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If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

DAY OF HEARING SUBMISSIONS

We request a Reconsideration for the following cases heard on July 6, 2022:

AA-2019-5453-PMLA-SL-1A

ENV-2019-6456-CE

In addition, we request a reconsideration for the MEL portion of DIR-2019-6455-CDP-MEL-1A.

CEQA

The City only looked to the uncertified zoning and Plans when making the findings that the project is consistent with the zoning and the Plans and thus qualified for a categorical exemption.

There are three reasons the CEQA findings cannot be made. New development needs to be in conformance with the Coastal Land Use Designation. 1) The fact is, the certified Land Use Plan Policy I.A.7.d. states that Use for this land use designation is "Duplexes and multi-family." To have single-family dwellings is very specifically not consistent with the land use plan! 2) The project doesn't meet the Yards requirements of that LUP Policy. And 3) The city erred in determining that only 3 units can be approved for the site. You said there was no conclusive evidence that superseded the City decision. However, I myself gave testimony for you that on pages 14 - 15 of the Coastal Commission determination for 315 6th Ave determination, it shows that the Coastal Commission relies on the LUP statement that density is limited to one unit per 1,500 square feet of lot area. $1,500 * 3 \text{ units} = 4,500$ square feet which is less than the area of the lot. The project could simply entail the demolition of the existing buildings and construction of a triplex or three units, with no subdivision, resulting in the allowed density as well as conformance with the LUP. The subdivision is preferred by the applicant but is not required. In fact, if the lot had been 6,000 square feet or greater, as was the case for 315 6th Ave, the density would be 4 units, with one replacement affordable. **It's essential that we understand and follow the Coastal Commission in the implementation of its own regulations and increased density is a City priority.**

Thus, because the project is not for a duplex or multi-family structure, and the project is inconsistent and not in conformance with the General Plan Venice Community Plan certified Land Use Plan, a categorical exemption is not allowed.

Also, In this case the project is SIX times larger than the existing structures and THREE times larger than the average of the block/streetscape. The City fails to correctly analyze the cumulative impact of projects such as this one and others like it ("past projects"), which triple the mass and scale of the area, as well as convert all multi-family housing into high end single-family dwellings. Also for this reason, a categorical exemption is not allowed.

AA-2019-PMLA-SL-1A

Just like with CEQA, for the PMLA, the City only looks to the UNcertified Plans when saying that the project is consistent with the Plans, and that is an error. Findings (a) and (b) cannot be made in the affirmative.

There are three reasons the Parcel Map findings cannot be made. New development needs to be in conformance with the Coastal Land Use Designation. 1) The fact is, the certified Land Use Plan Policy I.A.7.d. states that Use for this land use designation is "Duplexes and multi-family." To have single-family dwellings is very specifically not consistent with the land use plan! 2) The project doesn't meet the Yards requirements of that LUP Policy. And 3) The city erred in determining that only 3 units can

be approved for the site. You said there was no conclusive evidence that superseded the City decision. However, I myself gave testimony for you that on pages 14 - 15 of the Coastal Commission determination for 315 6th Ave determination, it shows that the Coastal Commission relies on the LUP statement that density is limited to one unit per 1,500 square feet of lot area. $1,500 * 3 \text{ units} = 4,500$ square feet which is less than the area of the lot. The project could simply entail the demolition of the existing buildings and construction of a triplex or three units, with no subdivision, resulting in the allowed density as well as conformance with the LUP. The subdivision is preferred by the applicant but is not required. In fact, if the lot had been 6,000 square feet or greater, as was the case for 315 6th Ave, the density would be 4 units, with one replacement affordable. **It's essential that we understand and follow the Coastal Commission in the implementation of its own regulations and increased density is a City priority.**

Again, it's very simple, the project is inconsistent with the General Plan, which includes the Venice Community Plan certified Land Use Plan, and the Parcel Map findings that require it to be consistent with the General Plan cannot be made in the affirmative.

Also, Finding (a) cannot be made in the affirmative as LAMC 17.05 for Parcel Maps is very clear: it says that the purpose of the parcel map regulations are to assure the subdivided lots are of a size compatible with the size of existing lots in the immediate neighborhood. It cannot be said that lots half the size of the vast majority of the lots in the neighborhood are compatible with the size of the existing lots in the neighborhood. Any item is not compatible in size with something that is twice as big! That meets the reasonable mind standard and is common sense.

It's very important to get this right, whether or not the CDP was denied. The PMLA must be done correctly in the Coastal Zone and Subdivision Map Act requires that the project is consistent with the General and Specific Plans. There was some confusion at the hearing when the City Attorney said (2:29) that these were findings only related to the CDP. On the contrary, these findings ARE related to the Subdivision Map Act required findings. **Commissioner Margulies was correct in initially proposing that the Parcel Map be denied and the error in not doing so should be corrected.**

MEL

The Coastal Development Permit was denied. Therefore, there will be no demolition of the existing structures. Therefore, the Mello Act Compliance Determination is moot and should not be indicated as approved. If a new project is proposed, there must be a new Mello Act Compliance Determination in conjunction with that new project.

We clarified years ago in the WLAAPC that there can be no such thing as a standalone Mello determination. As per the IAP, it has to be approved and appealed together with the related discretionary permit and you cannot approve one or appeal one without the other. If you're denying the demolition, then there is no project on which to base a Mello determination. The City Attorney said it at the last hearing – at 2:16:40--if you're denying the demolition then it's arguable that there are no Mello findings. It's not whether or not there was evidence to overturn the Mello findings, it's that the Mello findings no longer exist and should be denied along with the CDP. What DOES continue to survive is the HCID letter determining whether there are replacement affordable units.

Robin Rudisill, for Citizens Preserving Venice



Planning APC West LA <apcwestla@lacity.org>

RE: DIR-2021-4626-CDP-MEL-1A

1 message

Judy Branfman <branfman@ucla.edu>
To: apcwestla@lacity.org

Mon, Jul 18, 2022 at 4:54 PM

West LA Area Planning Commission members:

I am writing in support of the appeal of the development approval for [2412 Clark Avenue](#) in Venice 90291.

The California Coastal Commission has made it clear that preserving community character in the coastal zone is an important consideration – and this proposed development is a clear violation of that principle.

