

**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
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Long Beach, CA 90802-4302  
(562) 590-5071



**F17b**

**A-5-VEN-18-0049 & 5-19-1015 (Mobile Park Investment)**

**June 12, 2020**

**CORRESPONDENCE**

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**From:** David Ewing <seriousbus@aol.com>

**Date:** Sunday, May 31, 2020 at 2:21 PM

**To:** "SouthCoast@Coastal" <SouthCoast@coastal.ca.gov>

**Subject:** Public Comment on June 2020 Agenda Item Friday 17b - Application No. 5-19-1015

Dear Commissioners:

We cannot keep losing housing in the Venice Coastal Zone. This pattern of demolishing multifamily housing and replacing it with oversized, single family McMansions is not only reducing our population but specifically targeting lower income residents and replacing them with fewer and much wealthier residents. This is greatly affecting the character of the Venice Coastal Zone, which is a special coastal resource, cumulatively but quickly, in ways that directly contradict the intentions of the new, environmental justice provisions of the California Coastal Act as well as pre-existing sections of Chapter 3, including but not limited to the following:

**Section 30116 Sensitive coastal resource areas**

(e) Special communities or neighborhoods which are significant visitor destination areas .

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

**Section 30007.5 Legislative findings and declarations; resolution of policy conflicts**

\*\*\*\*\*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources....

**Section 30253 Minimization of adverse impacts**

New development shall do all of the following

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

**Section 30604 Coastal development permit; issuance prior to certification of the local coastal program; finding that development in conformity with public access and public recreation policies; housing opportunities for low and moderate income persons**

(f) The commission shall encourage housing opportunities for persons of low and moderate income....

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Thank you for protecting our coast and its special communities for all the people of California.

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Yours,  
David Ewing  
Venice

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June 4, 2020

**ORIGINAL VIA U.S. MAIL**

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**F17b**

California Coastal Commission  
c/o South Coast District Office  
301 E. Ocean Blvd., Suite 300  
Long Beach, CA 90802

Re: Appeal No. A-5-VEN-18-0049  
2812 - 2818 Grand Canal, Venice, City of Los Angeles  
Meeting Date: June 12, 2020 (F17b)  
**Support for Staff Recommendation for Project Approval**

Dear Honorable Commissioners:

This office represents Mobile Park Investment, Inc. ("MPI"), the owner of the above-addressed property (the "Property") and the applicant in the above-referenced matter. **On behalf of MPI we ask for your support for the Staff Recommendation for Approval of the Project with conditions.**

**A.) ONLY SINGLE FAMILY USES ARE PERMITTED ON THE PROPERTY.**

The subject Property is a single legal parcel originally built in 1947<sup>1</sup> with four small residential units.<sup>2</sup> In 1971, the City downzoned this stretch of the Grand Canal and, in this specific case, the Property was downzoned from R3-1 to RW1, resulting in the legal non-conforming status of the fourplex. **In 2001, this Commission certified the Venice Land Use Plan ("LUP") which also designated "single family dwelling" as the only approved use for the Property.** As a result, a

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<sup>1</sup> The original 1947 building, which actually sits below sea level, has not been significantly upgraded and is compromised with wood rot, termite damage, extensive mold and deflection in the structure.

<sup>2</sup> At the time the applicant bought the property the use was a single family home with one rented guest room. No affordable units exist at the Property pursuant to the City's Second Revised Mello Act Determination, dated March 22, 2018.

single family home is the only use permitted by all of the governing land use plans and zoning for the Property.

MPI spent several years conceiving the redevelopment of the Property and, in 2016, filed a CDP application for a Project that meets all the legal requirements, including the applicable single family zoning and corresponding General Plan, Specific Plan, and LUP land use regulations. Not only does the Project meet the RW1 zoning requirements<sup>3</sup>, but it is also consistent with the Low Medium I Density<sup>4</sup> designation as noted on Exhibit 10b “Land Use Plan (Map): North Venice - Venice Canals” and Policy I. A.4(a) “Venice Canals” of the LUP “‘Use’ Single-family dwelling / one unit per lot.”

**To address staff concerns, MPI has agreed to include an Accessory Dwelling Unit (“ADU”) and to covenant for its permanent maintenance.** This will maximize the number of units allowed at this site under the zoning and LUP.

The Project is supported by the Venice Neighborhood Council and was carefully reviewed and approved with conditions by the City of Los Angeles. It is important to share that the existing Property is completely owner-occupied, no units are leased, and there is no actual loss of rental units.

**B.) THE PROJECT IS THE ONLY OPTION THAT COMPLIES WITH THE ZONING AND CERTIFIED LUP.**

One of the major policy goals of the Commission certified Venice LUP is to reduce density, congestion and traffic in Venice, and the entire Venice Canals sub-area is zoned for single family uses. **The applicant is prohibited from building anything else except a single family home on this lot.**<sup>5</sup> Furthermore, an argument that the City-approved Project would prejudice the ability to prepare an LCP is illogical since the Project seeks to bring the Property into compliance with the Coastal Commission certified LUP. Prohibiting the redevelopment of the Property with a single family home, on the other hand, would be wholly inconsistent with the certified LUP and existing zoning.

