

## **CALIFORNIA COASTAL COMMISSION**

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



# **W23e**

**A-5-VEN-17-0018 (HARBAUGH & COURT)**

**JUNE 7, 2017**

### **EXHIBITS**

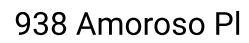
**Table of Contents**

**Exhibit 1 – Project Location / Vicinity Map / Pictures**

**Exhibit 2 – Local CDP ZA-2014-4641-CDP-ZAA-SPP-MEL & City-Approved Plans**

**Exhibit 3 – Appeal**

**Exhibit 4 – Applicant's Response to Appeal A-5-VEN-17-0018**



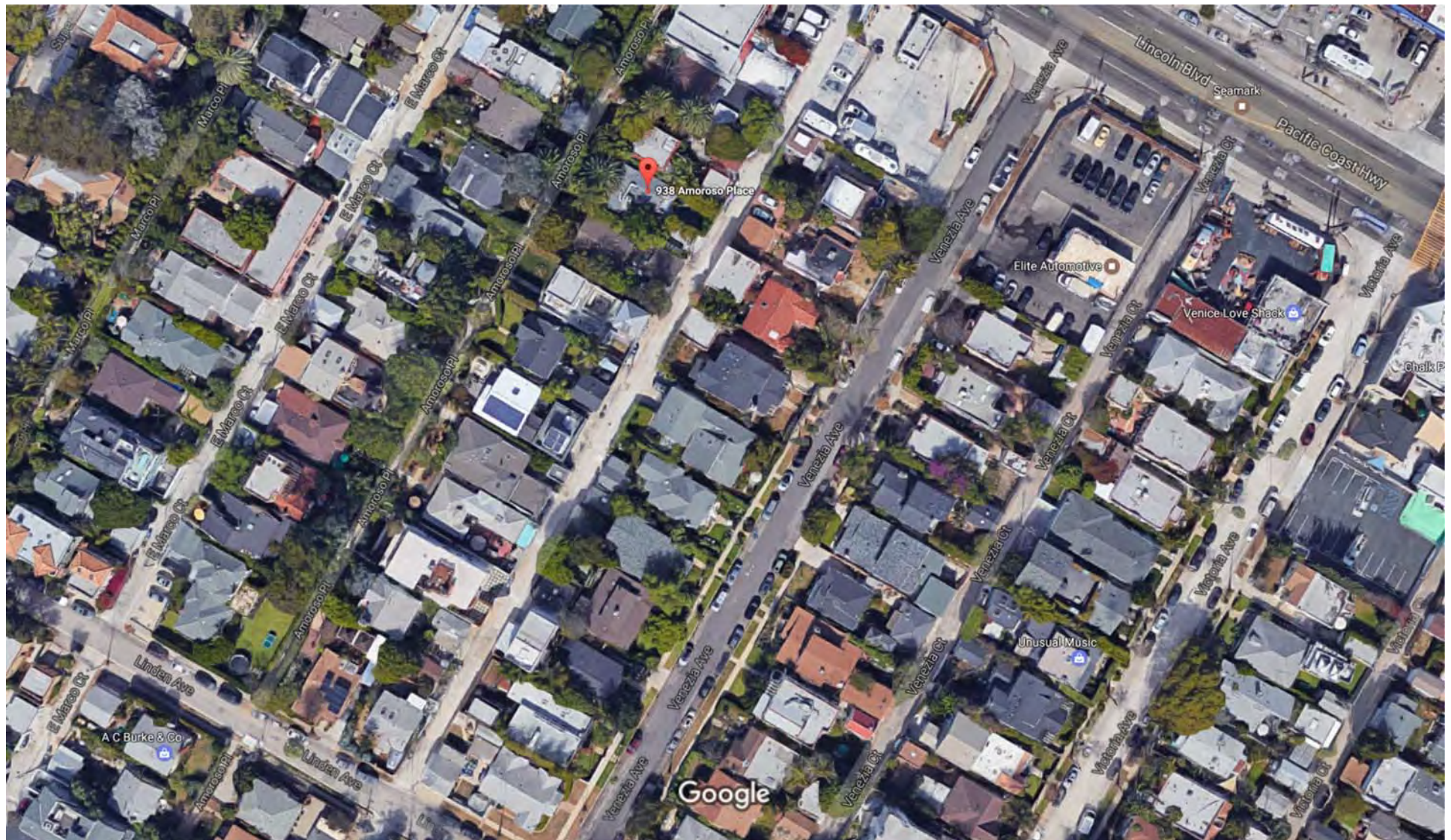
## Coastal Commission

## Exhibit 1

A-5-VEN-17-0018

Page 1 of 4





Coastal Commission

Exhibit 1

A-5-VEN-17-0018

Page 2 of 4



Google Maps Los Angeles, California



Street View - Aug 2014

Image capture: Aug 2014 © 2017 Google

Coastal Commission  
Exhibit 1  
A-5-VEN-17-0018  
Page 3 of 4



Google Maps Los Angeles, California



Image capture: Aug 2014 © 2017 Google

Street View - Aug 2014

Coastal Commission

Exhibit 1

A-5-VEN-17-0018

Page 4 of 4

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE  
RICHARD KATZ  
JOHN W. MACK  
SAMANTHA MILLMAN  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN  
VACANT

JAMES K. WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETT  
MAYOR

RECEIVED  
South Coast Region

MAR 24 2017

CALIFORNIA  
COASTAL COMMISSION

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
Deputy Director  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

FILE COPY

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302

NOTICE OF PERMIT ISSUANCE

DATE: March 22, 2017

CDP NUMBER: ZA-2014-4641-CDP-ZAA-SPP-MEL

ADDRESS: 938 West Amoroso Place

Please take notice that the above referenced Coastal Development Permit was issued on March 2, 2017, with an effective date of March 17, 2017 after an appeal was not filed with the City of Los Angeles, Department of City Planning as advised in the permit, during the mandatory appeal period.

An appeal period of 20 working days must expire from the date this notice and attached Coastal Development Permit is received and accepted by the California Coastal Commission, Division V in Long Beach before this Coastal Development Permit will become effective.

- ( ) The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20 working day appeal period.
- (X) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20 working day period the applicant may apply to the City of Los Angeles Department of Building and Safety for a building permit.

VINCENT P. BERTONI, AICP  
Department of City Planning

  
Jason Chan, City Planner

Attachments:

- (x) Permit
- (x) Stamped Plans "Exhibit A"
- (x) Duplicate Application

CP-1622 (09/1/15)

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 1 of 23



LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

RECEIVED  
South Coast Region

MAR 24 2017

CALIFORNIA  
COASTAL COMMISSION

DEPARTMENT OF  
CITY PLANNING

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

March 2, 2017

Derek Harbaugh (A)  
938 Amoroso Place  
Venice, CA 90291

Nathan Court (O)  
938 Amoroso Place  
Venice, CA 90291

Ray Kappe (R)  
Kappe Architects/Planners  
715 Brooktree Road  
Pacific Palisades, CA 90272

CASE NO. ZA 2014-4641(CDP)(ZAA)  
(SPP)(MEL)

COASTAL DEVELOPMENT PERMIT,  
ZONING ADMINISTRATOR'S  
ADJUSTMENT, SPECIFIC PLAN  
PROJECT PERMIT COMPLIANCE,  
MELLO DETERMINATION

938 West Amoroso Place  
Venice Planning Area

Zone : R2-1  
D. M. : 108B149  
C. D. : 11

CEQA : ENV 2014-4642-CE

Legal Description: Lot 6, Block 18,  
Venice Annex Tract

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

a Coastal Development Permit to allow the remodeling and addition to an existing one-story single-family dwelling and detached garage, to create a two-story single-family dwelling with attached garage located in the single permit jurisdiction area of the Coastal Zone, and

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

a Zoning Administrator's Adjustment to allow a 0-foot rear yard in lieu of the 15-foot rear yard required by Section 12.09-C, and

Pursuant to Los Angeles Municipal Code Section 11.5.7-C, I hereby APPROVE:

Project Permit Compliance for the abovementioned project within the Venice Coastal Specific Plan, and

Coastal Commission

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles

A-5-VEN-17-0018

Page 2 of 23

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, I hereby APPROVE:

a Mello Act Compliance Determination for the abovementioned project located within the 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. Approved herein is the remodeling and addition to an existing one-story 948 square-foot single-family dwelling and 198 square-foot detached garage, by adding 184 square feet to the first floor, a new 1,350 square-foot second floor, and 158 square-foot addition to the garage, resulting in a two-story 28-foot tall 2,482 square-foot single-family dwelling with attached 356 square-foot garage located in the single permit jurisdiction area of the Coastal Zone, and replacement of existing pool and spa.
7. The building height shall be limited to a maximum of 28 feet, measured from the centerline of Amoroso Court to the highest point of the varied roof.
8. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.

Coastal Commission

9. No deviations from the Venice Coastal Specific Plan have been requested or

Exhibit 2  
A-5-VEN-17-0018

Page 3 of 23



approved herein. All applicable provisions of the Specific Plan shall be complied with.

10. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
11. No Coastal Development Permit Condition clearance or Building Permit sign-offs shall be commenced prior to the completion of the California Coastal Commission permit issuance and the subsequent permit appeal period in Dual Jurisdiction or the completion of the 20-day review period of the City's Coastal Development Permit in Single Jurisdiction.
12. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent properties.
13. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to

to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).

- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

#### **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.

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 5 of 23



**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 **March 17, 2017**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>**. Public offices are located at:

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

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

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

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

Coastal Commission  
Exhibit 2  
A-5-VEN-17-0018

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 December 1, 2016, 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 property is zoned R2-1 and is located within the Venice Community Plan Area. The site is further located within the Los Angeles Coastal Transportation Corridor Specific Plan Area, the Venice Coastal Zone Specific Plan Area – Oakwood/Milwood/Southeast Venice Subarea, the Milwood Venice Walk Streets Historic District, Transit Priority Area, Calvo Exclusion Coastal Zone Area, Coastal Zone Commission Authority Coastal Zone, is approximately 4.9 kilometers from the nearest fault (Santa Monica Fault), poorly constrained slip type area, and liquefaction area. The project site is not located in a landslide area, a very high fire severity zone, or a special grading area.

The subject site is a level, rectangular shaped, interior lot with a width of 40 feet and a depth of approximately 90 feet, for a total lot area of 3,589 square feet. The property is developed with a single story single-family residence constructed in 1947, and is considered a non-contributor to the Milwood Venice Walk Streets Historic District.

The surrounding properties are zoned R2-1 and are developed with one- and two-story single-family dwellings.

The project request is to allow the remodeling and addition to an existing one-story 948 square-foot single-family dwelling and 198 square-foot detached garage, to create a two-story 28-foot tall 2,482 square-foot single-family dwelling with attached 356 square-foot garage, and replacement of pool and spa.

A-5-VEN-17-0018

Page 7 of 23



Amoroso Place - adjoining the subject site to the north, is dedicated to a width of 30 feet and improved concrete private through walk way and is a designated Walk Street.

Amoroso Court – adjoining the property to the south, is a standard Local Street (alleyway), dedicated to a width of 36 feet and improved with concrete roadway.

Previous zoning related actions in the area include:

DIR-2015-2907(CDP)(SPP)/ZA-2015-4600(ZAA) – On October 5, 2016, the Director of Planning and the Zoning Administrator approved an addition to an existing single-family dwelling at 934 West Amoroso Place and a rear yard of 3 feet 8 inches and a side yard of 1-foot 10 inches in lieu of the 15-foot rear yard and 4-foot side yard required by Code.

Case No. ZA-2015-1165(CDP)(ZAA)(SPP)(MEL) – On February 29, 2016, the Zoning Administrator approved the demolition of an existing single-family dwelling and the construction, use, and maintenance of a new single-family dwelling in the R2-1 Zone, located at 810 West Amoroso Place.

Case No. ZA-2008-0541(ZAA)(SPP) – On October 9, 2008, the Zoning Administrator approved a Zoning Administrator's Adjustment to allow a 7-foot 6-inch rear yard in lieu of the 15-feet otherwise required, located at 924 East Amoroso Place.

Case No. ZA-2005-5910(ZAA)(SPP) – On May 17, 2006, the Zoning Administrator approved a Zoning Administrator's Adjustment to allow a reduced rear yard setback of 7 feet in lieu of the required 15 feet in conjunction with the conversion of an existing garage into a living space and the construction of a new garage, located at 920 West Amoroso Place.

