

CALIFORNIA COASTAL COMMISSION

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



Th25b

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STAFF REPORT: APPEAL –NO SUBSTANTIAL ISSUE

Appeal No.: A-5-VEN-17-0052

Applicant: AK Lofts 5, LLC

Agents: Howard Robinson and Elisa Pastor

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: George Gineris, Carolyn Rios, Sue Kaplan, Robin Rudisill, Gabriel Ruspini, Celia Williams, Noel Gould, Lydia Ponce, Jataun Valentine

Location: 656-656 ½ California Avenue, Venice, Los Angeles, Los Angeles County (APN: 4241005027)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA-2014-3040 to demolish two one-story single family residences and construct a three-story, 5,870 sq. ft., two-unit condominium structure (small lot subdivision) with five on-site parking spaces.

Staff Recommendation: No substantial issue

IMPORTANT NOTE: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), or those who, for good cause, were unable to oppose the application before the local government, and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The motion to carry out the staff recommendation is on page 4.

The subject site is located in the Milwood subarea and designated as low medium density and multi-family residence in the Venice certified-LUP ([Exhibit 1](#)). The lot area is 5,383.3 sq. ft. and subject site is approximately 5,103 sq. ft. after a City-required dedication. The lot is currently developed with two one-story single-family dwellings and is surrounded by a mix of one to three-story, single-family residences ([Exhibit 2](#)). Although the buildings were constructed in 1915 (front unit facing California Ave) and 1920 (back unit facing California Court), the existing structures have not been determined by the Office of Historic Resources to contain any historic resources and have not been identified as potentially historic by SurveyLA's study of historic buildings and districts.

The primary grounds raised by the appellants for this project are that the proposed project does not conform to the character of the surrounding community. The appellants further contend that approval of the project will prejudice the City's ability to prepare a LCP in the future.

Staff recommends that the Commission determine that **no substantial issue** exists with the project because it conforms to the character of the community. In particular, it has been designed to appear as a two-story structure by providing an upper level step-back. The City-approved project is three stories high at its highest point, but the front and back of the building are only two stories in height. The two-story front façade, and the large 17.5-foot front yard setback, reduces the visible scale of the structure when seen from California Avenue. The third story of the structure is set back significantly (approximately 30 feet) from California Avenue, so as to reduce its visibility. Furthermore, subsequent to the appeal, the applicant has reduced the highest part of the building from 30 feet to 28 feet in height. There is no roof access structure above the proposed 28-foot high roofline. The existing building behind the proposed project located on 657 Milwood Avenue is also 28 feet height.

The proposed project conforms with the character, scale and massing of the existing development located in Milwood Subarea on California Avenue. There are several large, three-story buildings in the vicinity (within one block) of the project. The project is consistent with the character of the surrounding community pursuant to the Venice certified-LUP and consequently does not prejudice the City's ability to prepare a LCP in the future. Therefore, the appeal does not raise a substantial issue as to the project's conformity with Sections 30251 and 30253(e) of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Appeal](#)

[Exhibit 4 – Master Land Use Permit Application](#)

[Exhibit 5 – City-approved Determination Letter, May 24, 2017](#)

[Exhibit 6 – WLAAPC Determination Letter, Aug 23, 2017](#)

[Exhibit 7 – Mello Act Determination, September 26, 2016](#)

[Exhibit 8 – Venice Specific Plan Sign-Off](#)

[Exhibit 9 – 609 and 641-647 California Ave, Venice](#)

[Exhibit 10 – Site Visit Photos, 10/13/2017](#)

[Exhibit 11 – Project Rendering](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-17-0052 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 **YES** vote. Passage of this motion will result a finding of No Substantial Issues and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0052 presents **NO 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 of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On September 22, 2017, an appeal was filed for the City-issued Coastal Development Permit No. ZA-2014-3040 (CDP)(MEL).by Sue Kaplan, Carolyn Rios, Celia Williams, Noel Gould, George Gineris, Gabriel Ruspini, Robin Rudisill, Lydia Ponce, and Jataun Valentine ([Exhibit 3](#)). The appellants contend that the proposed massing of the building is incompatible with the visual characteristics of the surrounding existing neighborhood and is inconsistent with the LUP. The appellants argue that the proposed project significantly takes away from the character of the community in which visually diverse one-story, single-family residences exist and define Venice as a Special Coastal Community. In addition, the appellants contend that the project will prejudice the City's ability to prepare a LCP causing significant adverse impacts and, therefore, precedent for incompatible scale and size of future development within the existing small building neighborhood.

