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W14a

A-5-VEN-23-0044 (Meepos)

February 7, 2024

EXHIBITS

<a href="#"><u>Exhibit 1 – Project Location</u></a>	1
<a href="#"><u>Exhibit 2 – Appeal</u></a>	2
<a href="#"><u>Exhibit 3 – Site Plans</u></a>	40
<a href="#"><u>Exhibit 4 – Existing Character</u></a>	49
<a href="#"><u>Exhibit 5 - CPC-2022-724-CDP-MEL-SPP-DB-HCS</u></a>	50

Exhibit 1 – Project Location





**Existing Structures**



# Exhibit 2 – Appeal

October 19, 2023

5-VEN-23-0061

## Appeal Reasons

### A. Location:

2308-2310 Pisani Place, Venice

APN: 4237005010

Cross street: Boccaccio Ave

Land use designation: multiple residential family medium

### B. Project Description:

Demolition of three structures (two one-story duplexes and one two-story duplex with attached garages) consisting of eight rental units (two of which were unpermitted), the merger of two lots into one 7,800 square-foot lot, and the construction of a 15,016 square foot, four-story residential condominium structure with roof deck and two roof access structures and one elevator, composed of eight residential condominium units, with one unit set aside for a Very Low Income Household and two units set aside for Low Income Households, providing a total of twelve parking spaces. The proposed Project includes the removal of five on-site non-protected trees.

### C. Summary:

1. The City Erred and Abused its Discretion in its Analysis of Visual Resources and Community Character.
2. The Project Prejudices the LCP.
3. The City Erred and Abused its Discretion in its Analysis of Conformance with LUP Policy I.A.13. Density Bonus Applications.



## Exhibit 2 – Appeal

4. The City Erred and Abused its Discretion as Replacement of Affordable Housing is Understated.
5. As Indicated by the City Urban Design Studio's Professional Volunteer Program, the Three Affordable Units Should be Distributed Throughout the Project and Should Not be Located Below Grade.
6. The City Erred and Abused its Discretion as the Determination Has Not Been Guided by any Applicable Decision of the Coastal Commission Pursuant to Coastal Act Section 30625(c).

On August 23, 2023, the City issued Local Coastal Development Permit (CDP) No. CPC-2022-724-CDP-MEL-SPP-DB-HCA and Vesting Tentative Tract Map No. VTT-83692-CN-HCA.

The overriding issue here is that the main condition for the density bonus incentives that have resulted in this massive project is not met. That requirement is to increase the affordable housing supply, and for this project there is no increase in affordable housing.

In addition, the project must be in conformance with the Coastal Act. Coastal Act Sections 30251 and 30253(e) require the protection of scenic and visual qualities of coastal areas, with Section 30253(e) specifically requiring the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses. The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community. The LUP also sets forth policies to preserve the community character, scale, and architectural diversity of Venice as a Special Coastal Community.

The subject lots are approximately one mile inland of Venice Beach and approximately a half mile from the Venice Canals, in the Southeast Venice subarea, which features homes of varying architectural styles. The development on the subject block and in the immediate surrounding area/streetscape consists of one- and two-story residential structures. At 41 feet tall, 37% higher than the LUP height limit, and four-stories with a roof deck with two roof access structures and an elevator (giving the appearance of an additional fifth story), and no upper-level step backs, the City-approved

## Exhibit 2 – Appeal

project is significantly larger than the surrounding residences and is not consistent with the character of the area with respect to mass and scale.

As per the Density Bonus law, the Density Bonus and Coastal Act laws must be harmonized so as to achieve the goal of increasing the supply of affordable housing in the Coastal Zone while also protecting coastal resources and coastal access. Not only does the project not increase affordable housing, it is not consistent with the Coastal Act as it does not protect (and in fact significantly harms) coastal resources, and therefore it cannot be approved.

The standard of review for the appeal is Chapter 3 of the Coastal Act, and the City's certified Venice Land Use Plan (LUP) provides guidance and may be used to evaluate a project's consistency with Chapter 3.

The City erred and abused its discretion in its findings for the CDP as the proposed project is not visually compatible with the surrounding area and not consistent with the community character of the surrounding area, as explained herein. Thus, it would cause significant adverse cumulative impacts to visual resources and community character. A substantial issue exists with respect to the grounds on which the appeal has been filed because the project, as approved by the City, is not consistent with the visual resources or the community character of the surrounding area and will cause a significant adverse cumulative impact.

### D. Relevant Coastal Act Policies:

#### Section 30210 of the Coastal Act states, in part:

...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, and rights of private property owners, and natural resource areas from overuse.

#### Section 30250 of the Coastal Act states, in part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within,



# Exhibit 2 – Appeal

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, in part:

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...

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 non-automobile 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.

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:  
(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

(d) Minimize energy consumption and vehicle miles traveled.

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

Section 30604 of the Coastal Act states, in part:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

(h) When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.



# Exhibit 2 – Appeal

## E. Relevant LUP Policies:

### Policy I.E.1 (Preservation of Venice as a Special Coastal Community, General) of the LUP 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.

### Policy I.E.2 (Scale) states:

New development within the Venice Coastal Zone shall respect the scale and character of 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. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

### 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.

Policy I.A.8.a (Multiple-Family Residential - Medium Density, Southeast Venice) states, in part:

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.

Policy I.A.9 (Replacement of Affordable Housing) states:

Per the provisions of Section 65590 of the State Government Code, referred to as the “Mello Act”, the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).

Policy I. A. 13. Density Bonus Applications:

Required replacement dwelling units shall be counted as reserved units in any related State-mandated density bonus application for the same project. In order to encourage the provision of affordable housing units in the areas designated as “Multiple Family Residential” and in mixed-use developments, the City may grant incentives such as reduced parking, additional height or increased density consistent with Government Code Section 65915 provided that the affordable housing complies with the following:

- a. This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than 25 percent more units than a property’s zoning would ordinarily allow. In exchange for this density bonus, the owners must make the units affordable for 30 years if an incentive is utilized in addition



to a density bonus specified in Government Code Section 65915(b) or for 10 years if a second incentive is not utilized.

b. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. In the Coastal Zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission. The density bonus shall be applicable to housing development consisting of five or more units.

c. In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. If the City approves development with a density bonus, the City must find that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the City determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the City shall require that the density increase be accommodated by those means. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a 25 percent density increase, the City shall identify all feasible means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that are most protective of significant coastal resources.

d. The City may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25

percent may be permitted based on a finding that no adverse impacts on coastal resources would result.

e. In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the City determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the City may grant the requested incentive. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.

f. For the purposes of this section, “coastal resources” means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

### Policy I.A.14. Parking Requirements for Affordable Housing.

Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

### Policy I. A. 16. Exceptions.

## Exhibit 2 – Appeal

No exceptions to the replacement housing policies of this LUP shall be permitted within the Venice Coastal Zone except as permitted by Section 65590 of the State Government Code (Mello Act).

### F. Appeal Points

#### 1. The City Erred and Abused its Discretion in its Analysis of Visual Resources and Community Character:

See attached **EXHIBIT A** for a Streetscape of the surrounding structures that can be seen from the subject site, including photos of the surrounding structures. Of the ten sites, all are one-story except one, 708 Victoria, which is 2 stories. Thus, 90% of the surrounding structures that can be seen from the site are one-story, and all of the surrounding structures that can be seen from the project site are one to two stories.

At 41 feet tall, 37% higher than the LUP height limit, four stories and 15,016 square feet, with roof deck with two roof access structures and one elevator (giving the appearance of an additional fifth story), and no upper-level step backs, the project is significantly taller and more massive than the surrounding residences and is not consistent with the prevailing one- and two-story character of the surrounding development with respect to mass and scale. At 15,016 square feet, the proposed structure is over four times larger than the existing structure, of 3,672 square feet. With a lot area of 7,800 square feet, the FAR is 1.925. A 41 foot tall, four-story structure plus roof deck with two roof access structures and an elevator, and no upper story step backs, is clearly grossly incompatible with the surrounding structures.

In its finding that the project is in character with the surrounding area, the City acknowledges that the three lots adjacent to the subject site to the west (across Pisani) are improved with two, two-story multiple family residential structures and a one-story single-family dwelling, and that the lots abutting the site to the north and south are improved with one-story single-family dwellings. Thus, all of the lots adjacent and abutting the site are one- and two-story structures, primarily one-story structures. However, despite this evidence supporting incompatibility with the proposed project, the City makes a finding that the four-story condominium structure is consistent with the development pattern and character of the area, is visually compatible with the

## Exhibit 2 – Appeal

surrounding residences and that the proposed four-story multi-family development is in conformance with Coastal Act Sections 30251 and 30253 and would not have a significant impact on the visual and community character of the neighborhood. This is an error and abuse of discretion.

LUP Policy I. E. 2, states that new development shall respect the scale and character of community development. The proposed project is 11 feet (37%) over the LUP height limit for a varied roofline of 30 feet, with a roof deck with two roof access structures and an elevator (resulting in the appearance of an additional fifth story), and has no step backs on the upper floors. The majority of the neighborhood and residences immediately adjacent to the subject development is one-story. When analyzed in combination with the existing surrounding development, the project is obviously out of character because it does not respect the prevailing height, prevailing number of stories, mass or landscape/yards of the existing surrounding residences.

Also, there are no four-story structures in the surrounding area, on the block, in the greater subarea or in Venice at large. As proposed, the four-story, eight-unit condominium complex is not compatible with the height or mass of the structures in the surrounding area.

In addition, in its determination in support of the project's mass and scale (page F-6), the City indicates that on July 23, 2019 the Director approved a new three-story three-unit condominium at 2302 Pisani Place; however, that project was stopped at the Coastal Commission level and was never built. The City then states that in December 2021, CDP applications were filed for a 3-story, 3-unit small lot subdivision at 2317 Oakwood Ave and for a three-story, three-unit small lot subdivision at 2315 Oakwood Ave; however, the City Planning ZIMAS system records show that those two sister cases have been on hold for almost two years. None of these projects cited by the City in this finding can be used to support the project. Even if they were completed projects, they are for three-story LUP height-compliant structures and the proposed project is for a four-story structure.

Furthermore, a majority of the residences in the project vicinity have substantial vegetated yard areas. The proposed project includes significant removal of the vegetation from the existing project site, including several mature trees, replacing them with mainly hardscaping on the ground level. LUP Policies I. A. 8. a. and I. E. 2. require new development to respect the yard



## Exhibit 2 – Appeal

and landscape character of the existing neighborhood. As proposed, the yard is not consistent with the scale and character of the neighborhood.

Visual Resources and Community Character Section 30251 of the Coastal Act requires that “development be sited and designed to protect[s] views to and along the ocean and scenic coastal areas” and “to be visually compatible with the character of surrounding areas.” Additionally, Section 30253 requires new development “where appropriate, [to] protect special communities that, because of their unique characteristics, are popular visitor destination points for recreational uses.” Also, LUP Policy I.E.3., which provides guidance and may be used to evaluate a project’s consistency with Chapter 3 of the Coastal Act, encourages “building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing” and “yards...consistent with the existing scale and character of the neighborhood.” Because the upper levels of the proposed four-story project are not stepped back, the project is not in conformance.

The proposed project is not consistent with the Chapter 3 policies of the Coastal Act or the policies of the LUP. Given the proposed development’s relative disproportionate height, mass, façade and landscape, and the lack of step back on upper floors, the proposed project is not consistent with Section 30251 of the Coastal Act because it will not be visually compatible with the character of surrounding area. The City’s approval of the proposed project is also not consistent with Coastal Act Section 30253 and LUP Policy I.E.1. because the project does not protect the character of the Venice community, which is a Special Coastal Community. In fact, the City completely omits any consideration of Coastal Act Section 30253’s requirement to protect special communities and neighborhoods. This is an error and abuse of discretion. In addition, the proposed project does not adequately mitigate the potential community character impacts of the development. These impacts could be mitigated if the project was redesigned or conditioned to require features to minimize building mass and increase yard area consistent with surrounding development.

The Coastal Commission has previously found that Venice's unique social and architectural diversity should be protected and designated Venice a Special Coastal Community. The Coastal Commission considers Venice as a Coastal Resource to be protected. The Coastal Commission has consistently found that the Venice community, including the residential neighborhoods, the beach, the

boardwalk, the canals and the eclectic architectural styles of the neighborhoods, is one of the most popular visitor destinations in California. The LUP sets forth policies to preserve the community character, scale, and social and architectural diversity of Venice as a Special Coastal Community.

In its findings that the project is in character with the surrounding area, the City cites Section 30251 of the Coastal Act and acknowledges that all of the structures (a mix of single- and multi-family residences) in the immediate vicinity are one- and two-stories. However, despite this finding, the City erroneously concludes that the 4-story condominium structure is compatible with these residences. The City-approved project would negatively impact the character of the community because the proposed large scale of the structure is not consistent with the surrounding development pattern. Allowing this structure would incrementally change the character of the neighborhood, making it more likely that other new tall and massive structures that are out of character with the current neighborhood would be approved and built, significantly and adversely affecting coastal resources and causing a significant adverse cumulative effect.

Sections 30251 and 30253 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 is a unique Coastal Resource. Therefore, we request that the Commission finds that a substantial issue exists with respect to the City-approved project's conformance with the visual resources and community character policies of Chapter 3 of the Coastal Act.

