

**CALIFORNIA COASTAL COMMISSION**

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



**Th17b**

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original staff report

**ADDENDUM**

April 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **APPEAL NO. A-5-VEN-16-0020 (Marc Jannone) FOR THE COMMISSION MEETING OF THURSDAY, APRIL 14, 2016.**

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**PUBLIC CORRESPONDENCE**

Commission staff received one (1) letter of concern for the proposed project from Lydia Ponce. The letter indicates support for finding a substantial issue with regard to the grounds on which the appeal was filed and includes an attached article from a local publication.

**Vaughn, Shannon@Coastal**

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**From:** Lydia Ponce <venicelydia@gmail.com>  
**Sent:** Friday, April 08, 2016 6:22 AM  
**To:** Vaughn, Shannon@Coastal

**California Coastal Commission**

**Coastal Staff & Coastal Commissioners**

**200 Oceangate, 10<sup>th</sup> Floor**

**Long Beach, CA 90802**

**Re. SUPPORT OF Coastal Exemption Appeal**

**848-850 Venezia Ave (A-5-VEN-16-0020)**

**Hearing date: Thursday April 14, 2016**

**Agenda Item 17.b.**

**Coastal Staff and Honorable Commissioners,**

**Please consider the very poignant article by one of our talented Free Venice Beachhead reporters, sent to you in previous emails, as pertains to your decision on this very important Appeal. Your support is essential and invaluable to the Venice Community's efforts to keep Venice Venice.**

**For the love of Venice.....**

**Sincerely yours,**

**Lydia Ponce**

*It Matters - continued from page 1*

speaker's words. You'll see the contempt. You'll see the contempt for the speaker, the neighbors, the tenants, the activists, and the very History of Venice. You'll see their plans for a Venice of their own design which doesn't include any of the men and women who have lived in and struggled for Venice for twenty, thirty, fifty years. You'll know that their plans are to tear down and pave over all traces of the Venice that drew them here in the first place.

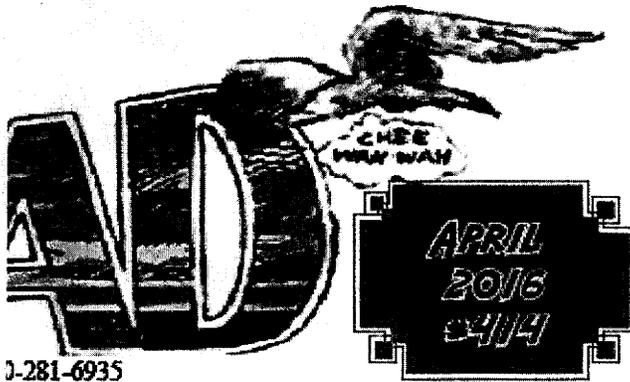
To the owners and companies that are demolishing every building in Venice and replacing them with big ugly boxes, the people of Venice don't matter. The neighbors who don't want to live in the shadow of some new concrete monstrosity don't matter. All the "little people" don't matter. To a development corporation, the people who speak out at the Venice Neighborhood Council meetings are just minor obstacles in the road. The corporation expects to get its way whether by the VNC's approval or by some political operator in L.A. City Hall. And the law be damned. You don't matter.

This happens elsewhere. The people in Flint, Michigan didn't matter when their environmental regulators were sending them lead-flavored tap water. That pharmaceutical CEO Bozo Shkreli laughed when Congress was on him for charging people \$750 for a pill. To him, the people who needed the pills didn't matter. And the people out in Porter Ranch who got gassed by So Cal Gas didn't matter when So Cal Gas knew that gas was leaking from a busted gas valve on their gassy gas pit.

To the developers/destroyers of Venice, you don't matter because you're just one lone person with no power. While you work, sit in traffic, and sleep, they're looking at maps, making contracts, transferring funds, lobbying politicians, and gnawing away at the foundation of Venice. No wonder no one matters to them; there's no one left to matter. Or is there?

Right now, in the Land of Venice, there are groups of Venice people meeting, talking, planning, and acting. Just as a corporation is a body of individuals acting together to take from other people, a Union of people can act together to take back. The combined talents of many individuals working toward a common goal can match the power of any corporation. And the goal is obtainable for one good reason: there's more of us than there are of them. We can and will win. ♥

If you heard that people who are working to save Venice were speaking at the next VNC meeting, would you come to listen? If you knew that people were gathering in Venice to stand for the Venice you love, would you be there? If you learned that a group of people like the Westside Tenants Union were getting together in Venice to establish once and for all the truth that Housing is a Human Right, would you help? If you believed that Venice would be free again, would your help matter? Yes it will.



# VENICE

## IT MATTERS

by Jon Wolff.

If you've never attended a meeting of the Venice Neighborhood Council, you should come sometime to see how it all works. The Council discusses and votes on a variety of topics specific to Venice. The Boardwalk, homelessness, business, and culture are just some of the subjects covered at a typical meeting of the VNC.

One issue that comes up at every meeting concerns building owners' proposals to demolish older buildings and build newer and taller buildings in their place. These proposals are often labeled as "remodeling" and they are usually presented as innocuous minor changes with no noticeable impact on the neighborhood. The owners present themselves as humble Venice residents who just want to improve their home to accommodate their kids. Or, if the owners are operating a business, they assure the Council that the enlargement of their building won't significantly affect parking in Venice because they'll include a bike rack to encourage more environmentally sound means of transportation. They sometimes bring the architects along to the meeting to show slides or models representing the changes to the building.

The Council discusses the facts and votes their recommendation on the proposal. But, before they do, there's usually a counter argument from neighbors and concerned Venice activists about the facts not revealed by the owners. We learn that the proposed remodeling will actually be much taller or wider than the owners claimed. Or that the existing laws specifically disallow changes of this kind because they would cause phenomenal damage to the character of the neighborhood. Or, it turns out, the owners are only doing this so they can rent out the new structure as a short-term rental with "Air-BM-b".

Now, here's where the important part comes in. And it's the reason you need to attend the meetings in person. Because you need to see the thing that a lot of people miss. It happens when the person making the argument against the proposal is speaking from the podium. Don't watch the speaker, watch the building owners. When the speaker is making the counter argument and exposing the real story, check out the owners. Watch their faces. Look at their eyes and you will see their reaction to the *continued on page 3*

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**Th17b**

Filed: 03/01/2016  
 49th Day: 04/19/2016  
 Staff: S. Vaughn-LB  
 Staff Report: 04/01/2016  
 Hearing Date: 04/14/2016

**STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE & DE NOVO**

**Local Government:** City of Los Angeles

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

**Appeal Number:** A-5-VEN-16-0020

**Applicant/Agent:** Marc Jannone

**Appellants:** David Dehnert, Jennifer Bass, Sue Kaplan, Michael Segal, & Leone White

**Project Location:** 848 & 850 Venezia Avenue, Venice, City of Los Angeles

**Project Description:** Appeal of Local Coastal Exemption No. DIR 2015-4161-CEX approved for the remodel of and addition to an existing 1,436 sq. ft. duplex on a 3,675 sq. ft. lot.

