

CALIFORNIA COASTAL COMMISSION

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**W15c**

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-21-0051

Applicant: Alon Zakoot

Agent: Stacy Van Dyke, Alliance Team Realty and
 Steve Kaplan, Law Office of Steve Kaplan

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Joan Huff, Laura Doss and Karen Jones

Project Location: 701 and 701 ½ E. Vernon Avenue, Venice, City of Los Angeles, Los Angeles County (APN No. 4240-016-076).

Project Description: Demolition of a 1,380 single-story single-family home with a detached garage, a subdivision into two smaller lots, and the construction of a new 2-story, 35 ft. high, 2-story, single-family home with roof deck and swimming pool on each newly subdivided lot, and a total of 5 parking spaces.

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 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 February 17, 2021. The City’s local CDP conditionally approved the demolition of a one-story, 1,380 square-foot single-family residence¹ and detached garage, subdivision of an existing 6,312 square-foot lot into two lots, and the construction of a new 35-foot high, two-story single-family residence with roof deck, jacuzzi, and swimming pool on each newly subdivided lot, and a total of 5 parking spaces. The City also approved a Mello Act Compliance Review for the demolition of a single-family dwelling and detached garage and the construction of two residential units 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 June 2, 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 June 18, 2021, and the Commission’s twenty working-day appeal period was established. During the Commission’s appeal period, three appeals were received on July 19, 2021. No other appeals were received prior to the end of the Commission’s appeal period on July 19, 2021.

The appellants generally contend that: **1)** the project is visually incompatible with surrounding development with regard to setbacks, mass, scale and character-defining features inconsistent with LUP Policies I.E.2 and I.E.3 as well as Sections 30250, 30251 and 30253 of Chapter 3 of the Coastal Act; **2)** the project fails to meet the neighborhood protection policies I.A.5 (Preserve stable multi-family neighborhoods) and I.E.1 (General) of the 2001 Venice Land Use Plan (LUP) that protect the multi-family character and social diversity; **3)** the project will prejudice the ability of the City of Los Angeles to prepare a local coastal program; **4)** the project will have a negative cumulative effect on the Oakwood neighborhood; and **5)** the Mello Act determination is not accurate and the number of existing units is not accurate.

Commission staff believes that there is no 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.

The appellants contend that the proposed project does not protect and preserve Venice as a Special Coastal Community, inconsistent with LUP Policy I.E.1, because of the existing structure’s significant association with the African American community and the proposed development would further prevent the Oakwood community from being eligible for a Historic District designation. Furthermore, the appellants argue that the City-approved development will perpetuate a shift from a historical African American enclave to an enclave for the rich, which they contend is a significant social equity and environmental justice issue. According to the SurveyLA Historic Resources Survey Report of 2015, the Oakwood neighborhood is a “rare example of an early-20th century African American enclave in Venice.” Today, many of the original buildings in Oakwood have been redeveloped or modified so that they no longer retain the characteristics of the original buildings. The demographics of Venice have also changed. With the information available, staff is unable to link the defining features of the African American

¹There appears to be an unpermitted second unit within the existing single-family residence. See p. 22 for a detailed discussion of the available documentation related to the home.

community in Oakwood to this specific property and the displacement of African American families, over time, due to redevelopment.

Staff conducted an independent survey of the area surrounding the proposed development, which covered 42 lots along both sides of Vernon Avenue between 7th Avenue and Lincoln Boulevard as well as 16 lots along both sides of 7th Avenue between Flower Avenue and Brooks Avenue (Exhibit 6).

The proposed project meets the City's required setback standards and respects the LUP's setback for roof access structures. According to data collected by staff, the multi-family character of the area has been stable over the years despite some redevelopment in the area consistent with LUP Policy I.A.5. Additionally, staff believes that the project is consistent 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, consistent with Chapter 3 Policies of the Coastal Act.

The west side of the City-approved development fronts 7th Avenue and is approximately 90 feet long; the south side of the development fronts Vernon Avenue and is approximately 45 feet wide, of which each side offers a stepped back façade or other articulated features to reduce its massing. The development is designed such that both the west and south sides offer a stepped back façade or other articulation, which is common in the area and also reduces the massing, scale, and visual impacts of the development, which would be highly visible to pedestrians on the large corner lot. Staff believes that the project is consistent with LUP Policies I.E.1, I.E.2. and I.E.3., which are designed to protect Venice's unique community character, a significant coastal resource. Additionally, as described above, the City-approved development will not have an adverse visual impact to the pedestrian scale of this area of Venice and does not raise an issue of statewide significance.

Therefore, considering the factors for substantial issue in Section 13115(b) of the Commission's regulations, the appeal does not 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 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 **no 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.

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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](#)

[Exhibit 8 – Onsite Parking](#)

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion: I move that the Commission determine that Appeal No. A-5-VEN-21-0051 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 YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution: The Commission hereby finds that Appeal No. A-5-VEN-21-0051 presents **NO 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 July 19, 2021, within 20-working days of receipt of notice of final local decision, Joan Huff, Karen Jones and Laura Doss filed an appeal (**Exhibit 5**) of the local CDP, which generally included the following contentions:

1. That the Los Angeles Municipal Code (LAMC) may not allow the five proposed onsite parking spaces and that the proposed parking is not compliant with LAMC standards for ingress and egress in the alley.
2. That City's determination misinterprets the difference between a historic resource and a contributor structure, and that the loss of a character-defining contributor structure will have an adverse cumulative effect on community character because of the structure's significant association with the African American community thus preventing the Oakwood community from being eligible for a Historic District designation. That the City-approved development will perpetuate a shift from a historical African American enclave to an enclave for the rich, which is a significant social equity and environmental justice issue.
3. That the City erred when it used the entirety of Vernon Avenue to Lincoln Boulevard to justify the mass and scale to the character of the area and instead should have considered the intersection of 7th Avenue and Vernon Avenue where the structure is on a large prominent corner on lot.
4. That the homes are inconsistent with the pattern of development along 7th Avenue, which predominately has rear yards and one-story bungalows.
5. That the project does not meet LUP requirements for compatibility of the neighborhood with regard to mass, scale, character, the roof access structures, and overall size of the new structures and lots.