2. The Project Prejudices the LCP:

The City does not currently have a certified Local Coastal Program, but it does have a certified Land Use Plan. The proposed development is not consistent with the visual resources and community character standards and policies set forth in Chapter 3 of the Coastal Act and in the LUP. Thus, the project would prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

3. The City Erred and Abused its Discretion in its Analysis of Conformance with LUP Policy I.A.13. Density Bonus Applications:

The following Density Bonus Incentives were approved by the City:

- a. An On-Menu Incentive to allow a 11-foot increase in height to achieve a maximum height of 41 feet for a Varied Roofline and a maximum height of 36 feet for a flat roof, in lieu of 30 feet for a Varied Roofline and 25 feet for a flat roof, as otherwise required by Section 10.G.3.a of the Venice Coastal Zone Specific Plan;
- b. An On-Menu Incentive to allow a 14-foot six-inch rear yard setback in lieu of a 15-foot rear yard setback, as otherwise required in the R3 Zone pursuant to LAMC Section 12.10 C.3; C.1;
- c. An Off-Menu Incentive to allow a 11-foot 11-inch front yard setback in lieu of a 15-foot front yard setback, as otherwise required in the R3 zone pursuant to LAMC Section 12.10
- d. A Waiver of Development Standard to allow seven parking stalls to be provided as standard stalls and five spaces to be provided as compact stalls in lieu of the minimum eight standard parking stalls, as otherwise required pursuant to LAMC Section 12.21 A.5(c);
- e. A Waiver of Development Standard to remove tandem parking restrictions, as otherwise required by LAMC 12.21 A.5(h); and
- f. A Waiver of Development Standard to remove the step-back provisions for the portions of the structure greater than 25 feet, as otherwise required by Section 10.G.3.a. of the Venice Coastal Zone Specific Plan.

On page F-7 the determination states: “the proposed development complies with Policy I.A.13 (Density Bonus Application) which allows for reduced restrictions for density, height and setback standards...as such, the proposed development is visually compatible with the character of the surrounding area and will further enhance the visual quality of the area.” On page F-10 the determination states: “Policy I.A.13. Density Bonus Applications. The proposed four-story multi-family dwelling is consistent with the policies of the Certified Venice Land Use Plan...the project will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.” This is not a finding that the project complies with LUP Policy I.A.13. These two statements are the only references found in the determination that address LUP Policy I.A.13 Density Bonus Applications,

## Exhibit 2 – Appeal

and both statements are conclusory as there is no supporting evidence provided on which to base the conclusions in these findings.

In addition, the City erred in not considering LUP Policy I.A.13.c. regarding the need to require implementation of the means that are most protective of significant coastal resources. Consideration of LUP Policy I.A.13.e. regarding whether the additional development incentives requested will have any adverse effects on coastal resources and consideration of all feasible alternative incentives that would be more protective of significant coastal resources, such as the visual quality of coastal areas (as noted in LUP Policy I.A.13.f.), were also omitted.

Moreover, the intent of LUP Policy I.A.13. is to serve as an incentive program that encourages property owners who might not otherwise include any affordable housing in a project, to include some affordable units. However, that is not the case here as the affordable units are already required by state law. See **EXHIBIT B** for the Housing Department letter indicating that three affordable units are already required to be replaced under the Mello Act. See **EXHIBIT C** for the Housing Department letter indicating that three affordable units are also already required to be replaced under SB 330/SB 8. These laws do not allow for Density Bonus incentives. The project does not achieve the goal of increasing the supply of affordable housing in the Coastal Zone, which is the Legislature's goal with the Density Bonus law. *Rather, the project is simply replacing the affordable housing that is already there.*

When replacement affordable units are already required by state law--SB 330/SB 8 or the Mello Act--there is no need for and a developer has no basis to receive a development bonus for those same units, as affordable housing is not being increased. In this case, the applicant is requesting significant development bonuses, such as reductions in yard requirements, parking requirement waivers, and a significant 37% increase in height over the LUP requirement, as well as a waiver for the LUP step back requirements for portions of the structure over 25 feet, all of which renders the project grossly incompatible with the surrounding neighborhood. The applicant simply cannot request the development bonuses in order to accommodate affordable units that they are already required to provide. The City cannot exceed its jurisdiction by changing the intent and meaning of a state law. The Density Bonus law incentives should not apply to replacement affordable units



required under other state regulations as the affordable housing supply is not increasing.

Furthermore, as per the Density Bonus law, the Density Bonus and Coastal Act laws must be harmonized so as to achieve the goal of increasing the supply of affordable housing in the Coastal Zone while also protecting coastal resources and coastal access. Government Code section 65915(m) states:

This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section **shall be permitted in a manner that is consistent with this section and Division 20** (commencing with Section 30000) of the Public Resources Code. (Emphasis added).

The required findings for LUP Policy I.A.13. cannot be made in the affirmative since the additional development incentives being requested are not required to provide affordable housing, which already currently exists and for which replacement affordable housing is already required by the SB 330/SB 8 and Mello Act state laws that do not provide for development bonuses. The incentives would serve only to enrich the developer, and not to fulfill the purpose of the incentives in the Density Bonus law, to increase the affordable housing supply. In addition, because the project is not consistent with the Coastal Act as it does not protect (and in fact significantly harms) coastal resources, it does not harmonize the Density Bonus and Coastal Act laws and cannot be approved.

#### 4. The City Erred and Abused its Discretion as Replacement of Affordable Housing is Understated:

The City found in its Mello Act Compliance Review, issued with the local CDP on August 23, 2023 (pages F16-F18), that there are three existing replacement affordable units. See **EXHIBIT B**. In addition, the City found under SB 330/SB 8 that three units are subject to replacement. (It must be noted that the April 26, 2022 HCID letter re. SB 330/SB 8, Density Bonus & RSO is

## Exhibit 2 – Appeal

incomprehensible and facts appear to be inconsistent. The letter should be carefully reviewed and requires revision, correction and clarification.) See EXHIBIT C.

We understand that, pursuant to Section 30011 of the Coastal Act, the Commission does not have authority to review a local jurisdiction's Mello Act decisions. However, pursuant to Coastal Act Section 30604(f) and (g), the Coastal Act does direct the Commission to encourage housing opportunities for persons of low and moderate income and to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low or moderate income. In addition, Section 30604(h) states that when acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider Environmental Justice, or the equitable distribution of environmental benefits throughout the state; and the Commission's Environment Justice Policy states that if the Commission staff determines that existing affordable housing would be eliminated as part of a proposed project in violation of another state or federal law [i.e. the Mello Act], the Commission Staff will use its discretion to contact the appropriate agency to attempt to resolve the issue. This policy section clearly authorizes the Commission to contact the City to request and instruct them to correct these egregious errors regarding the protection of affordable housing opportunities for persons of low or moderate income.

These three provisions of the Coastal Act and the Commission's Environment Justice Policy empower the Commission to follow up with the City on its egregious errors in the Mello Act Compliance Review Determination. According to the finding (pages F-16 to F-18), the owner provided payment history for at least two units using short-term rental rates. Short-term rentals are a commercial use and cannot be used to determine "monthly housing cost," as required by the City's Interim Administrative Procedures for complying with the Mello Act (IAP). Short-term rental rates are much higher than long term monthly rental rates. If the rent for 2310 Pisani is over the \$1,426 threshold because short-term rental rates were used, that analysis is void and those units should be determined replacement affordable. Also, the finding mentions "both units" and then lists four units, which appears to be an error. The finding also erroneously indicates that six new units are proposed (should be eight).

## Exhibit 2 – Appeal

In addition, the Mello Act covers all housing units, and does not distinguish between permitted and unpermitted rental units. Yet HCID's January 30, 2018 letter (**EXHIBIT B**) fails to account for two affordable unpermitted units that were still occupied after the initial application was filed. Unpermitted units should also have been analyzed to see if they also require replacement affordable units. This was a significant error and is well documented in the City record, which was provided to Commission Staff.

Also, the Mello letter does not contain the correct lookback date. The case was filed on October 23, 2015 but the HCID Mello application date was January 31, 2017, a 15 month delay of the lookback date, resulting in the exclusion of additional existing affordable units. This issue is also well documented in the City record, which was provided to Commission Staff.

5. As Indicated by the City Urban Design Studio's Professional Volunteer Program, the Three Affordable Units Should be Distributed Throughout the Project and Should Not be Located Below Grade.
6. The City Erred and Abused its Discretion as the Determination Has Not Been Guided by any Applicable Decision of the Coastal Commission Pursuant to Coastal Act Section 30625(c):

Two of the cases listed, 2467-2471 Lincoln Blvd. and 720 Rose Ave., are 100% affordable permanent supportive housing projects that do not include market rate units and that do increase the affordable housing supply and are thus not applicable prior decisions. The third case listed, 2300-2302 Pisani Place, received a Substantial Issue decision by the Commission due to incompatibility with what is essentially the same surrounding neighborhood, which voided the City's approval, and thus it is not a decision that could guide the City to approve this project. However, we agree that case is relevant, and the Coastal Staff was opposed to that three-story project due to incompatibility with the same surrounding neighborhood. This proposed project is significantly taller and more massive than the 2300-2302 Pisani Place project and thus is even more incompatible with what is essentially the same surrounding neighborhood of 2300-2302 Pisani Place.

### G. Substantial Issue Factors:

Applying the five Substantial Issue factors demonstrates that the appeal raises a “substantial issue” with respect to the visual resource and community character protection policies of the Coastal Act and the LUP.

The first factor is the degree of factual and legal support for the local government’s decision that the City-approved development is consistent with the relevant provisions of the LUP. The City concluded that the four-story structure is consistent with the character of the one- and two-story structures in the project vicinity. However, the City did not support its logic and conclusion with the evidence provided in its findings. The predominant pattern for residential structures in the project vicinity is one- and two-story single- and multi-family residences; the City-approved project is four stories with a roof deck with two roof access structures and an elevator (giving the appearance of an additional fifth story), as well as landscaping that is not consistent with the surrounding neighborhood. In addition, the City completely omitted consideration of the Special Coastal Community provisions of the Coastal Act and LUP and did not make findings with respect to the Density Bonus provisions of the LUP. Thus, the City provided an inadequate degree of factual and legal support for the local government’s decision to approve the four-story condominium development.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved project proposing the construction of a four-story structure with no upper level step backs and minimal yard area is not compatible with the scale and massing of the one- and two-story structures in the surrounding areas. Approximately 90% of the closest structures to the project site are single-story buildings as seen from the street; the remaining 10% are two-story structures. The City-approved condominium complex would be the only four-story structure in the project vicinity or even in the subarea or the greater Venice community. Therefore, the extent and scope of the proposed development is not consistent with the visual resources and community character policies of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. Venice is a unique coastal resource and Special Coastal Community. The City-approved project would negatively impact the character of the community because the proposed large mass and scale of the structure is not



## Exhibit 2 – Appeal

consistent with the surrounding development pattern. Allowing this condominium building, as approved by the City, would incrementally change the character of the neighborhood, making it more likely that other new, extremely tall and massive structures that are out of character with the current neighborhood would be approved and built. Therefore, the development could significantly adversely affect coastal resources.

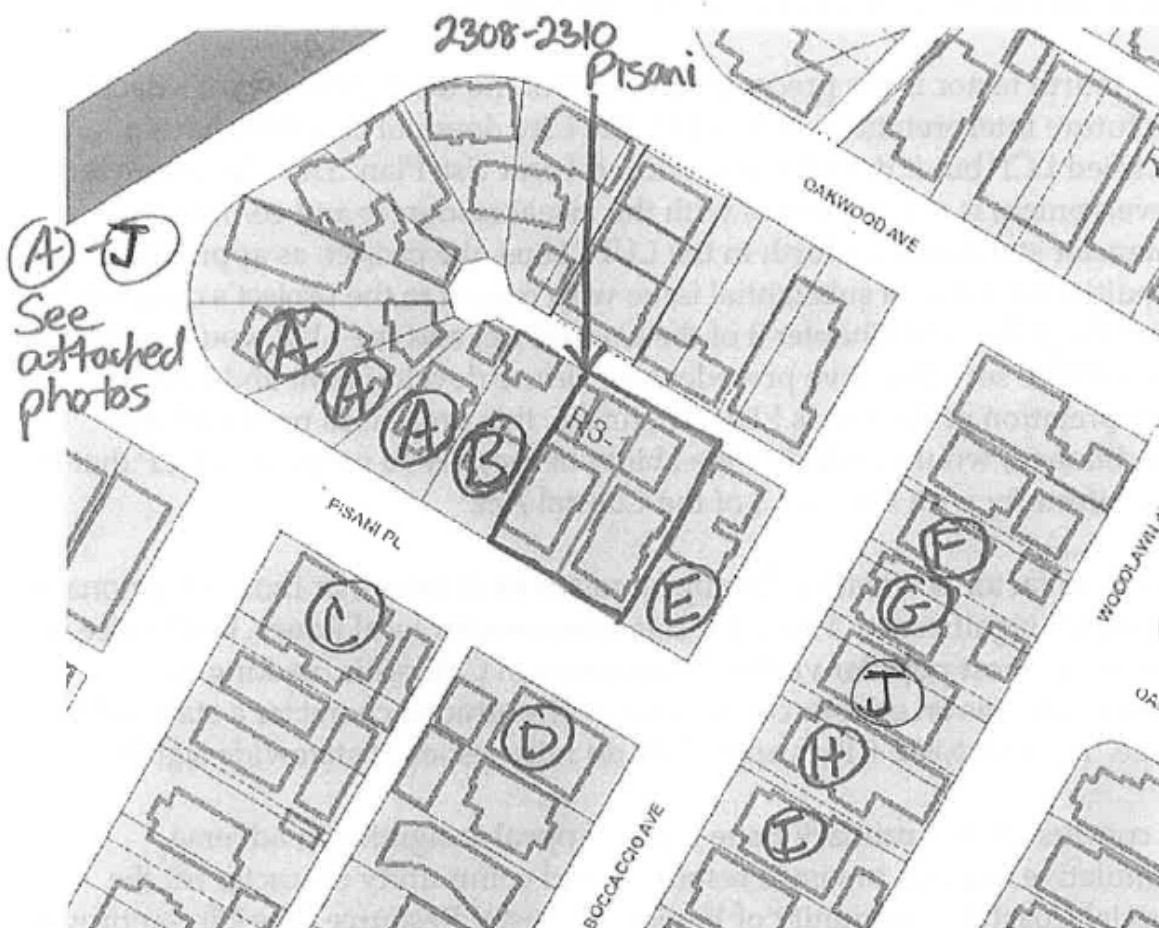
The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP but it does have a certified Land Use Plan. The City-approved development is not consistent with the visual resources and community character standards set forth in the LUP. Thus, the project, as approved and conditioned, raises a substantial issue with regard to the project's conformity with the policies of Chapter 3 of the Coastal Act and the LUP would have the potential to set a negative precedent for future development and future interpretation of the City's LUP. Therefore, this project, as proposed and conditioned, would prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. These appeals raise specific local issues, but Venice is one of the most popular visitor destinations in California, making its preservation as an eclectic community with a unique character a statewide issue. Therefore, the City's approvals do raise issues of statewide significance.