**Staff Recommendation:** Find Substantial Issue with City of Los Angeles' Claim of Exemption and deny Coastal Exemption

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**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. 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.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which Appeal A-5-VEN-16-0020 has been filed because the locally approved development does not qualify for an exemption and requires a local coastal development permit from

the City of Los Angeles. The City-approved development constitutes a demolition and rebuild, not an improvement to an existing development, because more than 50% of the existing structure will be demolished including the roof, all interior walls, and most if not all of the exterior walls. Therefore, the proposed project is non-exempt “development” as defined in the Coastal Act. Demolition, reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act or the Commission’s Regulations and require a coastal development permit. 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 4 and 12**.

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### Appendix A – Substantive File Documents

#### LIST OF EXHIBITS

Exhibit 1	Project Location/Vicinity Map
Exhibit 2	Local Coastal Exemption DIR-2015-4161-CEX and Director of Planning Sign Off Dir 2015-3444-VSO
Exhibit 3	Appeal
Exhibit 4	Project Plans
Exhibit 5	Photos of 848 & 850 W Venezia Avenue, Venice Beach, City of Los Angeles, Los Angeles County

## **I. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE**

**MOTION:** *I move that the Commission determine that Appeal No. A-5-VEN-16-0020 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-16-0020** 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 the Chapter 3 policies of the Coastal Act.*

## **II. APPELLANTS' CONTENTIONS**

On March 1, 2016, the Commission received an appeal of Local Coastal Exemption DIR 2015-4161-CEX (**Exhibit 3**) from David Dehnert, Jennifer Bass, Sue Kaplan, Michael Segal, and Leone White. The exemption approved a “remodel of and addition to an existing duplex.” The appeal contends that more than 50% of the structure will be demolished, the mass and scale of the locally-approved project is inconsistent with the community character of the area and therefore is inconsistent with the Venice certified Land Use Plan (LUP) and the Chapter 3 policies of the Coastal Act, and because the project will result in new development, the City is required to review the project for conformance with the Mello Act. For the reasons stated above, the appellants contend that the City-approved project does not qualify for an exemption and requires the review afforded through the coastal development permit process.

## **III. LOCAL GOVERNMENT ACTION**

On September 21, 2015, the City of Los Angeles, Department of City Planning issued a Director of Planning Sign-Off (DIR 2015-3444-VSO) (**Exhibit 3**) for a “*major remodel & addition to an existing duplex; add new attached two-car garage; remodel entire first floor, build new entire second floor of a kitchen/dining, two bedrooms, three bathrooms*” and a roof deck. On November 13, 2015, the City of Los Angeles Department of City Planning issued a Coastal Exemption (DIR-2015-4161-CEX) (**Exhibit 2**) for development proposed at the site. The applicant’s name listed on the City’s exemption is Marc Jannone. The exemption form states that the proposed development is a “*remodel & addition of existing duplex.*” The box checked on the City’s exemption form is “Improvements to Existing Single-Family Residences.”

The Coastal Commission South Coast Office received a notice of Coastal Exemption for the City-approved development on February 1, 2016. On March 1, 2016, an appeal was filed by the appellants (**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 appeal 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 § 30625.]

After a final local action on a local CDP application (or permit 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/DUAL PERMIT JURISDICTION AREAS**

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

## **VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE**

### **A. PROJECT LOCATION AND DESCRIPTION**

The project site is located in the Milwood area of Venice at 848 & 850 Venezia Avenue within the City's Single Permit Jurisdiction, about one-half mile inland of the beach (**Exhibit 1**). The lot area is 3,675 sq. ft. and zoned R2-1 (Two-Family Residential). The site is currently developed with a 1,436 sq. ft. single-story duplex with two detached single-car garages, constructed in 1923. The description of the City's approval on September 21, 2015 is a "*major remodel and addition to an existing one-story duplex; addition of a new attached two-car garage; remodel of the entire first floor; build a new entire second floor of a kitchen/dining, two bedrooms, three bathrooms*" with a roof deck and an third on-site parking space (DIR 2015-3444-VSO). On November 13, 2015, the City approved a Coastal Exemption (DIR 2015-4161) for a "*remodel and addition of existing duplex.*"

The City of Los Angeles does not retain copies of plans for projects they deem as exempt, so Commission staff did not receive any plans with the requested City record. According to plans submitted by the appellants, the proposed project consists of demolition of most of the existing 1,436 sq. ft., single-story duplex, remodel of the entire first floor, and construction of a second floor and roof deck on a 3,675 sq. ft. lot. Staff is not able to determine the square footage of the proposed duplex.

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

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "substantial issue" is not defined

in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulations simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission has 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.

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 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:*

*(a) **Improvements to existing single-family residences**; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.*

*(b) **Improvements to any structure other than a single-family residence or a public works facility**; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect*

*public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.*

Section 13250 Improvements to Existing Single-Family Residences, states:

- (a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:*
- (1) All fixtures and other structures directly attached to a residence;*
  - (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and*
  - (3) Landscaping on the lot.*

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

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

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

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

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

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

- (b) Pursuant to to [Public Resources Code section 30610\(b\)](#), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:*

- (1) Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;*
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;*
- (3) The expansion or construction of water wells or septic systems;*

*(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to [Public Resources Code section 30610\(b\)](#), and/or increase in height by more than 10 percent of an existing structure;*

*(5) In areas which the commission or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;*

*(6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit;*

*(7) Any improvement to a structure which changes the intensity of use of the structure;*

*(8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.*

*(c) In any particular case, even though the proposed improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit*

The project description listed on the City's exemption determination lacks adequate specificity to ensure that the development is actually an improvement to an existing structure rather than a new structure that must obtain a coastal development permit. Moreover, in several recent similar exemption determinations, projects that have received City exemptions have demolished more than the 50 percent of the existing structure and resulted in new buildings (buildings with new foundations, floors, plumbing, walls and roofs). The City of Los Angeles Certified Land Use Plan (LUP) for Venice defines "remodel" as: *an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced*. However, when a "remaining wall" is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the 50 percent guideline should retain its siding, drywall/plaster, windows, and doorways. Demolition,

reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act, or the Commission’s Regulations and require a coastal development permit. In this case, the amount of structure proposed to be removed will likely involve more than 50 percent of the structure and is not considered a repair and maintenance activity that is exempt for requiring a coastal development permit. 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 CDP, has not yet been reviewed for conformity with the Chapter 3 policies of the Coastal Act.

