

CALIFORNIA COASTAL COMMISSION

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

Th17a



Click here to go to
original staff report

ADDENDUM

February 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th17a, APPEAL NO. A-5-VEN-15-0071
(RUCHITA & LUNIA) FOR THE COMMISSION MEETING OF
THURSDAY, FEBRUARY 11, 2016.**

1. CHANGES TO STAFF REPORT

Commission staff recommends clarifications to the staff report dated 01/28/2016 in the following section: Section VI, Subsection C (Substantial Issue Analysis). Section Language to be added to the findings and conditions is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

Due to an inadvertent typographical error, the following changes are being made to the first sentence of the first paragraph of the **Conclusion** section of the Substantial Issue Analysis, **Page 16**:

Applying the five factors listed in the prior section clarifies that the appeal raises “no substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section ~~30265(b)(1)~~ 30625(b)(1), because the nature of the proposed project and the local government action are consistent with policies of Chapter 3 of the Coastal Act.

2. LETTERS OF SUPPORT

Letters from local residents in support of the proposed project as approved by the City of Los Angeles and in response to Appeal No. A-5-VEN-15-0071. Letters attached.

Jan 27, 2016

Letter of Support

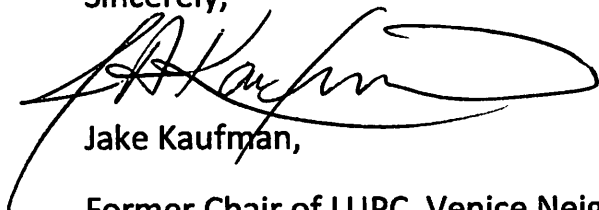
Dear Coastal Commission,

As the former chair of the Land Use & Planning Committee (LUPC) of the Venice Neighborhood Council, I offer my support for the proposed small lot subdivision at 758 Sunset Ave.

While I was the Chair of LUPC, the applicant came to us with their original proposal, which was for a 3-unit/3-story project. The architect presented the project numerous times. After receiving the input of my committee and the full neighborhood council, the applicant voluntarily reduced the scope of their proposal to create a much smaller 2-unit/2-story project. I commend the applicants for the process they followed in developing their design. I applaud their efforts to solicit community input and their flexibility and willingness to address community concerns.


The resulting project offers many long-term benefits to the community. It will create 2 attractive, modestly-scaled and modestly-sized new homes and keep the property from becoming 'mansionized' as a single-family development. It will help address the housing shortage in Venice and enable young family or dual-income households (and not just the super wealthy) to become property owners. The project offers increased residential parking, an interesting design that speaks to the dynamic culture and style of the Venice community and other features that will tangibly improve the neighborhood character. For all these reasons and for the exemplary effort by the applicants to incorporate the community's input into their design, I urge you to approve this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jake Kaufman", with a large, sweeping loop at the end.

Jake Kaufman,

Former Chair of LUPC, Venice Neighborhood Council

310-902-4069. Please feel free to call! 

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Khalil Iskalous

Address: 763 1/4 Sunset Ave.

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...


- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: _____

Address: _____

 (John Figone)
705 Sunset Ave

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

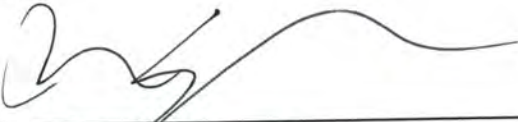
- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: _____

Address: _____



659 Sunset

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

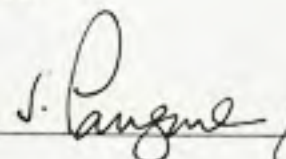
As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name:  / SANTOG PANGARKAR

Address: 664 SUNSET AVE, VENICE, CA 90291

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: PETER CROWNER

Address: 718 1/2 VERNON AVE.

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: _____

Sudal Shah

Address: _____

*652 SANTA CLARA AVE
VENICE CA 90291
310 - 581-9843*

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Nick Voroshine
Address: 391 Brooks Ave
Venice

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

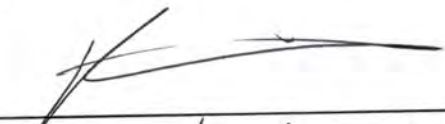
- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: _____

Address: _____

 (Roberto Aranda)
247 6th Ave #3 Venice CA

90291

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Robert Spettel
Address: 6021 Lincoln

Jan 18, 2016

Letter of Support

Dear Coastal Commission,


As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Brendan Johnson 

Address: 507 Rose Ave

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Roger Teske
Address: 660 Rose Ave 3, Venice

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Rodney Chhor
Address: 402 ROSE Ave 90291

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Michael Van Vorhees

Address: _____

THE GUITAR CONNECTION
633 ROSE AVENUE
VENICE, CALIF. 90291
(310) 396-3009

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Chris Rucinski

Address: 244 Bernard Ave Venice, CA

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: _____

Address: _____

Derek Pott
348 Rennie Ave

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

Santa Monica, Visit Venice every day
As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

F. Strohkendl

Name: F. Strohkendl

Address: 2117 Dewey St, 90405

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each)
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: REID CIBOLLE

Address: 534 GRAND BLVD, VENICE 90291

Jan 18, 2016

Letter of Support

Dear Coastal Commission,

As a resident of Venice, I whole-heartedly support the project for **2 new single family residences at 758 Sunset Ave.** The project should be approved and allowed to move forward for all of the following reasons:

The project...

- Obeys all zoning and building codes, including Venice Specific Plan
- Will provide 2 attractive, modestly-sized homes (<2,000 sf each) in a duplex (RD 1.5) zone
- Will increase the available off-street parking
- Will improve character of the street
- Is below the height of neighboring houses and well below the height limit
- Implements 'Green Building' and 'Green Landscaping' measures
- Displaces no long-term or low-income residents
- Has met ALL of the community's requests/concerns

This project has followed an *exemplary* planning process and will do much to improve both Sunset Ave. and the Venice community.

Sincerely,

Name: Taylor Nelson
Address: 2025 4th Street apt 103a
Santa Monica CA 90405

CALIFORNIA COASTAL COMMISSION

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

Th17a

Appeal Filed: 12/18/15
49th Day Waiver: 12/21/15
Staff: M. Alvarado-LB
Staff Report: 01/28/16
Hearing Date: 02/11/16

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-15-0071

Applicants: Rupesh Lunia and Richa Ruchita

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Serafin Guzman, Ivonne Guzman, Robin Rudisill, David Ewing, Lisa Green

Project Location: 758 Sunset Avenue, Venice, City of Los Angeles, Los Angeles County

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit (Case No. ZA 2013-1085) for the demolition of a single-family residence, a small-lot subdivision of an approximately 4,670 square-foot lot into two lots, and the construction of a two-story single-family residence on each lot.

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the development, as approved by the City of Los Angeles, is consistent with the Chapter 3 policies of the Coastal Act, and therefore does not negatively impact coastal resources. Pursuant to Section 30625, the grounds of appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to section 30602.

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken **only** on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes **total** per side. Please plan your testimony accordingly. Only the applicants, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

TABLE OF CONTENTS

| | |
|--|----------|
| I. MOTION AND RESOLUTION - NO SUBSTANTIAL ISSUE | 3 |
| II. APPELLANTS' CONTENTIONS..... | 3 |
| III. LOCAL GOVERNMENT ACTIONS | 4 |
| IV. APPEAL PROCEDURES..... | 6 |
| V. DUAL PERMIT JURISDICTION AREA | 7 |
| VI. FINDINGS AND DECLARATIONS..... | 8 |
| A. PROJECT DESCRIPTION | 8 |
| B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS..... | 8 |
| C. SUBSTANTIAL ISSUE ANALYSIS | 9 |

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location
Exhibit 2 – Small-Lot Subdivision: Lot A & Lot B
Exhibit 3 – Street View Project Rendering
Exhibit 4 – Elevations, Site and Landscape Plan
Exhibit 5 – Appeal
Exhibit 6 – Supplemental Letter to the Appeal
Exhibit 7 – WLAACP Notice of Local Coastal Development Permit Issuance
Exhibit 8 – CCC Notification of Appeal Period
Exhibit 9 – Notice of City Council Hearing
Exhibit 10 – CCC Notice of Deficient Notice
Exhibit 11 – City Council Notice of Final Action
Exhibit 12 – CCC Notification of Appeal Period
Exhibit 13 – Case Exhibits by Applicant
Exhibit 14 – Images of Sunset Avenue

I. MOTION AND RESOLUTION - NO SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-15-0071 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-15-0071 presents NO **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On November 18, 2015, the Commission received a valid notice of final local action for Local Coastal Development Permit (CDP) No. ZA 2013-1085, which approves the demolition of a one-story single-family residence, a small-lot subdivision, and the construction of an approximately 1,890 square foot single-family residence and a 1,973 square foot single-family residence, one on each of the two new lots (Parcel A: 2,200 square feet; Parcel B: 2,470 square feet). Five total on-site parking spaces will be provided with access from the rear alley.

On December 18, 2015, within 20 working days of receipt of notice of final local decision, Serafin Guzman, Ivonne Guzman, et al., filed an appeal of the local CDP alleging that the proposed project poses potentially adverse impacts to the community character of Venice, affordable housing, the environment, and the neighbors, and also that the City violated its procedures for issuing the permit (**Exhibits 5**). The appellants contend that without the proper procedures, the City-approved development could prejudice the City's ability to prepare a Local Coastal Program (LCP).

The appellants' appeal lists the following issues (**Exhibits 5 & 6**):

1. Proposed project is inconsistent mass, scale and character with the existing community; will increase shade over neighboring properties
2. Small Lot Subdivisions in practice are removing affordable housing not creating it, are a windfall for developers, threaten the community character of Venice, and are not consistent with the intent of the VCZSP or the Venice Land Use Plan
3. Cumulative Impact and prejudicing the preparation of an LCP
4. Parking – needs 6 per the Venice Specific Plan as it is not silent; tandem Parking

Appeal – No Substantial Issue

5. Demolition requires a Coastal Development Permit
6. Loss of resources value and environmental impact by loss of trees and green space.
7. CEQA – Cumulative Environmental impact to the community by the large number of projects going on at any one time - air quality etc.; proposed Mitigated Negative Declaration is for three units not for two
8. Mello Act Violations throughout Venice
9. Suspension of appeal period
10. Lack of ability to appeal Venice Sign Off
11. Lack of Training of City Staff
12. Change of plan without due process
13. The applicants obtained the property with a Federal Housing Administration (FHA) loan reserved for owner occupied buyers and had never lived on the property.

No other appeals were received prior to the end of the appeal period on December 18, 2015.

III. LOCAL GOVERNMENT ACTIONS

On April 12, 2013, the applicants submitted to the City of Los Angeles Planning Department a Master Land Use Permit Application for the demolition of a single-residence, a three-lot subdivision under the Small-Lot Ordinance, and the construction of three (3) single-family residences on the three (3) separate lots. As originally designed, the proposed residences were three-stories with a maximum height of 30 feet; Parcel A was 1,400 square-feet; Parcel B was 820 square-feet; and Parcel C was 2,450 square-feet (**Exhibit 4, page 1**). The coastal development permit application was assigned Case No. 2013-1085 and was filed concurrently with the Tentative Parcel Map (AA-2013-1086-PMLA-SL) and Zoning Administrator's Adjustment (ZA 2013-1085-CDP-MEL-ZAA).

On September 9, 2013, the City issued the project a CEQA Mitigated Negative Declaration (ENV 2013-1084-MND). A reconsideration (ENV 2013-1084-MND-REC1) was issued on November 5, 2013 to include the request for a Zoning Administrator's (ZA) Adjustment to permit a reduced lot area. On December 5, 2013, a second reconsideration (ENV 2013-1084-MND-REC2) was issued to include the request for a ZA Adjustment to permit a 0-foot side yard for parking and allow projections into the side yards.

According to the City's record, the City of Los Angeles Office of Zoning Administration held a public hearing for Local Coastal Development Permit No. ZA 2013-1085 on January 8, 2014. The public hearing was opened for public comment and the common issues raised were that the density, mass, scale, and height of the project were incompatible with the character of the neighborhood and that the project provided inadequate parking. The Deputy Advisory Agency took the case under advisement and recommended that the applicants work with the community.

Subsequent to the hearing, the applicants revised the proposed project. The applicants reduced the density from three (3) lots and three (3) residences to two (2) lots and two (2) residences, the maximum height of the residences from 30 feet to 25 feet, and the number of stories from three (3) stories to two (2) stories.

On December 9, 2014, the Zoning Administrator (ZA) approved with conditions the Local Coastal Development Permit and the Parcel Map for the revised proposed project involving the demolition

of a single-family residence, a small-lot subdivision into two lots, and the construction of two single-family residences, one on each lot.

The project description of the Local CDP No. ZA 2013-1085 as approved by the ZA reads as follows:

“...a Coastal Development Permit to allow the demolition of an existing single-family dwelling and detached garage and to allow the construction, use and maintenance of two single-family dwellings on two separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-1086-PMLA-SL, in the single permit jurisdiction area of the California Coastal Zone”

On December 23, 2014, the ZA’s determination was appealed to the West Los Angeles Area Planning Commission (WLAAPC) by the appellant, Serafin Guzman. Subsequent to a public hearing held on February 4, 2015, the WLAAPC approved Local Coastal Development Permit No. ZA 2013-1085 and the Preliminary Parcel Map No. AA-2013-1086-PMLA-SL on March 24, 2015 for the proposed project involving the demolition of a single-family residence, a two-lot, small-lot subdivision, and the construction of two single-family residences; the WLAAPC made no changes to the proposed project or the Local CDP. The WLAAPC also approved the Mello Act Determination but denied the Zoning Administrator’s Adjustment; the City was requiring an Adjustment to allow for a lot that was smaller than the standard requirement of 5,000 square feet. The Parcel Map included a condition requiring the applicants to obtain the Adjustment in order to use the Parcel Map approval.

On March 26, 2015, Coastal Commission received the City's Notice of Final Local Action for Local Coastal Development Permit (CDP) No. ZA 2013-1085 (**Exhibit 7**). The Commission issued a Notification of Appeal Period on April 1, 2015 (**Exhibit 8**). The City then notified the Commission on April 6, 2015, that the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council was conducting a public hearing on April 14, 2015 to consider the WLAAPC report and the appeals filed by Serafin Guzman to the WLAAPC (**Exhibit 9**). Because the City's action on the Adjustment and the CDP-associated Parcel Map had not yet been finalized, the notice of final local action received by the Commission on March 26, 2015 was consequently rendered invalid and the commencement of the Commission's appeal period was suspended. On April 8, 2015, the Commission issued a Notification of Deficient Notice for the City's Final CDP Action (**Exhibit 10**).

The applicants' representative challenged the need for the Adjustment to permit a reduced lot area of 4,670 square feet in lieu of the 5,000 square-foot standard, and upon further review, the City's Planning Department and the City Attorney determined that the Adjustment application was required in error, and that the subdivision is consistent with the local zoning code. Pursuant to Section 245 of the Los Angeles City Charter, the City Council asserted jurisdiction over the February 4, 2015 action of the WLAAPC. On April 15, 2015, the Los Angeles City Council adopted the PLUM Committee Report in approving Parcel Map AA-2013-1086-PMLA-SL with revised conditions to no longer require the Adjustment. The City Council made no changes to the proposed project or the Local CDP.

The City issued the Director of Planning Sign-offs (DIR 2015-4059-VSO and DIR 2015-4060-VSO) on November 5, 2015 for the proposed project's conformance to the Venice Specific Plan. On November 18, 2015, the Commission received a valid Notice of Final Local Action for Local Coastal Development Permit (CDP) No. ZA 2013-1085 from the Department of City Planning (**Exhibit 11**). On November 18, 2015, the Commission commenced the twenty (20) working day Commission appeal period immediately following the receipt of the Notice of Final Local Action (**Exhibit 12**).

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicants, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. Commission staff recommends a finding of no substantial issue. If the Commission decides that the 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 typically continues the public hearing to a later date in order to review the coastal development permit as a *de novo* matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that *de novo* actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the *de novo* phase of the public hearing on the merits of the application at a subsequent Commission hearing. A *de novo* public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The Venice Land Use Plan (LUP), certified on June 14, 2001, is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulations, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development

permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is not located within the *Dual Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicants propose to demolish an existing 1,251 square-foot, 17-foot high one-story single-family residence with a 342 square-foot garage, and divide the approximately 4,670 square-foot lot under the Small-Lot Subdivision Ordinance into two separate lots, Parcel A and Parcel B (Parcel A: 2,200 square feet; Parcel B: 2,470 square feet) (**Exhibits 3 & 4**). The applicants also propose to construct an approximately 1,890 square-foot, 25-foot high two-story single-family residence on Parcel A and an approximately 1,973 square-foot, 25-foot high two-story single-family residence on Parcel B. Each residence will have a pitched roof, and neither will have a roof deck nor a roof access structure (**Exhibits 3 & 4**). Five parking spaces will be provided for the two residences on Parcel B; only two parking spaces will be tandem. All five parking spaces and will be accessed through the alley (**Exhibit 4**).

The project site is a 4,670 square-foot lot located at 758 Sunset Avenue in Venice, approximately 0.85 miles inland of the beach and within the Single Permit Jurisdiction Area of the coastal zone (**Exhibit 1**). The project site is located approximately 300 feet from Lincoln Boulevard, which outlines the Coastal Zone Boundary in this area. The subject site is situated in a highly urbanized, residentially developed area along Sunset Avenue within the Venice Oakwood Subarea. In addition, the lot is zoned RD1.5-1 (Multiple Dwelling) and designated for Low Medium II Residential by the certified Venice Land Use Plan (LUP). The front property line fronts Sunset Avenue and rear property line adjoins the alley, Sunset Court. The subject site is surrounded by predominately one-story residences, but also by two-story single-family, two-family, and multi-family residences.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;

4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

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

Staff is recommending that the Commission find that no substantial issue exists with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal relate primarily to the City's procedural process for the permit and to the proposed project's potential impacts to the community character of Venice, to affordable housing, to the local residents, and to the environment.

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

The Notice of Decision on Local Coastal Development Permit No. ZA 2013-1085 issued by the City of Los Angeles indicates that the City applied the policies of Chapter 3 of the Coastal Act and concluded that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250(a), 30251, 30252, and 30253(a)&(e) of the Coastal Act, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**Exhibit 5, pages 38 & 39**).

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only

where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

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 30252 of the Coastal Act states:

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

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

In order for no substantial issue to be found, the proposed project must conform to the requirements of the Chapter 3 policies of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).

Community Character

The appellants contend that the City-approved development is not consistent with the Chapter 3 policies of the Coastal Act and the standards of the Venice LUP because it does not conform to the established community character, and it is out of scale with the surrounding residences within the Oakwood subarea of Venice. They argue that without the proper procedures, the City-approved development could contribute to the cumulative impact of out-of-scale development in Venice and could prejudice the City's ability to prepare a Local Coastal Program (LCP).

The protection of community character is a significant issue for the residents of Venice. Venice has a unique blend of style and scale of residential buildings, historical character, walk streets, diverse

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

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

The Coastal Act requires that the special communities be protected to preserve their unique characteristics and from negative impacts such as excessive building heights and bulks. In particular, Sections 30253(e) and 30251 of the Act require protection of views, scenic areas and special communities and require development to be visually compatible with the character of surrounding areas.

When the Commission certified the Venice Land Use Plan (LUP) in 2001, it considered the potential impacts that development could have on the character of the surrounding area and adopted policies and residential building standards (e.g. height limits) to ensure development was designed for a pedestrian scale and to be compatible with surrounding development. While the certified Venice LUP is not the standard of review for finding substantial issue, the LUP policies provide guidance from which the Commission can evaluate the adequacy of a project's mitigation of impacts. Given the specific conditions and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies for guidance in determining whether or not the project is consistent with relevant Chapter 3 policies of the Coastal Act.

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

Policy I. 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.

Policy I. E. 2. Scale, states:

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, states:

Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

The project site is located in the Oakwood Multi-Family Residential – Low Medium II designated neighborhood and is situated along Sunset Avenue, approximately 300 feet west of Lincoln Boulevard in Venice. The Venice Land Use Plan (LUP) also addresses land use, density, and height for this area.

Policy I.A.7.d (Multi-Family Residential – Low Medium II) of the certified Venice LUP states in part:

Use: Duplexes and multi-family structures

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

Height: ...Not to exceed 25 feet for building with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline...

According to the City's record, the applicant originally applied for a three-lot subdivision under the Small-Lot Ordinance for the construction of three (3) single-family residences. As originally designed, the proposed residences were three-stories with a maximum height of 30 feet; Parcel A was 1,400 square-feet; Parcel B was 820 square-feet; and Parcel C was 2,450 square-feet (**Exhibit 4, page 1**).

The City of Los Angeles Office of Zoning Administration held a public hearing for the original project. When the public hearing was opened for public comment, common issues raised were that the density, mass, scale, and height of the project were incompatible with the character of the neighborhood and that the project provided inadequate parking. In addition, prior to the hearing, the Venice Neighborhood Council (VNC), an advisory board, did not recommend approval of the original project, and preferred that the proposed density be reduced from three (3) residences to two (2) residences, or three (3) residences with one (1) being an affordable unit. The Deputy Advisory Agency took the case under advisement and recommended that the applicants work with the community.

Subsequent to a public hearing held by the City of Los Angeles Zoning Administration (ZA), the applicants revised the proposed project while the case was taken under advisement as recommended by the Deputy Advisory Agency. The applicants reduced the density from three (3) lots and three (3) residences to two (2) lots and two (2) residences, the maximum height of the residences from 30 feet to 25 feet, and the number of stories from three (3) stories to two (2) stories. The ZA approved the revised project, which was later appealed to the West Los Angeles Area Planning Commission (WLAAPC). The appeal to the WLAAPC raised issues relative to the project's incompatibility with the character of the neighborhood, and its inconsistency with the Coastal Act, the certified Venice LUP, and the uncertified Venice Coastal Zone Specific Plan.

