

CALIFORNIA COASTAL COMMISSION

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



F19b

A-5-VEN-22-0012 (PLACE HOLDER DP, LLC)

APRIL 28, 2022

EXHIBITS

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Exhibit 1—Vicinity Map



Exhibit 2—City-Approved Plans

EXHIBIT "A"
Page No. 1 of 5
Case No. DIR-2020-5351-CDP-SPP



1 PLOT PLAN
3/16" = 1'-0"

DIR-2020-5351

PALOMA AVE
22 PALOMA AVE
VENICE, CA 90291

OWNER
DICO Properties
8744 Wilshire Blvd., Suite 200
Beverly Hills, CA 90212

m_RA
m_Rayne Architecture
222 Century Avenue
Venice, CA 90291
+1 310 330 0001
mrayne@mac.com

ISSUE DATE
5/09/2020
REVISIONS

COASTAL DEVELOPMENT PERMIT DRAWINGS

A0.0

PLOT PLAN	VICINITY MAP	PARKING CALCULATION	PLOT INFORMATION	PROJECT DIRECTORY
		Existing parking to remain per Venice Specific Plan Section 13B. EXCEPTION: Any additions or alterations to an existing singlefamily or multiple dwelling shall not be required to comply with the parking standards set forth in this Section. However, if the addition or alteration results in an additional dwelling unit, the Parking Requirement Table in Subsection D and the requirements in Subsection E shall apply for the addition of a dwelling unit or units. Venice Coastal Development Projects where more than 50 percent of the existing exterior walls are removed or replaced are considered demolitions and new constructions and are not subject to this exception.	Site Address: 22 & 22 1/2 Paloma Ave, Venice, CA 90291 Zoning: RD1 S-1 APN: 4286022006 Legal Description: Lot 5, Block 5, GOLDEN BAY TRACT Lot Area: 3,522.2 Square Feet Existing Building Area for 22: 2,186 Square Feet Existing Building Area for 22 1/2: 2,268 Square Feet Existing Building Use for 22: Duplex Existing Building Use for 22 1/2: Triplex	DICO Properties 8744 Wilshire Blvd. #200, Beverly Hills, CA 90212
			AREA 22 Paloma Ave = 2,186 SF (Existing) 22 1/2 Paloma Ave = 2,268 SF (Existing) Project Total = 5,928 SF (Existing)	

[illegible]

PALOMA AVENUE

PACIFIC AVENUE

ALLEY WAY

SPEEDWAY

EXHIBIT "A"

Page No. 2 of 5

Case No. DIR-2020-5351-CDP-SPP

LEGAL DESCRIPTION
 LOT 4, BLOCK 1 OF THE GOLDEN GATE TRACT, RECORDED IN BOOK 2 OF MAPS, PAGE 18 OF 156, LOS ANGELES COUNTY OFFICIAL RECORDS

BENCHMARK
 CITY OF LOS ANGELES BENCHMARK NO. 15-0770
 FOUND 218 W/200N (PAUL HAY) ST. (LOS ANGELES) (3 E 9400 S. BURET W)
 87° 50' 00" S 02° 50' 00" E PALMA CT
 ELEVATION: 31,900 (NAVD83)

GRATICULE SCALE

(100000)

FOR REVIEW AND COMMENT (28)

TOPOGRAPHIC SURVEY

22 PALOMA AVENUE
VENICE, CALIFORNIA

H.J. BURKE, INC.

H.J. BURKE, INC.
830 S DURANGO DR • 100, LAS VEGAS, NEVADA 89145
T 702/363-1211 F 702/462-8753 F 702/565-9816 EMAIL info@hjb.com
FAX 702/565-9816
CITY OF LAS VEGAS
OFFICE OF THE CLERK
CLERK OF COURT
JANUARY 2018
22 JANUARY 2018

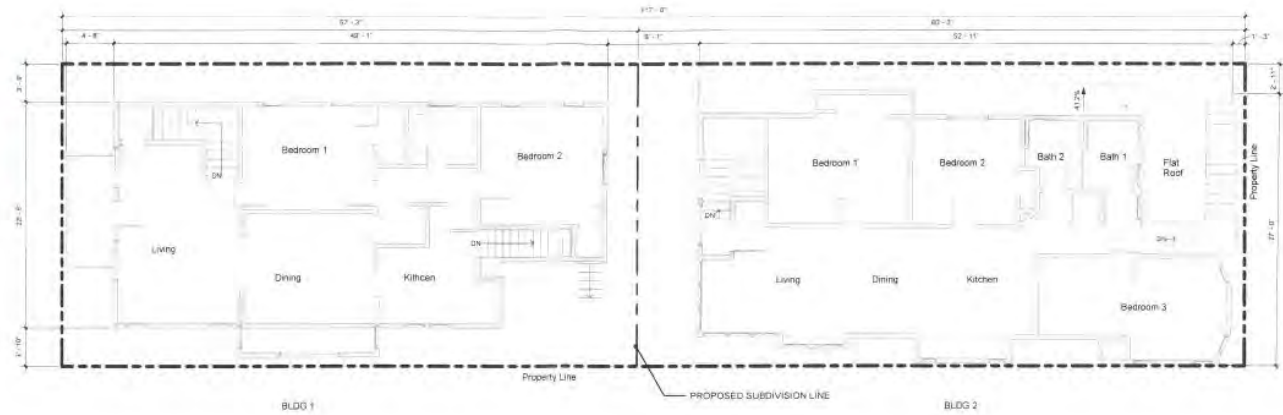
DATE	REVISIONS	APPROVED BY

SHEET:
1 OF 1

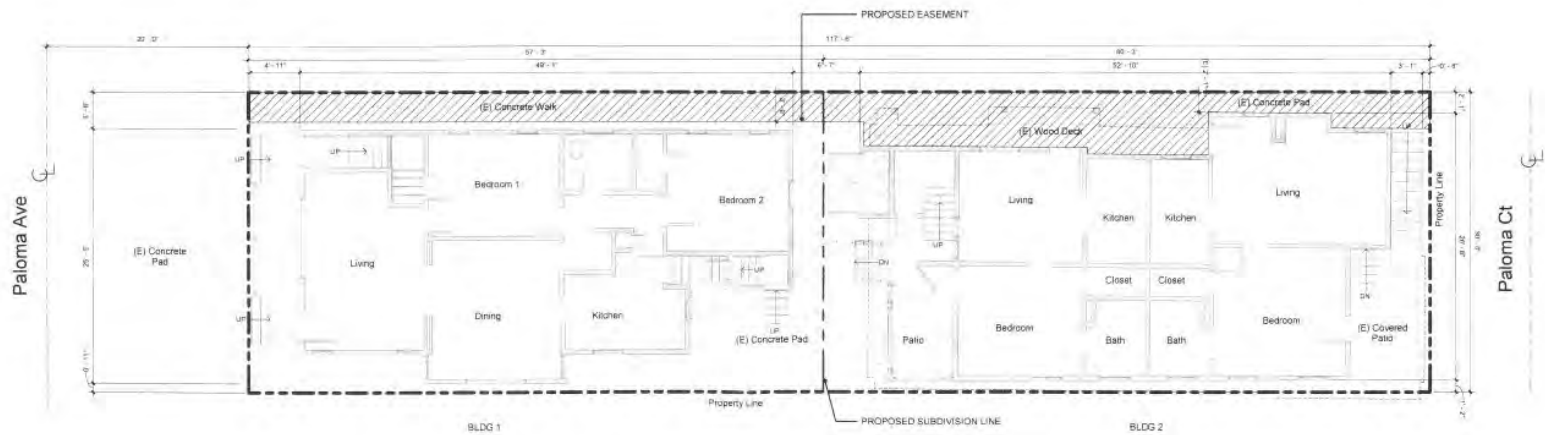
COASTAL
DEVELOPMENT
PERMIT
DRAWINGS

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EXHIBIT "A"
 Page No. 3 of 5
 Case No. DIR-2020-5351-CDP-SPP



② LEVEL 2 FLOOR PLAN
 3/16" = 1'-0"



① LEVEL 1 FLOOR PLAN
 3/16" = 1'-0"

PALOMA AVE

20 PALOMA AVE
 VENICE, CA 90291

OWNER
 (BLDG) Properties
 9741 Wilshire Blvd. #205
 Beverly Hills, CA 90210

m_RA
 m_R Architecture
 625 Oxford Avenue
 Venice, CA 90291
 Tel: 310.226.8881
 mray@mraarchitecture.com

ISSUE DATE
 5/06/2020

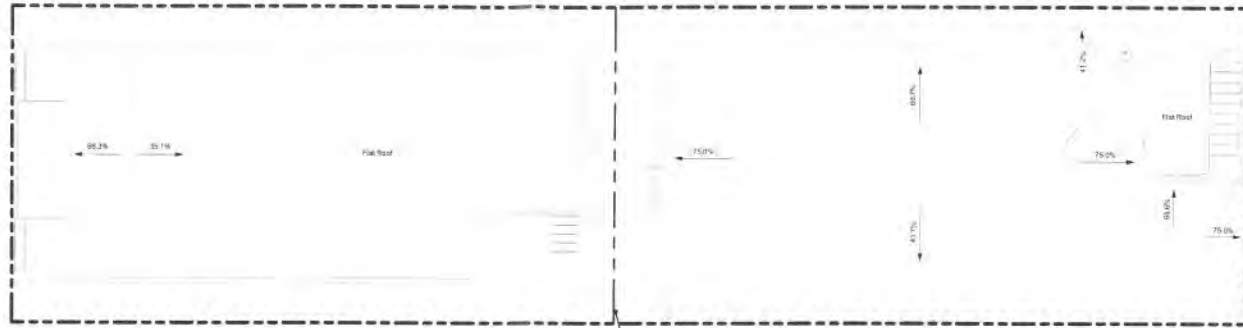
REVISIONS

NO.	DATE	DESCRIPTION
1	5/06/2020	ISSUE FOR PERMIT

COASTAL DEVELOPMENT PERMIT DRAWINGS

A1.0

Paloma Ave



Paloma Ct

1 ROOF PLAN
3/16" = 1'-0"

EXHIBIT "A"

Page No. 4 of 5

Case No. DIR-2020-5351-CDP-SPP

PALOMA AVE
22 PALOMA AVE,
VENICE, CA 90291

OWNER
DCC Properties
5144 Wilshire Blvd. #203
Beverly Hills, CA 90212

m_RA
m_Royce Architecture
4355 Wilshire Avenue
Venice, CA 90291
415.235.5881
www.mroycearchitecture.com

ISSUE DATE
5/08/2020

REVISIONS
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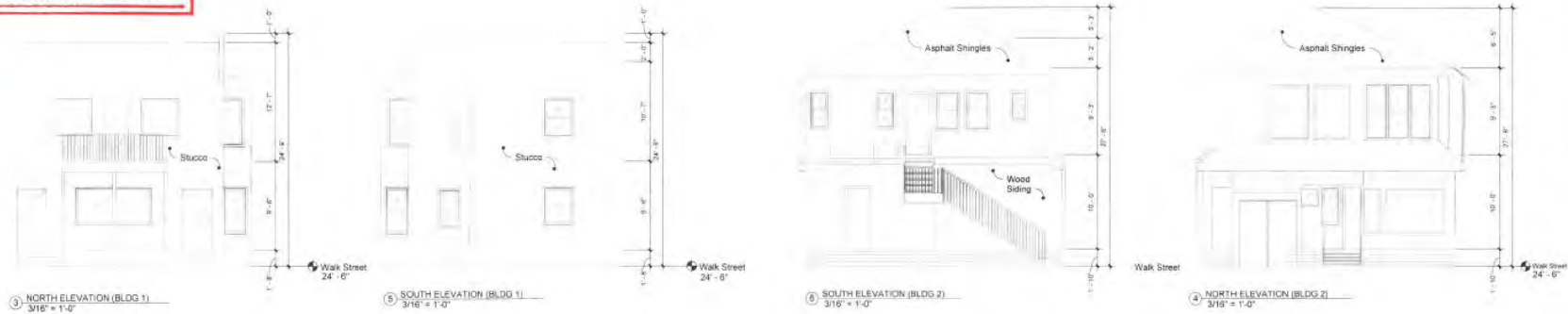
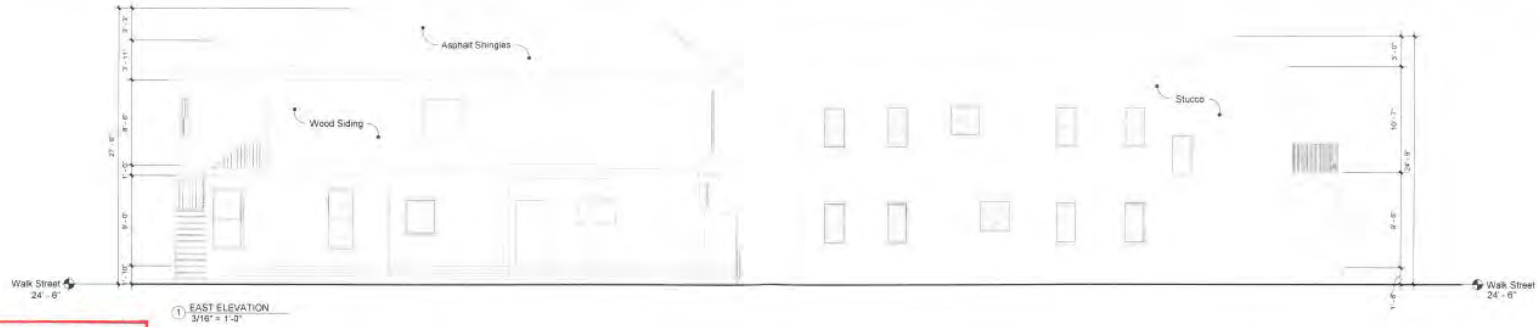
COASTAL
DEVELOPMENT
PERMIT
DRAWINGS

A1.1

EXHIBIT "A"

Page No. 5 of 5

Case No. DIR-2020-5351-CDP-SPP



PALOMA AVE
22 PALOMA AVE
VENICE, CA 90291

OWNER
BCHP Properties
2740 Wilshire Blvd. #200
Beverly Hills, CA 90212

m. RA
M. RAYNE ARCHITECTURE
625 Oakridge Avenue
Venice, CA 90291
+1 (310) 208-0001
info@raynearchitecture.com

ISSUE DATE
9/08/2020

REVISIONS
Sheet: 1 of 1

COASTAL
DEVELOPMENT
PERMIT
DRAWINGS

A2.0

Exhibit 3—City Determination Letter



WEST LOS ANGELES AREA PLANNING COMMISSION

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

LETTER OF DETERMINATION

Mailing Date: **FEB 04 2022**

CASE NO. DIR-2020-5351-CDP-SPP-1A

Council District: 11 – Bonin

CEQA: ENV-2020-5350-CE

Plan Area: Venice

Project Site: 22 and 22 ½ East Paloma Avenue

Applicant: Doron Benshalom, Place Holder, LLC
Representative: Susan Steinberg, Harvey Goodman Civil Engineering

Appellant: Bill Przylucki, People Organized for Westside Renewal, (POWER)

At its meeting of **January 19, 2022**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Subdivision of a 3,525 square-foot lot into two small lots, comprised of a 1,716 square-foot Parcel A and 1,809 square-foot Parcel B. The Project will maintain an existing duplex on Parcel A (22 East Paloma Avenue) and an existing triplex on Parcel B (22 ½ East Paloma Avenue), located in the Dual Permit Jurisdiction of the Coastal Zone.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303, and that there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's Determination dated August 26, 2021;
3. **Approved**, pursuant to Section 12.20.2 of the Los Angeles Municipal Code (LAMC), a Coastal Development Permit for the Proposed Project, located in the Dual Permit Jurisdiction area of the Coastal Zone;
4. **Approved**, pursuant to LAMC Section 11.5.7 and the Venice Coastal Zone Specific Plan (Ordinance No. 175,693), a Project Permit Compliance Review for a Project on a Walk Street in the Venice Coastal Zone Specific Plan Area;
5. **Adopted** changes to the background section of the attached Planning Director's Determination dated August 26, 2021; and
6. **Adopted** the attached Conditions of Approval and Findings.