Built as a working class neighborhood, as evidenced by the small-scale homes, this area deserves the same protection from mansionization as the rest of Venice should have. Building a home near the ocean does not give someone the right to overbuild. Nor does it give the Planning Department the right to prioritize oversized buildings - over the years those repeated decisions have created dramatic changes in the community, racial, and architectural character of Venice's neighborhoods. Repeatedly replacing 700-900 square foot homes with 2600+ square foot houses has produced a visible erosion in the character of a neighborhood the VLUP was intended to protect.

The Baseline Mansionization Ordinance should apply to all of Venice, including the Silver Triangle and Oxford Triangle areas. And California Coastal Commission guidelines apply equally across the community - you must consider these issues even if the Planning Department does not.

Sincerely,

Judy Branfman

Cumulative Effects Analysis from CA Coastal Commissions report on 2412 Clement February 2022

(The writing below in black is from the above referenced report, [the writing below in blue is the application of that same logic to our house at 2412 Clark Avenue](#))

2412 Clement, Page 17 - "The information analyzed by Commission staff shows that the subject residence is consistent with recent City and Commission actions in the survey area since 2001. For example, the Commission has approved projects with a range of 2,089 square feet to 3,004 square feet.⁷ The City has approved projects with a range of 1,074 feet to 3,229 square feet. More specifically, the subject residence is consistent with four other approved homes that are as large or larger than the residence. Since 2001, approvals encompass a mix of smaller additions (40 percent) and larger rebuilds (60 percent). Since the Commission's *de novo* hearing in August 2018, only two projects have been approved in the survey area and each appear to be small additions."

[For 2412 Clark – The information analyzed by Commission staff shows that the subject residence is consistent with recent City and Commission actions in the survey area since June 2001. For example, the Commission has approved projects with a range of 2,726 \(2417 Clark\) square feet to 4,368 square feet \(2317 Clark – double lot\). The City has approved projects with a range of 1,590 square feet to 4,368 square feet. More specifically, the subject residence is consistent with four other approved homes that are as large or larger than the residence.](#)

[2417 Clark – 2,726sf](#)

[2330 Clark – 2,895sf](#)

[2326 Clark – 2,769sf](#)

[2317 Clark – 4,368sf \(2,714sf is on one lot\)](#)

2412 Clement, Page 17 – "It does appear that development approved on this block since 2001 has resulted in an average increase in the size of residential units. The subject development is consistent with that trend. However, the proposed (and constructed) home is 2,878 square feet in size, which is not much larger (in terms of square feet) than two homes⁸ that existed prior to 2001."

[For 2412 Clark – the size is consistent with other new homes being built on Clark since 2001, and there are also two homes that existed prior to 2001 that are not much smaller than what we are proposing.](#)

[2338 Clark – 2,432sf](#)

[2325 Clark – 2,280sf](#)

2412 Clement, Page 17 – "With regard to future development, three residential projects have been approved (two smaller remodels and one larger remodel)⁹ within the survey area between 2017 and 2020. However, according to satellite imagery, the three approved projects have not yet been built. If the homes are built as approved, they would likely contribute to the overall trend of redevelopment in the survey area. In any case, recent actions suggest that single-family homes that are larger than the older homes will continue to be proposed in the future."

"Therefore, as stated above, the subject development is two stories, which in this area is not out of character considering that approximately forty percent (thirteen) of the residences in the survey area are two stories, three of which¹⁰ were built prior to 2001. Seven of the two-story homes have been approved and designed with similar second story setbacks, which is part of a larger trend with homes of this architectural style. The modern "boxy" architecture and traditional pitched roof architecture that

exists within the block indicates that the subject project's façade and sloping roof articulates the building mass to be compatible with the existing [variety of] planes and textures required by LUP Policy I. E. 3. Therefore, in terms of square footage and building height, the proposed residence is proportional to several homes that existed in 2001 when the Venice LUP was certified. While, over time, some smaller homes have gradually been replaced with larger homes, and this trend may continue in the future, the proposed house is not unprecedented in size, either as compared to the current development pattern or the development pattern that existed in 2001. In addition, as certified by the Commission, the Venice LUP contemplates redevelopment of homes in Venice and allows for some growth in the size of homes, although that growth is cabined, to some extent, by building standards, setbacks, and limits on rooftop decks in certain areas, all designed to protect Venice's character. The proposed residence is not built to the maximum allowable height and is consistent with all the certified building standards of the Venice LUP and is compatible with the mass, scale and character of surrounding development, even when accounting for the potential cumulative effects of development over time."

For 2412 Clark – 40% of the homes on Clark Avenue have a 2nd story, five of which were built pre-2001. Four of the two story homes have been approved and designed with similar second story step backs as to what we propose. Then, apply the same logic as the Coastal Commission does above.

CALIFORNIA COASTAL COMMISSION

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Th15a

Filed: 12/18/2017
49th Day: N/A
Staff: JD-LB
Staff Report: 02/18/2022
Hearing Date: 03/10/2022

STAFF REPORT: REGULAR CALENDAR

Application Number: A-5-VEN-17-0072

Applicant: NYE, LLC and Nir Paz

Agent: Lisa Weinberg, Esq., Gaines & Stacey LLP

Project Location: 2412 Clement Avenue, Venice, City of Los Angeles, Los Angeles County (APN: 4228012019)

Project Description: Demolition of a 1-story, 700 square foot single-family dwelling with detached garage, and the construction of a 2-story, 24-foot high, approximately 2,878 sq. ft. single-family dwelling with an attached 2-car garage and roof deck.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

At a public hearing on February 9, 2018, the Commission found that the appeal of Local Coastal Development Permit No. DIR-2016-2206-CDP-MEL, issued by the City of Los Angeles, raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act because of the project's potential impact to the existing community character. In finding that a substantial issue exists, 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.

Subsequent to the Commission's substantial issue hearing on the City-approved project, the applicant revised the plans to reduce the floor area by 82 square feet, relocate the roof access structure so that it wouldn't extend beyond the roofline except for the railings, and reduce the height of the parapet wall. On August 9, 2018, at the *de novo* hearing, the Commission approved coastal development permit (CDP) A-5-VEN-17-0072 for the demolition of an existing 700 square foot, one-story single-family home and the construction of a 24-foot high, two-story, 2,878 square-foot single-family home with an attached two-car garage and a 922 square-foot rooftop deck. The CDP was issued and signed by the applicant, with an effective date of September 24, 2018. Furthermore, the applicant subsequently obtained final local approvals¹ and completed construction of the home.