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<sup>3</sup> Section 12.08.5.B of the Los Angeles Municipal Code (the “Code”) restricts uses on properties located in the RW-1 “Residential Waterways Zone” to “one family dwelling.”

<sup>4</sup> The LUP designates the Property as Low Medium I Residential, while the General Plan identifies the Property as Low Medium II Residential. In either event, only single family uses are designated for the Property.

<sup>5</sup> Even a substantial remodel involving changes to more than 50% of the structure could not occur unless the project included a change of use to a single family home.

The Commission must continue to be guided by the certified LUP. As stated in the staff report for Venice Appeal No. A-5-VEN-18-0038, “when the Commission certified the Venice LUP in 2001, it considered the potential impacts that development could have on community character and adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Moreover, the essence of pedestrian scale was to discourage lot consolidations and higher density in existing single-family residential neighborhoods thereby maintaining the character and density of these stable single-family neighborhoods consistent with the objectives of the State Coastal Act and the City’s General Plan (Policy I.A.2).”

**C.) COMMISSION PRECEDENT SUPPORTS APPROVAL OF THE PROJECT.**

There is significant Commission precedent for redeveloping previously multi-family buildings with single family residences in the Canals, with most of the Venice Canals Subarea progressively making the transition towards reduced density to align with the zoning and LUP. For example, neighboring properties located at 401 E Howland Canal (duplex), 211 Howland Canal (duplex), and 410 Howland Canal (triplex) were all converted to single family residences in recent years. Most of the recently approved projects on the Canals are single family residences that are three (3) stories with roof decks and roof deck projections at a total height of 40’. Across from the Project are five newer projects that were approved by the Commission (2815 Grand Canal, 2811 Grand Canal, 2803 Grand Canal, 2801 Grand Canal, and 2725 Grand Canal).

The Project complies with the height limitations of the Venice Canals Subarea and does not obstruct views to and along the ocean. The proposed height and massing conforms to regulations outlined in the LUP and Specific Plan and is consistent with the height and massing of similar residential structures fronting the Grand Canal. **Under the certified LUP, the Project conforms to the density, character, and scale of the community. The current, non-conforming structure does not.**

**D.) ONLY ONE ADU IS ALLOWED AT THIS SITE.**

At your December 2019 meeting this matter was continued as the result of Commission questions regarding the applicability of new State housing laws which went into effect on January 1, 2020. As described in detail in the Staff Report, this Project is not subject to the State’s new Housing Crisis Act or ADU law. The Project has been recommended for approval with conditions based upon consistency with the applicable Coastal Act provisions and policies.

The one ADU that has been added to the Project is the maximum allowed under the existing City zoning and Commission approved LUP. Both the RW1 zoning and the certified Venice LUP limit the property to “one residential dwelling unit and one accessory living quarters.” Barring a zone change, plan amendment or zoning variance, only one ADU is allowed at this site.

In conclusion, the Project conforms to the current Venice Land Use Plan, Specific Plan, General Plan, zoning, and Chapter 3 policies, is consistent with other Canal projects approved by this Commission, and would not prejudice preparation of the LCP. **The conditions of approval requiring an ADU maximizes the allowed number of units that can be built on this property.**

This appeal has now been pending for two full years. The Commission must take action now. **On behalf of MPI, we ask for your support for the Staff Recommendation for Approval of the Project with conditions.** Thank you for your consideration.

Sincerely,

GAINES & STACEY LLP

*Fred Gaines*

By

FRED GAINES

cc: All Commissioners  
Jack Ainsworth (Via Email)  
Steve Hudson (Via Email)  
Dani Ziff (Via Email)

F17b  
A-5-VEN-18-0049 & 5-19-1015  
2812-2814-2816-2818 Grand Canal  
Deny the project or maintain 4-plex with minor remodel

June 5<sup>th</sup>, 2020

Dear Commissioners,

First of all I would like to thank you all during this very difficult time in our history for the taking of your valuable time in serving to protect our beloved Coast.

It is with that same spirit that I write to you today about this proposed project in the Historic Venice Canals. I write as a new board member of Citizens Preserving Venice (CPV), but mostly, today as a longtime resident of the Venice Canals. My husband, Orson Bean, whom I lost three months ago, lived here for 48 years, and together we've lived here 30. We remarked often that we'd seen the landscape change a great deal over those years, especially with regards to affordable rental units rapidly diminishing, thus sadly changing the economic and racial diversity and character of our beloved neighborhood. It is primarily that issue that I'd like to address.