This action was taken by the following vote:

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

Vote: 4 – 0



Irene Gonzalez, Commission Office Manager, for

James K. Williams, Commission Executive Assistant II
West Los Angeles Area Planning Commission

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 City'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 (CCC) and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame. A Notice of Permit Issuance and Final Action shall be transmitted to the CCC at the end of the CEQA appeal period. The proposed development **is in the dual-permit jurisdiction area**, the applicant is required to obtain a Coastal Development Permit from both the City and CCC. 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 Planning Director's Determination dated August 26, 2021, Interim Appeal Filing Procedures

c: Juliet Oh, Senior City Planner
Elizabeth Gallardo, City Planner
Bindu Kannan, Planning Assistant

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

HELEN LEUNG

KAREN MACK

DANA M. PERLMAN

YVETTE LOPEZ-LEDESMA

JENNA HORNSTOCK

RENEE DAKE WILSON

VACANT

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

DIRECTOR'S DETERMINATION

August 26, 2021

Owner/Applicant

Place Holder DP, LLC
Doron Benshalom, Manager
9744 Wilshire Boulevard
Beverly Hills, CA 90212

Representative

Harvey Goodman Civil
Engineering
834 17th Street
Santa Monica, CA 90403

Case No.: DIR-2020-5351-CDP-SPP

Related Cases: AA-2020-5349-PMLA-SL

CEQA: ENV-2020-5350-CE

Location: 22 and 22 ½ Paloma Avenue

Community Plan Area: Venice

Council District: 11 – Bonin

Neighborhood Council: Venice

Specific Plan: Venice Coastal Zone –
North Venice Subarea

Land Use Designation: Low Medium II Residential

Zone: RD1.5-1

Legal Description: Lot 5, Block 5 Golden Bay
Tract

Last Day to File an Appeal: September 10, 2021

Determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303, and that there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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

APPROVE a Coastal Development Permit for the subdivision of a 3,525 square-foot lot into two small lots, comprised of a 1,716 square-foot Parcel A and 1,809 square-foot Parcel B. The project will maintain an existing duplex on Parcel A (22 East Paloma Avenue) and an existing triplex on Parcel B (22 ½ East Paloma Avenue), located in the Dual Permit Jurisdiction of the Coastal Zone.

Pursuant to Los Angeles Municipal Code Section 11.5.7, and the Venice Coastal Zone Specific Plan (Ordinance No. 175,693), I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

APPROVE a Project Permit Compliance Review for a Project on a Walk Street in the Venice Coastal Zone Specific Plan Area.

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

CONDITIONS OF APPROVAL

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Dual Permit Jurisdiction Area.** The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission. Prior to the issuance of any permits, the Applicant shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
4. **Density.** The project shall maintain the existing multi-family structures on the newly created lots pursuant to Parcel Map No. AA-2020-5349-PMLA-SL.
5. **Height.** Projects on Walk Streets shall be limited to a maximum height of 28 feet. As shown in Exhibit A, the project does not propose any changes and shall maintain the existing height of 27 feet and 6 inches as measured from the centerline of Paloma Ave.
6. **Parking and Access.** As shown in "Exhibit A" and as approved by the Department of Building and Safety, the subject project shall maintain non-conforming parking of zero spaces.
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. **Walk Street. (Design Criteria).** The building materials, colors, articulation, massing, and scale of the proposed project shall substantially comply with those specified on the plans labeled "Exhibit A" in the subject case file. Pedestrian access shall be maintained from Paloma Avenue to Parcel B.
9. **Permanent Public Right-of-Way Encroachments.** Fences shall be permitted in string line with existing fences on the same side of Paloma Avenue and shall not exceed a height of 42 inches. No other encroachments, including hedges or other accessory structures, shall be permitted within five feet of the centerline of Paloma Avenue. Prior to the issuance of a building permit, a revocable encroachment permit, or proof of filing for a revocable permit, shall be obtained from the Department of Public Works – Bureau of Engineering (BOE) for any encroachments within Paloma Avenue. Permanent encroachments shall be limited to grade level uses including gardens, patios, landscaping, ground level decks, and fences.
10. This approval is tied to Case No. AA-2020-5349-PMLA-SL. The applicant shall comply with the conditions of approval listed in Case No. AA-2020-5349-PMLA-SL, which are incorporated herein by reference.

11. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
12. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
13. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
14. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
15. Prior to the 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 and/or the Department of Building and Safety.

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.

BACKGROUND

As modified by the West Los Angeles area Planning Commission on January 19, 2022

The subject site, located at 22 East Paloma Avenue, is a rectangular-shaped, level lot, having a total frontage of 30 feet along Paloma Avenue to the north with an approximate depth of 118 feet. The total lot area is approximately 3,525 square feet. The subject site abuts an alley, Paloma Court, to the south. The subject site is located in the Venice Community Plan and zoned RD1.5-1 with a designated land use of Low Medium II Residential. Certificates of occupancies were issued for each structure on October 15, 1965, establishing a duplex located at 22 East Paloma and a triplex at the rear of the lot located at 22 ½ East Paloma Avenue. The site does not provide parking spaces. Surrounding lots are zoned RD1.5-1 and improved with a mix of multi-family and single-family residences. Properties to the north, east and south are zoned RD1.5-1 and properties to the west are zoned R3-1 and [Q]C1-1, primarily developed with multi-family residences and commercial properties. The site is within the North Venice Subarea of the Venice Coastal Zone Specific Plan and the Dual Permit Jurisdiction area of the California Coastal Zone. The property is located in a Methane Zone.

The applicant is requesting a Coastal Development Permit and Project Permit Compliance Review, authorizing the subdivision of the existing lot to create two new small lots, pursuant to the Small Lot Subdivision Ordinance. Parcel A is 1,716 square feet (22 Paloma Avenue) and Parcel B is 1,809 square feet (22 ½ Paloma Avenue). Both lots will have a width of 30 feet. The project does not propose new construction and will maintain an existing two-story duplex on Parcel A and a two-story triplex on Parcel B. Both structures are identified as Contributors within the North Venice Walk Streets Historic District (SurveyLA, 2015). The subject lot is substandard and fronts a walk street (not accessible by vehicles), the lot is adjacent to an alley. The proposed project will maintain non-conforming parking of zero spaces.

Street(s):

Paloma Avenue although designated by the Mobility Plan as a Local Street with a designated right-of-way width of 60 feet and a roadway width of 36 feet, Paloma Avenue serves as a pedestrian-only Walk Street with a right-of-way of 40 feet comprised of a 14 foot-wide paved walkway and 18 foot-wide paved and landscaped areas on either side.

Paloma Court is a 20-foot alleyway with minimal improvements.

Previous zoning related actions on the site:

AA-2020-5349-PMLA-SL – A concurrent entitlement request to subdivide the 3,525 square foot lot into two lots, located in the Dual Permit Jurisdiction of the Coastal Zone. The proposed small lots will have a square footage of 1,716 (Parcel A) and 1,809 (Parcel B) square feet. No new construction is proposed. The project shall maintain the existing duplex located at 22 East Paloma Avenue and the existing triplex located at 22 ½ East Paloma Avenue.

Previous zoning related actions within a 500-foot radius of the subject site:

ZA-2015-629-CDP-ZV-ZAA-SPP-MEL – On May 10, 2019 the West Los Angeles Area Planning Commission sustained the denial of a Zone Variance requesting the allowance of the use and maintenance of an Apartment Hotel, comprised of two dwelling units and 30 guest rooms in the R3-1 zone, and from Section 12.21-C.6 to waive the required loading space, the denial of a Coastal Development Permit requesting the change of use of a 32-unit

Apartment into an Apartment Hotel comprised of 30 guest rooms and 2 dwelling units in the Dual Permit Jurisdiction of the California Coastal Zone, denied A Zoning Administrator's Adjustment to maintain a nonconforming front and rear yard setback of 0 feet and side yards of 3 feet 6 inches, denied a Project Permit Compliance for a Project within the North Venice Subarea of the Venice Coastal Zone Specific Plan, and approved a Mello Act Compliance Review finding that no Affordable Existing Residential Units were found to exist and no new Residential Units are proposed, for a project located at 417 South Ocean Front Walk.

ZA-2015-1464-CDP-SPP – On November 14, 2018 the Director of Planning approved a Coastal Development Permit and a Project Permit Compliance Review authorizing the remodel and second-story addition to an existing one-story, 1,146 square-foot single-family dwelling resulting in a two-story, 1,884 square-foot single-family dwelling located at the front portion of the lot and the remodel and second-story addition to an existing, one-story, 792 square-foot single-family dwelling resulting in a two-story, 873 square-foot single-family dwelling located at the rear portion of the lot; a total of two parking spaces will be provided onsite, where currently there is no onsite parking in the Dual Permit Jurisdiction of the California Coastal Zone, located at 24 East Dudley Avenue.

DIR-2016-4432-CDP-MEL-SPP – On April 16, 2018, the Director of Planning approved a Coastal Development Permit, Mello Act and Project Permit Compliance Reviews authorizing the conversion of a 2,530 square-foot, two-story triplex to a single-family dwelling, along with minor exterior improvements; the construction of a new 440 square-foot accessory storage structure with a roof deck and exterior stairwell, providing two parking spaces in the rear yard, in the Single Permit Jurisdiction of the California Coastal Zone, located at 32 East Dudley Ave.

DIR-2015-3309-CDP-SPP-SPPA – On August 10, 2016, the Director of Planning approved a Coastal Development Permit authorizing the remodel and second-story addition to a one-story, single-family dwelling; resulting in a two-story, single-family dwelling with a roof deck and basement level, and denied a Specific Plan Project Permit Adjustment for maximum building height of 30 feet in lieu of the permitted 28 feet. The project will maintain an existing detached accessory structure comprised of a second-story recreation room above a two-car garage, in the Dual Permit Jurisdiction area of the Coastal Zone located at 20 E. Sunset Ave.

Public Hearing

A joint public hearing was held by the Deputy Advisory Agency (Jordann Turner) and Hearing Officer (Bindu Kannan) on May 27, 2021 at 9:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the public hearing was conducted virtually and telephonically. The owner, representatives and two members of the public attended the public hearing. The project representatives gave a summary of proposed project.

Two members of the public, Robin Rudisill and Sue Kaplan, asked questions regarding the Specific Plan Project Compliance procedures. The hearing officer addressed their questions and explained that the project had been reviewed for compliance with the Venice Coastal Zone Specific Plan.

The case was taken under advisement for one week pending review of the concurrent request for a Coastal Development Permit.

Correspondence

Bill Przylucki, of POWER submitted a letter dated July 8, 2021, providing comments summarized as follows:

- The project does not conform with the City's land use goals and objectives.
- The applicant's consultant, Howard Robinson & Associates, has repeatedly prepared affordable housing infeasibility studies to evade the requirements of the Mello Act.
- In this case, the applicant appears to be seeking yet another work-around to the requirement that existing affordable units be preserved.
- A small lot subdivision and parcel map could still be achieved, it simply would require that a Mello Act affordability review be completed.
- The Department's choice to waive a Mello Act review entirely, and the applicant's specific petition for relief from that requirement, creates the strong impression that this intended to avoid compliance with the Mello Act.

The Venice Neighborhood Council submitted a letter dated August 19, 2021 stating the VNC approved a motion that: The Venice Neighborhood Council requests that the applicant provide a Mello review.

FINDINGS

Coastal Development Permit

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

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

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

Section 30244 Archaeological and Paleontological Resources.

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

The project involves the subdivision of the existing lot into two small lots and shall maintain two multi-family residential structures. No new construction is proposed. 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 proposed development is located in the Dual Permit Jurisdiction area of the California Coastal Zone, in a highly developed residential neighborhood zoned RD1.5-1 and R3-1 comprised of similar multi-family dwellings. The newly subdivided lots and existing structures will continue to be served by existing police and fire stations and will maintain connections and access to all public services required for residential uses, including water and sewage, waste disposal, gas, and electricity. The lot fronts a Walk Street, which provides pedestrian access to the site. The project does not propose any changes to the existing structures. As such, the project will be located in an existing developed area contiguous with similar residential uses, in an area that is able to accommodate new development.

Section 30251 Scenic and Visual Qualities.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject site and surrounding area are relatively flat with no views to and along the ocean; no natural land forms will be altered as part of the project. The project does not propose any new construction and does not propose any changes to the existing structures. The project proposes to subdivide a 3,525 square-foot lot into two small lots, located in the Dual Permit Jurisdiction of the Coastal Zone. The proposed small lots will have a square footage of 1,716 (Parcel A) and 1,809 (Parcel B) square feet. The project shall maintain the existing duplex located at 22 East Paloma Avenue and the existing triplex located at 22 ½ East Paloma Avenue. The subject site is located on a Venice Walk Street and abuts an alley to the rear. The existing duplex shall maintain a maximum height of 24 feet and 9 inches, and the existing triplex, shall maintain a maximum height of 27 feet and 6 inches. No on-site parking spaces are provided or required as there is no change in density or the existing structures. There are 29, RD-1.5 zoned lots on Paloma Avenue between Pacific Avenue to the east and Speedway to the west, including the subject site. These lots are developed with single- and multi-family homes. Furthermore, the lots across Speedway to the west are zoned R3-1 comprised primarily of two-story multi-family dwellings. Properties directly to the west across Pacific Avenue are zoned R3-1 comprised of a one to three-story single and multi-family dwellings. The proposed development is limited to the property line and will not encroach onto the public right-of-way.

The project's consistency with development standards in the Certified LUP is important in assessing the project's compatibility with the character of the surrounding area. The Certified LUP states that "The development standards also define for each land use designation a density of housing units and lot coverage to maintain the scale and character of existing residential neighborhoods and minimize the impacts of building bulk and mass." (LUP, p.II-2.) The proposed development complies with the density, setback, yard, and height standards outlined in Policy I.A.5, Policy I.A.7 and Policy II.A.3 of the Venice Land Use Plan (LUP), further discussed in Finding No. 2. The proposed development shall maintain the existing structures and will not change or impact 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 non-automobile 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 subdivision of an existing lot to two lots while maintaining the existing structures. The project will not obstruct access on Paloma Avenue (Walk Street), which provides pedestrian access to the beach, and is limited to the subject lot and encroachment area. The subject site is located within 300 feet of the Pacific shoreline. Both the existing duplex located at 22 Paloma Avenue and the existing triplex located at

22 ½ Paloma Avenue were issued certificates of occupancies in October of 1965 prior to the enactment of the Coastal Act and the adoption of the Venice Coastal Zone Specific Plan. At the time of construction on-site parking was not required. The project does not propose any new construction or alterations to the existing structure, and as shall maintain the non-conforming parking of zero spaces. No permanent structures will be erected within the public right-of-way and public access to the coast will not be obstructed.

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 project property consists of one relatively flat lot located in an area designated for residential development. The project is not located by a bluff. The property is located in a Methane Buffer Zone, within 4.5 kilometers from the Santa Monica Fault, and within flood Zone X, outside of the flood zone. As such, the project is subject to compliance with the requirements of the Flood Hazard Management Specific Plan, as well as Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in flood, geologic, and methane hazard areas. Although the LUP identifies Venice as a Special Coastal Community, the subject site is located within a residential neighborhood and not within an area identified as a popular visitor destination for recreational use.

As conditioned, the proposed project conforms to Chapter 3 of the California Coastal Act. The resulting development will have no adverse impacts on public access, recreation, public views or the marine environment, since the site is within a developed residential area located 300 feet away from the shoreline. No new construction is proposed. 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, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed project will not block any designated public access views.

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.5 states: 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.

