

CALIFORNIA COASTAL COMMISSION

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

**Th14a**

Filed: 6/6/18
 49th Working Day: 8/15/18
 Staff: D.Truong-LB
 Staff Report: 7/27/18
 Hearing Date: 8/9/18

STAFF REPORT: APPEAL –NO SUBSTANTIAL ISSUE

Appeal No.: A-5-VEN-18-0037

Applicant: 2416 Frey, LLC

Agent: Alicia Bartley, Esq.

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Richard Stanger, Tom Adams, Joan Wrede, Kate Huentelman & Solé Weller, Ted Tannenbaum, Frank Afshar, Kathryn Diaz & Mathew Schildkret, Cepy Bice, Linda Martinek, Carol Mortier, Stephen Czarnopys, Hazel Rojas, Victoria Sando, Tina Hale, Mararet Trabish, Oliver Hoffman, Charlie Oppel, Rashone Harmon, James Domino, Courtney Paulson, Saar Klein, Elaine Bouffard, June Doyle & Beatrice Drane, Pamela Harbour, Randy Newman, Carl Godlewski & Clarissa Pak, Richard Hunter, Tansy Myer, Edwin Miller, Robert Mitchell, Joe Hucke, Edward Giuliani, Angelina McClelland, Chris Foels, Lisa Masse, Brendan Gibbons, Mary Cross, Garret Ven den Bohm, Charmaine Soo, Mark Pulera, Elizabeth Foster, Georgean Garvey, Amy Schmeiderer, Natalie Parish, Clay Boss, Lisa & Tom Farr, Anne Mullins, Inta Rinkenberger, Matt DiNicola, Charles Shaw, Lisa Taub, Dan McNay, Gretchen Patch, Carol & Steve Berliner, F. Dominguez, Sean O'Connor, Tony Orlando, Judy Esposito, Sheryl Aubrey, Jude Epstein, Kim Bicia, Juniper Tedhams, Olivia Shores, Miri Koral, David Soloman, Stacy Fong & Leighton Tsai, Luke Lawson, Warren Adler, Molly Bendall, Ray Mattson, Gary Dorame, Leon & Marianne Pogoler, Frank DeFurio & Judy Esposito, Carol Wood, Joseph Flannery, Lynne Affleck, Janet Lent, Michael McGuffin, Terry Sidell, Charlotte Pestana, Betsey Kauffman, Michele Siravo, Jules Holdrun, Thomas Hooper, Jan McGowan, Sandy Eiges, Patricia LaVigne, Anna Lee

Location: 2416 Frey Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4228011004)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2016-2214-CDP-MEL-1A approved with conditions for the demolition of a 939 sq. ft., 17.5' high, 1-story single-family dwelling, and the construction of a 3,027 sq. ft., 29.5' high (to top of skylight), 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 3,027 sq. ft., two-story structure is not compatible with the other residences in the block and in the Southwest Venice neighborhood, a majority of which are one-story structures. The appellants also allege that the project and its cumulative impacts will change the social make-up of the neighborhood that the Coastal Act and Venice certified- LUP were intended to protect. The appellants further contend that the City's analysis of community character is misleading because the City-approved residence is not compatible with the visual mass and scale of the block that is designated Residential Low Density. The appellants submitted a streetscape analysis arguing that the City-approved project is 2.5-3 times the average home size within the 2400 block on Frey Avenue. 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 prejudice the ability for the City to prepare a Local Coastal Program (LCP) and 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 project's setbacks, 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 Frey Avenue block range from approximately 14 feet to 30 feet. Floor areas vary from 800 sq. ft. to 3050 sq. ft. The proposed structure is similar to several other houses in the block and surrounding area (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 24.3-foot tall home (with an architectural feature that extends a portion of the roof to 29.5 feet) is no taller than many of the other residences on the block and surrounding area, and utilizes the prevailing front yard setback of 14.3 feet to limit the visual mass of the structure as observed from Frey 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)), and is well-supported by evidence provided by records of past Commission and City actions.

Furthermore, 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. Additionally, 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, staff recommends that the Commission find that 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 in conformity with Sections 30250, 30251 and 30253(e) of the Coastal Act and the policies in the certified Venice Land Use Plan ("LUP").

TABLE OF CONTENTS

<u>I. MOTION AND RESOLUTION.....</u>	<u>5</u>
<u>II. APPELLANTS' CONTENTIONS.....</u>	<u>5</u>
<u>III. LOCAL GOVERNMENT ACTION.....</u>	<u>5</u>
<u>IV. APPEAL PROCEDURES.....</u>	<u>6</u>
<u>V. SINGLE PERMIT JURISDICTION AREAS.....</u>	<u>7</u>
<u>VI. FINDINGS AND DECLARATIONS.....</u>	<u>7</u>
A. PROJECT DESCRIPTION AND LOCATION.....	7
B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS.....	8
C. SUBSTANTIAL ISSUE ANALYSIS.....	8

APPENDICES – SUBSTANTIVE FILE DOCUMENTS..... 17

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 – Appeal, 6/6/18](#)

[Exhibit 4 – City Determination Letter, 11/1/17](#)

