

CALIFORNIA COASTAL COMMISSION

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



Th14a

Click here to go to
original staff report

ADDENDUM

September 2, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **APPEAL NO. A-5-VEN-16-0072 (710 CALIFORNIA AVENUE, VENICE)
FOR THE COMMISSION MEETING ON THURSDAY, SEPTEMBER 8,
2016.**

I. CHANGES TO STAFF REPORT

Commission staff recommends modifications to the staff report dated August 18, 2016. Deleted language is shown in ~~strike through~~ and new language is in **bold, underlined italic**.

First, the property has changed ownership since the prior owner applied to the City for the local Coastal Development Permit. The current owner is Teri Hertz. Therefore, revise staff report to replace all “Phyllis Chavez” as the applicant/owner with “Teri Hertz”.

Secondly, page 9, paragraph 3 of Factors to Be Considered in Substantial Issue Analysis, shall be modified as follows:

Staff is recommending that the Commission find that **a *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.

Thirdly, page 14, paragraph 13 of Mello Act – Affordable Housing, shall be modified as follows:

The appellants also contend that the proposed project does not qualify for a Mello Act Exemption. They argue that there are two units on the property (710 California Avenue and 710 ½ California Avenue) and the applicant “homesteaded” the property. Therefore, the City’s Mello Act determination to exempt the project from a Mello Act compliance Review is incorrect because of inconsistencies with the project description on whether there is one or two units on the property. **Los Angeles County tax records and City records from 2011 indicate that a second unit was located on the property, and images of the property do appear to show a second, detached residential unit at the rear of the property. However, the previous applicant/owner of the property asserts that they were utilizing both structures for their own residential use, which is suggested by their action of “homesteading”, including**

On June 16, 2014, when the original applicant filed a Mello Act Owner-Occupied Single-Family Dwelling Exemption Affidavit. In any case, the Los Angeles Building and Safety incorrectly issued a building permit (13019-20000-03296) for the demolition of the rear structure on January 28, 2014, and subsequently, the rear unit was demolished soon after. ~~In the end~~ In its approval of the project, the City ~~concluded~~ found that there was only one residential unit on the lot, and that the site was constructed with one single-family residence with a detached garage (to be demolished). The City concluded that ~~and~~ this project will result in no persons being displaced because the existing dwelling is owner-occupied.

Ultimately, the preservation of low-cost housing in the coastal zone was included in early versions of the Coastal Act. This criteria, however, has been removed from the Coastal Act by the California State Legislature in 1981 and, therefore, does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act. Accordingly, the Commission no longer has authority to review the impact of proposed development projects on low-cost housing in the coastal zone and thus, the appellants' contention does not constitute a substantial issue with the Chapter 3 policies of the Coastal Act.

II. PUBLIC CORRESPONDENCE

Commission staff received one (1) letter from the appellants, Todd Darling and Gabriel Ruspini, demonstrating opposition for finding no substantial issue (Exhibit A). The letter raises issues originally submitted and addressed in the staff report, with the primary issue being that the City of Los Angeles erred in their determination that the property was exempt from the Mello Act. This issue is addressed on page 13 of the staff report, and in summary, the preservation of low-cost housing in the coastal zone has been removed from the Coastal Act and, accordingly, the Commission no longer has authority to review the impact of proposed development projects on low-cost housing in the coastal zone. Ultimately, this concern raised by the appellants does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act.

The appellants also question why all of the original appeal attachments were not attached to the staff report and why the plans from the City staff report dated April 21, 2014 were omitted.

Staff response: All documents are part of the record, and all documents were reviewed by staff in preparation of the staff report. The appellants in their appeal included a copy of the City's Coastal Development Permit, documents and screenshots from the City of Los Angeles website detailing the project, information from a website detailing the final product of the project, and photos of the project site, and all were reviewed by staff. However, due to the large volume of these documents, all of them were not included as part of the staff report; however, they are part of the record and are included in the file for this appeal at the Commission's South Coast District Office. In addition, while the City staff report had plans dated April 21, 2014, Commission staff also received a set of full sized plans from the City dated May 30, 2014 which had the City's "Exhibit A" stamp on them and a reduced set of the same plans which did not (which were included in the Commission staff report). A side by side comparison of the April and May plans shows that the dimensions and layout of the proposed structures are the same on both sets of plans, with minor changes to the title of the plans and the date (Exhibit B and Exhibit C). The April set of plans was used by the applicant when they first

started the project review process, when they were first applying for a Coastal Exemption (ZA-2013-4081-CEX) from the City and receiving the appropriate plan sign-offs. However, when it was determined that a full Coastal Development Permit (CDP) was required for the project, the May set of plans was submitted to the City as a “clean” (no previous stamped approvals) copy of the plans as part of the CDP package for City approval.

Commission staff received one (1) letter supporting the project and a finding of no substantial issue from the representatives of Teri Hertz, the current owner of the property (Exhibit D).

AUG 12 2016

**CALIFORNIA
COASTAL COMMISSION**

APPEAL NO: A-5-VEN-16-0072

AGENDA ITEM 14. A. Set for Thursday September 8, 2016

Response to Staff Report:

By determining that there is "no substantial issue" at 710 California, California Coastal Commission staff has mistakenly ignored 80 years of LA County and City records as to what existed on this property: two residential units. And by doing so, they are asking the Coastal Commission to ratify a fraud on the public.

The primary issue in this case is not whether the new structure fits the criteria of the Venice Specific Plan, although that is important. The primary issue is that this piece of land contained two residences, one of which was deemed affordable by the City of Los Angeles, and the applicant gamed the Coastal Act by claiming there was only one single family dwelling. By sidestepping this threshold issue, the Commission's staff recommendation would have the Coastal Commission ratify a subterfuge in which the applicant and owner made inaccurate and misleading claims to the City of Los Angeles in order to gain a favorable Mello ruling, and thereby diminish the total housing stock and diversity of this coastal community.

The result of staff's recommendation would be the replacement of two houses by one mansion. Moreover, one of those residences demolished had been deemed affordable by Los Angeles decades ago. While the Legislature has amended the Coastal Act to exclude questions of affordability, the Act and the Commission are still concerned with the total number of units on the coastal zone, the diversity of coastal communities and access to the coast. The Commission should not allow fraudulent or inaccurate filings to cut in half the number of residences on a Coastal property every time out of state investors wish to build a mansion and double their money.

What evidence is there that inaccurate or fraudulent affidavits were filed and that the system was gamed?

First, there is no doubt that both structures were demolished without a valid Coastal Development permit from the Commission, without an appeal period, and that this violates the Coastal Act. The staff's report says the same thing, but fails to indicate what fines or penalties should be levied. Demolition in the Venice coastal zone, without valid Coastal Commission permits should be fined the maximum penalty so that out of state developers do not continue to view the Coast of California as a present day "gold rush", a place where all they have to do is bamboozle some local officials and they can strike it rich.

At the core of this subterfuge, it is important to note are the following Los Angeles County and Los Angeles City documents. These documents were submitted with the appeal but were excluded from the Staff's report on the Commission's agenda.

COASTAL COMMISSION

EXHIBIT # A
PAGE 1 OF 10

These documents show that there have been two residences on this property since 1929, and that then between 2014 and 2016 one of them disappears.

- 1) The ZIMAS map that shows two structures, through 2015 (see ZIMAS 2015 pdf)
- 2) The LA County tax assessors records that show two addresses – since 1929 – 85 years before the alleged demolition of the one of them. (LA Assessor's Screen Shot)
- 3) Not one but two "Homestead" documents in which the owner claims that the land contains two residences. (Homestead History and Homestead Declaration Entire)
- 4) The original VSO that describes 710 California as "2 SFD" on the lot (see 710 California Original VSO)
- 5) The affidavit by the owner contradicting these records. (Mello Affidavit, P. Chavez 2014)

Throughout the process the applicants said different things to different audiences regarding the number of residences on this site. To the City of Los Angeles and the Coastal Commission the Applicants say that there is only a "single family dwelling". But in their sales material – for a structure that does not yet exist – they claim there are two units. And then to fudge the difference they are now calling it an "accessory living quarters".

Despite having paid taxes to LA County for two residences at 710 California and 710 ½ California, the owner Phyllis Chavez supplied an affidavit for a "Mello Exemption" to the City that there was only a "single family dwelling" on the parcel. According to a wealth of public records, dating to 1929, this claim is false.

As part of my work on the Land Use Planning Committee for Venice, I spoke directly with LA Planning personnel in early Nov. of 2014 about 710 California. The planner in that conversation noted that a permit to demolish and re-model the back structure had been issued. However, upon closer inspection the City then stopped the process because that permit was not adequate to demolish both structures. So they halted all work. She admitted that the Mello issues needed to be analyzed, and was unable to offer any definitive details about that report. The Commission's staff report says the back structure was demolished in 2014, but to the best of my knowledge that is not the case.

In his remarks to the LUPC in November 2014, Royce never said that there were two residences on the lot. Since we relied mainly on the paper work submitted to us, and since the City officials told me that the analysis was on going, our research had not yet uncovered the fact that there were two residences on this parcel.

Without a Mello determination the LUPC approved the project on the condition that the Mello determination and the specifics of the project, from the City be presented to the LUPC and the VNC board. Since those conditions were never met, neither body ever officially approved this project.

By not returning to the LUPC or the VNC with the Mello determination or the plans, Matthew Royce and the owner continued their practice of misleading and incomplete statements. Royce clearly did not want any attention brought to the second unit on the lot.

Which leaves us to wonder why the Applicant demolished the houses before the City informed the Coastal Commission and the Commission had issued a Coastal Development permit? There is no doubt that by fiat, demolition hid the true nature of the two structures before the public could examine them more closely. The Commission should ask why did he demolish the structures without proper permits? What did this act attempt to conceal? In fact the application to the Coastal Commission does not even acknowledge the existence of the second residence. So the applicant has also misrepresented the project to the Commission as well as the City.

This case could set an important precedent. The California Coastal Commission by determining that there "is no substantial issue" would be approving the fraud Royce and Chavez perpetrated on the City of Los Angeles. As a result Venice will have one less residence on this parcel. The fact that their ensuing plans conforms to one or another coast guideline is moot. In this case you would be approving a demolition, without valid Coastal Permit, after the fact. The threshold issue is whether there were two units or one unit on this parcel, and was that second unit affordable. If we allow people to present inaccurate statements to a frequently blind and apparently stumbling City bureaucracy, why should the Coastal Commission continue the cover-up and ignore the facts of the case?

If the underlying affidavits are fraudulent or grossly inaccurate, then the permits should be invalidated. The California Coastal Commission should not allow this kind of corruption to go forward.

Access to the coast and maintaining the diversity of Venice is part of the Coastal Act. Preventing development that would prejudice the future LCP is part of the Coastal Commission's mandate, and that would include maintaining the same or at least stable number of residences.

Moreover, the Commission should examine procedures and practices in dealing with Los Angeles. We feel that the staff report misrepresents the seriousness of our appeal, and we wonder why the original attachments were not shown to the Commissioners and the Public. This makes us wonder if this omission might even violate CCR 13057 and the requirements of Section 30320 of the Coastal Act for acting with independence, impartiality and fairness "for the well-being of current and future generations..."

The "gold rush" atmosphere of development in Venice, by itself, should cause the Commission to pause and examine all of its procedures in the Long Beach office and throughout California to make certain that out of state investors and local

developers do not deluge the system with false and misleading applications, and thereby gain entitlements that they do not deserve.

Mere compliance with subsequent issues should not be used to mask the underlying lack of integrity that corrodes the foundation of applications based on false, inaccurate or perjured statements. The Commission should reject this permit, fine the applicants for building without any Coastal Permit, and launch a review of how the Commission and staff deal with City Planners.

Signed,
Todd Darling
With Gabriel Ruspini
Sept. 1, 2016



Parcel Details

I want to...

LACounty Street Map

Recording Date:	12/16/2015
Land:	\$2,000,000
Improvements:	\$0
Personal Property:	\$0
Fixtures:	\$0
Homeowners' Exemption:	\$0
Real Estate Exemption:	\$0
Personal Property Exemption:	\$0
Fixture Exemptions:	\$0

Tax bill payment information for 2016/17, as well as any changes to the 2016 Roll Values will be available after September 30, 2016

- Estimate supplemental taxes

Property Boundary Description

VENICE PARK TRACT
LOT 6 BLK 4

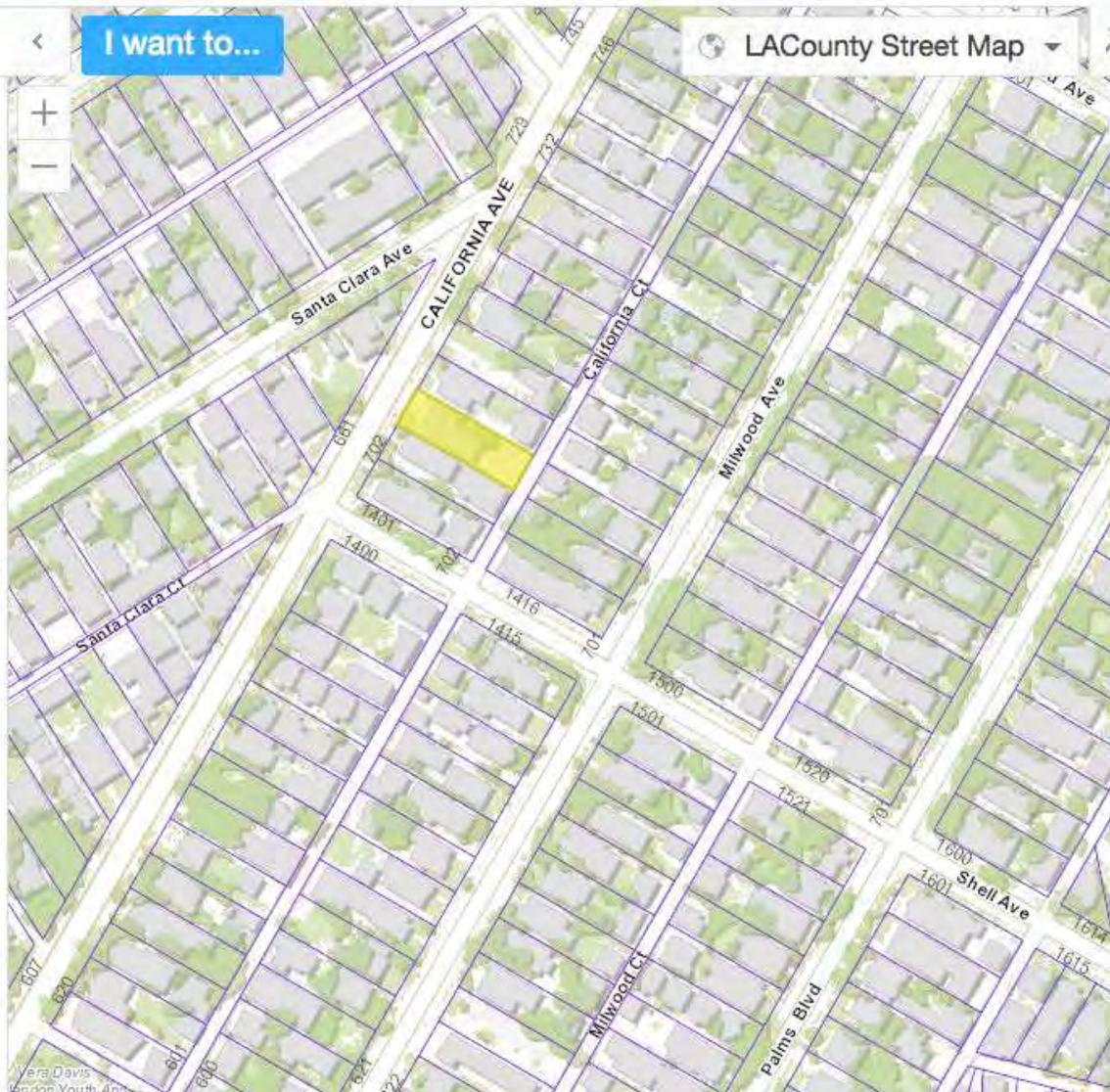
Building Description

Building Improvement 1

Square Footage:	752
Year Build / Effective Year Built:	1921 / 1923
Bedrooms / Bathrooms	2 / 1
Units	1

Building Improvement 2

Square Footage:	1,019
Year Build / Effective Year Built:	1929 / 1932
Bedrooms / Bathrooms	2 / 2
Units	1



CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
Office of Zoning Administration

MELLO ACT
Owner-Occupied Single-Family Dwelling
Exemption Affidavit

Case or Permit No.

ZA 2014-2135

The Mello Act (California Code Sections 65590 and 65590.1) is a statewide law that mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of residential units in California's Coastal Zone. The Interim Administrative Procedures for Complying with the Mello Act in the Coastal portions of the City of Los Angeles that became effective on May 17, 2000 and the Settlement Agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone portions of the City of Los Angeles effective January 3, 2001 provide for an exemption from complying with the Mello Act for applicants who propose to demolish the existing single-family dwelling in which they currently reside and replace it with another single-family dwelling in which they plan to reside.

If an owner-occupied single-family dwelling is to be demolished and rebuilt, I,

Phyllis Chavez

Property Owner Name (PRINT)

, certify, under penalty of perjury, that

the existing single-family dwelling to be demolished, located at

710

California Ave.

Venice

90291

is

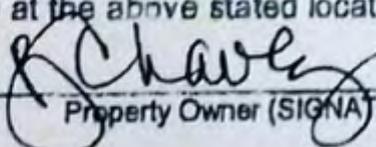
House Number

Street

Community

Zip Code

owned and currently occupied by myself, and that the replacement single-family dwelling at the above stated location will be occupied by myself.


Property Owner (SIGNATURE)

8/16/14
Date

Additional information to be provided by the property owner (if known):

(MM/YY)

Estimated Date of
Construction Completion

(YEARS)

Estimated Length of
Residency at New Home



Los Angeles City Planning Department Case Tracking Information



Search: DIR-2013-2261-VSO

Go Search Help

Summary

Details



Case Information Summary Sheet

Case Number:	DIR-2013-2261-VSO
Address:	710 E CALIFORNIA AVE
Primary Zone:	RD1.5-1
Planning Area:	Venice
Council District(s):	11
Certified Neighborhood Council (CNC):	Venice
Area Planning Commission (APC):	WEST LOS ANGELES
Historic Preservation Overlay Zone:	Data Not Available
Historic Cultural Monument:	Data Not Available
Project Description:	MAJOR REMODEL/ADD'N TO (E) 2 DETACHED SFDS
Total Project Area:	5,400
Required Action:	Not Known
Client Contact Name:	Matthew Royce
Client Contact Phone:	(323) 230-0001

Why saying this?

PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **4241006006**
 Council District: **Council District 11**
 Census Tract: **273600**
 Rent Registration: **7005820**
 Historical Preservation Overlay Zone:
 Total Units: **2**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(310)-996-1723**

Official Address: **710 E CALIFORNIA AVE, VENICE 90291**
 Case Number: **403286**
 Case Type: **Systematic Code Enforcement Program**
 Inspector: **Thomas Reichmann**
 Case Manager:
 Total Exemption Units: **0**

Date ▲	Status
12/10/2012 2:18:00 PM	All Violations Resolved Date
12/10/2012 2:15:00 PM	Site Visit/Compliance Inspection
12/5/2012 12:00:00 AM	Compliance Date
10/29/2012 11:43:00 AM	Order Issued to Property Owner
10/24/2012 10:08:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **4241006006**
 Council District: **Council District 11**
 Census Tract: **273600**
 Rent Registration: **7005820**
 Historical Preservation Overlay Zone:
 Total Units: **2**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(310)-996-1723**

Official Address: **710 E CALIFORNIA AVE, VENICE 90291**
 Case Number: **104635**
 Case Type: **Systematic Code Enforcement Program**
 Inspector: **Erwin Larranaga**
 Case Manager:
 Total Exemption Units: **0**

Date ▲	Status
2/15/2007 2:45:00 PM	Site Visit/Compliance Inspection
2/15/2007 1:58:00 PM	All Violations Resolved Date
2/9/2007 12:00:00 AM	Compliance Date
1/2/2007 11:02:00 AM	Order Issued to Property Owner
12/13/2006 9:35:00 AM	Site Visit/Initial Inspection



CASE NO. ZA 2014-2135(CDP)

PAGE 15

project is subject to numerous Building Code and Los Angeles Municipal Code regulations which were adopted to protect the environment, and public health and welfare. As such, the environmental clearance for the development is appropriate pursuant to CEQA.

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 applicant has filed for a Mello Exemption.

The proposed project is the demolition of a single-family dwelling and the development of a new single-family dwelling on a 5,401 square-foot site in, the RD1.5-1 Zone. The site is currently occupied by one older single-family dwelling with a detached garage built in 1929 and 1921, respectively, that are to be demolished. No persons will be displaced, as the dwelling is owner-occupied, and there are no tenants.

Recording Requested By
WE THE PEOPLE WLA
When recorded mail document to

06 0986987

NAME PHYLLIS J. CHAVEZ
ADDRESS 2112 Ocean Park Blvd. #5
CITY Santa Monica
STATE & ZIP CA 90405

Above Space for Recorder's Use Only

HOMESTEAD DECLARATION

I, PHYLLIS J CHAVEZ, TRUSTEE do hereby
certify and declare as follows:

1. I hereby claim as a declared homestead the premises located in the City of LOS ANGELES, County of Los Angeles, State of California, commonly known as 710 & 710 1/2 CALIFORNIA AVE., LOS ANGELES, CA 90291 and more particularly described as follows
LOT 6 IN BLOCK 4 OF THE VENICE PARK TRACT, AS PER MAP RECORDED IN BOOK 5 PAGE 187 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

2. I am the declared homestead owner of the above-declared homestead.

3. I own the following interest in the above declared homestead:

100 %

The above declared homestead is my principal dwelling and I am currently residing on that declared homestead.

The facts as stated in this declaration of homestead are known to be true as of my own personal knowledge.

Dated 4/21/06

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

Phyllis J Chavez

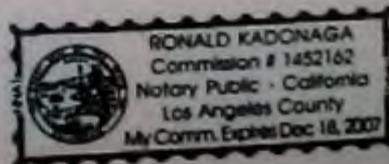
On 4-21-06 before me, RONALD KADONAGA a Notary Public,
personally appeared PHYLLIS J CHAVEZ

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL

WITNESS my hand and official seal.

