

## **CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
301 E Ocean Blvd., Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



# **W14a**

## **A-5-LGB-20-0054 (HJG CA LLC) NOVEMBER 4, 2020**

### **EXHIBITS**

#### **Table of Contents**

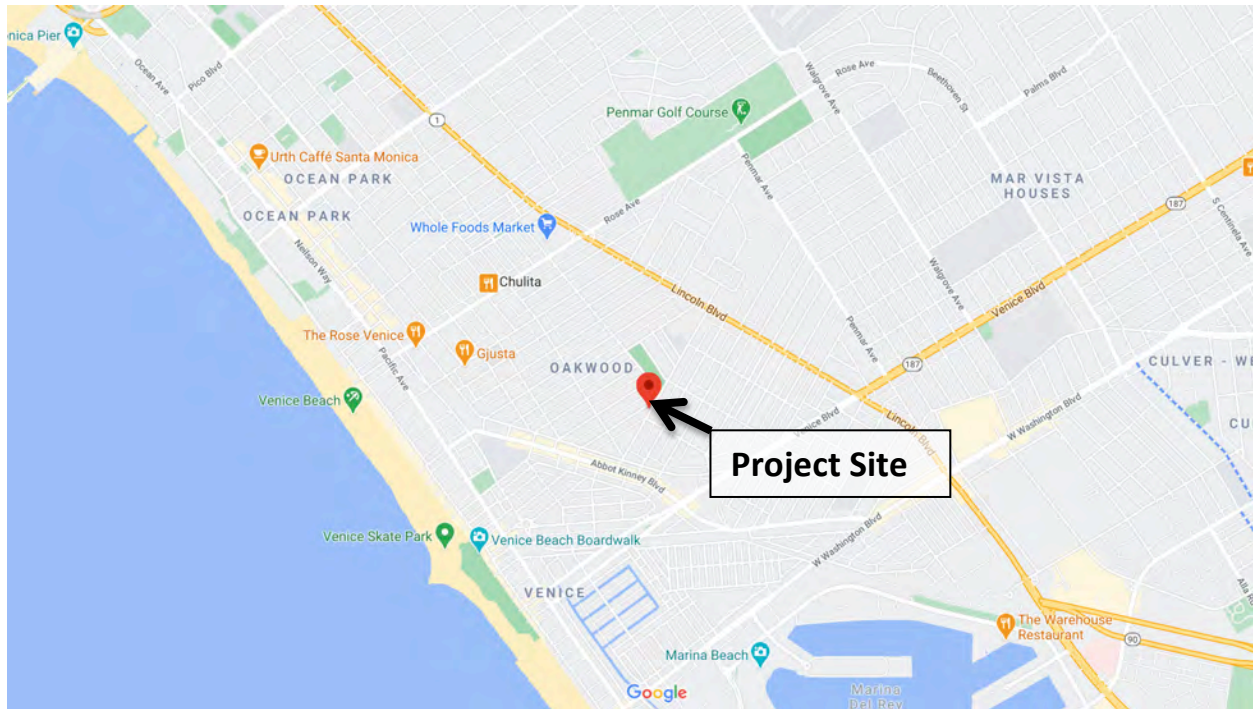
Exhibit 1 – Project Location

Exhibit 2 – Project Plans

Exhibit 3 – Appeal

Exhibit 4 – City Determination Letter

**Project Site:** 717 E. California Avenue & 670 E. Santa Clara Avenue, Venice, Los Angeles, Los Angeles County (APN: 06037-4239029001)







# 717 CALIFORNIA AVE LOS ANGELES, CA 90291

VICINITY MAP

717 CALIFORNIA AVE.  
VENICE, CA 90291

## PROJECT TEAM

OWNER	HUGA LLC 717 CALIFORNIA AVE. LOS ANGELES CA 90291 P. 310.292.0558 E. RACHEL@SNOWMONKEY.COM
ARCHITECTURAL DESIGN	ARCHIVE DESIGN GROUP LLC 5225 VILSHIRE BLVD. #114 LOS ANGELES, CA 90008 P. 310.902.7814 E. MATTHEW@ARCHIVEDESIGNGROUP.COM
SURVEYORS	M&G CIVIL ENG. & LAND SURVEYING 347 S. ROBERTSON BLVD. BEVERLY HILLS, CA 90211 P. 310.658.0271 E. INFO@MGLANDSUR.COM
SOILS ENGINEERS	RALPH STONE & SONS, INC. & ENG. GEO. 10564 SANTA MONICA BLVD P. 310.478.1501 RSTONE@COCOSGEO.COM

New residential construction where landscape irrigation water is planned, a water budget shall be developed that conforms to local and landscape ordinance or the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO), which ever is more stringent.

Prior to final inspection, the licensed contractor, architect, or engineer in responsible charge of the overall construction must provide, to the building department, official written verification that all applicable revisions from the Green Building Standards Code have been implemented as part of the construction. CGC 102.3.

Compliance with the documentation requirements of the 2016 Energy Efficiency Standards is necessary for this project. Registered, signed, and dated copies of the appropriate CFIR, CF2R, and CF3R forms shall be made available at necessary intervals for Building Inspector review. Final completed forms will be available for the building owner.

All Plans Shall Comply with:  
2016 California Building Standards Code Includes:

Part 1, 2016 ADMINISTRATIVE CODE  
Part 2, 2016 California Building Code (CBC)  
Part 2.5, 2016 California Residential Code (CRC)  
Part 3, 2016 California Electrical Code (CEC)  
Part 4, 2016 California Mechanical Code (CMC)  
Part 5, 2016 California Plumbing Code (CPC)  
Part 6, 2016 California Energy Code (CEC)  
Part 9, 2016 California Fire Code (CFC)  
Part 10, 2016 California Existing Building Code  
Part 11, 2016 California Green Building Standards Code (CGBCS)

2017 Los Angeles City Green Building Code  
2017 Los Angeles Building Code (LABC)  
2017 Los Angeles Residential Code (LARC)

"A licensed engineer or surveyor shall stake the property corners of the subject lot. At the time of the underground plumbing inspection, and prior to calling for any footing inspections for these projects, the contractor shall provide string lines along the property lines adjacent to the proposed wall lines of the new construction"

## SQUARE FOOTAGE CALCS:

BASEMENT	1756 SQ. FT. (INTERIOR) 96 SQ. FT. (STAIR) 60 SQ. FT. (ELEVATOR) 30 SQ. FT. (GARAGE)
LEVEL 1	475 SQ. FT. (INTERIOR) 30 SQ. FT. (ELEVATOR) 116 SQ. FT. (STAIR)
LEVEL 2	1,990 SQ. FT. (INTERIOR) 30 SQ. FT. (ELEVATOR) 120 SQ. FT. (STAIR) 107 SQ. FT. (DECK SPACE)
ROOF DECK	820 SQ. FT.
EXEMPTIONS:	
BASEMENT:	96 SQ. FT. (STAIR) 60 SQ. FT. (ELEVATOR) 30 SQ. FT. (GARAGE)
LEVEL 1:	475 SQ. FT. (INTERIOR) 30 SQ. FT. (ELEVATOR) 116 SQ. FT. (STAIR)
LEVEL 2:	30 SQ. FT. (ELEVATOR) 120 SQ. FT. (STAIR) 107 SQ. FT. (DECK SPACE)
ROOF DECK:	820 SQ. FT.
TOTAL EXEMPTIONS:	2884 SQ. FT.
TOTAL NET SQ. FT.:	6,528 SQ. FT.
MAX. FLOOR RATIO (FAR)	3.1

## PROJECT DESCRIPTION

SINGLE FAMILY RESIDENCE  
LOT AREA: 8,206.7 SQ. FT.  
SFR AREA PER ZONING CODE:  
SFR AREA PER LAUSD:  
TYPE V-B CONSTRUCTION  
MAX. HEIGHT: 25' FLAT ROOF + 10' 100 SQ. FT. ROOF ACCESS  
FIRE ZONE: NON-VHFHSZ  
ZONING: RD 1-S1  
PARKING: 2 SPACES REQUIRES 4 SPACES PROPOSED  
HEIGHT FROM LOWEST ADJACENT GRADE:  
HEIGHT FROM GRADE PLAN:  
HEIGHT FROM STREET CENTERLINE: 25'-0"  
THE PROPOSED SINGLE FAMILY RESIDENCE CONSISTS OF 6 BEDROOMS, 6.5 BATHROOMS, AND ROOF DECK. THERE IS A ROOF DECK ACCESS THAT IS 9 FEET ABOVE THE HIGH LIMIT OF 25 FEET. THE PROPOSED PROJECT ALSO HAS A REDUCED FRONT YARD SETBACK OF 7 FEET ALONG SANTA CLARA AVE. AND 9 FEET ALONG CALIFORNIA AVE. THERE IS ALSO A FENCE HEIGHT ADJUSTMENT OF 6 FEET AROUND THE FRONT YARD WITH A PROPOSED POOL AND SPA. THE FENCE HEIGHT ADJUSTMENT ALLOWS FOR THE POOL AND SPA TO BE PLACED IN THE FRONT YARD.

## SHEET INDEX

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A-0.2	EXISTING SITE PHOTOS
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A-1.4	BASEMENT FLOOR PLAN
A-2.0	ELEVATIONS (NORTH AND SOUTH)
A-2.1	ELEVATIONS (EAST AND WEST)
A-2.2	FENCE ELEVATIONS
A-3.0	SECTIONS

## LEGAL DESCRIPTION:

TRACT: OCEAN PARK VILLA TRACT NO. 2  
APN: 4239029001  
MAP REFERENCE M B 4-48

EXHIBIT "A"  
Page No. 1 of 15  
Case No. D12-209-493-CD-MEL  
and 24-209-601-2AA-F

CALIFORNIA AVE  
RESIDENCE  
717 CALIFORNIA AVE.,  
LOS ANGELES, CA 90291

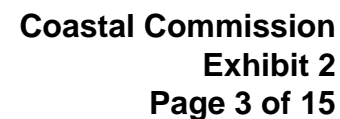
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ARCHIVE DESIGN GROUP		
2016		

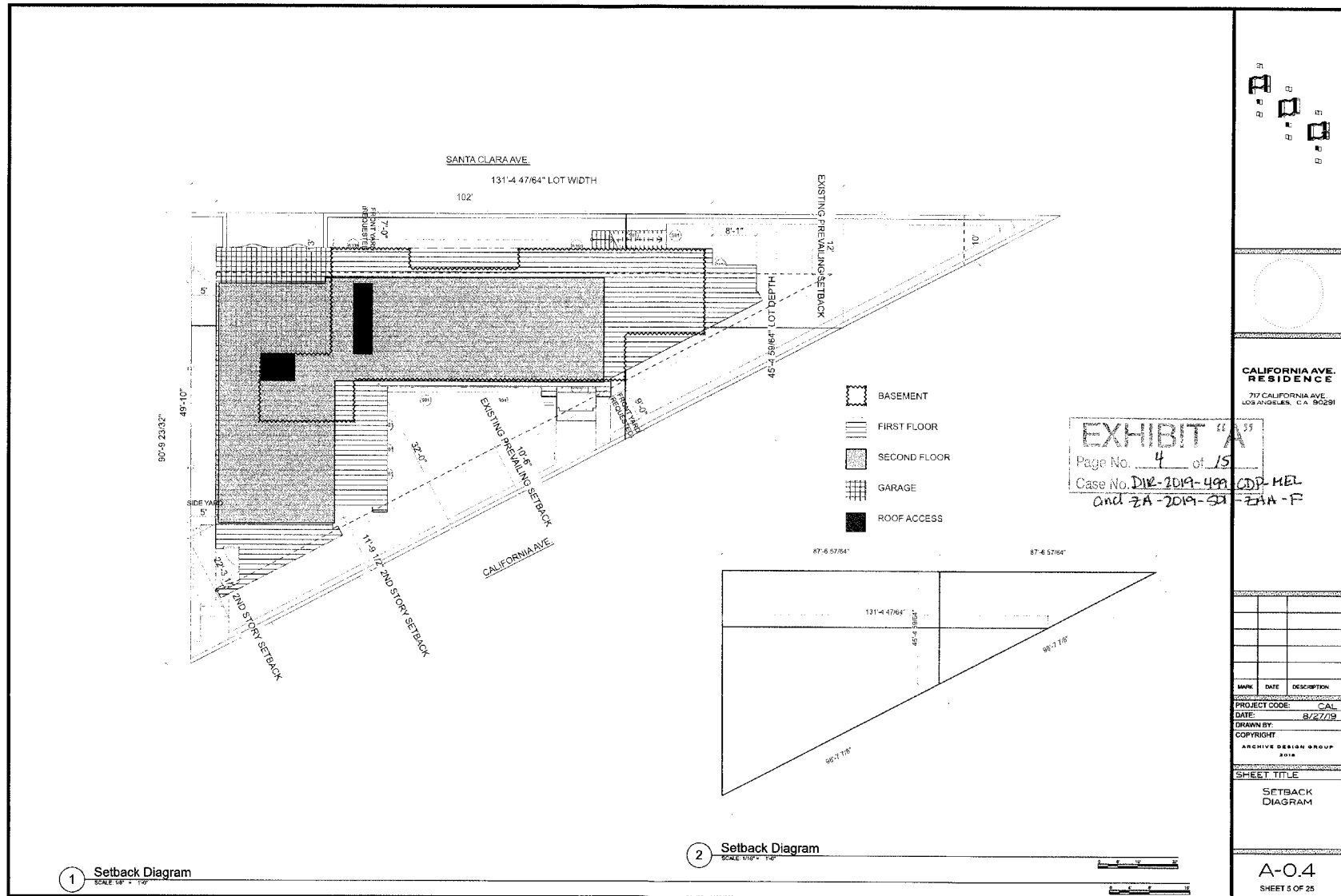
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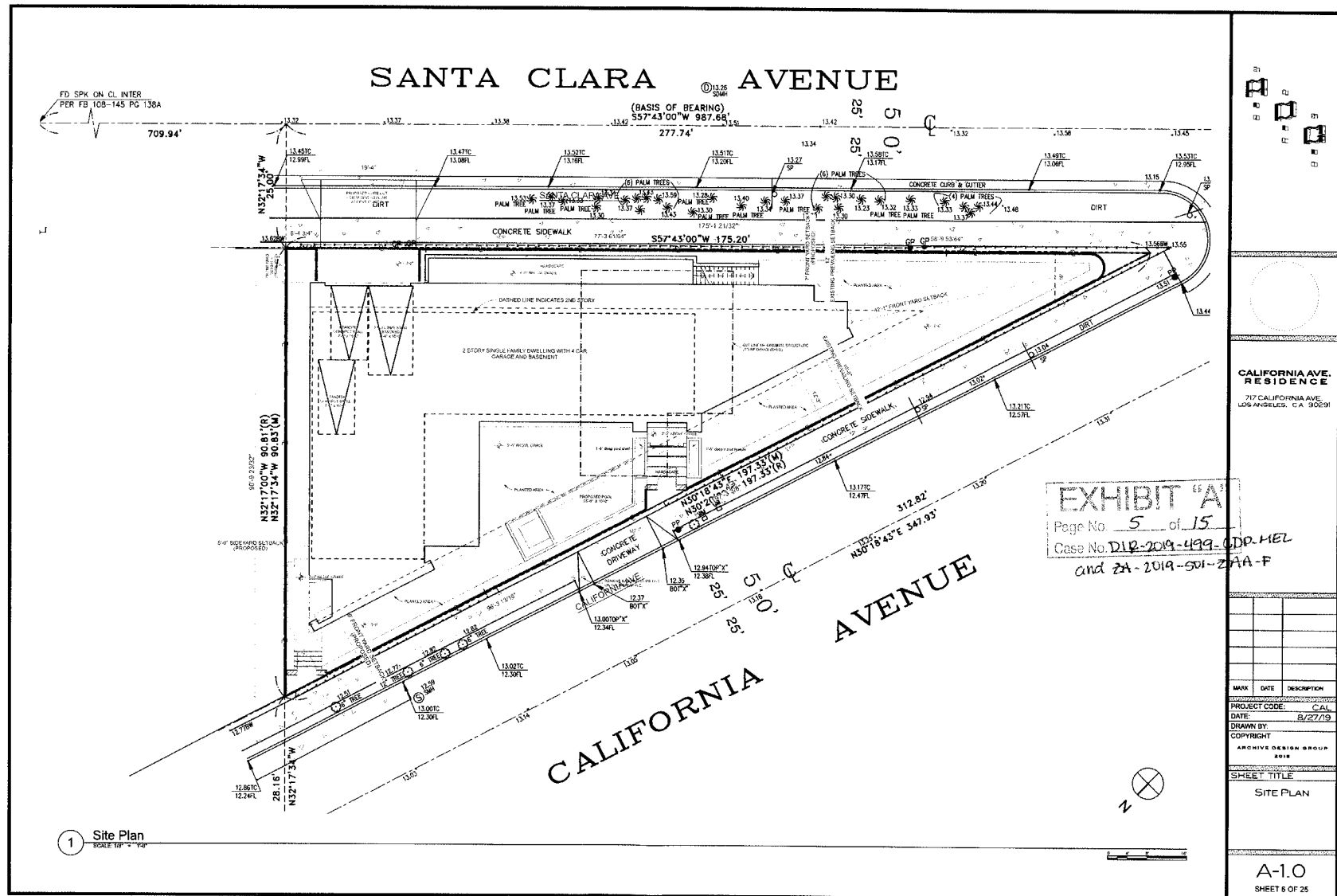
COVER SHEET

