

**CALIFORNIA COASTAL COMMISSION**

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



# Th13d

Filed: 12/18/19  
270<sup>th</sup> Day: 09/13/20  
Staff: C. Seifert-LB  
Staff Report: 09/17/20  
Hearing Date: 10/08/20

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-19-0957

**Applicant:** Jack Spaun

**Agent:** Jose Alarcon

**Location:** 2815 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN: 4226-021-014)

**Project Description:** After-the-fact approval of the conversion of a 491 sq. ft. storage room into an accessory dwelling unit within an existing 5,446 sq. ft., 36-ft. tall duplex with 6 on-site parking spaces.

**Staff Recommendation:** Approval with conditions.

---

## SUMMARY OF STAFF RECOMMENDATION

The project site is a 2,520 sq. ft. beachfront lot facing the Venice Beach public right-of-way in the North Venice subarea. The applicant requests after-the-fact approval for the conversion of an existing 491 sq. ft. storage room into an accessory dwelling unit (ADU) within an existing 36-ft. high, 5,446 sq. ft. duplex and proposes to increase formal on-site parking from four spaces to six spaces. The project does not propose any alteration to the existing development height or habitable area.

The Commission certified the City's Land Use Plan (LUP) for the Venice segment in 2001. However, the City does not yet have a certified Local Coastal Program (LCP).

Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

The site is designated Multi-Family Residential—Low Medium II Density per the certified Venice LUP and zoned RD1.5 by the City of Los Angeles (uncertified) Zoning Code. While the RD1.5 zoning allows for two units on the lot, LUP Policy I.A.7 requires at least 1,500 sq. ft. of lot area per dwelling unit and limits the height of structures with stepped back of varied rooflines to 35 ft within the North Venice subarea. The duplex was constructed consistent with the City's Zoning Code and pursuant to a Commission-issued CDP in 1987, but prior to the certification of the LUP in 2001. With a height of 36 ft. and lot size of 2,520 sq. ft., the existing duplex is a legally nonconforming structure with regard to the height and density provisions of the Venice LUP. The proposed project would add an ADU to a multi-family structure in a parking-impacted area of Venice and, as proposed, would increase on-site parking from four to six spaces, consistent with past Commission action parking requirements of LUP Policy II.A.4.

The existing development is also consistent with the community character of the subject neighborhood, which is characterized primarily by a mix of multi-story multi-family homes and multi-story single-family homes. The proposed project includes changes to the interior only and will not impact the character of this area of Venice with regard to building bulk or scale, consistent with both the Venice LUP and Coastal Act community character policies (Sections 30251 and 30253(e)). The project also will not result in any increase in risks to life and property in a hazardous area, consistent with Section 30253 of the Coastal Act.

Therefore, Commission staff recommends **approval** of the coastal development permit (CDP) application with four special conditions, including: **1)** retention of two on-site units and an ADU; **2)** local government approval; **3)** Los Angeles Department of Building and Safety approval; and **4)** deed restriction. These conditions are imposed to ensure that the ADU and two residential units are retained as such, adequate vehicle parking spaces are maintained on-site, and the project adheres to the necessary conditions of local government approvals.

Commission staff recommends that the Commission **APPROVE** CDP application 5-19-0957 with four special conditions. The motion to carry out the staff recommendation is on page 4 of this report.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION .....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III. SPECIAL CONDITIONS.....</b>	<b>5</b>
<b>IV. FINDINGS AND DECLARATIONS.....</b>	<b>5</b>
A. Project Description and Background .....	5
B. Development.....	7
C. Public Access.....	9
D. Coastal Hazards .....	12
E. Coastal Act Violations .....	13
F. Local Coastal Program .....	14
G. California Environmental Quality Act.....	14
 APPENDIX A – SUBSTANTIVE FILE DOCUMENTS .....	 15

### **EXHIBITS**

[Exhibit 1 – Project Site and Existing Condition](#)

[Exhibit 2 – Project Plans](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit Application No. 5-19-0957 pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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 that conforms to the provisions of Chapter 3 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

- 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

1. **Retention of Two Onsite Units and an Accessory Dwelling Unit (ADU).** The development approved by Coastal Development Permit No. 5-19-0957 is for conversion of a storage room into an ADU. The applicant and all assigns/successors shall maintain the unit as an ADU. At no point may the ADU be converted into a full unit or to a non-residential use without a Commission-approved permit amendment.
2. **Local Government Approval.** The proposed development is subject to the review and approval of the local government (City of Los Angeles). This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-19-0957 shall prevail.
3. **City of Los Angeles, Department of Building and Safety Approval.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director evidence, acceptable to the Executive Director, of preliminary approval by the City of Los Angeles, Department of Building and Safety (LADBS). The applicant shall inform the Executive Director of any changes to the project required by LADBS. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
4. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant, Jack Spaun, has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

