

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W16c

A-5-VEN-21-0063 (GARY AND VERA SUTTER)

NOVEMBER 4, 2021

EXHIBITS

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b) POWR, CPV, Laddie Williams, Lydia Ponce, Margaret Molloy.....	72

Exhibit 1—Vicinity Map

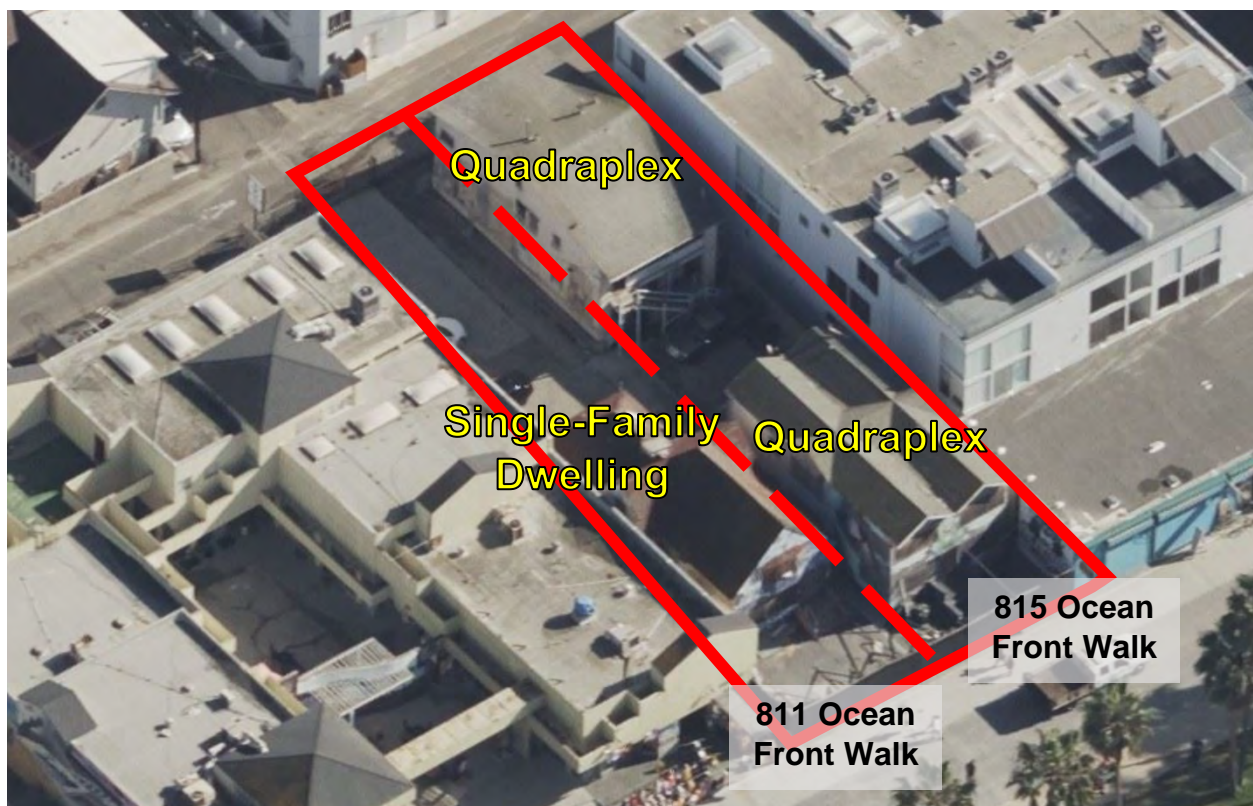


Exhibit 2 –City-Approved Plans

811-815
OCEAN FRONT WALK

MIXED USE PROJECT

CONSISTING OF 9 DWELLING UNITS OVER A GROUND FLOOR
RESTAURANT SPACE AND PARKING GARAGE,
WITH 1 LEVEL OF SUBTERRANEAN PARKING

DENSITY BONUS AFFORDABLE HOUSING PROJECT WITH ON MENU HEIGHT INCENTIVE, HEIGHT INCREASE FOR THE ELEVATOR PENTHOUSE, A WAIVER FOR A REDUCED PASSAGEWAY, AND WAIVER FOR 2'-9" STEP BACK HEIGHT INCREASE

PROJECT INFORMATION

PROJECT DESCRIPTION MIXED USE PROJECT CONSISTING OF GROUND FLOOR RESTAURANT SPACE, WITH 9 RESIDENTIAL UNITS ABOVE (8 MARKET RATED AND 1 LOW INCOME UNIT)

PROJECT ADDRESS 811-815 OCEAN FRONT WALK, VENICE CA. 90291

LOT SIZE 30'x150' + 30'x150' = 9,001.76 SQ.FT.

