

**CALIFORNIA COASTAL COMMISSION**

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# W17a

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## STAFF REPORT: DE NOVO (REGULAR CALENDAR)

**Application No.:** A-5-VEN-15-0003

**Applicant:** LionGate Global#1, LLC

**Agent:** Justin Block

**Location:** 1214 Abbot Kinney Boulevard, Venice, City of Los Angeles, Los Angeles County (APN: 4238-03-040)

**Project Description:** Convert 4,230 sq. ft. single-family residence to a commercial mixed-use development, including: 1) 550 sq. ft. retail on ground floor; 2) 2,990 sq. ft. artist-in-residence on ground floor, second, and third floors; 3) three onsite parking space (including one ADA-compliant space); and 4) eight bicycle parking spaces.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to convert an existing 30-ft. high, three-story, 4,230 sq. ft. single-family residence with an attached two-car garage into a 4,230 sq. ft. mixed-use development. The mixed-use development would consist of a 550 sq. ft. retail space on the first floor, and a 2,990 sq. ft. artist-in-residence unit that would span all three floors.

Three parking spaces would be provided in an attached garage located at the rear (alley side) of the mixed-use structure. No changes are proposed to the size, height, or scale of the existing structure. The applicant has modified the City-approved project (which was appealed to the Commission and found to raise a substantial issue in February 2015) to reduce the size of the retail component from 2,300 sq. ft. to 550 sq. ft. in order to reduce the total required parking from thirteen spaces to six spaces. The standard of review for the project is Chapter 3 of the Coastal Act, with the certified Land Use Plan (LUP) for Venice providing guidance. The primary issue raised by this project pertains to public coastal access and whether the project provides adequate onsite parking to avoid significant impacts to on-street parking used for beach access.

The project is located on Abbot Kinney Boulevard, a commercialized street that is made up of an eclectic mix of buildings ranging from one story to three stories in height (or a maximum height of 30 ft.) that contain retail businesses and restaurants, as well as some residences. The area surrounding the project site is heavily urbanized and consists of dense residential and commercial development. The project site is located within walking distance to several main attractions in Venice and Santa Monica.

The project site is readily served by public transportation. Therefore, a reduced vehicle parking requirement may be applied to the project, consistent with Coastal Act Section 30250 with respect to siting development in existing developed areas that can accommodate it. The site is designated as Commercial Artcraft under the certified LUP, which encourages the development of mixed-use residential/light commercial structures. The proposed mixed-use development is consistent with the Commercial Artcraft designation. The proposed conversion would maintain the height, size, or scale of the existing structure. Therefore, the project would be consistent with Section 30251 of the Coastal Act regarding community character.

The certified LUP requires two vehicle parking spaces for an Artist-in-Residence unit; one vehicle parking space for each 225 sq. ft. of floor area for general retail uses; and one Beach Impact Zone (BIZ) parking spaces for each 640 sq. ft. of ground floor area<sup>1</sup>. For the proposed project, the applicant would be required to provide 2 vehicle parking spaces for the proposed residential uses ((2 spaces/unit) = 2 spaces), 2 vehicle parking spaces for the proposed retail use (1 space / 225 sq. ft. of floor area / 550 sq. ft. of floor area = 2 spaces), and 2 BIZ vehicle parking spaces for a total of 6 parking spaces.

The project proposes to provide three parking spaces onsite, which is fewer than the six parking spaces that would be required for the project under the LUP. The applicant has stated that the small lot size (2,695 sq. ft.) precludes the possibility to provide more than three parking spaces on site. Although the project plans show enough space to add a fourth parking space, the applicant has stated that the ADA-compliant space must have a vacant space adjacent to the parking space in order to accommodate wheelchairs

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<sup>1</sup> A minimum of two (2) BIZ parking spaces must be provided, even if the retail area is below 640 sq. ft., as is the case with this project.

and/or other mobility devices. Although the proposed development is short on vehicle parking under the LUP, the project site is in an area that is easily accessible by public transportation. For example, the project site is located approximately 0.2 mi. (an approximately 4-minute walk) from the City's Big Blue Bus station, which connects Venice to Santa Monica and the Westwood community in West Los Angeles. Furthermore, the applicant has proposed a transportation and parking management plan (TPMP) to provide bus passes to the retail employees in addition to the proposed bicycle and parking spaces. Given the site constraints on the relatively small, 2,693 sq. ft. lot, the proposed parking and the mitigation plan is sufficient in this case. However, staff recommends the Commission impose **Special Conditions 1** to require the applicant to commit to the proposed TPMP and **Special Condition 6** to memorialize the commitment through a deed restriction for the life of the development.

