

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-20-0060

Applicant: Venice Community Housing Corporation

Agent: Jonathan Lonner

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: Tracy Carpenter, Helen Fallon, Debi Lee, David Barach, Judith Esposito, Frank Defurio, Stephanie McCartney-Griffith, Matthew Satuloff, Brennan Lindner, Evangelina Castillo Greene, Andrea Boccaletti, Varsiann Amerian, Nikki Shallenberger, Eric Donaldson

Project Location: 2467-2471 South Lincoln Boulevard, Venice, City of Los Angeles, Los Angeles County (APN(s): 4237023016, 4237023018).

Project Description: Appeal of local government approval for the demolition of a 2,056 sq. ft. auto repair shop and addition to and conversion of a 2,482 sq. ft. philanthropic use structure resulting in a 4-story, 30,463 sq. ft., mixed-use structure including 39 permanent supportive housing units and one manager unit, with 4,441 sq. ft. of supportive services and 3,085 sq. ft. of ground-floor commercial (office) space with a total of 6 on-site parking spaces, and 42 bicycle parking spaces.

Staff Recommendation: Determine that no substantial issue exists

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeals have been filed because the project, as approved by the City of Los Angeles, is consistent with Chapter 3 of the Coastal Act. The standard of review for these appeals is Chapter 3 of the Coastal Act and the City's certified Venice Land Use Plan (LUP) provides guidance.

On May 28, 2020, the City approved Local Coastal Development Permit (CDP) Case No. CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI with conditions for the demolition of a 2,056 square foot auto repair shop and addition to and conversion of a 2,482 square foot philanthropic use structure resulting in a 4-story, 30,463 square foot, mixed-use structure including 39 permanent supportive housing units and one manager unit, with 4,441 square feet of space designated for supportive services and 3,085 square feet of ground-floor commercial (office) space with a total of 6 on-site parking spaces.

Given that the project will provide affordable housing, the City found that some of the building standards referenced in the Venice LUP related to height, density, floor area ratio, setback and parking requirements could be waived using incentives and waivers of development standards provided by specific policies of the LUP relating to affordable housing in combination with other provisions of the State's Density Bonus Law. The appellants contend that the City-approved project is inconsistent with the parking, height, density, land use standards of the certified LUP and is not consistent with the character, mass, and scale of the surrounding area. Furthermore, the appellants contend that the City-approved waiver for the setback provisions for buildings in the Coastal Zone and the overconcentration of affordable housing in Venice set a dangerous precedent.

The Coastal Act requires "maximum access...be provided for all people" (Section 30210) and states "When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state" (Section 30604(h)). Due to historic institutionalized geographic, economic, social, and cultural barriers, marginalized populations, including low-income communities and communities of color, have been denied access to affordable housing in the coastal zone. Through the City's approval, the proposed project provides more housing units than would otherwise be allowed on the site; all of which are designated as affordable with offices supporting Safe Place for Youth programming, resident and homeless services, and education and job training

programs. The proposed project, which is located in a mixed-use area in the coastal zone, will provide housing for lower income youths and families, which will enhance Venice's social diversity, and will not adversely affect public access to the coast.

While the subject project does not conform with all development standards of the certified Venice LUP (specifically the 100% density bonus approved by the City allowing for 20 additional low income housing units would exceed the 25% density bonus allowed for affordable housing under the policies of the LUP), the City found that the project is consistent with the character of the surrounding development and will not adversely impact coastal resources consistent with Chapter 3 policies of the Coastal Act. In this case, Commission staff concurs with the City's findings relating to the determination that the project is consistent with Chapter 3 policies of the Coastal Act and would not result in any adverse impacts to coastal resources, including but not limited to public access and visual resources; as such, the non-conformity with the LUP density bonus policy does not rise to a level of a substantial issue.

In determining whether an appeal raises a substantial issue, the Commission may consider five factors including, but not limited to: 1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; 2) the extent and scope of the development as approved or denied by the local government; 3) the significance of the coastal resources affected by the decision; 4) the precedential value of the local government's decision for future interpretations of its LCP; and 5) whether the appeal raises only local issues, or those of regional or statewide significance.

Applying the five substantial issue factors to the issues raised by the appeal and the administrative record for the City's action indicates that, although the development standards exceptions granted by the City relating to height, setback and stepback requirements are supported by the City's findings related to the certified Venice LUP, the City's approval of an increase in density greater than 25% is not. However, Commission staff concurs with the City's decision that the project is consistent with Chapter 3 of the Coastal Act. Further, the development is located in a built-out, primarily commercial inland area of the Coastal Zone, in close proximity to other residential and institutional structures, and will not be inconsistent with the character of the surrounding area. Finally, the City's approval of this project is unlikely to set a precedent for future development in Venice (such as market rate housing) and the issues raised by the appeal are only related to local issues, not issues of regional or statewide significance. Therefore, staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed. Pursuant to Section 30625(b) of the Coastal Act and Section 13321 of the Commission's regulations, do novo consideration of the application is not required.

