



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: JAN - 4 2017

CASE NO.: DIR-2016-750-CDP-MEL-1A
CEQA: ENV-2016-751-CE

Council District: 11 - Bonin
Plan Area: Venice

Project Site: 720 East Angelus Place

Applicant: Don Parker and Monica Perez
Representative: Mike Patterson, Marmol Radziner, AIA

Appellant: Lisa Aycock, James Morgan, Celia Williams, VC-PUCC, Bill Pryzlucki, POWER, Sue Kaplan, Lydia Ponce, Dona diCarlo-Long, Jim Long, and Todd Darling

At its meeting of **November 16, 2016**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

The demolition of a 1,176 square-foot, one-story single-family dwelling and the construction of a 3,044 square-foot, two-story, single-family dwelling, with a 366 square-foot two-car garage and one tandem space, with a maximum building height of 28-feet, located in the single-permit jurisdiction of the Coastal Zone.

1. **Found** that the project is Categorically Exempt pursuant to Article III, Section 1, and Class 3 (New Construction of Small Structures), Category 1 of the City of Los Angeles CEQA Guidelines. A Categorical Exemption, ENV-2016-750-CE, was filed pursuant to the California Environmental Quality Act (CEQA) and Section 21082.1(c)(3) of the California Public Resources Code.
2. **Granted** the appeal in part and overturned the Planning Director's approval of a Coastal Development Permit for the project.
4. **Denied** the appeal and sustained the Planning Director's Determination of Mello Act Review Compliance in accordance with the Department of Housing + Community Investment Department's letter of July 19, 2016, for the demolition and construction of a single-family dwelling in the Coastal Zone.
5. **Adopted** the attached Amended Findings.

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

This action was taken by the following vote:

Moved: Margulies
Seconded: Waltz Morocco
Ayes: Merritt and Halper
Recused: Newhouse

Vote: 4-0



Harold Arrivillaga

Commission Executive Assistant I

Effective Date/Appeals: The West Los Angeles Area Planning Commission's actions on this matter are final and effective upon the Mailing Date.

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

Attachments: Modified Findings Adopted on November 16, 2016
Housing + Community Investment Department Letter Dated July 19, 2016

c: Notification List
Lakisha Hull, City Planner
Debbie Lawrence, Senior City Planner

**AMENDED FINDINGS
AS ADOPTED BY THE WEST LOS ANGELES AREA PLANNING COMMISSION
ON NOVEMBER 16, 2016**

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. On November 16, 2016, the West Los Angeles Area Planning Commission held an appeal hearing where it considered the administrative record on appeal and heard testimony concerning the project from Planning staff, appellants, applicant, and supporters and opponents of the project. The West Los Angeles Planning Commission overturned the Director's approval of the Coastal Development Permit and found the project to be inconsistent with the character of the neighborhood. The Commission's decision to overturn the Director's decision was based on the first two required findings of Section 12.20.2 of the LAMC.

1. The development is NOT in conformity with Chapter 3 of the California Coastal Act of 1976.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. The proposed project is located in the Venice Coastal Zone Specific Plan and falls under the Venice Land Use Plan. There is one existing single-family dwelling on the property at 1,176 square feet and an accessory structure that will both be demolished to construct a two-story, 3,044 square foot, single-family dwelling with a two-car garage and one tandem space. The maximum building height of the proposed project is 28'.

The proposed project is not consistent with Chapter 3 of the California Coastal Act. Specifically, the proposed project is in conflict with Section 30251 of the California Coastal Act, which states the importance of preserving and protecting the scenic and visual qualities of the coastal areas with regards to the character, mass and scale as part of the scenic qualities of this particular area of the Coastal Zone. The West Los Angeles Area Planning Commission heard public testimony from community members that the proposed project would be out of scale in contrast to the single-family dwellings on Angelus Place, between Oakwood Avenue and Abbot Kinney Boulevard. They also commented on the design of the proposed project, indicating it would be incompatible with the architectural style and character of the existing residences on this street. The Commission stated that the applicant proposes a building design with a massive front plane, with minimal windows and doors facing the street. The Commission stated that the proposed project appears to be internalized and closed off from the neighborhood and will create an adverse cumulative impact on this special coastal community.

Therefore, the West Los Angeles Area Planning Commission found that the Director of Planning erred in issuing a Coastal Development Permit by overlooking the definition and predominant ingredients of the scenic resources in this area.

2. The development WILL prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

The proposed project is located in Venice, which is identified in the Land Use Plan as a Special Coastal Community. Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal

Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. The subject property currently has one single-family dwelling and an accessory structure. The proposed project will include the demolition of a one-story single family dwelling and accessory structure, with the construction of a two-story single-family dwelling.

Policy I.A.2 of the certified LUP states that development should “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.” Approval of the proposed project, which is out of scale with the character with other residential buildings on Angelus Place, between Oakwood Avenue and Abbot Kinney Boulevard, would prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program. Approval of projects that are out-of-character with the surrounding community sets a bad precedent and creates a cumulative impact on the neighborhood, making developing a Local Coastal Program for Venice impossible to be in conformity with Chapter 3 of the Coastal Act.

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

California Coastal Commission’s interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City’s determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations. Such Guidelines are designed to provide direction to decision makers in permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant.

The subject property is located in the Oakwood-Milwood-Southeast Venice Subarea of the Venice Coastal Zone Specific Plan and Venice Land Use Plan. The Regional Interpretative Guidelines for the Venice Community primarily address development which is adjacent to the shoreline. The property is not immediately adjacent to the shoreline. The subject property as well as the rest of the area are fully developed.

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

The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that included improvements and remodels consisting of additions to existing residential structures or new construction of single-family residential dwelling units. However, the projects listed below are not located on Angelus Place.

