

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal No.: A-5-VEN-19-0018

Applicant: Perry Plus One LLC

Agent: Stephen Vitalich Architects, ATTN: Stephen Vitalich

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellant: California Coastal Commission, Executive Director John Ainsworth

Location: 812-814 Amoroso Place, Venice, Los Angeles County (APN: 4241-029-029)

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit (CDP) No. DIR-2017-3462-CDP-MEL-SPP for the conversion of an existing 1-story, 15.8-ft. high, 1,008 sq. ft. duplex to a single-family dwelling, with no structural or façade changes.

Staff Recommendation: SUBSTANTIAL ISSUE

Important Hearing Procedure Note: The Commission will not take testimony on this “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing.

If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The City approved an after-the-fact conversion of a duplex to a single-family residence in Venice, an uncertified area in the City of Los Angeles. The standard of review for the appeal is Chapter 3 of the Coastal Act and the certified Venice Land Use Plan (LUP) provides guidance. Staff is recommending that the Commission determine that **a substantial issue** exists with respect to the grounds on which the appeal has been filed because the locally-approved development is inconsistent with the development policies of the Coastal Act and the certified LUP.

The appellant contends that the City-approved project is not consistent with Sections 30250(a) and 30253 of the Coastal Act and Policies I.A.5 and I.A.6 of the LUP. Section 30250(a) requires that new residential development be located within areas able to accommodate it. Section 30253 of the Coastal Act requires that new development minimize risks to life and property in high flood hazard areas and minimize vehicle miles traveled. Together, these policies encourage the concentration of development in appropriate areas that will minimize impacts to coastal resources. The certified LUP specifically designates areas in Venice that are more appropriate for duplexes and multi-family developments and those areas that are more appropriate for single-family developments, and requires the protection and preservation of existing multi-family residential neighborhoods.

Here, the project site is located in the Milwood subarea of Venice and is designated Multi-Family Residential in the LUP, which states that duplexes and multi-family dwelling units in such designated areas shall be accommodated. The City-approved project is for conversion of a duplex to a single-family residence, although the lot legally accommodates two units. The project would result in a loss of density and would not preserve overall density in areas able to accommodate it consistent with Coastal Act Section 30250. Additionally, the appellant argues that the City did not adequately discuss how the single-family residence is compatible with the character of the community. The City's findings utilize the wrong LUP policy as a basis for approval. There are no single-family designated areas in the Milwood subarea because the LUP designates the subarea for higher density and includes policies to preserve and protect stable multi-family residential neighborhoods. As such, the City-approved project raises a substantial issue with regards to the project's conformity with Section 30253 of the Coastal Act.

The applicant initially proposed an accessory dwelling unit (ADU), which would have retained two units at the site; however, the ADU was not approved by the City and is not reflected on the applicant's project plans. Thus, as proposed, the project will result in the loss of housing density in an existing developed area designated by the LUP as appropriate for more dense development. Although the loss of one unit may not seem significant on its own, projects involving loss of housing density in Venice routinely come before the Commission; thus, cumulative effects of loss of housing density in Venice is a concern. Thus, the appeal raises a substantial issue as to the proposed development's conformity with the Chapter 3 policies of the Coastal Act.

The motion to carry out the staff recommendations are on **page 4 (Substantial Issue)**.

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APPENDICES – SUBSTANTIVE FILE INFORMATION

Appendix A – Local Coastal Development Permit No. DIR-2017-3462-CDP-MEL-SPP

EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – City-approved Plan](#)

[Exhibit 3 – Appeal](#)

[Exhibit 4 – Community Character Study](#)

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE FINDING

Motion:

*I move that the Commission determine that Appeal No. A-5-VEN-19-0018 raises **NO substantial issue** with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and finding. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that **Appeal No. A-5-VEN-19-0018** presents a **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. LOCAL GOVERNMENT ACTION

According to the City’s record, the subject duplex, located at 812 and 814 Amoroso Place, was built circa 1921. On September 26, 2016, the City of Los Angeles Housing and Community Investment Department (HCIDLA) issued an Order to Comply after discovering that the duplex was converted to a single-family residence without proper permits. Due to the lack of permits, it is unclear when the duplex was converted to a single-family residence. However, according to e-mail correspondence found in the City’s record, the current property owner, Alexander White, purchased the property in November 2015, subsequent to the conversion, which he stated occurred in September 2015.

