

Th12a

A-5-VEN-21-0010 (Dustin Miles (Xingyun, LLC))

March 11, 2021

EXHIBITS

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Exhibit 1 – Project Location

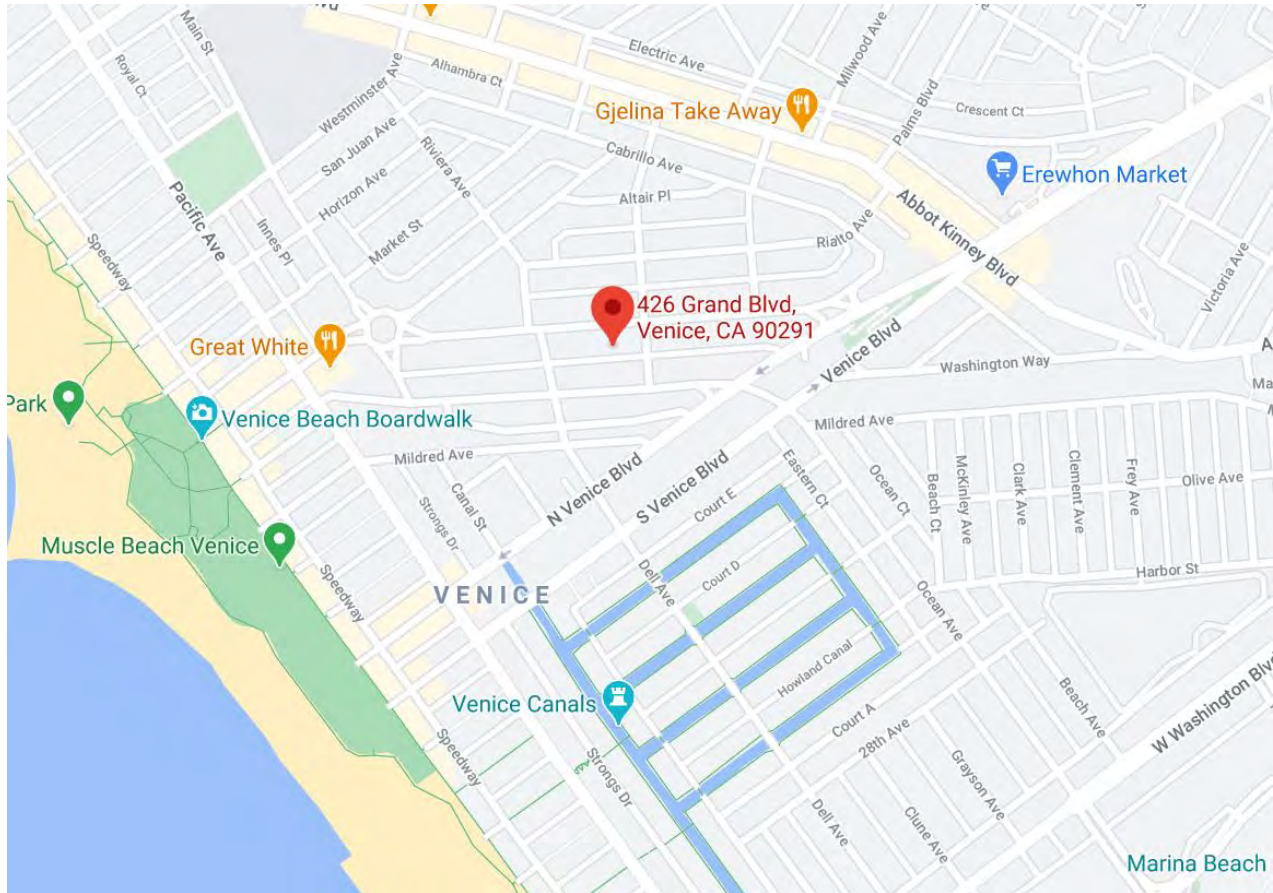
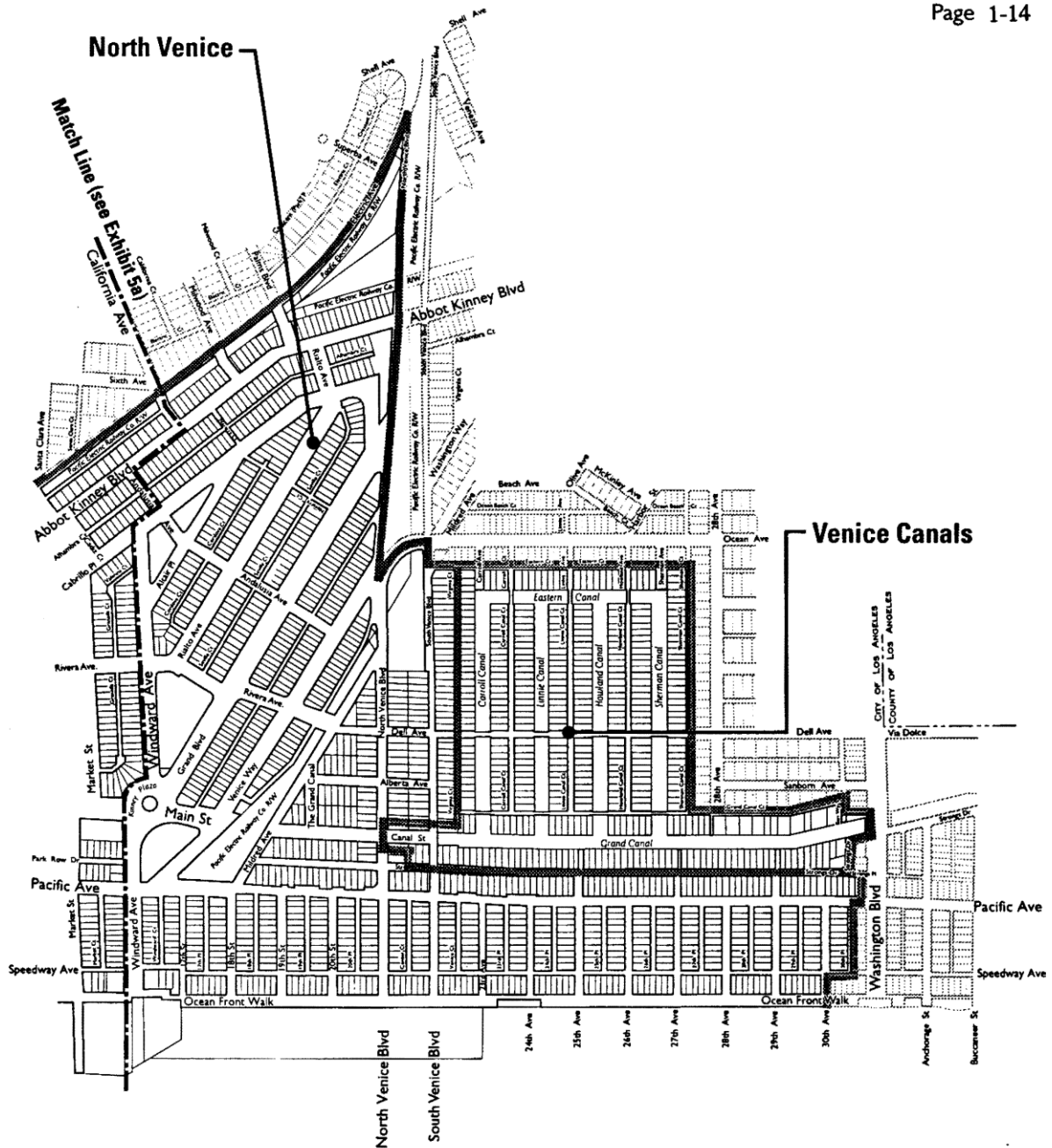


Exhibit 2 – North Venice Subarea Map

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Exhibit 3 – Project Plans





EXTERIOR ELEVATIONS

DATE:	DEPT.:	CDL#:
RELEASED:	CLERK:	EXPIRATION:

A-2.0

Exhibit 4 – Appeal

STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

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. 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/#/>.

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Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Dustin Miles (Xingyun, LLC)
Mailing address: 1812 1/2 Linden Avenue, Venice CA 90291
Phone number: (415) 572-8124
Email address: brix001@hotmail.com

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

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

Describe: I participated on all City Hearing's and am a Venice resident for more than
21 years as a renter. I own and run a small restaurant in Venice.

I intend to live in the first dwelling unit and will condition the 2nd dwelling unit for long term renters only.

—

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: I submitted my application 4 years ago. The project was approved by
the LA City Director of Planning. The West LA APC heard this single-jurisdiction case under appeal and
wrongly denied the CDP in violation of the Housing Accountability Act that is applicable for Coastal Zone Applications such as this one.
The Coastal Commission has the jurisdiction to accept this appeal and correct the errors made by the APC.

