

**CALIFORNIA COASTAL COMMISSION**

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



# F19a

**A-5-VE -21-0069 (315 6th Avenue LLC**

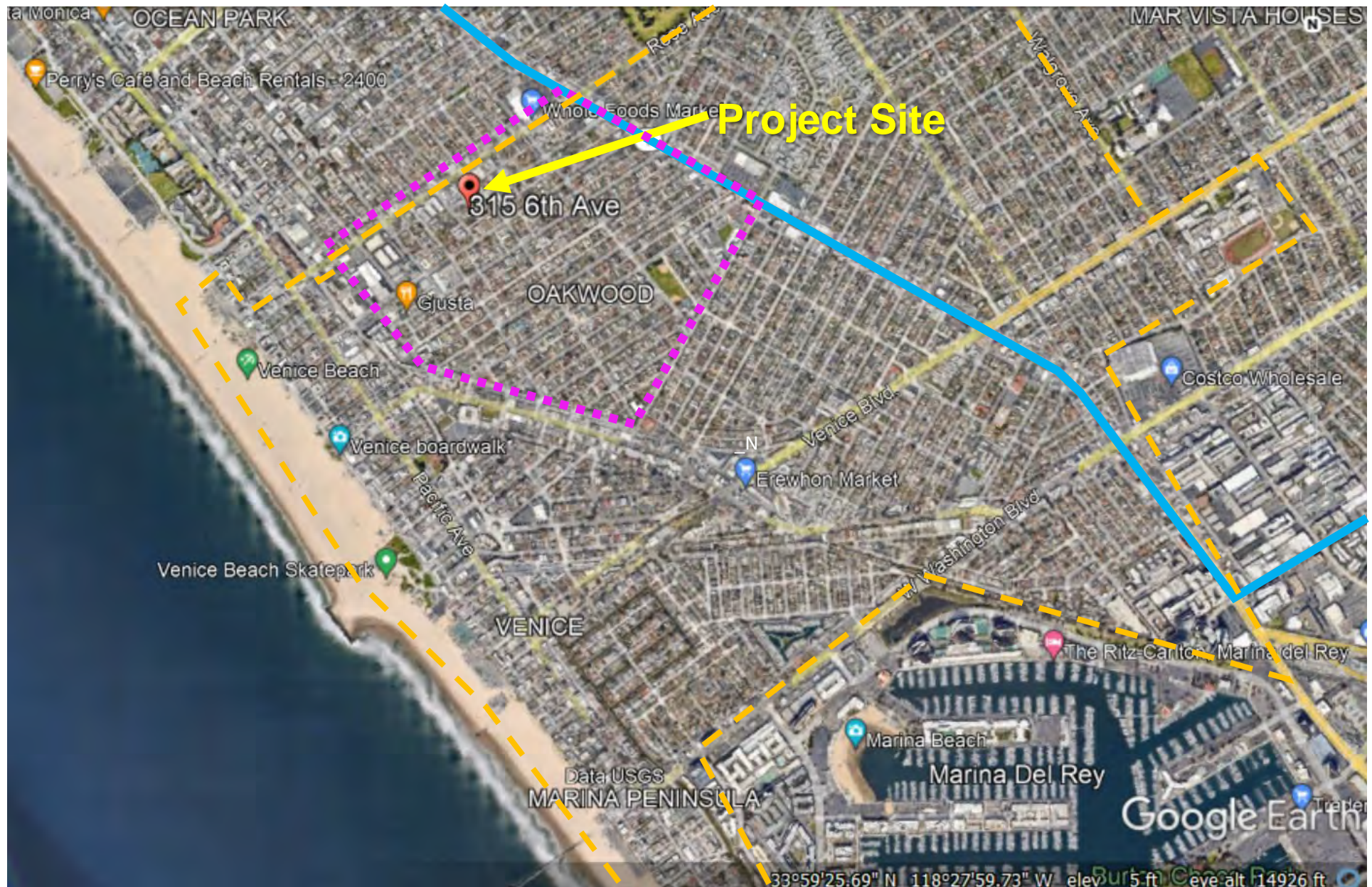
**May 13, 2022**

## **EXHIBITS**

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# Exhibit 1 - Vicinity Map and Project Site



Approximate Coastal Zone Boundary

Oakwood

Approximate Boundaries of Venice



Exhibit 2 - City-Approved Plans

PROJECT TEAM

**OWNER**

**WYLAN JAMES**  
15101 WEST WASHINGTON BLVD  
LOS ANGELES, CA 90098  
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**CIVIL**

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CONTACT: KEVIN LI

**LANDSCAPE ARCHITECTURE**

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**SHORING ENGINEER**

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CONTACT: ALEXIS ORDONEZ

**MECHANICAL / PLUMBING**

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EMAIL: CHARTON@HARTONENG.COM  
CONTACT: CELESTIN HARTON

**GEOTECH ENGINEER**

**PACIFIC GEOTECH**  
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HACENDITA HEIGHTS, CA 91745  
PHONE: 626.333.8507  
EMAIL: INFO@PGCBOIL.COM  
CONTACT: JACK JIRAYUS PUKKANASUT

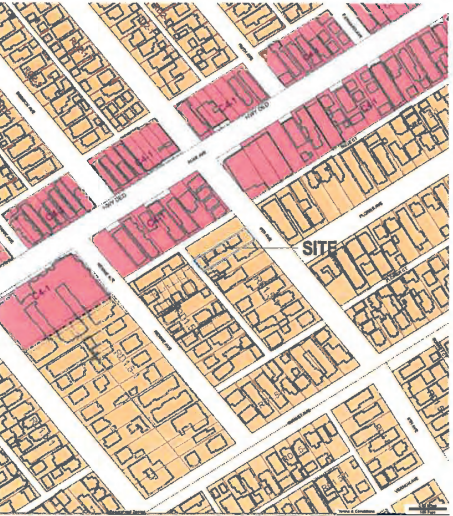
**ELECTRICAL**

**HARTON ENGINEERS**  
458 E ORANGE GROVE BLVD, #301  
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PHONE: 626.449.4223  
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**STRUCTURAL**

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PHONE: 213.230.9700  
EMAIL: N/A  
CONTACT: N/A

VICINITY MAP



PROJECT INFO

PROJECT ADDRESS	315 6TH AVENUE VENICE, CA 90291
ASSESSOR'S PARCEL NUMBER	COUNTY: LOS ANGELES COUNTY 4240010010
PARCEL AREA	6,358.2 SF
PROJECT DESCRIPTION	CONSTRUCTION OF A NEW SEPARATED DUPLEX 100% PRIVATE FUNDING
LEGAL DESCRIPTION	REF SURVEY
ZONING SUMMARY	RD1.5-1
SPECIFIC PLAN AREA	VENICE COASTAL ZONE
SPECIFIC PLAN SUBAREA	CAWWOOD-MILWOOD-SE VENICE
MAXIMUM ALLOWABLE HEIGHT	30'
FAR	3:1
PARKING	TWO SPACES PER DU 1 GUEST SPACE PER FOUR DUS TOTAL REQUIRED: 5 TOTAL SHOWN: 5
BICYCLE PARKING	SHORT TERM ONE SPACE PER TEN UNITS TOTAL REQUIRED: 1 TOTAL SHOWN: 2 LONG TERM ONE SPACE PER TEN TOTAL REQUIRED: 2 TOTAL SHOWN: 2
OPEN SPACE	NOT REQUIRED PER LAMC 12.21.G
BUILDING OCCUPANCY SUMMARY	RESIDENTIAL
TYPE OF CONSTRUCTION	TYPE V-A OVER 1-A
FIRE PROTECTION	NFPA 13P
PROPOSED HEIGHT	30'
APPLICABLE CODES	• CITY OF LOS ANGELES MUNICIPAL CODE • 2018 CALIFORNIA RESIDENTIAL CODE® • 2018 CALIFORNIA FIRE CODE® • 2018 CALIFORNIA MECHANICAL CODE® • 2018 CALIFORNIA PLUMBING CODE® • 2018 CALIFORNIA ELECTRICAL CODE® • 2018 GREEN BUILDING STANDARDS
*WITH COUNTY OF LOS ANGELES AMENDMENTS	

DRAWING SYMBOLS LEGEND

SHEET REFERENCE

View Name

VIEW NUMBER

GRID LINE AND BUBBLE

BUILDING STORY / FLOOR  
NUMBER AND ELEVATION  
DATUM

BUILDING ELEVATION  
REFERENCES

BUILDING SECTION  
REFERENCES

PROJECT NORTH ARROW

SCALE BAR

ROOM NAME AND NUMBER

REVISION CLOUD AND DELTA TAG

MATCHLINE

DOOR NUMBER / TYPE

WINDOW & REJITE NUMBER / TYPE

TEMPERED GLAZING

PARKING STALL NUMBER AND TYPE

KEYNOTE NUMBER



SHEET LIST	
NUMBER	NAME
G001	PROJECT INFO & ZONING
G006	NET AREAS
G007	SURVEY
A001	SITE PLAN
A200	FIRST & SECOND FLOOR PLANS
A201	THIRD & ROOF PLANS
A400	SOUTH & NORTH ELEVATIONS
A401	EAST & WEST ELEVATIONS
A500	SECTIONS

NOTES:

1. ALL DIMENSIONS IN FEET.

2. THIS DRAWING IS TO BE USED IN CONNECTION WITH ALL RELEVANT CONTRACT DOCUMENTS.

3. THIS DRAWING IS TO BE USED IN CONNECTION WITH ALL SUBSEQUENT DRAWINGS.

4. REPORT ANY DISCREPANCIES, OMISSIONS AND/OR OMISSIONS TO THE ARCHITECT AS SOON AS POSSIBLE.

5. THE ARCHITECT'S DESIGN IS SUBJECT TO THE CITY OF LOS ANGELES' REVIEW AND APPROVAL. THE ARCHITECT'S DESIGN IS SUBJECT TO THE CITY OF LOS ANGELES' REVIEW AND APPROVAL. THE ARCHITECT'S DESIGN IS SUBJECT TO THE CITY OF LOS ANGELES' REVIEW AND APPROVAL.

