

CALIFORNIA COASTAL COMMISSION

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**F11a-c**

Appeal Filed:	08/31/2015
Action Deadline:	None
Staff:	E. Stevens-LB
Staff Report:	07/24/2019
Hearing Date:	08/09/2019

STAFF REPORT: DE NOVO HEARING

Application Number: **A-5-VEN-15-0052, -0053, -0054**

Applicant: **Fabian Bever, California Eco Homes, LLC**

Location: 217, 219, & 221 E Venice Way, Venice Beach, Los Angeles County (APN 4238-021-022)

Project Description: Demolition of a 2-story 4-unit apartment building and construction of three (3) 3-story detached single-family residences each with an attached Accessory Dwelling Unit: 1) approximately 35-feet high, 4,848 sq. ft. on a 1,958 sq. ft. lot (217 Venice Way); 2) approximately 28-feet high, 4,681 sq. ft. on a 1,974 sq. ft. lot (219 Venice Way); and 3) approximately 35-feet high, 4,785 sq. ft. on a 1,958 sq. ft. lot (221 Venice Way).

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

At a public hearing on October 9, 2015, the Commission found that the appeals of Local Coastal Development Permit Nos. ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833, issued by the City of Los Angeles, raised a substantial issue with respect to the proposed projects' consistency with Chapter 3 of the Coastal Act because of the projects' potential impact to the existing community character. As a result, the Commission is now required to hold a de novo hearing to determine whether the proposed projects comply with Chapter 3 of the Coastal Act.

Subsequent to the Commission's substantial issue hearing, the applicant submitted revised plans for the three homes ([Exhibits 2-4](#)). Three major changes to the designs are proposed, which include construction of large basements, inclusion of a junior accessory

dwelling unit in each home, and the height of all three homes will be reduced from 38 feet to 28 feet (219 Venice Way) or 35 feet (217 and 221 Venice Way). Furthermore, the architecture of all three buildings will have greater variation than previously proposed. Specifically, the homes include varied roof lines and balconies, varied styles for eaves and overhangs, and hedges and mature trees are proposed in the front and side yards (Exhibit 5). As revised, the proposed developments are compatible with the mass and scale of the surrounding area and will not adversely impact visual resources or community character and, therefore, are consistent with the visual resource policies of the Coastal Act.

Therefore, Staff recommends **approval** of Coastal Development Permit Application Nos. A-5-VEN-15-0052, -0053, and -0054 with five special conditions. The recommended special conditions require the applicant to: 1) undertake development in accordance with the approved final plans, 2) implement construction best management practices, 3) utilize drought tolerant non-invasive landscaping and water conservative irrigation, and 4) assume the risk of developing in an area that may be subject to sea level rise related flooding. As conditioned, the projects are consistent with Chapter 3 of the Coastal Act.

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

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Revised Plans for 217 Venice Way \(Dated July 18, 2019\)](#)

[Exhibit 3 – Revised Plans for 219 Venice Way \(Dated July 18, 2019\)](#)

[Exhibit 4 – Revised Plans for 221 Venice Way \(Dated July 18, 2019\)](#)

[Exhibit 5 – Conceptual Plan](#)

[Exhibit 6 – Existing Site Photos](#)

[Exhibit 7 – CoSMoS Sea Level Rise Projections](#)

[Exhibit 8 – Mello Act Determination](#)

I. MOTIONS AND RESOLUTIONS

The staff recommends the following motions and resolutions regarding the three permit applications:

MOTION I:

I move that the Commission approve Coastal Development Permit No. A-5-VEN-15-0052 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 TO APPROVE THE PERMIT:

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 certified LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

MOTION II:

I move that the Commission approve Coastal Development Permit No. A-5-VEN-15-0053 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 TO APPROVE THE PERMIT:

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 certified LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

MOTION III:

I move that the Commission approve Coastal Development Permit No. A-5-VEN-15-0054 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 TO APPROVE THE PERMIT:

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 certified LCP and the public access policies of the Coastal Act. 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

The permit is subject to the following conditions:

1. **Permit Compliance.** The permittee shall undertake development in accordance with the approved final plans, specifically including the site plan, floor plans, elevations plans, and section plans dated July 18, 2019, by Bau10 Sustainable Design. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.
2. **Construction Best Management Practices (BMPs).** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - A. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
 - B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
 - D. Erosion control/sedimentation Best Management Practices shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
 - E. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible;
 - F. The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 - G. The permittee shall develop and implement spill prevention and control measures;

- H. The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
 - I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
3. **Submittal of Final Landscaping and Drainage Plans.** Prior to Issuance of the Coastal Development Permit, the applicant shall submit two (2) 11 x 17 sets of final landscaping and drainage plans prepared by a licensed landscape architect or a qualified resource specialist. A landscape architect or other qualified landscape professional shall certify in writing that the final Landscape plans are in conformance with the following requirements:
- A. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
 - 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.
 - C. The front wall/fence within the front yard setback area shall be constructed no higher than 42 inches above grade as measured from the public sidewalk adjacent to Clement Avenue. The side and rear yard wall/fence, beyond the front yard setback, shall be constructed no higher than six feet at any point as measured from natural grade.

The permittee shall undertake the development in accordance with the approved final landscape and drainage plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **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 flooding and sea-level rise; (ii) that critical mechanical equipment may be required to be relocated above-grade in the future given that flooding is expected to increase with sea level rise in the future; (iii) 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; (iv) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (v) 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; (vi) 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 (vii) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to Special Condition 5.
5. **Development Removal.** By acceptance of this permit, the permittee agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the residence, including the basement, and any other improvements if: (1) any government agency with relevant authority and jurisdiction has ordered that the structures are not to be occupied due to hazards, or must be removed; (2) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); or (3) removal is required pursuant to LCP policies for sea level rise adaptation planning.

IV. SINGLE PERMIT JURISDICTION AREA

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

The proposed project sites are within the *Single Permit Jurisdiction* area. On July 14, 2015, the City of Los Angeles approved three local CDPs (ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833), but those actions were appealed to the Coastal Commission and, pursuant to Section 30623 of the Coastal Act, the locally approved CDPs were stayed pending Commission action on the appeals. On October 9, 2015, the Commission found that the appeals raised a substantial issue with respect to the proposed projects’ consistency with Chapter 3 of the Coastal Act. . The Commission is now required to hold

a de novo hearing on the merits of the projects. Chapter 3 of the Coastal Act is the standard of review. The certified Venice LUP is used as guidance.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT DESCRIPTION

The project site is three contiguous lots in a residential neighborhood of the North Venice subarea within the Single Permit Jurisdiction Area. The site fronts Venice Way, a 75-foot wide street, part of the original Venice of America, developed by Abbot Kinney in the early 1900s, approximately 1,300 feet inland of Venice Beach and Ocean Front Walk ([Exhibit 1](#)). The site is currently developed with a two-story, four-unit apartment building that was built in 1947. The lots are just west of the center of the residential block, which features mostly single-story, single family residences. There are a few apartment buildings and two-story residential structures on the other side of the street.

The applicants propose to demolish the apartment building and construct three, three-story single-family residences (one on each lot). Each residence will include two off-street parking spaces within the structures with access from the back alley, with one space on the first floor and one space in the basement accessed with a parking lift. Each structure will also have a reduced 10.5-foot front yard setback, as opposed to the normally required 15-foot front yard setback¹. Aside from the reduced front yard setback, the three proposed homes observe all of the required setbacks, height, and yard requirements in the City's Municipal Code and the certified Venice LUP.

As proposed, the single family residence at 217 East Venice Way will be three stories, 35 feet high, and will include an attached approximately 330 square foot junior accessory dwelling unit, an attached garage, a basement, and a roof deck on the 1,958 square foot lot. The total proposed area of the structure is approximately 4,848 square feet ([Exhibit 2](#)).

