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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE & DE NOVO/DUAL PERMIT

Appeal Number:	**A-5-VEN-22-0042**
Application Number:	**5-22-0588**
Applicants:	**Venice Community Housing Corporation and Hollywood Community Housing Corporation**
Agents:	Latham & Watkins, Rosenheim & Associates, Inc., Eric Owen Moss Architects
Local Government:	City of Los Angeles
Local Decision:	Approval with Conditions
Appellants:	Barry Cassilly, Citizens Preserving Venice (attn: Sue Kaplan), Coalition for a Scenic Los Angeles (attn: Patrick Frank), Coalition for Safe Coastal Development (attn: Seth Lichtenstein), Executive Director John Ainsworth, Helen Fallon, Helmut Mack, James Murez, Jeffrey Kavin, Robin Murez, Venice Canals Association (attn: Mark Galanty)
Project Location:	2.65 acres located between Pacific Avenue, North Venice Boulevard, South Venice Boulevard, and Dell Avenue, Venice, City of Los Angeles, Los Angeles County (APNs: 4238-024-900, 4238-024-902, 4238-024-903, 4238-024-905, 4238-024-906, 4238-024-907, 4238-024-908, 4238-024-909, 4238-024-910, 4238-024-911)
Locally-Approved Project Description:*	The Venice Dell Community Project includes: 1) demolition of two existing, City-owned 196-space and seven-space public surface parking lots and an existing two-story, 1,970 sq. ft. four-unit quadraplex; 2) consolidation of 40 lots and subdivision into two ground

	lots and seven airspace lots; and 3) construction of two new, three- and four-story, 35-ft. tall mixed-use structures totaling 103,957 sq. ft. of habitable interior area and 137,805 sq. ft. of interior garage area. The west structure includes a 67-ft. tall campanile, 63 affordable dwelling units, 3,065 sq. ft. of commercial uses, 104 residential and commercial parking spaces, and one parking space reserved for public boat launch ramp access. The west structure also includes one subterranean level. The east structure includes 77 affordable dwelling units, a 2,875 sq. ft. art studio, 250 public parking spaces, and three parking spaces reserved for public boat launch ramp access. An on-street loading/unloading space for vehicle access to the boat launch ramp would be provided on North Venice Boulevard. 9,100 cy of cut and no fill is locally-approved.
De Novo Project Description:*	The Venice Dell Community Project includes: 1) demolition of an existing, City-owned 196-space public surface parking lot and an existing two-story, 1,970 sq. ft. four-unit quadraplex; 2) consolidation of 40 lots and subdivision into two ground lots and seven airspace lots; and 3) construction of two new, three-story, 35-ft. tall mixed-use structures totaling 97,050 sq. ft. of habitable interior area and 131,646 sq. ft. of interior garage area. The west structure includes 48 affordable dwelling units, 1,735 sq. ft. of retail, 55 residential parking spaces, and 46 public parking spaces. No commercial parking spaces, subterranean level, or campanile are proposed. The east structure includes 72 affordable dwelling units and 177 public parking spaces. A public boat launch parking lot with eight parking spaces would be sited onsite immediately adjacent to Grand Canal (in its existing location), with an entrance and exit separate from the east and west structures. 1,500 cy. of cut and 100 cy. fill is proposed.
Staff Recommendation:	Substantial Issue and Approval with Conditions.

**The project descriptions above are intended as brief summaries of the primary project components. Please see subsections VI.A. (Locally-Approved Project) and VII.A. (De Novo/Dual Permit Project) below for complete locally-approved and de novo project descriptions.*

IMPORTANT NOTE: The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the Executive Director prior to determining whether or not to take testimony regarding

whether the appeal raises a substantial issue. (14 California Code of Regulations (CCR) § 13115(c).) If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to three minutes total per side. Only the applicant, the appellant, persons who opposed the application before the local government, and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. (14 CCR § 13117.) If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur directly following that finding, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

On December 1, 2021, the City of Los Angeles approved local Coastal Development Permit (CDP) No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP with conditions for the Venice Dell Community Housing Project ("Venice Dell Project"). The project site comprises 40 lots, or 2.65 total acres, located between Dell Avenue, Pacific Avenue, North Venice Boulevard, and South Venice Boulevard in Venice, City of Los Angeles, Los Angeles County **(Exhibit 1)**. The site is bisected by a segment of the Venice Canal System, where an existing public boat launch ramp allows members of the public to launch non-motorized aquatic vessels like kayaks and paddleboats into the Grand Canal. This is the only method of public recreational boating access to the Venice Canal System.

The City-approved CDP includes three primary project components: A) consolidation of 40 lots and subdivision into two ground lots and seven airspace lots; B) demolition of two existing surface parking lots and one quadraplex; and C) construction of two new, 35-ft. tall, four-story, mixed-use structures, totaling 103,957 sq. ft. of interior habitable area and 137,805 sq. ft of garage area. One of the two structures would include a 67-ft tall campanile. The locally-approved new development includes 140 affordable dwelling units, 253 public parking spaces (including three boat launch parking spaces), and 104 residential and commercial parking spaces. The development would consist of two main structures, one on each side of the Grand Canal **(Exhibit 2)**. The structure west of the Grand Canal would include a private parking garage ringed by residential units, commercial development, and supportive housing services. The structure east of the Grand Canal would include a public parking garage ringed by residential units, an art studio, and supportive housing services.

After local approval was obtained, the applicants submitted another set of plans titled "Addendum to 05/12/2021 Entitlement Drawings", dated June 6, 2022 **(Exhibit 3)**. The addendum plans show mechanized lift systems on two floors of the east garage as a solution to achieve the required number of public parking spaces, but the lift systems were not addressed in the local CDP findings or shown in the locally-approved plans. As such, although the City-approved CDP required the applicants to maintain 253 public parking spaces onsite to mitigate for the loss of two public surface parking lots, the City's CDP did not include the installation of mechanized lift systems in the east garage and the addendum plans are not subject to appeal of the local action. (The lift systems and addendum plans are also no longer proposed in the CDP application submitted to the Commission.)

The appellants contend that the locally-approved project is inconsistent with the public access, visual resource, hazard minimization, biological resource, archaeological resource, and tribal cultural resource protection policies of the Chapter 3 Coastal Act and certified Venice Land Use Plan (LUP) **(Exhibit 4)**. The appellants state that these inconsistencies will prejudice the City's ability to certify an LCP. Additionally, the appellants contend that the City's action on the local CDP relied on factual omissions and errors, an inaccurate CEQA exemption determination, and insufficient opportunities for public engagement. Lastly, one appellant contends that the subject local CDP illustrates a broader trend of both the City and Commission discriminating against market-rate developers in favor of low-income communities in Venice.

The City found the project consistent with all relevant Chapter 3 resource protection policies of the Coastal Act **(Exhibit 5)**. However, staff believes that many of the appeal contentions raise a substantial issue with regard to the locally-approved project's consistency with Chapter 3 of the Coastal Act; and that the determination was accompanied by an inadequate level of detail, contradictory findings, and failure to address the project's inconsistencies with development standards of the certified LUP. The locally-approved project would, or carries the potential to, impact coastal resources without sufficient analysis and mitigation measures. For the reasons summarized above and described in greater detail in this report, staff recommends that the Commission determine that **a substantial issue** exists.

Following a substantial issue determination on the local CDP, the Commission considers de novo review of the project application. De Novo CDP Application No. A-5-VEN-22-0042 and "Dual" CDP Application 5-22-0588 are currently before the Commission. The applicants are not bound to the scope of work approved by the City and have made project revisions under the two subject CDP applications (which are listed in Appendix B).

The currently proposed project consists of three primary components: A) consolidation of 40 lots and subdivision into two ground lots and seven airspace lots; B) demolition of the existing surface public parking lot and quadraplex; and C) construction of two new, three- and four-story, 35-ft. tall mixed-use structures totaling 103,957 sq. ft. of habitable interior area and 131,646 sq. ft. of interior garage area **(Exhibit 6)**. The currently proposed new development includes 120 affordable dwelling units, 231 public parking spaces (including eight boat launch parking spaces), 55 residential parking spaces, and no commercial parking spaces. The development would consist of two main structures, one on each side of the Grand Canal. The structure west of the Grand Canal would include a private and public parking garage ringed by residential units, commercial development, and supportive housing services. The structure east of the Grand Canal would include a public parking garage ringed by residential units and supportive housing services.

Regarding public access, the currently proposed project would increase the number of public parking spaces onsite by 28 spaces without the use of a mechanized lift or valet system. As proposed and conditioned per staff's recommendation, all 231 proposed public parking spaces onsite (including the eight boat launch parking spaces) would be operated by the City at rates consistent with those last approved by the Commission.

Temporary impacts from construction would be minimized to the maximum extent feasible through the provision of offsite parking and maintenance of an open pathway to the boat launch ramp.

Regarding development standards and community character, the currently proposed project has been designed to add color, articulation, and façade elements similar to those of the surrounding neighborhood. The proposed 40-lot consolidation (and two-ground-lot subdivision) would accommodate more units than could be built on the individual lots, while also maintaining the existing public parking, public boat launch and associated parking, and adding additional visitor-serving retail uses. Considering past, current, and future probable projects, the Venice Dell project is unlikely to result in a cumulative adverse effect on community character.

Regarding hazards and biological resources, the project site is located in a low-lying floodplain and subject to potential hazards; however, these same hazards face nearly half of the Venice coastal zone and do not pose a unique degree of risk to the proposed development. The project's proposed mitigation measures adequately minimize risks to life and property onsite. Additionally, the project's inconsistency with required minimum setbacks and landscaping buffers does not pose a threat to ESHA and is addressed in the City's related LUP amendment application. The project would result in a significant improvement in runoff treatment and capture onsite compared to existing conditions and setbacks alone, with proposed measures to limit the entry of pollutants during construction and runoff after construction.

Regarding potential impacts to archaeological and tribal cultural resources, there is a potential for the proposed maximum five-foot excavation (necessary to compact the proposed foundation) to impact Holocene Age soils. Ground-disturbing activities at this site have the potential to impact archaeological resources, including tribal cultural resources, that may exist onsite. As conditioned per staff's recommendation, all Gabrieleño-affiliated tribal representatives on the NAHC contact list to be invited and allowed to monitor all project activities that could impact archaeological and tribal cultural resources along with a qualified archaeologist. Regarding the City's ability to certify an LCP, the City has submitted project-specific LUP Amendment Request No. LCP-5-VEN-23-0037-1 to address the project's inconsistencies with the certified LUP. As conditioned per staff's recommendation, effective certification of the subject LUP amendment is required prior to issuance of this CDP.

For the reasons summarized above and described in greater detail in this report, Commission staff recommends that, after a public hearing, the Commission **approve** Application Nos. A-5-VEN-22-0042 and 5-22-0588 with 22 special conditions, as detailed in the staff report. The motions and resolutions can be found on Page 40 of the staff report.

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*Due to length, Exhibit 4 can be found separately here.

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

> **Motion:** I move that the Commission determine that Appeal No. A-5-VEN-22-0042 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act.

Staff recommends a **NO** vote. Following the staff recommendation on this motion will result in the Commission proceeding to conduct a de novo review of the application, and adoption of the following resolution and findings. Conversely, passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

> **Resolution**: The Commission hereby finds that Appeal No. **A-5-VEN-22-0042** presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

II. APPELLANTS' CONTENTIONS

On August 10, 2022, within 20 working-days of receipt of notice of final local decision, Barry Cassilly filed an appeal of Local CDP No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP. On August 16, 2022, the following parties also filed a timely appeal of the subject local CDP: Citizens Preserving Venice (represented by Sue Kaplan), Coalition for a Scenic Los Angeles (represented by Patrick Frank), Coalition for Safe Coastal Development (represented by Seth Lichtenstein), Helen Fallon, Helmut Mark Mack, James Murez, Jeffrey Kavin, Robin Murez, Venice Canals Association (represented by Mark Galanty), and former Coastal Commission Executive Director John Ainsworth. Please refer to **Exhibit 4** to review the 11 appeals in their entirety. A summary of the contentions raised in the 11 appeals is as follows:

1. The locally-approved project is inconsistent with the public access protection policies of Chapter 3 of the Coastal Act and the certified LUP.

2. The locally-approved project is inconsistent with the visual resource protection policies of Chapter 3 of the Coastal Act and the certified LUP.

3. The locally-approved project is inconsistent with the hazard minimization requirements of Chapter 3 of the Coastal Act and the certified LUP.

4. The locally-approved project is inconsistent with the biological resource protection policies of Chapter 3 of the Coastal Act and the certified LUP.

5. The locally-approved project is inconsistent with the archaeological and tribal cultural resource protection policies of Chapter 3 of the Coastal Act and the certified LUP.

6. The City's action on the local CDP and associated Venice Land Use Plan (LUP) amendment relied on inaccurate information, included an erroneous exemption

from California Environmental Quality Act (CEQA) review, and did not provide adequate opportunities for public participation.

7. Both the City and Coastal Commission have discriminated against applicants proposing market-rate development by favoring affordable housing in the Venice coastal zone.

III. LOCAL GOVERNMENT ACTION

On February 2, 2021, the Deputy Advisory Agency approved Vesting Tentative Tract Map No. VTT-82288 for the Venice Dell Community Project and determined the project exempt from CEQA review **(Exhibit 7)**. On February 16, 2021, Venice Vision submitted a timely appeal of the Deputy Advisory Agency's determination to the City Planning Commission.

On May 26, 2021, the City Planning Commission denied the appeal and upheld approval of the vesting tentative tract map. At the hearing, the City Planning Commission also approved a project-specific amendment to the certified Venice LUP, uncertified Venice Community Plan, and uncertified Venice Coastal Zone Specific Plan. Concurrently, the City Planning Commission approved local CDP No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP for the Venice Dell Community Project. On July 13, 2021, the City Planning Commission's actions were published, and the local appeal period began.

On July 22, 2021, Venice Vision submitted a timely appeal of the City Planning Commission's action on the vesting tentative tract map to the City Council and Planning Land Use Management Committee. On August 2, 2021, Venice Vision submitted a second timely appeal of the City Planning Commission's action on the project-specific amendment and local CDP. On October 28, 2021, the City Planning Department published a recommendation that the City Council and Planning Land Use Management Committee deny the subject appeals. At the hearing, the City Planning Department also recommended revision to correct errors in the conditions of approval for the local CDP.

On November 9, 2021, the Planning Land Use Management Committee waived consideration of: 1) the vesting tentative tract map; 2) amendments to the Venice Community Plan, Venice Coastal Zone Specific Plan, certified Venice LUP; and 3) the local CDP. On November 23, 2021, the City Planning Department published a second recommendation identical to the findings published on October 28, 2021, but eliminated all references to the Planning Land Use Management Committee.

On December 1, 2021, the City Council denied the appeals filed by Venice Vision in July 2021 and August 2021. The City Council also upheld approval of: 1) the vesting tentative tract map; 2) amendments to the Venice Community Plan, Venice Coastal Zone Specific Plan, certified Venice LUP; and 3) the local CDP No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP **(Exhibit 5)**.

On February 3, 2022, the City Council rescinded its resolution adopted on December 1, 2021 and approved a revised amendment to the uncertified Venice Community Plan and certified Venice LUP, reflecting the factual corrections previously recommended by

the City Planning Department. On February 24, 2022, the City Planning Commission also rescinded its resolution (previously adopted on May 26, 2021) and approved a revised amendment to the uncertified Venice General Plan and certified Venice LUP.

On June 14, 2022, the Planning and Land Use Management Committee also published findings recommending approval of a revised amendment to the uncertified Venice General Plan and certified Venice LUP. (This was published despite the Planning and Land use Management Committee's previous waiver of application consideration.) On June 17, 2022, the City Council adopted the Planning and Land Use Management Committee's report.

On June 14, 2022, the City Council passed Ordinance No. 187551 for the corrected resolution. On July 6, 2022, the ordinance was published and posted in accordance with City Council policy. On August 6, 2022, the ordinance was rendered effective.

On July 6, 2022, the Commission received the City's Notice of Final Action for local CDP No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP. On July 12, 2022, Commission staff determined the notice of local action to be deficient, due to omission of the approved plans, interested parties list, and relevant grant deeds. On July 13, 2022, Commission staff received new materials from the City. On July 19, 2022, Commission staff determined that the notice of final action was complete and opened the Commission's 20 working-day appeal period. The Commission received 11 timely appeals filed on August 10, 2022 and August 16, 2022 **(Exhibit 4)**. No other appeals were received.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may—with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of sections 30604, 30620 and 30620.5—establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit.

Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued CDPs. Section 30602 of the Coastal Act allows any action by a local government on a CDP application evaluated under Section 30600(b) to be appealed to the Commission. The standards of review for such an appeal are the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code sections 30200 and 30604.]

After a final local action on a City CDP application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicants, the Executive Director, or any two members of the Commission, may appeal the City decision to the Coastal Commission. [Cal. Pub. Res. Code Section 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must comply with the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations,

including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the City-approved project. Sections 30621 and 30625(b)(1) of the Coastal Act, and Section 13321 of the Commission's regulations, require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists as to the project's conformity with Chapter 3 of the Coastal Act.

Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided, and the Commission will hear the de novo matter and dual permit application immediately following the substantial issue finding, unless the Commission schedules the de novo portion of the hearing for a future date. [Cal. Pub. Res. Code sections 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue, and the Commission will hold the de novo phase of the public hearing on the merits of the application, using the Chapter 3 policies of the Coastal Act. The certified Venice LUP is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing as provided by Section 13117 of Title 14 of the California Code of Regulation, will typically have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, appellants, persons who opposed the application before the local government, and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. SINGLE/DUAL PERMIT JURISDICTION AREA

Within the areas specified in Coastal Act 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 permit also obtain a second (or "dual") CDP from the Coastal Commission. The Commission's standard of review for the proposed development in the Dual Permit Jurisdiction area are the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section

30601 (i.e., projects in the Single Permit Jurisdiction), the City of Los Angeles local CDP is the only CDP required. The proposed project is located within the Dual Permit Jurisdiction Area. Therefore, the applicants are required to obtain a second, or "dual", CDP from the Commission for the proposed development. Dual CDP Application No. 5-22-0588 was submitted on December 29, 2022.

VI. FINDINGS AND DECLARATIONS

A. LOCALLY-APPROVED PROJECT

Project Location
The locally-approved project site is a 2.65-acre area located between Dell Avenue, Pacific Avenue, North Venice Boulevard, and South Venice Boulevard in Venice, City of Los Angeles, Los Angeles County **(Exhibit 1)**. The project site is located in the North Venice subarea of the certified Venice LUP.

North and South Venice Boulevard are both one-way streets, with the former roadway directing vehicles westward and the latter roadway directing vehicles eastward. North Venice Boulevard is a major entry route for inland communities to access the Venice coastal zone. Between the two streets spans the Venice Median, a strip of developed area spanning up to 195 ft. in width. Moving east to west, the Venice Median hosts a public park and library; two public parking lots managed by the City of Los Angeles Department of Transportation (LADOT); and interspersed multi-unit complexes. It also hosts the terminus of Grand Canal and a public boat launch ramp.

The Venice Canal System extends through the western-most portion of the Venice Median, with Grand Canal terminating at North Venice Boulevard. The Grand Canal Historic Bridge provides vehicle access across the canal. A launch ramp for private non-motorized recreational vessels, such as kayaks and paddleboats, is accessible via a paved sidewalk and a paved public parking lot accommodating up to seven vehicles. The subject parking lot was intended to allow vehicles to load and unload boats directly from the launch ramp. Its varying availability to the public is discussed further below.

The 2.65-acre project site encompasses 40 lots **(Exhibit 1).** Two of the 40 subject lots—which share one assessor parcel number through a prior lot tie—are developed with an existing 18-ft. tall, two-story, 1,970 sq. ft. four-unit residential complex (i.e. a quadraplex). The two developed lots on the 40-lot project site are designated as "Low Medium II Residential" in the certified Venice LUP and zoned "C2, Commercial" in the uncertified Los Angeles Municipal Code (LAMC).

The other 38 lots in the project site are developed with the seven-space public boat launch parking lot and Lot 731, a 196-space surface parking lot owned and operated by LADOT. The parking lot is split by the Grand Canal with a vehicle bridge providing access between the two canal sides. Lot 731 is located roughly 800 ft., or a five-minute walk, from the sandy Venice Beach. It is the largest of nine parking lots operated by LADOT in the Venice coastal zone. The 38 subject lots are designated as "Open Space" in the certified Venice LUP and zoned "C2, Commercial" in the uncertified LAMC.

Project Site Background

In the early 20th century, Venice was connected to the greater Los Angeles region by the Venice Short Line railroad. The existing Venice Median was developed with railways extending between Pacific Avenue and Lincoln Avenue; streetcars crossed Grand Canal via a small median bridge. The median bridge is still present on the subject site but now serves as a vehicle accessway within LADOT Lot 731. By the 1980s, the Venice Short Line was no longer running, and the median was used primarily for parking by residents and beach-goers.[1] An estimated 181 public parking spaces were located between Dell Avenue and Pacific Avenue (currently Lot 731) per CDP No. 5-90-664.

In September 1990, the Commission approved CDP No. 5-90-664 for the California Department of Transportation ("Caltrans") to redesign Venice Boulevard. The approved work included narrowing the median strip and installing a new bikeway along North Venice Boulevard. The existing 181-space parking lot was temporarily blocked by construction. To mitigate the temporary loss of parking, the permit required Caltrans to provide: A) at least 181 replacement parking spaces offsite and B) a shuttle service operating on holidays and weekends between May 1 and October 15. Provision of the temporary spaces and shuttle service was required until completion of the median work. Caltrans provided the replacement parking spaces in the portion of median between Dell and Ocean Avenue (currently LADOT Lot 701).

In May 1991, Caltrans began providing an unknown number of free public parking spaces in the area bounded by Dell Avenue and Ocean Avenue (currently LADOT Lot 701). No stripes were painted to designate specific spaces, nor was the parking area supervised by any management entity. When residents of the surrounding neighborhood voiced safety concerns, the Commission found that the unmarked, unmanaged parking area did not comply with Caltrans' Public Access Mitigation Plan. Caltrans submitted Application No. 5-90-664-A1 to the Commission for after-the-fact approval of the replacement parking lot.[2]

In July 1991, the Commission approved CDP Amendment No. 5-90-664-A1 for Caltrans to operate the temporary replacement parking lot located between Dell Avenue and Ocean Avenue (currently LADOT Lot 701). The amendment approved operation of 180 striped replacement parking spaces until completion of median improvements. The amendment approved parking lot operation by a private agency; parking lot management by the City's Off-Street Parking Division; and parking lot ownership by Caltrans. CDP No. 5-90-664 was twice amended to extend temporary use of the parking lot until an application could be submitted for permanent use.[3]

In November 1991, the Commission approved CDP No. 5-91-584 for the City of Los Angeles Bureau of Engineering to rehabilitate the historic Venice Canal System. The approved work included removal of private encroachments onto public sidewalks and

[1] "Los Angeles Historic Resources Survey", Survey L.A., 2015.
[2] CDP No. 5-01-028 (City of Los Angeles.)
[3] CDP Amendment Nos. 5-90-664-A2 and -A3 (Caltrans). The reports are not available online.

installation of a new boat launch access ramp in the portion of Grand Canal located between North and South Venice Boulevard with a seven stall parking lot **(Exhibit 9)**.[4]

In October 1993, the Commission approved CDP No. A-5-VEN-92-377/5-92-377 for the City of Los Angeles Bureau of Engineering to issue up to 175 residential dock permits in the Venice Canals until December 31, 2007. The permit conditions required construction of the public boat launch ramp and associated public parking lot to begin before the City issued any dock permits. Public boat launch access signage was also required.

In 1994, the City opened the newly constructed boat launch ramp and parking lot for public use. At some point after this, the City began locking the public boat launch parking lot throughout the day and night. The local record does not show precisely when the City began closing and padlocking the gate to the public boat launch access ramp, but it seems to have been closed intermittently between 1994 and today.

In June 1994, the Commission approved CDP No. 5-94-081 for LADOT to redevelop the existing 181-space median public parking lot located between Dell Avenue and Pacific Avenue into Lot 731. The permit approved re-striping and expanding the existing 181-space parking to provide one additional space, plus a parking attendant booth. CDP No. 5-94-081 thus increased Lot 731's formal parking-space count to 182 spaces.

In August 1996, the City Planning Department approved local Conditional Use Permit No. 95-0292 for LADOT to redevelop the existing replacement parking lot into permanent Lot 701. The local conditions did not require a minimum number of spaces, a maximum rate, or provision of the spaces to the public. While a portion of Lot 701 is in Single Permit Jurisdiction, most of the parking lot is in Dual Permit Jurisdiction. This means the local approval was not actionable until the 20-working day appeal period concluded and a Commission CDP was issued. Despite this, Caltrans and LADOT operated Lot 701 without the required Commission CDP for about five years.

In October 2001, the Commission approved CDP No. 5-01-028 for LADOT to permanently operate Lot 701. The permit provided after-the-fact authorization of the existing Lot 701 and approved a new monthly parking program in LADOT's Lots 701 and 731. On weekdays, vehicles with permits purchased from the City could enter either parking lot without paying the daily rate. On weekends and holidays, all vehicles were required to pay the parking attendants in Lots 701 and 731. Vehicles were admitted on a first-come, first-served basis every day of the week. The permit program was limited to a one-year term. The permit findings show that Lots 701 and 731 charged a fixed daily rate between $3 and $11 as of 2001.

In June 2002, the Commission approved CDP Amendment No. A-5-VEN-92-377/5-92-377-A1 for the City Department of Public Works to submit a public access plan for the boat launch ramp and parking lot. [5] The original permit had required construction of the subject facilities without specifying the terms of use. The amendment required the

[4] CDP No. 5-91-584 was amended five times after original approval, but the amendments do not pertain to Lots 731 and 701 or the boat launch access ramp.
[5] Despite concerted efforts, Commission staff have been unable to locate the archive file for Amendment No. A-5-VEN-92-377/5-92-377-A1 since receipt of the appeal in 2022.

facility to remain open for public boating and vehicular access every day between 8 A.M. and sunset. The amended conditions shortened the City's seven-year dock permitting term to five years (i.e. until December 31, 2002).

Locally-Approved Project Description
The subject Appeal No. A-5-VEN-22-0042 is limited to the City's action on the local CDP. Thus, the below description is limited to the locally-approved scope of work and locally-approved plans. Revisions to the project after issuance of the local CDP—in other words, proposed as part of the Commission de novo and dual CDP application—are listed narratively in Subsection VII.A. (De Novo/Dual Permit Project) and via comparative tables in Appendix B.

The local CDP approved: 1) demolition of two existing, City-owned 196-space and seven-space public surface parking lots and an existing two-story, 1,970 sq. ft. four-unit quadraplex; 2) consolidation of 40 lots and subdivision into two ground lots and seven airspace lots; and 3) construction of two new, three- and four-story, 35-ft. tall mixed-use structures totaling 103,957 sq. ft. of habitable interior area and 137,805 sq. ft. of interior garage area. The locally-approved development would provide 359 cumulative onsite parking spaces among two primary structures sited across from each other along the west and east sides of the Grand Canal **(Exhibit 2)**.

The locally-approved west structure (i.e. sited west of the Grand Canal) would consist of a four-story, 35-ft. tall, 36,157 sq. ft. mixed-use development with a four-story, 67-ft. tall campanile and a 51,340 sq. ft. garage. Six roof access structures, including the campanile, would be located throughout the west structure. The west structure would function as a 105-space parking garage ringed on all sides by residential and commercial development. The 105 parking spaces would include 57 residential spaces, 42 commercial spaces, five unassigned spaces for residential or commercial use, and one space reserved for public boat launch ramp access. Uses surrounding the internal parking garage would include 2,255 sq. ft. of retail area, 810 sq. ft. of café area, 260 sq. ft. of supportive resident services, and 63 dwelling units.

The locally-approved east structure (i.e. sited east of the Grand Canal) would consist of a similarly designed three-story, 35-ft. tall, 67,800 sq. ft. mixed-use development with an 86,645 sq. ft. garage. No second campanile is shown on the locally-approved plans and the east structure would contain five roof access structures. The east structure would function as a 252-space public parking garage ringed on all sides by residential development. The 252 parking spaces would include 250 spaces open to the general public (including 27 Beach Impact Zone parking spaces) and three spaces reserved for public boat launch ramp access. Uses surrounding the internal parking garage would include a 2,875 sq. ft. art studio, 425 sq. ft. of supportive resident services, and 77 dwelling units.

The locally-approved plans dated May 12, 2021 show five levels of parking in the east structure: one subterranean level, three interior levels, and roof parking **(Exhibit 2)**. The subterranean level's lowest finished floor elevation would be located eight-feet below natural grade. The locally-approved plan coversheet indicates a total of 252 public parking spaces in the east garage, but only 228 spaces are actually shown in the plans.

No mechanized lift systems are noted. Nor is the layout and function of the subterranean level shown, except by cross-section.

The City also approved Vesting Tentative Tract Map No. VTT-82288 to create two ground lots and seven airspace lots **(Exhibit 7)**. The City owns the existing 40 lots and no change in lot ownership is proposed. The City would enter a long-term ground lease with the co-applicants to lease portions of the proposed development. With recordation of the ground lease, all public development onsite would be owned by the City and managed by the LADOT Bureau of Parking Management. Public development would include the proposed public parking garage and the boat launch access ramp. All private development would be leased by the co-applicants from the City and managed by the co-applicants. Private development would include the entire west structure and the residential portions of the east structure.

After local approval was obtained, the applicants submitted another set of plans titled "Addendum to 05/12/2021 Entitlement Drawings", dated June 6, 2022 **(Exhibit 3)**. The addendum plans show the interior layout of the public garage in the east structure. While both the locally-approved plans and addendum plans indicate a total of 252 parking spaces in the public garage, the addendum plans showed subsequently proposed mechanized lift systems on the first and third floors. The applicants state that the addendum plans were designed in collaboration with LADOT to provide additional detail. However, the plans were not approved during the City's public hearing procedures, and the local CDP findings do not describe lift systems. As such, the local CDP did not approve the inclusion of mechanized lift systems in the east garage, and the addendum plans are not subject to appeal of the local action.

Regarding the dwelling units, all 140 locally-approved dwelling units would be rate-restricted per the below affordability ranges:

- 68 units reserved for people experiencing homelessness;
- 34 live/work units reserved for low-income artists;
- 27 units reserved for low-income households (four of which would be offered the right of refusal for tenants of the demolished quadraplex);
- Seven units reserved for extremely-low income households; and
- Four units reserved free of cost for property-managers.

The existing quadraplex offers rent affordable for low-income households. Quadraplex tenants will receive federal and state relocation assistance benefits in advance of, and upon initial relocation from, the property. Under the Disposition and Development Agreement (DDA), the applicants shall be responsible for payment of any relocation benefits to displaced persons pursuant to local, state, and federal Relocation Laws, including, but not limited to, moving assistance, rent vouchers and the cost of a relocation consultant selected by the City. Upon completion of the proposed development, the subject quadraplex tenants would be offered new units at rents equivalent to those before quadraplex demolition if the tenants are income-qualified (i.e. do not exceed the maximum household incomes allowed in the supportive affordable housing development). If the subject quadraplex tenants qualify for and accept the affordable units, the project would technically provide four newly re-developed units for existing tenants onsite plus 136 new dwelling units.

The locally-approved new dwelling units would be accompanied by 685 total sq. ft. of supportive services and a 2,875 sq. ft. art studio. The supportive services would consist of office space where residents would receive assistance, such as help applying for jobs, enrolling in government aid programs, and seeking health services. The art studio (referenced as "The Gregory Hines Community Arts Center" in the plans) would function as a workspace for the live/work artist units. The locally-approved plans and local CDP do not specify the types of retail intended for the 2,255 sq. ft. of retail area. The 810 sq. ft. restaurant area was intended to serve as a café.

Regarding the public boat launch ramp, the existing seven-space public parking lot would be replaced with live/work units on the east structure's perimeter. Visitors who wish to launch vessels from the Grand Canal ramp would have three options for access under the locally-approved plans. Under Option 1, visitors would enter the east parking garage, park in one of two reserved spaces, and carry their vessel roughly 85 ft. to the ramp. Under Option 2, visitors would park in an on-street space designated by the applicants for vessel loading/unloading, carry their vessel roughly 100 ft. to the ramp, and return to their vehicle to re-park. Under Option 3, visitors would enter the west parking garage, park in the single reserved space, and carry their vessel roughly 300-ft. to the ramp. All three options would require those using the boat launch ramp to carry their vessels through areas shared by pedestrians and moving vehicles in order to reach the boat launch.

Regarding the Grand Canal Historic Bridge, the driveway aprons on either side of the bridge would be demolished. The top of the bridge would be re-paved into a pedestrian accessway. The existing gates blocking each archway below the bridge would be removed. No other alterations to the bridge architecture were locally-approved.

