



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT

### West Los Angeles Area Planning Commission

**Date:** June 27, 2017  
**Time:** After 4:30 p.m.\*  
**Place:** Henry Medina West LA Parking  
Enforcement Facility  
11214 W. Exposition Blvd., 2<sup>nd</sup> Floor  
Los Angeles, CA 90064

**Public Hearing:** N/A  
**Appeal Status:** Not further appealable  
pursuant to Los Angeles  
Municipal Code (LAMC)  
Section 12.20.2  
**Expiration Date:** May 13, 2017

**Case No.:** DIR-2016-4357-CDP-MEL-1A  
**Related Cases:** DIR-2017-389-VSO  
**CEQA No.:** ENV-2016-4358-CE

**Council No.:** 11 – Mike Bonin  
**Plan Area:** Venice  
**Specific Plan:** Venice Coastal Zone –  
Southeast Venice  
**Certified NC:** Venice  
**GPLU:** Low Residential  
**Zone:** R1-1

**Appellant:** Judy Esposito et. al.  
**Applicant:** MDB Silicon Beach Cloy II  
Investors, LLC  
**Representative:** Jackson McNeill  
Harding Larmore Kutcher &  
Kozal, LLP

**PROJECT LOCATION:** 2334 South Cloy Avenue

**PROPOSED PROJECT:** The demolition of an existing one-story, single-family dwelling and the construction of a three-story, approximately 3,213 square-foot single-family dwelling with an attached two-car garage and a roof deck; three parking spaces are provided onsite.

**REQUESTED ACTION:** An appeal of the Director of Planning's decision to conditionally approve a Coastal Development Permit pursuant to LAMC Section 12.20.2, a Mello Act Compliance Review pursuant to Government Code Sections 65590 and 65590.1., and an appeal of the categorical exemption, ENV-2016-4358-CE.

#### RECOMMENDED ACTIONS:

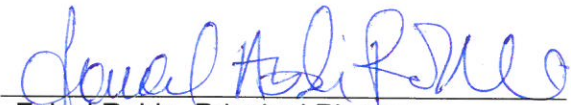
1. **Deny** the appeal; and
2. **Sustain** the Director of Planning's decision to conditionally approve a Coastal Development Permit and a Mello Act Compliance Review for the demolition of an existing one-story single-family dwelling and the construction, use, and maintenance of a 3,213 square foot, three-story, single-family dwelling with an attached garage and roof deck; and

3. **Determine** that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303, Class 3, Category, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT. P. BERTONI, AICP  
Director of Planning

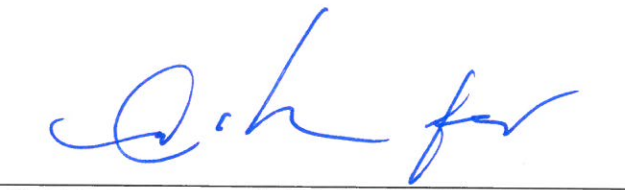
Approved by:

Reviewed by:



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Faisal Roble, Principal Planner

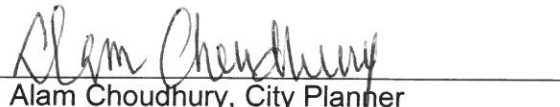


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Debbie Lawrence, AICP, Senior City Planner


Reviewed by:

Prepared by:



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Alam Choudhury, City Planner



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Jeff Khau, Planning Assistant  
Jeff.Khau@lacity.org

**ADVICE TO PUBLIC:** \* The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300)*. While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request at least seven (7) days prior to the meeting by calling the City Planning Commission Office at (213) 978-1300.

# TABLE OF CONTENTS

**Project Analysis .....A-1**

- Appellate Decision
- Project Summary
- Appeal Points and Staff Responses
- Conclusion

**Exhibits:**

- Exhibit A Appeal Application, DIR-2016-4357-CDP- MEL-1A
- Exhibit B Director’s Determination, DIR-2016-4357-CDP-MEL
- Exhibit C Approved Project Plans (Exhibit A)
- Exhibit D Categorical Exemption, ENV-2016-4358-CE
- Exhibit E Neighborhood Context Study
- Exhibit F Venice Sign Off, DIR-2017-389-VSO
- Exhibit G Venice Neighborhood Council (VNC) Recommendation Letter
- Exhibit H Letters Submitted to the File

## PROJECT ANALYSIS

### **APPELLATE DECISION**

Pursuant to Section 12.20.2 of the Los Angeles Municipal Code (LAMC), appeals of Coastal Development Permit cases are made to the Area Planning Commission. The appellate decision of the Area Planning Commission is final and effective as provided in Charter Section 245. Appeals of the California Environmental Quality Act (CEQA) are made to the City Council.

### **PROJECT SUMMARY**

The proposed project involves the demolition of an existing one-story single-family dwelling and the construction, use, and maintenance of a 3,213 square foot, three-story, single-family dwelling with an attached garage and roof deck; three parking spaces are provided onsite. No swimming pool is proposed.

**Table 1.** Residential Floor Area Calculation

	Floor Area (ft. <sup>2</sup> )
First Floor	1,095
Second Floor	1,559
Third Floor	518
	3,172
Garage	41
<b>Total Floor Area</b>	<b>3,213</b>
Garage*	441

\*400 ft.<sup>2</sup> of garage can be deducted from floor area calculations

Table 1 shows the residential floor area as shown in the approved project plans (Exhibit C). Additional correspondence (Exhibit H) for the project was received by planning staff in regard to the appeal.

### **APPEAL POINTS AND STAFF RESPONSES**

The City issued a determination (Exhibit B) approving local Coastal Development Permit (CDP) for the subject project on April 3, 2017. One appeal (Exhibit A) was filed in a timely manner on April 13, 2017. Below is a summary of the appeal points with a staff response to each point.

#### **Appeal Point No. 1:**

The proposed project fails to conform to Sections 30251 and 30253 of Chapter 3 of the Coastal Act. The project is not consistent with the mass, scale, and character of the Venice neighborhood; the majority of homes are less than 1,500 square feet and are predominantly single-story.

#### **Response:**

Appeal Point No. 1 fails to draw a clear nexus of how the City's decision is inconsistent with Sections 30251 and 30253 of the California Coastal Act. The appellant suggests two illogical conclusions based on hearsay regarding mass, scale, and character.

Section 30251 addresses the consideration and protection of visual feature and enjoyment of the coastal views. The appellant claims that the project's floor area and number of stories are

indicative of compatibility. Under the certified Venice Land Use Plan (Venice LUP), the City considered the project's potential to obstruct or degrade public views to the ocean and scenic coastal areas; however, the Venice LUP does not restrict FAR nor does it limit the number of stories for residential development within this subarea. As noted in the Determination's findings, the project includes design features that enhance the visual qualities of the neighborhood:

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 property is not located along a bluff with views to the Pacific Ocean. The project proposes the construction of a new three-story single-family dwelling and an attached garage. The subject site is situated on Cloy Avenue in a neighborhood zoned R1-1. The existing residential structures within 100 feet are comprised of mostly one-story and two-story structures. To maintain visual compatibility with the neighborhood, the project is designed with a roof access structure pitched back to reduce visibility. The use of mixed materials is used to soften the appearance of the structure. Per the applicant, the existing dwelling onsite is not well-maintained; construction of a new single-family home would enhance the visual quality of the lot and the neighborhood at large. As stated by the applicant, "Venice is an eclectic area with a mixture of traditional and contemporary architecture. 2334 Cloy aims work within that aesthetic and to be conscientious of the impact of its front elevation by keeping the front roof edge as low as possible (for two stories) sloping away from the street and also breaking up the front facade with material choices derived from the traditional (wood siding) and contemporary (plaster glass and steel) materials in the neighborhood. The house is open toward the street giving it a much more friendly and neighborly aspect and pulls back at the living area to give more area to the front yard."

Section 30253 describes how new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. However, Appeal Point No. 1 does not address these factors. No findings made by the appellant adequately address this section of the Coastal Act. As noted in the City's findings:

The property is located within 5.7 kilometers from the Santa Monica Fault, liquefaction zone, methane buffer zone, and tsunami inundation zone. Therefore, the project is will comply with Zoning, Building, and Fire Safety Code compliance measures and requirements that will minimize risks to life and property in hazard areas. The project is not located by a bluff and is not directly adjacent to any popular visitor destinations.

**Appeal Point No. 2:**

The project fails to conform to Policy I.E.2 and Policy I.A.1 of the Venice LUP because the project is not consistent with the mass, scale and character of this Venice subarea.

**Response:**

Appeal Point No. 2 does not make any factual findings to illustrate how the project does not conform to the Venice Land Use Plan (LUP). The appellant cites the Venice LUP but fails to provide discussion of how the project is inconsistent with its policies. Although Appeal Point No. 2 argues that the number of stories and floor area are appropriate measures of compatibility, the Venice LUP broadens this rubric by identifying "bulk, height, buffer, and setback" as well as "scale, massing, and landscape of existing residential neighborhoods" as factors for determining whether a new development is compatible.

Certified Venice LUP Policy I. E.1 General, states:

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

Certified Venice LUP Policy I. E.2 Scale, states:

*New development within the Venice Coastal Zone shall respect the scale and character of the 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.*

Certified Venice LUP Policy I. E.3 Architecture, states:

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

Certified Venice LUP Policy I.A.1 Development Standards states, in part:

*The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP... a. Roof Access Structures. Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:*

- i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;*
- ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;*
- iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; ...*

Certified Venice LUP Policy I.A.3 states, in part:

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

*Height: Not to exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied or stepped back roof line.*

Certified Venice LUP Policy I.A.7.c states, in part:

*Height: Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet.*

When considering the certified LUP's holistic definition of compatibility, the City finds that the project conforms to the height, setback, and parking standards of the LUP and therefore is consistent with the envisioned mass, scale, and character of the neighborhood. The Venice Sign Off (Exhibit F) issued for the project indicates compliance with the Venice Coastal Specific Plan. The project applicant also prepared a neighborhood context study (Exhibit E) to illustrate that the

proposed project is not out of character with the existing neighborhood. In addition, the Venice Neighborhood Council recommended approval of the project (Exhibit G).

As stated in the certified LUP, height is limited to 25 feet for structures with flat roofs and 30 feet for structures with varied roofs. Roof access structures may reach a height of 10 feet and have an area of no greater than 100 square feet and railings no taller than 42 inches. The approval of this project – a 30-foot single-family dwelling with a varied roof, a roof access structure with a height 9 feet 3 inches and an area of 100 square feet, and a roof deck with 42-inch high roof deck railings – is entirely consistent with the development standards regarding height and roof access structures of the certified LUP. The side, front, and rear yards for this project are consistent with the other homes on Cloy Avenue. All yards are provided without deviation from the LAMC. The amount of parking required and provided in this project are consistent across the homes in the area. The project provides three parking spaces onsite; two covered and one uncovered guest space. In accordance with the certified LUP, vehicle access is from the rear alley.

Overall, the proposed project is an infill development of an otherwise established neighborhood in an urbanized area. The proposed property is located in an area that is already developed with other single-family dwellings, thereby making it contiguous with existing developed areas that are able to accommodate it. Articulation of the building walls and vegetation will reduce the visual massing of the dwelling while allowing for reasonable use of the property in a manner that is consistent with the massing of existing structures. As approved and conditioned, the project will not be detrimental to the adjoining properties or the immediate area.

**Appeal Point No. 3:**

The Project will prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Project will set an adverse precedent for future projects due to its incompatible scale and character.

**Response:**

Appeal Point No. 3 presents an illogical fallacy because it does not state why or how this approval would set an adverse precedent. No findings are made to demonstrate how the Project alone will prejudice the City's ability to prepare a local coastal program. The City does not currently have a certified LCP but it does have a certified LUP. The development is consistent with the residential building standards related to scale, mass, and architectural diversity set forth in the certified LUP. The project is also consistent with the development policies regarding mass, scale, and character of the certified LUP and, by extension, the Chapter 3 policies of the Coastal Act. Therefore, the development will not prejudice the City's ability to certify an LCP.

**Appeal Point No. 4:**

The Categorical Exemption was issued in error and "cannot be relied upon". The California Environmental Quality Act ("CEQA") prohibits use of a categorical exemption when "there is a reasonable possibility that the activity will have a significant impact on the environment due to unusual circumstances." The appellant claims that the Project's incompatibility with the surrounding neighborhood will substantially degrade the existing visual character of the Project site and its surroundings.

**Response:**

Appeal Point No. 4 is an unsubstantiated claim. The appellant fails to specify which unusual circumstances will have a potential significant impact on the environment. The appellant presents no new information to demonstrate that the Director of Planning erred in this CEQA determination. As the lead agency for CEQA certification, the City determined that the project is categorically exempt from CEQA pursuant to Article III, Section 1, Class 3, Category 1 and certified its

determination concurrently with the local CDP, ENV-2016-4358-CE (Exhibit D). The Class 3 Category 1 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- (a) Location. The project is not located in a sensitive environment. Although the project is within the Coastal Zone, the residential neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a fault or flood zone, nor is it within a landslide area. Although the project is located within a liquefaction area and tsunami inundation zone, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.
- (b) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned R1-1 and designated Low Residential use. The proposed addition of one new dwelling unit will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typically to a residential neighborhood, no unusual circumstances are present or foreseeable.
- (d) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- (e) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM). While the site is approximately 1,500 feet northeast the historic Venice Canals, construction activities related to the subject project will not have a noticeable impact on the waterway.

## **CONCLUSION**

Staff recommends the Commission deny the appeal and sustain the Director's Determination (DIR-2016-4357-CDP-MEL) approving a Coastal Development Permit and Mello Act Compliance Review for the demolition of an existing one-story single-family dwelling and the construction of a new three-story single family dwelling. Staff also recommends the Commission find that the project is Categorical Exempt pursuant to the California Environmental Quality Act. Upon review and analysis of the issues raised by the appellant for the proposed project, no errors or abuse of discretion by the Director of Planning or his designee were found in regards to the appeal points raised. The project is deemed consistent with applicable provisions of the LAMC, California Coastal Act, General Plan, and Mello Act. This appeal of the Director of Planning's approval of the Coastal Development for the proposed project cannot be substantiated with facts, and therefore should be denied.

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT A**

**APPEAL**

DIR-2016-4357-CDP-MEL



**APPLICATIONS:**

**APPEAL APPLICATION**

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: DIR-2016-4357-CDP-MEL

Project Address: 2334 South Cloy Avenue

Final Date to Appeal: 04/13/2017

- Type of Appeal:
- Appeal by Applicant/Owner
  - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

**2. APPELLANT INFORMATION**

Appellant's name (print): Judy Esposito (see attachment)

Company: \_\_\_\_\_

Mailing Address: 2341 Boone Ave.

City: Venice State: CA Zip: 90291

Telephone: (310) 301-9791 E-mail: judy.esposito@msn.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self  Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?  Yes  No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Kristina Kropp; Robert Glushon

Company: Luna & Glushon

Mailing Address: 16255 Venture Boulevard, Suite 950

City: Encino State: CA Zip: 91436

Telephone: (818) 907-8755 E-mail: kkropp@lunaglushon.com; rglushon@lunaglushon.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No

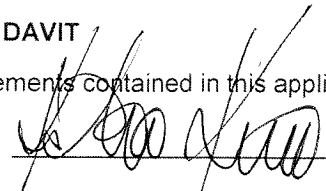
If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion



**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 4/12/17

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Daniel Skolnick </u>	Date: <u>4/13/17</u>
Receipt No: <u>0202406031</u>	Deemed Complete by (Project Planner): <u></u>	Date: <u>4/13/17</u>
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## ATTACHMENT TO APPEAL

DIR-2016-4357-CDP-MEL

Appellants: Judy Esposito *et. al.* (see attached), neighborhood residents whose homes surround the proposed Project and who are therefore most immediately impacted by the proposed Project and its inconformity to this Venice community in terms of mass, scale and character.

Project: Proposed demolition of an existing one-story single family dwelling and the construction, use and maintenance of a 3,658 square foot, three-story single family dwelling with an attached two-car garage, rooftop deck and swimming pool.<sup>1</sup>

The Director of Planning erred and abused discretion in approving the Project for the following reasons:

### **1. The Project Fails to Conform to Chapter 3 of the Coastal Act**

Sections 30251 and 30253 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 within Project is not consistent with §§30251 and 30253 of the Coastal Act because it's mass, scale and density is not consistent with the character of this Venice subarea/neighborhood where the majority of the homes are less than 1,500 square feet in area and are predominantly single-story. There are no three story homes on Cloy Avenue.

### **2. The Project Fails to Conform to the Venice Land Use Plan**

The Venice Land Use Plan provides for the following policies:

Policy I.E. 2: New development within the Venice Coastal Zone shall respect the scale and character of the 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.

Policy I.A.1: Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character, and scale of the existing development.

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<sup>1</sup> Notably, when this Project was noticed, it was noticed for the construction of a 3,172 square foot residence and made no mention of a swimming pool. Planning staff has not been able to provide an adequate answer for this discrepancy. It is unknown how many residents did not appear at the hearing as a result of this misrepresentation.

Again, the within Project is not consistent in mass, scale and density with the character of this Venice subarea/neighborhood. Therefore, the Director of Planning's findings of consistency are not supported by substantial evidence.

**3. The Project will Prejudice the City's Ability to Prepare a Local Coastal Program in Conformity with Chapter 3 of the Coastal Act**

The Project will set an adverse precedent against which further new development will be evaluated because the Project's size, and scale are incompatible with the scale and character of the adjacent neighborhood.

**4. The Categorical Exemption was Issued in Error**

The California Environmental Quality Act ("CEQA") prohibits use of a categorical exemption when "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines § 15300.2(c)).

The within Project's incompatibility with the surrounding neighborhood will substantially degrade the existing visual character of the Project site and its surroundings, a significant impact under CEQA and the CEQA Guidelines. Therefore, the Categorical Exemption cannot be relied upon.

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT B**

**DIRECTOR'S DETERMINATION**

DIR-2016-4357-CDP-MEL

**DEPARTMENT OF  
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE  
RICHARD KATZ  
JOHN W. MACK  
SAMANTHA MILLMAN  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION  
COASTAL DEVELOPMENT PERMIT  
MELLO ACT COMPLIANCE REVIEW**

April 3, 2017

**Owner/Applicant**

MDB Silicon Beach Cloy II  
Investors, LLC  
503 9<sup>th</sup> Street  
Santa Monica, CA 90402

**Representative**

Jefferson Schierbeek  
architects Addison Schierbeek  
3456 Ashwood Avenue  
Los Angeles, CA 90066

**Case No.** DIR-2016-4357-CDP-MEL

**CEQA:** ENV-2016-4358-CE

**Location:** 2334 South Cloy Avenue

**Community Plan Area:** Venice – Southeast Venice

**Council District:** 11 – Bonin

**Neighborhood Council:** Venice

**Land Use Designation:** Low Residential

**Zone:** R1-1

**Legal Description:** Lot 150, Tract 4424

**Last Day to File an Appeal:** April 13, 2017

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, 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 Coastal Development Permit authorizing the demolition of an existing one-story, single-family dwelling and the construction, use, and maintenance of a 3,658 square foot, three-story single-family dwelling with an attached two-car garage and a rooftop deck, located in the single permit jurisdiction area of the Coastal Zone, and

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

**Approve** a Mello Act Compliance Review for the demolition and construction of a single-family dwelling in the Coastal Zone.

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to ENV 2016-2382-CE per Article III, Section 1, Class 3, Category 1 of the City of Los Angeles CEQA Guidelines.

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, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Density.** A maximum density of one single-family dwelling per lot shall be permitted, as restricted by LAMC Section 12.08. The proposed project will maintain one single-family dwelling unit on the property.
4. **Height.** The subject project features both flat and varied rooflines; portions of the structure with flat rooflines shall be limited to a height of 25 feet and portions with varied rooflines shall be limited to a height of 30 feet; height is measured from the centerline of Cloy Avenue to the highest point of the roof. The portions of the proposed single-family dwelling with a flat roof are 23 feet in height while portions with a varied roofline are 30 feet in height.
5. **Parking and Access.** As shown in "Exhibit A" and as approved by the Department of Building and Safety, the subject project shall provide three parking spaces onsite; two covered and one uncovered guest space. All vehicle access shall be from the rear alley.
6. **Roof Structures.** The Roof Access Structure (RAS) is limited to a height of 40 feet, measured from the centerline of Cloy Avenue to the top edge of the RAS. The area within the outside walls shall be minimized and shall not exceed 100 square feet as measured from the outside walls. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may not exceed the maximum height by more than 5 feet.
7. **Roof Deck.** Railings used on the proposed rooftop deck shall be of an open design and shall be limited to a height of 42 inches.
8. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with, as further noted in DIR-2017-389-VSO.
9. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
10. 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.
11. 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.

12. 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.
13. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
14. 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 Zoning Administrator for attachment to the subject case file.

### **Administrative Conditions**

15. **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.
16. **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.
17. **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.
18. **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.
19. **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.

20. **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.

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

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## **BACKGROUND**

The subject site, 2334 South Cloy Avenue, is a relatively flat, rectangular, interior lot with a width of about 40 feet and depth of about 90 feet; with a total lot area of approximately 3,600 square feet. Situated in a neighborhood known by locals as the “Silver Triangle”, the property fronts Cloy Avenue to the west and abuts an unnamed alley to the east. To the north and south of the property are single-family dwellings. The neighborhood is zoned R1-1 and properties immediately surrounding the property are developed with one and two-story, single-family dwellings. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan, Venice Coastal Zone Specific Plan (Southeast Venice Subarea), a Calvo Exclusion Area, Methane Buffer Zone, Liquefaction Zone, and Tsunami Inundation Zone. The site is within 5.7 kilometers from the Santa Monica Fault.

The applicant requests a Coastal Development Permit authorizing the construction of a 3,658 square-foot, two-story, 30 feet-in-height, single-family dwelling with a two-car garage and a rooftop deck on residential lot within the single permit jurisdiction of the California Coastal Zone. An additional parking space is provided behind the garage, resulting in a total of three parking spaces. In addition, the project is subject to review for compliance with the Mello Act.

Cloy Avenue is a designated Local Street with a right-of-way width of 60 feet and developed to a roadway width of 36 feet. Wilson Avenue is improved with an asphalt roadway, gutter, curb, and sidewalk.

Mildred Avenue is a designated Local Street with a right-of-way width of 60 feet and developed to a roadway width of 36 feet. Mildred Avenue is improved with an asphalt roadway, gutter, curb, and sidewalk.

(Unnamed) Alley is a designated alley with a width of 15 feet. Vehicle access to the proposed garage is provided from the alley.

### Previous zoning related actions on the site/in the area include:

DIR-2015-2912-CDP-SPP-MEL – On December 22, 2016, the Director of Planning approved a coastal development permit, project permit compliance review, and Mello Act compliance review for the construction of a three-story duplex within the dual permit jurisdiction of the Coastal Zone, located at 217 E. Venice Boulevard.

ZA-2015-913-CDP-MEL – On January 29, 2016, the Zoning Administrator approved a coastal development permit and Mello Act compliance review for the demolition of a single-family dwelling and construction of a two-story, 3,503 square-foot single-family dwelling with an attached two-car garage within the single jurisdiction of the Coastal Zone, located at 644 E. Sunset Boulevard.

ZA-2015-637-CDP-SPP-MEL – On January 21, 2016, the Zoning Administrator approved a coastal development permit, project permit compliance review, and Mello Act compliance review for the demolition of a single-family dwelling and the construction of a new three-story single-family dwelling with a roof deck and attached garage in the RW1-1-0 Zone within the dual permit jurisdiction of the California Coastal Zone, located at 232 E. Linnie Canal.

ZA-2014-4517-CDP-SPP-MEL – On December 22, 2015, the Zoning Administrator approved a coastal development permit and Mello Act compliance review for the demolition of a single-family dwelling and construction of a two-story, 3,386 square-foot

single-family dwelling with an attached two-car garage within the dual permit jurisdiction of the Coastal Zone, located at 2919 Sanborn Avenue.

ZA-2014-1088-CDP-ZAA-MEL – On April 8, 2015, the Zoning Administrator approved a coastal development permit and Mello Act compliance review for the demolition of a duplex and construction of a two-unit condominium within the dual permit jurisdiction of the Coastal Zone, located at 454 E. South Venice Boulevard.

DIR-2008-4534-SPP-MEL – On January 28, 2009, the Director of Planning approved a specific plan project permit compliance and a Mello Act compliance review to allow the construction of a 5,400 square-foot single-family dwelling with a basement and attached garage on a vacant lot within the dual permit jurisdiction of the Coastal Zone, located at 147 Via Marina.

### Public Hearings

A public hearing was held by a hearing officer at on March 6, 2017 at 1:00 p.m., at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The applicant, applicant's representatives, Council District 11 representative, and approximately 12 members of the public attended the meeting.

Kevin McCauley, the applicant and builder, talked about his intention to live on the property and briefly summarized the scope of work. He mentioned he is a resident of Venice and raised his daughters in that area. He believes keeping in scale is important, and as such has not requested variances. According to Mr. McCauley, the property is not enclosed in tall fencing but rather open to engender a neighborhood feel. He says the project will preserve vegetation and use mixed materials. Lastly, he states that that the overall living space is 3,100 square feet, which is below the allowable 5,000.

Jefferson Schierbeek, the applicant's representative, showed height renderings of existing homes near the subject property to illustrate that the proposed project is not out of scale with the current built environment. He mentioned that the roof is pitched back to minimize obstruction.

Justin Hackman, a Venice resident, spoke in support of the project. He commented on the open design of the development.

Michael Tutelian, a member of the public, applauded the mass and scale of the design, saying that it fits with the neighborhood.

Austin Peters, a member of the public, said he enjoys how the scale of the building is pitched back. He commended the mixed materials used for the frontage and plant preservation.

Stacy Fong, a resident of Venice, asked to know the maximum allowable Floor Area Ratio (FAR) of the neighborhood. While acknowledging that the applicant has been sensitive to the neighborhood, she said the project does not fit with the area. She is seeking assurance that developers are not cutting corners, and that everything complies with the specific plan. She is concerned that the house is built for speculation. She says that people in her neighborhood enjoy the quiet atmosphere. She expressed concern about impacts to parking and traffic.

The applicant responded by reaffirming that he intends to raise his family and live in the proposed home. He said he complies with all regulations. He mentioned the homes he builds have character and are specifically designed with the neighborhood in mind. FAR was clarified to be three times the buildable area. The building is at roughly 60% of the allowable floor area.

Michael Hackman, spoke in support of the project. He said he was impressed that the project has scaled back from what is by-right. He stated the builder is very thoughtful with respect to size, setbacks and trees.

Ted Tannenbaum, a Venice resident, commented on previous statements on how the project floor area is below the allowable area. He said that just because a project isn't built out to its maximum volume does not mean it is a good project. Mr. Tannenbaum does not oppose the project, but cautions that such comparisons could be applied to a fallacious degree.

Ray Mattson, a Venice resident, said he has lived in Venice for over 40 years and is concerned about the influx of three-story homes.

The applicant responded to the concerns; he said that he wants to build something attractive regardless of the allowable floor area. He also said height limits will be respected.

No additional comments were said at the hearing.

### Correspondence

An email dated February 20, 2017 from Janet Lent, a Venice resident, stated concerns about the size of the proposed development. She is concerned about variances, although it is noted that no variances are requested. As a long-time Venetian, Ms. Lent is worried about rising heights of newly built homes in the community. In her email, she speaks against the expanding square footage of new houses and says it directly blocks light, air, and views. She says in her email, "[I]f these multi-bedroom houses become renter occupied, short-term or otherwise, there could be significantly more neighborhood density, traffic, and stress on our ancient neighborhood sewer system."

A letter dated February 20, 2017, from Ethan B. Lipton, a Venice resident, stating that the mass, scale, and character of the proposed project is not aligned with that of the existing streetscape. Mr. Lipton said in his letter that "71% of homes here are fifteen hundred square feet or less" and cautions that overdevelopment may lead to negative outcomes.

An email received February 22, 2017 from Venice resident Judy Esposito voiced concerns about the size and character of the proposed home. Ms. Esposito objects to allowing developers build large homes, citing negative impacts to the community at large. Another email received March 6, 2017 reiterated similar apprehensions. She requests that the proposed project be reduced in size.

An email received on February 22, 2017 from Bernard Mendoza, Venice resident, objects to the proposed project because of its size. Specifically, he is concerned about the scaling effects of a larger home juxtaposed with a smaller one. He is weary of the impact of profit-driven interests on the neighborhood. In his email he writes how setting a precedent of tall buildings will diminish the quality of life for the community. He requests that the applicant's request for entitlements be rejected.

An email received on February 22, 2017 from Frank Defurio, a Venice resident, opposed the proposed project on the basis of size and scale. He included photos in his email which suggest that the existing homes in the area are modest, one-story dwellings. Mr. Defurio cited statistics to illustrate how existing homes are notably smaller in square footage than the proposed property. He requests that this development be downsized.

A letter received on March 1, 2017 from Venice resident Ray Mattson voiced objection to the proposed project. He states that a three-story, 3,172 square-foot home is out of character for the

Silver Triangle area. In Mr. Mattson's letter, he mentions Ordinance S and expressed disapproval of investors and developers profiting at the expense of the community.

A letter received on March 1, 2017 from Venice resident Terry Sidell stated concerns about the size of the development. He states that the character of the neighborhood had been centered on small houses and an ethos of diversity. He says that newer, larger homes have led to a loss of character for the neighborhood. He writes in his letter, "While I do not wish to cause a financial hardship to the developer, I would request that the design have a street-friendly" profile and a footprint more befitting the scale of a less-than-3600-square-foot lot."

A letter received on March 13, 2017 from Venice resident Kennalee Mattson objected to the development, citing the following reasons: A three-story home that is 3,172 square feet is out of character for the Silver Triangle; the proposed development aims to circumvent regulations by seeking approval before the vote for Measure S; traffic and congestion will worsen as a result of overbuilding. A photo was attached to show Ms. Mattson's view across the alley to illustrate how a 30 foot house would be taller than the tree.

A letter received on March 13, 2017 from Venice resident Ed Guilani objected to the development, citing the following reasons: A three-story home that is 3,172 square feet is out of character for the Silver Triangle; the proposed development aims to circumvent regulations by seeking approval before the vote for Measure S; traffic and congestion will worsen as a result of overbuilding.

No other correspondence was received.

## FINDINGS

### Coastal Development Permit

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

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

The applicant requests a Coastal Development Permit authorizing the demolition of an existing single-family residence and the construction of a new three-story, 3,658 square-foot single-family dwelling with an attached two-car garage, rooftop deck, and swimming pool, within the single permit jurisdiction of the California Coastal Zone. The project also requires a Mello Act Compliance review. The applicant does not request any deviations from the Los Angeles Municipal Code with respect to required parking, building height, setbacks and floor areas.

Chapter 3 of the 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 30211 requires that the new development shall not interfere with the public's right of access to the sea.* The development is located approximately 0.80 miles away from the shoreline and does not share a right of way to the Pacific coast; thus, the development will not interfere with the public's right of access to the ocean. The site is located far enough from any coastal access points to reasonably assume that public access to the sea will not be affected. Other lots in the area are similarly developed with single-family residences.

*Section 30221 states that recreational use and development shall be protected.* The proposed development is located in a residential neighborhood and does not adjoin any recreation and visitor serving facilities. As such, the development will not result in any adverse impacts on such facilities.

*Section 30230 states that marine resources shall be maintained, enhanced, and where feasible, restored.* The proposed development does not affect any marine resources, such as fisheries, minerals, and gases. The development is well above the high tide line and will not have any identifiable effect on the Pacific Ocean. The subject property does not have direct access to any water or beach so no dredging, filling or diking of coastal waters or wetlands is required. There is no commercial fishing or recreational boating on or adjacent to the property.

*Section 30240 states that environmentally sensitive habitat areas shall be protected.* Environmentally sensitive habitats are areas where plant or animal life are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. No rare plant or animal life is known to exist within the property and surrounding area. The proposed development is limited to the lot line boundaries of the private property in an area that is improved with single-family dwellings. Due to these confines, the project will have no significant impact on the sensitive habitat areas and wetlands.

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.* The project consists of the demolition of an

existing residential structure and construction of a new two-story single-family dwelling. No grading is required because the earth onsite is flat. 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 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources.* The proposed development is located in the single permit jurisdiction area of the California Coastal Zone. The proposed project is located in an urban residential neighborhood developed with similar single-family dwellings. Currently, the site contains a one-story single-family dwelling to be demolished and replaced with a two-story single-family dwelling. The proposed density of one unit per lot complies with the R1-1 zone and land use designation. The project is located within an existing developed area and will be comparable in size, scale and use with the developed area. The property provides access for emergency vehicles on Cloy Ave, with an actual width of 50 feet. Sufficient parking and setbacks required by local zoning and building and safety requirements are provided. The lot will be developed with a single-family dwelling that maintains connections and access to all public services typically required for residential uses, including water and sewage, waste disposal, gas, and electricity. Because the project is replacing one existing single-family home with another, the development will not overload the capacity of public services. Therefore, the proposed development will be adequately serviced and will not have a significant adverse impact on coastal resources.

*Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.* The subject 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 property is not located along a bluff with views to the Pacific Ocean. The project proposes the construction of a new three-story single-family dwelling and an attached garage. The subject site is situated on Cloy Avenue in a neighborhood zoned R1-1. The existing residential structures within 100 feet are comprised of mostly one-story and two-story structures. To maintain visual computability with the neighborhood, the project is designed with a roof access structure pitched back to reduce visibility. The use of mixed materials is used to soften the appearance of the structure. Per the applicant, the existing dwelling onsite is not well-maintained; construction of a new single-family home would enhance the visual quality of the lot and the neighborhood at large. As stated by the applicant, "Venice is an eclectic area with a mixture of traditional and contemporary architecture. 2334 Cloy aims work within that aesthetic and to be conscientious of the impact of its front elevation by keeping the front roof edge as low as possible (for two stories) sloping away from the street and also breaking up the front facade with material choices derived from the traditional (wood siding) and contemporary (plaster glass and steel) materials in the neighborhood. The house is open toward the street giving it a much more friendly and neighborly aspect and pulls back at the living area to give more area to the front yard."

*Section 30252 states that new development should maintain and enhance public access to the coast.* The project proposes the demolition of a single-family dwelling and construction of a new single-family dwelling in its place. The subject site is located within a residential neighborhood 0.80 miles northeast of the Pacific shoreline. The project provides three onsite parking spaces. No permanent structures will erect within the public

right-of-way and public access to the coast will not be obstructed.

*Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses.* The property is located within 5.7 kilometers from the Santa Monica Fault, liquefaction zone, methane buffer zone, and tsunami inundation zone. Therefore, the project is will comply with Zoning, Building, and Fire Safety Code compliance measures and requirements that will minimize risks to life and property in hazard areas. The project is not located by a bluff and is not directly adjacent to any popular visitor destinations.

As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act. The resulting single-family home 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 more than one mile away from the shoreline. 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.

As discussed, the project consists of the development of a two-story, single-family dwelling with a rooftop deck on a lot within the Southeast Venice Subarea. The subject site is zoned R1-1 with a General Plan Land Use Designation of Low Residential.

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

Policy I.A.1 identifies general residential development standards regarding roof access structures and lot consolidation restrictions. The project proposes a roof access structure that is 100 square feet in area, measured from the exterior walls and is less than 10 feet in height. The project is limited to the development of one lot.

Policy I.A.2 and Policy I.A.3 describe the intention to preserve single-family neighborhoods and allow for infill development, provided that it is compatible with and maintains the density, character, and scale of the existing development. The proposed single-family dwelling serves to infill the R1-1 zoned area and is in compliance with the density and development standards set forth in the LUP.

Policy I.A.4 outlines density and development standards for areas designated for single-family dwellings. The project consists of the construction of one new single-family dwelling on one lot, and complies with the requirement of one unit per 3,000 of lot area. The height

of the single-family home ranges from 23 to 30 feet but is below the maximum height with respect to roof type. The required side, front, and rear yards will be maintained as no adjustments or variances are requested in conjunction with the proposed project.

Policy II.A.3 outlines the Parking Requirements for the project: single-family dwellings on a lot greater than or equal to 35 feet in width (if adjacent to an alley) are required to provide three parking spaces; the single-family dwelling is on a lot 40 feet in width and will provide three parking spaces onsite: two spaces covered and one space uncovered.

The proposed two-story single-family dwelling is consistent with the policies of the Land Use Plan and the standards of the Specific Plan and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

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

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

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

The Regional Interpretative Guidelines have been reviewed and the proposed project is consistent with the requirements for the Southeast Venice Subarea; the project also complies with the policies of the LUP and other applicable provisions of the Specific Plan. The number of dwelling units on the subject property will not exceed the maximum allowed. The required three parking spaces per dwelling unit will be provided in the attached two-car garage and unenclosed carport. No deviation from the front yard setback requirement was requested as part of the project. The proposed building is set back 18 feet from the front property line. The height of the proposed project does not exceed 30 feet in portions with a varied roof and 25 feet for portions with a flat roof. The project is not expected to affect the scenic and visual quality of the coastal area since it is located in a relatively flat area more than 0.80 miles inland. Visually, the proposed project will be compatible with the character of the surrounding area. Furthermore, the proposed project will not alter any natural land forms. As such, the proposed project, as conditioned, is consistent with the Regional Interpretative Guidelines.

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

The project consists of the development of a two-story, single-family dwelling with a rooftop deck. The new residential structure does not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In February 2017, the Commission approved a coastal development permit for the demolition of a one-story single-family home and the construction of a two-story, 2,702 square-foot single-family dwelling with an attached two-car garage and rooftop deck on a lot located at 3021 Stanford Ave (Application No. 5-16-0685).
- In October 2016, the Commission approved a coastal development permit for the construction of a three-story, 4,7037 square-foot single-family dwelling with an attached three car garage and rooftop deck on a vacant lot located at 2709 Ocean Front Walk (Application No. 5-16-0096).
- In February 2016, the Commission approved a coastal development permit for the partial demolition, interior remodel, and addition to an existing single-family dwelling, resulting in a 2,249 square foot, two-story, 25-foot 4-inch structure located at 219 Howland Canal (Application No. 5-15-1220).
- In August 2015, the Commission approved an Administrative Permit for a 1,152 square-foot second-story addition (approximately 28 feet tall) to an existing single-family dwelling, located at 513 28<sup>th</sup> Avenue (Application No 5-15-0764).
- In August 2015, the Commission approved an Administrative Permit for the demolition of a single-family residence and construction of a 3-story 28-foot tall single-family dwelling located at 26 30<sup>th</sup> Avenue (Application No. 5-15-0634).
- In July 2015, the Commission approved an Administrative Permit for the demolition of a single-family dwelling and the construction of a three-story (35-foot), two-unit condominium providing a total of four parking spaces, located at 458 E. South Boulevard (Application No. 5-15-0310).

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

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

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

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

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

The subject property is located approximately 0.80 miles from the Pacific coast. The project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the dwelling. The existing single-family dwelling has a one-car garage which is accessed from a driveway on Cloy Avenue. The project shall include three parking spaces – two parking spaces will be located in a garage and one uncovered space in the back yard, all accessed from the alley. By increasing parking capacity and relocating vehicle traffic from Cloy Avenue to the alley, the project enhances the public right of way. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2016-4358-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the construction of a new, 3,658 square-foot dwelling unit with an attached two-car garage along with an additional parking space behind the garage. The Categorical Exemption prepared for the proposed project is appropriate pursuant to Article III, Section 1, Class 3, Category 1 of the City's CEQA Guidelines.

The Class 3 Category 1 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; this includes one single-family residence, or a second dwelling unit in a residential zone.

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

- (a) Location. The project is not located in a sensitive environment. Although the project is within the Coastal Zone, the residential neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a fault or flood zone, nor is it within a landslide area. Although the project is located within a liquefaction area and tsunami inundation zone, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.
- (b) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned R1-1 and designated Low Residential use. The proposed addition of one new dwelling unit will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the

environment due to unusual circumstances. The proposed project consists of work typically to a residential neighborhood, no unusual circumstances are present or foreseeable.

- (d) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- (e) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM). While the site is approximately 1,500 feet northeast the historic Venice Canals, construction activities related to the subject project will not have a noticeable impact on the waterway.

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

## **Mello Act Compliance Review**

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

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

The project includes the demolition of an existing single-family dwelling located on a 4,799 square-foot lot in the Southeast Venice subarea of the Venice Coastal Zone. A Mello Act Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated January 31, 2017 states that the property currently maintains one single-family dwelling. The current owner, MDB Silicon Beach Cloy II Investors LLC, acquired the property through transfer in October 2016 from a related company, Avondale426 Investments LLC, who purchased the property from the Perlman Family Exemption Trust in March 2016. The property was transferred from Arnold Perlman to the Perlman Family Exemption Trust in April 2013.

The Determination from HCIDLA confirms that the current owner kept the property vacant from March 29, 2016 through December 23, 2016. Utility bills show low usage during this time, suggesting that the property had been vacant. Lease contracts from the previous owner were submitted to confirm rent amounts. The total rent collected from November 2014 through March 2016 was \$60,400 and the property was rented for 28 of the last 36 months, yielding an average rent of \$2,157; which exceeds the low-income threshold. HCIDLA concluded that no affordable unit exists at the subject site, based on the fact that the property was rented at market rate until it was sold to the new owner, and then sat vacant. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

## 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 \$1,000 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 Director's determination in this matter will become effective after **10 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

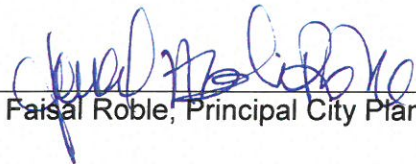
Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

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

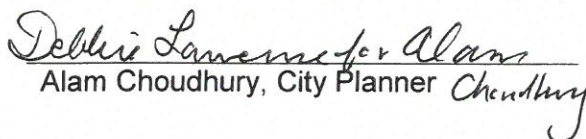
Approved by:

  
Faisal Roble, Principal City Planner


Reviewed by:

  
Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

  
Alam Choudhury, City Planner

Prepared by:


  
Jeff Khau, Planning Assistant  
jeff.khau@lacity.org



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

DATE: January 31, 2017

TO: Debbie Lawrence, Senior City Planner  
City Planning Department

FROM: Robert Manford, Environmental Affairs Officer   
Los Angeles Housing and Community Investment Department

SUBJECT: **Mello Act Determination for 2334 Cloy Avenue, Venice, CA 90291**

**Planning Case #: DIR-2016-4357-CDP-MEL**

Based on information provided by the current owner, MDB Silicon Beach Cloy II Investors, LLC the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable unit exists at 2334 Cloy Avenue, Venice, CA 90291.

The property consists of a single family dwelling. Per the statement on the application, the current owner is proposing to demolish the existing single family dwelling to construct a new single family dwelling. On October 4, 2016, MDB Silicon Beach Cloy II Investors, LLC received the property through transfer from a related company, Avondale426 Investments LLC, who purchased the property from the Perlman Family Exemption Trust on March 29, 2016, who received the property through transfer from Arnold Perlman on April 4, 2013. The current owner has not applied for a Demolition Permit, but has applied for a Building Permit with the Department of Building and Safety (#16010-10000-04882).

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three (3) years. The current owner's Mello application statement was received by HCIDLA on December 23, 2016. HCIDLA must collect data from: December 2013 through December 2016.

The current owner kept the property vacant from the time of purchase until the date HCIDLA received their Mello application (March 29, 2016 – December 23, 2016), and provided sufficient proof through utility bills that showed little to no usage during this time.

On January 4, 2017, HCIDLA mailed a certified letter to the property. According to the United States Postal Service website ([www.usps.com](http://www.usps.com)), the letter was undelivered and hasn't been retrieved from the Post Office as of January 26, 2017.

The current owner provided lease agreements from the previous owners that stated a monthly rate of \$3,300 would be collected from April 1, 2013 through March 31, 2015 and a monthly rate of \$4,000 would be collected from April 1, 2015 through March 31, 2016. The current owner was only able to obtain the bank statements and/or cancelled checks for the period of November 2014 through March 2016 therefore we only factored those amounts into our monthly average calculation. The total amount

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT C**

APPROVED PROJECT PLANS

DIR-2016-4357-CDP-MEL

**General Notes**

The Construction Documents are provided to illustrate the design intent desired and imply the finest quality workmanship throughout. Any design or detail which appears to be inconsistent with the above should be immediately brought to the attention of the Architect by the Contractor.

The Contractor shall verify all construction documents, site dimensions and conditions and shall notify the Architect of any discrepancies or inconsistencies prior to starting work.

Applicable trades shall use a common datum to be designated by the Contractor for all critical measurements. Do not scale drawings.

Specific notes and details shall take precedence over general notes and details.

During construction the Contractor shall provide fire extinguishers as required by the Field Inspector.

Wherever existing work is damaged by any other construction operation, it shall be repaired or replaced by the contractor with new material to match existing as approved by the Architect.

The locations of existing underground utilities are shown in an approximate way only and have not been independently verified by the Owner or its representative. The Contractor shall determine the exact location of all existing utilities before commencing work, and agree to be fully responsible for any and all damages which might be occasioned by the Contractor's failure to exactly locate and preserve any and all underground utilities.

The Contractor shall verify location and clearance of all inserts and embedded items with all applicable drawings before pouring concrete.

The Contractor shall provide all necessary backing and framing for wall mounted items.

Wood in contact with concrete shall be pressure treated. All wood shall be a minimum of 6" above finish grade.

Glass and glazing shall conform to code and with U.S. Consumer Product Safety Commission requirements. Glazed openings in doors, adjacent to doors and within 18" of the adjacent floor shall be tempered glass approved for impact hazard. Glazing in shower and tub enclosures shall be tempered, laminated or approved plastic.

(2) layers of grade 'D' paper will be provided between all plywood shear panels or solid blocking and exterior lath with plaster.

Fire stops shall be located at the following locations per CBC:

- a.) In concealed spaces of stud walls including furred spaces - at floor and ceiling levels and at floor level along the length of the wall.
- b.) At all interconnections between concealed vertical and horizontal spaces such as occur at soffits, drop ceilings and cove ceilings.
- c.) In openings around vents, pipes, ducts, chimneys, and similar openings which afford a passage for a fire at ceiling and floor levels, with noncombustible materials.
- d.) In concealed spaces between stair stringers at the top and bottom of the run and between studs along and in line with the run of the stairs if the walls under the stairs are unfinished.

At exterior wall openings; flashing, counter flashing and expansion joint material shall be constructed in such a manner as to be weatherproof. Provide fire blocking in concealed spaces of stud wall and partitions, (at 10' intervals both vertical and horizontal), and in openings around vents, pipes, ducts, chimneys, between attic and chimney chase [708.2.1].

Parapets, satellite antennae, rails, skylights, roof equipment must be within height limit.

Separate permits and plans are required for pools, spas, solar systems, demolition and sewer cap of existing buildings. If such improvements or demolition is required as a condition of approval for discretionary actions or to commence building, then such permits must be obtained before or at the time this proposed Building Permit is issued.

Fence/Wall/handrail heights, as measured from the lowest finished grade adjacent to each section of these structures, may be a maximum of 42" in the front yard setback, and 6' at all other locations on site (3' if obstructing driveway visibility).

All irrigation must meet current City requirements for proper installation.

No discharge of construction waste water from site is permitted.

A property line cleanout must be installed on the sanitary sewer lateral.

A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer.

Excavations shall be made in compliance with CAL/OSHA Regulations

**Architectural Plans (General)**

Provide a corrosion-resistant weep screed on all exterior stud walls at or below the foundation plate line a minimum of 4" above grade, or 2" above paved areas.

Provide an approved spark arrester for chimney to fireplace. The net free area of the spark arrester shall be not less than four times the net free area of the outlet of the chimney.

Shower stalls shall have a clear interior finish area of 7.1 sf and be able to accommodate a minimum 30 inch circle at the threshold level. These clearances shall be maintained up to a height of 70 inches above shower drain. Provide 70" high non-absorbent wall adjacent to shower [807.1.3].

**Interior Environment**

Provide a mechanical ventilation system in bathrooms containing a bathtub and/or shower, laundry room. Mechanical system must be capable of providing five air changes per hour and exhausting directly to the outside [1203.3].

**Plumbing**

Tankless water heaters shall be nationally listed and be installed in accordance with the installation instructions that were approved as part of their listing. "The gas piping serving this appliance must be sized in compliance with the water heater's listed installation instructions and the 2010 California Plumbing Code." [5106.1.1 CRC]

**Electrical**

Provide arc-fault circuit interrupter protection for all outlets (not just receptacles) throughout the dwelling unit, except for where GFI protection is required. [3210.12 CEC]

Receptacles required along the walls shall be listed as tamper-resistant. [3406.11 CEC]

**Special Hazard Requirements**

Provide strapping for water heater. Provide hard-wired smoke alarms with battery backup. Provide one-hour resistive construction on enclosed usable space of interior stair. Provide AFCI protection for bedroom circuits.

**Exits**

See Section 1003 of the LAMC for all Stair/Handrail/Guardrail Minimum and Maximum Dimensions.

**Plumbing Requirements**

Provide a 12" minimum access panel to bathtub trap connection unless plumbing is without slip joints. Specify low flow toilets (1.6gallon/flush), showerheads (2.5 gpm) and faucets (2.5 gpm) Provide individual control valves of the pressure balance or the thermostatic mixing valve type for showers and tub showers. For gas-burning water heaters provide two 100 square inches net air openings directly to the outside. Fuel burning water heaters shall not be installed in bedrooms bathrooms or closets opening into a bedroom or bathroom. Elements of appliance generating glow, spark or flame must be located a minimum of 18" above the garage floor. Provide vehicular protection of water heater/furnace located in garage, wheel blocks not acceptable [510.2, 510.3 CPC]. Provide 30" vertical clearance above cooking top to unprotected combustible materials. Provide an approved seismic gas shut-off valve on the fuel line on the down stream side of the utility meter and rigidly connected to the exterior of the building containing the fuel gas piping per ordinance 170.158.

**Mechanical Requirements**

Provide two HVAC Units dedicated to each floor of the Residence located in the Attic Space (see A1.2). Each unit shall be 80% efficient per Title 24 A0.3 and shall be 3-5 tons & BTU's/Hour as specified by Mechanical Installer. Compartment working space for Mechanical Equipment maintenance and replacement shall be per CMC 304.7. Minimum clearance from Heat Producing Equipment to combustible construction shall be per CMC 304.8, T3-A. Mechanical Equipment shall not be allowed in bedrooms, bathrooms, or closets that open into one of these rooms. Attic access minimum 30"x30" not over 20' from equipment. Unobstructed passage 24" wide with solid continuous flooring from access to equipment/control panel. A level unobstructed work platform minimum 30" in front of equipment with 30" head-room. Light over equipment with switch access. A concrete slab for furnaces supported from the ground. Install light over Mechanical Equipment with Switch Access (306.4 CMC.) Dryer exhaust shall terminate at least 3 feet from the property line and from any openings into the building. Clothes dryer moisture exhaust ducts shall terminate outside the building and have a back-draft damper. Exhaust duct is limited to 14' with two elbows. This shall be reduced 2' for every elbow in excess of two. Show minimum 4" diameter, smooth, metal duct, and show duct route on plan. [504.2.2 CMC]

**Electrical Requirements:**

Provide a receptacle outlet within six feet of any point along walls in livable rooms. Provide ground-fault circuit interrupters (GFI) protection for all 125-volt, single phase, 15 and 20-ampere receptacles installed in bathrooms, garages, outdoors, crawl spaces and all kitchen receptacles within 6'-0" of a sink / wet bar. Provide arc-fault circuit interrupter protection for all 125-volt single phase, 15 and 20-ampere receptacles installed in bedroom of dwelling units. Locate service disconnect(s) nearest the point of entrance of the service entrance conductors. Provide for Each Building, Separate means for Disconnecting all underground Conductors. (225-8b CEC)

**Energy Requirements**

Doors and windows between conditioned and unconditioned spaces shall be fully weather-stripped. The following openings in the exterior envelope of the building shall be caulked or otherwise sealed to limit infiltration: 1. Exterior joints around windows and doorframes, between wall sole plates and floors and between exterior wall panels. 2. Openings for plumbing, electrical and gas lines in walls, ceilings and floors. 3. Openings in the attic, such as the point where ceilings meet masonry fireplaces. Exhaust fans shall be provided with backdraft dampers or automatic dampers.

Ducts shall be constructed, installed and insulated according to Chapter 6 of the California Mechanical Code. Thermostatically controlled heating and cooling systems, except electric heat pumps, shall have an automatic thermostat set points for at least two periods within 24 hours.

All heating, ventilating and air conditioning (HVAC) equipment shall be certified by California Energy Commission. Water heaters shall be certified by the California Energy Commission.

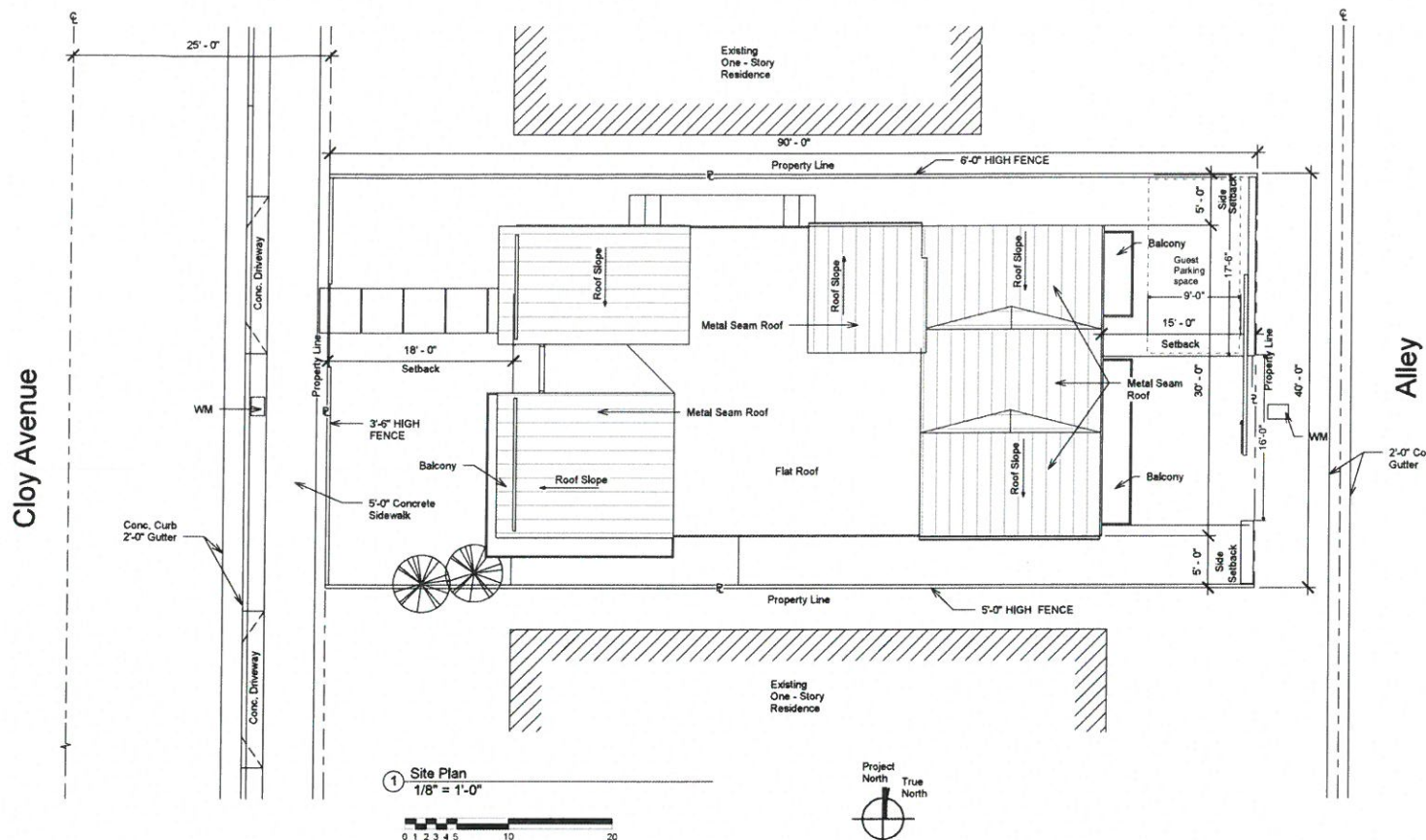
Wrap storage type water heaters and storage and backup tanks for solar water heater systems with minimum R-12 insulation exterior and R-16 for interior. Insulate piping in unconditioned space leading to and from water heaters with minimum R-4 insulation for a distance of 5 feet from the water heater.

General lighting in kitchen and bathrooms shall have an efficiency of at least 40 lumens per watt. The insulation installer and the contractor shall post a signed certificate of compliance in a conspicuous location in the building. This certificate shall state that the installations and materials conform to the appropriate sections of the California Administrative Code, Titles 20 and 24 and shall specify the manufacturer's name and material identification, the installed R-value, and when loose fill is installed, shall state the minimum installed weight per square foot consistent with the manufacturer's labeled density for the desired R-value. Duct sealing is mandatory and requires independent field verification by a certified HERS rater. All supply ducts shall either be in conditioned space, or have a minimum insulation of R-4.2.

Manufactured doors and windows shall be certified. And labeled in compliance with the appropriate infiltration standards. Provide user manual and labeled input/output for proper check of state approved computer program. Fire Extinguishing Carbon monoxide alarms shall be installed and maintained at all of the following locations. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. [3115.3 CRC]

Public Works Standard Notes: A. All offsite work shall be done in accordance with Standard Specifications for Public Works Construction, current edition, and the City of Los Angeles Standards B. All labor, equipment, and material requirements for offsite improvements are the responsibility of the owner. C. The City recommends replacement of damaged or older sewer laterals over thirty (30) years old. D. All abandoned driveway apron/ approach resulting from the new development shall be removed and replaced with sidewalk, pathway and curb and gutter. E. Modify existing driveways (widen to 10 feet minimum, etc) between curb and property line per City of Los Angeles Standard Plan No. 4008. F. Owner is responsible for repair of damage to offsite improvements caused by construction as required by Sr. Public Works Inspector.

Environmental & Public Works Civil Engineering Notes: 1. No work shall be done within the public right-of-way without the prior approval and permit from Public Works Department - Administrative Services, Room 113. 2. Owner is responsible for repair of all damage to offsite improvements caused by construction. Call Public Works Inspector for inspection of offsite improvements at substantial completion of onsite work at (310) 458-8737. 3. New proposed improvements shall not obstruct drainage or drain in to neighboring private properties. 4. Water shall be drained away from the foundation and shall be mitigated from permeating in to foundation wall and the footing of the new proposed improvements. 5. No construction debris shall be spilled or stored on public right-of-way. 6. All site utilities shall be constructed underground to the nearest offsite utility pole. Contractor/Developer has made arrangements with the utility companies to place all overhead utilities underground. 7. The City strongly urges the applicant to inspect the existing sewer connection. If the connection is demanded or over 30 years old, the City recommends that the applicant show on the plans the construction of the new 8-inch diameter VCP sanitary sewer connection from property to sanitary sewer main in accordance with City of Los Angeles Standards. (Sewer Permit Required). 8. Owner/Contractor shall comply with the Utility Division Cross Connection Guidelines. Prior to issuance of Certificate of Occupancy, Cross Connection Control Inspection must be completed. Contact the City Water Division at (310) 458-8531. 9. Prior to installation of any cross-connection device, please contact the City cross-connection inspection inspector at (310) 458-8535. 10. Prior to backfilling or covering up any urban runoff mitigation related excavations and/or structures, contact the City Urban Runoff Coordinator at (310) 458-8223 for inspection. 11. Prior to commencing any underground utility work, obtain separate utility excavation permits and street use permits for utility excavation.



**Scope of Work:**  
New Single Family Residence With attached 2-car garage

All work in this project shall comply with Title 24 and 2013 California Residential Code (CRC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Energy Code (CEC), and the California Green Building Standards Code (CGBCS), [R106.1.1 CRC]

**AREA CALCULATIONS FOR LID**

Roof Area Impacted by Project	1698 sf
Required Planter Box Area (2,001-2,500 = 168 sf Planter Area)	xxx sf (xxx sf provided)
Landscape Area	1082 sf
Permeable Paving Driveway	600 sf
Paving Flat Work	290 sf
<b>Total Lot Area</b>	<b>3584.20 sf</b>

The construction shall not restrict a five-foot clear and unobstructed access to any water or power distribution facilities (Power poles, pull-boxes, transformers, vaults, pumps, valves, meters, appurtenances, etc.) or to the location of the hook-up. The construction shall not be within ten feet of any power lines-whether or not the lines are located on the property. Failure to comply may cause construction delays and/or additional expenses.

An approved Seismic Gas Shutoff Valve will be installed on the fuel gas line on the downstream side of the utility meter and be rigidly connected to the exterior of the building or structure containing the fuel gas piping. (Per Ordinance 170.158) (Separate plumbing permit is required).

Plumbing fixtures are required to be connected to a sanitary sewer or to an approved sewage disposal system (R305.3).

SYMBOL LEGEND	TABULATIONS / CODE ANALYSIS	PROJECT DIRECTORY	SHEET INDEX
	Site Address: 2334 Cloy Avenue Venice, CA 90291	Owner: MDR Silicon Beach Investors, LLC 503 9th Street Santa Monica, CA 90402	Sheet Title
	Legal Description: 4228007022 RI-1 TR424 None	Architect: Addison Schierbeek 2455 Ashwood Ave. Los Angeles CA 90066	A0.0 Site Plan/Title Sheet
	Map Reference: M 0 75-6405 Map Sheet: 106-5A147	Contact: Jefferson Schierbeek 310.795.3366 projects@addisonshierbeek.com Call Ayn, License # C22018 exp. 12.31.2017	A0.1 General Notes
	Project Description: Single Family Residence With attached 2-car garage	Structural Engineer: RSE Associates, INC. 700 S Flower Street, Suite # 1720 Los Angeles, CA 90017	A0.2 Door Schedule & Details
	Lot Area: 3,594.20 sf	Contact: Tin Chu Wing Tel: (213) 823-2881 Fax: (213) 823-2868 www.rseassociates.com	A0.3 Window Schedule & Details
	Max. Allowable Floor Area (FAR 3:1)		A0.4 Title 24
	Residential Floor Area (RFA) Square Footage Excluding Exterior Wall Area and Include Stair Area Once		A0.5 Methane Hazard Mitigation
	First Floor Area: 1,095 sf		A0.6 First & Second Floor Plan
	Second Floor Area: 1,559 sf		A1.0 First & Second Floor Power Plans
	Third Floor Area: 518 sf		A1.1 Third Floor Plan
	Total Residential Floor Area: 3,172 sf		A1.2 First & Second Floor RCP/ Lighting Plans
	Garage (441 sf - 400 sf deduction = 41sf)		A1.3 Third Floor RCP/ Lighting Plan
	Building Code Square Footage Per School Analysis Square including Exterior Walls		A1.4 First & Second Floor Power Plans
	First Floor Area: 1,002 sf		A2.0 Exterior Elevations
	Second Floor Area: 1,845 sf		A3.0 Sections
	Third Floor Area: 568 sf		A3.1 Sections
	Total Residential Floor Area: 3,815 sf		A4.0 Interior Elevations
	Per Building Code (R-3) Analysis Square Footage Excluding Exterior Walls, No Garage		A5.0 Roof Details
	First Floor Area: 1,095 sf		A5.1 Fireplaces Details
	Second Floor Area: 1,559 sf		G1.0 Green Notes & Details
	Third Floor Area: 518 sf		G1.1 Green Notes & Details
	Total Residential Floor Area: 3,172 sf		C-1 Survey Plan
	Parking: 2 Spaces Plus Guest Space per Venice Specific Plan (Coastal)		S0.1 General Notes
	Type of Construction: No		S0.2 Typical Details
	Hillside Area: No		S0.3 Typical Details
	Baseline Hillside Ordinance: No		S0.4 Typical Details
	Number of stories: Three		S0.5 Typical Details
	Sprinklers: Yes		S0.6 Typical Details
			S0.7 Steel Frame Details
			S0.8 Steel Frame Details
			S0.9 Steel Frame Details
			S0.10 Steel Frame Details
			S1.0 First & Second Floor Framing Plan
			S1.1 Third Floor & Roof Framing Plan

EXHIBIT "A"

Page No. 1 of 8

Case No. DIR-2016-4357-COP-MEL

Addison Schierbeek

architects

310 882 6265  
projects@addisonshierbeek.com  
3455 Ashwood Ave  
Los Angeles, CA 90066

**Project Name:**  
Cloy Residence

**2334 Cloy Avenue  
Venice, CA 90291**

**Sheet Name:**  
Site Plan/Title Sheet

A0.0

ISSUE	DATE
Plan Check Submittal	2016.11.08

**GARAGE NOTE**

1. For future installation of electric vehicle supply equipment (EVSE) in each one- and two-family dwellings and townhouses:

a. Show on plans that a minimum 1" (inside diameter) listed raceway is installed for each unit to accommodate a dedicated 208/240 volt branch circuit. The raceway shall originate at the main service or a subpanel and terminate in close proximity to the proposed location of the charging system into a listed cabinet, box or enclosure.