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Location](#)

[Exhibit 2 – Appeal](#)

[Exhibit 3 – Project Plans](#)

I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE

Motion: I move that the Commission determine that Appeal No. A-5-VEN-20-0060 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution: The Commission hereby finds that Appeal No. **A-5-VEN-20-0016** presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

II. LOCAL GOVERNMENT ACTION

On May 28, 2020, the Los Angeles City Planning Commission took a number of actions on the subject project, Case No. CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI, for the demolition of 2,056 square foot auto repair shop and addition to and conversion of a 2,482 square foot philanthropic use structure resulting in a 4-story, 30,463 square foot, mixed-use structure including 39 permanent supportive housing units and one manager unit, with 4,441 square feet of space designated for supportive services and 3,085 square feet of ground-floor commercial (office) space with a total of 6 on-site parking spaces. The City's actions include the approval of a local CDP with conditions, a CEQA exemption determination in accordance with State Guidelines Section 15332 (In-fill Development Projects), approval of a Conditional Use Permit for a Housing Development Project with a 100% density bonus, "on-menu" incentive to increase the permitted floor area ratio (FAR) to 3:1 in lieu of the otherwise required 1.5:1, "off-menu" incentives to provide zero residential parking spaces and 6 commercial parking spaces, waivers for height, stepback, provisions, setback provisions, and passageway requirements, project permit compliance for a project within the Venice Coastal Specific Plan, approval pursuant to the Community Design Overlay Plan, approval of Mello Act compliance, and adoption of the conditions and findings for the subject development project.

The City issued a letter of determination on June 3, 2020. The City's Notice of Final Local Action for the local CDP was received in the Coastal Commission's Long Beach Office on September 21, 2020 and the Coastal Commission's required twenty working-day appeal period was established. On October 14, 2020, the appeals were received from the appellants (listed above). No other appeals were received prior to the end of the appeal period on October 19, 2020.

III. APPELLANTS' CONTENTIONS

On October 14, 2020, within 20-working days of receipt of the notice of final local action, Tracy Carpenter, Helen Fallon, Debi Lee, David Barach, Judith Esposito, Frank Defurio,

Stephanie McCartney-Griffith, Matthew Satuloff, Brennan Lindner, Evangelina Castillo Greene, Andrea Boccaletti, Varsiann Amerian, Nikki Shallenberger, and Eric Donaldson filed an appeal of the City-approved CDP ([Exhibit 2](#)). The appellants assert that the City-approved project is not consistent with the land use, height, parking, density, standards of the certified LUP and is not consistent with the character, mass, and scale of the surrounding area.

More specifically, with regard to the LUP's land use policies, the appellants contend that the project is predominately residential on a site designated for commercial uses. Furthermore, the appellants contend that the ground floor area should be excluded from benefiting from waivers and density bonuses because the ground floor uses would not be residential but would have commercial office space, providing services to both residents and non-residents of the site. The appellants also contend that the project raises safety issues and that the City failed to provide an analysis of the cumulative effects of the development on community character. In addition, the appellants contend that the City-approved 49-foot maximum building height is taller than the 25-foot height limit stipulated in the LUP and that the height increase is not justifiable because the ground floor is commercial space and is not part of the affordable housing component of the project. The appellants also contend that the applicant incorrectly states that there is a 19-story building 0.5 miles southwest of the project site and that the proposed project does not protect community character.

The appellants contend that the project should include 132 parking spaces per the certified LUP and suggest that the 6 commercial automobile parking spaces and 0 residential automobile parking spaces included in the City-approved project raises a substantial issue as to whether this reduction of commercial and elimination of residential parking requirements is appropriate. Also, related to parking, the appellants state that it is unclear how large the proposed café/art gallery will be and that it will require more parking as it falls under the "restaurant" category. Additionally, the appellants assert that the applicants plan to use public parking as the loading dock for the project which will further degrade the neighborhood and further contribute to the scarcity of the parking in the surrounding neighborhood. Furthermore, the appellants contend that the increase in density above the standards set out in the certified LUP and the use of a 100% density bonus, which is larger than the LUP's allowable 25% density bonus, also raise a substantial issue with regard to the protection of community character. Also, the appellants state that the project is inconsistent with the step-back and setback provisions of the LUP. The appellants also contend that there is an overconcentration of affordable housing in Venice and this sets a dangerous, statewide precedent.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued CDPs. Section 30602 of the

Coastal Act allows any action by a local government on a CDP application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local CDP application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicants, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act, and Section 13321 of the Commission’s regulations, require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists as to the project’s conformity with Chapter 3 of the Coastal Act.

Commission staff recommends a finding of **no substantial issue**. If the Commission decides that the appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the Commission typically continues the public hearing to a later date in order to review the CDP as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The Venice LUP, certified on June 14, 2001, is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their

representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE PERMIT JURISDICTION AREA

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. For projects located inland of the areas identified in Section 30601 (i.e., projects in the Single Permit Jurisdiction), the City of Los Angeles local CDP is the only CDP required. The subject project site on appeal herein is located within the Single Permit Jurisdiction Area. The Commission's standard of review for the appeal is the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located adjacent to the inland coastal zone boundary, approximately 1.25 miles from Venice Beach in the Southeast subarea of Venice, City of Los Angeles. The subject site contains two adjacent lots totaling 15,986 square feet and is designated as General Commercial by the certified Venice LUP and zoned C2 by the Los Angeles Municipal Code ([Exhibit 1](#)). The developments immediately adjacent to the site include one and two-story commercial buildings and institutional buildings of varying architectural styles. Residential development is also located within approximately 150 feet of the subject development. There is no environmentally sensitive habitat area in the immediate project vicinity. There are two lots that comprise the project site and the lots currently contain a mix of philanthropic and commercial uses.