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

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2. Local CDP decision being appealed²

Local government name: City of Los Angeles
Local government approval body: West LA Area Planning Commission
Local government CDP application number: DIR-2018-1485-CDP-MEL-1A
Local government CDP decision: ☐ CDP approval ☒ CDP denial³
Date of local government CDP decision: Dec 20, 2020 - appeal expires 1/13/2021

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

Describe: 426-428 E Grand Blvd. Venice CA 90291
Applicant: Dustin Miles
CCC Post-Cert. 5-VEN-20-0060
Local Jurisdiction: City of Los Angeles- Venice
Final Local Action: Denied
APN: 06037-4238020006
Description: CDP permit to demolish a one-story duplex with no parking that
was Ellised in 2013. The duplex has been vacant for 8 years
and is under an abatement order by the City of Los Angeles.
It is a fire-safety threat to the surrounding community and is
uninhabitable. My request is to build a 3,977 two-dwelling residential
unit with a four car garage that provides all required parking
on-site. I intend to rent the 2nd dwelling unit on a long term lease
and will condition my approval to not rent to any short term renters such as AirBNB.
The location of the project site is one-third mile from the Coastal shoreline and
poses no threat to sea water rise. It is consistent in character to all other multifamily dwellings in its housing tract along Grand Blvd.

² 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.

³ 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.

Appeal of local CDP decision
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3. Identification of interested persons

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

4. Grounds for this appeal⁴

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.

Describe: Please see attached letter dated 1/11/2021 submitted on
my behalf by my representative, City Land Use, Inc.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Dustin Miles

CDP Application or Appeal Number DIR -2 018- 148 5- CDP-M EL-1 A-

Lead Representative

Name City Land Use, Inc.

Title Laurette Healey, Principal

Address. 5641 Saloma Avenue, Sherman oaks

State, Zip C A , 9 1 4 1 1

Laurette@CityLandUse.com

Phone: 310-968-7887

Your Signature 

Date of Signature 1/11/2021

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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 Dustin Miles


Signature _____

Date of Signature 1/11/2021

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.

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

6 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.

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Additional Representatives (as necessary)

Name JMBM, LLC
Title Daniel Freedman, attorney
Street Address. 1900 Avenue of the Stars, 7th Floor
City Los Angeles
State, Zip CA, 90067
Email Address DFF@JMBM.com
Daytime Phone 310 773 1991

Name Robert Thibideau, Architect
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature  _____

Date of Signature 1/11/2021



CITY LAND USE
FOR EVERYTHING OUTSIDE THE BOX

Sent via email on January 11, 2021

Chairperson Bocheo and California Coastal Commissioners

California Coastal Commission

South Coast District Office

301 E. Ocean Blvd, Suite 300

Long Beach, CA 90802

Re: Appeal of West Los Angeles Planning Commission – Letter of Determination

***Corrected Copy**

Local File No. **DIR-2018-1485-CDP-MEL-1A; ENV-2018-1486-CE**

Project Address: **426-428 East Grand Blvd., Venice, CA 90291**

Chairperson Bocheo and Members of the Commission:

City Land Use, Inc., represents 426-428 E. Grand Blvd. and Dustin Miles and Xingyun, LLC (collectively, "Owners" or "Appellants") on the above-referenced matter. The Owners appeal the December 10, 2020, corrected copy of the West Los Angeles Area Planning Commission ("APC") Letter of Determination ("Determination") that overturns the decision of the Director of Planning's approval of a Coastal Development Permit (CDP) for the demolition of a vacant duplex (Ellis'd in 2013) and permit the construction of two distinctly separate dwelling units – a single-family home with an attached ADU correctly classified as a multifamily dwelling protected under the State Housing Accountability Act ("HAA") in concert with any other multifamily development.

Additionally, the Determination's corrected copy clearly states that the Planning Director's Mello Determination stands as the APC took no action. Furthermore, the APC finds that the proposed Housing Development complies with all North Venice Subarea's regional guidelines and inferences the Venice Specific Plan and LAMC municipal code. The APC also acknowledges that the CEQA categorical exemption ENV-2018-1486-CE is consistent with the California Environmental Quality Act provisions. That fact is not disputed in the Determination. Therefore, the purpose of this appeal is to correct the numerous errors made in the Determination's conclusion that the proposed Housing Development Project does not conform with Chapter 3 of the California Act. The Determination acknowledges that the project complies with Section's 30244, Section 30250, Section 30252 of the Coastal Act, and given that the proposed development is one-third mile from the shoreline, it poses no threat to Section 30253 of the Coastal Act unless the APC wishes to set a precedence to invalidate the thousands of approved developments between the project site and the shoreline within the same approximate distance from the coastline of California. Therefore, the only basis for denial rests with the intent of Section 30251, which is focused on APC's subjective evaluation of their version of *community character*. As will be demonstrated, their FINDINGS are not only factually incorrect, but they do also not meet the threshold of objective standards required under state and local municipal law.

By hearing this appeal, the Commission has the prerogative to apply State law, which it has the authority and power to achieve. Thus, we submit this appeal to the California Coastal Commission (the "Commission")

California Coastal Commission

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concerning the City of Los Angeles' denial of our client's Coastal Development Permit ("CDP"). (Case No. DIR-2018-1485-CDP-MEL-1A.)

As will be explained in detail, the misapplication by the APC of the Coastal Act on this proposed two-dwelling Housing Development Project¹ thwarts the stated intention of State Government Code 65852.2 concerning ADU's. It is seriously derelict in observing their local agency duties under the California Housing and Development Department and the Housing Accountability Act (HAA). The HAA provisions apply to all Housing Development Projects in the Coastal Zone, whether affordable or not. **This appeal and all relevant documentation are also sent to the State HCD, the State Legislature, all Constitutional Officers, and the Attorney General for enforcement in service of the more considerable public interest which, as a class of aggrieved constituents, both present, and future, who may be affected by this Determination have standing.** The Commission's involvement is necessary to correct the egregious errors made by the City of Los Angeles' APC corrected copy of its Determination in its application of the Coastal Act toward this two-unit Housing Development containing a single-family residence and a separate residential ADU and instruct the local jurisdiction to apply state law in which it was remiss.

Housing Accountability Act

A Housing Project May Not be Denied if It Conforms with All "Objective" Standards. According to the HAA, all housing projects, whether affordable or not, positions a key provision requiring that *if* a housing project complies with all "objective" general plan, zoning, and subdivision standards, it may only be denied or have its Density reduced if a city or county can find that the project would have a "specific adverse impact" on public health and safety. A "specific adverse impact" is a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards" in effect when the Application was deemed complete.² The APC made no such findings. **Despite numerous contradictions throughout, the Determination states clearly on page one, Section 30250 of its Findings that, "The proposed project will maintain two dwelling units on-site (single-family dwelling and an accessory dwelling unit); therefore, the proposed project will maintain the existing density on the site."**³ With this in mind, there is no basis for the APC to find that this State HAA-protected Housing Development did not conform to the Coastal Act. 2

A local Agency must inform an applicant of Any Inconsistencies within 30-60 Days after an application is Complete. The HAA cites that Cities and counties must identify any inconsistencies with any applicable "plan, program, policy, ordinance, standard, requirement, or similar provision" within 30 days after an application for 150 units or less has been deemed complete. If the local agency does not identify an inconsistency within the required period, the project will be "deemed consistent." **At no time did the City of Los Angeles Planning Department identify any discrepancies with the Application – quite the contrary. The Director of Planning approved the proposed Housing Development in its Director's April 22, 2020 determination.**⁴ Therefore, per the state HAA guidelines, the Application is deemed complete and consistent with all applicable "plans, programs, policies, ordinances, standard requirements, or similar provisions. To this end, it is not the APC jurisdiction to subvert the Director of Planning's objective standards and replace them with subjective and unsubstantiated rhetoric on character or scale. Their action is exactly what the State Legislature eliminates through its enactment of the State Housing Accountability Act. As far as the State Legislature is concerned, "accountability" is directed toward rogue municipalities that presume their undermining of Housing

¹ Cal Gov Code §655895.5 Housing Accountability Act, (h)(2) "Housing Development Project" (A) Residential Units only.

² Cal Gov Code §655895.6 Housing Accountability Act, 3(j)(1)(A)

³ West Los Angeles Area Planning Commission, Letter of Determination (Corrected Copy) December 10, 2019; FINDINGS, Page 1, Section 30250.

⁴ City of Los Angeles Planning Directors Determination, April 22, 2020, CASE NO. DIR-2018-1485-CDP-MEL-1A.



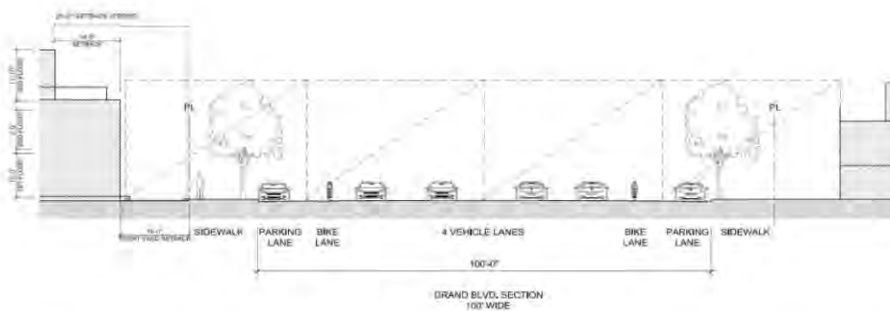
Developments at a time when the State of California is struggling to provide more housing will go unnoticed. It is noticed, it is wrong, there are legal consequences to such actions, and it is incumbent upon the Coastal Commission that enforcement of the law must be made.