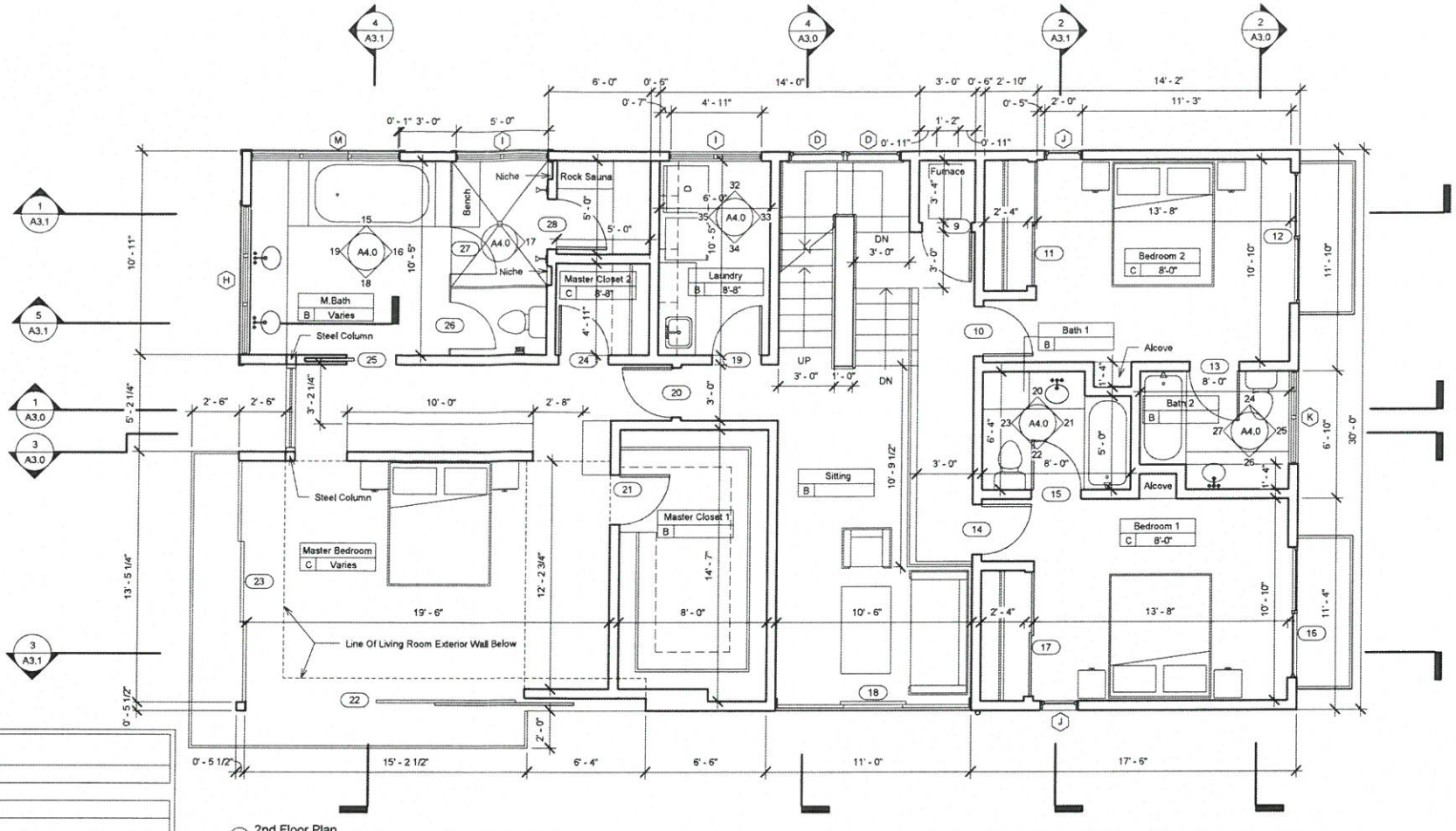
b. Add note to plans: "The panel or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device."

c. Add note to plans: "The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as EV CAPABLE. The raceway termination location shall be permanent and visibly marked EV CAPABLE."

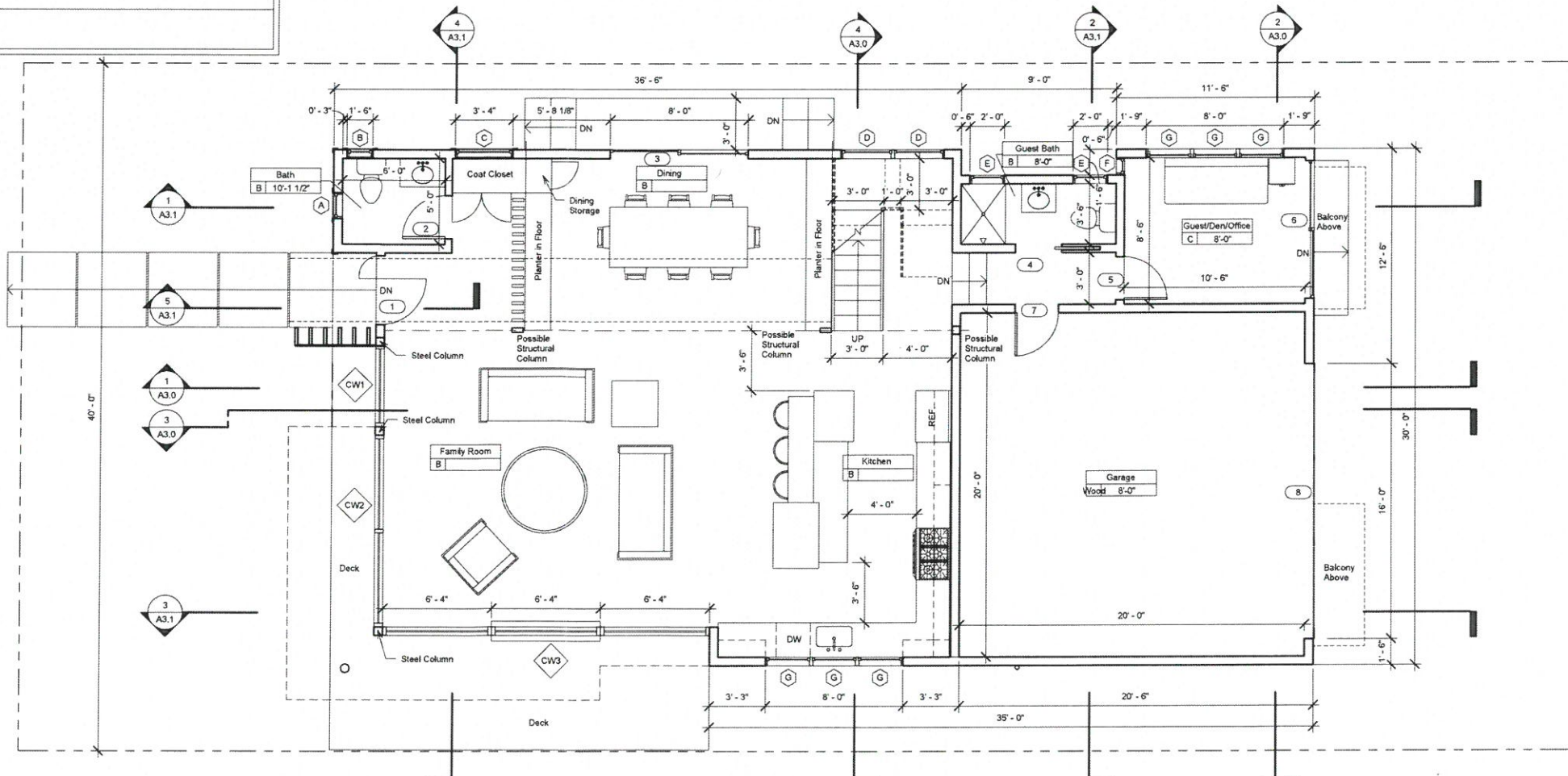
Room Finish Schedule					
LTR	Floor	Wall	Base	Ceiling	Notes
A	Concrete	5/8" Gypsum Type X Wall Board	Wood	5/8" Gypsum Type X Wall Board	
B	Tile	5/8" Gypsum Green Wall Board	Wood	5/8" Gypsum Green Wall Board	
C	Wood	5/8" Gypsum Wall Board	Wood	5/8" Gypsum Wall Board	

⊙	CMSD	Carbon Monoxide / Smoke Detector (Hardwired)
⊙	F	Exhaust Fan
i. Fans shall be ENERGY STAR Compliant and be Ducted to Terminate to the Outside of the Building.		
ii. Fans, Not Functioning as a Component of a Whole House Ventilation System, Must be Controlled by a Humidity Control.		



2 2nd Floor Plan  
1/4" = 1'-0"



1 First Floor Plan  
1/4" = 1'-0"

EXHIBIT "A"

Page No. 2 of 8  
Case No. DIR-2016-4357  
CDP-MEL

ISSUE DATE  
Plan Check Submittal 2016.11.08

**architects Addison Schierbeek**

310 963 0563  
project@addisonschierbeek.com  
2455 Avenue of the Stars  
Los Angeles, CA 90068

Project Name:  
Cloy Residence



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Venice, CA 90291

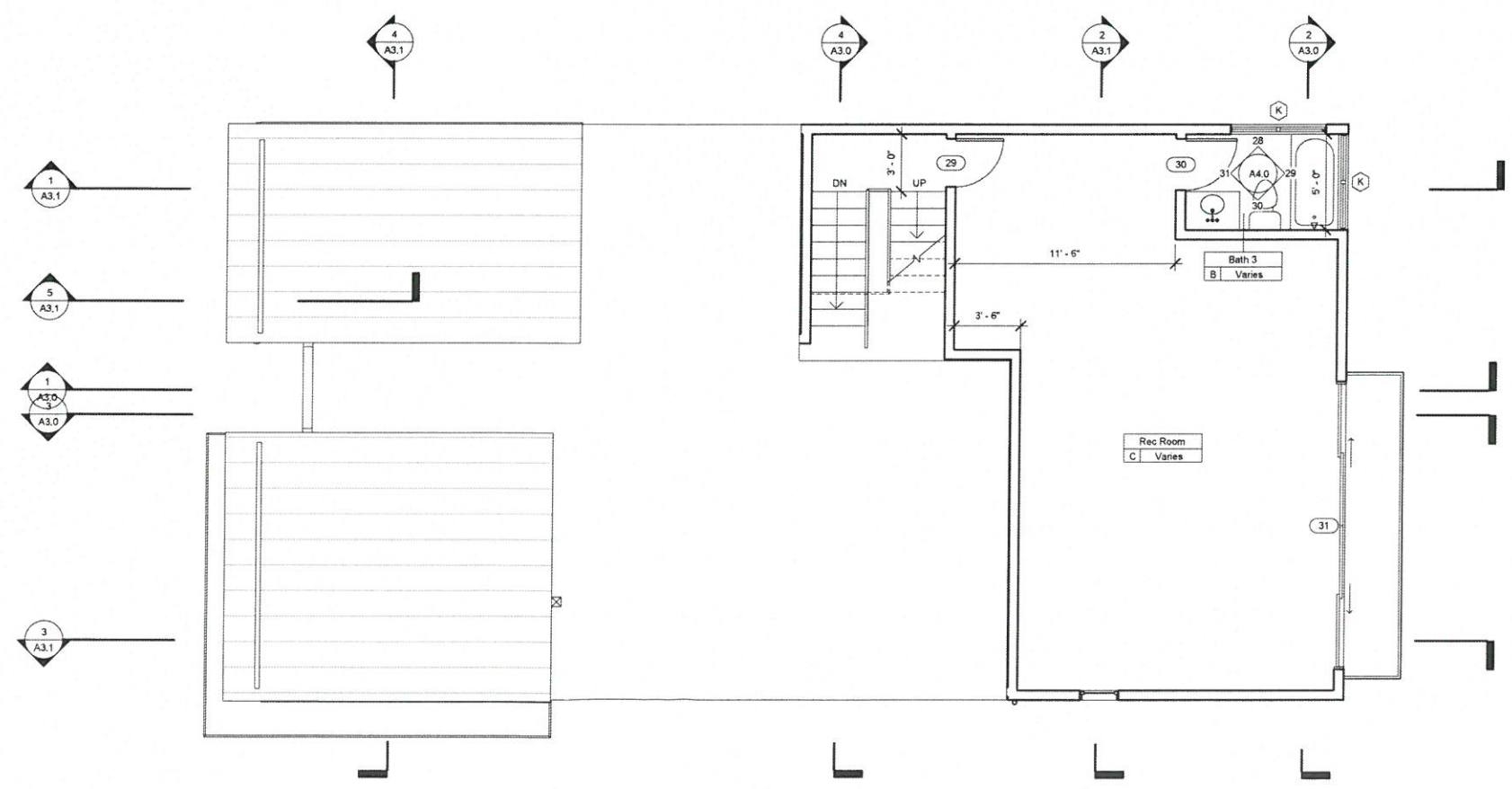
Sheet Name:  
First & Second Floor Plan

A1.0

Room Finish Schedule					
LTR	Floor	Wall	Base	Ceiling	Notes
A	Concrete	5/8" Gypsum Type X Wall Board	Wood	5/8" Gypsum Type X Wall Board	
B	Tile	5/8" Gypsum Green Wall Board	Wood	5/8" Gypsum Green Wall Board	
C	Wood	5/8" Gypsum Wall Board	Wood	5/8" Gypsum Wall Board	

	Carbon Monoxide / Smoke Detector (Hardwired)
	Exhaust Fan
	i. Fans shall be ENERGY STAR Compliant and be Ducted to Terminate to the Outside of the Building.
	ii. Fans, Not Functioning as a Component of a Whole House Ventilation System, Must be Controlled by a Humidity Control.



② 3rd Floor Recroom Plan  
 1/4" = 1'-0"

ISSUE	DATE
Plan Check Submittal	2016.11.08

**architects**  
**AddisonSchierbeek**  
310 963 0663  
 project@addisonschierbeek.com  
 3655 Ashwood Ave  
 Los Angeles, CA 90068

Project Name:  
**Cloy Residence**  
 2334 Cloy Avenue  
 Venice, CA 90291

Sheet Name:  
**Third Floor Plan**

**A1.1**



**Technical Application Guide**

**Shur Deck**  
Waterproof, Fire-Resistive Roof & Pedestrian Decking

**GENERAL DESCRIPTION**  
Shur Deck is a two-part, cementitious roof and exterior deck system designed for use over structural concrete slabs. The system consists of a base coat and a top coat. The base coat is a thick, polymer-modified mortar that is applied to the concrete slab. The top coat is a thin, polymer-modified mortar that is applied over the base coat. The system is designed to provide a waterproof, fire-resistive, and pedestrian-decking surface.

**INSTALLATION INSTRUCTIONS**  
1. Prepare the concrete substrate by removing all loose material, dirt, and debris. The surface must be clean, dry, and free of laitance.  
2. Apply the base coat to the concrete slab using a trowel. The base coat should be applied in a single pass to a thickness of 1/2" (12.5 mm).  
3. Apply the top coat over the base coat using a trowel. The top coat should be applied in a single pass to a thickness of 1/8" (3.2 mm).  
4. Cure the system for a minimum of 7 days before allowing foot traffic.

**PHYSICAL CHARACTERISTICS - DECK WEARING SURFACE**

Property	Value
Compressive Strength (28 Days)	≥ 4,000 psi (27.6 MPa)
Flexure Strength (28 Days)	≥ 400 psi (2.76 MPa)
Modulus of Rupture (28 Days)	≥ 400 psi (2.76 MPa)
Slab Thickness	1/2" (12.5 mm)
Top Coat Thickness	1/8" (3.2 mm)

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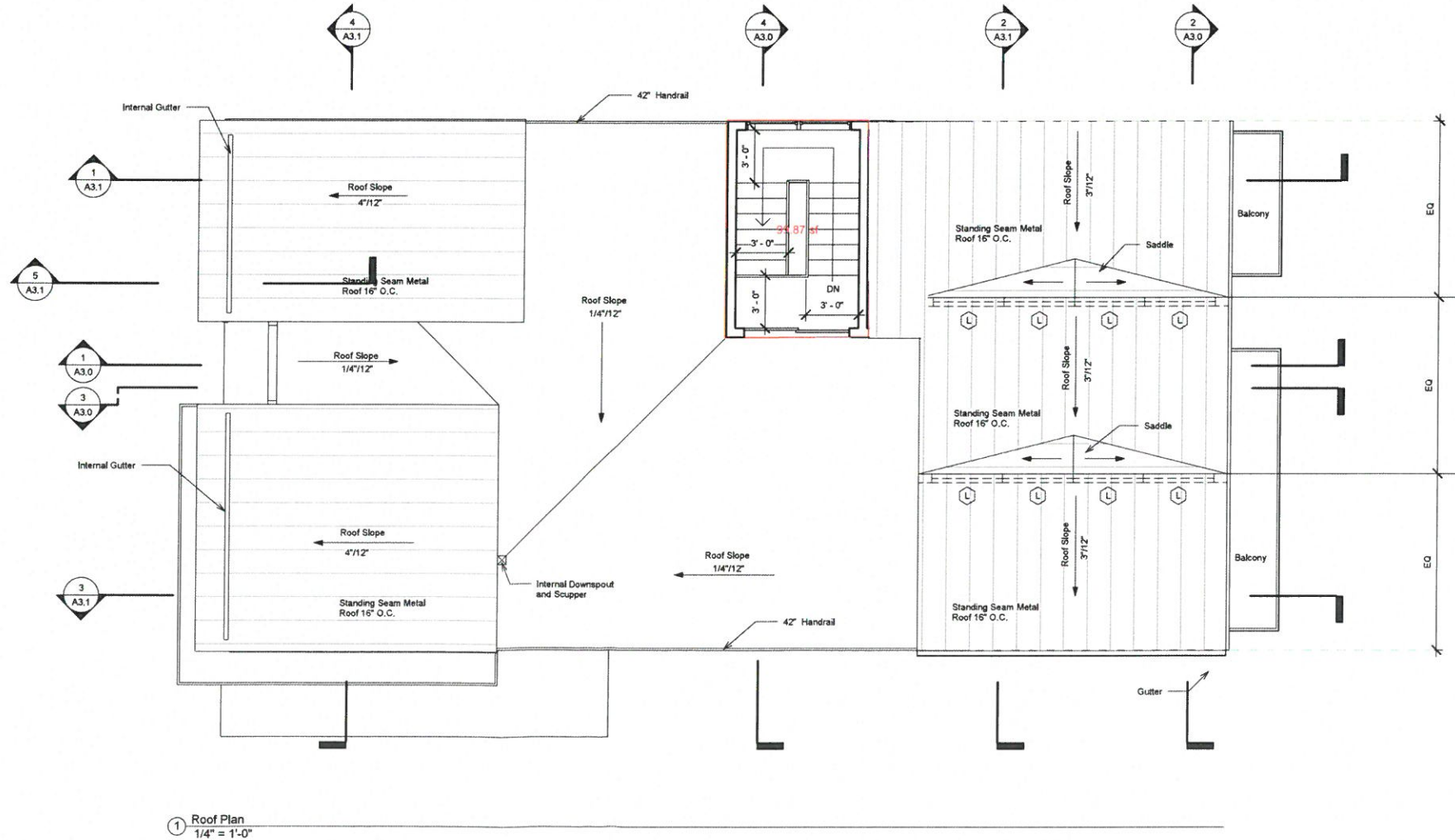
Property	Value
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**Note:**

- Plans shall identify the type of roofing, manufacturer, product, and color used. Incorporate the material specifications for the roofing product used and show that it meets the following minimum SRI value or both solar reflectance and thermal emittance values:
  - For roof slopes < 2:12, SRI value of at least 0.63 and a thermal emittance of at least 0.75
  - For roof slopes 2:12-12:12, SRI value of at least 15 or both a 3-year solar reflectance of at least 0.20 and a thermal emittance of at least 0.75
- Provide computations showing that at least 25% of the pathways, patios, driveways and other paved areas comply with one or a combination of the following:
  - Shade provided by trees or plantings
  - Include plants' fact sheet justifying crown spread at 5 years maturity
  - Handscape material with an initial solar reflectance of at least 0.30
  - Include manufacturer's specs for pavers or specify uncolored concrete with smooth cement finish.
  - Open grid or permeable pavement systems
  - Include open grid and/or permeable paver detail
  - Shade provided by a canopy shade system consisting of at least 0.75 (4.106.5)

- For one- and two-family dwellings, comply with the following:
  - Designate on the roof plan solar zone area(s) with total area equal to or greater than 250 sq ft. The solar zone shall be comprised of areas that have no dimension less than 5 feet and each area shall not be less than:
    - 80 sq ft for roof areas of 10,000 sq ft or less
    - 160 sq ft for roof areas over 10,000 sq ft.
  - For roof slopes > 2:12 (3:12 or horizontal), show that the solar zone is oriented between 110° and 270° of true north.
  - The solar zone shall be free of obstructions and be setback at least two times the height of any obstruction, including but not limited to, vents, chimneys, and equipment.
  - Solar zone shall maintain a 3 foot wide access pathway around the perimeter edges of the roof.
  - Solar zone not be located higher than 3 feet below the ridge and shall not be located closer than 18-inches to a hip or valley if placed on both sides of the hip or valley.
  - Plans shall indicate a location for inverters and metering equipment and a pathway for routing from the solar zone to the main service panel.
  - Plans shall indicate a pathway for routing of plumbing from the solar zone to the water-heating system.
  - The main service panel shall have a minimum busbar rating of 200 amps.
  - Add note to plans: "The main electrical service panel shall have a reserved space to allow for installation of a double pole circuit breaker for a future solar electric installation. The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location and shall be permanently marked as "For Future Solar Electric." (4.211.4, Energy Code §110.10, LAFD Requirement No.96)



1 Roof Plan  
1/4" = 1'-0"

ISSUE	DATE
Plan Check Submittal	2016.11.08

**AddisonSchierbeek**  
architects

Project Name:  
**Cloy Residence**

Sheet Name:  
**Roof Plan**

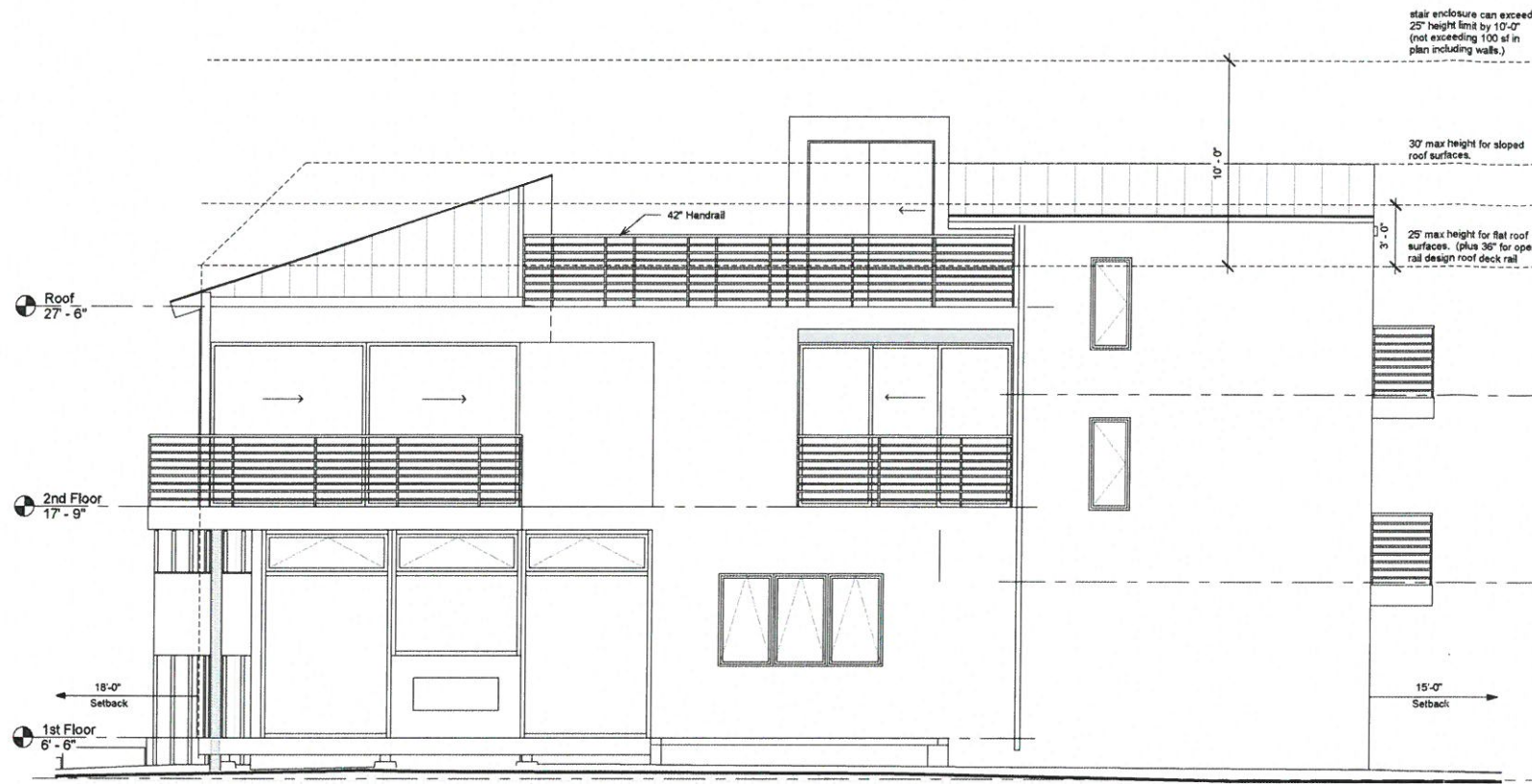
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**EXHIBIT "A"**  
Page No. 4 of 8  
Case No. DIR-2016-4357  
COP-MEL

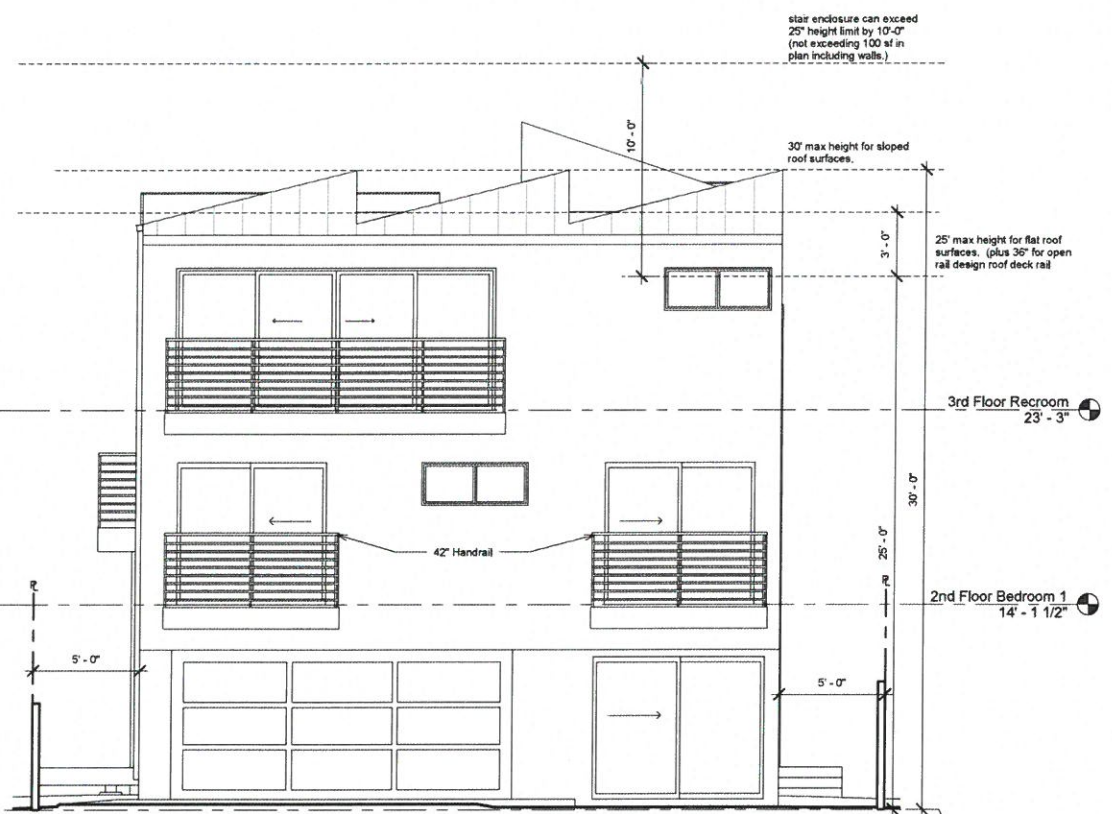
310 963 1563  
project@addisonschierbeek.com  
3456 Armand Ave  
Los Angeles, CA 90066

2334 Cloy Avenue  
Venice, CA 90291

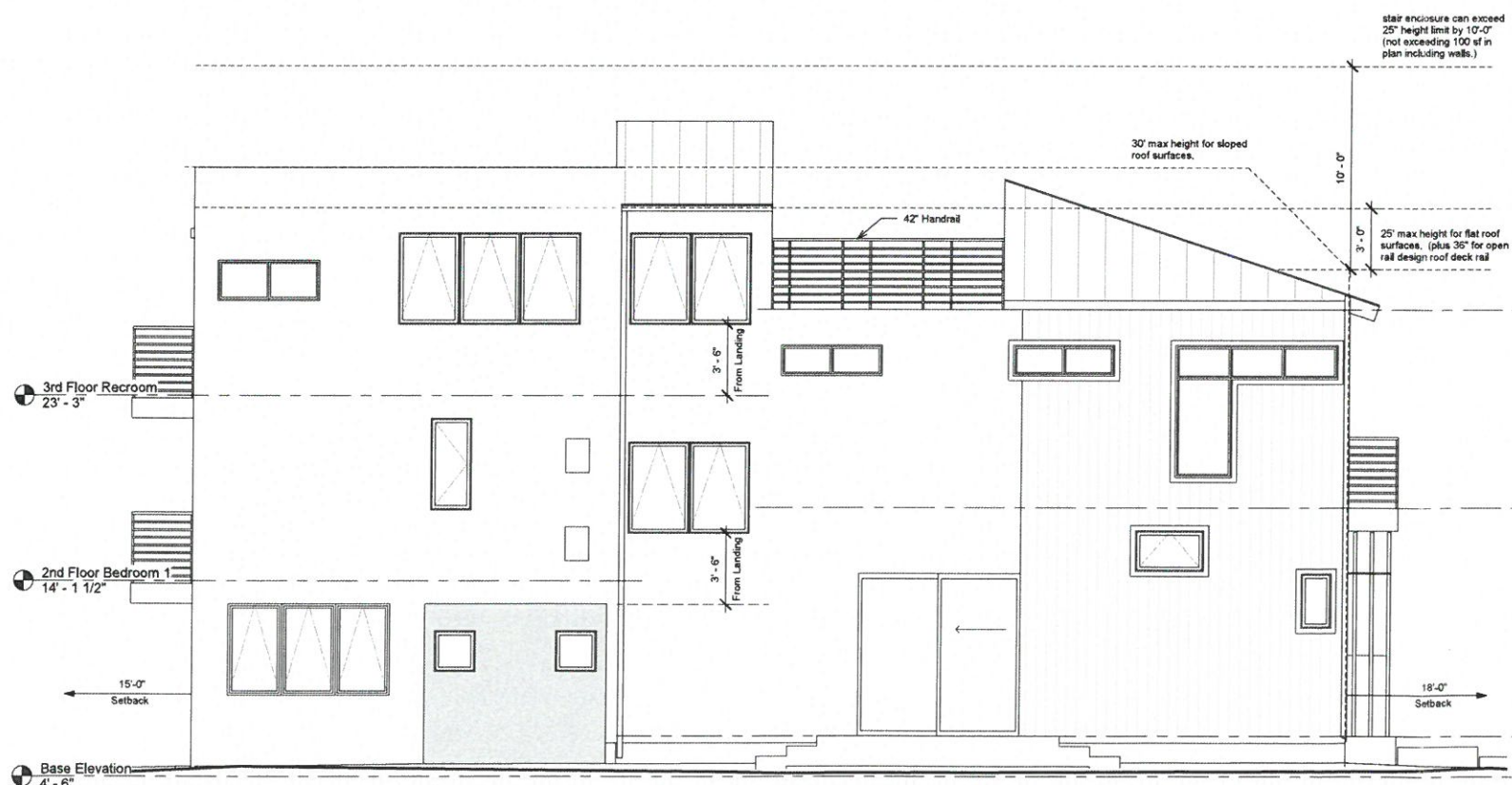
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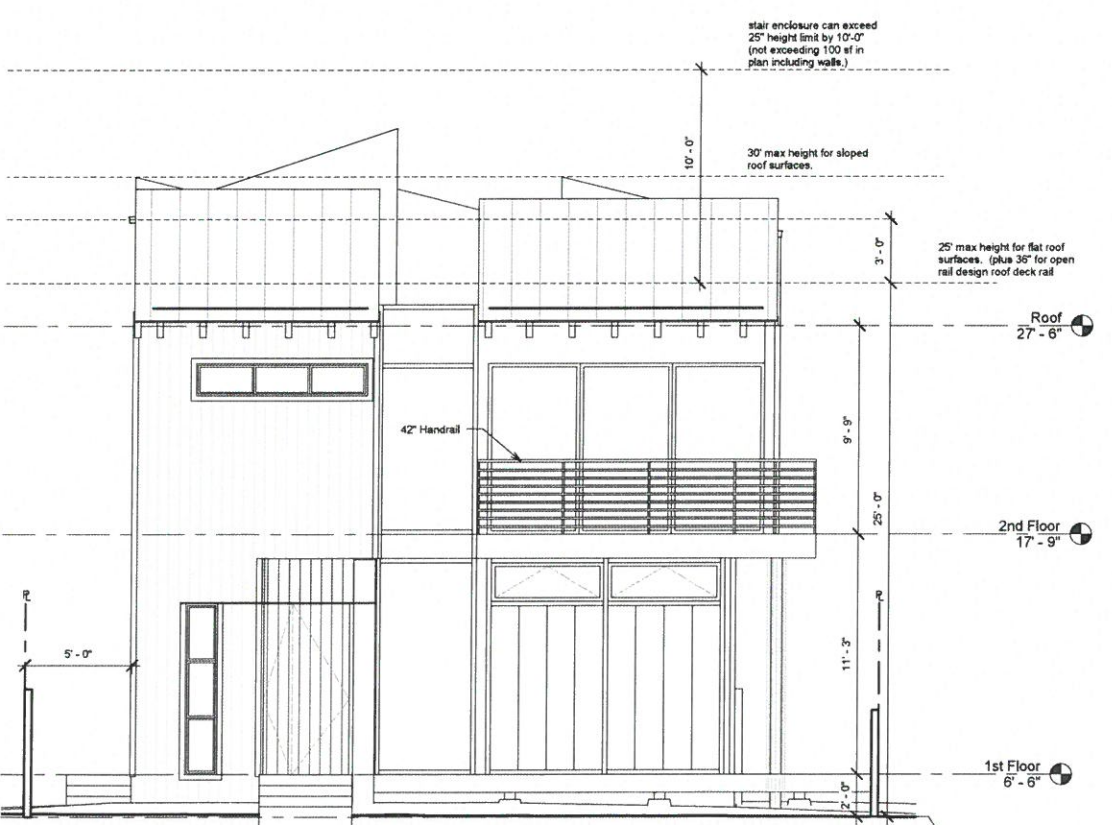
④ South Elevation  
1/4" = 1'-0"



