

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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F9.5a



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original staff report

ADDENDUM

August 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **APPEAL NO. A-5-VEN-16-0055, FOR THE COMMISSION MEETING OF
FRIDAY, AUGUST 12, 2016.**

CHANGES TO STAFF REPORT

Commission staff recommends clarifications to the staff report dated July 28, 2016 in the following section: Section VI.C (Substantial Issue Analysis). Language to be added to the findings and conditions is shown in underlined text, and language to be deleted is identified by ~~strike out~~.

Section VI (Findings and Declarations), Subsection C. (Substantial Issue Analysis) on Page 9, delete and add the following:

The project site has a lot area of approximately 6,440 square feet. Based on this lot area, the three existing residential units are consistent with the density provisions of Policy I.A.7.d of the LUP, which allow for up to four residential units on this property, or five units with a bonus unit. ~~This lot size meets the minimum LUP density requirement for each unit and exceeds the requirement to provide bonus density.~~ Moreover, as previously mentioned, no change in the density of the triplex is being proposed.

The appellants argue that the height of the existing building may not be 30 ft. because the applicants have indicated in the application form that the height is 44.5 ft. as measured from the centerline of the frontage road. A height of 44.5 feet would exceed the LUP maximum allowable height limit of 30 ft. for development with varied rooflines in this area. However, it is also noted on the same page of the application form that the height of the structure is 27.8 ft. as measured from the average finished grade of the project site, which is at a similar elevation to the frontage road. The applicants have recently specified that the indication of a 44.5 ft. height on the application form was an inadvertent ~~typographical~~ mistake because the item was misinterpreted. The 44.5 ft. measurement noted down on the application is the horizontal distance of the front of the building from the centerline of the road, which can be seen on the tentative map, and not the height. Moreover,...

CALIFORNIA COASTAL COMMISSION

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Appeal Filed: 05/18/2016
49th Day Waiver: 05/25/2016
Staff: M. Alvarado-LB
Staff Report: 07/28/2016
Hearing Date: 08/12/2016

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-16-0055

Applicants: Douglas C. Carelton & Eric J. Smith

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Robin Rudisill, Lydia Ponce, Kevin Keresey, and Ilana Marosi

Project Location: 328 S. Rennie Avenue, Venice, City of Los Angeles, Los Angeles County

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit (Case No. ZA 2014-2373) for the conversion of three apartment units into three condominiums (Parcel Map No. AA-2014-2269-PMLA-CC).

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the proposed condominium conversion, as approved by the City of Los Angeles, is consistent with the Chapter 3 policies of the Coastal Act, and therefore does not negatively impact coastal resources. Pursuant to Section 30625, the grounds of appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to section 30602.

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

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EXHIBITS

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Exhibit 4 – WLAACP Notice of Local Coastal Development Permit Issuance
Exhibit 5 – ZA Local Coastal Development Permit

I. MOTION AND RESOLUTION - NO SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-16-0055 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-16-0055 presents NO **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On April 20, 2016, the Commission received a valid notice of final local action for Local Coastal Development Permit (CDP) No. ZA 2014-2373, which approves the conversion of three apartments into three condominiums; no physical change to the existing structure or change in density is proposed.

On May 18, 2016, within 20 working days of receipt of notice of final local decision, Robin Rudisill, Lydia Ponce, Kevin Keresey, and Ilana Marosi filed an appeal of the local CDP alleging that the City violated its procedures for issuing the permit (**Exhibit 3**).

The appellants' appeal lists the following issues:

1. Certification of Occupancy issued based on erroneous building inventory data
2. Existing fence height too high and out of character; not per code
3. Mello Determination is Erroneous
4. City's "Not a Project" Description is incorrect
5. VNC recommendation ignored by City Planning and not addressed in City's Staff Report
6. Testimony at public hearing is not addressed in City's Staff Report
7. Condo Conversion findings based on inaccurate vacancy rate information

No other appeals were received prior to the end of the appeal period on May 18, 2016.

III. LOCAL GOVERNMENT ACTIONS

On August 2, 1990, the City of Los Angeles Planning Department issued local Coastal Development Permit (CDP) No. 90-008 for the demolition of a single family residence and construction of a three-story, 30 ft. high three-unit residential condominium with seven on-site parking spaces at the project site, concurrently with the Tentative Parcel Map No. 6648. The appeal period for this local CDP ended on November 9, 1990. In between August and November 1990, the

owners of the property at the time also applied for a De Minimis Waiver with the Commission for essentially the same project with one major distinction, the project would result in the construction of a three-story, 30 ft. high apartment triplex instead of condominium units. Commission granted this waiver on October 2, 1990 (CDP No. 5-90-740). Because the original owners never completed the subdivision process to create the condominiums consistent with the Subdivision Map Act, the City's 1990 local CDP has expired and is no longer valid. The apartment building, however, was constructed and completed pursuant to the 1990 De Minimis Waiver issued by the Commission.

On June 25, 2014, the applicants submitted to the City of Los Angeles Planning Department a Master Land Use Permit Application for the conversion of the existing three apartment units into three condominiums; no physical change to the existing structure or change in density is proposed.

The coastal development permit (CDP) application was assigned Case No. 2014-2373 and was filed concurrently with the Tentative Parcel Map (AA-2014-2269-PMLA-CC).

On June 25, 2014, the City issued the project a CEQA Notice of Exemption (ENV 2014-2270-CE). On August 6, 2015, the Zoning Administrator (ZA) approved with conditions the Local CDP No. 2014-2373 for the change in type of ownership of three existing attached residential units (triplex) (**Exhibit 5**). The Deputy Advisory Agency approved the Parcel Map No. AA-2014-2269-PMLA-CC on August 6, 2015.

On August 21, 2015, the ZA's and the Advisory Agency's determination were appealed to the West Los Angeles Area Planning Commission (WLAAPC) by the appellants, Robin Rudisill, et al. Subsequent to a public hearing held on March 16, 2016, the WLAAPC approved Local Coastal Development Permit No. ZA 2014-2373 and the Preliminary Parcel Map No. AA-2014-2269-PMLA-CC on March 30, 2016 for the proposed conversion of three apartment units into three condominiums; the WLAAPC made no changes to the proposed project or the Local CDP (**Exhibit 4**).

On April 1, 2016, Coastal Commission received a Notice of Final Local Action for the Local CDP. However, City's Notice had the incorrect hearing date and Exhibit "A" showing the final approved plans and the Parcel Map No. AA 2014-2269-PMLA-CC were not attached. Therefore, the notice of final local action received by the Commission on April 1, 2016 was rendered invalid. On April 7, 2016, the Commission issued a Notification of Deficient Notice for the City's Final CDP Action. On April 20, 2016, Coastal Commission received a valid Notice of Final Local Action from for Local CDP No. ZA 2014-2373 from the Department of City Planning. The Commission issued a Notification of Appeal Period on April 21, 2016. The appellants submitted a timely appeal within the appeal period.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any*

action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

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

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. Commission staff recommends a finding of no substantial issue. If the Commission decides that the 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 coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a *de novo* matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that *de novo* actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

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

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

V. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which

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

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicants are proposing to convert three existing apartment units into three condominiums. The existing structure will not be physically modified or altered, and no change in density (number of residential units) is proposed (**Exhibit 2, 4, & 5**). The only change being proposed is the type of ownership.

The project site has a lot area of approximately 6,440 square feet located at 328 Rennie Avenue, approximately 0.55 miles inland of the beach and within the Single Permit Jurisdiction Area of the coastal zone (**Exhibit 1**). The subject site is situated in a highly urbanized, residentially developed area along Cabrillo Avenue within the Oakwood subarea of Venice. In addition, the lot is zoned RD1.5-1 (Multiple Dwelling) and designated for Low Medium II Residential by the certified Venice Land Use Plan (LUP). The front property line fronts Rennie Avenue and side property line adjoins the alley, Rose Court. The subject site is surrounded by one- to three- story single-family and multi-family residences, as well as commercial development.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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

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

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

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

C. SUBSTANTIAL ISSUE ANALYSIS

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

The issues of this appeal relate primarily to the City’s procedural process for the permit and to the proposed project’s potential impacts to the community character of Venice and to affordable housing (“Mello Act”).

