

811-815 Ocean Front Walk

denial of project

Therefore, the Venice Coastal Development Project is not in conformity with the certified Land Use Plan, and would not be in conformance with a certified Local Coastal Program.

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

The project will result in the demolition of nine existing dwelling units and the construction of two new dwelling units. The project is not required to maintain any Replacement Affordable Units in conjunction with this project.

18. The Venice Coastal Development is not 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 Mello Act (California Government Code Sections 65590 and 65590.1) is a Statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. Pursuant to the Settlement Agreement, dated January 3, 2000, between the City of Los Angeles and the Venice Town Council, Inc., et al. and Interim Administrative Procedures for Complying with the Mello Act in the Coastal Zone Portions of the City of Los Angeles (Interim Administrative Procedures), the following finding is provided.

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the demolition of three residential buildings containing a total of nine dwelling units, and the construction of a mixed-use building containing two dwelling units. Therefore, the proposed project is subject to the Mello Act.

On July 21, 2015, the Los Angeles Housing and Community Investment Department "determined that no affordable unit exists at 811 Ocean Front Walk, Venice, CA 90291" and that "no affordable unit exists at 815 Ocean Front Walk, Venice, CA 90291." A copy of their full determination is found in the administrative record. Inasmuch as the nine dwelling units existing on the property have been determined to not be affordable, no affordable replacement dwelling units are required to be provided.

Part 4.1 of the Interim Administrative Procedures indicates that "[t]he Mello act states that the Demolition or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location. This prohibition applies to all residential structures, regardless of the following factors:

- The income of current or past residents;



- The form of ownership (whether the Residential Units are for-sale or rentals); and
- Rents charged, for-sale prices, or appraised value."

The Interim Administrative Procedures defines a "Conversion" as "a change of one or more existing Residential Units to a condominium, cooperative, or similar form of ownership; a change of one or more existing Residential Units to a non-residential use; or a reduction in the existing number of Residential Units. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development." [underlined for emphasis.]

The project proposes the construction of a non-residential use (restaurant) and a reduction in the number of existing Residential Units (nine existing units, two proposed units) on a project site consisting of two adjacent lots. Therefore, the project meets the definition of a Conversion.

Part 4.2 of the Interim Administrative Procedures states that, "Coastal-Dependent uses are uses which requires a site on, or adjacent to, the sea in order to function at all. Examples of Coastal-Dependent uses include fisheries and boating and harbor facilities."

The Interim Administrative Procedures defines "Coastal Dependent Non-Residential Use" as "any non-residential development or use which requires a site on, or adjacent to, the sea to be able to function at all." A "Coastal-Related Nonresidential Use" is defined as "any nonresidential development or use that is dependent on a Coastal-Dependent Non-Residential Use."

The proposed restaurant does not require adjacency to the sea in order to function, nor is its operation dependent upon a Coastal Dependent Non-Residential Use. As such, the proposed restaurant use is not a Coastal Dependent Non-Residential Use.

Part 4.3 of the Interim Administrative Procedures states that "[b]ecause the site contains a residential structure, the City presumes that a residential use is feasible."

Further, that "[t]he Applicant has the burden of proof" to challenge the City's presumption; that "[p]roximity to other existing residential uses is strong evidence that a residential use is feasible"; that "[i]f the Applicant has non-conforming or other rights which permit a continued residential use, then the Applicant may not contend that the existing zoning renders a residential use infeasible"; and that "an Applicant may not claim infeasibility because the current premises are dilapidated or are in a state of disrepair due to the Applicant's failure to make reasonable repairs or to the adequately maintain the site. The City may require the Applicant to correct substandard conditions before it will further consider an Applicant's challenge of the City's presumption."

Finally, Part 4.3 concludes with "[i]f the Applicant has not proved with substantial evidence that a residential use is infeasible ... [t]his stops the Mello Act Compliance Review Process ... [t]he Discretionary ... Application shall be denied."

The Applicant has not submitted any substantial evidence to argue that a residential

use in no longer feasible.

The project proposes the construction of a non-residential use which is not a Coastal Dependent Non-Residential Use or a Coastal-Related Nonresidential Use. The project will also result in a Conversion through the reduction in the number of existing Residential Units. As such, the applicant has proposed a Conversion for the purposes of a use that is not a Coastal-Dependent or Coastal-Related Non-Residential Use. Further, the Applicant has not submitted any evidence to argue that continued residential use is no longer feasible.

Therefore, pursuant to Part 4.3 of the Interim Administrative Procedures, the project is determined to be not consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].