In the appeal report, WLAAPC Staff determined that the ZA-approved project is compatible with the community character. It found that "...as revised and approved is fully consistent with the California Coastal Act, the Venice Coastal Land Use Plan, the Venice Coastal Zone Specific Plan, and the revised Director of Planning Specific Plan Interpretation relative to height, density, and parking. ...The proposed residences are two single-family dwellings, two stories, 25 feet in-height, with a sloping/varying roofline. ...The proposed structures are also lower in height than the structures on the adjoining eastern properties (appellant's and appellant's representative) which are approximately 27 feet in-height".

In a later report, the WLAAPC found that the proposed project is consistent with Sections 30250, 30251, 30252, and 30253 of the Coastal Act and would not prejudice the LCP; however, did not revisit how the proposed structures are visually compatible with the character of the surrounding areas in its Coastal Development Permit findings. The appellants of this appeal (A-5-VEN-15-0071) noted that in this later report, the WLAAPC provided findings to the contrary stating that the proposed project is not compatible with the neighborhood in terms of massing and scale. This finding, however, is relative to an action concerning a Zoning Administration Adjustment that the City Council later found to have been requested in error. Additionally, the appellants of this appeal (A-5-VEN-15-0071) have provided a short transcript of the WLAAPC hearing demonstrating that there was a discussion over the compatibility of proposed project with the neighborhood and questions were raised concerning the mass and bulk (**Exhibit 6**). In the end, the WLAAPC approved the local coastal development permit for the proposed project on the basis that it was consistent with the Coastal Act and the LUP. Consistency with the Venice Specific Plan was determined; this document, however, has not been certified by the Coastal Commission. The standard of review is the Coastal Act and the Venice LUP is the guidance document for the area. In order to clarify the discrepancy between the City's findings, Coastal Commission Staff has conducted its own analysis.

The proposed project subject to this appeal is for the demolition of an existing one-story single-family residence, a Small-Lot Subdivision Ordinance of the existing single lot into two separate lots, Parcel A and Parcel B (Parcel A: 2,200 square feet; Parcel B: 2,470 square feet), and the construction of an approximately 1,890 square-foot, 25-foot high two-story single-family residence on Parcel A and an approximately 1,973 square-foot, 25-foot high two-story single-family residence on Parcel B (**Exhibits 2, 3, & 4**). Each residence will have a pitched roof, and neither will have a roof deck nor a roof access structure.

The appellants state that the project site is surrounded predominantly by one-story dwellings and, consequently, the proposed two-story structures are not compatible with the mass and scale of the surrounding neighborhood (**Exhibit 5**). In addition, the appellants question the legality of the small lot subdivision and argue that the proposed project includes reduced yards and setbacks that directly impact

the mass and scale of the development. Furthermore, the appellants assert the proposed structures will tower over the neighboring properties and will increase shade over the neighbors.

Typically, the Commission looks at allowable land uses, density, and height when evaluating whether or not a project is visually compatible with the character of the neighborhood, along with the existing characteristics of the surrounding area. The LUP allows for one residential unit per 1,500 – 2,000 square feet of lot area. The City-approved project involves a small-lot subdivision and the construction of a residence on a 2,260 square-foot lot and another residence on a 3,140 square-foot lot, which is in conformance with the provisions in the LUP Policy. Also, 55% of the residential lots within the 700 Sunset Avenue block consist of two or more residential units; thereby, the proposed increase in number of units on the project site from one to two residences will be consistent with neighborhood in terms of density.

In addition, the proposed project conforms to the height provision of the LUP. The proposed residential structures are designed with varied rooflines and a maximum height of 25 feet. The LUP allows a maximum height of 30 feet for varied or sloped rooflines within the Oakwood Subarea. Moreover, as previously mentioned, neither of the residences will have a roof deck nor a roof access structure.

Two-story residences are common in this area and in Venice generally. Although the 700 block of Sunset Avenue contains predominantly one-story, it also contains numerous two-story and a few three-story single- and multi-family residential structures (**Exhibits 13 & 14**). In addition, some two-story and one-story structures have a similar maximum height of 20-21 feet but vary in the number of stories. As can be seen on **Exhibit 13, pages 2-7**, eight of the 38 residential lots within the block contain structures ranging between 20 – 26 feet in height. Five different lots, including the two lots immediately adjacent to the subject site, contain buildings greater than 26 ft. in height.

Accordingly, the project, as proposed, conforms to and is lower than the mandated height limits in its neighborhood and does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act. The proposed two-story, 25-foot high structures are lower in height than the approximately 27-foot high and 25.5-foot high, two-story structures on the three adjoining eastern properties. Moreover, the owner of the property directly to the west of the project site is currently applying for a two-story addition that, if approved, will increase the height of the existing 16-foot high one-story residence to 26 feet. Additionally, because the proposed project is similar in height and mass to other structures in the surrounding area, such as other multi-family and apartment structures within the 700 residential block of Sunset (see **Exhibit 14**), the city-approved project would not prejudice the City's ability to prepare a Local Coastal Program (LCP).

The appellants also object to the City-approved reduced front yard setback for the proposed residence on Parcel B, resulting in only a five-foot separation between the two proposed residences; the building separation is required for building safety reasons. The certified LUP does not mandate a minimum front yard setback for this area of Venice. Generally, a front yard setback from a public walkway aids in a development's pedestrian scale. The front of the residence on Parcel B, however, will not be visible from Sunset Avenue and does not contribute directly to the Sunset Avenue streetscape. In addition, the applicants were only required to have a 10-foot front yard setback for the residence on Parcel A, which is visible from Sunset Avenue, but they are proposing a 15-foot front yard setback. A five-foot separation between the two

residences does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act.

The proposed design does not maximize the size and scale allowed under the certified LUP and the zoning code, and it does provide articulation. The plans illustrate enlarged door openings and design articulations on the front building façade with canopies and recessed balconies (**Exhibits 3 & 4**). In addition, the new project makes use of natural wood cladding to provide character and warmth to the design (varied planes and textures). With the 15 foot front yard setback on Parcel A, which exceeds the required 10-foot setback by approximately 5 feet, the new proposal also provides 600 square feet of open space between the residence and the pedestrian sidewalk. The proposed project also includes a three-foot high fence and drought tolerant, non-invasive landscaping in the front yard to provide a more pedestrian-friendly consistent with the community character.

Other Contentions

The appellants also contend that the Local CDP subject to this appeal authorizes inadequate and tandem parking that will contribute to the parking congestion in the neighborhood. Tandem parking allows for adequate on-site parking on narrow residential lots in Venice. The Coastal Commission has previously approved tandem parking as an acceptable practice to fulfill parking requirements in this area. This ground does not raise a substantial issue. Moreover, the project site is 0.85 miles inland from the beach. Given this location and the provisions of the five on-site parking stalls, the proposed project will not have an adverse impact on public coastal access.

The comment regarding demolitions requiring a Coastal Development Permit (CDP) does not raise a substantial issue. The existing structure remains on-site and no demolition has begun. In addition, the Local CDP authorizes the demolition of the existing single family residence.

The appellants assert that the removal of long-standing trees will cumulatively impact the character of the Oakwood neighborhood. The removal of trees on private residential property does not violate the policies of the Coastal Act providing that the vegetation is not considered significant vegetation. In its report, the City indicates that there are no trees on the subject site that would be considered native or protected within the City of Los Angeles Protected Tree Ordinance. In addition, there are no allegations that the existing residential landscaping at the project site provides habitat for protected bird nesting activities. Moreover, the project site is over $\frac{3}{4}$ of a mile inland from the beach and within a highly urbanized residential area. No substantial issue exists on this ground of the appeal.

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

The appellants' remaining allegations (#9-13) enumerated in Section II of this staff report (see Page 3), relate to local procedural issues and other issues not related to conformance with Chapter 3 of the Coastal Act. For instance, the appellants maintain that the appeal period following the WLAAPC's action on the project application should not have been suspended regardless if the City Council was still acting on the CDP-associated Parcel Map. Commission Staff issued a Notification of Appeal Period after receiving the WLAAPC Notice of Final Action. The City later notified the Commission that the City Council was

conducting a public hearing to consider the WLAAPC report and the appeals filed. Because the City's action on the Adjustment and the CDP-associated Parcel Map had not yet been finalized, the notice of final local action received by the Commission on March 26, 2015 was rendered invalid pursuant to Cal. Pub. Res. Code § 30602 and the commencement of the Commission's appeal period was suspended. Subsequently, Staff issued a Notification of Deficient Notice for the City's Final CDP Action. Once a valid Notice of Final Local Action for the Local Coastal Development Permit was received on November 18, 2015, Staff commenced the official twenty (20) working-day Commission appeal period.

Additionally, the appellants argue against the City's Director of Planning Sign-off not being appealable by the public; the Director of Planning Sign-off, or Venice Sign Off (VSO), is issued by the City once a project is determined to be in conformance with the standards of the Venice Coastal Zone Specific Plan (VCZSP). The VCZSP has not been certified by the Coastal Commission, so the VSO is a local authorization and, therefore, does not raise a substantial issue regarding the project's conformity with Chapter 3 of the Coastal Act. In any case, all pertinent issues have been thoroughly addressed, and due process was provided as this project had hearings conducted by the City's Zoning Administrator, West Los Angeles Area Planning Commission, the City Council, and now the Coastal Commission.

Conclusion

Applying the five factors listed in the prior section clarifies that the appeal raises "no substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City's conclusion was supported by sufficient evidence and findings. In its analysis, the City discussed consistency with the policies of the Coastal Act and concluded that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250, 30251, 30252, and 30253, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone. Furthermore, the proposed project was subject to review by multiple responsible City Agencies and went through the City's local public hearing process. The local coastal development permit for the proposed development and small lot subdivision was approved by the City's Zoning Administrator, West Los Angeles Area Planning Commission, and the City Council. Therefore, the Coastal Commission finds that the City provided an adequate degree of support for its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The scope of the approved development is the demolition of the existing single-family dwelling, and the construction of two single-family dwellings on two separate lots resulting from a Small-Lot Subdivision, which is a relatively minor project in the inland Oakwood subarea of Venice's Coastal Zone. This type of development is consistent with the character of development in the surrounding area and is consistent with development promoted by Section 30222 of the Coastal Act. Therefore, the scope of the approved development supports a finding that the appeal raises "no substantial" issues.

The third factor is the significance of the coastal resources affected by the decision. The significance is minimal as there are no coastal resources affected. The location of the proposed development is over $\frac{3}{4}$ of a mile from the beach in a residentially developed area in Venice. Because of its lack of proximity to the beach, this area is not a primary destination for shoreline access.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified Land Use Plan (LUP). The proposed development is consistent with the mass, height and scale of past Commission approvals for Venice, and with the policies of the certified Venice LUP. The City's decision will not set an adverse precedent or prejudice the LCP. Numerous precedents exist for new (and remodeled) two-story residences in this area of Venice, and also two-unit small lot subdivisions. This project, as proposed and conditioned, will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources, including community character, are important statewide issues, but this appeal raises mostly local issues. While there are several local issues that the City addressed, the City's approvals do not raise issues of statewide significance.

In conclusion, the issues for this appeal relate primarily to the potential impacts to the community character of Venice and the City's procedural process. The Commission has jurisdiction to review local government's actions for consistency with the policies of the Coastal Act. In this case, the proposed project is in conformity with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises no substantial issue as to conformity with Chapter 3 policies.

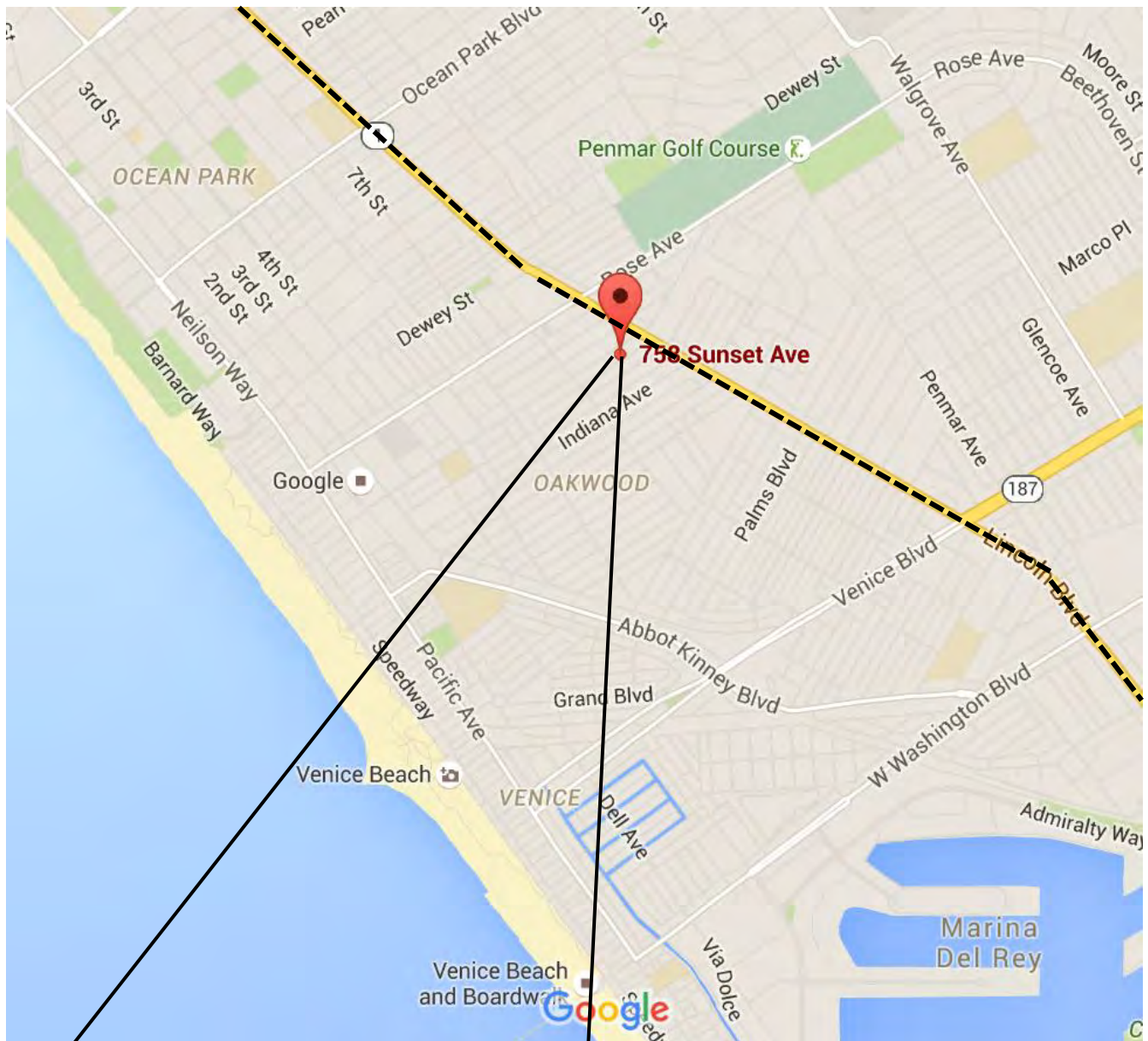
A-5-VEN-15-0071

Appeal – No Substantial Issue

Appendix A - Substantive File Documents

- Appeal No. A-VEN-15-0071
- City of Venice certified Land Use Plan
- City Council File 15-0362
- WLAAPC Local CDP No. ZA-2013-1085-CDP/Report
- WLAAPC Appeal Recommendation Report
- ZA Local CDP No. ZA-2013-1085-CDP/Report
- VNC Recommendation Letter of Denial of Original Project (3-story, 3 units)

Project Location: 758 Sunset Avenue, Venice (Oakwood Subarea), Los Angeles



COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1

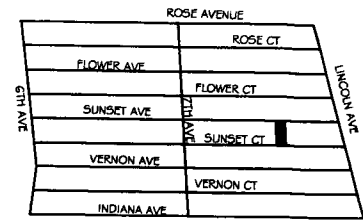
----- Coastal Zone Boundary

REVISED TENTATIVE PARCEL MAP NO. AA-2013-1086-PMLA-SL

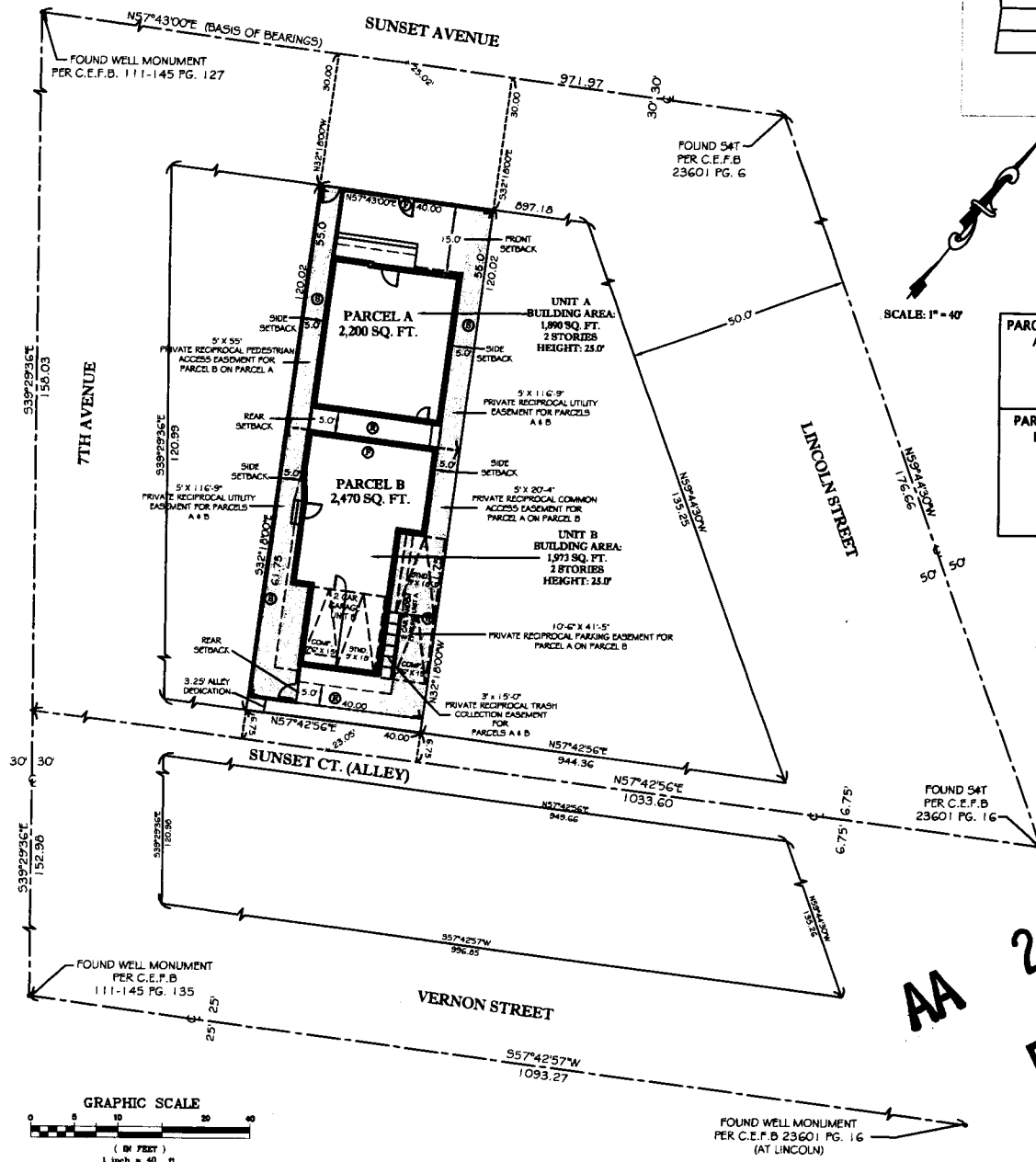
FOR SMALL LOT SUBDIVISION PURPOSES
LEGAL DESCRIPTION: IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
BEING A SUBDIVISION OF LOT 15, OF TRACT NO. 1693 AS PER MAP RECORDED IN BOOK 21, PAGE 54-55 OF
MAPS, IN THE OFFICE OF THE COUNTY RECORDER, LOS ANGELES COUNTY, CALIFORNIA.

758 SUNSET AVENUE, VENICE, CA 90291
PROPOSED IMPROVEMENTS

ZA - 2013 - 1085 - CDP



VICINITY MAP



SETBACK SUMMARY

| PARCEL | FRONT STREET | SUNSET AVE. |
|--------|-------------------|-----------------------------------|
| A | FRONT YARD | 15' |
| | SIDE YARD - EAST | 5' |
| | SIDE YARD - WEST | 5' |
| | REAR YARD | 5' |
| B | FRONT STREET | SUNSET AVE. |
| | FRONT YARD | 0' |
| | SIDE YARD - EAST | 5' |
| | SIDE YARD - WEST | 5' |
| | REAR YARD (ALLEY) | 5' (15' FROM CENTERLINE OF ALLEY) |

LOT COVERAGE

| | |
|----------|------------------|
| PARCEL A | 1,050 S.F. (47%) |
| PARCEL B | 2,470 S.F. (51%) |

AA 2013 1086
REVISED
MAP
8/5/14 8v

OWNER

RUPESH LUNA
5324 MONTEMALAGA DR.
RANCH PALOS VERDES, CA 90275
310-621-1583

ARCHITECT

10-19 ARCHITECTURE LTD.
2330 WESTWOOD BLVD.,
SUITE 207
LOS ANGELES, CA 90064
310-441-5155

SURVEYOR

CHRISTENSEN & PLOUFF LAND SURVEYING
24713 AVENUE ROCKEFELLER
VALENCIA, CA 91355
861-645-9320
INFO@CPLANDSURVEYING.COM

NOTES

SMALL LOT SUBDIVISION IN THE RD1.5
ZONE, PURSUANT TO ORDINANCE NO.
178354

REQUIRED ACCESS AISLE WIDTHS (RESIDENTIAL)
25'-4" (STANDARD STALLS 8' X 18')
25'-4" (COMPACT STALLS 7' 6" X 15')
(PER LADBS PIZC 2002-001)

VESTING NOTES

- BUILDING HEIGHT: 25 FOOT MAX
- ACCESS FROM SUNSET CT. (ALLEY)

LEGEND

| | |
|-----|---------------------------|
| --- | PARCEL BOUNDARY |
| --- | PROPOSED LOT LINE |
| --- | ADJACENT BOUNDARY |
| --- | BOUNDARY TIE |
| --- | ROAD CENTERLINE |
| • | FOUND MONUMENT (AS NOTED) |
| • | SET MONUMENT (AS NOTED) |
| ■ | BUILDING |
| ■ | WALL (AS NOTED) |
| • | CHAIN LINK FENCE |
| • | WOOD FENCE |
| --- | GROUND CONTOUR |
| x | SPOT ELEVATION |

PARCEL INFORMATION

PARCEL A:
LOT AREA = 2,200 sq. ft.
PARKING SPACES = 2 COVERED (GARAGE)
BLDG AREA = 1,890 sq. ft.

