

CALIFORNIA COASTAL COMMISSION

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**F17a****ADDENDUM**

May 8, 2017

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM F17a, REVISED FINDINGS IN SUPPORT OF COASTAL DEVELOPMENT PERMIT A-5-VEN-16-0083 FOR THE COMMISSION MEETING OF FRIDAY MAY 12, 2017**

CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report dated 4/21/17 in the Summary of Commission Action, Project Location and Description (Section X, A), and Development – Visual Resources (Section X, C) of the Revised Findings. Language to be added to the revised findings is identified in **bold underline**, and language to be deleted is identified in ~~strike-out~~.

- A. Modify the first full paragraph on page 3, within the Summary of Commission Action, to clarify that the Commission action to approve the project includes special conditions to avoid adverse impacts to community character and visual resources:**

The development approved by the City and partially constructed by the property owner without the benefit of a valid coastal development permit is **was** not visually compatible with the **immediately** surrounding development, which consists primarily of one-story single family homes (including three successive one-story homes to the east, two successive one-story homes to the west, and five successive one-story homes across the street). **However,** **there are also** several two-story and three-story homes in the vicinity of the proposed homes; ~~but those structures are sited on individual parcels rather than on four narrow parcels side-by-side, those structures are not as massive as viewed cumulatively from the sidewalk, and they feature articulation including varied and stepped back rooflines.~~ The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. **To avoid adversely impacting the character of the community, the CDP, as conditioned, requires the applicant to revise the plans to provide greater articulation, less massing along the front facade between structures, and additional vegetation. The Commission found that approval of the proposed development, as modified through special conditions,** ~~would~~

~~establish a precedent for massive, unarticulated development that would~~ **was consistent with the eclectic architectural styles in Venice and would not** adversely affect the special community of Venice ~~and would~~ **or** prejudice the ability of the City of Los Angeles to prepare a certified Local Coastal Program for Venice.

B. Modify the final full paragraph on page 25, within the Project Location and Description section, to clarify that the Commission action to approve the project includes special conditions to avoid adverse impacts to community character and visual resources:

The applicant is proposing demolition of a duplex and triplex on two residential parcels; subdivision to create four residential parcels; and construction of four approximately 2,500 square foot three-story single family homes, each including approximately a 660 square foot two-car garage topped by second story accessory living quarters and roof deck. The applicant has identified several changes to the City-approved plans, which include identification of drainage devices on the roof and water catchment devices in the yards, low and moderate water use plant species and trees, and fencing up to six feet high at the side yards. The revised plans (**Exhibit 3**) also proposed to step the middle two homes back two feet further and step the two end homes two feet forward. The legal setbacks for all four homes are now proposed to be eight feet, although the effective setbacks from the sidewalk would be 15-to-19 feet. The revised plans also include changes to some exterior partition walls and balconies. **The permit is conditioned to require modification of the design of the homes to reduce the height of top floor privacy walls, utilize a more neutral color palate, change the shape of the doors on the middle units, and plant a California Sycamore tree in each front yard.** This is an after-the fact review of the application for a coastal development permit. As such, the Commission considers the proposed development as if it has not yet occurred.

C. Modify the Development – Visual Resources section on pages 26-33 to include additional findings in support of the Commission’s action and identify other large structures in the immediate area and the Venice community:

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253(e) of the Coastal Act states:

*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.*

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 beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 16 million people visit annually, drawn by the unique characteristics of the area including “the Pacific Ocean, Boardwalk vendors, skaters, surfers, artists, and musicians.”¹ Venice was the birthplace of The Doors and The Lords of Dogtown and its unique characteristics attracted myriad artists and musicians from the Beat Generation to the poets and street performers people still travel to Venice to see.

The Oakwood subarea (of which the subject property is in the center) is located approximately $\frac{3}{4}$ of a mile inland of the beach and was developed almost entirely with one story homes and apartments in the early 20th century (a duplex and triplex were constructed on the site in 1910). The City of Los Angeles SurveyLA Historic Resources Report for the Venice Community Plan Area identifies Oakwood as “the area bounded by Dewey Street to the northwest, Lincoln Boulevard to the northeast, California Avenue to the southeast, Electric Avenue to the southwest, and Hampton Drive to the west, evolved as an African-American enclave across multiple generations of ethnic migration to Southern California.” The report continues: “the population of African-Americans in Venice tripled between 1910 and 1920 as blacks arrived to work as manual laborers, service workers, and servants to wealthy white residents. Some of the earliest black residents of Venice settled in the area because they were hired as employees of Abbot Kinney.”

