

**CALIFORNIA COASTAL COMMISSION**

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



# Th8d

Filed: 08/29/2017  
49<sup>th</sup> Working Day: 11/07/2017  
Staff: DT-LB  
Staff Report: 09/28/2017  
Hearing Date: 10/12/2017

**STAFF REPORT: APPEAL –NO SUBTANTIAL ISSUE**

**Appeal No.:** A-5-VEN-17-0045

**Applicant:** Pacific Crest Consultants

**Agent:** Chris J. Parker

**Local Government:** City of Los Angeles

**Local Decision:** Exemption from Coastal Development Permit

**Appellants:** Sue Kaplan, Robin Rudisill, Carolle Howes, Gabriel Ruspini, George Gineris, Ingrid Mueller, Mary Jack

**Location:** 433 Rialto Avenue, Venice, Los Angeles, Los Angeles County

**Project Description:** Appeal of City of Los Angeles Coastal Exemption No. DIR-2017-2882-CEX for remodel of existing single-family dwelling and detached garage; replace windows and sidings, rebuild floor structure, new roofing, net reduction of 76 sq. ft.; no change in footprint.

**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), or those who, for good cause, were unable to oppose the application before the local government, 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

Staff is recommending that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed because the locally approved development does qualify for an exemption and consequently does not require a coastal development permit from the City of Los Angeles. The motion to carry out the staff recommendation is on page 4.

The subject site, made up of three conjoined lots (Lots Nos. 11, 12, and 13 of Block 11 of Venice of America Tract) with a total area of approximately 8,100 sq. ft., is developed with a two-story single-family residence and a detached two-story garage, both of which are proposed to be remodeled ([Exhibit 1](#)). The house was originally constructed in 1910 and has been designated by the City as a contributor to the Lost Canals Historic District according to a 2016 SurveyLA study. Most residential lots located within this district are approximately 2,700 square feet and contain homes built from the 1910s to early 1920s that are one to two stories high. The project which is the subject of the appeal will result in an improvement to the structures and will not alter the footprints or heights of the buildings.

The primary grounds raised by the appellants for this project relate to their desire to preserve the visual and community character of Venice because the subject was designated as contributor to the historic character of the Venice Canals. They assert that because the building is being altered, a coastal development permit should be executed in order to preserve the visual character of the house. In addition, the appellants contend that the exemption procedure does not offer automatic review for cumulative impacts to historic coastal resources and that any changes to historic resources must be reviewed. However, neither the designation of Venice as a Special Coastal Community in the certified-LUP nor the status of the existing structures as contributors to the historic district are relevant to the determination of whether development is exempt from the need to obtain a coastal development permit consistent with Section 30610 of the Coastal Act and Title 14, Section 13250 of the California Code of Regulations. The Coastal Act specifically allows for exemptions from permitting requirements for the improvement of existing single-family dwellings provided no significant environmental impacts occur. Based on a review of the project plans and record for this matter, Commission staff has confirmed that the City correctly determined that the project is an improvement to a single-family residence that qualifies for a permit exemption, consistent with the requirements of Section 13250 of the California Code of Regulations.

Therefore, the proposed development is exempt from the requirement to obtain a coastal development permit and the appeal does not raise a substantial issue with any policy or provision of the certified LUP, the Coastal Act, or the Commission's Regulations.

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### EXHIBITS

- [Exhibit 1 – Project Location Map](#)
- [Exhibit 2 – Appeal Packet](#)
- [Exhibit 3 – Historic Monument Application](#)
- [Exhibit 4 – Decision Letter on Historic Monument Status](#)
- [Exhibit 5 – Exemption Letter from City of LA](#)
- [Exhibit 6 – Venice Specific Plan review verification](#)
- [Exhibit 7 – Project Plans](#)
- [Exhibit 8 – Site Visit, 9/13/17](#)

### APPENDICES

Historical Resources Assessment Report and Environmental Impacts Analysis, PCR Services Corporation, January 2016

## **I. MOTION AND RESOLUTION**

### **Motion:**

*I move that the Commission determine that Appeal No. A-5-VEN-17-0045 raises **NO substantial issue** with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act.*

Staff recommends a **YES** vote. Passage of this motion will result a finding of No Substantial Issues 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 affirmative vote of a majority of the Commissioners present.