### Public Hearing

A Notice of Public Hearing was sent to nearby property owners of property within 100 feet of 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 on December 1, 2016 at approximately 10:30 a.m., at in the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025, before an Associate Zoning Administrator from the Office of Zoning Administration. The Zoning Administrator was David S. Weintraub.

The project site was identified as being at 938 West Amoroso Place and being within the bounds of Council No. 11, and the Venice Community Plan Area. The property is zoned R2-1. The public hearing was held on December 1, 2016 and was attended by the applicant, Nathan Court:

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 8 of 23

Nathan Court, Applicant/Owner

- He envisioned a modern house, with an indoor/outdoor feel
- A lot of wood used for the finishes
- He chose Ray Kappe as his architect as he was impressed by his "California Style"
- Kappe founded SciArch School of Architecture
- The existing structure is 948 square feet
- He is going up a story from the existing
- They will be replacing the one car garage with two spaces
- The walk street has restrictions and the proposed design is sensitive to those limitations
- He will be saving 65% of the exterior walls
- The requested Zoning Administrator's Adjustment is on the rear stairs adjacent to the alley
- Rear yard requirement is 15 feet
- Careful design will articulate all structural elevations to break up the mass and add interest
- The proposed structure is not a big block or a cube
- They are definitely creating an interesting architectural presentation
- The project will substantially decrease the current massing
- Increasing the setback and reducing the massing
- If they set back the 15-foot rear yard distance, it will be inconsistent with the neighboring properties.
- The reduced rear yard is more consistent with the adjacent properties
- The adjacent neighbor to the southwest was approved with no appeal (ZA-2015-4600-ZAA)
- Historically, in the neighborhood structures were built close the rear property line
- He prepared a "setback relief chart" and submitted it with a hard copy of his power point presentation
- The property at 763 Nowita is observing a "0"-foot setback (ZA-2001-3522-ZAA)
- Recent projects in the area are commonly seen as in scale with mass at 2,169 square feet to 2,758 square feet
- The proposal is for a 3-bedroom, 2-1/2 bath plus office and garage
- There is no roof deck, (other than the small Green Roof)
- The proposed project was recommended for approval by the Venice Neighborhood Council, and the letter is in the case file
- SurveyLA was not finished yet, and the applicant's historic survey report was generated on June 6, 2015.
- The applicant filed for the Coastal Development Permit (CDP) rather than pursuing a Coastal Exemption (CEX)
- The applicant has provided 13 letters of support in addition to the VNC letter recommending approval

Written Correspondence:

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 9 of 23

On November 30, 2016, an email was submitted by the resident of 1636 Crescent Place stating concerns that the alley is congested and that the adjacent property was allowed a reduced rear yard and that approving another will have a cumulative impact due to the requested 0-foot rear yard.

On November 29, 2016, an email was submitted by the resident of 938 Marco Place stating concerns regarding the project due to the size and request for a 0-foot rear yard, and concern about potential risk due to difficulty getting emergency vehicles in, to service the area.

On November 29, 2016, an email was submitted by the resident of 924 Marco Place stating concerns regarding the project due to the size and request for a 0-foot rear yard.

On November 28, 2016, an email was submitted by the resident of 926-1/2 Marco Place stating concerns regarding the project due to the size and request for a 0-foot rear yard.

On November 28, 2016, an email was submitted by Amy Lang stating, no opposition to the proposed project.

On November 28, 2016, an email was submitted by a second resident of 913 Marco Place stating concerns regarding the project due to the size of the proposed house and the request for a 0-foot rear yard.

On November 28, 2016, an email was submitted by the resident of 913 Marco Place stating concerns regarding the project due to the size and request for a 0-foot rear yard.

On February 18, 2016, the Venice Neighborhood Council recommended approval of the proposed project, based on an action at their regular meeting on January 19, 2016.

On January 11, 2016, an email was submitted by Robin Rudisill stating a Coastal Development Permit is required for any project on a Walk Street.

On January 6, 2016, an email expressing concern regarding the reduced rear yard was submitted by the resident of 932 Amoroso Place.

On January 5, 2016, thirteen letters of support were submitted from the residents of 2012 Linden Avenue, 706 Hampton Drive, 1409 Abbot Kinney Boulevard, 660 Milwood Avenue, and 947, 918, 911, 920, 928, 917, 941, 910, and 939 Amoroso Place.

On October 29, 2015, an email was sent by Lambert Geissinger, Preservation Architect, stating he concurs with the findings of the historical report, and finding the proposed project is compatible with the historic district, due to the preservation of the front setback and generous landscaping.

On June 6, 2015, a Historic Resources Report was submitted by Leslie Heumann, Historic Resources Consultant, for the proposed project.

On December 30, 2014, an email was sent by the Department of City Planning, Office of

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 10 of 23



Historic Resources, stating the existing single-family dwelling is identified as a non-contributor to the Milwood Venice Walk Streets Historic District.

### **COASTAL DEVELOPMENT PERMIT FINDINGS**

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

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

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of the proposed developments subject to the provision of this division are determined." The Coastal Act also provides that: "New 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, will not have significant adverse effects, either individually or cumulatively on coastal resources."

Specifically, Chapter 3 of the Coastal Act contains provisions that address the impact of development on public services, recreational opportunities, public access, scenic views, infrastructure, the environment, and significant resources. Applicable provisions are as follows:

- a. *Section 30220 Water-Oriented Activities:* The subject site is within the single-jurisdiction area of the Coastal Zone, but is located within a residential zone within a developed area approximately 6,600 feet from the shoreline, the project involves the remodeling and addition to an existing single-family dwelling. The site is not suited for water-oriented recreational activities.
- b. *Section 30222 Private Lands for Commercial Recreational Facilities.* The site is zoned for residential uses, is not designated a recreation area, and not adjacent to the coastline. This privately owned-site is therefore not suitable for commercial recreational facilities for coastal recreation.
- c. *Section 30230 Marine Resources.* The site is within the single-jurisdiction area and is over 6,600 feet from the coastline. The site is zoned for residential uses and currently developed with a single-family dwelling, and surrounded by residential development on all sides. The proposed project will not involve diking, filling, or dredging of open coastal waters, wetlands, estuaries, or lakes. The proposed project will result in no impact on marine resources.
- d. *Section 30240 Environmentally Sensitive Habitat Areas.* The project will not impact any marine resources. The site is over 6,600 feet away from the coastline, and well above the high tide line and will not have any identifiable effect on the Pacific Ocean, the Venice breakwater or on the sandy intertidal

zone.

- e. *Section 30244 Archeological or Paleontological Resources.* The subject site is currently improved with a residential building and surrounded by residential development. No new archeological or paleontological resources are anticipated to be identified with the implementation of the project, as the site is currently developed.
- f. *Section 30250 Existing Developed Area.* The subject site is located within a developed area. The proposed project is the remodeling and addition to an existing single-family dwelling. The existing building is sited on land zoned R2-1.
- g. *Section 30251 Scenic and Visual Qualities.* The project's location results in no impact on scenic or visual qualities of coastal areas or prominent natural landforms. The site is not located along or near a designated scenic corridor and is located over 6,600 feet away from the coastline.
- h. *Section 30252 Public Access to the Coast.* The subject property and proposed project do not block any existing access to the beach and has therefore no impact on shoreline access.
- i. *Section 30253 Minimization of Hazardous Impacts.* The subject property is flat and not located along a bluff or cliff. No grading, excavation, draining, or dredging is proposed. The site is not within a Methane Buffer Zone, Tsunami Inundation Zone, and located about 5 kilometers from the Santa Monica Fault. It is located within a Liquefaction area. However, the project is required to comply with state and local building codes that would minimize structural and seismic impacts.
- j. *Section 30260 Coastal-Dependent Industrial Facilities.* The project site is currently developed with a residential building and no industrial facilities are located on-site, so there is no impact to coastal-dependent industrial facilities.

The subject property is zoned R2-1 and designated for Low Medium I land uses. The site is within the Venice Coastal Zone Specific Plan Area – Subarea: Oakwood, Milwood, and the Milwood Venice Walk Streets Historic Districts, but is considered a non-contributing structure. The Venice Coastal Zone Specific Plan (Ordinance No. 175,693) was adopted by the City Council on December 2, 2003. The Coastal Commission certified the Land Use Plan (LUP) for the Venice Coastal Zone area on June 14, 2001.

The applicant is requesting a Coastal Development Permit authorizing the remodeling and addition to an existing one-story 948 square-foot single-family dwelling and 198 square-foot detached garage, to create a two-story 28-foot tall 2,482 square-foot single-family dwelling with attached 356 square-foot garage, and

replacement of pool and spa. The project also requires a project permit compliance

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 12 of 23

review per the Venice Coastal Zone Specific Plan and a Mello Determination.

The proposed project is not expected to impede any water-oriented recreational facilities or activities. The project proposes to provide all parking requirements and be in scale and character with the existing homes in the neighborhood. The property is presently developed with a single-family dwelling which will be remodeled and added on to. The proposed remodeling and addition to an existing residential building has no impact on the location or operation of coastal dependent industrial facilities or recreational uses.

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.**

Currently there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone. Therefore, the adopted Venice Community Plan and the Venice Specific Plan serve as the functional equivalent plan. The Venice Community Plan designates the property for Low Medium I Residential land uses with the corresponding zone of R2 and Height District No. 1. The property is within the Los Angeles Coastal Transportation Corridor Specific Plan and the Venice Coastal Zone Specific Plan. The property is consistent with the community plan in terms of the use and density. With the granting of the requested Zoning Administrator's Adjustment to the rear yard, the proposed project complies with the development regulations outlined in the specific plan in regards to the allowable density, height, and public access and further complies with the requirements for projects located on Walk Streets. The project is conditioned to comply with all provisions of the Specific Plan. As such, the remodeling and addition to an existing single-family dwelling is not anticipated to prejudice the ability of the City to prepare a Local Coastal Plan.

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

California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations. The development regulations of the Venice Specific Plan have been considered and the project is found to comply with the requirements of the Specific Plan Subarea regarding parking, height, and access, except for a request to waive required rear yards.

4. **The decision of the permit granting authority has been guided by any**

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 13 of 23



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

The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that included new construction, improvements and remodels to existing residential structures.

- In June 2016, the Commission approved an Administrative Permit to remodel and add to an existing 2,241 square-foot two-story single-family home, resulting in 2,887 square-foot, two-story single-family home and 370 square-foot attached garage, at 505 28th Avenue. (Application No. 5-16-0377).
- In May 2016, the Commission approved an Administrative Permit to demolish a single-family home and construct an approximately 3,386 square-foot 23-foot high, two-story single-family home plus roof deck and two-car garage, at 2919 Sanborn Avenue. (Application No. 5-16-0121).
- In January 2016, the Commission approved an Administrative Permit to demolish single-family home and construct a 3,402 square-foot, 28.5-foot.-high, three-story single-family home over a basement level with an attached garage at 1620 Electric Avenue (A-5-VEN-15-0036).
- In August 2015, the Commission approved an Administrative Permit to construct a three-story, 30-foot high (with 40-foot. high roof access structure), 3,724 square-foot single-family home with an attached 468 square-foot garage on a vacant canal fronting lot, at 450 Sherman Canal (Application No.5-15-0753).

No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission regarding the proposed project. Therefore, the decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission.

**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.**

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

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 14 of 23

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 in the single jurisdiction zone and is not located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone and the nearest public road to such geographic features. The parcel itself is not situated on a waterfront, and there are public roads and access ways between the subject property and the sea or shoreline of a body of water. There will be no dredging, filling, or diking of coastal waters or wetlands, and there are no sensitive habitat areas, or archaeological or paleontological resources identified on the site. The project is consistent with the underlying zone and building envelope requirements, except for a request to waive the required rear yard. Therefore, 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.**

On September 27, 2016, A Notice of Exemption (ENV 2014-4642-CE) was issued pursuant from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3, and Category 1 of the City CEQA Guidelines because the project is a single-family residence that is not in conjunction with the building of two or more dwellings; and is in an urbanized area, up to three single-family residences may be constructed under this exemption. Further, the existing single-family dwelling was constructed in 1947 and is recognized as a non-contributor to the Milwood Venice Walk Streets Historic District, and the Office of Historic Resources reviewed the project and found that it would not create an adverse impact on the Historic District.

**MELLO FINDING**

**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 project site is developed with a single-family home that will be remodeled and added on to, thus no affordable units are proposed to be demolished. Further, the project is considered a small new housing development pursuant to Part 2.4.2 of the Interim Administrative Procedures as the project proposes nine or fewer residential units. Thus, the proposed project is categorically exempt from further Mello Act compliance review.

