

CALIFORNIA COASTAL COMMISSION

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F10b

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appeal Number: A-5-VEN-17-0036

Applicant: Bill Messori

Agent: Bala Vairavan

Appellants: Robin Rudisill, Lydia Ponce, and Gabriel Ruspini

Project Location: 2318 Clement Avenue, Venice, City of Los Angeles
(Los Angeles County APN: 4228-006-018)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2016-3550 for demolition of a two-story, 25-foot high, 1,764 sq. ft. single-family residence, and construction of a 3,004 sq. ft. two-story, 25-foot high single-family residence with an attached 388 sq. ft., two-car garage, a 620 sq. ft. roof deck, and an approximately 32-foot high, 96 sq. ft. roof access structure on a 3,601 sq. ft. lot in the Single Permit Jurisdiction.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure 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 three minutes **total** per side. Please plan your testimony accordingly. Only the applicants, persons who opposed the application before the local government (or their representatives), 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

The City approved a local coastal development permit (CDP) for the subject development on May 15, 2017. No local appeals were filed by the end of the City's local appeal period. The City's notice of final local action was received by the Commission's South Coast office on June 5, 2017 and the Commission's twenty working-day appeal period was established. During the Commission's appeal period, this one appeal was received on July 3, 2017.

The grounds for this appeal focus primarily on the proposed project's consistency with Sections 30250, 30251, and 30253 of the Coastal Act because the appellants allege that the mass and scale of the proposed structure is not consistent with the character of the Southeast subarea of Venice. The appellants make several assertions, including: **1)** the project raises issues of statewide significance because Venice is a unique coastal community making it a significant coastal resource to be protected and, as approved by the City, the project is not consistent with the community character of the area; **2)** the City's coastal development permit (CDP) does not include adequate findings that the development is consistent with the community character of the area with regard to floor area ratio (FAR); **3)** the development will prejudice the City's ability to prepare a certified Local Coastal Program (LCP) because it is not consistent with the community character of the area with regard to mass and scale; and **4)** the City's CEQA determination was issued in error because the development is incompatible with the character of the surrounding area.

Staff has reviewed the appellants' contentions and concluded that: **1)** the City-approved development is consistent with the development policies in the certified Venice LUP with regard to height and setbacks for single-family residences in this area, is similar in mass and scale to surrounding development, and is therefore consistent with Sections 30250, 30251, and 30253 of the Coastal Act; **2)** a maximum FAR is not a development standard of the certified LUP and the appellants failed to substantiate how, specifically, a FAR that is larger than that of surrounding development is inconsistent with the Coastal Act; **3)** the City-approved project is consistent with the development policies of the certified Venice LUP and, as approved by the City, the development will not prejudice the City's ability to prepare a certified LCP; and **4)** the City is the lead agency for CEQA certification, and this is not a Coastal Act issue that is a ground for appeal.

For the reasons stated above, there is no substantial issue regarding the City-approved development's consistency with the community character of the area, the development policies of the certified Venice LUP, or with the Chapter 3 policies of the Coastal Act.

Staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: the development, as approved by the City of Los Angeles, is consistent with the Chapter 3 policies of the Coastal Act, and therefore does not negatively impact coastal resources. Pursuant to Section 30625, the grounds of appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to Section 30602(a).

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Local CDP DIR-2016-3551](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Appeal](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-17-0036 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. 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-17-0036 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 the Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On June 5, 2017, the Commission received a notice of final local action for Local CDP No. DIR-2016-3550, which approves the demolition of a two-story, 1,764 sq. ft. single-family residence and construction of a two-story, 25-foot high, 3,004 sq. ft. single-family residence with an attached two-car garage, a 620 sq. ft. roof deck, and an approximately 32-foot high, 96 sq. ft. roof access structure ([Exhibit 3](#)).

On July 3, 2017, within 20-working days of receipt of notice of final local decision, Robin Rudisill, Lydia Ponce, and Gabriel Ruspini filed an appeal of the local CDP contending that the City-approved development is not consistent with the character, mass, and scale of the surrounding area and would adversely affect the character of the Venice community, which is a significant coastal resource; that the City-approved development will prejudice the City's ability to prepare a certified LCP; and that the City's CEQA determination was issued in error, as described in further detail below ([Exhibit 4](#)).

