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# W10a & W12b

Appeal Filed: 09/16/2024
CDP App. Filed: 05/30/2025
49th Working Day: Waived
180th Day: 11/26/2025
Staff: E. Greer-LB
Staff Report: 09/24/2025
Hearing Date: 10/08/2025

## STAFF REPORT:
## APPEAL – NO SUBSTANTIAL ISSUE & DUAL PERMIT

| | |
|---|---|
| **Appeal/Application No.:** | **A-5-VEN-24-0038 / 5-24-0883** |
| **Applicant:** | **Venice Waldorf, LLC (Attn: Carl Lambert)** |
| **Agent:** | McCabe & Company (Attn: Anne Blemker and Susan McCabe) |
| **Local Government:** | City of Los Angeles |
| **Local Decision:** | Approval with Conditions |
| **Appellants:** | Citizens Preserving Venice (Robin Rudisill) and Keep Neighborhoods First (Judith Roth Goldman and John P. Given) |
| **Project Location:** | 1217 S. Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN: 4226-005-004). |
| **Project Description (On Appeal):** | Appeal of City of Los Angeles Coastal Development Permit No. ZA-2021-7223-CUB-CU-CDP approval with conditions for the renovation of an existing 1,276 sq. ft. ground floor restaurant with 43 seats and a 706 sq. ft. basement level theater with 49 seats located within a historic five-story over a basement apartment hotel building. |
| **Project Description (Dual):** | Renovation of an existing 1,276 sq. ft. ground floor restaurant with 43 seats and a 706 sq. ft. basement level theater with 49 seats located within a historic five-story over a basement apartment hotel building. |

**Staff Recommendation:** No Substantial Issue on Appeal and Approval with Special Conditions for Dual Permit Application.

## IMPORTANT HEARING PROCEDURE NOTE

There will be a combined substantial issue and dual permit presentation after which public comment will be taken. If the Commission determines that the appeal does not raise a substantial issue, the vote on the dual permit will follow. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony. The Commission may choose to continue the dual permit hearing to a future Commission meeting as well.

## SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles approved local coastal development permit (CDP) No. ZA-2021-7223-CUB-CU-CDP for the subject development on August 28, 2023. The City's local CDP approved with conditions renovation of an existing 1,276 sq. ft. ground floor restaurant with 43 seats, and a 706 sq. ft. basement level theater with 49 seats located within a historic five-story over a basement apartment hotel building at 1217 Ocean Front Walk. Four appeals were filed with the City of Los Angeles, Department of City Planning during the mandatory City appeal period. A public hearing was held for the appeals on March 6, 2024, where the West Los Angeles Planning Commission denied the appeals and sustained the Zoning Administrator's decision dated August 28, 2023. The City's notice of final local action was received by the Commission's South Coast office on August 7, 2024. On August 16, 2024, Commission staff sent a Notification of Deficient Notice to the City. On August 16, 2024, a revised notice of final local action was received by the Commission's South Coast office, and the Commission's twenty working-day appeal period was established. During the Commission's appeal period, the subject appeal was received on September 16, 2024.

The project site is located in the North Venice subarea of Venice within the City of Los Angeles Dual Permit Jurisdiction Area. The standard of review for this appeal is Chapter 3 of the Coastal Act, with the certified Venice Land Use Plan (LUP) serving as guidance. The LUP designates this site as Community Commercial in the LUP, which allows for a mix of residential and visitor-serving uses, including overnight visitor-serving uses.

The appellants assert that the site has undergone an unpermitted change in use—from 36 rent-stabilized residential units to hotel and short-term rental accommodations. They argue that, due to this unauthorized development, the City cannot lawfully approve improvements to other parts of the property, such as the restaurant and theater, without first addressing the underlying land use violation. Additionally, the appellants contend that both the unpermitted use and the City-approved project are inconsistent with the Chapter 3 policies of the Coastal Act, specifically Sections 30252 and 30253, and various policies of the certified LUP. The appellants claim the project would negatively impact the character of the surrounding community, reduce public access—including parking and lower-cost visitor-serving accommodations, wasn't properly conditioned to address mitigation for coastal

hazards impacts resulting from flooding, and would not protect the existing housing stock in the area. The appellants also raise concerns regarding the adequacy of the City's CEQA determination for the project. Further, they note that the City failed to consider environmental justice and the affordable housing provisions of the Coastal Act. The appellants also contend that the project prejudices the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

Lastly, the appellants also claim that adequate factual and legal support was not provided by the City for local issues that are not valid grounds for an appeal including: the project description is erroneous, the City erred in stating that the restaurant and theater uses are existing, the City erred in relying on a statement in a prior Coastal Commission staff report that there is not a change of use to hotel, the City erred in not requiring that the building be changed back to rent-stabilized housing use (restricted to stays > 30 days) as the short-term use violates the City's Home Sharing Ordinance (HSO), the City erred in allowing alcohol sale past 11pm, the City erred in not specifying in Condition 10 that the theater must also be maintained as a bona fide eating place (restaurant), the City erred in Condition 19 by failing to prohibit live entertainment, the City erred in not including a Venice Coastal Zone Specific Plan (VCZSP) review in the determination, the approval violates the Mello Act and the Interim Administrative Procedures (IAP), and the approval violates Los Angeles Municipal Code (LAMC) section 12.23.

Staff have reviewed the appellants' contentions and determined that apartment hotel is the legally established use of the site, which allows a mix of uses on site, and furthermore, the City reviewed only the renovation of the restaurant and theater on site as the scope of work for this project, thus the remainder of the use of the building is not a basis for appeal. Additionally, due to the limited scope of work, the City-approved project does not adversely affect the community character of Venice or the North Venice subarea.

Staff concurs with the appellants that the City inaccurately stated the project does not include any basement areas, given that the theater is, in fact, located in an existing basement. However, this appears to be a typographical error, and the City intended to clarify that the project does not involve the creation of any *new* basement areas. Since the basement already exists and no expansion of it was approved, the project remains consistent with Coastal Act Section 30253, which requires new development to minimize risks in hazardous areas. Finally, the CEQA-related contentions raised do not constitute valid grounds for appeal.

Therefore, staff believes the appeal does not raise a substantial issue regarding the City-approved development's consistency with Chapter 3 policies of the Coastal Act, using the certified LUP for Venice as guidance. Staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed; and, thus, pursuant to Section 30625(b) of the Coastal Act and Section 13321 of the Commission's regulations, de novo consideration of the application is not required.