A-0.0  
SHEET 1 OF 2

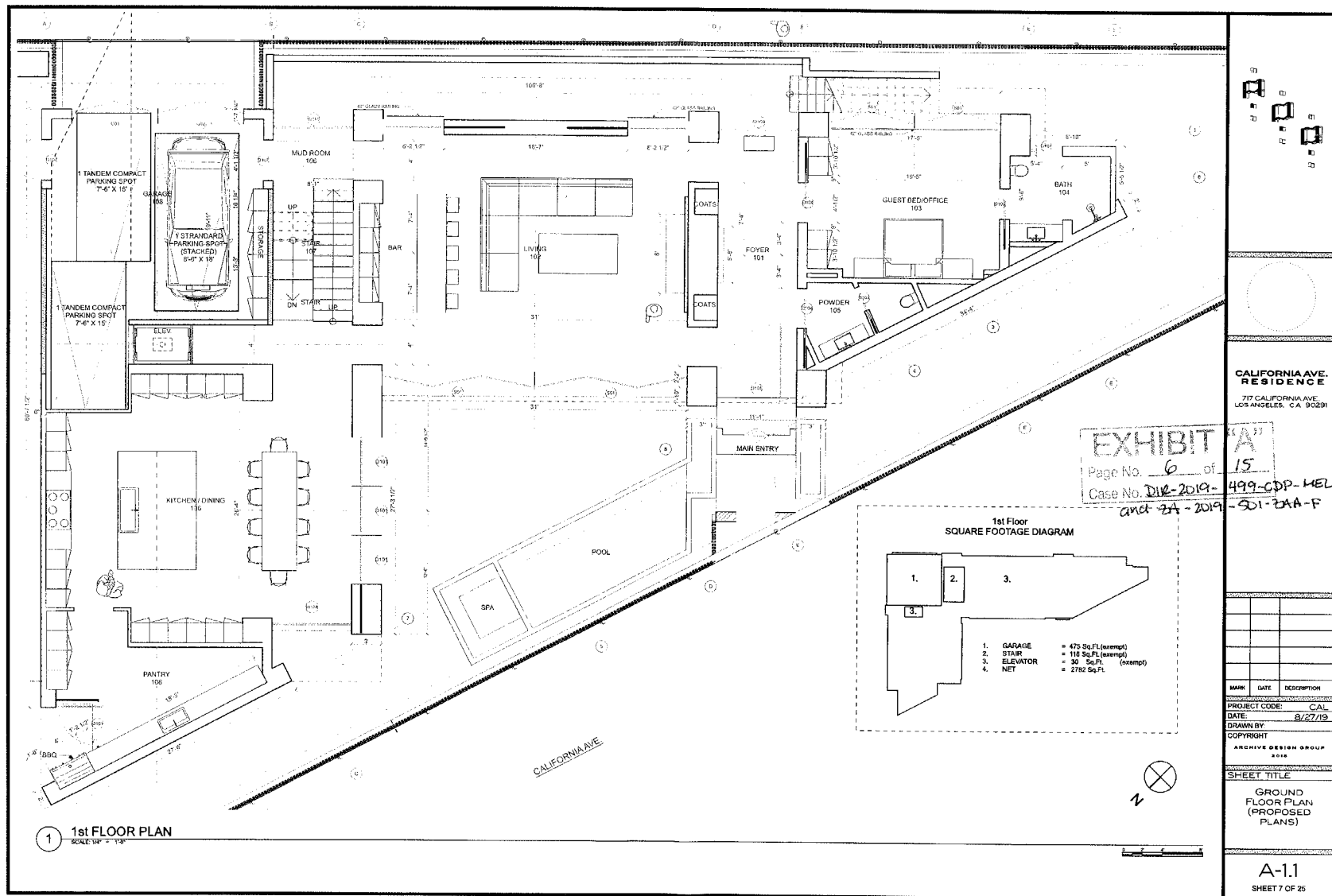


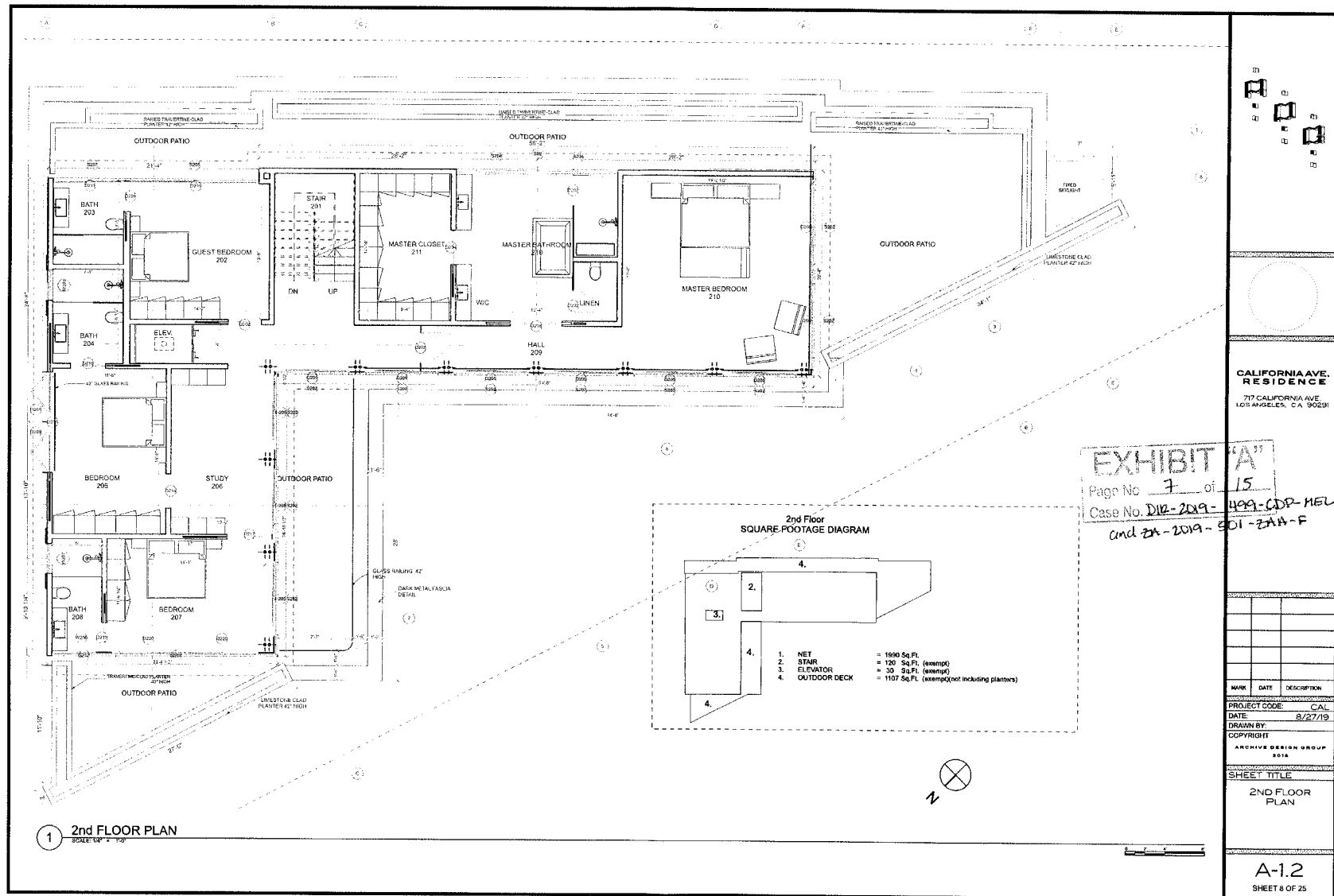


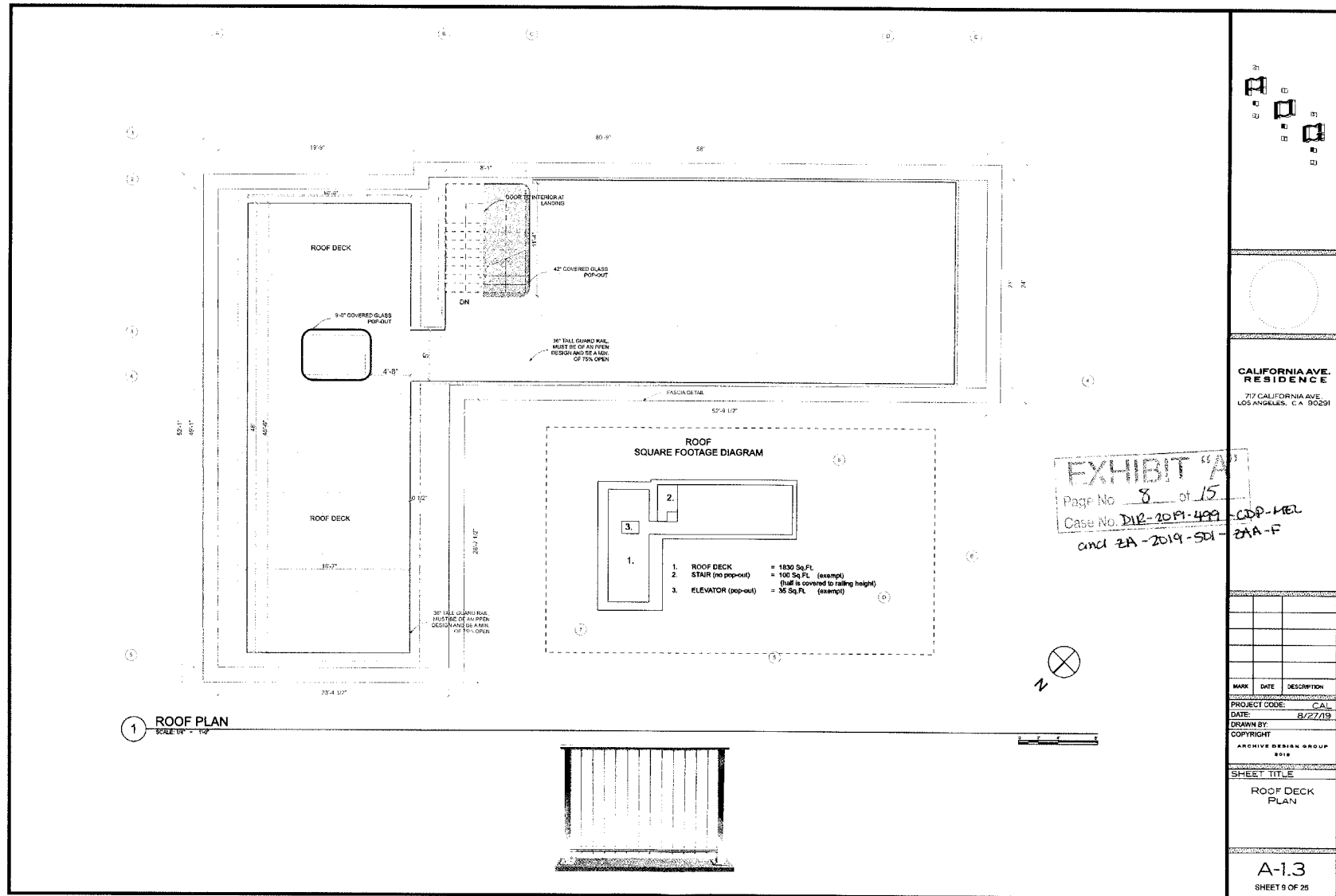


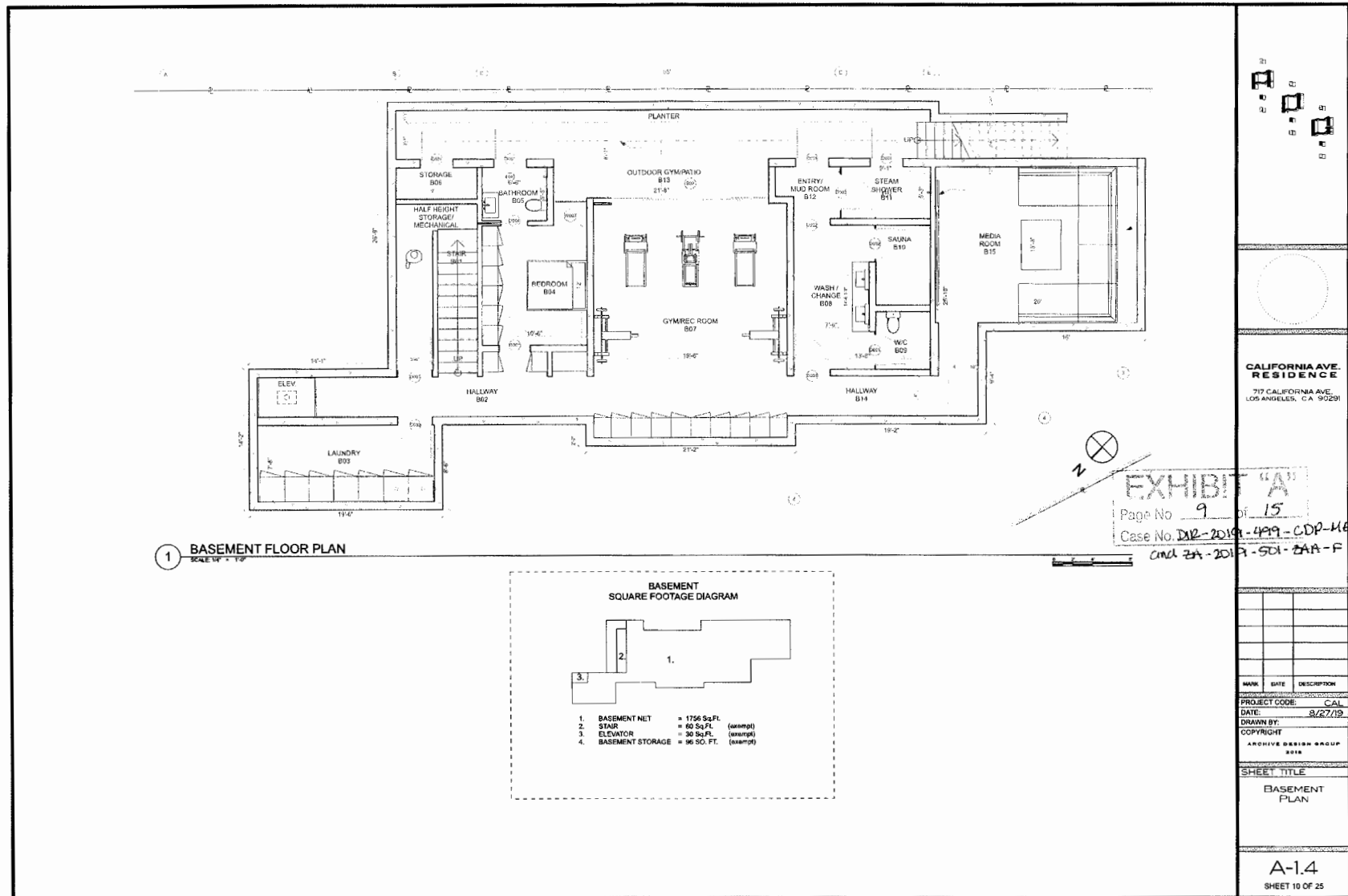


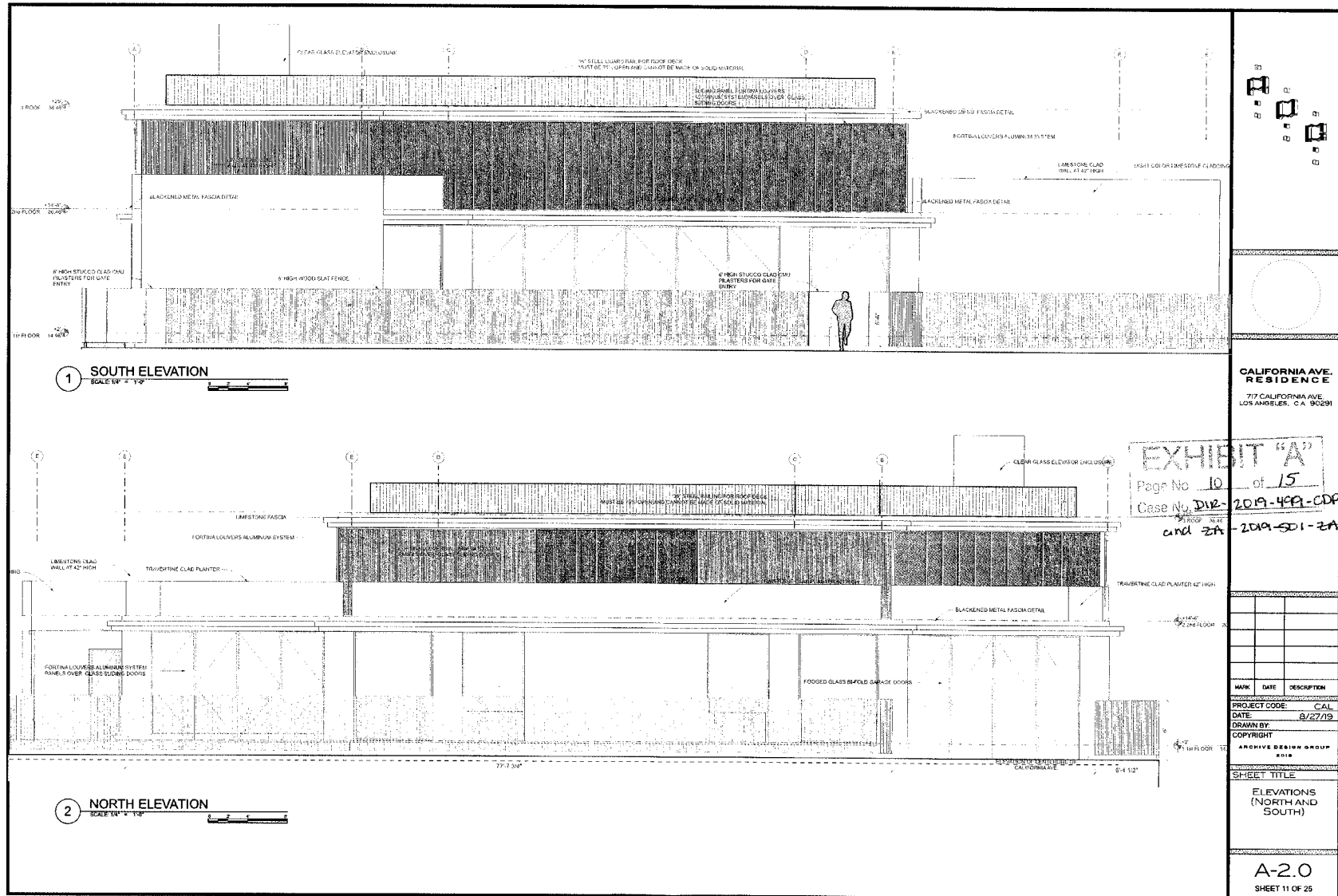




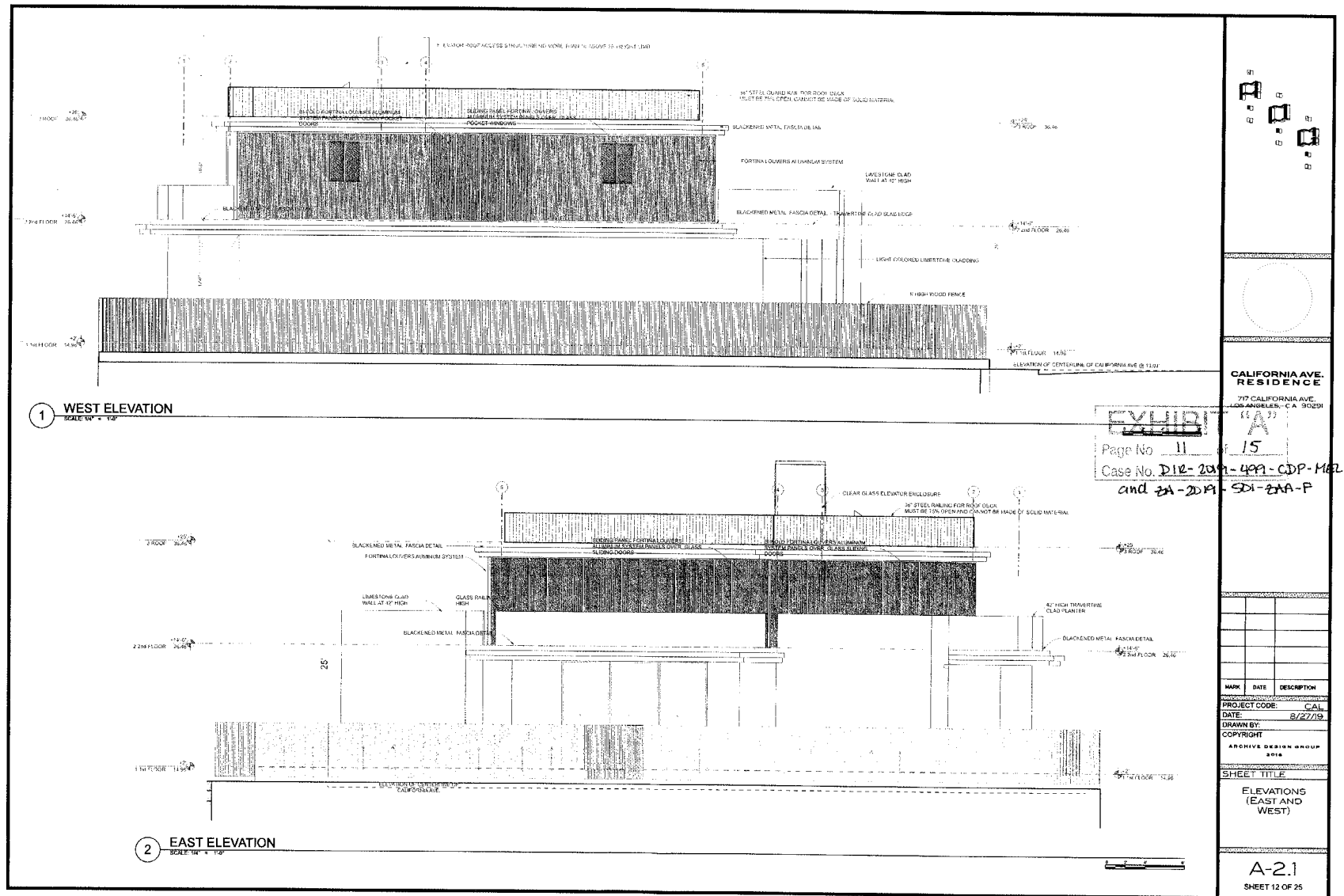


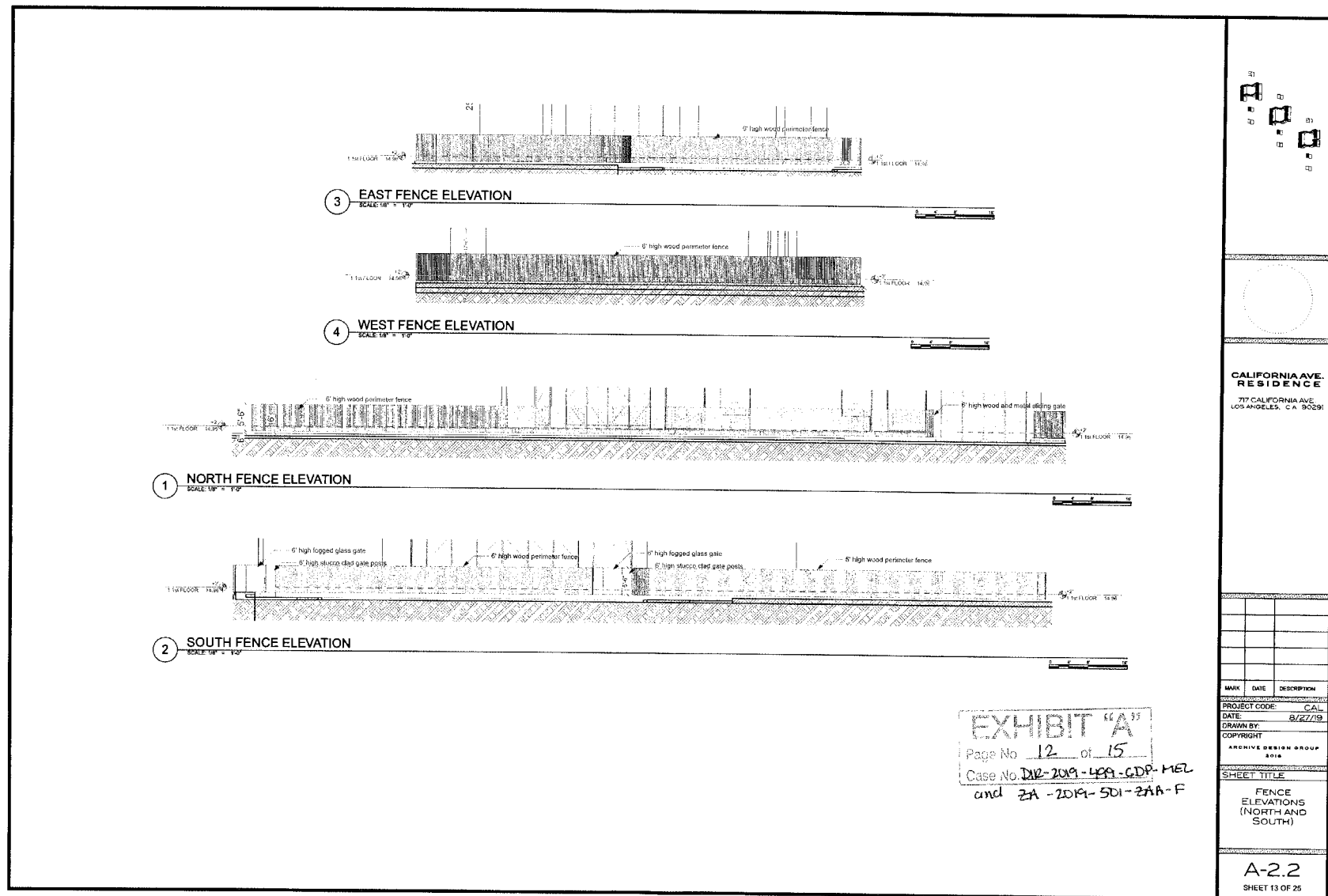


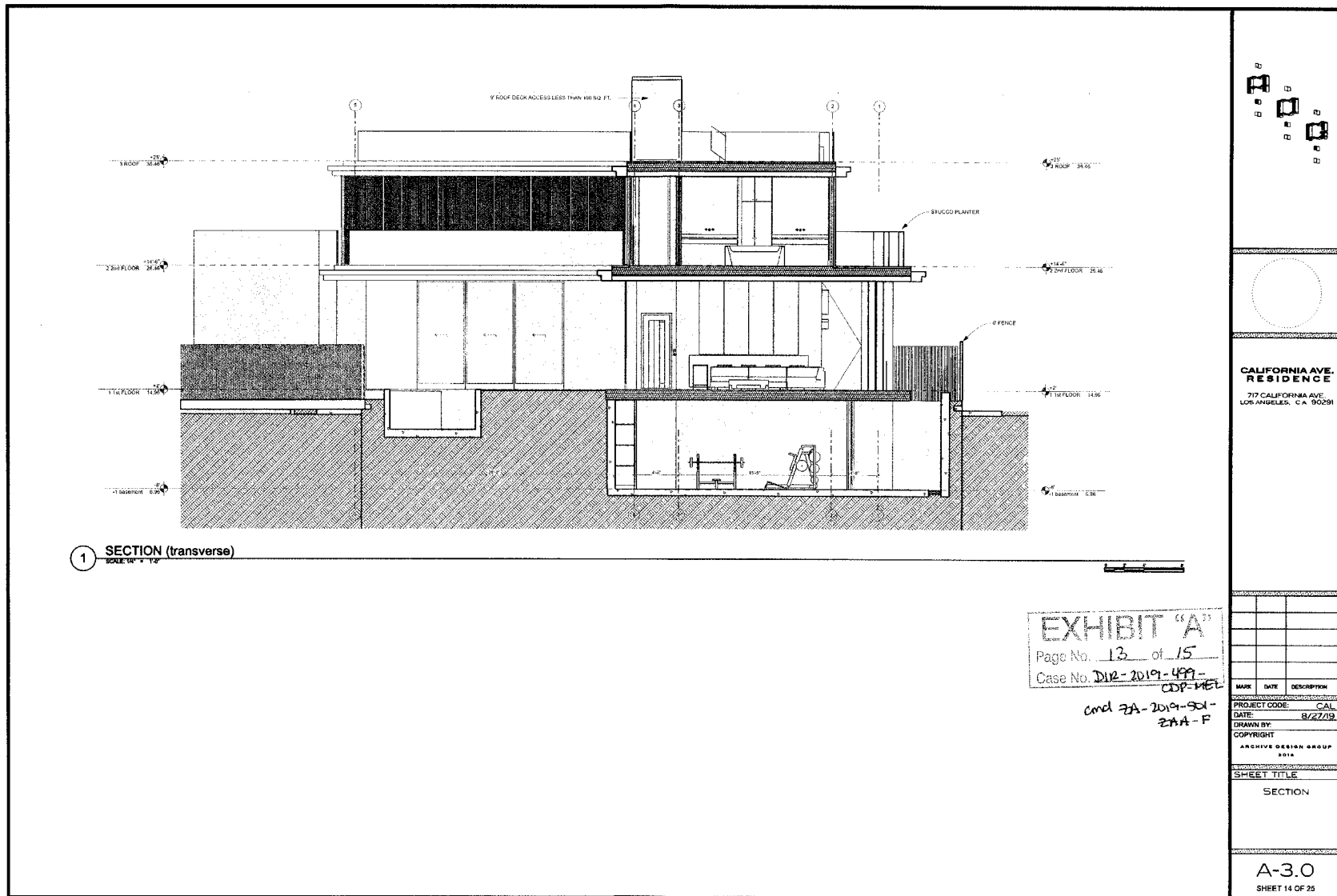




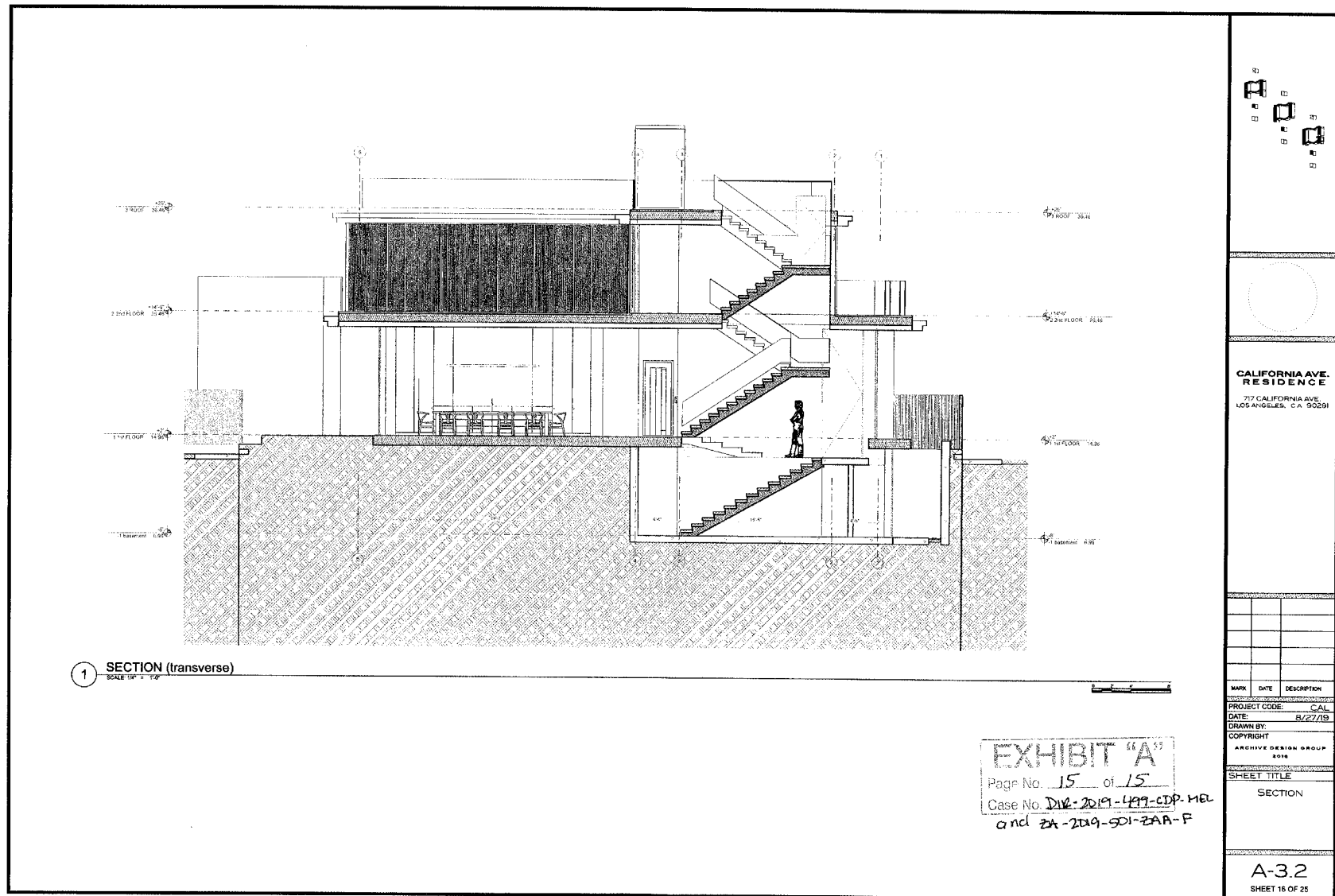














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# CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802  
(562) 590-5071  
SOUTHCOAST@COASTAL.CA.GOV



## APPEAL FORM

### Appeal of Local Government Coastal Development Permit

#### Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Appellant Name(s): \_\_\_\_\_

#### APPELLANTS

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is [SouthCoast@coastal.ca.gov](mailto:SouthCoast@coastal.ca.gov). An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Dr. Naomi Nightingale

Mailing address: 415 Sunset Ave, Venice, 90291

Phone number: 310-663-6694

Email address: nightingalenaomi@yahoo.com

How did you participate in the local CDP application and decision-making process?

☒ Did not participate    ☐ Submitted comment    ☐ Testified at hearing    ☐ Other

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: I live very close to the subject project and speak for

surrounding neighbors against the destructive consequences

of building a McMansion in this multi-family neighborhood.

\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Venice does not have a LCP.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

## Appeal of local CDP decision

Page 3

### 2. Local CDP decision being appealed<sup>2</sup>

Local government name: Los Angeles

Local government approval body: Director of Planning

Local government CDP application number: DIR-2019-499-CDP-MEL

Local government CDP decision: ☒ CDP approval ☐ CDP denial<sup>3</sup>

Date of local government CDP decision: July 20, 2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 717 California Ave/670 Santa Clara Ave

APN: 06037-4239029001

Demolition of an existing 773 square foot single-family residence and construction of a 6,528 square foot two-story single-family residence with habitable basement, attached three-car garage, roof deck and swimming pool. The proposed project has a reduced front yard setback of 7 feet along Santa Clara and 9 feet along California vs. the 15 feet required, and a fence height adjustment of 6 feet around the front yard to allow for the pool and spa to be placed in the front yard.

Other City permits:

ZA-2019-501-ZAA-F

ADM-2019-505-VSO

ENV-2019-502-CE

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

**Page 4**

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet.

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

[illegible]

Attach additional sheets as necessary to fully describe the grounds for appeal.

**Appeal of local CDP decision**  
**Page 5**

**5. Appellant certifications**

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Dr. Naomi Nightingale

Dr. Naomi Nightingale  
Signature

Date of Signature September 8, 2020

**5. Representative authorizations**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Citizens Preserving Venice (Sue Kaplan, President)  
Mailing address: 763 Nowita Place, Venice, 90291  
Phone number: 310-822-0161  
Email address: preservingvenice@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☐ Testified at hearing    ☐ Other

Describe: Letter to Zoning Administrator November 17, 2019

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If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: 

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Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Venice does not have a LCP.  

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<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

## Appeal of local CDP decision

Page 5

### 5. Appellant certification<sup>5</sup>

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Citizens Preserving Venice (Sue Kaplan, President)

*Sue Kaplan*

Signature

Date of Signature September 8, 2020

### 5. Representative authorization<sup>6</sup>

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

**Appeal of local CDP decision**  
**Page 5**

**5. Appellant certification**

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Miguel Bravo

Miguel Bravo  
Signature

Date of Signature September 8, 2020

**5. Representative authorization**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

How did you participate in the local CDP application and decision-making process?

Did not participate

Submitted comment

Testified at hearing

Other

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

September 8, 2020

#### **4. Grounds for this appeal**

**5-VEN-20-0050**

**717 California Ave/670 Santa Clara Ave**

#### **I. APPLICABLE COASTAL REGULATIONS**

##### Coastal Act Section 30105.5

“Cumulatively” or “cumulative effect” means the incremental effects of an individual project **shall be reviewed** in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects”

##### Coastal Act Section 30251 Scenic and visual qualities

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 be visually compatible with the character of surrounding areas...

##### Coastal Act Section 30253 Minimization of adverse impacts

New development shall ... (e) Where appropriate, **protect** special communities and neighborhoods which, because of their unique characteristics, are proper visitor destination points for recreational uses.

##### Certified LUP Policy I. A. 7 d.

Multi-family Residential – Low Medium II Density

Oakwood, Milwood, Southeast and North Venice

Use: Duplexes and multi-family structures.

