

CALIFORNIA COASTAL COMMISSION

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**W21a & b**

Filed:	11/28/18
180th Day:	5/27/19
Staff:	D.Truong-LB
Staff Report:	2/21/19
Hearing Date:	3/6/19

STAFF REPORT: REGULAR CALENDAR & DE NOVO

Application Nos.: 5-18-0212 & A-5-VEN-18-0017

Applicant: 3011 OFW, LLC (Michael Targon)

Agent: Rudy Alegre

Location: 3011 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN 4226-023-004)

Project Description: Demolish a two-level, 19-ft. high, 2,300 sq. ft., multi-unit residential structure and construct a new 34.5-ft. high, three-level, 4,584 sq. ft. mixed-use structure with retail space, accessory dwelling unit, single-family residence, attached five-car garage, four bicycle spaces, a 100 sq. ft. roof access structure, and 1,653 sq. ft. roof deck with 42 inch high railings.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

On February 13, 2018, a joint determination by the Director of City Planning and Zoning Administrator approved local Coastal Development Permit (CDP) DIR-2016-4749-CDP-MEL-SPP and ZA-2017-1534-ZAA for the “*demolition of an existing residential structure containing two dwelling units and three guest rooms and the construction of a new 3,139 sq. ft., two-story SFD with attached four-car garage, basement having no habitable rooms, and roof deck...*” and approved a reduction in front yard (seaward-facing) setback from 10 ft. to 5 ft. The City’s CDP was appealed by Matthew Royce and Margaret Molloy to the Commission’s South Coast District office on April 3rd and 4th, 2018, respectively, for issues related to community character. As originally approved by the City, the project included construction of a single-family home in an area of Venice designated as Community Commercial by the certified Venice Land Use Plan (LUP). The Community Commercial designation is intended to provide community-serving commercial uses, with a mix of

residential and visitor-serving uses. On June 7, 2018, the Commission found substantial issue on the grounds on which the appeals were filed. This is the combined staff report for the de novo hearing (for the appeal) and for the dual permit application.

The project site is located in the Marina Peninsula subarea identified in the certified Venice LUP within the City of Los Angeles. The site fronts a 500-ft. wide sandy beach, and is located approximately 114 ft. away from the Venice Pier and Washington Boulevard. A mix of multi-story multi-family housing, commercial structures, and visitor-serving uses characterizes this neighborhood.

The primary issues raised by the project involve community character, public access, and coastal hazards. Subsequent to the appeal hearing, the applicant worked with Commission staff to substantially revise the project. As revised, the applicant proposes to construct a mixed-use structure resulting in a 300 sq. ft. retail space, 200 sq. ft. accessory dwelling unit (ADU), 3,264 sq. ft. single-family home with attached five-car parking garage, four bicycle stalls, and 100 sq. ft. roof access structure with roof deck. The entire structure, including upper floor balconies, will be set back five feet from the front yard property line that faces Ocean Front Walk (OFW). In addition, the beach-fronting structure may be subject to inland flooding in the future due to shoaling from increased storm events and anticipated sea level rise. In order to minimize risks to life and property in a high flood hazard zone, the Commission imposes **Special Condition 5** for the applicant to waive any rights to a shoreline protective device and to remove the development authorized by this permit if it is threatened by coastal hazards.

As revised and conditioned, the proposed structure would be compatible with the community character of the area and is designed to assure structural stability for the next 75 years, while also minimizing impacts to visual resources, public access, and coastal hazards to beach-fronting property. Therefore, staff recommends **approval** of the proposed CDP with **eight (8)** special conditions. The special conditions would require the applicant to: **1)** submit final revised design plans; **2)** recognize that no private development shall occur on the public right-of-way (Ocean Front Walk) at any time; **3)** submit a final transportation management plan; **4)** landscape with native and/or non-native and non-invasive drought-tolerant plants; **5)** conduct construction best management practices (BMPs) to minimize impacts to coastal waters; **6)** waive any rights to construct a future shoreline protective device for ocean-front properties; **7)** assume the risks of development; and **8)** record a deed restriction.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The motion to approve staff recommendation is on Page Four.

TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS	4
II. STANDARD CONDITIONS	5
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	8
A. PROJECT DESCRIPTION	8
B. PUBLIC ACCESS	9
C. DEVELOPMENT	14
D. WATER QUALITY	17
E. HAZARDS.....	18
F. LOCAL COASTAL PROGRAM (LCP).....	22
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	22

APPENDICES - Substantive File Documents

Appendix A – GeoSoils, Inc. “Coastal Hazard and Wave Runup Study for 3011 Ocean Front Walk, Venice, City of Los Angeles, California”. 29 May 2018.