NOTARY SIGNATURE Ronald Kadonaga



Document #	Page	Recording Date	Title	Name	Party
19990488144	2	3/24/1999	SUBSTITUTION TRUSTEE	CHAVEZ PHYLLIS J	Grantor
19990488145	2	3/24/1999	RECONVEYANCE	CHAVEZ PHYLLIS J	Grantee
20011030197	9	6/14/2001	ASSIGNMENT OF RENTS	CHAVEZ PHYLLIS J	Grantor
20011030197	9	6/14/2001	TRUST DEED	CHAVEZ PHYLLIS J	Grantor
20021165598	2	5/21/2002	ABANDONMENT HOMESTEAD	CHAVEZ PHYLLIS J	Grantor
20021165599	15	5/21/2002	TRUST DEED	CHAVEZ PHYLLIS J	Grantor
20021165599	15	5/21/2002	ASSIGNMENT OF RENTS	CHAVEZ PHYLLIS J	Grantor
20021542367	2	7/8/2002	RECONVEYANCE	CHAVEZ PHYLLIS J	Grantor
20021542367	2	7/8/2002	RECONVEYANCE	CHAVEZ PHYLLIS J	Grantee
20021542367	2	7/8/2002	SUBSTITUTION TRUSTEE	CHAVEZ PHYLLIS J	Grantor
20021542367	2	7/8/2002	SUBSTITUTION TRUSTEE	CHAVEZ PHYLLIS J	Grantor
20021544047	2	7/8/2002	FICTITIOUS NAME STATEMENT	CHAVEZ PHYLLIS J	Grantor
20021545180	2	7/9/2002	SUBSTITUTION TRUSTEE	CHAVEZ PHYLLIS J	Grantor
20021545180	2	7/9/2002	RECONVEYANCE	CHAVEZ PHYLLIS J	Grantor
20021545180	2	7/9/2002	SUBSTITUTION TRUSTEE	CHAVEZ PHYLLIS J	Grantor
20021545180	2	7/9/2002	RECONVEYANCE	CHAVEZ PHYLLIS J	Grantee
20022077856	3	9/5/2002	ASSIGNMENT TRUST DEED	CHAVEZ PHYLLIS J	Grantor
20060763880	3	4/7/2006	DEED	CHAVEZ PHYLLIS J	Grantor
20060936429	3	4/28/2006	DEED	CHAVEZ PHYLLIS J	Grantor
20060986987	2	5/4/2006	HOMESTEAD	CHAVEZ PHYLLIS J TRUSTEE	Grantor
20061016137	3	5/8/2006	DEED	CHAVEZ PHYLLIS J	Grantor
20061016137	3	5/8/2006	DEED	CHAVEZ PHYLLIS J LIVING TRUST	Grantor
20061016137	3	5/8/2006	DEED	CHAVEZ PHYLLIS J TRUSTEE	Grantor
20070813844	2	4/5/2007	RENEWAL FICTITIOUS NAME	CHAVEZ PHYLLIS J	Grantor
20090421798	2	3/24/2009	BOND	CHAVEZ PHYLLIS M	Grantor

HOMESTEAD DECLARATION

I, PHYLLIS J CHAVEZ, TRUSTEE do hereby certify and declare as follows:

- I hereby claim as a declared homestead the premises located in the City of LOS ANGELES, County of Los Angeles, State of California, commonly known as 710 & 710 1/2 CALIFORNIA AVE., LOS ANGELES, CA 90291 and more particularly described as follows

LOT 6 IN BLOCK 4 OF THE VENICE PARK TRACT, AS PER MAP RECORDED IN BOOK 5 PAGE 187 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

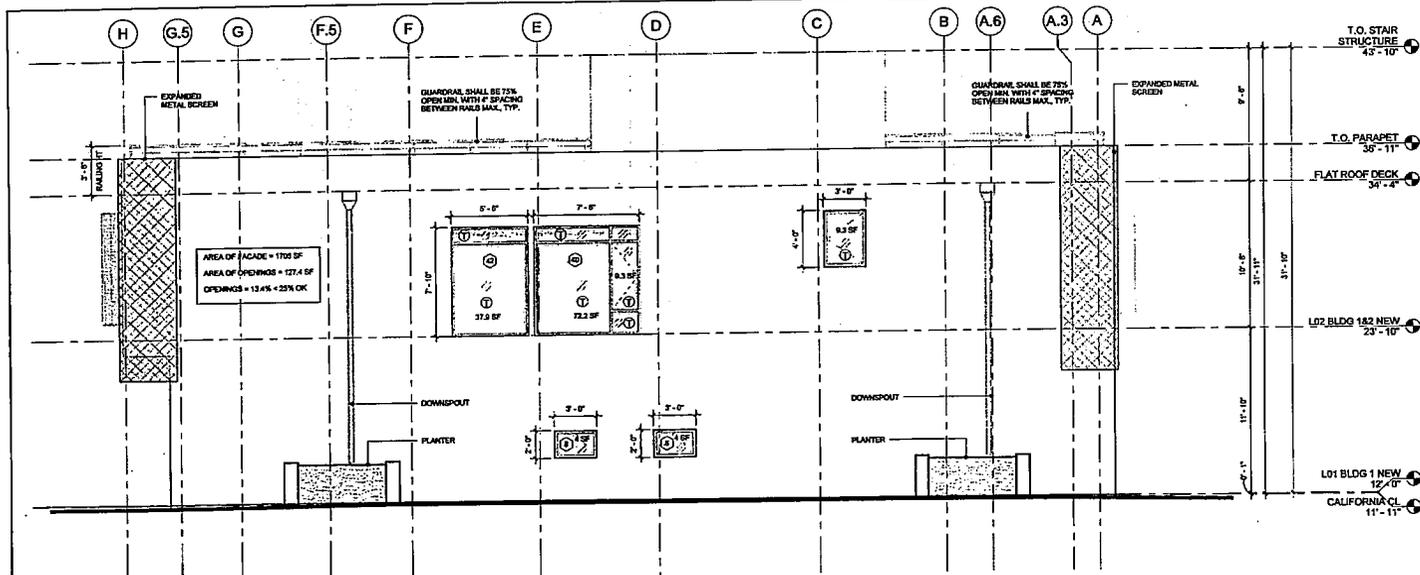
- I am the declared homestead owner of the above-declared homestead.
- I own the following interest in the above declared homestead:
100 %

The above declared homestead is my principal dwelling and I am currently residing on that declared homestead.

The facts as stated in this declaration of homestead are known to be true as of my own personal knowledge.

Dated 4/21/06

Phyllis J Chavez



Window Schedule				
Type Mark	Count	Width	Height	
1	1	3'-0"	14'-0"	
8	2	3'-0"	2'-0"	
33	3	1'-0"	7'-4 1/4"	
35	1	8'-0"	10'-0"	
38	1	8'-0"	10'-0"	
38	1	8'-0"	10'-0"	
39	2	8'-0"	10'-0"	
40	1	8'-0"	10'-0"	
41	1	2'-0"	7'-4 1/4"	
42	1	10'-0"	10'-0"	
43	1	8'-0"	8'-0"	
44	1	2'-4"	3'-2"	
51	1	8'-0"	10'-0"	
Grand total: 17				

Door Schedule				
Type Mark	Width	Height	Function	
2	2'-10"	7'-0"	Interior	
3	2'-8"	7'-0"	Interior	
19	2'-8"	8'-8"	Interior	
29	3'-0"	8'-8"	Interior	
58	8'-0"	7'-0"	Interior	
59	8'-0 3/4"	8'-8"	Interior	
82	4'-10 5/8"	7'-0"	Interior	
83	2'-8"	8'-0"	Interior	
84	1'-11 1/2"	8'-0"	Interior	
8	17'-8"	8'-0"	Exterior	
38	14'-0"	10'-5"	Exterior	
40	17'-8 3/4"	8'-0"	Exterior	
55	3'-0"	7'-4 3/4"	Exterior	
69	14'-0"	10'-8 5/8"	Exterior	
75	3'-0"	8'-4"	Exterior	
Grand total: 25				

- Glazing in the following locations shall be safety glazing conforming to the human impact tests of Section 13003.3:
- Fixed and operable panels of swinging, sliding and bi-fold door accessories.
 - Clearing in an individual pane or operable panel that meets all of the following conditions:
 - Exposed area of an individual pane greater than 8 SF.
 - Bottom edge less than 36 inches above the floor.
 - Top edge greater than 36 inches above the floor.
 - One or more walking surfaces within 36 inches horizontally of the glazing.
 - Glazing in walkways.
 - Glazing in enclosures for or walls facing hot tubs, whirlpools, saunas, steam rooms, hot tubs and showers where the bottom edge of the glazing is less than 60 inches measured vertically above any standing or walking surface.
 - Glazing adjacent to stairways, landings and ramps within 36 inches horizontally of a walking surface when the surface of the glazing is less than 60 inches above the plane of the walking surface.
 - Glazing adjacent to stairways within 60 inches horizontally of the bottom level of a stairway in any direction when the exposed surface of the glazing is less than 60 inches above the nose of the tread.

- Value skylights (VSE) and FCM to be used shall conform with the following conditions:
- The skylights shall be installed in accordance with Sections 2405 and 2610 of the 2011 City of Los Angeles Building Code and the manufacturer's installation instructions. The manufacturer's installation instructions shall be available on the job site during installation.
 - Flashing must comply with Section 1503.2 of the 2011 City of Los Angeles Building Code.
 - Skylights shall be labeled with the name of the manufacturer, City of Los Angeles Research Report No. the product designation, and the performance grade rating as specified in ANNA CYCLOPSA 101.5.2.6.4.4.2.
 - Skylights shall comply with Section R308.6.
 - LADSS general approval for Value Skylights shown in Research Report 23465.

SEISMIC MITIGATION PLAN
APPROVED WITH CONDITIONS

Low Impact Development (LID)
Sealed (Urban Driveway and Median) Plan (LID-07)

307 Specific Mitigation Plan (LID-07)

This seal is valid and specific to the project at the job site during construction.

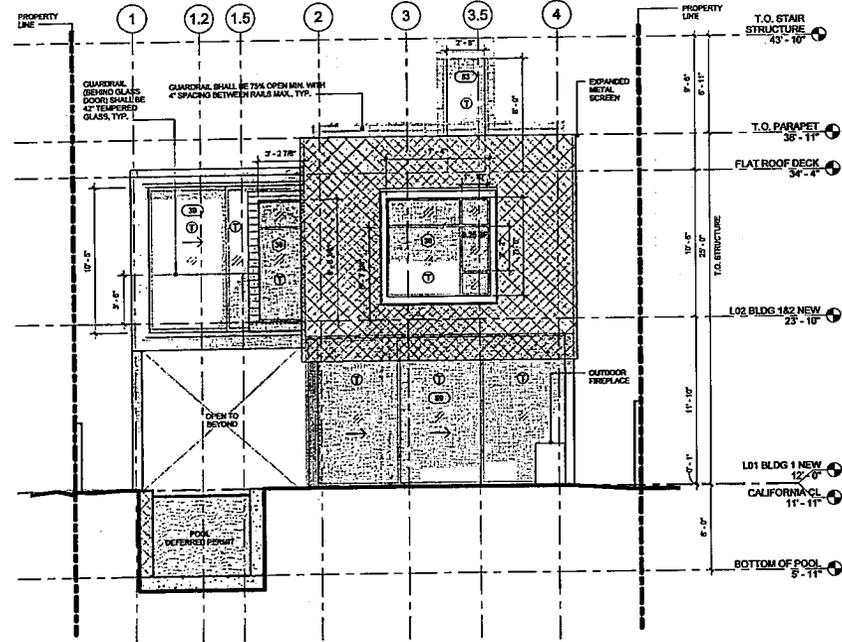
NOTE: Seismic Observation Report (SOR) to be prepared prior to issuance of Certificate of Occupancy or final plan approval.

By: *[Signature]* Date: *[Date]*

Witnessed: *[Signature]* Date: *[Date]*

Director of Seismicity - Department of Public Works

② BUILDING 01 - NORTH ELEVATION
1/4" = 1'-0"



① BUILDING 01 - EAST ELEVATION
1/4" = 1'-0"

One SFD Remodel & One Accessory Building
 710 California Ave
 Venice, CA 90291

OWNER
Pete O'Neil
710 California Avenue
Venice, CA 90291

ARCHITECT
m RA
14 Perry Avenue
13320 Venice Avenue #102
Hawthorne, CA 90240
+1 310 720 6001
mra@morand.com



ISSUE DATE
APRIL 21, 2014

REVISIONS

No.	Date	Description
-----	------	-------------

BUILDING 01
ELEVATIONS

A200

One SFD Remodel & One Accessory Building

710 California Ave
Van Nuys CA 91411

Client:
Public Works
710 California Avenue
Van Nuys CA 91411

m_RA
m_R Architecture
1222 South Avenue #102
West Covina CA 91799
+1 951 220 8001
m_rarchitecture.com

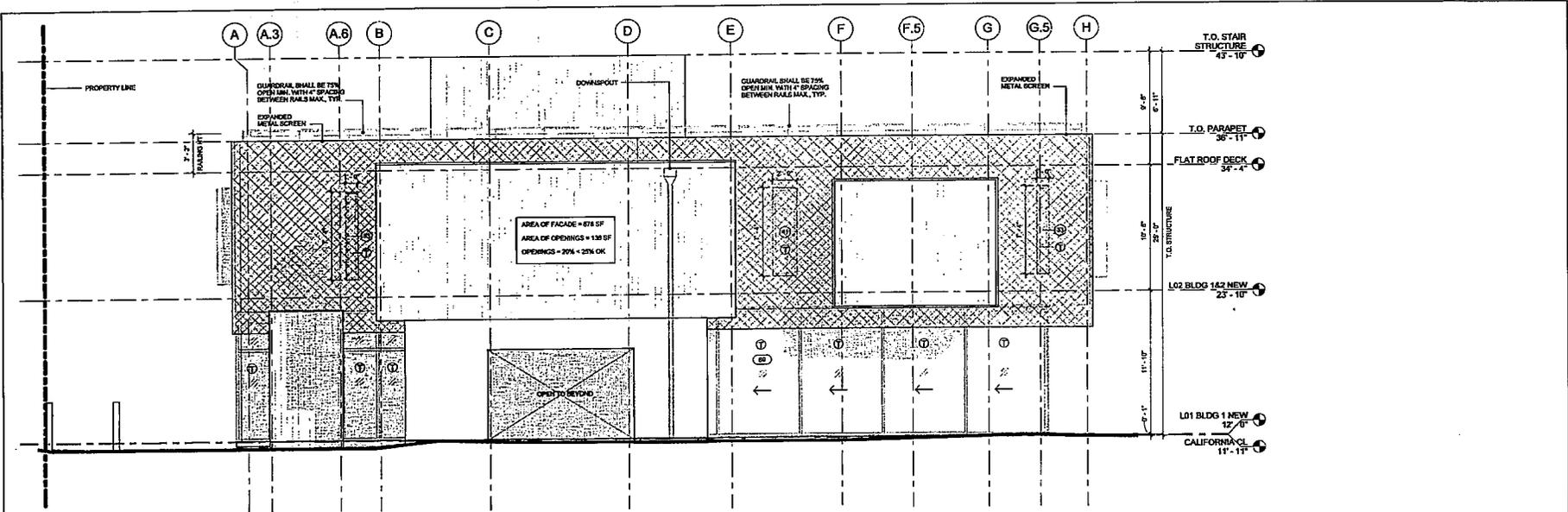


ISSUED DATE
APRIL 21, 2014
REVISIONS

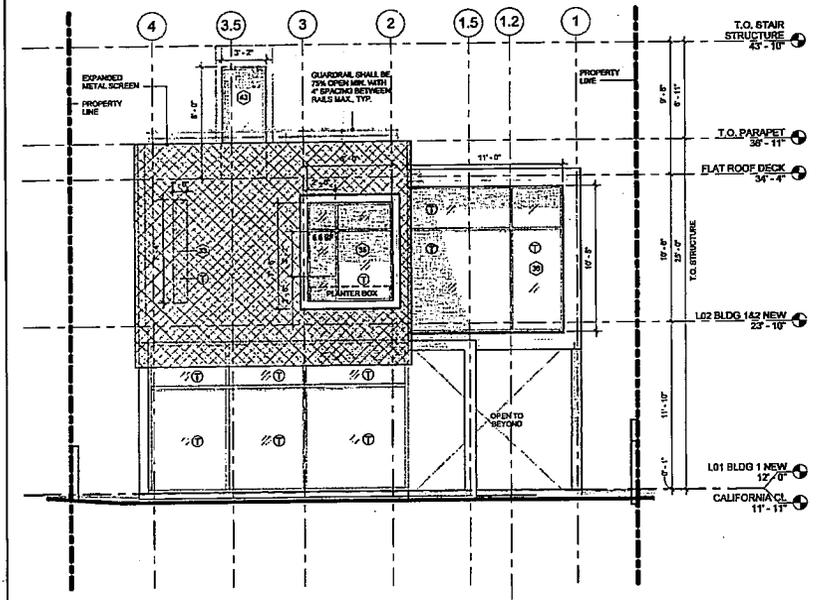
BUILDING 01
ELEVATIONS

A201

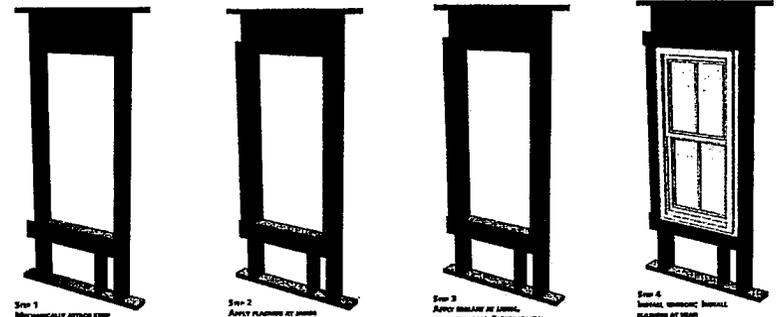
PLANS APPROVED
City of Los Angeles
City Planning Department
Date: *4/21/14*
Comments: *24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100*



1 BUILDING 01 - SOUTH ELEVATION
1/4" = 1'-0"



2 BUILDING 01 - WEST ELEVATION
1/4" = 1'-0"



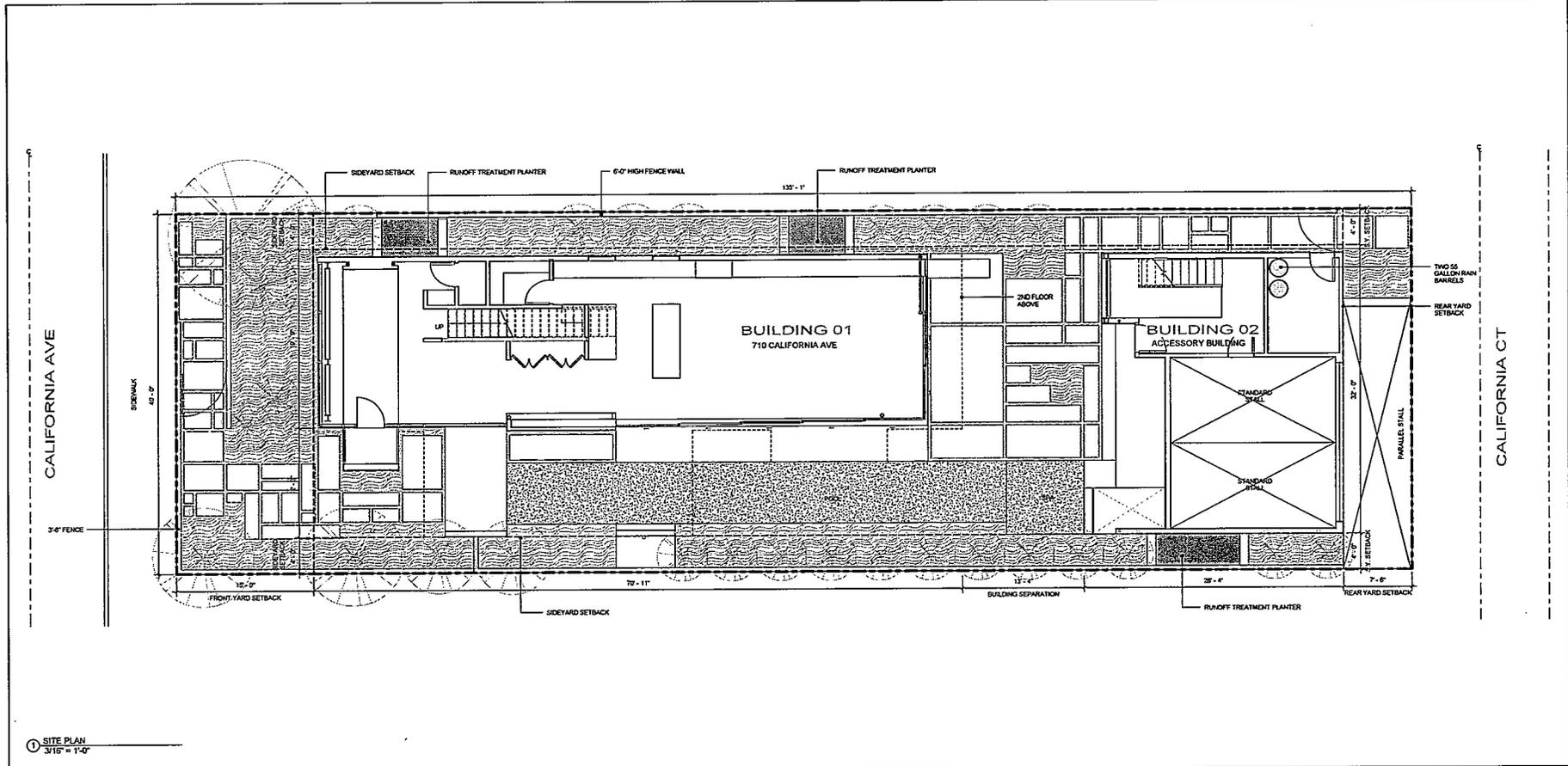
Step 1
MECHANICALLY ATTACH STEP OF FLASHING UNDER BY BRASS
REMOVE IF NOT SHOWN ABOVE AND NOTION LOCAL

Step 2
APPLY FLASHING AT SILL

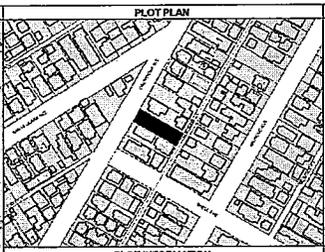
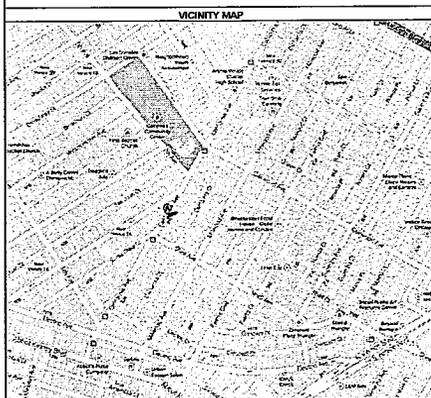
Step 3
APPLY FLASHING AT LINTEL, HEAD AND SILL SEPARATIVELY, INSURE GAPS IN FLASHING ON THE BACK SIDE BY THE INSURE FLASHING (IN-CORNER)

