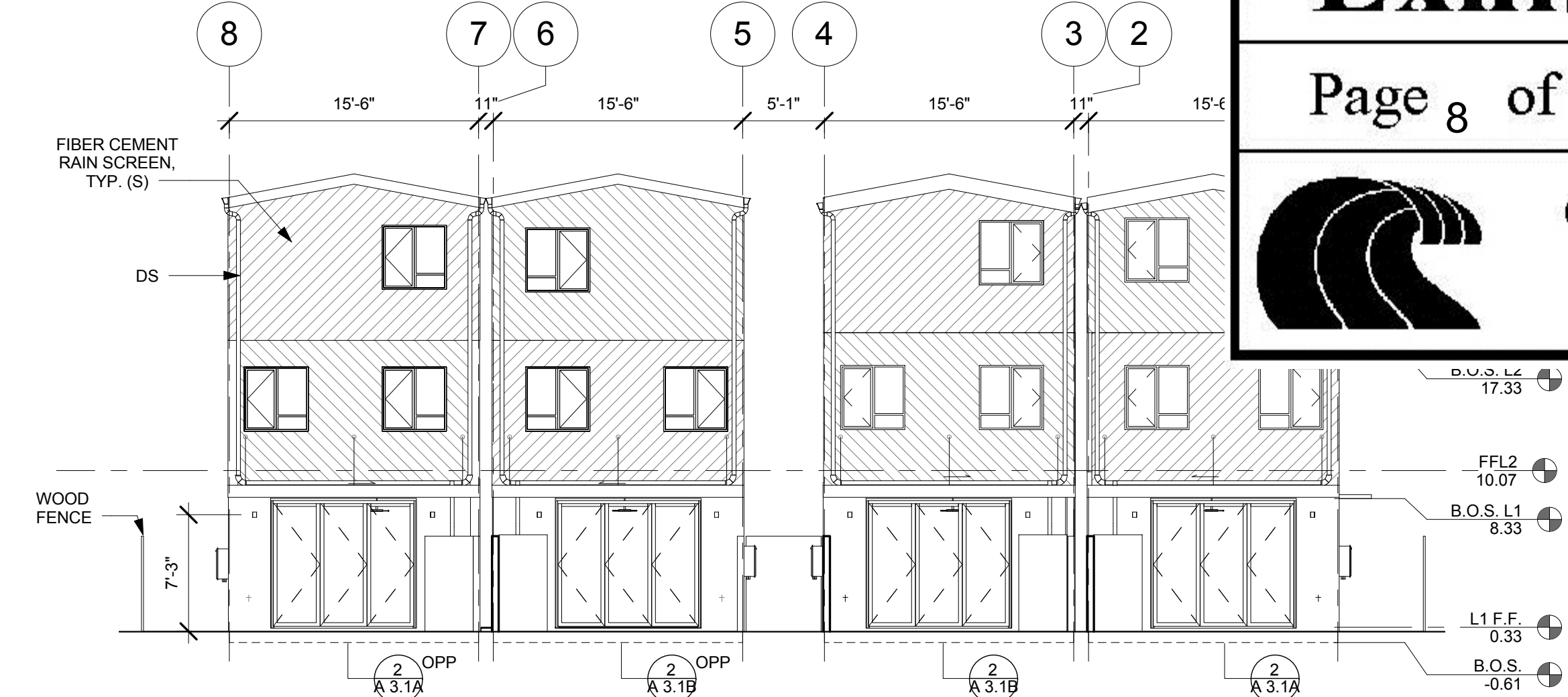
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FACTORY TO COORDINATE
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MANUAL TO SITE GC.

COORDINATE WITH
LIVINGHOMES



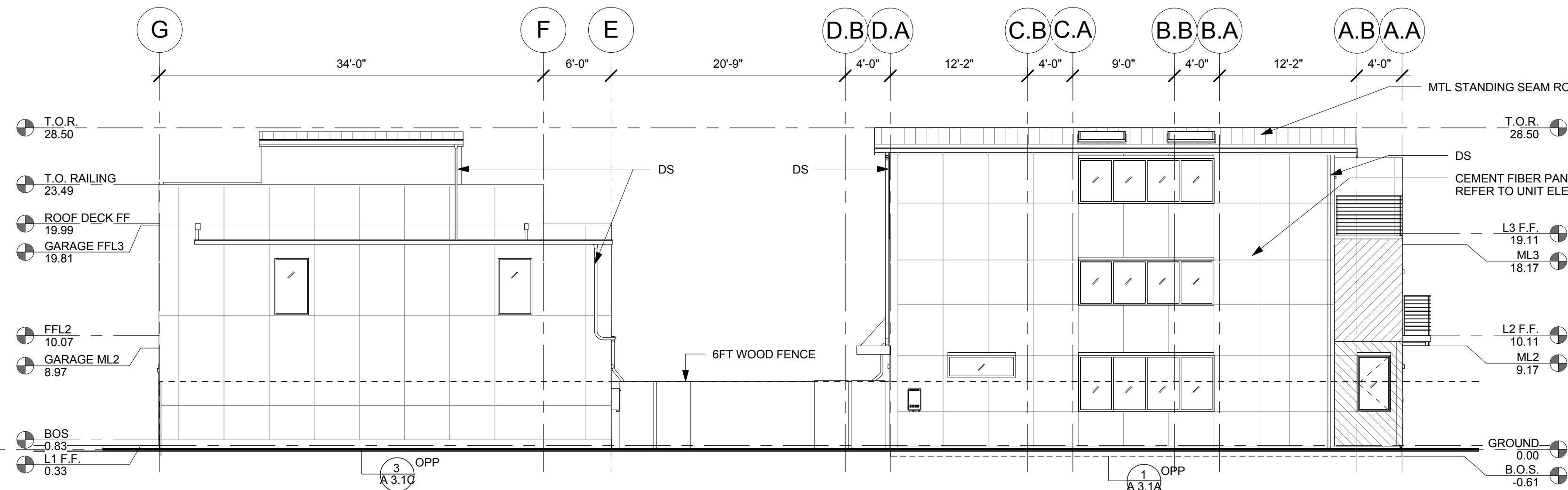
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1/8" = 1'-0"



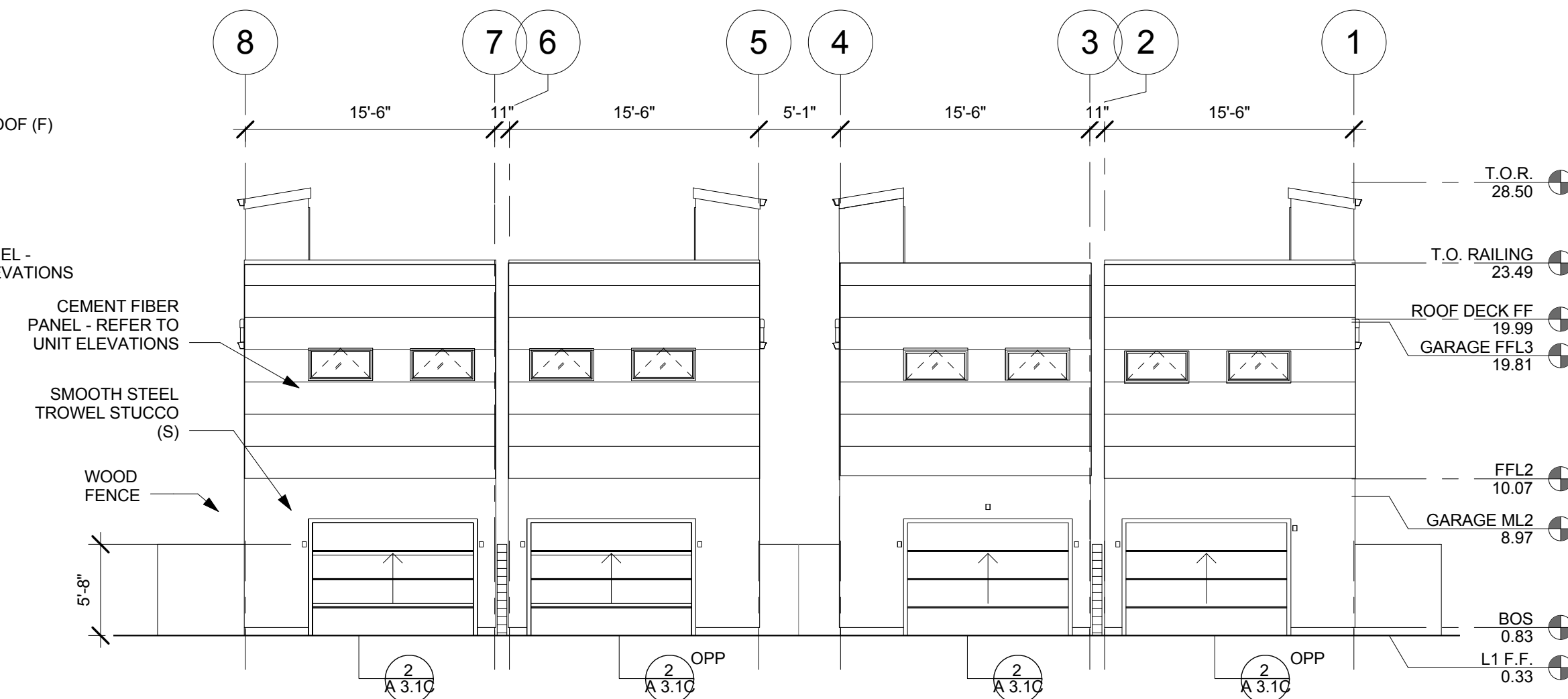
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1/8" = 1'-0"



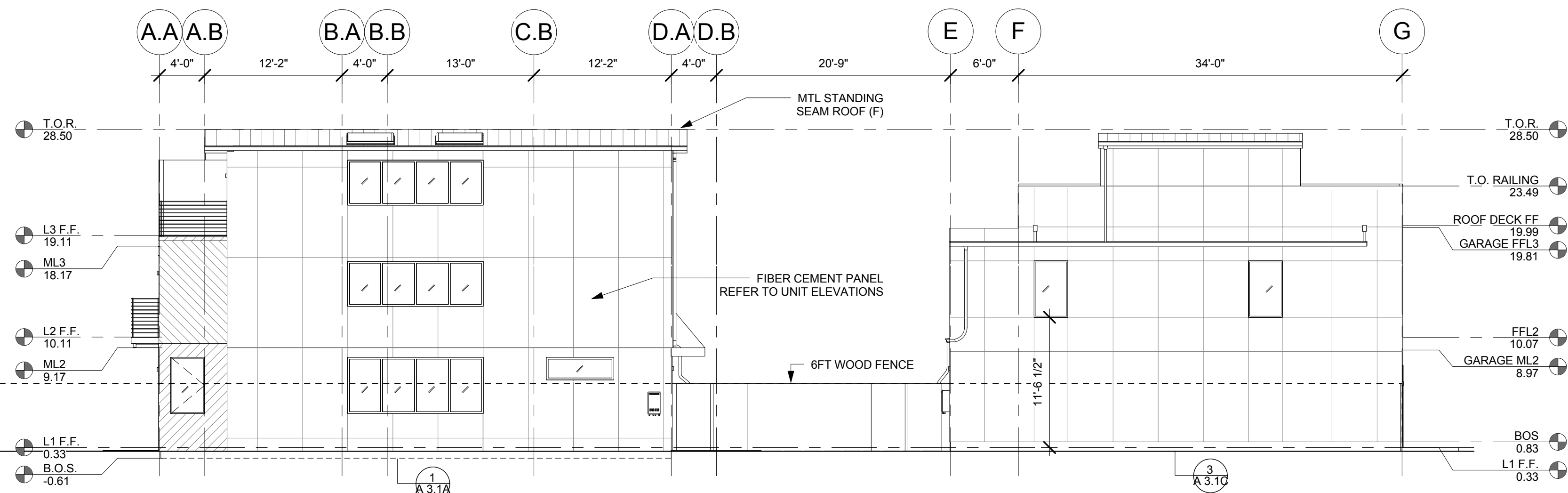
6 WEST ELEVATION - UNIT A+C

1/8" = 1'-0"



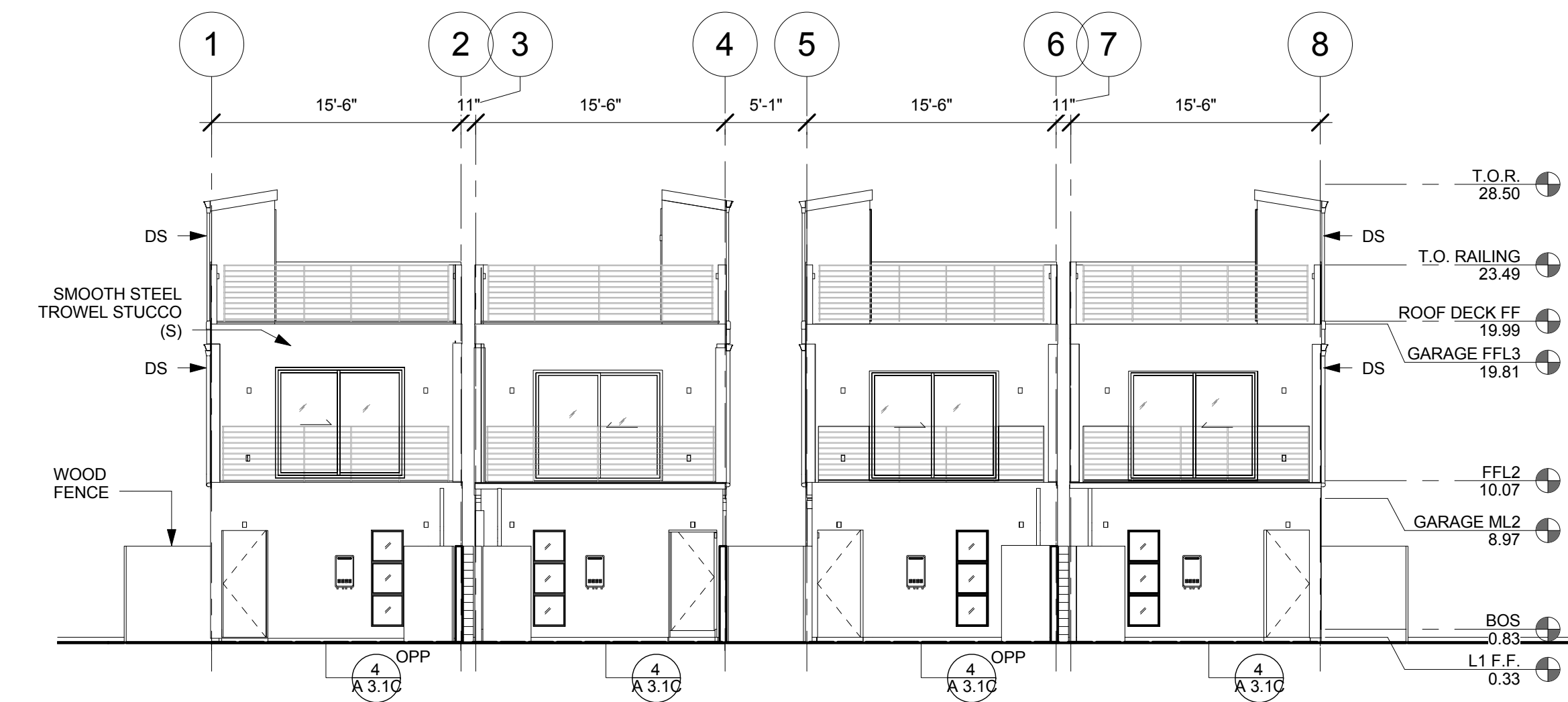
3 SOUTH ELEVATION - ALL UNIT C

1/8" = 1'-0"



1 EAST ELEVATION - UNIT A+C

1/8" = 1'-0"



2 NORTH ELEVATION - ALL UNIT C

1/8" = 1'-0"

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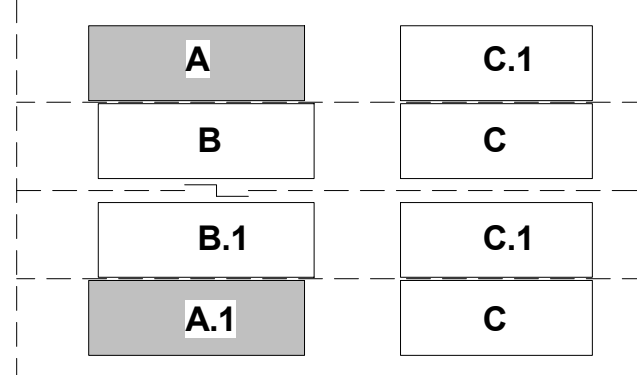
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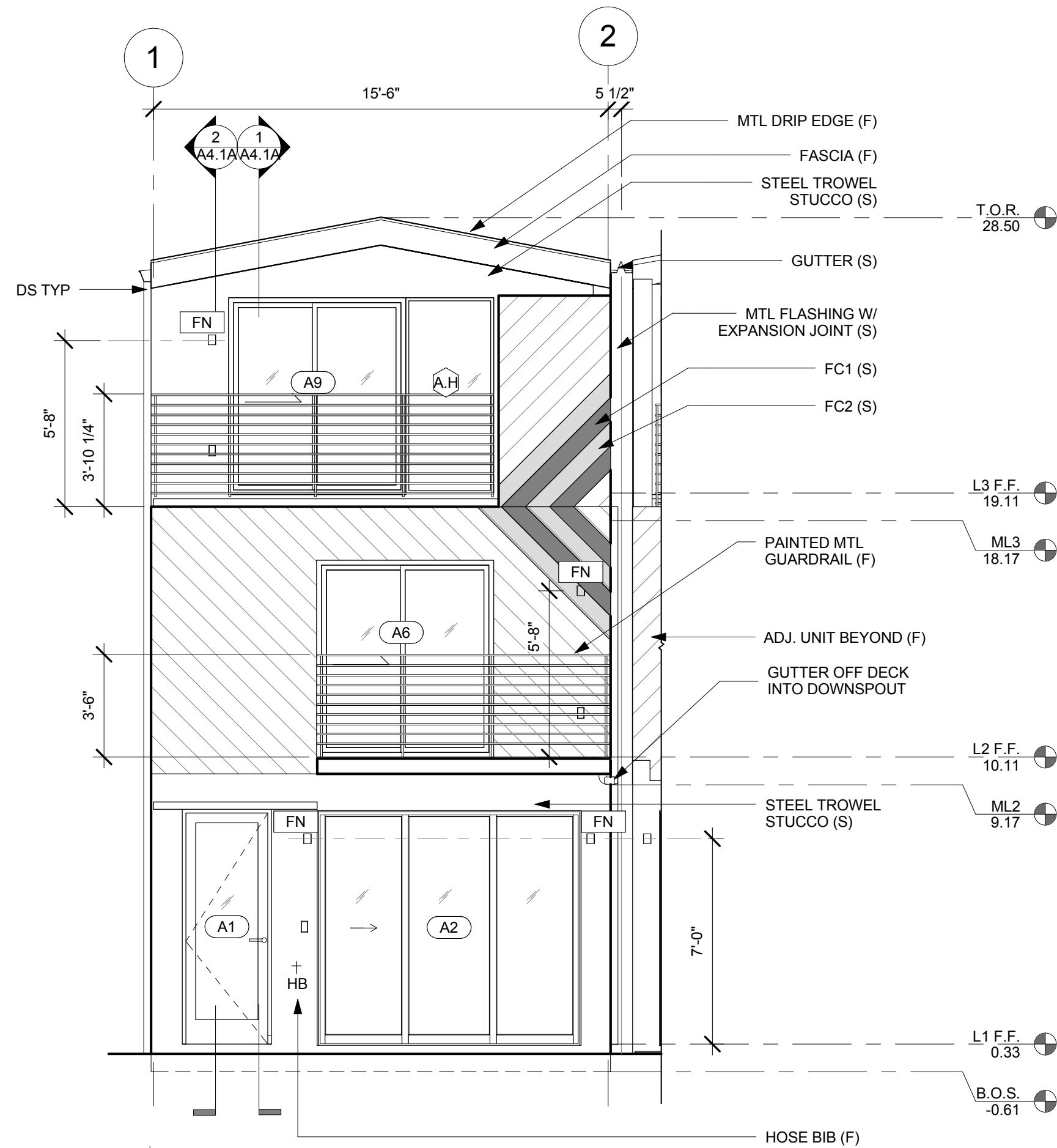
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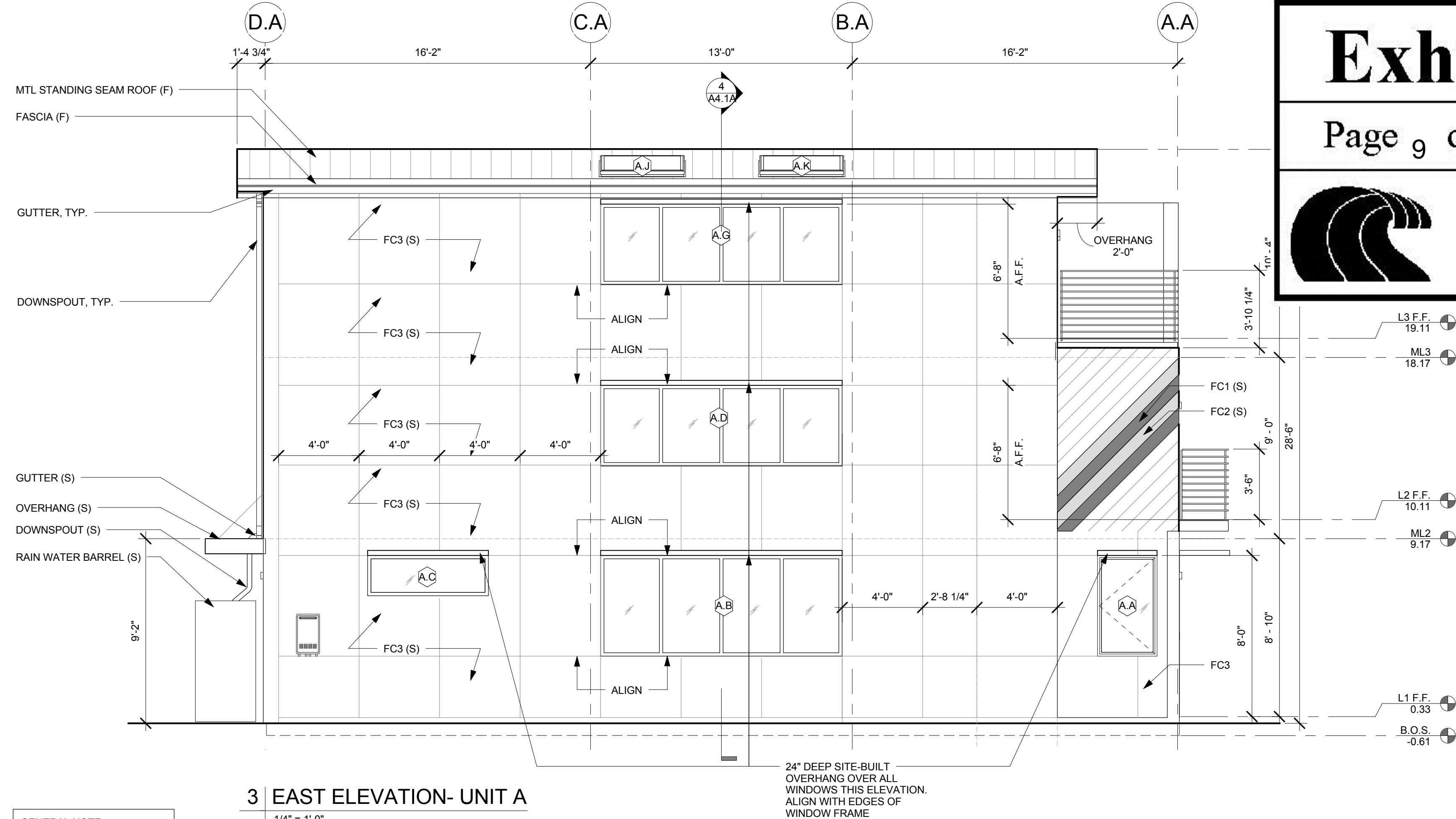
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SHEET: **A3.1A**
ELEVATIONS - UNIT A