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REV	DATE	DESCRIPTION
1	04.25.19	PRELIMINARY REVIEW

**Ben Adams Studio**

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2nd Floor  
Los Angeles, CA 90007

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info@benadamsstudio.com

PROJ. NO. 19-119

SCALE: As Shown

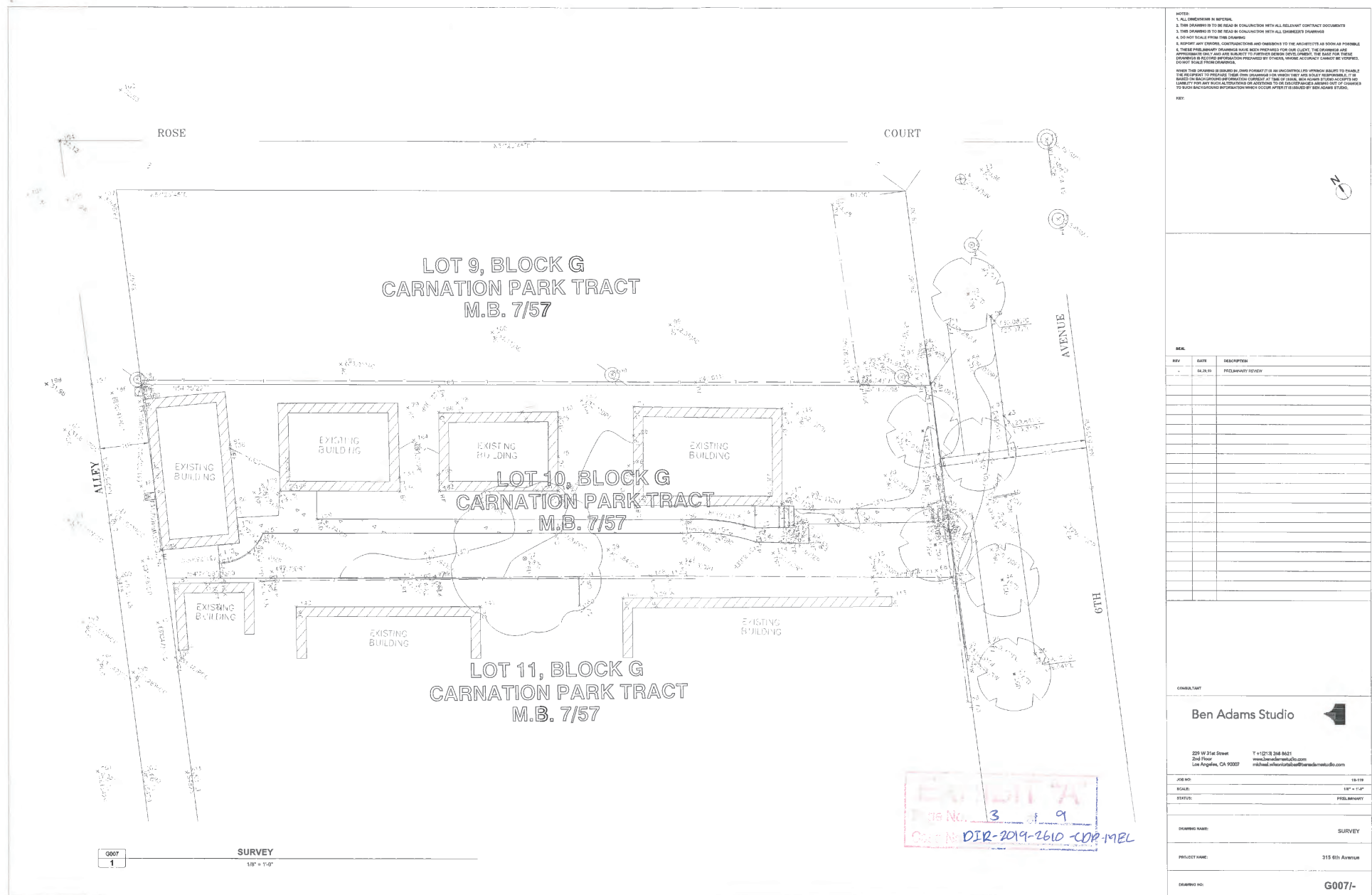
STATUS: PRELIMINARY

DRAWING NAME: PROJECT INFO & ZONING

PROJECT NAME: 315 6th Avenue

DRAWING NO.: G001/-

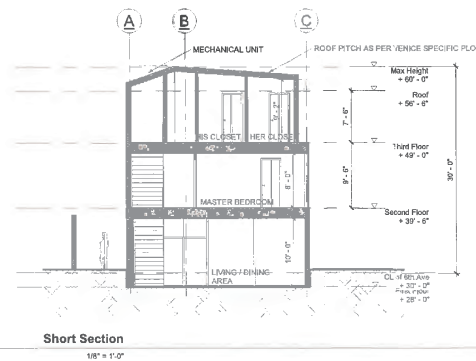
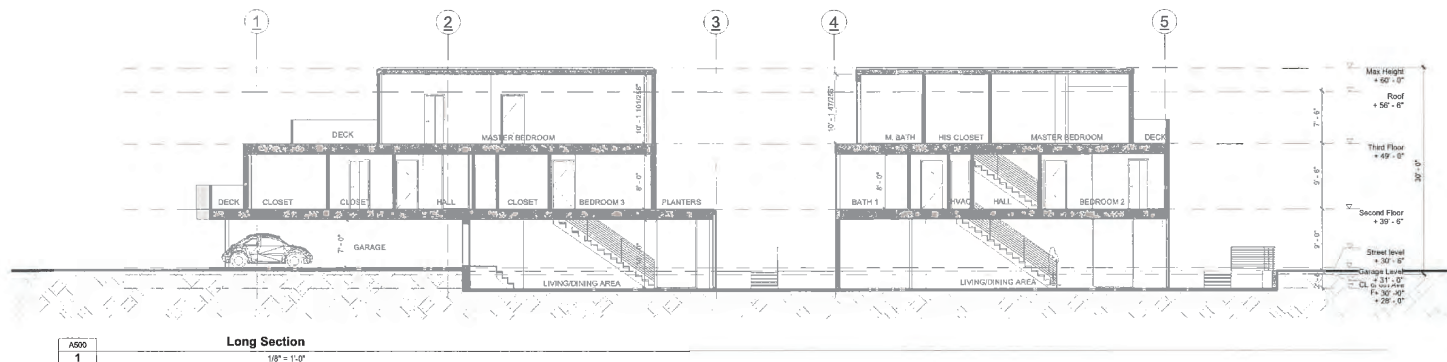












NOTES:  
 1. ALL DIMENSIONS IN FEET/INCHES.  
 2. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACT DOCUMENTS.  
 3. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL ENGINEER'S DRAWINGS.  
 4. DO NOT SCALE FROM THIS DRAWING.  
 5. REPORT ANY ERRORS, OMISSIONS AND CONFLICTS TO THE ARCHITECT AS SOON AS POSSIBLE.  
 6. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS AND CONFLICTS THAT MAY OCCUR AS A RESULT OF THE USE OF THIS DRAWING FOR ANY OTHER PURPOSES.  
 7. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS AND CONFLICTS THAT MAY OCCUR AS A RESULT OF THE USE OF THIS DRAWING FOR ANY OTHER PURPOSES.  
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 10. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS AND CONFLICTS THAT MAY OCCUR AS A RESULT OF THE USE OF THIS DRAWING FOR ANY OTHER PURPOSES.

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EX-107  
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 DIR. 2019-2610-COPMEL

CONSULTANT

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DATE: 10/1/19

SCALE: As Indicated

STATUS: PRELIMINARY

DRAWING NAME: SECTIONS

PROJECT NAME: 315 5th Avenue

DRAWING NO: A500J-













# WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

Mailing Date: AUG 26 2021

**CASE NO. DIR-2019-2610-CDP-MEL-1A**

Council District: 11 - Bonin

CEQA: ENV-2019-2613-CE

Plan Area: Venice

Related Case: AA-2019-2609-PMLA-SL-1A

**Project Site:** 313 and 315 South 6<sup>th</sup> Avenue

**Applicant:** Brock Wylan  
Representative: Steve Kaplan, Law Office of Steve Kaplan

**Appellant:** People Organized for Westside Renewal (POWER); Citizens Preserving Venice, Robin Rudisill, Kevin Denman, Leanne Chase

At its meeting of **August 18, 2021**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

The demolition of four single-family dwellings, a parcel map for the subdivision of a 6,380 square-foot lot to create two Small Lots with lot areas of 3,800 square feet (Parcel A-rear lot) and 2,580 square feet (Parcel B-front lot), and the construction of a three-story single-family dwelling with an attached Accessory Dwelling Unit (ADU) and rooftop deck on each new small lot. The new residential structure on Parcel A is 3,448 square feet comprised of a 2,591 square-foot single family dwelling (Unit A.2) and an 857 square-foot ADU (Unit A.1). The new residential structure on Parcel B is 3,190 square feet comprised of a 2,088 square-foot single-family dwelling (Unit B.2) and a 1,102 square-foot ADU (Unit B.1). A total of five parking spaces are provided.

1. **Determined** that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15303, 15315, and 15332, and determine that there is no substantial evidence demonstrating that an exception to the Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Director's Determination dated November 9, 2020;
3. **Approved**, pursuant to Section 12.20.2 of the Los Angeles Municipal Code, a Coastal Development Permit for the Proposed Project, located in the Single Permit Jurisdiction area of the Coastal Zone;
4. **Approved**, pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, a Mello Act Compliance Review for the demolition of four Residential Units and construction of four Residential Units in the California Coastal Zone;
5. **Adopted** the attached Conditions of Approval as modified by the Commission; and
6. **Adopted** the attached amended Findings.

This action was taken by the following vote:

Moved: Waltz Morocco  
Second: Yellin  
Ayes: Laing  
Nays: Margulies  
Absent: Newhouse

**Vote: 3 – 1**



James K. Williams, Commission Executive Assistant II

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

**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.

**Notice:** An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable to a City appellate body** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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: Modified Conditions, Amended Findings, Interim Appeal Filing Procedures

c: Juliet Oh, Senior City Planner  
Elizabeth Gallardo, City Planner  
Sienna Kuo, Planning Assistant

**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.** Four Residential Units shall be constructed. One single-family dwelling and attached ADU shall be permitted on each new small lot created pursuant to Parcel Map No. AA-2019-2609-PMLA-SL and Small Lot Subdivision Ordinance 185,462; the small lot subdivision will result in two Small Lots.
4. **Setback.** The proposed project shall provide a front yard setback of 15 feet, fronting 6<sup>th</sup> Avenue.
5. **Height.** The project features both flat and varied rooflines; portions of the structure with flat rooflines shall be limited to a height of 25 feet and portions with varied rooflines (slope greater than 2:12) shall be limited to a height of 30 feet; the portions exceeding 25 feet shall be stepped back from the required front yard one foot in depth for every foot in height above 25 feet. Height shall be measured from the midpoint of the centerline of 6<sup>th</sup> Avenue.
6. **Parking and Access.** As shown in "Exhibit A" and as approved by the Department of Building and Safety, the subject project shall provide five (5) parking spaces onsite; each single-family dwelling will be designated two spaces and one guest parking space is provided. All vehicle access shall be from the rear alley.
7. **Roof Structures.** Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
8. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction Area of the California Coastal Zone. Prior to the issuance of any permits, the applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
9. This approval is tied to Case No. AA-2019-2609-PMLA-SL. The applicant shall comply with the conditions of approval listed in Case No. AA-2019-2609-PMLA-SL, which are incorporated herein by reference )
10. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
11. 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.



12. 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.
13. 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.
14. Prior to the commencement of site excavation and construction activities a Construction Site Notice shall be posted on the site in a manner, which is readily visible to any interested party.
15. 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**

16. **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.
17. **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.
18. **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.
19. **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.
20. **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.

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



## **FINDINGS**

As amended by the West Los Angeles Area Planning Commission on August 18, 2021.

### **Coastal Development Permit**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative.

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

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

*Section 30244 Archaeological and Paleontological Resources. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.* The proposed project consists of the demolition and construction of four dwelling units. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are later discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

*Section 30250 Location; Existing Developed Area. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.* The project site is located in a developed residential neighborhood improved with single and multi-family dwellings. The proposed project can be accommodated by the existing infrastructure and by existing public services. The area surrounding the project is developed with other residential dwellings thereby making the project site contiguous with, and in close proximity to, existing developed areas that are able to accommodate it.

*Section 30251 Scenic and Visual Qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.* The proposed project includes the demolition of four single-family dwelling units, subdivision resulting in two Small Lots, construction of a three-story, single-family dwelling unit with an attached Accessory Dwelling Unit (ADU) on each new Small Lot, and five parking spaces onsite. The new residential structure on Parcel A (rear lot) is 3,800 square feet, comprised of a 857 square-foot ADU on the ground

level and a 2,591 square-foot single-family dwelling. The new residential structure on Parcel B (front lot) is 3,190 square feet, comprised of a 1,102 square-foot ADU on the ground level and a 2,088 square-foot single-family dwelling. The development would replace four single-family dwellings with two residential structures that contain two dwelling units. The project is located within a residential neighborhood zoned RD1.5-1 and is developed with single and multi-family residential structures that are one to three stories in height. There are 38 residential structures in the neighborhood block bound by Rose Court to the north and Flower Court to the south. Of the 38 structures, 2 are three stories, 19 are two stories, and 17 are one-story structures. The proposed development provides a 15-foot front yard setback, consistent with the requirements of the RD1.5 zone and further steps the third-story back five feet from the front yard, reducing the massing of the structure at the facade. The site is located within an area adjacent to a commercial corridor zoned C4-1 that is designated for Community Commercial use and developed with commercial buildings one to three stories in height. The subject site and surrounding area are relatively flat with no direct views to the Pacific Ocean; no natural landforms will be altered as part of the project. As such, the proposed project will be visually compatible with the character of the surrounding area.