Step 4
INSTALL WINDOWING INSTALL FLASHING AT HEAD

1 Window Flashing
1/4" = 1'-0"



1 SITE PLAN
3/16" = 1'-0"



PROJECT DIRECTORY

ARCHITECT
m_RA
m_Royce Architecture
625 Oxford Ave.
Venice, CA 90292
Matthew Royce, AIA
323.230.0001
matt@roycearchitecture.com

OWNER
Phyllis Chavez
710 California Avenue
Venice, CA 90291

PLOT INFORMATION

Zoning: RD1-S-1
APN #: 4241089006
Legal Description: Lot 6, Block 4 of Venice Park Tract
Lot Area: 5,401.7 SF
Existing Building 01: 1,019 SF, 2 Story
Existing Use: One Single-Family Dwellings

PARKING CALCULATION

Parking Analysis:
3 total parking spaces provided as required per Venice Specific Plan, Section 13:

One S.F.D. & One A.L.Q.
710 California Ave
Venice CA 90291

OWNER
Phyllis Chavez
710 California Avenue
Venice, CA 90291

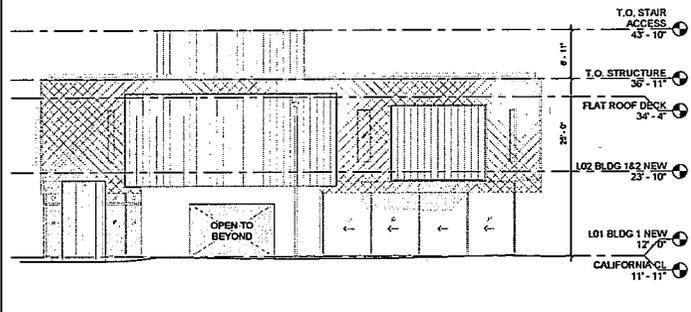
m_RA
m_Royce Architecture
11030 Venice Avenue #102
Marina Del Rey, CA 90292
+1 323 230 0001
royce@roycearchitecture.com

ISSUE DATE
MAY 30, 2014
REVISIONS

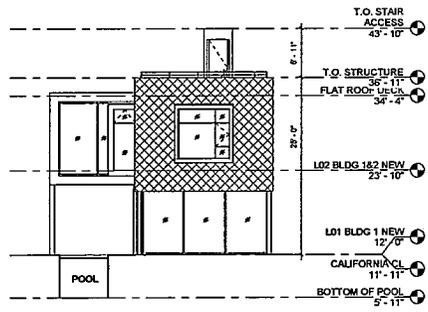
COASTAL COMMISSION

EXHIBIT # C
PAGE 1 OF 3

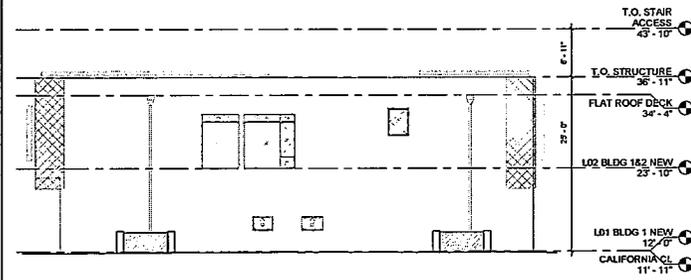
C.D.P.
1.0



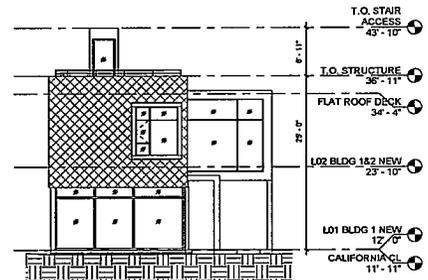
① SOUTH ELEVATION
1/8" = 1'-0"



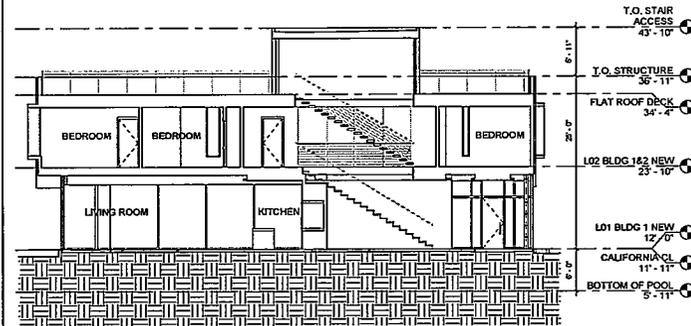
② EAST ELEVATION
1/8" = 1'-0"



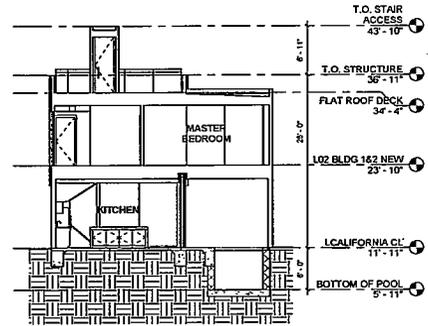
③ NORTH ELEVATION
1/8" = 1'-0"



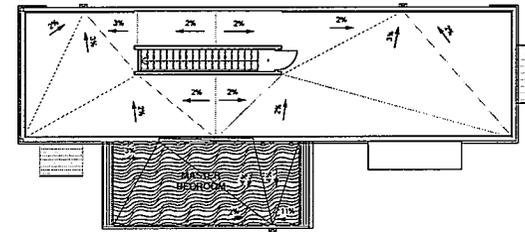
④ WEST ELEVATION
1/8" = 1'-0"



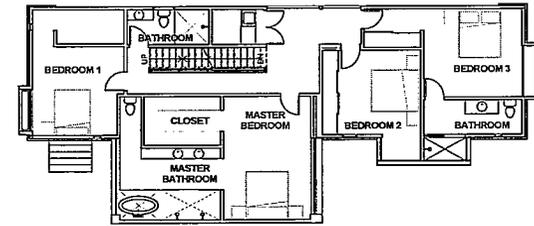
⑤ SECTION 02
1/8" = 1'-0"



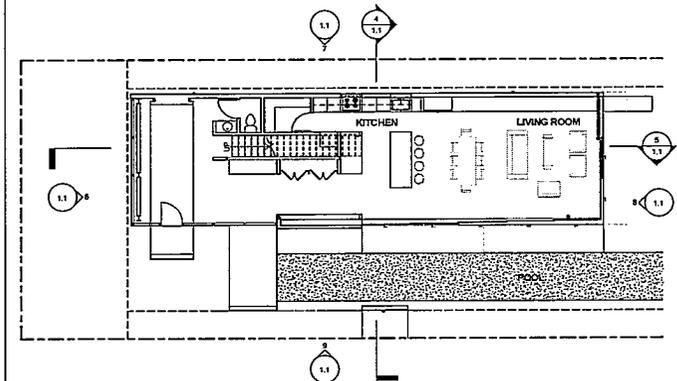
⑥ SECTION 01
1/8" = 1'-0"



⑦ BUILDING 01 ROOF DECK
1/8" = 1'-0"



⑧ BUILDING 01 LEVEL 02 PLAN
1/8" = 1'-0"



⑨ BUILDING 01 LEVEL 01 PLAN
1/8" = 1'-0"

One S.F.D. & One A.L.Q.
710 California Ave
Venice, CA 90291

OWNER
Plyle Client
710 California Avenue
Venice, CA 90291

m_RA

m_Rays Architecture
13326 South Avenue #102
Marina Del Rey, CA 90292
+1 310 336 8001
mray@mrayarch.com

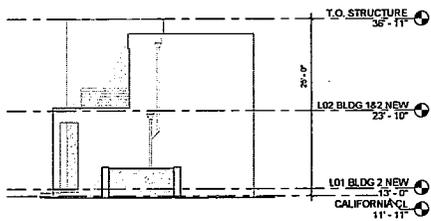
ISSUE DATE
MAY 30, 2014

REVISIONS

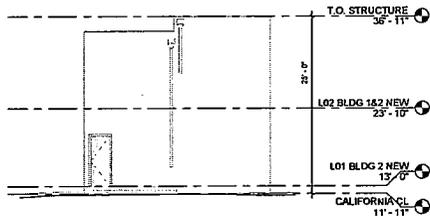
1.1

BLDG 01 C.D.P.
DRAWINGS

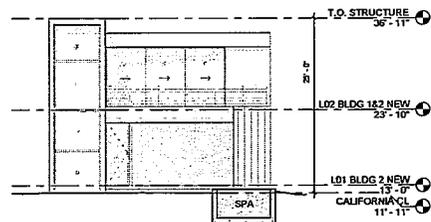
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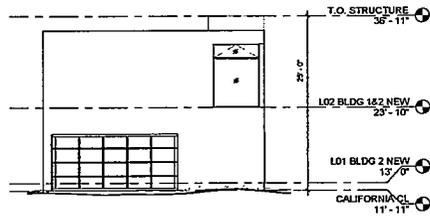
③ Copy of BUILDING 02 - SOUTH ELEVATION
1/8" = 1'-0"



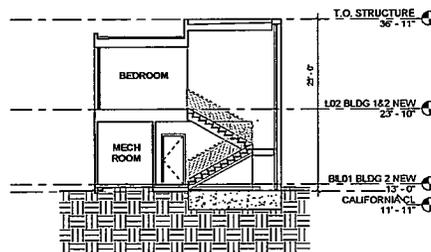
⑥ NORTH ELEVATION - BLDG 02
1/8" = 1'-0"



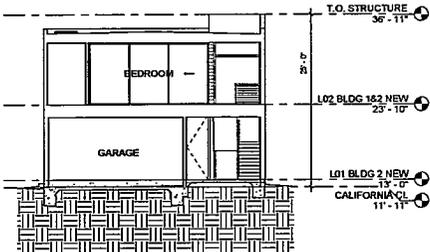
⑦ WEST ELEVATION - BLDG 02
1/8" = 1'-0"



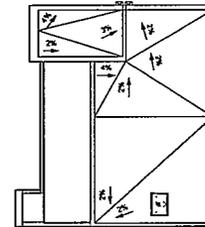
⑧ EAST ELEVATION - BLDG 02
1/8" = 1'-0"



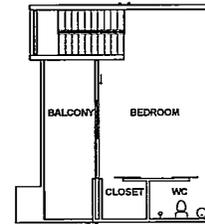
⑤ SECTION 02 - BLDG 02
1/8" = 1'-0"



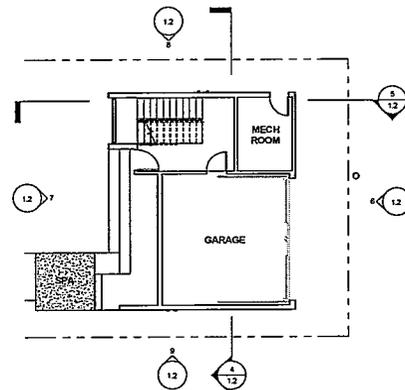
④ SECTION 01 - BLDG 02
1/8" = 1'-0"



① ROOF PLAN BLDG 2
1/8" = 1'-0"



② L02 BLDG 2
1/8" = 1'-0"



① L01 BLDG 2
1/8" = 1'-0"

RECEIVED
South Coast Region

SEP 1 2016

**CALIFORNIA
COASTAL COMMISSION**

633 W. 5th Street | 32nd Floor
Los Angeles, CA 90071.2005

213.694.3100 main
213.694.3101 fax

Noel H. Hyun
213.694.3133 direct
nhyun@linerlaw.com

September 1, 2016

VIA E-MAIL: CAITLIN.OSHIDA@COASTAL.CA.GOV

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

**RE: APPEAL NUMBER: A-5-VEN-16-0072
LOCAL DECISION: COASTAL DEVELOPMENT PERMIT NO. ZA 2014-2135-CDP
PROJECT LOCATION: 710 CALIFORNIA AVENUE, VENICE**

Dear Honorable Members of the California Coastal Commission:

On behalf of Teri Hertz ("Applicant"), current owner of the above-referenced property ("Property"), we are submitting this letter in response to the appeal of the Coastal Development Permit issued in Case No. ZA 2014-2135-CDP ("CDP") filed on July 26, 2016 ("Appeal") regarding the City of Los Angeles' ("City") issuance of the CDP for the proposed demolition and construction of a single-family residence ("Project").

On the basis of the approvals under Case No. ZA 2014-2135-CDP, consistent with her objective to develop the Property with a single home, the Applicant purchased the Property from Ms. Chavez on December 16, 2015 (please note that both the CDP and Staff Report still reference Ms. Chavez, who is no longer an interested party). We have provided a grant deed in Applicant's name to Commission Staff clarifying current ownership. In reliance on the CDP, to date, nine building permits have been issued by the Los Angeles Department of Building and Safety and the existing single-family dwelling on the Property has been demolished, consistent with the land use grants.

We agree with Staff that the Appeal raises no substantial issue with respect to conformity with Chapter 3 of the Coastal Act. Accordingly, we respectfully request the Commission adopt the Staff Recommendation and determine that the locally-issued CDP is final and effective.

COASTAL COMMISSION

I. PROJECT BACKGROUND

The Property was originally improved with a 1,019 square foot single-family dwelling and 752 square foot accessory structure, constructed in the 1920s. The proposed Project involves the demolition of the two structures and the construction of a new two-story, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room. As confirmed by the City's building records, the Property served as a single family dwelling and any use as a multi-family property was never established.

Applicant's predecessor in interest, Phyllis Chavez, filed an application with the City on June 16, 2014 to obtain the CDP. The Los Angeles Department of City Planning held a public hearing on November 20, 2014. Upon hearing testimony and considering written communications from interested persons regarding the Project, the City approved the Project with conditions. The Appellants did not challenge the CDP at the City hearing nor did they submit public comment at that time. The City issued a letter of determination for the CDP application on April 29, 2015 and, after no appeal was filed with the City Planning Department during the local appeal period ending on May 13, 2015, the City issued the CDP on May 19, 2015.

The instant Appeal, brought more than a year after the issuance of the CDP, is due to an oversight in inter-agency communications. Specifically, the Commission Staff did not receive notification from the City within 5 days of its final action on the local CDP pursuant as required in 2015. (Cal. Pub. Res. Code Section 30602.) The procedural deficiency was only recently discovered and notice was provided by the City on June 27, 2016. During the new appeal period, Appellant submitted the instant Appeal. As this was a late discovery, the Applicant has already invested substantial time and money to develop the Project under valid demolition permits.

II. SUMMARY OF APPELLANTS' CLAIMS

Appellants are using this Project to launch a broad attack on any and all development proposed within Venice. Appellants have filed a series of similar appeals on various projects (we are aware of the

following: A-5-VEN-15-0029; A-5-VEN-15-0059; A-5-VEN-15-0035; A-5-VEN-16-0021; A-5-VEN-15-0036; A-5-VEN-16-0024; A-5-VEN-16-0033). In the subject Appeal, Appellants claim that:

- The Project poses potentially adverse impacts to the community character of Venice
- The Project provides inadequate parking
- The Project does not qualify for an exemption from Affordable housing ("Mello Act") requirements
- The approval process contained procedural issues and inconsistencies

In addition to these claims, the Appellants raise a number of concerns not relevant to this CDP. Rather, they seek legislative change. Those issues are not before you and are not addressed in this letter.

III. RESPONSES AND CLARIFICATIONS

A. Appellants' Claims that the Project Involves the Demolition of Two Dwelling Units and the Construction of Two Dwelling Units Are False

Appellants rest much of their Appeal on their claim that the Project involves the demolition of two dwelling units and the construction of two dwelling units. Such claims are false as described in the following paragraphs.

Regarding the scope of the demolition component of the Project, Appellants contend the existing improvements on the Property constitute not one, but two dwelling units. Their claim is based on a mistake found on the City's Zoning Information and Map Access System ("ZIMAS") website. The City has already acknowledged the ZIMAS discrepancy. As part of its approval of the CDP, the City found that the Property was originally improved with "a 1,019 square-foot, single-story, single-family dwelling with a 752 square-foot detached garage with living quarters above built in 1921." The CDP findings further reference "demolition of the existing single-family dwelling." This is consistent with other City records including the

demolition permit which identifies the room as a "Recreation Room." (Permit No. 13019-20000-03296). In light of the CDP findings and the demolition permit concerning the existing structures on the Property, there is no question that there was one dwelling unit on the Property.

Appellants also claim that the Project proposes a duplex. The Project proposes the construction of a single-family home, including a 680 square-foot recreation room. The recreation room is merely an accessory structure, not a separate residential unit. The plans do not include a kitchen or other appliances. The City's building permit describes the recreational room as a "recreation room with 1/2 bath." (LADBS Permit No. 13014-30001-04390, May 23, 2016) and is consistent with the CDP, which authorizes "the construction of a new two-story, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room." We are attaching advertisement information pertaining to the sale of the Property from Applicant's predecessor to the Applicant which clearly indicates the Project is for a single family dwelling unit (Attachment A).

Since the Project only proposes a single-family dwelling, Appellants' claim that the Project violates parking requirements under the Venice certified LUP can be disregarded. Appellants incorrectly claim that proposed Project is for 2 residential units on-site and therefore should require 5 parking spaces (2 per unit plus 1 guest parking space), per the Venice certified LUP. This argument stems from the primary thrust, and source of confusion, of the Appellants' Appeal. Namely, that the "ultimate project is for 2 units on the property." (Appeal, page 12). Since the Project is only for one single unit as described above, the Project provides adequate parking consistent with Section 30252 of the Coastal Act.

Appellants claim that the proposed Project does not qualify for a Mello Act Exemption. This is also based on alleged inconsistencies in the Project description and on the Appellants' false beliefs that there were two units on the Property. However, criteria regarding the preservation of low-cost housing in the coastal zone is not included in the Coastal Act and is thus not within the purview of this Appeal. As such, the Commission lacks authority to review such impacts. Appellant's claim is improperly asserted and cannot be considered a substantial issue for purposes of this Appeal.

B. The Project is in Compliance with the Character, Mass, and Scale for the Milwood Neighborhood in Venice

The Appellants' claim that the Project is not compatible with the scale and mass of the existing neighborhood in Venice.

Evidence demonstrates that the character, mass, and scale of a large number of existing developments on the same block or within a few streets of the proposed Project are of a comparable, sometimes nearly identical, character, mass and scale. The attached photographs (Attachment B) demonstrate that the character, mass, and scale of properties in the Milwood subarea of Venice is of a mixed nature. The photographs include several nearby homes fronting California Avenue, all within a quarter of a mile from the Property, with heights ranging up to 34 feet. The Project's rooftop does not exceed 25 feet in height and the railing along the roof is 3 feet 6 inches in height. Thus, the Project is actually shorter than many nearby residences. The Project's proposed 2 stories is also consistent and in the range of the one to three story homes nearby, as shown in Attachment B. The CDP conditionally further limits height to 28 feet, to ensure Project compatibility.

Attachment B also identifies the total square footage of nearby properties, ranging from 2,320 to 35,000 square feet. The proposed construction of a new 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room is consistent with the neighborhood's existing scale and massing. Attachment B further depicts varying modern architectural styling which is common in the neighborhood and comparable to that proposed by the Project.

There are numerous City and Commission approved and completed developments which feature contemporary/modern architectural styles and are of a comparable size to the proposed Project. The LUP policies encourage "architectural diversity" in Venice. The LUP policies have not been defined in an implementation plan and certified by the Commission in the form of an LCP nor has the City defined a specific architectural style for the various neighborhoods of Venice. Similarly, the attached renderings of

September 1, 2016
Page 6

what the proposed Project will look like, neatly situated between its two neighboring properties shows that it is neither excessively wider, taller, or larger than its neighbors and fits well within the overall look and feel of the Milwood subarea (Attachment C).

As such, the Project is consistent with the character, mass, and scale because it is similar to existing development in the area and consists of an architectural style which is already present in the community and encouraged by the LUP policies.

IV. CONCLUSION

Based on the above, we request that the Commission determine that the locally-issued CDP is final and effective. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully,

LINER LLP



Noel Hyun

NH:MN

Attachments

Attachment A



Buy Sell Real Estate Agents Tools

710 California Ave
Venice, CA 90291
Status: Closed

\$3,871,276 | **\$2,000,000** | **5** | **4.5** | **3,600** Sq Ft
Redfin Estimate | Sold Dec 16, 2015 | Beds | Baths | \$1075 / Sq Ft
Built: 2015

SOLD 12/16/15



Isabel Velez
Redfin Real Estate Agent
★★★★★
27 client reviews

[Talk to Isabel About Selling](#)

< 1 of 2 Redfin Agents in this area >

Track This Home's Estimate

I'm the Owner

Track this home's value in our Home Report email and on your [Owner Dashboard](#)

Silicon Beach Luxury Compound Development Opportunity. Project includes a vacant SFR, plans, permits, costal commission approvals, demo permits. 100% ready to build your dream house! Japanese Modern inspired design. 2 story, 4 bed, 3.5 bath, approximately 3000 square ft main house with huge rooftop deck, separate green roof, and unique architectural designs. Open floor plan with incredible sliding glass wall in living room that opens up the home to the courtyard for indoor/outdoor living at its finest. Rear quarters built over the garage has a loft bedroom with closet and full bath and a huge outdoor deck overlooking the backyard. Could be a guest space for visitors or a deluxe home office. At bottom of the rear structure there is a outdoor BBQ kitchen plus an outdoor shower that guest can use after swimming in the 55 foot lap pool. 2 car garage with ability to park one car in rear off of alley (AGENTS THIS IS A DEVELOPMENT PROJECT THAT YOUR CLIENT HAS TO BUILD)

Property Type Residential, Single Family View Tree Top
Community Venice County Los Angeles
MLS# 15-942705

Listing provided courtesy of
Derrick Ruiz, eXp Realty of California Inc
BRE #00919713

Source
TheMLS

Buyer's Agent
Luke Jones, Westside Rentals Brokerage
BRE #01882516

Redfin last checked: 1 minute ago | Last updated: 9 months ago

Redfin has the best data [why?](#)

[Map Nearby Homes](#) [Print This Listing](#)
[Problem?](#)

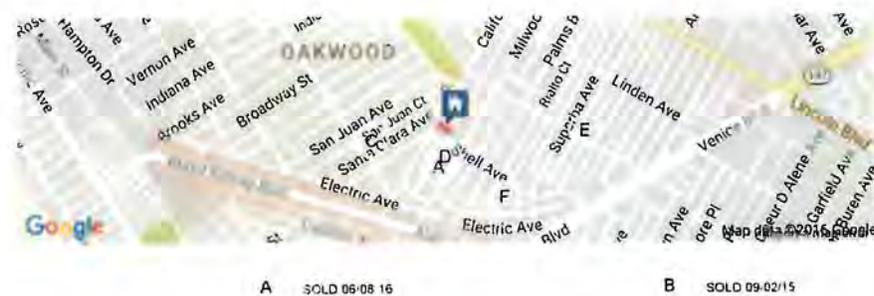
Redfin Estimate for 710 California Ave

\$3,871,276

Redfin Estimate ⓘ

+\$1.9M

since last sold for \$2.0M on 12/16/15



A SOLD 06-08-16

B SOLD 09-02-15

\$4,640,000
645 Milwood Ave
Venice CA 90291

2 3 2,817
Beds Baths Sq Ft

\$2,425,000
739 California Ave
Venice CA 90291

4 3.5 3,112
Beds Baths Sq Ft

Estimate based on these comparable homes. Does something look off? [Send Feedback](#)

Want a Professional Estimate?

