

CALIFORNIA COASTAL COMMISSION

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Th13f

Filed: 12/03/2020
180th Day: 06/01/2021
Staff: M. Alvarado-LB
Staff Report: 02/19/2021
Hearing Date: 03/11/2021

STAFF REPORT: REGULAR CALENDAR

Application No.: **5-20-0538**

Applicant: **Diane Shoda, Trustee of the High Tide Trust**

Agent: Howard Robinson & Associates (Attn: Jared Johnson)

Location: 3209 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN:4225-001-022)

Project Description: Demolition of an existing 2,036-sq. ft., 26-ft. high, two-story single-family residence with an attached garage; and construction of an approximately 2,302-sq. ft., 33.5-ft. high, three-story single-family residence with a detached 840-sq. ft. two-level accessory dwelling unit (ADU) atop a four-car garage, 170 sq. ft. of mechanical space, 996 sq. ft. of deck space, a roof deck railing that will not exceed 3.5 ft. in height, two roof access structures totaling 70 sq. ft. which will not exceed the roof height limit by more than 10 ft., and hardscape and landscape improvements. The detached ADU and garage will have a maximum roof height of approximately 33.5 ft. above grade (including an approximately 3.5-ft. high parapet wall, measured above roof).

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The project site consists of an approximately 2,520-square-foot lot abutting Ocean Front Walk, a public boardwalk, in the Venice subarea of the City of Los Angeles. The applicant proposes to construct an approximately 2,302-square-foot single-family residence and a detached 840-square-foot accessory dwelling unit (ADU) with four onsite covered parking spaces.

The site is designated Multi-Family Residential—Low Medium II Density per Policy I. A. 7 of the certified Venice LUP, and zoned R3-1 by the City of Los Angeles (uncertified) zoning code. Policy 1.A.7.C allows for the construction of up to two units per lot, with one unit per 1,200 square feet of lot area. Consistent with the City's uncertified zoning ordinance for ADUs and junior accessory dwelling units (JADUs), an ADU and a JADU may also be constructed on the site.

A mix of two- to four- story single-family residences and multi-family residential structures, with or without roof decks and roof access structures, surround the project site to the northwest and southeast, and are similar in size or significantly larger than the proposed project. The proposed single-family residence and ADU will maintain the character of this area of Venice and is consistent with both the Venice LUP and Coastal Act community character policies (Sections 30251 and 30253(e)). This residence also increases housing density on the lot, which is currently developed with a single-family residence and could provide a more affordable housing opportunity (as compared to a single-family residence without an ADU) in a coastal area that has been impacted by rising housing costs and housing shortages. In addition, the design of the proposed single-family residence resembles the adjacent homes in mass and scale, is generally consistent with the character of the area, and would not prejudice the City's ability to prepare a certified LCP. The project has also been designed to minimize risks to life and property in a hazardous area, consistent with Section 30253 of the Coastal Act.

No encroachment into Ocean Front Walk is proposed as part of this project. However, the proposed principal residence would extend approximately 12.1 feet further seaward than the existing residence and would only be set back from the seaward property line and Ocean Front Walk by 4.5 feet. In addition, the proposed project includes an above-grade elevated deck with stairs that would be set back 1.67 feet from the seaward property line and Ocean Front Walk.

Many beachfront structures in this area are directly adjacent to the Ocean Front Walk, and are legally non-conforming structures that are, in some instances, setback zero (0) feet from the public boardwalk. Although vehicular access is taken from Speedway (public alley), Ocean Front Walk is considered the front yard for this property. The City allows administrative approval of a reduction in the front yard setback for new development due to the prevailing pattern of development along this stretch of beachfront homes, many of which were built prior to the Coastal Act. In past permit actions, the Commission has not required a greater setback than what the City has allowed. However, this previous pattern of development has resulted in inadequate setbacks between private and public spaces, which can result in the appearance that

the areas designated for public access (Ocean Front Walk in this case) are actually private and thus, inhibiting lateral access along the beach.

