

CALIFORNIA COASTAL COMMISSION

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**W16b**

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-21-0067

Applicant: Alexandra Guglielmino and Matthew Boyd

Agent: Robert Thibodeau

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellant: Stewart Oscars

Project Location: 822 Angelus Place, Venice, City of Los Angeles, Los Angeles County (APN No. 4237-019-007)

Project Description: Demolition of a one-story, 816 square-foot single-family dwelling with detached garage, and accessory structure, and construction of a new 2,795 square-foot, 33 feet high, two-story single-family dwelling with an attached two-car garage, plus one additional on-site parking space, swimming pool and a roof deck, on a 4,212 square-foot lot.

Staff Recommendation: Substantial Issue

IMPORTANT NOTE: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the applicant, appellant(s), persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles approved a local coastal development permit (CDP) for the subject development on August 17, 2021. The City's local CDP approved with conditions the demolition of a one-story, 816 square-foot single-family residence and detached garage, and construction of a new 2,795 square-foot, approximately 30 feet high, two-story single-family residence with an attached two-car garage, plus one additional on-site parking space, swimming pool, and a roof deck accessed via an internal stairway on a 4,212 square-foot lot. The City also approved a Mello Act Compliance Review for the demolition of one Residential Unit and the construction of one new Residential Unit in the coastal zone. The City's notice of final local action was received by the Commission's South Coast office on September 8, 2021, and the Commission's twenty working-day appeal period was established. During the Commission's appeal period, this one appeal was received on October 4, 2021. No other appeals were received prior to the end of the Commission's appeal period on October 6, 2021.

The appellant contends that the project is: **1)** not in conformance with Coastal Act Sections 30251 and 30253(e) with respect to Venice as a Special Coastal Community and visual compatibility with surrounding development; **2)** the project fails to meet the neighborhood protection policies of the 2001 Venice Land Use Plan (LUP) by ignoring I.E.1 (General), I.E.2 (Scale), and I.E.3 (Architecture) in that the project is inconsistent with the scale, massing and character of the neighborhood; **3)** the project will prejudice the ability of the City of Los Angeles to prepare a local coastal program in conformity with Chapter 3 of the California Coastal Act because the City ignored LUP Policies I.A.2, I.E.1, I.E.2 and I.E.3; **4)** the project will have a negative cumulative effect on the character and scale of the neighborhood and **5)** the analysis of the project in the Director's Determination is flawed because the City used prior irrelevant zoning decisions and did not rely on prior City precedent.

Commission staff believes that there is a substantial issue with respect to the grounds on which the appeal was filed and the project's consistency with Chapter 3 of the Coastal Act. Staff conducted an independent survey of the area surrounding the proposed development, which covered 26 lots along both sides of Angelus Place between Grandview and Oakwood Avenues (Exhibit 5). Staff believes that the project is inconsistent with LUP Policy I.E.2, which states, in part, "all new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods" and LUP Policy I.E.3, which states, in part, "varied styles of architecture are encouraged ...while maintaining the neighborhood scale and massing" and, by extension, inconsistent with Chapter 3 Policies of the Coastal Act.

The northwest side of the City-approved development that fronts Angelus places is 32 feet wide that does not offer a stepped back façade or other articulated features to reduce its massing, which is uncommon in the area, thereby creating a visual impact highly visible to pedestrians walking by the lot. The size of the proposed home is inconsistent with recent City action and the average size of homes in the survey area. Overall, the project's size and massing are not consistent with the existing community character, which could prejudice the City's ability to prepare an LCP in the future. Staff believes that the project is inconsistent 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. As described above, the City-approved development will have an adverse visual impact to the pedestrian scale of this area of Venice and raises an issue of statewide significance.

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

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

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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 – Appeal](#)

[Exhibit 5 – CCC & City Survey Area](#)

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion: I move that the Commission determine that Appeal No. A-5-VEN-21-0067 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act.