Provisions such as permitted uses, height, setbacks, floor area ratio, and even specific design guidelines such as required materials should all be "objective" standards. *On the other hand, subjective criteria such as "consistent with the character of the city" are not considered "objective" and, if not objective, cannot be the basis for denying a housing project or reducing the Density.*⁵

Specifically, Section 30251 of the Coastal Act concerns itself with scenic and visual qualities and compatibility with *Community Character*. Every characterization made by the APC's corrected copy of the Determination Letter regarding community Character on page 2, Section 30251, is subjective and, frankly, a cherry-picking of the neighborhood structures. For example, the proposed Housing Development is on the Southside of the one-hundred-foot-wide Grand Blvd with primarily double lots and larger buildings, all of which are consistent with pedestrian scale massing of no greater than 25% of the width of the fronting street (including the proposed development that is 24.6 FT high) as depicted below:

CHARACTER & COMMUNITY DESIGN

100' wide Grand Blvd shown below at 1:4 ratio

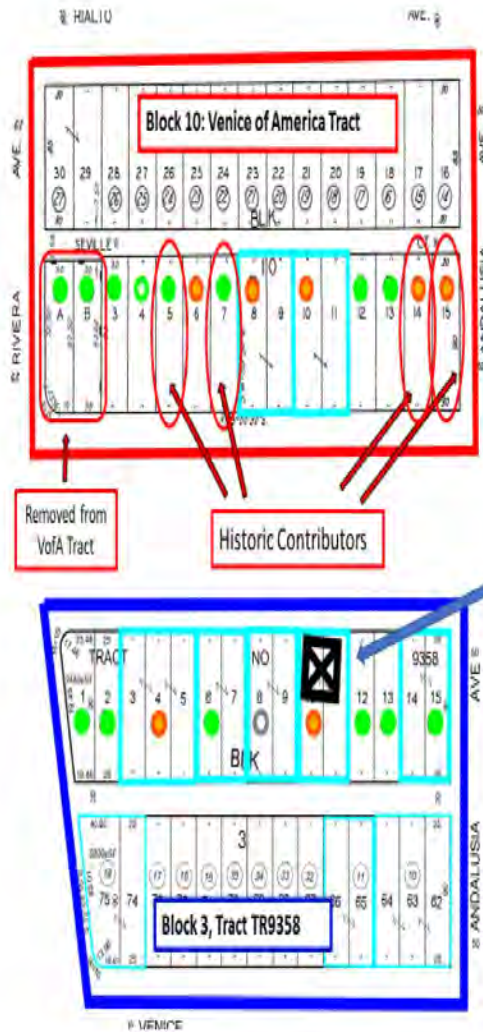


3

The APC references structures located on the Northside of Grand Blvd situated in a distinctly separate housing tract developed between 1910 and the early 1920s. This reference factually misdirects the Coastal Commission from comparing the proposed Housing Development with developments on the Southside of Grand Blvd that feature tied-lots and three story buildings, where the proposed Housing Development is located. The Southside of Grand Blvd is an entirely different housing tract that only began its development in the more recent late 1940s, as illustrated in the following exhibit.

⁵ SB 35, Definition of Objective Standard





Historic Contributors

Developed between 1910- 1920's

- 4 historic contributors remain
- Standard lot width = 30 ft
- Mostly 1-2 story structures
- 2 lots removed from VofA Tract in 1985

Project Site

Developed between 1946 -2020

- Tract that has no historic contributors.
- Standard lot width = 25 ft (Mostly double)
- Mostly 2 - 3 story structures

4

In the same 30251 section, the Determination states that the project is "out of scale with the neighborhood character... due to the narrow-lot massing of the existing structures on the block"⁶ However, upon factual examination, 73% of the lots on the Southside of Grand Blvd. are lot-tied with over 50% of the residential structures built over two lots on the block where the proposed Housing Development is located and is in scale with other structures and lot-widths in proximity as illustrated below:

⁶ APC Letter of Determination (corrected copy), December 10, 2021 FINDINGS, Section 30251, page 2





Less Deference to Local Government Findings of Inconsistency. The HAA additionally states that a Housing Development project "shall" be deemed consistent with applicable standards if there is substantial evidence that would allow a reasonable person to conclude that the project is consistent. This statute intends to significantly increase housing approval, development, and affordability for all income levels. The Planning Director found that the project is compatible with all applicable codes. Any reasonable person would as well. 5

In its approval, the Director of Planning rightly acknowledged that the legislative intent of the HAA is designed to "increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of *local governments* to deny or render infeasible housing development projects."⁷

The Proposed Development was deemed compliant with all applicable provisions of the Local Government Codes.

The proposed Housing Development is deemed *objectively* consistent with all applicable codes, ordinances, and provisions of the Los Angeles Municipal Code by the City of Los Angeles. The **Planning Director in its Letter of Determination on April 22, 2020,⁸ concluded that all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code confirmed in the affirmative that "The proposed project will be consistent with the policies and development standards of the LUP and the Venice Coastal Zone Specific Plan and will not prejudice the ability of the City to prepare a LCP that conforms with Chapter 3 of the Coastal Act."**⁹ The Director approved not only the CDP but it also concludes that the proposed

⁷ Cal Gov Code §65589.5, Housing Accountability Act, (a)(2)(K) The legislature's intent... was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, or render infeasible housing development projects..."

⁸ City of Los Angeles Directors Determination, Case No. DIR-2018-1485- CDP-MEL, April 22, 2020

⁹ City of Los Angeles Directors Determination, Case No. DIR-2018-1485- CDP-MEL, April 22, 2020; page 12



Housing Development is "consistent with the scale and uses proximate in the area... [,] visually compatible with the area and deemed not to have a significant impact on the integrity of the neighborhood." ¹⁰

An appropriate observance of the above-referenced sections of the HAA, when combined with the Director of Planning's Determination, affirms that this proposed Housing Development is deemed complete and consistent with all *objective standards*.

California Housing and Community Development Department

The California Housing and Community Development Department finds that the Housing Accountability Act is applicable in the Coastal Zone

A September 15, 2020 memorandum issued by the California Housing and Community Development Department ("HCD") verifies the HAA's applicability in the Coastal Zone that the APC failed to recognize at its hearing on this appeal. To corroborate this point, the HCD memorandum confirms the question of whether the HAA is applicable in the Coastal Zone in the memorandum's Frequently Asked Questions, which answers "Yes" to the question: "Does the Housing Accountability Act apply to housing development projects in coastal zones?"

Furthermore, the HCD's September 15, 2020 memorandum also clarifies that a single-family home with an attached ADU is considered a multi-family dwelling with the same protections under the HAA as any other multifamily development.¹¹ The APC disregarded the HAA, HCD and abused the interpretation of Section 30251 of the Coastal Act. Whether by sheer unfamiliarity or willful preference, the Determination treats the proposed development as a single-unit residence instead of the multifamily Housing Development presented at the hearing. This action might lead one to conclude that the APC presumes its Determination may ignore applicable law. It cannot.

6

APC misapplied the Coastal Act's definition of a residential dwelling, State Ordinance, and its own ADU municipal code concerning ADU's

At its August 19, 2020, public hearing, the West Los Angeles Area Planning Commission ("APC") heard an appeal challenging the proposed development's CDP. To uphold the Determination the APC presents a subjective argument wherein an accessory dwelling unit is not a "real dwelling unit" because Density is not calculated under LAMC's local ADU code, ignoring the overriding definition of the proposed development as a multifamily Housing Development under the provisions of the HAA. The Determination does not consider that the Coastal Act treats ADU's differently than LAMC. The proposed Housing Development replaces a duplex (two dwelling units) with a single-family home and attached ADU (two dwelling units) when seen through the Coastal Act's lens. The Determination's error is that, since an ADU does not count towards a lot's Density under the Los Angeles Municipal Code ("LAMC"), the development should only be considered a single-family home with only one dwelling unit. This reasoning fundamentally undermined the *objective* evaluation of this proposed Housing Development and the HAA's relevance. Clearly and despite the numerous contradictions subsequently made in the Determination, in a singular moment of clarity, the Determination amended its FINDINGS on page one, Section 30250, whereby it recognizes that "the proposed project will maintain the existing density on the site."¹² The Commission cannot simply ignore this. The inconsistency of the Determination demonstrates that Coastal Commission *must* hear this appeal.

¹⁰ City of Los Angeles Directors Determination, Case No. DIR-2018-1485- CDP-MEL, April 22, 2020; page 10.

¹¹ HCD HAA Technical Assistance Advisory Memorandum; Pg. 19.

¹² West Los Angeles Area Planning Commission (corrected copy), FINDINGS, page one, Section 30250.