In conclusion, the primary issue for the appeal is significant adverse cumulative impacts to visual resources and community character for the Special Coastal Community of Venice, a Coastal Resource. The City-approved project is not in conformity with the Chapter 3 policies of the Coastal Act and the guidance in the LUP; therefore, there is a substantial issue as to conformity with the Chapter 3 policies.

## EXHIBIT A

### Streetscape



(A)-(J) See attached photos of these properties, which demonstrate the number of stories and mass of the structures.

# Exhibit 2 – Appeal

2308-2310 Pisani Place



# Exhibit 2 – Appeal

(A)---2300 - 2302 - 2304 PISANI PLACE – ALL 1-STORY





# Exhibit 2 – Appeal

(B)---2306 PISANI PLACE IMMEDIATELY NORTH OF SUBJECT PROPERTY – 1 STORY



# Exhibit 2 – Appeal

WEST OF SUBJECT PROPERTY  
(C)---708 VICTORIA – 2-STORY  
(D)---711 BOCCACCIO AVE JUST BEYOND – 1-STORY



(E)—2312 PISANI PLACE—IMMEDIATELY SOUTH OF SUBJECT PROPERTY—1-STORY



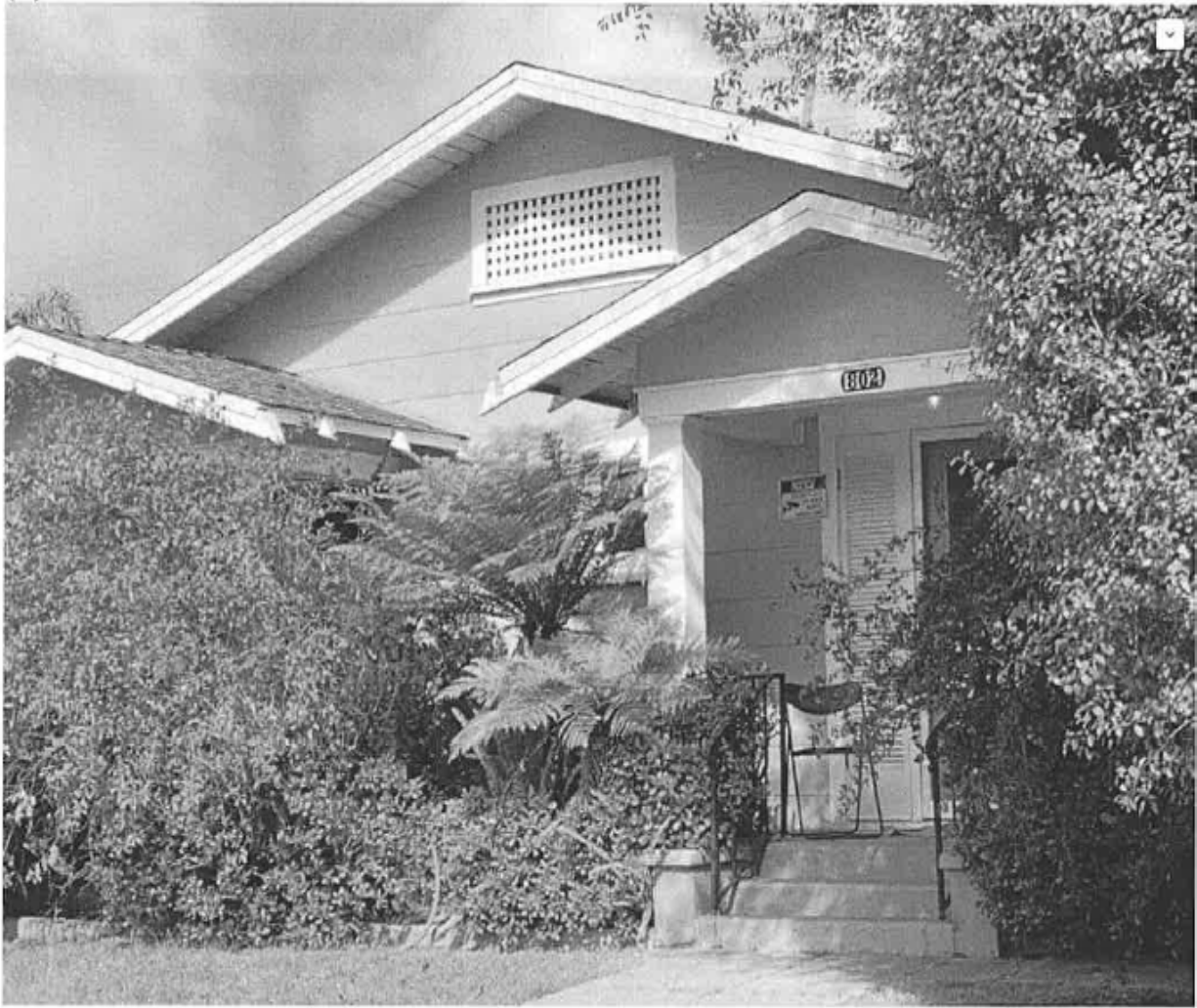
**Exhibit 2 – Appeal**

(F)—804 BOCCACCIO AVE—1-STORY



**Exhibit 2 – Appeal**

(G)---802 BOCCACCIO AVE--1-STORY





## Exhibit 2 – Appeal

(H)---718 BOCCACCIO AVE--1-STORY

(I)---714 BOCCACCIO AVE--1-STORY



## Exhibit 2 – Appeal

(J) 800 Boccaccio—1 story in front



## EXHIBIT B

Ex. 1



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

DATE: January 30, 2018

TO: Debbie Lawrence, Senior City Planner  
City Planning Department

FROM: Robert Manfred, Environmental Affairs Officer  
Los Angeles Housing and Community Investment Department

SUBJECT: **Mello Act Determination for 2308 – 2310½ S. Pisani Pl., Los Angeles, CA 90291**

**Planning Case #: DIR-2015-3883-CDP-SPP-MEL**

Based on information provided by the owner, 2308 Pisani Place, L.P., a California limited partnership, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that three (3) affordable units exist at 2308 – 2310½ South Pisani Place, Los Angeles, CA 90291.

Per the statement on the application, the owner is proposing to demolish the existing three (3) legal duplexes consisting of six (6) one (1) bedroom units each approximately 607 – 621 sq. ft. in size, to construct nine (9) condominium units. 2308 Pisani Place, L.P., a California limited partnership purchased the property on January 15, 2015 from William E. Keenan, Trustee of William E. Keenan Living Trust dated May 25, 2010. The owner has not applied for a Building Permit or a Demolition Permit with the Department of Building and Safety.

For 2308, 2308½, 2310, and 2310½ S. Pisani Pl., HCIDLA is required to collect information for at least the previous three (3) years prior to the date of application with HCIDLA pursuant to Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act (IAP). The owner filed an application with HCIDLA on January 31, 2017. HCIDLA must collect data from February 2014 through January 2017 for these units.

Due to the information provided, 2308 and 2310½ S. Pisani Pl. were determined to be affordable based on rents, 2308½ S. Pisani Pl. was determined to be affordable based on tenant income, and 2310 S. Pisani Pl. was determined not affordable based on rents and proof of vacancy. Land Use Schedule 7's threshold of affordability for a one (1) bedroom unit is \$1,426 per month.

- **2308 S. Pisani Pl.** – \$1,248 in rent was collected for January 2017 and \$43,302 in total rents were collected over the 36 month look back period for an average of \$1,203 per month.
- **2308½ S. Pisani Pl.** – Affordable based on tenant income.
- **2310 S. Pisani Pl.** – Monthly rent before the tenant vacated the property was \$1,724 and \$51,496 in total rents were collected over the 34 month rental period for an average of \$1,515 per month. This unit was left vacant from December 2016 – January 2017.
- **2310 ½ S. Pisani Pl.** – \$1,301 in rent was collected for January 2017 and \$44,890 in total rents were collected over the 36 month look back period for an average of \$1,247 per month.

HIMS: 17-123643  
APN: 4237-005-010

# Exhibit 2 – Appeal

Mello Determination – 2308-2310½ S. Pisani Pl.  
January 30, 2017  
Page 2

For 2308½ and 2310¼ S. Pisani Pl., HCIDLA is required to collect information for at least the previous 365 days prior to the date of application with HCIDLA pursuant to Section 4.4.2 of the IAP. HCIDLA must collect data from February 2016 through January 2017 for these units.

Based on the information provided, 2308½ and 2310¼ S. Pisani Pl. were determined not affordable due to 365 days of vacancy.

HCIDLA sent a certified letter to each of the six (6) units on February 1, 2017. The occupants of 2308, 2308½ and 2310¼ S. Pisani Pl. claimed the letters. The letters for 2308½, 2310 and 2310¼ were labeled vacant and returned to HCIDLA on or around February 12, 2017.

Based on the information provided, three (3) affordable units are required to be replaced under the Mello Act.

cc: Los Angeles Housing and Community Investment Department File  
2308 Pisani Place, L.P., a California limited partnership  
Richard A. Rothschild, Western Center on Law and Poverty, Inc.  
Susanne Browne, Legal Aid Foundation of L.A.  
Juliet Oh, City Planning Department

RM:MAC:nk

HIMS: 17-123643  
APN: 4237-005-010

**EXHIBIT C**



# Exhibit 2 – Appeal

Ann Sewill, General Manager  
Tricia Keane, Executive Officer

Daniel Huynh, Assistant General Manager  
Anna E. Ortega, Assistant General Manager  
Luz C. Santiago, Assistant General Manager

City of Los Angeles



Eric Garcetti, Mayor

LOS ANGELES HOUSING DEPARTMENT  
1200 West 7th Street, 9th Floor  
Los Angeles, CA 90017  
Tel: 213.928.9071  
[housing.lacity.org](http://housing.lacity.org)

DATE: April 26, 2022

TO: 2308 Pisani Place, L.P., Owner

FROM: Marites Cunanan, Senior Management Analyst II  
Los Angeles Housing Department

SUBJECT: **Housing Crisis Act of 2019 (SB 8)  
Amended (DB) Replacement Unit Determination  
RE: 2308-2310 South Pisani Place, Los Angeles, CA 90291**

Based on the SB 8 Application for a Replacement Unit Determination (RUD) submitted by 2308 Pisani Place, L.P., a California limited partnership (Owner), for the above referenced property located at 2308-2310 S. Pisani Pl. (APN: 4237-005-010) (Property) the Los Angeles Housing Department (LAHD) has determined that six (6) units (as detailed below) are subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB 8). Six (6) unit(s) exist/existed on the property during the five (5) year lookback period

## PROJECT SITE REQUIREMENTS:

The Housing Crisis Act of 2019, as amended by SB 8 (California Government Code Section 66300 et seq.), prohibits the approval of any proposed housing development project ("Project") on a site ("Property") that will require demolition of existing dwelling units or occupied or vacant "Protected Units" unless the Project replaces those units as specified below. The replacement requirements below apply to the following projects:

- Discretionary Housing Development Projects that receive a final approval from Los Angeles City Planning (LACP) on or after January 1, 2022,
- Ministerial On-Menu Density Bonus, SB 35 and AB 2162 Housing Development Projects that submit an application to LACP on or after January 1, 2022, and
- Ministerial Housing Development Projects that submit a complete set of plans to the Los Angeles Department of Building & Safety (LADBS) for Plan Check and permit on or after January 1, 2022.

## Replacement of Existing Dwelling Units

The Project shall provide at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the Property within the past 5 years.

## Replacement of Existing or Demolished Protected Units

The Project must also replace all existing or demolished "Protected Units". Protected Units are those residential dwelling units on the Property that are, or were, within the 5 years prior to the owner's application for a SB 8 Replacement Unit Determination (SB 8 RUD): (1) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, (2) subject to any form of rent or price control through a public entity's valid exercise of its police power within the 5 past years (3) occupied by lower or very low income households (an affordable Protected Unit), or (4) that were withdrawn from rent or lease per the Ellis Act, within the past 10 years.

Whether a unit qualifies as an affordable Protected Unit, is primarily measured by the INCOME level of the occupants (i.e. W-2 forms, tax return, pay stubs, etc.). The Los Angeles Housing Department (LAHD) will send requests for information to each occupant of the existing project. Requests for information can take two (2) or more weeks to be returned. It is the owner's responsibility to work with the occupants to ensure that the requested information is timely produced.

SB 8 Determination HIMS # 22-128710

# Exhibit 2 – Appeal

SB 8 (DB) Determination: 2308-2310 S. Pisani Pl.  
Page 2

- *In the absence of occupant income documentation:* Affordability will default to the percentage of extremely low, very low or low income renters in the jurisdiction as shown in the latest HUD Comprehensive Housing Affordability Strategy (CHAS) database, which as of October 1, 2021, is at 28% extremely low income, 18% very low income and 18% low income for Transit Oriented Communities (TOC) projects and 46% very low income and 18% low income for Density Bonus (DB) projects. If the new project is for rental only, the balance of these unit(s) (i.e. 36%) are presumed to have been occupied by persons and families above-lower income and can be rented in compliance with the City's Rent Stabilization Ordinance (RSO). However, if and when the Owner decides to convert the units to condominiums and SELL, the balance of these unit(s) (i.e. 36%) presumed to have been occupied by persons and families above-lower income must be sold at an affordable housing cost to Low Income Households. All replacement calculations resulting in fractional units shall be rounded up to the next whole number.