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 30625(b)(1), because the nature of the proposed project and the local government action are not consistent with the Chapter 3 policies 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 CDP requirements. Issuing an exemption for a project with the scope of work that includes “*remodel and addition of existing duplex,*” could be, on its face, consistent with the Coastal Act, however, the placement of a second-floor addition on a one-story, 1923 structure may require more demolition and replacement of existing material than is anticipated due to the unknown condition and ability to endure a new structural load. The City characterized the development as a “*major*” remodel consisting of demolition of the roof, all interior walls, and most if not all of the exterior walls. Considering the age of the structure and the amount of demolition involved, it appears that the proposed development is more than an “improvement” to a duplex and more than 50 percent of the existing structure will be removed in order to accommodate the new second floor addition and remodel. This raises concern over whether or not there will be enough of the existing structure remaining after demolition to add on to or improve, which would invalidate the exemption. The locally approved development constitutes a “*major*” remodel, resulting in more than 50% demolition of the existing structure and is not simply an improvement to an existing but, instead, constitutes the replacement of the structure with a new structure, which must go through the CDP process. Additionally, City staff states that at the time 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 or legal support for its exemption determination.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the locally approved development is not clear because there are no City-approved plans available to determine the scope. The City characterized the development as a “*major*” remodel consisting of demolition of the roof, all interior walls, and most if not all of the exterior walls. This would likely result in the demolition of more than 50% of the existing structure, which exceeds the limitation to be eligible for a coastal exemption. Therefore, the full extent and scope of the City-approved project must be reviewed by the City through the local CDP process.

The third factor is the significance of the coastal resources affected by the decision. The coastal resource that is affected by the locally approved project is community character, which is significant in Venice. Other coastal resources could be affected. The City’s coastal exemption process was

utilized instead of 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 related to only 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 visual character. See, e.g., staff report dated 1/28/16 for Appeal No. A-5-VEN-16-0005.

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 new larger residences circumvents the coastal development permit process and its requirement for public participation, and sets a bad precedent. As discussed above, significant adverse impacts to coastal resources would potentially occur, if the City's coastal exemption process is inappropriately 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 and would potentially set 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 dated 1/28/16 for Appeal No. A-5-VEN-16-0005.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although this appeal raises specific local issues, potentially exempting projects from the coastal development process that are not exempt pursuant to policies of the provisions of the certified Venice Land Use Plan or the Coastal Act will have potential negative and cumulative impacts to the coast. Now structures must be properly reviewed through the local coastal development permit process and monitored by the City in order to protect coastal resources. Therefore, the City's approval does raise potential issues of statewide significance.

In conclusion, the primary issue for the appeal is that the development actually constitutes the replacement of the existing duplex with a new structure, and therefore requires a local CDP. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

## VII. MOTION AND RESOLUTION – DE NOVO PERMIT

**Motion:** *I move that the Commission **approve** Claim of Exemption No. A-5-VEN-16-0020 for the development proposed by the applicant*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the *claim of 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 the Claim of Exemption for the proposed 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 – DE NOVO PERMIT

### A. PROJECT DESCRIPTION

The proposed project is a two-story duplex. The project description and location is hereby incorporated by reference from Section VI of the Substantial Issue portion of this staff report on page 6.

### B. DEVELOPMENT REQUIRES A COASTAL DEVELOPMENT PERMIT

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

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

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

Coastal Act Section 30610 provides, in part:

*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**:*

*(a) **Improvements to existing single-family residences**; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter ....*

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

*(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.*

Section 13252 of the Commission's regulations provide, in relevant part:

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

The grounds for this appeal are that the project is not exempt development as defined in the Coastal Act and, as such, the applicant must obtain a coastal development permit for the proposed development. Rather than an improvement to an existing structure, the proposed project is a new duplex. The City's interpretation of a "remodel" is based on the City's uncertified municipal code, not the applicable provisions of the Coastal Act.

The proposed project, involving a duplex (not a single family residence), does not qualify for an exemption under Coastal Act Section 30610(b). Coastal Act Section 30610(b) allows *improvements* to existing structures without a coastal development permit. In this case, the applicant proposes to demolish nearly the entire structure as part of the proposed development. When an applicant proposes demolition of all or nearly all of a structure as part of a proposal for new development, there can no longer be an "existing structure" subject for improvement on the site. When more than 50 percent of a structure is demolished and rebuilt in Venice, the new development is a new structure that must obtain a coastal development permit.

The proposed project also does not qualify for an exemption under Coastal Act Section 30610(d). Coastal Act Section 30610(d) allows for repair and maintenance activities on existing structures so long as the repair and maintenance does not result in an addition to, or enlargement or expansion of, the structure. Under section 13252 of the Commission's regulations, if the repair and maintenance result in the replacement of 50 percent or more of the existing structure, then the project constitutes a

replacement structure, thereby requiring a coastal development permit and the entire structure must be in conformity with applicable policies of Chapter 3 of the Coastal Act.

In determining whether the project constitutes the replacement of 50 percent or more of the existing duplex, Commission staff analyzes what percentage of which components and how much of each component of the house is being replaced. A single family residence or duplex consists of many components that can be measured, such as: the foundation, plumbing, electrical, walls, floor, and/or roof of the structure. The project plans must indicate the amount of demolition and augmentation that is necessary to build the proposed remodel. If 50 percent or more of the total of these components are being replaced, then the project would not qualify as exempt development, and must obtain a coastal development permit pursuant to Section 30600(a,b) of the Coastal Act. Typically, the addition of a complete second story above a one-story duplex would not qualify for an exemption because the amount of construction required to support the additional weight of a new level would often require reinforcement of the first-floor load bearing walls, often with steel framing, and/or a new foundation which would exceed the amount of change allowable under an exemption. Even if the plans do not indicate replacement of floors and walls, the City building inspector may require replacement of these components for safety reasons. For example, when an older residence is enlarged from one story to two-story, more than fifty percent of the components may need to be replaced due to termite infestation and/or dry rot, which are typical of Southern California homes.

In similar exemptions the City has asserted that even though all that remains of the structure is some of the exposed studs of the previously existing framing (completely stripped of siding, drywall, plaster, doors, windows, or electrical components), that the “walls” of the structure remain. Commission staff disagrees with this assertion. When a “remaining wall” is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the 50 percent guideline should retain its siding, drywall/plaster, windows, and doorways.

In this case, the applicant’s proposed project will necessitate the demolition of more than 50 percent of the single-story, 1,436 sq. ft. duplex that was constructed in 1923. According to DIR 2015-3444-VSO and DIR 2015-4161-CEX, the resulting project would construct an entirely new second floor. The existing walls of a structure built in 1923 would not be adequate to bear the loads of an additional story, which will likely more than double the mass and height of the original structure. A new supporting foundation will also be necessary for the substantially enlarged structure.

#### Coastal Act 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, the City of Los Angeles has the authority to issue coastal development permits. The proposed project site is located within the *Single Permit Jurisdiction Area*. For the reasons discussed in detail above, the proposed project constitutes the substantial demolition of an existing 1,436 sq. ft., single-story duplex and construction of a new, much larger, two-story duplex, which is not exempt under any policy or provision of the Coastal Act or the Commission's Regulations. Therefore, the proposed project requires a local coastal development permit, processed by the City of Los Angeles. The appellants have expressed 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 the City's action in exempting the proposed project from Coastal Act permitting requirements, *Coastal Exemption No. A-5-VEN-16-0020* is denied.