Additionally, staff recommends that the Commission **approve** the Dual Coastal Development Permit 5-24-0883 with five special conditions: **1)** Theater and Restaurant Flood-Proofing; **2)** Transportation Demand Management Plan (TDMP); **3)** Single-use

Plastics Prohibited; **4)** Ocean Front Walk; and **5)** Assumption of Risk, Waiver of Liability and Indemnity.

The motions to carry out the staff recommendations are on **Page 6 (No Substantial Issue)** and **Page 25 (Dual Permit)**.

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**EXHIBITS**

Exhibit 1 – Vicinity Map and Project Site
Exhibit 2 – Project Plans
Exhibit 3 – Appeal

# I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE

**Motion:** I move that the Commission determine that Appeal No. A-5-VEN-24-0038 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**Resolution**: The Commission hereby finds that Appeal No. A-5-VEN-24-0038 **does NOT present 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. FINDINGS AND DECLARATIONS

## A. Project Description and Location

The subject site is a flat, rectangular-shaped corner lot with an orientation of 40 ft. along Ocean Front Walk and 110 ft. along Westminster Avenue for a total lot area of approximately 4,416 sq. ft. (**Exhibit 1**). The subject site adjoins Speedway (alley) to the rear. The subject site is located in the North Venice Subarea of Venice with a Community Commercial land use designation per the certified Venice Land Use Plan (LUP) and is zoned C1-1 (Limited Commercial Zone) by the City's uncertified zoning code. The subject property is also located within the Dual Permit Jurisdiction Area of the City of Los Angeles coastal zone. The entire site is located immediately adjacent to the Venice Beach boardwalk (Ocean Front Walk), which separates the private properties from the open sandy public beach. The Venice Beach boardwalk is a highly used beach-fronting pedestrian right-of-way that links the project site to popular visitor-serving destinations including Venice Beach, Venice Skate Park, Muscle Beach, and Venice Pier.

The subject site is improved with a five-story apartment hotel building with a basement as shown in the Department of Building and Safety Certificates of Occupancy dated from 1955 through 1969. The apartment hotel building was constructed in 1913. The collective of Certificates of Occupancy show the building has 11 apartments, 22 light housekeeping rooms, three guest rooms, a ground floor restaurant, and a theater at the basement level. The applicant proposes to renovate the existing 1,276 sq. ft. ground floor restaurant and the 706 sq. ft. basement level theater (**Exhibit 2**). As proposed, the restaurant would have a seating capacity of 43, and the theater would have 49 seats. The restaurant and theater would both be open to the general public.

## B. Dual 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 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 coastal development permit is the only CDP required. The subject project site on appeal is located within the Dual Permit Jurisdiction Area. Therefore, the applicant is required to obtain a second, or "dual", CDP from the Commission for the proposed development. The applicant's application for the Coastal Commission dual permit (No. 5-24-0883) was received in the South Coast District office on October 16, 2024.

## C. Local Government Action

The City approved a local coastal development permit (CDP), ZA-2021-7223-CUB-CU-CDP, for the subject development on August 28, 2023. The City's local CDP approved, with conditions, renovation of an existing 1,276 sq. ft. ground floor restaurant with 43 seats and a 706 sq. ft. basement level theater with 49 seats located within a historic five-story over a basement apartment hotel building. Four local appeals were filed by Margaret Molloy, John Given (Keep Neighborhoods First), Robin Rudisill (Citizens Preserving Venice), and Randy Renick (Better Neighbors LA) with the City of Los Angeles, Department of City Planning during the City's appeal period. A public hearing was held for the appeals on March 6, 2024, where the West Los Angeles Planning Commission denied the appeals and sustained the Zoning Administrator's August 28, 2023, decision.

The City's notice of final local action was received by the Commission's South Coast office on August 7, 2024. On August 16, 2024, Commission Staff sent a Notification of Deficient Notice to the City. On August 16, 2024, a revised notice of final local action was received by the Commission's South Coast office and the Commission's 20 working-day appeal period was established. On September 16, 2024, the subject appeal was received from Citizens Preserving Venice (Robin Rudisill) and Keep Neighborhoods First (Judith Roth Goldman and John P. Given). No other appeals were received prior to the end of the appeal period at 5 p.m. on September 16, 2024.

## D. 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 standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local 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 local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to 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" of conformity with Chapter 3 of the Coastal Act raised by the appeal of the local approval of the proposed 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 **no 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 Commission typically continues the public hearing to a later date in order to review the CDP as a de novo matter. [Cal. Pub. Res. Code §§ 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.

A de novo review on the merits of the application uses the Chapter 3 policies of the Coastal Act. The Venice LUP, certified on June 14, 2001, is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the appellants, applicants, persons who opposed the application before the local government (or their representatives), 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.

### E. Appellant's Contentions

On September 16, 2024, within 20-working days of receipt of the notice of final action, an appeal was filed by Citizens Preserving Venice (Robin Rudisill) and Keep Neighborhoods First (Judith Roth Goldman and John P. Given) (**Exhibit 3**). The appeal raises the following concerns with the City-approved development:

1. The City erred in not considering the unpermitted change in intensity of use of the residential dwelling units to hotel room use in the CDP determination.

    - Point-in-time Certificates of Occupancy (COs) cannot be used to determine there has been no change in intensity of use, as a change in intensity of use must be measured using actual use as the baseline.
    - Conversion of the Apartment Hotel building to hotel is a change of use and a change in intensity of use.
    - Improvements should only be approved for a structure that is being legally operated.

2. The development is not in conformity with Chapter 3 of the Coastal Act as the City Coastal Development Permit findings are incomplete and erroneous.

    - The project violates Coastal Act section 30252 and LUP Policy II.A.3.
    - The project violates LUP Policy I.E.5.
    - The project violates Coastal Act section 30253 Minimization of Impacts and LUP Policy I.E.1.
    - The existing housing stock is not protected, and the project does not retain the existing character and housing opportunities of the area.
    - The project violates LUP policies regarding mixed-use development and the community commercial land use designation.
    - Lower cost visitor-serving accommodations were not considered.
    - The project prejudices the ability of the City to prepare a local coastal program (LCP) that is in conformity with Chapter 3 of the Coastal Act.
    - The decision of the City was not guided by any applicable decision of the Coastal Commission.