B. Factors to be Considered in Substantial Issue Analysis

When determining whether an appeal raises a "substantial issue," Section 13115(c) of the Commission's regulations provide that the Commission may consider factors, including but not limited to:

> 1. The degree of factual and legal support for the local government's decision [that the development is consistent or inconsistent with the relevant provisions of the Coastal Act and certified LUP];
>
> 2. The extent and scope of the development as approved or denied by the local government;
>
> 3. The significance of the coastal resources affected by the decision;
>
> 4. The precedential value of the local government's decision for future interpretations of its LCP; and
>
> 5. Whether the appeal raises local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

Staff recommends that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section IV of this report, the grounds for an appeal of a CDP issued by the local government prior to certification of its LCP are the Chapter 3 policies of the Coastal Act. Any local government CDP issued prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. The primary issues raised by this appeal relate to public access, development standards, environmental justice, and coastal hazards.

Chapter 3 of the Coastal Act is the standard of review for the substantial issue determination. The certified Venice LUP policies provide guidance and may be used by the Commission to evaluate a project's consistency with Chapter 3. In this case, the appellants contend (in summary) that the City-approved project is not consistent with Chapter 3 Coastal Act and LUP policies regarding public access, visual resources, community character, Environmentally Sensitive Habitat Area (ESHA), water quality, coastal hazards, and tribal/cultural resources. Please refer to **Exhibit 4** to review the 11 appeals in their entirety.

1. Public Access Contentions

Relevant public access policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

Impacts to Beach Parking
The appellants contend that the project would eliminate one of the few remaining sites in the Venice coastal zone where the public parking stock could be significantly increased, in a manner inconsistent with public access preservation policies of Chapter 3 of the Coastal Act and the certified Venice LUP.

Section 30210 of the Coastal Act requires the provision of maximum access and recreational opportunities for all people, while Section 30212.5 requires distribution of parking facilities throughout communities to mitigate "the impacts, social and otherwise, or overcrowding or overuse by the public of any single area." Section 30252 of the Coastal Act requires new development to maintain and enhance public access to the coast, in part, by providing adequate parking facilities. Taken together, these sections emphasize the connection between vehicle transportation and public access to the coastal zone

Venice is one of the most popular visitor destinations in California. As such, it can be a struggle for visitors and residents alike to find parking. Venice has a limited stock of City-owned land within walking distance of the beach. Appellants have provided photographs and first-hand accounts of the results of an inadequate stock of public parking. Some documented results include private parking lots charging unusually high rates (colloquially known as "price-gouging"); vehicles lined at lot entrances for blocks

and creating unsafe traffic congestion; and illegal parking along red-curbs and alleys. Insufficient parking has an outsized impact on visitors from inland communities, who often rely on vehicle transportation to access the coast.

The LUP acknowledges the need for new public parking facilities in the Venice coastal zone. LUP Policy II.A.2 encourages both construction of new facilities and re-striping or adding levels to existing facilities to maximize their capacity. An in-lieu fee program was originally intended to fund these activities.

When the LUP was originally certified in 2001, the City intended to establish in-lieu rates "proportional to the cost of providing a physical parking space" via a future Implementation Plan. The in-lieu fee program would allow development restricted by site constraints (such as insufficient space for parking) to support off-site parking spaces, rather than meet infeasible parking requirements. In-lieu fees would be deposited in the 'Venice Coastal Parking Impact Trust Fund' for future funding to retrofit existing parking facilities and acquire land for new facilities. The certified LUP includes references to the in-lieu fee program and provides it as a parking option, but the specifics were never established via a certified Implementation Plan. In past Commission actions on appeals of locally-approved CDPs, the Commission has determined the 'Venice Coastal Parking Impact Trust Fund' to be an inadequate public access protection.[6]

Nonetheless, the City has collected in-lieu parking fees since 2003. The City commissioned a Parking Utilization and Transportation Management study conducted by Fehr & Peers and published in 2021.[7] The study estimates that the City collected approximately $1.1 million in-lieu fees between 2003 and 2020. Regarding fund expenditures, the study states that approximately $230,000 from the in-lieu fund was used to construct two surface parking lots, LADOT Lot 759 and 760, with 116 total public parking spaces in 2008. The study also states that approximately $150,000 of in-lieu program funds were used to support the City's parking and transportation planning services in drafting a Venice LCP. The study estimates a remaining total in-lieu fund of $700,000 as of October 2020.

LADOT Lot 731 (i.e. the project site) was one such facility identified by the City for potential retrofitting that could be funded by the 'Venice Coastal Parking Impact Trust Fund'. Improvements could have included re-striping the lot to increase parking spaces, installing more efficient, automated intake facilities, and improving public signage onsite. It could also have included constructing a multi-level parking garage across the entire project site, potentially doubling or tripling the current number of parking spaces. However, the City has not taken steps to use the in-lieu parking fee program to improve LADOT Lot 731 in the two decades since LUP certification. It is unclear how the locally-approved project will impact the ability of the City to increase parking at this site. Reserving the project site for additional public parking spaces would enhance public access consistent with sections 30210, 30215.5, and 30252 of the Coastal Act.

[6] Appeal No. A-5-VEN-16-0041 (AW Enterprises, LLC)
[7] "Parking Utilization and Transportation Management Strategies", Fehr & Peers, 2021.

Priority Land Use
The appellants also contend that the locally-approved project would convert an existing public facility to private development in a manner inconsistent with the preferred land use policies of the Coastal Act. Section 30222 of the Coastal Act prioritizes the use of private lands for visitor-serving commercial recreational facilities over private residential development. Section 30213 of the Coastal Act echoes this preference and further mandates the protection and, where feasible, provision of lower-cost recreational visitor facilities.

The local CDP findings acknowledge these preferred-use Coastal Act provisions, but state that the LUP does not encourage visitor-serving commercial recreational facilities at the project site. The City cites LUP Policy II.A.2, which encourages protection and expansion of existing parking facilities. The City also cites LUP Policy III.D.6, which encourages development of parks (with parking sited away from the canal) on City-owned, canal-fronting lots if such development is compatible with existing residential uses. The local findings conclude that the project will provide needed affordable housing while still increasing public parking onsite and offering recreational open space.

But the City did approve visitor-serving commercial recreational facilities at the project site. The locally-approved plans include 2,255 sq. ft. of retail and 810 sq. ft. of café development on the ground floor of the west structure. These uses are not addressed in the City's analysis summarized above. The City also failed to acknowledge that the western half of the existing parking lot would be converted to a private parking lot per the locally-approved plans. The City's analysis did not adequately address the full scope of proposed uses onsite with regard to consistency with preferred land use policies. It is therefore unclear whether the locally-approved project is consistent with preferred land use policies of the Coastal Act.

One appellant contended that the locally-approved project would prevent movie film crews from staging equipment, like talent trailers and portable toilets, in LADOT Lot 731. The appellant provided receipts from film permit applications, in which private parties paid the City of Los Angeles at least $795 to rent large portions of the public parking lot. Private commercial use of public parking spaces is not a protected resource under Chapter 3 of the Coastal Act, nor the certified Venice LUP. Additionally, the described use is inconsistent with Special Condition 4 of CDP No. 5-01-028, which prohibits the "exclusive use of parking spaces or reserved parking spaces within a public beach parking lot by any person or group" in LADOT Lots 701 and 731. This will be addressed further in Subsection VII.J (Coastal Act Violations) below.

Impacts to Boat Launch Ramp Access
The appellants contend that the locally-approved project would adversely affect public access to the boat launch ramp, in a manner inconsistent with public access preservation policies of the Chapter 3 Coastal Act and certified Venice LUP. The appellants further contend that the local CDP failed to address and resolve decades of unpermitted boat launch parking lot closures.

Section 30213 of the Coastal Act requires protection and, where feasible, provision of lower cost visitor-serving facilities. Section 30224 encourages increased recreational boating use of coastal waters with several methods, including "limiting non-water-

dependent land uses that congest access corridors and preclude boating support facilities[.]" The terms and conditions of CDP Nos. 5-91-584 and 5-92-377 required the boat launch ramp and associated parking spaces on the project site to remain open from 8 A.M. to sunset, free of charge. The launch ramp is the only safe way for visitors to access the Venice Canal System by boat.

The appellants are correct that the boat launch ramp has been closed to the public via a gate for an extended period. The local CDP findings fail to address the existing impediment to public access. Rather than requiring mitigation, the City seems to have approved diminished public access to the boat launch ramp. If the gated entryway were unlocked consistent with the above-referenced CDP requirements, visitors would have a less than 20-ft. walk between existing parking spaces and the ramp. The local CDP approved construction of residential units and an artist studio on either side of the canal, requiring visitors to carry vessels 85 to 300 ft. between their vehicles and the ramp. The locally-approved design would result in vessel transportation on sidewalks shared by pedestrians, residents and patrons of the development. The City's findings do not acknowledge County Department of Small Craft Harbors standards or discuss how the locally-approved configuration may limit the size, frequency, and type of vessels accessing the launch ramp.

Additionally, the local CDP findings do not indicate how many public parking spaces are currently reserved for boat launch ramp access and whether the locally-approved number of spaces constitutes an increase, decrease, or no change in quantity. The findings do not indicate if the spaces would remain free of charge and open to the public from 8 A.M. to sunset.

LUP Policy III.D.2 requires the City to "protect the public's ability to access the canals by boat" through the provision of adequate onsite public parking "consistent with the sizes and types of boats to be launched and frequency of launching pursuant to the County Department of Small Craft Harbors standards." The local CDP findings contend that the project satisfies the subject LUP policy through the provision of a landscaped, open space area adjacent to the canal that is available for public recreation. However, this is not adequate to satisfy the provisions of LUP Policy III.D.2.

Additionally, LUP Policy I. C. 9. requires reservation of public rights-of-way for public transportation uses and limits any additional uses to those that do not interfere with "coastal access, transportation and visual quality." The sidewalks along the Grand Canal terminus and the boat launch parking lot constitute public rights-of-way. The local CDP findings do not address how the construction of private development within the subject right-of-way is consistent with LUP Policy I.C.9.

Parking Lot Operation

The appellants contend that the local CDP findings do not adequately explain whether, and how, the City would operate the locally-approved public parking structure. The local CDP findings state that LADOT will operate the public parking garage in the east structure, but the statement is not accompanied by any further detail or permit conditions establishing a clear ownership and operation framework. Nor does the local CDP describe the proposed public parking rates or analyze them for consistency with the standard of review.

The appellants also raise concerns with the potential use of mechanized lift systems in the locally-approved east structure. Beach parking was described by several appellants as a unique process, in which visitors often must unload bulky items (like boogie boards and umbrellas) and manage both young and older family-members before setting off toward the beach. Appellants questioned the safety and functionality of lift systems, which require visitors to surrender their vehicles to an attendant and likely offer less unloading/loading time. As described in Subsection VI.A. (Locally-Approved Project), the local CDP did not approve mechanized lift systems in the east structure. The lift system was proposed solely in the applicant's addendum plans (which were submitted after local CDP issuance). As such, lift systems were not part of the locally-approved CDP and are beyond the scope of the subject appeal.

However, there is a discrepancy between the local CDP findings and the locally-approved plans with regard to the number of public parking spaces in the east structure. The local CDP findings and locally-approved plan coversheet lists 253 total public parking spaces, but counting the actual number of spaces shown in the plans for the east structure yields only 228 delineated public spaces. The appellants question whether the 24 missing parking spaces would be A) located in the approved subterranean level of the east structure, since this level is shown only by cross-section, or B) provided via mechanized lifts. The local CDP does not address either scenario, raising the question as to how the 253 public parking spaces would actually be provided onsite. Overall, the provision and operation of the locally-approved public parking garage was not adequately described in the City's findings.

Bicycle and Pedestrian Circulation
The appellants contend that the locally-approved project would adversely impact bicycle and pedestrian circulation in the surrounding area, in a manner inconsistent with public access preservation policies of the Chapter 3 Coastal Act and certified Venice LUP. Section 30252 of the Coastal Act requires new development to maintain and enhance public access, in part, by "providing non-automobile circulation within the development".

The appellants cite a formal and informal bike path: the sidewalk located along South Venice Boulevard adjacent to the project site and the Grand Canal Bridge, respectively. Regarding the formal bike path, CDP No. 5-94-081 approved plans designating two lanes within the South Venice Boulevard sidewalk adjacent to the project site. The lanes are labeled as a bikeway for bicyclists and a "parkway" likely intended for pedestrians (although parkway was not defined in the materials). In some broader portions of the sidewalk, like the section adjacent to the Grand Canal, the plans merge the two lanes into a single, unlabeled lane. The intended width of the bikeway and parkway lanes is unclear from the plans; current site conditions do not show any striped lanes. Additionally, Commission staff measured the sidewalk along South Venice Boulevard as seven-feet wide at most, leaving only 3.5 ft. per lane. Regardless, the locally-approved project would have no impact on the sidewalk width adjacent to South Venice Boulevard. (The sidewalk width along North Venice Boulevard would be shortened from seven feet to 5.6 ft., but no bike path exists on that sidewalk.)

One appellant contends that LADOT lots 701 and 731 were constructed with limited pedestrian exits onto the North Venice Boulevard sidewalk in order to encourage visitors exiting vehicles to walk through the parking lot, rather than walk on the adjacent

sidewalk (i.e. to preserve it primarily for cyclist use). They argue that the locally-approved project fails to comply with this diversion tactic, but this argument is speculative and raises the question of why the plans approved with CDP No. 5-94-081 show both a bikeway and pedestrian parkway (rather than solely a bikeway) if pedestrian use was discouraged.

Regarding the informal bike path, the appellants argue that the historic Grand Canal Bridge currently serves as a major pedestrian/cyclist pathway through Lot 731 and the City's action would eliminate this accessway. However, this is an inaccurate description of both the existing and proposed bridge uses. The Grand Canal Bridge currently functions as a vehicle accessway, with no markings or additional space allocated for concurrent walking/biking. The pedestrians and cyclists who currently use this bridge are relying on an informal use and risking interactions with vehicles (who take up most of the roughly 20-ft. wide bridge width). By contrast, the locally-approved plans would convert the vehicle accessway to an official pedestrian path without decreasing its width. The locally-approved plans do not specifically designate the bridge for cyclists, but nor do existing site conditions.

Another appellant contends that the locally-approved plans fail to enhance pedestrian and bicycle access consistent with the City's uncertified Mobility Plan 2035.[8] Specifically, the appellant contends that five-foot sidewalks abutting a structure with minimal setbacks would be disorienting and discourage pedestrian mobility. Consistency with the uncertified Mobility Plan 2035 is not a valid ground for appeal, but the local CDP findings could have better addressed how the project may impact pedestrian and bicycle mobility.

Other appellants contend that the locally-approved project uses Linnie Canal Park, a small existing park with a children's playground located at 401 Linne Avenue, to satisfy minimum open space requirements for the 140 residential units. The park is located roughly 500 ft. south of the nearest reaches of the project site. The appellants contend that the developers paid an in-lieu fee to provide Linnie Canal Park as an alternative recreational area for the development's residents. However, this contention is not substantiated by any information in the local record.

Minimum LUP Parking Requirements

The appellants contend that the local CDP failed to require consistency with minimum parking requirements of the certified LUP. Section 30210 of the Coastal Act requires that new development be designed to avoid interference with the public's ability to access the coast. Sections 30212.5 and 30252 specify methods to enhance public access, including the distribution of public parking throughout communities and ensuring new development has adequate parking to serve the associated use. Venice is a densely developed community, with many residences constructed prior to LUP certification, which often fail to provide adequate parking for residents. This can result in competition for parking between residents and visitors, many of whom arrive from inland communities by vehicle.

[8] City of Los Angeles' Mobility Plan 2035.

To protect the availability of public on-street parking, the certified Venice LUP requires a minimum number of off-street parking spaces based on the size and type of proposed development. The locally-approved project includes several development types with differing LUP parking requirements.

For the commercial project component, the certified LUP would require 69 parking spaces. LUP Policy II.A.3 requires 10 retail parking spaces, 21 café parking spaces, and 11 art studio parking spaces.[9] Additionally, because the project site is located in the LUP's Beach Impact Zone[10], LUP Policy II.A.4 requires an additional 11 commercial parking spaces and 16 residential parking spaces.[11] The locally-approved project exceeds the minimum 69-space commercial and Beach Impact Zone parking requirements by providing 76 spaces.

For the residential project component, LUP Policy II.A.3 would require 315 total parking spaces.[12] The project instead provides 57 residential parking spaces, a 258-space deficit. However, projects offering rate-restricted low-income units may be eligible for reduced parking requirements under LUP Policy I.A.14 if: A) the project is consistent with LUP Policy I.A.13, which outlines "density bonus" project criteria under current state law, and B) "the prospective occupants of the project will have a reduced demand for parking."

The local CDP findings state that the project does comply with both subsections of Policy I.A.14. While the project is not technically a "density bonus" project, its proposed unit affordability ranges and the timeframe of rate-restriction are consistent with the minimum requirements of LUP Policy I.A.13. Additionally, the applicants submitted a report demonstrating a lower anticipated parking demand from the project's occupants. As such, the City determined that the project is eligible for a reduction in residential off-street parking minimums.

In determining the specific reduction in residential parking requirements, the City deferred to Assembly Bill No. 744.[13] The subject bill prohibits local governments from requiring, for qualifying affordable housing projects, more than 0.3 parking spaces per special needs housing unit and more than 0.5 parking spaces per bedroom for all other

[9] 1 space x (2,255 sq. ft. approved retail area / 225 sq. ft.) = 10 retail spaces.
1 space x (1,060 sq. ft. approved café area / 50 sq. ft.) = 21 café spaces.
1 space x (2,875 sq. ft. approved art studio / 250 sq. ft.) = 11 art studio spaces.

[10] "Beach Impact Zone (BIZ)" is only regionally defined in the certified LUP. But it generally encompasses the LUP subareas located near the beach-front, where private development's parking demand could impact an already-limited stock of public beach parking unless additional off-street spaces are required.

[11] 1 space x (6,440 sq. ft. ground floor commercial / 640 sq. ft.) = 11 commercial BIZ spaces.
1 space x (15,045 sq. ft. ground floor residential / 1,000 sq. ft.) = 16 residential BIZ spaces

[12] (2 spaces x 140 units) + (1 space x 140 units / 4 units) = 315 total parking spaces.

[13] Assembly Bill 744, which amended Gov Code section 65915, applied to projects that: 1) provide a minimum percentage of low- or very-low-income units, 2) are located within 1/2 mile of a major transit stop as defined by Pub. Res. Code Section 21155 of the Public Resources Code, and 3) offer unobstructed access between the major transit stop and the project site.

affordable units.[14] The local CDP simply references the subject Assembly bill and does not list specific reduced parking ratios per unit, but the locally-approved plans show required rates of 0.5 parking spaces per affordable dwelling unit and manager unit and 0.3 parking spaces per special needs housing unit. These are consistent with the maximum parking ratios allowed under Assembly Bill 744. Thus, the City did make the findings necessary for a residential parking reduction under LUP Policy I.A.14.

Summary
The City's action did ensure that each approved land use onsite was accompanied by the minimum number of parking spaces required by the certified Venice LUP. However, this is not the sole measure of public access protection. The local CDP findings did not sufficiently address the loss of a potential, newly expanded parking hub and the conversion of existing public space to private development. Nor did the local CDP provide adequate findings describing how the boat launch ramp, parking lot, bikeway, and pedestrian circulation would be protected and enhanced for public use. Overall, the local CDP did not adequately analyze the project for consistency with the public access protection policies of Chapter 3 of the Coastal Act and certified Venice LUP.

2. VISUAL RESOURCE CONTENTIONS

Relevant visual resource policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

Community Character
The appellants contend that the locally-approved project is inconsistent with several development standards of the certified Venice LUP. The appellants contend that these inconsistencies will result in adverse cumulative effects on community character and prejudice the City's ability to certify an LCP consistent with the Coastal Act.

Sections 30250(a) and 30251 of the Coastal Act encourage visually compatible new development in already-developed areas with adequate public services. Section 30253(e) requires protection of special coastal communities with unique characteristics that draw visitors to the coastal zone. The Commission has considered Venice a special coastal community in past actions and relied on LUP policies for design guidelines specific to each geographically-defined subarea. The intent of these design guidelines is, in part, to preserve community character. LUP policies I.E.1 and I.E.2 both require protection of Venice's unique architectural character.

LUP Exhibit 14b and Policy I.A.7.D. limit structures with flat roofs located in the North Venice subarea to a maximum height of 30-ft. Additionally, LUP Policy I.A.1. prohibits roof access structure (RAS) heights from exceeding the specified flat roof height limit by more than 10 ft. The local CDP approved construction of 35-ft. tall development with a flat roof, a 67-ft. tall campanile structure, and 47-ft. tall elevator structure. The locally-approved structures would therefore exceed the LUP's height limitations by up to 37 ft.

[14] "Special needs housing" units are defined as units for by California Health and Safety Code §51312.B.1.

LUP Exhibit 9b designates the project site as Multi-family Residential - Low Medium II Density and Open Space. LUP Policy I.A.7.D. limits acceptable uses in the subject designation to multi-family development. The local CDP approved construction of mixed-use development with residential units and several commercial uses (a retail center, restaurant, and art studio) not specified in the allowable uses.

LUP Policy I.A.1. prohibits the consolidation of more than two lots in North Venice residential neighborhoods "to preserve the nature and character of existing residential neighborhoods". LUP Policy I.B.7. allows the consolidation of more than two lots for mixed-use projects in the commercial land use designation if the project "conform[s] to the existing scale and character of the surrounding community, "but the project is not located in a commercial land use designation. The local CDP approved consolidation of 40 lots without regular breaks in the exterior walls.

Additionally, Policy I.D.1. limits permitted uses adjacent to canals to "habitat restoration, single-family dwellings, public parks and walkways, subterranean or surface public parking lots, maintenance activities and emergency repairs." The locally-approved multi-family residential and commercial uses are inconsistent with this policy. LUP Policy I.A.7.D. limits lots located in the subject land use designation to one dwelling unit per 1,500 – 2,000 sq. ft. of lot area. The local CDP approved construction of 140 total dwelling units in a 115,674 sq. ft. total area. The project exceeds the unit density allowed on the residential lots and results in a ratio of approximately one dwelling unit per 826 sq. ft. of lot area, which is inconsistent with Policy I.A.7.

The City's findings reference a future LUP amendment intended to resolve each of the above inconsistencies. However, the local CDP was approved prior to City or Commission action on LUP Amendment Request No. LCP-5-VEN-23-0037. Thus, the local approval is inconsistent with the certified LUP and could prejudice the City's ability to certify an LCP consistent with the Coastal Act. Furthermore, the local CDP findings include inadequate analysis of the project's potential cumulative effect on community character.

One appellant also contends that the pattern of landscaping along North and South Venice Boulevard plays a significant role in community character surrounding the Venice Median. The local CDP approved for Caltrans to redevelop LADOT Lot 701 (shortly followed by Commission approval of CDP No. 5-94-081) required 24-inch box shade trees planted at a spacing of one tree per four marked parking spaces along North and South Venice Boulevard. The landscaping plans associated with the 1993 local action included the planters adjacent to the project site sidewalk. The appellant contends that the project must plant native sycamore trees for compatibility with the remaining Venice Median landscaping. However, driving down North and South Venice Boulevard under existing site conditions does not show a consistent spacing of sycamore trees. Instead, there are long segments of the Venice Median with hedges, palms, or no vegetation between the sidewalk and the development. This includes the Abbott Kinney library (which offers a combination of palms and sycamores) and the 400 block of North Venice Boulevard (which offers little to no vegetation in front of private residences). It is unclear how significant the species and spacing of trees along North and South Venice Boulevard may be in terms of community character.

Other appellants contend that there are numerous design alternatives that would facilitate affordable housing without the need for a single, unarticulated structure. One appellant-provided alternative includes lining the northern and southern portions of the project site with independent, articulated multi-family housing structures and siting parking spaces between the lines of housing **(Exhibit 4)**. Another appellant-provided alternative includes siting the parking and housing on opposite sides of Grand Canal, with stretches of open, landscaped area throughout the site **(Exhibit 4)**. The appellants contend that the locally-approved design is unusual in its broad, unarticulated façade with small windows and no balconies.

The appellants further contend that the locally-approved project would provide inadequate natural light and ventilation for the housing units. New development's interior light and ventilation are not Coastal Act resources under Chapter 3 of the Coastal Act, but the exterior architecture does constitute a protected resource. The local CDP findings do not defend the need for two primary, unarticulated structures on the 2.65-acre project site or provide findings analyzing the potential cumulative impacts to the surrounding community character.

Public Views

The appellants contend that the locally-approved project would adversely impact public coastal views in the surrounding area, in a manner inconsistent with visual resource preservation policies of Chapter 3 of the Coastal Act and certified Venice LUP. Section 30251 of the Coastal Act requires the siting and design of development to protect ocean views and scenic coastal areas. Similarly, LUP Policy I.D.3 requires development scale to comply with LUP standards to protect views of "highly scenic coastal areas," with the Venice Canal System specifically listed as one such scenic area. The project site contains a portion of Grand Canal, as well as limited view corridors of the beach along either side of the Venice Median. The local CDP findings indicate that the project will have no adverse impacts on public views, but the statement is not accompanied by further detail or as-approved view corridor renderings.

Historic Resources

The appellants contend that the locally-approved project would adversely impact historic architecture and resources in a manner inconsistent with visual resource preservation policies of the Coastal Act and certified LUP. Historic architecture is one of the unique characteristics that contribute to special coastal communities. As such, historic resources merit protection under Coastal Act Section 30253(e).

The Venice Canal Historic District is included in the National Register of Historic Places.[15] LUP Policy I.F.3 further requires the preservation of the canals' historic integrity, including "the associated sidewalks and a number of pedestrian and vehicular bridges." The project site includes the northern-most segment of Grand Canal and the Grand Canal vehicle bridge. When the City began planning canal rehabilitation in the 1980s, a memorandum of agreement was recorded between the City, U.S. Army Corps of Engineers ("Army Corps"), and National Advisory Council of Historic Preservation

[15] The Historical Marker Database.

(Exhibit 4). The memorandum required preservation of the canal system's historic sidewalk and pedestrian bridge design.

The locally-approved project would convert the existing Grand Canal Bridge from a vehicle to pedestrian accessway. Per **Figures 1 and 2** below, the plan renderings do not show any major alteration of the bridge's exterior architectural features. The existing driveway aprons would be removed, but these are simply asphalt slopes that allow vehicles to safely turn onto higher or lower elevation roadways.[16] It is unclear why the original Grand Canal Bridge would have included aprons on either side of the bridge, since this is not necessary for railway streetcars (the sole original use of the historic bridge). While unclear, it is likely that the driveway aprons were added to Grand Canal Bridge upon construction of LADOT Lot 731.



Figures 1 and 2 . Photograph from Historic Places LA above, and rendering from locally-approved plans below.



[16] Page 10 of the LADOT's 2023 Driveway Design Guidelines offers a useful diagram of driveway aprons.

The only other locally-approved major alteration would be removal of the existing gates installed beneath each arch, which currently prevent pedestrian access under the bridge. As shown in **Figure 3** below, the City currently uses these existing gated archways to store furniture. The locally-approved project would restore these archways as pedestrian accessways.

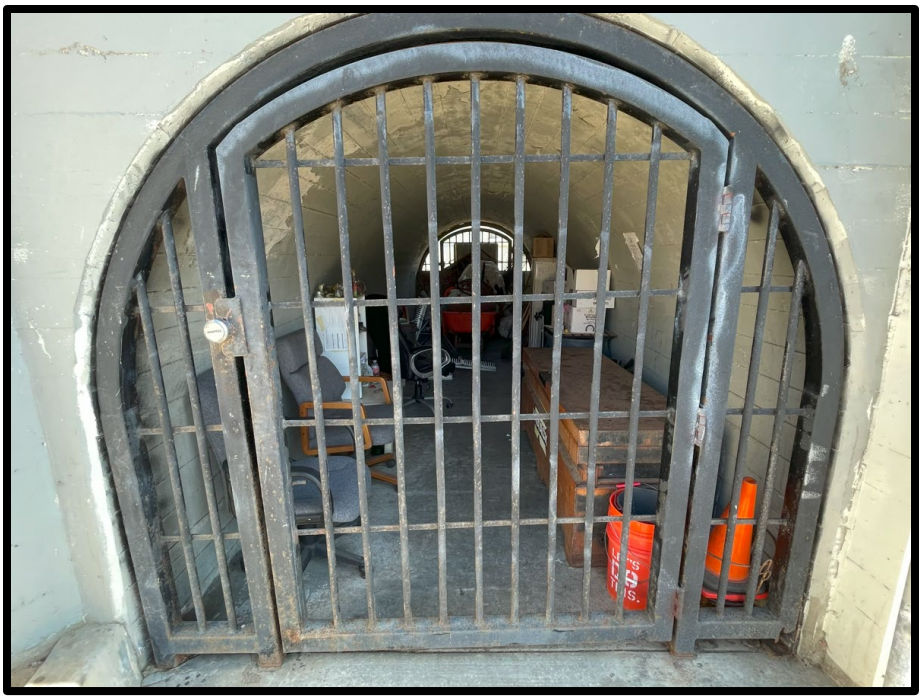


Figure 3. Photograph of western tunnel. Below Grand Canal Bridge (Source: Appellant Jeffrey Kavin)

The appellants claim that these alterations constitute degradation of historic resources. However, these claims seem to stem from the scale of development proposed on lots near the canals—not the actual changes to the canal sidewalk and canal bridge, which are relatively minor. Additionally, the local CDP findings adequately analyzed the project's potential impact on the Venice Canal Historic District and its associated structures. Regardless, as detailed above, this is not the sole measure of consistency with visual resource protection policies of the Chapter 3 Coastal Act and certified LUP.

Summary

While the local CDP did include adequate findings regarding historical resource preservation, it did not adequately analyze potential impacts to adjacent public view corridors and surrounding community character. The local CDP findings rely on a project-specific LUP amendment to correct the project's numerous inconsistencies with LUP development standards, but the City did not adequately consider the inconsistencies' potential effects. Furthermore, the City's action on the local CDP preceded Commission action on the project-specific LUP amendment. Overall, the local CDP did not adequately analyze the project for consistency with visual resource and special coastal community protection policies of the Chapter 3 Coastal Act and certified Venice LUP.

3. COASTAL HAZARD CONTENTIONS

Relevant coastal hazard policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

The appellants contend that the local CDP failed to adequately analyze the project for consistency with the hazard minimization policies of the Coastal Act and certified LUP **(Exhibit 4)**. Section 30253 of the Coastal Act requires that new development minimize risks to life and property in hazardous areas, including areas subject to flooding. LUP Policy IV.G.2 requires special development standards for areas with potential flood and liquefaction hazards. These policies require the City to analyze the hazards facing a site and to consider how to minimize risks from these hazards, as well as whether increases in density and intensity of use of the site are appropriate.

The appellants contend that the project site is uniquely dangerous due to its location in a low-lying, flood-prone area adjacent to a tidally-influenced canal. The appellants describe a "bathtub effect", in which a large portion of Venice, located roughly between Pacific Avenue and Abbot Kinney Boulevard (including the project site), would struggle to drain water after a flooding event. This is due to the higher elevations surrounding the subject low-lying area. The appellants also correctly note the project site's location in the Federal Emergency Management Agency's (FEMA) AE Zone, where FEMA predicts a 1% annual chance of flooding up to +8 feet NAVD88[17] in low-lying land elevations

One appellant assumed that the site, located in the FEMA AE Zone, would have a greater than 50% likelihood of flooding in the project's 55-year lease period. It is difficult to verify or dispute this claim; based on binomial risk estimation, a 100-year storm event with a 1% annual chance of occurrence poses a 42.5% chance of occurring within 55 years.[18] However, this estimation assumes a 100-year storm event under current climatic conditions. With climate change, the frequency of large precipitation events with extreme rainfall rates is expected to increase, and thus flooding of the site may be increasingly likely during the lease period.[19]

The local CDP findings are relatively sparse on the project's safety through its development lifespan **(Exhibit 5)**. The City references an initial sea level rise vulnerability assessment for the Venice Coastal Zone conducted by Moffat & Nichol in 2018 ("City 2018 Assessment").[20] The City's 2018 Assessment found that under medium to high risk aversion sea level rise scenarios, "coastal assets could flood annually… and high water levels could greatly increase potential for flooding of inland low-lying areas" by the year 2100. Ultimately, the City's 2018 Assessment recommended that options to address these flooding issues be incorporated in the City's future certified LCP.

The local CDP findings also reference the applicants' submitted coastal hazards analysis for the project site. The report, prepared by GeoSoils, Inc. and dated

[17] "North American Vertical Datum of 1988", National Geodetic Survey, 2018.
[18] "Frequently Asked Questions on Flood Statistics", Ventura County Public Works, 2018.
[19] "Increasing precipitation volatility in twenty-first-century California"., Swain et. al., 2018.
[20] "Venice Sea Level Rise Vulnerability Assessment", Moffat & Nichol, 2018.

