

CALIFORNIA COASTAL COMMISSION

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**F14c**

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STAFF REPORT: REGULAR CALENDAR & DE NOVO

Application Nos.: 5-17-0695 & A-5-VEN-17-0034

Applicant: David Feige

Agent: Sander Architects, Abrah "Abby" Katcher

Location: 16 30th Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4226-023-022)

Project Description: Addition to a one-story 1,331 sq. ft. single-family residence on a 2,650 sq. ft. walkstreet lot, resulting in a three-story, 28-ft. high, 3,075 sq. ft. single-family residence with a 413 sq. ft. two-car garage and an 819 sq. ft. roofdeck with a 10-ft. high roof access structure (ten feet above the roof).

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

On February 6, 2017, the City of Los Angeles held a public hearing for Local Coastal Development Permit No. DIR-2016-4484 and Zoning Administrator Adjustment No. ZA-2016-4485 for the proposed project. On May 5, 2017, the Director of City Planning issued a determination letter approving the project. The local CDP was appealed to the Coastal Commission by the Executive Director on the grounds that the City-approved development was not consistent with the community character provisions of Chapter 3 of the Coastal Act or the development standards set forth in the certified Venice Land Use Plan (LUP) with respect to the front yard setback from the walkstreet, the mass and scale of the development, and local determination that the project is a remodel and addition rather than a substantial new development, which may prejudice the City's ability to prepare a certified Local Coastal Program (LCP). On August 11, 2017, the Commission found substantial issue with regard to the grounds on which the appeal was filed. The applicant has since revised the project to include a nine-foot front yard setback for the proposed addition instead of a five-foot front yard setback.

This is a combined staff report for the de novo hearing (for the appeal) and for the dual permit application. Staff is recommending **approval** of the proposed CDP with three (3) special conditions. The special conditions include: **1) Revised Final Plans; 2) Compliance with Venice Walkstreet Standards; and 3) Construction BMPs.**

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I. MOTIONS AND RESOLUTIONS

Motion:

*I move that the Commission **approve** Coastal Development Permit A-5-VEN-17-0034 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit A-5-VEN-17-0034 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.

Motion:

*I move that the Commission **approve** Coastal Development Permit 5-17-0695 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit 5-17-0695 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. **Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of project plans that conform with the plans submitted to the Commission, titled Feige Residence, dated November 9, 2017. All development must occur in strict compliance with the final revised plans approved by the Executive Director. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to Coastal Development Permit Nos. 5-17-0695 and A-5-VEN-17-0034 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.
2. **Compliance with Venice Walkstreet Setback, Design, and Parking Standards.** Coastal Development Permit Nos. 5-17-0695 & A-5-VEN-17-0034 approve an addition to the existing one-story single-family residence resulting in a three-story, 28-foot high 3,075 square-foot single-family residence with an 819 square-foot roofdeck and a 38-foot high roof access structure and an attached two-car garage. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicant, the approved development shall be constructed in conformance with the following Venice Walkstreet Setback and Design Requirements:

a) **Building Setback**. In order to maintain an open and visible access corridor and to enhance visual quality, all balconies and other portions of the structure shall be set back at least nine feet from the 30th Avenue right-of-way **as shown on Exhibit 3 of the 1/24/2018 staff report**, except for the following limited exceptions:

1. The ground floor shall maintain a setback at least six feet –two inches from the walkstreet-facing property line.
2. Ground floor entrance features shall maintain a setback of at least five feet from the walkstreet-facing property line.
3. Second floor balcony guardrail shall be set back at least five feet from the walkstreet-facing property line.

b) **Building Design**. In order to enhance visual quality and community character, the side of the building facing the 30th Avenue walkstreet shall be designed and constructed with a varied and articulated façade that provides visual interest to pedestrians (e.g. with porches, bays and/or balconies), with frequent windows and the primary ground floor entrance for the residence facing the walkstreet, **as shown in Exhibit 3 of the 1/24/2018 staff report**.

c) **Building Height**. The maximum height of the structure shall not exceed 28 feet above the centerline of the fronting right-of-way (30th Avenue). Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way. The roof access structure is limited to 38 feet above the centerline of the fronting right-of-way and shall be designed and oriented so as to reduce its visibility from the adjacent public walkstreet.

d) **30th Avenue Right-of-Way**. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of 30th Avenue and the private dwelling, the area situated between the 30th Avenue walkway and the permittee’s property line (i.e. with the 30th Avenue right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants (as identified by the California Department of water Resources – See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>), and enclosed with a decorative fence or wall (e.g. split rail, picket, or rustic) that is no higher than 42 inches. Private parking on the right-of-way is not permitted. The permittee and the proposed development shall not interfere with public access to and along the public walkway in the center of the 30th Avenue right-of-way.

e) **Landscaping**. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:

<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>). Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

f) **Parking.** A minimum of two (2) parking spaces shall be provided and maintained on the site (in the garage) to serve the single-family residence. Vehicular access to the site shall be taken only from 30th Place, the rear alley. Vehicular access is not permitted on the 30th Avenue right-of-way.