Staff recommends a NO vote. Following the staff recommendation on this motion will result in the Commission proceeding to conduct a de novo review of the application, and adoption of the following resolution and findings. Conversely, passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution: The Commission hereby finds that Appeal No. A-5-VEN-21-0067 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 October 4, 2021, within 20-working days of receipt of notice of final local decision Stewart Oscars filed an appeal of the local CDP, which included the following contentions:

1. The project is not in conformance with Chapter 3 of the California Coastal Act, specifically Sections 30251 and 30253(e), as well as Sections 58(c) and (e) of the 1975 Coastal Plan to protect Venice as a Special Coastal Community.
2. The project fails to meet the neighborhood protection policies of the 2001 Venice Land Use Plan by ignoring Policies I.E.1 (General), I.E.2 (Scale), I.E.3 (Architecture).
3. A sun/shade study was not presented and there are concerns regarding privacy and security related to the roof deck.
4. The encroachment into the side yard setback will be converted into an extension of the house.
5. The project will prejudice the ability of the City of Los Angeles to prepare a local coastal program in conformity with Chapter 3 of the California Coastal Act.
6. The proposed project would set a precedent for larger and more incompatible homes that have the potential to adversely impact community character and negative cumulative effect, and the City did not make findings regarding cumulative effects.
7. The analysis of the project in the Director’s Determination uses prior irrelevant zoning decisions and must follow past City precedent.

III. LOCAL GOVERNMENT ACTION

The City held a public hearing for the local CDP on February 16, 2021. The following three community members provided comments at the hearing: Robin Rudisill (opposed),

Stewart Oscars (opposed), Eileen Archibald (inquirer). Concerns raised during this hearing included that the project is out of scale and character of the neighborhood, the project is two times the size of the average home in the neighborhood, the solid front wall lacks relief, a step back is needed for design variation, the roof deck and 2nd floor balconies create concerns for the privacy of neighbors, vulnerability to tsunami inundation, and about whether the existing vegetation and trees would be preserved. After the hearing, 10 comments in opposition were submitted echoing the same concerns at the public hearing. In addition, there was one comment about the applicant's agent's comments at the local hearing and one call between Planning Staff and the applicant's agent about the Venice Neighborhood Council's support of the project.

On August 17, 2021, the City of Los Angeles Director of Planning approved the project under Case No. DIR-2020-4803-CDP-MEL (Exhibit 3). The local CDP approved the demolition of an 816 square foot single-story single-family residence, detached¹ garage and accessory structure built in 1924 and the construction of a new two-story, approximately 32'-7" feet high, 2,795 square foot single-family residence attached 2-car garage and one additional uncovered onsite parking space, swimming pool, and roof deck.

On September 8, 2021, the Commission received the City's Notice of Permit Issuance (NOPI) for the project and opened the Commission's 20 working-day appeal period. On October 4, 2021, the above-mentioned appeal was received (Exhibit 4). No other appeals were received prior to the end of the Commission's appeal period on October 6, 2021.

IV. APPEAL PROCEDURES

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

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

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

the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act, and Section 13321 of the Commission’s regulations, require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists as to the project’s conformity with Chapter 3 of the Coastal Act.

Commission staff recommends a finding of **substantial issue**. If the Commission decides that the 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.

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 which receives a local CDP also obtain a second (or “dual”) CDP from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e, projects in the Single Permit Jurisdiction), the City of Los Angeles local coastal development permit is the only CDP required. The subject project site on appeal herein is located within the Single Permit Jurisdiction Area. Therefore, the applicant is

not required to obtain a second, or “dual”, CDP from the Commission for the proposed development.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The scope of work approved by the City includes the demolition of a one-story, 816 square foot single-family residence with a detached² garage and accessory structure and construction of a new two-story, approximately 32.5 feet high, 2,795 square foot single-family residence with an attached 392 square foot, two-car garage, 259 square foot roof deck, swimming pool, and one additional on-site parking space (Exhibit 2). The three onsite parking spaces for the residence will be accessed through the rear unnamed alley. The provided front yard setback (fronting Angelus Place) is approximately 18 feet wide, the rear yard setback (fronting the unnamed alley) is 15 feet wide, and the side yard setbacks (adjacent to each existing neighboring home) are 4 feet wide. The City-approved project observes all setbacks, open space, and height requirements of both the City of Los Angeles uncertified Zoning Code and the certified Venice LUP.

