

CALIFORNIA COASTAL COMMISSION

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

**F17d**

May 10, 2016

The Code Solution
Attn: Liz Jun
1125 W. 6th St. #205
Venice, CA 90291

Click here to go to
original staff report

Re: Appeal of DIR-2015-3961-CEX, 657 Flower Avenue, Venice, Los Angeles (A-5-VEN-16-0024).

Dear Ms. Jun:

On March 1, 2016, our office received an appeal of the above-referenced City of Los Angeles action. On October 29, 2015, the City of Los Angeles (L. Frazin Steele, City Planning Assistant) issued Coastal Exemption No. DIR-2015-3961-CEX for the following project located at 657 Flower Avenue in Venice:

"2-story addition with new attached 2-car garage to existing one-story, single-family dwelling; major alterations to existing single-family dwelling; 55% of existing wall to remain. Existing single-family dwelling = 936 sq. ft. Total addition = 5,503 sq. ft. And demo garage 10'x12'; demo by handwreck, sewer cap is not required."

On May 2, 2016, the applicant formally withdrew their Claim of Exemption from the City for the above mentioned project. On May 9, 2016, the City notified our office of the withdrawal of DIR-2015-3961-CEX. Therefore, Coastal Exemption No. DIR-2015-3961-CEX is not valid, and no work may occur at the project site. Any future development on the site will need City approval, and may or may not require a Coastal Development Permit.

Because the site is located in the *Single Permit Jurisdiction Area*, the applicant must apply to the City of Los Angeles for future development projects. The City can then approve or deny a coastal development permit for the proposed development, which may be appealed to the Coastal Commission. The applicant may apply for a coastal development permit with the City of Los Angeles at any time.

If the City determines that the proposed project is exempt from a coastal development permit, the claim of exemption may be appealed to the Coastal Commission. Pursuant to Section 30610(a) of the Coastal Act, a coastal development permit is not required for improvements to an existing structure (or structures) that do not result in a change to the number of residential units. Improvements to existing residential structures (not demolitions) are routinely exempted from coastal development permit requirements pursuant to Section 30610 of the Coastal Act. The applicant may apply for a coastal development permit exemption with the City of Los Angeles at any time.

Sincerely,

Charles R. Posner
Supervisor of Planning

cc: Lydia Ponce, Appellant
Sue Kaplan, Appellant

Todd Darling, Appellant
Robin Rudisill, Interested Party

LAW OFFICE OF
STEVE KAPLAN

16133 VENTURA BOULEVARD, SUITE 700
ENCINO, CALIFORNIA 91436

TELEPHONE: (818) 377-7440

EMAIL: SK.LANDUSELAW@GMAIL.COM

May 5, 2016

SENT VIA EMAIL

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Attention: Teresa Henry, Charles Posner, Steve Hudson, Al Padilla, Caitlin Oshida

RE: Commission Appeal No. A-5-VEN-16-0023; Local Permit # DIR-2015-4490-CEX
Commission Appeal No. A-5-VEN-16-0024; Local Permit # DIR-2015-3961-CEX
Commission Appeal No. A-5-VEN-16-0025; Local Permit # DIR-2015-4493-CEX
Commission Appeal No. A-5-VEN-16-0026; Local Permit # DIR-2015-3934-CEX

Coastal Commission Staff:

The undersigned represents the owners and applicants with reference to the above captioned California Coastal Commission appeal cases.

Please be advised the my clients have informed the City of Los Angeles Planning Department of its intention to revoke and terminate the subject Coastal Exemptions that underlie the basis of the referenced appeal cases. (See copy of letter to City Planning and confirmation from City Planner Ralph Avila attached hereto).

Please also be advised that my clients will not be pursuing the construction of the projects for which the subject CEXs had been issued.

Also, for your information, the applicants in the above cited appeal cases will not appear at the appeal hearings scheduled as agenda items 17 (c), (d), (e) and (f) on February 13, 2016 in Newport Beach.

Thank you for your assistance in this matter.

Sincerely,



Steve Kaplan

LAW OFFICE OF
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EMAIL: SK.LANDUSELAW@GMAIL.COM

May 2, 2016

SENT VIA EMAIL

Los Angeles City Planning Department
6262 Van Nuys Boulevard, Suit 252
Public Counter
Van Nuys, CA

Attention: Ralph Avila

RE: Coastal Exemptions
DIR-2015-3934, 3961, 4490 and 4493

Planning Department Staff:

The undersigned represents the owners and applicants of the projects for which the above referenced CEXs have previously been issued.

Please be advised, and request is hereby made to City Planning, to revoke said Coastal Exemptions.

Please also be advised that my clients are no longer pursuing the construction of the projects for which the subject CEXs were issued.

Thank you for your assistance in this mater.

Sincerely,


Steve Kaplan



Steve Kaplan <sk.landuselaw@gmail.com>

Re: CEXs- DIR-2015-3934, 3961, 4490, 4493

1 message

Ralph Avila <ralph.avila@lacity.org>

Mon, May 2, 2016 at 11:29 AM

To: Steve Kaplan <sk.landuselaw@gmail.com>

Cc: Carey Wong <carey@fmbdevelopment.com>, Maritza Przekop <maritza.przekop@lacity.org>, Andy Rodriguez <andy.rodriguez@lacity.org>

Steve,

I will forward this to the Metro office. Our PCTS system will be updated to reflect the withdrawal of these CEX's. We can then email a screen shot of the revised project status within PCTS as verification to Coastal of our official record.

Ralph

On Mon, May 2, 2016 at 10:55 AM, Steve Kaplan <sk.landuselaw@gmail.com> wrote:

Good Morning Ralph,

Please find attached a letter requesting the termination of the CEXs previously issued for the projects we recently discussed with you.

As stated earlier, Coastal Commission staff would like something from City Planning officially demonstrating that the subject CEXs are no longer valid.

Thanks,

STEVE KAPLAN

Attorney

16133 Ventura Boulevard, Suite 700

Encino, CA 91436

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Cell: 818.321.9575

Facsimile: 818.377.7401

E-Mail: sk.landuselaw@gmail.com

On Wed, Apr 27, 2016 at 8:09 AM, Ralph Avila <ralph.avila@lacity.org> wrote:

Steve,

Let me check into it.

On Tue, Apr 26, 2016 at 6:16 PM, Steve Kaplan <sk.landuselaw@gmail.com> wrote:

Ralph,

What procedural mechanism should I use to dismiss/terminate/vacate the above captioned previously issued CEXs that are now on appeal to the Coastal Commission.