PARCEL B:
LOT AREA = 2,470 sq. ft.
PARKING SPACES = 2 UNCOVERED (TANDEM)
BLDG AREA = 1,973 sq. ft.

SURVEYOR'S NOTES

- ZONING RD 1.5-1
- PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
- PARKING: 4 SPACES
- LOT HAS 1 S.F. HOUSE AND A GARAGE (TO BE REMOVED)
- NO OAK, WESTERN SYCAMORE, CALIFORNIA BAY OR SOU WALNUT ARE PRESENT ON THE PROPERTY. REMOVE ALL IT
- THERE ARE NO HAZARDS OR HAZARDOUS MATERIALS ON
- PROPOSED IMPROVEMENTS WERE PROVIDED BY THE PR AND ARE SHOWN HEREON FOR REFERENCE PURPOSES.

PARCEL INFORMATION

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

STREET VIEW

BLDGHT:



SITE

BLDG DATA SOURCES:

- 1_NAVIGATE_LA (City of Los Angeles Bureau of Engineering) [www.http://navigatela.lacity.org/](http://navigatela.lacity.org/)
- 2_Zone Information Map Access System (ZIMAS)(City of Los Angeles Dept of City Planning) <http://zimas.lacity.org/>

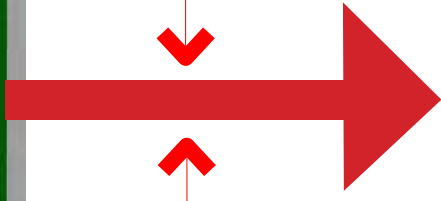
3 Units / 3 Stories (100% code compliant)

ORIGINAL PROPOSAL (APRIL 2013)



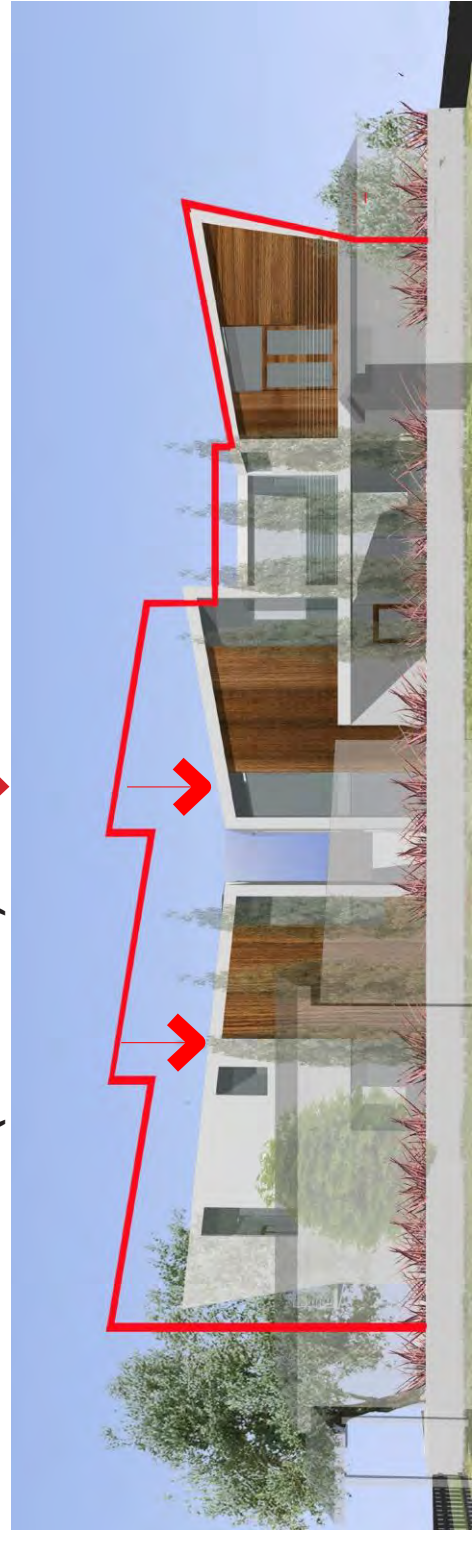
CITY REVIEW

COMMUNITY INPUT



2 Units / 2 Stories

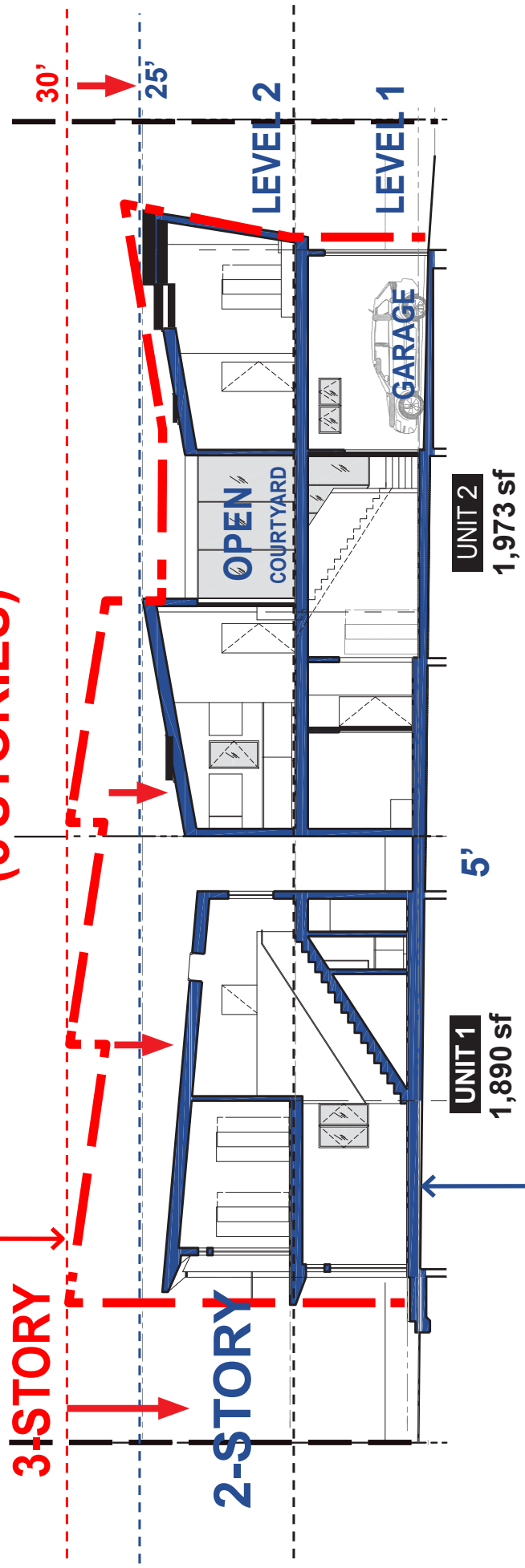
CITY APPROVED PROJECT (CURRENT)



FLOOR REDUCTION

3 STORIES → 2 STORIES

**ORIGINAL PROPOSAL APR. 2013
(3 STORIES)**

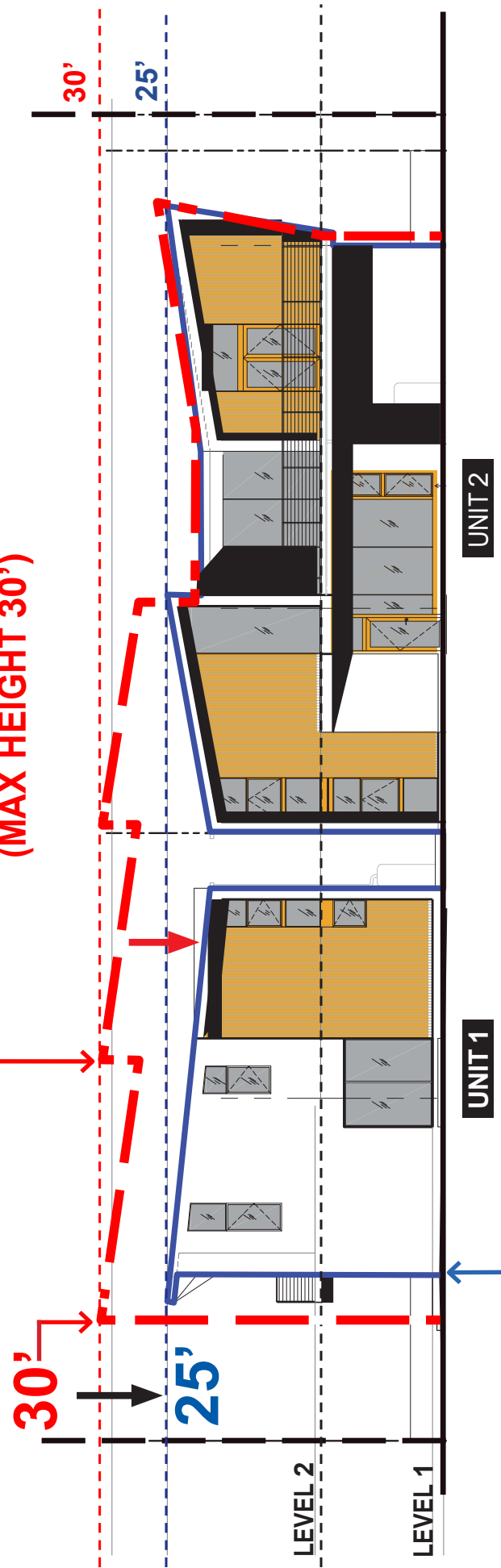


HEIGHT REDUCTION

30' → 25'

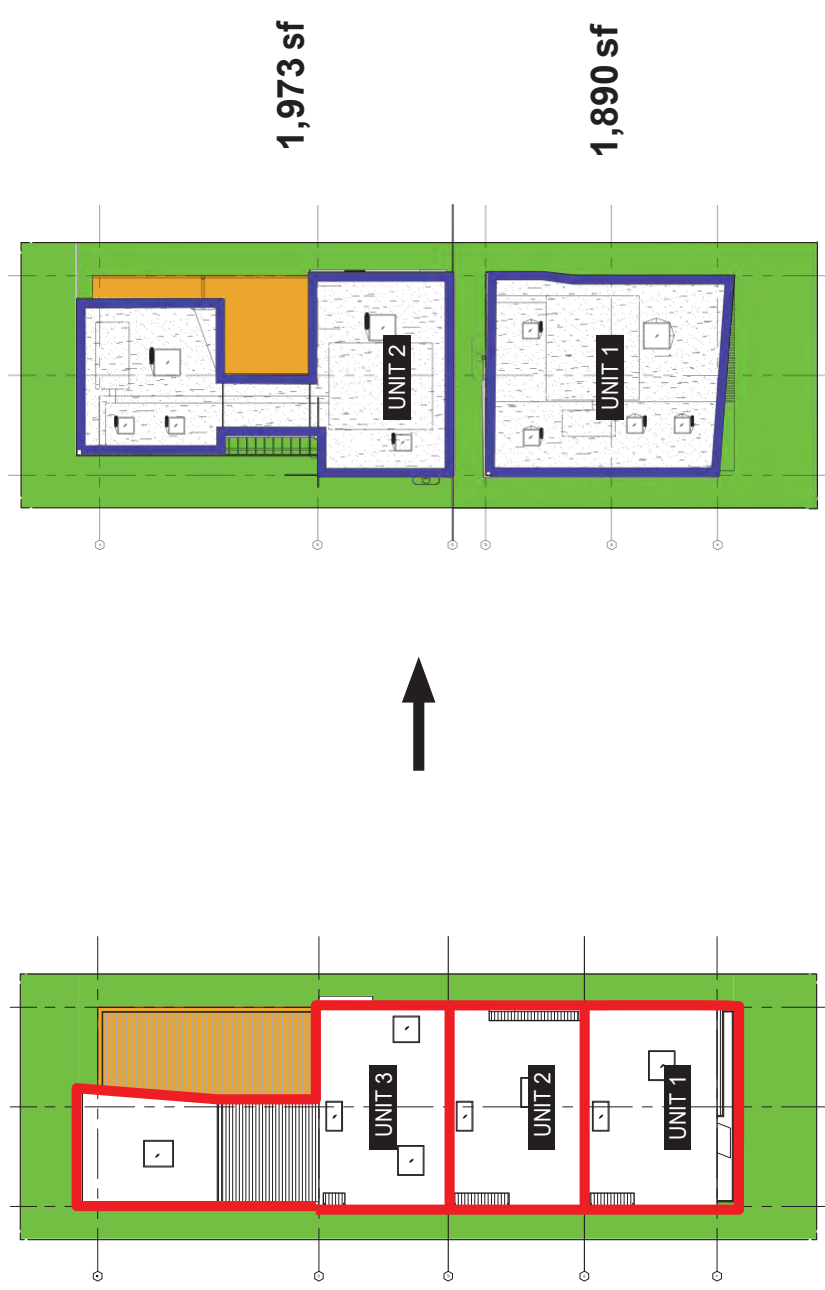
ORIGINAL PROPOSAL APR. 2013
(MAX HEIGHT 30')

CURRENT PROPOSAL
(MAX HEIGHT 25')



UNIT REDUCTION

3 UNITS → 2 UNITS



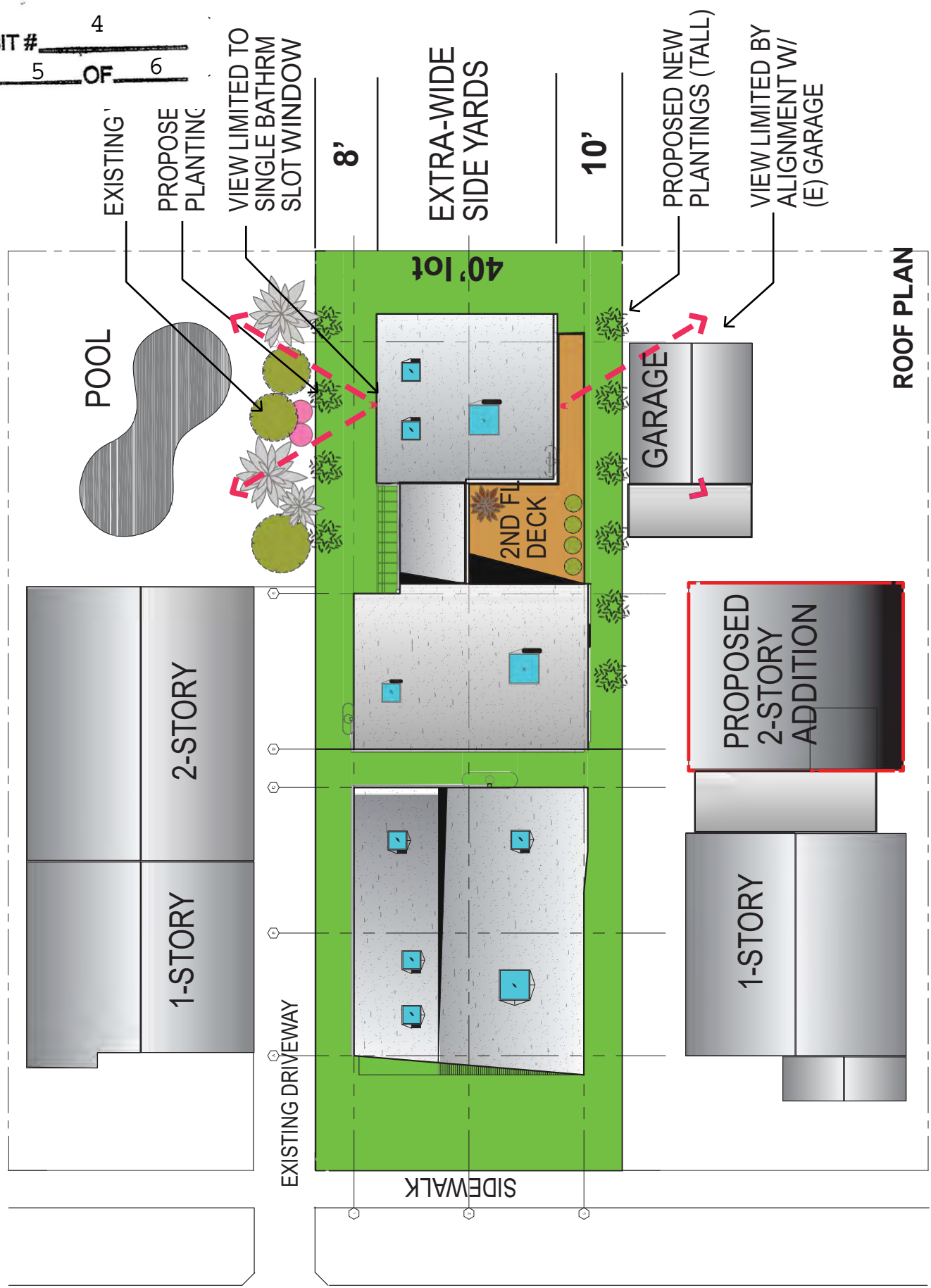
ORIGINAL PROPOSAL
(3 UNITS)
4,406 SF

→

CURRENT PROPOSAL
(2 UNITS)
3,863 SF

SITE PLAN

REDUCED FOOTPRINT
REDUCED OVERLOOK



NEIGHBOR 1

SUNSET AVE

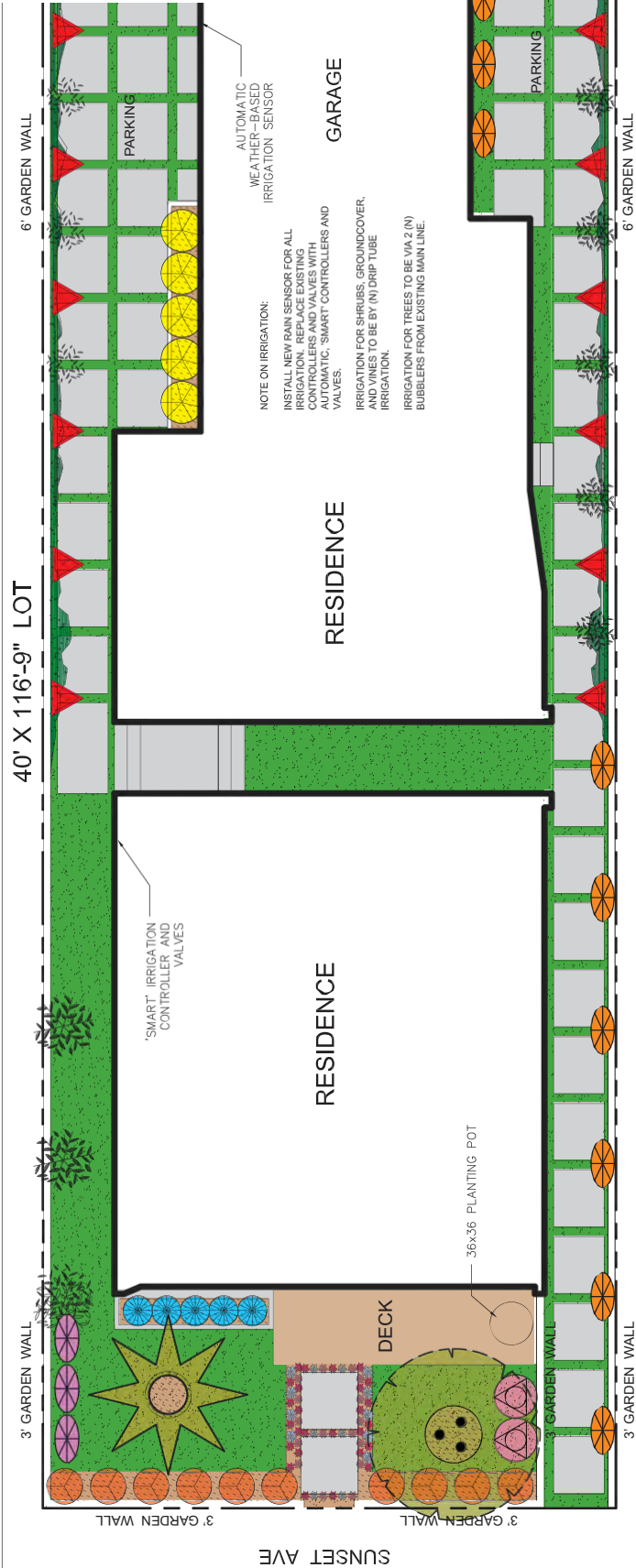
NEIGHBOR 2

LANDSCAPE PLAN

COASTAL COMMISSION

EXHIBIT # 4

PAGE 6 OF 6



ALL SPECIES DROUGHT-TOLERANT/LOW WATER USE PER WUCOLS. ALL SPECIES NON-INVASIVE.