Appendix B – City of Los Angeles certified Venice Land Use Plan, 6/14/2001.

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Revised Site Plan](#)

[Exhibit 3 – Parking Management Plan](#)

[Exhibit 4 – CoSMoS Flood projections](#)

I. MOTION AND RESOLUTION – DE NOVO PERMIT A-5-VEN-18-0017

Motion: *I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-18-0017 subject to the conditions set forth in the staff recommendations.*

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

Resolution:

The Commission hereby approves Coastal Development Permit Application No. A-5-VEN-18-0017 for the proposed development and adopts the findings set forth below on grounds that the development would 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.

II. MOTION AND RESOLUTION – DUAL PERMIT 5-18-0212

Motion: *I move that the Commission **approve** the Coastal Development Permit Application No. 5-18-0212 subject to the conditions set forth in the staff recommendations.*

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

Resolution:

The Commission hereby approves Coastal Development Permit No. 5-18-0212 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Submittal of Revised Final Plans.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two (2) complete full-size sets of final project plans, including site plans and elevations, which substantially conform with the plans submitted to the Commission, titled *3011 Ocean Front Walk* dated *September 11, 2018*. The revised final plans shall also identify the existing 5-ft. structural setback from Ocean Front Walk and building setbacks at the site in addition to reducing the floor area so it does not exceed 3,780 sq. ft. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Ocean Front Walk.** Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, landscaping and posting of signs.
3. **Final Transportation Management Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final transportation management plan that substantially conforms with the written plan submitted to the Commission, titled *Transportation Management Plan* received *October 29, 2018*. The revised final plans shall also identify hours of operation for the retail space and associated parking spaces, parking attendant responsibilities, and methods of public transportation incentives for employees. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
4. **Landscaping.** 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.
5. **Construction and Pollution Prevention Plan. Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:
 - A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
 - B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
 - C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
 - D. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 - E. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

- F. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- G. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- H. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- I. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- J. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- K. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. No Future Shoreline Protective Devices.

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall be constructed to protect the development approved pursuant to Coastal Development Permit Nos. A-5-VEN-18-0017 and 5-18-0212 including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.
- B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundations, and hardscape if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above.
- C. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the beach or ocean before they are removed, the landowner shall remove

all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

- 7. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, earth movement, storms, landslide, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 8. 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 landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant proposes to demolish the existing two-level, 19-ft. high, 2,300 sq. ft. multi-unit structure, with two dwelling units and three guest rooms, and construct a new three-level, 34.5-ft. high, 4,584 sq. ft. mixed-use structure including a 300 sq. ft. retail space, a 200 sq. ft. ADU on the first level, and a two-level 3,264 sq. ft. single-family residence with an attached 686 sq. ft. five-car garage, four bicycle parking spaces, and a 100 sq. ft. roof access structure (RAS) with 1,653 sq. ft. roof deck and 42-in. high deck railings. The on-site parking would be accessed through the rear alley (Speedway) with no proposed curb cuts. The first level of the proposed structure would be set back 5-ft. from the front yard property line adjacent to OFW; in addition, the second and third level balconies, including roof deck, would be set back 5-ft. from the front yard property line. The rear yard would be set back 2.5 ft. from the property line, and the side yards would be set back 3 ft. on each side ([Exhibit 2](#)).

The subject site is a 2,520 sq. ft. beach-fronting lot located between OFW (the Venice Boardwalk) and Speedway ([Exhibit 1](#)). There is an approximately 500-ft. wide sandy beach between the property and the ocean. A paved public beach access parking lot is located on the sandy beach fronting the subject site, and provides direct access to the Venice Pier, which is approximately 114 ft. away. The property is located in the Marina Peninsula subarea of Venice within the City of Los Angeles and is designated Community Commercial by the certified Venice LUP. A mix of multi-story, multi-family housing, commercial structures, and visitor-serving uses characterize this neighborhood.

Site History

In 1965, a Certificate of Occupancy was issued for the property for the existing two-story, 2,300 sq. ft., duplex with three guest rooms. According to the applicant's plans, the existing structure shows five separate units with two one-bedroom units and three studio units. The record is unclear regarding the conversion of the structure from a duplex with three guest rooms to a five-unit building with no guest rooms. The current owner purchased the property in 2015 and is unaware of when the conversion of the structure took place.

