

CALIFORNIA COASTAL COMMISSION

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 Staff Report: 7/27/18
 Hearing Date: 8/9/18

STAFF REPORT: APPEAL –NO SUBSTANTIAL ISSUE

Appeal No.: **A-5-VEN-18-0038**

Applicant: **Eduardo Avakian**

Agent: N/A

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Richard Stanger, Solé Weller, Edward Guiliani, RayMattson, Amanda & Charles Dorame, Fox & Jacqui Dorame, Gary Dorame, Stefany Arroyo, Ted Tannenbaum, Leon & Marianne Pogoler, Frank DeFurio, Judy Esposito, Frank Afshar, Carol Wood, Lucy Davis, Chris Foels, Lisa Masse, Luis Perez, Heather Flannery, Hannah Clemens, Mary Cross, Linda Martinek, Leslie Geller, Kathryn Diaz, Mathew Schildkret, Todd Meshner, David Solomon, Stacy Fong, Leighton Tsai, Tiffany Comandatore, Terry Sidell, Lance Ehrenberg, Lisa Farr-Johnstone, Tom Johnstone, Clay Boss, Laura Clu, Johnnie Blankenship, Anne Mullins, Chris Van Buren, Charlotte Prestana, Richard Hunter, Anna Lee, Tansy Myer, Nika Cavat, Aurora Hoffman, Miles Lewis, Janna Jones, Patty LaVigne, Pamela Harbour, Tom O'Connor, Juniper Tedhams

Location: 2433 Wilson Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4228010016)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2017-1854-CDP-MEL approved with conditions for the demolition of a 1,099 sq. ft., 18' high, 1-story single-family dwelling, and the construction of a 2,811 sq. ft., 24.5' high, 2-story single-family dwelling with an attached 2-car garage and roof deck.

Staff Recommendation: NO SUBSTANTIAL ISSUE

IMPORTANT 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), or those who, for good cause, were unable to oppose the application before the local government, 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

Staff is recommending that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The motion to carry out the staff recommendation is on page 4.

The primary grounds raised by the appellants are that the City-approved 2,811 sq. ft., two-story structure is not compatible with the other residences in the Southeast Venice neighborhood, a majority of which are one-story structures. The appellant further contends that the City's analysis of compatibility is misleading because building height alone does not account for the visual mass of a 3,000 sq. ft. two-story structure versus a 1,600 sq. ft. two-story structure, for example. The appellant submitted a streetscape analysis arguing that the City-approved project is 2.3 times that average home size within the block. The appellants also argue that the City erred in its issuance of the local CDP because the City's list of applicable Coastal Commission decisions utilized by the City are different than the current project (i.e. administrative actions, multi-family residential zone versus CDP's, single-family residential zones) and thus, did not properly consider the Commission's guidance pursuant to Section 30625 (c) of the Coastal Act. Additionally, the appellants contend that the City-approved project will effectively prejudice the ability for the City to prepare a Local Coastal Program (LCP) and thus, cause significant adverse impacts on coastal resources inconsistent with Sections 30250, 30251, and 30253 (e) of the Coastal Act.

Staff has analyzed the appellants' contentions against the City's actions and concluded that the City correctly reviewed the proposed front yard setback, building height, and building area for compatibility with the mass and scale of the surrounding development and visual impacts to pedestrians. Heights of houses within the 2300-2400 Wilson Avenue block range from approximately 15 feet to 30 feet. Floor areas vary from 700 sq. ft. to 3242 sq. ft. The proposed structure is similar to several other houses on the street (See Table 1 on Page 12). Although the City-approved project is larger than the average home size within the block, the Commission refers to the surrounding area instead of only the block. In this case, the proposed home is no taller than many of the other residences on the block and surrounding area, and utilizes the prevailing front yard setback of 17 feet to limit the visual mass of the structure as observed from Wilson Avenue. In addition, Section 30625(c) states that "*Decisions of the Commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.*" The City-approved project is similar to other Commission actions in this neighborhood for two-story residences (Appeal Nos. A-5-VEN-17-0016 (Korchia – 2325 Wilson Ave); A-5-VEN-17-0036 (Messori – 2318 Clement Ave)). In addition, Section 30625(c) is not a valid ground for appeal

because the standard of review for appeals is Chapter 3 policies of the Coastal Act. Finally, the project will not prejudice the City's ability to prepare a LCP because the project is compatible with the mass and scale of the existing residential neighborhood.

