

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: DE NOVO

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

Applicant: Alexandra Guglielmino and Matthew Boyd

Agent: Robert Thibodeau

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: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles approved local coastal development permit (CDP) DIR-2020-4803-CDP-MEL 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, detached garage and accessory structure, 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 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.

On October 4, 2021, the local CDP was appealed to the Commission. At a public hearing on November 17, 2021, the Commission found that the appeal of local CDP No. DIR-2020-4803-CDP-MEL, issued by the City of Los Angeles, raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act because of the project's potential impact to the existing community character. Specifically, the Commission found that the mass of the City-approved home would be out of character with the area inconsistent with LUP Policies I.E.1, I.E.2 and I.E.3; that the City's analysis used example sites a significant distance away from the subject site; the project would 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; and that the approval of the project could prejudice the City's ability to prepare an LCP in the future. In finding that a substantial issue exists, the Commission accepted the appeal and took jurisdiction over the CDP application for a full *de novo* review and action at a subsequent Commission meeting.

The City-approved home had first and second floor front yard setbacks at approximately 18 feet, which is the prevailing front yard setback. As modified, the applicant now proposes a front yard setback ranging from approximately eighteen to twenty feet. In addition, the second floor would be stepped back from the prevailing front yard setback (18'-3") by an additional four-feet to six-feet for a total range of twenty-two to twenty-four feet. The proposed rear yard setback increased from fifteen feet to fifteen feet eight inches, and one side yard setback decreased from five feet eight inches to four feet. The height of the City-approved home was approximately thirty feet (excluding the roof access structure). As modified, the applicant proposes two roof pitches fronting Angelus Place, one at 28.5-feet-high at the lowest point and one at 29.5-feet-high at the highest point. The size of the residence (2,795 square feet) has not changed compared to the City-approved residence. The mix of modern and traditional architecture that exists within the block indicates that the subject project's façade and varied roof, which articulates the building mass, would be compatible with the existing variety of planes and textures required by the LUP.

The City-approved home included significantly less articulation. As modified, the proposed residence has added articulation and variation to the façade including an additional two-foot first floor setback along a portion of the home, four to six-foot stepbacks along the second floor, and a one-foot reduction in height for a portion of the roofline fronting Angelus Place. These changes act to reduce the mass of the residence fronting Angelus Place, sufficient to avoid significant impacts to the visual character of the area. Currently, the proposed residence would not be the largest structure on the block but would be the largest single-family residence on the block. The proposed residence would be one of six two-story structures among twenty-one one-story structures, that all together range from 768 to 2,937 square feet. As further outlined in the staff report, the proposed residence would not likely have a significant cumulative impact on the community character, mass, scale, or visual resources of the surrounding area of Venice.

Recent Commission hearings on Venice projects reveal an ongoing dialogue as to whether compliance with the Venice LUP is an adequate measure of a project's consistency with community character, or whether further revisions to those standards

are necessary. More significant changes to the home's size or setbacks to further reduce the mass and scale of the home may be more in line with existing community character of the area. However, addressing these types of design decisions put the Commission in a difficult position and result in an inefficient approach to preserving community character in Venice. The City is in the process of updating the Venice LUP and developing the Venice Implementation Plan, which is the appropriate mechanism for regulating these the types of design issues that are regularly disputed for Venice development projects. With respect to this project, the proposed development has been modified by the applicant in a manner that, as conditioned herein, will protect the character of the surrounding area, consistent with the policies of the certified LUP and Chapter 3 of the Coastal Act.

The standard of review is the Chapter Three policies of the Coastal Act with the certified Venice LUP serving as guidance. Staff recommends four special conditions: 1) Local Government Approval; 2) Construction Staging Plan; 3) Water Quality; and 4) Landscaping. Staff recommends the Commission find the project, as conditioned herein, is consistent with the visual resource protection policies of the Coastal Act, including sections 30250(a) (new development shall be sited so as not to result in significant cumulative effects to coastal resources), 30251 (new development shall be visually compatible with the character of the surrounding area) and 30253(e) (new development shall protect "special communities"). Therefore, staff further recommends the Commission **approve** CDP No. A-5-VEN-21-0067, as conditioned.