6. That the proposed development will have a cumulative impact to the multi-family (the existing land use designation) character into a single-family neighborhood and violate LUP Policy I. E. 1 that protect Venice's social diversity.
7. That the project would set a precedent of homes without character-defining features, causing an adverse cumulative impact.
8. That the demolition of this property would prejudice the writing of the LCP.
9. That the Mello Act determination is not accurate in that there are inconsistencies within the City's determination that pertain to the number of existing units on the site.
10. That the proposed development would cause settlement issues and vibrations on the adjacent older home.
11. That the privacy and peaceful enjoyment of private yards are compromised by the proposed roof deck and should be placed closer to the public streets of 7th and Vernon Avenues.

III. LOCAL GOVERNMENT ACTION

The City held a public hearing for the local CDP on December 11, 2019. No members of the public were present. Prior to the hearing, one comment letter was submitted by David Hertz concerned about the demolition of a historic home and the mass and scale of the proposed project. After the public hearing, one comment letter was received from Karen Jones concerned about the mass and scale, nonconforming style and density of the proposed projects and the effects on her property.

On February 17, 2021, the City of Los Angeles Director of Planning approved the project under Case No. DIR-2018-2002-CDP-MEL (Exhibit 3). The local CDP approved the demolition of a 1,380 square foot single-story single-family residence² and detached garage built in 1922, subdivision of the lot into two lots (2,873 square feet for Parcel A and 3,009 square feet for Parcel B), and, on each lot, the construction of a two-story, 35-foot high, single-family residence with a roof deck, swimming pool, and 5 onsite parking spaces on Parcel B.

The Planning Director's approval was subsequently appealed to the West Los Angeles Area Planning Commission (WLAAPC) by Joan Huff and Erica Meza, of Preserve Venice. At its meeting on June 2, 2021, the WLAAPC denied the appeal and sustained the Planning Director's February 17, 2021 Determination, thereby approving the local CDP and issuing a Determination Letter dated June 16, 2021 (Exhibit 4).

On June 18, 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 July 19,

² There appears to be an unpermitted second unit within the existing single-family residence. See p. 22 for a detailed discussion of the available documentation related to the home.

2021, the above-mentioned appeals were received (Exhibit 5). No other appeals were received prior to the end of the Commission’s appeal period on July 19, 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 are 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 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 **no 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, appellants, 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 that 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, 1,380 square-foot single-family residence with a detached garage, a small-lot subdivision, and the construction of two single-family residences, one on each of the newly subdivided lots, with a total of five parking spaces (Exhibit 2). The City required the applicant to dedicate portions of the property for street improvements consisting of a 5-foot-wide swath along Vernon Avenue and a 3-foot and 3-inch-wide swath along Sunset Court, thereby reducing the approximately 6,300 square-foot project area to 5,882 square feet. The City-approved project would close an existing curb cut along 7th Avenue, and the new parking would be accessed from Sunset Court, an existing alley at the rear of the property. The two new lots would be 3,009 square-feet along 7th Avenue (Parcel B) and a 2,873 square-feet along Vernon Avenue (Parcel A). Parcel A will be developed with a 2,768 square-foot, 35-foot high, two-story single-family residence with a flat roof, a 1,207 square-foot roof deck, a 10-foot-high 63 square-foot roof access structure, jacuzzi, and a swimming pool. Parcel B will be a 2,852 square-foot, 35-foot high, two-story single-family residence with a flat roof, a 904 square-foot roof deck, a 10-foot high 99 square-foot roof access structure, jacuzzi, and a swimming pool. Parcel B will house

five parking spaces (two standard and two compact spaces, and one compact guest space) for both new residences, which will be accessed through the rear alley on Sunset Court. The one compact and one standard parking space for Parcel A will be tandem and unenclosed. The parking for Parcel B will be enclosed in the attached garage. The one guest parking space will be unenclosed and shared among both structures (Exhibit 8).

The project site is an approximately 6,312 square foot lot located at 701 and 701 ½ Vernon Avenue in Venice, over ½ of a mile inland of the beach (Exhibit 1). The subject site is in the Oakwood subarea within the City’s Single Permit Jurisdiction area and is characterized primarily by single-family and multi-family homes of varying sizes and architectural styles. The lot, which is larger than most of the lots in the surrounding neighborhood, is designated as Multiple Family Residential and Low Medium II by the Venice LUP and zoned R1.5-1 by the Los Angeles Municipal Code. The project site is in a developed residential area on the corner of Vernon Avenue and 7th Avenue. The property abuts Sunset Court, an alley behind the site.

The provided front yard setback (fronting Vernon Avenue) is approximately 20 feet wide (including the street dedication), the rear yard setback (fronting Sunset Court) is 8 to 11 feet wide (including the street dedication), and the side yard setbacks (fronting 7th Avenue and adjacent to an existing neighboring home) are 5 feet wide. The City-approved project is consistent with the development standards, including lot size, setbacks, and height requirements, of both the certified Venice LUP and the City’s uncertified Zoning Code.

