

CALIFORNIA COASTAL COMMISSION

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W16a

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-22-0007

Applicant: Donald Popkes and Allison Fister

Agent: Laura Donovan

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellant: Stewart Oscars

Project Location: 815 Angelus Place, Venice, City of Los Angeles, Los Angeles County (APN No. 4237-015-014)

Project Description: Demolition of a one-story, 950 square-foot single-family dwelling and construction of a new 3,437 square-foot, 31-foot-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 4,200 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 February 26, 2021. The City's local CDP approved with conditions the demolition of a one-story, 950 square-foot single-family residence and construction of a new 3,437 square-foot, approximately 31-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 on a 4,200 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. The City's notice of final local action was received by the Commission's South Coast office on January 7, 2022, and the Commission's twenty working-day appeal period was established. During the Commission's appeal period, this appeal was received on February 7, 2022. No other appeals were received prior to the end of the Commission's appeal period on February 7, 2022.

The appellant contends that: **1)** the City did not make a finding regarding Section 30253(e) and that the proposed project is not in conformance with Coastal Act Section 30253(e) as well as Sections 58(c) and (e) of the 1975 Coastal Plan, and LUP Policies I.E.1 through I.E.3 to protect Venice as a Special Coastal Community; **2)** the project is not visually compatible with the mass, scale and character of the surrounding neighborhood and does not conform with Coastal Act Section 30251 and LUP Policies I.E.1 through I.E.3 as well as I.A.2.; **3)** the project will prejudice the ability of the City of Los Angeles to prepare a local coastal program in conformity with Chapter 3 of the California Coastal Act; **4)** the City failed to make findings regarding cumulative effects per Sections 30105.5 and 30250(a) and that the project would have a significant adverse cumulative effect on coastal resources including the character, mass and scale of the neighborhood; **5)** the City did not rely on applicable previous Coastal Commission actions located on Angelus Place or in the surrounding three-street neighborhood and should rely on relevant City precedent including a recent zoning action for 720 Angelus Place; and **6)** a majority of West Los Angeles Area Planning Commissioners voted to uphold the appeal and deny the project at the local appeal hearing. The appeal was procedurally denied since the vote was not unanimous and constituted a failure to act.

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. Additionally, 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 City-approved development does not offer a stepped back façade or enough articulation to reduce its massing, thereby creating a visual impact to the pedestrian scale of this area of Venice and raises an issue of statewide significance. The size of

the proposed home is larger than past home approvals and larger than the average size of homes in the survey area. In combination with probable future development within the survey area, the proposed home would have a significant adverse cumulative effect on the community character, mass and scale of nearby development as well as on Venice as a Special Coastal Community. As such, the proposed project is inconsistent with certified LUP Policies I.E.1 through I.E.3. and Coastal Act Section 30253(e), which protect Venice's unique community character, a significant coastal resource. Therefore, approval of the proposed home could prejudice the City's ability to prepare an LCP in the future.

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. 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, cumulative effects, 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-22-0007 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-22-0007 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 February 7, 2022, 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 City did not make a finding regarding Coastal Act Section 30253(e) and that the proposed project is not in conformance with Coastal Act Section 30253(e), as well as Sections 58(c) and (e) of the 1975 Coastal Plan, and LUP Policies I.E. 1 through I.E.3 to protect Venice as a Special Coastal Community.
2. The project is not visually compatible with the mass, scale and character of the surrounding neighborhood and does not conform with Coastal Act Section 30251 and LUP Policies I.E. 1 through I.E.3 as well as I.A.2.
3. The project will prejudice the ability of the City of Los Angeles to prepare a local coastal program in conformity with Chapter 3 of the California Coastal Act.
4. The City failed to make findings regarding cumulative effects per Coastal Act Sections 30105.5 and 30250(a) and that the project would have a significant adverse cumulative effect on coastal resources including the character, mass and scale of the neighborhood.
5. The City did not rely on applicable previous Coastal Commission actions located on Angelus Place or in the surrounding three-street neighborhood and should rely on relevant City precedent including a recent zoning action for 720 Angelus Place.
6. A majority of West Los Angeles Area Planning Commissioners voted to uphold the appeal and deny the project at the local appeal hearing. The appeal was

procedurally denied since the vote was not unanimous and constituted as a failure to act.