December 28, 2020, acknowledges that the proposed development may be affected by flooding in the event of more than six feet of sea level rise. The hazards report further states that "the potential for such flooding in severe storm events is likely to increase towards the end of the project life." Rather than specifying what frequency and magnitude of inundation of the site are anticipated, the City concludes from this report that hazard adaptations are not currently needed. The local CDP findings state:

> No subterranean levels are proposed, and the project is conditioned to require the lowest finished floor (FF) elevation (not garage floor) should be 2 feet, or more, above the street flow line until reaching elevation 11 feet NAVD88, and for street flow lines above +11 feet NAVD88 the FF elevation should be a minimum of 1 foot above the flow line or that the first floor and foundations be waterproofed.

The statement appears to conflict with locally-approved Plan Sheet A3.21, which shows a subterranean floor of unspecified use **(Exhibit 2)**. Additionally, the street flow line is not defined and poses unclear elevation requirements for the new development. The lowest finished floor elevation may be located below +11 ft. NAVD88 if the street flow line is three feet or more below +11 ft. NAVD88. The City's finding may rely on additional information about street flow lines; maybe all are located within two feet of +11 ft. NAVD88, but the local CDP does not clarify this; nor are FEMA requirements for development in AE Zones discussed.

Additionally, the USGS Coastal Storm Modeling System (CoSMoS) (and related Our Coast, Our Future mapping) suggests an extremely shallow, emergent groundwater table existing onsite. Excavation can cause groundwater to well up and pool onsite, which requires removal via a pump (i.e. dewatering) The City's findings do not address whether de-watering measures will be necessary for the locally-approved 9,100 cy. of excavation. The appellants provided photographs of grading on other residential lots, where large volumes of standing water from emergent groundwater must be sucked into large plastic containment bins for ultimate disposal. It thus remains unclear from the local CDP findings how the project would remediate emergent groundwater, both during and after construction, with such extensive grading across a 2.65-acre area.

The local CDP also does not require construction best management practices relating to storage of hazardous materials and/or substances near the canals. Nor does it address long-term storage of hazardous materials (such as cleaning supplies) and/or mechanical equipment (such as elevators) in areas of the proposed development that are vulnerable to inundation. The former could pose risks to life and property once mobilized and released into the marine environment via the canals; the latter may experience electrical malfunctions. Additionally, the local CDP findings acknowledge the project site's location in tsunami inundation and liquefaction zones without addressing whether corresponding safety measures are required.

The appellants cited a variety of reasons why the existing Lot 731 must remain undeveloped open space for hazard minimization. Some appellants contend that the existing Lot 731 should be left undeveloped to serve as a tsunami evacuation route for nearby visitors, shop owners, and residents fleeing inland on foot. The project site is located in a City-designated tsunami inundation zone, but the City's formal tsunami

evacuation route follows North and South Venice Boulevard—it does not lead through the existing parking lot. If it did, pedestrians would have to weave their way through a parking lot with up to 196 vehicles in a hurry to exit. Such a route would also dead-end at the Abbott Kinney Branch Library (located east of LADOT Lots 701 and 731), where pedestrians would be diverted back onto North and South Venice Boulevard sidewalks.

Other appellants contend that the existing Lot 731 should be left undeveloped in the event that a large wave inundates the area and must drain back to the ocean. The appellants contend that the locally-approved structures would instead reflect wave energy back toward the surrounding development and inundate the canals. However, this contention seems relatively unrealistic considering the narrowness of the project site (190 ft. wide) compared to the overall floodplain's size, the close proximity of canals in and adjacent to the project site, and the dense pattern of development located between the project site and the beach.

Appellants also contend that the existing Lot 731 should be left undeveloped to serve as staging space for first responders and emergency crews accessing the Venice Canals subarea. This is a speculative use of Lot 731, with no historic documentation or references in the LUP. It also fails to acknowledge that Lot 701 would remain available for emergency responder staging near the canals.

The appellants contend that the project site would be inundated if the canal tide gates fail. It is true that tide gate failure would have significant consequences for development along the canals, including the project site and more than a hundred dwelling units with more significant canal exposure than the project site. The City does not typically address potential tide gate failure when analyzing canal-front projects.

Appellants also took issue with the absence of railings or a saltbush barrier (which is generally used along the Venice Canal System) along the Grand Canal sides in the project site. The appellants claim that the absence of barriers poses a drowning risk for children who could fall into the canal, and that drowning is a serious danger for children unable to swim and can occur during even brief unsupervised periods. The City did not address this concern.

Summary
While not all of these contentions raise inconsistencies with Chapter 3 of the Coastal Act, it is clear that the local CDP findings failed to analyze the full scope of hazards possible within the locally-approved development's lifetime. Overall, the local CDP findings do not adequately consider the project's consistency with hazard minimization policies of the Coastal Act and certified Venice LUP.

4. Biological Resource Contentions

Relevant biological resource and water quality policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

Environmentally Sensitive Habitat Area (ESHA)
The appellants contend that the locally-approved project would adversely impact ESHA in a manner inconsistent with the biological resource protection policies of the Coastal

Act and certified Venice LUP **(Exhibit 4)**. Section 30107.5 of the Coastal Act defines ESHA as any area that A) either hosts sensitive species or plays an especially valuable role in an ecosystem and B) may be easily disturbed by anthropogenic influence. Section 30240 of the Coastal Act requires development to ensure compatibility with any adjacent ESHA and prohibits "any significant disruption of habitat values" from such development.

Certified LUP Exhibit 22b designates the entire Venice Canal System as ESHA, including the segment of Grand Canal bisecting the project site. Section IV of the LUP describes the canal system as "support[ing] some of the last remaining pockets of coastal wetland habitat in Los Angeles County." Additionally, the appellants reference an environmental impact report prepared in 1986 for the Venice Canals Rehabilitation Project, which reported California least tern *(Sternula antillarum browni)* foraging activity in the canals. The California least tern has been listed as endangered by state and federal governments since at least the 1970s and constitutes a sensitive species under the Coastal Act. California least tern presence is confirmed in LUP Section IV. The 1986 environmental impact report lists the presence in the canals of at least six species of fish that serve as a valuable food source for least terns and other avian species.

The local CDP findings state: "Although this segment of the Grand Canal is designated an ESHA in the Venice LUP, the project site is not suitable habitat and[sic] foraging for wildlife" **(Exhibit 5).** The local CDP findings summarize the results of the applicants' biological survey. Per this survey, the project site consists entirely of pavement, ornamental vegetation, and disturbed ground vegetated with non-native weeds. The applicants' biological survey did not detect foraging California least terns within 500 ft. of the project site. Venice Beach is the closest known breeding colony of California least terns and is adjacent to multiple, higher quality foraging habitats compared to the Grand Canal terminus. The local CDP findings conclude that this segment of Grand Canal "exhibits limited biological values" and would not be adversely impacted by the project.

The City's characterization of the Grand Canal terminus is accurate. Most of the Venice Canal System offer sandy banks, transitional vegetation, and mudflats. In the greater Venice Canal System, wading birds loaf and hunt on the shores, intertidal invertebrates burrow in the mudflats, and fish navigate the open waters (to name only a few habitat uses shown in appellant-submitted photos). By comparison, the Grand Canal terminus offers solely open waters framed by vertical concrete embankments connecting directly to the abutting sidewalk. Commission staff observed waterfowl (such as ducks and geese), fish, encrusting invertebrates, and algae within the Grand Canal terminus in multiple site visits: all of which are unlikely to be disturbed by high levels of human activity posed by the adjacent quadraplex and public parking lots.

However, the local CDP failed to analyze the project for consistency with LUP policies IV.A.2, IV.A.3, and IV.A.4. The LUP requires preservation of canal habitat primarily by requiring canal-fronting development to provide disturbance buffers and drainage features. LUP Policy IV.A.2 encourages open space and passive public recreation uses adjacent to the canals. Policy IV.A.3 requires a minimum 1.5 to two-foot landscape buffer between canal banks and sidewalks. Policy IV.A.4 requires a minimum permeable yard area at least 15 times the width of the lot line in the front yard areas of private residences adjacent to the canal property line. These policies are intended, in

part, to minimize disturbance to sensitive species relying on the canals for food and shelter.

The locally-approved plan renderings appear to show passive-use recreational walkways and landscaped areas adjacent to the canal **(Exhibit 2)**, as encouraged by LUP Policy IV.A.2., but the local CDP does not provide specific analysis. Nor does the local CDP address the project's failure to provide the minimum permeable yard and landscape buffers between the canal banks and abutting sidewalks, as required by LUP policies IV.A.3 and IV.A.4. If such features are not feasible onsite, the City's analysis should have included that discussion and considerations for alternatives and mitigation for potential impacts to ESHA.

The appellants also contend that the locally-approved construction process will disturb canal wildlife with noise, dust, and vibrations. The local CDP findings do not address potential construction impacts or whether decibel and vibration limits are needed to avoid ESHA disturbance.

Water Quality

The appellants contend that the locally-approved project would adversely impact water quality in the surrounding area, in a manner inconsistent with the biological resource protection policies of the Coastal Act and certified Venice LUP. Sections 30230 and 30231 of the Coastal Act require coastal development to maintain, and avoid adverse impacts to, the biological productivity of coastal waters. Section 30231 specifically requires the use of runoff control, wastewater reclamation, and natural vegetation buffers (among other strategies) to restore optimum marine populations where feasible. The certified LUP echoes these requirements in policies IV.A.2 and IV.A.3.

As stated above, the Venice Canal System is designated as ESHA in the certified LUP. This renders drainage features especially important onsite, as insufficient drainage may introduce polluted runoff into Grand Canal and the overall canal system. The locally-approved plans propose 1,500 sq. ft. of permeable, landscaped area adjacent to the sidewalk along the east bank of the Grand Canal. The local CDP findings state that the subject eastern yard area (plus 16,250 sq. ft. of additional open space dispersed throughout the project site) will facilitate adequate stormwater drainage and re-introduction to groundwater reserves.[21]

The LUP requires residential development on both sides of the canal to provide an average 15-ft. wide permeable yard area along the canal-facing property line. Currently, the lots adjacent to the Grand Canal terminus are designated Open Space and do not have a minimum permeable setback requirement. The intent of the LUP was clearly to require permeable area between the east/west canal sidewalks and private residential development. The local CDP findings acknowledge this intent, referencing the need for an average 15-ft. setback and open permeable yards along the canal frontage, but do

[21] The local CDP findings actually describe the subject permeable area as "within the east banks of the Grand Canal," but this is a typographical error. The locally-approved plans site the permeable yard adjacent to the east canal sidewalk.

not reconcile this statement with the approval of a permeable yard solely on the east side of the canal.

Furthermore, no other drainage system is described in the local CDP. Considering the project site is a 2.65-acre parking lot, and the parking use would continue with the proposed project, additional modern measures to capture runoff polluted by vehicles are necessary to protect water quality. The City's findings to not contemplate any water quality measures nor indicate if the locally-approved project would advertently or inadvertently direct pollutants into Grand Canal.

The appellants also contend that the locally-approved project would impede regular maintenance of the Venice Canal System. The City hires a vendor to remove floating algal mats and anthropogenic trash from the canals on a weekly basis. The vendor uses the boat launch ramp to enter the canals via a catamaran. The appellants submitted photographs of the algae amassed in dumpsters in the existing boat launch parking lot. CDP Nos. 5-91-584 and 5-92-377-A1 require the City to provide no fewer than seven parking spaces to the public at the public boat launch ramp; the use of those parking spaces to store dumpsters and vendor equipment is not described in the CDP and may constitute an obstruction of public access. Regardless, the locally-approved project and plans do not indicate whether the catamaran would still be able to access the ramp without obstructing use of the surrounding walkway. Additionally, the City did not provide any analysis regarding how the canals would be cleaned or maintained once the boat launch parking lot is no longer available to the vendor in its current configuration.

Summary
Overall, the local CDP findings did not adequately acknowledge the presence of ESHA onsite, consider how the project may disrupt habitat values in Grand Canal, or include an alternatives analysis that considered the possibility of providing vegetated buffers onsite. Furthermore, the City's findings did not provide any discussion of the permeable yard area and drainage system or whether they are adequate to avoid water quality impacts to the surrounding area. Overall, the local CDP findings do not adequately consider the project's consistency with biological resource protection policies of the Coastal Act and certified Venice LUP.

5. Archaeological and Tribal Cultural Resource Contentions

Relevant archaeological and tribal cultural resource policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

The appellants contend that the local CDP failed to require mitigation measures for potential adverse impacts to archaeological, including tribal cultural, resources, in a manner inconsistent with tribal cultural resource protection policies of the Coastal Act and certified LUP **(Exhibit 4)**. Section 30244 of the Coastal Act requires reasonable mitigation measures be provided to offset impacts to archaeological resources. LUP Policy I. F. 6. requires a "cultural resources record search to determine the existence of significant archaeological sites" and mitigation plans for the protection of any such resources.

The local CDP approved 9,100 cy. of cut for construction of the development with a subterranean level **(Exhibit 5)**. Such ground disturbing activities have the potential to destroy or unearth archaeological, including tribal cultural resources. In this case, the grading would disturb native and other soil types that have the potential to contain such resources. Despite the substantial amount of grading proposed, no mitigation measures for the preservation of archaeological, including tribal cultural, resources are described in the local CDP.

The City published a Notice of Preparation and Initial Study for the project with findings describing potential impacts to tribal cultural resources on December 18, 2018. The City subsequently notified representatives of the Gabrieleño Band of Mission Indians – Kizh Nation. Consultation between City Planning Department staff and Chair Andrew Salas of the Gabrieleño Band of Mission Indians – Kizh Nation was conducted via conference call on March 6, 2019. Chair Salas requested mitigation measures be implemented, due to the project's location in a sensitive area and the potential for significant adverse impacts to tribal cultural resources.

On June 15, 2020, the City notified representatives of the Gabrieleño Band of Mission Indians – Kizh Nation that the project had been determined exempt from CEQA review and an Environmental Impact Report would not be prepared. As such, tribal cultural resource mitigation measures were not required as part of the City's action. On March 1, 2022, petitioners Los Indios De San Gabriel, Inc. and Coalition for Safe Coastal Development filed suit against the City for its approval of the project and cited its failure to conduct consultation, as required by Assembly Bill 52, as one of the causes of action. Los Indios de San Gabriel, Inc., a California non-profit corporation, is the tribal entity through which The Gabrieleño Band of Mission Indians – Kizh. [22]

As such, the locally-approved project fails to incorporate measures necessary for consistency with cultural resource protection policies of the Coastal Act and certified LUP.

6. Additional Contentions

Additional contentions include that the City's action on the local CDP relied on factual omissions and errors while providing insufficient opportunities for public engagement. While some errors and insufficient findings are present in the local CDP, as detailed in subsections 1 through 5 of Subsection VI.C (Substantial Issue Analysis) above, Commission staff are not aware of any substantive project misrepresentations in the local CDP findings. The local record also shows that the legal noticing requirements for local government hearings were satisfied for City actions on the subject project. Some appellants also contend that the City incorrectly exempted the project for CEQA review on the basis of Public Resources Code Section 21080.27(b)(1) and Assembly Bill No. 1197.[23] However, the Commission does not review other agencies' CEQA determinations.

[22] Petition for Writ of Mandate beginning on Page 26.
[23] Public Resources Code §21080.27 and Assembly Bill No. 1197.

One appellant contends that the City and Coastal Commission have discriminated against applicants proposing market-rate development in the Venice coastal zone. The appellant claims that an inordinate amount of affordable housing has been located in Council District 11 of Venice to create "a containment zone" for low-income tenants, which the appellant compares to Skid Row. The appellant references inconsistency with the Commission's environmental justice policies but does not identify an injustice posed to any marginalized or disadvantaged group (such as low-income communities).[24] Instead, the appellant contends that a disadvantaged group is posing a burden to the surrounding community. This contention does not raise issues related to the Chapter 3 of the Coastal Act and is not a valid ground for appeal.

D. SUBSTANTIAL ISSUE FACTORS

The Commission applies five factors in determining whether an appeal raises a substantial issue pursuant to Coastal Act Section 30625(b)(2) and Title 14, California Code of Regulations Section 13115.

1. The degree of factual and legal support for the local government's decision. As discussed above, the City did not substantially support its findings of consistency with all applicable policies of Chapter 3 of the Coastal Act and certified Venice LUP. The City found that the project would improve public access without describing the proposed parking rates, method of operation, or how 253 public parking spaces would actually be provided onsite (considering the locally-approved plans showed fewer striped spaces than the City approved/required). The City found that the project would not adversely affect community character without an analysis of surrounding development architecture or the project's the potential cumulative effect in combination with past and potential future projects. The City found that the project adequately minimizes hazards without analyzing whether groundwater, liquefaction, or tsunami risk adaptation measures were necessary. The local CDP findings determine the project to pose no adverse impacts to biological resources without discussing a proposed drainage system or whether the feasibility of new landscaping buffers near the canal. The City did not make any findings regarding archaeological and tribal cultural resource protection; no monitoring or other mitigation measures were required. The City found that the project would not adversely affect public views without accompanying details or as-built view corridor analysis. Thus, the City did not provide an adequate degree of factual and legal support for its decision, and this factor supports a finding of substantial issue.

2. The extent and scope of the development as approved or denied by the local government. The City approved a 103,957 sq. ft. development constructed across 40 existing lots, which includes 140 dwelling units, 3,065 sq. ft. of commercial space, 685 sq. ft. of supportive housing services, 359 total parking spaces distributed between two garages. The project site comprises 2.65 total acres, which is bisected by a waterway and located along a major route between inland communities and the Venice coastal zone. The City's action includes demolition of a City-owned public parking lot used for beach access, an occupied quadraplex, and demolition of the existing seven-space public parking lot for the boat launch ramp, the sole method of public access to the Venice Canal System. The project site bisects an open canal designated in the certified

[24] Coastal Commission's Environmental Justice Policy.

LUP as ESHA. Thus, the extent and scope of development approved by the local government are significant, and, for the reasons discussed herein, this factor supports a finding of substantial issue.

3. The significance of the coastal resources affected by the decision. Venice is one of the most popular coastal visitor destinations in California. It also includes a navigable canal system that is designated as ESHA, which provides habitat for marine animals and is directly connected to the ocean. The provision of adequate and accessible public parking is a major component in ensuring equitable public access to the coast. The provision of affordable housing in the coastal zone also aligns with and supports public access to the coast. The City's action would provide 140 dwelling units with supportive services, while also eliminating the project site for potential future use as an expanded parking hub as discussed in the certified Venice LUP. Additionally, the locally-approved project would reduce parking spaces for the boat launch ramp and eliminate the ability of vehicles to unload directly onto the ramp. The scope of potential public access issues is significant and was inadequately analyzed by local CDP findings. Other potentially impacted coastal resources include community and visual character in a major access corridor; the safety of the development's occupants (and surrounding community) from coastal hazards; water quality of the surrounding Venice Canal System and Venice Beach; and paleontological and/or tribal cultural resources unearthed during the grading of a 2.65-acre area. The City's findings did not contemplate water quality impacts associated with the development or require any measure to protect water quality as a condition of approval for the project. Thus, the City's action has the potential to impact significant coastal resources, and this factor supports a finding of substantial issue.

4. The precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP, but it does have a certified LUP. The Commission determined the LUP to be consistent with Chapter 3 of the Coastal Act, with resource protection policies that outline a clear goal for development in Venice. The project was erroneously determined to be consistent with certified LUP development standards as numerous inconsistencies persist in the absence of a Commission-approved and certified LUP amendment. As discussed above, the local CDP approved a multitude of inconsistencies with the certified LUP, with the assumption that the associated, project-specific LUP amendment would be approved and certified by the Commission. The City's action is explicitly inconsistent with LUP exhibits 10b and 14b and policies I.A.1, I.A.7.D, I.B.7, IV.A.3, and IV.A.4 regarding allowable land uses, maximum heights, maximum residential densities, minimum permeable canal setbacks, and minimum canal landscape buffers. It could also set a precedent for local permitting of future affordable housing projects, in which the City provides a lesser degree of coastal resource impact analysis and approves development contingent on a future Commission-approved LUP amendment. The City's action will also impact future implementation of the LUP's in-lieu fee parking program; and future interpretation of public access protections for the boat launch ramp. Thus, the City's action is highly precedential in influencing future interpretations of its LUP and, by extension, the Chapter 3 policies of the Coastal Act and prejudice the City's ability to prepare an LCP in the future. This factor supports a finding of substantial issue.

5. Whether the appeal raises local issues, or those of regional or statewide significance. The City's action would provide more than 100 affordable dwelling units with supportive services during a state-wide housing crisis and regional surge in homelessness. Additionally, Venice has been identified as a 'Special Coastal Community' drawing visitors from the greater state, country, and world; the issues raised by the appeal therefore exceed the local scope. The local CDP findings do not adequately address the potential resource impacts raised in the appeal. Therefore, the Commission finds that the appeal does raise issues of greater significance, and this factor supports a finding of substantial issue.

Conclusion
Applying the five factors listed above clarifies that the appeal raises a "substantial issue" with respect to the project's consistency with Chapter 3 of the Coastal Act and the certified Venice LUP. The decision may set an adverse precedent for future interpretations of the Venice LUP and prejudice the City's ability to prepare an LCP in the future. Therefore, the Commission finds that the appeal raises a substantial issue as to the project's conformity with the Chapter 3 policies of the Coastal Act.

VI. MOTION AND RESOLUTION – DE NOVO PERMIT

> **Motion:** I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-22-0042 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 Coastal Development Permit Application No. A-5-VEN-22-0042 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.

VII. MOTION AND RESOLUTION – DUAL PERMIT

> **Motion:** I move that the Commission **approve** Coastal Development Permit Application No. 5-22-0588 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 Coastal Development Permit Application No. 5-22-0588 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

III. SPECIAL CONDITIONS

1. **Submittal of Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, final Project Plans in substantial conformance with the Project Plans dated November 4, 2024. The final Project Plans shall, at minimum, include the following provisions:

   A. Revision of the land use designation on Sheet G0.01 to state “Community Commercial”.

   B. Provision of an average 15-ft. (and no less than 10-ft.) setback between primary development and canal-fronting property lines. Development within the canal setback is limited to paved public accessways and parking lots, permeable landscaping, and fencing or railing up to 3.5-ft. in height. A minimum 366 sq. ft. permeable area shall be provided between the new west structure and the west side of Grand Canal. A minimum 240 sq. ft. permeable area shall be provided between the new east structure and the west side of Grand Canal.

   The permittees shall undertake development in accordance with the final Project Plans approved by the Executive Director. Any proposed changes to the approved, final Project Plans shall be reported to the Executive Director. No changes to the approved, final Project Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Submittal of Final Parking Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, a revised, final Parking Management Plan in substantial conformance with the “Plan for Permanent Replacement and Expansion of Public Parking” dated March 2022. The final, revised Parking Management Plan shall, at minimum, include the following:

   A. Provision of at least 196 public parking spaces onsite (not including the seven public boat launch ramp parking and loading/unloading spaces required for the boat launch area pursuant to **Special Condition 3**).

B. Provision of at least 57 resident parking spaces on the western side of Grand Canal within the project site;

C. Provisions to prevent the use of public parking spaces by residents onsite;

D. Provision of a parking rate plan in which no public parking space shall exceed the approved parking rate pursuant to CDP No. 5-01-028 unless a separate coastal development permit or amendment for a different parking rate is obtained.

E. Provision of a Final Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each public parking garage wayfinding sign. The signs shall facilitate, manage, and provide public access to the public beach parking garages.

The permittees shall undertake development in accordance with the final Parking Management Plan approved by the Executive Director. Any proposed changes to the approved, final Parking Management Plan shall be reported to the Executive Director. No changes to the approved, final Parking Management Plan shall occur without a Commission amendment to CDP No. 5-01-028 (the last CDP approved by the Commission for a parking rate system in LADOT Lot 731) or this CDP unless the Executive Director determines that no amendment is legally required. This includes any change in the number of parking spaces proposed under this permit, including, but not limited to, the leasing or selling of parking spaces to third parties, or reserving parking spaces for other uses not approved under this permit. These proposed changes shall be submitted to the Executive Director to determine if an amendment to the permit is legally required.

3. **Submittal of Final Boat Launch Access Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, a final Boat Launch Access Plan in substantial conformance with the Boat Launch Access Plan dated November 4, 2024. The final Boat Launch Access Plan shall, at minimum, include the following:

A. Provision of at least seven 18-ft. long by 8.25-ft. wide vehicle parking spaces, and one ADA-compliant vehicle parking space, sited in a parking lot adjacent to the Grand Canal boat launch ramp and provided free of charge during all hours between 8 A.M. and sunset, with specified methods to avoid the use of the subject areas by non-boating visitors.

B. Provision of a vehicle entrance and exit between the boat launch ramp parking lot and North Venice Boulevard separate from those of other development onsite.

C. Removal of any and all ‘Private Property’ signage from the vicinity of the boat launch ramp accessway and parking lot and gates and fencing from the site of the boat launch and parking lot.

D. Provision of a Final Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each boat launch wayfinding sign. The

signs shall facilitate, manage, and provide public access to the boat launch ramp and associated parking lot.

The permittees shall undertake development in accordance with the final Boat Launch Access Plan approved by the Executive Director. Any proposed changes to the approved, final Boat Launch Access Plan shall be reported to the Executive Director. No changes to the approved Boat Launch Access Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Submittal of Final Construction Staging Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, a revised, final Construction Staging Plan in substantial conformance with the "Temporary Plan for Replacement of Public Parking (during Construction Period)" dated May 1, 2022. The final, revised Construction Management Plan shall, at minimum, include the following:

   A. Provision of at least 180 replacement offsite parking spaces at LADOT Lot 701 for the full duration of construction closures at the project site. Lot 701 shall remain in operation and available to public vehicles from at least 8AM to 5PM every day, with the exception of a temporary partial closure for the Venice Farmer's Market for a period not to exceed five hours on a single day of the week.

   B. Provision of at least 16 replacement parking spaces at a second offsite parking lot for the full duration of construction closures at the project site. The second offsite parking lot shall be located no further inland from the sandy beach than LADOT Lot 701. The replacement parking spaces shall be leased from the second offsite location on, at minimum, weekends and state holidays. A copy of the lease agreement, as well as a plan for rate collection (the approved parking rates pursuant to CDP No. 5-01-028) at the offsite location, shall be provided for Executive Director review and approval.

   C. Provisions for signage at the project site indicating the location, quantity, and cost of replacement parking at the second offsite parking lot.

   D. Provisions for storage of all construction equipment within the project site and out of the public right-of-way for the duration of construction;

   E. Provisions for the use of a flagman to direct traffic during initial placement or removal of construction equipment and/or dumpsters onsite; and

   F. Identification of a disposal site for waste materials and recyclable materials located outside of the coastal zone.

   G. Copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, with such copies available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved

Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.

H. A construction coordinator shall be designated as the point of contact during construction should questions arise regarding the construction in case of both regular inquiries and emergencies. The construction coordinator's contact information, i.e., address, phone numbers, email, etc., including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible. This information shall indicate that the construction coordinator should be contacted in case of questions regarding the construction for both regular inquiries and emergencies. The construction coordinator shall record the name and contact information, i.e., address, email, phone number, etc., and nature of all complaints received regarding the construction and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Any complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

The permittees shall undertake development in accordance with the final Construction Management Plan approved by the Executive Director. Any proposed changes to the approved, final Construction Management Plan shall be reported to the Executive Director. No changes to the approved, final Construction Management Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Tsunami Hazard Safety Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit, for the review and written approval of the Executive Director, a plan for mitigating the hazards associated with potential flood inundation of the site from tsunami wave run-up.

A. The plan shall demonstrate, at minimum, the following:

i. The existence of the threats of inundation of the site related to a tsunami event (both distant and local sources) will be adequately communicated to all employees and residents;

ii. Information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event;

iii. Efforts will be provided to assist less physically mobile employees, customers, and residents in seeking evacuation from the site during a potential tsunami event; and

iv. Staff will be adequately trained to carry out the safety plan.

B. The plan shall include, at minimum, the following:

i. Information Component, detailing the provision of informational materials to employees and the posting of placards, flyers, or other materials at conspicuous locations explaining flood risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes;

ii. Evacuation Assistance Component, detailing the efforts to be undertaken by property management staff to assist the evacuation of physically less mobile persons during a tsunami event; and

iii. Staff Training Component, detailing the instruction to be provided to all property management/employee staff to assure that the Tsunami Safety Plan is effectively implemented.

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

6. **Submittal of Final Landscaping Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, revised, final Landscaping Plans in substantial conformance with the Landscaping Plan Sheets L.1.10 and L1.11, dated May 12, 2021. The final, revised Landscaping Plans shall at minimum include the following:

A. Provision of a plant palette consisting of native plant species and/or non-native, drought-tolerant, and non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society (https://www.cnps.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (https://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 (https://ucanr.edu/sites/WUCOLS/files/183488.pdf); and

B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or micro-spray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.

The permittees shall undertake development in accordance with the final Landscaping Plans approved by the Executive Director. Any proposed changes to the approved, final Landscaping Plans shall be reported to the Executive Director. No changes to the approved, final Landscaping Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required

7. **Submittal of Final Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, final drainage system plans in substantial conformance with the "LID Runoff Management Plan" dated August 1, 2023. The final drainage plans shall, at minimum, include the following provisions:

   A. Elimination of the phrase "Pretreatment Option" from the plans;

   B. Provision of downspout filters, Continuous Deflection Separator units, two cisterns, planter drains, and trench drains to treat, capture, and/or discharge runoff to the proposed locations;

   C. Estimation of the volume and depth below grade of the two cisterns;

   D. Provision for a cleaning schedule for all pre-treatment drainage features onsite, as well as specification of which entity is responsible for cleaning drainage features in each structure.

8. **Submittal of Marine Debris Reduction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a robust plan, including a comprehensive monitoring and evaluation framework, to reduce waste and single-use items. The plan shall include at a minimum, all of the following, and the applicants shall implement the approved version of the plan:

   A. The applicants shall install and maintain educational signage for commercial development staff and patrons that promotes and encourages the use of reusable items (instead of single-use items).

   B. All commercial development onsite shall adhere to the following criteria:

      i. Only use reusable food-ware (including dinnerware, drinkware, silverware, and ramekins/containers) for onsite dining, specifically prohibiting the use of plastic cups, utensils or any other service-ware.

      ii. Prohibit the use of plastic straws and only provide reusable straws, non-plastic straws, or straws made from naturally occurring materials, upon request.

      iii. Prohibit the use of expanded polystyrene (aka Styrofoam).

      iv. Prohibit the use of plastic bags onsite or for takeout/to-go orders.

      v. Only provide single-use (biodegradable or compostable) utensils, straws, condiments, containers, and other accessory items upon request for takeout/to-go orders.

      vi. Prohibit the sale of beverages in plastic bottles.

      vii. Follow proper recycling practices.

C. Install a microfiber filtration system for all residential laundry facilities to capture and remove microfibers from the water during the laundering process.

D. All waste resulting from restaurant activities should be exported outside the coastal zone.

The applicants 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 plan shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required

9. **Methane Mitigation Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittees shall provide to the Executive Director a copy of a permit issued by the City of Los Angeles Department of Building and Safety, a letter of permission, or evidence that no permit or permission is required, for the proposed methane mitigation system. The permittees shall inform the Executive Director of any changes to the project (including, but not limited to, the methane mitigation system) required by the City of Los Angeles Department of Building and Safety. Such changes shall not be incorporated into the project until the permittees obtain a Commission amendment to this coastal development permit, unless the Executive Director issues a written determination that no amendment is legally required.

10. **Bird Strike Prevention.** Canal-facing deck railing systems, fences, screen walls, gates, and windows subject to this permit shall use materials designed to minimize bird-strikes. Such materials may consist, all or in part, of frosted or partially-frosted glass, or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglass shall not be installed unless they contain UV-reflective glazing that is visible to birds, or unless the materials are provided by Ornilux glass or equivalent. All materials shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

11. **Construction Best Management Practices.** Construction Responsibilities and Debris Removal. By acceptance of this permit, the applicants agree that:

A. 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 wind, rain or tidal erosion and dispersion;

B. 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;

C. 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;

D. Demolition or construction debris and sediment shall be removed from work areas regularly to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;

E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

F. The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

G. 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;

H. 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;

I. 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;

J. The discharge of any hazardous materials into any receiving waters is prohibited;

K. 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;

L. 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; and

M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

N. Drainage and Water Quality

i. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board;

ii. All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;

iii. 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; and

iv. All runoff leaving the site shall be directed away from the nearby bluff and beach and into the City storm drain system

12. Provision of Affordable Units.

A. By acceptance of this permit, and as proposed by the permittees, the permittees agree that the 120 affordable units onsite shall be maintained as affordable units for the life of the development approved by CDP No. A-5-VEN-22-0042/5-22-0588.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittees shall provide to the Executive Director evidence that the applicants have recorded the deed restriction required by the City for the creation of affordable rental units.

13. Public Rights. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist on the property. The permittees shall not use this permit as evidence of a waiver of any public rights that may exist on the property now or in the future.

