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STAFF REPORT: APPEAL—DE NOVO HEARING

Appeal Number: A-5-VEN-22-0012

Applicant: Place Holder DP, LLC (attn: Doron Benshalom)

Agent: Harvey Goodman Civil Engineering (attn: Susan Steinberg)

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: People Organized for Westside Renewal (attn: Bill Przylucki), Citizens Preserving Venice (attn: Robin Rudisill)

Project Location: 22 and 22 ½ Paloma Ave., Venice, City of Los Angeles, Los Angeles County (APN: 4286-022-006)

Project Description: Subdivision of a 3,525 sq. ft. lot into a 1,716 sq. ft. "Parcel A" and 1,809 sq. ft. "Parcel B", with no alteration to the existing 2,186 sq. ft., two-story duplex and 2,268 sq. ft., two-story triplex on the proposed two lots.

Staff Recommendation: Denial.

SUMMARY OF STAFF RECOMMENDATION

The project site is located on a historic walk street in a residential neighborhood of the North Venice subarea of Venice. On August 26, 2021, the City of Los Angeles Planning Department Director approved Local Coastal Development Permit (CDP) No. DIR-2020-5351-CDP-SPP for subdivision of a 3,525 sq. ft. lot into two separate lots resulting in a

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1,716 sq. ft. lot ("Parcel A") and a 1,809 sq. ft. lot ("Parcel B".) The existing, 2,186 sq. ft., two-story duplex fronts Paloma Avenue (a Walk Street) and would be located on "Parcel A". The existing 2,268 sq. ft., two-story triplex fronts Paloma Court (the rear alley) and would be located on "Parcel B". Because the lot is located on a Walk Street, parking access to the site would be located in the alley, however, no parking spaces currently exist onsite. On March 25, 2022, the local permit was appealed to the Coastal Commission. On May 13, 2022, the Commission determined that a substantial issue existed with respect to the grounds on which Appeal No. A-5-VEN-22-0012 was filed: primarily, that the project would eliminate any possible vehicle access to "Parcel A" by siting "Parcel B" between the rear alley and "Parcel A."

Creation of a landlocked parcel on the Walk Street could ultimately result in pressure for the City and/or Commission to approve new development onsite without the provision of adequate access or parking. This action would be inconsistent with sections 30250 and 30252 of the Coastal Act, which require new development to be sited in a manner that will not adversely impact coastal resources, including public access. It could also result in a future applicant attempting to convert the Walk Street into a source of vehicle access to meet parking requirements or resident access needs, which would significantly impact the existing community character, inconsistent with Coastal Act section 30253(e) and the certified Venice LUP. The development proposal currently before the Commission does not include any physical redevelopment of the site. However, to adequately protect public access and community character (i.e. parking, retention of the walk street), physical vehicular access to "Parcel A" must be provided prior to subdivision of the site. Additionally, separate ownership after subdivision would eliminate current pedestrian access from Paloma Court to the existing duplex and from Paloma Avenue to the existing triplex.

Since the appeal proceedings, the applicant has verbally proposed recordation of a vehicle access easement across "Parcel B" to provide future vehicle access between "Parcel A" and the rear alley in the event of redevelopment of either "Parcel A" or "Parcel B." As proposed, if "Parcel B" were to redevelop, the proposed easement would require provision of a physical vehicular accessway to "Parcel A." If "Parcel A" were to redevelop, it could only do so concurrently with "Parcel B" such that the physical vehicular accessway could be provided. It is not clear whether actual implementation of the access easement proposal would be feasible if the parcels were owned by different parties. Thus, dividing ownership between the existing structures would potentially render enforcement of a vehicle easement infeasible and the proposed project remains inconsistent with sections 30250 and 30252 of the Coastal Act.

The project site is located within the City of Los Angeles Dual Permit Jurisdiction Area. The Commission certified the Venice Land Use Plan (LUP) 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. The project is inconsistent with Chapter 3 policies of the Coastal Act regarding community character and public access.

