

CALIFORNIA COASTAL COMMISSION

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W14a

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-21-0036

Applicant: Gregory and Annette Goldstein

Agent: Bill Tsui, Yu2e Inc.

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Richard Stanger, Sue Kaplan on behalf of Citizens Preserving Venice, Ingrid Marston, and Warren Adler

Project Location: 610 Mildred Avenue, Venice, City of Los Angeles, Los Angeles County (APN No. 4228004042).

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2020-3520-CDP-MEL approved with conditions for the demolition of a one-story, 1,080 square-foot single-family dwelling with detached garage and construction of a new 2,834 square-foot, 28 feet high, two-story single-family dwelling with a detached 423 square-foot two-car garage with bathroom, plus one additional on-site parking space, swimming pool and a roof deck, on a 4,100 square-foot lot.

Staff Recommendation: 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 three minutes total per side. Please plan your testimony accordingly. Only the applicant, appellant(s), persons who opposed the application before the local government (or their representatives), and the local

government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles approved a local coastal development permit (CDP) for the subject development on January 7, 2021. The City's local CDP approved with conditions the demolition of a one-story, 1,080 square-foot single-family residence and detached¹ garage, and construction of a new 3,008² square-foot, approximately 28 feet high, two-story single-family residence with a detached 423 square-foot two-car garage with bathroom, plus one additional on-site parking space, swimming pool, and a roof deck accessed via an internal stairway on a 4,100 square-foot lot. The City also approved a Mello Act Compliance Review for the demolition of one Residential Unit and the construction of one new Residential Unit in the coastal zone. A local appeal was filed within the City's local appeal period, and a subsequent hearing for the local appeal was held on April 7, 2021. The West Los Angeles Area Planning Commission denied the local appeal and sustained the Director's Determination. The City's notice of final local action was received by the Commission's South Coast office on May 3, 2021, and the Commission's twenty working-day appeal period was established. During the Commission's appeal period, this one appeal was received on May 26, 2021. No other appeals were received prior to the end of the Commission's appeal period on June 1, 2021.

The appellants contend that the project is: **1)** not in conformance with Coastal Act Sections 30250(a), 30251, 30253(e) with respect to Venice as a Special Coastal Community and visual compatibility with surrounding development; **2)** the project fails to meet the neighborhood protection policies of the 2001 Venice Land Use Plan (LUP) by ignoring Policies I.A.2 (Preserve stable single-family neighborhoods), I.E.1 (General), I.E.2 (Scale), and I.E.3 (Architecture) in that the project is inconsistent with the scale, massing and character of the neighborhood; **3)** the project will prejudice the ability of the City of Los Angeles to prepare a local coastal program in conformity with Chapter 3 of the California Coastal Act because the City ignored LUP Policies I.A.2, I.E.1, I.E.2 and I.E.3 and continues to approve large and incompatible homes that cumulatively and adversely change the scale and character of Venice neighborhoods; **4)** the project will have a negative cumulative effect on the character and scale of its immediate neighbors and on the larger Silver Triangle neighborhood³; and **5)** the analysis of the project in the Director's Determination is flawed because the City misrepresented the area, used prior irrelevant zoning decisions, selectively chose policies in the Venice LUP, and ignored relevant recent judicial rulings.

¹ Building records indicate that the garage was originally detached. However, according to the applicant, the existing garage is attached to the home due to an unpermitted addition under the prior owner.

² The City approved the project with 3,008 square feet. However, in past decisions, the Commission has used only the habitable space towards the size of the development. In this case, the proposed home is 2,834 square feet, and the additional 174 square feet consists of a covered porch.

³ The Silver Triangle neighborhood is a smaller subsection of the Southeast Venice subarea.

