

CALIFORNIA COASTAL COMMISSION

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**W13a-e**

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STAFF REPORT: APPEALS – NO SUBSTANTIAL ISSUE

Appeal Numbers: A-5-VEN-17-0020, A-5-VEN-17-0021, A-5-VEN-17-0022, A-5-VEN-17-0023, A-5-VEN-17-0024

Applicant: Lisa Henson

Agent: Kimberlina Whettam & Associates

Local Government: City of Los Angeles

Local Decisions: Claims of Exemption to Coastal Development Permit Requirement

Appellants: Sue Kaplan, Jataun Valentine, Karen Brodtkin, Juliet Carrillo, Marilyn Mikos, Margaret Molloy, Jason Moore, Naomi Nightingale, Jack Prichett, Katherine Conway, Eileen Pollack Ericson, David Ewing, Alix Gucovsky, Jenni Hawk, Carollee Howes, Mary Jack, Barbara Miliken, Ingrid Mueller, Robin Rudisill, Celia Williams, and Shepard Stern

Project Locations: 605-607 Westminster Avenue, Venice, City of Los Angeles

Project Descriptions: Appeal of City of Los Angeles Local Coastal Exemption Nos. DIR-2017-1289-CEX, DIR-2017-1308-CEX, DIR-2017-1310-CEX, DIR-2017-1313-CEX, and DIR-2017-1314-CEX for repair and maintenance activities on 5 one-story residential buildings within a single residential complex. Detailed project descriptions for each separate application are provided below.¹

Staff Recommendation: No Substantial Issue

¹ The applications are being considered together pursuant to section 13058 of the Commission's regulations (14 CCR §13058), which states, in part, that "[w]here two or more applications are legally or factually related, the executive director may prepare a consolidated staff report. Either the commission or the executive director may consolidate a public hearing where such consolidation which facilitate or enhance the commission's ability to review the development for consistency with the requirements of the Coastal Act."

IMPORTANT NOTE: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), or those who, for good cause, were unable to oppose the application before the local government, and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds on which each of the above referenced 5 separate appeals have been filed because the locally approved development does qualify for an exemption and does not require a local coastal development permit from the City of Los Angeles. The motions to carry out the staff recommendations are on **pages 4-6**.

The subject site is developed with an existing housing complex consisting of seven individual residential buildings (total of 8 units) which spans two lots for a total lot area of approximately 10,414 square feet. The first building constructed was built in 1915, with the other residential buildings being constructed in the 1920s. The complex was designated as a potential significant historic resource by SurveyLA in 2015. The 5 separate, but related projects, that are the subject of these appeals are for the restoration/repair and maintenance of the existing buildings and will not result in any change in the size, height, or footprint of the existing structures.

The primary grounds raised by the appellants for each the subject appeals are that, because of Venice’s designation as a “Special Coastal Community” and the potential historic designation of the project site, no development should be allowed to occur on the site without a coastal development permit. However, neither the designation of Venice as Special Coastal Community in the LUP nor the status of the existing structures as historic are relevant to the determination of whether development is exempt from the need to obtain a coastal development permit consistent with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations which specifically allow for the repair and maintenance of existing structures provided no more than 50% of a structure is demolished. In addition, it is unclear whether the appellants are asserting that more than 50% of any of the structures would be demolished. Regardless, based on a review of the project plans and record for this matter, Commission staff has confirmed that the City correctly determined that no more than 50% of each structure would be demolished, consistent with the requirements of Section 13252 of the California Code of Regulations and that, therefore, the proposed development is exempt from the requirement to obtain a coastal development permit. In addition, the appellants raise additional procedural matters which do raise substantial issue with any policy or provision of the certified LUP, the Coastal Act, or the Commission’s Regulations.

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EXHIBITS

[Exhibit 1 – Vicinity and Location Map](#)

[Exhibit 2 – Photos of Site, 5/15/17](#)

[Exhibit 3 – City of Los Angeles Department of City Planning Approved Claim of Exemptions](#)

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[Exhibit 5 – Project Descriptions and Plans, Submitted by Applicant](#)

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolutions:

A. APPEAL NUMBER A-5-VEN-17-0020

Motion:

I move that the Commission determine that Appeal No. A-5-VEN-17-0020 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0020 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

B. APPEAL NUMBER A-5-VEN-17-0021

Motion:

I move that the Commission determine that Appeal No. A-5-VEN-17-0021 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0021 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

C. APPEAL NUMBER A-5-VEN-17-0022

Motion:

I move that the Commission determine that Appeal No. A-5-VEN-17-0022 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0022 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

D. APPEAL NUMBER A-5-VEN-17-0023

Motion:

I move that the Commission determine that Appeal No. A-5-VEN-17-0023 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0023 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

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E. APPEAL NUMBER A-5-VEN-17-0024