The City-approved project includes the demolition of a 2,056 square foot auto repair shop and addition to and conversion of a 2,482 square foot philanthropic use structure resulting in a 4-story, 49-foot high, 30,463 square foot, mixed-use structure including 39 permanent supportive housing units and one manager unit, with 4,441 square feet of space designated for supportive services and 3,085 sq. ft. of ground-floor commercial (office) space with a total of 6 on-site parking spaces ([Exhibit 3](#)). Nineteen of the residential units are reserved for homeless youth (18-24 years old) at 30-60% Area Median Income (AMI), the other 20 residential units are reserved for homeless individuals at 30-60% AMI, and one residential unit is reserved for an on-site manager.

The applicant proposes to expand the current 2,482 square feet of existing Safe Place for Youth (SPY) office space used for programmatic services to 3,085 square feet of office for SPY. SPY is a non-profit partner that serves youth population through a continuum of care that includes street outreach, access center services, case management, health and wellness, and education and employment programs. The applicant contends that the office space was originally identified as philanthropic use given the work that SPY does and to stay consistent with the current Certificate of Occupancy; however, the Lincoln Boulevard Community Design Overlay, which is an uncertified City planning document and not a standard of review for a CDP, states that

the ground floor needs to have a commercial frontage for compliance purposes and therefore changed the use from philanthropic to commercial to satisfy this requirement.

In addition, the applicant proposes 4,441 square feet of supportive services for on-site residents that is required as part of the Permanent Supportive Housing project. The required on-site supportive services are considered an essential accessory function to the designated use of the building and are reserved to provide social services specifically for the residents. In this space, 3 full-time professional social service staff will have offices. Additional space is reserved for multiple service partners who provide comprehensive, integrated services and support for tenants. In addition, in earlier iterations of the project plans, there was a café/art gallery; however, this area was removed from the plans as the applicant contends that the space is actually a lunchroom or an office foyer for the staff working on-site. The proposal also contains open space, courtyards, landscaped areas, common space, laundry and trash facilities.

The proposed project also includes closing the existing driveway on Lincoln Boulevard, reconstructing the curb, gutter, and 10-foot wide sidewalk area, and improving the current 50-foot wide portion of the lot (2471 South Lincoln Boulevard) to a depth of 18 feet with a public plaza area providing landscaped and seating areas. All vehicle access will be provided from an existing 10-foot-wide driveway on Garfield Avenue, along the southeasterly portion of the site. Additionally, the removal of the driveway on Lincoln Boulevard can add 2 on-street public parking spaces. The proposed dedications and improvements will not result in a reduction in the number of existing vehicle travel lanes or reduce the number of on-street parking spaces and the street improvements will result in a new sidewalk area adjacent to Lincoln Boulevard.

The project proposes 6 parking spaces on the ground floor, located to the rear portion of the proposed structure. 20% of the on-site parking spaces are required to accommodate electric vehicle charging stations. There is no proposed parking for the residential units; however, the applicant states that the residents will receive a free public transit pass.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

When determining whether an appeal raises a “substantial issue,” section 13115(b) of the Commission’s regulations provide that the Commission may consider factors, including but not limited to:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;

4. The precedential value of the local government's decision for future interpretations if its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

Staff is recommending that the Commission find that **no substantial issue** exists with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a CDP issued by the local government prior to certification of its LCP are the Chapter 3 policies of the Coastal Act. Any local government CDP issued prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

Relevant Coastal Act Policies:

Section 30210 of the Coastal Act states, in part:

...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, and rights of private property owners, and natural resource areas from overuse.

Section 30250(a) of the Coastal Act states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service,

(2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states, in part:

New development shall...Minimize energy consumption and vehicle miles traveled...Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational resources.

Section 30604 of the Coastal Act states, in part:

(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.

(h) When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

Relevant Venice LUP Policies

Exhibit 3 (Summary of Venice Coastal Issues) of the Venice LUP states, in part:

Locating and Planning New Development

Residential Land Use and Development...

- Provision of very low, low, and moderate income housing for a cross-section of the population, including persons with special needs...

Policy I.A.8 Multi-Family Residential - Medium Density of the Venice LUP states, in part:

Height: Not to exceed 25 feet for buildings with flat roofs, or 30 feet for buildings with stepped back or varied rooflines. The portion that exceeds 25 feet in height shall be set back one horizontal foot from the required front yard for every foot in height above 25 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16)

Policy I.A.13 (Density Bonus Applications) of the Venice LUP states, in part:

... In order to encourage the provision of affordable housing units in the areas designated as “Multiple Family Residential” and in mixed-use developments, the City may grant incentives such as reduced parking, additional height or increased density consistent with Government Code Section 65915 provided that the affordable housing complies with the following:

- a. This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than 25 percent more units than a property’s zoning would ordinarily allow. In exchange for this density bonus, the owners must make the units affordable for 30 years if an incentive is utilized in addition to a density bonus specified in Government Code Section 65915(b) or for 10 years if a second incentive is not utilized.
- b. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. In the Coastal Zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission. The density bonus shall be applicable to housing development consisting of five or more units.
- c. In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. If the City approves development with a density bonus, the City must find that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the City determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the City shall require that the density increase be accommodated by those means. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a 25 percent density increase, the City shall identify all feasible means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that are most protective of significant coastal resources.