### IV. FINDINGS AND DECLARATIONS

#### A. Project Description and Background

The project site is currently developed with a 5,446 sq. ft., 36-ft. tall duplex and an attached four-car garage. The site is located in a residential neighborhood in the North

Venice subarea of Venice, within the City of Los Angeles, and fronts the Venice Beach public-right-of-way (Ocean Front Walk). Vehicular access to on-site parking is provided by the street at the rear of the property (Speedway). The subject lot is a residential beachfront lot approximately 28 ft. wide and 90 ft. deep (approximately 2,520 sq. ft. in area) and is zoned RD1.5, Restricted Density Multiple Dwelling by the City's uncertified Zoning Code and Multiple Family Residential—Low Medium II Density by the certified Venice LUP. In addition to being located within 300 ft. of Venice Beach, the project site is located 0.6 mile from the Ballona Lagoon ([Exhibit 1](#)) and is designated a Beach Impact Zone (BIZ). The Venice community—including the residential neighborhoods, beach, boardwalk, canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. This area in particular is heavily visited by local residents and tourists alike.

The building was originally constructed in 1987 and approved by the Coastal Commission (Ref: CDP 5-87-211) as a two-story, 36-ft. high, 5,500 sq. ft. duplex containing four parking spaces (two pairs of tandem spaces), a 491 sq. ft. storage area on the ground floor, one dwelling unit on the second floor, and an additional dwelling unit on the third floor ([Exhibit 2](#)). LUP Policy I.A.7 requires at least 1,500 sq. ft. of lot area per dwelling unit within the North Venice subarea. With a lot size of 2,520 sq. ft., the existing two units on the project site do not conform with the LUP maximum density provisions. Additionally, the duplex includes a varied roof line with a maximum height of 36 ft., which exceeds the 35-ft. height limit specified in Policy I.A.7. However, the subject development was found consistent with the Coastal Act by the Commission in 1987, prior to certification of the Venice LUP in 2001 and is therefore a legally nonconforming structure.

On May 23, 2017, the applicant submitted a request seeking approval of an unpermitted dwelling unit under the City's Unpermitted Dwelling Unit (UDU) ordinance. The City's UDU ordinance allows the legalization of existing UDUs provided that they are in conformance with the State Density Bonus provisions of California Government Code Section 65915, including the provision of the dwelling unit as a moderate income-restricted affordable unit for a minimum of 55 years. On May 7, 2019, the City of Los Angeles Director of City Planning approved the application, pursuant to DIR-2014-3157-CDP-MEL-SPP, which became effective on May 22, 2019.

As originally submitted to the Commission, the applicant requested after-the-fact conversion to a UDU, consistent with the prior City approval. However, the applicant subsequently changed the project description, no longer proposing an affordable, covenant-restricted UDU, but an ADU. In contrast to UDUs, the City does not subject ADUs to affordability requirements. The City has an existing process to dissolve covenant agreements that are not ultimately finalized as a permit requirement. The applicant has already worked with the City through this process to dissolve the previously proposed covenant agreement because it is no longer required. However, the City will still require that the new unit be rented for a minimum of 30 days (i.e. not a short-term rental) and due to its small size, the unit will likely be more affordable relative to the other much larger residential units in the Venice. Furthermore, as currently proposed, formal on-site parking would be increased from four spaces to six spaces

through the provision of two tandem parking spaces in the side yard adjacent to the existing garage.

Within the areas specified in Section 30601, 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 CDP also obtain a second (or “dual”) CDP from the Coastal Commission. The Commission's standard of review for the subject development in the Dual Permit Jurisdiction area is the Chapter 3 policies of the Coastal Act.

## **B. Development**

Section 30250 of the Coastal Act states, in pertinent 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.

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

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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

New development shall do all of the following:

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

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.

Venice Certified LUP Policy I. A. 7., Multi-Family Residential– Low Medium II Density, states, in relevant part:

d. Oakwood, Milwood, Southeast, and North Venice

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:

Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet...

### **Residential Density**

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 30251 requires new development to protect public views to and along the beach and other coastal areas; minimize landform alteration; and be designed consistent with the character of the surrounding area. Section 30253 requires that new development must minimize energy consumption and vehicle miles traveled. 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. The proposed conversion of the storage space within an existing duplex to an ADU is consistent with these Coastal Act Chapter 3 policies, as the subject site is within a highly developed area capable of accommodating increases in density.

