

CALIFORNIA COASTAL COMMISSION

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W19b

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STAFF REPORT: APPEAL-DE NOVO

Application No.: A-5-VEN-18-0033

Applicant: Bulldog Realtors (Attn: Winston Cenac)

Agent: Gaines and Stacey, LLC (Attn: Alicia Bartley)

Appellants: Robin Rudisill and Sue Kaplan

Location: 1209 Abbot Kinney Boulevard, Venice, City of Los Angeles, Los Angeles County (APN: 4239-022-011)

Project Description: Remodel of and addition to an existing one-story, 1,107 sq. ft. single-family residence, resulting in a 35-ft. high, 3-story, 4,111 sq. ft. single-family residence.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing a major remodel and addition to an existing 1,107 sq. ft. single-family residence, including a 162 sq. ft. addition on the ground floor and new second and third story additions (1,600 sq. ft. and 1,242 sq. ft., respectively). Three parking spaces would be provided under a carport located at the rear of the residence. The applicant has modified the City-approved project (which was appealed to the Commission and found to present a substantial issue in July, 2018), such that the residence would not be converted to an "artist-in-residence" (which is not defined in the LUP); the use would remain a single-family residence. The standard of review for the project is Chapter 3 of the Coastal Act, with the certified Land Use Plan (LUP) for Venice used as guidance.

The project is located on Abbot Kinney Boulevard, a commercialized street that is made up of an eclectic mix of buildings that contain retail businesses and restaurants, as well as some residences. The area surrounding the project site is heavily urbanized, and consists of dense residential and

commercial development. The project site is located within walking distance to several main attractions in Venice and Santa Monica. Furthermore, the project site is readily served by public transportation. Therefore, the project is consistent with Coastal Act Section 30250 with respect to siting development in existing developed areas that can accommodate it.

The project has been designed to be compatible with the character of the surrounding area, using the certified Venice LUP as guidance. The project is located in an area designated in the LUP as the Community Artcraft zone, which encourages a mix of commercial and residential developments, artist-in-residence units, small businesses, light industrial uses, and artisan uses. Commission staff conducted an analysis of the surrounding neighborhood and identified 16 single-family residences along Abbot Kinney between Venice Boulevard and Westminster Avenue. In addition, Abbot Kinney Boulevard is an eclectic street that is comprised of a variety of building types, sizes and architectural styles. The project will maintain the craftsman architectural style of the existing residence on the first floor, comply with the 35 ft. building height limit for structures with a stepped roofline (such as the proposed development), and would set back the second and third floors from the street by at least 21 ft. in order to reduce the overall mass and scale of the structure.

In short, the proposed three-story residence would not be inconsistent with the pattern of development along Abbot Kinney, and would not set a precedent for development of this scale in the surrounding, highly developed area that would have any significant impact on the overall eclectic character of the area or Venice's status as a special community, either individually or cumulatively with other projects in the area. The Venice LUP, which was designed for the specific purposes of protecting community character in Venice, specifically allows single-family residences of this size and scale. Therefore, the project is consistent with Section 30251 of the Coastal Act with regard to protecting community character, and Section 30253 with regard to protecting special communities.

The Venice 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, as is the case here. The project plans indicate that three carport parking spaces will be provided at the rear of the residence, consistent with the LUP parking standards for single-family residences. The parking spaces would be accessed through an existing curb cut and driveway off Abbot Kinney Boulevard. The existing curb cut would not be widened for the project, so existing public street parking would not be adversely impacted by the project. Therefore, using the certified Venice LUP as guidance, the project is consistent with Coastal Act public access policies, including Sections 30211 and 30252.

The project site is located well inland from the beach, and is therefore not subject to wave uprush or coastal erosion hazards. Further, the project site does not appear to be vulnerable to lesser amounts of sea level rise (up to about 5 ft. of sea level rise based on the CoSMoS model). However, the site does appear to be vulnerable to 6.6 ft. of sea level rise, which falls within projections for the lifetime of this project. Based on the relatively low level of risk that would occur only towards the end of the anticipated lifetime of the proposed project, design modifications to address flooding hazards are not necessary at this time. However, adaptation options may be necessary in the future, both to address specific hazards to the proposed project itself, as well as to address or respond to impacts to the surrounding neighborhood, including flooding of access roadways and other impacts to public services. Thus, given that the project site is located in an area that is potentially vulnerable to flooding impacts resulting from sea level rise, the Commission imposes **Special Condition 2**, requiring the applicant to assume the inherent risk of developing in a flood-prone area, and to

acknowledge the potential need for future adaptation. Only as conditioned can the project be found to be consistent with Section 30253 of the Coastal Act.

