

**CALIFORNIA COASTAL COMMISSION**

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



# Th17c

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original staff report

## ADDENDUM

February 5, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Addendum to Item Th17c, Appeal No. A-5-VEN-16-0006 (635 E. San Juan Avenue, Venice) for the Commission Meeting of February 17, 2016.

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### 1. IMPORTANT HEARING PROCEDURE NOTE

Add the following sentence after the end of the last sentence of the **Important Hearing Procedure Note** on page 1 of the staff report. Language to be added is underlined:

If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

### 2. ADDRESS CLARIFICATION

The agenda for the February 2016 Commission Hearing incorrectly describes the project location as 635-639 San Juan Ave., Venice, in the City of Los Angeles. According to the Los Angeles County Assessor's property records, 635 East San Juan Avenue is described as a triplex, consisting of two structures, which are the subject of this appeal. The appeal itself also correctly describes the subject property as 635 E. San Juan Ave., Venice, City of Los Angeles.

### 3. EXHIBIT NO. 6

The Venice Neighborhood Council report dated December 21, 2015, was submitted as a part of the appeal, and is added as Exhibit No. 6 of the staff report.



## Venice Neighborhood Council

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



December 21, 2015

ExB 1/3

**BY EMAIL**

Faisal.Roble@lacity.org  
Robert.Manford@lacity.org

Faisal A. Roble  
Principal City Planner, Division Head  
Project Implementation Division  
West/Coastal/South and Harbor Geo/Areas  
L.A. Department of City Planning  
200 N. Spring Street, 6th Flr  
Los Angeles, CA 90012

Robert Manford  
Environmental Affairs Officer  
Los Angeles Housing + Community Investment Department  
Finance and Development Division  
Environmental and Land Use Services Section  
1200 W. 7th Street, 8th Flr  
Los Angeles, CA 90017

**Project Location:** 635 San Juan Ave (3 units), Oakwood Subarea  
RD1.5 zone, General Plan Land Use Plan designation: Multiple-Family Residential Low Medium II  
3 units have been deemed Replacement Affordable Units by HCID in a determination dated January 13, 2015 (Exhibit A)

**Former Case Nos:** ZA-2014-2514-CDP and ENV-2014-2515-CE

**Current Case Nos:** DIR-2015-3140-VSO and DIR-2015-3993-CEX

**Former Project:** CDP for the demolition of 3 existing apartment units, to be replaced by 3 new condominiums, with attached covered ground-level parking. (The City Hearing took place on December 18, 2014. It was discovered during the process that the HCID Mello Act letter for the determination of affordable units had not been properly done, and so it was requested. It was received after the December 18, 2014 City Hearing, on January 13, 2015.)

**Current Project:** VSO for "Remodel and additions to an existing duplex and SFD located on 1 lot"; and  
Coastal Exemption for "Remodel and addition to existing 2-story duplex consisting of 1,027 sq ft 3rd story addition. Project will remove 44% of existing exterior walls. Remodel and addition to existing 1-story SFD consisting of 1,070 sq ft 2nd story & 892 sq ft 3rd story addition. Project will remove 49% of existing exterior walls."

Dear Faisal and Robert,

The Venice Neighborhood Council (VNC) Land Use & Planning Committee originally heard a project for this property under the Former Case Nos and Project Description (see above). That

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**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 1 OF 3



## Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / [www.VeniceNC.org](http://www.VeniceNC.org)  
Email: [info@VeniceNC.org](mailto:info@VeniceNC.org) / Phone or Fax: 310.606.2015



Ex B  
2/3

project was put on hold in order to obtain the required HCID determination of Replacement Affordable Units. The HCID letter, dated January 13, 2015 (Exhibit A), determined that three affordable units exist at 635 San Juan Ave. Subsequently, the processing for the project was changed from a CDP to a Coastal Exemption (see Current Case Nos and Project Description, above).

In order for the VNC to continue with the hearing for this project, please confirm whether the three affordable units determined by HCID on January 13, 2015 apply to the Current Project.

Please don't hesitate to contact me if you have any questions in this regard.