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;
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 only local issues as opposed to 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 **no substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. 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 structures are not consistent with the character of the Oakwood subarea of Venice. An additional contention regarding the project's consistency with 30253 of the Coastal Act is that of vibrations and settlement concerns of the proposed home on the adjacent older home.

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 parts:

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.

(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.E.4 Redevelopment, states.

Projects involving large-scale land acquisition and clearance shall be discouraged in favor of rehabilitation, restoration, and conservation projects, especially those involving single family dwellings.

Venice LUP Policy I.A.5, Preserve and Protect Stable Multi-Family Neighborhoods, 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 LUP Policy I.A.7, Multi-family Residential - Low Medium II Density, states, in part:

Such development shall comply with the density and development standards set forth in this LUP.

d. Oakwood, Milwood, Southeast and North Vencie

Use: Duplexes and multi-family structures.

Density: One unit per 1,500 – 2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5, or one unit for each 2,000 square feet of lot area in excess of 4,000 square feet on parcels zoned

RD2, 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:

Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Venice LUP Policy I. F. 2. Reuse and Renovation of Historic Structures, states:

Wherever possible, the adaptive reuse and renovation of existing historic structures shall be encouraged so as to preserve the harmony and integrity of historic buildings identified in this LUP. This means:

- a. Renovating building façades to reflect their historic character as closely as possible and discouraging alterations to create an appearance inconsistent with the actual character of the buildings.
- b. Protecting rather than demolishing historic or culturally significant properties by finding compatible uses which may be housed in them that require a minimum alteration to the historic character of the structure and its environment.
- c. Rehabilitation shall not destroy the distinguishing feature or character of the property and its environment and removal or alteration of historical architectural features shall be minimized.
- d. The existing character of building/house spaces and setbacks shall be maintained.
- e. The existing height, bulk and massing which serves as an important characteristic of the resource shall be retained.

Density

The appellants contend that the Los Angeles Municipal Code (LAMC) may not allow the proposed density. The LAMC is not certified by the Commission. The standard of review is the Coastal Act, with the LUP as guidance. The LUP density requirements for this subarea allow one unit per 1,500 – 2,000 square feet of lot area and further states that lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of

4,000 square feet on parcels zoned RD1.5. Including the street dedications, which will reduce the lot size from 6,300 square-feet to 5,882 square-feet, a total of four units could be developed on the site as it exists today, and one additional density bonus unit could also be constructed if a project were designed in a manner consistent with the LUP that allows for such a bonus. As approved by the City, the lot would be subdivided into two parcels, consistent with the LUP. Parcel A will have a net lot size of 2,873 square-feet and Parcel B will have a net lot size of 3,009 square-feet. The new lots could be developed with up to a total of three units (1 unit on Parcel A and 2 units on Parcel B). The current project proposes to demolish one single-family residence across the entire site and to construct two units over the site (albeit one on each new lot), which increases the current density of the site and is consistent with the density standards of the LUP, and therefore the appellants contention regarding density does not raise a substantial issue.

Public Access

The appellants assert that the proposed parking is not LAMC compliant such that there is insufficient space to back up, creating a hazardous condition, and prevents emergency ingress and egress. Furthermore, the appellants argue that the proposed five parking spaces (three more than what exists onsite) is an intensification of use that is not approved by the LAMC. The LAMC is not certified by the Commission and is not the standard of review. Venice LUP Policy II.A.3. describes the parking requirements for a single-family dwelling adjacent to an alley with 35 feet or more in width as three spaces. Parcel B would meet this requirement and thus would be required to provide three parking spaces. Under the same policy, a single-family dwelling with 40 feet or more in width requires three parking spaces. Parcel A is not adjacent to an alley but does have a width of 40 feet or more and would also require the single-family dwelling to provide three parking spaces. The proposed development will provide a total of five parking spaces and is deficient one parking space. However, the proposed development proposes to move the driveway ingress/egress from 7th Avenue to Sunset Court and will close the existing curb cut on 7th Avenue. The closed curb cut will provide for an additional on-street public parking space in the area. The proposed project site is also well supported by public transit stops along 7th Avenue, Rose Avenue and Lincoln Boulevard, all within a six-minute walking distance. Thus, onsite parking would be sufficient. Therefore, there are no public access impacts, and the appellants contention that the proposed parking is not compliant does not raise a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

Historic Resources

The appellants argue that City's determination misinterprets the difference between a historic resource and a contributor. The appellants assert that the loss of a character-defining structure, as a contributor, will have an adverse cumulative effect on community character, its significant association with the African American community and will prevent the Oakwood community from being eligible for a Historic District designation.

Although not certified by the Commission, SurveyLA is the primary planning tool that the City uses for identifying, recording, and evaluating historic properties and districts in Los

Angeles. According to the SurveyLA Historic Resources Survey Report of 2015, the Oakwood neighborhood is a “rare example of an early-20th century African American enclave in Venice.” The report also states that, while the Oakwood neighborhood “does not retain sufficient integrity or cohesion to qualify as a historic district, it may warrant special consideration for local planning purpose.” SurveyLA identifies the integrity and cohesion of the district as a whole was compromised by the alteration of many of the district’s original buildings, either due to replacement or new construction or some degree of alteration. However, the report does not identify whether the original buildings that would have contributed to the cohesion and integrity of the district would be considered historic today and what features of residential development are important identifiers and contributors to the unique characteristics of Oakwood as an African American enclave. Additionally, the appellants have not provided any evidence that of the historical connections of the existing home to the African American enclave.