## **Appendix A – Substantive File Documents**

1. City of Los Angeles Certified Land Use Plan for Venice (2001)
2. Appeal A-5-VEN-16-005
3. Appeal A-5-VEN-16-006

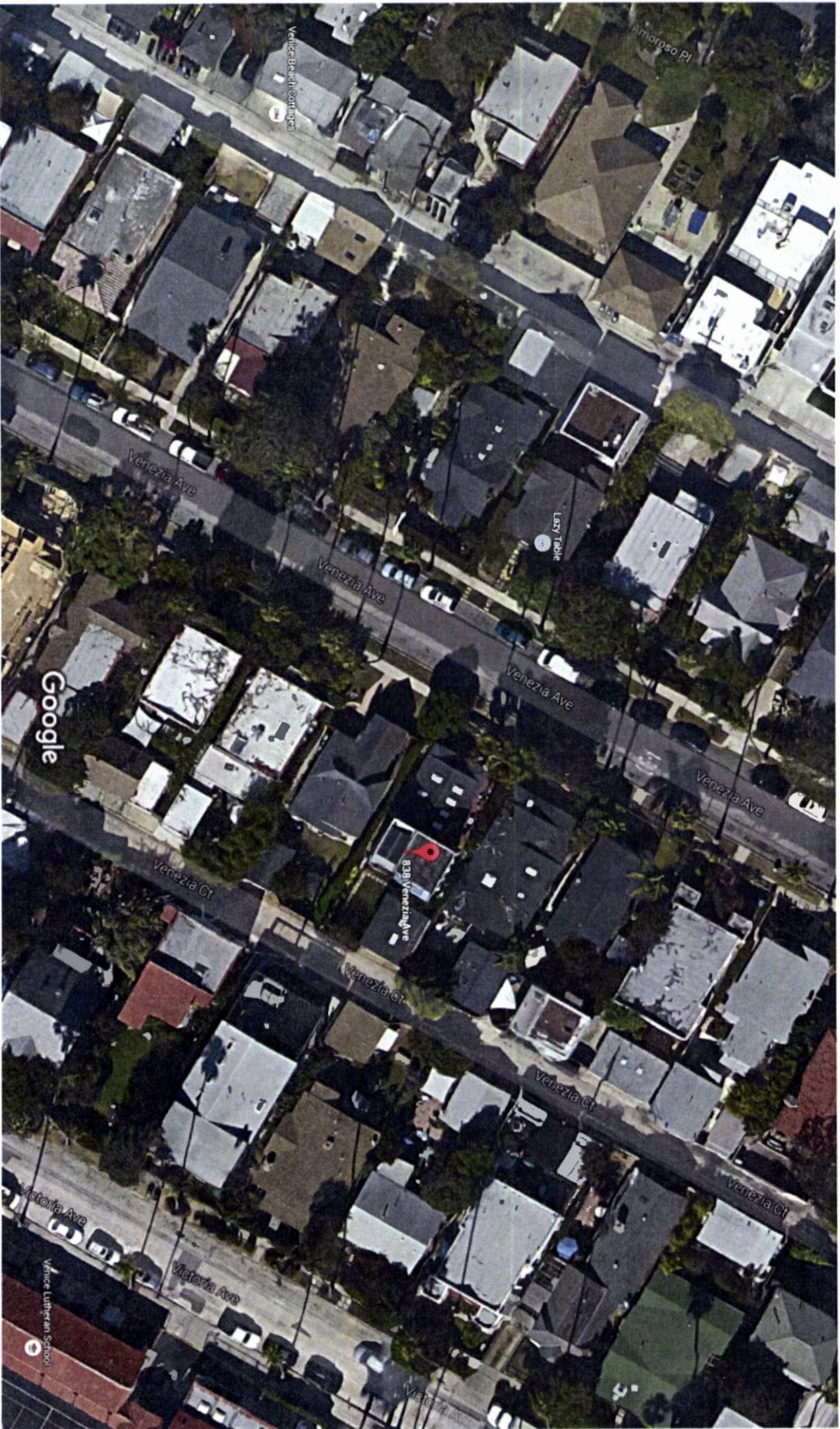
# Google Maps 838 Venezia Ave



COASTAL COMMISSION  
 Google Maps A-S-VEN16-0000D

EXHIBIT # 1  
 PAGE 1 OF 2

Google Maps 838 Venezia Ave



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Google Maps

**COASTAL COMMISSION**

EXHIBIT #

1

PAGE

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Application

COASTAL EXEMPTION (CEX)

CASE NO.: DIR -2015-4161 CEX

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

RECEIVED  
South Coast Region

FEB 03 2016

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

CALIFORNIA  
COASTAL COMMISSION

SUBJECT: COASTAL EXEMPTION—SINGLE JURISDICTION AREA ONLY

Under 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 in)

PROJECT ADDRESS: 848 VENEZIA AVE VENICE CA 90291  
 LEGAL DESCRIPTION: LOT 4 BLOCK H TRACT VENICE GATEWAY  
 ZONE: R2-1 COMMUNITY PLAN: Venice  
 PROPOSED SCOPE OF WORK: Remodel & Addition of (E) Duplex

RELATED PLAN CHECK NUMBER(s): 15014-20000-01282

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: MARC JANNONE  
 Mailing Address: 5472 CORBIN AVE TAVAZA CA 91356  
 Phone Number: 310 989 3499 E-mail Address: mjannone@hotmail.com  
 Signature: Marc J

COASTAL COMMISSION  
A-5-VEN-16-0020

THIS SECTION FOR OFFICE USE ONLY

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

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

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

Michael LoGrande  
Director of Planning

Issued By: *Dennis Chao*  
Signature

DENNIS CHAO, CITY PLANNING ASSOCIATE  
Print Name and Title

Date: 11/13/15

Invoice No.: 26799 Receipt Number: 0283271683

Attached:  
Copy of Invoice with Receipt No.  
Copy of related Building & Safety Clearance Summary Worksheet(s)



**CITY OF LOS ANGELES**  
 Department of City Planning – Plan Implementation Division  
 City Hall • 200 N. Spring Street, Room 621 • Los Angeles, CA 90012



**DIRECTOR OF PLANNING SIGN-OFF**  
 Venice Coastal Zone Specific Plan (Ordinance 175,893)

Case Number	DIR 2015-3444-VSO	Date: 08/21-2015
Project Address	848 - 850 W Venezia Ave (Venice Gateway Tract; Block H; Lot 4)	
Zoning: R2-1	Subarea: Oakwood-Milwood-Southeast Venice	
Project Description	Major remodel & add'n to (E) 1-story duplex; add (N) attached 2-car garage; remodel entire 1 <sup>st</sup> floor; build (N) entire 2 <sup>nd</sup> floor of a kitchen/dining, 2 bedrooms, 3 baths (PCIS 15014-20000-01282)	
Existing Use: 1-story duplex & detached 2-car garage	Proposed Use: 2-story duplex w/ roof deck + 3pkg ep	
Applicant Name	Caroline & Gregg McPherson (o) / Wayne Sun (a); (213) 818-3084	
Applicant Address	3440 W 171 <sup>st</sup> Street, Torrance, CA 90504	