The Commission has previously found that a five-foot setback from the seaward property line should be considered the *minimum* setback necessary to allow for normal repair and maintenance activities of the residence on site to occur on the applicants' property without requiring encroachment into public beach and Ocean Front Walk areas. In addition, the Commission has found that a five-foot setback provides for a minimum privacy buffer, avoids the appearance of privatization of Ocean Front Walk, and minimizes potential conflicts between private property owners and members of the public (i.e., CDP Nos. 5-16-0757 (Greene), A-5-DRL-18-0075 (Playa, LLC), A-5-VEN-18-0017 & 5-18-0212 (Targon)).

Therefore, in order to minimize the potential for conflict between members of the public and private property owners, **Special Condition 1** requires the applicants to submit revised plans showing a front (seaward) yard structural setback of at least five (5) feet for all above-grade structures, including elevated decks and other permanent structures.

The proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. **Special Condition 2** requires that the applicants assume the risks inherent with an oceanfront development. In order to minimize the project's impact on shoreline processes, and to minimize risks to life and property, **Special Condition 3** is required to prohibit construction of protective devices (such as a seawall) in the future. Relatedly, **Special Condition 4** gives clear notice that only the development described in this permit is authorized to be kept and maintained, and development activity beyond the parameters spelled out in the special conditions of this permit shall require a separate approval from the Commission.

Commission staff is recommending the Commission **approve** the coastal development permit application with **nine** special conditions, including: **1)** final revised plans; **2)** assumption of risk; **3)** no future shoreline protective device; **4)** permit compliance; **5)** construction best management practices, and drainage and run-off control practices; **6)** drought tolerant, non-invasive plants; **7)** construction staging; **8)** local government approval; and **9)** 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.

The City exercises the option provided in Section 30600(b) of the Coastal Act to issue its own permits without having a certified Local Coastal Program. Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. The Commission's standard of

review for the proposed development in the Dual Permit Jurisdiction area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., Single Permit Jurisdiction), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is located within the Dual Permit Jurisdiction Area. The Commission certified the City's Land Use Plan (LUP) for the Venice segment in 2000, which was adopted by the City in 2001. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance. On June 5, 2020, the City of Los Angeles issued Local Coastal Development Permit Case No. DIR-2018-6400-CDP-MEL-SPP for the proposed project.

PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904- 5202.

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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 Coastal Development Permit 5-20-0538 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 the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the 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 October 7, 2020, except shall be modified to comply with the following:
- (1) The front (seaward side) structural setback shall not be less than five (5) feet from the property line. This minimum setback shall apply to all habitable and non-habitable above-grade permanent structures.
 - (2) All improvements (e.g., fencing) that extend beyond the front (seaward) property line must be removed.
- B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.
- C. 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. **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.

3. 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. 5-20-0583, 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, ADU, garage, and yard structures and improvements, if: (a) The City or 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 shoreline protective devices; (b) the development is no longer located on private property due to the migration of the public trust boundary; (c) removal is required pursuant to LCP policies for sea-level rise adaptation planning; or (d) the development would require a shoreline protective device that is inconsistent with the coastal resource protection policies of the Coastal Act or certified LCP to prevent a-d above.
- 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 may 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.

4. 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.

5. 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 the ocean or street that drains into a the ocean, 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 ocean;
- (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 ocean and into the City storm drain system;

- 6. Landscaping – Drought Tolerant, Non-Invasive Plants.** 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 size sets of final revised landscaping plans, which shall include and be consistent with the following:
 - A. Vegetated landscaped areas shall only consist of native plants and/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.
- 7. Construction Staging Plan.**
 - A. All construction equipment to be stored overnight shall be stored on-site, outside the street travelway and Ocean Front Walk.
 - B. Construction staging shall not take place on any sandy areas or beach, and not in beach parking lots.
- 8. Ocean Front Walk.** Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, and landscaping.
- 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 5-20-583 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 (3209 Ocean Front Walk) is an approximately 2,520-square-foot beachfront lot in the Venice subarea of the City of Los Angeles ([Exhibit 1](#)). The site is zoned R3-1 by the City of Los Angeles zoning code and designated Multiple-Family Residential – Low Medium II Density in the certified Venice LUP.