### **Resolution:**

*The Commission hereby finds that Appeal No. A-5-VEN-17-0045 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 Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

## **II. APPELLANTS' CONTENTIONS**

On August 29, 2017, the Commission received an appeal of City of Los Angeles Local Coastal Exemption DIR-2017-2882-CEX from Carolle Howes, Gabriel Ruspini, George Gineris, Ingrid Mueller, Mary Jack, Robin Rudisill and Sue Kaplan ([Exhibit 2](#)). The appellants contend that the development should be required to obtain a coastal development permit. Appellants further contend that 1) historic resource impacts under CEQA need to be analyzed in relation to this site because of the property's designation as a possible significant historic property in the SurveyLA; 2) coastal development permit review procedure must occur for compliance with protection of historical resources under the Coastal Act; and 3) that because of its historic status "an erroneous interpretation and decision... will cause an accelerated adverse cumulative impact", and therefore is inconsistent with the Venice certified Land Use Plan (LUP) and the Chapter 3 policies of the Coastal Act (specifically section 30610). For the reasons listed above, the appellants contend that the City-approved exemption should not stand and the proposed project must be afforded the coastal development permit process in order to prevent the erosion of community character.

## **III. LOCAL GOVERNMENT ACTION**

On February 14, 2014, an application was submitted by Brian Finney to the City of Los Angeles Department of City Planning to declare the site as a historic monument ([Exhibit 3](#)). On May 15, 2014, the City Cultural Heritage Commission conducted a hearing in response to the landowners' request. On May 27, 2014, under case numbers CHC-2014-461-HCM and ENV-2014-462-CE, the Cultural Heritage Commission consensus declared that the property did not meet requirements

listed under Section 22.171.7 of the Los Angeles Administrative Code describing historic-cultural monuments and declined to fulfill the request to declare the property as such ([Exhibit 4](#)).

On July 20, 2017, the City of Los Angeles Department of City Planning issued Coastal Exemption No. DIR-2017-2882-CEX for “Remodel of existing single-family dwelling and detached garage. Replace windows, rebuild floor structure, new roof, net reduction of 76 sq. ft. No change in footprint” ([Exhibit 5](#)). On August 1, 2017 under case number DIR-2017-3055-VSO, the City’s Director of Planning issued a sign-off for compliance with the Venice Specific Plan in which project descriptions conformed to the North Venice Subarea development regulations. A Director sign-off is the proper specific plan clearance for improvements to a single-family residence that is not on a Walk Street ([Exhibit 6](#)). The City sent the CEX to the Commission’s South Coast District office, which received it on August 1, 2017. The Coastal Commission staff then established the Commission’s twenty working-day appeal period.

The appellants filed an appeal from the local coastal permit decision, which was received in the Commission’s South Coast District office on August 29, 2017. Notifications of Appeal were sent to the Los Angeles Department of City Planning and the applicant, notifying each party of the appeal of Case No. DIR-2017-2882-CEX, and the City’s decision is stayed pending Commission action on the appeal. The applicant did not waive the 49-working day rule for hearing 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, and Section 30625 makes clear that claims of exemption are among the appealable actions.

After a final local action on a local coastal development permit application or a coastal exemption, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice that 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 stating the specific grounds for appeal and summarizing 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 approved project's conformity with Chapter 3 of the Coastal Act. However, the Chapter 3 policies of the Coastal Act do not apply if the project is exempt from permitting requirements pursuant to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations. Accordingly, for appeals of coastal exemption determinations such as this, the Commission's role is to determine whether there is factual and legal support for the local government's exemption determination. If there is no substantial issue with regard to the propriety of the exemption determination, then there is also no substantial issue with regard to Chapter 3 conformity because those policies do not apply to exempt development. If the Commission decides that there is no substantial issue with the exemption determination—and thus Chapter 3—the action of the local government becomes final.