Motion:

I move that the Commission determine that Appeal No. A-5-VEN-17-0024 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0024 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations, and therefore Chapter 3 of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On May 3, 2017, the Commission received appeals of Local Coastal Exemptions DIR-2017-1289-CEX, DIR-2017-1308-CEX, DIR-2017-1310-CEX, DIR-2017-1313-CEX, and DIR-2017-1314-CEX from Sue Kaplan, Jataun Valentine, Karen Brodtkin, Juliet Carrillo, Marilyn Mikos, Margaret Molloy, Jason Moore, Naomi Nightingale, Jack Prichett, Katherine Conway, Eileen Pollack Ericson, David Ewing, Alix Gucovsky, Jenni Hawk, Carollee Howes, Mary Jack, Barbara Miliken, Ingrid Mueller, Robin Rudisill, Celia Williams, and Shepard Stern ([Exhibit 4](#)). Each appeal contends that 1) historic resource impacts under CEQA need to be analyzed in relation to this site because of the property's designation as a possible significant historic property in the SurveyLA; 2) no local specific plan permit compliance review was completed nor was a local city permit issued prior to the claim of exemptions; and 3) that because of its historic status "it is nonsensical and erroneous to say that as long as 50% or more of the existing structure is not removed, replaced or demolished that historic and visual coastal resources can be destroyed", and therefore is inconsistent with the Venice certified Land Use Plan (LUP) and the Chapter 3 policies of the Coastal Act (specifically section 30610). The appellants also contend that a Mello Act Compliance Review needs to be required and that the Commission needs 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" under AB 2616. For the reasons stated above, the appellants contend that the City-approved project does not qualify for an exemption and requires the review afforded through the coastal development permit process.

III. LOCAL GOVERNMENT ACTION

Beginning in January 2017, eleven (11) building permits were processed by the City of Los Angeles via their electronic online system (see Table 1). In March, the applicant was told by the Los Angeles Department of City Planning that a Coastal Clearance (either a Coastal Exemption or a Coastal Development Permit) for each building was needed due to the property's location in the Coastal Zone. On March 22, 2017, the City issued a notice to stop all work and notice of intent to revoke building permit nos. 17016-90000-01555, 17016-10001-01555, 17016-90000-05989, 17016-90000-05990, 17016-20000-04394, 17016-20000-04396, 17016-90000-01556, 17016-10001-01556, 17016-20000-04399, 17016-90000-01189, and 17016-10000-06974 for numerous repair and alteration work for various buildings located at the subject site (see Table 1 for details of these permits).

On March 30, 2017, the City of Los Angeles Department of City Planning determined that none of the proposed work required a CDP and issued five Coastal Exemptions (DIR-2017-1289-CEX, DIR-2017-1308-CEX, DIR-2017-1310-CEX, DIR-2017-1313-CEX, DIR-2017-1314-CEX) for five (5) individual residential buildings located at 605-607 Westminster Avenue, Venice, Los Angeles ([Exhibit 3](#)). The following are the descriptions of each of the City's Coastal Exemptions as approved by the City:

DIR-2017-1289-CEX: *“Replace windows, replace drywall, interior kitchen and bathroom remodel, reroof, add sill plate anchor bolts and cripple wall plywood.”*

DIR-2017-1308-CEX: *“Reroof with shingles and repair foundation.”*

DIR-2017-1310-CEX: *“Reroof to replace roof shingles & repair foundation.”*

DIR-2017-1313-CEX: *“Replace windows (4), repair drywall, kitchen and bathroom remodel, reroof and foundation repair.”*

DIR-2017-1314-CEX: *“Replace windows, replace drywall, interior kitchen and bathroom remodel, add sill plate anchor bolts and cripple wall plywood. Remove and replace 17 linear feet of exterior wall. Remove and replace the roof.”*

The City forwarded copies of the Coastal Exemptions to the Coastal Commission's South Coast District Office, which were received on April 5, 2017. At that time, Coastal Commission staff established the 20 working-day appeal period for each of the local CDP actions. On May 3, 2017, the appellants submitted five appeals (one per each claim of exemption) to the Commission's South Coast District Office. The appeals of the City's actions were determined to be valid because they were received prior to the expiration of the twenty working-day period in which any action by the City of Los Angeles can be appealed to the Commission. On May 5, 2017, Notifications of Appeal were sent to the Los Angeles Department of City Planning and the applicant, notifying each party of the appeals of DIR-2017-1289-CEX, DIR-2017-1308-CEX, DIR-2017-1310-CEX, DIR-2017-1313-CEX, DIR-2017-1314-CEX, and the decisions were stayed pending Commission action on the appeals. On May 23, 2017, the applicant waived the 49-working day rule for hearing an appeal for each appeal filed.