The project site is located approximately one-half mile inland from the beach and is therefore not subject to wave uprush or coastal erosion hazards. The project site does not appear to be vulnerable to lesser amounts of sea level rise (up to about 5 ft. of sea level rise based on the CoSMoS model). However, the site does appear to be vulnerable to 6.6 ft. of sea level rise, which falls within high emissions, medium-high risk aversion scenario near the end of the expected lifetime of this project. Because, even under that scenario, the impacts would occur only towards the end of the anticipated lifetime of the proposed project (approximately 2090), design modifications to address flooding hazards are not necessary at this time. However, adaptation options may be necessary in the future, both to address specific hazards to the proposed project itself, as well as to address or respond to impacts to the surrounding neighborhood, including flooding of access roadways and other impacts to public services. Thus, given that the project site is located in an area that is potentially vulnerable to flooding impacts resulting from sea level rise, staff recommends the Commission impose **Special Condition 3**, requiring the applicant to assume the inherent risk of developing in a flood-prone area, and to acknowledge the potential need for future adaptation. **Special Condition 2** would require the applicant to implement construction best management practices.

As conditioned, the project is consistent with Chapter 3 of the Coastal Act. Commission staff therefore recommends that the Commission **APPROVE** coastal development permit application A-5-VEN-15-0003 with five special conditions. The motion is on Page 5.

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## EXHIBITS

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

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Transportation and Parking Management Plan \(TPMP\)](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit A-5-VEN-15-0003 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of 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. **Transportation and Parking Management Plan.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two copies of a final revised plan for Transportation and Parking Management. The plan shall be prepared by a qualified planning or transportation professional. The plan shall apply to the permittee and any future successors or assigns, and shall indicate that:
  1. The permittee/building operator shall cover the full cost of a monthly transit pass for any employee/lessee who will be using transit to get to work.
  2. The permittee/building operator shall maintain on-site parking for a minimum of eight bicycles.
  3. The permittee/building operator shall maintain on-site parking for a minimum of three vehicles. One space must be an ADA-compliant space.
- B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above parking and transportation restrictions on the use of the property, and including the approved Transportation and Parking Management Plan as an exhibit. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

- 2. Construction Best Management Practices (BMPs).** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
  - B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
  - C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
  - D. Erosion control/sedimentation Best Management Practices shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
  - E. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible;
  - F. The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
  - G. The permittee shall develop and implement spill prevention and control measures;
  - H. The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
  - I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

- 3. 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, including but not limited to coastal flooding, which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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; (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; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure require future adaptation or may need to be removed or relocated and the site restored if it becomes unsafe.
- 4. Approved Development and Future Permit Requirement.** This permit is only for the development described in coastal development permit (CDP) A-5-VEN-15-0003, which consists of 550 sq. ft. of retail space and 690 sq. ft. of parking in an attached garage on the ground floor and an approximately 2,990 sq. ft. Artist in Residence on the ground, second, and third floors. The designated Artist in Residence area shall only be used as such and prohibited uses include, but are not limited to: Office, Business, Commercial, and Retail. The 550 sq. ft. of retail space on the ground floor is limited to Retail use only and prohibited uses in the Retail space include but are not limited to: Office and Business. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions that would otherwise be provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by CDP A-5-VEN-15-0003. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP A-5-VEN-15-0003 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition thereto, an amendment to CDP A-5-VEN-15-0003 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit pursuant to PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).
- 5. As-Built Plans.** Following construction of the approved development, the applicant shall, within 30 days of receipt of the Certificate of Occupancy from the City, submit two sets of as-built plans for the review and approval by the Executive Director. The as-built plans shall show the final constructed development to be in substantial conformance with the development approved pursuant to **Special Condition 4**. If any portion of the final development deviates substantially from the development



approved pursuant to **Special Condition 4** may require a new CDP or an amendment to this CDP.

