

CALIFORNIA COASTAL COMMISSION

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F17a

Filed: 12/18/2015
49th Day: Waived
Staff: S. Vaughn – LB
Staff Report: 4/22/2016
Hearing Date: 5/13/2016

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-15-0073

Local Government: City of Los Angeles

Local Decision: Denied

Applicant: Patrick Ortega

Appellant: Patrick Ortega

Project Location: 1141 Cabrillo Avenue, Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles denial of Local Coastal Development Permit No. ZA 2014-1346, which denied the demolition of a single-story 520 sq. ft. single-family residence and the construction of a three-story, 35' high, 3,337 sq. ft. single-family residence with an attached two-car garage, and one additional on-site parking space on a 2,460 sq. ft. lot adjacent to a service alley.

Staff Recommendation: No Substantial Issue

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

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that the local government's denial of the local coastal development permit for the proposed development raises **no substantial issue** with regards to the Chapter 3 policies of the Coastal Act. The Commission's role at the "substantial issue" phase of an appeal is not to reassess the evidence in order to make an independent determination as to consistency of the project with Chapter 3, but only to decide whether the appeal of the local government action raises a substantial issue as to conformity with those standards. In this case, the local

government’s findings for the denial of the coastal development permit support its determination that the proposed development does not conform to the policies of Chapter 3 of the Coastal Act. The findings state that the proposed development is “incompatible with the scale and character of the existing neighborhood and would be materially detrimental to adjoining lots or the immediate neighborhood...,” and could not be found to conform with the Chapter 3 policies of the Coastal Act. **The motion to carry out the staff recommendation is on Page Four.**

The applicant/appellant disagrees with the staff recommendation, asserting that the proposed development conforms to the Chapter 3 policies of the Coastal Act and that it is substantially identical to the development that has been permitted on the surrounding properties. The applicant/appellant requests that the Commission overturn the City’s denial of the local coastal development permit.

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Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location /Vicinity Map
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I. MOTION AND RESOLUTION - NO SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-15-0073 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-15-0073 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANT'S CONTENTIONS

On December 18, 2015, the Commission received an appeal of the denial of Local Coastal Permit No. ZA 2014-1346 (**Exhibit 2**) from Patrick Ortega. The appeal contends that the project is, in fact, compatible with the community character of the surrounding area with regard to mass, scale, and architecture features and that the City's denial of a Local Coastal Development Permit (CDP) should be overturned.

III. LOCAL GOVERNMENT ACTION

On July 7, 2015, the Los Angeles Department of City Planning (LADCP) approved Local CDP No. ZA 2014-1346 for development proposed at 1141 South Cabrillo Avenue, Venice, Los Angeles. The local CDP approved the demolition of a 520 sq. ft., single-story single-family residence built circa 1921 and the construction of a three-story, 35' high, 3,337 sq. ft. single-family residence with an attached two-car garage and one additional on-site parking space (**Exhibits 3 & 4**). On July 21, 2015, the LADCP approval was appealed to the West Los Angeles Area Planning Commission (WLAAPC) by Robin Rudisill, Todd Darling, Lydia Ponce, Brian Finney, Irv Katz, and Kimmy Miller. On November 16, 2015, the WLAAPC overturned the LADCP approval and denied the local CDP (**Exhibit 3**). On December 18, 2015, the appellant submitted the appeal (A-5-VEN-15-0073) to the Commission's South Coast District Office (**Exhibit 2**). No other appeals were received prior to the end of the appeal period on December 21, 2015. On December 30, 2015, a Notification of Appeal was sent to the WLAAPC and the applicant, notifying them of the appeal of the City's denial for a local CDP.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act [Cal. Pub. Res. Code §§ 30200 and 30604.]

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

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of **no substantial issue**. If the Commission decides that the appellant’s contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a *de novo* matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that *de novo* actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

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

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

V. SINGLE/DUAL PERMIT JURISDICTION AREAS

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is not located within the *Dual Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The project site is located less than one-half of a mile inland of the beach in a residential neighborhood of North Venice at 1141 South Cabrillo Avenue within the City's Single Permit Jurisdiction (**Exhibit 1**). The site is currently developed with a 520 square-foot, single-story, single-family residence (**Exhibit 5**) on a residentially zoned (R1-1-O) 2,460 sq. ft. lot. The scope of work approved by the LADCP and subsequently denied by the WLAAPC includes demolition of the existing structure and construction of a three-story, 35' high, 3,337 square-foot single-family residence with an attached two-car garage and one additional on-site parking space.

The applicant/appellant asserts that the proposed development conforms to the Chapter 3 policies of the Coastal Act and that it is substantially identical to the development that has been permitted on the surrounding properties (**Exhibit 2**). The applicant/appellant therefore requests that the Commission overturn the City's denial of the permit.

As indicated above, the standard of review is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act, Cal. Pub. Res. Code §§ 30200-265.5, (hereinafter “Chapter 3”).^[1] [Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321.] The appeal raises no substantial issue as to conformity with Chapter 3.

The Determination Report issued by the WLAAPC shows that they did apply the policies of Chapter 3 and concluded that the development, as proposed, would run afoul of those policies that relate to community character (see **Exhibit 3**). Moreover, the WLAAPC's analysis appropriately interpreted the standards established by those policies.^[4]

Finally, the WLAAPC's conclusion regarding the inconsistency of the proposed development with these policies was supported by substantial evidence. This Commission's role at the “substantial issue” phase of an appeal is not to reassess the evidence in order to make an independent determination as to consistency of the project with Chapter 3, but only to decide whether the appeal of the local government action raises a substantial issue as to conformity with those standards. There is no question that the local decision correctly applied the policies of Chapter 3, and the appeal raises no substantial issue regarding conformity therewith.

^[1] Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

^[4] The City's denial need only be based on the finding that the project would conflict with at least one of the Chapter 3 policies.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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

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

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

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

C. SUBSTANTIAL ISSUE ANALYSIS

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

The grounds for this appeal relate to the proposed project’s potential impacts to the community character of Venice.

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

This appeal does not raise a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision for Local Coastal Development Permit

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

No. 2014-1346 and accompanying Final Staff Report issued by the City of Los Angeles state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed by the applicant would be “incompatible with the scale and character of the existing neighborhood and would be materially detrimental to adjoining lots or the immediate neighborhood; [the City] cannot find that the project is compatible with the vast majority of homes in the area which are one-to-two stories and less than 30 feet in height, therefore making the project too tall and massive to be compatible with the surrounding neighborhood. Its bulk and mass are also incompatible and there is insufficient articulation of the façade creating a monolithic blank wall type structure; different building materials are not enough.” Essentially, the City denied the project because it found that it is inconsistent with the Chapter 3 policies of the Coastal Act because it is not compatible with the community character of the neighborhood (**Exhibit 3**).

Coastal Act Section 30250(a), Location; existing developed area, states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act Section 30251, Scenic and visual qualities, states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Section 30253(e), Minimization of adverse impacts

New development shall do all of the following: ...

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

LUP Policy I. E. I., states:

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

LUP Policy I. E. 2., states, in part:

New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer, and setback) shall be encouraged. All new development and

renovations should respect the scale, massing, and landscape of existing residential neighborhoods...

LUP Policy I. E. 3, states:

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

LUP Policy I. E. 4., states:

Projects involving large-scale land acquisition and clearance shall be discouraged in favor of rehabilitation, restoration, and conservation projects, especially those involving single-family dwellings.

LUP Policy I. E. 6., states:

This LUP/LCP is not intended, and shall not be constructed, as authorizing the City to exercise its power to grant or deny a permit in a manner which will constitute an unconstitutional taking of private property for public use. This policy is not intended to increase or decrease the right of any owner of property under the Constitution of the State of California or the United States.

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

The first factor is the degree of factual and legal support for the local government’s decision that the development is not inconsistent (in this case) with Chapter 3 of the Coastal Act. As indicated above, the WLAAPC’s conclusion was supported by substantial evidence. Specifically, the WLAAPC’s Determination Report (**Exhibit 3**), explains that the proposed development does not comply with the Chapter 3 policies of the Coastal Act because it would negatively affect community character (Section 30253(e)). A review of the applicant’s project plans and existing single-family homes in the surrounding neighborhood reveals that, while there are some larger homes in the neighborhood, the proposed project does not respect the overall scale and character of the neighborhood. Therefore, the WLAAPC’s decision that the project was inconsistent had substantial factual and legal support.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing single-family residence is one story and 520 sq. ft. The applicant proposes to replace the existing single-family residence with one nearly 6.5 times larger than the existing. Here, the proposed development is this a relatively minor project because it is a single-family home. As such, the local decision of a denial is not for a type of development that is prioritized by the policies of Chapter 3 and the posture in which this proposal comes to the Commission is one in which the scope of development would be nil. Put differently, the scope of the development *denied* is minor, and that denial does not rob the site of any resources or amenities promoted by Chapter 3; and the scope of the development *approved* is none.

The third factor is the significance of the coastal resources affected by the decision. Again, because the local decision is a denial, leaving the local decision in place by declining to accept the appeal would not have any significant effect on any coastal resources. Moreover, as also indicated above, since there is no Coastal Act policy promoting residential development, the denial does not represent

the loss of any potential improvement of coastal resources. If the local decision were an approval, the Commission would need to consider the significance of the community character allegedly impaired by the development, and thus, the decision. However, given the current posture of the decision, these issues are not before us.

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. Approving projects that the City finds are contrary to the Chapter 3 policies of the Coastal Act and the certified Venice LUP may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act. As such, the City's denial sets a positive precedent that informs the City's future consideration of whether or not projects are consistent with Chapter 3 of the Coastal Act.

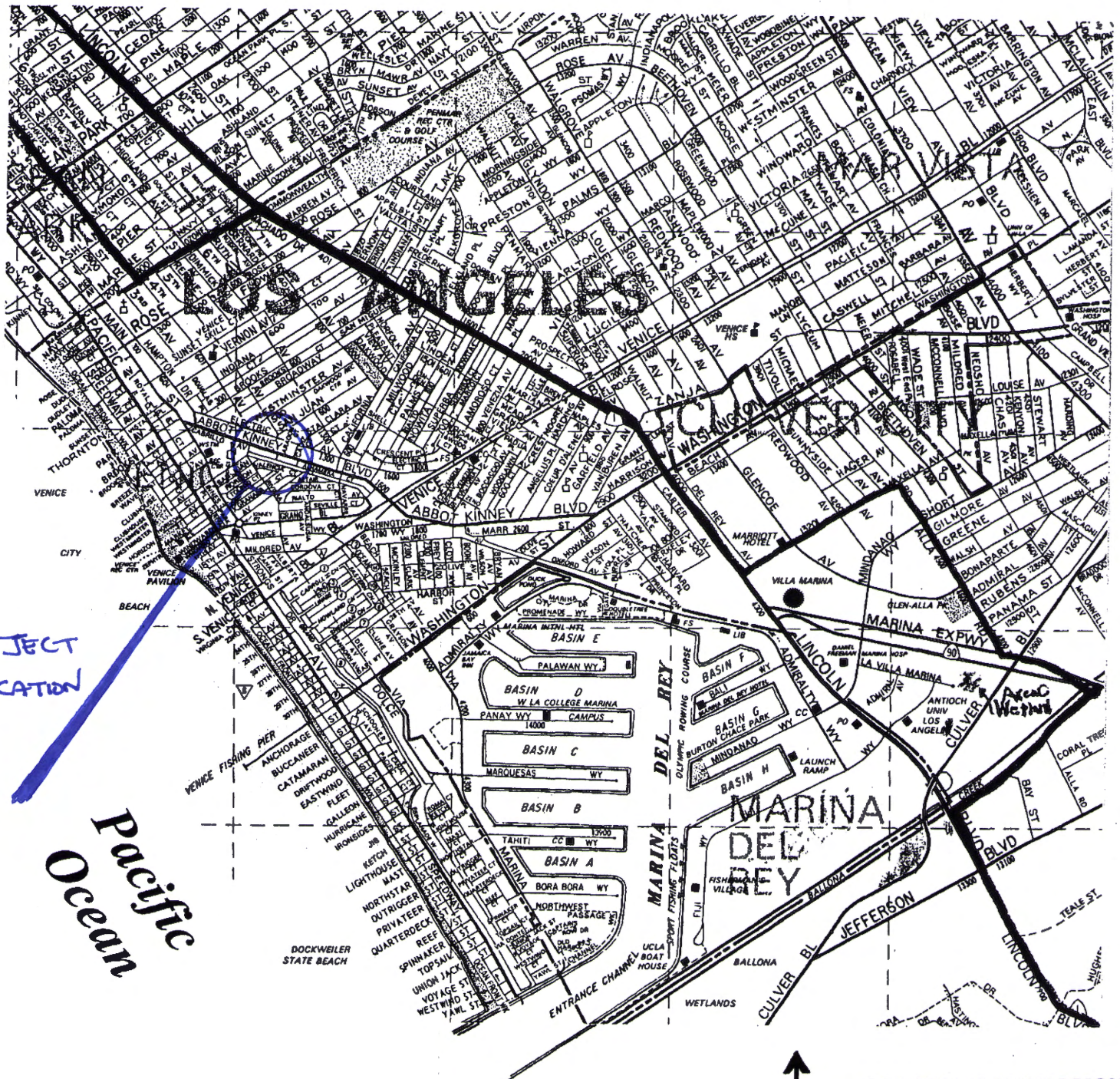
The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues related to community character. The City denied the proposed project with regard to Chapter 3 policies of the Coastal Act and the certified Venice LUP in order to protect coastal resources. Therefore, the City's denial of a CDP does not raise issues of statewide significance.