Yours truly,

*Mike R. Newhouse*

Mike Newhouse  
President  
Venice Neighborhood Council

CC:

Honorable 11<sup>th</sup> District Councilmember Mike Bonin  
Tricia Keane, Planning Deputy 11<sup>th</sup> District  
Ezra Gale, Planning Deputy 11<sup>th</sup> District  
Jack Ainsworth, Coastal Commission Senior Deputy Director  
Steve Hudson, Coastal Commission Deputy Director  
Kevin Jones, City of L.A. Mello Act Coordinator  
Bill Przylucki, POWER  
Suzanne Browne, Legal Aid Foundation of L.A.  
Richard A. Rothschild, Western Center on Law & Poverty, Inc.  
Steve Clare, Venice Community Housing  
Linda Lucks, Venice Community Housing  
Liz Jun, The Code Solution  
Mark Kleiman, former LUPC Staff on project  
Maury Ruano, LUPC Staff  
Gabriel Ruspini, former LUPC Staff on project  
Rushmore Cervantes, HCID  
Rosalind Barden, HCID  
Marites Cunanan, HCID  
Rex Lee, HCID  
Mei Mei Cheng, HCID

Attachment

Exhibit A - HCID Letter dated January 13, 2015

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EXHIBIT # 6  
PAGE 2 OF 3

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South Coast Region

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CALIFORNIA  
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## Venice Neighborhood Council

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Email: [Info@VeniceNC.org](mailto:Info@VeniceNC.org) / Phone or Fax: 310.606.2015



Ex B  
313



City of Los Angeles  
Housing and Community Investment Department

Date: January 13, 2015  
To: Kevin Jones, City Planner  
City Planning Department  
From: Robert Manford, Environmental Affairs Officer  
Los Angeles Housing and Community Investment Department  
Subject: Mello Act Determination for  
835 East San Juan Avenue, Venice, CA 90291

Based on information provided by the owner, 187 Monterey Holding LLC, a California Limited Liability Company, the Los Angeles Housing and Community Investment Department (HCIDLA) has determined that three (3) affordable units exist at 835 East San Juan Avenue, Venice, CA 90291.

The property consists of a triplex building comprised of a three (3) bedroom and two two (2) bedrooms. Per the statement provided by the owner, they are proposing to demolish the triplex and construct a two (2) unit condominium. Baystone Holding, LLC acquired the property on February 13, 2014 and conveyed the deed to 187 Monterey Holding LLC on May 22, 2014. As of January 12, 2015, a building permit has not been filed. Baystone Holding, LLC is the managing member of 187 Monterey Holding LLC.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three years. The owner's Mello application statement was received by HCIDLA on December 3, 2014. HCIDLA must collect data from December, 2011 through December, 2014.

Per the owner, all units are currently vacant and have been since June 2014. Irving Campbell, a previous owner, had rented the three (3) units per the lease agreements obtained by 187 Monterey Holding LLC. The lease for Unit 635 #1 began on January 2010 and had a housing cost that averaged \$2,600 per month for approximately three (3) years. The lease for Unit 635 #2 began on February 2010 and had a housing cost that averaged \$2,200 per month for approximately three (3) years. The lease for Unit 635 #3 began on March 2010 and had a housing cost that averaged \$2,350 per month for approximately three (3) years. All leases are assumed to have terminated effective December 31, 2012.

Although a closing utility bill for November 2014 was provided, HCIDLA could not determine the occupancy and/or vacancy status during the period from January 2013 to December 2014. The three (3) units are found to be affordable due to insufficient documentation.

cc: Los Angeles Housing and Community Investment Department File

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 3 OF 3

**CALIFORNIA COASTAL COMMISSION**

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**Th17c**

Filed: 1/4/2016  
49th Day: 2/22/2016  
Staff: M. Revell – LB  
Staff Report: 1/28/2016  
Hearing Date: 2/11/2016

**STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE AND DE NOVO**

**Local Government:** City of Los Angeles

**Local Decision:** Claim of Exemption to Coastal Development Permit Requirement

**Appeal Number:** A-5-VEN-16-0006

**Applicant/Agent:** Louis Kim

**Appellants:** Pam Anderson, Lydia Ponce, and Bill Przylucki

**Project Location:** 635 E. San Juan Ave., Venice, City of Los Angeles

**Project Description:** Appeal of City of Los Angeles Local Coastal Exemption No. DIR-2015-3993-CEX for a 1,027 square foot third story addition to an existing two story duplex, and a 1,070 square foot second story addition and 892 square foot third story addition to an existing one story single family dwelling.