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

## IV. FINDINGS AND DECLARATIONS

### A. Project Description and Background

#### Project Description

The applicant is proposing to convert an existing 30-ft. high, three-story, 4,230 sq. ft. single-family residence with an attached two-car garage into a 4,230 sq. ft. mixed-use development. The mixed-use development would consist of a 550 sq. ft. retail space on the first floor, and a 2,990 sq. ft. artist-in-residence that would span all three floors. A 690 sq. ft. attached garage would provide three onsite parking space, one of which would be designed consistent with the Americans with Disabilities Act (ADA). The applicant is also proposing to add eight bicycle parking spaces housed within two bicycle racks on the street-side of the building. The project does not propose to alter the existing size, height, or mass of the existing building.<sup>2</sup> No grading or foundation work would be undertaken at this time ([Exhibit 2](#)).

The project site consists of a 2,696 sq. ft. rectangular lot located approximately one-half mile inland of the beach in a commercially zoned neighborhood of North Venice within the City's Single Permit Jurisdiction. The site fronts Abbot Kinney Boulevard, and boardwalk ([Exhibit 1](#)). The lot is zoned C2 (Commercial) by the City of Los Angeles

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<sup>2</sup> Four bicycle parking spaces would be reserved for long-term parking, and four spaces would be reserved for short-term parking.

General Plan and designated as a Commercial Aircraft use by the certified Venice LUP. As stated in certified LUP Policy I.B.3, the Commercial Aircraft zone is intended to accommodate mixed-use combinations of artist-in-residences, small businesses, light industrial, and artisan uses. The site is developed with a 30-ft. high three-story, 4,230 sq. ft. single-family residence and an attached 504 sq. ft. two-car garage. The existing structure was constructed in 2007 pursuant to Local Coastal Development Permit No. ZA 2003-7101 (CDP)(ZAA)(SPP)(MEL), which the City approved on February 17, 2004. The City's determination in that matter was not appealed either locally or to the Coastal Commission.

### **Project Background**

On November 14, 2014, the City Zoning Administrator approved a Local Coastal Development Permit for the change in use of a 4,230 sq. ft. single-family residence with an attached 504 sq. ft. two-car garage to a 2,300 sq. ft. commercial retail space and a 1,502 sq. ft. Artist-in-Residence with an 864 sq. ft. garage/parking/loading area with three on-site parking spaces and one bicycle rack within the existing structure on a 2,696 sq. ft. lot. In its approval, the City determined that the provision of three on-site parking spaces, one bicycle rack and in-lieu fees of \$18,000 per parking space for ten of the thirteen total required parking spaces would bring the proposed project into compliance with the parking requirements of the Venice Specific Plan (VSP), which is an uncertified City ordinance.

On January 6, 2015, the Executive Director, Ms. Robin Rudisill and Mr. James Murez, submitted appeals of the City's approval of the local CDP to the Commission's Long Beach office. On February 12, 2015, the Commission determined that the appeal raised a substantial issue regarding consistency with the Chapter 3 policies of the Coastal Act and the certified LUP. Specifically, the Commission found that the parking demand for the proposed mixed-use development were not adequately mitigated by the applicant, and that the onsite parking shortage would adversely impact public coastal access through increased competition for already limited street parking.

Using the parking standards in the certified LUP for general retail store and Artist-in-Residence (one parking space for each 225 sq. ft. of floor area; two spaces for each dwelling unit for Artist-in-Residence and two City required Beach Impact Parking spaces) that are set forth in the certified Venice LUP, the 2,300 square foot retail space and 1,502 square foot Artist-in-Residence would need to provide fourteen parking spaces for the proposed change in use.

Following the substantial issue hearing, the applicant revised the project to reduce the parking demand of the project. The retail portion of the mixed-use development was reduced from 2,300 sq. ft. to 550 sq. ft. and the size of the artist-in-residence increased from 1,502 sq. ft. to 2,990 sq. ft. This reconfiguration reduced the total required parking by seven spaces while maintaining the existing structural footprint.

## **B. Public Access and Recreation**

Section 30210 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in relevant part:

“(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.”

Section 30214 of the Coastal Act states:

“(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(2) The capacity of the site to sustain use and at what level of intensity.”

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, 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.”

Certified LUP Policy II.A.3 states, in relevant part:

**Policy II. A. 3. Parking Requirements.** The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median 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 listed in 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 Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

<b>RESIDENTIAL USES</b>	<b>OFF-STREET PARKING REQUIRED</b>
Artist in Residence (no sales)	2 spaces for each dwelling unit.