In conclusion, the primary issue for the appeal is that the development is consistent with the community character policies of Chapter 3 of the Coastal Act and the certified Venice LUP. In fact, the proposed development is not consistent with the community character policies of Chapter 3 of the Coastal Act or with those of the certified Venice LUP. As such, the City rightfully denied the request for a Local CDP. Therefore, Commission staff recommends that the Commission uphold the City's denial of a Local CDP and find that the appeal does not raise a substantial issue as to conformity with Chapter 3 policies.

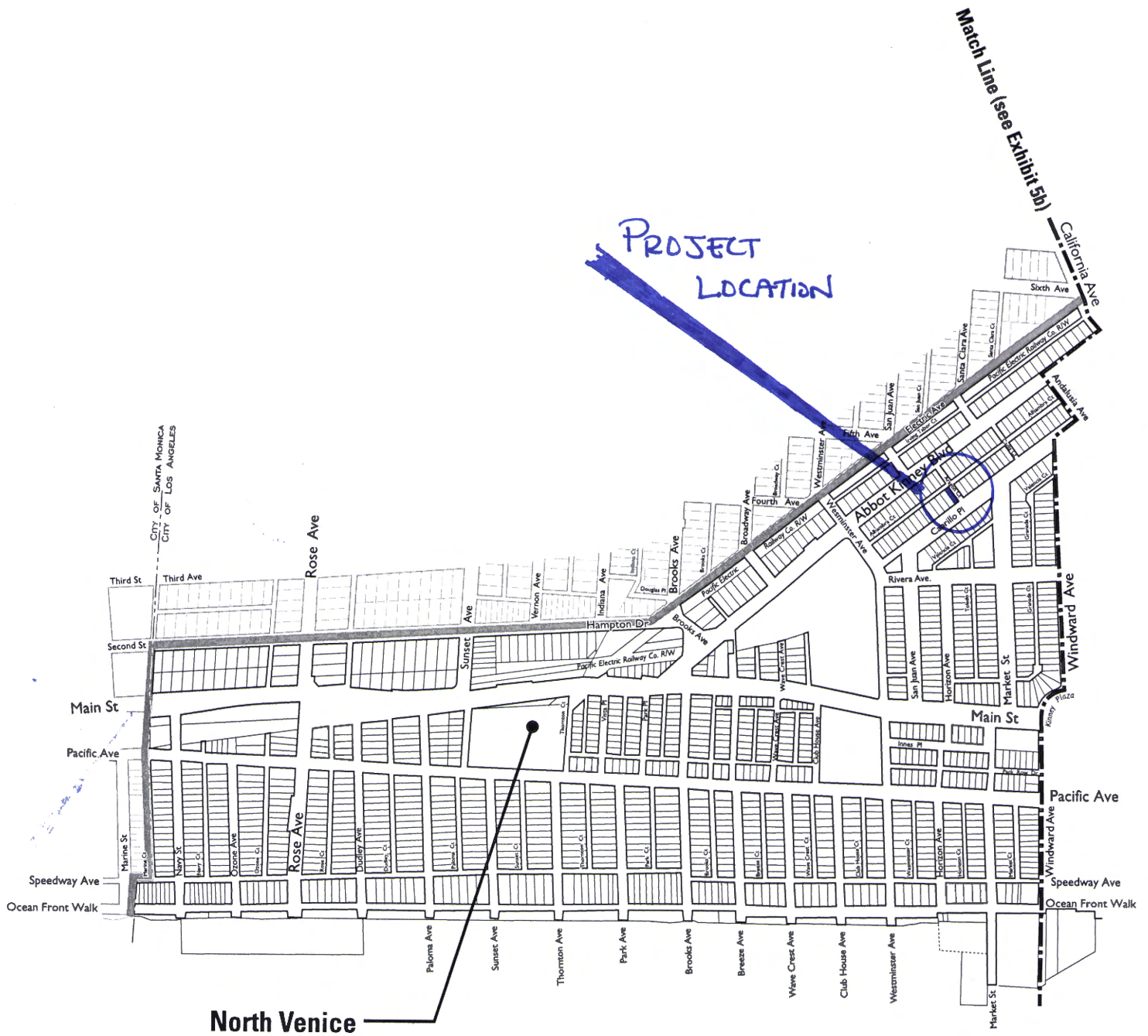
Appendix A – Substantive File Documents

1. City of Los Angeles Certified Land Use Plan for Venice (2001)
2. Appeal File A-5-VEN-15-0073

VENICE, CA



COASTAL COMMISSION
A-5-VEN-15-0073
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EXHIBIT # 1

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Not to Scale

Exhibit 5a
Subarea: North Venice • Venice Canals

Google Maps 1141 Cabrillo Ave



Google Maps

COASTAL COMMISSION

EXHIBIT # 1
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CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
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VOICE (562) 590-5071 FAX (562) 590-5084

DEC 18 2015

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: Patrick Ortega

Mailing Address: 1141 South Cabrillo Ave

City: Venice

Zip Code: 90291

Phone: 310-418-8631

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles, West Los Angeles Area Planning Commission (WLAPC)

2. Brief description of development being appealed:

Denial for demolition of a single family residence and construction of a 35-foot high, 3,337 sq. ft. single family residence.

Demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone.

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

1141 South Cabrillo Ave, Venice CA 90291

APN # 4230 003 019

South Cabrillo Ave between Abbot Kinney and Windward Ave / Main St

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

- ☐ Approval; no special conditions
- ☐ Approval with special conditions:
- ☒ Denial – SEE ATTACHED RECORD

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-15-0073

DATE FILED:

12.18.15

DISTRICT:

South Coast

COASTAL COMMISSION

A-5-VEN-15-0073

EXHIBIT #

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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: WLAPC meeting September 2, 2015; Determination mailing date November 16, 2015

7. Local government's file number (if any): Case No. ZA-2014-1346-CDP-1A
CEQA: ENV-2014-1347-CE

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:

Patrick Ortega (Owner)
1141 South Cabrillo Avenue
Venice, Los Angeles, CA 90291

Representative: Robert Thibodeau, DU Architects

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) Appellants listed in the November 16, 2015 WLAPC determination: Robin Rudisill, Todd Darling, Lydia Ponce, Brian Finney, Irv Katz, Kimmy Miller

(2) West Los Angeles Planning Commission
200 N. Spring St, Room 532
Los Angeles, CA 90012

(3) Robert Thibodeau, DU Architects
812 Lincoln Blvd
Venice CA 90291

COASTAL COMMISSION

EXHIBIT # 2
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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.

On June 24, 2014, the subject project was issued a Notice of Exemption, log reference ENV 2014-1347-CE, for a Categorical Exemption, Class 3, Category 1. Article III, Section 1. City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). Subsequently, at its meeting on September 2, 2015, the West Los Angeles Area Planning Commission (WLAPC) granted an appeal that overturned the action of the Zoning Administrator to approve the project, finding that the Zoning administrator had erred in approving a Coastal Development permit authorizing the demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone, and adopted amended Findings. This appeal objects to the WLAPC's Mandated Findings 1, 2 and 4 in the Corrected Determination (Findings) mailed November 16, 2015, and requests the Coastal Commission approve the CDP.

This appeal provides substantial new information in support of architectural compatibility pursuant to Chapter 3 of the Coastal Development Act 1976. This appeal respectfully requests Coastal Commission review the evidence provided herein on the architectural compatibility of the proposed project and approve the CDP.

The Coastal Development Permit is effective at the City level on the mailing date of the corrected determination (Findings), November 16, 2015, and is not further appealable at the City level, but appealable only to the California Coastal Commission – South Coast District Office. According to the WLAPC determination, the California Coastal Commission, upon receipt and acceptance of this determination, will establish the start of the 20-day appeal period.

In the Corrected Determination (Findings) issued November 16, 2015, the WLAPC did not find Categorical Exemption No. ENV-2014-1347-CE to be adequate environmental clearance for the project, for the following reasons, as stated in the Mandated Findings 1, 2 and 4, summarized below:

The development is not in conformity with Chapter 3 of the California Coastal Act of 1976, because it does not conform with the Venice Community Plan Objective 1-3, "To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods," or its Policy 1-3.1 to "Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods." It was found that the subject property does not satisfy the requirement under the Venice (Local Coastal Program) Land Use Plan's Policy I.E.1, that the "Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3

of the California Coastal Act of 1976.” Also Policy I.E.2 states “new development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer, and setback) shall be encouraged.” As stated in the appeal, the reason for this finding is that, “The project is incompatible with the scale and character with the existing neighborhood and would be materially detrimental to adjoining lots or the immediate neighborhood; it cannot be found that the project is compatible with the vast majority of homes in the area which are one- to two-stories and less than 30 feet in height; therefore making the project too tall and massive to be compatible with the surrounding neighborhood. Its bulk and mass are also incompatible, and there is insufficient articulation of the façade creating a monolithic blank wall type structure; different building materials are not enough.” (WLAPC 11/16/2015 Determination, Mandated Findings 1., p. 2)

The development will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976. While the project “is consistent with the community plan in terms of use and density,” and is “also compliant with the specific plan, and has been designed to comply with the numerous development standards applicable to the site as further approved under Case No. DIR-2014-622-VSO-MEL,” it was found that “The project is incompatible with the scale and character with the existing neighborhood and would be materially detrimental to adjoining lots or the immediate neighborhood; it cannot be found that the project is compatible with the vast majority of homes in the area which are one- to two-stories and less than 30 feet in height; therefore making the project too tall and massive to be compatible with the surrounding neighborhood. Its bulk and mass are also incompatible, and there is insufficient articulation of the façade creating a monolithic blank wall type structure; different building materials are not enough.” As such, the project was found to prejudice the ability of the City to prepare a Local Coastal program in conformity with the Coastal Act. (WLAPC 11/16/2015 Determination, Mandated Findings 2., p. 3)

Several similar projects were previously approved by the Zoning Administrator and guided by the action of the Coastal Commission and were cited as precedence by the Zoning Administrator in support of the CDP for the subject project (326 Brooks Avenue, 708 Hampton Avenue, 521 and 546 Vernon Avenue, 338 Indiana Avenue, 808 5th Avenue, 1214 Abbot Kinney Boulevard, 1235, 1237, and 1239 Abbot Kinney Boulevard, 1118 South Electric Avenue, and 1309-1311 Abbot Kinney Boulevard); however, on the basis of the aforementioned argument regarding incompatibility of scale and character, the WLAPC found that the proposed project is not consistent with the previous decisions of the City and the California Coastal Commission that included the demolition of an existing dwelling and the construction of a single-family dwelling, duplex, or retail/commercial use. (WLAPC 11/16/2015 Determination, Mandated Findings 4., p. 4)

The project site is a level, 2,460 square-foot rectangular-shaped lot (APN 4238003019) in the RD1.5-O Zone. The property has 30 feet of frontage on Cabrillo Avenue, and is 85 feet in depth. The subject property is located within the Venice Coastal Zone Specific Plan (North Venice).

