

**CALIFORNIA COASTAL COMMISSION**

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# Th10a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-21-0088

**Applicant:** Adrienne O'Donnell

**Agent:** Henry Ramirez

**Location:** 21 W. Lighthouse Street, Venice, City of Los Angeles, Los Angeles County (APN: 4294-009-027)

**Project Description:** After-the-fact request for conversion of a 320 sq. ft. portion of an existing three-car garage into an accessory dwelling unit (ADU) in an existing 22-ft. tall, 2,424 sq. ft. duplex on a 3,082 sq. ft. lot, resulting in a duplex with an attached ADU and two parking spaces.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The project site is a 3,082 sq. ft. lot located in a residential neighborhood between Ballona Lagoon and Venice Beach in the Marina Peninsula subarea of Venice, City of Los Angeles. The applicant requests after-the-fact approval for the conversion of a parking space and storage room in an existing, 625 sq. ft., three-car garage into a 320 sq. ft. accessory dwelling unit (ADU). The detached garage originally provided three parking spaces for an existing 22-ft. tall, 2,424 sq. ft. duplex; it now provides two parking spaces for the duplex. No other parking is available on the site, and no additional alterations to the existing duplex are proposed.

The Commission certified the Venice Land Use Plan (LUP) 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.

The site is designated Multi-Family Residential - Low Medium II Density per the certified Venice LUP and zoned R3 by the City of Los Angeles uncertified Zoning Code. LUP Policy I.A.7 limits lots smaller than 4,000 sq. ft. to a maximum of two units, while the uncertified Zoning Code requires R3-zoned development to provide a minimum of 800 sq. ft. per unit (with no maximum number of units specified.) The existing 2,424 sq. ft. duplex is consistent with both policies.

LUP Policy II.A.3 requires at least two parking spaces per unit, plus an additional guest parking space, on 35-ft. wide lots adjacent to an alley. Therefore, the duplex on the subject 35-ft. by 90-ft. lot, if constructed today, would require a minimum of five parking spaces on-site.

The existing duplex was constructed circa 1924, and the garage was constructed circa 1929, prior to the effective date of the Coastal Act and certification of the LUP. As such, the three parking spaces supporting the duplex constitute a legal nonconformity. Construction of the unpermitted ADU in the garage occurred in July 2013 and eliminated one parking space, which further increased the degree of nonconformity regarding LUP parking requirements. The applicant has provided an alternatives analysis demonstrating that, based on the lot constraints, converting the ADU back to a parking space is the only feasible way to replace the converted parking space and restore the degree of nonconforming parking and that, without major demolition and reconfiguration of the site, there is no additional opportunity to provide additional parking on site.

Policy I.A.14 of the Venice LUP allows for a reduction in required parking spaces for units designated as affordable. The applicant is proposing to designate and maintain the ADU as a moderate-rate restricted unit for the lifetime of the development in order to qualify for reduced on-site parking consistent with the LUP. This will add to the affordable housing stock in Venice. While the ADU conversion would increase the degree of non-conformity of the site by removing a parking space, it is unlikely that the loss of one parking space and the addition of a rate restricted affordable housing unit will result in a significant adverse impact on public access to this area of the coast.

The existing development is also consistent with the community character of the subject neighborhood, which is characterized primarily by a mix of multi-story single-family and multi-family homes. The proposed project includes interior changes to the garage only and will not impact the character of this area of Venice, consistent with both the Venice LUP and Coastal Act community character policies (Sections 30251 and 30253(e)). While the surrounding area is anticipated to experience flooding within the 75-year project lifespan, the subject site is not expected to flood under Our Coast, Our Future's Coastal Storm Modeling System (CoSMoS). The project also will not result in any

increase in risks to life and property in a hazardous area, consistent with Section 30253 of the Coastal Act.

Therefore, Commission staff recommends **approval** of the coastal development permit (CDP) application with four (4) special conditions, including: **1)** retention of two on-site units and an ADU; **2)** retention of two on-site parking spaces; **3)** local government approval; and **4)** deed restriction. These conditions are imposed to ensure that the ADU and three residential units are retained as such, vehicle parking spaces are maintained on-site, and the project adheres to the necessary conditions of local government approvals.