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

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: the development on the site is the demolition of residential structures and construction of new residential structures, and is not an improvement to a structure other than a single family residence, and is therefore non-exempt “development” as defined in the Coastal Act. A coastal development permit must be obtained for the development. Commission Staff recommends that the Commission **deny the claim of exemption** and find that the proposed project requires a local coastal development permit, and return this matter to the City for processing. The **motions** to carry out the staff recommendation are on **pages 3 and 10**.

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## APPENDICES

Appendix A - Substantive File Documents

## EXHIBITS

Exhibit 1 – Project Location /Vicinity Map

Exhibit 2 – City-Issued Exemption to CDP/DIR-2015-3993-CEX

Exhibit 3 – Appeal

Exhibit 4 – Photo of 635 San Juan Ave. Before Demolition

Exhibit 5 – Photo of Demolition

## I. MOTION AND RESOLUTION

**MOTION:** *I move that the Commission determine that Appeal No. A-5-VEN-16-0006 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

## RESOLUTION:

*The Commission hereby finds that Appeal No. A-5-VEN-16-0006 presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

## II. APPELLANTS' CONTENTIONS

The focus of this appeal is the validity of the Coastal Exemption issued by the City of Los Angeles Department of City Planning. The appellants, Pam Anderson, Lydia Ponce, and Bill Przylucki contend that the size and scope of the project requires review for consistency under the coastal development permit process because the proposed new single-family residence is inconsistent with the community character policies of the Venice Land Use Plan, Los Angeles General Plan and relevant Community Plan, and Venice City code. The appellants also contend that the project was originally being processed with a coastal development permit for the demolition of two structures consisting of three residential units, to be replaced by three new condominium units, and when it was discovered that the Mello Act determination of affordable units had not been properly conducted, the coastal development permit was not issued. The appellants contend that the applicants sought a Coastal Exemption to bypass the coastal development permit process. (**Exhibit 3**).

## III. LOCAL GOVERNMENT ACTION

On November 3, 2015, the Los Angeles Department of City Planning issued a Coastal Exemption (DIR-2015-3993-CEX) for development proposed on the proposed site (**Exhibit 2**). The applicant's name listed on the City's exemption form is Louis Kim. The exemption form states that the proposed development is: "*Remodel and addition to existing two story duplex consisting of 1,027 square foot third story addition. Project will remove 44% of existing exterior walls. Remodel and addition to existing one story single family dwelling consisting of 1,070 square foot second story and 892 square foot third story addition. Project will remove 49% of existing exterior walls*". (emphasis added.) On November 19, 2015, the City Department of Building and Safety issued Building Permit No. 15014-100000-02378 and demolition commenced at the project site. The City did not forward a copy of the Coastal Exemption to the Coastal Commission's South Coast District Office in Long Beach Office as required. On December 24, 2016, Ms. Anderson, Ms. Ponce, and Mr. Przylucki submitted the appeal to the District Office in Long Beach (**Exhibit 3**). The appeal of the City's action was determined to be valid because it was received prior to the expiration of the twenty working-day period in which any action by the City of Los Angeles can be appealed to the Commission.

#### 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 CDP application or Exemption, the local government is required to notify the Coastal Commission 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 applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] 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 providing 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 government’s decision. 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.

In this case, Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local government’s action (exemption) is voided and the Commission holds a public hearing in order to review the application 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 move to the de novo phase of the public hearing on the merits of the application. A de novo public hearing on the merits of a coastal development permit application uses the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan (LUP) is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial

issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

## V. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Single Permit Jurisdiction* area, the City of Los Angeles has been granted the authority to issue Exemptions to Coastal Development Permit Requirements, but the City's actions on exemption requests are appealable to the Coastal Commission. The proposed project site is located within the *Single Permit Jurisdiction Area*.

## VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. PROJECT DESCRIPTION

The project site is located in southeast Venice at 635 E. San Juan Avenue within the City's Single Permit Jurisdiction, about three-quarters of a mile inland of the beach (**Exhibit 1**). The lot area is 5,222 square feet, and is zoned RD 1.5-1 (Restricted Density Multiple Dwelling). According to Los Angeles County Records, prior to the demolition of the structure, the site was developed with two structures consisting of three residential units: one 624 square foot single story structure; and one 2,139 square foot, two story, two-unit structure (**Exhibit 4**). The proposed scope of work listed in the City's Local Coastal Exemption, DIR-2015-3993-CEX, describes the proposed project as:

*“Remodel and addition to existing two story duplex consisting of 1,027 square foot third story addition. Project will remove 44% of existing exterior walls. Remodel and addition to existing one story single family dwelling consisting of 1,070 square foot second story and 892 square foot third story addition. Project will remove 49% of existing exterior walls.”* (**Exhibit 2**).

Commission staff was notified on December 24, 2015 that although the City's Local Coastal Exemption, DIR-2015-3993-CEX was issued for an addition *to a structure other than a single-family residence*, most (more than fifty percent) of the structures had been demolished, leaving only a portion of the outside framing remaining. “Demolition” of the structure was not proposed or approved as a part of the Coastal Exemption.

### B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

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

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

### C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the 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 are that the project is not an improvement to an existing structure other than a single-family residence, and is therefore non-exempt “development” as defined in the Coastal Act and so a coastal development permit should have been required.

#### Section 30610 Developments authorized without permit

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

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

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

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

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

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

## Section 13252 Repair and Maintenance Activities That Require a Permit

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

To date, all that remains of the former two structures consisting of three residential units at the subject site is a portion of the exterior framing. On-site observations made by staff and photographic evidence demonstrate that the roof, siding, subfloor, and most of the walls have been removed. **(Exhibit 5).** The amount of the structures that have been removed far exceeds fifty percent of the structures. Therefore, a coastal development permit must be obtained. This appeal raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act because the development, which did not obtain a coastal development permit, has not yet been reviewed for conformity with the Chapter 3 policies.

Applying the five factors listed in the prior section clarifies that the appeal raises “a substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not 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 exempt from coastal development permit requirements. Issuing an Exemption for a project with the scope of work that includes a “*remodel and addition to the existing two story duplex consisting of 1,027 square foot third story addition. Project will remove 44% of existing exterior walls. Remodel and addition to existing one story single family dwelling consisting of 1,070 square foot second story and 892 square foot third story addition. Project will remove 49% of existing exterior walls*” could be, on its face, consistent with the Coastal Act, although the very large size of the additions in relation to the size of the existing structures might suggest that the proposed development was more than an “improvement” to the structure. In any case, the fact is that most of the structures in their entirety, with the exception of some of the wood framing, has been demolished. Thus, there are no existing structures to “add on” to or improve, which as a result, invalidates the exemption. Additionally, City staff states that when it issued this coastal exemption, it did not retain copies of the plans for the proposed development that it exempted from coastal development permit requirements. There are no plans in the City record for Commission staff to review to determine whether the City properly determined that an exemption was appropriate. Therefore, the Coastal Commission finds that the City does not have an adequate degree of factual and legal support for its exemption determination.

The second factor is the extent and scope of the development as approved or denied by the local government. As discussed, the demolition of most of the structure that occurred on the property exceeded the scope of what was authorized under the coastal exemption, which invalidates the exemption. Los Angeles County records indicate that the structures that were demolished were a 624 square foot unit, and a 2,139 square foot unit. The proposed project to be constructed as a result of the City issued Exemption is a 1,962 square foot addition to the original 624 square foot single-story structure, and a 1,027 square foot addition to the original 2,139 square foot two-story structure, disregarding the structural integrity of the aged foundations and framing of the two buildings constructed in 1930. The full extent and scope of the proposed, larger project will be reviewed by the City through the local coastal development permitting process.

