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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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RECORD PACKET COPY

Filed: 2/29/96
49th Day: 4/18/96
180th Day: 8/27/96
Staff: CP-LB
Staff Report: 4/5/96
Hearing Date: May 7-10, 1996
Commission Action:



CP

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles
LOCAL DECISION: Approval with Conditions
APPEAL NUMBER: A-5-VEN-96-035
APPLICANT: Semler Construction and Development Corp.
AGENTS: Roger K. Van Wert, Governmental Specialist
Larry Mar, Land Design Consultants, Inc.
PROJECT LOCATION: 700 Oxford Street, Venice, City of Los Angeles, Los Angeles County.
PROJECT DESCRIPTION: Vesting Tentative Tract Map No. 51375 composed of twelve single family lots (each improved with a 30 foot high single family residence), one common area lot, a private street, and associated utilities.
APPELLANT: Stephen Perlof

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons: The proposed project is compatible with the character of the community, the impacts on coastal access are adequately mitigated, and the project as approved conforms to Coastal Act and previous Commission actions and will not prejudice the ability of the local government to prepare a Local Coastal Program consistent with the Coastal Act.

STAFF NOTE: On April 12, 1996, the Commission opened and continued the public hearing to determine whether a substantial issue exists with respect to the grounds on which this appeal has been filed. The hearing was continued open in order to allow additional time for the City of Los Angeles to forward the relevant documents and materials regarding the subject permit to the Commission's South Coast District Office in Long Beach.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Local Coastal Development Permit No. 94-014 (Semler).
2. City of Los Angeles Vesting Tentative Tract Map No. 51375 (Semler).
3. City of Los Angeles Mitigated Negative Declaration No. MND 92-0180 (SUB)(PP)(CDP)(YV)(CU) (Semler).
4. City of Los Angeles Project Permit Case No. 94-0626 PP (Semler).
5. City of Los Angeles Area and Yard Variance Case No. ZA 94-0642 YV (Semler).
6. City of Los Angeles Conditional Use Permit Case No. CPC 94-289 CU (Semler).
7. Coastal Commission Appeal File A-5-VEN-94-008 (Semler).
8. City of Los Angeles Vesting Tentative Tract Map No. 51374 (Semler).
9. Coastal Commission Appeal File A-5-VEN-94-214 (Semler).
10. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.

I. APPELLANT'S CONTENTIONS

The appellant has appealed the City of Los Angeles decision to approve Local Coastal Development Permit No. 94-014 (Semler) with conditions for Vesting Tentative Tract Map No. 51375 composed of twelve single family lots (each improved with a 30 foot high single family residence), one common area lot, a private street, and associated utilities.

The appeal by Stephen Perlof was filed on the following grounds (see Exhibit #6):

1. The City's action is not consistent with its prior approval of Vesting Tentative Tract Map No. 51374, of which this site is a part.
2. The open space provided does not comply with CEQA standards.
3. The lot sizes, shapes and orientation are not consistent with, and are detrimental to, the immediately adjacent Tract No. 26789.

II. LOCAL GOVERNMENT ACTION

Note: The property subject to Local Coastal Development Permit No. 94-014 (Semler) is a vacant 2.63 acre parcel previously referred to as Lot 16 of Vesting Tentative Tract Map No. 51374 (Exhibit #7). Vesting Tentative Tract Map No. 51374 was approved by the City in December of 1993 under Local Coastal Development Permit No. 93-003 (Semler). Lot 16 was identified as an open space parcel in Vesting Tentative Tract Map No. 51374. Local Coastal Development Permit No. 93-003 (Semler) was appealed to the Commission in January 1994. On April 12, 1995, the Commission found that no substantial issue existed in regards to the grounds on which the appeals of Local Coastal Development Permit No. 93-003 (Semler) were filed. The City has now granted Local Coastal Development Permit No. 94-014 (Semler) to develop Lot 16 as Vesting Tentative Tract Map No. 51375. Local Coastal Development Permit No. 94-014 (Semler), Vesting Tentative Tract Map No. 51375, and Lot 16 are the subject of this appeal.

The proposed project has been the subject of numerous hearings and actions at the local level. On August 18, 1994, the applicant submitted an application to the City of Los Angeles Planning Department for Local Coastal Development Permit No. 94-014. An application had already been submitted to the City for Vesting Tentative Tract Map No. 51375. City approvals of Local Coastal Development Permit No. 94-014 and Vesting Tentative Tract Map No. 51375 were requested by the applicant for the subdivision and development a 2.63 acre portion of an abandoned railroad right-of-way into fifteen single family lots with residences and five open space lots.

Also submitted by the applicant were applications for a City project permit, yard variance, and conditional use permit as required by City ordinance. The City had already processed Mitigated Negative Declaration No. MND 94-0180(SUB)(PP)(CDP)(YV)(CU) for the proposed project on June 22, 1994.

On November 9, 1994, the Advisory Agency of the City Planning Department held a public hearing regarding the applications for Vesting Tentative Tract Map No. 51375 and Local Coastal Development Permit No. 94-014. Consistent with the City's application processing procedures, the decisions on the applications were not made at the public hearing. The interested parties were subsequently noticed of the City's decisions by mail.

Local Coastal Development Permit No. 94-014 and Vesting Tentative Tract Map No. 51375 were conditionally approved by the Advisory Agency on June 21, 1995 (Letter of Decision: July 10, 1995). The approved project had been revised to reduce the number of proposed single family lots from fifteen to twelve (each improved with a 30 foot high single family residence), with one common open space lot, and a private street (Exhibits #4&5).

