

CALIFORNIA COASTAL COMMISSION

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Filed: 10/4/2016
49th Day: 11/21/2016
Staff: S. Vaughn-LB
Staff Report: 10/14/2016
Hearing Date: 11/3/2016

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal No.: A-5-VEN-16-0087

Applicant: Jay Ramras

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellant: Coastal Commission Acting Executive Director

Project Location: 2715 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN: 4226-020-005)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA 2015-1111 approved with conditions for the construction of a four-level, 38.5-foot high single-family residence with an attached 578 square-foot three-car garage.

Staff Recommendation: Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after a public hearing, determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the City-approved development conflicts with the terms of Coastal Development Permit (CDP) 5-13-086, which was issued by the Coastal Commission on October 23, 2013; the City-approved project exceeds the height limit requirements of the City's certified Land Use Plan (LUP), which is not consistent with the local community character and could prejudice the City's ability to prepare a Local Coastal Program (LCP); and the City's local CDP does not include adequate findings for the project's consistency with Coastal Act Section 30251 of the relevant policies of the certified LUP. As such, as approved by the City of Los Angeles, local CDP ZA-2015-1111 is not consistent with the Chapter 3 policies of the Coastal Act and will negatively impact coastal resources. Pursuant to Section 30625 of the Coastal Act, the grounds for appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to 30602.

Important Hearing Procedure Note: The Commission will not take public testimony during the ‘substantial issue’ phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

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I. MOTION AND RESOLUTION

MOTION:

I move that the Commission determine that Appeal No. A-5-VEN-16-0087 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION:

*The Commission hereby finds that Appeal No. **A-5-VEN-16-0087** presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANT'S CONTENTIONS

An appeal of the City-approved project was filed on October 4, 2016 (**Exhibit 4**). The appellant contends that the City-approved development conflicts with the terms of CDP 5-13-086, which was issued by the Commission on October 23, 2013 for: the construction of a three-level, 35-foot high (with 40-foot high roof access structure), 3,628 square-foot single-family residence with an attached 624 square-foot garage on a vacant 2,520 square-foot beachfront lot in the North Venice subarea of Venice. The City-issued CDP authorizes a four-level, 38.5-foot high structure, which is inconsistent with Coastal Commission-issued CDP. The appellant also contends that the City-approved development may adversely affect community character and could prejudice the City's ability to prepare an LCP because: 1) the local CDP authorizes four-level structure that is out of scale with the neighborhood and visually incompatible with the character of the surrounding area; and 2) the roof of the City-approved structure exceeds the 30-to-35-foot height limit set forth in the certified Venice LUP. Furthermore, the appellant contends that the local CDP does not include adequate findings for the consistency with Coastal Act Section 30251 or the relevant policies of the certified LUP.

III. LOCAL GOVERNMENT ACTION

On April 7, 2016, the Zoning Administration held a public hearing for Local CDP No. ZA 2015-1111 (Jay Ramras). On August 17, 2016, the Zoning Administration (ZA) approved CDP ZA 2015-1111. The ZA action was not appealed to the West Los Angeles Area Planning Commission. On September 6, 2016, the Commission's South Coast District Office received a Notice of Permit Issuance (**Exhibit 3**), which is the Notice of Final Action for the project. Upon receipt of the City's Notice of Permit Issuance, the Commission's required twenty working-day appeal period was established. On October 4, 2016, within the twenty working-day appeal period, the Coastal Commission Acting Executive Director submitted an appeal of the City's local CDP (**Exhibit 4**).

The applicant and the City were informed that the project was appealed on October 6, 2016. No other appeals were received prior to the end of the appeal period on October 4, 2016.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its LCP, a local jurisdiction may, with respect to development within its area of jurisdiction in 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 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 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 a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local CDP application, 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. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellant’s contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the *de novo* phase of the public hearing on the merits of the application at a subsequent Commission hearing. A *de novo* public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified

Venice Land Use Plan (LUP) is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE/DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission’s standard of review for development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required.

In this case, the project site is within the *Dual Permit Jurisdiction* area. The City of Los Angeles completed its final action to issue local CDP No. ZA-2015-1111-CDP-ZAA and ENV 2015-1112-ND on August 17, 2016 and reported its action to the Coastal Commission on September 6, 2016. The proposed structure now has two (dual) CDPs, one from the Coastal Commission and one from the City. However, these two CDPs conflict with each other in regard to the height limit.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to construct a four-level, 38.5-foot high, 2,987 square-foot single-family residence with an attached 578 square-foot three-car garage on a 2,520 square-foot beachfront lot (**Exhibit 2**). Prior to the issuance of Coastal Commission CDP 5-13-086 in October 2013, the lot was vacant. The project site is located at 2715 Ocean Front Walk in the North Venice sub-area of Venice, City of Los Angeles, Los Angeles County (**Exhibit 1**). The project is situated in a highly developed residential area. The lot is zoned RD1.5-1 (Multiple Dwelling) by the City of Los Angeles and designated Low Medium II Residential by the certified Venice LUP. The subject site is surrounded by one-, two-, and three-story single-family and multi-family residences.

B. FACTORS TO BE CONSIDERED

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue

exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

The appellant’s first contention is that the City-approved development conflicts with the terms of Commission-issues CDP 5-13-086.

