

CALIFORNIA COASTAL COMMISSION

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



F6e

Click here to go to
original staff report

ADDENDUM

August 5, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **COASTAL DEVELOPMENT PERMIT APPLICATION NO. 5-16-0527
(Wirht) FOR THE COMMISSION MEETING OF FRIDAY, AUGUST 12,
2016.**

Commission staff recommends changes to the staff report dated July 21, 2016. Language to be added to the findings is shown in underlined text, and language to be deleted is identified by ~~strike out~~.

1. PUBLIC CORRESPONDENCE RECEIVED FROM APPLICANTS & AGENT; CHANGES TO STAFF REPORT

Letter from the law firm of Gaines and Stacey, representing the applicants of item F6e, dated August 4, 2016 (**Exhibit A**). While the applicants are in agreement with staff's recommendation of approval, they assert that this project "is not an enforcement case" and that the project is misrepresented by being characterized as "unpermitted development." They state that this is not an enforcement case as the applicants received the City approvals (DIR-2016-240-CEX), obtained the building permits, and completed the work in accordance with those approvals and permits. Furthermore, the applicants claim that because of the unique circumstances of their project, it is erroneous for them to be charged After-the-fact fees for their application since they were conducting the work under those approvals and permits.

**In response to the comment above, add the following after the heading "E.
UNPERMITTED DEVELOPMENT" on page 5 of the staff report:**

Unpermitted development has occurred at the project site subject to this application. The unpermitted development includes the substantial demolition of a residential structure, resulting in the alteration of the size of the structure, without a valid coastal development permit. Any development activity that is not otherwise exempt conducted in the coastal zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Unpermitted development has occurred at the project site. Therefore, it is an enforcement case. The applicants were notified by Commission enforcement staff of the unpermitted development via Notice of Violation, dated May 10, 2016 (see **Exhibit B** and **Exhibit C**), following the Substantial Issue finding by the Commission on April 14, 2016.

Under this permit application (CDP Application #5-16-0527) the applicants are proposing after-the-fact approval of the unpermitted development described above.

California Code of Regulations Section 13055(d) states:

(d) Fees for an after-the-fact (ATF) permit application shall be five times the amount specified in section (a) unless such added increase is reduced by the Executive Director when it is determined that either: (1) the ATF permit application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit), or (2) the owner did not undertake the development for which the owner is seeking the ATF permit, but in no case shall such reduced fees be less than double the amount specified in section (a) above. For applications that include both ATF development and development that has not yet occurred, the ATF fee shall apply to the ATF development. In addition, payment of an ATF fee shall not relieve any persons from fully complying with the requirements of Division 20 of the Public Resources Code or of any permit granted thereunder or from any penalties imposed pursuant to Chapter 9 of Division 20 of the Public Resources Code.

Subsection (d) of California Code of Regulations Section 13055 indicates that the fee for an after-the-fact permit application shall be five times the amount otherwise required, unless reduced by the Executive Director for specified reasons. An after-the-fact permit is a permit involving any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit. In this case, the Executive Director reduced the after-the-fact fee from five times the amount otherwise required to two times the amount. The applicants have paid all required fees associated with this permit.

The applicant is proposing after-the-fact approval of the unpermitted development noted above and identified in the project description. Although the development has taken place prior to submittal of this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit will resolve the violations identified in this section once the permit has been fully executed and the terms and conditions of the permit complied with by the applicants.

FRED GAINES
 SHERMAN L. STACEY
 LISA A. WEINBERG*
 REBECCA A. THOMPSON*
 Nanci Sessions-Stacey
 Kimberly A. Rible
 Alicia B. Bartley

* a professional corporation

LAW OFFICES OF
GAINES & STACEY LLP
 16633 VENTURA BOULEVARD, SUITE 1220
 ENCINO, CA 91436-1872

EXHIBIT # A
 PAGE 1 OF 4
 TELEPHONE (818) 933-0200
 FACSIMILE (818) 933-0222
 INTERNET: WWW.GAINESLAW.COM

August 4, 2016

VIA FEDERAL EXPRESS

California Coastal Commission
 c/o Commission Secretary
 45 Fremont Street, Suite 2000
 San Francisco, CA 94105-2219

F6e

Re: Application No. 5-16-0527
 821 Nowita Place, Venice, City of Los Angeles
 Hearing Date: August 12, 2016 - Item F6e
Support for Project Approval

Dear Honorable Commissioners:

This office represents Joe and Pam Wirht, the owners of the property located at 821 Nowita Place in Venice (the "Property"). The Wirhts are in the process of remodeling their modest single family home (the "Project")¹ and obtained full City of Los Angeles (the "City") discretionary approval in December of 2015, a Coastal Exemption in January of 2016, and building permits in February of 2016. Construction of the Project was halted in March of 2016 when a number of appeals were filed for projects in Venice for which the City had issued Coastal Exemptions.² The Coastal Commission (the "Commission") disagreed with the City's issuance of a Coastal Exemption for this Project and, after meeting with staff and appellants, the Wirhts withdrew the Exemption and filed the subject Application with the Commission. Today, the Project is supported by the former appellants and enjoys unanimous support from the Venice Neighborhood Council.

On behalf of the Wirhts, we request that the Commission support the Executive Director's Determination and to issue an Administrative Permit in this case.

¹ A 2,017 square foot, two story, 27.16' high, single family residence with three on-site parking spaces.

² The common alleged basis for these appeals was that the City wrongly granted Coastal Exemptions for projects that the Coastal Commission considers non-exempt.

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 South Coast Region

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CALIFORNIA
 COASTAL COMMISSION

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A.) PROJECT BACKGROUND.

1.) The Project Was Already Approved by the City of Los Angeles and Building Permits Were Issued.

On December 10, 2015, the City approved with conditions a Venice Coastal Zone Specific Plan Project Permit Compliance (Case No. DIR-2015-3256-SPP) to "allow the remodel and one-story and two-story addition to an existing two-story single-family dwelling with a detached two-car garage. The project will maintain 58% of the existing exterior walls." The Project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) (Case No. ENV-2015-3257-CE) per Article III, Section 1, Class 1, Category 5 of the City's CEQA Guidelines.

On January 27, 2016, the City issued a Coastal Exemption (Case No. CIR-2016-24-CEX) for the remodel of the existing single family residence. After meeting extensively with the project applicant and reviewing project plans and calculations, the City determined that more than 50% of existing walls would remain and, on that basis, the Project qualified for an Exemption and was categorized as "repair and remodel."

On February 9, 2016, a building permit (Permit No. 15014-30000-04499) was issued by the Los Angeles Department of Building and Safety and construction on the residence began shortly thereafter.

