

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**
CF 20-0052

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2016-3291-CDP-MEL Related Case: AA-2016-3290-PMLA-SL	ENV-2016-3293-CE	11 - Bonin
PROJECT ADDRESS:		
635-637 East San Juan Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Kevin Zhang <input type="checkbox"/> New/Changed	N/A	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
-Steve Kaplan, Steve Kaplan Land Use Law -The Code Solution	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
People Organized for Westside Renewal (POWER), Robin Rudisill, Sue Kaplan, Celia Williams	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jeff Khau	213-978-1346	jeff.khau@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
ON JANUARY 21, 2020 THE CITY COUNCIL ASSERTED JURISDICTION PURSUANT TO SECTION 245 OF THE LOS ANGELES CITY CHARTER, AND REFERRED THIS MATTER TO THE PLANNING AND LAND USE COMMITTEE FOR ITS CONSIDERATION.		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

Entire decision was appealed by Appellant on July 13, 2019

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED
:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☐ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☐ Mailing List
- ☐ Land Use
- ☒ Other _____

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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

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- ☐
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- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

“Other” includes Secondary and Day of Submissions

FISCAL IMPACT STATEMENT:☐ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate “Yes”.

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☒ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
November 20, 2019	4 – 0
LAST DAY TO APPEAL:	APPEALED:
Original Determination – July 15, 2019	Original determination - Yes
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez Commission Office	January 23, 2020



WEST LOS ANGELES AREA PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: DEC 20 2019

CASE NO. DIR-2016-3291-CDP-MEL-1A
CEQA: ENV-2016-3293-CE
Plan Area: Venice
Related Case: AA-2016-3290-PMLA-SL-1A

Council District: 11 - Bonin

Project Site: 635-637 East San Juan Avenue

Applicant: 187 Monterey Holding, LLC
Representative: Steve Kaplan Land Use Law

Appellants: People Organized for Westside Renewal, Robin Rudisill, Sue Kaplan, and Celia Williams

At its meeting of **November 20, 2019**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

A Coastal Development Permit and Mello Act Compliance Review for a preliminary parcel map (Small Lot Subdivision) to subdivide one existing lot totaling approximately 5,200 square feet (net area of 4,800 square feet) into two (2) new small lots that are 2,273 (Parcel A) and 2,527 (Parcel B) square feet in lot area, in conjunction with the demolition of an existing duplex and single-family dwelling, the removal of four trees, and the construction of a 2,091 square-foot single-family dwelling on Parcel A and a 1,287 square-foot single-family dwelling with a 396 square-foot attached Accessory Dwelling Unit (ADU) on Parcel B. Six (6) parking spaces are provided onsite.

1. **Determined**, pursuant to CEQA Guidelines, Sections 15303, 15315, and 15332, that the project is exempt from CEQA and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal in part, **granted** the appeal in part and **sustained** the Planning Director's Determination, pursuant to Section 12.20.2 of the Los Angeles Municipal Code, to approve a Coastal Development Permit for a Development in the single permit jurisdiction of the Coastal Zone and, pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, to approve a Mello Act Compliance Review for the demolition of three (3) existing Residential Units and construction of three (3) Residential Units in the California Coastal Zone;
3. **Adopted** the attached Conditions of Approval as modified by the Commission; and
4. **Adopted** the attached Findings as amended by the Commission.

This action was taken by the following vote:

Moved: Rozman
Second: Yellin
Ayes: Margulies, Waltz-Morocco
Absent: Newhouse

Vote: 4 – 0



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

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

Effective Date/Appeals: The action by the West Los Angeles Area Planning Commission on this matter is final and effective upon the mailing date of this determination and is the final appeal procedure within the appeal structure in the City of Los Angeles.

