

CALIFORNIA COASTAL COMMISSION

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W13b

Appeal Filed: 09/08/2020
SI Found: 11/04/2020
Staff: T. Swistak-LB
Staff Report: 05/31/2024
Hearing Date: 6/12/24

STAFF REPORT: DE NOVO HEARING

Application Number: A-5-VEN-20-0054

Applicant: HJG CA LLC (Attn: Rachel Geicke)

Agent: McCabe & Company, Inc

Project Location: 717 E. California Avenue & 670 E. Santa Clara Avenue, Venice, Los Angeles, Los Angeles County (APN: 4239-029-001)

Project Description: Demolition of an existing 773-sq. ft. one-story single-family residence and construction of a 7,495-sq.ft. ss4,274-sq. ft., two-story, 25-ft. high single-family residence including a 2,445-sq. ft. basement, attached 326 sq. ft. first-floor accessory dwelling unit, attached 450 sq. ft. two-car garage, roof deck with 9-ft. high, 99 sq. ft. roof access structure, swimming pool, hardscape and landscaping, and approximately 1,600 cu.yds. of grading cut on 8,207 sq. ft. lot.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located over a half-mile inland of the public beach and boardwalk in Venice (City of Los Angeles) and involves the demolition of an existing vacant single-family dwelling and construction of a new single-family dwelling on a triangular-shaped lot that fronts both 717 E. California Avenue and 617 E. Santa Clara Avenue in the Oakwood residential subarea of Venice.

On July 20, 2020, the City of Los Angeles approved Local Coastal Development Permit (CDP) No. DIR-2019-499-CDP-MEL for the demolition of an existing 773 sq. ft. single-family dwelling and the construction of a new 7,485 sq. ft. structure composed of a 5,068¹ sq. ft. two-story single-family residence with a 1,942 sq. ft. basement level (having habitable area), an attached 475 sq. ft. three-car garage, roof deck and a swimming pool on an 8,207 sq. ft. lot. The City's approval was appealed to the Coastal Commission on September 8, 2020, by Dr. Naomi Nightingale, Citizens Preserving Venice, and Miguel Bravo. On November 4, 2020, the Commission determined that a substantial issue existed with respect to the grounds on which Appeal A-5-VEN-20-0054 was filed, because the project, as approved by the City raised significant questions as to consistency with the community character of the project area and the potential to set an adverse precedent for future development in the neighborhood. Specifically, the Commission found that the size and mass of the City-approved home would be out of character with the area and inconsistent with Coastal Act sections 30251 and 30253, and Land Use Plan (LUP) Policies I.E.1, I.E.2 and I.E.3, and that the City's community character analysis was not adequately supported by information in the record file or the local City's findings. Further, the project was determined to have a negative cumulative effect based on the size and mass of the proposed home on nearby development as well as on Venice as a Special Coastal Community and the approval of the project could prejudice the City's ability to prepare a Local Coastal Program (LCP) in the future. In finding that a substantial issue existed, the Commission accepted the appeal and took jurisdiction over the CDP application for a full de novo review and action at a subsequent Commission meeting.

The applicant subsequently worked with Commission staff to revise the proposed design for compatibility with surrounding development. The revisions include the addition of an attached accessory dwelling unit (ADU), increased front yard setbacks on both street frontages, increased height, variety and area of landscape plantings, decreased property fence height, and architectural modifications to the exterior façade for articulation and step backs to minimize the massing and provide a pedestrian-friendly streetscape along the 372 ft. of frontage along California Avenue and Santa Clara Avenue. As revised, the applicant proposes to demolish an existing single family structure and construct a new 7,495 sq. ft. structure composed of a 4,274-sq. ft., two-story, 25-ft. high single-family residence with a 2,445 sq. ft. basement, attached 326 sq. ft. first floor ADU, attached 450

¹ The City CDP determination describes the locally approved structure as 6,528 sq. ft. per the uncertified LAMC standards. The Commission's calculation of the total size of the City's approved structure is 7,485 (5,068 above ground), accounting for all interior floor area including the basement, attached garage, stairs, elevator and storage.

sq. ft. two-car garage, with a roof deck with 9-ft. tall, 99 sq. ft. roof access structure, swimming pool, hardscape and landscape improvements.

Commission staff believes that the subject development has been significantly redesigned by the applicant to limit the visible size, massing, and scale in a manner consistent with the community character policies of the certified LUP and Chapter 3 of the Coastal Act.

Commission staff recommends **eight (8)** special conditions: 1) Final Plans, 2) Future Development, 3) Local Government Approval, 4) Construction Best Management Practices, 5) Protection of Archaeological and Tribal Cultural Resources, 6) Assumption of Risk, Waiver of Liability and Indemnity, 7) Development Removal, and 8) Deed Restriction. As revised since the City's approval and conditioned herein, staff believe the proposed project would be compatible with the community character of the area and is designed to minimize impacts to visual resources and public access.