3. Conversion of the residential rent-stabilized housing units to hotel rooms is a violation of the Environmental Justice sections of the Coastal Act and the Coastal Commission's Environmental Justice Policy.

The appellants also claim that adequate factual and legal support was not provided by the City for local issues that are not valid grounds for an appeal including: the project description is erroneous, the City erred in stating that the restaurant and theater uses are existing, the City erred in relying on a statement in a prior Coastal Commission staff report that there is not a change of use to hotel, the City erred in not requiring that the building be changed back to rent-stabilized housing use (restricted to stays > 30 days) as the short-term use violates the City's Home Sharing Ordinance (HSO), the City erred in allowing alcohol use past 11pm, the City erred in not specifying in Condition 10 that the theater must also be maintained as a bona fide eating place (restaurant), the City erred in Condition 19 by failing to prohibit live entertainment, the City erred in not including a Venice Coastal Zone Specific Plan (VCZSP) review in the determination, the approval

violates the Mello Act[1] and the Interim Administrative Procedures (IAP), and the approval violates Los Angeles Municipal Code (LAMC) section 12.23.

The appellants also assert that the City's approval violates CEQA as a Categorical Exemption is not an adequate environmental clearance. This contention is not valid grounds for appeal of the City's action on a local coastal development permit. In any case, the City is the lead agency for CEQA certification and determined that the project is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Class 1) and certified its determination concurrently with the local CDP on August 28, 2023 (ENV-2021-7224-CE).

## F. Factors to be Considered in Substantial Issue Analysis

When determining whether an appeal raises a "substantial issue," section 13115(b) 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;

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.

## G. 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 with the grounds raised as to the local government action's conformity with Chapter 3 policies of the Coastal Act.

[1] The affordable housing policies of the Coastal Act were repealed in 1981 and, therefore, in general, the Commission does not have authority to regulate or require the provision of affordable housing, although the Coastal Act does direct the Commission to encourage affordable housing pursuant to Section 30604.

The grounds for this appeal focus primarily on the proposed project's consistency with the community character, public access, and hazards policies of Chapter 3 of the Coastal Act and of the certified Venice LUP, which provides guidance for development's consistency with Chapter 3 of the Coastal Act.

**Relevant Coastal Act Policies**

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 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.

Section 30253 of the Coastal Act 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.
>
> […]
>
> (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

**Relevant Venice LUP Policies**

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.B.2., Mixed-Use Development, states:

> Mixed-use residential commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in

> commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.

Venice Certified LUP Policy I.B.6., Community Commercial Land Use, states:

> The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.
>
> > Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.

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.5., Nonconforming Structures, states:

> Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is nonconforming or there is another nonconforming structure on the site, or a project is proposed that would greatly extend the life of a nonconforming structure or that eliminates the need for the nonconformity, the following shall apply:
>
> > Unless the City finds that it is not feasible to do so, the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP, unless in its nonconformity it achieves a goal

> associated with community character (i.e. the reuse and renovation of a historic structure) or affordable housing that could not be achieved if the structure conforms to the current standards of the certified LCP.

Venice Certified LUP Policy II.A.3, Parking Requirements, states:

> 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. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

Venice Certified LUP Policy III.A.1.a, General, states:

> New recreational opportunities should be provided, and existing recreational areas, shown on Exhibits 19a through 21b, shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors, including passive recreational and educational activities, as well as active recreational uses.
>
> > a. Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing character and housing opportunities of the area, and provided there is sufficient infrastructure capacity to service such facilities.

Section 30253 of the Coastal Act requires new development to protect special communities and neighborhoods and minimize risks to life and property in high flood hazard areas. This section of the Coastal Act requires protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California. The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community. Additionally, Coastal Act Section 30252 states that the location and amount of new development should maintain and enhance public access to the coast by providing adequate parking.

Given the specific conditions surrounding the subject site and the diverse development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether the project is consistent with Chapter 3 of the Coastal Act, including sections 30252 and 30253. In this case, as noted in the LUP policies listed above, the certified Venice LUP echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods.

**Contention #1: The City erred in not considering the unpermitted change in intensity of use of the residential dwelling units to Hotel room use in the CDP determination.**

The appellants' primary contention is that the site underwent an unpermitted change in use from 36 residential, rent-stabilized dwelling units to hotel/short-term rental units. They assert that improvements approved by the City, such as the subject renovation of the on-site restaurant and theater, cannot be authorized when the building's principal use is not legally permitted. Furthermore, the appellants argue that the alleged change in use should be formally addressed in an action such as the subject local coastal development permit (LCDP), and that the alleged unpermitted use must be brought into conformance with current regulations and policies.

The appellants provided a video and written testimony from Carlos Camara, a former resident of the building, where he explains that transient uses began after the applicant, Venice Waldorf, LLC, purchased the building. Mr. Camara explains that prior to that time, for the 15 years he lived in the building, it was operating exclusively as a long-term residential apartment building. Mr. Camara also notes in his written testimony that to the best of his knowledge, several long-term tenants had been paid off to vacate their apartments and at least one long-term tenant had been evicted. The appellants also provided a residential lease from 2014 for one unit in the building, as well as a 1985 LA Times article where the building was referred to as an apartment building.

Regarding the existing legal use, a 1967 Certificate of Occupancy for the site identifies the building as a "Five-Story Type III-A, 40' x 110' Apartment Hotel[2]" with 11 apartments[3], 22 light-housekeeping rooms[4], and three guest rooms[5]. In 1969, a subsequent Certificate of Occupancy was issued to authorize the conversion of an approximately 18' x 40' portion of the existing five-story, Type III-A, 40' x 110' restaurant,[6] apartment-hotel, and commercial building into a theater. Based on the information provided by the applicant and the appellants, for purposes of Commission review, this is the legal use at the time of enactment of the Coastal Act.