14. Development Removal. By acceptance of this permit, the permittees agree, on behalf of itself and all successors and assigns, that the permittees or their successors and assigns shall remove the development authorized by this permit and any other improvements associated therewith 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 damage or destruction from flooding or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use;

B. Essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;

C. Removal is required pursuant to LCP policies for sea level rise adaptation planning; and/or

D. The development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

The permittees shall obtain a coastal development permit for removal of the approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.

15. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicants acknowledges and agrees (i) that the site may be subject to

hazards from storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicants and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable and (viii) that the structures may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.

16. **Consistency with the Land Use Plan**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, certification of the City of Venice Land Use Plan Amendment No. LCP-5-VEN-23-0037-1 by the Coastal Commission must be final and effective in accordance with the procedures identified in the California Code of Regulations, Title 14, Division 5.5, Section 13544.

17. **Proof of Legal Ability to Comply with Conditions.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall demonstrate the legal ability or authority to comply with all of the terms and conditions of this coastal development permit by submitting, for the Executive Director's review and approval, information indicating approval from the record title property owner(s) that (a) authorizes the applicants to proceed with the approved development and (b) permits the applicants to comply with the terms and conditions of this coastal development permit.

18. **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 A-5-VEN-22-0042/5-22-0588 shall prevail.

19. **Liability for Costs and Attorneys' Fees.** The permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) imposed by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the permittees against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. By acceptance of the permit conditions, the applicants irrevocably agree that this obligation, which is a contractual obligation, shall be continuing in nature and remain in full force and effect regardless of whether this permit approval is invalidated as the result of the litigation contemplated by this condition or otherwise changed in any way.

20. **Final Tract Map.** PRIOR TO ISSUANCE OF THE PERMIT, AND PRIOR TO RECORDATION OF THE FINAL TRACT MAP, the applicants shall submit to the Executive Director for review and approval, the final version of the Vesting Tentative Tract Map No. VTT-82288. The tract map shall reference that the Property is restricted pursuant to the recorded Deed Restriction, required pursuant to **Special Condition 22**. The Executive Director's review shall be for the purpose of ensuring compliance with the standard and special conditions of this Coastal Development Permit. In addition, after recordation of the final map, the applicants shall submit an electronic copy of the recorded Final Tract Map No. VTT-82288 to the Executive Director within 3 days of recordation and a physical copy no later than 30 days after recordation.

21. **Protection of Archaeological and Tribal Cultural Resources.** The permittees shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:

    A. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittees shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Gabrieleño-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. A qualified archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.

    B. If an area of archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittees shall retain a qualified archaeologist and a tribal cultural resource specialist qualified to analyze the significance of the find in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.

C. Should human remains be discovered onsite during the course of the project, immediately after such discovery, the onsite archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The permittees shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittees shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

D. A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above), following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

22. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AND PRIOR TO RECORDATION OF THE FINAL TRACT MAP, the applicant(s) 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 in perpetuity and run with the land. 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.

VII. FINDINGS AND DECLARATIONS

The findings set forth in Subsection VI.C (Substantial Issue Analysis) are incorporated herein.

A. De Novo/Dual Permit Project

The project location and background findings of report Subsection VI.A. (Locally-Approved Project) above are incorporated herein by reference.

Standard of Review
Following a substantial issue determination on the local CDP, the Commission considers de novo review of the project application. Application No. A-5-VEN-22-0042 is currently before the Commission. The applicants are not bound to the scope of work approved by the City. In past Commission actions, applicants have made project revisions under de novo applications to address issues of Coastal Act consistency. In this case, the applicants have made project revisions following the City's action on the local CDP. A set of tables comparing the locally-approved and currently proposed project components can be found in Appendix B of this staff report.

"Dual" CDP Application No. 5-22-0588 is also currently before the Commission. Despite the absence of a certified local coastal program (LCP), the City of Los Angeles is able to issue CDPs. Pursuant to the provisions of Public Resources Code Section 30601, the City's coastal zone is divided into two areas known as the "Single Permit" and "Dual Permit" jurisdictions. In the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local CDP permit also obtain a second (or "dual") CDP from the Coastal Commission. The Commission's standard of review for the proposed development in the Dual Permit Jurisdiction area are the Chapter 3 policies of the Coastal Act, with the certified Venice LUP providing guidance. The proposed project is located with the Dual Permit Jurisdiction Area. The applicants submitted the required "dual" CDP Application No. 5-22-0588 on July 11, 2022.

De Novo/Dual Permit Project Description
The proposed development has been revised since its initial approval by the City **(Exhibit 6)**. The currently proposed project consists of three primary components: A) consolidation of 40 lots and subdivision into two ground lots and seven airspace lots; B) demolition of the existing surface public parking lot (LADOT Lot 731) and quadraplex; and C) construction of two new, three- and four-story, 35-ft. tall mixed-use structures totaling 97,050 sq. ft. of habitable interior area and 131,646 sq. ft. of interior garage area. The project includes 1,500 cy. of cut and 100 cy. of fill.

The proposed west structure (i.e. sited west of the Grand Canal) would consist of a three-story, 35-ft. tall, 41,436 sq. ft. mixed-use development with a 51,579 sq. ft. parking garage and four roof access structures. The west structure would function as a ring of

supportive housing and commercial development surrounding a 101-space parking garage in the center. The 101 parking spaces would include 55 residential spaces, no commercial spaces, and 46 public parking spaces (including 20 Beach Impact Zone spaces required by the certified LUP). Uses surrounding the parking garage would include 1,735 sq. ft. of retail area, 260 sq. ft. of supportive resident services, and 48 dwelling units. No campanile, subterranean levels, or mechanized parking lift system are proposed.

The proposed east structure (i.e. sited east of the Grand Canal) would consist of a similarly designed three-story, 35-ft. tall, 55,690 sq. ft. mixed-use development with a 80,067 sq. ft. garage and five roof access structures. The east structure would function as a ring of residential housing surrounding a 177-space parking garage structure. All 177 parking spaces in the east structure would be available to the general public. Uses surrounding the internal parking garage would include 1,409 sq. ft. of supportive resident services and 72 dwelling units..

Regarding the dwelling units, all 120 dwelling units would be rate-restricted per the below affordability ranges:

- 68 units reserved for people experiencing homelessness;
- 26 live/work units reserved for low-income tenants;
- 16 units reserved for low-income households (four of which would be offered the right of refusal for tenants of the demolished quadraplex);
- 7 extremely-low income units and
- Three units reserved free of cost for property-managers.

The existing quadraplex offers rent affordable for low-income households. Quadraplex tenants will receive federal and state relocation assistance benefits in advance of, and upon initial relocation from, the property. Under the Disposition and Development Agreement (DDA), the applicants shall be responsible for payment of any relocation benefits to displaced persons pursuant to local, state, and federal Relocation Laws, including, but not limited to, moving assistance, rent vouchers and the cost of a relocation consultant selected by the City. Upon completion of the proposed development, the subject quadraplex tenants would be offered new units at rents equivalent to those before quadraplex demolition if the tenants are income-qualified (i.e. do not exceed the maximum household incomes allowed in the supportive affordable housing development). If the subject quadraplex tenants qualify for and accept the affordable units, the project would technically provide four newly re-developed units for existing tenants onsite plus 136 new dwelling units.

The new dwelling units would be accompanied by 1,669 sq. ft. of supportive services, consisting of office space where residents would receive case management such as help applying for jobs, enrolling in government aid programs, and seeking health services. No art studio or restaurant/café is proposed.

Regarding the boat launch ramp, the existing surface parking lot would be replaced with a similar surface parking lot sited in roughly the same footprint **(Exhibit 9)**. Seven standard-sized vehicle parking spaces and an eighth Americans with Disabilities Act (ADA)-compliant space would be striped along, and perpendicular to, the eastern Grand

Canal sidewalk perimeter. The boat launch parking lot would contain two vehicle lanes: visitors would enter the lot from North Venice Boulevard via the incoming lane and exit back onto North Venice Boulevard via an outgoing lane. No gate or other method of blocking the vehicle entrance is proposed. Visitors would carry vessels between 30 and 100-ft. from boat launch parking spaces to the boat launch ramp, similar to existing conditions when the lot is open. No loading or unloading spaces are proposed.

Regarding the Grand Canal Historic Bridge, the existing vehicle accessway between the east and west sides of the existing public parking lot (and used informally by pedestrians and cyclists) would be converted to solely a pedestrian accessway. The existing driveway aprons on each side of the bridge would be demolished and replaced with two bridges and a ramp.

The City owns the existing 40 lots, and no change in lot ownership is proposed. The City would enter a long-term ground lease with the co-applicants for the subject area except for the east side parking garage ground area. With recordation of the ground lease, all public development (except the 46 public parking spaces in the west structure) would be owned by the City and managed by the LADOT Bureau of Parking Management. Public development would include the public parking garage in the east structure, the boat launch parking lot, and the boat launch ramp. The 46 public parking spaces sited in the west structure would be owned by the applicants and managed by LADOT via a recorded easement. All private development would be owned by the applicants. Private development would include the entire west structure and the residential portions of the east structure. This management and ownership structure would be enforced pursuant to the City's approved Vesting Tentative Tract Map **(Exhibit 7)**.

B. Development and Community Character

Relevant development and community character policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report. The findings regarding historic resources of Subsection VI.C.2 (Visual Resource Contentions) are incorporated herein by reference.

Section 30250(a) of the Coastal Act requires new development to "be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it" and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. A broad spectrum of coastal resources can be impacted by the location, use, and design of new development. Other coastal resources are considered in the report subsections below. In the context of this subsection, analysis will focus on protection of Venice' unique patterns of development.

Sections 30251 and 30253(e) of the Coastal Act state that scenic areas and special communities shall be protected. These sections require permitted development to be visually compatible with the surrounding area's character. Sections 30251 and 30253(e) further require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Venice is one of the most popular visitor destinations in California. In prior actions, including certification of the Venice LUP, the Commission designated Venice as a 'Special Coastal Community' whose character must be protected under Coastal Act Section 30253(e). The City prepared and submitted the Venice LUP for Commission certification in 1999, with provisions to "protect the unique character of the individual Venice neighborhoods by controlling development." The unique community characteristics cited in the LUP include varied architecture, balanced mass and scale, and relatively small lot sizes compared to other coastal communities. The pattern of development uses was also considered.

Density and Intensity of Use

Chapter II of the LUP states its intention to plan for "the year 2010 Venice population as projected by Southern California Association of Governments [in 1999] …of approximately 38,325 persons." It is difficult to obtain Venice-specific census data, but in 2021 the City estimated a total Venice population of 34,170.[25] (The City's census likely did not include Venice's unhoused population.)

A current deficit of more than 4,000 Venice residents compared to 1999 projections could illustrate any number of trends. One interpretation is a lesser availability of housing stock in Venice than originally projected in 1999. Another interpretation is a prohibitively expensive housing market limiting the number of residents. Alternatively, the Southern California Association of Governments may have simply overestimated population increases. Regardless, comparing the 1999 projection and 2021 census count shows that the LUP's intended residential land use densities have not been realized.

Community-members have raised concerns with the 120-unit increase in residential density near the Venice Canals without an associated upgrade in utility services. These community-members site frequent electricity 'black-outs' in the Venice Canals single-family residential neighborhood and contend that the proposed project would further burden the water, gas, and electric power grid in the Venice coastal zone. However, concerns of inadequate infrastructure are more typically raised in rural areas of the coastal zone, where housing is spread across vast undeveloped areas and transmission lines must cross agricultural lands.[26] Venice is a densely-developed portion of the City of Los Angeles, which hosts the highest urban population density in the nation per the last four decades of U.S. Census Bureau data.[27] The Venice coastal zone is almost entirely built-out. As such, the proposed 120-unit development is unlikely to pose a unique strain on public infrastructure in such a densely populated area.

The City Planning Department has indicated that the City has an existing process for large projects (and general tract map approvals) to determine whether expanded infrastructure is necessary. Project plans and associated information are sent to multiple City infrastructure agencies, including, but not limited to, the City Department of Transportation, Department of Water and Power, and Department of Sanitation. These

[25] "Venice Demographic Profile", City Planning Department, 2021.
[26] LCP-3-SCO-23-0004-1-Part-B (Santa Cruz County) is an example.
[27] "Nation's Urban and Rural Populations Shift Following 2020 Census", U.S. Census Bureau, 2022.

agencies in turn review the plans and flag potential issues, including over-burdened infrastructure. The subject agencies governing local infrastructure conducted initial review of the proposed project and did not raise issue in the local record beyond requiring general compliance with their respective, uncertified codes.[28]

Furthermore, studies show that multi-family housing developments use far less electricity and gas per unit than single-family housing. An Environmental Protection Agency study published in 2011 credits the "striking difference" in energy consumption per household between single-unit and multi-unit developments due to greater efficiency in compact unit sizes, shared walls, and shared ventilation systems (among other factors).[29] A Chicago-based study published in 2022 found that "single-family users approximately double the demand of multi-family users on a per household basis." [30] Local governments will have to consider how best to increase their housing stock to meet their Regional Housing Needs Allocations—and high-density housing is one of the most energy-efficient ways to do so.

Regarding overall land development patterns, the certified LUP concentrates land use designations into recognizable groupings. The Commission's 2001 certification findings state that the LUP's land use maps represent existing patterns as of 1999, but they also reflect an intentional balance of residential, commercial, and public infrastructure development throughout Venice's coastal zone.

The certified LUP shows a general intent to use the Venice Median for a mix of public and high-density residential land uses. Roughly 28% of the Venice Median is designated for Low Medium II Density land use, the second highest allowable housing density in the LUP. Policy I.A.7 states that this designation is intended to accommodate duplexes and quadraplexes. A long swath of lots on either side of the Median are designated for Medium Density land use, the highest allowable housing density in the LUP.

The remaining 72% of the Median is designated for Open Space land use in LUP Exhibits 10b and 11b. In other coastal cities, an open space land use designation would typically preclude any form of development beyond accessways. In Venice, the certified LUP does not explicitly define the Open Space land use designation. However, various LUP policies describe allowable uses in Open Space as including "non-intrusive public access amenities" (Policy I.A.4.d); public transit and parking (Policy I.C.8); and undeveloped recreational areas (Policy I.D.2). The portion of Median designated as Open Space is currently developed with public parking lots and a public library.[31]

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[28] The local infrastructure-analysis process was confirmed by the City Planning Department. The summary of infrastructure agencies' project review was based on the City's action on Case No. VTT-82288 dated February 2, 2021.

[29] "Location Efficiency and Housing Type", Environmental Protection Agency, 2011.

[30] "Analysis of single- and multi-family residential electricity consumption…", Pesantez et. al.,2023.

[31] The public parking lots and library on the Venice Median more closely resemble public facilities than open space, as confirmed by the description of the former as public facilities in LUP Policy II.A.1.c. The intent may have been to limit the Public Facility land use designation to public infrastructure that is not open to visitors, like sewage pump plants; but the distinction is not addressed in the LUP.

The proposed project would reduce the net amount of open space and public facility land use in the 2.65-acre project site, but it would not change the Venice Median's overall intended use: a mix of public and residential development. The proposed project would maintain public parking facilities onsite while providing new housing opportunities consistent with the high-density land uses in and around the Venice Median.

The proposed project's housing density would exceed that allowed in the Low Medium II Density designation. LUP Policy I.A.7.D. allows one unit per minimum 1,500 sq. ft. of lot area in the Low Medium II Density designation. The proposed project would site 120 dwelling units in a 115,674 sq. ft. total area, resulting in a ratio of approximately one dwelling unit per 964 sq. ft. of lot area. This complies with LUP Policy I.A.8, which allows one unit per minimum 800 sq. ft. of lot area in the Medium Density designation; but the project site is designated as Low Medium II Density in the certified LUP. Thus, the density associated with the proposed project is not consistent with that allowed by the certified LUP. **Special Condition 16 (Consistency with the Land Use Plan**) requires completion of an LUP amendment to change the land use designation of the site to 'Community Commercial' (if modified as suggested) to legally permit the proposed density of the site.

Overall, the City's existing infrastructure is adequate to support to the proposed 120-unit project. The City intended to accommodate a greater number of residents when drafting the LUP than the City's currently accommodates; an additional 120 units will not overburden existing infrastructure, especially considering that the proposed land uses would be located in a wide corridor surrounded by, and containing, high-density residential uses. The project site is also adequately sized for 120 dwelling units per minimum LUP density-per-lot-area requirements for the maximum LUP's residential density. Such use is consistent with the mandate of Coastal Act section 30250 that new residential and commercial development be located within existing developed areas able to accommodate it.

Mass and Scale

LUP Policy I.B.7 limits mixed-use retail and residential development to a maximum Floor Area Ratio (FAR) of 1.5 to 1. The proposed project complies with a 1.15 to 1 maximum FAR. LUP policies I.E.2 and I.B.7 limit commercial lot consolidation to three lots, but allow consolidation of more than two lots for mixed-use projects (with no specified maximum limit) only if the development was consistent with the surrounding community character. [32] When the Commission certified those policies, it found that lot sizes contribute to regulating the size and bulk of development in Venice neighborhoods. and the policies would ensure consistency with Coastal Act sections 30251 and 30253(e).

By consolidating 40 lots, the project would clearly exceed nearby lot and building sizes in the adjacent residential areas. However, there are other, similarly-sized developments in the Venice and Marina Del Rey coastal zone located adjacent to smaller lots and buildings (similar to the project site). The apartment buildings located south of Washington Boulevard on the east side of Via Dolce span a 24.6-acre footprint and offer little articulation visible from the sidewalk (even behind the obscuring trees).

[32] Commission's action in 2000 on Proposed Venice Land Use Plan.

Much of the mixed-use development located south of Washington Boulevard on the west side of Via Dolce exceeds three-stories in height, and, while comprised of individual buildings, poses a significant mass and bulk compared to the surrounding single-lot development. These two examples are located within a half-mile of the project site. The examples also illustrate a critical point: accommodating a significant number of housing units requires a greater size and mass of development.

Some of the appellants (under Appeal No. A-5-VEN-22-0042) provided architectural sketches showing alternatives to provide more than 100 housing units without a corresponding increase in mass and bulk. Appellants Robin Murez and Prof. Helmut M. Mack both contended that individual, multi-unit structures could feasibly accommodate the proposed number of housing units **(Exhibit 4)**.

The applicants have stated that the alternative of building multiple, independent structures is much more expensive and difficult to build than that of the proposed two structure project. This is partially because each discrete building requires its own ventilation system, emergency access routes, and foundation. Housing 120 tenants in several small, new buildings would require more resources and ground-space than housing those tenants in two larger buildings. The applicants have stated that the proposed "donut" configuration, in which housing units are wrapped around garages, is fundamentally necessary to maximize both parking and housing onsite. It is also less expensive and more efficient to construct and maintain due to the shared systems between units.

Furthermore, the applicants have made alterations to the project design to reduce the bulk and mass.[33] The originally-proposed design included a sloped and unarticulated exterior façade, a uniformly tan paint palette, and relatively small windows. The newly proposed design incorporates new wooden panels amongst the concrete façade, with larger windows and a more varied roofline as viewed from the adjacent sidewalks and roadways. The previously approved 67-ft. tall campanile has been eliminated. Additionally, the applicants propose to maintain the existing mature trees located along North and South Venice Boulevard that were previously proposed for removal. These revisions reduce the disparate mass and bulk of the proposed development compared to the surrounding pattern of development.

Exhibit 8 provides photographs of buildings located along North and South Venice Boulevard between Abbot Kinney Boulevard and Pacific Avenue. Walking westward down North Venice Boulevard, Commission staff observed a trend of elongated, geometric façades seemingly intended to maximize floor-to-area ratio. The trend is observed among both older-presenting development (like the tan stucco structure shown on **Exhibit 8**) and newer-presenting development (like the green and orange structures on **Exhibit 8**). Multiple structures extend across more than two typically-sized Venice lots, like the multi-unit housing development spanning 25 through 40 Mildred Avenue and the Abbot Kinney Public Library **(Exhibit 8)**. Smaller bungalows are more

[33] The locally-approved plans were designed by Eric Owen Moss Architects, Inc. The subject architectural firm meets local and state eligibility requirements for low-income housing funding, but not federal requirements. The applicants eventually determined that additional funding avenues may be needed and thus hired a new architectural firm, Brooks + Scarpa Architects, Inc.

frequent along Dell Avenue on North Venice Boulevard **(Exhibit 8)** but are interspersed with the large, geometrically-designed development similar to those closer to Abbot Kinney Boulevard. A similar pattern is present along South Venice Boulevard between Pacific Avenue and Abbot Kinney Boulevard. The stretch of South Venice Boulevard fronting the project site hosts a relatively uniform cluster of broad frontages built to the maximum height, with few articulations aside from windows or geometric balconies. Smaller-scale bungalows are more common between Dell Avenue and Abbot Kinney Boulevard (i.e. the reverse of the pattern on North Venice Boulevard), although it was difficult to obtain photographs due to the presence of more obscuring vegetation **(Exhibit 8)**.

Figures 4 and 5 below compare the originally proposed design, currently proposed design, and some representative photographs of surrounding development. Overall, the current design resembles the surrounding character of development in architectural design and height. It exceeds the surrounding development in scale, with the longest side of the proposed development (i.e. the southern-facing side of the proposed east structure abutting South Venice Boulevard) extending 442 ft. in length. By comparison, the longest structure on North Venice Boulevard—the multi-family development on Mildred Avenue—extends 331 ft. in length. However, the unique size of the proposed project has been adequately designed with architectural features and setbacks consistent with the surrounding development.

North and South Venice Boulevards constitute major routes between inland communities and the Venice coastal zone. Several community-members have voiced concerns that the proposed development is not an appropriate representation of Venice's unique community character. However, the existing parking lot conditions offer incoming visitors a view of asphalt, storage containers, portable toilets, and dumpsters. The proposed development would provide a varied façade, new landscaped greenspace, new pedestrian walkways, and benches for members of the community to sit near the canal. It would also provide 120 low-income housing units in an area where "[d]iversity of lifestyle, income, and culture typifies the Venice community."



Figures 4 and 5. Newly proposed design (looking east from South Venice Boulevard) from the currently proposed plans above and photographs of nearby development below (Source: Appellant Helmut M. Mack).



The proposed project does not exceed the 35-ft. height limit of LUP Exhibit 14b and Policy I.A.7.D for varied rooflines. All of the roof access structures have been designed for consistency with the maximum 100 sq. ft. size and 10 sq. ft. height allowed by Policy I.A.1. The project does exceed Policy I.A.1's limit of one roof access structure per development, but the four roof access structures proposed for the west structure and six roof structures proposed for the east structure are necessary to satisfy the uncertified LAMC's open space requirements triggered by 120 dwelling units, and this LUP inconsistency is addressed by **Special Condition 16 (Consistency with the Land Use Plan**) of this CDP and in the City's related LUP amendment application. Ten roof

access structures would pose a noticeable bulk within the confines of a single small lot, but distributing the roof access structures across a 2.65-acre area breaks up the massing and reduces the noticeable bulk.

The proposed project does exceed the lot consolidation limits of certified LUP Policy I.A.1.b, which prohibits consolidation of more than two lots in the North Venice subarea. However, LUP Policy I.B.7. allows the consolidation of more than two lots for mixed-use projects in the commercial land use designation if the project "conform[s] to the existing scale and character of the surrounding community". As discussed above, the applicants worked with Commission staff to address concerns raised by the opponents of the locally-approved project and have revised the design to be more compatible with the surrounding community scale and conform with its character. The applicants have incorporated breaks, stepped-back segments, and architectural finishes to address concerns regarding the presence of a single, uninterrupted façade.

Overall, the proposed design, while differing in size, bulk, and mass from surrounding development, has been designed to balance architectural elements with the need to accommodate several uses onsite, including housing, retail and public parking.

Cumulative Effect

When reviewing a project's consistency with the community character protection policies of the Coastal Act and the Venice LUP, the Commission also analyzes the cumulative effects of development. To evaluate the potential cumulative effects of the proposed development to community character, the incremental effects of the development are considered in connection with the effects of past, current, and probable future projects within the subject area. It is difficult to compare the currently proposed project to past projects, considering the unique size and ownership of the project site, but there are some similar examples.



Figure 6. Rendering of the 100% Affordable Housing project (A-5-VEN-19-0020).

One similar past project is the 100% Affordable Housing Project proposed on Rose Avenue and shown by rendering in **Figure 6** above. The subject project was approved by the City and found to pose no substantial issue by the Commission under Appeal No. A-5-VEN-19-0020 on June 12, 2019.[34] The subject project included consolidation of two lots (comprising roughly 0.33 acres) and construction of an 18,866 sq. ft. housing development with 35 affordable dwelling units and accompanying supportive services. The City approved variances from the height and setback requirements of the certified LUP pursuant to LUP Policy I.A.13 and Government Code Section 65915, which offer incentives for the provision of affordable housing. The Commission's 'No Substantial Issue' findings state that, while the project is relatively large in mass and scale, it includes design features to improve compatibility with the surrounding commercial corridor (i.e. Lincoln Boulevard/State Highway 1).



Figure 7. Rendering of the Lincoln Apartments Project (A-5-VEN-20-0060).

Another similar past project is the Bridge Housing Project sited on Lincoln Boulevard and shown by rendering in **Figure 7** above. The subject project was approved by the City and found to pose no substantial issue by the Commission under Appeal No A-5-VEN-20-0060 on December 10, 2020.[35] The subject project included consolidation of two lots (comprising roughly 0.37 acres) and construction of a 30,463 sq. ft. mixed-use development with 39 affordable housing units, supportive services, and commercial office space. The City approved variances related to the height and setback requirements of the LUP pursuant to LUP Policy I.A.13 and Government Code Section 65915, which offer incentives for the provision of affordable housing. The Commission's 'No Substantial Issue' findings state that, while the project is relatively large in mass and scale, it does not pose major differences from the other four-story structures in the surrounding commercial corridor (i.e. Lincoln Boulevard/State Highway 1).

[34] Appeal No. A-5-VEN-19-0020 (VCHC).
[35] Appeal No. A-5-VEN-20-0060 (VCHC).



Figure 8. Rendering of the Venice Hotel (A-5-VEN-21-0011).

A third large mixed-use project is the Venice Hotel proposed on Abbot Kinney Boulevard and shown by rendering in **Figure 8** above. The subject project was approved by the Commission under CDP No. A-5-VEN-21-0011 on December 15, 2022.[36] The subject project included consolidation of eight lots (comprising roughly one acre) and construction of a 70,310 sq. ft. mixed-use development with 78 hotel rooms, four dwelling units, and commercial uses. Similar to the currently proposed project, the Commission found that the architectural design, articulated façade, and provision of landscaped open space areas would—among other design features—minimize any massing differences between the approved development and surrounding commercial corridor (i.e. Abbot Kinney Boulevard).

The three past projects cited above are similar to the currently proposed project with regard to the consolidation of contiguous lots (although far fewer than currently proposed and comprising lesser area), structures that comprise a major portion of the subject block, and large floor-to-area ratios intended to maximize the density and intensity of uses onsite.

Additionally, all three of the projects triggered objection from members of the public on the basis of adverse impacts to community character. Each of the projects used design features to minimize mass and scale as viewed from the sidewalk and roadways, while still providing land uses beneficial for the community. Furthermore, large-scale affordable housing projects such as these are relatively infrequent. Developers must already own or lease multiple contiguous lots, unless they have the funding to acquire them in a community with extremely high land acquisition costs. Most lots in the Venice coastal zone are already built-out, and any prospective developer must replace any existing demolished housing units at a minimum 1:1 ratio somewhere onsite (per certified LUP Policy I.A.11). 100% affordable housing offers lower rates of return on investment compared to market-rate housing. Taken together, these obstacles produce a natural limiting factor on large-scale, high-density affordable housing developments.

[36] CDP No. A-5-VEN-21-0011 (Wynkoop).

While the three projects cited above are the close comparisons, the significant differences between them and proposed project demonstrate how unlikely the current proposed project is to set a precedent. The currently proposed project site is at least twice the size of the projects cited above, with at least five times the number of lots proposed for consolidation. It would provide more affordable units than the total of the three other projects combined and triple the number of housing units compared to the largest of the above projects' unit count. Additionally, it accommodates public coastal access related uses onsite, including a public parking garage and public boat launch ramp parking lot. (The Venice Hotel provided visitor-serving commercial uses, including affordable overnight accommodations, which also plays a role in public access, albeit a different one.) And it is the first project in Venice accompanied by a project-specific LUP amendment request to create a new subarea for the project site. Commission staff are not aware of any probable future projects similar to the currently proposed project.

Historic Resources
Historic architecture is one of the unique characteristics that contribute to special coastal communities. As such, historic resources merit protection under Coastal Act Section 30253(e). LUP Policy I.F.3 further requires the preservation of the historic integrity of the canals, including "the associated sidewalks and a number of pedestrian and vehicular bridges." As detailed in Subsection VI.C.2 (Public Access Contentions), the proposed project would convert the existing Grand Canal Bridge from a vehicle accessway to pedestrian accessway. The asphalt driveway aprons (likely added to the bridge with construction of Lot 731 in the 1990s) would be replaced with a set of stairs on either side and an elevated walkway ramp on the west side.

At first glance, the proposed configuration of stairs and ramps off the bridge appears lopsided: the west side of the bridge would two stairways and an ADA-accessible ramp, while the east side of the bridge would offer a single set of stairs. This is due primarily to the configuration of accessways below the bridge.

Under the existing configuration, pedestrians walking on the South Venice Boulevard sidewalk can enter a break in the wall that presently lines the project site, walk down a ramp, and turn a corner to walkthrough the under-bridge archways (hose archways are currently blocked but will be opened as part of the proposed project). The system of entrances and ramp walkways are present on either side of the Grand Canal. Pedestrians cannot currently access the upper bridge from the South Venice Boulevard sidewalk unless entering via a driveway and risking interactions with vehicles. For the sake of brevity, the following alternatives analysis will describe the ramps leading from the South Venice Boulevard sidewalk to the bridge and its below archways as 'upper-bridge' and 'under-bridge' ramps, respectively.

A new upper-bridge ramp must cross over the existing under-bridge ramp to connect the sidewalk and the bridge. This effectively creates a sloped ceiling for the under-bridge ramp, specifically at the point where pedestrians turn a corner toward the archway. LADBS requires a minimum ceiling height (i.e. clearance) between overlapping public walkways to ensure pedestrians do not hit their head. The upper bridge is higher than the sidewalk elevation, meaning that an upper-bridge ramp would slope upward and offer the highest ceiling height in the area closest to the bridge.

- Under the 'No Project' alternative, the Grand Canal Bridge would continue to function as a vehicle accessway informally used by pedestrians and cyclists willing to risk interactions with vehicles; and the under-bridge archways would remain gated and inaccessible to the public. This alternative would not improve existing public access onsite.

- Under the 'Relocated Under-Bridge Ramps' alternative, the applicants would relocate both under-bridge ramps closer to the bridge footings to achieve the minimum required ceiling height. This alternative would require significant re-grading of the ramp and may require additional work to the bridge footings to accommodate the relocation. The applicants have indicated that this is beyond the scope of proposed alterations to the bridge and not economically feasible.

- Under the 'Two Under-Bridge Stairs' alternative, the applicants would construct staircases adjacent to the bridge footings to achieve the minimum required ceiling height. This alternative would not require alteration to the bridge footings, but it would sacrifice ADA-compliant access to the under-bridge archways in order to achieve upper-bridge ADA-compliant access.

- Under the 'U-Bend Ramp' alternative, the applicants would avoid locating upper-bridge ramps over the under-bridge ramps by constructing ramps with a 'U-bend', or a switch-back.[37] To achieve ADA compliance with a U-bend approach while working within the constraints of the protected buttress portions of the existing bridge, the design would require at least three (and potentially up to five) switchbacks and ramps. Each ramp segment would include a five-foot landing at both the top and bottom, and handrails, guardrails, and edge protection would be required along the entire length. Consequently, the switchback ramp would need to be about 18 to 30 feet wide, with an irregular shape to avoid the buttresses. This width cannot be accommodated between the bridge and the residential building, which has only 24.7 ft. available and requires a clearance/access width of 10 feet. This alternative is not technically feasible.

The above alternatives show the difficulty of providing ADA-compliant ramps to both the under- and upper-bridge walkways based on the unique space and grade constraints onsite. The current proposal balances ADA-compliant access to both the upper and under bridge walkway by siting a new staircase closer to the bridge footing on the west side and adding an ADA-compliant walkway to the upper bridge on the west side. This will provide universal access to the upper bridge via the elevated walkway and universal access to the under-bridge path via the ramp retained on the east side of the bridge, as shown by checked blue lines in **Figure 9** below.

[37] Visualizations of the U-bend design are available at https://www.dimensions.com/element/ramp-landings-switchback.