4 NORTH ELEVATION - UNIT A

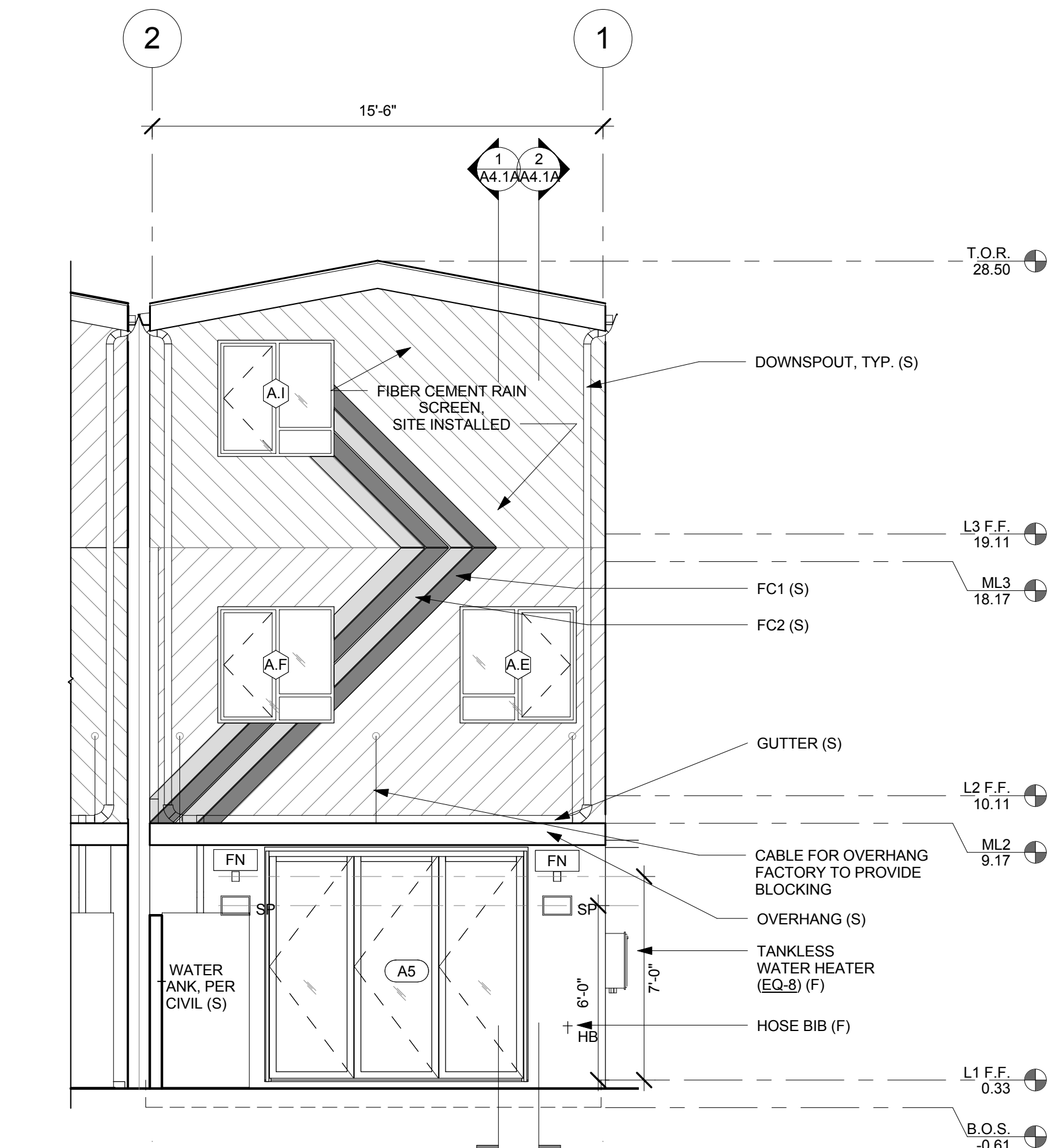
1/4" = 1'-0"



3 EAST ELEVATION- UNIT A

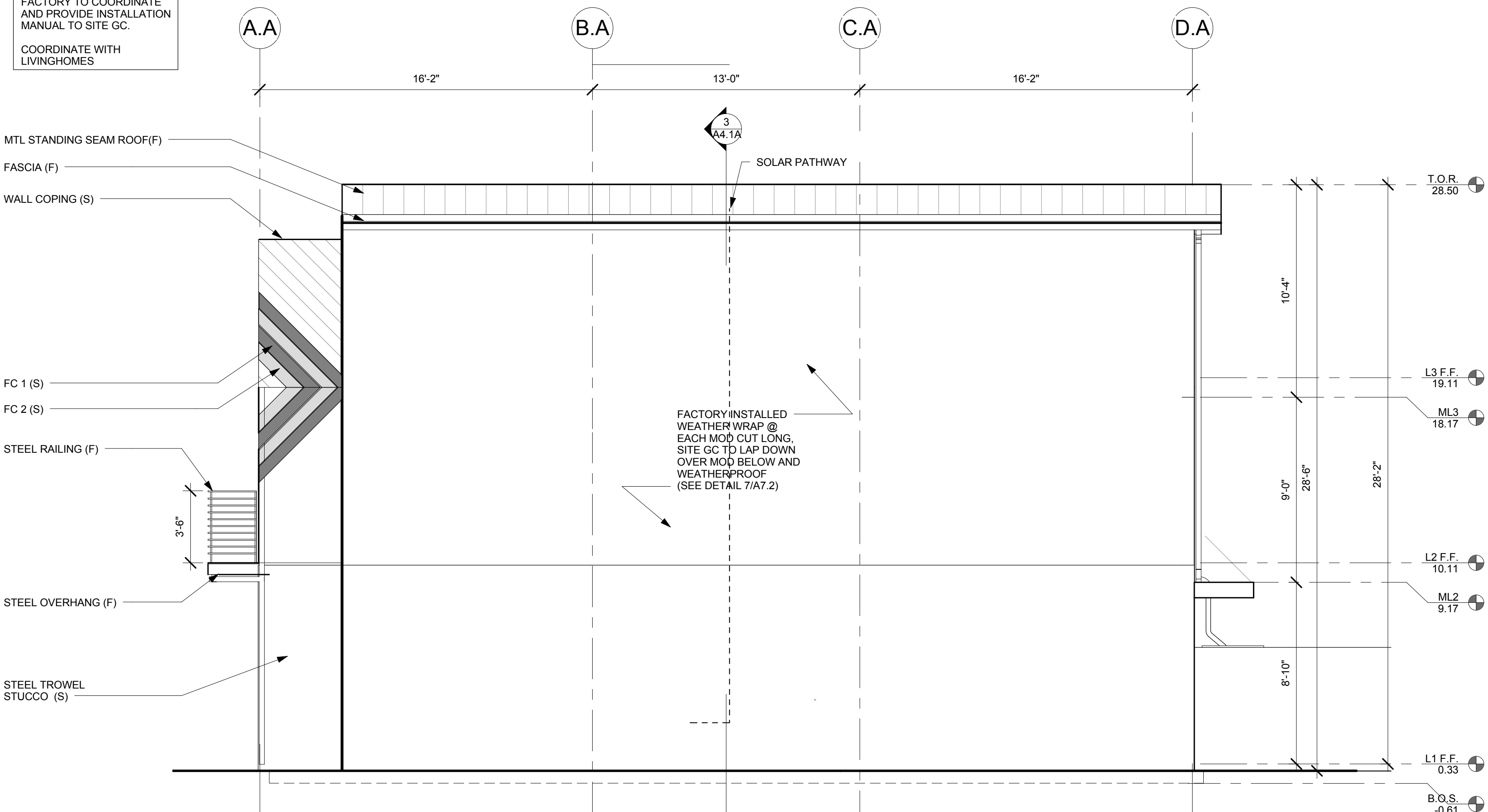
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AND PROVIDE INSTALLATION
MANUAL TO SITE GC.
COORDINATE WITH
LIVINGHOMES



2 SOUTH ELEVATION - UNIT A

1/4" = 1'-0"



1 WEST ELEVATION - UNIT A

1/4" = 1'-0"

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F. 818.552.6007

CIVIL ENGINEER
DHS & ASSOCIATES, INC.
STEVE NAZEMI, P.E., MSCE.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA 92780
714.665.6569

PROJECT:
**BROOKS AVENUE
HOMES**
742 - 748 BROOKS AVE
VENICE, CA 90291

Legal Description:
CITY OF LOS ANGELES,
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA
MAP REFERENCE: BOOK 96, P 57-58
LOT: 38 & 39
TRACT #: 8415
APN#: 423-901-3028

ISSUED:

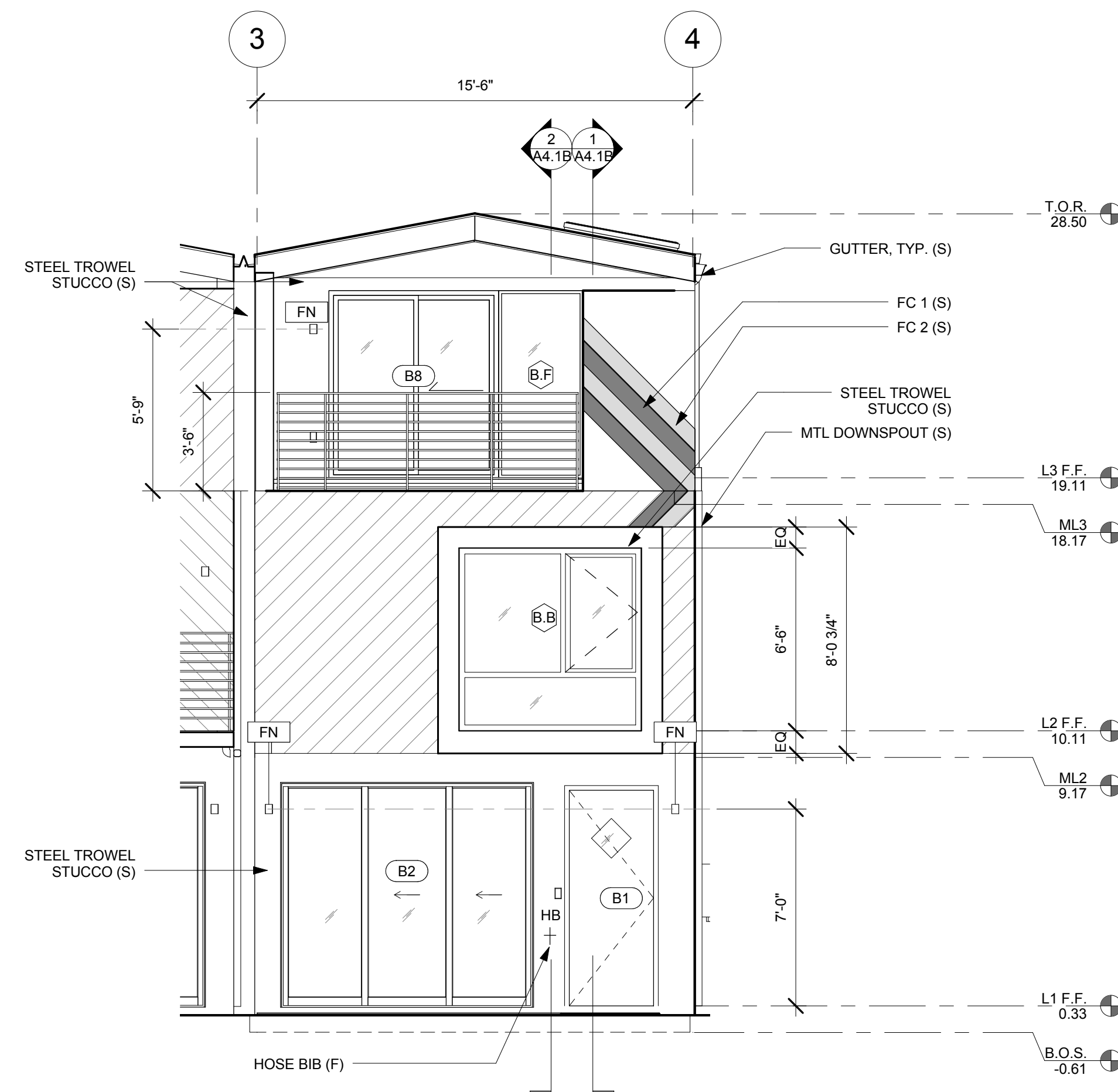
ISSUE TO CA COASTAL COMMISSION: 10.18.16

A	C.1
B	C
B.1	C.1
A.1	C

DATE: 09.20.13

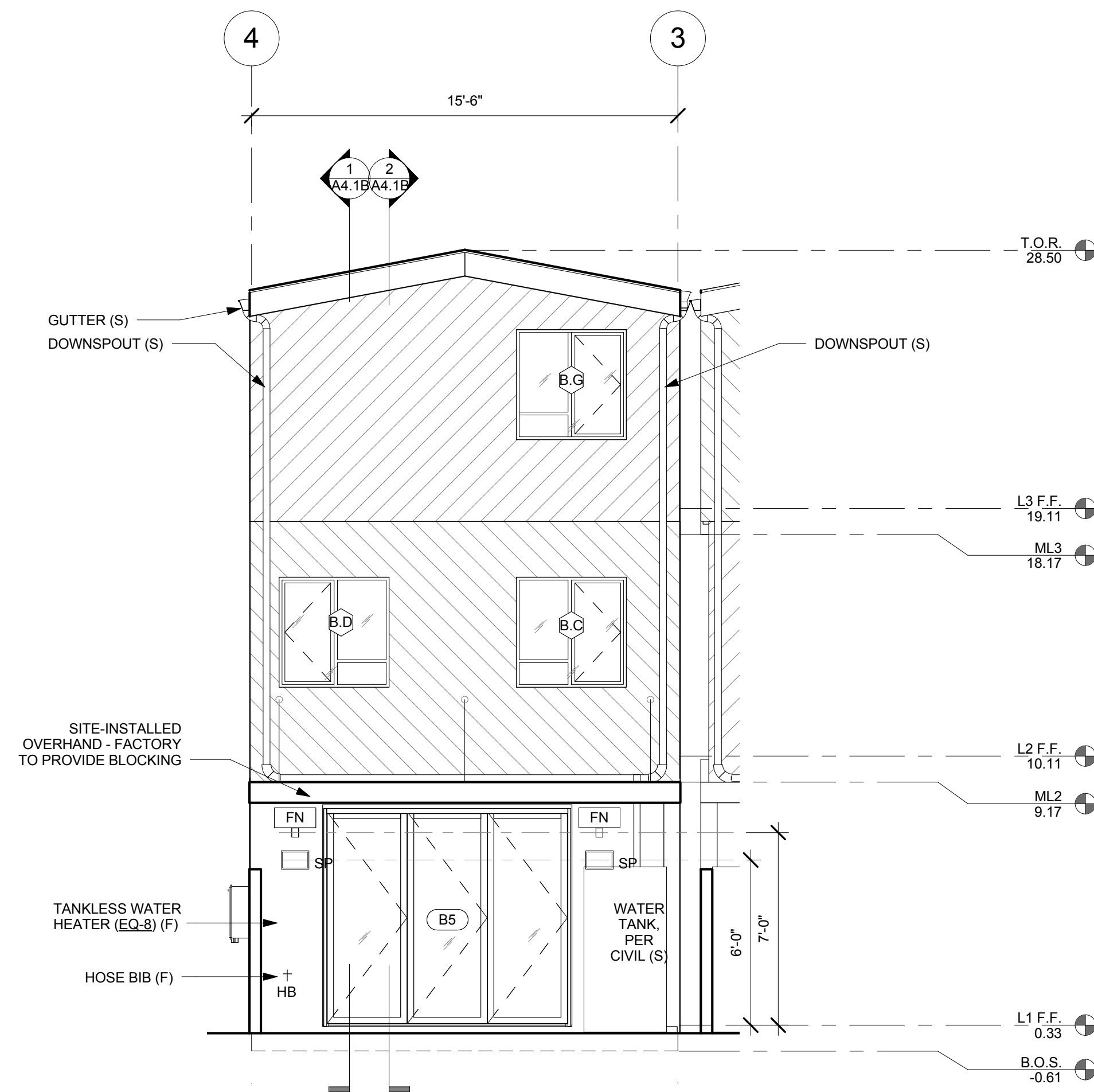
SHEET:

A3.1B
ELEVATIONS - UNIT B



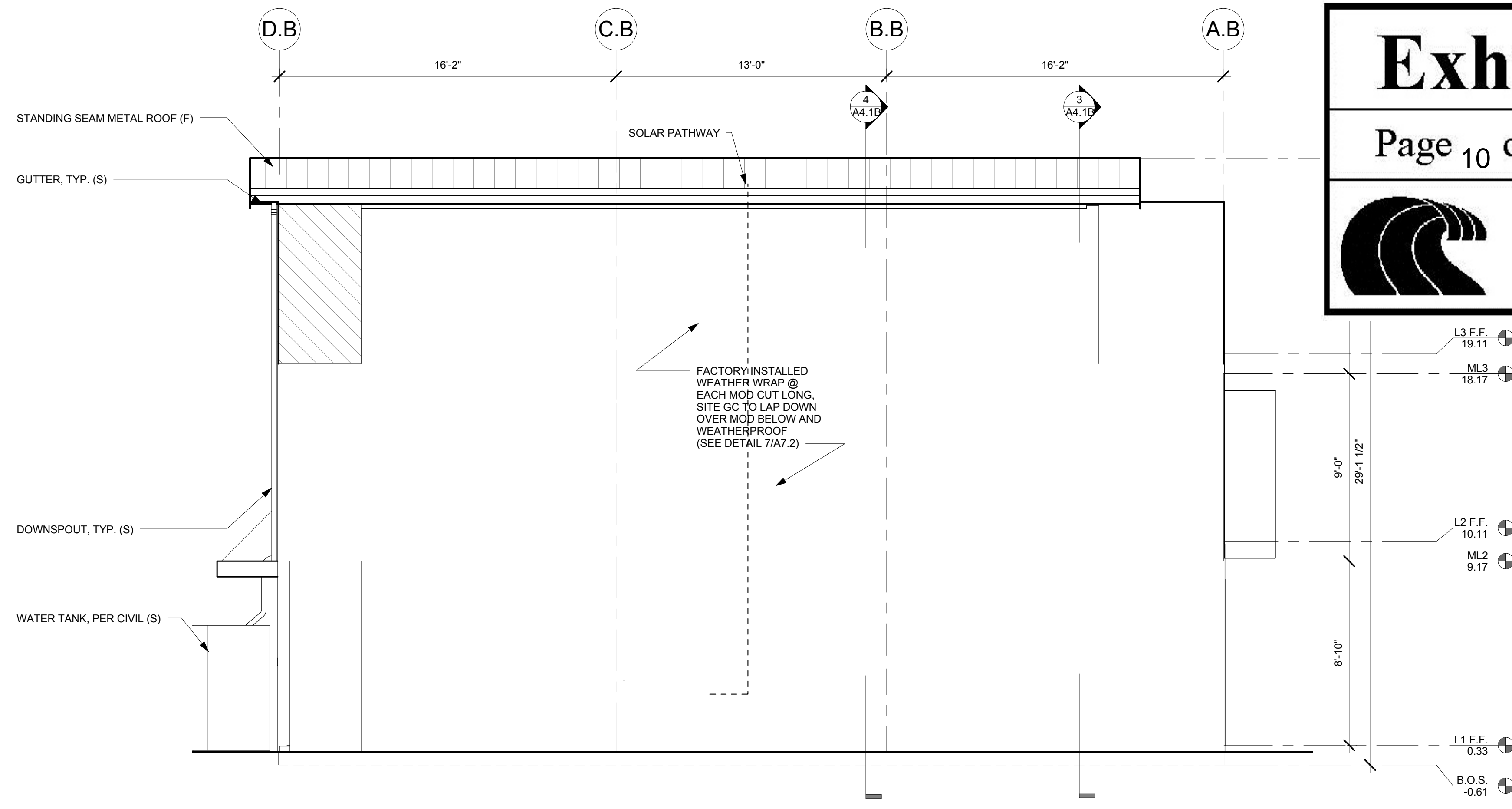
4 NORTH ELEVATION - UNIT B

1/4" = 1'-0"