On March 13, 2017, a Historic-Cultural Monument Nomination Form for the property, called the “Irvin Tabor Family Residences,” was submitted to the City of Los Angeles’ Office of Historic Resources/Cultural Heritage Commission by Sue Kaplan (one of the appellants). On May 18, 2017, at the Cultural Heritage Commission Hearing, the Cultural Heritage Commission voted to take the subject property under consideration as a proposed Historic-Cultural Monument. Therefore, a second notice to stop all work and notice of intent to revoke building permit nos. 17016-90000-01555, 17016-10001-01555, 17016-90000-05989, 17016-90000-05990, 17016-20000-04394, 17016-20000-04396, 17016-90000-01556, 17016-10001-01556, 17016-20000-04399, 17016-90000-01189, and 17016-10000-06974 for numerous repair and alteration work for various buildings located at the subject site was issued on May 30, 2017 (see Table 1).

Table 1: List of electronic building permits issued for subject site.

City Building Permit No.	Date Issued	Work Description	Building Address
17016-90000-01189	January 19, 2017	Add sill plate anchor bolts and replace cripple wall plywood foundation per LA City Standard Plan	605 Westminster Avenue
17016-90000-01555	January 24, 2017	Replace 10 window(s), same size, location, number, type; to replace drywall/plaster (patch and paint); non-structural repair only; interior kitchen remodel/repair (no changes in walls or openings); interior bathroom remodel/repair (no change in walls or openings)	605 Westminster Avenue, Bldg. A & B
17016-90000-01556	January 24, 2017	Replace 8 window(s), same size, location, number, type; to replace drywall/plaster (patch and paint); non-structural repair only; interior kitchen remodel/repair (no changes in walls or openings); interior bathroom remodel/repair (no change in walls or openings)	605 Westminster Avenue, Bldg. D & E
17016-20000-04394	February 27, 2017	Re-roof over new solid sheathing for property	607 Westminster Avenue, Bldg. A
17016-20000-04396	February 27, 2017	Re-roof over new solid sheathing for property	607 Westminster Avenue, Bldg. B
17016-20000-04399	February 27, 2017	Re-roof over new solid sheathing for property	607 Westminster Avenue, Bldg. D
17016-10001-01555	March 6, 2017	Increase valuation by \$23,700 to total \$47,400 for property	605 Westminster Avenue, Bldg. A & B
17016-10001-01556	March 6, 2017	Change address from 607 E. Westminster Avenue D & E to 607 Westminster Avenue D, correcting the use code to single family	605 Westminster Avenue, Bldg. D

City Building Permit No.	Date Issued	Work Description	Building Address
		dwelling and to decrease # of window change out from (8) to (4)	
17016-90000-05989	March 14, 2017	Re-roof over new solid sheathing for property	605 Westminster Avenue, Bldg. A
17016-90000-05990	March 14, 2017	Re-roof over new solid sheathing for property	605 Westminster Avenue, Bldg. B
17016-10000-06974	March 23, 2017	Add sill plate anchor bolts and replace cripple wall plywood foundation per LA City Standard Plan	605 Westminster Avenue, Bldg. A & B

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission, and Section 30625 makes clear that claims of exemption are among the appealable actions.

After a final local action on a local coastal development permit application or a coastal exemption, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice that contains all the required information, a twenty working-day appeal period begins during which any person, including the applicants, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including stating the specific grounds for appeal and summarizing the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the approved project’s conformity with Chapter 3 of the Coastal Act. However, the Chapter 3 policies of the Coastal Act do not apply if the project is exempt from permitting requirements pursuant to Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. Accordingly, for appeals of coastal exemption determinations such as this, the Commission’s role is to determine whether there is factual and legal support for the local government’s

exemption determination. If there is no substantial issue with regard to the propriety of the exemption determination, then there is also no substantial issue with regard to Chapter 3 conformity because those policies do not apply to exempt development. If the Commission decides that there is no substantial issue with the exemption determination—and thus Chapter 3—the action of the local government becomes final.

If, however, the Commission finds that a substantial issue exists with respect to the locally-approved project's conformity with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations, then the local coastal development permit decision is voided and the Commission typically continues the public hearing to a later date in order to review the claim of exemption as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] The standard of review for the de novo portion of an appeal is the same as described above—consistency with Chapter 3, as determined by analyzing consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. Should the Commission deny the claim of exemption and determine that a coastal development permit is required, then the Chapter 3 policies of the Coastal Act are the standard of review if the applicant applies for, and the local jurisdiction considers, the permit. [Cal. Pub. Res. Code § 30625.]

