

CALIFORNIA COASTAL COMMISSION

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



Th15b

Appeal Filed: 12/18/17
Sub. Issue Found: 2/09/18
Staff: D.Truong-LB
Staff Report: 7/19/18
Hearing Date: 8/9/18

STAFF REPORT: APPEAL – DE NOVO

Application Number: A-5-VEN-17-0072

Applicant: NYE, LLC. Attn: Nir Paz

Agent: Steve Kaplan

Appellants: Robin Rudisill, Richard Stanger, *et al.*

Project Location: 2412 Clement Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4228012019)

Project Description: Demolition of a 1-story, 700 square foot single-family dwelling, and the construction of a 2-story, 24-foot high, approximately 2,878 sq. ft. single-family dwelling with an attached 2-car garage and roof deck.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

At a public hearing on February 9, 2018, the Commission found that the appeal of Local Coastal Development Permit No. DIR-2016-2206-CDP-MEL, issued by the City of Los Angeles, raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act because of the project's potential impact to the existing community character. In finding that a substantial issue exists, the locally approved Coastal Development Permit became void. The Commission is now required to hold a de novo hearing based on the merits of the project.

A-5-VEN-17-0072 (NYE, LLC)
De Novo – Approval with Conditions

Subsequent to the Commission’s substantial issue hearing on the City-approved project, the applicant revised the plans to increase the second story step back, reduce the floor area, and reduce the overall height of the proposed residence. The revised proposed project includes a stepped back design and elimination of the 9-foot high roof access structure on the roof deck, and elimination of the parapet wall. As revised, the proposed development is compatible with the mass and scale of the surrounding area and will not adversely impact visual resources or community character.

Therefore, Staff recommends **approval** of Coastal Development Permit Application No. A-5-VEN-17-0072 with **three (3)** special conditions. The recommended special conditions require the applicant to undertake development in accordance with the approved final plans, implement construction best management practices, and utilization of drought tolerant non-invasive landscaping and water conservative irrigation.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. SINGLE PERMIT JURISDICTION AREA	6
V. FINDINGS AND DECLARATIONS.....	7
A. PROJECT DESCRIPTION AND LOCATION	7
B. PROJECT HISTORY	7
C. DEVELOPMENT	8
D. WATER QUALITY.....	12
E. PUBLIC ACCESS	13
F. LOCAL COASTAL PROGRAM.....	13
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT	14

APPENDICES – Substantive File Documents

Appendix 1 – City of Los Angeles Certified Land Use Plan for Venice (2001)

EXHIBITS

[Exhibit 1 – Project Location Map](#)

[Exhibit 2 – Revised Plans \(3/12/2018\)](#)

[Exhibit 3 – Project Rendering and Model](#)

[Exhibit 4 – Photos](#)

[Exhibit 5 – Materials from Agent, 3/18/18](#)

[Exhibit 6 – Postponement request, 3/21/18](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-17-0072 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit Application No. A-5-VEN-17-0072 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** The permittee shall undertake development in accordance with the approved final plans, specifically including the site plan, building plans, landscaping plan, and drainage plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to Coastal Development Permit No. A-5-VEN-17-0072 unless the Executive Director determines that no amendment is legally required.
2. **Construction Best Management Practices (BMPs).** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - A. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
 - B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - C. 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;
 - D. Erosion control/sedimentation Best Management Practices 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;
 - E. 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;
 - F. The permittee 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;
 - G. The permittee shall develop and implement spill prevention and control measures;
 - H. The permittee 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 storm drain, open ditch or surface water; and

- I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
3. **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>).
- i. 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.
 - ii. The front wall/fence within the front yard setback area shall be constructed no higher than 42 inches above grade as measured from the public sidewalk adjacent to Clement Avenue. The side and rear yard wall/fence, beyond the front yard setback, shall be constructed no higher than six feet at any point as measured from natural grade.

IV. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed project site is within the *Single Permit Jurisdiction* area. On July 7, 2017, the City of Los Angeles approved local Coastal Development Permit No. DIR-2016-2206, but that action was appealed to the Coastal Commission. On February 9, 2018, the Commission found that the appeal raised a substantial issue with respect to the proposed project’s consistency with Chapter 3 of the Coastal Act. In finding that a substantial issue exists, the locally approved Coastal Development Permit became void. The Commission is now required to hold a de novo hearing on the merits of the project. Chapter 3 of the Coastal Act is the standard of review. The certified Venice LUP is used as guidance.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The subject site is located 0.56 miles from the beach and 0.19 miles from the Venice Canals in the Southeast Venice subarea ([Exhibit 1](#)). The site is designated as Single-Family Dwelling–Low Density by the certified Venice Land Use Plan (LUP). A mix of one to two-story single-family dwellings with varied and flat rooflines characterize the neighborhood on Clement Avenue. The 3,600 sq. ft. lot is currently developed with a one-story, 700 sq. ft., single-family residence with detached garage. The existing structures were built in 1950; however, according to City findings, no historic resources or potentially historic structures have been identified on site.