- d. The City may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25 percent may be permitted based on a finding that no adverse impacts on coastal resources would result.
- e. In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the City determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the City may grant the requested incentive. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.
- f. For the purposes of this section, “coastal resources” means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Policy I.A.14 (Parking Requirements for Affordable Housing) of the Venice LUP states, in part:

Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13 [Density Bonus Applications]; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

Policy I.B.2 Mixed-Use Development of the Venice LUP states, in part:

Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area... The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access

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roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity...

Policy I.B.4 (General Commercial Land Use) of the Venice LUP states, in part:

This land use designation is intended to maintain the uses, density, and character of existing low intensity commercial areas. Neighborhood commercial facilities shall also be encouraged within designated General Commercial corridors which are adjacent to residential neighborhoods. This designation primarily occurs at the intersections of major and secondary streets, or as low rise, low density linear “strip” development along major and secondary streets, and includes areas identified as “Mixed-Use Boulevards”. Land designated for General Commercial in the Venice Coastal Zone is shown on Exhibits 9 through 12.

Policy II.B.1 (Public Transportation) of the Venice LUP states, in part:

It is necessary to maintain existing and develop new public transportation facilities to facilitate coastal access in Venice...

Policy II.C.9 (Alley Access and Improvements) of the Venice LUP states, in part:

...New development shall incorporate any improvements necessary to upgrade or retain alleys to current standards and to enhance public safety.

Policy I.E.1 (Preservation of Venice as a Special Coastal Community, General) of the Venice LUP 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.

Parking Requirement Table of the Venice LUP states, in part:

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)...
General Office and other Business, Technical Service, Administrative or Professional Offices	1 space for each 250 square feet of floor area.

Chapter 3 of the Coastal Act is the standard of review for the substantial issue determination; however, the certified Venice LUP policies provide guidance and may

be used by the Commission to evaluate a project's consistency with Chapter 3. In this case, the appellants contend that the City-approved project is not consistent with visual resources policies of Chapter 3 of the Coastal Act or with the land use, height, parking, density and community character standards of the certified LUP.

Section 30251 of the Coastal Act protects public views to and along the coast and requires permitted development be sited and designed to be visually compatible with the character of surrounding areas. The Venice LUP includes standards for building height, development setbacks, roofline stepbacks, floor area ratio, and density, which may be used as guidance in analyzing new development for compatibility with existing development in Venice. The appellants contend that the project is not consistent with the Venice LUP and, thus, raises a substantial issue with regard to the City's findings of conformity with Chapter 3 of the Coastal Act.

The project site is located in an area designated General Commercial. This land use designation is intended to maintain the uses, density, and character of existing low intensity commercial areas. Thus, the subject project, with a mix of residential development and commercial development, will maintain its commercial use and will provide social programs and services for the residents, is allowed under the certified Venice LUP. Section 30250 of the Coastal Act requires new development be sited in existing developed areas able to accommodate it. In this case, the project is located in a developed mixed-use area able to accommodate residential and commercial uses and is consistent with the Chapter 3 policies of the Coastal Act, including Section 30250.

Project Density

The appellants contend that the City-approved residential density at the project site is inconsistent with the certified LUP. Policy I.B.2 of the Venice LUP states that the allowable residential density for commercial land use designations is one unit per 800-1200 square feet of lot area. Therefore, the allowable density on-site per the LUP standards is between 14 and 20 units.

With respect to density, the City calculated the allowable base density for the subject site to be 20 units and the City-approved project includes 40 residential units. In order to approve the exceedance of allowable units on site, the City approved a 100% density bonus (20 units in excess of the normally allowed 20 units) for the affordable housing project. In approving the larger density bonus, the City found that this exception is consistent with the similar State Law allowing for such bonuses; however, that law does not constitute a standard of review for coastal development permits. While the State Density Bonus Law, referenced in the certified LUP, "shall be interpreted liberally in favor of producing the maximum number of total housing units" [Government Code Section 65915(r)] and LUP Policy I.A.13 allows for and encourages the provision of affordable housing through density bonuses to address the issue of limited affordable housing in Venice as listed in the LUP's Summary of Issues, the policy limits the density bonus to a maximum of 25% more units than the property's zoning would normally allow, which amounts to 25 units, not 40 units. Thus, as approved by the City, the proposed project is not fully consistent with this

provision of the LUP because it allows for a greater density bonus on site than allowed by Policy I.A.13. However, the certified LUP policies related to density limits are intended to further Chapter 3 policies, which are the standard of review. Pursuant to Section 30210 which requires that “maximum access...be provided for all people,” the proposed project provides permanent supportive housing units for those who would otherwise be unhoused, thereby maximizing public access for all through new development.