On August 17, 2017, the applicant applied for a local CDP from the City for a “change of use from duplex to [single-family residence] with no change to building composition in order to rectify an order to comply. Addition of second story ADU to existing detached garage”.

On July 13, 2018, the HCIDLA determined, pursuant to Mello Act requirements, that no affordable units exist and thus, no units need to be replaced for 812 & 814 Amoroso Place.

On January 29, 2019, the City of Los Angeles Planning Director issued a determination DIR-2017-3462-CDP-MEL-SPP authorizing the “conversion of an existing duplex to a 1,008 sq. ft., one-story, single-family dwelling,” where “no structural changes or alterations to the building façade are proposed, and two parking spaces will be maintained on-site.” The determination included approval under the project permit compliance review and CEQA findings that the project is categorically exempt (ENV-2017-3463-CE). There was no mention or approval of a second-story ADU to the existing detached garage, and no such development was approved in the City’s final plans.

On February 18, 2019, the Commission's South Coast District Office received the City's Notice of Final Action, and the Commission's twenty working-day appeal period was established. One appeal was received on March 18, 2019, within the Commission's twenty working-day appeal period. No other appeals were received prior to the end of the Appeal period on March 18, 2019. This is a combined substantial issue and de novo application hearing for the project.

III. APPELLANT'S CONTENTIONS

On March 18, 2019, the Coastal Commission's Executive Director, John Ainsworth, appealed the City-approved project for an after-the-fact conversion of a duplex to a single-family residence. The appellant contends that the City-approved single-family residence is not consistent with the LUP, which designates the lot as Multi-Family Residential – Low-Medium I Density (Policies I.A.5 and I.A.6). The appellant further argues that the project does not preserve overall density in an area able to accommodate it, such as the subject site, consistent with Section 30250 of the Coastal Act and that the loss of a unit in this area would require the construction of a new unit elsewhere in order to preserve overall density consistent with Section 30250 of the Coastal Act. Furthermore, the appellant contends that the City's findings do not adequately discuss how the conversion of a duplex to a single-family residence on a lot that is designated Multi-Family Residential – Low-Medium I Density is consistent with the community character of the area consistent with Section 30253 of the Coastal Act, which requires that community character of neighborhoods located in popular visitor destinations, such as Venice, be protected ([Exhibit 3](#)).

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its LCP, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local CDP application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of

Substantial Issue

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 **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 will hear the de novo matter immediately following the substantial issue finding, unless the Commission schedules the de novo portion of the hearing for a future date. [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 de novo phase of the public hearing on the merits of the application will immediately follow. In this de novo public hearing on the merits of the application, the standard of review is the Chapter 3 policies of the Coastal Act. The Venice Land Use Plan, certified by the Commission on June 14, 2001, 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 typically 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. These areas are considered Dual Permit Jurisdiction areas. Coastal zone areas outside 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 DESCRIPTION & LOCATION

The City approved an after-the-fact conversion of a one-story, 15.8-ft. high, 1,009 sq. ft. duplex to a single-family home with a detached 18-ft. by 22-ft. two-car garage with no change in height, façade, or floor area. No changes were proposed or approved for the garage and it would continue to maintain vehicle access via the rear alleyway, Amoroso Court ([Exhibit 2](#)).

The subject site is a 3,330 sq. ft. lot located approximately one mile from the beach in the Milwood subarea of Venice ([Exhibit 1](#)). The Milwood subarea is bounded by Lincoln Blvd to the north, California Ave to the west, Electric Ave to the south, and curves eastward toward Venice Blvd. The site is designated Multi-Family Residential - Low-Medium I Density by the certified LUP and zoned R2-1 by the City's zoning code, which has not been certified by the Commission and is not the standard of review for this project. The subject site is currently developed with a one-story residence built in 1921. No historic resources have been identified on site; however, the site is located adjacent to a designated walk street, Amoroso Place, and is further located within the City of Los Angeles' SurveyLA Walk Street Historic District. The structure is identified as a contributor to the historic residential development of the Venice Beach community. A mix of multi-story, single and multi-family residences characterizes this neighborhood.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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

Staff is recommending that the Commission find that **a substantial issue exists** with respect to whether the local government actions conform to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

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

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

Coastal Act Section 30253 states:

New development shall ...

