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Staff Report: --/--/----
Hearing Date: 04/10/2025

STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal No.: **A-5-VEN-24-0053**

Applicant: **Siavash Showghi**

Agent: Majid Nael

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellant: Chris Fay

Project Location: 246, 248, and 250 6th Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4240-003-006).

Project Description: Appeal of City of Los Angeles Coastal Development Permit No. DIR-2021-2054-CDP-MEL-HCA of approval with conditions for the demolition of a one-story, 1,497 square-foot single-family dwelling over two lots and the construction of a 11,045 square-foot, 25-foot high, two-story four-unit apartment building across two lots with one subterranean level, four recreation rooms, four roof decks, and nine parking spaces on-site.

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The City approved a local coastal development permit (CDP) for the subject development on January 10, 2024. The City's local CDP approved with conditions the demolition of a one-story, 1,497 square foot single-family dwelling built over two lots, and the construction of a 11,045 square foot, 25-foot high, two-story, four-unit apartment building over two lots totaling 8,328 square feet, with one subterranean level, nine parking spaces, four recreation rooms, and four roof decks with 35-foot high roof access structures, and 42-inch high roof deck railings. An appeal was filed with the City of Los Angeles, Department of City Planning during the mandatory City appeal period. A public hearing was held for the appeal on August 21, 2024, with the West Los Angeles Planning Commission granting the appeal in part and denying the appeal in part, with the Planning Commission adopting modified conditions of approval and amended findings. The Planning Commission sustained the Planning Director's Determination to approve a Coastal Development Permit. The City's notice of final local action was received by the Commission's South Coast office on November 12, 2024, and the Commission's twenty working-day appeal period was established. During the Commission's appeal period, the subject appeal was received on December 10, 2024.

The appellant contends that the proposed size, height, scale, massing, and bulk of the City-approved development is not consistent with the character of the surrounding community. The appellant further contends that the City's approval of the project will change the size, scale, mass, and bulk of permittable development for the neighborhood and produce precedential impacts. The appellant also raises issue with the City's methods of analyzing the project's consistency with the character of the surround area.

Staff has reviewed the appellants' contentions and determined that: 1) the City-approved development adheres to the development standards with regard to height, size, scale, mass, and bulk of the certified LUP and, by extension, Section 30251 of the Coastal Act; 2) its design minimizes the massing and is consistent with development in the area and, as such, does not adversely affect community character of Venice or the Oakwood subarea; and 3) 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 accounting for potential cumulative effects of the project.

Therefore, staff believes 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. In addition, the scope of the development is limited in nature, and the decision is not likely to set an adverse precedent for future interpretations of the Venice LUP or the Coastal Act.

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; and, thus, pursuant to Section 30625(b) of the Coastal Act and Section 13321 of the Commission's regulations, de novo consideration of the application is not required.

Important Hearing 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 applicants, 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.

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EXHIBITS

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I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion: I move that the Commission determine that Appeal No. A-5-VEN-24-0053 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. 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-24-0053 does NOT 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. APPELLANT'S CONTENTIONS

On November 12, 2024, the Commission received a notice of final local action for Local CDP No. DIR-2021-2054-CDP-MEL-HCA, which conditionally approves the demolition of a one-story, 1,497 square foot single-family dwelling built over two lots and the construction of a 11,045 square foot, 25-foot high, two-story, four-unit apartment building with one subterranean level, nine parking spaces, four recreation rooms, and four roof decks with 42-inch high roof deck railings.

Within 20-working days of receipt of the notice of final action, on December 10, 2024, Chris Fay filed an appeal of the local CDP with Commission in which they made the following assertions:

1) The project would not be visually compatible with the existing neighborhood and would be the largest and tallest building among the neighborhood and adjoining lots;
2) The floor-area ratio (FAR) of the proposal as approved by the City is more than double any nearby or adjacent homes, inconsistent with community character for the area;
3) Approval of the project will change the size, scale, mass, and bulk of permitted development in the North of Rose Neighborhood (NORO).
4) The City's approval of the project relied on the maximum allowances per the certified LUP rather that the character of the existing neighborhood, as well as ignores and overturns past decisions on acceptable methods for analyzing permittable developments, not properly analyzing size, mass, scale, bulk, impact to adjoining lots, and visual compatibility; and
5) The City's decision treated the project as a "transitional" lot with alternative considerations and analysis that are inconsistent with the Coastal Act and the certified LUP.