LEGAL INFO LOT 333 & LOT 335 OF BLOCK 8 OF GOLDEN BAY TRACT, M.B. 2-15

ZONING C1-1 VENICE COASTAL ZONE SPECIFIC PLAN-NORTH VENICE SUB-AREA

A.P.N. 4286-027-007 & 4286-027-008

REAR STREET 20' SPEEDWAY AVENUE

EXISTING USE LOT 333: 1 DWELLING UNIT-1,651 SF
LOT 335: 4+4 DWELLING UNITS = 2,200 SF+2,300 SF=4,500 SF
TOTAL: 9 DWELLING UNITS

PROPOSED USE MIXED USE - RESIDENTIAL + COMMERCIAL (RESTAURANT)
BASEMENT: SUBTERRANEAN GARAGE
GROUND FLOOR: COMMERCIAL, RESTAURANT, ENTRY AND GARAGE
SECOND & THIRD FLOORS: 9 RESIDENCE UNITS

PROJECT SIZE

	RESIDENTIAL	RESIDENTIAL OPEN COURTYARD AND BALCONIES NOT INCLUDED IN FAR	COMMERCIAL RESTAURANT	TOTAL
FAR FLOOR AREA	11,873 SF	-	1,568 SF=171.8 SF/STAIRWELL	13,412.6 SF
PATIOS / BALCONIES	-	897.5 SF	-	-

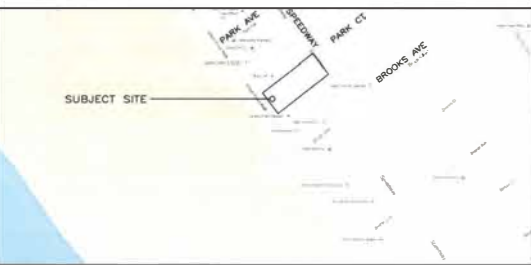
F.A.R. ALLOWABLE: MIXED USE: 1.5 -> 9,001.75 SF x 1.5 = 13,502.6 SF
PROPOSED: 11,873 SF + 1,739.6 SF / 9,001.75 SF= 13,412.6 SF
13,412.6 / 9,001.75 SF => [1.49]

HEIGHT MEASURED FROM THE PROJECTION OF MIDPOINT OF LOT FRONTAGE ON CL OF THE STREET, AS PER VCZSP, SECTION 9-B.3
ALLOWED: 35'-0" FOR ROOFS WITH SLOPES 2:25 OR MORE + SB1818 4 FOOT HEIGHT INCREASE 39'-0"
PROPOSED: DATUM: 12.27; HIGHEST POINT OF VARIOUS ROOFS: 51.27
PROPOSED HIGHEST POINT FOR ROOFS WITH SLOPES 2:25-12 IS 39'-0" FROM DATUM

OPEN SPACE REQUIRED: 100 SF/43 HABITABLE ROOM U. PRIVATE: 50SF/9= 450 SF
100 SF/9= 900 SF COMMON: (15'x15' OPEN TO SKY MIN) 454 SF
TOTAL 0.5= 904 SF

WAVE UPRUSH THE PROJECT SHALL COMPLY WITH THE CONSTRUCTION MATERIAL SPECIFICATIONS IN THE WAVE UPRUSH STUDY

VICINITY MAP



SYMBOLS

BUILDING OR DETAIL SECTION REFERENCE

KEY, NOTE REFERENCE TYPE 1

REVISION REFERENCE

COMMON WALL PLAN AND SECTION SYMBOLS

PROPOSED WOOD STUD WALLS

PROPOSED CMU WALLS

CONCRETE **SAND OR PLASTER OR MORTAR** **EARTH** **TILE**

RENDERING



SHEET INDEX

RENDERING A1.0 COVER SHEET A1.1 PHOTO MAP A1.2 SITE PHOTOS A1.3 SITE PHOTOS C1.0 SURVEY D1.0 DEMOLITION PLAN D1.1 DEMOLITION PHOTOS	A2.0 SITE PLAN A3.1 BASEMENT PARKING A3.2 1ST FLOOR PLAN A3.3 2ND FLOOR PLAN A3.4 3RD FLOOR PLAN A3.5 ROOF PLAN A4.1 ELEVATION A4.2 ELEVATION A4.3 ELEVATION A4.4 ELEVATION	A5.1 SECTION A-A, B-B A5.2 SECTION C-C L-1 LANDSCAPE A6.1 SITE CONTEXT ANALYSIS A6.2 SITE CONTEXT ANALYSIS A6.3 MATERIAL BOARD A9.0 VCZSP SPECIFIC PLAN A9.1 VCZSP SPECIFIC PLAN A9.2 VCZSP SPECIFIC PLAN
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OWNER & CONSULTANTS

OWNER: 811 OCEAN FRONT WALK, LLC & 815 OCEAN FRONT WALK, LLC
VENICE, CA 90291

SURVEYOR: BECKER & MIYAMOTO, INC. LICENSED LAND SURVEYORS
2816 ROBERTSON BLVD. LOS ANGELES, CA. 90034
PHONE: (310) 393-9128
FAX: (310) 393-2539

ARCHITECT: REED ARCHITECTURAL GROUP
657 ROSE AVE. VENICE, CA 90291
PHONE: (310) 393-9128
FAX: (310) 393-2539

811-815 OCEAN FRONT WALK

SB 1818 - MIXED USE PROJECT

REED
ARCHITECTURAL
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Phone: 310 393 9128
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www.reedarchgroup.com