2 SOUTH ELEVATION - UNIT B

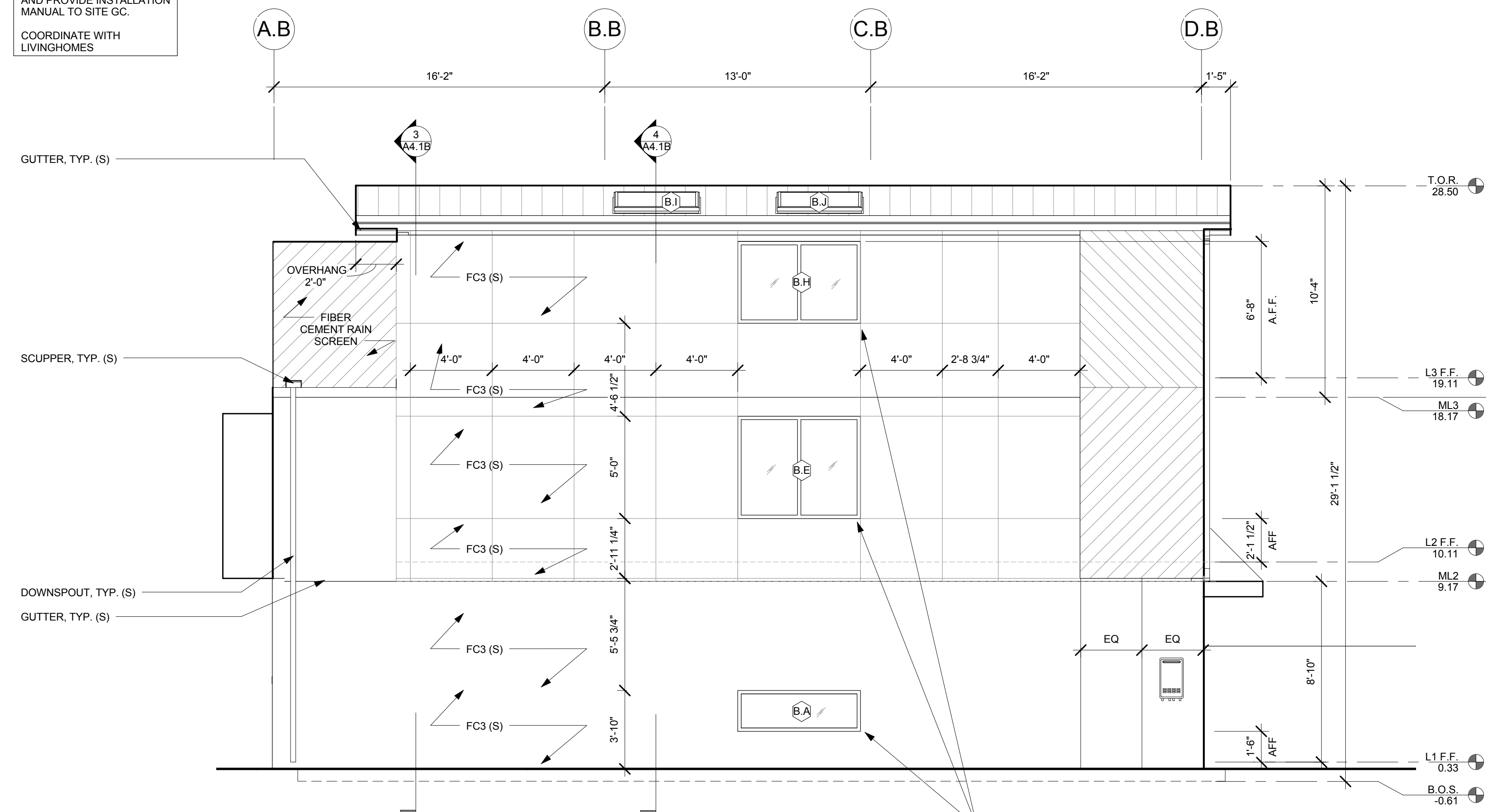
1/4" = 1'-0"



3 EAST ELEVATION - UNIT B

1/4" = 1'-0"

GENERAL NOTE:
PROVISIONS TO BE MADE TO
MAKE ALL STRUCTURAL
CONNECTIONS AND SERVICE
CROSSOVER CONNECTIONS
ONSITE. PROVIDE ACCESS
PANELS WHERE REQUIRED.
FACTORY TO COORDINATE
AND PROVIDE INSTALLATION
MANUAL TO SITE GC.
COORDINATE WITH
LIVINGHOMES



1 WEST ELEVATION - UNIT B

1/4" = 1'-0"

NOTE:
REFER TO A1.2 FOR LOCATION
OF WINDOWS B.A, B.E AND B.H.
WINDOWS MUST ALIGN WITH JOG
IN PROPERTY LINE.

Exhibit 3

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California Coastal
Commission

TIM LEFEVRE
P: 323.778.6988

STRUCTURAL ENGINEER
R&S TAVARES ASSOCIATES, INC.
16875 W. BERNARDO DR., STE. 285
SAN DIEGO, CA 92127
P. 858.444.3344 x 1810

ELECTRICAL ENGINEER
JM&A
18340 VENTURA BLVD.,
TARZANA, CA 91356
P. 818.757.1171

MECHANICAL
UNICO
7401 ALABAMA AVE.
ST. LOUIS, MO 63111
P. 602.826.6000

GEOTECHNICAL ENGINEER
APPLIED EARTH SCIENCES
4742 SAN FERNANDO RD.
GLENDALE, CA 91204
P. 818.552.6000
F. 818.552.6007

CIVIL ENGINEER
DHS & ASSOCIATES, INC.
STEVE NAZEMI, P.E., MSCE.
275 CENTENNIAL WAY, SUITE 205
TUSTIN, CA 92780
714.665.6569

PROJECT:
**BROOKS AVENUE
HOMES**
742 - 748 BROOKS AVE
VENICE, CA 90291

Legal Description:
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MAP REFERENCE: BOOK 96, P 57-58
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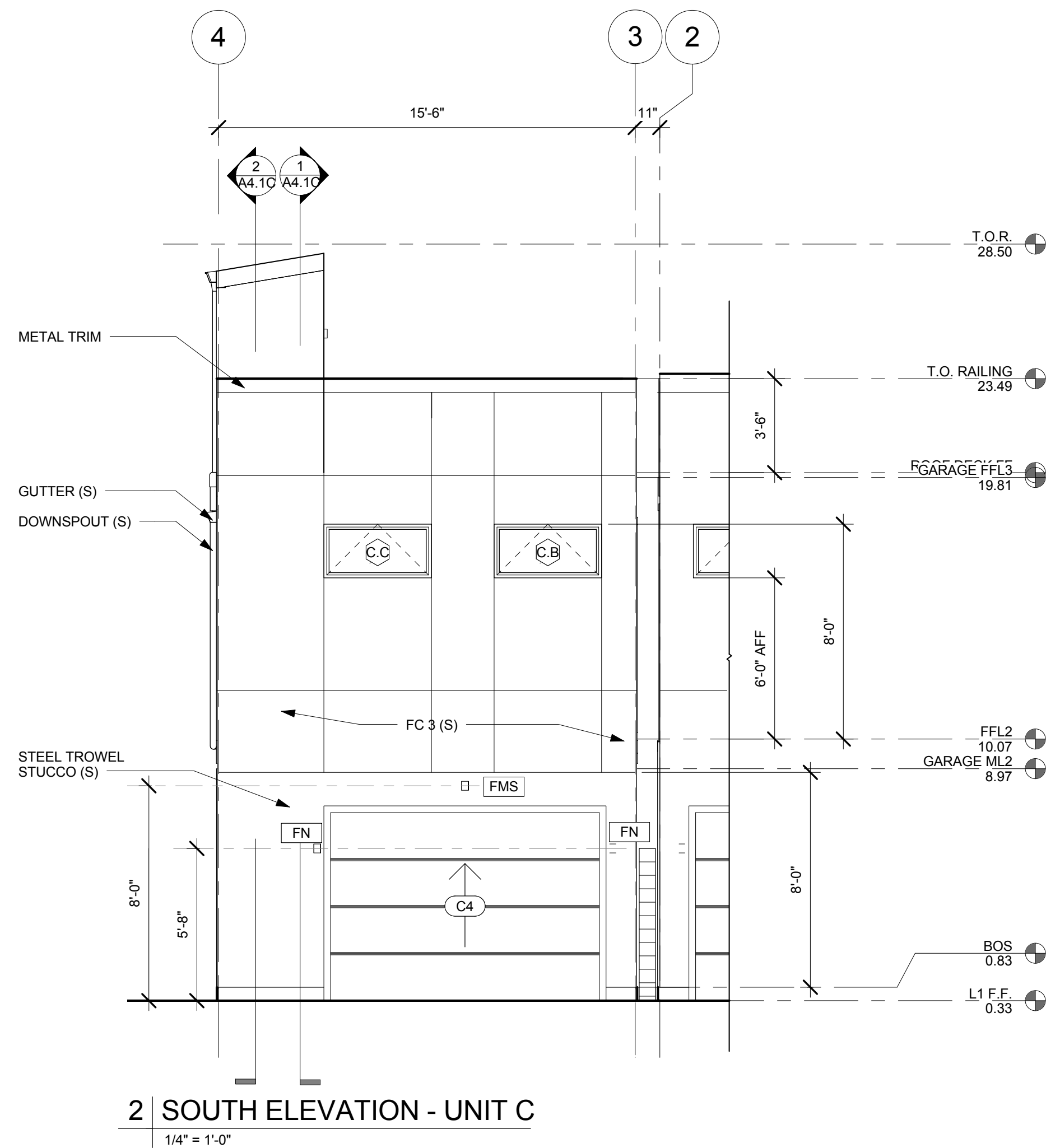
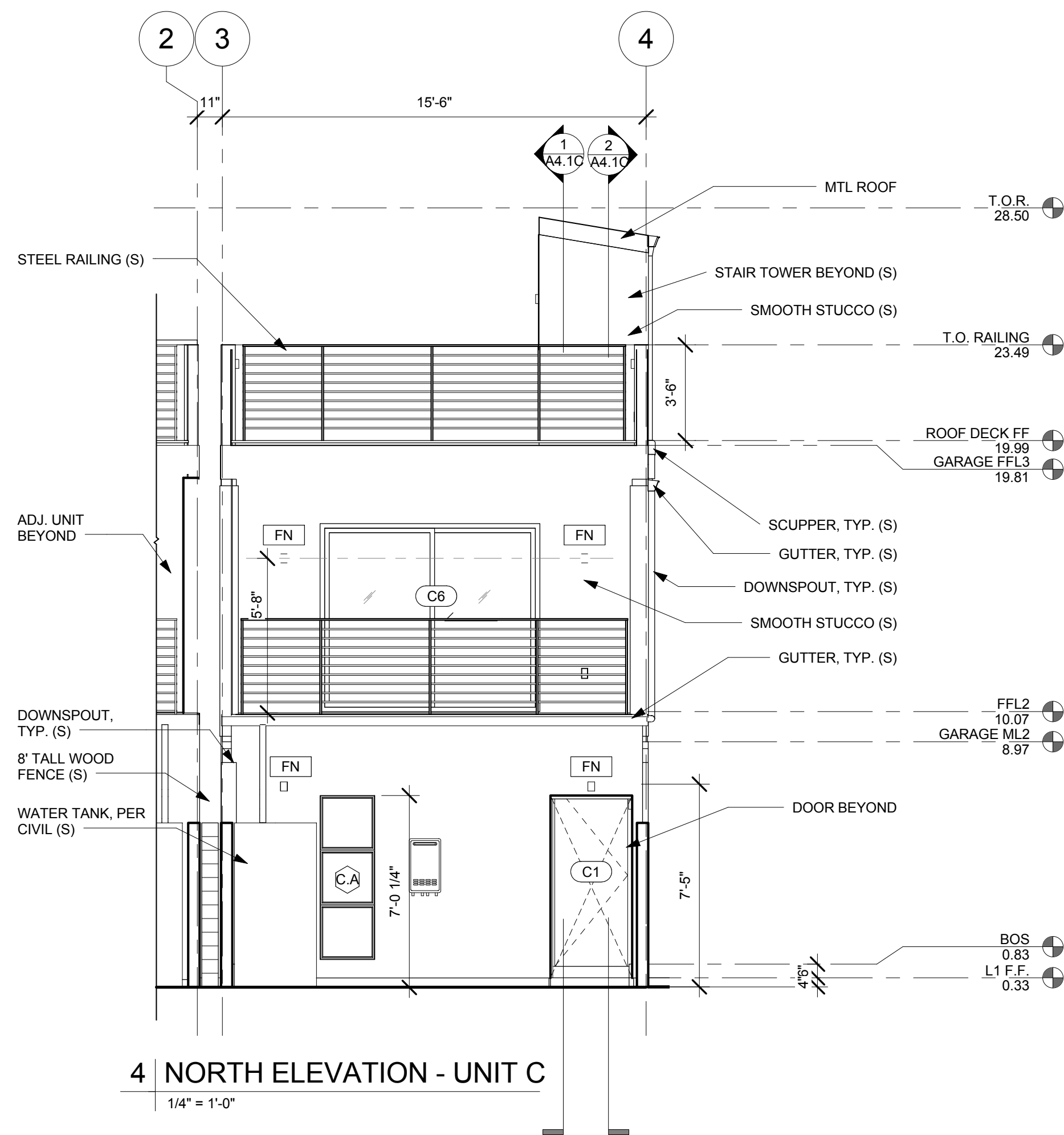
ISSUED:

ISSUE TO CA COASTAL COMMISSION: 10.18.16

A	C.1
B	C
B.1	C.1
A.1	C

DATE: 09.20.13

SHEET: **A3.1C**
ELEVATIONS - UNIT C



GENERAL NOTE:
PROVISIONS TO BE MADE TO
MAKE ALL STRUCTURAL
CONNECTIONS AND SERVICE
CROSSOVER CONNECTIONS
ONSITE. PROVIDE ACCESS
PANELS WHERE REQUIRED.
FACTORY TO COORDINATE
AND PROVIDE INSTALLATION
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COORDINATE WITH
LIVINGHOMES

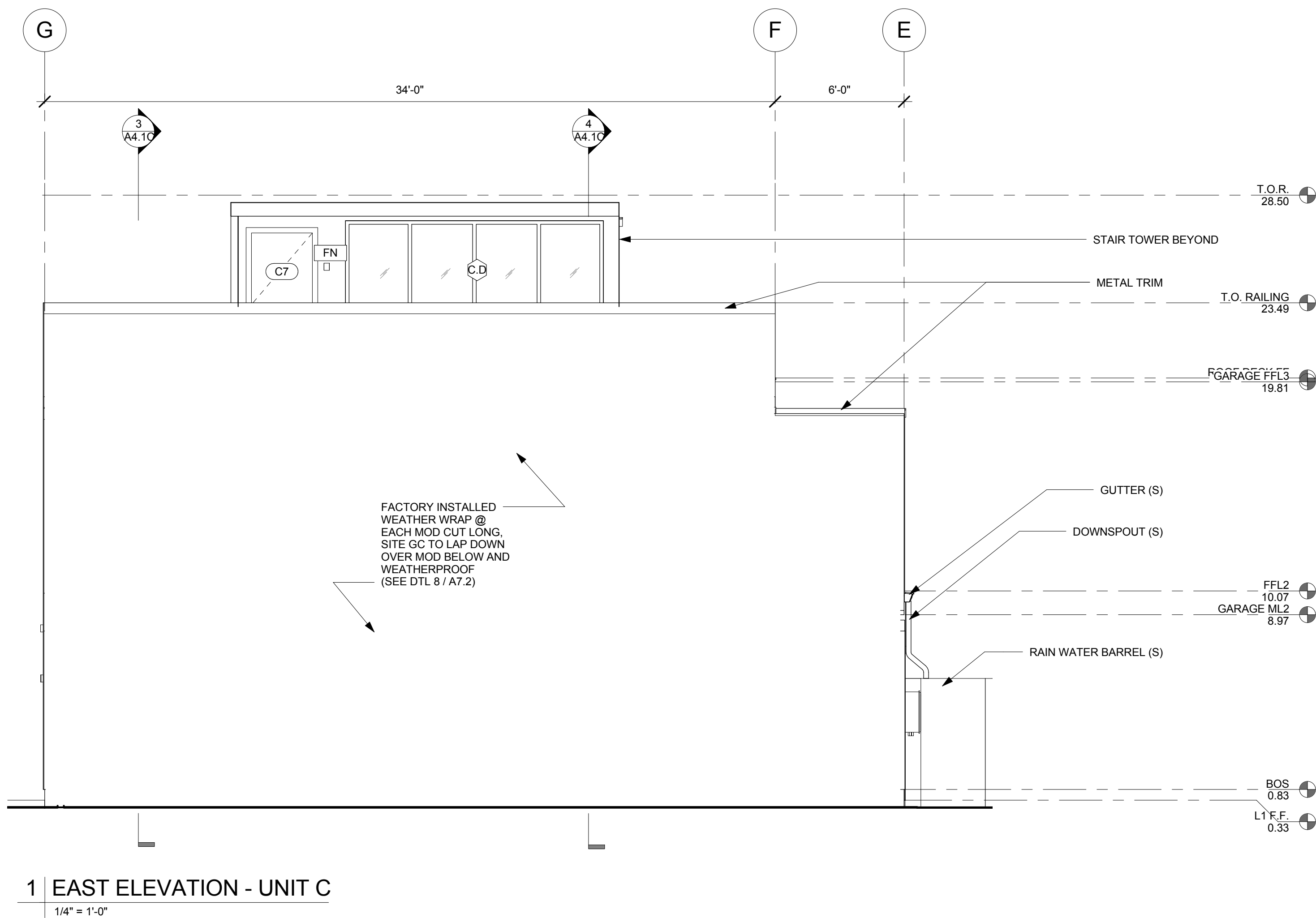
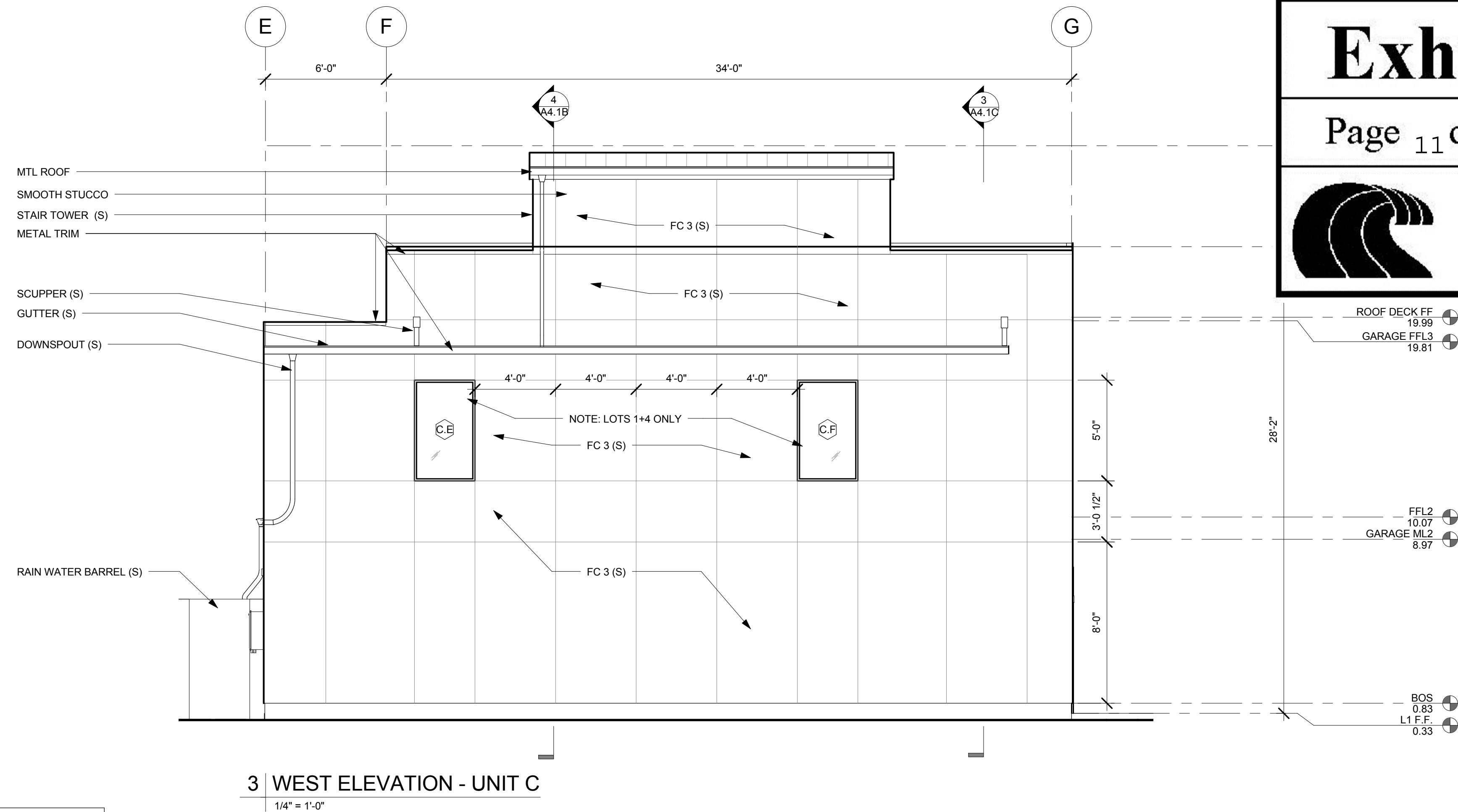


Exhibit 4

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California Coastal
Commission



Exhibit 4

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California Coastal
Commission





742-748 Brooks Avenue, Venice, 90291

Front view of 742-748 Brooks. It doesn't fit the mass, character, scale of block.