Therefore, for the reasons stated above, the appeal does not raise a substantial issue as to the City-approved development's compatibility with community character in the Southeast Venice subarea, and is consistent with the policies in the certified Venice Land Use Plan ("LUP") that is in conformity with Sections 30250, 30251 and 30253(e) of the Coastal Act.

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Appendix A – Venice Community Land Use Plan, certified June 14, 2001

Appendix B – Appeal No. A-5-VEN-17-0016 (Korchia – 2325 Wilson Avenue)

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Appeals, 6/6/18 and 7/10/18](#)

[Exhibit 4 – City Determination Letter, 4/23/18 and Revised Determination, 5/29/18](#)

[Exhibit 5 – Project Renderings](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-18-0038 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 a finding of No Substantial Issues 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 affirmative vote of a majority of the Commissioners present.

Resolution:

*The Commission hereby finds that **Appeal No. A-5-VEN-18-0038** 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

On June 6, 2018 and July 10, 2018, an appeal of City-issued Coastal Development Permit No. DIR-2017-1854-CDP-MEL was filed by Richard Stanger, *et al.* ([Exhibit 3](#)). The appellants contend that the proposed mass and scale is not compatible with the existing neighborhood, a majority of which are one-story structures. The appellants further contend that the City's analysis of compatibility is misleading because height does not account for the visual mass of a 3,000 sq. ft. two-story structure versus a 1,600 sq. ft. two-story structure, for example. The appellants submitted a streetscape analysis arguing that the City-approved project is 2.3 times that of the average home size within the block. The appellants also argue that the City erred in its issuance of the local CDP because the City did not properly follow the guidance of past Commission-approved projects pursuant to Section 30625 (c) of the Coastal Act. Additionally, the appellants allege that the City-approved project will effectively prejudice the ability of the City to prepare a Local Coastal Program (LCP) and thus, cause significant adverse impacts on coastal resources inconsistent with Sections 30250, 30251, and 30253 (e) of the Coastal Act.

III. LOCAL GOVERNMENT ACTION

On May 9, 2017, the City of Los Angeles Department of City Planning received an application for a new 2-story, 3,507 sq. ft. residence with 3 parking spaces (2-space covered garage) and roof deck. On October 3, 2017, a Mello Act determination was made by the Los Angeles Housing and Community Investment Department for the subject site and concluded that no affordable units exist. In addition, the City determined that the proposed project is categorically exempt (ENV-2017-1855-CE) and does not require mitigation or monitoring measures pursuant to the California Environmental Quality Act (CEQA) requirements.

On April 23, 2018, the City of Los Angeles Director of Planning approved a local coastal development permit allowing the demolition of a single-family residence and construction of a 2,811 sq. ft. single-family residence in the Southeast subarea of the Venice community ([Exhibit 4](#)). The City noticed this decision as final and notified the Commission. However, the City did not properly notify the appellants and interested parties of its action. In response, the City notified the appellants and Commission staff of a revised letter of determination with an updated approval date, May 29, 2018 ([Exhibit 4](#)). The findings and project description remain the same as the City's original April 23, 2018 determination.

The Commission's South Coast District Office received the City's first Notice of Final Action on May 11, 2018, and the Commission's twenty working-day appeal period was established. On June 6, 2018, the appeal was filed by Richard Stanger, the primary appellant for the City-approved Local CDP. The first appeal was filed within the Commission's original twenty working-day period and is valid. On June 13, 2018, the Commission staff notified the City and the applicant of the first appeal. No other appeals were received prior to the end of the first appeal period on June 11, 2018. However, due to the City's noticing issue, a second Notice of Final Action was received on June 13, 2018 for the City's revised letter of determination. Based on the receipt of the City's revised Notice of Final Action, the Commission established a second twenty working-day appeal period. A second appeal was filed by Richard Stanger as well as a number of other appellants for the same project and was received in the South Coast District office on July 10, 2018. The second appeal was filed within the twenty-working day period ending on July 13, 2018 and is valid. The second July 10th appeal contains the same contentions expressed in the first June 6th appeal submitted by the same primary appellant (Richard Stanger). No other appeals were received prior to the end of the appeal period on July 12, 2018, 5:00pm.