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

The Notice of Decision on Local Coastal Development Permit No. ZA 2014-2373 issued by the City of Los Angeles indicates that the City applied the policies of Chapter 3 of the Coastal Act and concluded that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250, 30251, 30252, and 30253(a) & (b) of the Coastal Act, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**Exhibit 5**).

Section 30250 of the Coastal Act states, in part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...*

In order for no substantial issue to be found, the proposed project must conform to the requirements of the Chapter 3 policies of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5). The certified Venice Land Use Plan (LUP) is not the standard of review for finding substantial issue, but it provides guidance from which the Commission can evaluate a project.

The new development at issue, subject to this appeal of Local CDP No. ZA 2014-2373, is, solely, the subdivision of the three existing apartment units to condominiums, resulting in only a change in the type of ownership. Such conversions are not uncommon and are routinely approved because there are typically no adverse impacts to the surrounding environment since there will not be any physical alteration to the structure or change in the density (number of residential units). The proposed development is one such conversion that has no adverse impact on coastal resources or public access and recreation.

The project site consists of a density of three residential units, and is designated RD1.5 in the LUP. The current number of units is consistent with the density provision of the LUP Policy for sites with a RD1.5 zoning designation.

Policy I.A.7.d of the certified Venice LUP states in part:

Density: One unit per 1,500 – 2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on

parcels zoned RD1.5... if the unit is a replacement affordable unit reserved for low and very low income persons”

The project site has a lot area of approximately 6,440 square feet. This lot size meets the minimum LUP density requirement for each unit and exceeds the requirement to provide bonus density. Moreover, as previously mentioned, no change in the density of the triplex is being proposed.

The appellants argue that the height of the existing building may not be 30 ft. because the applicants have indicated in the application form that the height is 44.5 ft. as measured from the centerline of the frontage road. A height of 44.5 feet would exceed the LUP maximum allowable height limit of 30 ft. for development with varied rooflines in this area. However, it is also noted on the same page of the application form that the height of the structure is 27.8 ft. as measured from the average finished grade of the project site, which is at a similar elevation to the frontage road. The applicants have recently specified that the 44.5 ft. height was an inadvertent typographical mistake. Moreover, prior to the issuance of the Certificate of Occupancy by the Los Angeles Department of Building and Safety, a height survey was conducted and the estimated height of the structure is 30 feet. Regardless, this issue does not raise a substantial issue as no physical changes to the existing building is being approved in the subject local CDP and the time to challenge the existing building's height would have been when the City issued its local non-Coastal Act approval for the building in the 1990s and/or when the Commission issued the waiver for the existing building and not now, over 25 years after its construction.

Additionally, the appellants contend that the existing perimeter fence is too high and is out of character. They argue the fence also exceeds the City's zoning 42-inch limit. This is not an issue before the Commission as part of this appeal because the applicant did not propose any development to alter, in any way, the existing fence and, as such, does not raise a substantial issue.

The contentions relating to the City's Mello Act (affordable housing) or CEQA determinations do not raise any Coastal Act issues because the Coastal Act does not provide any authority to the Commission to review the City's Mello Act or CEQA determinations. The City's Housing Department concluded that the lease agreements showed a pattern of housing cost that was above affordable for the existing units. In any case, the Commission has no authority to review and invalidate a lead agency's CEQA determination or its Mello Act determination and thus, the appellants' contention does not constitute a substantial issue.

The appellants also assert that the City incorrectly defined the proposed condominium conversion by stating that it is “not a project” for purposes of reviewing the project for compliance with the Venice Coastal Specific Plan (VCZSP). The VCZSP has not been certified by the Coastal Commission, so the Specific Plan Permit Compliance sign off is a local authorization and, therefore, does not raise a substantial issue regarding the project's conformity with Chapter 3 of the Coastal Act. It is important to note, however, that the condominium conversion is a subdivision, which is considered to be development under section 30106 of the Coastal Act and requires a coastal development permit. Therefore, the proposed development does require review for consistency with the Chapter 3 policies of the Coastal Act and the relevant policies of the certified LUP. In this case, the City did correctly determine that the proposed project is development, for Coastal Act purposes, by issuing a coastal development permit. Therefore, this contention does not raise a substantial issue regarding the development's conformity with Chapter 3 of the Coastal Act.

In addition, the appellants' allegation relating to the City's consideration of the Venice Neighborhood Council's recommendation does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act. The VNC is an advisory board that offers the public an additional forum for public participation to assist in local procedures and does not necessarily bind the City to act according to its recommendation. Thus, the City's consideration of the VNC's recommendation for the subject project does not affect the fact that the City properly found that the project complies with Chapter 3 of the Coastal Act, and therefore, does not raise a substantial issue regarding the project's conformity with Chapter 3.

The appellants maintain that the City did not address the testimony at the public hearing in the staff report. Although it is true that the City did not address issues that were raised at the public hearing under the "Public Hearing" section of its staff report, the major issues were addressed in other sections of the findings of the staff report, which concluded that the proposed development is consistent with the Chapter 3 policies of the Coastal Act. As such, the appellants' contention on this ground does not raise a substantial issue regarding the project's conformity with Chapter 3 of the Coastal Act.

The remaining allegation relates to local procedural issues and other issues that are not related to conformance with Chapter 3 of the Coastal Act. For instance, the appellants argue the City's findings are based on inaccurate vacancy rate information. Vacancy rates are issues addressed by the City. The occupancy of the units raises no substantial issue for the Commission's review under the Coastal Act.

All pertinent issues have been addressed, and due process was provided as this project had duly noticed public hearings conducted by the City's Zoning Administrator, West Los Angeles Area Planning Commission, and now the Coastal Commission.

Conclusion

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

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City's conclusion was supported by sufficient evidence and findings. In its analysis, the City discussed consistency with the Chapter 3 policies of the Coastal Act and concluded that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250, 30251, 30252, and 30253, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone. Furthermore, the proposed project was subject to review by multiple responsible City Agencies and went through the City's local public hearing process. The local coastal development permit for the proposed conversion of the apartment triplex into three condominiums was approved by the City's Zoning Administrator and the West Los Angeles Area Planning Commission. Therefore, the Coastal Commission finds that the City provided an adequate degree of support for its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The scope of the approved development involves only a change of the type of ownership of the structure. This type of development is consistent with the policies of the Coastal

Act and does not intensify the use of the site. Therefore, the scope of the approved development supports a finding that the appeal raises “no substantial” issues.

The third factor is the significance of the coastal resources affected by the decision. The significance is minimal as there are no coastal resources affected. The proposed project does not involve any physical change or change in density.

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, but it does have a certified Land Use Plan (LUP). The proposed conversion is consistent with the policies of the certified Venice LUP. The City’s decision will not set an adverse precedent or prejudice the LCP. A change in the type of ownership of residential units is not uncommon. This project, as proposed and conditioned, will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources, including community character, are important statewide issues, but this appeal raises mostly local issues. While there are several local issues that the City addressed, the City’s approvals do not raise issues of statewide significance.