As proposed, the single family residence at 219 East Venice Way will be three stories, 28 feet high, and will include an attached approximately 387 square foot junior accessory dwelling unit, an attached garage, a basement, and a roof deck on the 1,974 square foot lot. The total proposed area of the structure is approximately 4,681 square feet ([Exhibit 3](#)).

As proposed, the single family residence at 221 East Venice Way will be three stories, 35 feet high, and will include an attached approximately 331 square foot junior accessory dwelling unit, an attached garage, a basement, and a roof deck on the 1,958 square foot lot. The total proposed area of the structure is approximately 4,785 square feet ([Exhibit 4](#)).

¹ The requirement for a 15 ft. front yard setback is a zoning requirement and not included in the Venice certified LUP.

B. PROJECT HISTORY

On January 1, 2014, the City issued a Mello Act Determination concluding that no affordable units exist on site ([Exhibit 8](#)). The applicant then submitted three separate local CDP applications to the City of Los Angeles for redevelopment of the site. A public hearing was held on January 8, 2015. On July 14, 2015, the City of Los Angeles Zoning Administration (ZA) issued its approval of local CDPs ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833 approving the demolition of a two-story, four-unit residential apartment building across three lots, and the construction of three, three-story single-family residences (one on each lot). The ZA's approvals of the CDPs were not appealed to the West Los Angeles Planning Commission.

The City's Notices of Final Local Action for Local CDP Nos. ZA-2014-0829, ZA-2014-0831, and ZA-2014-0833 were received in the Coastal Commission's Long Beach Office on August 3, 2015, and the Coastal Commission's required 20 working-day appeal period was established. On August 31, 2015, Lydia Ponce, George Gineris, Robin Rudisill, & Mark Kleimen submitted appeals of the City's approvals of all three local coastal development permits. No other appeals were received prior to the end of the appeal period on August 31, 2015.

At a public hearing on October 9, 2015, the Commission found that a substantial issue exists with respect to the proposed projects' consistency with the Chapter 3 policies of the Coastal Act. The Commission is now required to hold a de novo hearing on the merits of the project using the Chapter 3 policies of the Coastal Act.

C. DEVELOPMENT

Section 30250 of the Coastal Act states, in part:

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

Coastal Act Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall...be visually compatible with the character of surrounding areas...

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

New development shall do all of the following:

- (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 30604 of the Coastal Act states, in pertinent part:

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

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

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

Community Character

The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California with 16 million people visiting annually.² The Venice community is primarily residential, however, and the continued change in the residential character of the Venice community has been a cause of concern by some Venice residents over the years.

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

In 2001 during the certification of the Land Use Plan, Venice was designated a special coastal community due to its *unique social and architectural diversity* (Policy I. E. 1). The LUP considered the potential impacts that development could have on community character and adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatible with surrounding development. The diverse social fabric of Venice brought about other unique planning codes found in the Venice certified-LUP, such as the designation of community commercial and commercial art craft. These designations identified public areas such as Abbot Kinney Boulevard and Ocean Front Walk for artist work-in-residence and communal art sharing.

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

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

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

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

Policy I. E. 1, General, states:

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

Policy I. E. 2. Scale, states in part:

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

Policy I. E. 3. Architecture, states:

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

Policy 1.A.7 Multi-family Residential – Low Medium Density, d. Oakwood, Milwood, Southeast, and North Venice states:

Use: Duplexes and multi-family structures.

Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.

[...]

Height...

North Venice: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 feet...

The three single family homes initially approved by the City on the site ranged from 2,631 sq. ft. to 2,662 sq. ft., included 3 stories with an attached garage, and each was proposed to be 35 feet high with roof access structures resulting in a total height of 38 feet³. Each of the homes was designed to the maximum allowable height for the area and also included an adjustment for the front-yard setback of 10.5 feet from the property line as opposed to the normally required 15-foot front-yard setback.