#### ADDITIONAL MANDATORY FINDINGS

19. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.
20. On January 5, 2015, a Mitigated Negative Declaration (ENV 2014-3008-MND) was prepared for the proposed project. However, the analysis was lacking in its consideration of potentially significant impacts resulting in the displacement of existing housing.

On the basis of the whole of the record before the lead agency including any comments received, we hereby reject this Mitigated Negative Declaration and pursuant to California Public Resources Code, Division 13, Section 21080(b)(5), no further environmental review action need be adopted.



From CPC determination issued on 12-15-20  
811-815 Ocean Front Walk (also a mixed use  
restaurant project)

**5. Mello Act Compliance Review Findings.** 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:

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

The project includes the demolition of nine existing residential dwelling units within three buildings and the construction of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 14, 2015 concluded that no affordable units exists at the project site. HCIDLA reviewed data from June 2012 to June 2015.

On May 10, 2007, a Notice of Intent to Withdraw Units (Ellis Act) from Rental Housing Use was filed with the Los Angeles County Recorder's Office and was granted by HCIDLA on September 24, 2009. On February 2008 and July 2012, the HCIDLA Enforcement inspectors noted the subject property was vacant and boarded up. In addition, the owner provided a security contract and billing statements for 24-hour security patrol for the period from April 2013 to April 2016. The Notice of Intent to Withdraw Units, Security contract/billing statements and HCIDLA database indicate the property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit. As such, there is no requirement to replace any Affordable Dwelling Units in conjunction with this project.

See attached pages 8-10 { This letter was for 811 OFW  
They don't mention the July 21 letter for 815 OFW

**b. New Housing Developments (Part 5.0).**

The project proposes the construction of nine new Residential Units within a mixed-use development. 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 nine new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

IAP

If LAHD does not identify any Affordable Existing Residential Units, DCP/ZAD staff shall record a "zero" in the "no" box. This stops the Mello Act Compliance Review process. The Applicant is not required to provide any Affordable Replacement Units. A determination pursuant to Part 6.0 shall be issued.

LAHD shall identify Affordable Existing Residential Units by completing steps one through six below for each referred Residential Unit. The Applicant is liable and responsible for all postage and other costs necessary to complete the occupant income determination process. LAHD has the authority to specify the processes Applicants must follow in order for the occupant income determination process to be successfully completed.

#### 4.4.1 STEP ONE. SEND GENERAL NOTICE TO ALL BUILDING OCCUPANTS.

When LAHD receives a referral from DCP/ZAD of a proposed Demolition or Conversion, LAHD shall send a general notice to all current building occupants which contains the following:

- ☐ A description of the proposed Demolition or Conversion;
- ☐ An explanation of the purpose of the Mello Act and the City's Mello Act compliance review process;
- ☐ A description of the rights that building occupants determined to have a Very Low, Low or Moderate Income shall have, including a right of first refusal on an Affordable Replacement Unit;
- ☐ A referral to a specified source of further assistance, to be selected by Western Center on Law and Poverty, Inc. Until further notice from Western Center on Law and Poverty, Inc., the general notice shall contain the following referral:

Richard A. Rothschild  
Western Center on Law and Poverty, Inc.  
3701 Wilshire Boulevard, Suite 208  
Los Angeles, CA 90010-2809

- ☐ A City telephone number to call for additional information.

#### 4.4.2 STEP TWO. IDENTIFY LONG-TERM VACANT RESIDENTIAL UNITS.

A Residential Unit shall not be classified as an Affordable Existing Residential Unit if it has been unoccupied for more than 365 consecutive days prior to the Application's filing.

they're relying on this, for June 2014 - June 2015

(5)



The Applicant has the burden of proving long-term vacancy. If the Applicant has established long-term vacancy, then LAHD shall not classify the Residential Unit as an Affordable Existing Residential Unit.

#### 4.4.3 STEP THREE. DETERMINE OCCUPANT INCOME BASED ON MONTHLY HOUSING COST OR ACTUAL INCOME DATA.

LAHD may determine occupant income using Monthly Housing Cost as a substitute for actual income, or by collecting and verifying actual income. Pursuant to the definition set forth in Attachment 1, an existing Residential Unit is classified as an Affordable Existing Residential Unit if at least one person or family occupying the unit (excluding dependents) is of Very Low, Low or Moderate Income.

If current Monthly Housing Cost data indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If not, LAHD shall collect prior Monthly Housing Cost data for at least the previous three years. If the average Monthly Housing Cost over this period indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If three years of Monthly Housing Cost data is not available or readily obtainable, then LAHD shall determine occupant income through the direct collection and verification of actual income data.

