

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appeal Number: A-5-VEN-17-0034

Applicant: David Feige

Agent: Adam Licht

Appellant: Coastal Commission Executive Director

Project Location: 16 30th Avenue, Venice, City of Los Angeles
(Los Angeles County APN: 4226-023-022)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2016-4484 for the remodel and addition to a one-story, 1,331 sq. ft. single-family residence with an attached 413 sq. ft. two-car garage, consisting of a new 1,200 sq. ft. second-story covered deck and a 1,531 sq. ft. (approx.) “floating” third-story with an 850 sq. ft. roof deck; resulting in a 28-ft. high, 2,931 sq. ft. single-family residence on a 2,650 sq. ft. walkstreet lot in the Dual Permit Jurisdiction. The City also approved a Zoning Administrator’s Adjustment for a five-foot front yard setback rather than the required 15-ft. front yard setback.

Staff Recommendation: Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

The Commission will not take testimony in the “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask question 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 follow, unless it has been postponed, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which Appeal A-5-VEN-17-0034 has been filed because the locally approved development is not consistent with the community character provisions of Chapter 3 or the development standards set forth in the certified Venice Land Use Plan (LUP) with respect to the front yard setback from the walkstreet, the mass and scale of the development, and the local determination that the project is a remodel and addition rather than a substantial new development. In addition, the development, as approved by the City, may prejudice the City's ability to certify a Local Coastal Program (LCP). Section 30251 of Chapter 3 of the Coastal Act requires new development to protect and enhance views to and along the coast. The project site is located on a walkstreet that provides views to the beach, coast, and ocean beyond. The project, as approved by the City, not only maintains a nonconforming walkstreet-facing setback of six feet rather than the required 15 feet, but also allows a new addition on the second and third stories that encroaches further into the front yard setback than the existing structure, as it is cantilevered over the existing structure. This design fails to protect or enhance existing views to the ocean and therefore raises a substantial issue with Section 30251 of the Coastal Act.

For the reason described above, the appeal raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Local CDP DIR-2016-4484](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Appeal](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-17-0034 raises **NO Substantial Issue** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0034 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 the Chapter 3 policies of the Coastal Act.*

II. APPELLANT’S CONTENTIONS

The City-approved local CDP authorizes a remodel and addition to a one-story, 1,331 sq. ft. single-family residence with an attached 413 sq. ft. two-car garage, consisting of a new approximately 1,200 sq. ft. second-story covered deck and a 1,531 (approx.) sq. ft. “floating” third-story with an 850 sq. ft. roof deck, resulting in an approximately 28-ft. high, 2,931 sq. ft. single-family residence on a 2,640 sq. ft. walkstreet lot

The appeal was filed by the Executive Director of the Coastal Commission ([Exhibit 4](#)). In summary, the appellant contends the following:

The primary issues involving consistency with the Coastal Act and the certified Venice LUP are: 1) the building’s minimal setback from the walkstreet; 2) the mass and scale of the structure; and 3) whether the project is a substantial new development rather than a “remodel/addition.”

The size, mass, and scale of the City-approved development may adversely affect community character and could prejudice the City’s ability to prepare an LCP. The local CDP authorizes a three-story structure that provides only a five-foot front yard setback, in lieu of the required fifteen-foot front yard setback. The building façade provides minimal articulation and does not include a stepped back design on the upper floors. Therefore, the proposed development raises a substantial issue with the visual characteristics of the 30th Avenue walkstreet.

The proposed project is also substantial new development, rather than a “remodel/addition” which the City approval authorizes. The local CDP authorizes demolition of significant portions of the existing one-story house, including the entire roof and substantial portions of the interior and exterior walls, in order to build a new foundation to support a three-story steel frame for the addition of two new upper levels. The distinction between describing the development as a

remodel versus substantial redevelopment is important because the City approval of the project as a remodel allows the project to maintain non-conforming front yard and side yard setbacks. Substantial redevelopment of the property would require that the development conform to current standards, including the provision of a fifteen-foot front yard setback and wider side yards. The project's side yard setbacks on the ground floor do not conform to the current building standards.

In regards to community character, the certified Venice LUP requires that projects on walkstreets provide facades that “*shall be varied and articulated to provide visual interest to pedestrians,*” The building's façade provides minimal articulation and the upper floors are not set back further than the lower floor. In fact, the proposed third floor is actually closer to the walkstreet than the lower floor.

III. LOCAL GOVERNMENT ACTION

On February 6, 2017, the Director of City Planning and Zoning Administrator held a public hearing for Local CDP DIR-2016-4484 and Zoning Administrator Adjustment ZA-2016-4485 ([Exhibit 2](#)) for the project. On May 5, 2017, the Director of City Planning issued a determination letter approving the project. The local CDP was not appealed to the City of Los Angeles. The City's Notice of Final Local Action for the local CDP was received in the Coastal Commission's Long Beach Office on June 1, 2017, and the Coastal Commission's required twenty working-day appeal period was established. On June 29, 2017, one appeal was received from the Commission's Executive Director ([Exhibit 4](#)). No other appeals were received prior to the end of the appeal period on June 29, 2017.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its LCP, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local CDP application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice, which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

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

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

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a 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

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 CDP permit also obtain a second (or “dual”) CDP from the Coastal Commission. The Commission's standard of review for the proposed 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 CDP is the only CDP required. The proposed project site is located within the *Dual Permit Jurisdiction Area*. Therefore, the applicant is required to obtain a second, or “dual”, coastal development permit from the Commission for the proposed development.

VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE

A. PROJECT DESCRIPTION

The project site is located on a walkstreet in the North Venice subarea at 16 30th Avenue within the City of Los Angeles Dual Permit Jurisdiction Area, about one block inland of the beach and Ocean Front Walk ([Exhibit 1](#)). The lot area is approximately 2,650 sq. ft. and is designated Multi-Family Residential, Low Medium II by the certified Venice LUP. The North Venice neighborhood is comprised of an amalgam of new and old one-to-three story buildings with a maximum height of 28 feet for all residences located on walkstreets; roof access structures are permitted to extend ten feet above the flat roof height limit. This block of 30th Avenue is comprised of one-, two-, and three-story single-family and multi-family homes. The site is currently developed with a one-story, 1,331 sq. ft. single-family residence that was built circa 1965 with an attached 413 sq. ft. two-car garage. The existing side yard setbacks range from three feet -two inches to two feet -ten inches. The existing alley facing setback is four feet -six inches. The existing front yard (walkstreet facing) set back is six feet -two inches.

The City-approved project includes a remodel of the existing residence, the construction of a steel frame for a new second floor deck on the roof of the existing house (with 46 sq. ft. of habitable area), a new 1,531 sq. ft. “floating” third story, a new 818 sq. ft. roof deck on top of the new third story with 42-inch high guardrails, and structural improvements including the construction of steel frames to the existing residence and augmentation of the existing foundation in order to support the new upper levels ([Exhibit 2](#)). As approved by the City, the applicant is required to maintain the two on-site parking spaces within the existing garage that is accessed from the alleyway (30th Place). The City approval also includes a Zoning Administrator’s Adjustment for a five-foot front yard (walkstreet facing) setback for the second and third stories rather than the required 15-foot front yard setback (ZA-2016-4485-ZAA). The City approved the upper level side yard setbacks of approximately four feet.

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 regulations 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 has been guided by the following factors:

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

5. Whether the appeal raises local issues, or those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

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 CDP issued by the local government prior to certification of its LCP are the Chapter 3 policies of the Coastal Act. Any local government CDP issued 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 focus primarily on the proposed project’s consistency with Sections 30251 and 30604(a) of the Coastal Act because the appellant alleges that the mass and scale of the proposed structure is not consistent with the character of the North Venice subarea of Venice and that it will prejudice the City’s ability to prepare an LCP because it is not consistent with the development policies of the certified Venice LUP.

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 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section [30200](#)) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section [30200](#)). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with

Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

Section 30251 of the Coastal Act requires new development to protect and enhance views *to* and along the coast and to be compatible with the surrounding area. Section 30604(a) of the Coastal Act requires any local CDP issued by a local government prior to the certification of its LCP to be consistent with the Chapter 3 policies of the Coastal Act so it does not prejudice the local government's ability to prepare a certifiable LCP.

When the Commission certified the Venice LUP in 2001, it considered the potential impacts that development could have on public views to the coast and community character. In doing so, the Commission adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development, especially on walkstreets. Given the specific conditions surrounding the subject site and the diverse development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the project is consistent with sections 30251 and 30604(a) of the Coastal Act.

In this case, the certified Venice LUP echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods:

Certified Venice LUP Policy I.A.2 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...

Certified Venice LUP Policy I. E.2 Scale, states:

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.

Certified Venice LUP Policy I.E.5 Nonconforming Structures, states:

Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:

Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.

Certified Venice LUP Policy II.C.10 Walkstreets – Residential Development Standards, states:

New residential development along walkstreets shall enhance both public access and neighborhood character. Building materials, colors, massing, and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential entrances and frequent windows shall face the walkstreets. Front porches, bays, and balconies shall be encouraged. In cases of duplexes and low density multiple-family buildings, entries shall be located in the exterior building façade for each residential unit, shall face walkstreet, and be well-defined and separate.

The appellant contends that the City mischaracterized the proposed project as a “remodel/addition,” which allows the nonconforming six-foot front yard setback to be maintained and further reduced (the second and third floors are setback five feet from the walkstreet facing property line) as part of the proposed development, rather than adhering to the required front yard setback of 15 feet. Given the size of the proposed addition, which will increase the height of the structure from one-story to three-stories and more than double the amount of habitable area, the City should have defined the proposed project as a “major addition,” which would require the proposed structure to conform with Policy I.E.5 of the certified Venice LUP. When a major addition is proposed, Policy I.E.5 of the certified LUP requires all nonconforming features of a structure to be brought into compliance with current development standards unless the City determines that it is not feasible to do so.