As thus conditioned, Commission staff recommends that the Commission finds that the proposed project is consistent with Chapter 3 of the Coastal Act and recommends **approval** Coastal Development Permit Application No. A-5-VEN-20-0054. The motion to approve staff recommendation is on Page Five.

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APPENDICES

- Appendix A – Substantive File Documents
- Appendix B – Community Character Survey Data

EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – City-Approved Plans (July 20, 2020)
- Exhibit 3 – Revised Plans (May 16, 2024)
- Exhibit 4 – Community Character Survey Selected Parcels

I. MOTION AND RESOLUTION

Motion I: I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-20-0054 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-20-0054 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.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided that the assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) complete sets of final plans that conform with the plans prepared by Kim Gordon Designs dated May 16, 2024, and shall include and be consistent with the following:
 - a. **Architectural Plans.** The following change to the plans dated May 16, 2024, shall be incorporated:
 - i. The front yard fence at the property boundary along the entirety of California Avenue and Santa Clara Avenue lot frontage of the project site shall be constructed no higher than three feet above grade as measured from the public sidewalk.
 - ii. The structure shall be set back a minimum of 15 feet from Santa Clara Avenue and 10 feet six inches from California Avenue.
 - iii. An accessory dwelling unit, at least 326 square feet in size, shall be located above ground and shall have a separate entrance from the main residence.
 - b. **Final Grading Plan.** A final grading plan shall be provided that includes the total amount and location of cut and fill, as well as the current and future anticipated depth of the groundwater table. If dewatering is proposed, then a dewatering plan shall also be provided.
 - c. **Drainage Plan.** A final drainage plan shall be provided consistent with Special Condition 4 that depicts how the drainage system will collect and reduce the amount of runoff and where it will be captured onsite and directed.
 - d. **Final Landscaping Plan.** A final landscaping plan shall be provided that includes a map showing the type, size, and location of all plant and vegetation materials that will be removed and planted on the developed site, the irrigation system, topography of the developed site, and all other landscape features consistent with the following subsections.
 - i. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of

Water Resources

(See:<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

- ii. All irrigation systems shall limit water use to the maximum extent feasible. Use of reclaimed water (“gray water “systems) and rainwater catchment systems for irrigation are encouraged. If permanent irrigation systems using potable water are included in the landscape plan, they shall use water conserving emitters (e.g., microspray) and drip irrigation only. Other water conservation measures shall be considered, including use of weather based irrigation controllers.
 - iii. The use of rodenticides containing any anticoagulant compounds is prohibited.
- e. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission’s approval and with the recommendations of any required technical reports.
- f. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
- 2. Future Development.** This permit is only for the development described in CDP No. A-5-VEN-20-0054. Pursuant to Title 14 of the California Code of Regulations Section 13250, the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by CDP No. A-5-VEN-20-0054. Accordingly, any future improvements to the residence, garage, patio, decks, foundation, and any future improvements including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 of the California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. A-5-VEN-20-0054 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.
- 3. Local Government Approval.** This action has no effect on conditions imposed by the City of Los Angeles pursuant to an authority other than the Coastal Act, except as provided in the last sentence of this condition. The permittee is responsible for compliance with all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local government permit conditions pursuant to the local government’s non-Coastal Act authority. In the event of conflicts between terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this coastal development permit shall prevail. If any part of the proposed project description has not been approved by the local government, the permittee is required to obtain all local approvals prior to commencement of construction.

4. Construction Best Management Practices

- A) Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. The permittees shall comply with the following construction-related requirements:
- 1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 - 2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - 3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - 4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - 6) The permittee(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - 7) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - 8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - 9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - 10) The discharge of any hazardous materials into any receiving waters is prohibited;
 - 11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The

area shall be located as far away from the receiving waters and storm drain inlets as possible;

- 12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B) Drainage and Water Quality

- 1) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board;
- 2) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;
- 3) A French drain, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed and maintained on the project site; and
- 4) All runoff leaving the site shall be directed into the City storm drain system.

5. Protection of Archaeological and Tribal Cultural Resources. The permittee 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 permittee shall (i) notify 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. 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 permittee shall retain an archaeologist and/or 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. 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 on-site during the course of the project, immediately after such discovery, the on-site 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. The Native American group/person deemed acceptable by the NAHC shall participate in the identification process, pursuant to Public Resources Code Section 5097.98. Should the human remains be determined to be that of a Native American, the permittee shall comply with the requirements of Section 5097.98. Within five (5) calendar days of such notification, the permittee shall notify the Executive Director of the discovery of human remains.
- d. A permittee seeking to recommence construction within the exclusion zone 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.

6. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

7. Development Removal. By acceptance of this permit, the permittee agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the residence, including the pool, and any other improvements if: (1) 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 waves, flooding, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices; (2) essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above; (3) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (4) the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required. In addition, this permit does not permit encroachment onto public trust lands and any future encroachment onto public lands must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain.