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.

Staff is recommending **approval** of the proposed coastal development permit with **two** special conditions regarding: **1)** Adherence to best management practices to prevent polluted runoff from entering coastal waters; and **2)** Assumption of risk for developing in a flood-prone area.

As proposed and conditioned, the project can be found consistent with the Coastal Act Chapter 3 policies.

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APPENDICES

[Appendix A](#) - Substantive File Documents

EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Streetscape Analysis](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-18-0033 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. **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.
2. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to coastal flooding, which will worsen with future sea level rise; (ii) to assume the

risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure require future adaptation or may need to be removed or relocated and the site restored if it becomes unsafe.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant is proposing a major remodel and addition to an existing 1,107 sq. ft. single-family residence. The scope of work includes a 162 sq. ft. addition on the ground floor, as well as a new second and third story (1,600 sq. ft. and 1,242 sq. ft., respectively). A 537 sq. ft. deck would be sited on the third story of the remodeled residence. Three parking spaces would be provided under a carport located at the rear of the residence ([Exhibit 2](#)). Unlike the City-approved project, the residence would not be converted to an artist-in-residence; the use would remain as a single-family residence.

The project site is located 0.42 mile inland of the beach in the North Venice subarea of Venice ([Exhibit 1](#)). The subject lot is approximately 3,417 sq. ft. in area and is designated Commercial Arctcraft by the certified Venice LUP and C2-1 (Commercial Arctcraft) by the City of Los Angeles Zoning Code (which is not the standard of review). The project is located within the Beach Impact Zone designated by the certified LUP (this is explained in the Public Access section of the staff report).

Project History

On January 4, 2018, the City of Los Angeles Director of City Planning issued a determination letter approving a local CDP (DIR-2016-2330) for a change of use of a one-story, 1,107 sq. ft. single-family residence to an artist-in-residence with a 366 sq. ft. ground floor addition, and a new second and third story. On January 19, 2018, Robin Rudisill and Sue Kaplan filed a local appeal to the West Los Angeles Area Planning Commission (WLAAPC) in opposition of the local CDP. The local appeal was denied by the WLAAPC on March 21, 2018 and the local CDP received final approval from the WLAAPC on April 3, 2018. The Coastal Commission's Long Beach Office received the City's Notice of Final Local Action for the Local CDP on April 5, 2018, and the Coastal Commission's required twenty working-day appeal period was established. On May 3, 2018 the Commission's Long Beach Office received one appeal of the local CDP from Robin Rudisill and Sue Kaplan.

The Commission held a Substantial Issue hearing on July 11, 2018, where the City-approved project was determined to present a substantial issue with regard to consistency with the Chapter 3 Coastal Act policies and the certified Venice LUP with regard to public access. Specifically, the Commission did not agree with the City's classification of the project as an artist-in residence.

Although the certified LUP does not define an “artist-in-residence,” the LUP’s parking guidelines state that for the sake of parking requirements, artist-in-residences cannot include a sales component. The applicant indicated that the proposed artist-in-residence would be used to support a real-estate business. Because a real estate business involves the sale of real estate, the development could not be classified as an artist-in-residence under the LUP, and the Commission determined that the proposed development should have been classified as a mixed-use residential/commercial development.

Following the Substantial Issue determination, the applicant provided revised plans to modify the project description from a change-in-use project to a remodel and addition to an existing single-family residence with no change in use. The applicant indicated that the modified project resulted from the inability to provide enough parking spaces for a mixed-use commercial residential development.¹

While the Venice segment of the City of Los Angeles has a certified LUP, the Commission has yet to certify an Implementation Plan for Venice, thus there is no certified Local Coastal Program for this area and the standard of review for this project is the Chapter 3 Coastal Act policies, with the certified LUP used as guidance.