LEGEND

| TREES | COMMON NAME | BOTANICAL NAME | SIZE | SPACING | SHRUBS | COMMON NAME | BOTANICAL NAME | SIZE | SPACING |
|-------|--|---|--------|----------|--------|---------------------------------|---------------------------|------------------|----------|
| | AFRICAN SUMAC | RHUS LANCEA | 30 GAL | AS SHOWN | | TINY TOWERS ITALIAN CYPRESS | CUPRESSUS SEMPERBIRENS | 15 GAL 30 GAL | AS SHOWN |
| | DESERT DATE PALM | PHOENIX DACTYLIFERA | 30 GAL | AS SHOWN | | RED NEW ZEALAND FLAX | PHORMIUM 'RUBRUM' | 5 GAL | 3'-0" |
| | DYMONDIA | DYMONDIA MARGARETAE | 30 GAL | AS SHOWN | | CANDICANS FRENCH LAVENDER | LAVANDULA DENTATA | 1 GAL | 3'-0" |
| | SUCCULENT MIX, INCLUDING: HENS & CHICKS HARDY MIX KLEINIA RED APPLE APTENIA | SEMPERVIVUM HARDY MIX SENECIO MANDRALISCAE APTENIA X CORDIFOLIA 'RED APPLE' | FLAT | AS SHOWN | | LITTLE BLUESTEM | SCHIZACHYRIUM SCOPARIUM | 1 GAL | 2'-0" |
| | MULCH | 3" LAYER | | | | MOUNTAIN FLAX CREAM DELIGHT | PHORMIUM COOKIANUM | 1 GAL | 3'-0" |
| | PERMEABLE PAVING | | | | | BOUGANVILLEA BARBARA KARST | | 1 GAL | 5'-0" |
| | | | | | | CAT'S CLAW, YELLOW TRUMPET VINE | MACFADYENA UNGUIS-CATI | 1 GAL | 9'-4" |
| | | | | | | TRAILING YELLOW LANTANA | LANTANA 'TRAILING YELLOW' | 1 GAL | 3'-6" |

CALIFORNIA COASTAL COMMISSION**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

EXHIBIT # 5
PAGE 1 OF 43

COMMISSION NOTIFICATION OF APPEAL

December 21, 2015

To:

West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

From: Marlene Alvarado

Re: **Commission Appeal No. A-5-VEN-15-0071**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625.

Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

LOCAL PERMIT #: **ZA 2013-1085**

APPLICANT(S): **Attn: Rupesh Lunia**

DESCRIPTION: Demolition and construction of two single family residence on two lots (small lot subdivision)

LOCATION: 758 E Sunset Ave, Venice, Ca 90291

LOCAL DECISION: Approval With Special Conditions

APPELLANT(S): David Ewing, Serafin Guzman, Lisa Green, Robin Rudisill, Ivonne Guzman

DATE APPEAL FILED: 12/18/2015

The Commission appeal number assigned to this appeal is A-5-VEN-15-0071. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

COMMISSION NOTIFICATION OF APPEAL

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

cc: Attn: David Ewing
Attn: Ivonne Guzman
Attn: Rupesh Lunia
Attn: Serafin Guzman
10-19 Architecture, Ltd., Attn: Andy Liu
Attn: Lisa Green
Attn: Robin Rudisill
Attn: Ivonne Guzman

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 43

CALIFORNIA COASTAL COMMISSION

DEC 18 2015



SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

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

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Serafin Guzman

Mailing Address: 762 Sunset Ave

City: Venice

Zip Code: 90291

Phone: 323 867-2705

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

Demo of single family residence with detached garage to Small Lot Subdivision (two single family dwellings on two separate lots)

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

758 Sunset Ave, Venice, CA 90291, ABN:4240-016-046, Lincoln Blvd

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:

COASTAL COMMISSION

APPEAL NO:

A.S.Ven.15.0071

D:

12.18.15

EXHIBIT #

5

PAGE

3

OF

43

South Coast

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: April 15, 2015

7. Local government's file number (if any): ZA-2013-1085-(CDP)-(ZAA)-(MEL)

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Rupesh Lunia/Richa Ruchita
5324 Montemalaga Dr
Rancho Palos Verdes, CA 90275

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) the number of people who have testified in this case are to numerous to name. We have had participation of over 1,000,000 individuals from the Venice Community sign petitions, send emails, letters, and appear and local hearing from LUPC to the City Council Hearing.

(2)

(3)

(4)

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 43

3

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

see attached

COASTAL COMMISSION

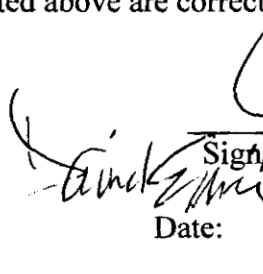
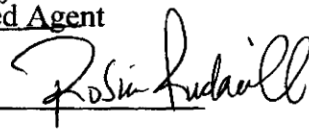
EXHIBIT # 5
PAGE 5 OF 43

4

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

SECTION V. Certification

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


Signature of Appellant(s) or Authorized Agent
Date: 12/18/2015 

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

Section VI. Agent Authorization

I/We hereby authorize Ivonne Guzman
to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s)

Date: 12-18-2015

COASTAL COMMISSION

EXHIBIT # 5
PAGE 6 OF 43

5

CDP Appeal
ZA-2013-1085-CDP-ZAA-MEL

APPEALLANTS

Serafin Guzman
762 Sunset Ave
Venice, CA 90291

Ivonne Guzman
766 Sunset Ave
Venice, CA 90291

David Ewing
1234 Preston Way
Venice, CA 90291

Lisa Green
204 Hampton Drive #13
Venice, CA 90291

Rosin Rudacill
3003
~~1300~~ Ocean Front Walk
Venice CA 90291

COASTAL COMMISSION

EXHIBIT # 5
PAGE 7 OF 43

(6)

COASTAL COMMISSION

CASE NO: ZA-2013-1085-CDP-MEL-ZAA-1A
RELATED CASE: AA-2013-1086-PMLA-SL-1A
CEQA: ENV-2013-1084-MND-REC2
Commonly Known As: 758 Sunset Avenue Venice, CA 90291

EXHIBIT # 5
PAGE 8 OF 43

Please enter into the record previous appeals for this project and all supporting documentation included in the appeals and include those objections to the ZA-2013-1085-CDP-MEL-ZAA-1A appeal. We seek relief from this and other such projects that are destroying the Resource Value and Unique Community Character of our Special Community which is loved and recognized all over the world.

Copy https and paste into internet browser to view file of the WLAAPC hearing(s)

West Area Planning Hearing 2/4/15 part 1
<https://www.youtube.com/watch?v=nlx6BGJVco>

West Area Planning Hearing 2/4/15 part 2
<https://www.youtube.com/watch?v=AYTHIBQEHee>

Dear Commissioners,

The following is a chain of events that shows the lengths that speculators are willing to go in order to achieve the goal of gaining millions of dollars when a lax climate is allowed by our gatekeepers. The documentation before you shows lack of transparency, lack of clear processes, lack of due process and abuse of power due to ommitted, misstated and misrepresented facts which result in our objections of Loss of Community Character, Negative Cumulative Impact, Negative Environmental Impact, Increased Size of Stuctures and Public Views in addition to all previous objections. The Venice Coastal Zone has been under seige by speculators, many who are serial violators of the Los Angeles Municipal Code, the California Coastal Act, the Venice Coastal Zone Specific Plan, the Mello Act and the Settlement Agreement Between the City of Los Angeles, the Venice Town Council Inc., The Barton Hill Neighborhood Organization and Carol Berman. Investors come from near and far knowing that in Venice you can make a fortune because currently there is no one upholding the laws and protections in diverse and culturally rich community. A formal complaint which highlighted the abuse of deminimus waivers was presented at the Coastal Commission at the February 2014 Coastal Commission hearing. Since that time things have only gotten worse, the deminimus waivers slowed down but the illegal and legal demolitions have continued many with a huge increase of Coastal Exemptions and Venice Sign Off's all having the devistating cumulative negative impact. Having the same devistating effect on the Resource Value of this protected coastal Community threatening the ability to prepare a Local Coastal Program for Venice and wiping out the very thing that makes it unique, it's diversity and unique community character. Please help us to fix a process that is clearly broken. This case is only one of many examples of how the abuses occur. Demolisions are rampant, the City looks to the Coastal Commission for a definition of cumulative impact, the Coastal

7

Commission looks to the City, all the while continuing the devastating effect of loss of Rent Stabilized Housing with no replacements. Many of the speculators have more than one project, many have over 12. The abuse of power and lack of accountability must be stopped. Please review this project keeping in mind the many families and individuals who have lost their life long homes to these practices while allowing speculators to walk away with millions of dollars leaving behind buildings that are out of Character with the adjacent neighborhood, no replacement affordable housing. Many have succumbed to death because they could not bear to leave their life long homes. Many are living in the street because they know nothing else once they are kicked out of their homes with no protections or proper payment. The systematic abuse that is appearant is being ignored by those who have the power and responsibility to change the abuse. Send a clear message that the Coastal Commission is not a push over. Do not approve one more project that is out of mass, scale and character and abuses the protections put in place by those that have come before us uphold the Coastal Act and Chapter 3 deny this project and uphold the appeal.

The same applicant received has another project on the same block at 664 Sunset Ave. This project has been permitted but has not been built. They are now selling the empty property on which they evicted the tenants under SB1818 for \$2,799,00. The sale amount is for the property as it is without being split into three seprate lots and includes the building permits. The listing does not mention the covenant requiring the one for one replacement affordable unit or the evicted tenants first right of refusal.

The applicant lives in a home in Palos Verdes, a more affluent area than Venice, he has never lived in the property as required by law. **This fraudulent and deceitful act of obtaining a loan for which they did not qualify provided an unfair advantage to other interested buyers and denied fair competition. Had the applicant been honest he would have applied for a non-owner occupied loan. Misrepresenting the facts on the application allowed the purchaser to come in with a lower down payment.** Soon after acquisition, the ownership of the property was transferred to a Limited Liability Corporation (LLC) in the State of California. During public hearing a minimum of five individuals non of which live on the property have claimed part ownership in the investment.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 9 OF 43

CASE NO: ZA-2013-1085-CDP-MEL-ZAA-1A
RELATED CASE: AA-2013-1086-PMLA-SL-1A
CEQA: ENV-2013-1084-MND-REC2
Commonly Known As: 758 Sunset Avenue Venice, CA 90291

EXHIBIT # 5
PAGE 10 OF 43

Please enter into the record previous appeals for this project and all supporting documentation included in the appeals and include those objections to the ZA-2013-1085-CDP-MEL-ZAA-1A appeal. We seek relief from this and other such projects that are destroying the Resource Value and Unique Community Character of our Special Community which is loved and recognized all over the world.

Copy https and paste into internet browser to view file of the WLAAPC hearing(s)

West Area Planning Hearing 2/4/15 part 1
<https://www.youtube.com/watch?v=nlxe6BGJVco>

West Area Planning Hearing 2/4/15 part 2
<https://www.youtube.com/watch?v=AYTHIBQEHec>

Dear Commissioners,

The following is a chain of events that shows the lengths that speculators are willing to go in order to achieve the goal of gaining millions of dollars when a lax climate is allowed by our gatekeepers. The documentation before you shows lack of transparency, lack of clear processes, lack of due process and abuse of power due to ommitted, misstatted and misrepresented facts which result in our objections of Loss of Community Character, Negative Cumulative Impact, Negative Environmental Impact, Increased Size of Stuctures and Public Views in addition to all previous objections. The Venice Coastal Zone has been under seige by speculators, many who are serial violators of the Los Angeles Municipal Code, the California Coastal Act, the Venice Coastal Zone Specific Plan, the Mello Act and the Settlement Agreement Between the City of Los Angeles, the Venice Town Council Inc., The Barton Hill Neighborhood Organization and Carol Berman. Investors come from near and far knowing that in Venice you can make a fortune because currently there is no one upholding the laws and protections in diverse and culturally rich community. A formal complaint which highlighted the abuse of deminimus waivers was presented at the Coastal Commission at the February 2014 Coastal Commission hearing. Since that time things have only gotten worse, the deminimus waivers slowed down but the illegal and legal demolitions have continued many with a huge increase of Coastal Exemptions and Venice Sign Off's all having the devistating cumulative negative impact. Having the same devistating effect on the Resource Value of this protected coastal Community threatening the ability to prepare a Local Coastal Program for Venice and wiping out the very thing that makes it unique, it's diversity and unique community character. Please help us to fix a process that is clearly

④

broken. This case is only one of many examples of how the abuses occur. Demolitions are rampant, the City looks to the Coastal Commission for a definition of cumulative impact, the Coastal Commission looks to the City, all the while continuing the devastating effect of loss of Rent Stabilized Housing with no replacements. Many of the speculators have more than one project, many have over 12. The abuse of power and lack of accountability must be stopped. Please review this project keeping in mind the many families and individuals who have lost their life long homes to these practices while allowing speculators to walk away with millions of dollars leaving behind buildings that are out of Character with the adjacent neighborhood, no replacement affordable housing. Many have succumbed to death because they could not bear to leave their life long homes. Many are living in the street because they know nothing else once they are kicked out of their homes with no protections or proper payment. The systematic abuse that is apparent is being ignored by those who have the power and responsibility to change the abuse. Send a clear message that the Coastal Commission is not a push over. Do not approve one more project that is out of mass, scale and character and abuses the protections put in place by those that have come before us uphold the Coastal Act and Chapter 3 deny this project and uphold the appeal.

The same applicant received has another project on the same block at 664 Sunset Ave. This project has been permitted but has not been built. They are now selling the empty property on which they evicted the tenants under SB1818 for \$2,799,00. The sale amount is for the property as it is without being split into three separate lots and includes the building permits. The listing does not mention the covenant requiring the one for one replacement affordable unit or the evicted tenants first right of refusal.

The applicant lives in a home in Palos Verdes, a more affluent area than Venice, he has never lived in the property as required by law. **This fraudulent and deceitful act of obtaining a loan for which they did not qualify provided an unfair advantage to other interested buyers and denied fair competition. Had the applicant been honest he would have applied for a non-owner occupied loan. Misrepresenting the facts on the application allowed the purchaser to come in with a lower down payment.** Soon after acquisition, the ownership of the property was transferred to a Limited Liability Corporation (LLC) in the State of California. During public hearing a minimum of five individuals non of which live on the property have claimed part ownership in the investment.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 11 OF 43

10

COASTAL COMMISSION

EXHIBIT # 5
PAGE 12 OF 43

CASE NO: ZA-2013-1085-CDP-MEL-ZAA-1A
RELATED CASE: AA-2013-1086-PMLA-SL-1A
CEQA: ENV-2013-1084-MND-REC2
Commonly Known As: 758 Sunset Avenue Venice, CA 90291

(DURATION OF HEARING MORE THAN 3 HOURS)

On **February 4, 2015**, the West Los Angeles Area Planning Commission heard CASE NO: AA-2013-1086-PMLA-SL-1A and ZA-2013-1085-CDP-MEL-ZAA-1A and overturned the Zoning Administrators decision and **Denied** the Zoning Administrator's Adjustment from Section 12.09.1B. 4 to allow a reduced lot area of 4,670 Square feet in lieu of the required 5,000 square feet in the RD1.5 Zone pursuant to Los Angeles Municipal Code Section 12.28. The greatest and most indepth review of this project was done by the West Los Angeles Area Planning Commissioners who spent close to four hours on this project. Many issues were raised and after much testimony it was clear that this project was not compatible with the existing community character. Due to the length of time already spent on the project the Commisioners in their wisdom denied the project by denying the adjustment as seen in the deliberations at the hearing. The Adjustment finding in the March 24, 2015 determination page 11 ADJUSTMENT FINDINGS reads:

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

8. Site characteristics or existing improvements do not make strict adherence to the zoning regulations impractical or infeasible.

There is nothing different about this lot from any other lot on the subject street. All are

11

substandard and the same size.

9. Without the adjustment the applicant can still build a house on the lot. There is nothing unusual about the property. light of the project as a whole including any mitigation measures In location, and other the project's size, height, operations imposed, significant features **will not** be compatible with **and will adversely affect or further degrade adjacent properties, the surrounding neighborhood,** or the public health, welfare and safety.

The massing and bulk of the project is not compatible with the rest of neighborhood block.

10. The project is **not** in substantial conformance with the **purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There is nothing different about this property. **The project inwhole will not be compatible with the neighborhood in terms of mass and scale.**

March 24, 2015 a Determination Mailing for CASE NO. AA-2013-1086-PMLA-SL-1A (exhibit 1) was issued which overturned the Zoning Administrator's decision and **denied** ITEM 5: a. Zoning Administrators Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone; pursuant to Los Angeles Municipal Code Section 12.28.

Per condition 8e of the the Parcel Map approval included a condition requiring the Adjustment in order to Parcel Map usable. **In denying the adjustment the Parcel Map could not be utilized** and the project as presented could not move forward, hence the CDP and the SL were both ineffective.

March 24, 2015 a Notice of Coastal Development Permit was issued which could not be utilized.

On **April 1, 2015** (Exhibit 2 pages 1-14)communication was sent to the WLAAPC confirming receipt of the local action, the letter indicates receipt of the communication on **March 26, 2015** for ZA-2013-1085, and confirmed the appeal period OPEN AND THE end date of April 24, 2015. Subsequent emails between the LUPC Chair and the Coastal Commission clearly show that the appeal period was scheduled and later withdrawn violating section 12.20.2, Coastal Development Permits (prior to certification of the Local Coastal Program. This was all unbeknown to the appealant of the project and the public and therefore was denied the opportunity to contest the 245 motion made on March 31, 2015 to assert jurisdiction over the project.

Furthermore, mass confusion about the second appeal period with different end dates given and lengths of time. This can all be very misleading and confusing and could have potentially denied the public the opportunity to appeal the new decision based on the 245 motion. The LUPC chair on December 11, 2015 requested the second appeal period be restarted yet per Exhibit 2 page 14 "the date is set by law and cannot be changed" yet it was clearly changed during the original appeal period thereby not

providing the same protection under the law.

On **March 31, 2015 (during the time of the open appeal period for ZA-2013-1085-CDP-MEL-ZAA-1A** at a Special Meeting, Council Member Mike Bonin moved to assert jurisdiction pursuant to Section 245 of the Los Angeles City Charter (Exhibit 3) over the February 4th decision of the West Los Angeles Planning Commission for related CASE NO: AA-2013-1086PMLA-SL-1A determination with the mailing dated of March 24, 2015. The motion states "Because the Parcel Map that was approved by the WLAAPC contains a condition specifically equiring approval of the Adjustment, and because the Planning Department and City attorney have determined the Adjustment should not have been a prerequisite for approval, the WLAAPC acted in error and that error needs to be corrected" The appealant was never notified of the proposed 245 Action. The appealant learned of this action while watching the Council Hearing on March 31, 2015 and was in shock to hear the case at the end of the regularly scheduled meeting and deemed a "special" meeting without any prior notice or communication of any kind was infact for 758 Sunset Avenue. The 245 motion passed unanimously.

On **April 14, 2015** PLUM Committee Hearing was held. During the Hearing the City Attorney informed the Committee that the Coastal Permit had **NOT** been appealed. (please review the PLUM hearing vidio) The Coastal Development **WAS** appealed to the West Los Angeles Area Planning Commission and to the Advisory Agency (exhibit). The PLUM committee was given erroneous information and denied the PLUM Committee and the Public the opportunity review the merits of the the case for mass, scale or character, cumulative impact, ability to complete a LCP, or Consistency with Chapter 3 of the California Coastal Act.
(Duration of Hearing was less than 1 hour)

The PLUM Committee lost quorum leaving only 1 COMMITTEE MEMBER, **the Chair**, the Chair then made a recommendation to the full City Council to approve the new motion as presented which **removed** the adjustment for the parcel map and in effect **approved** the project. At the hearing the full merits of the ZA or AA Cases were not heard by the PLUM Committee. The focus was only on the adjustment. The motion was put on calendar for the full City Council the following day.

The PLUM hearing was strongly attended by Venice Residents in support of the appeal many of whom were not able to attend the following day to give testimony.

On **April 15, 2015**, the following day, the case was heard by the full City Council, the motion passed as presented. Once again the merits of the cases were not heard. Many of the people who had attended the previous day were not able to be present.
(DURATION OF HEARING 22 MINUTES)

A call was placed to Mr. Chuck Posner, requesting notification of the appeal period for the Coastal Development Permit. A few months later a call was placed again. Nothing had been received by the Coastal Commission per Mr. Posner, and assured that he would inform the appealant representative and confirmed contact information.

COASTAL COMMISSION



Almost 7 months later....

On **November 5, 2015**, by pure coincidence, the appealant representative noticed a car stopped in the middle of the street in front of 762 Sunset next to the subject property for what seemed like an extended period of time. It was then that we learned from Mr. Ken Nagle from the Department of Building and Safety that he was doing a pre-demolition inspection. During our conversation Mr. Nagle informed me that a Coastal Development Permit was not necessary to demolish a property in Venice. I was in complete and utter shock that an employee of the Department of Building and Safety was sharing this erroneous information with the public. I shared that we were in the Venice Coastal Zone and that a demolition most definitely required a CDP.

Per Ordinance No. 183312, adding section 91.106.4.5.1 effective January 12, 2015

1. The Department shall send written notices of demolition preinspection application by US Mail to the abutting property owners and the Council District Office of the site for which a demolition pre-Inspection has been proposed for a building structure.
2. The applicant shall post, in a conspicuous place near the entrance of the property where demolition will occur, a public notice of the application for demolition preinspection.

A copy of the preinspection report dated November 5, 2015 was obtained on November 6, 2015 from the West Los Angeles Building and Safety. Prior to this the appealant, adjacent property owner had not received any notice.

November 5, 2015

I immediately contacted Supervisor of Planning South Coast Staff Representative Chuck Posner and informed him of what had taken place. Mr. Posner sent an effective email the same day (exhibit 4) informing to Kevin Jones, Shahen Akelyan, Tricia Keane, David Weintraub, and Cassandra Zweep requesting the withdrawal of the Coastal Development clearance and not to allow any demolition. In addition a NOTIFICATION OF DEFICIENT NOTICE (exhibit 5) the date of the notice shows the date of **April 8, 2015**, was sent to the appealant representative by Mr. Chuck Posner.