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

IV. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local coastal development permit (CDP) also obtain a second (or “dual”) CDP from the Coastal Commission. 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 Single Permit Jurisdiction Area. On July 20, 2020, the City of Los Angeles approved CDP No. DIR-2019-499-CDP-MEL, which was appealed to the Coastal Commission and, pursuant to Section 30623 of the Coastal Act, the locally approved CDP were stayed pending Commission action on the appeals. On November 4, 2020, the Commission found that the appeals raised a substantial issue with respect to the

locally-approved project's consistency with Chapter 3 of the Coastal Act. The Commission now holds the de novo portion of the hearing on the merits of the project. Chapter 3 of the Coastal Act is the standard of review. The certified Venice LUP is used as guidance.

V. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND HISTORY

The subject property is a an approximately 8,207 sq. ft. flat, triangular shaped corner lot located at the intersection of Santa Clara Avenue and California Avenue in the Oakwood residential of Venice ([Exhibit 1](#)). Because the lot fronts both California and Santa Clara Avenues, it is considered to have two front yards. The site is located over a half-mile inland of the public beach and Venice boardwalk and is currently developed with a vacant one-story, 14 ft. tall, 773 sq. ft. single family structure constructed in 1954 and hidden by abundant and varied trees and landscaping. The project site is designated Low Medium II Residential by the certified Venice LUP and Restricted Density Multiple Dwelling (RD1.5-1) by the City of Los Angeles uncertified Municipal Code (LAMC).

The Venice Oakwood subarea is bordered by Lincoln Boulevard to the east, Electric Avenue and Hampton Drive to the west, and the City of Los Angeles boundary to the north. This area was historically a predominately Black neighborhood comprising smaller homes affordable to lower-income residents. Beginning in the late 19th century and early 1900's, the residential area now called Oakwood was established as a community of laborers as Black Individuals and families came to Venice during the Great Migration, becoming one of the only largely Black residential communities along California's Coast². The Oakwood subarea has since undergone significant changes and is now generally characterized by one-story and two-story multi-family and single-family homes of varying sizes, architectural styles, and affordability levels.

On November 18, 2019, the City of Los Angeles West Coast Project Planning Hearing Officer held a public hearing at the West Los Angeles Municipal Building for the proposed development. The case was taken under advisement for one week to allow for additional comments to be submitted. On July 20, 2020, the City Department of Planning conditionally approved Local CDP and Mello Act Compliance Review (No. DIR-2019-499-CDP-MEL) authorizing the demolition of an existing 773 sq. ft. single-family dwelling and the construction of a new 5,068 sq. ft.³ two-story single-family dwelling including a 1,942 sq. ft. basement level (having habitable area) with an attached 475 sq. ft. three-car garage, 820 sq. ft. roof deck and a swimming pool ([Exhibit 2](#)). The City's Mello Act Compliance review determined that the 773 sq. ft. single family residence on the site was an affordable unit. The determination of an existing affordable residential unit requires the applicant to provide tenant income verification documents or monthly housing cost

2 <https://knock-la.com/venice-oakwood-black-neighborhood-history-a270785f0a04/>

3 The City CDP determination describes the locally approved structure as 6,528 sq. ft. per the uncertified LAMC standards. The Commission calculates the City's approved structure to 7,485 (5,068 above ground) to account for all interior floor area. including the basement, attached garage, stairs, elevator and storage.

data as substitute, for at least the previous three (3) years prior to the date of application with the Department of City Planning (DCP). The City's Letter of Determination (DIR-2019-499-CDP-MEL) states that the HCDILA mailed a letter to the property that was unable to be delivered, and the owner was unable to obtain sufficient documentation To receive the Mello Determination, the owner subsequently agreed to deem the single-family residence as affordable (**Appendix A**). The applicant informed Commission staff of their correspondence with the previous owner of the property, Jay Griffith, who at the time of the property sale was said to have retired and was using the residence as his part-time home. The applicant explained that the residence was not rented, and this is why the letter sent by HCDILA was returned.

The replacement of an affordable unit was not required by the City per Part 4.8 of the City's Mello Act provisions in which affordable unit replacement is not required for single family development if it is infeasible to do so. While the Venice LUP sets forth specific policies encouraging the preservation of existing affordable residential units, LUP Policy I.A.16 incorporates by reference the exception provisions of the Mello Act. Furthermore, the Commission does not have authority to review or alter the City's Mello Act determinations. The California Government Code makes it clear that it is the responsibility of the local government to implement Section 65590. In its substantial issue analysis, the Commission found that the appellant's contentions regarding the City's Mello Act did not raise a substantial issue because the Commission does not have jurisdiction to review those contentions.