The applicant proposes to demolish an existing 2,036-square-foot, 26-foot high, two-story single-family residence with an attached garage; and to construct an approximately 2,302-square-foot, 33.5-foot high, three-story single-family residence with a detached 840-square-foot, two-level accessory dwelling unit (ADU) atop a four-car garage ([Exhibit 2](#)). The detached ADU and garage will have a maximum roof height of approximately 33.5 feet above grade (including an approximately 3.5-foot high (above roof) parapet wall). The proposed development also includes 170 square feet of mechanical space, 996 square feet of deck space, a roof deck railing that will not exceed 3.5 feet in height (above roof) for the single-family residence, and hardscape and landscape improvements. The primary single-family residence will also be topped with an approximately 40-square-foot roof access structure that will extend at a height of approximately 44 feet as measured above grade. The proposed ADU will be topped with an approximately 30-square-foot roof access structure that will extend at a height of approximately 42.3 feet as measured above grade. Proposed grading includes approximately 140 cubic yards of cut.

B. DUAL PERMIT JURISDICTION

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local coastal development permit

also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the Single Permit Jurisdiction area), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is within the Dual Permit Jurisdiction area by virtue of its beachfront location.

The City of Los Angeles completed its final action to approve with conditions Local Coastal Development Permit No. DIR-2018-6400-CDP-MEL-SPP on June 5, 2020 and reported its action to the Coastal Commission’s South Coast area office on June 29, 2020. The City’s findings indicate that the approved development is consistent with the character of the area and will not prejudice its ability to prepare a local coastal program. There were no appeals of the local action submitted to the Commission within the 20-working day appeal period.

C. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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:[...]

(2) adequate access exists nearby, ...

Dedicated accessways 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, in relevant part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of

- public access depending on the facts and circumstances in each case including, but not limited to, the following:
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
 - (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Ocean Front Walk Setback

The property abuts Ocean Front Walk, a public beach boardwalk. Ocean Front Walk is situated between the project site and a Venice public beach parking lot. The existing boardwalk is part of a continuous right-of-way system that provides public access and recreational opportunities along the public beach.

The project has been designed to ensure that no improvements will encroach beyond the property and within the public-right-of-way. Therefore, Ocean Front Walk will remain unobstructed. However, the proposed principal residence will extend approximately 12.1 feet further seaward than the existing residence and will only be set back from the seaward property line and Ocean Front Walk by 4.5 feet. In addition, a ground floor deck and stairs are also proposed that will extend seaward of the main structure and have a 1.67-foot setback from the rear property line and Ocean Front Walk. The existing residence has a structural setback of approximately 16.6 feet from the front (seaward) property line, with a ground level deck improved to the property line.

According to the City of Los Angeles Department of Recreation and Parks, Ocean Front Walk is the second most-visited destination in Southern California after Disneyland, averaging over ten million visitors per year.¹² Ocean Front Walk stretches from Marina del Rey to Pacific Palisades. The popularity of an urbanized beach environment such as Venice has led to the designation of such areas (Community Commercial, Neighborhood Commercial, and Commercial Artcraft) that encourage local residents to live and work within the same area, further protected under the LUP consistent with Coastal Act. Beachfront structures in this area are directly adjacent to the public walkway, and many are legally non-conforming structures that are, in some instances, setback zero (0) feet from the public boardwalk. The City allows administrative approval of a reduction in the front yard setback for new development due to the prevailing

¹ City of Los Angeles, Department of Recreation and Parks. 2016. "Venice Beach". <https://www.laparks.org/venice>.

² Venice Chamber of Commerce website. 2017. <http://venicechamber.net/visitors/about-venice/>

pattern of development along this stretch of beachfront homes, many of which were built prior to the Coastal Act. In some past permit actions, the Commission has not required a greater setback than what the City has allowed. However, as the Commission has recognized in more recent findings, this previous pattern of development has resulted in inadequate setbacks between private and public spaces, which can result in the appearance that the areas designated for public access (Ocean Front Walk in this case) are actually private and thus, inhibiting lateral access along the beach.