III. LOCAL GOVERNMENT ACTION

The City held a public hearing for the local CDP on June 15, 2020. Three members of the public voiced opposition to the project. Concerns raised during this hearing included that the massing is out of scale with the surrounding homes, the proposed development could reduce the value of their property, the approval of the project would lead to civil unrest, noise during construction, the risk of spreading COVID-19 and that the project should be reviewed by the Venice Neighborhood Council. After the hearing, eleven letters in opposition were submitted. In addition, seven letters were submitted regarding aspects of the project, and the individuals who submitted the letters requested to be added to the interested parties list. The letters echoed concerns raised during the public hearing that the project is out of scale with the neighborhood, and others stated a development of this size would increase traffic congestion on this block. The Venice Neighborhood Council submitted a letter dated September 4, 2020, recommending approval of the project.

On February 26, 2021, the City of Los Angeles Director of Planning approved the project under Case No. DIR-2019-5903-CDP-MEL ([Exhibit 3](#)). The local CDP approved the demolition of a single-story single-family residence and the construction of a new two-story, approximately 3,437 square foot single-family residence with an attached two-car garage and one additional uncovered onsite parking space, swimming pool, and roof deck.

The Planning Director's approval was subsequently appealed to the West Los Angeles Area Planning Commission (WLAAPC) by Stewart Oscars. At its meeting on June 16, 2021, the motion to grant the appeal and overturn the Planning Director's determination failed, through a 2-2 vote, and the project was rolled over to be heard at a following hearing. On July 7, 2021 and September 1, 2021, the WLAAPC reheard the project and moved to continue the matter to a later hearing. At the WLAAPC meeting on November 17, 2021, the Commission voted, through a 2-1 vote, to deny the appeal. In accordance with the WLAAPC's rules and operating procedures, a "failure to act is when a majority of the Commission (3 votes) fails to approve or reject an agenda item." The maximum of five hearings were held on the item, and the determination of the Planning Director dated February 26, 2021 was the last and final decision.

On January 07, 2022, 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 February 7, 2022, the above-mentioned appeal was received ([Exhibit 4](#)). No other appeals were received prior to the end of the Commission's appeal period on February 7, 2022.

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

The action currently before the Commission is to determine 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. In both areas, the local CDP is subject to appeal to the Commission.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The scope of work approved by the City includes the demolition of a one-story, 950 square foot¹ single-family residence and construction of a new two-story, approximately 31-feet-high, 3,437 square foot single-family residence with an attached 393 square foot two-car garage, 679 square foot roof deck, swimming pool, and one additional onsite 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 20 feet deep, the rear yard setback (fronting the unnamed alley) is 15 feet deep, 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 4,200 square foot lot located approximately one mile inland of the beach in the Southeast Venice subarea at 815 E. Angelus Place ([Exhibit 1](#)). The lot is designated as Multiple Family - Low Medium I Residential by the certified 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.

¹ Home is listed as 1,068 square feet on ZIMAS but listed as 950 square feet on the City-approved plans.

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.

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

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 project is not visually compatible with the mass, scale and character of the surrounding neighborhood and would cause a significant adverse cumulative effect on the surrounding development and Venice as a Special Coastal Community.

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(a) of the Coastal Act requires new development to “be located within, contiguous with, or in close proximity to, existing developed areas” and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. 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. Venice, which provides coastal recreation opportunities including the beach, boardwalk, canals, and eclectic architectural styles of the walkable neighborhoods, is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 10 million people visited Venice in 2015, drawn by the unique characteristics of the area.² The Commission has previously found that Venice is a Special Coastal Community whose character, including its unique social and architectural diversity protected by the certified LUP, should be protected under Coastal Act Section 30253(e).

The Venice LUP, as drafted by the City and certified by the Commission in 2001, was designed to protect Venice’s unique character primarily through the use of objective building standards and restrictions intended to limit the extent to which redevelop homes could increase in size and bulk.³ Nevertheless, the Venice LUP recognizes that

² Venice Chamber of Commerce website - <https://venicechamber.net/visitors/about-venice/>

³ There are some subjective components to LUP policies related to community character. For example, LUP Policy I.E.2 provides that new development “shall respect the scale and character of the community development.” Although the LUP does not explicitly outline all of the factors that may be considered when evaluating “character” of the community, the policy goes on to state that “[b]uildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged.” The policy, therefore, implies a focus on objective measurements, such as bulk, height, buffer and setback, while also allowing for a subjective assessment based on the surrounding “community development.”

there would be some development of “new modern homes” over time, although such homes would be limited due to the small lot sizes typical of Venice neighborhoods.

Given the specific conditions surrounding the subject site and the diverse development patterns of Venice, it is appropriate to use the certified Venice 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 the residential neighborhood to be 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 policies of the LUP and includes several design elements consistent with the other homes on the block, including a varied roofline, and decorative walls along the lot frontage. The City noted that the “varied roofline and transparent façade help break up the massing, while the wood framing along part of the façade adds visual interest, color, and texture.” The City concluded that the proposed home would be visually compatible with the character of the surrounding community.