The Determination applied its single-family home premise to compare the development's mass, scale, and character to other single-family developments, eliminating the comparison of multi-family dwelling unit developments in the area, as this Housing Development is defined correctly by the Coastal Act and the State HAA. Under this pretext, the reconstitution of this Housing Development allowed the Determination to construe that its version of this proposed Housing Development is out of character compared to single-unit residences in the area, which this Housing Development is not. **The Determination's reconstituted version of this Housing Development was not the one presented.**¹³

The APC's action is clearly and undeniably in error. Not only did the Determination violate the State's HAA's direction that a subjective interpretation of the character, mass, or scale (particularly as construed in this case) cannot be a basis to deny a project, the Determination also misunderstood that the Coastal Act views ADU's for what they are - residential dwelling units. Under the Coastal Act, a residential unit is a residential unit, and a two-unit residential development is a two-unit residential development and is therefore consistent with Section 30251 of the Coastal Act and all applicable objective standards.

Most egregiously, but for the calculation of Density, a single-family home with an ADU meets the Municipal Code's definition of a "two-family dwelling," which unsurprisingly is defined as a "dwelling containing two dwelling units." Moreover, if our client sought to build two-units on the site, both state and local law would treat the building as a duplex. (See LAMC 12.22-A.33(h)(2).) The mere fact that ADUs are intentionally devised without a Density calculation is so more housing units can be built in zones that limit the number of dwelling units allowed per site, such as R1 zones. For example, ADU's are permitted as additional dwelling units within single-family residential zones for just this purpose. But this construct does not mean that a single-family home and ADU are "less than" a duplex.

Mello Determination is Approved

7

The APC's corrected copy of its Letter of Determination clarifies that it takes no action on the Mello Act Compliance review. Therefore, the Mello Determination made by the Director of Planning is approved.

Compliant and Consistent with requirements for the North Venice Subarea, LUP, VSP, LAMC

Section 3, page 6, paragraph 3 of the FINDINGS states that "Regional Guidelines have been reviewed and the proposed project is consistent with the requirements for the North Venice Subarea." Thus, this project comports with all applicable codes in the Venice Specific Plan, the Venice Local Coastal: Land Use Plan, and Los Angeles Municipal Code.

Section 30250, page 1, of the FINDINGS of the Determination states, "The subject property is improved with a duplex, located in a residential neighborhood developed with similar single and multiple-family dwellings. The proposed project will maintain two dwelling units on-site (single-family dwelling and an accessory dwelling unit); therefore, the proposed project will maintain the existing Density on the site."

Related Cases

Section 4, page 6, of the Determination acknowledges the Planning Director's approval of the proposed Housing Development. APC then asserts that the Planning Director did not consider recent actions by the Coastal Commission on appeals involving the loss of existing Density in the Venice Coastal Zone. **The related cases cited in the Determination bear no relevance to the proposed Housing Development as follows:**

¹³ The Department of City Planning staff expanded on this decision in their own terms in the October 1, 2020 determination, but these additional findings were not in fact made by the APC and thus are irrelevant.



- Application No. A-5-VEN-15-0026 and A-5-VEN-15-0027. **The case concerns the denial of a single-family home and attached two-car garage bearing no similarity to this case. The proposed Housing Development is a multifamily dwelling with a four-car garage, evidencing that the Determination ignores what this Housing Development is.**
- Application No. A-5-VEN-19-0022. **Demolition of a single-family home. What does this case have to do with the proposed Multifamily Housing Development that offers to demolish a condemned duplex with no parking and replace it with two residential units with a four-car garage?**
- Application No. A-5-VEN-19-0022. **This case denies the demolition of a Duplex and construction of a single-family dwelling. Again, APC does not understand that the proposed Housing Development is a multifamily dwelling consisting of two dwelling units and a four-car garage replacing a duplex with no parking. This case does not bear any relevance to the project presented.**

Consistent and Compliant with proposed CEQA Categorical Exemption

Section 6, page 7 of the Determination acknowledges that the proposed Categorical Exemption for this proposed Housing Development is consistent with CEQA, and the Determination does not object to this finding. However, the Determination presents an obfuscation of facts to interpret Section 30251 as the singular basis upon which this project is denied. The Commission must correct these errors and confirm the Determination's stated acknowledgment that the proposed Categorical Exemption for this project is consistent with CEQA.

In summary, the Determination concludes that by denying the CDP based on Section 30251 of the Coastal Act under the aegis of "character," all associated entitlements are disapproved by inference without the necessity to make findings. Accordingly, by overturning this appeal and granting a CDP, the APC can and will renew their review of these entitlements.

8

Considering the APC's misapplication of the State's Coastal Act's Section 30251, HCD, ADU Government code, and the HAA, we urge the Commission to find a substantial issue with its Determination on this proposed Housing Development and grant this appeal.

Laurette Healey

Laurette Healey

Representative of Owners

Local File No. DIR-2018-1485-CDP-MEL-1A; ENV-2018-1486-CE

Project Address: 426-428 East Grand Blvd., Venice, CA 90291

CC via email:

Dustin Miles (brix001@hotmail.com)

Coastal Commission South Coast District Office (SouthCoast@coastal.ca.gov)

Robert Thibodeau (robert@duarchitects.com)

Marcia Davalos (Marcia@citylanduse.com)

Lea Arenas (Lea@citylanduse.com)

Daniel Freedman (DFreedman@jmbm.com)

*California Coastal Commissioners and relevant State Agencies by separate email.



Exhibit 5 – Local Coastal Development Permit

DEPARTMENT OF
CITY PLANNING
COMMISSION OFFICE
(213) 978-1300
CITY PLANNING COMMISSION
SAMANTHA MILLMAN
PRESIDENT
VAHID KHORSAND
VICE-PRESIDENT
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CAROLINE CHOE
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MARC MITCHELL
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CITY OF LOS ANGELES
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TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

DIRECTOR'S DETERMINATION

April 22, 2020

Applicant
Dustin Miles
Xingyun, LLC
1812 1/2 Linden Avenue
Venice, CA 90291

Owner
Xingyun, LLC
319 South Robertson Boulevard
Beverly Hills, CA 90211

Representative
Lea Arenas
City Land Use, Inc.
15303 Ventura Boulevard
Suite 900
Sherman Oaks, CA 91403

Case No.: DIR-2018-1485-CDP-MEL
Related Case(s): ADM-2018-1487-VSO
CEQA: ENV-2018-1486-CE
Location: 426-428 East Grand
Boulevard

Council District: 11 – Bonin
Neighborhood Council: Venice
Community Plan Area: Venice
Specific Plan: Venice Coastal Zone -
North Venice

Land Use Designation: Low Medium II Residential
Zone: RD1.5-1-O

Legal Description: Lot 10 and 11, Block 3,
Tract TR 9358 T

Last Day to File an Appeal: May 6, 2020

DETERMINED, based on the whole of the administrative record, that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301, 15303 and 15331, 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 Section 12.20.2, I have reviewed the proposed project and, as the designee of the Director of Planning, I hereby:

Approve a Coastal Development Permit authorizing the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and an 860 square foot attached Accessory Dwelling Unit (ADU) in 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:

Approve a Mello Act Compliance Review for the demolition of two Residential Units and the construction of two Residential Units in the Coastal Zone

California Coastal Commission
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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 dwelling and an attached Accessory Dwelling Unit shall be provided on the subject property.
4. **Height.** The height of the proposed structure shall be limited to a flat roof height of 30 feet (measured to the top edge of the solid parapet) and a varied roofline height of 35 feet measured from the centerline of Grand Boulevard. As shown on Exhibit "A," the proposed project shall have a flat roof height of 30 feet and a varied roofline of 35 feet. The third floor shall be stepped back a minimum distance of 14 feet 6 inches from the required front yard.
5. **Roof Structures.** As shown on Exhibit "A," the proposed structure does not include a RAS. Chimneys, exhaust ducts, ventilation shafts, and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
6. **Roof Deck.** Railings used on the proposed rooftop deck, exceeding the maximum building height of 30 feet, shall be of an open design and shall be limited to a height of 42 inches.
7. **Parking and Access.** As shown in "Exhibit A", the subject project shall provide four parking spaces onsite: three parking spaces shall be provided for the single-family dwelling and one parking space shall be provided for the ADU. The proposed layout and dimensions are subject to review and final approval by the Department of Building and Safety.
8. No deviations from the Venice Coastal Zone Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with as further noted in ADM-2018-1487-VSO or any subsequent Venice Sign-Off.
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. **Accessory Dwelling Unit.** As shown in "Exhibit A" and as approved by the Department of Buildings and Safety, the subject project shall provide one Accessory Dwelling Unit.
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 property, comprised of two lots, is a flat, rectangular-shaped interior lots with a total area of 4,500 square feet. The subject property has a frontage of 50 feet on Grand Boulevard with an even length of 90 feet. The subject property adjoins an alley to the rear. The subject property is zoned RD1.5-1-O and designated Low Medium II Residential in the Venice Community Plan area. The subject property is located in a Single Permit Jurisdiction of the Coastal Zone, North Venice subarea of the Venice Coastal Zone Specific Plan, and the Los Angeles Coastal Transportation Corridor Specific Plan Area. It is also located within the Calvo Exclusion Area, Liquefaction area, Tsunami Inundation Zone, Methane Zone and approximately 5.27 kilometers from the Santa Monica Fault Line. The property is improved with a 1,473 square-foot one-story, duplex built in 1947.