Based on information available, the residence, built circa 1922, has not been documented as a historic site and there is no information regarding what features of the property contribute to the historic character and its importance to the African American community with a connection to Oakwood. LUP policies I.E.1 through I.E.4 encourage “architectural diversity” in Venice and encourage the preservation of historic structures. The above policies have not been defined in an implementation plan and certified by the Commission in the form of an LCP nor has the City defined a specific architectural style for the various neighborhoods of Venice. In this case, the surrounding neighborhood for this property is comprised of a variety of old and new multi-unit residential structures and single-family residences that vary in height, in size of square footage and architectural style. Therefore, the contention does not raise a substantial issue as to the project’s conformity with the Coastal Act.

Community Character

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.³ 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 approved policies

³ Venice Chamber of Commerce website. <<http://venicechamber.net/visitors/about-venice/>>

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.

When reviewing the project, the City conducted an analysis of 40 structures fronting Vernon Avenue between 7th Avenue and Lincoln Boulevard and the homes adjacent to the intersection of 7th Avenue and Vernon Avenue (Exhibit 7). The City characterized Vernon Avenue as containing one to three-story single-family and multi-family structures, and the homes at the intersection to be single-story single-family homes. While these proposed homes would be two stories, the City stated that the proposed development would conform with the setback requirements of the RD1.5 zone and further recess portions of the side walls along 7th Avenue to reduce massing.

The appellants primarily contend that the City erred when it used the entirety of Vernon Avenue to Lincoln Boulevard to justify the mass and scale to the character of the area and rather, should have considered more heavily the intersection of 7th Avenue and Vernon Avenue where the structure is on a corner on a large lot. Additionally, the appellants state that the project does not meet LUP requirements for compatibility with the mass, scale and character of the surrounding neighborhood, is not visually compatible, and is inconsistent with the existing pattern of development along 7th Avenue, in both size and subdivision pattern. More specifically, the appellants assert that the adjacent and surrounding properties are one-story bungalows and that the size of the new development would be incompatible with the neighborhood.

According to the appellants, new development that maximizes square footage of structures does so at the expense of community character because it changes the community from an African American enclave to an enclave for the rich, which perpetuates a social equity and environmental justice issue. The appellants state, aside from the size of each two-story home, the lack of articulation and stepped-back features would contribute to more bulk and massing. The appellants also argue that the mass and bulk of the proposed development is further accentuated because the roof access structures are improperly and inadequately set back from 7th Avenue and that the maximum height of each structure is located on the side of the lot most visible to pedestrians. More so, the appellants argue that the City failed to address that single-family homes on 7th Avenue have rear yard setbacks, thereby making the proposed development inconsistent with the character of the area.

In 2019, the Commission adopted an environmental justice policy to inform its implementation of Section 30604(h) as the Coastal Act, which gives the Commission the authority to consider environmental justice when acting on a CDP. The Commission recognizes that housing along the California coastline has been influenced by discriminatory housing policies and practices and has affected present day demographics in the coastal zone. As mentioned earlier, according to SurveyLA, the

Oakwood Planning District is significant as a rare example of an early-20th century African American enclave in Venice and may warrant special consideration for local planning purposes. The report identifies there were three phases of African American population expansion in Venice, which started as early as the 1900s. African American families arrived in Venice to work as manual laborers, service workers, and servants to wealthier white residents. Oakwood became an early site for African American homeownership, and later was also affected by the practices of redlining and de facto segregation in hiring practices and real estate sales. As a result, Oakwood also became one of the few places in Venice and in this part of the coast where African American families could live. Many generations of African American families settled in the area and created additional houses on the same parcel of land, providing for children and grandchildren to become homeowners.

The report also identifies the importance of neighborhood churches in the area that served as important gathering places for the African American community. One of these churches, the First Baptist Church, was recently designated as a historic cultural monument listing by the LA Cultural Heritage Commission. Later, in the 1960s and 1970s, the U.S. Department of Housing and Urban Development constructed low-income housing projects in Oakwood, many of which provided assistance to African American residents and allowed them to continue finding housing and maintain a relationship with the neighborhood.

Today, many of the original buildings in Oakwood have been redeveloped or modified so that they no longer retain the characteristics of the original buildings. The demographics of Venice also changed. During the 60s and 70s, many Latino families moved into the area. According to CalEnviroScreen 3.0, the race/ethnicity profile is 48 percent white, 35 percent Hispanic and 12 percent African American. Thus, based on SurveyLA's analysis of the Oakwood area, important features of development in Oakwood associated with the African American community in the area include multi-generational housing, affordable housing, and the importance of specific gathering spaces, such as churches.

Over time, the demographic and socioeconomic patterns of Venice have changed, but not enough information is available regarding the connection of single lot redevelopment and how this has affected the African American community, as it appears other factors, including development patterns outside of Venice, affected the makeup of the community. With the information available, staff is unable to link the defining features of the African American community in Oakwood to this specific property and the displacement of African American families, over time, due to redevelopment.

Staff reviewed the City-approved project plans and then compared them to the 42 developed lots along Vernon Avenue between 7th Avenue and Lincoln Boulevard, as well as 16 developed lots along 7th Avenue (Exhibit 6). The subject site sits at the corner Vernon and 7th Avenues. The proposed development would increase the density at the site from one single-family dwelling on a single lot to two single-family dwellings on two lots, consistent with the LUP and the surrounding area as single-family dwellings comprise 45% of the residential lots on Vernon Avenue.