③ East Elevation  
1/4" = 1'-0"



② North Elevation  
1/4" = 1'-0"



① West Elevation  
1/4" = 1'-0"

EXHIBIT "A"

Page No. **5** of **8**

Case No. **DIR-2016-4357**

CDP-MEL

ISSUE	DATE
Plan Check Submittal	2016.11.08

**AddisonSchierbeek**  
architects

310 W 6th St  
Project: addison@schierbeek.com

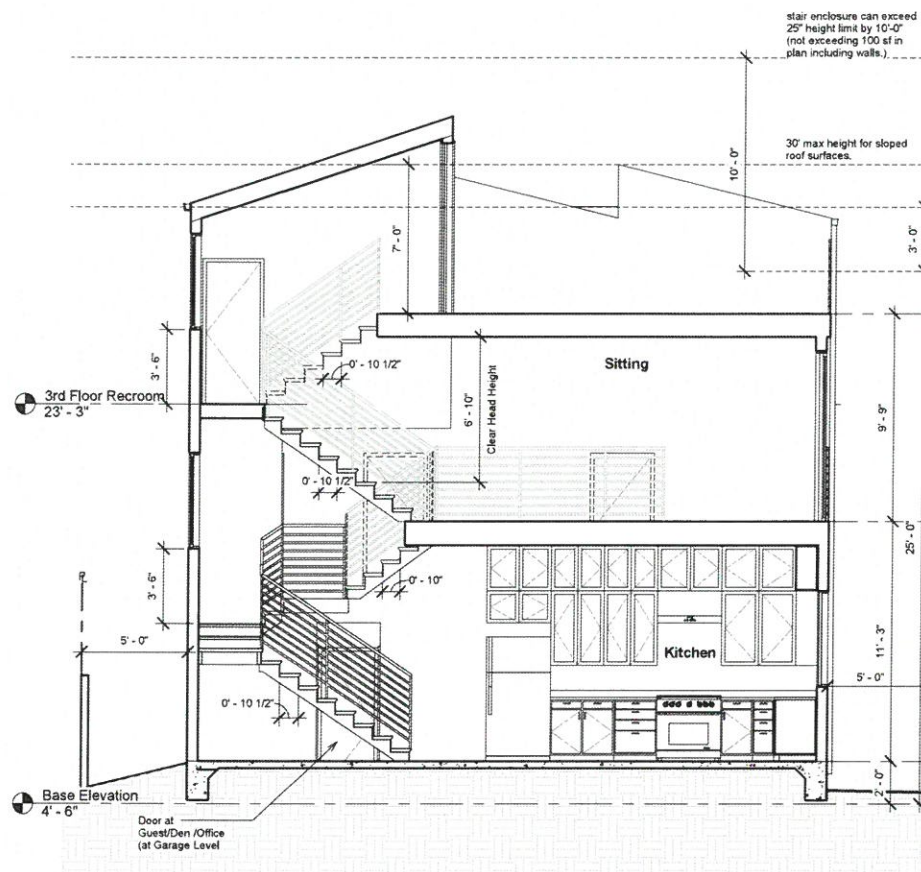
3459 Ashwood Ave  
Los Angeles, CA 90068

Project Name:  
**Cloy Residence**

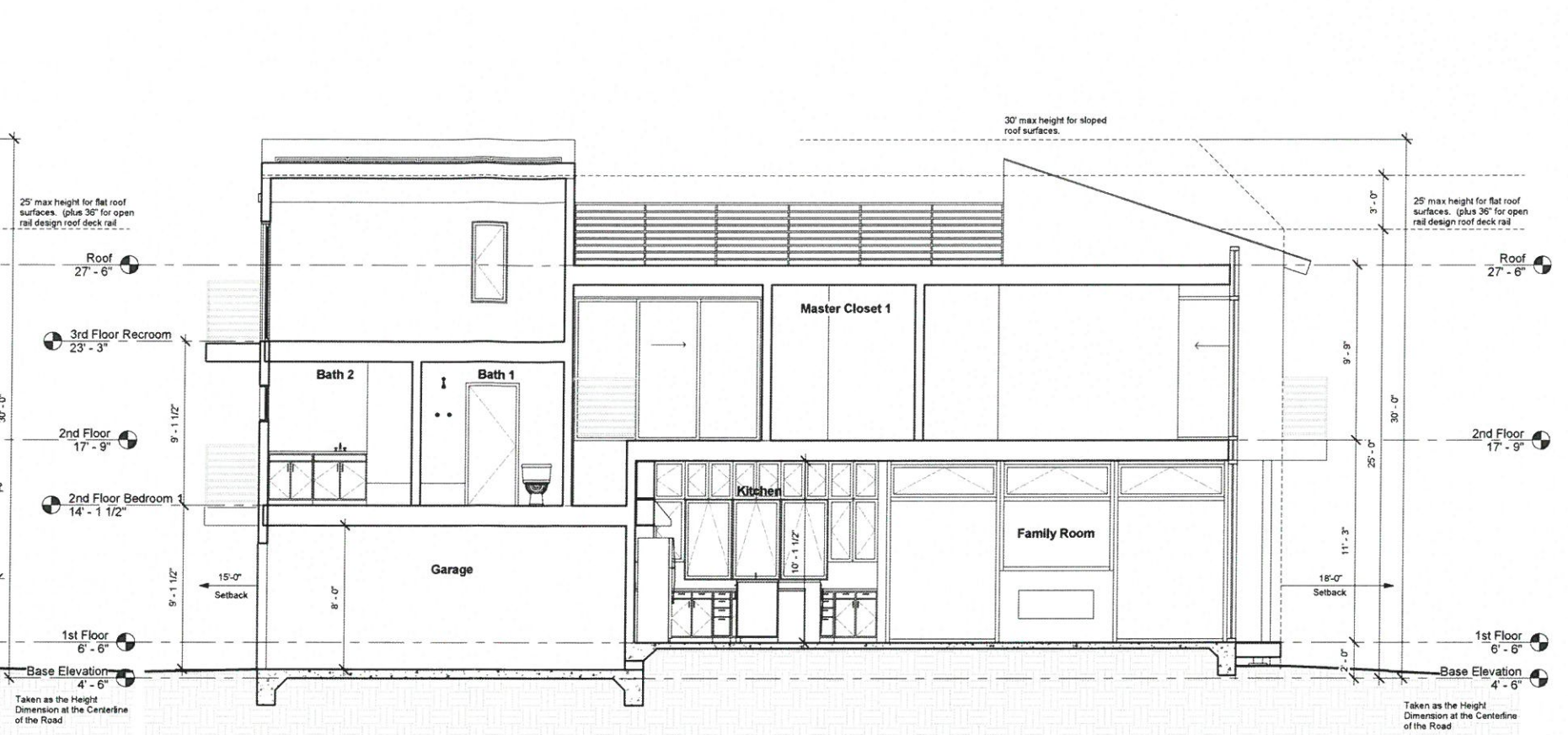
2334 Cloy Avenue  
Venice, CA 90291

Sheet Name:  
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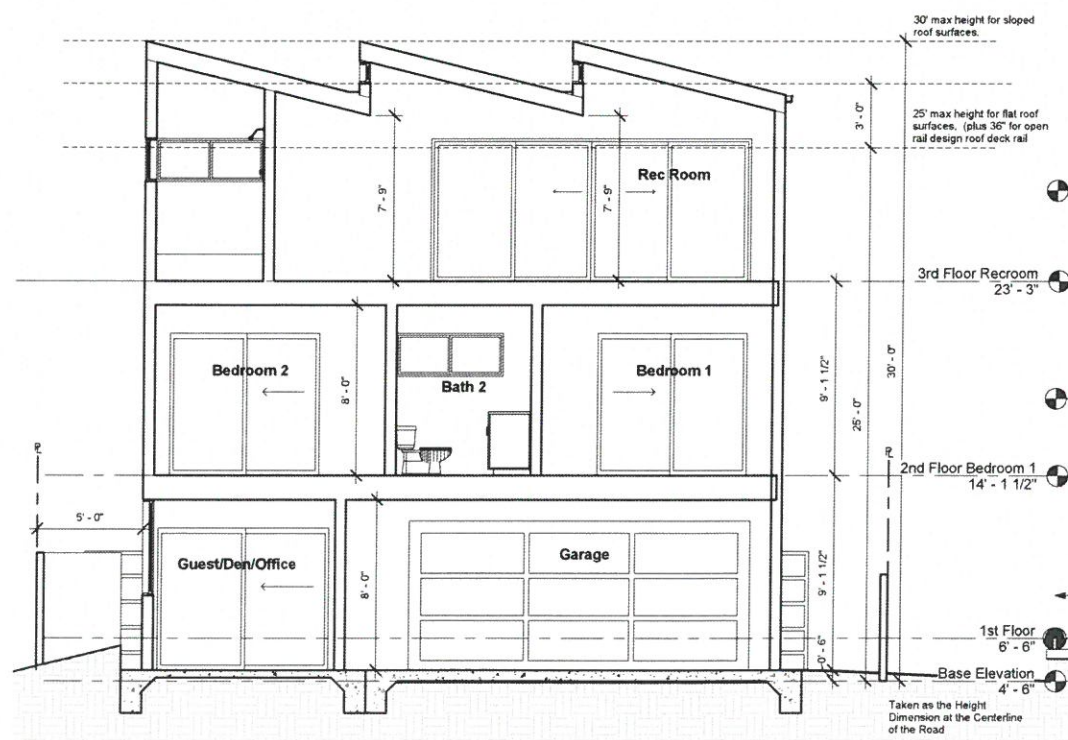
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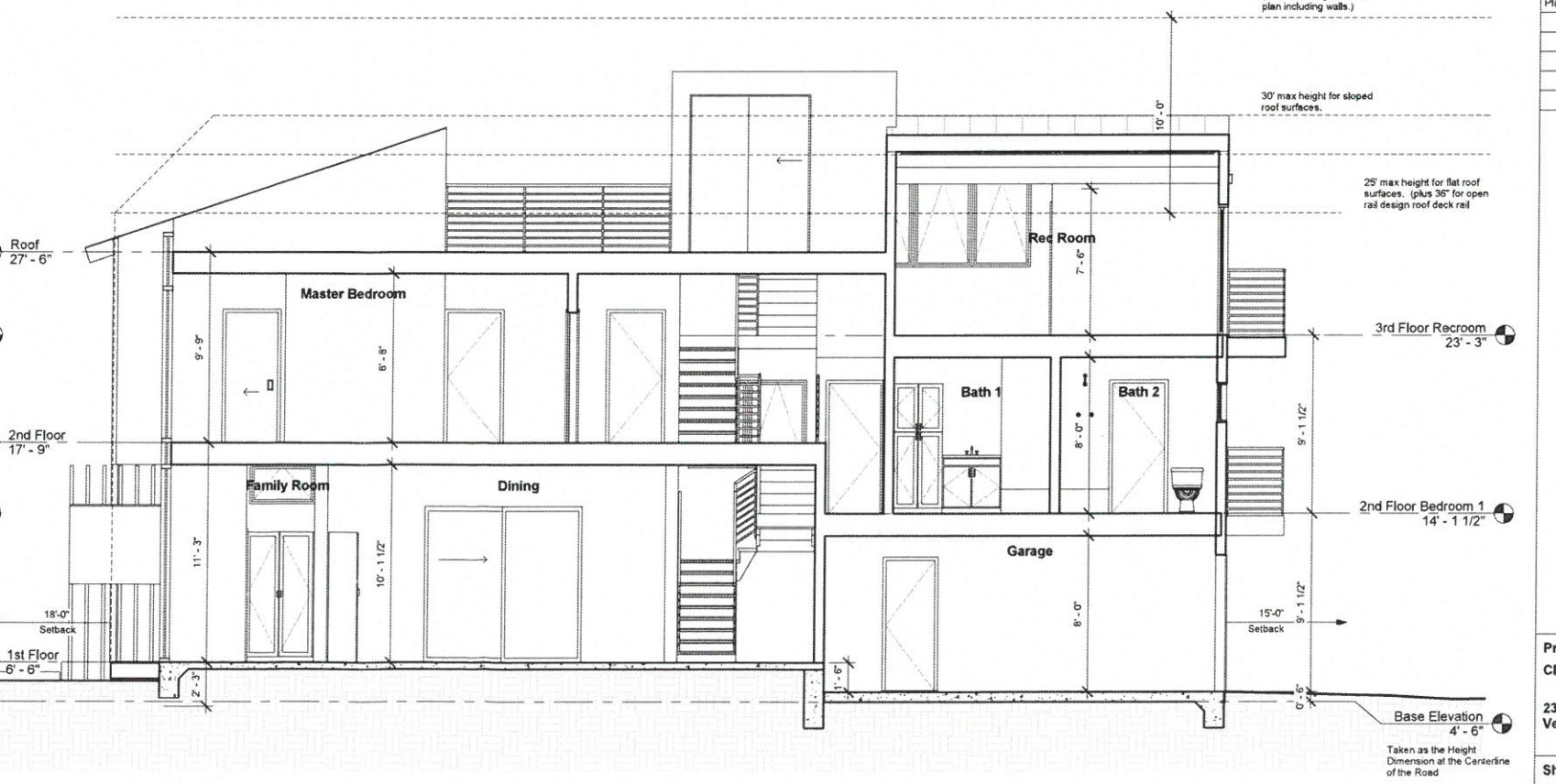
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1/4" = 1'-0"



3 Section  
1/4" = 1'-0"



2 Section  
1/4" = 1'-0"



1 Section  
1/4" = 1'-0"

EXHIBIT "A"

Page No. 6 of 8  
Case No. DIR-2016-4357  
COP - MEL

ISSUE	DATE
Plan Check Submittal	2016.11.08

**AddisonSchierbeek**  
architects

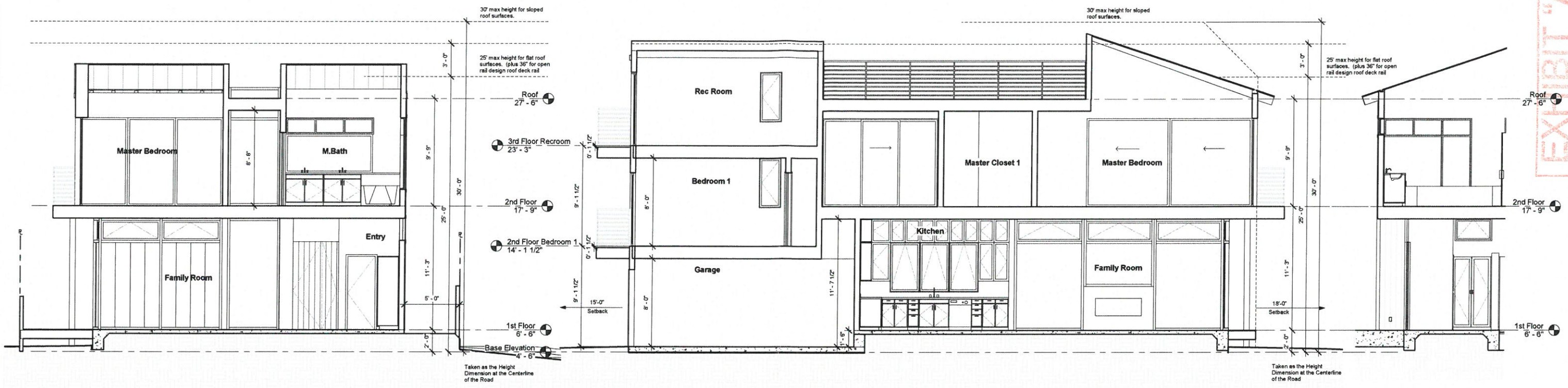
310 So. 19th St.  
project@addisonschierbeek.com  
3658 Alhambra Ave.  
Los Angeles, CA 90066

Project Name:  
**Cloy Residence**

2334 Cloy Avenue  
Venice, CA 90291

Sheet Name:  
**Sections**

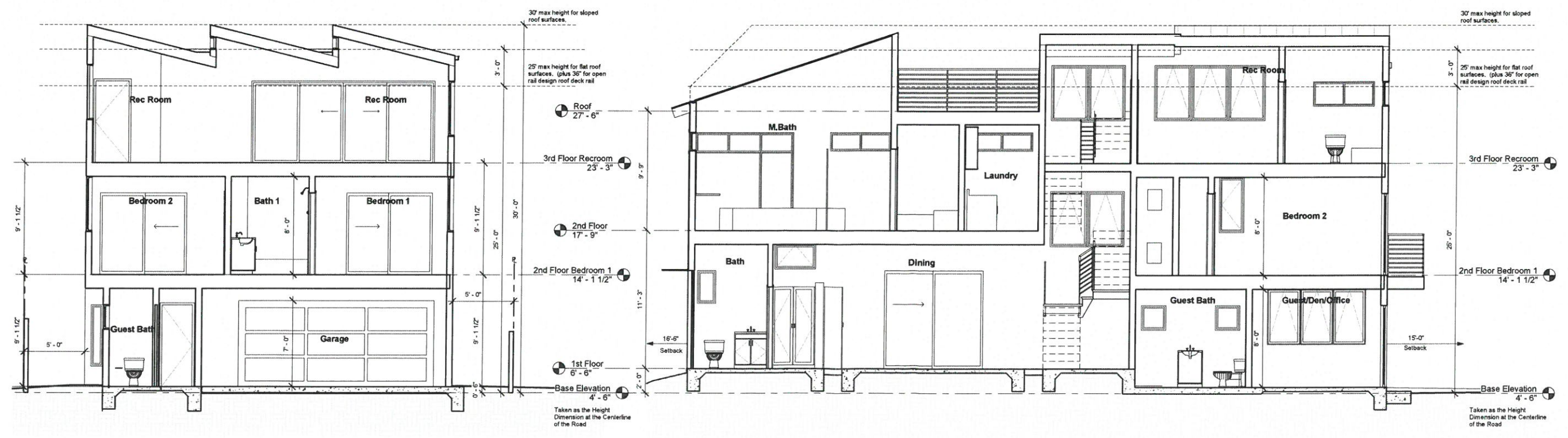
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4 Section  
 1/4" = 1'-0"

3 Section  
 1/4" = 1'-0"

5 Section 1  
 1/4" = 1'-0"



2 Section  
 1/4" = 1'-0"

1 Section  
 1/4" = 1'-0"

ISSUE	DATE
Plan Check Submittal	2016.11.08

**Addison Schierbeek**  
 architects  
 310 863 1963  
 projects@addisonarchitects.com  
 3455 Ashwood Ave  
 Los Angeles, CA 90068

Project Name:  
**Cloy Residence**  
 2334 Cloy Avenue  
 Venice, CA 90291  
 Sheet Name:  
 Sections  
**A3.1**



SCALE: 1/8" = 1'-0"

**SURVEYOR'S NOTES:**

1. LEGEND: SOME OF THESE ABBREVIATIONS MAY HAVE USED ON THIS MAP.

C/L CENTERLINE	( ) RECORD DATA	PP POWER POLE
N NORTH	FD FOUND	TP TELEPHONE POLE
E EAST	LS LICENSED SURVEYOR	WM WATER METER
W WEST	S&W SPIKE AND WASHER	CC CONCRETE
S SOUTH	S&T SPIKE AND TACK	CONC. CONCRETE
P/L PROPERTY LINE	L&T LEAD AND TAG	BM BENCHMARK
TPI TOP OF PILASTER	L&T LEAD AND TACK	ENCR ENCROACHMENT
TW TOP OF WALL	CE CITY ENGINEER	PM PARKING METER
TR TOP OF ROCKS	MB MAP BOOK	CB CATCH BASIN
CONC. OR BLOCK WALL	SMH SEWER MANHOLE	DR DRAIN
WOOD RETAINING WALL	FH FIRE HYDRANT	R OR RAD RADIAL
FENCE	MH MANHOLE	NTS NOT TO SCALE
XXX GROUND ELEVATION	BW BACK OF WALK	STN STONE
TS TOP OF SLOPE	TC TOP OF CURB	FF FINISH FLOOR
GB GRADE BREAK	AC ASPHALT PAVEMENT	FL FLOWLINE
NG NATURAL GRADE	TB TOP OF BERM	FS FINISHED SURFACE
DT DIRT	TOS TOP OF STEPS	
	SB SETBACK	

2. THE AREA OF THE PROPERTY SURVEYED IS: 3,596 SQUARE FEET, OR 0.083 ACRES.

3. BOUNDARIES WERE ESTABLISHED BY FIELD MEASUREMENTS USING CITY, COUNTY AND/OR PRIVATE ENGINEER AND SURVEY MONUMENTS FOUND AT OR NEAR THE SITE OR IN THE SURROUNDING STREETS.

4. ANY EASEMENTS SHOWN HEREON HAVE BEEN TAKEN FROM THE TITLE POLICY OR PRELIMINARY TITLE REPORT AS SUPPLIED BY EITHER THE OWNER OR TITLE COMPANY. ONLY PLOTTABLE EASEMENTS ARE SHOWN AND WE DO NOT GUARANTEE THE ACCURACY OR EXTENT OF THE INFORMATION SUPPLIED BY OTHERS.

5. ANY UTILITIES SHOWN HEREON ARE FROM THE CITY OR COUNTY FILES. ONLY PLOTTABLE UTILITIES ARE SHOWN AND WE DO NOT GUARANTEE THE ACCURACY OR EXTENT OF THE INFORMATION SUPPLIED BY OTHERS.

6. THE TITLE POLICY OR PRELIMINARY TITLE REPORT USED TO PREPARE THIS MAP WAS ISSUED BY:

NAME OF TITLE COMPANY: \_\_\_\_\_

TITLE REPORT OR POLICY NUMBER: \_\_\_\_\_

**LEGAL DESCRIPTION:**  
LOT 150, TRACT NO. 4424, M.B. 70-64-65

ASSESSOR I.D. NO. 4228-007-022

**BENCHMARK:**  
USED SEWER MANHOLE LID ELEVATION LOCATED ON OLIVE AVENUE AND ALLEY WEST OF CLOY AVENUE. SEWER STRUCTURE I.D. NO. 56107052, WEST L.A. DISTRICT

ELEVATION = 3.40

REVISIONS	BY

PREPARED FOR:  
**KEVIN MCCAULEY**

**TOPOGRAPHIC SURVEY**  
FOR  
**2334 CLOY AVENUE**  
**VENICE, CA 90291**

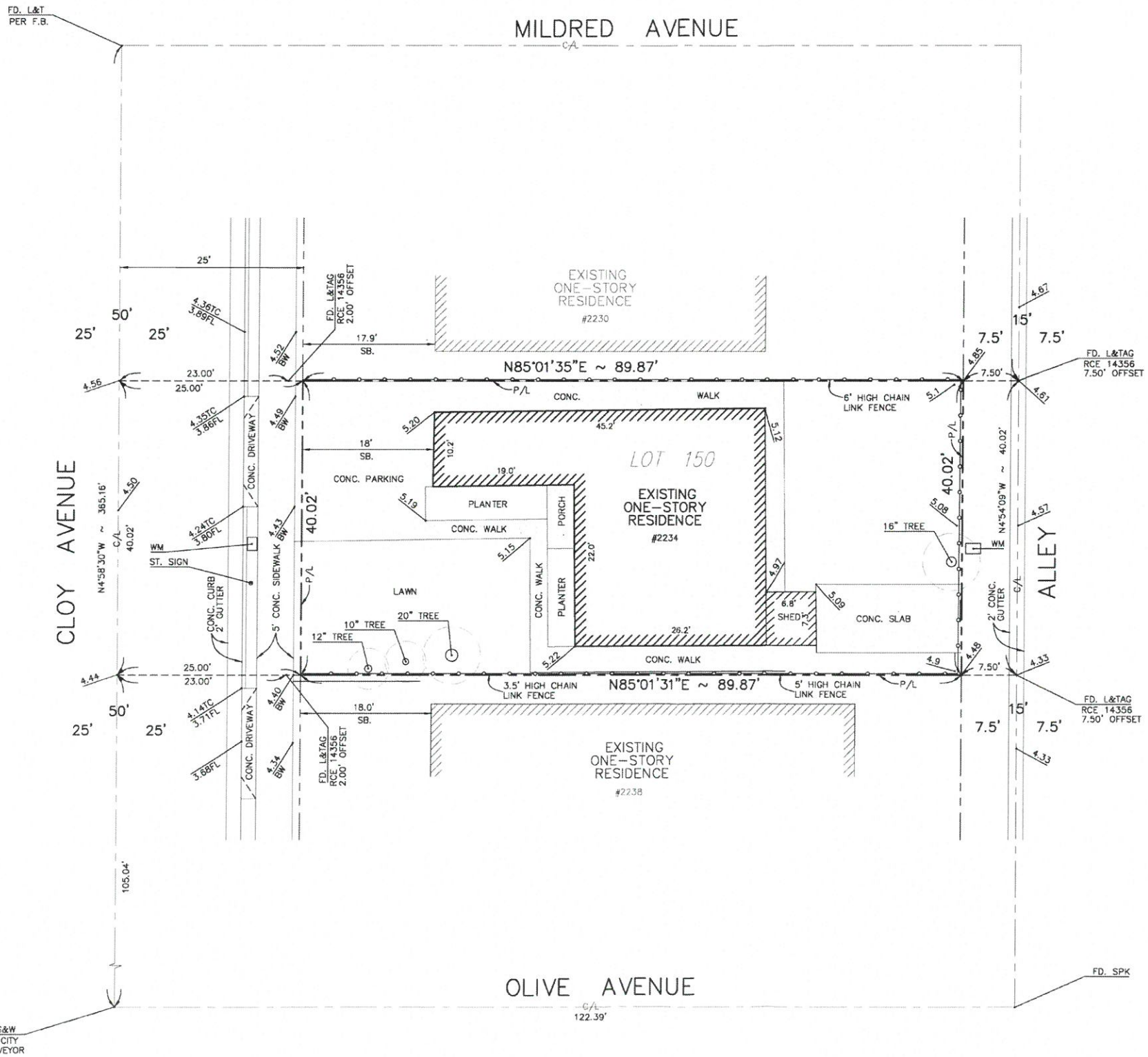
PLANS PREPARED BY:  
H&W SURVEYING, MAPPING, INC.  
10211 VENICE BLVD., SUITE C  
LOS ANGELES CA 90034  
(310) 395-1191



DRAWN  
**R.J.W.**  
CHECKED  
**D.H.**  
DATE  
**5/21/2016**  
SCALE  
**1/8" = 1'-0"**  
JOB NO.  
**1023-16**  
SHEET

1  
OF 1 SHEETS

**EXHIBIT "A"**  
Page No. 8 of 8  
Case No. DIR-2016-4357  
CDP--MEL



DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT D**

CATEGORICAL EXEMPTION

ENV-2016-4358-CE

DIR-2016-4357-CDP-MEL

COUNTY CLERK'S USE

CITY CLERK'S USE

**CITY OF LOS ANGELES**  
 OFFICE OF THE CITY CLERK  
 200 NORTH SPRING STREET, ROOM 360  
 LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
 (California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY <b>City of Los Angeles Department of City Planning</b>	COUNCIL DISTRICT <b>11</b>
--	-------------------------------

PROJECT TITLE • CLOY 2 RESIDENCE - <b>DIR-2016-4357-COP-MEL</b>	LOG REFERENCE ENV 2016-4358-CE
--	-----------------------------------

PROJECT LOCATION  
• 2334 S CLOY AVE, VENICE, CA 90291

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:  
• DEMO ONE EXISTING SFD, CONSTRUCT ONE NEW SFD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:  
• MDB SILICON BEACH CLOY II INVESTORS, LLC

CONTACT PERSON • JAMES WORMS	AREA CODE • 310	TELEPHONE NUMBER • 966-8766	EXT.
---------------------------------	--------------------	--------------------------------	------

EXEMPT STATUS: (Check One)

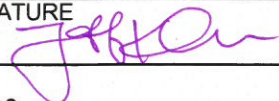
	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
• MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
•• DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
•• EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
• CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1

Class 3 Category 1 (City CEQA Guidelines)

•• OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION: New construction of single family home is considered a new construction of small structure Title 14 California Code of Regulations, Chapter 3, Section 15303(a)

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE Planning Assistant	DATE 12-2-2016
FEE: 81.00	RECEIPT NO. 33192	REC'D. BY JEFF KHAY
		DATE # 12/2/2016

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record  
Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

• \_\_\_\_\_  
NAME (PRINTED)

• \_\_\_\_\_  
SIGNATURE

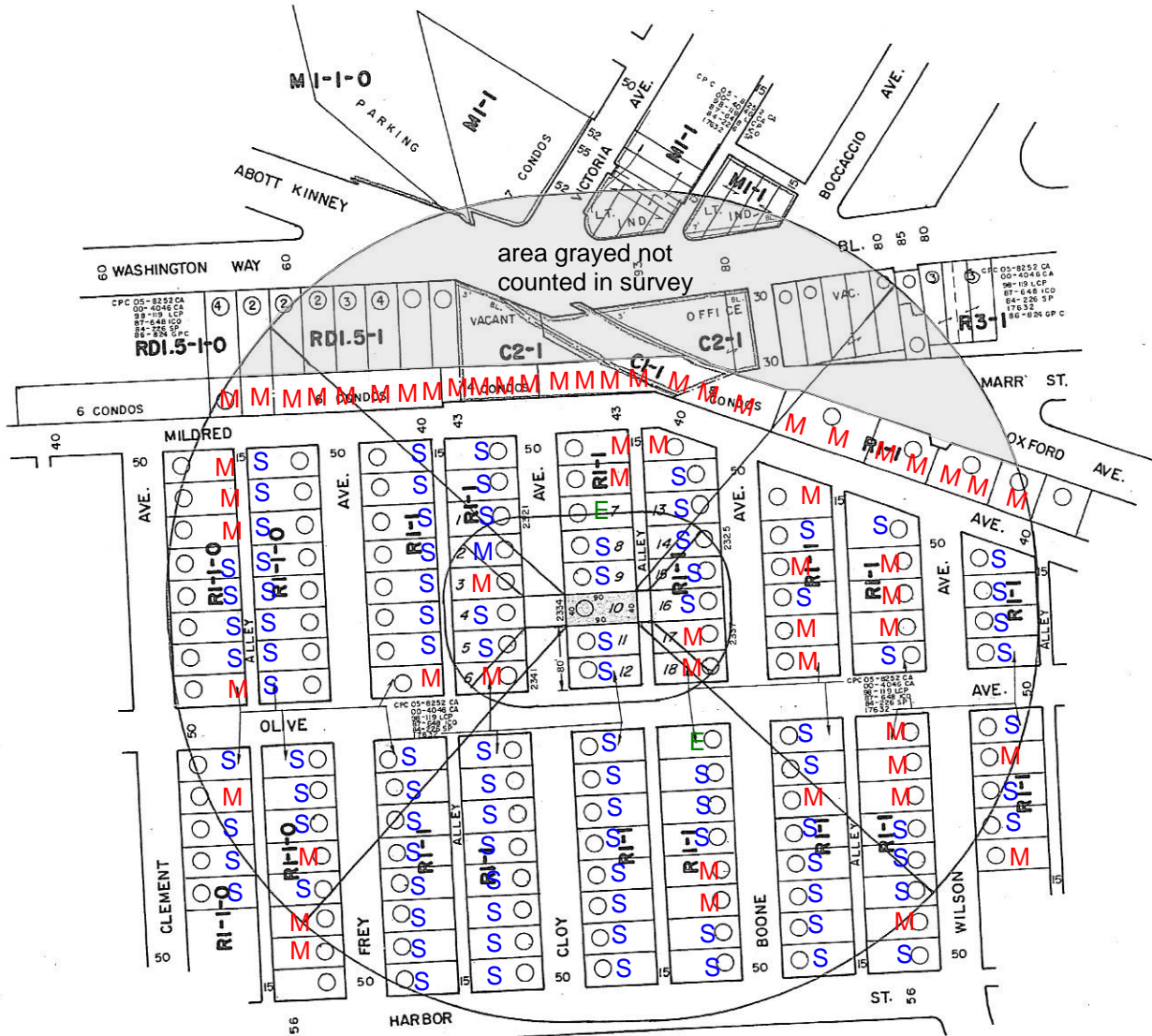
• \_\_\_\_\_  
DATE

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT E**

NEIGHBORHOOD CONTEXT STUDY

DIR-2016-4357-CDP-MEL



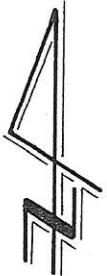
**Visual Height/ Story Survey** 05.30.2017  
 2334 S. Cloy Avenue- 500' Radius Map

**E**= Empty lot  
**S**= Single Story  
**M**= Multiple Stories

154 Residences/ Lots counted  
 12 appear to be 3 story (7.8%),  
 47 appear to be 2 story (30.5%)

LEGAL: TRACT 4424, LOT 150  
 SEE APPLICATION

We have not been able to conduct precise measurements or a height survey of the homes, but it appears that many of the homes with more than one story are at or near the height limit. Further, some of these homes may have mezzanines or other components that appear to be a third story. For this reason this radius map does not identify the number of stories for houses with more than one story.  
 architects AddisonSchierbeek



NET AC. : 0.08

<p><b>THOMAS BROS.</b>          PAGE: 671 , GRID: 6/J</p>	<p align="center"><b>COASTAL DEVELOPMENT PERMIT</b></p> <p align="center"><b>CONTINENTAL MAPPING SERVICE</b>          6315 Van Nuys Boulevard, Van Nuys, CA 91401          (818) 787-1663</p>	<p><b>CASE NO.:</b>          DATE: 11-7-16          SCALE: 1" = 100'  <b>USES:</b> FIELD          D.M.: 106.5A147</p>
<p>C.D. II C.T. 2739.02 P.A. 280</p>		<p align="right">W.O. CMS (G-7653</p>





## 2300 Block- S. Cloy Avenue, Venice CA Height of Multistory Buildings

(These houses are not adjacent to each other. These images are intended as a diagram to show houses of comparable scale, character and massing on the same block. There are multiple examples of similar residences in this neighborhood.)