Specifically, the City's zoning ordinance LAMC 12.10 requires a front yard of not less than 15 feet, provided, however, that on key lots the minimum front yard shall be 10 feet to provide adequate residential space for light and air, accessibility for firefighters, conserve property values, and promote health, safety and welfare that is aligned with the City's General Plan. However, due to the prevailing pattern of development, the City-approved plans allowed the structure to be setback 4.5 feet and the first-floor elevated deck with stairs to extend further seaward towards Ocean Front Walk. Although the principal residence is proposed to be setback 4.5 feet from Ocean Front Walk, the Commission has previously found that a five-foot setback from the seaward property line should be considered the *minimum* setback necessary to allow for normal repair and maintenance activities of the residence to occur on the applicants' property without requiring encroachment into public beach and Ocean Front Walk areas.

The provision of a 1.67-foot setback between the above-ground elevated private structures and the public area (Ocean Front Walk) would not allow adequate space on the applicants' property for normal maintenance, especially considering beachfront structures are especially vulnerable to coastal weathering such as sun-bleaching, tearing from high coastal winds, and rainstorms. Consequently, such conditions would require on-going maintenance activities—such as painting and other repair and maintenance activities—to occur in the public access way. Property owners may need to place construction equipment on the walkway in order to maintain the private structures, and without an adequate setback, would temporarily privatize the public walkway.

Further, the lack of an adequate setback between private beachfront development and public access walkways, such as Ocean Front Walk, can result in potential conflicts between users of private property and public access ways by blurring the line between public and private space. The provision of adequate setbacks between private development and areas specifically designated for public access and recreation is critical given the potential for such areas to appear to be private property, and to avoid potential conflicts between private property owners and members of the public. Such provisions have been supported by past Commission actions (i.e., CDP Nos. 5-16-0757 (Greene), A-5-DRL-18-0075 (Playa, LLC), A-5-VEN-18-0017 & 5-18-0212 (Targon)). In the 305 Ocean Front Walk case, which included ground floor commercial space, the Commission determined that a zero-foot setback was appropriate in that case because there are fewer conflicts between public-private space with commercial spaces than purely residential spaces. For example, the public regularly walks up to and looks into

the windows of commercial establishments, but they would not typically walk as close to private residences.

Relatedly, Section 30214 demonstrates that the Coastal Act recognizes the inherent conflicts between public use and private property that must be managed in a way that maximizes public access while also protecting private property. In this case, Ocean Front Walk is a known, public walkway, and new development should not be allowed to be constructed in a manner that could foreclose the ability of the homeowner to maintain some privacy. As Section 30214 describes, public access may have to be curtailed due to safety issues in some instances if adjacent residential uses are too close and privacy could be compromised. As mentioned before, Ocean Front Walk is supposed to be open for public use. However, if property owners continue to build structures with inadequate setbacks to the public space, homeowners will not have the ability to obtain privacy, and they may attempt to restrict or modify public access to the public walkway in front of their homes.

Overall, reduced structural setbacks have led to inadequate setbacks between the private and public spaces, which could result in public access conflicts and could result in the loss of public access in this area. Therefore, the Commission imposes **Special Condition 1**, which requires that the proposed development have at least a five-foot front (seaward side) setback on all above-grade permanent structures (including elevated decks, stairs, and other permanent accessory structures) and requires the applicants to submit revised plans showing these changes for review and approval by the Executive Director prior to the issuance of the permit.

There is an existing fence that extends beyond the front property line. However, the applicant is proposing to remove this encroachment. To memorialize, this Special Condition 1 also requires that all improvements that extend beyond the front property line be removed. The Commission also imposes **Special Condition 8**, which prohibits any private use or development of the public right-of-way of Ocean Front Walk.

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. 5-20-0583) shall prevail.

Parking

The public access policies of the Coastal Act provide for the protection and enhancement of all people's opportunity to access the coast and enjoy coastal recreation. This includes Section 30252, which states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development through public transportation.