Coastal Act Section 30601 states, in part:

Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
- (2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

The subject project is located in between the first public road and the sea in the City’s *Dual Permit Jurisdiction* area as described in Section V of this staff report. As such, the project requires a second, or dual, permit from the Commission. CDP 5-13-086 is the dual permit for the subject

project that was issued by the Commission on October 9, 2013. The project described in the City-approved CDP (ZA-2015-1111), exceeds the height of the structure authorized by Commission-issued CDP 5-13-086. The Coastal Commission CDP limits the height of the structure to the limit set forth in the certified LUP, which is 35 feet. The height of the City-approved structure is 38.5 feet. As such the project is inconsistent with the dual permit and the applicant must either apply for an amendment to CDP 5-13-086 or obtain a new dual permit from the Commission for the City-approved project. Accordingly, the City-approved project is not fulfilling the requirements of Section 30601 of the Coastal Act.

The appellant's second contention relates to community character and consistency with the requirements of the certified Venice LUP. Venice has a wide range of scale and style of residential buildings throughout its various neighborhoods. Venice's historical character, diverse population, as well as its expansive recreation area, Ocean Front Walk (boardwalk), and wide, sandy beach make it a popular destination not only for Southern California but also for national and international tourists. Accordingly, Venice has engendered a status as one of the more unique coastal communities in the state, and therefore, a coastal resource to be protected. Since the Venice Coastal Zone is primarily a residential community beyond the beach and popular oceanfront boardwalk which includes some commercial stretches, the residential development is a significant factor in determining Venice's community character.

The Coastal Act requires that the special character of communities be protected from negative impacts such as excessive building heights and bulks. In particular, Sections 30251 and 30253(e) of the Act state:

Coastal Act 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. 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."

Coastal Act Section 30253(e):

New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The following sections of the Venice LUP address character preservation and building height limits:

Certified Venice LUP Policy I.A.1 states, in part:

The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height

Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP...

a. Roof Access Structures. Building heights and bulk shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:

i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;

ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;

iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls, and;

iv. All roof access structures shall be setback at least 60 horizontal feet from the mean high tide line of Balboa Lagoon, Venice Canals, Grand Canal, and the inland side of the Esplanade (City right-of-way).

Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

Certified Venice LUP Policy I.A.8.c states, in part:

Height: Not to exceed 30 feet for buildings with flat roofs or 35 feet for buildings utilizing stepped back or varied rooflines. The portion of the structure that exceeds 30 feet in height shall be set back one horizontal foot for every foot in height above 30 feet...

Certified LUP Policy I. E. 1, states:

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act.

Certified LUP Policy I. E. 2 states:

New development with the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods [...]

The proposed development is located in a neighborhood that is comprised of a variety of old and new multi-unit residential structures and single-family residences that vary in height, size, and scale. The majority of homes are two- and three-story structures with some one-story homes. Other than the height and scale of the structure, it is difficult to define the style of the community. Architectural features of existing nearby homes include a mix of Craftsman bungalows and

traditional Victorians, next door to Modern and Contemporary style homes. Inconsistencies in existing architectural style aside, the proposed development is not consistent with the community character of the area in height, size, and scale of existing development because it exceeds the height limit allowed for new single-family residences in the area and many of the existing residences. Past projects similar to the proposed development that have been approved or denied by the Commission include:

CDP #5-97-211-A2 at 2707 Ocean Front Walk

In February 2016, the Commission **denied a proposal** to increase the maximum building height of the duplex from **30 feet for a flat roof to 37 feet 11 inches** to allow for a fourth story of living and storage space.

CDP #5-10-037 at 2611 Ocean front Walk

In April 2010, the Commission approved the construction of a three-story, 33-foot high (with 40-foot high roof access structure), 5,234 square-foot duplex with an attached four-car garage on a vacant 3,240 square-foot beachfront lot. The roof is flat, however, the building is **set back eight feet from the ocean-fronting property line**, instead of the required five feet, which is stepped back from the property line and consistent with LUP Policy I.A.8.c

CDP #5-10-115 at 2705 Ocean Front Walk

In July 2010, the Commission approved the demolition of two detached residential units on a 2,520 square-foot beachfront lot and the construction of a four-story, 35-foot high, 3,184 square-foot single-family residence with an attached two-car garage. The **roofline is varied** and consistent with LUP Policy I.A.8.c.

CDP #5-13-086 at 2715 Oceanfront Walk

In October 2013, the Commission approved: the construction of a two-story (with basement), 35-foot high (with **varied roof** and a forty-foot high roof access structure), 3,628 square foot single-family residence with a 624 square foot attached garage on a vacant 2,520 square foot beachfront lot.

CDP# 5-16-0096 at 2709 Ocean Front Walk

In October 2016, the Commission conditionally approved: the construction of a three-story, 4,037 square-foot single-family residence with an attached 566 square-foot, three-car garage. The proposed project had a flat roof proposed for 33-feet high and a 43-foot high roof access structure. The Commission conditioned the CDP requiring the applicant to submit revised final plans prior to the issuance of the CDP. The condition required the structure in the approved final plans shall **not exceed 30 feet in height if the structure has a flat roof or 35 feet in height if the structure is utilizing a stepped back or varied roofline**. Additionally, **the portion of the structure that exceeds 30 feet in height shall be set back one horizontal foot from the required front-yard setback at beach-fronting property line for every foot in height above 30 feet. Furthermore, the top of the roof access structure shall not exceed 40 feet in height.**

In all of these cases, no development was allowed to exceed the 35 foot maximum height limit that is set forth in the certified LUP. The height of the proposed residence is not consistent with other residences in the neighborhood or with the policies of the certified Venice LUP. The proposed height of the residence is 38.5 feet. LUP Policy I.A.8.c allows a height of up to 35 feet for residences with a varied or stepped back roof and up to 30 feet for residences with flat roofs for this

area of Venice. The proposed project has a varied roof and is set back the minimum required distance (five feet) from the beach-fronting property line (**Exhibit 2**) and is therefore limited to a height of 35 feet if the roof is stepped back one horizontal foot for every foot in height over 30 feet up to 35 feet. While a portion of the beach fronting roof is stepped back, it is not stepped back consistent with Policy I.A.8.c of the certified Venice LUP. In order for the proposed project to be consistent with the policies of the certified Venice LUP, it must not exceed 35 feet in height. Additionally, the top story of the proposed residence, which serves as a recreation room and restroom, must not exceed 35 feet in height. As such, the applicant's proposal is not consistent with the certified Venice LUP.