III. LOCAL GOVERNMENT ACTION

On January 10, 2024, the Director of City Planning issued a Determination Letter approving the local CDP for the proposed demolition of the single-family residence and construction of a new multi-family residence. An appeal was filed by Chris Fay with the City of Los Angeles, Department of City Planning during the mandatory City appeal period. Three public hearings were held for the appeal on May 15, July 17, and August 21, 2024, with about a dozen members of the public providing written comment or speaking at one of the hearings. The West Los Angeles Planning Commission granted the appeal in part and denied the appeal in part, with the Planning Commission adopting modified conditions of approval and amended findings. The modifications and amendments set sidewalk wall height limits and soil depth requirements for the front yard, and approved size reduction plans for the structure. The Planning Commission sustained the Planning Director's Determination to approve a Coastal Development Permit.

The City's Notice of Final Action for the local CDP was received in the Coastal Commission's Long Beach Office on November 12, 2024, and the Coastal Commission's required twenty working-day appeal period was established. On December 10, 2024, the appeal was received from the appellant. No other appeals were received prior to the end of the appeal period at 5 p.m. on December 12, 2024.

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

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act, 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 appellant's contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the 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.

. 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.

The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE PERMIT JURISDICTION 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 is located within the Single Permit Jurisdiction Area. The Commission's standard of review for the appeal is the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The project site is located in a residential neighborhood within the Oakwood subarea of Venice, City of Los Angeles. The subject lots are approximately 4,105 and 4,224 square feet area, totaling 8,328 square feet, with a land use designation of Multi-family Low Medium II Residential and zoned as RD2-1 by the Los Angeles Municipal Code. The lots are tied by an existing residential structure that sits on top of the

dividing property line. The site fronts 6th Ave., abuts an alley (6th Ct.), and has a side property line at another alley that separates the residential site and neighborhood from adjacent commercial structures on Rose Ave.; the site is located approximately half a mile inland of the public beach **(Exhibit 1)**. The Oakwood Venice neighborhood is characterized primarily by one-story and two-story single-family and multi-family homes of varying sizes and architectural styles.

The project, as approved by the City, includes the demolition of a one-story, 1,497 square foot single-family dwelling built over two lots, and the construction of a 11,045 square foot, 25-foot high, two-story, four-unit apartment building with one subterranean level containing nine parking spaces and four recreation rooms between 550 and 650 square feet, and four 700 to 740 square foot roof decks with three 10-foot high, 81 to 99 square foot roof access structures, and a 42-inch high roof deck with wrought iron railings **(Exhibit 2)**.[1] The four market-rate apartment units are 1,800, 1,912, 1770, and 1,915 square feet. Parking for the new residences would be provided in a basement-level nine-car garage accessed through the side alley without new curb cuts. The proposed development utilizes a flat roof design. The front yard setback for the proposed residence is 15 feet from the front yard property lines. The rear yard is setback 15 feet and the side yard setbacks are each 5 feet. The site would maintain the lot tie with the residential structure located across the two properties. The City-approved project observes all of the required setbacks of the City's Municipal Code.

B. Factors to be Considered in Substantial Issue Analysis

When determining whether an appeal raises a "substantial issue," section 13115(b) 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;
4. The precedential value of the local government's decision for future interpretations if 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 is recommending 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.

[1] While the number of roof access structures exceeds the allowances provided by the certified Venice LUP, this was not a contention specifically raised in the appeal and does not weigh in favor of substantial issue.

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 appellant alleges that the mass and scale of the proposed structure is not consistent with the character of the Oakwood 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 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.

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 such scenic areas and special communities shall be protected. These sections of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. 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.

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 302520, 30251, and 30253 of the Coastal Act. In this case, the certified Venice LUP echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods:

Certified 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.

Certified 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 landscaping of existing residential neighborhoods.

Certified 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.

Certified Venice LUP Policy I.A.1 Development Standards states, in part:

> The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP…
>
> a. Roof Access Structures. Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:
>
> i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;
>
> ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;
>
> iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; and,

iv. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).

Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

b. Residential Lot Consolidations. In order to preserve the nature and character of existing residential neighborhoods, lot consolidations shall not be permitted in the Venice Canals and Silver Strand residential neighborhoods. No more than two lots may be consolidated in the Ballona Lagoon West, Ballona Lagoon (Grand Canal) East, Southeast Venice, Milwood, North Venice and Oxford Triangle neighborhoods and on walk streets. Lot consolidations of not more than three lots shall be permitted in the Oakwood and Marina Peninsula residential neighborhoods. Lot consolidations may be permitted only subject to the following limitations:

i. No building or structure shall be constructed on what were more than two contiguous lots prior to lot consolidation with the exception of subterranean development that is entirely below street elevation.

ii. Building facades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street. No increase in the number of units shall result from the lot consolidation.

iii. Front porches, bays and balconies shall be provided to maximize architectural variety.

Certified Venice LUP Policy I.A.7.d states, in part:

Use: Duplexes and multifamily 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.

Community Character

The appellant primarily contends that the City-approved project is not visually compatible with the community character of the area because of its size, mass, scale, and bulk. Section 30251 of the Coastal Act requires development "to be visually compatible with the character of surrounding areas." Specifically, the appeal references the height, the size of the structure measured using FAR, and the perceived scale and mass of the structure as aspects of the project that cause it to conflict with the visual character of the surrounding area. In its findings that the project is in character with the surrounding area, the City cites Section 30251 of the Coastal Act and acknowledges that the residences (a mix of single- and multi-family residences) in the immediate vicinity are one- and two-story structures. The subject block between Dewey St. and Rose Ave. is mostly older single-family residences, with one two-story home and one two-story, four-unit apartment building, while the two blocks in the vicinity of the subject site between Dimmick Ave. and Ruth Ave. have over a dozen two-story residences. Although the subject block is mostly single-family residences, the City approved development is for a similar two-story residence with mass concentrated in the rear of the lot away from pedestrian view.

Regarding the project height, the appellant contends that the proposed two-story, 25-foot high structure would be the tallest building in the area. The height would be greater than three existing one-story residences immediately northeast and northwest of the site, the same height as one contiguous two-story 25-foot high home north of the site. Additionally, the site is also adjacent to commercial development visible from the site to the south that includes a two-story, four-unit apartment building at 601 Rose Ave. that is 30-feet high and of comparable size to the proposed project, a 17.5-foot high restaurant at 603 Rose Ave., and a 30-foot high mixed-use duplex, restaurant, and retail space with parking garage over two lots at 613 and 617 Rose Ave.[2] There are numerous other two-story single- and multi-family homes along the subject block of 6th Ave. and adjacent parallel blocks of Ruth Ave. and Dimmick Ave. of comparable height and scale to the City-approved project.[3] Thus, the City-approved project height is consistent with the certified LUP standard for flat-roof residential structures in this area (LUP policy I.A.7.d) and is

[2] While the City's findings identify 601 Rose Avenue as being 24-feet high, Los Angeles Department of Building and Safety records show the building height as 30-feet.
[3] For example, 206 and 207 6th Avenue each have a two-story structure, 213 Ruth Avenue is 28 ft. tall, 221 Ruth Avenue is 27.5 ft. tall, 227 Ruth Avenue is 26.5 ft. tall, and 241 Ruth Avenue is 25 feet tall, and 227, 241, and 245 on Dimmick Avenue are two-story residences.

consistent with the adjacent residential and commercial structures.

To conform with the scale and massing of the surrounding area, the project utilizes a combination of step backs, articulation, varied flat-roof levels, and landscaping to mitigate visual impacts. The project design aligns with common façade design elements present in the neighborhood with a setback for the ground level of structures and a further stepped back upper floor. The front yard setback for the proposed residence is 15 feet from the front yard property line at the ground level, consistent with the typical setback for homes on the subject block, while the second level is stepped back 15 to 24 feet from the front property line. The rear yard is setback 15 feet, consistent with other rear-lot structural development in the area. The 15 to 24 foot stepped back upper of the multi-family residence provides a plane break that reduces perceived scale and bulk at the pedestrian level consistent with policy I.E.3 of the Venice LUP, and consistent with the multi-level design of other two-story residences in the area such as the adjacent 241 Ruth Ave. home. To further reduce the size of the building and to respect the scale and massing of the neighborhood, the project uses other articulated design features such as a delineation between housing units with a recessed entryway and a lower roof height of 23 feet for the front half of the structure closest to 6th Ave. The project concentrates most of its mass in the rear portion of the lot, compared to older homes in the neighborhood that have back yards and garages, which allows for its above average FAR without producing visual scale and massing impacts by being out of view from pedestrians along 6th Ave. The project also includes front yard landscaping with trees to further reduce the visual imposition of the structure and to match the vegetated yard areas common for the Oakwood area of Venice.