Commission staff believes that there is a substantial issue with respect to the grounds on which the appeal was filed and the project's consistency with Chapter 3 of the Coastal Act. Staff conducted an independent survey of the area surrounding the proposed development, which covered 54 structures along both sides of Beach Avenue between Mildred and Olive Avenue as well as along both sides of McKinley Avenue between Mildred Avenue and Holly Court (Exhibit 6). Staff believes that the project is inconsistent with LUP Policy I.E.2, which states, in part, "all new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods" and LUP Policy I.E.3, which states, in part, "varied styles of architecture are encouraged ...while maintaining the neighborhood scale and massing" and, by extension, inconsistent with Chapter 3 Policies of the Coastal Act. The north side of the City-approved development that fronts Mildred Avenue is approximately 44 feet long, and the east side of the home that fronts Beach Avenue is approximately 19 feet wide, of which neither side offers a stepped back façade or other articulated features to reduce its massing, which is uncommon in the area, thereby creating a visual impact highly visible to pedestrians on the large corner lot. While the project would not have an adverse cumulative effect on the surrounding development based solely on the size of the proposed home, the City overlooked the visual impact that the project's massing would have for pedestrians from this corner lot, which could prejudice their ability to prepare an LCP in the future. Staff believes that the project is inconsistent with LUP Policies I.E.2 and I.E.3., which are designed to protect Venice's unique community character, a significant coastal resource. As described above, the City-approved development will have an adverse visual impact to the pedestrian scale of this area of Venice and raises an issue of statewide significance.

Therefore, considering the factors for substantial issue in Section 13115(b) of the Commission's regulations, the appeal does raise a substantial issue regarding the City-approved development's consistency with Chapter 3 policies of the Coastal Act, using the certified LUP for Venice as guidance. There is not sufficient support for the City's findings that the project is consistent with Chapter 3 policies, including with respect to compatibility with community character and potential prejudice to the City's adoption of an LCP that conforms with Chapter 3.

Staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed. The motion and resolution to carry out the staff recommendation is on Page 5.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE	5
II. APPELLANTS’ CONTENTIONS	5
III. LOCAL GOVERNMENT ACTION	5
IV. APPEAL PROCEDURES	6
V. SINGLE/DUAL PERMIT JURISDICTION AREA.....	7
VI. FINDINGS AND DECLARATIONS	8
A. PROJECT DESCRIPTION AND LOCATION	8
B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS.....	8
C. SUBSTANTIAL ISSUE ANALYSIS	9
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS	18
APPENDIX B – NEIGHBORHOOD SURVEY TABLES.....	19

EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – City of Los Angeles Director’s Determination Letter](#)

[Exhibit 4 – WLAAPC Determination Letter](#)

[Exhibit 5 – Appeal](#)

[Exhibit 6 – CCC Survey Area](#)

[Exhibit 7 – City Survey Area](#)

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion: I move that the Commission determine that Appeal No. A-5-VEN-21-0036 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. Following the staff recommendation on this motion will result in the Commission proceeding to conduct a de novo review of the application, and adoption of the following resolution and findings. Conversely, 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 appointed Commissioners present.

Resolution: The Commission hereby finds that Appeal No. A-5-VEN-21-0036 presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

II. APPELLANTS' CONTENTIONS

On May 26, 2021, within 20-working days of receipt of notice of final local decision, Richard Stanger, Sue Kaplan on behalf of Citizens Preserving Venice, Ingrid Marston, and Warren Adler filed an appeal of the local CDP, which included the following contentions:

1. The project is not in conformance with Chapter 3 of the California Coastal Act, specifically Sections 30250(a), 30251, 30253(e).
2. The project fails to meet the neighborhood protection policies of the 2001 Venice Land Use Plan by ignoring Policies I.A.2 (Preserve stable single-family neighborhoods), I.E.1 (General), I.E.2 (Scale), I.E.3 (Architecture).
3. The project will prejudice the ability of the City of Los Angeles to prepare a local coastal program in conformity with Chapter 3 of the California Coastal Act.
4. The project will have a negative cumulative effect on the character and scale of its immediate neighbors and on the larger Silver Triangle neighborhood.
5. The analysis of the project in the Director's Determination is substantially flawed, misrepresenting the area, using prior irrelevant zoning decisions, selectively choosing policies in the Venice Land Use Plan, and ignoring relevant recent judicial rulings.