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulations, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), or those who, for good cause, were unable to oppose the application before the local government, and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE/DUAL PERMIT JURISDICTION AREAS

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

VI. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTIONS

The project site is located in the Oakwood subarea of Venice at 605-607 Westminster Avenue within the City of Los Angeles Single Permit Jurisdiction Area, about 0.6-mile inland of the beach ([Exhibit 1](#) and [Exhibit 2](#)). A housing complex consisting of seven individual residential buildings (total of 8 units) spans two lots for a total lot area of approximately 10,414 square feet and is designated as multi-family residential use according to the Venice certified LUP. The first building constructed on the lot was built in 1915, with the other residential buildings being constructed in the 1920s. The complex was designated as a potential significant historic resource by SurveyLA in 2015.

Below are project descriptions of each residential unit as proposed by the applicant. First, it is important to note what the prior structural conditions of the buildings were before describing the individual projects at each building location. According to plans and photos submitted by the applicant ([Exhibit 5](#)) and a site visit conducted by Commission staff on May 15, 2017, each of the buildings that have been appealed consist of the following existing exterior structural components and material:

- Roof: shingles over sheeting (wood boards), joist
- Walls: exterior cladding, 1” x 2” wall framing, no insulation, 1/8” particle board of fiber board
- Foundation: perimeter concrete foundation, stacked concrete blocks or wood posts supporting sagging floor boards

Table 2: Summary list of properties.

Owner	Address	City Approval	Appeal No.
Lisa Henson Trust	605 Westminster Ave., Bldg. A & B	DIR-2017-1289-CEX	A-5-VEN-17-0020
Lisa Henson Trust	607 Westminster Ave., Bldg. A	DIR-2017-1308-CEX	A-5-VEN-17-0021
Lisa Henson Trust	607 Westminster Ave., Bldg. B	DIR-2017-1310-CEX	A-5-VEN-17-0022
Lisa Henson Trust	607 Westminster Ave., Bldg. D	DIR-2017-1313-CEX	A-5-VEN-17-0023
Lisa Henson Trust	607 Westminster Ave., Bldg. E	DIR-2017-1314-CEX	A-5-VEN-17-0024

Appeal A-5-VEN-17-0020 (Henson): 605 Westminster Ave., Bldg. A & B

The two-unit residential building located at 605 Westminster Avenue, Building A and B, is situated on the western side of the complex. The building is one-story in height and is approximately 943 sq. ft. with Unit A being 510 sq. ft. in size and Unit B being 433 sq. ft. in size. The City issued coastal exemption DIR-2017-1289-CEX to “*Replace windows, replace drywall, interior kitchen and bathroom remodel, reroof, add sill plate anchor bolts and cripple wall plywood.*” The City concluded the proposed project was exempt under “Repair and

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Maintenance” which “includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargements or expansion.”

The City of Los Angeles did retain copies of plans for this project when it was deemed exempt from permit requirements, and submitted the project plans along with the coastal exemption to the Commission’s South Coast Office on May 15, 2017 ([Exhibit 3](#)). Additional plans and project descriptions were submitted to Commission staff on May 30, 2017 by the applicant for clarification ([Exhibit 5](#)). According to the plans, the scope of work for Unit A includes altering approximately 2% of the existing exterior walls by moving the existing doorway and removing the existing interior particle board and installing new interior 2”x4” stud framing and insulation. The existing 1”x2” wall framing will be retained. Foundation work consists of replacing 25% of the existing foundation with new cripple wall, anchor bolts, rebar and concrete and replacing 8 of the 12 concrete piers with 12”x12” reinforced concrete piers to meet current building codes and preserve the structure. The project also proposes to remove the existing roof shingles and replace approximately 17% of the sheeting (wood boards). Sheeting however is not a structural element of the roof; the framing of the roof will be retained. New rigid roof insulation, oriented strand board (OSB) and shingles (matching the same color as the existing ones) will be installed. The windows will also be replaced. The project also consists of an interior remodel.

Proposed work on Unit B is similar to that of Unit A. The doorway is similarly proposed to be moved, resulting in about a 2% change to the exterior walls and the existing interior particle board will be removed and new interior 2”x4” stud framing and insulation will be added to the walls. The existing 1”x2” wall framing will be retained. Foundation work consists of replacing 22% of the existing foundation with new cripple wall, anchor bolts, rebar and concrete and 8 of the 12 concrete piers will be replaced by 12”x12” reinforced concrete piers meeting current building codes and preserve the structure. The project also proposes to remove the existing roof shingles and replace approximately 22% of the sheeting (wood boards). Sheeting however is not a structural element of the roof; the framing of the roof will be retained. New rigid roof insulation, OSB and shingles (matching the same color as the existing ones) will be installed. The windows will also be replaced. The project also consists of an interior remodel.

Overall, the residential building that contains both Units A & B will result in the removal and replacement of only about 9% of the existing structure, and the project, as proposed, will not result in any changes to the footprint, square footage, density, height, or roofline of the residential building.