If, however, the Commission finds that a substantial issue exists with respect to the locally-approved project's conformity with Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations, then the local coastal development permit decision is voided and the Commission typically continues the public hearing to a later date in order to review the claim of exemption as a de novo matter [Cal. Pub. Res. Code §§ 30621 and 30625]. The standard of review for the de novo portion of an appeal is the same as described above—consistency with Chapter 3, as determined by analyzing consistency with Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations. Should the Commission deny the claim of exemption and determine that a coastal development permit is required, then the Chapter 3 policies of the Coastal Act are the standard of review if the applicant applies for, and the local jurisdiction considers, the permit. [Cal. Pub. Res. Code § 30625.]

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. 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), or those who, for good cause, were unable to oppose the application before the local government, 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 subject site, made up of three conjoined lots (Lots Nos. 11, 12, and 13 of Block 11 of Venice of America Tract) with a total area of approximately 8,100 sq. ft., is developed with a two-story single-family residence and a detached two-story garage with an upstairs recreation room, both of which are proposed to be remodeled ([Exhibit 1](#) and [Exhibit 8](#)). The house was originally constructed in 1910 and has been designated by the City as a contributor to the Lost Canals Historic District according to a 2016 SurveyLA study. Most residential lots located within this district are approximately 2,700 square feet and were historically built out from the 1910s to early 1920s with homes that are one to two stories high. The site is located within the City of Los Angeles Single Permit Jurisdiction Area and is designated as a low to medium density residential land use by the certified Venice LUP. The surrounding neighborhood is comprised of single-family homes and duplexes ([Exhibit 1](#)).

On July 20, 2017, the City of Los Angeles Department of City Planning issued Coastal Exemption No. DIR-2017-2882-CEX for "Remodel of existing single-family residence and detached garage. Replace windows, rebuild floor structure, new roof, net reduction of 76 sq. ft. No change in footprint" ([Exhibit 5](#)).

According to detailed plans approved by the City pursuant to Case No. DIR-2017-2882-CEX ([Exhibit 7](#)), the scope of the proposed project includes the following:

*Main House Roof/ Dormers* – 56% of main house roof will remain in place. Two second-story dormers will be replaced; portion of the roof (existing hipped roof) to be replaced with new shed roof below dormers facing north. Some of the rafters will be replaced as part of the heightened dormers. Eaves reduced from 24' to 6'. Textured glass shingles to replace existing roof covering.

*Main House Floor/ Foundation/ Basement* – A part of the existing sloping wooden floor will be replaced with 1,286 sq. ft. concrete slab. Addition of basement of 170 sq. ft. for mechanical equipment storage.

*Main House Walls/ Windows* – All exterior walls will remain in place but all windows and doors will be replaced. New sidings will be added.

*Garage* – Two dormers to be added to the roof. Install new windows to second floor and install new doors to north (alley-side) and south facing side. Exterior staircase to second-story recreation room will be added including a new door opening to the east. Half bathroom

will be added. Total recreation room floor area of 334 sq. ft. Height of 20’ will not be altered.

The following chart is shown on Sheet A0 (Area Calculations for CEX) of City-approved plans for alterations of surface area:

<b>Main House Wall Area</b>	Replaced	Existing	%
North	163	313	
East	572	891	
South	38	305	
West	115	891	
Total	898*	2400	37
Roof Area	984	2218	44
Total House	1882	4618	41

\*Addition of 98 sq. ft. to main house dormers

<b>Garage Wall Area</b>	Replaced	Existing	%
North	112	207	
East	20	309	
South	0	207	
West	0	309	
Total	382*	1032	37
Roof Area	375	708	53
Total Garage	757	1740	44

\*Addition of 250 sq. ft. to garage dormers

The existing house is 2,329 sq. ft.; after the remodel, the floor area will be 2,190 sq. ft. (1,579 sq. ft. on 1st floor, 611sq. ft. on 2nd floor). The existing height of the house is approximately 24’ and will not change. The project pertains mostly to non-structural remodeling. However, the floor of the main house and some of the rafters will be replaced as part of the heightened dormers. The tables above show that more than 50% of the exterior walls and roof will remain. Replacement of sidings and roofing material does not affect structural components such as rafters and studs. The existing footprint, height and building area is to remain the same.