3. Construction Best Management Practices.

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;

- (2) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (3) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The project site is located on a walkstreet in the North Venice subarea at 16 30th Avenue within the City of Los Angeles Dual Permit Jurisdiction Area, about one block inland of the beach and Ocean Front Walk ([Exhibit 1](#)). The lot area is approximately 2,650 square-feet and is designated Multi-Family Residential, Low Medium II by the certified Venice LUP. The North Venice neighborhood is comprised of an amalgam of new and old one-to-three story buildings with a maximum height of 28 feet for all residences located on walkstreets; roof access structures are permitted to extend ten feet above the flat roof height limit. This block of 30th Avenue is comprised of one-, two-, and three-story single-family and multi-family homes. The site is currently developed with an approximately 10.5-foot high, one-story, 1,331 square-foot single-family residence that was built circa 1965 with an attached 413 square-foot two-car garage. The existing side yard setbacks range from three feet -two inches to two feet -ten inches. The existing alley facing setback is four feet -six inches. The existing front yard (walkstreet-facing) set back is six feet -two inches with entrance features extending to approximately five feet from the property line.

The applicant proposes a minor interior remodel to the existing ground floor and the addition of a new second and third story. The project would result in a three story, 28-foot high, 3,075 square-foot single-family residence with an approximately 10-foot high roof access structure with a maximum area of 100 square-feet and an 819 square-foot roofdeck with 42-inch high guardrails. The proposed addition would be setback nine feet from the walkstreet-facing property line. The applicant proposes to maintain the two on-site parking spaces within the existing attached garage that is accessed from the alleyway (30th Place).

Project History

On February 6, 2017, the Director of City Planning and Zoning Administrator held a public hearing for Local CDP DIR-2016-4484 and Zoning Administrator Adjustment ZA-2016-4485 for the project. On May 5, 2017, the Director of City Planning issued a determination letter approving the project. The local CDP was not appealed to the City of Los Angeles. The City's Notice of Final Local Action for the local CDP was received in the Coastal Commission's Long Beach Office on June 1, 2017, and the Coastal Commission's required twenty working-day appeal period was established.

The City-approved local CDP authorized a remodel and addition to a one-story, 1,331 square-foot single-family residence with an attached 413 square-foot two-car garage, consisting of a new approximately 1,200 square-foot second-story covered deck and a 1,531 (approximately) square-foot “floating” third-story with an 850 square-foot roof deck, resulting in an approximately 28-foot high, 2,931 square-foot single-family residence on a 2,640 square-foot walkstreet lot. The City also approved a Zoning Administrator Adjustment allowing a five-foot front yard (walkstreet-facing) setback for the proposed addition instead of a greater setback that would protect the pedestrian scale of the walkstreet.

On June 29, 2017, the Commission’s Executive Director appealed the locally-approved project. No other appeals were received prior to the end of the appeal period on June 29, 2017. The appeal contended that the size, mass, and scale of the City-approved development may adversely affect community character and could prejudice the City’s ability to prepare an LCP because the local CDP authorized a three-story structure that provided only a five-foot front yard setback, which is inadequate to protect community character and the pedestrian scale of the walkstreet, therefore raising a substantial issue with the visual characteristics of the walkstreet. The appeal also contended that the proposed project would result in substantial new development, rather than a “remodel/addition” because the City-approved addition would substantially alter the existing structure. The distinction between describing the development as a remodel versus substantial redevelopment is important because the City approval of the project as a remodel allows the project to maintain non-conforming front yard and side yard setbacks. Substantial redevelopment of the property would require that the development conform to current LCP standards, including the provision of a greater front yard setback.

On August 11, 2017, the Commission found substantial issue with regard to the community character grounds on which the appeal was filed. The applicant has since revised the project to provide a nine-foot front yard setback from the walkstreet-facing property line for the proposed addition instead of the originally proposed five-foot front yard setback.

B. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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

Section 30253(e) of the Coastal Act states:

New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

LUP Policy I.A.2 states in part:

Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character, and scale of the existing development...

LUP Policy I. E.2, states:

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

LUP Policy I.E.5 states:

Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:

Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.

LUP Policy II.C.10 states:

New residential development along walkstreets 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 entrances and frequent windows shall face the walkstreets. Front porches, bays, and balconies shall be encouraged. In cases of duplexes and low density multiple-family buildings, entries shall be located in the exterior building façade for each residential unit, shall face walkstreet, and be well-defined and separate.