Subsequently, Stephen Perlof appealed the Advisory Agency's approval of Vesting Tentative Tract Map No. 51375 to the Planning Commission. The Advisory Agency's approval of Local Coastal Development Permit No. 94-014 was not appealed at the local level. In the appeal of the Tract Map approval the appellant claimed that: 1) the approval does not conform to the City's minimum

lot size requirements, density limits or the prior approval of Vesting Tentative Tract Map No. 51374, 2) the open space provided does not comply with CEQA standards, and 3) the lot area and yard variances granted are excessive and detrimental to the adjacent properties.

On September 21, 1995, after a public hearing, the City Planning Commission denied the appeal and adopted the findings of the Advisory Agency.

Once again, Stephen Perlof filed an appeal on the same grounds. This time he appealed to the City Council the Planning Commission's decision to uphold the Advisory Agency's approval of Vesting Tentative Tract Map No. 51375.

At a public hearing on January 9, 1996, the Planning and Land Use Management Committee of the City Council adopted a recommendation that the City Council deny the appeal and adopt the findings made by the Advisory Agency. On January 17, 1996, the City Council adopted the recommendation which denied the appeal and adopted the findings made by the Advisory Agency. All appeals of the Tract Map approval had been exhausted.

Additional local approvals were also granted by the City. Conditional Use Permit Case No. CPC 94-289 CU, required by the Oxford Triangle Specific Plan Ordinance No. 162,509, was approved by the Planning Commission in October of 1995. On March 20, 1996, the City Planning Department conditionally approved Project Permit No. 94-0626 PP and Area and Yard Variance Case No. 94-0642 YV. The Project Permit was required pursuant to City Ordinance No. 168,122 (Venice Interim Control Ordinance). The area and yard variance granted conditional variances from the zoning code for: a) three foot front yard setbacks in lieu of the required twelve foot setbacks, b) three foot rear yard setbacks in lieu of the required fifteen foot setbacks, and c) reduced lot sizes (3,747 and 3,773 square foot lots in lieu of the required 5,000 square foot lots).

As previously stated, Local Coastal Development Permit No. 94-014 was approved by the Advisory Agency on June 21, 1995 (Letter of Decision: July 10, 1995). The Advisory Agency found that the proposed project was consistent with the Chapter 3 policies of the Coastal Act, supplied adequate parking, and would not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformance with the Chapter 3 policies of the Coastal Act. The sole condition of approval required that the conditions of Vesting Tentative Tract Map No. 51375 be strictly complied with. The approval of the Local Coastal Development Permit No. 94-014 was not appealed at the local level. The City issued Local Coastal Development Permit No. 94-014 on February 15, 1996.

The City's Notice of Final Local Action for Local Coastal Development Permit No. 94-014 was received in the Commission's Long Beach office on February 28, 1996. Stephen Perlof's appeal of the Local Coastal Development Permit to the Commission was officially filed on the first day of the Commission's required twenty working day appeal period on February 29, 1996.

On April 12, 1996, the Commission opened and continued the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program, a local jurisdiction may, with respect to development within its area of jurisdiction in the the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a Coastal Development Permit. Pursuant to this provision, the City of Los Angeles developed a permit program in order to exercise its option to issue Local Coastal Development Permits in 1978.

Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued Coastal Development Permits. Section 30602 of the Coastal Act allows any action by local government on a Coastal Development Permit application evaluated under Section 30600(b) to be appealed to the Commission.

After a final local action on a Local Coastal Development Permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act (Section 30625(b)(1)). If the Commission finds substantial issue, the Commission then holds a new public hearing to act on the Coastal Development Permit as a de novo matter.

In this case, the City's Notice of Final Local Action was received on February 28, 1996, and the Commission's required twenty working day appeal period was established. Stephen Perlof's appeal was officially filed on the first day of the Commission's required twenty working day appeal period on February 29, 1996.

Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal. The 49th day from February 29, 1996, the day the appeal was officially filed, is April 18, 1996. On April 12, 1996, the Commission opened and continued the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed.

At this meeting, the Commission will reopen the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed. The Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Chapter 3 policies of the Coastal Act, in which case the action of the local government stands. On the other hand, the Commission may find that a substantial issue does exist with the action of the local government if it finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976.

If the Commission finds that a substantial issue does exist, then the hearing may be continued open and scheduled to be heard as a de novo permit request at a subsequent hearing. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

MOTION. Staff recommends a YES vote on the following motion:

I move that the Commission determine that Appeal No. A-5-VEN-96-035 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the subdivision and development of a 2.63 acre section of a vacant railroad right-of-way in the Oxford Triangle neighborhood of Venice (Exhibits #1-5). The east-west oriented site is approximately 1,800 feet long and sixty feet wide. The site is situated immediately adjacent the Los Angeles County certified LCP area of Marina del Rey (Exhibit #2). The closest major street is Washington Boulevard, formerly known as Washington Street. A Los Angeles County bicycle path runs about fifty feet south and parallel to the site (Exhibit #3).

The subject portion of the railroad right-of-way is currently owned by Southern Pacific Transportation Company. The applicant has been authorized by Southern Pacific Transportation Company to develop the site. Persons in the surrounding neighborhood were interested in converting the site to a public park. However, the City has declined to purchase the site.

The site is located in the single permit jurisdiction of the City's coastal zone, as opposed to the dual permit jurisdiction. Development in the City's dual permit jurisdiction requires Coastal Development Permits from both the City and the Commission. Pursuant to Section 30601 of the Coastal Act, a development is located in the dual permit jurisdiction of the coastal zone if it is within any of the following areas: 1) between the sea and the first

public road, 2) within three hundred feet of the inland extent of the beach or mean high tide line, whichever is closest, 3) on tidelands, submerged lands, or public trust lands, 4) within one hundred feet of any wetland, estuary, or stream, or 5) within three hundred feet of the seaward face of any coastal bluff. No portion of the proposed project is located within any of the above stated areas (Exhibit #3).