On February 13, 2018, the City approved local CDP DIR-2016-4749-CDP-MEL-SPP for the demolition of a two-unit residential structure with three guest rooms and the construction of a 3,139 sq. ft. single-family residence with an attached four-car garage over a basement, and ZA-2017-1534-ZAA for a reduction of a front yard setback from 10 ft. to 5 ft. On March 7, 2018, the Commission South Coast Office received the City's notice of final action. On April 3rd and 4th, two appeals were filed on the grounds that the City-approved project was inconsistent with community character in that the single-family home would not encourage local residents to live and work in an area that allows a mix of visitor-serving and residential uses, reducing traffic congestion and burden on coastal resources. On June 7, 2018, the Commission found substantial issue with regard to the grounds on which the appeals were filed. Subsequently, the applicant provided project alternatives to address the issues raised in the appeals. The alternatives included a new duplex structure, renovating the entire structure to maintain five residential units, new mixed retail and residential (single-family home with accessory dwelling unit (ADU)) use, and new mixed retail and residential (single-family home). The applicant could not meet the parking requirements for the five residential units. Thus, the applicant proposed a new mixed-use structure with a commercial retail space, an ADU and a single-family home as described above as the most feasible option to maintain density onsite and encourage visitor-serving uses in the coastal zone. The standard of review for the proposed project is Chapter 3 of the Coastal Act and the certified Venice LUP is used as a guidance.

B. PUBLIC ACCESS

Section 30211 of the Coastal Act states:

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

Section 30214 of the Coastal Act states, in relevant part:

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

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

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

Section 30222 of the Coastal Act states:

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

Section 30252 of the Coastal Act 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.

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

New development shall... (d) Minimize energy consumption and vehicle miles traveled.

Venice Certified Land Use Plan Policy II. A. 3. Parking Requirements states:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

Venice Certified Land Use Plan Policy II. A. 4. Parking Requirements in the Beach Impact Zone, states:

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.

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.

OFW Setback

According to the City of Los Angeles Department of Recreation and Parks, OFW (the Venice Boardwalk) is the second most-visited destination in Southern California after Disneyland, averaging over ten million visitors per year^{1,2}. OFW stretches from Marina del Rey to Pacific Palisades and allows visitors and residents alike to recreate and commute, accessing the beach, open air vendors, and commercial storefronts in the coastal zone. The popularity of an urbanized beach environment such as Venice has led to the designation of such areas (Community Commercial, Neighborhood Commercial, and Commercial Arcraft) that encourage local residents to live and work within the same area, further protected under the LUP consistent with Coastal Act. Beachfront structures in this area are directly adjacent to the public walkway, and are legally non-conforming structures that are, in some instances, setback zero (0) ft. from OFW. The City allows administrative approval of a reduction in the front yard setback for new development due to the prevailing pattern of development along this stretch of beachfront homes, many of which were built prior to the Coastal Act. In past permit actions, the Commission has not required a greater setback than what the City has allowed. However, this previous pattern of development has resulted in inadequate setbacks between private and public spaces, which can result in the appearance that the areas designated for public access (OFW in this case) are actually private and thus, inhibiting lateral access along the beach.

Specifically, the City's zoning ordinance LAMC 12.13 requires a 10-ft. front yard setback to provide adequate residential space for light and air, accessibility for firefighters, conserve property values, and promote health, safety and welfare that is aligned with the City's General Plan. However, due to the prevailing pattern of development, the previous City-approved plans allowed the structure to be setback 5 ft. and the second and third floor balconies, including the roof deck, to extend 2.5 ft. further seaward towards OFW. Although the structure is proposed to be setback 5 ft. from OFW, the provision of a 2.5-ft. setback between the private structure on the upper floors and the public area of the sandy beach where OFW is located would not allow adequate space on the applicants' property for normal maintenance, especially considering beachfront structures are especially vulnerable to coastal weathering such as sun-bleaching, tearing from high coastal winds, and rain storms. Consequently, such conditions would require on-going maintenance activities—such as painting and other repair and maintenance activities—to occur in the public access way. Property owners would need to place construction equipment such as ladders on the walkway in order to maintain the structure, and without an adequate setback, would temporarily privatize the

¹ City of Los Angeles, Department of Recreation and Parks. 2016. "Venice Beach". <https://www.laparks.org/venice>.