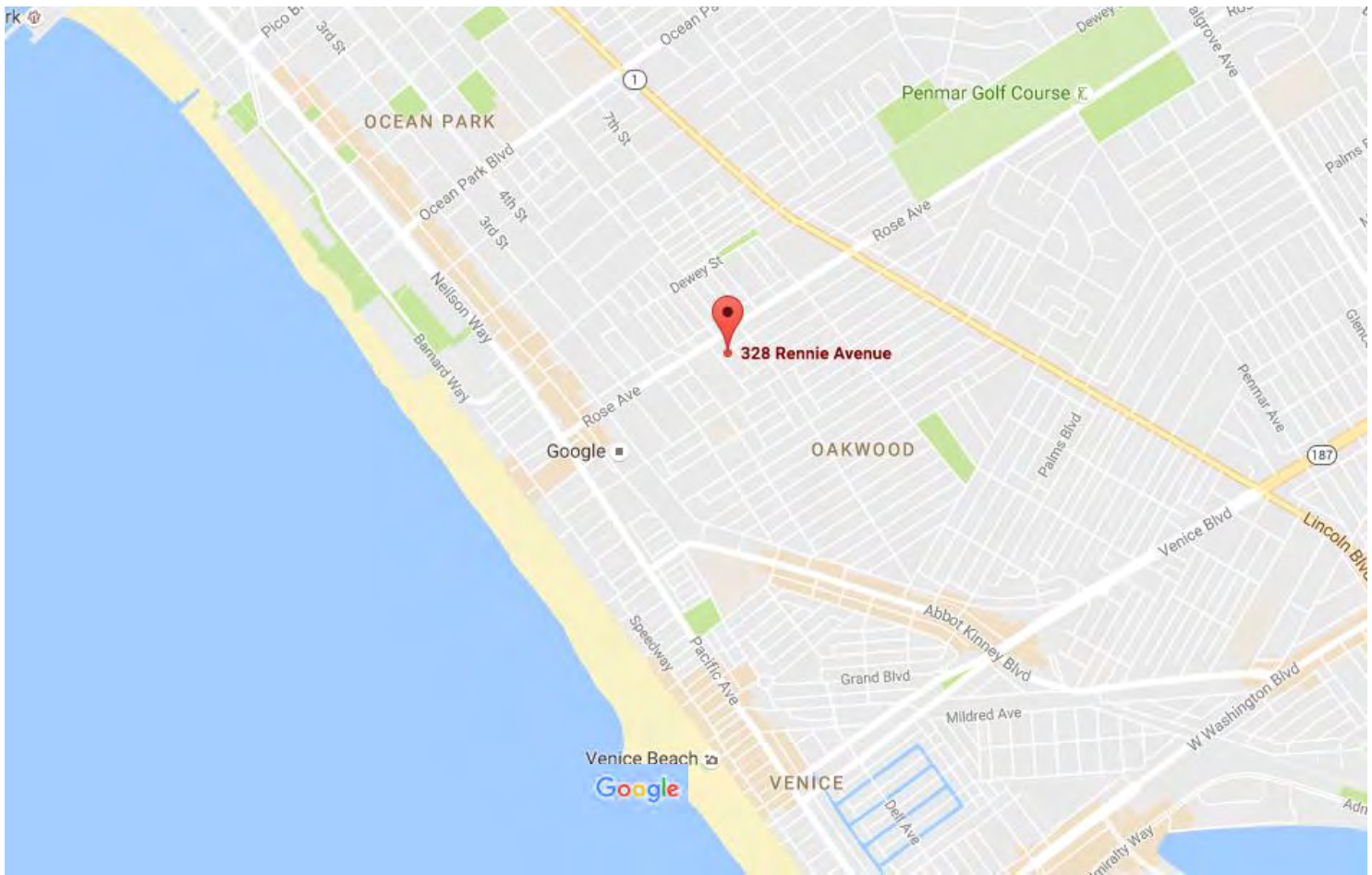
In conclusion, the issues of this appeal relate primarily to the City’s procedural process for the permit and to the proposed project’s potential impacts to the community character of Venice and to affordable housing. The Commission has jurisdiction to review local government’s actions for consistency with the policies of the Coastal Act. In this case, the proposed project is in conformity with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal contentions raise no substantial issue relative to the project’s conformity with Chapter 3 policies of the Coastal Act.

A-5-VEN-16-0055

Appeal – No Substantial Issue

Appendix A - Substantive File Documents

- Appeal No. A-VEN-16-0055
- City of Venice certified Land Use Plan
- WLAAPC Local CDP No. 2014-2373 -CDP/Report
- WLAAPC Appeal Recommendation Report
- ZA Local CDP No. ZA 2014-2373 -CDP/Report
- De Minimis Waiver No. 5-90-740
- Local CDP No. 90-008



COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1



REPRESENTATIVE:
HEIDI BURKE
77289 ANTERO DR.
LAS VEGAS, NV 89128

OWNER:
ERIC SMITH / DOUGLAS CARLTON
2000 BROADWAY ST. N° 911
SAN FRANCISCO, CA 94115

AA 2014-2269

PRELIMINARY PARCEL MAP

COASTAL DEVELOPMENT PERMIT

CASE NO.
DATE DEC. 23, 2013
D.M. III B141, III B145
SCALE 1"=100'
USES FIELD

LEGAL: LOT 34, BLOCK G, CARNATION PARK TRACT
M.B. 7-57

T.B. PAGE 671 GRID G-4/5
C.D. II C.T. 2733.00 P.A. 329 VEN

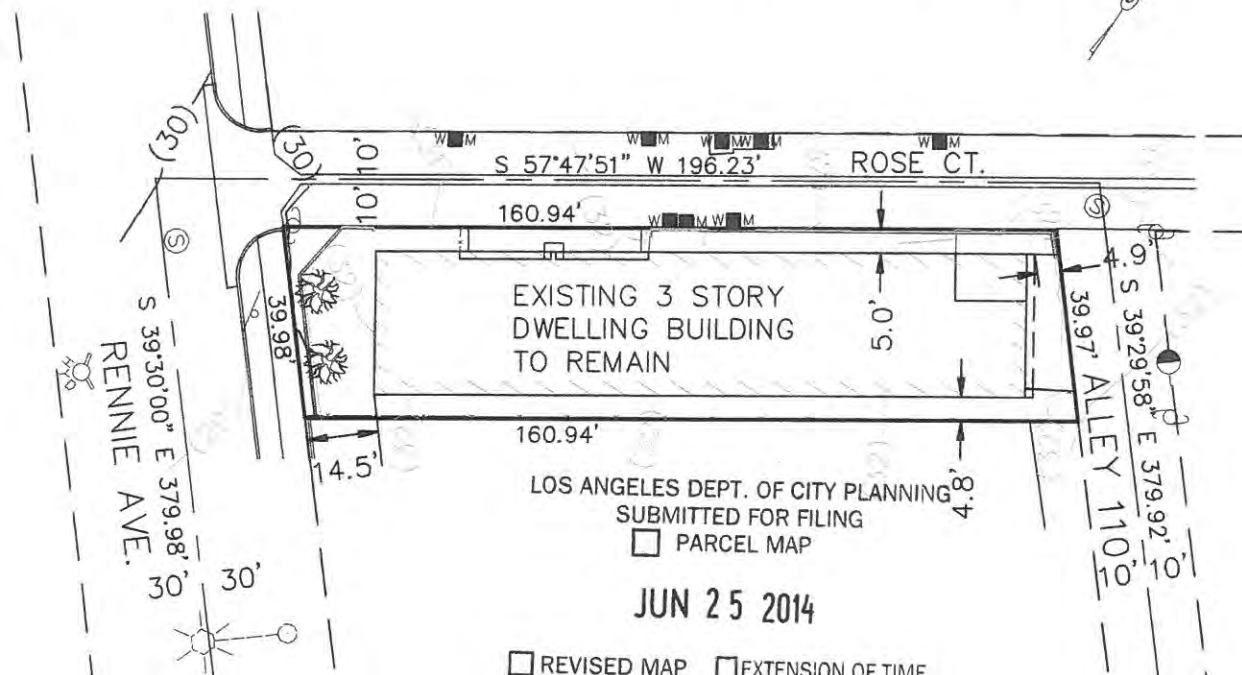
THE FOLLOWING CASES
APPLIED TO ALL THE LOTS

- CPC-12425
- 1986-624-SPC
- 1987-648-ICD
- 1993-US-LCP
- 2000-4046-CA
- 2005-6292-CA
- ENV-2001-846-ND-MND
- 2002-6836-SP
- 2005-8253-MND
- 2005-8253-ND

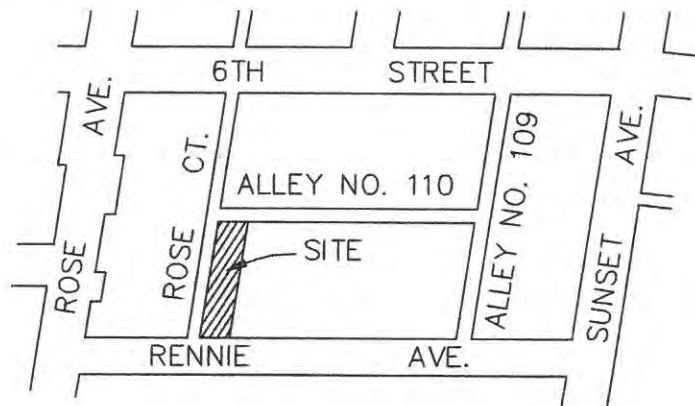
COASTAL COMMISSION

JERI
2352
WOOL
(818)
EXHIBIT # 2
PAGE 1 OF 2

AA 2014-2269

**NOTES:**

1. TOTAL LOTS: 1
2. NET AREA: 6,381 SQ. FT. = 0.146 AC.
3. GROSS AREA: 9,743 SQ. FT. = 0.224 AC.
4. TOTAL UNITS: 3
5. SEWERS ARE AVAILABLE
6. ZONING: LARD1.5
7. THIS PROJECT IS FOR CONDOMINIUM PURPOSES
8. THOMAS GUIDE: 671 G5
9. SITE CONTAINS NO TREES AS FOLLOWS:
OAK, CALIFORNIA BLACK WALNUT, WESTERN SYCAMORE AND CALIFORNIA BAY.
10. NOT IN FLOOD HAZARD AREA
11. ASSESSOR NO. 4240-010-034
12. NO EASEMENTS
13. CONTOUR INTERVALS = 1.0 FOOT
14. LEGAL DESCRIPTION: LOT 34, BLK G, CARNATION PARK
TRACT RECORDED IN MAP BOOK 7-57
15. SITE ADDRESS: 328 RENNIE AVENUE
VENICE, CA 90291-2648



