

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 Oceangate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071

**Th6d**

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**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 5-17-0736

**Applicant:** 2424578 Ontario LP

**Agent:** James H. Eserts AIA

**Location:** 4 26<sup>th</sup> Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4226019001)

**Project Description:** Tie two lots together and add 313 square feet to ground floor and second floor of an existing three-story, 2,778 square foot single-family home, expand exterior decks by 568 square feet, and replace staircase, pergolas, exterior sidings, railings, windows, and doors. Remove 1 Yucca and 2 Ficus trees.

**Staff Recommendation:** Approval with conditions

**SUMMARY OF STAFF RECOMMENDATION**

The proposed project involves additions to expand the existing structure which is located on two abutting lots in the Dual Permit Jurisdiction Area on Ocean Front Walk in Venice. The subject site is located between the first public road and the beach. The project has obtained Local Coastal Development Permit Number DIR-2015-3500-CDP-SPP from the City of Los Angeles Department of City Planning. Staff recommends approval of the dual coastal development permit application with **seven** special conditions to minimize adverse impacts to biological resources, public access and scenic views. The conditions are necessary to assure that the proposed development will be consistent with the Chapter 3 policies of the Coastal Act. The recommended special conditions are: **1) Construction Responsibilities; 2) Avoidance of Nesting or Roosting Birds; 3) Limitation of private use of public right-of-way; 4) Limitation of signage for private use on public right-of-way; 5) Assumption of Risk; 6) No Future Bluff or Shoreline Protective Devices and 7) Generic Deed Restriction.** The motion to carry out the staff recommendation is on Page Three.

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2. Coastal Development Permits 5-04-027 & 028 (Venice Lofts: 619-701 OFW).
3. Coastal Development Permit 5-04-150 (Binder: 2703 OFW).
4. Coastal Development Permit 5-05-178 (Targon: 3009 OFW).
5. Coastal Development Permit 5-06-209 (Rudisill: 3003 & 3003 ½ OFW)
6. Coastal Development Permit 5-14-0275 (Thomas: 21 27<sup>th</sup> Avenue)
7. Coastal Development Permit No. DIR-2015-3500-CDP-SPP, June 28, 2016

### **EXHIBITS**

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Coastal Hazards Analysis](#)

[Exhibit 4 – Site Visit Photos, 10/13/2017](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

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

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

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

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Construction and Pollution Prevention Plan. Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:
- a) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
  - b) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
  - c) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
  - d) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  - e) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - f) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
  - g) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - h) The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - i) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
  - j) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
  - k) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. **Avoidance of Nesting or Roosting Birds.** The applicant shall retain the services of a qualified biologist, or environmental resources specialist with appropriate qualifications to conduct a biological survey of the trees at the project site at least three days prior to the commencement of construction activities and/or removal of trees. The biologist or environmental resource specialist shall conduct the survey in order to determine the presence of sensitive or endangered bird species nesting or roosting at the project site and shall immediately report the findings of the survey to the Executive Director. In the event that the environmental specialist reports any sensitive or endangered bird species nesting or roosting at the project site, the following restriction shall apply:

No trees where sensitive or endangered bird species are identified nesting or roosting shall be disturbed or removed until the biologist or environmental resources specialist has confirmed that birds are no longer present in such trees.