Although the LUP does not provide setback standards for this area, the existing front yard setback at the subject site along Vernon Avenue is approximately 25 feet, and the proposed front yard setback is 20 feet (including the five-foot wide area designated for the street dedication). The prevailing front yard setback along Vernon Avenue is approximately 16 feet.⁴ The proposed project would not have a greater front yard setback than what currently exists at the site but, at 20 feet (including street dedication), would remain greater than the prevailing front yard setbacks that currently exist along this portion of Vernon Avenue. The applicant proposes approximately five feet side yard setbacks along 7th Avenue and the adjacent neighboring lot. The documents supplied by the applicant indicate that the prevailing side yard setback along the 7th Avenue block is approximately four feet and six inches. The existing home has a fifteen to seventeen-foot side yard setback along 7th Avenue and a four-foot side yard setback near the adjacent neighboring lot. Additionally, the applicant proposes approximately five to eight feet for the rear yard setback along Sunset Court.⁵ The appellants assert that the City-approved homes are inconsistent with nearby development that have rear yard setbacks along 7th Avenue. A review of the homes on 7th Avenue reveals there are some homes without rear yard setbacks and others with shallow rear yard setbacks. As explained in the City's Appeal Recommendation Report, the proposed subdivision is subject to the provisions of LAMC 12.22-C.27(a)(8)(ii). This provision requires a five-foot minimum setback for the rear yard. The proposed plans meet the minimum setback requirement. The City's code is not certified by the Commission, and the LUP does not require setbacks for this area. Therefore, the contention the proposed development is inconsistent with the rear yard setbacks of the area does not raise a substantial issue.

The proposed two-story residences are designed with rooftop roof access structures and would have a maximum height of 35 feet fronting Vernon Avenue (Parcel A) and 7th Avenue (Parcel B). The flat roof heights of the proposed structures are consistent with the development standards of the Venice LUP, which stipulate a maximum height of 25 feet for structures with flat roofs and that the portions that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. The two residences are consistent with the roof access structures policy limiting them to 10 feet in additional height. The roof access structure of the development on Parcel A is set back approximately 40 feet from Vernon Avenue and approximately 13 feet from 7th Avenue. The roof access structure of the development on Parcel B is set back approximately 10 feet from 7th Avenue and over 12 feet from Sunset Court. Therefore, the appellants contention that the building height is not appropriately set back does not raise a substantial issue.

The average lot size of all 42 lots located along the surveyed portion of Vernon Avenue is 4,988⁶ square feet. There are two other lots in the survey area that are

⁴ To get an approximate measurement of setbacks in the survey area, staff measured the distance from the home to the public right of way on google maps.

⁵ The home is set back eight to eleven feet from the existing property line (prior to the street dedication) for the rear yard setback along Sunset Court.

⁶ The average square foot originally tabulated included the square footages listed in ZIMAS for an average of 4,873 square feet. However, according to LandVision and Redfin, one lot was divided, and the two neighboring lots absorbed the additional square footage thereby increasing the total square footage of two lots. Since ZIMAS does not capture this and the new average square footage per lot is 4,988.

greater than 6,000 square feet⁷. The average lot size of all the lots located along the surveyed portion of 7th Avenue is 5,824 square feet. There are eight other lots in this surveyed portion that are greater than 6,000 square feet.⁸

Along Vernon Avenue, there are 19 single-family homes and 23 multi-family structures. The average is 1.83 units per lot. Along 7th Avenue, there are 5 single-family homes and 11 multi-family structures. The average is 2.63 units per lot.

Along Vernon Avenue, there is one three-story structure, ten two-story structures and thirty-one one-story structures. Along 7th Avenue, there are three two-story structures and thirteen one-story structures. Vernon Avenue has an average of 1.29 stories, and Seventh Avenue has an average of 1.19 stories.

The average square footage of the structures fronting Vernon Avenue is 1,848 square feet.⁹ The proposed residences would exceed that average by 920 square feet and 1,004 square feet. The proposed residences would not be the largest on Vernon Avenue, which consist of a 3,040 square foot single-family home¹⁰ and a 3,591 square foot single-family home.¹¹ There is also a 3,576 square foot triplex¹², a 3,744 square foot quadplex¹³ and another 3,651 square foot quadplex.¹⁴

A review of the structures fronting 7th Avenue between Flower Avenue and Brooks Avenue indicates that the average square footage of the structures fronting 7th Avenue is 2,305 square feet. Each proposed residence would exceed that average by 463 square feet and 547 square feet. Of the single-family homes along 7th Avenue, there is one 3,011 square foot, one-story home larger than the proposed project.¹⁵ The proposed residences would not be the largest on 7th Avenue which consist of a 3,579 square foot duplex¹⁶, 3,373 square foot quadplex¹⁷, 2,986 square foot quadplex¹⁸, 3,250 square foot duplex¹⁹ and a 6,596 square foot 9-unit multi-family structure.²⁰ While the proposed structures would be among the larger homes in the neighborhood, it's not the size of the homes, necessarily or exclusively, that raises issues with regard to community character.

Along Vernon Avenue, seven of the eleven two and three-story homes have stepped back facades or second story additions toward the rear of the lots. All three two-story homes along 7th Avenue have stepped back facades or second story

⁷ See Appendix B – Neighborhood Survey Tables.

⁸ See Appendix B – Neighborhood Survey Tables.

⁹ Some lots had multiple structures on one lot. The square footage of each structure on the lot was added together to find the sum of the total square footage of the lot.