III. LOCAL GOVERNMENT ACTION

The City held a public hearing for the local CDP on October 5, 2020. The following three community members provided comments at the hearing: Robin Rudisill on behalf of Citizens Preserving Venice (opposed), Richard Stanger (opposed), Zabi Fazal (inquirer). Concerns raised during this hearing included that the project is out of mass, scale, and character of the neighborhood, the project is three times the size of other homes on the block, and that the project will result in cumulative impacts to the neighborhood and a

cumulative impact analysis should be required for the project. After a four-week advisement period, six opposition e-mails were submitted echoing the same concerns at the public hearing. In addition, two e-mails in support of the project were submitted.

On January 7, 2021, the City of Los Angeles Director of Planning approved the project under Case No. DIR-2020-3520-CDP-MEL (Exhibit 3). The local CDP approved the demolition of a 1,080 square foot single-story single-family residence and detached⁴ garage built in 1962 and the construction of a new two-story, approximately 28 feet high, 3,008 square foot⁵ single-family residence with roof deck (no access structure), a 423 square foot detached two-car garage with bathroom, swimming pool, and one additional uncovered onsite parking space.

The Planning Director's approval was subsequently appealed to the West Los Angeles Area Planning Commission (WLAAPC) by Richard Stanger. At its meeting on April 7, 2021, the WLAAPC denied the appeal and sustained the Planning Director's January 7, 2021 Determination, thereby approving the local CDP and issuing a Determination Letter dated April 15, 2021 (Exhibit 4).

On May 3, 2021, the Commission received the City's Notice of Final Action (NOFA) for the project and opened the Commission's 20 working-day appeal period. On May 26, 2021, the above-mentioned appeal was received (Exhibit 5). No other appeals were received prior to the end of the Commission's appeal period on June 1, 2021.

IV. APPEAL PROCEDURES

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

After a final local action on a City 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 applicants, the Executive Director, or any two members of the Commission, may appeal the City decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of

⁴ Building records indicate that the garage was originally detached. However, according to the applicant, the existing garage is attached to the home due to an unpermitted addition under the prior owner.

⁵ The City approved the project with 3,008 square feet. However, in past decisions, the Commission has used only the habitable space towards the size of the development. In this case, the proposed home is 2,834 square feet and the additional 174 square feet consists of a covered porch.

Regulations, the appellant must comply with 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, and Section 13321 of the Commission’s regulations, require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists as to the project’s conformity with Chapter 3 of the Coastal Act.

Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the Commission typically continues the public hearing to a later date in order to review the CDP as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue, and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a future Commission hearing. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The Venice LUP, certified 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 applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE/DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local CDP also obtain a second (or “dual”) CDP from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e, projects in the Single Permit Jurisdiction), the City of Los Angeles local

coastal development permit is the only CDP required. The subject project site on appeal herein is located within the Single Permit Jurisdiction Area. Therefore, the applicant is not required to obtain a second, or “dual”, CDP from the Commission for the proposed development.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The scope of work approved by the City includes the demolition of a one-story, 1,080 square foot single-family residence with a detached⁶ garage, and construction of a new two-story, approximately 28 feet high, 2,834 square foot single-family residence with a 423 square foot detached two-car garage with bathroom, roof top deck, swimming pool, and one additional on-site parking space (Exhibit 2). The three onsite parking spaces for the residence will be accessed through the rear alley on Ocean Court. The provided front yard setback (fronting Beach Avenue) is approximately 19 to 21 feet wide, the rear yard setback (fronting Ocean Court) is 15 feet wide, and the side yard setbacks (fronting Mildred Avenue and adjacent to an existing neighboring home) are approximately 5 feet wide. The City-approved project observes all setbacks, open space, and height requirements of both the City of Los Angeles uncertified Zoning Code and the certified Venice LUP.

The project site is a 4,100 square foot corner lot located approximately ½ mile inland of the beach in the Southeast Venice subarea at 610 Mildred Avenue (Exhibit 1). The lot, which is larger than most of the lots in the surrounding neighborhood, is designated as Single Family Residential (Low) by the Venice LUP and zoned R1-1-O by the Los Angeles Municipal Code. The Southeast Venice neighborhood and the subject block are characterized primarily by one-story and two-story single-family and multi-family homes of varying sizes and architectural styles.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

When determining whether an appeal raises a “substantial issue,” section 13115(c) of the Commission’s regulations provide that the Commission may consider factors, including but not limited to:

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;

⁶ Building records indicate that the garage was originally detached. However, according to the applicant, the existing garage is attached to the home due to an unpermitted addition under the prior owner.