III. LOCAL GOVERNMENT ACTION

A Master Land Use Permit Application ZA-2014-3040-CDP-MEL was sent to the City by the applicant on August 4, 2014 to construct the new two-unit condominium ([Exhibit 4](#)). During this time, a soils analysis, CEQA review, Mello Act review and applicant-held community meetings were being conducted. A public hearing was held by the City on February 23, 2017 for the coastal development permit (CDP), mitigated negative declaration (MND), and Parcel Map No. 2014-3038 in relation to the application for "demolition and construction of a two-unit, three-story single-family dwelling". On May 24, 2017, a determination letter approved Local Coastal Development Permit No. ZA-2014-3040(CDP)(MEL) with conditions incorporating the MND, Parcel Map, and Soils Approval authorizing the scope of work ([Exhibit 5](#)).

The City established an appeal period for the locally approved CDP in which the determination would become effective after June 8, 2017. On that day, an appeal was filed to the City by Robin Rudisill, Gabriel Ruspini, et. al. On July 5, 2017, a hearing was held by the West Los Angeles Area Planning Commission (WLAAPC) to appeal Local Coastal Development Permit No. ZA-2014-3040(CDP)(MEL), in which 3 persons spoke for the appeal and 5 persons spoke for the project. During this hearing, the WLAAPC failed to reach a consensus with a deadlock 2 – 2 vote and resulted in a failure to act by the Commission. The WLAAPC held another hearing on July 19, 2017 for ZA-2017-3040-1A in which 6 persons spoke in support of the appeal and 3 persons spoke in support of the proposed project. The hearing resulted in a no-action. A third hearing was scheduled for September but was canceled. As a result, the WLAAPC sent a Letter of Determination to the Commission's South Coast District Office on August 23, 2017 noting that the WLAAPC adopted the Zoning Administrator's determination dated May 24, 2017 ([Exhibit 6](#)).

The 20-working day appeal period was established. The Coastal Commission received an appeal by Robin Rudisill, Gabriel Ruspini, et. al. for the City-approved Local Coastal Development Permit No. ZA-2014-3040(CDP)(MEL) on September 22, 2017. The Commission notified the City and the applicant of the appeal on September 26, 2017.

Works related to the project:

A Soils Report Approval Letter was announced on April 13, 2016, which imposed conditions on the proposed project. A Mello Act determination was issued on September 26, 2016, which found that the proposed development would not violate Mello Act requirements ([Exhibit 7](#)).

An environmental impact assessment was conducted for the project, and the City issued a mitigated negative declaration, ENV-2014-3039-MND, on January 23, 2017. The MND imposed conditions to mitigate project impacts to biological resources and geology and soils. These conditions were thereby incorporated into the Coastal Development Permit.

The Director of Planning sign-off DIR 2016-4769-VSO was issued on February 17, 2017, marking the development as in compliance with Milwood subarea regulations pertaining to roof access, density, height, access, and parking ([Exhibit 8](#)).

The Venice Neighborhood Council also approved revised plans of the project on March 21, 2017 and wrote a letter of support to the City.

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 **no 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 future Commission meeting. A *de novo* public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified Venice 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 AREAS

Section 30601 of the Coastal Act provides details regarding the geographic areas where applicants must also obtain a coastal development permit from the Commission in addition to obtaining a local coastal development permit from the City. These areas are considered Dual Permit Jurisdiction areas. Coastal zone areas outside of the Dual Permit Jurisdiction areas are considered Single Permit Jurisdiction areas. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has been granted the authority to approve or deny coastal development permits in both jurisdictions, but all of the City's actions are appealable to the Commission. The proposed project site is located within the Single Permit Jurisdiction Area.