On **November 19, 2015** an email communication from Chuck Posner (Exhibit 6) was received by the appealant representative indicating the appeal period had commenced and would end December 21, 2015. This date later was confirmed to be December 18, 2015.

(Exhibit 7 pages 1-25), The determination letter for the City Council hearing of April 15, 2015 was received with no date of preparation, the body of the letter had the incorrect address, it showed 758 East Sunset Boulevard, rather than 758 E. Sunset Avenue. The letter removed condition 8 E, thereby approving the parcel map, Amended Condition 14 removing any adjustment requirements for the CDP.

December 16, 2015 (Exhibit 8, pg. 1-2) the official files were reviewed and copies of emails correspondence on **October 23, 26, and 27th** between Andy Liu, the applicant representative and Cassandra Zweep, Jose Carlos Romero, Joey Vasquez and Jon Foreman show that Joey Vasquez and Herman confirmed to Cassandra Zweep the permit and demolition of 758 Sunset could proceed despite the absence due process.

COASTAL COMMISSION

The appealant representative then learned that a VSO had been issued for the project.

On **December 16, 2015** the official ZA or AA files had no reference to the VSO, I was informed to call the Soccorro Smith or Juliet O, to obtain a copy of the VSO, neither of whom answered. Mr. Vasquez was then called, he indicated he did not have a copy of the VSO but would work on locating it. (Exhibit 9) Mr. Vasquez later sent an email stating it would take 1 or two days to obtain the VSO.

December 17, 2015 received from Joey Vasquez DIR-2015-4059 and DIR 2015-4060-VSO dated November 5, 2015.
(Exhibit 10)

inconsistant mass, scale and character with the existing community

Loss of Resource Value

prejudicing the preparation an LCP

Cumulative Impact (quote number of projects)

Mello Violations

Lack of Notice

Lack of Posting

Lack of Training

change of plan without due process

Small Lot Subdivisions in practice are removing affordable housing not creating it

Small Lot Subdivisions are a winfall for developers

Small Lot Subdivisions threaten the community character of Venice

Small Lot Subdivisions are not consistent with the intent of the VCZSP or the Venice Land Use Plan

lack of ability to appeal VSO-ISSUED

Proposed Mitigated Negative Declaration is for three units not for two

The guidelines for the Small Lot Subdivision are not enforceable

Cumulative Environmental impact to the community by the large number of projects going on at any one time, air quality etc.

Shade to neighbors

parking need 6 per the venice specific plan as it is not silent

Tandem Parking

parking in the side yard

Environmental impact by loss of trees and green space

COASTAL COMMISSION

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

134

APPEAL TO THE:

Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #:

2A 2013-1085 (CDP)(2AA)(MEL)

PROJECT ADDRESS:

758 Sunset Ave Venice CA 90291

FINAL DATE TO APPEAL:

12/24/14

TYPE OF APPEAL:

1. ☐ Appeal by Applicant
2. ☒ Appeal by a person, other than the applicant, claiming to be aggrieved
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name:

SERAFIN GUZMAN

- Are you filing for yourself or on behalf of another party, organization or company?

☒ Self

☐ Other:

Address:

766 Sunset Ave

Venice CA

Zip: 90291

Telephone:

(323) 867-2705

E-mail:

lwayne.guzman45@gmail.com

- Are you filing to support the original applicant's position?

☐ Yes

☐ No

REPRESENTATIVE INFORMATION

Name:

Lwayne Guzman

Address:

766 Sunset Ave

Venice CA

Zip: 90291

Telephone:

(323) 867-2705

E-mail:

lwayne.guzman45@gmail.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by Department of City Planning.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 17 OF 43

JUSTIFICATION/ REASON FOR APPEALING – Please provide on separate sheet.

135

Are you appealing the entire decision or parts of it?

☒ Entire

☐ Part

Your justification/ reason must state:

The reasons for the appeal

How you are aggrieved by the decision

Specifically the points at issue

Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/ REQUIREMENTS

Eight (8) copies of the following documents are required (1 original and 7 duplicates):

Master Appeal Form
Justification/Reason for Appealing document
Original Determination Letter

Original applicants must provide the original receipt required to calculate 85% filing fee.

Original applicants must pay mailing fees to BTC and submit copy of receipt.

Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K7.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable.

If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.
--CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: Sara Jane Guggman

Date: 12/23/2014

Planning Staff Use Only

Amount

Reviewed and Accepted by

Date

Receipt No

Deemed Complete by

Date

Determination Authority Notified

Original Receipt and PTC Receipt (if original applicant)

(2-7769 (11/09/09))

COASTAL COMMISSION

EXHIBIT # 5
PAGE 18 OF 43

136

We, Serafin Guzman, Maria A. Guzman, and Ivonne Guzman, do hereby seek relief and appeal the approval of the Mitigated Negative Declaration ENV-2013-1084MND-REC2 as the environmental clearance, and the approval of Parcel Map AA-2013-1086PML-SL and ZA2013-1085(CDP)(ZAA)(MEL) COASTAL DEVELOPMENT PERMIT, ZONING ADMINISTRATORS ADJUSTMENT for 758 Sunset Avenue, Venice CA 90291. As follows:

1) We ask that you DENY this project in its entirety due to the irreparable harm this would cause me and my family as the property owners to the East. The misleading disclosures, non-compliance with current regulations, incorrect use of the obsolete Directors Interpretation and inconsistencies in the findings of fact by the Advisory Agency in relation to the **California Coastal Act, including Chapter 3 of the California Coastal Act of 1976, the Venice Coastal Land Use Plan, and The Venice Coastal Zone Specific Plan** warrant a denial of this application.

2) We ask for that you DENY this application and **request that any future applications for this parcel be accompanied with a full CEQA report inclusive of shadow studies and, air-quality studies, cumulative impact reports and a report on the ability to prepare an unprejudiced Certified Local Coastal Program. Venice is in a Crisis and stands to lose, its protected community character,** preserve this special Community which is a Resource Value known throughout the World and recognized by the California Coastal Act of 1976 as a special Community.

3) I have personally been harmed by the applicant due to the misrepresentation of material facts on the FHA Loan application which resulted in defrauding the Federal Government. **The applicant purchased the said property by providing false statements on an application for an owner occupied loan (FHA) Federal Housing Administration. The loan obtained are reserved for owner occupied buyers.**

The applicant lives in a home in Palos Verdes, a more affluent area than Venice, he has never lived in the property as required by law. **This fraudulent and deceitful act of obtaining a loan for which they did not qualify provided an unfair advantage to other interested buyers and denied fair competition. Had the applicant been honest he would have applied for a non-owner occupied loan. Misrepresenting the facts on the application allowed the purchaser to come in with a lower down payment.** Soon after acquisition, the ownership of the property was transferred to a Limited Liability Corporation (LLC) in the State of California.

4) In addition, the applicant has not been neighborly as a landlord and owner. **The property has been rented in a fraternity like environment with different sets of tenants who have continuously disrupted the right of quiet enjoyment to the immediate neighbors. All the plants and flowers that the previous owner so lovingly cared for to have now dried out and died.**

Strict enforcement of the rule of law is required.

Do not grant variances or permits for a project that does not comply with the Venice Specific Plan or mass, scale and character with the immediate neighborhood. Currently, on Sunset between Lincoln and 7th Ave. there are no homes with the primary entrance to the alley, balconies to the neighbors yards, or tandem parking that encroaches on the required side yard. This lot is substandard and cannot sustain the variations from the Venice Specific Plan, LAMC General Plan and has not complied with LAMC 12.28

5) **Deny** this project as it defrauds the Venice Community much like the acquisition

COASTAL COMMISSION

5

EXHIBIT # _____
PAGE 19 OF 43

137

example above. This project as designed does not qualify for a Building or Coastal Development permit. The project is inconsistent with the **California Coastal Act, including Chapter 3 of the California Coastal Act of 1976, the Venice Coastal Land Use Plan, and The Venice Coastal Zone Specific Plan** and this project will ruin a walkable street that has ----one stories, -----two stories, and no SLSO's.

AA-2013-1086-PMLA-SL

Approved Variations:

Page 8 Objection 1

(1) "Two uncovered parking spaces in the required 5-foot side yard setback"

SEC. **12.28** . ADJUSTMENTS AND SLIGHT MODIFICATIONS.

4. **Findings for Approval of Adjustments. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** The Zoning Administrator shall not grant an application for an adjustment unless he or she finds:

(a) that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations;

(b) that in light of the project as a whole, including any mitigation measures imposed, **the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and**

(c) that the project is in **substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

Objection: *The adjustment does not qualify as an adjustment or slight modification as it does not provide the required 6 parking spaces. The Venice Specific Plan reads: "Single Family Dwellings on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley require three spaces; the third space may be uncovered. The additional encroachment of the two uncovered parking in the required five foot setback degrades my property by allowing increased density and lack of adequate parking."*

Page 8. Objection 2

(2) A minimum 20-foot common access strip all the way to the public street for access and frontage purposes for Parcel B is waived.

Per The Department of Building and Safety, Zoning Division the developer must provide and maintain a 20 ft. common access strip all the way to the public street for access and frontage for purposes for Parcel B.

The purpose of a 20 ft access is to ensure safety entrance of emergency vehicles and apparatus such as a Fire Truck. Lot B has no access other than the Alley for this purpose and will cause residents and public harm.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 20 OF 43

138

Page 8. Objection 3

(3) Per the Director of Planning's Interpretation of Small Lot Subdivisions within the Venice Coastal Zone Specific Plan, the existing lot may be subdivided into two small lots. DIR-2014-2824DI, is the current and most recent directors interpretation.

The project was reviewed utilizing (D.I. 2406) which was found to be unlawful and thus requires to be reviewed under the most current interpretation.

Page 9. Objection 4 item I.

(4) **Small lot Matrix.** The project shall Comply with the setbacks as indicated in the table below.

| SETBACK INFORMATION | | | | |
|---------------------|------------|-----------|-----------|-----------|
| Parcel | Front Yard | East Side | West Side | Rear Yard |
| A | 15 feet | 5 feet | 5 feet | 5 feet |
| B | 0 feet | 5 feet | 5 feet | 5 feet |

The "0" setback on the second unit does not conform to the community character and blocks sunlight and air to my property. The adjustments requested are not consistent with the intention of the Venice Specific Plan.

Page 9 Objection 5 Item 14.

(5) That prior to the issuance of the building permit or recordation of the final map, a copy of the approved Case No. ZA-2013-1085-CDP-MEL-ZAA shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. ZA-2013-1085-CDP-MEL-ZAA is **not** approved, the sub divider shall submit a parcel map modification. A Coastal Development Permit is required for any Parcel Map and thus requires notice and hearing.

Per the California Coastal Act, a Coastal Development Permit is required for any Parcel Map and thus requires notice and hearing and may not continue without the full Coastal Development Permit.

This condition denies the constitutional right of Notice and Hearing and is unlawful and violates the Venice Specific Plan, the Certified Land Use Plan and the California Coastal Act.

Page 10 Objection 6 Item 15

(6) That the sub-divider shall record and execute a Covenant and Agreement to Comply with the Venice Coastal Zone Specific Plan and the Coastal Transportation Corridor Specific Plan prior to the issuance of a building permit grading permit and the recordation of the final tract map.

The proposed development does not comply with the Venice Coastal Zone Specific Plan, this fact prohibits the execution of said Cover

COASTAL COMMISSION

to Comply with the Venice Coastal Zone Specific Plan.

139

Page 16 Objection 7 FINDINGS OF FACT (CEQA)

(7) The Environmental Review Section of the Planning Department issued Mitigated Negative Declaration No. ENV-2013-1084-MND-REC2 on December 5, 2013. The Department found that potential negative impacts could occur from the projects implementation due to:

- Aesthetics (landscaping);
- Air Quality (construction);
- Biology (tree removal);
- Geology (Seismic, construction);
- Hazardous Materials (asbestos);
- Noise (constructions);
- Public Services (schools);
- Recreation (parks);
- Hydrology/water Quality;
- Liquefaction;
- Utilities (solid waste);

The Deputy Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2013-1084-MND-REC2 reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 18 and 19 of the Parcel Map's approval.

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, Storm water Ordinance, etc.) which are specifically intended to mitigate such impacts on all projects.

The approved Mitigated Negative Declaration is for the three units and is factually incorrect the development consists of two units, not three and cannot be adopted for this project.

The Deputy Advisory Agency certifies that the Mitigated Negative Declaration No. ENV-2013-1084-MND-REC2 reflects the *independent judgment* signed by City Planning Associate Joey Vasquez. Page 6 of 22 certifies conformance to the Community Plan of Venice, the Project does not conform with the Venice Specific Plan as it is requiring adjustments.

Additionally on page 8 checked is the following:

"I find that although the proposed project **could** have a significant effect on the environment, there will **not** be a significant effect in this case because revisions on the project have been made or agreed to by the project proponent. In order to make this determination a full EIR must be provided. It further goes on to check a

COASTAL COMMISSION

EXHIBIT # 5
PAGE 22 OF 43

140

quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, utilities and service systems as Environmental Factors Potentially Affected. Due to the large number of projects currently **(a minimum of 85 projects in 2014 for Oakwood alone)** under construction in the Venice Coastal Zone this warrant a cumulative analysis to all of the above and thus requires a full Environmental Impact Report including shadowing analysis and air to the adjacent neighbors." As voted by the Venice Community at the Venice Neighborhood Council meeting by motion.

Page 16 - 17 (a)-(g) OBJECTION 8

FINDINGS OF FACT (SUBDIVISION MAP ACT)

(8) In connection with the approval of Parcel Map No. AA-2013-1086-PMLA-SL, the Advisory Agency of the City of Los Angeles, 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:

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 RD1.5, RD2, RW2, and RZ2.5. The 0.11 net acre property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The proposed revised map is consistent with the land use and development regulations of the Specific Plan. Therefore, as conditioned, the proposed revised parcel map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

The proposed map is not consistent with the Specific Plan as it requires variations. Per Venice Neighborhood Council approved motion dated March 12, 2014, paragraph three: "Further, we request that no variance, exceptions or adjustments be accepted on completely new developments"

FURTHERMORE, the massive cumulative burden on the infrastructure does not support this development and requires that a full cumulative impact analysis.

DECEMBER 9, 2014

PLEASE INCLUDE THE OBJECTIONS ABOVE IN THEIR ENTIRETY TO OBJECTION TO CASE NO. ZA 2013-1085(CDP)(ZAA)(MEL)

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

- (1)" a Zoning Administrators Adjustment to allow parking to encroach 5 feet into the required 5-foot side yard, inasmuch as the parking is unenclosed, makes the request unnecessary;

The Venice Specific Plan and The Venice Local Coastal Program Land use plan requires 3 parking spaces per unit. The proposed development only two parking spaces per unit. Two of the parking spaces

(141)

on one of the lot while both the covered parking spaces are on a single lot. This does not follow the requirements per lot of two covered and one uncovered parking space per unit. The proposed twofold adjustment therefore makes this allowance inconsistent with the intent of Section Code 12.28 of the Los Angeles Municipal Code.

- (2) a Zoning Administrators Adjustment to allow balconies to extend one-foot into the required side yard, as prohibited by Section 12.22-C,20(d) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable - provision of the Code, and Privacy Rights prohibit
- (3) a Zoning Administrators Adjustment to allow architectural features to extend 1-foot 8 inches into the required side yard in lieu of 10 inches permitted by Section 12.22-C,20(b) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code.

The side yard features will adversely affect my ability to private enjoyment, I have a swimming pool in my back yard to which the balconies and the features will be facing.

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

a Zoning Administrators Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone;

and ,

I disagree with the hearing testimony of the Applicants representative, adjustment findings, additional mandatory findings and ask you to uphold the California Coastal Act and the Venice Specific Plan in it's entirety including the sections below.

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

In Conclusion:

Overwhelming opposition to this project has been documented b
A petition with over 600 signatures was circulated and forwarder

COASTAL COMMISSION

EXHIBIT # 5
PAGE 24 OF 43

142

Planning department, California Coastal Commission and the Venice Neighborhood Council. The major concern with small lot subdivisions for Venice residents are:

- 1. Results in materially less light, ventilation and air circulation between adjoining dwellings and neighbors due to mass and scale.**
- 2. Impacts shade AND sunlight for people AND VEGETATION.**
- 3. Invades privacy when balconies and windows overlook the neighboring private yards.**
- 4. Reducing the setbacks increases massing and therefore interferes with light and air circulation.**
- 5. Increased noise--due to more people living on the lot and more cars, more noisy sounds of living.**
- 6. The height of the proposed project would cast a shadow on my existing backyard and swimming pool.**

Wherefore, this project is not consistent with the Venice Coastal Zone Specific Plan including mass, scale, and the unique community character of the adjacent block.

Wherefore, this project would have a detrimental cumulative effect to the resource value of our community that is visited by local, national, and international tourists and disrupt the walkability and aesthetics of the immediate neighborhood.

Wherefore, the demolition of 100 year old homes to be replaced by box-designs that will only serve a very small segment of the demographic in Los Angeles while displacing and losing much needed and protected affordable housing **is not consistent with the requirements of the Venice Coastal Zone Specific Plan or the California Coastal Act.**

COASTAL COMMISSION

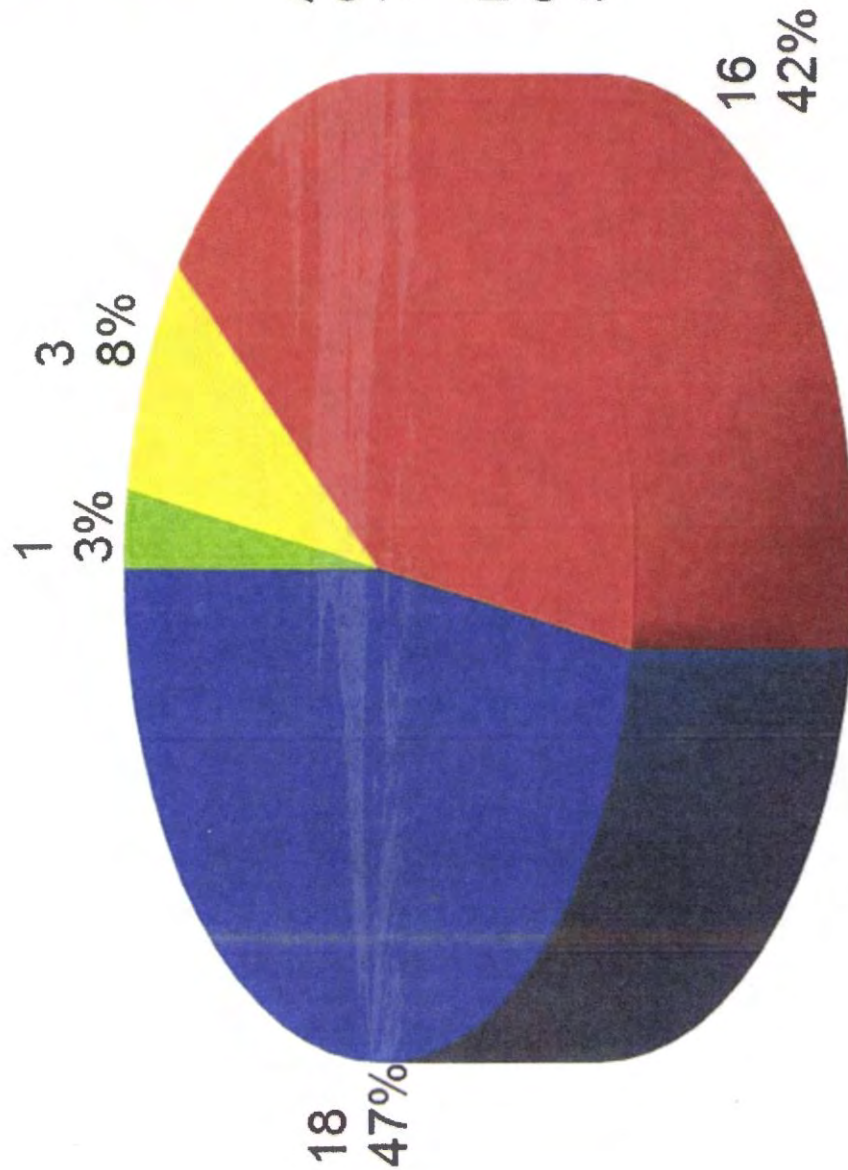
EXHIBIT # 5
PAGE 25 OF 43.