*Section 30252 Maintenance and Enhancement of Public Access. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.* The project proposes the demolition of four single-family dwelling units, subdivision of a lot to two small lots, construction of a three-story single-family dwelling unit with attached Accessory Dwelling Units and roof deck on each newly subdivided lot, with five parking spaces provided onsite; two spaces will be provided for each single-family dwelling and one guest parking space will be shared. As conditioned by Case No. AA-2019-2609-PMLA-SL, the project is required to construct a 5-foot wide sidewalk and landscaping on 6<sup>th</sup> Avenue and reconstruct portions of the rear alley. The project provides sufficient parking for the single-family dwellings and ADUs and the required improvements to the adjacent right-of-way will enhance maintain and enhance public access for both vehicles and pedestrians. No permanent structures will be placed within the public-right-of way and public access to the coast will not be obstructed. As such, the proposed project will not conflict with any public access policies of the Coastal Act.

*Section 30253 Minimization of Adverse Impacts. New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics,*

*are popular visitor destination points for recreational uses.* The property is located within the Calvo Exclusion Area, Liquefaction Zone, and within 4.06 kilometers from the Santa Monica Fault. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in geologic and methane hazard areas.

The project proposes the demolition of four single-family dwelling units, subdivision of a 6,380 square-foot lot to two small lots, and the construction of a three-story, single-family dwelling with an attached ADU and roof deck for each lot, and five parking spaces located onsite. The project would have no adverse impacts on public access, recreation, public views, or the marine environment, as the property is located within a developed residential area adjacent to 6<sup>th</sup> Avenue. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling, or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or designate public access views. The proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program (LCP), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan (LUP) was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. 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 roof access structure is proposed. The project is limited to the development of one lot.

Policy I.A.7 outlines density and development standards for areas designated for multi-family dwellings.

**Use:** Duplexes and multi-family structures. The project consists of the construction of two three-story single-family dwelling unit with ADU and roof deck, one on each newly created lot. The new residential structure on Parcel A (rear lot) is 3,448 square feet, comprised of a 857 square-foot ADU on the ground level and a 2,591 square-foot single-family dwelling. The new residential structure on Parcel B (front lot) is 3,190 square feet, comprised of a 1,102 square-foot ADU on the ground level and a 2,088 square-foot single-family dwelling. Each new residential structure will contain two dwellings.

**Density:** One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units. The project proposes a density of one parcel on each newly subdivided lot. Parcel A has a lot size of 3,800 square-feet and Parcel B has a lot size of 2,580 square-feet.

**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. The proposed yards are consistent with existing pattern of development along 6<sup>th</sup> Avenue and comply with the requirements of Ordinance No. 176,354 (Small Lot Ordinance).

**Height:** Building height shall not exceed 25 feet for buildings with roofs or 30 feet for buildings with a varied roofline (slope greater than 2:12). 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 proposed single-family dwellings will have a flat roof height of 30 feet.

Policy II.A.3 outlines the Parking Requirements for the project. Pursuant to Z.I. No. 2406, required parking for subdivision projects shall be the parking requirements for multiple dwelling uses, based on the width of the pre-subdivided lot, under Section 13.D of the Venice Coastal Zone Specific Plan. Multiple dwelling projects on lots 35 feet or more in width (if adjacent to an alley) are required to provide two spaces for each dwelling unit and one guest parking space for each four or fewer units. The proposed project provides five (5) parking spaces total, two standard parking spaces, two compact parking spaces, and one guest parking space. The provisions of ADU State Law and the City's ADU Ordinance (LAMC Section 12.22-A.33(c)(12)) require one parking space for an ADU unless 1) located within ½ mile walking distance from a bus or rail stop, 2) one block from a designated car share pickup or drop off location, 3) within an applicable historic district, or 4) part of a proposed or existing residence. Furthermore, no parking is required for Junior ADUs. The project includes the development of attached Junior ADUs, on each new lot. All parking spaces are accessible via the alley.

The proposed project is consistent with the policies of the Land Use Plan and the standards of the Specific Plan and will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act.

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

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program.

As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources. In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered.

The proposed project consists of the demolition of four (4) single-family dwelling units, subdivision of a 6,380 square-foot lot to two (2) small lots, and the construction of a three-story, single-family dwelling with an attached Accessory Dwelling Unit (ADU), with a roof deck on each newly subdivided lot, five (5) parking spaces are provided onsite, located in the Single Permit Jurisdiction area of the Coastal Zone. The Regional Interpretive Guidelines have been reviewed, analyzed, and considered and the proposed project is found to be in substantial conformance with the guidelines. In addition to the Regional Interpretive 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 Certified Venice 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 new residential structure does not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In August 2019, the 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 December 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the construction of a two-story addition to a 961 square-foot one-story single-family residence, resulting in a two-story, 3,083 square-foot single-family residence with an attached two-car garage, located at 2334 Frey Avenue (Appeal No. A-5-VEN-18-0066).
- In October 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a one-story single-family residence and the construction of a three-story 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, and a roof deck, with an attached 4-car garage, located at 706 S. Hampton Drive (Appeal 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 Coastal Commission approved the demolition of a 750 square-foot 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 & A-5-VEN-0044).
- In August 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of a two-story single-family dwelling and construction of a new two-story, 3,004 square foot single-family dwelling, in the single permit jurisdiction, located at 2318 Clement Avenue (Appeal No. A-5-VEN-15-0036).
- In March 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of a two-story single-family dwelling and accessory structure, subdivision of the lot into two small lots, and the construction of two new two-story single-family dwellings, in the single permit jurisdiction, located at 415 & 417 Sunset Avenue (Appeal No. A-5-VEN-17-0001).
- In December 2016, the Coastal Commission approved the demolition of a duplex and triplex, subdivision to create four residential parcels, and construction of four three-story single-family dwellings, located at 742-748 Brooks Avenue (Application No. A-5-VEN-16-0083).
- In March 2016, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of a single-family dwelling, a small-lot subdivision of a 4,670 square-foot lot into two lots, and the construction of a new two-story single-family dwelling on each lot, located at 758 Sunset Avenue (Appeal No. A-5-VEN-15-0071).
- In September 2014, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of two single-family dwellings, a subdivision to create three new lots, and the construction of three new single-family dwellings, located at 644 Sunset Avenue and 607 7th Avenue (Appeal No. A-5-VEN-15-0071).

This decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior 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 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 proposed project will neither interfere nor reduce access to the shoreline as the site is not located near any shoreline. The property has no direct access to any water or beach and there will be no dredging, filling, or diking of coastal waters or wetlands. In addition, there are no environmentally sensitive habitat areas or known archaeological or paleontological resources on the site.

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

A Categorical Exemption, ENV-2019-2613-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the demolition of four (4) single-family dwelling units, the subdivision of a 6,380 square-foot lot to two (2) small lots, and the construction of a three-story, single-family dwelling with an attached Accessory Dwelling Unit (ADU), a roof deck on each newly subdivided lot, and five (5) parking spaces provided onsite in the Single Permit Jurisdiction of the Coastal Zone. The new residential structure on Parcel A (rear lot) is 3,448 square feet, comprised of a 857 square-foot ADU on the ground level and a 2,591 square-foot single-family dwelling. The new residential structure on Parcel B (front lot) is 3,190 square feet, comprised of a 1,102 square-foot ADU on the ground level and a 2,088 square-foot single-family dwelling. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1), 15303 (Class 3), 15315 (Class 15), and 15332 (Class 32).

The Class 1 categorical exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 1 categorical exemption includes demolition and removal of individual small structures: (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption; (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished; (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the

demolition of up to three such commercial buildings on sites zoned for such use; (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The project proposes the demolition of two existing single-family dwellings and a detached accessory structure (storage).

The Class 3 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This includes one single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family dwellings may be constructed under this exemption. The proposed project qualifies for a Class 3, categorical exemption because it consists of the construction of one single-family residence and attached ADU on each of the newly subdivided lots.

The Class 15 categorical exemption allows for minor subdivisions in urban areas. A project qualifies for a Class 15 Categorical Exemption if it is a division of property in an urbanized area and meets the six (6) conditions as described in this section. Preliminary Parcel Map No. AA-2019-2609-PMLA-SL satisfies all six conditions and therefore qualifies for the Class 15 Categorical Exemption.

**a. *A subdivision of four or fewer parcels.***

The project proposes to subdivide one parcel to create two new parcels.

**b. *Conform with the General Plan and Zoning.***

The site currently is developed with four single-family dwellings. The site is zoned RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The project proposes the construction of two single-family dwellings on two new lots and is in conformance with the General Plan and Zoning designation.

**c. *Require no variances or exceptions.***

No variances or exceptions are requested or required as part of this project.

**d. *Have all services and access available per local standards.***

The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, sewage and waste disposal infrastructure, and power lines installed. 6<sup>th</sup> Avenue and the abutting alley are improved streets with existing utilities and infrastructure to serve residences in the area. The street and alley are accessible to emergency vehicles. Since there is a minor net gain in the number of units on the subject site, no significant increase in population or density is anticipated. There will be no significant impact on the capacity of existing utilities and services.

**e. *Must not be involved in a division of a larger parcel within the last two years.***

There is no record of any previous subdivisions in the last two years on record for

the subject site.

f. ***Must not have a slope greater than 20 percent.***

No slope greater than 20% is indicated on the parcel map or topographic survey.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five (5) criteria:

a. ***The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.***

The site currently is developed with four single-family dwellings. The site is zoned RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. Since the project is for the construction of two new single-family dwellings, the project is in conformance with the General Plan and Zoning designation.

b. ***The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.***

The site has a gross lot area of 6,358 square feet, approximately 0.14 acres, located at 313 South 6<sup>th</sup> Avenue and 315 South 6<sup>th</sup> Avenue, and is wholly within the City of Los Angeles. Lots surrounding the subject site are developed with single-family and multi-family dwellings.

c. ***The project site has no value as habitat for endangered, rare or threatened species.***

The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The area around the site is urbanized and surrounded by residential use. NavigateLA shows that the subject site is not located in a Significant Ecological Area.

d. ***Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours. The proposed project is not adjacent to any water sources and does not involve excavations that may have an impact on the water table. Because the project results in a minor net gain in the number of residential units, impacts to public services and air quality are deemed insignificant. Traffic congestion will not be impacted by the project; the number of trips generated by the development will not result in a net increase because the area's density and population will not change significantly. Likewise, air quality will not worsen as a result of the proposed project.

- e. ***The site can be adequately served by all required utilities and public services.***

The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, water treatment, sewage and waste disposal infrastructure, and power lines. 6<sup>th</sup> Avenue and the abutting alley are improved streets with existing utilities that service the various other dwellings in the area. The street and alley are accessible to emergency vehicles. Since there is a minor net gain in the number of units on the subject site, no significant increase in population or density is anticipated. As such, no significant impact on the capacity of existing utilities and services is anticipated.

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

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

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



**Mello Act Compliance Review**

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

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

The project includes the demolition of a single-family dwelling located on a 6,380 square-foot lot in the Venice Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 17, 2019 states that the property currently maintains

Four (4) residential units with one (1) bedroom each. HCIDLA determined the units were affordable based on current monthly housing cost provided by the current tenants. Due to the absence of documentation for 315 6<sup>th</sup> Avenue, Unit C, the Owner has agreed and accepted that this unit is presumed to be occupied by an affordable household. The current owner purchased the property on September 14, 2018 and claims that the property was owner-occupied beforehand by Stephen Doniger, a married man as his sole and separate property. Four (4) units were found to be affordable from the provided documentation exist. Therefore, four (4) Affordable Existing Residential Units are proposed for demolition.