Development patterns in the Oakwood neighborhood and Venice as a whole changed in the mid-20th century as more apartment buildings were developed to support greater density in an increasingly racially and culturally diverse area. **Exhibit 4** features photos of the Oakwood neighborhood in the 1960s and 1970s. In her book “Ghost Town: A Venice California Life” Pat Hartman writes about growing up in the rear unit of an Oakwood parcel in 1978:

Between us and the street are a small yard and the front house, tiny and storybook cute. Our back wall is separated from the alley by a paved parking area and a high chain link fence with gates. This apartment has three bedrooms, and the ones upstairs are exactly like it. The building is typical Southern California crackerbox, smeared outside with pinkish tan stucco.

¹ Venice Chamber of Commerce website. < <http://venicechamber.net/visitors/about-venice/>>

Inside, it somehow has the feel of a house. The stove and refrigerator are ancient and massive. The kitchen and bathroom counters are not Formica, but good old ceramic tiles with plenty of space for germs in the grout lines. And according to Marnie, we have a ghost: a dealer who was murdered when the place was a dooper hangout. And we're only six blocks from the Pacific Ocean.

Today, the Oakwood neighborhood is characterized primarily by one-story and two-story homes of varying architectural styles (often including two detached residential units per parcel), with several one-story and two story multi-unit apartment structures, and some three-story structures. The four proposed three-story homes and rear units subject to this de novo review are constructed along the south side of a very long block (approximately 1,000 feet distance between 7th Avenue and Lincoln Boulevard). The long block is flat and entirely residential with an approximately 34-foot wide street featuring public parking on each side, and five-foot wide sidewalks fronting structures set back 10-to-30 feet. According to Los Angeles County Assessor data, the 700 and 800 blocks of Brooks Avenue feature homes constructed in each decade from the 1910s through the 2010s. The smallest structure is a 572 square foot one-story bungalow and the largest structure is a 7,168 square foot, two-story, seven unit apartment building.

The protection of community character is a significant issue for the residents of Venice and the people of California. Venice has a unique blend of style and scale of residential buildings, historical character, walk streets, diverse population, as well as expansive recreation areas and attractions. These features make Venice a popular destination for both residents and tourists. As a result of its unique coastal districts, Venice is a coastal resource to be protected. As a primarily residential community, existing and ongoing residential development is a significant factor in determining Venice's community character. The continued change in the residential character of the Venice community, especially in the Oakwood and Milwood subareas, has been a cause of public concern over the years.

During the March 2014 Commission meeting, a group of Venice residents raised objections to the coastal development permit waiver process that was facilitating rapid demolition and construction of single family homes in the City of Los Angeles, particularly in the Oakwood and Milwood areas of Venice. Many residents expressed concerns over the lack of public review and public input in permit decisions, and urged the Commission to preserve community character of Venice, which is identified as a special coastal community by the certified Land Use Plan. Since 2014, the Commission has declined to authorize waivers of permit requirements for new residential projects in Venice, in hopes that project applicants and the City of Los Angeles would address public concerns regarding cumulative impacts of new residential development through the local coastal development permit process and the LCP development process. Additionally, since 2014, the Commission has reviewed residential development in Venice on a case-by-case basis with a goal of preserving the scale of residential neighborhoods and discouraging massive proposals that are out of character with surrounding development.

Project opponents and the applicant submitted separate streetscape analyses, which are included within **Exhibit 5** and **Exhibit 6**. The project opponents indicate that there are 39

one story structures, 13 two-story structures, and 2 two-and-a-half story structures along both sides of the subject block. They provided data identifying lot sizes and unit sizes for every parcel on both sides of the subject block and an analysis which concludes that the proposed homes and detached structures subject to this de novo review are taller and more massive, and sited on smaller parcels, than the vast majority of other residential structures on the block. Additionally, the project opponents contend that the proposed structures are not articulated enough and their uniform architecture and substantial massing is out of character with other structures on the subject block (**Exhibit 5**).