3. **26<sup>th</sup> Avenue Walk Street – Encroachment onto the Right-of-Way.** The proposed development shall not interfere with public pedestrian access to and along the public access way that runs down the center of the 26<sup>th</sup> Avenue right-of-way. In order to enhance visual quality, preserve water quality, and to provide a transitional zone between the 26<sup>th</sup> Avenue public access way and the private dwelling, the proposed private use and development of part of the 26<sup>th</sup> Avenue public right-of-way is limited as follows:
  - a) The area situated between the 26th Avenue access way and the applicants’ property line shall be maintained as a permeable yard area, except for minimal paved walks to the building entrances. Only non-invasive and low water use plants shall be used.
  - b) No new trees or shrubs over 48 inches in height are permitted in the right-of-way. All new trees and shrubs in the right-of-way shall be maintained at a height of 48 inches or less.
  - c) Private parking on the 26<sup>th</sup> Avenue right-of-way is not permitted. In order to prevent vehicular access on the portion of the project site situated within the 26<sup>th</sup> Avenue right-of-way, the permittee shall maintain a decorative fence (e.g. split rail, picket or rustic) not exceeding 42 inches in height to enclose the area situated between the 26<sup>th</sup> Avenue access way and the permittees’ property line (i.e. enclose the project area situated within the 26<sup>th</sup> Avenue right-of-way).
4. **Ocean Front Walk.** Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, landscaping and posting of signs.
5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, earth movement, storms, landslide, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s

approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**6. No Future Bluff or Shoreline Protective Devices.**

A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-17-0736 including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.

B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundations, and hardscape if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above.

C. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for the review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the beach or ocean before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit

**7. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it

authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The subject site is located between Ocean Front Walk and Speedway in Venice Community ([Exhibit 1](#)). The property contains two lots totaling 5,060 sq. ft. with a three-story, 30-foot high single-family dwelling on the northern lot. The building has 2,778 sq. ft. of existing floor area including a two-car garage accessed from Speedway. The house is located on Lot 1 of the block (the northern lot), and the project proposes to expand the house by 313 square feet onto Lot 2 (the southern lot) which contains no existing structure. With the proposed expansion of the house across the lot line, the two lots will be tied together.

The project proposes to add one 200 sq. ft. uncovered parking space on Lot 2 opening up to Speedway. With the addition of the new parking space, the single-family residence will have three on-site parking spaces, which is consistent with the parking requirements set forth in the certified Venice LUP.

Improvements to the existing single-family dwelling include an addition of 313 sq. ft. to the southeastern portion of the building onto the adjacent southern lot for a new exterior stair case from first floor to third floor. With the proposed additions, the house will contain 3,451 sq. ft. of internal floor area. Exterior deck additions on the second and third levels of the house total 568 sq. ft. Windows will be added to the second floor at the north-facing wall. A wooden fence and gate will be added adjacent to Speedway to match an existing gate. The proposed deck on the front of the house is set back approximately 6 feet from the property line abutting Ocean Front Walk. Repair and maintenance activities include replacing all existing guardrails, replace all exterior wall shingles, replace pergola on the third and first floor, and replace an existing south-facing staircase. Landscaping includes the removal of one Yucca with 16" trunk diameter, 2 Ficus trees with 12" trunk diameter, and 24 birds of paradise plants ([Exhibit 2](#)).

The proposed project will increase the existing bulk and footprint of the house; however, the height of the building will remain the same. No portion of the house exceeds a height of 30 feet as measured from Ocean Front Walk.

### Biological Resources

In order to protect water quality and biological productivity and prevent pollution of the beach, **Special Condition 1** requires the implementation of BMP's in order to ensure that all debris and hazardous materials produced during and after the construction is properly disposed.

The project proposes to remove 2 Ficus trees at 16" and 1 Yucca at 12". Ficus trees are often utilized by varying bird species during nesting season. The removal of the vegetation could cause significant environmental impacts to nesting birds, which are protected during the general nesting

season of February 15 to August 31. Therefore, **Special Condition 2** is imposed in order to avoid impacts to nesting birds during the removal of the vegetation.

### **Venice Walk Streets – Public Access**

The proposed project is located on a Historic Venice Walk Street, 26<sup>th</sup> Avenue. The 26<sup>th</sup> Avenue walk street is a valuable public resource that is afforded special protection by the certified Venice LUP. The walk street provides direct access for pedestrians and bicyclists to the entire oceanfront shoreline and especially to Venice Beach, a publicly owned sandy beach. It is a goal of the Coastal Commission and the City to protect these public resources. Unregulated development along the boardwalk and walk streets could cause an over-developed, crowded feel that may discourage public use and enjoyment of these pedestrian access ways. Discouraging public access is inconsistent with the certified-LUP and the public access policies of the Coastal Act. The following certified-LUP policies were designed and adopted in order to preserve the unique character of the Venice walk streets.