The Project includes the demolition of the existing Craftsman style 520 square-foot single-story single-family bungalow constructed circa 1921, to allow for the redevelopment of the site with a Contemporary three-story 3,337 square feet single-family residence (less than 35 feet in height to top of the roof pitch) with three bedrooms, four bathrooms, and an attached two-car garage. The Project would have a pitched roof with a varied roof line and would be sheathed in stucco and tongue and groove redwood siding. The height of the proposed project measured from the center line of the Street is 34 feet 5.7 inches to top of roof pitch.

The project conforms to the 35 feet height requirement for Venice Coastal Development Projects with Varied Rooflines. Pursuant to the Venice Coastal Zone Specific Plan (North Venice), the height limitation for the project is 35 feet for Venice Coastal Development Projects with Varied Rooflines, provided that any portion of the roof that exceeds 30 feet is set back from the required front yard at least one foot in depth for every foot in height above 30 feet. The project is set back 15 feet from the front lot line, 9 feet from the rear lot line, and has 4 feet side yard setbacks in conformance with the Los Angeles Municipal Code (LAMC).

Bray Architects was commissioned on December 4th, 2015 by Mr. Patrick Ortega, owner, to review the drawings for the proposed project and assess the project for compatibility with the scale and character of the existing neighborhood. In a letter of December 15, 2015, (see attached) Bray Architects found that the project satisfies the zoning and code compliance review requirements, and that the three-story residence is designed in concert with similarly scaled contiguous buildings and the surrounding built environment. The project consists of "staggered horizontal and vertical planes of construction; varied and contrasting materials; unifying steel beams in horizontal bands; horizontally staggered floor levels; large expanses of glass and mitered corner windows; glass of different opacity and finish; and a mildly articulated roof creatively designed to incorporate interesting clerestory windows which subtly emit light into the structure." Bray Architects found there is no monolithic condition such as has been asserted by the project opponents. According to Bray Architects, "aspects of the design that lend character and interest include the following: projecting and receding vertical planes of wall and glass; variance of heights between floor levels, 10 feet ground level, 9 feet second floor, and 8 feet third floor with vaulted ceiling; interplay between solid and transparent surfaces both horizontally and vertically with each elevation designed differently; variance in textures of each plane of the perimeter, both horizontally and vertically; fenestration of different sizes, scales and glazing finishes; and surrounding balcony railings of contrasting materials." Bray Architects found that design is in concert with the type of varied structures existing in the immediate vicinity, and also enhances the surrounding environment with the flow of its design and dialogue with the environment. According to Bray Architects, the project appears to meet the zoning, code and compatibility requirements. While the colors and textures of the design could be included to improve the presentation, Bray Architects found that this design does indeed meet all the criteria of the zoning and planning codes and creates an aesthetically pleasing structure that will inspire interest and delight for the immediate neighbors, the neighborhood and community as a whole for years to come. Bray Architects recommended approval of the Coastal Development Permit.

In 2014, SurveyLA identified the existing Bungalow as a non-contributor within the potential Lost Venice Canals Historic District ("District"). Because of this, the Owner commissioned qualified architectural historians from PCR Services (PCR) to conduct historical investigations and prepare a historical resources assessment report ("Assessment Report") in March 2015. As a result, PCR found 1141 Cabrillo Avenue ineligible for listing at the federal, state and local levels and therefore found the Bungalow does not qualify as a historical resource under CEQA. PCR found the Project would have no direct or indirect impacts to historical resources within the project vicinity. The PCR study is summarized in a December 10, 2015 letter to the Coastal Commission, attached.

Potential impacts were analyzed to determine if the Project would result in a substantial material change to the integrity and significance of historical resources or their contributing setting within the Project vicinity. PCR defined an Indirect Impacts Study Area to analyze impacts of the Project to potential historical resources identified by SurveyLA and the surrounding neighborhood context. The Indirect Impacts Study Area is described as the area occupied by properties within viewing range of the Project Site.

With regard to compatibility with the scale and character with the existing neighborhood, substantial information is provided in the PCR study that proves the project would be compatible and would not be materially detrimental to adjoining lots or the immediate neighborhood. Furthermore, PCR studied the project setting and found that the project is compatible in scale, massing, design and materials with the homes in the immediate surrounding neighborhood vicinity that would be visually or indirectly impacted by the project. PCR reviewed the project for conformance with the CEQA Guidelines and the Secretary of the Interior's Rehabilitation Standards (Standards) with regard to new construction within a historic district. These Standards provide a rigorous threshold by which to analyze the compatibility of the project in terms of scale and character with the existing neighborhood.

The character of the existing neighborhood includes the intact one- and two-story single-family and multi-family residences that represent a collection of early 20th century housing types and vernacular styles; residences oriented toward the street (formerly canal); street grid and alignment of the former canal(s); street improvements such as curb and gutter, historic streetlights, sidewalks, parkways and street trees; and uniform front-yard setbacks, typically landscaped with lawns and shrubbery. Residential character of historic district contributors are as follows: vernacular Craftsman or Period Revival style bungalows; one to two stories; modest size, materials and design; covered by low-pitch gable or hip roofs; enclosed porches; and clapboard or stucco siding.

Within the District, there are 449 parcels and of those parcels there are 178 contributors, and 256 non-contributors that have been extensively altered or fall outside the period of significance. Therefore, 39% of the parcels contribute to the District, which is a low percentage of contributing properties, and over half of the District, approximately 61%, is comprised of non-contributors and infill development.

This trend is also represented within the Indirect Impacts Study Area as shown on Figure 3 of the December 10 letter, which illustrates the historical character in the immediate vicinity of the Project has been eroded. The map presented in Figure 4 of the December 10 letter visually depicts the fact that much of the tract has been improved with single and multi-family contemporary buildings between 1940 and 2015.

Potential changes to the setting that may be caused by the Project include the replacement of the Bungalow with a new residence of increased size and scale articulated in a Contemporary design. These changes would have no effect on the eligibility of the District because the primary character-defining features of the District that accounts for its eligibility would be retained. After Project completion the District will retain the street grid, curb and gutter, historic streetlights, sidewalks, parkways and street trees, and uniform front-yard setbacks, typically landscaped with lawns and shrubbery. The Project is set back fifteen-feet from the front property line, the same set-back as the District contributors. Furthermore, the Project will be contemporary and differentiated from the materials and design of the early-twentieth century bungalows. Also, the new residence will be covered in stucco and tongue-and-groove redwood siding, which is similar to the exterior materials used to sheath the contributors.

Furthermore, the Project is compatible to the infill development built within the Indirect Impacts Study Area between 1940 and 2015, as shown on the map presented as Figures 4 and 5 in the December 10 letter. The infill development is all over one-story in height, as

there are approximately fourteen (14) single and multi-family residences located within the Indirect Impacts Study Area with heights of one to four stories. The size and scale of the Project is three-stories and 3,337 square feet, which is comparable to eight (8) single-family residences located on similar sized lots with similar square footage and/or building heights, these include:

- 1117 Cabrillo Avenue, 3,324 square feet, constructed 2011
- 1201 Cabrillo, 1,472 square feet, constructed 2007
- 1210 Cabrillo Avenue, 1,854 square feet, constructed 2012
- 1214 Cabrillo Avenue, 3,037 square feet, constructed 1991
- 1215 Cabrillo, 1,632 square feet, constructed 1921/54
- 1220 Cabrillo Avenue, 3,457 square feet, constructed 2008
- 1223 Cabrillo, 1,872 square feet, constructed 1906
- 1228 Cabrillo, 2,324 square feet, constructed 1963

Within the *immediate vicinity* of the Project, there are four (4) residences listed in the bullet points above with comparable massing, height and square footage: 1201 Cabrillo (1,472 square footage), located adjacent to the Project to the south, and 1220 Cabrillo Avenue (3,457 square footage) and 1214 Cabrillo Avenue (3,037 square footage), both located across the street to the northwest. All three of these residences have square footage of 1,472 to 3,457 comparable to the Project's square footage of 3,337. Furthermore, there is a historic residence located at 1223 Cabrillo Avenue, constructed in 1906, with a similar two-story height, boxy massing and square footage of 1,872. Additionally, there three multi-family residences located at the northern and southern end of the Indirect Impacts Study Area that include 428 Westminster Avenue (8,000 square feet, constructed 1990), 300 San Juan Avenue (9,936 square feet, constructed in 1922), and 1217 Cabrillo Avenue (6,220 square feet, constructed in 2015).

As explained in the paragraphs above, the Project is designed to be compatible with the scale and character of the infill development within the neighborhood, as at least eight single-family residences and three multi-family residences have similar square footage, height, and massing as the Project. Located directly south of the Project, is a three-story residence with similar rectangular massing, size, scale, and architectural features at 1201 Cabrillo (constructed 2007). The Contemporary architectural design of the Project is also similar to some of the other single-family residences sharing the same rectilinear profiles expressed in concrete, glass, metal, and redwood.

In summary, the Project would be compatible in massing, size, scale and architectural features with the infill development and the District contributors. 2 The existing

improvements along Cabrillo represent the diversity of single-and-multi-family residences in Venice. It is recommended the project be granted a coastal development permit. The project is in conformity with Chapter 3 of the California Coastal Act of 1976. Upon completion of the proposed project, the special character of the neighborhood of Venice will be protected; Venice will continue to be a popular visitor destination for recreational use.

Of course, as explained in the preceding, a government agency may impose zoning regulations to mitigate matters of mass, character and scale in a historic neighborhood but it cannot evade the takings clause by arbitrarily fabricating a dispute over the same subjects, or by otherwise arbitrarily imposing conditions on development in order to delay or discourage that development. At all events, the agency's assertion of authority, whether or not erroneous, must advance some legitimate government purpose that is in clear line of reasoning with its previous decisions on development in the neighborhood. In having approved same-size, same-mass, same-scale projects in relationship to the proposed project in the same immediate vicinity of the project and then turning around to deny a similar project, as it has done in this instance, the West Los Angeles Area Zoning Commission must advance some legitimate government purpose in taking "its stand" and making this "watershed moment." For its decision would be all the more insupportable and arbitrary if it were to deny the development of this project on assertions that a "message must be sent" and "a stop must be put" to this project because there are already too many like it in the immediate vicinity which, as Chairman Thomas Donovan stated, "for whatever reason have been approved in the past."