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

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

Coastal Act Section 30604 states, in relevant part:

(f) The commission shall encourage housing opportunities for persons of low and moderate income.

(g) The legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Duplex/Multi-Family Residential

It is the intent of Venice LUP to maintain existing stable multi-family residential neighborhoods. In those stable neighborhoods characterized by a mix of densities and dwelling types, permitted densities may be reduced to levels consistent with the character of the entire area in order to minimize impacts on infrastructure, services, and to maintain or enhance the residents' quality of life. The loss of potential units in these locations can be offset by the provision of new housing opportunities via bonuses for the replacement of affordable housing and in mixed-use development.

Venice Land Use Plan Policy I. A. 5 states:

Preserve and protect stable multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained and improved.

Venice Land Use Plan Policy I. A. 6 states:

Accommodate the development of duplexes and multi-family dwelling units in the areas designated as “Multiple Family Residential” and “Low Medium I” 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 Milwood

Use: Two units per lot, duplexes and multi-family structures

Density: One unit per 2,500 square feet of lot area. Lots smaller than 5,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 5,000 square feet can add extra density at the rate of one unit for each 2,000 square feet in excess of 5,000 square feet in lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

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 stepped back or varied rooflines. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Coastal Act Section 30250(a) requires that new residential development be located in close proximity to existing developed areas able to accommodate it and where it will not have significant, cumulative adverse impacts to coastal resources. Section 30253 of the Coastal Act requires that new development minimize risks to life and property in high flood hazard areas and further minimize vehicle miles traveled. Together, these policies encourage the concentration of development in existing developed areas (i.e., infill) that will minimize impacts to coastal resources. In addition, the certified LUP incorporates these Coastal Act policies and designates specific areas in Venice where more dense developments should be encouraged (Policy I.A.6) and specific areas where only single-family residential neighborhoods are allowed (Policy I.A.4). Thus, the LUP reflects the City’s assessment of those areas where more concentrated development should occur in Venice.

Maintaining housing density has not always been a priority for the Commission. However, housing shortages throughout the state have continued for many years, resulting in a growing effort to address and improve housing availability¹. In 2017, the State Legislature acknowledged that California is facing a severe housing crisis, and that current and future housing demands are exceeding the availability of housing units². According to the LUP, the Venice coastal zone

¹ Dahdouh, Ahmad, et. al. 7 May 2017. “*Building California’s Future: Increasing the Supply of Housing to Retain California’s Workforce*”. USC Price. Pp. 3-4. <https://cfce.calchamber.com/wp-content/uploads/2017/06/CFCE-Building-Californias-Future-Final-Report-May-7-2017.pdf>.

² California Legislative Information. *Government Code Section 65852.150* pursuant to Senate Bill 1069 (Wieckowski) and Assembly Bill 2299 (Bloom), effective January 1, 2019. https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65852.150

Substantial Issue

experienced a 19% increase in population from 1990 to 2010. The population is expected to increase to approximately 45,990 persons by the year 2030, assuming that there is a constant rate of projected growth and current trends remain unchanged. Thus, the Commission has more recently emphasized the importance of preserving existing housing stock in the coastal zone where appropriate to minimize impacts to coastal resources (Section 30250), encourage affordable housing (Section 30604(f)), and reduce traffic impacts and encourage use of public transportation and public access (Section 30253). The land use policies in the certified Venice LUP also seek to preserve and maintain housing density by encouraging the accommodation of duplexes and multi-family developments in areas deemed appropriate to sustain such development (Policy I.A.5 and I.A.6).