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 15 of 23

In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

8. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of the zoning regulations.**

The project is requesting a Zoning Administrator's Adjustment to permit a 0-foot rear yard setback in lieu of the 15-foot rear yard required by Section 12.09-C, in order to allow an access stairway for the proposed addition.

The subject site is located within the Venice Community Plan, and located on a lot with a width of 40 feet and a depth of approximately 90 feet, for a total lot area of 3,589 square feet. Thus, the lot is substandard in size, as any new legally subdivided lot in the R2 requires a minimum of 5,000 square feet.

According to the applicant, the rear yard relief is needed in order to accommodate an access stairway for the rear of the dwelling. Additionally, the new construction preserves the existing 17-foot front yard setback that fronts Amoroso Place, a dedicated Walk Street, which is characterized by dwellings set far back from the right-of-way. Further, locating the addition towards the rear also reduces the amount of new construction that is visible from the street. The proposed access stairway allows direct access between the second floor and street level. Because the zone is R2, the project cannot utilize the half width of the alley as a portion of the rear yard, per Code Section 12.22-C, 10. Thus, the instant request is to allow a 0-foot rear yard.

The intent of setbacks is to create a minimal distance between buildings in order for emergency access, fire safety, aesthetics, landscaping, circulation, and to allow air and light to reach spaces between buildings. Though the proposed 0-foot rear yard is less than the 15 feet required, there are no adverse impacts expected as the rear property line fronts an alley that serves as circulation for vehicles primarily, and not as an access way for pedestrians. Amoroso Place which runs along the front property line, is a designated Walk Street that allows for pedestrian circulation but does not allow for any motorized vehicles. Thus, the front yard setback is the most critical setback regarding neighborhood aesthetics and the provision of landscaping, while the rear yard setback is less critical for these benefits. Finally, other existing garages currently observe minimal setbacks, further establishing the alley as a vehicle-focused means of access.

9. **In light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade**

**adjacent properties, the surrounding neighborhood, or the public health,**

Coastal Commission  
Exhibit 2

A-5-VEN-17-0018

Page 16 of 23



**welfare and safety.**

The property is zoned for limited multiple-family residential uses within an established residential neighborhood. The reduced rear yard is requested in order to allow an access stairway while maintaining the existing front yard that faces a designated Walk Street. The proposed addition is located at the rear of the building in order to lessen the visibility from the public right-of-way, furthering the historical appearance of the building from the street. No adverse impacts to the neighborhood are likely, as the rear alley serves primarily as motorized vehicle access, with no curb, sidewalk, or other pedestrian improvements. Finally, other existing garages in the vicinity that face the alley also observe minimal setbacks.

10. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

The purposes, intent, and provisions of the General Plan and Community Plan seek to ensure compatibility with surrounding uses, both in development and use, and to encourage preservation of single- and multi-family neighborhoods. There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the site for Low Medium I Residential land uses, with the corresponding zone of R2 and Height District No. 1.

The subject rear yard adjustment is consistent with the purposes, intent, and provisions of the General Plan and Municipal Code. The basic use of the property is consistent with the Plan. The property will retain its residential use in keeping with development patterns in the surrounding community. No units are being removed, and no new units are being added. Further, sufficient off-street parking is being provided by the project.

**PROJECT PERMIT COMPLIANCE FINDINGS**

11. **The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The subject property is a through, interior lot, with a lot area of 3,589 square feet. The subject property and the majority of the surrounding area is zoned R2-1. The project is located in the Oakwood/Milwood/Southeast Venice Subarea and fronts Amoroso Place, a designated Walk Street. The subject site is currently improved with a single-story single-family residence. The subject request is to allow the remodeling and addition to an existing one-story 948 square-foot single-family dwelling and 198 square-foot detached garage, to create a two-story, 28-foot tall, 2,482 square-foot, single-family dwelling with attached 356 square-foot garage, and

Exhibit 2  
A-5-VEN-17-0018

replacement of pool and spa.

The proposed density of one dwelling unit per lot is consistent with the R2-1 Zone and the regulations prescribed in the Venice Coastal Specific Plan. The adjacent properties are developed with one- and two-story single-family residential structures, and three-story multi-family residential structures.

Surrounding homes vary in size, according to County Assessor data. The property to the north at 942 Amoroso Place is developed with a duplex featuring 632 and 320 square feet; 934 Amoroso Place to the south features 768 square feet; 939 Amoroso Place to the west features 794 square feet; 937-939 Venezia Avenue to the east features a duplex with 1,311 and 700 square feet. Beyond adjacent lots, one home similar in size to the proposed project can be found at 931 Venezia Avenue which features 2,262 square feet.

On October 5, 2016 the Director of Planning granted a Coastal Development Permit to allow remodeling of an existing single-family dwelling unit with a 765 square-foot first floor addition and a 1,050 square-foot second floor addition, in order to produce a total floor area of 2,648 square feet, while retaining an existing 369 square-foot two-car garage, all at 934 Amoroso Place. In addition, the Zoning Administrator granted an adjustment to allow a rear yard of 3 feet 8 inches and a side yard of 1-foot 10 inches, in lieu of the 15-foot rear yard and 4-foot side yard otherwise required. Both actions had an effective date of October 20, 2016, but construction has not commenced yet, as of the date of this determination.

Further, the Office of Historic Resources reviewed the proposed project and found that the project is compatible with the Milwood Venice Walk Streets Historic District and would not create adverse impacts to the District. The proposed single-family dwelling features a design with varied roof forms, fenestration, shutters, and diverse bulk and massing in order to avoid a block-shaped building mass that would be inconsistent with neighborhood character.

The proposed project conforms to walk street residential development standards per Policy II.C.10 of the Venice Land Use Plan by providing a diverse and articulated façade facing the Walk Street, via a covered entry on the ground level and an open balcony on the second floor. The primary entrance to the proposed building is facing the Walk Street, with a secondary entrance facing the rear. There is no proposed encroachment into the right-of-way, and the proposed height meets the maximum height of 28 feet for projects on walk streets.

As stated earlier, the project complies with the Venice Specific Plan. Owing to the nature and characteristics of the immediate neighborhood, the proposed project is compatible in scale and character with the existing neighborhood and with the Venice Coastal Zone Specific Plan for the Oakwood/Milwood/Southeast Venice Subarea.

12. **The Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.**

Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 18 of 23

The property is located within the Oakwood-Milwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan. It is designated for residential uses per the Venice Community Plan and the Venice Land Use Plan, a component of the Venice Local Coastal Program that was certified by the California Coastal Commission on June 14, 2001.

The proposed project has been designed and conditioned to meet the applicable land use, design and parking standards:

- a. Density. The project shall consist of the remodel and addition to a single-family residence with an attached two-car garage space which is consistent with the density regulations for this lot.
  - b. Height. Pursuant to the Venice Specific Plan, a Venice Coastal Development Project in the Oakwood/Milwood/Southeast Venice Subarea shall not exceed 30 feet with a varied roof that has a pitch of 2 inches to 12 inches. The development is proposed with a maximum height of 28 feet with a varied roof, consistent with the applicable regulations.
  - c. Access. Vehicle access to the site shall be provided from streets or alleys other than Walk Streets. The property will maintain vehicle access from the rear alley, Amoroso Court.
  - d. Parking. Pursuant to the Venice Specific Plan, the proposed structure is required to provide three parking spaces. Section 13D of the Venice Specific Plan states, "Three parking spaces shall be required for a lot which is 40 or more feet in width and not adjacent to an alley." The subject lot is 40 feet in width and is adjacent to an alley, and thus shall be required to provide two parking spaces. The subject property includes a two-car garage, which satisfies the required number of parking spaces.
  - e. Walk Streets: Project located on Walk Streets are subject to additional regulations. The project incorporates architectural details such overhangs, balconies, and covered entries. Further, the Office of Historic Resources reviewed the proposed project, and found that the project will create no adverse impacts to the Milwood Venice Walk Streets Historic District.
13. **The applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.**

The proposed project does not involve the demolition of any existing single-family dwellings. The project entails the remodeling and addition to an existing one-story single-family dwelling and detached garage, to create a single-family dwelling with attached 356 square-foot garage, and replacement of pool and spa.

Coastal Commission

14. **The Venice Coastal Development Project is consistent with the special**

Exhibit 2  
A-5-VEN-17-0018



**requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).**

There are no affordable dwelling units on the project site. The proposed project neither meets nor exceeds the threshold of 10 or more dwelling units to require an affordable housing component as mandated by California Government Code Section 65590 (Mello Act).

#### **ADDITIONAL MANDATORY FINDINGS**

15. 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.
16. On September 27, 2016, the project was issued a Notice of Exemption, log reference A Notice of Exemption (ENV 2014-4642-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 Jason Chan, Planning Staff for the Office of Zoning Administration at (213) 978-1310.



DAVID S. WEINTRAUB  
Associate Zoning Administrator

DSW:jc

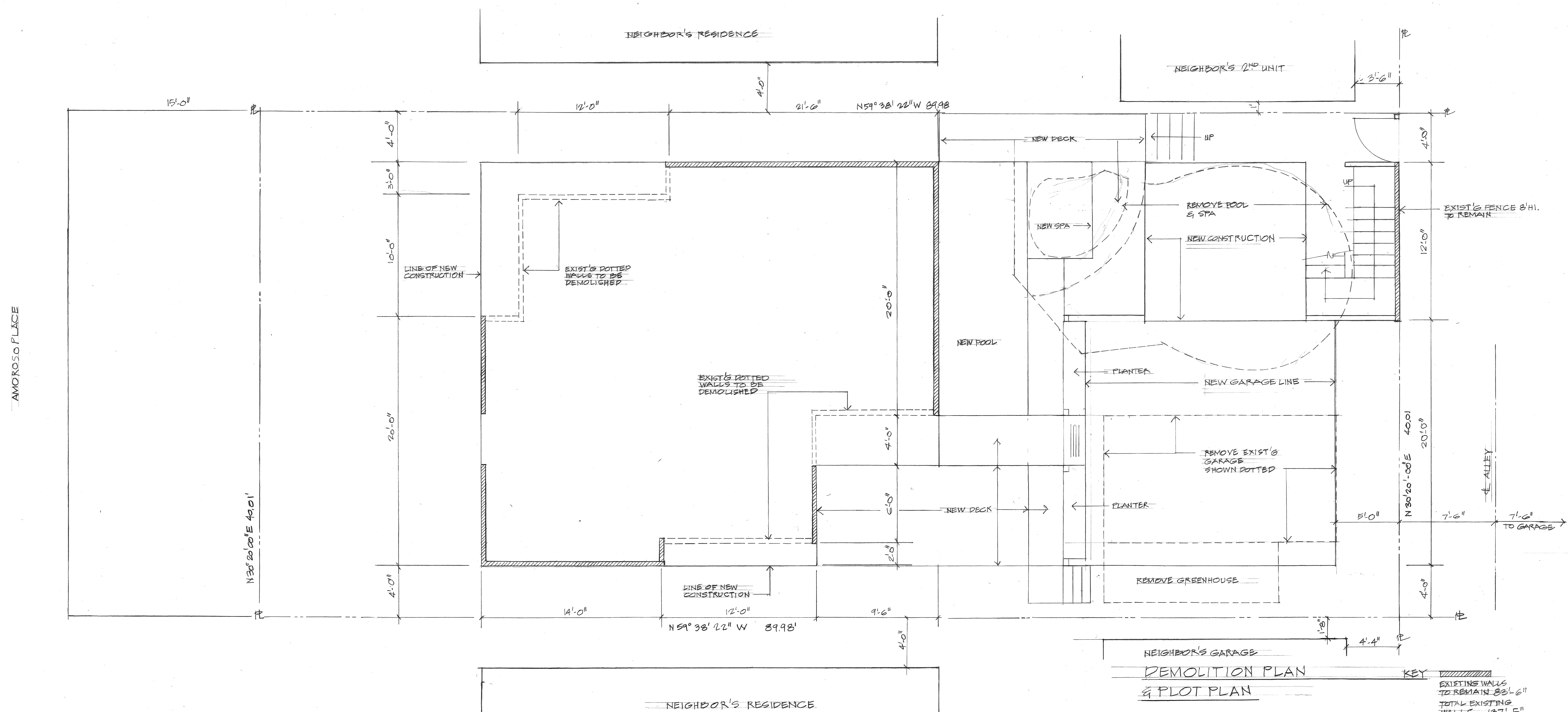
cc: Councilmember Mike Bonin  
Eleventh District  
Adjoining Property Owners

Reiss Brown Ekmekji  
18980 Ventura Blvd. Suite 350  
Tarzana, CA 91356-3233  
818.757.1501

**ALTERNATIVE ENERGY SYSTEMS**  
229 N. CENTRAL AVE. SUITE 500  
GLENDALE, CA 91203  
818.246.2844

LOT 6 OF BLOCK 18 OF THE VENICE ANNEX TRACT.