I was present and spoke at the Coastal Commission hearing last December, (my first!) and was so heartened by the vitality with which you all listened to and debated this project. I was even more encouraged that you then made a finding on December 11th of 2019 for the "existence of a substantial issue" with respect to the very worry I had about our community:

"The Commission determined that a substantial issue existed with respect to the grounds on which Appeal A-5-VEN-18-0049 was filed because the project, as approved by the City, was INCONSISTENT WITH THE UNIQUE MULTI-FAMILY CHARACTER OF THE PROJECT AREA AND COULD SET AN ADVERSE PRECEDENT FOR FUTURE DEVELOPMENT IN THE NEIGHBORHOOD".

I am therefore honestly confused now as to why the Coastal Staff is recommending approval of this very same project without having addressed the concerns you all expressed that day, in any way that I can see. This area of the Grand Canal is the only stretch of multi-family four-plexes existing in the Historic Canals. There are 8 (almost) double-sized lots (5,264 SF vs our normal 2,800 SF lots), with multi-family Rent Stabilized four-plexes built in the 1940s, all in a row, all still the original buildings. So at least 32 units still exist for families to rent near the beach, a precious commodity, and one that honestly does affect the character of this neighborhood in terms of maintaining economic and racial diversity!

Demolishing one of these four-plex units to put up a huge single-family home with an "attached" ADU, will unquestionably (as you all said in your Substantial Issue statement) be INCONSISTENT WITH THE UNIQUE MULTI-FAMILY CHARACTER OF THE PROJECT AREA AND SET AN ADVERSE PRECEDENT FOR FUTURE DEVELOPMENT IN THE NEIGHBORHOOD. **An "attached" ADU in the biggest (and therefore most expensive) structure ever allowed to be built in the Canals will never, ever be rented out to a renter, as you must realize, and there is no way to enforce that it ever would be. No one paying \$5-6 million for a home in Venice will rent out an apartment in their own home to a renter, so this is clearly a false argument by the applicant and does not solve your substantial issue finding in any way.** Also, the addition of an ADU does not help to maintain the multi-family character of the neighborhood as every single-family neighborhood can now include ADU's. And I agree with you that if this project were to be approved it would create a domino effect for ALL of the four-plexes to be sold for profit reasons, irrespective of SB 330 which only lasts for five years, thus sadly taking away ALL of the multifamily residences in the Historic Canal area.

Lastly, this project as presented, because its sits on a lot almost double the size of all the other non-multi-family lots on the Canals, is way out of scale with the neighborhood. It is MASSIVE. Should all of the almost double lots follow suit and demolish their multi-family dwellings, we would have a row of huge concrete bunkers, one next to the other, way bigger than any other homes on the Canals, that would in my opinion definitely adversely impact the character of the Historic Venice Canals neighborhood. **There has been a law against lot consolidation in the Canals for that very reason (of not allowing massive structures),** and this as you all suggested COULD SET AN ADVERSE PRECEDENT FOR FUTURE DEVELOPMENT IN THE NEIGHBORHOOD". I would argue that it not only COULD, but most definitely WOULD set an adverse precedent.

I felt for the applicant at the hearing, saying he wanted to build his "dream home" for him and his wife and new baby...I really did; he's a neighbor. But I didn't understand why he couldn't just build it the (smaller) size of the other Canal single-family homes and add another residential structure on the big lot and an ADU and

thus make everybody happy. One of the Commissioners even suggested this! But just recently I was told that the applicant is selling the property (see attached) and is not planning to live in his dream home after all, so couldn't the plans now be revised to ensure that 4 residential units are not lost? At this point, if you approve these plans as proposed it will just be so that he can put more money in his pocket when he sells the property!

I confess I am new to Land Use Laws, so forgive me if I have this wrong, but I did read the Staff citing of LUP Policy 1.A.2 which allows for a "second residential unit" if the lot exceeds 4,600 SQ FT, which this 5,264 SQ FT lot definitely does. So can't this thus be a win-win for everyone? Couldn't the applicant, being an architect, design 4 wonderful new units on this big lot (with 2 ADUs behind the 2 residential structures) and even make probably more money than he'd intended?!

Forgive the length of my letter. I'm pretty passionate about keeping Venice diverse! I'm sure I'll get better at this as I continue with CPV. And again, thank you all so much for your service to our Coast. It is deeply appreciated by all.

All the best,

*Alley Bean*

Board member, Citizens Preserving Venice  
Alley Mills Bean  
444 Carroll Canal, Venice, CA 90291

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Development opportunity for a Venice canal "double lot" with existing 4-plex structure. The perfectly situated west-facing property can be renovated as a desirable canal front 4 unit rental property or developed as luxury oasis with a 59 foot wide canal facing front yard. The current structure consists of a 4 unit residence with canal-front views -- each unit has 2BR+1BA -- delivered completely vacant. There are numerous possibilities for development of the property and all include 360 degree views of the canals and mountains. If

[Read more](#)



Citizens Preserving Venice  
3530 Moore Street  
Los Angeles CA 90066

California Coastal Commission  
June 12, 2020

RE: A-5-VEN-18-0049/5-VEN-19-1015  
2812-2818 Grand Canal, Venice

Dear Honorable Commissioners and Staff,

I represent Citizens Preserving Venice in urging you to deny permits for the above project on the basis it is not compatible in character to the surrounding area.