The City CDP approval also included Case No. ZA-2019-501-ZAA-F for a Zoning Administrator Determination (ZAA) to allow the construction, use, and maintenance of a fence, gate, and gate posts, that are taller (maximum height of six ft.) than the otherwise required maximum three ft. six-in. height for a front yard fence, and a Zoning Administrator Adjustment to allow a 9-ft front yard setback along California Avenue and a 9 ft. front yard setback along Santa Clara Avenue in lieu of the otherwise required 15 ft. front yards per LAMC Section 12.09.1-B,1, and the construction and maintenance of a swimming pool within the required front yard of California Avenue. The City granted the ZAA due to the irregular configuration of the lot, which is triangular in shape and located at the convergence of two roadways with 372 total linear ft. of frontage. The setback distance otherwise required by the City would result in over half of the lot area dedicated to the front yard setbacks.

On August 10, 2020, the Coastal Commission's South Coast District Office received a valid Notice of Final Action (NOFA) for Local CDP No. DIR-2019-499-CDP-MEL. The Commission issued a Notification of Appeal Period on August 11, 2020. On September 8, 2020, Dr. Naomi Nightingale, Citizens Preserving Venice (Attn: Sue Kaplan, President), and Miguel Bravo filed the appeal during the required 20 working-day appeal period. No other appeals were received prior to the end of the appeal period at 5 p.m. on September 8, 2020. The City and applicant were notified of the appeal in a letter from Commission staff dated September 10, 2020. The appellants raised concerns related to the inconsistency of the project's mass and scale with the character of the Oakwood Subarea. The specific contentions can be found in the Substantial Issue staff report dated November 4, 2020 (**Appendix A**).

At a public hearing on November 4, 2020, the Commission determined substantial issue with respect to the grounds on which Appeal No. A-5-VEN-20-0054 was filed pertaining to the proposed project's consistency with Sections 30250, 30251, and 30253 of the Coastal Act. The Commission's action voided the local CDP, and the Commission is now required to hold the de novo portion of the hearing on the merits of the project.

After working with Commission staff, the applicant revised the project to improve visual compatibility with the surrounding development by decreasing the overall above-grade mass and scale of the proposed structure. The single-family development, as proposed, a) reduces the visible size of the structure by reducing the above ground area through significant increases in the setbacks on the two front yards of California Avenue and Santa Clara Avenue (from 9 ft. and 7 ft. to 15 ft. and 10 ft. 6 in.) and by increasing step backs on the upper floor (up to 13 additional ft.), b) includes an attached, first-floor ADU, c) decreases the height of the perimeter fence, and d) increases the density and variety of vertical plantings and screening. As modified, the applicant proposes a 25 ft. tall, 7,485 sq. ft. single family residence composed of 4,274 sq. ft. above-ground living area (2,954 sq. ft. building pad), an attached, 326 sq. ft. first floor ADU, a 2,445 sq. ft. habitable basement, a 450 sq. ft. attached garage, a 1,470 sq. ft. roof deck with a 9 ft. high, 99 sq. ft. roof access structure, swimming pool, and landscaping. The applicant proposes three total off-street parking spaces, two covered standard spaces within the attached garage, and one uncovered space within the driveway. The structure is now set back 10 ft. six in. and 15 ft. from California Avenue and Santa Clara Avenue, respectively. The second floor is stepped back to 13 ft. on California and maintains a 15 ft. setback on Santa Clara Avenue. As proposed, the development observes all of the requirements for setback, height, and yard standards in the certified Venice LUP. However, while the certified Venice LUP provides guidance, the Commission's standard of review is Chapter 3 of the Coastal Act.

B. DEVELOPMENT AND COMMUNITY CHARACTER

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...

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

Venice Certified LUP Policy I.E.1 General, states:

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.

Venice Certified LUP Policy I. E. 2. Scale, states:

Scale: 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. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

Venice Certified LUP Policy I.E.3 states:

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

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

The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP...

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; ...

Venice Certified LUP Policy I.A.5. states:

Preserve and protect stable multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services, and the residents' quality of life can be maintained and improved.

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

Accommodate the development of multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium II Density" on the Venice Coastal Land Use Plan (Exhibits 9 through 12) ...

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.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5, or one unit for each 2,000 square feet of lot area in excess of 4,000 square feet on parcels zoned RD2, if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

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

Height: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet (See LUP Policy I.A.1 and LUP

Height Exhibits 13-16)....

Venice Certified LUP Policy I. A. 9. (Replacement of Affordable Housing) states:

Per the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act", the conversion or demolition of existing residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).

Venice Certified LUP Policy I. A. 16. (Exceptions) states:

No exceptions to the replacement housing policies of this LUP shall be permitted within the Venice Coastal Zone except as permitted by Section 65590 of the State Government Code (Mello Act).