Therefore, staff recommends that the Commission **DENY** the de novo CDP Application A-5-VEN-22-0012. The motion and resolution to implement the staff recommendation are on Page 4.

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EXHIBITS

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[Exhibit 5 – Applicant Response Letter](#)

I. MOTION AND RESOLUTION – DE NOVO PERMIT

Motion: I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-22-0012 as proposed by the applicant.

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit 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 denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act, and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The project site is a 3,525 sq. ft. lot located one block (or approximately 265 ft.) inland of the Venice Beach boardwalk in the North Venice subarea of Venice, City of Los Angeles ([Exhibit 1](#)). The subject site is located in an area characterized by the City of Los Angeles Planning Department as the North Venice Walk Streets Historic District.¹ Walk Streets are defined by the certified Venice LUP as public streets that provide pedestrian access, but no vehicle access. The subject site is developed with a 2,186 sq. ft. duplex facing the Walk Street (Paloma Avenue) and a 2,268 sq. ft. triplex facing the alley (Paloma Court) ([Exhibit 2](#)). The detached structures were constructed in 1922, prior to passage of the Coastal Act. The duplex was designated by the City Planning Department as “Contributor” to the subject Historic District on October 5, 2020. Vehicle access to the site is obtained solely from Paloma Court, however no parking spaces currently exist onsite.

The project site is designated Multi-Family Residential - Low Medium II Density under Policy I.A.7 of the certified Venice LUP. The existing five units are legally non-conforming with regard to Policy I.A.7, which limits lots under 4,000 sq. ft. in size to a maximum of two units. The existing five units would require at least 11 vehicle parking spaces² per certified LUP policies II.A.3 and II.A.4 and thus the site is also legally non-conforming with regard to parking.

¹ Ref. <http://zimas.lacity.org/documents/zoneinfo/Z12455.pdf>

² The total first floor area for both structures is unclear from the project plans, but LUP Policy II.A.4 requires one additional parking space for every 1,000 sq. ft. of ground floor area for development that includes three or more units in the Beach Impact Zone (BIZ) and requires a minimum of one additional space regardless of the ground floor area size. Thus, each unit would require 2 spaces and at least one additional space would be required for BIZ parking.

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The applicant (Place Holder DP, LLC) proposes subdivision of the 3,525 sq. ft. lot into a 1,716 sq. ft. lot ("Parcel A") and a 1,809 sq. ft. lot ("Parcel B"). "Parcel A" would front Paloma Avenue (a Walk Street) and Parcel B would front Paloma Court (the rear alley) This would enable the existing duplex and triplex to be sold separately in the future, with the duplex on "Parcel A" and the triplex on "Parcel B". The project does not include any structural alteration or loss of housing density.

On August 26, 2021, the City of Los Angeles Planning Department Director approved local CDP No. DIR-2020-5351-CDP-SPP for subdivision of the lot ([Exhibit 3](#)). The existing duplex fronting Paloma Avenue (a Walk Street) would be located on Parcel A. The existing triplex fronting Paloma Court (the rear alley) would be located on Parcel B. On March 25, 2022, the local permit was appealed to the Coastal Commission ([Exhibit 4](#)). On May 13, 2022, the Commission determined that a substantial issue existed with respect to the grounds on which Appeal No. A-5-VEN-22-0012 was filed: primarily, that the project would eliminate any possible vehicle access to Parcel A by siting Parcel B between the rear alley and Parcel A.

There is no CDP history for the site. However, on September 28, 2018, the Executive Director issued a letter of determination finding the applicant's (Placeholder DP, LLC's) proposed repair and maintenance project exempt from CDP requirements of the Coastal Act on the basis of Coastal Act Section 30610(b). The letter described the project as "exterior façade work, including full removal of unpermitted stairs." The unpermitted stairs were removed consistent with the Executive Director's determination and do not currently exist onsite.