Coastal Commission staff wants proof from City Planning that the applicant has indicated its intention not to use said exemptions.

Please advise.

STEVE KAPLAN
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F17d

Filed: 3/1/2016
49th Day: 4/19/2016
Staff: C. Oshida – LB
Staff Report: 4/21/2016
Hearing Date: 5/13/2016

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE AND DE NOVO

Local Government: City of Los Angeles

Local Decision: Claim of Exemption to Coastal Development Permit Requirement

Appeal Number: A-5-VEN-16-0024

Applicant: Liz Jun

Appellants: Lydia Ponce, Sue Kaplan, and Todd Darling

Project Location: 657 Flower Avenue, Venice, City of Los Angeles (APN: 4240-011-032)

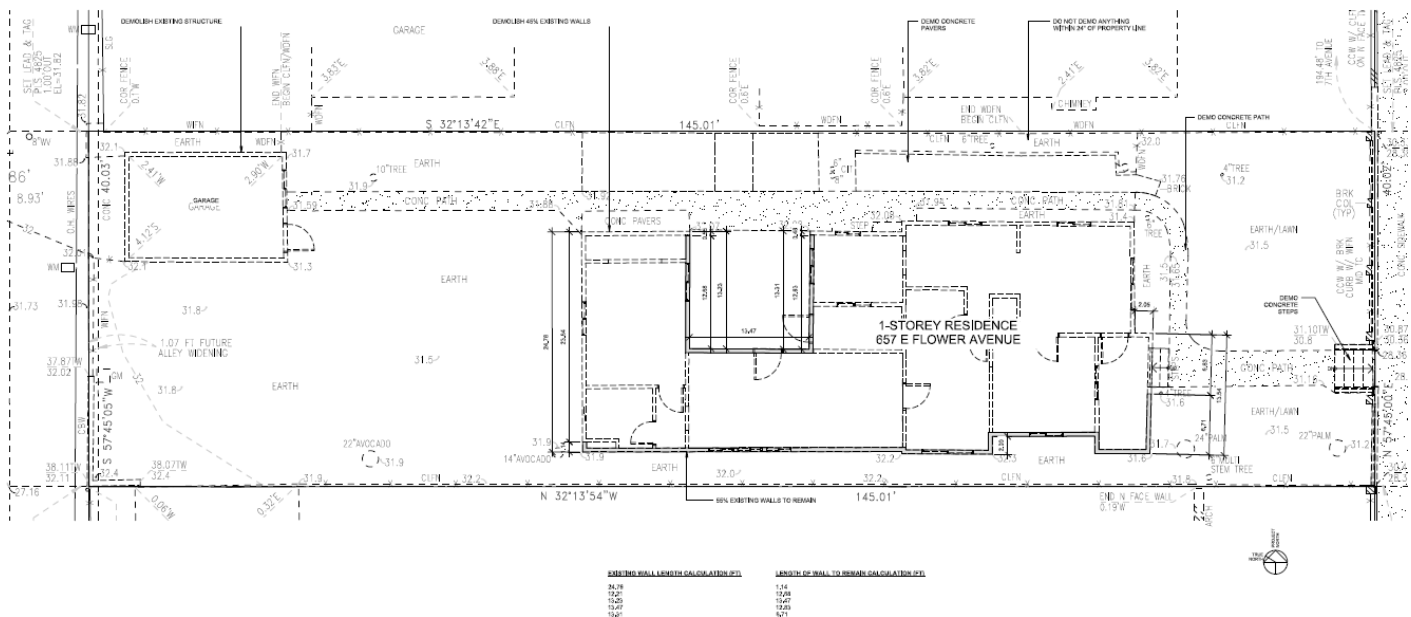
Project Description: Appeal of City of Los Angeles Local Coastal Exemption No. DIR-2015-3961-CEX for a two-story, 5,503 sq. ft. addition with attached two-car garage and major alterations to an existing one-story, 936 sq. ft., single-family dwelling with existing 120 sq. ft. detached garage.

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

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

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which Appeal A-5-VEN-16-0024 has been filed because the locally approved development does not qualify for an exemption and requires a local coastal development permit from the City of Los Angeles. The City-approved development constitutes a demolition and rebuild, not an improvement to an existing development, because more than 50% of the existing structure will be demolished. The scope of work includes demolition of the roof, removal and replacement of the floors, demolition of the interior walls, demolition of approximately 50% of exterior walls, demolition of all doors and windows, construction of new foundation and load bearing walls, construction of a new second story, and construction of a new roof (see image below of demolition plan below and **Exhibit 4**). Therefore, the proposed project is non-exempt “development” as defined in the Coastal Act. Demolition, reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act or the Commission’s Regulations and require a coastal development permit. Commission Staff recommends that the Commission **deny the claim of exemption** and find that the proposed project requires a local coastal development permit, and return this matter to the City for processing. The **motions** to carry out the staff recommendation are on **pages 4 and 11**.



Demolition plan: applicant's architect

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Photo of Site

Exhibit 3 – Appeal

Exhibit 4 – Plans Submitted by Applicant

I. MOTION AND RESOLUTION

MOTION: *I move that the Commission determine that Appeal No. A-5-VEN-16-0024 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

RESOLUTION:

*The Commission hereby finds that Appeal No. A-5-VEN-16-0024 presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On March 1, 2016, the Commission received an appeal of Local Coastal Exemption DIR 2015-3961-CEX from Lydia Ponce, Sue Kaplan, and Todd Darling (**Exhibit 3**). The City's Coastal Exemption approved a "2-story addition with new attached 2-car garage to existing one-story, single-family dwelling; major alterations to existing single-family dwelling; 55% of existing wall to remain. Existing single-family dwelling = 936 sq. ft. Total addition = 5,503 sq. ft. And demo garage 10'x12'; demo by handwreck, sewer cap is not required." The appeal contends that more than 50% of the structure will be demolished, that the mass and scale of the locally-approved project is inconsistent with the community character of the area and therefore is inconsistent with the Venice certified Land Use Plan (LUP) and the Chapter 3 policies of the Coastal Act, and that because the project will result in new development, the City is required to review the project for conformance with the Mello Act. For the reasons stated above, the appeal contends that the City-approved project does not qualify for an exemption and requires the review afforded through the coastal development permit process.