The appellant primarily contends that the project does not protect the Special Coastal Community of Venice and that the City did not analyze and make a finding that the proposed project would be in conformance with Coastal Act Section 30253(e) and LUP Policy I.E.1 regarding Venice as a Special Coastal Community. The appellant contends that the City approval was in error as the proposed development is not visually compatible with the mass, scale, and character of the neighborhood, inconsistent with Coastal Act Section 30251 and LUP Policies I.E.1 through I.E.3. More specifically, the appellant contends that the project is nearly 2.5 times larger than the average size of other homes on the block, designed with a flat and unarticulated façade, that the portion of the home that rises to the maximum height of approximately 28 feet is at the most visible portion of the structure, and together, would appear to very large compared to other homes in the neighborhood and would interrupt the pedestrian experience on an already narrow street. Furthermore, the appellant contends that the proposed home would cause a significant adverse cumulative effect on community character of the surrounding neighborhood and on Venice as a Special Coastal Community.

Section 30253(e) specifically requires the protection of special communities, and the certified Venice LUP sets forth policies to preserve Venice as a Special Coastal Community. 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.” The Commission has used factors including but not limited to height and setbacks to analyze the mass and scale of new development. The Commission looks, in part, at the existing development within a specific survey area to determine whether or not a proposed project is visually compatible with regard to mass, scale and community character.

Staff reviewed the City-approved project plans and the homes on the twenty-six lots along both sides of Angelus Place between Grandview and Oakwood Avenues ([Exhibit 5](#)). The subject site is a 4,200 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. This density is also consistent with the certified LUP's density designation for Multiple Family - Low Medium I Residential, which restricts the lot to a maximum of two units and one unit per 2,500 square feet of lot area.

The Venice LUP does not provide setback standards for this area but does require yards be consistent with the existing scale and character of the neighborhood. The existing front yard setback along Angelus Place at the subject site is approximately 23 feet, and the proposed front yard setback would be 20 feet, 3 feet smaller than the existing front yard setback and two feet greater than the prevailing front yard setback along Angelus Place. The existing home has side yard setbacks consisting of 4 and 8 feet as well as a rear yard setback of 54 feet. The project proposes 4-foot side yard setbacks adjacent to the neighboring lots and a 15-foot rear yard setback, which are consistent with the setback requirements of the City's zoning code. Pursuant to the Venice LUP, yards should be consistent with the existing scale and character of the neighborhood, and in this case, the subject home exceeds the prevailing front yard setback of homes on the block, and the proposed front yard would be consistent with the scale and character of the neighborhood.

The proposed two-story residence is designed with a varied roof height of approximately twenty-six feet and a flat roof height of 25 feet fronting Angelus place. The 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 twenty-five feet, and the roof access structure height is approximately thirty-one feet, which is consistent with the roof access structure height limit outlined in the Venice LUP. Additionally, the proposed roof access structure would not set a new precedent for such structures in the area as there are two other homes in the survey area with roof access structures and 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.

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 – Home Size

The average square footage of the structures fronting Angelus Place is 1,343 square feet. The proposed project would exceed that average by 2,094 square feet. The

average square footage of single-family homes fronting Angelus Place is 1,190 square feet. The proposed home would exceed that average by 2,247 square feet and is 1,520 square feet larger than the largest single-family home on the block.⁴ There is no structure larger than the proposed home.

Surveyed Area – Average Number of Stories

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

As stated above, five of the twenty-six structures in the survey area are two stories. Two of the five existing two-story structures have a second story toward the rear of the lot, one has a partial second story near the front of the lot, and the two remaining full two-story structures have articulated façades to break up the massing. Additionally, two other structures in the survey area have a roof access structure and roof deck, both of which were approved prior to the certification of the LUP. Only one of the roof access structures is clearly visible and is situated towards the center of the lot.

The proposed residence is approximately four feet wider than the existing home, rises to two-stories with a varied roofline height of 26 feet fronting Angelus Place, and a 31-foot-high roof access structure towards the center of the lot. The home does include some articulation in the form of a varied roofline, a transparent façade, and wood framing along part of the façade. However, the flat 2-story façade of the home as seen from Angelus Place does not include any significant features to break the vertical plane of the home. Without a second story setback, which is commonly seen in the area, the home would appear even larger compared to other homes in the neighborhood. Therefore, the proposed home would be inconsistent with the character of other pedestrian-oriented one and two-story homes in the survey area.