2334 S. Cloy Avenue Residence

Height/ Massing Comparison  
2017.06.05

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT F**

VENICE SIGN OFF  
DIR-2017-389-VSO

DIR-2016-4357-CDP-MEL



**CITY OF LOS ANGELES**  
 Department of City Planning – Project Planning Division  
 City Hall | 200 N. Spring Street, Room 721 | Los Angeles, CA 90012

**DIRECTOR OF PLANNING SIGN-OFF**  
 Venice Coastal Zone Specific Plan (Ordinance 175,693)

<b>Case Number</b>	<b>DIR-2017-389-VSO</b>	<b>Date:</b> 1/31/2017
<b>Project Address</b>	<b>2334 Cloy Avenue</b>	
<b>Zoning: R2-1</b>	<b>Subarea: Oakwood-Milwood-Southeast Venice</b>	
<b>Project Description</b>	Demolition of (E) 1-story single-family dwelling, and construction of (N) 3-story 3,172 square-foot single-family dwelling, with attached two-car garage + 1 guest parking. Three parking spaces total.	
<b>Related Case</b>	DIR-2016-4357-CDP-MEL	
<b>Existing Use:</b> 1-story SFD w/ attached garage	<b>Proposed Use:</b> 3-story SFD w/ attached two-car garage	
<b>Applicant Name</b>	MDB Silicon Beach Cloy II Investors, LLC	
<b>Applicant Address</b>	503 9 <sup>th</sup> Street, Santa Monica, CA 90402	

The project qualifies for an Administrative Clearance, a Specific Plan Project Permit Compliance is not required (pursuant to Section 8 of the Specific Plan) for at least one of the reasons below:

**In the DUAL JURISDICTION**

- Improvement to an existing single- or multi-family structure that is *not* on a Walk Street

**In the SINGLE JURISDICTION**

- Improvement to an existing single- or multi-family structure that is *not* on a Walk Street
- New construction of one single-family dwelling unit, and not more than two condominium units, *not* on a Walk Street
- New construction of four or fewer units, *not* on a Walk Street
- Demolition of four or fewer dwelling units; HCIDLA Mello Clearance: Per case DIR-2016-2381-CDP-MEL HCIDLA letter dated September 13, 2016, no affordable units were identified.

**ANYWHERE in the Coastal Zone**

- Any improvement to an existing commercial or industrial structure that increases the total occupant load, required parking or customer area by less than 10 percent (<10%)

This application has been reviewed by the staff of the Metro Plan Implementation Division, and **the proposed project complies with the provisions of the Venice Coastal Zone Specific Plan** including all development requirements contained in Section 9, 10.G, and 13, as evidenced below:

**Oakwood-Milwood-Southeast Venice Subarea Development Regulations**

Section	Regulation	Proposed Project	complies
9.C. Roof Access Structure (RAS)	10 ft. max. above Flat Roof (25 ft); Area ≤ 100 sq. ft.	RAS is 32'-6" measured from CL of Cloy Ave. Area = 100 sq. ft.	<input checked="" type="checkbox"/>
10.G.2. Density	R2, RD1.5, RD2 zones: max 2 du R1-1 per LAMC	1 dwelling unit (per LAMC)	<input checked="" type="checkbox"/>
10.G.3. Height	Flat Roof – 25'; Varied Roofline – 30' provided that any portion of the roof that exceeds 25' is set back from the req'd front yard at least 1' in depth for every ft in height above 25'	Flat roofline is 23', Varied roofline is 30', measured from CL of Cloy Ave.	<input checked="" type="checkbox"/>
10.G.4. Access	Alley	Access from rear alley	<input checked="" type="checkbox"/>
13. Parking	SF - 2-3 spaces per unit pending width	Total of 3 parking spaces provided: 2 within attached garage and 1 uncovered.	<input checked="" type="checkbox"/>

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT G**

**VENICE NEIGHBORHOOD COUNCIL  
(VNC) RECOMMENDATION LETTER**

DIR-2016-4357-CDP-MEL



# Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / [www.VeniceNC.org](http://www.VeniceNC.org)  
Email: [info@VeniceNC.org](mailto:info@VeniceNC.org) / Phone or Fax: 310.606.2015



**BY EMAIL**

[jeff.khau@lacity.org](mailto:jeff.khau@lacity.org)

March 21, 2017

Jeff Khau  
L.A. Department of City Planning  
200 N. Spring Street  
Los Angeles, CA 90012

2334 Cloy Ave

DIR-2016-4357-CDP-MEL, DIR-2017-389-VSO

**Project Description:** Demolish (E) 1- story single family dwelling and construct (N) 3 story 3,172 sf single family dwelling with attached two car garage + guest parking (3 parking spaces total)

Dear Jeff,

Please be advised that at a regularly held public meeting of the Venice Neighborhood Council (VNC) Board of Officers on March 21, 2017, the following Motion was approved by a vote of 13-1-1:

**MOTION:**

The VNC recommends approval of the project as proposed

Land Use & Planning Committee case-related documents and Staff Report can be found at:  
<http://www.venicenc.org/land-use-committee>

Please note that the VNC Board does not speak on behalf of the City of L.A. but only on behalf of the community of Venice, which elected the Board members; and that the advisory recommendation contained in this letter does not purport to take any action that may be required under applicable law by the Venice Coastal Zone Specific Plan, the L.A. Municipal Code, the General Plan Venice Community (certified) Land Use Plan or the California Coastal Act.

**Please provide us a copy of the determination letter, including all Exhibits**, via email to [president@venicenc.org](mailto:president@venicenc.org), [vicepresident@venicenc.org](mailto:vicepresident@venicenc.org), and [chair-lupc@venicenc.org](mailto:chair-lupc@venicenc.org), in addition to mailing it to the VNC at the address indicated in the letterhead above; and please assure that this letter from the VNC is placed in ALL City case files for the project, including the files for Appeals to the West L.A. Area Planning Commission, if any.

DIR-2016-4357-CDP-MEL-1A

# **EXHIBIT H**

LETTERS SUBMITTED TO THE FILE

DIR-2016-4357-CDP-MEL

Richard Stanger  
2409 Clark Avenue  
Venice, CA 90291

June 13, 2017

Planning Commissioners  
West Los Angeles Area Planning Commission  
11214 West Exposition Boulevard, 2nd Fl.  
Los Angeles, CA 90064

Re: Appeal of Planning-Approved Residence at 2334 Cloy Avenue (by email)

Dear Commissioners:

I write this letter in opposition to the subject application.

I live in the neighborhood in Venice often referred to as the "Silver Triangle". It is composed of 230 single-family homes 70% of which are below 1,500 square feet (sf) in size and only 1 in 8 larger than 2,500 sf. These larger homes are all new, but have become so over-scaled as to threaten the character of the neighborhood. The subject residence at the approved size of 3,658 sf will be among the half-dozen largest. Almost all lots in the Silver Triangle are on 3,600 sf lots.

In approving the application City Planning uses as comparable examples homes that are either not in the Silver Triangle neighborhood or are along Mildred Avenue, the northern boundary of the neighborhood. The latter are designated in the Venice Land Use Plan (Exhibit 11b) as "Multi-Family Residential, Medium Density II", instead of the "Single-Family Residential, Low Density" in the rest of the neighborhood. To include these homes is either sloppy work on the part of the Planning staff or simply deceptive.

One could ask, "So what does the community want? No growth?" The answer can be seen in the draft Mass, Scale, and Character Report prepared by a citizen working group over the last several years. In Appendix E the Report recommends a maximum residence size of 2,549 sf (FAR =0.71) for the typical 3,600 sf neighborhood lot size including character bonuses (e.g., for articulations, second-story setbacks, etc.). That allows for the same average house size now being built in the United States on a lot size far less than the average for new homes. It is also roughly twice the size of the average home now in the Silver Triangle. In short, the neighborhood is quite amenable to larger homes, just not behemoths.

Thank you for providing me the opportunity to comment.

Sincerely,

Richard Stanger

Frank Defurio  
2341 Boone Ave.  
Venice, CA 90291

June 14, 2017

Planning Commissioners  
West Las Angeles Area Planning Commission  
11214 West Exposition Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90064

Re: DIR-2016-4357-CDP-MEL

Dear Commissioners:

I am a resident of Venice in the area that is often referred to as the Silver Triangle. The Silver Triangle has historically been single story homes with a few two story homes of a reasonable size on very small lots of approximately 3600 square feet. That is the mass, scale and character of my neighborhood that should be maintained. But, in recent years developers, who have no roots or connection to the neighborhood, have been, little by little, attempting to destroy the character of my neighborhood by demolishing these homes, and replacing them with big box homes of enormous size which tower over the smaller homes and cover way too much (or virtually all) of the land area. The proposed 3 story development, at 3,658 square feet of floor area (plus a garage and roof top deck) and more than 4 times the size of the home that will be demolished, is the latest example of a proposed development, the approval of which will destroy the mass, scale and character of this neighborhood.

The City apparently approved the CDP for this project without sincere consideration, if at all, of the mass scale and character of the proposed development being consistent with the mass, scale and character of our neighborhood. The six decisions of the Coastal Commission, which the City says guided it in approving this project's CDP, involved properties located in entirely different areas of Venice where homes are not of the same or even similar scale, mass and character that is unique to the Silver Triangle. Two of the decisions involved 2-story homes of 2,702 square feet and 2,249 square feet. One decision

involved a 3-story project on Ocean Front Walk where apartments and other multifamily homes are allowed. One was located in the canals which has its own unique character. Another was a condo development on a major thoroughfare. A survey (based information shown on zillow.com) of the Silver Triangle area shows that almost 70% of the homes in the defined area are single story homes of 1500 square feet or less, and 17% of the homes are between 1500 square feet and 2500 square feet. Only 7% consist of homes between 2500 square feet and 3000 square feet, and 6% of the homes in this area exceed 3000 Square feet. See the chart below. **There are only two 3-story homes in this neighborhood of 232 total homes.** These two massive structures and many of the few other oversized houses in this area were almost certainly built without the scrutiny required by the CDP process. No advance notice was given to the residents of the area that building permits would be issued for these massive homes. It wasn't until the existing modest homes were demolished and construction of the new home begun that the neighbors learned that a new development was to be constructed. By then it was too late to let their concerns to be known. Unfortunately, without input from residents in the area raising the issue of the massive size of these developments, no consideration was apparently given by the Planning Department to the mass, scale and character of the then existing homes in this neighborhood.

**This 3- story project, at over 3,600 square feet, is greater in mass and scale than 99% of the homes in the Silver Triangle** This project clearly out of proportion in mass and scale with the existing homes in this area, and it is not in keeping with the character of our precious neighborhood.

The construction of the few out-of- scale large box houses often avoided scrutiny of the residents of the neighborhood, the City and the Coastal Commission by the developer's misleading, deceptive and false permit applications claiming their developments were mere "remodels", rather than the complete demolition of an existing home and the construction of a totally new structure in its place. Thus, these out-of-scale houses should not be considered by the City as representative of the mas, scale and size of the homes in this neighborhood or its character. The developers should not be rewarded for their deceptive or illegal activity, or be allowed by their greed and deception to change the character of the neighborhood

My neighborhood is being destroyed all in the name of profit for the developer, who leaves the neighborhood with its ill-gotten gains. It is the residents of this area that have lived here for years or decades that must suffer the consequences of this over development and destruction of the character their neighborhood for the rest of their lives.

Sincerely,

A concerned resident of Silver Triangle, Frank Defurio

## **232 Homes in the Silver Triangle**

<b>1500 sq. ft. or less</b>	<b>69%</b>
<b>1501 sq. ft. – 2000 sq. ft.</b>	<b>10%</b>
<b>2001 sq. ft. – 2500 sq. ft.</b>	<b>7%</b>
<b>2501 sq. ft. – 3000 sq. ft.</b>	<b>7%</b>
<b>3001 sq. ft. or more</b>	<b>6%</b>

June 16, 2017

Planning Commissioners  
West Las Angeles Area Planning Commission  
11214 West Exposition Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90064

Re: DIR-2016-4357-CDP-MEL

Dear Commissioners:

I am a resident on S. Boone Ave. This proposal for the 2334 S. Cloy Ave. house will be tall enough for me to see it from my yard! 3 story, plus roof top access to party is not in keeping with most of our neighborhood. Our lots are 40x90 feet. That is 3600 sq feet. I understand folks want larger and larger homes, but this eliminates others privacy and blocks air and light space.

Please do what you can to stop this excess.

Respectfully,

Marianne Pogoler

June 16, 2017

West L.A. Area Planning Commission

In care of Harold Arrivillaga

City Hall

200 N. Spring Street

L.A., CA 90012

IN SUPPORT OF APPEAL of CDP for 2334 Cloy Ave, Venice (DIR-2016-4357-CDPMEL/  
ENV-2016-4358-CE)

Honorable Commissioners,

I am writing, as a resident of Venice, in support of the appeal.

This is but one of a series of development projects that do not meet the requirement of compatibility with mass, scale and character with their immediate neighborhood. The more these projects are allowed to go forward, they weaken the meaning of mass, scale and character and denigrate the quality of the neighborhood. As the neighborhoods become saturated with big boxes built to the maximum of the lot, the architectural and historical diversity of Venice is lost forever.

There is another negative impact to allowing these large over scale houses: It is prejudicing the writing of the Venice Local Coastal Program (LCP). The city allows these buildings, those not compatible, and by the time the LCP might get written, the diversity in all its forms will not be protected by the city.

This neighborhood is under attack. The existing neighbor is predominately single story, modest size homes. Developers, like this one, are invading the neighborhood and imposing a scale that is predatory and imposing. It should not be sustained. Development should be in increments, a slow rational pace.

The city shows a disregard to the existing neighbors, issuing inappropriate permits for projects that a neighborhood cannot and should not sustain.

Our only protection is these appeals. We have been before you too many times arguing the same issues and yet the city continues to defy the law: its own Specific Plan, the state Coastal Act and the Land Use Plan. I keep hoping that one more time before the Commissioners will fix it.

I hope this Cloy Avenue appeal is the one that stops them from this blatant disregard of the law.

Sue Kaplan

763 Nowita Place

Venice



From: **Robin Rudisill** wildrudi@me.com  
Subject:  
Date: June 16, 2017 at 2:44 PM  
To:



---

June 16, 2017

West L.A. Area Planning Commission  
In care of Harold Arrivillaga  
City Hall  
200 N. Spring Street  
L.A., CA 90012

IN SUPPORT OF APPEAL of CDP for 2334 Cloy Ave, Venice (DIR-2016-4357-CDP-MEL/ENV-2016-4358-CE)

Honorable Commissioners,

I am writing as an Appellant, in support of the appeal.

The prejudicing of the Venice Local Coastal Program (LCP) with development that is not compatible with the mass, scale and character of its surrounding existing neighborhood must stop.

It becomes increasingly more obvious that the City is purposely causing the prejudicing of the future Venice LCP by allowing development in this pre-LCP period that is not compatible with the Community Character of the neighborhood in which it is to be situated. The City has done this in a number of ways, but the two most common are 1) to approve Coastal Exemptions (CEX) that are not allowed under the Coastal Act state law, which entail no analysis of the proposed project's compatibility of the mass, scale and character with the neighborhood and which we have many times successfully appealed; and 2) to allow CDP's with inadequate, erroneous, and/or conclusory Findings.

In this case, we have a CDP that clearly has inadequate, erroneous and conclusory Findings. This CDP does not adhere to the Coastal Act state law requirements and must be denied.

City Planning and its City Attorneys assigned have been notified in many ways that their CDP Findings are inadequate. They have received copies of all citizen appeals on the subject. They are aware of state Coastal Commission determinations, as well as the many determinations of the West L.A. Area Planning Commission, that make it clear that the City's Findings are many times erroneous or inadequate. They are told this in meetings with senior Coastal Staff or California Coastal Commission Commissioners. Many citizens make them aware of this in Public City Hearings, on an ongoing basis.

And yet City Planning continues to do the Findings erroneously and incorrectly, no matter how many appeals are won on this issue and no matter how many times they are trained, or no matter how many times they are told by a more senior authority that the way they are doing the Findings is wrong. It's clear that this is not a training issue or an issue of loss of institutional memory. This is not rocket science. This is being done very purposefully.

Why? I believe it is because they do not respect the state coastal laws and do not care if their CDP's follow the law's requirements, as their main goal is to prejudice the LCP with as many projects as they can get through and past the statute of limitations as possible. In short, it appears that they believe that they are above the law and have no intention of protecting the community character of the L.A. Coastal Zones and will continue to do so until someone finds a way to stop them.

Please insist on correct Findings for the City's CDP's. Every time a CDP goes through without challenge, it's another step towards prejudicing of our future Local Coastal Program. As long as City Planning and its City Attorneys are able to get away with it, they will keep doing this and in this way they will continue to destroy the unique character of our individual neighborhoods and historic districts that make up the Community Character of the Special Coastal Community of Venice. The Coastal Commission-designation of Venice as a Special Coastal Community is a rare designation, and the Community of Venice (primarily a residential community and thus residential development is a significant factor in its character and its "special coastal community" designation) is known as one of the most popular visitor destinations in the state. Thus *preservation of its community character is even an issue of statewide significance and should be of significant importance to the City of L.A.*

Lastly, the Silver Triangle of the Southeast Venice Subarea is one of the only "low density single-family residential neighborhoods" in Venice. *And the MANY similar single-family neighborhoods in the non-coastal zone areas of Los Angeles are more protected than those in the Venice Coastal Zone, as under the City's ordinances these non-coastal zone neighborhoods have very low FAR limits, such as .45. It is a crime to have less protection for the single-family neighborhoods in the Coastal Zone than in the non-coastal zone areas of Los Angeles, due to the City's disregard of the protections provided in the Certified Venice Land Use Plan, the detailed guidance for assuring conformance of a project to the Coastal Act Chapter 3 requirements.*

If the Commission does not honor this neighborhood's protections in Coastal Act Chapter 3 and its Certified Venice Land Use Plan of requiring compatibility with the existing surrounding neighborhood, these single-family neighborhoods of Venice will be completely unprotected, which will destroy their character and scale.

Please note the Substantial Evidence provided in this appeal for the Cloy block Streetscape analysis of the neighborhood, showing that *the existing scale of the neighborhood is a large part of its character as one of the few remaining low density, single-family residential coastal neighborhoods in the Venice Coastal Zone.*

**The neighborhood of the project is all of the area with the very light yellow color, which are the lowest density single-family**

# neighborhoods:

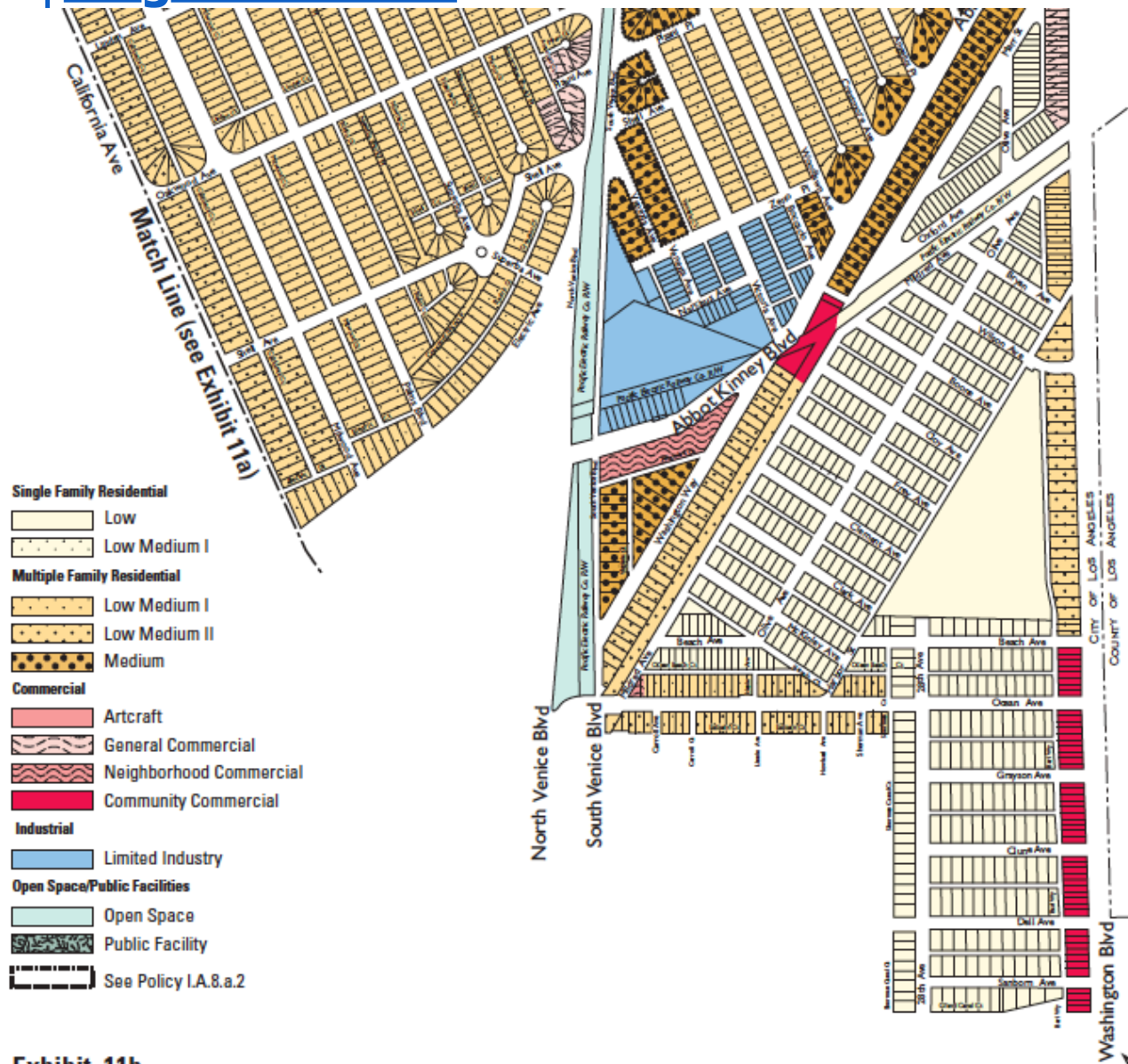


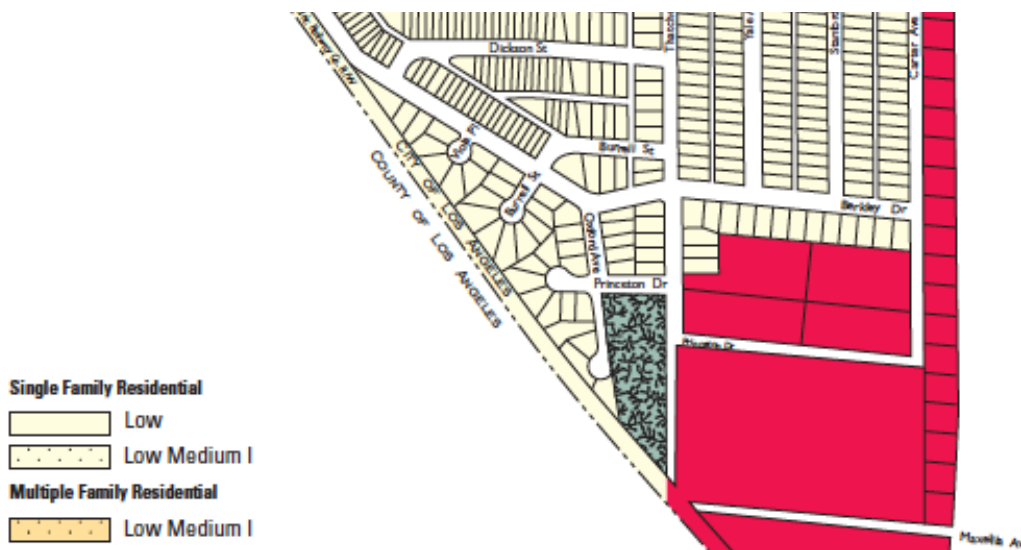
Exhibit 11b

Land Use Plan (Map): Oakwood • Milwood • Southeast Venice

Not to

The only other place in Venice with this low density single-family residential land use category is the Oxford Triangle:





**These neighborhoods should be the most protected neighborhoods in Venice**

**Excerpt from the Certified Venice Land Use Plan, Policy I. A. 1. (page II-5):**

***Single-Family Residential***

The Venice LUP recognizes the importance of the existing pedestrian scale single-family residential neighborhoods and the need to conserve them. As most communities, the greater portion of Venice was originally developed with single-family homes for both permanent residents and as temporary resort housing. Today stable single-family neighborhoods continue to exist in portions of Venice. While the standard low density, one unit per 5,000 square foot lot is common in Venice, single-family homes on lots as small as 2,500 square feet are just as common and a reminder of the community's origin as a resort town. The maintenance of the character and density of these stable single-family neighborhoods is consistent with the objectives of the State Coastal Act and the City's General Plan.

**Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods.** Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development. A second residential unit or an accessory living quarter may be permitted on lots designated for single-family residence land uses, provided that the lot has a minimum lot area of 4,600 square feet in the Venice Canals subarea, or 10,000 square feet in the Silver Strand, Southeast Venice, or Oxford Triangle subareas, and all units conform to the

southeast Venice, or Oxford Triangle subareas, and all units conform to the height limit, parking requirements, and other development standards applicable to the site.

**Policy I. A. 3. Single-Family Dwelling - Low Density.** Accommodate the development of single-family dwelling units in areas designated as "Single-family Residential" and "Low Density" on the Venice Coastal Land Use Plan. (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

**Southeast Venice and the Oxford Triangle**

Use: Single-family dwelling / one unit per lot

Density: One unit per 5,000 square feet of lot area

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

---

Height: Not to exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied or stepped back roof line. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Consistent with your determinations in prior cases, where the proposed project was not compatible with the surrounding existing neighborhood, based on a thorough analysis of the surrounding block and provision of Substantial Evidence proving significant incompatibility, please uphold our appeal and deny this project as proposed so that we can protect the Venice community and our future Local Coastal Program.

Yours truly,  
*For the Love of Los Angeles  
and our precious Coast,*  
Robin Rudisill  
(310) 721-2343





To whom this may concern,

I currently own two homes in the Silver Triangle of Venice. And until recently, I lived in the neighborhood for over 25 years. Both homes are the original 1950's single story 1000sf buildings on 3600sf lots. I have spent a lot of care, time and money maintaining and improving upon these homes over the past 30 years, without going outside of the original footprint or building "up." And because of that care and attention to detail, I have never had a tenant who hasn't appreciated my rental properties or the quaint Venice Silver Triangle neighborhood. But, as of late, that quaintness is beginning to disappear.

I am an architectural designer and developer, so I very much appreciate development and neighborhood gentrification in general. However, it's hard to overlook these most recent imposing and out-of-scale sized homes being built in our small neighborhood for purely speculative purposes. Not only do these towering homes affect the quaint neighborhood "feel", but, more specifically and literally, they have created a negative presence upon their adjacent neighbors because their 3 story heights block out sunlight, minimize privacy due to the minimal setback requirements, and impact available street parking.

Recently, there have been a number of projects being approved by the Building Department in the Silver Triangle (Venice 90291). Even though the vast majority of lots are only 3600 s.f., these projects are coming in at 4000 sf ++, and this is not including non-livable spaces like garages. There are other districts and neighborhoods that have enacted de-mansionization policies to limit the size of building in proportion to the lot size. The local residents hope that this will curtail the huge boxes that are popping up all over the westside, and, literally, looming over it's quaint 1 story neighbors. Less than 2 miles away, in 2016, the city approved a change in the building code to reduce the FAR to 45%. But, herein lies the problem: Our neighborhood has no FAR established to date, and the City is supposed to be sure that new developments are "within character of the existing homes". With these recent homes coming in at 80%+ FAR, and the existing, on average of .38%, I don't think anyone would consider these new projects fitting within the existing character of the neighborhood. Please keep in mind that, as of 5 to 7 years ago, the existing home FAR average was closer to 30%!!!

I understand the code and permit process, and do not want to interfere in others' rights to build and develop their projects within the framework that the building and fire department, as well as the Coastal Commission has set forth. Being that the Building Department cannot decipher or agree upon what is "fitting within character of the existing homes" I am requesting an implementation of an FAR in our neighborhood, and that the FAR should be no more than 30%! In addition, for those builders who are not complying with the rules and standards of the neighborhoods in which they build, please put pressure on the local municipalities by asking them to tighten up on their permit and building restrictions and/or allowances; make sure the appeals boards do more research on the variances being applied for, and severely penalize those builders and developers who are found guilty of side-stepping the standard process and procedures with the local building departments as well as the California Coastal Commission.

We are a very desirable neighborhood because there is little street traffic, the homes (for the most part) are small and discreet, and there is room to breathe. When another 3 story, 3500sf + structure is built next to an original 800 to 1000 sf home, it upsets the very reason why people gravitate to the neighbor in the first place. There is a place for these developments, but it doesn't belong in a neighborhood where the lot sizes are 3600 square feet or smaller. (The average lot size is only 40' x 90'.)

Thank you for your time and consideration,

Stacy Fong  
Owner of 2326 Cloy Avenue, and 2342 Cloy Avenue, Venice, CA.



Richard Stanger  
2409 Clark Avenue  
Venice, CA 90291

June 13, 2017

Planning Commissioners  
West Los Angeles Area Planning Commission  
11214 West Exposition Boulevard, 2nd Fl.  
Los Angeles, CA 90064

Re: Appeal of Planning-Approved Residence at 2334 Cloy Avenue (by email)

Dear Commissioners:

I write this letter in opposition to the subject application.

I live in the neighborhood in Venice often referred to as the "Silver Triangle". It is composed of 230 single-family homes 70% of which are below 1,500 square feet (sf) in size and only 1 in 8 larger than 2,500 sf. These larger homes are all new, but have become so over-scaled as to threaten the character of the neighborhood. The subject residence at the approved size of 3,658 sf will be among the half-dozen largest. Almost all lots in the Silver Triangle are on 3,600 sf lots.

In approving the application City Planning uses as comparable examples homes that are either not in the Silver Triangle neighborhood or are along Mildred Avenue, the northern boundary of the neighborhood. The latter are designated in the Venice Land Use Plan (Exhibit 11b) as "Multi-Family Residential, Medium Density II", instead of the "Single-Family Residential, Low Density" in the rest of the neighborhood. To include these homes is either sloppy work on the part of the Planning staff or simply deceptive.

One could ask, "So what does the community want? No growth?" The answer can be seen in the draft Mass, Scale, and Character Report prepared by a citizen working group over the last several years. In Appendix E the Report recommends a maximum residence size of 2,549 sf (FAR =0.71) for the typical 3,600 sf neighborhood lot size including character bonuses (e.g., for articulations, second-story setbacks, etc.). That allows for the same average house size now being built in the United States on a lot size far less than the average for new homes. It is also roughly twice the size of the average home now in the Silver Triangle. In short, the neighborhood is quite amenable to larger homes, just not behemoths.

Thank you for providing me the opportunity to comment.

Sincerely,

Richard Stanger

West Los Angeles Planning Commissioners  
11214 West Exposition Blvd. 2nd Fl.  
Los Angeles, CA. 90064

Dear Planning Commissioners,

When average residents are forced to appeal a grossly out of scale development, as is the case with 2334 Cloy, even hire an attorney, then we all know that City Planning is negligent and or incompetent. City Planning has sided with developers / investors 100 % of the time, and is protecting residents 0 % of the time. (I believe the current owner of 2334 Cloy is MDB Silicon Beach Cloy II Investors LLC)

The result of City planning's complete lack of regard for Mass, Scale, and Character has caused great injury and damage to our lovely single family neighborhood, irreparably, and even more terrifying, with some terribly out of scale homes that have been approved by City planning, (one at Frey and Olive with a FAR of 1.013) causes a domino effect for future developers to claim these gigantic homes are compatible to our small homes!!!!