We're here to help! Isabel responds in about 10 minutes during business hours.

Property Details for 710 California Ave

Interior Features

Bedroom Information

- 2 Master Bedrooms, All Bedrooms Downstairs

Bathroom Information

- # of Baths (Full): 4
- # of Baths (1/2): 1
- Powder Room

Kitchen Information

- Pantry

Additional Rooms

- Dining Room, Master Bedroom, Den/Office, Entry, Walk-In Closet

Equipment

- Dishwasher

Laundry Information

- Inside Laundry

Interior Features

- Concrete Slab Floors, Hardwood Floors, Pavers

Heating & Cooling

- Forced Air Heating
- Zoned Air Conditioning

Parking / Garage, Multi-Unit Information, Location Details, Listing Information

Parking Information

- # of Parking Spaces (Total): 3
- # of Covered Spaces: 2
- Parking Type: Garage (Two Door)

Community Features

- Units in Complex (Total): 1

Location Information

- Driving Directions: California Ave 2 blocks east of Abbott Kinney Blvd

Listing Information

- Buyer Financing: Cash

Exterior Features

Pool & Spa Information

- Has Pool
- Lap Pool
- Has Spa
- In Ground Spa

Building Information

- Total Floors: 2
- Sliding Glass Door(s)

Property / Lot Details

Property Features

- Concrete Slab Patio
- Balcony
- Guest House
- Has View

Lot Information

- Lot Size (Sq. Ft.): 5,368
- Dimensions: 40x134
- Lot Size Source: Vendor Enhanced
- Alley Access
- Zoning: LARD1.5

Property Information

- Detached/No Common Walls
- Square Footage Source: Plans
- Tax Parcel Number: 4241006006

Details provided by TheMLS and may not match the public record. [Learn More](#)

Redfin Tour Insights for 710 California Ave

No Tour Insights on This Home

We haven't left any insights about this home yet, but as soon as we do, we'll leave our thoughts here

Property History for 710 California Ave

Date	Event & Source	Price
Dec 16, 2015	Sold (Public Records) Public Records	\$2,000,000
Dec 16, 2015	Sold (MLS) (Closed) TheMLS #15-942705	\$2,000,000
Oct 30, 2015	Pending TheMLS #15-942705	—
Sep 17, 2015	Listed (Active) TheMLS #15-942705	\$2,200,000

For completeness, Redfin often displays two records for one sale: the MLS record and the public record. [Learn More](#)

Public Records for 710 California Ave

Taxable Value

Land	\$27,780
Additions	\$57,902
Total	\$85,682
Taxes (2014)	\$1,180

Basic Info

Beds	4
Baths	3
Floors	—
Year Built	1921
Year Renovated	—
Style	Multi-Family (2-4 Unit)
Finished Sq. Ft.	1,771
Unfinished Sq. Ft.	—
Total Sq. Ft.	1,771
Lot Size	5,368

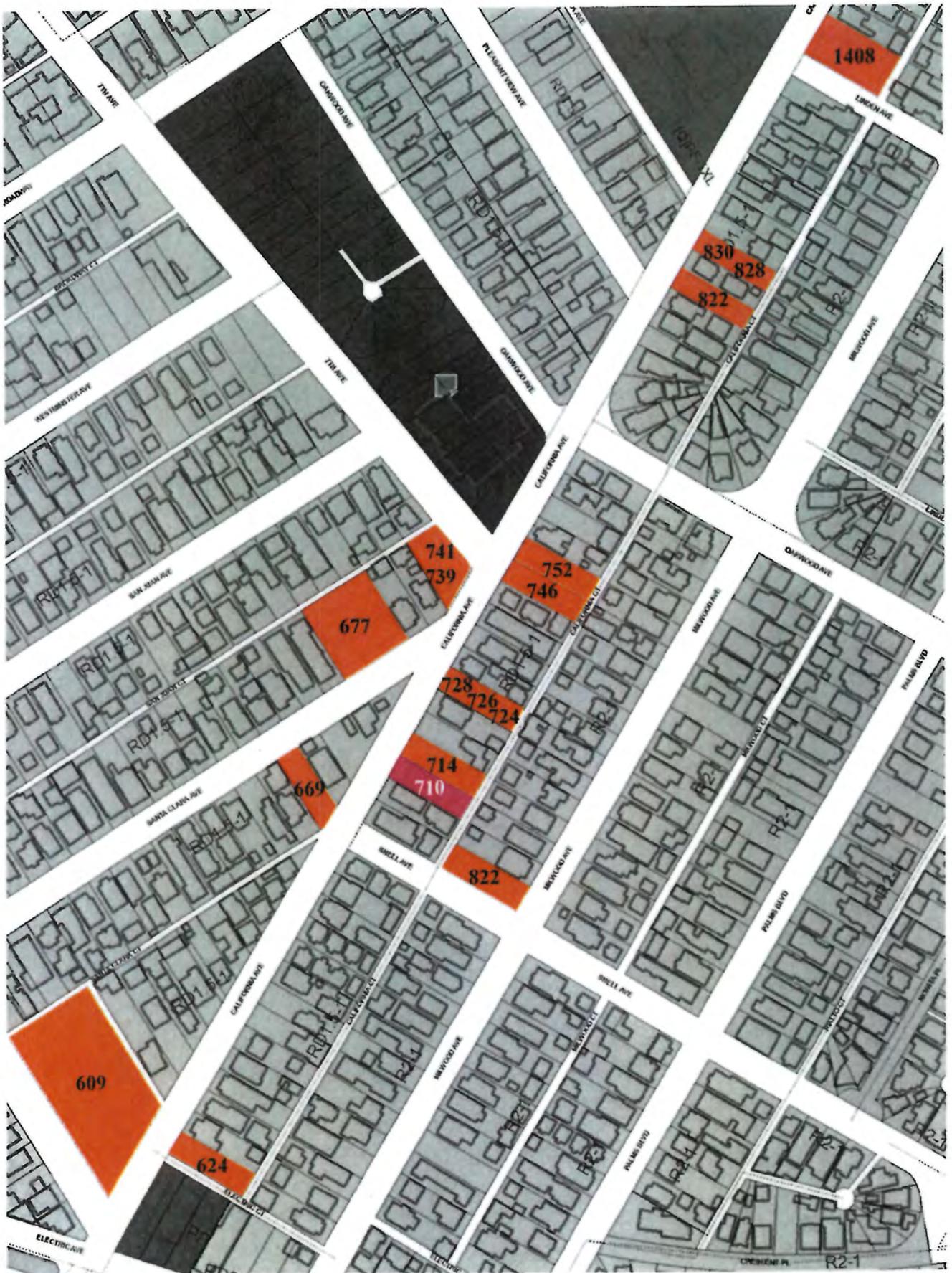
County: [Los Angeles County](#)

APN: 4241006006

County Data Refreshed: Apr 26, 2016

Public records are from [Los Angeles County](#) and may not match the MLS record. Information deemed reliable but guaranteed. Buyer to verify all information. [Learn More](#)

Attachment B





609 California Ave.
35,000 sf. apartment building
3 stories / 33.5 ft. tall



624 California Ave.
3,450 sf. single family dwelling & A.L.Q.
3 stories / 28.9 ft. tall



669 California Ave.
5,100 sf. single family dwelling
2 stories / 24 ft. tall



714 California Ave.
2,320 sf. single family dwelling & A.L.Q.
2 stories / 25 ft. tall



724/726/728 California Ave.
5,775 sf. three unit small lot subdivision
3 stories / 30 ft. tall



677 Santa Clara Ave.
13,000 sf. apartment building
3 stories / 33 ft. tall



739/741 California Ave.
6,120 sf. two unit small lot subdivision
2 stories / 29.8 ft. tall



746 California Ave. (right)
2,590 sf. single family dwelling & A.L.Q.
2 stories / 28.2 ft. tall

752 California Ave. (left)
2,340 sf. single family dwelling
2 stories / 34 ft. tall



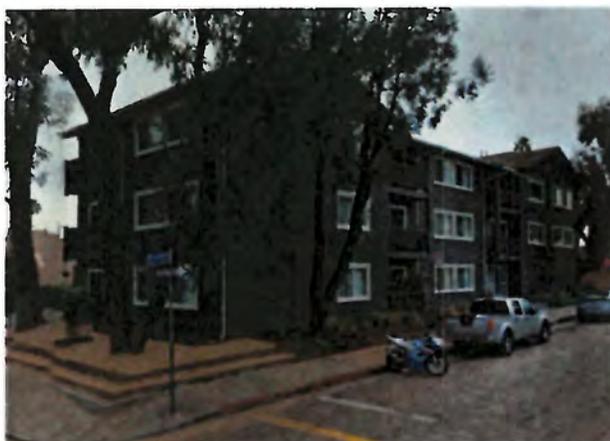
703 Milwood Ave.
4,670 sf. single family dwelling
2 stories / 23.5 ft. tall



822 California Ave.
4,280 sf. single family dwelling
2 stories / 25 ft. tall



828/830 California Ave.
3,890 sf. duplex
2 stories / 25 ft. tall



1408 Linden Ave.
10,430 sf. apartment building
3 stories / 33 ft. tall

Attachment C



CALIFORNIA COASTAL COMMISSION

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

Th14a

Filed: 7/26/2016
 49th Day: 9/13/2016
 Staff: C. Oshida – LB
 Staff Report: 8/18/2016
 Hearing Date: 9/08/2016

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Local Government: City of Los Angeles

Local Decision: Coastal Development Permit No. ZA 2014-2135(CDP)

Appeal Number: A-5-VEN-16-0072

Applicant: Phyllis Chavez

Agent: Matthew Royce

Appellants: Todd Darling and Gabriel Ruspini

Project Location: 710 California Avenue, Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA 2014-2135 for the demolition of an existing single-family dwelling and the construction of a 2-story, 2,820 sq. ft. single-family dwelling with detached 345 sq. ft. garage, 80 sq. ft. mechanical room, and 680 sq. ft. recreation room.

Staff Recommendation: No Substantial Issue

IMPORTANT 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 applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the project, as approved by the City of Los Angeles, is consistent with the community character policies of sections 30250, 30252, and 30253 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(a).

A-5-VEN-16-0072 (Chavez)
Appeal – No Substantial Issue

If the Commission adopts the staff recommendation, the Commission will not hear the application de novo and the local action will become final and effective. The **motion** to carry out the staff recommendation is on **page 4** of this report.

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EXHIBITS

Exhibit 1 – Project Location/Vicinity Map

Exhibit 2 – Appeal

Exhibit 3 – City of Los Angeles Local Coastal Development Permit No. ZA 2014-2135

Exhibit 4 – Photo of Subject Site Before and After Demolition

Exhibit 5 – Site Plan and Elevations of Proposed Project

Exhibit 6 – Venice Coastal Zone Specific Plan (DIR-2013-2261-VSO)

Exhibit 7 – City of Los Angeles ZIMAS Assessor Information

I. MOTION AND RESOLUTION

MOTION: *I move that the Commission determine that Appeal No. A-5-VEN-16-0072 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-16-0072 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 July 26, 2016, the Commission received an appeal of Local Coastal Development Permit No. ZA 2014-2135(CDP) from Todd Darling and Gabriel Ruspini. The appellants contend that the proposed project violates the Chapter 3 policies of the Coastal Act and the policies of the Venice Land Use Plan, particularly Policy Group I and II, which refers to Section 30252 of the Coastal Act (**Exhibit 2**). The appellants assert that the proposed project poses potentially adverse impacts to the community character of Venice, and affordable housing (“Mello Act”). Additional allegations were made relating to the content of the City-issued permit with regards to the following: the lack of notification of City action to the Commission (and therefore no appeal period or valid CDP), and a few discrepancies and inconsistencies. No other appeals were received prior to the end of the appeal period on July 26, 2016.

III. LOCAL GOVERNMENT ACTION

On November 20, 2014, the Los Angeles Department of City Planning held a public hearing on this proposed project. On April 29, 2015, the Los Angeles Department of City Planning approved with special conditions a Coastal Development Permit (ZA 2014-2135) for development proposed at 710 California Avenue, Venice, Los Angeles. The applicant listed on the City’s Coastal Development Permit (CDP) is Phyllis Chavez. The City issued CDP states that the proposed development is: “Demolition of an existing single-family dwelling and the construction of a new single-family dwelling” (**Exhibit 3**) (emphasis added). Between January 2014 and August 3, 2016, the Los Angeles Department of Building and Safety has issued nine permits, including a demolition permit for the rear structure (dated 1/28/2014), grading (dated 4/30/2014), and building construction (dated 10/13/2015). (A full list of issued permits is located on page 5.) The City issued the CDP on May 19, 2015 after no appeal was filed with the City of Los Angeles during the mandatory local appeal period.

Los Angeles Department of Building and Safety permits for 710 California Avenue since 2014, as of August 4, 2016, below:

Application/Permit #	Type	Status	Work Description
<u>13019-20000-03296</u>	Bldg-Demolition	Permit Finaled 1/28/2014	Demo existing rear accessory living quarter.
<u>13014-20001-04389</u>	Bldg-Addition	Verifications in Progress 4/30/2014	1st & 2nd story & roof deck addition & major remodel (entire building removed except portion of 3-walls to remain at 2 nd floor, 2-wall to remain at 1 st floor) to (E) SFD ***Revise structural & architectural plan to enlarge front units also rear unit to new living quarters/garage***
<u>14030-20000-02444</u>	Grading	Application Submittal 4/30/2014	No work description available
<u>13014-20000-04389</u>	Bldg-Addition	Issued 10/13/2015	1st & 2nd story & roof deck addition & major remodel (entire building removed except portion of 1-wall to remain at 1 st floor) to (E) SFD, sprinkler throughout.
<u>13014-20000-04390</u>	Bldg-New	Issued 10/13/2015	(N) 2-story 31'3" X 26'4" accessory living quarter/over 2-cars garage
<u>15047-20000-01965</u>	Swimming-Pool/Spa	Issued 12/7/2015	New 6'10" X 54'8" pool and 8'3" X 8'6" Spa per LA City STD. Plan #268
<u>15047-30001-01965</u>	Swimming-Pool/Spa	Issued 12/22/2015	Supplemental to 15047-20000-01965 to correct owner info for New 6'10" X 54'8" Pool and 8'3" X 8'6" spa per LA City STD. Plan #268
<u>13014-30001-04390</u>	Bldg-Alter/Repair * 1 of 2 *	Verifications in Progress 8/3/2016	Supplemental ref to pcis # 13014-20000-04390, to revise internal walls, layout and structure, & correct use from accessory living quarter to recreation room with 1/2 bath /gar
<u>13014-30002-04389</u>	Bldg-Alter/Repair * 2 of 2 *	Verifications in Progress 8/3/2016	Supplemental ref to pcis # 13014-20000-04389, to revise internal walls, layout and structure.

After a final local action on a local coastal development permit application, the local government is required to notify the Coastal Commission within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] In this case, the Coastal Commission did not receive notice of the City's final action on this CDP within the required five days and no appeal period was established until Commission staff was informed of the oversight. The City notified the Coastal Commission's South Coast District Office of its final action on the CDP on June 27, 2016, 405 days after the CDP was issued by the City. At that time, Coastal Commission staff established the 20 working-day appeal period for the local CDP action. On July 26, 2016, the appellants

submitted their appeal to the Commission’s South Coast District Office after demolition on the site commenced (**Exhibit 2** and **Exhibit 4**). The appeal of the local government’s action was determined to be timely because it was received prior to the expiration of the 20 working-day period on July 26, 2016 at 5:00 PM. On July 26, 2016, a Notification of Appeal was sent to the Los Angeles Department of City Planning and the applicant, notifying them of the appeal of ZA 2014-2135(CDP), and therefore the local decision was stayed pending Commission action of the appeal.

IV. APPEAL PROCEDURES

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

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

VI. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The project site is located in the Milwood area in Venice at 710 California Avenue within the City's Single Permit Jurisdiction, about 0.75 mile inland of the beach (**Exhibit 1**). The lot area is 5,402 square feet, and is designated Residential RD1.5-1 (Low Medium II Residential land uses) in the Venice certified LUP. According to Los Angeles County Records, prior to the demolition of the structures, the site was originally developed with a 752 sq. ft. structure in 1921, and a second 1,019 sq. ft. single-family residence in 1929 (**Exhibit 7**). While there appears to have been two residential units on the property (based on the Assessor information on the City's website ZIMAS; **Exhibit 7**), there is discrepancy in documents submitted to the City by the applicant on whether or not the two structures on the property represented a single-family dwelling with accessory building or two residential units. The rear structure was demolished in 2014 (City demolition permit #13019-20000-03296), and the single-family residence was demolished in 2016 (**Exhibit 4**). In its review of the CDP application (approved April 29, 2015), the City determined that the lot contained only one residential unit, a single-family residence, and the proposed scope of work approved in the City's Local CDP, ZA-2014-2135, describes the proposed project as:

“a coastal development permit authorizing the demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone” (Exhibit 3).

A more detailed description of the project is given on page 2 of the City’s CDP:

“[T]he demolition of an existing single-family dwelling and the construction of a new two-story, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room” (Exhibit 3).

No structures currently exist on the site (**Exhibit 4**). Overall the project consists of the demolition of both structures on the site, and the construction of a two-story, 2,820 sq. ft., 25 ft.-high, single-family residence fronting California Avenue. A roof access structure will extend no more than 10 feet above the flat roofline (35 feet high total). The roof deck will be enclosed by 3 feet 6 inch high railings. An accessory structure will be located at the rear of the property and include a 2-car garage, a 80 sq. ft. mechanical room, and a second-story 680 sq. ft. recreational room. The room above the garage is intended for residential use as part of the main house. It will not include a kitchen; therefore it is not considered a separate residential unit. The 345 sq. ft., 2-car garage will be accessed by the alley (California Court). A third parking space will be available on-site within the rear yard setback. A pool was approved through a City Coastal Exemption (DIR-2015-4425-CEX), which was reported to the Commission on February 1, 2016; no appeals were received on the Coastal Exemption.

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

C. SUBSTANTIAL ISSUE ANALYSIS

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

The grounds for this appeal relate primarily to the proposed project’s potential impacts to the community character of Venice, conformance with the Venice Certified Land Use Plan, affordable housing (“Mello Act”), and the City’s procedural process of the permit.

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

This appeal raises no substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision on Local Coastal Development Permit No. ZA 2014-2135 issued by the City of Los Angeles indicates that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed, would be consistent with the Chapter 3 policies, particularly Section 30250, 30252, and 30253, of the Coastal Act, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

Section 30250 of the Coastal Act states:

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

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

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

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(e) of the Coastal Act states:

New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Coastal Access/Parking

The appellants contend that this project is for a two (2) residential units on-site and therefore should require five (5) parking spaces (2 per unit plus 1 guest parking space), per the Venice certified LUP. However, the proposed project is for the construction of a single-family residence, not a duplex or two residential units. The room above the garage is described in the City's project description as a "recreation room" and does not contain facilities, such as a kitchen, that would qualify this extra room as a secondary residential unit on the property. In addition, special condition no. 7.c. (page 2) of the City's approved CDP states that "[n]o guest room or similar additional rental unit shall be permitted on the property" (**Exhibit 3**). Overall, the City recognizes, and has conditioned, the proposed project as the construction of a single-family dwelling with accessory structure and not two residential units. Therefore, the project requires three (3) on-site parking spaces, as required in the Venice certified LUP, which states that single-family dwellings on lots of 40 feet or more in width are required to have three (3) on-site parking spaces (Policy II. A. 3).

The proposed project would provide three (3) on-site parking spaces: two (2) in the detached garage and one (1) uncovered, parallel parking space located in the rear yard setback (**Exhibit 5**). Thus, the project is consistent with past Commission actions in the area and the Venice certified LUP parking requirement of 3 spaces per residential unit. Adequate parking is provided consistent with Section 30252 of the Coastal Act.

Community Character

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 appellants argue that the project is not compatible with the scale and mass of the existing neighborhood.

While the certified Venice LUP is not the standard of review for finding substantial issue, the standards provide guidance from which the Commission can evaluate the adequacy of a project's mitigation of impacts. In its adoption of the certified LUP, the Commission recognized Venice's unique community character and popularity as a visitor serving destination, and as such, it is imperative that any new development be designed consistent with the community character of the area.

When the LUP was certified in 2001, the Commission considered the potential impacts that development could have on community character and adopted residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies for determining whether or not the project is consistent with relevant Chapter 3 policies of the Coastal Act.

The standard of review for the substantial issue determination is the Chapter 3 policies of the Coastal Act. The appellants' appeal addresses the proposed project's potential non-conformance with the established community character in Venice in relation to the mass and scale of surrounding residences in the area. Throughout the neighborhoods of Venice, there are a wide range of residential and commercial buildings that vary in scale and style. Venice's historical character, among other attractions including the Ocean Front Walk (boardwalk) and the beach, makes it a popular touristic destination. As a result of its unique coastal communities, Venice is a coastal resource to be protected.

The Coastal Act requires that the special communities be protected to preserve their unique characteristics and from negative impacts such as excessive building heights and bulks. In particular, Sections 30253(e) and 30251 of the Act, which state:

Section 30251.

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 on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253(e).

New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Sections of the Venice LUP addressing character:

Policy I. E. 1. General.

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

Policy I. E. 2. Scale.

New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods [...]

Policy I. E. 3. Architecture.

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

The LUP policies encourage “architectural diversity” in Venice. The above policies have not been defined in an implementation plan and certified by the Commission in the form of an LCP nor has the City defined a specific architectural style for the various neighborhoods of Venice.

Ultimately, the extent to which the history of such demolition/rebuild/remodel has altered the community character of Venice remains difficult to determine. And, while there is little doubt that a significant amount of redevelopment has occurred within the coastal zone of Venice, it will be difficult to ensure that Venice’s character is protected until Venice’s community character has been defined. Such a definition, as well as a means to adequately protect such character consistent with the Act, is best determined through first a community effort and then through the Coastal Commission review process as part of the certified LCP.

