

**CALIFORNIA COASTAL COMMISSION**

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



# F6b

Filed: 11/15/19  
180<sup>th</sup> Day: 5/13/20  
Staff: A. Yee-LB  
Staff Report: 2/21/20  
Hearing Date: 3/13/20

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-19-1012

**Applicant:** MdR Beach Rental LLC

**Agent:** Henry Ramirez

**Location:** 29 Lighthouse Street, Venice, Los Angeles, Los Angeles County (APN: 4294009029)

**Project Description:** After-the-fact approval of the conversion of a 506 square foot storage room into a moderate-rate restricted affordable dwelling unit within an existing 5,899 square foot, 35 foot tall duplex with 6 on-site parking spaces, resulting in a triplex.

**Staff Recommendation:** Approval with conditions.

---

## SUMMARY OF STAFF RECOMMENDATION

The proposed project requests after-the-fact approval for the conversion of a 506 square foot storage room into a dwelling unit within an existing 5,899 square foot, 35 foot tall duplex, with six on-site parking spaces. The project would result in a legal triplex, with the additional unit income-restricted as an affordable unit. The project site is located at 29 Lighthouse Street, Venice, City of Los Angeles, in Los Angeles County. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Los Angeles Land Use Plan (LUP) for Venice was found to be consistent with Chapter 3 of the Coastal Act and certified by the

Commission and, as such, provides guidance for projects throughout the coastal zone in Venice.

The proposed project has the potential to adversely impact the availability of on-street public parking through an increase in housing density at the subject site. However, coastal access is unlikely to be affected because the project will maintain two parking spaces per dwelling unit and consists of the addition of an affordable unit, which the Commission has previously found to be eligible for a reduction in parking requirements under the LUP.

The legalization of the additional unit may exceed the Venice LUP's maximum density for this site of two dwelling units. However, the converted unit is tantamount to an accessory dwelling unit (ADU), which under the State ADU law, does not count towards a site's density limit. No adverse impacts to coastal resources are expected due to the small size of the unit and the applicant's proposal to maintain the additional unit as a restricted affordable (moderate income) unit.

Therefore, **Special Conditions 1 and 4** require the applicant to maintain the new unit as an affordable unit for the life of the approved development and to record a deed restriction. **Special Condition 2** requires all development be carried out in accordance with the approved plans and **Special Condition 3** requires the applicant to obtain any necessary local government approvals and adhere to the conditions of such approvals.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-19-1012, as conditioned. The motion to carry out the staff recommendation is on **page 4** of this report.

## TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS .....	5
IV. FINDINGS AND DECLARATIONS.....	6
A. Project Description and Background .....	6
B. Public Access & Recreation .....	7
C. Unpermitted Development .....	10
D. Local Coastal Program.....	10
E. California Environmental Quality Act.....	11
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS .....	12

## EXHIBITS

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

[Exhibit 2 – Project Plans](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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 conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

- 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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

1. **Affordable Dwelling Unit.** As proposed, Unit 3 (an approximately 506 square foot, one-bedroom unit) as shown in [Exhibit 2](#) of this report, shall be reserved and maintained by the permittee as an affordable rental unit (at a minimum, affordable to moderate income households) for the life of the approved development.
2. **Permit Compliance.** The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans, including but not limited to the Site Plan approved by the Executive Director and the Rental Covenant Agreement dated February 26, 2018, which reserves one unit as a "Restricted Affordable Unit" for a moderate income household for a period of fifty-five (55) years. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.
3. **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 5-19-1012 shall prevail.
4. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development 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 governed by this coastal development 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 coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit

or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## IV. FINDINGS AND DECLARATIONS

### A. Project Description and Background

The project site is currently developed with a 5,899 square foot, 35 foot tall duplex with six on-site parking spaces, and is located in a residential neighborhood in the Marina Peninsula sub-area of Venice approximately 300 feet from the beach, within the City of Los Angeles. The property fronts Lighthouse Street and the side yard abuts Pacific Avenue. Vehicular access to the onsite parking is provided by the alley at the rear of the property. The subject lot is a residential corner lot approximately 40 feet wide and approximately 97 feet deep (approximately 3,858 square feet in area) and is zoned R3-1, Multiple Dwelling by the City's Zoning Code and Low Medium Residential II by the certified Venice LUP. This location is within 300 feet of Venice Beach and across the street from the Ballona Lagoon Bridge that provides pedestrian access across the Ballona Lagoon ([Exhibit 1](#)) and is designated a Beach Impact Zone. The Venice community – including the residential neighborhoods, the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. This area, in particular, is heavily visited by local residents and tourists, alike.

The building was originally constructed in 1987 and approved by the City of Los Angeles and the Coastal Commission (Ref: CDP No. 5-86-022) as a three-story duplex, containing 6 parking spaces (as three tandem spaces), a 506 square foot storage area on the ground floor, one dwelling unit on the second floor, and a second dwelling unit with loft on the third floor ([Exhibit 2](#)).

On May 29, 2017, the applicant submitted a request to the City of Los Angeles seeking approval of the unpermitted conversion of a storage room into a dwelling unit under the City's Unpermitted Dwelling Unit (UDU) ordinance. The City's UDU ordinance allows the legalization of existing unpermitted dwelling units provided that they are in conformance with the State Density Bonus provisions of California Government Code Section 65915, including the provision of the dwelling unit as a moderate income-restricted affordable unit for a minimum of 55 years. On May 1, 2019, the City of Los Angeles Director of City Planning approved DIR-2014-2654-CDP-SPP-MEL, which became effective on May 15, 2019 after the appeal period was exhausted with no appeals. The City's permit authorized the unpermitted conversion of the storage room into a dwelling unit through the addition of a kitchen, as it appears that the area already contained a closet and bathroom. Thus, City's action resulted in a structure containing three dwelling units.