The third factor is the significance of the coastal resources affected by the decision. The significant coastal resource is community character. Other coastal resources could be affected. The City's coastal exemption process was used to avoid the coastal development permit process, during which the proposed development would be reviewed for consistency with the character of the surrounding area. Community character issues are particularly important in Venice. Although this exemption relates only to one project, the erosion of community character is a cumulative issue, and the City's cumulative exemption of numerous large-scale remodel and demolition projects has a significant impact on Venice's character.

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. Issuing exemptions for proposed projects like these that result in the construction of residences almost three times the size of the original structures circumvents the coastal development permit process and its requirement for public participation, and sets a bad precedent. The abuse of the City's coastal exemption process in order to avoid obtaining a coastal development permit for new development is a recurring problem. See, e.g., staff report for appeal of A-5-VEN-16-0005. The City's lack of adequate enforcement to prevent this abuse sets a bad precedent.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although this appeal raises specific local issues, exempting projects from the coastal development process will have potential negative and cumulative impacts to the coast if they are not properly reviewed through the local coastal development permit process and monitored by the City. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeal is that the development is actually a new triplex, and therefore a coastal development permit must be obtained in order to ensure that it conforms to the policies of the certified LUP and the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

## **VII. MOTION AND RESOLUTION – DE NOVO PERMIT**

**Motion:** *I move that the Commission **approve** Coastal Exemption No. A-5-VEN-16-0006 pursuant to the staff recommendation.*

Staff recommends a **NO** vote. Passage of this motion will result in approval of the coastal exemption and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution:**

*The Commission hereby denies a Coastal Exemption for the development on the ground that the development is not exempt from the permitting requirements of the Coastal Act and adopts the findings set forth below.*

## **VIII. FINDINGS AND DECLARATIONS**

**A. PROJECT DESCRIPTION**

The actual project as documented on the project site is the demolition of two structures consisting of three residential units, and construction of two new multi-family structures on a 5,222 square foot lot in Venice. More than fifty percent of the existing structures have been demolished.

**B. DEVELOPMENT REQUIRES A COASTAL DEVELOPMENT PERMIT**

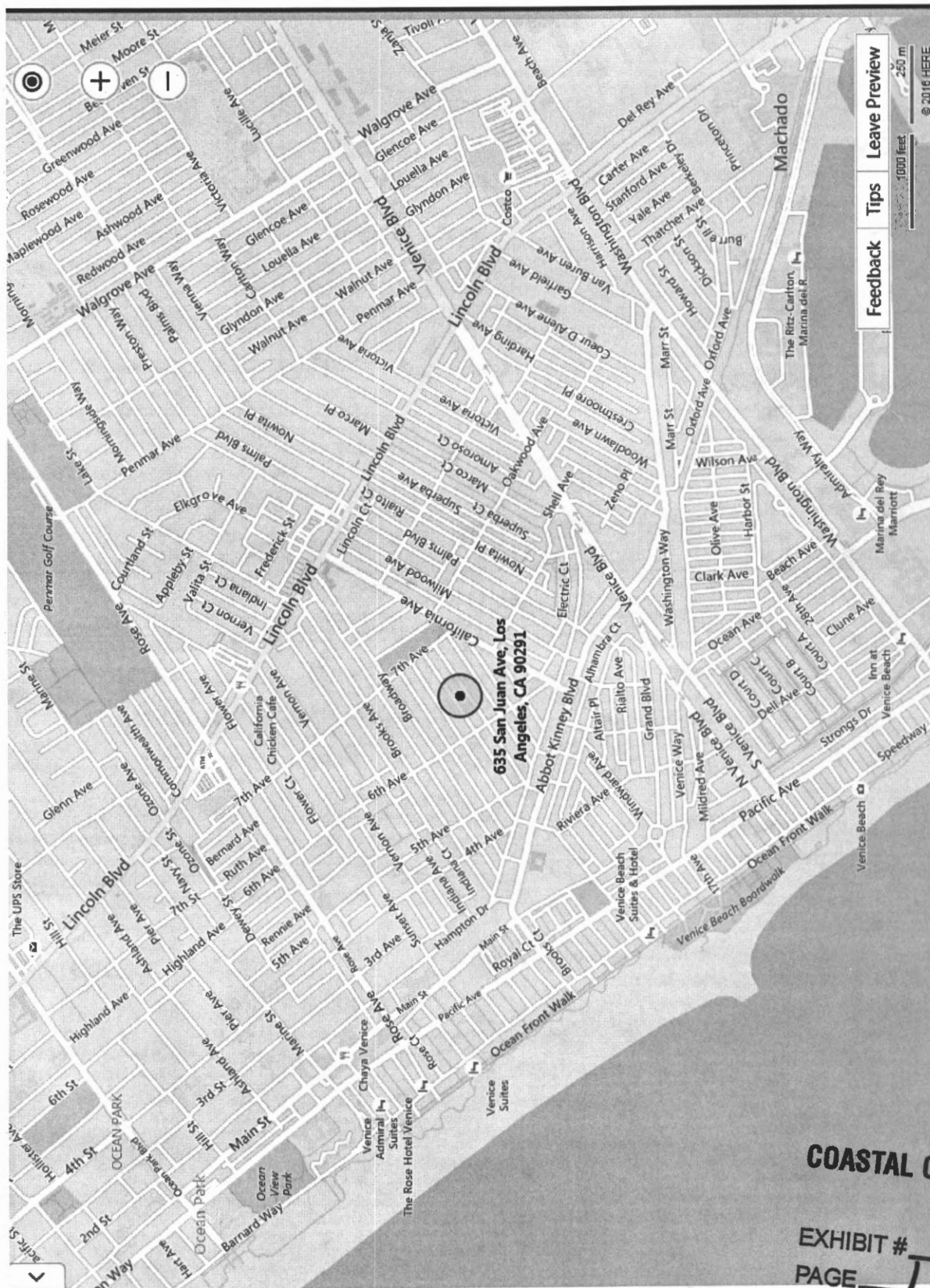
As stated, demolition of single and multi family residence in the coastal zone require a coastal development permit.