The Commission, based on staff's recommendation, found Substantial Issue (SI) supporting the Appellants' application. The Staff Report for this (June) hearing, while stating that the Appellants were correct in the appellants' appeal points, nonetheless recommended that the Commissioners approve the project. The turn-around is not based on substantial evidence and thus is conclusory:

The Commission found SI "because the project, as approved by the City, was inconsistent with the unique multi-family character of the project area and could set an adverse precedent for future development in the neighborhood." There is nothing in the newly submitted plans that changes that conclusion, nor is there anything in the staff report that negates the Commission's earlier finding.

The Staff Reports (both SI and De Novo) rightly recognize this area to be a distinct and unique area of the historic canal neighborhood for its seven (7) properties with multiple units (4 on each property). However, it is in fact nine (9) properties having this identical character.

**Mass, scale and character.**

*Venice Certified Land Use Plan Policy I. E. 2, Scale, states, in part:  
New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods...*

Because of its distinct character and the scale of this unique area of the canals, this proposed project is not compatible with the existing properties.. The proposed project is more than 1 ½ times larger than the average, 2,828 sq ft of the “distinct and unique” (as frequently described by staff’s reports) area of nine multi-family properties comprised of four units each.

The Staff Report further describes the homes on the opposite side as “largely one-and two-story structures... . However, there are at least 5 three-story single family residences... .” There are 21 residences on that side; five out of 21 is not even a quarter of the homes.

Of the 21 properties on the opposite site, only 4-5 are over 3,000 sq ft. At 4,632 square feet and a 550 square foot ADU, the proposed project would be significantly larger than any other property on the Grand Canal.

Further in 2002, the Commission denied a permit for a project at 2800-2806 Strongs Ave. (see note\* below), another canal address. The applicant was seeking to combine two lots and build a single family dwelling on the two lots. The Commission determined that the extra wide building façade surrounded by the more narrow lot widths was not in scale with the canal neighborhood. This project – though its large dimensions are within a single lot – will create the same effect, a wide façade among a preponderance of characteristic narrower facades.

A new development of 4,632 sq ft makes for a substantial change of character, both by losing one of the unique multi-family properties and by introducing an out of scale new development. Thus this application must be denied.

The nine lots of this unique setting within the canal district are developed with small structures made with wood. The proposed project’s wide façade, the materials used, and the project’s setting make the differences from the original buildings substantial.

**Historic Designation.** In 1982 the Canals were recognized by the Federal government as a historical resource and in 1983 the city awarded the canals as a Historic Cultural Monument. It would be disingenuous not to recognize that the character of the neighborhood contributes materially to the historical character of the designated waterways. The nine multi-family homes were standing at that time and were an integral part of the neighborhood before these designations. People who visit the canals come to view the whole of the neighborhood, with its distinguishing character: the homes, the landscaping and the reminders reminiscent of the original Abbot Kinney vision.

At the SI/De Novo hearing, the idea of preserving the existing structures was discussed. There was the thought that these structures were not legal under zoning laws and probably would need to be removed. Our Land Use Policy discusses the preservation of non-confirming structures:

*Policy I. E. 5. Nonconforming Structures. 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.*

*Policy I. F. 1. Historic and Cultural Resources. The historical, architectural and cultural character of structures and landmarks in Venice should be identified, protected and restored where appropriate, in accordance with historical preservation guidelines.*

These distinct properties impart a distinctive characteristic in the historical context as part of the Historic Canal District.

Others will be talking about the other issues related to this application. Because of those and the above issues on mass, scale and character, this project permit must be denied.

- Note: Regarding a Coastal Staff Report for a very similar proposed project at 2800-2806 Strongs Drive (Coastal Application Number 5-02-153), which is directly across the Grand Canal from the subject property, the project was withdrawn because Staff was recommending denial, for all of the reasons indicated in the staff report. That Staff analysis includes essentially all of the same reasons for our objection to the proposed project. This is a Coastal Act Chapter 3 visual resource and community character issue, as well as an issue of protecting “Venice as a Special Coastal Community” as is required by the certified Venice Land Use Plan. The facts are slightly different – the 2800-2806 Strongs project would have spanned two lots whereas the proposed project would be on one double-sized lot (this difference is irrelevant as this is just details of the uncertified City zoning), but the visual impact would be the same, as the one lot where the proposed project is to be located is the same size as two normal-sized lots in the Venice Canals area. For all of the same reasons as in the Staff Report for the original proposed 2800-2806 Strongs project (5-02-153), the proposed project hereunder should not be allowed to

- span a lot the size of 2 normal-sized lots. The down-zoning change made in 1971 is irrelevant to the Commission's consideration of this project, as the Coastal Act requires analysis of visual resources and compatibility with the mass, scale and character of the existing surrounding area, regardless of City zoning changes (as State law trumps City law). It should also be noted that other prior proposed projects for the subject property have been rejected.
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Respectfully,  
Sue Kaplan,  
President, Citizens Preserving Venice

Citizens Preserving Venice (CPV), a nonprofit 501c(3), was founded in 2018, as a group dedicated to preserving and protecting the character and scale of Venice as a Special Coastal Community. We work with the Venice community in preserving the history, including the social, cultural and economic diversity and protecting affordable housing, and by promoting healthy growth throughout Venice.