B. DEVELOPMENT

Coastal Act section 30250 states, in relevant 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 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.

¹ Under the LUP parking guidelines, the applicant would have needed to provide two parking spaces for the residential portion of the development, plus an additional space for each 250 sq. ft. of commercial floor area. Because the project site is located in the Beach Impact Zone, the applicant would have also needed to provide an additional space per 640 sq. ft. of commercial area.

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

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

Certified LUP Policy I.B.3 states:

Policy I. B. 3. Commercial Artcraft Land Use Designation. *The purpose of this land use designation is to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice's lifestyles. Residential density in the Commercial Artcraft designation shall not exceed one unit per 800-1200 square feet of lot area.*

Land designated Commercial Artcraft in the Venice Coastal Zone shall include the following areas:

North Venice: *As indicated on the Land Use Policy Maps (Exhibits 10a and 10b), properties located along Abbot Kinney Boulevard from North Venice Boulevard to Westminster Avenue, along Windward Avenue from Ocean Front Walk to Pacific Avenue, and along Ocean Front Walk in that vicinity, including a small site at North Venice Boulevard and Pacific Avenue.*

Uses: Artcraft activities including mixed-use, combining residential and commercial uses which emphasize artist-in-residence uses, small businesses, light industrial and artisan activities are permitted in these areas. Drive-thru facilities and billboards shall be prohibited in the Commercial Artcraft land use designation.

Certified LUP Policy I.E.1 states:

Policy I. E. 1. General. *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.*

Certified LUP Policy I.E.2 states:

Policy I. E. 2. Scale. *New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk: or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than*

ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

Certified LUP Policy I.E.3 states:

Policy I. E. 3. Architecture. *Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.*

The project is located on Abbot Kinney Boulevard, near the intersection with Westminster Avenue. Abbot Kinney Boulevard is a commercialized street that is made up of an eclectic mix of buildings that contain retail businesses and restaurants, and residences (including 16 single-family residences, six duplexes, and three triplexes). The area in and surrounding the project site is heavily urbanized, and primarily consists of dense residential and commercial development. In addition to the Abbot Kinney Boulevard businesses, the project site is located 0.8 miles, or a 17 minute walk, from the Main Street shops in Santa Monica, and 0.5 miles (or an 11-minute walk) from the Venice Beach Boardwalk and shops. Within the project vicinity, there are several bus lines that connect Venice to the greater Los Angeles area. For instance, Bus Route 733 connects Venice to Santa Monica, Bus Route 1 connects Venice to UCLA, and Bus Route 18 connects Venice to Marina Del Rey. The proposed project would maintain a single-family residence in a developed area that contains sufficient resources- including maintained roads, public transportation routes, and nearby amenities- to serve the intended use of the project site. Therefore, the project can be found to be consistent with Coastal Act Section 30250 with respect to siting development in areas that can accommodate it.

Community Character

Section 30251 requires that new development is “visually compatible with the character of surrounding areas.” Section 30253 encourages additional protections for “special coastal communities.” Typically, when the Commission evaluates a project for consistency with community character in Venice, the mass, scale, and use of the building are compared to the mass, scale, and intended use of surrounding development in order to assess any single or cumulative impacts to the character of the area. The Commission relies heavily on development standards in the LUP to establish consistency with these Coastal Act policies, as the guiding purpose of the LUP was to protect Venice’s character and status as a special coastal community, which it accomplished through land use designations and other limits on building height, roof structures, and setbacks.

The existing residence is a one-story, 1,107 sq. ft. single-family residence that was constructed in 1913, prior to passage of the Coastal Act. The applicant is proposing a major remodel of the existing single-family residence, which includes a second and third story addition. The resulting residence would be three-stories, 35 ft. tall (as measured from grade level), and 4,111 sq. ft. in size. The resulting residence would be of the same mass and scale as the originally proposed artist-in-residence, but would be used for residential use only.