In this case, the City-approved project provides new, supportive affordable housing located in an urbanized area (1.25 miles from the beach) within a commercial corridor, and adjacent to institutional, commercial, and residential uses. As discussed below, the project will not adversely impact community character, coastal access, coastal views, or any other coastal resources; and is consistent with the applicable Chapter 3 policies of the Coastal Act. In addition, the project, as approved and conditioned by the City, is consistent with the general intent of Policy I.A.13 of the Venice LUP and Section 30604(g) of the Coastal Act to encourage the provision of affordable housing as it provides permanent supportive housing units to transitional youth and individuals. Furthermore, the subject development furthers environmental justice for communities with greater barriers to access in the coastal zone, particularly due to a lack of affordable housing, through the creation of affordable housing for homeless youths, individuals, and families consistent with Section 30604(h) of the Coastal Act, which provides that the Commission may consider environmental justice when acting on coastal development permits on appeal.

Visual Resources and Community Character

Section 30251 of the Coastal Act requires that “development be sited and designed to protect[s] views to and along the ocean and scenic coastal areas” and “to be visually compatible with the character of surrounding areas.” Additionally, Section 30253 requires new development “where appropriate, [to] protect special communities that, because of their unique characteristics, are popular visitor destination points for recreational uses.” While Venice, as a whole, is considered a special community that is a popular visitor destination area, the project site is located in an area at the inland extent of the coastal zone, adjacent to larger commercial developments and Lincoln Boulevard/State Highway 1 (a busy commuter street). There are no views to or along the ocean at this location.

In terms of the project’s visual compatibility with the surrounding area, along with the density bonus, the City granted more than one incentive consistent with Policy I.A.13 of the Venice LUP and Government Code Section 65915. The allowed extra incentives are explicitly referenced by Venice LUP Policy I.A.13. The appellants contend that these density bonus incentives resulted in a project that is not visually compatible with the character of the surrounding area and that there is an overconcentration of affordable housing and services projects in Venice which “sets a dangerous, statewide precedent...”

Developments in the Southeast subarea of Venice, where the subject site is located, are allowed to have a maximum height of 25 feet for buildings with flat roofs (which

is the case here) pursuant to Policy I.A.8 of the certified LUP. The requirement, per the certified LUP, states that there should be a setback of one foot for every increase height above 25 feet, to a maximum height of 30 feet. Applying a density bonus incentive, the City approved the subject project with a maximum height of 49 feet, which includes the additional affordable residential units on the third and fourth floors, consistent with LUP Policy I.A.13. The residential levels are proposed to be setback 7 feet from Lincoln Boulevard (instead of 14 feet) and along the sides and rear of the property. The ground level currently has a zero-foot setback on Lincoln Boulevard. The City waived setback standards using another density bonus incentive, consistent with LUP Policy I.A.13 to maintain a zero-foot setback with a depth of 18 feet to allow a public plaza area. The City found that compliance with the setback requirements is consistent with the community character of the area and would not have any impacts on coastal resources. For example, there are numerous structures with reduced setbacks located within a close distance to the subject site. Specifically, 2457 South Lincoln is a commercial building which has a setback of zero feet (located approximately 60 feet from the project site). The developments at 2485-2487 South Lincoln also have a zero-foot setback (located 150 feet from the project site). At 2417 South Lincoln, there is another commercial building, which has a zero-foot setback (located approximately 400 feet from the site).

The project is located approximately 1.25 miles from the beach and is adjacent to Lincoln Boulevard, which is the boundary of the coastal zone in this location and is a busy commuter thoroughfare lined with commercial development. The project site is surrounded by 1-story and 2-story residential, commercial and institutional uses such as retail, motels, restaurants, schools, churches, and single- and multi-family residential. As previously mentioned, the City found that the waiver of development standards for height was appropriate to accommodate the affordable housing project. In this case, the City compared the project to a number of other structures on Lincoln Boulevard. The City's findings state that the structures on Lincoln Boulevard are characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures up to 19 stories approximately 0.5 miles southwest of the site. In addition, the City's findings state that the commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not designate a maximum height limit; however, the subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines and that the properties along the north side of Lincoln Boulevard are not subject to a height limitation. While the project is relatively large in scale (49-foot high), it is sited in an area of the City with other large-scale developments and is designed to reduce the project's mass while also providing 39 affordable units on site. Additionally, the building will provide approximately 4,638 square feet of usable open space including: a 962 square-foot public plaza on the ground level, a 1,381 square foot central courtyard on the second floor, and 2,295 square feet of open space areas with a deck and rooftop gardens on the fourth floor. The appellants' contentions relating to the height and setback requirements of the subject development do not rise to the level of substantial issue because the development is not inconsistent with other commercial

and residential development in the area and does not affect views to and along the ocean.

