

ENV

2015-3505-CE

(APPEAL)



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: CEQA ENV-2015-3505-CEProject Address: 925-927 West Marco Place

Final Date to Appeal: _____

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): Sue Kaplan, Shepard Stern, and Mary Jack

Company: _____

Mailing Address: c/o Amanda Seward, 3530 Moore StreetCity: Los AngelesState: CAZip: 90066Telephone: (310) 439-2422E-mail: amandaseward@artvista.net

- 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): Amanda SewardCompany: Law Offices of Amanda SewardMailing Address: 3530 Moore StreetCity: Los AngelesState: CAZip: 90066Telephone: (310) 439-2422E-mail: amandaseward@artvista.net

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
- How you are aggrieved by the decision
- Specifically the points at issue
- 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: 06/03/2018

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: 89	Reviewed & Accepted by (DSC Planner): NOAH MCCOY	Date: 6/18/18
Receipt No: 6301129199	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Office: West LA
Applicant Copy
Application Invoice No: 47244

City of Los Angeles
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: KAPLAN, SUE (310-4392422)
Representative: LAW OFFICES OF AMANDA SEWARD - SEWARD, AMANDA (310-4392422)
Project Address: 925-927 W MARCO PL, 90291

NOTES: Appeal of the entire action/decision ENV-2015-3505-CE by an aggrieved person(s), other than the applicant/owner, claiming to be aggrieved.

ENV-2015-3505-CE			
Item	Fee	%	Charged Fee
Other with Surcharges (per Ordinance No. 182,106) *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
LA Department of Building and Safety	
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

LA Department of Building and Safety
NELI 301031243 6/18/2018 3:15:29 PM
PLAN & LAND USE \$106.80
DEV SERV CENTER SURCH-PLANNING \$2.67
Sub Total: \$109.47
Receipt #: 0301129199

Council District: 11
Plan Area: Venice
Processed by MCCOY, NOAH on 06/18/2018

Signature:



LA Department of Building and Safety
WL NELI 301031243 6/18/2018 3:15:29 PM

PLAN & LAND USE \$106.80
DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total: \$109.47

JUSTIFICATION /REASON FOR APPEAL OF MAY 21, 2018 LETTER OF
DETERMINATION BY WEST LOS ANGELES AREA PLANNING COMMISSION

Re: CEQA: ENV-2015-3505-CE

The Appellants appeal the West Los Angeles Area Planning Commission's determination that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303 and City CEQA Guidelines, Article III, Section 1, Class 3, Category 1, and Class 32 as there was substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies, which requires further environmental review to assess the impact on the historic district in which the Project sits. The Appellants also appeal the Commission's determination as the process violated the due process rights of the Appellants, as the Commission vote was based on revisions to the Project made by the Applicant without providing the Appellants and the public any meaningful opportunity to submit further evidence that the revised plans did not comply with the applicable land use regulations governing the Project.

Essentially, the Appellants and community members opposed to the Project showed that the relocation of, partial demolition of, and addition to the bungalow that has been determined to be a contributor to the Milwood Venice Walk Streets Historic District (the "**Historic District**" or "**Milwood Walk Streets**") does not meet the preservation standards of the Secretary of the Interior's Standards for Rehabilitation (the "**Secretary of the Interior's Standards**"), the guidelines all parties acknowledge govern the determination in this case. At the very least, Appellants have shown that there is "substantial evidence" that the relocation and addition, as proposed, may have a significant effect on the environment and therefore under applicable law, a CEQA exemption may not be issued. Also, the Appellants point out that the two new homes proposed in the historic district should have been reviewed to determine whether they were compatible with the surrounding area of the historic district and whether they would have an adverse impact on the historic district. Further, the Appellants showed that the Project violates the land use policies governing development in Venice, as the Project is not compatible in mass, scale and character with the surrounding existing neighborhood and will likely destroy the integrity of the historic district and does not protect a historic coastal resource.

It appears there is agreement on the following:

- 1) the Project includes rehabilitation of a structure that is a contributor to the Milwood Venice Walk Streets Historic District.
- 2) the three subject lots are located within this Historic District;
- 3) the relocation and rehabilitation of any contributor to the Historic District must be done in conformance with the Secretary of the Interior's Standards; and

4) historic buildings and districts are considered part of the environment and subject to review under CEQA.

CEQA Considerations

Basically, the Staff Report states that the addition to the façade of the historic home is in compliance with the Secretary of the Interior Guidelines, relying on a report of a preservation consulting firm paid for by the Applicant. Neither the Staff Report, the Director's Determination, nor the reports of the preservation consulting firm hired by the Applicant address the Secretary of the Interior requirement that any addition to a historic structure be "subordinate" to the historic structure and "should not compete in size, scale or design" with the historic structure. (See Anne E. Grimmer and Kay D. Weeks, *Preservation Briefs: New Exterior Additions to Historic Buildings: Preservation Concerns*, National Park Service, U.S. Department of the Interior.) The Applicant proposes to demolish almost 50% of the original historic structure and add an addition that is almost twice the size of the original structure. The addition would comprise 71% of the total completed structure. The addition simply dominates the entire structure.

Further, the Applicant proposes to move the original historic structure to a lot less than half the size of its original setting. Preservation guidelines point out that relocation of a historic building shall only be done as "a last resort when all other preservation options have been exhausted." (*Moving Historic Buildings*, U.S. Department of the Interior Heritage Conservation and Recreation Service Technical Preservation Services Division (1979).) When a historic building has been moved, it loses its integrity of setting and its sense of place and time, important aspects of the historic character of a building and its environment. (*Id.*) There has been no discussion of why the historic structure has to be moved in this case.

An agency cannot approve an exemption under CEQA if there is substantial evidence that the proposed project may have a significant environmental impact. (See *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 74-75 (1974); CEQA Guidelines 15064(f)(1).) Under CEQA Guideline Section 15384, "substantial evidence" means that there is "enough relevant information and reasonable inference from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." Reports prepared by experts, if based on fact, normally constitute substantial evidence. (See *Sierra Club v. California Dept. of Forestry*, 150 Cal. App.4th 370 (2007).) The Los Angeles CEQA Thresholds Guide states that a project would normally have a significant impact if a rehabilitation or alteration does not conform to the Secretary of the Interior's Standards. Judicial review of an agency's efforts to comply with CEQA "shall extend only to whether there was a prejudicial abuse of discretion.

Abuse of discretion is established if the agency has not proceeded in a manner required by law. (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.896 903-04.) When there is substantial evidence supporting a "fair argument that the project will significantly impact the environment, an agency abuses its discretion in failing to require an EIR." (*Architectural Heritage v.*

Monterey County (2004) 19 Cal. Rptr3d 469, 479.) In the CEQA context, “substantial evidence is enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (*Id.*)

The court in *Architectural Heritage* went on to say that “if such evidence is found, it cannot be overcome by substantial evidence to the contrary.” (*Id.*) The court pointed out that “the ‘fair argument’ test is very different from the usual measure of judicial deference given to agency decisions” and establishes “a low threshold for initial preparation of an EIR.” (*Id.* at 480.) As the court in *League for Protection of Oakland’s Architectural and Historic Resources* determined, “Stated another way, the question is one of law...and ‘[u]nder this standard deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.” (*League for Protection of Oakland’s Architectural Historic Resources v. City of Oakland*, *supra*, 52 Cal. App.4th at 905.)