F17b  
A-5-VEN-18-0049 & 5-19-1015  
2812-2814-2816-2818 Grand Canal  
Deny the project or maintain 4-plex with minor remodel

June 5, 2020

Dear Commissioners and Staff:

This project, which would displace rent stabilized multi-family rental housing, to be replaced by a luxury single-family home that only an extremely rich person could afford, truly symbolizes the very thing that many in this country are fighting against. Venice Coastal Zone residents, particularly the most racially and economically diverse, continue to be displaced. Your assuring that projects such as this that flaunt this unacceptable practice are not approved would show that environmental justice and social diversity are something real, to be protected, and not just concepts or something on paper, which is exactly the kind of thing so many constituents want to see with respect to real change.

**Violation of Coastal Act Sections 30251 and 30253**

The project should be denied, regardless of the several other issues, due to the fact that its sheer width, mass and scale would be grossly out of proportion with the surrounding Venice Canals neighborhood. If approved, needless to say, it would stick out like a sore thumb and forever change the character of this area. In addition, approval of this project would be a huge windfall for just one developer. Other projects in this area have been discouraged or denied on the basis of gross incompatibility with the neighborhood, and the Canals area has been protected from such extra-large projects on these nine larger Canal lots for decades, and so there are no other extra-large single-family residences on any of the double-sized lots in the Venice Canals. If Staff believes there won't be a cumulative impact resulting in more projects like this, the question is, why should just one developer be allowed to do such a large project when none before him had, and none after him, will, have that benefit.

This project is not sited or designed to protect views to and along the Venice Canals, a scenic coastal area, as required by Coastal Act Section 30251. The structure would be close to double the size of the existing four-plex (which is two conjoined buildings of two units each) and would not only block more of the view, but the significantly increased bulk and scale as well as much larger than normal width along the canal frontage would present a massive wall and would not be visually compatible with the scale and character of the surrounding single-family or multi-family structures. The project would also harm the character of the area by eliminating multi-family housing (and displacing its renters).

Coastal Act Section 30253 requires that "New development shall...where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses." The Commission designated Venice as a Special Coastal Community and a Coastal Resource to be protected. This project is located in the Dual Coastal Zone, in one of the most popular visitor destination points for recreational uses in the Venice Coastal Zone. This fact MUST be considered in making your decision on this project. Thus, this project must protect this special coastal community, as required by 30253. However, the project does nothing to protect the community, it only harms the character of the Venice Canals and special coastal community of Venice, while enriching one developer.

For these reasons, the project must be denied on the basis of violating Coastal Act Sections 30251 and 30253.

**Abuse of the ADU law**

The use of ADU's to enable applicants to decrease density, especially rent-stabilized density, in coastal neighborhoods and build much larger luxury homes in their place is absolutely unacceptable. This is the developer "workaround du jour." An ADU does NOT mitigate the loss of density. It is meaningless to claim that the addition of a built-in ADU "helps to maintain the multi-family character of the subject neighborhood," because every single-family neighborhood can now include ADUs and it does not make

them a multi-family neighborhood. It also doesn't change the visual character imposed by the oversized single-family structure except by the addition of the ADU potentially making it even more monolithic.

The workaround de jour used to be de minimis waivers. We and you stopped the abuse of those in 2014. Then it was illegal coastal exemptions. We and you stopped the abuse of those in 2016. Then it was the City issuing inadequate and downright erroneous CDP Findings that didn't address Chapter 3 requirements, even excluding some altogether. We and you have trained them and made them do better (but still not adequate/correct and there is ongoing work with the City to fix this).

And now, this practice of allowing developers to wipe out density by adding an ADU (with no requirement that it be used for rental housing) is only enabling what is a serious, ongoing loss of units/density.

PLEASE help us stop the abuse of the ADU law (for which the purpose is to increase density) by not allowing applicants to build an ADU into new construction for the purpose of obtaining CDP approvals for demolishing multi-family housing to build luxury single-family homes.

It is interesting that a detached ADU and a JADU would be allowed. That would also break up the mass of the project. The single-family residence could also have an ADU, essentially resulting in four units.

Regarding staff's statement that an ADU is essentially a second unit for purposes of density considerations, in researching the law on ADUs and it is clear that under the zoning laws ADUs are very specifically not considered the same as a second unit on the lot. Second units have many different zoning requirements, including parking. It's clear that the addition of an ADU does not change a single-family use to a multi-family use. A single-family residential house with an ADU remains a single-family use for all intents and purposes under the law.