Similarly, the appellants contend that the City did not include an analysis of cumulative effects on community character and that the incremental effects of past, current and future projects need to be considered. Further, the appellants state that the height of the project raises a substantial issue as to conformity with the LUP standards that protect community character. With regard to the project's cumulative impacts on visual resources and community character in Venice, the City's approval is unlikely to set a precedent for future development that would allow 100% affordable housing projects to avoid Coastal Act requirements, or to have cumulative impacts on coastal resources, because Venice is built-out with a limited number of large parcels that could support similar projects. In this case, the applicant already owns the properties where the subject affordable housing development is proposed, which is unusual. In cases where affordable housing developers do not already own a large parcel in a mixed-use area or cannot obtain such a parcel at a discount, it may not be feasible to develop affordable housing. In addition, the City of Los Angeles has a Comprehensive Homeless Strategy (adopted by the City Council on February 9, 2016) that encourages the development of affordable housing throughout the City and County, not only Venice. However, it should be noted that this strategy is not certified by the Commission. Thus, while the City approved structure is larger than other buildings in the area as a result of the use of density bonus incentives consistent with LUP Policy I.A.13, the City's policy is to try to develop affordable housing throughout the City and County and there is no evidence that this project is part of a concerted City plan to locate affordable housing developments in the project vicinity in a way that would significantly affect the character of the surrounding area, nor that it is part of a trend in development in this area of Venice that will cumulatively affect community character even though this project has been found consistent with the Coastal Act. Therefore, the Commission finds that the City-approved supportive affordable housing development does not set precedent for large mixed-use developments in Venice and will not result in cumulative impacts to community character or visual resources.

Furthermore, Policy I.E.2 of the Venice LUP acknowledges Venice's social and architectural diversity as a coastal resource that should be protected as an element that characterizes the popular visitor destination. In this case, the project, as approved and conditioned by the City, protects Venice's social diversity through the creation of affordable housing. While the project's maximum height exceeds the LUP standard for the Southeast area, the project is located near a number of larger-scale commercial and institutional developments, and the City-approved project height and setback (approved through the use of density bonus incentives consistent with Policy I.A.13) do not adversely impact community character and visual resources. In addition, cumulatively and as described in more detail in the following section, the development of affordable housing in the coastal zone is consistent with the public access policies of the Coastal Act.

As explained above, the LUP contains building standards relating to building height, development setback, roofline stepbacks, floor area ratio, and density that are intended to protect the character of Venice and visual resources, consistent with

Section 30251 and 30253 of the Coastal Act. The City-approved development is consistent with the LUP's standards relating to the protection of visual resources and community character. Thus, as approved and conditioned by the City, the project is consistent with the Chapter 3 policies of the Coastal Act.

Public Access and Parking

The appellants also raise concerns about the City-approved reduction in required parking, stating that parking in this area is limited; that mass transit has decreased and cannot be relied upon; and that public parking should not be used as a loading dock for the project. Section 30252 of the Coastal Act requires new development to maintain public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation. In a recent study conducted by Fehr & Peers in April 20, 2017, 42 affordable housing sites within the City of Los Angeles were surveyed for vehicle trip generation and parking.¹ The results indicate that parking utilization ratios are less than the ratios required in the certified LUP. The study indicated that permanent supportive affordable housing created a demand between 0.2 and 0.48 spaces per unit. Additionally, in March 2019, Crain and Associates produced a report on the effects of a 100% affordable housing project and transit availability on personal vehicle ownership and parking demand. That study concluded that substantial evidence and academic research support reduced car ownership and parking utilization by lower income households and housing in close proximity to public transit.²

The LUP's parking standards would normally require 103 parking spaces for the proposed development (80 spaces for 40 residential units, 10 spaces for guest parking, and 13 spaces for the proposed 3,085 sq. ft. of commercial/office use).³ However, Policy I.A.14 of the certified LUP also allows for the normally required parking requirements to be reduced for affordable housing. In terms of regional public transit, the project site is located approximately 100 feet east of a bus stop that is served by the 3 bus line which connects Santa Monica to LAX. The project site is also located approximately 450 feet from a bus stop served by the CC2 Culver City bus which connects inland Venice to Inglewood. The project also provides affordable supportive housing for a minimum of 55 years from the issuance of the Certificate of Occupancy, which, as demonstrated by the referenced studies, generates a significantly lower demand for parking than a market rate residential development. As stated in Policy I. B. 2 of the certified LUP, the design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the

¹ Fehr & Peers, Task 2.1A Local Affordable Housing Trip Generation Study (April 20, 2017)

² Crain & Associates, Low-Income Restriction and Transit Availability Effects on Personal Vehicle Ownership and Parking Demand (March 12, 2019)

³ Venice Certified LUP Parking Calculations: 2 parking spaces x40 residential units=80 parking spaces; 0.25 parking spaces x40 residential units=10 parking spaces; 1 space per 250 sq. ft. so 3,085/250=13 parking spaces. Total=103 parking spaces. The 4,441 sq. ft. of supportive services was not factored into the parking calculations as the use of this space is for the use of residents only, as required by California Government Code Section 65651, and is considered accessory to the residential use, and should not subject the project to any additional requirements.

need for automobile use by residents and encouraging pedestrian activity. The applicant has also stated that residents will receive a free transit pass. Additionally, the City's findings state that bicycle parking shall be provided on-site consistent with the City code and that there will be 42 bicycle parking spaces on-site which will be accessible to the residents and employees. The City's findings state that the project meets the definition of Qualified Permanent Housing and satisfies requirements outlined in LAMC Section 14.00 A.13 and pursuant to Section 14.00 A. 13(d)(2)(i), no parking spaces are required for dwelling units set aside for the Target Population (in this case, chronically homeless individuals). The City states that the proposed zero residential parking spaces is consistent with the policies for affordable housing and reduced parking of the certified LUP. Thus, pursuant to the certified LUP policies mentioned above, the availability of bicycle parking spaces on site and free transit passes for residents, it is appropriate to apply a reduced parking ratio for the proposed development.

