

## **CALIFORNIA COASTAL COMMISSION**

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



# **W23f**

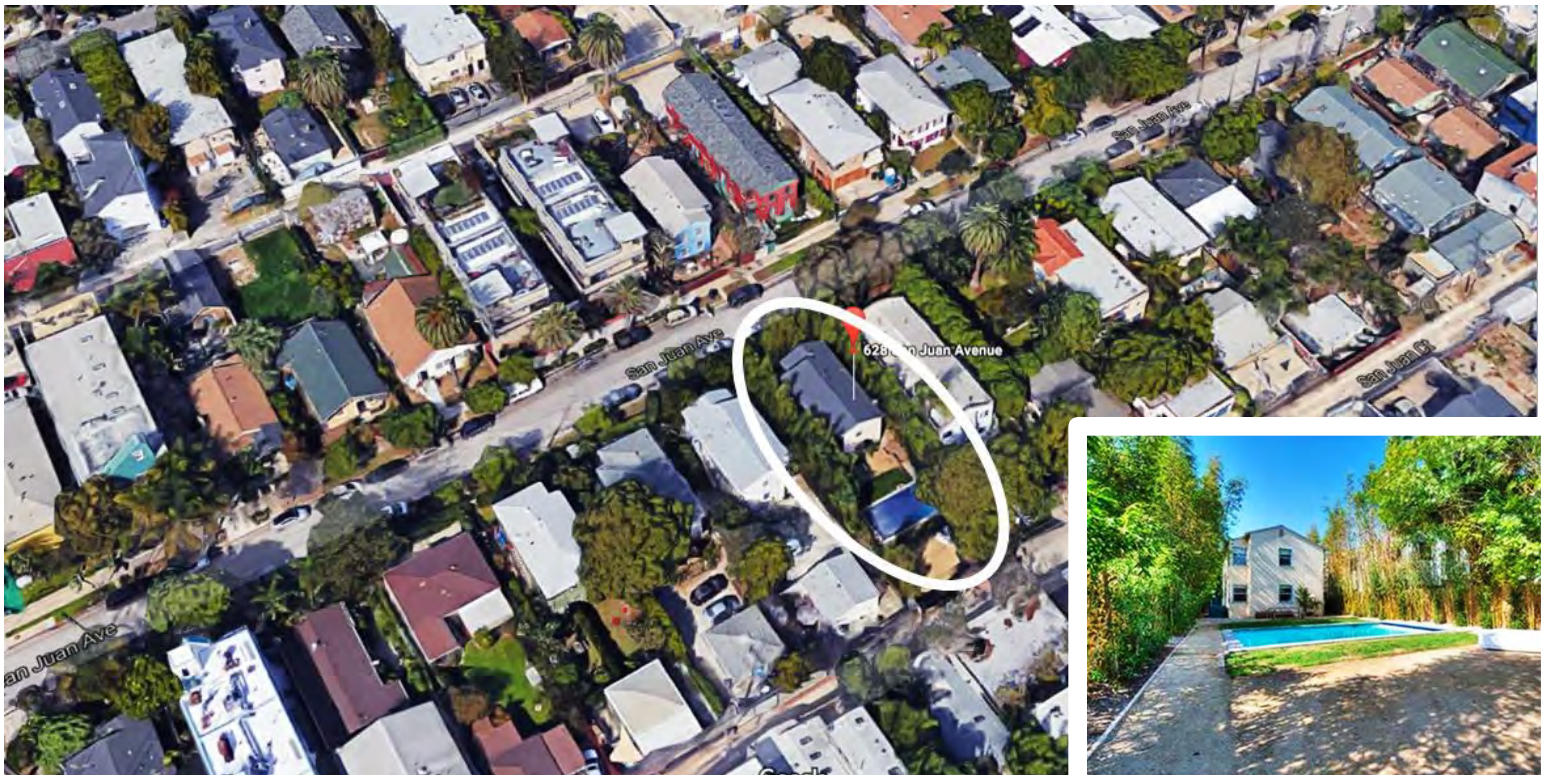
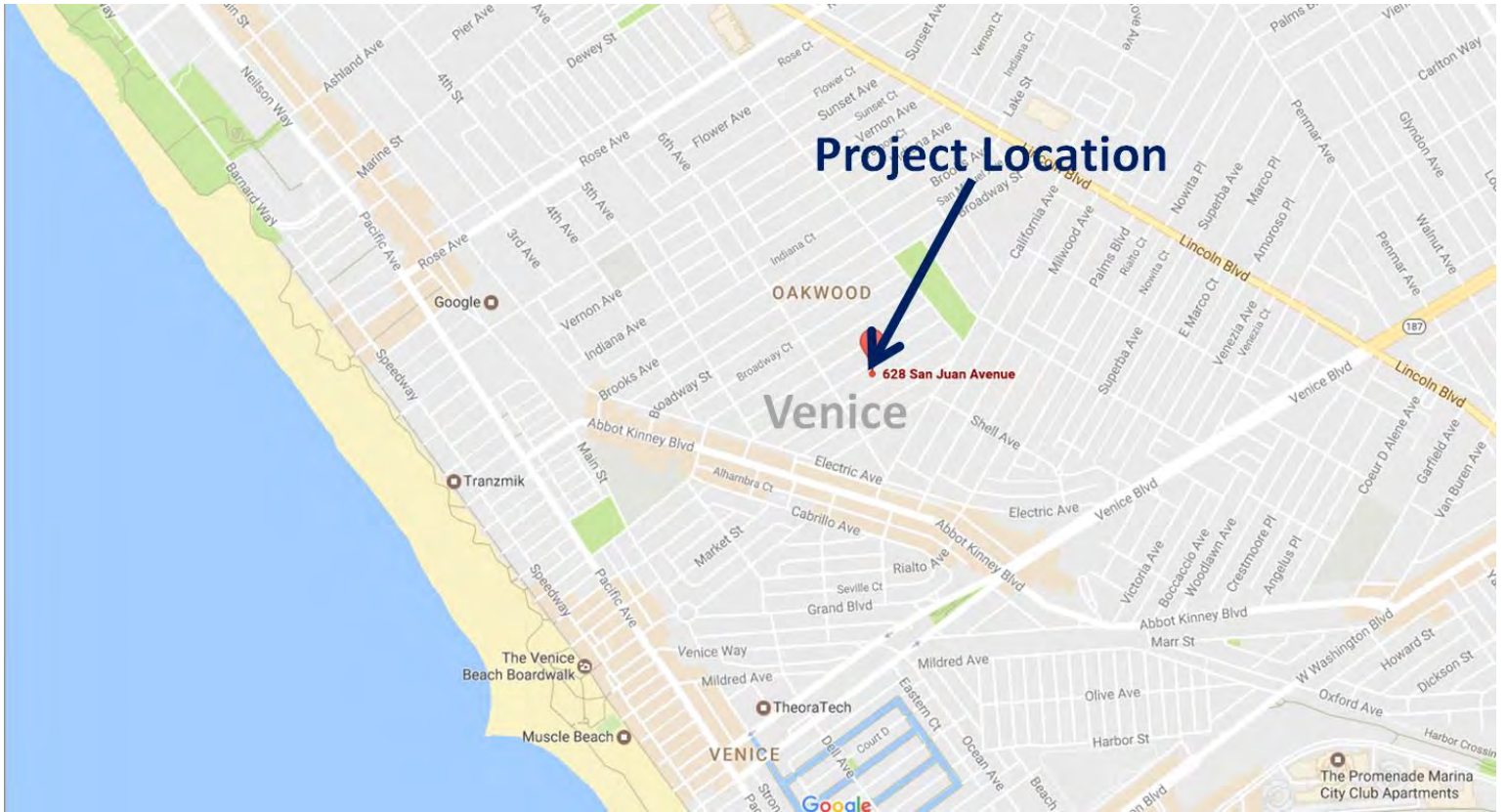
**A-5-VEN-17-0019 (HOHNEN)**