The project site is a 4,212 square foot lot located approximately 1 mile inland of the beach in the Southeast Venice subarea at 822 E. Angelus Place (Exhibit 1). The lot is designated as Multiple Family - Low Medium I Residential by the Venice LUP and zoned R2-1 by the Los Angeles Municipal Code. The Southeast Venice neighborhood and the subject block are characterized primarily by one-story single-family and multi-family homes of varying sizes and architectural styles.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

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

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and
5. Whether the appeal raises local issues, or those of regional or statewide significance.

² Building records indicate that the garage was originally detached. However, according to the applicant, the existing garage is attached to the home due to an unpermitted addition under the prior owner.

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

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

C. SUBSTANTIAL ISSUE ANALYSIS

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

The grounds for this appeal focus primarily on the proposed project's consistency with Sections 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 Southeast subarea of Venice.

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

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

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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

New development shall...

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

Venice LUP Policy I. E.1 General, states

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

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

New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.

Venice LUP Policy I. E.3 Architecture, states.

Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

Venice LUP Policy I.A.6 states:

Accommodate the development of duplexes and multi-family dwelling units in the areas designated as “Multiple Family Residential” and “Low Medium I” on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

Southeast Venice and Milwood

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

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

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

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied or stepped back roof line. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Section 30250 of the Coastal Act requires new development to “be located within, contiguous with, or in close proximity to, existing developed areas.” Sections 30251 and 30253 of the Coastal Act state that scenic areas and special communities shall be protected. These sections of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 15 million people visited Venice in 2015, drawn by the unique characteristics of the area.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 adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development.

Given the specific conditions surrounding the subject site and the diverse development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether the project is consistent with sections 30250, 30251, and 30253 of the Coastal Act.

Community Character

When reviewing the project, the City conducted an analysis of the lots and architectural style of the structures fronting Angelus Place between Grandview Avenue and Oakwood Avenue (Exhibit 5). The City characterized this area as a medium density residential neighborhood developed primarily with single and multi-family dwellings ranging from one to two stories in height. The City stated that the proposed project complies with the density, buffer/setback, yard and height standards in the LUP and includes several design elements consistent with the other homes on the block, including a pitched roof with deep overhanging eaves, and traditional casing around the windows. The City concluded that the proposed home would be visually compatible with the area and will visually enhance the existing neighborhood.

The appellant primarily contends that the project does not protect the Special Coastal Community of Venice and the City did not analyze and make a finding that the proposed project would be in conformance with Section 30253(e) and LUP Policy I.E.1 regarding Venice as a Special Coastal Community. The appellant contends that the City was in error as the proposed development is not visually compatible with the mass, scale, and character of the neighborhood inconsistent with Section 30251 and LUP Policies I.E.1 through I.E.3. More specifically, the appellant contends that the project is nearly four times larger than the existing home and over two times the average size of other homes on the block. Moreover,

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

the appellant contends that the proposed home is designed with a flat and unarticulated façade, that along with the proposed height at the most visible portion of the structure, would interrupt the pedestrian experience on an already narrow street. Furthermore, the appellant contends that the proposed home would cause an adverse cumulative impact on the surrounding neighborhood.

Section 30253(e) specifically requires the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses. The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community. The certified Venice LUP also sets forth policies to preserve the community character, scale, and architectural diversity of Venice as a Special Coastal Community.