In this case, the City approved a Specific Plan Project Adjustment to allow a roof height of 38.5 feet in lieu of 35 feet [Case No. ZA-2015-111-CDP-ZAA]. The City made findings that the proposed height limit does not comply with the height requirement of the certified Venice LUP that limits projects with varied roofs in the North Venice Subarea to a maximum height of 35 feet. In spite of the City's findings that the proposed height is not consistent with the certified LUP, the City, pursuant to its Municipal Code (Section 11.5.7), approved the height adjustment, which allows an adjustment in height of up to 10% (the adjustment in this case is 9.7%). While this may be allowable and general practice for areas in the City that fall outside of the coastal zone, it is not acceptable for projects that fall within the coastal zone, because approving a project that is not consistent with a certified LUP, may prejudice the City's ability to prepare a certifiable LCP.

Pursuant to Policy I.A.1, structures allowed to exceed the maximum building height are limited to roof deck railings, parapet walls, chimneys, air conditioning equipment, solar collectors, skylights, one elevator housing unit and one roof access structure with no living or storage area. The 30-to-35-foot height limit set forth in the certified Venice LUP also protects community character from oversized structures that would loom over the boardwalk and other public areas. Some flat-roofed structures have been permitted to reach up to 35 feet high, but not beyond the height limit that applies to structures with a varied or sloped rooflines. However, the LUP policies regarding building height specifically do not allow for any living area or storage area above the maximum height of 35 feet (with a sloped or varied roofline). The City-approved project includes living area and storage space (a fourth floor) that reaches 38.5 feet in height. Approval of a fourth floor would set a negative precedent for development in the North Venice area. For instance, the adjacent lot upcoast and a lot two parcels downcoast from this lot are currently vacant and owners of those lots may similar requests for height exceptions for future development. A request for a fourth floor was recently denied by the Commission at 2707 Ocean Front Walk in February 2016 (CDP No. 5-97-211-A2). Many beach front homes have roof decks with small stairway enclosures (100 Square-feet or less) that exceed the flat roof height limit by more than ten feet. Enlargement of these small building extensions into new fourth floors (and even higher roof decks) would have major adverse cumulative impacts on public views and community character.

Additionally, Coastal Act Sections 30251 and 30253(e) provide protection for visual resources and community character. The proposed structure is located directly adjacent to Ocean Front Walk and the beach (**Exhibits 1**) and it exceeds the height limit that all new development is required to comply with in accordance with the certified LUP in this location. Height, size, and scale are some of the variables that define community character in Venice. The proposed project does not respect the visual qualities or community character established in Venice because it exceeds the height limit established in the certified LUP and is proposed to be larger than other single-family residences in the area, which are at most three levels and 35 feet tall, not four levels and 38.5 feet tall. For these

reasons, the City-approved project is not consistent with sections 30251 and 30253(e) of the Coastal Act. As such, the City erred in its approval of a local coastal development permit and Specific Plan Project Adjustment in this case.

The appellant's final contention is that the City-approved CDP does not include adequate findings for consistency with Coastal Act Section 30251 (cited above). The City's staff report states:

Section 30251 Scenic and Visual Qualities. The project's location results in no impact on scenic or visual qualities of coast areas or prominent natural landforms. The project seeks only a minor deviation from the Zoning Code regarding side yards and a 10% increase in height over the maximum allowed. The site is not located along or near a designated scenic corridor.

The project site may not be located along or near a **designated** scenic corridor however, it is located on a beach fronting lot directly adjacent to the Venice Beach Boardwalk. The City's findings do not acknowledge the significance of the project's location thereby ignoring the scenic and visual qualities that should be considered with any development proposed in that location. As such, the City's findings for consistency with Coastal Act Section 30251 do not adequately or comprehensively reflect the impact that the proposed development could have on existing scenic and visual resources.

City has failed to require provisions of protecting community character and scenic and visual resources in the area, which adversely impact coastal resources.

Only with careful review of the proposed project can the Commission ensure that community character and scenic and visual resources will be protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local CDP No. ZA-2015-1111.