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

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

A feasibility study was prepared by Howard Robinson & Associates and submitted on September 12, 2019 for project staff review. The study provided an analysis of the estimated costs and revenues of the proposed project, the demolition of four existing residential structures and the construction of two single-family dwellings, each with an Attached ADU, but also provided an analysis of providing the Affordable Replacement Unit(s) onsite and within the Coastal Zone and can be provided through new construction or adaptive reuse (conversion of existing non-residential structures).

The supplemental information provided by the Applicant included the actual and estimated cost of land, improvements/ construction, fees, loans, and expected revenue. In reviewing the pro forma prepared as part of the feasibility study, the cost of the subject property as well as the cost of acquiring property elsewhere in the Coastal Zone was a significant

factor that increased the cost of development. Providing two Affordable Replacement Unit onsite reduced the size of the proposed project and reduced the estimated revenue expected from the market rate dwelling unit. The cost of development also significantly increased when accounting for the cost of acquiring additional property to provide the Affordable Replacement Unit offsite.

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

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

The project proposes the construction of four (4) Residential Units. Developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of four (4) new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

# Exhibit 4 - Appeal

4. Grounds for this appeal  
315 6th Ave, Venice  
DIR-2019-2610-CDP-MEL  
A-5-VEN-21-0074  
October 19, 2021

## **A. COASTAL DEVELOPMENT PERMIT--ERRORS AND ABUSE OF DISCRETION IN CITY CDP FINDINGS; LACK OF FACTUAL AND LEGAL SUPPORT FOR THE FINDINGS**

### **FINDING 1**

The Director of Planning erred and abused its discretion in approving the project as the development is NOT in conformity with Chapter 3 of the California Coastal Act of 1976 because:

1. There is a lack of factual and legal support in the determination and thus it cannot be determined whether the project conforms with Chapter 3 of the Coastal Act with respect to community character and visual resources.
2. Consideration of adverse cumulative effects was omitted.
3. The proposed project would result in a loss of density and would not preserve overall density in an area able to accommodate it, and thus is inconsistent with Coastal Act Section 30250.
4. Subdividing lots and conversion of multi-family housing to single-family housing in the Venice Coastal Zone subverts Neighborhood Character and does not conform with the multi-family land use designation.
5. The adverse cumulative impact and change to the character of the neighborhood due to the loss of four low-income units was not considered.
6. The Coastal Act affordable housing provisions and the Commission's Environmental Justice Policy were not considered.
7. Venice as a Special Coastal Community was not considered.

### **1. There is a lack of factual and legal support for the decision.**

The project description for the City's determination was incomplete and thus in error. There was no evidence provided in the City's hearing notices or the City's CDP or PMLA determination Findings regarding size of the proposed two single-family dwellings and two ADUs. There were no plans attached to the determinations, nor was this information available online in the documents posted on City Planning's website. In looking at the plans posted on the website, the ADUs were not even identified. Also, it wasn't clear whether any street dedications are required. Impacted and interested parties who are provided these determinations need to have this basic, minimum information in order to understand and evaluate the project. This non-transparency is a clear violation of Due Process. Under the 5th and 14th amendments to the U.S. Constitution and Article 1, Section 7 of the State Constitution, stakeholders have Due Process rights when local agencies hold hearings for the purpose of making land use decisions.

These determinations should be remanded back to City Planning to be redone to include this

substantial evidence and most basic information about the project, which is necessary to evaluate the project.

It was not possible to evaluate whether the proposed project conformed with the Coastal Act Chapter 3 and the LUP. Coastal Act Sections 30251 and 30253 require a proposed project to be visually compatible with the character of surrounding areas and to protect the character and scale of the Special Coastal Community of Venice. Without evidence provided in the Findings about the project's dwelling unit sizes it cannot be determined whether it is in conformance with Coastal Act Sections 30251 and 30253.

## 2. Consideration of adverse cumulative effects was omitted.

Coastal Act Section 30105.5 states:

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

Coastal Act Section 30250 states:

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

In Finding 1 of the City's CDP, there is no cumulative effects analysis, which is an error and abuse of discretion. This is indicative of a pattern and practice by the City of failing to consider adverse cumulative effects in the Venice Coastal Zone and thus making ongoing erroneous Findings. The City cannot rewrite the Coastal Act to exclude consideration of adverse cumulative effects. Both individual and cumulative effects must be considered.

In two recent California Superior Court cases, the Court ruled that a cumulative impacts analysis is required. See excerpt from one of the Judgements, for petition for writ of mandate dated July 16, 2019--Rudisill et al v. California Coastal Commission et al. BS170522, below:

### **“Cumulative Impact**

The Coastal Act requires a cumulative impacts analysis: “[T]he incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” §30105.5.

Petitioners assert that the [Coastal] Commission abused its discretion in not considering the Project's cumulative impact with other projects on the City's ability to prepare a Coastal Act-compliant LCP. Pet. Op. Br. at 18. In evaluating whether a project would prejudice the City's ability to prepare and adopt a LCP that protects the community's character, the Commission has previously stated: “Protecting community character is a classic cumulative impacts issue.” AR 615. Petitioners contend that approval of the Project would establish a precedent for massive, unarticulated homes that would adversely affect the special community of Venice and would prejudice the City's ability to prepare a certified LCP for Venice. When the Commission approves an out-of-scale project inconsistent with the Coastal Act, the approval can have adverse impacts

on the neighborhood because the City will base future permitting decisions on previous Commission decisions. §30625(c) (local governments shall be guided by Commission decisions). The Project represents a 56% increase in the baseline size of the neighborhood. AR 55. If the Commission continues to approve such out of scale developments, there will be significant adverse cumulative impacts to the scale and character of this low-density residential neighborhood, prejudicing the City's preparation of a Venice LCP. The Commission's failure to address this issue is a deviation from its past practice of considering cumulative impacts. AR 548 (noting cumulative effects), 553 (project sets bad precedent and creates cumulative impact on neighborhood) 608 (project would have adverse cumulative impact on Venice community), 606 (noting cumulative effect), 622, 610-11.

Petitioners correctly point out that the Commission's opposition ignores the cumulative impact issue. Reply at 3. More important, the staff report's analysis failed to address the Project's cumulative impact with other past, present, and future projects on the community and on the City's ability to certify a LCP. AR 14. Petitioners argue that this failure was aggravated by the Commission's intent to change the neighborhood's character:

"Many of the residences that the appellants surveyed were built several decades ago and are naturally smaller than homes built by today's standards. As such, the Commission typically reviews past Commission action in an area to determine whether or not a proposed project is appropriate with regard to community character, mass, and scale for a specific project in a specific area." AR 11.

In other words, the Commission is focused on the "prevailing pattern of development" (AR 610) and the fact that, in today's expensive home market, developers seek to build larger homes on existing lots to increase market value and accommodate larger families. The Commission therefore principally compares new projects with those it has previously approved rather than to the small homes originally built decades earlier.

The Commission's approach is practical and appropriate, but it runs the risk of changing the character of the community as Petitioners argue. Reply at 5. The "foot in the door" and precedential approval of a larger project can lead to a set of approvals that cumulatively change the nature of a neighborhood. The Commission should be sensitive to this fact. It was obligated by section 30105.5 to address the Project's cumulative impact and failed to do so. The matter will be remanded to the Commission for evaluation of whether the Project raises a substantial issue of cumulative impact on the neighborhood and the City's ability to certify a LCP.

The Commission failed to proceed in the manner required by law and abused its discretion by not considering the Project's cumulative impact with other approved projects on the character of the neighborhood and the City's ability to certify a LCP."

.....

Finding 1 re. conformance with Chapter 3 of the Coastal Act is in error as it must include consideration of cumulative effects.

See also Exhibit C for WLAAPC remarks regarding the need to protect Venice's community character as a special coastal community and coastal resource from cumulative effects.



3. The proposed project would result in a loss of density and would not preserve overall density in an area able to accommodate it, and thus is inconsistent with Coastal Act Section 30250.

The proposed project is not consistent with Coastal Act 30250 because the project involves a change from four housing units to two single-family dwellings and two accessory dwelling units (ADUs), in an existing developed area designated for multi-family residences. There is no evidence provided that shows that an accessory unit mitigates the loss of a normal unit. In addition, the ADUs were not shown on the plans nor was their size indicated, magnifying the concern that they are not intended to be used as separate dwelling units.

The use of ADUs to replace existing units does not mitigate the loss of a normal housing unit. According to the ADU legislation, the purpose of ADU's is to increase density by creating new second units in order to provide additional rental housing stock. It is not for the purpose of maintaining density. An ADU is an accessory dwelling to the single-family dwelling, not a separate unit. According to the State ADU law, ADU's are meant to increase the supply of the state's housing stock and cause an increase in dwelling units, and not to act to supposedly maintain density by replacing a housing unit with a small ADU. Also, use of the ADU as a separate rental unit is not enforced by the City or the Coastal Commission and thus the practice of using an ADU as a replacement for a primary dwelling unit has generally been that it is just used as a part of the single-family dwelling and not as a separate rental unit.

Coastal Act Section 30253 protects Venice as a Special Coastal Community and Coastal Resource and requires that new development be compatible with the unique character of the neighborhood. This proposed project for two single-family dwellings with ADUs is not compatible with the character of neighborhood because the area consists primarily of multi-family residences.

The approval of the conversion of four multi-family units to two single family dwellings with ADUs, without any analysis of the impacts of the loss of housing density on the area, fails to preserve and protect the multi-family neighborhood in which the subject site is located. LUP Policy I.A.7. stipulates that allowed Uses on lots designated Multi-Family Residential – Low Medium II density consist of *"Two units per lot, duplexes and multi-family structures."* This does not cover this situation with two single-family dwellings and two accessory units.

The policies of the LUP specifically designate areas in Venice that are more appropriate for duplexes and multi-family developments. LUP Policy I.A.5. requires the protection and preservation of existing multi-family neighborhoods. In this case, the project site is located in the Oakwood subarea and is designated Multi-Family Residential – Low Medium II density in the LUP. The project would result in a loss of two units; therefore, approval of the project would be inconsistent with LUP Policies I.A.5. and I.A.7. and Coastal Act Section 30250 as it would not preserve overall density in an area able to accommodate it. As proposed, the project would result in the loss of housing density in an existing developed area designated by the LUP as appropriate for more dense development. The loss of two units may not seem significant on its own but there have been numerous projects involving loss of housing density in Venice; thus, the cumulative effect of loss of housing density in Venice is a concern. As a result, the Coastal Commission has been raising a substantial issue with respect to projects involving a loss in

density.

In addition, City Planning is inconsistent with respect to how the ADUs are characterized. They are referred to as JADUs in the parking requirements section (page 9 of the City CDP).

4. Subdividing lots and conversion of multi-family housing to single-family housing in the Venice Coastal Zone subverts Neighborhood Character and does not conform with the multi-family land use designation:

The overall character of the Venice Coastal Zone is its small scale and its diversity, as can be seen in its economic, cultural and architectural mix. The LUP clearly defines neighborhood character. A defining quality of Venice (and very true of Oakwood where this project is located) is its small scale and small lots, with much of its housing being affordable housing. The LUP describes Venice's neighborhood character as a "*quintessential coastal village,*" and states "*Venice is really a group of identifiable neighborhoods with unique planning and coastal issues.*" Development in Venice's unique neighborhoods must take into account neighborhood character and should be reflective of the development patterns that already exist.