**JUNE 7, 2017**

### **EXHIBITS**

#### **Table of Contents**

- Exhibit 1 – Project Location
- Exhibit 2 – Project Plans
- Exhibit 3 – Commission Notification of Appeal and Appeal
- Exhibit 4 – Local Coastal Development Permit No. ZA 2014-4054
- Exhibit 5 – Surrounding Development





**EXHIBIT "A"**  
 Page No. 1 of 2  
 Case No. 24-20-M-4054 CDP/AR

**SINGLE FAMILY DWELLING REMODEL**

608 SAN JUAN AVE VENICE  
 LOS ANGELES, CA 90291

**OWNER**  
 m\_RA  
 608 SAN JUAN AVE  
 VENICE, CA 90291  
 323.230.0001  
 mra@mycoastarchitecture.com

**ARCHITECT**  
 m\_RA  
 MyCoastArchitecture  
 608 SAN JUAN AVE  
 VENICE, CA 90291  
 323.230.0001  
 mra@mycoastarchitecture.com

**DATE**  
 APRIL 13, 2016

**REVISIONS**

**PROJECT DIRECTORY**

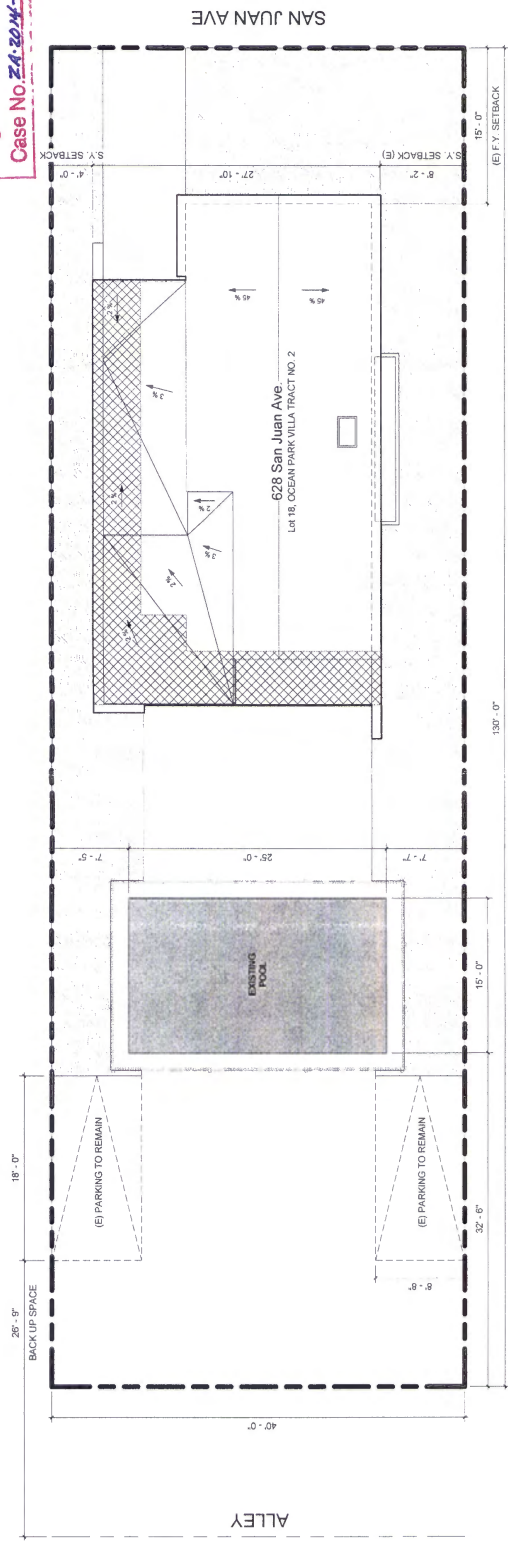
**ARCHITECT**  
 m\_RA  
 MyCoastArchitecture  
 608 SAN JUAN AVE  
 VENICE, CA 90291  
 323.230.0001  
 mra@mycoastarchitecture.com

**OWNER**  
 Juliette Holman  
 608 SAN JUAN AVE  
 VENICE, CA 90291  
 323.422.7147

**CALIFORNIA  
 DEVELOPMENT  
 PERMIT  
 DRAWINGS**

**A1.0**

**REVISED**  
 Submitted on 5-10-16  
 Authorized by: \_\_\_\_\_  
 Comment: \_\_\_\_\_



① COASTAL LOT PLAN  
 3/16" = 1'-0"

ADDITION FOOTPRINT



**PLOT INFORMATION**

SITE ADDRESS: 608 SAN JUAN AVENUE  
 ZONING: RD1/5-1  
 APN: 4239025019  
 LEGAL DESCRIPTION: LOT 18 ON BLOCK N OF OCEAN PARK VILLA TRACT NO. 2, MAP BOOK 4 PAGE 48  
 LOT AREA: 5,200.6 SF  
 EXISTING BUILDING: 1812 SF, 2 STORIES  
 EXISTING BUILDING USE: DUPLEX

**PARKING CALCULATION**

Existing 2 parking spots to remain according to 50% rule per Venice Specific Plan Section 13B.  
 EXCEPTION: Any additions or alterations to an existing single-family or multiple dwelling shall not be required to provide additional parking. However, if the addition or alteration results in an additional dwelling unit, the Parking Requirement Table in Subsection D of the Venice Specific Plan shall apply for the addition of a dwelling unit or units.  
 Venice Coastal Development Projects where more than 50 percent of the existing exterior walls are removed or replaced are considered demolitions and new constructions and are not subject to this exception.