On October 9, 2018, appellants, Richard Stanger et al., filed a lawsuit challenging the Commission's approval of the proposed project, in addition to two other Venice projects appealed to the Commission but not accepted for *de novo* review. On September 15, 2020, the trial court ruled that the Commission considered "community character separate and distinct from mass and scale" and provided substantial evidence to support its findings that the Project is compatible with the mass and scale of the surrounding area. However, the court found that the Commission did not analyze cumulative effects of the project as required by section 30250(a) of the Coastal Act. The Commission and the applicant appealed the trial court decision, and those appeals were settled and dismissed. Pursuant to the writ issued by the trial court, the Commission set aside its approval of the coastal development permit for this project at the February 2022 Commission meeting, and the application is now before the Commission for a *de novo* hearing. The standard of review is the Chapter 3 policies of the Coastal Act, while the certified LUP provides guidance.

Staff has reviewed the project in light of the trial court decision and recommends that the Commission find that the project, as conditioned, is not likely to have significant cumulative effects on the community character, mass, scale, or visual resources of the surrounding area of Venice. Therefore, staff recommends the Commission find the project, as conditioned herein, is consistent with the visual resource protection policies of the Coastal Act, including sections 30250(a) (new development shall be sited so as not to result in significant cumulative effects to coastal resources,) 30251 (new development shall be visually compatible with the character of the surrounding area) and 30253(e) (new development shall protect "special communities"), using the certified policies of the Venice Land Use Plan as guidance.

Staff, therefore, recommends the Commission **approve** the coastal development permit application with 6 special conditions, including: **1)** permit compliance; **2)** construction best management practices (BMPs); **3)** landscaping plan; **4)** assumption of risk, waiver of liability and indemnity; **5)** development removal; and **6)** deed restriction.

¹ City of L.A. Permit #18019-20000-05445 (issued February 25, 2019) to demolish existing single-family dwelling, detached garage, and detached laundry/storage. City of L.A. Permit #18010-20000-04780 (issued February 25, 2019) to construct new 2-story single-family dwelling with attached garage and rooftop deck. A Certificate of Occupancy has not been issued.

The first three conditions (permit compliance, construction BMPs and landscaping) were required under the original CDP, A-5-VEN-17-0072, that was approved at the *de novo* hearing in 2018. Staff recommends these conditions be included in the new CDP to memorialize the Commission's past action on the home, which ensured the protection of biological resources and water quality for the life of the project. Staff recommends three new conditions (assumption of risk, development removal and deed restriction) to ensure the risks to life and property from flood hazards are minimized. The subject project, only as conditioned, can be found consistent with Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	5
II. STANDARD CONDITIONS.....	5
III. SPECIAL CONDITIONS	6
IV. SINGLE PERMIT JURISDICTION AREA	8
V. FINDINGS AND DECLARATIONS	9
A. PROJECT DESCRIPTION AND LOCATION.....	9
B. PROJECT HISTORY	9
C. DEVELOPMENT	11
D. COASTAL HAZARDS.....	18
E. WATER QUALITY	20
F. PUBLIC ACCESS.....	21
G. LOCAL COASTAL PROGRAM.....	22
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT	22
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS.....	23
APPENDIX B – NEIGHBORHOOD SURVEY TABLES	24

EXHIBITS

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

[Exhibit 2 – Project Plans \(10/25/2018\)](#)

[Exhibit 3 – Survey Area](#)

[Exhibit 4 – Roof Height](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-17-0072 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-17-0072 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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 applicants or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** The permittee shall undertake development in accordance with the plans dated October 25, 2018, specifically including the site plan, building plans, landscaping plan, and drainage plan. Any proposed changes the plans dated October 25, 2018 shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to Coastal Development Permit No. A-5-VEN-17-0072 unless the Executive Director determines that no amendment is legally required.
2. **Construction Best Management Practices (BMPs).** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - A. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
 - B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
 - D. Erosion control/sedimentation Best Management Practices shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
 - E. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible;
 - F. The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 - G. The permittee shall develop and implement spill prevention and control measures;

- H. The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
- I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

3. Landscaping Plans.

- i. Vegetated landscaped areas shall only 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://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.
- iii. PRIOR TO ISSUANCE OF THE COASTL DEVELOPMENT PERMIT, the applicant shall submit evidence of the following: the front wall/fence within the front yard setback area shall be constructed no higher than 42 inches above grade as measured from the public sidewalk adjacent to Clement Avenue. The side and rear yard wall/fence, beyond the front yard setback, shall be constructed no higher than six feet at any point as measured from natural grade.

- 4. 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 erosion, storm conditions, liquefaction, flooding and 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; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure may

be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.

5. **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 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 to from erosion, storm conditions, liquefaction, flooding and sea level rise 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 a shoreline protective device; (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.
6. **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 an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. SINGLE PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, 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 also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed project site is within the *Single Permit Jurisdiction* area. On July 7, 2017, the City of Los Angeles approved local Coastal Development Permit No. DIR-2016-2206, but that action was appealed to the Coastal Commission. On February 9, 2018, the Commission found that the appeal raised a substantial issue with respect to the proposed project's consistency with Chapter 3 of the Coastal Act. In finding that substantial issue exists, the Commission took jurisdiction over the project and accepted the appeal for a full *de novo* review of the application. The Commission is now required to hold a *de novo* hearing on the merits of the project. Chapter 3 of the Coastal Act is the standard of review with the certified Venice Land Use Plan (LUP) used as guidance.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The subject site is located approximately 0.5 miles from the beach and 0.2 miles from the Venice Canals in the Single Permit Jurisdiction area of the Southeast Venice subarea as outlined in the Venice Land Use Plan (**Exhibit 1**). The site is designated as Single-Family Dwelling–Low Density by the certified Venice Land Use Plan (LUP). A mix of one to two-story single-family dwellings with varied and flat rooflines characterize the neighborhood on Clement Avenue. The 3,600 square foot lot was previously developed with a one-story, 700 square-foot, single-family residence, and detached garage.

Pursuant to Commission approval of CDP A-5-VEN-17-0072 on August 9, 2018, the applicant demolished the preexisting structures and constructed a two-story, 24-foot high, 2,878 square-foot single-family dwelling with an attached two-car garage, and 943 square foot roof deck (**Exhibit 2**). Three on-site parking spaces (two covered and one uncovered) are provided and accessed through the rear alley with no curb cuts on Clement Avenue. The front yard setback is 17 feet, the rear yard setback is 15 feet, and the side yard setbacks are 5 feet from the property lines. The project observes all the required setbacks, height, and yard requirements in the City's Municipal Code and the certified Venice LUP.

