

CALIFORNIA COASTAL COMMISSION

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



W12a

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Application No.: A-5-VEN-18-0054

Applicant: Erinn Berkson

Agent: Tim Bonefeld

Local Government: City of Los Angeles

Local Decision: Approval with Special Conditions

Appellant: Laddie Williams, Margaret Malloy, and Miguel Bravo

Location: 706 S. Hampton Drive, Venice, City of Los Angeles, County of Los Angeles (APN: 4286-008-003)

Project Description: Appeal of City of Los Angeles local coastal development permit for the demolition of a 15-ft. high, one-story, 855 sq. ft. single-family residence, and construction of a three-story over basement, 30-ft. high, 3,753 sq. ft. mixed-use development consisting of 759 sq. ft. of ground floor retail use, a 2,092 sq. ft. residential unit on the second floor, a third-story rooftop deck, and an attached four-car garage at 706 S. Hampton Drive, Venice, City of Los Angeles, Los Angeles County.

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 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), 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

Local Coastal Development Permit (CDP) No. DIR 2017-1124 approves the demolition of a 15-ft. high, one-story, 885 sq. ft. single-family residence and the construction of a three-story, 30-ft. high, 3,753 sq. ft. mixed-use development over a basement consisting of 759 sq. ft. of ground floor retail use, a 2,092 sq. ft. residential unit on the second floor, a third-story rooftop deck, and an attached four-car garage. Staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds on which Appeal A-5-VEN-18-0054 has been filed because the project as proposed is consistent with the policies of Chapter 3 of the Coastal Act.

The appellants' first contention is that the proposed mixed-use development violates the Mello Act's prohibition on the conversion of residential housing in the coastal zone to non-residential uses. The Mello Act discourages development that removes residential units in the coastal zone. In this case, however, one residential unit will be maintained onsite that will be owner-occupied. The difference between the current development and the proposed development is that the new development will include both a residential and commercial use. Therefore, the appellants are inaccurate in their assertion that the City-approved development will remove residential housing in favor of non-residential development.

Moreover, the standard of review for the Commission on appeal is whether the proposed development raises a substantial issue of conformity with the Chapter 3 policies of the Coastal Act, with the certified Land Use Plan for Venice used as guidance, not whether the City complied with the Mello Act. In this regard, the appellants' contention does not raise a substantial issue as to consistency with the Chapter 3 Coastal Act policies.

The appellants' second contention is that the City-approved project is inconsistent with Coastal Act Section 30116. Specifically, the appellants argue that the project would increase the commercial mixed-use activity in a primarily residential section of Venice and create a negative precedent. Section 30116 is found in Chapter 2 of the Coastal Act, and contains definitions of sensitive coastal resource areas. As stated above, the standard of review for appeals are only the Chapter 3 policies of the Coastal Act. The appellants' contention also assumes that the subject site is located in an area of Venice that is only zoned for residential use. However, the project is located within the Community Commercial zone, which allows for a mix of residential, retail, and mixed-use developments. Policy I.B.2 states that mixed-use residential-commercial developments are encouraged in all designated commercial areas. Approval of the proposed mixed-use residential-commercial project is consistent with LUP Policy I.B.2. Therefore, the City-approved project will not set a negative precedent in this area of Venice. In addition, there is no evidence to indicate that the proposed development will encroach on the historic residential community of color in Venice. Therefore, the appellants' second contention does not raise a substantial issue.

The appellants' third contention is that the project is inconsistent with the Chapter 3 community character policies and further, that the project cannot be exempt from CEQA. The proposed structure meets the City's 30-foot height limit and setback requirements. The size and design of the proposed structure are similar to those of other mixed-use developments in the area. The submitted streetscape analysis submitted by the applicant shows that height of the proposed development will

not be out of line with the trend of development along Hampton Drive. The City-approved development will therefore not be out of scale from the overall trend of development along Hampton Drive. Therefore, the City-approved project can be found to be consistent with the community character policies found in Chapter 3 Coastal Act policies.

With regard to the City's CEQA determination, the Commission does not have the authority to review and/or invalidate CEQA determinations that are made by a local government. The standard of review for the Commission on appeal is whether the proposed development raises a substantial issue of conformity with the Chapter 3 policies of the Coastal Act, not whether the local government complied with CEQA. Therefore, the appellants' CEQA contention does not raise a substantial issue as to consistency with Chapter 3 Coastal Act policies.