A-5-VEN-17-0018





# Consultants

## Structural Engineer

Reiss Brown Ekmekji  
15960 Ventura Blvd. Suite 350  
Tarzana, CA 91356-3233  
818.757.1501

## Energy Consultant

ALTERNATIVE ENERGY SYSTEMS  
229 N. CENTRAL AVE. SUITE 500  
GLENDALE, CA 91203  
818.246.2644

# Owner

DEREK HARBAUGH &  
NATE COURT  
938 AMOROSO PLACE,  
VENICE CA 90211

# Legal Description:

LOT 6 OF BLOCK 18 OF THE VENICE ANNEX TRACT.

# Architect

Ray Kappe FAIA  
715 Brooktree Rd.  
Pacific Palisades CA 90272  
tel. 310.459.7791  
rkappe@verizon.net

Date:

Revision:

Date: 11.15.15

By: RK

Sheet Title: FLOOR PLANS

Scale:

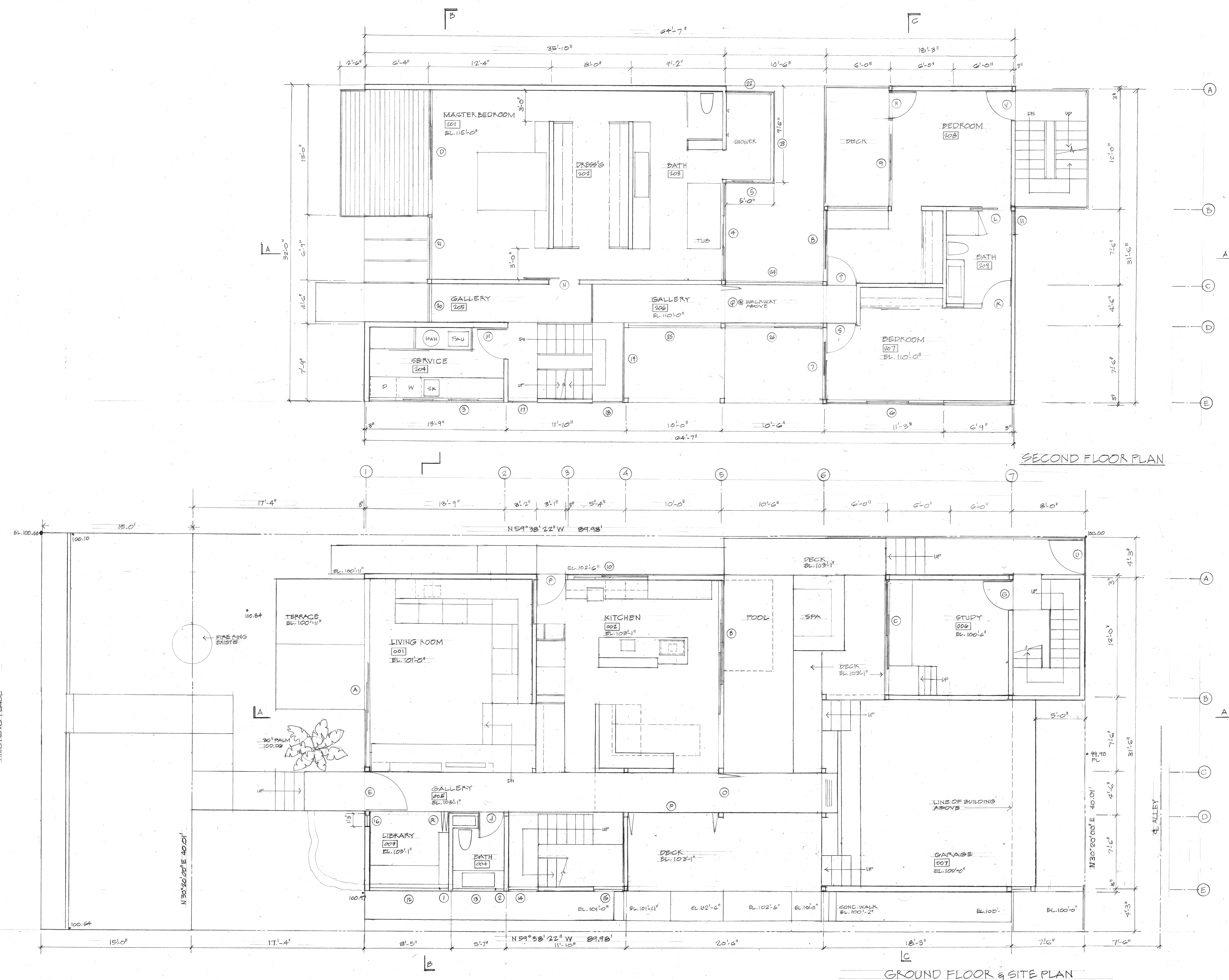
0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10'

Sheet No: A3 Coastal Commission

Exhibit 2

A-5-VEN-17-0018

Page 22 of 23





Consultants

Structural Engineer

Reiss Brown Elmkoff  
15980 Ventura Blvd. Suite 350  
Tarzana, CA 91356-3233  
818.757.1501

Energy Consultant

ALTERNATIVE ENERGY SYSTEMS  
228 N. CENTRAL AVE. SUITE 500  
GLENDALE, CA 91203  
818.246.2844

Owner

DEREK HARBAUGH &  
NATE COURT  
938 AMOROSO PLACE,  
VENICE CA 90211

Legal Description:

LOT 6 OF BLOCK 18 OF THE VENICE ANNEX TRACT.

Architect

Ray Kappe FAIA  
715 Brooktree Rd.  
Pacific Palisades CA 90272  
tel. 310.459.7791  
rkappe@verizon.net

Date:

Revision:

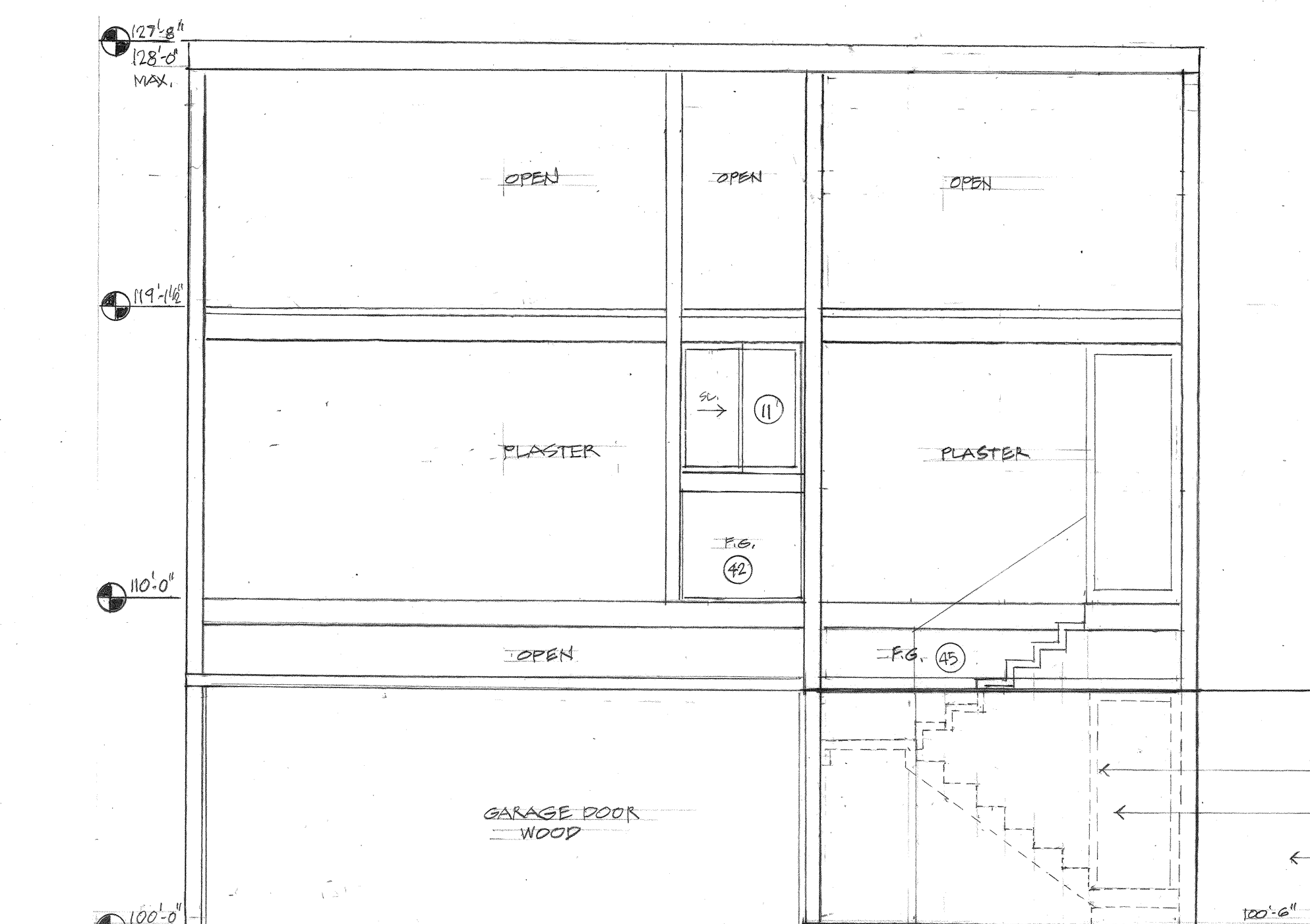
Date: 11.15.15

By: RK

Sheet Title: ELEVATIONS

Scale:  
0 5 10

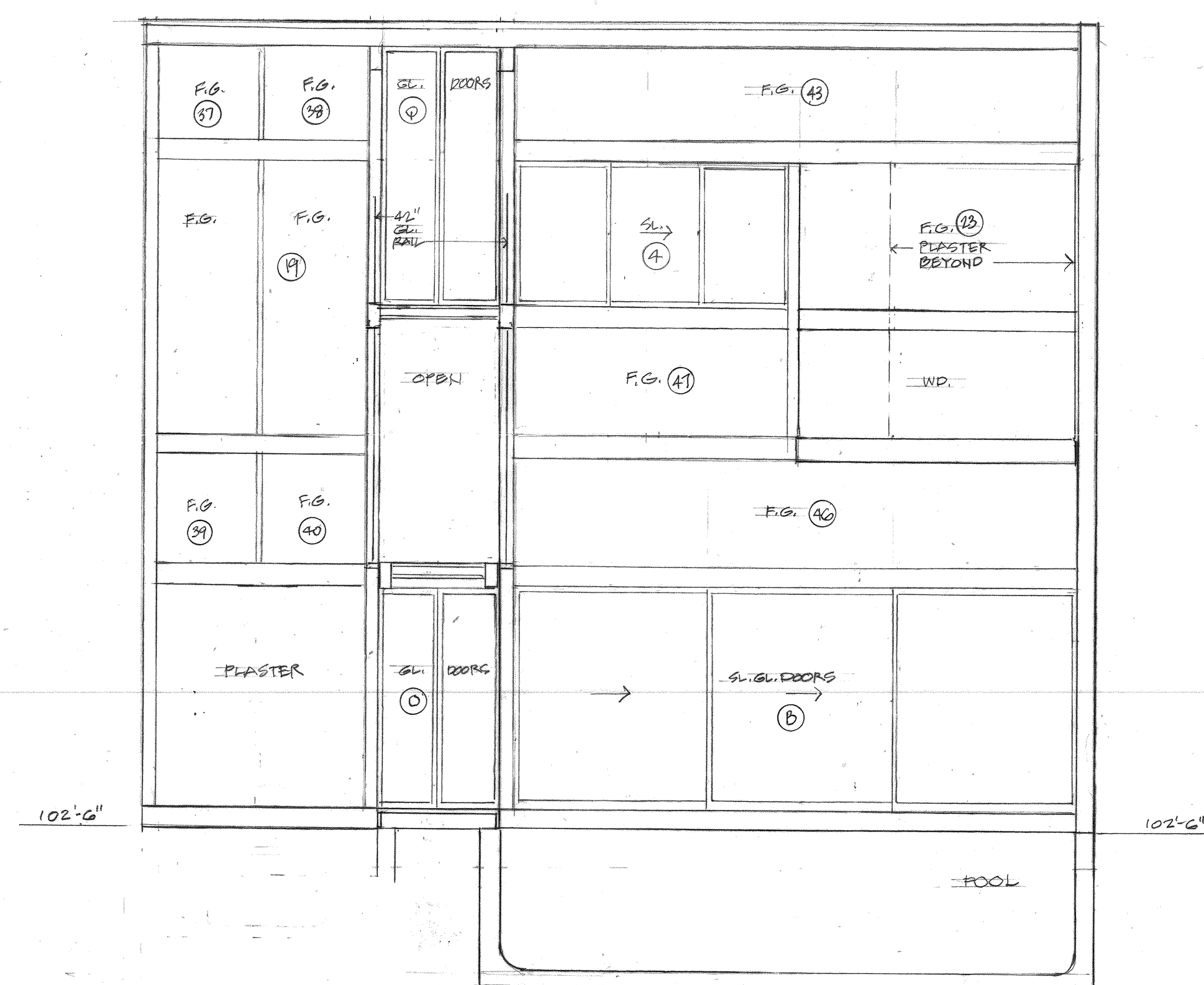
Sheet No: A4 Coastal Commission  
Exhibit 2  
A-5-VEN-17-0018  
Page 23 of 23