Section 30250 of the Coastal Act requires new development be concentrated in existing developed areas able to accommodate it, which supports other Chapter 3 policies by reducing vehicle miles traveled, preserving open spaces that might otherwise be developed, and providing more opportunities for people to live near places they work and recreate. Thus, in general, the Coastal Act policies support maintaining housing density in existing developed areas that are able to accommodate it. The Venice LUP designates the subject site as Multifamily Residential- Low Medium II Density, which accommodates multifamily dwelling units and allows for one unit per 1,500-2,000 sq. ft. of lot area. The proposed project maintains the existing single-family use of the site and adds a 326 sq. ft. ADU.

Coastal Act sections 30251 and 30253 state that the special attributes that draw visitors to coastal communities like Venice shall be protected and require permitted development to be visually compatible with the character of surrounding areas. The Venice LUP, consistent with the Coastal Act section 30251, was designed to protect Venice community character partially through objective building standards, restrictions on the size and appearance of structures, and provisions to maintain pedestrian scale, all important aspects of Venice character. The Venice LUP also protects the architectural and social diversity of Venice as part of what makes Venice a special coastal community that serves as a major visitor destination.

Visual Character

LUP Policies I.E.2 and I.E.3 and Coastal Act section 30251 require development to maintain existing neighborhood scale, massing, landscape, and character and be visually compatible with the character of the area, and LUP policies I.A.1 and I.A.7 include standards to address these components for new development. LUP Policy I.A.7. requires a maximum building height of 25 ft. for buildings with flat roofs, and Policy I.A.1 limits residential roof access structures to a 10 ft. maximum height and 100 sq. ft. maximum area and requires design and orientation to reduce its visibility from adjacent walkways. The proposed project, which includes a 25 ft. tall structure and a 9 ft. tall, 99

sq. ft. roof access structure, is consistent with the building height, and roof access structure height and size policies of the LUP.

LUP Policy I.A.7 also requires yards to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood. The proposed project includes dense, non-invasive vegetative landscaping within both front yard setbacks to allow for on-site percolation of stormwater and a pedestrian-friendly design to increase shade and reduce the mass of the structure. Additionally, the proposed landscaping is consistent with the existing dense vegetation of the project site and surrounding lots ([Exhibit 4](#)).

The Venice LUP does not provide setback standards for this area, however, LUP policy I.A.7 requires yards be consistent with the existing scale and character of the neighborhood. While the uncertified City zoning code requires 15 ft. setbacks for the front yards on subject lot, a Zoning Administrator Adjustment was approved for the local CDP for reduced front yard setbacks. Thus, the City-approved design included a 9 ft. setback on California Avenue and a 7 ft. setback on Santa Clara Avenue. The reduced front yards raised concerns about the bulk and mass of the project and the cumulative impact on the pedestrian-friendly character of the neighborhood.

Due to the site's unusual shape and large size compared to surrounding lots in the area, the mass and scale of the previously proposed 7,485 sq. ft. project with six ft. high fences along the property line appeared inconsistent with the character of the existing development surrounding 717 California Avenue. The 8,207 sq. ft. triangular shaped lot converges at the intersection of California Avenue and Santa Clara Avenue, and has two front yards, a single side yard along the southwest portion adjacent to 677 California Avenue, and no rear yard. The subject lot has a depth of approximately 46 ft. 5 in. at the northeast end of the lot, and a width of approximately 131-ft. 5-inches. The two front yards are along both California Avenue and Santa Clara Avenue, respectively, and comprise approximately 80% of the perimeter of the subject property. There are public sidewalks adjacent to both. The site does not have a rear yard and has a single side yard along the southwestern portion adjacent to 677 California Avenue. As modified, the applicant proposes to reduce the fence height along the public walkways to 3 ft., as well as increased setbacks on the first and second floor levels on both front yards to decrease the structure's visual impact from California Avenue and Santa Clara Avenue. The proposed structure now has a 10 ft. six in. setback along California Avenue and 15 ft. setback along Santa Clara Avenue. The second floor is stepped back to 13 ft. along California and maintains a 15 ft. setback on Santa Clara Avenue. These proposed changes to reduce the project's visible massing are memorialized in **Special Condition 1**.

Regarding mass, as just described, the proposed structure would be articulated and stepped back in multiple locations to reduce the massing as seen from California Avenue and Santa Clara Avenue. Furthermore, the proposed development includes several planted areas and dense vegetation within the setbacks along the 372 linear ft. of frontage, providing similar landscape design with surrounding lots and contributing to the overall pedestrian-friendly scale of California and Santa Clara Avenues. **Special**

Condition 1(d) requires final plans to ensure the proposed landscape design consists of native or non-invasive non-native drought tolerant plants.