Construction on the Wirhts home was well underway at the time an appeal of the Coastal Exemption was filed with the Coastal Commission on March 4, 2016 (Appeal No. A-5-VEN-16-0029). That appeal was made by a group of appellants who concurrently filed a number of other appeals for projects located within the Venice Specific Plan area. The appeal was permitted to proceed because the City of Los Angeles had not timely filed the Notice of Coastal Exemption with the Commission.

The substantial issue and de novo appeal was scheduled for the Commission's April 14, 2016 hearing. In order to work with staff to come to a mutually agreeable resolution, the Wirhts completed a Waiver of the 49 Day Rule and the Commission continued the hearing on the de novo appeal. A hearing on the de novo appeal never occurred because the Wirhts decided to pursue this Administrative Permit.

2.) This is Not an Enforcement Case.

This Project is one of many in Los Angeles caught up in the bureaucratic dispute regarding the "50% Rule." A great number of projects in the City of Los Angeles were issued Coastal Exemptions, appealed, and were completely stopped by the Commission despite achieving full City approvals.

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Our understanding is that the underlying basis for the Commission's interest in these projects was the manner in which the City was applying what is known as the Commission's "50% Rule." (Public Resources Code §13252.) This is evident by staff's statement that the Project includes the "demolition" of the existing residence and the construction of a new residence. The City, on the other hand, previously determined that the Project constituted repair and remodel of an existing single family residence, not demolition.

As the facts show, it is misleading to characterize the Project as "unpermitted development." This is not an enforcement case. Instead, the Wirhts achieved City approvals, obtained building permits, and conducted work in complete accordance with those approvals and permits. They did nothing improper and stopped construction immediately once they were notified by the Commission to do so.³

B.) THE APPLICATION IS SUPPORTED BY STAFF AND THE COMMUNITY.

In an effort to work cooperatively with the Commission and community and to resume construction of their home as soon as possible, the Wirhts met with Commission staff and agreed to pursue the Application for the virtually identical Project that had previously been approved by the City.⁴ The Project was designed to fully comply with the Venice Specific Plan and to retain the character and integrity of the existing residence and neighborhood compatibility. It enjoys support from the former appellants, who were predominantly concerned with the manner in which the City was interpreting the "50% Rule" rather than the specifics of the Project, as well as from the Venice Neighborhood Council.

³ It is overreaching for Commission staff to assess "after the fact" application fees in these circumstances as was done here.

⁴ The sole difference between the pending Project and the one originally approved by the City is the addition of a third parking space.

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C.) CONCLUSION.


The Wirhts have been through two lengthy processes - one at the City and now at the Commission. Construction has been at a standstill since April and the Wirhts have lost tens of thousands of dollars as a result of what amounts to a bureaucratic disagreement of no fault of their own.

As outlined in the staff report, findings can be made for Project approval by the Executive Director through the issuance of an Administrative Permit. Therefore, we urge the Commission to support the Executive Director's Determination to issue an Administrative Permit in this case.

Thank you for your consideration, and please contact us should you have any questions.

Sincerely,

GAINES & STACEY LLP

By 
KIMBERLY A. RIBLE

cc: All Commission Members
Jack Ainsworth (Via Email)
Commission Secretary (Via Facsimile - (415) 904-5400)
Charles Posner (Via Email)
Caitlin Oshida (Via Email)

CALIFORNIA COASTAL COMMISSION

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

COASTAL COMMISSIONEXHIBIT # BPAGE 1 OF 3

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL**

May 10th, 2016

Sent via email to krible@gaineslaw.com

Daniela Rechtzajd
924 Milwood Ave.
Venice, CA 90291

c/o Kim Rible
Gaines & Stacey LLP
16633 Ventura Boulevard, Suite 1220
Encino, California 91436-1872

Violation File Number: V-5-16-0046

Property Location: 821 Nowita Ave, Los Angeles, CA 92091 [APN 4241-016-011]

Dear Ms. Rible:

Thank you for meeting with California Coastal Commission ("Commission") staff on May 3, 2016 to discuss the above referenced property and its corresponding Coastal Exemption appeal. As you know, the Commission, on April 14, 2016, found "Substantial Issue" on Appeal No. A-5-VEN-16-0029; which is an appeal of City of Los Angeles ("City") Local Coastal Exemption No. Dir-2016-24-CEX issued to you by the City for an interior remodel and first and second floor 565 sq. ft. addition to an existing 1378 sq. ft., two-story, single-family dwelling.

On April 27, 2016 Commission permit staff sent you a written notification of finding of substantial issue on this appeal, which stated, "No development on site is authorized until the applicant obtains written approval from the Coastal Commission or a locally approved coastal development permit." In a meeting with Commission staff, you informed staff that work had continued on the subject property, without benefit of the necessary coastal development permit, after the appeal was filed with the Commission on March 4, 2016, including significant work on the site's foundation. You also conveyed to staff that once the Commission found "Substantial Issue" on April 14, 2016, work was discontinued, only clean-up of the site was occurring, and no further development would occur on the property without a valid coastal development permit. Pursuant to Section 30600(a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. Any development activity conducted in the Coastal Zone, unless otherwise exempt,

V-5-16-0046 (821 Nowita)
May 10th, 2016
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EXHIBIT # B
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which is not the case here, without a valid coastal development permit constitutes a violation of the Coastal Act. The unpermitted activities undertaken on your property are not exempt development under the Coastal Act, as determined by the Commission during the April 2016 hearing. Thus, we appreciate your commitment to proceed with development only when authorized by a valid coastal development permit.

Enforcement Remedies

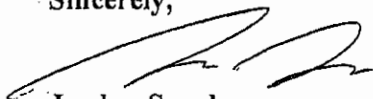
Although, we would prefer to resolve this violation through the coastal development permit process, please be aware that there are a number of remedies at the Commission's disposal to address violations of the Coastal Act. For instance, Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810 authorizes the Coastal Commission to also issue a cease and desist order and various sections provide for monetary penalties for violations of the Coastal Act.

Finally, Section 30812 authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act. If the Executive Director chooses to pursue that course, you will first be given notice of the Executive Director's intent to record such a notice. If a notice of violation is ultimately recorded against your property, it will serve as notice of the violation to all successors in interest in that property¹.

Resolution

In order to avoid formal enforcement action, please continue to refrain from any further development on the site unless and until such development is authorized by the Commission or the City, as outlined in the letter sent by Commission staff on April 27, 2016, and ensure that development that has already occurred on the site is properly authorized via a coastal development permit. Please contact me by May 12th, 2016 to confirm your intent to resolve this violation. I can be reached at (562) 590-5071. Thank you for your attention to this matter.

Sincerely,



Jordan Sanchez
Enforcement Officer
California Coastal Commission

¹ Even without such notice, by law, while liability for Coastal Act violations attaches to the person or persons originally responsible for said violations (and continues to do so even if they no longer own the property), liability additionally attaches to whomsoever owns the property upon which a Coastal Act violation persists (see *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* [1984], 153 Cal. App.3d 605, 622). Therefore, any new owner(s) of the property will share liability for, and the duty to correct, any remaining violations. Under California Real Estate law, if you plan to sell the property, it is incumbent upon you to inform any potential new owner(s) of same.