Subsequent to the Commission's substantial issue hearing, the applicant submitted revised plans for the three homes ([Exhibits 2-4](#)). Three major changes to the designs are proposed, which include construction of large basements, inclusion of a junior accessory dwelling unit in each home, and the height of all three homes would be reduced from 38 feet to 28 feet (219 Venice Way) or 35 feet (217 and 221 Venice Way). The above-ground portions of the three homes will be approximately the same size as previously proposed homes and the reduced front yard setback is still proposed.

In order to determine whether or not a proposed project is appropriate with regard to community character, the Commission looks at the existing development in an area. Based on past Commission actions in the Venice community, developments located within the block are utilized to determine whether or not a proposed project is appropriate with regard to visual compatibility, mass, and scale (e.g., LUP Policy I.E.2). Also, certified LUP Policy I. E.3 states that, “varied styles of architecture are encouraged...” This policy encourages a variety of styles and discourages focus on subjective judgments about what architectural style is preferred. Hence, the Commission considers the LUP’s height limits as well as setbacks and bulk to ensure that the mass and scale of new structures are compatible with the character of the surrounding area. This is consistent with the certified LUP, which encourages buildings that are “of a scale compatible with

³ Policy 1.A.1.a.i of the certified LUP allows roof access structures to exceed specified flat roof heights by a maximum of 10 feet.

the community (with respect to bulk, height, buffer and setback)” (Policy I.E.2). In addition, according to the LUP policies stated above, new structures should be articulated to provide a pedestrian scale and designed to be visually compatible with surrounding structures.

As revised, the architecture of all three buildings will have greater variation than previously proposed. Specifically, the homes include varied and stepped back roof lines and balconies, varied styles for eaves and overhangs, and hedges and mature trees are proposed in the front and side yards. The proposed front and side yard fences for each home are also distinct for each home ([Exhibit 5](#)). Furthermore, the reduced heights proposed for the structures are consistent with LUP Policy 1.A.7 which allows building up to 35 ft. high and are also generally consistent with the height of multiple other structures on the same block as the subject site. Similarly, the proposed reduced front yard setback, while not consistent with the City’s zoning code (which is not certified and is not the standard of review), nevertheless is consistent with the existing front yard setbacks for nearly all of the other structures on the same block.

Due to the proposed height, massing, setback, and façade as observed from the public sidewalk on Venice Way, the project is found compatible with the *density, character and scale of the existing development* (LUP Policy I.A.2) on the block and *respect[s] the scale, massing, and landscape* (LUP Policy I. E. 2) of the existing neighborhood. In order to ensure that the development is carried out as shown on the revised plans, Special Condition 1 requires the applicant to undertake development in accordance with the submitted plans.

Because the certified LUP implements and (as the Commission found when it certified the LUP) itself is consistent with Chapter 3 of the Coastal Act, the project’s consistency with the development standards in the LUP (Policies I.A.5, I.E.1, I.E.2, I.E.3, and 1.A.7) is substantial evidence that the project also complies with the Coastal Act. In addition, the City and Commission have approved similar projects on the subject block as consistent with the certified LUP and Chapter 3 of the Coastal Act [Ref: ZA-2006-8708-CDP-SPPA-SPP-MEL/303 Venice Way; 5-99-307-W/5-03-018-X/308 Venice Way]. As such, approval of the project will not result in adverse cumulative impacts to the character of the surrounding, is compatible with the character of the neighborhood, and is consistent with Chapter 3 of the Coastal Act.

The front yards of each lot will be enclosed with a 42-inch high wall at the property line and will be landscaped with drought tolerant plants species which will maintain a pedestrian scale of development. The plans show that planter boxes will be placed on the north and south portion along the buildings utilizing drought-tolerant, non-invasive vegetation. Drainage from the roof drains, gutters, and downspouts will be diverted into the planter boxes for on-site filtration. In addition, all installed pavers and decks will be permeable to allow for onsite filtration. Any run-off will be discharged to the street. The proposed projects also implements water-efficient and conservation measures, including the use of drip irrigation and weather-based irrigation controllers, as well as high-efficiency plumbing fixtures and low flow rates required by other local and state regulations (i.e. CalGreen).