This additional small lot subdivision would cause an adverse cumulative effect as it would cause a significant break in the pattern of development. Venice is known for its unique subdivisions and pattern of development, and the cumulative effect of such a development would be to significantly change the unique Venice subdivision development pattern. "The subdivision patterns in Venice are also unique, the layout of which still reflects the original canal system and rail lines." (LUP)

A cumulative effects study must be done for the Oakwood neighborhood in order to determine the effect of this type of change in the subdivision development pattern. The LUP very clearly characterizes the Venice community as small in scale, which is part of its Community Character. Because of the adverse cumulative effect of another small lot subdivision resulting in single family dwellings in this multi-family coastal land use designation, this project should not be approved.

5. The adverse cumulative impact and change to the character of the neighborhood due to the loss of four low-income units was not considered:

The existing units were all covered by the Rent Stabilization Ordinance (RSO). In addition, all four were determined by HCID to be Mello replacement affordable units.

Maintaining and increasing housing density has not always been a priority in the Coastal Zone. However, the state is currently experiencing a housing supply shortage of approximately 90,000 units on a yearly basis. From 2000 to 2015, Venice saw a reduction in housing by approximately 700 units! Also, there is an apparent trend of multi-unit structures being redeveloped as single-family residences. Expected population growth, assuming that current trends remain unchanged, will exacerbate the housing shortage in Venice. Housing shortages throughout the state have been met with growing efforts to address and improve availability. There have been

ongoing significant legislative efforts to alleviate the housing crisis. Thus, the Coastal Commission has been rightfully emphasizing the importance of preserving existing housing stock in the Coastal Zone to minimize impacts to coastal resources (Coastal Act Section 30250), encourage affordable housing (Coastal Act Sections 30604(f) and (g)), and reduce traffic impacts and encourage use of public transportation and public access (Coastal Act Section 30253). The LUP policies also seek to preserve and maintain existing housing stock by designating duplexes and multi-family developments for areas deemed appropriate to sustain such development (Policies I.A.5. through I.A.8.).

6. The Coastal Act affordable housing provisions and the Commission's Environmental Justice Policy were not considered.

The Coastal Commission's Environmental Justice Policy states:

*"The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness."*

The Director's Determination finds that four affordable units exist, yet it does not require replacement of the affordable housing. This Finding is inconsistent with the requirements of the Mello Act, the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act (IAP), the Commission's Environmental Justice Policy and the following provisions of the Coastal Act:

Coastal Act Section 30604(f) states:

*"The commission shall encourage housing opportunities for persons of low and moderate income,"*

Coastal Act Section 30604(g) states:

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

Coastal Act Section 30116 states:

*"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, and that "Sensitive coastal resource areas" include areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons."*

Areas with existing coastal housing for low- and moderate-income persons are sensitive coastal resource areas. Thus, low- and moderate-income housing in Venice must be protected as a coastal resource.

Also, see section D. below re. Mello Act Compliance Determination for details of the City's errors in its Mello Act Compliance Review. It is important for Coastal Staff to understand the Mello Act errors in assessing Environmental Justice for this project.

Having the correct interpretation of the Mello Act, which is the interpretation that supports protection of affordable housing (and, most importantly, the tenants living there), is critical to our affordable housing and homelessness crises.

Decisions must be made that will serve to prevent displacement of our lower income residents. Prevention is key. We must stop the bleeding if we are to effectively act on our housing and homelessness crises.

HCID determined that all four units are replacement affordable under the Mello Act. These units must be replaced. It's obvious on its face that it's not right to destroy four affordable units and displace the low-income tenants living in them in order to build two market rate single-family dwellings and two ADUs! It's obvious on its face that four dwelling units on the same lot must be considered together, as one property, one development.

See attached Exhibit A for the layout of the 315 6<sup>th</sup> Ave Unified Development on a single parcel.

Your decision in this case is not just about four units on 6<sup>th</sup> Ave. The cumulative effect of this project going forward as proposed would adversely affect dozens of affordable units and the families living in them in future development proposals in the near future, not only in the Venice Coastal Zone but in all of the Los Angeles Coastal Zones, and likely hundreds of units over the coming years. The cumulative effect of NOT correcting this error of destroying low-income housing would be devastating.

In support of this appeal, see Exhibit C for poignant remarks from one of the West L.A. Area Planning Commissioners regarding Environmental Justice and why it should be considered in the Venice Coastal Zone.

See also Exhibit D for remarks from one of the West L.A. Area Planning Commissioners who does not understand Environmental Justice and does not believe it should be considered. This is similar to the position of the Director of Planning, who has refused to consider Environmental Justice in appeals and regularly ignores appeal points regarding Environmental Justice, including for this project.

#### 7. Venice as a Special Coastal Community was not considered.

The decision maker erred and abused its discretion in that its Findings do not adequately address Coastal Act Section 30253. There is no mention of the fact that the Coastal Commission has designated Venice as a Special Coastal Community and a Coastal Resource to be protected. The fact is that this project would harm the Special Coastal Community, Coastal Resource of Venice as it changes the character of the neighborhood in that this project is for single-family dwellings and the development standards of this land use designation call for "Duplexes and Multi-Family structures."

In addition, the loss of the existing affordable housing, replaced by high end luxury housing, would significantly change the character and social diversity of the neighborhood. The social diversity of Venice is to be protected as a Special Coastal Community pursuant to Coastal Act

Section 30253 and LUP Policy I.E.1. The proposed development is inconsistent with LUP Policy I.E.1., which protects the social (and architectural) diversity of Venice as a Special Coastal Community pursuant to Section 30253(e) of the Coastal Act. Coastal Act Sections 30604(f)(g) and (h) of the Coastal Act require encouraging lower cost housing opportunities. This City CDP determination authorizes the removal of multiple rent-stabilized units and sets an adverse precedent for future development by allowing displacement of lower-income residents, thereby disrupting the social diversity and community character of this area and prejudicing the City's ability to prepare an LCP.

## FINDING 2

The Director of Planning erred and abused its discretion in approving the Project because there was a lack of factual and legal support for the decision. The project description was incomplete and thus in error. There was no information in the City's CDP determination regarding sizes of the two single-family dwellings and two ADUs. Thus, there is inadequate evidence provided to determine whether the development would 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.

In addition, the Director errs and misleads where it states that the yards are in conformance with the LUP policies. This is an error as they are looking at the project assuming no subdivision and only disclosing the front yard for one single-family dwelling and the rear yard for the other single-family dwelling. The rear yard setback is 0' for Lot B. In other words, one single-family dwelling has a front yard and essentially NO rear yard. This is also not in conformance with the LUP, which requires yards to be consistent with the existing scale and character of the neighborhood. These yards are not consistent nor are they compatible with the existing pattern of development.

## FINDING 3

As indicated in the second paragraph under this Finding, the guidelines are intended to be used with consideration of both individual and cumulative effects on coastal resources. There was no analysis of cumulative effects done by the City for this project and thus this Finding is in error.

## FINDING 4

None of the decisions of the California Coastal Commission listed are applicable to this case.

## PRIOR DECISIONS OF THE WLAAPC

Lastly, at the City's appeal hearing on March 4, 2020 for the proposed project at 635 San Juan, a project with similar issues as the subject project, the City upheld the appeal, and made the following findings:

The development **does NOT** conform with Chapter 3 of the Coastal Act. "Such development would be inconsistent with the predominant multi-family residential character 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 Venice LUP...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 I.A.7. states that in Multi-Family Low-Medium Density areas, "[s]uch development shall comply with the density and development standards set forth in this LUP." In particular, the development standards of this particular area call for "Duplexes and Multi-Family structures. The project proposes the development of two new single-family dwellings, inconsistent with the "duplexes and multi-family structures" outlined in Policy I.A.7. as permitted uses. 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." and*

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 Coastal Act. *"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 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...The project is not consistent with Policy I.A.7. of the Land Use Plan. Furthermore, the loss of existing housing stock, failure to preserve the character of the surrounding Multi-Family area, and loss of density are inconsistent with the Coastal issues identified in the certified Venice LUP. As such, approval of the project will prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act."*

The City CDP should be consistent with this prior similar decision.

In addition to all of the above points, with respect to this project the L.A. City Council found that "The project may not be within the neighborhood character and may result in the cumulative erosion of a stable multi-family neighborhood in the Coastal Zone. The existing community character is characterized 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 four-unit bungalow court and the construction of single-family dwellings with attached ADUs would erode the neighborhood character – defined by both its physical and social attributes; including racial, ethnic, and income diversity," and they found that the project "...does not meet all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code for a Coastal Development Permit and undermines the mandate of the State's Mello Act to preserve the availability of affordable housing in the Coastal Zone."

See Exhibit E for City Council motion.



## **B. CEQA**

The West Los Angeles Area Planning Commission (WLAAPC) incorrectly determined that: (1) the Project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15303, 15315 and 15332; and (2) there is no substantial evidence demonstrating that an exception to the Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies. To the contrary, the evidence shows that the Project does not qualify for a categorical exemption from CEQA. The WLAAPC erred in sustaining the Advisory Agency's Determination (AA-2019-2609-PMLA-SL) and the Director's Determination (DIR-2019-2610-CDP-MEL) dated November 9, 2020.

### **1. The Project Does NOT Qualify for Class 1 Categorical Exemption.**

The Advisory Agency and Planning Director, in those November 9, 2020 decisions, erroneously referred to the existing structures as two existing single-family dwellings and a detached accessory structure (storage) in its discussion of Class 1 categorical exemption from CEQA (page 12). Per CEQA Guidelines, Section 15303(a), up to three single-family residences may be demolished in urban areas. However, there are currently four single-family dwellings on the Project site which are to be demolished for the Project. Thus, the demolitions do not qualify for a categorical exemption pursuant to CEQA Guidelines, Section 15301(l)(1).

### **2. The Project Does NOT Qualify for Class 3 Categorical Exemption.**

The Advisory Agency and Planning Director erred in those November 9, 2020 determinations that the proposed Project qualifies for a Class 3 categorical exemption because it allegedly consists of the construction of one single-family residence and attached ADU on each of the newly subdivided lots. This exemption applies only to the (one) project under consideration. The Project plan is to construct four units (as noted under the Class 15 and Class 32 findings).

Treating the Project as two separate projects constitutes piecemeal review which is forbidden by CEQA. The purpose of CEQA is to evaluate the whole effect of a project. A CEQA "project" is "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" and refers to "*the whole of an action[.]*" (Quoting *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1220.) "CEQA forbids 'piecemeal' review of the significant environmental impacts of a project" (quoting *Berkeley Keep Jets Over The Bay Com. v. Board of Port Comr's.* (2001) 91 Cal.App.4th 1344, 1358), and "[t]his standard is consistent with the principle that 'environmental considerations do not become submerged by chopping a large project up into many little ones - each with a minimal impact on the environment - which cumulatively may have disastrous consequences.'" (Quoting *Laurel Heights*, 47 Cal.3d at 396.)

Accordingly, the new construction does not qualify for a categorical exemption.

### **3. The Project Does NOT Qualify for Class 15 Categorical Exemption.**

The Advisory Agency discusses a minor net gain in the number of units on the subject site, yet

the Project has plans to replace four units with two single family residences and two ADU's. In addition, the project does not conform with General Plan and Zoning requirements, including for coastal requirements, specific plan ordinance, Multiple Permits Ordinance and the Mello Act, as noted in detail below. Thus, the subdivision does not qualify for a Class 15 categorical exemption.

#### 4. The Project Does NOT Qualify for Class 32 Categorical Exemption.

The City is improperly processing the Project primarily relying on CEQA Guidelines, Article 19, Section 15332 (Class 32 – In-fill Development Projects), yet the evidence shows that the Project does not meet the criteria for a Class 32 Categorical Exemption. As a preliminary factual matter, the Advisory Agency's Class 32 analysis states that the Project is for the construction of two new single-family dwellings but does not consider the ADUs. Yet the Advisory Agency's finding incorrectly indicates that there is a minor net gain in the number of residential units when in fact the number of residential units would be four – the same as the current number of units but with less affordability.