**EXHIBIT "A"**  
 Page No. 2 of 2  
 Case No. ZA-2044-4054  
 CDP/MEL

**SINGLE FAMILY DWELLING REMODEL**

628 SAN JUAN AVE VENICE  
 LOS ANGELES, CA 90291

OWNER  
 JAMES TAYLOR  
 628 SAN JUAN AVE  
 VENICE, CA 90291

m\_PA

Architect  
 11111 11111  
 VANUCCI, CA 90291

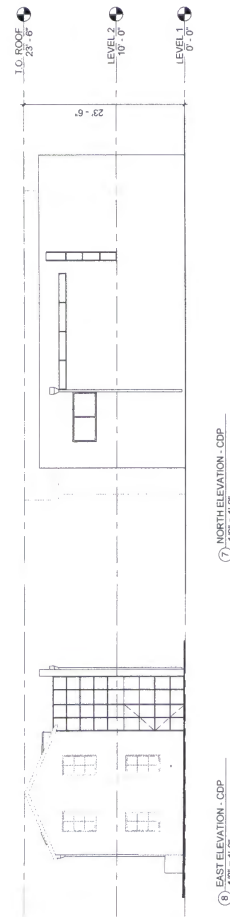
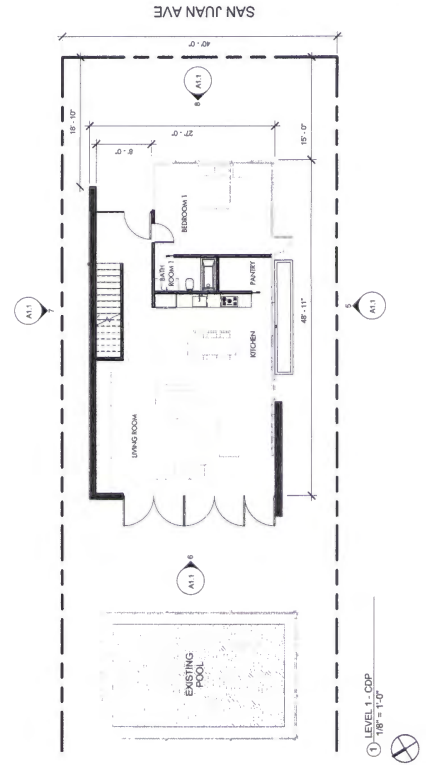
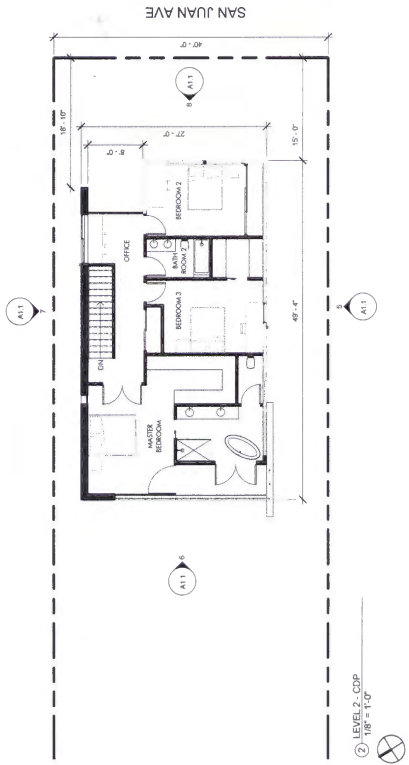


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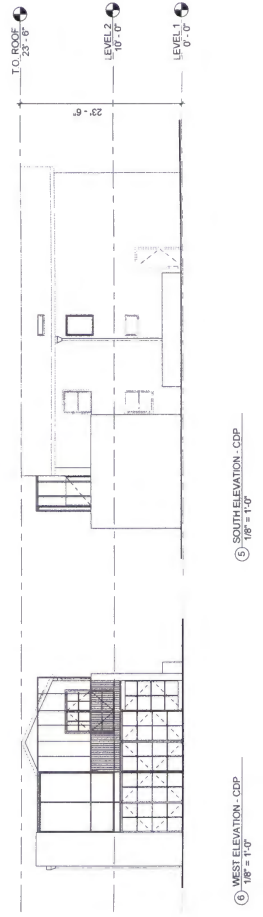
PERMITS  
 11111 11111

COSTA  
 DEVELOPMENT  
 PERMIT  
 DRAWINGS

A1.1



7 NORTH ELEVATION - CDP  
 1/8" = 1'-0"



6 WEST ELEVATION - CDP  
 1/8" = 1'-0"

Exhibit 2

Page 2 of 2



California Coastal  
 Commission

**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

Page 1 of 9



California Coastal  
Commission

**COMMISSION NOTIFICATION OF APPEAL**

April 27, 2017

To:

City of Los Angeles, Department of City Planning  
200 N. Spring Street, Room 525  
Los Angeles, CA 90012

From: Charles Posner

Re: **Commission Appeal No. A-5-VEN-17-0019**

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 #: **ZA 2014-4054**

APPLICANT(S): **Attn: Juliette Hohnen**

DESCRIPTION: Convert duplex into single family residence

LOCATION: 628 E San Juan Ave, Venice, Ca 90291

LOCAL DECISION: Approval With Special Conditions  
Robin Rudisill, Lydia Ponce, Celia Williams, Todd Darling David  
APPELLANT(S): Ewig, POWER/Bill Przylucki, George Gineris, Gabriel Rusnini, Jed Pauker, Noel Gould

DATE APPEAL FILED: April 25, 2017

The Commission appeal number assigned to this appeal is A-5-VEN-17-0019. 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). 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.

**COMMISSION NOTIFICATION OF APPEAL**California Coastal  
Commission

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: Attn: Juliette Hohnen  
Attn: Robin Rudisill  
M Royce Architecture, Attn: Matthew Royce

## 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

**RECEIVED**  
South Coast Region

APR 25 2017

CALIFORNIA  
COASTAL COMMISSION

Exhibit 3

Page 3 of 9

California Coastal  
Commission**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Robin Rudisill, Lydia Ponce, Celia Williams, Todd Darling, David Ewing, POWER/Bill Przylucki, , George Gineris,  
Gabriel Ruspini, Jed Pauker, Noel Gould

Mailing Address: 3003 Ocean Front Walk

City: Venice

Zip Code: 90291

Phone: (310) 721-2343

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Conversion of a duplex into a single-family dwelling

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

628 San Juan Ave, at 6<sup>th</sup> Ave, APN: 4239025019

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.S.Ven.17.0019

DATE FILED:

4.25.17

DISTRICT:

South Coast

**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

Exhibit 3

Page 4 of 9



California Coastal  
Commission

6. Date of local government's decision: February 16, 2017

7. Local government's file number (if any): ZA-2014-4054-CDP-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:  
Juliette Hohnen, 628 San Juan Ave, Venice, CA 90291  
and  
Matthew Royce, M Royce Architecture, 625 Oxford Ave, Venice, CA 90291.
- b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENTSECTION IV. Reasons Supporting This AppealPLEASE 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.

A. WHY IT IS IMPORTANT AND A STATEWIDE ISSUE TO PROTECT THE RESIDENTIAL NEIGHBORHOODS OF VENICE

Since the Venice Coastal Zone is primarily a residential community beyond the beach and popular ocean front boardwalk, which includes some commercial stretches, residential development is a significant factor in determining Venice's community character. Venice's historical character, diverse population, as well as its expansive recreation area--Ocean Front Walk (the Boardwalk), and its wide, sandy beach--make it a popular destination not only for Southern Californians but also for national and international tourists. Accordingly, Venice has engendered a status as one of the most unique coastal communities in the State, and therefore, a significant Coastal Resource to be protected. Thus, the preservation of Venice as a "Special Coastal Community"--an eclectic community with a unique, historic, social and architectural character--is a statewide issue; thus, the City's errors and abuse of discretion in approving this development, particularly re. the social character and related low-income housing issues, does raise issues of statewide significance.

