

CALIFORNIA COASTAL COMMISSION

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



Th8b&c

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STAFF REPORT: APPEALS – SUBSTANTIAL ISSUE AND DE NOVO

Local Government: City of Los Angeles

Local Decisions: Approvals with Conditions

Appeal Numbers: **A-5-VEN-17-0042 & A-5-VEN-17-0044**

Applicant: **Western Development, LLC (Gabriella Fash)**

Agents: DU Architecture & Design (Robert Thibodeau, Renee Schillaci, and Chris Parker)

Appellants: Kathy Corcoran & Steven Lasker

Project Location: 676 & 678 Marr Street, Venice, Los Angeles County (APN: 4229-011-002)

Project Description: Appeals of City of Los Angeles' Local Coastal Development Permit Nos. DIR-2016-2010 and DIR-2016-2038 granted for demolition of a 756 sq. ft. single-family home on two adjoining residential lots and construction of two 3-story, single-family residences: 1) approximately 30-feet high, 2,686 sq. ft. on a 2,401.8 sq. ft. lot; and 2) approximately 30-feet high, 1,575 sq. ft. on a 2,011.6 sq. ft. lot; each with a rooftop deck and attached two-car garage.

Staff Recommendations: Substantial Issue - Deny

IMPORTANT NOTE: This is a combined staff report for two appeals that affect the same parcel. The Commission will not take testimony on this “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their

representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur following the substantial issue vote, or at a future Commission meeting, during which time the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the projects' conformity with Chapter 3 of the Coastal Act and **deny the local coastal development permits** with respect to the grounds on which the appeals were filed because the City-approved projects are not consistent with the community character of the surrounding area.

On March 30, 2017, the City approved two coastal development permits (Case Nos. DIR-2016-2010 and DIR-2016-2038) with conditions for demolition of the 756 square foot single-family home that currently occupies two adjoining residential lots, and construction of two three-story single-family residences, one on each of the two lots. Appellants contend that the projects are inconsistent with the mass, scale, and community character of the surrounding neighborhood, and thus, inconsistent with community character policies of Chapter 3 of the Coastal Act and the certified Venice Land Use Plan, which the Commission may consider as guidance.

Coastal Act Sections 30251 and 30253(e) require the protection of scenic and visual qualities of coastal areas with Section 30253(e) specifically requiring the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses. The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community. The certified Venice LUP also sets forth policies to preserve the community character, scale, and architectural diversity of Venice as a Special Coastal Community. The certified Venice Land Use Plan (LUP) states that the character and scale of single-family neighborhoods should be maintained and that infill development should be allowed provided that it is compatible with and maintains the density, character, and scale of the existing development (Policy I.A.2).

The City-approved projects do not match the scale and massing of the surrounding area and, therefore, raise a substantial issue as to their conformity with Sections 30251 and 30253 of the Coastal Act.

The subject sites are approximately one mile inland of Venice Beach and 0.25 miles inland of the Marina Del Rey Harbor in the Southeast Venice subarea, which features homes and commercial businesses of varying architectural styles. The development on the block and in the immediate area in which the City-approved projects reside is primarily one- and two-story, single-family residences. At three-stories each, and 30 feet in height, the City-approved projects are larger than the surrounding residences and are not consistent with the character of the area with respect to mass and scale. Additionally, the projects have driveways fronting Marr Street unlike the other residences on the block. Therefore, staff recommends that the Commission determine a substantial issue exists with respect to the grounds on which the appeals were filed and deny the coastal development permits because the proposed projects are not consistent with the Chapter 3 policies of the Coastal Act or the policies of the Venice LUP.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Maps

Exhibit 2 – Approved Project Plans for 676 Marr Street (Original and Superseded Sets)

Exhibit 3 – Approved Project Plans for 678 Marr Street

Exhibit 4 – Architect Drawings and Streetscapes

Exhibit 5 – Photographs of Olive Street

Exhibit 6 – Appeals

I. MOTIONS AND RESOLUTIONS – SUBSTANTIAL ISSUE

Motion I:

*I move that the Commission determine that Appeal No. A-5-VEN-17-0042 raises **NO Substantial Issue** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

Motion II:

*I move that the Commission determine that Appeal No. A-5-VEN-17-0044 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 on both motions. Failure of the motions will result in a de novo hearing on applications and adoption of the following resolutions and findings. Passage of the motions will result in a finding of No Substantial Issue and the local actions will become final and effective. The motions pass only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution I:

*The Commission hereby finds that Appeal No. **A-5-VEN-17-0042** 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.*

Resolution II:

*The Commission hereby finds that Appeal No. **A-5-VEN-17-0044** 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. APPELLANTS' CONTENTIONS

On August 25, 2017, Kathy Corcoran filed appeals of Local Coastal Development Permit Nos. DIR-2016-2010 and DIR-2016-2038 followed by Steven Lasker on September 1, 2017 (**Exhibit 6**). The appellants and co-signing neighbors contend that City-approved developments are not consistent with community character policies of Chapter 3 of the Coastal Act or the certified Venice LUP with respect to the mass, scale, and character of the surrounding neighborhood. In particular, they are concerned about the height of the proposed structures and the change in facing of the front yards and more articulated façades from Marr Street to Olive Street. The appellants also contend that the City-approved projects are too big and would prejudice the preparation of a Local Coastal Program (LCP) that is in conformity with the Chapter 3 policies of the Coastal Act because they would be setting a precedent for out of scale development.