The City-approved project provides 6 on-site parking spaces and 42 bicycle parking spaces. The City determined that 6 parking spaces were appropriate for proposed 3,085 square foot of office use. The City calculated the parking requirement by using 1 parking space per 250 square feet of commercial space for a total of 12 parking spaces.⁴ The City further reduced the requirement to 9 parking spaces with the 30% bicycle parking reduction, pursuant to LAMC 12.21.A.4(d) for nonresidential reduction within 1500 feet of the bus stop. The City further reduced the parking from 9 parking spaces to 6 parking spaces pursuant to the density bonus, per LUP Policy I.A.13. As for the 4,441 square feet of supportive service space, the City determined that the supportive services are required as a part of Permanent Supportive Housing designation; they are accessory to the underlying use and do not require any additional parking because have already been factored into the overall intensity of use of the site.

Specifically, Policy I.A.14 of the certified Venice LUP allows for reduced parking for low income affordable units if the project is consistent with the density bonus policies of the LUP (described above) and if it is demonstrated that the occupants would have a reduced demand for parking (also described above). Applying a parking ratio of 0.2 to 0.48 parking spaces per unit for affordable supportive housing, as suggested in the Fehr & Peers April 2017 study, between 8 and 19 spaces would be required for the 40 housing units. In addition, approximately 13 parking spaces would be required for the office use. Therefore, a total of between 21 and 32 automobile parking spaces would be required. In this case the provision of 42 bicycle parking spaces and the reduced demand for parking (due to the restricted income levels of the residents and the project site's proximity to public transit) supports the City's approved parking plan with 6 vehicle parking spaces as appropriate for the subject affordable housing development.

As mentioned, Policy I.A.14 allows for reduced parking for low income units, and the City found that 6 parking spaces for commercial use and 0 parking spaces for

⁴ 3,085 sq. ft./250 sq. ft. is 12.3. The City rounded down to 12; however, the certified LUP states to always round-up to highest whole number of spaces. Therefore, Commission staff finds that 3,085 sq. ft. would require 13 parking spaces (not 12) per the certified LUP.

residential use is sufficient. In this unique situation, given that the project is for transitional youth and families, parking demand is expected to be significantly lower than a similarly sized project that would supply new market-rate development. In addition, as mentioned above, the proposed development is located 1.25 miles from the coast adjacent to the inland boundary of the coastal zone, there is a demonstrated reduced demand for parking for affordable supportive housing units⁵, and the proposed development is located within approximately 100 feet of public transit, providing public transit options for employees and residents. Therefore, the City's determination that 6 parking spaces for the development is sufficient does not raise a substantial issue with respect to the consistency of the development with Chapter 3 of the Coastal Act or the certified LUP, used here as guidance.

Furthermore, Section 30210 requires the provision of maximum coastal access and recreational opportunities for all people. An over-emphasis on parking as a measure of impacts on public access overlooks the ways in which a diverse population may access the coast, especially if the need to provide for parking facilities creates a barrier to developing more affordable housing opportunities in the coastal zone. As stated in the introduction to the Commission's Environmental Justice Policy (EJ Policy), adopted in March 2019: "Statistics show a startling lack of diversity among those who live on the California coast, and yet millions of inland residents visit and work there every day without the means to access affordable accommodations." Although coastal access is typically viewed through the lens of providing and protecting recreational infrastructure and other amenities for the public to visit and enjoy, viewing it through an environmental justice lens illustrates that an affordable cost of living is a fundamental part of coastal access. In its EJ Policy, the Commission acknowledges the impact of historic discriminatory housing policies on present day demographics in the coastal zone and recognizes that "the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness." The subject project includes a 100% affordable housing component that reserves 39 of the 40 units for homeless youth, individuals, and families. In addition, the applicant proposes to use the administrative offices to continue to provide youth programming, resident and homeless services, and education and job training programs. Through the City's approval, the project provides more housing units than would otherwise have been allowed on site, all of which are designated as affordable. Furthermore, the City-approved project includes new supportive affordable housing that not only provides housing in the coastal zone for low and very low income individuals and families, but also provides on-site supportive services for those individuals, which supports the provision of equitable access consistent with the Commission's adopted Environmental Justice Policy. Therefore, on balance and in light of the unique facts of this case, the project is consistent with the Coastal Act's public access policies.

⁵ Fehr & Peers April 2017

Substantial Issue Factors

Applying the five factors listed in the prior section demonstrates that the appeals raise “no substantial issue” with respect to the visual resource protection and public access policies of the Coastal Act, and therefore, do not meet the substantiality standard of Section 30625(b)(1).

The first factor is the **degree of factual and legal support for the local government’s decision** that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. Relating to the development’s visual resource impacts, the City acknowledges that, as the Commission has found in the past, Venice’s unique social and architectural diversity makes defining its character difficult. Although the City’s findings concerning community character are not robust, there is adequate support for the City’s determinations that the project is consistent with community character and will not prejudice the City’s ability to prepare an LCP that conforms with Chapter 3. The subject property is designed to be the highest commercial structure on Lincoln Boulevard in this area; however, the City found that the height limitations could be waived as part of a density bonus due the project’s 100% affordability and would not negatively impact any coastal resources. Similarly, with regard to parking requirements, while the City did not calculate the required parking or parking reductions using the certified LUP standards that apply to *market rate* development, the City found that the reduction in parking requirements is consistent with the intent of LUP Policy I.A.14, which allows for reduced parking standards for affordable housing projects. Furthermore, the City found that the reduction in the parking requirements would not adversely impact coastal access due to the reduced utilization of vehicles by mixed-use developments, low-income individuals and households, and individuals living in close proximity to public transit.