The applicant originally applied to the City to subdivide the site into fifteen single family lots (with residences) and five open space lots. However, the project finally approved by the City creates twelve lots for single family homes and one common open space lot (Exhibits #4&5). A City variance allows the size of the twelve single family lots to be 3,747 and 3,773 square foot lots in lieu of the 5,000 square foot lots required by the zoning ordinance.

A two-story, thirty foot high single family residence with an attached two-car garage will be constructed on each of the twelve single family lots (Exhibit #5). Vehicular access to the twelve proposed residences will provided by a new private road which will extend from Oxford Avenue to a cul de sac near the terminus of Thatcher Avenue. No parking will be allowed on the private road. However, in addition to the two covered parking spaces required for each residence, the City has also required the provision of at least 24 guest parking spaces in the common open space areas located between the lots (Exhibits #4&5). A minimum of 15,000 square feet of open space is required by the City to be provided in the proposed development.

B. Substantial Issue Analysis

As stated in Section III of this report, any local government Coastal Development Permit may be appealed to the Commission. However, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program are limited to the Chapter 3 policies of the Coastal Act. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that no substantial issue exists with respect to the grounds on which the appeal has been filed.

The appeal by Stephen Perlof was filed on the following grounds (see Exhibit #6):

1. The City's action is not consistent with its prior approval of Vesting Tentative Tract Map No. 51374, of which this site is a part.
2. The open space provided does not comply with CEQA standards.
3. The lot sizes, shapes and orientation are not consistent with, and are detrimental to, the immediately adjacent Tract No. 26789.

The appellant has not raised any specific Coastal Act issues in the appeal, nor does the appeal claim or demonstrate any inconsistency between the

approved project and the Chapter 3 policies of the Coastal Act. Therefore, staff recommends that the Commission find that no substantial issue exists as to the project's conformity with Chapter 3 policies of the Coastal Act. In addition, staff recommends that the Commission find that no substantial issue exists with respect to the above stated grounds of appeal for the following reasons:

In the appeal the appellant states that the City's approvals of Vesting Tentative Tract Map No. 51375 and Local Coastal Development Permit No. 94-014 (Semler) are not consistent with the City's prior approval of Vesting Tentative Tract Map No. 51374, of which this site is a part (Exhibits #4&7).

The property subject to Vesting Tentative Tract Map No. 51375 and Local Coastal Development Permit No. 94-014 (Semler) is a vacant 2.63 acre parcel previously referred to as Lot 16 of Vesting Tentative Tract Map No. 51374 (Exhibit #7). Vesting Tentative Tract Map No. 51374 was approved by the City in December of 1993 under Local Coastal Development Permit No. 93-003 (Semler). Vesting Tentative Tract Map No. 51374 created fifteen 3,000 square foot lots (each improved with thirty foot high single family residence) within the vacant railroad right-of-way, and Lot 16 which was identified as an open space parcel (Exhibit #7).

The appeal does not specify how the approvals of Vesting Tentative Tract Map No. 51375 and Local Coastal Development Permit No. 94-014 (Semler) are not consistent with the City's prior approval of Vesting Tentative Tract Map No. 51374. The City Planning Commission and City Council both rejected the appellant's claim that the approvals of the two adjacent tracts were inconsistent with one another.

In any case, Commission staff has reviewed the plans and conditions of Vesting Tentative Tract Maps Nos. 51374 and 51375 and could not identify any inconsistency between the two. Only one condition of Vesting Tentative Tract Map No. 51374 applies specifically to Lot 16, the property subject to this action. Condition four of Vesting Tentative Tract Map No. 51374 prohibits access to the site from Thatcher Avenue. The approval of Vesting Tentative Tract Map No. 51375 also prohibits access to the site from Thatcher Avenue. Access to the site will be provided by a new private road extending from Oxford Avenue to a cul de sac near the terminus of Thatcher Avenue. No coastal access opportunities will be negatively affected by the project.

In regards to the required amount of open space area in both tracts, the City's actions on Vesting Tentative Tract Map Nos. 51374 and 51375 are also consistent (City Planning Commission staff report September 21, 1995). When Stephen Perlof appealed the City Zoning Administration's approval of the project permit and variance for Vesting Tentative Tract Map No. 51374 to the Los Angeles Board of Zoning Appeals in 1993, the applicant (Semler) also appealed for relief from condition five of the approval which required 30,000 square feet of Lot 16 to remain permanent private open space. On December 7, 1993, the Board of Zoning Appeals held the appeal hearing. On December 22, 1993, the Board of Zoning Appeals issued a decision denying the appeal of protestant Stephen Perlof and granting the applicant's appeal of condition five. Condition five was revised by the Board of Zoning Appeals to require that 15,000 square feet of Lot 16 remain permanent private open space in lieu

of the originally required 30,000 square feet. The original findings of the Office of Zoning Administration were adopted by the Board of Zoning Appeals. The Board of Zoning Appeal's decision was not appealed. Therefore, because the City's prior action on Vesting Tentative Tract Map No. 51374 requires only 15,000 square feet of Lot 16 to remain open space, the approval of Vesting Tentative Tract Map No. 51375 with the provision of at least 15,000 square feet of open space is consistent with the City's prior action.

In any case, the open space areas were not required in order to protect any Environmentally Sensitive Habitat Areas (ESHA) because no ESHA's have been identified on the project site. Furthermore, the open space areas were not required in order to provide public recreational opportunities to mitigate any impacts the development may have on coastal resources. Therefore, the approval of the proposed project does not raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act.

Secondly, the appellant states that the open space provided does not comply with CEQA standards. The appellant states that the open space requirement does not comply with CEQA standards of the Mitigated Negative Declaration which define open space as "private or open areas with recreational amenities open to the sky...which are designated and intended to be used for active or passive recreational purposes...Parking areas, driveways, front yard setback areas...shall not be included as open space" (Exhibit #6, p.4).