While the City did provide some analysis regarding the character and massing of the proposed home within the existing neighborhood, the City did not consider the home's visual impact on the small-scale and pedestrian-oriented street. The lack of articulation, as well as the home's mass, could adversely impact community character, individually and cumulatively, if implemented on future projects. Therefore, the appellant's contention that the mass and scale of the home is out of character of the area does raise a substantial issue with the project's conformity with the visual resource and community character protection policies of Chapter 3 of the Coastal Act and Venice LUP Policies I.E.1, I.E.2 and I.E.3.

The appellant contends that the City should have considered the recent Coastal Commission's finding of Substantial Issue with the project located at 822 Angelus Place. The Coastal Commission's hearing on the project at 822 Angelus Place was subsequent to the City's Determination on February 26, 2021 and concurrent with the WLAAPC appeal hearing on November 17, 2021. The City did discuss the Commission's most recent action on Angelus place at the WLAAPC appeal hearing, and so this contention does not raise a substantial issue.

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

The appellant also contends that the example sites of past Commission action that the City used as guidance are not located on Angelus Place or in the surrounding three-street neighborhood, on streets wider than Angelus Place, and where land use designations, mass and scale are significantly different. Of the eight example projects, six⁵ are located more than a mile away from the subject site and in different subareas of Venice, where land use designations, mass and scale vary. The two remaining example sites are within the Southeast Venice subarea but remain 0.8 miles and 1.1 miles away. The significant distance between the subject site and the example sites does raise questions regarding their usefulness in evaluating the subject project. Thus, this contention does raise a substantial issue.

Further, the appellant contends that the example sites of past Commission action that the City used as guidance should have relied on past City precedent including one recent planning case, DIR-2016-750-CDP-MEL-1A. In that 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 that the proposed project would create an adverse cumulative impact on the neighborhood. The planning case at 720 Angelus Place was not a prior decision by the Coastal Commission. The appellant's contention that the City did not rely on the past City precedent of 720 Angelus Place does not raise a substantial issue.

Cumulative Effects

When reviewing a project's consistency with the community character protection policies of the Coastal Act and the Venice LUP, the Commission also analyzes the cumulative effects of development. To evaluate the potential cumulative effects of the subject residence on community character, the incremental effects of the development are considered in connection with the effects of 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, and habitable residence area. 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. Staff collected housing data from the City's ZIMAS zoning and permit tracking website and used the L.A. Department of Building and Safety records portal to fill in gaps when housing data was not available in ZIMAS.

The information analyzed by Commission staff shows that the subject residence is inconsistent with recent City and Commission actions in the survey area since 2001. The Commission found substantial issue with a proposal to demolish an existing 816

⁵ 3819 Via Dolce (1.6 miles), 441 Sherman Canal (1.6 miles), 237 Linnie Canal (1.6 miles), 21 29th Ave (1.6 miles), 17 Jib Street (2.1 miles) and 16 30th Avenue (1.5 miles)

square foot home and to construct a 2,795 square foot home at 822 Angelus Place on November 17, 2021. The de novo hearing for that project has not been scheduled. The City has also approved four additional development projects⁶ within the survey area that included a 117 square foot addition to 819 Angelus Place, a 12 square foot addition to 808 Angelus Place, a 403 square foot addition to 801 Angelus Place and a 549 square foot addition to 810 Angelus Place. The proposed home would be larger than any homes redeveloped after 2001.

Staff also analyzed cumulative effects by looking at the other structures on the block that have not been redeveloped since the 2001 certification of the Venice LUP. Table 3 identifies the homes in the survey area that have not been redeveloped since 2001. The structures in Table 3 range from 768 square feet to 2,937 square feet. The proposed home, at 3,437 square feet, would be larger than any of the single-family homes that existed prior to 2001.

With regard to future development, there are two projects⁷ within the subject block that are under review by the Coastal Commission (822 Angelus Place, discussed above) and the City (814 Angelus Place). The project at 814 Angelus Place is proposed to be 3,911 square feet, approximately 500 square feet larger than the proposed residence that is the subject of this appeal. While, over time, some smaller homes have gradually been replaced with larger homes, and this trend may continue in the future, the proposed house, subject of this appeal, is unprecedented in size, either as compared to the current development pattern or the development pattern that existed in 2001.