B. APPLICATION OF AB 2616

Environmental justice is defined in AB 2616 as:

*the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.*

*Added Section 11135 states that "no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division."*

Coastal Act Section 30604(f) states that:

The commission shall encourage housing opportunities for persons of low and moderate income...  
which has the same meaning as:

The Commission shall discourage the City's unlawful or erroneous taking of housing from persons of low and moderate income, causing the displacement of scores of low-income residents of Venice.

Coastal Act Section 30604(g) states that:

The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

New Coastal Act Section 30604(h), added under AB 2616, states that:

When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

\*\*\*\*\*

AB 2616 changes to the Coastal Act require consideration of environmental justice on appeal to the Commission. At a minimum, since there is a mandate to preserve affordable housing, a project that unlawfully or erroneously fails to do so should be denied.

When developers/applicants and the City act such that housing for persons of low and moderate income in the coastal zone is not protected, this results in a violation of Coastal Act Section 30604(f), (g) and (h).

Racial and economic justice are the same thing, and when people are displaced because their low-income housing is not protected as required by the law, this is structural racism; and in the case of the City of Los Angeles, this has become an

long-term, ongoing scheme that meets the definition of a crime against humanity.....and this is destroying the social fabric of the Venice Coastal Zone, and this is destroying lives.

Through various maneuvers, the applicant appears to have been continually attempting to evade the laws protecting affordable housing, the result of which is that there is no protection included in the local CDP for preserving any of the three low-income units that existed on the property. Based on personal knowledge from surrounding residents, we are aware that there were three rental units on the property. Parking was in covered but unenclosed areas to the sides of the rear unit building on the alley side of the property, in addition to the parking provided at the front, street side of the building. DBS permit number 07010-30000-00190 indicates "addition to an existing 2-car garage...conversion into a 3<sup>rd</sup> dwelling unit," with corrections issued on 1/31/2007, perhaps an abandoned attempt to legalize the rear unit structure. ZA-2014-3479-CEX was processed for a reduction of the rear garage structure for "demolition of a portion of an existing garage and convert remainder to rec room." However, the applicant claims that they accidentally demolished the entire "garage structure." An additional CEX was processed to reflect this: ZA-2015-1300-CEX, for "demolition of existing garage." On page 2 of the CEX form the Demolitions box is checked, which states: "Demolitions required by the Department of Building and Safety. Attach notice of Building and Safety requiring demolition." There was no notice attached and no apparent reason why Building and Safety would have required the demolition, unless they had requested the removal of the unpermitted 3<sup>rd</sup> unit. Coastal Staff should not have allowed this as a coastal exemption as it involved the demolition of an entire structure.

The effect of obtaining a coastal exemption Clearance for this unpermitted/illegal demolition was not only to physically destroy the evidence of what was the 3<sup>rd</sup> rental unit on the property (parking had been uncovered, on the sides of the so-called garage for years), but it "piecemealed" the overall project such that the ultimate project for the CDP at hand started from/consisted of 2 units and not the previous 3 units. This seems to have been a purposeful evasion of a Mello Act determination for one or more of the three rental units with no feasibility analysis, as no feasibility analysis is required for 3 or more units under the Mello Act law and the City's related Interim Administrative Procedures ("IAP"). This would also be an evasion of the rights of the tenants of those units, as they would have a right to return at the same rents to any replacement affordable units.

For the Mello Act compliance determination, the HCID replacement affordable unit letter relied on owner-provided documents that did not appear to include third party evidence. In addition, there is a great deal of inconsistency in the tenant/rental evidence provided by the owner, such that these documents most definitely should have been validated further and not accepted at face value. Based on testimony provided by surrounding residents, the rents indicated were way higher than reality and the three units would likely be deemed replacement affordable units had the information been correctly provided. These were long-term rental units prior to the interior remodel/upgrade of the units by the current owner/applicant for their current rental through AirBnb as short-term vacation rentals.

In addition, HCID/LADBS compliance history/SCEP reports contradict the tenant history provided by the applicant. The Mello letter states that: "The owner provided rental agreements, surrender and release agreements, a rent roll, and a 30-day notice to vacate. It is not clear why there were surrender and release agreements or a 30-day notice or whether the property complied with the Ellis Act.

It should also be noted that whether or not the 3<sup>rd</sup> unit had been legally permitted by the City, it must be included in the Mello Act replacement affordable unit analysis. Evidence was provided at a recent West L.A. Area Planning Commission hearing that showed that there is a precedent for including unpermitted units in the Mello Act replacement affordable unit analysis if they were rented or offered for rent for living or dwelling purposes. The evidence stated that: Neither the Mello Act itself nor the IAP excludes unpermitted units. Also, the RSO (Rent Stabilization Ordinance) definition for Rental Units makes it clear that they are not excluded. The RSO definition states: ".....rented or offered for rent or living or dwelling purposes..." This evidence related to Case # APCW-2008-1401-SPE-SPP-SM-CDP, for which the Findings stated: "The existing unpermitted unit is currently occupied and is considered to be a low income unit by the nature of its size and price. The state, per the Mello Act, requires that all units within the Coastal Zone, whether permitted or non-permitted, be preserved within the Coastal Zone. The regulation was created by the state in order to preserve the number of units in the Coastal Zone, thereby making all units more affordable."

Thus, the Mello Determination must be redone to account for the 3<sup>rd</sup> unit that was rented on the property, as per testimony and other proof provided. It was also noted that it is unconscionable that the City continues to make decisions and judgments in violation of the Mello Act, which erroneous decisions and conclusions are always in the favor of the developer, such that the cumulative impact is in the millions of dollars—several hundred thousand dollars per Replacement Affordable Unit, with an adverse cumulative impact of millions of dollars of affordable housing lost due to the City's error or violation of the law, as well as the unspeakable displacement and destruction of families and lives. This must be stopped and the City Attorney must be requested/directed to change this egregious practice, these crimes of humanity, and go back as far as the law allows in correcting all Mello Act Compliance Determinations that were incorrectly issued due to such gross, unlawful, ongoing schemes by the City and applicants.

Exhibit 3

Page 6 of 9



California Coastal  
Commission



### C. ANALYSIS OF LOCAL CDP FINDINGS

#### Finding 1.

Sections 30251 and 30253 of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

#### The Certified Land Use Plan Policies for Preservation of Venice as a Special Coastal Community

Policy I.E.1. states: "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."

Policy I.E.2. states: "New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods."

Also, it is very difficult to tell as the plans are so cryptic and small on the page, but it appears that the applicant intends to project to have 2 units, as was the original permit request. It can be assumed that the project description was changed to a conversion from a duplex to a single-family dwelling in order to have a lower parking requirement. There was no evidence provided that the project meets these requirements, including no indication that compatibility with the scale and character of the surrounding existing neighborhood was reviewed, and thus this Finding cannot be made as it is not supported by substantial evidence.

#### Finding 2.

There was no substantial evidence or indication that compatibility with the scale and character of the surrounding existing neighborhood was reviewed, and thus the City decision maker erred and abused its discretion in the conclusion for this Finding.