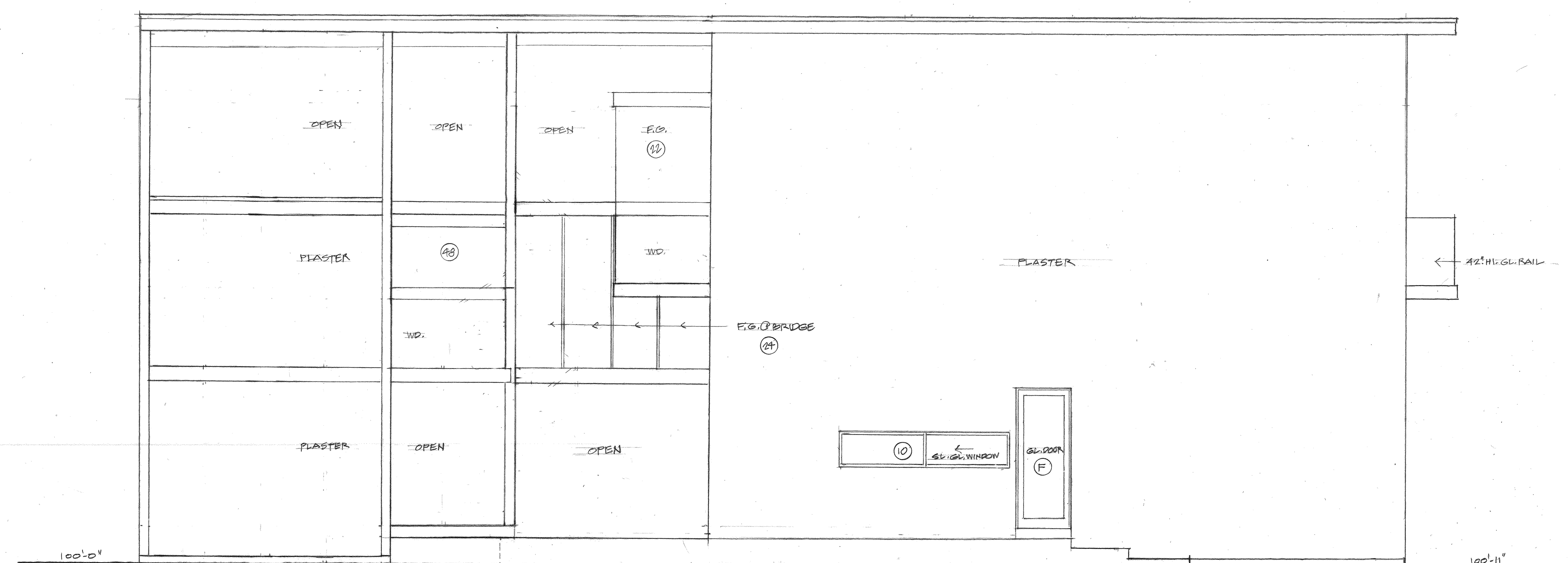
SOUTHEAST ELEVATION @ ALLEY



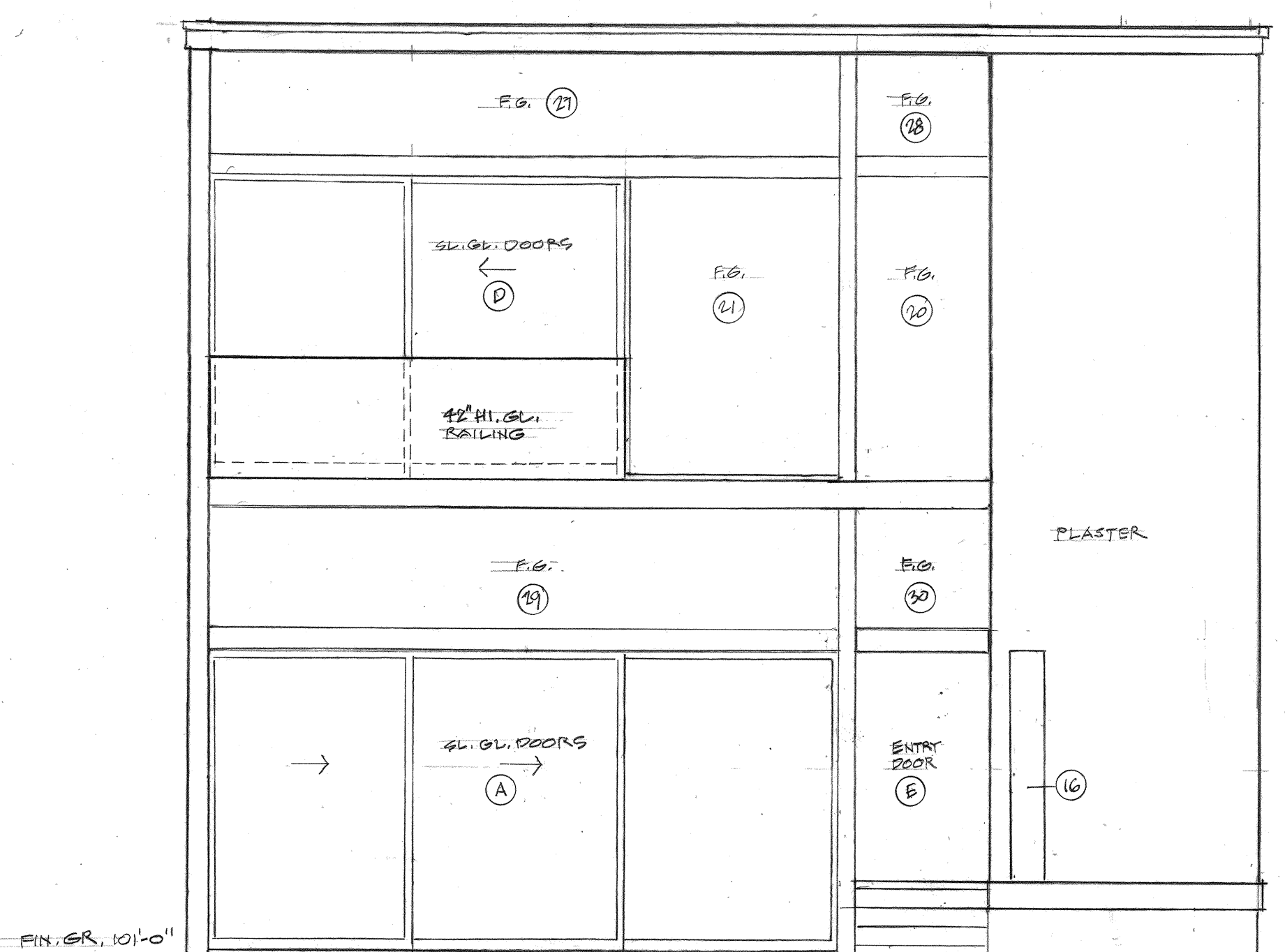
NORTHWEST ELEVATION @ GARAGE



SOUTHEAST ELEVATION



NORTHEAST ELEVATION



NORTHWEST ELEVATION



SOUTHWEST ELEVATION



## 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

APR 24 2017

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: Lilian White 910 Amoroso Place, Venice, CA 90291; Howard Giller, 810 Amoroso Place, Venice, CA 90291;

Mailing Address: MaryJack 913 Marco Place, Venice, CA 90291, Nancy Wilding 845 Marco Place, Venice 90291,

Sue Kaplan 763 Nowita Place, Venice 90291

City:

Zip Code:

Phone:

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Coastal Development Permit for a remodel and addition to an existing one-story SFD with detached garage creating a two story SFD with attached garage, appealing a ZA Adjustment allowing a 0-foot rear setback in lieu of required 15-foot rear setback.

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

938 Amoroso Place, Venice 90291

Lot 6, Block 18, Venice Annex Tract

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-VEN-17-0018

DATE FILED:

April 24, 2017

DISTRICT:

South Coast

Coastal Commission

Exhibit 3

A-5-VEN-17-0018

Page 1 of 8

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: March 2, 2017

7. Local government's file number (if any): ZA 2014--4641 - CDP-ZAA-SPP-MEL

**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:  
Derek Harbaugh, 938 Amoroso Place, Venice  
Nathan Court, 938 Amoroso Place, Venice  
Ray Kappe, Kappe Architects/Planners,  
715 Brooktree Road, Pacific Palisades, 90272
- 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) Planning received at least 9 written statements (only identified by address) concerned about rear setback (from Letter of Determination).

(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.

see attached document

**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.

*William W. Maun Jack Howard Giller Sue Kaplan*  
*Lillian S. White*

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: 24 April 2017

**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: \_\_\_\_\_

*Howard Giller withdrawn as an  
appellant on 5/3*



**Certified Local Coastal Program Land Use Plan Policies and Coastal Act Sections Particularly Relevant to this Appeal:**

**The L.A. General Plan's Venice Community Plan Coastal Commission-Certified Venice Land Use Plan (certified by the Coastal Commission in 2001) ("LUP") Preservation of Venice as a Special Coastal Community, Policy I. E. 1. General states: "*Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3....*"**

LUP Policy I. A. 7. Multi-Family Residential – Low Medium II Density states:  
**d. requires yards in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.**

LUP Policy 1. D. 3. Views of Natural Coastal Recreation Resources states: **The scale of development shall comply with height limits, setbacks and standards for building massing specified in Policy Groups 1.A and 1.B, Residential and Commercial Land Use and Development Standards of this LUP, in order to protect public views in highly scenic coastal areas and vista points, including, but not limited to, the canals, lagoon, jetty, pier, Ocean Front Walk, walk streets and pedestrian oriented special communities.**

LUP Policy I.E.5 Nonconforming Structures, states:

Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply: Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.

Section 30116 of the Coastal Act requires special consideration for development in "Sensitive Coastal Resource Areas," which means those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity, and which includes **areas possessing significant recreational value and "special communities or neighborhoods which are**

significant visitor destination areas;" and the Coastal Commission has identified Venice as such a community of neighborhoods that is special and unique in the Coastal Zone.

Section 30253(e) of Article 6 of Chapter 3 of the Coastal Act states: "Where appropriate, protect special communities that, because of their unique characteristics, are popular visitor destination points for recreational uses."

#### Section 30105.5 of the Coastal Act Definitions

##### Cumulatively; cumulative effect

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (Added by Ch. 1087, Stats. 1980.)

\*\*\*\*\*

The Venice Community is identified by the Coastal Commission in its Certified Land Use Plan (part of the L.A. General Plan and Venice Community Plan), as well as in numerous reports and permit-related documents, as a "significant and popular visitor destination," and a "community to be protected."

The City's abuse of discretion and errors in approving significant exceptions for side yard and rear yard setbacks for the proposed project would cause a significant and unacceptable level of adverse impact to the visual resources and character, mass and scale of this protected, highly scenic, and historic Walk Street area, a "sensitive coastal resource area," and therefore a very significant adverse cumulative impact on this sensitive coastal resource area of the Venice Coastal Zone.

The City abused its discretion in approving the following entitlements:

1. Zoning Administrator Adjustment to allow a 0-foot rear yard setback instead of the required 15-foot rear yard setback. This entitlement allows a **0-foot rear yard setback for an existing detached "legal but non-conforming" garage to continue for the new, attached garage. This new structure should be held to the rear yard setback requirement of 15 feet for this zone.**
2. A 4-foot side yard setback instead of the required 5-foot side yard setback (it should be noted that a Zoning Administrator Adjustment should have been required but was not done by the City).

