#### **CALIFORNIA COASTAL COMMISSION**

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



**W23a** 

# A-5-VEN-17-0011 (SATTLER) JUNE 7, 2017

#### **EXHIBITS**

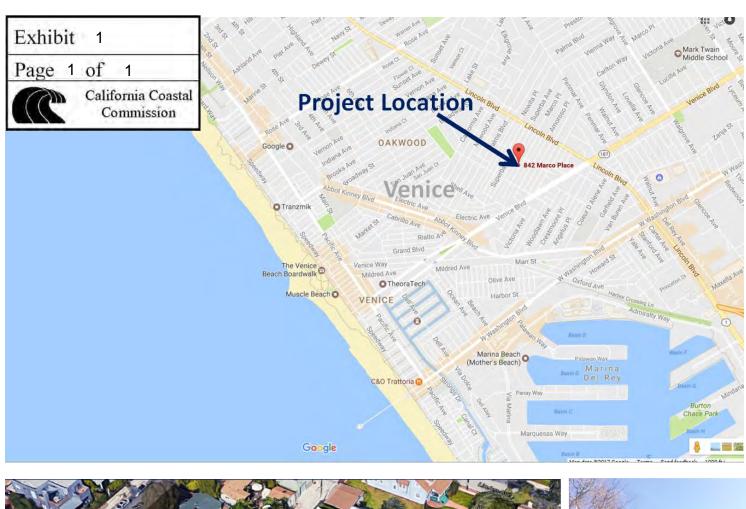
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Exhibit 4 – Local Coastal Exemption No. DIR-2017-774-CEX