#### Finding 3.

The Finding statement that the proposed project is consistent with the requirements for the North Venice Subarea is erroneous, as the project is located in the Oakwood Subarea. It is not clear whether the project was reviewed with respect to the correct subarea requirements. The Local CDP's Findings of consistency or conformance are not supported by substantial evidence.

#### Finding 4.

It is not clear that the projects referenced have characteristics and issues similar to the project at issue. It is noted that the final project listed, 458 E. South Boulevard, is supposed to read 458 E. South Venice Boulevard. The Local CDP's Findings of consistency or conformance are not supported by substantial evidence.

#### Finding 6.

The Categorical Exemption for the project was issued in error. The Findings state that "the project consists of the addition of one new dwelling unit to a site developed with one single-family dwelling. The Local CDP's Findings of consistency or conformance are not supported by substantial evidence.

### D. LACK OF PROTECTION OF THE CITY OF L.A.'S VENICE COASTAL ZONE NEIGHBORHOODS

Our neighborhoods here in the Venice Coastal Zone, west of Lincoln Blvd., are apparently not under any protection from the constant devouring of our homes and construction of homes grossly out of scale with our existing neighborhoods. Small homes are being demolished and replaced by McMansions, faster than ever before. It's a hostile takeover and a fast spreading cancer, ensuring the sure death of our coastal Venice Neighborhoods (which are to be protected by the state Coastal Act law but that law is not being enforced) if we can't stop it very soon!

Neither the City of L.A. nor the Venice Neighborhood Council are taking into consideration the compatibility of new OR remodel projects' mass, scale, landscape and character to the existing neighborhoods! The result is ruinous !!! We have been told by the City Planners responsible for the local CDP's and related Findings that it is not required that the City or the Coastal Commission analyze projects for protection of neighborhood character or visual resources via an analysis of compatibility of the project to the mass, scale and character of the existing surrounding neighborhood. This is not true.

Venice residents are terribly concerned that the Coastal Commission does not add the expected layer of regulation in the coastal zone (except for the dual zone areas right next to the ocean and our canals), and so our neighborhoods are WORSE OFF than neighborhoods not in the Coastal Zone. This is because although we have laws to protect our coastal neighborhoods, not only does the City not follow these laws, but we don't even get the benefit of the FAR limits put into place elsewhere in the City. Our politicians, especially our Councilmember, harm us by saying that we don't need those FAR limits as we are protected in the Coastal Zone by the Coastal Act and the guidance of our certified Land Use Plan policies, but then they do NOTHING when the City does NOT follow the Coastal Zone laws, such as assuring compatibility of massing, scale, and landscape (i.e. "character") to the existing neighborhood, for all new development and renovations (Certified Land Use Plan Policy I.E.2.).

The land use process is completely broken in the Venice Coastal Zone. The Venice Coastal Zone has become known as the place with the weakest, most corrupt implementation of the environmental laws in effect. Thus, investors flock to take advantage of this. Our Council District 11 Councilmember is completely unresponsive to multiple requests for urgent meetings re. these serious land use concerns. Our precious coastal neighborhoods are being ruined by projects involving no analysis of compatibility with the existing neighborhoods and large, uncontrolled additions, at great harm to us residents.

We had understood that a good part of the reason for the Coastal Commission and its California Coastal Act law was to avoid the corruption and political interference in the extremely valuable coastal areas, in the pre-Coastal Act days. The Coastal Act limits what can be built. Even with the protection of the Coastal Act, protection is a difficult task, up against such obstacles as corruption, ideological entrenchment, and special interest lobbyists/corporate power. This is why we NEED the Coastal Commission to take their role as regulator of the coast 100% seriously and to demand that the law be followed. The coast is too fragile and too vulnerable to allow "home rule" to take priority and thus allow the statewide public interests to be overruled for purposes of a local government's needs or wishes. The safeguarding of the broader public interests must be given overriding consideration.

The fact that the laws of the land are NOT being followed is criminal, and the City and State each know exactly what each other is doing in this regard. They are LETTING IT HAPPEN, even in the face of the residents who are working their hearts out fighting it. We see it clearly, and we know that the Coastal Staff and Commission see it. Please, you must take steps to stop this.

Exhibit 3

Page 8 of 9



California Coastal  
Commission

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.

*Lynne Dence*  
*Zark Long*

Date: April 25, 2017

Signature of Appellant(s) or Authorized Agent

*Ledie Williams*

*Robert Rosper*

*Robert Jones*

*Jan Parker*

*John [unclear]*

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

**Section VI.**

**Agent Authorization**

*George Ginos*

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: \_\_\_\_\_

Exhibit 3

Page 9 of 9



California Coastal  
Commission



LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

Exhibit 4

Page 1 of 20



California Coastal  
Commission

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

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

February 16, 2017

Juliette Hohnen (A)  
628 San Juan Avenue  
Venice, CA 90291

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

CASE NO. ZA 2014-4054(CDP)(MEL)  
COASTAL DEVELOPMENT PERMIT  
628 San Juan Avenue  
Venice Planning Area  
Zone : RD1.5-1  
D. M. : 108B145  
C. D. : 11  
CEQA: ENV-2014-4055-CE  
Legal Description: Lot 18, Block N,  
OCEAN PARK VILLA TRACT NO. 2

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

a coastal development permit authorizing the conversion of a duplex into a single-family dwelling located within the single permit jurisdiction area of the California Coastal Zone,

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 Review for the conversion of a duplex into a single-family dwelling in 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 a coastal development permit authorizing the conversion of an existing two-story, 1,812 square-foot duplex into a two-story, 23-foot 6-inch tall, 2,416 square-foot single-family dwelling. No LAMC deviations were requested or approved.
7. Construction activity shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
8. Prior to any sign-off of plans by the Development Services Center, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Development Services Center.
9. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with, as further noted in DIR-2014-4110 (VSO)(MEL).
10. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
11. The project contractor shall use power construction equipment with state-of-the-art noise-shielding and muffling devices.
12. Prior to the utilization of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject



case file.

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 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 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 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.

#### **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.”



CASE NO. ZA 2014-4054(CDP)(MEL)

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 3, 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 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





CASE NO. ZA 2014-4054(CDP)(MEL)

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 July 7, 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 subject site is a level, rectangular shaped, 5,200 square-foot interior lot in the RD1.5-1 Zone within the Venice Community Plan Area. The property has a width of approximately 40 feet fronting San Juan Avenue with a lot depth of approximately 130 feet. The property is located within the single jurisdiction permit area of the California Coastal Zone, as well as the Venice Coastal Zone Specific Plan Area (Oakwood-Milwood-Southeast Venice Subarea), Los Angeles Coastal Transportation Corridor Specific Plan Area, (ZI-2406) Director's Interpretation of the Venice Specific Plan for Small Lot Subdivisions, Rent Stabilization Ordinance (RSO), Methane and Liquefaction Zone. The property is located approximately 0.75 miles from the Pacific Ocean and approximately 4.75 kilometers from the nearest fault (Santa Monica Fault).