In contrast, the applicant argues that there are many other three-story structures within ½ mile of the subject site and that the subject block is characterized by structures of varying heights, including modern, three-story structures. Specifically, the applicant identifies modern two-story and three-story structures on the same side of the block to the east and the west of the subject site, several of which have been approved by the Coastal Commission and the City of Los Angeles in the previous five years (**Exhibit 6**).

Aside from a different interpretation of what qualifies as a two-and-a-half story structure vs a three-story structure, the two analyses do not contradict one another. The appellants correctly point out that the majority (approximately 75%) of the structures on each side of the subject block are one-story, including the three residential structures on either side of the subject property and all five residential structures directly across the street. The applicant correctly points out that several two-story and three-story structures have been approved in the previous five years and contribute to the character of the block [see 5-13-1213-W (Walters); 5-12-281-W (Misakyan); 5-11-015-W (Jimenez); and 5-07-418-W (McVeary), all of which were waivers of coastal development permit requirements issued by the Executive Director, and were not subject to public hearings before the City or the Commission]. The applicant is also correct that there are three-story structures on other blocks within ½ mile of the subject site, but those blocks have different street widths, different prevailing setbacks, different lot size characteristics, and different development patterns than the subject block. Many of the three-story structures identified by the applicant are not in the Oakwood subarea, but rather in other subareas of Venice which have different building standards identified in the City's zoning code and the certified Land Use Plan. **Nevertheless, the proposed three-story structures are consistent with the height, density, and setback requirements of the Venice LUP and are not significantly different than some of the other structures in the neighborhood.**

When the Commission certified the Venice Land Use Plan (LUP) in 2001, it 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 in compatibility with surrounding development. Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the subject development is consistent with Coastal Act Sections 30251 and 30253.

In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods.

Policy I. E. 1, General, 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 of 1976.

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 facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

Policy I. A. 1, Preserve Stable Single Family Residential Neighborhoods, states, in part:

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...

The project subject to this de novo review is the demolition of five residential units on two residential parcels, which the applicant proposes to subdivide into four residential parcels and develop with four massive **large**, nearly identical homes side-by-side. ~~This project would be unique in the history of the subject block, and unique to the Oakwood subarea of Venice.~~

The applicant references two homes approved by the City and the Executive Director at 720 and 722 Brooks Avenue through waiver of coastal development permit requirements No. 5-07-418-W (McVeary) for demolition of a single family home and construction of two 30-foot high single family homes on one residential parcel with six on-site parking spaces. Those two homes and two other projects featuring three-story homes on the subject block were each constructed over a single residential parcel. In two cases, Small Lot Subdivisions were approved by the City, but those were each for two structures on one lot, not four structures on two lots. In one of those cases the structures were developed front to back in order to reduce massing from the street, rather than side-by-side with zero side yard setbacks

as the subject application proposes. In another case at 804 Brooks Avenue, 5-11-015-W (Jimenez), the City and the Executive Director approved construction of a new 25-foot high single family home in the front portion of a residential parcel that already had a residential unit at the rear. Finally, the Commission recently found that the City's approval of two single family homes on a single residential parcel at 672 Brooks Avenue (one block west of the subject site) raised no substantial after that project was appealed [see: A-5-VEN-15-0059 (Kamdar)]. That project included a Small Lot Subdivision, but the two homes were developed front to back and the street-fronting home was two-stories and 23-feet high. In no case in Oakwood has the Commission approved new homes with zero foot setbacks between them, as the applicant requests at the subject site.

Another ~~substantial~~ difference between the development subject to this de novo review and other homes of similar size approved nearby is the subject development, as originally proposed, does not feature substantial articulation, as called for by the development standards of the Venice Land Use Plan. **However, the applicant has revised the original plans to provide articulation in the form of step backs to the front façades and less massing along the front balconies. These revisions are memorialized and required by Special Condition 1 of this CDP.** Policy I.E.3 of the Land Use Plan indicates that "varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing." The sloped roof has been designed to meet the minimum requirement for an additional five feet of building height beyond the twenty-five feet permitted for flat roofs in the Oakwood subarea, ~~but the subject development is not articulated except for the third level balcony. It~~ **The development consists of four large massive structures side-by-side, two of which are stepped back four feet, with rectangular door openings at each level. The design of the four proposed homes and four proposed accessory units is nearly identical, and they are not very different than other projects previously approved in the same neighborhood.**

