

CALIFORNIA COASTAL COMMISSION

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W20b

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Application No.: A-5-VEN-18-0066

Applicant: Ding-Tayag Family Trust

Agent: Patrick Winters

Local Government: City of Los Angeles

Local Decision: Approval with Special Conditions

Appellant: Richard Stanger

Location: 2334 Frey Avenue, Venice, City of Los Angeles, County of Los Angeles (APN: 4228-007-006)

Project Description: Appeal of City of Los Angeles local coastal development permit for the construction of a two-story addition to a 961 sq. ft. one-story single-family residence, resulting in a two-story, 25-foot high, 3,083 sq. ft. single-family residence with an attached two-car garage at 2334 Frey Avenue, 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 2017-4130 approves the construction of a two-story addition to a 961 sq. ft. one-story single-family residence, resulting in a two-story, 25-foot high, 3,083 sq. ft. single-family residence with an attached two-car garage. Staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds on which Appeal A-5-VEN-18-0066 has been filed because the project as proposed is consistent with the policies of Chapter 3 of the Coastal Act.

The appellant has brought forward this appeal on the grounds that the City-approved project does not comply with Coastal Act requirements concerning development that constitutes a “remodel” within the Venice Coastal Zone. The appellant also asserts that the City approval violates Section 30625(c) of the Coastal Act, which states that Commission decisions “shall guide local governments or port governing bodies in their future actions under this division.” The appellant’s third contention is that the City-approved project was mischaracterized as a “remodel” in order to avoid bringing the remodeled residence into compliance with current City setback requirements. The appellant’s final contention is that the retention of the currently non-conforming side and rear yard setbacks harms the community character of the area.

First, the Coastal Act does not define the term “remodel,” although the Coastal Commission has distinguished between minor remodels and major remodels when determining whether or not to exempt a project from permit requirements. The certified Venice LUP, which is not the standard of review for this project but provides guidance, defines a “remodel” as an improvement to an existing structure in which no more than 50 percent of the exterior walls are removed or replaced. The City-approved project proposes an addition to the existing home’s first-floor and a second-story addition, while retaining 56 percent of the exterior walls of the existing single-family residence. Because more than 50 percent of the exterior walls of the existing residence will be retained, the City-approved project may be characterized as a remodel.

Second, the appellant’s contentions regarding Section 30625(c) of the Coastal Act are misplaced, as this provision of the Act is not contained in Chapter 3 of the Coastal Act and, therefore, is not the standard of review for this appeal. In addition, the prior Commission decision invoked by the appellant involved an appeal of a City-approved *exemption* from the Coastal Act for additions to a single-family residence located in Venice; whereas, this appeal is of a project that received a CDP from the City.

Third, the appellant alleges that the project’s characterization of the project as a remodel allowed the City to maintain side and rear-yard setbacks that do not comply with the City’s zoning code. LUP policy I.E.5 states that projects that involve an “extensive renovation” or a “major addition” to an existing nonconforming structure must bring the nonconforming structure into compliance with the current standards of the LCP. Here, however, the City’s setback requirements are contained in the City’s zoning code, which has not been certified by the Commission, is not a component of the certified Venice LUP, and, therefore, is not the standard of review for this appeal.

Fourth, the City’s characterization of the project as a “remodel”—and authorization of setbacks that do not conform to the City’s zoning code—does not have any practical or adverse impacts on

coastal resources, including the character of the community in which the development is located. The existing non-conforming setbacks for the property do not deviate significantly from the current requirements of the City's zoning code, will not have a significant effect on the overall massing of the remodeled building, and do not affect any sensitive coastal resources.

Finally, the City-approved project is consistent with the certified LUP with regard to the required density (one residential unit), the 25-foot height limit, and the roof access structure requirements (area and height). As such, the City-approved project is consistent with the community character policies of the Coastal Act, as well as the development standards set forth in the certified Venice LUP.