California Coastal Commission/Appeals: Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Area Planning Commission's action shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame. The proposed development **is in the single-permit jurisdiction area.** This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

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

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

Attachments: Modified Conditions of Approval, Amended Findings

c: Juliet Oh, Deputy Advisory Agency
Jeff Khau, City Planning Associate

Conditions of Approval

As modified by the West Los Angeles Area Planning Commission on November 20, 2019

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Density.** One single-family dwelling shall be permitted on each new small lot created pursuant to Parcel Map No. AA-2016-3290-PMLA-SL and Small Lot Subdivision Ordinance 176,354; the small lot subdivision will result in two small lots. One attached Accessory Dwelling Unit shall be provided in conjunction with the single-family dwelling on Parcel B.
4. **Height.** The subject project features both flat and varied rooflines; portions of the structure with flat rooflines shall be limited to a height of 25 feet and portions with varied rooflines (slope greater than 2:12) shall be limited to a height of 30 feet; the portions exceeding 25 feet shall be stepped back from the required front yard one foot in depth for every foot in height above 25 feet. Height is measured from the centerline of San Juan Avenue to the highest point of the roof.
5. **Parking and Access.** As shown in "Exhibit A" and as approved by the Department of Building and Safety, the subject project shall provide six (6) parking spaces onsite; each unit will be designated three parking spaces. All vehicle access shall be from the rear alley.
6. **Roof Structures.** Roof Access Structures (RAS) is limited to a height of 35 feet, measured from the centerline of San Juan Avenue to the top edge of the RAS. The area within the outside walls shall be minimized and shall not exceed 100 square feet as measured from the outside walls. Solar equipment, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may not exceed the maximum height by more than 5 feet.
7. **Roof Deck.** Railings used on the proposed rooftop deck shall be of an open design and shall be limited to a height of 42 inches.
8. This approval is tied to Case No. AA-2016-3290-PMLA-SL. The applicant shall comply with the conditions of approval listed in Case No. AA-2016-3290-PMLA-SL, which are incorporated herein by reference.
9. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with.
10. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
11. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

12. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
13. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
14. Prior to the commencement of site excavation and construction activities, 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.
15. Prior to the issuance of any permits, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

Administrative Conditions

16. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
17. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
18. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
19. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
20. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan

Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

21. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and/or the Department of Building and Safety.

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

Applicant shall do all of the following:

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the

defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

Findings

As amended by the West Los Angeles Area Planning Commission on November 20, 2019

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

The project proposes the demolition of one existing duplex and a single-family dwelling, and a Small Lot Subdivision to subdivide one 5,200 square-foot lot (4,800 square feet after dedications) into two (2) new small lots that are 2,273 (Parcel A) and 2,527 (Parcel B) square feet in lot area. The project includes the construction of a 2,091 square-foot single-family dwelling on Parcel A and a 1,287 square-foot single-family dwelling with a 396 square-foot attached Accessory Dwelling Unit (ADU) on Parcel B. Six (6) parking spaces are provided onsite. Zoned RD1.5-1, the project site is located within the single permit jurisdiction of the Coastal Zone, the Venice Coastal Zone Specific Plan (Oakwood Subarea), the Los Angeles Coastal Transportation Corridor Specific Plan, and within 4.69 kilometers from the Santa Monica Fault.

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

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The project consists of the demolition of an existing duplex and a single-family dwelling and the construction of two new two-story single-family dwellings and one ADU. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are later discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

Section 30250 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources. The proposed development is located in the single permit jurisdiction area of the California Coastal Zone. The proposed project is located in an urban residential neighborhood developed with single- and multi-family dwellings. Currently, the site contains a duplex and a single-family dwelling to be demolished and replaced with two two-story single-family dwellings and one ADU over two newly subdivided lots. The proposed density of one unit per lot complies with the RD1.5-1 zone and Low Medium II Residential land use designation. The site is located within a developed residential neighborhood and the project as designed will be comparable in size, scale and use with other similar residences in the area. The property provides access for emergency vehicles on San Juan Avenue as well as an unnamed alleyway. Sufficient parking and setbacks required by local zoning and building and safety requirements are provided. Each lot will be developed with a single-family dwelling that maintains connections and access to all public services typically required for residential uses, including water and sewage, waste disposal, gas, and electricity. The project is replacing three residential units with two new residential units and one ADU and will not overload the capacity of public services and infrastructure. Therefore, the proposed development will be adequately serviced and will not have a significant adverse impact on coastal resources.

Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited

and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The existing residential structures on San Juan Avenue are comprised of single- and multi-family residences ranging from one- to three-stories in height. There are 46 lots (not including the subject property) located along the one-block stretch of San Juan Avenue between 7th Avenue and 6th Avenue, of which 13 contain residential structures that are one-story in height; the remaining 33 are improved with a two- to three-story residential structure. Some lots with multiple residential structures have a mix of one to three-story buildings. The subject site and surrounding area are relatively flat with no views to and along the ocean. No natural land forms will be altered as part of the project. The property is not located along a bluff with views to the Pacific Ocean. The project proposes the construction of a new two-story single-family dwelling on each subdivided lot. The subject site is situated on San Juan Avenue in a neighborhood zoned RD1.5-1. To maintain visual compatibility with nearby homes, the project features mixed materials with a variety of breaks in the plane. Metal slats, custom wood grating, and open design railing provide transparency and depth to the front and sides of the structures. Balconies facing the front and rear property lines offer additional articulation and depth.

Section 30252 states that new development should maintain and enhance public access to the coast. The project proposes the demolition of a duplex and single-family dwelling and the construction of two new single-family dwellings over two new small lots. The subject site is located within 0.64 miles of the Pacific shoreline. The project provides six onsite parking spaces, with three parking spaces allocated to each new lot. No permanent structures will be erected within the public right-of-way and public access to the coast will not be obstructed.

Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. The project site is a flat interior lot located in an area designated for residential development. The project is not located by a bluff. The property is located in a liquefaction zone and within 4.69 kilometers from the Santa Monica Fault. Therefore, the project must comply with Zoning, Building, and Fire Safety Code regulatory compliance measures and requirements that minimize risks to life and property in hazard areas.

As conditioned, the proposed project conforms to Chapter 3 of the California Coastal Act. The resulting development will have no adverse impacts on public access, recreation, public views or the marine environment, since the site is within a developed residential area located 0.64 miles away from the shoreline. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed project will not block any designated public access views.

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

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a Coastal Development Permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act.

The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The project consists of the development of two two-story, single-family dwelling with a rooftop deck, in conjunction with a preliminary parcel map to subdivide a 5,200 square-foot lot to create two new lots pursuant to LAMC Section 17.53 and the Small Lot Subdivision Ordinance (Ordinance No. 176,354). The subject site is zoned RD1.5-1 with a General Plan Land Use Designation of Low Medium II Residential. The following are applicable policies from the Venice Local Coastal Land Use Plan:

Policy I.A.1 identifies general residential development standards regarding roof access structures and lot consolidation restrictions. No lot consolidation is proposed as the project will subdivide one lot to create two new small lots. Roof Access Structures (RAS) are limited to a height of 35 feet, measured from the centerline of San Juan Avenue to the top edge of the RAS. The area within the outside walls shall be minimized and shall not exceed 100 square feet as measured from the outside walls. Solar equipment, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may not exceed the maximum height by more than 5 feet.

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

Use: Duplexes and multi-family structures. The project consists of the construction of a single-family dwelling on Parcel A and a single-family dwelling and attached ADU on the other lot Parcel B.

Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units. The project proposes a density of one unit on a 2,273 square-foot lot (Parcel A) and one unit and one ADU on a 2,527 square-foot lot (Parcel B).

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5, or one unit for each 2,000 square feet of lot area in excess of 4,000 square feet on parcels zoned RD2, if the unit is a replacement affordable unit reserved for low and very low income persons.

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood. The project provides a front yard of 10 feet 2 inches, a rear yard of 20 feet, and side yards of 5 feet. The proposed yards are consistent with existing pattern of development along San Juan Avenue.

Height: Building height shall not exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied roofline. Any portion that exceeds 25 feet in height shall be setback from the required front yard one foot for every foot in height above 25 feet. The proposed project features both flat and varied rooflines that satisfy requirements set forth.