While the City’s approval is not fully consistent with the policy of the certified LUP regarding the LUP’s maximum 25% density bonus allowance, the LUP policies also encourage the development of affordable housing in the coastal zone (Policies I.A.13 and I.A.14). In addition, the City found that, overall, the mixed-use, affordable housing project will maintain and enhance public access to the coast consistent with the Chapter 3 policies of the Coastal Act. For the reasons described above, there is factual and legal support for all of the City’s findings that the project is consistent with Chapter 3 of the Coastal Act, even though the project has a higher density than that allowed under the LUP. Thus, overall, this factor weighs in favor of a finding of no substantial issue.

The second factor is the **extent and scope of the development** as approved or denied by the local government. The project includes the construction of a 4-story, 40-unit affordable supportive housing complex on an approximately 15,986 square foot lot within 1.25 miles of the coast. This is a larger development within Venice’s coastal zone; however, the project is located in an already built-out, primarily commercial, inland area of the Coastal Zone of Lincoln Boulevard. The locally approved project would have no adverse impacts to coastal resources and the proposed development has no views to or along the ocean as it is located 1.25 miles inland from the beach. Therefore, the Commission finds that the extent and scope of the City-approved development is not significant and is consistent with the Chapter 3 policies of the Coastal Act. This factor therefore weighs in favor of a finding of no substantial issue.

The third factor is the **significance of the coastal resources affected** by the decision. The affected coastal resources raised by the appellants include public access, community character, and visual resources. Public access as well as the unique community character of Venice are important coastal resources. Public access to the shoreline can be adversely impacted when new development does not provide adequate parking facilities or does not fully mitigate any new or increase in demand for parking. In this case, the City-approved affordable housing development demonstrated a lower demand for parking than is typically demonstrated for that of new market rate development. In addition, the City required the applicant to provide additional mitigation, including bicycle parking stalls available for the use of all residents of the new development, in order to offset any other parking demands. Thus, while public access is a significant coastal resource, the new development, as approved and conditioned by the City, will not adversely impact public access to the shoreline.

Coastal access for all people has not yet been realized due to geographic, economic, social, and cultural barriers preventing marginalized populations, including low-income communities and communities of color, from accessing and recreating on the coast even though many individuals belonging to such populations work within the coastal zone. The project will provide affordable housing for lower income individuals and families, which will enhance Venice's social diversity, increase proximity to coastal access for individuals who cannot afford to live near the coast, and will not adversely affect access for coastal visitors.

Community character and visual resources are also significant coastal resources. The subject project, as approved and conditioned, maintains Venice's architectural and social diversity, and, as described above, will not adversely affect visual resources. As approved and conditioned by the City, the subject development is consistent with the public access and visual resource policies of the Coastal Act and will not adversely affect coastal resources. This factor weighs in favor of a no substantial issue determination.

The fourth factor is the **precedential value of the local government's decision** for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified LUP for the Venice area. As discussed above, the City did not fully support its findings regarding some of the LUP policies and the City-approved development is not entirely consistent with the development standard of the LUP relating to density. However, in this particular case, the project would not result in any significant impact to coastal resources, including but not limited to coastal access and visual resources. Further, the City's approval for a 100% affordable supportive housing project has low potential to be a precedent for future development (such as market rate housing) or to have cumulative impacts on coastal resources because Venice is built-out with limited large parcels that could support similar projects. In this case, the applicant already owns the property where the subject affordable housing development is proposed. In cases where affordable housing developers do not already own a large parcel in a mixed-use area or cannot obtain such a parcel at a discount, it may not be feasible to develop affordable housing. By itself, the subject project, which is unique in its location and its developer's economic conditions, will not set a precedent for large residential projects throughout Venice. In addition, as discussed above, the project is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the City's action will

not prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act, and this factor weighs in favor of a finding of no substantial issue.

The final factor is **whether the appeal raises local issues, or those of regional or statewide significance**. Venice is a popular visitor destination and attracts visitors from throughout the State and beyond, making impacts to coastal resources issues of statewide significance. In addition, the lack of sufficient affordable housing within the California coastal zone and the resulting impact on coastal access for all people is a statewide issue. The issues raised by the appeals relating to community character, allowable density, and height standards relate to unique project-specific factors of local concerns that do not raise statewide issues. Further, the City-approved development will not adversely impact coastal resources and, thus, no substantial issue is raised regarding the City's action.

Conclusion

The subject 100% affordable housing project is consistent with the overarching goals and policies of the Venice LUP and the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the appeals do not raise a substantial issue as to conformity the Chapter 3 policies of the Coastal Act.

Appendix A – Substantive File Documents

1. Local CDP Case No. CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI
2. State Density Bonus Law, Government Code Section 65915