Commission staff recommends that the Commission **APPROVE** CDP Application No. 5-21-0088 with four special conditions. The motion to carry out the staff recommendation is on page 4 of this report.

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### EXHIBITS

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

[Exhibit 2 – Project Plans](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit Application No. 5-21-0088 pursuant to the staff recommendation.

Staff recommends a **YES** vote. 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 the Commissioners present.

### Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program 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 permittee 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

1. **Retention of Units.** The development approved by Coastal Development Permit No. 5-21-0088 is for conversion of a portion of a garage into an ADU associated with an on-site duplex. The applicant and all assigns/successors shall maintain the duplex and ADU, as approved, unless an amendment to this coastal development permit or a new coastal development permit is obtained. At no point may the ADU be converted into an independent unit, incorporated into the other residential units, or converted to a non-residential use without a Commission-approved permit amendment. Ingress and egress (doors) between the ADU and the residential units are prohibited.
2. **Parking and Residential Density.** The permitted use of the existing development is a duplex with an ADU. A minimum of two (2) parking spaces shall be provided and maintained on the site as proposed: two spaces in the garage. Any proposed change in the number of residential units, change in number of on-site parking spaces, or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and Division 5.5 of Title 14 of the California Code of Regulations.
3. **Local Government Approval.** The proposed development is subject to the review and approval of the local government (City of Los Angeles). This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-21-0088 shall prevail.
4. **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 parcels 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

The project site is located in a residential neighborhood in the Marina Peninsula subarea of Venice, within the City of Los Angeles. The site is located between the Ballona Lagoon and Venice Beach, with the front of the property facing West Lighthouse Street, and vehicular access to on-site parking provided by the abutting alley. The lot is zoned R3 - Multiple Dwelling by the City's uncertified Zoning Code and Multiple Family Residential - Low Medium II Density by the certified Venice LUP. The project site is designated a Beach Impact Zone (BIZ) due to its location within 300 ft. of both the Ballona Lagoon and Venice Beach ([Exhibit 1](#)). The Venice community—including the residential neighborhoods, beach, boardwalk, canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. The Marina Peninsula is heavily visited by local residents and tourists alike, increasing the demand for parking. Due to its proximity to the sandy beach and high volume of visitors, the certified LUP designates this area a BIZ with additional parking requirements.

The project site is a 3,082 sq. ft. (35-ft. by 90-ft.) lot currently developed with a two-story, 22-ft. tall, 2,424 sq. ft. duplex constructed in 1929. The development was originally constructed with two detached structures: a two-story, 1,391 sq. ft. unit facing Lighthouse Street and a two-story structure facing the alley. It currently remains two detached structures. The rear structure consisted of a 625 sq. ft. three-car garage and storage area on the first floor and 713 sq. ft. dwelling unit on the second floor as originally built ([Exhibit 2](#)). In 2013, a 320 sq. ft. portion of the first-floor garage encompassing one parking space and the storage area was converted to an ADU without a CDP from the City or Commission. The site currently includes the duplex, ADU, and two parking spaces in the garage.

On April 2, 2020, City Planning Department approved local CDP No. DIR-2019-3268-SPP-CDP-MEL for after-the-fact construction of the ADU. No appeals were received within the 20 working-day appeal period. On September 28, 2021, the Commission received the subject CDP application. As originally submitted to the Commission, the applicant requested after-the-fact approval of the ADU without addressing the parking deficiency. After discussion of parking requirements with staff, the applicant proposed to designate the ADU a moderate rate unit for the development's lifespan.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local CDP also obtain a second (or "dual") CDP from the Coastal Commission. The project site is located in the dual permit jurisdiction area, and this CDP application is for the dual permit. The Commission's standard of review for the subject development in the Dual Permit Jurisdiction area is the Chapter 3 policies of the Coastal Act, with the LUP used as guidance.

## **B. Development**

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

(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. ...