**The existing detached garage was built right up to the alley, and the owners want to maintain this nonconforming setback with a newly built attached garage. This is highly unusual and puts a strain on an already narrow alley with almost zero driveway turnout capacity. Rear yard setbacks allow for free and safe flow of traffic, both by personal vehicles and emergency vehicles, and the consistent degradation of these setbacks not only sets a dangerous precedent for future projects, but also creates a detrimental cumulative impact for the neighborhood. Such setbacks also allow for the maxing out of the square footage of the project, in excess of the existing neighborhood's mass and scale, thus further significantly impacting its community character. Setback requirements, especially for walk street properties, where vehicles can only access the properties via narrow alleys behind the homes, must be strictly enforced and exceptions only allowed for true hardships.**

We take exception to The City's rationale for approving the non-conforming rear yard setback, as discussed in the "Zoning Administrator's Findings" section of their report, which states that "the substandard lot size makes strict adherence to yard regulations impractical and infeasible because the subject lot, which is approximately 3,690 sq. ft., is approximately 28% less than the minimum lot area required in the R2 zone, which is 5,000 sq. ft."

The lot size, 3,600 sq ft, is the prevailing lot size throughout the Milwood Walk Streets scenic historic district. Of the 25 lots on the 900 block of Amoroso Place, 23 are that same size. The vast majority of lots in the Milwood Walk Streets district are between 3,000-4,000 sq ft. Some are smaller; very few are larger. Findings are required that find "That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan." (Sec. 562, Los Angeles City Charter). Development standards and requirements must be followed and adjustments minimized in order to preserve the character of the neighborhood.

Replacing the existing "legal but non-conforming garage" with a reduced rear yard setback and reduced side-yard setbacks creates "a detrimental cumulative impact for the neighborhood's free and safe flow of traffic" in the narrow alley behind the walk street, and sets a negative precedent for future development in this location. It also impacts the character of the area, as the reduced setbacks allow for mass and scale well in excess of the existing neighborhood.

Enforcement of these setbacks is critical to the character of the Milwood Walk Streets neighborhood. Continued lack of enforcement of local building standards and policies creates a detrimental cumulative impact for the neighborhood as alleys get narrower and narrower and the structures larger and larger with each exception granted, despite the City's assertion to the contrary.

The Coastal Act law protects the Community character of Venice's unique existing neighborhoods. What is existing is the way those lots and structures and the landscaping are configured now. What is existing is a configuration of structures and landscaping that are very much a part of what makes the Millwood Walk Street area both historic and highly scenic, which in turn is an extremely important part of what qualifies Venice in being designated by the California Coastal Commission as a "Special Coastal Community" of the California Coastal Zone, an extremely rare and valuable designation.

**The responsibilities and requirements of property owners in the Coastal Zone are much more significant than the responsibilities and requirements of property owners outside of the Coastal Zone. And the responsibilities and requirements of property owners who live in an area of the Coastal Zone that has been designated as both historic and highly scenic are even much more significant than the responsibilities and requirements of property owners in the Coastal Zone not located in an historic or highly scenic area.**

Please insist on the compatibility of developments for the unique and special neighborhoods of the Venice Community, and the Milwood Walk Streets neighborhood in particular, as it is both highly scenic and historic, and a tourist attraction. Venice is one of the few remaining Coastal Commission-designated "Special Coastal Communities" (as defined in the Certified Land Use Plan) in the State, and should be protected as a resource of great importance to the State and its Coastal Zone.



# **938 Amoroso Place**

## **Supplement Materials for the Coastal Commission**

By Ray Kappe

938 Amoroso

Coastal Commission  
Exhibit<sup>1</sup> 4  
A-5-VEN-17-0018  
Page 1 of 29

# Our Goals

**Clean and modern**

**Notable architect, unique and different, something the neighborhood could be proud of**

**Use of wood, glass, and decks to bring a sense of warmth and create a seamless indoor/outdoor design that takes full advantage of the open, park-like environs of the walkstreet**

**Enough interior space to serve as a family home, but does not maximize building envelope or seek to fulfill some “realtor’s checklist”**

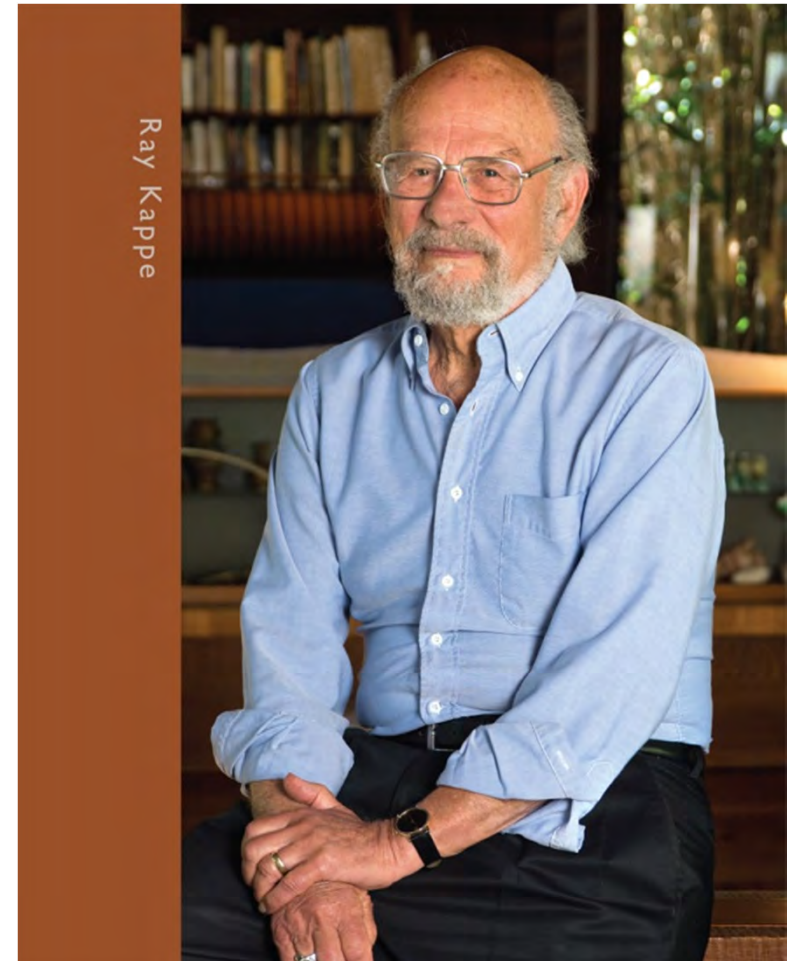
# Ray Kappe

Notable, long time Los Angeles architect

Founded the countries top architectural school Sci-Arc in Santa Monica with Thomas Payne from Morphosis

His own in Pacific Palisades is considered one of the most iconic Los Angeles modern homes and according to the LA Conservancy, is “widely regarded as one of the finest and most inviting Modern houses in the United States”

American Institute of Architects state Ray is an “...icon of Southern California style”



## Examples of Ray Kappe work



938 Amoroso

Coastal Commission  
Exhibit 4  
A-5-VEN-17-0018  
Page 4 of 29



## Examples of Ray Kappe work



938 Amoroso



## Examples of Ray Kappe work



938 Amoroso

Coastal Commission  
Exhibit 4  
A-5-VEN-17-0018  
Page 6 of 29



## Examples of Ray Kappe work



938 Amoroso

Coastal Commission  
Exhibit 4  
A-5-VEN-17-0018  
Page 7 of 29



## Examples of Ray Kappe work



938 Amoroso



## Examples of Ray Kappe work



938 Amoroso

## Examples of Ray Kappe work



938 Amoroso

Coastal Commission  
Exhibit 4<sup>10</sup>  
A-5-VEN-17-0018  
Page 10 of 29

# Our project

- Remodel of current 948 sq.ft. home
- First floor addition of 86 sq.ft. to original house in the front
- Replace existing 1-car garage with new 2-car garage in the rear of lot with attached office
- 2nd floor addition to original house
- 2nd floor above the garage and back office
- Bridge connecting the two structures
- Private mid-yard with small pool and surrounding decks
- Living Room will face the walkstreet and open to a patio that will be visually accessible to passers-by
- Second floor master bedroom with set-back balcony facing the walkstreet, increasing interaction points between the house and walkstreet



Existing palm is thicker and shorter than shown. Canopy will be just above roof and fronds and trunk will block view of a significant portion of the second floor

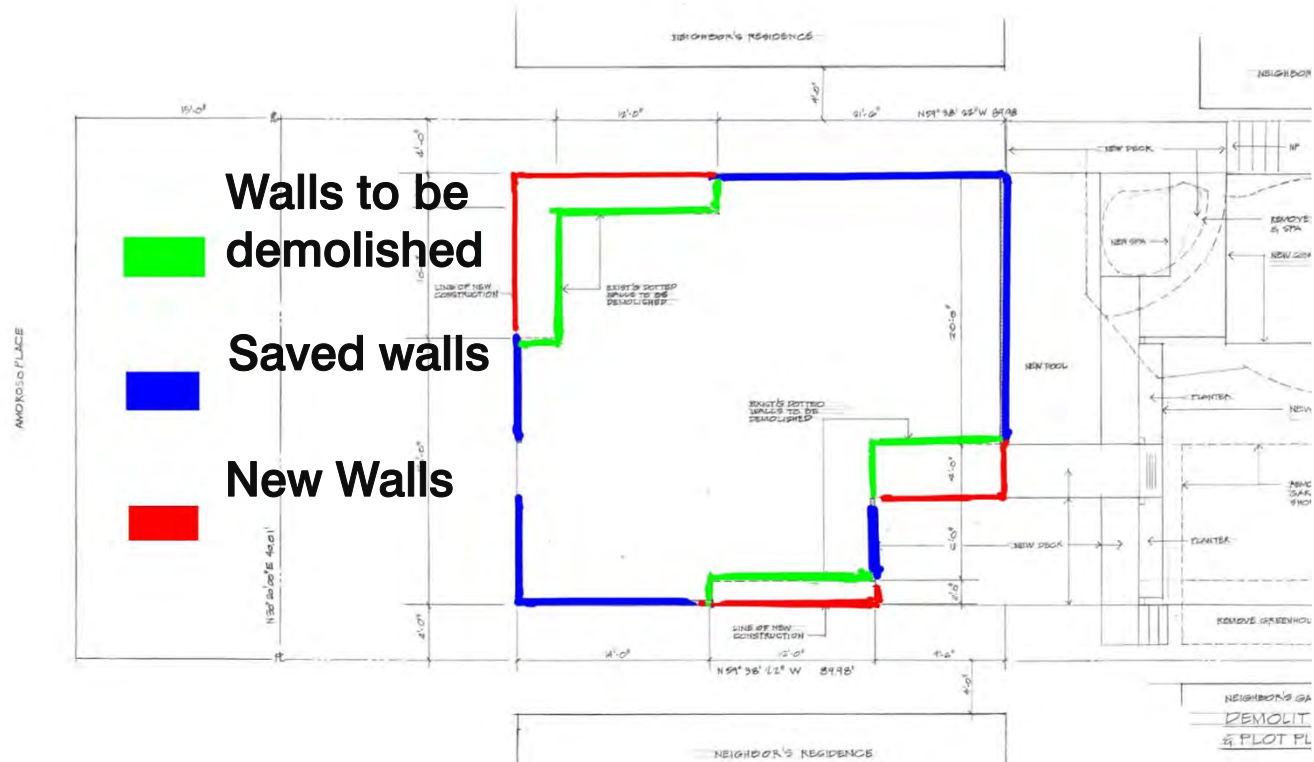


Canopy over green roof will NOT be built



# Demolition of walls

- Existing: 137.5'
- Saved: 88.5' (65%)