Appeal A-5-VEN-17-0021 (Henson): 607 Westminster Ave., Bldg. A

Bungalow 607-A is located in the southeast corner of the property. The 763 sq. ft., one-story residential building consists of one unit. The City issued coastal exemption DIR-2017-1308-CEX to “*Reroof with shingles and repair foundation.*” The City concluded the proposed project was exempt under “Repair and Maintenance” which “includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargements or expansion.”

The City of Los Angeles did retain copies of plans for this project when it was deemed exempt from permit requirements, and submitted the project plans along with the coastal exemption to the Commission’s South Coast Office on May 10, 2017 ([Exhibit 3](#)). Additional plans and project

descriptions were submitted to Commission staff on May 30, 2017 by the applicant for clarification ([Exhibit 5](#)). According to the plans, the proposed project consists of no changes to the existing exterior or interior walls and only about 6% of the foundation will be replaced with new cripple wall, anchor bolts, rebar and concrete. Additionally, 6 out of the 12 existing concrete piers will be replaced by 12”x12” reinforced concrete piers and preserve the structure. The applicant is proposing to remove soil from under the unit to create a crawlspace to meet current building codes. Additionally, the project proposes to remove the existing roof shingles and install rigid roof insulation, OSB and shingles (matching the same color as the existing ones). The windows will also be replaced. Overall, the residential building will result in the removal and replacement of only about 1% of the existing structure, and the project, as proposed, will not result in any changes to the footprint, square footage, density, height, or roofline of the residential building.

Appeal A-5-VEN-17-0022 (Henson): 607 Westminster Ave., Bldg. B

Residential Unit 607-B is located behind (north) of unit 607 A. The 480 sq. ft., one-story residential building consists of one unit. The City issued coastal exemption DIR-2017-1310-CEX to “*Reroof to replace roof shingles & repair foundation.*” The City concluded the proposed project was exempt under “Repair and Maintenance” which “includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargements or expansion.”

The City of Los Angeles did retain copies of plans for this project when it was deemed exempt from permit requirements, and submitted the project plans along with the coastal exemption to the Commission’s South Coast Office on May 10, 2017 ([Exhibit 3](#)). Additional plans and project descriptions were submitted to Commission staff on May 30, 2017 by the applicant for clarification ([Exhibit 5](#)). According to the plans, the scope of work for this unit includes no changes to the existing exterior cladding; however, the existing interior fiber board will be removed and new interior 2”x4” stud framing and insulation will be added to the walls. The existing 1”x2” wall framing will be retained. Foundation work consists of replacing 100% of the existing foundation with new cripple wall, anchor bolts, rebar and concrete, and 5 of the 6 concrete piers will be replaced by 12”x12” reinforced concrete piers to meet current building codes. While this repair will completely replace the existing foundation, the proposed work is necessary to make the structure habitable and preserve the building. It will not change the footprint of the raised foundation. During this process, the walls of the existing structure will be supported and maintained. The project also proposes to remove the existing roof shingles and replace approximately 12% of the sheeting (wood boards). New rigid roof insulation, OSB and shingles (matching the same color as the existing ones) will be installed. Sheeting however is not a structural element of the roof; the framing of the roof will be retained. The windows will also be replaced. The project also consists of an interior remodel. Overall, the residential building will result in the removal and replacement of only about 15% of the existing structure, and the project, as proposed, will not result in any changes to the footprint, square footage, density, height, or roofline of the residential building.

Appeal A-5-VEN-17-0023 (Henson): 607 Westminster Ave., Bldg. D

Residential Unit 607-D is located in the northeast corner of the property. The 732 sq. ft., one-story building consists of one unit. The City issued coastal exemption DIR-2017-1313-CEX to

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“Replace windows (4), repair drywall, kitchen and bathroom remodel, reroof and foundation repair.” The City concluded the proposed project was exempt under “Repair and Maintenance” which “includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargements or expansion.”

The City of Los Angeles did retain copies of plans for this project when it was deemed exempt from permit requirements, and submitted the project plans along with the coastal exemption to the Commission’s South Coast Office on May 10, 2017 ([Exhibit 3](#)). Additional plans and project descriptions were submitted to Commission staff on May 30, 2017 by the applicant for clarification ([Exhibit 5](#)). According to the plans, the proposed project consists of no changes to the existing exterior or interior walls. About 23% of the foundation will be replaced with new cripple wall, anchor bolts, rebar and concrete, to meet current building codes and preserve the structure. The applicant is proposing to remove soil from under the unit to create a crawlspace to meet current building codes. Additionally, the project proposes to remove the existing roof shingles and install rigid roof insulation, OSB and shingles (matching the same color as the existing ones). The windows will also be replaced. Overall, the residential building will result in the removal and replacement of only about 4% of the existing structure, and project, as proposed, will not result in any changes to the footprint, square footage, density, height, or roofline of the residential building.