#### Replacement of Protected Units Subject to the Rent Stabilization Ordinance (RSO), Last Occupied by Persons or Families at Moderate Income or Above

The City has the option to require that the Project provide: (1) replacement units affordable to low income households for a period of 55 years (rental units subject to a recorded covenant), OR (2) require the units to be replaced in compliance with the RSO.

#### Relocation, Right to Return, Right to Remain:

All occupants of Protected Units (as defined in California Government Code Section 66300(d)(2)(F)(vi)) being displaced by the Project have the right to remain in their units until six (6) months before the start of construction activities with proper notice subject to Chapter 16 (Relocation Assistance) of Division 7, Title 1 of the California Government Code ("Chapter 16"). However, all **Lower Income Household** (as defined in California Health and Safety Code Section 50079.5) occupants of Protected Units are **also** entitled to: (a) Relocation benefits also subject to Chapter 16, and (b) the right of first refusal ("Right to Return") to a comparable unit (same bedroom type) at the completed Project. If at the time of lease up or sale (if applicable) of a comparable unit, a returning occupant remains income eligible for an "affordable rent" (as defined in California Health and Safety Code Section 50053) or if for sale, an "affordable housing cost" (as defined in California Health and Safety Code Section 50052.5), owner must also provide the comparable unit at the "affordable rent" or "affordable housing cost", as applicable. This provision does not apply to: (1) a Project that consists of a Single Family Dwelling Unit on a site where a Single Family Dwelling unit is demolished, and (2) a Project that consists of 100% lower income units except Manager's Unit.

#### THE PROPOSED HOUSING DEVELOPMENT PROJECT:

Per the statement received by LAHD on January 17, 2022 the Owner plans to construct eight (8) new residential condominium units on the Property pursuant to Density Bonus (DB) Guidelines.

#### PROPERTY STATUS (AKA THE "PROJECT SITE"):

Owner submitted an Application for a RUD for the Property on January 17, 2022. In order to comply with the required 5-year look back period, LAHD collected and reviewed data from January 2017 to January 2022.

#### Review of Documents:

Pursuant to the Grant Deed, Owner acquired the Property on December 18, 2014.

Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), DataTree database, Billing Information Management System (BIMS) database, and the Code, Compliance, and Rent Information System (CRIS) database indicate a use code of "0500 - Residential - Five or More Units or Apartments (Any Combination) - 4 Stories or Less" for the Property (APN: 4237-005-010).

Google Earth, Google Street View, and an Internet Search confirm that the Property contains three (3) residential buildings containing six (6) units.

SB 8 Determination HIMS # 21-128710

# Exhibit 2 – Appeal

SB 8 (DB) Determination: 2308-2310 S. Pisani Pl.  
Page 3

Per the Rent Stabilization Ordinance (RSO) Unit, effective 2017 and prior the Property contained six (6) units subject to RSO.

The Los Angeles Department of Building and Safety (LADBS) database indicates that the Owner has not applied for a Demolition Permit but has applied for a New Building Permit Application (21010-10000-02130).

## REPLACEMENT UNIT DETERMINATION:

The Existing Residential Dwelling Units at the Property within the last five (5) years:

ADDRESS	BEDROOM TYPE	"PROTECTED?"	BASIS OF "PROTECTED" STATUS
2308 S. Pisani Pl.	1 Bedroom	Yes	RSO
2308 ¼ S. Pisani Pl.	1 Bedroom	Yes	RSO
2308 ½ S. Pisani Pl.	1 Bedroom	Yes	RSO
2310 S. Pisani Pl.	1 Bedroom	Yes	RSO
2310 ¼ S. Pisani Pl.	1 Bedroom	Yes	RSO
2310 ½ S. Pisani Pl.	1 Bedroom	Yes	RSO
<b>Totals: 6 Units</b>	<b>6 Bedrooms</b>		

## Vacancy/Occupancy of Units:

On February 2, 2022, tenant letter packages were sent to all six (6) units on the Property most commonly known as 2308-2310 S. Pisani Pl. No documents were received from any of the six (6) units in response to the tenant letter packages. Los Angeles Department of Water and Power (LADWP) and SoCalGas utility records confirm that the units at 2308 ½ S. Pisani Pl., 2310 S. Pisani Pl., and S. Pisani Pl. ¼ have been vacant for the entirety of the past five (5) years. For vacant units, the bedroom size of the existing units and the proportionality of the bedroom sizes of the new units, whichever is more restrictive will be considered to determine the bedroom types of the replacement units. Since no income documents were received for any of the occupied units, the bedroom size of the existing units and the proportionality of the bedroom sizes of the new units, whichever is more restrictive will be considered to determine the bedroom types of the replacement units.

Pursuant to (SB 8), where incomes of existing or former tenants are unknown, the required percentage of affordability is determined by the percentage of extremely low, very low, and low income rents in the jurisdiction as shown in the HUD Comprehensive Housing Affordability Strategy (CHAS) database. At present, the CHAS database shows 46% Very Low ([30% to 50% AMI]) and 18% Low ([51% to 80% AMI]) renter households for Los Angeles (for a total of 64%). If the new project is for rental only, the balance of these unit(s) (i.e. 36%) are presumed to have been occupied by persons and families above-lower income and can be rented in compliance with the City's Rent Stabilization Ordinance (RSO). However, if and when the Owner decides to convert the units to condominiums and SELL, the balance of these unit(s) (i.e. 36%) presumed to have been occupied by persons and families above-lower income must be sold at an affordable housing cost to Low Income Households.

<b>Number of Existing Residential Dwelling Units and Protected Units within ten (10) years of Owner's application:</b>		6
<b>Number of Protected Units Ellised within the last (10) years:</b>		3
<b>Number of Affordable Replacement Units required per CHAS:</b>		2
3 Units x 64%	2 Units	
46% Very Low	1 Unit	
18% Low	1 Unit	
Market Rate RSO units	1 Unit	
<b>Number of Unit(s) presumed to be above-lower income subject to replacement:</b>		1

SB 8 Determination HIMS # 21-128710

# Exhibit 2 – Appeal

SB 8 (DB) Determination: 2308-2310 S. Pisani Pl.  
Page 4

## (a) If the New Project is for Rental ONLY:

No income documents were provided for any of the six (6) units. The three (3) units at 2308 1/4 S. Pisani Pl., 2310 S. Pisani Pl., and S. Pisani Pl. 1/4 have been vacant for the past five (5) years exempting them from affordable replacement requirements. Pursuant to CHAS, two (2) unit(s) need to be replaced with equivalent type unit(s) with one (1) unit restricted to Very Low Income Households and one (1) unit restricted to Low Income Households. For the one (1) remaining units presumed to have been occupied by above-lower income persons or households, as permitted by California Government Code §65915(c)(3)(C)(ii), the City has opted to require that those unit(s) be replaced in compliance with the City's Rent Stabilization Ordinance (RSO).

Please note that all the new units may be subject to RSO requirements unless an RSO Exemption is filed and approved by the RSO Section. This determination is provisional and subject to verification by the RSO Section.

## (b) If the New Project is for Purchase ONLY:

Pursuant to California Government Code §65915(c)(3)(B)(i), the above-mentioned two (2) affordable replacement unit(s) per CHAS must be sold in accordance with the provisions of California Government Code §65915(c)(2). For the one (1) remaining unit presumed to have been occupied by above-lower income persons and families, as permitted by California Government Code §65915(c)(3)(C)(i), the City has opted to require those unit(s) be replaced with low-income units and sold in accordance with the provisions of California Government Code §65915(c)(2).

## (c) If the New Project is for Rental OR Purchase:

The units may be rented in accordance with (a) above, i.e. one (1) unit restricted to Very Low Income Households and one (1) unit restricted to Low Income Households with the remaining one (1) unit rented out in compliance with the City's RSO. However, if and when the Owner decides to convert the units to condominiums and SELL, one (1) unit must be sold at an affordable housing cost to Very Low Income Households and two (2) units (consisting of the one (1) Low Income Household unit per CHAS and the one (1) units presumed to have been occupied by persons families above-lower income) must be sold at an affordable housing cost to Low Income Households. All sales must be in accordance with the provisions of California Government Code §65915(c)(2). (See California Government Code §65915(c)(3)(B)(i) and §65915(c)(3)(C)(i).

This determination only applies if the proposed project is for a rental or purchase DB project. This determination captures both rental or for sale units, so if the owner decides to do a condo project, it is already covered by this determination. In addition, if the project is changed from DB to TOC, a RUD amendment will be required.

## Mello Act Determination dated January 30, 2018

A previous Mello Act Determination dated January 30, 2018 found that three (3) units were occupied by affordable households.

**NOTE: This determination is provisional and is subject to verification by LAHD's Rent Division.**  
If you have any questions about this RUD, please contact James McCarthy at james.mccarthy@lacity.org.

cc: Los Angeles Housing Department File  
2308 Pisani Place, L.P., Owner  
Planning.PARP@lacity.org, Department of City Planning  
MC:jm

SB 8 Determination HIMS # 21-128710



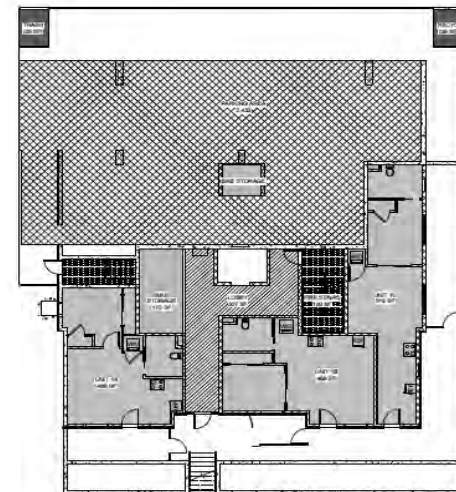
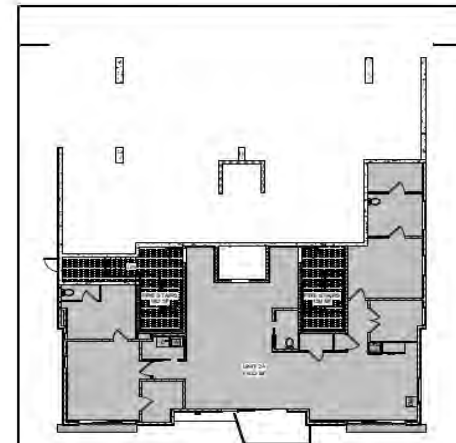
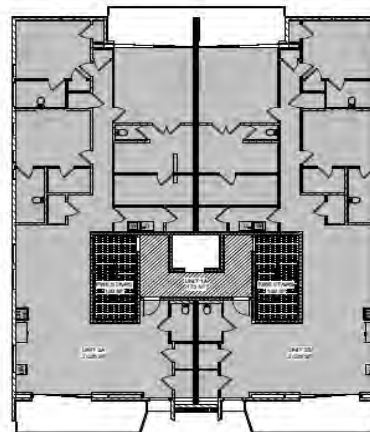
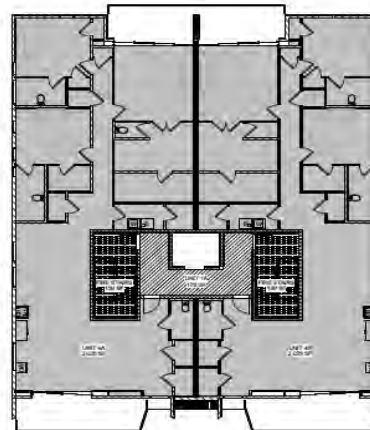
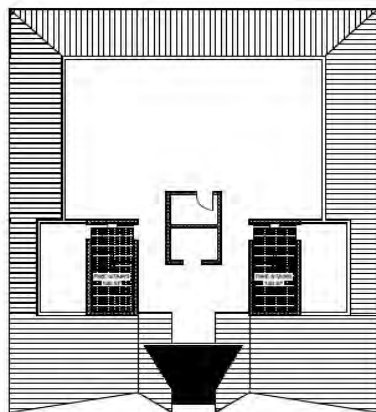
## Exhibit 3 – Site Plans