Therefore, staff recommends the Commission find that the appeal does not raise a substantial issue with regard to the project's conformity with the Chapter 3 policies of the Coastal Act. The motion to carry out the staff recommendation is on page 5 of this staff report.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-18-0066 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-17-0066 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. APPELLANT’S CONTENTIONS

The appellant has filed this appeal on the grounds that the City-approved project does not meet Coastal Act requirements regarding development that constitutes a “remodel” within the Venice Coastal Zone. The appellant asserts that the City approval violates Section 30625(c) of the Coastal Act, which states that: “Decisions of the commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.” The appellant further alleges that the City-approved project follows a pattern of redevelopment projects approved as remodels that allow applicants to avoid bringing new developments into compliance with current setback requirements for new development in the City’s zoning code.

III. LOCAL GOVERNMENT ACTION

On September 13, 2017 the applicant filed a CDP application with the City of Los Angeles Planning Department. The proposed project included the renovation and second-story addition to an existing one-story single-family residence, new roof deck, and roof access structure, with 56 percent of the existing walls retained.

The City held a public hearing for the project on May 7, 2018. During the local hearing, Richard Stanger, Judy Esposito, Frank Defurio, Stacy Fong, and Robin Rudisill spoke in opposition of the project. The applicant’s agent, Patrick Winters, stated that the project received a Venice Specific Plan signoff and an approval from the Venice Neighborhood Council (VNC).

On July 12, 2018, the City Planning and Zoning Administrator approved Local CDP DIR-2017-4130 for the remodel and addition to an existing one-story 961 sq. ft. single-family dwelling resulting in a two-story, 3,083 sq. ft. single-family dwelling with a roof deck and an attached two-

car garage ([Exhibit 3](#)). Richard Stanger filed an appeal with the City in response to the City’s approval of the local CDP. On September 14, 2018, the City upheld the original determination to issue a CDP for the project.

On September 24, 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. Richard Stanger submitted an appeal on October 15, 2018, within the 20 working-day appeal period ([Exhibit 4](#)). No other appeals were received before the end of the Commission’s appeal period on October 15, 2018.

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 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 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 that receives a local CDP permit must 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*. The 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 a remodel and addition to an existing one-story, 961 sq. ft. single-family residence, including a 434 sq. ft. addition on the first floor, a new 1,671 sq. ft. second story that would reach a height of 25 ft., and a new roof-top deck. The rooftop deck would have a 100 sq. ft. roof access structure that extends nine feet above the roof level ([Exhibit 2](#)). The project is adequately parked, with two vehicle parking spaces located in an attached garage and a third vehicle space located adjacent to the garage.

The project site is a 3,603 sq. ft., rectangular-shaped lot that is located within the Silver Triangle subarea of Venice, a community located within the City of Los Angeles. The lot is zoned R1 by the

City of Los Angeles Zoning Code and Low Residential by the certified Venice LUP. The project site is located along a street that is lined with one-story and two-story single-family residences and is approximately 0.6 miles inland from the beach 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).

Section 30251 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.

A “remodel” is defined in the Venice LUP as follows:

Remodel: *In the coastal zone, a remodel is an improvement to an existing structure in which no more than fifty percent (50%) of the exterior walls are removed or replaced.*

Policy I.A.1 of the Venice LUP states, in relevant part:

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; and,*
- iv. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).*

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

Preserve Stable Single-Family Residential Neighborhoods. *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. A second residential unit or an accessory living quarter may be permitted on lots designated for single-family residence land uses, provided that the lot has a minimum lot area of 4,600 square feet in the Venice Canals subarea, or 10,000 square feet in the Silver Strand, Southeast Venice, or Oxford Triangle subareas, and all units conform*

to the height limit, parking requirements, and other development standards applicable to the site.

Policy I.A.3 of the Venice LUP states:

Southeast Venice and the Oxford Triangle

Use: Single-family dwelling / one unit per lot

Density: One unit per 5,000 square feet of lot area

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. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16)

The appellant alleges that the applicant has mischaracterized a new development project as a remodel in order to avoid conforming to the City’s setback requirements. According to the appellant, the mischaracterization allows the applicant to maintain the current nonconforming side and rear setbacks, which would compromise the mass, scale, and character of the surrounding neighborhood. The appeal contends that the remodel designation avoids the City’s Baseline Mansionization Ordinance (BMO) requirements to mitigate the visual impacts of very large homes.