The project includes the demolition of the existing structures and construction of a two-story, 24-foot high, 2,878 sq. ft. single-family dwelling with an attached two-car garage ([Exhibit 2](#)). The 922 sq. ft. roof deck will be accessible from the second-story stairway and enclosed with 42-inch high railings. Three on-site parking spaces (two covered and one uncovered) will be provided and accessed through the rear alley with no proposed curb cuts on Clement Avenue. The front yard setback is 17 feet, the rear yard setback is 15 feet, and the side yard setbacks are 5 feet from the property lines. The project observes all of the required setbacks, height, and yard requirements in the City’s Municipal Code and the certified Venice LUP.

B. PROJECT HISTORY

On June 22, 2016, the applicant submitted to the City of Los Angeles Planning Department a permit application for a “1707 sq. ft. 2-story addition to a single-family dwelling with existing 388 sq. ft. detached garage” resulting in a 2407 sq. ft. single-family home at 2412 Clement Avenue in Venice, CA. The application was assigned Case No. 2016-2206. On May 3, 2017, the City issued a Mello Act Determination for 2412 Clement Avenue concluding that no affordable units exist on site. In addition, the project was determined to be categorically exempt in regards to CEQA (ENV-2016-2205-CE).

On July 7, 2017, the City of Los Angeles Director of Planning approved a local coastal development permit approving the proposed demolition and construction of a 3,001 sq. ft. single-family residence in the Southeast subarea of the Venice community. The determination was appealed to the West Los Angeles Area Planning Commission (WLAAPC), which held three hearings related to the project on September 6, October 4, and November 15, 2017. Subsequent to the WLAAPC hearing held on October 4, 2017, the applicant revised plans by reducing the building area by approximately 41 sq. ft., for a total area of 2,960 sq. ft., and stepping back the second story for a more articulated frontage. The City accepted the revised plans on November 6, 2017 as being in conformance with previously approved plans. The revised plans included the addition of a front balcony on the second floor with a depth of approximately 5.5 feet, the reduction of the second floor bedroom area to accommodate the proposed balcony, and change in the balcony railing material from solid parapet to glass. On November 15, 2017, the WLAAPC denied the appeal and adopted the City Director’s determination approving the proposed two-story single-family residence, including the minor revision to the plans described above.

On December 18, 2017, the local coastal development permit was appealed to the Commission. At a public hearing on February 9, 2018, the Commission found that a substantial issue exists with respect to the proposed project’s consistency with the Chapter 3 policies of the Coastal Act.

The Commission’s action voided the local coastal development permit and the Commission is now required to hold a de novo hearing on the merits of the project using the Chapter 3 policies of the Coastal Act. The de novo hearing was previously scheduled for the April hearing, but was postponed by the applicant on March 31, 2018 ([Exhibit 6](#)). The de novo hearing is currently scheduled for the August hearing under the request of the applicant.

C. DEVELOPMENT

The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California with 16 million people visiting annually.¹ The Venice community is primarily residential, however, and the continued change in the residential character of the Venice Community has been a cause of public concern over the years.

Coastal Act 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 visually compatible with the character of surrounding areas...

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

During the 1960s and ‘70s, the once-booming resort town and oil-producing community fell into disarray and became a place for the economically and socially disadvantaged. Venice, once known as “Dogtown”², was predominantly a poor area of Los Angeles. At the same time, Venice started to see an influx of the artistic “bohemian” and skateboarding culture, most notably The Doors and the Z-Boys³. The area’s entrenched history in underground art and culture reverberated throughout Los Angeles and became a worldwide attraction. Shortly afterwards, film producers, roller-skaters, street vendors and athletes of ‘muscle beach’ came to be a part of the “eccentric seaside resort”⁴. The social fabric of the Venice community changed to become the modern Venice community that, according to the City of Los Angeles Department of Recreation and Parks, attracts tens of thousands of visitors per day. Thus, in 2001 during the certification of the Land Use Plan, Venice was designated a special coastal community due to its *unique social and architectural diversity* (Policy I. E. 1). The LUP considered the potential impacts that development could have on community character and adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. The diverse social fabric of Venice brought about other unique planning codes found in the Venice certified-LUP, such as the designation of community commercial and commercial art craft. These designations identified public areas such