¹⁰ 744 Vernon Avenue

¹¹ 732 Vernon Avenue

¹² 733 Vernon Avenue

¹³ 743 Vernon Avenue

¹⁴ 728 & 731 Vernon Avenue

¹⁵ For example: 671 Brooks Avenue. This site is also a corner lot.

¹⁶ 701 Sunset Avenue

¹⁷ 657 Sunset Avenue

¹⁸ 400-407 7th Avenue

¹⁹ 701 Indiana Avenue

²⁰ 676 Flower Avenue

additions toward the rear of the lots. However, these two-story homes are visible from 7th Avenue and are more visible than interior 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.

The City interpreted the character of the surrounding area by the adjacent homes in the intersection as single-story structures but also noted that the recessed portions of the side walls along 7th Avenue reduce the massing of the structure. Though, the corner lot is highly visible corner to both Vernon and 7th Avenues, the home does provide a great deal of architectural features such as balconies and patios that help to break up the massing. The applicant’s proposed plans are consistent with the two-story homes in the surveyed areas with stepped back facades or second-story additions toward the rear of the lots. More so, the 10-foot-high roof access structures meet the LUP’s setback requirements thereby reducing the visible portion of the structures where they are highest. Overall, the homes would be consistent with the character of surrounding development as provided in Venice LUP Policies I.E.2 and I.E.3. Therefore, the appellants’ contention that the size and mass of the homes are out of character of the area does not raise a substantial issue with the project’s conformity with the Chapter 3 policies of the Coastal Act.

Cumulative Effects

The appellants argue that the proposed development will have a cumulative impact to the multi-family neighborhood character by allowing single family residences, which violates Venice LUP Policy I.A.5. In addition, the appellants assert that the project would set a precedent of homes without character-defining features, causing an adverse cumulative impact.

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, Vernon Avenue, and the adjacent residential block 7th Avenue since 2001. The cumulative effects analysis included all 42 lots along Vernon Avenue and 16 lots along 7th Avenue and considered the year of Commission or City approval for redevelopment, lot size, habitable residence area, and height. For properties that 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. L.A. County Assessor data was also included in staff's review. There are discrepancies between the County Assessor and the City of Los Angeles data due to potential differences in calculating square footage. Adding the Assessor data is used to provide a reference.

The information analyzed by Commission staff shows that the City-approved residence has a height and size consistent with past Commission and City approvals since 2001.²¹ Table 3 also demonstrates the proposed residences are larger than the majority of homes that have not been redeveloped subsequent to 2001 within the survey areas but also would not be the largest currently built in the survey areas.²² Furthermore, the Los Angeles Housing and Community Investment Department (HCIDLA) found that there were no affordable units on the existing property. Additionally, the development will replace one single-family residence with two, thereby increasing housing in the coastal zone. Commission staff is not aware of future development projects in the survey area.

Prior to certification of the LUP in 2001, approximately 52 percent of the homes in the survey area were multi-family dwellings. Since 2002, the City has authorized three instances for a change in housing density in the survey area. In 2002, one single-family dwelling expanded to become a duplex.²³ In 2012, a duplex downsized to become a single-family home,²⁴ and in 2018, a triplex became a single-family home.²⁵ Existing development in the survey area reveals that 55 percent of the homes are multi-family. The subject project will replace an existing single-family home with two single-family homes. Although, the project would result in a decrease of the *percentage* of multi-family dwellings in the area (from 55 percent to 53 percent) because of the additional housing unit, there would be no actual loss of multi-family structures as a result of the project, and, in fact, the overall housing stock of the area will increase by one unit.

Furthermore, single-family residences are an allowable use in areas, like the project site, designated Multi-Family Residential – Low Medium I and Low Medium II Density. As discussed earlier, the two single-family dwellings are compatible with the character of the area and, furthermore, increases density where it can be accommodated. Therefore, the contention that the proposed development will have a cumulative impact on the multi-family character of the area (I.A.5) and violates the certified LUP policies for protection of Venice's social diversity (I.E.1.) does not raise a substantial issue.

As discussed earlier, there's insufficient evidence to link this home to Oakwood's historical African American enclave, Oakwood was a historically working-class neighborhood that was majority African American in the early 1900s, transitioned to majority Latinx in the 1960s and 1970s as Mexican American and immigrant

²¹ For example, the Commission approved a 35-foot high, 8,018 square foot duplex on a 7,202 square foot lot located at 713 and 713 ½ Vernon Avenue. Staff will note that it does not appear the larger duplex was developed. Additionally, the City approved a 32-foot high, 3,040 square foot single-family home on a 4,802 square foot lot located at 744 Vernon Avenue.

²² For example, 733 Vernon Avenue was built in 1991 with 3,576 square feet.

²³ The Commission also authorized this development via waiver 5-02-268-W located at 821 and 823 Vernon Ave.

²⁴ DIR-2012-3330-VSO-MEL for the project located at 813 and 815 Vernon Avenue.

²⁵ DIR-2017-3959-CDP-MEL for the project located at 725 and 727 Vernon Avenue.

communities were displaced from other areas, and then to majority white in the 1980s following gang injunctions.²⁶ Upon a visual review of the homes in the survey area, there are a variety of architectural styles, many of which were built after the Craftsman bungalow era and prior to the establishment of the Coastal Act and subsequent LUP. Therefore, the contention that the proposed home would set a precedent of homes without character-defining features and cause an adverse cumulative impact does not raise a substantial issue.

The City's determination did not include an analysis of the project's potential impacts on the social diversity of Venice. The project does not appear to pose a significant detrimental cumulative impact to the community character and social equity 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 on community character and social equity of its immediate neighbors and on the larger Oakwood 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."