The motion and resolution to adopt the staff recommendation can be found on Page 5.

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EXHIBITS

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

[Exhibit 2 – Project Plans \(Appeal\)](#)

[Exhibit 3 – Project Plans \(De Novo\)](#)

[Exhibit 4 – Survey Area](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-21-0067 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit Application No. A-5-VEN-21-0067 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicants or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Local Government Approval.** The proposed development is subject to the review and approval of the City of Los Angeles (City). This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of Coastal Development Permit A-5-VEN-21-0076 shall prevail.
2. **Construction Staging Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written review and approval of the Executive Director, two copies of a construction staging plan. The construction staging plan shall incorporate the following:
 - A. The plan shall specify where construction equipment is proposed to be stored during construction in order to control erosion and maintain public access along Angelus Place.
 - B. All construction equipment to be stored overnight shall be stored on-site, outside the street travel-way and on-street parking areas.
 - C. Placement of the on-site dumpster shall incorporate use of a flagman to direct traffic during placement.
 - D. The plan shall also identify a disposal site outside of the Coastal Zone for waste materials and recyclable materials.
3. **Water Quality.**
 - A. **Construction Responsibilities and Debris Removal**
 - 1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 - 2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - 3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;

- 4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- 6) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- 7) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- 8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- 9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- 10) The discharge of any hazardous materials into any receiving waters is prohibited;
- 11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- 12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity;
- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Drainage and Water Quality

- 1) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains

into a canal, unless specifically authorized by the California Regional Water Quality Control Board;

- 2) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;
- 3) A French drain, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed and maintained on the project site;
- 4) All runoff leaving the site shall be directed away from the canals and into the City storm drain system;
- 5) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

4. Landscaping Plans.

- a. Vegetated landscaped areas shall consist only of native plants and/or non-native drought-tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by the California Department of Water Resources (See: <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- b. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.

IV. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, 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 coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the Single Permit Jurisdiction area), the City of Los Angeles local coastal development permit is the only coastal development permit required but is subject to appeal and review by the Commission.

The proposed project site is within the Single Permit Jurisdiction area. On August 17, 2021, the City of Los Angeles approved local Coastal Development Permit No. DIR-2020-4803-CDP-MEL, but that action was appealed to the Coastal Commission. On

November 17, 2021, the Commission found that the appeal raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act. In finding that substantial issue exists, the Commission took jurisdiction over the project and accepted the appeal for a full *de novo* review of the application. The Commission is now required to hold the *de novo* phase of the hearing on the merits of the project. Chapter 3 of the Coastal Act is the standard of review with the certified Venice Land Use Plan (LUP) used as guidance.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The proposed development includes the demolition of a one-story, 816 square foot single-family residence with a detached garage and accessory structure¹ and construction of a new two-story, approximately 32.5 feet high, 2,795 square foot single-family residence with an attached 371 square foot, two-car garage, 275 square foot roof deck, swimming pool, and one additional on-site parking space ([Exhibit 3](#)). 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 to 22 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 4,212 square foot lot located approximately one 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 subject block is characterized primarily by one-story and two-story single-family and multi-family residences of varying sizes and architectural styles.

B. PROJECT HISTORY

On August 17, 2021, the City of Los Angeles Director of Planning approved the project under Case No. DIR-2020-4803-CDP-MEL ([Exhibit 2](#)). The local CDP approved the demolition of an 816 square foot single-story single-family residence, detached garage and accessory structure and the construction of a new two-story, approximately 33 feet high, 2,795 square foot single-family residence, attached two-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 for the project and opened the Commission's 20 working-day appeal period. On October 4, 2021, the local coastal development permit was appealed to the Commission. At a public hearing on November 17, 2021, the Commission found substantial issue with respect to the proposed project's consistency with the Chapter 3 policies of the Coastal Act, and the local coastal development permit became void. The applicant revised the project plans

¹ The accessory structure is attached to the garage and used for laundry and storage.

after the substantial issue phase of the Commission's hearing on the City-approved project.