Adequate on-site parking is necessary and provides relief for the general lack of on-street parking that is otherwise utilized by the public to access the coastal zone in Venice. A total of four onsite parking spaces are proposed for this project: two tandem

covered parking spaces in the garage for both the proposed single-family residence and ADU, all accessed from Speedway (public alley). The spaces for the single-family residence are consistent with the certified LUP parking requirements for a single-family residence on lots less than 35 feet in width and adjacent to an alley, which requires two spaces pursuant to Policy II.A.3. In addition, the total of four proposed onsite parking spaces are consistent with the public access policies of the Coastal Act. 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 to ensure that the changes do not require an amendment to this permit or a new coastal development permit; therefore, the Commission imposes **Special Condition 4**.

Construction Staging

Construction projects can adversely impact public access by displacing otherwise available on-street, public parking spaces or by blocking traffic. During construction, measures should be implemented to ensure that temporary impacts to public access are avoided. Therefore, **Special Condition 7** requires that all construction equipment to be stored overnight shall be stored on-site, outside the public street, Ocean Front Walk, and the public beach parking lot. The proposed project is on an existing private residential lot. Therefore, no long-term, post-construction impacts are anticipated.

Conclusion

Therefore, for the reasons detailed above, the proposed project, as conditioned, conforms to Sections 30210, 30211, 30212, 30214, and 30221 of the Coastal Act.

D. COMMUNITY CHARACTER

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

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....

Section 30253(e) of the Coastal Act states:

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

Venice Certified Land Use Plan Policy I.A.1. (Residential Development) states:

The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP. Refer to Policies II.C.10 for development standards for walk streets and to Policies II.A.3 and 4 for parking requirements.

a. Roof Access Structures. Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:

i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;

ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;

iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; and,

iv. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).

Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

Venice Certified Land Use Plan Policy I. A. 7.C (Multi-family Residential – Low Medium II Density, Marina Peninsula) states:

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

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

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

Height: Not to exceed 35 feet. Structures located along walk streets are limited to a maximum height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Venice Certified Land Use Plan Policy I. E. 2, Scale, states in relevant part:

New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.

Venice Certified Land Use Policy I. E. 3, Architecture, states:

Varied styles of architecture are encouraged with building façades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

As discussed below, the applicant has designed the proposed project in compliance with the above-stated LUP building standards in order to obtain the required coastal development permit, and to also obtain approval from the City pursuant to the Venice Specific Plan. The proposed project is in the Dual Permit Jurisdiction and has received a local coastal development permit (DIR-2018-6400-CDP-MEL-SPP) from the Los Angeles Department of City Planning. No appeal of the local action was filed.

Residential Density

The applicant is proposing to construct a single-family residence and an accessory dwelling unit. The proposed project complies with the Low Medium II Density designation of the certified LUP and its density limit. In its November 2, 2000 staff report for the certification of the Venice LUP, the Commission found that “properties designated with this land use category could be developed with single family residences, duplexes, and in some cases, multiple unit apartments and condominiums.” Policy 1.A.7.C allows for the construction of up to two units per lot, duplexes and multi-family structures, with one unit per 1,200 square feet of lot area. Consistent with the City’s uncertified zoning ordinance for ADUs and JADUs, an ADU and a JADU may also be constructed on the site. The proposed single-family residence and ADU will maintain the character of this area of Venice and is consistent with both the Venice LUP and Coastal Act community character policies (Sections 30251 and 30253(e)). This residence also increases housing density on the lot, which is currently developed with a single-family residence and could provide a more affordable housing opportunity (as compared to a single-family residence without an ADU) in a coastal area that has been impacted by rising housing costs and housing shortages.

Building Height

Building height and bulk can also affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development along Ocean Front Walk on the Marina Peninsula subarea has been limited to a height of 35 feet.

The Commission-certified Venice LUP maintains the 35-foot height limit for all development in the subject neighborhood. The proposed single-family residence and detached ADU atop the garage do not exceed a height of 35 feet ([Exhibit 2](#)). The permit is conditioned to limit the height of the proposed single-family residence to a maximum of 35 feet as measured above grade.