The appellant asserts that the development goes against the character of the surrounding neighborhood by measure of its FAR. The appellant surveyed a sample of existing residences along both sides of 6th Avenue on the subject block and Ruth Avenue to the northeast to generate a comparison of existing FAR to the proposed development **(Exhibit 3)**. The appellant's calculations show the project would have the highest FAR in that area and would be well above the average. While FAR can be a useful tool to analyze the coverage of a lot to inform questions of a building's size, the Venice LUP does not impose FAR limits as a regulatory requirement for residential development in any portions of Venice. For questions of compatibility with the community character of an area, FAR is considered in combination with other factors of a building's impression such as scale and massing, as discussed in these findings. While the FAR of the City-approved project is greater than all the existing homes in the neighborhood that staff reviewed, as stated previously, the other design choices of the project (e.g. setbacks, stepbacks, articulation, and landscaping) work to ensure its consistency with the community's character.

In summary, the project as approved by the City is compatible with the character of the surrounding community, because of its design as discussed above in relation to development in the area, and therefore consistent with Sections 30151 and 30153 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.

The appellant contends that the City-approved project changes the size, scale, mass, and bulk of development permittable in the North of Rose Neighborhood (NORO). In addition to character, mass, and scale, the appellant contends that the City's methods of analyzing size, scale, mass, and bulk of the project was inconsistent with past decisions on how to conduct such an analysis by improperly relying on a comparison of single- and multi-family homes and commercially-zoned buildings on Rose Avenue. The NORO area is not a defined subarea within the Venice LUP; however, the project as approved by the City satisfies the building standards of the Venice LUP for the Oakwood subarea.[4]

According to the City of Los Angeles Zone Information and Map Access System (ZIMAS), no lots on the immediate block of 6th Avenue containing the project site have been redeveloped since 1951.[5] It would be expected that homes would eventually and gradually be reconstructed over time, and new construction will feature differences in building characteristics, such as a larger square footage size, permissible so long as they do not conflict with the character of the surrounding community or the certified LUP. Previous Coastal Commission analyses have shown that homes in Venice since the certification of the Venice LUP in 2001 have had higher FAR than homes built earlier without generating substantial issue on the basis of incompatibility with community character.[6] Larger homes have been built in the Oakwood neighborhood in recent years, including on the blocks surrounding the subject site, without threatening the character of the area.[7] Some similarly sized multi-unit residences were constructed in the surrounding area decades before the Venice LUP was certified; [8] thus, this pattern of development exists in the community and contributes to the area's architectural diversity. Furthermore, the Venice LUP anticipated that homes in Venice would be replaced over time and that larger homes could be built, as long as the character of Venice is protected. Here, as discussed above, the locally-approved residence is not incompatible with the character of the neighborhood. The City's approval maintains a mix of home sizes and architectural styles in this area, compatible with Venice's eclectic character.

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[4] The number of roof access structures exceeds the allowances provided by the certified Venice LUP, though this was not raised as a contention in the appeal. The roof access structures are located and setback to the mid-section of the structure in a manner that avoids visibility.
[5] Minor remodels and additions of existing homes have occurred.
[6] See A-5-VEN-17-0016 (Korchia), 2020.
[7] For example, 221 Ruth Avenue was remodeled in 2021 to increase its size to 3413 sq. ft., 227 Ruth Avenue was remodeled in 2012 to build a 3,169 sq. ft. two-unit residence, 241 Ruth Avenue was remodeled in 2022 to add a 1,414 sq. ft. second floor (2226 sq. ft. total).
[8] For example, a 9,675 sq. ft. apartment building was constructed at 606 and 610 6th Avenue in 1971, a 8,234 sq. ft. apartment building was constructed at 328 Rennie Avenue in 1991, a 8,922 sq. ft. apartment building was constructed at 353 Rennie Avenue in 1972.