They are NOT, since our overall average FAR for all 232 homes in our Silver Triangle neighborhood is 0.401!!!!

The FAR for all 31 homes on Cloy is 0.366!!!!

How can a 3658 sq.ft. house be approved by City planning as being compatible with the vast majority of our homes? (this building would be 4058 sq.ft. with garages on a 3593 sq. ft. lot !!! ) Building would be much LARGER than the lot itself!!!

Our neighborhood has been irreparably damaged by City planning's refusal to assess new developments for Mass, Scale and Character resulting in 11 homes being permitted with FARs in the 0.8 range and one even at 0.900 hence the real fear of true ruination of our precious neighborhood caused by City planning !!!!

To use buildings, that were never assessed for compatibility of Mass, Scale, and Character, as models for future developments is a guarantee that neighborhoods will be further injured/ruined terribly!!

An older neighbor called, telling me that a house behind her was slated for demolition. What should she do? She felt powerless!! People do NOT KNOW how to protect themselves and their homes and the City is not protecting US!!! Isn't the City supposed to be protecting neighborhoods and residents???? Another neighbor told me that when she sees one of these monsters going up, a piece of her dies. One neighbor told me that City planning has never turned down an application because of it's SIZE,

there's no limit!!! He said that the neighborhood has to use the Coastal Commission to protect itself FROM THE CITY.

These outrageous approvals by City planning in our precious Coastal Zone is.... WRONG and we "pray" that Planning Commission will require City Planning staff to ALWAYS respect Mass, Scale and Character.

For example, a building next door to us at 2405 Boone, was approved by the City as a remodel and thus exempt from Coastal Development Permit. Developers/investors were permitted to build 3 stories and 4363 sf.!! We were forced to bring this development to Coastal Commission where it was unanimously seen as a tear down, requiring a Coastal Development Permit! How does this happen???

We are all "praying" that Commissioners will insist and direct City planning staff to BOTHER to pay VERY CLOSE ATTENTION to Mass, Scale, and Character. City planners do not have to suffer this horrible injury caused by their decisions, but we must suffer that injury for the rest of our lives!!!

We don't want our once idyllic neighborhood to look like rows of apartment buildings with no room for any greenery, taking away neighbor's views, light and even air flow. It's WRONG!

We find it to be ridiculous that this development has been approved!!!

We wish someone would come over here and look at our neighborhood. But it seems, no one can be bothered, or even bothered to check overall size of the vast majority of our homes.

- 232 homes overall average FAR = 0.401
- All 31 homes on Cloy FAR = 0.366
  
- Proposed development FAR = 1.02 and is more than TWO TIMES the overall average FAR for our Silver Triangle homes
  
- At 3658 sq.ft. the proposed development is 240% LARGER than the size of 70% of our homes in the Silver Triangle

This is obviously a very very serious problem. Please please see the true situation here. Developers/INVESTORS are using our precious neighborhood as their own personal CASH COW causing terrible, irreparable injury. Please do not allow further damage.

Judy Esposito  
2341 Boone Ave.  
Venice, Ca. 90291

# LUNA & GLUSHON

A Professional Corporation

DENNIS R. LUNA  
(1946-2016)

16255 VENTURA BOULEVARD, SUITE 950  
ENCINO, CALIFORNIA 91436  
TEL: (818) 907-8755  
FAX: (818) 907-8760

Century City Office  
1801 Century Park East, Suite 2400  
Los Angeles, CA 90067

June 16, 2017

VIA EMAIL

West Los Angeles Area Planning Commission  
11214 West Exposition Boulevard, 2<sup>nd</sup> Fl.  
Los Angeles, CA 90064

Re: DIR-2016-4357-CDP-MEL/ENV-2016-4358-CE  
2334 South Cloy Avenue

Honorable Commissioners:

We submit this letter on behalf of twenty-seven neighbors (“Appellants”) in opposition to the proposed 3,658 square foot, three-story single family dwelling on a 3,594 square foot lot, with a **Floor Area Ratio (“FAR”) of 1.02**, at 2334 South Cloy Avenue (“Project”). Appellants are neighbors who live immediately adjacent to and in the immediate vicinity of the proposed Project, and who would therefore be most impacted thereby. [Exhibit 1].

The Project is not visually compatible with the mass, scale and character of its surrounding neighborhood, and therefore, not in conformance with Chapter 3 of the Coastal Act or the Venice Land Use Plan. Indeed, at three-stories and an FAR of 1.02, it is an *anomaly* to Cloy Avenue and the Silver Triangle neighborhood, would destroy the prevailing character of this established community, and set a precedent for further incompatible development. Appellants ask that this Commission protect their community and this Venice neighborhood, and deny the Project.

## I. The Silver Triangle Neighborhood

As this Commission may be aware, the Silver Triangle neighborhood [Exhibit 2] is unlike the other Venice neighborhoods and is distinctive in mass, scale and character. The standard size of a lot in the Silver Triangle is a mere 3,600 square feet, and the homes which are built on these lots are proportionate to this size (approximately 70% of them are less than 1,500 square feet).

**Out of 232 homes in the Silver Triangle, 172 are single story, 58 are two-story; and only 2 are three-story.** The 2 three-story homes are not indicative of the *prevailing* character of the Silver Triangle, but are rather outliers which were permitted through previously allowed exemptions to max out the building envelope. **On Cloy Street**, where the Project is proposed, **there are no three-story homes, and the average FAR of all homes is 0.366.** [Exhibit 3].

The California Coastal Act provides that as a Special Coastal Community, the Silver Triangle is protected, and any new development within this special community must protect its unique characteristics.<sup>1</sup> The Venice Land Use Plan confirms:

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.<sup>2</sup> [Policy I.E.1].

The protection of community character is a very significant issue for the residents of Silver Triangle. As pointed out in Coastal Commission reports [Exhibit 4], 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, such as the Venice Boardwalk and the beach. As a result of these separately unique characteristics, Venice is a coastal resource to be protected. However, Venice is a primarily residential community, and its residential development is a significant factor in determining Venice's community character. It is these residential community identities that are to be protected.

Appellants are mindful that City staff does not like to consider issues of mass, scale and character when reviewing projects for conformity with the Coastal Act. But, as this Commission is aware, staff's refusal to sufficiently analyze mass, scale and character has been repudiated by the Coastal Commission time and time again.<sup>3</sup> Adequate consideration of mass, scale and

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<sup>1</sup> *California Coastal Act*, §30253(e): New development shall...protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

<sup>2</sup> Venice is one of the most popular visitor destinations in the state, making its preservation as an eclectic community with a unique character a statewide issue. According to the Venice Chamber of Commerce, Venice and its unique neighborhoods including the Silver Triangle are the 2nd-largest tourist attraction in Southern California after Disneyland. (<http://venicechamber.net/visitors/about-venice/>).

<sup>3</sup> Until recently, developers building homes in Venice have been able to get away with claiming "remodels" of existing homes, and City staff has accepted this "interpretation,"

character is exactly how the Coastal Commission requires Chapter 3 of the Coastal Act to be integrated into project review. [Exhibit 4, Coastal Commission staff reports of development in Venice, approved by the City, but overturned by the Coastal Commission based upon mass, scale and character incompatibility].

The City of Los Angeles, continually passes legislation for protections for its single-family neighborhoods (restrictions against overbuilding are getting more and more rigorous under both the Baseline Hillside Ordinance and the Baseline Mansionization Ordinance). The Coastal Act is this very protection in the Venice Coastal Zone. Appellants simply ask that the City enforce and take the Coastal Act's restrictions just as seriously as it does protection of single-family neighborhoods in other areas of the City.

## II. The Project Does Not Conform to Chapter 3 of the Coastal Act

Section 30251 of the Coastal Act requires 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 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. *California Coastal Act*, §30251.

At **three-stories, 3,658 square feet (on a 3,594 square foot lot)** and an **FAR of 1.02**, the within Project is far from being visually compatible with the character of its surrounding areas.

---

granting exemptions rather than Coastal Development Permits. In doing so, the Planning department was not holding public hearings, and developers were avoiding neighborhood scrutiny. Once the Coastal Commission was made aware of this practice, it provided that the City must consider the Coastal Act provisions and must proceed with all single family development projects pursuant to a full Coastal Development Permit. If the process had been handled lawfully, as the Coastal Act requires, the few oversized houses in this community would not have been permitted and built.

**Again, there are no three-story homes along Cloy Avenue, where the average FAR is 0.366.** Out of the 31 homes on Cloy, 27 are single story and only four are two-story. The same realities exist on all surrounding Silver Triangle streets including Boone, Bryan, Clark, Clement, Frey, McKinley, Olive and Wilson where out of 232 homes, 172 are single story; 58 are two-story; and only 2 are three-story. The average FAR of these homes is 0.401. **Nearly 70% of the homes in the Silver Triangle are less than 1,500 square feet.** [Exhibit 3].

For perspective on how destructive the Project will be on surrounding neighbors, below is a photograph of where the Project will be located, taken from the backyard of its neighbor at 2333 Boone:



From the same backyard, this is what a single-story neighbor looks like:



And a two-story neighbor:



It is unimaginable how visually incompatible a three-story structure will be, when a two-story building, like the one above, is already out of scale.

Similar examples of this incompatibility can be found in the few other instances of out of scale development next to one-story single family homes in the Silver Triangle:





This exactly what the Coastal Act's "visual compatibility" requirements are meant to protect against.

Staff's analysis of other Venice projects to compare the within Project's mass and scale is misplaced. [Exhibit 5, determination letter, p. 14]. **Not one of these other projects is in the Silver Triangle.** Projects on Ocean Front Walk or the Howland Canal are not in any way indicative of the mass, scale and character of the Silver Triangle community. The same goes for the comparison of a condominium building at 458 E. South (Venice?) Boulevard which is not even a single family home. Staff even includes developments which are completely different in scale to the Project, such as a two-story, 2,702 square foot home and a 2,249 square foot home. Simply stated, this comparison chart has nothing to do with the proposed Project or the Silver Triangle community.

As set forth herein, a true and correct mass, scale and character analysis of the Silver Triangle neighborhood demonstrates that the Project's mass and height are not visually compatible with the character of Cloy Avenue and the surrounding neighborhood. The Project fails to consider the scenic and visual characteristics of its predominantly single-story Silver Triangle neighbors, a community which is a protected, special community under the Coastal Act. [Exhibit 3]. As evident from the photographs, it will be completely incompatible with its neighbors.

### **III. The Project Does Not Conform to the Venice Land Use Plan**

The Venice Land Use Plan provides the following policies:

Policy I.E. 2: New development within the Venice Coastal Zone shall respect the *scale* and *character* of the 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.

Policy I.A.1: Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character, and scale of the existing development.

Again, the Project fails to respect the scale and character of the Silver Triangle community. Its 1.02 FAR (bulk) and three-stories (height) is incompatible with all of its surrounding neighbors. [Exhibit 3]. If allowed, it will degrade the character and scale of Cloy Avenue and the Silver Triangle neighborhood and set an adverse precedent for further out-of-scale in height and FAR development.

**IV. The Project will Prejudice the City's Ability to Prepare a Local Coastal Program in Conformity with Chapter 3 of the Coastal Act**

This Project will prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program.

If allowed to proceed, other developers will be able to point to this "recent" three-story, 3,658 square foot Project and claim that, despite the mass, scale and character of the surrounding Silver Triangle neighborhood (almost 70% of the homes are 1,500 square feet or less), they too should be allowed to build a structure almost two and a half times the size of almost 70% of the homes in the community. Undoubtedly, developers are already using the few oversized homes (the homes built without the benefit of a Coastal Development Permit when the City was erroneously granting them exemptions) as precedent for currently proposed projects.

Protecting community character is a classic cumulative impacts issue, and this Project must be considered in combination with other past, current and probably future projects in Venice. Accordingly, if allowed to proceed, this Project's adverse precedent will prejudice the ability to adopt a Local Coastal Program that protects community character.

**V. The Categorical Exemption was Issued in Error**

The California Environmental Quality Act ("CEQA") prohibits use of a categorical exemption when "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines § 15300.2(c)).

The within Project's incompatibility with the surrounding neighborhood will substantially degrade the existing visual character of the Project site and its surroundings, a significant impact under CEQA and the CEQA Guidelines. Therefore, the Categorical Exemption cannot be relied upon.

**VI. Discrepancies in Square Footage**

This Commission should know that when this Project was noticed for public hearing, it was noticed for the construction of a 3,172 square foot residence and made no mention of a swimming pool. Yet, as approved, the Project has all of a sudden turned into 3,658 square feet!

Planning staff has tried to explain this discrepancy by claiming that there are "multiple" ways to calculate square feet, but that is an untenable argument. How can neighborhoods be vigilant in monitoring development if notices, the very notices which are supposed to set forth what the City is considering, are fluid? How can an adequate mass, scale and character analysis be determined? It is unknown how many residents did not appear at the initial hearing as a result of this square foot misrepresentation.

**VII. Conclusion**

For all of the reasons set forth herein, the Project, as proposed, is not consistent with Coastal Act §30251 because it will not be visually compatible with the character of surrounding Silver Triangle community; and is not consistent with Venice Land Use Plan Policy 1.E.2 because it does not respect the scale, massing, and landscape of this existing residential neighborhood. Accordingly, it has been granted a Coastal Development Permit in error.

Appellants ask that this Commission protect the Silver Triangle community and grant their appeal.

Very truly yours,

LUNA & GLUSHON  
A Professional Corporation

A handwritten signature in cursive script, appearing to read "Rob Glushon".

ROBERT L. GLUSHON

# Exhibit 1

## APPELLANTS

Judy Esposito  
2341 Boone Avenue  
Venice, CA 90291

Lisa Bartoli  
19 29th Ave.  
Venice, CA 90291

Anita Zubere  
19 29th Ave.  
Venice, CA 90291

Laurent Combredet  
2333 Boone Ave.  
Venice, CA 90291

Laurie Hubbard Combredt  
2333 Boone Ave.  
Venice, CA 90291

Anne Mullins  
2417 Cloy Ave.  
Venice, Ca. 90291

Terry Sidell  
2338 Cloy Ave.  
Venice, CA 90291

Stacy Fong  
2342 Cloy Ave.  
Venice, CA 90291

Richard Stangerr  
2409 Clark Ave.  
Venice, CA 90291

Charmaine Soo  
2409 Clark Ave.  
Venice, CA 90291

Danise Lehrer  
2237 Boone Ave.  
Venice, CA 90291

Teddy Tannenbaum  
2237 Boone Ave.  
Venice, CA 90291

Lisa Masse  
2417 Boone Ave.  
Venice, CA 90291

Luis Perez  
2417 Boone Ave.  
Venice, CA 90291

Sandra Wilson  
2420 Cloy  
Venice, CA 90291

Ray W. Mattson  
2329 Boone Ave.  
Venice, CA 90291

Pamela Harbour  
2330 McKinley  
Venice, CA 90291

Kennalee Mattson  
2329 Boone Ave.  
Venice, CA 90291

Robin Rudisill  
3003 Ocean Front Walk  
Venice, CA 90291

Frank Defurio  
2341 Boone Ave.  
Venice, CA 90291

Janet Lent  
2329 Cloy  
Venice, CA 90291

Marianne Pogoler  
2340 Boone Ave.  
Venice, CA 90291

Leon Pogoler  
2340 Boone Ave.  
Venice, CA 90291

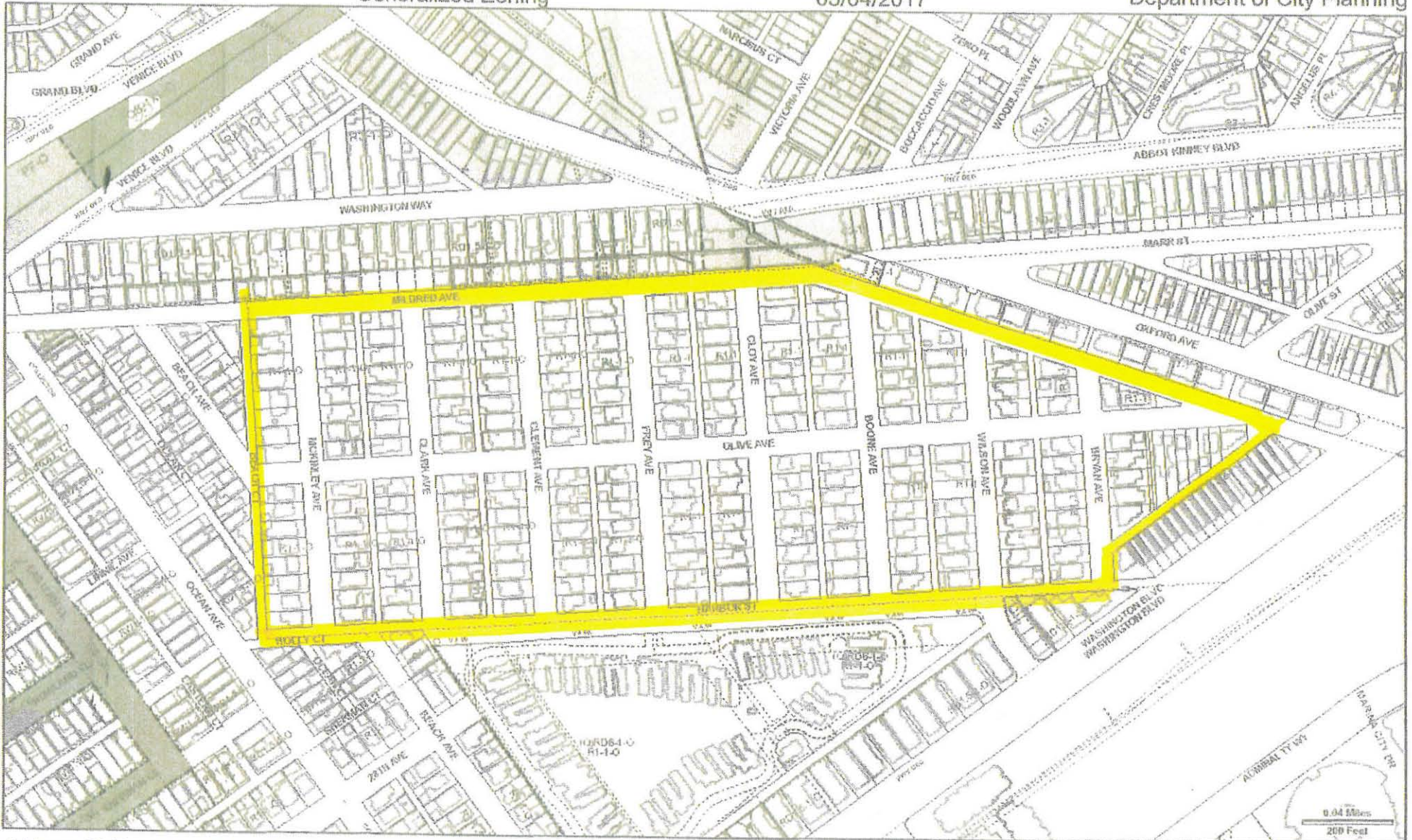
Jude Epstein  
2413 Clark Ave.  
Venice, CA 90291

Tom Johnstone  
2342 Cloy Ave.  
Venice, CA 90291

Lisa Farr Johnstone  
2342 Cloy  
Venice, CA 90291

Clay Boss  
2404 Cloy Ave.  
Venice, CA 90291

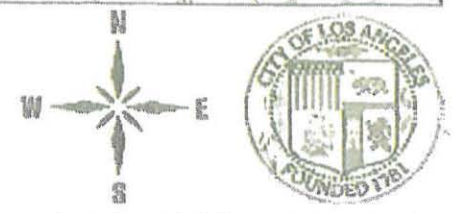
# Exhibit 2



Address: 2341 S CLEMENT AVE  
 APN: 4228006016  
 PIN #: 106-5A147 195

Tract: TR 4424  
 Block: None  
 Lot: 72  
 Arb: None

Zoning: R1-1-O  
 General Plan: Low Residential



# Exhibit 3



RE/MAX  
ESTATE PROPERTIES

**TERRY BALLENTINE**  
**RE/MAX ESTATE PROPERTIES**  
(310) 577-5300 x355 BUSINESS  
(310) 577-5301 FAX  
TerrySold@aol.com  
[www.TerryBallentine.com](http://www.TerryBallentine.com)

124 Washington Blvd  
Marina del Rey, CA 90292

June 13, 2017

To Whom it May Concern:

I have review the Neighborhood FAR Calculations for the Silver Triangle area of Venice. (Revised 6-13-17)

I verified the data with the LA County Tax Assessor website and have found that the information and calculations are accurate.

Sincerely,

A handwritten signature in cursive script that reads "Terry Ballentine".

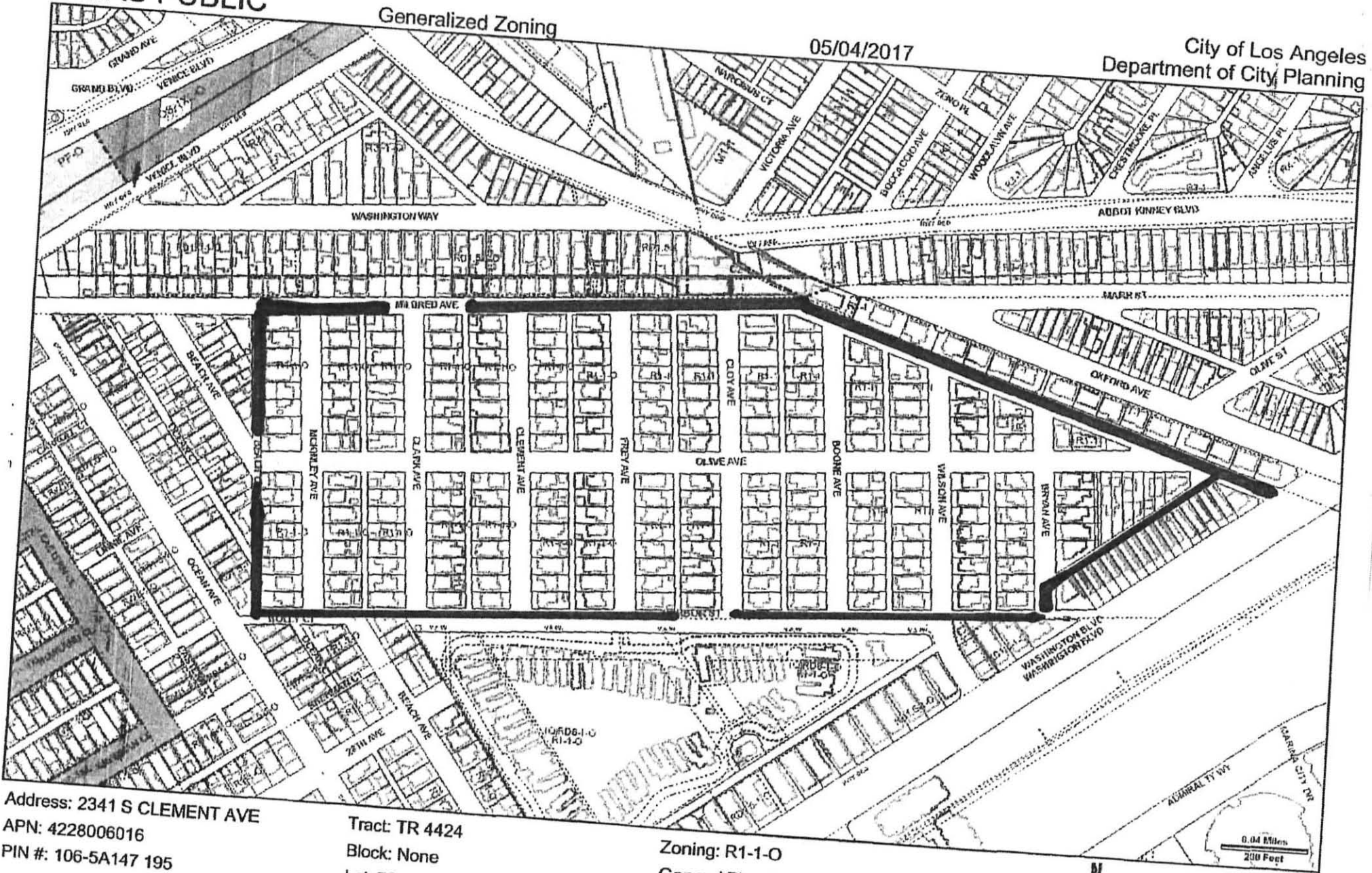
Terry Ballentine

# ZIMAS PUBLIC

Generalized Zoning

05/04/2017

City of Los Angeles  
Department of City Planning



Address: 2341 S CLEMENT AVE  
APN: 4228006016  
PIN #: 106-5A147 195

Tract: TR 4424  
Block: None  
Lot: 72  
Arb: None

Zoning: R1-1-O  
General Plan: Low Residential

*Tony Bellente, RE/MAX*



**FAR Calculations for Silver Triangle\***

See Attached Map for Area Bounded by: Beach Ct. to the West  
 Mildred Ave. to the North and the East  
 Harbor St. to the South

**FAR AVERAGE 0.401**

No. Homes	No. 1 Story	No. 2 Story	No. 3 Story	Average FAR
232	172	58	2	0.401

**FAR Summary by Street**

Street	No. Homes	No. 1 Story	No. 2 Story	No. 3 Story	Average FAR
McKinley	29	19	9	1	0.421
Clark	31	26	5	0	0.377
Clement	32	21	11	0	0.442
Frey	32	25	7	0	0.401
Cloy	31	27	4	0	0.366
Boone	30	20	9	1	0.399
Wilson	25	16	9	0	0.453
Bryan	17	14	3	0	0.379
Olive**	5	4	1	0	0.243

*Terry Ballata*

**Other size information for Silver Triangle (232 total homes)**

Under 1000 sf	1001-1500 sf	1501-2000 sf	2001-2500 sf	2501-3000 sf	Over 3000 sf
68 homes 29%	93 homes 40%	23 homes 10%	17 homes 7%	17 homes 7%	14 homes 6%

\*All calculations are based on information provided by zillow. Com as of 5/11/17

\*\* Houses located on Olive Ave. East of Bryan Ave.

**Note:(1) Nearly 70 % of the homes in the Silver Triangle are less than 1500 sq. ft.**

**(2) Almost all the lots are approximately 3600 sq. ft.**

**(3) Two of the largest houses are on extra-large lots (7200 sf and 5004 sf lots)**

**3 Outlier Homes:**

**(1) 2416 McKinley on 2 lots of 3600sf. each (total lot 7200 sf.). House is 5000 sq.ft.**

**(2) 637 Olive is on Frey but has an Olive address. 3650 sq. ft. home on 3600 sf. Lot**

**3<sup>rd</sup> outlier is 2324 Boone 3 stories 3911 sq.ft. home on 5004 sf lot**

**Note: Only 2 Three story homes of the 232 total homes.**

*Tony Ballot*

**Neighborhood FAR Calculation\*****McKinleyAve.****Total Homes: 29****Total Single Stories: 19 FAR AVERAGE 0.421****Total Two Stories: 9****Total Three Stories: 1**

ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
2313	1	1474	3623	0.406
2317	1	1130	3629	0.311
2321	2	3219	3645	0.883
2325	2	3114	3666	0.849
2329	1	870	7391	0.117
2337	2	2918	7467	0.390
592 Olive Ave.***	2	2200	3785	0.581
2409	2	1608	3805	0.422
2413	1	1800	3840	0.468
2417	2	2304	3843	0.599
2421	1	768	3862	0.198
2425	2	2244	3881	0.578
2429	1	900	3901	0.230
2433	1	1268	3835	0.330
2314	1	1280	3616	0.353
2318	1	1292	3603	0.358
2322	1	1208	3603	0.335
2326	1	800	3603	0.222
2330	1	1100	3600	0.305
2334	1	860	3602	0.238
2338	3	2720	3602	0.755
2342	1	1479	3602	0.410
612 Olive Ave.***	1	1080	3602	0.299
2408	1	700	3601	0.194
2412	2	2314	3600	0.642
2416	2	5000	7200	0.694
2424	1	1448	3600	0.402
2428	1	1246	3600	0.346
2432	1	1063	3551	0.299

**Average 0.421**

\*Floor area and lot size based on zillow.com as of May 8, 2017

\*\* Floor area does not include garage or other non-livable areas.

\*\*\* These homes are McKinley Ave. but have Olive Ave. addresses.

(Revised 6.13.17)

*Tom Ballin*

## Neighborhood FAR Calculation\*

### ClarkAve.

**Total Homes: 31\*\***

**Total Single Stories: 26 FAR AVERAGE 0.377**

**Total Two Stories: 5**

**Total Three Stories: 0**

ADDRESS	STORIES	FLOOR AREA sq. ft.***	LOT AREA sq. ft.	FAR
2313	1	840	3601	0.233
2317	2	2982	3600	0.828
2321	1	860	3601	0.238
2325	Unknown	Unknown	3601	Unknown
2329	1	1400	3601	0.388
2333	1	720	3600	0.200
2337	1	1378	3602	0.382
2341	1	1000	3613	0.276
2405	1	854	3603	0.237
2409	2	1592	3602	0.441
2413	2	2002	3603	0.555
2417	1	1008	3603	0.279
2421	1	878	3604	0.243
2425	1	1124	3604	0.311
2429	1	904	3603	0.250
2433	2	2124	3577	0.593
2314	1	1655	3601	0.459
2318	1	1039	3599	0.288
2322	1	1172	3601	0.325
2326	2	2900	3601	0.805
2330	1	1508	3600	0.418
2334	1	1150	3600	0.319
2338	1	2432	3601	0.675
2342	1	1590	3608	0.440
2404	1	878	3601	0.243
2408	1	1153	3600	0.320
2412	1	962	3599	0.267
2416	1	1008	3600	0.280
2420	1	1232	3600	0.342
2424	1	1084	3599	0.301
2428	1	1070	3600	0.297
2432	1	1718	3600	0.477

**Average FAR 0.377**

\*Floor area and lot size based on zillow.com as of May 8, 2017

\*\* Floor area does not include garage or other non-livable areas.

\*\*\* Information for 2325 Clark Ave. is unavailable.

(Revised 6.13.17)

*Tommy Ballantyne*

### Neighborhood FAR Calculation\*

#### ClementAve.

**Total Homes: 32**

**Total Single Stories: 21 FAR AVERAGE 0.442**

**Total Two Stories: 11**

**Total Three Stories: 0**

ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
2313	1	1459	3599	0.405
2317	1	860	3599	0.238
2321	1	1082	3599	0.300
2325	2	2781	3599	0.772
2329	2	3229	3599	0.896
2333	1	1224	3599	0.340
2337	2	3012	3599	0.836
2341	1	1680	3606	0.465
2405	1	864	3599	0.240
2409	1	860	3600	0.238
2413	1	1347	3599	0.374
2417	2	2506	3600	0.696
2421	1	1306	3598	0.362
2425	2	2966	3600	0.823
2429	2	2455	3602	0.681
2433	1	1099	3622	0.303
2314	2	2286	3601	0.634
2318	2	1764	3484	0.506
2322	2	1874	3600	0.520
2326	1	1074	3601	0.298
2330	1	914	3602	0.253
2334	1	1076	3600	0.298
2338	1	1241	3602	0.344
2342	2	2948	3600	0.818
2404	1	1138	3602	0.315
2408	2	2245	3615	0.623
2412	1	700	3484	0.200
2416	1	1153	3602	0.320
2420	1	1130	3603	0.313
2424	1	914	3600	0.253
2428	1	832	3602	0.230
2432	1	968	3655	0.264

*Tony Baller*

**Average FAR 0.442**

\*Floor area and lot size based on zillow.com as of May 8, 2017

\*\* Floor area does not include garage or other non-livable areas.

(Revised 6.13.17)

## Neighborhood FAR Calculation\*

### Frey Ave.

**Total Homes: 32**

**Total Single Stories: 25 FAR AVERAGE 0.401**

**Total Two Stories: 7**

**Total Three Stories: 0**

\*Floor area and lot size based on zillow.com as of May 7, 2017

ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
2313	2	2932	3600	0.814
2317	2	3008	3598	0.836
2321	1	1074	3600	0.298
2325	1	1168	3600	0.324
2329	1	1444	3600	0.401
2333	1	934	3601	0.259
2337	1	940	3600	0.261
2341	2	2586	3605	0.717
2405	1	973	3602	0.270
2409	1	1044	3603	0.289
2413	1	914	3603	0.253
2417	2	1665	3603	0.462
2421	1	832	3603	0.230
2425	2	2640	3600	0.733
2429	2	3050	3615	0.843
2433	1	930	3679	0.252
2314	1	1080	3606	0.299
2318	1	1135	3606	0.314
2322	1	1300	3606	0.360
2326	1	1100	3605	0.305
2330	1	900***	3600	0.250
2334	1	961	3602	0.266
2338	1	1358	3603	0.376
637 Olive****	2	3650	3600	1.013
2404	1	1742	3600	0.483
2408	1	1208	3600	0.335
2412	1	1059	3599	0.294
2416	1	939	3598	0.260
2420	1	860	3598	0.239
2424	1	1039	3597	0.288
2428	1	930	3598	0.258
2432	1	968	3699	0.261

✓ Tony Ballentine

**Average FAR 0.401**

\*\* Floor area does not include garage or other non-livable areas.

\*\*\* Floor area is not available. This is an estimate based on photo of house.