MAP DATE: DECEMBER 04, 2013

OWNER/ SUBDIVIDER:

DOUGLAS C. CARLTON AND ERIC J. SMITH

2000 BROADWAY STREET.
NO. 911
SAN FRANCISCO, CA 94115

**PRELIMINARY
PARCEL MAP**
L.A. NO. _____

PREPARED BY:

HOOSHMAND JAHANPOUR, RIRKE
PROFESSIONAL

7728 ANTERO CI
LAS VEGAS, NV
702-324-1145

COASTAL COMMISSION

EXHIBIT # 2
PAGE 2 OF 2

MAY 18 2016

EDMUND G. BROWN JR., Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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

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: Robin Rudisill, as an individual, not on behalf of VNC/LUPC, Lydia Ponce, Kevin Keresey, Ilana Marosi

Mailing Address: 3003 Ocean Front Walk

City: Venice

Zip Code: 90291

Phone: 310-721-2343

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Preliminary Parcel Map for condo conversion of 3 apartment units totaling 8,234 sq ft, on a 6,381 sq ft lot, with 7 parking spaces.

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

328 Rennie Ave, near Rose Ave, APN: 4240-010-034

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A.5.Ven.16.0055

DATE FILED:

5.18.16

DISTRICT:

South Coast

COASTAL COMMISSION

EXHIBIT # 3

PAGE 1 OF 20

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: March 30, 2016

7. Local government's file number (if any): ZA-2014-2373-CDP-MEL-1A

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:

Eric J. Smith & Douglas C. Carelton, 2000 Broadway Street, #911, S.F., CA 94115
and
Heidi Burke, H.J. Burke Survey, P.O. Box 35522, Las Vegas, NV 89133

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)

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 20

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.

1. VNC Recommendation Ignored

The Venice Neighborhood Council (VNC) voted to recommend denial of this project: *The VNC Board recommends denial of the project as presented as it does not adhere to the Venice Coastal Zone Specific Plan for height and for provision of the third Replacement Affordable Unit. SEE ATTACHED EXHIBIT A.* Many of us are more seriously concerned than ever about how City Planning is ignoring the VNC when we recommend a denial, such as for this Coastal Development Permit. Our work is not considered or utilized. The VNC makes recommendations that result from a significant amount of hours worked by many dedicated volunteers, who care very much about their Community and who take this work very seriously. We volunteers do all that we do in good faith that it will make a difference, as it should. To ignore these recommendations, particular when there is a recommendation for a denial, is unacceptable. In this case, the assigned LUPC Staff person analyzed the case and the Venice Land Use & Planning Committee heard the case. The VNC Board subsequently also conducted a Public Hearing for the case and sent an official letter from the VNC President recommending denial. Also, two of us schlepped all of the way to City Hall (which is a huge hardship for a Venice-related Public Hearing) to both speak at the Public Hearing as individuals as well as to represent the VNC.

Neighborhood Councils such as ours exist as per City Charter for the purpose of "aiding in the conduct of the people's business." The City does not appear to be required to insist that a Neighborhood Council review every case for which the City issues a determination, however, *they should not be allowed to ignore a Neighborhood Council's recommendations, which are achieved via a very carefully City and Brown-Act controlled process. Our reports provided to the City also include important evidence and cannot be ignored.*

2. "Not a Project" Description is Incorrect

City Planner Greg Shoop claimed that it is "not a project" and did not require any review for conformance to the certified Venice Land Use Plan (LUP) or the Venice Coastal Zone Specific Plan (VCZSP) (see page 6 of the CDP, Finding 2.). It is not explained why he decided that this project was "not a project" for purposes of determining conformance. As per the VCZSP, pages 8 & 9, a CDP is required, which means that it is development and is a project. The project does not comply with the VCZSP and LUP on many counts, two of which are indicated as the main reasons for the VNC denial: height and provision of a 3rd replacement affordable unit. **SEE ATTACHED EXHIBIT B.** The CDP determination indicates that the Applicant must assure that the project is in compliance. If it was adequate for an Applicant to simply make a representation that their project is in conformance with the LUP or the VCZSP, permits would not be necessary. However, both the CDP determination and the related Parcel Map determination require compliance with the VCZSP.

3. Testimony at Public Hearing is Not Addressed

See page 5 of the CDP, PUBLIC HEARING. City Planning currently has a strategy where they document the Public's concerns and then do not address them, and in fact, they ignore them. That is the case here as in many other CDP determinations lately. This shows disrespect for the citizens AND is in violation of the law and Public Due Process. Also, the ZA couches the Public's testimony in a way that is misleading or such that it is impossible to understand what we really said at the hearing, and they do not address the issues we raised.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 30

4. The Mello Determination is Erroneous

This is a Conversion for Mello Act purposes. Regarding the Mello Determination, tenant income data was not checked for the Mello Determination, as is required. These tenants are currently living on the premises and collection of that data should have been done. SEE ATTACHED EXHIBIT C.

5. Condo Conversion Findings Based on Inaccurate Vacancy Rate Information

As the vacancy rate for L.A. is less than 5% (and Venice has one of the lowest vacancy rates in L.A.), the Findings set forth in LAMC Section 12.95.2-F.6. CAN be made and thus the conversion to condos should not be allowed as per City code. SEE ATTACHED EXHIBIT D.

City Planning and the West L.A. Area Planning Commission (WLAAPC) erred when they relied on a manually prepared, error ridden, untitled and undated schedule, purportedly from the Department of Water and Power, which showed figures indicating a vacancy rate for Venice of 12.4%. The WLAAPC relied on this schedule in spite of the fact that they agreed that it made no sense that the Venice vacancy rate was that high and all indications were that the vacancy rate was much lower and all agreed that it is common knowledge that the Venice housing market is extremely tight. Exhibit D is an established, independent source, obtained from a Venice Community Housing Corp. Board Member, as it is what they use for this purpose.

6. Certificate of Occupancy Issued Based on Erroneous Building Inventory Data

Subsequent to the Public Hearing, City Planner Greg Shoop submitted building data for the "building inventory" in order to obtain a Certificate of Occupancy. There had been many differences between the project description and the assessor information. It appeared that the Certificate of Occupancy had never been issued since the building was built, in 1991. Erroneous data was used in obtaining the building permit for the Certificate of Occupancy, including for height, which is erroneously indicated at 30'. As per the CDP application, the height as measured from the centerline of the fronting right-of-way is 44.5 feet. SEE ATTACHED EXHIBIT E.

7. Fence Height Out of Character and Not Per Code

It should be noted that there is a fairly new fence around the property and that it is not only over height as per code, but it was clearly recently put up in order to make it extremely difficult to contact the tenants for purposes of the Mello Act requirements, and it does not conform to the Coastal Act Chapter 3 requirement to preserve the character and the walkability of the neighborhood. SEE ATTACHED EXHIBIT F.