In addition, the building’s status as possible historic monument was denied by the City and does not establish the house as historic. Even so, the applicant contracted services to assess the historic status and environmental impacts of the property (*Historical Resources Assessment Report and Environmental Impact Analysis*, 2016). The assessment provided guidance for the project to comply with current regulations. The current project has been reviewed by the City Architect in the Office of Historic Resources and the project was approved for a CEX under review from the City Planner.

**B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUES 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. As described above, in the case of



appeals of coastal exemptions (Section 30625(a) of the Coastal Act), this standard requires the Commission to determine if there is factual and legal support for the local government's decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations.

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

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

Staff is recommending that the Commission find that **no substantial issue exists** with respect to whether the local government actions conform to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations for the reasons set forth below.

### **C. SUBSTANTIAL ISSUE ANALYSIS**

The primary grounds for appeal raised by the appellants are that due to Venice's designation as a "Special Coastal Community" in the certified Venice Land Use Plan (LUP) and the potential historic designation of the project site, *any* work conducted on the site is non-exempt "development" as defined in the Coastal Act, regardless of whether it results in significant adverse impacts on environmental resources whose definitions include resources of historic or aesthetic significance. The appellants claim that a coastal development permit should therefore have been required. However, neither the designation of Venice as Special Coastal Community in the LUP nor the status of the existing structures as arguably historic are relevant to the determination of whether development is exempt from the need to obtain a coastal development permit consistent with Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations.

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

*“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials...; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility...*

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

Coastal Act Section 30610 (a) Developments Authorized Without Permit, states:

*Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for...improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.*

The regulations referred to in Coastal Act Section 30610 are set forth in the California Code of Regulations Title 14 Sections 13250 (a) and 13250 (b). Section 13250 (a) exempts improvements to single-family residences, fixtures directly attached to a residence, and new structures normally associated with single-family residences such as garages, swimming pools, fences and storage sheds, and/or landscaping within the property boundaries.

The City-approved project constitutes an improvement since the structures being remodeled includes all fixtures directly attached to the residence and includes detached structures which are normally associated with single-family residences such as garages and basements pursuant to California Code of Regulations under Section 13250(a)(1) and Section 13250(a)(2). Although basements are not specifically outlined, basements are structures which are normally associated with single-family residences. Therefore, the projects' scope of work does not violate Section 13250(a) of the Regulations.

Section 13250(b) Improvements to Existing Single-Family Residences, states:

*Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:*

- (1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.*
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;*

(3) *The expansion or construction of water wells or septic systems;*

(4) *On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.*

Section 13250 (b) describes projects which require a permitting process due to their potential for adverse environmental impacts, including development located in geologically and environmentally sensitive areas such as the beach, wetlands, environmentally sensitive habitat areas, coastal bluffs, or areas officially designated by the Commission as highly scenic. The subject site is not located within significant scenic resource areas as designated by the Commission, is located approximately 1,900 feet from the inland extent of the beach, and is not located in any of the other sensitive areas listed in this regulation. Accordingly, it does not meet an exception to the otherwise applicable exemption due to its potential to have environmental effects.

Coastal Act Section 30610(a) allows permit exemptions for *improvements* to an existing single family residence as long as they do not result in a significant adverse impact on environmental resources. The scope of work proposed does not include demolition of over 50% of the structure and does not alter the height, bulk, or footprint of the structure. Furthermore, although there are no regulations governing the addition of a basement, basements are fixtures attached to a residence and are normally associated with a single-family dwelling pursuant to Cal. Code of Regs Section 13250. In addition, the projects' location is outside of the geographic area described under Section 13250 (b) and is therefore consistent with the Coastal Act.

One of the appellants' contentions is that Venice is a Special Coastal Community and that its historical character must be preserved as required by Chapter 3 of the Coastal Act, and that the issuance of coastal exemptions for remodels of old potentially historic buildings undercuts the requirements of the Coastal Act. However, neither the designation of Venice as Special Coastal Community in the certified-LUP nor the status of the existing structures as contributors to the historic district are relevant to the determination of whether development is exempt from the need to obtain a coastal development permit. The procedures for determining what projects require a permit and which are exempt from permit requirements are set forth in Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations. Section 30610 specifically states that improvements to single family homes are exempt from permitting requirements unless the Commission has specified, by regulation, that a particular class of development is not exempt due to the risk of adverse environmental effects. The Commission has not issued any regulations specifying that improvements to homes in historic districts are disqualified from using the

exemption for improvements to single family homes. Thus, there is no basis to reject the exemption request and require a coastal development permit in this instance.