The revised proposal, as conditioned, is also consistent with the existing landscape of the community because it provides drought tolerant non-invasive landscaping in the front yard setbacks, which will be visible from the sidewalk and will provide contrast from the front façade of the residences. Special Condition 3 requires that prior to issuance of the Coastal Development Permit; the applicant must submit drainage and landscaping plans for review and written approval of the executive director of the Commission. Special Condition 3 also requires that the applicant maintain a landscape that is compatible with the existing development on the block and surrounding area, including native plants or non-native drought tolerant plants that are non-invasive.

Coastal Act Section 30250 provides that new residential development shall be located in or in close proximity to existing developed areas that are able to accommodate it, or in other areas with adequate public services and where it will not have significant, cumulative adverse effects on coastal resources. Section 30253 requires new development to minimize energy consumption and vehicle miles traveled. 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 maintaining and/or encouraging housing density in an existing developed area, more people are placed in a shared location encouraging the utility of public transit service, which further aids in reducing the number of cars on streets, thus reducing impacts to coastal resources and public access.

These policies together encourage “smart” growth by locating new development in appropriate areas that minimizes impacts on coastal resources and discourages residential sprawl in more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened. Although the Coastal Act does not authorize the Commission to regulate or require affordable housing, Section 30604(f) directs the Commission to encourage low- and moderate-income housing opportunities. In response to California’s persisting housing crisis, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing density and increase development pressure in other, potentially sensitive or hazardous areas in the coastal zone.⁴

The project site is located in a dense, residentially-zoned area where numerous residential opportunities are available. Grocery stores, shops, restaurants, and entertainment facilities are located within ½ mile of the subject property, and can easily be accessed by walking, taking local buses, or by bicycle. In terms of regional public transit, the project site is located within ½ mile of four major bus routes (1, 18, 33, and 733).

The development has been conditioned to be compatible with the character and scale of the surrounding area and will minimize impacts to visual resources and community

⁴ Refer to the staff report for CDP Application No. 5-18-0380 (S.M. Star, LLC)

character. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250, 30251, 30253, and 30604 of the Coastal Act.

D. HAZARDS

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

New development shall do all of the following:

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

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

The first step is to establish the projected SLR range for the proposed project. Using the methodology recommended by the 2018 update of the Ocean Protection Council (OPC) SLR Guidance, the projected SLR ranges for the proposed project are tailored to the nearest NOAA tide gauge, projected lifespan of the project, and risk aversion scenario. The projected lifespan for residential development is typically 75 years. Risk aversion scenario selection depends on the risk tolerance of different types of development. For example, based on the OPC SLR Guidance, a critical infrastructure asset, such as a hospital, should be analyzed with high risk aversion, and would use a more precautionary range of probabilities of amounts of SLR, while a parking lot or a bike path should be analyzed with lower risk aversion. In this case, the risk aversion scenario recommended by both the Commission and OPC Guidance for residential projects is medium-high, as the likelihood that sea level rise meets or exceeds this value is low, and thus represents a precautionary projection that should be used for less adaptive projects such as a residential structure. The nearest NOAA tide gauge to Venice is located in Santa Monica. For this area, the expected medium-high risk SLR projection for year 2090 and 2100 are 5.3 ft. and 6.7 ft., respectively.

The next step is to determine how physical impacts from SLR may constrain the project site. Impacts from flooding and inundation, wave runup, and storm surge can be analyzed

using the closest CoSMoS SLR modeling projections to the above scenarios. The site is not located on a beach or coastal bluff, so a coastal erosion analysis is not necessary. Another helpful tool for analysis is the OPC's probability tables that estimate the likelihood that SLR will meet or exceed a particular height by a given decade. Using the medium-high risk aversion threshold as a benchmark, one can estimate the timing of levels of SLR that exceed the risk aversion threshold.