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SHEET INDEX	
Sheet Number	Sheet Name
<b>ARCHITECTURAL</b>	
A-01	GENERAL NOTES
A-02	VENICE SIGN-OFF
A-03	PROJECT NAME
A-04	SPICES / RESEARCH REPORTS
A-05	SPICES / RESEARCH REPORTS
A-06	SPICES / RESEARCH REPORTS
A-07	SPICES / RESEARCH REPORTS
A-08	SPICES / RESEARCH REPORTS
A-09	WALL & FLOOR FINISH
A-10	DOOR SCHEDULE
A-11	WINDOW SCHEDULE
A-12	GENERAL DETAILS
A-13	GENERAL DETAILS
A-14	WINDOW DETAILS
A-15	WINDOW DETAILS
A-16	WINDOW DETAILS
A-17	DOOR DETAILS
A-18	ACCESSIBILITY NOTES
A-19	ACCESSIBILITY DETAILS
A-20	ACCESSIBILITY DETAILS
A-21	TITLE 2A
A-22	TITLE 2A
A-23	PRELIFE SAFETY
A-24	PRELIFE SAFETY
A-25	EXISTING SITE SURVEY
A-26	SWAMP JOB
A-27	SLAB PLAN
A-28	SLAB PLAN
A-29	OPEN SPACE & FARM BUILDABLE AREA
A-30	TURNING CODE RP
A-31	BEULING CODE RP
A-32	BEULING CODE RP
A-33	BEULING CODE RP
A-34	BEULING CODE RP
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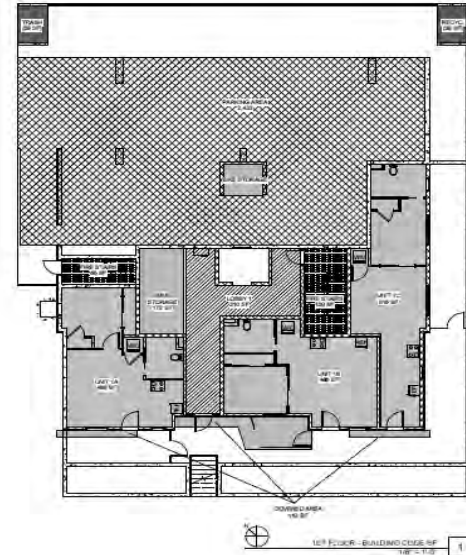
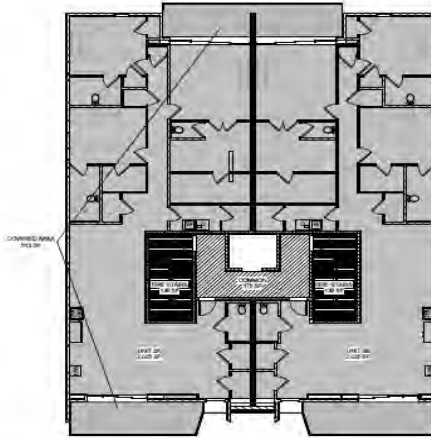
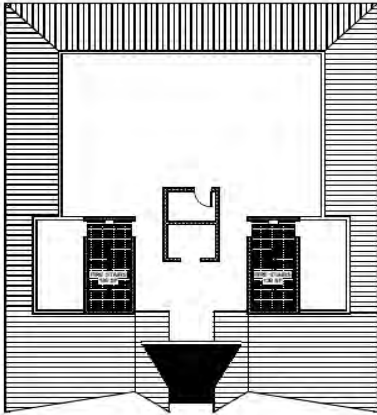
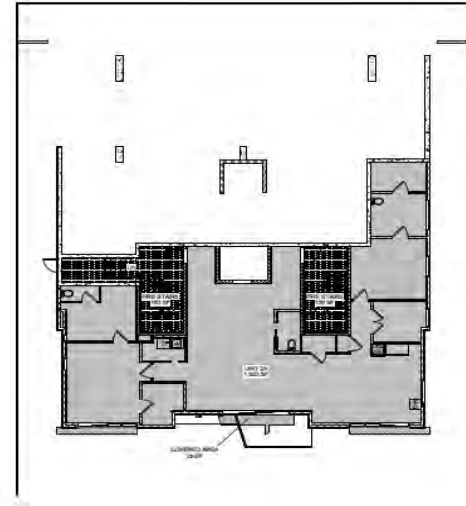
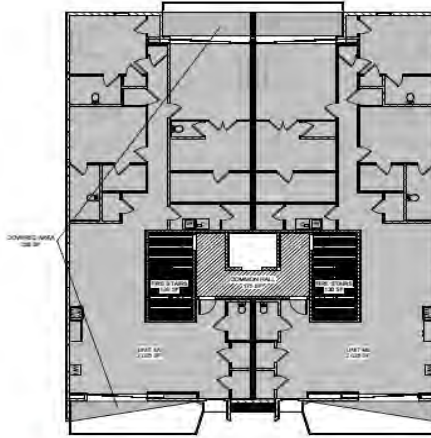
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2308 PISANI PL. VENICE, CA 90291	
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CHECKED _____	PBX
DATE _____	03/09/2021
SCALE _____	A3 DUTCH
JOB # _____	1836
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## Exhibit 3 – Site Plans

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## breakform design



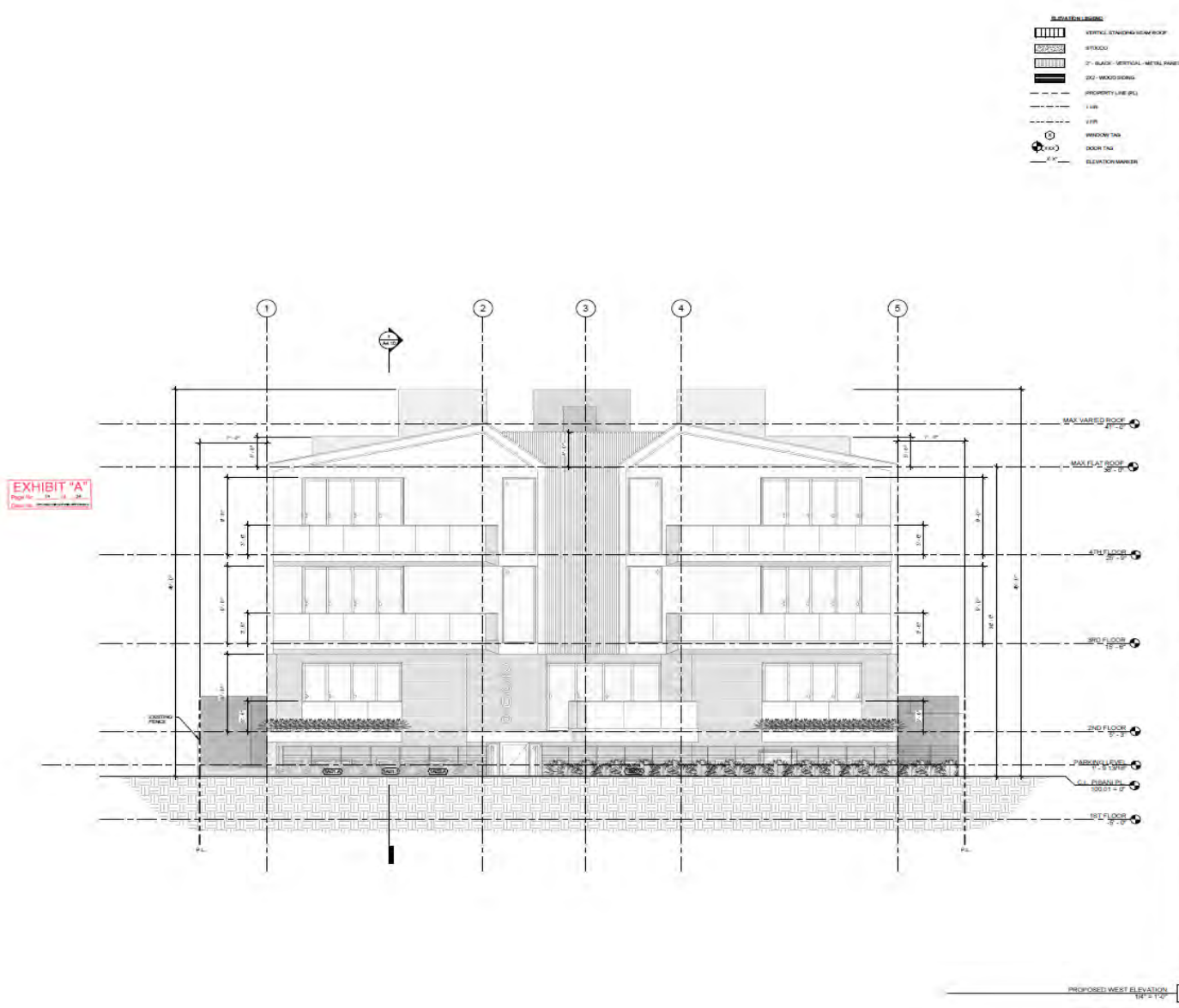
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VENICE, CA 90291

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DATE	_____
SCALE	_____
AGE	_____

A0.42

Exhibit 3 – Site Plans



**breakformdesign**  
18185 Woodside Drive, San Francisco, CA 94134  
415.333.1500

2308 PISANI PL  
VENICE, CA 90291

Revision Schedule	
Revision Number	Revision Date

**ELEVATIONS**

Drawing	Job
CHECKED	DATE
DATE	05/02/2021
SCALE	AS SHOWN
JOB #	18000

A3.10

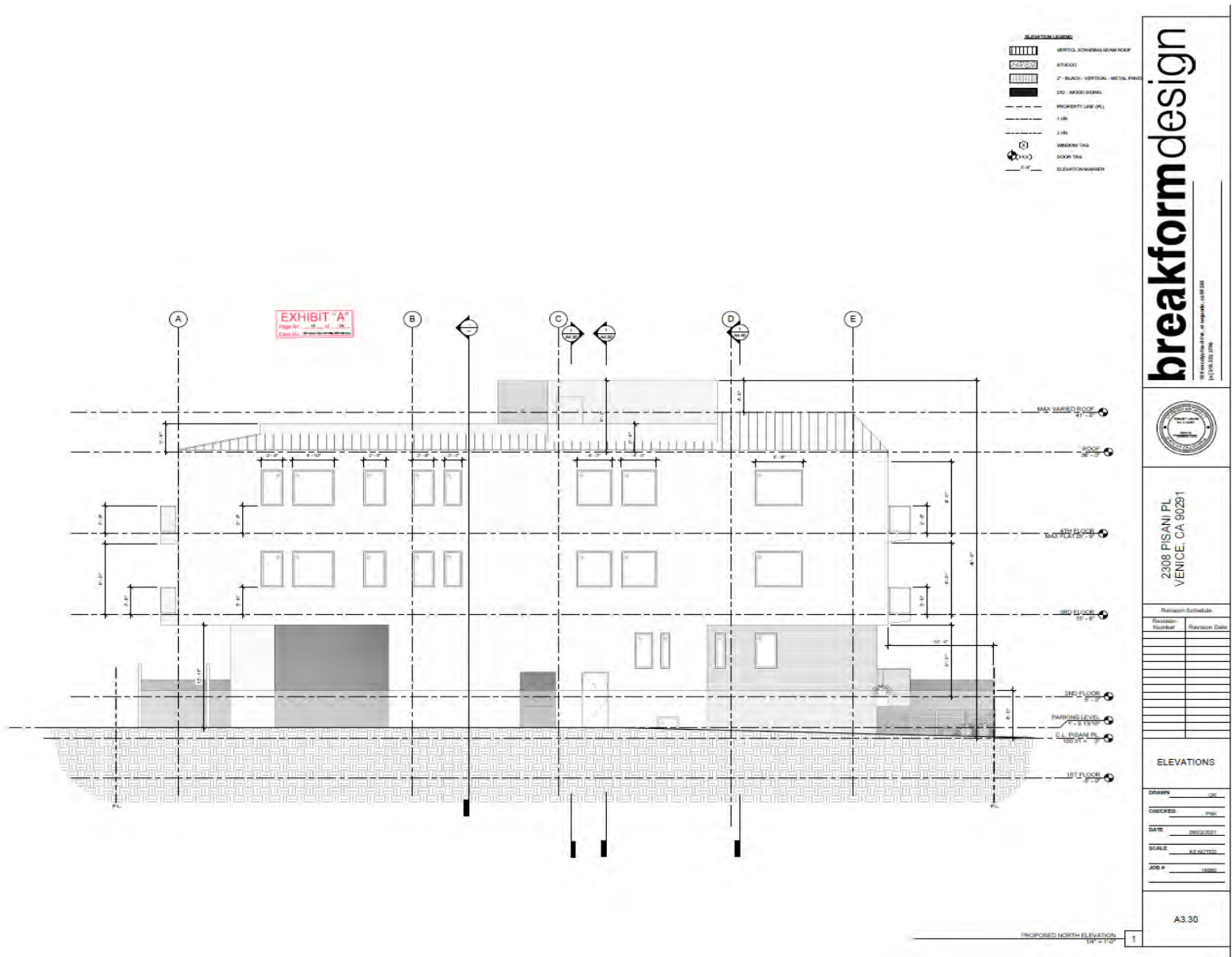
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18'-11 1/2"

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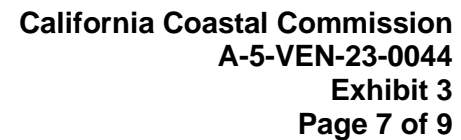


Exhibit 3 – Site Plans





**EXHIBIT "A"**  
Page No: 17 of 24  
Case No: CN-2023-1146



**California Coastal Commission  
A-5-VEN-23-0044  
Exhibit 3  
Page 8 of 9**





# Exhibit 4 – Existing Character



- Subject Site
- One-story (façade) ~29
- Two-story (façade) ~19
- Three-Story (façade) ~1





## LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

### LETTER OF DETERMINATION

**MAILING DATE:** AUGUST 23, 2023

**Case No.** CPC-2022-724-CDP-MEL-SPP-DB-HCA

Council District: 11 – Park

CEQA: ENV-2022-725-CE

Plan Area: Venice

**Project Site:** 2308 – 2310 South Pisani Place

**Applicant:** Steve and Michelle Meepos  
Representative: Brian Silveria, Brian Silveria & Associates

At its meeting of **July 13, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of three structures (two one-story duplexes and one two-story duplex with an attached garage), the merger of two lots into one 7,800 square-foot lot and the construction of a four-story, 15,016 square-foot residential structure composed of eight residential condominium units, with one unit set aside for a Very Low Income Household and two units set aside for Low Income Households, providing a total of 12 parking spaces. The proposed Project includes the removal of five on-site non-protected trees.