B. PROJECT HISTORY

On June 22, 2016, the applicant submitted to the City of Los Angeles Planning Department a permit application for a "1707 sq. ft. 2-story addition to a single-family dwelling with existing 388 sq. ft. detached garage" resulting in a 2407 sq. ft. single-family home at 2412 Clement Avenue in Venice, CA. The application was assigned Case No. 2016-2206. On May 3, 2017, the City issued a Mello Act Determination for 2412 Clement Avenue concluding that no affordable units exist on site. In addition, the project was determined to be categorically exempt in regards to CEQA (ENV-2016-2205-CE).

On July 7, 2017, the City of Los Angeles Director of Planning approved local coastal development permit, DIR-2016-2206-CDP-MEL, for the proposed demolition of an existing one-story, single-family dwelling and the construction of a 3,001 square foot single-family residence with an attached two-car garage and a roof deck in the Southeast subarea of Venice. The determination was appealed to the West Los

Angeles Area Planning Commission (WLAAPC), which held three hearings related to the project on September 6, October 4, and November 15, 2017. Subsequent to the WLAAPC hearing held on October 4, 2017, the applicant revised the project by reducing the building area by approximately 41 square feet, for a total area of 2,960 square feet, and stepping back the second story for a more articulated frontage. The revised plans included the addition of a front balcony on the second floor with a depth of approximately 5.5 feet, the reduction of the second-floor bedroom area to accommodate the proposed balcony, and change in the balcony railing material from solid parapet to glass. The City accepted the revised plans on November 6, 2017 as being in conformance with previously approved plans. On November 15, 2017, the WLAAPC denied the appeal and adopted the City Director's determination approving the proposed two-story single-family residence, including the minor revision to the plans described above.

On December 18, 2017, the local coastal development permit was appealed to the Commission. At a public hearing on February 9, 2018, the Commission found substantial issue with respect to the proposed project's consistency with the Chapter 3 policies of the Coastal Act and the local coastal development permit became void. After the Commission's substantial issue hearing on the City-approved project, the applicant revised the plans to reduce the floor area by 82 square feet, relocate the roof access structure so that it wouldn't extend beyond the roofline except for the railings, and reduce the height of the parapet wall.

On August 9, 2018, at the *de novo* hearing, the Commission approved coastal development permit (CDP) A-5-VEN-17-0072 for the demolition of an existing 700 square foot, one-story single-family home and the construction of a 24-foot high, two-story, 2,878 square-foot single-family home with an attached two-car garage and a 922 square-foot rooftop deck. The CDP was issued and signed by the applicant, with an effective date of September 24, 2018. Furthermore, the applicant subsequently obtained final local approvals² and completed construction of the home.

On October 9, 2018, appellants, Richard Stanger et al., filed a lawsuit challenging the Commission's approval of the proposed project, in addition to two other Venice projects appealed to the Commission but not accepted for *de novo* review. On September 15, 2020, the trial court ruled that the Commission considered "community character separate and distinct from mass and scale" and provided substantial evidence to support its findings that the Project is compatible with the mass and scale of the surrounding area. However, the court found that the Commission did not analyze cumulative effects of the project as required by section 30250(a) of the Coastal Act. The Commission and the applicant appealed the trial court decision, and those appeals were settled and dismissed. Pursuant to the writ issued by the trial court, the Commission set aside its approval of the coastal development permit for this project at the February 2022 Commission meeting, and the application is now before the Commission for a *de*

² City of L.A. Permit #18019-20000-05445 (issued February 25, 2019) to demolish existing single-family dwelling, detached garage, and detached laundry/storage. City of L.A. Permit #18010-20000-04780 (issued February 25, 2019) to construct new 2-story single-family dwelling with attached garage and rooftop deck. A Certificate of Occupancy has not been issued.

novo hearing. The standard of review is the Chapter 3 policies of the Coastal Act, while the certified LUP provides guidance.

C. DEVELOPMENT

The Commission's standard of review for the subject development is Chapter 3 of the Coastal Act. The City of Los Angeles LUP for Venice provides guidance.

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.

Coastal Act 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 visually compatible with the character of surrounding areas...

Coastal Act Section 30253(e) Minimization of Adverse Impacts, states:

New development shall...

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

Venice LUP Policy I.A.2 states, in part:

Ensure that the character and scale of existing single family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development.

Venice LUP Policy I.A.3 states, in part:

Such development shall comply with the density and development standards set forth in this LUP.

Southeast Venice and the Oxford Triangle

Use: Single-family dwelling / one unit per lot

Density: One unit per 5,000 square feet of lot area

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 with a varied or stepped back roof line. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

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

New development within the Venice Coastal Zone shall respect the scale and character of the 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.

Venice LUP Policy I. E. 3. Architecture, states:

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

Section 30250(a) of the Coastal Act requires new development to “be located within, contiguous with, or in close proximity to, existing developed areas” and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Sections 30251 and 30253 of the Coastal Act state that scenic areas and special communities shall be protected. These sections of the Coastal Act require permitted development to be visually compatible with the character of surrounding areas and require protection of communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. Venice, which provides coastal recreation opportunities including the beach, boardwalk, canals, and eclectic architectural styles of the walkable neighborhoods, is one of the most popular visitor destinations in California. According to the Venice Chamber of Commerce, 10 million people visited Venice in 2015, drawn by the unique characteristics of the area.³ The Commission has previously found that Venice is a Special Coastal Community whose character, including its unique social and architectural diversity protected by the certified LUP, should be protected under Coastal Act Section 30253(e).

The City prepared and submitted a Land Use Plan for Venice to the Commission for certification in 1999. The City's LUP recognized the importance of preserving the pedestrian scale single-family residential neighborhoods common in Venice. The LUP

³ Venice Chamber of Commerce website - <https://venicechamber.net/visitors/about-venice/>

sought to preserve Venice as a special coastal community through LUP policies that would “protect the unique character of the individual Venice neighborhoods by controlling development.” In its review and certification of the Venice LUP in 2001, the Commission also recognized the importance of protecting Venice’s unique community character and suggested modifications intended to further constrain the size and scope of new and redeveloped homes. As noted in the Commission’s findings for certification, “the proposed height limits and land use designations, and the suggested controls on roof access structures and lot consolidations, will effectively control the character and scale of existing single family neighborhoods as required by LUP Policy I.A.2.”

