

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
301 East Ocean Blvd., Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



# W17d

Appeal Filed:	02/18/2019
Action Deadline:	None
Staff:	E. Stevens-LB
Staff Report:	10/31/2019
Hearing Date:	11/13/2019

## STAFF REPORT: DE NOVO

**Application No.:** A-5-VEN-19-0018

**Applicant:** Perry Plus One LLC

**Agent:** Stephen Vitalich Architects

**Location:** 812-814 Amoroso Place, Venice, Los Angeles County (APN: 4241-029-029)

**Project Description:** After-the-fact conversion of a one-story, 15.8-ft. high, 1,019 sq. ft. duplex to a single-family residence and construction of a 315 sq. ft. accessory dwelling unit above existing 315 sq. ft. garage.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

This is a De Novo hearing for an appeal of Local Coastal Development Permit No. DIR-2017-3462-CDP-MEL-SPP issued by the City of Los Angeles for the after-the-fact conversion of a 1,008 sq. ft. duplex to a single-family residence. On May 8, 2019, the Commission determined that the appeal raised a substantial issue as to the project's conformance with Chapter 3 of the Coastal Act, using the certified Venice Land Use Plan (LUP) as guidance. The grounds of the appeal were that the proposed project does not maintain density in an area able to accommodate it and is not compatible with the character of the community.

Subsequent to the Commission's substantial issue hearing, the applicant submitted revised plans in order to address the issues raised by the appeal. The revised plans include construction of a new second story accessory dwelling unit (ADU) over the existing detached garage and provision of one new onsite uncovered parking space in addition to the two existing garage spaces.

The site is located in the Milwood subarea of Venice and is designated Multi-Family Residential - Low-Medium I Density by the LUP. The block on which the site is located on, Amoroso Place, is

characterized by single and multi-family residences. The proposed project will maintain the prevailing building height and setbacks. As proposed, the project conforms to the character of the surrounding development, maintains density in an area able to accommodate it, and is consistent with policies of the certified LUP and Coastal Act.

Therefore, staff is recommending approval of the proposed coastal development permit (CDP) with five special conditions requiring: 1) development to be undertaken in accordance with the approved final plans and conceptual approval from the City of Los Angeles Planning Department or the Los Angeles Department of Building and Safety, prior to issuance of this CDP; 2) maintenance of an ADU onsite, thus maintaining two units on-site to mitigate for the loss of one housing unit; 3) provision of non-invasive, low water use landscaping and drip or microspray irrigation; 4) implementation of construction best management practices; and 5) recordation of 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.

The motion to carry out the staff recommendation is on Page 4.

Chapter 3 of the Coastal Act is the standard of review. The certified Venice LUP is used as guidance.

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### EXHIBITS

[Exhibit 1 – Project Location](#)

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[Exhibit 3 – CoSMoS Sea Level Rise Projections](#)

[Exhibit 4 – Mello Act Determination](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. **A-5-VEN-19-0018** 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 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 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.** Coastal Development Permit A-5-VEN-19-0018 authorizes the after-the-fact conversion of the existing duplex to a single-family home and construction of a new Accessory Dwelling Unit above an existing detached garage with three onsite parking spaces. All development must occur in strict compliance with the special conditions and the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the project or the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. In the event that modifications to the structure exceed that shown in the approved plans, the applicant shall cease work at the site and apply for an amendment to this coastal development permit.

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the Commission that the City of Los Angeles Planning Department or the Los Angeles Department of Building and Safety has approved the design for the proposed ADU in concept.

2. **Retention of Two Onsite Units.** The development approved by Coastal Development Permit No. A-5-VEN-19-0018 includes the demolition of a duplex and construction of a single-family residence with a detached 315 square-foot accessory dwelling unit (ADU). The applicant and all assigns/successors shall maintain the ADU as a separate unit. At no point may the ADU be incorporated into the single-family residence or reduced to less than the proposed 315 square-foot size without an amendment to Permit No. A-5-VEN-19-0018.
3. **Landscaping Plans.** Any future landscaping of the site shall be consistent with the following:
  - a. Vegetated landscaped areas shall 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>).
  - b. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
4. **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.
5. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has 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. SINGLE PERMIT JURISDICTION AREA AND PROJECT HISTORY**

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.