The City-approved home had first and second floor front yard setbacks at approximately 18 feet, which is the prevailing front yard setback. As modified, the applicant proposes a front yard setback ranging from approximately eighteen to twenty feet. In addition, the second floor would be stepped back from the prevailing front yard setback (18'-3") by an additional four-feet to six-feet for a total range of twenty-two to twenty-four feet. The rear yard setback increased from fifteen feet to fifteen feet eight inches and one side yard setback decreased from five feet eight inches to four feet. The height of the City-approved home was approximately 30 feet (excluding the roof access structure). As modified, the applicant proposes two roof pitches fronting Angelus Place, one at 28.5-feet-high at the lowest point and one at 29.5-feet-high at the highest point. The size of the residence (2,795 square feet) has not changed compared to the City-approved residence. The mix of modern and traditional architecture that exists within the block indicates that the subject project's façade and varied roof, which articulates the building mass, would be compatible with the existing variety of planes and textures required by the LUP.

C. DEVELOPMENT

The Commission's standard of review for the subject development is Chapter 3 of the Coastal Act. The City of Los Angeles LUP for Venice provides guidance.

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.

Coastal Act Section 30253(e) Minimization of Adverse Impacts, states:

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.A.6 states, in pertinent part:

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.

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).

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 façades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

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 City prepared and submitted a Land Use Plan for Venice to the Commission for certification in 1999. The LUP sought to preserve Venice as a special coastal community through LUP policies that would “protect the unique character of the individual Venice neighborhoods by controlling development.” In its review and certification of the Venice LUP in 2001, the Commission also recognized the importance of protecting Venice’s unique community character and suggested modifications intended to further constrain the size and scope of new and redeveloped homes.

The Commission suggested modifications to address “common development scale issues” for proposed development in Venice, and those modifications were reflected in LUP Policy I.A.1 and I.E.2 to limit the size and location of roof access structures as well as restrict lot consolidations. Specifically, roof access structures were limited to 10 feet above the flat roof height limit, limited to an area of 100 square feet and required to be setback from ESHA, public sidewalks and recreation areas to protect the scenic and visual qualities of Venice, as well as protect neighborhood and community character as required by Section 30251 of the Coastal Act.

To further “control residential development and protect community character as required by Sections 30250 and 30251 of the Coastal Act,” lot consolidations were restricted in residential areas. The Commission found that lot consolidations could negatively affect the unique pedestrian-oriented character of Venice. “Without lot consolidation, the new modern homes are limited in size and bulk by the area of the small lots that are typical of Venice neighborhoods.” If lot consolidations were permitted, the Commission found that residential structures on two or more lots would result in a “house that is substantially larger than the characteristic house in the neighborhood,” thereby dramatically altering the formerly stable neighborhoods by recycling the typical sized home into larger homes, a popular trend in coastal neighborhoods. Therefore, the modification to the proposed LUP prohibited lot consolidations in stable residential neighborhoods such as Southeast Venice.

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

In short, the Venice LUP, as drafted by the City and modified 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 redeveloped homes could increase in size and bulk.³ Nevertheless, the Venice LUP recognized that 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 LUP policies as guidance in determining whether the project is consistent with sections 30250, 30251, and 30253 of the Coastal Act.

Community Character

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." Therefore, new structures should be sited and articulated to maintain visual compatibility with surrounding structures.

To determine whether a proposed project is consistent with the community character of the area, the Commission looks, in part, at the existing development in an area to determine whether or not a proposed project is compatible. Development located within a specific survey area is analyzed to determine whether the proposed project is visually compatible with regard to mass and scale.

Staff reviewed the revised project plans and the twenty-six lots along both sides of Angelus Place between Grandview and Oakwood Avenues ([Exhibit 4](#)). 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 consists of twenty-one single-family homes and five multi-family residences.