[Exhibit 5 – West Los Angeles Area Planning Commission Determination, 5/10/18](#)

[Exhibit 6 – Project renderings](#)

[Exhibit 7 – Agent submittal supporting No Substantial Issue, 7/16/18](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-18-0037 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-18-0037** 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, an appeal of the City-issued Coastal Development Permit No. DIR-2016-2214-CDP-MEL-1A was filed by Richard Stanger, *et al.* ([Exhibit 3](#)). The appellants contend that the City-approved 3,027 sq. ft., two-story structure is not compatible with the majority of one-story structures on the block and within the Southeast subarea of the Venice community, arguing that the project and their cumulative impacts will change the social make-up of the neighborhood that the Coastal Act and Venice certified- LUP were intended to protect. The appellants further contend that the City's analysis of community character is misleading because the City-approved residence is not compatible with the visual mass and scale of the block that is designated Residential Low Density. The appellants submitted a streetscape analysis arguing that the City-approved project is 2.5-3 times the average home size within the 2400 block on Frey Avenue. The appellants also argue that the City erred in their 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 contend that the City-approved project will 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.

III. LOCAL GOVERNMENT ACTION

On June 22, 2016, the City of Los Angeles Department of City Planning received an application for "the demolition of existing structure, new 3-bedroom single-family residence with garage, 2-stories, 3,026 sq. ft., in R1-1 zone". On April 19, 2017, the Los Angeles Housing and Community Investment Department issued a Mello Act determination for the subject site and concluded that no affordable units exist. In addition, the City determined that the proposed project is categorically

exempt (ENV-2016-2215-CE) and does not require mitigation or monitoring measures pursuant to the California Environmental Quality Act (CEQA) requirements.

On November 1, 2017, the City of Los Angeles Director of Planning approved a local coastal development permit (CDP) allowing the demolition of a single-family residence and construction of a 3,027 sq. ft. single-family residence in Southeast Venice ([Exhibit 4](#)). The Planning Director's determination was appealed to the West Los Angeles Area Planning Commission (WLAAPC), who issued a letter of determination on May 10, 2018 granting the appeal in part and sustaining the Planning Director's determination in part with modified conditions of approval and adopted findings ([Exhibit 5](#)). The project was modified by the applicant to remove a 97 sq. ft. roof access structure that had been proposed to extend above the second floor level.

The Commission's South Coast District Office received the City's Notice of Final Action on May 11, 2018, and the Commission's twenty working-day appeal period was established. On June 6, 2018, the appellants filed the appeal of the City-approved Local CDP. The appeal was filed within the Commission's twenty working-day period and is valid. On June 12, 2018, the Commission staff notified the City and the applicant of the appeal. No other appeals were received prior to the end of the appeal period on June 11, 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, 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 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 approximately 0.60 miles from the beach and 0.22 miles from the Venice Canals in the Southeast Venice subarea. The site is 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 Frey Avenue. The 3,600 sq. ft. lot is currently developed with a one-story, 939 sq. ft., single-family residence with attached garage accessed from Frey Avenue. The existing structure was built in 1951; 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 the demolition of the existing structure and construction of a two-story, 24.3-foot high (with an architectural feature that extends a portion of the roof to 29.5 feet), 3,027 sq. ft. single-family dwelling with an attached two-car garage and approximately 581 sq. ft. 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 prevailing front yard setback is 14.3 feet, the rear yard setback is 15 feet, and the side yard setbacks are 4 feet from the property lines. The City-approved project observes all of the 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... 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 3,027 sq. ft., two-story structure is not compatible with the majority of one-story structures on the block and within the Southeast subarea of the Venice community. The appellants further argue that the project will cause cumulative impacts which will change the social make-up of the neighborhood that the Coastal Act and Venice certified- LUP are intended to protect and hence, is not consistent with Coastal Act Sections 30250, 30251, and 30253(e). This will further prejudice the City's ability to prepare a LCP in the future.

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 continue to be a subject of public debate.

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 low-density, 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).

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

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 relevant 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 appellants further contend that the City's analysis of community character is misleading because the visual mass of a 3,000 sq. ft. two-story structure is significantly larger than a 1,600 sq. ft. two-story structure, for example. The appellant submitted a streetscape analysis arguing that the City-approved project is 2.5-3 times that average home size within the 2400 block on Frey Avenue.

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. 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, setback and density 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

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>.

specific area. Staff compiled information of the existing scale of the residences fronting Frey 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 Frey Avenue.