In 1985, a new Certificate of Occupancy described the structure as an apartment building, specifically referencing "four-story, Type III, 5' x 24' x 6" and 12' x 13' x 6" additions to penthouse #2 of an existing four-story, Type III, apartment building." This suggests that the

[2] Since adoption by the City Council in 1956, LAMC Section 12.03 defines apartment hotel as: "A residential building designed or used for both two or more dwelling units and six or more guest rooms or suites of rooms."
[3] Since adoption by the City Council in 1956, LAMC Section 12.03 defines apartment as: "Same as dwelling unit." A dwelling unit is defined as: "A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes."
[4] Since adoption by the City Council in 1959, LAMC Section 12.03 defines light-housekeeping rooms as: "Any guest room which is designed and used as a bedroom and for the cooking and preparing of food, in a conformance with the provisions of Section 91.4930.1 of Article 1, Chapter 9 of this Code. For the purpose of applying the lot area and automobile parking space requirements of the various zones, each light housekeeping room shall be considered as a separate guest room."
[5] Since adoption by the City Council in 1956, LAMC Section 12.03 defines guest rooms as: "Any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit."
[6] The restaurant use was included in a July 26, 1960, Certificate of Occupancy for the site.

building's use transitioned from an apartment-hotel to an apartment building sometime between 1969 and 1985. Commission staff were unable to locate any documentation indicating that this change in use occurred prior to the passage of Proposition 20 in 1972 or that a coastal development permit was processed for such a change of use after enactment of the Coastal Act. Therefore, the apartment-hotel is considered the legally established use on the site. The applicant submitted project plans indicating that the building currently consists of 11 apartments, 22 light-housekeeping rooms, and 3 guest rooms, consistent with the 1967 Certificate of Occupancy. Accordingly, the City limited its review to only the renovation of the restaurant and theater on site as the scope of work for this project.

While it does appear that some units within the building may have been rented longer term—and two units continue to be rented long term—the appellants have not provided substantial evidence to demonstrate that all 36 units were rented long term, that the use solely as an apartment was ever formally permitted, or that conversion of units from long-term use to short-term use is inconsistent with the mix of uses allowed in an apartment hotel. As such, operating under the original approved apartment-hotel use would be consistent with the last verified use on site prior to enactment of the Coastal Act. Therefore, the City's decision to keep their review of the project to the limited restaurant and theater renovations was supported by evidence, as the existing and proposed conditions align with the last known legal use of the site outlined in the 1960, 1967, and 1969 Certificates of Occupancy for purposes of Coastal Act review.

**Contention #2: The development is not in conformity with Chapter 3 of the Coastal Act, as the City's Coastal Development Permit findings are incomplete and erroneous.**

- Coastal Act section 30252 and LUP Policy II.A.3.

  The appellants contend that the project violates Coastal Act Section 30252, which requires that new development maintain and enhance public access to the coast, and LUP Policy II.A.3, which governs parking requirements for projects involving extensive remodeling. Specifically, the appellants argue that there has been an unpermitted change in use from rent-stabilized dwelling units to hotel units, and that the re-establishment of the restaurant and theater uses should trigger compliance with current zoning code parking requirements. They further assert that Assembly Bill (AB) 2097 does not apply to hotel projects and, therefore, parking must be provided.

  As previously explained, the existing apartment hotel use on the site—including the restaurant and theater—is a legally established use that predates the Coastal Act. Dispositive evidence that the use has changed from apartment hotel that would trigger the development to come into conformance with current standards has not been presented by the appellants and is outside the scope of the City-approved project. LUP Policy II.A.3. requires nonconformities to be remedied, including nonconforming parking, for extensive remodeling or when there is an intensification of use or a change in use. While the site provides zero parking spaces for its uses and is, thus, nonconforming in regards to parking requirements, the proposed

renovations do not expand the building footprint, increase the intensity of use, or modify more than a small portion, approximately 8-9%, of the interior of the restaurant and theater areas inside the building. Therefore, the City's findings that the building does not need to come into conformance with current standards, including parking standards, were not made erroneously.

Regarding AB 2097, the appellants' assertion that the law does not apply to hotel projects is partially correct. AB 2097 generally prohibits local jurisdictions from imposing minimum parking requirements on new development projects located within one-half mile of a major transit stop. However, the law explicitly exempts hotel, motel, and other transient lodging uses from this prohibition. That said, this exemption is only relevant if a portion of the project included hotel use or expansion of such use. Since the project involves the renovation of existing, legally established restaurant and theater uses open to the general public, AB 2097's exemption does not apply in a way that would authorize the imposition of new parking for the proposed project.

With respect to public access, Coastal Act Section 30252 emphasizes that new development should maintain and enhance access to the coast. In this case, the proposed project does not involve expansion of existing authorized uses or space. It is a renovation within an existing structure that maintains the approved scale and intensity of use.

- LUP Policy I.E.5.

  The appellants contend that the project violates LUP Policy I.E.5 regarding nonconforming structures. This policy states that when extensive renovation and/or a major addition to a structure is proposed and the affected structure is nonconforming, the project must be brought into compliance with the current standards of the LCP. However, as previously noted, the existing apartment hotel use on the site—including the associated restaurant and theater—is a legally established use. The renovations and improvements to the restaurant and theater are consistent with the existing legal use and further, as described in the previous subsection, do not constitute an extensive renovation, major addition, or redevelopment that would require the structure to be brought into full conformity with current LUP standards.

- Coastal Act section 30253 and LUP Policy I.E.1.

  The appellants contend that the project violates Coastal Act Section 30253, specifically 30253(a) and (e), and LUP policy I.E.1, and that the City omits any analysis or consideration of these policies. The appellants further contend that allowing the sale of alcohol past 11:00 p.m. and permitting live entertainment on site would negatively impact the character of the nearby residentially zoned neighborhoods.

  <u>Community Character</u>

Section 30253(e) protects the unique characteristics that make Venice a special coastal community and visitor destination. 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. The certified Venice LUP includes Policy I.E.1, which protects two particular traits of Venice as elements that make Venice a "special coastal community"—architectural diversity and social diversity. Therefore, it is clear that the social diversity protected by the LUP is part of what makes Venice a special coastal community includes differences in cultures, political affiliations, and income levels, among other things.

The North Venice subarea is primarily designated Multiple Family Residential with roughly three linear corridors designated Community Commercial (along Ocean Front Walk, Electric Avenue, and Main Street). The project site is located on Ocean Front Walk, bounded by Clubhouse Avenue to the north and Westminster Avenue to the south. This portion of the North Venice subarea (i.e. the properties along Ocean Front Walk from Navy Street to Westminster Avenue) includes at least 12 food service establishments, most of which are located on the ground floor, to serve boardwalk pedestrians.

Regarding the sale of alcohol past 11:00 p.m. and the allowance of live entertainment on site, the Community Commercial area is specifically identified in the LUP as an area that shall accommodate visitor-serving commercial uses. The LUP recognizes that Community Commercial areas may differ from other commercial areas in its size and intensity of business and social activities. Also, in this case the City's approval includes a range of conditions specifically designed to mitigate potential impacts on nearby sensitive uses, such as residential neighborhoods, associated with alcohol use and live entertainment.