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.

The Commission may, but need not, assign a particular weight to a factor.

Staff recommends that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a CDP issued by the local government prior to certification of its LCP are the Chapter 3 policies of the Coastal Act. Any local government CDP issued prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal focus primarily on the proposed project's consistency with Sections 30250, 30251, and 30253 of the Coastal Act because the appellants allege that the mass and scale of the proposed structure is not consistent with the character of the Southeast subarea of Venice.

Section 30250(a) of the Coastal Act 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.

Section 30251 of the Coastal Act 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.

Section 30253(e) of the Coastal Act states, in relevant part:

New development shall...

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

Venice LUP 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 LUP Policy I. E.2 Scale, states.

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 LUP 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.

Venice LUP Policy I.A.2 states, in part:

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.

Venice LUP Policy I.A.3 states, in part:

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).

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 of the Coastal Act state that 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. The Venice community including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 15 million people visited Venice in 2015, drawn by the unique characteristics of the area.⁷ The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community.

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.

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 the project is consistent with sections 30250, 30251, and 30253 of the Coastal Act.

Community Character

When reviewing the project, the City conducted an analysis of the lots and architectural style of the structures fronting Beach Avenue between Mildred Avenue and Olive Avenue (Exhibit 7). The City characterized this area as containing one- and two-story single-family and multi-family residences. The City stated that the proposed development would conform with the density, buffer/setback, yard, and height policies in the Venice LUP and, overall, would be visually compatible with the area based on the conducted analysis.

The appellants primarily contend that the City’s visual compatibility findings rely on ministerial development standards (e.g. density, setback and height) and not the LUP policies (I.A.2, I.E.1, I.E.2, and I.E.3) designed to protect community character of the area. More specifically, the appellants contend that the proposed development does not conform to the mass, scale, and character of the streetscape. The appellants contend that the project is three times larger than the average house size along Beach Avenue, which is 1,114 square feet, and 70% larger than the current largest home on the block, which is 2,300 square feet. The appellants also assert that, beyond the subject block, the proposed home is far

⁷ Venice Chamber of Commerce website. <<http://venicechamber.net/visitors/about-venice/>>

larger than any of the two-story homes in its vicinity regardless of zoning classification.

Staff reviewed the City-approved project plans and the 54 structures along both sides of Beach Avenue between Mildred and Olive Avenue as well as along both sides of McKinley Avenue between Mildred Avenue and Holly Court (Exhibit 6). The subject site is a 4,100 square foot corner lot with frontage on both Mildred and Beach Avenues. The proposed development would maintain density of one single-family home consistent with the LUP and surrounding area, which is primarily single-family homes. Although the LUP does not provide setback standards for this area, the existing front yard setback along Beach Avenue at the subject site is approximately 30 feet, and the proposed front yard setback would vary from approximately 19 feet on the north side of the lot to 21 feet on the south side of the lot. The prevailing front yard setback along Beach Avenue is approximately 4 feet 5-inches. Although the proposed project would have a smaller front yard setback than what currently exists at the site, the setback would remain greater than the prevailing front yard setbacks that currently exist along this portion of Beach Avenue. The home proposes approximately 5 feet side yard setbacks along Mildred Avenue and the adjacent neighboring lot and a 15 feet rear yard setback along Ocean Court. The applicant has indicated that side yard setbacks along the subject block typically vary from 3 to 4 feet. The existing home has a 5-foot side yard setback along Mildred Avenue and a 4-foot side yard setback near the adjacent neighboring lot.

The proposed two-story residence is designed without a rooftop roof access structure and would have a varying height of 23 feet 6 inches along the north, west and south roof perimeter (approximately 75% of the roofline), which would rise to a maximum building height of approximately 28 feet at the portion of the structure fronting the corner of Beach Avenue and Mildred Avenue. The varied height of the proposed structure is consistent with the development standards of the Venice LUP, which stipulate a maximum height of 25 feet for structures with flat roofs and 30 feet for structures with varied roofs in this area.

