

CALIFORNIA COASTAL COMMISSION

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Th18b

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-1266

Applicant: German Quality Borders, LLC
(Attn: Daniel Borenstein)

Agent: Paola Pini

Location: 421 E. Carroll Canal, Venice, City of Los Angeles, Los Angeles County (APN: 4227-002-007)

Project Description: Construction of an approximately 3,528-sq. ft., 30-ft. high, three-story single-family residence with an attached two-car garage and one additional on-site parking space, decks/balconies, 3.5-ft. high rooftop metal post guardrails, and hardscape and landscape improvements on a vacant canal-fronting lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed residential project raises issues concerning hazards and impacts to public access, visual quality, and water quality due its location on the bank of one of the Venice canals.

Staff is recommending the Commission **approve** the coastal development permit application with 10 special conditions, including: **1)** development setback and building

height; **2)** permeable area and setback requirement; **3)** permit compliance; **4)** assumption of risk; **5)** no future shoreline protective device; **6)** construction best management practices, and drainage and run-off control practices; **7)** drought tolerant, non-invasive plants; **8)** LADBS approval; **9)** local government approval; and **10)** deed restriction. These conditions are imposed to ensure that the vehicle parking spaces are developed and maintained on-site, biological resources and water quality are protected for the life of the project, and risks to life and property from flood hazards are minimized.

The proposed project, only as conditioned, can be found consistent with Chapter 3 of the Coastal Act

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Plans and Elevations](#)

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 of 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 a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the 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. Development Setbacks and Building Height.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full sized sets of final revised project plans, which shall substantially conform with the project plans received by the Commission's South Coast District Office on November 22, 2019, except shall be modified to comply with the following:

- i. No development is authorized within 10 feet of the fronting canal property line (Carroll Canal) nor within or above the minimum required 450-square-foot permeable front yard area, except as described in **Special Condition 2** below. Ten feet landward of the fronting canal property line, the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond 10 horizontal feet from the canal-fronting property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 30 feet except for chimneys, ducts, and other accessory structures which are limited to 35 feet. Roof deck railings shall not exceed 42 inches above the 30-foot height limit and shall clearly be of an open design. Building height is measured from the elevation of the adjacent alley.
- ii. The proposed residence shall provide and maintain an average setback of 15 feet, but no less than 10 feet, in the front yard adjacent to the canal property line. Proposed development must conform with all required setbacks.
- iii. All improvements (e.g. fencing, pavers, etc.) that extend beyond the canal-fronting property line must be removed.

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

2. **Permeable Yard Area.** In order to maintain an open and visible access corridor, to enhance visual quality, and to preserve the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than fifteen times the width of the site (in this case: 15 feet x 30 feet = 450 square feet) shall be maintained on the project site in the front yard area between the structure and the front (Carroll Canal) property line. Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises, eaves) shall be placed in or over the permeable yard area with the exception of fences or garden walls (not to exceed 42 inches in height), permeable decks at grade (not to exceed 18 inches in height), and an underground cistern, French drain or other similar drainage system for water retention. The permeable yard area may include minimal coverage with

impermeable pavers, stones, concrete walkways or other similar ground cover, but in no event shall impermeable materials occupy more than fifteen percent (15%) of the total amount of the required permeable yard area.

- 3. Permit Compliance.** The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans. 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.
- 4. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 5. No Future Shoreline Protective Device.**

 - A. By acceptance of this permit, the permittee agrees, on behalf of itself and all other successors and assigns, that the project is new development for which there is no right to shoreline protection and hereby waives on behalf of itself, and all other successors and assigns, any rights that may exist under applicable law to construct a shoreline protective device to protect the development approved pursuant to Coastal Development Permit No. 5-19-1266, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural coastal hazards in the future.
 - B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) is required to remove the development authorized by this permit, including the residence and yard improvements if any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices.

- C. In the event that portions of the development fall to the public walkway and/or water before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the public walkway and/or water and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the Venice Canals.

6. Water Quality.

A. Construction Responsibilities and Debris Removal

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- (2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- (3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- (4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- (5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (6) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (7) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- (8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- (10) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any

spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

- (12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity;
- (13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Drainage and Water Quality

- (1) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board;
- (2) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;
- (3) A French drain, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed and maintained on the project site;
- (4) All runoff leaving the site shall be directed away from the canals and into the City storm drain system;
- (5) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

7. Landscaping – Drought Tolerant, Non-Invasive Plants.

- A. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

8. City of Los Angeles, Department of Building and Safety Approval. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall provide to the Executive Director a copy of a permit issued or evidence of

preliminary approval by the City of Los Angeles, Department of Building and Safety (LADBS). The applicant shall inform the Executive Director of any changes to the project required by LADBS. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. Local Government Approval. The proposed development is subject to the review and approval of the City of Los Angeles (City). This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-19-1266 shall prevail.

10. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The subject site is an approximately 2,400-square-foot (30 feet wide and 80 feet deep) vacant, canal-front lot located approximately 1/3-mile from the beach in the Venice Canals subarea ([Exhibit 1](#)). The site is zoned RW1-1-O by the City of Los Angeles zoning code and designated Single Family dwelling – Low Medium Density I in the certified Venice LUP.