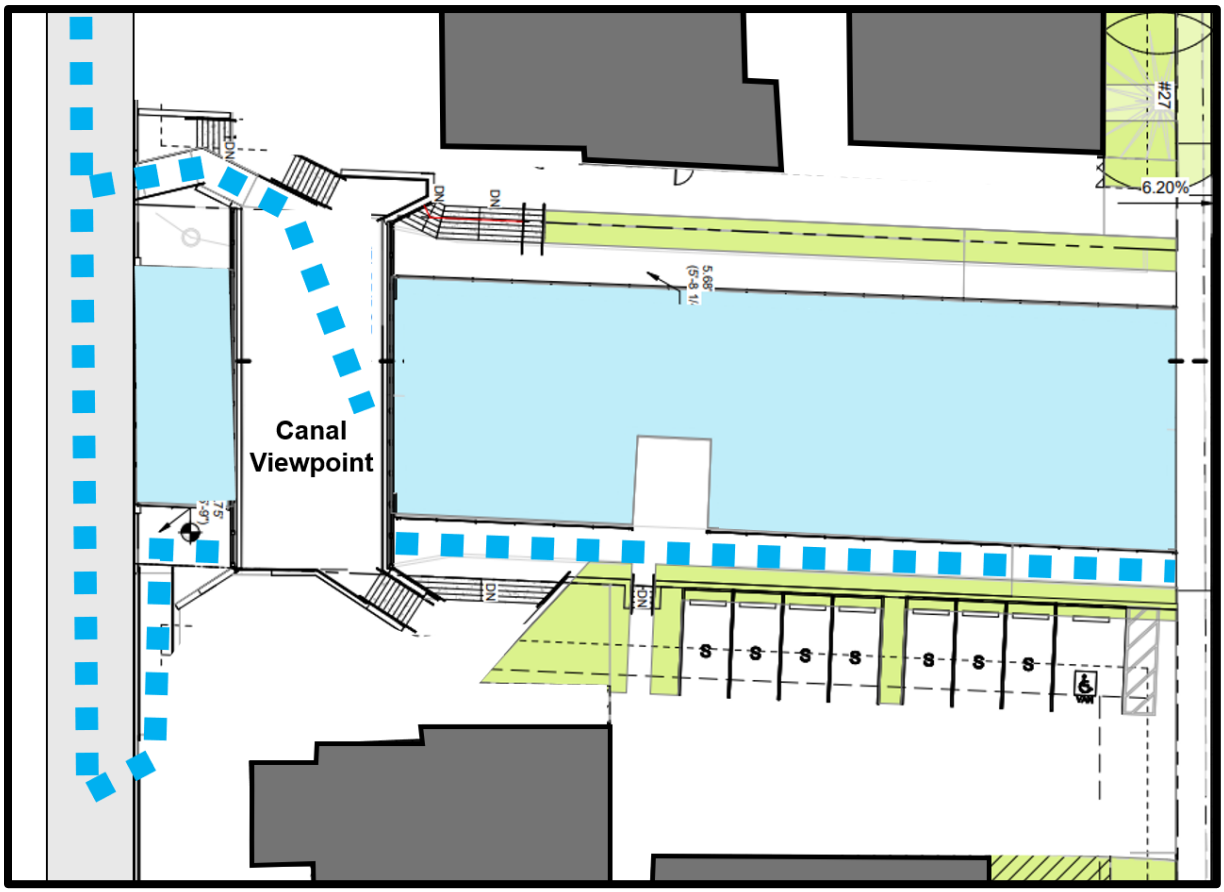


Figure 9. Staff annotation of Plan Sheet X.910 showing ADA-compliant accessways via checked blue lines. (Overhangs from upper floors were previously shown in slanted lines on Plan Sheet X.910 and erased by staff in this figure to accurately represent ground floor walkways. The area previously labeled 'Art Plaza' would be an open-space corner intended for public art, like wall murals or an unobstructive statue, and was also erased in this figure.)

As proposed, the bridge would serve as a viewpoint for persons using the ramp rather than a continuous pathway. The existing bridge does not provide ADA-compliant access, neither above nor below the bridge. The existing upper bridge aprons offer steep asphalt slopes which are intended for vehicles and do not meet ADA standards. The under-bridge ramps end at closed archways. Overall, the proposed project would result in a significant improvement in public access to the Grand Canal Historic Bridge without alteration of the existing bridge architecture.

Some members of the public have argued that the bridge would be effectively converted from a general-access pathway to a private pathway between the east and west structures. However, this argument disregards the actual existing use of the bridge: a vehicle accessway with no striped lanes for pedestrians or bicycles, aprons too steep to meet ADA standards, and gated archways that prevent the public from walking under the bridge. It also disregards the actual proposed use of the bridge as a new public pedestrian accessway with new ways to access the bridge from the South Venice

Boulevard sidewalk. Thus, the proposed project will result in the enhancement rather than degradation of the historic Grand Canal Bridge.

Conclusion
In summary, the currently proposed project has been designed to add color, articulation, and façade elements similar to those of the surrounding neighborhood. Mass and scale have been minimized to better fit into the community. The proposed 40-lot consolidation (and two-ground-lot subdivision) would accommodate more units than could be built on the individual lots, while also maintaining the existing public parking, public boat launch and associated parking, and adding additional visitor-serving retail uses.

The Commission limited lot consolidations when certifying the LUP in 2001 to avoid a rash of large incompatible structures from taking over the Venice coastal zone. The "common development scale issues" identified by the Commission in 2001 are influenced by just that: common development trends in the Venice coastal zone. The proposed project would serve a significant number of low-income tenants and requires a unique mass and scale to do so. The Venice Dell project does not represent a common trend likely to influence other market-rate developments.

As such, considering past, current, and future probable projects, the Venice Dell project is unlikely to result in a cumulative adverse effect on community character. As conditioned, the project contributes to the diversity of incomes and architecture protected by the LUP. If the City's proposed, project-specific LUP amendment (scheduled for this hearing) is certified and becomes effective, the LUP inconsistencies listed above would be resolved without prejudicing the City's ability to prepare an LCP. **Special Condition 16 (Consistency with the Land Use Plan)** thus requires effective certification of the subject LUP amendment prior to issuance of this coastal development permit.

Thus, the Commission finds that the proposed mixed-use development, as proposed and conditioned, conforms with sections 30250, 30251 and 30253(e) of the Coastal Act and the certified LUP policies related to development and community character.

C. Public Access

Relevant public access policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in **Appendix A** of this report.

Section 30210 of the Coastal Act requires the provision of maximum access and recreational opportunities in the coastal zone. Meaningful public access to the coast requires a broad spectrum of transportation options and public-serving land uses in a coastal community. The following analysis will explore whether the proposed project would maximize public access by preserving and enhancing Venice's current framework of transportation and recreation.

Parking Demand in Venice
Section 30252 of the Coastal Act highlights the importance of providing adequate public transit and parking facilities along the coast. Section 30212.5 also requires distribution of parking facilities throughout the community to mitigate "the impacts, social and

otherwise, or overcrowding or overuse by the public of any single area." Taken together, these sections emphasize the connection between vehicle transportation and public access to the coastal zone.

As described in Subsection VI.C.1 (Public Access Contentions) above, the search for parking in the Venice coastal zone can be extremely competitive. Before considering the project's potential impacts on public access, the City's current public access framework must be understood. The City's 2021 transportation study (conducted by Fehr & Peers for a matter unrelated to the proposed Venice Dell project) surveyed parking demand in the entire 2.4-mile long by roughly 1.3-mile wide Venice coastal zone. Surveyors used manual clickers to estimate on-street and off-street parking utilization on a block-by-block basis. In some areas, unmarked curb lengths were measured and divided by 20-ft. to estimate an approximate number of on-street parking spaces. Automated License Plate Recognition—high-speed cameras that photograph license plates for entry in a database—was also used to estimate on-street parking space turnover. Survey data was collected on four days between 8 A.M. and 8 P.M. The exact dates are not specified beyond the following description:

> 1. A weekday in May 2018 (non-summer 2018), when area schools were in normal session;
>
> 2. A weekend in May 2018 (non-summer 2018), when area schools were in normal session;
>
> 3. A weekday in July 2018 (summer 2018), when area schools were out of session; and
>
> 4. A weekend in July 2018 (summer 2018), when area schools were out of session.

Utilization data was aggregated into nine "Parking Analysis Zones" determined by typical uses in each area. For example, the Abbot Kinney Zone reflects a concentration of high-end retail uses, and the Venice Canals reflect private residential uses. There are discrepancies between the study's designated zones and certified LUP subareas. One discrepancy was the exclusion of Abbott Kinney, the Venice Canals, and Washington Commercial zones from the Beach Impact Zone, contrary to Exhibit 17b of the certified LUP. (The City indicates that this was intended to differentiate between beachfront boardwalk uses and retail/residential uses.) Regardless, the study's results are useful in providing a more nuanced understanding of the City's ability to meet parking demand.

In terms of on-street parking, the City's study counted 12,157 total on-street parking spaces in the Venice coastal zone as of July 2018. Considering the entire Venice coastal zone, both summer and non-summer weekdays offered relatively high percentages of available on-street parking throughout the survey days. In contrast, in considering the solely Fehr & Peers' designated Beach Impact Zone, several Beach Impact Zone streets still showed 91% to 100% occupancy. On summer and non-summer weekdays, most available parking was located at least 0.4 miles inland of the sandy beach, at least a 10-minute walk. (For reference, the proposed east structure would be located roughly 0.1 miles inland of the sandy beach, a roughly five-minute

walk.) It is difficult to objectively assess how far is too far for visitors to carry beach supplies, especially considering the unique mobility constraints many face—but a 10-minute walk is not infeasible for many visitors. As such, the survey results suggest an adequate stock of on-street parking to satisfy weekday demand as of 2018.

However, the survey results for on-street parking availability during weekends were far less optimistic. On the non-summer weekend day, Fehr & Peers' designated Beach Impact Zone exceeded 100% on-street parking utilization, and the Abbot Kinney Commercial Zone ranged between 81% and 94% utilization. Most other zones showed moderate utilization rates ranging between 58% and 84%, a high enough range that it may be difficult to find available spaces without circling the neighborhood multiple times. Most available parking in the Venice coastal zone was located more than 0.5 miles inland of the sandy beach, about a 15-minute walk. On the summer weekend day, Fehr & Peers' designated Beach Impact Zone once again exceeded 100% on-street parking utilization for the entire 12-hour survey timeframe. By the afternoon, the nearest available parking was located more than one mile inland of the sandy beach, at least a 25-minute walk. Visitors would have to find on-street parking in the Rose Commercial and Lincoln Commercial zones, which may be less familiar to non-locals. Visitors navigating to the beach by mapping apps, like Google Maps or Garmin G.P.S., are unlikely to be directed to these neighborhoods.

Overall, the survey suggests the 12,157 on-street parking spaces in the coastal zone of Venice were inadequate to satisfy peak demand in 2018. Since the survey, the number of on-street parking spaces has been reduced due to the number of outdoor dining areas that now occupy public on-street parking spaces.

In terms of off-street parking, Fehr & Peers surveyed 11 public and 12 private parking lots in the Venice coastal zone, which provide 2,134 off-street parking spaces. The 11 public lots owned by the City and County provided 73% of the total off-street parking spaces. The table below lists current parking-space counts, rates, and distances from the sandy beach offered by each City/County-owned public parking lot (listed in order of ascending proximity to the sandy beach).[38] The parking rates in the table below may not accurately reflect exact rates at each lot, as many of the City and County's parking operators alter rates at will in a manner unauthorized by the Commission, including the current project site. Unpermitted rate increases will be discussed further below.

Parking Lot No.	Number of Parking Spaces	Rates	Approximate Distance from Sandy Beach
LADOT Lot 613	53 spaces	No charge	1 mile 25-minute walk

[38] The information in this table was obtained from Fehr & Peers' 2018 survey data, the LADOT's 2024 Parking Map, the City's 2016 Parking Map, the County's 2024 Parking Rates Table, and Google Maps.

LADOT Lot 760	50 spaces	$0.75 per 15 minutes, $8 per four hours	0.7 miles 20-minute walk
LADOT Lot 616	29 spaces	No charge	0.6 miles 20-minute walk
LADOT Lot 617	22 spaces	No charge	0.6 miles 20-minute walk
LADOT Lot 759	66 spaces	$0.50 per 15 minutes, $8 per four hours	0.5 miles 15-minute walk
LADOT Lot 740	41 spaces	$1 per hour, $4 per 10 hours	0.2 miles 5-minute walk
LADOT Lot 701	180 spaces	Up to $45 flat rate per day	0.2 miles 5-minute walk
LADOT Lot 731 **(Project Site)**	196 spaces	Up to $45 flat rate per day	0.1 miles Less than 5-minute walk
County Rose Ave. Lot	289 spaces	$1 per hour, up to $25 per day flat rate on holidays	On sandy beach
County Venice Blvd. Lot	321 spaces	$1 per hour, up to $25 per day flat rate on holidays	On sandy beach
County Washington Blvd. Lot	380 spaces	$1 per hour, up to $25 per day flat rate on holidays	On sandy beach

LADOT Lots 701 and 731 pose the highest parking rates and lowest utilization percentages of any government-owned public parking lot surveyed by Fehr & Peers. During the non-summer weekend survey day, LADOT Lots 701 and 731 remained at or below 45% occupancy while every other off-street parking lot reached at least 80% occupancy. Fehr & Peers cited high cost, poor signage, and limited methods of ingress as potential causes of low weekend use of LADOT Lots 701 and 731. Members of the public have also provided documentation of excessively long intake times at LADOT Lot

731; multiple submitted videos showed a single operator manually generating parking passes in a two-minute process that tends to accrue lines of waiting vehicles along North Venice Boulevard. Even during these periods, Lot 701 often remains closed. As such, a frequent availability of spaces in LADOT Lots 701 and 731 should not be considered a sign of parking demand satisfaction.[39] Overall, the City's survey suggests that the 14,291 total on-street and off-street parking spaces counted by Fehr & Peers did not satisfy peak demand in 2018.

Proposed Parking Expansion

The LUP acknowledges the need for new public parking facilities in the Venice coastal zone. LUP Policy II.A.2 encourages both construction of new facilities and re-striping or adding levels to existing facilities to maximize their capacity. As discussed in Subsection VI.C.1 (Public Access Contentions) above, the City's Venice Coastal Parking Impact Trust Fund from in-lieu parking fees totaled $700,000 as of October 2020. While LADOT Lot 731 is not included in the "Potential New or Expanded Surface Parking Sites" listed in LUP Exhibit 17a, the City has identified improvements and/or expansion of this site as a potential use of the in-lieu program funds. Opportunities for enhancement include re-striping the lot to increase parking spaces, installing more efficient, automated intake facilities, improving public signage onsite, and/or constructing a multi-level parking garage across the entire project site. Some of these improvements are specifically recommended for Lot 731 by Fehr & Peers in the City's 2018 transportation study. The proposed project would indeed eliminate the potential for existing public parking spaces onsite to be doubled or tripled.

However, in the 23 years since LUP certification and eight years since publication of the City's transportation study, the City has not taken steps to improve LADOT Lot 731. Commission staff have requested further information on the City's current and/or future parking plans for the coastal zone. While the City's current draft LCP includes some ideas for the greater coastal zone, including the provision of shuttle services and the conversion of existing on-street parking from parallel to angled spaces to increase spaces, no formal plan has been proposed. Aside from informal speculation, there is no evidence that the City has plans to expand or improve public parking at LADOT Lot 731 in the near future.

Meanwhile, the need for housing has increased in urgency across the state. Governor Newsom declared a state housing crisis in 2021. Venice is no exception to the state-wide dearth of housing, with average monthly rents in Venice exceeding the national average by roughly 76% as of November 2024.[40] Public parking is not the only limited resource in the Venice coastal zone; the City has struggled to preserve housing for a range of income levels in Venice, with outsized effects on marginalized people, as discussed further in Subsection VII.D (Environmental Justice) below. Affordable housing preserves diversity in coastal communities and allows a greater range of people to enjoy walking or biking to the ocean, rather than solely commuting from inland areas.

[39] Some members of the public have contended that the City has intentionally implemented slow intake protocol at LADOT Lot 731 and closed Lot 701, with the intent of demonstrating reduced parking demand to support the proposed project. This allegation of seems unlikely, considering the process was notably slow at least three years before the City approved a CDP for the project and did not play a large role in the City's local CDP findings.

[40] "Rental Market Trends", Apartments.com, 2024.

The need for affordable housing does not outweigh the need for adequate parking infrastructure, but coastal communities must find creative ways to balance and enhance both resources.

In this case, the project would preserve all 203 public parking spaces that currently exist on the site (196 spaces in LADOT Lot 731 and seven spaces in the boat launch parking lot). The proposed east structure would provide 27 additional public parking spaces, and the proposed boat launch parking lot would provide one additional ADA-compliant parking space. The project would expand public parking and affordable housing, including dwelling units for unhoused people accompanied by supportive services. As such, the proposed project balances both need for affordable housing and parking in Venice.

Members of the public have advocated for project alternatives that would, in theory, achieve more parking spaces. Under the 'No Project' alternative, the proposed mixed-use development would not be built; LADOT Lot 731 and the existing quadraplex would remain in their current condition; and the City may opt to expand the stock of parking or manage the lot better. No affordable or supportive housing would be provided onsite. Lot 731 would remain developed with 196 public parking spaces, the Grand Canal Bridge would remain a vehicle accessway, and the arch walkways under the bridge would remain closed to the public. Future improvements and/or expansion of Lot 731 would remain an informal possibility.

Under the 'New Location' alternative, the scope of the project would be reduced to eliminate the replacement of the public parking spaces, retail and restaurant space, and transitional services space and would solely construct the affordable housing on Lot 701, leaving Lot 731 available for potential future parking expansion. Lot 701 is approximately 1.67 acres, smaller than Lot 731 by roughly one acre. Lot 701 is also an unusual shape, with a stretch of 100-ft. wide lots transitioning into a narrower, roughly 60-ft. wide set of lots resembling a rectangle with a large wedge carved out. The applicants have stated that the smaller overall size, narrow width, and sharp corner in the middle of the wider lot portion would render development of a single multi-unit structure, or even two multi-unit structures, infeasible without a drastic reduction in the number of units.

Demolishing the existing 16-unit condominium building located next to Lot 701 and consolidating the newly vacant lot into Lot 701 would resolve some of the size constraints, but this would require replacement of 16 existing units (since tenants of displaced units must be offered first right of refusal for new units). Additionally, the public parking spaces on Lot 701 would be lost or would need to be replaced. Developing Lot 701 with several independent, multi-unit structures (similar to the appellants' diagrams on **Exhibit 4**) is also infeasible, both structurally and economically. Each structure would require its own transponder box open to the sky per Los Angeles Department of Water and Power design specifications C721-01.1 and UB721-29: an impossible task considering Lot 701's size and shape constraints. Each discrete building would require its own ventilation system and foundation, rendering the project significantly more expensive. Additionally, while the City Planning Commission, City Council, and City Planning Department approved the use of Lot 731 for the proposed mixed-use development, no such approval has been offered for the use of Lot 701. This

alternative provides no guarantee that additional parking will be developed at Lot 731 in the future.

Both alternatives would result in drastically fewer affordable housing units and increased cost. By comparison, the proposed project would both increase public parking and provide 120 (four of which are replacement) affordable dwelling units onsite. The proposed project is therefore more protective of public access than the 'No Project' and 'New Location' alternatives and is also an efficient use of the existing space that would satisfy two important needs in the immediate area of the project site itself.

The development has been analyzed and conditioned for consistency with Chapter 3 of the Coastal Act, including public access policies, based on the fact that all of the residential units would be affordable units. Thus, absent a Commission-approved amendment to the CDP, in order for the analysis to maintain validity, the units must be affordable for as long as they exist at the site. Considering that many residential units and structures throughout Los Angeles, including in Venice, are over 100 years old, a requirement to maintain the units as affordable for only 55 years is not sufficient to ensure that the development will continue to be consistent with Coastal Act. To ensure the proposed development is not converted to market-rate housing at the end of the 55-year funding cycle (thus negating the balance between affordable housing and coastal resource impacts), **Special Condition 12 (Provision of Affordable Units)** requires the permittees, by accepting this CDP, to agree that the 120 affordable units onsite shall be maintained as affordable units for the life of the development. Prior to the commencement of construction, the permittees must provide the Executive Director with evidence that the affordability of the 120 affordable units has been preserved for the life of the development via a recorded deed restriction.

Minimum Off-Street Parking Requirements

Section 30210 of the Coastal Act requires that new development be designed to avoid interference with the public's ability to access the coast. Sections 30212.5 and 30252 specify methods to enhance public access, including the distribution of public parking throughout communities and ensuring new development has adequate parking to serve the associated use. To protect the availability of public on-street parking, the certified Venice LUP requires a minimum number of off-street parking spaces based on the size and type of proposed development. The locally-approved project includes several development types with differing LUP parking requirements.

For the proposed retail project component, the certified LUP would require seven parking spaces.[41] Additionally, because the project site is located in the designated Beach Impact Zone, LUP Policy II.A.4 requires an additional three commercial parking spaces and 17 residential parking spaces.[42] The project proposes no reserved commercial parking spaces and 20 Beach Impact Zone commercial/residential parking spaces. However, Government Code Section 65863.2 (known as AB 2097 (2022)), prohibits state or local governments from requiring a minimum number of parking

[41] 1 space x (1,735 sq. ft. approved retail area / 225 sq. ft.) = 7 retail spaces.

[42] 1 space x (1,735 sq. ft. ground floor commercial / 640 sq. ft.) = 3 commercial BIZ spaces.
1 space x (16,052 sq. ft. ground floor residential / 1,000 sq. ft.) = 17 residential BIZ spaces

spaces for residential and commercial development located within a half-mile of a major transit stop as defined by Public Resources Code Section 21155.[43] The project site is located within a half-mile of a major transit stop, meaning the City and Commission cannot legally require a minimum number of residential and commercial parking spaces for the proposed development. However, the Commission can review whether the proposed number of parking spaces is anticipated to satisfy the project's generated parking demand to ensure that public access is protected.

It is unlikely that visitors would come to the Venice Median and park onsite solely for the proposed 1,735 sq. ft, retail use; more likely there is overlapping use, in which beach visitors park onsite and enjoy multiple recreational commercial facilities in the surrounding area and, because it is convenient, take advantage of the onsite retail store. Considering the likely overlap in beach visitors and commercial patrons, the small size of the proposed retail use, and the preponderance of alternative methods of transit available nearby (including bike paths, the boardwalk, and rideshare app pick-up locations), not requiring seven reserved parking spaces for the retail use under the certified LUP will not have a significant impact on public access in the area.

In past Commission actions, Beach Impact Zone parking spaces required for residential and commercial development have served the subject private use. Beach Impact Zone spaces are intended to provide guests or residents, residents with second or third vehicles, and/or excess patrons with onsite parking opportunities instead of relying on public on-street parking. It does not make sense for a residential development in the Beach Impact Zone to provide public parking onsite. However, the proposed project is a unique case in which both private and public parking is proposed onsite. It is also a case in which a greater number of beach visitors are anticipated compared to solely patrons of the proposed commercial use. For this reason, the applicants propose the 20 Beach Impact Zone parking spaces to be public, City-managed parking spaces at Commission staff's request. This would bring the total proposed number of public parking spaces onsite from 196 existing spaces to 223 spaces (not including the eight public parking spaces reserved for boat launch ramp access).

For a 120-unit residential structure, LUP Policy II.A.3 would require 270 total parking spaces.[44] The project instead proposes 57 residential parking spaces, which would be a 213-space deficit. However, projects offering rate-restricted low-income units are be eligible for reduced parking requirements under LUP Policy I.A.14 if: A) the project is consistent with LUP Policy I.A.13, which outlines "density bonus" project criteria under current state law, and B) "it is demonstrated that the prospective occupants of the project will have a reduced demand for parking." While the project is not technically a "density bonus" project, its proposed unit affordability ranges and rate restrictions are consistent with the minimum requirements of LUP Policy I.A.13. Additionally, the applicants submitted a report demonstrating a lower anticipated parking demand from the project's occupants. The project is therefore eligible for a reduction in residential off-street parking minimums, even without the complete waiver of parking requirements

[43] Government Code Section 65863.2.
Government Code Section 21064.3.
[44] (2 spaces x 120 units) + (1 space x 120 units / 4 units) = 270 total parking spaces.

under Assembly Bill No. 2097. In summary, the project proposes an adequate number of residential and public parking spaces onsite and no significant impacts to public access have been identified.

Proposed Public Parking Operation
The ownership and operation of the public parking spaces is another major factor in enhancement of public access onsite. The project includes an east parking garage containing solely public parking spaces and a west parking structure providing a combination of public and residential parking spaces **(Exhibit 6)**. The City would continue to own the entire project site, including the two proposed ground parcels and seven air-space parcels (formed after consolidation of the project site's 40 lots). Generally speaking, the applicants are lessees of the project site. The City and the applicants executed a Disposition and Development Agreement (DDA) which outlines a specific leasing framework pursuant to recordation of a separate contract, the "Parking Agreement".

Regarding the east public parking garage, the draft Parking Agreement requires the City to fund the construction of the facility by a contractor retained by the applicants. Upon recordation of the ground lease, recordation of the Parking Agreement, and construction of the east parking garage structure, the LADOT Bureau of Parking Management would own and operate the entire east parking facility. In other words, the applicants would lease solely the residential uses surrounding the public parking garage but not the east parking garage.

Regarding the west mixed-use parking garage, the draft Parking Agreement states that the City would operate the 46 public parking spaces on the first and second floors of the west structure, as well as the west entrance pay stations, via a reciprocal easement agreement between the City and applicants.

To ensure the public parking spaces are owned and operated as proposed, **Special Condition 17 (Proof of Legal Ability to Comply with Conditions)** requires the applicants to demonstrate their legal ability/authority to comply with the terms and conditions of this CDP for the Executive Director's review and approval prior to issuance of the subject CDP. The applicants may satisfy this condition by submitting a copy of the final recorded Parking Agreement and leases that (a) authorizes the applicants to proceed with the approved development and (b) permits the applicants to comply with the terms and conditions of this coastal development permit.

Special Condition 20 (Final Tract Map) further requires the applicants to submit the final version of the Vesting Tract Map recorded by the City and applicants for Executive Director review and approval prior to issuance of this CDP. The tract map shall reference that the Property is restricted pursuant to the recorded Deed Restriction, required pursuant to **Special Condition 22 (Deed Restriction)**. The Executive Director's review shall be for the purpose of ensuring compliance with the standard and special conditions of this Coastal Development Permit. In addition, after recordation of the final map, the applicants shall submit an electronic copy of the recorded Final Tract Map No. VTT-82288 to the Executive Director within 3 days of recordation and a physical copy no later than 30 days after recordation.

If there are any conflicts between what the Commission approves and what the City requests, such as the elimination that the units be maintained as affordable for the life of the development (i.e. the provision that the affordable units only be restricted as such for 55 years), a reduction in the proposed quantity, quality, location, management, of public parking spaces, or any other aspect of the conditions of this CDP, **Special Condition 18 (Local Government Approval)** requires that the terms and conditions of this CDP shall prevail. In consideration of the public interest associated with this project, **Special Condition 19 (Liability for Costs and Attorneys' Fees)** requires the applicants to reimburse the Commission in full for any attorney fees incurred as a result of the subject CDP.

Proposed Construction Staging

The applicants anticipate that project construction—including installation of the proposed foundation and construction of the east and west structures—may take up to two years to complete. Commission staff requested analysis of a project alternative that would allow the provision of onsite public parking during the extended two-year construction period. Under the 'Two Phases' alternative, the applicants would first construct the east parking garage (i.e. Phase I) and open it to the public before continuing to construct the residential uses surrounding the parking garage and the west structure (i.e. Phase II). This alternative would require the provision of offsite public parking for a lesser period of time compared to the current proposal, as well as provide 177 public parking spaces onsite more quickly.

However, the applicants stated that it would be extremely difficult to ensure visitor safety while construction work continued on the east structure's exterior. It would also significantly slow the construction period to accommodate the frequent interruptions and constraints posed by the presence of visitors on a construction site. Based on these factors, the applicants found this alternative to be practically and economically infeasible.

During construction, the applicants propose the use of fencing and safety cones to preserve public access to the boat launch ramp via the existing paved walkway located adjacent to the east canal side. The boat launch parking lot would not be safe for public use until completion of construction due to the proximity between the proposed boat launch parking lot and new east structure. Visitors will be able to use on-street parking to access the boat launch ramp on a temporary basis. The applicants propose the temporary closure of the existing 203 parking spaces onsite and provision of 203 public parking offsite for the duration of construction. LADOT Lot 701's existing 180 parking spaces, located less than 50 ft. from the furthest eastern property line of the project site, are proposed for provision between 8 A.M. and sunset every day except the single weekday the Venice Farmer's Market operates (typically Friday for no longer than five hours). An additional 23 parking spaces would be provided on both summer and non-summer weekends (i.e. the highest parking demand period) at one of the three potential locations listed below and mapped by **Figure 10**:

1. The Westside Global Awareness Magnet School parking lot located at 104 E. Anchorage Street, roughly 0.5 miles south of the project site and 600 ft. inland of the sandy beach;

2. The Westminster Avenue Elementary School parking lot located at 1010 Abbot Kinney Boulevard, roughly 0.8 miles north-east of the project site and 0.25 miles inland of the sandy beach; and

3. The Venice Skills Center parking lot located at 611 5th Street Avenue, roughly 1.1 miles north-east of the project site and 0.37 miles inland of the sandy beach.

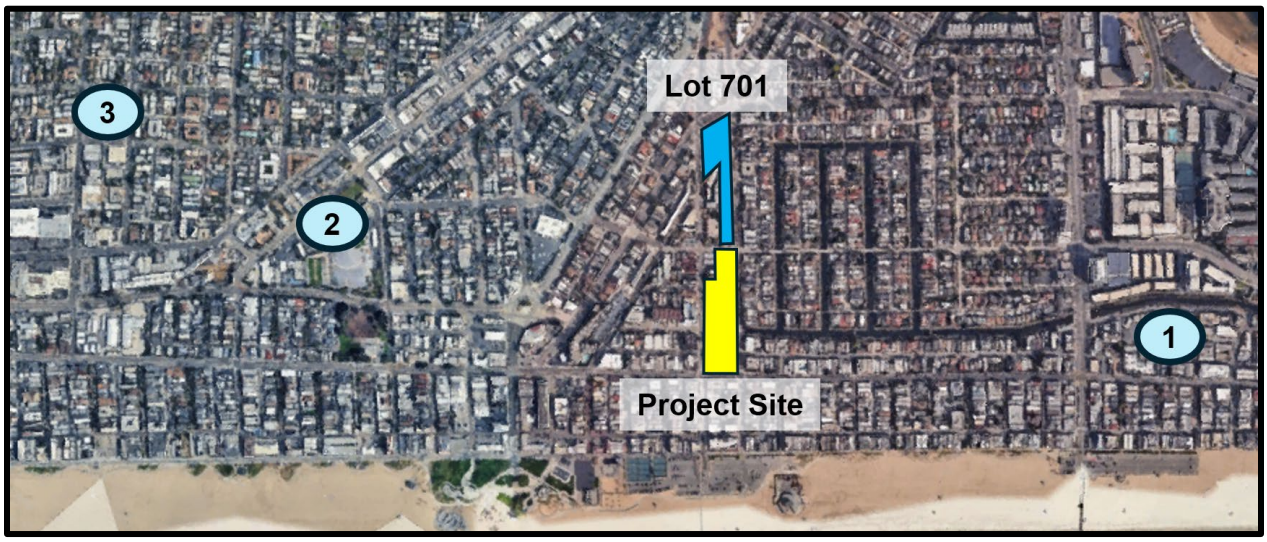


Figure 10. Map of potential offsite parking locations numbered per the above list, with the Westside Global Awareness Magnet School as Circle No. 1.

The applicants obtained letters of confirmation that the above entities would each be willing to provide up to 20 offsite parking spaces for City-operated public beach access in 2022 and in the months preceding publication of this staff report (i.e. October and November 2024). While the three entities did not offer formal reservation of a set number of offsite parking spaces, they communicated willingness to do so if the spaces were not leased by other entities.

Compared to the project site, Westside Global Awareness Magnet School is located closer, or equidistant to, the sandy beach. Westminster Avenue Elementary School and the Venice Skills Center are located farther from the sandy beach—up to a 25-minute walk—but would only be needed during the highest parking demand periods in which LADOT Lot 701's 180 parking spaces fill up and an additional 23 spaces would be needed. The proposed temporary offsite parking will provide adequate replacement parking during the anticipated construction period.

Special Condition 4 (Submittal of Final Construction Staging Plans) requires the applicants to submit a submit a final Construction Staging Plan for the Executive Director's review and written approval prior to issuance of the subject CDP. At minimum, the construction staging plan shall include the provision of at least 180 offsite parking spaces at LADOT Lot 701 and 16 offsite parking spaces at a second location no further inland from the sandy beach than Lot 701. The replacement parking spaces shall be leased from the second offsite location on, at minimum, weekends and state holidays. A copy of the lease agreement is required to be provided for Executive Director review and approval prior to issuance of the CDP. The applicants are also required to submit a

plan for management and rate collection of the parking spaces. The plan is required to be consistent with the conditions of Commission-approved and issued CDP 5-01-028, as amended. At the time of publication of this staff report (i.e. prior to any potential future amendments), CDP No. 5-01-028 required Lot 731 to provide parking spaces to the general public between 9 A.M. and 8 P.M. during the summer season (April through September) and 9 A.M. to 5 P.M. during the winter season (October through March) for no more than $11.00 per vehicle per day. To ensure visitors can easily access the offsite parking, the Construction Staging Plan shall include provisions for signage at the project site indicating the location, quantity, and cost of replacement parking at the second offsite parking lot.