III. LOCAL GOVERNMENT ACTIONS

On December 19, 2016, the City held a public hearing for Local Coastal Development Permit Nos. DIR-2016-2010 and DIR-2016-2038 (Western Development, LLC). On March 30, 2017, the Director of City Planning issued approvals for the Local CDPs and Mello Act Compliance Reviews for the proposed projects. A Zoning Administrator Adjustment was also approved for the proposed project at 678 Marr Street. The Zoning Administrator approved an adjustment from LAMC Section 12.21.C.2 to allow a reduced passageway of five feet in lieu of the 10 feet otherwise required. The Director's approvals of the CDPs were appealed to the West Los Angeles Area Planning Commission (WLAAPC) and heard on June 27, 2017. In addition to the aforementioned assertions, the appellants also claimed the CEQA Categorical Exemption was issued in error due to the projects' impacts on the visual character of the area surrounding the subject sites and requested the projects be scaled down. The WLAAPC did not reach consensus with a 2-2 deadlock vote resulting in failure to act and denial of the local appeal.

The City's Notices of Final Local Action for Local CDP Nos. DIR 2016-2010 and DIR 2016-2038 were received in the Coastal Commission's Long Beach Office on August 4, 2017, and the Coastal Commission's required 20 working-day appeal periods were established. On August 25, 2017 and September 1, 2017, within the 20 working-day appeal period, Kathy Corcoran and Steven Lasker, respectively, submitted appeals of the City's approvals of the two Local Coastal Development Permits (**Exhibit 6**). No other appeals were received prior to the end of the appeal period on September 1, 2017.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (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 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 appellants’ 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 reviews 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 hold the de novo phase of the public hearing on the merits of the application. 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 in the de novo phase of the appeal. 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. DUAL/SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, 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 the subject 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*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The subject project site on appeals herein is located within the *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project site is located on two contiguous lots zoned R1-1 by the City of Los Angeles and designated as Low Single-Family Residential by the certified LUP in a residential neighborhood of the Southeast Venice subarea. The subject site is a through parcel with frontage on both Marr Street to the north and Olive Street to the south, and is about one mile inland of Venice Beach and Ocean Front Walk and 0.25 miles inland of the Marina Del Rey Harbor (**Exhibit 1**). The site is currently developed with a 756 square foot single-story home on a 4,413.4 square foot parcel on two lots (pages 1 & 3, **Exhibit 2**). The combined lots are near the midpoints of both Marr Street and Olive Street. The subject block and surrounding neighborhood primarily consist of one- and two-story, single-family residences and duplexes. However, there are a few two-story and two three-story apartment buildings across the street from the project site (page 2, **Exhibit 4**).

The applicant proposes to demolish the 756 square foot single-family home on the two adjoining lots and construct two three-story, single-family residences, one on each lot. The proposed residences are both 30 feet high. One is 2,686 square feet in area on a 2,401.8 square foot lot, and the other is 1,575 square feet in area on a 2,011.6 square foot lot. Each proposed house has a rooftop deck and attached two-car garage. Rooftop access structures (stairway enclosures) do not exceed the 30-foot building height. Standard setbacks of at least 20 feet from Marr Street and 12.5 feet from Olive Street are planned. The residences' front yards and more articulated façades will face Olive Street. A curb cut exists at the 678 Marr Street site and an additional curb cut will be made at the 676 Marr Street site eliminating approximately one street parking space, as there is no rear alley for vehicular access (**Exhibits 2 & 3**).

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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 if 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

As stated in Section IV of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its LCP are the project’s conformity with Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued or denied prior to certification of its LCP may be appealed to the Commission. 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.

The grounds for this appeal relate to the proposed projects’ potential adverse impacts to community character of the residential neighborhood. Additionally, appellants claim that the local approvals prejudice the City’s ability to prepare an LCP because the projects are inconsistent with the certified LUP. The City found that the proposed projects were consistent with the development pattern of the area and visually compatible with the character of the area, and as such, consistent with Section 30251 of the Coastal Act. The City’s findings were based on the assertion that the majority of the structures in the area are two-story structures with a loft or mezzanine level and that there are several three-story structures on Marr Street. The appellants contend that the City-approved projects are not consistent with the community character of the area because the majority of the structures in the area are one- and two-story homes or apartment buildings and the only three-story structures in the vicinity are a hotel on Washington Boulevard and two apartment buildings on Abbot Kinney Boulevard. The appellants also assert that the proposed residences’ have their front yards and the more articulated façades facing Olive Street rather than Marr Street which is inconsistent with the other structures on the block (**Exhibit 6**).