View from 742-748 Brooks looking across the street. Doesn't fit mass, character, scale of block.



Date: 11/21/16

To: Ramin Kolahi
From: Residents of Brooks Avenue

Exhibit 5

Page 2 of 6



California Coastal
Commission

Residents of Brooks Changes For 742-748 Brooks

Using an analysis of the block (from Lincoln Blvd to 7th Avenue) we've identified what will make 742-748 Brooks acceptable to the residents of Brooks Avenue.

742-748 Brooks are modular homes - easier to make changes.

It's important to note that 742-748 Brooks are pre-fabricated modular structures. Therefore, they're easier to take down and re-configure when compared to traditional construction. The owner could also use the removed modular units on another project or sell them.

1) Finding: The size of 742-748 Brooks, relative to the lot, is over 4 TIMES LARGER than the median of Brooks Avenue.

Brooks Residents Want:

Square footage to be removed from each of the houses. Remove story #3 from front buildings and remove the second story above the garage to be compatible with the scale and mass of the block.

2) Finding: 96% of the lots on Brooks have 1-2 stories. 742-748 Brooks are three full stories plus a balcony off the third story while 742 + 748 have a balcony on both the third story and second story.

The third stories make this part of the block feel hugely out of place. These properties have a looming feel and protrude outward more than any other buildings.



Brooks Residents Want:

Remove the third story of 742, 744, 746, 748 Brooks.



3) Finding: The fact that 742-748 Brooks has four modern units that look identical, stacked next to each other does not fit the character of the block and it doesn't protect Venice's unique architectural diversity.

- Certified Venice Land Use Plan: "Preservation of Venice as a Special Coastal Community Policy 1. 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 of 1976.
- Certified Venice Land Use Plan 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."
- On Brooks Avenue there are only two instances of two identical modern buildings stacked next to each other. There aren't more than two identical buildings next to each other.

Brooks Residents Want:

In Venice, every single house should look different to preserve the character of Venice. In this case we're willing to settle for two houses looking completely different from the other two without it setting a precedent for our block or our neighborhood.

5) Finding: The setback of 742-748 Brooks is too close to the sidewalk and doesn't match the block.

Compared to the other properties on Brooks, especially properties directly next door, it protrudes too far toward the sidewalk.

Certified Venice Land Use Plan Policy I.E.2. Scale: "New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged."

Brooks Residents Want:

742-748 Brooks needs to be setback further to be the same as existing surrounding homes.

6) Finding: 742 Brooks is too close to neighbor

When Lighthouse Brooks was building 742 Brooks they were unable to build it without placing their ladders on the next-door neighbors property. They did not have permission from the next-door neighbor to do this.



Exhibit 5

Page ⁴ of ⁶



California Coastal
Commission

Brooks Residents Want: 742 Brooks to be smaller so that it's not so close to the next-door neighbor's property. There is no way this building can be serviced in the future without ladders needing to be placed on the neighbor's property. The neighbor hasn't provided permission.

Exhibit 5

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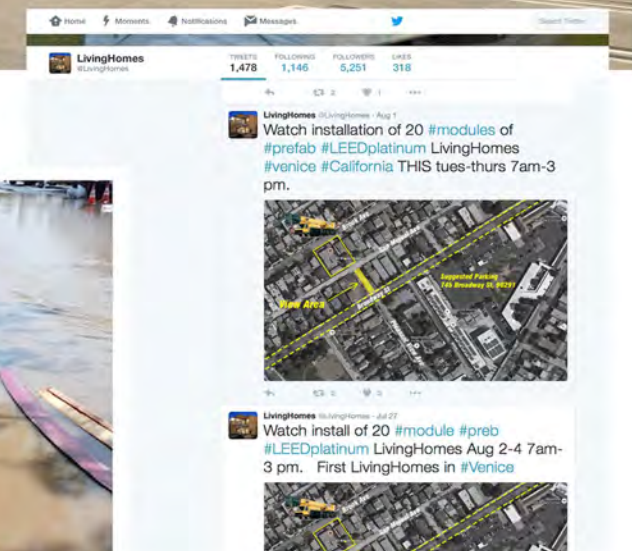
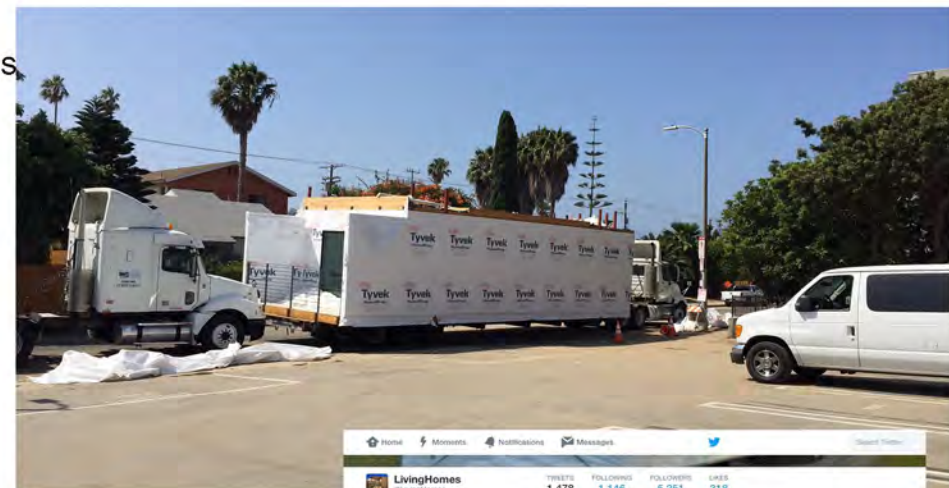
California Coastal
Commission



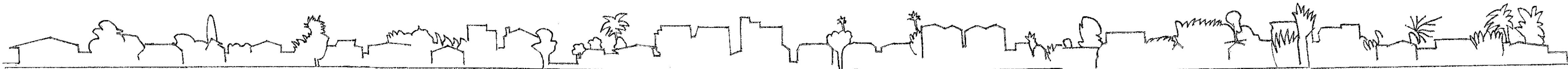
742-748 Brooks, Venice, 90291

Huge double wide trucks lined Brooks Ave to construct 20 prefab modules into six structures. They needed such a huge crane to lift the modules it caved in the street and broke the water main + flooded the street. Residents woke up to no running water. Their pre-fab company bragged about the project by live tweeting this event while this is what we experienced. Day one of construction concluded with the murder of one of their sub-contractors Marvin Ponce.

The murder didn't stop Lighthouse Brooks from working full force on day 2 when they lined the other side of the street with more prefabs blocking businesses.



Mass, Scale and Character - Streetscape Template



860 856 852 848 844 840 836 828 826/824 816 812 808 804 800 756 754 742 740 736 734/732 728 724 720 716 712 708 702 700

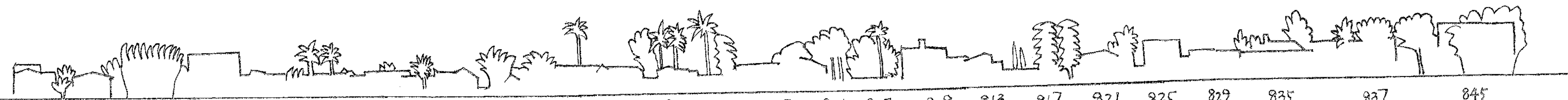
SOUTH SIDE - BROOKS AVENUE

Exhibit 6

Page ¹ of ¹⁰

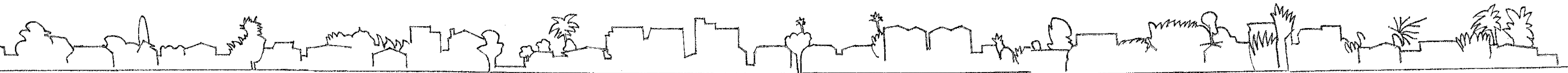


California Coastal
Commission



705 709 713 717 721 725 729 733 737 741 745 749 753 757 801 805 809 813 817 821 825 829 835 837 845

NORTH SIDE - BROOKS AVENUE



860 856 852 848 844 840 836 828 826/824 ~~816~~ 812 808 804 ~~800~~ 756 ~~754~~ 742 ~~740~~ 736 734/732 728 ~~724~~ 720 716 ~~712~~ 708 702 700

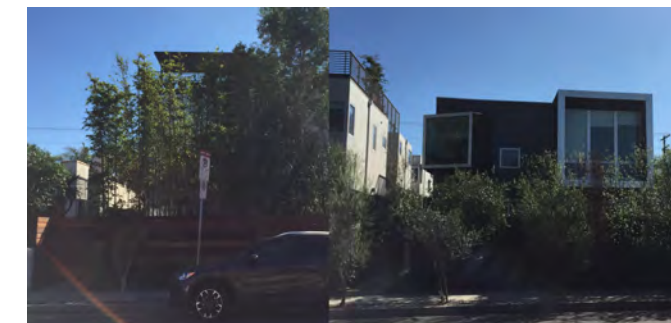
SOUTH SIDE - BROOKS AVENUE

Exhibit 6

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California Coastal
Commission



SOUTH SIDE OF BROOKS AVENUE

Exhibit 6

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California Coastal
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860 - 816 Brooks Avenue (even numbers)



SOUTH SIDE OF BROOKS AVENUE

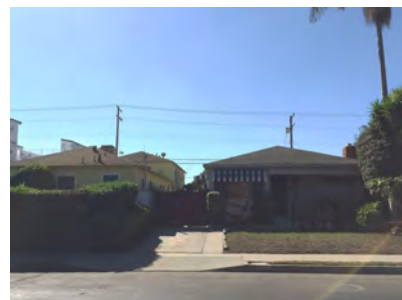
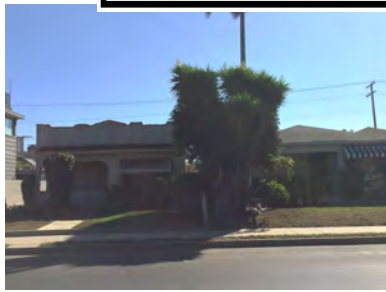
Exhibit 6

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California Coastal
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812 - 742 Brooks Avenue (even numbers)



SOUTH SIDE OF BROOKS AVENUE

Exhibit 6

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736 - 712 Brooks Avenue (even numbers)



NORTH SIDE OF BROOKS AVENUE

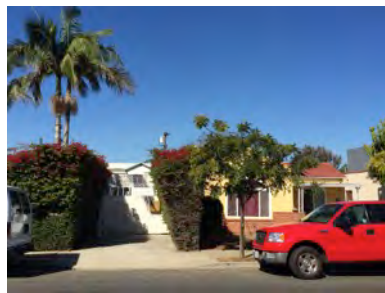
Exhibit 6

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705 - 745 Brooks Avenue (odd numbers)



NORTH SIDE OF BROOKS AVENUE

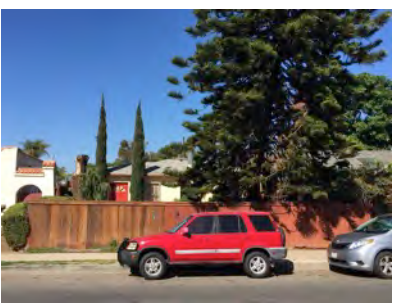
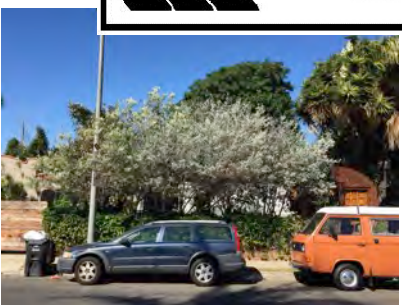
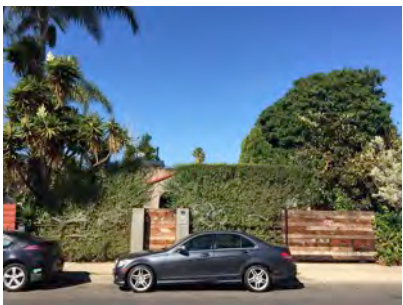
Exhibit 6

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749 - 835 Brooks Avenue (odd numbers)



NORTH SIDE OF BROOKS AVENUE

Exhibit 6

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California Coastal
Commission

837 – 845 Brooks Avenue (odd numbers)



406-410 Brooks Ave.



EXAMPLES OF 2 & 3 STORY NEARBY VENICE NEIGH

520 Broadway



326 Brooks Ave.

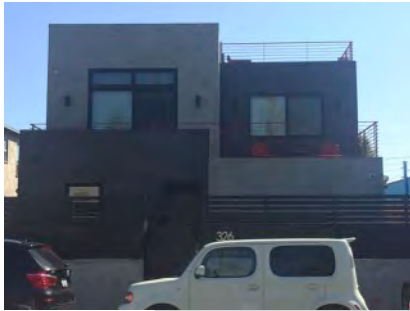


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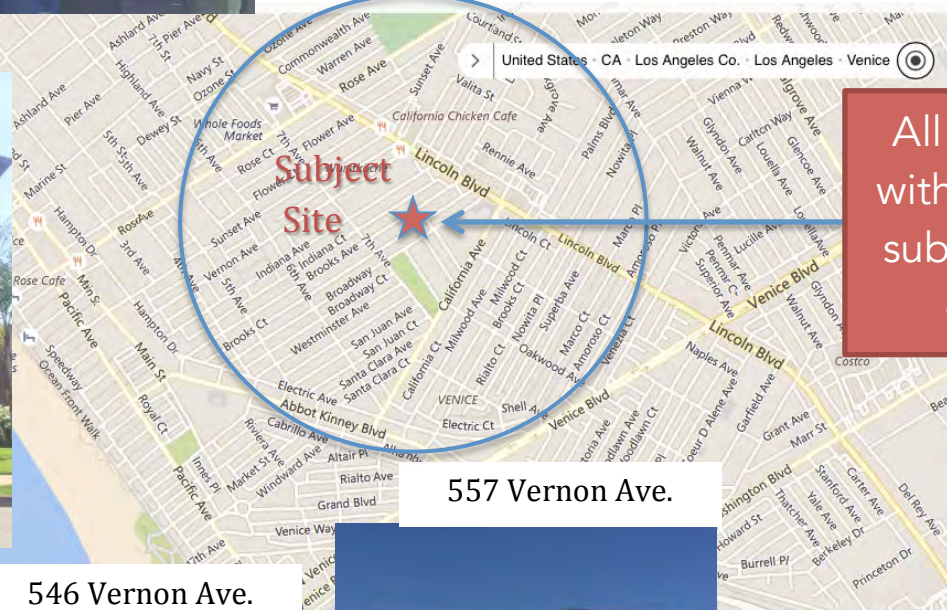
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California Coastal
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534 Indiana Ave.



All examples located
within 1/2 mile radius of
subject site and south
of Lincoln Blvd.

557 Vernon Ave.



546 Vernon Ave.



540 Vernon Ave.



610 7th Ave.



615 6th Ave.



619 San Juan Ave.



629 Vernon Ave.



Exhibit 6

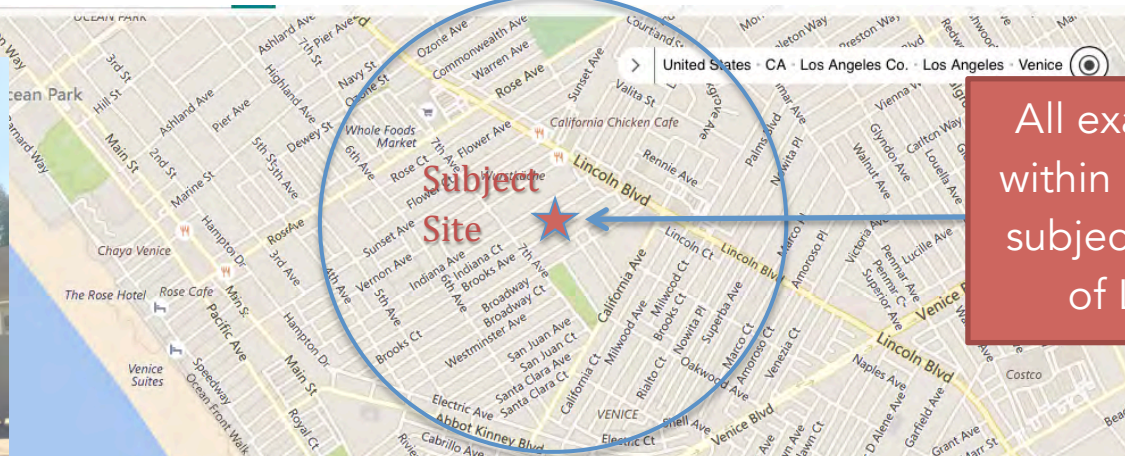
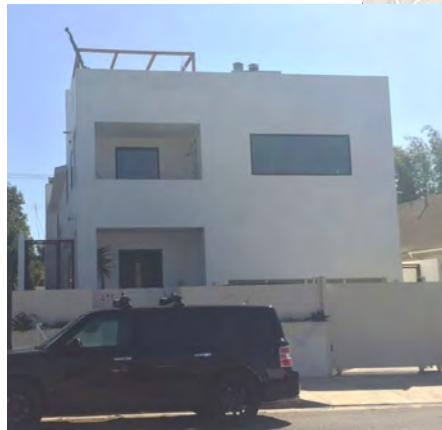
Page ⁹ of ¹⁰



California Coastal
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644 Brooks Ave.



All examples located
within 1/2 mile radius of
subject site and south
of Lincoln Blvd.

645 Indiana Ave.

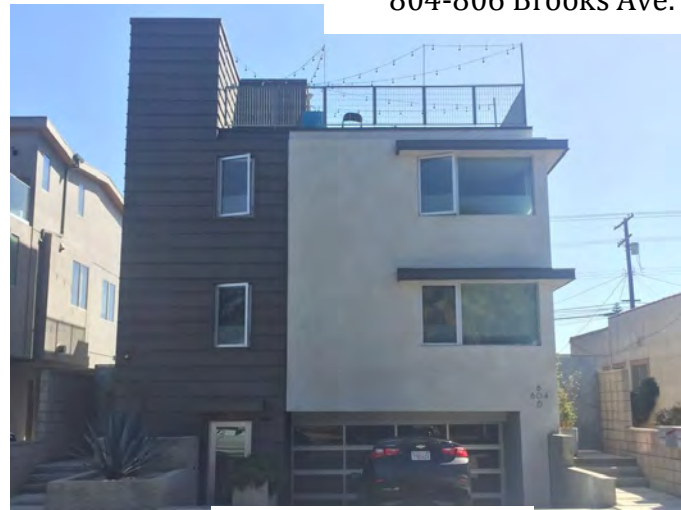


605 Vernon Ave.



660 Rose Ave.





804-806 Brooks Ave.



1002 5th Ave.

Exhibit 6

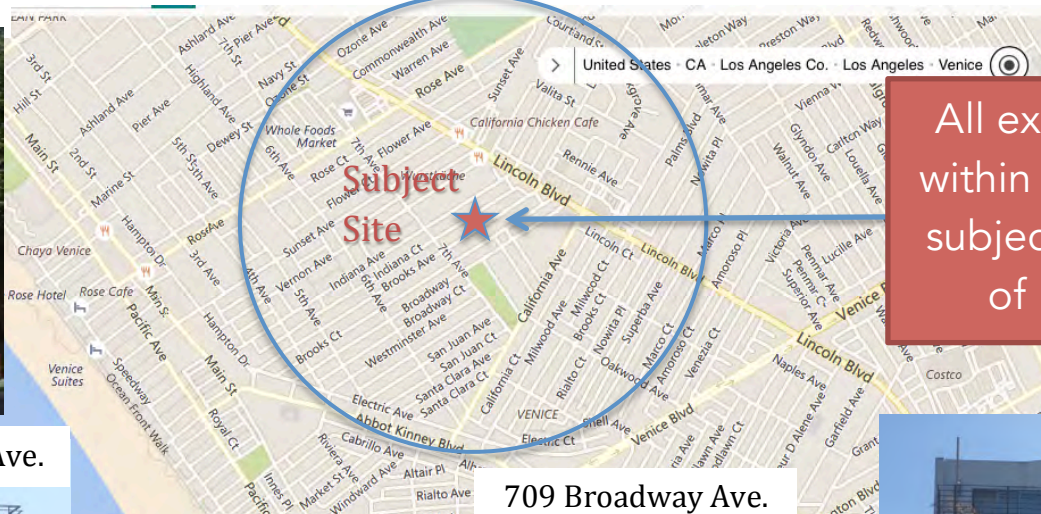
Page 10 of 10



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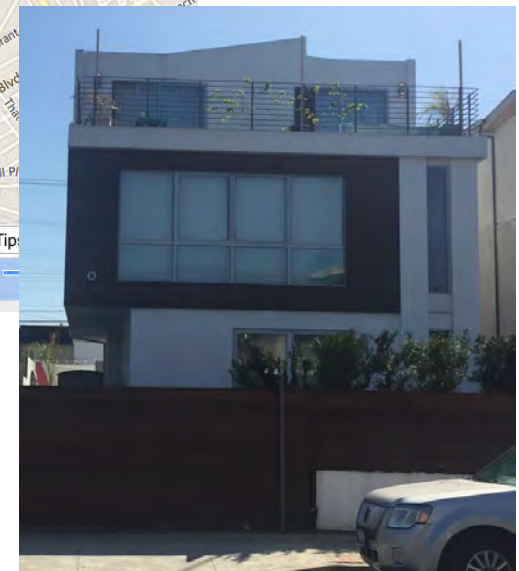


659 Broadway Ave.

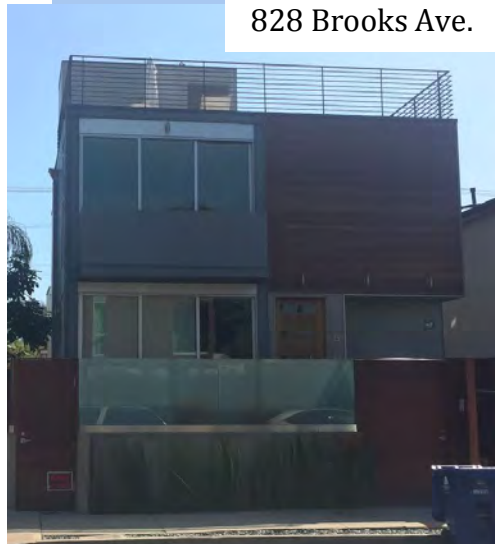


All examples located
within 1/2 mile radius of
subject site and south
of Lincoln Blvd.