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. In this case, the City requires the front yard setback be consistent with the prevailing setback of other homes on the block. The proposed front yard setback would range from approximately 18 to 20 feet, which is consistent with the prevailing front yard setback of approximately 18 feet. The City requires side yard setbacks of five feet or 10 percent of the lot width if less than 50 feet wide, not less than 3 feet. The existing home has side yard setbacks consisting of 10 feet 4 inches and 5 feet 6 inches as well as a rear yard

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."

setback of six feet. The proposed home has approximately four-foot side yard setbacks⁴ adjacent to the neighboring lots and a fifteen-foot rear yard setback, which are consistent with the City's setback requirements. The setbacks provided are consistent with the Venice LUP such that yards should be consistent with the existing scale and character of the neighborhood, and in this case, the subject home maintains the prevailing front yard setback of homes on the block and therefore, maintains a front yard that would be consistent with the scale and character of the neighborhood.

The proposed residence has a varied roofline with pitch heights ranging from 28.5 to 29.5 feet fronting Angelus Place and a maximum height at approximately 33 feet for the roof access structure. 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.⁵ Information regarding the size of the roof access structures and roof decks is not available.

The proposed 2,795 square-foot residence would be consistent with the size of existing/approved residential structures in the survey area, which ranges from 768 square feet to 2,937 square feet and includes one duplex larger than the proposed home.⁶ However, the proposed home would be the largest single-family residence in the survey area. The next largest single-family residence in the survey area is 1,917 square feet.⁷ With the average size of residential structures at 1,347 square feet, the proposed development would be larger than the average but not the largest structure in the survey area.

The proposed two-story residence would be consistent with the surrounding area, which consists of twenty-one one-story structures and five two-story structures. The proposed residence would be compatible with the other five two-story homes in the survey area,⁸ four of which were built prior to 2001. All five of the existing two-story homes have stepped back façades and a partial second level or second story addition toward the rear of the lots. The proposed residence is designed with an articulated façade to break up the massing. For example, the first floor includes a setback from eighteen to twenty feet. The second floor is stepped back from the first-floor setback an additional four to six feet. The visible mass from each of the building's sides is also reduced with plane breaks of ten feet or more in width and five feet or more in depth. The mix of modern and traditional architecture that exists within the block indicates that the subject project's façade and varied roof, which

⁴ The side yard setbacks are ten percent of the lot width which is forty feet.

⁵ Both 818 Angelus Place and 825 Angelus Place have roof access structures and roof decks.

⁶ The duplex at 825 Angelus Place is the largest multi-family home at 2,937 square feet and largest residential structure in the survey area.

⁷ The home at 810 Angelus Place is currently the largest single-family home in the survey area at 1,917 square feet, 878 square feet smaller than the proposed residence.

⁸ 810 Angelus Place, 818 Angelus Place, 819 Angelus Place, 825 Angelus Place, and 828 Angelus Place.

articulates the building mass, would be compatible with the existing variety of planes and textures required by the LUP.

The project plans have been revised since the City-approved development was appealed, and therefore the Commission imposes **Special Condition 1** requiring the applicants to comply with local government requirements.

For the reasons discussed above, the proposed residence is compatible with the size, mass, and scale of the existing structures in the surrounding area and consistent with the visual resource and community character protection standards of the certified Venice LUP and the relevant Coastal Act Policies. The proposed development will minimize impacts to visual resources and will be compatible with the community character of the area. Therefore, the proposed development, as conditioned, conforms to Sections 30251 and 30253 of the Coastal Act and the certified Venice LUP policies related to community character.

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 the twenty-six lots in the survey area and considered the year of Commission or City approval for redevelopment, lot size, and habitable floor area. For properties that have not received Commission or City approval for redevelopment since 2001, the survey considered the year of residence construction, lot size, and current habitable floor area.

Recent City and Commission action in the survey area since the certification of the LUP in 2001 is included in Tables 1 and 2. Table 1 shows that there has been no final Commission action on residences on Angelus place since 2001. Table 2 shows that the City has approved size increases of four residential structures, with total sizes ranging from 1,570 square feet to 2,323 square feet. In addition, the City has approved the new construction of two residential structures, one of 2,795 square feet and the other of 3,437 square feet.⁹ Staff's analysis also included structures on the block that have not been redeveloped since the 2001 certification of the Venice LUP in Table 3, which includes twenty-one residential structures with sizes ranging from 768 square feet to 2,937 square feet and one residential structure that is larger¹⁰ than the subject residence. The current pattern of development indicates that many of the homes in the survey area, which were largely built in the early 1900s, are smaller and are in an area where development is occurring at a slower pace than other areas of Venice.