Surveyed Area – Average Lot Size

The average lot size of all the lots located along the surveyed portion of Beach Avenue and McKinley Avenue is 3,445 square feet. There are four other lots in the survey area that are greater than 4,000 square feet. One lot is 4,428 square feet and is currently developed with a two-story, 1,990 square foot 3-unit multi-family structure built circa 1936. Another contains a 2,597 square foot, two-story, 2-unit multi-family structure built circa 1939. The other two structures reside on lots greater than 7,000 square feet and contain single-family dwellings of which one is a 2,918 square feet, two-story home built in 2002 and the other, a 870 square foot, single-story home built in 1923.

Surveyed Area – Units per Lot

There are forty-eight single-family homes and six multi-family structures.

Surveyed Area – Average Number of Stories

There is one three-story structure, twenty-three two-story structures and thirty one-story structures.

Surveyed Area – Home Size

The average square footage of the structures fronting Beach Avenue and McKinley Avenue is 1,551 square feet. The proposed project would exceed that average by 1,283 square feet. The proposed home is approximately 23 percent greater than the existing largest structure (2,300 square feet)⁸ on the block. However, a review of homes on the next block (McKinley Avenue) indicates that there are other two-story homes larger than the proposed project⁹. While the proposed structure would be among the larger homes in the neighborhood, it's not the size of it, necessarily or exclusively, that raises issues with regard to community character.

Surveyed Area – Articulation

Fifteen of the twenty-three two-story homes have stepped back facades or second story additions toward the rear of the lots.

Venice LUP Policy I.E.2 states, in part, that “all new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.” Additionally, LUP Policy I. E.3 states, in part, that, “varied styles of architecture are encouraged...while maintaining the neighborhood scale and massing.” These policies encourage a variety of styles and discourage focus on subjective judgments about what architectural style is preferred. Hence, the Commission has used height limits, setback requirements and bulk to analyze the mass and scale of proposed structures to determine compatibility with the character with the surrounding area. In addition, the Venice LUP recognizes the importance of the existing pedestrian scale single-family residential neighborhoods and the need to conserve them. Therefore, new structures should be sited and articulated to respect a pedestrian scale while also maintaining visually compatibility with surrounding neighborhood. Though the City considered the massing to be compatible with other homes in the surrounding area, the massing comparison did not take into consideration that the proposed development is located on a large corner lot that would be highly visible to pedestrians along both Mildred and Beach Avenues whereas the massing of homes in the middle of a block would be more hidden. More so, fifteen of the twenty-three two-story homes in the surveyed area have stepped back facades or second-story additions toward the rear of the lots, while in this case, the structure lacks articulation and is not stepped back from either Beach or Mildred Avenues. In fact, the portion of the home that rises to the maximum height of approximately 28 feet is at the most visible portion of the structure, at the corner of Beach and Mildred Avenues. Taking into consideration the combination of the visibility of the larger corner lot and the bulky frontage of 44

⁸ The home at 2345 Beach Avenue has a Zillow listing stating a square foot of 2,300.

⁹ For example: 2321 McKinley Avenue with 3,219 square feet and 2325 McKinley Avenue with 3,114 square feet.

feet along Mildred Avenue and approximately 19 feet along Beach Avenue, the home would appear to be very large compared to other homes in the neighborhood and is, thus, inconsistent with the character of the surrounding development in this regard. While the City did provide some analysis regarding the character and scale of the proposed home within the existing neighborhood, the City was remiss in failing to factor in the home's visual impact given that it is situated on a corner lot. The lack of articulation, if implemented on future projects, has the potential to adversely impact community character. Therefore, the appellants' contention that the mass of the home is out of character of the area does raise a substantial issue with the project's conformity with Venice LUP Policies I.E.2 and I.E.3 and the Chapter 3 policies of the Coastal Act.