III. LOCAL GOVERNMENT ACTION

On October 29, 2015, the City of Los Angeles, Department of City Planning issued a Coastal Exemption (DIR 2015-3961-CEX) (**Exhibit 3**) for a "2-story addition with new attached 2-car garage to existing one-story, single-family dwelling; major alterations to existing single-family dwelling; 55% of existing wall to remain. Existing single-family dwelling = 936 sq. ft. Total addition = 5,503 sq. ft. And demo garage 10'x12'; demo by handwreck, sewer cap is not required." The applicant name listed on the City's exemption is Liz Jun. The box checked on the City's exemption form is "Improvements to Existing Single-Family Residences." On October 28, 2015, the City of Los Angeles, Department of City Planning issued a Director of Planning Sign-Off (DIR-2015-3655-VSO) (**Exhibit 3**) for "remodel and addition to an existing one-story single family dwelling and demolition of a detached garage. Project will result in a 2,766 SF second story, a roof deck, two RASs, and an attached two car garage. Project will remove/alter 45% of the existing exterior walls." The applicant name listed on the City's Director of Planning Sign-Off

form is Howard Robinson. The box checked on that form is “Improvements to Existing Single or Multi Family Structure that is not on a Walk Street.”

The City forwarded a copy of the Coastal Exemption to the Coastal Commission’s South Coast District Office on February 1, 2016 – 95 days after the coastal exemption was issued. On March 1, 2016, the appellants submitted the appeal to the Commission’s South Coast District Office. The appeal of the City’s action was determined to be valid because it was received prior to the expiration of the twenty working-day period in which any action by the City of Los Angeles can be appealed to the Commission. On March 2, 2016, a Notification of Appeal was sent to the Los Angeles Department of City Planning and the applicant, notifying each party of the appeal of DIR-2015-3961-CEX, and the decision was stayed pending Commission action on the appeal.

On March 18, 2016, the applicant waived the 49-day rule for hearing an appeal.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code § 30625.]

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

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

In this case, Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local government’s

action (exemption) is voided and the Commission holds a public hearing in order to review the application as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057- 13096 of the Commission's regulations.

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

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

V. SINGLE/DUAL PERMIT JURISDICTION AREAS

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

In 1978, relying on section 30600(b) of the Coastal Act, the City adopted procedures for the City to issue coastal development permits. The Commission approved those procedures and authorized the City to issue coastal development permits, with Chapter 3 of the Coastal Act being the standard of review for the review of permits because section 30604(a) provides that Chapter 3 is the standard of review when issuing a permit prior to certification of a local coastal program. While the Commission certified the City's Land Use Plan for the Venice area in 2001, the Commission did not delegate authority to the City to issue permits pursuant to section 30600.5(b) of the Coastal Act because the City did not adopt proper ordinances to issue permits under its LUP as required by section 30600.5(f) of the Coastal Act. Thus, the City is still issuing permits under the procedures it adopted pursuant to section 30600(b) of the Coastal Act and must use Chapter 3 of the Coastal Act when reviewing coastal development permit applications. The Commission, likewise, uses Chapter 3 of the Coastal Act as the standard of review in its review, on appeal, of the City-issued exemption. (Coastal Act §§ 30602, 30625)

VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE

A. PROJECT LOCATION AND DESCRIPTION

The project site is located in the Oakwood subarea at 657 Flower Avenue within the City of Los Angeles Single Permit Jurisdiction Area, about 0.7 miles inland of the beach (**Exhibit 1**). The lot area is 5,800 square feet and zoned R1.5-1 (Multi Family Residential) in the Los Angeles Zoning Code. The site is currently developed with a single family dwelling fronting Flower Avenue and an approximately 120 square foot, detached garage in the rear of the property (**Exhibit 2**). The Los Angeles County Recorder indicates that the existing one-story 936 square foot home was constructed in 1922. The scope of work provided by the applicant's representative on the City's Coastal Exemption form is *"2-story addition with new attached 2-car garage to existing one-story, single-family dwelling; major alterations to existing single-family dwelling; 55% of existing wall to remain. Existing single-family dwelling = 936 sq. ft. Total addition = 5,503 sq. ft. And demo garage 10'x12'; demo by handwreck, sewer cap is not required."* (No further information or calculation provided on the Coastal Exemption.)

The City of Los Angeles did not retain copies of plans for this project when it was deemed exempt from permit requirements, so the Commission did not receive any plans with the requested City record. According to plans submitted by the applicant (**Exhibit 4**), the scope of work includes demolition of the roof, removal and replacement of the floors, demolition of the interior walls, demolition of approximately 50% of exterior walls, demolition of all doors and windows, construction of new foundation and load bearing walls, construction of a new second story, and construction of a new roof. The new structure is more than five times the square footage of the existing structure, more than twice the height at its highest point, and takes up more of the lot area than the existing structure. New foundational elements and load bearing walls are proposed on portions of the lot where none exist currently.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain

judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

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

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

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in section IV of this report, the Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal are that the project is not an improvement to an existing structure and is therefore non-exempt “development” as defined in the Coastal Act and so a coastal development permit should have been required.

Coastal Act Section 30610 Developments authorized without permit, states:

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

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

California Administrative Code of Regulations Section 13250 Improvements to Existing Single-Family Residences, states:

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;*
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and*
- (3) Landscaping on the lot.*

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

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

*(b) Unless destroyed by natural disaster, the replacement of **50 percent or more** of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any*

other structure is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

The project description written in the City’s exemption determination lacks adequate specificity to ensure that the proposed development is actually an improvement to an existing structure rather than a new structure that must obtain a coastal development permit. Moreover, in recent similar exemption determinations, projects that have received City exemptions have demolished more than the 50 percent of the existing structure and resulted in new buildings (buildings with new foundations, floors, plumbing, walls and roofs). The City of Los Angeles Certified Land Use Plan (LUP) for Venice defines “remodel” as: *an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced.* However, when a “remaining wall” is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the 50 percent guideline should retain its siding, drywall/plaster, windows, and doorways. Demolition, reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act or the Commission’s Regulations – and require a coastal development permit.

In this case, the amount of the existing structure proposed to be removed is more than 50 percent and therefore cannot be considered a repair and maintenance activity that is exempt from coastal development permit requirements. According to plans submitted by the applicant (**Exhibit 4**), the scope of work includes demolition of the roof, removal and replacement of the floors, demolition of the interior walls, demolition of approximately 50% of exterior walls, demolition of all doors and windows, construction of new foundation and load bearing walls, construction of a new second story, and construction of a new roof. The new structure is more than five times the square footage of the existing structure, more than twice the height at its highest point, and takes up more of the lot area than the existing structure. New foundational elements and load bearing walls are proposed on portions of the lot where none exist currently.

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

The final issues raised by the appeal would be relevant to a coastal development permit application processed by the City, which could consider other development standards including the size, mass, and scale of the structure, and parking and setback requirements. The City could also conduct a Mello analysis after determining the property history. The legally required process to address these issues is the coastal development permit application process, which the City is responsible for administering.