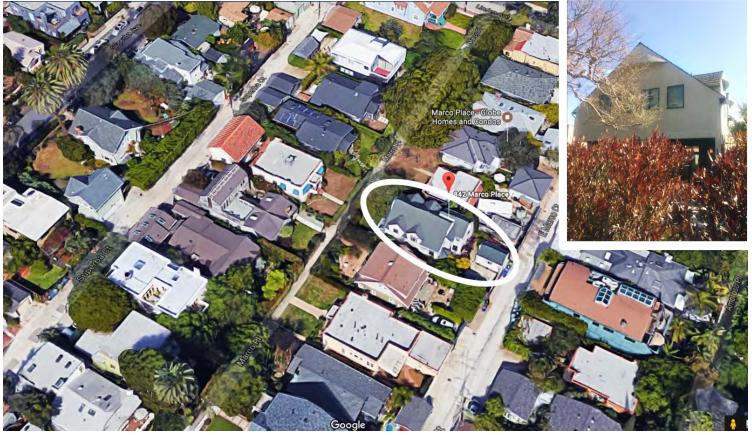
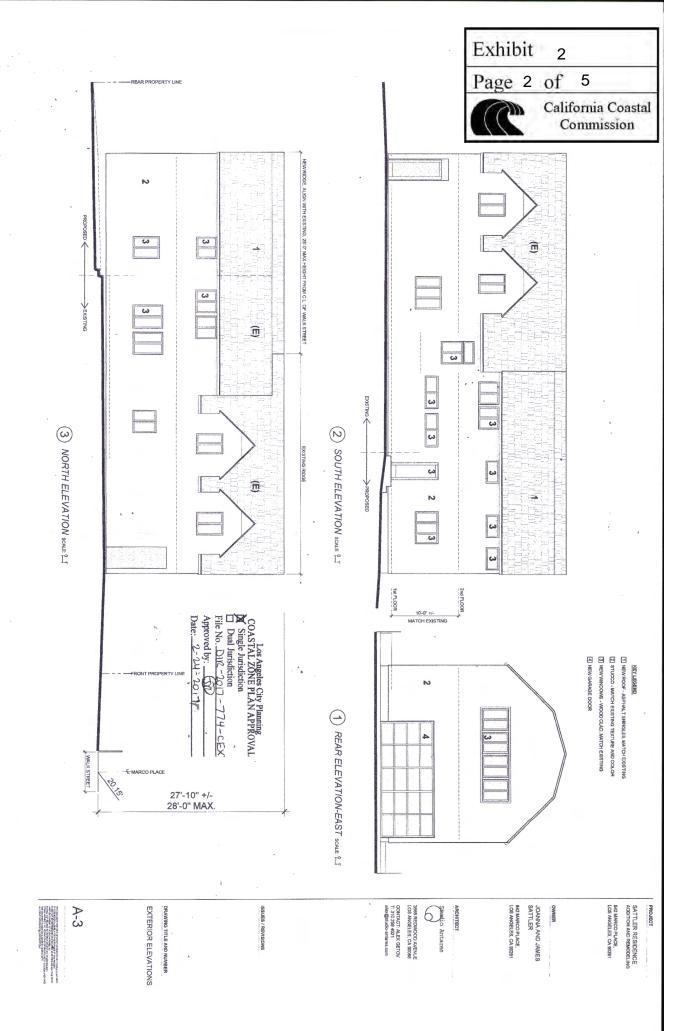
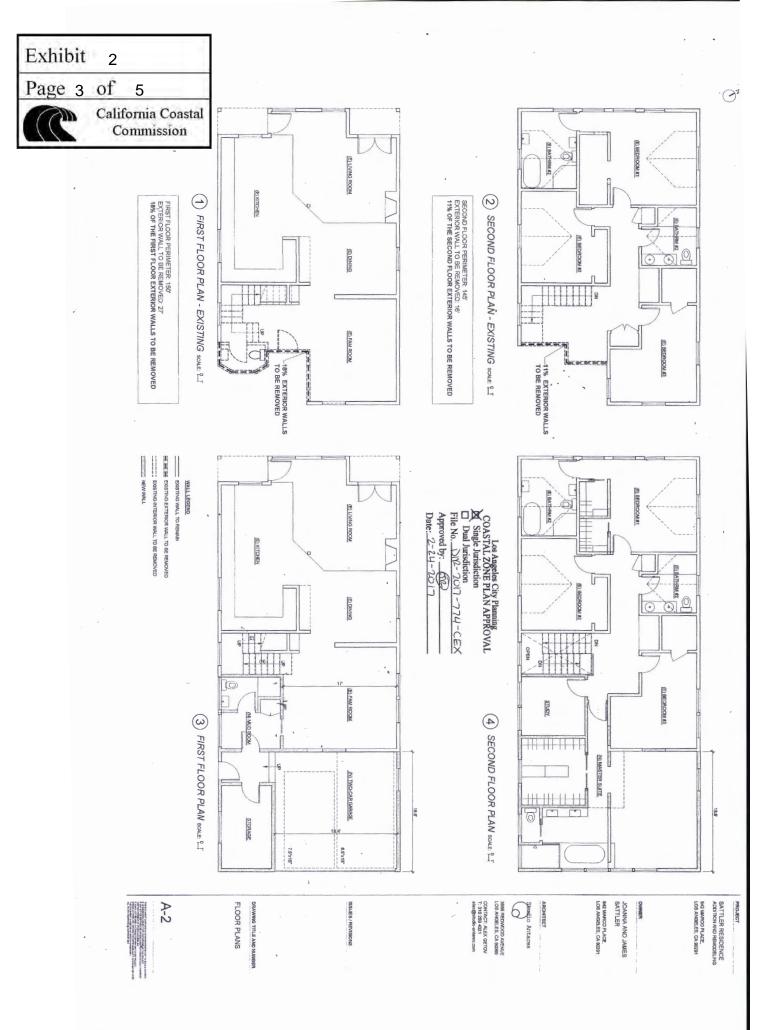
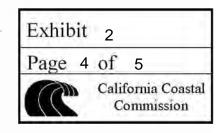