Section 30600 Coastal Development Permit; Procedures Prior to Certification of Local Coastal Program

- (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.*
- (b) (1) Prior to certification of its local coastal program, a local government may, with respect to any 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. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.*
- (2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.*
- (c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).*
- (d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.*

As discussed, within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Single Permit Jurisdiction* area, the City of Los Angeles has the authority to issue coastal development permits and exemptions to coastal development permits. The proposed project site is located within the *Single Permit Jurisdiction Area*. Therefore, the proposed project requires a local coastal development permit process by the City of Los Angeles. The City's action on the coastal development permit application is appealable to the Commission. The appellants express their concerns regarding the alleged inconsistencies between the proposed project's mass, scale and character with that of the surrounding community. The local coastal development permit process is the process during which the proposed development will be reviewed for its consistency with the Coastal Act and local land use regulations. Because the evidence does not support exempting the proposed project from Coastal Act permitting requirements, *Coastal Exemption No. A-5-VEN-16-0006* is denied.





COASTAL COMMISSION

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ExA 1/2



## COASTAL EXEMPTION (CEX)

CASE NO.: DIR-2015-2993 CEX

TO: California Coastal Commission  
South Coastal District  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4302  
(562) 590-5071

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

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

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

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

PROJECT ADDRESS: 635-639 E. SAN JUAN AVE, VENICE, CA 90291LEGAL DESCRIPTION: LOT 39 BLOCK M TRACT OCEAN PARK VILLAZONE: RD 1.5-1 COMMUNITY PLAN: VENICE

PROPOSED SCOPE OF WORK: REMODEL AND ADDITION TO (E) 2 STORY DUPLEX CONSISTING  
OF 1,029 SF THIRD STORY ADDITION. PROJECT WILL REMOVE 44% OF (E) EXTERIOR WALLS.  
REMODEL AND ADDITION TO (E) 1 STORY SFD CONSISTING OF 1,070 SF 2ND STORY &  
877 SF 3RD STORY ADDITION. PROJECT WILL REMOVE 49% OF (E) EXTERIOR WALLS

RELATED PLAN CHECK NUMBER(s): 15014-10000-02377, 15014-10000-02378

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

Applicant Name: LOUIS KIMMailing Address: 1125 W 6TH ST, STE 205, LOS ANGELES, CA 90017Phone Number: 213-637-0153E-mail Address: LOUIS@THEKIMCOLLECTION.COMSignature: [Signature]

COASTAL COMMISSION

CP- 608.3 CEX (revised 8/1/2015)

EXHIBIT # 2PAGE 1 OF 2

Ex A 22

THIS SECTION FOR OFFICE USE ONLY

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

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

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

Michael LoGrande  
Director of Planning

Issued By:

Signature

Print Name and Title

Date:

Invoice No.:

Receipt Number:

Attached:

Copy of Invoice with Receipt No.