<b>BUSINESS AND COMMERCIAL USES</b>	<b>OFF-STREET PARKING REQUIRED</b>
General Retail Store, except as otherwise provided	1 space for each 225 square feet of floor area.
	Parking shall be provided pursuant to a detailed parking study that demonstrates that the project will provide adequate parking to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities.

Certified LUP Policy II.A.4 states:

**Policy II. A. 4. Parking Requirements in the Beach Impact Zone.** 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:

- a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.

- b. Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area of the ground floor for multiple dwelling projects of three units or more. Up to 100% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces. The recommended rates shall be established based upon the development cost study of the area.
- c. All in-lieu fees shall be paid into the Venice Coastal Parking Impact Trust Fund to be administered by the City of Los Angeles Department of Transportation for improvement and development of public parking facilities that support public access to the Venice Coastal Zone.
- d. 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 and two (2) parking spaces for commercial and industrial projects.

### **Implementation Strategies**

The in-lieu fee for a BIZ parking space shall be established in the (LIP) at a rate proportional to the cost of providing a physical parking space.

The Coastal Act prioritizes the protection of public access to the coast and, in Section 30252, identifies adequate parking as an important component of new development. Adequate on-site parking is necessary to provide relief for the general lack of on-street parking that is otherwise utilized by the public to access the coastal zone throughout Venice. It is especially important for residential and commercial development to provide adequate onsite parking in order to prevent conflict between residents and visitors for limited street parking spaces.

When the Venice LUP was certified in 2001, the Commission considered the potential impacts that development could have on the already limited public parking supply and adopted policies to require an applicant to provide a certain number of off-street spaces depending on the size and proposed use of a site. While the standard of review for development in Venice is Chapter 3 of the Coastal Act, the policies of the certified LUP provide guidance as to a project's conformity with Chapter 3 policies. Thus, the parking standards contained in the certified LUP provide guidance as to whether a project is consistent with Chapter 3 of the Coastal Act.

The certified LUP requires two vehicle parking spaces for an Artist-in-Residence unit; one vehicle parking space for each 225 sq. ft. of floor area for general retail uses; and one Beach Impact Zone (BIZ) parking space for each 640 sq. ft. of ground floor area, but no fewer than two spaces for commercial uses. For the proposed project, the

applicant would be required to provide 2 vehicle parking spaces for the proposed residential uses ((2 spaces/unit) = 2 spaces), 2 vehicle parking spaces for the proposed retail use (1 space / 225 sq. ft. of floor area / 550 sq. ft. of floor area = 2 spaces), and 2 BIZ vehicle parking spaces for a total of 6 parking spaces.

The project proposes to provide three parking spaces onsite, which is three less than the six parking spaces that would be required for the project. The applicant has stated that the small lot size (2,695 sq. ft.) precludes the possibility to provide more than three parking spaces on site. Although the project plans show enough space to add a fourth parking space, the applicant has stated that the ADA-compliant space must have a vacant space adjacent to the parking space in order to accommodate wheelchairs and/or other mobility devices. Moreover, the ADA-compliant space is required under the City's municipal code for retail development and was required by the City's Department of Building and Safety (LADBS) for the project to receive a local approval.

The applicant explored the option of utilizing car lifts to provide additional parking spaces onsite but determined this option to be infeasible because the car lifts would require a significant chunk of the structure to be cut out, which would reduce the overall living space for the proposed residence and also likely require additional entitlements by the City, which are not guaranteed to be approved. In addition, the car lifts require a lot of maintenance and upkeep. If the lifts are not properly maintained, the lifts run the risk of laying inactive. However, the Commission generally supports a variety of options (including car lifts) to meet the parking demands of projects in the Coastal Zone, especially in areas with high demand and low supply of public parking, such as Venice. As it stands, the applicant only proposes to provide a maximum of three parking spaces onsite at grade level.

Although the proposed development is short on vehicle parking, the project site is in an area that is easily accessible by public transportation. For example, the project site is located approximately 0.2 mi. (an approximately four-minute walk) from the City's Big Blue Bus station. This station houses Route 18, which provides service between Marina Del Rey and Westwood (near the UCLA campus). The Route 18 bus also stops at the Downtown Santa Monica Expo Line Station (located 1.2 miles away from the project site), which connects Santa Monica to Downtown Los Angeles. Moreover, the Venice community is generally easily traversed by bus, bicycling, shared mobility devices, and walking. Employees of and visitors to the retail space would not be limited to cars in order to access the project site.