700 Sunset Block Lot Coverage %

- 25% or Less
- 26% - 50%
- 51% - 75%
- >75%

Average Lot
Coverage for Block
700 is 32%

Proposed Lot
Coverage of 758
Sunset is 97%

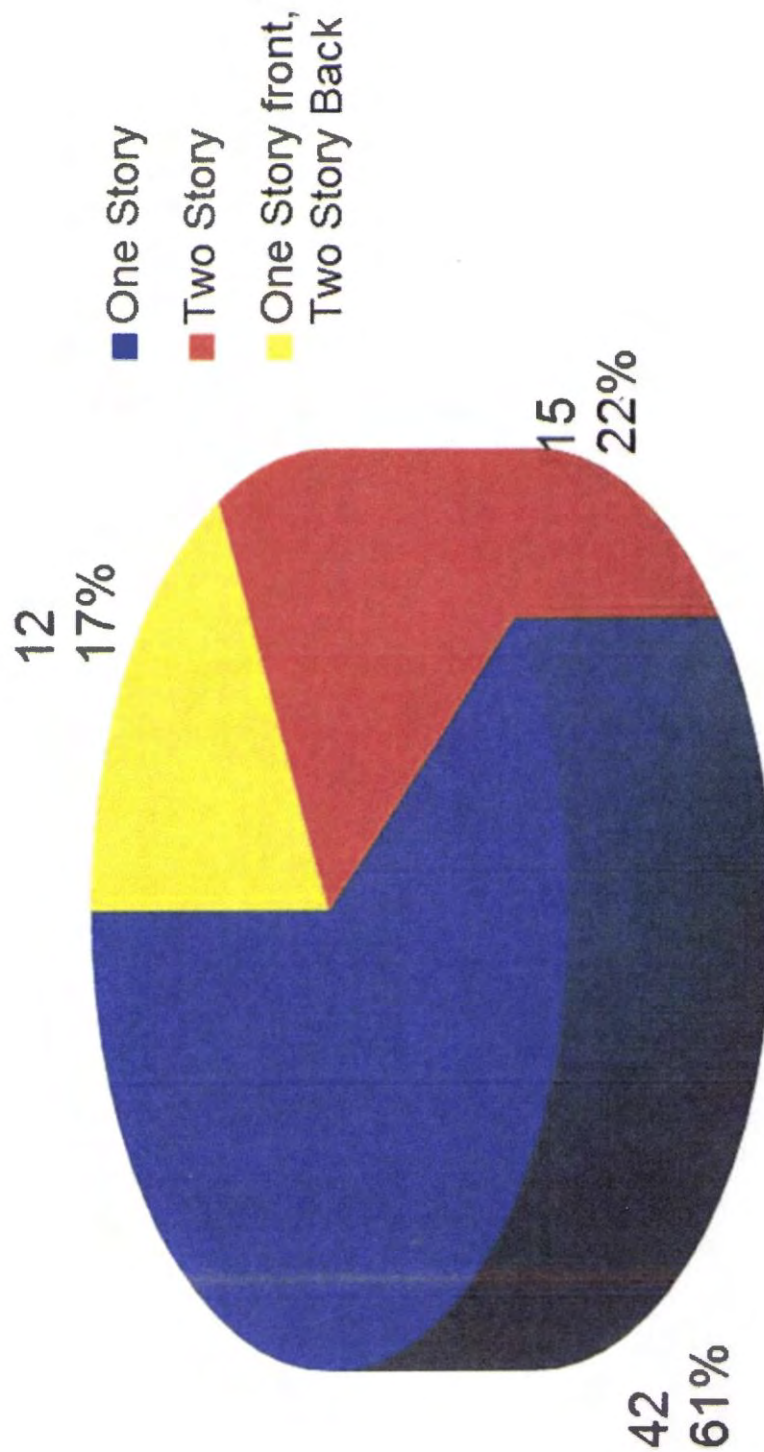


Data Source: LPS Data Sol.

COASTAL COMMISSION



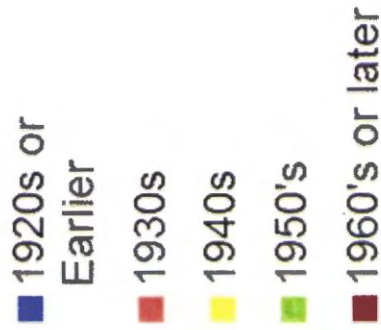
700 Sunset Block Number of Units by Story



Data Source: LPS Data Sol.

COASTAL COMMISSION

700 Sunset Block Number of Properties by Year Built



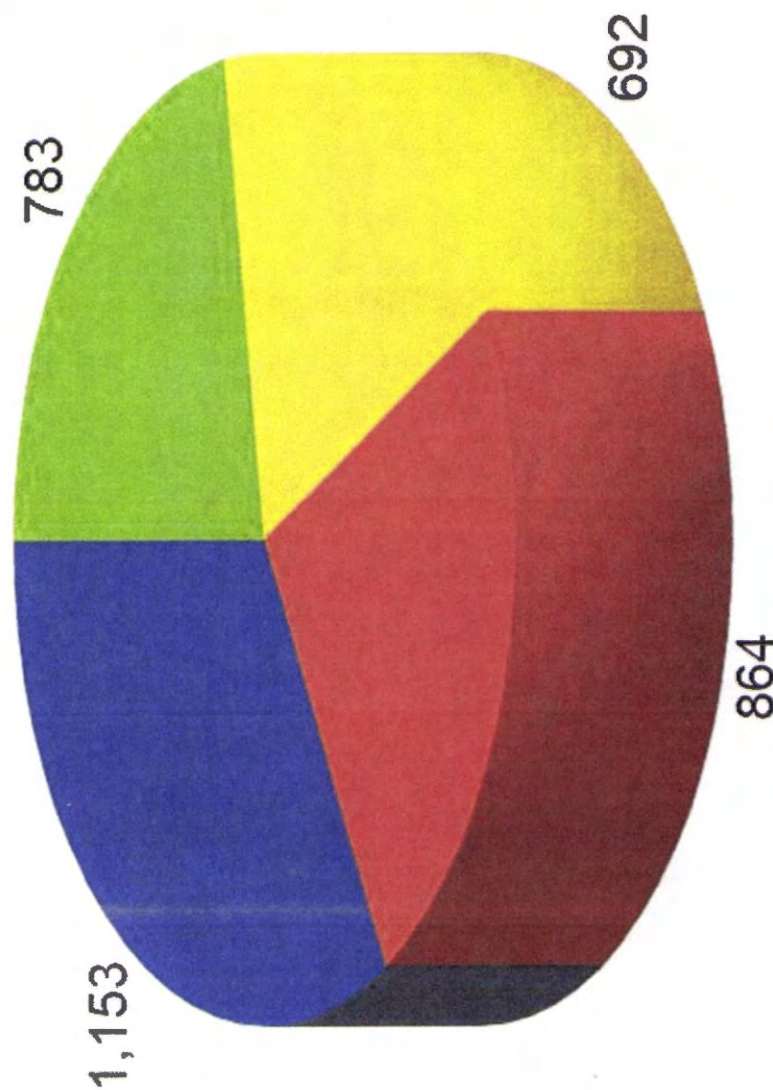
18

Data Source: LPS Data Sol.

COASTAL COMMISSION

700 Sunset Block Avg Sq. Ft. by Units

- Single Family
- Duplex
- Triplex
- Quadruplex



Data Source: LPS Data Sol.

COASTAL COMMISSION

15

15



WEST LOS ANGELES AREA PLANNING COMMISSION

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

Determination Mailing Date: MAR 24 2015

CASE NO: ZA-2013-1085-CDP-MEL-ZAA-1A
CEQA: ENV 2013-1084-MND-REC2
Related Case: AA-2013-1086-PMLA-SL

Location: 758 East Sunset Avenue
Council District: 11 - Bonin
Plan Area: Venice
Zone: RD1.5-1

APPLICANT: Rupesh Lunia / Richa Ruchita
Representative: Andy Liu

APPELLANT: Serafin Guzman
Representative: Ivonne Guzman

At its meeting on **February 4, 2015**, the following action was taken by the **West Los Angeles Area Planning Commission**:

1. Adopted the Findings of the Zoning Administrator for the Coastal Development Permit.
2. Granted the Appeal in part.
3. Sustained the Zoning Administrator's decision and Approved a Coastal Development Permit to allow the demolition of an existing single-family dwelling and detached garage and to allow the construction, use and maintenance of two single-family dwellings on two separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-1086-PMLA-SL, in the single permit jurisdiction area of the California Coastal Zone pursuant to Los Angeles Municipal Code Section 12.20.2.
4. Sustained the Zoning Administrator's decision and Dismissed:
 - a. Zoning Administrator's Adjustment to allow parking to encroach 5 feet into the required 5-foot side yard, inasmuch as the parking is unenclosed, makes the request unnecessary;
 - b. Zoning Administrator's Adjustment to allow balconies to extend one-foot into the required side yard, as prohibited by Section 12.22-C,20(d) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code, and
 - c. Zoning Administrator's Adjustment to allow architectural features to extend 1-foot 8 inches into the required side yard in lieu of 10 inches permitted by Section 12.22-C,20(b) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code pursuant to Los Angeles Municipal Code Section 12.28.
5. ~~Overturned the Zoning Administrator's decision and Denied:~~
 - a. ~~Zoning Administrator's Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone; pursuant to Los Angeles Municipal Code Section 12.28.~~
6. Adopted Mitigated Negative Declaration ENV-2013-1084-MND-REC2.

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 30 OF 43

This action was taken by the following vote:

Moved: Commissioner Donovan
Seconded: Commissioner Halper
Ayes: Commissioners Margulies and Merritt
Absent: Commissioner Waltz Morocco

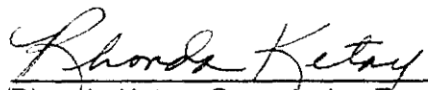
Vote: 4 - 0

Effective Date

Effective upon the mailing of this notice

Appeal Status

Not further appealable to City Council



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

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

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

Attachment: Modified Conditions of Approval and Findings

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 31 OF 43

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

a Coastal Development Permit to allow the demolition of an existing single-family dwelling and detached garage and to allow the construction, use and maintenance of two single-family dwellings on two separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map No. AA-2013-1086-PMLA-SL, in the single permit jurisdiction area of the California Coastal Zone;

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

a Zoning Administrator's Adjustment to allow parking to encroach 5 feet into the required 5-foot side yard, inasmuch as the parking is unenclosed, makes the request unnecessary;

a Zoning Administrator's Adjustment to allow balconies to extend one-foot into the required side yard, as prohibited by Section 12.22-C,20(d) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code, and

a Zoning Administrator's Adjustment to allow architectural features to extend 1-foot 8 inches into the required side yard in lieu of 10 inches permitted by Section 12.22-C,20(b) of the Municipal Code, inasmuch as the project, as revised, complies with this applicable provision of the Code.

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

a Zoning Administrator's Adjustment from Section 12.09.1-B,4 to allow a reduced lot area of 4,670 square feet in lieu of the required 5,000 square feet in the RD1.5 Zone; and

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

COASTAL COMMISSION

the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The conditions of approval established under Preliminary Parcel Map No. AA-2013-1086-PMLA-SL shall be required as conditions of approval of these requests and shall be satisfied prior to the utilization of this grant (see attached Preliminary Parcel Map No. AA-2013-1086-PMLA-SL Conditions of Approval).
8. The project shall comply with those mitigation measures recommended in ENV-2013-1084-MND-REC2, dated December 5, 2013, attached as Exhibit "B", to the case.
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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 33 OF 43

(19)

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 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 December 24, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza

Marvin Braude San Fernando

COASTAL COMMISSION

EXHIBIT # 5
PAGE 34 OF 43

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

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 January 18, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, interior, record lot, having a frontage of 40 feet on the south side of Sunset Avenue and a uniform depth of 120 feet. The subject site contains a total of 4,670 net square feet after required dedications. The subject property is zoned RD1.5-1 and designated Low Medium II Residential in the

COASTAL COMMISSION

EXHIBIT # 5
PAGE 35 OF 43

Venice Community Plan. The property is located within the Venice Coastal Zone Specific Plan (Oakwood subarea) and the Coastal Transportation Corridor Specific Plan.

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

The project as originally proposed was a three lot subdivision under the Small Lot Ordinance for three single-family dwellings. As designed the dwellings were three stories with a maximum height of 30 feet.

The project was revised after the public hearing to two single-family dwellings under the Small Lot Ordinance. As redesigned, Parcel A will be 2,200 square feet in size and Parcel B will be 2,470 square feet in size, thereby meeting the minimum 600 square-foot lot size of the Small Lot Ordinance. Lot coverage will be less than the 80% permitted for each lot. Both lots also meet the minimum lot width of 16 feet. As required by the Ordinance, the proposed project is consistent with the density requirements of the RD1.5 Zone.

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

Zoning Information File No. 2406 (Z.I. No. 2406) clarifies the Venice Coastal Specific Plan as it relates to the Small Lot Ordinance. Per Z.I. No. 2406, required parking for subdivision projects shall be based on the parking requirements of the Specific Plan. Each new lot resulting from a small lot subdivision that contains one unit falls under the "single-family dwelling" category in the Specific Plan. For purposes of parking calculations, small lot subdivisions are considered less than 40 feet in width, or less than 35 feet in width if adjacent to an alley. The proposed project is providing two parking spaces per unit, which is consistent with the Specific Plan. Also consistent with the Specific Plan, access to the parking will be from the alley (Sunset Court). Parking for the two dwelling units will be located on Parcel B. Parking for the dwelling on Parcel A will be within an enclosed garage; parking for the dwelling on Parcel B will be uncovered tandem spaces.

Per Z.I. No. 2406, existing lots may be subdivided into multiple small lots so long as the averaged newly resulting lot size is equivalent to the minimum 1,500 square feet lot area per dwelling unit required in the RD1.5 Zone. The average lot size for the proposed project is approximately 2,335 square feet.

The subject property is located within a liquefaction area, and a seismic fault is approximately two miles away. There are no other known hazards associated with the

COASTAL COMMISSION

EXHIBIT # 5
PAGE 36 OF 43

(22)

subject property. The project engineer has provided a tree letter certifying that there are no protected trees on the site.

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

Previous zoning related actions on the site include:

Case No. AA-2013-1086-PMLA-SL – On December 9, 2014, the Advisory Agency approved two single-family lots under the Small Lot Ordinance No. 176,354.

Ordinance No. 183,165 – Adopted on July 30, 2014. Amends Los Angeles Municipal Code Section 17.06 to permit issuance of a building permit for a small lot subdivision if the applicant for the permit has received a vesting Tentative Map approval or Preliminary Parcel Map approval for the project and has submitted proof to the satisfaction of the Department of Building and Safety that a covenant and agreement has been recorded.

PUBLIC HEARING

A public hearing on the project was conducted on January 8, 2014. Twelve persons spoke at the public hearing, including the project architect, a representative of the Eleventh District Council Office, and two members of the Land Use Committee of the Venice Neighborhood Council.

The applicant's representative indicated that the proposed project will benefit the neighborhood by providing three single-family dwellings with six parking spaces. The project is one of architectural distinction that is consistent with the scale of the street and neighborhood and with recent developments in the area. The representative indicated that there were many two- and three-story dwellings on Sunset Avenue. Finally, the project complies with all design guidelines and provisions of the Small Lot Ordinance and the Venice Specific Plan.

Mehrnoosh Majallai, a member of the Venice Neighborhood Council Land Use Committee, requested that the applicant come back to the Committee as there was no time left for public comments when they first came to the Committee.

Jake Kaufman, Chairman of the Venice Neighborhood Council Land Use Committee, stated that every small lot project that is more than two units has been voted down by the Neighborhood Council.

Eight residents spoke in opposition to the proposed project. The common concern and objection was that the proposed project is out of scale and mass with the neighborhood. Most dwellings on the street are one-story. It was expressed that small lot developments in Venice are having a cumulative effect that is threatening the unique

COASTAL COMMISSION

23

character of the community. The Small Lot Ordinance was created to provide more affordable housing but has had the opposite effect of eliminating affordable housing.

Chris Robertson, representing the Eleventh District Council Office, expressed concern about the lack of public participation and the number of adjustments being requested that are not related to the early construction of the small lot development. Ms. Robertson requested that a decision be delayed to give the applicant time to work with the community. She requested that the project be revised in order that the requested adjustments to allow projections into the side yards are no longer necessary.

COASTAL DEVELOPMENT PERMIT FINDINGS

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

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

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

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

The proposed project can be accommodated by the existing infrastructure and by existing public services. The area surrounding the project is developed with a mix of single-family and multiple family dwellings, thereby making the project site contiguous with, and in close proximity to existing developed areas that are able to accommodate it. The Venice Community Plan designates the project area for Low Medium II Residential which allows a density of 18 to 29 dwelling units per net acre.

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

COASTAL COMMISSION

degraded areas."

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

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

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

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

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

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

The Land Use Plan portion of the Venice Local Coastal Program has been certified by the California Coastal Commission pursuant to the California Coastal Act of 1976. The adopted Venice Community Plan designates the subject property for Low Medium II Residential density with corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The 0.11 acre property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The proposed map is consistent with the land use and development regulations of the Specific Plan. Therefore, there is no apparent reason to conclude that the approval of two single-family dwellings on two separate lots would interfere with the implementation of a Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as
COASTAL COMMISSION**

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

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP, most specifically associated with new development. In this instance, the project conforms with the Guideline standards for the Venice Community Plan and the Venice Coastal Zone Specific Plan with regards to land use, density, design, and parking. Additionally, the project is required to conform with all applicable zoning regulations for small lot subdivisions.

With respect to locating and planning new development, the lot does not provide access to or from the beach as it is sufficiently removed inland and located on a local residential street. All of the lots in the vicinity which are classified in the same zone are being, or have been developed with residential uses. The project will not conflict with the goal of providing appropriately located public access points to the coast.

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

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

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

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

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 40 OF 43

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2013-1084-MND on September 9, 2013. On November 5, 2013, a reconsideration (ENV-2013-1084-MND-REC1) was issued to include the request for a Zoning Administrator's Adjustment to permit a reduced lot area. A second reconsideration (ENV-2013-1084-MND-REC2) was issued on December 5, 2013 to include the request for a Zoning Administrator's Adjustment to permit a 0-foot side yard for parking and to allow projections into the side yard, which henceforth has been dismissed by this action. On the basis of the whole of the record before the lead agency including any comments received, the lead agency found that with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The mitigation measures are incorporated in the Conditions of Approval for the Preliminary Parcel Map.

The Coastal Development Permit does not involve a change in the scope of the Project. For the reasons set forth in ENV-2013-1084-MND-REC2, the project will not have a significant effect on the environment. The Mitigated Negative Declaration is thereby incorporated into the Conditions of Approval for the Coastal Development Permit.

The project involves the demolition of a single-family dwelling constructed in 1922. A review by the Office of Historic Resources found that although the property retains some aspects of integrity, it does not appear to be significant either individually or as a contributor to a historic district. Therefore it is ineligible for listing in the National Register.

MELLO FINDING

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

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

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 41 OF 43

The project involves the demolition of one (1) single-family dwelling with four (4) bedrooms and the construction of two (2) single-family dwellings through a small lot subdivision. Information provided by the owner shows a pattern of housing cost that is above affordable and the Los Angeles Housing and Community Investment Department has determined that no affordable unit exists on the project site. The applicant is therefore not required to provide any replacement affordable dwelling units on-site or within the Coastal Zone.

ADJUSTMENT FINDINGS

In order for an adjustment from the zoning regulations to be granted, all 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:

8. **Site characteristics or existing improvements do not make strict adherence to the zoning regulations impractical or infeasible.**

There is nothing different about this lot from any other lot on the subject street. All are substandard and the same size. Without the adjustment the applicant can still build a house on the lot. There is nothing unusual about the property.

9. **In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will not be compatible with and will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The massing and bulk of the project is not compatible with the rest of neighborhood block.

10. **The project is not in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There is nothing different about this property. The project in whole will not be compatible with the neighborhood in terms of mass and scale.

ADDITIONAL MANDATORY FINDINGS

11. 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.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 42 OF 43

(28)

12. On September 9, 2013, a Mitigated Negative Declaration (ENV-2013-1084-MND) was prepared for the proposed project. On November 5, 2013, a reconsideration (ENV-2013-1084-MND-REC1) was issued to include the request for a Zoning Administrator's Adjustment to permit a reduced lot area. A second reconsideration (ENV-2013-1084-MND-REC2) was issued on December 5, 2013 to include the request for a Zoning Administrator's Adjustment to permit a 0-foot side yard for parking and to allow projections into the side yard, which henceforth has been dismissed by this action. 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.

COASTAL COMMISSIONEXHIBIT # 5
PAGE 43 OF 43

Jan 24th, 2016

Dear Honorable California Coastal Commissioners:

There are compelling reasons, both substantive and procedural, for the California Coastal Commission to hold a de novo hearing of the project at 758 Sunset Ave. in Venice. Both have implications far beyond this individual project.

ERRORS BY CITY PLANNING

Substantive issues were left unaddressed by the Zoning Administrator's findings of fact for the Coastal Development Permit. For instance, Coastal Act Section 30116 was ignored completely:

Section 30116 Sensitive coastal resource areas

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

- (e) Special communities or neighborhoods which are significant visitor destination areas.
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

Both the Coastal Commission and the APC have recognized that the Venice Coastal Zone is such a community, neighborhood, and area.

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located...**where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....**

The Findings cite Section 30250 but gloss over the requirement that a project must be built "where it will not have significant adverse effects, either individually or cumulatively, on coastal resources," by saying "The area surrounding the project is developed with a mix of single-family and multiple family dwellings."

The APC commissioners found this characterization totally inadequate to characterize the immediate area, as is made clear in the transcript of appeal hearing excerpts farther below.

Section 30253 Minimization of adverse impacts

New development shall do all of the following

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 10

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

This type of development maximizes adverse impacts, instead of minimizing them, and the city planning is doing nothing to protect the unique characteristics of the Venice Coastal Zone. The ZA's findings claim the project complies with the Section. However they neglect to address the following policies in the Certified Coastal Land Use Plan (LUP) that pertain to this section of the Coastal Act:

**Preservation of Venice
as a Special Coastal
Community**

Policy I. A. 7.d.

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

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 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.

The Policies above are quoted from the real Venice Local Coast Program Certified Land Use Plan. The Venice Coastal Zone Specific Plan, on the other hand, is a City ordinance that is neither certified by the Coastal Commission nor necessary as an interim Land Use Plan, since a certified Land Use Plan already exists.

There is also a serious error of fact in the Los Angeles Department of City Planning Recommendation Report on the appeal of the project to the City's West Area Planning Commission (APC):

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 10

“Currently there is no adopted Local Coastal Plan for this portion of the Coastal Zone. In the interim, the adopted Venice Coastal Zone Specific Plan serves as the Venice Certified Land Use Plan.”

AREA PLANNING COMMISSION STOPPED FROM CONSIDERING IMPACTS

The APC never made an evaluation of whether the small lot subdivision or the mass, scale, and character of the project were in violation of the Coastal Act or the guidance of the LUP, including whether they created cumulative impacts that might prejudice the City's ability to prepare a Local Coastal Program.

This was not because the APC avoided these issues. Rather, it was because it was quite forcefully warned away from them by the Deputy City Attorney who staffed the hearing. She directed Commission president, Thomas Donovan, to leave any consideration of cumulative impacts to the Coastal Commission, saying that the Coastal Commission had not given the City any guidance on the question. The Deputy City Attorney made the case forcefully enough to deprive the appellants of a hearing on this issue at the City level and placed the jurisdiction squarely on the Coastal Commission.