Also, one option would be to maintain the current four-plex use and do a remodel/improvement project that does not demolish more than 50% of the structure; or do a project that consists of two units (as allowed by the LUP, see below) with two ADUs or an ADU plus JADU, which Staff has said in its report is allowed under the law.

Lastly, the project Special Conditions (page 6) only require maintaining the ADU as a separate unit. That does not assure that it will be used as a rental unit and thus does not at all accomplish the Commission's objective of mitigating the loss of density.

### **Certified Land Use Plan must be correctly interpreted to allow for two units**

We believe that the certified LUP provisions lead to a different conclusion than Staff has made.

Certified LUP Policy I. F. 3. strongly supports maintaining the current density and the current multi-family character. Policy I. F. 3. states that the historic character of the Venice Canals shall be preserved. This multi-family area of the Venice Canals existed at the time of the area's designations as historic and is an important part of its historic character, which is to be preserved. This is the only part of the Venice Canals that is multi-family, and it is also rent stabilized housing. The cumulative impact of this project would significantly harm the historic character of the Venice Canals, and it would be especially wrong to so significantly reduce density at a time in history when the state is crying out for more housing, especially affordable housing, in the Coastal areas.

Certified LUP Policy I. D. 1. mentions single-family dwellings but then it specifically refers to the provisions contained in Policy Group I. A. for more details. By law, the more specific provisions of a regulation trump the more general provisions.

Certified LUP Policy Group I. A. very specifically permits a second residential unit (2 separate units, aka duplex) if the lot exceeds 4,600 square feet, as this one does. In addition, certified LUP Policy I. A. 2. indicates that character and scale, as well as density, SHALL be maintained with any infill development. This is key.

Policy 1. D. 1. is very clear that the reference to policy group I. A. is relevant as two of the main standards in I. A. are use and density (i.e. how could that reference in I. D. 1. to I. A. not include the use and density standards?). We agree that it says single-family dwellings at the top of I. D. 1. but so does the top of I. A....and then just below that both I. A. 2. and I. A. 4. specifically say that two units are allowed if the lot is over 4,600 square feet. It doesn't make any sense that Policy I. D. 1. would limit these larger sites to single-family dwellings when the more detailed and specific standards that precede it and to which it provides a reference specifically allow for two units on the larger lots.

The two unit option was no doubt added to the certified LUP for those larger lots as the coastal staff writers of the LUP, in their amazing wisdom, knew that the existing multi-family structures were important to the character of the area and also that allowing single-family dwellings on those larger lots would result in projects that far exceeded the character, mass and scale of the area. That is corroborated by the fact that lot consolidations, which would result in a lot similar to the size of this project, are not allowed. It's also significant that the Venice Canals is one of the only areas in the Venice Coastal Zone where lot consolidations are not allowed.

Also, Staff appears to be saying that the second unit that is allowed for this lot in the LUP was meant to be an accessory unit, similar to an ADU (but which didn't exist in 2001) and that the intent of the LUP was for the second units indicated not to be second units but rather accessory units. That interpretation makes no sense. To treat the second unit as a second unit (and not an accessory unit) is consistent with the rest of the certified LUP where in many other subareas a second unit is also allowed, depending on lot sizes. This has always been interpreted as a second unit being a separate legal unit and not an accessory unit. Nowhere does it say that the second units allowed must be accessory units. It is very clear that they are meant to be legal second units and so 2 units are allowed on the lot, given the much larger, almost double lot size.

**Two residential units are specifically permitted on the property by the certified LUP, which supersedes the City's uncertified zoning**

Regarding Staff's statement that the City's zoning code restricts the use to a single-family residence, the standards of the certified LUP prevail over both the City's specific plan and the City's LAMC (both uncertified). Thus, in this case, the certified LUP is the effective City law, as contained in City Ordinance 175,693.

.....

For all of the reasons above, we believe that the recommendation in support of the project is in error. The project is wrong in every respect--from a protection of historical coastal resources perspective, from an affordable housing and density perspective, and from a visual resources and protection of the Venice Special Coastal Community and Coastal Resource perspective – and so must be modified to maintain the density or denied.

Board member, Citizens Preserving Venice  
*For the Love of Los Angeles*  
*and our precious Coast,*  
Robin Rudisill  
(310) 721-2343

June 5<sup>th</sup>, 2020

## **DeNovo Hearing - Application Numbers: A-5-VEN-18-0049 & 5-19-1015**

Dear California Coastal Commissioners:

Two items in the Staff Recommendation prompt me to add to my comments of May 31<sup>st</sup>. Both of these are problematic because of issues involving the passage of time.

First is the statement on p. 11 of the Staff Report that:

“After working with Commission staff, the applicant revised the project to add an attached accessory dwelling unit (ADU) and maintain four parking spaces on-site.”

This ADU presents a dilemma. The Staff Report errs in neglecting to note that this property was Ellised by the applicant in 2017, which presents two problems. First is the fact that it would be illegal for any rental or lease agreement be entered into until 2022, since the City of Los Angeles’ implementation of the Ellis Act requires a five year vacancy before an Ellised property may re-enter the rental market.