Therefore, staff recommends the Commission find that the appeal does not raise a substantial issue with regard to the Chapter 3 policies of the Coastal Act because the evidence demonstrates that the project, as conditioned by the City, will assure the stability and structural integrity of the proposed homes, and otherwise complies with Chapter 3 of the Coastal Act; thus, the appeal raises no substantial issue regarding conformity with Chapter 3, and the original City approval of CDP DIR 2017-1124 should be upheld. The motion to carry out the staff recommendation is on page 5.

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EXHIBITS

[Exhibit 1 – Vicinity Map/Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Local CDP Determination](#)

[Exhibit 4 – Appeal of Local CDP](#)

[Exhibit 5 – Streetscape Analysis](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-18-0054 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-17-0054 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

The appellants have brought forward this appeal with several contentions. First, the appellants contend that the proposed mixed-use development violates the Mello Act's prohibition on the conversion of residential housing in the coastal zone to non-residential uses. Second, the appellants contend that the City-approved project is inconsistent with Coastal Act Section 30116. Specifically, the appellants argue that the project would increase the commercial mixed-use activity in a primarily residential section of Venice and create a negative precedent. The appellants' third contention is that the project is inconsistent with the community character policies of Chapter 3 of the Coastal Act and further, that the project cannot be exempt from CEQA.

III. LOCAL GOVERNMENT ACTION

On March 16, 2017, Erinn Berkson filed a CDP application with the City of Los Angeles Planning Department. The proposed project included the demolition of a one-story, 885 sq. ft. single-family residence and the construction of a three-story, 3,753 sq. ft. mixed-use development.

The City held a public hearing for the project on October 2, 2017. During the local hearing, Robin Rudisill and John Campbell spoke in opposition of the project. Marc Gardener spoke in support of the project. The applicant stated that the Land Use Planning Committee (LUPC) and the Venice Neighborhood Council (VNC) approved the proposed mixed-use development. A second hearing took place on December 4, 2017. During this hearing, Margaret Molloy, John Campbell, and Robin Rudisill spoke in opposition to the project.

On January 29, 2018, the City Planning and Zoning Administrator approved Local CDP DIR-2017-1124 for the demolition of an 855 sq. ft. single family residence and construction of a 3,753 sq. ft., 30-ft. high mixed used development ([Exhibit 3](#)). Robin Rudisill and Hubert Hodgin filed an appeal

with the City in response to the City’s approval of the local CDP. On June 6, 2018, the City upheld the original determination and denied the appeal.

On June 29, 2018, the Commission’s South Coast District Office received the City’s Notice of Final Action for the above-described project and the Commission’s 20 working-day appeal period was established. On August 3, 2018, the City mailed a Corrected Notice of Final Action to the Commission’s South Coast District Office, which was received on August 7, 2018, and the Commission’s 20 working-day appeal period was reestablished, which ended on September 5, 2018. The Corrected Notice of Final Action included a modified project description that removed the “live-work unit” from the scope of work for the project. Laddie Williams, Margaret Molloy, and Miguel Bravo submitted an appeal on August 17, 2018, which was within the 20 working-day appeal period ([Exhibit 4](#)).

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued CDPs. Section 30602 of the Coastal Act allows any action by a local government on a CDP 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 notified 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 appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided and the Commission typically

continues the public hearing at a later date in order to review the CDP 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 subsequent Commission meeting. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. 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*. City of Los Angeles has the authority to grant or deny Coastal Development Permits in the Single Permit Jurisdiction area. However, if the Commission finds substantial issue with the City’s determination during an appeal, the City’s CDP will become void and the Commission may issue a CDP on de novo.

VI. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE

A. PROJECT LOCATION AND DESCRIPTION

The applicant proposes to demolish an existing 885 sq. ft. single-family residence and construct a 30-ft. high, three-story, 3,753 sq. ft. mixed-use residential-commercial development with a basement level. The development will include a 759 sq. ft. retail space on the first floor, a 2,092 sq. ft. residential unit on the second floor, and a roof-top deck on the third floor ([Exhibit 2](#)). The project is adequately parked, with four vehicle parking spaces and 5 bicycle parking spaces (to mitigate for one required vehicle parking space) located in the basement level of the structure. All parking will be accessed through the rear alley, which does not provide public parking spaces.

The project is located within the Oakwood district of Venice, a community located within the City of Los Angeles on a 3,229 sq. ft. lot zoned C2-Commercial by the City of Los Angeles Zoning Code and Community Commercial by the certified Venice LUP. The project site is located along a street that is lined with industrial structures, retail stores, and a variety of residences (including mixed-use residential-commercial structures, single-family residences, and multi-family units). The project site is located approximately 0.2 miles inland from the beach, and is within the City of Los Angeles single-permit jurisdiction area ([Exhibit 1](#)).