To determine whether a proposed project is consistent with the community character of the area, the Commission looks, in part, at the existing development in an area to determine whether or not a proposed project is visually compatible with mass and scale. Staff reviewed 23 lots along California Avenue and Santa Clara Avenue within a 200-foot radius from the center of 717 California Avenue to analyze all properties within or partially within the selected distance ([Exhibit 5](#)). Staff applied the 200 ft. radius and extracted the parcel data for selected lots within LandVision and separately measured the front yard setback distance for each lot using satellite imagery from both LandVision and Google Earth (**Appendix B**). For lots with two front yard setbacks, as is the case with the subject site at 717 California Avenue, the setback distance is a calculated average of both front yard measurements. For parcels located behind street-fronting parcels, Staff assigned the same setback distance that was measured for the street-fronting parcel. The Community Character Survey Summary Table below summarizes the parcel and setback data for the subject site and surrounding 23 lots.

Community Character Summary Table						
	Lot Size		Building Footprint		Front Yard Setback	
Subject lot (footprint and setback as proposed)	8,207		2,954		12' 8" *	
	Average	Median	Average	Median	Average	Median
All lots (23)	5,598	5,200	2,700	2,054	20	17
Single family lots (12)	4,161.5	5,186	1,950	1,941	27	20
	Min	Max	Min	Max	Min	Max
All lots	1,360	15,594	837	13,216	5.78	77.8
Single family lots	1,360	5,810	837	4,162	5.78	77.8
*The front yard setback for the subject lot listed within the table is a calculated average of the two front yard setback measurements						

The data for the 23 lots surveyed around 717 California Avenue includes development of varying density, lot size, building footprint, and front yard setbacks throughout the block. Of the surveyed area, all 23 lots are residential, ranging from single-family lots to multifamily lots with up to 17 units. The overall median lot size is approximately 5,200 sq. ft. and the median building footprint is 2,054 sq. ft., however, the distribution shows a wide range in size of lot and building footprint area with lots 1,360 sq. ft. to 15,594 sq. ft. in size and structures with building footprints of 837 sq. ft. to 13,216 sq. ft. Of the 23 residential parcels, the data shows an even distribution of parcels with single-family

structures and parcels with multi-family structures (12 and 13, respectively). The 12 parcels with single family structures have a median lot size of 5,192 sq. ft. and range in size from 1,360 sq. ft. to 5,810 sq. ft. The single family structures have a median building footprint of 1,978 sq. ft and range from 837 sq. ft. to 4,162 sq. ft in size. The proposed structure (and existing single family structure) sits on an 8,207 sq. ft. lot and will exceed the largest single-family lot by over 2,000 sq. ft. and is larger than 20 of the 23 residential parcels within the survey area. The proposed 7,495 sq. ft. structure has a 2,954 sq. ft. building footprint, which does not exceed the largest building footprint within the surrounding area and is smaller than 30 percent of single-family structures.

The front yard setback for all primary structures along California Avenue and Santa Clara Avenue is approximately 20 ft. by median and average values and ranges between six to 78 ft. The proposed structure is set back 15 ft. from California Avenue and 10 ft. 6 in. from Santa Clara Avenue. Approximately 40 percent of lots within the survey area have a front yard setback of 15 ft. or less.

Overall, the project has been designed for consistency with surrounding uses, front yard setbacks, height, landscaping, and architecture of the surrounding neighborhood. The proposed residential structure will comply with the density and design provisions of LUP policies I.A.5 through I.A.8, as well as policies I.E.2 and I.E.3. Additionally, the applicant is proposing to include an Accessory Dwelling Unit on the first floor of the residence that could be rented out providing a use more similar to a multifamily residence. As proposed and conditioned, the project will be compatible with the character and scale of the surrounding area and will minimize impacts to visual resources and community character consistent with sections 30251 and 30253(e) of the Coastal Act and the certified Venice LUP.

The Commission acknowledges the trend of houses getting larger; however, community character is not defined solely on the size of structures. The Commission uses the LUP to guide decisions regarding mass and scale, appropriate to the community. Here, the Commission finds that with the increased setbacks, articulation, and landscaping, the proposed project is consistent with the LUP, and thus, the community character as contemplated by the LUP.

Commission staff are not aware of future development projects in the survey area. As described, the proposed home would not have a significant adverse cumulative effect on the visual character of nearby development or on Venice as a Special Coastal Community. Thus, the project's appearance does not raise an issue of statewide significance. Therefore, approval of the proposed home would not prejudice the City's ability to prepare an LCP that is consistent with the visual resource protection policies of the Coastal Act in the future.

Social Character

The Commission understands the concerns expressed by some members of the public that Venice community character is changing in a way that is not consistent with Coastal Act section 30253(e), which is part of the standard of review, as well as section 30604 and the Commission's adopted Environmental Justice Policy. When the LUP was

certified in 2001, Venice was described as a “quintessential coastal village where people of all social and economic levels are able to live in what is still, by Southern California standards, considered to be affordable housing;” this is memorialized in the introduction for Policy Group I of the LUP. LUP Policy I.E.1 protects the social diversity of Venice as one of its unique characteristics required to be protected under Coastal Act Section 30253(e). The Commission’s EJ Policy and Coastal Act section 30604 encourage the protection and provision of affordable housing in the coastal zone to forward the Coastal Act, including its goal of maximum public access to the coast and the recreational opportunities afforded there. This project will maintain the existing use and density of a single-family residence that is consistent with the surrounding development,⁴ and the addition of an ADU will create potential additional housing.