~~Although~~ The applicant has revised the proposed setbacks from those originally approved by the local coastal development. **Nevertheless,** the four units are still proposed side-by-side ~~with limited articulation or open space between them.~~ Two of the units have been moved forward two feet closer to the sidewalk and two have been moved two feet back; this ~~design does not substantially change the cumulative massing of~~ **introduces some articulation in the design of** the four 30-foot high structures. The front setbacks are now proposed to be eight feet (plus a seven foot street dedication to the City) for an effective setback of 15-to-19 feet from the sidewalk. This setback is less than that of the one-story structures to the east and to the west (see image on page 2 of this report) **but greater than the setbacks at some nearby homes including 807 and 809 Brooks Avenue.** Thus, **although** the proposed development will ~~not only have the effect of four connected three-story buildings tower over the~~ **immediately** adjacent one-story buildings on either side, ~~but it~~ **and** will be closer to the sidewalk **in some sections, it is still similar in size and setback to other homes on surrounding blocks.** The third story has been set back the minimum five-feet in order to gain an additional five feet over the twenty-five foot height limit, but aside from that element, the façade of the four homes is not varied. The zero foot setbacks between the homes are ~~out of character with~~ **unusual for** the block, where no other homes feature such a design, and ~~are out of character~~ **unusual** in Venice generally, **although there are other**

examples of small lot subdivisions with zero foot setbacks elsewhere in Venice.

Additionally, **although** the four structures at the rear alley form a similar wall when viewed cumulatively, ~~The~~ **the** accessory structures at the rear are not as high or as massive as those at the front, ~~but~~ **They** are, **however**, visible from Brooks Avenue and contribute to the substantial massing of the proposed project, which effectively includes eight structures on two existing residential parcels.

~~Analyzed cumulatively, the eight structures (four homes and four accessory units) are not consistent with Coastal Act Section 30251 because they will not be visually compatible with the character of surrounding areas. The project, **as conditioned, is** would not be consistent with Venice Land Use Plan Policy 1.E.2 because it would not ~~is not~~ substantially **visually distinct from** **similar to other structures on Brooks Avenue and Lincoln Boulevard with** respect the scale, massing, and landscape of existing residential neighborhoods. **Although** ~~the~~ **the** scale and massing of the existing **immediately surrounding** block **tends to be smaller**, and the Oakwood neighborhood **includes predominantly**, is primarily one-story and two-story single family homes and one-story and two-story multi-unit structures. **However**, **about 10 percent of buildings on the same block as the proposed project include three stories. The project, as conditioned, is similar to other groups of single family homes in the area and is also consistent with the types of projects that the Commission has approved in the Venice area in the past. It is therefore compatible with the overall community character of this area.** Four massive three-story structures adjacent to a tripartite of one-story structures on either side and one-story structures across the street would not be consistent with Section 30251 or Policy 1.E.2 because such massing and scale would not be visually compatible with the character of the surrounding area.~~

The project is ~~not~~ **also** consistent with Coastal Act Section 30253 because it does not protect from **based on its consistency with** the character of the Venice community **as a whole**, which is a popular visitor destination point for recreational uses. ~~Nor is the~~ **The** development **also complies** consistent with Land Use General Policy 1.E.1 because it would not protect **detract from** the unique social and architectural diversity of Venice, which is identified as a Special Coastal Community. **While** the scope of the four homes, **taken as one unit**, would be more massive **larger** than any other development on **just** the subject block **on which it is located**, including approximately 10,000 square feet of living space and additional vehicle parking area **it is not larger than other small lot subdivisions and multi-parcel projects that have been approved in Venice.** Approval of this development would **not** set a precedent for out of scale development in **the neighborhood or in** Venice, **as each project is unique and must be considered in the context of its specific location and facts.** and additional development of this type (massive structures side-by-side with minimal articulation and lack of architectural diversity) would adversely affect the community character of Venice, which is a popular destination point specifically for its unique characteristics. This appeal raises 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. **With the modifications to the facade and the fencing and landscaping proposed by the applicant, this specific project will not adversely affect the community character of the special coastal community of Venice. It is similar to**

other projects approved by the City and the Commission in the surrounding neighborhood and is consistent with the overall community character in Venice.