Applying the five factors listed in the prior section clarifies that the appeal raises "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City's CDP findings state that the project is consistent with the certified Venice LUP and with Sections 30251 and 30253 of the Coastal Act. However, the City-approved height limit of the proposed structure is not consistent with the height limits set forth in the certified Venice LUP. Additionally, the City's findings do not acknowledge the scenic and visual resources that will be impacted with the proposed development, nor do they address how the proposed development will impact community character, which is not consistent with Coastal Act Section 30251 and 30253. Therefore, the Coastal Commission finds that the City has not provided an inadequate degree of factual and legal support for the local government's decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The City approved the development of a single-family residence on the lot. While a new residence on the lot is appropriate for the area, the mass and scale of the City-approved residence exceeds the extent and scope of that which is allowed in the City's certified LUP and that of the developments in the surrounding area, which will affect the community character of the neighborhood and negatively impact the scenic and visual resources in the area. Additionally, the City-approved project is not consistent with the Commission's height limit for the same development. Therefore, the extent and scope of the proposed development is not consistent with the scenic and visual resources and community character policies of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. Scenic and visual resources are specifically called out in Section 30251 of Chapter 3 of the Coastal Act. Similarly, community character is specifically called out in Section 30253(e) of Chapter 3 of the Coastal Act. The proposed project, and others like it, has the potential to negatively and accumulatively impact the scenic and visual resources and community character in the area by not protecting the scenic and visual resources along the beach and boardwalk and by not respecting the community character of the neighborhood. Therefore, the proposed development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP. The proposed development is not consistent with the mass, height and scale required by the certified LUP or with past Commission approvals for this area of Venice. The certified Venice LUP sets forth very specific height and setback requirements for the proposed project, and while the City's staff report acknowledges that the project is not consistent with those requirements, they made an exception based on uncertified Municipal Code. The proposed project exceeds the allowable height limit, which is not consistent with the height requirements set forth in the certified LUP. This project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but without a proper action plan to mitigate potential negative and cumulative impacts to coastal resources, it may set a statewide precedence. Venice Beach is one of the most popular visitor destinations in the country making coastal resources in Venice Beach a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeal is adverse impacts to scenic and visual resources and community character. In this case, the proposed project does not comply with all of the regulations of the certified LUP or the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

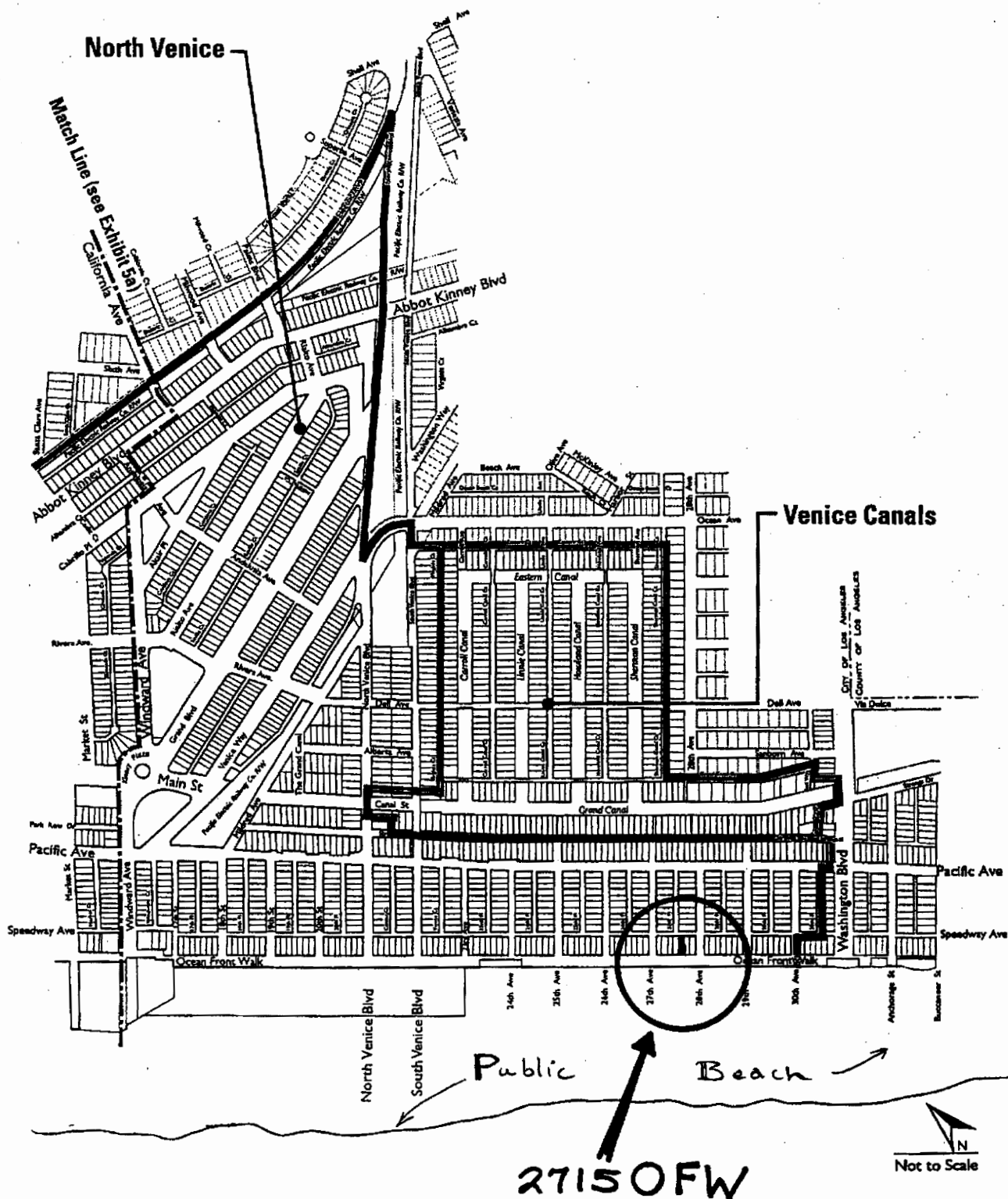
Appendix A – Substantive File Documents

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. Local City of Los Angeles CDP ZA-2015-1111-CDP-ZAA
3. Coastal Commission CDP 5-13-086