B. DEVELOPMENT

Section 30105.5 of the Coastal Act states, in relevant part:

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

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

(a) New residential... 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... 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:

Permitted development shall be sited and designed to... be visually compatible with the character of surrounding areas...

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

New development shall:

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

The Venice Certified LUP defines “Special Coastal Community” as:

An area recognized as an important visitor destination center on the coastline, characterized by a particular cultural, historical, or architectural heritage that is distinctive, provides opportunities for pedestrian and bicycle access for visitors to the coast, and adds to the visual attractiveness of the coast.

Venice Certified LUP Policy II. C. 7 Walk Streets, states, in relevant part:

Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way. Vehicular access on walk streets shall be restricted to emergency vehicles. ...The following streets are designated as walk streets (as shown on Exhibit 19)...

West of Main Street and east of Ocean Front Walk:

a. Paloma Avenue

The Venice Certified LUP defines “Walk Street” as follows:

A public street in the Coastal Zone and/or beach area that has been improved for public pedestrian use over part of its width and is landscaped (privately or publicly) over the remainder, but which has not been improved for vehicular access.

Venice Certified LUP Policy II. C. 10. Walk Streets – Residential Development Standards, states:

New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.

Section 30250(a) of the Coastal Act encourages siting new development contiguous with existing developed areas in a manner that will not adversely impact coastal resources individually or cumulatively. Section 30252 requires that new development be sited for visual compatibility with the surrounding community character and to preserve public coastal access. Taken together, these policies require consideration of whether new

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development has been optimally sited and designed. Additionally, Section 30253 requires protection of special coastal communities and neighborhoods that are significant visitor destination areas because of their unique characteristics, echoed by the certified Venice LUP definition.

Lot configuration and lot size plays a role in community character primarily through its influence on the scale and character of new development. This is acknowledged by certified LUP Policy I.E.2, which requires restriction of lot consolidations to protect the scale of existing neighborhoods “with respect to bulk height, buffer and setback.” For example, a larger lot would allow larger development, and a smaller lot would allow smaller development, potentially with smaller resource buffers or development setbacks. LUP policies II.C.7 and II.C.10 additionally emphasize the importance of preserving community character along walk streets by providing specific development standards for designated areas, which include the project site.

In this case, the project does not propose any alteration to the existing development on-site beyond creation of two subdivided parcels. The subdivision would not result in an immediate change to the scale and character of development onsite. However, the proposed project may impact the status of the adjacent historic walk street. The project would site Parcel A between a Walk Street (Paloma Avenue) and Parcel B, with no access to the rear alley (Paloma Court). No vehicle parking spaces currently exist onsite and both structures are legally non-conforming with regard to parking requirements of the certified LUP. The project would formalize the existing lack of vehicle access to the duplex through a subdivision, rendering any future new development on Parcel A inconsistent with the parking requirements of the certified LUP.

Additionally, the residents of the existing duplex would no longer have the right to walk through the triplex parcel from Paloma Court to access their residences; nor would the residents of the existing triplex have the right to walk through the duplex parcel from Paloma Avenue. Creation of a landlocked parcel on the Walk Street could ultimately result in pressure for the City and/or Commission to approve new vehicle access to the site from the Walk Street. The project threatens preservation of the Walk Street, inconsistent with the intent of LUP policies II.C.7 and II.C.10 and the Chapter 3 Coastal Act policies cited above.

During the appeal proceedings, the applicant contended that other existing site constraints render LUP-consistent redevelopment onsite infeasible regardless of whether the subdivision occurs [\(Exhibit 5\)](#). The applicant contends that the Housing Crisis Act of 2019 (SB330, amended by SB8 (the Housing Accountability Act)) prohibits any reduction in housing density for projects that require discretionary approval. The applicant also asserts that SB8 and SB330 amended multiple Government Code sections and require all housing development projects in California to “create at least as many residential dwelling units as will be demolished” pursuant to Government Code section 66300(d)(1) and that this requirement applies regardless of whether the units have been designated as affordable. Thus, the applicant concludes that demolition of the existing duplex and/or triplex onsite would require a commensurate number of units included in any new development of the

site. The applicant stated that this requirement would conflict with development standards of the certified LUP, including density and parking standards.