Cumulative Effects

Section 30105.5 of the Coastal Act states:

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

To evaluate the potential cumulative impacts of the City-approved residence, the incremental effects of the proposed development on community character, mass, and scale are considered in connection with the effects of the past, current, and probable future projects within the subject area. To that end, Commission staff reviewed residential redevelopments on the subject block, Beach Avenue, and the adjacent residential block McKinley Avenue since 2001. The cumulative effects analysis included all fifty-four structures in the survey area and considered the year of Commission or City approval for redevelopment, lot size, habitable residence area, and height. For properties which have not received Commission or City approval for redevelopment since 2001, the survey considered the year of residence construction, lot size, and current habitable residence area. Height is not included on the mapping tool used to obtain this information, ZIMAS, and thus wasn't included for the properties that have not redeveloped after 2001.

The information analyzed by Commission staff shows that the City-approved residence has a height and size consistent with past Commission and City actions on similar residences since 2001.¹⁰ Table 3 also demonstrates the subject residence is larger than the majority of homes that have not been redeveloped subsequent to 2001 within the survey area. Although lots greater than 4,000 square feet are uncommon in Venice, the size of the proposed project is generally similar in scale to nearby development¹¹ on comparably sized lots. Commission staff are not aware of future development projects in the survey area.

The City of Los Angeles approval of this project was not as thorough as the Commission would undertake through a de novo review of the project. However, the

¹⁰ Such actions include the following homes: 2345 Beach Avenue, 2338 McKinley Avenue, and 2416 McKinley Avenue.

¹¹ Examples include the following homes: 2325 McKinley Avenue (3,114 square feet), 2321 McKinley Avenue (3,219 square feet), and 2417 McKinley Avenue (2,981 square feet).

size of the project does not appear to pose a significant detrimental cumulative impact to the community character of the surrounding neighborhood that is inconsistent with Chapter 3 of the Coastal Act. As such, the appellants' contentions that the project will have a negative cumulative effect based on the size of the proposed home on the character and scale of its immediate neighbors and on the larger Southeast Venice neighborhood does not raise a substantial issue with regard to Chapter 3 policies of the Coastal Act.

Prejudice to City's Preparation of an LCP that Conforms to Chapter 3

The Venice LUP was certified by the Coastal Commission on June 14, 2001 but implementing ordinances have not been adopted. The City is currently working to adopt an updated LUP for Venice and Implementation Plan and subsequently obtain a fully certified LCP. Under Section 30604(a) of the Coastal Act, a local government's approval of a CDP must include findings that the project conforms with Chapter 3 of the Coastal Act and that the "permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3."

While the City provided a community character analysis, that analysis failed to fully consider the bulk and massing of the structure, which would be highly visible from both Beach and Mildred Avenues. In this case, given the corner lot location of the site and stepped back facades and other articulation of other two-story homes in the survey area, it is essential to reduce visual impacts consistent with LUP Policies I.E.2 and I.E.3. Therefore, the City's incomplete community character analysis could prejudice their ability to prepare an LCP in the future and does raise a substantial issue.

Additional Contentions

The appellants contend that the City mistakenly stated there were multi-family dwellings on both Beach Avenue and Mildred Avenue. However, Commission staff identified four multi-family structures on Beach Avenue¹² and three multi-family structures on Mildred Avenue.¹³ Thus, this contention does not raise a substantial issue.

The City's analysis provided six examples of recent planning cases to guide the decision on the local CDP. The appellants contend that some of the examples are not relevant to the subject project because they do not account for recent court decisions related to some of the selected examples. There are legal actions at various stages with regard to redevelopment of homes in Venice. Thus, it is not clear at this point exactly how the court decisions will guide future development in Venice. Thus, this contention does not raise a substantial issue. The appellants also contend that some of the example sites are located too far from the subject

¹² Verified by LandVision and Zillow.

¹³ There are three lots directly across from the subject site on Mildred that are designated as multi-family and verified using LandVision and Zillow. The Mildred Avenue street view only shows the garages of these multi-family structures. Furthermore, there are other multi-family structures in the Southeast Venice subarea located a block away on Ocean Avenue.

site. Of the six example projects, two (3021 and 3024 Stanford Avenue) are located a mile away from the subject site. The significant distance between the subject site and these two example sites does raise questions regarding their usefulness in evaluating the subject project. Thus, this contention does raise a substantial issue.