VI. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The subject site is located in the Milwood subarea and designated as low medium density and multi-family residence in the Venice certified-LUP ([Exhibit 1](#)). The lot area is 5,403 sq. ft. and subject site is approximately 5,103 sq. ft. after dedications. The lot is currently developed with two one-story, single-family dwellings that were built in 1915 (front unit facing California Avenue) and 1920 (back unit facing California Court). The existing structures have been determined by the Office of Historic Resources to not contain any historic resources and have not been identified as potentially historic by SurveyLA.

The project, according to City-approved plans dated October 20, 2017 ([Exhibit 2](#)), is to demolish the existing structures and construct two units. The first unit's total area is 2,996 sq. ft., 3-stories high, and the second unit's total area is 2,874 sq. ft. and 3-stories high. The total proposed area is 5,870 sq. ft. with an attached garage area of 706 sq. ft. opening up to California Court. The project will have a total of 5 parking spaces, 4 resident parking spaces and 1 guest parking. The building height will be 20'8" (20.7') flat roof for the front unit, 24'8" (24.7') flat roof for the rear unit, and a pitched roof height of 28', as modified subsequent to the appeal. The pitched roof occurs at the center of the building in which the three-story portion is not readily visible from California Avenue. The back and front units have a two-story façade. The project proposes to maintain a side yard setback minimum of 5' and 15' rear yard setback to the centerline of California Court. The project will have a 17'6" front yard setback after a City-required landscaping dedication on California Avenue. The second floor deck guard rail fronting California Avenue will be 7'6" set back from front roof edge, 3' setback from side roof edge, and 3' set back from the rear facing California Court.

As described by the City findings and confirmed by a Commission staff site visit, the residential community in which the subject site is located on is immediately adjacent to one-story, single-family dwellings. The property to the east of the subject site contains 5 one-story units and is historically significant. The property to the west of the subject site contains 4 one-story units in a courtyard, and the property to the north of the subject site contains 5 one-story units.

Beyond the immediately adjacent lots from Electric Court to 300' past Shell Avenue and along California Avenue are a mix of one-story and two to three-story single-family dwellings with buildings of visual diversity, illustrating Venice's designation as a Special Coastal Community.

During the site visit, Commission staff observed the buildings with a variety of setbacks, heights and style that is pedestrian scale and maintains community character. Front yard setbacks observed during staff site visit were varied and landscaped to create an open and spacious environment. The neighboring building heights vary from 24' (641-645 California Avenue) to approximately 33' (609 California Avenue) ([Exhibit 9](#)). At the end of the block past Electric Court is the Vera Davis McClendon Youth and Family Center. Further past the community center along South Irving Tabor Court are free and metered public parking lots. The 50-unit, three-story, 33.5' high, 35, 027 sq. ft. building approximately 470 feet away from the subject site located on 609 California Ave serves as low-income housing. The Blue Line bus route runs through California Avenue to connect to Abbot Kinney Blvd and is an important thoroughfare for pedestrians and drivers.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUES 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. As described above, in the case of appeals of coastal exemptions (Section 30625(a) of the Coastal Act), this standard requires the Commission to determine if there is factual and legal support for the local government's decision that the development can be authorized without a coastal development permit pursuant to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations.

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 of 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 **no substantial issue exists** with respect to whether the local government actions conform to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

The primary grounds for appeal raised by the appellants are that due to Venice's designation as a "Special Coastal Community" in the certified Venice Land Use Plan (LUP) and the presence of one-story, single-family dwellings on California Avenue, the proposed work conducted on the site should conform to its neighboring structures in relation to mass and scale as defined in the Coastal Act. The appellants claim that the City-approved coastal development permit should have regard for community character pursuant to Policy I.E in the certified-LUP. The appellants utilize floor-area ratio (FAR) to substantiate their claim that the proposed development is out of scale with the surrounding neighborhood and, consequently, takes away from community character. Furthermore, the appellants claim that the approval of the CDP will result in future prejudicing of the LCP, in which the character of Venice as a small, unique and affordable destination for coastal access will be slowly diminished by large, contemporary houses.