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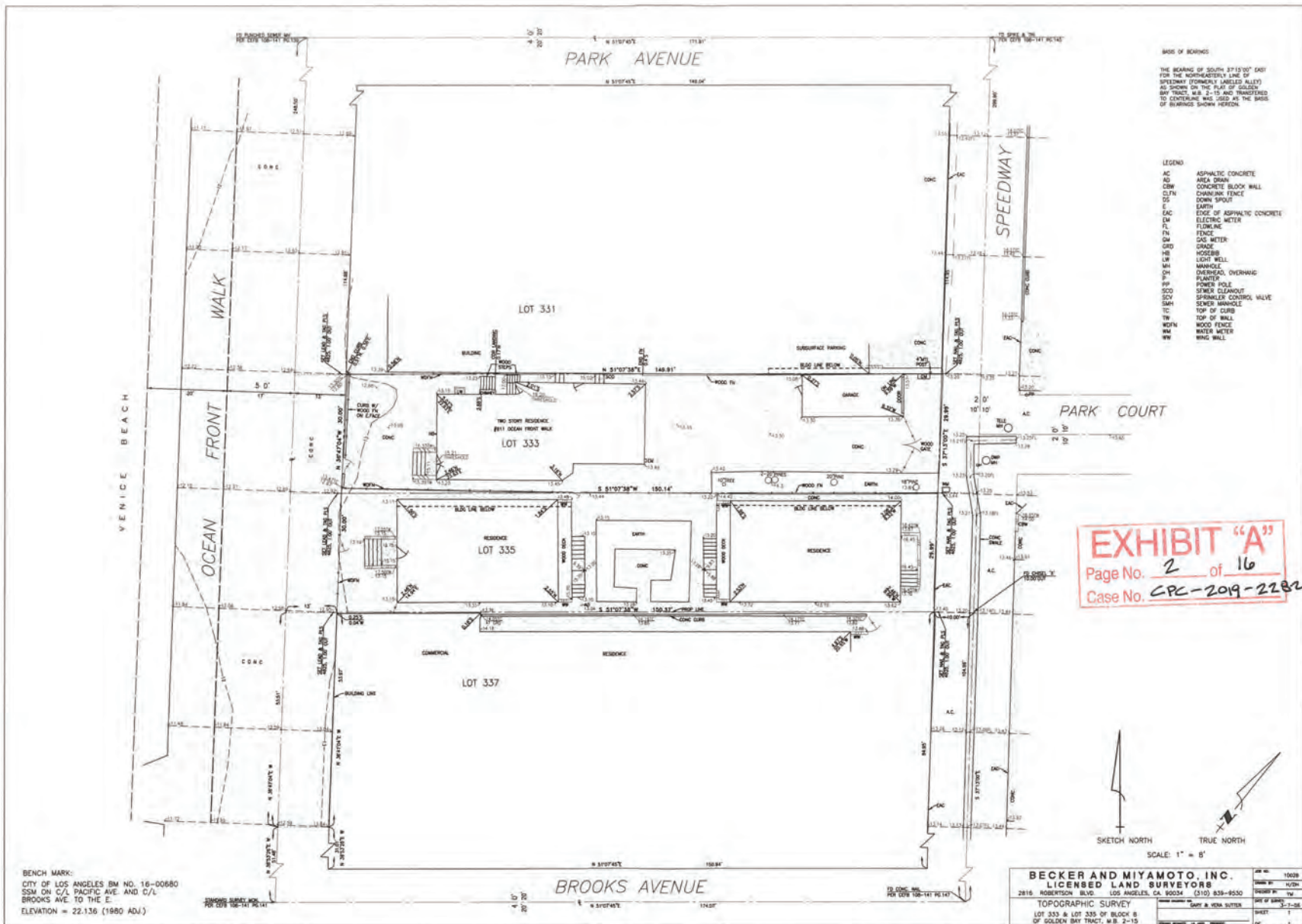
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01-25-19	PLANNING SUBMITTAL	05-08-20	TO PLANNING
02-01-19	REVISIONS		
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08-27-19	REVISIONS: TRSH RMS		
08-15-19	UPDATED PLANS		
11-11-19	SFA REVISIONS		
03-05-20	PLANNING COMMENTS		
03-26-20	PLANNING SUBMITTAL		