The project qualifies for an Administrative Clearance, a Specific Plan Project Permit Compliance is not required (pursuant to Section 8 of the Specific Plan) for at least one of the reasons below:

**In the DUAL JURISDICTION**

- Improvement to an existing single- or multi-family structure that is *not* on a Walk Street

**In the SINGLE JURISDICTION**

- Improvement to an existing single- or multi-family structure that is *not* on a Walk Street
- New construction of one single-family dwelling unit, and not more than two condominium units, *not* on a Walk Street
- New construction of four or fewer units, *not* on a Walk Street
- Demolition of four or fewer dwelling units

**ANYWHERE in the Coastal Zone**

- Any improvement to an existing commercial or industrial structure that increases the total occupant load, required parking or customer area by less than 10 percent (<10%)

This application has been reviewed by the staff of the Metro Plan Implementation Division, and the proposed project complies with the provisions of the Venice Coastal Zone Specific Plan including all development requirements contained in Section 9, 10.G, and 13, as evidenced below:

Oakwood-Milwood-Southeast Venice Subarea Development Regulations			
Section	Regulation	Proposed Project	complies
9.C. Roof Access Structure	10 ft. max. above Flat Roof (25 ft); Area ≤ 100 sq. ft.	NA. roof deck is accessed via 2 <sup>nd</sup> floor stairs	<input type="checkbox"/>
10.G.2. Density	RD1.5, R2 zones: max 2 DUs	(E) duplex. No new unit.	<input checked="" type="checkbox"/>
10.G.3. Height	Flat Roof – 25 feet Varied Roofline – 30 feet	To top of parapet is 24.5', guard rails are 2.67' high & are of an open design	<input checked="" type="checkbox"/>
10.G.4. Access	Alley	From alley, Venezia Court	<input checked="" type="checkbox"/>
13. Parking	SF - 2-3 spaces per unit pending width MF - 2 spaces plus 1 guest pending width <i>Where 50% or more of (E) exterior walls are removed/replaced, provide a min total of 5 pkg spaces accessed from alley. Proj affects 48% of (E) exterior walls.</i>	3pkg spaces: 2 in detached garage + 1 uncovered. Sec.13.B. Exception.	<input checked="" type="checkbox"/>

The proposed project must comply with all other regulations of its subject zone and all other provisions of the Los Angeles Municipal Code (LAMC) and must receive approval from the Los Angeles Department of Building and Safety (LADBS). This Director of Planning Sign-Off is based on the information provided by the applicant. If, at a later date, this information is found to be incorrect or incomplete, this sign-off will become invalid, and any development occurring at that time must cease until appropriate entitlements are obtained.

Socorro Smith-Yumul  
 Venice Unit. (213) 878-1208

**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 3 OF 3

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South Coast Region

CALIFORNIA COASTAL COMMISSION

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SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 680-5084



CALIFORNIA COASTAL COMMISSION 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: David Dehnert, Jennifer Bass, Sue Kaplan, Michael Segal, Leone White

Mailing Address: 838 Venezia Ave

City: Venice

Zip Code: 90291

Phone: 310-822-0161

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Remodel and addition of existing duplex

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

848-850 Venezia Ave, APN:

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-VEN-16-0020

DATE FILED: 3/1/2016

DISTRICT: South Coast

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South Coast Region

COASTAL COMMISSION

A-5-VEN-16-0023

EXHIBIT # 3

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CALIFORNIA COASTAL COMMISSION

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.

It should be noted that the wrong box was checked on the second page of the CEX—this is a duplex and thus the second box should be checked. This CEX should be revoked and a new CEX should be prepared for the project. The CEX should also be redone as the Project Description is too vague and does not provide enough detail.

State law requires that 50% or more of the structure be maintained in order to qualify as an existing structure for purposes of a Coastal Exemption. This project cannot be considered an addition to and/or a remodel of an improvement for an existing structure other than a single-family dwelling when it is clear that most, and definitely more than 50%, of the structure is to be demolished. In addition, the very large size of the addition and the fact that most of the entire structure is to be demolished (the Project Description actually states that less than 50% of the walls are to remain, which is not allowed under ANY definition of partial demolition), leaves little existing structure to add onto or improve, indicates that the development is much more than an "improvement." As the project is not an improvement, it is therefore non-exempt "development" as defined in the Coastal Act, and thus a CDP should be required.

In addition, the structural integrity of the aged foundation and framing must be considered when considering whether the size of the project can be done while maintaining 50% or more of the existing structure. Such large projects are likely to require a full demolition of the existing structure, which is development that requires a CDP.

Thus, the CEX must be revoked and the Applicant requested to obtain a CDP.

In addition, the size and scope of the project necessitate a review of the project for consistency under the CDP process, because the proposed new duplex is inconsistent with the Community Character policies of the Venice Land Use Plan, the L.A. General Plan and relevant Community Plan for Venice and City Codes. Also, the nature of the proposed project and the City's action are not consistent with the policies of Chapter 3 of the Coastal Act. Because an issue exists with respect to the conformity of the CEX action by the City with the Chapter 3 policies of the Coastal Act, the City's exemption action is invalid and must be voided/revoked.

The City's Coastal Exemption process is being used to avoid the CDP process, during which the proposed development would be reviewed for consistency with the character of the surrounding area. Community Character is a significant Coastal Resource, particularly in Venice, which has been designated by the Coastal Commission as a "Special Coastal Community." As also indicated in numerous Coastal Commission reports and decisions, Venice is a Coastal Resource to be protected, and as a primarily residential community, residential development is a significant factor in determining

Venice's Community Character. Although this Coastal 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 addition/remodel projects (and the usual associated demolition exceeding 50% of the existing structure) has a significant adverse impact on Venice's character, which is also evidenced by the significant Community concern expressed in numerous other appeals of Coastal Exemptions.

In addition, the Venice Coastal Zone does not have a certified Local Coastal Program, and issuing exemptions for proposed projects like this one, which substantially exceed the mass and scale of the surrounding area and are also significantly larger than the existing structure, set a very damaging precedent. The abuse of the City's Coastal Exemption process in order to avoid obtaining a CDP for new development has been a recurring problem. The City has inadequate controls over the Coastal Exemption process, including a lack of adequate enforcement, resulting in developers frequently ignoring or violating regulations, including demolition of the entire structure even though the project description indicates otherwise. There is generally no penalty applied by the City when this is discovered, other than a requirement to stop work and obtain a CDP, and thus there is little to discourage Applicants from this practice. Very importantly, exempting projects from the CDP process have potential significant negative cumulative impacts to the entire California Coast, as these projects are not being properly reviewed for Community Character and conformance to Chapter 3 of the Coastal Act.

The Coastal Commission-certified Venice Land Use Plan, used as guidance for determining conformity with Chapter 3, indicates in Policy I. E. 2. that "... All new development and renovations should respect the scale, massing and landscape of existing residential neighborhoods." However, the City does not perform such a review for Coastal Exemptions, including for this project.