Density: One unit per 1,500 square feet of lot area. Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5...if the unit is a replacement affordable unit reserved for low and very low-income persons.

##### Certified LUP Preservation of Venice as a Special Coastal Community

Policy I. E. 1. General

Venice’s unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

**Coastal Commission**

**Exhibit 3**

**Page 10 of 26**



### Policy I. E. 2. Sale

All new development and renovations should respect the scale, massing, and landscape of exiting residential neighborhoods.

### Policy I. E. 3. Architecture

Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures **while maintaining the neighborhood scale and massing.**

\*\*\*\*\*

## **II. ANALYSIS**

The proposed project does not conform with the Coastal Act and the certified LUP requirements noted above and thus would prejudice the ability of the City to prepare a Coastal Act Chapter 3 compliant LCP. This is an extremely large single-family dwelling (aka McMansion), 8 ½ times larger than the existing dwelling, which was deemed by the L.A. City Housing department to be an affordable unit, in an area with a multi-family housing coastal land use designation.

Permitting a new single-family dwelling would have a significant adverse cumulative impact on the character of the area, which as per the certified LUP is multi-family.

The lot is 8,207 square feet and thus, as per certified LUP I. A. 7. d., could accommodate four units, two of which would be affordable units.

In addition, the proposed project has a reduced front yard setback of 7 feet along Santa Clara and 9 feet along California vs. the 15 feet required. Certainly, a lot of this size doesn't need significant yard variances so that it can build 6,528 square foot McMansion, which would be the largest in the entire area. See attached EXHIBIT A for rendering and elevations.

The City approved an exception for a fence height of 6 feet around the front yard, almost double the 3 ½ feet required, to allow for the pool and spa to be placed in the front yard. A 6 foot high front wall would set a dangerous precedent and the cumulative impact of allowing this over height fence would be for the entire neighborhood to have 6 foot high front fences This would close off the property from the street and neighbors and destroy the

pedestrian-friendly character of the neighborhood. In addition, a 6-foot front yard over height fence would even further increase the bulk and mass of the front façade of the project.

Venice, especially the Coastal Zone, is known as a pedestrian's dream, with its unique neighborhoods that offer pedestrians opportunities to walk in its unique scenic neighborhoods. High fences cut off the sense of neighborhood that is a defining character of the Coastal Zone. Our certified LUP has identified Venice as a special coastal community and is to be protected. In compliance fences (3 ½ feet high) protect the character of this special coastal community. Every high fence that goes up in our neighborhoods detracts from that sense of community.

Certifying an illegal fence would open the floodgates and we would have no recourse to protect our coastal neighborhoods from property owners who want to isolate themselves and destroy the neighborhoods.

With the proposed project, this multi-family zoned parcel would not be utilized to its full potential. The project may not be resulting in a loss of density, but it is proposed on a lot that is able to accommodate density of four units. Any new project should be brought into conformance with the certified LUP coastal land use designation, for which the Use is Duplexes and multi-family structures as per certified LUP Policy I. A. 7 d.

### **III. FIVE FACTORS FOR DETERMINING SUBSTANTIAL ISSUE**

**Factor 1: There is inadequate factual and legal support to find that the development is in conformity with Chapter 3 of the Coastal Act.**

1. Lack of evidence re. whether the project is visually compatible with the character of surrounding areas

The City of Los Angeles' Chapter 3-related findings do not adequately address Coastal Act Section 30251 and certified LUP I. E. 2. and I. E. 3. The decision maker only references number of stories in making its finding that the project would be compatible with the character of the surrounding area and does not consider height, bulk, scale and mass, as required in the certified LUP. In fact, certified LUP I. E. 3. states that: "...varied styles of architecture are encouraged....**while maintaining the neighborhood**

**scale and massing.**” At 6,528 square feet this project does not maintain the neighborhood scale and massing (streetscape evidence to be provided).

2. No analysis of whether the project protects Venice as a Special Coastal Community

The City of Los Angeles’ Chapter 3-related findings do not address (and even seem to purposefully evade) Coastal Act Section 30253(e) and certified Land Use Plan Policy I. E. 1. re. the protection of Venice as a “Special Coastal Community.”

3. No Analysis of Cumulative Impact

In order for any development to be approved in the Coastal Zone prior to the approval of an LCP an analysis must be made that it will not have significant adverse individual or cumulative effects. The City Decision Maker erred by not concluding that the construction of a McMansion would cause a significant adverse cumulative impact in this multi-family subarea and immediate neighborhood. The property is to be developed by demolishing a 773 square foot home developed with a lush garden that is well known among Venice residents and designed by the award-winning landscape designer Jay Griffith for purposes of construction of a 6,528 square foot home. If approved, other lots in the multi-family land use designation could redevelop their lots with single-family residences. The project, when viewed cumulatively with past similar projects in the area (streetscape evidence to be provided), would set a precedent for more single-family residences to be built in multi-family zones, which would downzone an area that is intended to provide multi-family structures as per the certified LUP.