If occupant income is based on Monthly Housing Cost, LAHD shall go to step four. If occupant income is based on actual income, LAHD shall:

- ☐ Go to step five if the person or family DOES NOT have a Very Low, Low or Moderate Income; or
- ☐ Go to step six if the person or family DOES have a Very Low, Low or Moderate Income.

#### 4.4.4. STEP FOUR. VERIFY ACCURACY OF OCCUPANT INCOME BASED ON MONTHLY HOUSING COST DATA.

LAHD shall provide occupants and Applicants with the opportunity to verify the accuracy of occupant income determinations based on Monthly Housing Cost.

LAHD shall provide persons and families presumed not to have a Very Low, Low or Moderate income with the opportunity to submit data verifying actual income. Likewise, LAHD shall provide Applicants with a roster of occupants presumed to have a Very Low, Low or Moderate Income, who may then submit data verifying actual income. LAHD is



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

DATE: May 28, 2015

TO: Kevin Jones, City Planner  
City Planning Department

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

SUBJECT: 811 Ocean Front Walk / 815 Ocean Front Walk (#1-8), Venice, CA 90291

Planning Case #: ZA-2014-3007-CDP-CUB-ZV-SPP-MEL

The Los Angeles Housing + Community Investment Department (HCIDLA) is unable to issue a Mello Act Determination for 811 Ocean Front Walk / 815 Ocean Front Walk, Venice, CA 90291 due to the proposed mixed-use (two (2) residential units over ground floor restaurant) status of the property.

Per the Interim Administrative Procedures for Complying with The Mello Act (Sec 4.0, 4.3), applications where demolition or conversion of residential structures occur for non-residential use are denied unless the Applicant proves with substantial evidence that a residential use is not feasible at that location. The feasibility of residential versus non-residential use is beyond the scope of HCIDLA.

cc: Los Angeles Housing and Community Investment Department File  
811 Ocean Front Walk, LLC, a California Limited Liability Company, Owner  
815 Ocean Front Walk, LLC, a California Limited Liability Company, Owner  
Richard A. Rothschild, Western Center on Law and Poverty, Inc.  
Susanne Browne, Legal Aid Foundation of L.A.

*Correct!!!*

RM:MAC:RB:rl





Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

DATE: July 14, 2015

TO: Kevin Jones, City Planner  
City Planning Department

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

SUBJECT: 811 Ocean Front Walk, Venice, CA 90291

Planning Case #: ZA-2014-3007-CDP-CUB-ZV-SPP-MEL

Based on information provided by the owner, 811 Ocean Front Walk, LLC, a California Limited Liability Company, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable unit exists at 811 Ocean Front Walk, Venice, CA 90291.

The property consists of a single-family dwelling. Per the statement provided by the owner, they are proposing to demolish the single-family dwelling and construct a mixed-use development in conjunction with 815 Ocean Front Walk. 811 Ocean Front Walk, LLC, was conveyed the deed on December 30, 2011 by Gary Sutter who had acquired the property on February 6, 2006. 811 Ocean Front Walk, LLC, has not filed for a building permit per a Los Angeles Department Building & Safety permit search.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three years. The owner's Mello application statement was received by HCIDLA on June 12, 2015. HCIDLA must collect data from: June, 2012 through June, 2015.

The owner acknowledged that pursuant to the Ellis Act, the property was vacated on 2007. On May 10, 2007 a Notice of Intent to Withdraw Units from Rental Housing Use was filed with the Los Angeles County Recorder's Office, and was granted by HCIDLA on September 24, 2009 per HCIDLA BIMS database. Information on HCIDLA's CRIS database indicate that on February 2008 and July 2012, the property was noted as being vacant and boarded up by HCIDLA Code Enforcement inspectors. The owner also provided a security contract and billing statements for 24 hour security patrol for the period from April 2013 to April 2016 to ensure the safety of the building due to the vacant status. Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act could not be applied since there was no rental data available for the previous three years. Additionally, HCIDLA sent the required 30-day tenant letter, however no forms were returned. The former tenant's current mailing address was unavailable.

The Notice to Intent to Withdraw Units, security contract/billing statements and HCIDLA CRIS database indicate property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit per Section 4.4.2 of Interim Administrative Procedures for Complying with the Mello Act.

cc: Los Angeles Housing and Community Investment Department File  
811 Ocean Front Walk, LLC, a California Limited Liability Company, Owner  
Richard A. Rothschild, Western Center on Law and Poverty, Inc.  
Susanne Browne, Legal Aid Foundation of L.A.