The appellants also contend that cumulative environmental impacts in Venice are a result of the lack of review under the Coastal Act and CEQA for demolition/alteration of historic structures located in a special community zone and as a result must be reviewed. In regards to the claim of cumulative impacts under the Coastal Act, the Commission's regulations do not allow exceptions to exemptions due to impacts on historic homes. The Commission therefore does not have the authority to create such an exception in this case and to require a coastal development permit. With regard to appellants' claim that a CEQA Compliance Review needs to be required, the alleged failure of a lead agency to conduct adequate CEQA review is not a basis for an appeal, and the Commission has no authority to review a lead agency's CEQA determination through an appeal process. Thus, the appellants' contentions do not raise a substantial issue.<sup>1</sup>

Applying the five factors listed in the prior section clarifies that the appeal raises "no substantial issue", and therefore, does meet the substantiality standard of Section 30625(a).

The first factor is the degree of factual and legal support for the local government's decision that the development is exempt from CDP requirements. The City used detailed plans in its determination to issue this coastal exemption for the proposed project. According to the plans approved by the City, the proposed project is a remodel which does not change the footprint or height of the existing structures and a minor addition to internal floor area. A heightened roofline along the dormers of the main house and garage are being proposed. Therefore, the proposed project is considered an improvement to an existing single-family residence. The City did not err in its issuance of the coastal exemption pursuant to Section 30610 of the Coastal Act.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the locally approved development is clear because there are City-approved plans available to determine the scope. Based on the project descriptions and plans, the City was able to determine that the proposed project constitutes an improvement to an existing single-family residence on the site thus preserving the original structure, and therefore is eligible for the coastal exemption. Therefore, the full extent and scope of the City-approved project was reviewed by the City and determined to qualify for a coastal exemption.

The third factor is the significance of the coastal resources affected by the decisions. However, this factor is directly tied to the Chapter 3 policies of the Coastal Act, which, as stated in previous sections, is not relevant when considering appeals of coastal exemptions. Rather, in the case of appeals of coastal exemptions, the Commission must determine if there is factual and legal support for the local government's decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and its implementing Regulations. If the Commission determines that the City erred in its review of the coastal exemptions and coastal development permits are required, the project(s) will be subject to review

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<sup>1</sup> According to SurveyLA, the Historic District and Contributing properties are presumed to be historical resources under the California Environmental Quality Act (Section 21084.1 of the CEQA statute and Section 15064.5 of the CEQA guidelines) and any demolition of a contributing building is considered a significant impact to a historical resource. The applicant contracted services to assess the historic status and environmental impacts of the property in January 2016 (*Historical Resources Assessment Report and Environmental Impact Analysis*).

for consistency with Chapter 3 policies. Coastal resource effects are relevant here only to the extent that it is necessary to find that the project is not located on a beach, in an environmentally sensitive habitat, or in another area where the Commission's regulations state that exemptions for single family homes are inapplicable. As described above, the project is not sited in any such location, and the exemption is therefore proper.

The fourth factor is the precedential value of the local government's decisions 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 Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations. This project, as proposed, 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. Exempting projects from the coastal development permitting process could have negative, cumulative impacts to the coast if the City and other local governments in the coastal zone apply their exemption authority in an improper manner. However, the City properly reviewed this project prior to issuing the coastal exemption and properly applied the relevant exemption. In this case, the City properly utilized an exemption, and the City's approval does not raise potential issues of statewide significance because the interpretation and application of Coastal Act exemptions was properly utilized.

In conclusion, the City did not err in its review of the project as meeting exemption standards of the Coastal Act, and therefore, not requiring a local coastal development permit. Because the evidence supports exempting the proposed project from Coastal Act permitting requirements, the Commission finds that appeal A-5-VEN-17-0045 raises no substantial issue relative to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations. Accordingly, Coastal Exemption No A-5-VEN-17-0045 will become final upon the Commission's approval of the motions that the appeals raise no substantial issue.