Relevant law includes Coastal Act Section 30610 and CCR Section 13250 and 13252 (see attached).

Adjacent neighbors, neighbors in the surrounding area, and all Venice residents are harmed by the project, as well as the cumulative effect of this project and other such projects. Not only are there adverse effects on adjacent and surrounding properties (without an associated public process including Notice, a Public Hearing, transparency, and an Appeal right), but there is a significant adverse impact on the Community Character of Venice, which is a protected Coastal Resource, and which has the result of significantly reducing the long-term value of the Venice Coastal Zone Community and the current and future Quality of Life for all residents of Venice.

In addition, processing of this type of project using a Coastal Exemption may result in the avoidance of a Mello Act Compliance review and Determination, and thus there is a potential for loss of Affordable Units in the Venice Coastal Zone, which is a significant and very material loss of low-income housing.

This project constitutes the development of a new duplex, and therefore the Coastal Exemption and the Building Permit must be revoked (or stopped if still in the clearance process) immediately, and a CDP must be obtained in order to ensure that the project conforms to the policies of the certified LUP and Chapter 3 of the Coastal Act, and local land use regulations.

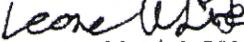
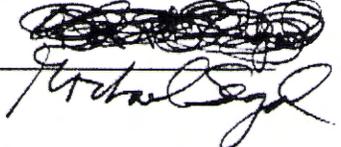
## COASTAL COMMISSION

EXHIBIT # 3  
PAGE 3 OF 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: March 1, 2016  


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

**Section VI. Agent Authorization**

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

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

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

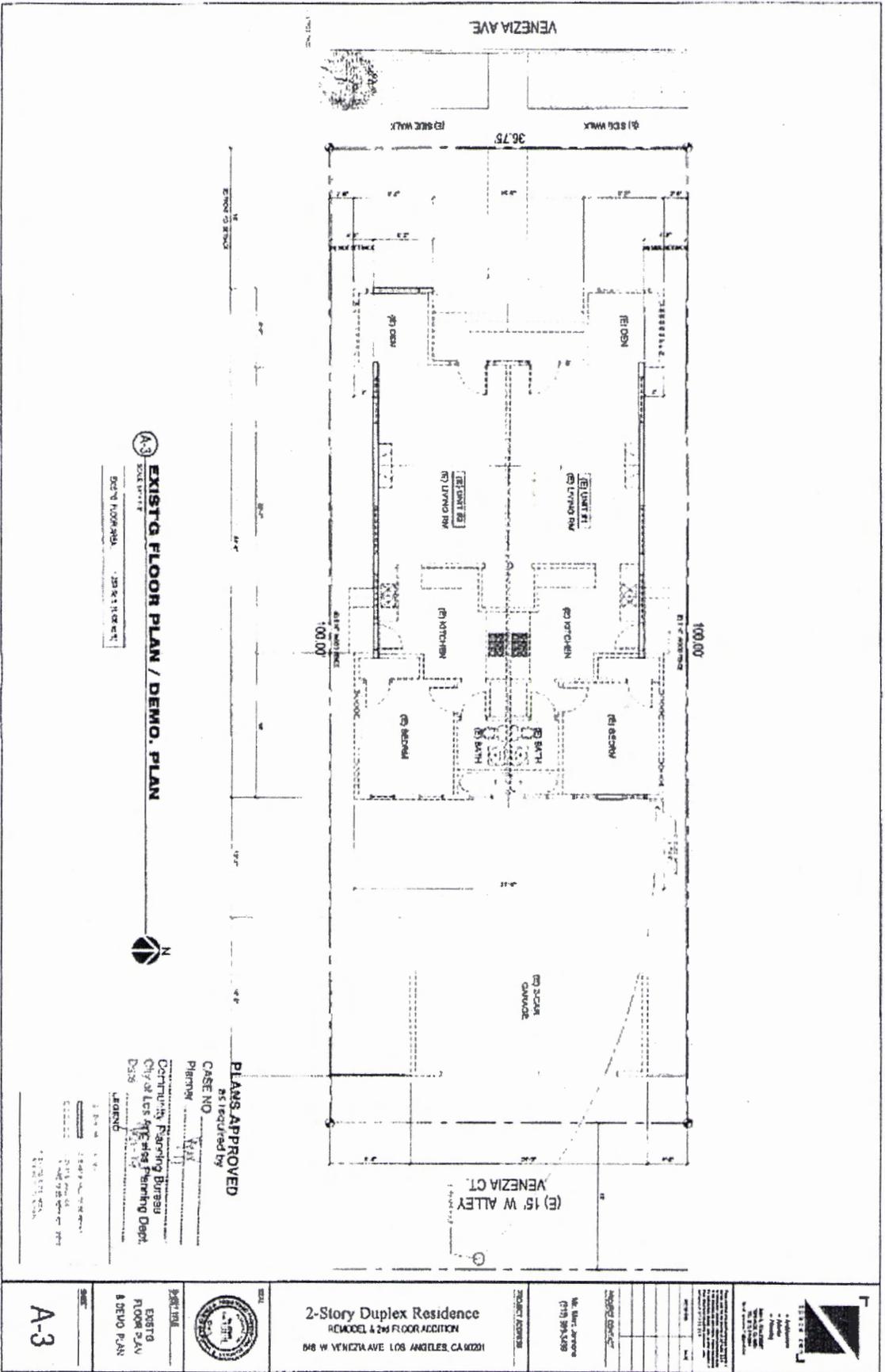
**COASTAL COMMISSION**

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**COASTAL COMMISSION**

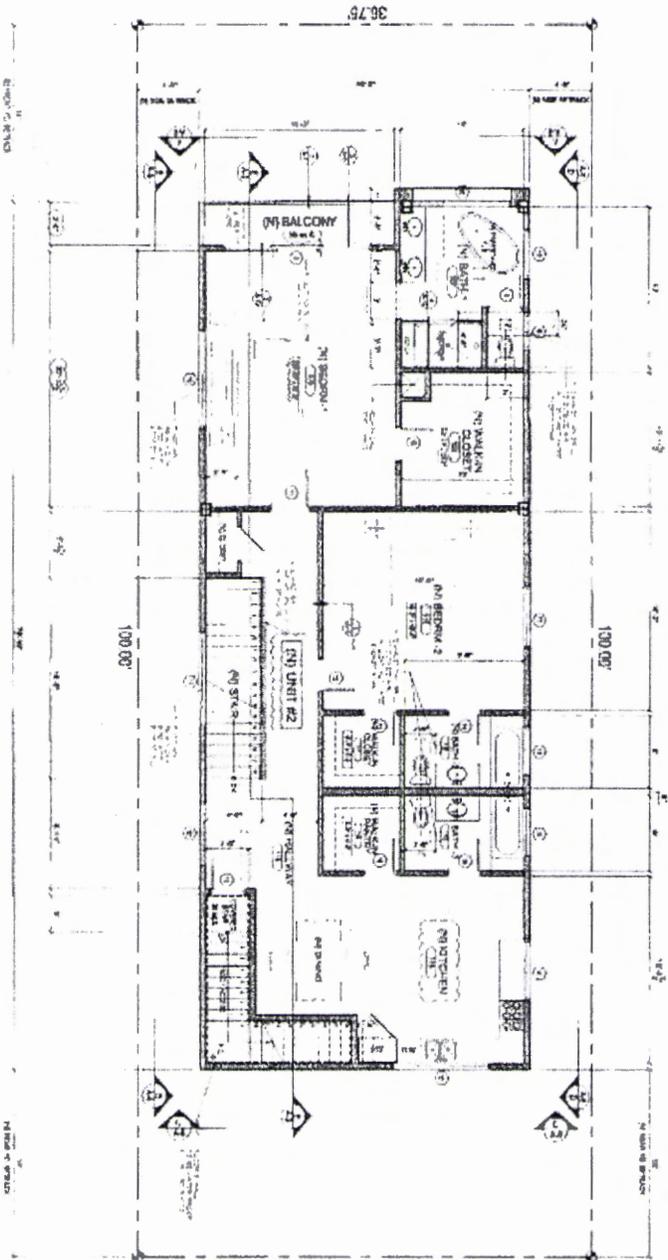
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**COASTAL COMMISSION**