Here, the Appellants have submitted substantial evidence that the current proposal for the Project as it relates to the contributor to the historic district may have a significant environmental impact, as there is substantial evidence that has not been adequately addressed that the proposed rehabilitation does not conform to the Secretary of the Interior’s Standards. In addition, Appellants have submitted the report of an expert confirming this analysis. As pointed out by Charles Fisher, a professional historian with over 30 years of experience specializing in the history of real estate in Southern California: “The addition, as proposed does not appear to meet the Secretary of the Interior’s Standards, as the sheer size of it detracts from the overall design of the house.” In his letter to the Commission dated February 22, 2018, he states:

Attention is called to guidelines 9 and 10 [of the Secretary of the Interior’s Standards]:

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposed addition does not meet these two requirements because the scale of the addition is too large to be considered subordinate to the historic house. Its sheer size calls attention to itself and detracts from the overall look of the historic house. The use of metal siding and roof along with large frame windows is not a proper solution to the issue of differentiating the addition from the historic house. It just reminds one how incompatible the addition really is. The standards call out

that the addition 'will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.' Lastly, the proposed addition, calling for only the preservation of 20 feet of the house and the reconfiguration of the historic interior is not a reversible change as called for in the 10th guideline. So much of the historic house will be lost as to make it ineligible to be listed as a Los Angeles HCM and leave the changes irreversible.

Mr. Fisher pointed out in a supplemental letter that in his opinion the bungalow would no longer be a contributor to the historic district if the proposed Project were approved. Hans Adamson, a preservationist and former board member of the Gregory Ain Tract historic district in Los Angeles, confirmed this assessment as well. Mr. Adamson pointed out in his submission that under the Los Angeles HPOZ Ordinance, contributors include building that have been altered, but the alteration must be reversible. Here, the addition to the historic bungalow is not reversible.

Accordingly, under well-established principles of law that govern CEQA determinations, the Applicant is not entitled to a categorical exemption under CEQA, as Appellants have met the legal standard that there is a fair argument that the proposed relocation, partial demolition and rehabilitation of the contributor does not conform to the Secretary of the Interior's Standards.

The City Planning Staff Report recommended denial of the appeal, quoting from the Historic Resource Assessment prepared by PCR Services at the request of the Applicant, that the Historic District would not be adversely affected because the "Bungalow's contributing features would be retained and the Bungalow would remain eligible as a contributor upon project completion." This conclusory statement was not supported by the facts.

The Appellants presented substantial evidence that this 100-year old Japanese influenced Craftsman original home would not be a contributor upon project completion. Certainly, a fair argument has been presented that supports a conclusion that the Project "materially alters in an adverse manner" those physical characteristics that account for the inclusion of the Bungalow as a contributor to the Historic District and therefore materially affects the Historic District.

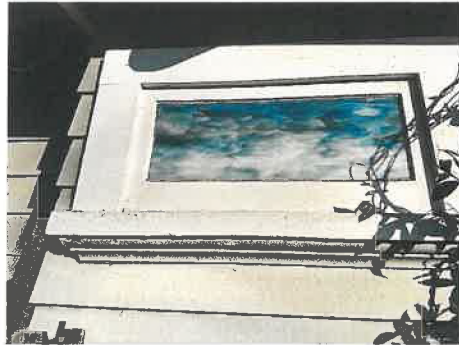
One, the Applicants' application shows that the Bungalow will be cut in half after completion of the Project.

Two, many of the contributing features of this craftsman would be lost. For example, half the low-pitched roof would disappear, most of the wood clapboard siding would be replaced, most of the special eaves with exposed unique Asian inspired rafter tails would be lost, the canted bay windows on the west facing façade would be



replaced, and the milk glass window at the rear of the Bungalow would be lost. (Shown in the pictures to the right are the eaves, bay windows and milk glass window that would be replaced.)

Three, the Bungalow is now one story. The Applicant proposes to add an additional story and the resulting addition is almost twice the size of the original structure and would compromise 71% of the total completed structure. The addition dominates the entire structure. Different and incompatible materials like metal siding are proposed to replace the traditional clapboard siding of craftsman homes. Large windows will replace the casement windows of the original structure.



Four, the contributor will be moved from its current double lot setting to a single lot, half the size of its original setting. Preservation guidelines point out that relocation of a historic building shall only be done as “a last resort when all other preservation options have been exhausted.” (*Moving Historic Buildings*, U.S. Department of the Interior Heritage Conservation and Recreation Service Technical Preservation Services Division (1979).) When a historic building has been moved, it loses its integrity of setting and its sense of place and time, important aspects of the historic character of a building and its environment. (*Id.*) There has been no discussion of why the historic structure has to be moved in this case.

Five, the proposed addition does not comply with the Secretary of the Interior’s Standards for Rehabilitation (the “**Secretary of the Interior’s Standards**”) Standard 9, which provides, “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”

This requirement addresses three issues, one is removal of character-defining features. It also requires that the old and new be differentiated so that a false sense of history is not created with a design that mimics the original. At the same time, the addition needs to be compatible with the original. As stated in *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, “[T]here must be a balance between differentiation and compatibility to maintain the historic character and the identity of the building being enlarged. New additions and related new construction that are either identical to the historic building or in extreme contrast to it are not compatible.” (*The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, page 26.)

This Standard also means that any addition to a historic structure should be "subordinate" to the historic structure and "should not compete in size, scale or design" with the historic structure. (See Anne E. Grimmer and Kay D. Weeks, *Preservation Briefs: New Exterior Additions to Historic Buildings: Preservation Concerns*, National Park Service, U.S. Department of the Interior.) Here, the Applicant proposes to demolish almost 50% of the original historic structure and add an addition that is almost twice the size of the original structure and would comprise 71% of the total completed structure. As Appellants pointed out in their appeal and as pointed out by submissions in support of the appeal and in public testimony, the addition simply dominates the entire structure.

Six, the proposed addition does not comply with the Standard 10 of the Secretary of the Interior's Standards which provides, "New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."

The proposed addition only preserves 20 feet of the house and the reconfiguration of the historic interior is not a reversible change as called for in Standard 10 of the Secretary of the Interior's Standards on Rehabilitation. Fifty percent of the home will be destroyed. Many character-defining features will be destroyed. Little would be left if the new construction were removed.

Seven, the Los Angeles Municipal Code defines a contributor to a historic district as one, that is a building structure identified in the Historic Resources Survey as contributing to the historic significance, "including a building that has been altered, where the nature and extent of the Alterations are determined reversible by the Historic Resources Survey." Here, there is evidence that the proposed alterations will not be reversible and therefore under the definition of a contributor under the Los Angeles Municipal Code it will no longer be a contributor.

In discussing Standard 9 of the Secretary of the Interior Standards for Rehabilitation, the PCR report commissioned by the Applicant states merely that "the overall height of the new second story will not exceed 23'-0" at its highest elevation, minimizing the overall mass and scale of the new addition so as not to overpower the existing scale of the Bungalow or surrounding District and nearby contributors" and "retains its original one-story massing at the street front elevation."