According to the City’s record, the subject duplex, located at 812 and 814 Amoroso Place, was built circa 1921. On September 26, 2016, the City of Los Angeles Housing and Community Investment Department (HCIDLA) issued an Order to Comply after discovering that the duplex was converted to a single-family residence without proper permits. Due to the lack of permits, it is unclear when the duplex was converted to a single-family residence. However, according to e-mail correspondence found in the City’s record, the current property owner, Alexander White, purchased the property in November 2015, subsequent to the conversion, which he stated occurred in September 2015.

On August 17, 2017, the applicant applied for a local CDP from the City for a “change of use from duplex to [a single-family residence] with no change to building composition in order to rectify an order to comply. Addition of second story ADU to existing detached garage”.

On July 13, 2018, the HCIDLA determined, pursuant to Mello Act requirements, that no affordable units exist and, thus, no units need to be replaced for 812 & 814 Amoroso Place ([Exhibit 4](#)).

On January 29, 2019, the City of Los Angeles Planning Director issued a determination DIR-2017-3462-CDP-MEL-SPP authorizing the “conversion of an existing duplex to a 1,008 sq. ft., one-story, single-family dwelling,” where “no structural changes or alterations to the building façade are proposed, and two parking spaces will be maintained on-site.” The determination included approval under the project permit compliance review and CEQA findings that the project is categorically exempt (ENV-2017-3463-CE). There was no mention or approval of a second-story ADU to the existing detached garage, and no such development was approved in the City’s final plans.

On February 18, 2019, the Commission’s South Coast District Office received the City’s Notice of Final Action, and the Commission’s twenty working-day appeal period was established. One appeal was received on March 18, 2019, within the Commission’s twenty working-day appeal period. No other appeals were received prior to the end of the Appeal period on March 18, 2019.

Pursuant to Section 30623 of the Coastal Act, the locally approved CDPs were stayed pending Commission action on the appeals. On May 8, 2019, the Commission found that the appeal raised a substantial issue with respect to the proposed projects’ consistency with Chapter 3 of the Coastal Act. The Commission is now required to hold a de novo hearing on the merits of the projects. Chapter 3 of the Coastal Act is the standard of review. The certified Venice LUP is used as guidance.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION & DESCRIPTION**

The subject site is a 3,330 sq. ft. lot located approximately one mile from the beach in the Milwood subarea of Venice ([Exhibit 1](#)). The Milwood subarea is bounded by Lincoln Blvd to the north, California Ave to the west, Electric Ave to the south, and curves eastward toward Venice Blvd.

The applicant proposes an after-the-fact conversion of the existing 15-ft. high, 1,008 sq. ft. duplex to a single-family residence and construction of a new second story, 18-ft. 6-in. high, 315 sq. ft. ADU on top of the existing detached 396 sq. ft. two-car garage and to maintain an additional uncovered onsite parking space in the rear yard ([Exhibit 2](#)).

The site is designated Multi-Family Residential-Low-Medium I Density by the certified LUP and zoned R2-1 by the City's zoning code, which has not been certified by the Commission and is not the standard of review for this project. The subject site is currently developed with a one-story residence built in 1921. No historic resources have been designated by the State Historic Preservation Officer on site; however, the site is located adjacent to a designated walk street, Amoroso Place, and is further located within the City of Los Angeles' SurveyLA Walk Street Historic District. The structure is identified as a contributor to the historic residential development of the Venice Beach community. A mix of multi-story, single and multi-family residences characterizes this neighborhood.

### **B. DEVELOPMENT**

Section 30250 of the Coastal Act states, in part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

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...*



Section 30253 of the Coastal Act states, in pertinent part:

*New development shall do all of the following: ...*

*(d) Minimize energy consumption and vehicle miles traveled...*

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

Section 30604 of the Coastal Act states, in pertinent part:

*Coastal development permit; issuance prior to certification of the local coastal program; finding that development in conformity with public access and public recreation policies; housing opportunities for low and moderate income persons ...*

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

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

Relevant language and Policies from the Certified Venice LUP are as follows:

LUP page II-10 states, in part:

*Duplex/Multi-Family Residential*

*It is the intent of Venice LUP to maintain existing stable multi-family residential neighborhoods. In those stable neighborhoods characterized by a mix of densities and dwelling types, permitted densities may be reduced to levels consistent with the character of the entire area in order to minimize impacts on infrastructure, services, and to maintain or enhance the residents' quality of life. The loss of potential units in these locations can be offset by the provision of new housing opportunities via bonuses for the replacement of affordable housing and in mixed-use development.*

Policy I.A.5, Preserve and Protect Stable Multi-Family Neighborhoods:

*Preserve and protect stable multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained and improved.*

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 in part:

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

Venice Land Use Plan Policy I. A. 6 states:

*Accommodate the development of duplexes and multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium I" on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.*

*Southeast Venice and Milwood*

*Use: Two units per lot, duplexes and multi-family structures*

*Density: One unit per 2,500 square feet of lot area. Lots smaller than 5,000 square feet are limited to a maximum density of two units per lot.*

*Replacement Units/Bonus Density: Lots greater than 5,000 square feet can add extra density at the rate of one unit for each 2,000 square feet in excess of 5,000 square feet in lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).*

*Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.*

*Height: Not to exceed 25 feet for buildings with flat roofs, or 30 feet for buildings with stepped back or varied rooflines. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).*

## Community Character and Housing Density

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.<sup>1</sup> The Venice community is primarily residential, however, and the continued change in the residential character of the Venice community has been a cause of concern by some Venice residents over the years.

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

Section 30250 of the Coastal Act requires that new residential development be concentrated within close proximity to existing developed areas able to accommodate it. Section 30253 of the Coastal Act requires that new development minimize energy consumption and vehicle miles traveled, minimize risks to life and property in areas of high geologic, flood, and fire hazard, and protect special neighborhoods that, because of their “unique characteristics” are popular visitor destination points for recreational users. Together, these policies encourage the concentration of development in more dense areas that are able to accommodate it and minimize impacts to coastal resources. The certified LUP incorporates these policies and specifically encourages locating more dense developments in the Milwood subarea of Venice. Specifically, Policy I.A.6 designates the site as “Multi-Family Residential” which allows “*two units per lot, duplexes and multi-family structures.*”

Concentrating new development in appropriate areas able to accommodate it, such as the Milwood subarea, is important both to protect and preserve housing density in the coastal zone and to minimize impacts to coastal resources. For example, concentrating development in already developed areas provides more opportunities for people to live near places they work and recreate, thereby, reducing impacts to coastal resources, including impacts to roads and vehicle miles traveled. The reduction in vehicle miles traveled directly reduces greenhouse gas emissions, which is targeted through statewide initiatives such as 2014 Safeguarding California plan and State Hazard Mitigation Plan 2013 update that aim to address climate change adaptation through planning efforts<sup>2</sup>. In addition, having higher density in existing developed areas places more people in a single location so that public transit service is facilitated, which aids in reducing the number of cars on streets and thus reducing impacts to coastal resources and public access. The provision of housing units in urbanized areas allows infill development to occur without the potential of extending development into undeveloped areas.

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

<sup>2</sup> California Coastal Commission (CCC). 7 November 2018. “*Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local coastal programs and coastal development permits*”. Pp. 1-307.

Here, the site's proximity to the commercial corridors along Lincoln Blvd, Abbot Kinney Blvd, and Venice Blvd allow pedestrians to access public transportation nodes that allow access to other areas in the Los Angeles region. The subject site is located within 0.2 miles to the Big Blue Bus route on Lincoln Blvd and approximately 500 feet from the Metropolitan Transit Authority (MTA) route on Venice Blvd, including bicycle lanes, which aid in enhancing residents' quality of life by providing alternative transportation options nearby that can reduce vehicle miles traveled (Section 30253).

Section 30253 of the Coastal Act requires that new development "*protect special communities and neighborhoods*". The policy has been interpreted to protect the residential character of a neighborhood, and new development's cumulative impacts to the surrounding area. The LUP provides development standards such as density, use, height, and setback limits based on lot size. The intent of the LUP, when establishing these limits, is to protect the character of neighborhoods that allows accommodation of density in existing developed areas with adequate infrastructure (i.e. infill). The Chapter 3 policies of the Coastal Act, along with LUP Policies I.A.5 and I.A.6, support the protection of existing housing stock in the coastal zone and concentration of development in areas that will minimize impacts to coastal resources, such as the Milwood subarea. In this case, density in the Milwood subarea is limited to "*one unit per 2,500 sq. ft. of lot area... [or] two units per lot [smaller than 5,000 sq. ft.]*". The subject lot is 3,330 sq. ft. and allows up to two units.