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

Use: *Duplexes and multi-family structures.* The project will maintain the existing duplex on the newly created front lot and maintain the existing triplex on the newly created rear lot. Both structures were constructed in 1965 prior to the adoption of the Venice Local Coastal Land Use Plan.

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 will maintain the existing duplex on the newly created Parcel A and maintain the existing triplex on the newly created Parcel B. The existing density exceeds the maximum density permitted by the LUP however, both structures were constructed in 1965 prior to the adoption of the Venice Local Coastal Land Use Plan and are legally nonconforming.

Height: *Structures located along walk streets are limited to a maximum height of 28 feet.* The subject site is located on a Walk Street (Paloma Avenue). The existing duplex, located at 22 Paloma Ave, will maintain a maximum height of 24 feet and 9 inches, and the existing triplex, located at 22 ½ Paloma Avenue shall maintain a maximum height of 27 feet and 6 inches.

Policy II.A.3 outlines the Parking Requirements for the project as two (2) spaces for each dwelling unit. Both the existing duplex located at 22 Paloma Avenue and the existing triplex located at 22 ½ Paloma Avenue were issued certificates of occupancies in October of 1965 prior to the enactment of the Coastal Act and the adoption of the Venice Coastal Zone Specific Plan. At the time of construction on-site parking was not required. The project does not propose any new construction or alterations to the existing structure, and as such shall maintain the non-conforming parking of zero spaces.

Where provisions are silent in the Venice Coastal Zone Specific Plan, regulations of the Los Angeles Municipal Code apply. The proposed project is consistent with the policies of the Certified Land Use Plan and the Venice Coastal Zone Specific Plan. The project 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.

Policy II.C.10 includes Residential Development Standards for projects on Walk Streets that new development shall enhance both public access and neighborhood character. As previously discussed, the project is located within the North Venice Walk Streets Historic District. The project proposes the subdivision of an existing lot to two small lots while maintaining the existing structures. The proposed subdivision maintains existing public access adjacent to the site. As further required in case no. AA-2020-5349-PMLA-SL, the applicant is required to improve and repair the portions of the right-of-way adjacent to the site. The proposed subdivision is consistent with the policies of the Land Use Plan and the standards of the Specific Plan (discussed below) and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

Policy II.C.11 limits encroachments into the Walk Street right-of-way to grade level uses including gardens, patios, landscaping, ground level decks and fences; fences, walls, and hedges are limited to 42 inches in height. The site currently maintains a duplex located at 22 Paloma Ave and a triplex located at 22 ½ Paloma Avenue and is required to obtain and maintain a revocable permit for the existing encroachments. No new encroachments are proposed.

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

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

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

The project involves the subdivision of an existing lot into two lots. No new construction is proposed. The Regional Interpretative Guidelines have been reviewed and the proposed project is consistent with the requirements for the North Venice Subarea; the project also complies with the policies of the Venice Land Use Plan and applicable provisions of the Venice Coastal Zone Specific Plan.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The project involves the subdivision of a 3,525 square foot lot into two lots, located in the Dual Permit Jurisdiction of the Coastal Zone. The proposed small lots will have a square footage of 1,716 (Parcel A) and 1,809 (Parcel B) square feet. No new construction is proposed. The project shall maintain the existing duplex located at 22 East Paloma Avenue and the existing triplex located at 22 ½ East Paloma Avenue. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In March 2020, the Coastal Commission approved a Coastal Development Permit to authorize the substantial demolition, major renovation of, and 1,724-sq. ft. net addition to, an approximately 1,128- sq. ft., 20.3-ft. high, one-story single-family residence resulting in an approximately 2,852 sq. ft., 28-ft. high, three-story single-family residence with 1,111 sq. ft. of new deck space, new attached two-car garage, and one additional onsite parking stall, 3.5-ft. high rooftop guardrails, and hardscape and landscape improvements on a canal-fronting lot. The existing detached two-car garage, topped with a second story and third-story recreation

room, is proposed to be demolished. Project includes a request to maintain nonconforming front yard setback from the canal, as well as encroachments beyond the property line adjacent to the canal on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 441 East Sherman Canal, Venice, Los Angeles County (Application No. 5-19-0854).

- In August 2019, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a 2-story, 1,693 square-foot single-family residence built circa 1985 and construction of a 3-story, 30-foot high, 3,631 square-foot single-family residence with an attached 427 square-foot two-car garage and one additional on-site parking space on the driveway apron, and a 473 square-foot roof deck with 42-inch high railings on an approximately 2,850 square-foot canal-fronting lot, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 237 Linnie Canal, Venice, Los Angeles County (Application No. 5-19-0233).
- In June 2019, the Coastal Commission approved a Coastal Development Permit to authorize the remodel and 987 square-foot addition to an existing 1,615 square-foot single family residence, demolition of an existing 456 square-foot detached garage, and construction of a new detached 688 square-foot accessory dwelling unit above a 555 square-foot three-car garage on a 3,780 square-foot lot, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 17 Jib Street, Venice, City of Los Angeles, Los Angeles County (Application No. 5-19-0129).
- In September 2018, the Coastal Commission approved a Coastal Development Permit to authorize demolition of an approximately 740 square-foot single-story, single-family residence and construction of a three-story, 30-foot high, 3,589 square-foot single-family residence with an attached 424 square-foot two-car garage and one additional on-site parking space on the driveway apron, and a roof deck with a 10-foot tall roof access structure on an approximately 2,855 square foot canal-fronting lot, located in a Dual Permit Jurisdiction Area of the Coastal Zone at 437 Howland Canal, Venice, Los Angeles County (Application No. 5-18-0512).
- In May 2018, the Coastal Commission approved a Coastal Development Permit to authorize the construction of a four-story, 45-foot high, 4,203 square-foot single-family residence with an attached 560 square-foot, three car garage on a vacant 3,150 square foot lot, located in a Dual Permit Jurisdiction Area of the Coastal Zone at 127 Via Marina, Venice, Los Angeles County (Application No. 5-17-0776).
- In March 2018, the Coastal Commission approved a Coastal Development Permit to authorize the demolition of a one-story, 594 square foot single-family residence and construct 30-foot high, 3-story, 2,264 square-foot single family residence with attached 2-car garage and lap swimming pool. One additional guest parking space will be located adjacent to the garage. A 1,000-gallon underground cistern is included in the project to collect runoff and to provide landscape irrigation, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 445 Sherman Canal, Venice, Los Angeles County (Application No. 5-17-0852).
- 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 California Coastal Act states the following in regards to public access:

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

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

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

The subject property is located approximately 300 feet from the Pacific coast. The project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the residence. Since the existing structures were constructed prior the enactment of the Coastal and does not propose any new construction, the project shall maintain non-conforming parking of zero

spaces. Furthermore, the proposed subdivision is required to improve and repair the right-of-way adjacent to the site. As proposed, the project will not conflict with any public access or public recreation policies of the California Coastal Act.

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

A Categorical Exemption, ENV-2020-5350-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 to subdivide a 3,525 square foot lot into two small lots. Parcel A (22 Paloma Avenue) will have a lot area of 1,716 square feet and will maintain an existing two-story duplex. Parcel B (22 ½ Paloma Avenue) will have a lot area of 1,809 square feet and will maintain a two-story triplex. No new construction is proposed. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15315 (Class 15).

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-2020-5349-PMLA-SL satisfies all six conditions and therefore qualifies for the Class 15 Categorical Exemption.

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

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

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

The site currently is developed with two multi-family dwellings; a duplex and a triplex. The site is zoned RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The project does not propose any changes to the existing duplex and triplex and is in conformance with the General Plan and Zoning designation.

3. ***Require no variances or exceptions.***

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

4. ***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. Paloma 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.

5. ***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.

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

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

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

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

- a) *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the remodel of an existing multi-family dwellings located at 22 and 22 ½ Paloma Avenue. The project is consistent with the type of development permitted for the area zoned RD-1.5 and designated as Low Medium II Residential use. The project consists of subdivision of an existing creating two new lots and does not propose new construction, and as such will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.). The project will not result in significant cumulative impacts.

- b) *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.*

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typically to a residential neighborhood, no unusual circumstances are present or foreseeable.

- c) *Scenic Highways. A categorical exemption shall not be used for a project, which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The project site is not located on or near a designated state scenic highway.

- d) *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

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.

- e) *Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.*

The project site has not been identified as a historic resource by state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register. The site was found to be a Contributor to the North Venice Historic District based on the City's HistoricPlacesLA website. The proposed subdivision was reviewed by the Office of Historic Resources (OHR), and because no changes will be made to the existing structure the integrity of the district will not be affected. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource.

The proposed project is determined to be categorically exempt and does not require mitigation or monitoring measures. For this reason, no alternatives of the project were evaluated, and an appropriate environmental clearance has been granted.

Project Permit Compliance

7. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.

The proposed project to subdivide a 3,525 square foot lot into two small lots. Parcel A (22 Paloma Avenue) will have a lot area of 1,716 square feet and will maintain an existing two-story duplex. Parcel B (22 ½ Paloma Avenue) will have a lot area of 1,809 square feet and will maintain a two-story triplex. No new construction is proposed. The proposed project meets the findings required by Section 8.C of the Venice Coastal Zone Specific Plan relative to compatibility of the project with the existing neighborhood scale and character and that the project will not be detrimental to the surrounding neighborhood, the applicable Land Use and Development regulations for the North Venice Subarea as set forth in Section 10.F of the Specific Plan, regulations for Walk Streets as set forth in Section 12, and the applicable Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

A. Section 8.C. Findings

The project meets the required findings set forth in Section 8.C of the Venice Coastal Zone Specific Plan, as shown below:

- 1. The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.*

The project site is a substandard lot fronting Paloma Avenue with a width of 30 feet and a depth of 117.5 feet; a total lot area of approximately 3,525 square feet. The project proposes to subdivide the 3,525 square foot lot into two lots. The proposed small lots will have a square footage of 1,716 (Parcel A) and 1,809 (Parcel B) square feet. The project does not propose any new construction or alterations to the existing multi-family dwellings. Both the existing duplex located at 22 Paloma Avenue and the existing triplex located at 22 ½ Paloma Avenue were issued certificates of occupancies in October of 1965 prior to the enactment of the Coastal Act and the adoption of the Venice Coastal Zone Specific Plan. At the time of construction on-site parking was not required. The project does not propose any new construction or alterations to the existing structure, and as such shall maintain the non-conforming parking of zero spaces. The properties to the north, east, west, and south of the site consist of three-story multi-family dwellings in RD1.5 and R3-1 Zones. As approved

and conditioned, the project will not be detrimental to the adjoining properties or the immediate area.

2. The Venice Coastal Development Project is in Conformity with the Certified Venice Local Coastal Program.

The project site is designated Low Medium II Residential in Venice Local Coastal Program Land Use Plan and is zoned RD1.5. The proposed project is consistent with the intents and purposes of the Land Use Plan and the Specific Plan which are components of the Venice Coastal Program. Those policies and provisions support this type and scale of residential development in the North Venice Subarea and intends to meet all applicable development requirements of the Venice Coastal Specific Plan (Ord. No. 175,693) Sections 10.F, 12 and 13. The relevant and applicable provisions of the certified LUP are fully discussed in Finding No 2. The proposed project is consistent with Policy I.A.5 and I.A.7 which outline permitted uses, density, and height in the multi-family residential category, the parking provisions of Policy II.A.3, and the development standards in Policy II.C.10-11 for new development on Walk Streets.

3. The applicant has guaranteed to keep the rent levels of any Replacement Affordable Units at an affordable level for the life of the proposed project and to register the Replacement Affordable Unit with the Los Angeles Housing Department.

No replacement affordable unit will be provided on the site since the proposed project does not involve the demolition or conversion of any Residential Units.

4. The Venice Coastal Development Project is consistent with the special requirements for low- and moderate-income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).

The proposed project does not involve the conversion, demolition or development of one or more Residential Units. Therefore, the proposed project is not subject to the Mello Act.

In addition to the requisite findings set forth in Section 8.C of the Specific Plan, the project also complies with all applicable provisions of the Specific Plan, as set forth below:

B. Section 9. General Land Use and Development Regulations

- 1. Lot Consolidation.* The subject property consists of one residentially zoned lot adjacent to Paloma Avenue, a Walk Street, in the North Venice Subarea; the project does not propose the consolidation of any lots. Therefore, the proposed project is in conformance with Section 9.A of the Specific Plan.
- 2. Height.* As shown in “Exhibit A”, the height of the structure is measured from the centerline of Paloma Avenue and conforms to the standards of measurement as outlined in Section 9.B of the Specific Plan.
- 3. Roof Structures.* The proposed project does not include any Roof Access Structures or rooftop devices.

C. Sections 10.F. Land Use and Development Regulations North Venice Subarea

1. *Density.* A maximum of two dwelling units per lot shall be permitted for all Venice Coastal Development Projects on multiple-family residentially zoned lots. The subject site contains a total of five dwelling units and is nonconforming as to density; However, since the existing structures were constructed in 1965, predating the Venice Coastal Zone Specific Plan and the scope of work does not propose any changes to the existing structures, the project complies with the Specific Plan.
2. *Height.* Venice Coastal Development Projects fronting on Walk Streets shall not exceed a maximum height of 28 feet. As shown in “Exhibit A”, the project does not propose any changes to the existing height of 27 feet and 6 inches.

D. Section 12 – Walk Streets

- A. *Residential Development Standards.* The project consists of a small lot subdivision. As shown in “Exhibit A”, the proposed project does not alter the existing structures, and does not include improvements within the public right-of-way (between the fences and the property line). The frontage on Paloma Ave maintains the primary pedestrian entrance. The proposed project, therefore, complies with the residential development standards for projects fronting on or adjacent to Walk Streets.

E. Section 13 – Parking

- B. *Exception.* Any additions or alternation to an existing single-family or multiple-family dwelling are not subject to the Parking Requirements Table in Section 13.D, unless the addition or alterations will result in a new dwelling unit or where more than 50 percent of the existing exterior walls are removed or replaced. The existing structures were constructed in 1965, predating the Venice Coastal Zone Specific Plan and the subject lot does not provide on-site parking. As shown in “Exhibit A”, the project does not propose any alterations to the existing structures, and no new dwelling units will be added. Therefore, the project is subject to the Exception in Section 13 of the Specific Plan and no additional parking is required.
8. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2020-5350-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 to subdivide a 3,525 square foot lot into two small lots. Parcel A (22 Paloma Avenue) will have a lot area of 1,716 square feet and will maintain an existing two-story duplex. Parcel B (22 ½ Paloma Avenue) will have a lot area of 1,809 square feet and will maintain a two-story triplex. No new construction is proposed. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15315 (Class 15). A full discussion is provided in Finding No. 6. Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have

been reviewed and it has been determined that the subject property is located in Zone X, areas outside of a flood zone.

TIME LIMIT – OBSERVANCE OF CONDITIONS

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

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

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

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

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The joint determination in this matter will become effective after **15 days**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before

the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.**

Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

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

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

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

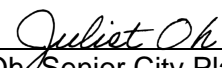
If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:


Faisal Roble, Principal City Planner


Juliet Oh, Senior City Planner

Reviewed by:

Prepared by:


Elizabeth Gallardo, City Planner


Bindu Kannan, Planning Assistant
bindu.kannan@lacity.org

Exhibit 4—Appeal

CALIFORNIA COASTAL COMMISSION

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



APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

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

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

Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: POWER & Citizens Preserving Venice

Mailing address: see attached

Phone number: see attached

Email address: see attached

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

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

Describe: _____

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

Describe: _____

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

Describe: appealed at City level

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

POWER

c/o Bill Przylucki, Executive Director
5617 Hollywood Blvd. Ste. 107
Los Angeles, CA 90028

Ph: (323) 498-5826

Email: info@power-la.org

Citizens Preserving Venice

c/o Robin Rudisill, Treasurer
3003 Ocean Front Walk
Venice, CA 90291

Ph: (310) 721-2343

Email: wildrudi@mac.com

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: Los Angeles
Local government approval body: West L.A. Area Planning Commission
Local government CDP application number: DIR-2020-5351-CDP-SPP
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: FEBRUARY 4, 2022

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

Describe: 22 - 22 1/2 Paloma Ave, btwn Speedway & Pacific. APN: 4286-022-006

Subdivision of a single, 3,525 square foot lot on a North Venice historic walk street
into two smaller lots, comprised of a 1,716 square foot Parcel A and a 1,809 square foot
Parcel B. The project will maintain an existing duplex on Parcel A (22 Paloma Ave) and an
existing triplex on Parcel B (22 1/2 Paloma Ave). No construction or change in density
is proposed. The project is located in the Dual Coastal Zone Permit Jurisdiction.