With respect to social diversity, the City-approved project involves only the renovation of the existing restaurant and theater on the site, with no change in use proposed. Both the restaurant and theater will remain open to the public, ensuring continued access for all members of the Venice community, neighboring areas, and visitors. As such, the City-approved project does not limit or exclude participation by any social group and therefore would not negatively impact the social diversity of Venice.

Additionally, the renovation of the restaurant and theater at 1217 Ocean Front Walk is compatible with the community character and scale of the North Venice Subarea and Community Commercial designation of the Venice LUP. In fact, the existing historic building, which is remaining largely untouched by the project, contributes to the architectural diversity of the area as it is identified in the LUP as a significant historical landmark. The surrounding lots along Ocean Front Walk are comprised a mix of commercial, residential, and mixed-use developments. As such, the project does not pose a threat to the community character with regard to use. Further, the restaurant and theater uses were established prior to the Coastal Act and LUP and

will serve visitors to this popular destination. Thus, the continuation of these uses is consistent with the community character of the area. Thus, while the appellants are correct that the City erred in not considering this Coastal Act policy in its review of the project, the project does not raise concerns regarding impacts to the unique characteristics that make Venice a unique visitor-serving destination.

Coastal Hazards

The appeal also contends that the project does not meet Coastal Act Chapter 3 requirements regarding development in hazardous areas, specifically Coastal Act Section 30253(a). The project site is located within 150 ft. of the beach and immediately landward of the public boardwalk and bike path, a concrete and tree landscaped strip, a wide sandy beach (approximately 900 ft. wide to the mean high tide line), and the Pacific Ocean. Although the project is not directly adjacent to the beach, it is in an area of Venice that could be subject to coastal flooding based on a 100-year storm scenario exacerbated by sea level rise (SLR).

The City used the Coastal Storm Modeling System (CoSMoS) to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6 ft. SLR and a 100-year storm scenario.[7] Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR. The potential for such flooding in severe storm events is likely to increase towards the end of the project life (based on a typical development life of 75 years). The City's findings stated that "the proposed project does not include any basement areas or any new construction". However, as noted by the appellants, the theater is located in the basement; therefore the statement by the City that the project does not include any basement areas is not an accurate statement. This appears to be a typographical error. City staff, Ira Brown, clarified to Commission staff via email on September 22, 2025, that in the context of the project description the sentence was intended to read that the improvement does not include a new basement or construction activity. Since the basement already exists and no expansion of it was approved, the City-approved project does not change the site's vulnerability or increase the intensity of use in an area vulnerable to hazards. In addition, the City did support its approval with findings specific to coastal hazards.

- Housing stock and existing character.

The appellants argue that, pursuant to LUP Policy III.A.1, the protection of housing—particularly rent-stabilized and lower-income units—and the prevention of displacement should take precedence over commercial hotel uses. This policy reflects a broader objective of the Coastal Act to support diverse and affordable housing opportunities within the coastal zone, especially in light of California's ongoing affordable housing crisis. However, as previously noted, the apartment hotel use on the site is a legally established use that predates the Coastal Act.

[7] The City's took action prior to publication of the OPC 2024 SLR Policy Guidance Update.

In this case, the City-approved project does not involve the removal or conversion of the apartment hotel use and is limited to the renovation of the restaurant and theater. Further, while encouragement and protection of housing, specifically affordable housing, is a Coastal Act policy, it is not a Chapter 3 policy.

- Mixed-use development and the community commercial land use designation.

  The appellants assert that the project is inconsistent with LUP policies I.B.2. and I.B.6. regarding mixed use development and the community commercial land use designation because they say that the project reduces the residential housing component on site. However, the City-approved project does not change the apartment hotel use of the building and the City found that the building continues to provide 11 apartment units, 22 light-housekeeping rooms, and 3 guest rooms in accordance with the 1967 Certificate of Occupancy. Moreover, the renovation of the restaurant and theater, which is the scope of the City-approved project, does not reduce the residential housing component as neither of these spaces were used as such.

  LUP Policy I.B.6 states that the Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. Thus, the City-approved project, which includes the renovation of the restaurant and theater spaces, enhances the site's contribution to the community commercial area.

- Lower cost visitor-serving accommodations.

  The appellants assert that the City failed to consider lower cost visitor-serving accommodations in its findings, as required by Section 30213 of the Coastal Act. This section mandates that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. It reflects the Coastal Act's broader goal of ensuring equitable access to the coast for people of all income levels.

  In this case, the project approved by the City involves only the renovation of the existing restaurant and theater uses on the site. No changes to the apartment hotel use were proposed or approved. The project does not include the development or removal of overnight accommodations. The Coastal Commission generally interprets Section 30213 to apply in cases where new higher-cost visitor-serving accommodations are proposed or where existing lower-cost accommodations are being removed or converted. In such cases, the provision of replacement units or, in-lieu of replacement units, fees to fund the creation of such units, are typically required. Since neither of those circumstances applies here, the City's omission of findings related to lower cost accommodations is appropriate.

- Ability of the City to prepare a local coastal program (LCP) that is in conformity with Chapter 3 of the Coastal Act.

  The appellants contend that the project will prejudice the City's ability to prepare a certified LCP that complies with Chapter 3 of the Coastal Act. More specifically, the appellants contend that allowing for a residential building to be illegally converted to

short-term rental use would be inconsistent with numerous LUP policies which have been noted above. They appellants further state that if this project is approved it would undermine a key provision of the City's Coastal Zone land use responsibilities as it would reduce coastal access for lower-income residents, would decrease affordability, and would alter the unique character of Venice, which the Commission is mandated to help preserve and protect. The Venice LUP was certified by the Coastal Commission on June 14, 2001, but implementing ordinances have not been adopted. The City is currently working to obtain a fully certified LCP. However, in the interim, the City is able to issue CDPs with the Chapter 3 policies of the Coastal Act as the standard of review and the certified LUP used by the Commission as guidance. Under Section 30604(a) of the Coastal Act, prior to certification of an LCP, the local government must find that the project conforms with Chapter 3 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 Chapter 3." The City's approval included these findings.

As previously discussed, the City-approved project is limited to the renovation of the theater and restaurant, is consistent with the relevant policies of the certified LUP, and will not prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

- Past Commission action.