No portion of the two structures are permitted to exceed 35 feet in height, except for chimneys, ducts and ventilation shafts, which are limited to 40 feet, and roof access structures, which are limited to 45 feet. The certified LUP states “[h]eight shall be measured as the vertical distance from base elevation ... to the highest point of the roof or parapet wall, excluding roof deck railings that do not exceed 36 inches and are of a open design.”

The proposed roof deck railing for the single-family residence is an open design and will not exceed 42 inches (3.5 feet) in height (as measured above the roof). In addition, the primary single-family residence will be topped with a 40-square-foot roof access structure that will extend to a height of approximately 44 feet above grade, which is below the permissible maximum height limit of 45 feet for such structures at the subject site.

The detached ADU and garage will have a maximum roof height of approximately 33.5 feet above grade (including an approximately 3.5-foot high (above roof) parapet wall). Furthermore, the proposed ADU will be topped with an approximately 30-square-foot roof access structure that will extend to a height of approximately 42.3 feet above grade, which is also below the permissible maximum height limit of 45 feet for such structures at the subject site.

Therefore, the proposed project meets the specific height requirements of the LUP. Pursuant to **Special Condition 1** and **4**, no changes to the approved plans can be made without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

Therefore, the Commission finds that the proposed project as conditioned conforms to the Venice LUP and Section 30251 of the Coastal Act. As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project.

Building Setback

The Venice LUP includes setback requirement for all development proposed along the Marina Peninsula.

Regarding yards, the Venice LUP states that “yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.” The LUP does not include specific setback requirements for development on lots designed Low II Medium Density in the Marina Peninsula subarea.

The applicant is proposing a 4.5-foot front (seaward) setback. Stairs, a deck, and landscaping are proposed within the front yard setback area. In addition, landscaping is proposed within the approximately 4-foot-wide side yards. An approximately 2.58-foot rear yard setback is proposed. However, as discussed in greater detail in Section IV.C (Public Access) above, the Commission is requiring a minimum five-foot front (seaward) yard setback without encroachments at this site to avoid any potential for public access impacts. Therefore, the Commission imposes **Special Condition 1**, which requires the submittal of final revised project plans with no building and other permanent encroachments within the five-foot setback area.

There is an existing fence that extends beyond the front property line. However, the applicant is proposing to remove this encroachment. To memorialize, this Special Condition 1 also requires that all improvements that extend beyond the front property line be removed.

Character

A mix of two- to four- story single-family residences and multi-family residential structures, with or without roof decks and roof access structures, surround the project site to the northwest and southeast, and are either similar in size or significantly larger than the proposed project (see [Exhibit 2](#)). Consequently, is not anticipated to have an adverse cumulative effect with regard to the surrounding character.

To the east of the project site is Speedway (public alley), and to the west is Ocean Front Walk, the public beach boardwalk, which is just landward of a public beach parking lot on Venice Beach.

Venice LUP Policy I.E.2 requires that new development must respect both the scale and character of the community development. At the same time, Policy I.E.3 allows that varied styles of architecture are encouraged, while maintaining the neighborhood scale and massing. Therefore, new development need not be identical to the homes in the surrounding neighborhood; rather, a variety of styles and appearances are part of Venice’s unique character. While the Venice LUP primarily addresses compatibility with community character and protection of Venice’s special status through objective building standards, such as setbacks, height and density, there is also a subjective component.

Here, the proposed project is consistent with the density, height, setback, and floor area requirements of the LUP. These requirements were incorporated into the LUP (which was certified by the Commission in 2001) in order to protect community character and Venice’s special community status, and the LUP contemplated and allowed for some

larger homes to be built consistent with Chapter 3 of the Coastal Act. In addition to being consistent with the LUP's building standards, the proposed development simply does not stand out in any significant way from the surrounding neighborhood, particularly in light of the overall eclectic nature of the Venice community.

Therefore, the proposed development is compatible with community character, and is not anticipated to have an adverse cumulative effect with regard to the character of this neighborhood.

Conclusion

As proposed, the development is consistent with all relevant legal limits on size, height and land use, is on par with residential developments in the area and, thus, preserves community character as required by the Coastal Act. Therefore, as proposed, the development conforms with Sections 30250, 30251, and 30253(e) of the Coastal Act and with the community character policies of the LUP.