Section 30251 of the Coastal Act states, in relevant part:

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... be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

Section 30253 of the Coastal Act states, in pertinent part:

New development shall do all of the following:

(d) Minimize energy consumption and vehicle miles traveled...

Section 30604 of the Coastal Act states, in relevant part:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. ...

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Venice Certified LUP Policy I.A.7.c. Multi-Family Residential– Low Medium II Density, states, in relevant part:

Marina Peninsula

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. ...

### **Residential Density**

Coastal Act Section 30250 provides that new residential development shall be located in or in close proximity to existing developed areas that are able to accommodate it, or in other areas with adequate public services and where it will not have significant, cumulative adverse effects on coastal resources. Section 30253 requires that new



development must minimize energy consumption and vehicle miles traveled. These policies encourage “smart” growth by locating new development in appropriate areas that minimizes impacts on coastal resources. Although the Coastal Act does not authorize the Commission to require affordable housing, Section 30604(f) directs the Commission to encourage low- and moderate-income housing opportunities.

As noted above, the site is designated Multi-Family Residential—Low Medium II Density per the certified Venice LUP and zoned R3 by the City of Los Angeles (uncertified) Zoning Code. LUP Policy I.A.7 limits lots smaller than 4,000 sq. ft. to a maximum of two units and the uncertified Zoning Code requires R3-zoned development to provide a minimum of 800 sq. ft. per unit (with no maximum number of units specified.) The existing 2,424 sq. ft. duplex and 3,082 sq. ft. lot are consistent with these provisions.

Under the State’s ADU laws, ADUs are accessory uses that do not count toward a site’s density limit.<sup>1</sup> The State’s ADU laws are not the standard of review and do not supersede, nor modify, Chapter 3 of the Coastal Act. However, the Commission has discretion to treat ADUs in the same manner as the State’s ADU laws for purposes of assessing compliance with LUP density limits. Section 30604 of the Coastal Act encourages the protection of affordable housing opportunities in the coastal zone for persons of low and moderate income, and encouraging development of ADUs is consistent with this direction in the Coastal Act. The ADU has been proposed as a moderate-rate restricted unit for the lifetime of the development.

The existing development is also consistent with the community character of the subject neighborhood, which is characterized primarily by a mix of multi-story multi-family and single-family homes. The proposed project includes changes to the interior only and will not impact the character of this area of Venice, consistent with both the Venice LUP and Coastal Act community character policies.

As proposed and conditioned, the development concentrates development in an already developed area and preserves the community character of the area in compliance with Section 30250, 30251 and 30253 of Chapter 3 of the Coastal Act and relevant housing policies of the LUP.

### **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

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<sup>1</sup> Ref. Government Code, Title 7, [Section 65852.2\(a\)\(8\)](#).

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.

Venice LUP Policy I.A.14 Parking Requirements for Affordable Housing, states in pertinent part:

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

Venice LUP Policy II.A.3 Parking Requirements states, in pertinent part:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change in use...The public beach parking lots...shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements of the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency...

<b>Residential Uses</b>	<b>Off-Street Parking Required</b>
Multiple dwelling and duplex on lots 40 feet or more in width, or 35 feet or more in width if adjacent to an alley	2 spaces for each dwelling unit; plus a minimum of 1 (one) guest parking space for each 4 (four) or fewer units (i.e. 2.25 spaces per unit; always round-up to highest whole number of spaces) ...

Venice LUP Policy II.A.4 Parking Requirements in the Beach Impact Zone states, in pertinent part:

Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:

...Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area on the ground floor for multiple dwelling projects of three units or more...In no event shall the number of BIZ parking spaces (over and above those spaces required by the parking requirements set forth in Policy II.A.3) required for projects of three or more dwelling units, or commercial or industrial projects, be less than one (1) parking space for residential projects...