RM:MAC:RB:rl





Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

DATE: July 21, 2015

TO: Kevin Jones, City Planner  
City Planning Department

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

SUBJECT: **815 Ocean Front Walk, Venice, CA 90291**

**Planning Case #: ZA-2014-3007-CDP-CUB-ZV-SPP-MEL**

Based on information provided by the owner, 815 Ocean Front Walk, LLC, a California Limited Liability Company, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable unit exists at 815 Ocean Front Walk, Venice, CA 90291.

The property consists of two (2) apartment building with four (4) units each. Per the statement provided by the owner, they are proposing to demolish the eight (8) unit apartment building and construct a mixed-use development in conjunction with 811 Ocean Front Walk. 815 Ocean Front Walk, LLC, was conveyed the deed on August 29, 2006 by Gary Sutter who had acquired the property on August 31, 2005. 815 Ocean Front Walk, LLC, has not filed for a building permit per a Los Angeles Department Building & Safety permit search.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three years. The owner's Mello application statement was received by HCIDLA on June 12, 2015. HCIDLA must collect data from: June, 2012 through June, 2015.

The owner acknowledged that pursuant to the Ellis Act, the property was vacated on 2007. On February 23, 2006 a Notice of Intention to Withdraw Accommodations from Rent or Lease was filed with the Los Angeles County Recorder's Office. Information on HCIDLA's CRIS database on November 16, 2011, indicate that property is vacant and has been removed from the rental market with Landlord Declaration #14543 and Memorandum # 062154208 recorded September 27, 2006. Additionally, HCIDLA Code Enforcement inspectors conducted a site visit on August 22, 2012 due to a complaint reported. However, the complainant was unable to be contacted several times and therefore inspector could not verify the validity of the complaint. Inspector's log indicated property was fenced and gated with no access to property. As of 2011, HCIDLA BIMS database reflected eight (8) units exempt from Rent Stabilization Ordinance (RSO) / (Systematic Code Enforcement Program) SCEP fees due to removal from rental market. On April 11, 2011, HCIDLA received the recorded memo withdrawing units from the rental market with P-4 Conditional Exemption granted.

The owner provided a security contract and billing statements for 24 hour security patrol for the period from April 2013 to April 2016 to ensure the safety of the building due to the vacant status. Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act could not be applied since there was no rental data available for the previous three years. Additionally, HCIDLA sent the required 30-day tenant letter, however no forms were returned. The former tenant's current mailing address was unavailable.

*← why not proof of payment?*

A written statement from a constituent was submitted to HCIDLA on July 13, 2015 stating that from the period of April 2012 through February 2014, 811-815 Ocean Front Walk was used by Bear Trap Entertainment, possibly for the use of their recording artists. She stated there were more than twelve (12) non-rent paying occupants residing at the property on an intermittent basis when she visited several times during the above period. The constituent provided no current contact information for the former occupants or other documentation. Per a 5/26/15 email from owner's representative Jeff Harris (Acting Operations Manager for 811/815 Ocean Front Walk), the owner allowed Jakon Sutter, son of Vera and Gary Sutter to use the property "to play music" to deter trespassing of homeless people.

The Notice of Intention to Withdraw Accommodations from Rent or Lease, security contract/billing statements and HCIDLA CRIS/BIMS databases indicate property has been vacant for more than 365 days and therefore shall not be classified as having affordable units on site per Section 4.4.2 of Interim Administrative Procedures for Complying with the Mello Act.

cc: Los Angeles Housing and Community Investment Department File  
815 Ocean Front Walk, LLC, a California Limited Liability Company, Owner  
Richard A. Rothschild, Western Center on Law and Poverty, Inc.  
Susanne Browne, Legal Aid Foundation of L.A

RM:MAC:RB:rl



# "The Melb Act"

## GOVERNMENT CODE SECTION 65590-65590.1

65590. (a) In addition to the requirements of Article 10.6 (commencing with Section 65580), the provisions and requirements of this section shall apply within the coastal zone as defined and delineated in Division 20 (commencing with Section 30000) of the Public Resources Code. Each respective local government shall comply with the requirements of this section in that portion of its jurisdiction which is located within the coastal zone.

(b) The conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. Replacement dwelling units shall be located within the same city or county as the dwelling units proposed to be converted or demolished. The replacement dwelling units shall be located on the site of the converted or demolished structure or elsewhere within the coastal zone if feasible, or, if location on the site or elsewhere within the coastal zone is not feasible, they shall be located within three miles of the coastal zone. The replacement dwelling units shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition of the residential dwelling unit. In the event that an existing residential dwelling unit is occupied by more than one person or family, the provisions of this subdivision shall apply if at least one such person or family, excluding any dependents thereof, is of low or moderate income.