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 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 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, are typically given 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 PERMIT JURISDICTION AREAS

Section 30601 of the Coastal Act provides details regarding the geographic areas where applicants must also obtain a coastal development permit from the Commission in addition to obtaining a local coastal development permit from the City (e.g., within three hundred feet of the beach or sea, or within one hundred feet of a stream). These areas are considered Dual Permit Jurisdiction areas. Coastal zone areas inland of the Dual Permit Jurisdiction areas are considered Single Permit Jurisdiction areas. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has been granted the authority to approve or deny coastal development permits in both jurisdictions, but all of the City’s actions are appealable to the Commission. The proposed project site is located within the *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The subject site is located 0.67 miles from the beach and 0.33 miles from the Venice Canals in the Southeast subarea of the Venice community. The site is zoned R1-1 and designated as Single-Family Dwelling – Low Density by the certified Venice LUP, which allows one unit per lot ([Exhibit 1](#)). A mix of one- to two-story single-family dwellings with varied/ flat rooflines characterizes the neighborhood on Wilson Avenue. The 3,600 sq. ft. lot is located at the corner of Wilson Avenue and Harbor Street, which is adjacent to two-story condominiums of the Del Rey colony. The flat, rectangular corner lot is currently developed with a one-story, 1,099 sq. ft., single-family residence with a detached garage accessed from Harbor Street. The existing structures were built in 1957; however, according to City findings, no historic resources or potentially historic structures have been identified on site.

The project, according to the City-approved plans ([Exhibit 2](#)), is for the demolition of the existing structures and construction of a two-story, 24.5-foot high, 2,811 sq. ft. single-family dwelling with an attached 336 sq. ft. two-car garage and a roof deck. Three on-site parking spaces (two covered and one uncovered) will be provided and accessed through the rear alley with no proposed curb cuts. The front yard setback is 17 feet, the rear yard setback is 15 feet, and the side yard setbacks are 4.3 feet from the property lines. The City-approved project observes appropriate setback, height, and yard requirements in the City’s Municipal Code and the certified Venice LUP.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUES 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 the grounds on which an appeal has been filed pursuant to Section 30602 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

Coastal Act Section 30250 Location; existing developed area states, in part:

New residential... 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... on coastal resources.

Coastal Act Section 30251 Scenic and visual qualities 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.

Coastal Act Section 30253(e) Minimization of Adverse Impacts, states:

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

The appellants contend that the City-approved structure is not compatible with the majority of one-story structures within the Southeast subarea of the Venice community. The appellants further argue that the project will cause cumulative impacts which will change the social fabric of the neighborhood that the Coastal Act and Venice certified- Land Use Plan (“LUP”) are intended to protect and hence, is not consistent with Sections 30250, 30251, and 30253(e) of the Coastal Act.

The Venice area, a once-booming resort town and oil-producing community, experiences constant cultural and economic changes. The eclectic seaside resort – known for its entrenched history in underground arts, beach athletics, and skating culture – attracts tens of thousands of visitors per day¹. In the turn of the 21st century, the popularity of the internet startups and technology booms has led to an influx of ‘Silicon Valley’ investors that are changing the character of Venice, particularly in residential neighborhoods. The character of Venice and its residential neighborhoods has been a subject of public debate for many years.

¹City of Los Angeles, Department of Recreation and Parks. 2016. <https://www.laparks.org/venice>.

Thus, 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. Moreover, the essence of pedestrian scale was to discourage lot consolidations and higher density in existing single-family residential neighborhoods thereby “[maintaining] the character and density of these stable single-family neighborhoods consistent with the objectives of the State Coastal Act and the City’s General Plan” (Policy I.A.2).

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(e) 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. 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 30250, 30251, and 30253(e) of the Coastal Act.

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

Venice Certified Land Use Plan Policy I.A.1. Residential Development, 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. Refer to Policies II.C.10 for development standards for walk streets and to Policies II.A.3 and 4 for parking requirements.

Venice Certified Land Use Plan Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods, states:

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.

Venice Certified Land Use Plan Policy I. A. 3. Single-Family Dwelling - Low Density, states:

Accommodate the development of single-family dwelling units in areas designated as “Single-family Residential” and “Low Density” on the Venice Coastal Land Use Plan. (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

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).

Venice Certified Land Use 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.

Venice Certified Land Use Plan Policy I. E. 2. Scale, states in part:

New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.

Venice Certified Land Use 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.