The subject development is two stories and does not break up the façade along Angelus Place, which in this area is out of character considering that approximately eighty percent (twenty-one) of the residences in the survey area are one story, and the majority of the existing two-story homes include stepped back and/or articulated façades. Two of the five existing two-story structures have a second story toward the rear of the lot; one has a partial second story near the front of the lot; and the two remaining two-story structures have articulated façades to break up the massing. Although the proposed residence's varied roofline provides some articulation, the flat façade and lack of a second-story setback would appear out of character with the massing of the existing homes in the survey area. Thus, the proposed home appears to be incompatible with the mass, scale and character of surrounding development.

As such, the appellant's contentions that the project is not visually compatible with the mass, scale and character of the area and would cause a significant adverse cumulative effect on the surrounding development as well as on Venice as a Special Coastal Community, does raise a substantial issue with regard to the 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

⁶ See Table 2 in Appendix B.

⁷ 814 Angelus Place (pending local approval) and 822 Angelus Place (pending CCC de novo hearing).

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 scale and massing of the structure is inconsistent with the character of the area and is not visually compatible with the small-scale residential neighborhood. In this case, given the other pedestrian-oriented one and two-story structures 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 a majority of local WLAAP Commissioners voted to uphold the appeal and deny the project. However, since the vote was not unanimous, the majority vote was constituted as a failure to act. The appellant contends that the Commission should consider the local Commissioners objections to the proposed project. The grounds for appeal are the Chapter 3 policies of the Coastal Act. Thus, this contention does not raise a substantial issue.

Lastly, the appellant contends that the proposed project is inconsistent with Sections 58(c) and (e) of the 1975 Coastal Plan. The grounds for appeal are the Chapter 3 policies of the Coastal Act. 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 may 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 the Commission finds that the project, as approved by the City, is not consistent with Sections 30250, 30251, and 30253 of the Coastal Act and 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. Thus, this factor weighs in support of finding 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 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. Venice is a unique area that specifically draws millions of visitors from around the world each year. As such, it has been designated a coastal resource that deserves special protection. 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. In addition, the City's community character findings are inadequate for a number of reasons, including that the cumulative effects of the development, which could be significant, were not analyzed. 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, and, thus, this factor weighs in support of finding 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. 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's findings did not adequately analyze the impacts of the approved development on this unique community character. 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. There is sufficient support that the project is inconsistent with the Chapter 3 policies and, by extension, the Venice LUP 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 the City's ability to prepare an LCP in

the future. Therefore, the Commission finds 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-2019-5903-CDP-MEL dated February 26, 2021

Appendix B – Neighborhood Survey Tables

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

Address	Action No.	Action Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage (original)	Square Footage (new)
822 Angelus Place (Substantial Issue)	A-5-VEN-21-0067	2021	30	4,212	816	2,795

Table 2. Past City of Los Angeles actions on all structures within the survey area since the Venice LUP certification in 2001.

Address	Action No.	Action 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 ⁸	1,570
808 Angelus Place	ZA-2008-413-CEX	2008	N/A	4,211	1,572 ⁹	1,584
819 Angelus Place	DIR-2014-4826-VSO	2014	25	4,200	2,206	2,323
815 Angelus Place (Proposed) ¹⁰	DIR-2020-4803-CDP-MEL	2021	26	4,200	950 ¹¹	3,437
Average Square Footage (Original/Redeveloped):					1,578	1,849
Average Height (Redeveloped):					24	

*Excluding height of roof access structure

Table 3. All structures within the survey area that were constructed or redeveloped prior to certification of the Venice LUP in 2001.¹²

Address	Year Built	Lot Size (sq. ft.)	Square Footage
809 Angelus Place	1962	4,200	1,556

⁸ The 403 square foot bedroom addition was subtracted from the known 1,570 square footage.

⁹ The 12 square foot addition was subtracted from the known 1,584 square footage.

¹⁰ Excluded from Table 2 average calculations.

¹¹ Home is listed as 1,068 square feet on ZIMAS but listed as 950 square feet on the City-approved plans.

¹² Information obtained from ZIMAS on March 8, 2022.

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802 Angelus Place	1959	5,177	1,672
805 Angelus Place	1950	4,200	1,036
814 Angelus Place ¹³	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
822 Angelus Place ¹⁴	1924	4,212	816
815 Angelus Place	1924	4,200	950 ¹⁵
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:			22
Average Square Footage:			1,251

¹³ An application for a 3,911 square foot single-family residence is under initial review by the City (DIR-2020-4456-CDP-MEL).

¹⁴ The Coastal Commission found substantial issue based on the grounds of an appeal of a 2,795 square foot single-family residence. The de novo hearing has not been scheduled.

¹⁵ Home is listed as 1,068 square feet on ZIMAS but listed as 950 square feet on the City-approved plans.