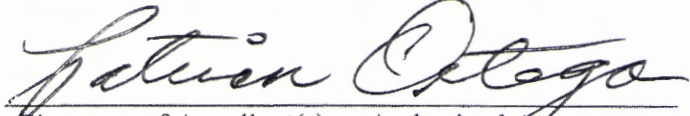
In Venice, one of the conditions of obtaining a permit for development within the coastal zone is the procurement of a coastal permit. The Commission's authority to approve development is concurrent with the authority of local jurisdictions, and thus compliance with the Coastal Act may be secured by following the relevant City of Los Angeles Ordinances and, specific to this case's locale, the guidelines of the Secretary of the Interior, and these are all shown to be in full compliance and demonstrated in the analysis of Dr. Jerabek in furtherance of the protection of public resources with which the Commission is charged in the potentially historic district of the Lost Venice Canals and the Subject Project Study Area. Both have been met by this project. In an exhaustive series of studies attached hereto, the project has shown that it meets and stays within the letter and spirit of the lead agencies in the City of Los Angeles charged with implementing the law of the City of Los Angeles on development controls and by the findings in the comprehensive analysis of Dr. Jerabek and PCR Services Corporation.

Serious questions of due process are raised by the actions of the West Los Area Planning Commission in denying the coastal development permit for this project. Sound legitimate findings and evidenced reasoning for their actions are absent and not provided by them. In this light, the decisions of the West Los Angeles Area Planning Commission are all the more offensive to the Constitutional Due Process protections to which the Appellant, Patrick Ortega, is entitled. For these reasons and all the other arguments, materials, evidence, exhibits, testimonies, and record submitted in support of this appeal, the Coastal Commission should hear this appeal and grant it.

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

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 12-11-15

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: _____

EXHIBIT # 2
PAGE 9 OF 9



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Mailing Date: NOV 10 2015

California Coastal Commission

South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Case No.: ZA-2014-1346-CDP-1A

CEQA: ENV-2014-1347-CE

Location: 1141 Cabrillo Avenue

Council District: 11 – Bonin

Plan Area: Venice

Zone: RD1.5-1-O

Applicant name/address

Patrick Ortega
1141 Cabrillo Avenue
Venice, CA 90291

Representative name/address

Robert Thibodeau, DU Architects
812 Lincoln Boulevard
Venice, CA 90291

The above-referenced **Coastal Development Permit** was **disapproved** effective **November 16, 2015**, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **September 2, 2015**. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

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

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

Attachments: Coastal Development Notification/West Los Angeles APC Determination Letter, Zoning Administrator's Determination Letter, miscellaneous relevant documents

cc: Applicant, applicant's representative (Notice, Coastal Permit/APC Determination)
Determination Letter mailing list (Notice, Coastal Permit/APC Determination)
Deputy Zoning Administrator: Theodore Irving

COASTAL COMMISSION

A-5-VEN-15-0073

EXHIBIT # 3

PAGE 1 OF 24

811M0



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination mailing date: NOV 16 2015

Case No. ZA-2014-1346-CDP-1A

CEQA: ENV-2014-1347-CE

Location: 1141 Cabrillo Avenue

Council District: 11 – Bonin

Plan Area: Venice

Zone: RD1.5-1-O

CORRECTED DETERMINATION (Findings)**

Applicant: Patrick Ortega

Representative: Robert Thibodeau, DU Architects

Appellant: Robin Rudisill, Todd Darling, Lydia Ponce, Brian Finney, Irv Katz, Kimmy Miller

At its meeting on September 2, 2015, the following action was taken by the West Los Angeles Area Planning Commission:

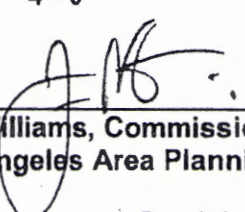
1. **Granted the appeal.**
2. **Overtured** the action of the Zoning Administrator and found that the Zoning Administrator **erred** in approving a Coastal Development permit authorizing the demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone.
3. **Adopted** the attached amended **Findings**.
4. **Did not Find** Categorical Exemption No. **ENV-2014-1347-CE** to be adequate environmental clearance for the project.

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

This action was taken by the following vote:

Motion: Halper
Seconded: Margulies
Ayes: Donovan, Merritt
Absent: Waltz-Morocco

Vote: 4 - 0


James K. Williams, Commission Executive Assistant II
West Los Angeles Area Planning Commission

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

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

Attachment: **Amended Findings****
Zoning Administrator: Theodore Irving

EXHIBIT # 3
PAGE 2 OF 24

MANDATED FINDINGS

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

1. **The development is not in conformity with Chapter 3 of the California Coastal Act of 1976.**

The subject property is a level, 2,460 square-foot rectangular-shaped lot in the RD1.5-1-O Zone. The property has 30 feet of frontage on Cabrillo Avenue, and is 85 feet in depth, and abuts Alhambra Court. The site is located within the Venice Community Plan, Venice Land Use Plan, Los Angeles Coastal Transportation Corridor Specific Plan, the Venice Coastal Zone Specific Plan (North Venice), a Calvo Exclusion Area, and the single permit jurisdiction area of the Coastal Zone. The site is improved with a 520 square-foot, single-story, single-family dwelling. The applicant is requesting a Coastal Development permit authorizing the demolition of the existing dwelling and the construction of a new three story (35 feet in height to the top of the roof pitch), 3,337square-foot single-family dwelling with an attached two-car garage accessed from Aragon Court.

Chapter 3 of the Coastal Act contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to Development. Section 30250 states the following regarding new residential development:

"(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors."

Chapter 3 of the Coastal Act further states new development shall be located *"where appropriate, protect special communities and neighborhoods which,*

because of their unique characteristics, are popular visitor destination points for recreational uses." New development shall be designed to protect the "scenic and visual qualities of coastal areas." The proposed project is located in the North Venice neighborhood which is developed with single- and multi-family dwellings of one to three stories in height and a variety of architectural styles. The character and scale of the project neighborhood has changed over the years as many property owners have replaced smaller, one-story traditional dwellings with larger, modern, two-story dwellings with roof decks.

~~The proposed project should have no adverse effects on public access, recreation, public views or the marine environment as the property is located approximately 1/3 of a mile from the closest body of water. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.~~

The Venice Community Plan Objective 1-3 is "To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods. Its Policy 1-3.1 is to "Seek a higher degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

The Venice (Local Coastal Program) Land Use Plan's Policy I.E.1 states the "Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976", and this project does not satisfy that requirement. Also Policy I.E.2 states "new developed with the Venice Costal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer, and setback) shall be encouraged."

The project is incompatible with the scale and character with the existing neighborhood and would be materially detrimental to adjoining lots or the immediate neighborhood; it cannot be found that the project is compatible with the vast majority of homes in the area which are one- to two-stories and less than 30 feet in height; therefore making the project too tall and massive to be compatible with the surrounding neighborhood. Its bulk and mass are also incompatible, and there is insufficient articulation of the façade creating a monolithic blank wall type structure; different building materials are not enough.

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

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Community Plan serves as the functional equivalent. The Venice Community Plan Map designates the property as Low Medium II Residential with corresponding zones of RZ2.5, RD1.5, RD2, and RW2. The property is within the area of the Venice Specific Plan, Ordinance No. 175,693. The project is consistent with the community plan in terms of the use and density. The project is also compliant with the specific plan, and has been designed to comply with the numerous development standards applicable to the site as further approved under Case No. DIR-2014-622-VSO-MEL. The project is incompatible with the scale and character with the existing neighborhood and would be materially detrimental to adjoining lots or the immediate neighborhood; it cannot be found that the project is compatible with the vast majority of homes in the area which are one- to two-stories and less than 30 feet in height; therefore making the project too tall and massive to be compatible with the surrounding neighborhood. Its bulk and mass are also incompatible, and there is insufficient articulation of the façade creating a monolithic blank wall type structure; different building materials are not enough. As such, the demolition ~~and construction~~ of the existing single-family dwelling and the construction of a new single-family dwelling at this location will ~~not~~ prejudice the ability of the City to prepare a Local Coastal program in conformity with the California Coastal Act.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

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

~~The Zoning Administrator~~ West Los Angeles Area Planning Commission has been guided by the action of the Coastal Commission in its review of residential dwelling applications for other development applications in the project area, including the properties located at: ~~326 Brooks Avenue, 708 Hampton Avenue, 521 and 546 Vernon Avenue, 338 Indi-~~

~~ana Avenue, 808 5th Avenue, 1214 Abbot Kinney Boulevard, 1235, 1237, and 1239 Abbot Kinney Boulevard, 1118 South Electric Avenue, and 1309-1311 Abbot Kinney Boulevard, all of which are located in the Venice community.~~

~~The West Los Angeles Area Planning Commission found that the The proposed project is not consistent with the previous decisions of the City and the California Coastal Commission that included the demolition of an existing dwelling and the construction of a single-family dwelling, duplex, or retail/commercial use. Approval of the proposed project is consistent with these prior decisions.~~

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

The project site is not located between the nearest public road and the shoreline of any body of water located within the coastal zone, and the proposed project will not interfere with public access to the coast. The development is consistent with the referenced policies as it is a corner through lot surrounded by single- and multi-family dwellings, the zoning of the property is limited to Low Medium II Residential development, and there is no adjoining public access point or public recreation facility.

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

The demolition of an existing single-family dwelling and the construction of a new single-family dwelling in an urbanized area have been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of the California Environmental Quality Act ("CEQA"). The subject grant includes the conditions to mitigate potential impacts associated with the demolition and construction.

The Historical Resource Assessment Report dated November 2014 and prepared by the PCR Services Corporation has stated that the subject property is not currently designated under any national, state, or local landmark programs and does not appear to be eligible for listing in the National Register, California Register, or for designation as a Los Angeles Historic-Cultural Monument due to a lack of historical or architectural significance. As such, the report has concluded that the project will have no impact on historical resources. The report was reviewed and concurred by the Office of Historic Resources staff.

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

On February 13, 2014, the Los Angeles Housing and Community Investment

Department has determined that no affordable unit exists at the subject site. As such, the proposed project is not subject to affordability requirements of the Mello Act.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On June 24, 2014, the subject project was issued a Notice of Exemption, log reference ENV 2014-1347-CE, for a Categorical Exemption, Class 3, Category 1. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). ~~I hereby adopt that action~~ The West Los Angeles Planning Commission hereby adopts that action.



Address Any Communication To:
WEST LOS ANGELES PLANNING COMMISSION
200 North Spring Street, Room 272
Los Angeles, CA 90012
(213) 978-1300

NOTICE OF PUBLIC HEARING

- INTERESTED PARTIES
- ABUTTING PROJECT SITE
- OWNERS AND OCCUPANTS
- 100-FOOT RADIUS

**Concerning property at
1141 South Cabrillo Avenue**

Case No.: ZA-2014-1346-CDP-1A
Community Plan: VENICE
Council District No.: 11

Hearing Date: Wednesday, September 2, 2015
Hearing Time: after 4:30 P.M.
Hearing Place: Henry Medina West L.A.
Parking Enforcement Facility
2nd Floor, Roll Call Room
11214 West Exposition Blvd.
Los Angeles, CA 90064

The West Los Angeles Planning Commission invites you to attend a hearing regarding the property highlighted above. *The law requires that owners and renters near this site be notified of this hearing.* If you do not wish to attend the hearing, you may ignore this notice.

The hearing involves an appeal of the Zoning Administrator's decision, pursuant to Los Angeles Municipal Code Section 12.20.2, to approve a Coastal Development Permit authorizing the demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone, and to adopt the action of the Lead Agency in issuing Categorical Exemption ENV-2014-1347-CE as the environmental clearance for the subject action.

APPLICANT: Patrick Ortega
Representative: Robert Thibodeau, DU Architects

APPELLANT: Robin Rudisill, Todd Darling, Lydia Ponce, Brian Finney, Irv Katz, Kimmy Miller,

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 N. Main Street, Los Angeles, California, and are accessible through the Internet World Wide Web at <http://www.lacity.org/pln/index.htm>

TESTIMONY: Written testimony may be submitted prior to the hearing (see instructions below); however, oral testimony **can only be given at the hearing** and may be limited due to time constraints. Sign language interpreters and assistive listening devices may be provided if you contact our office at least three (3) business days before the hearing.