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

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

Even when the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **no substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. NO SUBSTANTIAL ISSUE ANALYSIS

The grounds for an appeal of a CDP issued by the local government prior to certification of its LCP are the project’s conformity with Chapter 3 policies of the Coastal Act. Any local government CDP issued or denied prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. The Commission’s decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in No Substantial Issue Analysis).

Contention 1: The City-approved project is inconsistent with the Mello Act’s prohibition of conversion of residential housing to non-residential use unless the residential use is infeasible or if the development is a coastal-dependent development.

The appellants’ first contention assumes that mixed-use developments are purely commercial in nature and will result in a loss of residential units. However, the City-approved development includes one residential unit onsite that is to be occupied by the applicant. The Mello Act discourages development that removes residential units in the coastal zone. In this case, however, one residential unit will be maintained onsite. The difference between the current development and the proposed development is that the new development will include both a residential and commercial use. However, this does not mean that the proposed development has no residential component to it at all- there is still residential development that is occurring onsite. Therefore, the appellants are inaccurate in their assertion that the City-approved development will remove residential housing in favor of non-residential development.

Moreover, the standard of review for appeals to the Coastal Commission is the City-approved project’s consistency with the Chapter 3 policies of the Coastal Act. The City made a finding that the City-approved project is exempt from the Mello Act requirements; an owner-occupied residence will be demolished and replaced with a single-family dwelling that will be owner-occupied. The standard of review for the Commission on appeal is whether the proposed development raises a substantial issue of conformity with the Chapter 3 policies of the Coastal Act, not whether the City made the correct Mello Act determination. In this regard, the appellants’ contention does not raise a substantial issue as to consistency with the Chapter 3 Coastal Act policies.

Contention 2: The City-approved project is inconsistent with Section 30116 of the Coastal Act. Further, the appellants claim that the project would increase the commercial mixed-use activity in a primarily residential section of Venice, would set a negative precedent for the area, and would further encroach on the historic residential community of color in this area of Venice.

Section 30116 is found in Chapter 2 of the Coastal Act, and contains definitions of sensitive coastal resource areas. As stated above, the standard of review for appeals is the Chapter 3 policies of the Coastal Act, with the certified LUP as guidance. Because Section 30116 is not included in Chapter 3 of the Coastal Act, the appellants’ contention of inconsistency with Section 30116 does not raise a substantial issue.

Policy I.B.2 of the Venice LUP states:

Policy I.B.2. Mixed-Use Development. *Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

The appellants' contention assumes that the subject site is located in an area of Venice that is only zoned for residential use. However, the lot is designated as Community Commercial under the Venice LUP, which allows a mix of residential, retail, and mixed-use developments. Policy I.B.2 clearly states that mixed-use residential-commercial developments are encouraged in all designated commercial areas, including the Community Commercial area. Policy I.B.6 lists all of the allowable uses in the community commercial zone, which also includes mixed-use structures.

Policy I.B.6 states:

Policy I. B. 6. Community Commercial Land Use. *The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

Uses/Density: *Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.*

The Venice LUP not only permits mixed-use residential-commercial developments, but it also emphasizes the accommodation of mixed-use development in multiple LUP Policies. Approval of the proposed mixed-use residential-commercial project is consistent with LUP Policies I.B.2 and I.B.6. Therefore, the City-approved project will not set a negative precedent in this area of Venice. In addition, there is no evidence to indicate that the proposed development will encroach on the historic residential community of color in Venice. To the contrary, the proposed development maintains a residential unit while also providing for mixed-use businesses that serve visitors and the local community alike, consistent with the Venice LUP policies that apply to this area.

Contention 3: the City-approved project is not consistent with the Chapter 3 community character policies; the CEQA exemption is not valid for the project.

The project site is located in an area of Venice that is zoned C2-Commercial under the City's zoning code, and Community Commercial under the Venice LUP. Hampton drive is lined with a variety of different uses; including retail development, light industrial development, and residential

development. The block in which the project is located consists of a mix of one-story single-family residences and mixed-use residential-commercial developments that are up to 30 ft. in height.