The applicant is requesting a Coastal Development Permit to authorize the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). In addition, the project is subject to review for compliance with the Mello Act. The neighborhood and properties immediately surrounding the property in Grand Boulevard are zoned RD1.5-1-O and developed single- and multiple-family dwellings ranging from one to three stories in height.

Grand Boulevard is a Local Street designated a right-of-way width of 60 feet and roadway width of 36 feet. The actual right-of-way width is approximately 100 feet in width with a roadway width of approximately 75 feet. Grand Boulevard is improved with an asphalt roadway, gutter, curb, and sidewalk.

Unnamed alley, abutting project site at the rear, is dedicated at 20 feet and improved with asphalt.

Previous zoning-related actions in the surrounding area include:

- DIR-2017-3983-CDP-MEL & DIR-2017-3988-CDP-MEL – On July 19, 2019, the Director of Planning approved a Coastal Development Permit authorizing the demolition of one existing single-family dwelling located across two consolidated lots, and construction of a three-story, 3,287 square-foot single-family dwelling, providing two parking on-site spaces, located at 533 Grand Blvd, and construction of a three-story 3,363 square-foot, single-family dwelling located at 537 Grand Blvd, providing two parking on-site spaces in the Single Permit Jurisdiction of the Coastal Zone.
- DIR-2018-7536-CDP-MEL – On May 17, 2019, the Director of Planning approved a Coastal Development Permit authorizing the legalizing one unpermitted dwelling unit in an existing multi-family residence, resulting in a total of ten dwelling units; a total of 11 parking spaces are maintained onsite in the Single Permit Jurisdiction of the Coastal Zone, located at 511-515 East Rialto Avenue.
- DIR-2017-4860-CDP and ZA-2017-4859-ZAA – On December 14, 2018, the Director of Planning and the Zoning Administrator approved a Coastal Development Permit authorizing the remodel and addition comprised of the demolition of 41 percent of the exterior walls of a 1,026 square foot, one-story duplex and the construction of a second and third-floor addition resulting in a 3,072 square foot, three-story duplex with roof deck and three parking spaces in the Single Permit Jurisdiction of the Coastal Zone, located at 421 East Venice Way.

- DIR-2017-2645-CDP – On May 24, 2018, the Director of Planning approved a Coastal Development Permit authorizing the remodel of and addition to an existing one-story, 1,082 square-foot single-family dwelling comprised of a new 871 square-foot second-story in a Single Permit Jurisdiction of the Coastal Zone, located at 432 East Altair Place.
- ZA-2015-0865-CDP-MEL – On April 17, 2018, the Zoning Administrator approved a Coastal Development Permit authorizing the construction of a new two-story addition to an existing single-family dwelling in a Single Permit Jurisdiction of the Coastal Zone, located at 428 Rialto Avenue.
- DIR-2016-463-CDP-MEL – On January 19, 2018, the Director of Planning approved a Coastal Development Permit authorizing the construction of a duplex in the Single-Permit Jurisdiction of the Coastal Zone, located at 520 East Venice Way.
- DIR-2017-1448-CDP-MEL – On July 7, 2017, the Director of Planning approved a Coastal Development Permit authorizing the substantial demolition and remodel of an existing one-story duplex comprised of the addition of a second and third story, resulting in a 2,652 square-foot, three-story duplex with a rooftop deck; a total of two parking spaces provided onsite in the Single Permit Jurisdiction of the Coastal Zone, located at 407 East Rialto Avenue.
- ZA-2015-2692-CDP-ZAA-SPPA-SPP-MEL – On July 12, 2016, the Zoning Administrator approved a Coastal Development Permit authorizing the demolition of an existing one-story single-family dwelling and construction of a new three-story single-family dwelling within the Single Permit Jurisdiction of the Coastal Zone; an Adjustment to allow a front yard setback of 12 feet 6 inches in lieu of the minimum 15 feet and side yard setbacks of 3 feet in lieu of the 4 feet, located at 415 East Venice Way.
- ZA-2013-2127-CDP-MEL – On April 28, 2014, the Zoning Administrator approved a Coastal Development Permit authorizing the construction of three single-family dwellings in conjunction with the demolition of an existing duplex and the subdivision of two existing lots into three lots as approved under Case No. AA-2013-2125-PMLA-SL and a Mello Act Compliance review in the Single Permit Jurisdiction of the Coastal Zone, located at 530 and 532 Grand Boulevard.
- ZA-2014-1356-CDP – On December 26, 2014, the Zoning Administrator approved a Coastal Development Permit authorizing the construction of a new single-family dwelling in the Single Permit Jurisdiction of the Coastal Zone, located at 416 East Grand Boulevard.
- ZA-2014-1358-CDP – On December 26, 2014, the Zoning Administrator approved a Coastal Development Permit authorizing the construction of a new single-family dwelling in the Single Permit Jurisdiction of the Coastal Zone, located at 418-422 East Grand Boulevard.

Public Hearing

A public hearing was held by a hearing officer (Ira Brown) on October 21, 2019 at 10:30 a.m., at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The applicant and applicant's representatives were in attendance. The applicant's representatives provides a description of the entitlement request, the project's consistency with the mass and scale of the neighborhood block and compliance with the Ellis Act and Mello Act.

The case was taken under advisement for one week.

Correspondence

Four letters were received indicating the Mello Act Compliance Review should consider the proposed project as part of a Unified Development, per the Mello Act Interim Administrative Procedures, that includes the adjacent two duplex structures at 416, 418, 422 and 424 Grand Boulevard. The letters further state that as a Unified Development, the applicant should not be allowed to use a feasibility study to opt out of providing Replacement Affordable Units. Instead, the applicant should be required to provide the two affordable units. Moreover, the letters provided background information on the entitlement and permit history for the two adjacent duplexes and indicated that prior City actions did not correctly follow the Mello Act Interim Administrative Procedures.

Five signed statements from former tenants at 416, 418, 422, 424, 426 and 428 Grand Boulevard were submitted to the public record. In those statements, each tenant indicated they were evicted and the three duplexes meet the definition of Unified Development per the Mello Act Interim Administrative Procedures.

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.**

The subject property, comprised of two lots, is a flat, rectangular-shaped interior lots with a total area of 4,500 square feet. The subject property has a frontage of 50 feet on Grand Boulevard with an even length of 90 feet. The subject property adjoins alley to the rear. The subject property is zoned RD1.5-1-O and designated Low Medium II Residential in the Venice Community Plan area. The subject property is located in a Single Permit Jurisdiction area of the Coastal Zone, North Venice subarea of the Venice Coastal Zone Specific Plan, Lost Venice Canals Historic District and the Los Angeles Coastal Transportation Corridor Specific Plan Area. It is also located within the Calvo Exclusion Area, Liquefaction area, Tsunami Inundation Zone, Methane Zone and approximately 5.27 kilometers from the Santa Monica Fault Line. The property is improved with a 1,473 square-foot, one-story, duplex built in 1947.

The applicant is requesting a Coastal Development Permit to authorize the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). In addition, the project is subject to review for compliance with the Mello Act. The neighborhood and properties immediately surrounding the property in Grand Boulevard are zoned RD1.5-1-O and developed single- and multiple-family dwellings ranging from one to three stories in height.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public access, recreation, marine environment, land resources, and existing development in the Coastal Zone. The applicable provisions are as follows:

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The project will consist of demolition and new construction on a flat site. As such, little to no excavation and grading are proposed. If required, excavation and grading 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 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources. The subject property is improved with a duplex, located in a residential neighborhood developed with similar single and multiple-family dwellings. The proposed project will maintain two dwelling units on site (single-family dwelling and accessory dwelling unit); therefore, the proposed project will maintain the existing density on the site. All required parking will be provide on-site via the rear alley. The project site will be served by the existing police and

fire stations, schools, and other public services in the area. As such, the proposed project will not have a significant adverse impacts on coastal resources.

Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The subject property and surrounding area are relatively flat with no views to and along the ocean and scenic coastal areas. No natural land forms will be altered as a result of the proposed project. The proposed project involves the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU).

The third story is step backed away from the property lines to minimize the massing of the three-story structure. Specifically, the third story walls are stepped in 3 feet 10 inches along the eastern side yard, 7 feet 5 inches along the western side yard and 14 feet 6 inches along the northern front yard.

There are 22 lots located on the block of Grand Boulevard between Riviera Avenue and Andalusia Avenue excluding the subject property. These lots are developed with single-family dwellings and duplexes of which 11 structures are one-story and 11 are two-stories. The north side of the street is mostly developed on single lots, while the lots on the South side of the street have been developed on double lots and in general have larger buildings. The lot adjoining the subject property to the north is improved with an one-story single-family residential dwelling. The lot adjoining the subject property to the south is vacant. The properties directly across Grand Boulevard from the subject site is improved with an one-story single-family dwelling and a two-story multi-family dwelling. The properties on the south side of the rear alley are improved with a two-story structure and an one-story structure. As such, the proposed structures are found to be consistent and visually compatible with the area and deemed not have to a significant impact on the integrity of the neighborhood.

Section 30252 states that new development should maintain and enhance public access to the coast. The subject property is located approximately one-third of a mile inland, and separated from the shoreline by residential development and several streets. The project provides four on-site parking spaces; three space will be provided for the new single-family dwelling and one parking space will be provided for the new ADU. No permanent structures will be erected within the public right-of-way and public access to the coast will not be obstructed. As such, the proposed residential project will not impact or impede public access to the coast.

Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. The subject property is not located on a bluff or cliff, but is located in a Liquefaction Zone and Methane Zone. Therefore, the project must comply with Zoning, Building, and Fire Safety Code regulatory compliance measures and requirements that minimize risks to life and property in hazard areas.

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). Any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

The proposed project will not produce any adverse impacts as it relates to public access, recreation, marine environment, land resources, or existing development as the subject property is located in an urbanized area approximately one-third of a mile inland and buffered from the coast by residential development and several streets. The proposed project will neither interfere nor reduce access to the shoreline or along the coast. The proposed project will not adversely impact any recreational uses and activities, the marine environment, and other environmentally sensitive habit areas. The subject property is not located in an area with known archaeological or paleontological resources and will be required to comply with existing regulations, if discovered. The proposed project will not involve the diking, filling, or dredging of the open coastal waters. The proposed project will be served by existing public facilities and will not degrade the scenic and visual qualities of nor interfere with public access to the coastal area. Therefore, the proposed project will be in conformity with Chapter 3 of the 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 and that the permitted developed will not prejudice the ability of the local government to prepare a LCP that is in conformity with Chapter 3 of the Coastal Act. The Venice LCP Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14,

2001. However, the necessary implementation ordinances of a Local Implementation Plan were not adopted. The City is in the initial stages of completing the LCP. Prior to its adoption, the guidelines contained in the certified LUP are advisory.

As discussed, the project includes the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU); on a property zoned RD1.5-1-O with a General Plan Land Use Designation of Low Medium II Residential. The proposed project is consistent with the following policies of the LUP:

Policy I. A. 1. Residential Development. The maximum densities and building heights in the Venice Coastal Zone shall be defined by the Land Use Plan maps and exhibits as described in this LUP. In the North Venice Subarea, the maximum allowable height is 30 feet with a flat roof and 35 feet with a varied with stepped back roofline. The proposed project offers a varied roofline with a third story step back of 14 feet and 6 inches.

Policy I.A.7 Multi-family Residential – Low Medium II Density

Oakwood, Milwood, Southeast and North Venice

Use: Duplexes and multi-family structures

Density: One unit per 1,500-2000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.

Height: North Venice: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Policy II.A.3 outlines the parking requirements for single family dwellings: Three spaces for a single-family dwelling on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley. The project proposes three parking spaces for the single-family dwelling and one parking space for the AUD for a total of four parking spaces.

The proposed project will be consistent with the policies and development standards of the LUP and Venice Coastal Zone Specific Plan and will not prejudice the ability of the City to prepare a LCP that is in conformity with Chapter 3 of the 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 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 LCP. 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."

The proposed project is the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). The Regional Interpretive Guidelines have been reviewed, analyzed, and considered and the proposed project will be in substantial conformance with the guidelines. In addition to the Regional Interpretative Guidelines, the policies and development standards of the Venice Local Coastal Program Land Use Plan and Venice Coastal Zone Specific Plan have also been reviewed, analyzed, and considered. The proposed project will also be in substantial conformance with the policies and development standards of the Land Use Plan and 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 proposed project is located within the single permit jurisdiction of the Coastal Zone, where the local jurisdiction (City of Los Angeles) issues Coastal Development Permits. The Coastal Commission will render decisions on appeals of the City's Coastal Development permits or Coastal Exemptions. The Coastal Commission took action on the following projects in the Venice Coastal Zone, involving residential uses:

- In April 2019, the Commission found Substantial Issue with an appeal of a Coastal Development Permit for the conversion of an existing 1-story, 1,008 sq. ft. duplex to a single-family dwelling, located at 812-814 Amoroso Place (A-5-VEN-19-0018).
- In March 2019, the Commission approved a Coastal Development Permit on appeal for an after-the-fact conversion of two existing guest rooms to two dwelling units, within a 3-unit apartment building in the Dual Permit Jurisdiction, located at 10 East Anchorage Street (A-5-VEN-19-0006).
- In August 2019, the Commission approved a Coastal Development Permit authorizing the demolition of a two-story single-family dwelling and the construction of a new three-story 3,631 square-foot single-family dwelling with an attached two-car garage and a roof deck, in the Dual Permit Jurisdiction, located at 237 Linnie Canal (5-19-0233).
- In March 2019, the Commission approved a Coastal Development Permit authorizing the demolition of a two-story, multi-unit residential structure and the construction of a new three-story, 4,584 square foot mixed-use structure with a retail space, accessory dwelling unit, single-family residence, and an attached five-car garage with a roof deck, in the Dual Permit Jurisdiction, located at 3011 Ocean Front Walk (5-18-0212 & A-5-VEN-18-0017).
- In October 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a one-story, 855 square-foot single-

family residence and the construction of a three-story over basement, 3,753 square-foot mixed-use development, consisting of 759 square feet of ground floor retail use, a 2,092 square-foot residential unit on the second floor, a roof deck, and an attached four-car garage, located at 706 South Hampton Drive (Application No. A-5-VEN-18-0054).

- In August 2018, the Commission approved a Coastal Development Permit for the demolition of a one-story single-family dwelling and the construction of a two-story, 2,787 square-foot single-family dwelling with a roof deck and attached garage, located at 2412 Clement Avenue (Application No. A-5-VEN-17-0072).
- In August 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a 939 square-foot one-story single-family home and the construction of a 3,027 square-foot two-story, single-family home with an attached two-car garage and roof deck, located at 2416 Frey Avenue (Appeal No. A-5-VEN-18-0037).
- In August 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a 1,099 square-foot one-story single-family dwelling and the construction of a 2,811 square-foot two-story single-family dwelling with an attached two-car garage and a roof deck, located at 2433 Wilson Avenue (Appeal No. A-5-VEN-18-0038).
- In June 2018, the Commission approved a Coastal Development Permit for the demolition of a one-story single-family dwelling on two lots and the construction of a three-story, 1,560 square-foot single-family dwelling and a three-story, 2,060 square-foot single-family dwelling, both with a roof deck and attached garage, located at 676 and 678 Marr Street (Application No. A-5-VEN-0042).
- In April 2018, the Commission approved a coastal development permit for construction of a 3,547 square-foot, 30-foot tall, three-story duplex with an attached four-car garage, located at 217 North Venice Boulevard (Application No. 5-17-0312).
- In April 2018, the Commission approved an Administrative Permit for the demolition of a one-story single-family residence and construction of a two-story 24-foot tall, 3,330 square-foot single-family dwelling located at 2800 S. Dell Avenue (Application No. 5-18-0086).
- In February 2018, the Commission approved a coastal development permit for the construction of a three-story, 4,579 square-foot single-family home with three onsite parking spaces on a vacant lot located at 210 E. Linnie Canal (Application No. 5-17-0598).
- In June 2017, the Commission found no substantial issue with a City approval of a coastal development permit for the demolition of a one-story single-family home and the construction of a two-story, 3,400 square-foot single-family dwelling with an attached two-car garage and roof deck on a lot located at 2325 Wilson Avenue (Application No. A-5-VEN-17-0016).

As such, this decision of the permit-granting authority has been guided by applicable decisions of the 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 one-third of a mile inland in a residential neighborhood developed with single and multi-family dwellings. The subject property is not located between the nearest public road and the sea or shoreline of any body of water. No permanent structures will be placed in the public right-of-way. The required parking spaces will be provided on the subject property. Vehicular access to the parking spaces will be provided via the rear alley. As such, the proposed project will not conflict with any public access or public recreation policies of Chapter 3 of the Coastal Act.

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

Categorical Exemption No. ENV-2018-1486-CE was prepared for the proposed project consistent with the provisions of CEQA. The project the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1), 15303 (Class 3) and 15331 (Class 31).

The Class 1 exemption allows the demolition and removal of small structures including single-family residences and duplexes. The proposed project includes the demolition of the existing duplex on site.

The Class 3 Categorical Exemption allows for the construction and location of a 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 a single-family residence or second dwelling unit in a residential zone. The proposed project includes the construction of a single-family dwelling with an attached ADU.

The Class 31 Categorical Exemption allows projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The subject property is located within the Lost Venice Canals Historic District. The existing duplex at 426 and 428 Grand Boulevard was identified as a Non-Contributor (SurveyLA, April 2015). The project proposes the demolition of an existing structure and the construction of a new single-family dwelling with an attached accessory dwelling unit (ADU).

The existing Contributors are one- and two-story structures with setbacks from the property between five and ten feet. The proposed development is three stories in height providing a front yard setback of 15 feet. Furthermore, the third story maintains an additional third floor step back of 14 feet 6 inches. The bulk and massing of the three-story structure is reduced with a third floor step back. The front portion of the structure is consistent and compatible with the existing Contributors proximate to the site. The proposed development is setback 15 feet from the front property line with an additional third floor step back of 14 feet 6 inches. The proposed development does not impact the integrity of the district due to this substantial set back.