The Commission suggested modifications to address “common development scale issues” for proposed development in Venice, and those modifications were reflected in LUP Policy I.A.1 and I.E.2 to limit the size and location of roof access structures as well as restrict lot consolidations. Specifically, roof access structures were limited to 10 feet above the flat roof height limit, limited to an area of 100 square feet and required to be setback from ESHA, public sidewalks and recreation areas to protect the scenic and visual qualities of Venice, as well as protect neighborhood and community character as required by Section 30251 of the Coastal Act.

To further “control residential development and protect community character as required by Sections 30250 and 30251 of the Coastal Act,” lot consolidations were restricted in residential areas. The Commission found that lot consolidations could negatively affect the unique pedestrian-oriented character of Venice. “Without lot consolidation, the new modern homes are limited in size and bulk by the area of the small lots that are typical of Venice neighborhoods.” If lot consolidations were permitted, the Commission found that residential structures on two or more lots would result in a “house that is substantially larger than the characteristic house in the neighborhood,” thereby dramatically altering the formerly stable neighborhoods by recycling the typical sized home into larger homes, a popular trend in coastal neighborhoods. Therefore, the modification to the proposed LUP prohibited lot consolidations in stable residential neighborhoods such as Southeast Venice.

In short, the Venice LUP, as drafted by the City and certified by the Commission in 2001, was designed to protect Venice’s unique character primarily through the use of objective building standards and restrictions intended to limit the extent to which redevelop homes could increase in size and bulk.⁴ Nevertheless, the Venice LUP recognized that there would be some development of “new modern homes” over time, although such homes would be limited due to the small lot sizes typical of Venice neighborhoods.

⁴ There are some subjective components to LUP policies related to community character. For example, LUP Policy I.E.2 provides that new development “shall respect the scale and character of the community development.” Although the LUP does not explicitly outline all of the factors that may be considered when evaluating “character” of the community, the policy goes on to state that “[b]uildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged.” The policy, therefore, implies a focus on objective measurements, such as bulk, height, buffer and setback, while also allowing for a subjective assessment based on the surrounding “community development.”

Given the specific conditions surrounding the subject site and the diverse development patterns of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether the project is consistent with sections 30250, 30251, and 30253 of the Coastal Act.

Community Character

Venice LUP Policy I.E.2 states, in part, that “all new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.” Additionally, LUP Policy I.E.3 states, in part, that, “varied styles of architecture are encouraged...while maintaining the neighborhood scale and massing.” In addition, the Venice LUP recognizes the importance of the existing pedestrian scale single-family residential neighborhoods and the need to conserve them. Therefore, new structures should be sited and articulated to respect a pedestrian scale and maintain visual compatibility with surrounding structures.

To determine whether or not 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 compatible. Development located within a specific survey area are analyzed to determine whether or not a proposed project is appropriate with regard to visual compatibility, mass, and scale.

Staff reviewed the subject project and the thirty-two lots along both sides of Clement Avenue between Mildred Avenue and Harbor Street (**Exhibit 3**). The subject site is a 3,600 square foot interior lot with frontage on Clement Avenue. The project has been designed to provide three bedrooms and two bathrooms sufficient for a family. The subject development would maintain the existing residential density of the site (one single-family home), consistent with the survey area, which is entirely single-family homes. This use is also consistent with the certified LUP’s land use designation of Single-Family Dwelling–Low Density.

The Venice LUP does not provide setback standards for this area but does require yards be consistent with the existing scale and character of the neighborhood. In this case, the City requires the front yard setback be consistent with the prevailing setback of other homes on the block. The front yard setback at the subject site is approximately 17 feet, which is consistent with the prevailing front yard setback. The City requires side yard setbacks of 5 feet or 10 percent of the lot width if less than 50 feet wide, not less than 3 feet. The side yard setbacks are 5-feet. The rear yard setback is 15-feet, consistent with City-required rear-yard setback requirements. The setbacks provided are consistent with the plans the Commission approved in 2018 and pursuant to the Venice LUP, yards should be consistent with the existing scale and character of the neighborhood, and in this case, the subject home maintains the prevailing front yard setback of homes on the block and therefore, maintains a front yard that would be consistent with the scale and character of the neighborhood.

The City-approved single-family home was designed at a height of twenty-five feet with a 9-foot high, 100 square-foot roof access structure, bringing the maximum height to thirty-four feet. Prior to the *de novo* hearing in 2018, the applicant revised the project to

relocate the roof access structure so that it wouldn't extend beyond the roofline except for the railings and reduce the parapet wall by approximately two feet (exposing the 42-inch metal roof deck railings). Additionally, the relocated roof access structure was converted to an outdoor roof access structure, thereby reducing the overall floor area from 2,960 square feet to 2,878 square feet.

The subject residence has a roofline with varying heights, ranging from approximately 20 to 23 feet fronting Clement Avenue and a maximum height at 24 feet near the center section of the structure. Approximately 11 feet in width (37 percent) of the two-story residence has a varied roofline that slopes away from Clement Avenue starting at approximately twenty feet high and reaching a maximum height of twenty-four feet near the center section of the structure. The remaining 19 feet in width (63 percent) of the roofline is flat and reaches approximately twenty-three feet high fronting Clement Avenue (**Exhibit 4**). The flat roof portion also includes forty-two-inch-high open air, metal railings.

Roof access structures are limited to ten additional feet above the flat roof height. In this case, the roof access structure does not rise above the roofline. The Commission previously approved a 922 square foot roof deck and the October 25, 2018 plans indicate that the roof deck is now 943 square feet. There are five other homes in the survey area with roof decks. The height and roofline of the subject residence are similar to the prevailing roof forms and heights in the neighborhood.

Further, the structures in the survey area are primarily one- and two-story single-family homes. Excluding the subject site, there are thirteen two-story structures and eighteen one-story structures. The subject development is consistent with the other two-story structures in the area, which is a mix of one and two-story houses. In addition, the existing building heights in the survey area range from thirteen to thirty-one feet⁵ with an average height of approximately twenty-two feet. The maximum height of the structure, at 24-feet high, is below the height limits outlined in the Venice LUP, which stipulate a maximum height of twenty-five feet for structures with flat roofs and thirty feet for structures with varied roofs in this area, and the subject two-story residence is consistent with the range of heights, mass, and scale of residential structures in the survey area.