Policy II.A.3 outlines the Parking Requirements for the project. Pursuant to Z.I. No. 2406, required parking for subdivision projects shall be the parking requirements for multiple dwelling uses, based on the width of the pre-subdivided lot, under Section 13.D of the Venice Coastal Zone Specific Plan. Five (5) parking spaces are required; 2 spaces for each dwelling unit plus a minimum of 1 common access guest parking space for every four units. The project meets this requirement by providing six (6) parking spaces onsite with three parking spaces allocated to each new lot; two spaces for each unit and one shared guest space.

Pursuant to Z.I. No. 2406 (Case No. DIR-2014-2824-DI-1A) where provisions in the Venice Coastal Zone Specific Plan differ from provisions contained in the Los Angeles Municipal Code, the Venice Coastal Zone Specific Plan shall supersede those other regulations. Where provisions are silent in the Venice Coastal Zone Specific Plan, regulations of the Los Angeles Municipal Code apply. The proposed project is consistent with the policies of the Land Use Plan and the standards of the Specific Plan and will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act.

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

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

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

The project includes the demolition of an existing duplex and single-family dwelling and the construction of two new single-family dwellings, in conjunction with a Small Lot Subdivision to subdivide one 5,200 square-foot lot (4,800 square feet after dedications) into two (2) new small lots that are 2,273 (Parcel A) and 2,527 (Parcel B) square feet in lot area. The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for the Oakwood Subarea; the project also complies with the policies of the Venice Land Use Plan and applicable provisions of the Venice Coastal Zone Specific Plan.

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

The project consists of the development of two two-story, single-family dwellings, each with a roof deck. The project also includes an attached ADU to the proposed single-family dwelling located on Parcel B. The new residential structure does not conflict with prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Venice Coastal Zone:

- In March 2019, the Commission approved a Coastal Development Permit for the demolition of a two-story multi-family structure and the construction of a new three-story, 4,584 square-foot mixed-use structure with a retail space, an accessory dwelling unit, and a single-family residence, with a roof deck and an attached five-car garage and four bicycle stalls, located at 3011 Ocean Front Walk (Application No. 5-18-0212 & A-5-VEN-18-0064).
- In December 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the construction of a two-story addition to a 961 square-foot one-story single-family residence, resulting in a two-story, 3,083 square-foot single-family residence with an attached two-car garage, located at 2334 Frey Avenue (Appeal No. A-5-VEN-18-0066).
- In October 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a one-story single-family residence and the construction of a three-story 3,753 square-foot mixed-use development consisting of 759 square feet of ground floor retail use, a 2,092 square foot residential unit on the second floor, and a roof deck, with an attached 4-car garage, located at 706 S. Hampton Drive (Appeal No. A-5-VEN-18-0054).
- In August 2018, the Commission approved a Coastal Development Permit for the demolition of a one-story single-family dwelling and the construction of a two-story, 2,787 square-foot single-family dwelling with a roof deck and attached garage, located at 2412 Clement Avenue (Application No. A-5-VEN-17-0072)
- In August 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a 939 square-foot one-story single-family home and the construction of a 3,027 square-foot two-story, single-family home with an attached two-car garage and roof deck, located at 2416 Frey Avenue (Appeal No. A-5-VEN-18-0037).
- In August 2018, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit for the demolition of a 1,099 square-foot one-story single-family dwelling and the construction of a 2,811 square-foot two-story single-family dwelling with an attached two-car garage and a roof deck, located at 2433 Wilson Avenue (Appeal No. A-5-VEN-18-0038).
- In June 2018, the Coastal Commission approved the demolition of a 750 square-foot single-family dwelling on two lots and the construction of a three-story, 1,560 square-foot single-family dwelling and a three-story, 2,060 square-foot single-family dwelling, both with a roof deck and attached garage, located at 676 and 678 Marr Street (Application No. A-5-VEN-0042 & A-5-VEN-0044)
- In August 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's

approval for the demolition of a two-story single-family dwelling and construction of a new two-story, 3,004 square foot single-family dwelling, in the single permit jurisdiction, located at 2318 Clement Avenue (Appeal No. A-5-VEN-15-0036).