Exhibit 14B of the certified LUP lists the height limits for projects located in the North Venice subarea. Given the location of the project site, the maximum building height in the area is 30 ft. for

buildings with a flat roof, 35 ft. for buildings with a varied or stepped back roofline, or 28 ft. for any building located along a walk street. The project site is not located within a walk street, and the proposed development features a stepped back roofline. Therefore, the maximum building height is 35 ft. The applicant is proposing a 35 ft. structure, which is consistent with the maximum height allowed within the project vicinity. The LUP does not list specific setback requirements for development along Abbot Kinney Boulevard. However, surrounding development appears to be built right up to the public right-of-way, which indicates a prevailing setback of zero ft. The first level of the proposed structure would be setback approximately nine ft. from the property line, and the second and third levels would be set back approximately 21 ft. from the property line.

Policy I.B.3 in the certified LUP details the Commercial Artcraft land use designation and the allowable uses. According to the policy, the Commercial Artcraft zone strives to create enclaves for artists to live and work on art. Uses encouraged in the Commercial Artcraft zone include a mix of commercial and residential developments, artist-in-residence units, small businesses, light industrial uses, and artisan uses. The Commercial Artcraft designation does not specifically encourage single-family residences, but it also does not clearly prohibit single-family residences either, as the policy does with respect to drive-thru facilities and billboards. Nor does the LUP define the uses listed in Policy I.B.3, such as “artist-in-residence.” Staff conducted an analysis of the neighborhood, and determined that Abbot Kinney Boulevard between Venice Boulevard and Westminster Avenue (the area that makes up the Commercial Artcraft zone) currently contains 29 stand-alone residential developments. Of these developments, sixteen are single-family residences, six are duplexes, and three are triplexes. Given the existing residential development in this area, the proposed additions to and maintenance of a single-family home is compatible with the current uses in the project vicinity.

Section 30253(e) specifically requires the protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor serving destination points for recreational uses. The Commission has previously found that Venice’s unique social and architectural diversity should be protected as a Special Coastal Community. The certified Venice LUP also sets forth policies to preserve the community character, scale, and architectural diversity of Venice as a Special Coastal Community. Policies I.E.1, I.E.2, and I.E.3 governing the protection of Venice as a Special Coastal Community are listed above.

Policy I.E.2 in the certified LUP requires new development to respect the mass and scale of existing development. In their appeal of the City-approved project, the appellants questioned whether the development would be visually compatible with the surrounding development along Abbot Kinney Boulevard. In its substantial issue determination, Commission staff could not determine the visual compatibility of the proposed development with the character of the surrounding area because a visual analysis was not made available to staff. Following the substantial issue hearing, the applicant worked with Commission staff in order to resolve any visual incompatibilities with the surrounding neighborhood. The applicant provided a visual analysis of Abbot Kinney Boulevard to illustrate how the proposed residence would compare to surrounding development with regard to mass and scale. According to the streetscape survey provided by the applicant, a majority of the development along Abbot Kinney Boulevard consists of one and two story buildings. However, the analysis identified three lots within 200 ft. of the subject site that have been developed with three-story, 35-ft. high structures: 1121 Abbot Kinney Boulevard (a commercial development), 1132 Abbot Kinney Boulevard (a commercial development), and 1212 Abbot Kinney Boulevard (a three-unit condominium development) ([Exhibit 3](#)). In addition to the aforementioned properties there is a large three-story multi-family residential structure located on Electric Avenue, directly behind the

project site. Given the applicant's streetscape analysis, the proposed three-story residence is compatible with the pattern of development along Abbot Kinney and would not set a precedent for development in this area that would significantly impact the eclectic character of the area, either individually or cumulatively with other projects in the area.

Policy I.E.3 encourages varied styles of architecture that maintains the neighborhood scale and massing. The proposed development includes a two-story, 3,304 sq. ft. addition to an existing one-story, 1,107 sq. ft. single family residence. In order to reduce building massing from the street level, the proposed second and third stories would be set back approximately 21 ft. from the front property line. Not only will the upper level setbacks reduce the overall appearance of massing for the residence, but they also articulate the two different architectural styles within the proposed development. The existing residence was constructed in the Craftsman style in 1913. Although the residence is not considered a historic structure, the applicant is proposing to maintain the first level in the original craftsman style. The deep setback of the second and third levels (which would be constructed in a contemporary architectural style) would highlight the features of the original portion of the residence, and create the appearance of two separate developments. The project is consistent with Section 30253(e) and the certified LUP with respect to the preservation of special coastal communities, which includes the preservation of architectural diversity.