The appellants assert that the City erred in its findings because its determination was not guided by applicable Commission precedents. Specifically, they argue that the precedents cited by the City in its analysis—CDP Nos. 5-21-0142, 5-18-0212, A-5-VEN-18-0017, A-5-VEN-18-0033, 5-15-2310, and 5-13-1237—are not relevant because they do not involve a change in intensity of use from long-term dwelling units to commercial hotel rooms, nor do they address the reinstatement of long-discontinued uses. Instead, the appellants state that the following past Commission actions are instructive and should have guided the decision for the project: CDP Nos. 5-19-0178, 5-14-1932, A-5-VEN-22-0048, and A-5-LGB-21-0023.

However, this argument mischaracterizes both the facts of the current project and the legal significance of the cited examples. As previously noted, the apartment hotel use on the site is a legally established use. The project approved by the City does not propose a change in use or an intensification of use. Rather, it only involves renovation of the restaurant and theater spaces—uses that are also legally established. The Commission decisions cited by the City, while not identical, are nonetheless instructive in demonstrating how the Commission has evaluated similar issues involving legally nonconforming uses, mixed-use developments, and commercial developments. Thus, the precedent cited by the City were appropriate.

**Contention #3: Conversion of the residential rent-stabilized housing units to hotel rooms is a violation of the Environmental Justice sections of the Coastal Act and the Coastal Commission's Environmental Justice Policy.**

Section 30107.3 of the Coastal Act defines environmental justice as "the fair treatment and meaningful involvement of people of all races, cultures, and incomes, and national origins" in implementing planning policies. Section 30013 requires the Commission to advance principles of environmental justice by ensuring equitable access to the coast and preventing discrimination on the basis of any demographic or socioeconomic characteristic. One method of facilitating equitable access is to protect existing affordable housing density and encourage the provision of new affordable units in the coastal zone, as required by Section 30604(f) and (g) of the Coastal Act. Section 30604(h) also states that 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." Therefore, both the City and the Commission on appeal have the discretion to consider environmental justice. While Section 30604 does not itself establish the grounds for appeal, it provides important direction for how permit decisions are made and how Chapter 3 policies may be interpreted and applied. In this way, it supports the integration of environmental justice considerations into the implementation of Chapter 3. Additionally, Policy I.E.1 of the LUP, which implements Coastal Act Section 30253(e), specifically calls out social diversity as an important element of Venice's community character.

Section 30253(e) protects the unique characteristics that make Venice a special coastal community and visitor destination. As stated in the analysis of contention #2, two particular traits of Venice designate it as a "special coastal community"—architectural diversity and social diversity. Therefore, it is clear that the social diversity protected by the LUP—which includes differences in cultures, political affiliations, and income levels—is part of what makes Venice a special coastal community. The appellants note that when someone removes a home and displaces its residents who contributed to the diversity of the community, this causes an adverse cumulative effect to Venice's social diversity.

The appellants contend that the applicant illegally converted residential rent-stabilized housing units to hotel rooms and that this is a violation of the Environmental Justice (EJ) sections of the Coastal Act and the Coastal Commission's EJ Policy. Specifically, the appellants contend that the Commission's EJ policy supports the protection of low-income communities and communities of color from displacement and should prevent the Commission from approving a project that would cause a significant loss of affordable housing. The following section of the Commission's EJ Policy is cited by the appellants:

> "The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness.
>
> The Coastal Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss…
>
> The Commission will also support measures that protect existing affordable housing. If the Commission staff determines that existing affordable housing would

> be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue."

Generally, the City's Rent Stabilization Ordinance (RSO) applies to rental properties that were first built on or before October 1, 1978.[8] The RSO covers allowable rent increases, registration of rental units, legal reasons for eviction, types of evictions requiring payment of tenant relocation assistance, RSO disclosure notice for all "cash for keys" or buyout agreements, and interest payments on security deposits. Therefore, RSO units tend to remain more affordable due to the restrictions on rent increases.

While the appellants raise concerns about the alleged prior conversion of rent-stabilized units, the current project under appeal does not involve any change in use or the removal of residential units, or changes to the legally established apartment hotel use of the site. The City-approved project is limited to the renovation of the existing restaurant and theater. In this case, there is no evidence that the renovation of the restaurant and theater, which is the scope of the City-approved project, would result in the displacement of low-income residents or communities of color, nor does it involve the elimination of any existing housing.

The appellants claims regarding displacement or housing loss are not applicable to the scope of the City-approved project and, in this case, there is no evidence that the City-approved project would result in the displacement of EJ communities, as submitted. As such, it does not violate the environmental justice provisions of the Coastal Act or the California Coastal Commission's Environmental Justice Policy regarding the loss of affordable housing. The restaurant and theater would be open to the public, ensuring they remain spaces that serve the diverse community of Venice and surrounding areas. Because the City-approved project does not remove affordable units or alter the existing residential fabric of the neighborhood, it would not adversely impact the social diversity that defines Venice as a Special Coastal Community.

**SUBSTANTIAL ISSUE FACTORS:**

The Commission's standard of review for determining whether to hear the appeal is whether the appeal raises a substantial issue as to the local government action's conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report.

The first factor is 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. In this case, the City supported its findings of consistency with Chapter 3 of the Coastal Act with adequate evidence from the record. Although the City's findings contained a typographical error in stating that the project did not include a basement area, the City subsequently clarified that the intended meaning was that the project does not

[8] https://housing.lacity.gov/residents/rso-overview

include a *new* basement area, and the City did support its approval with findings specific to coastal hazards. Additionally, the City's omission of findings related to Coastal Act Section 30213 and lower cost accommodations was appropriate due to the limited scope of the project. Similarly, while the City did not mention Coastal Act Section 30253(e) specifically, it made factually supported findings that the proposed project would maintain the character of the surrounding areas as there is no change in use or change to the historically significant building elements that would impact community character. Thus, while the City could have included additional analysis of Coastal Act Section 30253(e) in its review of the project, there was still adequate factual and legal support for the City's decision. Therefore, the Commission finds that this factor weighs in favor of finding no substantial issue.

The second factor is the **extent and scope of the development** as approved or denied by the local government. The City-approved development would renovate an existing restaurant and theater within an existing apartment hotel building, which is located in a developed area. The project is relatively minor in scope, is consistent with the surrounding development, which is comprised of commercial and residential development and provides visitor-serving uses, like the restaurant and theater. The locally-approved project is a largely interior remodel that is consistent with the character of the commercial corridor and general neighborhood. Therefore, the Commission finds that the limited extent and scope of the City-approved development weigh in favor of a finding of no substantial issue.