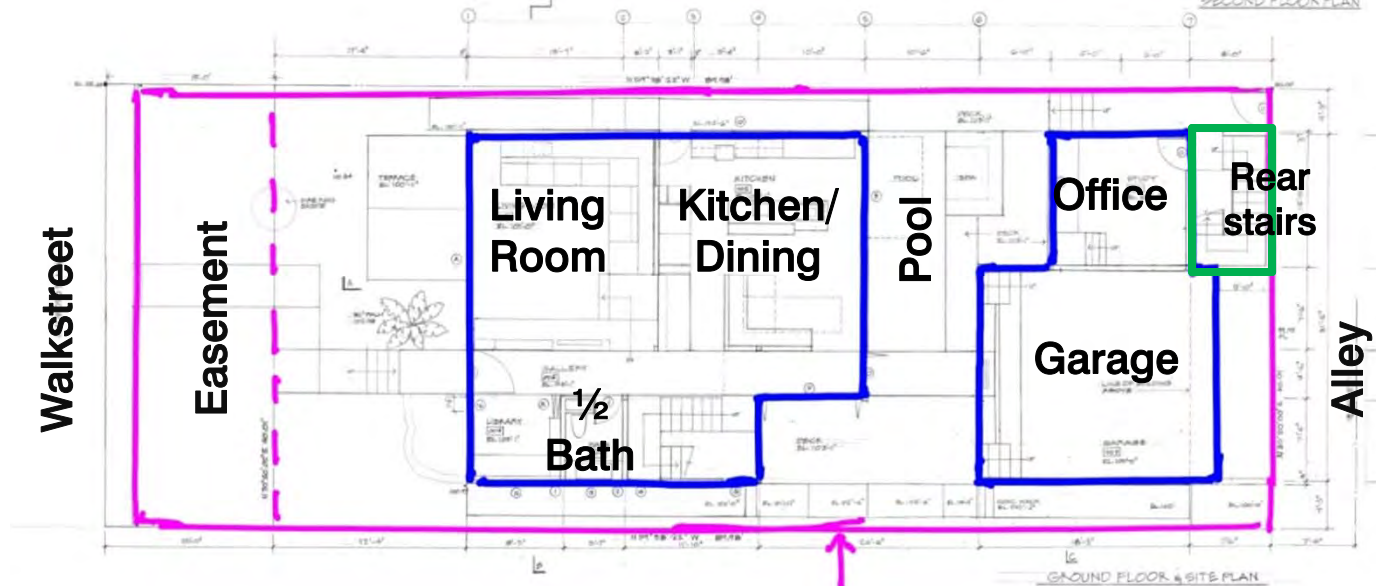


# Floorplan

2<sup>nd</sup> Floor



1<sup>st</sup> Floor



Property Line

938 Amoroso

Coastal Commission

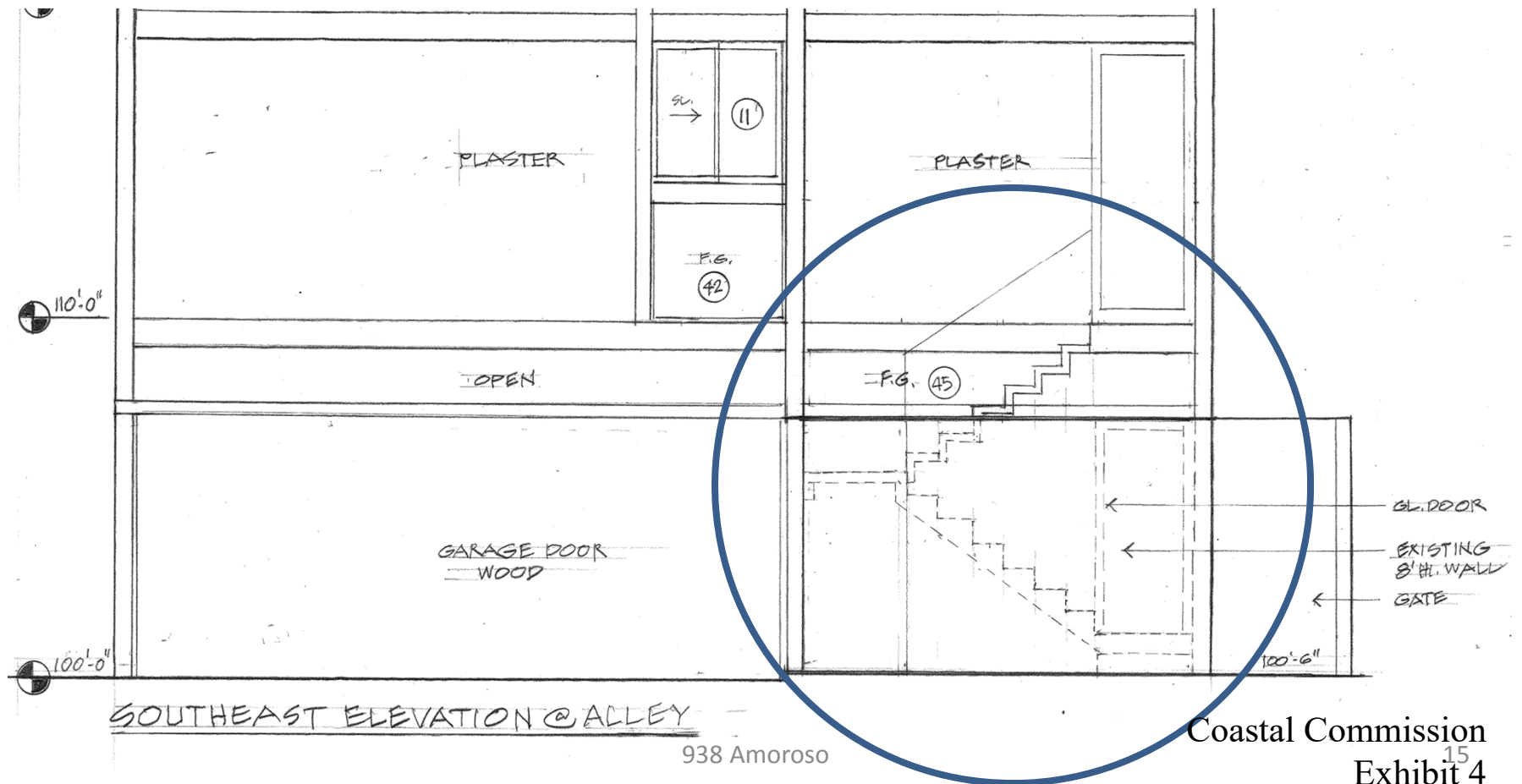
Exhibit 4

A-5-VEN-17-0018

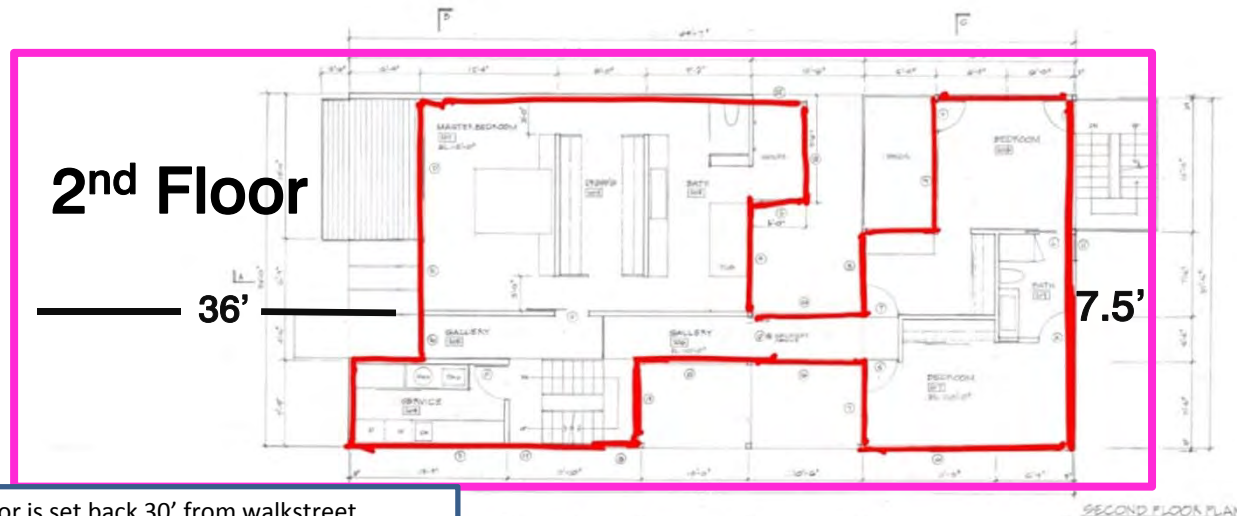
Page 14 of 29

# Rear Staircase

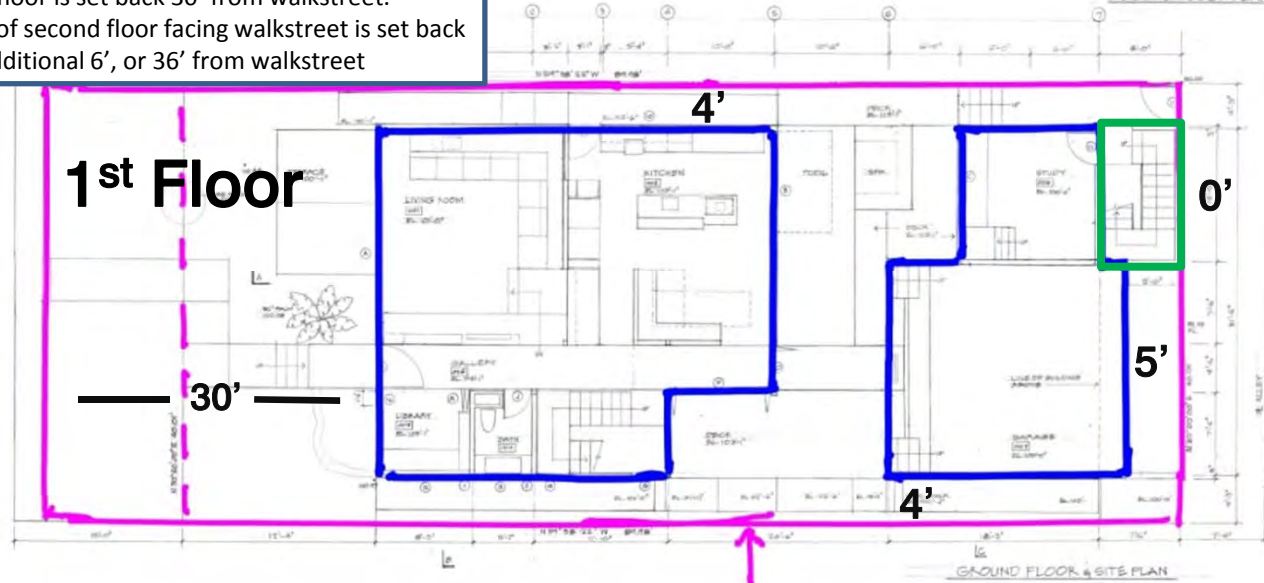
- Rear staircase between 7.5' and 0' from alley is uncovered and open to elements.
- Rear structure is 20' high



# Setbacks



- First floor is set back 30' from walkstreet.
- 80% of second floor facing walkstreet is set back an additional 6', or 36' from walkstreet



Property Line

- 0' rear yard setback is only used for 12' of unenclosed exterior staircase
- Garage to be set back 5'
- 2<sup>nd</sup> floor of rear structure, and office in front of staircase will be set back 7.5'
- Current front setback of 30' will be retained on first floor
- 80% of second floor will be set back 36' from the walkstreet
- 4' sideyard setbacks will be created, increasing garage's sideyard setback from current 1.5'

Coastal Commission

Exhibit 4

A-5-VEN-17-0018

Page 16 of 29



# Privacy issues across the alley

## 939 Venezia

- Directly across from us on the rear alley is a non-conforming, two-story apartment
- 1' from property line
- The upstairs apartment has a direct view into our rear yard if we were to adhere to the 15' setback requirement
- Note there is no parking/garage





# Privacy issues across the alley (cont.)

## 939 Venezia

- Currently our property has a 22' tall fence providing privacy in our back yard
- We would like to take the fence down
- Even with the reduced rear yard setback request, without the fence, the alley will have more open air