The applicant proposes to construct an approximately 3,528-square-foot, 30-foot high three-story single-family residence with an attached two-car garage ([Exhibit 2](#)). The applicant is proposing an additional on-site parking space on the driveway apron. The proposed development also includes roof and first floor decks totaling 918 square feet, 3.5-foot high rooftop metal post guardrails, and landscape and hardscape improvements. The roof deck will be accessed by staircase.

A mix of one to three-story single-family residences and two-story multi-family residential structures, with or without roof decks and roof access structures, characterize the neighborhood, and are similar in size to the proposed project. Therefore, the proposed development is compatible with the existing community character, and is not anticipated to have an adverse cumulative effect with regard to the surrounding character. Public sidewalks currently provide public access along all banks of the canals.

The height limits set forth in the certified Venice Land Use Plan (LUP) for the Venice Canals subarea are specific with regards to residences. Ten feet landward of the fronting canal property line, the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 30 feet except for chimneys, ducts, and other accessory structures, which are limited to 35 feet. Roof deck railings shall not exceed 42 inches above the 30-foot height limit. Building height is measured from the elevation of the adjacent alley.

The proposed residence features a stepped-back third story. The front height of the residence, which is set back 18.8 feet and fronting the canal, begins at a height of just above 22 feet and then ascends to a maximum height of approximately 30 feet (as measured from the centerline of the alley). The proposed metal post roof deck railing will not exceed 42 inches in height. Therefore, the proposed project meets the specific height requirements of the LUP. **Special Condition 1** reflects the requirements for height limits.

The proposed residence will provide a 18.8-foot deep front (canal-front) yard setback and approximately 457 square feet of permeable front yard area in conformance with the Commission certified Venice Land Use Plan (LUP) (see [Exhibit 2](#)), which requires that canal fronting homes maintain a permeable yard area between the canal and home a minimum of 15 feet from the canal side property line to the structure, and a minimum total of 450 square foot of area, as represented in **Special Condition 2**.

In addition, due to the lack of any on-street parking in the immediate area of the project, the Venice Certified LUP requires single-family residences to provide three parking spaces, and three on-site parking spaces are provided for this project: two in the garage and one on the driveway apron, all accessed from the alley (Court E). To ensure that any future changes are consistent with the policies of the Coastal Act, any deviation from the approved plans must be submitted for review by the Executive Director; therefore, the Commission imposes **Special Condition 3**.

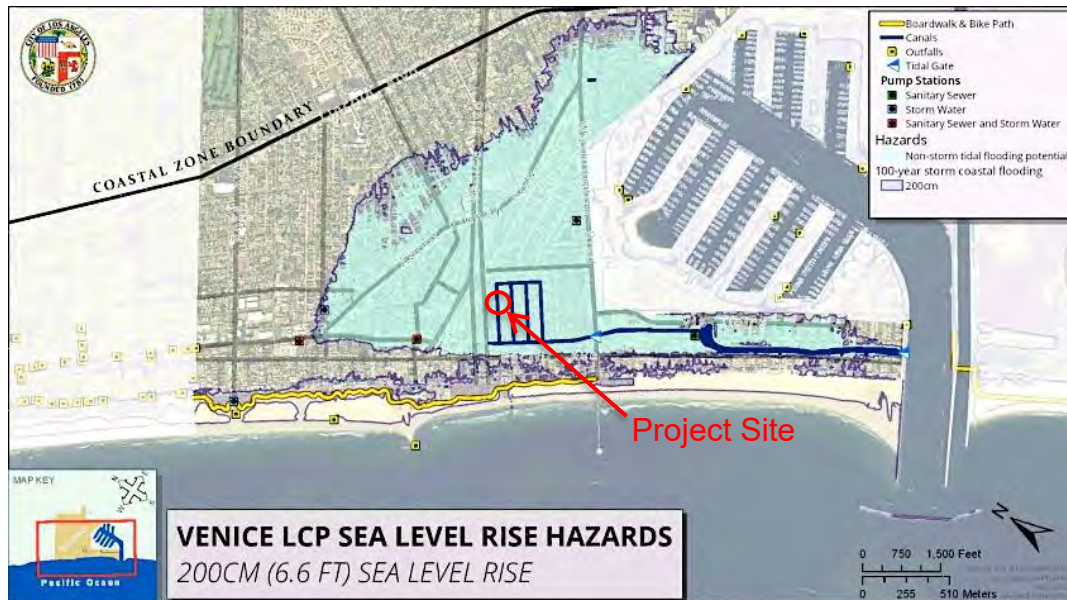
The project has obtained a Local Coastal Development Permit (CDP) issued by the City's Planning Department (Case No. DIR-2019-2006-CDP-MEL-SPP) and the proposed single-family residence conforms with the Low Medium I Residential designation. No appeal of the local action was filed. On November 22, 2019, the applicant submitted the required "dual" Coastal Commission CDP application (Application No. 5-19-1266) for Commission review and action.