Appeal A-5-VEN-17-0024 (Henson): 607 Westminster Ave., Bldg. E

Residential Unit 607-E is located at the rear (south end) of property and straddles both of the lots. The 363 sq. ft., one-story building consists of one unit. The City issued coastal exemption DIR-2017-1314-CEX to *“Replace windows, replace drywall, interior kitchen and bathroom remodel, add sill plate anchor bolts and cripple wall plywood. Remove and replace 17 linear feet of exterior wall. Remove and replace the roof.”* The City concluded the proposed project was exempt under “Repair and Maintenance” which “includes replacement, repair and/or maintenance activities (i.e. re-roofing, replacement of equipment, etc.) which do not result in any changes, enlargements or expansion.”

The City of Los Angeles did retain copies of plans for this project when it was deemed exempt from permit requirements, and submitted the project plans along with the coastal exemption to the Commission’s South Coast Office on May 10, 2017 ([Exhibit 3](#)). Additional plans and project descriptions were submitted to Commission staff on May 30, 2017 by the applicant for clarification ([Exhibit 5](#)). According to the plans, the scope of work for the unit includes 79% of the existing exterior walls to be retained and 17 linear feet of new exterior wall will be reframed to replace an area of the wall that failed due to inadequate previous construction. The existing interior fiber board will be removed from the interior of the walls and new interior 2”x4” stud framing and insulation will be added to the walls. The existing 1”x2” wall framing will be retained; rotten studs will be repaired by adding a second stud. Foundation work consists of replacing approximately 59% of the existing foundation with new cripple wall, anchor bolts, rebar and concrete, and 8 of the 12 concrete piers will be replaced by 12”x12” reinforced concrete piers meeting current building codes and preserve the structure. There will be no change in the type or design of the raised foundation of the structure. The project also proposes to remove/replace the existing deteriorated roof. New framing, sheathing, rigid roof insulation, OSB and shingles (matching the same color as the existing ones) will be installed. The windows will also be replaced. Additionally, the project will include an interior remodel. Overall, the

residential building will result in the removal and replacement of only about 46% of the existing structure, and the project, as proposed, will not result in any changes to the footprint, square footage, density, height, or roofline of the residential building.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. As described above, in the case of appeals of coastal exemptions (Section 30625(a) of the Coastal Act), this standard requires the Commission to determine if there is factual and legal support for the local government’s decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations.

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

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

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

Staff is recommending that the Commission find that **no substantial issue exists** with respect to whether the local government actions conform to Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

The primary grounds raised by the appellants for each the subject appeals are that, because of Venice’s designation as a “Special Coastal Community” in the certified Venice Land Use Plan (LUP) and the potential historic designation of the project site, *any* work conducted on the site is non-exempt “development” as defined in the Coastal Act, regardless of whether it results in the demolition of 50% or more of the existing structure. The appellants claim that a coastal development permit should therefore have been required. However, neither the designation of Venice as Special Coastal Community in the LUP nor the status of the existing structures as historic are relevant to the determination of whether development is exempt from the need to obtain a coastal development permit consistent with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations.

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

“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

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

Coastal Act Section 30610 Developments authorized without permit, states (in part):

*Notwithstanding any other provision of this division, **no coastal development permit shall be required** pursuant to this chapter for the following types of development and in the following areas:*

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Section 13252 Repair and Maintenance Activities That Require a Permit, states:

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

Each of the proposed projects qualifies for an exemption under Coastal Act Section 30610(d). Coastal Act Section 30610(d) allows *repair and maintenance activities* to existing residences without a coastal development permit as long as they do not result in an addition to, or enlargement or expansion of, the building and so long as less than 50 percent of the structure is removed during the process. Repair and maintenance activities to buildings typically include re-roofing and foundation repair.

The description and proposed plans of the projects indicate that the project is for the restoration of the existing buildings (see Table 3 for a breakdown) and will not result in any change in the size, height, or footprint of the existing structures. The restoration work only replacing those materials which are failing. For instance, the applicant is proposing that a large portion of the foundations of Buildings 607-B and 607-E be repaired and replaced. However, the proposed work is necessary to make the structures habitable and preserve the buildings. It will not change the footprint of the raised foundations or the type/design of foundations. The buildings currently have a raised concrete perimeter foundation which is proposed to be replaced in kind to ensure they meet building and safety codes and are safe for tenants. In all five cases, no changes to the footprint, square footage, density, height, or roofline of any of the residential buildings is proposed. In addition, no additions are proposed, therefore, none of the projects constitute substantial redevelopment of the site. Overall, the size and overall nature of each of the structures is being preserved, as the applicant is not enlarging the buildings in any way, but rather is trying to retain as much as the existing material as feasible. As described in detail in Section VI. A. Project Location and Descriptions, and as can be seen on the plans submitted by the applicant ([Exhibit 5](#)), each of the proposed residential projects will not result in either an addition to or enlargement or expansion of any of the existing buildings.