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

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

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s):

Doron Benshalom, Placeholder DP, LLC

9744 Wilshire Blvd

Applicant Address:

Los Angeles, CA 90212

4. Grounds for this appeal⁴

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

Describe:

See attached

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

Appeal of local CDP decision
Page 5

5. Identification of interested persons


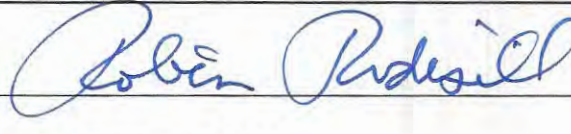
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making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

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

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

Print name Bill Przylucki, POWER & Robin Rudisill, Citizens Preserving Venice

 
Signature

Date of Signature March 25, 2022

7. Representative authorizations

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

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

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

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

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

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

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

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

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

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

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

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

Your Signature _____

Date of Signature _____

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

FINDING 1

The City erred and abused its discretion in approving the project as the development is NOT in conformity with Chapter 3 of the California Coastal Act and the certified Land Use Plan (LUP) because:

1. Adverse cumulative effects were not considered.
2. Subdividing lots in the Venice Coastal Zone subverts Neighborhood Character.
3. The Coastal Act Environmental Justice and affordable housing provisions and the Commission's Environmental Justice Policy were not considered.
4. Protection of Venice as a Special Coastal Community was not considered.

1. Adverse cumulative effects were not considered.

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.” (emphasis added)

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. Both individual and cumulative effects must be considered.

On December 7, 2021, the Coastal Commission's Executive Director, Jack Ainsworth, sent a letter to the City's Planning Director Vince Bertoni making clear that a cumulative effects analysis is required by the Coastal Act. See EXHIBIT A. To date, that directive continues to be ignored.

In addition, 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:

"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."

.....

The cumulative effects approach as stipulated in the Coastal Act assesses similar past and current projects and probable (not "known" projects, a CEQA term) similar future projects together with the proposed project. However, the only analysis that the City performed is based on the CEQA approach—see City CDP section on CEQA Section 15300.2 Exceptions to the Use of Categorical Exemptions (a) Cumulative Impact, page 17. The City stated that "there is not a succession of known projects of the same type and in the same place as the subject project." The City did not consider cumulative effects with respect to the Coastal Act section 30105.5 definition.

With regards to Streetscape Characteristics of the surrounding area, there are a total of 30 parcels on the two sides of Paloma Ave walk street, between Pacific and Speedway. The typical lot is between 3,500 – 3,600 square feet, all in the pattern of the original subdivision, the Golden Bay Tract.

There have been no small-lot subdivisions on walk streets within Venice. See EXHIBIT B, which shows all small-lot subdivision project applications since the City's small-lot subdivision ordinance was passed. There have been 59 in Venice and the only applications in the walk streets were filed in 2020, by Place Holder DP, LLC and Harvey Goodman Civil Engineering for two small lot subdivisions – one for the subject subdivision and one for a six-lot small-lot subdivision at 40 Clubhouse. See EXHIBIT C.

As such grossly sized small-lot subdivision projects generally do not conform with the Coastal Act and LUP, it's clear that this project, reviewed in connection with the effects of other similar current projects (40 Clubhouse) and the effects of probable similar future projects, would cause an adverse cumulative effect on the Paloma Ave walk street, on the North Venice Walk Streets Historic District, and on the character of Venice.

See also EXHIBIT D for West L.A. Area Planning Commission (WLAAPC) Commissioner Margulies' remarks in a hearing last year regarding the need to protect Venice's community character as a Special Coastal Community and Coastal Resource from cumulative effects.

In addition, at the City appeal hearing, the applicant made the point that because the already non-conforming site precludes re-development as SB 330 would require all 5 units to be replaced and as the LUP parking requirements would apply to a new development, it would never be feasible to replace all five units and provide the required parking; thus, future redevelopment of the site is not likely.

However, subdividing the lot makes the situation worse because the southern lot will be landlocked as it is on a walk street and not adjacent to the alley. This subdivision would preclude any future development as parking would not be able to be provided for a new construction project. In fact, the applicant has also stated that the L.A. Department of Building and Safety has already informed them that they would not allow for new construction on a lot without any vehicular access. Even though there is no demolition and new construction with this project, as the structures are quite old (built in 1911 and 1922), it's likely they are at the end of their useful lives.

Allowing one decision to landlock a parcel could encourage subsequent similar decisions along Paloma Ave and any number of walk streets, causing an adverse cumulative impact on community character.

For these reasons, this subdivision cannot be approved. Finding 1 is in error as it does not include consideration of cumulative effects and thus is not in conformance with Section 30250(a) of the Coastal Act.

2. Subdividing lots in the Venice Coastal Zone subverts Neighborhood Character.

Coastal Act Section 30251 Scenic and visual qualities:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to 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."

LUP Policy Preservation of Venice as a Special Coastal Community I.E.2. Scale states:

"New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods." (emphasis added)

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..."* (LUP page II-1) The defining character of the Venice Coastal Zone is its small scale and its diversity, as can be seen in its economic, cultural and architectural mix, with much of its housing being affordable. The LUP clearly defines neighborhood character. Development in Venice's unique neighborhoods, including the walk streets and the historic districts, must consider neighborhood character and should be reflective of the development patterns that already exist, including subdivision patterns. In addition, on page 10 of the CDP, the City states that the site and surrounding area has no views to and along the ocean. That is an error. The walk street area is less than 300 feet from the beach and has views of the Boardwalk, beach, and ocean.

The LUP also states: *"The subdivision patterns in Venice are also unique, the layout of which still reflects the original canal system and rail lines. Few of the original canals remain. Most have been filled in and have become streets for vehicular traffic while others are now part of the system of walk streets."* (LUP page II-1) Venice is known for its unique subdivisions and pattern of development, which makes the existing subdivision patterns a significant part of its character. This small lot subdivision development would cause an adverse cumulative effect as it would cause a significant break in the pattern of development and significantly change the unique Venice walk street subdivision development pattern, causing harm to Venice's character and its status as a Special Coastal Community.

Subdividing lots in the Venice Coastal Zone subverts neighborhood character, in violation of the LUP. In the Coastal Zone, the LUP takes precedence over both the

City's uncertified Venice Coastal Zone Specific Plan and uncertified LAMC, and thus its specific provisions requiring compatibility of new development with the surrounding neighborhood, including as relates to the subdivision of lots, must be followed.

However, the City's LAMC 17.50 is instructive with respect to subdivision patterns as it states that one of the purposes of a preliminary parcel map for a subdivision is to assure lots are of acceptable design and of a size compatible with the size of existing lots in the immediate neighborhood:

SEC. 17.50. PARCEL MAPS – GENERAL PROVISIONS.



A. Purpose. The following parcel map regulations are intended to assure compliance with the Subdivision Map Act, the Comprehensive Zoning Plan of the City of Los Angeles as set forth in [Article 2](#) of this chapter, and the various elements of the City's General Plan, to assure lots of acceptable design and of a size compatible with the size of existing lots in the immediate neighborhood; to preserve property values; to assure compliance with the Design Standards for Streets and Alleys as specified in Section [17.05](#) of this Code where street or alley dedication and/or improvement are required; and to prevent interference with the opening or extension of streets necessary for emergency vehicle access, proper traffic circulation and the future development of adjacent properties; and to provide that the dividing of land in the hillside areas be done in a manner which will assure that the separate parcels can be safely graded and developed as building sites. (Amended by Ord. No. 143,254, Eff. 5/14/72.)

The new lots are half the size of the existing lots and the vast majority of the lots in the area, which any reasonable mind would agree means that the new lots are clearly not of a size compatible with the size of existing lots in the immediate neighborhood. A subdivision to split an existing lot in half and reduce the original lot by 50% would not result in lot sizes compatible with the size of lots in the immediate neighborhood. Indeed, this is exactly the type of thing that LAMC 17.50 intends to prevent. Development in neighborhoods must consider neighborhood character, which includes such things as mass and scale and lot subdivision patterns. This additional small lot subdivision would cause an adverse cumulative impact as it would cause a significant break in the pattern of development for the immediate neighborhood and walk street area.

Under LAMC 12.22 C.27(b), the City makes extreme exceptions for subdivisions of existing buildings such as the subject subdivision; however, that is a non-certified City zoning regulation and not applicable in the Coastal Zone. See EXHIBIT E. These exceptions must not be allowed in the Coastal Zone. Rather, conformance with Coastal Act section 30251 and LUP I.E.2 is required. Although the proposed development will maintain the existing structures, the subdivision will change and impact the character of the surrounding area. Approval of the proposed subdivision is inconsistent with the policies of the LUP designed to maintain the character of existing stable residential 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.

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

The Environmental Justice Coastal Act and affordable housing provisions and the Commission's Environmental Justice policy were not considered in the City's determination.

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 30604(h) states:

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

In support of this appeal, see EXHIBIT D for poignant remarks from one of the City's WLAAPC Commissioners regarding Environmental Justice and why it should be considered in the Venice Coastal Zone. However, the City continues to refuse to consider Environmental Justice, even though the Coastal Commission has strongly urged them to do so. See EXHIBIT F.

Also, the Los Angeles City Council has approved a motion that directs City Planning, with assistance from the City's housing department, to report back with a detailed analysis on topics related to housing equity and access in the Coastal Zone, including displacement and gentrification effects on historically marginalized populations and impact of new development and housing typologies (i.e., small lots, mansionization) on available market rate and affordable housing stock. See EXHIBIT G.

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.

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)

It is important for Coastal Staff to understand the Mello Act errors in assessing the Environmental Justice issues for this project. Having the correct interpretation of the Mello Act and the City's Interim Administrative Procedures for implementation of the Mello Act (IAP), 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.

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."

The existing five units are covered by the City's Rent Stabilization Ordinance (RSO). 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.

As detailed below, the City has violated the Mello Act and the IAP and the Environmental Justice policy must be put into effect to resolve this violation by Commission staff using its discretion to contact the appropriate agency to attempt to resolve the issue.

The City refused to perform a Mello Act Compliance Review for the project because they interpreted the IAP in a way that violated not only the letter of the law but also the spirit of the Mello Act, which will harm affordable housing. The experts, such as appellant Bill Przylucki of POWER and Legal Aid Foundation of Los Angeles (LAFLA), interpreted the IAP in a way that is in conformance with the Mello Act and that will protect affordable housing.

To decide whether a Mello Act determination should be required, all one needs to do is ask whether the project could result in a loss of affordable housing. The answer is yes as there will obviously be a future replacement of these 100+ year-old buildings and at that time any affordable units on the separate 2-unit lot would likely not be required to be replaced under the Mello Act and IAP, resulting in a loss of affordable housing.

A Mello Act Compliance Review is required to determine whether any existing units at the subject property qualify as affordable housing replacement units and would need to be preserved as a condition of approval for a project. It must be noted that we believe, for all the reasons herein, the subdivision project must be denied. However, if the subdivision is wrongly approved it must be returned to the City for a Mello Act Compliance Review, with any affordable units covenanted as replacement affordable units. The project site contains five rent-stabilized residential rental units and is therefore subject to a Mello Act review. The IAP throughout discusses the requirement to conduct reviews to identify and preserve existing affordable residential housing units in all demolitions, conversions, and new housing developments.

The applicant specifically requested relief from the Mello Act and the IAP and claimed that because the units' ownership status will not change, there is no requirement for a Mello Review. However, this project meets the IAP's definition of a conversion and therefore requires a Mello Act Compliance Review. The definition of Conversion in the IAP states that a conversion means a change of one or more existing residential units to a condominium or similar form of ownership. A small lot subdivision is a similar form of ownership (small-lot subdivisions did not exist at the time of the writing of the IAP or they would have been specifically included in that definition). Also, "one or more" existing residential units is changing – the form of ownership of more than one, a total of 5 existing units, is changing to a 2-lot small lot subdivision, one of which will have a new APN. The form of ownership of each unit is not changing but the form of ownership of those 5 existing units is changing. The City cannot say that is not true. City Planning is interpreting the definition of conversion to mean that each of the existing units must change to a condominium or similar form of ownership (small-lot subdivision), but that makes no sense as it is not possible for each unit in a multi-unit building to be changed to a small lot subdivision.

To evade a Mello Act Compliance Review in this case would provide a new path for developers who want to game the system and evade the Mello Act and IAP replacement requirements. Such a precedent is not acceptable.

In addition, even the Venice Neighborhood Council requested that the City require a Mello review for this project. They were clear on the consequences of not doing the required Mello review. See EXHIBIT H.

City Planning always interprets the Mello requirements in favor of the developer and the loss of affordable housing. Unless this decision is reversed, future land use applications will result in a loss of existing affordable housing at some point in the future when this 100-year-old building is replaced. Said another way, a denial of this appeal would be an approval of the likely loss of affordable housing.

Granting this small lot subdivision would undermine the spirit of and overall goals of the Mello Act and the Small Lot Subdivision Ordinance, both of which were designed to increase density and affordability of housing in their own ways. The applicant's consultant, Howard Robinson & Associates, has repeatedly prepared affordable housing infeasibility studies to evade the requirements of the Mello Act and argued for their acceptance on existing developments of three or more units simply because the units have been physically separated by yard instead of building material. In this case, the applicant is seeking yet another work-around to the requirement that existing affordable units be preserved, by creating a parcel map to subdivide the existing 5-unit RSO property.

See also letters from POWER at EXHIBIT I.

Lastly, it is concerning that the parcel map does not show that there will be 2 units on the one small lot and 3 units on the other small lot. See EXHIBIT J.

4. Protection of Venice as a Special Coastal Community was not considered.

The City's findings did not adequately analyze the impacts of the approved development on Venice's unique community character. The subject site is located in the Venice Coastal Zone, which is a Coastal Resource to be protected. In addition, the site is in an area identified as a popular visitor destination for recreation use as it is located on one of the world-famous walk streets, which are one of the character defining features of Venice that provide opportunities for pedestrian access for visitors to the coast. On top of all that, the site is located in the North Venice Walk Streets Historic District, which contributes to the historical and architectural heritage that is distinctive to Venice's character. In addition, the buildings on the property are Contributors to the historic district. See EXHIBIT K.

In addition, approving any project that does not protect existing affordable housing, in this case via correct implementation of the Mello Act and the IAP, could impact Venice's social diversity, required to be protected by LUP I.E.1. Also, subdividing an already substandard lot, 3,525.2 square feet, into two lots would have a negative impact on the subdivision pattern of the neighborhood and thus the character of the neighborhood.

Coastal Act Section 30253 states:

"New development shall...protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses."

As the Coastal Commission has noted in many findings, the community character of all of Venice, including its residential neighborhoods, is a Coastal Resource to be protected. The decision maker erred and abused its discretion in that its Findings do not adequately address Coastal Act Section 30253(e). In its determination (page 11) the City states: "Although the LUP identifies Venice as a Special Coastal Community, the subject site is located within a residential neighborhood and not within an area identified as a popular visitor destination for recreational use." The fact is that this project would harm the Special Coastal Community, Coastal Resource of Venice as it changes the character of the neighborhood due to the significant change in the pattern of the walk street subdivision.