Preservation principles for individual historic resources and contributors to historic district recommend that in constructing a new addition, the addition should result in the "least possible loss of historic materials so that character-defining features are not obscured, damaged or destroyed." (See Recommendations for Rehabilitations set for in *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, pgs. 2 and 156.) The addition should be "subordinate and secondary to the historic building and compatible in massing, scale, materials, relationship of solids to voids, and color. (*Id.* at pg. 156.) Constructing a new addition that is "as large or larger

than the historic building, which visually overwhelms it” should be avoided as it results in the diminution or loss of historic character. (*Id.*) The submission by the historian engaged by the Appellants stated that the proposed addition is “too large to be considered subordinate to the historic house” and that its sheer size calls attention to itself and detracts from the overall look” of the contributor.

In discussing Standard 10 of the Secretary of the Interior Standards for Rehabilitation, the PCR report hardly mentions its impact on the contributor. It merely states that if “the elements of new construction were removed in the future, the essential form and integrity of the potential District, and other potential historical resources in the Project vicinity would be unimpaired.” This discussion suggests that only the façade of a contributor need be retained, avoiding the discussion about whether the integrity of the contributing structure would be retained, as required by Standard 10 of the Secretary of the Interior Standards for Rehabilitation.

Impact on the Historic District of the Proposed Two New Structures

Finally, there was little discussion about the impact of the two new structures on the Historic District under CEQA guidelines. In this case, the Planning Department has approved three new two-story structures on a quaint low-density street in a historic district, where most of the homes are one story, and have individual and unique character. One replaces a one-story residence “situated at the rear of the lot with lush over green landscaping occupying a majority of the property.” (See Historic Resources Assessment Report, page 41.) Where there were two residences on three lots, the Project includes three new residences. The two new structures are contemporary in style, flamboyant and are incompatible with the Historic District’s characteristic scale of single story residences. There are 17 one story structures and 9 two-story structures on the 900 block of Marco Place. This Project will add three new two-story structures to the mix. If approved, this area of the Historic District will include 12 two-story homes and the percentage of one-story homes diminishes from 65% to 55%.

Here, the Planning Department and the Commission ignored the evidence submitted by the Appellant regarding the mass, scale and character of the existing properties that make up this portion of the Historic District and the cumulative impact of three contemporary two story buildings all in one row. The relationship of one building to another or to the block can be determined by the FAR, comparing the floor area of a range of buildings. The FAR average for this block is .39 (excluding garages). There are 26 homes on the block and eight are above the average FAR. But these eight are spread apart along both sides of the block and so the historic character of the neighborhood is maintained. The average FAR of the three new structures is .66. The contributor is currently a 1,256 square foot home on a 7,200 square foot lot. The two new proposed homes would total roughly 4,440 square feet on the 7,600 square foot lot – roughly 3.5 times as much square foot on the same plot of land as the contributor.

In addition, the two new buildings have roof top decks and roof access structures (RAS) that are not in character with this section of the Historic District and add significantly to

the mass and scale of the proposed homes. The three buildings comprising the Project will mean that five of the largest homes in this portion of the District will be lined up, two existing “bookends” and the three new proposed between the two. Five homes in a continuous line create a significant change in the Historic District’s characteristics.

The Appellants in their appeal pointed out that mass and scale should not be determined by height alone and required consideration of neighborhood character, including comparing FAR, analyzing predominant features, and cumulative impact, among other considerations. The Planning staff and the Commission refused to apply any these nor any other elevated standards, although admittedly the Project sat in a what qualified as an historic district and was identified as such in SurveyLA. One Commissioner stated that no such standards could be applied.

In other words, neither the Commission nor the Planning Department considered mass, scale and character in any meaningful way. The only considerations appeared to be the height and setback requirements and whether the Project met these standards. These same standards are applied to all properties in Los Angeles. There are more stringent standards that are applied in historic districts and in communities in the Coastal Zone, particularly those in “special coastal community.” The Commission erred and abused its discretion by not complying with CEQA rules and endorsing an exemption to CEQA in this case.

Certainly, the Appellants have established a fair argument that the Project will significantly impact the environment, even if other conclusions may be reached. Therefore, under CEQA principles an exemption should not have been granted. An EIR, for example, would have required the applicant to discuss the practicality of alternatives to the proposed Project that might be less drastic.

How Appellants are Aggrieved by the Decision

Two of the Appellants live on the walk street in which the Project is proposed. One lives on a near by walk street. All are Venice residents interested in preserving the historical districts in Venice and in seeing that the applicable land use rules are following in this very important Coastal community. They are concerned about the way the walk streets will be developed if this decision stands and the adverse impact on this highly scenic community.



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: MAY 21 2018

CASE NO. DIR-2015-3504-CDP-SPP- MEL-1A
CASE NO. DIR-2015-3506-CDP-SPP- MEL-1A
CASE NO. DIR-2015-3507-CDP-SPP- MEL-1A
CEQA: ENV-2015-3505-CE
Plan Area: Venice

Council District: 11 – Bonin

Project Site: 925 - 927 West Marco Place

Applicant: Shula Harel and Ron Harel
Representative: Daniel Feedman, Jeffer Mangels Butler & Mitchell LLP

Appellants: Sue Kaplan, Shepard Stern, and Mary Jack
Amanda Seward, Law Offices of Amanda Seward

At its meeting of **May 16, 2018** the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

The demolition of a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story, 2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303 and City CEQA Guidelines, Article III, Section 1, Class 3, Category 1, and Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's determination to approve, a Coastal Development Permit pursuant to Los Angeles Municipal Code (LAMC) Section 12.20.2, a Project Permit Compliance Review pursuant LAMC Section 11.5.7, and a Mello Act Compliance Review pursuant to Government Code Sections 65590 and 65590.1, for the project; and
3. **Adopted** the Conditions of Approval and Findings by the Director of Planning.


2015-3505

This action was taken by the following vote:

Moved: Margulies
Seconded: Waltz Morocco
Ayes: Newhouse, Rozman, Yellin

Vote: 5 – 0

MOTION PASSED



Cecilia Lamas
Commission Executive Assistant

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

Effective Date/Appeals: The action by the West Los Angeles Area Planning Commission (Commission) on this matter is final and effective upon the mailing date and is the final appeal procedure within the appeal structure in the City of Los Angeles. Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Commission's action shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame.

This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

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

Attachments: Director's Determination Letter Dated January 11, 2018

c: Juliet Oh, City Planner
Debbie Lawrence, Senior City Planner
Ken Bernstein, Principal City Planner

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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RENEE DAKE WILSON
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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
EXECUTIVE OFFICER
(213) 978-1272

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

<http://planning.lacity.org>

DIRECTOR'S DETERMINATION

January 11, 2018

Applicant/Owner

Shula Harel
1030 Hilts Avenue
Los Angeles, CA 90024

Representative

Wil Nieves
Nieves and Associates
21250 Hawthorne Blvd. #700
Torrance, CA 90503

Case No. DIR-2015-3504-CDP-SPP-MEL
DIR-2015-3506-CDP-SPP-MEL
DIR-2015-3507-CDP-SPP-MEL

CEQA: ENV-2015-3505-CE

Location: 925 and 927 West Marco Place

Council District: 11 – Mike Bonin

Neighborhood Council: Venice

Community Plan Area: Venice

Specific Plan: Venice Coastal Zone –
Milwood Subarea

Land Use Designation: Low Medium I Residential

Zone: R2-1

Legal Description: Lots 22, 23, 24; Block 16;
Venice Annex

Last Day to File an Appeal: January 26, 2018

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 a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story, 2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite. The project is located within the single permit jurisdiction area of the Coastal Zone, and