1. **Determined**, based on the whole of the administrative record that the project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15301 and 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review for a Housing Development Project consisting of eight residential condominium units, of which one unit will be set aside for a Very Low Income Household, and two units will be set aside for Low Income Households, with the following On-Off Menu Incentives and Waivers of Development Standards:
  - a. An On-Menu Incentive to allow a 11-foot increase in height to achieve a maximum height of 41 feet for a Varied Roofline and a maximum height of 36 feet for a flat roof, in lieu of 30 feet for a Varied Roofline and 25 feet for a flat roof, as otherwise required by Section 10.G.3.a of the Venice Coastal Zone Specific Plan;
  - b. An On-Menu Incentive to allow a 14-foot six inch rear yard setback in lieu of a 15-foot rear yard setback, as otherwise required in the R3 Zone pursuant to LAMC Section 12.10 C.3;
  - c. An Off-Menu Incentive to allow a 11-foot 11 inch front yard setback in lieu of a 15-foot front yard setback, as otherwise required in the R3 zone pursuant to LAMC Section 12.10 C.1;
  - d. A Waiver of Development Standard to allow seven parking stalls to be provided as standard stalls and five spaces to be provided as compact stalls in lieu of the minimum eight standard parking stalls, as otherwise required pursuant to LAMC Section 12.21 A.5(c);
  - e. A Waiver of Development Standard to remove tandem parking restrictions, as otherwise required by LAMC 12.21 A.5(h); and

- f. A Waiver of Development Standard to remove the step-back provisions for the portions of the structure greater than 25 feet, as otherwise required by Section 10.G.3.a of the Venice Coastal Zone Specific Plan;
- 3. **Approved**, pursuant to LAMC Section 12.20.2, a Coastal Development Permit for the demolition of three existing duplexes and the construction of an eight-unit residential condominium development located in the Single Permit Jurisdiction of the Coastal Zone;
- 4. **Approved**, pursuant to LAMC Section 11.5.7, a Project Permit Compliance Review for a project within the Venice Coastal Zone Specific Plan; and
- 5. **Approved**, pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Administrative Procedures, a Mello Act Compliance Review for the demolition of six Residential Units and the construction of eight Residential Units in the Coastal Zone
- 6. **Adopted** the attached Conditions of Approval; and
- 7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
Second: Lawshe  
Ayes: Cabildo, Gold, Mack, Millman, Noonan, Zamora  
Absent: Leung

Vote: 8 - 0



Cecilia Lamas, Commission Executive Assistant II  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentives and Waivers of Development Standard is not appealable. The On-Menu Density Bonus Incentives and the remaining entitlements is appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: SEPTEMBER 7, 2023**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

**California Coastal Commission/Appeals:** Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Los Angeles City Planning Commission's action shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame. Furthermore, this Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of



# Exhibit 5 – CPC-2022-724-CDP-MEL-SPP-DB-HCS

CPC-2022-724-CDP-MEL-SPP-DB-HCA

Page 3

the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

c: Theodore L. Irving, Principal City Planner  
Juliet Oh, Senior City Planner  
Ira Brown, City Planner

## CONDITIONS OF APPROVAL

Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.22 A.25, 12.20.2 and 11.5.7; and Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Administrative Procedures, the following conditions are hereby imposed upon the use of the subject property:

### Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped Exhibit "A" attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of eight (8) dwelling units.
3. **Affordable Units.** A minimum of 3 units, that is at least 30 percent of the base dwelling units permitted in the R3-1 Zone, shall be reserved as affordable units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with Los Angeles Municipal Code (LAMC) Section 12.22 A.25.
5. **SB 8 Replacement Units.** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated April 26, 2022, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make one (1) unit available to Very Low Income Households and two (2) units available to Low Income Households, for sale as determined to be affordable to such Households by LAHD for a period of 55 years. (In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with Los Angeles Municipal Code (LAMC) Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's SB 330 Determination, dated April 26, 2022). Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.
7. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with

CPC-2022-724-CDP-MEL-SPP-DB-HCA

C-2

Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO Units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided to City Planning for inclusion in the case file.

8. **Height** (On-Menu Incentive). The proposed building shall not exceed a maximum Varied Roofline height of 41 feet and flat roof height of 36 feet, as measured from the midpoint of the centerline of Pisani Place to the highest point of the roof.
9. **Rear Yard Setback** (On-Menu Incentive). A maximum rear yard setback of 14 feet 6 inches shall be permitted in lieu of the otherwise required 15-foot rear yard setback in the R3-1 Zone.
10. **Front Yard Setback** (Off-Menu Incentive). A maximum front yard setback of 11 feet 11 inches shall be permitted in lieu of the otherwise required 15-foot front yard setback in the R3-1 Zone.
11. **Compact Automobile Parking Stalls** (Waiver). The project is allowed to provide seven parking stalls as standard stalls and five spaces as compact stalls in lieu of the minimum eight standard parking stalls, as otherwise required pursuant to Los Angeles Municipal Code (LAMC) Section 12.21 A.5(c).
12. **Tandem Parking** (Waiver). The tandem parking provisions for all units, as otherwise required by Los Angeles Municipal Code (LAMC) 12.21 A.5(h), shall not apply.
13. **Third Story Step-Back** (Waiver). The step-back provisions for the portions of the structure greater than 25 feet, as otherwise required by Section 10.G.3.a of the Venice Coastal Zone Specific Plan, shall not apply.
14. **Parking and Access**. As shown in Exhibit A and as approved by the Department of Building and Safety, the subject project shall provide 13 parking spaces; all vehicle access shall be from the rear alley.
  - a. **Residential Parking (Affordable Housing Units)** – Vehicle parking for the Affordable Housing Units shall be provided consistent with Los Angeles Municipal Code (LAMC) Section 12.22 A.25, Parking Option 1. A total of 3 parking spaces shall be provided for the three affordable units.
  - b. **Residential Parking (Market Rate Housing Unit)** – A minimum of 2 parking spaces shall be provided for each market rate dwelling unit. A total of 10 parking spaces shall be provided for the five market rate dwelling units.
  - c. One parking space may be substituted with four (4) bicycle parking spaces consistent with Los Angeles Municipal Code (LAMC) Section 12.21 A.4.
  - d. **Bicycle Parking**. Bicycle parking shall be provided consistent with Los Angeles Municipal Code (LAMC) Section 12.21 A.16.
  - e. **Unbundled Parking**. Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.

15. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
16. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the Los Angeles Municipal Code (LAMC). Any parking spaces provided above Los Angeles Municipal Code (LAMC) requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.
17. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. Prior to the issuance of any permits, the applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
18. **VTT-83692-CN-HCA.** The applicant shall comply with the Conditions of Approval for Case No. VTT-83692-CN-HCA for the development of residential condominium units.
19. **Roof Structures.** Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
20. **Open Space.** The project shall provide open space consistent with Los Angeles Municipal Code (LAMC) Section 12.21 G.
21. **Landscaping.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as required by Los Angeles Municipal Code (LAMC) 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.
22. **Stormwater/irrigation** – The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
23. **Solar.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
24. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.



25. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, Environmental Sensitive Areas, the public right-of-way, nor from the above.
26. **Trash.** Separate trash collection areas for residential and commercial trash collection shall be maintained, and shall also accommodate the separate collection of recyclable trash. The separate trash collection areas shall be clearly identified on final plans submitted for review and sign-off.
27. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

### **Administrative Conditions**

28. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
29. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
30. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
31. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
32. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
33. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

CPC-2022-724-CDP-MEL-SPP-DB-HCA

C-5

34. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
35. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
36. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation



# Exhibit 5 – CPC-2022-724-CDP-MEL-SPP-DB-HCS

CPC-2022-724-CDP-MEL-SPP-DB-HCA

C-6

imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

**FINDINGS**

**Entitlement Findings**

**Density Bonus/Affordable Housing Incentives Compliance Findings**

1. Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s)/waiver(s) unless the Commission finds that:
  - a. The incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low-, low-, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of On-Menu Incentives in Los Angeles Municipal Code (LAMC) Section 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Planning Department will always arrive at the conclusion that the Density Bonus On-Menu Incentives provide identifiable and actual cost reductions that provide for affordable housing costs, because the Incentives by their nature increase the scale of the project, allow the construction of increased residential floor area, allow for processing, construction and design efficiencies, and collectively allow more market-rate floor area whose rents will subsidize the affordable units. Based on the set-aside of 30 percent of base units for Very Low Income and Low Income Households, the applicant is entitled to three (3) Incentives under both Government Code Section 65915 and the Los Angeles Municipal Code (LAMC). The request for an increase in allowable height, reduced rear yard setbacks and reduced front yard setbacks, qualify as requested Incentives. The remaining requests to allow an increased percentage of compact automobile parking stalls, remove the tandem parking restrictions, and third floor step-back deviation are Waivers of Development Standards.

**Height.** The project site is zoned R3-1, with a Height District No. 1 which provides for unlimited building height. The Venice Coastal Zone Specific Plan further limits building height to 25 feet for flat roofs and 30 feet for Varied Rooflines. The applicant requests a height of 36 feet for a flat roof and 41 feet for a Varied Roofline. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25(f)(5), the project is eligible for a percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Project is eligible; the height increase shall not exceed 11 feet or one story. The requested On-Menu Incentive for a 11-foot increase in height is expressed in the Menu of Incentives per Los Angeles Municipal Code (LAMC) Section 12.22 A.25(f) and as such,

allows exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive will allow the developer to expand the building envelope and increase the overall space dedicated to residential uses.

**Rear Yard Setback.** The subject property is zoned R3-1, which requires a 15-foot rear yard setback. Per Los Angeles Municipal Code (LAMC) Section 12.22 A.25, the applicant is requesting an On-Menu incentive to allow a 14-foot 6-inch rear yard setback in lieu of a 15-foot rear yard setback, as otherwise required in the R3 Zone pursuant to Los Angeles Municipal Code (LAMC) Section 12.10 C.3.

The proposed project's request to decrease the rear yard setback by six (6) inches would increase the building envelope to allow for more square footage on the third and fourth floor penthouse levels. In total, decreasing the rear yard setback by the requested six (6) inches adds approximately 50 square feet of floor space spread between the third and fourth floor's four penthouse units. Increasing the amount of square footage available on the floors containing ocean-facing market rate units supports the project's financial feasibility.

The additional floor area enabled by the expanded building envelope would allow the project to construct market rate units of a larger size, reducing the marginal cost of constructing its affordable units. The requested incentive will allow the developer to expand the building envelope and increase the overall space dedicated to residential uses. Therefore, the reduced rear yard setback would result in identifiable and actual cost reductions to provide for the project's affordable housing costs.

**Front Yard Setback.** The subject property is zoned R3-1, which requires a 15-foot front yard setback. Per Los Angeles Municipal Code (LAMC) Section 12.22 A.25, the applicant is requesting an Off-Menu incentive to allow a 11-foot 11-inch front yard setback in lieu of a 15-foot front yard setback, as otherwise required in the R3 Zone pursuant to Los Angeles Municipal Code (LAMC) Section 12.10-C.1.

The proposed project's request to decrease the front yard setback by three feet and one inch would increase the building envelope to allow for more square footage across each of its four levels. In total, this decreases the front yard setback by three feet and one inch would add approximately 500 square feet of floor area spread between all eight units. The requested incentive will allow the developer to expand the building envelope and increase the overall space dedicated to residential uses. Therefore, the reduced front yard setback would result in identifiable and actual cost reductions to provide for the project's affordable housing costs.

- b. **The waiver[s] or reduction[s] of development standards relate to development standards that will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1))**

A project that meets the requirements of Government Code 65915 may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside



percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as Waivers of Development Standards. Without the below Waivers, the existing development standards would physically preclude development of the base units, build out of the incentives, and project amenities:

**Compact Automobile Parking Stalls** – A Waiver to allow seven parking stalls to be provided as standard stalls and five spaces to be provided as compact stalls in lieu of the minimum eight standard parking stalls, as otherwise required pursuant to Los Angeles Municipal Code (LAMC) Section 12.21 A.5(c).

By providing five of the parking stalls with compact dimensions, the project is able to devote garage floor area to bicycle parking system and increase residential floor area. Specifically, the project is able to re-allocate a total of 203 square feet of floor area based on providing five of the twelve required automobile parking spaces as compact parking stalls. The project is able to offer market rate and affordable units of adequate size based on the provision of five compact parking stalls. Therefore, denial of the requested waiver of development standard to provide the 12 on-site parking spaces with 7 parking stalls to be provided as standard stalls and 5 spaces to be provided as compact stalls would physically preclude construction of the project at the proposed density of eight residential dwelling units with three affordable units.

**Tandem Parking** – A Waiver to allow seven units to have access to parking stalls in lieu of the requirement for eight units to have access to parking stalls, as otherwise required by Los Angeles Municipal Code (LAMC) 12.21 A.5(h).

The request to provide five sets of tandem parking spaces is directly related to the square footage available on the site and the need to preserve space for residential uses to accommodate the affordable and market rate units proposed. By parking five units in the tandem position, the project is able to fit the required parking facilities into the available building envelope. Including this request allows the proposed project to devote the space necessary to provide the larger higher-value for-sale market rate and affordable dwelling units. Therefore, denial of the requested waiver of development standard would physically preclude construction of the project at the proposed density of eight residential dwelling units with three affordable units.

**Building Step-Back** – A Waiver to remove the step-back provisions for the portions of the structure greater than 25 feet, as otherwise required by Section 10.G.3.a of the Venice Coastal Zone Specific Plan.

Section 10.F(3)(a) of the Venice Coastal Zone Specific Plan limits the maximum height of development to 30 feet for flat rooflines and 35 feet for varied rooflines (slope greater than 2:12), measured from the centerline of street. Any portion of the roof that exceeds 30 feet shall be set back from the required front yard at least one foot in depth for every foot in height (45 degrees) above 30 feet.

Compliance with the step-back requirement would substantially reduce the floor area and livable space for the two upper floor units, as proposed. Without the waiver, the applicant would be physically precluded from constructing some portion of the residential units. The

requested waiver will allow the developer to expand the building envelope so the units can be constructed, and the overall space dedicated to residential use is increased.

- c. **The incentives or waivers will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (Los Angeles Municipal Code (LAMC) Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects.

The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

- d. **The incentives are contrary to state or federal law.**

There is no substantial evidence in the record that the requested incentives are contrary to state or federal law.

## 2. Coastal Development Permit Findings

- a. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable provision are as follows:

*Section 30244 Archaeological and Paleontological Resources.*

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The project will construct a new four-story, multi-family structure comprised of eight (8) residential condominium units with a semi-subterranean ground floor. All grading activities are subject to review by the Department of Building and Safety and will comply with the requirements of the Grading Division. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

*Section 30250 Location; existing developed area.*

*(a) 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

The project is located in an existing developed area surrounded by similar residential uses and will not have a significant adverse impact on coastal resources. The proposed project is located within an established residential neighborhood developed with single- and multi-family dwellings. Existing infrastructure servicing the existing residences will be used by the proposed development. Utility lines and water pipes will be connected to the proposed development. The 15-foot wide alley is adequate for emergency vehicles, and the project includes a 2.5-foot wide alley dedication to complete a 10-foot wide half alley right-of-way. Pedestrian access to the site is provided along the sidewalk fronting Pisani Place as well through the rear alley. Vehicle access to the site is provided through the rear alley. As such, the project will be located in an existing developed area contiguous with similar residential uses, in an area that is able to accommodate new development.