The Coastal Act does not explicitly define a “remodel.” In practice, the Commission has made distinctions between minor remodels and major remodels when determining whether or not a project may be considered an exempt “improvement” to a single family residence, under Coastal Act section 30610(a). The certified Venice LUP defines a remodel as an improvement to an existing structure in which no more than 50 percent of the exterior walls are removed or replaced. This definition does not distinguish between minor and major remodels.

The City-approved project proposes to retain 56 percent of the exterior walls. The project plans indicate that the exterior walls on the north side of the building (approximately 44 percent of the structure) will be demolished to accommodate a 434 sq. ft. first-floor addition and the second story addition. Because more than 50 percent of the exterior walls of the existing residence will be retained, the City-approved project may be characterized as a “remodel,” using the guidance provided in the LUP.

The appellant points out that the BMO definition of a “remodel” also requires at least 50 percent of the existing roof to be retained. However, the standard of review on appeal is the Chapter 3 policies of the Coastal Act (with the certified LUP providing guidance). Municipal ordinances, such as the City’s BMO, are not contained in Chapter 3 of the Coastal Act or the certified LUP for Venice. Because the City-approved project meets the LUP’s definition of a remodel, the City did not err in its classification of the project as a remodel. Therefore, the appellant’s contention that the project was incorrectly classified as a remodel does not raise a substantial issue.

The appellant further asserts that the project violates Coastal Act Section 30625(c) because the permit issuance for a remodel does not follow past Commission action with regard to approving remodels. The primary Commission action referenced in the appeal is a Commission finding of substantial issue for a City-issued exemption for a remodel at 2405 Boone Avenue. In that case, the project involved the addition of a second story to an existing one-story single-family residence. The staff report stated that second story additions do not qualify for exemptions because a substantial amount of additional construction is required to support the new level. The 2405 Boone Avenue case does not support the appellant's contention because it simply stands for the proposition that a remodel involving a substantial amount of additional construction is not exempt from permitting requirements. Here, the applicant sought and the City granted, a CDP for the proposed development. The appellant has not provided sufficient evidence to demonstrate that the City's approval does not follow past Commission actions in Venice with regard to approving remodels. In any case, Section 30625(c) is not a Chapter 3 policy, and is therefore not the standard of review for determining whether an appeal raises a substantial issue. Therefore, the appellant's contention does not raise a substantial issue.

The appellant alleges that the project was mischaracterized as a remodel in order to avoid having to conform to the City's setback requirements. LUP policy I.E.5 (stated above) states that projects that involve an "extensive renovation" or a "major addition" to an existing nonconforming structure must bring the nonconforming structure into compliance with the current standards of the LCP (or in this case, the certified LUP, as Venice does not have a certified LCP). Under Policy I.E.5, the structure may need to be brought into conformance with the LUP standards due to the extent of remodeling, which includes a second-story addition. However, the City's setback requirements are not included in the certified LUP's development standards (nor are they contained in Chapter 3 of the Coastal Act). Applicable side and rear yard setback requirements instead are contained in the City's zoning code, which has not been adopted as part of the LUP or certified by the Commission. Thus, whether the City inappropriately characterized the project as a remodel to avoid imposing setbacks required by its uncertified zoning code does not raise a substantial issue as to conformity with Chapter 3 of the Coastal Act.

The appellant also contends that the City's approval of the project as a "remodel" has adverse impacts on the community character of the surrounding area. The appellant emphasizes that the Silver Triangle neighborhood (in which the project site is located) is one of only two R-1 (low density residential) zoned neighborhoods in Venice and should therefore be protected. The appellant has raised concern with the nonconforming side yard and rear yard setbacks of the existing residence, asserting that maintaining the same nonconforming setbacks for a substantially larger residence intrudes on neighboring residences.