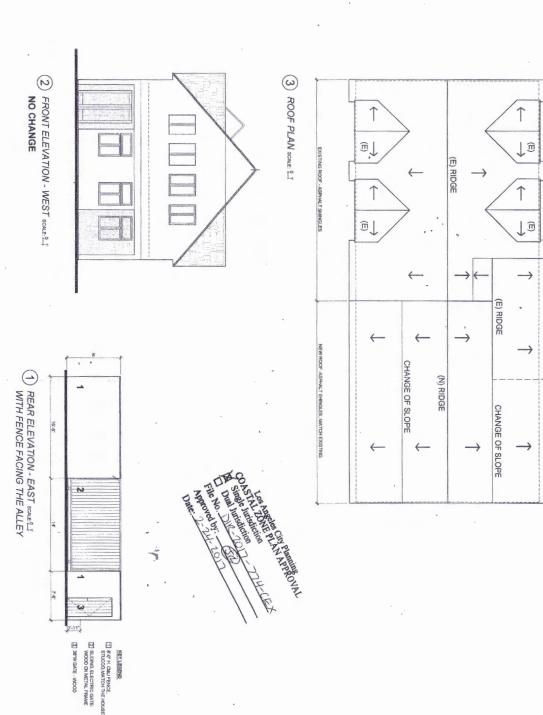
Exhibit 2 of Page 1 5 California Coastal Commission WALK STREET O2 37 PROPERTY LINE VICINITY MAP (E) TWO-STORY SFD -(E) CMU FENCE TO REMAIN (E) FENCE TO REMAIN 1 PLOT PLAN SCALE: "L" SATTLER RESIDENCE 842 Marco PI, Los Angeles, CA 90291 FENCE AND GATES JOANNA AND JAMES SATTLER CONTACT: ALEX GETOV T: 3:10 259 4021 2lex@studio-antares.com Stendio Antares A-1 TITLE SHEET 842 MARCO PLACE, LOS ANGELES, CA 90291 DRAWING TITLE AND NUM 3585 REDWOOD AVENUE LOS ANGELES, CA 90086 842 MARCO PLACE, LOS ANGELES, CA 90291 SATTLER RESIDENCE ADDITION AND REMODELIN 02/24/2017 - COASTAL EXE ISSUES / REVISIONS

APPENDIX









A-4

ROOF PLAN EXTERIOR ELEVATIONS

DRAWING TITLE AND NUMBER

CONTACT: ALEX GETOV T: 310 259 4021 alex@studio-antaves.com

Saudio Antares 3585 REDWOOD AVENUE LOS ANGELES, CA 90066

842 MARCO PLACE, LOS ANGELES, CA 90291

JOANNA AND JAMES SATTLER

842 MARCO PLACE, LOS ANGELES, CA 80291

SATTLER RESIDENCE ADDITION AND REMODELING



#### CALIFORNIA COASTAL COMMISSION

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

WWW.COASTAL.CA.GOV

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California Coastal
Commission



# **COMMISSION NOTIFICATION OF APPEAL**

April 03, 2017

To:

Jesse Ramos

Los Angeles, Dept. of City Planning, Dev. Srvcs. Cntr.

201 N. Figueroa Street Los Angeles, CA 90012

From:

Charles Posner

Re:

Commission Appeal No. A-5-VEN-17-0011

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

LOCAL PERMIT #:

**DIR-2017-774-CEX** 

APPLICANT:

James and Joanna Sattler

**DESCRIPTION:** 

Appeal of City of Los Angeles Coastal Exemption for 2-story addition to existing 2-story house, involving removal of less than 50% of existing exterior walls. Including removing 1-car detached garage at rear of property, and construction of new 8-ft. high rear yard fence, adjacent to the alley.

LOCATION:

842 Marco Place, Venice, CA 90291 (APN: 4241025006)

LOCAL DECISION:

Approval; No Special Conditions

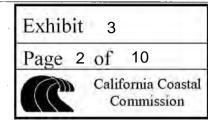
APPELLANT:

Sue Kaplan, Lillian White, Mary Jack, and Shephard Stern

DATE APPEAL FILED:

03/30/2017

The Commission appeal number assigned to this appeal is A-5-VEN-17-0011. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112).