² Venice Chamber of Commerce website. 2017. <http://venicechamber.net/visitors/about-venice/>

public walkway. Further, the lack of an adequate setback between private beachfront development and public access walkways, such as OFW, can result in potential conflicts between users of private property and public access ways by blurring the line between public and private space. The provision of adequate setbacks between private development and areas specifically designated for public access and recreation is critical given the potential for such areas to appear to be private property, and to avoid potential conflicts between private property owners and members of the public. Such provisions have been supported by past Commission actions (*i.e.* CDP No. 5-16-0757 (Greene), A-5-DRL-18-0075 (Playa, LLC)).

In order to address the concern of private development encroaching into the public right-of-way (OFW), the applicant has revised the proposed project so that the entire structure, including the second and third level balconies and the roof deck, would be setback a minimum of 5 ft. from OFW. This would provide a minimum amount of space between the proposed structure and the public walkway as well as provide a small band of non-public space that could be used for future maintenance activities to be conducted at the site or as private space by the applicant without the need to encroach onto the adjacent public walkway. Thus, [Special Condition 1](#) requires the applicant to submit final revised plans to the Commission that substantially conform to the plans titled *3011 Ocean Front Walk* dated February 11, 2019, showing final site plans and elevations of the revised design. In addition, [Special Condition 2](#) reinforces that the OFW shall remain public, and that no development shall be allowed to encroach into the public right-of-way adjacent to the site.

Parking

The subject site is a beachfront lot located in between OFW and Speedway ([Exhibit 1](#)). As identified in the certified Venice LUP, the site is located within the Beach Impact Zone (BIZ). The BIZ identifies areas within the Venice community that are particularly impacted by traffic and in need of parking due to high volumes of visitors and/or residents. The provision of adequate onsite parking required with new development is important to public access because sufficient on-site parking can help minimize access conflicts between residents, workers, and visitors to the area who compete for public street parking in popular coastal areas, such as Venice.

In this case, the applicant proposes a 300 sq. ft. retail commercial space and a single-family residence with an ADU and an attached five-car garage. Table 1 below illustrates the parking demand generated by the proposed project as required by Policies II.A.3 and II.A.4 of the certified LUP as well as the amount of proposed parking spaces.

Table 1. Parking On-site pursuant to LUP Policy II.A.3

Use	Required	Proposed
Retail	2 per BIZ 2 per retail	4 spaces
ADU	0	
SFR	2	2
Total	6	5

The City does not have a specific policy governing parking requirements for ADUs, nor does the LUP include policies that address parking for ADUs. However, Government Code Section 65852.2

authorizes the creation of ADUs and provides for their streamlined review. In general, Government Code Section 65852.2 provides that no parking may be required for an ADU as long the unit is: 1) located within 0.5 mile of public transit, 2) located within an architecturally and historically significant historic district, 3) part of the proposed primary residence, 4) located where on-street parking permits are required, and/or 5) located where there is a car share vehicle located within one block of the site. However, the state law indicates that it does supersede the Coastal Act. The City typically requires one parking space for ADUs based on past City Planning and Coastal Commission permit actions and to maintain consistency with the public access policies of the Coastal Act. Here, in an effort to maintain two dwelling units (and protect more dense development in this neighborhood, discussed more below), and consistent with the state law policy, an ADU may be approved as part of the project consistent with Chapter 3 Coastal Act policies without requiring a designated parking space for the unit because the site is located within 0.1 mile of the Washington Blvd/ Pacific Ave Metro public transit stop; therefore, substitute public transportation is likely provided for the development, consistent with Section 30252. The Commission coordinated with City staff, who agreed to allow the ADU with no parking space pursuant to the State law. Thus, the calculation above includes zero parking spaces for the proposed ADU³.

According to Policies II.A.3 and II.A.4 of the LUP, six parking spaces are required for the proposed development. The applicant provided a plan that included six parking spaces on the first level parking garage; however, the size of a standard retail parking space, 162 sq. ft., would not allow adequate space for the mixed-use spaces that the LUP designation encourages, and would further encroach onto the City-required side yard setbacks by altering the structural elements of the first floor residential access to the upper floors. Consequently, the applicant proposed four bicycle parking spaces in lieu of one vehicle parking space pursuant to the City's bicycle parking ordinance, CF 12-1297-S1, resulting in five tandem parked vehicles and four bicycle parking stalls.