The subject property is developed with a two-story, 1,812 square-foot duplex structure constructed in 1946. A wall, approximately 5 to 6 feet, runs along the property line. The site has two existing uncovered on-site parking spaces accessible from San Juan Court. Surrounding properties are all zoned RD1.5-1 and developed with a mix of single-family dwellings and duplexes.

The applicant is requesting a coastal development permit for the conversion of the existing duplex into a two-story, 23-foot 6-inch tall, 2,416 square-foot single-family dwelling. A total of 351 square feet of new floor area will be added to the first floor, while 253 square feet of new floor area will be added on the second floor. The existing two uncovered vehicular parking spaces will continue to be provided.

San Juan Avenue is a Local Street with a 60-foot right-of-way designation and improved with curb, sidewalk, street lights, and gutters.

San Juan Court is designated as a Local street to a width of 60-foot width which is not improved.

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



### Subject Property

Case No. ZA 2015-2027(CEX) - On May 29, 2015, the Zoning Administrator approved a Coastal Exception for the remodel of an existing two-story duplex located within a single jurisdiction Coastal Zone.

Case No. ZA 2015-1300(CEX) - On April 8, 2015, the Zoning Administrator approved a Coastal Exemption Permit the demolition of an existing garage.

Case No. DIR 2015-1105(VSO) - On March 20, 2015, the Director of Planning approved a Venice Sign-off for the interior remodel and 2<sup>nd</sup> story addition to an existing two-story duplex in conjunction with the demolition of an existing garage.

Case No. ZA 2015-26(CEX) – On January 6, 2015, the Zoning Administrator approved a Coastal Exemption Permit to allow for a new 15 X 25 pool, with pool equipment and pool cover.

Case No. DIR 2014-4110(VSO)(MEL) - On October 29, 2014, the Director of Planning approved a Venice Sign-off and Mello Act Determination to allow for the conversion of an existing two-story duplex to a single family dwelling.

Case No. ZA 2014-3479(CEX) – On September 18, 2014, the Zoning Administrator approved a Coastal Exemption Permit to allow the demolition of a portion of an existing garage and convert the remainder to a recreation room.

Case No. DIR 2014-3401(VSO) – On September 12, 2014, The Director of Planning approved a Venice Sign-off to permit the conversion of an existing garage into a recreation room in conjunction with the demolition of 300 square-feet of the existing garage.

Certificate of Occupancy No. V15555 - On January 15, 1957, the Department of Building of Safety issued a Certificate of Occupancy for a one-story, Type V, 20 x 20 feet, with garage accessory to a R-1 occupancy dwelling.

### Surrounding Properties

Case No. DIR 2016-1206(CDP)(MEL) – On April 7, 2016, an applicant filed a Coastal Development Permit to allow the demolition of an existing single-family dwelling and the construction of a new three-story single-family dwelling with the existing façade to remain the unchanged, located at 659 San Juan Avenue.

Case No. ZA 2015-1125(CDP)(MEL) – On March 23, 2015, an applicant filed a Coastal Development Permit to allow the demolition of a single-family dwelling and construction, use and maintenance of two single-family dwellings on two lots in a single jurisdiction area of the coastal zone, in conjunction with a small lot subdivision, located at 633 East Westminster Avenue.



Case No. ZA 2015-0056(CDP) – On October 13, 2015, the Zoning Administrator approved a Coastal Development Permit authorizing the demolition of an existing two-car detached garage and the construction of a new 23-foot 10-inch tall 1,780 square-foot second dwelling unit with attached 600 square-foot three-car garage and roof deck, located at 1100 6<sup>th</sup> Avenue and 602 East Westminster Avenue.

Case No. ZA 2014-3538(CDP) – On August 6, 2015, the Zoning Administrator approved a Coastal Development permit to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling within the single permit jurisdiction zone, located at 550-554 East San Juan Avenue.

### **LETTERS AND COMMUNICATIONS TO THE FILE - PRIOR TO THE HEARING**

Margaret Molloy, Stakeholder – An Emailed letter dated July 6, 2016. On June 23, 2016 she asked for the case file, and had difficulty getting access to the case files. She had been told that cases are available to review at the Department of City Planning's Automated Records Office, but was later told that she needed to contact staff to see the VSO. The staff planner was unable to readily find the case file, and went on vacation the next day. Upon return from vacation, staff emailed copies of the VSO's on Friday, July 1, and Tuesday, July 5, 2016

Ms. Molloy was initially interested in two other properties that are both projects of the architect of record Mr. Matthew Royce. Further, Mr. Royce was recently elected to the Land Use and Planning Committee of the Venice Neighborhood Council (VNC).

Mello considerations are of great concern in Venice and the existing property at 628 San Juan is an RSO duplex. A CDP application for this property was submitted by the same applicant in 2014 with a different representative. These RSO units have been advertised as short-term rentals.

The Public Notice for the subject case was sent out for a July 7, 2016 hearing that referenced ZA-2014-4054 (CDP). A "Corrected Notice" was sent on June 17, 2016 that added a Mello Determination review for ZA-2014-4054-(CDP)(MEL).

For those reasons she requested a postponement of decision on the application to allow the public more time to review the Mello documents.

This letter had many attachments including a rental listing, a copy of the Department of City Planning's Case Summary and Documents printout, permits, HCID Activity report and a real estate listing for the property including plans, and permits.

Robin Rudisall, Stakeholder – Letter/Email dated July 7, 2016 regarding the Corrected Public Notice being issued with 10 days to go to the public hearing. The correct notice included the addition of the Mello Determination, and although the case number was

changed to include the “Mel” suffix, and the corrected notice went out with appropriate language, the Department of City Planning, Case Summary and Documents website did not restate the addition of the request.

### **LETTERS AND COMMUNICATIONS TO THE FILE - AFTER THE HEARING**

Venice Neighborhood Council – Letter dated August 16, 2016 recommending approval of the proposed project with a condition to review the Mello Determination Letter.

Matthew Royce, Architect/Representative for the applicant – Email dated August 19, 2016, forwarding a copy of the Venice Neighborhood Council’s action on the proposed project dated August 16, 2016.

Margaret Molloy, Stakeholder – An Email dated August 19, 2016, Ms. Molloy asserts that there are different versions of the “claims” made by the applicant to support their Mello Exemption request. The applicant changed architects and there are inconsistencies.

Robin Rudisall, Stakeholder – An Email dated August 19, 2016 establishing at the hearing the Zoning Administrator left the public record open through today (August 19, 2016).

Robin Rudisall, Stakeholder – An Email dated August 19, 2016, requesting an independent investigation be performed with respect to this project for the Coastal Development Permit and the Mello determination otherwise they request a denial of the project, due to irregularities. Further, she suggests that an investigation of the Venice neighborhood Council process for reviewing projects be investigated.

### **PUBLIC HEARING**

A Notice of Public Hearing was sent to nearby property owners and or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. 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 Thursday, July 7, 2016, at approximately 9:00 a.m. 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 subject property was identified as being located at 628 East San Juan Avenue in the Venice Community Plan Area, and Council District No. 11. The property is zoned RD1.5-1. The applicant is Juliette Hohnen, and she is represented by Matthew Royce. The Planning



Department staff person is Kellen Hoime.