The City provided sufficient findings that considered the community character, historical resources, and a Mello Act Compliance Review. In this case, the appellants' contention that the demolition of the home would prejudice the City's ability to prepare an LCP does not raise a substantial issue and would not prejudice the City's ability to prepare an LCP in the future.

Mello Act Determination

The appellants assert that the Mello Act Determination is not accurate and that there are inconsistencies with the City's determination that pertain to the number of existing units. The applicants have indicated that there is another unit onsite that was rented out. The Historical Resources Assessment report by Sapphos Environmental indicates that the home is currently used as a duplex, however, two of the permits used in making this determination were for another property located outside of the Coastal Zone.²⁷ Staff reviewed ZIMAS, LandVision and the L.A. County Assessor's website and each have indicated the site is developed with a single-family home. A 1930 permit for expansion of the existing porch on the site indicates that the home is also a single-family residence. The applicant requested all records related to the subject site from the City.

²⁶ Deener, A. (2012). Venice: A contested bohemia in Los Angeles. University of Chicago Press

²⁷ Sapphos Environmental pulled permits (City of Los Angeles. Issued 19 March 1914. Permit No. 5766 and City of Los Angeles. Issued 25 October 1967. Permit No. 50925) for the address at 701 W. Vernon Avenue.

The City's results dated March 1, 2018, did not include a Certificate of Occupancy or building permit records. Staff could not locate a Certificate of Occupancy or permits for the subject site in an independent building records search. However, staff found the home's 2020 rental listing that included a link to a virtual tour of the home.²⁸ The video tour demonstrates that the home is split into two units, using a locking 'hotel style' door. The additional unpermitted living quarter is equipped with a separate entrance and kitchen. Furthermore, the HCIDLA Mello Act Determination dated May 7, 2018 indicates that HCIDLA collected monthly housing cost data for the previous three years between April 2015 and April 2018. Property tax bills and Department of Water and Power bills were submitted to HCIDLA. HCIDLA concluded that no affordable units exist on the property. Further, Mello Act (affordable housing) determinations do not present a substantial issue as to conformity with Chapter 3 of the Coastal Act.

Additional Contentions

The appellants state that they did not receive proper noticing for the local hearing held on December 11, 2019. The City's staff report states that no one from the public attended the public hearing held in December. The mailing labels received from the City indicate that the appellants were notified of both local hearings held on December 11, 2019 and June 2, 2020. According to the City, all hearing notices were also sent to interested parties who contacted the planner for this case.

Appellants also have concerns regarding settlement and vibrations caused by the proposed development on the adjacent older home. The proposed development is not sited in a hazardous area, and no substantial evidence was provided to support the concerns raised by the appellants. Therefore, the contentions regarding settlement and vibrations do not raise a substantial issue as to conformity with Section 30253 of Chapter 3 of the Coastal Act.

Lastly, the appellants contend that the privacy and peaceful enjoyment of private yards will be compromised by the proposed roof decks and that the roof decks should be placed closer to 7th Avenue and Vernon Avenues and further from the existing adjacent homes. While the proposed structures are set back five feet from the adjacent lot on Vernon Avenue, the roof decks on Parcel A and Parcel B are set back more than 16 feet and 12 feet from the property line, respectively. Despite the proposed location of the roof decks, neither the Coastal Act nor the LUP restrict roof decks to certain locations or setbacks. Therefore, the appellants' contention that the roof decks impede on the privacy and peaceful enjoyment of private yards does not raise a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

SUBSTANTIAL ISSUE FACTORS

The Commission shall hear an appeal if 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.

²⁸ <https://www.youtube.com/watch?v=dAV6iopumsY>

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 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 have adequate support for such a determination, and staff believes that the project, as approved by the City, is consistent with LUP Policies I.E.2 and I.E.3; thus, as approved by the City, the project would not 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 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 two new single-family residences 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 not have an adverse visual impact to the pedestrian scale of this area of Venice. Therefore, the Commission finds that the City-approved development will not 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 consistent with LUP Policies I.E.2 and I.E.3. Thus, the project, as approved, does not 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 not 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**. Venice has been identified as a Special Coastal Community and is a visitor destination for those from around the state, nation, and world; and, as such, is a coastal resource beyond the local community. The City-approved development is consistent with various policies of the certified LUP and with Chapter 3 of the Coastal Act that protect community character. Therefore, the Commission finds that the City-approved CDP does not raise substantial issues of statewide significance.

Conclusion

Applying the five factors listed above clarifies that, on balance, the appeal raises no substantial issue on the grounds on which it was filed with respect to the project's

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consistency with Chapter 3 of the Coastal Act, and there is sufficient support that the project is consistent with the Chapter 3 policies, as well as the LUP policies, with respect to compatibility with community character. The decision is not likely to set an adverse precedent for future interpretations of the Venice LUP and prejudice their ability to prepare an LCP in the future. Therefore, staff recommends that the Commission find that the appeal raises no 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-2018-2002-CDP-MEL dated February 17, 2021
2. City of Los Angeles Appeal Recommendation Report for Case No. DIR-2018-2002-CDP-MEL-1A dated June 2, 2021
3. SurveyLA Historic Resources Survey Report of 2015
4. Historic Resources Assessment report by Sapphos Environmental dated June 2020

Appendix B – Neighborhood Survey Tables

Table 1. Past Commission actions on all structures within the Vernon Avenue survey area since the Venice LUP certification in 2001. The proposed residence is included for reference but is not a part of the averages.