V-5-16-0046 (821 Nowita)
May 10th, 2016
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COASTAL COMMISSION

EXHIBIT # B
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cc:

Andrew Willis, Enforcement Supervisor, CCC
Steve Hudson, Deputy Director, CCC
Chuck Posner, Planning Supervisor, CCC
Theresa Henry, District Manager, CCC
Caitlin Oshida, Coastal Program Analyst, CCC

CALIFORNIA COASTAL COMMISSION

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

FILE COPY

**COMMISSION NOTIFICATION OF FINDING OF
SUBSTANTIAL ISSUE ON APPEAL
ON CLAIM OF EXEMPTION**

April 27, 2016

TO: Applicant
Appellants
City of Los Angeles, Department of City Planning

FROM: California Coastal Commission

RE: Coastal Commission Appeal No. A-5-VEN-16-0029: Appeal of City of Los Angeles
Local Coastal Exemption No. DIR-2016-240-CEX.

Applicant: Daniela Rechtzajd

Project Description: Interior remodel and first and second floor 565 sq. ft. addition to an existing 1,378 sq. ft., two-story, single-family dwelling.

Location: 821 Nowita Place, Venice, City of Los Angeles

Local Decision: Local Coastal Exemption

Pursuant to Section 13325 title 14 of the California Code of Regulations, please be advised that the California Coastal Commission, on April 14, 2016, found "Substantial Issue" on this appeal. This finding of Substantial Issue voids the locally issued Coastal Exemption, and therefore no development (i.e., demolition or construction) is permitted at the subject site. **No development on the site is authorized until the applicant obtains written approval from the Coastal Commission or a locally approved coastal development permit.**

Pursuant to 14 California Code of Regulations Section 13321, unless the commission finds that the appeal raises no substantial issue in accordance with the requirements of Public Resources Code Section 30625(b) and Section 13115 (a) and (c) of the California Code of Regulations, the Commission shall conduct a de novo consideration of the application. The de novo consideration of the application has been postponed at the request of the applicant and has not been scheduled for a Commission hearing.

When the Commission takes final action on the application, a Notice of Final Commission Action will be forwarded to the local government, the appellant and the applicant. If you have any questions, please contact our South Coast District office at (562) 590-5071 and request to speak with the analyst assigned to work on this matter.

John Ainsworth
Acting Executive Director

By: Caitlin Oshida
Coastal Program Analyst

COASTAL COMMISSION

EXHIBIT # C
PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION

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

**F6e**

Staff: C. Oshida – LB
Date: July 21, 2016

ADMINISTRATIVE PERMIT

Application No. **5-16-0527**

Applicants: Joe & Pam Wirht

Project

Description: Demolish existing single-family residence, and construct a 2,017 sq. ft., 2-story, 27.16-ft.-high, single-family residence with 3 on-site parking spaces. Project includes improvement of the fronting walk street right-of-way.

Project

Location: 821 E. Nowita Place, Venice, City of Los Angeles, Los Angeles County
(APN: 4241-016-011)

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

August 12, 2016 9:00 a.m.

Hilton Santa Cruz-Scotts Valley

6001 La Madrona Drive

Santa Cruz, CA 95060

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

JOHN AINSWORTH
Acting Executive Director

By: Caitlin Oshida
Coastal Program Analyst

STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages six through eight.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The applicants propose to demolish the existing, 1,378 square foot, 20 feet 7.5 inch-high, two-story single-family residence and construct a new 1,943 sq. ft., two-story, single-family residence (**Exhibit 2**). The existing two-car detached garage is to remain. The height of the structure will be 27 feet 2 inches, as measured from centerline of frontage road, which is consistent with the 38-foot

height limit set forth in the certified Venice Land Use Plan standards. No landscaping is proposed. Pursuant to the certified Venice Land Use Plan (LUP), a single-family residence on a lot of 35 feet or more in width and adjacent to an alley is required to provide 3 parking spaces. The lot is 37 feet wide and more than 50% of the existing exterior walls are being removed and/or replaced, therefore, three-parking spaces will be maintained on-site (two in the garage and one uncovered space). The project is designed to be compatible with the residential character of the surrounding development. The proposal includes rain gutters, downspouts, and rain barrels, consistent with Coastal Act requirements to minimize energy use and preserve water quality, and consistent with the City's adopted CALGreen standards and other City guidelines. Additionally, **Special Condition 2** requires the applicants to observe water quality and best management practices (BMP) measures into the project.

The project site is located in the Milwood area in Venice at 821 Nowita Place within the City's Single Permit Jurisdiction, about 0.9 mile inland of the beach (**Exhibit 1**). The lot area is 3,145.2 square feet, and is zoned R2-1 (Two Family Zone) in the City of Los Angeles Zoning Code and Low Medium I in the certified Venice LUP. According to Los Angeles County Records, the site was originally developed in 1921 with a two-story, 1,378 square-foot single-family residence. The project site is located on a walk street in the Milwood Venice Walk Streets Historic District.

The project site also includes an approximately 37 ft. by 15 ft. portion of the Nowita Place right-of-way in the front of the existing residence, which the applicant proposes to maintain as a landscaped and permeable yard area (i.e. walk street encroachment) as required by the certified Venice LUP (**Exhibit 2**) and is consistent with existing development and past Commission permit action. The project, as conditioned, will not adversely affect the public walkway that runs down the center of the Nowita Place right-of-way. **Special Condition 1** requires the applicants to comply with Venice walk street requirements.

On January 27, 2016, the Los Angeles Department of City Planning issued a Coastal Exemption (DIR-2016-240-CEX) for development proposed at 821 Nowita Place, Venice, Los Angeles. On February 9, 2016, the City Department of Building and Safety issued Building Permit No. 15014-30000-04499, and demolition commenced at the project site. On March 4, 2016, the Coastal Exemption was appealed to the Commission's South Coast District Office. On March 7, 2016, a Notification of Appeal was sent to the Los Angeles Department of City Planning and the applicant, notifying them of the appeal of DIR-2016-240-CEX, and therefore the decision was stayed pending Commission action of the appeal. On March 21, 2006, the City of Los Angeles Department of Building and Safety issued Building Permit No. 15014-30001-04499 as a "supplemental permit to PCIS #15014-30000-04499 to capture a city planning clearance for historic district". On April 14, 2016, the Commission found Substantial Issue (A-5-VEN-16-0029) and the De Novo hearing was postponed to a later date (**Exhibit 3**). On June 3, 2016, the applicants withdrew their claim of exemption from the Commission.

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. In this case, the project site is within the Single Permit Jurisdiction area.

Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has opted to issue its own coastal development permits prior to certification of a Local Coastal Program (LCP) except for those permits eligible for issuance as administrative coastal development permits by the Executive Director under Section 30624. Section 30624 of the Coastal Act states in part:

(a) The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or, where the coastal development permit authority has been delegated to a local government pursuant to Section 30600.5, by an appropriate local official designated by resolution of the local government without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section 30611, and for the following nonemergency developments: improvements to any existing structure; any single-family dwelling; any development of four dwelling units or less within any incorporated area that does not require demolition, and any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land, and any development specifically authorized as a principal permitted use and proposed in an area for which the land use portion of the applicable local coastal program has been certified...

A City of Los Angeles Approval In Concept (or Specific Plan Approval in the case of Venice projects) represents a request by the City that the Executive Director of the Coastal Commission consider the issuance of an administrative coastal development permit for a proposed project pursuant to Section 30624 of the Coastal Act. If the project does not meet any of the above mentioned categories, or the development raises significant environmental/coastal issues, such issues cannot be appropriately addressed on the Commission's administrative calendar and must be addressed by the City through their local coastal development permit process.

In this case, the project site received the appropriate approvals from the local government and qualifies for the Commission's administrative calendar. The Venice Neighborhood Council recommended approval of the proposed development by a vote of 15-0-1 on June 21, 2016. The proposed development received Venice Coastal Zone Specific Plan approval on December 10, 2015 (DIR-2015-3256-SPP) and was found to be exempt from the California Environmental Quality Act (CEQA) on September 2, 2015 (ENV 2015-3257-CE).

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of rain barrels and permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

D. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, as proposed, the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

E. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred at the project site subject to this application. The unpermitted development includes the substantial demolition of a residential structure, resulting in the alteration of the size of the structure, without a valid coastal development permit. Any development activity that is not otherwise exempt conducted in the coastal zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

The applicant is proposing after-the-fact approval of the unpermitted development noted above and identified in the project description. Although the development has taken place prior to submittal of this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit will resolve the violations identified in this section once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant.

F. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Venice Land Use Plan was certified by the Commission on June 14, 2001 and is advisory in nature and may provide guidance. The proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project as proposed will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

There are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Compliance with the Venice Walk Street Requirements.** Coastal Development Permit 5-16-0527 approves the demolition of the existing single-family residence, and construction of a 2,017 sq. ft., 2-story, 27.16-ft.-high, single-family residence with 3 on-site parking spaces. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicant and conditioned, the approved development shall be constructed in conformance with the following Venice Walk Street Requirements:
 - a) **Number of Units.** The permitted use of the approved structures is limited to one residential unit.
 - b) **Building Height.** The maximum height of the structures shall not exceed 28 feet above the centerline of the fronting right-of-way (Nowita Place). Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way.
 - c) **Nowita Place Right-of-Way.** In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of Nowita Place and the private dwelling, the area situated between the Nowita Place walkway and the permittees' property line (i.e., within the Nowita Place right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants (as identified by the California Department of Water Resources - See: http://www.water.ca.gov/wateruseefficiency/docs/water_efficient_landscapes.pdf, and enclosed within a 42-inch high decorative fence or wall (e.g. split rail, picket or rustic). Private parking on the right-of-way is not permitted. The permittee and the proposed development shall not interfere with public pedestrian access to and along a public walkway in center of the Nowita Place right-of-way.
 - d) **Landscaping.** No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed

to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.

2. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittees agrees that the approved development shall be carried out in compliance with the following BMPs:
- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
 - (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
 - (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
 - (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 - (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
 - (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
 - (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
 - (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
 - (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
 - (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

Location Map: 821 Nowita Place, Venice

Exhibit 1

Page 1 of 2



California Coastal
Commission

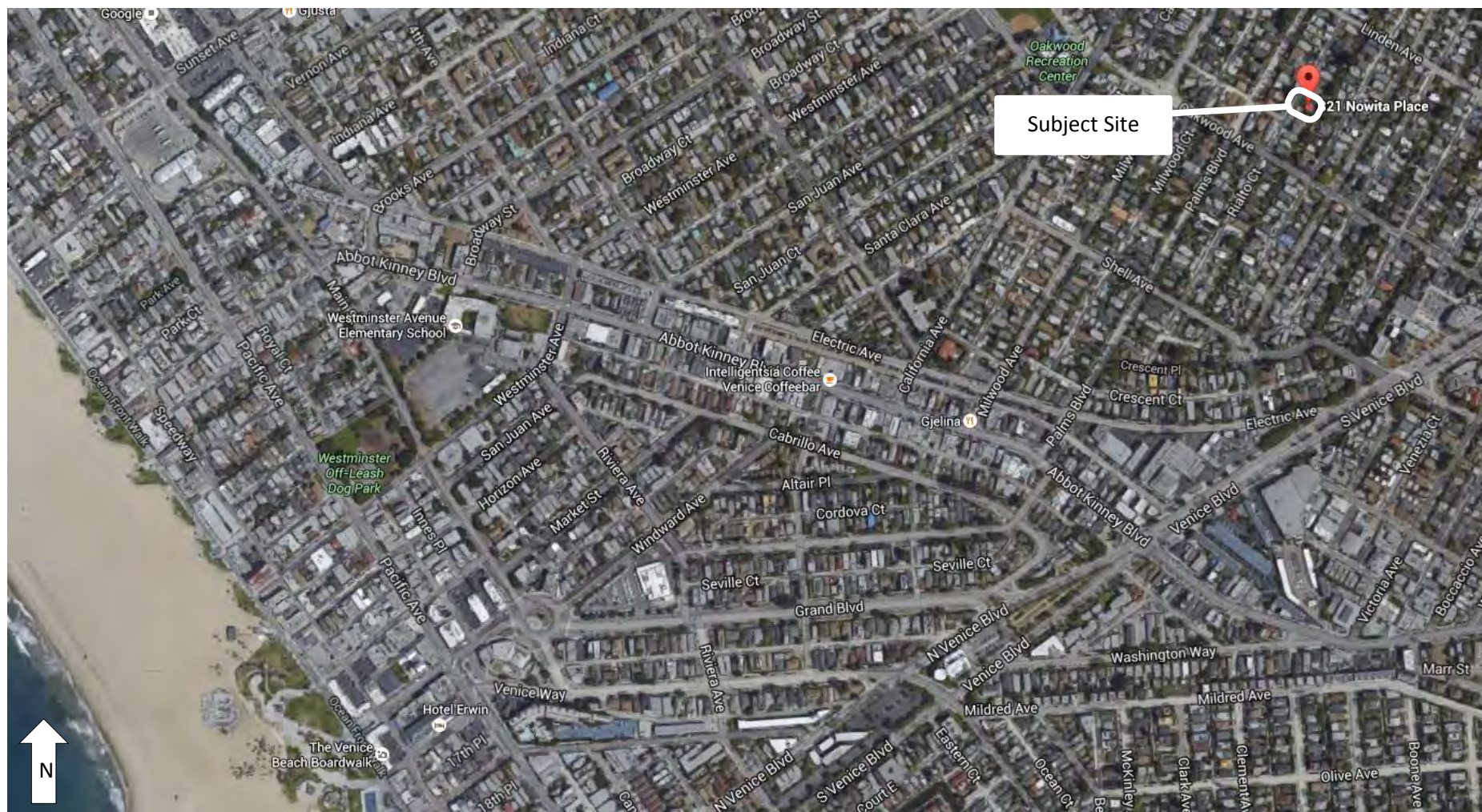


Photo Credit: Google Maps

Vicinity Map: 821 Nowita Place, Venice

Exhibit 1

Page 2 of 2



California Coastal
Commission



Photo Credit: Bing Maps



SURVEY NOTES:

THE BASIS OF BEARINGS FOR THIS MAP IS THE CENTERLINE OF NOWITA PLACE, SHOWN AS N30°20'00"E PER M.B. 7/2001. BOUNDARY BEARINGS, DISTANCES AND CURVE DATA SHOWN HEREON ARE PER RECORD DATA.

- FOUND AND DESCRIBED AS NOTED

BENCHMARK:

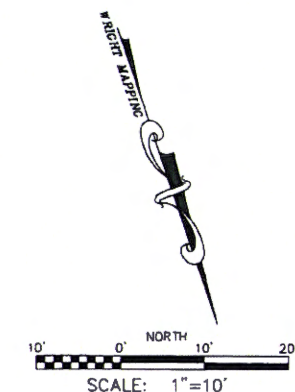
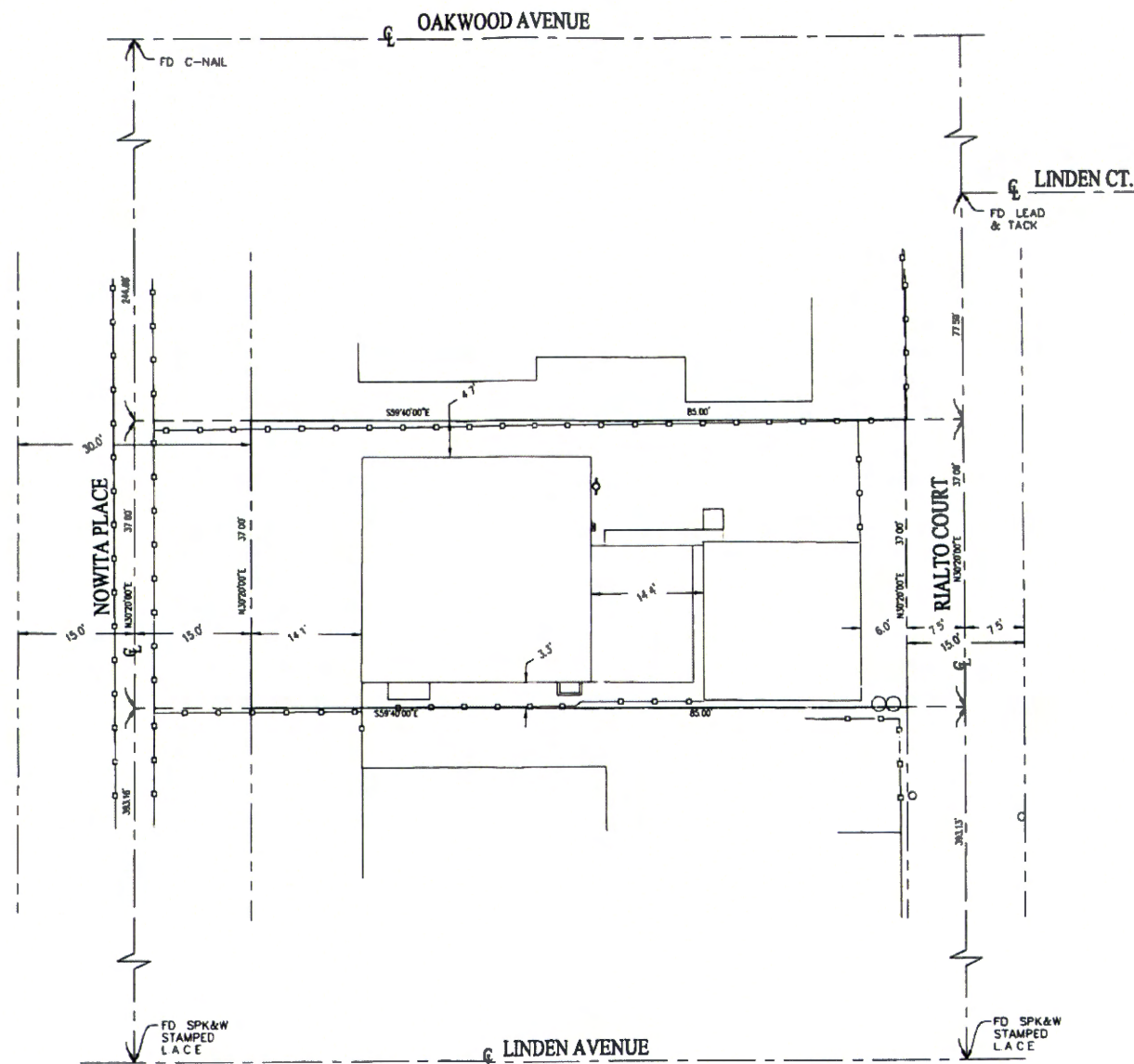
THE BENCHMARK FOR THIS PROJECT XXXXXXXXXX

DATUM: NAVD88 (2005)
ELEVATION: XXX.XX

LEGEND

- C — = CENTER LINE
— C — = CONCRETE BLOCK WALL
— W — = EXISTING WOOD FENCE
— P — = EXISTING POWER POLE
— S — = EXISTING SANITARY SEWER MANHOLE
— T — = EXISTING TREE

BW = BACK OF WALK
C/L = CENTER LINE
CONC = CONCRETE
EC = EDGE OF CONCRETE
EG = EDGE OF GUTTER
EL = ELEVATION
EP = EDGE OF PAVEMENT
EX = EXISTING
FF = FINISH FLOOR
FG = FINISH GRADE
FL = FLOW LINE
FS = FINISH SURFACE
GB = GRADE BREAK
PAL = PROPERTY LINE
R/W = RIGHT OF WAY LINE



SURVEY FOR:

JOE & PAMELA WIRTH
PROPERTY OWNER
6785 FERNHILL ROAD
MALIBU, CA. 90265
E: joewirth@topsondowns.com

LEGAL DESCRIPTION:

LOT 11, BLOCK 13, OF VENICE ANNEX, IN THE CITY OF VENICE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED IN MAP BOOK 7, PAGE 200, IN THE COUNTY RECORDERS OFFICE OF SAID COUNTY.