Approve a Project Permit Compliance Review, and

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

Approve a Mello Act Compliance Review for the demolition of one Residential Unit, relocation of one Residential Unit and construction of two new Residential Units in the Coastal Zone

DETERMINE based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303 (City of Los Angeles CEQA Guidelines Article III, Section 1, Class 3, Category 1), as well as Sections 15331 and 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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

CONDITIONS OF APPROVAL

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Demolition and Relocation:** the existing single-family dwelling on lots 22 and 23 (925 West Marco Place) shall not be demolished; the structure shall be preserved and relocated to lot 24. The existing structure on lot 24 shall be demolished prior to the relocation of the structure on lots 22 and 23.
4. **Walk Street. (Design Criteria).** The building materials, colors, articulation, massing, and scale of the proposed project shall substantially comply with those specified on the plans labeled Exhibit "A," in the subject case file.
5. **Permanent Public Right-of-Way Encroachments.** Fences shall be permitted in string line with existing fences. Encroachments shall not exceed 42 inches above natural grade. The bottom of tree canopies shall be maintained at least eight feet above the existing grade. Prior to the issuance of a building permit, a revocable encroachment permit, or a determination by the Bureau of Engineering, shall be obtained from the Department of Public Works for any encroachments within Marco Place. Permanent encroachments on Marco Place shall be limited to grade level uses including gardens, patios, landscaping, ground level decks, and fences.
6. **DIR-2015-3504-CDP-SPP-MEL (Lot 22).** Approved herein is:
 - a. Density. One single-family dwelling shall be constructed on Lot 22 (925 West Marco Place).
 - b. Height. The subject project shall be limited to a maximum height of 28 feet, measured from the centerline of Marco Place. As shown in Exhibit A, the second story shall be stepped back at least 5 feet 3.75 inches from the required front yard setback.
 - c. Roof Access Structure. The roof access structure shall be limited to 100 square feet, measured from the exterior walls, and shall be set back at least 30 feet from the required front yard. The RAS shall not exceed a maximum height of 35 feet, measured from the centerline of Marco Place.
 - d. Roof Structures. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
 - e. Parking and Access. The single-family dwelling shall provide a total of three parking spaces, of which at least two shall be covered.
7. **DIR-2015-3506-CDP-SPP-MEL (Lot 23).** Approved herein is:
 - a. Density. One single-family dwelling shall be constructed on Lot 23 (927 West Marco Place).

- b. Height. The subject project shall be limited to a maximum height of 28 feet, measured from the centerline of Marco Place. As shown in Exhibit A, the second story shall be stepped back at least 5 feet from the required front yard setback.
 - c. Roof Access Structure. The roof access structure shall be limited to 100 square feet, measured from the exterior walls, and shall be set back at least 20 feet from the required front yard. The RAS shall not exceed a maximum height of 35 feet, measured from the centerline of Marco Place.
 - d. Roof Structures. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
 - e. Parking and Access. The single-family dwelling shall provide a total of three parking spaces, of which at least two shall be covered.
8. **DIR-2015-3507-CDP-SPP-MEL (Lot 24).** Approved herein is:
- a. Density. One single-family dwelling shall be relocated to Lot 24 (929 West Marco Place) from lots 22-23 (925 West Marco Place).
 - b. Preservation. As shown in Exhibit A, the relocated single-family dwelling shall be preserved and restored, to a minimum depth of 20 feet 3.5 inches (from the front wall).
 - c. Height. The subject project shall be limited to a maximum height of 23 feet, measured from the centerline of Marco Place. As shown in Exhibit A, the new second story shall be stepped back at least 20 feet 3 inches from the required front yard setback.
 - d. Roof Structures. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
 - e. Parking and Access. The single-family dwelling shall provide a total of three parking spaces, of which at least two shall be covered.
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.
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 project site is comprised of three flat, rectangular lots (lots 22-24), each with a width of 40 feet and a depth of 90 feet and a lot area of approximately 3,600 square feet. The lots front Marco Place (Walk Street) to the southeast and abut Superba Court (alley) to the northwest. Lots 22 and 23 are developed with a one-story, 1,256 square-foot single-family dwelling that spans both lots and lot 24 is developed with a one-story, 688 square-foot single-family dwelling. The project site is zoned R2-1 with a land use designation of Low Medium Density Residential; the project is located within the Los Angeles Coastal Transportation Corridor Specific Plan, Venice Coastal Zone Specific Plan (Milwood Subarea), a Calvo Exclusion Area, Liquefaction Area, Zone X (Flood Hazard Management Specific Plan, Ordinance No. 172,081), and within 4.8 kilometers of the Santa Monica Fault.

The applicant is requesting a coastal development permit authorizing the demolition of a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story, 2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite. The project is located within the single-permit jurisdiction of the Coastal Zone.

The neighborhood and properties immediately surrounding the property are zoned R2-1 and developed with single and multi-family residential structures ranging from one to two stories in height. The lots immediately abutting the site are developed with two-story single-family dwellings. There are approximately 27 residential structures in the block of Marco Place bound by Lincoln Boulevard to the north and Linden Avenue to the South, of which, nine structures are two stories in height.

Marco Place is a Walk Street limited to use by pedestrians with a five-foot-wide walkway and an encroachment area (with a varying depth of 10 and 15 feet) on both sides of the paved walkway.

Superba Court (alley) the project site abuts an alley with a width of approximately 15 feet.

Previous zoning related actions in the area include:

DIR-2017-1850-SPP – On July 17, 2017, the Director of Planning approved a project permit compliance review for the demolition of a detached, one-car garage, located at 935 West Marco Place, within the single-permit jurisdiction of the Coastal Zone.

ZA-2016-2090-CU-CUB-CDP-SPP – On May 17, 2017, the West Los Angeles Area Planning Commission approved a coastal development permit, conditional use permit and project permit compliance review for the demolition of a detached garage and addition to a one-story restaurant building, located at 1711 South Lincoln Boulevard, within the single-permit jurisdiction of the Coastal Zone.

DIR-2015-3953-SPP – On May 18, 2016, the West Los Angeles Area Planning Commission denied an appeal of the Director's approval of a project permit compliance review for the remodel and addition to an existing one-story single-family dwelling and the construction of a new recreation room above an existing detached one-car garage, located at 854 West Marco Place, within the single-permit jurisdiction of the Coastal Zone.

DIR-2015-2919-CDP – On August 7, 2015, a coastal development permit application was filed for the demolition of a one-story single-family dwelling and the construction of a two-story single-family dwelling, located at 2012 South Linden Avenue. A determination has not been issued for this project.

DIR-2015-2907-CDP-SPP – On October 5, 2016, the Director of Planning approved a coastal development permit and project permit compliance review for the remodel and addition to a one-story single-family dwelling resulting in a two-story, 2,648 square-foot single-family dwelling, located at 934 West Amoroso Place, within the single-permit jurisdiction of the Coastal Zone.

ZA-2015-2404-CDP-SPP-MEL – On May 17, 2017, the West Los Angeles Area Planning Commission denied a coastal development permit and project permit compliance review for the demolition of a one-story single-family dwelling and the construction of a two-story single-family dwelling, located at 2003 South Linden Avenue, within the single-permit jurisdiction of the Coastal Zone.

ZA-2014-4641-CDP-ZAA-SPP-MEL – On March 2, 2017, the Zoning Administrator approved a coastal development permit for the remodel and addition to a one-story single-family dwelling, resulting in a two-story, 2,482 square-foot single-family dwelling, located at 938 West Amoroso Place, within the single-permit jurisdiction of the Coastal Zone.