Therefore, the appeal raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act because the development, which did not obtain a CDP, has not yet been reviewed for conformity with the Chapter 3 policies of the Coastal Act.

Applying the five factors listed in the prior section clarifies that the appeal raises “a substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30625(b)(1), because the nature of the proposed project and the local government action are not consistent with the Chapter 3 policies of the Coastal Act.

The first factor is the degree of factual and legal support for the local government’s decision that the development is exempt from CDP requirements. Issuing an exemption for a project with the scope of work that includes “*2-story addition with new attached 2-car garage to **existing one-story, single-family dwelling**; major alterations to existing single-family dwelling*” could be, on its face, consistent with the Coastal Act, however, the placement of a second-floor addition on a one-story structure may require more demolition and replacement of existing material than is anticipated due to the unknown condition and ability to endure a new structural load. The City characterized the development as including “*major*” alterations consisting of demolition of the roof, removal and replacement of the floors, demolition of the interior walls, and demolition of approximately 50% of exterior walls. Considering the age of the structure and the amount of demolition involved, the proposed development is more than an “improvement” to an existing residential unit and more than 50 percent of the existing structure will be removed in order to accommodate the new second floor addition and remodel.

The locally approved development would result in more than 50% demolition of the existing structure and is not simply an improvement to an existing but, instead, constitutes the replacement of the structure with a new structure, which must go through the CDP process. Additionally, City staff states that at the time it issued this coastal exemption, it did not retain copies of the plans for the proposed development that it exempted from coastal development permit requirements. There are no plans in the City record for the Commission to review to determine whether the City properly determined that the proposed development was exempt. Therefore, the Coastal Commission finds that the City does not have an adequate degree of factual or legal support for its exemption determination.

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

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

significant impact on Venice’s visual character. See, e.g., staff reports dated 1/28/16 and 3/24/26 for Appeal No. A-5-VEN-16-0005.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. The City does not currently have a certified LCP. Issuing exemptions for proposed projects like these that result in the construction of new larger residences circumvents the coastal development permit process and its requirement for public participation, and sets a bad precedent. As discussed above, significant adverse impacts to coastal resources would potentially occur, if the City’s coastal exemption process is inappropriately used to avoid the coastal development permit process, during which the proposed development would be reviewed for consistency with the character of the surrounding area and would potentially set a bad precedent. The abuse of the City’s coastal exemption process in order to avoid obtaining a coastal development permit for new development is a recurring problem. [See California Coastal Commission meeting agenda for 4/14/16.]

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although this appeal raises specific local issues, potentially exempting projects from the coastal development process that are not exempt pursuant to policies of the provisions of the Coastal Act will have potential negative and cumulative impacts to the coast if other local governments in the coastal zone apply their exemption authority in a similar manner. New structures must be properly reviewed through the local coastal development permit process and monitored by the City in order to protect coastal resources. Therefore, the City’s approval does raise potential issues of statewide significance.

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

VII. MOTION AND RESOLUTION – DE NOVO

MOTION: *I move that the Commission **approve** Claim of Exemption No. A-5-VEN-16-0024 for the development proposed by the applicant*

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

RESOLUTION:

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

VIII. FINDINGS AND DECLARATIONS – DE NOVO

A. PROJECT DESCRIPTION

The actual project as documented on the project plans provided by the applicant, is the demolition of a one-story approximately 936 square foot structure and detached, approximately 120 square foot, garage (**Exhibit 2**) and construction of a new 5,503 square foot, two-story residential structure on a 5,800 square foot residentially zoned lot in the Oakwood subarea of Venice, Los Angeles (**Exhibit 4**).

B. COASTAL DEVELOPMENT PERMIT REQUIREMENTS

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

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

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

Coastal Act Section 30610 provides, in part:

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

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

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and

maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

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

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

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

Additionally, the City of Los Angeles Certified Land Use Plan (LUP) for Venice defines "remodel" as: an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced. However, as previously found in the substantial issue portion of this appeal, the Commission found that when a "remaining wall" is used as a measure to determine whether a development is a remodel or a new structure, the wall must remain intact as part of the structure, and for purposes of calculating the fifty-percent guideline should retain its siding, drywall/plaster, windows, and doorways. Furthermore, the Commission found that demolition, reconstruction, or substantial redevelopment of a project in the Venice coastal zone are not exempt under any section or provision of the Coastal Act, or the Commission's Regulations and require a coastal development permit. Even if a development is a remodel under the LUP, it does not mean that it is exempt from the coastal development permitting requirements. The LUP sets forth no policies relative to interpreting remodels as being exempt development. As such, an exemption determination is based on a reading of applicable Coastal Act provisions and associated implementing regulations in the Commission's regulations. In this case, the amount of structure proposed to be removed exceeds fifty percent of the structure. Therefore, a coastal development permit must be obtained.

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

than fifty percent of the components may need to be replaced due to termite infestation and/or dry rot, which are typical of Southern California homes.

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

In this case, the amount of the existing structure proposed to be removed is more than 50 percent and therefore cannot be considered a repair and maintenance activity that is exempt from coastal development permit requirements. According to plans submitted by the applicant (**Exhibit 4**), the scope of work includes demolition of the roof, removal and replacement of the floors, demolition of the interior walls, demolition of approximately 50% of exterior walls, demolition of all doors and windows, construction of new foundation and load bearing walls, construction of a new second story, and construction of a new roof. The new structure is more than five times the square footage of the existing structure, more than twice the height at its highest point, and takes up more of the lot area than the existing structure. New foundational elements and load bearing walls are proposed on portions of the lot where none exist currently.

The proposed project also does not qualify for an exemption under Coastal Act Section 30610(d). Coastal Act Section 30610(d) allows for repair and maintenance activities on existing structures so long as the repair and maintenance does not result in an addition to, or enlargement or expansion of, the structure. Under section 13252 of the Commission’s regulations, if the repair and maintenance result in the replacement of 50 percent or more of the existing structure, then the project constitutes a replacement structure, thereby requiring a coastal development permit and the entire structure must be in conformity with applicable policies of Chapter 3 of the Coastal Act.