NO.	BY	APPR	DATE

WRIGHT MAPPING, INC.	
8419 LYNDORA STREET DOWNEY, CA. 90242	
SURVEYING ENGINEERING PLANNING G.P.S. SERVICES	
JACOB WRIGHT, PLS 6717	DATE
LIC. EXP. DATE 6-30-16	

SITE LOCATION

821 NOWITA PLACE
VENICE, CA. 90291
A.P.N. 4241-016-011

SHEET 1 OF 1

JOB NO. LA15-0801

DR 2015-325



EXISTING ELEVATIONS



SOUTH/FRONT ELEVATION



EAST ELEVATION



NORTH/REAR ELEVATION

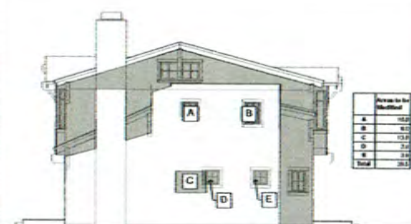


WEST ELEVATION

PROPOSED ELEVATIONS



SOUTH/FRONT ELEVATION



EAST ELEVATION



NORTH/REAR ELEVATION



WEST ELEVATION

LEGEND



PERIMETER MATRIX

	Existing Walls	Existing Walls to Remain
South	690.0	508.0
East	540.0	560.0
North	540.0	0.0
West	510.0	480.0
TOTAL	2280.0	1548.0

WALL AREA CALC'S

TOTAL EXISTING WALLS TO REMAIN	1548.0
EXISTING WALLS TO REMAIN	1548.0
1.75% =	27.07
2.75% =	42.57

PERCENTAGE OF WALLS TO REMAIN:
87.1% OF EXISTING WALLS TO REMAIN
87.1% = 2015

PERIMETER WALL ANALYSIS
SCALE: 1/8" = 1'-0"ILA DBS The City of Los Angeles
Department of Building and Safety

How to Use Prevailing Setback Calculator

- 1. Use the "Setback" tab.
- 2. Enter the "Setback" value in the "Setback" field.
- 3. Enter the "Setback" value in the "Setback" field.
- 4. Enter the "Setback" value in the "Setback" field.
- 5. Enter the "Setback" value in the "Setback" field.
- 6. Enter the "Setback" value in the "Setback" field.
- 7. Enter the "Setback" value in the "Setback" field.
- 8. Enter the "Setback" value in the "Setback" field.
- 9. Enter the "Setback" value in the "Setback" field.
- 10. Enter the "Setback" value in the "Setback" field.
- 11. Enter the "Setback" value in the "Setback" field.
- 12. Enter the "Setback" value in the "Setback" field.
- 13. Enter the "Setback" value in the "Setback" field.
- 14. Enter the "Setback" value in the "Setback" field.
- 15. Enter the "Setback" value in the "Setback" field.
- 16. Enter the "Setback" value in the "Setback" field.
- 17. Enter the "Setback" value in the "Setback" field.

Lot	Frontage (ft)	Setback (ft)	Results
1	38	14	Number of Lots: 17
2	37	14.2	Prevailing Setback: 13.62 ft
3	37	15.5	Calculation:
4	37	12.80	13.62 ft x 17 = 231.54 ft
5	37	12.75	231.54 ft x 17 = 3936.18 ft
6	37	12.31	3936.18 ft x 17 = 66915.06 ft
7	37	12.75	66915.06 ft x 17 = 1137556.02 ft
8	40.50	12.5	1137556.02 ft x 17 = 19338452.34 ft
9	35.14	14.50	19338452.34 ft x 17 = 328753689.78 ft
10	37	13.10	328753689.78 ft x 17 = 5588812726.26 ft
11	37	12.50	5588812726.26 ft x 17 = 95009816346.42 ft
12	37	12.50	95009816346.42 ft x 17 = 1615166877889.14 ft
13	37	12.75	1615166877889.14 ft x 17 = 27457836924115.38 ft
14	37	12.40	27457836924115.38 ft x 17 = 466783227709961.46 ft
15	35	12	466783227709961.46 ft x 17 = 7935314871069344.82 ft
16	37	11.8	7935314871069344.82 ft x 17 = 134900352808178862.14 ft
17	37	12.50	134900352808178862.14 ft x 17 = 2293306007739040656.38 ft

Use Calculation Results

Calculation

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

Calculation Results

PREVAILING SETBACK CALCULATION

2

A1.1

Remodeling & Addition to:
WIRHT RESIDENCE
821 E. NOWITA PLACE, VENICE, CA 90591

DIR 2015-3256

ISSUE
01.01.2015 Version Specific Floor

REVISIONS

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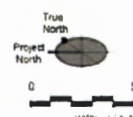
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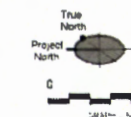
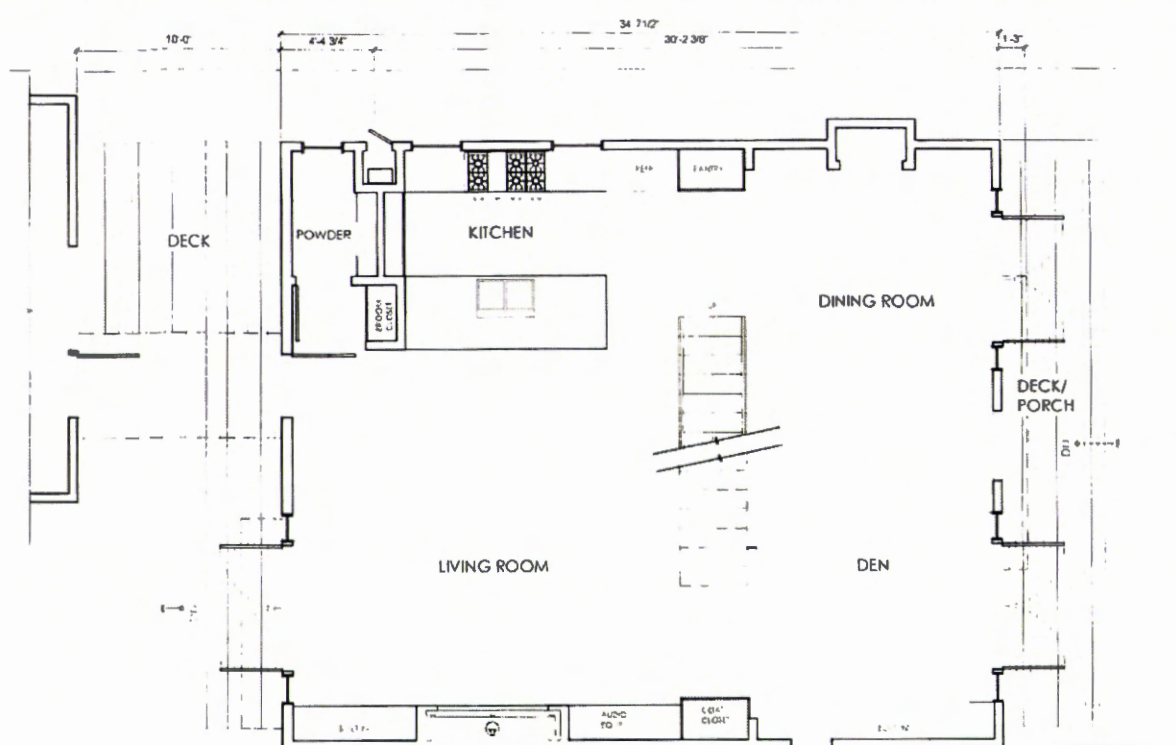
architect	DANIELA RECHTSZAJD ARCHITECT
engineer's stamp	
engineer	
project no. date scale	
drawing title	PROPOSED FIRST & SECOND FLOOR PLAN
drawing number	A2.0