The APC approved the CDP in the belief it not have the authority to deny it on the basis of the Chapter 3 prohibitions on cumulative impacts. The appellants believe this was an error of law, but in any case, they are still due their hearing, whether before the Coastal Commission or remanded to the APC.

We have a situation in which the City, as the authority delegated by the Coastal Commission, accepted an appeal for hearing but was unable to hear crucial elements of it. The appellants therefor have not received the hearing they were due. So not only is this a substantial issue for this case, it is an issue on which the Coastal Commission needs to give guidance to the City, and perhaps other municipalities, going forward.

APC'S INTENTIONS WERE CLEAR

Nevertheless, in the APC's deliberations and in their interchanges with the Deputy City Attorney, they made clear that they felt there was a substantial issue. The APC had accepted the appeal at least partly on the basis of the cumulative impacts issue. President Donovan's frustration at not being able to address it was palpable.

TRANSCRIPT

Nothing makes our case better than the following transcript excerpted from the APC hearing.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 10

I've underlined the text where the speakers deal with the issues dealing with what the APC may and may not consider in its CDP determination. I've also underlined text that indicates the commissioners' thinking regarding the issues they would have discussed for the CDP but were forced by counsel to take up in other contexts, such as that of the lot adjustment, which was what they used to deny the project.

The City made a six-part recording of the day's APC hearing. The transcript below begins near the end of Part 5 continues through the beginning of Part Six. Timecode is shown in places to help readers refer to the recording. Where sections are omitted, the omission is indicated by a horizontal line across the page.

WAPC HEARING ON 758 E. SUNSET AVE ZA 2013-1085-CDP-MEL-ZAA-1A

Part 5: excerpted from end

PRESIDENT DONOVAN (D): My second, my next issue on this is, the issue of whether or not this project, if granted, if approved, prejudices the ability to prepare a Local Coastal Program under the Coastal Act, and Under what circumstances would a project, could a project prejudice that? 'Cause I, you, we look at these things all the time. We, I at least, tend to gloss over that aspect of it, now that I'm hearing testimony to the effect that, well, how are you going to prepare a Coastal Program when everything is all done already, and even if you wanted to make a Local Coastal Program would somehow that prevent some of the construction of some of these projects? It makes it irrelevant.

DEPUTY CITY ATTORNEY (DCA): I think that uh... As far as projects preventing a Land Use Plan, there's not legal authority on that. The findings that we have were adopted way back when the Coastal Act went into place; no one has interpreted what that means, and the idea that the Coastal Commission would not allow us to prepare a Local Coastal Program because we've been doing development, I don't think we have evidence of that. I understand there are arguments to be made, but there's not legal authority that I've seen to support that argument. That's all I can tell you at this point.

D: I only ask that only because you know we have to make findings, and one of the findings is that this development will not prejudice the City of Los Angeles to prepare a Local Coastal Program that's in conformity with the California Coastal Act (CCA) and if there's no facts upon which to show that it will not, how will we, it cuts both ways, maybe there 's fact that... (continued in Part 6)

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 10

Part 6 excerpts:

00:00

D (cont. from part 5): ...it will prejudice the ability of the City. So I mean I...

DCA: Well, and I would say it's a legal finding to be made, really, and unlike some of the other findings, that's really a *legal* finding, because in the end of the day it's whether the Coastal Commission's willing to approve a plan for the City, and there's not legal support to make the argument that we know of, that they're not going to be willing to do a Land Use Plan in the future, because we've been doing development consistent with, already with the Land Use Plan. Remember, they adopted one plan. They didn't adopt the Specific Plan; they didn't certify that, but a lot of this, I think staff could testify, is consistent with that Community Plan. So, I don't think that we've, I understand people are making those arguments, but I cannot advise you that that would be the case, and we certainly don't have any guidance from the Coastal Commission that we've met that point. And again, the Coastal Commission gets a notice of every single Coastal Development Permit. If we've passed some point, wouldn't they be pulling every single case up. They have the ability to appeal every permit. So I don't know that we have the evidence before us to make the argument that we're not going to be able to get a Local Coastal Program adopted because of the projects in front of us.

PRESIDENT DONOVAN: Yeah, I get that. I'm just saying that it cuts both ways because whatever finding you make, you have to have facts upon which to base the finding, and in this case, the burden is on the City to show that it will not prejudice the ability. The burden is not on the appellant to show that it will.

DEPUTY CITY ATTY: Right, but if you think about it, it's the Coastal Commission that actually is the decision-maker and that's why it's a little bit of a difficult finding, because again, that's an old finding. We haven't gotten guidance from the Coastal Commission, but they're the ones that would ultimately make that decision, not the City of LA, so...

PRESIDENT DONOVAN: Yeah, I understand, I just, as I was thinking about it, given the burdens and the facts that have to base the finding, it wasn't as clear to me as it might have been yesterday, so I just mention that, so those are my initial comments. I'm anxious to hear from my – oh, you have one other thing to say?

DEPUTY CITY ATTY: I was actually wanting to jump in at the end of the public comments before deliberations start to give you some clarifying advice on this matter because of some of the testimony that's been given. It might end up – maybe there's some confusion about the entitlements that are at issue. And I

COASTAL COMMISSION

want to, one, say that the Mello Act determination is not in front of you. The things for you to be reviewing – the entitlements that you’re reviewing tonight on appeal is a Coastal Development Permit, a Zoning Administrator Adjustment, and the Parcel Map. The findings for those are found in the Staff Reports, in the Determinations, and I can point you to those, but those are the findings.

There’s been a statement that the Specific Plan requires you to make a finding for scale, character, and that would be true if you had a Project Permit Compliance in front of you. There is a specific finding in the Venice Specific Plan that if you’re reviewing a Project Permit Compliance permit, that you have to look at scale and character and its affect on adjacent properties in the neighborhood. However, this project is exempt from getting a Project Permit Compliance because it does not meet the criteria under the Specific Plan. I believe it’s four units or less does not require Project Permit Compliance. So that particular finding does not need to be made here. The findings that you need to focus on are the ones for Coastal Development Permit, Zoning Administrator Adjustment, and the Parcel Map.

COMMISSIONER HALPER: Excuse me.

PRESIDENT DONOVAN: Commissioner Halper?

DEPUTY CITY ATTY: Yes.

COMMISSIONER HALPER: In previous discussions with the City Attorney’s office, I was under the impression that this Commission can look at the whole project, look at any part of the project, if that’s their determination to do so. What’s before us does not limit this Commission to examine the project in entirety. Did I miss something?

DEPUTY CITY ATTY: I’m afraid I’m not quite understanding your question.

COMMISSIONER HALPER: Okay.

DEPUTY CITY ATTY: You do review the entire project in the context of those entitlements, and making the findings for those entitlements

PRESIDENT DONOVAN: Commissioner Donovan. So in terms of the character, mass and scale, we could evaluate that in terms of the adjustment findings, which are on page eleven, number nine. In light of the project as a whole, the project’s location, size, height, operations, other significant features will be compatible with and will not adversely affect or further degrade adjacent properties. That would be an area where we could evaluate the project in terms of its compatibility in the neighborhood.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 10

DEPUTY CITY ATTY: Yes, under the language of that finding, yes.

PRESIDENT DONOVAN: Okay.

05:36

12:00

COMMISSIONER MARGULIES: I mean, I'm certainly hearing a demand for affordable housing, and unfortunately I don't think that's something that's within our purview specifically, but I do think that what we are being asked to weigh in on is, will this project maintain the spirit of the Community Plan and Specific Plans and I know we're not 100% there in terms of implementation, but we're along the road there, and we have guidelines, and those guidelines tell us that we should not be trying to maximize the building envelope and the density of this neighborhood. This is a special neighborhood, and the character has been defined, and our goal should be to maintain the spirit of that. And this is, I'll use the terminology again of the tipping point. If we looked at this one project in isolation, it's a beautiful project, it's a beautiful design, but is this one more project that, with the amount of lot coverage and the bulk of the project, will -- If we allow every other project to do this, will it dramatically change the character, massing, and scale of the neighborhood. That's the question, and this is the difficulty of looking at these things one at a time as a land use precedent, and [we] have to be thinking about the next one and the next one and the next one when it comes before us. At what point have we ruined the fabric that's special to Venice, that is described in the Community Plan?

PRESIDENT DONOVAN: Commissioner Halper.

COMMISSIONER HALPER: On the Coastal Commission guidelines, and the Coastal Act, there is a portion in there that deals with probable cumulative effect. The cumulative effect wording, and I don't know if I can quote it exactly, but it says, what's the project that you're looking at, and the project[s] in, around that area, and the probable projects that will be in the future. If you're looking at this from a cumulative effect, what *would* be the cumulative effect on it, because of the economics of this if we started to introduce the Small Lot Subdivision guidelines throughout that particular community? I think it would be pretty dramatic.

15:46

PRESIDENT DONOVAN: Okay, and on this particular case, the three things that have to be found in order to grant an adjustment is, first one is, while site characteristics or existing improvements make strict adherence to the zoning impractical or infeasible, the project nonetheless conforms with the intent of those

regulations. And that's why I was so interested early on, when we started this hearing, if anyone can remember back that far, that there's nothing different about this lot than any other lot on the street. They're all substandard, if you will, or they're all the same size, and with the lot the way it is right now, without an adjustment, someone can build a house on there, and it's not for us to decide whether or not that's financially viable for the developer to do that, it's just, can he do something with that? If he could not do *anything* with that property because of the site characteristics, that would be another story, and there are properties in this city that you might be able to say that. I don't think you can say that about this particular property. There's nothing unusual about it. It's the same size as every other property on the block, and if you're going to say that this piece of property is entitled to an adjustment, so that you don't have to have as much square footage, then you're probably going to have to say that about every single lot on this block, and that would mean that you're basically saying to everybody that Small Lot Subdivisions are going to go on here, everybody gets an adjustment, you don't have to have the required size. That's the first problem I have.

(17:20) Second finding that you have to make on this is an adjustment finding, in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health and welfare and safety. So this is the area where we consider the imprecise metrics of how it looks, of how it fits, and I fully understand that one person could look at this particular project and say it fits, and somebody else could look and say no it doesn't fit. But we're the Commission so we have to make the call here, so we have to decide whether it fits or not. Clearly it fits with height, because it's shorter than the project next door and other projects down there, and we cannot, I think, under the law right now, make based solely on the number of units, which is what density is, the number of units. But, if you look at the massing, if you look at the bulk, you *could* come to the opinion, and my opinion is it doesn't fit in, it's not compatible with the scale of the rest of the block, even though there are other multiple unit projects on this block, they're smaller, and it seems, generally speaking, that it's not going to fit in with its mass and bulk. That's not to say that you couldn't look around the entire block and find maybe one other project like that, that's already on the block, but one exception doesn't change the character of an entire area, one or two, and here we've received evidence that, what was it, 70% of the structures on this block are one story, and so that's fairly compelling to me that I don't think that you can make the finding that it's going to be compatible in terms of mass and bulk on this block.

(19:23) The third finding that you have to make on here is that the project is [in] substantial conformance with the purpose and [in]tent provisions of the General

COASTAL COMMISSION

Plan, the applicable Community Plan, and the Specific Plan. When you get into the Venice Community Plan, and a lot of these plans have the same kind of high sounding language, which is not precise metrics, but basically they say, Venice Community Plan talks about protecting existing single family residential neighborhoods from new, out-of-scale development and other [in]compatible uses, promote the preservation of existing single-family and multi-family neighborhoods, preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods. All of these kinds of things says how does it look, and how does it feel when you look at the project? Is it going to fit in; is it going to be compatible, because the plan requires it to do that. Then if you go to the Small Lot Subdivision Ordinance, the Design Guidelines have not been adopted by the City Council, and we've received testimony directly from Planning here that these Guidelines are not enforceable. In other words, I'm wondering right now what happens when somebody goes along with the Guidelines and then the developer gets his Parcel Map and decides to change it, what can the City do about it, because they're *not enforceable*, and so there's no legal authority to compel adherence to the Guidelines and even Jae Kim, who was here last time, said Planning's on shaky ground on all these Design Guidelines. But even so, even if you just take those Guidelines there, the Guidelines indicate that projects must respect the overall neighborhood character, in some cases, neighborhood context may preclude increased building heights, and the Community Plan guidelines prevail over the Small Lot Guidelines. So at the end of the day, this Commission has to decide, does this project, as proposed, fit into this block? And that's something that we have to decide. So in my mind right now, I would not be prepared to approve the adjustment on this, and I'm not necessarily clear on how that affects the Parcel Map, or how that affects the number of units on there, but I'm very chary of providing any kind of relief from what's already there, whether it's through variance, or through adjustments, you know, we have a situation in Venice where it's in flux, and there's a lot of problems, and people are upset, and developers have a right to know what the deal is when they go in to buy a property, too, I mean, everybody has rights here, and it's, just seems like a mess, and under those circumstances, I'm not prepared, with what we have here today to provide an adjustment on this. If by right they can build whatever they want or build something there without a discretionary approval by Planning, then I guess the neighborhood and the developer are going to have to deal with that, but I don't see that we provide an adjustment as far as that goes. And I will say for the record, I am now more concerned about the due process on this. I think that a project as presented at the initial hearings, if it's going to be changed, then have another hearing on it, you know, and I'm also, as far as (23:10) whether or not it's going to prejudice the ability to prepare a Local Coastal Program, I don't know that the City's carried its burden, presenting enough facts that it *won't* prejudice it, but I'm a little reluctant to touch that, because I don't know the answer to that question, either, so I think at this point, I guess the

COASTAL COMMISSION

proper procedure would be to deny the appeal in part and approve the appeal in part, and take out the provision of an adjustment on this particular property.
(23:52)

CONCLUSION

It's interesting to note that APC Commissioner Halper was correct in recalling that the Coastal Act's definition of cumulative impacts includes not only past and present impacts, but probable future impacts, as well.

Section 30105.5 Cumulatively; cumulative effect

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, **and the effects of probable future projects.** (my bold)

When President Donovan considers cumulative impacts in regard to this project in discussing the non-CDP entitlements, his criteria include looking at what the approval of this project would set as precedents and what the result of those precedents would likely be, since all the lots on this block are identical. His conclusion is that it would likely result in a wholesale transformation of the block and a very significant impact on the character of this coastal resource.

This seems a very sensible approach to determining "cumulative impact," rather than waiting for the straw that breaks the LCP's back or recognizing it only in the rear view mirror. Donovan's way is easier to determine and to apply. Hopefully the Coastal Commission will consider adopting it or a similar forward-looking approach.

Yours truly,
Serafin Guzman
David Ewing

COASTAL COMMISSION

EXHIBIT # 6
PAGE 10 OF 10



West Los Angeles Area Planning Commission

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

Website: <http://www.lacounty.org/pla/index.htm>

166

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

Mailing Date: MAR 24 2015

Case No.: ZA-2013-1085-CDP-MEL-ZAA-1A
Address: 758 East Sunset Avenue
Plan Area: Venice
Council District: 11

FROM: West Los Angeles Area Planning Commission

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Applicant name/address

Rupesh Lunia / Richa Ruchita
758 E. Sunset Ave
Venice, CA 90291

Representative name/address

Andy Liu
2330 Westwood Blvd, #207
Los Angeles, CA 90064

MAR 24 2015

The above-referenced Coastal Development Permit was approved effective MAR 24 2015, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **February 4, 2015**. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

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

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

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

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

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 1

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**

DATE: April 01, 2015

TO:

West Los Angeles Area Planning Commission
200 North Spring Street Room 272
Los Angeles, CA 90012

FROM: Charles Posner

RE: **Application No. 5-VEN-15-0014**

Please be advised that on March 26, 2015, our office received notice of local action on the coastal development permit described below:

Local Permit #: ZA 2013-1085

Applicant(s): Rupesh Lunia/Richa Ruchita

Description: Demolition and construction of two single family residences on two lots
(small lot subdivision)

Location: 758 Sunset Ave , Venice

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 24, 2015.

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: Rupesh Lunia/Richa Ruchita, Attn:

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 1



HOLLY L. WOLCOTT
CITY CLERK

GREGORY R. ALLISON
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. Spring Street, Room 395
Los Angeles, CA 90012
General Information - (213) 978-1133
FAX: (213) 978-1040

SHANNON HOPPE
DIVISION MANAGER

clerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.
15-0362

April 3, 2015
CD 11

NOTICE TO APPELLANT(S), APPLICANT(S), AND INTERESTED PARTIES

You are hereby notified that the Planning and Land Use Management Committee of the Los Angeles City Council will hold a public hearing on **Tuesday, April 14, 2015**, at approximately **2:30 p.m.**, or soon thereafter, in the Board of Public Works Edward R. Roybal Hearing Room 350, City Hall, 200 North Spring Street, Los Angeles, CA 90012, to consider a report from the West Los Angeles Area Planning Commission (WLAAPC), and appeals filed by Serafin Guzman to the WLAAPC (Representative: Ivonne Guzman), from the entire determination of the WLAAPC in approving Parcel Map AA-2013-1086-PMLA-SL, for the proposed construction of two single-family dwellings on two separate lots, for property located at 758 East Sunset Avenue, subject to modified Conditions of Approval, including but not limited to the removal of conditions 8 (e) and 14 on the basis that a Zoning Administrator's Adjustment is not necessary for approval of the Parcel Map. (On April 1, 2015, Council adopted Motion [Bonin -Fuentes] pursuant to Charter Section 245, asserting jurisdiction over the February 4, 2015 action [Letter of Determination dated March 25, 2015] of the WLAAPC.)

Applicant: Rupesh Lunia / Richa Ruchita
Representative: Andy Liu / Sean Nguyen

Case No. AA-2013-1086-PMLA-SL

If you are unable to appear at this meeting, you may submit your comments in writing. Written comments may be addressed to the City Clerk, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012. In addition, you may wish to view the contents of Council file No. 15-0362 by visiting:

<http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=15-0362>

Please be advised that the Planning and Land Use Management Committee reserves the right to continue this matter to a later date, subject to any time limit constraints.

Sharon Gin, Legislative Assistant
Planning and Land Use Management Committee
213-978-1074

RECEIVED
South Coast Region

APR 6 2015

Note: If you challenge this proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record. The time in which you may seek judicial review of any final action by the City Council is limited by California Code of Civil Procedure Section 1094.6 which provides that an action pursuant to Code of Civil Procedure Section 1094.5

CALIFORNIA
COASTAL COMMISSION

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

EXHIBIT # 9
PAGE 1 OF 1

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 DEFICIENT NOTICE

DATE: April 08, 2015

TO: West Los Angeles Area Planning Commission

FROM: Charles Posner

RE: Local Permit No. ZA 2013-1085 (Commission File No. 5-VEN-15-0014)

Please be advised of the following deficiency(ies) in the notice of local action we have received for Local Permit No. ZA 2013-1085 pursuant to 14 Cal. Admin. Code Section 13571 or 13332.

Applicant(s): Rupesh Lunia/Richa Ruchita

Description: Demolition and construction of two single family residence on two lots, small lot subdivision

Location: 758 Sunset Ave, Venice

Deficiency noted by check mark below:

1. ___ Project description not included or not clear.
2. ___ Conditions for approval and written findings not included.
3. ___ Procedures for appeal of the decision to the Coastal Commission not included.
4. ___ Notice not given to those who requested it.
5. ___ Notice does not indicate if local government action is appealable to Coastal Commission.
6. XX Notice of Appeal Period has not ended.
7. ___ Local appeal period is still pending.

As a result of the deficiency(ies) noted above:

Post-Certification LCP Permits:

XX The effective date of the local government action has been suspended, and the 10 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

Post-Certification LUP Permits:

___ The effective date of the local government action has been suspended, and the 20 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

If you have any questions, please contact at the South Coast District Office.

cc: Rupesh Lunia/Richa Ruchita

COASTAL COMMISSION



CALIFORNIA COASTAL COMMISSION

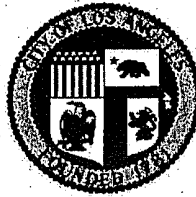
EXHIBIT # 10
PAGE 1 OF 1

11-12-15

HOLLY L. WOLCOTT
CITY CLERK

GREGORY R. ALLISON
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. Spring Street, Room 395
Los Angeles, CA 90012
General Information - (213) 978-1133
FAX: (213) 978-1040

SHANNON HOPPE
DIVISION MANAGER

clerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

Mr. Chuck Posner
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

758 EAST SUNSET BOULEVARD: Council File 15-0362

Dear Mr. Posner:

At its meeting on April 15, 2015, the Los Angeles City Council adopted the Planning and Land Use Management (PLUM) Committee Report in approving Parcel Map AA-2013-1086-PMLA-SL, for the proposed construction of two single-family dwellings on two separate lots, for the property located at 758 East Sunset Boulevard. In taking the above stated action, the City Council:

Sustained the West LA Area Planning Commission's action approving the Coastal Development Permit.

Sustained the West LA Area Planning Commission's actions adopting the Findings of the Zoning Administrator for the Coastal Development Permit.

Sustained the West LA Area Planning Commission's action approving the Mitigated Negative Declaration [ENV-2013-1084-MND-REC2].

Sustained the West LA Area Planning Commission's action approving Parcel Map AA-2013-1086-PMLA-SL-A1

Removed Condition No. 8.e. of the Parcel Map Conditions in its entirety

Amended Condition No. 14 of the Parcel Map Conditions to add the following language:

"The above notwithstanding, nothing in this condition or any other condition on this parcel map shall require the subdivider as a condition of approval for this parcel map to (i) obtain a Zoning Administrator Adjustment ("Adjustment") under Case No. ZA 2013-1085 (CDP) (MEL) (ZAA) or (ii) to obtain a parcel map modification based on the denial of the Adjustment in Case No. Case No. ZA 2013-1085 (CDP) (MEL) (ZAA)."