Drawing on the City's robust public transportation system, the applicant has proposed a Transportation and Parking Management Plan (TPMP) to mitigate for the vehicle parking deficiency ([Exhibit 3](#)). The applicant has stated that eight bicycle parking spaces (four long-term spaces and four short-term spaces) would be provided onsite.

Although bicycle spaces are not necessarily included in the total parking count for a development, they do provide mitigation by allowing employees and visitors to bike to the retail space instead of driving. In addition to the proposed bicycle parking spaces,

the applicant has agreed to provide bus passes to employees who wish to utilize public transportation instead of driving their personal vehicles. Although transit passes are not the equivalent of onsite parking spaces, the availability of these passes could incentivize employees to use public transportation to get to work. In order to ensure that the provisions of the proposed TPMP are met, and that the TPMP is consistent with those previously approved in Santa Monica, the Commission imposes **Special Condition 1** requiring the applicant to submit a final revised TPMP, which includes the commitment of the permittee and all future successors/building operators to provide the transit passes to employees/lessees and maintain eight bicycle parking spaces and three vehicle parking spaces. **Special Condition 6** requires a deed restriction to be recorded against the property to assure that the three vehicle parking spaces, the eight bicycle parking spaces, and the employee/lessee transit passes requirement are maintained and provided for the life of the development.

In this case, the applicant is only proposing to provide a maximum of three parking spaces due to site constraints. However, as described above, the project site is located within an area that is easily accessible to public transportation and the applicant has committed to provide three vehicle spaces, eight bicycle parking spaces, and some transit passes to the employees/lessees of the retail space in order to manage onsite parking and reduce onsite parking demand. However, the project site is located in a high parking demand area and because the applicant is not proposing to provide all of the required parking for the proposed project onsite or elsewhere, the deficiency of the increase of intensity of use created by the lack of vehicle parking must be adequately mitigated. The mitigation for the deficiency of vehicle parking for the proposed project is done through a careful balance of vehicle parking, bicycle parking, and a TPMP, which would be enforced by **Special Condition 1**. **Special Condition 1** requires the applicant provide transit passes to all employees/lessees of the retail space and cover the full cost of all such transit passes – it is not capped at six transit passes. In addition, Commission staff recommends **Special Condition 5** to affirm the applicant's proposal and ensure that the balance of proposed uses and mitigation for the demand created by those uses is maintained for the life of the structure and to further ensure that any changes to the proposed development, including any changes in the types or intensity of uses proposed by the applicant, or the applicants successor(s), and authorized by this CDP, are fully reviewed by the Commission or successor agency and any new demands placed on the project site continue to be adequately mitigated consistent with the Public Access and Recreation Policies of the Coastal Act.

Therefore, only as conditioned, the project is not expected to adversely impact public access and can be found consistent with the public access policies of the Coastal Act.

## C. Development

Section 30250(a) of the Coastal Act states:

“New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.”

Section 30251 of the Coastal Act states:

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

Section 30253(e) of the Coastal Act states:

New development shall do all of the following:

- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Certified LUP Policy I.B.3 states:

**Policy I. B. 3. Commercial Artcraft Land Use Designation.** The purpose of this land use designation is to create enclaves in which the artisan segments of the population may live, create, and market their work, to maintain the variety and distinctiveness of Venice's lifestyles. Residential density in the Commercial Artcraft designation shall not exceed one unit per 800-1200 square feet of lot area.

Land designated Commercial Artcraft in the Venice Coastal Zone shall include the following areas:

**North Venice:** As indicated on the Land Use Policy Maps (Exhibits 10a and 10b), properties located along Abbot Kinney Boulevard from North Venice Boulevard to Westminster Avenue, along Windward Avenue from Ocean Front Walk to Pacific Avenue, and along Ocean Front Walk in that vicinity, including a small site at North Venice Boulevard and Pacific Avenue.



Uses: Artcraft activities including mixed-use, combining residential and commercial uses which emphasize artist-in-residence uses, small businesses, light industrial and artisan activities are permitted in these areas. Drive-thru facilities and billboards shall be prohibited in the Commercial Artcraft land use designation.

As stated in the project description, the project site is zoned C2 (Commercial) by the City of Los Angeles General Plan and designated as a Commercial Artcraft use by the certified Venice LUP. As stated in certified LUP Policy I.B.3, the Commercial Artcraft zone is intended to accommodate mixed-use combinations of artist-in-residences, small businesses, light industrial, and artisan uses.