The appellants contend that the City-approved project's mass and scale are incompatible with the existing neighborhood, a majority of which are one-story structures. The appellant further contends that the City's analysis of height is misleading because height does not account for the visual mass of a 3,000 sq. ft. two-story structure versus a 1,600 sq. ft. two-story structure, for example. The appellant submitted a streetscape analysis arguing that the City-approved project is 2.3 times that average home size within the block.

Two-story residences, which are common throughout Venice, are the overwhelming preference for permit applicants in the Southeast subarea of Venice², whereas three-story buildings are generally too big to conform to the existing character and scale of the subarea. Also, certified LUP Policy I.

² One-story buildings on small lots (like in Venice) are generally less economical to build and sell than a typical two-story building simply because of the difference in square footage and the demand for more living space in today's real estate market. Owners can utilize more floor area on a certain lot size with more than a single floor level, and it is generally more expensive to expand a house footprint outward rather than upward. This is because the most expensive aspects of a structure, the foundation and the roof, can have a smaller footprint if you have two floors versus the same square footage all on one floor. Houseopedia, LLC. 2018. "One-story Versus Two-story Homes". <https://www.houseopedia.com/one-story-versus-two-story-homes>.

E.3 states that, “*varied styles of architecture are encouraged...*” This policy encourages a variety of styles and discourages focus on subjective judgments about what architectural style is preferred. Instead, the Commission uses height limits and setback requirements to limit the size and scale of new structures so that they are compatible with the character with the surrounding area.

Furthermore, in order to determine whether or not a proposed project is compatible with 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 mass and scale for a specific project in a specific area. Staff compiled information of the existing scale of the residences fronting Wilson Avenue from the applicant, the appellants, Commission records, and City records (ZIMAS and NavigateLA) in order to compare the proposed project to the neighborhood. See Table 1 below for a comparison of the sizes of the homes on Wilson Avenue.

Table 1. Scale and Mass of 2300-2400 Wilson Avenue on 3,600 sq. ft. lots.

Address	Stories	Height (Ft)	Building Area (sq. ft.)	W i l s o n	Address	Stories	Height (Ft)	Building Area (sq. ft.)	
2325 Wilson ³	2	24*	3400						
2329 Wilson	2	23.9	3242			2334 Wilson	1	16.7	1050
2337 Wilson	2	25*	3005			2340 Wilson	1	16.9	1012
2341 Wilson	2	25*	2970			2344 Wilson	1	17	753
2345 Wilson	1	14.8	832			2348 Wilson	1	17.8	930
O l i v e A v e n u e									
Address	Stories	Height (Ft)	Building Area (sq. ft.)	A v e n u e	Address	Stories	Height (Ft)	Building Area (sq. ft.)	
2405 Wilson	2	27.9	2748			2404 Wilson	1	15	832
2409 Wilson	2	25	2499			2408 Wilson	2	14.8	1966
2413 Wilson	2	25*	3196			2412 Wilson	1	18.1	1014
2417 Wilson	1	16.7	930			2416 Wilson	1	17.6	700
2421 Wilson	1	16.9	1238			2420 Wilson	2	30*	2993
2425 Wilson	1	17.6	930			2424 Wilson	1	16.3	1776
2429 Wilson	2	26.6*	2870			2428 Wilson	1	16.4	930
2433 Wilson (subject site)	2	24.5	2811			2432 Wilson	1	17.7	930

*Height is roof height, not including roof access structures.

Wilson Avenue is two blocks long. Of the 25 lots on Wilson Avenue, 9 lots contain two-story structures and 15 contain one-story structures, not including the subject site. A majority of the homes in this area were built in the 1950s. Renovations occurred in the late 1990s and early 2000s for some of the larger, 2-story homes. In addition, many of the residences, which the appellant contends the project should be consistent with, were built several decades ago and are typically much smaller than homes built by today’s standards. Homes built since the 1970s are usually much

³ 2325 Wilson is a lot size of approximately 4800 sq. ft. (Appeal No. A-5-VEN-17-0016 (Korchia) – No Substantial Issue found). 2334 Wilson is a lot size of approximately 3322 sq. ft. The two lots are trapezoidal shaped and are adjacent to Mildred Avenue.

larger than the ones they replace⁴. Heights of houses within this area range from approximately 15 feet at 2408 Wilson Ave to 30 feet at 2420 Wilson Ave. Floor areas vary from 700 sq. ft. to 3242 sq. ft. The proposed project is a 24.5-foot high, two-story building with a floor area of approximately 2,811 sq. ft. The range in size of the houses reinforces the eclectic character and “*varied style*” of the residences throughout Venice. In addition, homes within the Silver Triangle Neighborhood, the larger neighborhood of the proposed project, range from a floor area of 600 sq. ft. to 3400 sq. ft. and with a height range of 9 feet to 35 feet.