Staff reviewed the City-approved project plans and the twenty-six lots along both sides of Angelus Place between Grandview and Oakwood Avenues (Exhibit 5). The subject site is a 4,212 square foot interior lot with frontage on Angelus Place. The proposed development would maintain density of one single-family home consistent with the surrounding area, which is primarily single and multi-family homes. Although the LUP does not provide setback standards for this area, the existing front yard setback along Angelus Place at the subject site is approximately 22 feet, and the proposed front yard setback would be approximately 18 feet which is the prevailing front yard setback along Angelus Place. Although the proposed project would have a smaller front yard setback than what currently exists at the site, the setback would remain consistent with than the prevailing front yard setbacks that currently exist along this portion of Angelus Place. The existing home has side yard setbacks consisting of 10 feet 4 inches and 5 feet 6 inches as well as a rear yard setback of six feet. The home proposes approximately 4-foot side yard setbacks adjacent to the neighboring lots and a 15-foot rear yard setback, which are consistent with the City's setback requirements.

The proposed two-story residence is designed with a varied roof height of approximately thirty feet fronting Angelus place. The varied height of the proposed structure is consistent with the development standards of the Venice LUP, which stipulate a maximum height of twenty-five feet for structures with flat roofs and thirty feet for structures with varied roofs in this area. Roof access structures are limited to ten additional feet above the flat roof height. In this case, the flat roof height is approximately twenty-three feet and the roof access structure height is approximately thirty-three feet. There are two other homes in the survey area with roof decks.

Surveyed Area – Average Lot Size

The average lot size of all the lots located along the surveyed portion of Angelus Place is 4,315 square feet. There are four lots in the survey area that are greater than the average.

Surveyed Area – Units per Lot

There are twenty-one single-family homes and five multi-family structures. The average is 1.2 units per lot.

Surveyed Area – Average Number of Stories

There are five two-story structures and twenty-one one-story structures. The average is 1.15 stories.

Surveyed Area – Home Size

The average square footage of the structures fronting Angelus Place is 1,347 square feet. The proposed project would exceed that average by 1,448 square feet. The average square footage of single-family homes fronting Angelus Place is 1,195 square feet. The proposed home would exceed that average by 1,600 square feet and is 878 square feet larger than the largest single-family home on the block.⁴ There is one multi-family structure⁵ that is larger than the proposed home.

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 visual compatibility with the surrounding neighborhood.

All five of the existing two-story homes have stepped back facades and a partial second level or second story addition toward the rear of the lots, while in this case, the structure lacks articulation and is not stepped back from Angelus Place. In addition, the entire front width of the home rises to approximately 30 feet, with another three feet in height for the roof access structure, such that without articulation or a stepped back facade, the home would appear to be very large compared to other homes in the neighborhood. Thus, the home would be inconsistent with the character of the surrounding development in this regard. While the City did provide some analysis regarding the character and scale of the proposed home within the existing neighborhood, the City was remiss in not factoring in the home’s visual impact on the small-scale and pedestrian-oriented street. The lack of articulation, as well as the home’s mass, if implemented on future projects, has the potential to adversely impact community character. Therefore, the appellant’s contention that the mass of the home is out of character

⁴ The home at 810 Angelus Place is the largest single-family home at 1,917 square feet.

⁵ The home at 825 Angelus Place is the largest multi-family home at 2,937 square feet.

of the area does raise a substantial issue with the project's conformity with Venice LUP Policies I.E.1, I.E.2 and I.E.3 and the Chapter 3 policies of the Coastal Act.

The City's analysis provided seven examples of recent planning cases to guide the decision on the local CDP. The appellant contends that some of the example sites are located too far from the subject site. Of the six example projects, two⁶ are located almost a mile away from the subject site. The significant distance between the subject site and these two example sites does raise questions regarding their usefulness in evaluating the subject project. Thus, this contention does raise a substantial issue.

Additionally, the appellant contends that the City should follow past precedent including one of the recent example planning cases provided by the City. The City cited DIR-2016-750-CDP-MEL-1A, and in this case, West Los Angeles Area Planning Commission (WLAAPC) granted an appeal and overturned the Director of Planning's approval of a CDP that proposed the demolition of a single-family dwelling and the construction of a two-story, 3,044 square foot single-family dwelling with a total of three parking spaces located at 720 Angelus Place. WLAAPC found that the development would be out of scale with the single-family dwellings on Angelus Place and the proposed project would create an adverse cumulative impact on the neighborhood.