Conclusion

In summary, the proposed project, as conditioned, is compatible with the social and architectural diversity and, for the reasons described above, is unlikely to lead to adverse cumulative effects on the community character, mass and scale, and visual resources of the surrounding area. **Special Condition 1** (final plans) requires the applicant to submit final revised plans and to construct the project consistent with those plans. Including **Special Condition 1(a)** architectural plans, and **1(d) Final Landscaping Plan** to ensure the proposed design of the site for community character consistency is implemented. Further, **Special Condition 1(f)** requires the applicant to submit final plans for approval of the Executive Director in conformance with the plans provided to staff on May 29, 2024, to ensure the development remains consistent with the proposed design. Given that these plans have been revised since the City’s last approval, **Special Condition 3** reminds the applicant that local approval is still needed and that any changes that may result from that process would need to be submitted to the Executive Director for review and approval. **Special Condition 8** requires the applicant to record a deed restriction imposing the special conditions of the permit as restrictions for use of the property. Thus, the Commission finds that the proposed single family development, as conditioned, conforms with sections 30250, 30251 and 30253(e) of the Coastal Act and the certified LUP policies related to community character.

C. COASTAL HAZARDS

Coastal Act Section 30253(e) states, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that

⁴ The 23 surveyed lots are comprised of 12 lots with single family development and 14 lots with multifamily development.

would substantially alter natural landforms along bluffs and cliffs.

Coastal Act Section 30270 of the Coastal Act 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.

As relevant here, new development must be sited and designed to minimize risks to life and property in areas of high flood hazard, taking into account the effects of sea level rise, in order to avoid and mitigate impacts from such effects to the extent feasible. On November 7, 2018, the Commission adopted a science update to its Sea Level Rise (SLR) Policy Guidance.⁵ This document serves as guidance to help ensure that projects are designed and built in a way that minimize risks to the development associated with sea level rise (SLR) and avoids related impacts to coastal resources. This guidance document states, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.”

The proposed development is located approximately 0.47 miles from the Venice Canals and approximately 0.86 miles from the beach. To better understand the associated risks at this project site, the updated SLR Policy Guidance recommends using the high emission scenario when determining a Low Risk to Medium-High Risk range of projected SLR. Per this guidance, sea levels near the Santa Monica gauge (the nearest tide gauge to the project site) will likely rise between 3.3 ft. and 6.8 ft. within the subject development’s estimated 75-year lifespan.

Using Our Coast, Our Future’s (OCOF’s) Coastal Storm Modeling System (CoSMoS), flooding is projected to impact the site starting at 6.6 ft of SLR, at which point any storm frequency scenario (i.e. annual, 20-year, 100-year) will result in complete inundation of the subject lot and surrounding development within the development’s 75-year lifespan. The likelihood that SLR will meet or exceed the medium-high risk-aversion scenario is low and thus represents a precautionary projection that should be used for less adaptive projects, such as a residential structure. However, groundwater levels onsite are entirely emergent under current conditions, and, thus, despite the relatively far distance inland from the coast, the project site is anticipated to experience similar impacts from coastal hazards as properties located farther seaward and/or closer to the canals. Further, the proposed project includes subsurface development for a 2,445 sq. ft. basement level and swimming pool that may increase risk and impacts associated with SLR. It is also important to note that with expected SLR by 2100, key infrastructure systems across

⁵ The Ocean Protection Council (OPC) is currently in the process of updating the State SLR Guidance and statewide SLR projection based on evolving science, including the recently released NOAA SLR projections. Among other details, the new NOAA report changes how the extreme SLR scenario is discussed. The Commission continues to rely on the current statewide guidance while taking newer relevant studies under advisement in its decision-making, until such time that a new guidance update is adopted.

Venice (the road network, electrical station, the storm drains, etc.) are vulnerable, which means the services these residential areas currently rely upon may be at risk.

To plan for the potential impacts of SLR and related flooding during the site's expected lifespan, **Special Condition 6** has been included to ensure that the risks of property damage or loss arising from SLR or other changed circumstances, including that critical mechanical equipment may be required to be relocated above-grade in the future and potential removal of the subject development, are borne by the applicant enjoying the benefits of its private new development, and not the public. Should the applicant need to implement additional flood-protection measures on the property in the future, the applicant may need to apply for a CDP amendment for such measures. **Special Condition 7** further clarifies that development approval does not permit encroachment onto public lands and any future encroachment onto public lands must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain.

Furthermore, **Special Conditions 1 and 3** require the applicant to comply with local government requirements, which include detailed standards relating to the maintenance of appropriate drainage and permeable area on-site, and **Special Condition 8** requires the applicant to record a deed restriction acknowledging that, pursuant to the subject CDP (CDP No. A-5-VEN-20-0054), 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 to any prospective future owners of the 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.