The protection of community character is a significant issue for the residents of Venice and the people of California. Venice has a unique blend of style and scale of residential buildings, historical character, walk streets, diverse population, as well as expansive recreation areas and attractions. These features make all of Venice a popular destination for both residents and tourists. As a result of its unique coastal districts, Venice is a coastal resource to be protected. As a primarily residential community, existing and ongoing residential development is a significant factor in determining Venice's community character. (Coastal Permit # A-5-VEN-16-0083)

Section 30250 of the Coastal Act requires new development to "be located within, contiguous with, or in close proximity to, existing developed areas." Sections 30251 and 30253 of the Coastal Act state that scenic areas and special communities shall be protected. These sections of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community--including the beach, the boardwalk, the canals, the walk streets, the Venice Pier, the jetty, the lagoon, and the eclectic architectural styles of the neighborhoods--is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 15 million people visited Venice in 2015, drawn by the unique characteristics of the area. "The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community." and "Venice's unique community character is a significant coastal resource." (Coastal permit # A-5-VEN-21-0052)

The definition of Special Coastal Community (LUP Page I-16) is:

"An area recognized as an important visitor destination center on the coastline, characterized by a particular cultural, historical, or architectural heritage that is

distinctive, provides opportunities for pedestrian and bicycle access for visitors to the coast, and adds to the visual attractiveness of the coast."

In addition, according to LUP Policy I.F.1. Historic and Cultural Resources, the Venice Walk Streets are included on the listing of specific significant architectural, historical and cultural landmarks in the Venice Coastal Zone and should be protected as such. This is a Contributor property to the North Venice Walk Streets Historic District, and as such the identifying characteristics should be protected with conditions if this project does go forward, so that any future modifications do not destroy the historical features of the structures.

This site is not only located in a developed residential neighborhood, but it is undeniable that the North Venice Historic walk streets, adjacent to the Venice Boardwalk, is a heavily visited tourist destination. The walk streets may not be included on the list of recreation areas in Policy Group III of the LUP, but they are key in the definition of Special Coastal Community as being historic, being distinctive, providing opportunities for pedestrian access for visitors, and adding to the visual attractiveness of the coast. Also, according to LUP Policy I.D.3. Views of Natural and Coastal Recreation Resources, walk streets are included in the list of highly scenic coastal areas and vista points and thus must be additionally protected as per Coastal Act sections 30251 and 30253.

At the City appeal hearing for this project, Commissioner Waltz Morocco expressed concern about the proposed subdivision (scroll to 1:03:40):

https://planning.lacity.org/plndoc/Audio/West_LA/2022/01-19-2022/6_DIR_2020_5351.mp3

"The question about [whether] there [are] any small lots on walk streets speaks to the heart of this, at least for me. I think that's where the traction is for this. I understand that small lots are allowed. But the question is, should they be? Should they be in Venice, should they be on walk streets, should they be with Contributors, should they be in special areas like this? Because they do alter the development pattern of a place and that affects the unique character of a place."

See EXHIBIT B for a list of all small lot subdivision applications in Venice since the LUP. There have not been any applications for small lot subdivisions in the dual zone or in the North Venice Historic Walk Streets or with a Contributor involved. In addition, the City Council has raised the question of whether small-lot subdivisions should be allowed anywhere in the Los Angeles Coastal Zones. See EXHIBIT G. The several that have been approved in other areas of Venice have been tragic, altering the special community character of those areas.

However, in 2020 the same applicant, Place Holder DP, LLC and Harvey Goodman Civil Engineering, submitted applications for the subject project and for a small-lot subdivision at 40 Clubhouse.

The City's findings did not adequately analyze the impacts of the approved development on Venice's unique community character. The subject site is located in the Venice Coastal Zone, which is a Coastal Resource to be protected. In addition, the site is located in an area identified as a popular visitor destination for recreation use and coastal access and a scenic coastal area (as per the LUP) as it is located on one of the world-famous walk streets, which are one of the character defining features of Venice that provide opportunities for pedestrian access for visitors to the coast. On top of that, the site is located in the North Venice Walk Streets Historic District, which contributes to the historical and architectural heritage that is distinctive to Venice's character.

In addition, approving any project that does not protect existing affordable housing, in this case via correct implementation of the Mello Act and the IAP, could impact Venice's social diversity, which is to be protected as per LUP I.E.1.

Subdividing an already substandard lot, 3,525.2 square feet, into two lots would have a negative impact on the subdivision pattern of the neighborhood and the character of the neighborhood. The cumulative impact would completely change the subdivision pattern of this special walk street neighborhood and historic district.

The City's Finding 1 regarding Coastal Act Section 30253 is an error and abuse of discretion and therefore the CDP cannot be approved.

FINDING 2

Coastal Act Section 30251 Scenic and visual qualities states:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...."

LUP Policy Preservation of Venice as a Special Coastal Community I.E.2. Scale states:

"New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods." (emphasis added)

Paloma Ave walk street is designated for pedestrian access on the LUP Coastal Access Map and in fact is the longest walk street on that map, spanning from Main Street to Ocean Front Walk. See EXHIBIT L.

LUP Policy II.C.10. Walk Streets—Residential Development Standards. States: “...Primary ground floor residential building entrances...shall face the walk streets....entries...shall face walk streets and be well-defined and separate.” However, one of the lots would no longer front the walk street. Even if the configuration of entrances is allowed on the existing non-conforming lot, this would be impossible in the future when there is new construction.

Finding 2 of the CDP is in error as the project does not conform with Coastal Act Section 30251 or LUP Policies I.E.2. and II.C10. Thus, the project would prejudice the City’s ability to prepare a Local Coastal Program that is in conformance with Coastal Act Chapter 3.

FINDING 3

As indicated in the first 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. In addition, the finding states that “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,” and as noted in detail above, the project is not.

FINDING 4

Five of the projects listed are on the canals. One was for an ADU on a walk street. Three of the projects listed entail small-lot subdivisions but were located on the far east side of the Venice Coastal Zone, a block from Lincoln Blvd and were not on walk streets or in an historic district. None of the prior Coastal Commission decisions listed provide guidance re. the subject project.

CEQA

The City incorrectly determined that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15315 (Class 15). In addition, pursuant to CEQA Guidelines Section 15300.2, there is substantial evidence demonstrating that an exception to the categorical exemption applies.

CEQA Guidelines Section 15332(a) requires Findings that the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. However, as detailed herein and in the administrative record, the proposed project does not conform with General Plan and zoning requirements – specifically, the LAMC 12.20.2 coastal requirements, LAMC 17.5, as well as the Mello Act and IAP. The Project is also not in conformance with the General Plan as it is inconsistent with the regulations in the LUP (as detailed herein), a part of the General Plan. Thus, the subdivision project does not comply with CEQA Guidelines Section 15332(a) and does not qualify for a Class 15 categorical exemption.

In addition, under CEQA Guidelines 15300.2, categorical exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. 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. As explained herein this project does not protect but rather would substantially harm this Coastal Resource. A correct cumulative impact analysis of the project as required by CEQA would show that the project meets the exception to a categorical exemption.

In addition, it is concerning that on page 17, under a) Cumulative Impact, the finding states that the project proposes the remodel of the existing multi-family dwellings located at 22 and 22 ½ Paloma Ave. That is not a part of the project description, and it must be specifically determined whether that statement is correct.

The above analysis is substantial evidence that the City has erred and abused its discretion by finding that the project qualifies as a categorical exemption under CEQA.

EXHIBIT A

CALIFORNIA COASTAL COMMISSION

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WWW.COASTAL.CA.GOV



December 7, 2021

Sent via U.S. Mail and E-Mail
Vincent Bertoni, Planning Director
City of Los Angeles – Department of City Planning
200 North Spring Street
Los Angeles, CA 90012

Re: Addressing cumulative effects in City coastal development permits

Dear Mr. Bertoni:

The California Coastal Commission has directed Commission staff to write to the City of Los Angeles (the City) concerning the requirement of the California Coastal Act of 1976 (Coastal Act) to approve development that is compatible with the community character of Venice. As the City is aware, residential development in Venice has been a matter of significant public concern and controversy, resulting in numerous appeals to the Commission of City-approved projects and lawsuits. The Commission believes that it is in the interest of the public, applicants, and our respective agencies to respond to community concerns by considering and evaluating the potential cumulative effects of proposed residential development on the community character of Venice, which is designated as a special coastal community, and that such an analysis is required by Coastal Act policies sections 30250(a), 30251, and 30253(e).

The City has taken the position in litigation that the Coastal Act does not require the City to address the cumulative effects of new residential development on Venice's character. (See, e.g., *Stanger v. California Coastal Commission*, Los Angeles Superior Court Case No. 18STCP02483, City of Los Angeles's Opposition to Petitioner's Opening Brief [arguing that petitioners' contention that the City failed to analyze project's cumulative impacts "relies heavily on their erroneous assumption that Section 30250 requires an assessment of cumulative impacts for all new development regardless of the Project's location"].) The Commission respectfully disagrees. Consistent with past Commission practice in numerous contexts, the Commission applies the requirements of Section 30250(a) to all new development to ensure it is located in areas "where it will not have significant adverse effects, either individually or cumulatively, on coastal resources." The City should consider the potential for adverse cumulative effects to coastal resources, including community character, when evaluating new residential projects in Venice. Incorporating a meaningful cumulative effects analysis consistent with the definition of "cumulative effect" in Coastal Act section 30105.5 into the City's decision-making process will benefit coastal resource protection and, we hope, reduce the number of appeals of City-approved projects and related litigation. To that end, the City should also adopt a Local Coastal Program that addresses community character and

acknowledges that a cumulative effects analysis is required by the Coastal Act for residential development in Venice.

Commission staff has appreciated a productive working relationship with City staff regarding the City's review and approval of development in the coastal zone, including in Venice. If questions arise as to how to implement requirements of the Coastal Act, as they often do, Commission staff is available to continue our ongoing and productive dialogue about coastal resource protection in Venice. Please feel free to contact Deputy Directory Steve Hudson if you have questions.

Sincerely,

DocuSigned by:

0706ACED159C07A
John Ainsworth
Executive Director
California Coastal Commission

CC: Mike Bonin, City Councilmember, City of Los Angeles
Lisa Webber, Deputy Director of Planning, City of Los Angeles
Jason P. Douglas, Senior Planning Deputy, City of Los Angeles
Oscar Medellin, Deputy City Attorney, City of Los Angeles

EXHIBIT B

[Main Menu](#)

Get Case

Lookup by:

Revised: From: 01/01/2012 To: 03/20/2022

Council District: (Rosendahl (11))

Neighborhood Council: (Venice Neighborhood Council)

Street Number: Street Name: Zip Code:

Case Number: SL (Use space in place of dash for fuzzy search.)

Project Name:

Current Status: (

Display (10) page

Search

Selection criteria found 59 matches.

	Address	Application	Case No	CD	NC	Revised	Status
	739 E CALIFORNIA AVE 90291	11/22/2011	AA-2011-3026-PMLA-SL-SPP-CDP-MEL	11	19	01/28/2013	Approved
20	742 E BROOKS AVE 90291	10/23/2012	AA-2012-2949-PMLA-SL	11	19	05/26/2014	Disapproved
	664 E SUNSET AVE 90291	03/18/2013	AA-2013-767-PMLA-SL	11	19	11/07/2013	
6	417 E SUNSET AVE 90291	04/02/2013	AA-2013-953-PMLA-SL	11	19	11/09/2013	Approved
	758 E SUNSET AVE 90291	04/12/2013	AA-2013-1086-PMLA-SL	11	19	02/26/2014	Approved
4	750 E CALIFORNIA AVE 90291	07/02/2013	AA-2013-2001-PMLA-SL	11	19	05/26/2014	Approved
	530 E GRAND BLVD 90291	07/12/2013	AA-2013-2125-PMLA-SL	11	19	07/16/2013	
	2478 S PENMAR AVE 90291	10/15/2013	AA-2013-3231-PMLA-SL	11	19	04/01/2014	Pending
	339 E INDIANA AVE 90291	12/13/2013	AA-2013-3975-PMLA-SL	11	19	04/01/2014	Pending
	1740 S PENMAR AVE 90291	02/18/2014	AA-2014-581-PMLA-SL	11	19	06/06/2014	Scheduled

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	Address	Application	Case No	CD	NC	Revised	Status
	672 E BROOKS AVE 90291	04/02/2014	AA-2014-1086-PMLA-SL	11	19	04/08/2014	
	665 E VERNON AVE 90291	04/02/2014	AA-2014-1082-PMLA-SL	11	19	04/08/2014	
	330 S RENNIE AVE 90291	04/10/2014	VTT-72727-SL	11	19	04/22/2014	
	402 E BROOKS AVE 90291	04/22/2014	AA-2014-1413-PMLA-SL	11	19	05/06/2014	
	1712 S WASHINGTON WAY 90291	05/15/2014	AA-2014-1730-PMLA-SL	11	19	05/20/2014	
	705 E BROADWAY 90291	09/30/2014	AA-2014-3655-PMLA-SL	11	19	10/07/2014	
	728 E FLOWER AVE 90291	10/07/2014	AA-2014-3739-PMLA-SL	11	19	10/21/2014	
	728 E INDIANA AVE 90291	10/14/2014	AA-2014-3824-PMLA-SL	11	19	10/21/2014	
	732 E INDIANA AVE 90291	10/14/2014	AA-2014-3821-PMLA-SL	11	19	10/21/2014	
	657 E FLOWER AVE 90291	10/22/2014	AA-2014-3928-PMLA-SL	11	19	11/04/2014	

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Address	Application	Case No	CD	NC	Revised	Status
1011 S 5TH AVE 90291	11/14/2014	AA-2014-4259-PMLA-SL	11	19	11/18/2014	
337 S 6TH AVE 90291	11/04/2014	AA-2014-4140-PMLA-SL	11	19	11/18/2014	
736 E SUNSET AVE 90291	11/14/2014	AA-2014-4252-PMLA-SL	11	19	11/18/2014	
506 E WESTMINSTER AVE 90291	11/04/2014	AA-2014-4137-PMLA-SL	11	19	11/18/2014	
668 E INDIANA AVE 90291	11/18/2014	AA-2014-4303-PMLA-SL	11	19	12/02/2014	
519 E VERNON AVE 90291	12/19/2014	AA-2014-4764-PMLA-SL	11	19	12/30/2014	
633 E WESTMINSTER AVE 90291	03/24/2015	AA-2015-1124-PMLA-SL	11	19	04/07/2015	
1900 S PENMAR AVE 90291	02/03/2016	AA-2016-315-PMLA-SL	11	19	02/09/2016	
750 E CALIFORNIA AVE 90291	07/01/2016	AA-2013-2001-PMLA-SL-M1	11	19	07/12/2016	*
836 E CALIFORNIA AVE 90291	08/16/2016	AA-2016-3031-PMLA-SL	11	19	08/23/2016	

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Address	Application	Case No	CD	NC	Revised	Status
635 E SAN JUAN AVE 90291	08/30/2016	AA-2016-3290-PMLA-SL	11	19	09/06/2016	
303 E VENICE WAY 90291	03/28/2017	AA-2006-8619-PMLA-SL-M1	11	19	04/04/2017	
705 E BROADWAY 90291	05/18/2017	AA-2017-1972-PMLA-SL	11	19	05/30/2017	
2414 S PENMAR AVE 90291	06/27/2017	AA-2017-2546-PMLA-SL	11	19	07/11/2017	
657 E FLOWER AVE 90291	09/26/2017	AA-2017-3905-PMLA-SL	11	19	10/03/2017	
25 E ROSE AVE 90291	09/28/2017	AA-2017-3927-PMLA-SL	11	19	10/03/2017	
668 E INDIANA AVE 90291	10/20/2017	AA-2017-4249-PMLA-SL	11	19	11/01/2017	
1015 S 5TH AVE 90291	02/27/2018	AA-2018-1081-PMLA-SL	11	19	03/07/2018	
510 E BOCCACCIO AVE 90291	03/08/2018	AA-2018-1233-PMLA-SL	11	19	03/20/2018	
1740 S PENMAR AVE 90291	06/27/2018	AA-2018-3776-PMLA-SL	11	19	07/10/2018	