Priority Land Uses

Section 30222 of the Coastal Act prioritizes the use of private lands for visitor-serving commercial recreational facilities over private residential development. Section 30213 of the Coastal Act echoes this preference and further mandates the protection and, where feasible, provision of lower-cost recreational visitor facilities. The project site is currently developed with two visitor-serving public parking lots and a private quadraplex. The project proposes the partial conversion of existing public facility (LADOT Lot 731) to private development (dwelling units and private parking for residents). However, considering the full scope of proposed uses is necessary to determine whether the project is consistent with preferred land use policies of the Coastal Act.

The west and east portions of the project site would face differing degrees public-to-private conversion, considering the east side is already developed with a mix of public parking and private dwelling units. The one-acre portion of the project site located west of the Grand Canal would be converted from a purely public-serving land use to mixed-use public and private development. While this poses a net decrease in the amount of public-serving space, the decrease would be marginal and accompanied by an increase in the diversity of public-serving uses onsite: a new, 1,735 sq. ft. retail use would be added. The 1.65-acre portion of the project site located east of the Grand Canal is already developed with private land uses (i.e. the existing quadraplex) and would face a marginal net decrease in the amount of public-serving area onsite. The decrease in public space on the east side of the project site would not be accompanied by a new commercial use, but it would be accompanied by an increase in the number of public parking spaces.

Some members of the public contend that the 47-space increase in public parking and new 1,735 sq. ft. retail use is inadequate to mitigate the conversion of public open space to developed mixed-use space. Members of the public have emphasized the value of public surface parking lots, with one person describing teaching their children to ride bikes for the first time in an open, paved area. While it is true that public open space serves a valuable purpose in any community, that space is typically provided through parks or walkways with vegetation, designated pedestrian paths, and seating areas, not in public parking lots. The existing LADOT Lot 731 is an asphalt parking lot with no designated pedestrian walkways or bike lanes. Those who use Lot 731 as recreational open space risk unsafe interactions with vehicles, especially during periods of peak demand. Furthermore, this argument would preclude the construction of any expanded parking facilities onsite even under the ‘No Project’ alternative. Keeping a

surface parking lot for intermittent recreational use by residents is not more protective of coastal access than the proposed project.

Overall, the project would convert an existing public parking facility to a mix of public and private land uses—but the conversion is not a complete displacement. Rather, the project would actually increase the total number of public parking spaces onsite and provide a new retail use while maintaining the existing priority uses onsite. **Special Conditions 17 (Proof of Legal Ability to Comply with Conditions) and 20 (Final Tract Map)** require the applicants to submit evidence to the Executive Director that confirms the proposed mix of public City-owned and private uses are incorporated as restrictions on the property.

Another important issue in analyzing priority land uses is affordability: Section 30213 requires protection of lower-cost recreational visitor facilities. As described in Subsection VI.A (Locally-Approved Project) above, the Commission authorized the City to charge a maximum of $11 per day per vehicle to park in LADOT Lot 731. The City's parking operator has charged more than four times the authorized price, with maximum daily flat rates reaching $45 during peak demand. The applicants initially proposed a tiered system of parking rates ranging between $4 and $15 per hour, with no limits on the maximum daily rate and rates assigned based on the parking space location. The applicants revised the proposal to request maximum entry rates of $25 flat rate per day for the east and west public parking spaces. The boat launch parking lot would remain free of charge for use.

Maximum parking rates of $25 per day would be consistent with the unpermitted parking rates charged at Venice's three County-managed beach parking lots and would exceed the latest Commission-approved parking rate for LADOT 731 by $14 per day. Accounting for inflation, an $11 rate in 2001 would equate to roughly $19.50 in 2024.[45] Commission staff have not received feedback from the City on the proposed increase to the parking rates for the new public parking spaces onsite. On August 3, 2023, Commission staff held a virtual meeting with City staff to discuss the subject rates. Commission staff explained that the current rates exceed the approved rates and requested that the City 1) return to the Commission-authorized parking rates and 2) become a co-applicant on the subject CDP application if they wished to propose any subsequent increase to the maximum $11 parking rates. However, LADOT has not joined this application as a co-applicant, and the applicants do not have the legal authority to request approval of changes to the parking lot rates themselves.

To maintain consistency with the Commission's prior action and to ensure public access via public parking opportunities is protected, **Special Condition 2 (Submittal of Final Parking Management Plan)** requires the applicants to submit a final Parking Management Plan for the proposed east and west public parking spaces for Executive Director review and approval prior to issuance of the CDP. The revised plans must show daily parking rates consistent with Commission CP 5-01-028, which, at the time of publication of this staff report is no more than $11 per day. No changes to the approved, final Parking Management Plan shall occur without a Commission amendment to CDP No. 5-01-028 (the last CDP approved by the Commission for a parking rate system in

[45] https://www.usinflationcalculator.com/

LADOT Lot 731), unless the Executive Director determines that no amendment is legally required. As conditioned, the public parking facility onsite will remain consistent with the public access policies of Chapter 3 of the Coastal Act.

Bicycle and Pedestrian Circulation
Section 30252 of the Coastal Act requires new development to maintain and enhance public access, in part, by "providing non-automobile circulation within the development". This includes pedestrian and bicycle accessways. The findings of Subsection VI.A (Public Access Contentions) above regarding the formal bikeway adjacent to the project site and informal bikeway through the site are incorporated herein.

Caltrans offers multiple categories of bikeways, with the two least specialized categories including "shared roadways" used by both vehicles and bicyclists; and "Class 1 Bikeways" used by both pedestrians and bicyclists.[46] The segment of North Venice Boulevard adjacent to the project site is a shared roadway (or 'sharrow') with street markings guiding bicyclists to bike amongst vehicle traffic is located along North Venice Boulevard. Sharrows pose a significant risk of collision between vehicles and bicyclists and are not an especially safe method of bicycle travel.

While the average seven-foot-wide sidewalk located between South Venice Boulevard and the project site is a safer route for bicyclists, it does not formally qualify as a Class I bikeway per Caltrans design standards. The subject sidewalk is one-foot short of the minimum eight-foot travel width required for a two-way Class I bikeway. The sidewalk meets the minimum five-foot travel width required for a one-way Class I bike lane, but not the siting requirements: Caltrans' current design criteria limits one-way bike paths to areas "where there is need for only one-direction of travel… as it is difficult to enforce one-way operation." South Venice Boulevard is unidirectional, but the sidewalk adjacent to it is not (as demonstrated when Commission staff had to step to the side for an oncoming bicycle while walking toward Dell Avenue.) Caltrans also strongly discourages the use of sidewalks as Class I bikeways, stating: "[S]idewalks are not Class I bikeways because they are primarily intended to serve pedestrians, generally cannot meet the design standards for Class I bikeways, and do not minimize vehicle cross flows."

Regardless, the bikeway along South Venice Boulevard was built in the 1990s and appears to be legally nonconforming, considering that the Commission-approved plans for Caltrans to build the sidewalk under CDP No. 5-90-664 clearly label it as a bikeway. The project would maintain the existing seven-foot bikeway width, with no proposed changes to the existing sidewalk (and sidewalk planters') footprint. The two existing driveways within the project site, which constitute the only vehicle intrusions into the bikeway, would be retained in roughly their existing location. No increase in the quantity of driveways on South Venice Boulevard is proposed.

Commission staff requested analysis of project alternatives that would provide a new bikeway within the project site, including the walkways on either side of the Grand Canal and the Grand Canal Bridge. However, the significant grade changes onsite render it difficult to provide new ramps in the locations needed to allow bicyclist access from the

[46] Caltrans Highway Design Manual Section 1002.1.

South and North Venice Boulevard sidewalks to the inner project site. The applicants also note that both bridge entry/exit points are not safe for bike paths due to their proximity to adjacent to residential and pedestrian uses. As such, the existing sharrows on North and South Venice Boulevard and bikeway on the South Venice Boulevard sidewalk are the only formal methods of bicycle access on and adjacent to the project site. The project also includes the installation of eight public bicycle racks located at exterior locations near the proposed building entrances onsite.

Members of the public have raised concerns that the newly proposed development would introduce a greater density of pedestrian uses and jeopardize the existing bikeway adjacent to South Venice Boulevard. It is fair to assume that the proposed 120 dwelling units, 1,735 sq. ft. of retail, and 46 additional public parking spaces onsite will generate increased pedestrian traffic in and around the project site. However, bikeways are not the only form of non-automobile circulation protected by Section 30213 of the Coastal Act: pedestrian access is also protected.

The project would result in significant improvements to pedestrian circulation onsite. The Grand Canal Bridge would be converted from a vehicular roadway with no designated pedestrian paths to solely a pedestrian accessway. The bridge will become a safe viewpoint for pedestrians to pause and observe the Venice Canals System, rather than a roadway where pedestrians linger at their own risk. The grade changes on either side of the Grand Canal Bridge pose an engineering difficulty, with the drop in elevation and distance between the bridge and the sidewalk making it difficult to provide an ADA-compliant ramp slope—but the applicants have resolved the issue with the provision of both a ramp and stairs to access the bridge. One set of stairs will lead pedestrians under the bridge archways toward the canal and the other set of stairs will connect between the bridge and the sidewalk. With the proposed improvements, visitors will be able to walk along the canals via newly open routes. Ramps will provide access adjacent to the canal and under the bridge on both sides, as well as onto the bridge from the west side. Additionally, the currently proposed project does not include any alteration to the existing sidewalk widths along North Venice Boulevard and South Venice Boulevard.

Overall, the proposed project would not significantly adversely affect existing bicycle circulation in the project site's vicinity and would significantly improve pedestrian circulation onsite. **Special Condition 13 (Public Rights)** further specifies that the Commission's action on the subject CDP shall not constitute a waiver of any future or current public rights that exist on the property.

Boat Launch Ramp Access

Section 30213 of the Coastal Act requires protection and, where feasible, provision of lower cost visitor-serving facilities. Section 30224 encourages increased recreational boating use of coastal waters with several methods, including "limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities[.]"

As described in Subsection VI.A. (Locally-Approved Project) above, the existing boat launch ramp is the only safe way for members of the public to access the Venice Canal System by boat. The existing boat launch parking lot is a 33-ft. wide by 100-ft. long

paved lot with a long, narrow strip of unvegetated dirt planters between the canal sidewalk and parking lot. No parking spaces are designated by painted stripes within the lot, but the plan approved by the Commission under CDP No. 5-91-584 shows seven parking spaces located perpendicular to the launch ramp and parallel with North Venice Boulevard **(Exhibit 9)**. The Commission-approved plan does not show a labeled loading/unloading area, but the parking spaces are sited to allow additional open space adjacent to the launch ramp.

The boat launch ramp accessway is subject to several ongoing violations of past CDP terms and conditions. CDP No. 5-91-584 required the installation of three public access signs along North and South Venice Boulevard, while CDP No. 5-92-377-A1 required the boat launch parking lot to remain open to the public between 8 A.M. and sunset every day.

Neither requirement has been followed by the City. The City did install a single "Venice Canals Boat Ramp" sign in August 2023, albeit without the review and approval of Commission staff, and installed it soon thereafter, but the sign is small, set back at least 50 ft. from the North Venice Boulevard roadway, and does not include the hours of operation of the lot. Consequently, the presence of a public boating accessway is not immediately clear when driving on North Venice Boulevard.

Additionally, the public boat launch parking lot is used by the City's canal-cleaning contractor on a weekly basis. The canal cleaners park their vehicles and temporarily store large dumpsters full of collected algae in the boat launch parking lot, effectively blocking at least two public parking spaces. Said use of boat launch parking spaces for storage of maintenance vehicles and dumpsters during hours of operation of the launch is inconsistent with the requirements of CDP No. 5-91-584 and CDP No. 5-02-377-A1 to provide a seven-space public parking lot to service the boat launch.

The City has confirmed that the cleaning contractor opens and closes the gated boat launch parking lot entrance when it accesses the site to maintain the canals. As a result, the boat launch parking lot is often opened late and closed early, or not opened at all. The unpermitted, intermittent closures have persisted as far back as 1994. A likely result of the closures and inadequate signage has been a lack of public awareness that members of the public can boat in the Venice Canals System and the fact that the City has been unable to determine which City department is responsible for management of the lot. In correspondence with Commission staff, several members of the public have expressed surprise that there is a public boat launch with public parking that provided the public with an opportunity to boat in the canals.

Commission staff have requested that the City become a co-applicant to resolve these violations, but in the three years since receipt of the application, the City has repeatedly declined but agreed to abide by the terms of the permit. The current applicants, Venice Community Housing Corporation and Hollywood Community Housing Corporation, are not parties to the existing Coastal Act violations; however, the applicants have proposed measures to improve the functionality of the boat launch and parking lot for public use going forward.

The applicants propose to re-grade, re-pave, re-stripe, and re-landscape the existing 33-ft. wide by 100-ft. long boat launch parking lot, resulting in seven standard-sized marked parking spaces and one ADA-compliant parking space onsite. The existing landscape buffer would be replaced with a new, 240 sq. ft. vegetated landscape buffer, and the fencing and gate adjacent to North Venice Boulevard would be eliminated. Features proposed for retention in their current form include the existing sloped walkway between the boat launch parking lot and ramp; the five-foot sidewalks immediately adjacent to the Grand Canal; and the boat launch ramp itself.

The proposed configuration does not include a designated parking space for loading and unloading boats onto/from a trailer, nor did the Commission-approved configuration provide a trailer parking space. Such a space would not be feasible given the constraints of the small parking lot, which is 33-ft. wide, and the maximum allowable length of a vehicle with a boat trailer in California is 48 ft.[47] Commission staff requested analysis of project alternatives to allow the maximum number of parking spaces onsite, both for standard vehicles and vehicles with trailers. The applicants submitted alternatives during the application review process as summarized below.

Under “Eastward Location” alternative, eight boat launch parking spaces would be located perpendicular to the eastern property line (i.e. a mirror-image of the current proposal). Vehicles would enter the boat launch parking lot from North Venice Boulevard and exit through the east public parking garage onto North or South Venice Boulevard. Vehicles with trailers still could not park within the boat launch parking lot, but they would be able to enter the lot and unload directly onto the boat launch ramp without having to reverse at any point. This alternative raised issues of how to allow vehicles to exit through the public parking garage without a ticket or method of parking validation. It would effectively offer a loophole for vehicles to enter the east public parking garage free of charge, with no feasible way to ensure vehicles entering the boat launch parking lot are actually parking in the boat launch parking spaces.

Under the “One-Way Lane” alternative, the two lanes in the boat launch parking lot would become one lane leading across the project site from North Venice Boulevard to South Venice Boulevard. This alternative would also make it easier for vehicles with trailers to pull up to the boat launch ramp and exit without having to reverse at any point. This alternative proved to be infeasible due to the significant elevation changes across the site, with the existing grade increasing in steepness by roughly six feet moving south across the project site from North Venice Boulevard. The applicants have incorporated some project measures to accommodate the steepness, including elevating the lowest floor of the east structure and providing stairs on either side of the Grand Canal Bridge. The applicants have stated that a vehicle accessway between North and South Venice Boulevard across the site would not be safe due to the presence of a steep 45° angle where the one-way drive would intersect with the bridge.

Under the “Parallel Spaces” alternative, the applicants would provide seven parking spaces in their currently proposed locations (except shifted as far north as possible) and an eighth parking space sized for a vehicle with a trailer along the furthest southern side of parking lot. All eight parking spaces would be located perpendicular to the launch

[47]California Vehicle Code Section 35401.5.(a)(1).

ramp. However, this alternative would require the footprint of the boat launch parking lot to expand from 33-ft. to more than 48-ft. in width to accommodate the maximum trailer length. Expanding the footprint of the boat launch parking footprint would require the elimination of dwelling units from all three floors of the proposed east structure. Additionally, it would prevent the vehicle parked in the standard-sized spaces closest to the trailer from executing a three-point turn, as their maximum reversing distance would be reduced by the trailer. Locating the trailer parking space against the eastern property-line (i.e. parallel to the launch ramp and perpendicular to North Venice Boulevard) would not resolve this problem.

Overall, the above alternatives demonstrate the infeasibility of providing a designated parking space for a vehicle with a trailer in the boat launch parking lot. The applicants are faced with significant site-specific constraints, including a limited project site area to fit a variety of uses and a steep grade change across the site. The proposed project would accommodate one new ADA-compliant parking space and preserve the existing seven parking spaces in the boat launch parking lot. The project does not propose any obstructions to the boat launch ramp and would instead eliminate the existing obstructing gate at the launch parking lot entrance.

To ensure the preservation and enhancement of public access to the boat launch, **Special Condition 3 (Submittal of Final Boat Launch Access Plans)** requires the applicants to submit final boat launch access plans for the Executive Director's review and approval prior to issuance of the CDP. The final boat launch access plans shall provide at least seven standard-sized vehicle parking spaces in the boat launch parking lot and one parking space compliant with minimum ADA dimensions. The plan shall specify methods to avoid the use of the boat launch parking lot by non-boating visitors, as well as the removal of any ‘Private Property’ signage and gates and fences that impede access to the boat launch ramp accessway. The applicants shall also submit a Final Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each public parking garage wayfinding sign pursuant to the City’s confirmation. The signs shall facilitate, manage, and provide public access to the public beach parking garages. No changes to the approved Boat Launch Access Plan shall occur without a Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required. As proposed and conditioned, the boat launch parking lot is consistent with the terms and conditions of past Commission actions onsite.

Conclusion

There is no question regarding the need for additional public parking in Venice; multiple studies have recorded 85 to 100% utilization rates during peak demand hours, including on weekends and holidays. The question, instead, is whether the proposed project must be denied to preserve the possibility for the City to construct a future multi-level parking garage across the entire 2.65-acre project site, or if the project can be approved with conditions that maintain and expand the public parking and access opportunities at the site. Considering the other possibilities for parking expansion in Venice, the desperate need for affordable housing, and the project’s proposed expansion and diversification of public-serving land uses onsite, including public parking, the proposed project can be approved with conditions that address coastal access issues.

As proposed and conditioned, all 231 proposed public parking spaces onsite (including the eight boat launch parking spaces) would be operated by the City at rates consistent with those last approved by the Commission. The project would also preserve bicycle and boating access in and around the site's vicinity, while improving pedestrian access by converting existing roadways to new walkways and would also provide urgently needed affordable housing to vulnerable members of our community. Temporary impacts from construction have been minimized to the maximum extent feasible through the provision of offsite parking and maintenance of an open pathway to the boat launch ramp.

Affordable housing near the coast can help contribute to maximizing coastal access by providing housing opportunities for low- and moderate-income households, including workers necessary to staff visitor-serving uses. The shortage of affordable housing in the coastal zone today is a barrier to meaningful coastal access for moderate- and lower-income households. High costs of housing and historical exclusionary policies and practices have limited the ability of households of color to live, work, or recreate near the coast in many areas. As climate change causes inland temperatures to rise more frequently to dangerous levels, access to coastal areas with cooler weather is increasingly important.

Maximizing public access to the coast can take many forms. Providing affordable housing options for low- and moderate-income households plays a significant role in how likely individuals are to engage with the coast by reducing the financial and time costs of travel, by establishing social and cultural connections that facilitate public access, and by providing a welcoming environment for broader segments of the population. In addition, affordable housing provides opportunities for workers who sustain businesses that provide services to visitors and serve critical functions for public access, such as restaurants and hotels. In these ways, providing housing that is affordable to diverse segments of the population helps the State achieve its goals related to public access for all, even though it does not directly provide public access or recreational opportunities or substitute for other forms of required access. Thus, increasing housing equity in the coastal zone is essential to fulfilling the Coastal Act's goal of maximizing public access to and along the coast and advancing environmental justice.

Thus, for all these reasons the project, as proposed and conditioned, will maximize access to the coast, consistent with Chapter 3 of the Coastal Act and the certified Venice LUP.

D. ENVIRONMENTAL JUSTICE

Relevant environmental justice policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

In March 2019, the Commission adopted an environmental justice policy (EJ Policy) to guide and inform implementation of Section 30604(h) in a manner that is consistent with, and furthers the goals of, the Coastal Act and certified LCPs. The EJ Policy recognizes that the elimination of affordable residential neighborhoods has resulted in many underserved communities (including low-income communities, communities of

color, and other historically marginalized communities) living farther from the coast, the EJ Policy calls for the Commission to increase efforts to encourage affordable housing and "work with local governments to adopt local coastal program policies that allow for a broad range of housing types, including affordable housing, ADUs, transitional/supportive housing, [and] homeless shelters…in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act."

Identifying Communities of Concern

The Commission's EJ Policy provides a framework to consider fair outcomes of the permitting process. It requires staff to reach out to, and include the voices of, environmental justice communities (also referenced as 'communities of concern') who have been: A) historically marginalized in the governmental review process, B) disproportionately burdened by environmental hazards often stemming from industrial development, and C) displaced by the racist housing policies discussed further below. The goal is to ensure that the Commission thoughtfully considers these voices during the application review and planning process. Meaningful engagement requires identifying the communities that will be (or already have been) potentially impacted by development and policies. To determine the distribution of benefits and burdens on this community, staff used both quantitative and qualitative sources.

As stated earlier, the Commission has considered Venice to be a 'special coastal community' in past actions. The certified Venice LUP points to architectural and social diversity as two main contributing attributes to Venice's status as a unique visitor destination. However, over the decades, many other factors have contributed to population displacement and gentrification throughout Venice.[48] Some of these factors include police gang injunctions targeting low-income residents;[49] real estate speculation driving up land prices;[50] and discriminatory land-use planning decisions like 'redlining'.[51]

The area immediately south of the proposed project site was formerly redlined due to the so-called "infiltration" of the neighborhood by populations considered undesirable by the New Deal-era government, such as Jewish, Asian, Mexican, and Black families. CalEnviroScreen offers useful quantitative metrics measuring the long-term effects of redlining (among other practices). CalEnviroScreen scores census tracts by the level of environmental and socioeconomic burdens, with a high composite score indicating a high level of burdens on a census tract. According to CalEnviroScreen data, the neighborhood south of the project site previously subject to redlining currently shows an

[48] Gentrification is the process by which the character of an area is altered by a large influx of wealthier people moving into a poorer area, thus displacing the existing community members by increasing the cost of living. Through increases in property value, the community becomes less accessible to prospective and current low-income residents who may be unable to accommodate increased housing expenses. As a result, wealthy businesses also follow suit in occupying these areas to accommodate high-income local residents.

[49] "Gang Injunctions", Youth Justice Coalition, 2008.
[50] "Hands Off the Houses", Shelterforce, 2022.

[51] Redlining is a New Deal-era practice where neighborhoods in major cities were ranked best to worst (A through D, respectively). These rankings were based on 'infiltration' of people of color and its effects were economic disinvestment on C and D-rated neighborhoods that remain present today.

overall low composite score and a predominantly white population. This shows the change in neighborhood characteristics since the creation of the redlining maps in the 1930s.

The proposed affordable housing project is designed to specifically support people experiencing homelessness, as well as other low-income households. Individuals experiencing homelessness constitute an extremely-low income demographic acutely struggling to attain society's most basic resources, including safe housing. As such, these individuals comprise an environmental justice community to which the Coastal Act's EJ provisions and the Commission's EJ Policy apply. The Los Angeles Homeless Services Authority conducts an annual point-in-time (PIT) census to obtain regional estimates of individuals experiencing homelessness on a specific census day (or multiple).[52] The January 2024 PIT count estimated that Venice contains approximately 40% of the homeless individuals in the City of LA's 11th Council District, underscoring the presence of a significant, vulnerable population in Venice. [53]

Through consultation with community organizations and individuals representing these communities of concerns, it was stated that many of the workers who contribute to Venice's vibrant economy—particularly those in the hospitality, service, and retail sectors—are generally low-income and unable to afford to live in the community where they work, which was reflected in the mapping data. Additionally, the Commission is aware that many individuals experiencing homelessness consider Venice home and have been struggling to remain on the coast due to rising costs.

The quantitative and qualitative factors discussed above warrant consideration pursuant to Section 30604(h) of the Coastal Act. The Commission's EJ Policy underscores the importance of both: 1) process, or ensuring that those potentially affected by proposed development have an equitable opportunity to participate in a transparent public process, and 2) substance, or evaluating whether projects do or do not disproportionately distribute environmental benefits and burdens.

Procedural Concerns

One contention raised in the appeal is that the City's action on the local CDP relied on factual omissions and provided insufficient opportunities for public engagement. The local record also shows that the legal noticing requirements for local government hearings were satisfied for City actions on the subject project. However, while the record shows that the local government noticing was legally adequate, as discussed in subsections 1 through 5 of Section VI.C (Substantial Issue Analysis) above, the local CDP did not provide an adequate analysis of many of the potential resource impacts. Additionally, the question of obstructive involvement is raised: in interviewing EJ organizations and individuals experiencing homelessness, Commission staff received feedback that there has been too much local discussion and that the opponents' demands and raised concerns are intended to delay the project.[52] The applicants conducted substantial community outreach between 2017 and YEAR, with 18 public meetings where the City considered the project and most of which included public comment. These meetings include various consultations with the Homelessness & Poverty Committee, which represents an EJ community being impacted by this project.

[52] This reflects the arguments of a recent lawsuit filed by LA Forward, et al v. City of Los Angeles et al.

It is important to consider whose voices are being heard the loudest during the outreach process and which concerns are substantive.

Substantive Concerns
During public feedback and staff outreach, public input ranges from support for the proposed affordable housing development to opposition over a broad range of concerns. Supporters of the project argue that the proposed project will help address the pressing need for housing in the area, particularly supporting and uplifting people experiencing homelessness; those who call Venice home and have been 'gentrified out'; and low-income workers who cannot afford to live in the coastal zone. Supporters state that the 100% affordable housing project will increase coastal access for those who cannot afford to live there and their families. Environmental justice organizations representing Indigenous peoples have raised the concerns of Tongva Peoples not being able to afford living in Venice, LA, or even California. They hope that more projects such as this one include housing for Native Peoples. Supporters note that the development includes services that will support and improve the lives of those most marginalized without impacting coastal access. Moreover, they state that Venice's unique neighborhood character is enhanced by creating a mixed-income community, contributing positively to equitable access to the coast.

Several substantive concerns were also raised by project opponents as described and addressed throughout the report. These concerns were notably summarized by Sonya Reese Greenland, descendent to Arthur Reese, an esteemed Black forefather of Venice. In her letter, she frames the project as one that disproportionately burdens low-income communities, families of color, and other disadvantaged groups by reducing access to affordable beach parking, displacing existing residents, building in an area susceptible to flooding and sea level rise, and increasing congestion at a critical public resource.

Regarding access, it is true that insufficient parking has an outsized impact on visitors from inland communities, who often rely on vehicle transportation to access the coast. Given that coastal communities tend to be predominantly wealthy and white, these inland communities often bear the brunt of the burden when coastal parking resources are removed. However, the proposed project increases public parking onsite and eliminates several existing public access obstructions (including gates blocking the Grand Canal Bridge archways and boat launch parking lot). **Special Condition 2 (Submittal of Final Parking Management Plan)** additionally prohibits parking rates from exceeding those approved by the Commission under CDP No. 5-01-028 (currently a maximum $11 daily flat rate). The project's relation to parking expansion is discussed further in Subsection VI.C (Public Access) above, but it will not prevent the City from pursuing other methods of parking expansion that would not require the sacrifice of new affordable housing.

Regarding displacement of existing tenants, the applicants are responsible for relocation of said residents. The applicants and the City have formally and informally reached out to the existing tenants multiple times since 2017. This includes communication from the City's General Services Division, which is the current division acting as landlord for the property, about the status and impacts of the proposed development. The applicants are responsible for the relocation activities of the existing

tenants and have engaged a relocation consultant to help ensure compliance with all laws, including federal and state relocation assistance benefits (cash and other resources) in advance of and upon initial relocation from the property. The quadraplex tenants will get the right of first refusal for units in the proposed development at the same initial rent rate, as long as they are income qualified. As provided by the applicants, should the existing tenants choose a permanent relocation under federal and state law—which provides for rental assistance for potentially up to 60 months—the applicants will keep in contact with the tenants and allow them to return to the new project up to 10 years from the date they vacate the project site.

Regarding coastal hazards, more than half of the Venice coastal zone may be subject to flooding in the next 75 years in the absence of a future City-wide hazard mitigation plan. The project site's proximity to the Grand Canal does not pose a unique degree of risk and has not precluded the development of single-family development in the Venice Canal subarea (few of which are affordable for purchase or rent to low-income households). The hazards facing the project site and proposed hazard minimization measures are discussed further in Subsection VII.B (Coastal Hazards and Sea Level Rise)—but overall, the project as been designed to ensure the safety of its occupants.

Regarding vehicle congestion near the Venice Median, the provision of affordable housing along the coast reduces the vehicle miles traveled of the low-income communities working in those communities. As described above, residents that have participated in the public process and/or spoken directly to staff have shared that many of those that work in Venice are low-income and cannot afford to live there. Reducing the frequency and distance of work commutes has a beneficial impact on vehicle emissions and reduces pollution burden.

It is important to establish that the Coastal Commission's EJ Policy supports equitable access to coastal resources and housing opportunities for all people, including those who are economically disadvantaged. Affordable housing can be a means to preserve the community character of Venice, by reducing the displacement of residents that live in, and/or utilize, the area but are facing rising costs of living that risk harming its unique community character. In this way, affordable housing projects often do more to enrich community character than harm it and can be seen as a commitment to inclusive growth.

Non-Substantive Concerns

An appellant of Appeal No. A-5-VEN-22-0042 (and opponent of the project) described the proposed project as inconsistent with the Commission's EJ Policy due to discrimination against market-rate developers in favor of low-income households. The appellant/opponent contends that the City and Commission have "engaged in a policy of containment in the Venice neighborhood concentrating all manner of low-income housing projects" in City Council District 11.

There are several issues with this argument. First, it assumes that increasing the density of low-income housing poses unique burdens on a community. The project opponent does not elaborate on said burdens, but his stated safety concerns over the proximity of an affordable housing development to a grade school suggest pejorative assumptions about low-income households.

Second, the opponent describes an increase in affordable housing in the Venice community as discrimination against market-rate developers: a demographic that has not historically been considered disadvantaged or vulnerable. This contention situates high-income housing as the default and low-income housing as an anomaly or unique circumstance that should be limited in number to avoid disturbing higher-income residents. Again, the nature of this alleged disturbance is not specified in the appeal—but the contention is not founded on the Commission's environmental justice principles, which encourage public access to the coast for all.

Lastly, the opponent compares the number of recently-approved affordable housing developments in Venice to that of some of the wealthiest communities in the City of Los Angeles, including Pacific Palisades, Brentwood, and Mar Vista. It is unclear how a dearth of affordable housing in these communities is a reason to limit affordable housing in the Venice coastal zone. Overall, the subject contention of inconsistency with the Commission's environmental justice policy is not substantive.

Conclusion
The Coastal Commission's EJ Policy emphasizes the importance of integrating the voices and concerns of historically marginalized communities into the decision-making process. The direct project area may not itself qualify as an environmental justice community, the surrounding neighborhoods and the future residents who will utilize this site represent populations that have been disproportionately impacted by past inequitable policies and practices.

This project has the potential to provide tangible benefits to environmental justice communities in Venice. By creating 100% affordable housing for unhoused and low-income residents, it can reduce displacement, promote equitable coastal access, and support individuals who contribute to Venice's economy and character but currently are unable to afford to live there. Additionally, the proposed project as conditioned includes measures to ensure accessible public parking availability and mitigate potential hazards.

As described further in Subsection VII.C. (Public Access) below, affordable housing near the coast enhances public access by reducing barriers for low- and moderate-income households, fostering social and cultural connections, and supporting workers in visitor-serving industries. Additionally, affordable housing is a critical tool for fostering inclusivity and preserving Venice's unique community character by increasing affordability and thus reducing and potentially preventing further gentrification and displacement. For the reasons outlined above, the Commission finds that the proposed project, as conditioned, aligns with the goals of the Coastal Act and the EJ Policy, ensuring equitable access to coastal resources while moving a step forward in supporting affordable housing for historically marginalized communities.

E. Coastal Hazards

Relevant coastal hazard policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

Section 30253 of the Coastal Act requires new development to minimize risks to life and property in flood-prone areas. As detailed further below, the project site is located in a low-lying floodplain and subject to a variety of potential hazards, including flooding, tsunamis, liquefaction, and methane escape: all of which may be exacerbated by sea level rise. The Commission must determine whether the project location and design adequately minimize risks to future occupants, visitors, and the surrounding community. The Commission must also identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise per Coastal Act Section 30270. This is especially important considering the high-density housing and public facility land uses proposed.