Typically, the Commission looks at allowable land uses, density, and height when evaluating whether or not a project is visually compatible with the character of the neighborhood, along with the existing characteristics of the surrounding area. The proposed development does not raise a substantial issue in regards to Chapter 3 of the Coastal Act. The proposed project is similar in height, mass, and scale to other structures along California Avenue. The Milwood neighborhood is comprised of an amalgam of new and old one-to-two story buildings; the newer buildings are rooted in the contemporary and modern architectural styles similar to the style of the proposed project. Within the immediate vicinity the residential buildings range in size from 773 sq. ft. (717 California Avenue) to 2,293 sq. ft. (722 California Avenue); and across the street (approximately 100 ft. south of the subject property), a two-story, 5,101 sq. ft. single-family residence, constructed in 2012, is located at 669 California Avenue. The parcel 710 California Avenue is flanked by a two-story, 2,216 sq. ft. single-family residence on the north side and a one-story, 2,088 sq. ft. triplex (consisting of two buildings) on the south side. This illustrates the diversity in the neighborhood which is designated RD1.5-1 (Low Medium II Residential land uses) according to the Venice certified LUP, and allows for both single- and multi-family dwellings. The subject site was previously developed with a single-family residence and accessory building, and the proposed project includes the demolition of the existing structures and the construction of a two-story, 25 ft.-high, 2,820 sq. ft. single-family residence and a detached two-story garage with recreation room. The project, as proposed, is compatible to the surrounding area. (See list of previously City and Commission approved developments in the vicinity of the subject property, on page 13.)

Examples of City and Coastal Commission approved single-family residential projects within the 600 and 700 blocks of California Avenue.

CCC CDP No.	City Approval	Address	# of Stories	Height (ft.)	Mass (sq. ft.)
5-04-076-W	ZA-2004-650	677 California Ave	1	17'	1,590
5-06-442	DIR-2006-9589 ZA-2007-4183-CEX	714 California Ave	2	25'	2,141
5-08-345-W	DIR-2008-4257-VSO ZA-2008-4793-AIC-MEL	726 California Ave	2	25'	1,350
5-08-171	DIR-2008-2314-VSO	734 California Ave - addition of 2 nd residential unit on property	2	28'	775
5-11-055-W	DIR-2011-0561	669 California Ave	2	24'	5,101

The proposed project will be two-stories, 25 feet in height fronting California Avenue (**Exhibit 5**). The roof access structure will extend no more than 10 feet above the flat roofline (35 feet high total). The roof deck will be enclosed by 3 feet 6 inch high railings. The proposed accessory building, which includes a two-car garage and mechanical room with a recreation room above it, will be two-stories, 25 feet in height (**Exhibit 5**). In addition, the proposed single-family residence will have a 15-foot front yard setback and side yard setbacks of 4 feet.

The City of Los Angeles has consistently limited new development in the project area to a height of 25 feet (flat roof), or 30 feet (varied roofline) measured above the fronting right-of-way. The proposed project conforms to the 25-foot height limit of the LUP for flat rooflines. A roof access structure (stair enclosure) is proposed to exceed the 25 foot height limit by no more than 10 feet and open railings enclosing the roof deck will extend approximately 42 inches above the roof line (**Exhibit 5**). Both the City and the Commission permit roof accessory structures (i.e. chimneys and open roof deck railings) to exceed the height limit by no more than 5 feet if the scenic and visual qualities of the area are not negatively impacted, and no more than 10 feet for roof access structures. The Venice Specific Plan, which the Commission has not certified, also sets forth the same height limits as the certified Venice LUP. The project, as proposed, conforms to the mandated height limits in its neighborhood and does not raise a substantial issue with respect to the project's conformity with Chapter 3 community character policies of the Coastal Act.

Mello Act – Affordable Housing

The appellants also contend that the proposed project does not qualify for a Mello Act Exemption. They argue that there are two units on the property (710 California Avenue and 710 ½ California Avenue) and the applicant “homesteaded” the property. Therefore, the City’s Mello Act determination to exempt the project from a Mello Act compliance Review is incorrect because of inconsistencies with the project description on whether there is one or two units on the property. On

June 16, 2014, the applicant filed a Mello Act Owner-Occupied Single-Family Dwelling Exemption Affidavit. In the end, the City concluded that there was only one residential unit on the lot, and that the site was constructed with one single-family residence with a detached garage (to be demolished) and this project will result in no persons being displaced because the existing dwelling is owner-occupied.

Ultimately, the preservation of low-cost housing in the coastal zone was included in early versions of the Coastal Act. This criteria, however, has been removed from the Coastal Act by the California State Legislature and, therefore, does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act. Accordingly, the Commission no longer has authority to review the impact of proposed development projects on low-cost housing in the coastal zone and thus, the appellants' contention does not constitute a substantial issue.

Other Allegations:

The appellants' allegation relating to the applicant's presentation of the project to the Venice Neighborhood Council (VNC) and Land Use and Planning Committee (LUPC) during the project approval process does not raise a substantial issue with conformance to the Chapter 3 policies of the Coastal Act. According to the appellants, the project at 710 California was presented to the LUPC at their November 2014 hearing. At that time, the LUPC decided to approve the project (recommend approval to the VNC) on the condition that a Mello Act determination be provided, the plans presented in a way the community could understand, and the discrepancies with the City's Notice explained. Accordingly, the applicant/agent did not provide the documentation and the project was considered a "pending" item on the VNC agenda until its removal in June 2016 when Matthew Royce (agent) was elected Chair of the LUPC. Despite not receiving VNC final approval, the City approved their CDP for the project on April 29, 2015. Whether or not the City recognizes the VNC recommendations on projects raises local procedural issues and is not related to whether or not 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.

Furthermore, the appellants note that the original City processing of this project was under the Venice Coastal Zone Specific Plan (DIR-2013-2261-VSO) which described the project as a "Major remodel/add'n to (E) 2 detached SFDs" (**Exhibit 6**). They contend that VSO signoffs are reserved for "minor projects" and "no VSO should be given to a project that does not have at least 51% of the existing walls, windows and roof standing (structure)," therefore the VSO should be revoked (**Exhibit 2**). The VSO was approved with conditions by the City on July 25, 2013. While a new VSO may be required to reflect the changes in the project description, it is a City-required and City-issued permit, and considered separate from a Coastal Development Permit. Whether or not the City requires a new VSO signoff to reflect the changes to the project since 2013 is not related to whether or not 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.

In addition, the appellants claim that after the City approved the CDP for the proposed project, they did not notify the Commission of its action and therefore there is no valid coastal development permit for any demolition or construction on the property. In this case, the Coastal Commission's South Coast District Office did not receive the City's notice of final action on this CDP within the required five days. The City eventually notified the South Coast District Office

of its final action 405 days after the CDP was issued by the City. While this is concerning with regard to procedural issues of inter-agency notifications on development within the coastal zone, it is not related to whether or not 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 also assert that the Local CDP issued by the City for the proposed project contained discrepancies and inconsistencies. The inconsistencies primarily had to do with the project description. For instance, the proposed project was sometimes labeled a remodel versus a demolition, the existing structure was sometimes described as 2 single-family dwellings versus one single-family residence, or the proposed project resulted in a single-family residence versus a single-family residence with accessory living quarters. Additional supplemental material (13014-30001-04390) was filed with the Building and Safety Department on May 23, 2016 by the applicant to “correct use from accessory living quarter to recreation room with 1/2 bath” on the project plans (see chart on page 5). Thus, clarifying the use of the room above the garage and eliminating the possibility of a second unit on the City approved plans which were originally labeled, and approved, as “One SFD Remodel & One Accessory Building”. In addition, regardless of how the project is labeled, the City processed the permit for the “*demolition of an existing single-family dwelling and the construction of a new single-family dwelling in the single permit jurisdiction area of the California Coastal Zone*”. This description is consistent with the approved project plans, which, while the labeling is unclear, do not show a second residential unit above the garage (no kitchen area/appliances) (**Exhibit 5**). In addition, this contention does not raise a substantial issue as the project is still consistent with the policies of Chapter 3 of the Coastal Act.

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 adequately supported by sufficient evidence and findings. The City discussed consistency with the Venice Specific Plan, Los Angeles Municipal Code, and Venice Community Plan but did not mention the project's conformity to the provisions of the Certified Venice LUP, which represents Section 30250, 30251, 30252, and 30253 of the Coastal Act. The City ensured that the proposed project complies with the Chapter 3 policies of the Coastal Act with regards to land use, density, and height. In doing so, the City directly 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, 30252, and 30253, of the Coastal Act, and would not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

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 is the demolition of the existing single-family residence and accessory building and the construction of a 2,820 square foot single-family residence with a detached 345 sq. ft. garage with attached 80 sq. ft. mechanical room and 680 sq. ft. recreational room on a 5,402 square foot lot, in the inland area of Venice's Coastal Zone. This

type of development is consistent with the type and character of development in the surrounding area. 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 location of the proposed development is approximately 0.75-mile inland from the beach in a developed residential area. Because of its distant proximity to the beach, this area is not a primary destination for shoreline access.

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 development is consistent with the mass, height and scale of past Commission approvals for this area of Venice, and with the policies of the certified Venice LUP. 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 local issues only. The City addressed the replacement of affordable housing feasibility with a Mello Act exemption determination pursuant to Section 65590(b) of the Mello Act. 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 for this appeal relate primarily to the potential impacts to the community character of Venice, conformance with the Venice Certified Land Use Plan, and affordable housing (“Mello Act”). In this case, the proposed project is in conformity with the Chapter 3 policies of the Coastal Act. The Commission has no jurisdiction to review local government’s compliance with the Mello Act. Therefore, Commission staff recommends that the Commission find that the appeal raises no substantial issue.

Location Map: 710 California Avenue, Venice

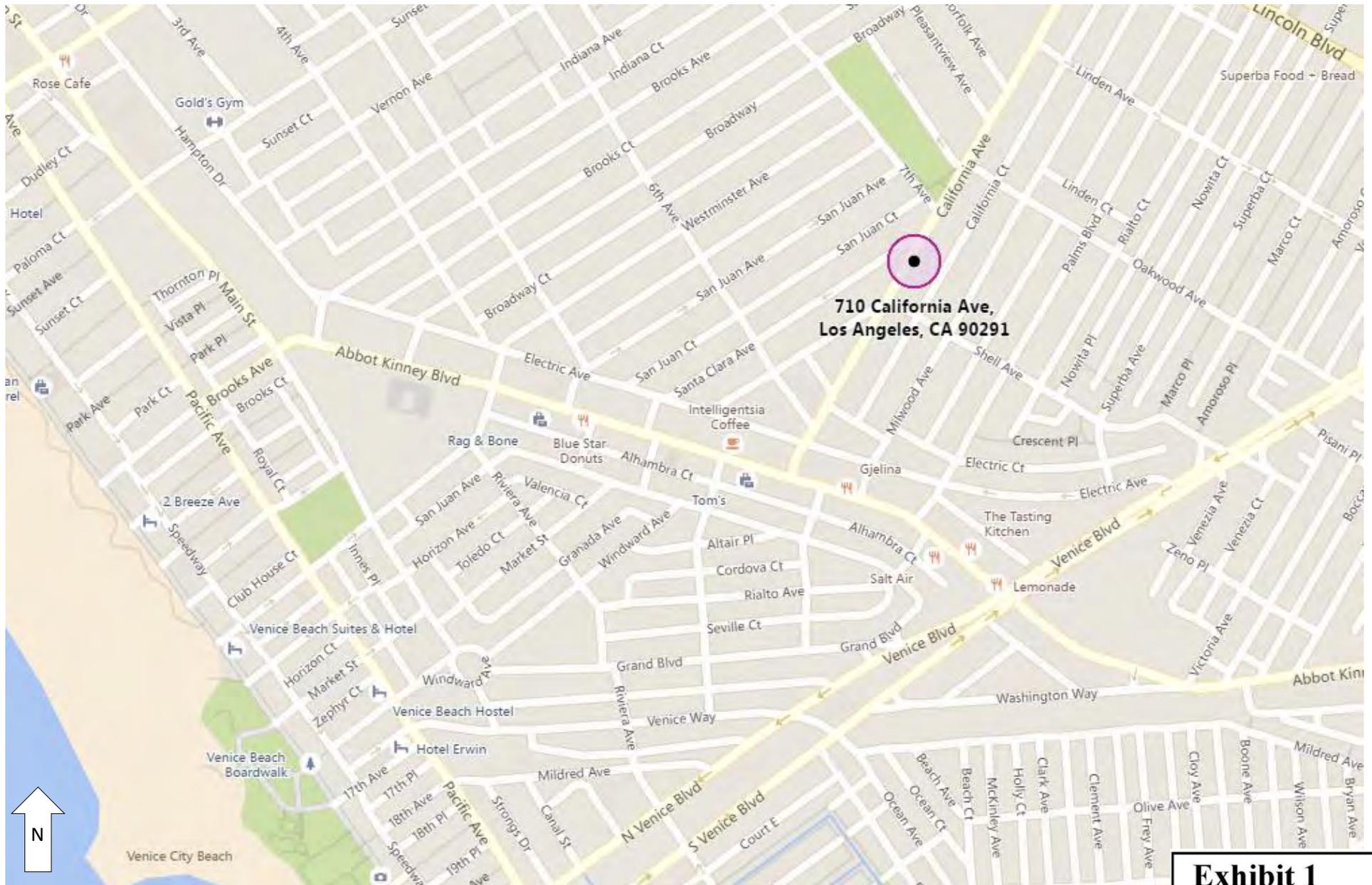


Photo credit: Bing Maps

Exhibit 1

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Vicinity Map: 710 California Avenue, Venice



Photo credit: Bing Maps

CALIFORNIA COASTAL COMMISSION

South Coast Region



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

JUL 27 2016

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Todd Darling and Gabriel Ruspini

Mailing Address: P.O. Box 54

City: Venice

Zip Code: 90291

Phone: 310-828-5662

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Demolition of an existing single-family dwelling and the construction of a new single-family dwelling

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

710 California Ave, between Shell Ave & Santa Clara Ave, APN: 424-100-6006

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:	<u>A.S.Ven.16.0072</u>
DATE FILED:	<u>7-26-14</u> ^{original}
DISTRICT:	<u>South Coast</u>

Exhibit 2	
Page 1 of 18	
	California Coastal Commission

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: April 29, 2015

7. Local government's file number (if any): ZA-2014-2135-CDP

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:

Phyllis Chavez, 710 California Ave, Venice, CA 90291
and
Matthew Royce, M Royce Architecture, 625 Oxford Ave, Venice, CA 90291

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

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attached.

Exhibit 2

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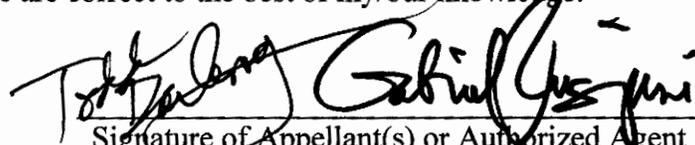


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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

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: July 26, 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: _____

710 California Ave, Venice
APPEAL of CDP decision of local government (ZA-2014-2135-CDP)
July 26, 2016

Section IV. Reasons Supporting This Appeal

There have been numerous community complaints regarding the proposed project at 710 California Ave, which has been pending before the Venice Neighborhood Council (VNC) since November of 2014. Recently, community members reported that development—demolition and construction--was taking place at 710 California Ave without the required coastal permits. It is always important for the VNC's Land Use & Planning Committee (LUPC) to express concern regarding violations of the State's Coastal Act in the coastal zone community of Venice, but in this case even more so; as in this case the project's main representative, with a substantial financial interest in the project, is the newly elected Chair of the LUPC of the VNC, Matthew Royce.

Overview of VNC/LUPC Process

Applicant Matthew Royce presented the project at 710 California Ave at the November 2014 LUPC meeting. The project at that time was for a single-family residence and a garage. As this property is located in the Venice Coastal Zone, the Venice Coastal Zone Specific Plan (VCZSP) city ordinance and the Coastal Act are applicable, and the California Coastal Commission (CCC) has jurisdiction over its development. In its review of Venice land use projects, the VNC's LUPC must consider all applicable laws and regulations in addition to the CCC's dual permit process, as set forth in the Coastal Act and in the City's Los Angeles Municipal Code (LAMC). If there are differences between city and state regulations, the state regulations "trump" the city regulations and must be applied. The CCC considers the VCZSP an uncertified local zoning ordinance that may not be considered in determining conformance of the project with Chapter 3 of the Coastal Act.

In the November 2014 LUPC hearing there were a number of inconsistencies in the project as presented vs. the City's Hearing Notice. For example, the City's Notice stated that the structure was going to be 35 feet tall and Applicant Matthew Royce said it was going to be 25 feet tall - not including the roof deck railing indicated as 36" (height is too short as code requires 42" for a roof deck railing) and rooftop access structure (RAS). But, more importantly, there was no reference to the demo of the second structure (garage and 2nd dwelling unit), and the project did not yet have a Mello Determination.

Exhibit A: 710 California Ave--Zoning Hearing November 20, 2015 and related Building Permit Application questions

In preparation for the hearing for 710 California, the LUPC Staff person handling the project (the undersigned, Todd Darling) called the L.A. Department of City P

(LADCP) to inquire about the Mello Act Compliance Determination. They said that the only demolition permit issued had been for the “garage” in the back of the house, however, the City’s records indicate that this was a dwelling unit.

Because the goal was to provide a VNC recommendation on the project prior to the City’s Public Hearing date, after approximately 40 minutes LUPC decided to recommend approval of the project to the VNC, conditioned on the Mello determination being provided, the plans being presented in a way the community could understand, and the discrepancies with the City’s Notice explained.

Matthew Royce did meet with two concerned neighbors to review the plans, but he did not return to LUPC to provide the promised Mello Determination documents, even after significant follow up by the undersigned.

The LUPC’s motion recommending conditional approval was discussed at the December 2014 VNC Board meeting and was continued to the January 2015 VNC Board meeting, where it was again continued to await the missing paper work. The Applicant was notified each time. At that point it remained on the agenda but was never addressed because the paper work that Matthew Royce had agreed to provide was never presented. It has remained a pending item on the LUPC agenda ever since, through June 2016 when Matthew Royce was elected Chair of the LUPC and his first action was to redo the LUPC Agenda and delete all pending items, including his own case at 710 California Ave.

From the perspective of LUPC and the VNC – this case was incomplete. The Mello Determination and the plans were never supplied to the Committee, and it now appears that Royce never intended to provide the information and in fact purposely avoided public review and transparency. In spite of this and in spite of not receiving any recommendation from the VNC, the City issued the City CDP determination on April 29, 2015.

Exhibit B: 710 California Ave--City CDP determination dated April 29, 2015

Applicant Manipulation and Evasion of Housing and Land Use Requirements

Recently, the two structures at 710 California were demolished down to the ground. Neighbors complained, and we asked the CCC if they had granted any demolition or construction permits for this address. Chuck Posner of the Long Beach office of the CCC said the only permit on file was to construct a swimming pool, and that the CCC had received zero requests for a Coastal Permit at this address, hence any demolition or construction was unpermitted. An objection was filed with the CCC. Two days after the objection was filed the CCC received the Notice of Determination for the City’s CDP for 710 California from LCDCP.

Without proper notification from Los Angeles as per LAMC 12.20.2, including waiting for the 20-day public comment period during which citizens might have raised concerns regarding the proposed demolition and new construction, without proper permits from the CCC, Matthew Royce illegally demolished two structures at 710 California Ave. Further research now indicates the probable reasons why this demolition was done hastily and, apparently, illegally.

At the time of the November 2014 LUPC hearing, LADCP had granted a demolition permit to demo the garage.

However, in November 2014, when LADCP realized the scope of the proposed project due mainly to citizens asking them questions, the Planner who had signed off on the VSO told us that the project would not be granted any demolition or construction permits because the property was subject to the Mello Act. A Mello Act Compliance Determination had to be made prior to any demolition by the Applicant of the second dwelling unit. However, in spite of that the 2nd dwelling unit was demolished in December 2014 using a Coastal Exemption that erroneously states in the project description that they are demolishing an existing rec room. The Planner, the person signing off from Housing, and the Inspector all three could plainly see and should have mentioned that this was a dwelling unit and not a rec room or garage.

If there had been a notice posted at the site prior to each planned demolition, the Public would have known to ask questions and these unpermitted actions would have been avoided. In particular, the Public would have noticed the discrepancies in the project descriptions that the City Inspector did not notice, which is very hard to understand. In fact, the Plot Plan for Building Permit 13019-20000-03296 was drawn incorrectly, and that was noticed in the Building Permit application comments (item 14); however, the Inspector, Bob Dunn, did not check it or correct it but rather allowed the erroneously described demolition. Due to the lack of Notice posted for demolitions and due to inspectors apparently not doing their jobs, the developers continue to get away with illegal demolitions, and when discovered, the City and State do little or nothing as a penalty or deterrent other than slapping their hands. They don't mind and just move on to the next step on their project, with their demo all done, whether done legally or not. This is the number one way developers manipulate their projects in order to assure their demo can be achieved without going through the onerous Coastal Act and Mello Act required steps. In order to protect the Special Coastal Community of Venice from this widely used practice, the CCC needs to consider adding a requirement for a 30 day or more posting of the demolition, which may require legislation. Alternatively, the City could require it by passing an ordinance to that effect for its Coastal Zone areas. The Notice should include the date posted, a complete project description and contact information for both Applicant and City contacts, and that it be conspicuously placed on the property for all demolitions in the Coastal Zone.

Exhibit 2

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It is important to note that the original City processing of the case under the VCZSP was using a Venice Sign Off – DIR-2013-2261-VSO. The plans call for a 100% demolition of the two structures. VSO's (and Coastal Exemptions) are intended to be for small projects without any substantive public concern. In fact, campaign mailers for Matthew Royce's LUPC Chair election slate campaign mailer stressed that the VSO is for "minor projects," but every City document calls his project at 710 California a "major remodel."

The CCC has heard cases with VSO signoff and Coastal Staff has spoken to the LADCP regarding the VSO and has clearly stated that no VSO should be given to a project that does not leave at least 51% of the existing walls, windows and roof standing (structure). Thus, even the basis of how this project began is flawed, and the related VSO should also be revoked.

Upon subsequent additional research, which was not presented or available at the original LUPC hearing, the official records of L.A. County and City indicate that there have been two residences on this lot for decades. The County Tax Assessor rolls show the lot as having two units/residences.

<http://portal.assessor.lacounty.gov/parceldetail/4241006006>

The main house was built in 1921, and a garage with a second-story dwelling unit/apartment was built in 1929. There were two addresses 710 and 710 ½ California in use, also reflected on ZIMAS. The ZIMAS system map also shows the lot as having two structures until May of 2015. The County records also show that the owner of 710 California, Phyllis Chavez, "homesteaded" the property at 710 and 710 ½ California, twice. The reasons for the "homesteading" are not clear, but this is sometimes done in order to gain some tax relief. But, regardless of the motivation, the two homestead filings both show 710 and 710 ½ listed as residences, both when filed and when released. Matthew Royce then filed an affidavit stating that he had become the "agent" of Ms. Phyllis Chavez.