Given that the subject lot can accommodate four residential units (two of which would be affordable), approving a single-family residence has the potential to set a negative precedent and an adverse cumulative impact with respect to housing density and social diversity and thus the overall character of this and surrounding multi-family neighborhoods.

Coastal Act section 30253 requires the protection of Venice’s unique community character. The Venice LUP, certified to implement these policies, also requires the protection of Venice’s character, including social

diversity. The LUP advises that all new development and renovations should “respect the scale, massing and landscape of **existing** residential neighborhoods. . .” However, neither the City of Los Angeles nor the Coastal Commission has ever identified, in an Implementation Plan of a certified LCP, the necessary development standards supported by a cumulative build-out analysis, that would legally define the cumulative build-out character necessary to accomplish the protection of Venice’s character. The only real guidance on this question in the certified LUP is a maximum building height. In particular, there is no specific guidance or analysis of either the existing massing and scale of Venice, as required by the LUP, or of the **potential cumulative massing of development were every developed parcel in Venice to redevelop similar to the proposed project**. The LUP guidance states that protection of character should be considered **with respect to existing development** and further, that **this character should be maintained**, not increased significantly and incrementally on average with each new project:

Overall, given the lack of the legal implementation standards of a certified LCP Implementation Plan that is based on a cumulative evaluation of potential build-out, or the implications of this build-out on Venice’s existing community character, the project by definition significantly lacks any legal and factual support for the conclusion that the project is consistent with Coastal Act Chapter 3.

Thus, the City Decision Maker erred and abused its discretion in not finding that this project could cause a significant adverse cumulative impact to this multi-family neighborhood.

4. This determination was not guided by any applicable decisions of the California Coastal Commission.

None of the Coastal Commission decisions cited are applicable as they are not in the same subarea, are either not in the same land use designation or are not comparable in size. Thus, Finding 4. of the City CDP is in error.

## **Factor 2: The extent and scope of the development as approved or denied by the local government**

Though only a single project, the issue at hand is the cumulative impact of the project on the character of Venice. As just discussed, the cumulative

impact of the projects approved since LUP certification, together with this project, and reasonably foreseeable projects, were they to be developed in similar fashion, is unknown. This analysis has not been done but would potentially show a substantial change in Venice's community character, including total scale and massing of residential development. Therefore, the extent and scope of the development in this context is significant or must be assumed to be such until shown otherwise (**the Coastal Act directs that its requirements be construed liberally**).

### **Factor 3: The significance of the coastal resources affected by the decision**

The significance of Venice's community character as a coastal resource is great. It is specifically identified in the Coastal Plan, the founding document of the Coastal Act, and in the certified LUP itself. Continuing to allow development such as the proposed project absent a certified LCP that would determine how to protect the character of Venice risks harm to a significant resource.

### **Factor 4: The precedential value of the local government's decision for future interpretations of its LCP**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act. Any decision that does not conform to the certified LUP would prejudice the ability of the City to prepare an LCP that conforms with the Chapter 3 policies of the Coastal Act.

As should be clear, the precedential value of the City's decision is that there will never be a meaningful analysis of the cumulative impacts of redevelopment in Venice to the community's character. **As long as each project is compared to the ones that have come before, each of which has been on average larger and bulkier than the existing housing stock, the scale and mass of Venice will continue to increase.** This trend does not respect the existing character of Venice. **Without a definitive cumulative assessment of the specific development standards proposed in the Implementation Plan of a certified LCP,**

**each individual decision may be prejudicing the completion of an LCP consistent with the Coastal Act.**

**Factor 5: Whether the appeal raises local issues, or those of regional or statewide significance.**

Protection of special communities is a core policy of Chapter 3 of the Coastal Act. It is thoroughly discussed in the Coastal Plan and is identified in the certified LUP as an issue of statewide concern. Venice is specifically identified as a special coastal community of statewide significance.