The Commission has typically allowed tandem parking spaces in commercial areas given the provision of a parking attendant. In order to address this concern, the applicant submitted a parking management plan that describes the method of operation for the vehicle parking spaces and bicycle stalls ([Exhibit 3](#)). According to the plan, the applicant would provide a parking attendant during business hours of the proposed commercial space in order to access the proposed tandem spaces, as is consistent with past Commission actions. The applicant also proposes to provide four bicycle parking spaces to be available for use by the general public and employees of the proposed commercial retail space. Employees would also be provided with discounted bus passes, electric bikes, ride-share program, etc. However, the management plan does not identify the hours of operation for the retail space and associated parking spaces, parking attendant responsibilities, or evidence of public transportation incentives for employees that minimize impacts to public access. Thus, [Special Condition 3](#) requires the applicant to submit a final revised parking management plan that addresses the above-mentioned concerns.

³ As defined in Government Code Section 65852.2, an ADU is defined as “an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.” The ADU is no more than 50% of the primary residence to a maximum of 1,200 square feet in size.

As a result, even though the project is short one parking space required by the certified LUP, Section 30252 of the Coastal Act, which is the standard of review, requires that development must provide adequate parking facilities *or substitute means of serving the development with public transportation*. Here, the project, as conditioned, provides for substitute transportation mechanisms to serve the proposed development in conjunction with five parking spaces on-site; the project therefore can be found consistent with Sections 30211, 30212, 30222, 30252 and 30253 of the Coastal Act.

C. DEVELOPMENT

Section 30250 of the Coastal Act 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....

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

(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.

Venice Certified Land Use Plan Policy I. A. 5. Preserve and Protect Stable Multi-Family Neighborhoods states:

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.

Venice Certified Land Use Plan Policy I. B. 1. Commercial Intensity states:

New commercial development in the Venice Coastal Zone shall be located as defined by the Land Use Policy Maps (Exhibits 9 through 12). The LUP designates approximately 160 acres of commercial and related parking uses in the following

commercial land use categories: Commercial Artcraft, General Commercial, Neighborhood Commercial and Community Commercial. The land uses permitted within these categories are set forth in this section within each category. Development standards and intensities are set forth in Policy I.B.7. Parking is a permitted use in all commercial land use categories.

Venice Certified Land Use Plan Policy I. B. 2. Mixed-Use Development states:

Mixed-use residential commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.

Venice Certified Land Use Plan Policy I.B.6. Community Commercial Land Use, states:

The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.

Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.

Venice Certified Land Use Plan Policy I. B. 7. Commercial Development Standards states, in relevant part:

The following standards shall apply in all commercial land use designations, unless specified elsewhere within this Land Use Plan.

Density/Intensity: Maximum Floor Area Ratio (FAR)

0.5 to 1 for retail only (including restaurants)

1.0 to 1 for retail / office

1.5 to 1 for retail and/or office and residential

Parking: See Land Use Plan Policies II.A.3 and II.A.4.

Yards: Per the following Ground Level Development Policy which requires that commercial development be designed in scale with, and oriented to, the adjacent pedestrian accessways (i.e. sidewalks).

Ground Level Development: Every commercial structure shall include a Street Wall, which shall extend for at least 65% of the length of the street frontage, and shall be located at the property line or within five feet of the property line, except on Ocean Front Walk, where all commercial buildings shall have the Street Wall set zero (0) feet from the building line. The required Street Wall at sidewalk level shall be a minimum of 13 feet high. (A Street Wall is the exterior wall of a building that faces a street.)

Venice Certified Land Use Plan 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.

The Coastal Act encourages concentration of development in existing developed areas (Section 30250) and requires the Commission to encourage housing opportunities for low- and moderate-income households (Section 30604). Concentrating development in existing developed areas provides more opportunities for people to live near places they work and recreate, such as the beach, and, thereby, reduces impacts to coastal resources. Impacts to roads and vehicle miles traveled would be reduced by having a more intense stock of housing located closer to employment and recreational opportunities within the coastal zone. Also, by having a higher density in an existing developed area, it places more people in a single location so that public transit service is facilitated, which then again aids in reducing the number of cars on streets and thus reduces impacts to coastal resources and public access. Siting dense development in urbanized areas reduces urban sprawl, and furthermore reduces the pressure to extend development into adjacent undeveloped areas, which may contain sensitive coastal resources.