In conclusion, the Commission finds that, ~~even~~ as modified by the **special conditions requiring that** ~~applicant to step back~~ the two middle structures **be stepped back** and ~~step up~~ the two outer structures **stepped up to create more articulation**, and ~~the removal of~~ **to remove** exterior partition walls, the project is ~~not~~ consistent with the visual resources and community character policies of the Coastal Act. Venice community members provided the applicant with specific comments and additional suggestions on the project design as it related to community character during meetings on March 16, 2013 and April 6, 2013, which the applicant ~~chose not to implement~~ **partially implemented** in the final design. The Venice Neighborhood Council provided the applicant and the City with comments through its June 18, 2013 motion and written findings in opposition to the project as it was proposed, specifically indicating that the applicant was given the option to alter the design, which the applicant ~~chose not to do~~ **to partially do**. Following the two appeals of the City-approved project, Coastal Commission staff advised the applicant by phone and in writing that development of the project must cease until a valid coastal development permit is obtained. The applicant chose to continue building and making improvements to the structures without the benefit of a coastal development permit for nearly two months; **however the applicant did cease development before the structures were completely constructed and has proposed design modifications, required through the conditions of this permit, to ensure consistency with the visual resources, community character, and biological productivity policies of the Coastal Act.**

~~In meetings with the applicant and their representatives on October 11, 2016 and November 9, 2016, Coastal Commission staff advised the applicant that the development subject to this de novo review did not appear to be consistent with the Chapter 3 policies of the Coastal Act or with previous Commission approved projects in the area, and requested that the applicant consider alternative designs, or at least acknowledge whether alternative designs were feasible given the modular design of the structures. The applicant indicated on November 15, 2016 that alternative designs, including the removal of the third story, the repositioning of multiple structures to provide greater setbacks and articulation, or the removal of one or more of the structures in their entirety, is economically infeasible because doing so would cost approximately \$1.2 million to deconstruct and reconstruct the homes, and an additional \$2.5 million of the applicant's investment could be lost if the homes were reduced in size. The applicant indicated that the modular nature of the homes made them simpler to install on site, but once installed they cannot easily be deconstructed or repositioned without compromising the architectural design and structural stability of each home. In that response, the applicant suggested that~~ **As conditioned, this permit requires** the design **of the project to be** ~~could be further modified to reduce the height of~~ **the** top floor privacy walls, utilize a more neutral color palette, change the shape of the doors on the middle units, and plant a California Sycamore tree in each front yard.

The Commission finds that, **although the permit as approved does** ~~all of the applicant's most recent proposed changes are cosmetic in nature and would not reduce the size, mass, and scale of the development or make it architecturally compatible~~ **it does make the**

development align more closely with the neighborhood character. In addition, there are several homes in the surrounding area of similar size and scale. The development is therefore not out of character with the **overall** neighborhood scale and massing. ~~The applicant has indicated that it is infeasible to modify the development and has not provided any alternatives that would bring the project into conformity with the visual resources and community character policies of Chapter 3 of the Coastal Act. The Coastal Act's requirement to site and design new development in a manner that is compatible with the character of surrounding areas does not contain a limitation stating that its restriction applies only to the extent economically feasible. Further, in cases such as this where the Commission is considering issuing a permit for a project that has already been substantially constructed without the benefit of a required coastal development permit, it analyzes the project's consistency with Chapter 3 as if no development has occurred yet. Therefore, the alleged economic infeasibility of redesigning the as-built project is not relevant to the Commission's analysis of whether this project complies with Chapter 3 policies, and the Commission is not constrained to consider only whether modifications of the existing, as-built project are feasible. Moreover, the Commission is limited in its quasi-judicial de novo review of the applicant's proposed development and it is unworkable in this instance to attempt to design a new project through the imposition of alternatives which the applicant has not proposed, nor would it make sense for the Commission to impose special conditions which would effectively require construction of a different project.~~ **The Commission imposes Special Condition 1, requiring the applicant to submit two sets of final plans, including detailed elevations, which shall be in substantial conformance with the plans dated October 18, 2016, revised to include the following modifications:**

- **Reduce height of top floor privacy walls to balcony height;**
- **Utilize neutral color palette as shown in the rendering attached hereto; and**
- **Modify door of middle units to include additional glass and remove diamond shape**

Therefore, ~~because the project is not~~ **the Commission finds that, as conditioned, the project is** consistent with Coastal Act Section 30251 and Section 30253, ~~and cannot be made consistent through the imposition of special conditions, the project must be denied.~~