**Environmental Justice: The project raises a substantial issue with respect to the Coastal Act requirement to consider environmental justice.**

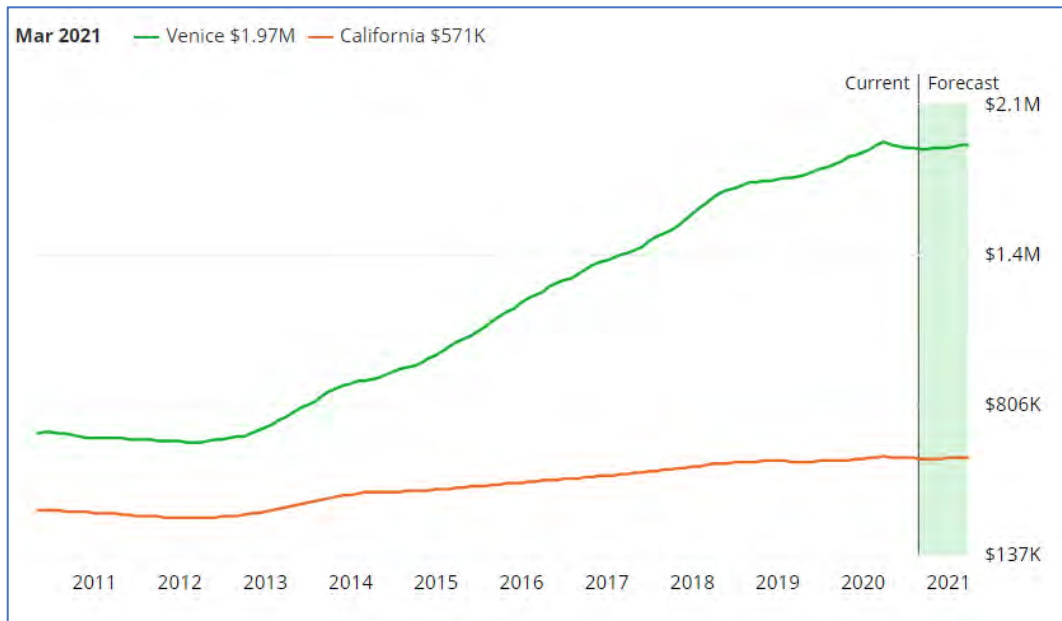
The loss of affordable housing must be evaluated in the implementation of the Coastal Act's Environmental Justice provisions and related policy in consideration of this appeal. In this case a 773 square foot single family dwelling that was deemed by the City to be an affordable unit under the Mello Act is being demolished for purposes of construction of a 6,528 square foot McMansion.

Venice has seen its multi-family neighborhoods and affordable units be decimated over and over again, with approval after approval of single-family dwellings that are incompatible with the existing neighborhood, which has caused and continues to cause a particularly detrimental impact on our lower income residents and long-term renters.

The special character of Venice includes its unique social and economic diversity. In fact, one the concerns addressed by the Commission in its review of the LUP in 2000 was the past and potential future "gentrification" of Venice's coastal zone as older housing stock redeveloped. This concern continues to this day, not just in Venice but in many of California's coastal communities, where affordable housing is increasingly unavailable. **But without a comprehensive assessment of how Venice will change under the current case-by-case approach, the social and economic effects of redevelopment are unknown.** What is known, though, is that the average cost of housing in Venice has continued to rise, much more so than for the state as a whole (see Figure 1 below). This project, therefore, raises a substantial issue with respect to the Environmental Justice

provisions of the Coastal Act, because there is no certified LCP that addresses this question or shows how equitable housing and access in Venice's coastal zone, and Venice's unique social diversity, will be protected.

Figure 1. Zillow, Average Home Values



In addition, the City of L.A. is well aware that McMansions must not be allowed in single-family neighborhoods. A motion was approved by the L.A. City Council on September 1, 2020 that states: “At a time when affordable multi-family rental housing is so desperately needed the City has an obligation to ensure that single-family housing stock is not competing for the same lots. It is contrary to the housing needs of the City of Los Angeles that existing multi-family housing and future multi-family housing sites are lost to McMansions. It is contrary to our environmental and housing goals that McMansions continue to proliferate throughout the City.”

#### **IV. RECOMMENDATION**

Please find Substantial Issue and give your Staff an opportunity to make a recommendation that could help to prevent further adverse cumulative impacts thereby preserving our housing stock and protecting our multi-family neighborhoods.