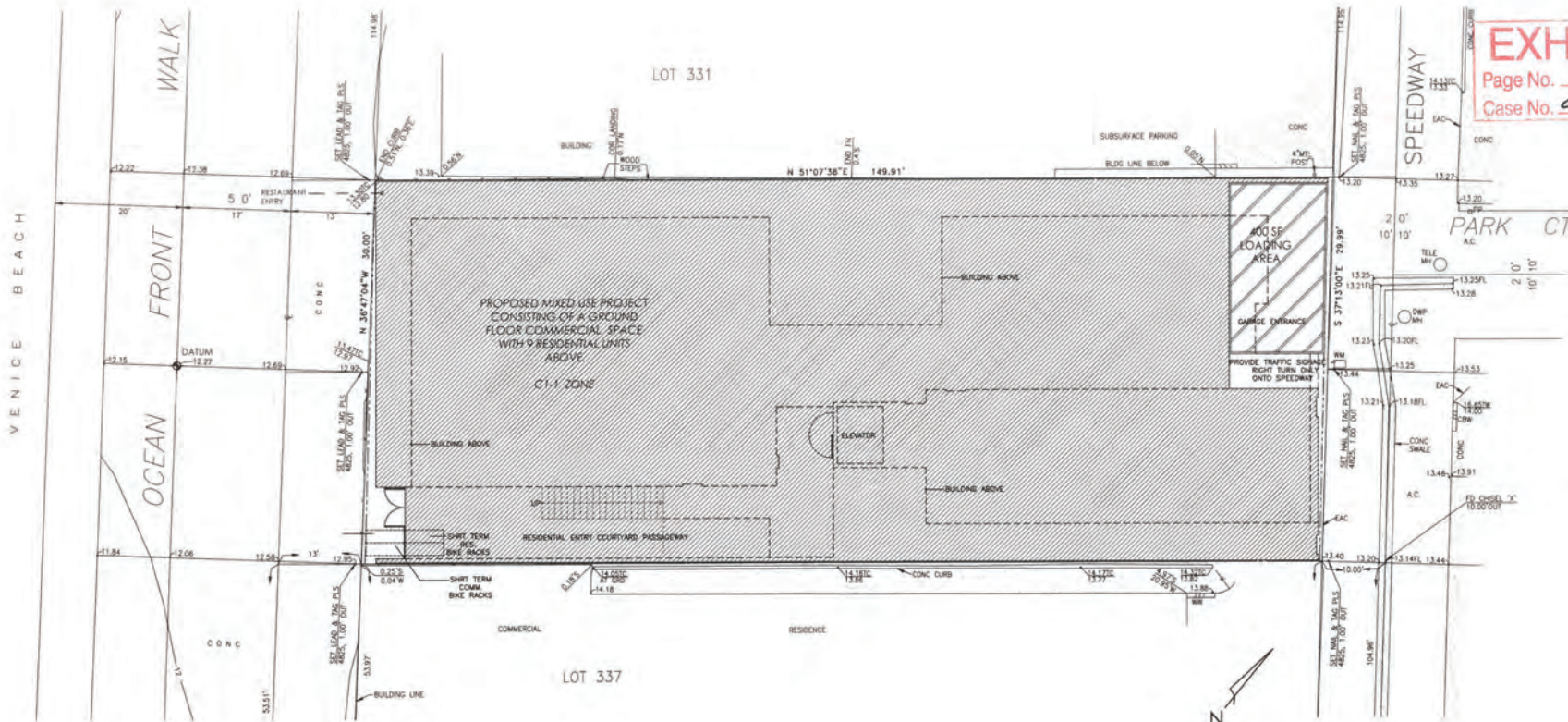
COVER SHEET

A1.0 DI

811 OCEAN FRONT WALK

PRINTED ON 250GSM





SITE PLAN

SCALE: 1/8" = 1' IF PRINTED 36x24
 1/16" = 1' IF PRINTED 19x13

811-815 OCEAN FRONT WALK SB 1818 - MIXED USE PROJECT

811 OCEAN FRONT WALK, CA 90291
 THIS PLAN AND PRELIMINARY SPECIFICATIONS ARE PREPARED FOR THE CITY OF VENICE, CALIFORNIA, AND ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN CONSENT OF REED ARCHITECTURAL GROUP, INC. ANY REVISIONS TO THIS PLAN MUST BE APPROVED BY THE ARCHITECT AND THE CITY OF VENICE, CALIFORNIA.

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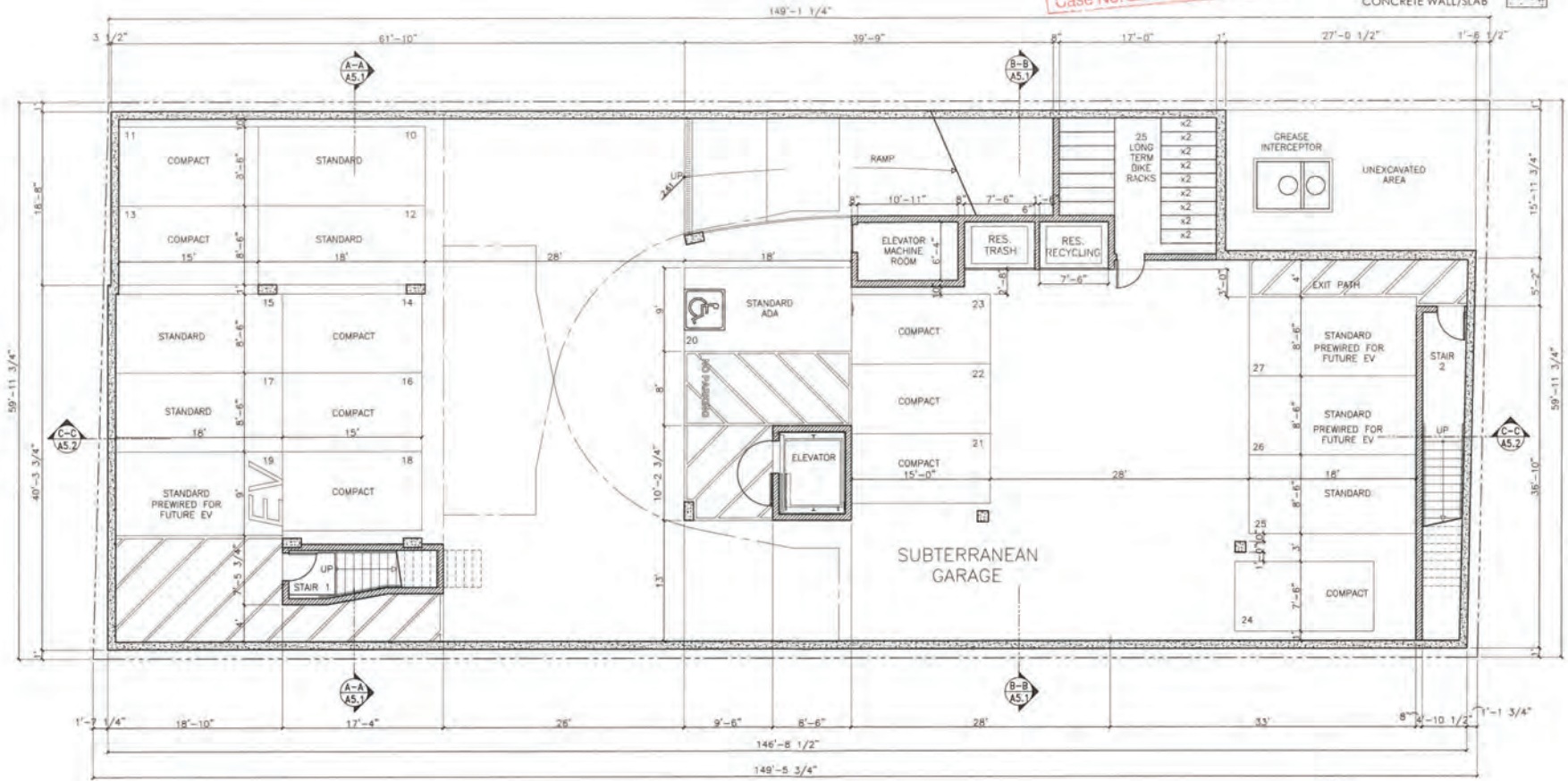
B11 OCEAN FRONT WALK