Exhibit C: 710 California Ave--County Homestead & Other Docs

Following that homestead declaration (with sworn affidavit), sometime in 2014 (the month of the date is illegible), Ms. Chavez supplied an Owner-Occupied Single-Family Dwelling Exemption Affidavit that there was only one residence on the property. The affidavit reads: "If an owner-occupied single-family dwelling is to be demolished, I Phyllis Chavez certify, under penalty of perjury that the existing single-family dwelling to be demolished, located at 710 California, Venice, is owned and occupied by myself and that the replacement single-family dwelling will be occupied by myself." followed by her signature. In this affidavit there is no mention of the second dwelling unit that had not yet at that time been demolished.

The existence and nature of this second structure at 710 California is critical. Ironically, by some act or error, the second structure disappeared from the ZIMAS map sometime in 2015. This contradicts the "Homestead" documents filed with the City by the Applicant, the earlier ZIMAS maps, and the LA County Assessor's r

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Exhibit D: 710 California Ave--ZIMAS screen shots for 2015 and 2016

Exhibit E: 710 California Court—Photos From 2008 to 2015 Showing Demolition of Rear Dwelling Unit

In addition, in July 2013 the Dept. of City Planning document summary shows a request for a Venice Sign Off, which described the project as “Major remodel/addition to (E) 2 detached SFD’s (2 single-family dwellings.)” Phyllis Chavez was the applicant and Matthew Royce was the representative.

A year later, the LADCP documents summary described the project instead as “demolish existing SFD and construction of new 3,500 sq ft SFD with an Accessory Living quarters above garage.”

Also relevant, the project filed many of its applications in Van Nuys office. This location is not only less convenient to Venice but it is well known to be much less knowledgeable of the complexities of Venice and the Coastal Zone.

Additionally, in the Building Permit clearance summary worksheet dated March 14, 2014, the Bureau of Engineering (a City department independent of LADCP or LADBS) clearance item states “back unit is existing one bedroom SFD to remain unchanged.”

Exhibit F: 710 California Ave--Building Permit Clearances

The second single-family dwelling unit is important because California Government Code Section 65590, The Mello Act, states that “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.”

This project entails a demolition requiring review and determination by the City’s housing department (HCID) re. whether the units are “replacement affordable.” (It appears that the project may also be a conversion from a duplex to a single-family dwelling.) This requirement is also reiterated in the certified LUP Policy Replacement of Affordable Housing Policy I. A. 9. Without such a review and determination by HCID, it cannot be ascertained whether the previously existing units (prior to their unpermitted/illegal demolition) were affordable units (as defined by the Mello Act law and in the City’s regulations), in which case the Applicant could be required by law to replace that affordable unit, either one for one, on site, within the Milwood Subarea, within the Venice Community Plan, or, worst case, within a 3-mile radius of the affected site.

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For a duplex, if the owner/applicant doesn't provide the rent or income information, the general rule is for the units to be determined to be "replacement affordable." The developer can try to claim infeasibility, but there may be a case to successfully fight that claim.

In this case, not only do the numerous documents filed by the Applicant contradict each other, but also, no Mello determination or documentation was ever presented to the VNC or LUPC as promised by Matthew Royce. The Mello Act Compliance review and determination, and related documentation, including the replacement affordable housing HCID analysis and determination, was never held up to public scrutiny, in violation of the city's requirements that all Mello Act-related decisions are appealable.

To add to the confusion and deception, the Applicant (on behalf of the new owner) applied for another Building Permit on May 23, 2016, which described the work as revising internal walls, layout and structure and correct the use of the rear building from accessory living quarters to recreation room with 1/2 bath/garage.

See Exhibit G: Building Permit Application for Change from Accessory Living Quarter to Recreation Room

The property was sold by Phyllis Chavez in December of 2015 for over \$2,000,000, having been advertised on an extensive marketing website as a fully permitted duplex, including Coastal Commission approvals, and much more.

Exhibit C: 710 California Ave--County Homestead & Other Docs, Broker's website, page 5

It is concerning to realize that the buyer of the property probably doesn't know of the problems with these permits and the back and forth game in manipulating the property in and out of being 2 units, as well as the fact that the CDP determination's condition 7.c. states that "No guest room or similar additional rent unit shall be permitted on the property."

Also, just recently there was a major sewer issue right in front of the property. The street was blocked off for several days. In fact, there have been many ongoing issues related to the infrastructure for the Oakwood area. When the repair workers are asked they indicate that the infrastructure in the area is very old and cannot take the additional vibrations from heavy vehicles, constant construction work and additional load. This is a very serious problem, and the infrastructure limitations are addressed in the certified LUP. The level of breakage and other problems and the related extensive repairs being required in the area must be studied and the condition of the infrastructure and its ability to handle additional load, including the construction work being performed as well as increased usage, must be determined.

Exhibit H: certified Venice Land Use Plan—Locating and Planning New Development re. Infrastructure Limitations

Matthew Royce has attempted to deceive LADCP, LADBS, the CCC and the Public by filing inaccurate affidavits under penalty of perjury. He also failed to keep his word to the LUPC and the VNC from December 2014 to April 2016 in failing to supply clear plans or the Mello Act Compliance Determination documentation.

According to the record, it appears that Applicants Matthew Royce and Phyllis Chavez purposely obscured the existence of the second unit from City Planners because an affordable unit was likely to be required to be replaced/reconstructed on that site. However, at the same time, they used the second unit's existence to their financial advantage when advertised for sale. The paper trail indicates that they were so bold as to play both sides of the issue, depending on their audience.

Regardless of any possible perjury with respect to the existence of a second, affordable unit on that property that had been rented out to tenants, Matthew Royce failed to obtain the proper permits for the demolition and construction work done to date, and the project is therefore in breach of State law under both the California Coastal Act and the Mello Act. Upon being informed of this breach, the LADBS stopped work at 710 California Ave. Despite this project pending for more than a year on the VNC agenda, in 2016, before there could be a public inquiry into the nature of this second dwelling, both structures were demolished without valid permits. In addition, LADCP never sent the City's CDP to the CCC. There was no valid permit.

The demolition at 710 California was done without the required approval by the CCC. Chuck Posner of the CCC wrote the following to concerned community members: *"Our agency has no involvement in the City's Mello Act compliance review. Our office did receive the attached Notice of Public Hearing for the coastal development permit application in late 2014. However, I can find no record of any City action in the case ZA 2014-2135. If the City did act on the application, it failed to notify our agency of its final action on the coastal development permit. Therefore, there is no valid coastal development permit for any demolition or construction on the property."*

In his dealings with LUPC and the VNC, Matthew Royce has established a pattern of delays, coupled with verbal statements denying knowledge or familiarity with the laws, regulations and/or decisions made on the project. But, at the same time he files a steady stream of paperwork with LADCP that contradicts what he says, and as well as what City and County records indicate about this property. This has resulted in a blizzard of paper that obscures the essential facts.

After two years spent processing this project, and as an experienced coastal zone architect, any comment from Matthew Royce asserting ignorance of the process should be viewed as disingenuous. The project at 710 California is not Matthew Royce's only project in Venice. Matthew Royce currently has completed several

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Venice Coastal Zone projects and has at least three projects in process that are worth millions of dollars. It strains credulity to think that his investors would give that much money to someone ignorant of the laws and regulations that govern his profession.

Even if Matthew Royce believed that he had correctly processed the Mello documents and was in the clear regarding replacement of an affordable unit, the demolitions at 710 California still lacked the required permits from the CCC.

Since these are precisely the types of circumstances that the LUPC in Venice works very hard to expose, address and avoid, it is therefore especially troubling that he has now been elected as chair of this very committee. The 710 California case throws his motivation for running for this position into question, and makes his future service in this capacity extremely dubious.

Also, LADCP relies on affidavits from owners, signed under the threat of penalty of perjury, but then IT does little or nothing to ascertain their veracity. In this case the County and City documents clearly indicate there were two residences on this property. The City did not ascertain the affordable nature of the second unit, and the City appears to have negligently, possibly fraudulently, allowed inaccurate statements about the mere existence of that second unit to guide its decisions in the issuance of the permits.

Coastal Access

In consideration of the entire paper trail and subsequent marketing and sales information for the property/project, it appears that the ultimate project is for 2 units on the property. As such, the appropriate required parking must be provided as per the CCC-certified Land Use Plan, which requires 5 parking spaces (2.25 spaces per unit, rounded up to the next whole number of parking spaces). The project provides 2 parking spaces plus a questionable third space adjacent to the garage situated in the rear yard setback (the plans actually show the third parking stall encroaching into the alley, California Court). The project needs to be redesigned with the required parking provided.

Few if any of the coastal access-related mitigating recommendations in the Shoreline Access Chapter of the certified LUP have been implemented. Thus, allowing such incorrect processing and handling as has been done with this project, in order to evade many requirements of the law, including the parking requirements, is not only unacceptable and unlawful on a standalone basis, but it would violate the Coastal Act by leading to a substantially adverse impact on Venice, as this precedent would result in a cumulative adverse impact due to Applicant being allowed to provide only half of the parking required as per the certified LUP, thus resulting in materially more cars parking on streets in all neighborhoods of Venice, including those in close proximity to the beach.

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Development Standards in the certified LUP

The certified LUP, Chapter II, Land Use Plan Policies, Policy Group I, Locating and Planning New Development/Coastal Visual Resources and Special Communities, Duplex/Multi-Family Residential, Policy I. A. 7. Multi-Family Residential – Low Medium II Density (page II-10), paragraph d. (for the separately identified Milwood neighborhood) states that the “Use” for the property is “Duplexes and Multi-Family Structures.” In addition, this LUP policy states that “Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of storm water, and on-site recreation consistent with the existing scale and character of the neighborhood.” There is little or no yard, and as such the project’s “on-site recreation” is not consistent with the existing scale and character of the neighborhood. Also, it is not clear whether there is enough permeable land area for on-site percolation of storm water, which should be determined for purposes of this appeal.

In addition, in the CDP’s Findings, the decision maker refers to the single-family dwellings in the Southeast Venice Subarea. This is not the correct neighborhood and also not the correct Use for the neighborhood, which is multi-family residential.

Coastal Staff Should Not Accept Erroneous City CDP’s

Lastly, when receiving a City Notice of Determination, the Coastal Staff should not accept a City CDP that is incorrect on its face. The practice of accepting City CDP’s with many errors or inconsistencies has resulted in many projects being accepted into the State’s jurisdiction (as they are naturally deemed a Substantial Issue because they are materially incorrect!), which then takes away the City’s responsibility for Mello Act enforcement as the permit is no longer under their control; thus, the State becomes complicit in and enables the evasion of the Mello Act affordable unit replacement requirements and the applicant is relieved of any accountability of their Mello Act requirements. This appears to be a violation of law that should be investigated. This is also a Substantial Issue as each project is valued at millions of dollars, and to the extent that the City and/or State allow such manipulation and evasion of law then developers will be gaining millions of dollars of advantage with overdevelopment and illegal development in the Coastal Zone, which has a very material state-wide impact.

In this case there are many obvious errors in the City CDP. The Exhibit A does not include one of the 6 pages, which should be unacceptable to Coastal Staff, and the plans do not match the project as described in the CDP determination. The CDP project description is: “demolition of an existing single-family dwelling and construction of a new single-family dwelling....” Yet the corresponding Exhibit A plans are for “one SFD Remodel & One Accessory Building.” Also, as pointed out to the Coastal Staff by community members, there is inconsistency within the

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determination with respect to whether the property contains one or two dwelling units. They should not accept a CDP determination with such a significant discrepancy that impacts many factors, including affordable units, parking requirement, etc. By doing so, they are taking the project out of the City's hands instead of having the City correct their errors, which would be the correct procedure and certainly save the taxpayers significant tax dollars. And lastly, the Coastal Staff should have investigated the matter and the evidence with respect to why the City said it sent the CCC Long Beach office the Notice of Determination and why the CCC Long Beach office did not receive it BEFORE accepting the CDP into its 20-day appeal period. The Public deserves to know what caused this problem BEFORE they consider whether to appeal the City's CDP. This is a major breach of coastal zone land use internal controls and must be investigated and corrected, and the Public must be notified of what occurred.

Conclusion and recommendations

- 1) LADBS shall issue a stop work order immediately for the project at 710 and 710 ½ California Ave.
- 2) The CCC shall remand the project back to the City for purposes of requiring the Applicant to completely revise the project, including requiring one affordable unit on site, adequate parking as per the certified LUP, and that all prior LADCP and LADBS permits and approvals shall be immediately revoked.
- 3) The CCC shall demand that LADCP put adequate internal controls in place that assure that development permits follow state law, and that the city shall not issue any building permits until the CCC has indicated that the appeal period requirement has been met.
- 4) The CCC shall demand that LADCP check facts provided by applicants and not just rely on affidavits from the applicant as being correct, particularly with respect to the provisions related to protection of affordable housing in the Coastal Zone, an area of frequent evasion of the law.
- 5) The CCC shall propose legislation that requires a dated 45 to 60-day notice for all demolitions in the Coastal Zone of L.A., with a complete project description and contact information for both Applicant and City contacts, which must be conspicuously placed on the property, including for partial demolitions.
- 6) Prior to any subsequent project being approved for the site at issue, the CCC shall require the City to provide a report on the adequacy of the surrounding infrastructure, to be reviewed and approved by the City Engineer, Bureau of Engineering, Department of Public Works.
- 7) The CCC shall add procedures for all State-issued CDP's that assure that the permit not be approved if illegal or unpermitted actions are involved in obtaining the underlying approvals for the City's permits and clearances, whether or not the specific illegal action is under the CCC's jurisdiction,

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- including Mello Act-related actions re. the provision and protection of low-income housing in the Coastal Zone.
- 8) If the CDP process is founded on misleading, inaccurate, or fraudulent statements or affidavits then the overall permit must be denied; thus, if it is determined that a CDP is based on information, or paperwork that was falsely or fraudulently submitted or obtained, permission for development shall be revoked by the CCC.
 - 9) The CCC shall invoke monetary fines if it is determined that the Applicant provided false affidavits in order to mislead the City, State and Public in violating the law in order to demolish a rental unit in the Coastal Zone, and also for demolishing the remaining structure without an effective CDP.
 - 10) The CCC shall request that the L.A. County District Attorney begin an investigation into possible perjury on this case and investigate the systematic use of affidavits for land use project permitting with similar facts in the Venice Coastal Zone that have been used to illegally obtain CDP's.
 - 11) The CCC shall demand that Matthew Royce be immediately removed as Chair of the VNC's LUPC and that the City issue a public censure of his behavior to the Venice Community.
 - 12) LADBS shall correct the building permit fees for the project to reflect a more reasonable and accurate estimated cost of the project, and the City shall be paid the additional fee amount due by the applicant.
 - 13) The L.A. County Assessor shall be requested to review the case to determine whether it should be handled for property tax assessment purposes as an improvement to the existing structure or as a new structure. In addition, any covenants filed related to the erroneously approved, ineffective City CDP must be voided and redone when and if a new, valid CDP is approved.
 - 14) The FPPC shall be requested to issue an opinion letter on the conflict of interest issues related to this Applicant and certain other parties, including government officials. It simply does not and cannot follow that the CCC can approve a CDP knowing that the City and Applicant purposely processed it erroneously such that another state law, the Mello Act, was evaded.
 - 15) The CCC shall demand that the L.A. City Attorney investigate:
 - a) Why LADCP did not send the Notice of Determination to the CCC Long Beach office after they had issued the City CDP, as required by the LAMC 12.20.2.I, or if they did send it, then provide the related evidence of the U.S. mail-registered return receipt for the mailing.
 - b) Why the City Planner in Van Nuys processed the Building Permit Coastal Clearance for the project in violation of LAMC 12.20.2.I Notification.
 - c) Why the LADBS Plan Checker approved the Building Permit with unintelligible Coastal Clearance comments that conflicted with other clearances for the Building Permit (the Bureau of Engineering clearance indicated that the back unit was an existing 1-bedroom single-family dwelling, which was to remain unchanged).
 - d) When the demolition of the second unit occurred and how that relates to the change in the ZIMAS system's building outline change from 2 structures to 1 structure.

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In closing, the paper trail on this project indicates a concerted effort from the outset to avoid and evade the letter and intent of the California Coastal Act and the Mello Act so that the Applicant could personally profit. The CCC must take a firm stand on this project at 710 California Ave, Venice so as to discourage other investors and developers from both within and from outside the state from coming to California to take advantage of the City of L.A. leniency and incompetence and ruin our coast for their own profit. Investors in New York (in Royce's case) and elsewhere need to know that they cannot come to California and walk all over our laws for their personal benefit, and to our communities' very significant detriment.

Sincerely,
Todd Darling and Gabriel Ruspini

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ADDENDUM—for reference:

1. LUPC Motion that went to the VNC

710 California Ave (SFD); Milwood Subarea; (10 Minutes) ZA-2014-2135-CDP CITY HEARING TOOK PLACE ON NOVEMBER 20, 2014 Project Description: Demo (E) SFD & construct /new 3-story SFD with accessory living quarters above garage Applicant: Matthew Royce LUPC Staff: Todd Darling & Maury Ruano NOTED FOR FUTURE: *Both Public and Committee members were very concerned about the errors discovered in the City's Hearing Notice and it was requested that in future Applicants inform the VNC/LUPC of such errors so that they can inform interested parties. In this case the errors were in indicating project specifications that were in excess of standards, so it was decided that a revised hearing notice and hearing would not be necessitated, but had the errors been such that the hearing notice indicated compliance and in fact the project was out of compliance, a revised hearing notice and hearing must be provided by the City.*

MOTION: The VNC Board recommends approval of the project at 710 California Ave, assuming a maximum height of 25', a compliant Roof Access Structure of no more than 100 sq ft in size and 10' in height, side yard setbacks of a minimum of 4', and compliant in all other applicable ways with the Venice Coastal Zone Specific Plan.

APPROVED BY LUPC on 11/25/14 by a vote of 5-0-2 (RA/MR)

<http://www.venicenc.org/710-california-ave/>

2. Email from Chuck Posner re: 710 California

From: "Posner, Chuck@Coastal" <Chuck.Posner@coastal.ca.gov>
Subject: RE: Request Mello Compliance Review of Enclosed Documents: 710 California Avenue, Venice, Ca 90291- ZA 2014-2135
Date: June 20, 2016 at 9:58:49 AM PDT
To: 'margaret molloy' <mmmolloy@earthlink.net>, Ezra Gale <ezra.gale@lacity.org>, Tricia Keane <tricia.keane@lacity.org>, "theodore.irving@lacity.org" <theodore.irving@lacity.org>, "Sanchez, Jordan@Coastal" <Jordan.Sanchez@coastal.ca.gov>, "LUPC@VeniceNC.org" <LUPC@VeniceNC.org>
Cc: mike bonin <mike.bonin@lacity.org>, "Padilla, Al@Coastal" <Al.Padilla@coastal.ca.gov>, "Willis, Andrew@Coastal" <Andrew.Willis@coastal.ca.gov>

Margaret et al - Our agency has no involvement in the City's Mello Act compliance review. Our office did receive the attached Notice of Public Hearing for the coastal development permit application in late 2014. However, I can find no record of any City action in the case ZA 2014-2135. If the City did act on the application, it failed to notify our agency of its final action on the coastal development permit. Therefore, there is no valid coastal development permit for any demolition or construction on the property. Thank you for the photographs that appear to confirm that demolition occurred on the site.

Charles R. Posner
Supervisor of Planning
California Coastal Commission
200 Ocean Gate - Tenth Floor
Long Beach, CA 90802
(562) 590-5071
Chuck.posner@coastal.ca.gov

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California Coastal
Commission

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
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
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LOS ANGELES, CA 90012

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April 29, 2015

Phyllis Chavez (A)(O)
710 California Avenue
Venice, CA 90291

Matthew Royce (R)
M_Royce Architecture
625 Oxford Avenue
Venice, CA 90291

CASE NO. ZA 2014-2135(CDP)
COASTAL DEVELOPMENT PERMIT
710 East California Avenue
Venice Planning Area
Zone : RD1.5-1
D. M. : 108B145
C. D. : 11
CEQA : ENV 2014-2136-CE
Legal Description: Lot 6, Block 4, Venice
Park Tract

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

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

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
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 does not cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Authorization:
 - a. Approved herein is authorization for the demolition of the existing single-family dwelling and the construction of a new single-family dwelling, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room.
 - b. The height of the dwelling shall not exceed 28 feet, excluding railings and staircase access.
 - c. No guest room or similar additional rental unit shall be permitted on the property.
 - d. No deviations from the LAMC or the Venice Coastal Zone Specific Plan were requested or approved.
8. Any changes or improvements made within the public right-of-way shall be approved by the Bureau of Engineering (BOE) or in compliance with BOE's requirements. This includes new landscape and fencing along the alley.
9. Prior to the issuance of any building permit, the plot plan shall be reviewed and approved by the Fire Department, Hydrants and Access Unit.
10. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
11. Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
12. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
13. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
14. Within 30 days of the effective date of this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard m



covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after MAY 13, 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 pu

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printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Authorization:
 - a. Approved herein is authorization for the demolition of the existing single-family dwelling and the construction of a new two-story, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room.
 - b. The height of the dwelling shall not exceed 28 feet, excluding railings and staircase access.
 - c. No guest room or similar additional rental unit shall be permitted on the property.
 - d. No deviations from the LAMC or the Venice Coastal Zone Specific Plan were requested or approved.
8. Any changes or improvements made with in the public right-of-way shall be approved by the Bureau of Engineering (BOE) or in compliance with BOE's requirements. This includes new landscape and fencing along the alley.
9. Prior to the issuance of any building permit, the plot plan shall be reviewed and approved by the Fire Department, Hydrants and Access Unit.
10. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
11. Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
12. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
13. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
14. Within 30 days of the effective date of this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall recorded in the County Recorder's Office. The agreement (standard mas

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office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>**. Public offices are located at:

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

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

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

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on November 20, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, interior 5,401 square-foot record lot located in the RD1.5-1 Zone. The property has a frontage of 40 feet along the east side of California Avenue, a depth of 135 feet, and a frontage of 40 feet along California Co

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The site is currently improved with a 1,019 square-foot, single-story, single-family dwelling with a 752 square-foot detached garage with living quarters above built in 1921.

The surrounding properties are developed with single-family and low density multi-family dwellings. The northern adjoining properties are zoned RD1.5-1 and developed with single-family dwelling units. The eastern adjoining properties are zoned R2-1 and developed with single-family and low density multi-family dwellings. The southern adjoining properties are zoned RD1.5-1 and R2-1 and developed with single-family and low density multi-family dwellings. The western adjoining properties are zoned RD1.5-1 and developed with single-family dwellings.

The subject property is located in the Venice Community Plan in an area designated for Low Medium II Residential land uses and zoned RD1.5-1. The site is located within the Los Angeles Coastal Transportation Corridor Specific Plan, the Venice Coastal Zone Specific Plan, a Calvo Exclusion Area (Coastal Zone Commission Authority), Liquefaction Zone, within 4.85 kilometers to the Santa Monica Fault, and within the single permit jurisdiction area of the California Coastal Zone.