The Housing Crisis Act prohibits local governments from approving residential projects that would demolish more “dwelling units” than are created by the project (no net loss). The Housing Crisis Act does not apply to the Commission or modify the Coastal Act; these laws have a “savings clause” as to the Coastal Act, so these laws do not override or supersede the provisions of the Coastal Act and certified Local Coastal Programs. However, in response to California’s persisting housing crisis, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing density and increase development pressure in other, potentially sensitive, or hazardous areas in the coastal zone, which would be inconsistent with Coastal Act section 30250.³

Policy I.A.7 of the certified LUP limits lots smaller than 4,000 sq. ft. to a maximum density of two units in the subject Multi-family Residential - Low Medium II Density land use designation. The subject lot is 3,525 sq. ft., and the existing five units are legally non-conforming with Policy I.A.7. Demolition of the existing structures would result in inconsistency with either state laws or the certified LUP, since the demolished units could not be replaced consistent with the provisions of the LUP. Substantial remodel of the existing structures would pose the same issue, as LUP Policy I.E.5 requires correction of all non-conformities with a substantial remodel and/or addition.

Furthermore, LUP policies II.A.3 and II.A.4 require at least two parking spaces for each dwelling unit and an additional parking space for each 1,000 sq. ft. of ground floor area for multiple dwelling projects of three units or more. The total ground floor area of the detached duplex and triplex is unclear from the locally approved plans, but the existing five units are legally non-conforming with regard to a deficit of at least 11 vehicle parking spaces. Under Government Code Section 66300 of the Housing Crisis Act, any redevelopment would have to provide five units, and the LUP would require at least 11 parking spaces on the subject 3,525 sq. ft. lot while maintaining visual compatibility with the surrounding neighborhood. The applicant states that excavation of a subterranean parking level would be financially infeasible and likely would require multiple levels to accommodate 10 or more parking spaces. It would also raise issues of coastal hazards associated with groundwater elevation onsite. The applicant additionally states that the historic “Contributor” status of the existing duplex is another site constraint rendering future redevelopment infeasible under local historic rehabilitation guidelines uncertified by the Commission.

Redevelopment that is consistent with both state laws and the certified LUP does appear infeasible at the subject lot. However, these existing site constraints do not resolve or dismiss the new access issue created by the proposed project. Rather, the proposed subdivision would add to the issue by formally eliminating vehicle access from Paloma Court to the existing duplex and from Paloma Avenue to the existing triplex. The project

³ 2 Staff reports for CDP No. 5-20-0541 (South Bay Land Management and Development Company, LLC); CDP No. 5-20-0650 (Smith); CDP No. 5-21-0467 (Reinis); CDP No. 5-21-0882 (Singer); CDP No. 5-22-0022 (Horwitz)

thus poses a threat to the community character of the neighborhood by disregarding preservation of the adjacent Walk Street.

Since the appeal proceedings, the applicant has verbally proposed recordation of a vehicle access easement across Parcel B to provide future vehicle access between Parcel A and the rear alley in the event of redevelopment of either Parcel A or Parcel B. As proposed, if Parcel B were to redevelop the proposed easement would require provision of a physical vehicular accessway to Parcel A. If Parcel A were to redevelop, it could only do so concurrently with Parcel B such that the physical vehicular accessway could be provided. It is not clear how such easement would be implemented if the parcels are owned by different parties. For example, how would the owner of Parcel A compel the owner of Parcel B to redevelop if it wanted to redevelop Parcel A? It is not clear that actual implementation of the access easement proposal would be feasible. Thus, dividing ownership between the existing structures would potentially render enforcement of a vehicle easement infeasible and the proposed project remains inconsistent with sections 30250 and 30252 of the Coastal Act. In sum, this proposed subdivision, even with the applicant's proposed easement, complicates and exacerbates the challenges associated with redevelopment of these legally nonconforming structures.