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

CP-1608.3 CEX (revised 8/1/2015)

COASTAL COMMISSION

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EXHIBIT # 2

PAGE 2 OF 2

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4418  
VOICE (562) 590-5071 FAX (562) 590-5084



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**  
**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Pam Anderson &amp; Lydia Ponce &amp; POWER

Mailing Address: 615 San Juan Ave

City: Venice

Zip Code: 90291

Phone: 310-383-3124

**SECTION II. Decision Being Appealed**

**RECEIVED**  
South Coast Region

1. Name of local/port government:

Los Angeles

DEC 24 2015

2. Brief description of development being appealed:

Coastal Exemption for "Remodel and addition to existing 2-story duplex consisting of 1-story addition. Project will remove 44% of existing exterior walls. Remodel and addition to existing 1-story SFD consisting of 1,070 sq ft 2nd story & 892 sq ft 3rd story addition. Project will remove 49% of existing exterior walls."

CALIFORNIA  
COASTAL COMMISSION

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

635 San Juan Ave. APN: 423-902-4041. Cross street: 6<sup>th</sup> Avenue

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

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

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

**COASTAL COMMISSION**EXHIBIT # 3PAGE 1 OF 4

**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: November 3, 2015

7. Local government's file number (if any): DIR-2015-2993-CEX

**SECTION III. Identification of Other Interested Persons**

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

a. Name and mailing address of permit applicant:

Louis Kim, The Code Solution, 1125 W. 6<sup>th</sup> St., Ste 205, L.A., CA 90017

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

(1)

(2)

(3)

(4)

(verbally or in writing) at  
**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 2 OF 4

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

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

This project was originally being processed with a CDP for the demo of 3 existing apartment units, to be replaced by 3 new condos with attached covered ground-level parking. The City Hearing took place on December 18, 2014. It was discovered during the process that the HCID Mello Act letter for the determination of affordable units had not been properly done, and so it was requested. It was received on January 13, 2015. Thereafter, several L.A. Department of Building & Safety approvals were made with respect to complying with department orders, changing out windows, water damage, "termite damage/dry rot repair less than 10% of replacement cost of residential buildings," "restucco for single-family dwellings and duplexes only," "replacement of damaged framing members (less than 10% of replacement costs of building) for houses and duplexes (not including decks)," etc. On November 3, 2015 a Coastal Exemption was approved by City Planning.

See attached Coastal Exemption form (Ex A) and VNC letter (Ex B) for detailed information.

It appears likely that this project was filed as a Coastal Exemption in order to bypass the CDP process and its requirements for compatibility with the surrounding neighborhood for mass, scale and character, and in order to attempt to evade the Mello Act law. As a Coastal Exemption filing it will not be required to adhere to the Coastal Act Chapter 3 or to be consistent with the certified Venice Land Use Plan, nor will it have any Public Due Process at all. It is unacceptable that this obvious work around would be allowed. Those responsible for protecting and preserving the unique and special Community of Venice would naturally want to prevent this from happening.

By not properly enforcing and considering the mass, scale and character of this neighborhood, the City has abdicated responsibility to the citizens of the surrounding neighborhood.

Please insist on proper analysis of compatibility of developments to the unique and special neighborhoods of the Venice Community. Venice is one of the few remaining Coastal Communities in the State, and should be protected as a resource of great importance to the State and its Coastal Zone, as per the Coastal Act and as per the Coastal-Commission-certified Venice Land Use Plan, a component of the Los Angeles General Plan. Please require a CDP for this Coastal Development.