### COMMISSION NOTIFICATION OF APPEAL

Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Charles Posner at the South Coast District Office.

cc: Applicants:

James and Joanna Sattler

Appellants: Mary Jack Sue Kaplan Shephard Stern Lillian White

File

# RECEIVED South Coast Region

#### CALIFORNIA COASTAL COMMISSION

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

# MAR 30 2017

## CALIFORNIA COASTAL COMMISSION



#### APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please F	eview Attached Appeal Information Sheet Prior To Completing This Form.
SECTION Name: Man Mailing Add City:	NI. Appellant(s)  ry Jack 9/3 Marco Place, Venuce 9029/ 310.822.016/  sue Kaplan 763 Nowsta Placo, Venuce 9029/ 310.822.016/  Sue Kaplan 763 Nowsta Place Venuce 9029/ 310.35/.806  Shephard Stern 923 Marco Place Venuce 9029/ 310.822-86  Li Man White 910 Amoroso Place Venuce 9029/ 310.822-86  NII. Decision Being Appealed
	ne of local/port government:  City of Los Angeles ef description of development being appealed:  See attacked
	velopment's location (street address, assessor's parcel no., cross street, etc.):  842 May co Place, Lot 6 Bluck 10, Venice Annex scription of decision being appealed (check one.):
XI.	approval; no special conditions approval with special conditions: Denial
No	te: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.  TO BE COMPLETED BY COMMISSION:  APPEAL NO: A-5-VEN-17-OOII  DATE FILED: Oranch 30, 2017  DISTRICT: Abuttl Coach

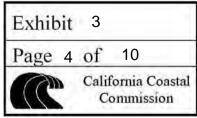
Exhibit 3

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#### 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
Ш.	Other State of the
6.	Date of local government's decision: Date Filed: 2/24/2017 No decision chite.  Local government's file number (if any): DIR-2017-774-CEX record
7.	Local government's file number (if any): VIK - 2017 - 179 - CEX
SEC	CTION III. Identification of Other Interested Persons
Give	e the names and addresses of the following parties. (Use additional paper as necessary.)
a.	Name and mailing address of permit applicant: Joanna and James Sattler 842 Marzo Place
	Los Angeles, CA 90291
1	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)	
(2)	
(2)	
(3)	
•	
(4)	
	Exhibit 3



#### 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.

See attached

Exhibit 3

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Commission

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

SECTION V.	Certification		
The information	on and facts stated above ar		to the best of my/our knowledge.  Shep stern  Man White
10	ne Rajvian	Sign	ature of Appellant(s) or Authorized Agent
		Date:	30 March 2017
Note:	If signed by agent, appella	nt(s) mu	st also sign below.
Section VI.	Agent Authorization		**-a
I/We hereby authorize			
to act as my/or	ur representative and to bin	d me/us	in all matters concerning this appeal.
			•
	•	•	Signature of Appellant(s)

Date:

March 29, 2017

Re. APPEAL of Coastal Exemption for 842 Marco Place (Case # DIR-2017-774-CEX)

#### COASTAL STAFF AND HONORABLE COMMISSIONERS:

Pertinent sections of the Certified\* Venice Local Coastal Program Land Use Plan \*the Coastal Commission has certified that the Venice Land Use Plan is in compliance and conformance with the California Coastal Act of 1976

#### Chapter I. Introduction, Definitions:

Special Coastal Community: An area recognized as an important visitor destination center on the coastline, characterized by a particular cultural, historical, or architectural heritage that is distinctive, provides opportunities for pedestrian and bicycle access for visitors to the coast, and adds to the visual attractiveness of the coast.

Chapter II. Land Use Plan Policies, Policy Group I. Locating and Planning New Development/Coastal Visual Resources and Special Communities, Preservation of Venice as a Special Coastal Community: 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 of 1976.

Preservation of Venice as a Special Coastal Community
Policy I. E. 2. Scale: All new development and renovations should respect the scale,
massing, and landscape of existing residential neighborhoods.

#### \*\*\*\*\*\*

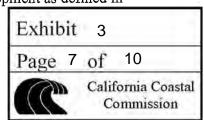
On March 2, 2017, a permit application for a coastal exemption (CEX) for 842 Marco Place, Venice, was submitted to the Coastal Commission:

Project Description/Proposed Scope of Work: Two-story addition to existing two-story house. The addition involves the removal of LESS [sic] than 50% of existing exterior walls. Removing existing in the rear of the property one-car detached garage New 8'0" H. rear yard fence adjacent to the alley.