812 Brooks Ave.



828 Brooks Ave.



709 Broadway Ave.



LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING
MICHAEL J. LOGRANDE
DIRECTOR

Exhibit 7

Page ¹ of ¹¹



California Coastal
Commission

October 23, 2013

Ramin Kolah (O)
1180 S. Beverly Drive, Suite 508
Los Angeles, CA 90035

Steven Nazemi (R)
275 Centennial Way Suite 205
Tustin, CA 92780

CASE NO. ZA 2013-383(CDP)(MEL)
COASTAL DEVELOPMENT PERMIT
Related Case: AA-2012-2949-PMLA-SL
742-744 Brooks Avenue, and
746-748 Brooks Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV-2012-2950-MND
Legal Description : Lot 38 & 39,
Tract 8415

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

a Costal Development Permit to allow the construction of four single-family dwellings on four lots, in conjunction with Parcel Map AA-2012-2949-PMLA-SL, within the single permit jurisdiction of the California Coastal Zone in the RD1.5-1 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.

DI

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The project shall comply with the applicable provisions of the Venice Coastal Zone Specific Plan (Ordinance No. 175,693 or its subsequent amendments, if any).
8. This approval is tied to Parcel Map AA-2012-2949-PMLA-SL and ENV-2012-2950-MN, approved by the Deputy Advisory Agency on October 23, 2013. The applicant shall comply with all conditions of approval of the parcel map and mitigation measures included in the parcel map approval.
9. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented

or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after November 7, 2013, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>**. Public offices are located at:

Figuerola Plaza
201 North Figuerola 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, the report of the Zoning Analyst thereon, the statements made at the public hearing on August 14, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property consists of two rectangular-shaped interior, recorded, lots each having a frontage of approximately 40 feet, and a depth of approximately 130 feet. The site has an existing apartment building with a four car garage

The address for the first lot is; 742-744 Brooks Avenue, and is presently developed with a duplex, the address for the second lot is, 746 -748 Brooks Avenue and is developed with a triplex with an attached garage.

Surrounding properties are located in the RD1.5-1 Zone and developed with multifamily dwellings. Adjoining the property to the south is San Miguel Avenue, dedicated to a width of 25 feet. There are two dwellings along the south side of San Miguel Avenue. To the east of the subject site is a two story apartment building and to the west is a one story apartment building.

The property is located in the Venice Community Plan area and is designated for Low Residential II land use, consistent with the existing and proposed use of the site and the

existing RD1.5 Zone. The subject site is also located in the Venice Coastal Zone Specific Plan (ZI-2405 Directors' Interpretation of the Venice SP for small lot subdivision)

The applicant proposes to develop four new three story single family dwellings (small lot subdivision) containing 2,492 square feet floor area per lot. There will also be an attached garage containing 660 square feet. Site improvement will include a courtyard between the garage and the main house.

The maximum height of the building, as measured under code regulations, will be 30 feet (as measured from the centerline of the street at the middle of Brooks Ave, the maximum height will be 30 feet) the façade of the dwelling will be finished with integrally colored plaster and wood. The building will cover approximately 50 percent of the lot area: the floor area ratio will be 1:1.

Two parking spaces are required per lot; two covered parking spaces will be provided per unit. There are three existing trees onsite, two 10-inches in diameter (palm trees) on San Miguel Avenue and an orange tree in the side yard. None of the existing trees are protected and will be removed prior to construction.

Previous Related actions in the area include:

Case No.DIR 2012 -2817-VSO-MEL – On October 10, 2012, The Director of Planning approved a Venice Specific Plan Sign-Off to permit for the demolition of a single family dwelling and a two car garage and to construct a new three-story single family dwelling.

Case No. AA 2007-4143-PMLA-SL – On June 25, 2008, the Advisory Agency approved a Parcel Map, Small Lot Subdivision to divide an existing single family home lot into two small lot subdivision single family lots. Single family homes with two and three units on lots about 5,200-sf in size. The surrounding lots are a mix of single family homes, duplexes, triplexes and four unit apartment and condominium projects, zoned RD1.5-1 and designated Low Medium II Residential on the Community Plan. The project is located within the Venice Coastal Specific Plan area.

Case No. AA 2004-2796-PMLA-SL – On January 23, 2004, the Advisory Agency approved a Parcel Map to allow a three unit condominium conversion on a 4,622 square feet lot in the RD1.5-1 Zone.

Case No. AA 2003-5623-PMEX – On October 9, 2008, the Advisory Agency approved a Parcel Map Exemption to allow for the adjustment of the rear property line, in accordance with an existing single family dwelling.

PUBLIC HEARING

A joint public hearing with the Deputy Advisory Agency was held on August 14, 2013 AT Los Angeles City Hall, Room 1020. Only the Applicant and the Applicant's representative were present at the hearing. The Applicant's representative gave an overview of the

project. The representative asked the Advisory Agency to modify the street widening condition so that a cash payment be allowed in lieu of actual street improvement. The Bureau of engineering agreed to modify the condition to allow the payment.

MANDATED FINDINGS

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

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

The development is in conformance with Chapter 3 of the California Coastal Act. Chapter 3 contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to: the Coastal Act provides that new development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such area are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed project is located within a well-developed existing residential area. The building and infrastructure capable of supporting it have been in place for many years. The existing dwelling on the site is not a new development, since it was permitted and built in 1910. Neighboring residential uses are of a similar age. The proposed dwelling will be four new small single family dwellings.

No deviations from the Municipal Code have been requested with respect to building height, parking, yards or lot coverage or any other provisions. The request entails the demolition current dwellings and its replacement with four new dwelling. Abutting uses include apartment buildings.

The proposed development can be accommodated by the existing infrastructure and by existing public services. The subject property has been subjected to a full review of a soils and geology report, after which the Department of Building & Safety issued a Geology and Soils Report Approval Letter dated December 12, 2012. The applicant will be required to implement the conditions contained in that Approval Letter to the satisfaction of the Department of Building and Safety.

The project has no adverse effects on public access, recreation, public access views of the marine environment. Further it is no denser from the existing use. It is a single family dwelling replacing an existing apartment building. The proposed new dwellings will neither interfere with nor reduce access to the shoreline, as the site is not located near the shoreline. The property lies within a residential enclave with indirect access to the beach area. It will not modify in any way existing access. Since the property has no direct access to any water or beach, there will be no

dredging, filling or diking of coastal waters or wetlands. No sensitive habitat areas, archaeological or paleontological resources have been identified on the site. The proposed addition will not block any designated public access views.

The proposed project will be subject to compliance with the afore noted Geology and Soils Report Approval Letter, as well as review by other City departments, including the Fire Department and the Bureau of Engineering which address the Coastal Act's goals: to minimize risk to life and property in the area to assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area.

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

The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program (LCP) that is in conformance with Chapter 3 of the California Coastal Act. Currently there is no adopted Local Coastal Program for this portion of the Coastal Zone; therefore the adopted Venice Community Plan serves as the functional equivalent plan. The community Plan designates the subject property for Low Medium II Residential land use with corresponding zones of RD1.5-1. The subject site is within the Venice Coastal Zone Specific Plan and subject to the Director's Interpretation of ZI-2406 for small lot subdivisions. The proposed use is permitted by the Plan designation and the corresponding zone.

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 as established by the California Coastal Commission, and any subsequent amendments thereto, have been reviewed, analyzed and considered 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, Guideline standards concerning the following are relevant:

Parking – Two spaces should be provided for each residential dwelling. The parking appendix for the Guidelines contains the following statement: "The following parking guidelines are intended to insure beach access. They should be used as a general indicator of parking need. The diversity of circumstances occurring within the various areas of the coastal zone requires care in the application of these

guidelines. Local parking requirements should be considered.” The proposed project will contain eight parking spaces, two covered spaces per lot in fulfillment of the Code parking requirement.

Alteration of landform – In permitted development, landform alteration should be minimized by concentrating the development on level areas. In all uses grading should be minimized. Cascading project design should be utilized in new developments long scenic routes or if visually obtrusive as a method to blend the proposal with the surrounding topography. In this instance, the proposed grading is reasonable and not excessive, since it will comprise approximately no import or export. Further, in this instance, the project conforms to the Guideline standards for the Venice Community Plan area concerning land use and density.

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

No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the California Coastal Commission regarding development of new single family dwellings in the Venice area. There are at least eight previous coastal development permits which have been issued in the immediate vicinity by both City of Los Angeles and the California Coastal Commission (as a Single Jurisdiction Area), for developments which involved the demolition, construction and/or modification of single family dwellings. These include coastal development permits issued for 720 & 722 Brooks Ave, among others.

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

The project site is not located between the nearest public road and the shoreline.

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

On August 26, 2013, the City Planning Department staff issued a Mitigated Negative Declaration, No. ENV-2012-2950-MND in compliance with CEQA.

7. **MELLO ACT**

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000, as depicted on the

City of Los Angeles Coastal Zone Maps, and is subject to the Mello Act, as set forth in the California Government Code Section 65590 and 65590.1.

The Mello Act (California Government Code Sections 65590 and 65590.1) is a statewide law, which mandates local government to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The Mello Act requires that very low, low and moderate income housing units that are demolished or converted must be replaced and that new residential development must reserve at least 20% of all new residential units for low or very low income persons or families or reserve at least 10% of all new residential units for very low income persons or families.

Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc. at all, concerning the implementation of the Mello Act in the Coastal Zone portions of the City of Los Angeles, the following finding is provided:

The maximum rent that can be charged for a Moderate Income Tenant for a single unit is \$1,247.00 per month. This affordable rent is based on the Los Angeles Housing Department's 2013 Income and Rent limitations for Mello.

Ramin Kolahi, principal of the development company submitted the required feasibility analysis for the Planning Department's review. In that, the goal of the developer is to demolish the two affordable units and construct single family homes the feasibility analysis provided two examples of replacing the affordable units with comparable unites within the Coastal Zone

Financial Information for the sale of two duplex units (closes comparable units in the area) within the Venice community, are as follows:

Duplex Unit 1 The property located at 619 6th Street, Venice, CA is 1,441 square (572-sf, 869-sf respectively) feet, 1, 1 bedroom, 1 bathrooms and 1, 0 bedrooms and 1 bathroom. The stated purchase price is \$1,050,000. The analysis assumes a 20% down payment (30-year fixed 4.00% Interest Rate) which would leave a mortgage payment of \$2,800.00, 1,090.00 in monthly property taxes, \$166.70 in monthly insurance and \$368.40 in monthly maintenance and management cost. The monthly costs borne to the applicant would be \$4,425.00. Subtracting the maximum Moderate monthly rents of \$2,494.00 for a duplex would result in a net negative average monthly income of -\$1,931.00.

Duplex Unit 2 The property located at 606 Indiana Street, Venice, CA is 800 (440-sf and 440-sf respectively) square feet, 1 bedroom, 1 bathroom and 0 bathrooms, 1 bathroom. The stated purchase price is \$1,079,000. The analysis assumes a 20% down payment (30-year fixed 4.00% Interest Rate) which would leave a mortgage payment of \$2,877, 1,120.00 in monthly property taxes, \$166.70 in monthly insurance and \$369.00* in monthly maintenance and management cost. The monthly costs borne to the

applicant would be \$4,532.70. Subtracting the maximum Moderate monthly rents of \$2,494.00 for a duplex would result in a net negative average monthly income of -\$2,038.70.


Based on the feasibility analysis provided by the applicant it has been determined that it would not be financially feasible for the applicant to provide replacements for the two Moderate income efficiency units. Therefore, the proposed project is exempted from having to comply with the provisions of the Mello Act, as set forth in California Government Code Sections 65590 and 65590.1

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 C, areas of minimal flooding.
9. On August 26, 2013, a Mitigated Negative Declaration (ENV-2012-2950-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Inquiries regarding this matter should be directed to Dwayne Wyatt, Planning Staff for the Office of Zoning Administration

Dwayne Wyatt
City Planning Associate
(213) 473-9919



JIM TOKUNAGA
Associate Zoning Administrator

JT:DW

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

5. Ven. 16. 0043

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING
VINCENT P. BERTONI, AICP
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

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
ALETA D. JAMES
JAE H. KIM
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

RECEIVED
South Coast Region

MAR 23 2016

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

NOTICE OF PERMIT ISSUANCE

DATE: March 21, 2016
CDP NUMBER - ZA 2015-1976(CDP)(SPP)(MEL)
ADDRESS - 119 East Vista Place

Please take notice that the above referenced Coastal Development Permit was issued on March 1, 2016, pursuant to a public hearing on February 18, 2016 and an appeal was not filed with the City of Los Angeles, Office of Zoning Administration as advised in the permit, during the mandatory appeal period.

An appeal period of 20 working days must expire from the date this notice and attached Coastal Development Permit is received and accepted by the California Coastal Commission, Division V in Long Beach before this Coastal Development Permit will become effective.

- () The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20 working day appeal period.
- (X) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20 working day period the applicant may apply to the City of Los Angeles Department of Building and Safety for a building permit.

Linn K. Wyatt
Department of City Planning

By Linda M. Clarke

Linda M. Clarke
Senior Clerk Typist
Print Name and Title of Individual Signing

Attachments:

- (X) Permit
(X) Application

cc: Applicant

CP-1622 (08/10/93)

Exhibit 8

Page ¹ of ³



California Coastal
Commission

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV

**NOTIFICATION OF APPEAL PERIOD**

March 25, 2016

To:

City of Los Angeles, Department of City Planning
200 N Spring Street 7th Floor
Los Angeles, CA 90012

From: Charles Posner

Re: Application No. 5-VEN-16-0043

Please be advised that on March 23, 2016, our office received notice of local action on the coastal development permit described below:

Local Permit #: ZA 2015-1976

Applicant(s): [REDACTED] (Applicant)

Description: Demolition and construction of a three-story, 28 foot high, 3,049 square foot single family

Location: 119 E Vista Place, Venice, Ca 90291

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on April 21, 2016.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: [REDACTED] (Applicant's Representative)

Exhibit 8

Page 2 of 3



California Coastal
Commission

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
(562) 590-5071 FAX (562) 590-5084

WWW.COASTAL.CA.GOV



May 16, 2016

Attn: [REDACTED] (Applicant)
119 East Vista Place
Venice, CA 90291

This is to inform you that the Commission's 20 working day appeal period on the City of Los Angeles's Coastal Development Permit No. ZA 2015-1976 (5-VEN-16-0043) expired on April 21, 2016. The Coastal Commission received no appeals on this permit. The City's permit is therefore final.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Posner", with a long horizontal stroke extending to the right.

Charles Posner
Coastal Program Analyst

cc: File
City of Los Angeles, Department of City Planning

Exhibit 8

Page ³ of ³



California Coastal
Commission

CALIFORNIA COASTAL COMMISSION

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



August 11, 2016

Exhibit 9

Page 1 of 2



California Coastal
Commission

Theodore L. Irving, Senior City Planner
West Coastal Project Planning Division
Los Angeles Department of City Planning
200 North Spring Street, City Hall Room 720
Los Angeles, CA 90012

Re: Case No. ZA-2013-383 (742-748 Brooks Avenue, Venice, Los Angeles).

Dear Mr. Irving:

Our agency has recently been informed that demolition and construction has commenced on two lots in the Oakwood area of Venice at addresses: 742-744 and 746-748 Brooks Avenue (Lot Nos. 38 & 39, Tract 8415). Our research of City records has found that the City Planning Department processed two cases for these properties, a local coastal development permit and a small-lot subdivision, with Case Nos. ZA-2013-383(CDP)(MEL) and AA-2012-2949-PMLA-SL. The proposed project is the construction of four single-family dwellings on four lots. The proposed small-lot subdivision would have split the two existing lots into four lots. The proposed project also included the demolition of the existing apartment units on the properties.

City records indicate that the Office of Zoning Administration (Dwayne Wyatt and Jim Tokunaga) on October 23, 2013 issued a determination letter approving the local coastal development permit (Case No. ZA-2013-383) for the proposed development. The determination letter indicated that the Zoning Administration's decision would not be effective until November 7, 2013, and that the decision could be appealed to the Department of City Planning. The letter also stated that the local coastal development permit action could be appealed to the Coastal Commission, and that the City's action would not be deemed final until twenty working-days expired from the date the City's final determination was received by the Commission.

However, our agency has not received any notice from the City regarding its action on Case No. ZA-2013-383. The City's action on the local coastal development permit cannot be deemed final until twenty working-days expired from the date the City's final determination is received by the Commission. Please send the City's Notice of Final Action for this case to our South Coast District office. Upon receipt of a valid Notice of Final Action, we will commence the Commission's twenty working-day appeal period during which any person can appeal the City's decision on the local coastal development permit. The local coastal development permit will not be effective until the Commission's appeal period has expired.

Therefore, there is no valid coastal development permit for any development on the properties, and any development that has occurred on the property has been conducted without a valid coastal development permit. The unpermitted development that has occurred on the project site is now an enforcement matter. Our Enforcement Department is investigating the alleged violation of the Coastal Act. Please

immediately rescind all building permits that have been issued for these properties, and stop all work until a valid coastal development permit is obtained by the land owner(s).

In conclusion, our staff will continue to monitor the progress of the local coastal development permit application as the City's final decision on the local coastal development permit can be appealed to the Commission. Please call me if you have any questions.

Sincerely,



Charles R. Posner
Supervisor of Planning

cc: Pascal Challita, LADBS
Ramin Kolah, Applicant
Steven Nazemi, Agent
Steve Hudson, South Coast District Director
Teresa Henry, Coastal Program Manager
Andrew Willis, Enforcement Supervisor
Jordan L. Sanchez, Enforcement Analyst

Exhibit 9

Page 2 of 2



California Coastal
Commission

CALIFORNIA COASTAL COMMISSION

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

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL**

September 6, 2016

Ramin Kohlah
1180 S. Beverly Drive, Suite 508
Los Angeles, CA 90035

Violation File Number: V-5-16-0121

Property Location: 742-748 Brooks Avenue, Venice, Los Angeles
[APN 4239-013-040]

Dear Mr. Kohlah:

As you know, California Coastal Commission ("Commission") staff, on August 11, 2016, sent a letter notifying the City of Los Angeles Department of City Planning ("City") and you that there is no valid coastal development permit ("CDP") for development at 742-748 Brooks ("subject property") until such time as twenty working days have passed from the date the City's final determination on a local CDP is received by the Commission, and no valid appeal is received.¹ If a valid appeal is received, the effectiveness of the City CDP will be further stayed until such time as the Commission acts on the appeal, and if the Commission holds a de novo hearing, the City CDP may be replaced, in whole or in part, by a Commission CDP with associated conditions of approval, or a denial. The letter also stated that any development that has occurred on the property conducted without a valid CDP constitutes a violation of the Coastal Act. Indeed, Commission enforcement staff has confirmed that development has continued on the subject property subsequent to transmission of the August 11th letter. Pursuant to Section 30600(a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. Any development activity conducted in the Coastal Zone, unless otherwise exempt, which is not the case here, without a valid coastal development permit constitutes a violation of the Coastal Act.

Enforcement Remedies

Although, we would prefer to resolve this violation through the coastal development permit process, please be aware that there are a number of remedies at the Commission's disposal to address violations of the Coastal Act. Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810

¹ On August 19th, 2016, the Commission received the Notice of Final Action from the City and therefore the twenty day appeal period has begun and runs until September 19th.

Exhibit 10Page ¹ of ²**California Coastal
Commission**

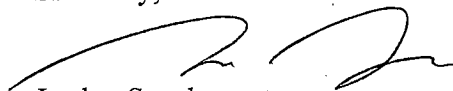
authorizes the Coastal Commission to also issue a cease and desist order. A cease and desist order may be subject to any terms and conditions that are necessary to ensure compliance with the Coastal Act.

In addition, we note that Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who performs development in violation of any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes such development can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which each violation persists.

Resolution

In order to avoid formal enforcement action, you must stop all development on the subject property until there is a final, valid CDP for development on the property. If you choose not to stop work, you may further expose yourself to the above referenced Coastal Act enforcement remedies. Please contact me by September 13, 2016 to confirm your intent to resolve this violation. I can be reached at (562) 590-5071. Thank you for your attention to this matter.