The applicant’s plans, submitted subsequent to the appeal, and the City’s Director of Planning Sign-Off DIR-2016-3655-VSO indicate that 45% of the existing exterior walls will be removed and replaced. In similar exemptions the City has asserted that even though all that remains of the structure is some of the exposed studs of the previously existing framing (completely stripped of siding, drywall, plaster, doors, windows, or electrical components), that the “walls” of the structure remain. There are two problems with that analysis. First, the remaining wall calculation does not include doors, windows, or siding, all of which are part of the structure and are mostly proposed to be removed by the subject application. Second, even if the plans indicate that portions of the existing walls (typically just studs and framing) are to remain, the City building inspector may require replacement of those components for safety reasons. For example, when an older house is enlarged from one story to two-story, more than fifty percent of the components may need to be replaced due to termite infestation and/or dry rot, which are typical of Southern California homes that are nearly 100 years old, as is the case with the subject structure.

Coastal Act Section 30600 Coastal Development Permit; Procedures Prior to Certification of Local Coastal Program, states:

- (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.*
- (b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.*
(2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.
- (c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).*
- (d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.*

The City of Los Angeles has the authority to issue coastal development permits. The proposed project site is located within the *Single Permit Jurisdiction Area*. For the reasons discussed in detail above, the proposed project constitutes demolition of a one-story approximately 936 square foot structure and detached, approximately 120 square foot garage and construction of a new 5,503 square foot two-story structure with attached, two-car garage, which is not exempt under any policy or provision of the Coastal Act or the Commission's Regulations. Therefore, the proposed project requires a local coastal development permit, processed by the City of Los Angeles. The appellants have expressed various concerns regarding the alleged inconsistencies between the proposed project's mass, scale and character with that of the surrounding community – in addition to other social and architectural concerns. Other development standards including the size, mass, and scale of the structure, parking requirements and potential access issues, and a Mello Act analysis may be reviewed by the City of Los Angeles through its coastal development permit application process.

Because the evidence does not support exempting the proposed project from Coastal Act permitting requirements, *Coastal Exemption No. A-5-VEN-16-0024* is denied.

Appendix A – Substantive File Documents

1. City of Los Angeles Certified Land Use Plan for Venice (2001)
2. Appeal File A-5-VEN-16-0005
3. California Coastal Commission Meeting Agenda 4/14/16