Staff reviewed two other locally-approved projects that the City cited in the Determination Letter - one located on Angelus Place and another on East Coeur D'Alene Avenue. One project proposed a second story that was set back towards the rear of the property and the other project was designed with a narrow two-story structure.

The City's decision to include a nearby similar project that was subsequently denied and two other nearby homes with more articulation and less massing, does raise questions regarding the lack of supporting evidence to approve the proposed residence's consistency with the community character and mass and scale of the proposed development.

Cumulative Effects

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, Angelus Place since 2001. The cumulative effects analysis included all twenty-six lots in the survey area and considered the year of Commission or City approval for redevelopment, lot size, habitable residence area, and height. For properties which have not received Commission or City approval for redevelopment since 2001, the survey considered the year of residence construction, lot size, and current habitable residence area. Height is

⁶ 2405 South Boone Avenue (0.9 miles) and 2325 South Wilson Avenue (0.8 miles)

not included on the mapping tool used to obtain this information, ZIMAS, and thus wasn't included for the properties that have not redeveloped after 2001.

The information analyzed by Commission staff shows that there has been no Commission action on residences on Angelus place since 2001. Table 2 shows that the City-approved residence is not consistent with recent City actions since 2001. Table 3 demonstrates the subject residence is larger than the majority of homes in the survey area that have not been redeveloped subsequent to 2001. There is one two-story duplex larger than the proposed project.⁷ Unlike the proposed home, this approximately twenty-four foot high⁸ duplex has articulation and a narrower building width⁹ fronting Angelus Place. Therefore, the proposed residence raises a substantial question as to whether the size conforms to the neighborhood character.

The City of Los Angeles approval of this project was not as thorough as the Commission would undertake through a de novo review of the project. The size and mass of the project does appear to pose a significant detrimental cumulative impact to the community character of the surrounding neighborhood that is inconsistent with Chapter 3 of the Coastal Act. As such, the appellant's contentions that the project will have a negative cumulative effect based on the size and mass of the proposed home on nearby development as well as on Venice as a Special Coastal Community, does 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 bulk and massing of the structure would be highly visible from Angelus Place. In this case, given the stepped back facades and other articulation of other two-story homes in the survey area, it is essential to reduce visual impacts consistent with LUP Policies I.E.2 and I.E.3. Therefore, the approval of the project, as proposed, could prejudice the City's ability to prepare an LCP in the future and does raise a substantial issue.

Additional Contentions

The appellant contends that the side yard setback will be converted into an extension of the house due to the outdoor kitchen sink; the roof deck would give residents views into neighboring yards such that privacy and security are being

⁷ 825 Angelus Place (2,937 square feet)

⁸ Referenced the height using NavigateLA

⁹ 27 feet versus 32 feet – a difference of approximately 18.5 percent wider.

taken from neighbors; and that a sun and shade study has not been presented. These contentions do not raise issues related to compliance with the Chapter 3 policies of the Coastal Act and thus do not raise a substantial issue. Furthermore, two of the homes in the survey area have roof decks similar to that approved by the City here.

Lastly, the appellant contends that the proposed project is inconsistent with Sections 58(c) and (e) of the 1975 Coastal Plan. The standard of review is the Chapter 3 policies of the Coastal Act, with the Venice LUP used as guidance. Thus, this contention does not raise a substantial issue.

SUBSTANTIAL ISSUE FACTORS

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

The first factor is the **degree of factual and legal support for the local government's decision** that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. While the City found that the project would be consistent with the community character of the area and with Sections 30250, 30251, and 30253 of the Coastal Act, the City's community character analysis did not have adequate support for such a determination, and staff believes that the project, as approved by the City, is not consistent with LUP Policies I.E.1, I.E.2 and I.E.3; thus, the City did not provide an adequate degree of factual and legal support for its decision.