In order to evaluate the potential cumulative impacts of the proposed project, the incremental effects of the proposed development on community character, mass, and scale are considered in connection with the effects of the past, current, and probable future projects within the subject area. Commission staff determined in the appeal findings that, due to the lack of structural alterations proposed with the subdivision, the appellants' contention regarding the project's adverse cumulative effect on community character did not raise a substantial issue. This finding was based on a review of City and Commission records of past small lot subdivisions, as well as a likely future project. Staff were able to find records of three past projects approved by the City Planning Department that were similar to the subject project and consisted of creation of additional small lots.⁴ These projects did not result in alterations or changes in density to the existing structures. The project is unlikely to result in significant adverse cumulative effects to mass and scale of residential development in the surrounding area.

However, these examples were not sited along Walk Streets and do not raise the same issues of eliminated vehicle/pedestrian access. Commission staff are aware of one other small lot subdivision currently proposed by the same applicant (Place Holder DP, LLC) cited along a Walk Street. On August 3, 2020, the City Planning Department filed Application No. DIR-2020-4538-CDP-MEL-SPP-HCA for subdivision of an existing, approximately 6,257 sq. ft. lot into six lots at 40 E. Club House Avenue in the North Venice subarea, resulting in conversion of six detached bungalow units to six single-family dwellings.⁵ No structural alterations to the existing structures are proposed. The project site (40 E. Club House) is located approximately 0.5 miles south of the subject

⁴ Ref. Local CDP No. [ZA 2007-0743-CDP-ZV-ZAA-SPP-MEL](#), Local CDP No. [ZA 2007-0743-CDP-ZV-ZAA-SPP-MEL](#), and Local CDP No. [ZA-2013-2003-CDP-MEL-ZAA](#).

⁵ Ref. <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM5NTE30>

project site. The City has not scheduled the application for local hearing.

This future project could also threaten the status of the Club House Avenue Walk Street by effectively land-locking parcels without vehicle access. Taken together, the subject project and future project would create non-conforming development, increase the degree of existing non-conforming development, and could ultimately require the City and/or the Commission to approval vehicular access on Walk Streets to ensure adequate vehicle access for residents. These projects could result in significant adverse cumulative effects on Walk Streets in Venice, threatening the status of a designated historic resource in the certified LUP. Commission staff are unaware of any additional past or future probable small lot subdivision projects located along Walk Streets in Venice. Finally, if the site were to be proposed for redevelopment, the certified LUP would allow for either construction of a duplex on the existing single lot or, if the lot were subdivided into two smaller lots, one unit on each of the smaller parcels. If the subject site were redeveloped in the future, in a manner consistent with the certified LUP, a duplex would be more consistent with the multi-family residential character of the surrounding area than two separate single-family homes.

Therefore, the Commission finds that the development is inconsistent with sections 30250(a), 30252, and 30253 of the Coastal Act and the relevant policies of the certified Venice LUP regarding development standards and community character. For these reasons, the project must be denied.

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 30214 of the Coastal Act states, in 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.

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...

Residential Uses	Off-Street Parking Required
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 duplex and triplex were originally constructed in 1922 without any onsite vehicle parking. Within the near vicinity of the project site, public parking is available 400 ft. south at a private parking lot and 0.2 miles north at a County-owned parking lot. On-street parking is available 400 ft. inland on Pacific Avenue. Any duplex or triplex residents with vehicles must park offsite and access the existing development entrances via Paloma Avenue (the Walk Street) or Paloma Court (the rear alley). The amount of public parking in the area surrounding the subject site is limited due to the proximity of the Venice Boardwalk and multiple Walk Streets. Competition for the limited amount of on-street parking can often be intense considering the limited number of spaces available to both visitors and residents, especially on busy summer weekends.