Sincerely,



Jordan Sanchez
Enforcement Officer
California Coastal Commission

Exhibit 10

Page ² of ²



California Coastal
Commission

cc:

Lisa Haage, Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Steve Hudson, Deputy Director, CCC
Chuck Posner, Planning Supervisor, CCC
Theresa Henry, District Manager, CCC
Theodore Irving, Senior Planner, City of LA

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT****Exhibit 11**Page ¹ of 49California Coastal
Commission**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Coastal Commission Acting Executive Director, John Ainsworth
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Construction of four single-family dwellings on four lots, in conjunction with Parcel Map AA-2012-2949-PMLA-SL (small-lot subdivision).
3. Development's location (street address, assessor's parcel no., cross street, etc.):
742-748 Brooks Avenue, Venice, City of Los Angeles.
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. 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-16-00DATE FILED: September 19, 2016DISTRICT: South Coast



5. Decision being appealed was made by (check one):
 - a. Planning Director/Zoning Administrator: XX
 - b. City Council/Board of Supervisors: _____
 - c. Planning Commission: _____
 - d. Other: _____
6. Date of local government's decision: October 23, 2013
7. Local government's file number: ZA-2013-383 (CDP)

SECTION III. Identification of Other Interested Persons

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

1. Name and mailing address of permit applicant:

Ramin Kolah
1180 S. Beverly Drive, #508
Los Angeles, CA 90035
2. Name and mailing address of permit applicant's agent:

Steven Nazemi
275 Centennial Way, #205
Tustin, CA 92780
2. 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.
 - a. _____

Venice, CA 90292
 - b. _____

 - c. _____

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government Coastal Permit decisions are limited by a variety of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please 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.

The City-approved development may adversely affect community character and could prejudice the City's ability to prepare a Local Coastal Program (LCP). The local coastal development permit authorizes four three-story structures that are out of scale with the neighborhood and visually incompatible with the character of the surrounding area. The local coastal development permit does not include adequate findings for consistency with Coastal Act Section 30251 or the relevant policies of the certified Land Use Plan.

Certified LUP Policy I. A. 2 states:

***Preserve Stable Single-Family Residential Neighborhoods.** Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development...*

Certified LUP Policy I. E. 2 states:

***Scale.** New development within the Venice Coastal Zone shall respect the scale and character of 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. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.*

SECTION V. Certification

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

Signature of Appellant(s) or Authorized Agent

9/19/16
Date

CALIFORNIA COASTAL COMMISSION

South Coast Region



SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

SEP 19 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: Jenni Hawk—see also Appellant list and signatures attached

Mailing Address: 845 Brooks Ave, Unit 1

City: Venice

Zip Code: 90291

Phone:

Exhibit 11

Page 4 of 49

California Coastal
CommissionSECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Construction of 4 single-family dwellings on 4 lots, in conjunction with Parcel Map AA-2012-2949-PMLA-SL. Each single-family dwelling is 3 stories (30' maximum height), with 2,492 square feet floor area per lot, with an attached 2-car garage containing 660 square feet.

Also appealing the illegal/unpermitted demolition that was NOT included by the City in the project description for the CDP.

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

742-744-746-748 Brooks Ave, near 6th Ave, APN's: 423-9013-040, 423-9013-041, 423-9013-042, 423-9013-043

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-N-8083

DATE FILED:

9-19-16

DISTRICT:

South Coast

RECEIVED

South Coast Region

SEP 19 2016

CALIFORNIA

COASTAL COMMISSION

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: October 23, 2013

7. Local government's file number (if any): ZA-2013-383

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:

Ramin Kolah, 1180 S. Beverly Drive, Suite 508, L.A., CA 90035
and
Steven Nazemi, 275 Centennial Way, Suite 205, Tustin, CA 92780

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)

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.

On the morning of August 2, 2016, the neighborhood woke up to a hostile take-over of our block by Lighthouse Brooks LLC, the owners of the 742-744-746-748 Brooks Ave. We were never told that our block would be a total construction zone for four days. The complete mismanagement of this project crescendoed throughout the day, resulting in a very angry community and the terribly sad murder of one of LightHouse Brooks' contractors, Marvin Ponce.

The build up of the hostile takeover started with us waking up to no running water because a 60 foot crane broke through the asphalt causing a giant sink hole in our street and breaking our main water line, sending a river of water down our street, which caused damage to some properties. That was just the beginning.

About ten double-wide semi trucks loaded with 20 giant pre-fab modules lined our streets. Some residents were told that they couldn't leave their driveways – they were stuck at home – blocked in by the semi trucks. One neighbor saw them doing construction on a prefab module right on the street.

Tensions continued to rise when we saw the huge crane lift each of the 20 pre-fab units, one by one, in the middle of our block. It was a very dangerous job.

Tensions continued to build when throughout the day people were told that they couldn't drive to their homes. They had to re-route. Again, this was especially angering because there was no warning of this project. Also, numerous residents' cars were towed.

Around 4 pm, Marvin Ponce, a contractor who was told to direct the traffic on this construction project, was shot dead. He was just doing what LightHouse Brooks LLC told him to do.

We are here to say that the LightHouse Brooks LLC project cannot set the precedent on how development is done on Brooks or anywhere in Venice. See attached photo summary.

There are other construction projects slated for Brooks Avenue and *we will not tolerate a corporate takeover of our block.*

The City Coastal Development Permit for the project at 742-744-746-748 Brooks Ave was not processed in accordance with the Coastal Act state law or the same processing requirements in the Los Angeles Municipal Code (LAMC): Section 12.20.2 Coastal Development Permits (Prior to Certification of the Local Coastal Program). Thus, the demolition and construction of this project to date constitutes unpermitted development and was done in violation of the law.

The fact that it is possible for this to happen, especially using what would seem to be a more protective dual permitting process under the Coastal Act, may be due to fraudulent actions and collusion among the government entities and applicant, and to a lack of adequate internal controls.

In addition, the Mello Act Compliance Determination may have been fraudulently prepared and the Mello Act violated by the Applicant. Although the Coastal Commission no longer has jurisdiction to review a local government's compliance with the Mello Act, the Coastal Act does require the Commission and Staff to encourage affordable housing in the Coastal Zone—Section 30604 (f): "The commission shall encourage housing opportunities for persons of low and moderate income," and Section 30604 (g): "The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the Coastal Zone." If the Mello Act was violated and, as a result, low income units were not protected and replaced as is required according to the state law (for two identified but possibly up to five total, including unidentified, low-income individuals or families who lost their homes and were forced to leave the Venice Coastal Zone), the Coastal Commission should clearly care very much about this and should take steps to encourage the protection of such existing affordable housing as per Coastal Act Sections 30604 (f) and (g) by at least discouraging the incorrect handling and lack of protection of this housing by the City. The best and only way to do this would be by returning the erroneously prepared CDP to the City, as per CCR 13339, for them to make any corrections needed.

As a function of this appeal we specifically request that the Coastal Staff determine how the Building Permits for demo and construction could have been issued without the related coastal permits being validated by them--what went wrong and what is the internal control to assure that this very important step of a coastal appeal period and validation is followed? Also, what steps will be taken by Staff to assure that this does not happen in the future?

Project is not Compatible with the Community Character

The project is not compatible with the mass, scale and character of the existing neighborhood. First, on July 5, 2013, the Venice Neighborhood Council sent the ZA and all planning staff involved a recommendation for denial of the project for the reason that it was out of scale with the existing neighborhood. This recommendation was ignored by the ZA. In fact, a true analysis of the compatibility of the project with the mass, scale and character of the neighborhood does not appear to have been performed. The only reference is to the age of neighboring residential uses being similar and to abutting uses including apartment buildings, which is erroneous as abutting uses are single-family dwellings and duplexes. In addition, the certified Venice Land Use Plan was not used as guidance in considering conformance with Chapter 3 of the Coastal Act, but rather the Community Plan was used. As a result of all of the above, Findings 1, 2 and 3 are not valid. Finding 4. does not appear to consider projects of similar size, scale or character differences. This project is for a 4-lot small lot subdivision with four 3-story look-alike/clone single-family dwellings in the middle of a neighborhood for which the original, existing subdivision patterns are unique to Venice's original design as a coastal community. As such, the existing neighborhoods are substantially different in pattern, density and character than the 3-story, 4-lot small lot subdivision, which, if allowed, would cause a physical dividing of this well established community by causing a complete break in the neighborhood's development pattern.

Since the Venice Coastal Zone is primarily a residential community beyond the beach and popular ocean front boardwalk, which includes some commercial stretches, residential development is a significant factor in determining Venice's community character. Venice's historical character and diverse population, as well as its expansive recreation area--Ocean Front Walk (the Boardwalk), and its wide, sandy beach--make it a popular destination not only for Southern Californians but also for national and international tourists. Accordingly, Venice has engendered a status as one of the more unique coastal communities in the State, and therefore, a significant Coastal Resource to be protected. Thus, the preservation of Venice as a "Special Coastal Community"--an eclectic community with a unique and historic social and architectural character--is a statewide issue. The City's approval of this significantly out of character development, which would break up and divide the unique neighborhood's scale, character, and development pattern, does raise issues of statewide significance with regards to Venice's community character.

In addition, prior decisions of the Coastal Commission, where applicable, shall serve as guidance for other similar decisions. The facts of this case are very similar to those of the projects covered by Coastal Commission cases

A-5-VEN-15-0052, A-5-VEN-15-0053 and A-5-VEN-15-0054. As such, the rationale for determining Substantial Issue for this proposed project should be guided by the Substantial Issue determinations for those three cases. See attached highlighted excerpts from those Staff Reports (pages 2, 10, and 12) that are also applicable to this case.

This corrupted and invalid (not yet official) City CDP should not have been accepted by Coastal Staff **ALMOST THREE YEARS LATE** (2 years, 10 months after the due date required by State and City law), and then put into the Coastal appeal period. See VSO and page 1 of the City CDP, attached. The City knows VERY WELL that their CDP did not cover the demos. There was no confusion; the project description did not include the demo and the demo was NOT approved by the City in their CDP. It seems that this was because the Mello Act violation was so blatant and obvious within the CDP itself and thus the Coastal Commission could have been accused of violating the Mello Act if they had accepted that CDP and in essence been a part of the illegal approval of the demo PRIOR to the demolitions. But with the demolitions already having taken place, albeit illegally, now the Coastal Commission is changing the Project Description to include the demos, now that they can no longer be held responsible for being part of the advance approval process for a demolition that violated the Mello Act. But this is absolutely **not acceptable and is an act of complicity in helping the City evade the Mello Act law**. The City and the Coastal Staff are using this scheme of completing Coastal's sign off after the demolitions are completed, which is orchestrated in various ways, over and over in order to facilitate developers in evading responsibilities for preserving affordable units, **each one worth hundreds of thousands of dollars, and cumulatively adding up to millions of dollars**. [Note that this is similar to the set up between City and Long Beach Staff where the City would wait to send the Long Beach Staff the CEX (Coastal Exemption) forms until after the demos were completed, as Staff was well aware. As many if not most of these projects did not qualify for exemptions, again, this resulted in Staff not being able to catch the violations prior to the demolitions and the Public not able to appeal the exemptions in time. But even at the Community's insistence, Staff would not put in a process with essential internal controls in order to avoid this, and even now although the process is improved it is still not adequate.] Also, hundreds of individuals and families' lives are being upended and they are being illegally "ousted" from their homes. These are major crimes. Even though Staff has been provided documentation that shows that the City itself does not believe that the CDP covered the demolitions--the Project Description in the CDP itself does not cover the demolitions, and FOUR VSO's recently issued also clearly indicate that the CDP does not cover the demolitions--Staff is insisting on making the assumption that the City CDP received by them approximately three years later, after the demolitions occurred, DOES cover the demolitions and thus they have modified the Project Description on the face of the CDP in the Coastal Commission's records to include the demo. In doing so, Staff is allowing this Applicant and the City to bury, cover up, and get away with their defrauding of the Public by evading their Mello Act replacement affordable unit responsibilities. It should be noted that Staff is also causing a discrepancy in the official records for this case between the City permits (VSO's) and the State permits.

AT A MINIMUM, the reasons for this 3-year delay in the Applicant starting their project, surprising the community and resulting in them requesting enforcement, resulting in Coastal Staff in informing the City that it had not properly handled the permitting, including how the related building permits for the illegal demolition and construction could have been authorized by LADBS and its inspectors, must be fully investigated and a detailed explanation reported to the Public. Staff should also explain the reason they have not put into place the simple (and low/no cost) internal controls that have been recommended by the community over the years.

By not sending the CDP back to the City to be corrected or redone, Coastal Staff is helping the developers evade the law, which is resulting in the displacement of hundreds of families illegally and the loss of millions of dollars of affordable units/homes required by law. This is a very big deal. When the Coastal Staff accepts these erroneous and misleading CDP's for processing, the developers' crimes are swept away. Coastal Staff's decision to accept the erroneous and misleading CDP's is allowing the City and Applicant, who are clearly colluding, to defraud the Public and deny the community of affordable/low-income units. They are facilitating this crime against this

neighborhood, against Venice, and enabling what amounts to yet another scheme in which Staff has a role in the Applicant's and City's evasion of the Mello responsibilities, resulting in what is essentially a crime against humanity by causing the Mello Act to be impotent, ineffective and useless. Thus, Staff is clearly violating their Coastal Act mandate to encourage protection (and discourage lack of protection) of existing affordable housing.

Coastal Staff has said that accepting the CDP into the appeal period is the appropriate remedy for enforcement for this case, but this is not correct. This is definitely not the appropriate remedy for the scheme at hand. Staff is misleading the Public by making them think that enforcement for these violations should simply entail an appeal to the State. This is misleading as this process will NOT address the corruption of this CDP and the harm to the families impacted, the value of which is priceless. This will NOT address the loss of the affordable units, which has robbed the community of multi millions of dollars in affordable housing. That is because with an appeal, the Commission can only look at Chapter 3 issues, and although in the Brooks case that is significant in and of itself and may result in denial of the permit on its own, Coastal Staff is well aware that there are many more issues with respect to the permit than just Chapter 3 issues. Only if Staff would require the City to go back and work with the Applicant to fix what is wrong on the CDP would they be putting the responsibility where it should and must be, in the only place that these violations CAN be corrected, and the City would be required to process the project according to the law. But if this project is not remanded to the City or is not denied by the Commission, all of the corruption will simply be swept under the rug because Staff will have accepted an erroneous and corrupt CDP and will have bought in to this illicit process that has resulted in many families losing their homes due to blatant state law violations by the City and Applicant.

This is all because Staff is accepting a City CDP that is truly UNacceptable and which by law (CCR 13332, see below) they should not accept. Also, because Staff is not willing to implement appropriate and simple internal controls, they are perpetuating their ability to continue to allow the City to participate in these shenanigans and incur these violations.

This scheme, in various forms and executed repeatedly, has resulted in very significant damage to Venice. If this is not stopped, it will completely destroy Venice's Coastal Commission-certified designation as a Special Coastal Community and its likelihood of remaining one of the most popular tourist attractions in the State; thus, this is a State-wide issue. Also, the lack of internal controls and the Coastal Staff's participation in this scheme is likely not confined to Venice, which is another reason why this is an issue of State-wide importance.

In addition, it is very concerning to us that construction has not been stopped by the Coastal Commission's Enforcement Division. This unpermitted Coastal Zone development was reported to Staff and enforcement was requested in the first week of August, well over a month ago. Staff indicated that they agreed this was a violation and they would move ahead with enforcement. However, as late as yesterday, the development continues. This Neighborhood would like an explanation as to why this unpermitted development in the California Coastal Zone has been allowed to continue.

Violations and Enforcement using the Maximum Penalties

The City and Applicant have violated CCR 13331 Notice of Final Action (Prior to Certification of a Local Coastal Program), which requires that within 5 working days of the approval or denial of a local CDP, a local government shall notify the commission. The City and Applicant have also violated the City's similar law under LAMC Section 12.20.2. Coastal Staff has been derelict in their duty to enforce this and to put adequate internal controls in place.

In addition, under CCR 13339 Remand to Local Government (Prior to Certification of a Local Coastal Program), the Coastal Staff can and should return the permit to the appropriate local government for further proceedings.

CCR 13332 Commission Procedures upon Receipt of Notice of Final Local Action (Prior to Certification of a Local Coastal Program) requires that the final local government action contain sufficient information upon which to base an informed appeal, including project description, conditions of approval, written findings and the

procedures for appeal. If the Executive Director determines that the notice is insufficient, the local government will be notified and a new notice shall be resubmitted. This regulation must be followed in order to adequately protect the Venice community.

CCR 13173 Enforcement of the Coastal Act indicates that if any violation of the provisions of the California Coastal Act of 1976 have occurred or are threatened, the Attorney General may file an action in the name of the Commission for equitable relief to enjoin such a violation or may take other appropriate action pursuant to Chapter 9 of the California Coastal Act of 1976. In fact, the enforcement provisions of the Coastal Act were strengthened in the 1990's, giving the Commission the power to issue cease and desist and restoration orders, and significantly increasing the Coastal Act's penalty provisions, in part to reflect the rise in land values and to increase deterrence of would be violators of the Coastal Act. The Coastal Act provides a number of enforcement tools, and violations can be pursued either through administrative remedies or by filing suit against the responsible party, for both injunctive relief, such as restoration of the site, and for civil penalties.

It is imperative that Staff take swift and strong actions for enforcement, as it is critical that ALL applicants be deterred from doing the very things that have corrupted this application, by the Commission invoking the maximum penalties allowed by law. If they do not, the precedent that would be set by this case is unacceptable and even unthinkable, with more and more developers seeing these violations as a normal cost of business. This Applicant knew his coastal permit was not valid and that he had Mello violations, and thus he may have chosen this pre-fab way of construction so that he could put the four 3-story buildings up very quickly, before community members could prove the wrongdoings and have the project halted. Using this method of construction allowed him to get much further along than in a normal construction situation, where he would have been stopped before he barely got started. If the Commission does not order restitution this will cause a precedent for Venice that will very likely result in developers using more and more pre-fab homes so that they can more successfully evade the law and simply deal with the penalties they will incur as a cost of doing business, which will speed up their projects and will certainly be less cost overall than having to start over with a legal project.

Thus, if the permit IS accepted and the appeal denied by the Commission, then we hereby immediately request Revocation of the CDP, as per CCR 13105 and LAMC Section 12.20.2-J, and Restitution/Restoration of the prior apartment building. This situation meets the test for proper grounds due to the intentional inclusion of inaccurate, erroneous or incomplete information, which resulted in a different decision on the permit than otherwise would have been made. Restitution is very important in this case.

We also ask that the Commission require Staff to institute basic internal controls over its processes for land use permitting in the Venice Coastal Zone, in order to help prevent such egregious events from happening in the future. Lastly, we ask that all documents previously submitted to Coastal Staff in conjunction with the reporting of this violation and related request for enforcement are incorporated herein by reference to this Appeal.

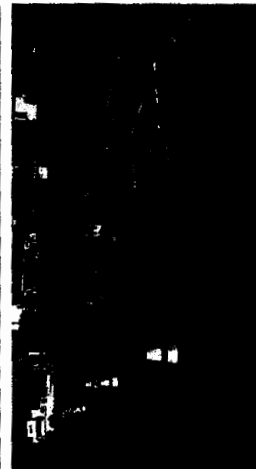
EXHIBITS:

1. Photo collage of the events of August 2, 2016
2. Page 1 of CDP dated October 23, 2013 and VSO dated May 12, 2016 (for one of the four small-lot subdivision's single-family dwellings), both showing that the demolition of the existing structures was intentionally not covered by the City's CDP
3. Excerpts from the Coastal Commission's October 2015 determination of Substantial Issue for three similar cases
4. CCR's: 13331, 13339, 13332, 13105
5. California Coastal Commission Enforcement Program Overview
6. Coastal Act Chapter 9 Judicial Review, Enforcement, and Penalties

EXHIBIT 1

742-744-746-748 Brooks Ave, Venice, 90291

secretary@venicenc.org



Brooks residents community
feedback/discussion:
brooks90291@gmail.com



Victim in Venice Shooting Remembered as Family Man; Shooter Still at Large

Book 1 contains the first 10 chapters of the book, which are the most important for the student. It covers the basic concepts of the course, such as the definition of a function, the properties of functions, and the methods for finding the maximum and minimum values of a function. The book is written in a clear and concise style, and it includes many examples and exercises to help the student understand the material.

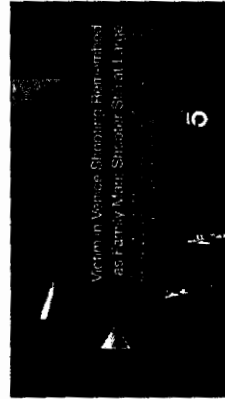
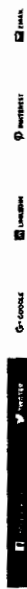


EXHIBIT 2

LENN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
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(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

October 23, 2013

Ramin Kolah (O)
1180 S. Beverly Drive, Suite 508
Los Angeles, CA 90035

Steven Nazemi (R)
275 Centennial Way Suite 205
Tustin, CA 92780

CASE NO. ZA 2013-383(CDP)(MEL)
COASTAL DEVELOPMENT PERMIT
Related Case: AA-2012-2949-PMLA-SL
742-744 Brooks Avenue, and
746-748 Brooks Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B145
C. D. : 11
CEQA : ENV-2012-2950-MND
Legal Description : Lot 38 & 39,
Tract 8415

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

a Coastal Development Permit to allow the construction of four single-family dwellings on four lots, in conjunction with Parcel Map AA-2012-2949-PMLA-SL, within the single permit jurisdiction of the California Coastal Zone in the RD1.5-1 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.