The City's findings leaned on a survey conducted by the applicant of 16 properties in the immediate neighborhood vicinity of the project to conclude that it will not produce cumulative impacts. The subject site is unique along the subject block of 6th Ave., being the first residential development adjacent to commercially-designated lots to the south and also twice the size of other residential lots because of the existing structure tying the two lots. The proposed project maintains this existing lot tie, providing an appropriate increase in density for the unique site that transitions from the adjacent commercial uses while respecting the form of the residential portion of the neighborhood area.

Future development will continue to be evaluated for its conformity with the certified LUP or future certified LCP. The LUP standards and protections for coastal resources would not be changed by issuance of this permit.

SUBSTANTIAL ISSUE FACTORS:

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to the local government action's 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. The City found the project will be located in a developed residential neighborhood consisting of single- and multi-family homes with similar setbacks and heights and, therefore, is consistent with the community character of the area and with Sections 30250, 30251, and 30253 of the Coastal Act. The City-approved project is also consistent with the development policies regarding mass, scale, and character of the certified LUP and, by extension, the Chapter 3 policies of the Coastal Act. There is adequate support in the City's determinations to conclude that the project is consistent with community character and will not prejudice the City's ability to prepare an LCP that conforms with Chapter 3. The Commission agrees that aspects of the project, including the location of the subject site between residential and commercial development, the consistency of the setbacks and landscaping with residences in the area, and the project's design to include articulation and second-level stepbacks to minimize the massing from the public sidewalk, are sufficient to maintain consistency with the character of the surrounding area. Therefore, the Commission finds that the City provided an adequate degree of factual and legal support for its decision, and this weighs in favor of a finding of no substantial issue.

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 multi-family residence in a highly developed area, where the LUP designates the area as appropriate for multifamily residential use. 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. The locally-approved project would have no significant adverse impacts to visual resources and is consistent with the community character of the neighborhood. 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. This factor weighs in favor of a finding of no substantial issue.

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 is consistent with the mass, scale, and character of the surrounding neighborhood and additionally maintains the existing architectural diversity protected by the LUP as a unique characteristic of Venice consistent with Coastal Act section 30253(e). Therefore, the Commission finds that the City-approved development will not have a significant impact on coastal resources. This factor weighs in favor of a finding of no substantial issue.

The fourth factor is the **precedential value of the local government's decision** for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified LUP. The 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 residential building standards related to scale, mass, and architectural diversity. Thus, the project, as approved with conditions, conforms with the certified LUP and will not prejudice the City's ability to certify an LCP. This factor weighs in favor of a finding of no substantial issue.

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. However, the City-approved development conforms with the character of Venice consistent with the certified LUP and with Chapter 3 of the Coastal Act. Additionally, the State is in the midst of a housing crisis, and this project provides three additional primary units at a location that is appropriate for residential density as it is designated for higher residential density as compared to other parts of Venice, and it is safe from coastal hazards for the life of the development. Therefore, the Commission finds that the City-approved CDP does not raise any issues of statewide significance. This factor weighs in favor of a finding of no substantial issue.

Conclusion

The primary issues raised by the appeal is whether the City-approved project is consistent with the development policies of Chapter 3 of the Coastal Act and the certified LUP of Venice. Applying the five factors listed above clarifies that, on balance, the appeal raises "no substantial issue" with respect to the project's consistency with these policies, including with respect to compatibility with community character, the scope of the development is limited in nature, and the decision is not likely to set an adverse precedent for future interpretations of the Venice LUP or the Coastal Act. Further, the appeal does not raise a substantial issue as to the project's compatibility with Chapter 3 policies as the project does not pose a significant risk of producing cumulative impacts to the community character of the surrounding neighborhood. Therefore, de novo consideration of the project is not required.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. City of Los Angeles certified Venice Land Use Plan.
2. City of Los Angeles Resolution, Letter of Determination, and staff report for local CDP no. DIR-2021-2054-CDP-MEL-HCA.
3. California Coastal Commission Staff Report for Coastal Development Permit No. A-5-VEN-17-0016 (Korchia), August 20, 2020.