The standard of review for the substantial issue determination is the Chapter 3 policies of the Coastal Act. The Coastal Act, and in particular Sections 30253(e) and 30251, requires that special communities be protected to preserve their unique characteristics from negative impacts such as excessive building heights and bulks.

Coastal Act Section 30251 Scenic and visual qualities 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) Minimization of Adverse Impacts, states:

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

Venice Land Use Plan Policy I. A. 1. b. Residential Development, states, in part:

ii. Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street...

Venice Land Use Plan Policy I. A. 7. Multi-family Residential - Low Medium II Density.

Accommodate the development of multi-family dwelling units in the areas Venice Local Coastal Program II-11 designated as “Multiple Family Residential” and “Low Medium II Density” on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

d. Oakwood, **Milwood**, Southeast and North Venice

Use: *Duplexes and multi-family structures.*

Density: *One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.*

Replacement Units/Bonus Density: *Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5, or one unit for each 2,000 square feet of lot area in excess of 4,000 square feet on parcels zoned RD2, if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).*

Yards: *Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.*

Venice Land Use Plan Policy I. E. 1. General.

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

Venice Land Use Plan Policy I. E. 2. Scale.

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 [...]

The appellants define the relevant surrounding community as houses within the subject block facing California Avenue, whereas the City recognizes buildings located within the subject site’s immediate vicinity as well as buildings located generally in the Milwood Subarea. Commission staff has consistently considered analyzing new project’s conformity with the character of homes not only immediately adjacent but also development on the block and in adjacent blocks, consistent with the Venice LUP’s directive to consider a project’s conformity with the character of the “community”. Here, Commission staff has visited the site and observed the buildings along California Avenue from Abbot Kinney Boulevard to Shell Avenue, along California Court, Milwood Avenue, and Electric Court, which represent the variety of front yard setbacks and building heights ([Exhibit 10](#)) found in the community. In order to illustrate conformance with

community character pursuant to Policy I. E. 2 for scale, the project has the following characteristics:

Setback/ Buffer: The proposed front yard setback is 17’5”, with minimum side yard setbacks of 5’ and rear yard setback of 15’ from the centerline of California Court. The surrounding lots maintain setbacks from approximately 8 feet (630 California Avenue) to 20 feet (640 California Avenue), as observed during Commission staff site visit. The proposed setback reduces the visible scale of the building and maintains character with the surrounding buildings with similar setbacks.

Height: The proposed height of the front unit is 20’8” and maintains a height of 28’ at a sloped pitched roof in between the two attached units. The proposed height of the back unit is 24’8” from the centerline of California Court. The buildings immediately adjacent the site are single story, but there are several nearby two and three-story buildings with heights from approximately 24’ (641-645 California Avenue) to approximately 33’ (609 California Avenue), as observed during Commission staff site visit. The proposed project’s design and height enhances the visual consistency with neighboring buildings and maintains character with the surrounding buildings.

Table 1. Surrounding three-story development in relation to subject site

	656 California (subject site)	609 California (~450 feet*)	703 Milwood (~300 feet)	724-728 California (~418 feet)
Length x Width (floor area)	5,870	35,072	4,672	5,772
Height	24.5	33.5	23.5	30

*Distance from subject site; all measurements are in feet.

In order to determine whether or not a proposed project is appropriate with regard to community character, the Commission looks at all the development in the surrounding area rather than just buildings within the block to determine whether or not a proposed project is appropriate with regard to community character, mass, and scale for a specific project in a specific area. The specific proposed project by AK Lofts is unique and different than the substantial issues determination on community character heard by the Commission on October 12, 2017 for Western Development, LLC (A-5-VEN-17-0042 & A-5-VEN-17-0044). The project for Western Development, LLC was for the development of three-story, thirty-foot high buildings that were taller than all of the surrounding buildings and without upper level step-backs or any significant articulation.

Here, the proposed project by AK Lofts maintains a setback of 17’5” and includes a two-story, articulated façade with a 3’ wide balcony approximately 7’ above ground attached to the front unit facing California Avenue ([Exhibit 11](#)). The two-story vertical plane façade is consistent with the surrounding one to three-story, diverse façades of single-family units abutting California Avenue in which “*Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street.*” (Policy I. A. 1. B. ii). The façade is pedestrian scale in which ground floor habitable space exists along with planters, a landscaped dedication on California Avenue, and ground floor entry-

ways located at the side of the building. The project proposed is consistent with the surrounding buildings and therefore, consistent with community character.