Location Map: 657 Flower Avenue, Venice

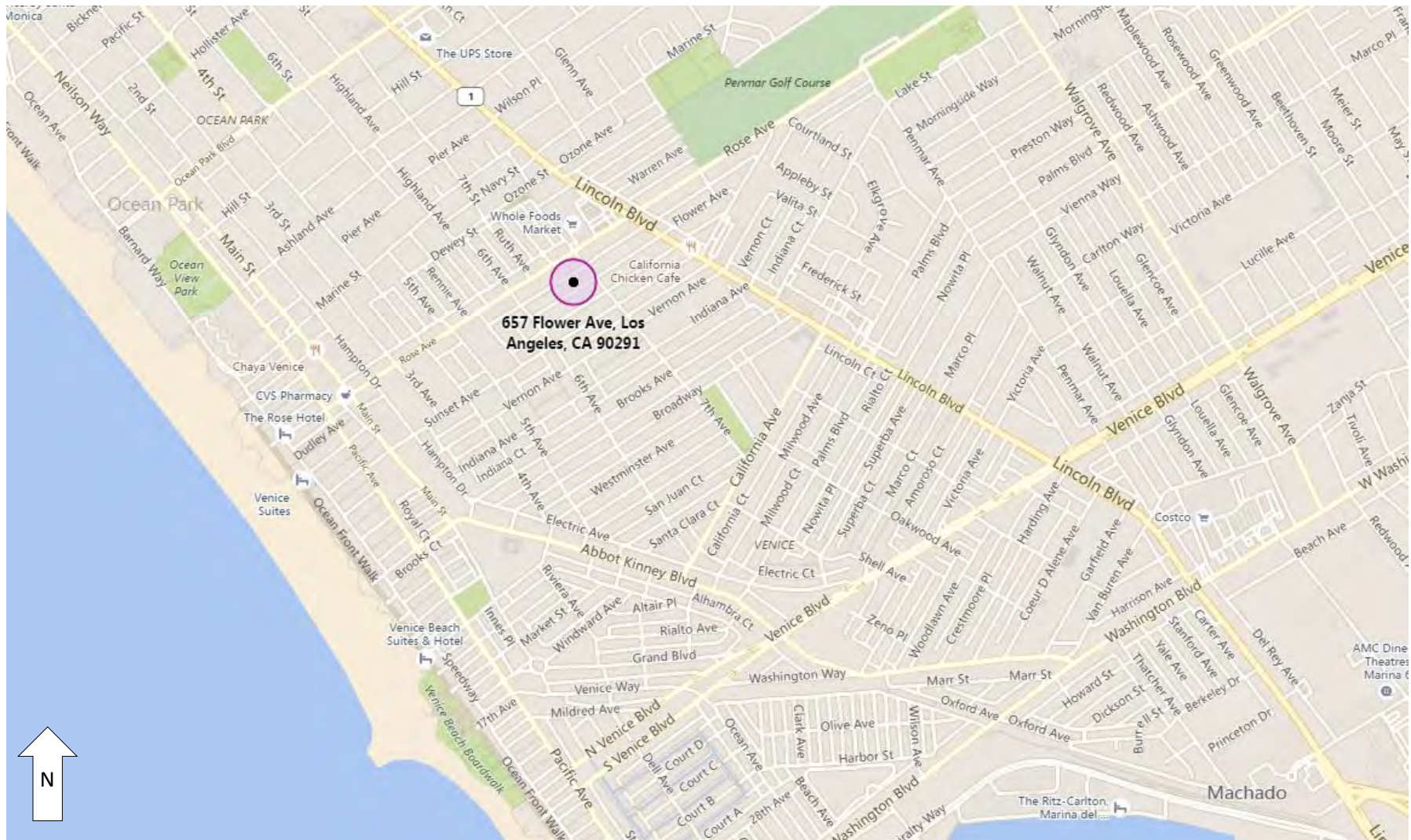


Photo credit: Bing Maps



Vicinity Map: 657 Flower Avenue, Venice

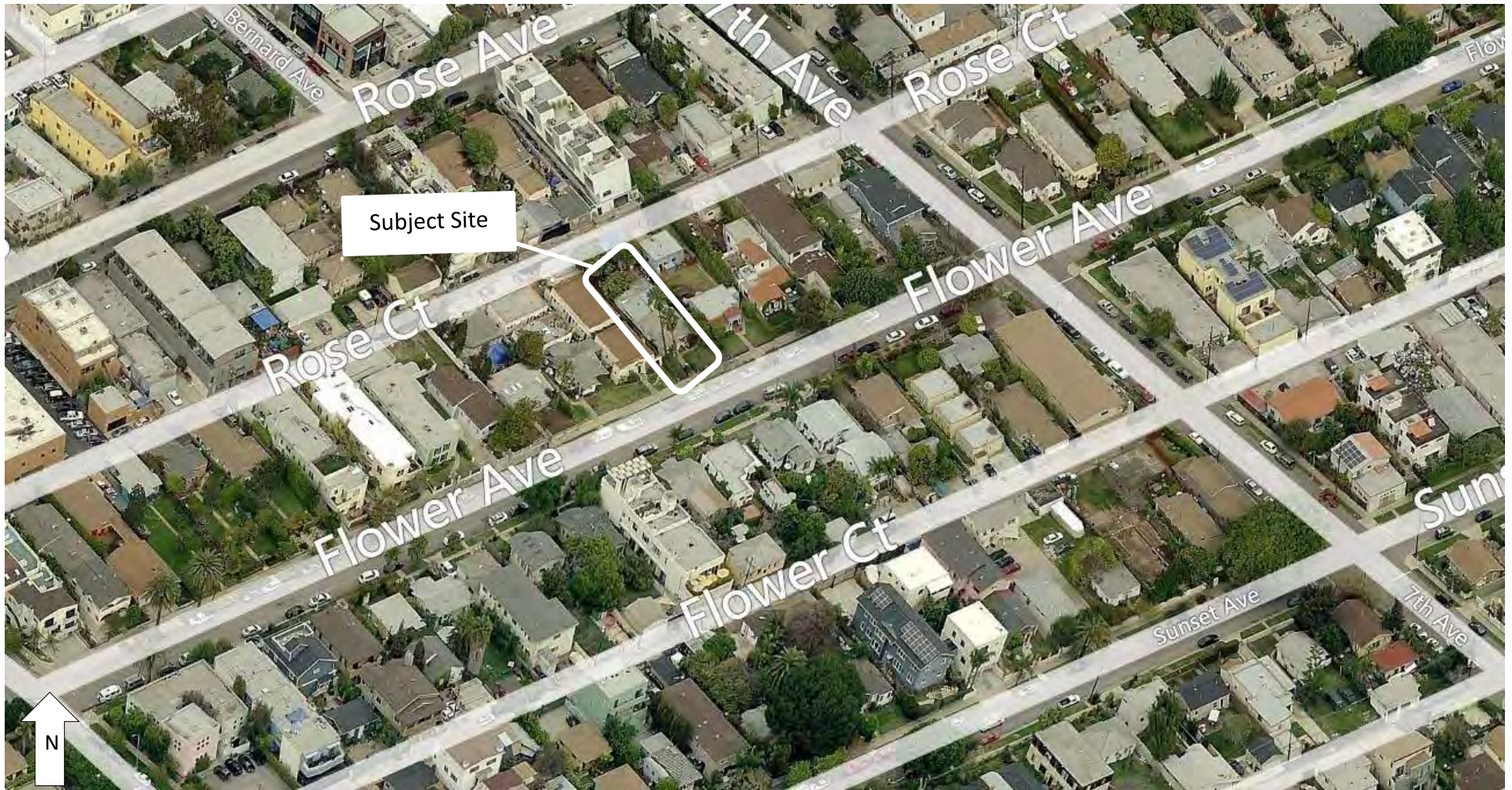


Photo credit: Bing Maps

Photo of 657 Flower Avenue, Venice, 3-10-2016



Photo credit: California Coastal Commission Staff

Exhibit 2

Page 1 of 1



California Coastal
Commission

California Coastal
CommissionLONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

SOURCES AGENCY

L COMMISSION

:E

RECEIVED
South Coast Region

EDMUND G. BROWN JR., Governor

MAR 1 - 2016

CALIFORNIA
COASTAL COMMISSION**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Lydia Ponce, Sue Kaplan, Todd Darling

Mailing Address: 763 Nowita Place

City: Venice

Zip Code: 90291

Phone: 310-822-0161

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

2-story addition w/(N) attached 2-car garage to (E) 1-story SFD/Major alterations to (E) SFD. 55% of (E) wall to remain. (E) SFD = 936 sq ft. Total addition = 5,503 sq ft. + demo garage 10 x 12' demo by handwreck. Sewer cap is not required

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

657 Flower Ave, APN: 424-001-1032, 7th Ave

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-VEN-10-0024

DATE FILED:

3-1-2016

DISTRICT:

South Coast

657 Flower Ave
Coastal Exemption Appeal
March 1, 2016

Lydia Ponce
837 1/2 Milwood Ave
Venice, CA 90291

Sue Kaplan, as an individual and not on behalf of the VNC or its Ad Hoc
Committee on Mass, Scale and Character
763 Nowita Place
Venice, CA 90291

Todd Darling, as an individual and not on behalf of the VNC or its LUPC
2206 Louella Ave
Venice, CA 90291

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: October 29, 2015

7. Local government's file number (if any): DIR-2015-3961-CEX

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Liz Jun, The Code Solution, 1125 W. 6th St, #205, L.A., CA 90017

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

(1)

(2)

(3)

(4)

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.

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

In addition, the structural integrity of the aged foundation and framing must be considered when considering whether such a project (3 stories) can be done while maintaining 50% or more of the existing structure. Such large projects are likely to require a full demolition of the existing structure, which is development that requires a CDP.

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

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

The City's Coastal Exemption process is being used to avoid the CDP process, during which the proposed development would be reviewed for consistency with the character of the surrounding area. Community Character is a significant Coastal Resource, particularly in Venice, which has been designated by the Coastal Commission as a "Special Coastal Community." As also indicated in numerous Coastal Commission reports and decisions, Venice is a Coastal Resource to be protected, and as a primarily residential community, residential development is a significant factor in determining Venice's Community Character. Although this Coastal Exemption relates only to one project, the erosion of Community Character is a cumulative issue, and the City's cumulative exemption of numerous large-scale addition/remodel projects (and the usual associated demolition exceeding 50% of the existing structure) has a significant adverse impact on Venice's character, which is also evidenced by

the significant Community concern expressed in numerous other appeals of Coastal Exemptions.