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FOR ADDITIONAL INFORMATION AND INSTRUCTIONS ON SUBMITTING TESTIMONY SEE BELOW

DECISION: The Commission's decision will be based on the merits of the case and the applicable law. ***The Commission can consider the entire action even if only a portion has been appealed.*** A report of the Commission's action will be mailed upon request after the hearing. Pursuant to Government Code Section 65009(b)(2), any court challenge of the Commission's action may be limited to those issues considered at the public hearing.

FILE REVIEW: The complete file, including the determination is available for public inspection in the Commission office, Suite 272, 200 N. Spring Street, Los Angeles, between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday. Please call (213) 978-1300 several days in advance to assure file availability.

CORRESPONDENCE AND EXHIBITS

The Commission members are not City employees. They are citizens who have been appointed by the Mayor. They function in a quasi-judicial capacity and therefore, cannot be contacted before the hearing. Any written testimony which you wish them to see **may only** be submitted to our office using the following guidelines:

1. If you wish to submit materials to the Commission for their consideration, they should be received in the Commission office **ten days** prior to the date of the hearing. If Monday is a holiday, they should be received by **noon of the preceding Friday**.
2. Please provide an **original** and **fourteen (14) copies (15 sets)** of all correspondence or exhibits (for the file, (5) Commission members, Director of Planning, Chief Zoning Administrator, Associate Zoning Administrator, City Planner, Commission Executive Assistant and City Attorney). All **fifteen copies/sets** may be mailed in the same envelope.
3. Correspondence must be on letter size or legal size paper (8 1/2 " x 11" or 8 1/2 " x 14").
4. All oversized exhibits (photos, plans, artists' renderings) must be able to fit in a legal size folder. Therefore, they should be mounted on foldable paper or a file size copy must be provided. Photo exhibits **must** be mounted on light cardboard or foldable paper.
5. Write the ZA case number on all communications and exhibits (for Parcel Map, Private Street and Certificate of Compliance appeals use the original case number, for Coastal Development Permit appeals, write the CDP number).
6. **ALL** materials submitted to the Commission become City property and cannot be returned. This includes any correspondence or exhibit used as part of your testimony to the Commission.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the staff person referenced in this notice.

ORIGINAL



Application:

APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: ZA-2014-1346-CDP

Project Address: 1141 CABRILLO AVE

Final Date to Appeal: 07/21/2015

Type of Appeal:

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

2. APPELLANT INFORMATION

Appellant's name (print): Robin Rudisill & Todd Darling (as individuals & not on behalf of the VNC or LUPC)

Company: Lydia Ponce, Brian Finney, Irv Katz, Kimmy Miller,

Mailing Address: 3003 Ocean Front Walk

City: Venice

State: CA

Zip: 90291

Telephone: (310) 721-2343

E-mail: wilrudidi@mac.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire ☐ Part

Are specific conditions of approval being appealed?

☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPELLANT'S AFFIDAVIT

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

Appellant Signature: Robert J. Jonesell

Date: 7-21-15

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>106-80</u>	Reviewed & Accepted by (DSC Planner): <u>[Signature]</u>	Date: <u>7/21/15</u>
Receipt No: <u>0101466632</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Appeal Justification—ZA-2014-1346-CDP

Related cases: DIR-2014-622-VSO-MEL and ENV-2014-1347-CE

1141 Cabrillo Ave

This CDP must be appealed for the following reasons:

The Applicant did not work with the Community/Venice Neighborhood Council to hear the case and get their recommendation. We can only guess that is because he/she knows that the Community would be very unhappy with this case as it is NOT compatible with the surrounding existing neighborhood.

The ZA erred or abused their discretion in making this determination because they did not adequately or correctly analyze the compatibility of this project to the surrounding existing neighborhood.

The ZA erred in describing the City Hearing on May 21, 2015. The "member of the community" mentioned was Robin Rudisill, one of the Appellants of this case, who spoke as an individual and not as a member of the VNC or LUPC, and she was not generally in support of the project, but rather mentioned essentially all of the same concerns in this Appeal. Also, she did NOT mention anything about the "contemporary design" of the project. She only mentioned that the project was not compatible with the Scale, Mass and Character of the surrounding existing neighborhood. This same ZA/hearing officer has made similar "errors" regarding statements made and actual events with respect to the Community members, and this practice of his and these misrepresentations by him MUST be curtailed. SEE ATTACHED EXHIBIT A.

This Demo/construction was originally approved using a VSO, on February 20, 2014. This VSO included the Mello Determination, and thus there was no appeal right provided. The Mello Determination MUST be reissued and the Appeal right provided. In addition, the VSO is not clear with respect to the front yard setback. SEE ATTACHED EXHIBIT B.

The existing home is historic (built in 1921). It is not clear why this project was not required to have a historical review under the CEQA law. Instead, it was given a Categorical Exemption and there was an architectural Historian in attendance at the City Hearing, who had analyzed the current home, and who was there to answer any questions in this regard. This indicates that there are perhaps issues to defend. In addition, the existing 1921 home appears to be in excellent condition. SEE ATTACHED EXHIBIT C.

The Building Permit Application for the 3-story new SFD indicates Primary Use as "(35) condo-Single Family." The Building Permit Application for the demo of the existing SFD indicates Primary Use as "(1) Dwelling - Single Family." This "error" must be fixed. It's hard to understand why the Applicant or the Building & Safety personnel involved would not have noticed this and had it immediately corrected. Perhaps there is a plan in mind that we are not aware of. SEE ATTACHED EXHIBIT D.

The design of the roof, with 4 peaks in order to keep the entire roof varied/sloped, is intrusive to the neighborhood's skyline. This is clearly done for purposes of increasing the height of the building, and should not be allowed. This practice results in a taller building

and a roof with FOUR peaks, neither of which is compatible with the existing surrounding neighborhood and thus should not be allowed. SEE ATTACHED EXHIBIT E.

The project is in the North Venice Subarea, just behind Abbot Kinney Blvd. Its Land Use Designation as per the Venice Community Plan Land Use Plan of the L.A. General Plan (LUP) is Multiple Family Residential Low Medium II. SEE ATTACHED EXHIBIT F.

The LUP is part of the L.A. General Plan and also Coastal Commission-certified as a part of the Venice Local Coastal Program and thus provides guidance for compliance with Chapter 3 of the Coastal Act (state law). The LUP encourages maintaining the character of the area and minimization of the impacts on infrastructure and services, as well as maintaining or enhancing the residents' quality of life. The project does not preserve or protect stable multi-family residential neighborhoods, nor does it allow for the residents' quality of life to be maintained and improved. SEE ATTACHED EXHIBIT G.

Policy I. A. 7. d. Multi-family Residential – Low Medium II Density for North Venice states that the "Use" for this area is Duplexes and multi-family structures. In addition, "yards SHALL be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood." There does not appear to be adequate space for a yard for this project. In addition, the policy states that the height is not to exceed 35 feet for buildings utilizing a stepped back or varied roofline, and that the portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 feet. It is not clear that the required setback has been done. SEE ATTACHED EXHIBIT H.

As per the LUP and the Coastal Act, Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976. Venice consists mainly of residential neighborhoods and what makes Venice special is the character of its residential neighborhoods, therefore all of Venice should be protected as a unique and special Coastal Community and not just areas near the beach or high tourist areas. New development within the Venice Coastal Zone shall respect the scale and character of community development, and ALL NEW DEVELOPMENT should respect the scale, massing, and landscape of existing neighborhoods. This project is materially larger and taller than the average of the surrounding existing neighborhood. In addition, although varied styles of architecture are encouraged, they must MAINTAIN the neighborhood scale and massing, which this project does not. SEE ATTACHED EXHIBIT I.

When the L.A. General Plan and its Community Plan Land Use Plan and the Coastal Act are not followed, the character of the Venice Community is not protected, thus causing significant harm to the adjacent properties, the surrounding existing properties, the North Venice Subarea as well as the Venice Community, as this erodes and destroys the very character of Venice that attracts residents and tourists alike.

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
LOURDES GREEN
THEODORE L. IRVING
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

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

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

www.planning.lacity.org

July 7, 2015

Patrick Ortega (A)(O)
105 Esteban Drive
Camarillo, CA 93010

Robert Thibodeau (R)
DU Architects
624 Venice Boulevard
Venice, CA 90291

CASE NO. ZA 2014-1346(CDP)
COASTAL DEVELOPMENT PERMIT
1141 South Cabrillo Avenue
Venice Planning Area
Zone : RD1.5-1-O
D. M. : 108B145
C. D. : 11
CEQA : ENV 2014-1347-CE
Legal Description: Lot 8, Block 14,
Venice of America Tract

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

a coastal development permit authorizing the demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

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5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Authorization:
 - a. Approved herein is the authorization for the demolition of an existing single-family dwelling and the construction of a new two-story, 35-foot tall, 3,337 square-foot single-family residence with an attached 405 square-foot garage.
 - b. The height of the dwelling shall not exceed 35 feet, excluding railings and staircase access.
 - c. No guest room or similar additional rental unit shall be permitted on the property.
 - d. No deviation from the LAMC or the Venice Specific Plan were requested or approved.
8. Any changes or improvements made to the public right-of-way shall be approved by the Bureau of Engineering (BOE) or in compliance with the BOE's requirements. This includes new landscaping or fencing along Aragon Court or Alhambra Court.
9. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Zoning Administrator.
10. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
11. Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
12. Demolition construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

13. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with, as further noted in DIR-2014-0622(VSO)(MEL).
14. Prior to the issuance of any building permit, written communication shall be provided in the file stating that the project is in compliance with the Venice Coastal Specific Plan. A letter or an e-mail from responsible staff for the Venice Specific Plan will satisfy this condition.
15. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
16. Within 30 days of the effective date of this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator,

Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JULY 21, 2015, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>**. Public offices are located at:

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

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

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

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

NOTICE

The applicant is further advised that all subsequent contact with this Office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 21, 2015, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is located in the Venice Community Plan area within the Low Medium II Residential land use category. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan, the Venice Coastal Zone Specific Plan (North Venice), a Calvo Exclusion Area, and within the single permit jurisdiction area of the California Coastal Zone. It is within a methane zone, and is 4.91 kilometers from the Santa Monica Fault.

The northern adjoining property (across Alhambra Court and Abbot Kinney Boulevard) is zoned C2-1-O-CA and developed with commercial and retail establishments. The eastern adjoining property (across Westminster Avenue) is zoned [Q]PF-1XL and is developed with Westminster Elementary School. The southern adjoining property (across Cabrillo Avenue) is zoned R1.5-1-O and is developed as single- and multi-family dwellings. The western adjoining property (across Aragon Court) is zoned C2-1-O-CA and R1.5-1-O that is developed with single-family dwellings and commercial/retail establishments.

Cabrillo Avenue is a Local Street dedicated to a width of 44 feet with concrete roadway, curb, gutter, and sidewalk.

Aragon Court is a public alley dedicated to a width of 25 feet with an asphalt roadway.

Alhambra Court is a public alley dedicated to a width of approximately 10 to 15 feet with an asphalt roadway.

Abbot Kinney Boulevard is a Modified Secondary Highway dedicated to a width of 50 feet with concrete roadway, curb, gutter, and sidewalk.

Westminster Avenue is a Local Street dedicated to a width of approximately 40 feet with concrete roadway, curb, gutter, and sidewalk.

The subject property is a level, 2,460 square-foot rectangular-shaped lot in the RD1.5-1-O Zone. The property has 30 feet of frontage on Cabrillo Avenue, and a depth of 85 feet which abuts an alleyway. The site is improved with a 520 square-foot, single-story, single-family dwelling. Westminster Elementary School is within 500 feet of the subject property.