ZA-2014-1710-CDP – On February 17, 2016, the West Los Angeles Area Planning Commission denied in part and granted in part an appeal of a coastal development permit, approving the demolition of a single-family dwelling and construction of a two-story, 3,326 square-foot single-family dwelling, located at 920 W. Superba Avenue, within the single-permit jurisdiction of the Coastal Zone.

Public Hearing

A Public Hearing was held, by a Hearing Officer (Juliet Oh), at 10:00 am, on May 1, 2017 at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025. The applicant team (comprised of the owner, architect, and representative) and approximately 12 residents were in attendance. The applicant team provided a brief overview of the project, requested actions, and presented the changes in the project since the initial design. They indicated that while they had begun their outreach efforts, they had not yet presented their project to the Venice Neighborhood Council (VNC) and requested the project kept under advisement for 60 days, to allow adequate time for the VNC to review the proposed projects.

Several member of the public were in attendance and provided the following comments in opposition to the proposed scope of work.

Tom Paris (resident on Amoroso Place)

- Opposed to the idea of two new homes on the existing lot, the developers should just build an addition to the existing single-family dwelling and preserve the double lot.

Shepard Stern (resident on Marco Place)

- The project violates the Coastal Act and certified Land Use Place, will have a cumulative impact on Marco Place.
- The Walk Streets should preserve the open space, maintained as a park-like setting.
- Project is not compatible with the mass, scale, character of the neighborhood.
- Does not think the single-family structure will survive the move from lots 22-23 to lot 24.
- Landscaping provides natural drainage, loss of open space areas will lead to flooding.
- Structures will displace the existing trees; old growth trees/landscaping should be

protected.

Sue Kaplan (resident of Nowita Place)

- We need to consider the mass, scale, character and whether the project is compatible with the adjacent structures and neighborhood.
- Walk streets are a historic scenic area, with architectural diversity and distinct setback pattern; the location warrants more intensive preservation.
- The project will have a cumulative impact on the area.
- Will impact the neighborhood, as the three proposed larger structures (floor area) will be located in the middle of the block.
- The design and massing will have a significant (negative) impact on the neighborhood, needs to incorporate more articulation.
- Submitted a letter outlining the required Findings and applicable provisions of the Venice Specific Plan.

Mary Jack (resident of Marco Place)

- The walk streets are a special place, need to preserve the park-like setting of the area.
- The structure at 925 Marco Place is a Contributor in the Milwood Walk Streets Historic District (SurveyLA) and should be preserved on the double lot as a cultural resource.
- New homes will be the largest on the block.
- The lots and the existing homes are inextricably linked, will destroy the character of the neighborhood; the height, bulk, and massing should be reduced.

Lillian White (resident of Amoroso Place)

- The structure at 925 Marco Place is a perfect example of a Japanese Craftsman home, place on the center of two lots over 100 years ago.
- Should remain in its current location, preserve the park-like setting and allow for adequate light and air-flow. Moving the structure will impact character of the walk street, may not survive the move and we would lose a historic resource.
- Submitted a copy of Exhibit D.3-3 of the Los Angeles CEQA Thresholds Guide, outlining the City of Los Angeles Historic-Cultural Monument Designation Criteria.

Mary Webster (owns property on Marco Place)

- The craftsman home should be maintained and remodeled.
- The proposed designs are too large, bulky, and overpowering. Applicant needs to reduce the scope of the project.
- Need to stop the construction of McMansions, development is going in the wrong direction.
- Submitted a copy of an email dated April 30, 2017.

Andrea Stern (resident of Marco Place)

- Outraged and deeply saddened by the applicant's proposed project.
- Moving the structure would destroy it.
- The project will have an adverse cumulative impact on the neighborhood.
- Should preserve the trees, consider noise and historic impacts.

Robin Rudisill (resident of Venice)

- The project will result in the decline of the environment.
- Walk streets are scenic and historic resources and should be protected.
- Full CEQA analysis is required, will have a cumulative impact as the project consists of three single-family dwellings in a row.
- Venice is a special coastal community and needs to be preserved.
- There are many important laws to consider in the Coastal Zone.
- Submitted excerpts from the Venice Land Use Plan and a copy of ZI No. 2454 (SurveyLA Information for the Milwood Venice Walk Streets Historic District).

The Applicant's representative stated the project had been reviewed by the Office of Historic Resources (OHR). OHR asked for revisions to the projects, the proposed relocation and addition, as well as the two new single-family dwellings were found to have no significant impact on the integrity of the existing Contributor or the Historic District. The applicant requested the case be taken under advisement for 60 days to allow adequate time for the Venice Neighborhood Council to review the project.

Correspondence

The Venice Neighborhood Council (VNC) submitted a letter, dated September 19, 2017, recommending approval of the project as proposed. Approximately 15 letters were submitted in opposition to the project and four letters were submitted with signatures in support of the project.

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 project site is comprised of three flat, rectangular lots (lots 22-24), each with a width of 40 feet and a depth of 90 feet and a lot area of approximately 3,600 square feet. The lots front Marco Place (Walk Street) to the southeast and abut Superba Court (alley) to the northwest. Lots 22 and 23 are developed with a one-story, 1,256 square-foot single-family dwelling that spans both lots and lot 24 is developed with a one-story, 688 square-foot single-family dwelling. The project site is zoned R2-1 with a land use designation of Low Medium Density Residential; the project is located within the Los Angeles Coastal Transportation Corridor Specific Plan, Venice Coastal Zone Specific Plan (Milwood Subarea), a Calvo Exclusion Area, Liquefaction Area, Zone X (Flood Hazard Management Specific Plan, Ordinance No. 172,081), and within 4.8 kilometers of the Santa Monica Fault.

The applicant is requesting a coastal development permit authorizing the demolition of a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story, 2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite. The project is located within the single-permit jurisdiction of the Coastal Zone.

The neighborhood and properties immediately surrounding the property are zoned R2-1 and developed with single and multi-family residential structures ranging from one to two stories in height. The lots immediately abutting the site are developed with two-story single-family dwellings. There are approximately 27 residential structures in the block of Marco Place bound by Lincoln Boulevard to the north and Linden Avenue to the South, of which, nine structures are two stories in height.

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 applicable provisions are as follows:

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The proposed project would require minor grading and excavation to relocate the existing one-story structure to lot 24 and develop two new single-family dwellings on lots 22 and 23. All such work is subject to review by the Department of Building and Safety and will comply with the requirements of the grading division. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

Section 30250 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources. The proposed project is located in a residential neighborhood developed with similar one and two-story residential structures. The subject site maintains a frontage on Marco place, a pedestrian Walk Street, with vehicle access provided from the rear alley, Superba Court; both right of-ways are part of the larger circulation network of the neighborhood and City. The new residential structures will maintain connections with existing infrastructure systems (water, electricity, gas, wastewater, trash service, etc.) required for residential development. As such, the project will be located in an existing developed area contiguous with similar residential uses 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 three lots are located within the Milwood Walk Streets which are identified in the Venice Land Use Plan as a highly scenic coastal area and a significant cultural resource. The proposed project will relocate an existing one-story single-family dwelling (on lots 22-23) to lot 24, preserve the front portion of the structure to a depth of approximately 20 feet and construction a two-story addition to the rear; the existing one-story structure on lot 24 will be demolished. Two new, two-story single-family dwellings will be constructed on lots 22 and 23. The new structures are 28 feet in height and are designed with flat and varied rooflines (pitched roof) but also incorporate a five-foot step back on the second level, consistent with the rooflines and building massing in the area. As previously discussed, there approximately 27 residential structures, of which nine are two stories in height; the structures immediately abutting the project site are two stories in height; several of the two-story structures do not incorporate significant step backs on the second level. The three proposed two-story structures observe the required prevailing front yard setback requirement and incorporate stepbacks and cutouts to further reduce the massing of the buildings. As such, the proposed single-family dwellings are visually compatible with the character of the surrounding areas and will not have a visual impact on the Walk Street.