Lastly, the appellants contend that the City arbitrarily excluded relevant policies in the Regional Interpretive Guidelines. The Regional Interpretive Guidelines are not the standard of review. Thus, this contention does not raise a substantial issue.

SUBSTANTIAL ISSUE FACTORS

The Commission's standard of review for determining whether to hear the appeal is whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code §30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report.

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. While the City found that the project would be consistent with the community character of the area and with Sections 30250, 30251, and 30253 of the Coastal Act, the City's community character analysis did not have adequate support for such a determination, and staff believes that the project, as approved by the City, is not consistent with LUP Policies I.E.2 and I.E.3; thus, as approved by the City, the project would prejudice the City's ability to prepare an LCP that conforms with Chapter 3 of the Coastal Act. Therefore, the Commission finds that the City did not provide an adequate degree of factual and legal support for its decision.

The second factor is the **extent and scope of the development** as approved or denied by the local government. The City-approved development will demolish a single-family residence and replace it with a new single-family residence in a highly developed area. The scope is consistent with that of the surrounding development, which is comprised primarily of one-story and two-story single- and multi-family residences. Therefore, the Commission finds that the extent and scope of the City-approved development is consistent with the Chapter 3 policies of the Coastal Act.

The third factor is the **significance of the coastal resources affected** by the decision. Venice's unique community character is a significant coastal resource. As described above, the City-approved development will have an adverse visual impact to the pedestrian scale of this area of Venice. Therefore, the Commission finds that the City-approved development will have a significant impact on coastal resources, inconsistent with Sections 30250, 30251, and 30253.

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 Commission relies on the certified LUP for Venice as guidance when reviewing appeals and approving projects because the LUP was certified by the Commission as consistent with Chapter 3 of the Coastal Act. The City-approved development is inconsistent with LUP Policies I.E.2 and I.E.3. Thus, the project, as approved, does raise a substantial issue about the project's consistency with

the certified LUP, and by extension, the Chapter 3 policies of the Coastal Act, as set forth above. Therefore, the Commission finds that the City-approved development will have a significant adverse impact on future interpretations of its LUP.

The final factor is **whether the appeal raises local issues, or those of regional or statewide significance**. Impacts to coastal resources, including community character, are important statewide issues. The City-approved development is inconsistent with various policies of the certified LUP and with Chapter 3 of the Coastal Act. Therefore, the Commission finds that the City-approved CDP does raise issues of statewide significance.

Conclusion

Applying the five factors listed above clarifies that, on balance, the appeal raises a “substantial issue” with respect to the project’s consistency with Chapter 3 of the Coastal Act, because there is sufficient support that the project is inconsistent with the Venice LUP and by extension, Chapter 3 policies with respect to compatibility with community character. The decision is likely to set an adverse precedent for future interpretations of the Venice LUP or the Coastal Act and prejudice their ability to prepare an LCP in the future. 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.

Appendix A – Substantive File Documents

1. City of Los Angeles Director's Determination for Case No. DIR-2020-3520-CDP-MEL dated January 7, 2021
2. City of Los Angeles Appeal Recommendation Report for Case No. DIR-2020-3520-CDP-MEL-1A dated April 7, 2021

Appendix B – Neighborhood Survey Tables

Table 1. Past Commission actions on all structures within the surveyed area since the Venice LUP certification in 2001.

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage (original) (new)	
610 Mildred Ave (proposed)	A-5-VEN-21-0036	N/A	28	4,100	1,080	2,834
2345 Beach Ave	5-04-174-W	2004	28	2,698	565	1,796 ¹⁴
2338 McKinley Ave	5-01-360	2001	30	3,602	850	2,424 ¹⁵
Average Square Footage (Original/Redeveloped):					708	2,110 ¹⁶
Average Height (Redeveloped):					29	

Table 2. Past City of Los Angeles local CDPs and exemptions issued for redevelopment of all structures* within the surveyed area since the Venice LUP certification in 2001.