The issues before the Zoning Administrator were requests made:

- A. Pursuant to Los Angeles Municipal Code Section 12.20.2, a coastal development permit authorizing the proposed conversion of an existing duplex into a single-family dwelling with the addition of 604 square-feet, located within the single permit jurisdiction area of the California Coastal Zone, and a Mello Determination.
- B. Pursuant to Section 21084 of the California Public Resources Code, the above referenced project has been determined not to have a significant effect on the environment and which shall therefore be exempt from the provisions of CEQA.

### **PUBLIC TESTIMONY**

Prior to opening the proceedings to testimony, the Zoning Administrator opened the file and reviewed the contents therein noting various maps, plans, photographs and written statements to the file. After that review, the matter was opened to testimony from the public.

#### **Matthew Royce, Architect, Representative**

- The site is improved with an existing duplex
- The proposal is to add a net of 604 square feet
- Existing parking is for 2 spaces
- The existing structure is 23-feet 6-inches in height
- The proposed addition has a lower roofline than the existing structure
- The project received a Mello Determination on October 8, 2014 from HCID

#### **Lydia Ponce, Stakeholder**

- The Mello Determination has flaws that have not been corrected
- The City hasn't been meeting their responsibilities under the Interim Administrative Procedures and Settlement Agreement for 8 to 10 years
- The project does not contain any inclusionary affordable units
- What about artists and senior citizens?
- The project is non-compliant with the Mello regulation
- Suggests additional contact with Housing and Community Investment Department (HCID)

#### **Margaret Malloy, Stakeholder**

- On June 23, 2016 she asked for the case file



- Public access to the file was difficult
- Mr. Royce was recently elected to the Land Use committee of the Venice Neighborhood Council (VNC)
- 2-units at 710 California is another project represented by Mr. Royce
- One page, owner occupied affidavit is not accurate
- The site was demolished with Mello exemptions
- Socorro Smith, staff in the Planning Department could not produce documentation on 625 Oxford, and asked for more time

Todd Darling, Stakeholder

- Supports an extension of time for further review
- Mello affidavits are often not accurate and the City should not accept these on face value

Robin Rudisill, Stakeholder

- She was the former chairperson for the LUPC of the VNC
- She was at today's hearing as an individual
- The corrected notice came out much later than the original notice, and added the Mello Determination as one of the requested actions
- The corrected notice was mailed out on June 17<sup>th</sup>
- The original hearing notice was posted on the DCP website
- There was a request that the case be heard by the LUPC
- There is a conflict of interest
- Requested that I postpone my decision until the VNC letter is in the case file
- She was concerned with irregularities in this case
- The applicant's representative should know the status of vacancy versus rented
- It is an RSO property in the RD1.5-1 zone
- It is in the multi-family designation in the Land Use Plan
- She is concerned that the project is proposing less than the maximum density allowed on the site
- Building permit valuations are very low, and the plan check fees received by the City should be higher
- The permit history and case history includes several Venice Sign Offs and several permits
- The garage was demolished on a separate permit, and this property should not be piecemealed
- Should this project be required to provide more parking?
- Multiple permits versus rescinding the VSO's, cases and permits?

Matthew Royce, Architect, Representative

- The old case was filed by the prior architect
- The owner wanted to revise the project and also needed to add Mello review

### **MANDATED FINDINGS**

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

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).**

The applicant seeks authorization for an addition to and conversion of an existing two-story, 1,812 square-foot duplex structure into a two-story, 23-foot 6-inch tall, 2,416 square-foot single-family dwelling.

The project has no significant impact on sensitive coastal or coastal-dependent resources:

- a. **Public Access.** The property is an interior record lot located approximately 0.75 of a mile inland from the nearest beach. The proposed demolition and new construction does not interfere with public access to the sea. The new residential dwelling will provide all required parking on-site.
- b. **Recreation.** The subject property is located inland within a well-established residential community. The property is not suitable for water-oriented recreational use, and the project has no impact any water-oriented recreational facilities or activities.
- c. **Marine Environment.** The property is surrounded on all sides by established residential development. The property is located approximately 0.75 of a mile inland of the beach. The demolition of an existing single-family residence and the construction of a single-family dwelling at this location have no impact on marine environment resources.
- d. **Land Resources.** The property is located approximately 0.75 of a mile inland of the nearest beach, within a well-established residential community. The project proposes the demolition of an existing single-family home and the construction of a single-family dwelling on an existing lot that is zoned for residential use. The property is zoned for residential use and development.

The project has no impact on environmentally sensitive or protected natural habitats, agricultural land, timberlands or archaeological or paleontological resources within the vicinity.

- e. Development. The property is located approximately 0.75 of a mile inland of the nearest beach, within a well-established residential community, having access to a full range of existing public utilities and services.

There are no direct sightlines to any ocean or beach views from this community. The project's location results in no impact on prominent natural landforms. Further, the project results in no displacement of any coastal-dependent development or use.

Section 30116 of the Coastal Act states the following:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (b) Areas possessing significant recreational value.
- (e) Special communities or neighborhoods which are significant visitor destination areas.

Section 30250a of Article 6 states the following:

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

Section 30251 of Article 6 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of

Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253(e) of Article 6 states:

Where appropriate, protect special communities and that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The certified Venice Land Use Plan defines the Venice community as a "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.

The project involves the conversion of an existing two-story, 1,812 square-foot duplex structure into a two-story, 23-foot 6-inch tall, 2,416 square-foot single-family dwelling. No LAMC deviations are requested. The project will not result in any additional units but would in fact reduce density on the subject property. Surrounding properties are all zoned RD1.5-1 and developed with a mix of single-family dwellings, duplexes and multi-family dwellings. As such, the project can be accommodated by the existing infrastructure and by existing public services.

The subject site and surrounding area are relatively flat with no views to and along the ocean; no natural land forms will be altered as part of the project. The project proposes an addition to and conversion of an existing duplex into a 2,416 square foot single family dwelling.

The project has no adverse effects on public access, recreation, public views or the marine environment. The proposed development will neither interfere nor reduce access to the shoreline once it is completed as the site is not located near the shoreline. No sensitive habitat area have been identified on the site. As conditioned, the proposed development is in conformance with the California Coastal Act.

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

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary



implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The Venice Community Plan, which contains the applicable land use policies and goals for that portion of the Coastal Zone, designates the property for Low Medium II Multiple Family Residential land uses with corresponding zones of RD1.5, RD2, RW2, and RZ2.5, and Height District No. 1. Further, the property is located within the Oakwood-Milwood-Southeast Venice Subarea of the Venice Specific Plan, which establishes standards pertaining to density, height, access, and parking.