III. LOCAL GOVERNMENT ACTION

On March 20, 2017, the Director of City Planning held a public hearing for Local CDP DIR-2016-3550 (Bill Messori) ([Exhibit 2](#)) for the project. On May 15, 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 5, 2017, and the Coastal Commission's required twenty working-day appeal period was established. On July 3, 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 July 3, 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 **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

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 *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE

A. PROJECT LOCATION AND DESCRIPTION

The project is located on a 3,601 sq. ft. lot in a residential neighborhood within the Southeast subarea of Venice, City of Los Angeles. The lot designated as Single Family Residential (Low) by the Venice Land Use Plan and zoned R1-1-O by the Los Angeles Municipal Code. The site is located more than ½ of a mile inland of the public beach and boardwalk ([Exhibit 1](#)). The Southeast Venice neighborhood and the subject block are characterized primarily by one-story to three-story single-family homes of varying architectural styles.

The City-approved project includes the demolition of a two-story, 1,764 sq. ft. single-family residence, built circa 1922, and construction of a two-story, 25-foot high, 3,004 sq. ft. single-family residence with an attached 388 sq. ft., two-car garage with one additional on-site uncovered parking space, a 620 sq. ft. roof deck, and an approximately 32-foot high, 96 sq. ft. roof access structure on a 3,601 sq. ft. lot ([Exhibit 3](#)). Parking for the residence will be accessed through the rear alley and there will be no new curb cuts. The front yard setback for the proposed residence is 18 feet from the front yard property line. The rear yard setback is 15 feet and the side yard setbacks vary from three to seven feet wide. The City-approved project observes all of the required setbacks of the City’s Municipal Code and there are no exceptions or variances for height or setback requirements in the City’s Municipal Code or the certified Venice LUP ([Exhibit 3](#)).

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act.

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s 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 **no 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 30250, 30251, and 30253 of the Coastal Act because the appellants allege that the mass and scale of the proposed structure is not consistent with the character of the Southeast subarea of Venice.

Section 30250(a) of the Coastal Act states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

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, in relevant part:

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

Section 30250 of the Coastal Act requires new development to “*be located within, contiguous with, or in close proximity to, existing developed areas.*” Sections 30251 and 30253 of the Coastal Act state that such scenic areas and special communities shall be protected. These sections 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.¹

When the Commission certified the Venice LUP in 2001, it considered the potential impacts that development could have on community character and adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. 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 302520, 30251, and 30253 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. 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.

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

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.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.

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

The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP...

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

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

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

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

Certified Venice LUP Policy I.A.3 states, in part:

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.

Height: Not to exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied or stepped back roof line.

Certified Venice LUP Policy I.A.7.c states, in part:

Height: Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the

required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

The City approved the demolition of a two-story, approximately 1,745 square foot, single-family residence and the construction of a two-story, 25-foot high single-family residences with a 96 square foot, approximately 32-foot high roof access structure and three on-site parking spaces. The height limit, as set forth in the certified Land Use Plan, is 25 feet for structures with flat roofs and 30 feet for structures with varied roofs located in the Southeast subarea of Venice. Roof access structures may reach a height of 10 feet above the flat roof height limit and have an area of no greater than 100 square feet as measured from the outside of the structure.

In this case, the City approved a 25-foot high single-family residence with a varied roof and an approximately 32-foot high, 96 square foot roof access structure, and a roof deck with 42-inch high roof deck railings ([Exhibit 3](#)). The height of the City-approved residence is consistent with the development standards regarding height and roof access structures of the certified Venice LUP as listed above. The roof of the approved 25-foot high structure is five feet lower than the maximum height limit for the subarea, and is consistent with the mass and scale of the surrounding development.