Furthermore, the Exceptions outlined in Section 15300.2 of the CEQA Guidelines do not apply to the proposed 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 in 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 and Methane Zone, 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-O and designated Low Medium II Residential use. The proposed development of a single-family dwelling with an ADU 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. The surrounding properties are developed with single-family dwellings. The subject property is of a similar size and scope to these properties. The proposed project consists of work typical to a residential neighborhood. Thus, there are no unusual circumstances that will lead to a significant effect on the environment.
- (d) Scenic Highways. The only State-designated Scenic Highway in the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of the Topanga State Park. The subject property is located over eight miles to the southeast of State Route 27. Therefore, the proposed project will not create any impacts to scenic resources within a State-designated Scenic Highway.

- (e) Hazardous Waste Sites. According to the EnviroStor, the State of California's database of hazardous waste sites, neither the subject property nor any property in the vicinity, is identified as a hazardous waste site.
- (f) Historical Resources. The project site is located within the Lost Venice Canal Historic District (SurveyLA). As previously discussed, the existing duplex at 426 and 428 Grand Boulevard is identified as a Non-Contributor to the District (SurveyLA, April 2015). The project proposes the demolition of the existing structure and the construction of a new three-story single-family dwelling with an attached Accessory Dwelling Unit (ADU). The proposed project was reviewed by the Office of Historic Resources, and the proposed development was found to maintain the integrity of the Resource. The existing Contributors are one- and two-story structures with setbacks from the front property line between five and ten feet. The proposed design steps back the third story by 29 feet 6 inches from the property line and does not impact the integrity of the district due to this substantial set back.

Therefore, the proposed project is determined to be categorically exempt and does not require mitigation or monitoring measures. No alternatives of the proposed project were evaluated. The 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 duplex located on a 4,500 square-foot lot in the Venice Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated December 12, 2013 states that the property currently maintains a duplex with two one-bedroom units. The property owner provided lease agreements and a rental registration certificate for both units. The unit at 426 Grand Boulevard was rented at \$1,092 per month and the unit at 428 Grand Boulevard was rented at \$1,171 per month. Based on this information, HCIDLA determined that two (2) affordable units exist at the property. Therefore, two Affordable Existing Residential Units are 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 (AERU) is located within a duplex. 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 City Land Use and submitted on October 8, 2018 (revised February 2020) for review. The study provided the estimated cost and revenue of the proposed project. Several scenarios were analyzed to determine if two Affordable Replacement Units (ARU) could be provided onsite, offsite (within the coastal zone), and offsite in (within three miles of 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).

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 two ARUs onsite or offsite provided a negative return on investment.

The supplemental information provided by the Applicant included the actual and estimated cost of land, improvements/construction, fees, loans, and expected revenue. Using the cost per square feet for development and the sale price of market-rate and moderate-income units, additional scenarios were analyzed to determine if it would be feasible to provide one ARU onsite and considered the development of the single-family dwelling with two affordable ADUs. However, based on the high cost of development (land and construction), a project providing one ARU did not reach a gross margin that would be considered feasible.

Upon review of the feasibility study and supplemental documents submitted by the Applicant, it would not be feasible to replace 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 demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). Pursuant to Part 2.4.2 of the Interim Administrative Procedures, development that 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.

ADDITIONAL MANDATORY FINDINGS

9. 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 the subject property is located in Zone X, areas determined to be outside the 500-year flood plain.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's 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, (310) 231-2912 or through the Department of City Planning website at <https://planning.lacity.org/>. 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 Director's determination in this matter will become effective after **10 working 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. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of 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

Approved by:

Reviewed by:


Faisal Roble, Principal City Planner


Juliet Oh, Senior City Planner

Prepared by:



Ira Brown, City Planning Associate
Ira.Brown@lacity.org

Exhibit 6 – WLAAPC Letter of Determination (December 10, 2020)



WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION **Corrected Copy*

Mailing Date: **DEC 10 2020**

CASE NO. DIR-2018-1485-CDP-MEL-1A
CEQA: ENV-2018-1486-CE
Plan Area: Venice

Council District: 11 - Bonin

Project Site: 426-428 East Grand Boulevard
Applicant: Dustin Miles, Xingyun LLC
Representative: Lea Arenas City Land Use, Inc.
Appellant: Bill Przulski, People Organized for Westside Renewal (POWER);
Robin Rudisill; Kevin and Teri Keresey; Jason Lord

At its meeting of **August 19, 2020**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the disapproval of the following project:

The demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot Accessory Dwelling Unit (ADU).

1. **Granted** the appeal and **overturned** the Planning Director's April 22, 2020 determination;
2. **Disapproved**, pursuant to Section 12.20.2 of the Los Angeles Municipal Code (LAMC), a Coastal Development Permit for the Proposed Project within the Single-Permit Jurisdiction of the California Coastal Zone;
3. ***Took no action on a Mello Act Compliance Review (Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures) for the demolition of two Residential Units and construction of two Residential Units in the Coastal Zone; and**
4. **Adopted** the attached Findings as amended by the Commission.

This action was taken by the following vote:

Moved: Margulies
Second: Rozman
Ayes: Waltz Morocco
Absent: Newhouse, Yellin

Vote: 3 – 0

James K. Williams, Commission Executive Assistant II

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

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Mello Act Compliance Review

Pursuant to provisions of the Mello Act, the conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. (Cal. Gov. Code Sec. 65990(b).) The Planning Director issued a Mello Act Compliance Determination, dated April 22, 2020, in accordance with the requirements of the City's Interim Administrative Procedures and provisions of the Mello Act.

At its August 19, 2020 hearing, the West Los Angeles Area Planning Commission considered an appeal of the Mello Act Compliance Review. The Commission's denial of the project on other grounds (Coastal Development Permit application) results in no development and authorizes no demolition or conversion of existing residential dwelling units. As such, no additional Findings are required for Mello Act Compliance Review.

ADDITIONAL MANDATORY FINDINGS

9. 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 the subject property is located in Zone X, areas outside of a flood zone.

In both cases, the California Coastal Commission and Staff Recommendation state that the loss of density, in areas designated by the LUP for more dense development and that development out of scale with community character, "raise a substantial issue as to the development's conformity with the Chapter 3 policies of the Coastal Act."

As amended, this final decision of the West Los Angeles Area Planning Commission to deny the Coastal Development Permit 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 applicable decisions of the Coastal Commission shall guide local governments in their actions in carrying out their responsibility and authority under the California 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 California 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 California 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 one-third of a miles from the Pacific coast. 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 provides four spaces; three parking spaces for each new single-family dwelling and one parking space for the ADU. All parking spaces are accessed from the alley. By increasing off-street parking capacity, the project enhances the public right-of-way. As proposed, the project will not conflict with any public access or public recreation policies of the California Coastal Act.

6. **An appropriate environmental clearance under the California Environmental Quality Act has NOT been granted.**

A proposed Categorical Exemption, ENV-2018-1486-CE, was initially prepared for the proposed project consistent, with the provisions of the California Environmental Quality Act (See Director's Determination, dated April 22, 2020). However, pursuant to Section 21080(b)(5) of the California Environmental Quality Act, projects which a public agency rejects or disapproves are not subject to environmental review. As such, in denying the project on appeal, the West Los Angeles Area Planning Commission did not grant an environmental clearance for this project.

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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 includes the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for the North Venice Subarea. However, as previously stated in Finding Number 1, the project does not comply with the policies of the certified Venice Land Use 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 one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). While the Director's approval was guided by applicable decisions of the California Coastal Commission, the determination failed to consider two recent applicable actions by the Coastal Commission in considering Appeals of City Coastal Development Permits (CDP) involving the loss of existing density in the Venice Coastal Zone:

- On June 11, 2015, the Coastal Commission found Substantial Issue with a CDP issued by the City, for the construction of a two-story, 1,064 square-foot single-family dwelling and an attached 361 square-foot two-car garage, located at 416 Grand Boulevard. At the de novo hearing, Coastal Commission denied the project finding that the project was not consistent with Chapter 3 policies of the Coastal Act with regards to the community character provisions of the certified Venice Plan Use. (Application No. A-5-VEN-15-0026 and A-5-VEN-15-0027).
- On June 12, 2019, the Coastal Commission was scheduled to hear an appeal of the City's CDP for the demolition of a duplex and construction of a new single-family dwelling, located at 21 29th Avenue. The Coastal Commission Staff Recommendation was to find Substantial Issue with the City's CDP. The Appeal was postponed to a later date (Application No. A-5-VEN-19-0022).

The proposed project consists of the demolition of an existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with attached four-car garage, roof deck and a 860 square foot attached Accessory Dwelling Unit (ADU). 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.1 identifies general residential development standards regarding roof access structures and lot consolidation restrictions. No more than two lots may be consolidated in the North Venice neighborhood. Roof Access Structures (RAS) are limited to a height of 35 feet, measured from the centerline of Grand Boulevard 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.

Policy I.A.7 states that areas designated as "Multiple Family Residential" and "Low Medium II Density" shall accommodate the development of multi-family dwelling units and shall comply with the density and development standards set forth in the Land Use Plan.

Use: Duplexes and multi-family structures.

Density: Lots smaller than 4,000 square feet are limited to a maximum density of two units.

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Building height shall not exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied roofline. Any portion that exceeds 25 feet in height shall be setback from the required front yard one foot for every foot in height above 25 feet.