The applicant is requesting a coastal development permit authorizing the demolition of the existing single-family dwelling and the construction of a new two-story, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room. The roof top of the proposed dwelling extends to 25 feet in height, the railing along the roof is 3 feet 6 inches in height, and the roof top access extends no more than ten feet from the flat roof deck of the structure.

California Avenue adjoining the property to the west is a Local Street dedicated to a width of 50 feet and improved with curb, gutter and sidewalk.

California Court adjoining the property to the east is an alley dedicated to a width of 15 feet and improved with paved asphalt.

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

Subject Property:

Ordinance No. 175,694 – On January 19, 2004, an Ordinance establishing a Categorical Exclusion Order that excludes certain development from the requirements of Coastal Development Permits within the Venice Coastal Zone.

Ordinance No. 172,897 – On December 22, 1999, an Ordinance establishing a Specific Plan for the Venice Coastal Zone.

Ordinance No. 172,019 – On June 29, 1998, an Ordinance establishing interim regulations relating to the issuance of building permits and the construction of new structures on lots located in whole or in part in that portion of the Venice Community Plan area located within the Coastal Zone, which is the area generally bounded by Marine Street on the north, the City/County boundary, Washington Street and Via Marina on the south, Lincoln Boulevard and Via Dolce on the east, and the Pacific Ocean on the west.

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Surrounding Properties:

Case No. ZA 2013-2003(CDP)(MEL)(ZAA) – On July 18, 2014, the Zoning Administrator denied a Zoning Administrator's Adjustment to allow a 4-foot side yard in lieu of the 5-foot side yard required for a Small Lot Subdivision by the provisions of Section 12.22-C,27(e); and approved a Coastal Development Permit to allow construction, use and management of two single-family dwellings on two separate lots (small lot subdivision) in conjunction with Preliminary Parcel Map AA-2013-2001-PMLA-SL, within the single jurisdiction area of the California Coastal Zone, located at 750 East California Avenue.

Case No. ZA 2011-3310(CDP)(MEL) – On March 8, 2013, the Zoning Administrator approved a Coastal Development Permit to allow the subdivision of one parcel into two parcels for the development of a single-family residence on each parcel located within the single permit jurisdiction of the California Coastal Zone, located at 739 California Avenue.

Case No. ZA 2010-3294(CDP)(MEL) – On June 3, 2011 the Zoning Administrator approved a Coastal Development Permit to allow the construction, use and maintenance of three single-family dwellings on three separate lots (small lot subdivision), in conjunction with Preliminary Parcel Map AA-2010-3291-PIVILA-SL, in the single permit jurisdiction area of the California Coastal Zone, located at 726 East California Avenue.

COMMUNICATIONS RECEIVED PRIOR TO THE PUBLIC HEARING

Sue Kaplan- Opposed- November 17, 2014

There is more in this survey to describe the character of the immediate neighborhood of 710 California. Sixty percent (60%) are one story homes; 69% were built before 1925 mainly in the craftsman and bungalow style. While not saying that new projects must be built in the prevailing style, we do seek that new development respect and reflect in some manner its immediate neighborhood. Venice is known for its diversity of architecture and the community welcomes creative and innovative design in the community. It is not style here that will have the greatest impact but the mass and scale of the project and for this I hope you will deny the permit.

The second disarming feature of this project is the height. It is well over the legal height limit of 30 feet. The proposed project, an extensive remodel, will be in total 32-34 feet high. The rail for the roof deck it is 36 feet high, and with the top of the roof access structure the whole project is 43 feet high.

A variance is by law required here and I am wondering why the applicant has not applied for one. This should be heard in LUPC and sent back to city planning to rule on the validity of a variance. There are five conditions that a variance application must fulfill (they must meet all five) and this project does not meet any. I hope sincerely that City Planning will refuse such a request and require the applicant to redesign it to bring it into compliance with the Venice Specific Plan and the Land Use Plan.

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Mr Springer laid out very well the precarious situation the Venice Coastal Zone finds itself. It is inundated with these type of projects that try to flaunt the specific plan that will destroy the character of Venice as a pedestrian, garden community, and will certainly jeopardize the vitality of one of the last communities that sees itself as a neighborhood.

Each one of these projects has a detrimental impact on our community. The Coastal Commission is concerned that our special beach community be maintained and preserved; the Venice Coastal Land Use Plan is quite clear and specific on this. This project does nothing of the sort.

Please deny the Coastal Development Permit for this application.

Arnold Springer- Opposed- November 14, 2014

Here is a draft objectively constructed matrix which I promised you in my initial query. With this matrix anyone may judge, or 'get a fix on' a proposed new project against what exists currently on the street on which the new project is proposed.

Using this matrix anyone can get a 'feel' for the current massing and scale of the street and see how the proposed new structure 'shapes up' or compares' with what exists currently on that street.

In this way the question of massing, scale, and neighborhood character can be objectively assessed. If you have some better, more professionally constructed and thought-out objective matrix or profile at hand or in mind, or any suggestions for improvement of what I have attempted, please let me and the community know.

In my initial letter to you I said that the project as proposed was higher than that allowed in the Venice Specific Plan and that because of that it required a variance. The proposed project, an extensive remodel, tops out at 32-34 feet high. With the rail for the roof deck it is 36 feet high, and with the top of the roof access structure it is 43 feet high.

As you are aware the Coastal Commission has recently informed City of Los Angeles Planning Department that all so called de minimus projects do need to have a CDP and that is why this project is now being reviewed by you.

The Coastal Commission as I understand it is very concerned that the specifications laid out in the VSP be strictly adhered to. Because the proposed project is over the VSP height limit it requires a variance and I request that the City require a variance and that the project, requiring both a variance and a CDP, be referred to the LUPC of the VNC for consideration.

The other serious issue involved is Massing, Scale, and Neighborhood Character.

This issue, Massing, Scale and Character, is one I am very interested in as well, and the 'California Streetscape Profile' which I present to you below is my take on how an objectively based matrix for assessing compatibility of Massing and Scale can be reached or ascertained.

Exhibit 3

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Commission

At this date California Avenue is poised to be hit by many new developments. There are many for sale signs and notices for city permits having been issued. The reason for this is that the City permitted one project, 724-726-728 to be built last year. This project is 35 feet high, has three SLSO units, and has a house to lot ratio of 113%. It is huge, nigh humongous, and was approved by the City over the objections of the Venice LUPC and the VNC both of which challenged the decision of the City to allow the SLSO to take precedence over the VSP.

For the Venice LUPC haring I objected to this project on the grounds of Massing, Scale and Character, and sent in, that is submitted an initial California Avenue Streetscape Profile to Jake Kaufman, then Chair of the LUPC.

The LUPC (now reconstituted) at that time refused to apply massing and scale and simply disregarded my protest, to my dismay and discouragement. The LUPC only appealed that project on the narrower SLSO vs. VSP issue. Their appeal was denied.

Now this interpretation by City Planning has been reversed by the city planning director after strong protests by the Coastal Commission but the damage has been done on California Ave. There is now in progress a wave of speculative activity, with houses abandoned and up for sale, or already purchased by realtors who are now shopping for client-speculators based on the 724-726-728 permit.

This all needs to stop.

Permits on California must be stopped if they exceed the 30 foot height limit set by the Venice Specific Plan. Anything above this should be required to have a variance because developers are cheating up on the height all over Venice. And, Massing, Scale and Character must be applied by the City in all proposed new projects in the Milwood area if the goal of protecting and preserving and enhancing the unique character of this coastal neighborhood, a goal repeated in all Coastal Commission and even City planning documents, is to be respected and implemented.

Please be certain to include this communication and the accompanying spreadsheet in the ongoing file for this project.

Sincerely and with respect;
Arnold Springer
1666 Electric Ave
Venice California,

Arnold Springer- Opposed- November 4, 2014

I received notification thru the city's Listserv. I have had a chance to review briefly the proposed project.

The project is listed as a substantial rebuilding and renovation.

There are many things wrong here:

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First: The project, without any roof structures, is 34 feet high. They are adding two floors. With the two floors on top of the existing first floor, it is by applicants own calculations 34 feet high to the bottom of the flat roof deck.

Currently the project is two stories with a peaked roof and it is about 25-26 feet high.

As proposed the project is at minimum 4 feet above the maximum allowable under the Venice Specific Plan.

As proposed the project is much higher than 90% of the existing structures on the street.

So in order to be approved it needs a VARIANCE. A CDP will not, in my opinion suffice. It should never have been approved in the first place. It violates the VSP as to its height.

Second: The applicant proposes a roof access structure which tops out at 43 feet high. This is much higher than any other structure on California Avenue between Electric and Lincoln Blvd!

Third: Even without the roof access structure the building's proposed new deck stands at 37 feet (when you include the railing) and that is about 7 feet beyond what is allowed by the Venice Specific Plan.

So for all these reasons, even though it is claimed that the project is an extensive remodel, it needs a variance. It is out of compliance with the VSP

The other issue is massing and scale. This is a big issue in Venice and it is reaching a boiling point. The Coastal Commission has told the City it is very concerned about this issue. I am very familiar with this issue, having served on the LUPC twice since 2004 and for many years on the Venice Town Council Planning and development Committee. I worked extensively on preparations for the Venice LCP, and was chair of the committee which drafted specific criteria for the Milwood area, in which this project is located.

The building project at 710 E., California has not been analyzed to see if it conforms with the character of the street, and specifically to do so you need a comparison of the existing massing and scale of the streetscape on California from Electric to Lincoln. You need an objective standard of judgment in order to see if the proposed project conforms to the existing massing and scale, that is to the character of the street, as specified repeatedly in all the Coastal Commission's published public statements on Venice and massing and scale and neighborhood character.

The physical character of the street IS SUPPOSED TO BE PROTECTED .AND IT IS THE JOB OF THE CITY PLANNING DEPARTMENT AND ITS PLANNERS TO SEE TO THIS.

I will survey the street and turn in to you a streetscape of the south-east side of California from Electric to Lincoln for this project later this week or early next week and send it on to you for your consideration. The frontal streetscape will give good feeling for the massing and scale as it currently exists on Cali

Exhibit 3

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My suggestion is that you consider ruling that this project in fact requires NOT JUST A CDP, but a variance as well as a CDP and that consequently it is virtually a new project and should be remanded to the Venice LUPC for its initial review and hearing.

Please enter this letter in the file on this project so I retain my rights of appeal. As you are aware the Coastal Commission is concerned about massing and scale in Venice's neighborhoods and concerned that the Venice Specific Plan be adhered to in all city permits.

Larry Blanford –Opposed- October 25, 2014

Due to being out of town for the November 20th hearing date, I wanted to reach out and see if the notice I received had a typo as to the proposed height of new construction. The letter informing me of the hearing proposes a 43ft 11 inches (let's call it 44ft)...which, correct me if I'm wrong, is 14ft higher than the limitations of 30ft set by the city. If this is not a typo and is indeed a request to be able to build a 44ft high structure, then I am completely confused if this were allowed to happen.

44FT! As eclectic as Venice is this structure would stand out like a sore thumb... 14ft higher than another dwelling in the entire city of Venice. Just makes no sense. I own the corner lot 2 doors down and I have had no issues with all the current construction going on in the surrounding areas. There is new construction on almost every street in Venice, and for the most part, well within reason. 30ft heights... etc... etc. So if you could please take the time and give me a brief idea as to why restrictions would be lifted for this one particular resident...I'd much appreciate it.

Public Hearing

A Notice of Public Hearing was sent to nearby property owners and or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was held by Hearing Officer Theodore L. Irving, for the Office of Zoning Administration under Case No. ZA 2014-2135(CDP) and CEQA No. ENV 2014-2136-CE on Thursday, November 20, 2014 at approximately 10:00 a.m. at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The decision maker considered all the testimony presented at the hearing, written communication received prior to or at the hearing, or subsequent thereto, and the merits of the project as it relates to existing environmental and land use regulations before issuing this Letter of Determination.

The issues before the Hearing Officer were requests for:

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1. A Coastal Development Permit, pursuant to the provisions of Section 12.20.2 of the Los Angeles Municipal Code, for the proposed demolition of an existing single-family dwelling and the construction of a new 43-foot 11-inches tall, 2,820 square-foot single-family dwelling, located on a 5,401 square-foot lot in the RD1.5-1-O Zone, within the dual jurisdiction area of the California Coastal Zone.
2. Pursuant to Section 21084 of the California Public Resources Code, the above referenced project has been determined not to have a significant effect on the environment and which shall therefore be exempt from the provisions of CEQA.

The applicant's representative presented the project and provided details of the requests, and clarified the actual height of the structure. No new construction will not have a building height of 43 feet has stated in the hearing notice. The proposed height of the dwelling is 25 feet; there will be a parapet wall and rail that will extend an additional 3 feet 6 inches. The rooftop access is expected to be no more than 10 feet when measured from the flat roof portion of the structure.

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

...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.

Chapter 3 of the Coastal Act further states new development shall be located "where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." New development shall be designed to protect the "scenic and visual qualities of coastal areas."

The applicant is requesting a coastal development permit authorizing the demolition of the existing single-family dwelling and the construction of a new two-story, 2,820 square-foot single-family dwelling, with a detached 345 square-foot garage, 80 square-foot mechanical room, and a 680 square-foot recreation room on a 5,401 square-foot site.

- a. **Shoreline Access:** The proposed development neither interferes with nor reduces such access. Other lots in the area are similarly developed with single- and two-family dwellings. The applicant has requested no deviations from the Municipal Code or Venice Coastal Zone Specific Plan with respect to required parking, building height, setbacks or yard areas and will provide two covered parking spaces and one uncovered parking space on the subject property.
- b. **Recreation and Visitor Serving facilities:** The project site does not adjoin any recreation and visitor serving facilities and as such will not result in any adverse impacts on such facilities.
- c. **Water and Marine Resources:** This project will not affect any marine resources. The project is well above the high tide line and will not have any identifiable effect on the Pacific Ocean, or on the sandy inter-tidal zone, or on the Del Rey Lagoon or the Ballona Wetlands. The subject property does not have direct access to any water or beach so there will be no dredging, filling or diking of coastal waters or wetlands. There is no commercial fishing or recreational boating on or adjacent to the property.
- d. **Environmentally Sensitive Habitat Area.** The project is within a well established residential community west of Lincoln Boulevard, which is a major commercial corridor in the area. The proposed project is limited to the boundaries of the private property in an area that is substantially improved with single- and two-family dwellings and will have no impact on the Wetlands.
- e. **Scenic and Visual Qualities of Coastal Areas 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. The project is located within a fully-established area in the Venice neighborhood. As such, the proposed project will not negatively affect the scenic and visual qualities of the Coastal Area.
- f. **Minimize Risk to Life and Property:** New development shall minimize risks to life in areas of high geologic, flood, and fire hazard; and assure stability and structural 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 land forms along bluffs and cliffs. The proposed project consists of the demolition of an existing single-family dwelling and the construction of a new single-family dwelling, which will be constructed in conformance with the 2013 Green Building Code and the 2013 Building Code which mandate using energy efficient appliances, green building materials, and water conservation measures. No grading is proposed. The project will be required to comply with the City's Best Management Practices for controlling runoff during and after construction. As conditioned, the project will not have any impact on risks to life and property.

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.**

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

Policy I.A.2 of the LUP states: "ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development." The proposed development is located in Southeast Venice where the single-family dwellings are primarily one and two-stories with roof decks in a variety of architectural styles. The LUP and the Specific Plan permit roof access structures and decks subject to height restrictions. The design, density, and scale of the proposed, two-story single-family dwelling are allowed under the site's RD1.5-1 Zone, its Low Medium II Residential land use designation, and within the Venice Coastal Zone Specific Plan. Approval of the single-family development will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

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

The Zoning Administrator has compared the project to the Guidelines and found that it is consistent with requirements for building height, setbacks, use, design, and off-street parking. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program.

With respect to the proposed demolition and construction, the subject property is an existing lot improved with a single family residence which does not provide access to or from the beach and there is no evidence of any previous public ownership of the lot. All of the lots in the vicinity are classified in the same zone and many are being similarly utilized as proposed in this project. The proposed project will not conflict with the goal of providing appropriately located public access points to the coast. The Interpretive Guidelines have been reviewed, analyzed and considered in light of the individual project in making this determination, and the project, as conditioned, is consistent with such guidelines.

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

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their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The Coastal Commission has consistently indicated concerns for the public views, important resources, accessibility, and improved access to recreational opportunities for the public and the impacts to marine resources or sensitive habitats. No outstanding issues have emerged which would indicate a conflict between this requests and any other decision of the Coastal Commission. Inasmuch as the property has no physical connection to the beach or any body of water, there are no Commission actions related to marine resources, wetlands, fishing, diving or other water related issues.

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.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is located approximately one half mile from the closest body of water within the coastal zone. Despite the relatively close distance to the water, the project will not affect public access to the coast as it does not result in a loss of on-street parking spaces or does it fail to provide adequate on-site parking for the dwelling. The proposed single-family dwelling has a garage which is accessed from a driveway along California Court. In addition, there are no environmentally sensitive areas or known archeological or paleontological resources on the site. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

The demolition of the single-family dwelling and the construction of a new single-family dwelling in an urbanized area have been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of the California Environmental Quality Act ("CEQA"). The project was issued Notice of Exemption (2014-2136-CE, Class 3, Category 1) on July 16, 2014. T

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project is subject to numerous Building Code and Los Angeles Municipal Code regulations which were adopted to protect the environment, and public health and welfare. As such, the environmental clearance for the development is appropriate pursuant to CEQA.

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 applicant has filed for a Mello Exemption.

The proposed project is the demolition of a single-family dwelling and the development of a new single-family dwelling on a 5,401 square-foot site in, the RD1.5-1 Zone. The site is currently occupied by one older single-family dwelling with a detached garage built in 1929 and 1921, respectively, that are to be demolished. No persons will be displaced, as the dwelling is owner-occupied, and there are no tenants.

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 September 11, 2014, the subject project was issued a Notice of Exemption, log reference ENV 2014-2136-CE, for a Categorical Exemption, Class 3, Category 1. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Theodore L. Irving, Planning Staff for the Office of Zoning Administration at (213) 978-1366.



LINN K. WYATT
Chief Zoning Administrator

LKW:TLI:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

Exhibit 3

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California Coastal
Commission

Photo of Subject Site Before Demolition



Photo credit: Google Maps, Feb. 2016

Exhibit 4

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California Coastal
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Photo of Subject Site Before Demolition - From Alley



Photo credit: Google Maps, July 2011



Photo credit: Google Maps, April 2015

Exhibit 4

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California Coastal
Commission

Photo of Subject Site - 8/8/16



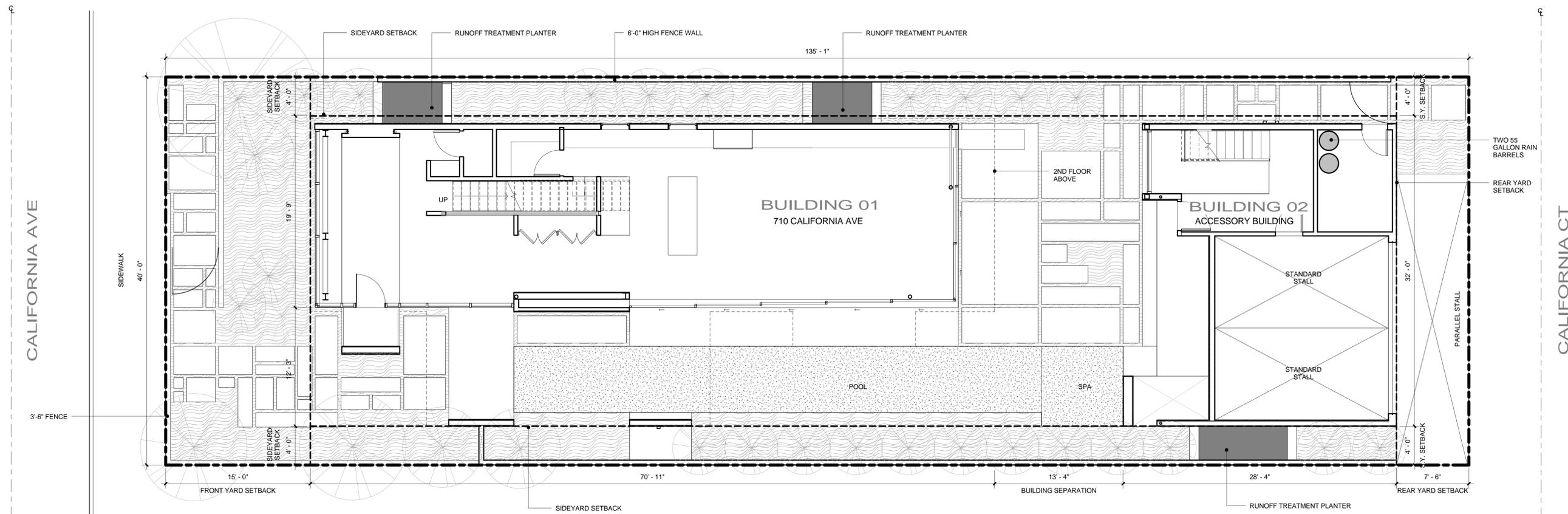
Photo credit: Commission Staff

Exhibit 4

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California Coastal
Commission



1 SITE PLAN
3/16" = 1'-0"

One S.F.D. & One A.L.Q.
 710 California Ave
 Venice CA 90291

OWNER
 Phyllis Chavez
 710 California Avenue
 Venice, CA 90291

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 m_Royce Architecture
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 Marina Del Rey, CA 90292
 +1.323.230.0001
 mroycearchitecture.com

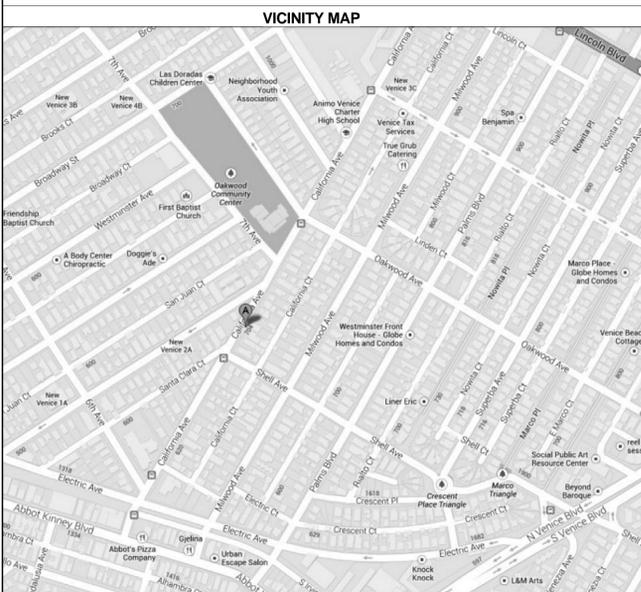
ISSUE DATE
 MAY 30, 2014

REVISIONS

No.	Date	Description

C.D.P.