- In June 2016, the Commission approved an Administrative Permit to renovate 305 square-foot, detached, 2-car garage and add 368 square-foot, second-story residential unit above garage on lot with single-family home, at 2205 Ocean Avenue (Application No. 5-16-0288).

- In June 2016, the Commission approved an Administrative Permit to add to an existing 2,241 square-foot. 2-story single-family home, resulting in 2,887 square-foot. 2-story single-family home and 370 square-foot attached garage, at 505 28th Avenue (Administrative No. 5-16-0377).
- In May 2016, the Commission approved an Administrative Permit to demolish single-family home and construct approximately 3,386 square-foot 23-ft. high, 2-story single-family home plus a roof deck and 2-car garage, at 2919 Sanborn Avenue (Application 5-16-0121).
- In May 2016, the Commission approved an Administrative Permit to remodel a single-family dwelling and construct a 1,771 square-foot, two-story accessory structure consisting of a 4-car garage and living quarters at 16 Park Ave (Application No. 5-16-0101).
- In April 2015, the Commission approved an Administrative Permit to construct a 3-story, 30-foot high (with 40-foot high roof access structure), 3,724 square-foot single-family home with an attached 468 square-foot garage on a vacant canal fronting lot, at 450 Sherman Canal (Application No. 5-15-0753).
- In April 2012, the Commission approved an Administrative Permit to demolish a one-story, 1,577 square foot duplex and detached garage on a 3,594 square-foot lot fronting on a Walk Street and construct a two-story (plus basement) at 28 feet-in-height, 5,455 square-foot single family dwelling with an attached two-car garage, located at 44 Ozone Avenue (Application No. 5-11-295).

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.**

The subject property is located approximately a mile away from the Pacific Ocean and is not located between the nearest public road and the shoreline of any body of water located within the coastal zone. The proposed project will not interfere with public access to the coast. The development is consistent with the referenced policies and zoning as it is surrounded by similar two-story single-family dwelling units, and there is no adjoining public access point or public recreation facility. As proposed, the proposed project will not conflict with any public access or public recreation policies of the Coastal Act.

The subject property is located on Angelus Place and backs to an alleyway. The subject property therefore is not located between the nearest public road, the sea or shoreline of any body of water located within the coastal zone. The property is currently developed with a single-family dwelling unit on a flat lot and the surrounding area is also fully developed. The proposed project is a demolition and construction of a new single-family dwelling unit. The proposed project is not increasing the density and is not a request for reduced parking. The proposed project will not have any impact on traffic and will reduce the impact on traffic by providing three parking spaces on a site with zero parking at present. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

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

The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Article III, Section 1, Class 3, Category 1 of the City CEQA Guidelines. The Class 3, Category 1 categorical exemption is for new construction of small structures, including single family residences up to three units. The project does not require mitigation or monitoring measures and no alternatives to the project were evaluated.

Mello Act Compliance Review

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

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

The project includes the demolition of a one-story, single-family dwelling and accessory structure and the construction of a two-story single-family dwelling. A Determination Letter issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 19, 2016 stated that no affordable unit exists at 720 East Angelus Place. Therefore, no affordable existing residential units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

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ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas of 1% annual chance flood with average depths of less than 1 foot.
9. On July 19, 2016, the subject project was issued a Notice of Exemption, log reference ENV-2016-751-CE, for a Categorical Exemption, Article III, Section 1, Class 3, Category 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.



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JUL 29 2016



Eric Garcetti, Mayor

Rushmore D. Cervantes, General Manager

CITY PLANNING
PROJECT PLANNING

DATE: July 19, 2016

TO: Theodore Irving, Senior City Planner
City Planning Department

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

SUBJECT: Mello Act Determination for 720 East Angelus Place, Venice, CA 90291

Planning Case #: DIR-2016-750-CDP-MEL

Based on information provided by the owner, 720 Angeles Place, LLC, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable unit exists at 720 East Angelus Place, Venice, CA 90291.

The property consists of a single family dwelling comprising of a four (4) bedroom unit. Per the statement on the application, owner is proposing to demolish the existing single family dwelling and construct and construct a new single family dwelling. On May 27, 2015, 720 Angeles Place, LLC, purchased the property from Heather Mcnab and Monique Shelton. Owner has filed for a demolition permit (16019-10000-01625) on April 27, 2016 and a building permit (16010-10000-01437) on April 28, 2016.

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 owner's Mello application statement was received by HCIDLA on April 27, 2016. HCIDLA must collect data from: April 2013 through April 2016.

On May 4, 2016, tenant letter addressed to "Occupant" was mailed to property address by certified mail. On May 20, 2016, the United States Postal Service returned letter which had hand written notes on the envelope which stated "Vacant! Scheduled for demolition soon."

Owner provided property tax bills for 2013, 2014, and 2015 which demonstrated that the property had been owner occupied in 2013 since property tax shows that previous owners were granted a homeowner's exemption and the mailing address of this bill matched the property address. Owner provided a lease agreement with copies of bank statements showing that the property was leased from February 2014 to December 2015 in which tenant paid \$6,250 per month which is above the moderate amount in Schedule 7. Owner also provided their Department of Water and Power utility bill for the period from January 20, 2016 to March 18, 2016 which shows low utility usage which confirms that the property was vacant during this period of time. Based on the documents submitted by the owner, the property was owner occupied, leased and then vacant for the entire look back period and as a result, the property is found to be not affordable.

cc: Los Angeles Housing and Community Investment Department File
720 Angeles Place, LLC, Owner
Richard A. Rothschild, Western Center on Law and Poverty, Inc.
Susanne Browne, Legal Aid Foundation of L.A.
Juliet Oh, City Planning Department

RM:MAC:wj

HIMS: 16-122810