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Address	Application	Case No	CD	NC	Revised	Status
728 E FLOWER AVE 90291	01/16/2019	AA-2019-319-PMLA-SL	11	19	01/23/2019	
25 E ROSE AVE 90291	05/29/2019	AA-2019-3169-PMLA-SL	11	19	06/11/2019	
635 E SAN JUAN AVE 90291	07/15/2019	AA-2016-3290-PMLA-SL-1A	11	19	07/21/2019	
2414 S PENMAR AVE 90291	12/05/2019	AA-2017-2546-PMLA-SL-M1	11	19	12/09/2019	
312 E NORTH VENICE BLVD 90291	01/14/2020	VTT-82617-SL	11	19	01/20/2020	
1184 E NELROSE AVE 90291	01/21/2020	AA-2018-683-PMLA-SL-M1	11	19	02/04/2020	
1712 S WASHINGTON WAY 90291	01/28/2020	AA-2020-558-PMLA-SL	11	19	02/04/2020	
1801 S PENMAR AVE 90291	08/13/2020	VTT-82077-SL	11	19	09/05/2020	
40 E CLUB HOUSE AVE 90291	08/03/2020	VTT-82384-SL	11	19	09/05/2020	
22 E PALOMA AVE 90291	09/11/2020	AA-2020-5349-PMLA-SL	11	19	09/14/2020	

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Address	Application	Case No	CD	NC	Revised	Status
315 S 6TH AVE 90291	11/24/2020	AA-2019-2609-PMLA-SL-1A	11	19	12/10/2020	
614 E BROOKS AVE 90291	05/21/2021	AA-2021-4337-PMLA-SL-HCA	11	19	05/24/2021	
628 E SUNSET AVE 90291	07/23/2021	AA-2017-568-PMLA-SL-EXT	11	19	08/02/2021	
1801 S PENMAR AVE 90291	09/10/2021	VTT-82077-SL-HCA-1A	11	19	09/13/2021	
1740 S PENMAR AVE 90291	10/04/2021	AA-2018-3776-PMLA-SL-1A	11	19	10/12/2021	
2315 S OAKWOOD AVE 90291	12/21/2021	AA-2021-10507-PMLA-SL	11	19	01/03/2022	
2317 S OAKWOOD AVE 90291	12/21/2021	AA-2021-10525-PMLA-SL	11	19	01/03/2022	
1801 S PENMAR AVE 90291	12/20/2021	VTT-82077-SL-HCA-2A	11	19	01/03/2022	
848 E BROOKS AVE 90291	02/04/2022	AA-2014-229-PMLA-SL-EXT	11	19	02/17/2022	

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EXHIBIT C

Case Summary & Documents

Case Number

Ordinances

Zoning Information

CPC Cards

ZA Cards

Case Number: DIR-2020-5351-CDP-SPP

Search

Format: AA-YYYY-1234 Example: ZA-2011-3269

Case Number: DIR-2020-5351-CDP-SPP

Case Filed On: 09/11/2020

Accepted For Review On: 04/08/2021

Assigned Date: 10/23/2020

Staff Assigned: BINDU KANNAN

Hearing Waived / Date Waived : No

Hearing Location: VIRTUAL EVENT

Hearing Date : 05/27/2021 9:30 AM

DIR Action:

DIR Action Date:

End of Appeal Period:

Appealed: No

BOE Reference Number: 0

Case on Hold?: Yes

Primary Address

Address	CNC	CD
22 E PALOMA AVE 90291	Venice	11

[View All Addresses](#)

Project Description: APPLICATION FOR A PARCEL MAP AND COASTAL DEVELOPMENT PERMIT

Applicant: DORON BENSALOM [Company: PLACE HOLDER DP, LLC]

Representative: HARVEY GOODMAN [Company: HARVEY GOODMAN CIVIL ENGINEERING]

[View Related Cases](#)

Permanent Link: <https://planning.lscity.org/pdis-caseinfo/caseid/MjQwMzgwdQ>

Approved Documents

Initial Submittal Documents

0 Approved Documents found for Case Number: DIR-2020-5351-CDP-SPP

Type

Event Date

Signed

No Approved Documents Found

Case Summary & Documents

[Case Number](#)[Ordinance](#)[Zoning Information](#)[CPC Cards](#)[ZA Cards](#)

Case Number: DIR-2020-4538-CDP-ME

Format: AA-YYYY-1234

Example: ZA-2011-3269

Case Number: DIR-2020-4538-CDP-MEL-SPP-HCA**Case Filed On:** 08/03/2020**Accepted For Review On:****Assigned Date:** 10/23/2020**Staff Assigned:** SIENNA KUO**Hearing Waived / Date Waived :** No**Hearing Location:****Hearing Date :** 12:00 AM**DIR Action:****DIR Action Date:****End of Appeal Period:****Appealed:** No**BOE Reference Number:** 0**Case on Hold?:** Yes**Primary Address**

Address	CNC	CD
40 E CLUB HOUSE AVE 90291	Venice	11

[View All Addresses](#)**Project Description:** THE SUBDIVISION OF ONE LOT INTO SIX SMALL LOTS AND CONVERSION OF A SIX-UNIT BUNGALOW COURT INTO SIX SINGLE-FAMILY DWELLINGS.**Applicant:** DORON BEN SHALOM [Company: PLACE HOLDER DP, LLC]**Representative:** [Company: HARVEY GOODMAN CIVIL ENGINEER][View Related Cases](#)**Permanent Link:** <https://planning.bcity.org/pd/caseinfo/caseid/MIM5NTE3Q>[Approved Documents](#)[Initial Submittal Documents](#)**9 Initial Submittal Documents found for Case Number:**
DIR-2020-4538-CDP-MEL-SPP-HCA

Type	Stamp Date	
Application	8/3/2020	View
Environmental Assessment Form	8/3/2020	View
Findings	8/3/2020	View
Geographic Referral Form	8/3/2020	View
Pictures/Photographs	8/3/2020	View
Plan	8/3/2020	View
Radius Map	8/3/2020	View
Subdivider's Statement	8/3/2020	View
Tentative Tract	8/3/2020	View

EXHIBIT D

June 2, 2021, WLAAPC hearing for 315 6th 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 E

LAMC 12.22 C.27(b)

(b) **Small Lot Subdivisions of Existing Dwelling Units.** The purpose of this Subsection is to further facilitate fee-simple home ownership opportunities through the preservation of existing housing within the City.

Existing Group Dwellings, Bungalow Courts, and detached single, duplex, and triplex dwelling structures maintained under a single ownership with an original building permit issued more than 45 years prior to the date of submittal of the application for subdivision, or where information submitted with the subdivision application indicates that the building(s) is/are more than 45 years old based on the date the application is submitted may be subdivided into small lots and shall comply with Subparagraphs (1), (2) (4), and (9) through (13) of Paragraph (a) of this Subdivision. All existing structures shall be legally constructed with an issued building permit or Certificate of Occupancy.

(1) Notwithstanding any provisions of this Code relating to minimum lot area to the contrary, in the RD, R3, R4, R5, RAS and the P and C zones, parcels of land may be subdivided into lots which may contain one, two or three dwelling units, provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement established for each zone, or in the case of a P zone, the density of the subdivision shall comply with the minimum lot area per dwelling unit of the least restrictive abutting commercial or multi-family residential zone(s). Bungalow courts and existing structures that are nonconforming as to use, density, yards, or parking may be subdivided provided that the subdivision does not further increase the density nor reduce the yards, and that existing required parking be maintained, respectively.

(2) A nonconforming building, structure, or improvements may be maintained or repaired or structurally altered provided it conforms to Section 12.23 A. of this Code. However, alterations to existing structures shall also be in conformance with the "Bungalow Court and Existing Structure" Small Lot Design Standards adopted by the City Planning Commission.

(3) All existing dwellings shall provide parking as required on each dwelling's most recently issued permit. No additional parking is required.

(4) All new dwellings added to the small lot subdivisions of existing dwelling units shall be subject to subparagraphs (1) through (13) of Paragraph (a) of this Subdivision, including current setback requirements, parking, and applicable Small Lot Design Standards.

(c) **Exceptions.** The provisions of this section do not apply to any of the following projects, which shall comply with the regulations in effect prior to the effective date of this ordinance, as applicable:

(1) Any small lot subdivision entitlement application filed and accepted and deemed complete prior to the effective date of this ordinance as determined by the Department of City Planning.

(2) Any project for which the City has approved a small lot subdivision discretionary land use entitlement as of the effective date of this ordinance, but that has not yet submitted plans and appropriate fees to the Department of Building and Safety for plan check, as determined by the Department of City Planning.

EXHIBIT F

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



August 17, 2021

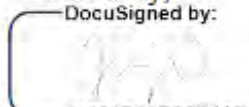
Jason Patrick Douglas
Senior Planning Deputy
Councilmember Mike Bonin
City of Los Angeles

Dear Mr. Douglas,

In response to your inquiry, the Commission strongly encourages all local governments, including the City of Los Angeles, to consider environmental justice in their review of coastal development permits. In 2016, the Coastal Act was amended to include section 30604(h) which states: *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.* In this case, “the issuing agency” is the City of Los Angeles. Although the City does not have a fully certified LCP, it still may consider environmental justice in its review, and the Commission urges the City to do so.

Sincerely,

DocuSigned by:


110847C2FC6B4AB
Jessica Reed

Staff Attorney, California Coastal Commission

From: Jason Douglas <jason.p.douglas@lacity.org>

Subject: Environmental Justice Communication for Consideration by WLAAPC (DIR-2019-2610-CDP-MEL-1A; AA-2019-2609-PMLA-1A)

Date: August 17, 2021 at 3:07:24 PM PDT

To: James Williams <james.k.williams@lacity.org>, Robin Best <wildrudi@me.com>, Jason Douglas <jason.p.douglas@lacity.org>, Sue Kaplan <sueakaplan@gmail.com>, Planning APCWestLA <apcwestla@lacity.org>, Bill Przylucki <bill@power-la.org>, planning.rjeap@lacity.org, Faisal Roble <faisal.roble@lacity.org>, Juliet Oh <Juliet.Oh@lacity.org>

Good Afternoon James,

Please see the attached communication from our office for the WLAAPC's consideration.

It is our hope that WLA APC or the Commission Office can encourage the discussion of environmental justice and equity on future projects and potentially develop an Equity Framework for future determinations with assistance from the Department of City Planning's Office of Racial Justice, Equity, and Transformative Planning.

For convenience I have cc'd Faisal Roble and his team on this email for future discussion and consideration of this matter. Faisal Roble is the Department's Chief Equity Officer and oversees the Office of Racial Justice, Equity, and Transformative Planning.

Thank you!



Jason Patrick Douglas
Senior Planning Deputy
Councilmember Mike Bonin
City of Los Angeles
[213-473-7011](tel:213-473-7011) | www.11thdistrict.com



[Sign Up for Mike's Email Updates](#)



EXHIBIT G

PLANNING & LAND USE MANAGEMENT

MOTION

The City of Los Angeles must take the lead in pursuing environmental justice in our coastal communities. Recent debates over land return at Bruce's Beach are just one example of the painful legacy of racism and exclusion that was for too long built into our land use policies. The Coastal Zone must be made accessible to all Angelenos. As a City we must heal those communities harmed by a legacy of discriminatory practices.

The California Government Code §65040.12 defines "environmental justice" as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Furthermore, AB 2616 (Burke) amended the Coastal Act in 2016 to give all local governments, including the City of Los Angeles, the authority to consider environmental justice, or the equitable distribution of environmental benefits, when acting on a coastal development permit.

Subsequently, in 2019, the California Coastal Commission unanimously approved an 'Environmental Justice Policy' to ensure equitable access to clean, healthy, and accessible coastal environments. This policy document recognizes the injustices carried out against indigenous communities, communities of color, and other marginalized populations through discriminatory land use policies. However, local jurisdictions like the City of Los Angeles remain squarely responsible for ensuring equitable and fair housing practices, as the Coastal Commission lost authority to protect and create affordable housing in 1981.

To empower our local decision makers to advance State policy and Coastal Commission guidance, the City of Los Angeles would benefit from a similar framework to integrate environmental justice and equity into land use decisions in the Coastal Zone that require a Coastal Development Permit. A 'Coastal Equity and Environmental Justice Policy' would not only place our local determinations in greater conformity with Chapter 3 of the California Coastal Act of 1976, but take a step towards correcting decades of injustice and exclusionary land use practices.

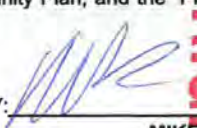
I THEREFORE MOVE the City Council DIRECT Los Angeles City Planning in coordination with the Department's Office of Racial Justice, Equity, and Transformative Planning to report back within 60 days with a work program to develop a 'Coastal Equity and Environmental Justice Policy' that will inform future land use policy, promote greater public participation and engagement with underrepresented and/or underserved communities, and be reflected in project determinations in the Coastal Zone.

I FURTHER MOVE that City Council DIRECT Los Angeles City Planning, with assistance from Los Angeles Housing Department and other relevant agencies, to report back with a detailed analysis within 60 days on topics related to housing equity and access in the Coastal Zone; including, but not limited to:

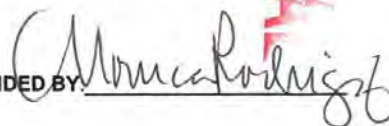
- historic housing and demographic trends;
- displacement and gentrification effects on historically marginalized populations;
- impact of new development and housing typologies (e.g. small lots, mansionization) on available market rate and affordable housing stock; and
- the cumulative impacts of historic downzoning and land use policy on housing capacity.

I FURTHER MOVE that City Council INSTRUCT the Los Angeles City Planning, with assistance from Los Angeles Housing Department and other relevant agencies, to develop and present Environmental Justice policy and program recommendations as part of the upcoming Venice Local Coastal Program, Venice Community Plan, and the "Plan for a Healthy Los Angeles" updates.

PRESENTED BY:


MIKE BONIN
Councilmember, 11th District

SECOND BY:


MONICA RODRIGUEZ

SEP 28 2021

EXHIBIT H



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



August 19, 2021

By email

Bindu Kannan: Bindu.Kannan@lacity.org

With Copies to:

Jason P Douglas: Jason.douglas@lacity.org and Jason.P.Douglas@lacity.org

Mike Bonin: councilmember.bonin@lacity.org

Sheri Gould: sheri@harveygoodman.com

Harvey Goodman: harvey@harveygoodman.com


Re: DIR-2020-5351-CDP-SPP // 22 Paloma

Dear Bindu:

Please be advised that at a regular public meeting of the Venice Neighborhood Council (VNC) Board of Officers held on August 17, 2021, the following Motion was approved.

MOTION: The Venice Neighborhood Council requests that the applicant provide a Mello review;

ACTION: The motion was approved 13-4-1

Sincerely,

James Murez
President

It's YOUR Venice - get involved!

EXHIBIT I



January 19, 2022

Submitted via email to: apcwestla@lacity.org

Re: DIR-2020-5351-CDP-SPP-1A (22 and 22 1/2 East Paloma Avenue)

Dear West LA Area Planning Commissioners:

I am writing on behalf of People Organized for Westside Renewal (POWER) regarding case DIR-2020-5351-CDP-SPP-1A. Our position is that subdividing a five-unit RSO multifamily property constitutes a conversion under the Mello Act, and therefore requires a Mello Act review. Absent a Mello Act review and the appropriate conditions to protect existing affordable housing, the project as proposed could contribute to the loss of affordable housing within the Coastal Zone. A future project could be proposed where the preservation of existing affordable housing could be subject to a feasibility review. With the existing five-unit project there would be no feasibility review.