The third factor is the **significance of the coastal resources affected** by the decision. Affordable housing is a significant resource in the State at this time, especially limited in the coastal zone, but the City-approved development does not alter the existing, legal apartment hotel. Therefore, the restaurant and theater renovation has no impact on housing in the coastal zone. In addition, Venice is a unique area that specifically draws millions of visitors from around the world each year. As such, it has been designated as a significant coastal resource that deserves special protection. As described above, the City-approved development is consistent with the character of the surrounding neighborhood and is largely an interior remodel of two floors, which would have little to no impact on Venice's special coastal community character. Therefore, the Commission finds that the City-approved development will not have a significant impact on coastal resources. This factor also weighs in favor of a finding of no substantial issue.

The fourth factor is 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 relies on the certified LUP for Venice as guidance when reviewing appeals and approving projects because the LUP was certified by the Commission as consistent with Chapter 3 of the Coastal Act. The City-approved development, as approved with conditions, conforms with the certified LUP and will not prejudice the City's ability to certify an LCP. This factor weighs in favor of a finding of no substantial issue.

The final factor is **whether the appeal raises local issues, or those of regional or statewide significance**. Impacts to coastal resources, including community character and public access, especially in Venice, are important statewide issues. However, the City-approved development maintains existing uses that conform with the character of Venice

and are consistent with the certified LUP and with Chapter 3 of the Coastal Act. As mentioned previously, while affordable housing is also an issue of statewide significance, the legally existing apartment hotel use onsite is not changing. Therefore, the Commission finds that the City-approved CDP does not raise any issues of statewide significance. This factor weighs in favor of a finding of no substantial issue.

### Conclusion

Applying the five factors listed above clarifies that, on balance, the appeal raises **"no substantial issue"** with respect to the project's consistency with Chapter 3 of the Coastal Act, because there is sufficient support for the City's findings that the project is consistent with Chapter 3 policies, including with respect to compatibility with community character, the scope of the development is limited in nature, and the decision is not likely to set an adverse precedent for future interpretations of the Venice LUP or the Coastal Act. Therefore, de novo consideration of the project is not required.

## III. MOTION AND RESOLUTION – DUAL PERMIT

**Motion:** I move that the Commission **approve** Coastal Development Permit No. 5-24-0883 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 No. 5-24-0883 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.

## IV. 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 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.

## V. SPECIAL CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Restaurant and Theater Flood-Proofing.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director an assessment and plan detailing the existing flood-proofing measures on site, as well as a plan to incorporate additional measures, that ensure the renovated basement theater and ground level restaurant will be flood resistant for the life of the development. The final flood-proofing measures must first be approved by the City of Los Angeles and other applicable agencies, if necessary.

2. **Transportation Demand Management Plan (TDMP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director a Transportation Demand Management Plan (TDMP). The plan shall apply to the permittee and any future successor or assigns to the permit.

   A. Employee Transit Pass Program - The permittee and its successors and assigns shall implement and maintain a public transit fare reimbursement program which shall provide or cover the full cost of a monthly transit pass for all employees/tenants of the restaurant and theater use(s). Posters, brochures and registration materials of the program shall be available to employees at all times. Employees shall be informed of the program upon orientation and annually thereafter.

   Any proposed changes to the approved Transportation Demand Management Plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Single-use Plastics Prohibited.** By acceptance of this permit, the permittee acknowledges and agrees that the use of single-use plastic foodware, serviceware, and packaging on-site and for takeout is prohibited.

4. **Ocean Front Walk.** Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, landscaping, outdoor seating, and posting of signs.

5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to wave uprush, storms, flooding, and erosion, all of which will may 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.

# VI. FINDINGS AND DECLARATIONS

## A. Project Description and Location

The project description and location is hereby incorporated by reference from Section II.A of the Substantial Issue portion of this staff report. The dual permit project description also includes a replacement of four sections of windows and doors at the restaurant (i.e. the beach-fronting portions of the first floor) to install bird safe glass.

### Standard of Review

The project site is located within the City of Los Angeles Dual Permit Jurisdiction Area. The Commission certified the Venice Land Use Plan (LUP) in 2000, which was adopted by the City in 2001. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP serving as guidance.

## B. Development

Relevant Coastal Act and certified Venice Land Use Plan policies are hereby incorporated from Section II.G, above.

Coastal Hazards

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.

Section 30253 of the Coastal Act requires siting new development such that it minimizes risks to life and property in flood hazard areas, assures stability and structural integrity, and does not require the construction of protective devices that substantially alter natural landforms. The project site is located less than 100 ft. from the public beach. Development near the ocean is inherently hazardous. These hazards may be exacerbated by the sea level rise that is expected to occur over the coming decades.

While uncertainty remains with regard to exactly how much sea levels will rise and when, currently, the best available science on SLR projections in California is provided in the State of California Sea-Level Rise Guidance Update (OPC 2024) and is reflected in the 2024 Update to the Coastal Commission Sea Level Rise Policy Guidance (CCC 2024). It is critical to continue to assess sea level rise vulnerabilities when planning for future development, and such an assessment would be consistent with Coastal Act Section 30270, which requires that sea level rise be taken into account in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

The applicant submitted a Coastal Hazard and Wave Runup Study prepared by Skelly Engineering on April 21, 2025, that analyzed potential coastal hazards from sea level rise and wave runup from the ocean. The study anticipates that the site would be safe from shoreline erosion and wave runup flooding due to the significant setback from the current shoreline and future shoreline in consideration of SLR. According to CoSMoS, with no SLR, groundwater at the project site is moderate (water table between 2-5 meters in depth), however with 4.9 ft. of SLR the groundwater at the site is expected to be very shallow (water table between 0-1 meters in depth). Therefore, because the project is sited in a low-lying area that is inherently vulnerable to flood hazards that will likely be exacerbated by sea level rise from the ocean and more frequent and severe storm events, flood-proofing measures for the basement theater and ground floor restaurant are appropriate. The applicant explained that certain flood-proofing measures for the basement are already in place. These measures include waterproofing of the basement walls, waterproofing of the elevator shaft, and the installation of high-capacity sump pumps. However, project plans detailing these measures have not been provided. Therefore, **Special Condition 1** requires the applicant to submit an assessment and plan detailing the existing flood-proofing measures on site. **Special Condition 1** also requires the applicant to submit a plan with additional measures to be undertaken to ensure the renovated basement theater and ground level restaurant will be flood resistant should the existing measures be insufficient for the life of the development.