Table 3: Summary of percent of features to be removed/retained.

Residential Unit	Existing Roof		Existing Foundation		Existing Exterior Walls		Total Amount of Existing Structure	
	Remove	Retain	Remove	Retain	Remove	Retain	Remove	Retain
605 A & B	18%*	82%	24%	76%	3%	97%	9%	91%
607 A	0%*	100%	6%	94%	0%	100%	1%	99%
607 B	12%*	88%	100%	0%	0%	100%	15%	85%
607 D	0%*	100%	23%	77%	0%	100%	4%	96%
607 E	100%	0%	59%	41%	21%	79%	46%	54%

*replace shingles and sheeting only (non-structural)

While the appellants are correct in stating that the certified Venice LUP does recognize Venice as a “Special Coastal Community,” the designation of Venice as Special Coastal Community in the LUP is not relevant to the determination of whether development is exempt from the need to obtain a coastal development permit consistent with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. However, staff notes that the applicant is retaining as much of the existing buildings as possible, and where the applicant is proposing to remove and replace material she is being sympathetic to the existing materials and is proposing to match like-for-like where possible. The proposed repair work is necessary for the preservation of the buildings. The existing cladding on the exterior of the buildings is being retained and no changes are proposed to the footprint, square footage, height, or roofline of any

of the residential buildings. As proposed, the residential complex will maintain the existing layout and design, with no buildings being demolished or constructed on the site; what is currently there will remain on site. In addition, Venice is made up of eclectic architectural styles, and the proposed project will not be altering the design or use of the buildings. Therefore, each of the proposed projects is considered a repair or maintenance to an existing structure, and is not a new residential structure, based on the applicable provisions of the Coastal Act.

Coastal Act Section 30600 Coastal Development Permit; Procedures Prior to Certification of Local Coastal Program, states:

- (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.*
- (b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.*
(2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.
- (c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).*
- (d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.*

The City of Los Angeles has the authority to issue coastal development permits, as well as coastal exemptions. The proposed site of the projects is located within the *Single Permit Jurisdiction Area*. For the reasons discussed in detail above, each of the proposed projects constitute repair and maintenance to an existing one-story residential structure, resulting in no changes to the footprint, square footage, height, or roofline of any of the residential buildings. The projects are therefore exempt from permitting requirements under the Coastal Act and the Commission's Regulations. Therefore, the proposed projects do not require local coastal development permits from the City of Los Angeles.

Because the proposed development is exempt from coastal development permit requirements, the Commission does not have jurisdiction to review the appellants' concerns regarding the projects'

consistency with Chapter 3 policies of the Coastal Act, including their consistency with policies protecting the character of the community. These issues would, however, be important and relevant in a situation where the Commission found that an exemption determination raised a substantial issue and denied the exemption in a de novo action. In such cases, the local jurisdiction would have to review a project's consistency with Chapter 3 policies (and/or any relevant local coastal plan policies) if the applicant applied for a coastal development permit.

Nevertheless, the following provides a brief background of these issues. In 2015, the historic resources study, entitled SurveyLA (which is used as guidance by the City but has not been formally recognized or certified by the Commission), found that the property located at 605-607 Westminster Avenue, spanning two lots:

May be a rare example of a property associated with Venice founder Abbot Kinney, and/or Kinney's chauffeur Irving Tabor, an important early black resident of Venice. Sources suggest this property was developed in 1915 by Abbot Kinney, with a main house and four smaller guest houses being, forming a residential courtyard. Other sources indicate the Tabor family may have resided in one of the guest houses around 1917-1923. However, more research is needed to confirm these associations; therefore the evaluation could not be completed.

On May 18, 2017, at the Cultural Heritage Commission Hearing, the Cultural Heritage Commission voted to take the subject property under consideration as a proposed Historic-Cultural Monument. Prior to this decision, to preserve the historic character of the property, the applicant submitted supplemental plans to the Commission staff clearly indicating that the size, footprint, height, and roofline of each individual building will be retained as will the exterior cladding material. The complex's status as a potentially significant architectural, historical and cultural landmark in the Venice LUP does not prevent use of the exemptions in this instance since the claims of exemption are reviewed for conformity with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. Exempting these repairs from Coastal permitting allows for their preservation, but does not exempt them from any other necessary local permitting that may be required upon the decision of the Cultural Heritage Commission.