Thus, the development as proposed and conditioned minimizes risks to life and property in hazardous areas, taking into account the effect of sea level rise, consistent with Coastal Act sections 30253(a) and 30270.

D. WATER QUALITY & BIOLOGICAL RESOURCES

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 30232 of the Coastal Act, Oil and hazardous substance spills, states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

To protect and preserve water quality and biological resources consistent with Sections 30230, 30231, and 30232 of the Coastal Act during construction, **Special Condition 4** requires the applicant to implement construction Best Management Practices (BMPs). These features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and for the use of post-construction best management practices to minimize any adverse project impacts on coastal waters.

To ensure that the as-built project protects coastal habitats and ecological communities, preserves water quality, minimizes energy use, and does not contribute to invasive weeding, **Special Conditions 1(d), and 1(c)** are imposed. Due to the site's likelihood of flooding by the end of its design life, it is important to address the hydrologic transport of plant seeds and the potential spread of invasive species. The applicant is proposing to remove existing invasive species, such as bamboo, and to use non-invasive species in the landscape design. **Special Condition 1(d)** requires the landscaping plan to utilize native or non-native non-invasive, drought-tolerant vegetation and water-conservative irrigation systems. To further ensure the minimization of runoff impacts, **Special Condition 1(c)** requires a final drainage plan to illustrate how water will be captured onsite and where it will be directed. Therefore, as proposed and conditioned to conserve water and energy and minimize impacts to water quality, habitat, and wildlife, the subject development is consistent with the Chapter 3 biological resource protection policies of the Coastal Act.

E. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30252 of the Coastal Act states, in relevant part:

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 nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Venice 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...

Residential Uses: Single-family dwelling on lots of 40 feet or more in width, or 35 feet or more in width if adjacent to an alley

Off-Street Parking Required: 3 spaces

The proposed single-family residence and attached ADU are located approximately 0.47 miles from the Venice Canals and approximately 0.86 miles from the Venice Beach Boardwalk. The proposed project provides three off-street parking spaces: two covered spaces in the attached garage and one uncovered parking space in the driveway within the front yard setback of the Santa Clara Avenue. The attached garage and driveway are accessed from Santa Clara Avenue and do not encroach the public sidewalk or impact the general lack of existing on-street parking that is otherwise utilized by the public to access the coastal zone in Venice.

The provision of three parking spaces complies with the certified LUP parking requirement for single family residences on lots 40 feet or more in width, which is intended to ensure that the limited on-street parking is maintained for public use, and, thus, the project will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 the public access protection policies of the Coastal Act.

F. 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.

The Commission recognizes that the entirety of the State's coastal zone was originally indigenous territory that continues to have cultural significance to Native American tribes. The Commission's Tribal Consultation Policy (adopted on August 8, 2018)⁶ recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

The proposed development involves grading of the subject site including approximately 1,600 cy of cut and export. **Special Condition 1(b)** requires final grading plans to confirm the final amount of grading that would occur. Ground-disturbing activities such as this have the potential to unearth and/or impact archaeological resources, including tribal cultural resource deposits. Based on past consultations with representatives of Native American Tribes with ancestral ties to the area, the use of this area by native peoples for thousands of years and resource discoveries in Venice in recent years suggests that there is potential for tribal cultural resources to be found at this site. Therefore, **Special Condition 5** is imposed, which requires the applicant to invite all representatives of the Gabrieleño-affiliated Tribes listed on an updated Native American Heritage Commission contact list to consult and monitor ground-disturbing activities and arrange for a representative of any invited Tribe 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. The condition also provides required steps to take should a discovery be made.

The Commission finds, therefore, that as conditioned, the proposed project minimizes and mitigates potential impacts to archaeological and tribal cultural resources consistent with Section 30244 of the Coastal Act and the cultural resource protection policies of the certified LUP.

G. LOCAL COASTAL PROGRAM

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

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

⁶ <https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-ConsultationPolicy.pdf>

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Venice Land Use Plan (LUP), certified by the Commission in 2000 and adopted by the City in 2001, is advisory in nature, and may provide the Commission with guidance. The Commission's standard of review for the proposed development is the Coastal Act Chapter 3 policies.

The proposed development is consistent with Chapter 3 of the Coastal Act and with the Venice certified Land Use Plan for the subject area. Approval of the project as proposed and conditioned will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The findings above are incorporated herein by reference.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment, either individually or cumulatively with other past, current, or probable future projects.

The proposed project has been conditioned to be consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that 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, 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 – Substantive File Documents

1. City of Los Angeles Approval of Local Coastal Development Permit (CDP) No. DIR-2019-499-CDP-MEL
2. Staff Report for Appeal No. A-5-VEN-20-0054 finding of substantial issue dated November 4, 2020

Appendix B – Community Character Survey Data