⁹ Each of the two new construction projects were appealed to the Commission, including the residence subject to this de novo hearing. A de novo hearing for the other residence, at 815 Angelus Place, has not been scheduled.

¹⁰ 825 Angelus Place is a two-story duplex and is 2,937 square feet.

With regard to future development, two new residential construction projects within the survey area have been approved and appealed since the substantial issue hearing for this residence occurred seven months ago. First, the Commission found substantial issue with a two-story, 3,437 square-foot proposed home at 815 Angelus Place in April 2022. The de novo hearing has not been scheduled. Second, a project for a new two-story, 2,660 square foot single-family home located at 814 Angelus Place was appealed at the local level as of April 2022. The determination of this local appeal is pending. These homes, along with the proposed residence at 822 Angelus Place, would be larger than many of the homes in the survey area, and recent actions suggest that residential structures that are larger than the older homes will continue to be proposed in the future. Even so, the proposed residence would not set a new precedent in terms of the overall size of existing residential structures within the survey area and potential future development. Furthermore, the applicants propose added variation and articulation to the facade to reduce the visual mass fronting Angelus Place. Therefore, the size and massing of the proposed residence would not cause a significant adverse cumulative effect on the surrounding development and Venice as a Special Coastal Community as there are existing large structures in the area.

In addition, as certified by the Commission, the Venice LUP contemplates redevelopment of homes in Venice and allows for some growth in the size of homes, although that growth is cabined, to some extent, by building standards, setbacks, lot size, and limits on rooftop decks in certain areas, all designed to protect Venice's character. The proposed residence is consistent with all the certified building standards of the Venice LUP and is compatible with the mass, scale and character of surrounding development, even when accounting for the potential cumulative effects of development over time.

The Commission understands the concerns expressed by some members of the public that Venice community character is changing in a way that is not consistent with the Coastal Act. The Venice LUP was designed to protect Venice community character primarily through objective building standards, restrictions on the size and appearance of redeveloped homes, and provisions to maintain pedestrian scale, all important aspects of Venice character. Recent Commission hearings on Venice projects reveal an ongoing dialogue as to whether compliance with the Venice LUP is an adequate measure of a project's consistency with community character, or whether further revisions to those standards are necessary. More significant changes to the home's size or setbacks to further reduce the mass and scale of the home may be more in line with existing community character of the area. However, addressing these types of design decisions put the Commission in a difficult position and result in an inefficient approach to preserving community character in Venice. The City is in the process of updating the Venice Implementation Plan, which is the appropriate mechanism for regulating these types of design issues that are regularly disputed for Venice development projects. With respect to this project, the proposed development has been modified by the applicant in a manner that, as conditioned herein, will protect the character of the surrounding area, consistent with the policies of the certified LUP and Chapter 3 of the Coastal Act.

In summary, the certified LUP, which provides guidance for the Commission's evaluation of the project's consistency with the community character policies of Chapter

3 of the Coastal Act, protects architectural diversity as a characteristic that makes Venice a special coastal community. The proposed project, as conditioned, contributes to this diversity and, for the reasons described above, is unlikely to contribute to any significant adverse cumulative effect on the community character, mass and scale, and visual resources of the surrounding area. Thus, the Commission finds that the subject residence, as conditioned, conforms with sections 30250, 30251 and 30253(e) of the Coastal Act and the certified LUP policies related to community character.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states, in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff...

The project site is located approximately one mile from Venice beach within an urbanized residential area. However, the subject development still has the potential to discharge polluted stormwater runoff from the project site into coastal waters. The landscape plans show that 106 square feet of planter box (permeable) area will be placed in the front yard utilizing drought-tolerant, non-invasive vegetation. Drainage from the roof drains, gutters, and downspouts will be diverted to a sump pump and discharged to the street. These design components will minimize impacts to nearby coastal waters and marine resources.