Policies II.C.7, II.C.10 and II.C.11 of the certified Venice LUP state:

- **Policy II. C. 7. Walk Streets.** *Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way. Vehicular access on walk streets shall be restricted to emergency vehicles. The minimum width of the pedestrian path shall be 10-12 feet in the North Venice and Peninsula areas and 4½ feet in the Milwood area. The remaining public right-of-way shall be limited to grade level uses including landscaping, patios, gardens and decks.*

*The following streets are designated as walk streets (as shown on LUP Exhibit 19):*

*West of Pacific Avenue and east of Ocean Front Walk:*

- |                                      |                             |
|--------------------------------------|-----------------------------|
| <i>a. Twenty-fourth Avenue</i>       | <i>j. Galleon Street</i>    |
| <i>b. <b>Twenty-sixth Avenue</b></i> | <i>k. Mast Street</i>       |
| <i>c. Twenty-seventh Avenue</i>      | <i>l. Outrigger Street</i>  |
| <i>d. Twenty-eighth Avenue</i>       | <i>m. Privateer Street</i>  |
| <i>e. Thirtieth Avenue</i>           | <i>n. Reef Street</i>       |
| <i>f. Anchorage Avenue</i>           | <i>o. Spinnaker Street</i>  |
| <i>g. Buccaneer Street</i>           | <i>p. Union Jack Street</i> |
| <i>h. Catamaran Street</i>           | <i>q. Westwind Street</i>   |
| <i>i. Sunset Avenue</i>              | <i>r. Yawl Street</i>       |
|                                      | <i>s. Via Marina</i>        |

- **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of*



*duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.*

• **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.**  
*Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences.*

*The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings.*

*To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian.*

*Creative use and arrangement of permeable paving materials shall be encouraged.*

*Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right- of-way. The use of decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.*

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

The walk streets in North Venice, Marina Peninsula and Milwood neighborhoods of Venice are among the most pleasant pedestrian amenities in Los Angeles and many of them provide direct vertical access to the shoreline. The Venice walk streets are generally typical of a number of southern California beach communities that were originally developed with weekend beach cottages early in the twentieth century when streetcars served these communities. Walk streets generally have narrow, pedestrian friendly walkways down the middle of the right-of-way, with landscaped

“front yards” that encroach into the right-of-way up to the edge of the open public walkway that runs along the center of the right-of-way. Development standards for designated walk streets shall focus on preserving scenic pedestrian-oriented walkways by limiting heights and private encroachment onto the walkways.

Most of the lots that abut 26<sup>th</sup> Avenue have enclosed part of the right-of-way and landscaped it consistent with certified Venice LUP Policy II.C.11. In addition, private use vehicles except for emergency vehicles are prohibited on 26<sup>th</sup> Avenue pursuant to Venice certified-LUP Policy II. C. 7 and Policy II. C. 10. Currently, a portion of the public right-of-way is being utilized as private parking with signage as observed during a staff visit to the site on October 13, 2017 ([Exhibit 4](#)). Therefore, **Special Condition 3** is imposed requiring that the portion of the 26<sup>th</sup> Avenue walk street that is part of the project site be landscaped and enclosed with a 42-inch high decorative fence in order to prevent private and public vehicular access.