The City-approved project raises substantial issues under the development policies of the Coastal Act and the certified LUP. The City's record shows that the existing structure was originally constructed as a two-family residence (i.e. duplex) per a Certificate of Occupancy issued in 1954. After it was determined that the duplex had been converted to a single-family residence without a coastal development permit, the current owner applied to the City for a CDP, proposing conversion of a duplex to a single-family residence and an ADU above the garage. However, without explanation or analysis of the Coastal Act and LUP development policies discussed above, the City approved only conversion to a single-family residence; as such, the City-approved project does not include an ADU and will result in the loss of one housing unit at this site.

Duplexes and other multi-unit residential development are a significant component of the Milwood area. According to LandVision, a property research mapping tool, and verified on the County Assessor's webpage, the subarea consists of approximately 859 lots, approximately 32 of which are commercial (along Lincoln Blvd and Venice Blvd), including a church, and 829 of which are residential ([Exhibit 4](#)). Of all residential lots in the subarea, 26.5% are multi-unit residences such as duplex, triplex, quadraplex, and condominiums while the remaining are single-family residences. The subject block is bounded by Linden Ave to the northeast and Oakwood Ave to the southwest. Within the block, all the lots fronting Amoroso Place are residential, a majority of which are single-family residences that were constructed in the early 1900s except for one duplex located two lots northeast of the subject site (820 Amoroso Place).

Policy I.A.5 of the certified LUP requires the *preservation* and *protection* of multi-family residential neighborhoods and to allow for growth in areas where there is adequate public infrastructure and services that maintain and improve resident's quality of life. The City's approval of the conversion of a duplex to a single-family residence at this site, without any analysis of the impacts of the loss of housing density in the Milwood area, fails to *preserve* and *protect* the *multi-family* neighborhood in which the subject site is located, and, therefore, raises a substantial issue with regard to Policy I.A.5 of the certified LUP.

Policy I.A.6 of the certified LUP stipulates that allowed *uses* on lots designated Multi-Family Residential – Low Medium I Density consist of “*Two units per lot, duplexes and multi-family structures.*” As mentioned by the appellant, the City's findings do not substantiate that the conversion of the duplex to a single-family residence is consistent with the LUP Policies I.A.5 and

I.A.6. Rather, the City’s findings state that the project is consistent with LUP Policies I.A.2³ and I.A.4⁴ for *Single-Family Residential* designated areas; however, there are no *Single-Family Residential* designated areas in the Milwood subarea. Thus, the City’s findings utilize the wrong policies as a basis for approval. Although the City’s zoning code, R2-1, indicates that single-family residences are an allowable use⁵ on the subject lot, the zoning code is not certified by the Commission and is not the standard of review. In addition, the City fails to address the certified LUP policies requiring protection and preservation of multi-family neighborhoods. The City-approved project for the conversion of a duplex to a single-family residence on a lot that is designated *Multi-Family Residential* and *Low Medium I Density* would result in a loss of density because the lot can indisputably support two units, and therefore, raises a substantial issue with regard to Policy I.A.6 of the certified LUP.

Applying the five factors listed in the prior section clarifies that the appeal raises a “substantial issue” as to the project’s conformity with 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. The City’s findings address LUP policies for the preservation of single-family designated areas and not multi-family areas, utilizing the wrong policies as a basis for approval. The City’s findings raise substantial questions as to whether the project can be found consistent with Coastal Act development policies (30250 and 30253) encouraging the concentration of development in areas that can accommodate it and that will minimize impacts to coastal resources and minimize traffic and congestion, as well as policies of the certified LUP that designate areas where more dense development should be concentrated, including the Milwood subarea where this project is located. Thus, there is inadequate factual and legal support for the City’s decision and the project raises a substantial issue.

The second factor is the extent and scope of the development as approved by the local government. The extent and scope of the locally-approved development is clear because the City-approved plans demonstrate that the project involves conversion of a duplex to a single-family residence. Although the project involves the conversion of a duplex to a single-family residence on one lot, which is relatively small in scope, similar projects in Venice have and are likely to come before the

³ **Policy I.A.2.** Preserving stable single-family residential neighborhoods aims to “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.”

⁴ **Policy I.A.4.** states: “Accommodate the development of single-family dwelling units in areas designated as ‘single-family residential’ and ‘low medium I density’ ...Such development shall comply with the density and development standards set forth...” However, the development standard does not list the Milwood subarea.