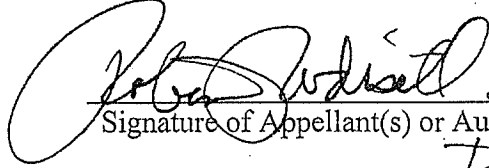
COASTAL COMMISSION

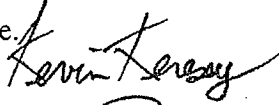

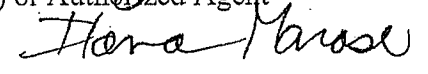
EXHIBIT # 3
PAGE 4 OF 20

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: May 18, 2016

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

Section VI. Agent Authorization

I/We hereby
authorize _____

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

Signature of Appellant(s)

Date: _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 20



Venice Neighborhood Council

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



A.1

May 5, 2015

BY EMAIL

joey.vasquez@lacity.org

Joey Vasquez
Advisory Agency
L.A. Department of City Planning
200 N. Spring Street
Los Angeles, CA 90012

Project Location: 328 Rennie Ave (3 unit conversion from apartments to condos),
Oakwood Subarea, RD1.5-1 zone, Land Use Plan Designation:
Multiple Family Residential – Low Medium II

Case No: ZA-2014-2373-CDP-MEL and AA-2014-2269-PMLA-CC and ENV-2014-2270-CE

Project Description: Preliminary Parcel Map for condo conversion of 3 apartment units, lot area 6,381 sq ft, building 8,234 sq ft, with 7 parking spaces. Open items: Advisory Agency noted in public hearing that the C of O has not yet been found, need to determine whether there are three 2-bedroom units as per the January 7, 2015 Mello letter from HCID or two 3-bedroom units and one 2-bedroom unit as per the Community Planning Referral Form, need to determine why there are 10 bathrooms.

Dear Joey,

Please be advised that at a regularly held public meeting of the Venice Neighborhood Council (VNC) Board of Officers on March 17, 2015, the following Motion was approved by a vote of 13-0-2:

MOTION:

The VNC Board recommends denial of the project as presented as it does not adhere to the Venice Coastal Zone Specific Plan for height and for provision of the third Replacement Affordable Unit.

LUPC Case Documents available on the VNC's website:
<http://www.venicenc.org/328-rennie-ave/>

The VNC Board reserves the right to take a different position at a later date in the event that one or more of the details of a particular project, as initially presented to the LUPC, is changed without the consent of the affected parties. In addition, please note that the VNC Board does not speak on behalf of the City of L.A. but only on behalf of the community of Venice, which elected the Board members and which will have to live with the related decisions, and that the advisory

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COASTAL COMMISSION

EXHIBIT # 3
PAGE 6 OF 20



Venice Neighborhood Council

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



A.2

recommendations contained in this letter do not purport to take any action that may be required under applicable law by the VCZSP, L.A. Municipal Code or the California Coastal Act.

Please *provide us a copy of your determination letter* via email to president@venicenc.org, vicepresident@venicenc.org, and chair-lupc@venicenc.org, in addition to mailing it to the VNC at the address indicated in the letterhead above; and please *assure that this letter from the VNC is placed in ALL case files for the project, including the files for Appeals*, if any.

Thank you, and please don't hesitate to contact me if you have any questions on this recommendation.

Yours truly,

Mike Newhouse
President
Venice Neighborhood Council

CC:

Los Angeles Department of City Planning:

Michael LoGrande: michael.logrande@lacity.org

Lisa Webber: lisa.webber@lacity.org

Faisal Roble: faisal.roble@lacity.org

David Weintraub: david.weintraub@lacity.org

Kevin Jones: kevin.jones@lacity.org

Linn Wyatt: linn.wyatt@lacity.org

California Coastal Commission:

Dr. Charles Lester: charles.lester@coastal.ca.gov

Jack Ainsworth: john.ainsworth@coastal.ca.gov

Teresa Henry: teresa.henry@coastal.ca.gov

Chuck Posner: cposner@coastal.ca.gov

Al Padilla: al.padilla@coastal.ca.gov

Council District 11:

Councilmember Mike Bonin: mike.bonin@lacity.org

Tricia Keane: tricia.keane@lacity.org

Chris Robertson: chris.robertson@lacity.org

Debbie Dyer Harris: debbie.dyerharris@lacity.org

Cecilia Castillo: cecilia.castillo@lacity.org

Venice Neighborhood Council:

Venice Neighborhood Council Board: board@venicenc.org

Land Use & Planning Committee: LUPC@venicenc.org

Applicant:

Heidi Jahanpour-Burke: heidi@hjburke.com

It's YOUR Venice - get involved!

COASTAL COMMISSION

EXHIBIT # 3
PAGE 7 OF 20

certified Venice Land Use Plan

B.1

stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 35 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

d. Oakwood, Milwood, Southeast and North Venice

Use: Duplexes and multi-family structures.

Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5, or one unit for each 2,000 square feet of lot area in excess of 4,000 square feet on parcels zoned RD2, if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height:

Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

North Venice: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Policy I. A. 8. Multi-Family Residential - Medium Density. Accommodate the development of multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Medium Density" on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

Lot Area $\frac{s.f.}{6,381}$
2 units $\frac{(4,000)}{2,381}$
3rd unit $\frac{(1,500)}{881}$

\therefore The 3rd Unit must be a Replacement Affordable Unit

c. North Venice

Use: Two units per lot, duplexes and multi-family structures.

Density: One unit per 1,200 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one additional unit for each 1,200 square feet in excess of 4000 square feet of lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Height: Not to exceed 30 feet for buildings with flat roofs or 35 feet for buildings utilizing stepped back or varied rooflines. The portion of the structure that exceeds 30 feet in height shall be set back one horizontal foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Implementation Strategies

Specific regulations for the implementation of the development standards for new residential developments shall be contained in the LUP.

Replacement of
Affordable Housing

Policy I. A. 9. Replacement of Affordable Housing. Per the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act", the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).

Policy I. A. 10. Location of Replacement Housing. The replacement units shall be located in one or more of the following areas, listed in order of priority: 1) on the site of the converted or demolished structure; 2) within the site's Venice coastal subarea; 3) within the Venice Coastal Zone; 4) within the Venice Community Plan area east of Lincoln Boulevard; and, 5) within a three mile radius of the affected site.

Policy I. A. 11. Replacement Ratios for Replacement Units. Replacement ratios shall be at a minimum of 1:1 (one unit replaced for each unit removed). Replacement ratios shall increase according to how far from the affected site replacement units are located as defined in the Mello Act.

Policy I. A. 12. Displaced Residents Priority. Displaced residents shall be given right of first refusal on the new replacement units.

Policy I. A. 13. Density Bonus Applications. Required replacement

dwelling units shall be counted as reserved units in any related State-mandated density bonus application for the same project. In order to encourage the provision of affordable housing units in the areas designated as "Multiple Family Residential" and in mixed-use developments, the City may grant incentives such as reduced parking, additional height or increased density consistent with Government Code Section 65915 provided that the affordable housing complies with the following:

- a. This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than 25 percent more units than a property's zoning would ordinarily allow. In exchange for this density bonus, the owners must make the units affordable for 30 years if an incentive is utilized in addition to a density bonus specified in Government Code Section 65915(b) or for 10 years if a second incentive is not utilized.
- b. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. In the Coastal Zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission. The density bonus shall be applicable to housing development consisting of five or more units.
- c. In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. If the City approves development with a density bonus, the City must find that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the City determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the City shall require that the density increase be accommodated by those means. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a 25 percent density increase, the City shall identify all feasible means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that are most protective of significant coastal resources.
- d. The City may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25 percent may be permitted

B.4

based on a finding that no adverse impacts on coastal resources would result.

- e. In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the City determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the City may grant the requested incentive. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.
- f. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 *et seq.*, including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Policy I.A.14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

Policy I. A. 15. In-Lieu Credits for Replacement Housing. In-lieu of construction of the required affordable replacement units as set forth above, residential projects shall be permitted to pay a fee, equivalent to the cost to subsidize each required dwelling unit. The in-lieu fee shall be set forth in the Citywide guidelines for the implementation of the Mello Act.

Policy I. A. 16. Exceptions. No exceptions to the replacement housing policies of this LUP shall be permitted within the Venice Coastal Zone except as permitted by Section 65590 of the State Government Code (Mello Act).

Policy I. A. 17. Youth Hostels and Hotels. Development of temporary housing opportunities, such as hotels and youth hostels, shall be permitted through the conditional use permit/coastal development permit process in the Medium Density Residential and Community Commercial categories. The capacity of the proposed youth hostel shall be a factor of consideration for residential zones. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General

C 10f2



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

Date: January 7, 2015
To: Kevin Jones, City Planner
City Planning Department
From: Robert Manford, Environmental Affairs Officer
Los Angeles Housing and Community Investment Department
Subject: Mello Act Determination for
328 Rennie Avenue (#1-3), Venice, CA 90291

Based on information provided by the owner, Douglas C. Carleton, Trustee of the Douglas Carleton Living Trust dated November 26, 2013, and any amendments thereto, the Los Angeles Housing and Community Investment Department (HCIDLA) has determined that no affordable units exist at 328 Rennie Avenue (#1-3), Venice, CA 90291.