VENICE, CA



Site: 2715 Ocean Front Walk



LUP
Exhibit 5b

Subarea: North Venice • Venice Canals

Coastal Commission Exhibit

A-5-VEN-16-0087

Exhibit 1

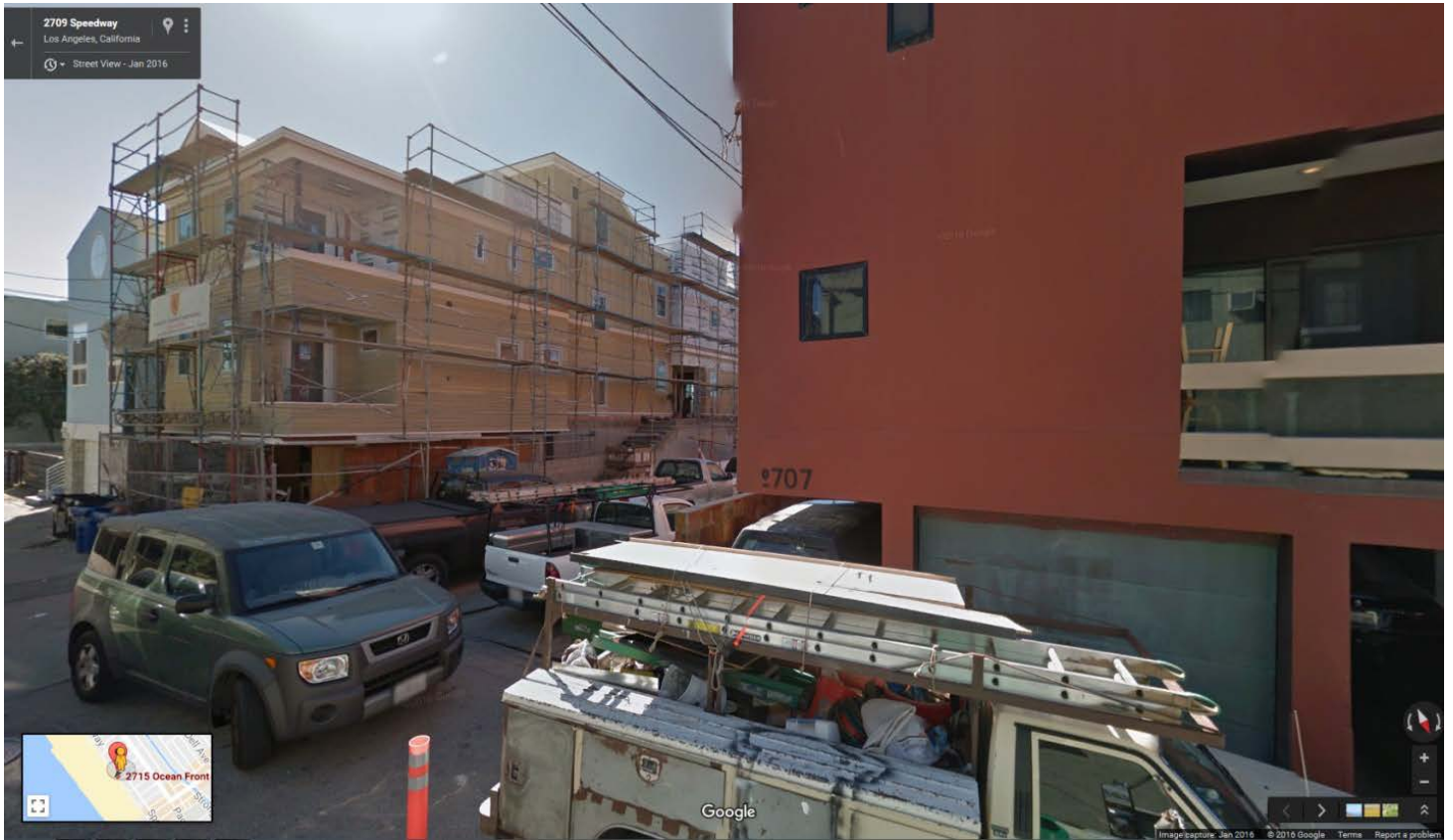
