

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-1246

Applicant: Maisie Duge

Agent: Jose Alarcon

Location: 12 E Lighthouse Street, Venice, City of Los Angeles, Los Angeles County (APN: 4294-002-011)

Project Description: After-the-fact approval of the conversion of a 689 sq. ft. guest room into an accessory dwelling unit within an existing 4,587 sq. ft., 27.5-ft. tall triplex with 6 on-site parking spaces.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The project site is a 3,146 sq. ft. lot located in a residential neighborhood between Ballona Lagoon and Venice Beach, in the Marina Peninsula subarea of Venice, City of Los Angeles. The applicant requests after-the-fact approval for the conversion of an existing 689 sq. ft. guest room into an accessory dwelling unit (ADU) within an existing 27.5-ft. high, 4,587 sq. ft. triplex 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. By definition per the Los Angeles Municipal Code, guest rooms and dwelling units are both considered habitable and rentable units. The difference between the two is guest rooms cannot have kitchens.

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 R3 by the City of Los Angeles (uncertified) Zoning Code. The R3 zoning requires a minimum of 800 sq. ft. of habitable space per unit and does not specify a maximum number of units per lot. With a habitable area of 4,587 sq. ft., the existing triplex is consistent with the City of Los Angeles (uncertified) Zoning Code. However, the subject lot is 3,146 sq. ft. in area and LUP Policy I.A.7 limits lots smaller than 4,000 sq. ft. to a maximum of two units. The structure was built in 1969; thus, pursuant to the policies in the LUP, the existing triplex is a legally nonconforming structure. Additionally, Policy II.A.3 requires at least two parking spaces per unit, plus an additional guest parking space, on lots adjacent to an alley and at least 35-ft. in width. Policy II.A.4 further requires an additional parking space for each 1,000 sq. ft. of development area on the ground floor. Per these policies, the subject lot (which is 35-ft. wide by 90-ft. deep, with 1,152 sq. ft. of ground floor area and three existing units) would require a minimum of eight parking spaces. The existing four formal parking spaces on-site are inconsistent with parking requirements of the certified Venice LUP.

While the existing triplex is inconsistent with density and parking requirements of the LUP, the subject development is pre-coastal and was constructed in 1969, prior to certification of the Coastal Act in 1972 and certification of the Venice LUP in 2001. 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. The pre-coastal development provides valuable housing density in an impacted area of Venice and, as proposed, would increase the amount of on-site parking with the increase in on-site housing density. As such, the existing triplex's nonconformity with regard to density and parking provisions of the LUP does not raise an issue of compliance with Chapter 3 policies of the Coastal Act.

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, 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 three 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 three residential units are retained as such, adequate vehicle parking

5-19-1246 (Maisie Duge)

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 5-19-1246 with four special conditions. The motion to carry out the staff recommendation is on page 4 of this report.

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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. 5-19-1246 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 Three Onsite Units and an Accessory Dwelling Unit (ADU).** The development approved by Coastal Development Permit No. 5-19-1246 is for conversion of a guest 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 5-19-1246 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, Maisie Duge, 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 4,587 sq. ft., 27.5-ft. tall triplex and an attached four-car garage. The site is located in a residential neighborhood in the Marina

Peninsula subarea of Venice, within the City of Los Angeles. The site is located between the Ballona Lagoon and Venice Beach, with the front of the property facing E Lighthouse Street and vehicular access to on-site parking provided by the abutting alley. The subject lot is approximately 35-ft. wide and 90-ft. deep (approximately 3,146 sq. ft. in area) and is zoned R3, Multiple Dwelling, by the City's uncertified Zoning Code and Multiple Family Residential—Low Medium II Density by the certified Venice LUP. The project site is designated a Beach Impact Zone (BIZ) due to its location within 300 ft. of both the Ballona Lagoon and Venice Beach ([Exhibit 1](#)). 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 1969, prior to adoption of the Coastal Act and prior to certification of the Venice LUP in 2001. The pre-coastal development included three on-site units, a guest room, and four on-site parking spaces and is not consistent with parking and density provisions of the certified Venice LUP, as discussed further below ([Exhibit 2](#)).

On September 25, 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 June 28, 2019, the City of Los Angeles Director of City Planning approved the application, pursuant to DIR-2018-293-CDP-MEL-SPP, which became effective on July 15, 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:

e. Marina Peninsula

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

Density: One unit per 1,200 square feet of lot area, Lots smaller than 4,000 sq. ft. are limited to a maximum density of two units per lot.

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

Height: Not to exceed 35 feet. Structures located along walk streets are limited to a maximum height 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 guest room within an existing triplex 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. By definition per the Los Angeles Municipal Code, guest rooms and dwelling units are

both considered habitable and rentable units. The difference between the two is guest rooms cannot have kitchens.

As noted above, the site is designated Multi-Family Residential—Low Medium II Density per the certified Venice LUP and zoned R3 by the City of Los Angeles (uncertified) Zoning Code. While the R3 zoning allows for three units on the project lot, LUP Policy I.A.7 requires at least 1,200 sq. ft. of lot area per dwelling unit within the Marina Peninsula subarea and limits lots smaller than 4,000 sq. ft. to a maximum density of two units. With a lot size of 3,146 sq. ft., the existing triplex is not consistent with the land use provisions of the Venice LUP. However, the subject development is pre-coastal and was constructed in 1969, prior to certification of the Venice LUP in 2001 and is therefore a legally nonconforming structure.