Section 30252 states that new development should maintain and enhance public access to the coast. The project proposes the demolition and development of structures located on lots fronting a Walk Street. Each single-family dwelling will provide a three parking spaces onsite and would not impact public on-street parking spaces. The project proposes new landscaping and fences (limited to 42 inches in height) within the encroachment area of the Walk Street however, no improvements are proposed or required within the five-foot-wide pedestrian walkway (right-of-way), and the project will not obstruct access to or from the site. The property is located more than one mile from Venice Beach and half a mile from the Venice Canals. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted.

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 not located within a Flood Zone. The property is located within a Liquefaction Area and 4.8 kilometers from the Santa Monica Fault. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements

that will minimize risks to life and property in the above-mentioned hazard areas.

The proposed project will demolish a one-story single-family dwelling, relocate (rehabilitate) and remodel an existing one-story dwelling and build two new single-family dwellings; the project will result in the development of three, two-story single-family dwellings on three residential lots on a walk street in the Milwood Subarea. Each single-family dwelling will provide three parking spaces onsite and will maintain the prevailing front yard and encroachment area adjacent to Marco Place. As previously discussed, the proposed improvements and continued residential use would have no adverse impacts on public access, recreation, public views or the marine environment, as the property is located within a developed residential area and located more than a mile from Venice Beach and half a mile from the Venice Canals. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access or views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. As discussed, the project consists of the demolition, relocation/preservation, and development of residential structures resulting in three, two-story single-family dwellings on three residential lots. The subject site is located within the Milwood Subarea and is zoned R2-1 with a General Plan Land Use Designation of Low Medium I Residential. The proposed project is consistent with the following policies of the Land Use 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.

Policy I. A. 4. Single-Family Dwelling - Low Medium I Density. Accommodate the development of single-family dwelling units in areas designated as "Single-family Residential" and "Low Medium I Density" on the Venice Coastal Land Use Plan. The project will result in the development of three single-family dwellings on three residential lots within a neighborhood comprised of primarily single-family dwellings.

Policy I. A. 6. Multi-Family Residential – Low Medium I Density. Accommodate the development of duplexes and multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium I" on the Venice Coastal Land Use Plan. The project complies with the density and yard provisions for the Milwood Subarea, developing one single-family dwelling on each residential lot (each lot is approximately 3,600 square feet). The structures will observe the required prevailing front yard setback of approximately 12 feet from the property line and an additional 12 feet of encroachment area from the pedestrian walkway (walk street), consistent with the requirements of the

R2-1 zone and provisions of the Land Use Plan.

Policy I. D. 3. Views of Natural and Coastal Recreation Resources. The scale of development shall comply with height limits, setbacks and standards for building massing specified in Policy Groups I.A and I.B, Residential and Commercial Land Use and Development Standards of this LUP, in order to protect public views of highly scenic coastal areas and vista points, including, but not limited to, the canal, lagoon, jetty, pier, Ocean Front Walk, walk streets and pedestrian oriented special communities. As discussed above (Policy I.A.6), the project will maintain the yards required for walk street and the R2 zone; a 12-foot encroachment area within the right-of-way and a prevailing front yard setback of 12 feet, consistent with the existing structures on the block.

Policy II. A. 3. Single-family dwellings on lots of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley are required to provide three parking spaces. The project will provide three parking spaces for each single-family dwelling; each lot will provide two spaces within an attached garage and one uncovered space.

Policy II. C. 10. Walk Streets – Residential Development Standards. New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate. The proposed project will result in a two-story, single-family dwelling on each of the three residential lots. The existing one-story structure at 925 Marco Place will be relocated to lot 24 (929 Marco Place). The front portion of the original structure (to a depth of approximately 20 feet) will be preserved and rehabilitated, utilizing wood siding to match the original materials. A two-story addition comprised of metal siding and large glass windows will be constructed to the rear of the original structure; the new second story will be stepped back approximately 22 feet. The structure is approximately 23 feet in height, measured from the centerline of Marco Place. The two new structures, to be constructed on lot 22 and 23, utilize wood and metal siding, stucco, and large glass windows; the front facades are articulated with large windows, varied rooflines (gable roof on the first level), and observe a five foot stepback at the second level; the roof access structures are stepped back more than 20 feet from the front of the building. Each structure is 28 feet in height, measured from the centerline of Marco Place. The structures maintain a prominent entrance on the walk street, incorporate porches, and integrate significant articulation at the building façade. The proposed height and massing of the structures is consistent with the neighborhood and meets the requirements for residential development located on walk streets.

Policy II. C. 11. Encroachments into Walk Street Right-of-Way. Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public pathways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian...Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way...New fences shall be located in line with existing fences on the same side of the street. The project includes the improvement of the encroachment area (12 feet in depth from the pedestrian walkway), consisting of new landscaping, paving, and perimeter walls, limited to a height of 42 inches and in line with the existing fences/walls adjacent to the

project site.

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

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources." In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The project consists of the demolition, relocation/preservation, and development of residential structures resulting in three, two-story single-family dwellings on three residential lots. The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for the Milwood Subarea; the project also complies with the policies of the LUP and standards of the Specific Plan.

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

The project consists of the demolition of a one-story single-family dwelling, relocation/preservation of a single-family dwelling, and development of two new single-family dwellings. The project will result in the development of three, two-story single-family dwellings on three residential lots fronting a walk street within the single-permit jurisdiction of the Coastal Zone and does not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In November, 2017, the Commission approved a Coastal Development Permit for the demolition of a one-story single-family dwelling and the construction of a two-story, 3,084 square-foot single-family dwelling with a rooftop deck and attached garage in the single permit jurisdiction, located at 2801 Sanborn Avenue (Application No. 5-17-0590).
- In September, 2017, the Commission approved a Coastal Development Permit for the demolition of a one-story single-family dwelling and the construction of a two-story, 3,857 square-foot single-family dwelling with a rooftop deck and attached garage in the single permit jurisdiction, located at 459 E. 28th Avenue (Application No. 5-17-0334).
- In August 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval of a coastal development permit for the demolition of a two-story single-family dwelling and construction of a new two-story, 3,004 square foot single-family dwelling,

in the single permit jurisdiction, located at 2318 Clement Avenue (Appeal No. A-5-VEN-15-0036).