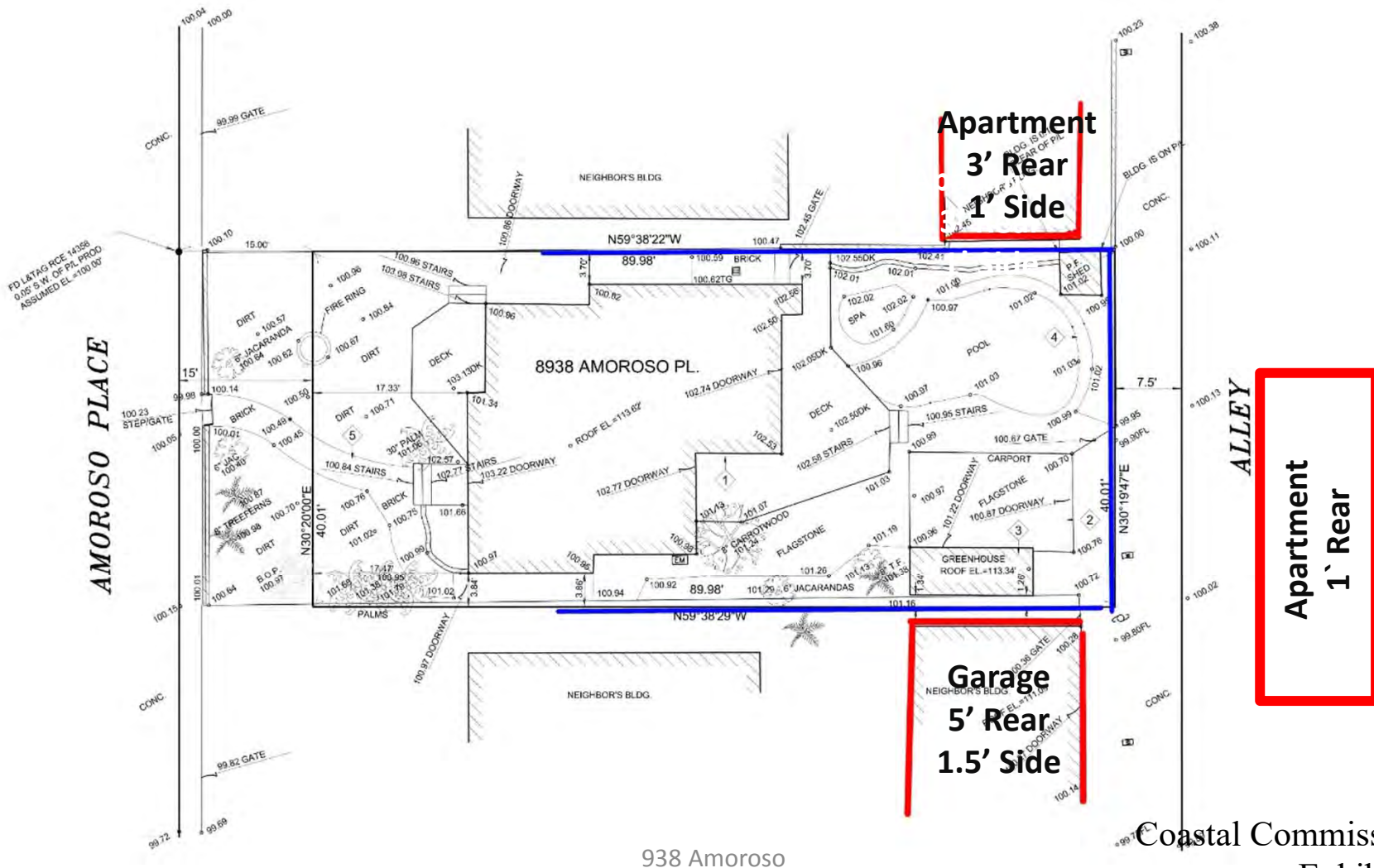


# Project will increase setback on alley

- The project will substantially decrease the current massing when viewed from the alley as the 22' property line fence will be removed



# Surrounding 3 properties with reduced yards





# Privacy issues to the east

## 942 Amoroso

- Guest house rental unit to the east of our property
- Rear yard setback of 3'
- Side yard setback of 1'





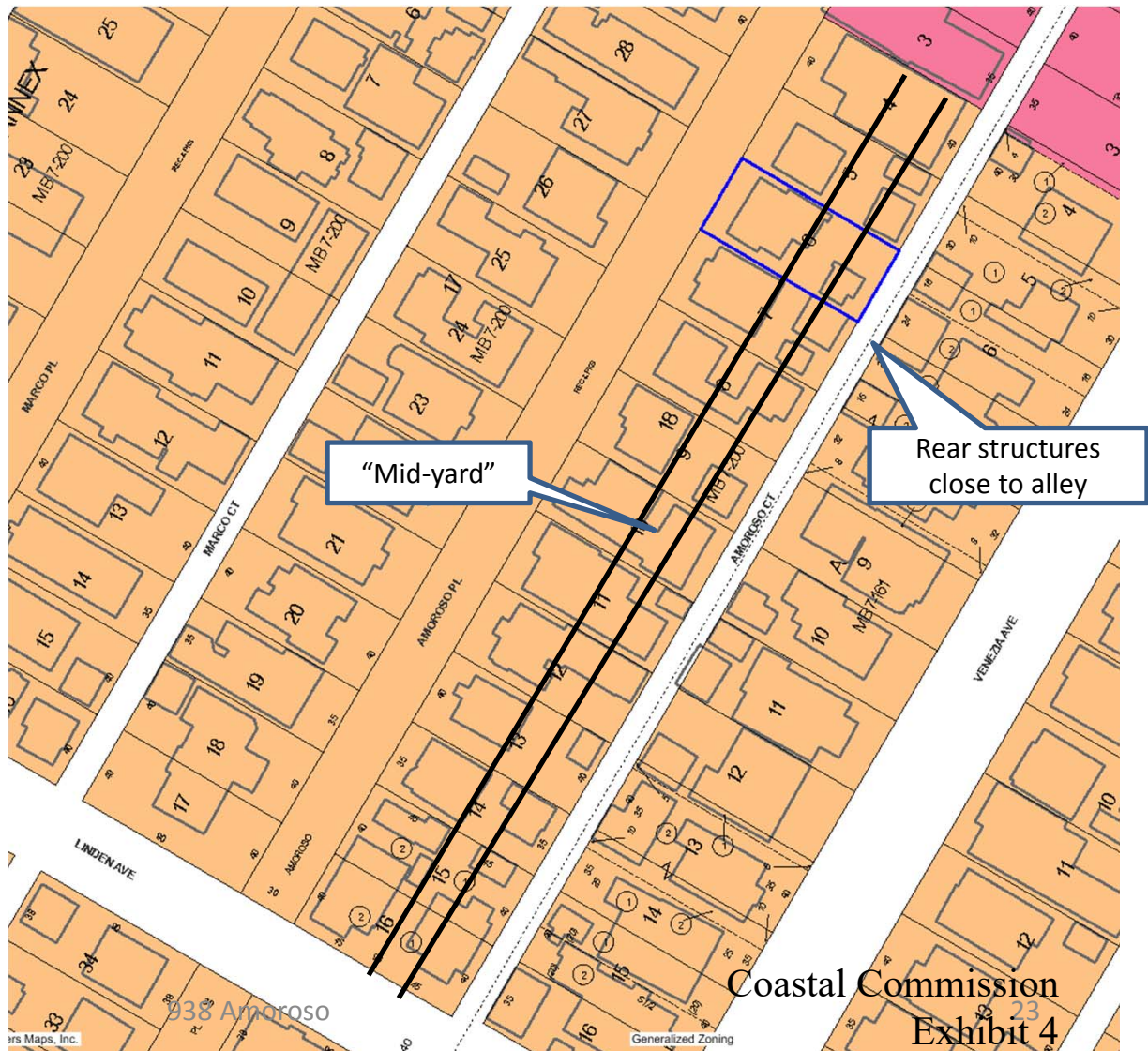
# Privacy issues to the west - 934 Amoroso

- 934 Amoroso recently received a ZA determination (case #ZA-2015-4600-ZAA) that granted a 3'6" rear and 1'10" side yard variance for a new two-story project
- The approved 934 structure would align with our proposed rear structure, but without our reduced rear setback, would look directly into the 15' required setback, thereby misaligning the properties



# Historic Development Pattern of 900 block of Amoroso

- The 900 block of Amoroso Place, as is the case with all of the walkstreets, is subject to zoning that imposes the 15' rear setback requirement.
- However, the historic development pattern of the neighborhood reflects separate front structures and rear structures close to the alley, with a “mid-yard” in between.
- Our project follows the historical pattern of development, which breaks up massing and allows more air and light to flow through



Coastal Commission  
Exhibit 4

A-5-VEN-17-0018

Page 23 of 29



# Historic Development Pattern of Walkstreets

- The map below shows the 900 blocks of Marco Place, Nowita Place and Superba have similar patterns of historic development where rear structures are close to the alley.



938 Amoroso



# Other reasons for reduced rear yard setbacks

- We are located three lots (approximately 185') from Lincoln Blvd.
- Lincoln is a significant source of noise and light pollution.
  - At the end of our alley, there is ~50' illuminated billboard
  - One of the lots at the end of the alley abutting Lincoln is a car lot, so there are no structures to block road noise from Lincoln.
- Our design allows the rear bedrooms of the home to have windows facing inwards to an open mid-yard, rather than having the sole source of light and airflow coming from Lincoln/alley facing windows.

# Reasons for variance request

- Adhering to the R2 setback requirements would deprive us of a private outdoor space
- Placing the open space in the middle of the property reduces the massing of our house by dividing the house into two parts
- Separating the structures preserves the historical development pattern of the Walkstreets
- Aligning the rear structure with neighboring structures will reduce noise impacts to both parties
- Placing the open space in the middle of the property provides additional air and light to both our project and neighboring houses

# Granting reduced rear yard setbacks is common on the walkstreets

ZA Case #	Address	Rear	Side	Front
ZA-2010-2062-ZAA	818 Nowita	10'		
ZA-2009-4120-ZAA	725 Nowita	0'	2'	
ZA-97-0572-YV	1630 Crescent	5'		
ZA-99-2573-YV	931 Amoroso	8'		
ZA-2004-5812-ZAA	932 Amoroso	5'	3'	
ZA-2005-5910-ZAA	920 Amoroso	7'		
ZA-2008-541-ZAA	924 Amoroso	7'6"		
ZA-2002-6174-ZAA	741 Amoroso	10'	1'	3'7"
ZA-97-0852-YV	721 Marco	0'	1'6"	
ZA-2006-5005-ZAA	860 Nowita	2'6"		
ZA-2001-3522-ZAA (Kaplan)	763 Nowita	0'		
ZA-2015-1165-CDP-ZAA-SPP-MEL	810 Amoroso	11'6"		
ZA-95-0766-YV	838 Nowita	8'10"		
ZA-2015-4600-ZAA	934 Amoroso	3'8"	1'10"	

938 Amoroso

Coastal Commission  
Exhibit 4

A-5-VEN-17-0018

Page 27 of 29



# Recent projects (2013+)

- Our project size is just below the average of other new projects in the neighborhood over the past several years
- We have a considerably lower FAR ratio than 810 Amoroso, which was approved earlier this year and is now under construction
- We have a lower FAR and are ~200 sqft. smaller than 934 Amoroso (next door), for which the Commission found no substantial issue at the January meeting, and is now under construction

Case #	Address	House	Garage	Lot	FAR	FAR w/garage
ZA-2015-4600-ZAA	934 Amoroso	2,648	369	3,589	73.8%	84.1%
ZA-2015-1165-CDP-ZAA-SPP-MEL	810 Amoroso	2,408	453	3,151	76.4%	90.8%
ZA-2014-1710-CDP-1A	920 Superba	2,640	420	3,600	73.3%	85.0%
DIR-2014-897-SPP-1A	912 Amoroso	2,524	360	3,592	70.3%	80.3%
DIR-2013-1118-SPP-MEL	745 Amoroso	2,758	274	3,600	76.6%	84.2%
DIR-2013-1790-SPP-MEL	826 Amoroso	2,169	375	3,329	65.2%	76.4%
DIR-2013-1464-SPP	806 Amoroso	2,352	380	3,361	70.0%	81.3%

AVERAGE		2,465	369	3,437	72.2%	83.2%
ZA-2014-4641-CDP-ZAA-SPP-MEL	938 Amoroso	2,482	356	3,589	69.2%	79.1%

938 Amoroso

Coastal Commission

Exhibit 4

A-5-VEN-17-0018

Page 28 of 29

# Community Input and Process

- January 5, 2016 - Project was reviewed by Land Use and Planning Committee ("LUPC") of the Venice Neighborhood Council ("VNC") and approved
- January 10, 2016 – Project was presented at a neighborhood meeting held at the home of Mary Jack (appellant). There were approximately 15 attendees
  - Concurrent with the LUPC and neighborhood meetings, we gathered 13 letters of support, 10 of which are from the 900 block of Amoroso
- January 19, 2016 - Project was reviewed and approved by the full VNC on a vote of 12/0/2
- December 1, 2016 – Project was presented to the Zoning Administrator at a public hearing regarding the reduced setback request
  - No one other than the applicant and ZA attended the hearing
- The delay in moving forward (January vs. December 2016) was a result of resubmitting our project as a CDP rather than a CEX
  - The City had originally recommended we file as a CEX
  - As a condition of approval, Robin Rudisill, the former Venice LUPC Chair, required that we resubmit our file as a CDP, which we did