The primary concern with the City-approved development was the nonconforming front yard setback for the proposed development. The LUP requires setbacks for visual access, preservation of the pedestrian scale of the walkstreet, and character of the community. The LUP requires nonconforming structures to be brought into conformance with the development standards of the certified LUP when those nonconforming structures are proposed to undergo a major addition. Given the size of the proposed addition, which would increase the height of the structure from one-story to three-stories and more than double the amount of habitable area, the proposed development qualifies as a “major addition,” which triggers Policy I.E.5 of the certified Venice LUP requiring all

nonconforming features of a site to be brought into conformance with current development standards of the certified LCP unless the City determines that it is not feasible to do so.

The Coastal Act requires new development to protect and enhance public views to and along the coast. The certified Venice LUP requires new development to respect the bulk, height, and setbacks of residential communities and to enhance neighborhood character. Because the applicant proposed a major addition, the entire site should have been brought into conformance with the City's development standards, including the walkstreet-facing setbacks. The previous proposal not only did not comply with the required front yard setback, it exacerbated the nonconformity, both vertically and horizontally, of the structure by extending the nonconforming setback to the proposed third story. As such, the proposal was not consistent with the development standards of the certified LUP.

The applicant proposes to maintain the existing six-foot – two-inch front yard setback, including the entrance features that are setback five feet from the property line, for the first floor of the development but now also proposed to push the second and third floors back nine feet from the walkstreet-facing property line instead of the previously proposed five-foot setback. The applicant is proposing minor interior work on the existing ground floor in order to support the proposed addition and increase the size of the existing garage. Demolition proposed for the existing structure includes removing and replacing the wall between the garage and the rest of the house (in order to expand the depth of the garage by approximately one foot), and three linear sections of the roof and foundation that span the width of the structure in order to drop support beams through the roof to augment the foundation to support the proposed addition. No demolition is proposed for the exterior walls of the existing structure and only minimal demolition of interior fixtures, except as described above, is proposed. The existing structure would maintain its non-conforming setbacks and the proposed addition would be set back nine feet from the walkstreet-facing property line, which is less than the 15-foot setback required by the City's zoning code, but the zoning code is not the standard of review for the proposed development.

Although the new proposal would not conform to the City's zoning code for the subject site, many of the existing residences on this particular walkstreet display non-conforming setbacks. The prevailing setback ([Exhibit 4](#)) on this this side of 30th Avenue walkstreet is approximately six feet from the walkstreet-facing property line. This is one of the reasons the City did not require a larger setback from the walkstreet property line. The certified LUP does not mandate a particular setback length for new development on walkstreets, rather it requires residences on walkstreets to enhance public access, including public views, and to have varied and articulated façades.

In regards to setbacks, the LUP states the setbacks for the proposed project do not conflict with the provisions of the certified LUP. The proposed addition will be pulled back nine feet from the walkstreet-facing property line, which is approximately three feet farther back than the prevailing setback for this side of the 30th Avenue walkstreet, thereby preserving open space along the walkstreet, providing an opportunity for enhanced public views when the structures seaward of the site are redeveloped.

Coastal Act Section 30251 and LUP Policies I.A.2, I.E.2, and II.C.10 require new development to be compatible with community character. The proposed project will maintain a ground floor setback that is similar to the average setback for this side of the 30th Avenue walkstreet and the addition will

be setback approximately three feet farther than the prevailing setback. As such, the proposed structure will conform to the scale and character of the surrounding area and be compatible with the community.

As conditioned, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, the policies of the certified LUP, and previous Commission approvals, and approval of the project, as conditioned, would not prejudice the City's ability to prepare a certified Local Coastal Program.

C. PUBLIC ACCESS AND RECREATION

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 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 states:

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to [Section 4 of Article X of the California Constitution](#). Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under [Section 4 of Article X of the California Constitution](#).

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220 States:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of

servicing 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 proposed project retains adequate on-site parking for the single-family residence. The proposed development will not interfere with the public walkway on 30th Avenue that provides public access to Venice Beach. Therefore, the development, as conditioned, will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, and conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. MARINE RESOURCES & WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes [Special Condition 3](#), requiring certain construction-related best management practices throughout the life of the project, including, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms to Sections 30230 and 32031 of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act states:

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 Chapter 3 (commencing with Section [30200](#)) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (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 Chapter 3 (commencing with Section [30200](#)) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Venice Land Use Plan was certified by the Commission on June 14, 2001 and is advisory in nature and may provide guidance. As originally proposed, the development could not be found to be consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area.

Only as conditioned with the imposed special conditions that require the project to avoid adverse impacts on public access and water quality can the proposed development be found to be consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, with the imposed special conditions that require the project to avoid adverse impacts on public access and water quality, 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.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 Title 14 of the California Code of 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 which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed development, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Feasible mitigation measures, which will minimize all significant adverse environmental effects, have been required as special conditions.

As conditioned to minimize adverse impacts to coastal resources, including public access and water quality, 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. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, has no remaining significant environmental impacts, is the least environmentally damaging feasible alternative, and is consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A - Substantive File Documents

- Appeal A-5-VEN-17-0012
- Certified Venice Land Use Plan, November 14, 2000