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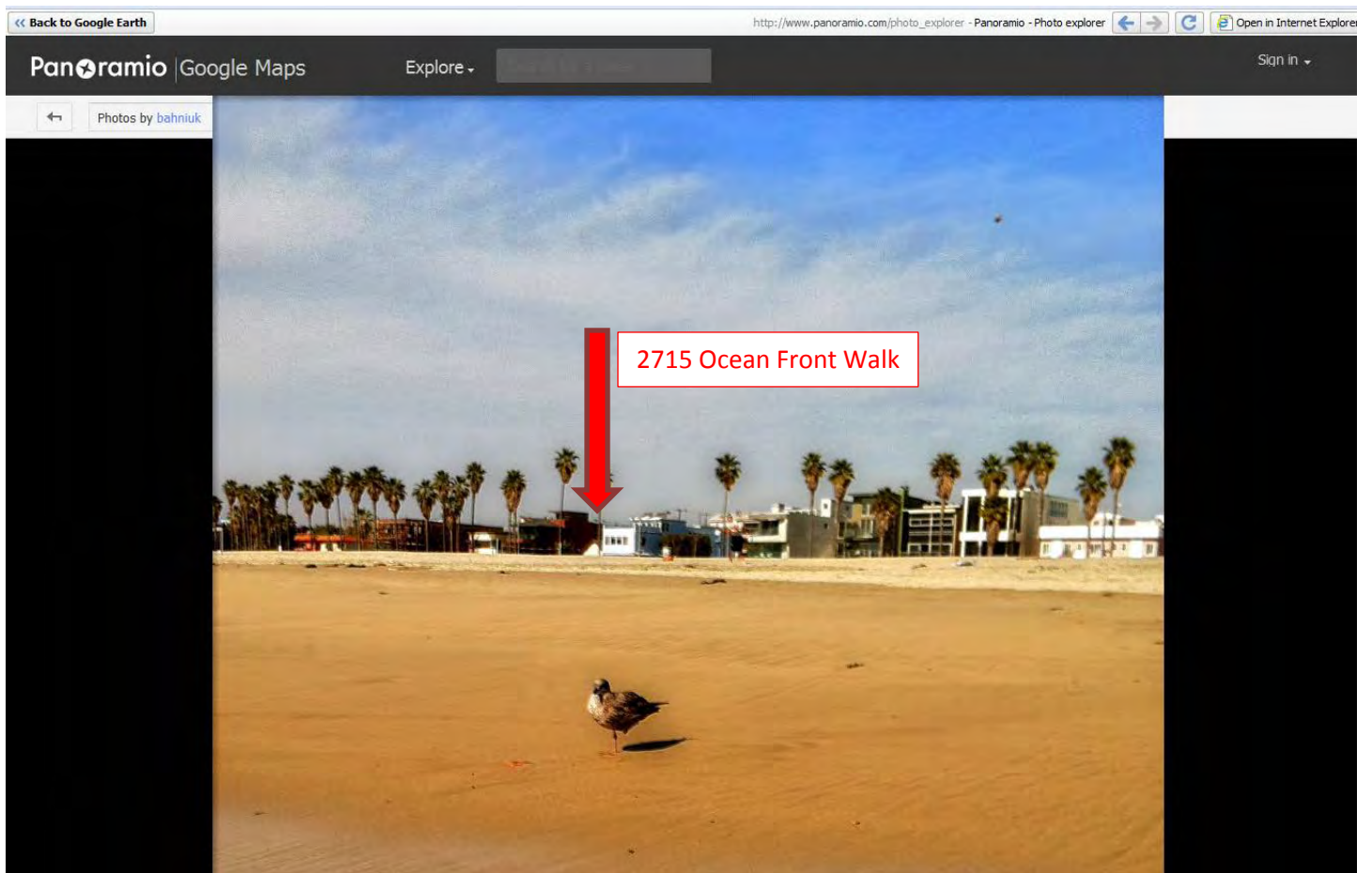
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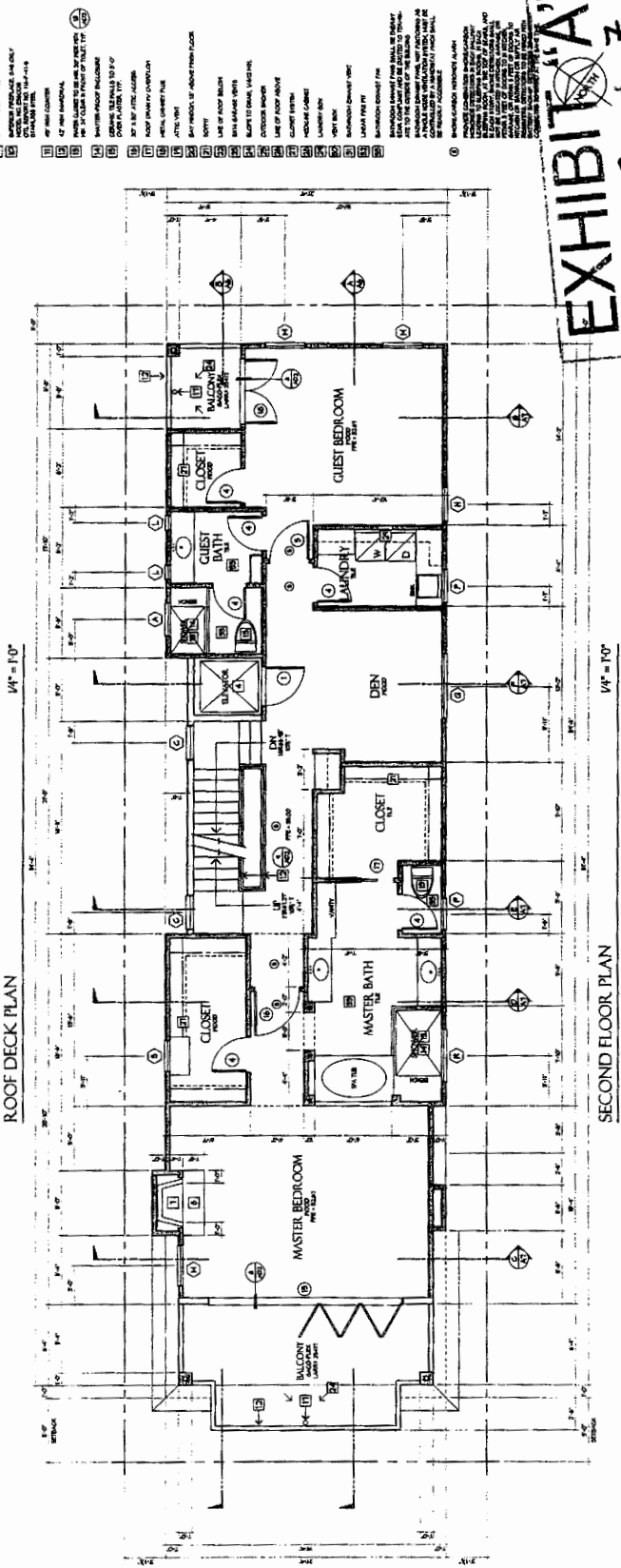
2013