The Commission’s standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res.

Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission’s decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

These appeals raise a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5). The Notices of Decision for Local Coastal Development Permit Nos. DIR-2016-2010 and DIR-2016-2038 and accompanying Final Staff Reports issued by the City of Los Angeles state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall...be visually compatible with the character of surrounding areas, and where feasible to restore and enhance visual quality in visually degraded areas.

Section 30253 of the Coastal Act states, in part:

New development shall...

(e) where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Policy I. A. 1. Residential Development states:

The Venice LUP recognizes the importance of existing pedestrian scale single-family residential neighborhoods and the need to conserve them.

b) Residential Lot Consolidations

ii) Building façades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots.

Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods states:

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

Policy I. A. 3. Yards states:

Yards shall be required in order to accommodate the need for fire safety and on-site recreation consistent with the scale and character of the neighborhood.

Policy I. E. 2. Scale states, in part:

New development within 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 [...]

Policy I. E. 3. Architecture states:

Varied styles of architecture are encouraged with building façades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

A substantial issue exists with respect to the proposed projects' conformance with Chapter 3 of the Coastal Act and with the approved Local Coastal Development Permits because the City-approved projects do not reflect the community character of the area. Sections 30251 and 30253 of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community – including the residential neighborhoods, the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California.

While the certified Venice LUP is not the standard of review for finding substantial issue, the policies provide guidance from which the Commission can evaluate a project's impacts. In its adoption of the certified LUP, the Commission recognized Venice's unique community character and popularity as a visitor serving destination, and as such, it is imperative that any new development be designed consistent with the community character of the area.

When the LUP was certified in 2001, the Commission considered the potential impacts that development could have on community character and adopted residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions surrounding the subject sites and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies for determining whether or not the project is consistent with sections 30251 and 30253 of the Coastal Act. In this case, the certified Venice Land Use Plan echoes the priority expressed in the Coastal Act for preservation of the nature and character of existing residential neighborhoods.

In its findings that the projects are in character with the surrounding area, the City cites, Section 30251 of the Coastal Act and acknowledges that many of the structures in the area are two-story homes. The City concludes that the designs of the proposed residences, with varied rooflines and stepped back second and third levels or a third level mezzanine, are visually compatible with the character of the area despite the fact that they are three stories and 30 feet tall.

When analyzed in combination with the existing residential development on the same block, which is comprised of one- and two-story single-family homes mostly under 25 feet in height, the projects are out of character with the surrounding structures because they do not respect the prevailing height or mass of the existing residences (pages 7-8, **Exhibit 4**). The two homes on either side of the site, both built in the 1950s, have frontages under 18 feet in height. These structures' footprints take up less than 40% of their parcels' areas (page 2, **Exhibit 1**). The sloped roof of the home immediately west of the site has a maximum height of 27 feet and is the tallest structure on the block. The residence directly across Marr Street from the site and the eight structures on either side of that residence are all about 20

feet in height or smaller (page 8, **Exhibit 4**). Of the four homes directly across Olive Street from the site, three are one-story residences and one is a two-story residence (**Exhibit 5**). The neighboring structures described are typical of many of the properties surrounding the site. The projects do not conform to the policies of the Venice LUP including Policy I. E. 2, which states that “*new development within Venice shall respect the scale and character of community development.*” Given the proposed developments’ relative disproportionate height, mass, and facade, the two homes are not consistent with 30251 of the Coastal Act because they will not be visually compatible with the character of surrounding areas. The City’s approval of the two structures is not consistent with Section 30253 because it does not protect the character of the Venice community which is a popular visitor destination point for recreational uses.

A substantial issue exists with respect to the projects’ conformance with Chapter 3 of the Coastal Act, and with the approval of both local coastal development permits, because the City-approved projects do not adequately mitigate the potential community character impacts of the development. These impacts could be mitigated if the projects were redesigned or conditioned to require features to minimize building height and size and articulate each structure consistent with surrounding development.

Therefore, the Commission finds that a substantial issue exists with respect to the City-approved projects’ conformance with Chapter 3 policies of the Coastal Act, including section 30251 and 30253.