The proposed project consists of an internal conversion of a single-family residence to a structure with a small (550 sq. ft.) retail space on the ground floor and an artist-in-residence on the ground, second, and third floors of the building. Artist-in-residences are not defined in the certified LUP, but the City's municipal code (which has not been certified by the Commission) provides greater detail on this residential use. An artist-in-residence is classified by the City as a Joint Living and Work Quarter and is defined in Section 12.03 of the municipal code as "A residential occupancy of one or more rooms or floors used as a dwelling unit with adequate work space reserved for, and regularly used by, one or more persons residing there." Section 91.8502.1 of the municipal code classifies joint living and work quarters as an R-2 residential use. Section 12.21 of the municipal code (subsection C, subdivision 9) provides that no more than 50 percent of the total floor area in a joint living and work space may be used as a work space. Finally, the LUP parking requirements note that artist-in-residences may not include sales, which implies that the work space of an artist-in-residence should not support Retail or Office use spaces that rely on sales (such as real estate or graphic design offices).

As will be detailed below, the single-family residence (which was permitted under a 2004 local CDP) has recently been operated as a graphic design office. This change-in-use was not authorized by a CDP. The proposed project would remove the current Office use. In order to ensure that the mixed-use development is not used to continue the unpermitted office use, the Commission imposes **Special Condition 4**. This condition clarifies the uses that are permitted under this CDP, a 550 sq. ft. Retail space and a 2,990 sq. ft. artist-in-residence as described above. No General Office uses (including but not limited to professional offices, administrative offices, medical offices, financial institutions, and technical offices) or business uses (including, but not limited to grocery stores, restaurants, personal service establishments, and laundromats) are authorized under this permit.<sup>3</sup>

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<sup>3</sup> A complete list of uses that are classified as office and business uses not authorized under this permit can be found in Policy II.A.3 (Parking Requirements) of the certified Venice LUP. However, general retail use is limited to the 550 sq. ft. area detailed above.

The proposed development is consistent with the LUP's land use designation in that the project proposes a mixed-use structure that would accommodate an artist-in-residence on all three levels of the structure and a small retail shop on the ground floor of the structure. In fact, a mixed-use commercial/residential structure would be more consistent with the Commercial Artcraft land use designation than a single-family residence.

Furthermore, the proposed development would remain consistent with the character of the surrounding neighborhood. Abbot Kinney Boulevard is a highly urbanized street containing structures that range from one story to three stories (or a 30 ft. maximum height). The structures accommodate a wide variety of uses, including residences, retail shops, restaurants, and other light commercial uses. The existing structure is a three-story, 30-ft. high building that was approved pursuant to a 2004 local CDP. The mass, height, and scale of the existing structure would not change under the proposed project and would therefore remain consistent with the character of the surrounding neighborhood.

Overall, as conditioned, the project would be consistent with the community character policies found in Chapter 3 of the Coastal Act policies as well as the certified LUP policies pertaining to development, and community character.

#### **D. Unpermitted Development**

A violation of the Coastal Act has occurred on the subject parcel, including: the use of the existing 4,230 sq. ft. single-family residence as a general office space. All development within the coastal zone, including an internal change of use of an existing structure, requires a CDP unless the requested action is determined to be exempt from permit requirements. The development listed above are not exempt from permit requirements pursuant to Section 30610 of the Coastal Act and Title 14, Section 13253(b)(1) of the California Code of Regulations.

The applicant is requesting to convert the single-family residence into a mixed-use retail and residential live/work unit, as described above. This conversion would remove the unpermitted office uses from the site.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit does not result in resolution of the violations described above. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of development, other than the development addressed herein, undertaken on the subject site without a coastal permit.

## E. Hazards

Coastal Act section 30253 states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Minimize energy consumption and vehicle miles traveled

Section 30253 of the Coastal Act requires new development to minimize risks to life and property in flood-prone areas and to assure stability and structural integrity without requiring protective devices to be constructed that would substantially alter natural landforms. On November 7, 2018, the Commission adopted a science update to its Sea Level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.”

The project site is located landward of the first public road, approximately 0.42 mile inland from the beach. Given that the project site is located well inland of the beach, a coastal hazards survey was not prepared for the proposed project. Nevertheless, Commission staff utilized the USGS Coastal Storm Modeling System (CoSMoS) and guidance from the Commission’s Sea Level Rise policy document and the 2018 Ocean Protection Council (OPC)’s Sea-Level Rise document to analyze the project site’s vulnerability to coastal hazards.