**COASTAL COMMISSION**

EXHIBIT # 3 for  
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Received Dec-23-15 06:12pm

From-

To-California Coastal Page 001

**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]* 12/22/15  
\* *[Signature]* and POWE  
Signature of Appellant(s) or Authorized Agent

Date: 12 Dec. 22nd, 2015

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

**Section VI. Agent Authorization**

I/We hereby  
authorize

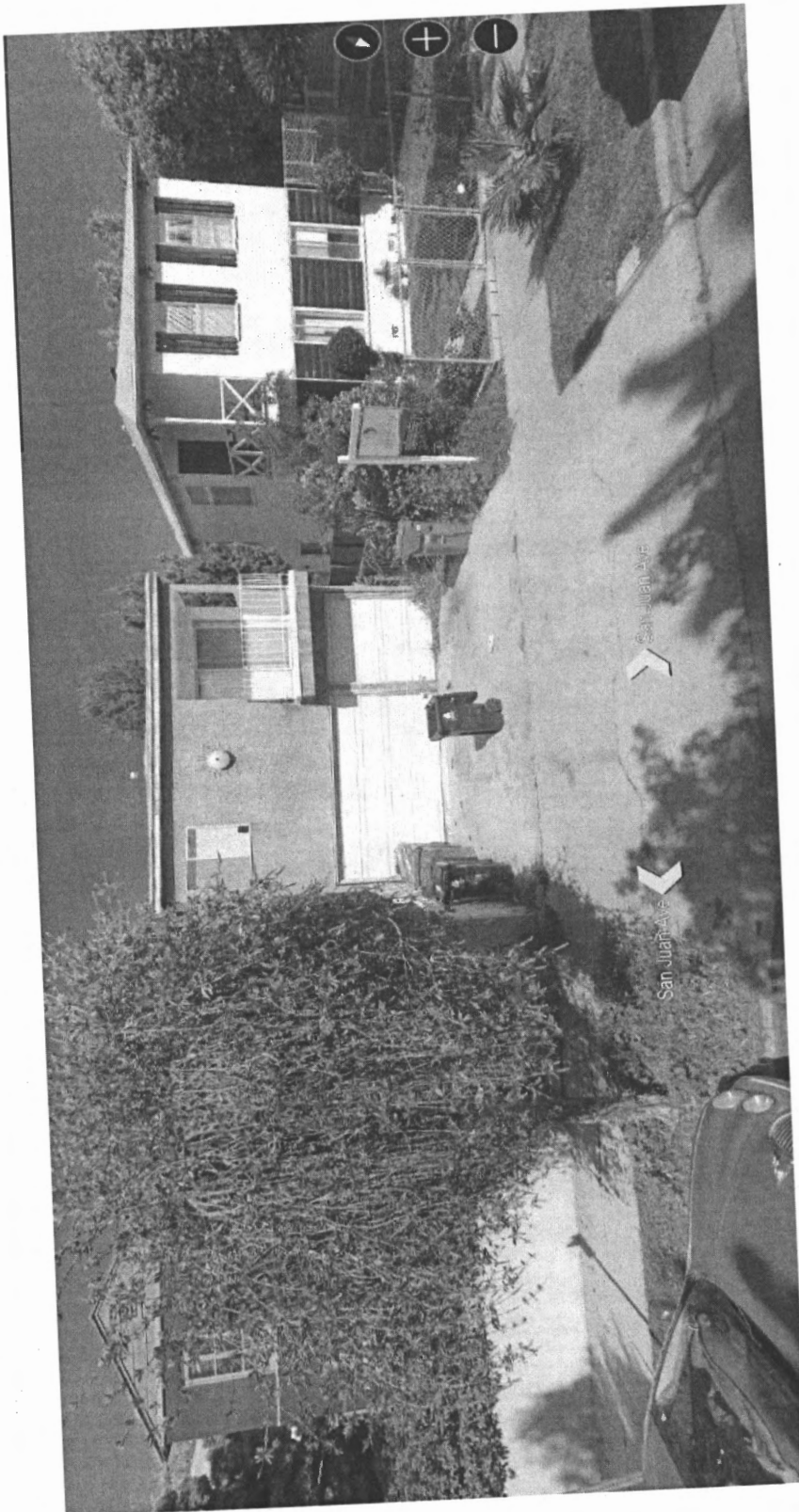
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

**COASTAL COMMISSION**

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