The second factor is the **extent and scope of the development** as approved or denied by the local government. The City-approved development will demolish a single-family residence and replace it with a new single-family residence in a highly developed area. The scope is consistent with that of the surrounding development, which is comprised primarily of one-story 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, so this factor weighs against a finding of 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 will have an adverse visual impact to the pedestrian scale of this area of Venice. Therefore, the Commission finds that the City-approved development will have a significant impact on coastal resources, inconsistent with Sections 30250, 30251, and 30253, and this factor supports a finding of 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 inconsistent with LUP Policies I.E.1, I.E.2 and I.E.3. Thus, the project, as approved, does raise a substantial issue about the project's consistency with the certified LUP, and by extension, the Chapter 3 policies of the Coastal Act, as set forth above. Therefore, the Commission finds that the City-approved development will have a significant adverse impact on future interpretations of its LUP.

The final factor is **whether the appeal raises local issues, or those of regional or statewide significance**. Impacts to coastal resources, including community character, are important statewide issues. The City-approved development is inconsistent with various policies of the certified LUP and with Chapter 3 of the Coastal Act. Therefore, the Commission finds that this factor also weighs in favor of a finding of substantial issue.

Conclusion

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

Appendix A – Substantive File Documents

1. City of Los Angeles Director's Determination for Case No. DIR-2020-4803-CDP-MEL dated August 17, 2021

Appendix B – Neighborhood Survey Tables

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

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage (original)	Square Footage (new)
N/A						

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

Address	Action No.	Approval Year	Height (ft.)*	Lot Size (sq. ft.)	Sq. Ft. (original)	Sq. Ft. (new)
810 Angelus Place	DIR-2002-7012-SPP	2003	23	4,211	1,368	1,917
801 Angelus Place	DIR_2005-7183	2005	N/A	5,164	1,167 ¹⁰	1,570
808 Angelus Place	ZA-2008-413-CEX	2008	N/A	4,211	1,572 ¹¹	1,584
819 Angelus Place	DIR-2014-4826-VSO	2014	25	4,200	2,206	2,323
822 Angelus Place (Proposed)	DIR-2020-4803-CDP-MEL	2020	30	4,212	816	2,795
Average Square Footage (Original/Redeveloped):					1,578	1,849
Average Height (Redeveloped):					24	

*Excluding height of roof access structure

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

Address	Year Built	Lot Size (sq. ft.)	Square Footage
809 Angelus Place	1962	4,200	1,556
802 Angelus Place	1959	5,177	1,672
805 Angelus Place	1950	4,200	1,036

¹⁰ The 403 square foot bedroom addition was subtracted from the known 1,570 square footage.

¹¹ The 12 square foot addition was subtracted from the known 1,584 square footage.

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814 Angelus Place ¹²	1948	4,211	768
812 Angelus Place	1948	4,211	1,074
823 Angelus Place	1947	4,200	1,114
825 Angelus Place	1947	4,200	2,937
827 Angelus Place	1947	5,176	1,120
818 Angelus Place	1926	3,685	1,670
813 Angelus Place	1924	4,200	990
817 Angelus Place	1924	3,675	1,040
824 Angelus Place	1924	4,212	1,258
815 Angelus Place ¹³	1924	4,200	1,068
811 Angelus Place	1923	4,200	942
806 Angelus Place	1922	4,210	1,417
807 Angelus Place	1921	4,200	1,116
821 Angelus Place	1921	4,200	1,180
820 Angelus Place	1921	4,212	1,345
826 Angelus Place	1914	4,212	1,088
816 Angelus Place	1914	4,211	1,192
828 Angelus Place	1913	5,190	1,239
Total Number of Residences in Table:			21
Average Square Footage:			1,277

*Information obtained from ZIMAS on October 12, 2021.

¹² An application for a 3,911 square foot single-family residence is under initial review by the City (DIR-2020-4456-CDP-MEL).

¹³ An application for a 3,437 square foot single-family residence was locally appealed and is subject to further action by the City (DIR-2019-5903-CDP-MEL).