Additionally, the division could open the door to activity not governed by the planning process which may result in the additional loss of affordable housing within the Coastal Zone, for instance by doubling the amount of evictions for landlord occupancy permitted under the LA Rent Stabilization Ordinance (RSO).

Planning Staff asserts that the project does not constitute a "conversion." We dispute this characterization. At least one of the new projects must generate a new APN, resulting in either a "new" project or a conversion of the existing project, either of which requires a Mello Act review.

Planning Staff also claims that the project does not "trigger" a Mello Act review. This Commission has the power to require a Mello Act review as a condition of approval on this discretionary project. Furthermore, while the IAP articulates when a Mello Act review *must* take place, it does not restrict LAHD from conducting Mello Act reviews, and there is precedent for conducting a Mello Act review even when there is no permit on file (see attachment from 542-568 S. Venice Blvd.).

Finally, the staff objected to the costs of time and money required for a Mello Act review. We believe that the City's agencies should prioritize protecting affordable housing, and also can rely on LAHD's RSO rental registry, in place since 2016, to determine monthly housing costs for each of the RSO units on site, greatly expediting the Mello Review process.

At a hearing on November 17, 2021, Planning Staff claimed that a Mello Act review was unnecessary at this time, in part because of the implementation of SB 330, and also that the units would remain covered by the Ellis Act post-conversion. The staff failed to mention that SB 330 sunsets, while the Mello Act does not. The Ellis Act is a red herring, appellants made no claim about the elimination of RSO nor Ellis Act protections, but we will point out that numerous other cases reviewed by this commission where existing affordable housing was lost due to "infeasibility" occurred at sites where the RSO and Ellis Act were also in place.

We hope this information will assist the Commission in making the decision that is most protective of affordable housing in the Coastal Zone.

Sincerely,

Bill Przylucki, Executive Director

Enc.

5617 Hollywood Blvd. Suite #107 | Los Angeles, CA 90028
(323) 498-5826
www.power-la.org

From: Bill Przytycki bill@power-la.org
Subject: OPPOSE DIR-2020-5351-CDP-SPP
Date: July 8, 2021 at 9:57 PM
To: Bindu Kannan bindu.kannan@lacity.org, Juliet Oh juliet.oh@lacity.org
Cc: Jason Douglas jason.p.douglas@lacity.org, Susanne Browne SBrowne@laila.org, Jonathan Jager jjager@laila.org

Dear Mr. Kannan and Ms. Oh:

We have serious concerns about DIR-2020-5351-CDP-SPP / AA-2020-5349-PMLA-SL (22 E. Paloma Ave. 90291) and recommend that you deny the application. We understand the applicant's proposal is to obtain a parcel map to subdivide the existing parcel, currently containing 5 rent-stabilized units, into two smaller parcels.

The applicant specifically requests relief from the Mello Act and the Interim Administrative Procedures (application Page 4 section 3, requested actions), and claims that because the units ownership status will not change, there is no requirement for a Mello Review. The applicant's proposed findings, Attachment A, submitted by Howard Robins & Associates, lays this out on page 13 (points 3 and 4).

In subsequent communications with community members, it appears that the Department is prepared to adopt these proposed findings. On June 15, Juliet wrote to Robin Rudisil:

Typical small lot subdivisions result in one new or existing single-family dwelling on each new small lot. When existing structures are maintained, such small lots would change the type of ownership of the units from rental to single-family ownership and a Mello Act Compliance Review (MEL) would be required. In this case (22 Paloma Ave.), the resulting small lots would maintain an existing multi-family structure on each new small lot. As such the type of ownership of the dwelling units (within each structure) would not change. The dwelling units on each lot cannot be sold separately and would continue to remain as rental units. There is no proposed increase or decrease in the number of dwelling units, nor is a change of use proposed. As such, the project does not include a "Conversion" as defined in the IAP and a Mello Act Compliance Review is not required.

Granting this small lot subdivision would undermine the spirit of and overall goals of the Mello Act and the Small Lot Subdivision Ordinance, both of which were designed to increase density and affordability of housing in their own ways.

- Coastal Development Permits are *discretionary* actions. The Department is well within its rights to deny this application because it is not in conformity with the Council's and City's stated land use goals and objectives.
- The applicant's consultant, Howard Robinson & Associates, has repeatedly prepared affordable housing infeasibility studies to evade the requirements of the Mello Act and argued for their acceptance on existing developments of 3 or more units simply because the units have been physically separated by yard instead of building material.
- In this case, the applicant appears to be seeking yet another work-around to the requirement that existing affordable units be preserved in structures larger than duplexes, by creating a parcel map to subdivide the existing 5 unit RSO structure into smaller subdivisions.
- A small lot subdivision and parcel map could still be achieved, it simply would require that a Mello Act affordability review be completed on the existing 5-unit RSO structure, and any affordable units should be covenanted as replacement affordable units.
- The Department's choice to waive a Mello Act review entirely, and the applicant's

specific petition for relief from that requirement, creates the strong impression that this is a sophisticated land use maneuver intended to avoid compliance with the Mello Act, with the specific knowledge that this and future land use applications will result in the loss of affordable housing within the Coastal Zone.

For all of these reasons, we implore the department to deny this application. We also ask that you respond to these points in your determinations on this project as part of the record.

Please add myself and POWER to the list of interested parties for DIR-2020-5351-CDP-SPP / AA-2020-5349-PMLA-SL (22 E. Paloma Ave. 90291):

POWER
c/o Bill Przylucki
5617 Hollywood Blvd. Ste. 107
Los Angeles, CA 90028

Sincerely,

--

Bill Przylucki
People Organized for Westside Renewal (POWER)
bill@power-la.org
(310) 439-8564 (cell)

PRELIMINARY PARCEL MAP NO. 2020- IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A PROPOSED SUBDIVISION OF LOT 5, BLOCK 5, GOLDEN BAY TRACT,
AS PER MAP RECORDED IN BOOK 2, PAGE 15 OF MAPS, RECORDS OF
LOS ANGELES COUNTY
FOR SMALL LOT SUBDIVISION PURPOSES AS A BUNGALOW COURT

SUBDIVIDER:

J.R.
ALON, MANAGER
LEONARD, SUITE 203
90212
NATED

IS BENCHMARK NO. 10-02787,
2 AV. 3FT. H/D H. CURB LINE
T S/O SCR S/O PALOMA CT.
(NATED)

P
PARCEL MAP IS BASED ON
DED. ON A SURVEY PREPARED
BY (310) 633-1233

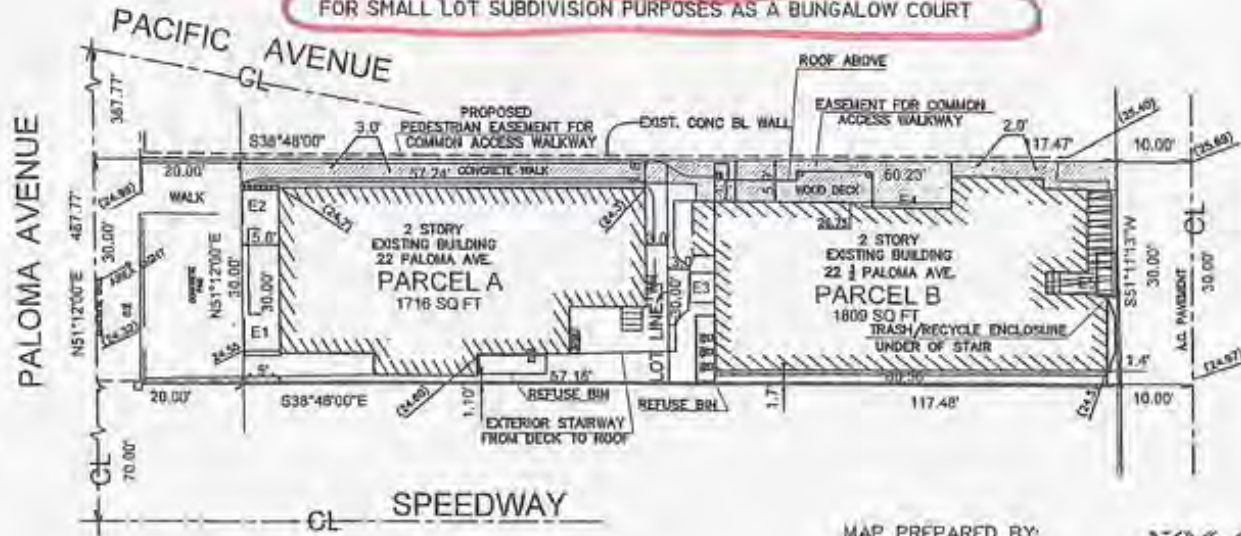
S-
PALOMA AVENUE
A 16251

ST.
1 BUNGALOW COURT SUBDIVISION
VISION AS A BUNGALOW COURT IN
HE, PURSUANT TO ORDINANCE NO.

HE:

AND ALL UTILITIES
IS AVAILABLE.

4E VENICE COASTAL ZONE, NORTH
COASTAL DEVELOPMENT PERMIT
DIVISION IS INCLUDED IN THIS



PALOMA COURT
TENTATIVE APPROVAL

LEGEND:

E LOT ENTRY
TC TOP OF CURB
FL FLOWLINE
(1800) GUEST-ELUV.

RED PATH

SETBACK MATRIX IN FEET

PARCEL	FRONT	NW SIDE	SE SIDE	REAR	AREA SF
A	5.0	3.0	1.1	3.0	1716
B (E5)	1.4	2.0	1.7	3.0	1809
					3525

MAP PREPARED BY:

HARVEY GOODMAN,
CIVIL ENGINEER
834 17TH STREET
SANTA MONICA, CA 90403
(310) 829-1037

harvey@harveygoodman.com



VICI
MAP PRE

EXHIBIT I

EXHIBIT K



SURVEYLA INFORMATION FOR THE NORTH VENICE WALK STREETS HISTORIC DISTRICT

[NOTE: This ZI supersedes the previously issued ZI released on February 22, 2016.]

COUNCIL DISTRICT(S): 11

INSTRUCTIONS:

This property is located within the North Venice Walk Streets Historic District, an undesignated potential historic district identified by SurveyLA, the citywide Los Angeles Historic Resources Survey. (See attached survey results). The district was evaluated as a whole and individual properties were surveyed and identified as Potential Contributors or Non-Contributors to the district, or as Not Sure (properties generally not visible from the public right-of-way).

Any proposed new development project that requires discretionary project approvals, such as a Coastal Development Permit, will require review for compliance with the California Environmental Quality Act (CEQA) and, unless otherwise found exempt, an investigation and analysis of the potential impacts to "historical resources." Properties identified as Potential Contributors or Not Sure in SurveyLA, unless otherwise found exempt, will be reviewed by the Department of City Planning, in consultation with its Office of Historic Resources, to determine if the property is a "historical resource" as defined in CEQA.

If the City determines the property to be a historical resource, the City will evaluate if the project will have significant impacts to the historical resource. Even if the property is not determined to be a historical resource, the City will evaluate if the project will have an impact to other nearby historical resources, which may include the potential historic district.

The ZI is intended as information only and shall not be substituted for the independent review required of City staff and its decision makers in making historical resource determinations and impact conclusions under CEQA.

For more information on the CEQA process, contact your case planner. If you have not filed a case, contact the Office of Historic Resources (OHR) at planning.ohr@lacity.org.

Name: North Venice Walk Streets Historic District**Description:**

The North Venice Walk Streets Historic District is a residential district located in the northwestern portion of Venice. The district contains 448 properties. It is bounded generally by Navy Court to the north, Main Street to the east, Westminster Court to the south, and Speedway to the west. The district occupies flat terrain just behind the parcels fronting the beach. Walk and drive streets throughout the district are arranged in an orthogonal grid pattern. Walk streets include Ozone, Dudley, Paloma, Sunset, Thornton, Park, Breeze, Wave Crest, and Clubhouse avenues, which have vehicular access from rear alleys or "courts." Drive streets within the district include Rose Avenue, Brooks Avenue, and Pacific Avenue. Lots in the district are exceptionally modest in size, with most parcels smaller than one-tenth of an acre. In some cases, multiple parcels have been combined to accommodate the construction of larger residences. Development in the district is almost exclusively residential, containing single- and multi-family residences ranging from one to five stories in height, with little or no side or rear setbacks. A small number of commercial properties line Pacific Avenue, where the Pacific Electric red cars operated along the Venice Short Line. Original residences were constructed primarily from 1905, when Venice was officially founded, through the 1920s. Residences were largely designed in the Craftsman style, although the district also exhibits examples of other Period Revival and modest vernacular styles. Today, these early buildings share the block with more recent construction. On the walk streets, residences are oriented onto wide concrete walkways. The walk streets are largely characterized by high front yard walls and fences and mature vegetation. The drive streets feature concrete curbs and sidewalks with no parkways. Of the 448 properties, 149 are contributors to the district; 297 are non-contributors due to extensive alterations or construction outside the period of significance. Two properties are not visible from the public right-of-way and could not be evaluated. Other contributing features include the walk streets themselves. Overall, the architectural character, layout, scale, setbacks, and circulation patterns are unique in Los Angeles. The district conveys a strong sense of time and place as an early Venice beach community.

Significance:

The North Venice Walk Streets Historic District is significant as unique example of early-20th century residential development oriented on walk streets in Venice. The district's period of significance is 1901 to 1929. This period encompasses the date of the first residence, subdivision of the area, and the primary period of development for the construction of original residences. In 1891, tobacco magnate and real estate developer Abbot Kinney and his business partner, Francis G. Ryan, purchased a 1.5 mile-long strip of beachfront land located to the south of Santa Monica. The 275-acre parcel, which extended from Strand Street south to Mildred Avenue, had originally comprised a portion of the Rancho La Ballona and was initially settled by the Machado and Talamantes families in the early 1800s. Kinney and Ryan turned their attention to the northern portion of the tract, where they developed the resort community of Ocean Park. In 1898, Francis Ryan died suddenly at the age of 47. Kinney attempted to carry on and eventually acquired three new business partners in 1902: Alexander Fraser, Henry Gage, and George Merritt Jones. Over time Kinney has become known for his development of the "Venice of America" tract, which occurred in 1904 following his professional split from his three partners and the subsequent dissolution of their business operations. However, in the intervening years Kinney, Fraser, Gage, and Jones invested in expanding and improving the community of Ocean Park under the auspices of the Ocean Park Development Company. Much of the land comprising the district represents the company's efforts to develop the area immediately south of Ocean Park between 1902 and 1904. The majority of the land in the district was subdivided as part of the Golden Bay tract, which was recorded in May 1902. The southernmost portion of the district, extending from Brooks Court south to Westminster Court, was also subdivided by Kinney, Fraser, Gage, and Jones as the Country Club tract, which was recorded in April 1903. Three smaller tracts immediately to the east – including the Coral Crest Tract, which was also developed by the four men – were all recorded in 1903 and 1904. Access to these tracts came via the Venice Short Line, a Pacific Electric red car that ran along Pacific Avenue. The development of the Golden Bay tract reflects a unique layout which features separate streets dedicated for automobile and pedestrian use, creating a parallel plan of "walk streets," "drive streets," and alleys or

"courts." While there are a few other residential neighborhoods in Venice that exhibit this design strategy, the area comprising the district appears to represent the earliest example of its implementation. The design has been attributed the developers' efforts to cut costs; in developing the area immediately south of Rose Avenue, their architects were able to reduce costs by substituting sidewalks for streets along the block-long, east-west lanes just off the beachfront. Thus they achieved a courtyard effect for the small lots while providing safety for children. Construction within the district commenced as early as 1901; however, building activity peaked in the years following Kinney's official opening of Venice in 1905. The development of Kinney's "Venice of America" tract boosted the demand for real estate in surrounding areas, including those areas to the north of Kinney's planned community. Most of the residences constructed in the district reflected the simplistic aesthetic of the beach community and Craftsman, vernacular, and similar cottage styles prevailed. By the 1920s, new residences constructed in the district reflected the growing popularity of Period Revival styles, though most examples remained modest in scale and decoration. Today, the North Venice Walk Streets Historic District stands out from surrounding development due to its unique planning and development around a system of walk streets. The architectural character, layout, scale, circulations patterns, and pedestrian orientation of the neighborhood retains a distinctive feel that conveys a strong sense of time and place.