The proposed three-story single-family residence is sited in an area that can accommodate it, and is designed in a manner that is compatible with the character of the surrounding area. Based on the totality of the evidence before the Commission, including the applicant's streetscape analysis and the project's conformity to all of the requirements of the certified LUP, the project will not have any significant individual or cumulative impacts on the character of the neighborhood or Venice's status as a special coastal community. Therefore, the proposed project is consistent with Sections 30250, 30251, and 30253 of the Coastal Act with regard to development, preservation of community character, and protection of special coastal communities.

C. 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.

Coastal Act 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 serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Certified LUP Policy II.A.4 states:

Policy II. A. 4. Parking Requirements in the Beach Impact Zone. *Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund.*

Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:

a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.

b. Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area of the ground floor for multiple dwelling projects of three units or more. Up to 100% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces. The recommended rates shall be established based upon the development cost study of the area.

c. All in-lieu fees shall be paid into the Venice Coastal Parking Impact Trust Fund to be administered by the City of Los Angeles Department of Transportation for improvement and development of public parking facilities that support public access to the Venice Coastal Zone.

d. In no event shall the number of BIZ parking spaces (over and above those spaces required by the parking requirements set forth in Policy II.A.3) required for projects of three or more dwelling units, or commercial or industrial projects, be less than one (1) parking space for residential projects and two (2) parking spaces for commercial and industrial projects.

Implementation Strategies

The in lieu fee for a BIZ parking space shall be established in the (LIP) at a rate proportional to the cost of providing a physical parking space.

The Coastal Act prioritizes the protection of public access to the coast and, in Section 30252, identifies adequate parking as an important component of new development. Adequate on-site parking is necessary to provide relief for the general lack of on-street parking that is otherwise utilized by the public to access the coastal zone throughout Venice. It is especially important for residential development to provide adequate onsite parking in order to prevent conflict between residents and visitors for limited street parking spaces. The applicant is proposing to remodel and

construct additions to an existing single-family residence. Unlike the original project (which proposed a change of use from a single-family residence to an artist-in residence with two onsite parking spaces), the revised project would maintain a single-family residence on site. 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 project plans indicate that three carport parking spaces will be provided at the rear of the residence, consistent with the LUP parking standards for single-family residences. The parking spaces would be accessed through an existing curb cut and driveway off Abbot Kinney Boulevard. The existing curb cut would not be widened for the project, so existing public street parking would not be adversely impacted by the project.

The project site is located in an area designated in the LUP as the “Beach Impact Zone.” The LUP defines the beach impact zone as “the area which includes all lots in the Marina Peninsula, Ballona Lagoon West Bank, Venice Canals, and North Venice Subareas.” The Beach Impact zone has typically been identified as an area that could provide public beach parking opportunities, and special care is given to the Beach Impact Zone to ensure that public access is not impacted by a lack of available public parking spaces. LUP Policy II.A.4 lays out parking requirements for projects that are located in the Beach Impact Zone. Under the policy, commercial, industrial, and multi-family development projects would be required to either provide additional parking spaces, or pay in lieu fees (up to a certain percentage of the required additional spaces) to the Venice Coastal Parking Impact Trust Fund. In this case, the applicant is proposing to maintain a single-family residence, which is not subject to additional parking requirements under LUP Policy II.A.4.

The project is therefore consistent with Coastal Act Sections 30211 and 30252 with regard to public access.

D. HAZARDS

Coastal Act section 30253 states, in relevant part:

New development shall do all of the following:

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

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

(d) Minimize energy consumption and vehicle miles traveled

Section 30253 of the Coastal Act requires new development to minimize risks to life and property in flood-prone areas and to assure stability and structural integrity without requiring protective devices to be constructed that would substantially alter natural landforms. On November 7, 2018, the Commission adopted a science update to its Sea Level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. 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 project site is located landward of the first public road, approximately 0.42 mile inland from the beach. Given that the project site is located well inland of the beach, a coastal hazards survey was not prepared for the proposed project. Nevertheless, Commission staff utilized the USGS Coastal Storm Modeling System (CoSMoS) and guidance from the Commission’s Sea Level Rise policy document and the 2018 Ocean Protection Council (OPC)’s Sea-Level Rise document to analyze the project site’s vulnerability to coastal hazards.