The applicant is requesting a coastal development permit authorizing the demolition of the existing dwelling in order to construct a new two-story, 3,337 square-foot single-family dwelling with an attached 405 square-foot two-car garage (accessible from Aragon Court). The plans received from the applicant are concurrent with the copies given to the Community Planning Bureau.

On April 28, 2015, staff observed the subject property at approximately 10:30 A.M. The applicant has not yet filed an application with the Department of Building and Safety for demolition permits nor building permits. Staff observed damaged roadway along Aragon Court surrounding the proposed improvements. The adjacent community seemed to be progressive with multiple construction sites in the surrounding area. Several contemporary architecturally designed buildings (many being multiple-family dwellings) have been recently completed in the area. The community is quiet and well maintained with close proximity to the popular Abbot Kinney Boulevard.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. DIR 2014-622(VSO)(MEL) - On February 20, 2014, the Neighborhood Plan Implementation Division signed off on the Director of Planning Sign-Off since the project complied with the Venice Coastal Specific Plan and the Los Angeles Housing Department determined that the existing dwelling had no affordable housing specifications.

Surrounding Properties

Case No. ZA 2014-1990(CDP)(SPP) - On November 14, 2014, the Zoning Administrator approved the Coastal Development Permit for a change of use of a single-family dwelling into retail space on the ground floors and an artist-in-residence unit on the third floor; located at 1214 Abbot Kinney Boulevard.

Case No. ZA 2013-4078(CDP)(ZAA)(MEL) - On December 19, 2013, case filed with the Department of Planning that is currently on hold for the proposed demolition of an existing duplex to construct a new three-story two unit condominium and three-story single-family dwelling all reduced to a 5-foot front yard setback, and condominium will reduce rear and side yard setbacks; located at 1212 South Electric Avenue.

Case No. ZA 2013-3013(CDP) - On September 26, 2013, case filed to receive a Coastal Development Permit for a change of use from a single-family dwelling to a retail office use; located at 1136 South Abbot Kinney Boulevard. The case is currently on hold awaiting sign-off of Case No. DIR 2013-2233(SPP)(MEL).

Case No. ZA 2011-1793(CDP)(CUB) – On September 8, 2011, the Zoning Administrator approved a Coastal Development Permit, Conditional Use Permit, and Zoning Administrator's Adjustment for the demolition of an existing dwelling in conjunction with a conditional use permit for the sale and dispensing of beer and wine for on-site consumption, in conjunction with the change of use from retail to restaurant with an existing warehouse with outdoor patio; located at 1235, 1237, and 1239 Abbot Kinney Boulevard.

Case No. ZA 2010-2811(CDP)(ZAA) - On September 8, 2011, the Zoning Administrator approved a Coastal Development Permit, Conditional Use Permit, and Zoning Administrator's Adjustment for the alteration of an existing three story single-family dwelling to a retail space and attached covered garage in conjunction with a reduced side yard setback of zero feet in lieu of 4 feet, a reduced passageway of 4 feet 6 inches in lieu of the required 10 feet, and a reduced clearance height of 9 feet within a new loading area in lieu of the minimum 14 feet; located at 1132 Abbot Kinney Boulevard.

Case No. ZA 2008-2706(CDP)(ZAA)(ZAD) – On February 11, 2009, a Zoning Administrator approved a Coastal Development Permit to allow duplex in the single permit area; and Zoning Administrator's Adjustments to permit uncovered parking spaces within the front yard setback of a through lot; and a Zoning Administrator's Adjustment to permit the construction of a fence that exceeds the 3-foot 6-inch height otherwise permitted within the two front yard setbacks of a through lot, located at 1118 South Electric Avenue.

Case No. ZA 2006-4407(CDP)(CUB)(ZV) – On November 15, 2006, a Zoning Administrator denied a coastal development permit, conditional use for beer and wine, and a Variance to permit zero parking spaces on-site and 20 spaces off-site in lieu of a recorded covenant within 750 feet of project site in conjunction with the conversion of an existing retail commercial use to a 1,100 square-foot restaurant with interior and outdoor patio seating; located at 1136 Abbott Kinney Boulevard.

Case No. ZA 2005-1330(CDP)(ZAA)(SPP) - On July 28, 2005, the Zoning Administrator approved a Coastal Development Permit and Adjustments to construct three artist-in-residence units in conjunction with zero-foot side and rear yard setbacks; while dismissing the proposed Specific Plan Project Permit Compliance and determination for the establishment of a joint living and work quarters unit, located at 1309-1311 Abbot Kinney Boulevard.

Public Hearing

A Notice of Public Hearing was mailed on April 23, 2015 to 64 property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The site was posted on May 11, 2015.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding this application. Interested parties are also invited to submit written

comments regarding the request prior to the hearing. The environmental impact was among the matters considered at the hearing. No written correspondences from the public was received prior to the hearing.

The hearing was held on Tuesday, May 21, 2015 at approximately 10:00 a.m., at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The hearing was held by Theodore Irving from the Office of Zoning Administration in taking testimony for ZA 2014-1346(CDP) and CEQA No. ENV-2014-1347-CE.

The hearing was not attended by the applicant's representative. A member of the community testified generally in support of the project but registered a few concerns regarding the compatibility of contemporary design with the neighborhood's character, and a staff member of Council District Office No. 11 stated the Council Office had no opposition to the project.

NO

MANDATED FINDINGS

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

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

The subject property is a level, 2,460 square-foot rectangular-shaped lot in the RD1.5-1-O Zone. The property has 30 feet of frontage on Cabrillo Avenue, and 85 feet in depth which abuts Alhambra Court. The site is located within the Los Angeles Coastal Transportation Corridor Specific Plan, the Venice Coastal Zone Specific Plan (North Venice), a Calvo Exclusion Area, and the single permit jurisdiction area of the Coastal Zone. The site is improved with a 520 square-foot, single-story, single-family dwelling. The applicant is requesting a coastal development permit authorizing the demolition of the existing dwelling and the construction of a new three-story (35 feet in height to top of roof pitch) 3,337 square-foot single-family dwelling with an attached two-car garage accessed from Aragon Court.

Chapter 3 of the Coastal Act contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to Development. Section 30250 states the following regarding new residential development:

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

developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors."

Chapter 3 of the Coastal Act further states new development shall be located *"where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."* New development shall be designed to protect the *"scenic and visual qualities of coastal areas."* The proposed project is located in the North Venice neighborhood which is developed with single- and multi-family dwellings of one to three stories in height and a variety of architectural styles. The character and scale of the project neighborhood has changed over the years as many property owners have replaced smaller, one-story traditional dwellings with larger, modern, two-story dwellings with roof decks.

The proposed project should have no adverse effects on public access, recreation, public views or the marine environment as the property is located approximately 1/3 of a mile from the closest body of water. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Community Plan serves as the functional equivalent. The Venice Community Plan Map designates the property as Low Medium II Residential with corresponding zones of RZ2.5, RD1.5, RD2, and RW2. The property is within the area of the Venice Specific Plan, Ordinance No. 175,693. The project is consistent with the community plan in terms of the use and density. The project is also compliant with the specific plan, and has been designed to comply with the numerous development standards applicable to the site as further approved under Case No. DIR-2014-622-VSO-MEL. As such, the demolition and construction of the existing single-family dwelling and the construction of a new single-family dwelling at this location will not prejudice the ability of the City to prepare a Local Coastal program in conformity with the California Coastal Act.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any**

subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.

The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

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

The Zoning Administrator has been guided by the action of the Coastal Commission in its review of residential dwelling applications for other development applications in the project area including the properties located at: 326 Brooks Avenue, 708 Hampton Avenue, 521 and 546 Vernon Avenue, 338 Indiana Avenue, 808 5th Avenue, 1214 Abbot Kinney Boulevard, 1235, 1237, and 1239 Abbot Kinney Boulevard, 1118 South Electric Avenue, and 1309-1311 Abbot Kinney Boulevard, all of which are located in the Venice community

The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that included the demolition of an existing dwelling and the construction of a single-family dwelling, duplex, or retail/commercial use. Approval of the proposed project is consistent with these prior decisions.

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

The project site is not located between the nearest public road and the shoreline of any body of water located within the coastal zone, and the proposed project will not interfere with public access to the coast. The development is consistent with the referenced policies as it is a corner through lot surrounded by single- and multi-family dwellings, the zoning of the property is limited to Low Medium II Residential development, and there is no adjoining public access point or public recreation facility.

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

The demolition of an existing single-family dwelling and the construction of a new single-family dwelling in an urbanized area have been determined not to have a significant effect on the environment and is therefore categorically exempt from the

provisions of the California Environmental Quality Act ("CEQA"). The subject grant includes the conditions to mitigate potential impacts associated with the demolition and construction.

The Historical Resource Assessment Report dated November 2014 and prepared by the PCR Services Corporation has stated that the subject property is not currently designated under any national, state, or local landmark programs and does not appear to be eligible for listing in the National Register, California Register, or for designation as a Los Angeles Historic-Cultural Monument due to a lack of historical or architectural significance. As such, the report has concluded that the project will have no impact on historical resources. The report was reviewed and concurred by the Office of Historic Resources staff.


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

On February 13, 2014, the Los Angeles Housing and Community Investment Department has determined that no affordable unit exists at the subject site. As such, the proposed project is not subject to affordability requirements of the Mello Act.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On June 24, 2014, the subject project was issued a Notice of Exemption, log reference ENV 2014-1347-CE, for a Categorical Exemption, Class 3, Category 1. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Kellen Hoime, Planning Staff for the Office of Zoning Administration at (213) 473-9769.


THEODORE L. IRVING, AICP
Associate Zoning Administrator

TLI:KH:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

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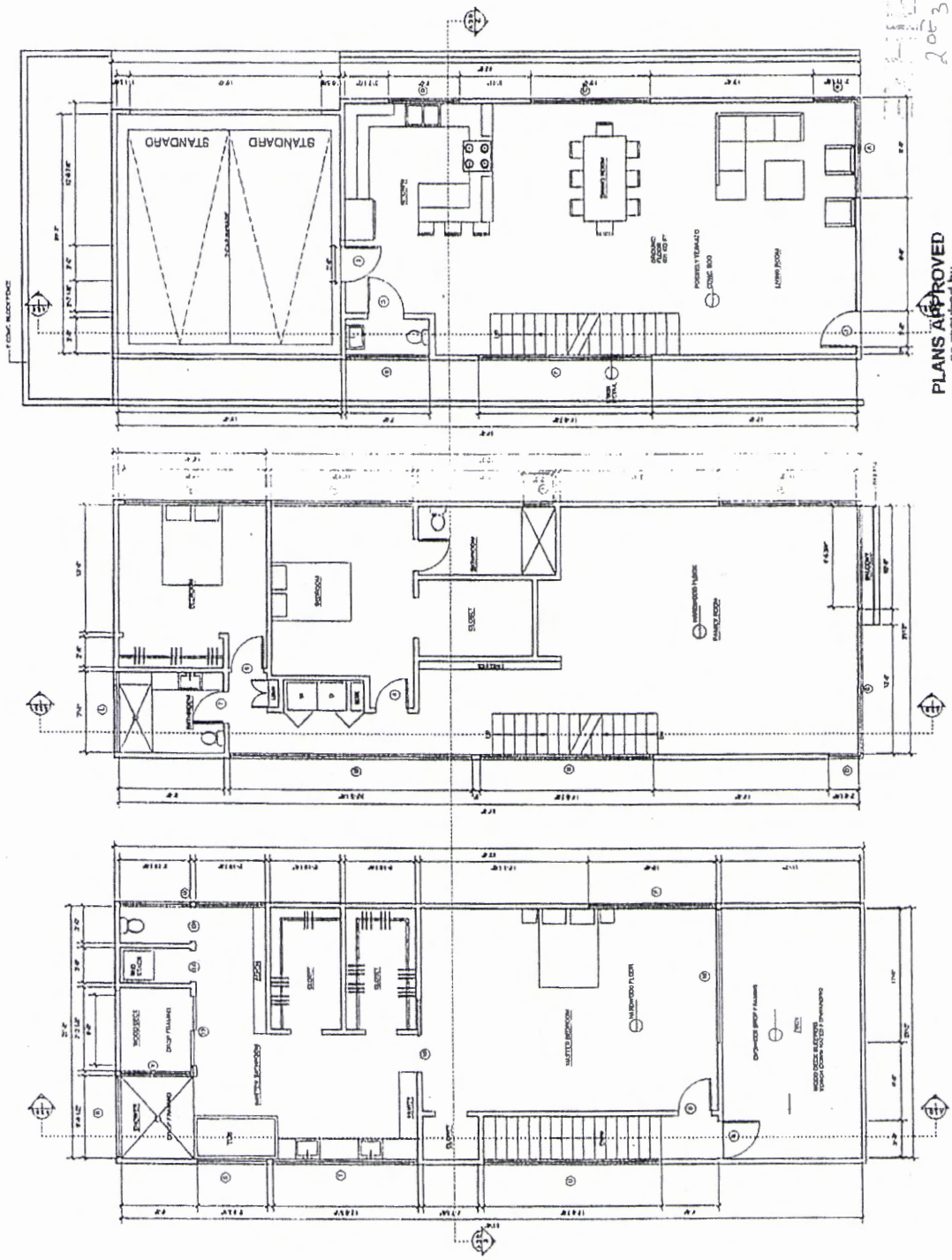
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Architect:
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 Tel: (213) 480-1111
 Fax: (213) 480-1112
 Engineer:
 [illegible]
 12000 W. 10th Ave.
 Suite 100
 Los Angeles, CA 90024
 Tel: (213) 480-1111
 Fax: (213) 480-1112