For purposes of this subdivision, a residential dwelling unit shall be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit and if the eviction was for the purpose of avoiding the requirements of this subdivision. If a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish that structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of this subdivision and the applicant for the conversion or demolition shall bear the burden of proving that the evictions were not for the purpose of avoiding the requirements of this subdivision.

The requirements of this subdivision for replacement dwelling units shall not apply to the following types of conversion or demolition unless the local government determines that replacement of all or any portion of the converted or demolished dwelling units is feasible, in which event replacement dwelling units shall be required:

(1) The conversion or demolition of a residential structure which contains less than three dwelling units, or, in the event that a proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer dwelling units.

(2) The conversion or demolition of a residential structure for purposes of a nonresidential use which is either "coastal dependent," as defined in Section 30101 of the Public Resources Code, or "coastal related," as defined in Section 30101.3 of the Public



Resources Code. However, the coastal-dependent or coastal-related use shall be consistent with the provisions of the land use plan portion of the local government's local coastal program which has been certified as provided in Section 30512 of the Public Resources Code. Examples of coastal-dependent or coastal-related uses include, but are not limited to, visitor-serving commercial or recreational facilities, coastal-dependent industry, or boating or harbor facilities.

(3) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has within the area encompassing the coastal zone, and three miles inland therefrom, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.

(4) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has established a procedure under which an applicant for conversion or demolition will pay an in-lieu fee into a program, the various provisions of which, in aggregate, will result in the replacement of the number of dwelling units which would otherwise have been required by this subdivision. As otherwise required by this subdivision, the replacement units shall, (i) be located within the coastal zone if feasible, or, if location within the coastal zone is not feasible, shall be located within three miles of the coastal zone, and (ii) shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition.

The requirements of this subdivision for replacement dwelling units shall not apply to the demolition of any residential structure which has been declared to be a public nuisance under the provisions of Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.

For purposes of this subdivision, no building, which conforms to the standards which were applicable at the time the building was constructed and which does not constitute a substandard building, as provided in Section 17920.3 of the Health and Safety Code, shall be deemed to be a public nuisance solely because the building does not conform to one or more of the current provisions of the Uniform Building Code as adopted within the jurisdiction for new construction.

(c) The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent", as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

(d) New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. Where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.

(e) Any determination of the "feasibility" of an action required



to be taken by this section shall be reviewable pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure.

(f) The housing provisions of any local coastal program prepared and certified pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code prior to January 1, 1982, shall be deemed to satisfy all of the requirements of this section. Any change or alteration in those housing provisions made on or after January 1, 1982, shall be subject to all of the requirements of this section.

(g) As used in this section:

(1) "Conversion" means a change of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

(2) "Demolition" means the demolition of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

(3) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

(h) With respect to the requirements of Sections 65583 and 65584, compliance with the requirements of this section is not intended and shall not be construed as any of the following:

(1) A statutory interpretation or determination of the local government actions which may be necessary to comply with the requirements of those sections; except that compliance with this section shall be deemed to satisfy the requirements of paragraph (2) of subdivision (c) of Section 65583 for that portion of a local government's jurisdiction which is located within the coastal zone.

(2) A limitation on the program components which may be included in a housing element, or a requirement that a housing element be amended in order to incorporate within it any specific provision of this section or related policies. Any revision of a housing element pursuant to Section 65588 shall, however, take into account any low- or moderate-income housing which has been provided or required pursuant to this section.

(3) Except as otherwise specifically required by this section, a requirement that a local government adopt individual ordinances or programs in order to implement the requirements of this section.

(i) No provision of this section shall be construed as increasing or decreasing the authority of a local government to enact ordinances or to take any other action to ensure the continued affordability of housing.

(j) Local governments may impose fees upon persons subject to the provisions of this section to offset administrative costs incurred in order to comply with the requirements of this section.

(k) This section establishes minimum requirements for housing within the coastal zone for persons and families of low or moderate income. It is not intended and shall not be construed as a limitation or constraint on the authority or ability of a local government, as may otherwise be provided by law, to require or provide low- or moderate-income housing within the coastal zone which is in addition to the requirements of this section.

65590.1. Any local government which receives an application as provided in Section 30600.1 of the Public Resources Code to apply the requirements of Section 65590 to a proposed development shall apply these requirements within 90 days from the date on which it has received that application and accepted it as complete. In the event that the local government has granted final discretionary approval to the proposed development, or has determined that no such approval was required, prior to receiving the application, it shall, nonetheless, apply the requirements and is hereby authorized to conduct proceedings as may be necessary or convenient for the sole purpose of doing so.

---