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

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

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

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

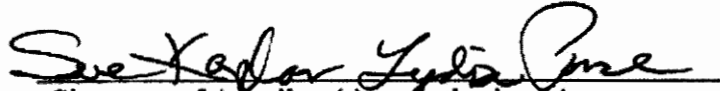
In addition, processing of this type of project using a Coastal Exemption may result in the avoidance of a Mello Act Compliance review and Determination, and thus there is a potential for loss of Affordable Units in the Venice Coastal Zone, which is a significant and very material loss of low-income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

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

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

SECTION V. Certification

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


Signature of Appellant(s) or Authorized Agent

Date: March 1, 2016

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

Section VI. Agent Authorization

I/We hereby
authorize

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

Signature of Appellant(s)

Date: _____

Section 30610 Developments authorized without permit

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

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

Section 13250 Improvements to Existing Single-Family Residences

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;*
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and*
- (3) Landscaping on the lot.*

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

Section 13252 Repair and Maintenance Activities That Require a Permit

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

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Application

COASTAL EXEMPTION (CEX)

CASE NO.: DIR-2015-3961-CEX

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

RECEIVED
South Coast Region

FEB 01 2016

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

CALIFORNIA
COASTAL COMMISSION

SUBJECT: COASTAL EXEMPTION—SINGLE JURISDICTION AREA ONLY

Under no circumstances shall a Coastal Exemption be issued for the following scopes of work:

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

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

PROJECT ADDRESS: 657 E FLUWER AVE

LEGAL DESCRIPTION: LOT 32 BLOCK A TRACT TR 2852

ZONE: RD1.5-1 **COMMUNITY PLAN:** VENICE

PROPOSED SCOPE OF WORK: 2 - STORY ADDITION w/ (CN) ATTACHED 2-CAR GARAGE TO (C) 1-STORY SPD / MAJOR ALTERATIONS TO (C) SPD

55% OF EXISTING WALL TO REMAIN. (C) SPD = 986 SQ FT. TOTAL ADDITION = 583 SQ FT. + DEMO GARAGE 10 X 12' DEMO BY HANDWRECK SEWER CAP IS NOT REQUIRED

RELATED PLAN CHECK NUMBER(S): B 15 LA 18005 (15019 - 15000 - 04668) + (15044-15000 - 01946)

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

Applicant Name: LIZ JUN

Mailing Address: 1125 W 6TH ST #205, LOS ANGELES, CA 90017

Phone Number: 213) 537-0158 **E-mail Address:** LIZ@THECODESOLUTION.COM

Signature: [Signature]

THIS SECTION FOR OFFICE USE ONLY

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

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

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

Michael LoGrande
Director of Planning

Issued By:

L. Frazin Steele
Signature

L. Frazin Steele
Print Name and Title

Date:

10/29/15

Invoice No.:

26513

Receipt Number:

0102506917

Attached:

Copy of Invoice with Receipt No.

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



WEST LOS ANGELES AREA PLANNING COMMISSION

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

AUG 25 2015

Determination Mailing Date: _____

Case No. DIR-2015-1064-MEL-1A
Related Cases: ZA-2014-3933-CDP
AA-2014-3928-PMLA-SL
ENV-2014-3932-EAF

Location: 657 East Flower Avenue
Council District: 11
Plan Area: Venice
Zone: RD1.5-1

Applicant: Janice Lansing Trust, Howard Robinson

Appellants: Lydia Ponce and Robin Rudisill

At its meeting on August 19, 2015, the following action was taken by the West Los Angeles Area Planning Commission:

1. Denied the appeals.
2. Sustained the Determination of the Director of Planning in approving a Mello Act Compliance Determination for the demolition of one Residential Unit and construction of two new Residential Units; finding that no Affordable Existing Residential Units are onsite and that the project is categorically exempt from the Inclusionary Residential Unit requirement.

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

This action was taken by the following vote:

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

Vote: 5 - 0

Effective Date

Effective upon the mailing of this notice

Appeal Status

Not further appealable under the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman


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

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

Attachment: Director's Determination Mello Act Compliance Letter dated April 14, 2015

cc: Notification List
Kevin Jones

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE PRESIDENT

ROBERT L. AMN
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MARTA SEGURA

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
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(213) 978-1274

JAN ZATORSKI
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(213) 978-1273

FAX: (213) 978-1275

INFORMATION
<http://planning.lacity.org>

DIRECTOR'S DETERMINATION
MELLO ACT COMPLIANCE

April 14, 2015

Janice Lansing Trust (A)(O)
657 E. Flower Avenue
Venice, CA 90291

Howard Robinson (R)
Howard Robinson & Associates, LLC
8758 Venice Boulevard #101
Los Angeles, CA. 90034

Case No: DIR-2015-1064-MEL
Related Case: ZA-2014-3933-CDP
AA-2014-3928-PMLA-SL
CEQA: ENV-2012-3932-EAF
Location: 657 E. Flower Avenue
Council District: 11 – Mike Bonin
Community Plan Area: Venice
Land Use Designation: Low Medium II Residential
Zone: RD1.5-1
Legal Description: Tract: TR 2352, MB 22-124,
Block: Blk A, Lot: 32

Last Day to File an Appeal: April 24, 2015

DETERMINATION – Mello Act Compliance

Pursuant to California Government Code Sections 65590 and 65590.1 (commonly called the Mello Act) and the City of Los Angeles Interim Administrative Procedures for complying with the Mello Act, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby find that:

1. No Affordable Existing Residential Units were found to exist at 657 Flower Avenue and;
2. The proposed project consists of the development of two (2) new Residential Units (single-family dwellings), defined as a Small New Housing Development and therefore exempt from the Inclusionary Residential Unit requirement.

MELLO ACT COMPLIANCE FINDINGS

The proposed project is located in the Coastal Zone as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained and if the project is subject to the Inclusionary Residential Units requirement.

Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the following findings are provided:

1. Demolitions and Conversions (Part 4.0).

The project includes the demolition of an existing single-family dwelling located on a 5,799-square-foot lot in the Venice Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated February 5, 2015 states that the property currently maintains one Residential Unit. The property is currently occupied by Janice Lansing, the sole trustee and beneficiary of the Janice Lansing Trust. Based on the information provided by the owner (utilities bills and property tax statements), the property was not rented during the applicable period and is not subject to the Interim Administrative Procedures for Complying with the Mello Act.

Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion; and the applicant is not required to provide any Affordable Replacement Units.

2. Categorical Exemptions (Part 2.4) Small New Housing Developments

The project proposes the construction of two new single-family dwellings, each on a lot (subdivision of an existing lot). Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement.

Therefore, the proposed development of two new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final ten (10) days after the date of mailing of the Notice of Director's Determination unless an appeal there from 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 this Determination, 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 www.cityplanning.lacity.org.

Planning Department public offices are located at:

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

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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or (818) 374-5050 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.