The property consists of a triplex dwelling comprised of three (2) bedrooms each. Per the statement provided by the owner, he is proposing to convert the existing triplex apartment to triplex condominiums. There will be no demolition or construction and a building permit has not been filed to date. The property was purchased on September 5, 1996.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three years. The owner's Mello application statement was received by HCIDLA on November 18, 2014. HCIDLA must collect data from: November, 2011 through November, 2014.

Per the owner, all units are currently occupied. Based on lease agreements and rental checks provided, Unit 1, a two (2) bedroom averaged a monthly housing cost of \$3,225 per month since September 2011 and Unit 2, a two (2) bedroom averaged a monthly housing cost of \$3,400 per month since September 2011 and Unit 3, a (2) bedroom averaged a monthly housing cost of \$3,050 per month effective April 1, 2008.

The lease agreements and rental checks provided showed a pattern of housing cost that was above affordable for the three (3) units. ✕

cc: Los Angeles Housing and Community Investment Department File
Douglas C. Carleton, Trustee of the Douglas Carleton Living Trust dated November 26, 2013,
and any amendments thereto, Owner
Richard A. Rothschild, Western Center on Law and Poverty, Inc.
Susanne Browne, Legal Aid Foundation of L.A.

RM:MAC:RB:rl

✕ HCID should then check income levels, and
They did not.

COASTAL COMMISSION

EXHIBIT # 3
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Interim Mello Act
Administrative Procedures - excerpt

C2.f2

the Department of City Planning. In the case of any discrepancy, the Public Resources Code shall control.

"Conversion" means a change of one or more existing Residential Units to a condominium, cooperative, or similar form of ownership, a change of one or more existing Residential Units to a non-residential use; or a reduction in the existing number of Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.


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5.17.00

INTERIM MELLO ACT ADMINISTRATIVE PROCEDURES

COASTAL COMMISSION

EXHIBIT # 3
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EXHIBIT # 3
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Download 2014 USC Casden Multifamily Forecast (2.5 MB)

The 2014 USC Casden Multifamily Forecast reports that rents continue to rise throughout the region as the demand for rental housing outpaces the completion of new units.

During the one-year period that ended in June, apartment vacancies declined in all four Southern California markets analyzed. San Diego County had the lowest vacancy rate at 3.2 percent (a 2.8 percent decrease), followed by Los Angeles at 3.3 percent (a 10.8 percent decrease). Orange County at 3.6 percent (a 14 percent decrease), and the Inland Empire, where vacancies plummeted 30 percent to 3.8 percent.

D

E.1

✓
328 Rennie Ave
CDP Application

page 3 of 8

type of use N/A
number of units if hotel/motel _____
number of employees; total _____
per shift _____
number of students/patients/patrons _____
hours of operation _____ days of operation _____
number of square feet of each building _____

Type of ownership proposed:

_____ rental
_____ condominiums
_____ stock cooperative
_____ other _____

c. For all projects:

Parking:

number of spaces existing 7
number of new spaces proposed 0
total 7

number of covered spaces 7 number of uncovered spaces 0
number of standard spaces 7 size 9.5w X 18.5d
number of compact spaces 0 size _____

Does tandem parking exist? yes _____ no X
Is tandem parking proposed? yes _____ no X
If yes, how many tandem sets? _____ size _____

d. Number of floors including subterranean floors, lofts and mezzanines 3
project height: from average finished grade 27.8 ft. ←
from centerline of frontage road 44.5 ft. ← *see E.5*

e. Night lighting of the project EXTERIOR LIGHTING ON BUILDING

f. If fixed seats or beds are involved, how many? N/A

g. Percent of total project proposed for:

building N/A paving N/A

h. Percent of total project proposed for:

building N/A paving N/A

COASTAL COMMISSION

EXHIBIT # 3
PAGE 15 OF 20

E.2

CITY OF LOS ANGELES
CALIFORNIAANTONIO R. VILLARAIGOSA
MAYOR

CERTIFICATE OF OCCUPANCY

OWNER CARLETON, DOUGLAS C TR DOUGLAS CARLETON TRUST AND SMITH, ERIC J TR ERIC SMITH TRUST 77 DOW PL APT 909 SAN FRANCISCO CA 94107	No building or structure or portion thereof and no trailer park or portion thereof shall be used or occupied until a Certificate of Occupancy has been issued thereof.	
	CERTIFICATE: BY: MICHAEL SMITH	Issued-Valid DATE: 07/22/2015

SITE IDENTIFICATION**ADDRESS:** 328 S RENNIE AVE 90291**LEGAL DESCRIPTION**

TRACT	BLOCK	LOT(s)	ARE	CO. MAP REF #	PARCEL PIN	APN
CARNATION PARK TRACT	C	34		MB 7-57	111B141 358	4240-010-034

This certifies that, so far as ascertained or made known to the undersigned, the building or portion of building described below and located at the above address(es) complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use and occupancy group in which it is classified and with applicable requirements of the State Housing Law for the following occupancies and is subject to any

COMMENT 3 STORY, 3 UNIT APARTMENT (per 1990c193333).

USE	PRIMARY	OTHER
	Apartment	(-) None

PERMITS
 15016-10000-11237 | 15016-10000-12139 |
STRUCTURAL INVENTORY

ITEM DESCRIPTION	CHANGED	TOTAL
Stories	3 Stories	3 Stories
Length	140.92 Feet	140.92 Feet
Width	30 Feet	30 Feet
Height (ZC)	30 Feet	30 Feet
Floor Area (ZC)	6141 Sqft	6141 Sqft
Dwelling Unit	0 Units	
R2 Occ. Group	6141 Sqft	6141 Sqft
U Occ. Group	1200 Sqft	1200 Sqft
Parking Req'd for Bldg (Auto+Bicycle)	7 Stalls	7 Stalls
Provided Standard for Bldg	3 Stalls	3 Stalls
Provided Compact for Site	4 Stalls	4 Stalls

**APPROVAL**

CERTIFICATE NUMBER	137047
BRANCH OFFICE:	WLA
COUNCIL DISTRICT:	11
BUREAU:	INSPECTN
DIVISION:	BLDGINST
STATUS:	CoFO Issued
STATUS BY:	MICHAEL SMITH
STATUS DATE:	07/22/2015

 APPROVED BY: *Michael Smith*
 EXPIRATION DATE: MICHAEL SMITH

COASTAL COMMISSION

E.3

328 S Rennie Ave



Permit #: 15016-10000-12139
Plan Check #: B15LA08116
Event Code:

15016-10000-12139
Printed: 06/18/15 09:38 AM

Bldg-Allen/Repair Apartment Plan Check at Counter Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 06/18/2015 Last Status: Issued Status Date: 06/18/2015
---	--	---

TRACT	BLOCK	LOT	ASR	COUNTY MAP REF	PARCEL ID # PIN #	ASSESSOR PARCEL #
CARNATION PARK TRACT	G	34		MB 7-57	111B141 358	4240-010-034

3. PARCEL INFORMATION Area Planning Commission - West Los Angeles LADBS Branch Office - WLA Council District - 11 Certified Neighborhood Council - Venice Community Plan Area - Venice	Census Tract - 2733.00 Coastal Zone Cons. Act - YES District Map - 111B141 Energy Zone - 6 Earthquake-Induced Liquefaction Area - Yes	Neat Source Zone Distance - 4.1 Thomas Brothers Map Grid - 671-G4 Thomas Brothers Map Grid - 671-G5
--	---	---

4. DOCUMENTS Z1 - Z1-1022 SPA - Venice Coastal Zone Z1 - Z1-2406 Dir Inter of Venice SP for Small ORD - ORD-121313 ZA - ZA-2014-2373-CDP-MEL ORD - ORD-164844-SA860 SPA - Los Angeles Coastal Transportation Cor ORD - ORD-168999	ORD - ORD-172019 ORD - ORD-173897 ORD - ORD-175693 ORD - ORD-175694	DTRM - DIR-2014-2824-DI CPC - CPC-12425 CPC - CPC-1984-226-SP CPC - CPC-1984-824-GPC
--	--	---