The City-approved project includes a 30-ft. high, three-story, 3,753 sq. ft. mixed-use residential-commercial structure. The appellants claim that the City-approved project constitutes a 7.9 times intensification of use compared to the “original houses,” which are all 885 sq. ft. in size. The City-approved project does have a larger footprint than the current residence; however, the City-approved development is consistent with the development standards outlined in the Venice LUP. The proposed structure complies with the 30-ft. height limit, and meets the City’s setback requirements (The LUP does not contain specific policies with regard to setback requirements in this area of Venice).¹The City determined that the subject lot was substandard in size and granted a reduced side yard adjustment for the lot). The size and design of the proposed structure are similar to those of other mixed-use developments in the area. A streetscape analysis submitted by the applicant shows that the developments along Hampton Drive are of varying heights, but do not exceed 30 ft. in height ([Exhibit 5](#)). The City-approved development will therefore not be out of scale from the overall trend of development along Hampton Drive. Therefore, the City-approved project can be found to be consistent with the community character policies found in Chapter 3 of the Coastal Act.

With regard to CEQA, the Commission does not have the authority to review and/or invalidate CEQA determinations that are made by the local government. The standard of review for the Commission on appeal is whether the proposed development raises a substantial issue of conformity with the Chapter 3 policies of the Coastal Act, not whether the local government complied with CEQA. In this case, the City found the project to be categorically exempt from CEQA under Section 1300, Class 3, Category 1. Therefore, the appellants’ CEQA contention does not raise a substantial issue as to consistency with the Chapter 3 Coastal Act policies.

Application of Substantial Issue Factors

Applying the five factors listed in the prior section clarifies that the appeal does not raise a substantial issue with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30265(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.

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. As described above, there is sufficient factual and legal support for the local government’s decision that the development is consistent with the relevant provisions of Chapter 3 of the Coastal Act. The City’s staff report included references to the pertinent LUP policies to demonstrate that the proposed project is not only allowed under the LUP policies, but is also encouraged in this area of Venice. In this case, the appellants’ contentions do not raise a substantial issue.

¹ The City of Los Angeles zoning code does not require front, side, or rear yards for buildings used exclusively for commercial uses in the C2 zone. For portions of buildings used for residential purposes, as in this case, the side and rear yards must conform to the R4 zone rear and side yard requirements (15 feet and 4 feet, respectively). The City granted a side yard variance for this project in order for the applicant to incorporate an articulated design that will be consistent with the community character of Hampton Drive on a non-conforming lot.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the project as approved by the local government is appropriate for the project's location and intent. The project proposes to utilize the existing Community Commercial zoning allocation to construct a mixed-use residential-commercial structure on a lot that is currently developed with a single-family residence. The proposed mixed-use development is permitted under the City's zoning code and is encouraged in this area under the Venice LUP. Thus, the appellants' contentions do not raise a substantial issue.

The third factor is the significance of the coastal resources affected by the decision. The project site is located approximately 0.2 miles inland of the beach in a highly developed neighborhood. While community character is an important coastal resource, the appellants failed to demonstrate how the City-approved project is inconsistent with the community character of the area. Furthermore, as concluded by the City, the project is consistent with the Coastal Act Chapter 3 policies with regard to public access and community character. Therefore, the appellants' contentions do not raise a substantial issue.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. Mixed-use residential-commercial developments are not only allowed in the Community Commercial zone in Venice, but are considered a high-priority use in the Venice LUP. The proposed development constitutes a high priority use in the Venice LUP and is consistent with the relevant Chapter 3 Coastal Act policies. Therefore, the City-approved project will not prejudice the ability for the City to develop a LCP for the Venice section of the City of Los Angeles.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. The appeal raises local, regional, and statewide issues regarding community character and the availability of housing. In this case, a single-family residence is being demolished, and a mixed-use development is being proposed, which includes one residential unit. The project is consistent with the community character of the area, as described above, and will not result in a net loss of residential units. Therefore, the appeal does not raise an issue of conformity with the Chapter 3 Coastal Act policies. The appellants also raise affordable housing issues and allegations of nonconformity to the Mello Act as grounds for appeal; however, the Chapter 3 Policies of the Coastal Act are the standard of review, not the Mello Act, and therefore appellants' claims regarding housing issues are not relevant to the Commission's task on appeal.

Conclusion

These findings suggest that the project proposal does not present a substantial issue with regard to consistency with the Chapter 3 policies of the Coastal Act. As such, the local action taken by the City of Los Angeles will become final and effective.

APPENDICES

Appendix A - Substantive File Documents

Los Angeles Department of City Planning: Director's Determination for Coastal Development Permit no. DIR-2016-1124-CDP-MEL, January 29, 2018