Furthermore, the proposed conversion of the guest room within an existing triplex 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 and duplex on lots 40 feet or more in width, or 35 feet or more in width if adjacent to an alley	2 spaces for each dwelling unit; plus a minimum of 1 (one) guest parking space for each 4 (four) or fewer units (i.e. 2.25 spaces per unit; always round-up to highest whole number of spaces)...

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 pre-coastal residence was originally constructed in 1969 with three dwelling units and a guest 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 alleyway at the rear of the property. There is street parking adjacent to the subject site on Lighthouse Street and Pacific Avenue. The amount of on-street parking in the area surrounding the subject site is limited because most of the residential streets on the Marina Peninsula are walk streets that provide no 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 an additional parking space per each 1,000 sq. ft. of ground floor area to be provided on-site for new development including three units or more. The closest public parking areas are the public beach parking lot (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 100 ft. from the nearest bus stop at Pacific Avenue and Lighthouse Street, approximately 0.2 mile from major bus lines on Via Marina, and 0.5 mile from major bus lines on Washington Boulevard.

LUP Policy II.A.3 requires two parking spaces for each unit, plus one additional guest space, on the subject site; thus, a total of seven on-site parking spaces would be required for the existing triplex. 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, thus requiring a total of eight on-site parking spaces for the existing triplex.

However, as noted above, the existing triplex was constructed prior to certification of the Coastal Act in 1972 and certification of the Venice LUP in 2001. The proposed ADU is an accessory to the triplex and does not qualify as a full residential unit. Furthermore, the applicant has proposed to increase formal on-site parking from four spaces to six spaces. This increase in on-site parking reduces the likelihood that the proposed conversion of a guest room to an ADU at the pre-coastal triplex will have an impact on the demand for on-street parking or public access to the coast; indeed, as the proposed ADU was formerly a guest room that could be rented out, the parking demand for the development is unlikely to change at all.

Moreover, Policy I.E.5 of the City's LUP addresses non-conforming structures and only requires that non-conformities are addressed when a project involves "extensive renovation" or a "major addition," or if it would "greatly extend the life of a nonconforming structure or . . . eliminates the need for the nonconformity." Even then,

non-conforming aspects of the structure may be maintained if it would achieve a goal of community character or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP¹. Here, the conversion of a guest room to an ADU will not involve extensive renovation of or a major addition to the triplex and is not expected to greatly extend the life of the nonconforming structure; even if it did involve development covered by the policy, maintaining the non-conformities as to density and parking would maintain and encourage housing opportunities by authorizing an ADU, consistent with State policy, which facilitates more affordable housing opportunities in the coastal zone (although there is no requirement that the ADU be “affordable”).

If the ADU were converted to another use or into a full unit in the future, it could become a fourth unit, which would require two parking spaces of its own (LUP Policy II.A.3). 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...

¹ The following Commission-approved Venice projects included retained non-conformities as part of remodels, renovations and additions to existing structures: CDP No. 5-92-049 (Greenwald), 5- 92-292 (Cramer), 5-92-427 (Vessler), 5-92-347 (Leoncavallo), 5-93-224 (Payton), 5-93-291 (Wiener), 5- 94-115 (Schacht), 5-94-273 (Contant), 5-95-034 (Groening), 5-95-096 (Pascal), 5-95-273 (Keynan), 5-96- 046 (Friedman), 5-99-062 (Balkan), 5-99-085 (Menas), 5-99-317 (Parkos), 5-01-327 (Storey), 5-01-418 (Jaye), 5-04-082 (Jungwirth), 5-05-495 (Toussieng), 5-06-009 (Parkos), and 5-06-095 (Harbinson).

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 a 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 triplex is located on a 3,146 sq. ft. lot within 300 ft. of both the Ballona Lagoon and Venice Beach. 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 ft². This has had the effect of reducing risks to the oceanfront project site associated with wave uprush and tidal flooding.

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), which is within the anticipated life of the existing development constructed in 1987. The OCOF model indicates the project site is adjacent to a low-lying, flood-prone area surrounding the Ballona Lagoon; however, the subject site does not appear to be at significant risk. Furthermore, the project includes alteration solely within the interior of the existing triplex that does not raise any coastal hazards issues. Thus, the project conforms to the requirements of Section 30253 of the Coastal Act.

² 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.
https://www.venicelcp.org/uploads/7/6/6/0/76606557/venice_coastal_zone_slr_vulnerability_assessment_-_nov._2018_copy.pdf

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 guest room. It is unclear when the kitchen was added to the guest 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 guest room to a dwelling unit requires a local CDP.

The City of Los Angeles granted the applicant a local CDP on June 28, 2019 for approval of after-the-fact conversion of a guest room in a three-unit apartment building into an additional dwelling unit, designated affordable, resulting in a four-unit apartment building with six on-site parking spaces. The applicant also submitted a dual CDP application on November 13, 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 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 June 28, 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-2018-293-CDP-MEL-SPP, dated June 28, 2019.