Regarding the size of homes in terms of floor area, the roof access structure was relocated and converted to an outdoor roof access structure, thereby reducing the overall internal floor area by 82 square feet from the 2017 plans appealed to the Commission. Therefore, the resulting floor area is 2,878 square feet. The size of existing/approved homes in the survey area ranges from 832 square feet to 3,229 square feet with an average of 1,669 square feet. Thus, the size of the subject development is larger than the average (with only four of thirty-two residences larger than the subject residence)⁶, but within the range of the current single-family home sizes in the survey area.

⁵ Height excludes roof access structures.

⁶ 2329 Clement Avenue (3,229 square feet), 2318 Clement Avenue (3,025 square feet), 2337 Clement Avenue (3,012 square feet) and 2425 Clement Avenue (2,900 square feet).

Like other homes fronting Clement Avenue, the subject project is designed with an articulated façade including an additional setback for the second-story balcony and other various indentations that break the vertical plane of the facade. The visible mass from the building's side is articulated with a sloping roof, shorter parapet wall and a second-floor balcony. Thus, the project maintains compatibility with the architecturally diverse character of the existing buildings within the survey area, both in terms of mass and scale of the proposed development but also in terms of its design and appearance.

The Commission approves this CDP subject to **Special Condition 1**, which requires the permittee comply with the plans dated October 25, 2018. No changes to the plans shall occur without a Commission-approved amendment to Coastal Development Permit No. A-5-VEN-17-0072 unless the Executive Director determines that no amendment is legally required.

The Commission approves this CDP subject to **Special Condition 3**, which requires the applicant to provide evidence that the wall/fence fronting Clement Avenue is limited to 42-inches and the side yard fence/wall is limited to six feet. **Special Condition 3** ensures that the development maintains the pedestrian-oriented character of the area.

The subject residence is compatible with the size, mass, and scale of the existing structures in the project vicinity and consistent with the standards of the LUP and the relevant Coastal Act Policies. For the reasons discussed above, the development is compatible with the current character and scale of the surrounding area and will minimize impacts to visual resources and architectural elements of the area's current community character. Therefore, the subject development, as conditioned, conforms to Sections 30251 and 30253 of the Coastal Act and the certified LUP policies related to community character.

Cumulative Effects

When reviewing a project's consistency with the community character protection policies of the Coastal Act and the Venice LUP, the Commission also analyzes the cumulative effects of development. To evaluate the potential cumulative effects of the subject residence on community character, the incremental effects of the development are considered in connection with the effects of past, current, and probable future projects within the subject area.

To that end, Commission staff first reviewed residential redevelopments on the subject block, Clement Avenue, since the certification of the Venice LUP in 2001. The cumulative effects analysis included thirty-two lots in the survey area and considered the year of Commission or City approval for redevelopment, lot size, habitable residence area, and height. For properties that have not received Commission or City approval for redevelopment since 2001, the survey considered the year of residence construction, lot size, height, and current habitable residence area.

Staff collected housing data from the City's ZIMAS zoning and permit tracking website and used the L.A. Department of Building and Safety records portal to fill in gaps when housing data was not available in ZIMAS. Additionally, staff used the L.A. County

Assessor portal to compare home sizes to the information found on the City's ZIMAS zoning and permit tracking website. Staff added the County Assessor data in the neighborhood survey tables as a reference. There are discrepancies between the Los Angeles County Assessor data and the City of Los Angeles data, potentially due to differences in calculating square footage or a lack of home changes being reported. The home size discrepancies do not change staff's cumulative effects findings. Height information is gathered from City or Coastal Commission records as well as NavigateLA, a web-based mapping application developed by the Bureau of Engineering that delivers maps and reports based on data supplied by various entities.

The information analyzed by Commission staff shows that the subject residence is consistent with recent City and Commission actions in the survey area since 2001. For example, the Commission has approved projects with a range of 2,089 square feet to 3,004 square feet.⁷ The City has approved projects with a range of 1,074 feet to 3,229 square feet. More specifically, the subject residence is consistent with four other approved homes that are as large or larger than the residence. Since 2001, approvals encompass a mix of smaller additions (40 percent) and larger rebuilds (60 percent). Since the Commission's *de novo* hearing in August 2018, only two projects have been approved in the survey area and each appear to be small additions.

Staff also analyzed cumulative effects by looking at the other structures on the block that have not been redeveloped since the 2001 certification of the Venice LUP. Table 3 identifies the homes in the survey area that have not been redeveloped since 2001. The homes in Table 3 range from 832 square feet to 2,506 square feet. It does appear that development approved on this block since 2001 has resulted in an average increase in the size of residential units. The subject development is consistent with that trend. However, the proposed (and constructed) home is 2,878 square feet in size, which is not much larger (in terms of square feet) than two homes⁸ that existed prior to 2001.

With regard to future development, three residential projects have been approved (two smaller remodels and one larger remodel)⁹ within the survey area between 2017 and 2020. However, according to satellite imagery, the three approved projects have not yet been built. If the homes are built as approved, they would likely contribute to the overall trend of redevelopment in the survey area. In any case, recent actions suggest that single-family homes that are larger than the older homes will continue to be proposed in the future.

Therefore, as stated above, the subject development is two stories, which in this area is not out of character considering that approximately forty percent (thirteen) of the residences in the survey area are two stories, three of which¹⁰ were built prior to 2001. Seven of the two-story homes have been approved and designed with similar second story setbacks, which is part of a larger trend with homes of this architectural style. The modern "boxy" architecture and traditional pitched roof architecture that exists within the block indicates that the subject project's façade and sloping roof articulates the building

⁷ Refer to Table 1 of Appendix B

⁸ 2314 Clement Avenue (2,286 square feet) and 2417 Clement Avenue (2,506 square feet).

⁹ 2342 Clement Avenue (ZA-2020-5814-CDP-ZAA), 2317 Clement Avenue (ADM-2019-5554-VSO) and 2421 Clement Avenue (DIR-2017-2952-CDP).

¹⁰ 2314 Clement Avenue, 2417 Clement Avenue, and 2311 Clement Avenue.

mass to be compatible with the existing [variety of] planes and textures required by LUP Policy I. E. 3. Therefore, in terms of square footage and building height, the proposed residence is proportional to several homes that existed in 2001 when the Venice LUP was certified. While, over time, some smaller homes have gradually been replaced with larger homes, and this trend may continue in the future, the proposed house is not unprecedented in size, either as compared to the current development pattern or the development pattern that existed in 2001. In addition, as certified by the Commission, the Venice LUP contemplates redevelopment of homes in Venice and allows for some growth in the size of homes, although that growth is cabined, to some extent, by building standards, setbacks, and limits on rooftop decks in certain areas, all designed to protect Venice's character. The proposed residence is not built to the maximum allowable height and is consistent with all the certified building standards of the Venice LUP and is compatible with the mass, scale and character of surrounding development, even when accounting for the potential cumulative effects of development over time.