First, the calculation of whether the demolition is greater than 50% of the existing structure must include the existing detached garage. Also, the calculation must be made based on the structure, not on just exterior walls.

Second, there is no corresponding City permit for this project. Normally, if the project is in fact exempt from CDP processing, there would be a VSO City permit done. In reviewing the City's Planning system and DBS records, there was no VSO City permit done.

The grounds for this appeal are that the project is not exempt development as defined in



the Coastal Act and, as such, the applicant must obtain a coastal development permit for the proposed development. The proposed plans of the project indicate that the project entails an addition to the existing single-family residence, and that demolition of the existing structure will be less than 50 % of the existing exterior structural elements.

The 1,122 sf addition to the 2,396 existing house [per ZIMAS] is more than half the existing house, notwithstanding the claim that the large addition is being placed in the rear, and thus less than 50% of the walls are being demolished because the rear addition is tacked onto the rear of the existing building.

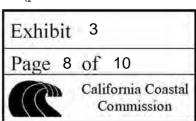
Therefore, allowing anything but minor/improvements/additions to be approved with a CEX will cause a cumulative impact is unacceptable as it could cause this special and sensitive coastal community to lose its historic designation. In addition, the size and scope of this project necessitates a review for consistency under the CDP process, because the proposed single-family dwelling is inconsistent with the Community Character policies of the Venice Land Use Plan, the L.A. General Plan and relevant Community Plan for Venice and are not consistent with the policies of the Coastal Act.

Community Character is particularly important to Venice and to this historic walk street neighborhood in particular. Even though this permit relates to only one project, the erosion of community character is a cumulative issue, the City's disregard of cumulative impact in the walk street neighborhood when it disregards the cumulative exemptions of large-scale remodels and demolition projects are having a significant impact to our neighborhood character.

The 800 block of Marco Place, a walk street, is composed of predominately small, older homes built before the Annexation in 1926. To establish the compatibility of this proposed project and the immediate existing neighborhood, one can compare the existing FAR of the block with the new proposal. The average house size is 1,433 and the FAR is .45. The proposed house will be 3,211 sf. with a FAR of .96. Even allowing for a measured growth in development, this house would not be compatible in scale with the existing neighborhood. It is 50% larger than the average. There is no house at or bigger than 3,000 sf; only four are larger than 2,000 sf. The next biggest is at 2,397 sf. This house would still be significant larger by 25%. Also for comparison, a double lot at a corner has a single structure on each and the combined size is barely 3,000.

The second measure of compatible scale is to determine the relationship with adjacent properties. Using three on each side, 838, 842, 846 and 839, 841, 845, the average FAR .40. Still 50% more in the floor area.

The walk streets are characterized by their garden setting, open spaces and thoughtful, compatible improvements. While we do not consider style in Venice, we can observe the impact that certain architectural decisions make on our community. Also, a solid 1100+box-shaped rectangular addition can be considered massive in relation to the adjacent homes.



The Coastal Commission must not allow actions that would harm its own designation of Venice as a Special Coastal Community, which in this case would be allowing additions to structures that would NOT respect the scale, massing and landscape of the existing neighborhoods and that would thus cause a significant adverse cumulative impact, as that is contrary to the Commission's mandate and mission and to the spirit of the Coastal Act. The CEX decision must not be made in a vacuum but rather in the context of the Coastal Act. If the result of that decision is materially contrary to the intent of the Coastal Act, something is wrong...the law has been interpreted incorrectly or the process implemented erroneously. The result must be reasonable given the intent of the coastal law. <u>Also, the project is not exempt development until it is approved as such.</u> The Commission cannot make a decision on a matter in the Coastal Zone without consideration of the Coastal Act, as it must be the basis for that decision, which must include consideration of cumulative impact.