In order to analyze the project site for sea level rise impacts, staff followed the methodology outlined in both the OPC and Coastal Commission guidance documents to establish a projected sea level range for the new development. The 2018 OPC guidance uses NOAA tide gauges, a projected project lifespan, and risk aversion scenario to estimate a sea level rise range. The sea level rise analysis assumed a 75-year projected lifespan for the project, consistent with the Commission’s Sea Level Rise Policy Guidance for residential development. According to the 2018 OPC update, the projected sea level rise ranges for the Santa Monica NOAA Tide Gauge should be used as this is the nearest tide gauge to the project site. These projections range between 3.3 and 6.8 ft. of sea level rise by 2100, depending on the risk aversion scenario, and up to

10 ft. of sea level rise under an extreme scenario. With regard to the risk-aversion scenario, both the Commission's Sea Level Rise Policy Guidance and the OPC documents recommend evaluating the medium-high risk scenario for residential development, as such development has less adaptive capacity and higher consequences associated with sea level rise. Under a 75-year projected lifespan, a medium-high risk scenario, and the project's location near the Santa Monica NOAA tide gauge, staff evaluated 6.8 ft. of sea level rise within the project vicinity. Using the sea level rise estimates listed above, staff used CoSMoS to analyze the project site's vulnerability to sea level rise impacts. Specifically, staff looked at a 6.6 ft. sea level rise scenario (the closest available option to the appropriate 6.8 ft. high emissions, medium-high risk aversion scenario) and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 6.6 ft. sea level rise and 100-yr.storm scenario, the project site is vulnerable to inundation due to coastal flooding, despite being located 0.5 mile inland from the beach. Staff also used CoSMoS to evaluate lesser amounts of sea level rise (e.g., 3.3 ft. of sea level rise, consistent with the low risk aversion scenario) and note that the site does not appear to be vulnerable to these lesser amounts of sea level rise.

The project site is located well inland from the beach and is therefore not subject to wave uprush or coastal erosion hazards. Further, the project site does not appear to be vulnerable to lesser amounts of sea level rise (up to about 5 ft. of sea level rise based on the CoSMoS model). However, the site does appear to be vulnerable to coastal flooding with 6.6 ft. of sea level rise, which falls within the high emissions, medium-high risk aversion scenario near the end of the expected life of this project. Because the impact would occur only towards the end of the anticipated life of the proposed project, design modifications to address flooding hazards are not necessary at this time. However, adaptation options may be necessary in the future, both to address specific hazards to the proposed project itself, as well as to address or respond to impacts to the surrounding neighborhood, including flooding of access roadways and other impacts to public services. Thus, given that the project site is located in an area that is potentially vulnerable to flooding impacts resulting from sea level rise, the Commission imposes **Special Condition 3**, requiring the applicant to assume the inherent risk of developing in a flood-prone area, and to acknowledge the potential need for future adaptation. Only as conditioned can the project be found to be consistent with Section 30253 of the Coastal Act.

## F. Marine Resources and Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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.

The project site is located within an urbanized residential area. The proposed development, however, has a potential for discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, shall incorporate design features to minimize the effect of construction and post-construction activities on the marine environment. In order to preserve water quality during construction, **Special Condition 2** requires the applicant to implement construction best management practices. These 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 to 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.

## **G. Local Coastal Program (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms to Chapter 3 policies of the Coastal Act:

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). The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. The project proposes three onsite parking spaces, which is three spaces short of the six parking spaces required pursuant to LUP Policies II.A.3 and II.A.4. However, the project is located in an area that is well-served by public transportation. Moreover, the applicant has proposed a parking and transportation plan that would maintain three parking spaces onsite, maintain eight bicycle spaces, and provide transit passes to the retail shop employees in order to reduce onsite parking demand. Therefore, the project is not expected to have an adverse impact on public access. Approval of the project, only as conditioned by the Commission, 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, either individually or cumulatively with other approved developments in Venice.

## **H. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application 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). Section 21080.5(d)(2)(A) of CEQA 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 is the lead agency for CEQA compliance and determined that the project was exempt from CEQA pursuant to Section 15301.

The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).) The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual or cumulative, that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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

Appeal No. A-5-VEN-15-0003 and associated file documents.