Establishing a Development Lifetime
Currently, the best available science on sea level rise projections in California is provided in the State of California Sea Level Rise Guidance Update ("OPC 2024 Guidance")[53] and is reflected in the 2024 Update to the Coastal Commission Sea Level Rise Policy Guidance ("Commission 2024 Guidance"). The first step outlined by the Commission's 2024 Guidance is to determine the expected project lifetime. In this context, a development's lifespan does not refer to how long it will exist—it refers to the typical timeframe before an aging development requires substantial repairs or redevelopment (at which point options for removal or floodproofing may become available). New development should evaluate a range of sea level rise amounts and the hazards that could increase risk on a site. New development should also evaluate adaptation strategies such as setbacks or design features to minimize risks for the full life of the development. For analyzing residential and commercial development, the Commission's 2024 Guidance recommends assuming a 75-year development life.

A longer development life (and higher a sea level rise scenario) is recommended for analysis of critical infrastructure or similar development with little to no adaptive capacity that would be irreversibly destroyed or significantly costly to repair, and/or would have considerable public health, public safety, or environmental impacts. The Commission's 2024 Guidance and 2021 Critical Infrastructure at Risk Guidance[54] identify water and wastewater facilities and infrastructure, transportation infrastructure, and some power plants and energy transmission infrastructure as some examples. The City's 2018 Assessment lists the Venice stormwater and sewage pump plants, canal tide gates, and more than 35 miles of public roads as critical infrastructure. Public parking garages do not typically constitute critical infrastructure, as sudden closure would not produce significant impacts to health and safety of the community (unlike the sudden closure of sewage infrastructure or major roadways). If and when the effects of sea level rise impact the structure, a relocation plan would be necessary for the residents of the supportive housing and the maximum 231 public parking visitors, but there would be no immediate health or safety risk to the overall community. Thus, the following analysis will continue assuming a 75-year development lifespan for the proposed mixed-use development.

Establishing Sea Level Rise Scenarios
The second step outlined by the Commission's 2024 Guidance is to determine the

[53] "2024 Science and Policy Update", California Ocean Protection Council, 2024.
[54] "2021 Critical Infrastructure at Risk", Coastal Commission, 2021.

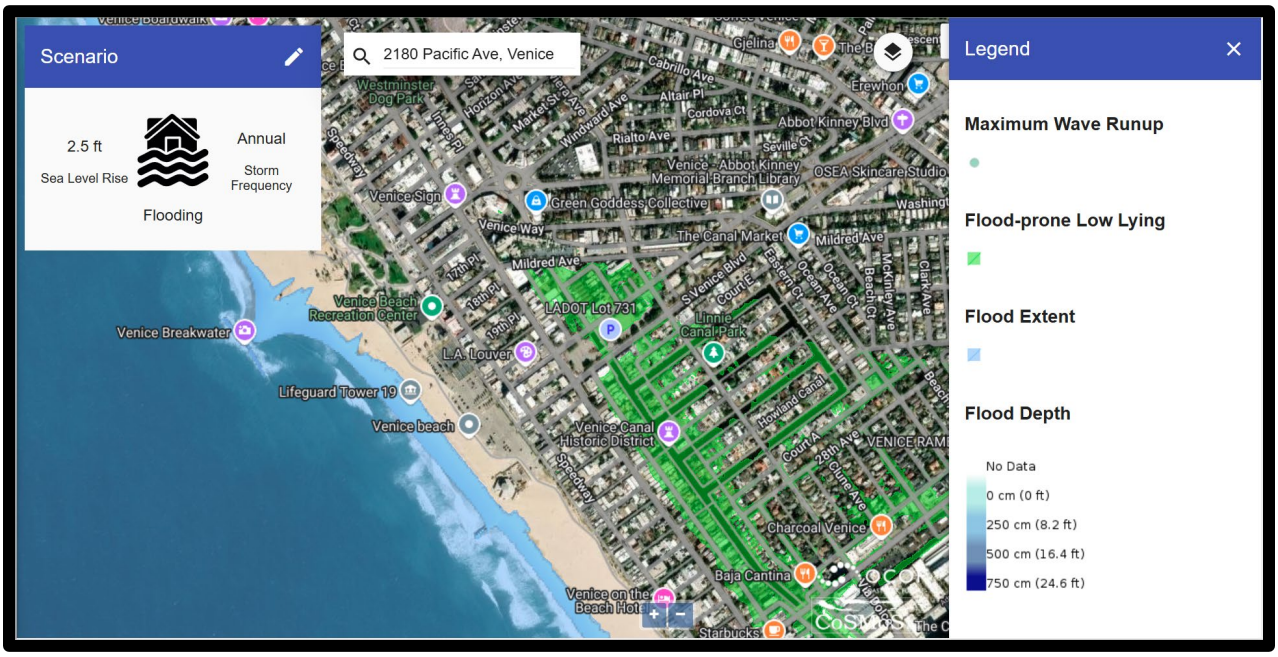
projected range of sea level rise in the development lifetime. There are 14 tide gauges located throughout California and operated by the National Oceanic and Atmospheric Administration, with five sea level rise scenarios ("low" to "high") projected for each tide gauge. The Commission's 2024 Guidance provides recommendations for which scenario to use in various planning contexts based on level of risk aversion and project type.

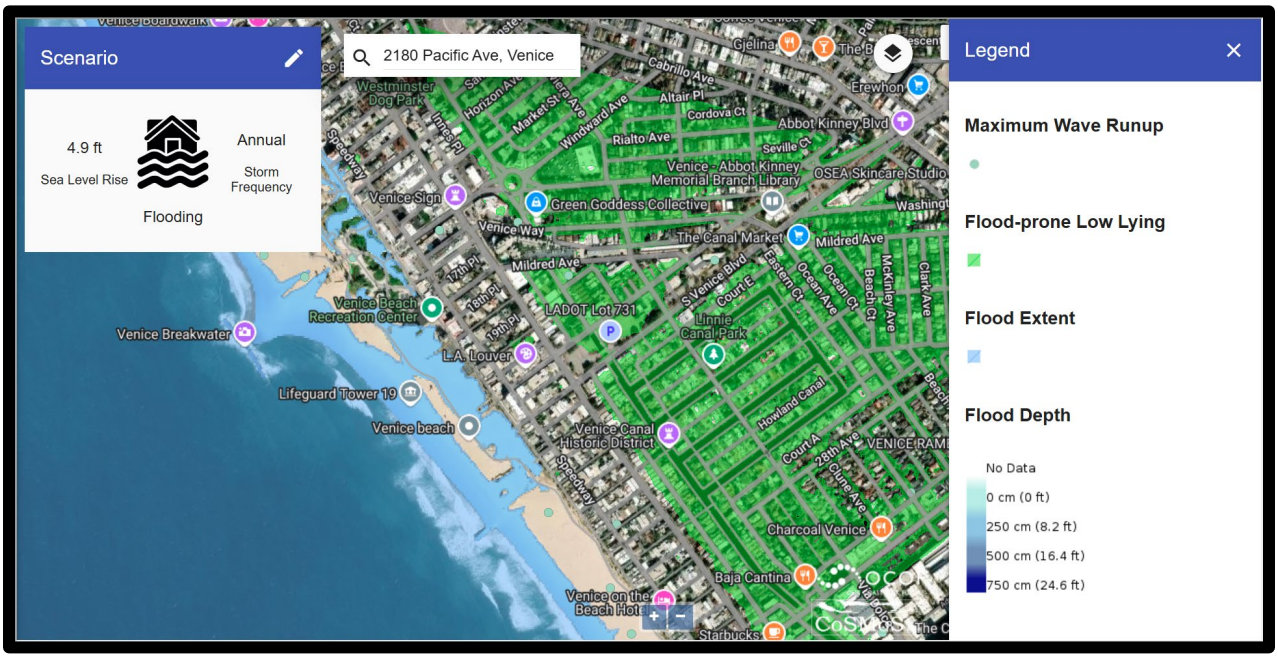
Medium-high risk aversion applications, such as those projects with greater consequences and/or a lower capacity to adapt, like residential and commercial development, should analyze the "Intermediate-High Scenario." Sea level rise scenarios for the tide gauge located nearest to the project site and the decade closest to the end of the anticipated development lifetime should be used. The project site is located nearest to the Santa Monica tide gauge, and the Guidance predicts a potential range of 2.9 to 4.6 ft. of sea level rise by 2100 under the Intermediate to Intermediate-High scenarios (with upwards of 6.4 ft. under the High Scenario).

The Commission's 2024 Guidance also recommends analyzing varying magnitudes of storm events with future sea level rise. A 100-year storm event describes a magnitude of storm with a 1% chance of being exceeded in any given year.[55] An annual storm event describes a far lesser magnitude of storm with a near 100% chance of being exceeded in any given year at least once. Thus, to ensure that a full range of sea level rise risks for this site are considered, the following analysis considers the impacts of 2.5 ft. of sea level rise with an annual storm event, as well as 4.9 ft. of sea level rise with a 100-year storm event.

Figure 11 below shows CoSMoS' visualization with 2.5 ft. of sea level rise and an annual storm event, representing a relatively frequent flooding condition with approximately 0.4 feet less sea level rise that could occur under the Intermediate scenario by 2100. **Figure 12** below shows CoSMoS' visualization with 4.9 ft. of sea level rise and a 100-year storm event: representing a relatively extreme flood condition with approximately 0.3 feet more sea level rise than could occur under the Intermediate-High scenario by 2100.

[55] "The 100-Year Flood", U.S Geologic Survey, 2018.





Figures 11 and 12. Screenshots of CoSMoS showing the project site with 2.9 ft. of sea level rise and an annual storm event (above); and 4.6 ft. of sea level rise and a 100-year storm event (below).

In neither scenario is significant flooding anticipated landward of Ocean Front Walk from wave overtopping. however in both the project site is lower than potential flood elevations in a scenario where the tide gate system fails (is open to the Ocean).

Wave Overtopping

Wave runup (or uprush) is generally defined as a wave's maximum vertical distance when it breaks and "runs up" a shore. When discussing wave uprush, one may picture large, fast-moving waves crashing against development and injuring people via direct

contact or the resulting pull of water back out to sea. California's unprecedented storms of February 2024 brought several examples of particularly devastating wave uprush.

However, in this case, the project site's location behind a higher-elevation area lessens the potential damage posed by wave uprush. Waves traveling inland must overtop a roughly 500-ft. wide slope with a crest at around 23-ft. above current mean sea level and travel hundreds of feet before reaching the project site. Waves would lose a significant amount of force and speed while traveling up that slope and back down toward the project site. While overtopping waves may ultimately contribute to flooding in the low-lying portions of Venice, the site is not in an area presently subject to high wave hazards, nor is it expected to be with sea level rise under the above-considered scenarios.

Some members of the public have argued that the proposed development would have an unintended consequence of reflecting wave energy toward development on either side; but this is not realistic considering the path wave uprush must take to reach the project site. Flooding at the site during coastal storms would be limited to slow-moving or standing water. Perhaps more relevant is the threat of flooding from the Venice canal system, which may be vulnerable to failure in the next 75 years.

The Venice Canal System
Much of inland Venice is low-lying and protected from flooding by a set of tide gates that control the flow of water through the Venice Canal system. The canals receive stormwater runoff and tidal flows from two sets of mechanical tide gates. The first set of tide gates is located adjacent to the Marina Del Rey harbor and allows flows between the Pacific Ocean and the Ballona Lagoon. The second set of tide gates is located under the Washington Boulevard Bridge and connects Ballona Lagoon to the rest of the canals.

The City's 2018 Assessment includes significant analysis regarding the exposure and vulnerability of the Venice coastal zone area to flooding hazards. The assessment includes a discussion of the canal and tide gate system and how it is expected to be impacted by SLR. The assessment concludes that sea level rise greater than 6.6 ft would be needed for overtopping of the primary tide gate to occur. However, the study also concluded sea level rise is expected to impact the City's ability to flush and drain the canals, and that operational changes or additional infrastructure such as pumps would likely be necessary to retain sufficient drainage capacity within the canal system with sea level rise expected before 2100.

During large rainfall events, the City's 2018 Assessment states that a significant volume of stormwater gravity-drains from surrounding streets into the canals, where opened tide gates allow it to drain into the Marina Del Rey Harbor and the Pacific Ocean. Low tides are a crucial part of this process—the tide gates will not drain naturally unless there is a lower water elevation on the other side. Higher sea levels will make the stormwater-release process difficult. The City's Assessment discusses the potential for stormwater and/or ocean tides to ultimately exceed the canal capacity and flood approximately 4,000 parcels, including walk streets and canal bridges.

Gradual flooding, in which surrounding property-owners could observe a slow rise in canal levels over an extended period, is a lesser threat considering natural variations in topography throughout the canals. Instead, discrete flooding events from storms and/or high spring tides (popularly referred to as 'king tides') would increase in likelihood with increased sea levels. Sea level rise could also result in shoaling, where subterranean groundwater tables rise and, in extreme cases, become emergent. In this scenario, flooding would not be localized to the canals—water levels could potentially rise from storm drains and sewer manholes as well.

Due to the various flooding concerns, members of the public have questioned the safety of locating high-density housing development on either side of the Grand Canal terminus. A project alternative, in which the 120 proposed housing units were constructed on LADOT's Lot 701 would site the development roughly 500 ft. from the Grand Canal terminus. While this alternative may lessen property damage from flooding to some extent, the difference would be negligible considering the scope of flooding facing the greater Venice Canals vicinity.

Insufficient canal drainage and emergent groundwater poses a risk for at least half of the Venice coastal zone. The City's 2018 Assessment shows a widespread potential extent of flooding with 4.9 ft. of sea level rise and no storm event. In fact, avoiding the provision of high-density housing in flood areas would rule out at least 294 acres of the Venice coastal zone. For comparison, the entire sandy Venice Beach is 238 acres. Furthermore, the primary risk posed by flooding is property damage and health/safety impacts from standing water: hazards that are facing a vast swath of California as coastal communities plan for future SLR.

Thus, the project site does not pose a unique level of hazard compared to other areas of Venice. The flood and shoaling risks facing the project site will be a problem for at least 4,000 other parcels in the Venice coastal zone—the City must plan regional adaptations to address these issues. Applicants are only able to mitigate risks by incorporating design features in new development, like elevating habitable area above projected flood elevations. The City's local regulations, which were prepared in coordination with FEMA, are uncertified by the Commission but offer a useful framework for risk-minimization measures.

Floodplain Management

The City of Los Angeles' uncertified Floodplain Management Plan outlines rules for new development consistent with FEMA's floodplain guidance. This renders the City eligible for federally-funded flood insurance, which they can then provide to residents.[56]

The City's floodplain regulations apply primarily to development located in areas with a 1% chance of flooding in any given year—in other words, areas likely to flood in a 100-year storm event.[57] FEMA refers to these locations as 'Special Flood Hazard Areas' and shows the location of each on Flood Insurance Rate Maps. FEMA published the most recent Flood Insurance Rate Map for Los Angeles County in 2021. The 2021 Flood Insurance Rate Maps updated the Special Flood Hazard Areas to encompass a broad

[56] "2020 Floodplain Management Plan", Tetra Tech for the City Department of Public Works, 2020.
[57] "The 100-Year Flood", U.S Geologic Survey, 2018.

swath of land surrounding the Venice Canals, including the project site. The City requires new development located in Special Flood Hazard Areas to build the lowest habitable finished floor elevation at least one-foot higher than FEMA's predicted base flood elevation.

The project site is located in a Special Flood Hazard Area (AE Zone), where FEMA predicts a +8 ft. NAVD88 baseline flood elevation. This elevation was based on FEMA's estimates for 1% annual exceedance probability ocean water levels that would enter the City through the canals' connection to the Pacific Ocean. Development of this base flood elevation did not consider the potential flood protection benefits of the series of tide gates. For reference, 'king tides' (which do not have a formal definition but generally are understood to be the highest predicted tides each year) are around +7 ft NAVD88, one foot below the FEMA base flood elevation.

The applicants submitted a coastal hazards study and addendum prepared by GeoSoils Inc., dated December 28, 2020 and September 6, 2022, respectively. The study shows that the project site slopes downward from west to east, with the highest elevation adjacent to Pacific Avenue. Below is a table of elevations gathered from the applicants' hazards study.

Project-Specific Elevations		
Structure/Location	**Elevation (+/- Current MSL)**	**Elevation (+/- NAVD88)**
Current Mean Sea Level	0 ft. above/below MSL	+2.59 ft. NAVD88
Grand Canal Terminus	2.91 ft. above MSL	+5.50 ft. NAVD88
FEMA's Baseline Flood Elevation	5.41 ft. above MSL	+8.00 ft. NAVD88
Existing Lowest Natural Grade Onsite	5.66 ft. above MSL	+8.25 ft. NAVD88
Proposed Lowest Finished Floor Elevation	6.41 ft. above MSL	+9.00 ft. NAVD88

As shown above, the project site varies from approximately 6 to 15 ft NAVD88. The proposed lowest finished floor elevation (+9 ft. NAVD88) would comply with FEMA standards by locating habitable area at least one foot above the baseline flood elevation. No subterranean floors are proposed. The applicants have also incorporated design elements to increase onsite percolation prior to reaching the base of the structure in the event of flooding. The design measures include increasing the amount of permeable surface onsite from 9,320 sq. ft. to 11,266 sq. ft.; proposing subterranean drainage cisterns; installing a perforated drainpipe wrapped in gravel and filter fabric along the perimeter of the development; the use of waterproof materials, like tile and non-paper-faced gypsum; and the retention of emergency sandbags onsite for use in the event of flooding.

Thus, **Special Condition 1 (Submittal of Final Project Plans)** requires the development to be carried out in a manner consistent with the proposed project, as approved and conditioned. **Special Conditions 14 (Development Removal) and 15 (Assumption of Risk, Waiver of Liability and Indemnity)** require the applicants and their successors and assigns, be that future lessees or the City or successor property owner, if there are no lessees, to assume the risks of pursuing development in a hazardous area, waive all rights to install shoreline protective devices, and remove the development if deemed unsafe by a government entity.

Special Condition 22 (Deed Restriction) requires the applicants to record a deed restriction acknowledging that, pursuant to the subject CDP, 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.

While the project site could potentially be exposed to coastal hazards within the proposed development's lifespan, the area is part of a larger low-lying area within Venice that has a flooding mechanism (i.e., failure of tide gates and loss of drainage capacity) identified by the City in 2018 as part of its SLRVA. The vulnerability of the proposed project to coastal hazards, including as worsened by SLR, has been reasonably minimized through proposed elevating and floodproofing strategies, and it is likely that the City will continue to pursue larger-scale adaptation strategies to address flood risk in the low-lying areas of Venice.

Liquefaction

Liquefaction occurs when earthquakes raise the water pressure below-grade and cause surrounding portions of loose-packed, water-logged sediment to liquefy.[58] The soil transformation can be disastrous for development founded on loose sediment without accompanying safety measures. Los Angeles County has produced a map of Liquefaction Zones, or areas "where the stability of foundation soils must be

[58] California Seismic Hazard Zones, published by the California Geological Survey.

investigated" for safe building design.[59] A large portion of the Venice coastal zone is designated as a Liquefaction Zone, including the project site.

The applicants submitted a geotechnical report and addendum prepared by Geocon West Inc., dated October 11, 2017 and December 16, 2022, respectively. The reports summarize the results of five exploratory borings excavated up to 56-ft. deep throughout the project site. The excavated materials were also tested for plasticity and saturation to inform liquefaction predictions. The results show groundwater levels between 7 and 12 ft. below grade as of 2017. The highest historic groundwater level recorded near the site was 5 ft. below grade in 1998.

While CoSMoS shows significantly higher groundwater levels onsite, Our Coast Our Future states that their groundwater model "do[es] not model variability at the local scale; thus, individual regions may vary significantly from predictions." CoSMoS groundwater maps are typically relied on in the absence of site-specific data.

To minimize liquefaction risk, the reports recommend excavating and re-compacting the upper five feet of sediment below the proposed development (reflecting the highest groundwater level recorded near the project site.) The project design incorporates this recommendation with installation of non-liquefiable, five-foot deep building pads under the two proposed main structures. The applicants received design review and approval from the LADBS Grading Division on August 10, 2018.

Methane Gas
Methane gas is produced underground via natural processes, including shallow organic decomposition and petroleum or oil deposits.[60] Because methane vapor migrates upward, it can accumulate under development and enter habitable area through cracks in pipes or foundations. Methane poses a combustion risk above certain concentrations and poses an asphyxiation risk by displacing oxygen.[61] The City has published a Methane Zone Map that designates hazardous areas based on their proximity to known sources of subterranean methane. The project site is located in a Methane Zone.

LADBS enforces testing standards and hazard mitigation measures for development proposed in Methane Zones pursuant to uncertified LAMC regulations. **Special Condition 9 (Methane Mitigation Plan)** requires the applicants to obtain preliminary review and approval of the final plans by the City of Los Angeles Department of Building and Safety. Any plan revisions mandated by the local government would require the applicants to return to the Commission to determine if an amendment to this CDP is legally required.

Tsunamis
Tsunamis are huge waves created by a sudden displacement of ocean waters, often due to deep-sea tectonic movement or volcanic activity. The California Geological Survey has generated maps depicting each county's tsunami hazard zones for the purpose of emergency planning, while the City of Los Angeles has used this information

[59] Liquefaction Zones, updated by the County of Los Angeles on August 24, 2022.
[60] Frequently Asked Questions, published by the U.S. Geologic Survey.
[61] "Methane Soil Gas", GeoForward, 2021.

to designate evacuation routes.[62] The City's evacuation routes follow public roadways and lead from to safer, higher-elevation inland locations.

The project site is located within the state-designated tsunami hazard zone and bordered by two City-designated tsunami evacuation routes on North and South Venice Boulevard. However, the presence of adjacent tsunami evacuation routes do not preclude development at the project site. Residents and visitors fleeing a tsunami would rely on roadways, not the existing 2.65-acre surface parking lot. The proposed development would not extend beyond property lines or impact the use of North and South Venice Boulevard.

To address tsunami hazards, **Special Condition 5 (Tsunami Hazard Safety Plan)** requires the applicants to submit a tsunami evacuation plan for the east and west parking structures that has been approved by the relevant local or federal hazard management agency. The tsunami evacuation plan shall be included in the final revised Parking Management Plan and submitted for the Executive Director's review and written approval prior to issuance of the CDP.

Conclusion
While the project site is located in a low-lying floodplain and subject to a variety of potential hazards, these same hazards face nearly half of the Venice coastal zone. The project location does not pose a unique or especially high degree of risk compared to other low-lying locations within Venice. Relatedly, much of the vulnerability to flooding at the project site is dependent on the operation of the City's tide gate system, which will likely need to be improved in future adaptation strategies to address larger-scale flood risk. The proposed high-density housing and public parking garage has been adequately sited. Additionally, the project proposes mitigation measures to reasonably and adequately minimize risks to life and property onsite.

Therefore, as proposed and conditioned, the Commission finds that the proposed development conforms to Coastal Act Section 30253 and policies of the certified Venice LUP related to the siting and design of development in hazardous locations

F. Biological Resources

Relevant biological resource policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report. The findings of Subsection VI.C.4. (Biological Resource Contentions), including, but not limited to, the description of ESHA designations onsite, are incorporated herein by reference.

Grand Canal Habitat
Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal waters be maintained and enhanced. LUP Policy IV.A.2 encourages open space and passive public recreation uses adjacent to the canals and Policy IV.A.3 requires a minimum 1.5 to two-foot landscape buffer between canal banks

[62] "Tsunami Hazard Map, California Geological Survey, 2022.
"Tsunami Hazard Specific Annex", City of Los Angeles, 2018.

and sidewalks. Taken together, these policies are intended to minimize disturbances to sensitive species in the canals and to maximize biological productivity.

The project would cite a mix of high-density housing, supportive housing services, retail, and public parking uses on either side of the canal. More specifically, the uses proposed in closest proximity to the canal would include a surface parking lot, dwelling units, and the pedestrian entrance and exit to and from two multi-level parking garages. These are all active uses likely to produce a high level of foot traffic along the sidewalks adjacent to the Grand Canal terminus. However, the proposed uses are unlikely to disturb the biological productivity of open waters already surrounded by a high level of activity with no buffers. Limiting the project site to passive recreation and the uses listed under LUP Policy I.D.1 would require removal of the existing quadraplex and prevent the provision of any structure beyond a single-family residence onsite. In contrast, the proposed project would restore pedestrian access over and under the Grand Canal Bridge, thus providing new opportunities for "birdwatching, photography, and strolling" consistent with LUP Policy IV.A.2.

The proposed retail use would face Pacific Avenue on the west-facing side of the west structure **(Exhibit 6)**. As such, debris from the retail use (which will depend on the type of retail) is unlikely to enter the Grand Canal to round the corner and drift eastward unless otherwise mobilized. Introduction of debris to the sandy beach located roughly 500 ft. away is also unlikely but remains possible. To minimize the risk of marine debris, the Commission imposes **Special Condition 8 (Submittal of Marine Debris Reduction Plan)** which requires the applicants to submit a Marine Debris Reduction Plan for Executive Director approval prior to CDP issuance. The plan must prohibit the applicants and lessees from providing patrons with single-use foodware (unless biodegradable and specifically requested for take-out orders), plastic straws, plastic bags, and other specified plastic products. The applicants must install a microfiber filtration system for all residential laundry facilities to remove microfibers from the water and install educational recycling signage.

The project does not create the minimum landscape buffers required by Policy IV.A.3. However, the subject policy states (emphasis added) that landscape buffers "shall continue to be provided and maintained between the canal banks and the sidewalks." There are no existing landscape buffers between the Grand Canal terminus and its walkways; and the canal banks are concrete with extremely limited habitat value for sensitive species. To provide a new buffer between the concrete canal banks and the canal walkways onsite would narrow the width of the public walkways adjacent to the canal and reduce the area available for the boat launch public parking lot. It would also require the elimination of proposed dwelling units. These losses would result in limited benefit to wildlife in the Grand Canal terminus, considering wildlife in these open waters have already acclimated to a highly urbanized environment on the Venice Median. Further, the proposed development includes alterations to the area located on either side of the two canal sidewalks, but there is no work planned on the banks or canal side of the sidewalks.

Here, the applicants propose average 15-ft. (and no less than 10-ft.) setbacks between the proposed new development and the canal-facing property lines. 240 sq. ft. and 366 sq. ft. permeable landscaped areas would be provided in the east and west canal

setbacks, respectively. These are significantly less than the minimum permeable yard areas required by LUP Policy IV.A.4 for private residences, which would require a minimum 2,952 sq. ft. permeable yard area on either side of the canal.[63] The subject policy's intent is, in part, to protect biological productivity and limit water runoff into the canals. While the proposed development would not wholly constitute a private residence (and may therefore be exempt from Policy IV.A.4), the purpose of the subject policy offers a useful framework in considering the amount of permeable area necessary near canals.

Commission staff requested analysis of project alternatives that would increase the amount of permeable pavement and/or landscaping area sited adjacent to the canal walkways, but the proposed design already needs every inch of proposed developed area to accommodate housing units and parking spaces. Considering the layout on **Exhibit 7** shows the difficulty of fitting 120 dwelling units, 286 parking spaces, 1,669 sq. ft. of supportive housing services, 1,735 sq. ft. of retail use onsite, and the minimum recreational open space required for the proposed number of dwelling units into a 2.65-acre area. The proposed layout is the most efficient use of space feasible onsite, especially after several rounds of revisions to accommodate an independent boat launch parking lot and avoid narrowing any adjacent sidewalks (both of which reduced the proposed structural footprints). Additionally, the subject LUP inconsistency is addressed by **Special Condition 16 (Consistency with the Land Use Plan**) of this CDP and in the City's related LUP amendment application.

Drainage System

The project proposes 11,266 sq. ft. of total permeable landscaping and paved area onsite: the maximum amount of permeable area feasible onsite. The proposed 240 sq. ft. and 366 sq. ft. permeable areas on either side of the Grand Canal terminus would be an increase from the existing scope of permeable yard area in the subject location and accompanied by additional drainage measures intended to limit introduction of runoff to the canal. The applicants submitted a "Preliminary Low Impact Development (LID) Design Memo" conducted by KPFF, dated August 1, 2023, which proposes a drainage system consistent with the City's uncertified LID criteria.[64] The proposed drainage system would include multiple infiltration and capture pathways for runoff.

Within the proposed parking garages, sloped floors would direct runoff through floor drains to an oil-water separator, where oil-free wastewater would be discharged to the municipal sewer system. Outside of the garages, rooftop runoff would be directed through downspouts with pre-treatment filters and Continuous Deflection Separator units[65] that would be emptied on a periodic, as-needed basis. The downspouts would ultimately lead to cisterns: a 2,848 cu. ft. subterranean cistern installed below the west garage and a larger 3,775 cu. ft. subterranean cistern installed below the larger east garage. The cisterns have been designed to capture the entire volume of runoff generated by an 85th percentile storm event. After each storm, a pump located within the cistern would flush water to onsite landscaped areas for re-use for irrigation. When

[63] 195-ft. proposed lot width x 15 ft. = 2,952 sq. ft. on either side of canal.
[64] "LID FAQ", City Planning Department, undated.
[65] Continuous Deflection Separator units are a non-mechanical system of screens to capture suspended solids, including trash. (Source: California Stormwater Quality Association)

the cistern pump is active, the artificial irrigation feed would be switched off until the tank is empty again.

A narrow line of paved walkways surrounding the perimeter of the west structure would direct runoff to the street flow line; the anticipated discharge volume would not exceed allowable volumes under the City's LID criteria. The east structure would offer a different drainage pathway for its non-permeable perimeter pathways: runoff would be directed to new permeable landscaping and effectively function as natural irrigation. Trench drains would be installed along the development-facing sides of the east and west Grand Canal sidewalks to ensure runoff from the proposed development's paved surfaces does not enter the canal.

Overall, the proposed development would increase total permeable area onsite from 9,320 sq. ft. to 11,266 sq. ft. The proposed drainage system will dramatically reduce the amount of unfiltered runoff currently discharged to surrounding storm drains from the existing surface parking lot and establish new water quality protections for the Grand Canal. Some details still require finalization: the plans list the downspouts and Continuous Deflection Separators as "options" pending Commission staff feedback and the cistern depth below grade has not been finalized. To ensure the final plans reflect these details, **Special Condition 7 (Submittal of Final Drainage Plan)** requires the applicants to submit final revised plans showing all elements of the proposed drainage system, including the proposed cistern depth, for Executive Director review and approval prior to issuance of the CDP. The final revised plans shall eliminate the term "option" from the drainage diagrams to avoid any confusion and provide a timing and responsibility schedule for the cleaning of each pre-treatment drainage feature.

To protect avian species using the canals and minimize the risk of bird strikes, the Commission imposes **Special Condition 10 (Bird Strike Prevention)** requiring the applicants to use opaque glass or UV-reflective glazing materials for all canal-facing railing systems, fences, screen walls, gates, and windows.

To ensure that the permeable landscaping does not include any invasive or non-native and non-drought tolerant species, **Special Condition 6 (Submittal of Final Landscaping Plans)** requires the applicants to submit final landscaping plans in substantial conformance with Landscaping Plan Sheets L.1.10 and L1.11, dated May 12, 2021 for Executive Director review and approval prior to issuance of the CDP. The final, revised Landscaping Plans shall provide a plant palette with native plant species (and/or non-native, drought-tolerant, non-invasive plant species) and a finalized irrigation system. The use of reclaimed water is encouraged by **Special Condition 6** and has been proposed by the applicants, as discussed above and further below.

Canal Cleaning

As described in Subsection VI.C.4 (Biological Resource Contentions), the Venice Canal System requires the removal of algal mats on a weekly basis to maintain its water quality and biological productivity. The Urban Foresty Division of the City of Los Angeles General Service Department hires a canal-cleaning vendor (currently Mariposa Landscaping) who uses the public boat launch parking lot to park their vehicles and store equipment. This is not an allowable use of a public boat launch parking lot during the hours of public operation under CDP Nos. 5-91-584 and 5-92-377-A1.

Commission staff have made several attempts to locate the City department responsible for operation of the boat launch parking lot to discuss, among other matters, the proposed plans in relation to canal-cleaning access. While the Urban Forestry Division confirmed its retention of the cleaning vendor, they stated an inability to review project plans or provide formal feedback. The City Bureau of Engineering and LADOT also stated that their departments were not responsible for operation of the boat launch parking lot.

Despite the absence of feedback from the City, there remain alternatives for the canal-cleaning vendor to continue using the boat launch ramp in a manner that does not interfere with public use of the boat launch parking lot. For example, the vendors could conduct work before the subject parking lot officially opens at 8 A.M., with the use a truck to store algae rather than dumpsters (since a truck would fit in a single parking space and could drive offsite before operating hours). The vendors could also launch the catamaran at the boat launch ramp before re-parking at another location. Overall, the City will ultimately have to address maintenance of the canals in a manner consistent with the requirement that the boat launch parking be available to the public from 8 A.M. to sunset without impediment by the maintenance company (or any other City service).