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 the Coastal Act. The Venice LUP was designed to protect Venice community character primarily through objective building standards, restrictions on the size and appearance of redeveloped homes, and provisions to maintain pedestrian scale, all important aspects of Venice character. Recent Commission hearings on Venice projects reveal an ongoing dialogue with the public as to whether compliance with the Venice LUP is an adequate measure of a project's consistency with community character, or whether further revisions to those standards are necessary. The Commission is aware that the City is in the process of updating the Venice LUP and expects that the City will address potential cumulative effects of residential redevelopment on community character. For now, and with respect to this project and the reasons previously discussed, the Commission is satisfied that the subject development has been modified by the applicant to limit the size, massing, and scale in a manner that, as conditioned herein, will protect the character of the surrounding area, consistent with the policies of the certified LUP and Chapter 3 of the Coastal Act.

In summary, the certified LUP, which provides guidance for the Commission's evaluation of the project's consistency with the community character policies of Chapter 3 of the Coastal Act, protects architectural diversity as a characteristic that makes Venice a special coastal community. The subject project, as conditioned, contributes to this diversity and, for the reasons described above, is unlikely to contribute to any cumulative effect on the community character, mass and scale, and visual resources of the surrounding area. Thus, the Commission finds that the subject residence, as conditioned, conforms with sections 30250, 30251 and 30253(e) of the Coastal Act and the certified LUP policies related to community character.

D. COASTAL HAZARDS

Coastal Act Section 30253, Minimization of Adverse Impacts, states, in part:

- (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 would substantially alter natural landforms along bluffs and cliffs.

Coastal Act Section 30270, Sea Level Rise, 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. Concurrently, and as discussed above, the Coastal Act also requires concentrating development in existing developed areas able to accommodate it (as required by Section 30250), which provides more opportunities for people to live near places they work and recreate, such as the beach. This reduces vehicle miles traveled and preserves open spaces that might otherwise be developed, thereby reducing impacts to coastal resources. These Coastal Act policies support maintaining housing density in safe areas to assure the stability and structural integrity of development. Under Section 30270 of the Coastal Act, the Commission shall identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

Climate change and sea level rise were not considered when the Commission certified the Venice LUP in 2001. On November 7, 2018, the Commission adopted a science update to its Sea Level Rise (SLR) Policy Guidance. This guidance document serves as interpretive guidelines to help ensure that projects are designed and built in a way that minimize risks to the development associated with SLR and avoid related impacts to coastal resources. These guidelines state, "to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development." The updated Guidance estimates up to 6.8 feet in projected sea level rise in Santa Monica by 2100 (i.e., within the anticipated 75-100 year lifespan of the subject development), under current development and emission patterns (a medium high risk aversion scenario) and discounting ice sheet loss.

The subject development is located approximately 0.2 miles from the Venice Canals and 0.5 miles from the beach. While the project site is located somewhat inland, given the relatively low-lying topography of Venice, it is anticipated to experience similar impacts from coastal hazards as properties located farther seaward and/or closer to the canals. It is also important to note that with expected SLR, by 2100, key infrastructure systems across 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.

According to the Our Coast Our Future (OCOF) hazards map, the subject site is especially flood-prone with 4.1 feet of sea level rise and will be subject to non-storm coastal flooding with 6.6 feet of sea level rise.¹¹ In addition, present groundwater levels onsite are emergent¹² even without future sea level rise. While the Commission cannot determine with absolute certainty that the subject residential development will be impacted by sea level rise-related hazards before the end of its economic life, the current best available science indicates that some impacts are likely.

Given the risks and vulnerabilities the site faces with regard to flood hazards for the life of the development, **Special Conditions 4 and 5** require the applicant to assume the risks of pursuing development in a hazardous area and remove the development if deemed unsafe by a government entity.

In addition, to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, **Special Condition 6** requires the applicant to record a deed restriction acknowledging that, pursuant to the subject CDP (CDP No. A-5-VEN-17-0072), the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of the subject property; and imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction will additionally provide notice of potential hazards of the property, and the risks of flooding and other sea level rise impacts towards the end of the development's economic life.

Thus, the Commission finds that the subject development, as conditioned, minimizes risks to life and property in hazardous areas consistent with Sections 30253(a) and 30270 of the Coastal Act.

E. WATER QUALITY

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, in part:

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

¹¹ CoSMoS does not offer the maximum 6.8-foot projection.

¹² Where the groundwater table rises to or above the surface of the ground and creates surface flooding.

feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff...

The project site is located approximately one-half mile from Venice beach within an urbanized residential area. However, the subject development still has the potential to discharge polluted stormwater runoff from the project site into coastal waters. The original plans show that 121 square feet of planter box (permeable) area will be placed on the north and south portion along the building utilizing drought-tolerant, non-invasive vegetation. The subject project now includes 77 SF square feet of planter box area and maintains other permeable areas (e.g. permeable deck and permeable pavers) and drought-tolerant, non-invasive vegetation throughout. Drainage from the roof drains, gutters, and downspouts will be diverted to underground drains and discharged to the street. The subject project also uses a weather-based irrigation controller for the landscaping. These design components will minimize impacts to nearby coastal waters and marine resources.

Special Condition 2 of the original CDP required the applicant to minimize the effect of construction and post-construction activities on the marine environment and preserve water quality during construction, by implementing construction Best Management Practices (BMPs) including but not limited to the appropriate management of equipment and construction materials onsite. To ensure that water quality is preserved for the life of the project, **Special Condition 3** requires low water use, drought-tolerant and non-invasive landscaping.

Therefore, the subject development, as conditioned, conforms with Section 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. 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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Venice LUP Policy II.A.3, Parking Requirements, states, in relevant parts:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use...

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 public access policies of the Coastal Act ensure protection and enhancement of all people's opportunity to access the coast and enjoy coastal recreation. This includes Section 30252, which states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development through public transportation. Due to the limited on-street parking in the immediate vicinity of the project, Venice LUP Policy II.A.3 requires single-family residences to provide three parking spaces; this requirement is satisfied by the two-car garage and one additional uncovered onsite parking space accessed from the unnamed alley at the rear of the lot. 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. The subject residence, as conditioned, conforms to the applicable policies of the certified Venice LUP, and public access Sections 30210 and 30211 of the Coastal Act.