- In June 2017, the Commission approved an Administrative Permit for the major remodel and addition to a one-story, 793 square foot single-family, resulting in a two-story, approximately 26-foot high 1,454 square foot single-family residence; four uncovered parking spaces will be maintained on the 4,802 square-foot lot, located at 756 Sunset Avenue. (Application 5-17-0258).
- In June 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles and approved the remodel of a 948 square-foot single-family dwelling comprised of a new second story, resulting in a 2,482 square-foot, two-story (28 feet in height) single-family dwelling with a two-car garage, located at 938 Amoroso Place. (Appeal No A-5-VEN-17-0018).
- In June 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles and approved the conversion of two-story, 23.5 foot high, 1,812 square-foot duplex into a 2,416 square foot single-family residence. The scope of work includes a 351 square-foot first floor addition, 253 square-foot second floor addition, and interior remodeling; two vehicular parking spaces will be maintained onsite. The project is located at 628 San Juan Avenue. (Appeal No. A-5-17-0019).
- In March 2017, the Commission approved an Administrative Permit for the substantial demolition, remodel, and second-story addition to a 946 square-foot single-family dwelling, resulting in a 25 feet-in-height, two-story, single-family dwelling, located at 818 Venezia Avenue. (Application No. 5-16-0956).
- In February 2017, the Commission approved an Administrative Permit for the demolition of a single-family dwelling and the construction of a 2,702 square-foot, two-story, 25 feet-in-height, single-family dwelling with a rooftop deck, located at 3021 Stanford Avenue. (Application No. 5-16-0685).
- In February 2017, the Commission approved an Administrative Permit for the substantial demolition and remodel of a one-story single-family dwelling, resulting in a 2,670 square-foot, two-story, 25 feet-in-height, single-family dwelling with a rooftop deck, and a new detached two-story recreation room to the rear of the structure, located at 3024 Stanford Avenue. (Application No. 5-16-0985).
- In January 2017, the Commission approved an Administrative Permit for the substantial demolition and remodel of a one-story, single-family dwelling resulting in a two-story, 4,020 square-foot, two-story, 30 feet-in-height, single-family dwelling located at 665 Broadway. (Application No. 5-16-0953).

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 not located between the nearest public road and the shoreline of any body of water located within the coastal zone, the site is located more than one mile east of Venice Beach and half a mile northeast of the Venice Canals. No work is proposed in the right of way, the project will not interfere with public access to the coast. The development is consistent with the referenced policies as it consists the development of single-family residential structures in a residential neighborhood developed with similar uses; the zoning of the property allows single and multi-family development and there is no adjoining public access point or public recreation facility that will be affected by this request.

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

A Categorical Exemption, ENV-2015-3505-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the demolition of a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story, 2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines, Section 15303 (City of Los Angeles CEQA Guidelines Article III, Section 1, Class 3, Category 1), as well as Sections 15331 and 15332.

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. Up to three single family residences may be constructed under this exemption. As previously discussed, the project will result in three single-family dwellings on three residential lots in a fully developed residential neighborhood. The project site is currently developed with two residential structures.

The Class 31 categorical exemption allows projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The subject property is located within the Milwood Walk Streets Historic District and contains two residential structures. The single-family dwelling at 925 Marco Place is identified as a Contributor (SurveyLA) and the structure at 927 Marco Place was determined to be a Non-Contributor to the District (Historic Resources Assessment, CPR Services Corporation, November 2016). The Contributor (located on lots 22 and 23) will be relocated to lot 24 and rehabilitated. The front portion of the façade will be preserved (to a depth of approximately 20 feet) and a two-story addition will be constructed to the rear of the original structure. The proposed project was reviewed by the Office of Historic Resources, and the proposed preservation and addition was found to maintain the integrity of the Contributor and the proposed new structures were determined to be consistent and compatible with the District (March 2, 2017). The project will retain the character defining features of the existing Contributor (within the front façade) and the proposed addition to the rear portion of the structure is differentiated from the original structure using large glass panels and metal siding.

The Class 32 categorical exemption is applicable to infill development within urbanized areas; the project will demolish one single-family dwelling, relocate an existing single-family dwelling and construct two new single-family dwellings on three (adjacent) residential lots, located within a developed residential neighborhood. The project meets the following conditions of the Class 32 categorical exemption:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The subject site is designated as Low Medium I Residential land use and zoned R2-1. As previously discussed, the project conforms to the development regulations and policies of the Venice Coastal Zone Land Use Plan and Specific Plan.
- (b) The proposed development occurs within City limits on a project site of no more than five acres, substantially surrounded by urban uses. The subject site is approximately 10,800 square feet, less than 0.3 acres.
- (c) The project site has no value as habitat for endangered, rare or threatened species. The project is located within a fully developed residential neighborhood with moderate landscaping. As such, the project site does not contain a habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project does not meet the threshold for requiring a traffic study (LADOT), nor does it propose significant construction and grading activity that would require an air quality study. The project is subject to compliance with the City's standards and regulations for demolition and new construction and will not have a significant impact on noise or water quality.
- (e) The site can be adequately served by all required utilities and public services. The subject site currently maintains a two residential structures and is located within an urban area. As such, the proposed single-family dwellings will be served by existing utilities and public services.

Furthermore, the Exceptions outlined in Public Resources Code Section 15300.2. do not

apply to the project:

- a) **Location.** The project is not located in a sensitive environment. Although the project is located within the Coastal Zone, the residential neighborhood is not identified as a sensitive 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 within a landslide area. Although the project is located within a liquefaction area, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.
- b) **Cumulative Impact.** The project is consistent with the type of development permitted for the area zoned R2-1 and designated Low Medium Density Residential use. The proposed development of three single-family dwellings on three residential lots will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical 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 project site is located within the Milwood Walk Streets Historic District (SurveyLA), the structure located at 925 Marco Place is identified as a Contributor to the District and the structure located at 927 Marco Place was determined to be a Non-Contributor (HRA November 2016). As previously discussed, the project consist of the preservation, relocation and addition to the Contributor in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The two new single-family dwellings were reviewed by the Office of Historic Resources and determined to be consistent and compatible with the Contributors in the block and would not have an adverse impact on the integrity of the District.

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

Project Permit Compliance Review

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

The project consists of the demolition of a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story,

2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite. As conditioned, the proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the Milwood Subarea set forth in Section 10.G, Development Standards for Walk Streets set forth in Section 12, and the Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

A. *Section 8.C. Findings*

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

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

The project site consists of three residential lots (lots 22-24), each with a width of 40 feet on Marco Place and a depth of 90 feet. Lots 22 and 23 are developed with a one-story single-family dwelling situated on the middle of the site (across both lots) and lot 24 is developed with a one-story single-family dwelling to the rear portion of the lot. The project is located within the Milwood Subarea, also identified in SurveyLA as the Milwood Walk Streets Historic District. A relative height study (Electric Bowery, November 2017) prepared for the block of Marco Place, bound by Lincoln Boulevard and Linden Avenue, shows there are approximately 27 structures on the block. There are nine residential stories that are two stories in height. The existing two-story structures are articulated with varied rooflines, slightly stepped back second stories, recessed windows and building walls, and balconies/windows. The proposed residential structures include both flat and varied rooflines, as well as clearly defined front entrances and windows, facing the walk street. In addition, each structure incorporates a stepback at the second level to break up the massing of the building and create an articulated façade.

Within the block, there are three residential properties that span two lots; the development pattern of the neighborhood is defined by individual residential structures on single lots (40 by 90 feet). The project proposes the development of each legal lot with one single-family dwelling, similar to the existing pattern of development. As conditioned, the project is compatible with the uses of the residential neighborhood, as well as the massing and scale of the existing structures; the project will not be detrimental to the adjoining properties or the immediate area.