While the City's zoning code (including the City's setback requirements) is not the standard of review on appeal, the Commission has, in the past, used City setback requirements as guidance when determining consistency with the community character policies of the Coastal Act. The existing residence has two nonconforming setbacks that will be retained after the City-approved project is complete. The south side yard is currently set back 3 ft. 9 in. instead of the minimum 4 ft. side yard setback required by the City's zoning code, a difference of three inches. The rear yard is setback 12 ft. instead of the 15 ft. rear yard setback required by the City's zoning code, a difference of three feet. The proposed project maintains the current (non-conforming) setbacks for the first-

floor portion of the existing residence. The first-floor addition on the north side of the residence would adhere to the side and rear-yard setbacks required by the City's zoning code. The project plans indicate that the applicant is applying for a modification to align the second-story addition setback on the south side of the building to the existing first-floor (non-conforming) setback (**Exhibit 2**). The nonconforming setbacks are only marginally shorter than the setbacks required by the City's zoning code (the side setback in particular is nonconforming by only three inches.). The proposed additions are not designed to be any more non-conforming than the existing setbacks. The non-conforming setbacks will also not have a significant effect on the overall massing of the remodeled building. The second story addition will be set back four feet from the front setback line, which would serve to reduce the massing of the structure. Furthermore, there are no sensitive coastal resources that will be affected by retaining the currently nonconforming side and rear setbacks.

The block along which the project is located consists of a mix of one-story and two-story single-family residences that range in size between 800 sq. ft. and 2,900 sq. ft. The residences reflect both traditional and modern architectural styles. The proposed remodel would result in a 25-foot high, 2-story, 3,083 sq. ft. single-family residence with a modern design. The front setback of the second-story addition will be set back four feet to reduce the overall massing of the building. Overall, the proposed bulk and scale of the remodeled residence would be consistent with the bulk and scale of the other two-story residences along the block. The City-approved project would also be consistent with the certified LUP with regard to the required density (one residential unit), the 25-foot height limit, and the roof access structure requirements (area and height). As such, the City-approved project is consistent with the community character policies of the Coastal Act, as well as the development standards set forth in the certified Venice LUP. Therefore, the maintenance of the side and rear yard setbacks does not raise a substantial issue with regard to the community character policies found in Chapter 3 of the Coastal Act.

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 City of Los Angeles' decision that the proposed remodel and addition to the single-family residence is consistent with Chapter 3 of the Coastal Act and the certified LUP for Venice, which provides guidance. The appellant has failed to demonstrate that the City erred in its application of these policies. Therefore, the first factor weighs in favor of finding no substantial issue in this case.

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 City of Los Angeles is appropriate for the project's location and intent. The project proposes to remodel a single-family residence and construct a new second-story to an existing single-story residence. The proposed development maintains one residential unit and is consistent with the City's R-1 (single-family

residential) zone and the LUP's low-density residential classification, as well as the LUP's development standards. The project does involve partial demolition, but more than 50 percent of the existing exterior walls will be retained. In any case, the City approved a CDP for the project, not an exemption. The project is consistent with the character of the surrounding neighborhood. Thus, the second factor weighs in favor of finding no substantial issue.

The third factor is the significance of the coastal resources affected by the decision. The project site is located approximately 0.6 miles inland of the beach in a highly developed neighborhood. While community character is an important coastal resource, the appellant failed to demonstrate how the City-approved project is inconsistent with the community character of the area. Furthermore, the City found the project to be consistent with the Coastal Act Chapter 3 policies with regard to public access and community character. Therefore, the third factor weighs in favor of finding no substantial issue.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The Certified Venice LUP defines a remodel as "an improvement to an existing structure in which no more than fifty percent (50 percent) of the exterior walls are removed or replaced." As stated earlier, the City-approved project proposes to maintain 56 percent of the exterior walls. The project is therefore consistent with the LUP's definition of a remodel. The Coastal Commission does not define a remodel, but past Commission action has distinguished between a minor remodel and a major remodel for the purposes determining whether development was exempt from CDP requirements. Because the project received a CDP and not an exemption, the distinction is not relevant in this case. Therefore, the City-approved project will not prejudice the ability of the City to develop a LCP for the Venice section of the City of Los Angeles. The fourth factor, therefore, weighs in favor of finding no substantial issue.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. The protection of community character is of local, regional, and statewide significance, but the project's impact on community character is not significant here. In this case, a 951 sq. ft. single-family residence is undergoing a partial demolition, remodel, and addition that will result in a 3,083 sq. ft. single-family residence. The project is consistent with the community character of the area, as described above. Therefore, the fifth factor weighs in favor of finding no substantial issue.

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.

APPENDICES

Appendix A - Substantive File Documents

Los Angeles Department of City Planning: Director's Determination for Coastal Development Permit no. DIR-2016-4130-CDP-MEL, July 12, 2018