Thus, whichever department is responsible for oversite of the maintenance company will need to revise their current practices as they are currently carrying out the maintenance in a manner that is inconsistent with the permitted use of the boat launch parking lot. The proposed project will preserve and enhance the capacity and quality of the boat launch parking lot, with no new obstructions or projections over the boat launch parking that would interfere with the vendor's ability to launch catamarans from the ramp.

Construction Impacts
The project will require excavation and construction across large portions of the project site for up to two years (as estimated by the applicants). The work is likely to generate noise, dust, and vibrations for a prolonged period of time in areas adjacent to the Grand Canal terminus. South Venice Boulevard, roughly 50-ft. wide, provides a de facto buffer between the proposed work and the greater Venice Canal System.

Considering that the subject segment of canal is constructed entirely of concrete, the vibrations from excavation are unlikely to result in turbidity. The vibrations would also likely be dampened for aquatic wildlife compared to the vibration disturbance if it were solely soft-bottom habitat. If the vibrations prove to be too much for wildlife, the resulting migration to other portions of the Venice Canal System would not overload those habitats or result in concrete harm; the range of wildlife using the canal on the Venice Median is less than those of other canal segments, due to solely open waters with no vegetated banks being available onsite. The amount of dust needed to have an impact on the Grand Canal and greater canal system would be far greater than the level anticipated for construction of two structures across a 2.65-acre project site, especially considering how little of the canal is actually included within the construction site. Overall, limits on the decibel level and lighting are not required to protect the greater Venice Canal System.

There is some potential for construction to introduce pollutants, excavated sediment, or waste into the Grand Canal terminus or surrounding storm drains. The applicants propose the use of 40 cu. yd. dumpsters with secure lids for temporary retention of waste onsite before ultimate disposal at on offsite location located outside of the coastal zone. **Special Condition 11 (Construction Best Management Practices)** requires the applicants to adhere to further construction Best Management Practices (BMPs), including the maintenance and/or washing of any machinery and equipment in confined areas specifically designed to contain runoff; and re-fueling in designated areas with no possibility of spillage into receiving waters and storm drain inlets.

Conclusion
The project's inconsistency with required minimum setbacks and landscaping buffers does not pose a threat to ESHA and is addressed in the City's related LUP amendment application. Further, the project would result in a significant improvement in runoff treatment and capture onsite compared to existing conditions and setbacks alone, with proposed measures to limit the entry of pollutants during construction and runoff after construction. Thus, as proposed and conditioned, the project is consistent with sections 30230, 30231, and 30240 of the Coastal Act.

G. VISUAL RESOURCES

Relevant visual resource policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report. The findings set forth in Subsection VI.C.2 (Visual Resource Contentions) of the Substantial Issue discussion above are incorporated herein.

Section 30251 of the Coastal Act requires the protection of scenic resources in the Coastal Act, including views to and along the ocean. It also requires, where feasible, the restoration and enhancement of "visual quality in visually degraded areas". Similarly, LUP Policy I.D.3 requires development scale to comply with LUP standards to protect views of "highly scenic coastal areas," with the Venice Canal System specifically listed as one such scenic area.

Commission staff conducted multiple site visits and did not find any blue-water ocean views or views of the boardwalk available within the project site facing west, primarily due to the developed block insulating the project site from the beach. Views of the Grand Canal are available across the project site, but the viewpoint from the Grand Canal Bridge is only available for pedestrians willing to risk interactions with vehicles; and the viewpoints from the canal sidewalks include views of asphalt expanses, dumpsters, portable toilets, sparse vegetation, and miscellaneous furniture stored behind gates under the bridge archways (as shown by **Figure 13** below and **Figure 3** in Subsection VI.C.2 (Visual Resource Contentions)).



Figure 13. A photograph of the Grand Canal terminus viewed from the North Venice Boulevard facing south, obtained from Sheet x.0.03 of the proposed plans.

The proposed project would establish safe pedestrian access over and under the Grand Canal Bridge, new landscaping areas across the site, and restore the boat launch parking lot with new pavement and elimination of unrelated structures. As such, the project would enhance and activate an existing visually-degraded area and create new scenic viewpoints for pedestrians.

Beach view corridors are also available along North and South Venice Boulevard immediately adjacent to the project site, and the proposed project does not include any projections into the subject sidewalks or roadways. (The reduction in sidewalk width adjacent to the project site along North Venice Boulevard is no longer proposed, as detailed further in the first table of Appendix B.) To further confirm the project would not adversely impact the existing public view corridors, Commission staff requested renderings. The applicants submitted renderings of as-built public views from eight locations in the project site vicinity: views facing east from the sandy beach; views facing west from further inland along North and South Venice Boulevard; and views facing north and south from two cross-streets intersecting the project site and Pacific Avenue. A map of the viewpoints and the renderings in which the proposed development is most visible are shown as **Figures 14 and 15** below. The renderings confirm that the proposed development would not obstruct any existing public view corridors to or along the ocean.



Figures 14 and 15. A map of the applicants' eight view corridor renderings above and Rendering No. 6 in which the proposed development would be the most visible below.



Thus, as proposed, the Commission finds that the proposed development conforms to Section 30251 of the Coastal Act and polices of the certified Venice LUP regarding visual resource preservation.

H. ARCHAEOLOGICAL, PALEONTOLOGICAL, AND TRIBAL CULTURAL RESOURCES

Relevant archaeological and tribal cultural resource policies of Chapter 3 of the Coastal Act and the certified Venice LUP are listed in Appendix A of this report.

Section 30244 of the Coastal Act requires reasonable mitigation measures for development that would adversely impact archaeological or paleontological resources. Certified LUP Policy I.F.6. also requires reasonable mitigation measures for any impacts to such resources, preceded by a preliminary cultural resources record search.

The project includes 1,500 cy. of cut and 100 cy. of fill for the installation of five-foot deep building pads below the two main structures proposed. No subterranean levels are proposed. The applicants submitted a geotechnical report conducted by GEOCON West, Inc. dated October 11, 2017 which includes characterization of the onsite soils via borings and published geological maps for the area. The report describes the site as underlain by roughly 3.5-ft. of artificial fill, likely installed as a part of past grading activities. Beneath the fill is alluvium dating from the Holocene Age. The alluvium present in the approximate lower 1.5-ft. of the maximum five-foot grading depth may contain paleontological resources. Further, ground-disturbing activities at this site have the potential to impact archaeological resources, including tribal cultural resources, that may exist at the site given that this area has been inhabited by Native Americans for thousands of years.

In compliance with the Commission's adopted Tribal Consultation Policy, Commission staff requested a Sacred Lands File Search for the site from the Native American Heritage Commission (NAHC), which came back positive. On August 23, 2022, staff notified all tribal representatives provided as contacts by the NAHC of the proposed development and invited consultation. On August 24, 2022, staff consulted with Chairman Robert Dorame of the Gabrieleño/Tongva Indians of California Tribal Council, who described the potential to encounter tribal archaeological resources during the proposed grading work. On August 30, 2022, staff consulted with Chair Salas of the Gabrieleño Band of Mission Indians – Kizh Nation. Commission staff did not receive responses from other contacted tribes.

To reduce potential impacts to tribal cultural and archaeological resources, **Special Condition 21 (Protection of Archaeological and Tribal Cultural Resources)** requires all Gabrieleño -affiliated tribal representatives on the NAHC contact list to be invited and allowed to monitor all project activities that could impact archaeological and tribal cultural resources along with a qualified archaeologist. If any potential tribal and/or archaeological resources are discovered, **Special Condition 21** requires construction to pause until the appropriate parties are notified and a Supplemental Archaeological Plan (SAP) is developed in consultation with Tribes listed on the NAHC contact list. The applicants must also notify the Executive Director of the discovery and submit the SAP for their review and approval at which time the Executive Director would determine whether a CDP amendment is required **per Special Condition 21.**

Therefore, as conditioned, the Commission finds that the proposed development conforms to the requirements of Section 30244 of the Coastal Act, as well as relevant

LUP policies, regarding mitigation of potential tribal cultural and archaeological resources impacts.

I. DEED RESTRICTION

The City owns the existing 40 lots proposed for consolidation and subdivision into two ground-space lots and seven air-space lots. No change in lot ownership is proposed. However, the City has declined to be a co-applicant for the current CDP application and would lease the property to the current applicants (Hollywood Community Housing Corporation and Venice Community Housing Corporation).

The proposed project will be financed by the Low Income Housing Tax Credit (LIHTC) program, a federal program that facilitates the construction of new residential development for low-income households.[66] Under the LIHTC program, the federal government provides state and local housing agencies with tax credits to retain private, affordable housing developers. The co-applicants (Hollywood Community Housing Corporation and Venice Community Housing Corporation) are both non-profit organizations retained by the California Tax Credit Allocation Committee to construct the proposed project.

For LIHTC eligibility, the applicants must adhere to a specific ownership structure. All private development in the project site—in other words, the entire western structure and the residential portions of the eastern structure—would be owned by a single asset entity called the Venice Dell Limited Partnership (LP). (The LP would own the structures, minus the public parking areas, but not the land, which the City would continue to own.) The LP would be 99.99% owned by a tax credit investor and 0.01% owned by a managing General Partner. The managing General Partner consists of the two non-profit organizations currently serving as co-applicants (Hollywood Community Housing Corporation and Venice Community Housing Corporation). Similar ownership structures were required for two recent, LIHTC-funded, affordable housing developments in the Venice coastal zone.[67] The proposed ownership structure is shown by **Figure 16** below.

[66] "What is the Low-Income Housing Tax Credit and how does it work?" Tax Policy Center, 2024.
[67] The Commission found 'No Substantial Issue' on Appeal No. A-5-VEN-19-0020 and Appeal No. A-5-VEN-20-0060 for the for the Rose Avenue and Lincoln Boulevard affordable housing projects, respectively.

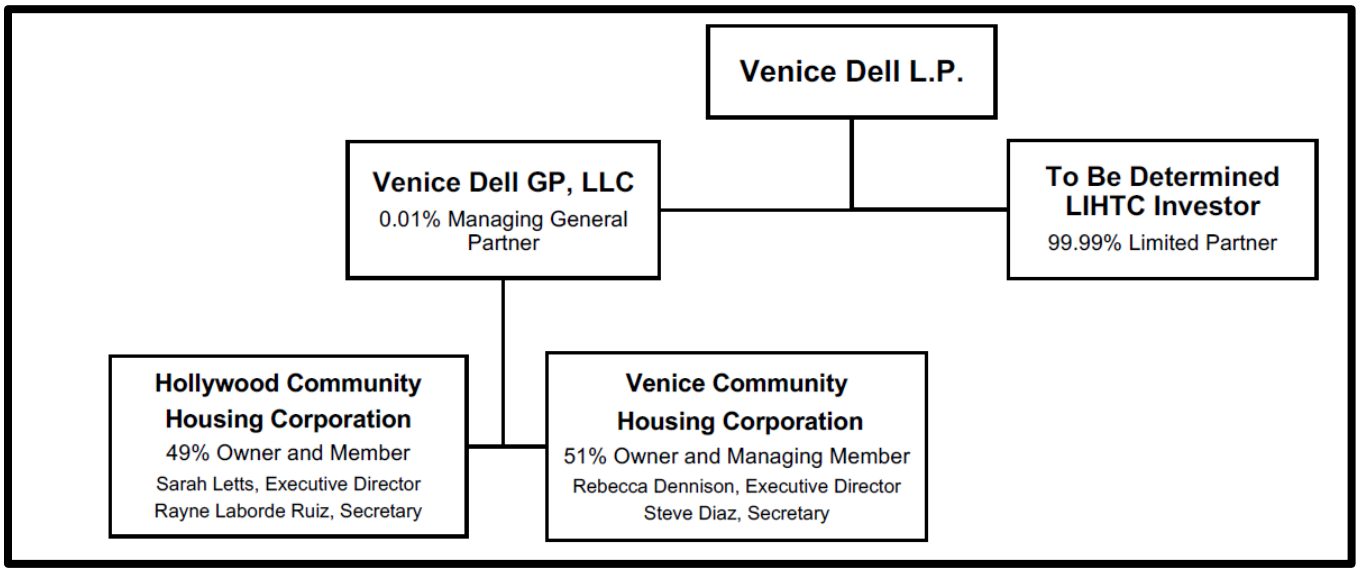


Figure 16. A diagram showing the generally proposed ownership structure.

The City would enter a long-term ground lease with the LP, which includes the co-applicants. The LP would lease the site for an initial term of at least 55 years, with subsequent extensions adding up to a maximum of 99-years. With recordation of the ground lease, all public development onsite would be owned by the City and managed by the LADOT Bureau of Parking Management. Public development would include the proposed public parking garage and the boat launch access ramp. All private development would be leased by the LP from the City and managed by the co-applicants. Private development would include the entire west structure and the residential portions of the east structure. At the end of the lease, if it is not renewed, in addition to owning the land, the City would also own all of the structures on the land.

To ensure both property-owner and all lessees are bound to the conditions of this permit for the life of the development, **Special Condition 22 (Deed Restriction)** requires both parties (the City and the LP) to record a deed restriction against all properties included in the project site. The deed restriction shall reference all special conditions of this permit and impose them as irrevocable covenants, conditions, and restrictions on the use of the subject properties. Any future property-owners, assigns, and/or successors-in-interest shall also be bound by the permit conditions while the proposed development remains in existence. Thus, as conditioned, any prospective future owner(s) or lessee(s) will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land.

J. Coastal Act Violations

Unpermitted development and violations of prior CDP terms and conditions have occurred onsite, including, but not necessarily limited to, closure of the public boat launch ramp and increased parking rates in LADOT Lots 731 and 701.

Obstructions to Boat Launch Ramp
As described in Subsection VI.A (Locally-Approved Project) above, the conditions of

CDP No. 5-91-584 required the City to construct the boat launch ramp and a seven-space public parking lot, accompanied by signage to "inform and direct the public of the locations of the Venice Canals Historic District, the public boat ramp, and Venice Canals Walkways" **(Exhibit 9)**. The boat launch and associated parking area was constructed in 1994, but within a few years of construction, the City locked the gates to the launch parking lot, effectively preventing access to the ramp.

The launch parking lot was re-opened upon Commission approval of CDP Amendment No. 5-92-377-A1 in 2001, the conditions of which required the City to maintain public access to the launch parking area every day between at least 8 A.M. and sunset. However, in 2016 Commission staff became aware that the City was not making the boat launch available to the public as required by the CDPs cited above. In an email dated September 8, 2016, the private maintenance company retained by the City to clean the canals (Environmental Management Group) indicated they were working with the City's Bureau of Street Services to re-open the parking area to the public. However, photographs taken in January and December of 2017 showed the parking lot remained locked during daylight hours.

The gate to the public boat launch ramp parking lot has consistently remained locked since at least June 2022, except when the canal maintenance crew had opened the gate to access the lot. The parking lot holds trash bins and service equipment used by City-retained maintenance crews (currently Mariposa Landscaping) to clean the canals. The canal maintenance crew park their vehicles and temporarily store large dumpsters in the boat launch parking lot, effectively blocking at least two public parking spaces. Said use of boat launch parking spaces for storage of maintenance vehicles and dumpsters during hours of operation of the boat launch is inconsistent with the requirements of CDP No. 5-91-584 and CDP No. 5-02-377-A1 to provide a seven-space public parking lot to service the boat launch. A sign mounted at the entrance to the parking lot on North Venice Boulevard reads, in part: "Property of City of Los Angeles. No Trespassing, No Parking, No Dumping".

Commission enforcement staff sent Notice of Violation letters to the City on January 31, 2023 and May 19, 2023. (The first Notice of Violation was also sent to the project applicants.) The notices summarized previous CDP requirements for the boat launch ramp and provided background for the violation. Staff requested that the City operate the boat launch as required by the CDPs and install appropriate public access signage. Despite the above-described correspondence from Commission staff, , the City has not consistently operated the launch ramp as required by the coastal permits; for instance, Commission staff has confirmed that the boat launch parking lot is routinely closed in the early afternoon when the maintenance crew leaves the site and locks the gate, well before the Commission-approved sunset closing time.

As described in Subsection VII.C (Public Access) above, although the applicants are not parties to the existing Coastal Act violations, through this application they propose modification of the boat launch public parking lot and loading/unloading area to improve the usability of the boat launch for the public, including enhanced public access signage, elimination of the gate currently used to close access to the boat launch parking lot, and new paving and striping for improved visibility to the public. To ensure the preservation and enhancement of public access to the boat launch, **Special**

Condition 3 (Submittal of Final Boat Launch Access Plans) requires the applicants to submit final boat launch access plans for the Executive Director's review and approval prior to issuance of the CDP. Approval of this application pursuant to the staff recommendation, issuance of the permit, the applicant's subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit, and operation of the boat launch in compliance with the terms and conditions of the permit, will result in resolution of the violation involving non-compliance with the CDP conditions for the boat launch going forward.

Increases in Parking Rates
As described in Subsection VI.A (Locally-Approved Project) above, the conditions of CDP No. 5-94-081 require the City to submit any proposed "increase in parking fees, change in parking lot hours, or other action which could affect public use of the parking lot" for review of the Executive Director to determine if a CDP or CDP amendment was required. The findings of CDP No. 5-94-081 indicate LADOT charged entry rates at Lot 731 between $7 and $11 flat rates per day in 1994, when the parking lot was first approved. The findings of CDP No. 5-01-028 indicate that the rates at Lots 731 and 701 both were between $3 and $11 flat rates per day in 2001.

In 2016, LADOT issued a memorandum authorizing Lots 731 and 701 to "increase the daily maximum [rate] permissible from $30 to $50". Commission staff have received photographs of signs at Lots 731 and 701 that show that, on the day of the photographs, rates were $35 per day in 2022 and 2023. According to LADOT's website, Lot 731 charges summer rates of up to $20 during weekdays and $25 during the weekend. Lot 701 charges summer rates between $12 and $17. This evidence, collectively, confirms that the rate charged at the parking lots has been up to $39 more than the rate authorized by the Commission. On August 3, 2023, Commission staff held a virtual meeting with City staff to discuss the subject rates. Commission staff explained that the current rates exceed the approved rates and requested the City return the rates to the approved rates. Commission staff requested that the City become a co-applicant on the subject CDP application if they wished to propose any subsequent increase to the maximum $11 parking rates, however, the City has not joined this application as a co-applicant, and Commission staff have confirmed that parking rates continue to exceed the approved rates, in non-compliance with CDP No. 5-94-181.

Although the applicants are not parties to the violation involving non-compliant parking rates, as part of this application, the applicants are proposing to retain public parking at the site and increase the number of the spaces available to the public. To ensure consistency with the Commission's prior approvals for parking at the site, **Special Condition 2 (Submittal of Final Parking Management Plan)** requires submittal of a Parking Management Plan for the proposed parking that incorporates the parking rates established by CDP No. 5-01-028. Furthermore, the requirement of CDP No. 5-94-081 to obtain approval for any departure from rates approved by the Commission, which were most recently approved in CDP No. 5-01-028, will remain in place If parking rates continue to exceed Commission-approved rates, the party responsible for setting the non-compliant parking rates will be liable for the alleged violation, and the Commission's enforcement division will consider options for future action to address the violation.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (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, except as otherwise expressed herein.

K. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) requires that prior to certification of a local coastal program (LCP), a CDP shall be issued if the proposed development is found to be in conformity with the provisions of Chapter 3 and that the permitted development will not prejudice the ability of the local government to prepare a LCP that is in conformity with the provisions of Chapter 3.

The City of Los Angeles does not have a certified LCP for the Venice area. The City of Los Angeles LUP for Venice was effectively certified on June 14, 2001, and the City is in the process of a comprehensive update. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. As discussed above, the LUP amendment associated with the subject project will allow the project to be approved by the City in a manner consistent with the certified LUP, and **Special Condition 16 (Consistency with the Land Use Plan)** requires certification of that amendment prior to issuance of this permit. Therefore, approval of the project, as conditioned by the Commission, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

L. 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 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 Planning Commission's staff report dated July 13, 2021, the City determined that the proposed development was statutorily exempt from CEQA requirements pursuant to Public Resources Section 21080.27(b)(1) and Assembly Bill No. 1197 (Supportive Housing).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect that the development may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

APPENDIX A – RELEVANT COASTAL ACT AND CERTIFIED VENICE LUP POLICIES

Public Access

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article 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 resources areas from overuse.

Section 30212.5 of the Coastal Act states:

> Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Development providing public recreational opportunities are preferred.

Section 30224 of the Coastal Act states:

> Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30252 of the Coastal Act states:

> The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park

> acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Certified LUP Policy I.A.14. Parking Requirements for Affordable Housing states, in relevant 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. …

Certified LUP Policy I. C. 9. Public Rights-of-Way states, in relevant part:

> Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.

Certified LUP Policy II. A. 2. Expansion of Public Beach Parking Supply states, in relevant part:

> The construction of new public parking facilities should be implemented, as well as maximizing the use of existing ones by restriping existing parking lots or converting them to multi-level structures where consistent with other Coastal Act policies. …

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

> The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. …
>
> > 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). Exception: For projects where all required parking spaces are fully enclosed, any required guest spaces may be paid for at the same in lieu fee rate defined for BIZ parking. …
> >
> > General Retail Store, except as otherwise provided: 1 space for each 225 square feet of floor area. …

> Restaurant, Night Club, Bar, and similar establishments and for the sale or consumption of food and beverages on the premises 1 space for each 50 square feet of service floor area (including outdoor service areas).

Certified LUP Policy II. A. 4. Parking Requirements in the Beach Impact Zone states, in relevant 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:
>
> Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. ...
>
> Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area of the ground floor for multiple dwelling projects of three units or more. …

Certified LUP Policy III. D. 2. Boating Use of Canals and Lagoon states, in relevant part:

> A public boat launch facility was built as part of the Venice Canals Rehabilitation Project at the Grand Canal and North Venice Boulevard. The City shall protect the public's ability to access the canals by boat by maintaining public access to the Grand Canal public boat launch. The facility shall provide adequate onsite public parking consistent with the sizes and types of boats to be launched and frequency of launching pursuant to the County Department of Small Craft Harbors standards.

Certified LUP Policy III. D. 6. Venice Canals Parks states:

> New parks, with parking to the rear, shall be considered on some of the City-owned lots on the canals, provided that such facilities are compatible with the existing residential use of the area.

Development and Visual Resources

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

> 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 protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

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.

Certified LUP Exhibit 14b, Height states, in relevant part:

> Maximum Building Height
>
> F. [North Venice Subarea:] 30' with a flat roof, 35' with varied or stepped back roofline

Certified LUP Policy I.A.1. Residential Development states, in relevant part:

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; …

B. Residential Lot Consolidations. In order to preserve the nature and character of existing residential neighborhoods, lot consolidations shall not be permitted in the Venice Canals and Silver Strand residential neighborhoods. No more than two lots may be consolidated in the Ballona Lagoon West, Ballona Lagoon (Grand Canal) East, Southeast Venice, Milwood, North Venice and Oxford Triangle neighborhoods and on walk streets.

Certified LUP Policy I.A.7.D. Multi-family Residential - Low Medium II Density states, in relevant part:

> Oakwood, Milwood, Southeast and North Venice.
>
> Use: Duplexes and multi-family structures.
>
> Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units. …
>
> Height:…North Venice: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 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).

Certified LUP Policy I.A.11 Replacement Ratios for Replacement Units states, in relevant part:

> Replacement ratios shall be at a minimum of 1:1 (one unit replaced for each unit removed). Replacement ratios shall increase according to how far from the affected site replacement units are located as defined in the Mello Act.

Certified LUP Policy I.A.13. Density Bonus Applications states, in relevant part:

> In order to encourage the provision of affordable housing units in the areas designated as “Multiple Family Residential” and in mixed-use developments, the City may grant incentives such as reduced parking, additional height or increased density consistent with Government Code Section 65915 provided that the affordable housing complies with the following:
>
> A. This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than 25 percent more units than a property’s zoning would ordinarily allow. …

Certified LUP Policy II.A.7. Multi-family Residential - Low Medium II Density states, in relevant part:

> D. Oakwood, Milwood, Southeast and North Venice.
>
> > Use: Duplexes and multi-family structures.
> >
> > Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units.
> >
> > Height:…North Venice: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 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).

Certified LUP Policy I.B.7 Commercial Development Standards states, in relevant part:

> …Lot Consolidation. Two commercial lots may be consolidated, or three with subterranean parking with the following restrictions:
>
> 1. Methods for insuring that the structure does not look consolidated (breaks in front wall of ten feet minimum) shall be utilized.
>
> 2. Subterranean parking shall be fully depressed with roof at natural grade.
>
> Exception: Lot consolidation of more than two lots shall be permitted for mixed-use projects which conform to the existing scale and character of the surrounding community and provide adequate onsite parking. …

Certified LUP Policy I. D. 1. Canals and Ballona Lagoon Waterways states, in relevant part:

> The Venice estuaries and wetlands including the Ballona Lagoon, Venice Canals, and Grand Canal south of Washington Boulevard, are designated in the Land Use Plan as natural and coastal recreational resources, and are rezoned to the "Open Space" designation.
>
> Adjacent Use/Development: The only permitted development adjacent to the canals and lagoon shall be habitat restoration, single-family dwellings, public parks and walkways, subterranean or surface public parking lots, maintenance activities and emergency repairs.

Certified LUP Policy I.D.3 Views of Natural and Coastal Recreation Resources states, in relevant part:

> The scale of development shall comply with height limits, setbacks and standards for building massing specified in Policy Groups I.A and I.B, Residential and Commercial Land Use and Development Standards of this LUP, in order to protect public views of highly scenic coastal areas and vista points, including, but not limited to, the canals, lagoon, jetty, pier, Ocean Front Walk, walk streets and pedestrian oriented special communities.

Certified LUP Policy I.E.1. General states, in relevant part:

> Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

Certified LUP Policy I.E.2. Scale states, in relevant part:

> New development within the Venice Coastal Zone shall respect the scale and character of 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. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. …

Certified LUP Policy I.F.3 Venice Canals states:

> The historic integrity of the Venice Canals shall be preserved. The canals are deemed to be significant as an early example of community recreational planning in a coastal marshlands area. Included in the historic district are the six canals, their associated sidewalks and a number of pedestrian and vehicular bridges. The Venice Canals are listed on the National Register of Historic Places as an historic district (August 30, 1982). Additionally, the City of Los Angeles Cultural Heritage Commission declared the Venice Canal System a Los Angeles City Historic-Cultural Monument (HCM No. 270, August 2, 1983).

Coastal Hazards

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

> New development shall:
>
> > (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 areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Coastal Act Section 30270 states:

> The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

Certified LUP Policy IV. G. 2. Hazard Mitigation for New Construction states, in relevant part:

Special development standards shall be developed for those areas within the Venice Coastal Zone which present potential flood and liquefaction hazards.

Implementation Strategies

A pre-grading inspection, subject to the satisfaction of the City of Los Angeles Department of Building and Safety, shall be required for those areas in the Venice Coastal Zone subject to potential liquefaction hazards. The Department of Building and Safety (B&S) is responsible for determining that a possibility of inundation exists; B&S refers the applicant to Bureau of Engineering (BOE) who completes an inundation report; and B&S obtains any necessary waivers. Potential flood areas shall be subject to the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).

Biological Resources

Section 30107.5 of the Coastal Act defines “ESHA” as:

> “Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

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.

Section 30240 of the Coastal Act states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Certified LUP Policy IV.A.2. Permitted Uses states:

> Uses permitted in or adjacent to the canals shall be implemented in a manner to protect the biological productivity of marine resources and maintain healthy populations of marine organisms. Such uses as open space, habitat management, controlled nature study and interpretation, and passive public recreation use of walkways for birdwatching, photography, and strolling shall be encouraged and promoted.

Certified LUP Policy IV. A. 3. Venice Canals Landscape Buffer states:

> To protect the marine habitat, a one and one-half to two-foot-wide safety landscape buffer strip shall continue to be provided and maintained between the canal banks and sidewalks. Landscaping in the buffer strip shall consist of native coastal strand marshland or wetland vegetation as specified in the Venice Canals Rehabilitation Plan approved by Coastal Commission Coastal Development Permit 5-91-584.

Archaeological and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Certified LUP Policy I. F. 6. Archaeological Resources states, in relevant part:

> Significant archaeological resources shall be protected from permanent loss. A preliminary cultural resources record search to determine the existence of significant archaeological sites shall be required for developments which require more than minimal grading. Mitigation plans for the protection of such resources shall be required. If, during construction, any archaeological resources are discovered, work shall be stopped to prevent further disturbance of the resources, and the proper authorities shall be immediately notified.

Environmental Justice

Section 30013 of the Coastal Act states:

> The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the

provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.

Section 30107.3 of the Coastal Act states:

(a) "Environmental justice" (EJ) means the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(b) "Environmental justice" includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people.

(2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.(4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Section 30604(h) of the Coastal Act states:

When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

APPENDIX B – LOCALLY-APPROVED VS. CURRENTLY PROPOSED TABLES

Overall Development	
Locally-Approved Project	**Currently Proposed Project**
250 public parking spaces (including 27 BIZ spaces) 3 public boat launch parking spaces (interior) 1 loading/unloading space on-street	223 public parking spaces (including 20 BIZ spaces) 8 boat launch parking spaces (exterior) No loading/unloading space on-street
57 residential parking spaces onsite 42 commercial parking spaces onsite 5 unassigned parking spaces for residential/commercial use	55 residential parking spaces onsite No commercial parking spaces onsite No unassigned parking spaces for residential and commercial use
357 total parking spaces onsite	278 total parking spaces onsite
68 unhoused tenant units 34 live/work low-income units 27 low-income units 7 extremely-low income units 4 housing manager units	68 unhoused tenant units 26 live/work low-income units 16 low-income units 7 extremely-low income units 3 housing manager units
140 total dwelling units onsite	120 total dwelling units onsite
Narrow North Venice Boulevard sidewalk from roughly 7.6-ft. to 5-ft. in average width.	No alterations to any sidewalk widths.
Convert Grand Canal Bridge from vehicle to pedestrian accessway. Remove gates below archways.	Convert Grand Canal Bridge from vehicle to pedestrian accessway. Remove gates below archways. Add a staircase to either side of bridge, an elevated walkway to west side of bridge, and a staircase to the east under-bridge path.
No permeable area in west canal setback. 1,500 permeable sq. ft. in east canal setback	366 permeable sq. ft. in west canal setback. 240 permeable sq. ft. in east canal setback.
11,266 total permeable sq. ft. onsite	12,633 total permeable sq. ft. onsite
103,957 total sq. ft. habitable area 137,805 total sq. ft. garage area	97,050 total sq. ft. habitable area 131,646 total sq. ft. garage area
35-ft. height 67-ft. tall campanile 11 roof access structures 4 floors including a subterranean level	35-ft. height No campanile 9 roof access structures 3 floors and no subterranean level
9,100 cy. of cut and no fill	1,500 cy. of cut and 100 cy. of fill

West Structure	
Locally-Approved Project	**Currently Proposed Project**
57 residential parking spaces 42 commercial parking spaces 5 unassigned spaces 1 boat launch parking space (interior) No public parking spaces	55 residential parking spaces No commercial parking spaces No unassigned spaces No boat launch parking spaces (interior) 46 public parking spaces including 20 BIZ spaces
105 total parking spaces in west structure	101 total parking spaces in west structure
63 dwelling units 2,255 sq. ft. retail 810 sq. ft. restaurant/café 260 sq. ft. supportive services	48 dwelling units 1,735 sq. ft. retail No restaurant/café 260 sq. ft. supportive services
36,157 total sq. ft. habitable area 51,340 sq. ft. garage area	41,436 total sq. ft. habitable area 51,579 total sq. ft. garage area
35-ft. height 67-ft. tall campanile 6 roof access structures 4 floors including a subterranean level	35-ft. height No campanile 4 roof access structures 3 floors and no subterranean level

East Structure	
Locally-Approved Project	**Currently Proposed Project**
2 boat launch parking spaces (interior) 250 public parking spaces	No boat launch spaces (interior) 177 public parking spaces
252 total parking spaces in east structure	177 total parking spaces in east structure
77 dwelling units 2,875 sq. ft. art studio 425 sq. ft. supportive services	72 dwelling units No art studio 1,409 sq. ft. supportive services
67,800 total sq. ft. habitable area 86,645 sq. ft. garage area	55,690 total sq. ft. habitable area 80,067 total sq. ft. garage area

No campanile 35-ft. height 5 roof access structures 3 floors and no subterranean level	No campanile 35-ft. height 5 roof access structures 3 floors and no subterranean level

APPENDIX C – SUBSTANTIVE FILES

1. Policies of the certified Venice Certified Land Use Plan cited in report.

2. City of Los Angeles Local Coastal Development Permit Case No. CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP, dated December 1, 2021.

3. Materials associated with CDP Application No. 5-22-0588 and De Novo Application No. A-5-VEN-22-0042.