E. HAZARDS

Coastal Act section 30253 states, in part:

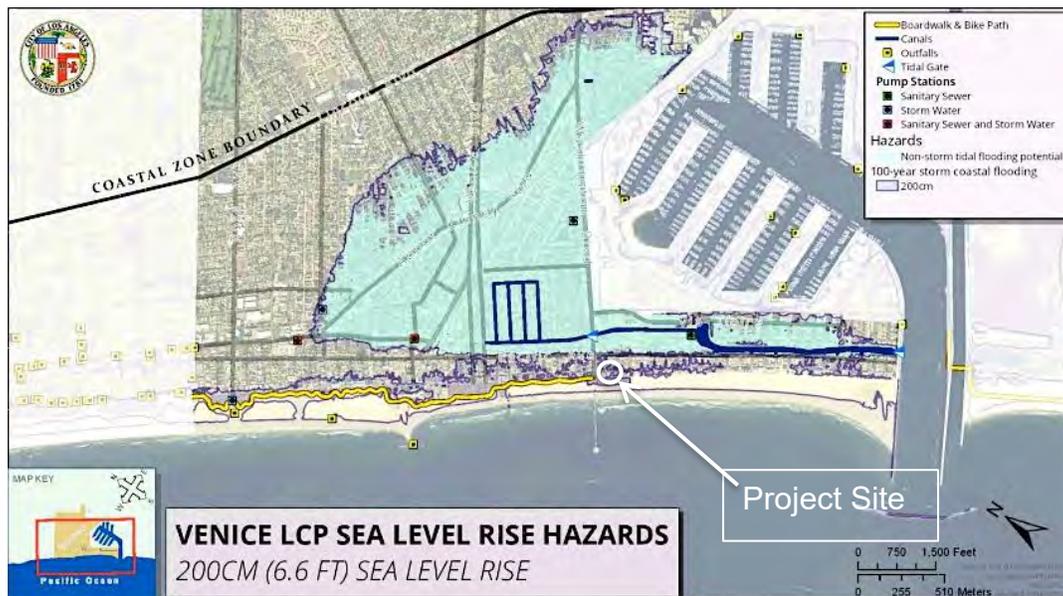
New development shall do all of the following:

- (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...
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Climate change and sea level rise were not considered when the Commission certified the Venice LUP in 2001. On November 7, 2018, the Commission adopted a science update to its Sea Level Rise Policy Guidance. This guidance document serves as Interpretive Guidelines to help ensure that projects are designed and built in a way that minimizes risks to the development associated with sea level rise and avoids related impacts to coastal resources. These guidelines state, "to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development." Additionally, Moffat & Nichol prepared a Venice Sea Level Rise Vulnerability Assessment for the City of Los Angeles in May 2018, which provides information regarding the potential impacts of sea level rise in Venice.

The proposed development is located in close proximity to Venice beach and the Pacific Ocean. Development adjacent to the ocean is inherently hazardous. 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 located in the Marina Peninsula, which consists of low-lying and relatively isolated areas. 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 may be subject to storm coastal flooding with 6.6 feet of sea level rise (see Figure 2 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 2 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)

The applicant's hazards analysis (Anchor Qea; March 2020) states that the finished floor elevations of the proposed structures varies from the seaward side to the landward side: on the landward side, it will be +14.6 feet NAVD88 to +14.8 feet NAVD88; while on the seaward side, it will be 15.4 ft. NAVD88. However, the lowest *habitable* finished floor elevation will be 19.0 feet NAVD88, which Anchor Qea states is above the 2100 tidal levels based on project sea level rise (SLR) over the next 80 years (design life of the proposed development) for the medium-high risk aversion SLR projection pursuant to the Commission's SLR guidance document.