¹ Venice Chamber of Commerce website. 2017. <http://venicechamber.net/visitors/about-venice/>

² ThoughtCo., Steve Cave, September 21,2017. <https://www.thoughtco.com/the-true-story-of-dogtown-3002227>

³ City of Los Angeles, Department of Recreation and Parks. 2016. <https://www.laparks.org/venice>.

⁴ Le Journal International, Laura Wojcik, Christaine Ngue. 2013. https://www.lejournalinternational.fr/Venice-Beach-California-between-Muscles-Skateboarding-and-Poverty_a959.html.

as Abbot Kinney Boulevard and Ocean Front Walk for artist work-in-residence and communal art sharing. .

As stated in the certified LUP, “*single-family homes on lots as small as 2,500 square feet are...a reminder of the community’s origin as a resort town. The maintenance of the character and density of these stable single-family neighborhoods is consistent with the objectives of the State Coastal Act and the City’s General Plan.*” Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the project is consistent with Sections 30251 and 30253 of the Coastal Act.

In this case, the certified Venice LUP echoes the priority expressed in the Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods. The certified Venice LUP sets forth the following relevant policies:

Policy I. A. 1. Residential Development states:

The Venice LUP recognizes the importance of existing pedestrian scale single- family residential neighborhoods and the need to conserve them...

b) Residential Lot Consolidations - ii) Building façades shall be varied and articulated to provide a pedestrian scale which results in consistency with neighboring structures on small lots.

Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods, 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...

Policy I. A. 3. Yards states:

Yards shall be required in order to accommodate the need for fire safety and on- site recreation consistent with the scale and character of the neighborhood.

Policy I. E. 1, General, states:

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

Policy I. E. 2. Scale, states:

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

Policy I. E. 3. Architecture, states:

Varied styles of architecture are encouraged with building façades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

The project approved by Local Coastal Development Permit Application No. DIR 2016-2206-CDP-MEL was a 2-story, 25-foot high, approximately 3,001 sq. ft. single-family dwelling with an attached 336 sq. ft., 2-car garage, 100 sq. ft. roof access structure and 922 sq. ft. roof deck.

Subsequent to the Commission's substantial issue hearing, the applicant and its agent met with Commission staff to discuss the project. On February 28, 2018, the applicant submitted revised plans ([Exhibit 2](#)). In addition, the agent submitted a letter with exhibits on March 18, 2018, addressed to Commission staff and Commissioners, requesting approval for the project ([Exhibit 5](#)). The currently proposed project, which is smaller than the proposed structure approved by the City, is an approximately 2,878 square-foot, 24-foot high, two-story single-family residence with an attached two-car garage and 922 sq. ft. roof deck with 42-inch high railings. The newly proposed design includes a reduction in the floor area by approximately 123 square feet, a reduction in building height, an increased second-story setback by 2.5 feet, an increased setback of the second-story balcony overhang by approximately 2.5 feet towards the middle of the house, elimination of the 9-foot high, 100 sq. ft. roof access structure and elimination of the parapet wall along the sides of the house and fronting Clement Avenue. The second story is stepped back approximately 20 feet from the front yard property line. The elimination of the parapet wall shows a reduction in height which is 24 feet as observed from Clement Avenue. The project maintains the prevailing front yard setback of 17 feet, side yard setback of 5 feet, and rear yard setback of 15 feet, similar to the neighboring lots. The height of the structure is 6 feet below the LUP's maximum 30-foot height limit. The heights of other structures on the block range from 14 feet to 28 feet.

In order to determine whether or not a proposed project is appropriate with regard to community character, the Commission looks at the existing development in an area to determine whether or not a proposed project is compatible. Based on past Commission actions in the Venice community, development located within the block are utilized to determine whether or not a proposed project is appropriate with regard to visual compatibility, mass, and scale. Also, certified LUP Policy I. E.3 states that, "*varied styles of architecture are encouraged...*" This policy encourages a variety of styles and discourages focus on subjective judgments about what architectural style is preferred. Hence, the Commission uses height limits, setback requirements and bulk to limit the mass and scale of new structures so that they are compatible with the character with the surrounding area. In addition, according to the LUP policies stated above, new structures should be articulated to provide a pedestrian scale and designed to be visually compatible with surrounding structures.