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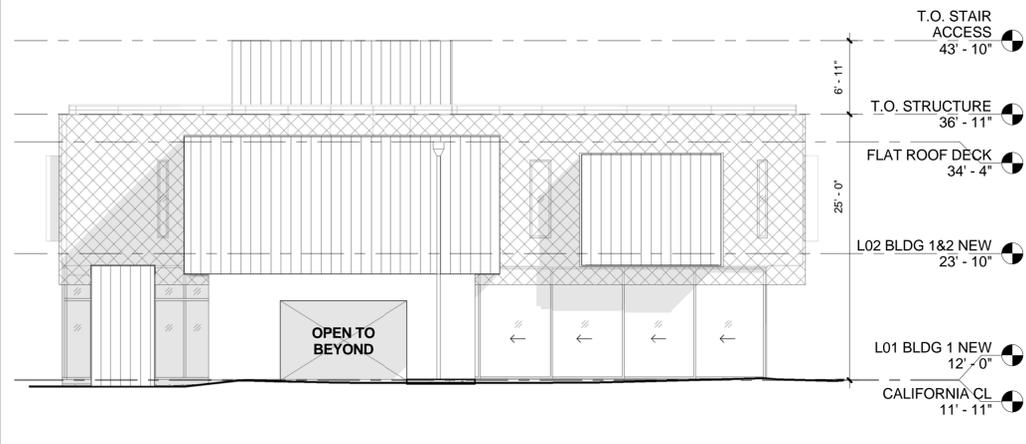


PLOT INFORMATION
 Zoning: RD1.5-1
 APN #: 4241006006
 Legal Description: Lot 6, Block 4 of Venice Park Tract
 Lot Area: 5,401.7 SF
 Existing Building 01: 1,019 SF, 2 Story
 Existing Use: One Single-Family Dwellings

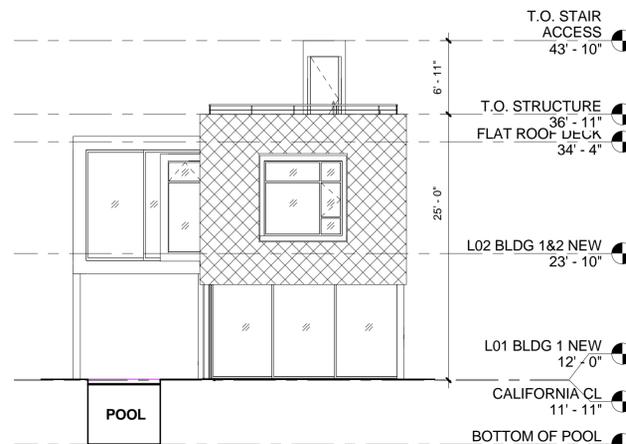
PROJECT DIRECTORY
ARCHITECT
 m_RA
 m_Royce Architecture
 625 Oxford Ave.
 Venice, CA 90292
 Matthew Royce, AIA
 323.230.0001
 matthew@mroycearchitecture.com

OWNER
 Phyllis Chavez
 710 California Avenue
 Venice, CA 90291

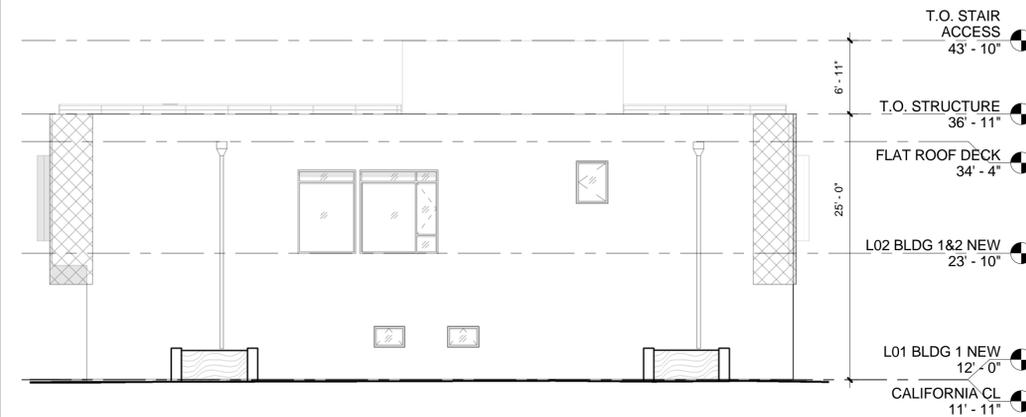
PARKING CALCULATION
Parking Analysis
 3 total parking spaces provided as required per Venice Specific Plan, Section 13:



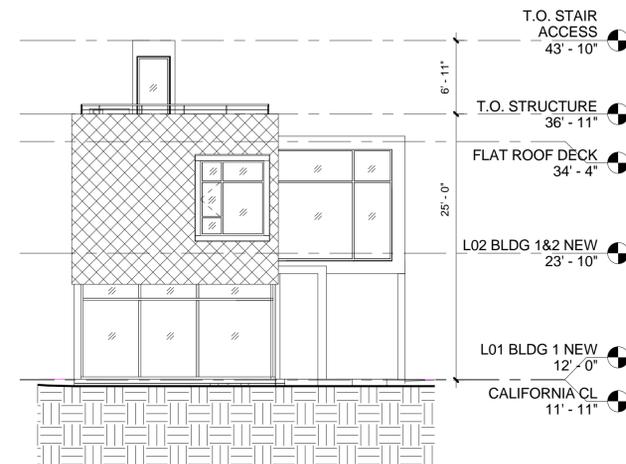
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1/8" = 1'-0"



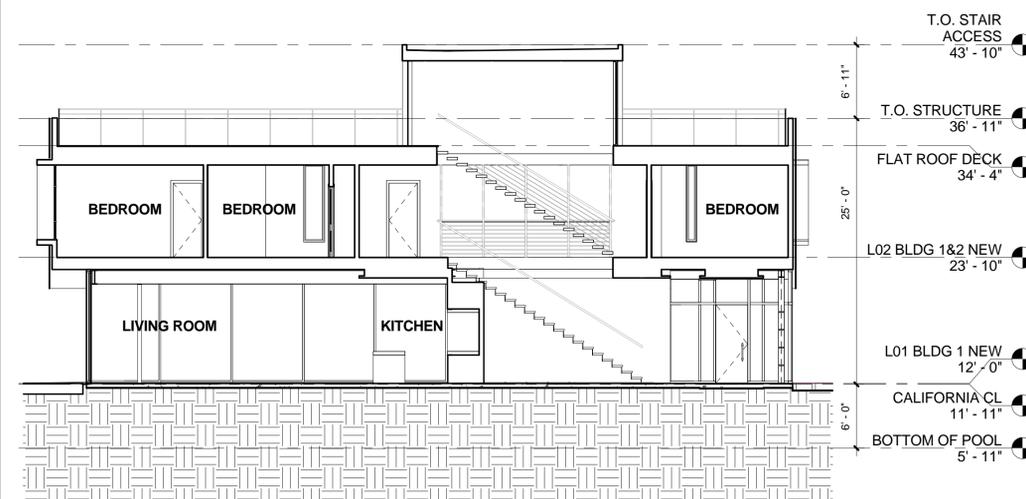
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1/8" = 1'-0"



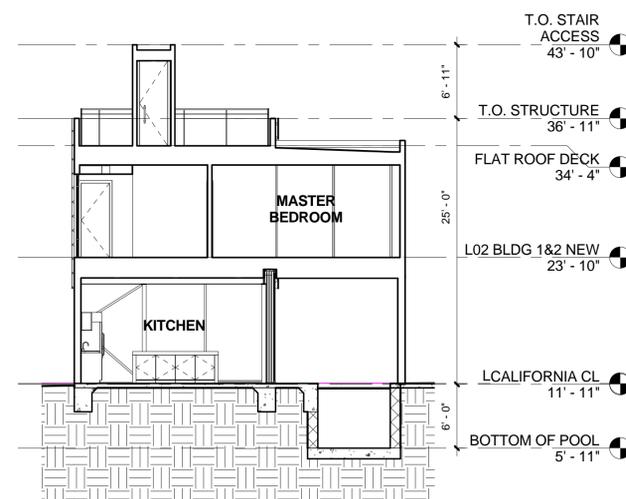
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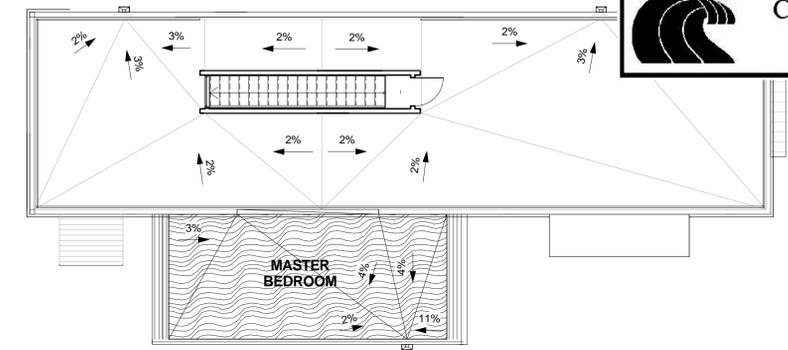
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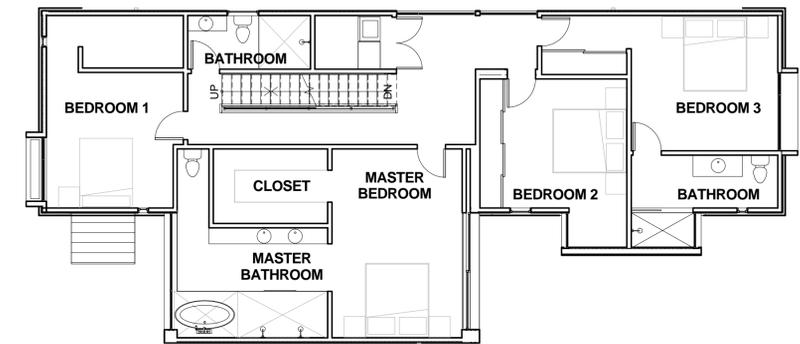
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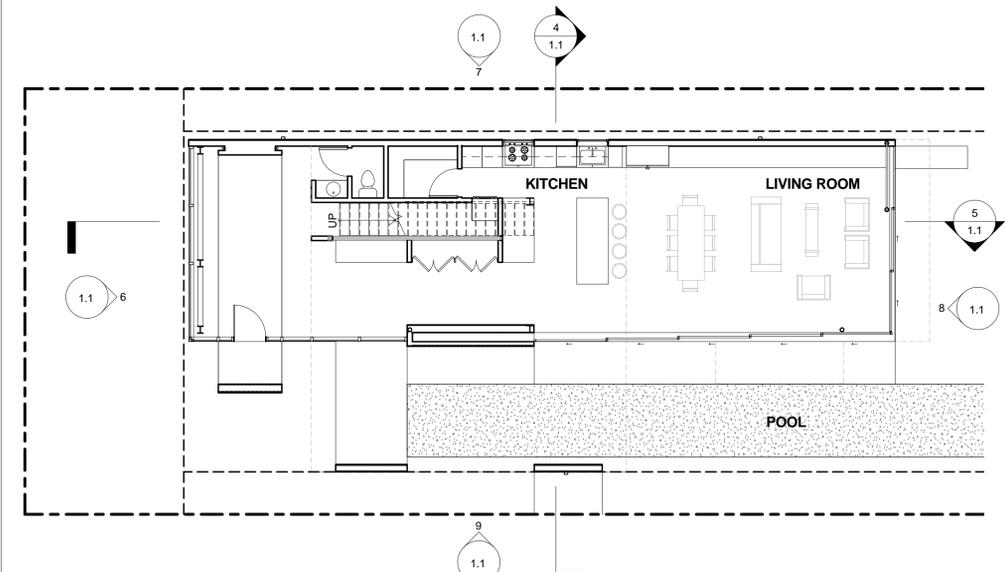
4 SECTION 01
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3 BUILDING 01 ROOF DECK
1/8" = 1'-0"



2 BUILDING 01 LEVEL 02 PLAN
1/8" = 1'-0"



1 BUILDING 01 LEVEL 01 PLAN
1/8" = 1'-0"

One S.F.D. & One A.L.Q.

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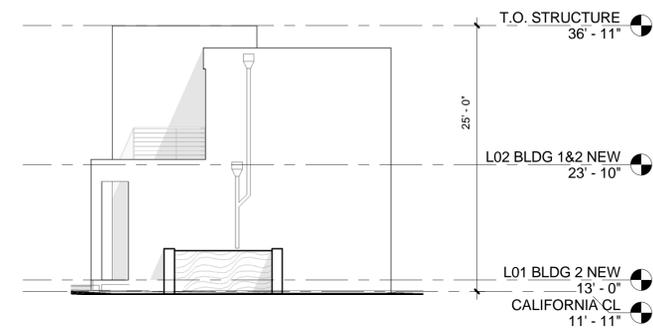
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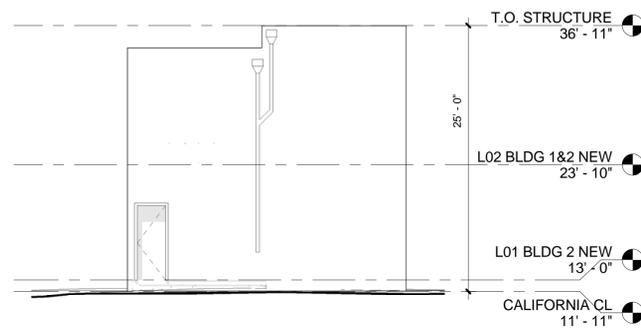
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BLDG 01 C.D.P.
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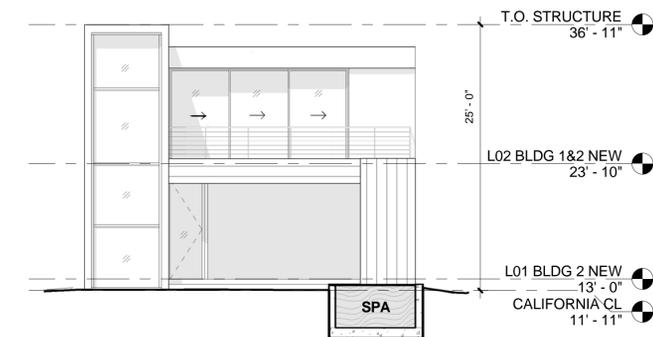
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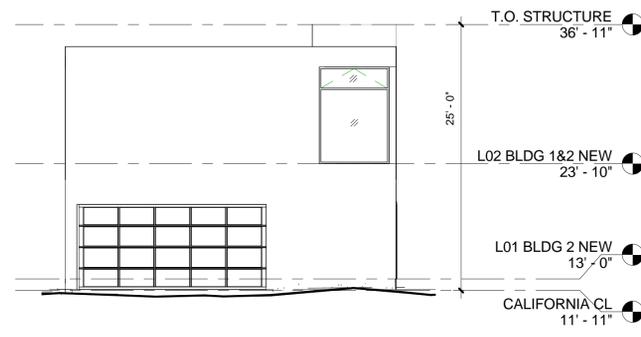
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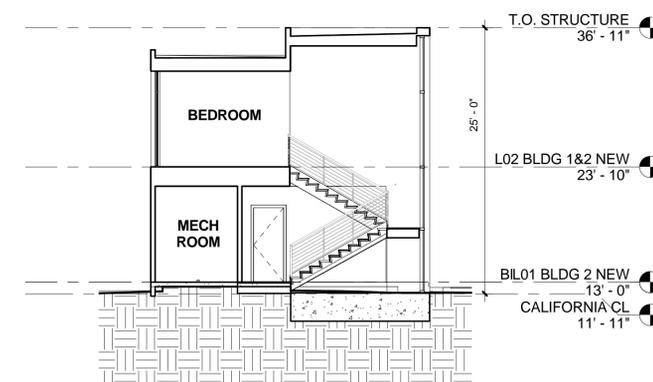
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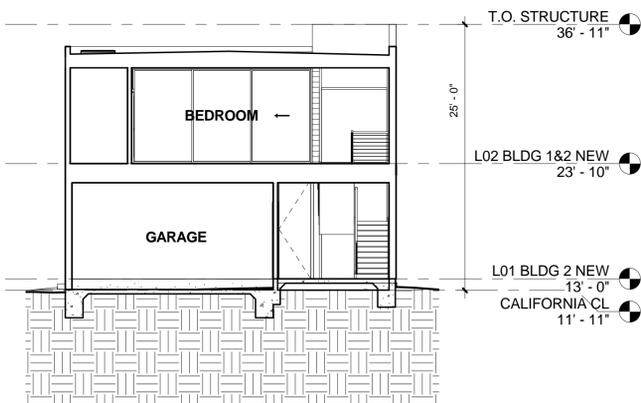
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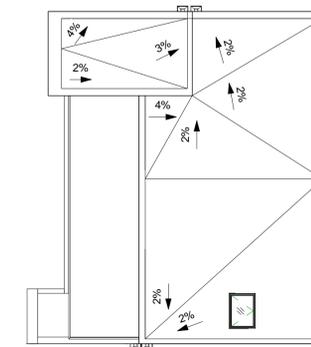
6 EAST ELEVATION - BLDG 02
1/8" = 1'-0"



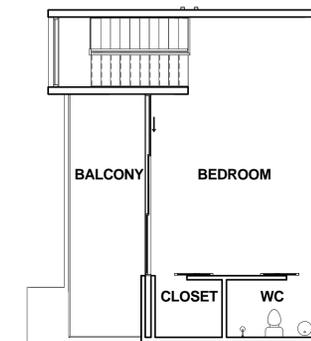
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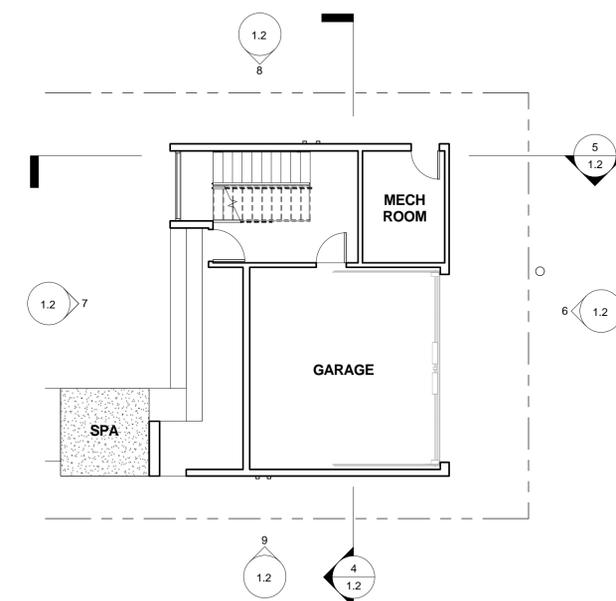
4 SECTION 01 - BLDG 02
1/8" = 1'-0"



3 ROOF PLAN BLDG 2
1/8" = 1'-0"



2 L02 BLDG 2
1/8" = 1'-0"



1 L01 BLDG 2
1/8" = 1'-0"

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ISSUE DATE
MAY 30, 2014

REVISIONS

Number	Date	Description

BLDG 02 C.D.P.
DRAWINGS

1.2



Department of City Planning

Case Summary & Documents

Los Angeles, CA
 Fair with Haze
 68.0 F
 Winds: 0.0 mph
 City / County Traffic

Case Number Ordinance Zoning Information CPC Cards

Case Number: Format: AA-YYYY-1234 Example: ZA-2011-3269 [Advanced Search Help](#)

Case Number: DIR-2013-2261-VSO
Case Filed On: 07/25/2013
Accepted for review on: 07/25/2013
Assigned Date:
Staff Assigned:
Hearing Waived / Date Waived : Yes / 07/25/2013
Hearing Location:
Hearing Date / Time: 12:00 AM
DIR Action: APPROVED WITH CONDITIONS
DIR Action Date: 07/25/2013
End of Appeal Period:
Appealed: No
BOE Reference Number:
Case on Hold?: No

Primary Address

Address	CNC	CD
710 E CALIFORNIA AVE 90291	Venice	11

[View All Addresses](#)

Project Description: MAJOR REMODEL/ADD'N TO (E) 2 DETACHED SFDS
Requested Entitlement: MAJOR REMODEL/ADD'N TO (E) 2 DETACHED SFDS
Applicant: PHYLLIS CHAVEZ [Company:]
Representative: MATTHEW ROYCE [Company:M_ROYCE ARCHITECTURE]

Permanent Link: <http://planning.lacity.org/pdiscaseinfo/CaseId/MTkyNTcz0>

0 Case Documents found for Case Number: DIR-2013-2261-VSO			
Type ^	Scan Date	Signed	
No Documents were found			



City of Los Angeles ZIMAS Assessor Information for 710 California Avenue, 8/18/16

ZIMAS Public

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710 E CALIFORNIA AVE Font: A A + -

Address/Legal

Site Address: 710 E CALIFORNIA AVE
 ZIP Code: 90221
 PIN Number: 108B145 732
 Lot/Parcel Area (Calculated): 5,401.7 (sq ft)
 Thomas Brothers Gnd: PAGE 071 - GRID H5
 Assessor Parcel No. (APN): 4241006006
 Tract: VENICE PARK TRACT
 Map Reference: M B 5-187
 Block: 4
 Lot: 8
 Aft (Lot Cut Reference): None
 Map Sheet: 108B145

Jurisdictional

Planning and Zoning

Assessor

Assessor Parcel No. (APN): 4241006006
 Ownership (Assessor)
 Owner1
 Address
 Ownership (Bureau of Engineering, Land Records)
 Owner
 Address
 APN Area (Co. Public Works)*: 0.124 (ac)
 Use Code: 0200 - 2 units (4 stories or less)
 Assessed Land Val.: \$2,000,000
 Assessed Improvement Val.: \$0
 Last Owner Change: 12/16/15
 Last Sale Amount: \$2,000,020
 Tax Rate Area: 07
 Deed Ref No. (City Clerk): 914340
 Deed Ref No. (City Clerk): 778933
 Deed Ref No. (City Clerk): 430873
 Deed Ref No. (City Clerk): 248753
 Deed Ref No. (City Clerk): 1582168
 Deed Ref No. (City Clerk): 1480318

Deed Ref No. (City Clerk): 1016191

Building 1
 Year Built: 1921
 Building Class: D4A
 Number of Units: 1
 Number of Bedrooms: 2
 Number of Bathrooms: 1
 Building Square Footage: 752.0 (sq ft)

Building 2
 Year Built: 1929
 Building Class: D5B
 Number of Units: 1
 Number of Bedrooms: 2
 Number of Bathrooms: 2
 Building Square Footage: 1,019.0 (sq ft)

Building 3: No data for building 3
 Building 4: No data for building 4
 Building 5: No data for building 5

Case Numbers

Citywide/Code Amendment Cases

Additional

Seismic Hazards