REVISION	DATE

DATE: 11-27-13
 SCALE: AS SHOWN
 SHEET: 100

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PLANS APPROVED
 as required by

CASE NO.

Planner

Community Planning Bureau
 City of Los Angeles Planning Dept.

Date: 11-27-13

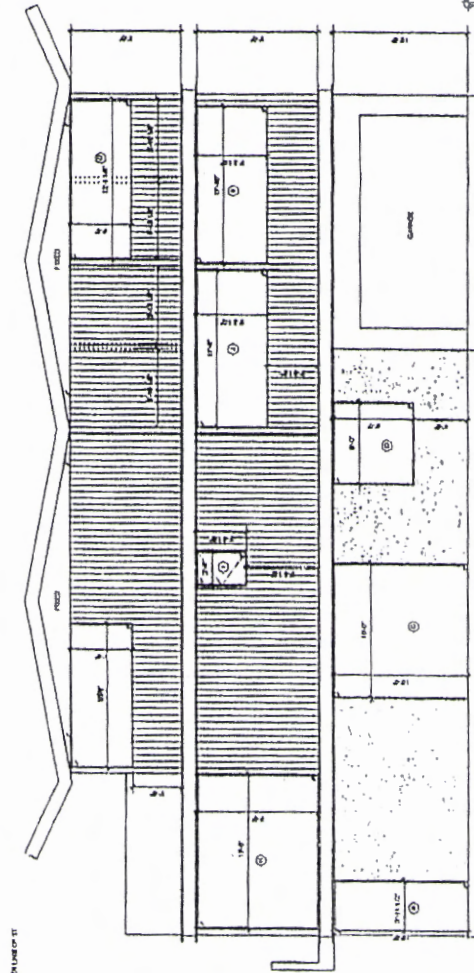
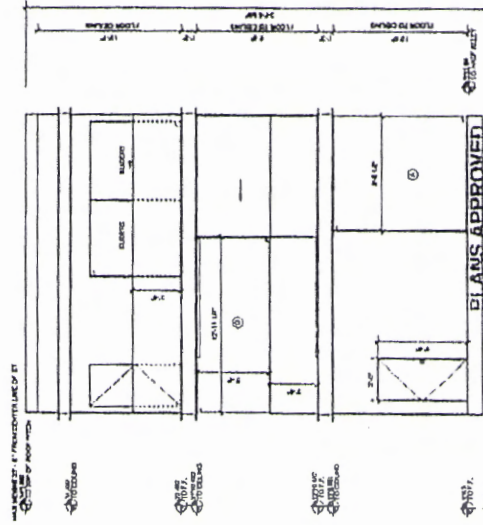
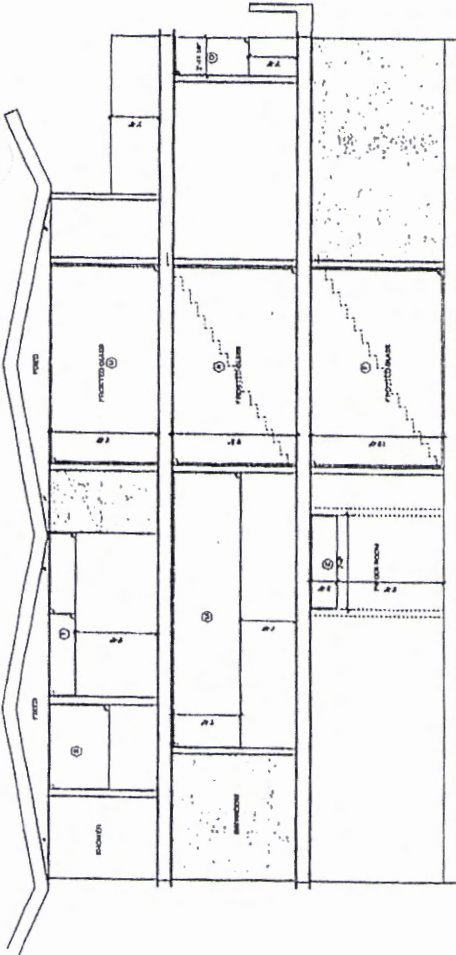
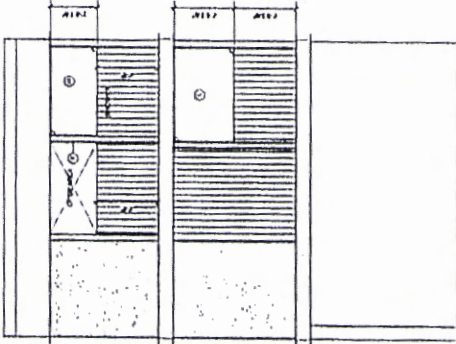
COASTAL COMMISSION

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ARCHITECT

Design: J. Carrillo
Architect: J. Carrillo
Project: 1141 CARRILLO
City of Los Angeles Planning Dept.
Date: 11/11/11



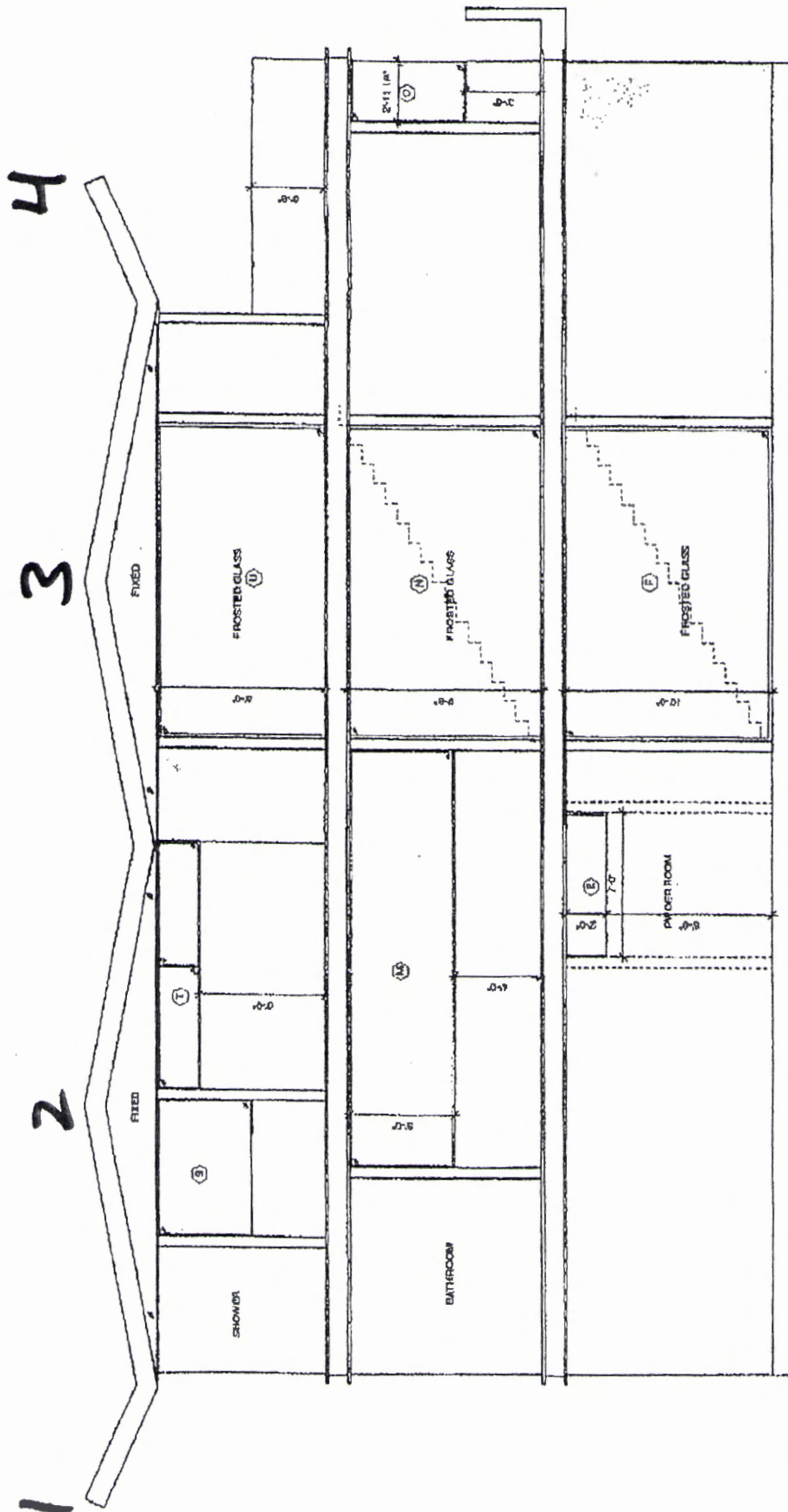
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Planner