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

Michael J. LoGrande
Director of Planning

Approved by:


Faisal Roble, Principal Planner


Reviewed by:


Simon Pastucha, Senior City Planner

Reviewed by:


Kevin D. Jones, City Planner

Prepared by:


Juliet Oh, Planning Assistant
Juliet.Oh@lacity.org

cc: Los Angeles Housing and Community Investment Department
Western Center on Law and Poverty
Legal Aid Foundation of Los Angeles
Councilmember Mike Bonin, 11th District
Department of Transportation



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



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

Case Number	DIR-2015-3655-VSO		Date: 10/28/2015
Project Address	657 E. Flower Ave (Tract 2352; Blk A; Lot 32)		
Zoning: RD1.5-1	Subarea: Oakwood-Milwood-Southeast Venice		
Project Description	Remodel and addition to an (E) one-story SFD and demolition of a detached garage. Project will result in a 2,766 SF ground floor, 3,084 SF second story a roof deck, two RASs, and an attached two car garage. Project will remove/alter 45% of the (E) exterior walls. PCIS# 15014-10000-01946		
Existing Use: one-story SFD + detached garage	Proposed Use: two-story SFD with an attached two-car garage and roof decks		
Applicant Name	Howard Robinson, Howard Robinson & Associates (310) 838-0180		
Applicant Address	8758 Venice Blvd. Ste. 101, Los Angeles, CA 90034		

The project qualifies for an Administrative Clearance, a Specific Plan Project Permit Compliance is not required pursuant to Section 9 of the Specific Plan for at least one of the reasons below:

In the DUAL JURISDICTION

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

In the SINGLE JURISDICTION

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


ANYWHERE in the Coastal Zone

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

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

Oakwood-Milwood-Southeast Venice Subarea Development Regulations			
Section	Regulation	Proposed Project	complies
9.C. Roof Access Structure (RAS)	10 ft. max. above Flat Roof (25 ft); Area ≤ 100 sq. ft.	35' to top of RAS, 99.8 SF (north) and 99.7 SF (south)	<input checked="" type="checkbox"/>
10.G.2. Density	R2, RD1.5, RD2 zones: max 2 du	Maintain (E) SFD	<input checked="" type="checkbox"/>
10.G.3. Height	Flat Roof – 25', Varied Roofline – 30'	Max height of 25' to flat roof (roof deck), railings of an open design.	<input checked="" type="checkbox"/>
10.G.4. Access	Alley	Maintain access from Rose Court (alley)	<input checked="" type="checkbox"/>
13. Parking	SF - 2-3 spaces per unit pending width MF - 2 spaces plus 1 guest pending width	Total of 5 parking spaces (two within an attached garage). Project will maintain 55% of the (E) exterior walls.	<input checked="" type="checkbox"/>

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


Juliet Oh, Planning Assistant
Coastal Unit, (213) 978-1186



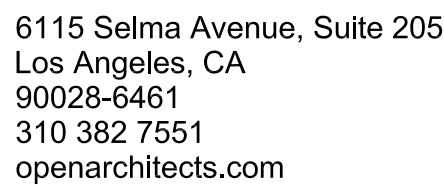
A detailed architectural line drawing of a modern two-story house. The house features a prominent stone wall on the left side, a large glass-enclosed porch area, and a balcony on the upper floor. The drawing is presented in a perspective view, showing the front and side of the building. The style is clean and minimalist, using black lines on a white background.



5 AREA CALCULATIONS

9	APPLICABLE CODE
---	-----------------

Scale As indicated



657 FLOWER LLC
5670 WILSHIRE BLVD, 18TH FLOOR
LOS ANGELES, CA 90036
408-893-4000
ilan@fundmybusiness.biz

STRUCTURAL ENGINEER

BASIS & ASSOCIATES
672 S. LA FAYETTE PARK PLACE
SUITE 42
LOS ANGELES, CA
90057

SURVEYOR

BECKER & MIYAMOTO
2816 SOUTH ROBERTSON BOULEVARD
LOS ANGELES, CA 90034
310-839-9530
BMSURVEY@PACBELL.NET

ARCHITECT

OPEN ARCHITECTS USA INC.
6115 SELMA AVE
SUITE 205
LOS ANGELES, CA
90028-6461

657 E FLOWER AVE

HOUSE ADDITION

EXISTING/DEMO PLAN

Project number	0336-3
Date	11-18-2015
Drawn by	MK/JC
Checked by	BOBA

A1.0

Scale As indicated



24.78
12.21
13.23
13.47
13.31
10.32
1.20
26.20
12.49
2.05
13.54
6.22
1.95
11.56
2.00
10.19
0.25
36.00
210.97

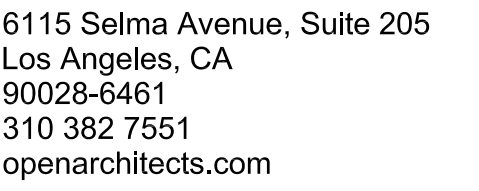
50% OF WALLS = 105.49

LENGTH OF WALL TO REMAIN CALCULATION (FT)

1.14
12.68
13.47
12.83
6.71
6.22
1.95
11.56
2.00
10.19
0.25
36.00

115

$115/210.97 = 55\%$



STRUCTURAL ENGINEER

SURVEYOR

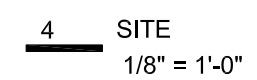
ARCHITECT

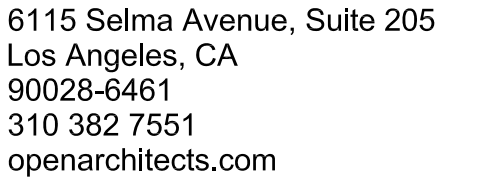
[illegible]

SITE PLAN & AREA CALC.

Checked by BOBA

Scale	As indicated
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STRUCTURAL ENGINEER

SURVEYOR

ARCHITECT

[illegible]

657 E FLOWER AVE

HOUSE ADDITION

ELEVATIONS

Project number 0336-3

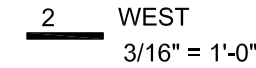
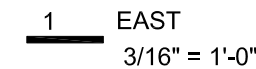
Date 11-18-2015

Drawn by TCS

Checked by BOBA

A3.0

Scale $3/16" = 1'-0"$



NOTE:

PROVIDE EMERGENCY EGRESS FROM SLEEPING ROOMS. SHOW DETAILS ON PLANS. MINIMUM - 24" CLEAR HEIGHT, 20" CLEAR WIDTH, 5.7 S.F. MINIMUM AREA (5.0 SF AT GRADE LEVEL) & 44" MAXIMUM TO SILL. (R310.1)

① - TEMPERED GLASS