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage		L.A. County Assessor (sq. ft.)
					(original)	(new)	
701 Vernon Ave (proposed)	A-5-VEN-21-0051	N/A	35	3,111	N/A	2,800	1,380
702 Sunset Court (proposed)	A-5-VEN-21-0051	N/A	35	3,201	N/A	2,800	N/A
732 Vernon Ave	5-13-0376-W	2013	30	4,802	N/A	2,672	3,591
713 & 713 ½ Vernon Ave	5-08-055-W	2008	35	7,202	2,160	8,018	2,160
821 & 823 Vernon Ave	5-02-268-W	2002	25	4,802	735	1,793	2,532
Average Square Footage (Original/Redeveloped):					1,447	4,161	2,415
Average Height (Redeveloped):					30		N/A

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

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Sq. Ft.		L.A. County Assessor (sq. ft.)
					(original)	(new)	
728 & 731 Vernon Ave	DIR-2020-693-CDP	2021	25	4,802	2,766	3,651	2,766
725 & 727 Vernon Ave	DIR-2017-3959-CDP-MEL	2018	N/A	4,802	1,440	1,440	1,440
750 & 752 Vernon Ave	DIR-2017-3263-CEX	2017	N/A	4,802	1,603	1,603	1,603
744 Vernon Ave	DIR-2017-2292-CDP-MEL	2017	32	4,802	834	3,040	N/A
801 Vernon Ave	DIR-2015-2955-CEX	2015	18	4,802	1,783	2,245	1,783
704 Vernon Ave	ZA-2014-2132-CEX	2014	N/A	5,089	1,386	1,386	1,386
813 & 815 Vernon Ave	DIR-2012-3330-VSO-MEL	2012	N/A	4,802	1,552	1,552	1,552
760 Vernon Ave	ZA-2008-630-ZAD	2008	N/A	4,802	1,185	1,185	1,185
805 Vernon Ave	DIR-2002-2488-SPP	2002	29	4,802	1,082	1,082	1,082
Average Square Footage (Original/Redeveloped):					1,514	1,909	1,600
Average Height (Redeveloped):					26		N/A

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

Address	Year Built	Lot Size (sq. ft.)	Square Footage	L.A. County Assessor (sq. ft.)
733 Vernon Ave	1991	4,802	3,576	3,576
812 Vernon Ave	1991	4,802	1,291	1,291
743 Vernon Ave	1962	4,802	3,744	3,744
720 & 720 ½ & 722 & 722 ½ Vernon Ave	1956	4,802	1,440	1,440
705 & 707 Vernon Ave	1955	4,802	2,782	2,782
755 & 759 Vernon Ave	1954	4,802	882	1,612
804 & 806 Vernon Ave	1953	4,802	1,490	1,490
800 & 802 Vernon Ave	1953	4,802	1,490	1,490
756 Vernon Ave	1953	4,802	2,456	2,456
817 & 819 Vernon Ave	1952	4,802	1,632	1,632
808 & 810 Vernon Ave	1951	4,802	1,536	2,526
724 Vernon Ave	1949	4,802	700	700
749 Vernon Ave	1948	4,802	1,135	1,135
748 Vernon Ave	1948	4,802	1,000	1,000
753 Vernon Ave	1947	4,802	1,530	1,530
740 Vernon Ave	1947	4,802	1,092	1,092
736 Vernon Ave	1947	4,802	900	900
816 Vernon Ave	1939	4,802	968	968
721 & 723 Vernon Ave	1930	4,802	2,410	2,310
745 Vernon Ave	1928	4,802	1,248	1,248
712 & 714 & 716 Vernon Ave	1927	5,402	1,512	1,512
709 Vernon Ave	1925	4,802	808	808
729 & 729 ½ Vernon Ave	1924	4,802	872	1,196

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737 Vernon Ave	1924	4,802	1,271	1,271
825 Vernon Ave	1924	4,802	1,032	1,032
829 & 831 Vernon Ave	1923/1950	4,802	1,410	1,410
708 Vernon Ave	1921/1957	5,402	2,016	2,016
809 & 809 ½ Vernon Ave	1921/1927	4,802	1,464	1,454
718 Vernon Ave	1915/1922	4,802	2,055	2,055
Total Number of Lots in Table:			29	29
Average Square Footage:			1,577	1,644

*Information obtained from ZIMAS on July 30, 2021.

Table 4. All structures currently within the 7th Avenue survey area.

Address	Year Built	Lot Size (sq. ft.)	Square Footage	L.A. County Assessor (sq. ft.)
671 Brooks Ave	1972	8,212	3,011	3,011
676 Flower Ave	1963	3,070	N/A ²⁹	N/A
400 – 406 7 th Ave	1954	5,913	2,986	2,968
667 Vernon Ave	1952	3,980	1,132	1,132
674 Indiana Ave	1952	7,122	1,220	1,220
668 Vernon Ave	1941	6,566	2,210	2,210
704 Vernon Ave	1940	5,089	1,386	1,386
701 Brooks Ave	1930	6,941	1,792	1,792
717- 719 7 th Ave	1923	3,800	1,134	1,134
704 Sunset Ave	1919	5,688	1,740	1,740
700 Indiana Ave	1965	3,070	1,463	1,498
804 7 th Ave	1906	1,297	568	568
701 Indiana Ave	1954	5,097	3,250	3,137
701 Sunset Ave	1922	7,122	3,579	3,579

²⁹ 6,596 square feet using LandVision

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657 Sunset Ave	1922	9,414	3,373	3,373
664 Sunset Ave	1911	6,752	1,440	1,440
Total Number of Lots in Table:			16	16
Average Square Footage:			2,019	2,013