The applicant's geotechnical report (GeoConcepts, Inc.; June 2, 2020) states that the site is suitable for the proposed improvements from a geotechnical engineering and

geology standpoint. The applicant's geotechnical consultants indicates that although they did not have any data for the existing groundwater elevation, they concluded that

"...given that the project is located on the beach, it is reasonable to assume that the existing groundwater elevation is approximately mean sea level (MSL), which is +2.6 ft NAVD88. If it is assumed that the groundwater elevation will increase the same amount as SLR (+6.8 ft in Year 2100) then MSL would be +9.4 ft. NAVD88 in Year 2100. Since the lowest structure floor elevation (+14.4 ft. NAVD88) is 5.0 ft above the estimated groundwater elevation in Year 2100, the structure floor would not be in contact with groundwater."

The applicant is not proposing underground construction (with the exception of caisson pilings) and only limited grading is proposed so the water table will not be impacted by construction.

Given the risks and vulnerabilities the site faces with regard to flood hazards for the life of the development, **Special Conditions 2 and 3** 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 approved by this permit if deemed unsafe by a government entity. In addition, the applicant would be required to remove the approved development if the City or 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 structure suitable for habitation or use without the use of shoreline protective devices.

To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: 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.

Caisson pilings are proposed to support the load of the proposed housing units and to place the first floors of the structures at a reasonable elevation to avoid foreseeable flood risks, and to address liquefaction concerns. Given the size and spacing and perpendicular orientation to the shoreline, the Commission's senior coastal engineer has determined that proposed caisson pilings will not serve as shore protection devices over the lifespan of the development.

In addition, to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, **Special Condition 10** requires the applicant to record a deed restriction acknowledging that, pursuant to the subject permit (CDP No. 5-20-0583), the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of the subject property; and imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the

property. The deed restriction will additionally provide notice of potential hazards of the property, and the risks of flooding and other sea level rise impacts towards the end of the development's economic life.

Section 30253 of the Coastal Act requires siting new development such that it minimizes risks to life and property in flood hazard areas, assures stability and structural integrity, and does not require the construction of protective devices that substantially alter natural landforms. Concurrently, and as discussed above, the Coastal Act also requires concentrating development in existing developed areas able to accommodate it (as required by Section 30250), which provides more opportunities for people to live near places they work and recreate, such as the beach. This reduces vehicle miles traveled and preserves open spaces that might otherwise be developed, thereby reducing impacts to coastal resources. Overall, these Coastal Act policies support maintaining housing density in safe areas to assure the stability and structural integrity of development. In this case, the project site is located in a low-lying area vulnerable to flood hazards, but the risks of such flooding have been adequately mitigated through the design of the proposed development.

As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

F. BIOLOGICAL RESOURCES & 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.

Water Quality

The project site is located in close proximity to Venice Beach and the Pacific Ocean. Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal water be maintained and enhanced. Stormwater runoff will be diverted to two onsite 200-250-gallon rain tank and permeable areas for percolation, which will help minimize water runoff from the subject site.

Special Condition 3 requires any debris that falls into the water as a result of coastal hazards to be removed and properly disposed of to prevent adverse impacts to water quality for the life of the development. To avoid water quality impacts during construction, the Commission imposes **Special Condition 5**, which requires the applicant to follow construction best management practices that prevent construction activities and construction related debris from entering and impacting ocean waters. In addition, Special Condition 5 also includes water quality measures to be implemented on-site.

Landscaping

The applicant is proposing new landscaping. Therefore, **Special Condition 6** requires the applicant to submit a landscape plan utilizing only non-invasive and drought-tolerant plant species (low water use) and water conservative irrigation systems for any new landscaping.

Conclusion

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 and drainage systems that collect and reduce the amount of runoff that leaves the site, 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.

G. 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 LUP 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.

H. 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)** revised final plans; **2)** assumption of risk; **3)** no future shoreline protective device; **4)** permit compliance; **5)** construction best management practices, and drainage and run-off control practices; **5)** drought tolerant, non-invasive plants; **7)** construction staging; **8)** local governmental approval; and **9)** 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-2018-6400-CDP-MEL-SPP, dated June 5, 2020.

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

Coastal Hazards Study for 3209 Ocean Front Walk, Venice, Los Angeles, California prepared by Anchor Qea, dated March 2020.