In this case, the City did determine that it was not feasible to comply with the required 15-foot front yard setback ([Exhibit 2](#)), but it did not substantiate that finding. Rather, the City stated that “the proposed front yard [setback] is consistent with the prevailing front yard setbacks of the area; the majority of structures on the south side of 30th Avenue maintain a front yard setback of one foot...the requested, reduced front yard setback is consistent with the massing and development pattern of the existing neighborhood” ([Exhibit 2](#)). The City found that the proposed project is consistent with the community character of the area, but it did not demonstrate that it is not feasible for the applicant to comply with the required front yard setback of 15 feet even for the upper levels. The resulting structure not only does not comply with the required front yard setback, it increases the nonconformity, both vertically and horizontally, of the structure. As approved by the City, the project is not consistent with Policy I.E.5 of the certified Venice LUP and therefore raises a substantial issue in regards to consistency with the Chapter 3 policies of the Coastal Act.

The appellant also contends that the mass and scale of the proposed development is not consistent with the development policies for walkstreets in the certified LUP. Policies I.A.2 and I.E.2 of the certified LUP require new development to be consistent with the mass and scale of residential neighborhoods with regard to height, bulk, buffers, and setbacks. The side and front yard setbacks are not consistent with the minimum required setbacks of current development standards. While the proposed addition reins in the side yards setbacks on the new upper levels, it exacerbates the minimum front yard setback, intensifying the nonconformity of the structure by pushing the proposed third floor out further than the existing nonconforming front yard setback of the first floor ([Exhibit 3](#)). While there are several other residences on the subject walkstreet that have legally nonconforming front yard setbacks, those are existing structures and in the event they are

proposed for redevelopment, they will be required to comply with the current development standards with regard to height, bulk, mass, and setbacks.

Additionally, Policy II.C.10 of the certified LUP requires residences on walkstreets to enhance public access, including public views, and to have varied and articulated façades. As approved by the City, the proposed development encroaches into the public views along the walkstreet, by allowing the addition to push forward toward the walkstreet, rather than pulling the addition back, at a minimum, to comply with the front yard setback requirement. The proposed project will occupy existing open space and eliminate the potential for enhanced public views along the walkstreet. Similarly, the proposed addition offers minimal variation and articulation of the walkstreet facing façade on the walkstreet facing plane of the structure. The proposed project is not consistent with the walkstreets policies in the certified LUP, which requires definitive accentuation or, at best, varied planes of the walkstreet facing façade.

Furthermore, Section 30251 of the Chapter 3 of the Coastal Act requires new development to protect and enhance views to and along the coast. The project site is located on a walkstreet that provides views to the beach, coast, and ocean beyond. The project, as approved by the City, not only maintains a nonconforming walkstreet facing setback of six feet rather than the required 15 feet, it also allows a new addition on the second and third stories to encroach further into the front yard setback than the existing structure as it is cantilevered over the existing structure with a setback of only five feet ([Exhibit 3](#)). The proposed project, as approved by the City, is not designed to protect or enhance existing views to the ocean and therefore raises a substantial issue with Section 30251 of the Coastal Act.

For the reasons described above, the appeal raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

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).

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 determined that it is not feasible for the development to comply with the required 15-foot front yard setback, but it did not substantiate that finding. As such, the proposed project will result in a structure that increases a nonconforming feature of the structure, rather than eliminating it, which will reduce public view opportunities to the coast, inconsistent with section 30251 of the Coastal Act. Additionally, as approved by the City, the proposed development is not consistent with the design standards for walkstreets in the certified Venice LUP, which is inconsistent with section 30604(a) of the Coastal Act. Therefore, the Commission finds that the City did not provide an adequate degree of factual and legal support for its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved development will intensify a nonconforming feature of an existing structure, which will have adverse impacts to visual resources and the community

character of the neighborhood. Therefore, the Commission finds that the extent and scope of the City-approved development is not consistent with the Chapter 3 policies of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. Mass, scale, character, and public views to the coast are significant coastal resources. As approved by the City, the development is not consistent with the mass, scale, and character described in the certified LUP or with that of the surrounding area. Additionally, the structure is designed in a manner that will obstruct potential public views to the coast. Therefore, the Commission finds that the City-approved development will not have a significant impact on 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 LUP. The City-approved development is not consistent with the residential building standards related to mass, scale, and nonconforming structures set forth in the certified LUP. Thus, the project, as approved by the City, does raise a substantial issue with regard to the project's conformity with the certified LUP. Therefore, the Commission finds that the City-approved development will prejudice the City's ability to certify an LCP.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources, including public views and community character, are important statewide issues. The City has a certified LUP that guides the manner in which development should take place in Venice. The City's action is not consistent with the certified LUP or with the scenic resource policies of the Coastal Act. Although the particular development here will only affect public views and community character along the subject street, it is not consistent with the standards set forth in the certified LUP or the Chapter 3 policies of the Coastal Act and would set a bad statewide precedent. Therefore, the Commission finds that the City's action does raise issues of statewide significance.

In conclusion, the issues raised by the appeal relate to community character, which are protected by the Coastal Act. Therefore, the Commission finds that the appeal raises a substantial issue as to conformity with Chapter 3 policies of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

City of Los Angeles Certified Land Use Plan for Venice (2001)