Site:
2715 OFW

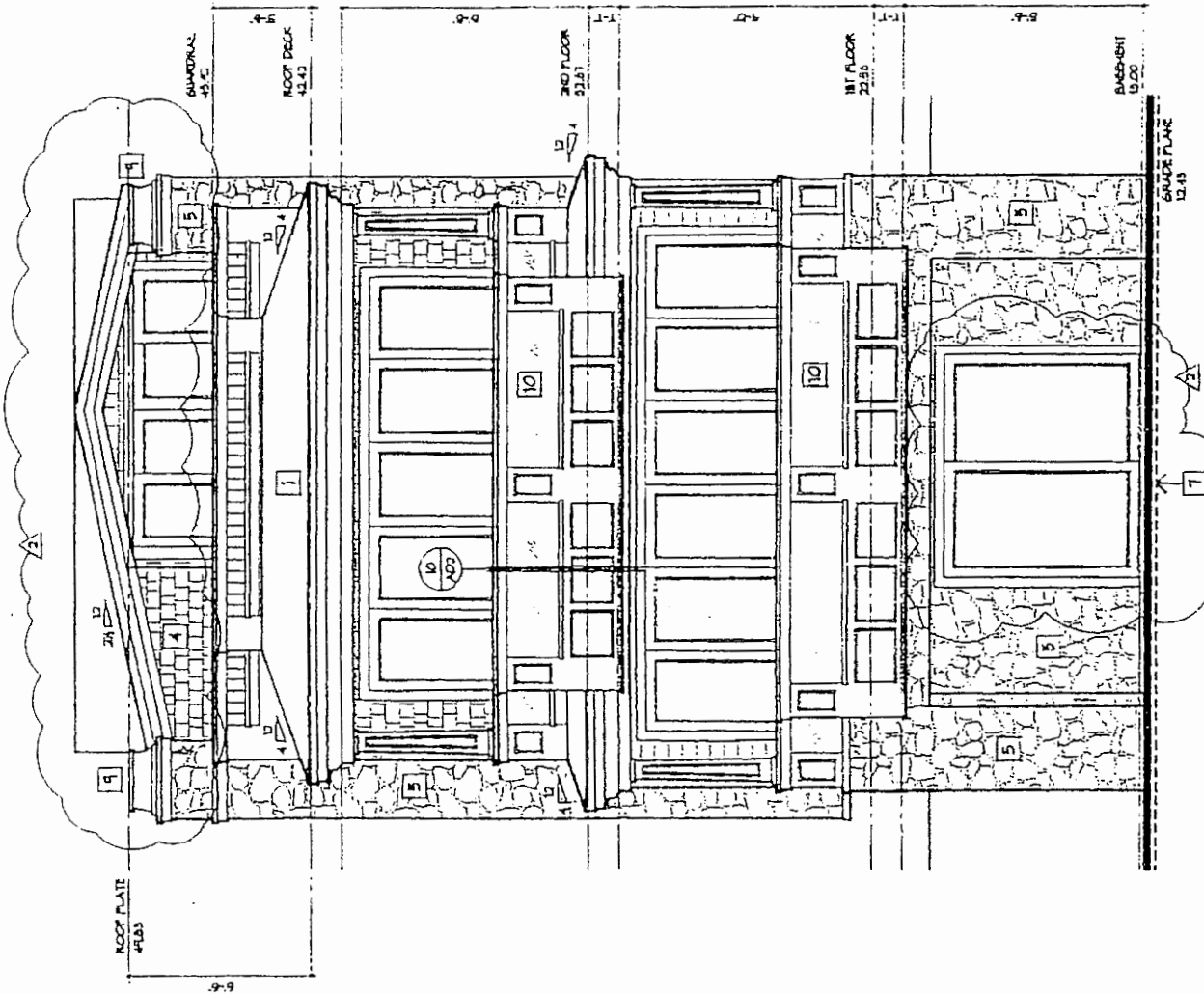






KEYNOTES

- 1 PLATE SHINGLES
CLAS A ASSEMBLY
- 2 CEDAR BRINDLE SHIMS
- 3 HORIZONTAL SHIMS - HAND PLAN
KCC EBR-2250
- 4 BOARD AND BATT SHIMS - HAND PLAN
KCC EBR-1044
- 5 NATURAL STONE VENEER
OVER PLASTER MAX 18" W/ SHALL
- 6 PRECAST RCM GUMMORIAL 8 PROF. U
- 7 GRADE PLANE - 12.45
- 8 FINISHED GRADE
- 9 CABINET SHALL EXTEND IN MR. ASBY
EST POINT WHERE CABINET FINISHES THE
ROOF ON 21" ABOVE WALLS FORT C
ROOF FATHER 10' 0" WITH SPARK ARREST
AND SHROUD TO ROOF RISE HEIGHT 8' 31"
48" MAX. HORIZ. SECTION
- 10 PRECAST RCM GUMMORIAL 8 PROF. U
- 11 DOWNPOUT
- 12 PLANTER BOX PER LA CITY STANDARD
SEE SHEET C1
- 13 DOWNPOUT DRAINAGE TO PLANTER Bx