748 Brooks, Lot A

May 12, 2016



CITY OF LOS ANGELES
Department of City Planning -- Plan Implementation Division
City Hall X 208 N. Spring Street, Room G21 Los Angeles CA 90012

DIRECTOR OF PLANNING SIGN-OFF
Venice Coastal Zone Specific Plan (Ordinance 175,693)

Case Number	DIR 2016-1680-VSO	Date: 05/12/2016
Project Address	748 E Brooks Ave (Lot "A") of PMLA 2012-2949	
Zoning: RD1 5-1	Subarea: Oakwood Milwood-Southeast Venice	
Project Description	(N) construction of a 3-story SFD + detached 2-car garage w/ accessory use & roof deck above (PCIS 16010-10000-00777) (N) 2-story accessory living quarter w/ 2-car garage & roof deck (PCIS 16010-10000-01144)	
Related Cases	AA2012-2949-PMLA-SL approved w/ conditions, 10.G.3-13; demo (E) 5-unit apt bldg. & build (N) 4 detached SFDs ZA2013-0383-CDP-MEL approved w/ conditions, 10.G.3-13; to allow construction of 4 SFDs on 4 lots	
Existing Use:	5-unit apt bldg on 2 lots	Proposed Use: (N) 3-story SFD + detached 2 car garage w/ accessory use & roof deck above
Applicant Name	Lighthouse Brooks, LLC (o) / Kelly Koino (o), 310-614-6569	
Applicant Address	11160 Olympic Blvd., #700, Los Angeles, CA 90064	

Appears to be no Coastal Clearance for the demo.

Incorrect 5 units were demolished.

This is likely planned to be a 2nd unit (it is not covered by the permits) They are anticipating the approval of pending legislation on 2nd units/granny flats in changing the related parking

The project qualifies for an Administrative Clearance, a Specific Plan Project Permit Compliance is not required (pursuant to Section 8 of the Specific Plan) for at least one of the reasons below:

In the DUAL JURISDICTION

- ☐ Improvement to an existing single- or multi-family structure that is *not* on a Walk Street

In the SINGLE JURISDICTION

- ☐ Improvement to an existing single- or multi-family structure that is *not* on a Walk Street
- ☒ New construction of one single-family dwelling unit, and not more than two condominium units, *not* on a Walk Street
- ☐ New construction of four or fewer units, *not* on a Walk Street
- ☒ Demolition of four or fewer dwelling units
Planning Department determined that it would *not* be financially feasible to provide replacements for the two Moderate income efficiency units (ZA2013-0383-CDP-MEL)

ANYWHERE in the Coastal Zone

- ☐ Any improvement to an existing commercial or industrial structure that increases the total occupant load, required parking or customer area by less than 10 percent (<10%)

This application has been reviewed by the staff of the Metro Plan Implementation Division, and the proposed project complies with the provisions of the Venice Coastal Zone Specific Plan including all development requirements contained in Section 9, 10.G, and 13, as evidenced below:

Oakwood-Milwood-Southeast Venice Subarea Development Regulations			
Section	Regulation	Proposed Project	complies
9.C. Roof Access Structure	10 ft. max. above Flat Roof (25 ft). Area ≤ 100 sq. ft.	To top of RAS is 28'5", 70sqft in area as measured from outside walls	<input checked="" type="checkbox"/>
10.G.2. Density	RD1 5: max 2 du C zones. Max. is R3 density	(N) 3-story SFD	<input checked="" type="checkbox"/>
10.G.3. Height	Flat Roof -- 25'; Varied Roofline -- 30', provided that any portion of the roof that exceeds 25' is set back from the req'd front yard at least 1' in depth for every foot in height above 25'	SFD is 28.5' varied roofline w/ a min slope of 2 25' 12" Garage w/ accessory use & roof deck above is 19'8" flat roof. Roof guard rails are 42" high & are of an open design	<input checked="" type="checkbox"/>
10.G.4. Access	Alley	NA, from San Miguel Ave	<input checked="" type="checkbox"/>
13. Parking	SF - 2.3 spaces per unit pending width MF - 2 spaces plus 1 guest pending width	2park spaces in detached garage	<input checked="" type="checkbox"/>

The proposed project must comply with all other regulations of its subject zone and all other provisions of the Los Angeles Municipal Code (LAMC) and must receive approval from the Los Angeles Department of Building and Safety (LADBS). This Director of Planning Sign-Off is based on the information provided by the applicant. If, at a later date, this information is found to be incorrect or incomplete, this sign-off will become invalid, and any development occurring at that time must cease until appropriate entitlements are obtained

Socorro Smith-Yumul
Socorro Smith-Yumul
Venice Unit, (213) 978-1208

Why is this not an exception?

EXHIBIT 3

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the project's conformity with Chapter 3 of the Coastal Act. The City-approved projects are not consistent with the community character of the surrounding area.

On July 14, 2015, the City approved three local CDPs (ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833) for the same applicant (California Eco Homes, LLC) approving the demolition of a two-story, four-unit apartment building that spans three residential lots, and the construction of three, three-story single-family residences (one on each lot) described as follows: 1) approximately 35-feet high, 2,680 sq. ft. on a 1,958 sq. ft. lot; 2) approximately 35-feet high, 2,631 sq. ft. on a 1,974 sq. ft. lot; and 3) approximately 35- feet high, 2,662 sq. ft. on a 1,990 sq. ft. lot. Each with an attached 322 sq. ft. 2-car garage, a 10.5-foot front yard setback, and a 38-foot high roof access structure.

Section 30251 and 30253(e) require the protection of scenic and visual qualities of coastal areas with section 30253(e) particularly requiring the protection of special communities and neighborhoods that because of their unique characteristics, are popular visitor serving destination points for recreational uses. The certified Venice Land Use Plan (LUP) states that, the character and scale of single-family neighborhoods should be maintained and that infill development should be allowed provided that it is compatible with and maintains the density, character, and scale of the existing development (Policy I.A.2). Additionally, a coastal issue raised in the LUP is the preservation of community character, scale, and architectural diversity of Venice as a Special Coastal Community.

The City-approved projects also appear to raise a substantial issue as to their conformity with Section 30251 the Coastal Act which requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and be visually compatible with the character of the surrounding area. The City-approved projects also raise a substantial issue as to their conformity with Section 30253(e) of Coastal Act which requires the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses.

The subject site is approximately 1,300 feet inland of Venice Beach in the North Venice subarea, which features homes and commercial businesses of varying architectural styles, ranging from one-story wood bungalows to three-story-plus-roofdeck modern glass structures. The development on the block on which the City-approved projects reside is primarily single-story, single-family residences, however there are a few larger apartment buildings and two-story single-family residences across the street. The design of the City-approved project is not consistent with the character of the area, as the scale and mass of the 38-foot high projects are larger than what exists on the block. The projects have been designed to the maximum allowable height for the area and include an adjustment for the front-yard setback of 10.5 feet from the property line as opposed to the normally required 15-foot front-yard setback. The City-approved residences would be taller and larger than any other single-family residences on the block. Therefore, the projects as approved by the City will cumulatively change the character of the Venice community raise a substantial issue as to their conformity with the Coastal Act.

However, the LUP does have policies to preserve and protect stable multi-family residential neighborhoods (Policies I.A.5 and I.E.1), which can be interpreted to preserve the existing housing stock. The building that the City approved for demolition is a **four-unit apartment building and has the capacity to provide housing units accessible to a wide spectrum of the population**. The City-approved project, on the other hand, would yield three single-family housing units, which would only be accessible to a limited spectrum of the population. As approved by the City, the project would eliminate multi-family residential units and replace them with fewer single-family units, **thereby reducing the housing stock in this neighborhood and changing the character of the neighborhood** from multi-family to single-family. Considered cumulatively, City's actions contradict LUP Policy I.A.5, which asserts that **multi-family neighborhoods, and therefore apartment buildings such as the one that the City approved for demolition, should be preserved and protected**.

The appellants also contend that the City-approved development is not consistent with Sections 30251 and 30253 of the coastal act because the bulk and scale of the structures may not be consistent with the character of the North Venice subarea.

Sections 30251 and 30253 of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. The North Venice subarea includes Abbot Kinney Boulevard and Grand Boulevard, and Venice Way, each developed in the early 20th century as part of Mr. Kinney's vision for a free and diverse society. **Exhibit 2** features a map of the Historic Venice Canals.

While the certified Venice LUP is not the standard of review for finding substantial issue, the policies 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 surrounding the subject site 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 sections 30251 and 30253 of the Coastal Act. In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of existing residential neighborhoods.

In its findings that the projects are in character with the surrounding area, the City acknowledges that residential developments on this particular block are primarily one-story developments. The City does make reference to other large, modern homes which have recently been approved in the area. Of the 16 developments that the City referenced, 13 of them are not on the same block as the subject projects, and the three that are the same block are the subject of these appeals (**pages 6 – 9, 38 – 41, and 57 – 60 of EXHIBIT 4**).

the certified LUP and Sections 30251 and 30253 of the Coastal Act and, as such, doesn't appear to have the proper factual and legal support to justify its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing development is a two-story, four-unit apartment building that spans three lots and was built in 1947. The City-approved development would demolish the apartment building and allow construction of three residential structures on the three lots. The three new structures are much larger than the existing apartment building and much larger than the predominately single-story single-family homes on the same block. The massing of the three structures will be exceptionally out of character with the surrounding development. As approved by the City, the project would eliminate multi-family residential units and replace them with fewer single-family units, thereby reducing the housing stock in this neighborhood and changing the character of the neighborhood from multi-family to single-family. Considered cumulatively, the replacement of the apartment building with large single-family residences can cumulatively affect the character of the neighborhood.

The third factor is the significance of the coastal resources affected by the decision. Venice is a unique coastal resource. The cumulative effects of the City-approved demolition are significant. The City-approved projects, and others like it would negatively impact the character of the community because the large scale of the buildings is not consistent with the surrounding development pattern. Therefore, the development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP but it does have a certified Land Use Plan. The City-approved development is not consistent with the community character standards set forth in the certified Venice LUP. Thus, the project, as approved and conditioned, raises a substantial issue with regard to the project's conformity with the community character policies Chapter 3 of the Coastal Act and the certified Venice LUP and would have the potential to set a negative precedent for future development.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to community character. In this case, the City-approved projects are not in conformity with the Chapter 3 policies of the Coastal Act and therefore, the Commission finds that the appeals raise a substantial issue as to conformity with the Chapter 3 policies.

Appendix A – Substantive File Documents

City of Los Angeles certified Land Use Plan for Venice (2001)

EXHIBIT 4

California Code of Regulations

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§ 13331. Notice of Final Local Action.

14 CA ADC § 13331

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 5.5 California Coastal Commission [FNA1]

Chapter 7. Coastal Development -Permits Issued by Local Governments and Other Public Agencies

Subchapter 1.5. Permits Issued and Reviewed by Local Governments and the Commission Pursuant to Certified Land Use Plans

Article 3. Appeals to State Commission Prior to Certification of a Local Coastal Program

14 CCR § 13331

§ 13331. Notice of Final Local Action.

Within five (5) working days of the approval or denial of a coastal development permit, or within five (5) working days of its failure to act within any specified time limits contained in PRC Sections 30621 and Government Code Sections 65950-65957.1, a local government shall notify the commission and any person requesting such notification in writing of the final local action.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5 and 30620.5, Public Resources Code.

This database is current through 9/2/16 Register 2016, No. 36.

14 CCR § 13331, 14 CA ADC § 13331

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California Code of Regulations

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§ 13339. Remand to Local Government.

14 CA ADC § 13339

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 5.5 California Coastal Commission [FNA1]

Chapter 7. Coastal Development -Permits Issued by Local Governments and Other Public Agencies

Subchapter 1.5. Permits Issued and Reviewed by Local Governments and the Commission Pursuant to Certified Land Use Plans

Article 3. Appeals to State Commission Prior to Certification of a Local Coastal Program

14 CCR § 13339

§ 13339. Remand to Local Government.

At any time prior to the final vote of the commission on an appeal, the commission, after consulting the applicant, may order the application returned to the appropriate local government for further proceedings.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5, 30602 and 30620.5, Public Resources Code.

This database is current through 9/2/16 Register 2016, No. 36.

14 CCR § 13339, 14 CA ADC § 13339

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California Code of Regulations

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§ 13332. Commission Procedures upon Receipt of Notice of Final Local Action.

14 CA ADC § 13332

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness

Title 14. Natural Resources

Division 5.5 California Coastal Commission [FNA1]

Chapter 7. Coastal Development -Permits Issued by Local Governments and Other Public Agencies

Subchapter 1.5. Permits Issued and Reviewed by Local Governments and the Commission Pursuant to Certified Land Use Plans

Article 3. Appeals to State Commission Prior to Certification of a Local Coastal Program

14 CCR § 13332

§ 13332. Commission Procedures upon Receipt of Notice of Final Local Action.

Within five (5) working days of receipt of notice of final local action, the executive director of the commission shall post a description of the coastal development permit action by the local government in a conspicuous location in the commission's district office having jurisdiction of the development. At the same time, the executive director shall mail notice of the local action to members of the commission. The twenty (20) working day appeal period shall be established from the date of receipt of a notice of final local government action that contains sufficient information upon which to base an informed appeal including project description, conditions of approval, written findings and the procedures for appeal. If the executive director determines that the notice is insufficient, he shall notify the local government within five (5) working days and a sufficient notice shall be resubmitted in order to begin the twenty (20) working day appeal period.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30602 and 30620.5, Public Resources Code.

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14 CCR § 13332, 14 CA ADC § 13332

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§ 13105. Grounds for Revocation.

14 CA ADC § 13105

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 5.5 California Coastal Commission [FNA1]

Chapter 5. Coastal Development Permits Issued by Coastal Commissions

Subchapter 1. Regular Permits

Article 16. Revocation of Permits

14 CCR § 13105

§ 13105. Grounds for Revocation.

Grounds for revocation of a permit shall be:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
3. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

This database is current through 9/2/16 Register 2016, No. 36.

14 CCR § 13105, 14 CA ADC § 13105

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EXHIBIT 5

**CALIFORNIA COASTAL COMMISSION
ENFORCEMENT PROGRAM OVERVIEW**



Belinda Point, Mendocino County. Photo taken after an unpermitted fence blocking public access was removed.

The mission of the Commission's enforcement program is to protect coastal resources by: assuring that proposed development projects are consistent with the Coastal Act, which is accomplished via the permit review process required by the Coastal Act; that required coastal development permits (CDPs) are obtained for all development in the Coastal Zone; that all terms and conditions of CDPs are complied with; to generally deter and address violations of the Coastal Act; and to work with local governments to assist them in enforcing coastal protection policies.

The enforcement provisions of the Coastal Act were strengthened in the 1990s, giving the Commission the power to issue cease and desist and restoration orders, and significantly increasing the Act's penalty provisions, in part to reflect the rise in land values, and to increase deterrence of would-be violators of the Coastal Act.

All non-exempt "development" in the coastal zone requires a permit under the Coastal Act. The Legislature established that permitting process as the mechanism through which the Coastal Commission and local governments review proposed projects to ensure that they will not have impacts inconsistent with the environmental protection policies of the Coastal Act and of the plans created by local governments to implement the Coastal Act, known as "Local Coastal Programs" (LCPs). "Development" is broadly defined under the Coastal Act, and includes both physical development and certain other actions which have the potential to affect coastal resources:

Section 30106 Development

"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).

The enforcement program seeks to address both failure to apply for and obtain a Coastal Development Permit before commencing construction, and failure to comply with conditions of coastal development permit approval and, in certain cases, to remedy violations by requiring unpermitted development to be removed and sites to be restored to their "pre-violation" condition, as discussed below.

Legal Authorities

The Coastal Act provides a number of enforcement tools. Violations can be pursued either through administrative remedies or by filing suit against the responsible party (which could include the current owner of the property), for both injunctive relief such as restoration of the site, and for civil penalties.

The Commission generally uses Cease and Desist Orders (Section 30810, California Public Resources Code) to halt ongoing violations, to order removal of unpermitted development, and to obtain compliance with requirements of the Coastal Act or LCPs; Restoration Orders (Section 30811, California Public Resources Code) are generally used to bring

about the removal of unpermitted development and/or restoration of damaged coastal resources. The Executive Director of the Commission can also issue Cease and Desist Orders (Section 30809, California Public Resources Code) when someone has undertaken, or is threatening to undertake, development without a CDP or inconsistent with a CDP. These Executive Director orders stay in effect for 90 days and are followed by Commission-issued orders if needed. Where action is taken and orders have been issued, they have been quite effective in deterring, halting, and correction of illegal development activities in the coastal zone.

The Coastal Act also provides for "citizen suits." Under section 30803 of the Public Resources Code, citizens can bring legal action to address violations of the Coastal Act, and to enforce orders issued by the Commission.

In addition, under the provisions of Section 30812 of the Public Resources Code, the Commission may record a "Notice of Violation" (NOVA) on title to property that has been developed in violation of the Coastal Act, including both by unpermitted development and by development conducted in a manner that involved violations of permit conditions. These NOVAs are intended to provide notice to potential purchasers of violations pending against the property and to avoid an innocent purchaser's unnecessary involvement in violation cases.

Enforcement Staff

The enforcement program includes district enforcement and statewide enforcement officers:

District enforcement officers, including two supervisors (one for northern California and one for southern California) conduct initial investigations of enforcement complaints and work with responsible parties, local governments, and other agencies to resolve violations without formal administrative action when possible. District staff also prepares enforcement cases for "elevation" to headquarters enforcement staff when resolution at the district level is not feasible.

Headquarters enforcement officers prepare proposed cease and desist orders and restoration orders for Commission action and support the Commission in litigation. The officers work with local governments, attend task force meetings and coordinate enforcement strategies for cases that involve multiple jurisdictions. The Enforcement Program is led by the Chief of Enforcement, who is responsible for managing both district and headquarters staff.

Reporting Violations

Potential violations and concerns regarding Coastal Act resources may be reported to the Commission's enforcement staff in the geographic area where the development is located. Contact information is listed below.

PUBLICATION:

ENFORCEMENT PROGRAM REPORT 2004

COASTAL ACT ENFORCEMENT PROVISIONS:

California Public Resources Code, Division 20 (Coastal Act)

Chapter 9. Judicial Review, Enforcement, and Penalties

- General Provisions §§30800-30824
- Penalties §§30820-30824

To find the **California Coastal Commission Administrative Regulations**, go to the California Code of Regulations.

Click on **Title 14, Natural Resources**, then select **Division 5.5, California Coastal Commission**

You must click down in the tree to go to the section you want.

Additionally, There is a search capability, but you must scroll up to the top of the page to get to it.

(The above link is provided by Office of Administrative Law on Westlaw's web site.)

For information on enforcement issues:

Statewide Enforcement

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

(415) 904-5220, FAX (415) 904-5400

Lisa Haage, Chief of Enforcement

Aaron McLendon, Deputy Chief of Enforcement

Statewide Enforcement Officers: Peter Allen, Justin Buhr, John Del Arroz, and Derek Schaible

North Coast

Del Norte, Humboldt, Mendocino Counties

1385 8th Street, Suite 130

Arcata, CA 95521

(707) 826-8950, FAX (707) 826-8960

Josh Levine, Enforcement Officer

Pat Veasart, Northern California Supervisor

North Central Coast and Energy/Ocean Resources

San Mateo, San Francisco, Marin, Sonoma Counties

45 Fremont Street, Suite 2000

San Francisco, CA 94105

(415) 904-5269, FAX (415) 904-5400

Jo Ginsberg, Enforcement Officer

Pat Veasart, Northern California Supervisor

Central Coast

Santa Cruz, Monterey, San Luis Obispo Counties

725 Front Street, Suite 300

Santa Cruz, CA 95060

(831) 427-4863, FAX (831) 427-4877

Sharif Traylor, Enforcement Officer

Nancy Cave, Northern California Supervisor

South Central Coast

Ventura and Santa Barbara Counties,

and the Malibu portion of Los Angeles County

89 South California Street, Suite 200

Ventura, CA 93001

(805) 585-1800, FAX (805) 641-1732

Andrew Willis, Southern California Supervisor

South Coast

Los Angeles (except Malibu) and Orange Counties

200 Oceangate, 10th Floor

Long Beach, CA 90802

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

Andrew Willis, Southern California Supervisor

San Diego Coast

San Diego County

7575 Metropolitan Drive, Suite 103

San Diego, CA 92108

(619) 767-2370, FAX (619) 767-2384

Marsha Venegas, Enforcement Officer

Andrew Willis, Southern California Supervisor

For more information on the California Coastal Commission,
including general information, legal authorities, public coastal access
and other programs please refer to: www.coastal.ca.gov.

Other State, Federal and Local jurisdictions:

Most local governments in the coastal zone have "certified" local coastal programs (LCPs) whereby they take lead responsibility in reviewing proposed development projects, issuing coastal development permits, and, generally, in taking enforcement actions. In certain circumstances, the Coastal Commission may also take enforcement actions in these certified areas.

The following are links to other relevant agencies with whom the Coastal Commission often coordinates:

[San Francisco Bay Conservation and Development Commission](#)
[California Environmental Protection Agency Enforcement](#)
[Monterey Bay National Marine Sanctuary Enforcement Program](#)
[National Oceanic and Atmospheric Administration Coastal Services Center](#)
[California Department of Fish and Wildlife](#)
[State Water Resources Control Board](#)
[United States Army Corps of Engineers](#)
[United States Fish and Wildlife](#)
[Coastal Zone Management Act](#)

EXHIBIT 6

**CHAPTER 9
JUDICIAL REVIEW, ENFORCEMENT,
AND PENALTIES**

**ARTICLE 1
GENERAL PROVISIONS**

Section

<u>30800</u>	Additional remedies
<u>30801</u>	Petition for writ of mandate; aggrieved person
<u>30802</u>	Decisions or actions not appealable to commission; petition for writ of mandate; intervention
<u>30803</u>	Declaratory and equitable relief; cease & desist orders; restoration orders; bonds; stay
<u>30804</u>	Enforcement of duties; bond
<u>30805</u>	Recovery of civil penalties
<u>30805.5</u>	Recovery of penalties; limitation of action
<u>30806</u>	Change of venue; legal assistance
<u>30807</u>	Repealed
<u>30808</u>	Actions to insure compliance with terms and conditions of urban exclusion
<u>30809</u>	Ex parte cease & desist orders; notice; terms and conditions; time of effectiveness; duration
<u>30810</u>	Cease & desist orders issued after public hearing; terms and conditions; notice of hearing; finality and effectiveness of order
<u>30811</u>	Restoration order; violations
<u>30812</u>	Notification of intention to record property violation; contents; public hearings; review

**ARTICLE 2
PENALTIES**

Section

<u>30820</u>	Civil liability; violations; amount; factors
<u>30821</u>	Administrative Civil Penalties
<u>30821.6</u>	Violation of orders; civil penalties; local government agency actions
<u>30822</u>	Exemplary damages
<u>30823</u>	Disposal of funds
<u>30824</u>	Ex parte communications, disclosure; additional fines; fees & costs
<u>30826</u>	Renumbered

ARTICLE I GENERAL PROVISIONS

Section 30800 Additional remedies

The provisions of this chapter shall be in addition to any other remedies available at law.