The City has included guest parking areas in the open space calculations in order to meet the 15,000 square foot open space requirement for Vesting Tentative Tract Map No. 51375. The City states that the guest parking areas will be covered with grass crete so they can be used for recreational purposes as well as guest parking areas.

The Commission generally considers parking areas and recreational open space to be inconsistent uses of property. In this case, however, both the guest parking spaces and the open space areas are restricted for private use by the residents of the tract and will provide no benefits for the public. With the provision of two parking spaces per residence, in addition to a minimum of 24 guest parking spaces, the tract will provide adequate parking to meet the demands of the project so that nearby coastal access parking areas will not be impacted.

Therefore, even though the City's approval of the project allows guest parking in the areas defined as open space, and the use of the open space for guest parking may not comply with the standards of the Mitigated Negative Declaration, no Coastal Act issues are raised and therefore it does not raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act.

Finally, the appellant states that the lot sizes, shapes and orientation are not consistent with, and are detrimental to, the immediately adjacent Tract No. 26789. Specifically, he states that the lot sizes do not conform to the requirements of the City's zoning laws and community plan, and that the variances granted by the City are detrimental to the immediately adjacent properties and are arbitrary and excessive (Exhibit #7).

The appellant has not raised any specific Coastal Act issues in his grounds

for appeal, but this third ground stated by the appellant in his appeal alludes to the Coastal Act issue of community character. Section 30251 of the Coastal Act 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected and that permitted development be visually compatible with the character of surrounding areas.

The appellant states that the sizes, shapes and orientation of the lots do not conform to the requirements of the City's zoning laws and community plan. In fact, the City has granted the applicant exceptions from the City zoning code in the form of an area and yard variance. The variance allows the twelve approved residential lots to be improved with residences which observe three foot front yard setbacks instead of the required twelve foot setbacks, and three foot rear yard setbacks in lieu of the required fifteen foot setbacks. The variance also allow the lot sizes to be reduced to 3,747 and 3,773 square feet in lieu of the required 5,000 square foot minimum lot size required by City code.

By law, the City is permitted to grant exceptions to its zoning code if the exceptions are justified and the proper findings can be made. The City does not have a certified LCP so the granting of exceptions to its code cannot be grounds for an appeal of a Coastal Development Permit unless such exceptions are inconsistent with the Chapter 3 policies of the Coastal Act. In this case, the exceptions are not inconsistent with the Chapter 3 policies of the Coastal Act.

According to the City, the variance was deserved because the design of the proposed tract is limited by its location within a relatively narrow sixty foot wide abandoned railroad right-of-way. An access road and sidewalk must be provided within the width of the right-of-way thereby reducing the width of the buildable area of the site to thirty feet (Exhibit #5). The limited dimensions of the site require that the yards of the proposed homes be reduced if the lots to be developed with 25 foot wide single family homes (Exhibit #5). Each lot will provide a yard area of approximately 900 square feet in the side yard (not including the grass crete guest parking area). Small yard areas, similar to the yard areas provided in the project, are not uncommon in the Oxford Triangle community. Therefore, the reduced front and rear yard setbacks will not have a negative affect on the character of the community.

In regards to the design of the tract and the reduced size of the lots, the approved project is consistent with the adjacent tract, Tract No. 51374.

Vesting Tentative Tract Map No. 51374 is currently being developed with fifteen thirty foot high single family residence on 3,000 square foot lots in the vacant railroad right-of-way (Exhibit #7). On April 12, 1995, the Commission found that no substantial issue existed with the City's approval of Tract No. 51374. In fact, the 3,747 and 3,773 square foot lots approved for Vesting Tentative Tract Map No. 51375 are larger than the 3,000 square foot lots approved on the adjacent tract.

The lot shapes and sizes of Vesting Tentative Tract Map No. 51375 do differ from those in the other immediately adjacent tract, Tract No. 26789, but the lots in Tract No. 26789 are not representative of those in the Oxford Triangle community. The lots in Tract No. 26789 are irregularly shaped and are slightly larger than the average lot in the community (Exhibit #3).

The lot shapes and sizes of Vesting Tentative Tract Map No. 51375 are consistent with the character of the larger surrounding community in the Oxford Triangle. The City analyzed the size of the existing lots in the community and found that most of the lots are 3,000 to 3,500 square feet in area. The proposed 3,747 and 3,773 square foot lots are consistent with the size of most of the lots in the surrounding neighborhood. Therefore, the Commission finds that the design of the tract and the proposed residences is consistent with the character of the surrounding community and the City's approval of the project does not raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act.

For the above stated reasons, no substantial issue exists with respect to the appeal. The proposed project is compatible with the character of the community, the impacts on coastal access are adequately mitigated, and the project as approved conforms to Coastal Act and previous Commission actions and will not prejudice the ability of the local government to prepare a Local Coastal Program consistent with the Coastal Act.

Therefore, the Commission finds that no substantial issue exists with respect to the proposed project's conformance with the Chapter 3 policies of the Coastal Act, or with the approval of Local Coastal Development Permit No. 94-014, and that Appeal No. A-5-VEN-96-035 raises no substantial issue with respect to the grounds on which the appeals have been filed.