North Venice Walk Streets Historic District



Venice Report

Historic Districts, Planning Districts and Multi-Property Resources – 04/02/15



Context 1:

Context:	Residential Development and Suburbanization, 1850-1980
Sub context:	No Sub-context
Theme:	Streetcar Suburbanization, 1888-1933
Sub theme:	Suburban Planning and Development, 1888-1933
Property type:	Streetcar Suburb
Property sub type:	Neighborhood
Criteria:	A/1/1
Status code:	3C5,5S3
Reason:	The North Venice Walk Streets Historic District is significant as unique example of early-20th century residential development oriented on walk streets in Venice.

Contributors/Non-Contributors:



Primary Address:	22 E PALOMA AVE
Other Address:	22 1/2 E PALOMA AVE
Type:	Contributor
Year built:	1922
Property type/sub type:	Residential-Multi Family; Apartment House
Architectural style:	Spanish Colonial Revival

EXHIBIT L

VENICE LUP POLICIES (certified by the Coastal Commission June 14, 2001)

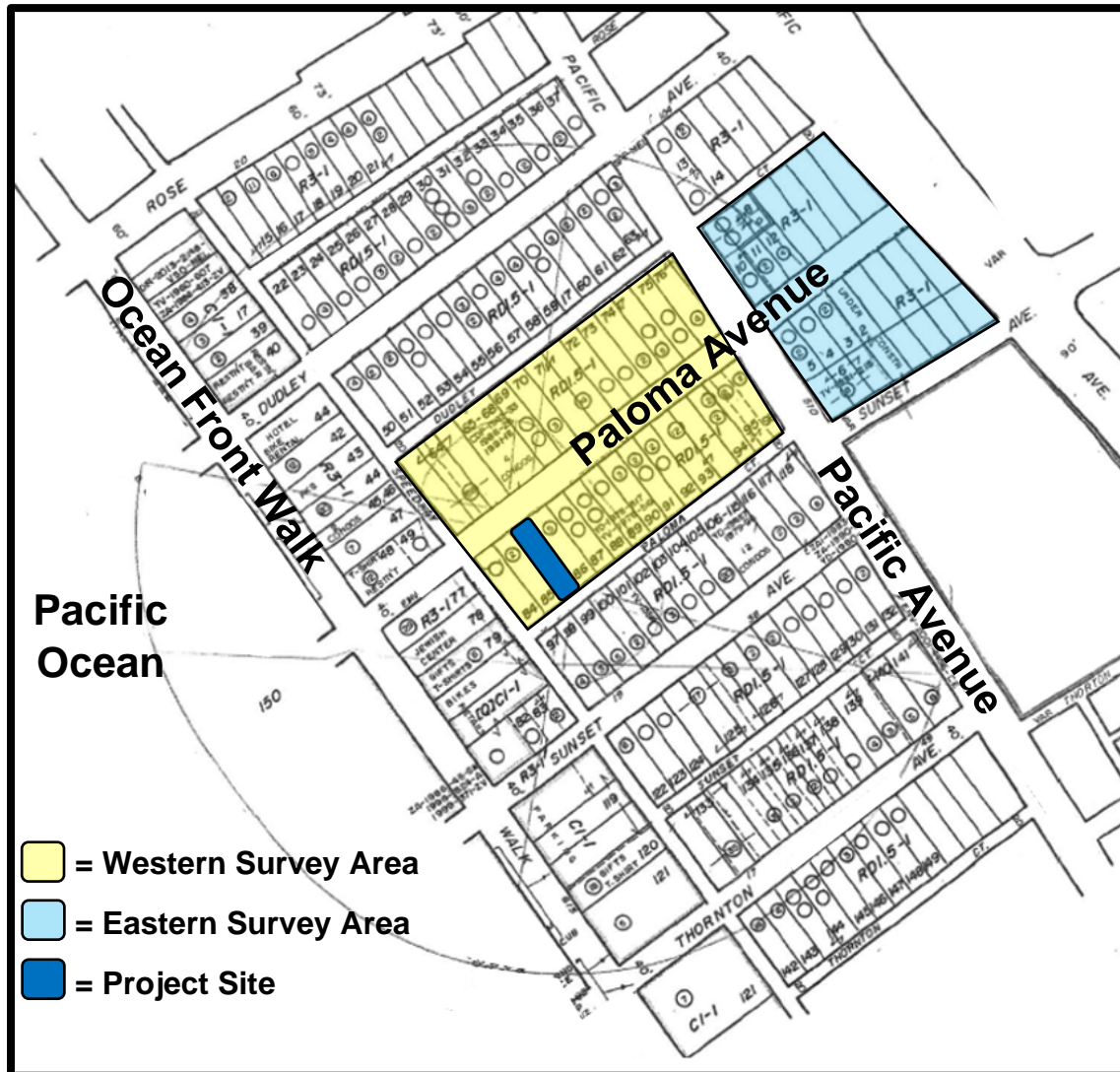
• Policy II. C. 14. Bikeway South of Washington Boulevard.

The LUP designates a class II bikeway south of Washington Boulevard, along Via Dolce, Marquess Way and Via Marina. This bike path will provide public access to the Jetty and to the south part of Marina Peninsula Beach. The City should provide for the extension of the beach bicycle path from Washington Boulevard to the marina entrance channel in order to improve public access opportunities on Marina Peninsula beach between the Venice Pier and the Jetty.



Exhibit 5—Paloma Avenue Survey Area

Figure 1. Survey Area, Paloma Avenue west and east of Pacific Avenue.



Source: Assessor Records parcel map, updated April 24, 2020.

Figure 2. Unsubdivided Lots (west of Pacific Avenue).

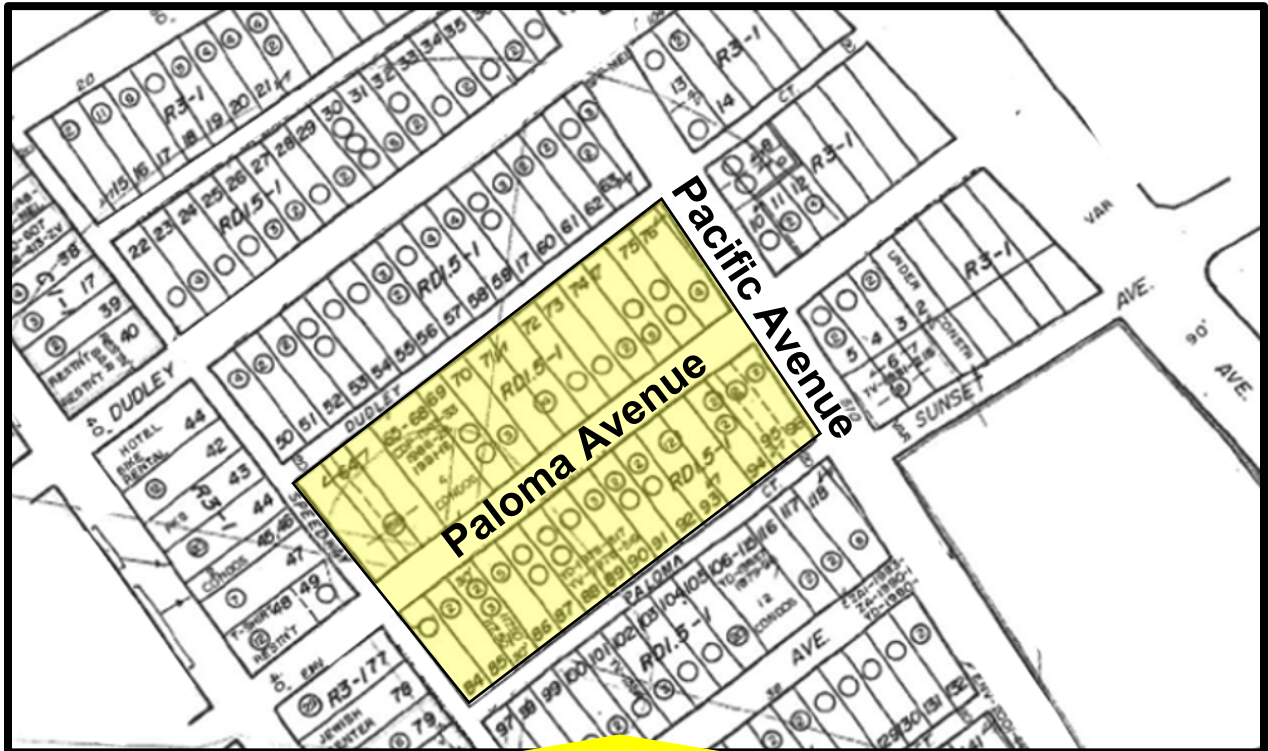


Figure 3. Subdivided Lots (east of Pacific Avenue).

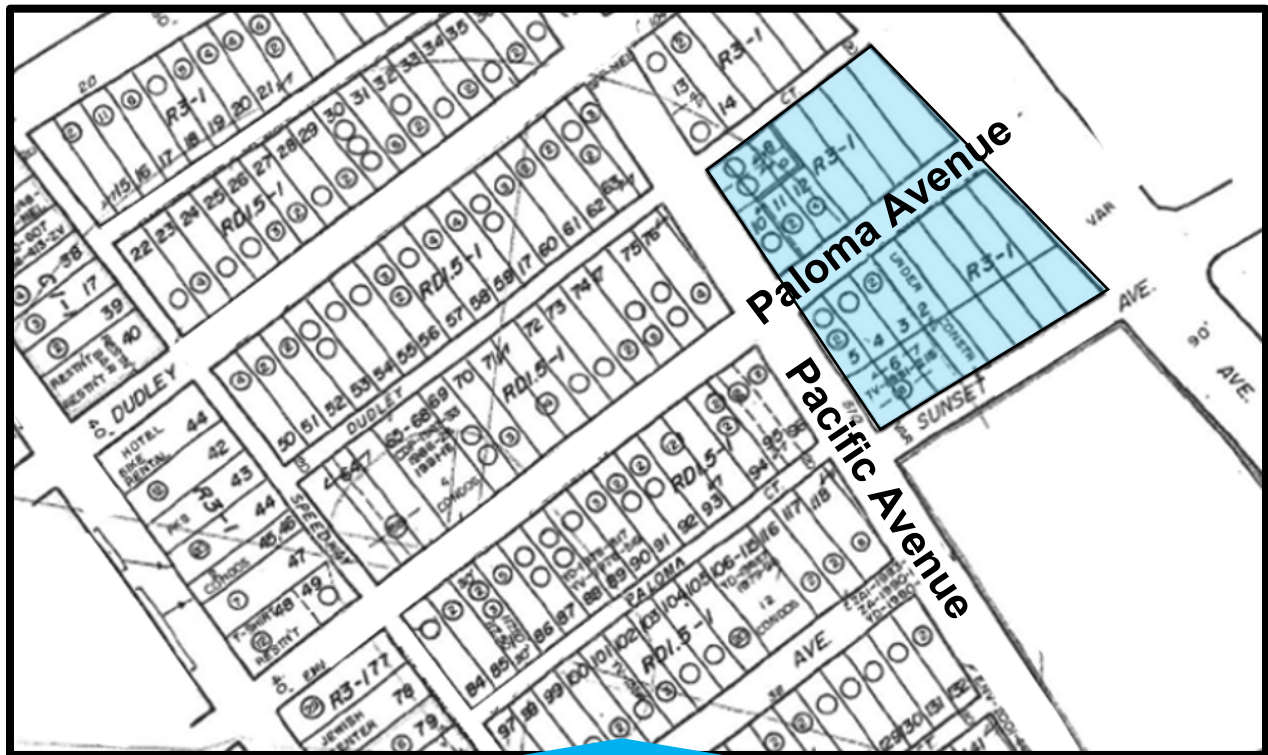


Exhibit 6—Applicant Response Letter

Seifert, Chloe@Coastal

From: Jared Johnson <jared@howardrobinson.net>
Sent: Friday, April 22, 2022 3:19 PM
To: Seifert, Chloe@Coastal; Stevens, Eric@Coastal
Cc: Sue Steinberg; Adam Kanizo
Subject: 22 Paloma Ave (A-5-VEN-22-0012) - Additional factors for consideration

Hi Eric and Chloe,

I'm following up on our call from last week with some more details on the various factors at play that make future development (demo and new construction) infeasible at 22 Paloma.

Given these circumstances, it is reasonable to conclude that a glut of "landlocked parcels" is not likely to result from approval of either this project, nor future similar projects that propose a Small Lot Subdivision of Existing Dwelling Units, given all the different factors at play - therefore there is no substantial issue here. Please see below.

SB 8

SB 8 prohibits reductions in density for projects which require discretionary approval. Since this location is in the Coastal Zone and requires a CDP, it is discretionary. As such, no reduction in density is permitted. This also aligns with Coastal Commission policy.

Venice LUP and Specific Plan - Density

The Venice Specific Plan and the Certified LUP limit density at this location to just 2 units. Combined with SB 8, this would mean any project seeking to demo and rebuild would need a Specific Plan Exception to allow for 5 units, which is not guaranteed to be approved.

Venice LUP and Specific Plan - Parking

The site has 0 parking spaces. Any project seeking to demo and rebuild would need to provide all required parking, or request a Specific Plan Exception to waive parking. Given Coastal access issues, even if an exception was approved, it's likely a CDP would be denied if no parking is provided.

Given that the lot is 3,525 sq. ft. and its proximity to the beach/water, it would be infeasible to fit 10 parking spaces (2 per unit) on this lot. It would be incredibly expensive to excavate and provide underground parking at this location and you'd likely need more than 1 level of parking to accommodate all required spaces.

Historic Status

The front duplex (which would be located on the "landlocked parcel") has been identified as part of SurveyLA as an individual contributor to a potential future North Venice Walk Streets Historic District ([see here](#)). As such, it is highly unlikely that the duplex could ever be demolished. Obviously demolition would destroy its historic integrity.

Small Lot Subdivision Ordinance

Despite not being certified by the Coastal Commission, the Small Lot Subdivision Ordinance **IS** a local regulation that can only be applied in certain circumstances. Its narrow application needs to be factored into consideration. It is not applicable to all lots in the area - only those lots that meet its eligibility criteria. Therefore, a substantial issue analysis should consider future Small Lot Subdivisions of Existing Structures (the type of project proposed), not subdivisions in general. The City's Bureau of Engineering will not allow for a lot to be subdivided without street access unless it is a qualifying Small Lot Subdivision - that is the only form of subdivision eligible for street access requirements to be waived.

The following is from the LAMC (Sec. 12.22.A.27(b)):

Small Lot Subdivisions of Existing Dwelling Units. *The purpose of this Subsection is to further facilitate fee-simple home ownership opportunities through the preservation of existing housing within the City.*

Existing Group Dwellings, Bungalow Courts, and detached single, duplex, and triplex dwelling structures maintained under a single ownership with an original building permit issued more than 45 years prior to the date of submittal of the application for subdivision, or where information submitted with the subdivision application indicates that the building(s) is/are more than 45 years old based on the date the application is submitted may be subdivided into small lots and shall comply with Subparagraphs (1), (2) (4), and (9) through (13) of Paragraph (a) of this Subdivision. All existing structures shall be legally constructed with an issued building permit or Certificate of Occupancy.

We strongly encourage Coastal Staff to factor in these very real and present factors as they review the appeal. This project is not happening within a vacuum - all of these are applicable and greatly impact the feasibility of development. In our case, the applicants have assessed these factors and this is why the proposed project is just a Small Lot Subdivision of Existing Structures and nothing else.

Thank you,
Jared

--

Jared L. Johnson, MPL

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