5. CHECKLIST ITEMS Permit Flag - Not a Fire Life Safety Project

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION Owner(s): CARLETON, DOUGLAS C TR DOUGLAS CARLETON TRUST AND 77 DOW PL APT 909, SAN FRANCISCO CA 94107 - Tenant: Applicant: (Relationship: Agent for Owner) IU BRUKE - 830 S DURANGO, LAS VEGAS, NV 89145 - (310) 633-1213	For Cashier's Use Only W/O #: 51612139
--	---

7. EXISTING USE (03) Apartment	PROPOSED USE
--	---------------------

8. DESCRIPTION OF WORK complete inventory for permit no. 1990w193333; complete work done under permit no. 15016-10000-11237.
--

9. ADDRESS AND USE

10. APPLICATION PROCESSING INFORMATION BLDG. PC By: Catherine Chen OK for Cashier: Catherine Chen Signature: _____ Date: 06/18/2015	DAS PC By: _____ Coord. OK: Date: 06/18/2015
--	--

11. PROJECT VALUATION Permit Valuation: 5501 Sewer Cap ID: _____ Total Bond(s) Due: _____	Final Fee Period PC Valuation: Total Bond(s) Due:
---	---

12. ATTACHMENTS Owner-Builder Declaration Plot Plan
--

For inspection requests, call toll-free (859) LA4BUILD (524-2845). Outside LA County, call (213) 482-0000 or request inspections via www.ladbs.org. To speak to a Call Center agent, call 311. Outside LA County, call (213) 473-3231.
--

LA 0034 103064826 6/18/2015 9:38:10 AM
BUILDING PERMIT COMM \$130.00
BUILDING PLAN CHECK \$58.50
EI RESIDENTIAL \$0.50
ONE STOP SURCH \$3.78
SYSTEMS DEVT FEE \$11.34
CITY PLANNING SURCH \$11.31
MISCELLANEOUS \$10.00
PLANNING GEN PLAN MAINT SURCH \$9.43
CA BLDG STD COMMISSION SURCHARGE \$1.00
BUILDING PLAN CHECK \$0.00

Sub Total: \$235.86
Permit #: 150161000012139
Building Card #: 2015L
Receipt #: 0103452625

COASTAL COMMISSION



E.4

12. STRUCTURE INVENTORY (Note: Numeric measurements in the format "number / number" implies "change in numeric value / total resulting numeric value") 15016 - 10000 - 12139

(P) Floor Area (ZC): +6141 Sqft / 6141 Sqft (P) Provided Compact for Site: +4 Stalls / 4 Stalls

(P) Height (ZC): +30 Feet / 30 Feet

(P) Length: +140.92 Feet / 140.92 Feet

(P) Stories: +3 Stories / 3 Stories

(P) Width: +30 Feet / 30 Feet

(P) Dwelling Unit: 0 Units / Units

(P) R2 Occ. Group: +6141 Sqft / 6141 Sqft

(P) U Occ. Group: +1200 Sqft / 1200 Sqft

(P) Parking Req'd for Bldg (Auto+Bicycle): +7 Stalls / 7 Sta

(P) Provided Standard for Bldg: +3 Stalls / 3 Stalls

13. APPLICATION COMMENTS:

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19425 of the Health and Safety Code of the State of California.

14. BUILDING RELOCATED FROM:

15. CONTRACTOR, ARCHITECT & ENGINEER NAME

ADDRESS

CLASS

LICENSE #

PHONE #

(O) OWNER-BUILDER

0

PERMIT EXPIRATION/REFUNDS: This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 91.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

16. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (Section 7011.5, Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7011.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500)).

☐ I, as the owner of the property, or my employee with wages in their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employee, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.

OR

☒ I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.

17. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

☐ I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☐ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: _____ Policy Number: _____

☒ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3700 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

18. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19127.5 of the Health and Safety Code. Information is available at (909) 296-2316 and the notification form at www.aqmd.gov. Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-5323 or www.dhs.ca.gov/childlead.

19. FINAL DECLARATION

I certify that I have read this application INCLUDING THE ABOVE DECLARATIONS and state that the above information INCLUDING THE ABOVE DECLARATIONS is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the tool upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

(1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, and Final Declaration; and

(2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: SUSAN KAYE JOHNSON

Signature: *Susan Kaye Johnson*

Date: 06/18/2015

COASTAL COMMISSION

Maximum Building Height

- 25' with a flat roof
- 30' with varied or stepped back roofline
- 28' along Walk streets

Notes:

- *All building heights shall be measured from the elevation of the fronting right-of-way.
- *Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.
- *See Policy 1.A.1 for policy limiting roof access structures.
- *See Policy 1.B.7 for commercial and mixed-use development standards.

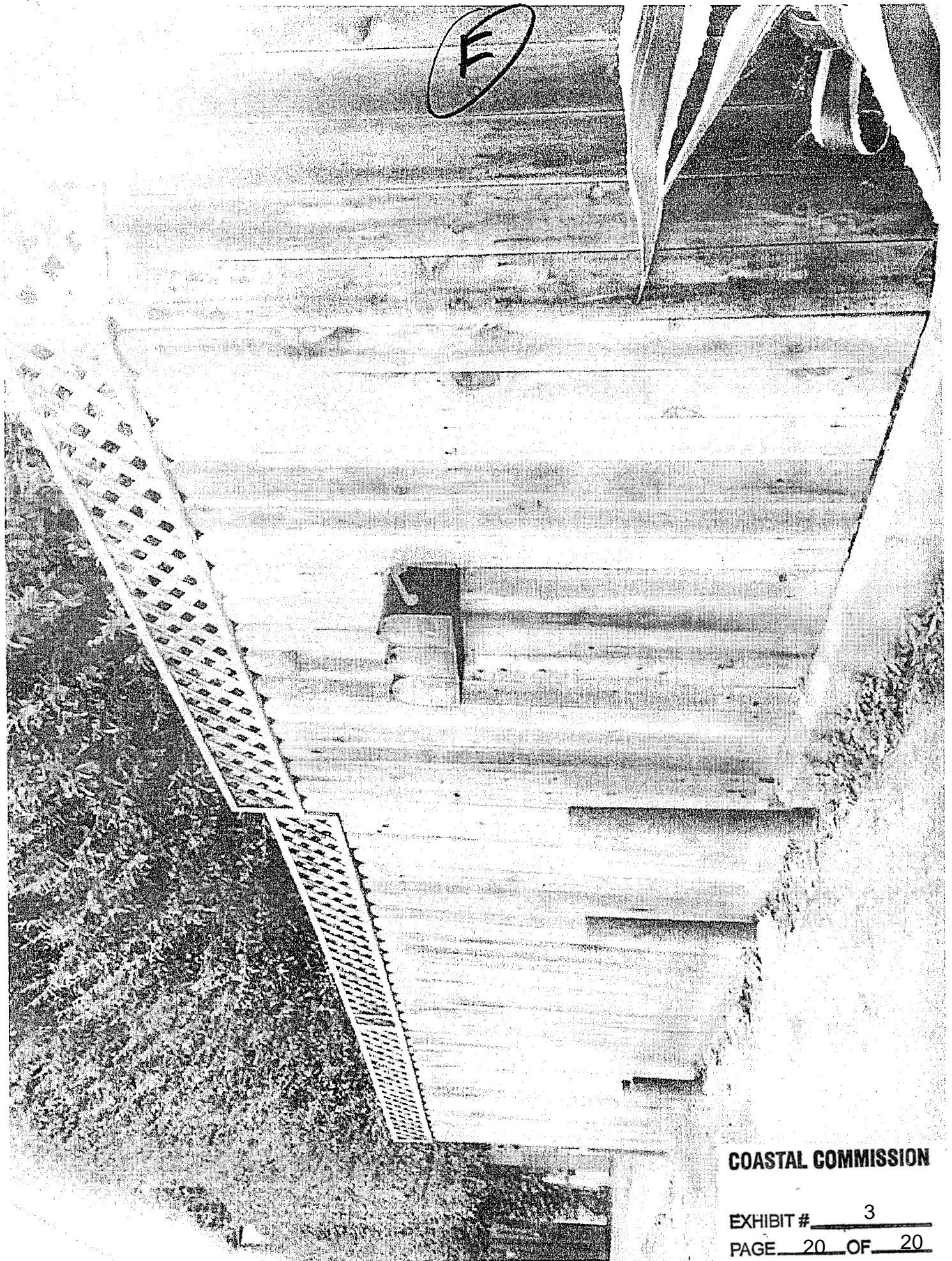


**Exhibit 15a
Height**

Subarea: Oakwood • Milwood • Southeast Venice



COASTAL COMMISSION



COASTAL COMMISSION

EXHIBIT # 3
PAGE 20 OF 20



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801
(213) 978-1300; www.planning.lacity.org