Applying the five factors listed in the prior section clarifies that the appeals raise “a substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, do meet the substantiality standard of Section 30265(b)(1), because the nature of the City-approved projects 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 developments are consistent or inconsistent with the relevant provisions of the Coastal Act. With regard to the community character policies of the Coastal Act, the City’s findings state that “[t]he proposed single-family dwelling is visually compatible with the character of the area.” These findings are informed by a description of the area which states “*the majority of the structures in the area are comprised of two-story structures with a loft or mezzanine level [and] there are several three-story structures on Marr Street.*” However, these findings conflict with the fact that there are only three three-story structures in the area, two apartment buildings and one residence, and these three structures are located across Marr Street between 300 and 800 feet from the projects sites. The predominant height of the buildings in the vicinity of the project is two levels and 25 feet, or less (pages 7-8, **Exhibit 4**). Therefore, the Coastal Commission finds that the City provided an inadequate degree of factual and legal support for the local government’s decisions to approve three-story, thirty-foot high structures on this site.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved projects proposing the construction of residences 30 feet in height are not compatible with the scale and massing of the predominantly one- and two-story single-family residences in the surrounding areas. The City-approved houses have their garage doors and driveways facing Marr Street with the front yards and more articulated façades facing Olive Street, which is inconsistent with the pattern of existing development. Therefore, the extent and scope of the proposed

developments are not consistent with the community character policies of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. Venice is a unique coastal resource. The cumulative effects of the City-approved development would be significant. The two City-approved houses, and others like them would negatively impact the character of the community because the proposed large scale of the residences is not consistent with the surrounding development pattern. Further, allowing these two homes would incrementally change the character of the neighborhood, making it more likely that other new, tall homes that are out of character with the current neighborhood would be approved and built. Therefore, the 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 but it does have a certified Land Use Plan. The City-approved developments are not consistent with the community character standards set forth in the certified Venice LUP. Thus, the projects, as approved and conditioned, raise a substantial issue with regard to the projects' conformity with the community character policies of Chapter 3 of the Coastal Act and the certified Venice LUP and would have the potential to set a negative precedents for future development and future interpretation of the City's LUP. These projects, 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. These appeals raise specific local issues, but Venice is one of the most popular visitor destinations in the state making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approvals do raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to community character. In this case, the City-approved projects are not in conformity with the Chapter 3 policies of the Coastal Act and therefore, the Commission finds that the appeals raise a substantial issue as to conformity with the Chapter 3 policies.

VII. MOTIONS AND RESOLUTIONS – DE NOVO

Motion III:

*I move that the Commission **approve** Coastal Development Permit No. A-5-VEN-17-0042 for the development proposed by the applicant*

Motion IV:

*I move that the Commission **approve** Coastal Development Permit No. A-5-VEN-17-0044 for the development proposed by the applicant*

Staff recommends a **NO** vote on both motions. Failure of these motions will result in denial of the *coastal development permits* and adoption of the following resolutions and findings. The motions pass only by affirmative vote of a majority of the Commissioners present.

Resolution III:

*The Commission hereby **denies** Coastal Development Permit No. A-5-VEN-17-0042 on the grounds that the project does not conform to the provisions of the Chapter 3 policies of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.*

Resolution IV:

*The Commission hereby **denies** Coastal Development Permit No. A-5-VEN-17-0044 on the grounds that the project does not conform to the provisions of the Chapter 3 policies of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.*

VIII. FINDINGS AND DECLARATIONS – DE NOVO

A. PROJECT DESCRIPTION

The project description and location is hereby incorporated by reference from Section VI of the Substantial Issue portion of this staff report on page 7.

B. COMMUNITY CHARACTER

The City-approved local CDPs propose the demolition of a single-story, 756 square foot residence on two adjoining lots and construction of two three-story, single-family residences. The proposed 30-foot tall structures are inconsistent with the mass and scale of the neighboring residences and are not compatible with the one- and two-story structures that characterize the surrounding area.

Analysis of the projects' consistency with relevant Coastal Act and Certified Venice Land Use Plan Policies are hereby incorporated by reference from Section VI. C. of the Substantial Issue portion of this staff report on pages 8-12. There are only three three-story structures in the neighborhood, all of which are 300 to 800 feet from the project sites. The proposed three-story residences are both 30 feet in height, taller than any of the adjacent structures. The heights of the residences on the sites' block and directly across the streets range from 12 to 27 feet with most around 20 feet in height. Additionally, the other residences on the block visible from Marr Street have front doors and mailboxes that face Marr Street, with driveways and garage doors that face Olive Street or the alley. The projects' more articulated façades are planned to face Olive Street.

A-5-VEN-17-0042 & A-5-VEN-17-0044
(Western Development, LLC)
Appeal – Substantial Issue and De Novo

The proposed development is not consistent with the community character policies of Chapter 3 of the Coastal Act. Therefore, the coastal development permit applications are denied.

Appendix A – Substantive File Documents

1. City of Los Angeles certified Land Use Plan for Venice (2001)
2. Local CDP Nos. DIR 2016-2010 and DIR 2016-2038