As noted above, the site is designated Multi-Family Residential—Low Medium II Density per the certified Venice LUP and zoned RD1.5 by the City of Los Angeles (uncertified) Zoning Code. While the RD1.5 zoning allows for two units on the lot, LUP Policy I.A.7 requires at least 1,500 sq. ft. of lot area per dwelling unit within the North Venice subarea. With a lot size of 2,520 sq. ft., the existing duplex is not consistent with the land use provisions of the Venice LUP requiring a minimum 1,500 sq. ft. of lot area per unit. However, the subject development was constructed in 1987 prior to certification of the Venice LUP in 2001.

Furthermore, the proposed conversion of the storage space within an existing duplex to an ADU is consistent with Chapter 3 of the Coastal Act, even though the maximum density for this site is two dwelling units per LUP Policy I.A.7, because under the State ADU law, ADUs are accessory uses that do not count toward a site's density limit (Govt. Code § 65852.2(a)(8)). Although the State ADU law is not the standard of review and does not supersede or modify Chapter 3 of the Coastal Act, the Commission has discretion to treat ADUs in the same manner as the State ADU law for purposes of assessing compliance with LUP density limits. In particular, section 30604 of the Coastal Act encourages the protection of housing opportunities in the coastal zone for persons of low and moderate income, and encouraging development of ADUs is consistent with this direction in the Coastal Act. In addition, the addition of an ADU will not have significant impacts on coastal resources due to the accessory nature of the unit and the formalization of two additional on-site parking spaces, as discussed further below.

### **Community Character**

The existing development is consistent with the community character of the subject neighborhood, which is characterized primarily by a mix of multi-story multi-family homes and multi-story single-family homes. The proposed project includes changes to the interior only and will not impact the character of this area of Venice, consistent with both the Venice LUP and Coastal Act community character policies (Sections 30251 and 30253(e)).

As proposed and conditioned, the development concentrates development in an already developed area and preserves the community character of the area in compliance with Section 30250, 20251 and 30253 of Chapter 3 of the Coastal Act.

### **C. Public Access**

Section 30210 of the Coastal Act states:

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

Section 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:

(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.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Certified Venice LUP Policy II.A.3 Parking Requirements states, in pertinent part:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change in use...The public beach 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 of 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...

Residential Uses	Off-Street Parking Required
Multiple dwelling	2 spaces for each dwelling unit.

Certified Venice LUP Policy II.A.4 Parking Requirements in the Beach Impact Zone states, in pertinent part:

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

...Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area on the ground floor for multiple dwelling projects of three units or more...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...

Within the area surrounding the project site, many of the older developments do not have adequate on-site parking. In this case, the subject residential building was originally permitted in 1987 with two dwelling units and a storage room and is believed to have maintained four parking spaces (two pairs of tandem spaces) on-site since that time. Vehicular access to the site is taken from the street at the rear of the property (Speedway). There is street parking one block inland of the subject site, on Pacific Avenue. The amount of available on-street parking in the area surrounding the subject site is limited, due to the fact that most of the residential streets in North Venice are walk streets which do not provide space for vehicle storage. Competition for the limited amount of on-street parking is intense, especially on busy summer weekends. Hence, the project is within the BIZ identified in the certified Venice LUP, which typically requires additional parking spaces (above and beyond what is normally required by the LUP) to be provided on-site when new development is proposed. The closest public parking areas are the public beach parking lot (less than a block from the subject site), metered street parking along Washington Boulevard, and free street parking along Pacific Avenue. The project site is located near transit options: approximately ¼ mile from major bus lines on Washington Boulevard and approximately ¾ mile from major bus lines on Via Marina.

LUP Policy II.A.3 requires two parking spaces for each unit on the subject site; thus, a total of four on-site parking spaces would be required for the existing duplex. LUP Policy II.A.4 further requires an additional parking space for each 1,000 sq. ft. of area on the ground floor of developments within the BIZ. However, this requirement only applies to multi-family dwellings that include at least three units and would not apply to the existing duplex. The proposed ADU is an accessory to the duplex and does not qualify as a full residential unit. As such, the proposed project would not result in the need for an additional parking space per LUP Policy II.A.4. Here, the applicant has proposed to increase on-site parking from four to six spaces, increasing the likelihood that the conversion of the storage room into an ADU will not increase the demand for on-street parking at this location or adversely impact public access.

However, if the ADU were converted to another use or into a full unit in the future, it could become a third unit, which would require two parking spaces of its own (LUP Policy II.A.3), and trigger the need for an additional BIZ parking space (LUP Policy II.A.4). Therefore, **Special Condition 1** requires all development be carried out in accordance with the approved plans and that the applicant seek a permit amendment for any proposed changes to the ADU. This will ensure that the development will remain consistent with the parking requirements of the certified Venice LUP and the Chapter 3 policies of the Coastal Act listed above. In order to ensure that any future owners or interests in the property are aware of these conditions, **Special Condition 4** requires the landowner to record a generic deed restriction recording that the terms of this permit

run with the land. **Special Conditions 2 and 3** require the applicant to obtain any necessary local government approvals and adhere to the conditions of such approvals.