The continued use of the property for residential purposes is consistent with the Community Plan land use designation and the site's zoning. As conditioned, the proposed development will be consistent with Objective 1-3 of the Community Plan, which states "preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods." The proposed project also meets the development regulations of the Oakwood-Milwood-Southeast Venice Subarea, as affirmed in Case No. DIR 2014-4110(VSO)(MEL). The proposed project consists of the addition to and conversion of a duplex into a single-family dwelling located within the single permit jurisdiction area of the California Coastal Zone. The Venice Local Coastal Program Land Use Plan is silent on the issue of converting an existing duplex into a single family dwelling. The proposed project is consistent with the policies of the Venice Local Coastal Program Land Use Plan and the standards of the Specific Plan (discussed below) and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

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

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources. In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The project consists of the addition to and conversion of a duplex into a single-family dwelling



located within the single permit jurisdiction area of the California Coastal Zone. The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for the North Venice Subarea; the project also complies with the policies of the LUP and standards of the Specific Plan.

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

The Zoning Administrator has been guided by the action of the Coastal Commission in its review of residential dwelling applications for other development applications in the project area. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In October 2016, the Commission approved a coastal development permit for the construction of a three-story, 4,703 square-foot single-family dwelling with an attached three car garage and rooftop deck on a vacant lot located at 2709 Ocean Front Walk (Application No. 5-16-0096).
- In February 2016, the Commission approved a coastal development permit for the partial demolition, interior remodel, and addition to an existing single-family dwelling, resulting in a 2,249 square foot, two-story, 25-foot 4-inch structure located at 219 Howland Canal (Application No. 5-15-1220).
- In August 2015, the Commission approved an Administrative Permit for a 1,152 square-foot second-story addition (approximately 28 feet tall) to an existing single-family dwelling, located at 513 28<sup>th</sup> Avenue (Application No 5-15-0764).
- In August 2015, the Commission approved an Administrative Permit for the demolition of a single-family residence and construction of a 3-story 28-foot tall single-family dwelling located at 26 30<sup>th</sup> Avenue (Application No. 5-15-0634).
- In July 2015, the Commission approved an Administrative Permit for the demolition of a single-family dwelling and the construction of a three-story (35-foot), two-unit condominium providing a total of four parking spaces, located at 458 E. South Boulevard (Application No. 5-15-0310).
- In June 2015, the Commission found that No Substantial Issue exists with respect to the grounds on which an appeal was filed for the partial demolition of a duplex and construction of a three-story (30 feet) duplex with four parking spaces, located at 521 Rose Avenue (Application No. A-5-VEN-15-0029).
- In August 2015, the Commission approved an Administrative Permit for a



1,152 square-foot second-story addition (approximately 28 feet tall) to an existing single-family dwelling, located at 513 28<sup>th</sup> Avenue (Application No 5-15-0764).

As such, this decision of the permit granting authority has been guided by applicable decisions 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.

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

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

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

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

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

The property is located approximately 0.75 miles from Venice Beach and does not provide direct access to the sea or to any recreation areas. The project includes two existing uncovered vehicular parking spaces. As conditioned, the proposed conversion of an existing duplex into a single-family will conform to the public access and recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2014-4055-CE, has been prepared for the proposed project consistent, with the provisions of the California Environmental Quality Act

and the City CEQA Guidelines. The project proposes the addition to and conversion of an existing duplex to a 2,416 square-foot single family dwelling. The Categorical Exemption prepared for the proposed project is appropriate pursuant to Article III, Section 1, Class 3, Category 1 of the City's CEQA Guidelines.

The Class 3 Category 1 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; this includes one single-family residence, or a second dwelling unit in a residential zone. As previously discussed, the project consists of the addition of one new dwelling unit to a site developed with one single-family dwelling.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- (a) Location. The project is not located in a sensitive environment. Although the project is located within the Coastal Zone, the residential neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a fault or flood zone, nor is it within a landslide area. Although the project is located within a liquefaction area, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.
- (b) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned RD1.5-1 and designated Low Medium II Residential use. The proposed addition and conversion of a duplex to a dwelling unit will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typically to a residential neighborhood, no unusual circumstances are present or foreseeable.
- (d) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- (e) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM).



Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

## **MELLO ACT COMPLIANCE REVIEW**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

### **7. Demolitions and Conversions (Part 4.0).**

The project includes the conversion and addition to an existing duplex, into a single family dwelling located on a 5,200 square-foot lot in the Venice Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated October 8, 2014 states that the property currently maintains duplex consisting of a two-bedroom lower unit (628 San Juan) and a two-bedroom upper unit (630 San Juan). HCIDLA collected data from July, 2011 through July, 2014, utilizing data provided by the current owners. Lease agreements, rent checks, and a notarized affidavit by the tenant indicate that 628 San Juan was rented from September, 2011 to August, 2012 at \$2,895 per month; from January 2012 to August 2013 at \$3,045 per month; and, from September 2013 to May, 2014 at \$3,750 per month. Further, 630 San Juan was rented from April, 2011 to January 2014 at \$2,500 per month.

The owner provided Southern California Gas Company bills to HCID consistent with vacancies for both units. Additionally, HCID received conflicting information from the owner regarding owner-occupancy. However, even though HCID had received conflicting statements regarding the occupancy of the units after the tenants moved in 2014, the utility usage of 628 and 630 San Juan is consistent with vacancy, and the rental documents provided for both units show a pattern of rents that is above affordable levels for the majority of the three-year period. HCID has determined that no affordable units exist at 628 and 630 East San Juan Avenue.

## **ADDITIONAL MANDATORY FINDINGS**

8. The National Flood Insurance Program rate maps, which are a part of the Flood



Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

9. On December 4, 2014, the project was issued a Notice of Exemption, log reference ENV 2014-4055-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 Kellen Hoime, Planning Staff for the Office of Zoning Administration at (213) 473-9769.

A handwritten signature in black ink, appearing to read 'D. Weintraub'.

DAVID S. WEINTRAUB  
Associate Zoning Administrator

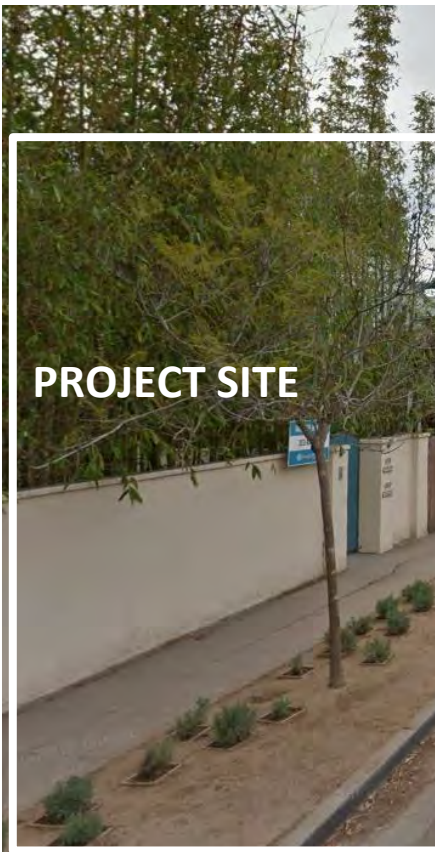
DSW:KMH

cc: Councilmember Mike Bonin  
Eleventh District  
Adjoining Property Owners

## Development Surrounding Project Site (628 San Juan Ave., Venice)







PROJECT SITE



Google



Google

Exhibit 5

Page 2 of 3



California Coastal  
Commission