Community Planning Bureau
City of Los Angeles Planning Dept.
Date: 11/11/11

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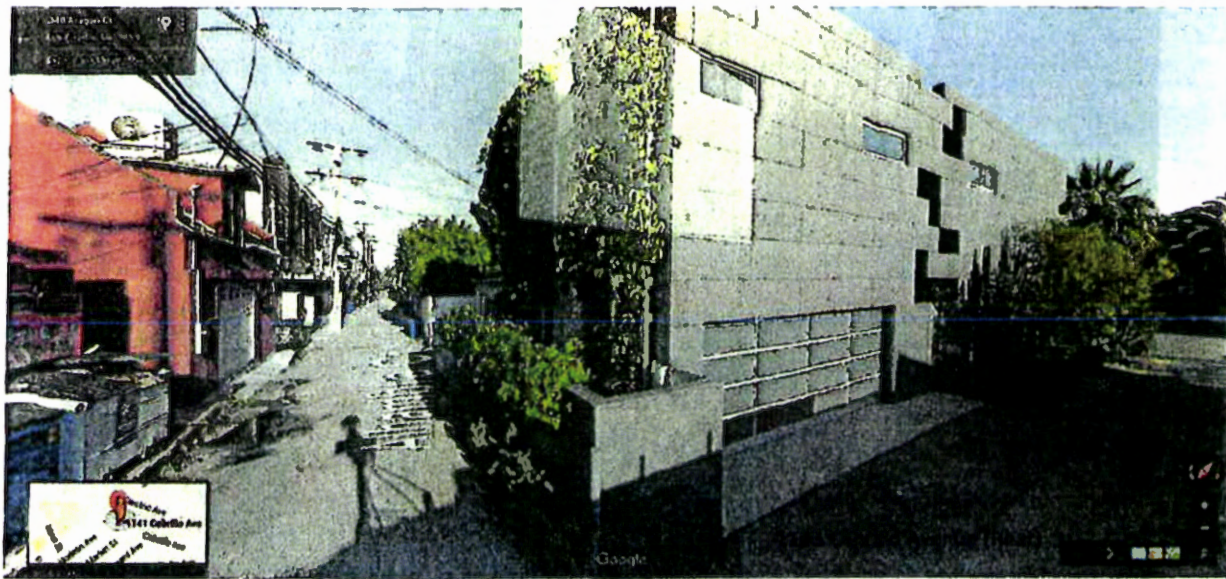
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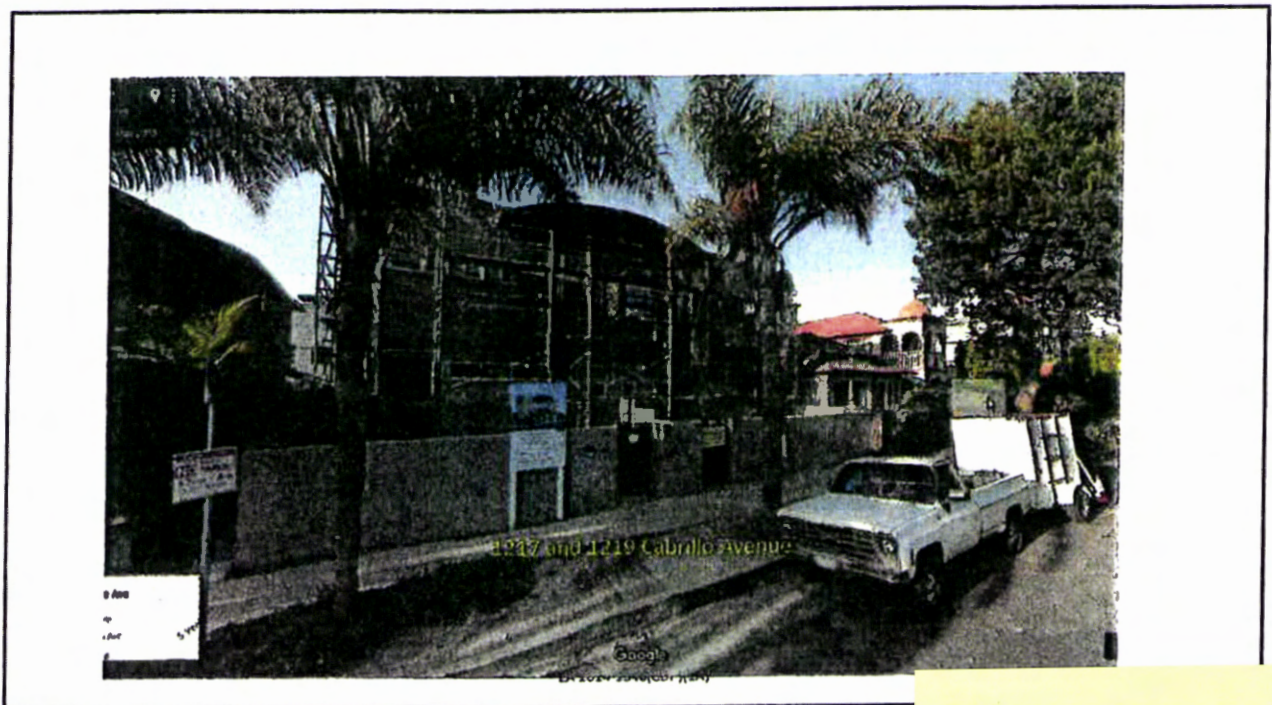
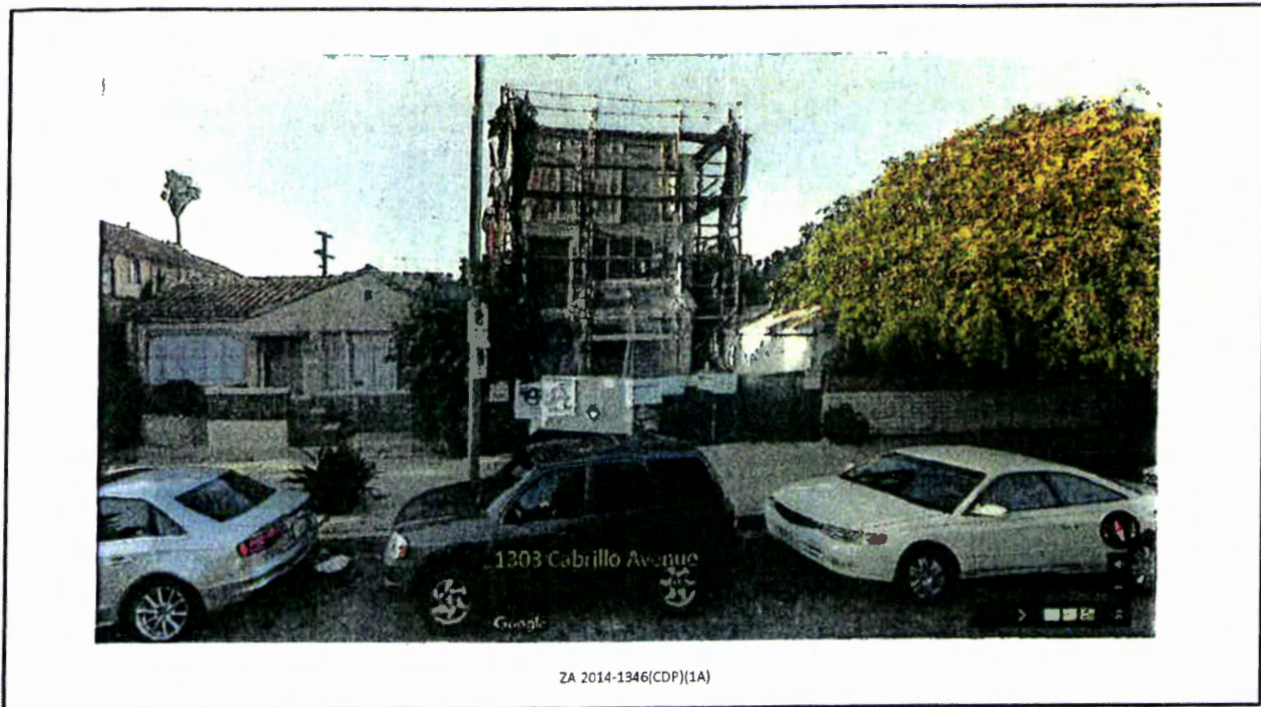
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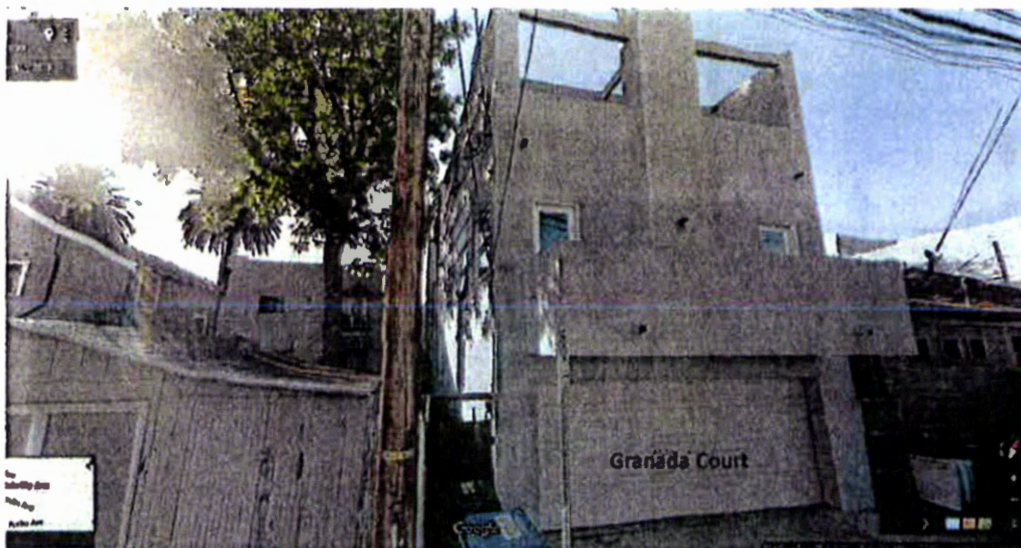
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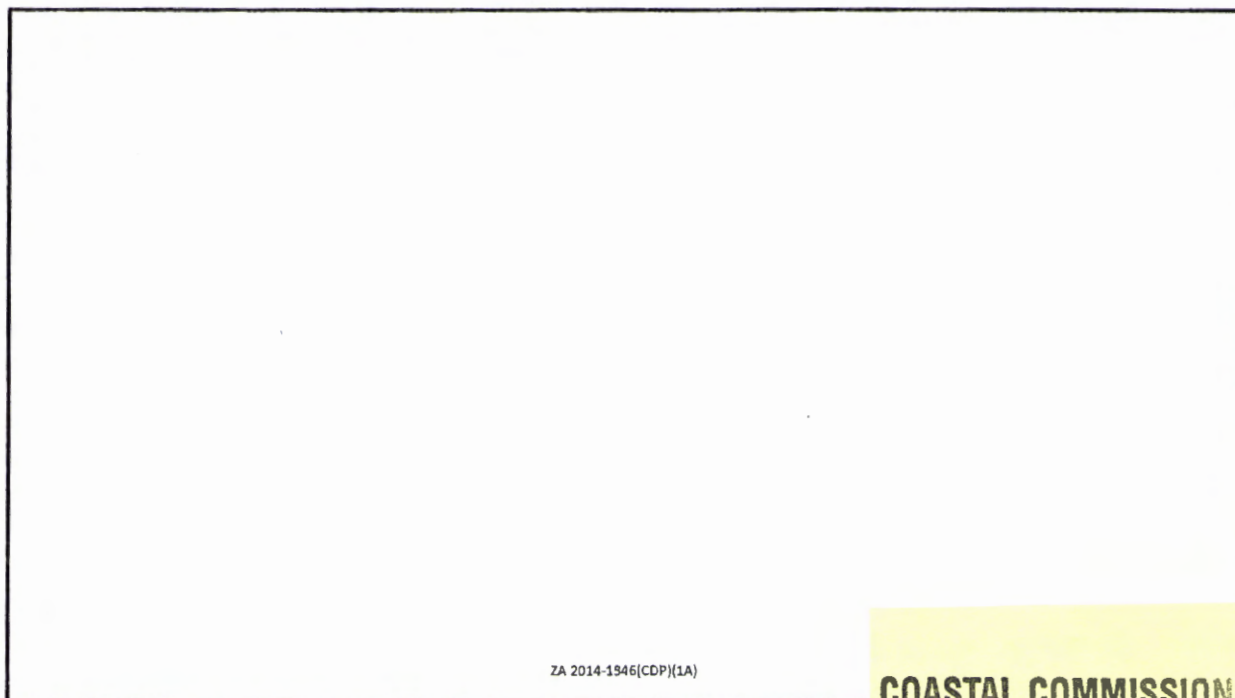


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