- In March 2017, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of a two-story single-family dwelling and accessory structure, subdivision of the lot into two small lots, and the construction of two new two-story single-family dwellings, in the single permit jurisdiction, located at 415 & 417 Sunset Avenue (Appeal No. A-5-VEN-17-0001).
- In December 2016, the Coastal Commission approved the demolition of a duplex and triplex, subdivision to create four residential parcels, and construction of four three-story single-family dwellings, located at 742-748 Brooks Avenue (Application No. A-5-VEN-16-0083)
- In March 2016, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of a single-family dwelling, a small-lot subdivision of a 4,670 square-foot lot into two lots, and the construction of a new two-story single-family dwelling on each lot, located at 758 Sunset Avenue (Appeal No. A-5-VEN-15-0071).
- In September 2014, the Commission found No Substantial Issue with an appeal of a Coastal Development Permit issued by the City of Los Angeles, upholding the City's approval for the demolition of two single-family dwellings, a subdivision to create three new lots, and the construction of three new single-family dwellings, located at 644 Sunset Avenue and 607 7th Avenue (Appeal No. A-5-VEN-15-0071).

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

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

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

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

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

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

The subject property is located approximately 0.64 miles from the Pacific coast. The project could have a cumulative effect on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the dwelling. The project provides six (6) parking spaces; three parking spaces for each new lot. All parking spaces are accessed from the alley. By increasing off-street parking capacity, the project enhances the public right-of-way. As proposed, the project will not conflict with any public access or public recreation policies of the California Coastal Act.

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

A Categorical Exemption, ENV-2016-3293-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 an existing duplex and single-family dwelling, the subdivision of one 5,200 square-foot lot into two new lots. The project includes the construction of a 2,091 square-foot single-family dwelling on Parcel A and a 1,287 square-foot single-family dwelling with a 396 square-foot attached Accessory Dwelling Unit (ADU) on Parcel B. Six (6) parking spaces are provided onsite.

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

The Class 15 categorical exemption allows for minor subdivisions in urban areas. A project qualifies for a Class 15 Categorical Exemption if it is a division of property in an urbanized area and meets the six (6) conditions as described in this section. The project must a) be a subdivision of four or fewer parcels; b) conform with the General Plan and Zoning; c) require no variances or exceptions; d) have all services and access available per local standards; e) not be involved in a division of a larger parcel within the last two years; and f) not have a slope greater than 20 percent. Preliminary Parcel Map No. AA-2016-3290-PMLA-SL satisfies all six conditions and therefore qualifies for the Class 15 Categorical Exemption. Based on the facts herein, the project meets the conditions of the Class 15 categorical exemption.

- a) The project proposes to subdivide one parcel to create two new parcels.
- b) The site currently is developed with a single-family dwelling. The site is zoned RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The project proposes the construction of two single-family dwellings on two new lots and is in conformance with the General Plan and Zoning designation.
- c) No variances or exceptions are requested or required as part of this project.

- d) The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, sewage and waste disposal infrastructure, and power lines installed. San Juan Avenue is an improved street with existing utilities and infrastructure to serve residences in the area. The street and alley are accessible to emergency vehicles. Since there is a minor net loss in the number of units on the subject site, no significant increase in population or density is anticipated. There will be no significant impact on the capacity of existing utilities and services.
- e) There is no record of any previous subdivisions in the last two years on record for the subject site.
- f) No slope greater than 20% is indicated on the parcel map or topographic survey.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five (5) criteria: a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) The project site has no value as 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; and e) The site can be adequately served by all required utilities and public services. The project qualifies for a Class 32 Categorical Exemption as an infill project, as evidenced below:

- a) The site currently is developed with one single-family dwelling. The site is zoned RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. Since the project is for the construction of two new single-family dwellings and one ADU, the project is conformance with the General Plan and Zoning designation.
- b) The site - located at 635 East San Juan Avenue - is wholly within the City of Los Angeles. Lots surrounding the subject site are developed with single-family and multi-family dwellings.
- c) The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The area around the site is urbanized and surrounded by residential use. NavigateLA shows that the subject site is not located in a Significant Ecological Area.
- d) The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours. The proposed project is not adjacent to any water sources and does not involve excavations that may have an impact on the water table. Because the project results in a minor net gain in the number of residential units, impacts to public services and air quality are deemed insignificant. Traffic congestion will not be impacted by the project; the number of trips generated by the development will not result in a net increase because the

area's density and population will not change significantly. Likewise, air quality will not worsen as a result of the proposed project.

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

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

- a) Location. The project is not located in a sensitive environment. Although the project is located within the California Coastal Zone, the subject property and its surrounding residential neighborhood are not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a fault or flood zone, nor is it within a landslide area. While the site 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 RD1.5-1 and designated Low Medium II Residential use. The proposed construction of two dwelling units will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical in a residential neighborhood and, as such, no unusual circumstances are present or foreseeable.
- d) Scenic Highways. The project site is not located on or near a designated state scenic highway. The only State Scenic Highway within the City of Los Angeles is the Topanga Canton State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park.
- e) Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM).

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

Mello Act Compliance Review

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

7. Demolitions and Conversions (Part 4.0).

The project includes the demolition of a duplex and an existing single-family dwelling located on a 4,800 square-foot lot in the Venice Coastal Zone. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated December 24, 2015 states that the property currently maintains one duplex and a single-family dwelling. HCIDLA collected data from December 2011 through December 2014, utilizing data provided by the current owners. The Determination states that the single-family dwelling has been vacant since June 2014; prior to that, lease agreements indicate the units had been rented. Unit #1 was leased for approximately three years, starting January 2010, at a rate of \$2,500 per month. Unit #2 was leased for approximately three years, starting February 2010, at a rate of \$2,200 per month. Unit #3 was leased for approximately three years, starting March 2010, at a rate of \$2,350 per month. A closing utility bill for November 2014 could not determine the vacancy status during January 2013 to December 2014. Three (3) units were found to be affordable due to insufficient documentation. Therefore, three (3) Affordable Existing Residential Units are proposed for demolition.

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

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

A feasibility study was prepared by Howard Robinson & Associates, dated August 25, 2017. The study provided an analysis of the estimated costs and revenues of the proposed project, the demolition of a duplex and single-family and construction of two new single-family dwellings, but also provided an analysis of providing the Affordable Replacement Unit(s) onsite and within the Coastal Zone. A revised Feasibility Study dated October 23, 2019, which analyzed the economic viability of including an ADU set aside for low-income households. The revised Feasibility Study found that it was not financially feasible to include a one-bedroom ADU or a two-bedroom ADU. Pursuant to Part 7.2 and 7.4 of the Interim Administrative Procedures, Affordable Replacement Units shall be located on-site or elsewhere within the Coastal Zone and can be provided through new construction or adaptive reuse (conversion of existing non-residential structures).

The supplemental information provided by the Applicant included the actual and estimated cost of land, improvements/construction, fees, loans, and expected revenue. In reviewing the pro forma prepared as part of the feasibility study, the cost of the subject property as well as the cost of acquiring property elsewhere in the Coastal Zone was a significant factor that increased the cost of development. Providing three Affordable Replacement Units onsite reduced the size of the proposed project and reduced the estimated revenue expected from the market rate dwelling unit. The cost of development also significantly increased when accounting for the cost of acquiring additional property to provide the Affordable Replacement Unit offsite. The revised Feasibility Study analyzed the feasibility of including an ADU as an Affordable Replacement Unit, and found that it was financially infeasible to provide a one-bedroom ADU; likewise, a two-bedroom ADU would result in a greater financial loss.

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

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

The project proposes the construction of three Residential Units. 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 two new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.