These Coastal Act policies, along with LUP Policies I.A.5 and I.E.1, support the protection of existing housing stock in the coastal zone and concentration of development in areas that will minimize impacts to coastal resources. In addition, the State Legislature enacted Government Code Sections 65852.2 in 2017 to establish a streamlined review of ADUs in an effort to address the housing crisis in California. The provision of ADUs encourages smaller, more affordable housing units within the coastal zone, as well as non-automobile circulation where adequate public services exist to serve the proposed project. Thus, the project's inclusion of an ADU is consistent with Coastal Act policies encouraging concentration of development and low- and moderate-income housing opportunities in the coastal zone. Furthermore, the proposed use of commercial retail with residential units is consistent with Sections 30222, 30250, 30252, 30253, 30604 of the Coastal Act to allow for increased recreational, business, and social activities along the coast for both residents and visitors.

Community Character

The block that the subject site stretches 232 feet from Washington Blvd to 30th Ave and is bound by OFW and Speedway. The block is designated Community Commercial in the LUP, and the lots north of 30th Ave are designated Multi-family residential. The block contains six legal lots, which

include a variety of uses, including a restaurant/ cocktail lounge (1 E Washington), a restaurant/ store/ office (3015 OFW), a condominium (3007-3009 OFW), and multi-unit structures (3003 and 3005 OFW). The subject site is situated in between the restaurant/ store/ office and condominium structures. The proposed mixed-use structure is compatible with the existing land uses in the block and LUP designation that further increases opportunities for employees to live near jobs and residents to live near shopping, recreation and public transit areas (Policy I.B.6).

Policy I.B.6 of the certified LUP allows one unit per 1,200 sq. ft. of lot area. Policy I.B.7 of the certified LUP limits FAR to 1.5 to 1 for retail and/or residential uses. Thus, the 2,520 sq. ft. lot allows up to two dwelling units onsite with a total FAR of 3,780 sq. ft. In this case, the applicant is proposing two residential units—a single-family residence and an ADU—which is consistent with LUP Policy I.B.6 and I.B.7. The subject lot area is 2,520 sq. ft. Policy I.B.7 of the certified LUP limits FAR for commercial development on commercially zoned lots to 1.5 to 1 for retail and/or residential uses, which limits the floor area of any new development on the subject lot to 3,780 sq. ft. The proposed structure is 4,584 sq. ft., which exceeds the FAR limit. Therefore, [Special Condition 1](#) requires that the revised plans conform to the FAR limit outlined in Policy I.B.7 of the certified LUP, which will further reinforce that the proposed mixed-use structure will be compatible with the character of the community.

When the Commission certified the Venice LUP in 2001, it recognized Venice as a special coastal community to be protected. 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 sited within existing developed areas that allow for work and recreation. Given the specific conditions surrounding the subject site and the diverse development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the project is consistent with the Coastal Act.

The applicant has altered the project substantially in response to the Commissioner's finding of substantial issue during the appeal hearing. The changes include an addition of the ADU and retail space and increasing structural setbacks along OFW to minimize impacts to public access. As revised and conditioned, the proposed development will be compatible with the character and scale of the surrounding area. Therefore, as conditioned, the development conforms to Section 30250 and 30604 of the Coastal Act, as well as LUP policies relating to community character and development.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The project site is located approximately 450 ft. away from the mean high tide line within an urbanized residential area. Landscaping onsite with native/non-native drought –tolerant plants are generally required to minimize impacts to water quality due to the presence of impervious surfaces. Although no landscaping is proposed at this time, in the future, the applicant or subsequent owners/occupants of the site may decide to landscape the site. Therefore, [Special Condition 4](#), requires that primarily drought tolerant and native plant species be used at the site. In addition, 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. In order to ensure that water quality is preserved and energy use is minimized over the life of the development, [Special Condition 5](#) requires the applicant to implement construction BMPs. These design features include, but are not limited to, the disposal of demolition debris at appropriate locations, containment of hazardous liquids and disposal offsite, appropriate management of equipment and construction materials, and for the use of post-construction best management practices such as directing roof drainage to nearby City/ County sewer system to minimize the project’s adverse impact on coastal waters.

Therefore, the Commission finds that the proposed development, as conditioned, conforms with 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. HAZARDS