In addition, the Commission imposes **Special Condition 4** which limits the project’s construction process from impeding onto pedestrian right-of-ways to the beach. The 26<sup>th</sup> Avenue right-of-way provides direct access to the beach. Major additions will not occur on the portion of the building adjacent to 26<sup>th</sup> Avenue; however, debris and construction materials resulting from exterior façade work may affect pedestrian right-of-way during construction. The conditions enforce the limitation of obstructing beach access with hazardous construction materials, temporary placement of debris, and private parking signage pursuant to the Venice certified-LUP. The condition provides specific guidance for the Commission’s interpretation of the relevant Chapter 3 policies when reviewing development in and along the walk streets.

## **Hazards**

Development adjacent to the ocean is inherently hazardous. The project site is located in between Ocean Front Walk and Speedway within direct vicinity to the beach. A coastal hazards study was conducted by a third party to assess vulnerability of the property subject to wave up-rush, erosion, flooding, overtopping and sea-level rise ([Exhibit 3](#)). The study concluded that the property was not subject to coastal hazards within, at least, the next 75 years, which is the expected life of the proposed development. However, new development which may require a protective device cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project’s impact on shoreline processes and to minimize risks to life and property, **Special Conditions 5 and 6** require the applicant to assume the risk of coastal hazards, waive liability and indemnify the Commission against liability arising from such hazards, and waive any rights to construct any future shoreline protective devices in the event that the property experiences any future coastal hazards. Special Condition 6 will help ensure that coastal processes and the public’s right to access the coast are not adversely affected by a shoreline protective device in the future, should sea levels rise faster than currently expected and the new development authorized by this permit becomes exposed to coastal hazards. By accepting Coastal Development Permit No. 5-17-0736, the applicant agrees to these and all associated conditions. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 7** requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

## **B. OTHER AGENCY APPROVALS**

The project is located in the Dual Permit Jurisdiction Area. On June 28, 2017, the City of Los Angeles Director of Planning issued a determination approving Local CDP No. DIR-2015-3500-CDP-SPP for the "renovation of an existing three-story, 2,375 sq. ft. single-family dwelling with a 992-sq. ft. three-story addition that includes a new garage, living area, a bedroom, and a roof deck, with a maximum building height of 30 feet". No appeals were filed during the City appeal period. On August 1, 2017, the project representative submitted revised plans reflecting the revisions to the previously approved plans. The City issued a Letter of Correction on August 28, 2017 approving the plan changes.

On June 6, 2016, the Venice Neighborhood Council recommended approval of Local CDP No. DIR-2015-CDP-SPP for the "renovation and addition to an existing single-family dwelling with a project size of 3,737 sq. ft., on a lot size of 5,042.7 sq. ft."

On September 11, 2015, a Notice of Exemption for California Environmental Quality Act Section 15062 was issued by City of LA Department of City Planning for the "remodel and addition to an existing single-family dwelling for 2424578 Ontario LP". A Mello Act determination was also issued determining that the project for the "remodel and addition to existing SFD" is not subject to the Mello Act.

## **C. LOCAL COASTAL PROGRAM (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms to Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. However, the City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development conforms to the policies set forth in the certified Venice LUP and is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The City of Los Angeles is the lead agency for CEQA compliance and issued a notice of exemption on September 11, 2015. The project is categorically exempt from an environmental impacts review.

As conditioned, the project has been found consistent with hazard mitigation, public views, biological resources and public access policies of the Coastal Act. There are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, and the project has no remaining significant impacts within the meaning of CEQA. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act and CEQA.

## **Appendix A - Substantive File Documents**

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permits 5-04-027 & 028 (Venice Lofts: 619-701 OFW).
3. Coastal Development Permit 5-04-150 (Binder: 2703 OFW).
4. Coastal Development Permit 5-06-209 (Rudisill: 3003 & 3003 ½ OFW)
5. Coastal Development Permit 5-14-0275 (Thomas: 21 27<sup>th</sup> Avenue)
6. Coastal Development Permit 5-05-178 (Targon: 3009 OFW).
7. Coastal Development Permit No. DIR-2015-3500-CDP-SPP, June 28, 2016