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

The subject property is designated Low Medium I Residential in the Venice Local Coastal Program Land Use Plan and is zoned R2-1. As previously discussed, a Local Coastal Program (LCP) has not been certified for the Venice Coastal Zone. However, the proposed project complies with the policies of the certified Land Use Plan, outlined in Finding Number 2. Policy I.A.6 provides the density and development standards for residential projects in areas with a Land Use Designation of Low Medium I Residential, Policy II.A.3 outlines the parking requirement of three spaces for single-family dwellings, and Policy II.C.10 outlines the residential development standards for projects located on Walk Streets. The proposed project would demolish a single-family dwelling, relocate/rehabilitate a single-family dwelling, and construct two new single-

family dwellings; the project will result in the development of three, single-family dwelling on three individual residential lots and is consistent with the intent and purposes of the Land Use Plan and the Specific Plan (see parts B. through D. below), which are parts of the Venice Local Coastal Program.

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

No Existing Affordable Residential Units were determined to exist, as discussed in Finding Number 7, therefore, Replacement Affordable Units are not proposed or required for this project.

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

The project consists of development of three Residential Units. As discussed in Finding Number 8, the project consists of the development of less than 10 Residential Units and is therefore categorically exempt from the Inclusionary Residential Unit requirement under the Interim Administrative Procedures for Complying with the Mello Act (Mello Act) and complies with the Mello Act, as set forth in California Government Code Sections 65590 and 65590.1.

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

B. Section 9. General Land Use and Development Regulations

1. *Lot Consolidation.* The project site is comprised of three residential lots (lots 22-24). Lots 22 and 23 are developed with a one-story single-family dwelling spanning both lots and lot 24 is developed with a single-family dwelling. The project will relocate the single-family dwelling on lots 22 and 23, to lot 24; one new single-family dwelling will be constructed on each legal lot. The project will not consolidate any existing lots. Each lot will be developed separately, limited to the boundaries of the legal lot lines. Therefore, the proposed project is in conformance with Section 9.A of the Specific Plan.
2. *Height.* As shown in "Exhibit A", the height of each structure is measured from the centerline (of the midpoint of each lot frontage) of Marco Place and conforms to the standards of measurement as outlined in Section 9.B of the Specific Plan.
3. *Roof Structures.* The proposed single-family dwellings on lot 22 and 23 will incorporate roof access structures that are less than 100 square feet and measure approximately 34 feet. They are located in the middle of the lots, stepped back more than 20 feet from the building façade and more than forty feet from the pedestrian walkway.

C. Sections 10.G. Land Use and Development Regulations for Oakwood-Milwood-Southeast Venice Subarea

1. *Density.* A maximum of two dwelling units per lot shall be permitted on R2-zoned lots. The project will result in the development of one single-family dwelling on each of the three legal lots; the project complies with Section 10.G.2 of the Specific Plan.

2. *Height.* Venice Coastal Development Projects fronting on Walk Streets shall not exceed a maximum height of 28 feet. As shown in "Exhibit A", the proposed new structures (on Lots 22 and 23) reach a maximum height of 28 feet toward the rear portion of the structure and the while the second story addition to the single-family dwelling relocated to Lot 24 is 23 feet in height. As such, the project complies with Section 10.G.3 of the Specific Plan.
3. *Access.* Vehicular access to projects located adjacent to Walk Streets shall be provided from streets or alleys other than Walk Streets. As shown in "Exhibit A", the proposed project provides vehicle access to each lot from the alley abutting the property. Therefore, the project complies with Section 10.G.4 of the Specific Plan.

D. Section 12 – Walk Streets

- A. *Residential Development Standards.* The project will result in the construction of two new single-family dwellings on lots 22 and 23 and the relocation of an existing one-story single-family dwelling to lot 24. As shown in "Exhibit A" the new single-family dwellings on lots 22 and 23 maintain a prominent front entrance on the Walk Street and include large windows and patios that articulate the façade. The applicant proposes the use of building materials that are consistent with the materials used in existing structures in the neighborhood: wood siding, stucco, metal siding, and glass. The structure relocated from lots 22 and 23 to lot 24 will preserve and restore the front portion of the existing one-story single-family dwelling and construct a two-story addition to the rear. The front façade will maintain a porch, entrance, and gable roof. New wood siding will be used to restore the front portion of the structure, to match the existing wood siding and the new additions will be differentiated with the use of metal siding and glass. As previously discussed, the new structure will incorporate modest stepbacks on the second level and the structure on lot 24 will observe a second story stepback of approximately 20 feet from the front wall. The proposed project therefore, complies with the residential development standards for projects fronting on or adjacent to Walk Streets.
- B. *Permanent Encroachments.* Permanent encroachments within the existing public right-of-way of a designated Walk Street shall be limited to grade level uses including gardens, patios, landscaping, ground level decks, and fences; all encroachments are limited to 42 inches above natural grade. Permanent encroachments must obtain a revocable permit from the Los Angeles Department of Public Works, Bureau of Engineering. As shown in "Exhibit A", the proposed encroachments are comprised of fences, walls, and landscaping no taller than 42 inches.

E. Section 13 – Parking

Single family dwellings on a lot of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley are required to provide three parking spaces, of which two must be covered. Each single-family dwelling will maintain three parking spaces on each lot: two within attached garages and one uncovered space. Therefore, the project complies with Section 13 of the Specific Plan.

8. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2015-3505-CE, has been prepared for the proposed project consistent, with the provisions of the California Environmental Quality Act and the

City CEQA Guidelines. The project proposes the demolition of a one-story, 688 square-foot, single-family dwelling located at 927 W. Marco Place (Lot 24) and the relocation of one-story, 1,256 square-foot, single-family dwelling located at 925 W. Marco Place (Lots 22 & 23) to 927 West Marco Place (Lot 24); the structure is to be preserved and a two-story addition will be constructed to the rear, resulting in a two-story, 2,335 square-foot single-family dwelling with an attached, two-car garage. The project includes the construction of one, two-story, 2,337 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 925 West Marco Place (Lot 22) and one, two-story, 2,104 square-foot, single-family dwelling with a rooftop deck and an attached two-car garage at 927 West. Marco Place (Lot 23). Each single-family dwelling will provide a total of three parking spaces onsite. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines, Section 15303 (City of Los Angeles CEQA Guidelines Article III, Section 1, Class 3, Category 1), as well as Sections 15331 and 15332. A full discussion can be found in Finding No. 6.

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

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:

9. Demolitions and Conversions (Part 4.0).

The project includes the demolition of an existing single-family dwelling located at 927 Marco Place and the preservation and relocation of a single-family dwelling at 925 Marco Place. A Determination was issued by the Los Angeles Housing and Community Investment Department (HCIDLA) on November 3, 2016 for each structure; the HCIDLA Determinations are attached. HCIDLA reviewed data from July 2013 through July 2016 and found no Affordable Existing Units.

Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion; and the applicant is not required to provide any Affordable Replacement Units.

10. Categorical Exemptions (Part 2.4) Small New Housing Developments

The project proposes the development of three single-family dwellings on three individual lots. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of three Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

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

Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://cityplanning.lacity.org>. Public offices are located at:

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

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

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

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

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

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:

Faisal Roble, Principal City Planner

Debbie Lawrence, AICP, Senior City Planner

Prepared by:

Juliet Oh, City Planner
juliet.oh@lacity.org