Within the area surrounding the project site, many of the older developments do not have adequate on-site parking. In this case, the subject development was originally constructed in 1929 with two dwelling units and three parking spaces in an on-site garage. One of the garage spaces was converted to an ADU without a CDP, and the site now provides two parking spaces in the garage. Vehicular access to the site is taken from alleyway at the rear of the property. There is public on-street parking adjacent to the subject site on Lighthouse Street and Pacific Avenue. The amount of on-street parking in the area surrounding the subject site is limited because most of the residential streets on the Marina Peninsula are walk streets (although the subject site is not on a walk street) that do not provide vehicular access, including for parking. Competition for the limited amount of on-street parking is intense, especially on busy summer weekends.

The project is located within the BIZ identified in the certified Venice LUP, which typically requires an additional parking space per each 1,000 sq. ft. of ground floor area to be provided on-site for new development including three units or more. However, Policy II.A.4 of the LUP does not apply to this project, because it only applies to multiple dwelling projects of three units or more, and the proposed ADU does not count toward the density onsite. The closest public parking areas are the public beach parking lot (located a block from the subject site), metered street parking along Washington Boulevard, and free on-street parking along Pacific Avenue. The project site is located near transit options: approximately 100 feet from the nearest bus stop at Pacific Avenue and Lighthouse Street, approximately 0.2 mile from major bus lines on Via Marina, and 0.5 mile from major bus lines on Washington Boulevard.

Certified LUP Policy II.A.3 requires two parking spaces for each unit, plus one additional guest space, on the subject site. While the ADU does not trigger the need for BIZ parking, the Commission has sometimes required new ADUs to provide one on-site parking space to ensure that coastal access is not adversely impacted by the ADU. Thus, under current development standards, the duplex would be required to provide five on-site parking spaces to support the two units, and one additional parking space for the ADU could be required. As built, with only three on-site parking spaces, the duplex is a legally non-conforming structure with regard to parking. The ADU conversion increased the degree of non-conformity of the site by removing a parking space.

The applicant has provided an alternatives analysis considering methods of increasing on-site parking to meet the parking demand for the site. The lack of curb cuts on Lighthouse Street and the siting of the duplex, which extends the full width of the lot, limit vehicle access to the rear alley ([Exhibit 2](#)). There is a narrow courtyard between

the front duplex unit and detached garage and back unit. If the detached garage and unit were demolished and shifted into the courtyard to allow additional parking area, it could not feasibly accommodate more parking spaces: the space is not large enough to satisfy Los Angeles Department of Building and Safety (LADBS) parking space requirements. The applicant could convert the ADU back to a parking space and restore the parking space and the legal non-conforming feature of the site, which is feasible. The applicant can also propose one or more of the units on the site to be designated as affordable, which, pursuant to LUP Policy I.A.14, would allow the applicant to provide for reduced parking on the site if it were demonstrated that the occupant(s) of the affordable unit(s) will have a reduced demand for parking. In this case, the current rental rate for the ADU qualifies as a Moderate Income rate, and the applicant proposes to maintain the ADU as a moderate-rate restricted unit for the lifetime of the development and has stated that the current occupant is employed in the immediate area and relies on a bicycle to commute to and from work, which reduces the demand for on-street parking, as well as energy consumption and vehicle miles traveled (consistent with Coastal Act section 30253(d)).

If the ADU were converted to another use or into an independent unit in the future, the site may no longer qualify for reduced parking and could require two parking spaces of its own (LUP Policy II.A.3). Therefore, **Special Condition 1** requires all development be carried out in accordance with the approved plans and that the applicant seek a permit amendment or a new CDP for any proposed changes to the ADU. The condition also prohibits installation of interior doors between the ADU and either of the duplex units to ensure that the ADU remains a separate unit. **Special Condition 2** requires a minimum of two parking spaces to be maintained on-site. **Special Condition 3** requires the applicant to obtain any necessary local government approvals and adhere to the conditions of such approvals. In order to ensure that any future owners or interests in the property are aware of these conditions, **Special Condition 4** requires the landowner to record a deed restriction acknowledging that, pursuant to the subject permit (CDP No. 5-21-088), the Coastal Commission has authorized development on the subject property subject to the terms and Special Conditions of this permit (imposed as covenants) that restrict the use of the subject property.