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 subject 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. The Commission's standard of review for the subject development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and provides guidance as to the project's consistency with Chapter 3 of the Coastal Act.

As conditioned, the subject development is consistent with Chapter 3 of the Coastal Act. 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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

The City of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's Letter of Determination dated November 15, 2017, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Sections 15303 (Class 3).

The subject 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 subject 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

1. City of Venice certified Land Use Plan, 2001
2. City of Los Angeles local Coastal Development Permit Case No. DIR-2016-2206-CDP-MEL, dated July 7, 2017.

Appendix B – Neighborhood Survey Tables

Table 1. Past Commission actions on structures within the survey area since the Venice LUP certification in 2001.

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage (original)	(new)	L.A. County Assessor (sq. ft.)
2412 Clement Ave¹³ (PROJECT)	A-5-VEN-17-0072	2018	24	3,603	700	2,878	700
2318 Clement Ave	A-5-VEN-17-0036	2017	25	3,601	1,764	3,004	3,025
2408 Clement Ave	5-13-1129-W	2013	25	3,603	951	2,089	2,245
2424 Clement Ave	5-10-096-W	2010	25	3,604	941	2,175	1,958
2425 Clement Ave	5-06-274-W	2006	25 ¹⁴	3,600	1,002	2,900	2,966
Average Square Footage (Original/New):					1,165	2,542	2,549
Average Height (New):					25		N/A

Table 2. Past City of Los Angeles approvals issued for structures within the survey area since the Venice LUP certification in 2001.

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage (original)	(new)	L.A. County Assessor (sq. ft.)
2342 Clement Ave ¹⁵	ZA-2020-5814-CDP-ZAA	2020	22 ¹⁶	3,607	2,132	2,490	2,948
2317 Clement Ave ¹⁷	ADM-2019-5554-VSO	2019	18	3,599	N/A		860
2421 Clement Ave ¹⁸	DIR-2017-2952-CDP	2017	33.5	3,600	1,306	2,730	1,306
2337 Clement Ave	DIR-2013-1373-VSO	2013	25 ¹⁹	3,599	1,324	3,012	3,012
2420 Clement Ave	ZA-2011-116-CEX	2011	13	3,603	960	1,130	1,130

¹³ Not included in Table 1 averages.

¹⁴ Excludes the additional height of an approved roof access structure, which would bring the overall height to 32 feet.

¹⁵ According to satellite imagery, the home remains in its existing configuration, and it appears the project approved in 2019 may not been constructed. For this reason, the approved project is also added to Table 3 to be factored into the structures that have not been redeveloped since 2001.

¹⁶ Excludes the additional height of an approved roof access structure, which would bring the overall height to 33 feet.

¹⁷ According to satellite imagery, the home is only one-story (18 feet high), and it appears the project approved in 2019 may not been constructed. For this reason, the approved project is also added to Table 3 to be factored into the structures that have not been redeveloped since 2001.

¹⁸ According to satellite imagery, the home is only one-story (15 feet high), and it appears the project approved in 2017 may not been constructed. For this reason, the approved project is also added to Table 3 to be factored into the structures that have not been redeveloped since 2001.

¹⁹ Excludes the additional height of an approved roof access structure, which would bring the overall height to 37 feet (based on the height provided by NavigateLA).

A-5-VEN-17-0072 (NYE, LLC and Nir Paz)

2341 Clement Ave	11014-10000-02608	2011	16	3,606	1,553	1,680	1,680
2329 Clement Ave	07014-30000-00520	2007	25 ²⁰	3,599	1,290	3,229	3,229
2325 Clement Ave	06014-10000-07379	2007	31	3,600	1,353	2,781	2,781
2333 Clement Ave	06014-20001-06924	2006	15	3,600	1,026	1,224	1,224
2429 Clement Ave ²¹	04014-10000-07607	2004	25	3,601	962	2,455	2,455
2326 Clement Ave	02014-30000-06923	2003	19	3,602	918	1,074	1,074
2321 Clement Ave	01014-30000-06084	2001	20	3,600	1,057	1,082	1,082
Average Square Footage (Original/New):					1,262	2,081	1,911
Average Height (New):					21		N/A

Table 3. Structures currently within the subject survey area that were constructed prior to certification of the Venice LUP in 2001.

Address	Year Built	Lot Size (sq. ft.)	Height	Square Footage	L.A. County Assessor (sq. ft.)
2314 Clement Ave	1953	3,601	30	2,286	2,286
2417 Clement Ave	1999	3,600	28	2,506	2,506
2342 Clement Ave ²²	1950	3,607	22	2,132	2,948
2421 Clement Ave ²³	1950	3,600	15	1,306	1,306
2322 Clement Ave	1927	3,601	28	1,874	1,874
2313 Clement Ave	1946	3,600	23	1,459	1,459
2413 Clement Ave	1949	3,600	20	1,347	1,347
2338 Clement Ave	1915	3,603	24	1,241	1,241
2416 Clement Ave	1963	3,603	18	1,153	1,153
2404 Clement Ave	1950	3,602	19	1,138	1,138
2334 Clement Ave	1953	3,601	19	1,076	1,076

²⁰ Height likely excludes a roof access structure as seen from satellite imagery. In 2017, the City approved DIR-2017-1290-VSO and DIR-2017-1312-CEX for a new rooftop steel trellis and expansion of the roof deck which is not seen from satellite imagery.

²¹ Supersedes City action DIR-2001-3668-SPP to allow a two-story, 22 feet high addition of approximately 392 square feet to an existing one-story single-family residence, and Commission action 5-01-111-X to add a second-story addition.

²² The existing residential structure is approved to be redeveloped as a larger home. See Table 2 above.

²³ The existing residential structure is approved to be redeveloped as a larger home. See Table 2 above.

A-5-VEN-17-0072 (NYE, LLC and Nir Paz)

2432 Clement Ave	1950	3,655	16	968	968
2330 Clement Ave	1950	3,602	19	914	914
2428 Clement Ave	1953	3,603	14	832	832
2405 Clement Ave	1956	3,600	17	864	864
2317 Clement Ave ²⁴	1954	3,599	18	860	860
2409 Clement Ave	1955	3,600	17	860	860
2433 Clement Ave	1957	3,623	18	1,099	1,099
Average Height:			20	N/A	N/A
Average Square Footage:			N/A	1,329	1,373

²⁴ The existing residential structure is approved to be redeveloped as a larger home. See Table 2 above.