To preserve water quality during construction, **Special Condition 3** requires the applicant to implement construction Best Management Practices (BMPs) including but not limited to the appropriate management of equipment and construction materials onsite. To further ensure that water quality is preserved, **Special Condition 4** requires low water use, drought-tolerant and non-invasive landscaping.

Therefore, the subject development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Venice LUP Policy II.A.3, Parking Requirements, states, in relevant parts:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use...

RESIDENTIAL USES: Single-family dwelling on lots of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley

OFF-STREET PARKING REQUIRED: 3 spaces

The public access policies of the Coastal Act ensure protection and enhancement of all people's opportunity to access the coast and enjoy coastal recreation. This includes Section 30252, which states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development through public transportation. Due to the limited on-street parking in the immediate vicinity of the project, Venice LUP Policy II.A.3 requires single-family residences with specific lot dimensions to provide three parking spaces; this requirement is satisfied by the two-car garage and one additional uncovered onsite parking space accessed from the unnamed alley at the rear of the lot.

Regarding the construction staging for the project, construction can adversely impact public access by displacing otherwise available on-street, public parking spaces or by blocking traffic. During construction, measures should be implemented to ensure that temporary impacts to public access are minimized. Therefore, **Special Condition 2** requires that a construction staging plan be submitted for Commission review and approval. All construction equipment to be stored overnight shall be stored on-site, outside the street travel-way and on-street parking. Placement of an on-site dumpster shall incorporate use of a flagman to direct traffic during placement.

No long-term, construction or post-construction impacts are anticipated for existing coastal access and nearby recreational facilities. Moreover, the three onsite parking spaces satisfy the certified LUP on-site parking requirements for a single-family residence. As proposed, and conditioned, the development conforms to Sections 30210, 30211 and 30252 of the Coastal Act and the applicable public access policies of the certified Venice LUP.

F. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) states, in relevant part:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the subject development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division 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 the provisions of Chapter 3 (commencing with Section 30200).

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the subject development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and provides guidance as to the project's consistency with Chapter 3 of the Coastal Act.

As conditioned, the subject development is consistent with Chapter 3 of the Coastal Act and the certified LUP. As such, approval of the project, as conditioned by the Commission, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The findings above are incorporated herein by reference.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of

A-5-VEN-21-0067 (Guglielmino & Boyd)

CEQA still applies to the Commission's CDP regulatory process and prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's Letter of Determination dated August 17, 2021, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines, Sections 15301 (Class 1) and 15303 (Class 3).

The subject project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development may have on the environment. Therefore, the Commission finds that the subject project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. City of Venice certified Land Use Policies I.A.6, I.E.1, I.E.2, I.E.3 and II.A.3.
2. City of Los Angeles local Coastal Development Permit 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) (new)	
822 Angelus Place (Proposed)	A-5-VEN-21-0067	2022	30	4,212	816	2,795
815 Angelus Place (De Novo)	A-5-VEN-22-0007	(TBD)	(TBD)	4,200	(TBD)	

*Excluding height of roof access structure

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

Address	Action No.	Approval Year	Height (ft.)*	Lot Size (sq. ft.)	Sq. Ft. (original) (new)	
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 ¹¹	1,570
808 Angelus Place	ZA-2008-413-CEX	2008	N/A	4,211	1,572 ¹²	1,584
819 Angelus Place	DIR-2014-4826-VSO	2014	25	4,200	2,206	2,323
822 Angelus Place (Voided)	DIR-2020-4803-CDP-MEL	2021	30	4,212	816	2,795
815 Angelus Place (Voided)	DIR-2019-5903-CDP-MEL	2021	25	4,200	950 ¹³	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 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

¹¹ The 403 square foot bedroom addition was subtracted from the known 1,570 square footage.

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

¹³ Per City-approved plans.

802 Angelus Place	1959	5,177	1,672
805 Angelus Place	1950	4,200	1,036
814 Angelus Place ¹⁴	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 ¹⁵	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

¹⁴ An application for a 2,660 square foot single-family residence was locally appealed and is subject to further action by the City.

¹⁵ An application for a 3,437 square foot single-family residence was appealed to the Commission and the Commission found substantial issue in April 2022. See Table 1 (A-5-VEN-22-0007).