PRINTED ON 08/08/2020

OCEAN FRONT WALK

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 Case No. CPC-2019-2282

LEGEND
 WOOD FRAMED WALL
 CMU WALL
 CONCRETE WALL/SLAB



P-1 PARKING

SCALE: $\frac{3}{16}''=1'$ IF PRINTED 36x24
 $\frac{1}{32}''=1'$ IF PRINTED 19x13

811-815 OCEAN FRONT WALK
 SB 1818 - MIXED USE PROJECT

811 OCEAN FRONT WALK, CA 90291
 THIS PLAN AND SPECIFICATIONS ARE FOR THE PROJECT OF THE OCEAN FRONT WALK, A MIXED-USE DEVELOPMENT, LOCATED AT THE CORNER OF OCEAN FRONT WALK AND 811TH STREET, IN THE CITY OF OAKLAND, CALIFORNIA. THE PROJECT IS A MIXED-USE DEVELOPMENT, INCLUDING RESIDENTIAL, COMMERCIAL, AND OFFICE SPACE. THE PROJECT IS A MIXED-USE DEVELOPMENT, INCLUDING RESIDENTIAL, COMMERCIAL, AND OFFICE SPACE. THE PROJECT IS A MIXED-USE DEVELOPMENT, INCLUDING RESIDENTIAL, COMMERCIAL, AND OFFICE SPACE.

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08-27-19	REVISIONS: TRASH RM		
09-13-19	UPDATED PLANS		

811 OCEAN FRONT WALK
 DRAWING NO. 00000000

A3.1

RESTAURANT DATA

SERVICE FLOOR AREA: 574 SF

PARKING REQUIRED PER VCZSP: 574/50 = 11 SPACES

TOTAL RESTAURANT AREA (NET): 1,568 SF

TOTAL # OF SEATS:

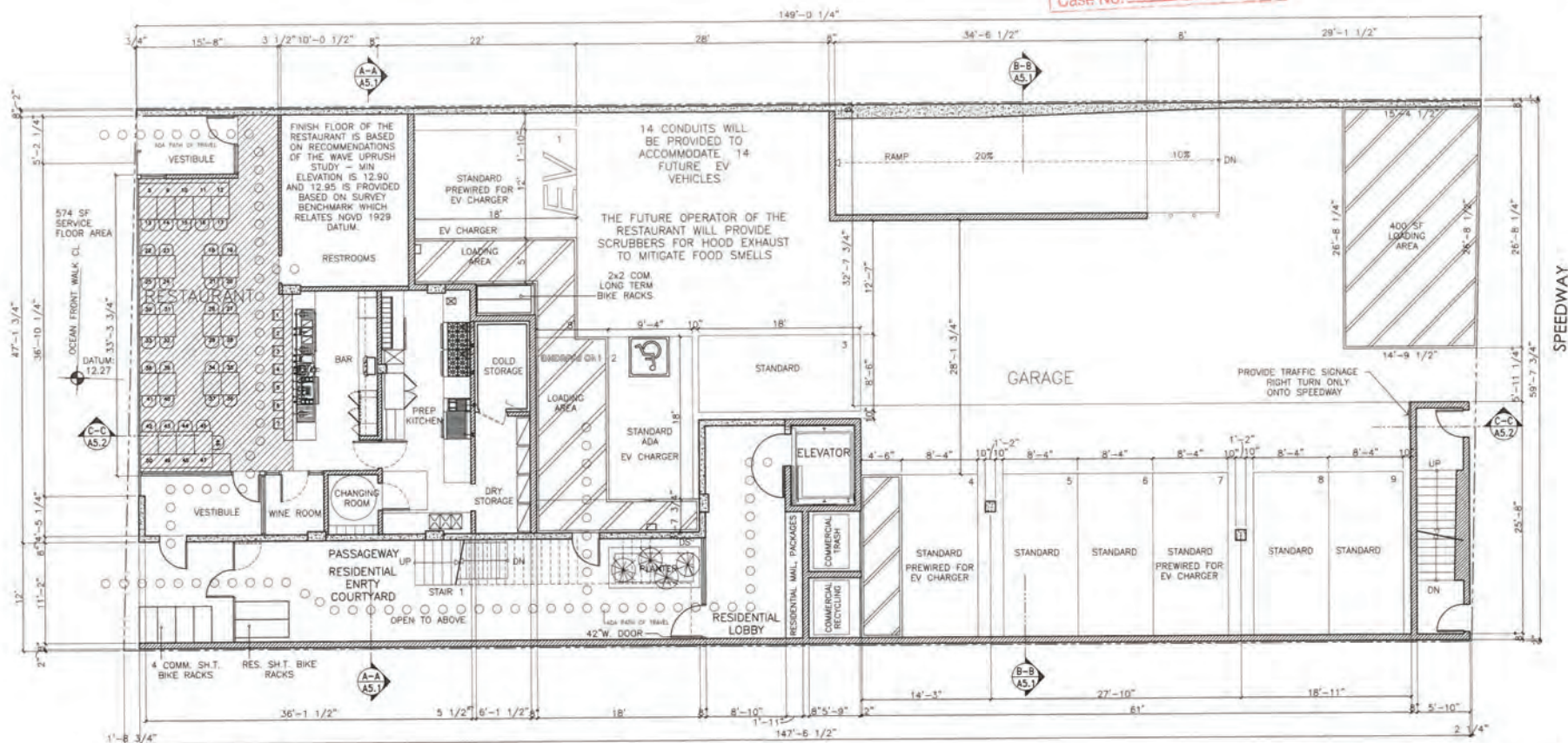
7 COUNTER STOOLS + 43 TABLE SEATS = 50

LEGEND

- WOOD FRAMED WALL
- CMU WALL
- CONCRETE WALL/SLAB

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OCEAN FRONT WALK



1ST FLOOR PLAN

SCALE: 3/4" = 1' IF PRINTED 36x24
3/32" = 1' IF PRINTED 19x13

811-815 OCEAN FRONT WALK

SE 1818 - MIXED USE PROJECT

811 OCEAN FRONT WALK, GP 80891
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03-03-20	PLANNING COMMENTS		
03-28-20	PLANNING SUBMITTAL		

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811 OCEAN FRONT WALK

OPEN SPACE:

REQ'D:
9 x 100: 900 SF

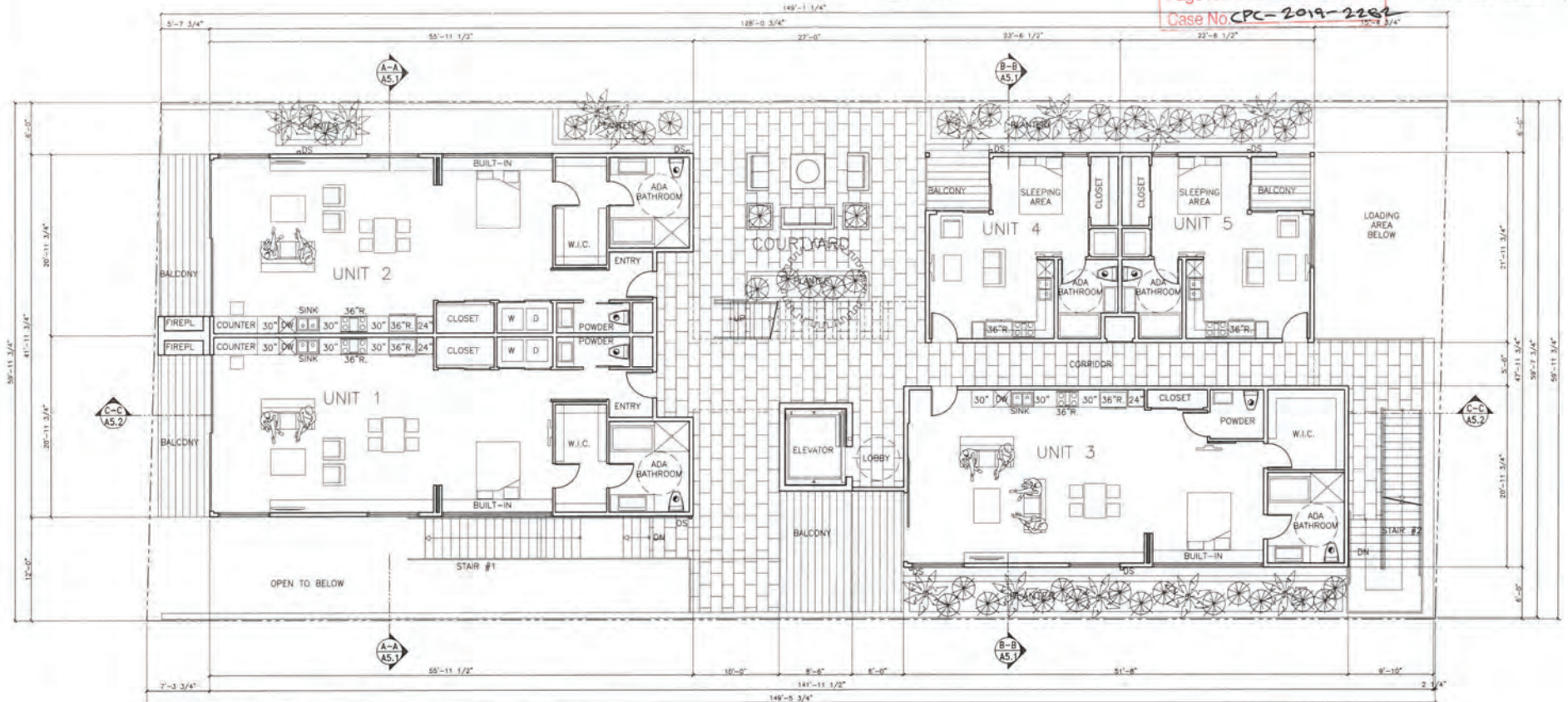
PROVIDED:
9 x 50: 450 SF
CTYD: 454 SF
TOTAL: 904 SF