The proposed development will not adversely affect the visual qualities of the area, and the project has been designed to be consistent with the community character by maintaining the thirty-foot height limit and complying with the front yard setback for all development in the Venice Canals neighborhood. Accordingly, the project site is surrounded by multi-story residential structures that are similar in size and height. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

The proposed development is located within the tidally influenced Venice canal system, which is mechanically controlled via a tide gate system, which is hydrologically connected to Ballona Lagoon by the Grand Canal. There are two sets of tide gates: tide gates located under the Washington Street Bridge at Grand Canal, which connect to the Venice Canals, and tide gates located at the southern end of Ballona Lagoon. These tide gates limit the potential for flooding and regulate tidal flushing (with seawater) in the Ballona Lagoon, Grand Canal, and Venice Canals. However, based on the City's Venice Sea Level Rise Vulnerability Assessment prepared by Moffat & Nichol (May 2018), the communities within the Venice Canals area are low-lying and flood prone under existing conditions. The tide gates are typically closed prior to higher-high tide events to prevent the water levels in the canal to rise. As sea levels rise, the tide gates may remain closed for longer periods (which would prevent accumulated stormwater from flushing out to sea), and as storm events become more extreme, flooding may become more frequent.

According to the Our Coast Our Future (OCOF) model, which, like the City's Vulnerability Assessment, uses Coastal Storm Modeling System data, the subject site is one of approximately 4,000 parcels, including the surrounding walk streets and canal bridges, which are anticipated to flood particularly from exceedances of stormwater capacity and/or tide gate malfunction. Under a medium-high risk aversion scenario, 2.5 feet of sea level rise is possible within the next 40 years and a rise in sea levels of up to 6.6 feet is projected to occur between 2090 and 2100 with current development and emission patterns (this does not account for ice sheet loss), which is within the anticipated 75-100 year life of the proposed development. The OCOF model indicates the project site is especially flood-prone with 2.5 feet of sea level rise, and will be subject to non-storm coastal flooding with 6.6 feet of sea level rise (see Figure 1 below). The Commission cannot determine with absolute certainty that the proposed residential development will be impacted by sea level rise-related hazards before the end of its economic life, although the current best available science indicates that some impacts are likely.

Figure 1 Coastal and Inland Flooding for 6.6-ft. Sea Level Rise Scenario in the City of Los Angeles Venice subarea, including the project site.



Source: Venice Sea Level Rise Vulnerability Assessment by Moffat & Nicol (May 2018)

Given the risks and vulnerabilities the site faces in regard to flood hazards for the life of the development, **Special Conditions 4 and 5** require the applicant to assume the risks of pursuing development in a hazardous area, waive the applicant's right to install shoreline protective devices, and remove the development if deemed unsafe by a government entity.

Because the project site fronts the canals and is in proximity to the water, the Commission imposes construction-related requirements and best management practices under **Special Condition 6** to ensure pollution of the canal is prevented. Based on the project plans, stormwater runoff will be diverted to an on-site French drain and permeable areas for percolation, which will help minimize water runoff from the subject site. **Special Condition 7** requires the applicant to utilize only drought tolerant, non-invasive plant species and water conservative irrigation systems for any new landscaping.

Special Condition 8 requires that the applicant obtain, at a minimum, preliminary approval from the local government to ensure that any changes to the project required by the local government complies with the intent of this coastal development permit. **Special Condition 9** requires the applicant to comply with local government requirements but clarifies that in the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of this permit (CDP No. 5-19-1266) shall prevail.

The Commission imposes **Special Condition 10** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-19-1266), 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.

B. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, as proposed, the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, and conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. BIOLOGICAL RESOURCES & WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. HAZARDS

Development adjacent to the ocean is inherently hazardous. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

F. LOCAL COASTAL PROGRAM (LCP)

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:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The Venice Land Use Plan was certified by the Commission on June 14, 2001 and is advisory in nature and may provide guidance. 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 proposed will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's staff report dated June 28, 2019, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Sections 15301(Class 1) and 15303 (Class 3).

The development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Special Conditions imposed will mitigate adverse impacts to coastal resources and public access. The **Special Conditions** address the following issues: **1)** development setback and building height; **2)** permeable area and setback requirement; **3)** permit compliance; **4)** assumption of risk; **5)** no future shoreline protective device; **6)** construction best management practices, and drainage and run-off control practices; **7)** drought tolerant, non-invasive plants; **8)** LADBS approval; **9)** local government approval; and **10)** deed restriction. These conditions are imposed to ensure that the vehicle parking spaces are developed and maintained on-site, biological resources and water quality are protected for the

life of the project, and risks to life and property from flood hazards are minimized. Therefore, the Commission finds that, as conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect of the proposed project, there are no remaining significant environmental impacts within the meaning of CEQA, and the project is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

City of Venice certified Land Use Plan

City of Los Angeles local Coastal Development Permit Case No. DIR-2019-2006-CDP-MEL-SPP, dated September 26, 2019.

Venice Sea Level Rise Vulnerability Assessment by Moffat & Nichol, dated May 25, 2018.

Coastal Hazards and Sea Level Rise Discussion for 421 E. Carroll Canal, Venice, Los Angeles, California prepared by Geosoils, Inc., dated January 20, 2020.