\*\*\*\* This house is on Frey Ave. but has an Olive Ave. address

(Revised 6.13.17)

**Neighborhood FAR Calculation\***

**2334 Cloy Ave. Three Story Proposed Development**

**Total Homes: 31**

**FAR AVERAGE: 0.366**

**Total Single Stories: 27**

**Total Two Stories: 4**

**Total Three Stories: 0**

CLOY ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
2313	1	990	3601	0.274
2317	1	1359	3601	0.377
2321	1	1325	3600	0.368
2325	2	3408	3602	0.946
2329	1	2252	3601	0.625
2333	1	1090	3602	0.302
2337	1	1112	3602	0.308
2341	2	2700	3602	0.749
2405	1	930	3600	0.258
2409	1	1263	3602	0.350
2413	1	1408	3602	0.390
2417	1	1256	3603	0.348
2421	1	1130	3603	0.313
2425	1	844	3603	0.234
2429	1	1317	3602	0.365
2433	1	1317	3780	0.348
2314	2	1912	3590	0.532
2318	2	1924	3593	0.535
Vacant lot			3600	
2326	1	949	3594	0.264
2330	1	1190	3594	0.331
2334	1	832	3593	0.231
2338	1	1600	3600	0.444
2342	1	930	3594	0.258
2404	1	700	3594	0.194
2408	1	832	3596	0.231
2412	1	984	3596	0.273
2416	1	1042	3596	0.289
2420	1	1168	3600	0.324
2424	1	1238	3597	0.344
2428	1	1148	3596	0.319
2432	1	914	3754	0.243

*Tommy B. Black*

**AVERAGE FAR: 0.366**

\*Floor area and lot size based on zillow.com as of April 7, 2017

\*\*Floor area does not include garage or other non-livable areas

(Revised 6.13.17)

**Neighborhood FAR Calculation\*****Boone Ave.****Total Homes: 30****Total Single Stories: 20 FAR AVERAGE 0.399****Total Two Stories: 9****Total Three Stories: 1**

ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
2313	2	1482	2755	0.537
2317	1	930	3605	0.257
2321	1	1000	3606	0.277
2325	1	860	3606	0.238
2329	1	1008	3606	0.279
2333	1	1130	3606	0.313
2337	2	2086	3605	0.578
2341	2	2040	3606	0.565
2405	1	1283	3600	0.356
2409	1	1016	3604	0.281
2413	1	1016	3605	0.281
2417	1	878	3604	0.243
2421	2	1672	3605	0.463
2425	2	2179	3605	0.604
2429	1	930	3600	0.258
2433	1	1714	3783	0.453
2324	3	3911	5004	0.780
2334	1	1136	3600	0.315
2336	2	2810	3599	0.780
2340	1	765	3599	0.212
2344	2	2914	3599	0.809
2348	2	1782	3599	0.490
2404	1	1152	3598	0.320
2408	1	1308	3600	0.363
2412	2	2104	3599	0.584
2416	1	930	3600	0.175
2420	1	968	3601	0.268
2424	1	1150	3599	0.319
2428	1	1244	3600	0.345
2432	1	930	3870	0.240

**Average FAR 0.399**

\*Floor area and lot size based on zillow.com as of May 4, 2017

\*\* Floor area does not include garage or other non-livable areas.

(Revised 6.13.17)

*Tom Ballantyne*

**Neighborhood FAR Calculation\***

**2325 Wilson Ave.**

**Total Homes: 25 FAR AVERAGE: 0.453**

**Total Single Stories: 16**

**Total Two Stories: 9**

**Total Three Stories: 0**

WILSON ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
2325	1	700	4800	0.145
2329	2	3242	3600	0.900
2337	2	3005	3602	0.834
2341	2	2970	3602	0.824
2345	1	832	3484	0.238
2405	2	2748	3600	0.763
2409	2	2499	3602	0.693
2413	2	3059	3599	0.849
2417	1	930	3600	0.258
2421	1	1305	3600	0.362
2425	1	930	3598	0.258
2429	2	2870	3599	0.797
2433	1	1099	3830	0.286
2334	1	1050	3321	0.316
2340	1	1012	3600	0.281
2344	1	753	3600	0.209
2348	1	930	3599	0.258
2404	1	832	3599	0.231
2408	2	1966	3600	0.546
2412	1	1014	3600	0.281
2416	1	700	3600	0.194
2420	2	2993	3600	0.831
2424	1	1776	3600	0.493
2428	1	930	3599	0.258
2432	1	930	3858	0.241

**AVERAGE FAR 0.453**

*Tolly Ballante*

\*Floor area based on zillow.com as of April 7, 2017

\*\* Floor area does not include garage or other non-livable areas.

(Revised 6.13.17)

### Neighborhood FAR Calculation\*

#### Bryan Ave.

**Total Homes: 17**

**Total Single Stories: 14 FAR AVERAGE 0.379**

**Total Two Stories: 3**

**Total Three Stories: 0**

ADDRESS	STORIES	FLOOR AREA sq. ft.**	LOT AREA sq. ft.	FAR
684***	2	1930	3117	0.619
2337	1	700	3600	0.194
2341	1	1100	3601	0.305
2405	1	939	3599	0.260
2409	1	930	3598	0.258
2413	1	1168	3600	0.324
2417	1	1066	3597	0.296
2421	2	3111	3598	0.864
2425	2	2008	3596	0.558
2429	1	1405	3596	0.390
2433	1	1271	3872	0.328
2340	1	922	2732	0.337
2402	1	1160	3901	0.297
2408	1	1370	3898	0.351
2412	1	1266	3900	0.324
2416	1	1684	3900	0.431
2420	1	1260	3897	0.323

*Terry Ballata*

**Average FAR 0.379**

\*Floor area and lot size based on zillow.com as of May 4, 2017

\*\* Floor area does not include garage or other non-livable areas.

\*\*\* This property is on Bryan Ave. but has a Mildred Ave. address.

(Revised 6.13.17)

### Neighborhood FAR Calculation\*

Olive Ave. East of Bryan Ave.

**Total Homes: 5**

**Total Single Stories: 4 FAR Average 0.243**

**Total Two Stories: 1**

ADDRESS	STORIES	FLOOR AREA sq. ft. **	LOT AREA sq. ft.	FAR
688***	1	1164	Unknown	unknown
678	2	2371	9031	0.262
682	1	700	6109	0.114
688	1	1051	4486	0.234
690	1	1172	3207	0.365

**Average FAR 0.243**

**Total Three Stories: 0**

\*Floor area and lot size based on zillow.com as of May 4, 2017

\*\* Floor area does not include garage or other non-livable areas.

\*\*\* This property is on Olive Ave. but has a Mildred Ave. address.

*Terry Ballard*

(Revised 6.13.17)

# Exhibit 4

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 OceanGate, Suite 1600  
 Long Beach, CA 90802-4302  
 (562) 590-5071

**F21b**

Filed: 4/17/15  
 Denied: 8/12/15  
 Staff: Z. Rehm-LB  
 Staff Report: 1/22/16  
 Hearing Date: 2/12/16

**STAFF REPORT: REVISED FINDINGS**

**Application Number:** A-5-VEN-15-0026

**Applicant:** 422 Grand Blvd LLC

**Agents:** Rosario Perry, Melinda Gray, Fred Gaines, Sherman Stacey

**Project Location:** 418-422 Grand Boulevard (Lot Nos. 7 & 8, Block 3, Tract 9358), Venice, City of Los Angeles, Los Angeles County (APN Nos. 8614-017-003 and 4232-013-004).

**Project Description:** Construct three-story, 35 foot high, 3,913 square foot single-family home, two-car garage, and swimming pool; and consolidate two lots at 418-422 Grand Boulevard.

**Commissioners on Prevailing Side:** Mitchell, Turnbull-Sanders, Uranga, Cox, Groom, Howell, McClure, Kinsey

**Staff Recommendation:** Adopt the revised findings.

**SUMMARY OF STAFF RECOMMENDATION COMMISSION ACTION**

**Staff is recommending that the Commission adopt the following revised findings in support of the Commission's action on August 12, 2015 to deny Coastal Development Permit Application No. A-5-VEN-15-0026.**

At a public hearing on June 11, 2015, the Commission found that the appeal of local Coastal Development Permit No. ZA-2014-1358-CDP-1A, issued by the City of Los Angeles, raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act. The Commission is now required to hold a de novo hearing on the merits of the project.

As originally proposed, the structure was inconsistent with the size and mass of neighboring residential structures and with the character of the community. In consultation with Commission staff, the applicant has revised the proposed plans to reduce the size of the structure by approximately 600 square feet. The applicant has redesigned the front façade to feature a stepped back design, reducing the mass of the structure by removing approximately half of the front portion of the third story which fronts Grand Boulevard. The applicant has also proposed a three-foot high fence and drought tolerant non-invasive landscaping in the front yard in an effort to provide a more pedestrian-friendly scale consistent with the community character.

In its action at the de novo hearing on August 12, 2015, the Commission determined that, even as modified, the proposed single family home was not consistent with the visual resources and minimization of adverse impacts policies of the Coastal Act. In particular, the proposed home, especially when considered in combination with the related development proposed at 416 Grand Boulevard, was inconsistent with the scale, mass, and character of the surrounding residential neighborhood. Additionally, the Commission found that approval of the application would have an adverse cumulative effect on the special coastal community of Venice and would prejudice the ability of the City of Los Angeles to prepare a certified local coastal program for Venice.

~~Staff recommends approval of Coastal Development Permit Application No. A-5-VEN-15-0026 with special conditions requiring the applicant to implement construction best management practices, provide drought tolerant non-invasive landscaping, rain cisterns, and a pool cover, minimize fence height, and undertake development in accordance with the approved final plans.~~

The project is proposed on two graded lots in the middle of a residentially zoned block (RD1.5-1-O) in the North Venice subarea within the City of Los Angeles Single Permit Jurisdiction area. The proposed project fronts Grand Boulevard, a wide street paved on top of the original Grand Canal of Venice, developed by Abbot Kinney in the early 1900s. The site is approximately 1,000 feet inland of Venice Beach and Ocean Front Walk (Exhibit 1). Grand Boulevard and the surrounding residential blocks feature **predominately** single-family residences and duplexes of varying architectural styles, ranging from one-story to **The homes on the subject block and in the surrounding neighborhood are mostly one and two-stories, with many wood bungalows; there are only a few three-story plus-roofdeck modern glass structures** (Exhibit 4).

Both residential lots proposed for development are approximately 25-feet wide by 90-feet deep. In addition, a separate De Novo Coastal Development Permit (CDP) application is pending with the Coastal Commission for development of a two-story, 29 foot high, 1,800 square foot single-family home and attached two car-garage on the adjacent lot at 416 Grand Boulevard. Separate applications are pending with the Los Angeles Department of City Planning for a two-story 1,462 square foot home plus 420 square foot two-car garage and a three-story 4,848 square foot home plus roofdeck and 397 square foot two-car garage on three adjoining lots to the east (424-428 Grand Blvd), one of which lots are currently graded and the latter two of which are currently developed with a 1940s era duplex.

## B. PROJECT HISTORY

The subject development is proposed across two lots at 418 and 422 Grand Boulevard, which were previously developed with portions of two different duplexes (there was one duplex over two lots at 416-418 Grand Blvd and a second duplex over two lots at 422-424 Grand Blvd). The two duplexes were constructed over four residential lots (Lots 6, 7, 8, & 9, Block 3, Tract 9358) in 1947. The applicant purchased 416-418 Grand Boulevard on July 30, 2012 and 422-424 Grand Boulevard on August 8, 2012. On June 27, 2013, after reviewing information submitted by the applicant, the City of Los Angeles Housing and Community Investment Department determined that all four units within the two pre-existing duplexes qualified as affordable under the City's Interim Administrative Procedures for Complying with the Mello Act.

On September 17, 2013, the Los Angeles Director of Planning issued a Venice Sign Off and a Mello Clearance for the demolition of each of the two duplexes (DIR-2013-2903-VSO-MEL and DIR-2013-2910-VSO-MEL). The City's Mello Act Coordinator determined that it was infeasible to provide replacement affordable housing units on-site or off-site. Each feasibility study was accompanied a one page Mello Act Compliance Review Worksheet which defines *feasible*: "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors."

On October 22, 2013, the same applicant submitted Coastal Development Permit Application No. 5-13-0949 to the Commission proposing to demolish two pre-existing duplexes spanning four residential lots and construct a three-story, 30-foot high, 6,166 three story single-family home. The proposed development would have consolidated three lots. In a letter dated November 19, 2013, Commission staff notified the applicant's representative that the proposed development was inconsistent with the standards of the Coastal Act and the certified Venice Land Use Plan and encouraged the applicant to modify the project and apply for a local coastal development permit from the City of Los Angeles.

- ii. *Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street...*
- iii. *Front porches, bays, and balconies shall be provided to maximize architectural variety.*

The project originally proposed under Coastal Development Permit Application No. 5-13-0949 was a three-story, 30-foot high, 6,166 three story single-family home over three lots, which was inconsistent with Sections 30251 and 30253 of the Coastal Act and with the policies of the certified LUP because it was not visually compatible with the character of the surrounding area. The structure was not consistent with the scale, massing, and landscape of the existing residential neighborhood and the proposal to construct one house over three lots was inconsistent with the policies of the certified LUP.

The applicant withdrew the referenced proposed 6,166 square foot house from the original CDP application and modified the proposed project to include a three-story, 35-foot high, 4,816 square foot single-family home with an attached 367 square foot two-car garage on the subject two lots and a 1,064 square foot single family home on a third adjacent lot. That proposal was approved by the City of Los Angeles but the Commission found that the project raised a substantial issue with respect to consistency with Chapter 3 of the Coastal Act, specifically the policies related to scenic and visual qualities and community character referenced above.

The applicant has since modified the proposed project and submitted revised plans which feature a three-story, 35-foot high, 3,913 square foot single-family home with attached 367 square foot two-car garage and a swimming pool on two adjoining lots at 418-422 Grand Boulevard. The revised plans reduce the size and mass of the structure by removing approximately half of the front portion of the third story which fronts Grand Boulevard (approximately 600 square feet; see **Exhibit 3**). The revised plans also call out enlarged windows and design articulations on the front façade of the house. The revised plans propose drought tolerant non-invasive landscaping, gutters and downspouts, and rain catchment cisterns in the side yards.

The Commission finds that even as modified, the revised proposal is significantly more not consistent with the scale, massing, and landscape of the existing residential neighborhood and would not be visually compatible with the character of the surrounding area. There are several other three-story structures on the subject block, including a 2,798 square foot single family home at 404 Grand Blvd. and 3,159 square foot single family home at 406 Grand Blvd. approved by the Executive Director under waivers of coastal development permit requirements (5-13-040-W and 5-12-222-W; see photos in **Exhibit 4**). Those homes were built to nearly the maximum size allowed by the zoning code and the certified LUP, and included roofdecks and narrower front setbacks than the subject application. There is also a two story, 3,362 square foot four-unit apartment building to the west of the subject site at 414 Grand Blvd. and a three-story 2,526 square foot single family home at 434 Grand Blvd. There are two one-story structures at 426-428 Grand Blvd. to the east of the subject site and many one and two-story structures on the opposite side of the street.

**The Commission finds that the referenced existing large structures do not represent the prevailing pattern of development on the subject block or the character of the special**

coastal community of Venice. The size of the proposed home would be greater than any of the existing structures on the subject block, including the four unit apartment building. The proposed development would be out of scale with the character of the neighborhood, especially when considered in combination with the related, proposed structure at 416 Grand Boulevard. The fact that other large homes exist in the area and are allowed by the zoning code does not mean that every property owner is entitled to maximize the development potential of every site. Section 30251 of the Coastal Act states that the scenic and visual qualities of an area shall be considered as a resource of public importance and Section 30253 states that special communities and neighborhoods shall be protected. The subject application would not be consistent with the scenic and visual resources of the area and would have an adverse cumulative effect on the community character of Venice, which is defined as a special coastal community in the certified Land Use Plan.

The revised proposal features a 15-foot front yard setback with a three-foot high front yard fence setback one foot from the sidewalk adjacent to Grand Boulevard. In order to ensure that the development preserves the pedestrian scale which contributes to the unique character of the community as outlined in the certified LUP, **Special Condition 3** requires that the front fence in the 15-foot front yard setback area shall be constructed no higher than three feet above grade as measured from the public sidewalk adjacent to Grand Boulevard. The side and rear yard fences shall be constructed no higher than six feet at any point as measured from natural grade.

The revised proposal is also consistent with the existing landscape of the community because it provides drought tolerant non-invasive landscaping in the 15-foot front setback, which will be visible from the sidewalk and will provide contrast from the front façade of the home.

The revised proposal includes the use of different materials from the home proposed next door by 416 Grand Blvd LLC (which is controlled by the same applicant) under the related, but separate, Coastal Development Permit No. A-5-VEN-15-0027 (**Exhibit 3**). The proposed three-foot high fences fronting each of the two proposed developments are also distinct from one another in design. To further separate the two developments so that they do not function as one compound, which would be inconsistent with the character of the community as identified in the certified LUP, the applicant proposes and **Special Condition 3** requires that the side yard fence at the west side of the property (between the swimming pool on the subject site and the adjacent property at 416 Grand Boulevard) shall be maintained in a functional state throughout the life of the development.

In order to ensure that the development is carried out as shown on the revised plans, consistent with the size and scale of surrounding structures and with the pedestrian scale which contributes to the unique character of the community as outlined in the certified LUP, **Special Condition 4** requires the applicant to undertake development in accordance with the approved final plans, specifically including the site plan, landscaping plan, and drainage plan.

As described in the staff report for the Commission's certification of Venice's Land Use Plan, allowing large homes to be constructed on two or more consolidated lots significantly changes the character of neighborhoods: "The major threat to the unique character of the small pedestrian oriented scale of many Venice neighborhoods is lot consolidations. Very large new residential projects built across two or more consolidated lots would be

substantially out of scale and character with the older small-lot Venice neighborhoods.” See <http://documents.coastal.ca.gov/reports/2000/11/T10e-11-2000.pdf> (pp. 38, 44-45). Accordingly, Venice Land Use Plan Policy I. A. 1 b forbids lot consolidations in some areas and significantly restricts it in others. Under this policy, proposals to consolidate two lots may be found to be consistent with the Coastal Act and with the Venice LUP only if proposed structures are articulated to provide a pedestrian scale and are designed to be visually compatible with surrounding structures.

Here, the proposed home, even as modified, is not consistent with the scale, mass, and landscape of the surrounding development. It does not feature substantial articulation, aside from the sloped roof which has been designed to meet the allowance for an extra five feet of building height beyond the thirty-feet permitted for flat roofs in the North Venice subarea. The architectural style of the home is also similar to that of the proposed adjacent structure at 416 Grand Boulevard, and the two have been designed to surround what appears to be a common courtyard and pool area. Both on its own as well as when analyzed cumulatively with the proposed adjacent structure, the proposed development is not consistent with Section 30251 of the Coastal Act because it will not be visually compatible with the character of surrounding area, which features primarily smaller, one and two story single family residences on single lots.

Opponents of the proposed project assert that the City’s public hearing procedures violated Venice residents’ due process, did not comply with the California Environmental Quality Act, and did not comply with California Government Code Section 65590 (the Mello Act). They argue that the Venice LUP contains standards for implementation of the Mello Act which the City of Los Angeles ignored.

The California Legislature amended the Coastal Act to remove some specific policies related to the Commission’s direct authority to protect affordable housing in the coastal zone. Section 30604 of the Coastal Act, as amended, contains the following policies:

*(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.*

*(g) 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.*

replacement affordable housing units because the City determined that it was not feasible to provide replacement affordable housing units, pursuant to the provision of the Mello Act.

The Commission has no jurisdiction to alter the City's Mello Act determinations. The California Government Code makes it clear that it is the responsibility of the local government to implement Section 65590. Nor can the Commission invalidate the City's California Environmental Quality Act determination. In its substantial issue analysis, the Commission found that the appellant's contentions regarding the City's Mello Act and CEQA determinations did not raise a substantial issue because the Commission does not have jurisdiction to review those contentions.

For the reasons discussed above, the development is located proposed within an existing developed area that because of its unique characteristics is a popular destination point for recreational uses. In order to be consistent with the visual resources and minimization of adverse impacts policies of the Coastal Act, new development must be designed to be visually compatible with the character of surrounding areas and to and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on visual resources and community character. The proposed home is larger than any other structure on the subject block and, both individually and in combination with the related, adjacent proposed home at 416 Grand Ave., is inconsistent with the character of the area. Therefore, the Commission finds that the development, as conditioned, denies the proposed development due to its inconsistency with Sections 30251 and 30253 of the Coastal Act.

#### D. WATER QUALITY

As originally submitted by the applicant and approved by the City of Los Angeles, the proposed project was not consistent with Section 30231 of the Coastal Act, which states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The City approved development was not consistent with Section 30231 of the Coastal Act because the site plan did not call out on-site drainage devices and the special conditions of the approved permit did not require construction best management practices to prevent discharge of construction debris into coastal waters. The City-approved development did not include a landscape plan or requirement for drought tolerant landscaping. The City-approved development did not include features or requirements for controlling runoff or surface water flow generated on site or from storm events. Additionally, the City's approval was not consistent with section 30253(d) of the Coastal Act which requires new development to minimize energy use because it did not include requirements for low water/energy use appliances or other features designed to reduce resource use during California's extreme drought. Project opponents also argued that the proposed swimming pool was not appropriate during California's extreme drought.

The City of Los Angeles is in the process of preparing a Local Coastal Program for the Venice area. Approval of the project, as conditioned proposed, will not would prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act. In particular, approving this home and the related home at 416 Grand Ave. would modify the character of the neighborhood, thereby making it more difficult for the City to adopt a Local Coastal Program that preserves and protects the existing community character. Protecting community character is a classic cumulative impacts issue, and this project—especially when considered in combination with the related proposal at 418-422 Grand Ave. and other past, current and probable future projects—would prejudice the City's ability to prepare and adopt an LCP that protects the community's existing character. Therefore, the Commission denies the proposed development, consistent with the provisions of Section 30604 (a) of the Coastal Act.

### G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City is the lead agency for CEQA compliance and after preparing an Initial Study, the City adopted Mitigated Negative Declaration No. ENV-2014-1357-MND.

As conditioned proposed, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. The development has not been designed to eliminate adverse effects to community character and visual resources. The applicant could construct up to four less massive homes on the two lots subject to this application, each of which could be designed consistent with the character of the surrounding area and with the Chapter 3 policies of the Coastal Act, thereby mitigating the project's visual and aesthetic impacts. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA denies the proposed project because of the availability of environmentally preferable alternatives.

In any event, CEQA does not apply to private projects that public agencies deny or disapprove. Pub. Res. Code § 21080(b)(5). Accordingly, because the Commission denied the proposed project, it is not required to adopt findings regarding mitigation measures or alternatives.

### Appendix A – Substantive File Documents

1. City of Los Angeles Certified Land Use Plan for Venice (2001)
2. Coastal Development Permit Waiver No. 5-13-0949-W
3. City File for Local Coastal Development Permit ZA-2014-1356-CDP-1A
4. City File for Local Coastal Development Permit ZA-2014-1358-CDP-1A

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
200 OceanGate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



# F11c, F11d & F11e

Filed: 8/31/2015  
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Staff: S. Vaughn – LB  
Staff Report: 9/24/2015  
Hearing Date: 10/9/2015

## STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

**Appeal Numbers:** A-5-VEN-15-0052, A-5-VEN-0053, & A-5-VEN-15-0054

**Applicant:** Fabian Bever, California Eco Homes, LLC

**Agent:** Robert Thibodeau, DU Architecture & Design

**Local Government:** City of Los Angeles

**Local Decision:** Approval with Conditions

**Appellants:** Lydia Ponce, George Gineris, Robin Rudisill, & Mark Kleimen

**Project Location:** 217, 219, & 221 E Venice Way, Venice Beach, Los Angeles County (APN 4238-021-022)

**Project Description:** Appeals by Lydia Ponce, George Gineris, Robin Rudisill, & Mark Kleimen from decision by City of Los Angeles granting three coastal development permits with conditions for development of 3 adjoining residential lots, including demolition of a 2-story 4-unit apartment building and construction of (3) 3-story single-family residences: 1) approximately 35-feet high, 2,680 sq. ft. on a 1,958 sq. ft. lot; 2) approximately 35-feet high, 2,631 sq. ft. on a 1,974 sq. ft. lot; and 3) approximately 35-feet high, 2,662 sq. ft. on a 1,990 sq. ft. lot. Each with an attached 322 sq. ft. 2-car garage, a 10 ½ -foot front yard setback, and a 38-foot high roof access structure.

**Staff Recommendation:** Determine that a substantial issue exists.

**IMPORTANT NOTE:** The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

## SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the project's conformity with Chapter 3 of the Coastal Act. The City-approved projects are not consistent with the community character of the surrounding area.

On July 14, 2015, the City approved three local CDPs (ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833) for the same applicant (California Eco Homes, LLC) approving the demolition of a two-story, four-unit apartment building that spans three residential lots, and the construction of three, three-story single-family residences (one on each lot) described as follows: 1) approximately 35-feet high, 2,680 sq. ft. on a 1,958 sq. ft. lot; 2) approximately 35-feet high, 2,631 sq. ft. on a 1,974 sq. ft. lot; and 3) approximately 35- feet high, 2,662 sq. ft. on a 1,990 sq. ft. lot. Each with an attached 322 sq. ft. 2-car garage, a 10.5-foot front yard setback, and a 38-foot high roof access structure.

Section 30251 and 30253(e) require the protection of scenic and visual qualities of coastal areas with section 30253(e) particularly requiring the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses. The certified Venice Land Use Plan (LUP) states that, the character and scale of single-family neighborhoods should be maintained and that infill development should be allowed provided that it is compatible with and maintains the density, character, and scale of the existing development (Policy LA.2). Additionally, a coastal issue raised in the LUP is the preservation of community character, scale, and architectural diversity of Venice as a Special Coastal Community.

The City-approved projects also appear to raise a substantial issue as to their conformity with Section 30251 the Coastal Act which requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and be visually compatible with the character of the surrounding area. The City-approved projects also raise a substantial issue as to their conformity with Section 30253(e) of Coastal Act which requires the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses.

The subject site is approximately 1,300 feet inland of Venice Beach in the North Venice subarea, which features homes and commercial businesses of varying architectural styles, ranging from one-story wood bungalows to three-story-plus-roofdeck modern glass structures. The development on the block on which the City-approved projects reside is primarily single-story, single-family residences, however there are a few larger apartment buildings and two-story single-family residences across the street. The design of the City-approved project is not consistent with the character of the area, as the scale and mass of the 38-foot high projects are larger than what exists on the block. The projects have been designed to the maximum allowable height for the area and include an adjustment for the front-yard setback of 10.5 feet from the property line as opposed to the normally required 15-foot front-yard setback. The City-approved residences would be taller and larger than any other single-family residences on the block. Therefore, the projects as approved by the City will cumulatively change the character of the Venice community raise a substantial issue as to their conformity with the Coastal Act.

However, the LUP does have policies to preserve and protect stable multi-family residential neighborhoods (Policies I.A.5 and I.E.1), which can be interpreted to preserve the existing housing stock. The building that the City approved for demolition is a four-unit apartment building and has the capacity to provide housing units accessible to a wide spectrum of the population. The City-approved project, on the other hand, would yield three single-family housing units, which would only be accessible to a limited spectrum of the population. As approved by the City, the project would eliminate multi-family residential units and replace them with fewer single-family units, thereby reducing the housing stock in this neighborhood and changing the character of the neighborhood from multi-family to single-family. Considered cumulatively, City's actions contradict LUP Policy I.A.5, which asserts that multi-family neighborhoods, and therefore apartment buildings such as the one that the City approved for demolition, should be preserved and protected.

The appellants also contend that the City-approved development is not consistent with Sections 30251 and 30253 of the coastal act because the bulk and scale of the structures may not be consistent with the character of the North Venice subarea.

Sections 30251 and 30253 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, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. The North Venice subarea includes Abbot Kinney Boulevard and Grand Boulevard, and Venice Way, each developed in the early 20<sup>th</sup> century as part of Mr. Kinney's vision for a free and diverse society. Exhibit 2 features a map of the Historic Venice Canals.

While the certified Venice LUP is not the standard of review for finding substantial issue, the policies provide guidance from which the Commission can evaluate the adequacy of a project's mitigation of impacts. In its adoption of the certified LUP, the Commission recognized Venice's unique community character and popularity as a visitor serving destination, and as such, it is imperative that any new development be designed consistent with the community character of the area.

When the LUP was certified in 2001, the Commission considered the potential impacts that development could have on community character and adopted residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies for determining whether or not the project is consistent with sections 30251 and 30253 of the Coastal Act. In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of existing residential neighborhoods.

In its findings that the projects are in character with the surrounding area, the City acknowledges that residential developments on this particular block are primarily one-story developments. The City does make reference to other large, modern homes which have recently been approved in the area. Of the 16 developments that the City referenced, 13 of them are not on the same block as the subject projects, and the three that are the same block are the subject of these appeals (pages 6 – 9, 38 – 41, and 57 – 60 of EXHIBIT 4).

When analyzed in combination with the existing residential development on the same block, which boasts one and two-story single-family homes and apartment buildings, the projects are out of character with the surrounding structures because they don't respect the prevailing height or mass of the existing residences. As such, the projects do not conform to Policy I.E.2 of the Venice LUP, which states that "new development within Venice shall respect the scale and character of community development." Given the proposed developments' relative disproportionate height, mass, and facade, the three homes are not consistent with 30251 of the Coastal Act because they will not be visually compatible with the character of surrounding areas. The City's approval of all three structures is not consistent with Section 30253 because it does not protect the character of the Venice community, which is a popular visitor destination points for recreational uses.

The City's Notice of Final Local Action for Local Coastal Development Permit Nos. ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833 and accompanying staff reports and file records state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

A substantial issue exists with respect to the projects' conformance with Chapter 3 of the Coastal Act, and with the approval of all three local coastal development permits, because the City-approved projects do not adequately mitigate the potential community character impacts of the development. This impact could be mitigated if the projects were redesigned or conditioned to require features to minimize building height and size, not provided larger front yard setbacks, and articulate each structure consistent with surrounding development.

Only with careful review of the City-approved projects can the Commission ensure that community character is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the projects at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect to the City-approved projects' conformance with Chapter 3 policies of the Coastal Act, including section 30251 and 30253.

Applying the five factors listed in the prior section clarifies that the appeals raise "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, do meet the substantiality standard of Section 30265(b)(1), because the nature of the City-approved projects and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the developments are consistent or inconsistent with the relevant provisions of the Coastal Act. With regard to the community character policies of the Coastal Act, the City's findings state that "[t]he scale and massing of the proposed building[s] [are] atypical compared to the existing development along this block face, [they are] consistent with other residential structures on the block within the immediate vicinity...[i]t is noted that [these] project[s] [are] proposed concurrently...[each of these] homes will feature a similar scale, massing and landscaping...[w]hile the LUP encourages new construction to be of similar scale and massing with the community, this policy has not yet been implemented through a certified LUP, and the project does not exceed existing development maximums for height or floor area." The City has shown that they have analyzed the residential building standards of the certified Venice Land Use Plan and that the proposed developments are "atypical" regarding community character in this area, yet they determined that the projects are consistent with

A-5-VEN-15-0052, A-5-VEN-15-0053, A-5-VEN-15-0054  
(Fabian Bever, California Eco Homes, LLC)  
Appeal – Substantial Issue

the certified LUP and Sections 30251 and 30253 of the Coastal Act and, as such, doesn't appear to have the proper factual and legal support to justify its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing development is a two-story, four-unit apartment building that spans three lots and was built in 1947. The City-approved development would demolish the apartment building and allow construction of three residential structures on the three lots. The three new structures are much larger than the existing apartment building and much larger than the predominately single-story single-family homes on the same block. The massing of the three structures will be exceptionally out of character with the surrounding development. As approved by the City, the project would eliminate multi-family residential units and replace them with fewer single-family units, thereby reducing the housing stock in this neighborhood and changing the character of the neighborhood from multi-family to single-family. Considered cumulatively, the replacement of the apartment building with large single-family residences can cumulatively affect the character of the neighborhood.

The third factor is the significance of the coastal resources affected by the decision. Venice is a unique coastal resource. The cumulative effects of the City-approved demolition are significant. The City-approved projects, and others like it would negatively impact the character of the community because the large scale of the buildings is not consistent with the surrounding development pattern. Therefore, the development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP but it does have a certified Land Use Plan. The City-approved development is not consistent with the community character standards set forth in the certified Venice LUP. Thus, the project, as approved and conditioned, raises a substantial issue with regard to the project's conformity with the community character policies Chapter 3 of the Coastal Act and the certified Venice LUP and would have the potential to set a negative precedent for future development.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to community character. In this case, the City-approved projects are not in conformity with the Chapter 3 policies of the Coastal Act and therefore, the Commission finds that the appeals raise a substantial issue as to conformity with the Chapter 3 policies.

## Appendix A – Substantive File Documents

City of Los Angeles certified Land Use Plan for Venice (2001)

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
 200 OceanGate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5171



# F11c, F11d & F11e

Filed: 8/31/2015  
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## STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

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**Applicant:** Fabian Bever, California Eco Homes, LLC

**Agent:** Robert Thibodeau, DU Architecture & Design

**Local Government:** City of Los Angeles

**Local Decision:** Approval with Conditions

**Appellants:** Lydia Ponce, George Gineris, Robin Rudisill, & Mark Kleimen

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**Staff Recommendation:** Determine that a substantial issue exists.