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LEGEND

WOOD FRAMED WALL 
CMU WALL 
CONCRETE WALL/SLAB 



2ND FLOOR PLAN

SCALE: $\frac{3}{16}$ " = 1' IF PRINTED 36x24
 $\frac{3}{32}$ " = 1' IF PRINTED 19x13

811-815 OCEAN FRONT WALK

SB 1818 - MIXED USE PROJECT

611 OCEAN FRONT WALK, CA 90291
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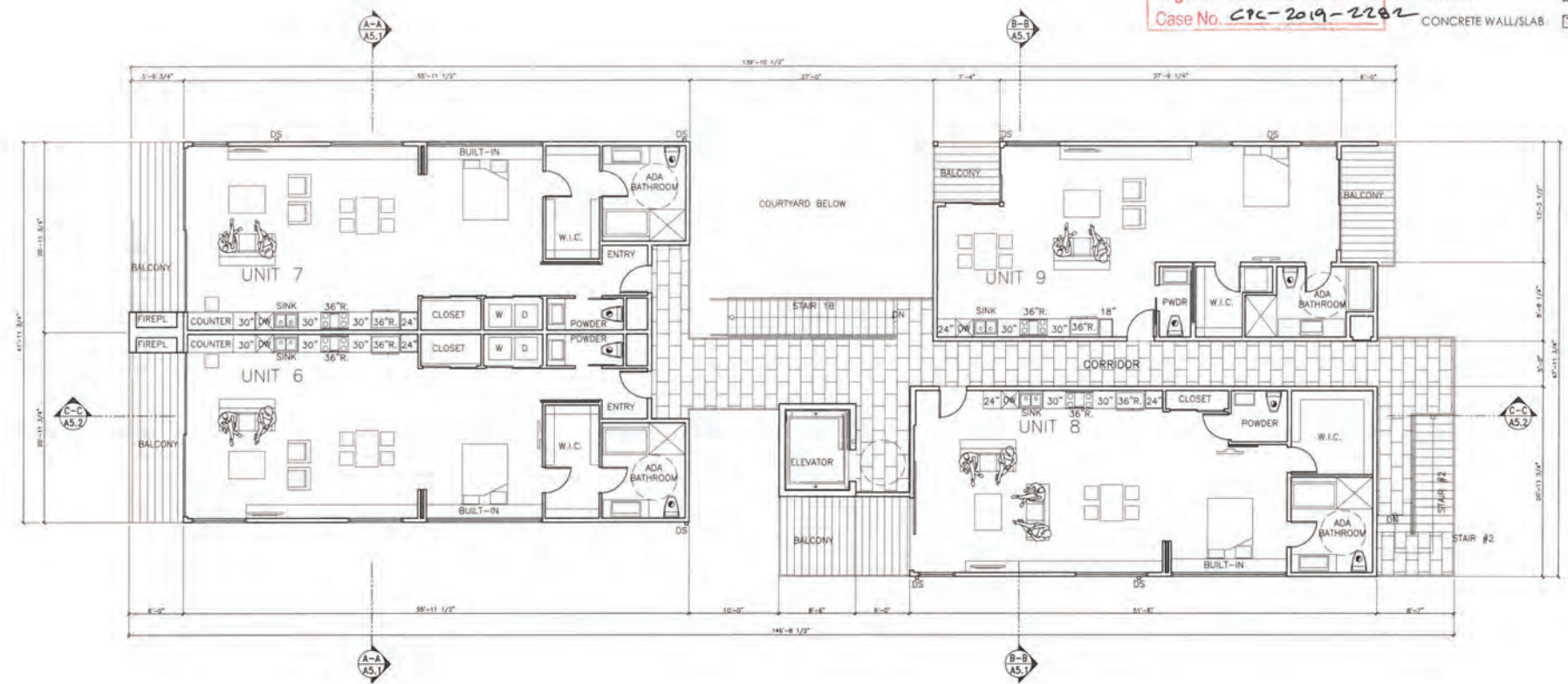
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A3.3 *DT*

811 OCEAN FRONT WALK
PRINTED ON 10/10/2019

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LEGEND
 WOOD FRAMED WALL [Symbol]
 CMU WALL [Symbol]
 CONCRETE WALL/SLAB [Symbol]