⁵ According to Section 12.09 of the City of Los Angeles’ municipal code, R2 – two family zone – areas allow “any use...in the “R1” One-family zone”. American Legal Publishing Corporation. 2019. “*Official city of Los Angeles Municipal Code*™ - Chapter I, Planning and Zoning”.

[http://library.amlegal.com/nxt/gateway.dll/California/lapz/municipalcodechapteriplanningandzoningco/chapterigeneralprovisionsandzoning/article2specificplanning-zoningcomprehen/sec1209r2two-familyzone?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:lapz_ca\\$Sanc=JD_12.09](http://library.amlegal.com/nxt/gateway.dll/California/lapz/municipalcodechapteriplanningandzoningco/chapterigeneralprovisionsandzoning/article2specificplanning-zoningcomprehen/sec1209r2two-familyzone?f=templates$fn=default.htm$3.0$vid=amlegal:lapz_ca$Sanc=JD_12.09)

Substantial Issue

Commission and, therefore, this project could have much more significant cumulative impacts on coastal resources, increasing development pressure in other areas that may not be as well suited for concentrated development, sea level rise impacts, or access to public transportation. Therefore, the extent and scope of the project as approved by the local government raises a substantial issue.

The third factor is the significance of the coastal resources affected by the decision. Although this project involves the loss of only one unit, as discussed above, similar projects have and are likely to come before the Commission, raising concerns about cumulative impacts to coastal resources. In addition, the shortage of housing and affordable housing, in particular, is a significant issue in California and the coastal zone. The preservation of density in existing developed areas able to accommodate it is important because it encourages residents to live near recreation and resident-serving areas thereby reducing dependency on vehicles for transportation traveled to access such areas (Section 30253), thereby minimizing adverse effects to coastal resources (Section 30250). Here, the project is located in an area adjacent to popular recreational areas as well as public transportation opportunities, is in an area likely to be protected from impacts of sea level rise and therefore will minimize impacts to coastal resources, and has been designated by the certified LUP as an area appropriate for multi-family development. Therefore, the significance of coastal resources affected by the City's approval raises a substantial issue.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified LUP. The LUP incorporates Coastal Act policies that encourage the concentration of new development in more dense areas that are able to accommodate it, and specifically encourages multi-family structures in the Milwood subarea. Yet, the City failed to address these policies in its decision, raising substantial questions as to whether the project complies with the Coastal Act, and potentially prejudicing future interpretations of the certified LUP as well as the City's ability to certify an LCP that complies with the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. The City's approval of a project that would contribute to the loss of housing density in an area that the Venice LUP specifically designates as appropriate for more dense development raises matters of statewide concern. As discussed, California is experiencing a severe housing crisis state-wide. The preservation of density in existing developed areas able to accommodate it allows residents to live and access nearby recreation and commercial areas that further reduces vehicle miles traveled, thus minimizing impacts to coastal resources. In addition, the Venice LUP specifically designates areas that are more appropriate for duplexes and multi-family developments and those areas that are more appropriate for single-family residential neighborhoods, and requires the protection of stable multi-family residential neighborhoods. In this case, the City-approved project is located within a Multi-Family designated neighborhood of the LUP which contains existing multi-family residences, where the site is located near popular recreation and commercial corridors and public transportation nodes that access the broader Los Angeles region. Thus, the project raises issues regarding housing density, affordable housing, concentrating development in areas that minimize coastal resource impacts, and coastal hazards/sea level rise planning, all of which are issues of significant state-wide concern. Thus, this factor weighs in favor of finding substantial issue.

In conclusion, the appeal raises substantial issues under the Chapter 3 policies of the Coastal Act and the certified Venice LUP because the City's findings in support of the local coastal development permit do not adequately address the fundamental conflict between the proposed project and the Multi-Family Residential designation set forth in the LUP which carries out Sections 30250 and 30253 of the Coastal Act. Therefore, staff recommends that the Commission find that the appeal raises a substantial issue as to the project's conformity with the Chapter 3 policies of the Coastal Act.