# EXHIBIT A



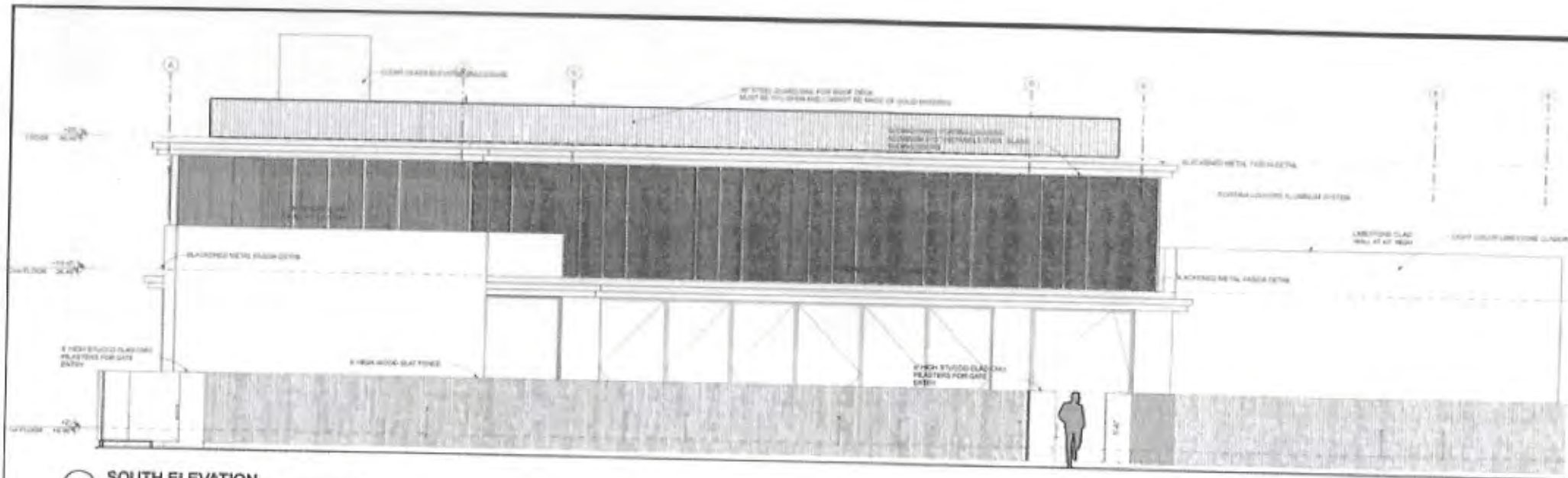




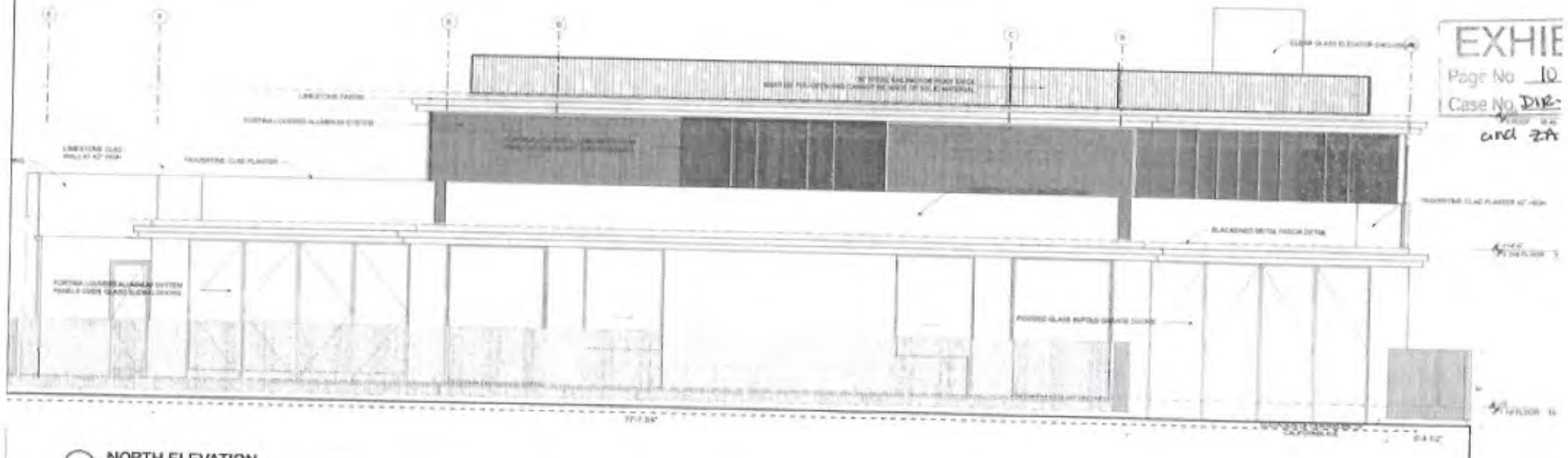






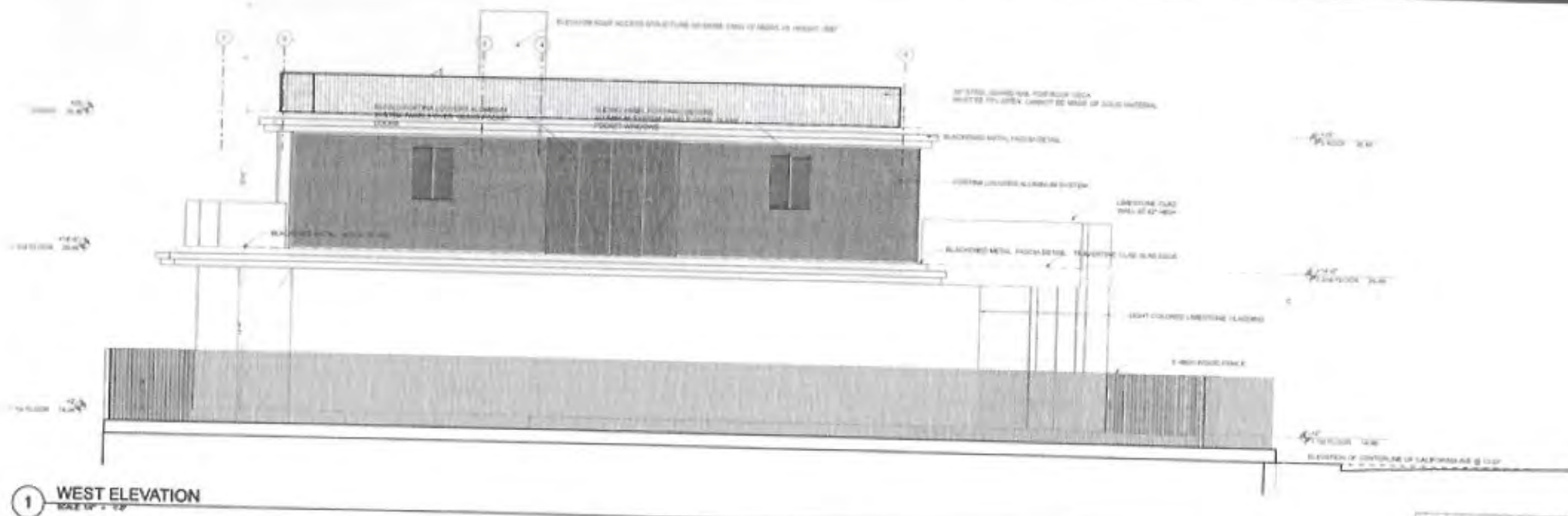


1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

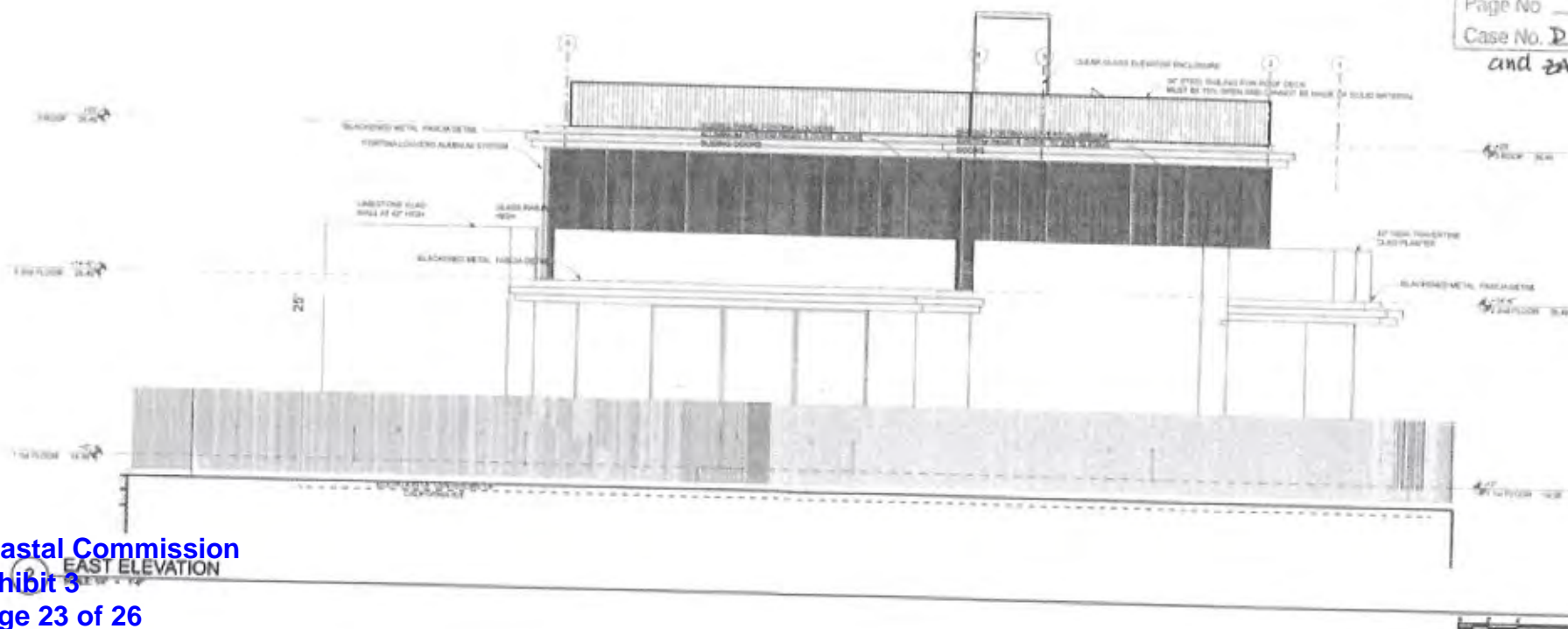


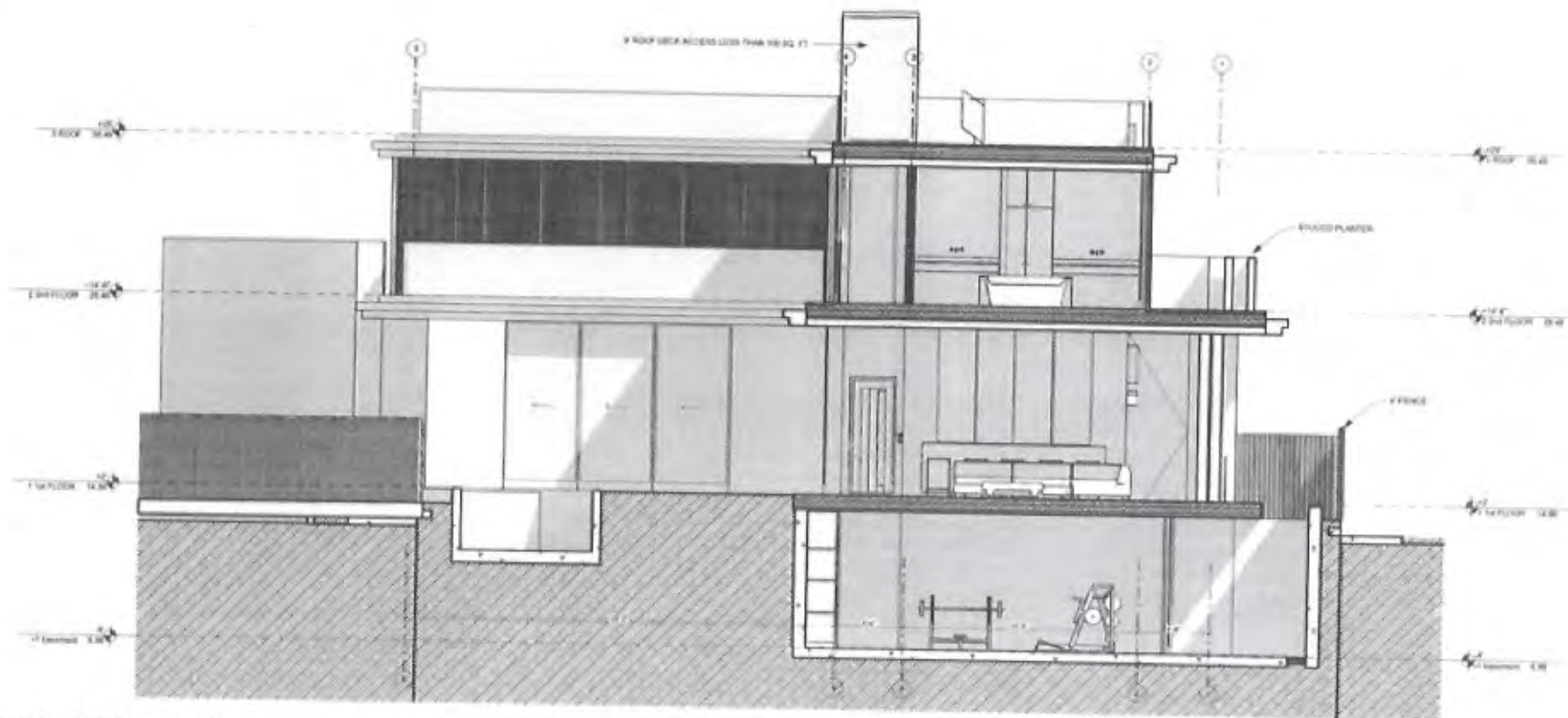
2 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"





**EXHIBIT!**  
 Page No. 11  
 Case No. D12-20  
 and 2A-20A





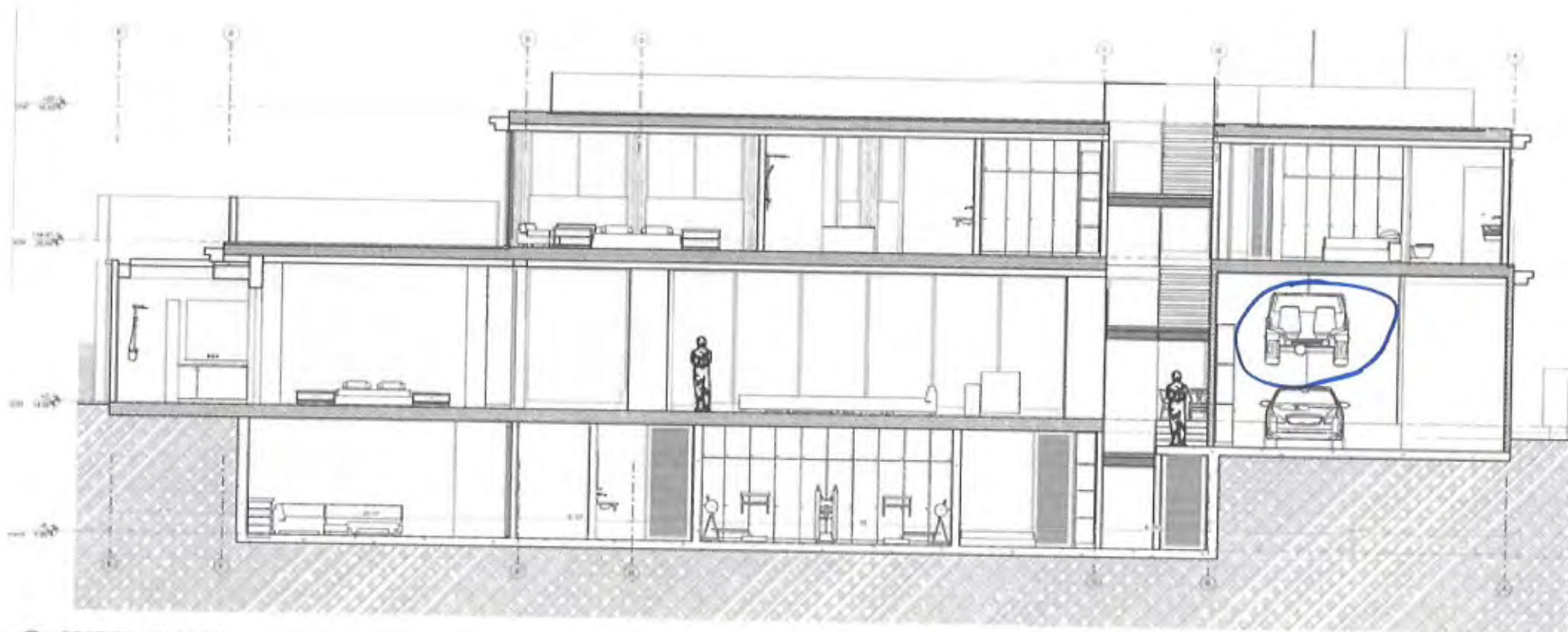
1 SECTION (transverse)  
SCALE 1/4" = 1'-0"

EXHIBIT "A"

Page No. 13 of 15

Case No. DIR-2019-489-  
CDP-MEL

and 2A-2019-901-  
2A-A-F

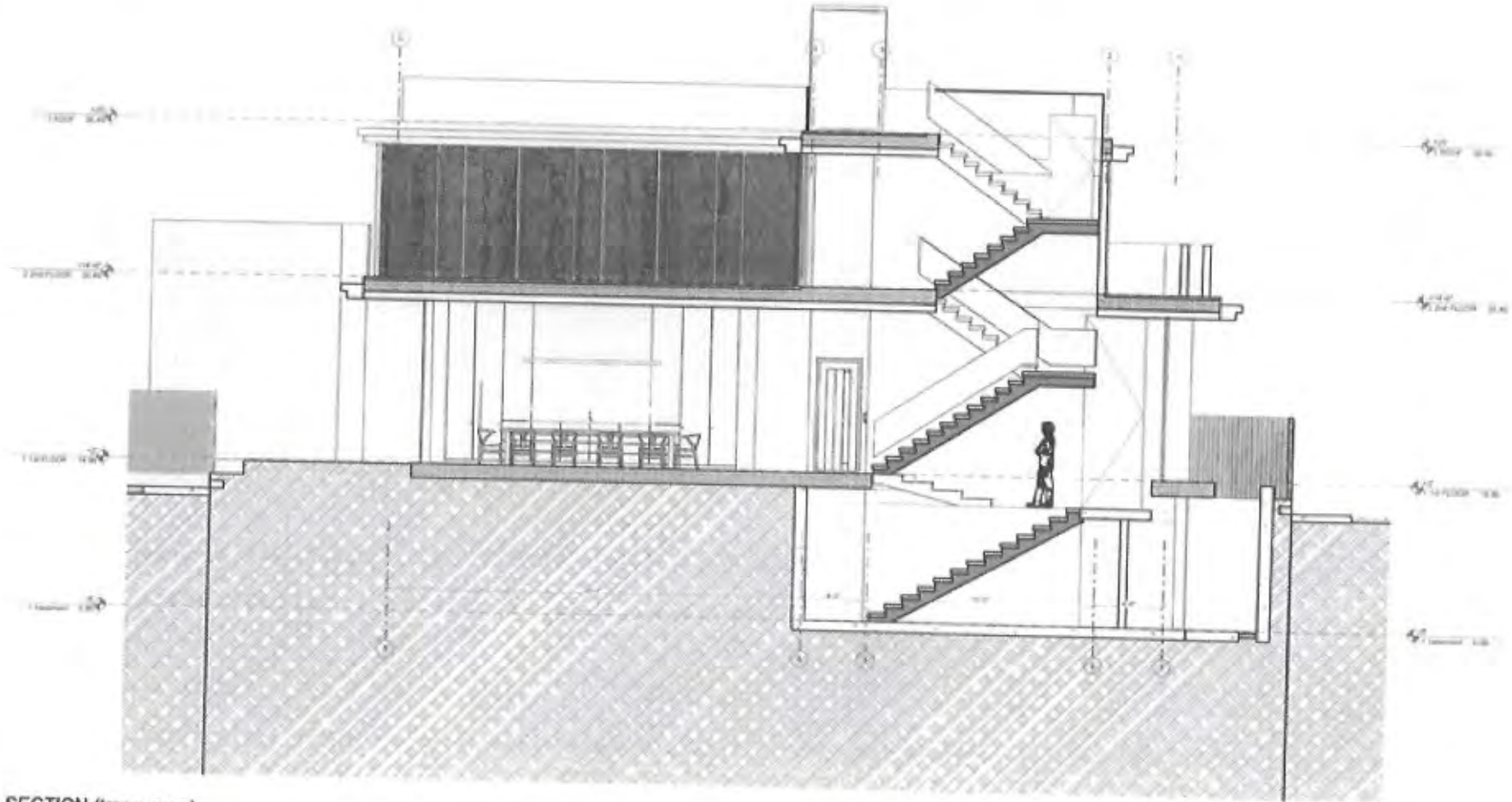


1 SECTION (transverse)  
SCALE 1/4" = 1'-0"

EXHIBIT "A"

Page No. 14 of 15

Case No. DIR-2019-499-CDP-MGZ  
and ZA-2019-901-ZAA-F



1 SECTION (transverse)  
SCALE 1/4" = 1'-0"



CITY PLANNING COMMISSION

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CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

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DEPUTY DIRECTOR

VACANT  
DEPUTY DIRECTOR

RECEIVED  
South Coast Region  
SEP 14 2020  
CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
South Coast District Office  
301 E. Ocean Blvd, Suite 300  
Long Beach, CA, 90802

NOTICE OF PERMIT ISSUANCE

Date: **August 6, 2020**  
CDP Number: **DIR-2019-499-CDP-MEL**  
Address: **717 East California Avenue  
& 670 East Santa Clara  
Avenue**

Please take notice that the above referenced Coastal Development Permit was issued on July 20, 2020. A public hearing was held on November 18, 2019. An appeal was not filed with the City of Los Angeles, Department of City Planning as advised in the permit, during the mandatory appeal period.

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

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

VINCENT P. BERTONI, AICP  
Department of City Planning

Esther Serrato, City Planning Associate

Attachments:

- (X) Permit  
(X) Stamped Plans "Exhibit A"  
(X) Duplicate Application  
cc: Applicant and Interested Parties

DEPARTMENT OF  
CITY PLANNING

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

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DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

JOINT DETERMINATION BY THE DIRECTOR  
AND ZONING ADMINISTRATOR

July 20, 2020

Applicant  
Rachel Geicke  
HJG CA LLC  
5225 Wilshire Blvd, #314  
Los Angeles, CA 90036

Owner  
Rachel Geicke  
717 California Avenue  
Venice, CA 90291

Representative  
Kim Gordon  
Kim Gordon Designs  
1116 Berkeley Drive  
Marina Del Rey, CA 90292

Case No. DIR-2019-499-CDP-MEL  
ZA-2019-501-ZAA-F

CEQA: ENV-2019-502-CE

Related Case: ADM-2019-505-VSO

Location: 717 East California Avenue  
670 East Santa Clara Ave

Council District: 11 – Mike Bonin

Neighborhood Council: Venice

Community Plan Area: Venice

Specific Plan: Venice Coastal Zone –  
Oakwood Subarea

Land Use Designation: Low Medium II Residential

Zone: RD1.5-1

Legal Description: Lot 1, Block O, Ocean Park  
Villa Tract No. 2

**Last Day to File an Appeal: August 4, 2020**

**DETERMINATION – DIRECTOR OF PLANNING**

**DETERMINE** that, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines Article 19, Sections 15301 (Class 1) and 15303 (Class 3), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, as the designee of the Director of Planning, I hereby:

**Approve** a Coastal Development Permit authorizing the demolition of an existing 773 square-foot single-family dwelling; the construction of a new 6,528 square-foot two-story single-family dwelling with a basement level (having habitable area), an attached three-car garage, roof deck and a swimming pool, within the Single Permit Jurisdiction of the Coastal Zone, and

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

**Coastal Commission**

**Exhibit 4**

**Page 2 of 26**



**Approve** a Mello Act Compliance Review for the demolition of one Residential Unit and construction of one Residential Unit in the California Coastal Zone.

**DETERMINATION – ZONING ADMINISTRATOR**

Pursuant to LAMC Section 12.24 X,7, I hereby **APPROVE**:

a Zoning Administrator Determination to allow the construction, use, and maintenance of an over-in-height fence, gate, and gate posts, with a maximum height of six feet, in lieu of the maximum 3-feet 6-inches otherwise permitted in the front yard.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.28, I hereby **APPROVE**:

a Zoning Administrator Adjustment to allow a 9-foot front yard along California Avenue and a 7-foot front yard along Santa Clara Avenue in lieu of the 15-foot front yards otherwise required by Section 12.09.1-B,1 of the LAMC, and to allow a swimming pool within the required front yard.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

## CONDITIONS OF APPROVAL

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. 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.
3. Density. One single-family shall be permitted on the subject property.
4. Height. The development shall be limited to a maximum height of 25 feet for flat portions of the roof and 30 feet for varied rooflines (slope greater than 2:12). The subject project features a flat roofline and shall be limited to a height of 25 feet; height shall be measured from the midpoint of the centerline of California Avenue to the highest point of the roof.
5. Roof Deck. Railings used on the proposed rooftop deck, exceeding the maximum building height of 25 feet, shall be of an open design and shall be limited to a height of 42 inches. Solid glass railings shall be included in the measurement of building height.
6. Roof Structures. The Roof Access Structures (RAS) is limited to a height of 35 feet, measured from the centerline of California Avenue to the top edge of the RAS. The area within the outside walls shall be minimized and shall not exceed 100 square feet as measured from the outside walls. Solar equipment, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may not exceed the maximum height by more than 5 feet.
7. Parking and Access. As shown in "Exhibit A", the project shall provide three parking spaces onsite. One driveway shall be provided on Santa Clara Avenue. All unused driveways shall be closed (restored as sidewalk area) to the satisfaction of the Bureau of Engineering.
8. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Venice Coastal Specific Plan Specific Plan shall be complied with, as further noted in ADM-2019-505-VSO.
9. Single Permit Jurisdiction Area. The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
10. Zoning Administrator's Adjustment/Determination Conditions.
  - a. Gates shall not open or swing outward from the property toward the sidewalk along California Avenue.
  - b. A minimum 3-foot 6-inch by 8-foot visibility triangle shall be maintained on the subject property at the corner of California Avenue and Santa Clara Avenue to ensure safe visibility for pedestrians and motorists.
11. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.



12. 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.
13. 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.
14. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
15. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
16. Prior to the issuance of any permits, 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 Department of City Planning for attachment to the subject case file.

#### Administrative Conditions

17. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
18. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
19. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
20. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
21. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan



Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

22. Condition Compliance. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

**23. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) 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 \$50,000. 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 (ii).
- (iv) 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 in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, 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, commissions, 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.



## **BACKGROUND**

The subject site, 717 East California Avenue, is a flat, triangular-shaped through lot with approximately 8,207 square-feet of lot area, and frontages along California Avenue (197 feet) and Santa Clara Avenue (175 feet). The lot depth is approximately 46-feet 5-inches at the northeast end of the lot, and has a lot width of approximately 131-feet 5-inches. The designated front yard is located along both California Avenue and Santa Clara Avenue frontages, comprising approximately 80% of the perimeter of the subject property. The site does not have a rear yard, and has a single side yard along the southwestern portion of the property. The site is improved with a one-story, 773 square-foot, single-family dwelling.