In this case, the applicant will maintain the prevailing front yard setback of 17 feet, and the proposed structure is two-stories with a 24.5-foot high roofline, which is similar in size to several other houses on the street. The proposed height as observed from Wilson Avenue is more than five feet under the maximum height limit and is consistent with the existing character of the area. Although the City-approved project is larger than the average home size within the block, the proposed home is only two stories and no taller than many of the other residences on the block, and is substantially set back from the street to limit the visual mass of the structure as observed from Wilson Avenue. Furthermore, the project is located adjacent to an existing two-story residence (north) and multi-level condominiums and apartment complexes across the intersection of Harbor Street and Wilson Avenue (south). The City’s findings support the project’s conformity to the character of the surrounding area utilizing Venice LUP policies and its consistency with the Coastal Act. Due to the prevailing setbacks, heights, floor areas, varied rooflines, and articulated frontages of buildings within the 2300-2400 Wilson Avenue block and surrounding area, the project is compatible with the visual characteristics of the neighborhood.

In regards to the appellant’s contention of incompatible mass and scale, the City and Commission staff are both guided by the certified LUP and past Commission actions, utilizing streetscape analyses, plans, project renderings and street-facing façades of surrounding structures to look for visual compatibility with neighborhood character. The proposed project maintains visual compatibility by not exceeding the height limit and articulating the front façade such as the approximately 5 feet indentation for the second story balcony ([Exhibit 5](#)). For lots within the R1 zoned areas, Section 12.08 of the City of Los Angeles Municipal Code requires front yard setbacks to be 20 percent of the lot depth (in this case, the lot depth is 90 feet), but no more than 20 feet, and not less than the prevailing setback. For this particular lot, the City’s zoning code requires an 18 foot setback. Although the certified LUP does not mandate a specific length for each setback, the LUP 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.*” The size of yards is one objective that the Commission uses to determine visual compatibility with surrounding development. As mentioned in the City findings, the project maintains the prevailing front yard setback of 17 feet, which is consistent with neighboring lots in the block and surrounding area. 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. It instead requires setbacks to accommodate open space and on-site recreational needs and for the setbacks to be consistent with the existing scale and character of the community. In this case, this standard is met because the setback is compatible with the existing front yard setbacks of neighboring lots. Furthermore, the City-approved project includes landscaped areas, exterior decks,

⁴ National Public Radio. July 4, 2006. “Behind the Ever- Expanding American Dream House”.
<https://www.npr.org/templates/story/story.php?storyId=5525283>.

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 residents in both the front and back yards.

In addition, the appellants further contend that because the property is located in a Residential Low designated area, the proposed home should not be built to the maximum allowable limits. The property's land use designation relates to the number of units that can be permitted on the lot. In this case, because the proposed project is for construction of a single-family residence, the City appropriately found it to be consistent with the density requirements of one unit per lot pursuant to Policy I.A.3 and "*respect[s] the scale, massing, and landscape of existing residential neighborhoods*" (Policy I.E.2).

The appellants also allege that the City erred in its issuance of the local CDP because the City's list of applicable Coastal Commission decisions utilized by the City were processed differently than the current project (i.e. administrative actions, multi-family residential zone versus CDP's, single-family residential zones) and thus, did not properly consider the Commission's guidance pursuant to Section 30625 (c) of the Coastal Act. The appellants further argue that the City-approved project will cause significant adverse impacts on coastal resources inconsistent with the Coastal Act; and this will further prejudice the City's ability to prepare a LCP in the future. This project, as approved by the City, will not prejudice the ability of the City to prepare a LCP because it is compatible with the surrounding residential neighborhood.