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

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

Sea Level Rise

The Commission⁴ utilizes high emission scenarios from the Ocean Protection Council's (OPC) most recent projections under the 2018 guidelines to evaluate the vulnerability of new development within its economic life (75 years). According to the OPC's figures⁵, approximately 3.3 ft. of SLR is anticipated for low-risk development, a rise of 6.8 ft. is anticipated for medium- to high-risk development, and a rise of 10 ft. is anticipated for extremely vulnerable development such as projects located on the water (i.e. docks, bulkheads, etc.) by the year 2100. The OPC Guidance recommends that development of only moderate adaptive capacity, including residential development, use the medium- to high-risk projection, 6.8 ft., to inform decisions regarding residential development. Additionally, the City of Los Angeles produced a report titled "*Venice Sea Level Rise Vulnerability Assessment*" dated May 25, 2018⁶ that present area-specific SLR analysis to support an update to the Local Coastal Program (LCP) in the Venice coastal zone. According to the Vulnerability Assessment, "*beachfront development could experience flooding during large storms with +3.3 ft. SLR*" and the project site is one of 5,000 parcels that would be affected by SLR even with +6.6 ft. SLR. In the past, during large storm events, property owners have responded through temporary measures such as placement of sandbags along the front yard, and further minimizing risk to life and property through forewarning and temporary relocation of tenants.

According to the City of Los Angeles' Vulnerability Assessment, projections of an approximately 6.5-ft. high tide can lead to scenarios where flooding could enter a failed tide gate at the marina into Ballona Lagoon, under/over Washington Blvd, and into the Venice Canals. Moreover, USGS CoSMoS, the best available regional SLR modeling tool, shows that flooding would come from the Canals over Washington Blvd and inundate the landward side of the subject site when utilizing +6.6 ft. SLR with no storm scenario ([Exhibit 4](#)). Shoaling, particularly in low-lying areas, can also contribute to flooding events subsequent to a large storm event by elevating groundwater levels to the surface and exacerbate inland flooding. This suggests that with increased storm frequencies, the property may potentially experience a longer duration of flooding from inland areas within 75 years, potentially leading to long-term or permanent damage of property.

Additionally, according to the City of LA Vulnerability Assessment, the beach is expected to erode by 10-20% with a 3.3-ft. rise in sea level and 25-50% with a 6.6-ft. rise in sea level. The coastal hazards analysis submitted by the applicant dated May 29, 2018 states that the beach fronting the site has generally not experienced long-term erosion, but rather a long-term accretion of sand by approximately 0.5 to 6.6 ft. /yr. (USGS, 2019⁷). On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, which will result in increased flooding, erosion, and storm impacts to coastal areas. On a relatively flat beach, with a slope of 40:1, a simple geometric model of the coast indicated that every centimeter of sea level rise will result in a 40 cm landward movement of the ocean/beach interface. The applicant's analysis indicates that even with an erosion rate of 2 ft. /yr., the shoreline will move inland by

⁴ California Coastal Commission. "*Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits*". 7 November 2018.

⁵ Ocean Protection Council. "*State of California: Sea-Level Rise Guidance 2018 Update*". Pp. 69-71. http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf.

⁶ Reference: Prepared by Moffatt & Nichol; Dudek; Kearns & West. Prepared for City of Los Angeles. *Venice Sea Level Rise Vulnerability Assessment*. 25 May 2018.

⁷ United States Geological Service. 2019. "*Coastal and Marine Geology Program: National Assessment of Shoreline Change*". https://coastalmap.marine.usgs.gov/js_map/national/ShoreLC/.

approximately 150 ft. There is uncertainty associated with erosion and sediment supply. However, historic evidence of the Venice Beach shoreline and CoSMoS projections indicate that the sandy beach fronting the property likely will not experience inundation under the given SLR scenarios, and that the structure will not likely be subject to direct wave run-up even with the OPC's projected +6.6-ft. SLR ([Exhibit 4](#)).

Rather, the flood scenarios listed above would affect a majority of the Venice community, including inland areas, through flooding from the canals, potential failure of tide gates, and overcapacity of storm drains and implies that a regional management plan that addresses redevelopment potential and feasible alternatives will need to occur. The Commission has released the Residential Adaptation Guidelines dated March 2018, and provides methods for local governments to address coastal hazard issues under the LCP process. The LUP does not include provisions that address adaptation to hazards such as SLR; however, City and Commission staff are in the process of updating the LUP, and will include policies to address SLR adaptation for new development in response to the City of LA's SLR Vulnerability Assessment study.