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Sq. Ft. (original) (new)	
2338 McKinley Ave	DIR-2001-3134-SPP-MEL	2001	30	3,602	850	2,424 ¹⁷
2416 McKinley Ave	ZA-2001-2593-CDP-ZAA-SPP	2001	26	3,601	2,299	4,779 ¹⁸
2332 Beach Ave	DIR-2003-4284-SPP	2003	25	2,700	735	2,018
2432 McKinley Ave	DIR-2016-288-VSO	2016	13.5	3,551	1,340	1,317
Average Square Footage (Original/Redeveloped):					1,306	2,635
Average Height (Redeveloped):					24	

¹⁴ 2,700 square feet on Zillow

¹⁵ 2,720 square feet on Zillow

¹⁶ 2,710 square feet based on Zillow listing information in Footnote 14 and 15

¹⁷ 2,720 square feet on Zillow

¹⁸ 5,000 square feet on Zillow

A-5-VEN-21-0036 (Goldstein)
 Appeal – Substantial Issue

*Two structures were not included because staff could not verify the details needed to include in this table. Those two structures are 2341 Beach Avenue (DIR-2016-4362-CEX) and 2365 Beach Avenue (DIR-2005-4782). Based on the project descriptions of these local actions, staff found these to include minor additions and not full redevelopments.

Table 3. All structures currently within the surveyed area that were constructed prior to certification of the Venice LUP in 2001.

Address	Year Built	Lot Size (sq. ft.)	Square Footage
2420 McKinley Ave	1995	3,600	2,024
592 Olive Ave	1993	3,785	2,786
2324 Beach Ave	1966	2,699	1,230
610 Mildred Ave	1962	4,100	1,080
2361 Beach Ave	1956	2,698	720
2432 McKinley Ave	1956	3,551	1,063
2349 Beach Ave	1954	2,699	1,835
2353 Beach Ave	1954	2,698	843
2330 McKinley Ave	1954	3,602	926
2334 McKinley Ave	1954	3,602	860
2314 McKinley Ave	1953	3,615	1,280
2424 McKinley Ave	1953	3,600	1,448
2340 Beach Ave	1953	2,439	852
2334 Beach Ave	1952	2,700	1,680
2317 McKinley Ave	1950	3,628	1,130
2413 McKinley Ave	1950	3,823	1,550
2425 McKinley Ave	1950	3,880	2,244

2429 McKinley Ave	1950	3,900	700
2433 McKinley Ave	1950	3,835	1,268
2408 McKinley Ave	1950	3,601	700
2417 McKinley Ave	1949	3,843	2,304
2421 McKinley Ave	1949	3,861	768
2326 McKinley Ave	1949	3,603	800
2412 McKinley Ave	1949	3,601	2,314
2325 Beach Ave	1949	2,700	1,080
2332 Beach Ave	1948	2,700	1,784
2321 McKinley Ave	1948	3,647	3,219
2428 McKinley Ave	1948	3,600	1,246
612 Olive Ave	1947	3,602	1,080
2333 Beach Ave	1941	2,700	810
620 Mildred	1939	4,640	2,597
2319 Beach Ave	1937	2,700	1,464
2318 Beach Ave	1936	4,428	1,990
2346 Beach Ave	1926	2,204	1,627
615 Olive Ave	1925	3,602	1,479
2357 Beach Ave	1924	2,698	1,014
2409 McKinley Ave	1924	3,804	1,608
2317 Beach Ave	1923	2,700	1,604
2342 Beach Ave	1923	1,870	600

A-5-VEN-21-0036 (Goldstein)
 Appeal – Substantial Issue

2329 McKinley Ave	1923	3,686 ¹⁹	870
2309 Beach Ave	1921	2,700	893
2329 Beach Ave	1921	2,700	804
2337 Beach Ave	1921	2,699	1,332
2328 Beach Ave	1921	2,700	1,530
2313 McKinley Ave	1920	3,623	1,474
Total Number of Residences in Table:			45
Average Square Footage:			1,390

*Information obtained from ZIMAS on June 24, 2021.

¹⁹ Lot size on LandVision is 7,390 square feet.