In addition, FAR is not a metric typically used by the Commission to determine a project's compatibility with regard to mass, scale, and character for this specific area. Rather than using FAR as described in the appeal, the Commission utilizes height limits, setbacks and bulk to limit building mass and scale in Venice. The Venice LUP, which can be used as guidance, specifically encourages buildings which are of a scale compatible with the community with respect to bulk, height, buffer and setback, and it states that new development and renovations should respect the scale, massing, and landscape of the community. Accordingly, these are the metrics the Commission uses to gauge conformity with community character, rather than FAR. In this case, the project's height, setbacks, and bulk are consistent with the surrounding development. The appellants' contention in regard to FAR does not raise a substantial issue.

The claim that the proposed development's massing is 'out of scale' has been addressed by the City in the Specific Plan sign-off by the Director of Planning, in which the City demonstrates that the proposed development is in conformance with the policies set forth by the Venice certified-LUP and Specific Plan. The setback of 17'6" and front unit height of 20'8" do not significantly impact the character of the community, and they respect the height, setback, bulk and density requirements set forth by Policies I.E.2 and I.A.7. The proposed project's height is similar to surrounding buildings located along and near California Avenue (Table 1). The proposed project is consistent with the scale of the surrounding community and results in a visual consistency with neighboring structures pursuant to the Venice certified-LUP. Therefore, the appellants do not raise a substantial issue with respects to community character.

Applying the five factors listed in the prior section clarifies that the appeal raises "no substantial issue", and therefore, does meet the substantiality standard of Section 30625(a).

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 discussed consistency with the Venice Specific Plan, Los Angeles Municipal Code, and Venice Community Plan. The City also found that the proposed project complies with the Chapter 3 policies of the Coastal Act with regards to land use, density, and height. The City further mentions that the project setbacks will not cause any significant adverse effects on scenic and visual qualities to and along the ocean. The City recognizes the applicant's outreach and public hearings regarding the proposed development plans and the City's findings support its determination that the project is consistent with the visual compatibility of the community character provisions of the Coastal Act (Sections 30251 and 30253) and Policy I.E.2 of the Certified Venice LUP. Based on a review of the City's determination and a site visit by Commission staff, the City had adequate factual and legal support to determine that the proposed project is consistent with the community character because it includes articulated facades, adequate setbacks, and its bulk and scale—although above average for the immediate block—are not out of character with the neighborhood and community.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the locally approved development is clear because there are City-approved plans available to determine the scope. Based on the project descriptions and plans,

the City was able to determine that the proposed project is consistent with the surrounding neighborhood thus preserving the integrity of community character, and therefore is eligible for the coastal development permit. Therefore, the full extent and scope of the City-approved project was reviewed by the City and determined to qualify for a CDP.

The third factor is the significance of the coastal resources affected by the decisions. The mass, scale, and character of the community are significant coastal resources to be protected. The proposed project's mass and scale is consistent with the surrounding community within the Milwood subarea and therefore causes no significant impacts to coastal resources.

The fourth factor is the precedential value of the local government's decisions for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified Land Use Plan (LUP). The proposed development is consistent with the relevant Coastal Act sections and the certified Venice Land Use Plan. This project, as proposed, will not prejudice the ability of the City to prepare a Local Coastal Program 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. The City properly reviewed this project prior to issuing the coastal development permit and properly applied the relevant policies. In this case, the City properly utilized a local CDP, and the City's approval does not raise potential issues of statewide significance because the interpretation and application of Coastal Act policies were properly utilized.

In conclusion, the City did not err in their issuance of the local CDP. The proposed development does not take away from the community's character, in which the mix of existing two to three-story, multi-family dwellings afford the sense of a pedestrian-scale, unique coastal community with varied styles. Therefore, the proposal for a three-story, two-unit multi-family dwelling will be consistent with the multi-story, multi-family dwellings in the Milwood Subarea community.