The Commission also finds that due to the possibility of storm waves, surges, flooding, erosion and other risks and vulnerabilities the site may face during its anticipated design life, **Special Condition 5** requires the applicant to assume the risks of development in a hazardous area as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. **Special Condition 5** ensures that the applicant is aware of and understands the nature of the hazards that exist on the site, and that may adversely affect the stability or safety of the subject development, and will effectuate the necessary assumption of those risks by the applicant. Therefore, as conditioned the proposed development minimizes risks to life and property and is consistent with the hazards policies of the Coastal Act.

Community Character

Section 30251 of the Coastal Act states, in 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 ....

Sections 30251 and 30253(e) of the Coastal Act state that special communities shall be protected and require permitted development to be visually compatible with the character of surrounding areas. These sections also require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The Commission has previously found that Venice's unique social and architectural diversity should be protected as a Special Coastal Community, as required by LUP Policy I.E.1. The Venice LUP also sets forth policies to preserve the community character and scale specific to each subarea within the Special Coastal Community. After a review of the project, which is largely an interior renovation of existing uses, and the pattern of development in this area of Venice, the Commission finds that the proposed development is consistent with the character of the North Venice subarea and the standards and policies for Community Commercial development within the Venice LUP. As discussed in the following sections, the proposed project will not have significant adverse impacts, either individually or cumulatively, on community character, mass, or scale in this neighborhood.

The North Venice subarea is primarily designated Multiple Family Residential, and roughly three linear portions of the area are designated Community Commercial (Ocean Front Walk, Electric Avenue, and Main Street). The project site is located in the Ocean Front Walk portion of the Community Commercial designations, bounded by Navy Street to the north and Westminster Avenue to the south. The surrounding lots of Ocean Front Walk comprise a mix of commercial, residential, and mixed-use. This portion of the North Venice subarea (i.e. the properties along Ocean Front Walk from Navy Street to Westminster Avenue) includes at least twelve food service establishments, most of which are located on the ground floor, to serve boardwalk pedestrians as called for by the Venice LUP. The proposed restaurant and theater renovation project at 1217 Ocean Front Walk is consistent with this pattern of development and the associated LUP policies. It is also compatible with the community character and scale of the North Venice Subarea and Community Commercial designation of the Venice LUP, providing visitor-serving uses in a visitor-serving area.

With respect to the mass and scale of the restaurant and theater, the proposed project involves the renovation of existing uses within the historic apartment hotel building, which was constructed prior to the enactment of the Coastal Act. The applicant is not proposing any enlargement or expansion of these uses. The surrounding area features an eclectic mix of architectural styles, including both modern and older buildings. The project would preserve the existing architectural character of the century-old structure, ensuring

compatibility with the diverse architectural context of the neighborhood and the Ocean Front Walk commercial corridor. As such, the proposed renovation is consistent with the established community character and aligns with the visual resource and community character policies of Chapter 3 of the Coastal Act, as well as the certified Venice LUP.

**C. Public Access**

Relevant Coastal Act and certified Venice Land Use Plan policies are hereby incorporated from Section II.G, above.

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 30210 of the Coastal Act requires maximum access and recreational opportunities to be provided in the coastal zone consistent with the need to protect public safety and public and private rights. Section 30252 allows for new development when it maintains public access by providing commercial uses within or near residential uses, providing parking or other alternative transportation.

The subject site is designated Community Commercial and located within the Beach Impact Zone (BIZ) of the certified Venice LUP. The Community Commercial designation encourages commercial uses on the ground floor to “increase opportunities for employees to live near jobs and residents to live near shopping.” The BIZ identifies areas within the Venice community that are particularly impacted by traffic and in need of parking due to high volumes of visitors and/or residents. The proposed project involves the renovation of an existing, legally established restaurant and theater use. As such, it does not constitute a change of use or substantial redevelopment and, thus, nonconformities, including the lack of parking provided for the building, are not required to be brought up to current standards. Nevertheless, recognizing that the renovation of these uses may generate additional employee and visitor trips to the site, the renovation could affect general public access to the adjacent beach and boardwalk if those employees or patrons use public parking intended for beach use. Thus, the Commission imposes **Special Condition 2,** which requires the applicant to submit a Traffic Demand Management Plan (TDMP) prior to issuance of the CDP. Through the TDMP, the applicant is required to provide complimentary public transit passes to restaurant and theater employees, thereby supporting sustainable transportation options and minimizing potential impacts on coastal access. This requirement also ensures consistency with Coastal Act Section 30253(d), which requires vehicle miles be reduced and supports Section 30270, as summarized above, by reducing greenhouse gas emissions.

In addition, while no encroachments onto the public right-of-way are proposed, to ensure public access is maintained for the life of the development, **Special Condition 4** is

imposed to prohibit any future use of and development within such areas, especially Ocean Front Walk.

As conditioned, the proposed project is consistent with sections 30210 and 30252 of the Coastal Act.

**D. Water Quality and Marine 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 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The above policies of the Coastal Act require protection of marine resources, including the protection of coastal waters. As previously noted, the proposed project includes the renovation of an existing theater and restaurant on site. These uses immediately adjacent to the boardwalk and beach may result in the use of plastic food packaging, tableware, and bags that could adversely impact the marine and coastal environment. Plastic pollution is a persistent and growing problem that significantly impacts the health of California's oceans and coasts. **Special Condition 3** prohibits the use of single-use plastic foodware, serviceware, and packaging to reduce marine debris. Therefore, as conditioned, biological resources and water quality are protected, consistent with Sections 30230 and 30231 of the Coastal Act.

**E. Local Coastal Program (LCP)**

The Coastal Act requires that the Commission consider the effect on a local coastal program when it approves a project. Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

Section 30604(a) of the Coastal Act states:

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

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001, and the City is in the process of a comprehensive update.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. 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.

**F. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). 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. The City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Article 19, Section 15301 (Class 1) on August 28, 2023. 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 which 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 – Substantive File Documents

- West Los Angeles Planning Commission Action
- Skelly Engineering – Coastal Hazard and Wave Runup Study for Proposed Remodel Development at 1217 Ocean Front Walk, Venice Beach, City of Los Angeles, California – Dated April 21, 2025