LEGEND
INDICATES ROOF SLOPE
INDICATES LINE OF BLDG. BELOW
INDICATES DOWNSPOUT
INDICATES STANDING SEAM METAL ROOFING 14" O.C. BY MCCLURE METAL INSTALLCO. UL 263 COLOR METALLIC REFLECTANCE 0.58 EMISSIVITY 0.78 SRI 06



ROOF PLAN
SCALE: 1/8" = 1'-0"

3



PROPOSED SITE PLAN-FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

1

PLANS APPROVED
as required by

CASE NO. _____
Planner _____

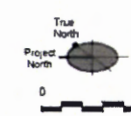
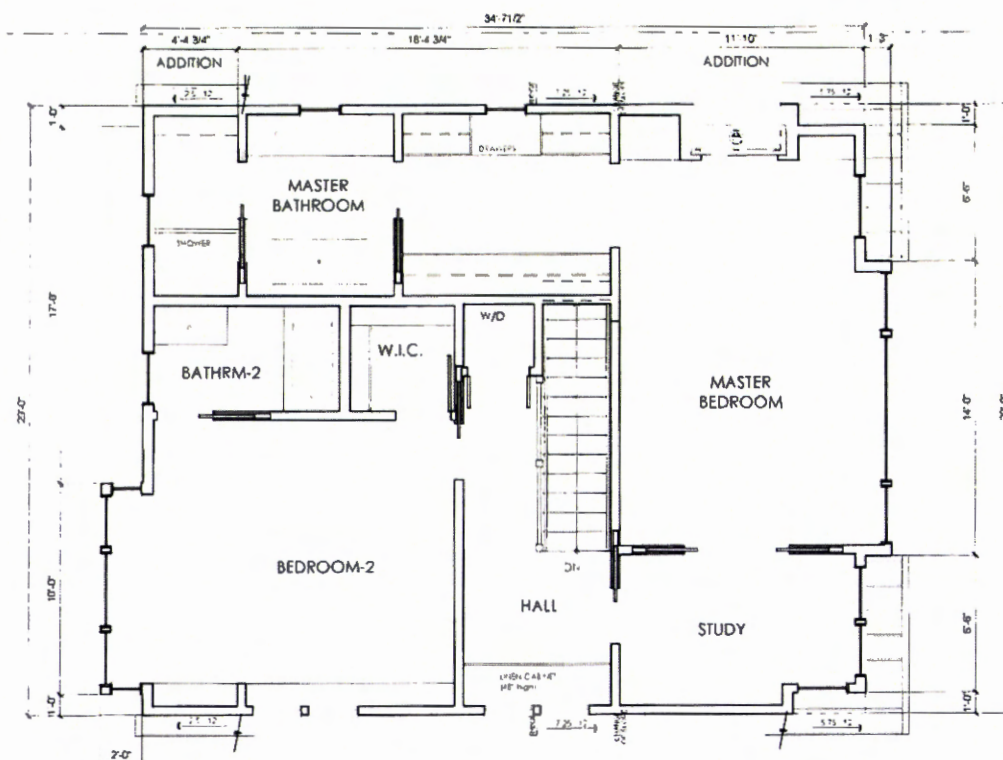
Community Planning Bureau
City of Los Angeles Planning Dept.

Date: 12/10-15

EXHIBIT "A"