According to CoSMoS projections of flooding due to 5.7 ft. of SLR and a 100-year storm, the subject site is not impacted. However, at 6.6 ft. SLR (both with and without a 100-year storm), CoSMoS projects that the entirety of the subject site will be inundated ([Exhibit 7](#)). According to the City's Venice Sea Level Rise Vulnerability Assessment (2018), this is likely due to the City's tide gate system no longer being able to properly and effectively function as sea levels rise, and particularly as they approach 6.6 feet. Thus, the expected inland inundation appears to be attributable to hydraulic connections to the Venice canal system. Since the project lifespan ends in ~2095, sea level rise related flooding can be anticipated during the lifespan of the development. However, SLR related flooding is not expected until the very end of the structures' anticipated lifespans. Thus, the area is currently safe and appropriate for development and will continue to be so for many decades into the future.

In order to plan for potential SLR related flooding, the applicant has indicated the water level on the subject site that would occur with SLR of 6.6 ft. The projected 6.6 ft. of SLR by 2100 will extend up to 3.22 ft. above the sites natural grade. The applicant has proposed to seal all exterior walls for additional water proofing up to 3.22 feet above grade. In addition, the homes are proposed to be designed such that flood gates can be installed at all openings of the first floor, including skylights and openings leading to the basements up to 3.22 ft. above grade. It is also important to note that with expected SLR by 2100, key infrastructure systems across Venice (the road network, electrical station, the storm drains, etc.) are vulnerable, which means the services these residential areas currently rely upon may be at risk. Because the subject site may be affected by SLR related flooding during its expected lifespan and it is unclear at this time what, if any, community-scale SLR adaptation might be implemented in Venice in the future to account for these hazards, Special Conditions 4 and 5 have been included to ensure that the risks of property damage or loss arising from sea-level rise or other changed circumstances, including that critical mechanical equipment may be required to be relocated above-grade in the future and potential removal of the subject development, are borne by the applicant enjoying the benefits of its private new development, and not the public.

As conditioned, the project can be found to be consistent with Section 30253 of the Coastal Act.

E. WATER QUALITY

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

Section 32030 of the Coastal Act states:

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

Section 30231 of the Coastal Act states, in part:

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

The project site is located approximately 1,300 feet inland of Venice Beach within an urbanized residential area. The proposed development, however, has a potential for discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, shall incorporate design features to minimize the effect of construction and post-construction activities on the marine environment. In order to ensure that water quality is preserved and energy use is minimized over the life of the development, Special Condition 3 requires the installation of non-invasive, drought-tolerant vegetation and water-conservative irrigation systems. In order to preserve water quality during construction, Special Condition 2 requires the applicant to implement construction best management practices.

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

F. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

The proposed single-family residences each provide two off-street parking spaces, which are accessed from the alley. The provision of two off-street spaces complies with the certified LUP parking requirements. As identified in the LUP “Parking Requirement Table,” two spaces are required for single family residences not located in the Beach Impact Zone on lots less than 40 feet in width. Consistent with state law and Commission precedent, no additional off-street parking is proposed for the junior accessory dwelling units within each structure. Adequate on-site parking is necessary and provides relief for the general lack of on-street parking that is otherwise utilized by the public to access the coastal zone in Venice. The project will not affect the public’s ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

G. LOCAL COASTAL PROGRAM

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). The City of Los Angeles does

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

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

H. CONSISTENCY WITH THE 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 prepared a Mitigated Negative Declaration for the project (ENV-2014-0830-MND) that found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

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.

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APPENDIX A

SUBSTANTIVE FILE DOCUMENTS:

- City of Los Angeles certified Land Use Plan for Venice (2001)
- Commission Substantial Issue Staff Report: A-5-VEN-15-0052, -0053, and -0054
- State of California Sea-Level Rise Guidance – 2018 Update
- Site plan, floor plans, elevations plans, and section plans dated July 18, 2019, by Bau10 Sustainable Design