The appellants contend that the City-approved project is not consistent with the community character of the area because the FAR (floor area/lot area) of the new development is bigger than many of the surrounding single-family residences in the neighborhood. The proposed project’s FAR is 0.83 (3,004 sq. ft. house/3,601 sq. ft. lot). The appellants surveyed existing residences along both sides of the Clement Avenue and in the Silver Triangle Area to generate a comparison of existing FAR to the proposed development ([Exhibit 4](#)). Using the examples provided by the appellants, the average FAR along Clemente Avenue is 0.439 and in the Silver Triangle Area is

Table 1. Existing residences along 2300 block of Clement Avenue

Address Clement Ave.	Area (Square Feet)	Year Built (Circa)
2314	2,286	1953
2318 (proposed project)	1,764	1922
2322	1,874	1927
2326	1,074	1950
2330	914	1950
2334	1,076	1953
2338	1,241	1915
2342	2,948	1950
2313	1,459	1947
2317	860	1954
2321	1,082	1952
2325	2,781	1952
2329	3,229	1949
2333	1,224	1953
2337	3,012	1950
2341	1,680	1951

0.393. However, many of the residences that the appellants surveyed were built several decades ago and are typically much smaller than homes built by today’s standards. Homes built since the 1970s are usually larger than the ones they replace.

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 an area 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. Rather than using an FAR, the Commission utilizes height

limits and setbacks to limit building mass and scale in Venice, and this project’s height and setbacks are consistent with the surrounding development, which is comprised primarily of one-story to three-story single- and multi-family residences. In fact, two-story residences are the overwhelming preference for permit applicants in the Southeast area of Venice, where one-story buildings are uneconomical to build, and three-story buildings are generally too big to conform with the character and scale of the area. Also, certified LUP Policy I. E.3 states that, “*varied styles of architecture are encouraged...*”. This policy encourages variety of styles and discourages focus on subjective judgements about what architectural style is preferred. Instead, the Commission uses height limits and setback requirements to limit the size and scale of structures when determining what is in character with the surrounding area.

Table 1 above summarizes the area (square footage) and year built of each existing house along the 2300 block of Clement Avenue. Approximately 25% of the houses, which were built in the mid-20th Century, are comparable in size to the proposed residence. Table 1 also highlights the diverse range in the sizes of residences along this block of Clement Avenue, which is between 860 sq. ft. and 3,229 sq. ft. in area. The range in size of the houses reinforces the eclectic character and “*varied style*” of the residences throughout Venice.

Table 2. Past Commission actions in the Silver Triangle subarea.

Address	Height (feet)	Square Footage
2318 Clement Ave. (proposed project)	25*	3,004
2425 Clement Ave (SFR)	25’*	2,900
2424 Clement Ave (SFR)	25’	2,175
2408 Clement Ave (SFR)	25’	2,245
2429 Frey Ave (SFR)	25’*	2,911
2325 Frey Ave (SFR)	25’*	2,800
2342 Frey Ave (SFR)	30’*	3,010
2338 McKinley Ave (SFR)	30’	2,424
2341 Cloy Ave (SFR)	25’*	2,670
2412 Boone Ave (SRF)	25’*	2,434
2324 Boone Ave (SFR)	30’	2,515
2336 Boone Ave (SFR)	27’	2,698
2344 Boone Ave (SFR)	30’	2,033
2405 Wilson Ave (SFR)	29’	2,576
2420 Wilson Ave (SFR)	25’*	2,960
2429 Wilson Ave (SFR)	25’*	2,806
2413 Wilson Ave (SFR)	23’*	3,196
2408 Bryan Ave (SFR)	25’*	2,806
641 Mildred Ave (SFR)	27’*	2,143
651 Mildred Ave (SFR)	27’*	2,091
647 Mildred Ave (SFR)	27’*	2,143
665 Mildred Ave (SFR)	30’	2,487
667 Mildred Ave (Duplex)	2-story	3,150

*roof access structure not included in height

Table 2 above summarizes recent Commission action in the subject area and includes the metrics by which the Commission typically determines the compatibility of a proposed project with the community character of a given area. 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. As seen in the table below, residences previously approved by the Commission in this area range in height from 25 feet to 30 feet and in size from approximately 2,000 sq. ft. to 3,200 sq. ft. in area with the majority of homes ranging in area from 2,500 sq. ft. to 3,000 sq. ft.