The Milwood subarea is a residential neighborhood built in the 1920s with commercial structures located along the edges of the subarea. Some single-family residences in the neighborhood were redeveloped in the early 2000s. The block surrounding the subject site consists mainly of single-family residences. Beyond the immediate block in the neighboring area, lots consist of a majority of single-family dwellings with some multi-family dwellings such as duplexes, condominiums, and triplexes.

The LUP also states that "*in neighborhoods characterized by a mix of densities and dwelling types, permitted densities may be reduced to levels consistent with the character of the entire area...*" and can be offset through the provision of new housing opportunities. As illustrated above, the site is located within a neighborhood characterized by a mix of single and multi-family dwellings. The after-the-fact approval of the conversion of a duplex to a single-family residence, similar to the neighborhood, with the addition of an ADU at this site would maintain two units, as required by LUP Policy I.A.5, that also preserves overall density onsite and in the area.

The height limits set forth in the certified Venice Land Use Plan (LUP) are specific with regard to residential structures. The height of the existing primary structure will remain unchanged and the proposed second floor ADU will have a maximum height of 18 ft. 6 in., consistent with the height limit set forth in the certified Venice Land Use Plan (LUP). As proposed, the façade and structural elements of the existing primary structure will remain unchanged and the footprint of the garage will also not be modified. Furthermore, the proposed ADU fits into the existing community character of the surrounding neighborhood due to its small size and its unobtrusive design at the rear of the property, consistent with LUP polices I. E. 1, I. E. 2, I. E. 3, and I. A. 6. As proposed, the new ADU is consistent with the residential building standards in the certified LUP. Because the ADU proposal has not been approved by the City, however, Special Condition 1 requires that the applicant provide evidence to the Executive Director of the Commission that the City of Los Angeles Planning Department or the Los Angeles Department of Building and Safety have approved the design for the proposed ADU in concept prior to issuance of this CDP.

In order to ensure that two housing units are maintained onsite, the Commission imposes Special Conditions 2 and 5, which require the applicant to maintain the proposed ADU as a separate unit and to not incorporate it into the rest of the single family residence and to record a deed restriction against the property that provides future owners with notice of all of the conditions of this permit, including the requirement to maintain the ADU as a separate unit. As conditioned, the project will maintain two units onsite and will likely provide a more affordable housing opportunity (when compared to single-family residences common in the area) for a student, individual, or couple. Although the project is not a multi-family residence such as a duplex, the project is compatible with the character of the neighborhood, a majority of which contains single-family residences. The project maintains housing density (2 units) in an area specifically designated for such development, and would not significantly alter, or lead to significant cumulative impacts to, community character.

As proposed and conditioned, the project is consistent with Sections 30250, 30251, 30253, and 30604 of the Coastal Act.

### **C. HAZARDS**

Section 30253 of the Coastal Act states, in pertinent part:

*New development shall do all of the following:*

*(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

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

Section 30253 of the Coastal Act requires siting new development such that it minimizes risks to life and property in flood hazard areas, assures stability and structural integrity, and does not require the construction of protective devices that substantially alter natural landforms. On November 7, 2018, the Commission adopted a science update to its Sea Level Rise Policy Guidance. This interpretive guidance helps ensure that projects are designed and built in a way that minimizes risks to development associated with SLR and avoids related impacts to coastal resources. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.” The guidelines also include a step by step approach for addressing SLR in project design for CDPs.