Section 30801 Petition for writ of mandate; aggrieved person

Any aggrieved person shall have a right to judicial review of any decision or action of the commission by filing a petition for a writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure, within 60 days after the decision or action has become final.

For purposes of this section and subdivision (c) of Section 30513 and Section 30625, an "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit and, in the case of an approval of a local coastal program, the local government involved.

(Amended by Ch. 285, Stats. 1991.)

Section 30802 Decisions or actions not appealable to Commission; petition for writ of mandate; intervention

Any person, including an applicant for a permit or the commission, aggrieved by the decision or action of a local government that is implementing a certified local coastal program or certified port master plan, or is exercising its powers pursuant to Section 30600.5, which decision or action may not be appealed to the commission, shall have a right to judicial review of such decision or action by filing a petition for writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final. The commission may intervene in any such proceeding upon a showing that the matter involves a question of the conformity of a proposed development with a certified local coastal program or certified port master plan or the validity of a local government action taken to implement a local coastal program or certified port master plan. Any local government or port governing body may request that the commission intervene. Notice of this action against a local government or port governing body shall be filed with the commission within five working days of the filing of this action. When an action is brought challenging the validity of a local coastal program or certified port master plan, a preliminary showing shall be made prior to proceeding on the merits as to why such action should not have been brought pursuant to the provisions of Section 30801.

(Amended by Ch. 1173, Stats. 1981.)

Section 30803 Declaratory and equitable relief; cease & desist orders; restoration orders; bonds; stay

(a) Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division, of a cease and desist order issued pursuant to Section 30809 or 30810, or of a restoration order issued pursuant to Section 30811. On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division. No bond shall be required for an action under this section.

(b) A court may stay the operation of the cease and desist order after it provides notice to the commission and holds a hearing. Any such stay may be imposed or continued only if it is not against the public interest.

(Amended by: Ch. 761, Stats. 1991; Ch. 1199, Stats. 1993.)

Section 30804 Enforcement of duties; bond

Any person may maintain an action to enforce the duties specifically imposed upon the commission, any governmental agency, any special district, or any local government by this division. No bond shall be required for an action under this section.

(Amended by Ch. 285, Stats. 1991.)

Section 30805 Recovery of civil penalties

Any person may maintain an action for the recovery of civil penalties provided for in Section 30820 or 30821.6.

(Amended Ch. 1199, Stats. 1993.)

Section 30805.5 Recovery of penalties; limitation of action

Any action pursuant to Sections 30805 or 30822 to recover civil fines or penalties under this chapter shall be commenced not later than three years from the date on which the cause of action for the recovery is known or should have been known.

(Added by Ch. 1199, Stats. 1993.)

Section 30806 Change of venue; legal assistance

(a) Any civil action under this division by, or against, a city, county, or city and county, the commission, special district, or any other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city, special district, or any other public agency which is a party to the action is located.

(b) In any action brought by or against any local government, other than an action brought by or against the commission, that involves the enforcement or implementation of its certified local coastal program, the Department of Justice shall, upon the request of the local government, provide such legal assistance as its resources permit.

(Amended by: Ch. 919, Stats. 1979; Ch. 285, Stats. 1991.)

Section 30807 (Repealed by Ch. 1173, Stats. 1981.)

Section 30808 Actions to ensure compliance with terms and conditions of urban exclusion

In addition to any other remedy provided by this article, any person, including the commission, may bring an action to restrain a violation of the terms and conditions of an urban exclusion imposed pursuant to Section 30610.5. In any such action the court may grant whatever relief it deems appropriate to ensure compliance with the terms and conditions of the urban exclusion.

Section 30809 Ex parte cease & desist orders; notice; terms and conditions; time of effectiveness; duration

(a) If the executive director determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) may require a permit from the commission without

securing a permit or (2) may be inconsistent with any permit previously issued by the commission, the executive director may issue an order directing that person or governmental agency to cease and desist. The order may be also issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:

(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.

(2) The commission requests and the local government or port governing body declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

(3) The local government or port governing body is a party to the violation.

(b) The cease and desist order shall be issued only if the person or agency has failed to respond in a satisfactory manner to an oral notice given in person or by telephone, followed by a written confirmation, or a written notice given by certified mail or hand delivered to the landowner or the person performing the activity. The notice shall include the following:

(1) A description of the activity which meets the criteria of subdivision (a).

(2) A statement that the described activity constitutes development which is in violation of this division because it is not authorized by a valid coastal development permit.

(3) A statement that the described activity be immediately stopped or the alleged violator may receive a cease and desist order, the violation of which may subject the violator to additional fines.

(4) The name, address, and phone number of the commission or local government office which is to be contacted for further information.

(c) The cease and desist order may be subject to such terms and conditions as the executive director may determine are necessary to avoid irreparable injury to any area within the jurisdiction of the commission pending action by the commission under Section 30810.

(d) The cease and desist order shall be effective upon its issuance, and copies shall be served forthwith by certified mail upon the person or governmental agency subject to the order.

(e) A cease and desist order issued pursuant to this section shall become null and void 90 days after issuance.

(Added by Ch. 761, Stats. 1991.)

Section 30810 Cease & desist orders issued after public hearing; terms and conditions; notice of hearing; finality and effectiveness of order

(a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist. The order may also be issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:

(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.

(2) The commission requests and the local government or port governing body declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

(3) The local government or port governing body is a party to the violation.

(b) The cease and desist order may be subject to such terms and conditions as the commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material or the setting of a schedule within which steps shall be taken to obtain a permit pursuant to this division.

(c) Notice of the public hearing on a proposed cease and desist order shall be given to all affected persons and agencies and the order shall be final and effective upon the issuance of the order. Copies shall be served immediately by certified mail upon the person or governmental agency subject to the order and upon other affected persons and agencies who appeared at the hearing or requested a copy. The notice shall include a description of the civil remedy to a cease and desist order, authorized by Section 30803.

(Amended by Ch. 1199, Stats. 1993.)

Section 30811 Restoration order; violations

In addition to any other authority to order restoration, the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission, local government, or port governing body, the development is inconsistent with this division, and the development is causing continuing resource damage.

(Added by Ch. 955, Stats. 1992.)

(Section renumbered by Ch. 1199, Stats. 1993.)

Section 30812 Notification of intention to record property violation; contents; public hearings; review

(a) Whenever the executive director of the commission has determined, based on substantial evidence, that real property has been developed in violation of this division, the executive director may cause a notification of intention to record a notice of violation to be mailed by regular and certified mail to the owner of the real property at issue, describing the real property, identifying the nature of the violation, naming the owners thereof, and stating that if the owner objects to the filing of a notice of violation, an opportunity will be given to the owner to present evidence on the issue of whether a violation has occurred.

(b) The notification specified in subdivision (a) shall indicate that the owner is required to respond in writing, within 20 days of the postmarked mailing of the notification, to object to recording the notice of violation. The notification shall also state that if, within 20 days of mailing of the notification, the owner of the real property at issue fails to inform the executive director of the owner's objection to recording the notice of violation, the executive director shall record the notice of violation in the office of each county recorder where all or part of the property is located.

(c) If the owner submits a timely objection to the proposed filing of the notice of violation, a public hearing shall be held at the next regularly scheduled commission meeting for which adequate public notice can be provided, at which the owner may present evidence to the commission why the notice of violation

should not be recorded. The hearing may be postponed for cause for not more than 90 days after the date of the receipt of the objection to recordation of the notice of violation.

(d) If, after the commission has completed its hearing and the owner has been given the opportunity to present evidence, the commission finds that, based on substantial evidence, a violation has occurred, the executive director shall record the notice of violation in the office of each county recorder where all or part of the real property is located. If the commission finds that no violation has occurred, the executive director shall mail a clearance letter to the owner of the real property.

(e) (1) The notice of violation shall be contained in a separate document prominently entitled "Notice of Violation of the Coastal Act." The notice of violation shall contain all of the following information:

- (A) The names of the owners of record.
- (B) A legal description of the real property affected by the notice.
- (C) A statement specifically identifying the nature of the alleged violation.
- (D) A commission file number relating to the notice.

(2) The notice of violation, when properly recorded and indexed, shall be considered notice of the violation to all successors in interest in that property. This notice is for informational purposes only and is not a defect, lien, or encumbrance on the property.

(f) Within 30 days after the final resolution of a violation that is the subject of a recorded notice of violation, the executive director shall mail a clearance letter to the owner of the real property and shall record a notice of rescission in the office of each county recorder in which the notice of violation was filed, indicating that the notice of violation is no longer valid. The notice of rescission shall have the same effect of a withdrawal or expungement under Section 405.61 of the Code of Civil Procedure.

(g) The executive director may not invoke the procedures of this section until all existing administrative methods for resolving the violation have been utilized and the property owner has been made aware of the potential for the recordation of a notice of violation. For purposes of this subdivision, existing methods for resolving the violation do not include the commencement of an administrative or judicial proceeding.

(h) This section only applies in circumstances where the commission is the legally responsible coastal development permitting authority or where a local government or port governing body requests the commission to assist in the resolution of an unresolved violation if the local government is the legally responsible coastal development permitting authority.

(i) The commission, 24 months from the date of recordation, shall review each notice of violation that has been recorded to determine why the violation has not been resolved and whether the notice of violation should be expunged.

(j) The commission, at any time and for cause, on its own initiative or at the request of the property owner, may cause a notice of rescission to be recorded invalidating the notice of violation recorded pursuant to this section. The notice of rescission shall have the same effect of a withdrawal or expungement under Section 405.61 of the Code of Civil Procedure.

(Added by Ch. 235, Stats. 2002; Amended by Ch. 62, Stats. 2003.)

(b) All penalties imposed pursuant to subdivision (a) shall be imposed by majority vote of the commissioners present in a duly noticed public hearing in compliance with the requirements of Section 30810, 30811, or 30812.

(c) In determining the amount of civil liability, the commission shall take into account the factors set forth in subdivision (c) of Section 30820.

(d) A person shall not be subject to both monetary civil liability imposed under this section and monetary civil liability imposed by the superior court for the same act or failure to act. If a person who is assessed a penalty under this section fails to pay the administrative penalty, otherwise fails to comply with a restoration or cease and desist order issued by the commission in connection with the penalty action, or challenges any of these actions by the commission in a court of law, the commission may maintain an action or otherwise engage in judicial proceedings to enforce those requirements and the court may grant any relief as provided under this chapter.

(e) If a person fails to pay a penalty imposed by the commission pursuant to this section, the commission may record a lien on the property in the amount of the penalty assessed by the commission. This lien shall have the force, effect, and priority of a judgment lien.

(f) In enacting this section, it is the intent of the Legislature to ensure that unintentional, minor violations of this division that only cause de minimis harm will not lead to the imposition of administrative penalties if the violator has acted expeditiously to correct the violation.

(g) "Person," for the purpose of this section, does not include a local government, a special district, or an agency thereof, when acting in a legislative or adjudicative capacity.

(h) Administrative penalties pursuant to subdivision (a) shall not be assessed if the property owner corrects the violation consistent with this division within 30 days of receiving written notification from the commission regarding the violation, and if the alleged violator can correct the violation without undertaking additional development that requires a permit under this division. This 30-day timeframe for corrective action does not apply to previous violations of permit conditions incurred by a property owner.

(i) The commission shall prepare and submit, pursuant to Section 9795 of the Government Code, a report to the Legislature by January 15, 2019, that includes all of the following:

(1) The number of new violations reported annually to the commission from January 1, 2015, to December 31, 2018, inclusive.

(2) The number of violations resolved from January 1, 2015, to December 31, 2018, inclusive.

(3) The number of administrative penalties issued pursuant to this section, the dollar amount of the penalties, and a description of the violations from January 1, 2015, to December 31, 2018, inclusive.

(j) Revenues derived pursuant to this section shall be deposited into the Violation Remediation Account of the Coastal Conservancy Fund and expended pursuant to Section 30823.

(Added by: Ch. 35, Stats. 2014)

Section 30821.6 Violation of orders; civil penalties; local government agency actions

(a) Any person or governmental agency who intentionally or negligently violates any cease and desist order issued, reissued, or amended by the executive director or the commission, or any restoration order issued, reissued, or amended by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may be

liable civilly in a sum of not to exceed six thousand dollars (\$6,000) for each day in which that violation persists. Any actual penalty imposed shall be reasonably proportionate to the damage suffered as a consequence of the violation.

(b) Sections 30809 and 30810 and subdivision (a) of this section do not authorize the issuance or enforcement of any cease and desist order as to any activity undertaken by a local governmental agency pursuant to a declaration of emergency by the board of supervisors of the county in which the activity is being or may be undertaken.

(Added by Ch. 761, Stats. 1991; Amended by Ch. 1199, Stats 1993.)

Section 30822 Exemplary damages

Where a person has intentionally and knowingly violated any provision of this division or any order issued pursuant to this division, the commission may maintain an action, in addition to Section 30803 or 30805, for exemplary damages and may recover an award, the size of which is left to the discretion of the court. In exercising its discretion, the court shall consider the amount of liability necessary to deter further violations.

(Amended by Ch. 1199, Stats. 1993.)

Section 30823 Disposal of funds

Any funds derived under this article shall be expended for carrying out the provisions of this division, when appropriated by the Legislature. Funds so derived shall be deposited in the Violation Remediation Account of the Coastal Conservancy Fund until appropriated.

(Amended by Ch. 1618, Stats. 1982.)

Section 30824 Ex parte communications, disclosure; additional fines; fees & costs

In addition to any other applicable penalty, any commission member who knowingly violates Section 30324 is subject to a civil fine, not to exceed seven thousand five hundred dollars (\$7,500). Notwithstanding any law to the contrary, the court may award attorney's fees and costs to the prevailing party.

(Added by Ch. 1114, Stats. 1992; Amended by Ch. 798, Stats. 1993.)

Section 30826 (Renumbered Ch. 1199, Stats. 1993.)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4.1)

SECTION V. Certification
Date: September 19, 2016

742-744-746-748 Brooks Ave

The information and facts stated above are correct to the best of my knowledge:

Name (printed): Jessica Montagne Signature: J Montagne
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Name (printed): Amanda Malko Signature: [Signature]
Address: 660 Flower Ave Email: amanda.bird@gmail.com

Name (printed): ROBERT MALKO Signature: [Signature]
Address: 660 FLOWER AVE Email: ROBMALKO@Gmail.com

Name (printed): John Castillo Signature: [Signature]
Address: 660 1/4 Flower Ave Email: Engle Spirit 7@
Venice CA 90291 MSU.com

Name (printed): SMITH CHO Signature: [Signature]
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Name (printed): EDWARD POLLACK Signature: [Signature]
Address: 824 BROOKS AVE, 90291 Email: NARROW#14@Yahoo.com

Name (printed): Sarah Luntz Signature: [Signature]
Address: 609 ROSE AVE Email: SUNTZ@GMAIL.com

Name (printed): JOSH POLLACK Signature: Josh Pollack
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VENICE, CA .COM

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4.2)

SECTION V. Certification
Date: September 19, 2016

742-744-746-748 Brooks Ave

The information and facts stated above are correct to the best of my knowledge:

Name (printed): NICHOLAS MELK Signature: [Signature]
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Name (printed): Jenni Hawk Signature: [Signature]
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Name (printed): Jin Ah Park Signature: [Signature]
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Name (printed): Jonathan Ward Signature: [Signature]
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Name (printed): Laura Stoland Signature: [Signature]
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Name (printed): Ira Rosenblatt Signature: [Signature]
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4.5)

SECTION V. Certification
Date: September 19, 2016

742-744-746-748 Brooks Ave

The information and facts stated above are correct to the best of my knowledge:

Name (printed): Janis Jones Signature: Janis Jones
Address: 646 Brooks Ave Email: S

Name (printed): Edward Dabbs Signature: Ed Dahl
Address: 556 BROOKS AVE Email: _____

Name (printed): REGINA F CHANDEL ^{DABBS} Signature: IR
Address: 556 BROOKS AVE Email: _____

Name (printed): Cleo Barbo Signature: Cleotilde Barbo
Address: 557 Brooks Email: _____

Name (printed): DONALD COBURN HAWK Signature: [Signature]
Address: 845 Brooks Email: COBURNHAWK@YAHOO.COM

Name (printed): _____ Signature: _____
Address: _____ Email: _____

Name (printed): _____ Signature: _____
Address: _____ Email: _____

Name (printed): _____ Signature: _____
Address: _____ Email: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4.4)

SECTION V. Certification

742-744-746-748 Brooks Ave

Date: September 19, 2016

The information and facts stated above are correct to the best of my knowledge:

Name (printed): Maname Snell Signature: Maname Snell

Address: 3003 4th Ave, Venice Email: _____

Name (printed): Noel Gould Signature: Noel Gould

Address: 3003 Ocean Front Walk 9029 Email: aquariumstudios@hotmail.com
Venice

Name (printed): GEORGE GINERIS Signature: GEORGE GINERIS

Address: 256 HORIZON AVENUE Email: GEOHORIZON@YAHOO.COM
VENICE 90291

Name (printed): Robin Rudisill Signature: Robin Rudisill

Address: 3003 Ocean Front Walk Email: wildrudi@mac.com
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Name (printed): Peter Rudisill Signature: Peter Rudisill

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Name (printed): Kelly Adams Signature: Kelly Adams

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Name (printed): James Adams Signature: James Adams

Address: 20 29th Ave, VB Email: jadams@828@gmail.com

Name (printed): Sean Longstreet Signature: Sean Longstreet

Address: 20 29th Ave, Venice Email: sean.longstreet@gmail.com

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4.3)

SECTION V. Certification
Date: September 19, 2016

742-744-746-748 Brooks Ave

The information and facts stated above are correct to the best of my knowledge:

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Name (printed): ERIK ARNESEN Signature: [Signature]
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Name (printed): Lori Sadel Signature: [Signature]
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Address: 667 Brooks Email: akealiquid@yahoo.com

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4.4)

SECTION V. Certification
Date: September 19, 2016

742-744-746-748 Brooks Ave

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(not sure of City)

Name (printed): VINCENT FURRIE Signature: [Signature]
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Name (printed): Leslie Damos Signature: [Signature]
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Name (printed): T DAMOS Signature: [Signature]
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Name (printed): Mark Fricke Signature: [Signature]
Address: 754 BROOKS AVE Email: mwatsonfricke@gmail.com

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SEP 20 2016

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

CALIFORNIA

Please Review Attached Appeal Information Sheet Prior To Completing **COASTAL COMMISSION**

SECTION I. Appellant(s)

Name	Mailing Address
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Amanda Malko	660 Flower Ave, Venice, 90291
Robert Malko	660 Flower Ave, Venice, 90291
John Castillo	660 ¼ Flower Ave, Venice, 90291
Smith Cho	824 Brooks Ave, Venice, 90291
Sarah Luntz	609 Rose Ave, Venice, 90291
Josh Pollack	824 Brooks Ave, Venice, 90291
Nicholas Mele	701 Indiana Ave, Venice, 90291
Jin Ah Park	732 Brooks Ave, Venice, 90291
Jonathan Ward	732 Brooks Ave, Venice, 90291
Rebecca Freise	835 Brooks Ave, Venice, 90291
Laura Stoland	721 Brooks Ave, Venice, 90291
Ira Rosenblatt	721 Brooks Ave, Venice, 90291
Ellen Korak	740 Brooks Ave, Venice, 90291
Antoinette Reynolds	737 Brooks Ave, Venice, 90291
Gerry Katzman	845 Brooks Ave, Unit 2, Venice, 90291
Kate Arneson	708 Brooks Ave, Venice, 90291
Erik Arneson	708 Brooks Ave, Venice, 90291
Lori Sadel	840 Brooks Ave, Venice, 90291
Eduardo Guedea	816 Brooks Ave, Venice, 90291
Josh Crews	667 Brooks Ave, Venice, 90291
Sabrina Hill	667 Brooks Ave, Venice, 90291
Jacob Boston	812 Brooks Ave, Venice, 90291
Nathan Stefanelli	667 Brooks Ave, Venice, 90291
Michael Boyle	1039 Elkgrove Ave, Venice, 90291
Vincent Furrie	713 Brooks Ave, Venice, 90291
Leslie Demos	821 Brooks Ave, Venice, 90291
Ted Demos	821 Brooks Ave, Venice, 90291
Mark Frick	754 Brooks Ave, Venice, 90291
Paula Matisse	725 Brooks Ave, Venice, 90291
Janis Jones	646 Brooks Ave, Venice, 90291
Edward Dabbs	556 Brooks Ave, Venice, 90291
Cleotilde Barbo	557 Brooks Ave, Venice, 90291
Coburn Hawk	845 Brooks Ave, Unit 1, Venice, 90291
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Noel Gould	3003 Ocean Front Walk, Venice, 90291
George Gineris	256 Horizon Ave, Venice, 90291
Robin Rudisill	3003 Ocean Front Walk, Venice, 90291
Peter Rudisill	3003 Ocean Front Walk, Venice, 90291
Kelly Adams	20 29 th Ave, Venice, 90291
James Adams	20 29 th Ave, Venice, 90291
Sean Longstreet	20 29 th Ave, Venice, 90291