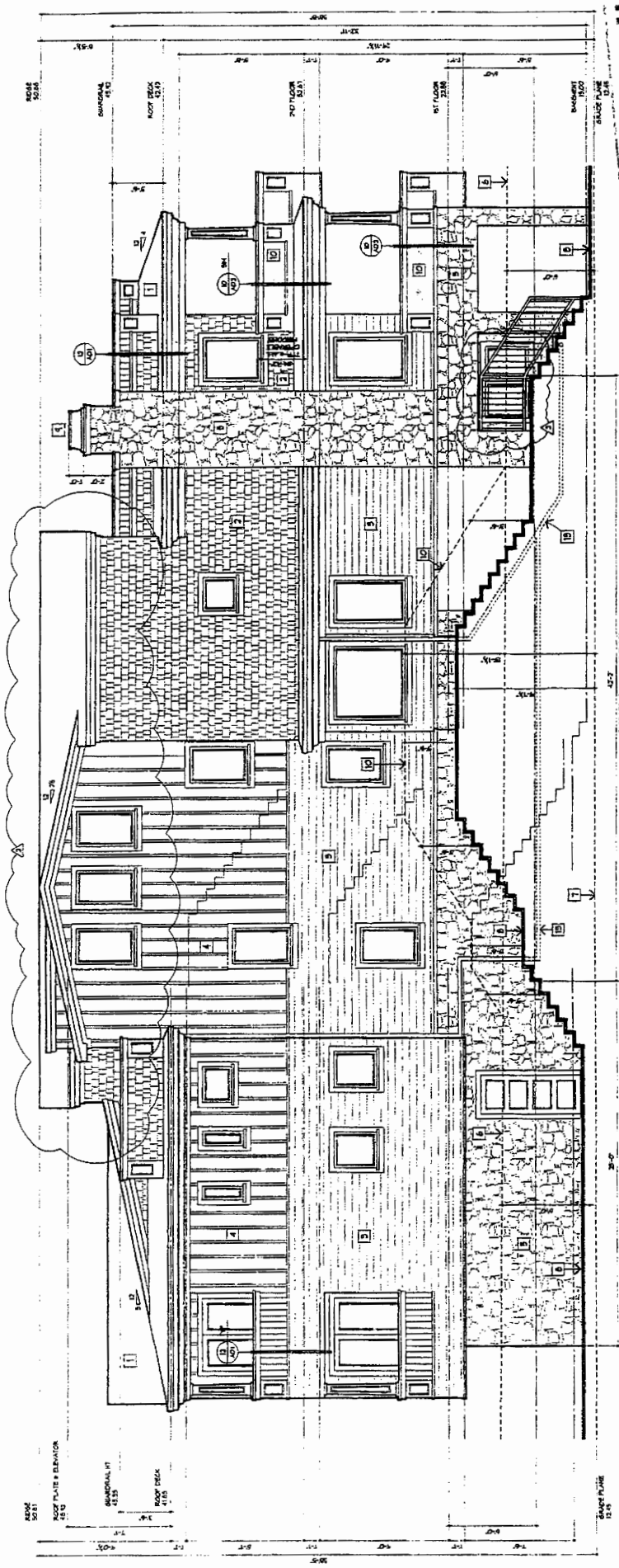


GRADE PLANE CALL	
SOUTH PROF CORNER	12.30
NORTH PROF CORNER	12.30
GRADE PLANE ELEV.	12.45

BASEMENT CALLS	
DRILLING PERMITS - 103.50	
LENGTH OF PERMITS & ON LOTS	

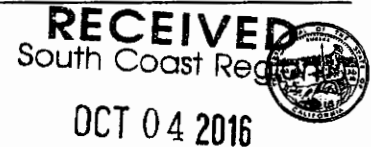
1000
1000

47-2
FOR LINO BENCHTOP FLOOR
LEFT SIDE ELEVATION (NORTH)
1/4" = 1'-0"



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coastal Commission Acting Executive Director, John Ainsworth
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Construction of a single-family dwelling with a Specific Plan Project Permit Adjustment to permit a height of 38.5 feet in lieu of the maximum 35 feet permitted for a project with a varied roof.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
2715 Ocean Front Walk, Venice, City of Los Angeles.
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-VEN-16-0087

DATE FILED: October 4, 2016

DISTRICT: South Coast

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: XX
 - b. City Council/Board of Supervisors: _____
 - c. Planning Commission: _____
 - d. Other: _____
6. Date of local government's decision: August 17, 2016
7. Local government's file number: ZA-2015-1111 (CDP)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:

Jay Ramras
1850 Hoselton Road
Fairbanks, AK 99709

2. Name and mailing address of permit applicant's agent:

Alvaro Ramirez
3790 Lavell Drive
Los Angeles, CA 90065

2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

a. Christopher Zonnas

b. _____

c. _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please 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.

The City-approved development conflicts with the terms of Coastal Development Permit 5-13-086, which was issued by the Commission on October 23, 2013 for:

Construction of a three-level, 35-foot high (with forty-foot high roof access structure), 3,628 square foot single-family residence with a 624 square foot attached garage on a vacant 2,520 square foot beachfront lot (at 2715 Ocean Front Walk, Venice).

The Coastal Commission-issued coastal development permit authorizes a three-level, 35-foot high structure, with a 100 square foot stairway enclosure up to 40 feet in height. The City-issued local coastal development permit authorizes a four-level, 38.5-foot high structure. [Note: Construction on the site has already commenced.]

The City-approved development may adversely affect community character and could prejudice the City's ability to prepare a Local Coastal Program (LCP). The local coastal development permit authorizes a four-level structure that is out of scale with the neighborhood and visually incompatible with the character of the surrounding area. The roof of the City-approved structure exceeds the 30-to-35-foot height limit set forth in the certified Venice Land Use Plan (LUP).

The local coastal development permit does not include adequate findings for consistency with Coastal Act Section 30251 or the relevant policies of the certified Land Use Plan.

Certified LUP Policy I. A. 2 states:

Preserve Stable Single-Family Residential Neighborhoods. Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development...

Certified LUP Policy I. E. 2 states:

Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access

structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

SECTION V. Certification

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

Suresa Henry
Signature of Appellant(s) or Authorized Agent

10/4/16
Date