While the ADU conversion would increase the degree of non-conformity of the site by removing a parking space, it is unlikely that the loss of one parking space and the addition of a rate restricted affordable housing unit will result in a significant adverse impact on public access to this area of the coast. As conditioned, the proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed and conditioned, the development conforms to Sections 30210, 30211, 30220 through 30224, and 30252 of the Coastal Act and to the public access policies of the Venice LUP.

## D. Coastal 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...

On November 7, 2018, the Commission adopted a scientific update to its Sea Level Rise Policy Guidance. This guidance document serves as interpretive guidelines to help ensure 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 siting of new development, particularly within area that may be subject to coastal hazards, is not before the Commission at this time. However, the project proposes to increase housing density in an oceanfront location that is inherently dynamic and potentially hazardous. Thus, the project site must be analyzed for potential risks to life and property presented by its location. The existing duplex is located on a 3,082 sq. ft. lot within 300 ft. of both the Ballona Lagoon and Venice Beach. The wave impact zone of Venice Beach has been widened by multiple artificial sand nourishments conducted between 1945 and 1960, placing over 14 million cu. yds. of sand in the wave impact zone and widening the beach by at least 500 ft<sup>2</sup>. This has had the effect of reducing risks to the oceanfront project site associated with wave uprush and tidal flooding.

According to the OCOF model, which uses CoSMoS data, the subject site is not at significant risk of flooding in the next 100 years. Under a medium-high risk aversion scenario, 2.5 ft. of sea level rise is possible within the next 40 years, and a rise in sea levels of up to 6.6 ft. 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 life of the existing development constructed in 1987. The OCOF model indicates the project site is adjacent to a low-lying, flood-prone area surrounding the Ballona Lagoon, but is not projected to experience direct flooding on-site. Additionally, the project includes alteration solely within the interior of the detached garage that does not raise any coastal hazards issues. **Special Condition 1** thus limits the permit to the narrow scope of work currently proposed (i.e. ADU conversion) and requires a new CDP application for any future development, in which coastal hazard risks may be addressed. The project does not include alteration to the existing duplex.

Thus, the project conforms to the coastal hazards protection requirements of Section 30253 of the Coastal Act.

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<sup>2</sup> Ref. Orme, A.R. & Griggs, Gary & Revell, D.L. & Zoulas, J.G. & Grandy, C.C. & Koo, J. (2011). [Beach changes along the southern California coast during the 20th century: a comparison of natural and human forcing factors. Shore and Beach.](#)

## **E. Coastal Act Violations**

Violations of the Coastal Act have occurred at the site, including, but not limited to, the unpermitted addition of a kitchen and habitable area to an existing detached, one-story garage. The unpermitted development was undertaken in July 2013. Any non-exempt development activity conducted in the coastal zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. In this case, the City found that legalization of the conversion of a portion of garage space to a dwelling unit requires a local CDP.

The City of Los Angeles granted the applicant a local CDP on April 2, 2020 for approval of after-the-fact conversion of a portion of a parking garage into a new ADU, resulting in a three-unit apartment building with two on-site parking spaces. The applicant also submitted a dual CDP application on September 28, 2021 to the South Coast District Office. The applicant has modified their project description to provide the ADU as a moderate-rate restricted unit for the lifetime of the development. Commission review and approval of the dual CDP will resolve the violation identified in this section.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a coastal permit, or of any other development, other than the development approved herein, undertaken on the subject site without a coastal permit. In fact, approval of this permit is possible only because of the conditions included herein and the applicant's presumed subsequent compliance with said conditions, and failure to comply with these conditions in conjunction with the exercise of this permit would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

## **F. Local Coastal Program**

Coastal Act Section 30604(a) states that, prior to certification of an LCP, a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Coastal Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles LUP for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## **G. California Environmental Quality Act**

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). The findings above are incorporated herein by reference.

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 April 2, 2020, 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 Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. Therefore, the Commission finds that the proposed project, as conditioned to mitigate potential impacts, individual and cumulative, 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**

1. Certified Venice Land Use Plan.
2. City of Los Angeles Coastal Development Permit Case No. DIR-2019-3268-SPP-CDP-MEL, dated April 2, 2020.