In order to analyze the project site for sea level rise impacts, staff followed the methodology outlined in both the OPC and Coastal Commission guidance documents to establish a projected sea level range for the new development. The 2018 OPC guidance uses NOAA tide gauges, a projected project lifespan, and risk aversion scenario to estimate a sea level rise range. The sea level rise analysis assumed a 75-year projected lifespan for the project, consistent with the Commission’s Sea Level Rise Policy Guidance for residential development. According to the 2018 OPC update, the projected sea level rise ranges for the Santa Monica NOAA Tide Gauge should be used as this is the nearest tide gauge to the project site. These projections range between 3.3 and 6.8 ft. of sea level rise by 2100, depending on the risk aversion scenario, and up to 10 ft. of sea level rise under an extreme scenario.. With regard to the risk-aversion scenario, both the Commission’s Sea Level Rise Policy Guidance and the OPC documents recommend evaluating the medium-high risk scenario for residential development, as such development has less adaptive capacity and higher consequences associated with sea level rise. Under a 75-year projected lifespan, a medium-high risk scenario, and the project’s location near the Santa Monica NOAA tide gauge, staff evaluated 6.8 ft. of sea level rise within the project vicinity.

Using the sea level rise estimates listed above, staff used CoSMoS to analyze the project site’s vulnerability to sea level rise impacts. Specifically, staff looked at a 6.6 ft. sea level rise scenario (the closest available option to the appropriate 6.8 ft. medium-high risk aversion scenario) and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 6.6 ft. sea level rise and 100-yr. storm scenario, the project site is vulnerable to inundation due to coastal flooding, despite being located 0.5 mile inland from the beach. Staff also used CoSMoS to evaluate lesser amounts of sea level rise (*e.g.*, 3.3 ft. of sea level rise, consistent with the low risk aversion scenario) and note that the site does not appear to be vulnerable to these lesser amounts of sea level rise.

The project site is located well inland from the beach, and is therefore not subject to wave uprush or coastal erosion hazards. Further, the project site does not appear to be vulnerable to lesser amounts of sea level rise (up to about 5 ft. of sea level rise based on the CoSMoS model). However, the site does appear to be vulnerable to 6.6 ft. of sea level rise, which falls within projections for the lifetime of this project. Based on the relatively low level of risk that would occur only towards the end of the anticipated lifetime of the proposed project, design modifications to address flooding hazards are not necessary at this time. However, adaptation options may be necessary in the future, both to address specific hazards to the proposed project itself, as well as to address or respond to impacts to the surrounding neighborhood, including flooding of access roadways and other impacts to public services. Thus, given that the project site is located in an area that is potentially vulnerable to flooding impacts resulting from sea level rise, the Commission imposes **Special Condition 2**, requiring the applicant to assume the inherent risk of developing in a flood-prone area, and to

acknowledge the potential need for future adaptation. Only as conditioned can the project be found to be consistent with Section 30253 of the Coastal Act.

E. WATER QUALITY

Coastal Act section 30230 states, in relevant part:

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 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.

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 preserve water quality during construction, **Special Condition 1** 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 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.

F. 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. When the Commission approved the Venice LUP in 2000 it considered community character and Venice's designation as a special coastal community and determined that the LUP, as modified by the Commission, would protect Venice as a special coastal community. Specifically, the Commission acknowledged that the "overriding theme and goal of the proposed Venice LUP is the preservation of Venice as a special coastal community," and found that, as modified by the Commission, the LUP's use designations and building limitations, including height limits and setback requirements, would protect community character and Venice's special coastal community designation consistent with Sections 30251 and 30253 of the Coastal Act. As the project complies with both Chapter 3 and the LUP's use designation and building limitations, 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.

G. 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

-Venice Certified Land Use Plan