The project proposes the development of a new single-family dwelling with an ADU, inconsistent with the "duplexes and multi-family structures" outlined in Policy 1.A.7 as permitted uses. As such, the proposed project would result in the loss of density in the Coastal Zone, which over time will change the character of the neighborhood. Moreover, the neighborhood character is defined by physical and social attributes, including racial, ethnic and income diversity. The existing community character is defined by a high proportion of rental units, where the intent of the certified LUP is to maintain a stable rental housing market near the coast. The demolition of a duplex and the construction of a single-family dwelling would erode the physical and social character of the neighborhood. A single-family dwelling with an Accessory Dwelling Unit does not function and have the same purpose as a multi-family dwelling. Hence over time, the replacement of multi-family dwellings with large single-family dwellings will change the unique coastal character of this neighborhood, which will in turn 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**

minimize risks to life and property in hazard areas.

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). Any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

In short, the proposed project is not compatible with the mass, scale and character of the surrounding neighborhood. The proposed development does not conform to Chapter 3 of the California Coastal Act.

2. **The development WILL 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. Among the various Venice Coastal Issues that were identified in the certified LUP, were issues such as: the preservation of existing housing stock; preservation of community character, scale and architectural diversity; and development of appropriate height, density, buffer and setback standards. The City is in the initial stages of preparing its LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. However, the issues identified in the LUP remain important matters for consideration in the City's efforts to prepare an LCP in conformity with Chapter 3 of the Coastal Act.

neighborhood character is defined by physical and social attributes, including racial, ethnic and income diversity. The existing community character is defined by a high proportion of rental units, where the intent of the certified LUP is to maintain a stable rental housing market near the coast. The demolition of a duplex and the construction of a single-family dwelling would erode the physical and social character of the neighborhood. A single-family dwelling with an Accessory Dwelling Unit does not function and have the same purpose as a multi-family dwelling. Hence over time, the replacement of multi-family dwellings with large single-family dwellings will change the unique coastal character of this neighborhood.

Specifically, the Venice Land Use Plan (LUP), which was certified by the California Coastal Commission, and is designed to guide development consistent with Chapter 3 of the Coastal Act, includes development policies that serve to maintain the character of Venice's different neighborhoods. In Venice's multi-family neighborhoods, the LUP sets forth that "It is the intent of Venice LUP to maintain existing stable multi-family residential neighborhoods." (p. II - 10.)

Policy I.A.5, titled "Preserve and Protect Stable Multi-Family Neighborhoods," requires that new development "Preserve and protect stable multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained and improved."

Additionally, Policy 1.A.7 states that in Multi-Family Low-Medium II Density areas, "[s]uch development shall comply with the density and development standards set forth in this LUP." Specifically, the development standards of this particular area calls for "Duplexes and Multi-Family structures." The proposed development of a new single-family dwelling with an ADU is inconsistent with the "duplexes and multi-family structures" outlined in Policy 1.A.7 as permitted uses. A single-family dwelling with an ADU does not meet the definition of a duplex or two-family structure.

In addition, the proposed project is inconsistent with the policy recommendations in the Venice Land Use Plan to preserve and maintain multi-family neighborhoods.

In summary, approval of the proposed development is inconsistent with these policies of the LUP designed to maintain the character of stable Multi-Family neighborhoods, and as such, is further inconsistent with the mandates of Section 30251 that new development be consistent with the character of the surrounding area.

Section 30252 states that new development should maintain and enhance public access to the coast. The subject property is located approximately one-third of a mile inland and separated from the shoreline by residential development and several streets. The project provides four on-site parking spaces; three space will be provided for the new single-family dwelling and one parking space will be provided for the new ADU. No permanent structures will be erected within the public right-of-way and public access to the coast will not be obstructed. As such, the proposed residential project will not impact or impede public access to the coast.

Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. The subject property is not located on a bluff or cliff, but is located in a Liquefaction Zone and Methane Zone. Therefore, the project must comply with Zoning, Building, and Fire Safety Code regulatory compliance measures and requirements that

accommodate it. As such, the proposed project will not have a significant adverse impact on coastal resources.

Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The character of the area is defined by the predominance of narrow lot residential structures. The project proposes the demolition of a duplex and the development of a single-family dwelling with an Accessory Dwelling Unit on double lot with a front of 50 feet on Grand Boulevard. Such development would be inconsistent with the predominant 25 and 30-foot lot development of the surrounding area and would also result in a loss of density in an area zoned for multi-family development. As such, the proposed project would result in development that is not compatible with the surrounding area.

The lot adjoining the subject property to the north is improved with a one-story single-family residential dwelling. The lot adjoining the subject property to the south is vacant. The properties directly across Grand Boulevard from the subject site are improved with a one-story single-family dwelling and a two-story multi-family dwelling.

There are 30 lots located on the block of Grand Boulevard between Riviera Avenue and Andalusia Avenue. These lots are developed with single- and multiple-family dwellings. The north side of Grand Boulevard was generally developed during the 1920s with some postwar redevelopment. The lot widths on the north side of this block are 30 feet. The south side of Grand Boulevard contains postwar multiple-family development (duplexes and fourplexes). The lot widths on the north side of this block are 25 feet, except for the two corner lots at Rivera Boulevard. As such, the predominant building massing for this block is contained within narrow 25 and 30-foot lots.

There are 20 structures located on this block of Grand Boulevard built on single lots and consolidated lots, excluding the subject site. Specifically, within this block, there are 17 single lots, five double-lots and one triple-lot. The six lots that have been consolidated contain the following housing types: one single-family dwelling, three duplexes and one fourplex. The height profile for this block includes nine one-story structures, eight two-story structures and three three-story structures. In addition, this block contains three vacant lots. The average square footage for structures on this block of Grand Boulevard is between 2,000 and 2,500 square feet with the largest structure containing 3,272 square feet and the smallest structure containing 777 square feet.

The proposed project is out of scale with the neighborhood character and results in the loss of density in the Coastal Zone, which over time will change the character of the neighborhood. The proposed project is not compatible with the scale of the surrounding area as required under section 30251. For example, the project is significantly larger than contributing structures in the Lost Canal Historic District, where the Contributors are one and two-stories and less than 2,000 square feet. In addition, the proposed project is built over two Consolidated Lots and is out of scale with the narrow-lot massing of the existing structures on this block. The square footage for the proposed project is significantly larger than the other structures on this block. Moreover, there is only one single-family structure built on Consolidated Lots on this block.

In addition, the proposed project would result in the loss of density in the Coastal Zone, which over time will change the character of the neighborhood. Moreover, the

FINDINGS

As amended by the West Los Angeles Area Planning Commission on August 19, 2020

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. Based on the entire administrative record in this case, including the Planning files, all evidence, testimony, reports, and documents submitted in connection with the application, as well as the, Director's hearing, all appeal hearings and deliberation by the West Los Angeles Area Planning Commission on August 19, 2020, the Commission finds as follows:

1. The development **does NOT** conform with Chapter 3 of the California Coastal Act of 1976.

The subject property is comprised of two, flat, rectangular-shaped interior lots with a total area of 4,500 square feet. The subject property has a frontage of 50 feet on Grand Boulevard with an even length of 90 feet. The subject property adjoins an alley to the rear. The subject property is zoned RD1.5-1-O and designated Low Medium II Residential in the Venice Community Plan area. The subject property is located in the Single Permit Jurisdiction area of the Coastal Zone, North Venice subarea of the Venice Coastal Zone Specific Plan, Lost Venice Canals Historic District and the Los Angeles Coastal Transportation Corridor Specific Plan Area. It is also located within the Calvo Exclusion Area, Liquefaction area, Tsunami Inundation Zone, Methane Zone and approximately 5.27 kilometers from the Santa Monica Fault Line. The subject property is improved with a 1,473 square-foot, one-story, duplex built in 1947.

The proposed project includes the demolition of the existing one-story duplex and the construction of a new three-story, 3,977 square foot single-family dwelling with an attached four-car garage, a roof deck and an 860 square foot attached Accessory Dwelling Unit (ADU).

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

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The project will consist of demolition and new construction on a flat site. As such, little to no excavation and grading are proposed. If required, excavation and grading 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 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources. The subject property is improved with a duplex, located in a residential neighborhood developed with similar single and multiple-family dwellings. The proposed project will maintain two dwelling units on site (single-family dwelling and an accessory dwelling unit); therefore, the proposed project will maintain the existing density on the site. All required parking will be provided on-site via the rear alley. The project site will be served by the existing police and fire stations, schools, and other public services in the area. In short, the project is located within, contiguous with, and in close proximity to existing developed areas able to

Effective Date/Appeals: The action by the West Los Angeles Area Planning Commission on this matter is final and effective upon the mailing date of this determination and is the final appeal procedure within the appeal structure in the City of Los Angeles.

California Coastal Commission/Appeals: Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Area Planning Commission's action shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame. The proposed development **is in the single-permit jurisdiction area.** This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

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.

Attachments: Amended Findings

c: Juliet Oh, Senior City Planner
Ira Brown, City Planning Associate

California Coastal Commission
A-5-VEN-21-0010
Exhibit 6
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