Site

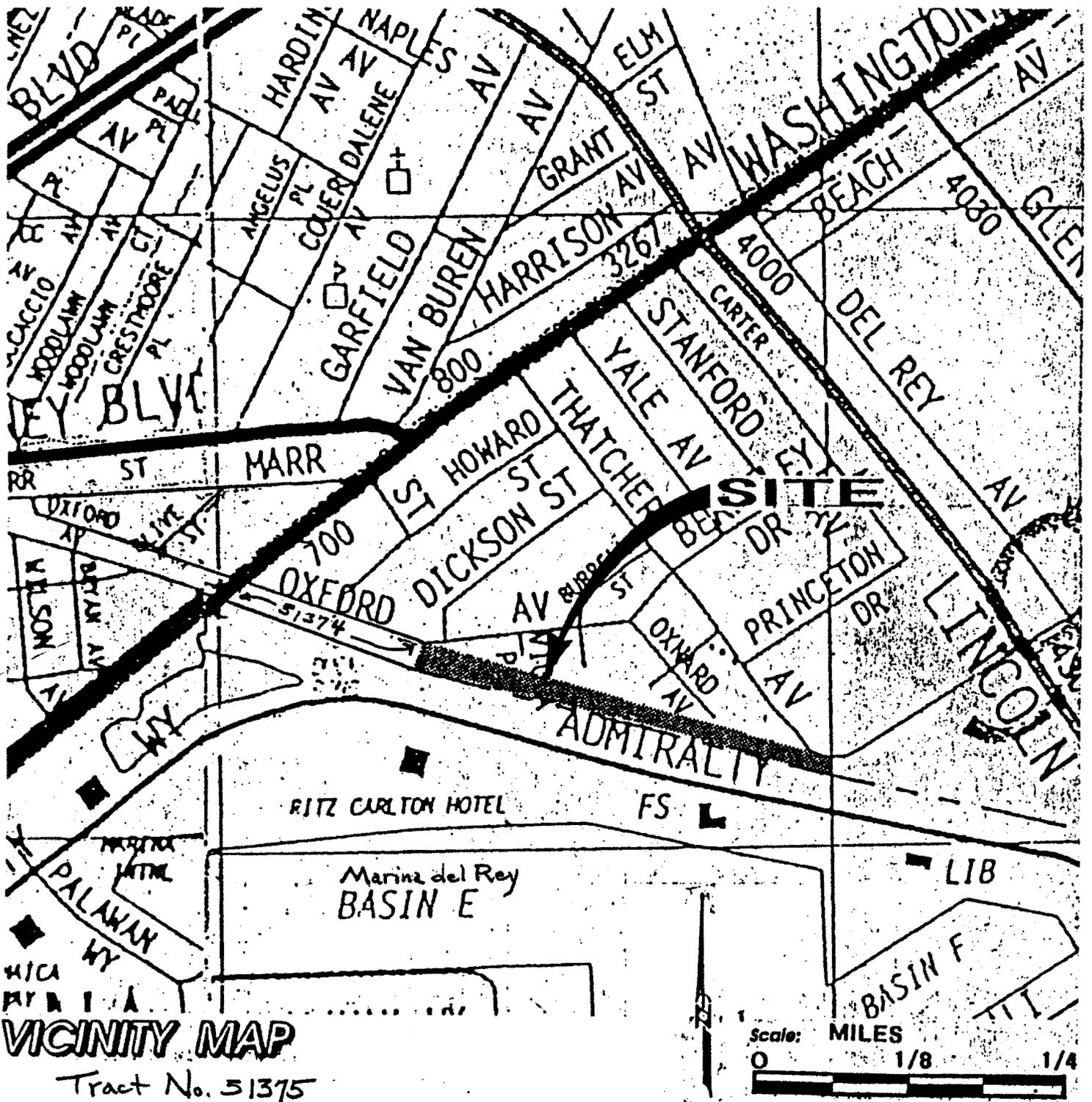
Tract No. 51375

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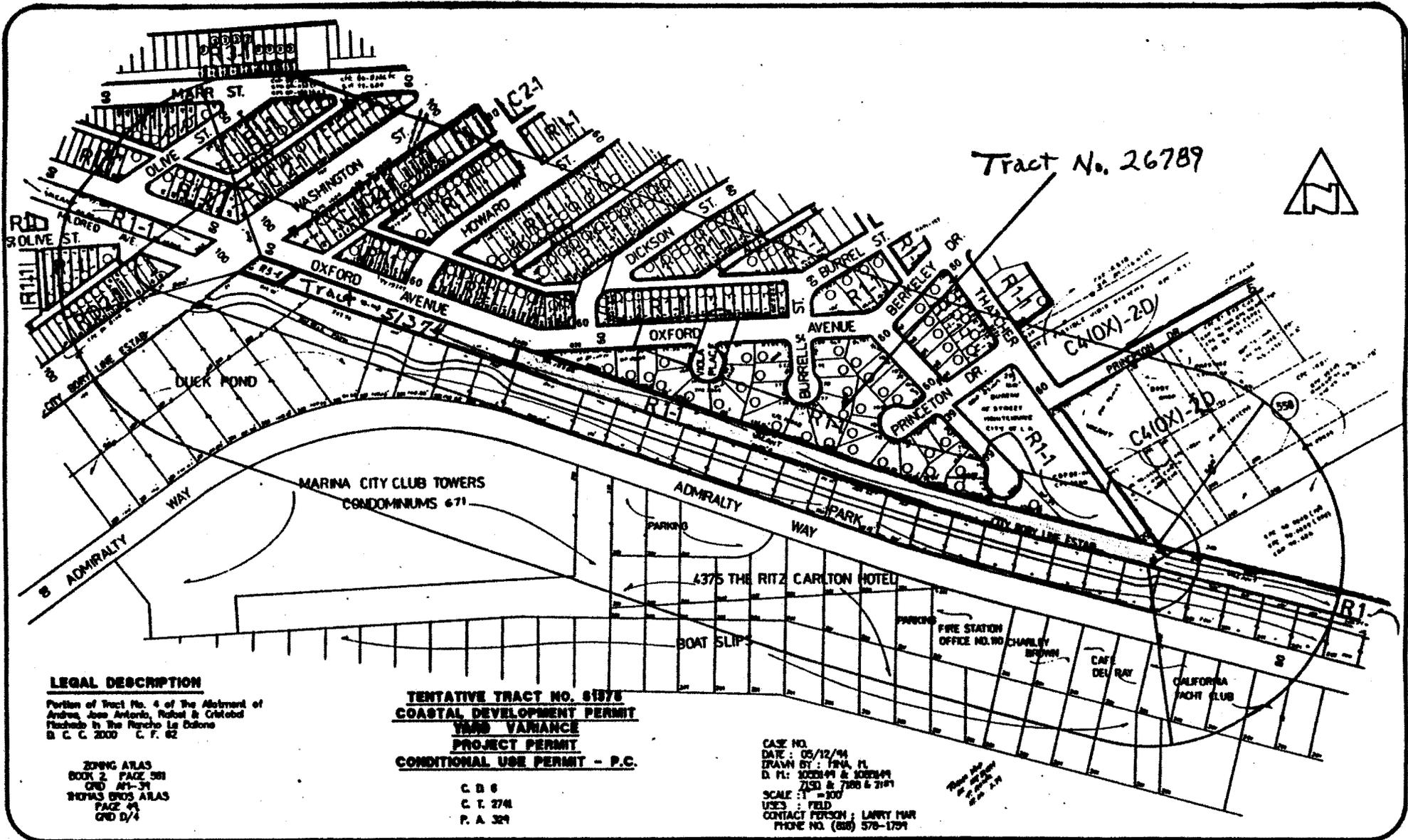
EXHIBIT # 1