Nevertheless, development adjacent to the ocean is inherently hazardous, and cannot be guaranteed to be safe from such hazards. As our understanding of SLR continues to evolve, it is possible that SLR projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea-level change is clear and it is critical to continue to assess SLR vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme SLR rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

Given its location on a beach-fronting lot, the project site has the potential to be impacted by a variety of coastal hazards such as tidal and storm flooding, shoaling and erosion, each as influenced by SLR over time. In this geographic area, the main issues raised by the development include exposure of the proposed development from inland coastal flooding due to tide gate malfunction or from reduced storm water capacity (Moffat & Nichol *et. al.*, 2018). This inland flooding could impact roadways and other infrastructure, limiting access to the residences and damaging necessary public services. Although development currently exists between the subject site and the ocean (paved public parking lot), SLR models from CoSMoS suggest the site will likely become at risk from inland flooding within the expected 75-year life of the proposed mixed-use structure. In response to this concern, the applicant submitted a coastal hazards analysis conducted by GeoSoils, Inc. dated May 29, 2018 that assessed the vulnerability of the proposed project to coastal storm conditions and anticipated SLR. The study concluded that wave run-up will most likely not reach the subject site within the next 75 years, even under sea level rise conditions of 1.25 feet to 4.75 feet, including historic records of 8.3 feet during the 1982-83 and 1997 El Niño storms; however, as discussed above, the Commission uses the sea level rise projection of 6.8 feet by 2100, which is more than the projection used in the applicant's study. Although the applicant's study indicates that wave run-up will not likely reach the site (based on inadequate sea level rise projections), based on the City of LA Vulnerability Assessment and best available science as stated above, the site is more likely to experience flooding from inland areas and groundwater level increases (or shoaling). In addition, due to the nature of a dynamic coast, it is difficult to predict when the next flooding event would occur. Thus, in order to address the potential future hazards associated with development of this site, [Special Condition 7](#) requires that the applicant assume the risks of development despite

the discrepancy between the SLR analysis submitted by the applicant and what the models show, utilizing figures accepted by the Commission for SLR analysis.

Shoreline Protective Devices

The Coastal Act discourages shoreline protection devices because they generally cause significant impacts on coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. This is expected to be exacerbated with future SLR. Shoreline protective devices (i.e. seawall/ bulkhead, groins, rock revetments) can adversely impact public beaches through the inland migration of the shoreline due to erosion, and further increase the rate of loss of beach due to wave deflection and/or scouring. Due to the small lot size of the subject site, such devices will most likely be placed on the public sandy beach fronting the structure resulting in a potential loss of beach area formerly available to the general public. In addition, shoreline protective devices may impact public views by detracting from a natural and open beach experience. With expected SLR and related erosion and flooding, the area between the subject site and ocean waters is expected to narrow with time. Likewise, flooding from the canals is expected to approach the subject site more and more in the future, raising the question of potential impacts to the subject site due to these coastal hazards, which in turn raises the question of a possible request for future shoreline protection at the site.

Here, the applicant has not proposed to construct a shoreline protection device and no shoreline protection would be authorized by this permit. Although the site is not currently threatened by coastal hazards and the proposed project has been designed to be stable and structurally sound under current conditions, given future SLR scenarios, the site may become threatened by coastal hazards, including SLR, in the future. Therefore, [Special Condition 6](#) requires the applicant to waive any right to construct a future shoreline protective device in the event that the property is threatened by the above-mentioned coastal hazards that may otherwise alter natural landforms. Furthermore, if the development were found to be threatened and, consequently, required to be removed by a public agency due to the risks posed by the structure to public health, [Special Condition 6](#) requires that the applicant remove the development under an amendment to this permit or a separate CDP. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and expected to be for most of its economic life, but ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

Additionally, the proposed development is located within an area that is subject to storm winds and waves, surges, flooding, erosion and other coastal hazards. The risks of harm cannot be completely eliminated and thus, [Special Condition 7](#) requires that the applicant assume to risks of development associated with beach-front areas. [Special Condition 8](#) requires that the property owner record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provide any prospective purchaser and any future owners of the site with recorded notice that the restrictions are imposed on the subject property.

The development is located within an existing developed area and, as conditioned, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30253 of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

The Coastal Act required that the Commission consider the effect on a local coastal program when it approves a project. Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with 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).

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. In addition, the Commission and City staffs are in the process of updating the LUP and will require Commission approval in the near future. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 assuring CEQA compliance.

The Commission has imposed special conditions to minimize impacts to visual resources, public access, water quality and coastal hazards. The applicant has demonstrated that other alternatives

have been assessed, and that the proposed project would be compatible with existing development in the area and is designed to minimize risks to life and property in a high flood area. The Commission finds that the proposed project, as conditioned to supply and implement final revised design and transportation management plans, recognize that no private development shall occur on the public right-of-way (Ocean Front Walk) at any time, conduct construction BMPs, waive any rights to construct a future shoreline protective device and assume the risks of development, is consistent with the requirements of the Coastal Act and CEQA.

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.