As conditioned, the proposed development 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 proposed the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act and to the public access policies of the Venice LUP.

## D. Coastal Hazards

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

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

On November 7, 2018, the Commission adopted a scientific update to its Sea Level Rise Policy Guidance. This guidance document serves as Interpretive Guidelines to help ensure projects are designed and built in a way that minimizes risks to the development associated with sea level rise 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." Additionally, Moffat & Nichol prepared a Venice Sea Level Rise Vulnerability Assessment for the City of Los Angeles in May 2018, which provides information regarding the potential impacts of sea level rise in Venice.

The siting of new development, particularly within area that may be subject to coastal hazards, is not before the Commission at this time. However, the project proposes to increase housing density in an oceanfront location that is inherently dynamic and potentially hazardous. Thus, the project site must be analyzed for potential risks to life and property presented by its location.

The existing duplex is located on a 2,520 sq. ft. lot adjacent to Venice Beach and the front of the property faces the beach public right-of-way. The wave impact zone of Venice Beach has been widened by multiple artificial sand nourishments conducted between 1945 and 1960, placing over 14 million cu. yds. of sand in the wave impact zone and widening the beach by at least 500 ft<sup>1</sup>. This has had the effect of reducing risks to the oceanfront project site associated with wave uprush and tidal flooding.

---

<sup>1</sup> Orme, A.R. & Griggs, Gary & Revell, D.L. & Zoulas, J.G. & Grandy, C.C. & Koo, J. (2011). Beach changes along the southern California coast during the 20th century: a comparison of natural and human forcing factors. *Shore and Beach*. 79. 38-50.

According to the Our Coast Our Future (OCOF) model, which uses Coastal Storm Modeling System data, the subject site is not at significant risk of flooding in the next 75 years. Under a medium-high risk aversion scenario, 2.5 ft. of sea level rise is possible within the next 40 years and a rise in sea levels of up to 6.7 ft. is projected to occur between 2090 and 2100 with current development and emission patterns (this does not account for ice sheet loss). Typically, the Commission considers the life of a residential structure to be approximately 75 years. The subject structure was constructed in 1987. Thus, even if the structure is retained for 100 years (until 2087), it is not expected to be threatened by sea level rise. The OCOF model indicates the project site is adjacent to a low-lying, flood-prone area located further south and further east; however, the subject site does not appear to be at significant risk. Furthermore, the project includes alteration solely within the interior of the existing duplex that does not raise any coastal hazards issues. Thus, the project conforms to the requirements of Section 30253 of the Coastal Act.

## **E. Coastal Act Violations**

Violations of the Coastal Act have occurred at the site including, but not limited to, the unpermitted addition of a kitchen in the ground floor storage room. It is unclear when the kitchen was added to the storage room; however, any non-exempt development activity conducted in the Coastal Zone without a valid CDP or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. In this case, the City found that legalization of the conversion of the storage to a dwelling unit requires a local CDP.

The City of Los Angeles granted the applicant a local CDP on May 22, 2019 for approval of after-the-fact conversion of a storage room in a two-unit apartment building into an additional dwelling unit, designated affordable, resulting in a three-unit apartment building with six on-site parking spaces. The applicant also submitted a dual CDP application on August 19, 2019 to the South Coast District Office. The applicant has modified their project description to be an ADU, which will not be restricted as an affordable unit. Commission review and approval of the dual CDP will resolve the violation identified in this section.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a coastal permit, or of any other development, other than the development approved herein, undertaken on the subject site without a coastal permit. In fact, approval of this permit is possible only because of the conditions included herein, and the applicant's presumed subsequent compliance with said conditions, and failure to comply with these conditions in conjunction with the

---

[https://www.venicelcp.org/uploads/7/6/6/0/76606557/venice\\_coastal\\_zone\\_slr\\_vulnerability\\_assessment\\_-\\_nov.\\_2018\\_copy.pdf](https://www.venicelcp.org/uploads/7/6/6/0/76606557/venice_coastal_zone_slr_vulnerability_assessment_-_nov._2018_copy.pdf)

exercise of this permit would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

## **F. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of an LCP, a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Coastal Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles LUP for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## **G. California Environmental Quality Act**

Section 13096(a) 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). The findings above are incorporated herein by reference.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and 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 of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's staff report dated May 7, 2019, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Sections 15301(Class 1) and 15303 (Class 3).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development 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, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

1. Venice Land Use Plan.
2. City of Los Angeles Coastal Development Permit Case No. DIR-2014-3157-CDP-MEL-SPP, dated May 22, 2019.
3. Coastal Development Permit No. 5-87-211, dated June 12, 1987.