But it also raises an issue of bad faith. In invoking the Ellis act to rid a property of tenants, the owner declares his/her/its purpose of permanently withdrawing the property from the rental market. For the owner to then turn around in three years and push for an agreement that permanently commits to maintenance of a rental on that property is ethically as well as legally dubious. The fact that this proposal is being promoted by the applicant’s attorney, a land use specialist presumably well aware of the Ellis Act, its prohibitions, and its application to this property, should certainly have caught the attention of the Staff Report’s author and merited inclusion as an issue, as it would appear to make this proposal for partially mitigating the loss of housing, illegal.

The second thing that caught my attention was the contention that the Housing Crisis Act (SB330) would prevent this project from contributing to a cumulative impact on the character of the neighborhood. From p. 19 of the Staff Report:

“...this project will not result in cumulative impacts to the community character of the area because the Housing Crisis Act prohibits local governments from approving housing development project applications received after January 1, 2020 that would require the demolition of occupied or vacant residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished. Thus, if applications for the conversion of the adjacent multifamily residences to single-family residences are filed with the City in the future, it is unlikely the City would approve any loss of residential units. Therefore, the proposed development is not expected to set a precedent for new development proposals in this neighborhood or cumulatively change the multifamily character of the area.”

What the Staff Report fails to state, and errs in doing so, is that the Housing Crisis Act sunsets at the end of 2024, at which point the owners of the other eight properties will be free to cite the subject property as precedent for similar development. Presumably the Coastal Act is intended to protect Coastal resources for more than four and a half years.

This brings me to a third consideration. I find it curious that the Staff Report is oblivious to both of these serious issues regarding the passage of time. It is almost ironic that the two issues together frame a very short window of only two years, from 2022 through 2024, during which Staff’s conclusions on these two issues could even be relevant.



The conclusions of the Staff Report are all the more perplexing because it diverges so sharply from the earlier Staff Report for the Significant Issue hearing, and from the Commission's conclusions in affirming the existence of significant issues.

This draws me back to that first quote:

"After working with Commission staff, the applicant revised the project to add an attached accessory dwelling unit (ADU) and maintain four parking spaces on-site."

It strikes me that the omissions may be attributable to the kinds of pressures that can arise in negotiations between Staff and an applicant's representative. The good-faith effort to improve a project so that it conforms to the California Coastal Act might tend to cause a helpful staffer to accept a proposal, or to negotiate his or her way to a solution to a sticky problem, without taking all its ramifications fully into account.

This Commission has presided over an extremely well documented, longterm pattern of violations of California Coastal Act Section 30335.1, which allows employees to give procedural assistance to applicants "in connection with matters which are before the commission for action," but explicitly forbids:

"...advice on substantive issues arising out of the provisions of this division, such as advice on the manner in which a proposed development might be made consistent with the policies specified in Chapter 3..."

I believe you've received legal advice that this applies only to the time during which a hearing is in session. I do not personally believe this advice would survive court scrutiny.

More importantly, this Staff Report's problems should give caution that "working with commission staff" creates serious pressures on Staff to tailor the Coastal Act to the project application as much as the other way around. This is hardly an inconsequential concern. Its cumulative impacts are extremely corrosive. The framers of the California Coastal Act well understood this and wrote Section 30335.1 to protect against it.

The Commission itself is also placed in an awkward position whenever Staff has invested great deal in negotiating, coaxing, and fashioning a project with the applicant, and then, side by side with the applicant, presents it to the Commissioners. If the Commission turns it down, it risks being seen as betraying the best efforts of Staff as well as the good faith effort of the applicant. By honestly making the correct decision, the Commission may appear duplicitous and capricious, as well as wasteful of the funding provided by California taxpayers.

Over many years, this laborious process of give and take has used an extraordinary amount of Staff time and energy at taxpayer expense and the cumulative effects have done a great deal of mischief to the effectiveness of the California Coastal Act. We see its results in Venice every day. The people of California deserve better for our spectacular coast and its special communities, and the Coastal Commission deserves better results for its herculean efforts.

Yours truly,



David S. Ewing

Citizens Preserving Venice board member,

**AMANDA M. SEWARD, ESQ.**

June 10, 2020

VIA Email

California Coastal Commission and Staff

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Re: Appeal No. A-5-VEN-18-0049, 2812-2818 Grand Canal, Venice, CA 90291  
(the “**Property**”)

Dear Honorable Commissioners and Staff: -

I am writing this letter on behalf of Citizens Preserving Venice regarding the subject appeal, in which Citizens Preserving Venice challenges the permanent removal of four housing units in favor of a single luxury mansion at the property site. In a housing crisis, the Commission is being asked to endorse a major reduction in the Property’s residential density, and at the same time to approve a major increase in the square footage. The single-family Project would be 1.7 times the size of the existing four-family dwelling and significantly out of scale with the existing neighborhood.