The project site is zoned RD1.5-1 with a General Plan Land Use Designation of Low Medium II Residential. The project is located in the Single Permit Jurisdiction of the California Coastal Zone and within the Oakwood Subarea of the Venice Coastal Zone Specific Plan. The site is approximately 0.86 miles away from the Pacific shoreline and 0.47 miles from the Venice Canals. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan, a Calvo Exclusion Area, a Liquefaction Area, and within 4.8 kilometers from the Santa Monica Fault.

The RD1.5-1 neighborhood surrounding the property is developed with single- and multi-family residential structures ranging in height from one to three stories. The adjacent lots to the northeast, across Santa Clara Avenue, are developed with one- and three-story multi-family residential buildings, and generally observe a front yard setback of 15 feet. The adjacent property to the southwest of the site is developed with a one-story single-family dwelling, observing a setback along Santa Clara of approximately two feet. The lots across California Avenue, to the southwest, are developed with one- and three-story single- and multi-family residential buildings.

The lots adjacent to the site observe front yard setbacks ranging from zero feet to 18 feet along Santa Clara Avenue. The lots adjacent to the site along California Avenue observe front yard setbacks ranging from three-feet six-inches to 20 feet. The lots adjacent to the site observe a variety of fence heights, including heights in excess of three-feet six-inches, such as the adjacent lot on the southwest which observes a 5-foot 9-inch high fence.

The applicant requests a Coastal Development Permit and Mello Act Compliance Review to authorize the demolition of an existing single-family dwelling unit, and the construction of a new two-story, 6,528 square-foot single-family dwelling with attached three-car garage, roof deck, basement, pool, and fence. The applicant also requests a Zoning Administrator Determination to allow the construction, use, and maintenance of an over-in-height fence, gate, and gate posts, with a maximum height of six feet, in lieu of the maximum three-feet six-inches feet otherwise permitted in the front yard, and a Zoning Administrator Adjustment to allow a 9-foot front yard along California Avenue and a 7-foot front yard along Santa Clara Avenue in lieu of the otherwise required 15-foot front yards, and the construction and maintenance of a swimming pool within the required front yard (California Avenue).

California Avenue is a Local Street with a designated right-of-way width of 60 feet and a roadway width of 36 feet. California Avenue is improved with a roadway, curb, gutter, and sidewalk.

Santa Clara Avenue is a Local Street with a designated right-of-way width of 60 feet and a roadway width of 36 feet. Santa Clara Avenue is improved with a roadway, curb, gutter, and sidewalk.

Previous zoning related actions on the site include:

ADM-2019-505-VSO – On February 1, 2019, an application for a Venice Sign Off (VSO), administrative review, was filed. Review was conducted to find the proposed demolition



and construction of one single-family dwelling unit complies with the applicable provisions of the Venice Specific Plan.

Previous zoning related actions in the area include:

DIR-2019-1037-CDP-MEL – On September 16, 2019, the Director of Planning approved a Coastal Development Permit authorizing the demolition of an existing single-family dwelling and the construction of a new, two-story, 3,616 square-foot single-family dwelling with an attached two-car garage, a roof deck, a swimming pool, and three parking spaces. The Director of Planning also approved the Mello Act Compliance Review for the demolition of one Residential Unit and the Construction of one Residential Unit, located at 652 East Santa Clara Avenue, within the single permit jurisdiction of the Coastal Zone.

DIR-2017-2944-CDP-MEL – On May 1, 2018, the Director of Planning approved a Coastal Development Permit authorizing the demolition of an existing single-family dwelling and detached garage and the construction of a new, two-story, 3,616 square-foot single-family home with a roof deck, an attached two-car garage, a swimming pool, and three parking spaces. The Director of Planning also approved the Mello Act Compliance Review for the demolition of one Residential Unit and the Construction of one Residential Unit located at 640 East Milwood Avenue, within the single permit jurisdiction of the Coastal Zone.

ZA-2012-1994-ZAA – On March 8, 2013, the Zoning Administrator approved an adjustment to permit a reduced front yard setback of 5 feet along the California Avenue frontage in lieu of the required 15-foot setback of the RD1.5-1 zone and an adjustment to permit zero feet of building separation in lieu of the required 10 feet located at 739 California Avenue, within the single permit jurisdiction of the Coastal Zone.

ZA-2008-196-ZAD-1A – On November 5, 2008, the West Los Angeles Area Planning Commission granted an appeal by overturning the Zoning Administrator's September 5, 2008 approval of a requested determination to permit the construction, use and maintenance of a vinyl fence and pedestrian gates up to 7 feet 6 inches in height for a linear distance of approximately 196 feet 6 inches in the front yard, in lieu of the maximum fence height of 3 feet 6 inches otherwise allowed, and sustained the determination by the Zoning Administrator to permit the continued use and maintenance of an existing 8-foot high wood fence along the lot line that adjoins Santa Clara Court, and the construction of a new 6-foot high wood fence along a 44-foot portion of the same lot line, near the triangle intersection of Santa Clara Court and California Avenue, in lieu of the maximum fence height of 3 feet 6 inches otherwise allowed, located at 647-659 California Avenue.

ZA-2008-196-ZAD – On September 5, 2008, the Zoning Administrator approved a determination to permit the construction, use and maintenance of a vinyl fence and pedestrian gates up to 7 feet 6 inches in height for a linear distance of approximately 196 feet 6 inches in the front yard, in lieu of the maximum fence height of 3 feet 6 inches otherwise allowed, and a determination to permit the continued use and maintenance of an existing 8-foot high wood fence along the lot line that adjoins Santa Clara Court, and the construction of a new 6-foot high wood fence along a 44-foot portion of the same lot line, near the triangle intersection of Santa Clara Court and California Avenue, in lieu of the maximum fence height of 3 feet 6 inches, located at 647-659 California Avenue.

ZA-2005-9070-F – On June 29, 2006, the Zoning Administrator approved an adjustment to permit the construction, use, and maintenance of an 8-foot high wooden fence with 2-foot recessed planter boxes and landscape lights in lieu of the maximum height of 3-foot 6-inches otherwise allowed within the required front yard located at 1125 South 7<sup>th</sup> Avenue, within the single permit jurisdiction of the Coastal Zone.

ZA-2003-7781-F – On March 3, 2004, the Zoning Administrator approved a determination to permit a 5-foot 9-inch high fence in the front yard of a single-story duplex, located at 675 – 677 California Avenue, within the single permit jurisdiction of the Coastal Zone.

### **Public Hearing**

A public hearing was held by a Hearing Officer (Ira Brown), at 10:00 am, on November 18, 2019 at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The applicant's representative attended the hearing. The applicant's representative provided a brief overview of the project and the need for reduced front yard setbacks. Moreover, the representative indicated that the proposed project has community support including the Venice Neighborhood Council. No other members of the public were in attendance.

The case was taken under advisement for one week to allow for additional comments to be submitted.

### **Correspondence**

A letter from Michael Matteucci and Robert Nagel dated November 18, 2019 – Michael Matteucci and Robert Nagel generally support the project. Further, they suggest project modifications to increase the proposed yard along the intersection of California Avenue and Santa Clara Avenue and to increase the proposed southwesterly side yard; and to create a setback at the second floor, in order to match the existing pattern of development and create a smaller building footprint.

A letter from Sue Kaplan dated November 17, 2019 – Sue Kaplan opposes the project. She is specifically concerned about the proposed over-in-height fence and potential impact to pedestrian activity and neighborhood character.



## FINDINGS

### Coastal Development Permit

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.

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

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable provision are as follows:

*Section 30244 Archaeological and Paleontological Resources.*

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The project consists of the demolition of an existing single-family dwelling and construction of a new single-family dwelling, and includes grading and excavation necessary to a new basement. All such work is subject to review by the Department of Building and Safety and will comply with the requirements of the grading division. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

*Section 30250 Location; existing developed area.*

*(a) 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

The project will be comparable in size, scale, and use with the developed area. The RD1.5-1 neighborhood surrounding the property is developed single- and multi-family residential structures ranging in height from one to three stories. The adjacent lots to the northeast, across Santa Clara Avenue, are developed with one- and three-story multi-family residential buildings. The lots across California Avenue, to the southwest, are developed with one- and three-story single- and multi-family residential buildings. The adjacent property to the southwest of the site is developed with a one-story single-family dwelling. The project site is within an existing developed area surrounded by residential uses and the project will not have a significant adverse impact on coastal resources. The project maintains the existing density of one residential unit. The site maintains connections and access to all public services typically used in residential areas, such as water and sewage, waste disposal, gas, and electricity. The development will not overload the capacity of public services. Therefore, the proposed development will be effectively serviced and will not have a significant adverse impact on coastal resources.

*Section 30251 Scenic and Visual Qualities.*



*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.*

The subject site and surrounding area are relatively flat with limited views of the ocean, is located approximately 0.86 miles from the shore, and there are no natural land forms on or near the site. The area is not defined as a potential historic district or scenic area. The project proposes the demolition of an existing one-story single-family dwelling, and construction of a new two-story single-family residence. The proposed single-family residence is similar, in mass and scale, to the existing two- and three-story residential structures in the neighborhood. The property immediately north of the site maintains a three-story multi-family structure with a building frontage of more than 100 feet in width. The properties immediately south of the site are developed with two-story single-family dwellings. The proposed development is two stories (with a basement level), extending approximately 80 feet along Santa Clara Avenue. The L-shaped design reduces the massing of the structure along California Avenue and allows for a longer frontage to the north, consistent with the massing of existing development along Santa Clara Avenue. As such, the proposed development is visually compatible with the character of the surrounding area.

The project proposes a 9-foot front yard setback along California Avenue, and a 7-foot front yard setback along Santa Clara Avenue in lieu of the required 15-foot front yard setback. The lots adjacent to the site are developed with one- to two-story single- and multi-family residences, with front yard setbacks ranging from zero feet to 18 feet along Santa Clara Avenue, and front yard setbacks ranging from 12 feet to 20 feet, with the exception of one adjacent lot fronting California Avenue, observing an approximately 75 foot front yard setback. The project also proposes of an over-in-height fence, gate, and gate posts, with a maximum height of 6 feet, in lieu of the maximum 3.5 feet otherwise permitted in the front yard. The lots adjacent to the site and along the south side of California Avenue observe a variety of fence height, including in excess of 3.5 feet, such as the adjacent lot on the southwest which observes a 5-foot 9-inch high fence. As such, the project as proposed is keeping with the development pattern and siting of structure in the neighborhood.

#### *Section 30252 Maintenance and Enhancement of Public Access.*

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The project proposes the demolition of an existing single-family dwelling and the construction a new single-family dwelling. The subject site abuts two Local Streets and is not located between the nearest public road and the shoreline of any body of water located within the Coastal Zone. The project will provide three on-site parking spaces and no



permanent structures would be placed within the public right-of-way. Therefore, public access to the coast would not be impacted.

*Section 30253 Minimization of Adverse Impacts.*

*New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The proposed development is located within a Liquefaction Area, and within 4.82 kilometers from the Santa Monica Fault. As such, the project is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The subject site is located outside the flood zone.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, updated and adopted On November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: *Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas. As discussed in the analysis, there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45).* Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR, however, the potential for such flooding in severe storm events is likely to increase towards the end of the project life (based on a typical development life of 75 years). The project proposes a basement level. Any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As such, the proposed development is consistent with Section 30253 of the Coastal Act.

The proposed project conforms to Chapter 3 of the California Coastal Act. The proposed project will have no adverse impacts on public access, recreation, public views, or the marine environment, since the site is within a developed residential area located 0.86 miles away from the Pacific shoreline. The project will neither interfere nor reduce access to the shoreline or beach. The project will not have impacts on existing recreational facilities. There will be no dredging, filling or diking of coastal waters or wetlands, and



there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed project will not block any designated public access views. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

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.

As discussed, the project consists of the demolition of a single-family dwelling and the construction of a new single-family dwelling. The subject site is zoned RD1.5-1 with a General Plan Land Use Designation of Low Medium II Residential.

The following are applicable policies from the Venice Local Coastal Land Use Plan:

Policy I.A.7. Multi-family Residential – Low Medium II Density. Accommodate the development of multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium II Density" on the Venice Coastal Land Use Plan (Oakwood Subarea).

Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units. The proposed project will replace a single-family dwelling on a lot permitted to have such density.

Height: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. As shown on Exhibit A, the project proposes a flat roof with a maximum height of 25 feet.

Policy I1.A.3 Outlines the parking requirements for single family dwellings: Single-family dwellings on lots of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley are required to provide three parking spaces. The project proposes a total of three parking spaces on site. The new single-family dwelling complies with the State's standard and provides an opportunity for infill development that would not impact coastal resources. The new single-family dwelling will provide three required parking spaces, accessible from Santa Clara Avenue.

The proposed project is consistent with the policies of the Certified Venice Land Use Plan and the standards of the Specific Plan, as referenced in this document, 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 demolition of an existing single-family dwelling and the construction of a new two-story, 6,528 square-foot single-family residence providing three on-site parking spaces. The Regional Interpretative Guidelines have been reviewed and the proposed project is consistent with the requirements for the Oakwood 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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The project consists of the demolition of an existing single-family dwelling and the construction of a new two-story, 6,528 square-foot single-family residence providing three on-site parking spaces. The development does not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In August 2019, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a 2-story 4-unit apartment building and construction of three 3-story detached single-family residences each with an attached Accessory Dwelling Unit: 1) approximately 35-feet high, 4,848 square-foot on a 1,958 square-foot lot; 2) approximately 28-feet high, 4,681 square-foot on a 1,974 square-foot lot; and 3) approximately 35-feet high, 4,785 square-foot on a 1,958 square-foot lot, on a lot located in a Single Permit Jurisdiction Area of the Coastal Zone at 217, 219, & 221 East Venice Way, Venice Beach, Los Angeles County (Application Nos. A-5-VEN-15-0052, -0053, -0054)
- In August 2019, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a 2-story, 1,693 square-foot single-family residence built circa 1985 and construction of a 3-story, 30-foot high, 3,631 square-foot single-family residence with an attached 427 square-foot two-car garage and one additional on-site parking space on the driveway apron, and a 473 square-foot roof deck with 42-inch high railings on an approximately 2,850 square-foot canal-fronting lot, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 237 Linnie Canal, Venice, Los Angeles County (Application No. 5-19-0233)
- In September 2018, the Coastal Commission approved a Coastal Development Permit to authorize demolition of an approximately 740 square-foot single-story, single-family residence built circa 1956 and construction of a three-story, 30-foot high, 3,589 square-foot single-family residence with an attached 424 square-foot two-car garage and one additional on-site parking space on the driveway apron, and a roof deck with



a 10-foot tall roof access structure on an approximately 2,855 square foot canal-fronting lot, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 437 Howland Canal, Venice, City of Los Angeles, Los Angeles County (Application No. 5-18-0512)

- In August 2018, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a 1-story, 700 square-foot single-family dwelling, and the construction of a 2-story, 24-foot high, approximately 2,878 square-foot single-family dwelling with an attached 2-car garage and roof deck, on a lot located in a Single Permit Jurisdiction Area of the Coastal Zone at 2412 Clement Avenue, Venice, City of Los Angeles, Los Angeles County (Application No. A-5-VEN-17-0072)
- In June 2018, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a 756 square-foot single-family home on two adjoining residential lots and construction of an approximately 24-foot high, 1,560 square-foot, 3-level, single family residence with a rooftop deck and attached two-car garage on one 2,011.6 square-foot lot, on a lot located in a Single Permit Jurisdiction Area of the Coastal Zone at 678 Marr Street, Venice, City of Los Angeles, Los Angeles County (Application No. A-5-VEN-17-0044)
- In May 2018, the Coastal Commission approved a Coastal Development Permit to authorize the construction of a four-story, 45-foot high, 4,203 square-foot single-family residence with an attached 560 square-foot, three-car garage on a vacant 3,150 square-foot lot, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 127 Via Marina, Venice, City of Los Angeles, Los Angeles County (Application No. 5-17-0776)
- In April 2018, the Coastal Commission approved a Coastal Development Permit to authorize the construction of an approximately 3,547 square-foot, 30-foot high, 3-story duplex with a 9-foot high, 100 square-foot roof access structure, an attached 680 square-foot four-car garage, decks/ balconies, 3.5-foot high rooftop metal post guardrails, and hardscape and landscape improvements. The project also includes the removal of an unpermitted approximately 132 square-foot building encroachment and an approximately 1,500 square-foot concrete slab, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 217 North Venice Boulevard, Venice, City of Los Angeles, Los Angeles County (Application No. 5-17-0312)
- In March 2018, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a one-story, 594 square foot single-family residence and construct 30-foot high, 3-story, 2,264 square-foot single family residence with attached 2-car garage and lap swimming pool. One additional guest parking space will be located adjacent to the garage. A 1,000-gallon underground cistern is included in the project to collect runoff and to provide landscape irrigation, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 445 Sherman Canal, Venice, City of Los Angeles, Los Angeles County (Application No. 5-17-0852)

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 subject property is located approximately 0.86 miles from the closest body of water within the coastal zone. Despite the distance to the water, the project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the dwelling. The project will provide three parking spaces onsite. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2019-502-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act (CEQA). The project proposes the demolition of an existing single-family dwelling unit, and the construction of a new two-story, 6,528 square-foot single-family dwelling with attached three-car garage, roof deck, basement, pool, and fence. The Categorical Exemption prepared for the proposed project is appropriate pursuant CEQA Guidelines Section 15301 and Section 15303.