Furthermore, Section 30625(c) states that, "*Decisions of the Commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.*" Section 30625 (c) of the Coastal Act refers to past decisions of the Commission which are utilized to guide local government in its authority for approving projects for consistency with the Chapter 3 policies of the Coastal Act. Each project before the Commission is analyzed on a case-by-case basis. In this case, the City's decision is well-supported by evidence reviewed by the City, including records of past Commission and City actions supporting the City's findings as to the project's compatibility with the surrounding area. In addition, the City-approved project is similar to past Commission actions in the area for two-story single-family residences (Appeal Nos. A-5-VEN-17-0016 (Korchia – 2325 Wilson Ave); A-5-VEN-17-0036 (Messori – 2318 Clement Ave)). The City's findings pursuant to Section 30625(c) of the Coastal Act do not indicate that the City incorrectly utilized the Commission's prior decisions for approving the project, but is more so utilized as guidance. In addition, Section 30625(c) is not a standard of review because the standard of review for appeals is the Chapter 3 policies of the Coastal Act and thus, the appellants' contention as to the City's analysis of past Commission actions' consistency with Section 30625(c) of the Coastal Act is not a valid ground for appeal.

Therefore, the grounds on which the appellants' assertions are made raise no substantial issue because the City's findings support the project's compatibility with the character of the surrounding area utilizing Venice certified-LUP policies and are consistent with Chapter 3 of the Coastal Act.

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 meet the substantiality standard of Section 30625(b)(1), because the nature of the proposed project and the local government action are consistent with the 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 with the relevant provisions of the Coastal Act. As discussed above, the project complies with applicable height, land use, and density limits and setbacks and is comparable to houses in the area, as well as to other Venice projects recently approved by the Commission. As explained in the City's approval of the project, the relevant legal requirements, including Coastal Act Sections 30250, 30251, and 30253(e), the Venice certified-LUP, the Venice Specific Plan, the Los Angeles Municipal Code, and the Venice Community Plan, were all met in this case, providing ample support for the City's decision. The City's decision also is well-supported by evidence reviewed by the City, including City-approved plans and records of past Commission and City actions supporting the City's findings as to the project's visual compatibility with the surrounding area. In short, there is substantial factual and legal support for the City's determination that the project complies with the policies of Coastal Act Chapter 3, and this factor weighs in favor of finding No Substantial Issue.

The second factor is the extent and scope of the development as approved by the local government. As explained above, the extent and scope of the City-approved project—construction of a two-story single family home—is not extensive. Rather, the proposed development is consistent with all relevant legal limits on size, height and land use, is on par with residential developments in the area and, thus, preserves community character as required by the Coastal Act. The second factor weighs in favor of finding No Substantial Issue.

The third factor is the significance of the coastal resources affected by the decisions. The mass, scale, and character of the community are significant coastal resources to be protected. However, the proposed project's mass and scale is compatible with the character of the surrounding community within the Southeast Venice subarea, as explained above, and therefore causes no significant impacts to coastal resources. The third factor weighs in favor of finding No Substantial Issue.

The fourth factor is the precedential value of the local government's decisions for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified Land Use Plan (LUP). The approval of the proposed two-story single-family residence will not set a new precedent, since there have been several City and Coastal Commission actions approving similar-sized development that precede this decision. This project, as proposed, will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act. The fourth factor, thus, 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. Because Venice is a popular visitor destination, the character of the community is a matter of statewide significance. However, this appeal does not raise any significant local, regional or statewide issues because the project is visually compatible with the surrounding community whose eclectic and diverse architecture makes Venice a popular coastal destination. This project complies with all local requirements and state policies in which the City properly reviewed this project prior to issuing the coastal development permit and properly applied the relevant policies. In this case, the City properly issued a local CDP, and the City's approval does not raise issues of

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statewide significance because the interpretation and application of Coastal Act policies were properly utilized.

On balance, and for the reasons stated above, the five factors weigh in favor of finding No Substantial Issue with respect to Appeal No. A-5-VEN-18-0038. Although the Venice area where the project is proposed is a special community and popular destination for visitors, the project itself is small (involving construction of one single-family residence), is consistent with all applicable requirements for height, size, and land use, and is on par with other residential developments in the area. The appeal, therefore, raises no substantial issues as to the project's compliance with Sections 30250, 30251 and 30253(e) of the Coastal Act and the development policies in the Venice certified-LUP.

Appendices - Substantive File Documents

Appendix A – Venice Community Land Use Plan, certified June 14, 2001

Appendix B – Appeal No. A-5-VEN-17-0016 (Korchia – 2325 Wilson Avenue)