The legal justifications for the Project's approval under the Class 32 exemption fail when examined closely. Per CEQA Guidelines Section 15332(a), to qualify for a Class 32 exemption a project must be "*consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*" As detailed herein and in the administrative record, the proposed Project does not conform with General Plan and Zoning requirements – specifically the coastal requirements, the specific plan ordinance, the Multiple Permits Ordinance and the Mello Act. The Project is also inconsistent with the applicable zoning designation and regulations. Thus, the Project does not comply with CEQA Guidelines Section 15332(a).

#### 5. Exceptions to the Exemption:

The project is an exception to the alleged exemptions because Venice has been identified by the Coastal Commission as a Coastal Resource, which is an environmental resource that must be protected. In addition, the adverse cumulative impact of the project must be considered, as also noted above for the CDP, as the development is NOT consistent with the Low Medium II residential land use designation, which states that this zone is for duplexes and multi-family dwellings, as also noted above.

The above analysis is evidence that the Director of Planning has erred and abused its discretion by finding that the project qualifies as a categorical exemption under CEQA. A Mitigated Negative Declaration (MND) or EIR must be performed. It should also be noted that when the Small-Lot Subdivision Ordinance was first approved, City Planning required Small-Lot Subdivisions to have a MND as they did not qualify for a CEQA exemption; and at some point City Planning decided to use a work around this obvious requirement by piecemealing the application of the CEQA exemption as they are doing here.

### C. MELLO ACT COMPLIANCE DETERMINATION

We understand that only the City has jurisdiction over enforcement of the Mello Act. However, it is essential for the analysis of Environmental Justice for this project that the City's errors and abuse of discretion with respect to the Mello Act Compliance Determination are reviewed and understood. The Coastal Commission's Environmental Justice Policy indicates that existing affordable housing must be protected, and that the implementation of housing laws must be undertaken in a manner fully consistent with the Coastal Act. The Environmental Justice Coastal Act provisions and policy were not considered in the city's determination as the city believes they are not applicable until a LCP is approved.

Similar in intent to the Mello Act, the Coastal Commission Environmental Justice Policy, Housing, page 8 states:

"The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness."

"The Coastal Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss..."

"The Commission will also support measures that protect existing affordable housing. If the Commission staff determines that existing affordable housing would be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue." (Emphasis added)

The City has violated the Mello Act and this is your opportunity to put your Environmental Justice policy into effect by working with the city to resolve this violation.

City Planning's Mello Act Compliance Review (pg. 15-16) errs in stating that no affordable units are required to be replaced at the site, leading to a finding that fails to preserve the required number of affordable housing units, constituting a violation of the City's Mello Act Interim Administrative Procedures (IAP). The Director of Planning erred in accepting a feasibility study, as the existing project requires that all existing affordable housing units be replaced *without consideration of feasibility*. City Planning abused its discretion in finding that no affordable replacement housing is required in the proposed new project, based on the feasibility study it considered.

#### **The Director of Planning Erred in Accepting a Feasibility Study**

Once again, the Director of Planning has erred in accepting a feasibility study in order to determine that replacement of existing affordable housing is infeasible when the IAP clearly does not allow this requirement to be waived due to infeasibility in this case.

An applicant can only request, and City Planning may only grant, a waiver of the requirement

to replace existing affordable housing when the existing development at a subject property is a single-family home or a duplex. 315 6th Ave is neither. It is most properly defined as a “group dwelling” or “bungalow court.” The existing project consists of a total of four units in detached bungalows which are inalienable on a single parcel (APN 4240-010-010).

The existing project also meets the “unified development” definition in the IAP. The project consists of four buildings situated in a row running between 6th Ave. and Alley A. The two middle bungalows have no access to any street or public right of way and share a walkway with the two outside bungalows. The LA County Assessor describes the property type as Multifamily Residential consisting of four buildings with one bedroom and one bathroom each, all built in 1923.

### **Cumulative Impact**

POWER has worked since 1999 to create and preserve affordable housing for lower-income families within the Coastal Zone of Los Angeles, especially within Venice. The IAP is a key piece of legislation that helps the community advance the goal of creating and preserving affordable housing. This case involves the permanent demolition of four Rent-Stabilized (RSO) apartments from the Venice Coastal Zone, and it raises a number of issues related to IAP enforcement that apply to other cases currently in process, and even more development scenarios likely to occur in the future, which will further impact the affordable housing stock within the Coastal Zone.

IAP Question #7 requires City Planning staff to consider if the Affordable Existing Residential Units are in one-family or two-family dwellings. No reference is made to “group dwelling” nor Unified Development, only to the type of existing structures.

This is incorrect. The Coastal Development Permit sought by the applicant includes a demolition component. The definition of a demolition contained in the IAP is:

“Demolition” means the demolition of one or more existing Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.

The definition of a Unified Development is:

“Unified Development” means a development of two or more buildings which have functional linkages such as pedestrian or vehicular connections, with common architectural and landscape features which constitute distinctive design elements of the development, and that appears to be a consolidated whole when viewed from adjoining streets. Unified Developments may include two or more contiguous parcels or lots of record separated only by a street or alley.

315 6th Ave is clearly a Unified Development, and furthermore, the individual buildings exist on a single lot and are inalienable. The IAP does not contain any definitions for one-family or two-family dwellings. The mischaracterization of the Property as a one-family or two-family dwelling has serious implications for the applicant’s proposal. The IAP only allows the acceptance of a feasibility study and the finding of infeasibility for a one-family or two-family

dwelling. In other words, City Planning actually had to mischaracterize the property in order to accept the feasibility study!

What is important is what the subject site is not: a one-family or two-family dwelling. Because the Property is rightly categorized as a Unified Development, all Affordable Existing Resident Units must be replaced without consideration of feasibility.

#### **The Director of Planning Abused its Discretion in Making an Infeasibility Finding**

Once again, City Planning has allowed a developer to essentially self-certify that it is economically infeasible to replace existing affordable housing based on the developer's own study. The City CDP refers to a report from Howard Robinson & Associates, submitted on September 12, 2019. Once again, City Planning has failed to interrogate the study or apply any meaningful independent analysis to the study.

### **D. CONCLUSION**

City Planning has failed to correctly enforce the IAP, resulting in a failure to require the replacement of existing affordable units. City Planning has also erred and abused its discretion in accepting a feasibility study which determined it is infeasible to replace affordable housing at 315 South 6th Ave despite the existing structure containing four affordable units, and in accepting that feasibility study based on the self-certification of the applicant.

There is no clear obligation on the part of the developer or future owners to operate the ADU as a separate full-time residence.

City Planning should use conditions of approval, including affordable housing covenants, to ensure that the ADUs are used as long-term residential housing that is available to qualifying low- and moderate-income households, offering a first right of refusal to the prior tenants. See Exhibit B.

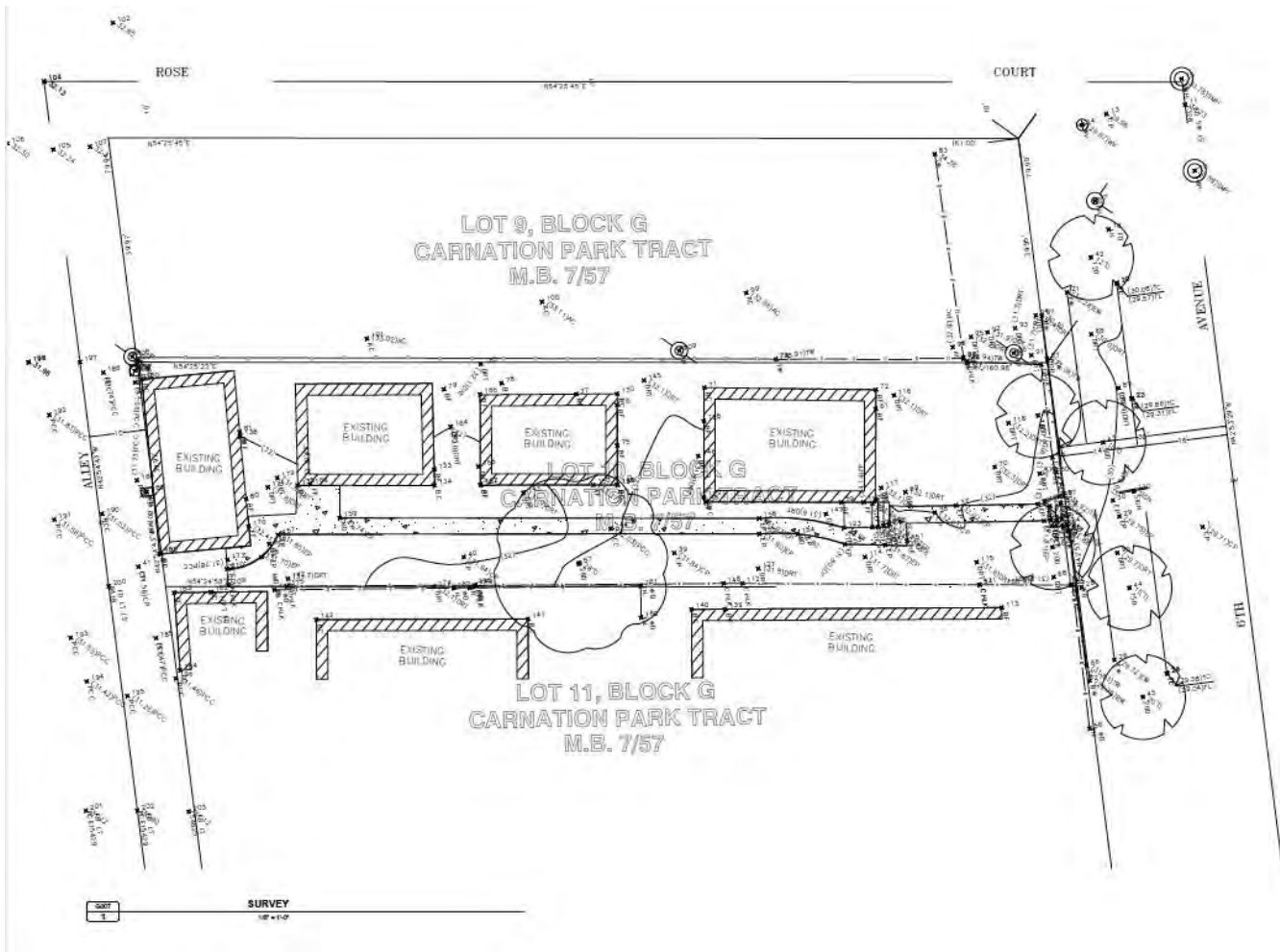
Unwillingness on the part of the applicant to provide a legal framework to ensure that the ADUs are used as separate long-term housing opportunities increases our suspicion that the ADUs would not, in fact, contribute to maintaining density within the Coastal Zone, as required by law.