LUP Policy II.A.3 requires at least two parking spaces for each dwelling unit. The project site is also located within the Beach Impact Zone (BIZ) identified in the certified Venice

LUP, which 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. The total ground floor area of the detached duplex and triplex is unclear from the locally approved plans, but the available information shows that the existing five units are legally non-conforming with regard to a deficit of at least 11 vehicle parking spaces.⁶ The proposed subdivision would not result in alteration to the existing structures onsite. As such, the existing duplex and triplex would retain their legally non-conforming status.

However, the project would formalize the existing lack of vehicle access to the duplex on Parcel A by siting it between the Walk Street and Parcel B without any access to the rear alley thus eliminating the potential for vehicular access or parking on Parcel A absent an easement and redevelopment of Parcel B that would create such access. This limits the ability for future new development on Parcel A to be consistent with the parking requirements of the certified LUP. The project would perpetuate the parking deficit on Parcel A, resulting in residents continuing to rely on the limited reserve of public parking near the Venice boardwalk. Additionally, the residents of the existing duplex would no longer have the right to walk through the triplex parcel from Paloma Court to access their residences; nor will the residents of the existing triplex have the right to walk from the Walk Street (Paloma Avenue) through the duplex parcel to their residence.

Furthermore, the project may ultimately result in pressure for the City and/or Commission to convert the Paloma Avenue Walk Street to a vehicle accessway to ensure provision of adequate access or parking for redevelopment of Parcel A.

Therefore, the Commission finds that the development is inconsistent with sections 30210 and 30214 of the Coastal Act and the relevant policies of the certified Venice LUP regarding public access. For these additional reasons, the project must be denied.

F. PROJECT ALTERNATIVE

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property, nor unreasonably limit the owner's reasonable investment-backed expectations of significant economic value on the property. A feasible alternative to the proposed work is maintaining the lot in its existing configuration

Under the "No-Project" alternative, the applicant could retain the existing duplex and triplex without subdividing the lot into "Parcel A" and "Parcel B". Residents with vehicles would continue to park off-site and gain access to the duplex or triplex by walking across the single lot. No new constraints on redevelopment would be raised, other than the existing site constraints summarized above. While the applicant would not be able to sell the two structures independently, it could sell the subject parcel or rent the two structures separately.

⁶ Locating the duplex on a newly-created "Parcel B" would exempt the duplex from BIZ requirements by rendering it an independent structure with less than three units (rather than a detached structure associated with five total units as it currently exists.) The project would result in BIZ requirements applying solely to the existing triplex.

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The “No-Project” alternative is feasible and would not eliminate all beneficial and productive uses of the applicant’s property.

G. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) states, in relevant part:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The Venice LUP, certified by the Commission in 2000 and adopted in 2001, is advisory in nature, and may provide the Commission with guidance. As proposed by the applicant, the proposed development is not consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, would 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. Therefore, the project must be denied.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission’s regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Los Angeles is the lead agency, and the Commission is a responsible agency for the purposes of CEQA. The City determined that the proposed project is exempt under Section 15332, which exempts “in-fill development” from CEQA requirements.

As a responsible agency under CEQA, the Commission has determined that the proposed project is not consistent with the development policies of the Coastal Act. The Commission incorporates its findings on inconsistency with the Coastal Act and City’s certified LUP at this point as if set forth in full. As discussed above, the proposed development is inconsistent with the applicable policies of the certified LUP and Coastal Act and is denied on that basis. As described above, the proposed project would have adverse environmental impacts. There are feasible alternatives available, such as maintaining the existing single lot. Therefore, the proposed project is not consistent with CEQA or the

policies of the Coastal Act because feasible alternatives exist which would lessen significant adverse impacts that the proposed project would have on the environment. Therefore, the Commission denies the proposed project because of the availability of environmentally preferable alternatives.

In addition, Section 21080(b)(5) of CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects that a public agency rejects or disapproves. Accordingly, the Commission's denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, does not apply.

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Appendix A – Substantive File Documents

1. City of Los Angeles certified Venice Land Use Plan.