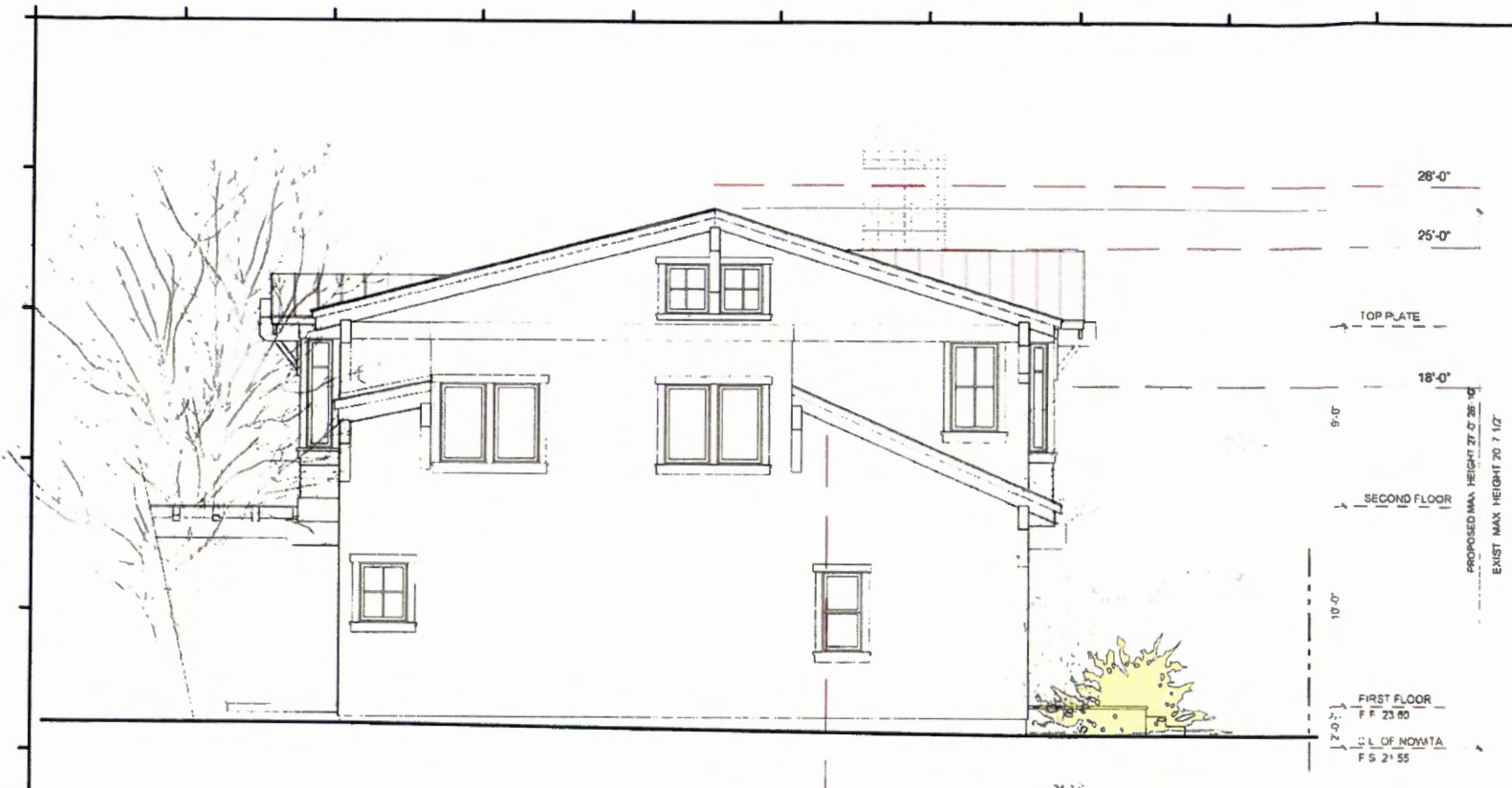
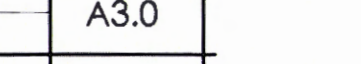
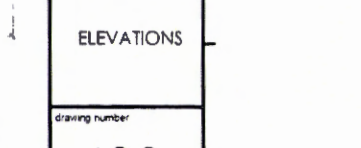
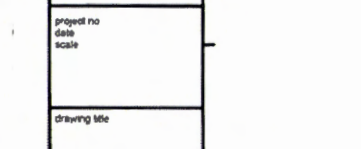
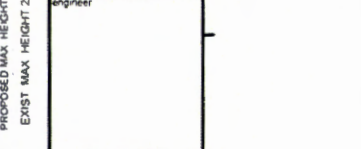
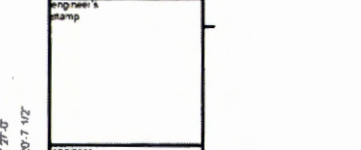
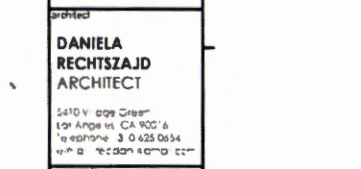
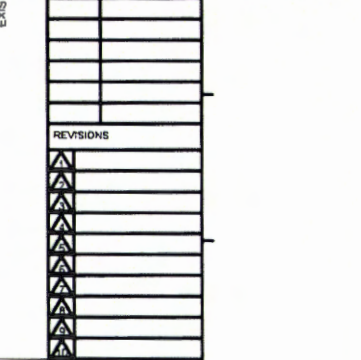
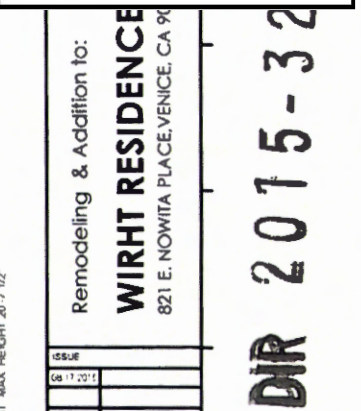
Page No. _____ of _____

Case No. _____



PROPOSED SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

2



PLANS APPROVED
as required by

CASE NO. _____
Planner _____ *gag* _____

Community Planning Bureau
City of Los Angeles Planning Dept.
Date: *12/10-15* _____

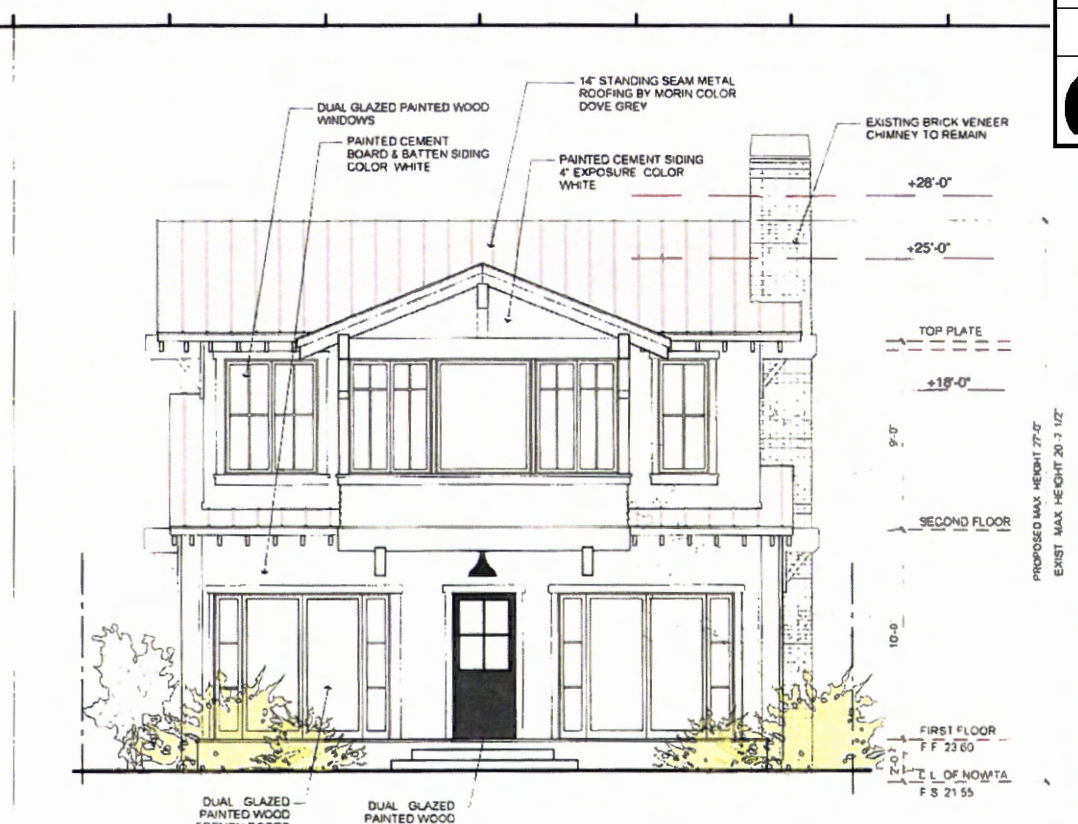


EXHIBIT "A"
Page No. _____ of _____
Case No. _____





Photo of 821 Nowita Place, Before Demolition



Photo credit: SurveyLA 2015



Photo of 821 Nowita Place, 3-10-2016



Photo Credit: California Coastal Commission Staff