EXHIBIT # 4  
 PAGE 4 OF 5



**PROPOSED SECOND FLOOR PLAN - UNIT #2**

SCALE: 1/4" = 1'-0"

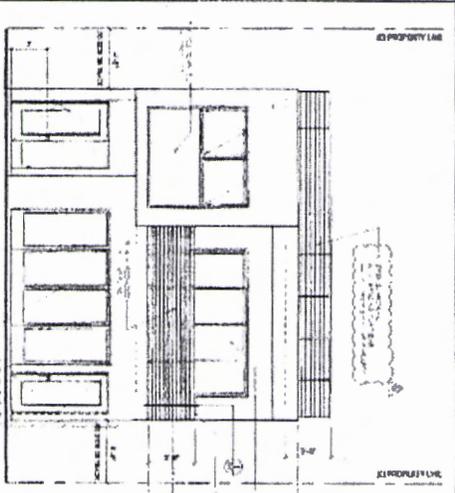
**PLANS APPROVED**  
 As indicated by

CASE NO. AW  
 PREPARED BY AW  
 COMMUNITY Planning Bureau  
 COUNTY OF SAN DIEGO Planning Dept.

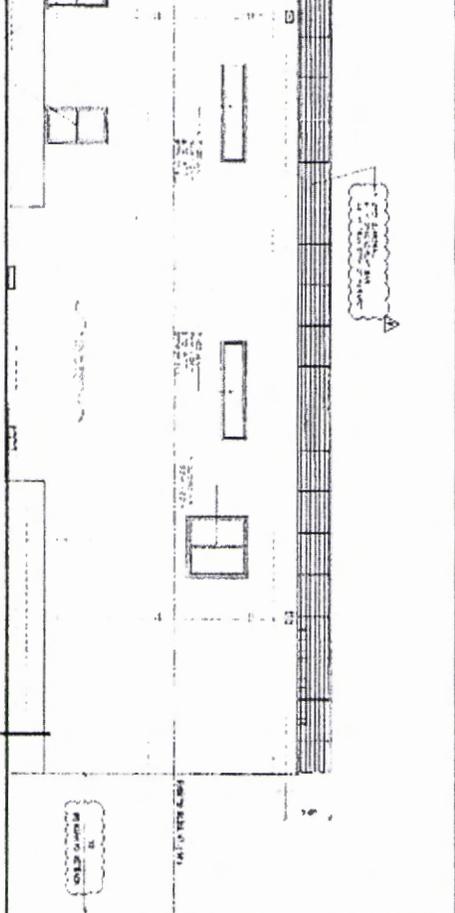
**LEGEND**

(Symbol)	1/2" WALL
(Symbol)	3/4" WALL
(Symbol)	1" WALL
(Symbol)	2" WALL
(Symbol)	4" WALL
(Symbol)	6" WALL
(Symbol)	8" WALL
(Symbol)	10" WALL
(Symbol)	12" WALL
(Symbol)	14" WALL
(Symbol)	16" WALL
(Symbol)	18" WALL
(Symbol)	20" WALL
(Symbol)	24" WALL
(Symbol)	30" WALL
(Symbol)	36" WALL
(Symbol)	42" WALL
(Symbol)	48" WALL
(Symbol)	54" WALL
(Symbol)	60" WALL
(Symbol)	66" WALL
(Symbol)	72" WALL
(Symbol)	78" WALL
(Symbol)	84" WALL
(Symbol)	90" WALL
(Symbol)	96" WALL
(Symbol)	102" WALL
(Symbol)	108" WALL
(Symbol)	114" WALL
(Symbol)	120" WALL
(Symbol)	126" WALL
(Symbol)	132" WALL
(Symbol)	138" WALL
(Symbol)	144" WALL
(Symbol)	150" WALL
(Symbol)	156" WALL
(Symbol)	162" WALL
(Symbol)	168" WALL
(Symbol)	174" WALL
(Symbol)	180" WALL
(Symbol)	186" WALL
(Symbol)	192" WALL
(Symbol)	198" WALL
(Symbol)	204" WALL
(Symbol)	210" WALL
(Symbol)	216" WALL
(Symbol)	222" WALL
(Symbol)	228" WALL
(Symbol)	234" WALL
(Symbol)	240" WALL
(Symbol)	246" WALL
(Symbol)	252" WALL
(Symbol)	258" WALL
(Symbol)	264" WALL
(Symbol)	270" WALL
(Symbol)	276" WALL
(Symbol)	282" WALL
(Symbol)	288" WALL
(Symbol)	294" WALL
(Symbol)	300" WALL
(Symbol)	306" WALL
(Symbol)	312" WALL
(Symbol)	318" WALL
(Symbol)	324" WALL
(Symbol)	330" WALL
(Symbol)	336" WALL
(Symbol)	342" WALL
(Symbol)	348" WALL
(Symbol)	354" WALL
(Symbol)	360" WALL
(Symbol)	366" WALL
(Symbol)	372" WALL
(Symbol)	378" WALL
(Symbol)	384" WALL
(Symbol)	390" WALL
(Symbol)	396" WALL
(Symbol)	402" WALL
(Symbol)	408" WALL
(Symbol)	414" WALL
(Symbol)	420" WALL
(Symbol)	426" WALL
(Symbol)	432" WALL
(Symbol)	438" WALL
(Symbol)	444" WALL
(Symbol)	450" WALL
(Symbol)	456" WALL
(Symbol)	462" WALL
(Symbol)	468" WALL
(Symbol)	474" WALL
(Symbol)	480" WALL
(Symbol)	486" WALL
(Symbol)	492" WALL
(Symbol)	498" WALL
(Symbol)	504" WALL
(Symbol)	510" WALL
(Symbol)	516" WALL
(Symbol)	522" WALL
(Symbol)	528" WALL
(Symbol)	534" WALL
(Symbol)	540" WALL
(Symbol)	546" WALL
(Symbol)	552" WALL
(Symbol)	558" WALL
(Symbol)	564" WALL
(Symbol)	570" WALL
(Symbol)	576" WALL
(Symbol)	582" WALL
(Symbol)	588" WALL
(Symbol)	594" WALL
(Symbol)	600" WALL
(Symbol)	606" WALL
(Symbol)	612" WALL
(Symbol)	618" WALL
(Symbol)	624" WALL
(Symbol)	630" WALL
(Symbol)	636" WALL
(Symbol)	642" WALL
(Symbol)	648" WALL
(Symbol)	654" WALL
(Symbol)	660" WALL
(Symbol)	666" WALL
(Symbol)	672" WALL
(Symbol)	678" WALL
(Symbol)	684" WALL
(Symbol)	690" WALL
(Symbol)	696" WALL
(Symbol)	702" WALL
(Symbol)	708" WALL
(Symbol)	714" WALL
(Symbol)	720" WALL
(Symbol)	726" WALL
(Symbol)	732" WALL
(Symbol)	738" WALL