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## SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the project's conformity with Chapter 3 of the Coastal Act. The City-approved projects are not consistent with the community character of the surrounding area.

On July 14, 2015, the City approved three local CDPs (ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833) for the same applicant (California Eco Homes, LLC) approving the demolition of a two-story, four-unit apartment building that spans three residential lots, and the construction of three, three-story single-family residences (one on each lot) described as follows: 1) approximately 35-feet high, 2,680 sq. ft. on a 1,958 sq. ft. lot; 2) approximately 35-feet high, 2,631 sq. ft. on a 1,974 sq. ft. lot; and 3) approximately 35- feet high, 2,662 sq. ft. on a 1,990 sq. ft. lot. Each with an attached 322 sq. ft. 2-car garage, a 10.5-foot front yard setback, and a 38-foot high roof access structure.

Section 30251 and 30253(e) require the protection of scenic and visual qualities of coastal areas with section 30253(e) particularly requiring the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses. The certified Venice Land Use Plan (LUP) states that, the character and scale of single-family neighborhoods should be maintained and that infill development should be allowed provided that it is compatible with and maintains the density, character, and scale of the existing development (Policy I.A.2). Additionally, a coastal issue raised in the LUP is the preservation of community character, scale, and architectural diversity of Venice as a Special Coastal Community.

The City-approved projects also appear to raise a substantial issue as to their conformity with Section 30251 the Coastal Act which requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and be visually compatible with the character of the surrounding area. The City-approved projects also raise a substantial issue as to their conformity with Section 30253(e) of Coastal Act which requires the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses.

The subject site is approximately 1,300 feet inland of Venice Beach in the North Venice subarea, which features homes and commercial businesses of varying architectural styles, ranging from one-story wood bungalows to three-story-plus-roofdeck modern glass structures. The development on the block on which the City-approved projects reside is primarily single-story, single-family residences, however there are a few larger apartment buildings and two-story single-family residences across the street. The design of the City-approved project is not consistent with the character of the area, as the scale and mass of the 38-foot high projects are larger than what exists on the block. The projects have been designed to the maximum allowable height for the area and include an adjustment for the front-yard setback of 10.5 feet from the property line as opposed to the normally required 15-foot front-yard setback. The City-approved residences would be taller and larger than any other single-family residences on the block. Therefore, the projects as approved by the City will cumulatively change the character of the Venice community raise a substantial issue as to their conformity with the Coastal Act.

A-5-VEN-15-0052, A-5-VEN-15-0053, A-5-VEN-15-0054  
(Fabian Bever, California Eco Homes, LLC)  
Appeal – Substantial Issue

However, the LUP does have policies to preserve and protect stable multi-family residential neighborhoods (Policies I.A.5 and I.E.1), which can be interpreted to preserve the existing housing stock. The building that the City approved for demolition is a four-unit apartment building and has the capacity to provide housing units accessible to a wide spectrum of the population. The City-approved project, on the other hand, would yield three single-family housing units, which would only be accessible to a limited spectrum of the population. As approved by the City, the project would eliminate multi-family residential units and replace them with fewer single-family units, thereby reducing the housing stock in this neighborhood and changing the character of the neighborhood from multi-family to single-family. Considered cumulatively, City's actions contradict LUP Policy I.A.5, which asserts that multi-family neighborhoods, and therefore apartment buildings such as the one that the City approved for demolition, should be preserved and protected.

The appellants also contend that the City-approved development is not consistent with Sections 30251 and 30253 of the coastal act because the bulk and scale of the structures may not be consistent with the character of the North Venice subarea.

Sections 30251 and 30253 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, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. The North Venice subarea includes Abbot Kinney Boulevard and Grand Boulevard, and Venice Way, each developed in the early 20<sup>th</sup> century as part of Mr. Kinney's vision for a free and diverse society. Exhibit 2 features a map of the Historic Venice Canals.

While the certified Venice LUP is not the standard of review for finding substantial issue, the policies provide guidance from which the Commission can evaluate the adequacy of a project's mitigation of impacts. In its adoption of the certified LUP, the Commission recognized Venice's unique community character and popularity as a visitor serving destination, and as such, it is imperative that any new development be designed consistent with the community character of the area.

When the LUP was certified in 2001, the Commission considered the potential impacts that development could have on community character and adopted residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies for determining whether or not the project is consistent with sections 30251 and 30253 of the Coastal Act. In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of existing residential neighborhoods.

In its findings that the projects are in character with the surrounding area, the City acknowledges that residential developments on this particular block are primarily one-story developments. The City does make reference to other large, modern homes which have recently been approved in the area. Of the 16 developments that the City referenced, 13 of them are not on the same block as the subject projects, and the three that are the same block are the subject of these appeals (pages 6 – 9, 38 – 41, and 57 – 60 of EXHIBIT 4).

When analyzed in combination with the existing residential development on the same block, which boasts one and two-story single-family homes and apartment buildings, the projects are out of character with the surrounding structures because they don't respect the prevailing height or mass of the existing residences. As such, the projects do not conform to Policy I.E.2 of the Venice LUP, which states that "new development within Venice shall respect the scale and character of community development." Given the proposed developments' relative disproportionate height, mass, and facade, the three homes are not consistent with 30251 of the Coastal Act because they will not be visually compatible with the character of surrounding areas. The City's approval of all three structures is not consistent with Section 30253 because it does not protect the character of the Venice community which is a popular visitor destination points for recreational uses.

The City's Notice of Final Local Action for Local Coastal Development Permit Nos. ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833 and accompanying staff reports and file records state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

A substantial issue exists with respect to the projects' conformance with Chapter 3 of the Coastal Act, and with the approval of all three local coastal development permits, because the City-approved projects do not adequately mitigate the potential community character impacts of the development. This impact could be mitigated if the projects were redesigned or conditioned to require features to minimize building height and size, not provided larger front yard setbacks, and articulate each structure consistent with surrounding development.

Only with careful review of the City-approved projects can the Commission ensure that community character is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the projects at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect to the City-approved projects' conformance with Chapter 3 policies of the Coastal Act, including section 30251 and 30253.

Applying the five factors listed in the prior section clarifies that the appeals raise "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, do meet the substantiality standard of Section 30265(b)(1), because the nature of the City-approved projects and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the developments are consistent or inconsistent with the relevant provisions of the Coastal Act. With regard to the community character policies of the Coastal Act, the City's findings state that "[t]he scale and massing of the proposed building[s] [are] atypical compared to the existing development along this block face. [they are] consistent with other residential structures on the block within the immediate vicinity... [i]t is noted that [these] project[s] [are] proposed concurrently... [each of these] homes will feature a similar scale, massing and landscaping... [w]hile the LUP encourages new construction to be of similar scale and massing with the community, this policy has not yet been implemented through a certified LUP, and the project does not exceed existing development maximums for height or floor area." The City has shown that they have analyzed the residential building standards of the certified Venice Land Use Plan and that the proposed developments are "atypical" regarding community character in this area, yet they determined that the projects are consistent with

A-5-VEN-15-0052, A-5-VEN-15-0053, A-5-VEN-15-0054  
(Fabian Bever, California Eco Homes, LLC)  
Appeal – Substantial Issue

the certified LUP and Sections 30251 and 30253 of the Coastal Act and, as such, doesn't appear to have the proper factual and legal support to justify its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing development is a two-story, four-unit apartment building that spans three lots and was built in 1947. The City-approved development would demolish the apartment building and allow construction of three residential structures on the three lots. The three new structures are much larger than the existing apartment building and much larger than the predominately single-story single-family homes on the same block. The massing of the three structures will be exceptionally out of character with the surrounding development. As approved by the City, the project would eliminate multi-family residential units and replace them with fewer single-family units, thereby reducing the housing stock in this neighborhood and changing the character of the neighborhood from multi-family to single-family. Considered cumulatively, the replacement of the apartment building with large single-family residences can cumulatively affect the character of the neighborhood.

The third factor is the significance of the coastal resources affected by the decision. Venice is a unique coastal resource. The cumulative effects of the City-approved demolition are significant. The City-approved projects, and others like it would negatively impact the character of the community because the large scale of the buildings is not consistent with the surrounding development pattern. Therefore, the development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP but it does have a certified Land Use Plan. The City-approved development is not consistent with the community character standards set forth in the certified Venice LUP. Thus, the project, as approved and conditioned, raises a substantial issue with regard to the project's conformity with the community character policies Chapter 3 of the Coastal Act and the certified Venice LUP and would have the potential to set a negative precedent for future development.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to community character. In this case, the City-approved projects are not in conformity with the Chapter 3 policies of the Coastal Act and therefore, the Commission finds that the appeals raise a substantial issue as to conformity with the Chapter 3 policies.

## Appendix A – Substantive File Documents

City of Los Angeles certified Land Use Plan for Venice (2001)

# Exhibit 5

DEPARTMENT OF  
CITY PLANNING  
CITY PLANNING COMMISSION  
DAVID H. J. AMBROZ  
PRESIDENT  
RENEE DAKE WILSON  
VICE-PRESIDENT  
CAROLINE CHGE  
RICHARD KATZ  
JOHN W. MACK  
SAMANTHA MILLMAN  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN  
ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-1801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

USA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

DIRECTOR'S DETERMINATION  
COASTAL DEVELOPMENT PERMIT  
MELLO ACT COMPLIANCE REVIEW

April 3, 2017

Owner/Applicant  
MDB Silicon Beach Cloy II  
Investors, LLC  
503 9<sup>th</sup> Street  
Santa Monica, CA 90402

Representative  
Jefferson Schierbeek  
architects Addison Schierbeek  
3456 Ashwood Avenue  
Los Angeles, CA 90066

Case No. DIR-2016-4357-CDP-MEL  
CEQA: ENV-2016-4358-CE  
Location: 2334 South Cloy Avenue  
Community Plan Area: Venice - Southeast Venice  
Council District: 11 - Bonin  
Neighborhood Council: Venice  
Land Use Designation: Low Residential  
Zone: R1-1  
Legal Description: Lot 150, Tract 4424

Last Day to File an Appeal: April 13, 2017

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, 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 Coastal Development Permit authorizing the demolition of an existing one-story, single-family dwelling and the construction, use, and maintenance of a 3,858 square foot, three-story single-family dwelling with an attached two-car garage and a rooftop deck, located in the single permit jurisdiction area of the Coastal Zone, and

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

Approve a Mello Act Compliance Review for the demolition and construction of a single-family dwelling in the Coastal Zone.

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to ENV 2016-2382-CE per Article III, Section 1, Class 3, Category 1 of the City of Los Angeles CEQA Guidelines.

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, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Density.** A maximum density of one single-family dwelling per lot shall be permitted, as restricted by LAMC Section 12.08. The proposed project will maintain one single-family dwelling unit on the property.
4. **Height.** The subject project features both flat and varied rooflines; portions of the structure with flat rooflines shall be limited to a height of 25 feet and portions with varied rooflines shall be limited to a height of 30 feet; height is measured from the centerline of Cloy Avenue to the highest point of the roof. The portions of the proposed single-family dwelling with a flat roof are 23 feet in height while portions with a varied roofline are 30 feet in height.
5. **Parking and Access.** As shown in "Exhibit A" and as approved by the Department of Building and Safety, the subject project shall provide three parking spaces onsite; two covered and one uncovered guest space. All vehicle access shall be from the rear alley.
6. **Roof Structures.** The Roof Access Structure (RAS) is limited to a height of 40 feet, measured from the centerline of Cloy Avenue to the top edge of the RAS. The area within the outside walls shall be minimized and shall not exceed 100 square feet as measured from the outside walls. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may not exceed the maximum height by more than 5 feet.
7. **Roof Deck.** Railings used on the proposed rooftop deck shall be of an open design and shall be limited to a height of 42 inches.
8. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with, as further noted in DIR-2017-388-VSO.
9. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
10. 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.
11. 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.

12. 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.
13. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
14. 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 Zoning Administrator for attachment to the subject case file.

#### Administrative Conditions

15. **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.
16. **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.
17. **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.
18. **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.
19. **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.

20. **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.

21. **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:

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"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## BACKGROUND

The subject site, 2334 South Cloy Avenue, is a relatively flat, rectangular, interior lot with a width of about 40 feet and depth of about 90 feet; with a total lot area of approximately 3,600 square feet. Situated in a neighborhood known by locals as the "Silver Triangle", the property fronts Cloy Avenue to the west and abuts an unnamed alley to the east. To the north and south of the property are single-family dwellings. The neighborhood is zoned R1-1 and properties immediately surrounding the property are developed with one and two-story, single-family dwellings. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan, Venice Coastal Zone Specific Plan (Southeast Venice Subarea), a Calvo Exclusion Area, Methane Buffer Zone, Liquefaction Zone, and Tsunami Inundation Zone. The site is within 5.7 kilometers from the Santa Monica Fault.

The applicant requests a Coastal Development Permit authorizing the construction of a 3,658 square-foot, two-story, 30 feet-in-height, single-family dwelling with a two-car garage and a rooftop deck on residential lot within the single permit jurisdiction of the California Coastal Zone. An additional parking space is provided behind the garage, resulting in a total of three parking spaces. In addition, the project is subject to review for compliance with the Mello Act.

Cloy Avenue is a designated Local Street with a right-of-way width of 60 feet and developed to a roadway width of 36 feet. Wilson Avenue is improved with an asphalt roadway, gutter, curb, and sidewalk.

Mildred Avenue is a designated Local Street with a right-of-way width of 60 feet and developed to a roadway width of 36 feet. Mildred Avenue is improved with an asphalt roadway, gutter, curb, and sidewalk.

(Unnamed) Alley is a designated alley with a width of 15 feet. Vehicle access to the proposed garage is provided from the alley.

### Previous zoning related actions on the site/in the area include:

DIR-2015-2912-CDP-SPP-MEL – On December 22, 2016, the Director of Planning approved a coastal development permit, project permit compliance review, and Mello Act compliance review for the construction of a three-story duplex within the dual permit jurisdiction of the Coastal Zone, located at 217 E. Venice Boulevard.

ZA-2015-913-CDP-MEL – On January 29, 2016, the Zoning Administrator approved a coastal development permit and Mello Act compliance review for the demolition of a single-family dwelling and construction of a two-story, 3,503 square-foot single-family dwelling with an attached two-car garage within the single jurisdiction of the Coastal Zone, located at 644 E. Sunset Boulevard.

ZA-2015-637-CDP-SPP-MEL – On January 21, 2016, the Zoning Administrator approved a coastal development permit, project permit compliance review, and Mello Act compliance review for the demolition of a single-family dwelling and the construction of a new three-story single-family dwelling with a roof deck and attached garage in the RW1-1-0 Zone within the dual permit jurisdiction of the California Coastal Zone, located at 232 E. Linnie Canal.

ZA-2014-4517-CDP-SPP-MEL – On December 22, 2015, the Zoning Administrator approved a coastal development permit and Mello Act compliance review for the demolition of a single-family dwelling and construction of a two-story, 3,386 square-foot

single-family dwelling with an attached two-car garage within the dual permit jurisdiction of the Coastal Zone, located at 2919 Sanborn Avenue.

ZA-2014-1088-CDP-ZAA-MEL – On April 8, 2015, the Zoning Administrator approved a coastal development permit and Mello Act compliance review for the demolition of a duplex and construction of a two-unit condominium within the dual permit jurisdiction of the Coastal Zone, located at 454 E. South Venice Boulevard.

DIR-2008-4534-SPP-MEL – On January 28, 2009, the Director of Planning approved a specific plan project permit compliance and a Mello Act compliance review to allow the construction of a 5,400 square-foot single-family dwelling with a basement and attached garage on a vacant lot within the dual permit jurisdiction of the Coastal Zone, located at 147 Via Marina.

### Public Hearings

A public hearing was held by a hearing officer at on March 6, 2017 at 1:00 p.m., at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The applicant, applicant's representatives, Council District 11 representative, and approximately 12 members of the public attended the meeting.

Kevin McCauley, the applicant and builder, talked about his intention to live on the property and briefly summarized the scope of work. He mentioned he is a resident of Venice and raised his daughters in that area. He believes keeping in scale is important, and as such has not requested variances. According to Mr. McCauley, the property is not enclosed in tall fencing but rather open to engender a neighborhood feel. He says the project will preserve vegetation and use mixed materials. Lastly, he states that the overall living space is 3,100 square feet, which is below the allowable 5,000.

Jefferson Schierbeek, the applicant's representative, showed height renderings of existing homes near the subject property to illustrate that the proposed project is not out of scale with the current built environment. He mentioned that the roof is pitched back to minimize obstruction.

Justin Hackman, a Venice resident, spoke in support of the project. He commented on the open design of the development.

Michael Tutelian, a member of the public, applauded the mass and scale of the design, saying that it fits with the neighborhood.

Austin Peters, a member of the public, said he enjoys how the scale of the building is pitched back. He commended the mixed materials used for the frontage and plant preservation.

Stacy Fong, a resident of Venice, asked to know the maximum allowable Floor Area Ratio (FAR) of the neighborhood. While acknowledging that the applicant has been sensitive to the neighborhood, she said the project does not fit with the area. She is seeking assurance that developers are not cutting corners, and that everything complies with the specific plan. She is concerned that the house is built for speculation. She says that people in her neighborhood enjoy the quiet atmosphere. She expressed concern about impacts to parking and traffic.

The applicant responded by reaffirming that he intends to raise his family and live in the proposed home. He said he complies with all regulations. He mentioned the homes he builds have character and are specifically designed with the neighborhood in mind. FAR was clarified to be three times the buildable area. The building is at roughly 60% of the allowable floor area.

Michael Hackman, spoke in support of the project. He said he was impressed that the project has scaled back from what is by-right. He stated the builder is very thoughtful with respect to size, setbacks and trees.

Ted Tannenbaum, a Venice resident, commented on previous statements on how the project floor area is below the allowable area. He said that just because a project isn't built out to its maximum volume does not mean it is a good project. Mr. Tannenbaum does not oppose the project, but cautions that such comparisons could be applied to a fallacious degree.

Ray Mattson, a Venice resident, said he has lived in Venice for over 40 years and is concerned about the influx of three-story homes.

The applicant responded to the concerns; he said that he wants to build something attractive regardless of the allowable floor area. He also said height limits will be respected.

No additional comments were said at the hearing.

#### Correspondence

An email dated February 20, 2017 from Janet Lent, a Venice resident, stated concerns about the size of the proposed development. She is concerned about variances, although it is noted that no variances are requested. As a long-time Venetian, Ms. Lent is worried about rising heights of newly built homes in the community. In her email, she speaks against the expanding square footage of new houses and says it directly blocks light, air, and views. She says in her email, "[I]f these multi-bedroom houses become renter occupied, short-term or otherwise, there could be significantly more neighborhood density, traffic, and stress on our ancient neighborhood sewer system."

A letter dated February 20, 2017, from Ethan B. Lipton, a Venice resident, stating that the mass, scale, and character of the proposed project is not aligned with that of the existing streetscape. Mr. Lipton said in his letter that "71% of homes here are fifteen hundred square feet or less" and cautions that overdevelopment may lead to negative outcomes.

An email received February 22, 2017 from Venice resident Judy Esposito voiced concerns about the size and character of the proposed home. Ms. Esposito objects to allowing developers build large homes, citing negative impacts to the community at large. Another email received March 6, 2017 reiterated similar apprehensions. She requests that the proposed project be reduced in size.

An email received on February 22, 2017 from Bernard Mendoza, Venice resident, objects to the proposed project because of its size. Specifically, he is concerned about the scaling effects of a larger home juxtaposed with a smaller one. He is weary of the impact of profit-driven interests on the neighborhood. In his email he writes how setting a precedent of tall buildings will diminish the quality of life for the community. He requests that the applicant's request for entitlements be rejected.

An email received on February 22, 2017 from Frank Defurio, a Venice resident, opposed the proposed project on the basis of size and scale. He included photos in his email which suggest that the existing homes in the area are modest, one-story dwellings. Mr. Defurio cited statistics to illustrate how existing homes are notably smaller in square footage than the proposed property. He requests that this development be downsized.

A letter received on March 1, 2017 from Venice resident Ray Mattson voiced objection to the proposed project. He states that a three-story, 3,172 square-foot home is out of character for the

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PAGE. 13/ 28

Silver Triangle area. In Mr. Mattson's letter, he mentions Ordinance S and expressed disapproval of investors and developers profiting at the expense of the community.

A letter received on March 1, 2017 from Venice resident Terry Sidell stated concerns about the size of the development. He states that the character of the neighborhood had been centered on small houses and an ethos of diversity. He says that newer, larger homes have led to a loss of character for the neighborhood. He writes in his letter, "While I do not wish to cause a financial hardship to the developer, I would request that the design have a street-friendly" profile and a footprint more befitting the scale of a less-than-3600-square-foot lot."

A letter received on March 13, 2017 from Venice resident Kennalee Mattson objected to the development, citing the following reasons: A three-story home that is 3,172 square feet is out of character for the Silver Triangle; the proposed development aims to circumvent regulations by seeking approval before the vote for Measure S; traffic and congestion will worsen as a result of overbuilding. A photo was attached to show Ms. Mattson's view across the alley to illustrate how a 30 foot house would be taller than the tree.

A letter received on March 13, 2017 from Venice resident Ed Gullani objected to the development, citing the following reasons: A three-story home that is 3,172 square feet is out of character for the Silver Triangle; the proposed development aims to circumvent regulations by seeking approval before the vote for Measure S; traffic and congestion will worsen as a result of overbuilding.

No other correspondence was received.

## FINDINGS

### Coastal Development Permit

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

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

The applicant requests a Coastal Development Permit authorizing the demolition of an existing single-family residence and the construction of a new three-story, 3,658 square-foot single-family dwelling with an attached two-car garage, rooftop deck, and swimming pool, within the single permit jurisdiction of the California Coastal Zone. The project also requires a Mello Act Compliance review. The applicant does not request any deviations from the Los Angeles Municipal Code with respect to required parking, building height, setbacks and floor areas.

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

*Section 30211 requires that the new development shall not interfere with the public's right of access to the sea.* The development is located approximately 0.80 miles away from the shoreline and does not share a right of way to the Pacific coast; thus, the development will not interfere with the public's right of access to the ocean. The site is located far enough from any coastal access points to reasonably assume that public access to the sea will not be affected. Other lots in the area are similarly developed with single-family residences.

*Section 30221 states that recreational use and development shall be protected.* The proposed development is located in a residential neighborhood and does not adjoin any recreation and visitor serving facilities. As such, the development will not result in any adverse impacts on such facilities.

*Section 30230 states that marine resources shall be maintained, enhanced, and where feasible, restored.* The proposed development does not affect any marine resources, such as fisheries, minerals, and gases. The development is well above the high tide line and will not have any identifiable effect on the Pacific Ocean. The subject property does not have direct access to any water or beach so no dredging, filling or diking of coastal waters or wetlands is required. There is no commercial fishing or recreational boating on or adjacent to the property.

*Section 30240 states that environmentally sensitive habitat areas shall be protected.* Environmentally sensitive habitats are areas where plant or animal life are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. No rare plant or animal life is known to exist within the property and surrounding area. The proposed development is limited to the lot line boundaries of the private property in an area that is improved with single-family dwellings. Due to these confines, the project will have no significant impact on the sensitive habitat areas and wetlands.

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources.* The project consists of the demolition of an

existing residential structure and construction of a new two-story single-family dwelling. No grading is required because the earth onsite is flat. 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 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources.* The proposed development is located in the single permit jurisdiction area of the California Coastal Zone. The proposed project is located in an urban residential neighborhood developed with similar single-family dwellings. Currently, the site contains a one-story single-family dwelling to be demolished and replaced with a two-story single-family dwelling. The proposed density of one unit per lot complies with the R1-1 zone and land use designation. The project is located within an existing developed area and will be comparable in size, scale and use with the developed area. The property provides access for emergency vehicles on Cloy Ave, with an actual width of 50 feet. Sufficient parking and setbacks required by local zoning and building and safety requirements are provided. The lot will be developed with a single-family dwelling that maintains connections and access to all public services typically required for residential uses, including water and sewage, waste disposal, gas, and electricity. Because the project is replacing one existing single-family home with another, the development will not overload the capacity of public services. Therefore, the proposed development will be adequately serviced and will not have a significant adverse impact on coastal resources.

*Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.* The subject 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 property is not located along a bluff with views to the Pacific Ocean. The project proposes the construction of a new three-story single-family dwelling and an attached garage. The subject site is situated on Cloy Avenue in a neighborhood zoned R1-1. The existing residential structures within 100 feet are comprised of mostly one-story and two-story structures. To maintain visual compatibility with the neighborhood, the project is designed with a roof access structure pitched back to reduce visibility. The use of mixed materials is used to soften the appearance of the structure. Per the applicant, the existing dwelling onsite is not well-maintained; construction of a new single-family home would enhance the visual quality of the lot and the neighborhood at large. As stated by the applicant, "Venice is an eclectic area with a mixture of traditional and contemporary architecture. 2334 Cloy aims work within that aesthetic and to be conscientious of the impact of its front elevation by keeping the front roof edge as low as possible (for two stories) sloping away from the street and also breaking up the front facade with material choices derived from the traditional (wood siding) and contemporary (plaster glass and steel) materials in the neighborhood. The house is open toward the street giving it a much more friendly and neighborly aspect and pulls back at the living area to give more area to the front yard."

*Section 30252 states that new development should maintain and enhance public access to the coast.* The project proposes the demolition of a single-family dwelling and construction of a new single-family dwelling in its place. The subject site is located within a residential neighborhood 0.80 miles northeast of the Pacific shoreline. The project provides three onsite parking spaces. No permanent structures will erect within the public

right-of-way and public access to the coast will not be obstructed.

*Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses.* The property is located within 5.7 kilometers from the Santa Monica Fault, liquefaction zone, methane buffer zone, and tsunami inundation zone. Therefore, the project is will comply with Zoning, Building, and Fire Safety Code compliance measures and requirements that will minimize risks to life and property in hazard areas. The project is not located by a bluff and is not directly adjacent to any popular visitor destinations.

As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act. The resulting single-family home 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 more than one mile away from the shoreline. 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.

As discussed, the project consists of the development of a two-story, single-family dwelling with a rooftop deck on a lot within the Southeast Venice Subarea. The subject site is zoned R1-1 with a General Plan Land Use Designation of Low Residential.

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

Policy I.A.1 identifies general residential development standards regarding roof access structures and lot consolidation restrictions. The project proposes a roof access structure that is 100 square feet in area, measured from the exterior walls and is less than 10 feet in height. The project is limited to the development of one lot.

Policy I.A.2 and Policy I.A.3 describe the intention to preserve single-family neighborhoods and allow for infill development, provided that it is compatible with and maintains the density, character, and scale of the existing development. The proposed single-family dwelling serves to infill the R1-1 zoned area and is in compliance with the density and development standards set forth in the LUP.

Policy I.A.4 outlines density and development standards for areas designated for single-family dwellings. The project consists of the construction of one new single-family dwelling on one lot, and complies with the requirement of one unit per 3,000 of lot area. The height

of the single-family home ranges from 23 to 30 feet but is below the maximum height with respect to roof type. The required side, front, and rear yards will be maintained as no adjustments or variances are requested in conjunction with the proposed project.

Policy II.A.3 outlines the Parking Requirements for the project: single-family dwellings on a lot greater than or equal to 35 feet in width (if adjacent to an alley) are required to provide three parking spaces; the single-family dwelling is on a lot 40 feet in width and will provide three parking spaces onsite; two spaces covered and one space uncovered.

The proposed two-story single-family dwelling is consistent with the policies of the Land Use Plan and the standards of the Specific Plan and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

3. The Interpretative 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 Regional Interpretative Guidelines have been reviewed and the proposed project is consistent with the requirements for the Southeast Venice Subarea; the project also complies with the policies of the LUP and other applicable provisions of the Specific Plan. The number of dwelling units on the subject property will not exceed the maximum allowed. The required three parking spaces per dwelling unit will be provided in the attached two-car garage and unenclosed carport. No deviation from the front yard setback requirement was requested as part of the project. The proposed building is set back 18 feet from the front property line. The height of the proposed project does not exceed 30 feet in portions with a varied roof and 25 feet for portions with a flat roof. The project is not expected to affect the scenic and visual quality of the coastal area since it is located in a relatively flat area more than 0.80 miles inland. Visually, the proposed project will be compatible with the character of the surrounding area. Furthermore, the proposed project will not alter any natural land forms. As such, the proposed project, as conditioned, is consistent with the Regional Interpretative Guidelines.

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

The project consists of the development of a two-story, single-family dwelling with a rooftop deck. The new residential structure does not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In February 2017, the Commission approved a coastal development permit for the demolition of a one-story single-family home and the construction of a two-story, 2,702 square-foot single-family dwelling with an attached two-car garage and rooftop deck on a lot located at 3021 Stanford Ave (Application No. 5-16-0685).
- In October 2016, the Commission approved a coastal development permit for the construction of a three-story, 4,7037 square-foot single-family dwelling with an attached three car garage and rooftop deck on a vacant lot located at 2709 Ocean Front Walk (Application No. 5-16-0096).
- In February 2016, the Commission approved a coastal development permit for the partial demolition, interior remodel, and addition to an existing single-family dwelling, resulting in a 2,249 square foot, two-story, 25-foot 4-inch structure located at 219 Howland Canal (Application No. 5-15-1220).
- In August 2015, the Commission approved an Administrative Permit for a 1,152 square-foot second-story addition (approximately 28 feet tall) to an existing single-family dwelling, located at 513 28<sup>th</sup> Avenue (Application No 5-15-0764).
- In August 2015, the Commission approved an Administrative Permit for the demolition of a single-family residence and construction of a 3-story 28-foot tall single-family dwelling located at 26 30<sup>th</sup> Avenue (Application No. 5-15-0634).
- In July 2015, the Commission approved an Administrative Permit for the demolition of a single-family dwelling and the construction of a three-story (35-foot), two-unit condominium providing a total of four parking spaces, located at 458 E. South Boulevard (Application No. 5-15-0310).

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

5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

Section 30210 of the Coastal Act states the following in regards to public access:

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

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

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

The subject property is located approximately 0.80 miles from the Pacific coast. The project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the dwelling. The existing single-family dwelling has a one-car garage which is accessed from a driveway on Cloy Avenue. The project shall include three parking spaces – two parking spaces will be located in a garage and one uncovered space in the back yard, all accessed from the alley. By increasing parking capacity and relocating vehicle traffic from Cloy Avenue to the alley, the project enhances the public right of way. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2016-4358-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the construction of a new, 3,658 square-foot dwelling unit with an attached two-car garage along with an additional parking space behind the garage. The Categorical Exemption prepared for the proposed project is appropriate pursuant to Article III, Section 1, Class 3, Category 1 of the City's CEQA Guidelines.

The Class 3 Category 1 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; this includes one single-family residence, or a second dwelling unit in a residential zone.

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

- (a) Location. The project is not located in a sensitive environment. Although the project is within the Coastal Zone, the residential neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a fault or flood zone, nor is it within a landslide area. Although the project is located within a liquefaction area and tsunami inundation zone, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.
- (b) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned R1-1 and designated Low Residential use. The proposed addition of one new dwelling unit will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the

environment due to unusual circumstances. The proposed project consists of work typically to a residential neighborhood, no unusual circumstances are present or foreseeable.

- (d) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- (e) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM). While the site is approximately 1,500 feet northeast the historic Venice Canals, construction activities related to the subject project will not have a noticeable impact on the waterway.

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

**Mello Act Compliance Review**

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

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

The project includes the demolition of an existing single-family dwelling located on a 4,799 square-foot lot in the Southeast Venice subarea of the Venice Coastal Zone. A Mello Act Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated January 31, 2017 states that the property currently maintains one single-family dwelling. The current owner, MDB Silicon Beach Cloy II Investors LLC, acquired the property through transfer in October 2016 from a related company, Avondale426 Investments LLC, who purchased the property from the Perlman Family Exemption Trust in March 2016. The property was transferred from Arnold Perlman to the Perlman Family Exemption Trust in April 2013.

The Determination from HCIDLA confirms that the current owner kept the property vacant from March 29, 2016 through December 23, 2016. Utility bills show low usage during this time, suggesting that the property had been vacant. Lease contracts from the previous owner were submitted to confirm rent amounts. The total rent collected from November 2014 through March 2016 was \$80,400 and the property was rented for 28 of the last 36 months, yielding an average rent of \$2,157; which exceeds the low-income threshold. HCIDLA concluded that no affordable unit exists at the subject site, based on the fact that the property was rented at market rate until it was sold to the new owner, and then sat vacant. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

#### 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 \$1,000 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 Director's determination in this matter will become effective after 10 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

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.

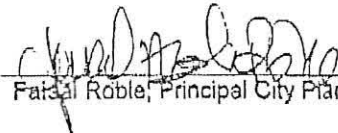
Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission,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

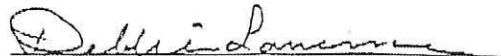
If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California 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:

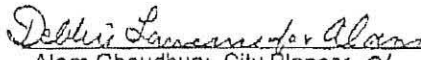
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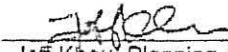
  
Faisal Roble, Principal City Planner

  
Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

Prepared by:

  
Alam Choudhury, City Planner *Choudhury*

  
Jeff Khau, Planning Assistant  
jeff.khau@lacity.org