# **EXHIBIT A**

**315 6<sup>TH</sup> AVE**

**UNIFIED DEVELOPMENT**



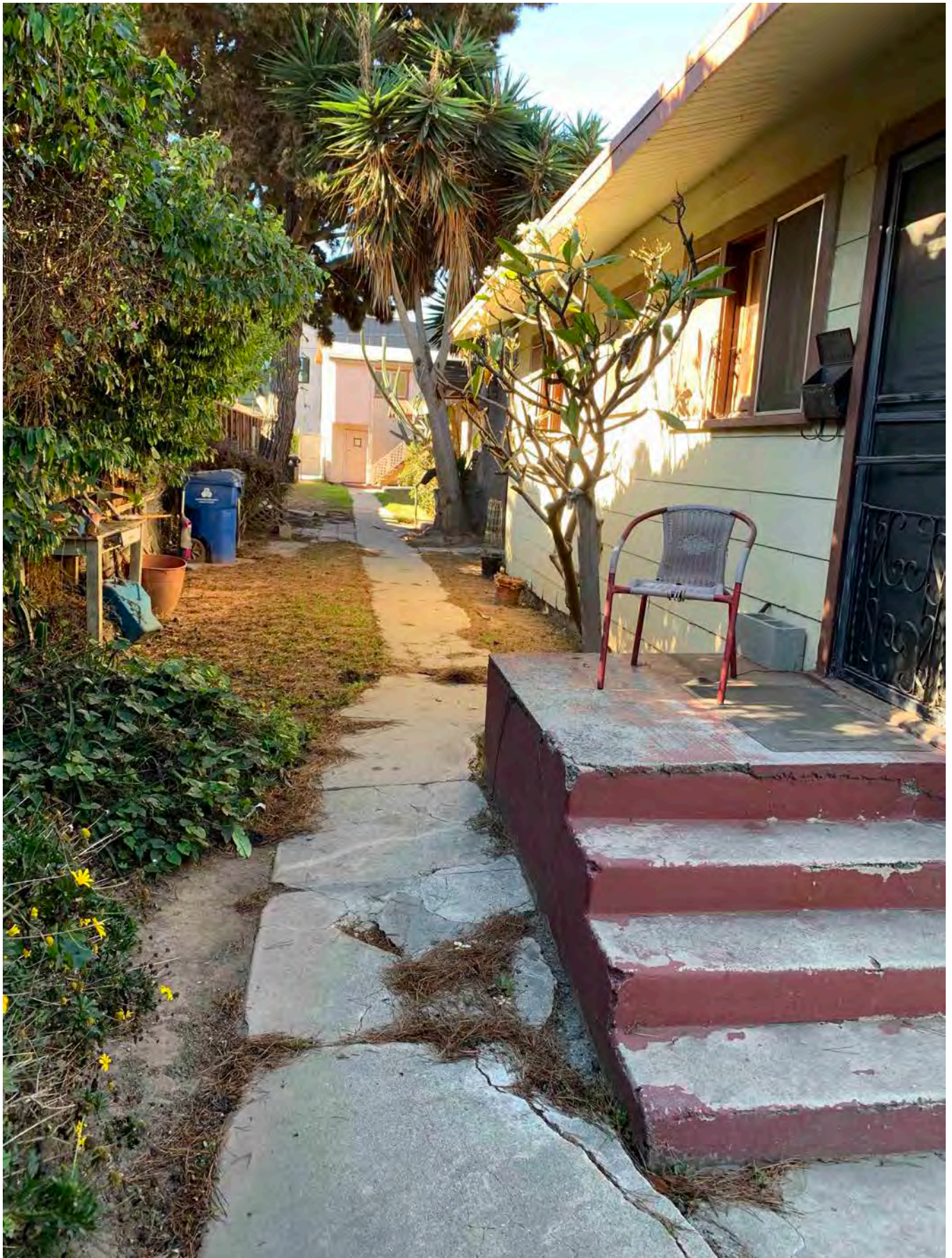








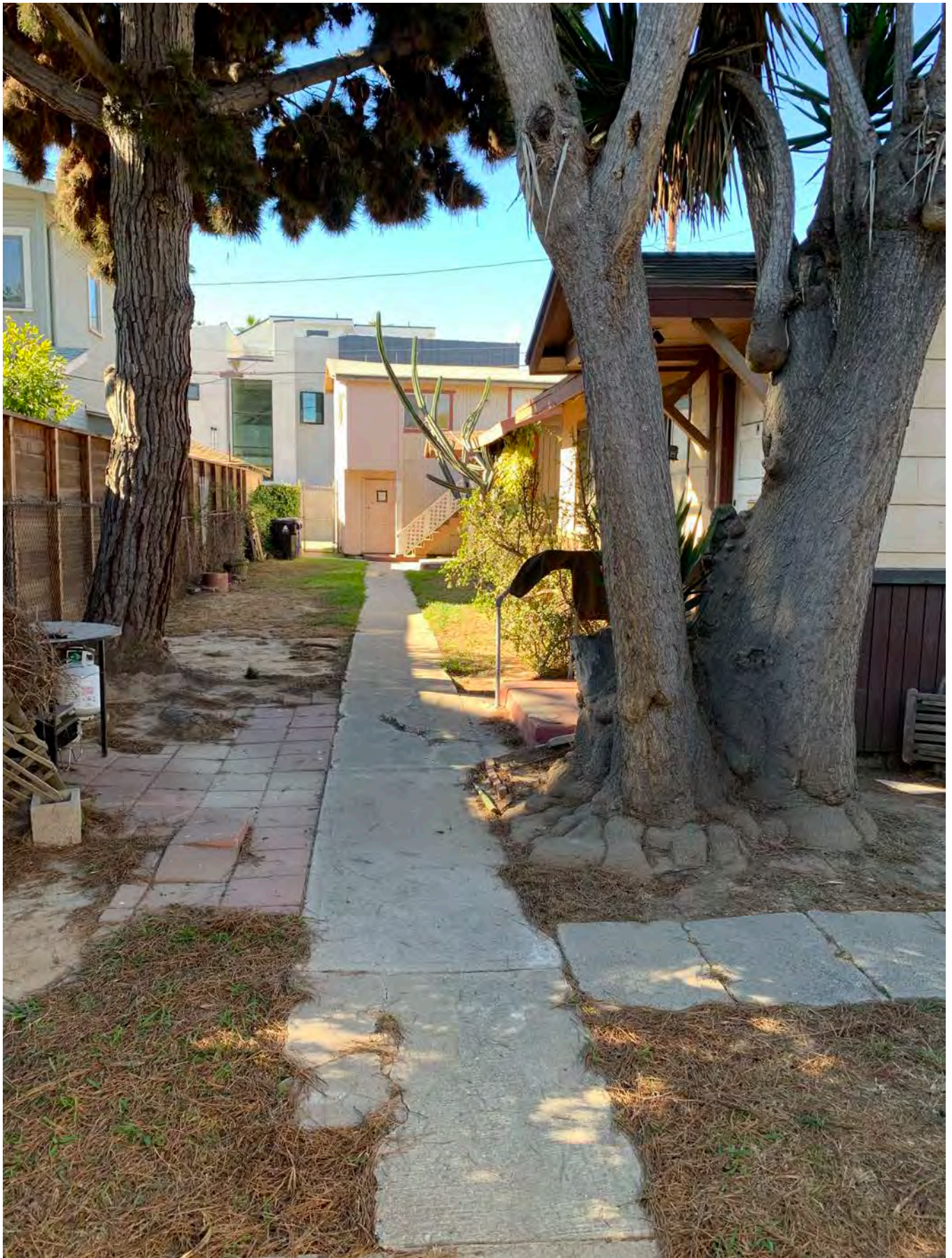




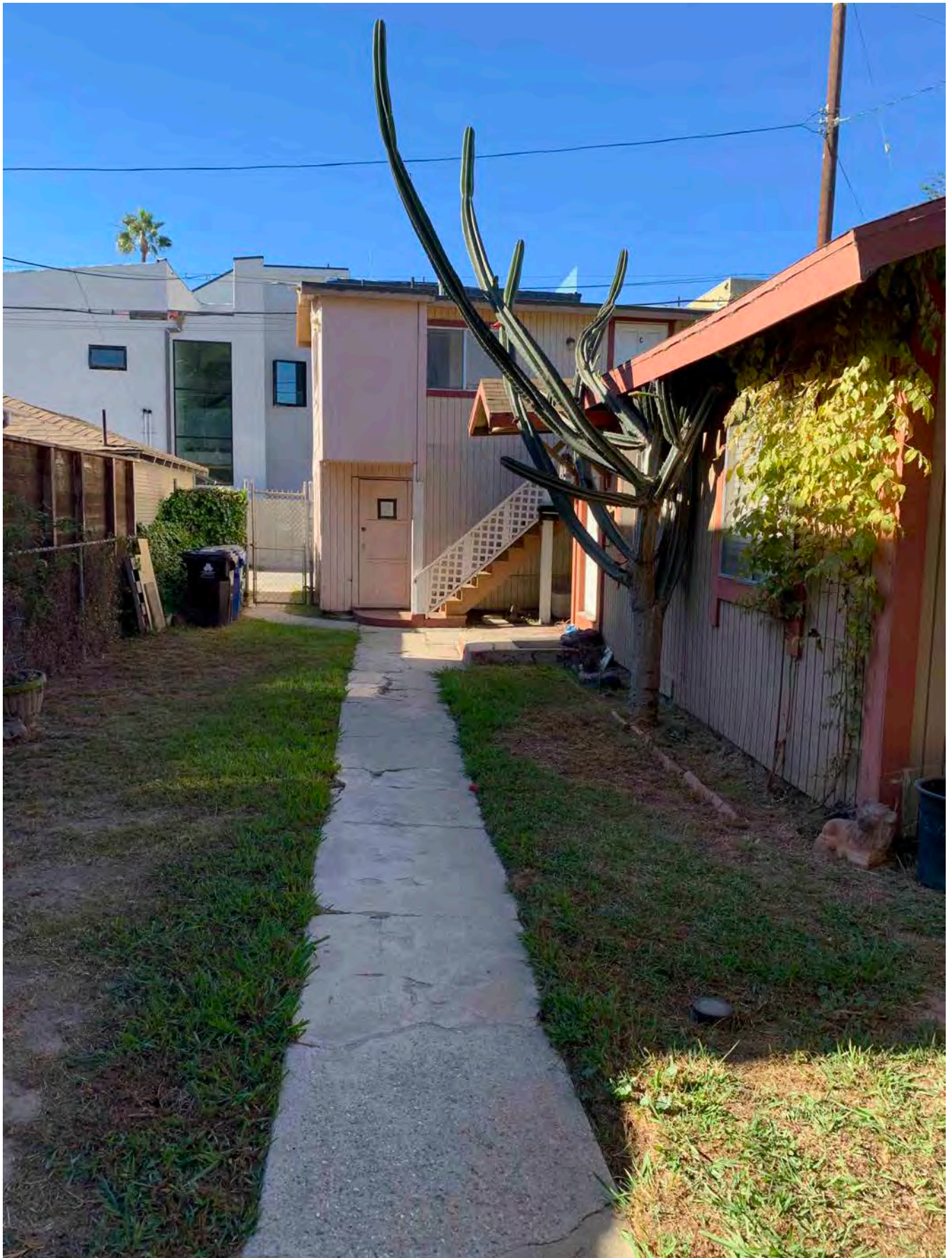






















# EXHIBIT B

May 4, 2021

I was a tenant at 315 6th Ave. in Venice and I lived there at that property for 13 years. The complex changed hands once before the current owners bought the place.

Shortly after purchasing the property the new owners served all the tenants who lived there a no fault eviction notice under the Ellis Act. We were ultimately given a year to leave our units. Sometime before that date though, the owners put up a sign from a local Realty Co. indicating that the building was up for sale. One of my neighbors and I decided to get an attorney and fight this eviction because we knew that action was not allowed under the Ellis Act.

This is not the first time that I've lost a rent controlled unit that I could afford. I lived at 332 Rennie Ave. in Venice for 19 years before I got Ellis'd out of that residence. That's when I moved to the 315 6th Ave. property just one street over.

I had lived in Venice for 32 years and was hoping to spend the rest of my life there. Now I find myself in a position of having to move out of the area completely, as I can no longer afford the available housing.

Please support the appeal in this case and put a stop to allowing Developers to buy rent controlled properties only to tear them down and replace them with Multiple level townhomes for the rich to buy.

Sincerely,  
Xame Chase

# EXHIBIT C

June 2, 2021, WLAAPC hearing for 315 6<sup>th</sup> Ave

2:13:18 to 2:16:38

COMMISSIONER MARGUILES:

I'll go next. Commissioner Marguiles, for my two cents.