The proposed project's façade as observed from Clement Avenue shows that the balcony floor, second-story balcony roof feature, and first-floor roof feature breaks the vertical plane for an articulated façade. In addition, the visible mass from the building's side is articulated with a sloping roof, balcony floor and roof features, and various indentations of the wall ([Exhibit 3](#)). The project's façade and mass is compatible with the neighboring two-story structures which show sloping roofs, balconies, glass railings and fences. The modern "boxy" architecture and traditional pitched roof architecture which exist within the block indicates that the proposed project's façade and sloping roof articulates the building mass to be compatible with the existing

[variety of] planes and textures (LUP Policy I. E. 3).

The social and architectural diversity of Venice’s residential areas are changing and have been the subject of public debate over the years. In fact, two-story residences, which are common throughout Venice, are the overwhelming preference for permit applicants in the Southeast subarea of Venice, where one-story buildings are uneconomical to build and difficult to sell. The project has been designed to provide three bedrooms and two bathrooms sufficient for a family. This use is consistent with the certified LUP’s land use designation of Single-Family Dwelling–Low Density for this Southeast Venice neighborhood. The proposed project maintains compatibility with the existing character of the two-story buildings within the block ([Exhibit 4](#)). Due to the proposed height, massing, setback, and façade as observed from the public sidewalk on Clement Avenue, the project is found compatible with the *density, character and scale of the existing development* (LUP Policy I.A.2) on the block and *respect[s] the scale, massing, and landscape* (LUP Policy I. E. 2) of the existing neighborhood. Therefore, the project is consistent with the Venice certified-LUP and Chapter 3 policies of the Coastal Act.

The project has been analyzed for compatibility with the size and scale of surrounding structures and found to be consistent with the standards of the LUP and the relevant Coastal Act Policies. In order to ensure that the development is carried out as shown on the revised plans, **Special Condition 1** requires the applicant to undertake development in accordance with the approved final plans including the site plan, building plans, and drainage plan.

The large front yard will be enclosed with a 42-inch high wall at the property line and will be landscaped with drought tolerant plants species similar with the neighboring lots which will maintain a pedestrian scale of development. The plans show that 121 sq. ft. of planter box (permeable) area will be placed on the north and south portion along the building utilizing drought-tolerant, non-invasive vegetation. Drainage from the roof drains, gutters, and downspouts will be diverted onto an area of permeable pavers for on-site filtration. Any run-off will be discharged to the street. The proposed project also implements water-efficient and conservation measures, including the use of drip irrigation and weather-based irrigation controllers, as well as high-efficiency plumbing fixtures and low flow rates required by other local and state regulations (i.e. CalGreen).

The revised proposal, as conditioned, is also consistent with the existing landscape of the community because it provides drought tolerant non-invasive landscaping in the 17-foot front yard setback, which will be visible from the sidewalk and will provide contrast from the front façade of the residence. Therefore, **Special Condition 3** is imposed to require that the applicant maintain a landscape that is compatible with the existing development on the block and surrounding area, including native plants or non-native drought tolerant plants that are non-invasive.

For the reasons discussed above, the development has been conditioned to be compatible with the character and scale of the surrounding area and will minimize impacts to visual resources and community character. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30251 and 30253 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters.

Section 32030 of the Coastal Act states:

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

Section 30231 of the Coastal Act states, in part:

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

The project site is located approximately one-half mile from the beach within an urbanized residential area. The proposed development, however, has a potential for discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, shall incorporate design features to minimize the effect of construction and post-construction activities on the marine environment. In order to ensure that water quality is preserved and energy use is minimized over the life of the development, **Special Condition 3** requires the installation of non-invasive, drought-tolerant vegetation and water-conservative irrigation systems. In order to preserve water quality during construction, **Special Condition 2** requires the applicant to implement construction best management practices.

These features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Section 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

The proposed single-family residence provides an attached two-car garage and uncovered tandem parking space, which is accessed from the alley. The proposed development complies with the City's parking requirements. Adequate on-site parking is necessary and provides relief for the general lack of on-street parking that is otherwise utilized by the public to access the coastal zone in Venice. The project will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

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 with Chapter 3 policies of the Coastal Act:

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

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 City is the lead agency for CEQA compliance and after preparing an Initial Study, the City issued a CEQA Notice of Exemption (ENV-2016-2205-CE).

As conditioned, 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, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.