As approved by the City, the proposed residence is consistent with the height and size of other residences previously approved by the Commission in the area. As such, the appellants' contentions regarding FAR do not raise a substantial issue.

The City-approved structure will be set back 18 feet from the front yard property line. The prevailing front yard setback in this area is approximately 15.5 feet. The certified LUP does not mandate a specific length for each setback, but does require yards to be adequate *"to accommodate the need for fire safety, open space, permeable land area...and on-site recreation consistent with the existing scale and character of the community."* For this particular lot, the City's zoning code requires front yard setback of 20 percent of the lot depth (in this case, the lot depth is 96 feet), but no more than 20 feet, and not less than the prevailing setback. The City-approved project observes the setback requirements of the City's Municipal Code. This action by the City is not inconsistent with the certified LUP or with the Coastal Act, because the certified LUP does not mandate specific setback lengths and there are no public coastal resources in the area that will be infringed upon due to the length of the City-approved setback. Furthermore, the City-approved project includes landscaped areas, exterior decks, and permeable yard area consistent with the California Green Building Code Standards observing water and energy conservation measures and providing personal individual on-site recreation opportunities for any future residents.

The project, as approved by the City is consistent with the standards set forth in the certified Venice LUP, and it is in character with the other single-family residences in the area, and is consistent with past Commission actions. As such, the appellants' contentions that the City-approved project is not consistent with the community character of the neighborhood are unsubstantiated and do not raise a substantial issue with regard to the Chapter 3 policies of the Coastal Act.

In addition to character, mass, and scale, the appellants make other assertions. The appellants contend that the project will prejudice the City's ability to prepare a certified LCP. As previously discussed, the City-approved project is consistent with the development standards of the certified LUP. As such, there is no conflict between the City-approved project and the development standards of the certified LUP and thus no substantial issue is raised with regard to the City's ability to approve a certified LCP.

Finally, the appellants contend that the City's CEQA finding was issued in error because the proposed residence is inconsistent with the community character of the area. The City is the lead agency for CEQA certification. The City determined that the project is categorically exempt from CEQA pursuant to Article III, Section 1, Class 3, Category 1 and certified its determination concurrently with the local CDP on May 15, 2017 (ENV-2016-3551-CE). The claim does not

raise any issue with regard to Chapter 3, which is the Commission's standard of review. As such, no substantial issues are raised with regard to the project's CEQA determination.

Therefore, for the reasons described above, the appeal raises no 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 found the project will be located in a developed residential neighborhood consisting of single-family homes with similar heights and setbacks and therefore consistent with the community character of the area, consistent with Sections 30250, 30251, and 30253 of the Coastal Act. The City-approved project is also consistent with the development policies regarding mass, scale, and character of the certified LUP and, by extension, the Chapter 3 policies of the Coastal Act. As discussed above, no other issues raised by the appellants describe factually inaccurate or legally questionable actions by the City. Therefore, the Commission finds that the City provided 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 demolish a single-family residence and replace it with a new single-family residence in a highly developed area. The scope is consistent with that of the surrounding development, which is comprised primarily of one-story to three-story single- and multi-family residences. The locally approved project would have no adverse impacts to visual resources and is consistent with the community character of the neighborhood. Therefore, the Commission finds that the extent and scope of the City-approved development is 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, and character are significant coastal resources. However, the City-approved development is consistent with the mass, scale, and character described in the certified LUP and with that of the surrounding area. 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 consistent with the residential building standards related to scale, mass, and architectural diversity set forth in the certified LUP. Additionally, the project is consistent with previous Commission actions in the area, which have authorized similarly-sized two-story residential structures. Thus, the project, as approved with conditions, does not 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 not 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 community character, are important statewide issues. However, the City-approved development is consistent with the development standards of the certified LUP and with Chapter 3 of the Coastal Act. Therefore, the Commission finds that the City-approved CDP does not raise any issues of statewide significance.

Conclusion

Applying the five factors listed above clarifies that the appeal raises “no substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30625(b)(1), because the nature of the proposed project and the local government action are consistent with policies of Chapter 3 of the Coastal Act.