I think there's really significant cumulative impact issues here. I think absolutely, despite what we heard from the applicant, even in the retail fabric. I mean, we're here, and we're in the coastal zone and we have a mandate to protect what is unique and special about Venice as a unique coastal community. And there's two aspects to that that, you know, I'd like to talk about. One is scale, character, and mass. And that is, we are not Hermosa Beach. We are not Manhattan Beach. We're not Santa Monica. We have an intact, a partially intact...we've ruined it, you know, a lot of it, but we still have a fabric of small-scale bungalows and small structures that if one really took it seriously, one really could preserve what is unique about Venice and make sure that we don't become a series of the biggest houses you can build on our very small lots. So, I think there's an issue there that I'm having trouble with, in terms of consistency with the Coastal Act.

And then on the environmental justice side, I think it is, you know, close to...I am, like everyone in the city of Los Angeles, just dumbfounded at how much time, how long it is taking us to do what needs to be done, to find creative ways to create more affordable housing here. And Venice clearly is the pressure point. And the fact that we are locked into this from documents that go back 10 years and more, that we haven't been able to jump into action in a place like Venice and come up with solutions to allow us to increase density. The fact that we're still losing density in Venice and losing affordable housing - that is reprehensible.

And what I really would've liked to have seen, and I'm gonna make this suggestion if Jason's still here in the house - I think our council district should produce a feasibility study and they, in an objective way, should show us and show all the people who would like to redevelop some of these properties, how it can be done. And I think that could actually be constructive and helpful.

But on the environmental justice side, I have a different interpretation than you do, President Newhouse, which is about opportunity, which is about stability. It's not about who can afford to buy in. It's about who can afford to stay and who can resist the pressure of market rate developers, who pepper all of us with offers on our houses every single day. And there's no alternative. We provide no community-based housing, no models, no ways to keep the people here who have lived here for generations, who built this place, who actually are the diversity.

And so, you know, those are kind of even the sort of bigger, larger scale frustrations than my more immediate ones that I expressed earlier this evening. And it still leaves me in the same place, but at least I can cast a vote that is somewhat symbolic here, later. But this is what I think continues to be super frustrating about this commission is not having the tools to really do something about this.

# EXHIBIT D

June 2, 2021, WLAAPC hearing for 315 6<sup>th</sup> Ave

MIKE NEWHOUSE: As a starting point, we get three types of appeals on this body, I think it's fair to say:

We get appeals from neighbors, the neighborhood, who have a problem with a development in their neighborhood that is impacting them directly next door, down the street, what have you.

Number two, we get appeals from an applicant who wanted to do something the city denied them.

And then a number three, we get - which is most of our business, so to speak - from organized groups who, who have a vision, who believe in a vision, who have a vision and are looking to effectuate that vision through various city commissions, city bodies, state bodies, et cetera, et cetera, which is great. It's what makes our democracy work, and the folks that are appellants right now, I think fall into that category. And they have a very specific vision for, housing and affordable housing and uses in the coastal zone, and how Mello applies or does not apply, how we should look at CEQA, et cetera, et cetera. And I have all the appreciation in the world for that, and for the work they do.

However, as I've said, many times we are not a legislative body. I often feel like my hands are tied, whether an applicant is a developer or whether they are a neighbor or whether they are a community group. Because again, we are not a neighborhood council. We're not a city council. We're not any other legislative body. We have to just look at what we have. And more often than not, you look at the findings and the determination letters, they are extremely well-reasoned, they're extremely detailed. And at best, what I usually find is that the only way that something could be overturned would be to really look at a creative interpretation of what is either a clear, what it is either clear from a statutory standpoint, and I mean, either code or state statute or a part of the coastal act, or oftentimes something is very ambiguous, is oftentimes the problem we're dealing with, and then it does become subject to interpretation.

So, what I often do in those situations, I look at this and I say, okay, what, what is happening here? And I think it comes down to two things. You have four units, and are you replacing them with four units? To me, you are. Those other accessory dwelling units can either be rented legally, and by definition, something that small is about as affordable, as affordable as Venice gets. Trust me when I tell you. Or it can be used for an older member of the family, you know, these were called, you



know, granny flats or granny units traditionally. That is also a form of low-income housing for certain people. Or sometimes people, use them themselves for an office or whatever else they might do.

But in looking at this project to me I look at, is it four units for four units? And I don't see how there's any interpretation of what we're looking at that says it is not. An ADU is a, is a dwelling unit. There's space in here for a kitchen, it's been set up as such. There's space in here for a bathroom. And the two big units have space as well - they all have separate entrances and they don't fall under the requirement for additional parking. And there's no way we can say any differently than that. So, I think that that, that interpretation doesn't go anywhere.

The next issue I think is interesting and I think is extremely important to look at, and I have an extremely heavy background in it, as you all know, which is, which is CEQA and looking at cumulative impacts, which are extremely important, especially in the coastal zone. But what you have to remember about CEQA, and if anybody really wants something to help put them to sleep at night, go read the legislative history behind CEQA when it was enacted. And if you want to get even more in-depth, look at NEPA at the national level, which CEQA was then based on. And what you'll find is it's looking for the cumulative impacts of large projects, that wholesale effect areas when there are more than one of them. And the classic idea is, okay, you're building a three-story building where they're mostly two story buildings and it's this big, and if you take it alone, it's not a big deal. But if I build two or three more there on that same stretch of land on the coastal zone, how's it going to affect things, you have to look at the cumulative impact. Cumulative impacts under CEQA were never envisioned for looking at a single-family dwelling or a single-family dwelling with an ADU, and things of this size. They simply weren't looked at that way.

And if you take it to its logical conclusion, the problem becomes, if we're going to start saying you need cumulative impacts when somebody wants to build a single-family dwelling unit or a single-family dwelling unit with an ADU, the problem is you've got to do a cumulative impact analysis on every development in Venice and in the coastal zone and in the rest of Los Angeles. No doubt the appellants would like that. They would be the first ones to say, absolutely do it. And theoretically, it's not a bad idea. Practically, it's an impossible idea. It cannot happen. It's too expensive, you'd put everybody out of business, nobody would ever build anything. And you would just have things that need to be rebuilt and areas which need to be rejuvenated, and which naturally get rejuvenated by young families that come in and build homes and build places to raise a family, when older folks who



generally become single at a certain point have become older. This is what happens in every community in the world. You would render that impossible. And if the legislature wants to render that impossible, then they can do that.

But we have to look at what the rules are, and the rules here do not by any stretch of the imagination, except an activist, which is okay again, and hey, look, I love the arguments they make, but they just don't apply here. And that's the only two ways I would look at to ever overturn anything that's happening here.

If you look at an environmental justice, so all of a sudden this is, this is cruel and injustice to communities of color? What if, what if people of color buy these properties, which they very well might. I live in Venice. It's absolutely diverse, even though it's gotten richer. I know a ton of people moving into the area that are not white people, and that are paying \$3 million, \$4 million, \$5 million for houses. They're black folks, they're brown folks, they're Asian folks, they're women. You know, it's not all white men moving in. Trust me when I tell you - probably the opposite. So, I don't see where that comes into the, the, the analysis.

I think we have to look at, you know, compliance with the Venice coastal zone specific plan. We don't have any problems there. We don't have anything we can hang our hook on. And this is not what cumulative impacts are intended for. It's just simply not. So that's my sort of take.

Again, I'm not unsympathetic to the arguments being made and I fully support organizations that are making these arguments and they often make very good arguments, but here we just, it would take a tortured interpretation and that of a legislative body to go ahead and grant this appeal, in my opinion. It just would, and that's not our job. And that's how I see it. So, everybody else go ahead. Who's next? I'm seeing no hands. I'm seeing, I'm seeing a smile by Commissioner Waltz-Morocco.



# EXHIBIT E

## MOTION

TO CITY CLERK FOR PLACEMENT ON NEXT  
REGULAR COUNCIL AGENDA TO BE POSTED

#56

*For Tuesday, June 29 Meeting*

At its meeting on June 2, 2021, the West Los Angeles Area Planning Commission (WLAAPC) denied the appeal in the matter of [DIR-2019-2610-CDP-MEL-1A](#) and [AA-2019-2609-PMLA-SL-1A](#), for the property located at 313-315 South 6th Avenue. This denial sustained the Planning Director's Determination to approve a Coastal Development Permit, Mello Act Compliance Review, and Small Lot Subdivision to create a subdivision of a 6,380 square feet into two new small lots, in conjunction with the demolition of an a multifamily bungalow court consisting of four dwelling units and the construction of two three-story single-family dwellings with attached Accessory Dwelling Units (ADUs).

Action is needed to assert jurisdiction over the above described Commission action, to conduct further review, inasmuch as this proposed project is located in the Coastal Zone of the Venice community and would result in the destruction of four affordable housing units as determined by HCDLA on July 17, 2019. Furthermore, the appellants assert that the feasibility study prepared by Howard Robinson & Associates and submitted on September 12, 2019 provides insufficient evidence in determining that it would not be feasible to replace all existing affordable residential units.

The project may not be within the neighborhood character and may result in the cumulative erosion of a stable multi-family neighborhood in the Coastal Zone. The existing community character is characterized 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 four-unit bungalow court and the construction of single-family dwellings with attached ADUs would erode the neighborhood character - defined by both its physical and social attributes; including racial, ethnic, and income diversity.

Therefore, this project does not meet all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code for a Coastal Development Permit and undermines the mandate of the State's Mello Act to preserve the availability of affordable housing in the Coastal Zone.

**I THEREFORE MOVE** that pursuant to Section 245 of the Los Angeles City Charter, the City Council assert jurisdiction over the June 2, 2021 (Letter of Determination date: June 16, 2021), West Los Angeles Area Planning Commission action to deny the appeal, and thereby sustain the Planning Director's Determination to approve a Coastal Development Permit, Mello Act Compliance Review, and preliminary Parcel Map (Small Lot Subdivision) in the Coastal Zone, in the matter of Case Numbers DIR-2019-2610-CDP-MEL-1A and AA-2019-2609-PMLA-SL-1A, for the properties located at 313 and 315 South 6th Avenue.

**I FURTHER MOVE** that upon assertion of jurisdiction, the City Council VETO the above described action of the West Los Angeles Area Planning Commission and REMAND the matter to this Commission for reconsideration.

PRESENTED BY: 

MIKE BONIN

Councilmember, 11th District

SECONDED BY: 



JUN 25 2021

ORIGINAL

HOLLY L. WOLCOTT  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213)978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER

June 29, 2021

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 21-0741  
**Council Meeting Date:** June 29, 2021  
**Agenda Item No.:** 58  
**Agenda Description:** MOTION (BONIN - HARRIS-DAWSON) relative to asserting jurisdiction over the West Los Angeles Area Planning Commission (WLAAPC) June 2, 2021 action.  
**Council Action:** MOTION (BONIN - HARRIS-DAWSON) - ADOPTED FORTHWITH

**Council Vote:**

YES	Blumenfield	YES	Bonin	YES	Buscaino
YES	Cedillo	YES	de León	YES	Harris-Dawson
YES	Koretz	YES	Krekorian	YES	Lee
YES	Martinez	YES	O'Farrell	YES	Price
YES	Raman	YES	Ridley-Thomas	YES	Rodriguez

HOLLY L. WOLCOTT  
CITY CLERK

Adopted Report(s) Title  
Motion (Bonin - Harris-Dawson) dated 6-25-21



# Exhibit 5 - Commission Survey Area



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 Commission Survey Area





- Single-Family
- Multi-Family
- Single-Family on Subdivided Lot
- ▲ One-Story\*
- ▲ Two Story\*
- ▲ Three-Story\*
- View of residence blocked by vegetation\*

\* Number of stories as appears from the street (not alley) using Google Maps Street View.





- Residential Properties with Less Vegetated Open Space (Similar to Subject Development)
- Residential Properties with More Vegetated Open Space



# Exhibit 6 - City of Los Angeles Survey Area



 City Survey Area

 Three-Story