There is no way to monitor and assure the compatibility of the character of new developments and renovations (synonym for improvements) with existing residential neighborhoods for scale, massing, and landscape, if the proposed project is processed with a Coastal Exemption (CEX). Therefore, allowing anything but minor improvements/additions to be approved with a CEX will cause a cumulative impact that is unacceptable as it could result in the loss of Venice's designation as a Special Coastal Community, as it would not be possible to monitor and assure that all new development and renovations respect the scale, massing, and landscape of existing neighborhoods when using a CEX.

This is contrary to the Coastal Act, which states that "permanent protection of the state's natural and scenic resources is a paramount concern...", that these coastal resources are "of vital and enduring interest..." and that "the Coastal Act is to be liberally construed to accomplish its purposes and objectives." Given that, the CEX process should have procedures that would avoid a significant adverse cumulative impact to coastal resources, such as a limit of 10% for additions.

The phrases in quotes in the following two sentences are essentially the same, thus one must conclude that the Commission has previously stated that construction of larger houses, or large-scale projects, is a type of development that requires a CDP.

- 1. There is a "risk of adverse environmental effect" [Coastal Act Section 30610] in using exemptions for construction that results in larger residences or large-scale projects.
- 2. "Significant adverse impacts to coastal resources would potentially occur" [10 Staff Reports for appeals upheld in April 2016] in using exemptions for construction that results in larger residences or large-scale projects.

We strongly agree with the Commission's determination for 657 Flower (A-5-VEN-16-0081 November 2016). The issue was the same—improvements that entail additions must be minor and thus limited.

The Coastal Commission has certified Venice as a Special Coastal Community, and in order to protect this status its Certified Land Use Plan states that all new development

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and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. This finding cannot be made unless a CDP is required for anything but minor additions, e.g. less than 10%, similar to the CCR 13250 and 13253 requirements for the dual zone and significant scenic resources areas, which should automatically include Venice as it is a Special Coastal Community (see definition above at page 1). In the absence of the neighborhood compatibility requirement limits, the best way to avoid adverse cumulative impact and limit the amount of additions for CEXs is to implement the 10% limit already included in the law, CCR 13250 and 13253, for which an interpretation to include Venice as a Special Coastal Community as it is a significant scenic resource area is both sensible and protective of coastal resources.

Thank you for your consideration, and we hope that you will grant this appeal, require a CDP for processing of the project, and require that the CEX process reverts to its original intent. Please make it clear that Venice is a significant scenic resources area, and our historic walk street neighborhood especially so, due to its designation by the Coastal Commission as a Special Coastal Community (as defined in the Coastal Act), and therefore no more than a 10% increase in size shall be allowed for processing of residential projects as Coastal Exemptions in the Venice Coastal Zone, in accordance with CCR's 13250 and 13253.

Please revoke the CEX permit and require a Coastal Development Permit.

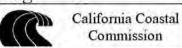
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Exhibit 4

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# RECEIVED South Coast Region

MAR ~2 2017



COASTAL EXEMPTION (GEX)

CAMORITA COASIAL COMMESCACO

CASE NO.:	DIR-2017-774-CI	EX
Sou 200 Lon (562 FROM: Los	ifornia Coastal Commission of Coastal District Oceangate, 10 <sup>th</sup> Floor g Beach, CA 90802-4302 2) 590-5071  Angeles Department of City Planning relopment Services Center (DSC)	APPEAL PERIOD ENDS AT 5:00 P.M.  ON
201 Los	North Figueroa Street Angeles, CA 90012	LADEA ONLY
Remodels v     Addition, de     Projects wh     Any change	ances shall a Coastal Exemption be issued for the which involve the removal of 50% or more of existency in the emotion, removal or conversion of any whole remarks in the involve significant grading or boring in a Species of use (to a more or less intensive use)  PPLICANT TO COMPLETE THE FOLLOWING	he following scopes of work: sting exterior walls esidential units (unless required by LADBS) ecial Grading or Landslide area
PROJECT ADDRE	SS: 842 Marco place, Los Angeles, CA 9029	11
ZONE: R2-1	COMMUNITY PLAN: LA CTC, Ver	nice Costal Zone
	PE OF WORK: Two-story addition to existing two-story	
	s the removal of LESS than 50% of existing exterior	
Removing existing in	the rear of the property one-car detached garage	
	rd fence adjacent to the alley	
RELATED PLAN C	HECK NUMBER(s): NOT in plan	check
description. The rea	lated work to be pulled under a separate pern ason for this is so Planning Staff can evaluate the r CEX for any subsequent permits related to the	e project as a whole and to avoid having
Applicant Name:	Joanna and James Sattler	
Mailing Address:	842 Marco Place, Los Angeles, CA 90291	
Phone Number:	914 414 5584 E-mail Addre	ess: james.sattler@gmail.com
Signature:	Sen an	23-Feb-2017