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

Address	Stories	Height (Ft)	Building Area (sq. ft.)	F r e y A v e	Address	Stories	Height (Ft)	Building Area (sq. ft.)
2313 Frey	2	29	2932			2314 Frey	1	20.4
2317 Frey	2	28.8	2934		2318 Frey	1	19.2	1135
2321 Frey	1	18.5	1074		2322 Frey	1	17.7	1029
2325 Frey	1	18.4	1168		2326 Frey	1	17.7	810
2329 Frey	2	25.8	1444		2330 Frey	1	17.1	800
2333 Frey	1	15.9	934		2334 Frey	1	17.8	961
2337 Frey	1	17.1	940		2338 Frey	1	16.3	1358
2341 Frey	2	29.5	2586		2342 Frey	2	27.1	2865
O l i v e A v e n u e								
Address	Stories	Height (Ft)	Building Area (sq. ft.)	F r e y A v e	Address	Stories	Height (Ft)	Building Area (sq. ft.)
2405 Frey	1	18.5	973			2404 Frey	1	14.8
2409 Frey	1	18.1	1044		2408 Frey	1	17.4	1208
2413 Frey	1	15.9	914		2412 Frey (proposed)	2	29.5	3027
2417 Frey	2	30.2	1665		2416 Frey	1	17.5	939
2421 Frey	1	14.1	832		2420 Frey	1	17.3	860
2425 Frey	2	22.8	2640		2424 Frey	1	17.6	1039
2429 Frey	2	33.4	3050		2428 Frey	1	16.9	930
2433 Frey	1	15.1	930		2432 Frey	1	16.3	968

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

Frey Avenue is two blocks long. Of the 32 lots on Frey Avenue, 8 lots contain two-story structures and 23 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 appellants contend 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 larger than the ones they replace³. Heights of houses within this area range from 14 feet on 2421 Frey Ave to 30 feet on 2417 Frey Ave. Floor areas vary from 800 sq. ft. to 3050 sq. ft. The proposed project is a 24.3-foot high (with an architectural feature that extends a portion of the roof to 29.5 feet), two-story building with a floor area of approximately 3,027 sq. ft. The range in size of the houses reinforces the eclectic character and “*varied style*” of the residences throughout Venice. In

³ National Public Radio. July 4, 2006. “Behind the Ever- Expanding American Dream House”. <https://www.npr.org/templates/story/story.php?storyId=5525283>.

addition, homes within the Silver Triangle Neighborhood, the larger R1-1 zoned neighborhood of the proposed project, range from a floor area of 600 sq. ft. to 3200 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 14.3 feet. The proposed structure will have a 24.3-foot high flat roofline to the top of the parapet with an architectural feature that extends 5.2 feet above a portion of the roof to reflect a 29.5-foot high varied roofline to the top of the skylight. The 29.5-foot high portion of the architectural feature will occur approximately 19 feet from the front façade and is not significantly visible from Frey Avenue. This architectural roof feature will also include solar panels. Although the City-approved project is immediately surrounded by one-story structures and 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 surrounding area, and utilizes the prevailing front yard setback to limit the visual mass of the structure as observed from Frey Avenue. The City and Commission staff are guided by the certified LUP and past Commission actions, also 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, according to City-approved plans and renderings provided ([Exhibit 6](#)).

In addition, as mentioned in the City findings, the project maintains the street's prevailing front yard setback and is consistent with neighboring lots. The certified LUP does not mandate a specific length for each setback, but does require yards to be adequate *"to accommodate the need for fire safety, open space, permeable land area...and on-site recreation consistent with the existing scale and character of the community."* Section 12.08 of the City of Los Angeles Municipal Code requires a front yard setback of 20 percent of the lot depth (in this case, the lot depth is 90 feet, which results in an 18 foot setback), but no more than 20 feet, and not less than the prevailing setback. Although the project will have a 14.3 feet front yard setback, the Municipal Code is interpreted to utilize the prevalent setback length that is compatible with the surrounding area. In addition, the City's municipal codes are not the standard of review for determining whether an appeal raises a substantial issue. However, the project is consistent with the setback requirements of the City's municipal code. This action by the City is not inconsistent with the certified LUP or with the Coastal Act, because neither the Coastal Act nor the certified LUP mandate specific setback lengths.

Furthermore, the City-approved project includes landscaped areas, exterior decks, and permeable yard area consistent with the California Green Building Code Standards observing water and energy conservation measures and providing personal individual on-site recreation opportunities for residents in both the front and back yards. 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 Frey Avenue block and surrounding area, the project is similar in size, bulk, and scale to surrounding residences and is therefore compatible with the eclectic character of Venice and the visual characteristics of this particular residential neighborhood.

The applicant's agent provided supplemental documents regarding the project's compatibility with community character, requesting that the Commission find no substantial issue and deny the appeal ([Exhibit 7](#)). The materials submitted cite Coastal Act and Venice LUP policies with findings of support which have already been addressed in the staff report. The document includes exhibits that highlight the project's support such as Venice Neighborhood council support, petitions gathering support from the neighborhood, and a streetscape analysis.

In addition to claiming that the project is not compatible with the character of the area, 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).

Therefore, the appellants' contentions related to the Residential Low designation do not raise a substantial issue because the City staff did not err in its analysis of the project's compatibility with neighboring structures. 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. The proposed project is consistent with the LUP's Residential Low designation.

The appellants 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 appellant further argues 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 analyzing a projects' 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 does 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 is the Chapter 3 policies of the Coastal Act and thus, the appellant's contention as to the

City's analysis of past Commission actions consistent 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 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, a streetscape analysis, 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 community character of Venice is a significant coastal resource 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 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-18-0037. 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)