(Symbol)	744" WALL
(Symbol)	750" WALL
(Symbol)	756" WALL
(Symbol)	762" WALL
(Symbol)	768" WALL
(Symbol)	774" WALL
(Symbol)	780" WALL
(Symbol)	786" WALL
(Symbol)	792" WALL
(Symbol)	798" WALL
(Symbol)	804" WALL
(Symbol)	810" WALL
(Symbol)	816" WALL
(Symbol)	822" WALL
(Symbol)	828" WALL
(Symbol)	834" WALL
(Symbol)	840" WALL
(Symbol)	846" WALL
(Symbol)	852" WALL
(Symbol)	858" WALL
(Symbol)	864" WALL
(Symbol)	870" WALL
(Symbol)	876" WALL
(Symbol)	882" WALL
(Symbol)	888" WALL
(Symbol)	894" WALL
(Symbol)	900" WALL
(Symbol)	906" WALL
(Symbol)	912" WALL
(Symbol)	918" WALL
(Symbol)	924" WALL
(Symbol)	930" WALL
(Symbol)	936" WALL
(Symbol)	942" WALL
(Symbol)	948" WALL
(Symbol)	954" WALL
(Symbol)	960" WALL
(Symbol)	966" WALL
(Symbol)	972" WALL
(Symbol)	978" WALL
(Symbol)	984" WALL
(Symbol)	990" WALL
(Symbol)	996" WALL
(Symbol)	1002" WALL
(Symbol)	1008" WALL
(Symbol)	1014" WALL
(Symbol)	1020" WALL
(Symbol)	1026" WALL
(Symbol)	1032" WALL
(Symbol)	1038" WALL
(Symbol)	1044" WALL
(Symbol)	1050" WALL
(Symbol)	1056" WALL
(Symbol)	1062" WALL
(Symbol)	1068" WALL
(Symbol)	1074" WALL
(Symbol)	1080" WALL
(Symbol)	1086" WALL
(Symbol)	1092" WALL
(Symbol)	1098" WALL
(Symbol)	1104" WALL
(Symbol)	1110" WALL
(Symbol)	1116" WALL
(Symbol)	1122" WALL
(Symbol)	1128" WALL
(Symbol)	1134" WALL
(Symbol)	1140" WALL
(Symbol)	1146" WALL
(Symbol)	1152" WALL
(Symbol)	1158" WALL
(Symbol)	1164" WALL
(Symbol)	1170" WALL
(Symbol)	1176" WALL
(Symbol)	1182" WALL
(Symbol)	1188" WALL
(Symbol)	1194" WALL
(Symbol)	1200" WALL

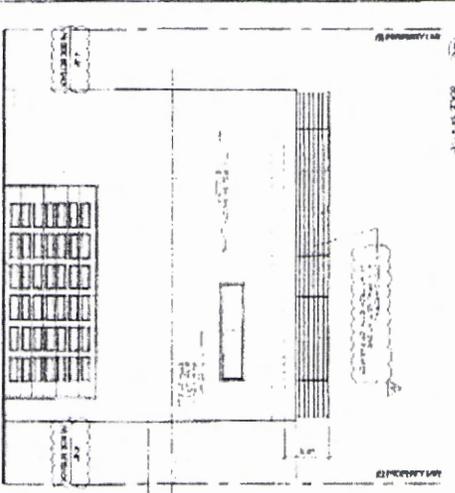
	<b>2-Story Duplex Residence</b> REMODEL & 2nd FLOOR ADDITION 848 W VENTURA AVE LOS ANGELES, CA 90021	PROJECT NUMBER: <u>                    </u> SHEET: <u>                    </u> OF <u>                    </u>
	PROPOSED SECOND FLOOR PLAN	DATE: <u>                    </u>



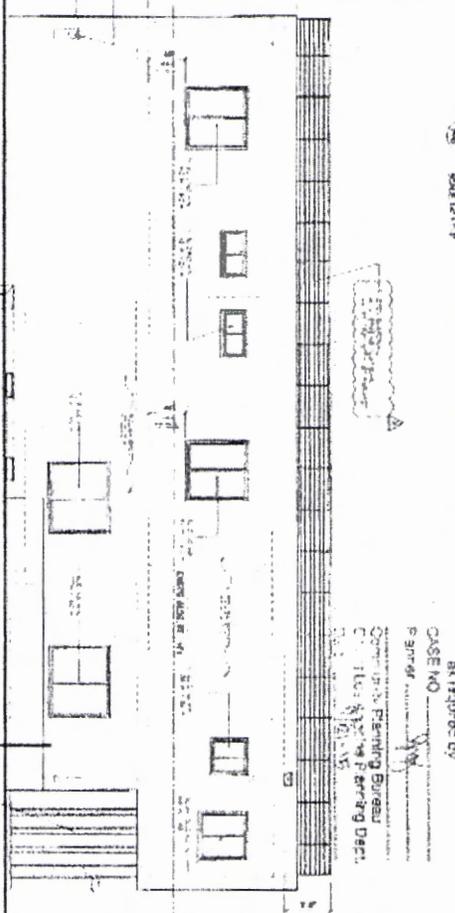
WEST EXTERIOR ELEVATION  
 EXTERIOR



SOUTH EXTERIOR ELEVATION  
 EXTERIOR



EAST EXTERIOR ELEVATION  
 EXTERIOR



NORTH EXTERIOR ELEVATION  
 EXTERIOR

APPROVED FOR CONSTRUCTION  
 DATE: 01/15/15  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

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 CHECKED BY: [Signature]

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 DATE: 01/15/15  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

COASTAL COMMISSION

2-Story Duplex Residence  
 REMODEL & 2ND FLOOR ADDITION  
 588 W. VENTURA AVE. LOS ANGELES, CA 90029

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 CHECKED BY: [Signature]

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COASTAL COMMISSION

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EXHIBIT #

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PAGE

1

OF

2



03/10/2016 16:35



COASTAL COMMISSION

EXHIBIT # 8

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