The Class 1 Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 1 Categorical Exemption also includes the demolition and removal of individual small structures: (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption. The proposed project involves the demolition of an existing 773 square-foot single-family dwelling. Therefore, this exemption applies.

The Class 3 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. The Class 3 categorical exemption further allows for construction of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. As previously



discussed, the project consists of the construction of a new two-story, 6,528 square-foot single-family dwelling with attached three-car garage, roof deck, basement, pool, and fence. Therefore, this exemption applies.

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 demolition of one single-family dwelling and construction of one single-family dwelling 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 typical to a residential neighborhood, no unusual circumstances are present or foreseeable.
- d) Scenic Highways. The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The subject property is approximately 7.3 miles southeast of State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.
- 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 Project Site has not been identified as a historic resource by local or state agencies, and the Project Site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the Site as a historic resource. Based on this, the Project will not result in a substantial adverse change to the significance of a historical resource and this exception does not apply.

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 demolition of an existing single-family dwelling located on a 8,207 square-foot lot in the Venice Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated May 14, 2019 states that based on information provided by Zoran Pevec (Owner Representative) on behalf of HJG CA, LLC, a California limited liability company (Owner), HCIDLA has determined that one (1) affordable unit exists at 717 East California Avenue, Venice, CA 90291 (APN: 4239-029-001).

Per the statement on the application, the Owner is proposing to demolish the existing single-family dwelling to allow the construction of a new single family dwelling with basement and roof deck. HJG CA, LLC, a California limited liability company (Owner) acquired the property located on 717 East California Avenue, Venice, CA 90291 from Jay Griffith, an Unmarried Man on September 5, 2018. The Owner has not applied for a Building Permit or a Demolition Permit with the Department of Building and Safety. Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires HCIDLA to collect tenant income verification documents if available, or monthly housing cost data as substitute, for at least the previous three (3) years prior to the date of application with the Department of City Planning (DCP). The Owner filed an application with DCP on January 24, 2019. Therefore, HCIDLA must collect data from January 2016 through January 2019. On February 25, 2019, HCIDLA mailed a certified letter to the property. USPS attempted to deliver the letter addressed to 717 East California Avenue multiple times, but it was unable to be delivered. On April 5, 2019, USPS tracking stated that the letter was being returned to HCIDLA, but as of May 14, 2019, the letter is still in transit. The Owner was unable to obtain sufficient documentation in order to make a Mello Determination. Due to the absence of documentation, the Owner agrees to deem the single family residence located at 717 East California Avenue, Venice, CA 90291 as an affordable unit. Therefore, one (1) Affordable Existing Residential Unit is proposed for demolition or conversion.

It is infeasible for the Applicant to replace any of the Affordable Existing Residential Units (Part 4.8).

The Affordable Existing Residential Unit is located within a single-family dwelling. Affordable Existing Residential Units within triplexes and other structures containing three or more Residential Units must be replaced. However affordable units identified within one-family and/or two-family dwellings are subject to the provisions of Part 4.8 which asks: *Is it infeasible for the Applicant to replace any of the Affordable Existing Residential Units?* Feasible is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

A feasibility study was prepared by Howard Robinson & Associates and submitted on September 10, 2019 for project staff review. The study provided an analysis of the



estimated costs and revenues of the proposed project, the demolition of an existing single-family dwelling and construction of a new single-family dwelling, but also provided an analysis of providing the Affordable Replacement Unit(s) onsite and within the Coastal Zone. Pursuant to Part 7.2 and 7.4 of the Interim Administrative Procedures, Affordable Replacement Units shall be located on-site or elsewhere within the Coastal Zone and can be provided through new construction or adaptive reuse (conversion of existing non-residential structures).

The supplemental information provided by the Applicant included the actual and estimated cost of land, improvements/construction, fees, loans, and expected revenue. In reviewing the pro forma prepared as part of the feasibility study, the cost of the subject property as well as the cost of acquiring property elsewhere in the Coastal Zone was a significant factor that increased the cost of development. Providing one Affordable Replacement Unit onsite reduced the size of the proposed project and reduced the estimated revenue expected from the market rate dwelling unit. The cost of development also significantly increased when accounting for the cost of acquiring additional property to provide the Affordable Replacement Unit offsite.

Upon review of the feasibility study and supplemental documents submitted by the Applicant, it would not be feasible to replace all of the Affordable Existing Residential Units. As such, no Affordable Replacement Units are required for the project.

#### **8. Categorical Exemptions (Part 2.4) Small New Housing Developments**

The project proposes the construction of one new single-family dwelling. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of one new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

#### **Zoning Administrator's Adjustment**

In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative:

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

The subject site is a flat, triangular-shaped through lot with approximately 8,207 square-feet of lot area, with frontages along California Avenue (197 feet) and Santa Clara Avenue (175 feet). The designated front yard is located along both the California Avenue and Santa Clara Avenue frontages, comprising approximately 80% of the perimeter of the subject property. The site does not have a rear yard, and it has a single side yard along the southwestern portion of the property.

The applicant is requesting a Zoning Administrator's Adjustment from LAMC Section 12.09.1- B, 1, to allow a 9-foot front yard along California Avenue as well as a swimming pool within the required front yard and a 7-foot front yard along Santa Clara Avenue in lieu of the required 15-foot front yards per the RD1.5 Zone.

The purpose of the Planning and Zoning Code is to provide an appropriate arrangement of land uses and adequate open spaces for light and air and access. Such regulations,



however, are written on a citywide basis and cannot take into account individual unique characteristics which a specific parcel may have.

An Adjustment is a grant of permission to depart from the literal enforcement of the zoning ordinance, allow the property to be used in a manner otherwise not permitted where the spirit of the ordinance is observed and substantial justice is done without detrimental impacts to the community.

The shape of the subject property and the convergence of the two front-yard setback areas reduce the buildable lot area for the subject site. While the project site has a total lot area of approximately 8,207 square-feet, the irregular configuration of the subject site results in approximately 62 percent of the lot area dedicated to the required front yard setbacks. In addition, the site does not have a rear yard, but has a single side yard along the northern portion of the property. To adhere to the yard requirements, it would require placing features on the site in less desirable locations and significantly restrict the design of the building. Granting the approval of the request would place the proposed single-family dwelling closer to the front property line but would not encumber light, air, open space, or fire safety.

As such, the requested reduced front yard setback is consistent with the massing and development pattern of the existing neighborhood. Further, compliance with yard regulations would offer no compensating benefit in providing needed light, air, open space, fire safety, privacy, or reduced visual impact. As conditioned, the project will result in development compatible and consistent with surrounding uses, and conforms with the intent of the Zoning Code and Specific Plan.

10. **In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The applicant is requesting a reduced front yard setback of nine feet along California Avenue and seven feet along Santa Clara Avenue, in conjunction with the construction of a new, two-story single-family dwelling. The adjoining and surrounding properties are zoned RD1.5-1 and developed with single and multi-family dwellings with nonconforming front yard setbacks. Properties fronting the southern side of Santa Clara Avenue observe setbacks ranging from approximately two to 16 feet, and properties fronting the northwestern side of California Avenue observe setbacks ranging from two to 15 feet. As such, the proposed front yard setbacks are consistent with the residential structures in the neighborhood. The project conforms to the height requirements of the Venice Specific Plan and is compatible with the height and massing of structures proximate to the site. As conditioned, the request is not anticipated to result in any adverse impacts to the surrounding area or degrade adjacent properties.

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

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlement described herein, the project does not propose to deviate from any other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy



and direction for the General Plan. The request is consistent with the following Framework residential objectives and policies:

*Objective 3.5: Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

*Policy 3.5.3: Promote the maintenance of existing single-family neighborhoods and support programs for the renovation and rehabilitation of deteriorated and aging housing units.*

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Venice Community Plan designates the property for Low Medium II Residential land uses with the corresponding zones of RD1.5, RD2, RW2, and RZ2.5 and Height District No. 1. As conditioned, the basic use of the property for a single family dwelling use is consistent with the Community Plan, which seeks to “protect the quality of the residential environment and the appearance of communities with attention to site and building design” (Policy 1 1.2). The property is located within the Venice Coastal Zone Specific Plan and is also subject to the policies of the Venice Coastal Zone Land Use Plan, which designates the site for Low Medium II Residential land use. The project is consistent with the policies of the Land Use Plan as outlined in Finding No. 2.

As discussed, the neighborhood is comprised of single and multi-family dwellings with front yard setbacks ranging from two to 16 feet. Therefore, the requested front yard setbacks conform to the purpose, intent, and provisions of the General Plan, Venice Community Plan, and the Venice Coastal Zone Land Use Plan and Specific Plan.

## **ZONING ADMINISTRATOR DETERMINATION**

In order for an over-in-height fence/wall request to be approved, all of the legally mandated findings in Section 12.24 X.7 of the Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the relevant facts of the case to same.

**12. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject site is a flat, triangular-shaped through lot with frontages along California Avenue and Santa Clara Avenue. The designated front yard is located along both California Avenue and Santa Clara Avenue frontages. The site does not have a rear yard, and has a single side yard along the southwestern portion of the property. The applicant is requesting a Zoning Administrator's Determination to allow an over-in-height fence within the required front setback area, and to allow the location of a swimming pool within the required front setback.

The project proposes a 6-foot tall wood fence, glass gate, stucco-clad gate posts, and a 6-foot tall wood and metal sliding gate, located within the required front yard setback along both California Avenue and Santa Clara Avenue. Two pedestrian openings will be located along California Avenue, and vehicular access will be located at Santa Clara Avenue. The project also proposes a new swimming pool located within the required front yard setback along California Avenue.

The shape of the subject property and the convergence of the two front-yard setback areas reduce the options for locating project features, such as the proposed swimming pool. The



proposed fence will enhance the livability and security of the property, and will facilitate the best use of the limited outdoor yard spaces. The fence will also serve as a barrier and buffer from traffic along California Avenue. Additionally, many of the properties in the immediate vicinity already contain similar over-in-height walls, fences, gates, and hedges. The fence is compatible with the dwelling on site and consistent with the style and height of those located on other surrounding properties.

As such, approval of the request will not only allow the homeowner to enjoy an added sense of privacy and security, but is also compatible with the pattern of development that currently exists in the surrounding neighborhood. The proposed project has been subject to public review and, from that review, the Zoning Administrator was able to impose conditions that will ensure that the fence, pilasters, and gates remain compatible with the surrounding neighborhood. In light of these statements, the Zoning Administrator finds that the project will enhance the built environment in the surrounding neighborhood as well as perform a function that is beneficial to the community.

**13. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The zoning regulations limit fence and wall height on residentially-zoned properties to provide visual consistency in neighborhoods and to limit bulk and mass in the front of properties. Such regulations, however, are written on a City-wide basis and cannot take into account the unique characteristics that a specific parcel and surrounding area may have. In this instance, the shape of the subject property, the convergence of the two front-yard setback areas, and the absence of a rear yard, reduce the options for locating project features that would otherwise be located within a rear yard. The proposed fence will add a physical barrier intended to provide privacy and security otherwise not available to the subject site.

The fence is designed to be consistent with the architecture of the new single-family dwelling and with the design of the similar structures on adjacent properties. There are numerous fences, pilasters, gates, walls, and hedges located within front yard setbacks of properties on the subject block, including, but not limited to:

- 649 Santa Clara Avenue
- 658 Santa Clara Avenue
- 667 Santa Clara Avenue
- 671 Santa Clara Avenue
- 677 California Avenue
- 704 California Avenue
- 710 California Avenue
- 714 California Avenue
- 722 California Avenue
- 728 California Avenue

Thus, as conditioned, the request will not be materially detrimental to the property or improvements in the same zone or vicinity in which the property is located. The conditions include a requirement to maintain a visibility triangle at the corner of California Avenue and Santa Clara Avenue so as not to impair views of oncoming traffic, and a requirement that the pedestrian gates not open or hinge outward toward the sidewalk, where pedestrian travel could otherwise be unexpectedly and hazardously obstructed.



Approval of the project will establish coherent development that is consistent with the spirit and intent of zoning regulations. As conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**14. The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the subject property for Low Medium II Residential Land Uses with the corresponding zones RD1.5, RD2, RW2, and RZ2.5, and Height District 1. The property is within the area of the Los Angeles Coastal Transportation Corridor Specific Plan.

The Venice Community Plan Objective 1-3 seeks to "preserve and enhance the varied and distinct character and integrity of existing residential neighborhoods." Los Angeles Municipal Code Section 12.24-X, 7 permits the requested fence and gates within the RD1.5 Zone with approval by the Zoning Administrator. The use of the property will remain single-family, which is consistent with the zoning and land use designation. The project can be found to be in substantial conformance to the purpose, intent and provisions of the General Plan and Venice Community Plan.

**15. Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property.**

The materials and design of the proposed project will reflect that of the new dwelling. The project, as conditioned, will not create visibility problems or reduce access to light and air. It will allow for added privacy, security, and public safety while having an aesthetic design consistent with the dwelling. No views will be affected for other adjoining properties. The project has been conditioned to maintain a visibility triangle at the corner of California Avenue and Santa Clara Avenue so as not to impair views of oncoming traffic, and that the pedestrian gates not open or hinge outward toward the sidewalk. Thus, as proposed and conditioned, the project is not anticipated to have any impacts on solar access, ventilation, or privacy of adjoining properties.

**ADDITIONAL MANDATORY FINDING**

- 16.** 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 outside the flood zone.



## TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Joint Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant 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 the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, or through the Department of City Planning website at . The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, 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 a fine and imprisonment."

## TRANSFERABILITY

This determination 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 that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## 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 joint determination in this matter will become effective after 15 days, 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. This joint determination is comprised of decisions for multiple case numbers. An appeal must be filed for each case number associated with the determination. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the



the Determination, 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


West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2912

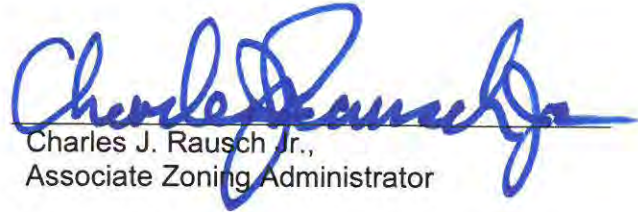
Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.


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.

VINCENT P. BERTONI, AICP  
Director of Planning

  
Faisal Roble,  
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