Amended Finding of Fact "(d)" to add the following language:

COASTAL COMMISSION

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOY

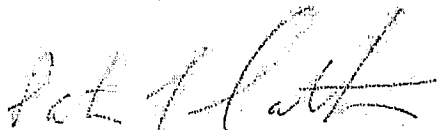
EXHIBIT # 11
PAGE 1 OF 2

The City Council, after hearing testimony from the Public and the Department of City Planning has determined that the Adjustment related to the lot area is not necessary because the lot sizes created by this parcel map comply with the Small Lot Subdivision Ordinance (Condition 14).

Attached are the official action of the City Council, the PLUM Committee Report, the Revised Conditions of Approval and Councilmember Bonin's motion to the Committee relative to the project.

For additional information regarding this matter, feel free to contact me at (213) 978-1056 or Iris Fagar-Awakuni of the Department of City Planning at (213) 978-1249.

Sincerely,



Patrice Y. Lattimore
Legislative Assistant

COASTAL COMMISSION

EXHIBIT # 11
PAGE 2 OF 2

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

**COMMISSION NOTIFICATION OF APPEAL**

December 21, 2015

To:

West Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

From: Marlene Alvarado

Re: **Commission Appeal No. A-5-VEN-15-0071**

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

LOCAL PERMIT #: **ZA 2013-1085**

APPLICANT(S): **Attn: Rupesh Lunia**

DESCRIPTION: Demolition and construction of two single family residence on two lots (small lot subdivision)

LOCATION: 758 E Sunset Ave, Venice, Ca 90291

LOCAL DECISION: Approval With Special Conditions

APPELLANT(S): David Ewing, Serafin Guzman, Lisa Green, Robin Rudisill, Ivonne Guzman

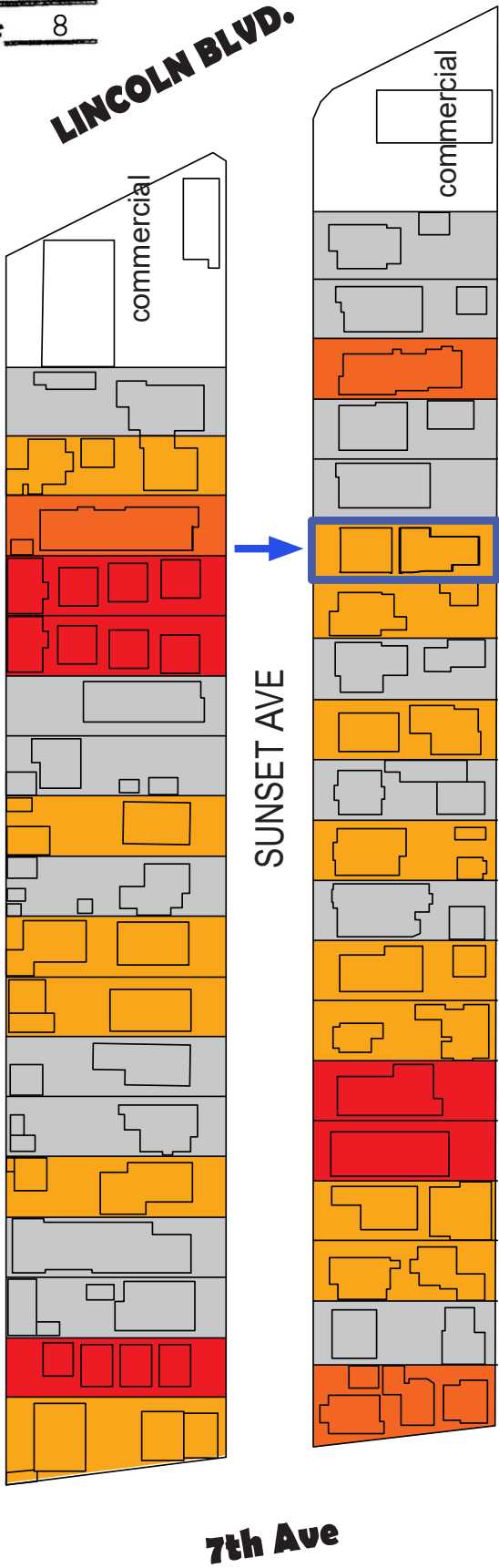
DATE APPEAL FILED: 12/18/2015

The Commission appeal number assigned to this appeal is A-5-VEN-15-0071. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

COASTAL COMMISSION

EXHIBIT # 12
PAGE 1 OF 1

DENSITY



- 4 UNITS
- 3 UNITS
- 2 UNITS
- 1 UNIT

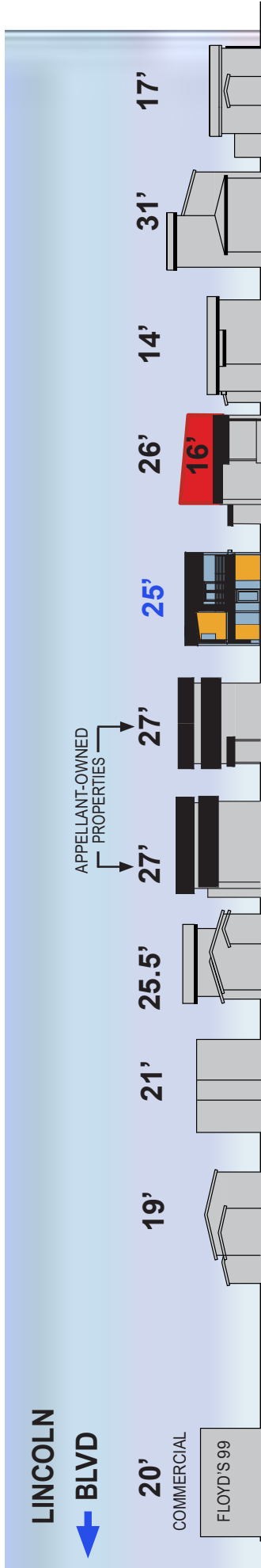
BLOCK AVG:
2 UNITS PER LOT

PROPOSED:
2 UNITS PER LOT

ZONE RD1.5
(DUPLEX)

21 of 38 lots are MULTI-UNIT

Sunset Ave--700 Block (SE)



| | | | | | | | | | | | | | | |
|-------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|---------|---------|-------|-------|
| 1 | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 2 | 2 | 1 | 1 |
| STORY | STORIES | STORIES | STORIES | STORIES | STORIES | STORIES | STORIES | STORIES | STORIES | STORY | STORIES | STORIES | STORY | STORY |



SITE



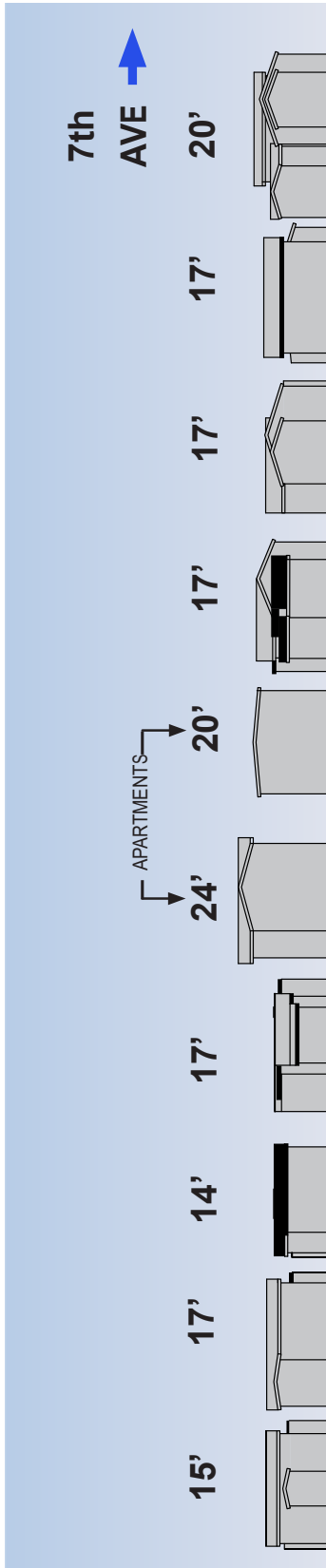
Avg ht (this page): 23'
(site + commercial not counted)

of 2-story res. bldgs: 6 / 9
(site + commercial not counted)

COASTAL COMMISSION

EXHIBIT # 13
PAGE 2 OF 8

Sunset Ave--700 Block (SW)



| | | | | | | | | | |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------|
| 740 SUNSET | 736 SUNSET | 732 SUNSET | 728 SUNSET | 724 SUNSET | 720 SUNSET | 716 SUNSET | 712 SUNSET | 708 SUNSET | 606 7TH |
| 1 | 1 | 1 | 1 | 2 | 2 | 1 | 1 | 1 | 1 |
| STORY | STORY | STORY | STORY | STORIES | STORIES | STORY | STORY | STORY | STORY |



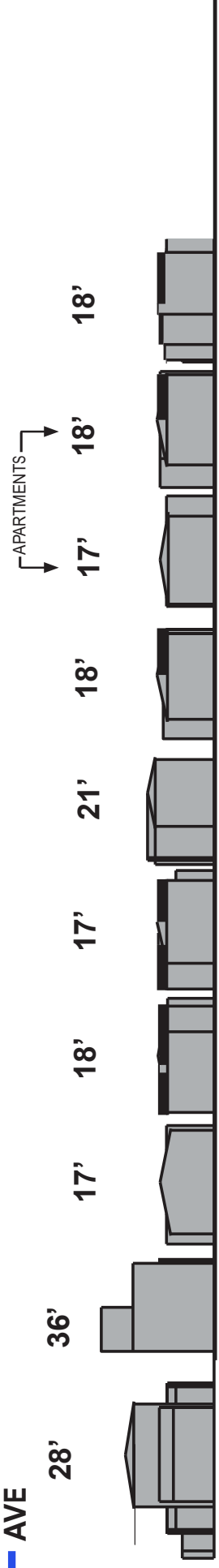
Avg ht (this page):
18'

of 2-story bldgs:
2 / 10

COASTAL COMMISSION

Sunset Ave--700 Block (NW)

7th
AVE
↓



| | | | | | | | | | |
|--------------|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 701 SUNSET | 705 SUNSET | 707 SUNSET | 713 SUNSET | 717 SUNSET | 721 SUNSET | 727 SUNSET | 731 SUNSET | 735 SUNSET | 739 SUNSET |
| 2 STORIES | 3 STORIES | 1 STORY | 1 STORY | 1 STORY | 1 STORY | 1 STORY | 1 STORY | 1 STORY | 1 STORY |

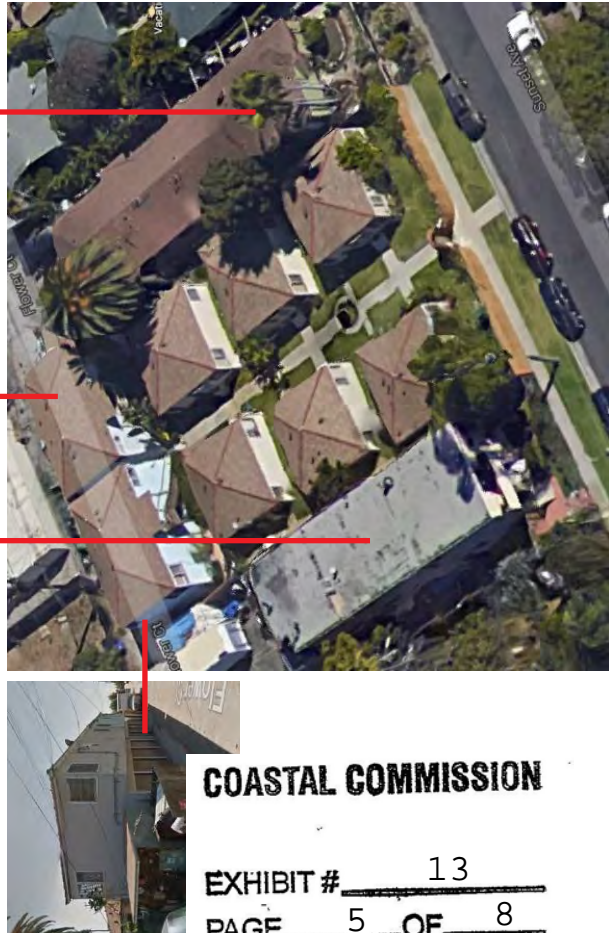
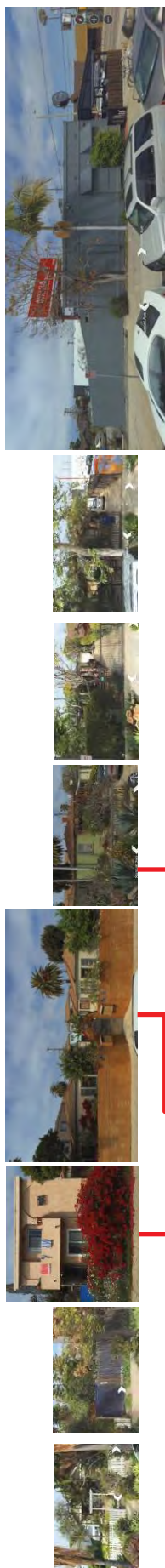


Avg ht (this page):
21'

of 2 & 3-story
bldgs: 2 / 10



Sunset Ave--700 Block (NE)



Avg ht (this page):
19'

(commercial not counted)

of 2-story bldgs:
3 / 8

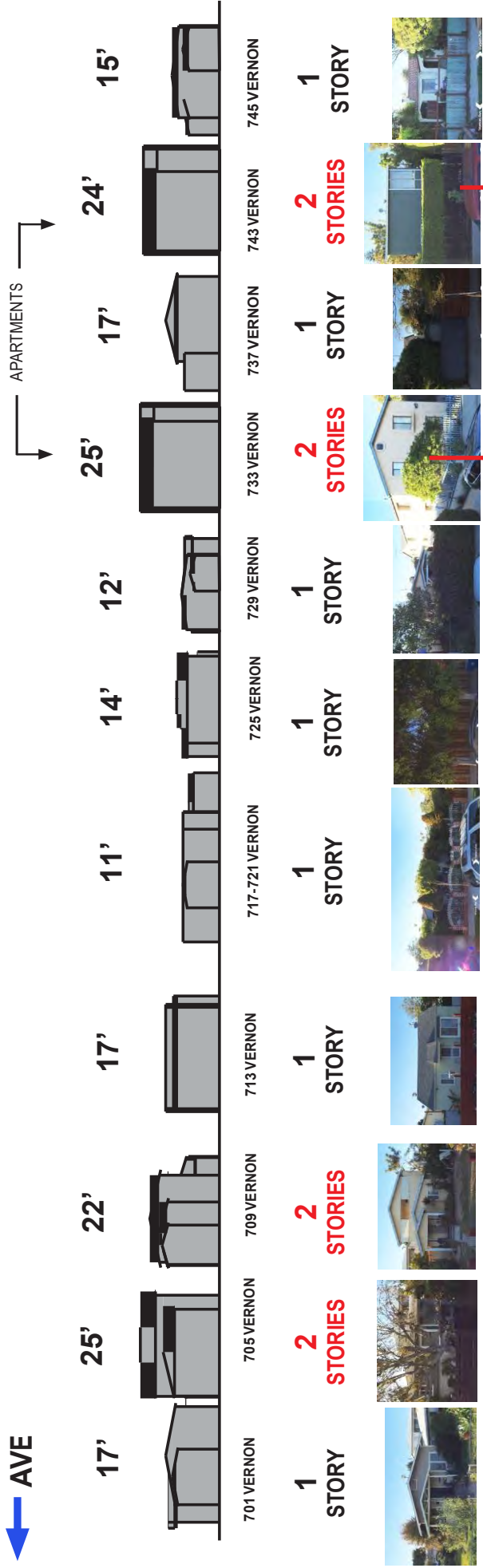
(commercial not counted)

COASTAL COMMISSION

EXHIBIT # 13
PAGE 5 OF 8

Vernon Ave--700/800 Block (NW)

7th
↓
AVE



Avg ht (this page):
19'

of 2 & 3-story bldgs:
4 / 11

Vernon Ave--700/800 Block (NE)

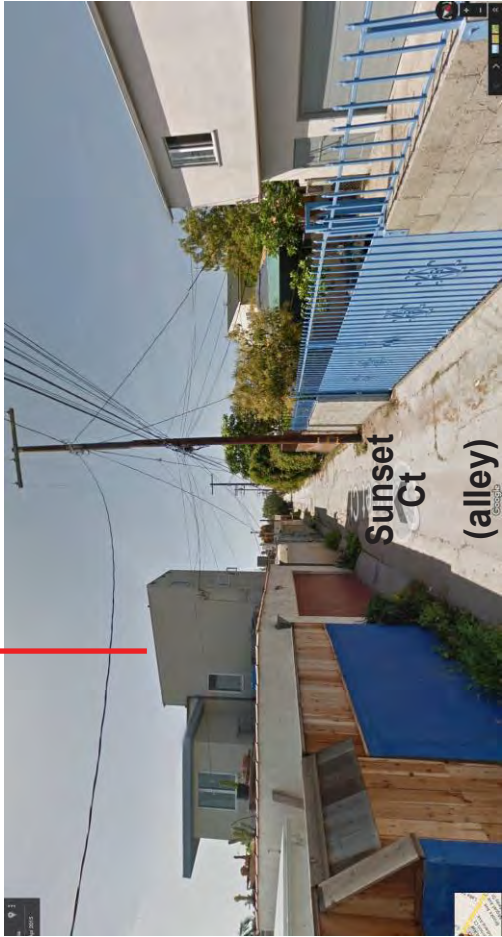
LINCOLN
BLVD →



COASTAL COMMISSION
EXHIBIT # 13
PAGE 7 OF 8

Avg ht (this page): 19.5'
(commercial not counted)

of 2 & 3-story res. bldgs: 3 / 11
(commercial not counted)



COASTAL COMMISSION

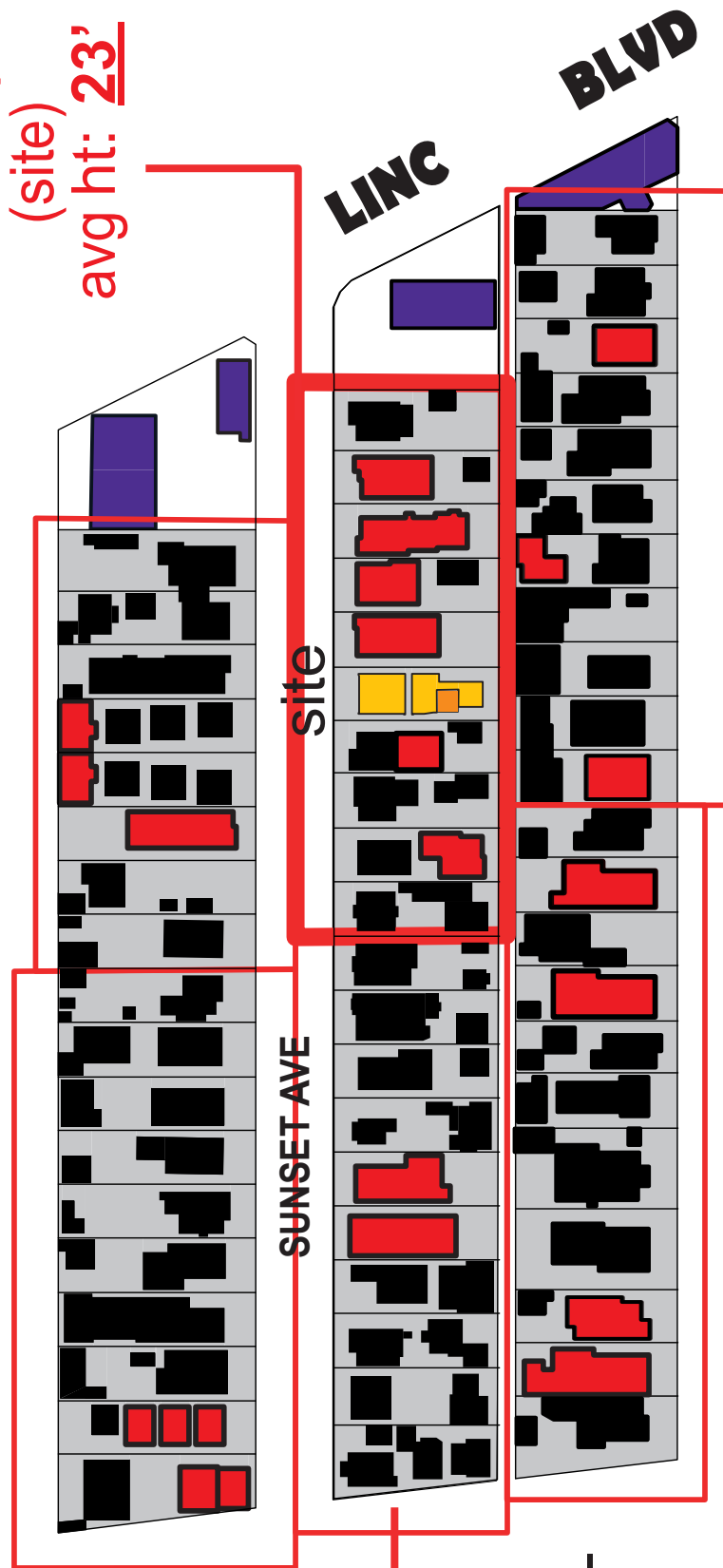
EXHIBIT # 13
PAGE 8 OF 8



Sunset Ave--
700 Block (NW)
avg ht: 21'

Sunset Ave--
700 Block (NE)
avg ht: 19'

**Sunset Ave--
700 Block (SE)**
(site)
avg ht: 23'



Sunset Ave--
-700 Block
(SW)
avg ht: 18'

Vernon Ave--
700/800 Block (NW)
avg ht: 19'

Vernon Ave--
700/800 Block (NE)
avg ht: 19.5'

COASTAL COMMISSION

EXHIBIT # 14
PAGE 1 OF 1