The appellants' also contend that no local specific plan permit compliance review was completed nor was a local city permit issued prior to the claim of exemptions, and therefore the projects were never reviewed for consistency with the Venice certified Land Use Plan (LUP) and the Chapter 3 policies of the Coastal Act. First, the City determines if and when a project requires a Venice Specific Plan Sign-Off; this is not a requirement of the Commission. In addition, a January 14, 2014, a Venice Specific Plan Sign-off was granted for 607 Westminster Avenue, Building D (DIR-2014-126-VSO) for the "major interior and exterior remodel of an (e) 1-story SFR. Subj lot is developed w/ 4 detached 1-story SFRs w/ no pkg sp." While not every building received a sign-off by the City, as previously stated, whether or not this sign-off is required is the City's decision and the Commission has no authority over whether or not this review is completed prior to Coastal Clearance issuance by the City. Second, the standard of review for claims of exemption is consistency with Chapter 3, as determined by analyzing consistency with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. Should the Commission deny the claim of exemption and determine that a coastal development permit is required, then the Chapter 3 policies of the Coastal Act are the standard of review if the

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applicant applies for, and the local jurisdiction considers, the permit. At that time, the certified Venice LUP may be used as guidance.

In regard to the appellants' claim that a Mello Act Compliance Review needs to be required, the Coastal Act does not provide any authority to the Commission to require or review the City's Mello Act determination. In any case, the Mello Act only applies if the proposed project results in the reduction of residential units, which is not the case here. Each unit in this residential complex will be maintained and preserved. Overall, the Commission has no authority over a lead agency's Mello Act review and determination, and thus, the appellants' contention does not constitute a substantial issue.

The appellants also cite the passage of AB 2616, which provides for consideration of environmental justice when acting on a coastal development permit. However, they do not substantiate why the City's actions on these five claims of exemption raise substantial issue in regard to the environmental justice policy. Conversely, the proposed development is exempt from coastal development permit requirements, and review for consistency with this policy of the Coastal Act does not prevent use of the exemption in this instance since claims of exemption are reviewed for conformity with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations.

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

The first factor is the degree of factual and legal support for the local government's decision that the development is exempt from CDP requirements. The City used detailed plans in its determination to issue coastal exemptions for projects with the scopes of work. According to the plans approved by the City and the scopes of work, no changes to the footprint, square footage, height, or roofline of any of the residential buildings is proposed. No additions or enlargements to the existing structures are proposed, and a majority of the exteriors of the existing structures are proposed to be retained. Therefore, the proposed projects are considered repair and maintenance to existing residential units. Any deviation from the approved scopes of work and approved plans may void the City-issued coastal exemptions and require a coastal development permit(s).

The locally approved projects would not result in more than 50 percent demolition of any of the existing structures, nor would it result in an increase in size in any of the structures. The proposed work is therefore considered repair and maintenance to existing structures, which qualifies for coastal development permit exemptions under section 30610 of the Coastal Act and the Commission's regulations, as noted above. Additionally, City staff did retain copies of the plans for the proposed development and provided them to Commission staff to review in order to determine whether the City properly determined that the proposed development was exempt. Therefore, the Coastal Commission finds that the City does have an adequate degree of factual or legal support for its exemption determinations.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the locally approved development is clear because there are City-approved plans available to determine the scope. Based on the project descriptions and

plans, the City was able to determine that the proposed projects constitute repair and maintenance to existing residential buildings on the site thus preserving them, and therefore are eligible for coastal exemptions. Therefore, the full extent and scope of the City-approved projects were reviewed by the City and determined to qualify for coastal exemptions.

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

The fourth factor is the precedential value of the local government's decisions for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified Land Use Plan (LUP). The proposed development is consistent with Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. These projects, as proposed, will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeals raise local issues, or those of regional or statewide significance. Exempting projects from the coastal development permitting process could have negative, cumulative impacts to the coast if the City and other local governments in the coastal zone apply their exemption authority in an improper manner. However, the City properly reviewed these projects prior to issuing coastal exemptions and properly applied the relevant exemptions. In these cases, the City properly utilized exemptions, and the City's approval does not raise potential issues of statewide significance because the interpretation and application of Coastal Act exemptions was properly utilized.

In conclusion, the central issue for the appeals is whether the development constitutes the replacement of the existing residential structures with new structures, and therefore requires local CDPs. Because the evidence supports exempting the proposed projects from Coastal Act permitting requirements, the Commission finds that appeals A-5-VEN-17-0020, A-5-VEN-17-0021, A-5-VEN-17-0022, A-5-VEN-17-0023, and A-5-VEN-17-0024 raise no substantial issue relative to Section 30610 of the Coastal Act and Section 13252 of the California Code of Regulations. Accordingly, Coastal Exemption Nos. A-5-VEN-17-0020, A-5-VEN-17-0021, A-5-VEN-17-0022, A-5-VEN-17-0023, and A-5-VEN-17-0024 will become final upon the Commission's approval of the motions that the appeals raise no substantial issue.