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COASTAL COMMISSION
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EXHIBIT # 2
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Tract No. 26789



LEGAL DESCRIPTION

Portion of Tract No. 4 of the Abstrament of Andrew, Juan Antonio, Rafael & Cleofeb Rioschub in the Republic of El Salvador B. C. C. 2000 C. F. 82

ZONING ATLAS
BOOK 2 PAGE 581
GRID A1-31
BORAS BROS ATLAS
PAGE 41
GRID D/4

TENTATIVE TRACT NO. 81576
COASTAL DEVELOPMENT PERMIT
VARIANCE
PROJECT PERMIT
CONDITIONAL USE PERMIT - P.C.

C. D. 8
C. T. 274
P. A. 324

CASE NO.
DATE : 05/12/94
DRAWN BY : TINA, PL
D. PL: 3022441 & 3022444
7130 & 7180 & 7191
SCALE : 1" = 300'
LINES : FIELD
CONTACT PERSON : LARRY HAY
PHONE NO. (800) 578-1799

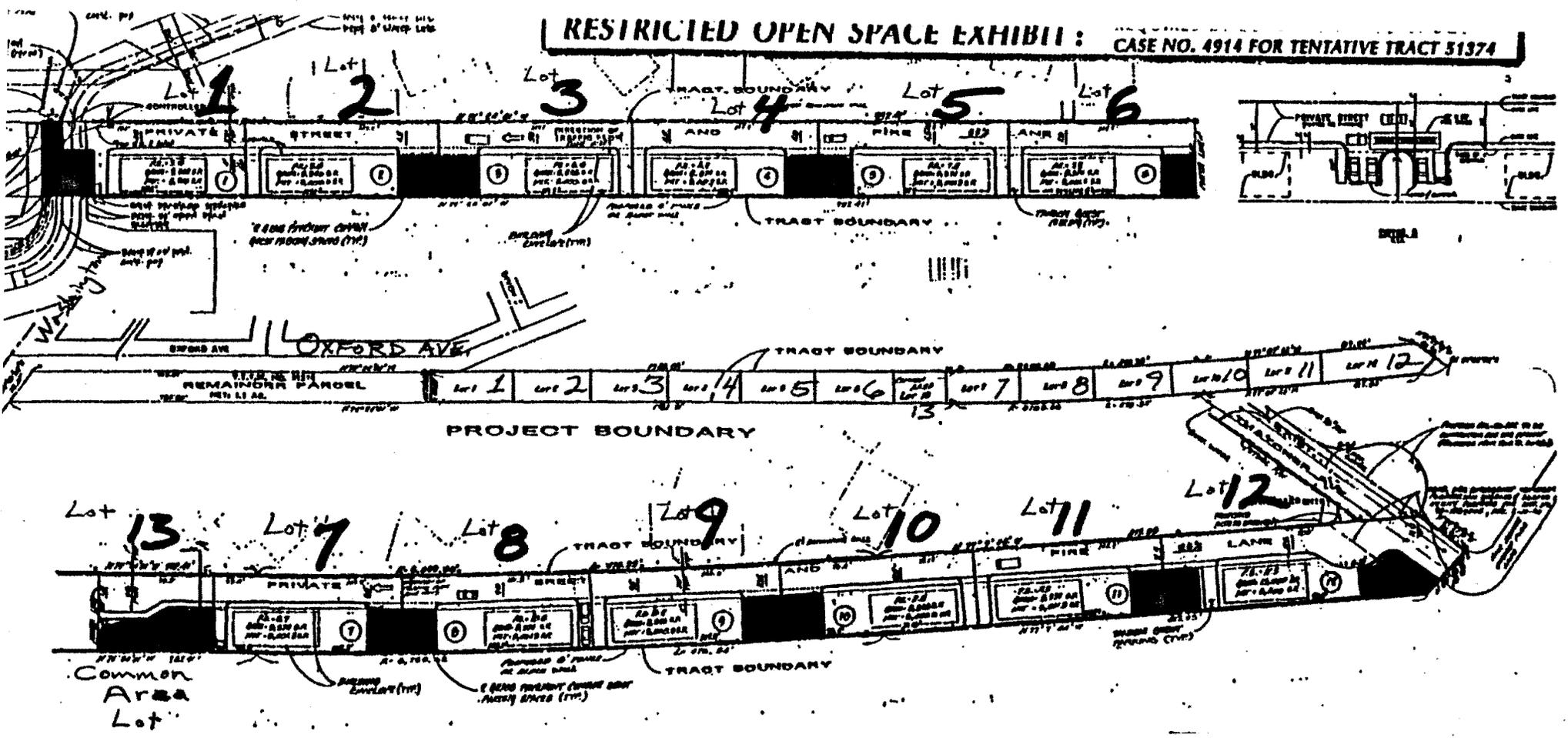
COASTAL COMMISSION

A-5-VEN-96-035

EXHIBIT # 3

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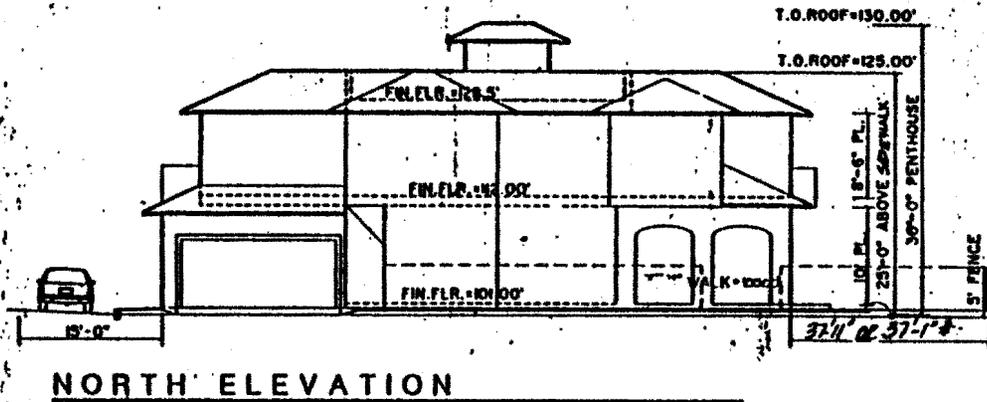
RESTRICTED OPEN SPACE EXHIBIT : CASE NO. 4914 FOR TENTATIVE TRACT 51374



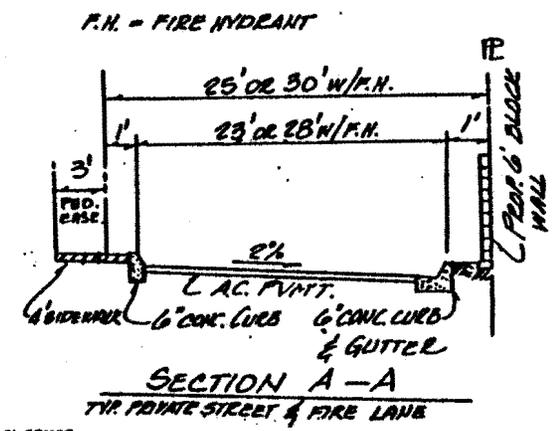
Tract No. 51375

COASTAL COMMISSION
A-S-VEN-96-035

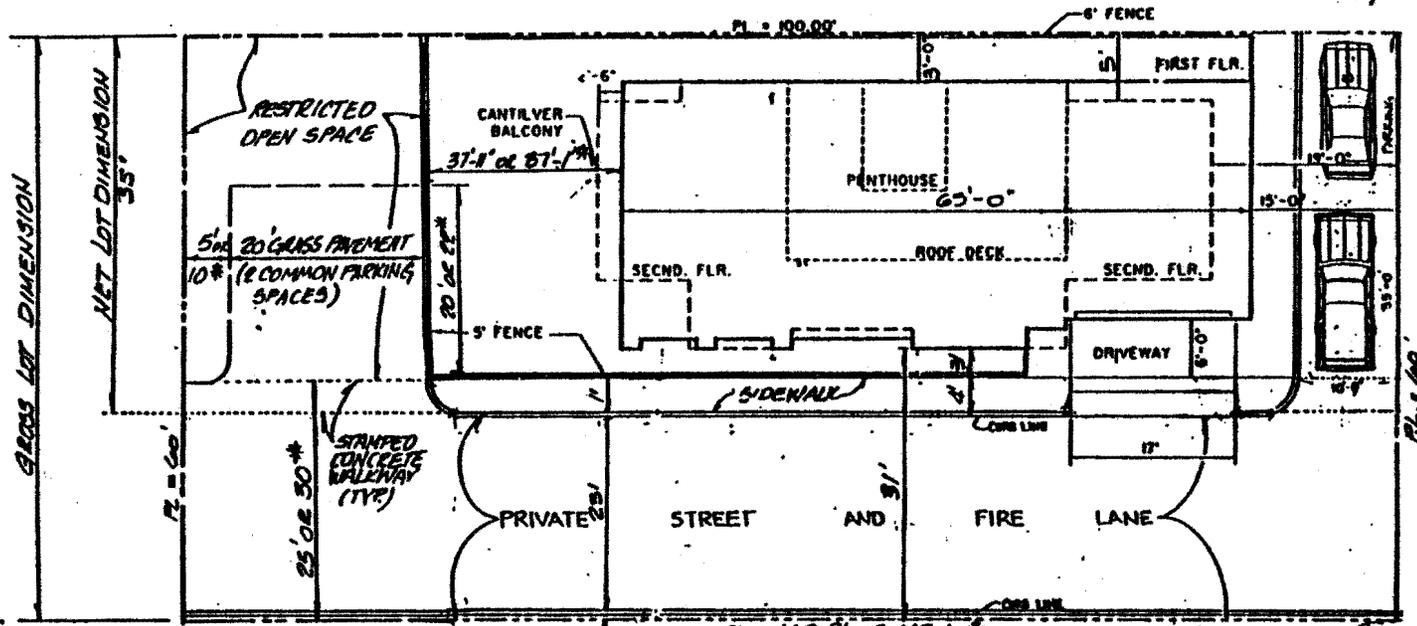
EXHIBIT # 4
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NORTH ELEVATION



SECTION A-A
TYR PRIVATE STREET & FIRE LANE



TYPICAL PLOT PLAN
* DIMENSIONS w/ FIRE HYDRANT (SEE DETAIL "A")

Typical Lot Size - Gross: $143 \times 60 = 8,580$ sq. ft.
 Net: $143 \times 35 = 5,005$ sq. ft.