*Section 30251 Scenic and Visual Qualities.*

*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.*

The subject site and surrounding area are relatively flat with no views to and along the ocean; no natural landforms will be altered as part of the project. The property is not situated on a bluff with views to the Pacific Ocean. The property is located approximately one mile from the Venice Beach shoreline and 0.64 miles from the Venice Canals. The project proposes the development of a new four-story, eight-unit condominium structure with a semi-subterranean ground level.

There are ten R3-1 zoned lots located within the block bordered by South Venice Boulevard to the northwest, Oakwood Avenue to the northeast, Boccaccio Avenue to the southeast and Pisani Place to the southwest, excluding the subject site. These lots are developed with single and multi-family dwellings, of which seven structures are one-story in height, two structures are two-stories in height and one structure is three-stories in height. Furthermore, the three lots adjacent to the subject site to the east (across Pisani Place) are improved with two, two-story, multiple-family residential structures and one-story single-family dwelling. The lots abutting the subject site to the south and north are improved with a one-story, single-family dwelling.

In addition, the applicant prepared a massing study analyzing the height of 33 structures



adjacent to the subject site (including R3-1 and R2-1 zoned lots) generally bounded by South Venice Boulevard to the northwest, Oakwood Avenue to the northeast, Boccaccio Avenue to the southeast and Pisani Place to the southwest, including the lots on both sides of the street. The massing study indicates there are three structures with a Varied Roofline height of 30 feet, within the boundaries of this study area (See Exhibit C – Context and Parking Analysis).

The certified Venice Land Use Plan accommodates new growth in the R3-1 zoned lots adjacent to Venice Boulevard to preserve the Special Coastal Character of Venice by directing redevelopment to areas that can accommodate new housing. In general, multi-family residentially zoned lots are limited to two-dwelling units per lot in the Venice Coastal Zone, except for the R3-1 lots adjacent to Venice Boulevard, which follow the underline density for R3-1 lots (Policy I.A.8.a.2). As such, the certified Venice Land Use Plan anticipates the redevelopment of these older structures to meet the future housing demand in Venice.

The applicant further surveyed 68 properties with a Medium Residential Land Use Designation (R3-1 zoned lots) adjacent to Venice Boulevard. The applicant collected data on year built, number of units and bedrooms, density, building square footages, number of stories, and parking. The data collected from this survey show that the mass, scale, and character of buildings in these multi-family zoned lots of Venice are generally reflective of the time period in which the buildings were constructed, where the community character has evolved naturally over the past 100 years with increasing development size and density. Accordingly, on July 23, 2019, the Director approved a new three-story, three-unit condominium development at 2302 Pisani Place. In December 2022, a Coastal Development permit application was filed for a three-story, three-unit small lot subdivision located at 2317 Oakwood Avenue, and in January 2023, a Coastal Development Permit application was filed for a three-story, three-unit small-lot subdivision located at 2315 Oakwood Avenue.

The project's consistency with development standards in the Certified LUP is important in assessing the project's compatibility with the character of the surrounding area. The certified LUP states that the development standards also define for each land use designation a density of housing units and lot coverage to maintain the scale and character of existing residential neighborhoods and minimize the impacts of building bulk and mass." (LUP, p.II-2.) Further, the certified LUP encourages "the provision of affordable housing units in the areas designated as "Multiple Family Residential" and in mixed-use developments, the City may grant incentives such as reduced parking, additional height, or increased density consistent with Government Code Section 65915." (LUP, p.II-16)

Pursuant to the Los Angeles Municipal Code (LAMC) and Government Code Section 65915, the applicant is entitled to Incentives and Waivers of Development Standards, in exchange for reserving at least 30 percent of the base density for affordable households. The proposed project will set aside three (3) units, equal to 30 percent of the base number of units for affordable households. Accordingly, the applicant has requested the following Incentives and Waivers:

- Increased Height (Incentive) to allow a maximum height of 41 feet for a Varied Roofline and a maximum height of 36 feet for a flat roof in lieu of 30 feet for a Varied Roofline and 25 feet for a flat roof.
- Rear Yard Reduction (Incentive) to allow a 14-foot 6-inch rear yard setback in

- lieu of a 15-foot rear yard setback.
- Front Yard Reduction (Incentive) to allow a 11-foot 11-inch front yard setback in lieu of a 15-foot front yard setback.
- Waivers to allow seven parking stalls to be provided as standard stalls and five spaces to be provided as compact stalls in lieu of the minimum eight standard parking stalls; to remove tandem parking restrictions; and to remove the step-back provisions for the portions of the structure greater than 25 feet.

Although the proposed project does introduce a new four-story structure with reduced yards into this neighborhood, the first level of the structure is located below the street level minimizing the scale of the structure and creating the visual effect of a three-story rather than a four-story structure. Further, the proposed structure incorporates balconies and varied rooflines at the front portion of the structure to break up the massing of the structure. Lastly, the subject site is located in an area identified for intensification in the certified Venice Land Use Plan to accommodate future growth.

The proposed development complies with Policy I.A.13 (Density Bonus Application) which allows for reduced restrictions for density, height and setback standards as outlined in Policies I.A.1, I.A.8, I.E.1, I.E.2, I.E.3 and II.A.3 of the Venice Land Use Plan (LUP), further discussed in Finding No. 2. As such, the proposed development is visually compatible with the character of the surrounding area and will further enhance the visual quality of the area.

#### *Section 30252 Maintenance and Enhancement of Public Access.*

*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.*

The project proposes the demolition of three existing duplexes and the construction of a new eight-unit residential condominium structure on an R3-zoned lot. The development is limited to the subject site and provides a total of 13 vehicle parking spaces, two spaces for each market-rate dwelling unit and one space for each affordable dwelling unit, where one parking space is substituted for four (4) bicycle parking spaces. The subject site is located a mile from the Pacific Shoreline. No permanent structures will be placed within the public right-of-way and public access to the coast will not be obstructed.

#### *Section 30253 Minimization of Adverse Impacts.*

*New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods*



*which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The proposed development is located within a liquefaction area and within 5.3 kilometers of the Santa Monica Fault. As such, the project is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The Department of Building and Safety has reviewed and approved the geotechnical engineering investigation for the subject site. The property is also located within Zone X, outside of the Flood Zone.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, updated and adopted On November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: *Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas. As discussed in the analysis, there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45).* Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR, however, the potential for such flooding in severe storm events is likely to increase towards the end of the project life (based on a typical development life of 75 years). Any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

The proposed project would develop a new four-story, eight-unit condominium structure with a semi-subterranean ground floor providing 12 vehicle parking spaces. The proposed use would have no adverse impacts on public access, recreation, public views or the marine environment, as the property is located within a developed residential area and located more than a mile from Venice Beach. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

- b. The development will not prejudice the ability of the City of Los Angeles to prepare**

**a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. The project site is located within the Venice Community Plan area and is designated Medium Residential and zoned R3-1.

The following are applicable policies from the Venice Local Coastal Land Use Plan:

*Policy I.A.8.a.2 outlines density and development regulations for lots designated Medium Density Residential located north of North Venice Boulevard and south of Victoria Avenue; lots south of South Venice Boulevard and north of Harding and Woodlawn Avenues, east of Zeno Place only; and the lots north of Washington Boulevard, and south of Van Buren and Harrison Avenues.*

*Use: Multi-family structures are allowed.* The proposed project is an eight-unit multi-family structure.

*Density: One unit per 800 – 1,200 square feet of lot area is permitted.* The project proposes eight dwelling units on a 7,800 square-foot lot.

*Height: Height shall not exceed 25 feet for buildings with flat roofs or 30 feet for buildings with stepped back and varied rooflines.* The project qualifies for a density bonus pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25 (Density Bonus Affordable Housing Program). The applicant also requests a waiver of the height and step back requirements of Section 10.G.3 of the Specific Plan. The project proposes a Varied Roofline with a height of 41 feet and a flat roof with a height of 36 feet. The first level of the structure is located below the street level minimizing the scale of the structure and creating the visual effect of a three-story rather than a four-story structure. Further, the proposed structure incorporates balconies and varied rooflines at the front portion of the structure to break up the massing of the structure. As such, the proposed development is visually compatible with the character of the surrounding area.

*Policy I.A.14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.* The eight-unit, multi-family dwelling will provide 13 parking spaces, where the market-rate units will provide two parking spaces for each unit and the affordable units will provide one parking space for each unit. In addition, one parking space is replaced with four bicycle parking spaces.

Further, based on self-reported data from the applicant, Pisani Place between Venice Boulevard and Boccaccio Avenue is not parking impacted. Parking counts conducted on



Friday, September 30, 2022 from 2:05 pm to 2:15 pm and Thursday, October 6, 2022, 6:17 pm to 6:22 pm, Pisani Place generally indicates occupied parking spaces between 3 to 8 spaces and available parking spaces between 5 and 14 parking spaces.

On September 22, 2022, the Governor signed Assembly Bill (AB) 2097, which added Government Code Section (§) 65863.2. AB 2097 prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile of a Major Transit Stop, with minor exceptions. The subject is located 1,500 feet from at Major Transit Stop at Venice Boulevard and Lincoln Boulevard and would qualify for reduced parking. Nonetheless, as discussed above, the project is compliant with the requirements of the Coastal Act and the policies of the Venice LUP. Consistent with Policy I.A.14 of the LUP the project provides reduced parking for three affordable units and provides the required two spaces for each market rate unit, as well as 18 bicycle parking spaces.

Policy I.A.13. Density Bonus Applications.

The proposed four-story multi-family dwelling is consistent with the policies of the Certified Venice Land Use Plan and the standards of the Venice Coastal Zone Specific Plan. The project will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

- c. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program.

As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources”. In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The number of dwelling units on the subject property will not exceed the maximum allowed. The height of the proposed project is not expected to disturb the scenic and visual qualities of the coastal area, since the site is flat and located more than one mile inland. Furthermore, the proposed project will not alter any natural land forms. As such, the proposed project, as conditioned, is consistent with the Regional Interpretive Guidelines.

- d. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**



The project consists of demolition of the three duplexes and a an attached garage, and the construction of a new three-story, eight-unit residential condominium building with a semi-subterranean ground floor; located within the Single Permit Jurisdiction of the Coastal Zone, where the local jurisdiction (City of Los Angeles) issues Coastal Development Permits. The Coastal Commission will render decisions on appeals of the City's Coastal Development Permits or Coastal Exemptions. The Coastal Commission took action on the following residential projects in the Venice Coastal Zone:

- In November 2021, the Commission, on appeal, found Substantial Issue with the City approval of a Coastal Development Permit authorizing the demolition of three detached structures with nine dwelling units, consolidation of two lots, and construction of a new, three-story over basement, 13,412 square foot, mixed-use development including nine dwelling units, including one affordable dwelling unit, a 1,568 square feet restaurant, and 27 parking spaces on the two ocean-fronting lots at 815 Ocean Front Walk (A-5-VEN-21-0063).
- In December 2020, the Commission, on appeal, found No Substantial Issue with the City approval of a Coastal Development Permit authorizing the demolition of a 2,056 square feet auto repair shop and addition to and conversion of a 2,482 square foot philanthropic use structure resulting in a four-story, 30,463 square feet mixed-use structure including 39 permanent supportive housing units and one manager unit, with 4,441 square feet of supportive services and 3,085 square feet of ground-floor commercial (office) space with a total of 6 on-site parking spaces, and 42 bicycle parking spaces located at 2467-2471 South Lincoln Boulevard (A-5-VEN-20-0060).
- In June 2019, the Commission, on appeal, found No Substantial Issue with the City approval of a Coastal Development Permit authorizing the demolition of two institutional use structures and the construction of a 4-story, 35-unit affordable supportive housing complex with approximately 1,875 square feet of administrative and program office space and 17 automobile and 48 bicycle parking spaces on two contiguous parcels located at 720 Rose Avenue (A-5-VEN-19-0020).

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

- e. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

*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, right of private property owners, and natural resources from overuse.*

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

*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.*

The subject property is located about one mile away from the Pacific shoreline and 0.64 of a mile from the Venice Canals. The project could have an impact on public access to the coast if it resulted in a loss of on-street parking spaces or did not provide adequate parking for the dwelling. The proposed project provides the required 12 parking spaces and vehicle access to the site is provided along the rear alley. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

**f. An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

A Categorical Exemption, ENV-2022-725-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the demolition of three duplex structures and the construction of a four-story, 15,016 square-foot, multi-family structure comprised of eight (8) condominium units, providing 12 parking spaces with a rooftop deck. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15332 (Class 32).

**3. Project Permit Compliance Review Findings**

**a. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.**

The project consists of the demolition of three duplex structures and the construction of a four-story, 15,016 square-foot, multi-family structure comprised of eight (8) condominium units, providing 12 parking spaces and a rooftop deck. As conditioned, the proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the Southeast Venice Subarea set forth in Section 10.G, and the Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

**A. Section 8.C. Findings**

The project meets the required findings set forth in Section 8.C of the Venice Coastal Zone Specific Plan, as shown below:

**1. The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The subject site is relatively flat, rectangular shaped site comprised of two interior lots (Lots 14 and 15), and has frontages of approximately 80 feet along Pisani Place, and along an unnamed alley to the rear, with a total lot area of 8,000 square feet. The



subject site is currently developed with two one-story duplexes, a two-story duplex with a detached garage. There are ten R3-1 zoned lots located within the block bordered by Venice Boulevard to the northwest, Oakwood Avenue to the northeast, Boccaccio Avenue to the southeast and Pisani Place to the southwest, excluding the subject site. These lots are developed with single- and multi-family homes, of which seven (7) structures are one-story in height, two (2) structures are two-story in height and one (1) structure is three-story in height. The three lots adjacent to the subject site to the east (across Pisani Place) are improved with two, two-story, multiple-family residential structures and one-story single-family dwellings. The lots abutting the subject site to the south and north are improved with a one-story, single-family dwelling. The proposed structure incorporates balconies and varied rooflines at the front portion of the structure to break up the massing of the structure. In addition, the first level of the structure is located below the street level minimizing the scale of the structure and creating the visual effect of a three-story rather than four-story structure. As such, the proposed development is compatible in scale and character with the existing neighborhood and the project would not be materially detrimental to the adjoining lots or the immediate neighborhood.