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") coastal development permit 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.

The legalization of the additional unit may exceed the Venice LUP's maximum density for this site of two dwelling units. However, the converted unit is tantamount to an accessory dwelling unit (ADU), which under the State ADU law, does not count towards a site's density limit. The State ADU law is not part of Chapter 3 of the Coastal Act, and therefore it is not the standard of review. The law explicitly states that it does not supersede or lessen the application of the Coastal Act. Furthermore, although not contained in Chapter 3 and, therefore, not the standard of review, the Coastal Act encourages the protection of affordable housing opportunities in the coastal zone for persons of low and moderate income. The considerations set forth in 30604 inform the Commission's review of the potential public access impacts of the proposed development. Given the Commission's responsibility to encourage affordable housing under Section 30604 of the Coastal Act, the Commission may consider the ADU law in its determinations of projects' consistency with Chapter 3 of the Coastal Act, and whether the addition of a unit that is functionally equivalent to an ADU exceeds density limits in the certified LUP. No adverse impacts to coastal resources are expected due to the small size of the unit and the applicant's proposal to maintain the additional unit as a restricted affordable (moderate income) unit.

## **B. Public Access & Recreation**

Many of the older developments near the subject site do not have adequate on-site parking. In this case, the subject residential building was originally permitted in 1987 with two dwelling units and is believed to have maintained six parking spaces (three tandem spaces) on-site since that time. Vehicular access to the site is taken from the unnamed alley at the rear of the property. There is street parking immediately 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 Beach Impact Zone (BIZ) identified in the certified Venice LUP, which typically requires additional parking spaces (above and beyond what is normally required by the LUP) to be provided on-site when new development is proposed. The closest public parking areas are the public beach parking lot (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 65 feet from the nearest bus stop at Pacific Avenue and Lighthouse Street, approximately 950 from major bus lines on Via Marina, and one-half mile from major bus lines on Washington Boulevard.

The certified Venice LUP, which provides guidance from which the Commission can evaluate a project's consistency with Chapter 3, contains the following policies related to parking standards:

Policy II.A.3 (Parking Requirements) of the Venice LUP states, in 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...

The Parking Requirement Table referenced in Policy II.A.3 states, in part:

<b>Residential Uses</b>	<b>Off-Street Parking Required</b>
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)...

Policy II.A.4 (Parking Requirements in the Beach Impact Zone) of the Venice LUP states, in 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...

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. [Emphasis added]



Per the standards of the Venice LUP, five parking spaces would be required for the permitted two-unit apartment building at this location (two spaces per unit; plus a minimum of one guest space). While the project will maintain the six existing parking spaces, the proposed additional dwelling unit must also be reviewed for compliance with the coastal access parking policies of the Venice LUP. Policy II.A.4 of the LUP requires one additional parking space for each 1,000 square feet of ground floor area for multiple dwelling projects of three units or more (the subject structure contains 1,971 square feet of the ground floor area). Thus, the resulting three-unit residential structure would typically require eight off-street parking spaces (two spaces per unit, one guest space, and one additional BIZ space). However, Policy I.A.14 of the LUP allows parking requirements for affordable housing (low income) to be reduced when they are otherwise consistent with the Density Bonus policy of the LUP (I.A.13), and there is sufficient evidence that the unit is consistent with) and will have a reduced demand for parking. In this case, the proposed project is for a moderate income unit rather than a low income unit. However, the Commission has found that affordable housing units typically generate a lower parking demand than market-rate units because residents in market-rate units are more likely to own multiple vehicles than residents of smaller affordable units. In addition, the project site is within one block of public transportation. Moreover, although the applicant does not describe the additional affordable unit as a Junior Accessory Dwelling Unit (JADU), the Commission has approved JADUs in Venice without requiring additional parking (see A-5-VEN-15-0052 through 0054). In short, the conversion of the storage room into an affordable dwelling unit is not anticipated to increase the demand for on-street parking at this location or to adversely impact public access.

Thus, using the Venice LUP and Coastal Act Section 30604 (not part of Chapter 3); the parking requirement can be reduced for the provision of one new affordable unit. The City's approval of the new unit only required that it remain affordable for a period of 55 years. However, to ensure that future impacts to available public beach parking do not result from the project in the future, **Special Conditions 1 and 4** require the applicant to maintain the new unit as an affordable unit for the life of the approved development, and to record a deed restriction for the proposed affordable unit and all conditions of this coastal development permit prior to issuance of the permit. **Special Condition 2** further requires all development be carried out in accordance with the approved plans and with the City's Rental Covenant Agreement. **Special Condition 3** requires the applicant to obtain any necessary local government approvals and adhere to the conditions of such approvals. If there is conflict between the terms and conditions imposed by the local government and those of this coastal development permit (5-19-1012), the terms and conditions of the subject permit shall prevail.

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.

### **C. Unpermitted Development**

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

The City of Los Angeles granted the applicant a local CDP on May 1, 2019 for approval of after-the-fact conversion of a storage room in a two-unit apartment building into an additional dwelling unit, designated affordable, resulting in a three-unit apartment building with six on-site parking spaces. The applicant also submitted a dual CDP application on September 12, 2019 to the South Coast District Office. Commission review and action on 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 addressed 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.

### **D. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the 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 Land Use Plan (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.

## **E. California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

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

- City of Los Angeles Rental Covenant Agreement (Contract No. C-130915)
- Venice Land Use Plan