This approval would violate the Coastal Act and the certified Venice Coastal Zone Land Use Plan (“**LUP**”) for the benefit of a luxury mansion, built on speculation, in the name of the environment (see the attached ad showing the Property is for sale). This is at a time when the Venice community faces a shortage of housing, when development trends continue to widen the disparity in income among residents, and when Venice’s culturally, racially and economically diverse population, consisting of families that have lived in the community for generations, is being forced out.

This letter addresses the argument made by the applicant that zoning laws prohibit a second residential unit on the Property. Briefly, while the more general, uncertified Los Angeles zoning laws provide only for a single-family dwelling in an RW-1 zone, the LUP designates an exception for larger lots, such as the subject Property. The LUP provides that a “second residential unit” is permitted in the Venice Canals Subarea for lots with a minimum lot area of 4,600 square feet. (Policy 1.A.2. of the LUP.)

The LUP is a part of the City of Los Angeles’ General Plan, which guides the City’s Land Use Element of the City’s General Plan. (*Venice Coalition to Preserve Unique*

*Community Character v. City of Los Angeles* (2019) 31 Cal. App. 5<sup>th</sup> 42. See also California Government Code sections 65103 and 65451.) City zoning ordinances must be consistent with the General Plan of the City. (California Government Code section 65860.) A city zoning ordinance that is inconsistent with the General Plan is invalid insofar as it conflicts with the General Plan. (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 42 Cal. 3d 531, 540-41.) Accordingly, no City zoning variance is required to build two residential units in compliance with the LUP.

Policy 1.A.2. of the LUP provides in pertinent 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. *A second residential unit or an accessory living quarter* may be permitted on lots designated for single-family residence land uses, provided that the lot has a minimum lot area of 4,600 square feet in the Venice Canals subarea...” (emphasis supplied.)

There has been some argument that only an ADU unit is permitted, but the LUP never restricts the second unit to be only an ADU unit. The language of Policy 1.A.2 of the LUP clearly states that a second residential unit **or** an accessory living quarter is permitted on larger lots. A basic rule of statutory construction is called the “Plain Meaning Rule,” which means giving words their ordinary meaning. (See Cal. Code of Civ. Proc section 1858: “In the construction of a statute or instrument, the office of the Judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted, or to omit what has been inserted...”). The clear meaning of “or” is to link alternatives, here “a second residential unit or an accessory living quarter.” Nowhere in the LUP is this limited to an ADU.

A second rule of statutory interpretation is that if a statute’s language is clear and unambiguous, the court will not (and should not) engage in further statutory construction analysis. In these situations, the language controls, and the court has nothing to interpret or construe. (*Halbert’s Lumber, Inc. v. Lucky Stores, Inc.* (1992) 6 Cal. App. 4<sup>th</sup> 1233, 1238, 8 Cal. Rptr. 2d 298, rev denied (August 27, 1992).) Here, the language is clear and unambiguous.

I understand also that there has been some suggestion that the density of the Project area should not be maintained, for fear that the Property is located in a low-lying area which may be vulnerable to flooding. While concerns of rising sea level are important, the question here is whether these concerns have been appropriately addressed in this case. First, there do not appear to be any formal guidelines that were considered. Second, there was no adequate discussion of countervailing principles such as environmental justice concerns relating to the shortage of housing and decimation of the diverse communities in the Coastal Zone, and in particular the Venice community, and the reduction of density in favor of luxury housing. Third, there was no discussion about how maintenance of density could be achieved at the same time public safety concerns arising from rising sea levels could be addressed.

One would have to say that the approval of this project would be an endorsement of 1) the downsizing of a property in terms of density in violation of the policies of the LUP, which mandate the preservation of current density and the unique multi-family character of this special community; 2) the significant increase in square footage of an existing development for the benefit of a mega mansion built on speculation for the rich in the name of the environment, 3) the removal of housing for the masses in the Coastal Zone; and 4) application of environmental concerns to favor the rich, at the expense of the countervailing concerns such as environmental justice, the need for housing, and preservation of the unique character of the Venice canals, and without even a thoughtful discussion on how these concerns might be reconciled.

In conclusion, it is urged that the Commission maintain the existing density on the Property, as required by LUP I.A.2., by either requiring two residential units, each with an ADU, or by maintaining the four-plex with a remodel that does not demolish more than 50% of the structure. It should be noted that no evidence has been presented by the applicant or evaluated by staff to support the applicant's contention that rehabilitation is not feasible. Indeed, now that the owner has the property for sale, his own advertising affirms that renovation and/or rehabilitation is feasible. The ad reads in part: "The perfectly situated west-facing property can be renovated as a desirable canal front 4 unit rental..." We agree. Renovation would maintain "the density, character and scale of the existing development." It would not trigger cumulative impacts as approval of the McMansion would, and it would help to keep this area of the Venice Coastal Zone open to a wider socio-demographic in accord with the goals of the California Coastal Commission Environmental Justice Policy.

Should you have any questions, do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda M. Seward". The signature is fluid and cursive, written over a light blue horizontal line.

Amanda M. Seward