**2. *The Venice Coastal Development Project is in Conformity with the Certified Venice Local Coastal Program.***

The subject property is designated Medium Residential in the Venice Local Coastal Program Land Use Plan and zoned R3-1. Policy I.A.8.a.2 of the LUP outlines density and development standards for multi-family residential projects in the Southeast Venice subarea. The proposed project would develop an eight-unit condominium structure. The project is found to be consistent with the intent and purposes of the Land Use Plan and the Venice Coastal Specific Plan, which make up the Venice Coastal Program. The project complies with all applicable provisions of the Venice Coastal Specific Plan as follows:

*Use: Multi-family structures are allowed.* The proposed project is a six-unit condominium structure.

*Density: One unit per 800 – 1,200 square feet of lot area is permitted.* The project proposes six units on a 7,800 square-foot lot.

*Height: Height shall not exceed 25 feet for buildings with flat roofs or 30 feet for buildings with stepped back or varied rooflines.* As discussed in Finding Nos. 1 and 2, the project qualifies for a density bonus pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25 (Density Bonus Affordable Housing Program). The applicant also requests a waiver of the height and step back requirements of Section 10.G.3 of the Specific Plan. As discussed in Finding No. 2, the project qualifies for the requested waivers. The first level of the structure is located below the street level minimizing the scale of the structure and creating the visual effect of a three-story rather than a four-story structure. Further, the proposed structure incorporates balconies and varied rooflines at the front portion of the structure to break up the massing of the structure. As such, the proposed development is visually compatible with the character of the surrounding area.

*Access: Vehicle access to the site shall be provided from the rear alley.* The proposed project provides vehicle access along the alley abutting the property.

*Parking: multi-family dwellings on lots adjacent to alleys and with a lot width of 35 or more are required to provide 2 parking spaces plus 0.25 guest parking spaces per dwelling unit. The eight-unit, multi-family dwelling will provide 13 parking spaces, where one parking space is substituted for four (4) bicycle parking spaces. Further, as discussed in Finding No. 2, the applicant requests Parking Option No. 1, pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25 (Density Bonus Affordable Housing Program), to provide 13 parking space, where one parking space is substituted for four (4) bicycle parking spaces.*

Further, based on self-reported data from the applicant, Pisani Place between Venice Boulevard and Boccaccio Avenue is not parking impacted. Parking counts conducted on Friday, September 30, 2022 from 2:05 pm to 2:15 pm and Thursday, October 6, 2022, 6:17 pm to 6:22 pm, Pisani Place generally indicates occupied parking spaces between 3 to 8 spaces and available parking spaces between 5 and 14 parking spaces.

Lastly, on September 22, 2022, the Governor signed Assembly Bill (AB) 2097, which added Government Code Section (§) 65863.2. AB 2097 prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile of a Major Transit Stop, with minor exceptions. The subject is located 1,500 feet from at Major Transit Stop at Venice Boulevard and Lincoln Boulevard.

- 3. The applicant has guaranteed to keep the rent levels of any Replacement Affordable Units at an affordable level for the life of the proposed project and to register the Replacement Affordable Unit with the Los Angeles Housing Department.***

The project includes the demolition of six (6) Residential Units within three (3) duplexes. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA), now the Los Angeles Housing Department (LAHD) dated January 30, 2018 states that three (3) Affordable Existing Residential Unit have been identified and is proposed for demolition or conversion. As discussed in this report, the project is subject to the requirements of SB8, which imposes greater requirements for the replacement units.

- 4. The Venice Coastal Development Project is consistent with the special requirements for low- and moderate-income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).***

No Inclusionary Residential Units are proposed or required for this project. The project proposes the construction of a new eight-unit condominium structure. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, development which consists of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of six new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

In addition to the requisite findings set forth in Section 8.C of the Specific Plan, the project also complies with all applicable provisions of the Specific Plan, as set forth below:



## *B. Section 9. General Land Use and Development Regulations*

1. *Lot Consolidation.* Lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects, provided the project conforms to the existing scale and characteristic of the surrounding community, the required parking is onsite, and the project conforms to developments standards in Section 9.A.2 of the Specific Plan. The project consolidates Lots 14 and 15. As stated in previous findings, the project design is consistent with the scale and character of the existing neighborhood and all required parking is provided onsite. The project conforms to applicable provisions of Section 9.A.2 as evidenced below:
  - a. *Access to subterranean parking shall be from an alley, and all subterranean parking shall be fully below natural grade and shall not be visible from the street.* Access to the site is provided from the rear alley. The project provides eight spaces within an at-grade garage.
  - b. *Buildings shall be designed with visual breaks or Architectural Features, including balconies or terraces, with a change of material or a break in the plane for every 20 feet in horizontal length and every 15 vertical feet. Residential buildings shall provide habitable space on the Ground Floor, a ground level entrance, and landscaping and windows fronting the street.* The front facade, as shown in "Exhibit A", features architectural four balconies, glazing, the primary entrances and a plane break every 20 feet.
  - c. *In the R3 multiple-family zones, construction on the single building site may combine the density of the previously established lots.* The proposed density is based on the total lot area of the combined lots.
  - d. *For residential projects, front porches, bays, and balconies shall be provided to maximum architectural variety.* The front façade features four balconies, glazing and the primary entrances.
2. *Height.* As shown in "Exhibit A", the height of the structure is measured from the centerline of Pisani Place and conforms to the standards of measurement as outlined in Section 9.B of the Specific Plan.

## *C. Sections 10.G. Land Use and Development Regulations for Southwest Venice Subarea*

1. *Density.* Lots located north of North Venice Boulevard and south of Victoria Avenue; lots south of South Venice Boulevard and north of Harding and Woodlawn Avenues, east of Zeno Place only; and the lots north of Washington Boulevard, and south of Van Buren and Harrison Avenues shall be developed as permitted by the R3 Zone. The subject site has a net lot area of 7,800 square-feet (after the required dedication), allowing a net density of 9 units (1/800 square feet). A total of eight dwelling units are proposed.
2. *Height.* Projects with a flat roof shall not exceed a maximum height of 25 feet. Projects with a varied roofline shall not exceed a maximum height of 30 feet. The project proposes a varied roofline (slopes greater than 2:12) with a maximum



height of 29 feet 3 inches. As discussed in Finding Nos. 1 and 2, the project qualifies for an On-Menu Incentive pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25 (Density Bonus Affordable Housing Program). The applicant also requests a Waiver of the height and step back requirements of Section 10.G.3 of the Specific Plan. As discussed in Finding No. 1, the project qualifies for the requested waivers.

3. **Access.** Driveways and vehicular access to the project shall be provided from alleyways. Access to the parking garage is provided from the rear alley.

#### *D. Section 13 – Parking*

*Pursuant to Section 13.D of the Specific Plan, multi-family dwellings on lots adjacent to alleys and with a lot width of 35 or more are required to provide 2 parking spaces plus 0.25 guest parking spaces per dwelling unit. The eight-unit, multi-family dwelling will provide 13 parking spaces, where one (1) parking space is substituted for four bicycle parking spaces. Further, as discussed in Finding No. 2, the applicant qualifies for Parking Option No. 1, pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25 (Density Bonus Affordable Housing Program). The project provides a total of 13 parking spaces of which 1 space is substituted with four bicycle parking spaces: 3 spaces for three affordable units and 10 spaces for five market rate units. As such, the project provides parking consistent with the requirements of the Specific Plan, certified Venice LUP, and Los Angeles Municipal Code (LAMC) Section 12.22 A.25.*

- b. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2022-725-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the demolition of three duplex structures and the construction of a four-story, 15,016 square-foot, multi-family structure comprised of eight (8) condominium units, providing 12 parking spaces and a rooftop deck. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15332 (Class 32). A full discussion is provided in Finding No. 5.

Therefore, no mitigation measures or alternatives were identified in the environmental review.

#### **Mello Act Compliance Review**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

4. **Mello Act Compliance Review.** Pursuant to the City of Los Angeles Interim Administrative

Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

**a. Demolitions and Conversions (Part 4.0).**

The project includes the demolition of six (6) Residential Units. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated January 30, 2018 states that the property currently maintains three duplexes each with two, one bedroom units. HCIDLA collected data from February 2014 through January 2017, utilizing data provided by the current owners. The current owners claims that both units were used as short-term rental from July to December 2016. Owner provided payment history for both units from their short-term rental account indicating the following:

- 2308 S. Pisani Place the rent collected during the three year look back was an average of \$1,203.
- 2308 ¼ deemed affordable based on the tenant's income.
- 2310 Pisani Place the rent collected during the three year look back was an average of \$1,515.
- 2310 ½ Pisani Place the rent collected during the three year look back was an average of \$1,247.

Because \$1,203 (2308 Pisani Pl) and \$1,247 (2310 ½) are below moderate, and based on the tenants income for 2308 ¼ HCIDLA has determined that three (3) affordable units exist at the property. Therefore, three (3) Affordable Existing Residential Units are proposed for demolition or conversion.

The Los Angeles Housing Department (LAHD) has determined, per the Housing Crisis Act of 2019 (SB 8) Replacement Unit Determination, dated April 26, 2022, that three (3) units are subject to replacement pursuant to the requirements of SB 8. For condominium units, the Determination made by LAHD requires that three (3) units be replaced with equivalent type; two (2) units restricted to Low Income Households, and one (1) unit restricted to Very Low Income Households. The proposed project will set aside two (2) units for Low Income Households and one (1) unit for Very Low Income Household.

Part 1.2.3 of the IAP provides "...In the case of conflict between these Interim Administrative Procedures, and geographically specific plan, Local Coastal Program, or any other regulation, the requirement which results in the provision of the largest number of Affordable Replacement Units or Inclusionary Units shall apply..."

Both regulations require the replacement of three affordable units, however SB 8 imposes an affordability covenant of 55 years, greater than the 30-year covenant under the IAP. As such, the project is required to provide Replacement Units pursuant to the requirements of the SB 8 Amended (DB) RUD, dated April 26, 2022.

**b. Categorical Exemptions (Part 2.4) Small New Housing Developments**

The project proposes the construction of a new six unit condominium structure. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of five (5) new Residential Units and three (3) Replacement Affordable Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

## CEQA Findings

### **5. Environmental Findings**

A Categorical Exemption, ENV-2022-725-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the demolition of three duplex structures and the construction of a four-story, 15,016 square-foot, multi-family structure comprised of eight (8) condominium units, providing 12 parking spaces and a rooftop deck. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15332 (Class 32).

The Class 1 Categorical Exemption allows for demolition and removal of individual small structures such as a duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished. The project proposes the demolition of the existing three duplexes (six dwelling units) and construction of a four-story, 15,016 square foot structure. The project is located in a residential neighborhood and is not within an environmentally sensitive area.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five (5) criteria: a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) The project site has no value as habitat for endangered, rare or threatened species; d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and e) The site can be adequately served by all required utilities and public services. The project qualifies for a Class 32 Categorical Exemption as an infill project, as evidenced below:

#### CEQA Determination – Class 32 Categorical Exemption Applies

- a. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations: The site currently is developed with three duplexes and an attached garage. The site is zoned R3-1 and has a General Plan Land Use Designation of Medium Residential. The project consists of the construction of a new three-story, eight-unit condominium structure and is conformance with the General Plan and Zoning designation.



- b. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses: The site is located at 2308 and 2310 Pisani Place, and is wholly within the City of Los Angeles, and is completely surrounded by urban uses. Surrounding properties include single story and multi-story commercial uses and multi-story residential uses.

- c. **The project site has no value as a habitat for endangered, rare, or threatened species.**

The project site has no value as habitat for endangered, rare or threatened species. The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species: The project site is currently developed with three duplexes and an attached garage. The area around the site is highly urbanized and surrounded by residential use. NavigateLA shows that the subject site is not located in a Significant Ecological Area. The site has been developed since at least 1937 with residential use and has no value as a habitat for endangered, rare or threatened species.

- d. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance for pollutant discharge, dewatering, and stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the Southern California Air Quality Management District (SCAQMD) District Rule 403.** The project shall comply with all applicable standards of the SCAQMD, including the following provisions of District Rule 403:
  - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
  - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), to prevent excessive amounts of dust.
  - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.



- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will reduce any potential impacts on noise and water quality. Furthermore, the project does not exceed the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. The project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle facilities, or pedestrian facilities. Therefore, the project will not have any significant impacts to traffic. Likewise, air quality will not worsen as a result of the proposed project. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with SCAQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

**e. The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the property is currently developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan.

The project is a transit-oriented, infill development on a site within an urbanized area and meets the criteria outlined above. Therefore, the project qualifies for a Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

The City has considered whether the proposed Project is subject to any of the six (6) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. The six (6) exceptions to this Exemption are: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- a. **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The project is consistent with the type of development permitted for the area zoned R3-1 and designated Medium Residential use. The proposed project will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.

- b. **Significant Effect Due to Unusual Circumstances.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes a multi-family structure in an area zoned and designated for such development. The surrounding area is developed with similar multi-family residential uses. The proposed density is consistent with the density permitted by the Venice Specific Plan (R3 density). The proposed height and massing are not unusual for the project vicinity or the nearby Venice Boulevard corridor. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- c. **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located more than 7 miles northwest of the project site. Therefore, the project will not impact a designated state scenic highway.

- d. **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.

- e. **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015). The project is not listed on the National or California Register of Historic Places, nor identified as a Historic Cultural Monument (HCM).

## ADDITIONAL MANDATORY FINDING

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, outside the flood zone.





## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

### **West Los Angeles DSC**

(CURRENTLY CLOSED)  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing

Revised July 2023