#### THIS SECTION FOR OFFICE USE ONLY

This application has been reviewed by the staff of the Los Angeles Department of City Planning in accordance with the provisions of Section 30610 of the California Coastal Act. A determination has been made that a Coastal Development Permit is not required for the preceding described project based on the fact that it does not: (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division pursuant to Title 14 of the California Administrative Code, and qualifies for an exemption under one or more of the categories checked below.

quant	the driver and of the of more of the dategories checked below.
X.	Improvements to Existing Single-Family Residences. This includes interior and exterior improvements, additions, and uses which are accessory to a single-family residence (e.g. garages, pools, fences, storage). This does <u>not</u> include the increase or decrease in the number of residential dwelling units (including guest houses), or retaining walls or pools that may have a potential significant impact on coastal resources (i.e. viewable from the public right-of-way, involves a significant amount of grading or boring in Hillside, Landslide or Special Grading areas), which may be reviewed on a case-by-case basis.
П	Improvements to Any Existing Structure Other Than A Single-Family Residence. For duplex or
	multifamily residential uses, this includes interior and exterior improvements, additions and uses which are
	accessery to the residential use (e.g. garages, pools, fences, storage sheds), but does <u>not</u> include the increase or decrease in the number of residential dwelling units, or retaining walls or pools that may have a potential significant impact on coastal resources (i.e. viewable from the public right-of-way, involves a significant amount of grading or boring in Hillside, Landslide or Special Grading areas), which may be reviewed on a case-by-case basis. For <u>non-residential uses</u> , this includes interior and exterior improvements and building signage (excluding pole, pylon and off-site signs), but does <u>not</u> include any addition of square footage or change of use (to a more <i>or</i> less intense use).
	<b>Repair or Maintenance</b> . This includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargement or expansion.
	<u>Demolitions required by LADBS</u> . This includes projects which have been issued a Nuisance and Abatement or Order to Comply by the Department of Building & Safety requiring demolition due to an unsafe or substandard condition. Please attach the Building & Safety Notice.
his ex	cemption in no way excuses the applicant from complying with all applicable policies, ordinances

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

Vincent P. Be Director of Pla	•			
issued By:		med	-	
	Signature			
	<u>Jesse</u>	Ramos	Planning	Assistant
	Print Name and Ti	tle		,
Date:	February	24, 201	7	
Invoice No.: _	35225		Receipt Number:O	03698933

Attached:

Copy of Invoice with Receipt No.

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

Exhibit 4

Page 2 of 3

California Coastal
Commission

#### THIS SECTION FOR OFFICE USE ONLY

This application has been reviewed by the staff of the Los Angeles Department of City Planning in accordance with the provisions of Section 30610 of the California Coastal Act. A determination has been made that a Coastal Development Permit is not required for the preceding described project based on the fact that it does not: (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division pursuant to Title 14 of the California Administrative Code, and qualifies for an exemption under one or more of the categories checked below.

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

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

Vincent P. Be	rtoni, AICP	
Director of Pla	anning	
Issued By:		
	Signature	
	Jesse Ramos Planning Assistant	
	Jesse Kamos Planning Assistant	
	Print Name and Title	
Date:	February 24, 2017	
Invoice No.: _	35225 Receipt Number: <u>0103698933</u>	

Attached:

Copy of Invoice with Receipt No.

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

Exhibit	4
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	California Coastal Commission