The first step is to establish the projected SLR range for the proposed project. Using the methodology recommended by the 2018 update of the Ocean Protection Council (OPC) SLR Guidance, the projected SLR ranges for the proposed project are tailored to the nearest NOAA tide gauge, projected lifespan of the project, and risk aversion scenario. The projected lifespan for residential development is typically 75 years. Risk aversion scenario selection depends on the risk tolerance of different types of development. For example, based on the OPC SLR Guidance, a critical infrastructure asset, such as a hospital, should be analyzed with high risk aversion, and would use a more precautionary range of probabilities of amounts of SLR, while a parking lot or a bike path should be analyzed with lower risk aversion. In this case, the risk aversion scenario

recommended by both the Commission and OPC Guidance for residential projects is medium-high, as the likelihood that sea level rise meets or exceeds this value is low, and thus represents a precautionary projection that should be used for less adaptive projects such as a residential structure. The nearest NOAA tide gauge to Venice is located in Santa Monica. For this area, the expected medium-high risk SLR projection for year 2100 is 6.7 ft.

The next step is to determine how physical impacts from SLR may constrain the project site. Impacts from flooding and inundation, wave runup, and storm surge can be analyzed using the closest Coastal Storm Modeling System (CoSMoS) SLR modeling projections to the above scenarios. The site is not located on a beach or coastal bluff, so a coastal erosion analysis is not necessary. Another helpful tool for analysis is the OPC's probability tables that estimate the likelihood that SLR will meet or exceed a particular height by a given decade. Using the medium-high risk aversion threshold as a benchmark, one can estimate the timing of levels of SLR that exceed the risk aversion threshold.

According to CoSMoS, the best available sea-level rise mapping tool, the project site is not anticipated to experience flooding within the next 75 years (which is the expected economic lifespan of a structure) even with worst-case scenarios of +6.6-ft. SLR combined with a 100-year storm event<sup>3</sup> ([Exhibit 3](#)). As such, locating new development and maintaining housing density in this area is appropriate for sea level rise-planning purposes, consistent with Section 30253's direction to minimize risk to life and property and assure structural stability.

As conditioned, the project can be found to be consistent with Section 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 projects' 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.*

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<sup>3</sup> Projection figures of +6.6-ft. SLR are utilized from the Ocean Protection Council's 2018 Update on Sea Level Rise Guidance, pursuant to the CCC's 2018 Sea Level Rise Policy Guidance document. This is confirmed in the City of Los Angeles' *Sea Level Rise Vulnerability Assessment for Venice*, dated 25 May 2018.

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 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 4 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 projects' adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **E. PUBLIC ACCESS**

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

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 Venice Certified LUP requires that three parking spaces be provided for a single-family dwelling on lots of 40 ft. or more in width or 35 ft. or more in width if adjacent to an alley. The subject site is adjacent to an alley and has a width of 37 ft. Thus, three spaces are required for the single family residence. Because parking in the Venice area is severely constrained, the Commission generally requires that

applicants provide one additional parking space for an Accessory Dwelling Unit. In this case, an additional space for the proposed ADU is not required because the property is located a significant distance from the shore and has multiple public transportation options within a close proximity. As proposed, the site will have a total of three off-street parking spaces, two in the garage and one additional space located in the side yard. Furthermore, although the submitted plans show only one uncovered space adjacent to the garage, it is likely that two tandem spaces could fit in the side yard. The project will not affect the public's ability to gain access to, or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned, the development conforms to Sections 30210 and 30211 of the Coastal Act.

## **F. UNPERMITTED DEVELOPMENT**

Development has occurred on the subject site without the benefit of the required coastal development permit consisting of the conversion of an existing duplex to a single-family residence. Commission staff has reviewed the development for consistency with Chapter 3 policies of the Coastal Act, thus imposing Special Condition 1 providing that this permit A-5-VEN-19-0018 authorizes the proposed project only, and that any deviation from the approved project plans shall require an amendment to this permit. Although the project has been conditioned for consistency with development sections of the Coastal Act, issuance of the permit does not constitute a waiver of the Commission's ability to pursue and enforcement action in the future.

## **G. 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:

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, either individually or cumulatively with other approved developments in Venice.



## **H. 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 City is the lead agency for CEQA compliance and determined that the project was exempt from CEQA pursuant to Section 15301.

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.

## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS:**

- City of Los Angeles certified Land Use Plan for Venice (2001)
- Commission Substantial Issue Staff Report: A-5-VEN-19-0018
- State of California Sea-Level Rise Guidance – 2018 Update
- Project Plans, dated August 19, 2019, by Stephen Vitalich Architects