MAY 25 2016

CORRECTED COPY (HEARING DATE)

CALIFORNIA
COASTAL COMMISSION

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Mailing Date: **APR 18 2016**

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

Case No.: ZA-2014-2373-CDP-MEL-1A
CEQA: ENV-2014-2270-CE
Location: 328 S. Rennie Avenue
Council District: 11 – Bonin
Plan Area: Venice
Zone: RD1.5-1

Applicant name/address

Eric J. Smith
328 S. Rennie Avenue
Venice, CA 90291

Representative name/address

Same

The above-referenced **Coastal Development Permit** was **approved** effective **March 30, 2016**, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **March 16, 2016**. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

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

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

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

cc: Applicant, applicant's representative (Notice, Coastal Permit/APC Determination)
Determination Letter mailing list (Notice & Coastal Permit/APC Determination)
Associate Zoning Administrator: Jose Carlos Romero Navarro

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 1

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING
MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.planning.lacity.org

August 6, 2015

Eric J. Smith (A)(O)
Douglas C. Carelton
2000 Broadway Street, #911
San Francisco, CA 94115

Heidi Burke (R)
H.J. Burke Survey
P.O. Box 35522
Las Vegas, NV 89133

CASE NO. ZA 2014-2373(CDP)(MEL)
COASTAL DEVELOPMENT PERMIT,
MELLO ACT COMPLIANCE
Related Case: AA-2014-2269-PMLA-CC
328 South Rennie Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 111B141
C. D. : 11
CEQA : ENV-2014-2270-CE
Legal Description: Lot 34, Block G,
Carnation Park Tract

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

a Coastal Development Permit to allow a three-unit residential condominium conversion, in conjunction with Preliminary Parcel Map No. AA-2014-2269-PMLA-CC, located within the single permit jurisdiction area of the California Coastal Zone,

upon the following additional terms and conditions:

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 8

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The conditions of approval established under Preliminary Parcel Map No. AA-2014-2269-PMLA-CC shall be required as conditions of approval of these requests and shall be satisfied prior to the utilization of this grant (see attached Preliminary Parcel Map No. AA-2014-2269-PMLA-CC Conditions of Approval).
8. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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

TRANSFERABILITY

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

COASTAL COMMISSION

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

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

APPEAL PERIOD - EFFECTIVE DATE

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

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

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

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

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

COASTAL 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.

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on February 26, 2015, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject site is a level, rectangular-shaped, interior, record lot, having a frontage of 40 feet on the east side of Rennie Avenue, and a uniform depth of approximately 161 feet. The site is improved with a three-unit apartment building. A building permit was issued in 1990 for a three-unit apartment. The unit mix consists of three (3) two-bedroom units.

A certified parking plan was submitted with the application. The parking plan shows two 384 square-foot garages and one 356 square-foot garage. The applicant indicates a total of seven parking spaces will be provided. The building permit indicates seven parking spaces are required – four compact spaces and three standard spaces. The Advisory Agency in Case No. AA-2014-2269-PMLA-CC is requiring a minimum of two covered off-street parking spaces per dwelling unit.

The notes on the map indicate the site is not located in a flood hazard area. A tree letter was provided certifying there are no protected trees on the site Oak, Western Sycamore, California Bay, or Southern California Black Walnut.

Surrounding properties to the north and west are zoned C4-1 and are developed with single-family and multi-family dwellings, and with retail businesses. Surrounding properties to the south and east are zoned RD1.5-1 and are developed with single-family and multi-family dwellings, and a surface parking lot.

COASTAL COMMISSION

Rennie Avenue, adjoining the property to the west is a local street dedicated a variable width and improved with asphalt roadway, concrete sidewalk, curb, and gutter.

Previous related actions on the site include:

Case No. AA-2014-2269-PMLA-CC – On August 6, 2015, the Advisory Agency approved a parcel map composed of one lot, for a maximum three-unit residential condominium conversion.

PUBLIC HEARING

A public hearing on the project was conducted on February 26, 2015. At the public hearing three persons from the public spoke. Issues raised were on-site parking and access from Rose Court, Venice Specific Plan compliance, no record of a Certificate of Occupancy for the building, and lack of enforcement of Mello with regards to the Settlement Agreement. A representative of Council District 11 also spoke and raised concerns about compliance with the Specific Plan and the Mello Determination. The Council Office representative also stated that their Office generally does not support street widening.

MANDATED FINDINGS

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

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

Chapter 3 of the California Coastal Act provides standards by which "...the permissibility of proposed developments subject to the provision of this division are determined." Pertinent to the instant request are the policies with respect to Development.

Section 30250 of the Coastal Act provides that "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

Section 30251 of the Coastal Act provides that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

COASTAL COMMISSION

Section 30252 of the Coastal Act provides that the location of new development should maintain and enhance public access to the coast.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard; and assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that substantially alter natural landforms along bluffs and cliffs.

The subject project is the conversion of an existing three-unit apartment building into a three-unit condominium. The project will not involve new construction or an increase in size of the existing building.

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

The Land Use Plan portion of the Venice Local Coastal Program has been certified by the California Coastal Commission pursuant to the California Coastal Act of 1976. The adopted Venice Community Plan designates the subject property for Low Medium II Residential with the corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The 6,381 net square-foot property is zoned RD1.5-1. The project is located in the Oakwood subarea of the Venice Coastal Zone Specific Plan. The Planning Department, on June 25, 2014, determined that the development is not a project per the Venice Coastal Zone Specific Plan. Therefore, there is no apparent reason to conclude that the approval of the three-unit condominium conversion project would interfere with the implementation of a Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:**

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP, most specifically associated with new development. In this instance, the project does not involve new development, but is the conversion of an existing three-unit apartment building into three residential condominium units.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior**

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decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

No outstanding issues indicate any conflict between approval of this decision and any other decision of the Coastal Commission regarding residential conversions in the Venice area.

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

The project site is located on Rennie Avenue and is not located adjacent to Ocean Front Walk (a non-motorized walkway adjacent to Venice Beach), the Venice Canals or an inland body of water. The project is the conversion of an existing apartment building into a condominium which does not expand the existing building footprint. The existing development does not interfere with public access to Venice Beach.

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

The project was issued a Notice of Exemption for a Categorical Exemption, Class 1, Category 10 (conversion to condominium) on June 25, 2014.

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

The Mello Act is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or construction of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative Procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The Los Angeles Housing and Community Investment Department, in a letter dated January 7, 2015, determined that no affordable housing units exist on the subject property. The property consists of a triplex dwelling comprised of three (2) bedroom units. The property was purchased on September 6, 1996.

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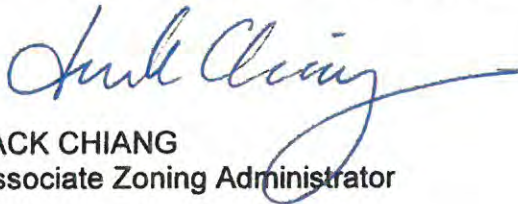
Per the owner, all units are currently occupied. Based on lease agreements and rental checks provided, Unit 1, a two (2) bedroom averaged a monthly housing cost of \$3,225 per month since September 2011; Unit 2, a two (2) bedroom averaged a monthly housing cost of \$3,400 per month since September 2011; and Unit 3, a (2) bedroom averaged a monthly housing cost of \$3,050 per month effective April 1, 2008.

The Department of Housing and Community Investment determined that the lease agreements and rental checks provided showed a pattern of housing cost that was above affordable for the three units.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On June 25, 2014, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2014-2270-CE, for a Categorical Exemption, Class 1, Category 10. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Joey Vasquez, Planning Staff for the Plan Implementation Division at (213) 978-1487.



JACK CHIANG
Associate Zoning Administrator

JC:JV:thb

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

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EXHIBIT # 5
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