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EXHIBIT # 5
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

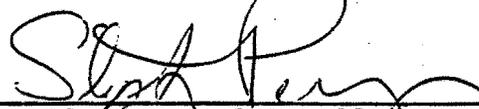
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1. THE TRACT APPROVAL IS NOT CONSISTENT WITH THE PILLON APPROVAL
OF TRACT S1374, OF WHICH THIS PARCEL WAS A PART.
2. THE OPEN SPACE PROVIDED DOES NOT COMPLY WITH
CEQA STANDARDS.
3. THE LOT SIZES SHAPES AND ORIENTATION IS NOT
CONSISTENT WITH, AND DETRIMENTAL TO, THE IMMEDIATELY
ADJACENT TRACT 26789
SEE ATTACHED SHEETS

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or
Authorized Agent

Date January 21, 1996

COASTAL COMMISSION
A-5-VEN-96-035

EXHIBIT # 6

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STATEMENT OF STEPHEN PERLOF

APPEAL FROM CITY OF LOS ANGELES CITY COUNCIL APPROVAL OF

VESTING TENTATIVE TRACT NO. 51375

CF 95-1982

CDP No. 94-0014

CPC 94-0289(CU)

MND No. 94-0180(SUB)(PP)(CDP)(YV)

My name is Stephen Perlof and my family and I are 23 year residents at 3207 Viola Place in Venice. I speak for myself and a majority of the residents of Tract 26789 which abuts the proposed development.

I am appealing the City of Los Angeles City Council approval of this tract because of the following:

1. The tract does not conform to the minimum lot size required by the R-1 zoning of the General Plan and the Venice Community Plan, nor the prior approval of Tract 51374. ;
2. The permanent open space provided does not comply with the CEQA standards.
3. The lot area and yard width variances granted are detrimental to the immediately adjacent properties and arbitrarily and unreasonably excessive.

Minimum Lot Size

There is 64,809 square feet available for development in Tract 51375. Tract 51375 was known as Lot 16 in Tract 51374 at the time Tract 51374 was approved. Tract 51374 had been approved with substandard 3000 square foot lots, where minimum 5000 square foot lots are required by the R-1 zoning. As mitigation for this reduced lot size and increased tract density, Tract 51374 was approved on the condition that 15,000 square feet of Lot 16 (now Tract 51375) remain as permanent private open space.

Consistent with that prior condition, the area available for development in Tract 51375 is 49,809 square feet (64,809 square feet less the 15,000 square feet of permanent private open space).

Accordingly, a maximum of nine 5000 square foot buildable lots can be approved in Tract 51375 in order to comply with the required R-1 density of one lot per 5000 square feet.

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The following statements, copied directly from the Zoning Administrator's approval of Tract 51374 and the Board of Zoning Appeals subsequent hearing, support the above statements:

"If the applicant did not own the 2.6 acre site (Lot 16) immediate to the site of Lots 1-15, this request would be much harder to approve and could not be easily justified for a variance. However, by utilizing some of the development rights on Lot 16 which is to remain permanent open space, there is easily an equivalent of 5,000 square feet of lot space per house plus open space available."

(Case Nos. ZA 93-0554(PP) and ZA 93-0555(YV), October 13, 1993, page 6)

"Therefore, by using 30,000 square feet of Lot 16, this 15 lot project becomes a clustered development with permanent open space made available to the residents of Lots 1-15, or new Lot 16 future residents on Lot 16 which justifies a variance."

(same Case, page 6)

"A special condition requiring an equivalent amount of open space on Lot 16 to match the total amount of reduced lot size for the 15 new homes has also been required to keep the overall density on Lots 1-15 and Lot 16 consistent with the Venice Community permitted density."

(same Case, page 7)

"Granting 6 extra dwelling units beyond the Venice Plan limit of 9 on Lots 1-15 could not be justified as consistent or in conformity with the General Plan. However, by transferring 6 units of density from future Lot 16, the 15 units can be built. The density on Lots 1-15 and 16, when averaged, are still within the overall limits of density permitted in the community plan."

(same Case, pages 7 and 8)

The Zoning Administrator's requirement for 30,000 square feet of open space on Lot 16 was then appealed by the applicant to

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the Board of Zoning Appeals.

"The Board has two options to consider with regard to the density issue.... The one he (the Zoning Administrator) recommends involves transferring density from the proposed open space lots so as to reduce the amount of land that might ultimately be available for development on that site."

(BZA Determination Report, BZA Case No. 4914 and 4916, December 7, 1993, pages 2 and 3)

A motion to reduce the required open space on Lot 16 was made by BZA member Ms. Perkins.

"She felt there was an equitable trade-off between the lot sizes and the density transfer of 15, 000 square feet from Lot 16."

All of the prior record is clear. There must be a maximum of nine buildable lots permitted in Tract 51375.

CEQA Standards Non-Compliance

The approval of the Tract provides for the "permanent private open space" in dedication of Lot 13 and other areas on the other 12 lots, which areas are used for parking spaces. The CEQA standards as set forward in the Mitigated Negative Declaration define open space as "...private and or common open areas with recreational amenities open to the sky ... which are designated and intended to be used for active or passive recreational purposes.... Parking areas, driveways, front yard setback areas ... shall not be included as open space." Accordingly, the open space provided does not even comply with CEQA standards.

Lot Width Variance

The approval of the Tract provides for lots with widths of 30 feet, a 40% reduction from the required minimum 50 foot lot width in the R-1 zone. This reduction causes the lots

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to be detrimental to the adjoining properties in that the lot sizes and shapes are inconsistent with the size, shape and orientation of the existing lots in the immediately adjacent Tract 26789, which vary in size from 5000 to 8000 square feet.

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