3RD FLOOR PLAN

SCALE: $\frac{3}{16}$ " = 1' IF PRINTED 36x24
 $\frac{3}{32}$ " = 1' IF PRINTED 19x13

811-815 OCEAN FRONT WALK
 SE 1818 - MIXED USE PROJECT

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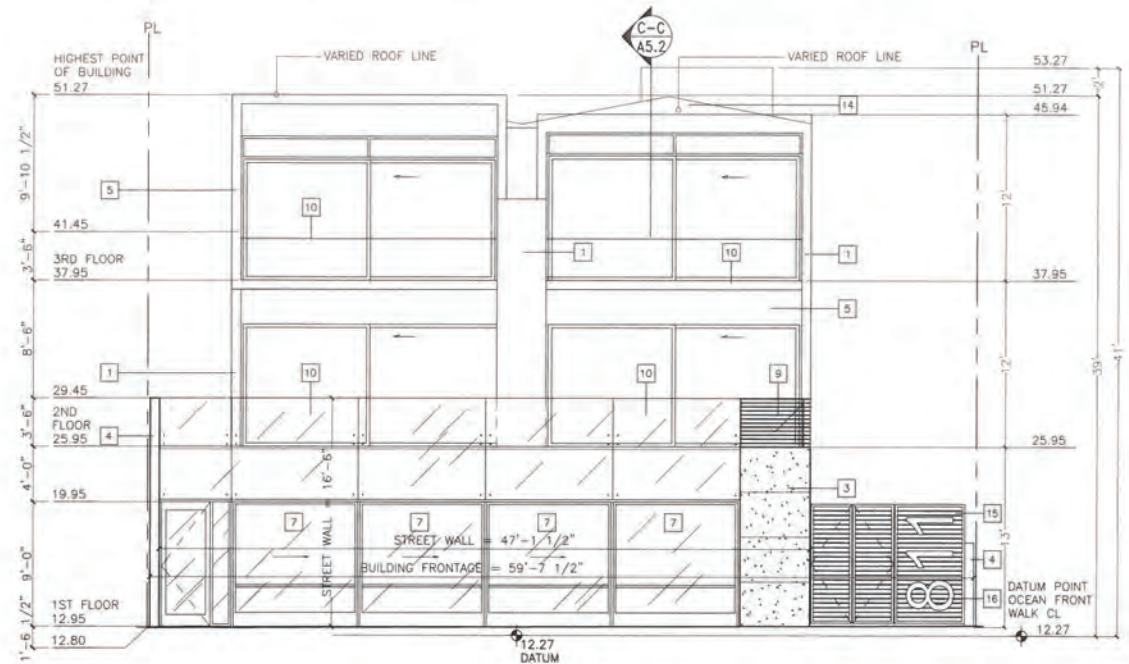
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A3.4
 811 OCEAN FRONT WALK
 PRINTED ON 06/08/2019

GROUND FLOOR COMMERCIAL DEVELOPMENT FOR OCEAN FRONT WALK ELEVATION
 THE VENICE COASTAL DEVELOPMENT PROJECT SHALL INCLUDE A STREET WALL, WHICH SHALL EXTEND FOR AT LEAST 65 PERCENT OF THE LENGTH OF THE BUILDING FRONTAGE.
 50% OF THE AREA OF THE GROUND FLOOR STREET WALL OF A COMMERCIAL VENICE COASTAL DEVELOPMENT PROJECT SHALL BE DEVOTED TO PEDESTRIAN ENTRANCES, DISPLAY WINDOWS OR WINDOWS OFFERING VIEWS INTO RETAIL, OFFICE GALLERY OR LOBBY SPACE.
 BUILDING FRONTAGE = 59'-7 3/4"
 REQUIRED STREET WALL = 65% OF BUILDING FRONTAGE OR 38'-9 1/4"
 PROVIDED STREET WALL = 47'-1 3/4"
 REQUIRED AREA FOR DISPLAY AND ENTRANCE = 50% OF STREET WALL AREA = 0.5 x 532 SF = 266 SF
 PROVIDED AREA FOR DISPLAY AND ENTRANCE = 289 SF = 54% OF STREET WALL AREA.

- | | |
|--|--|
| 1 3/8" PAINTED STUCCO - SMOOTH FINISH | 13 FRAME-LESS GLASS SYSTEM |
| 2 CONCRETE WALL - SCORE LINES PER PLAN | 14 BUILT-UP ROOFING |
| 3 METAL SIDING | 15 METAL GATE |
| 4 8" CMU WALL | 16 ADDRESS NUMBERS - PAINTED METAL SHEET |
| 5 BREAK METAL | 17 BOX GUTTER / DOWNSPOUT |
| 6 STOREFRONT SYSTEM | 18 CONTROL JOINT |
| 7 PAINTED METAL GRATE | 19 STANDING SEAM METAL ROOF |
| 8 PAINTED 42"H. METAL BAR GUARDRAIL SYSTEM | 20 DOWNSPOUT |
| 9 42"H. CLEAR, TEMPERED GLASS GUARDRAIL | 21 PAINTED METAL BEAM / COLUMN |
| 10 PAINTED METAL STAIRS | 22 SKYLIGHT |
| 11 CAST-IN-PLACE CONCRETE PLANTER | 23 WINDOW SYSTEM |



OCEAN FRONT WALK ELEVATION

1/4"=1' IF PRINTED 36x24
 1/8"=1' IF PRINTED 19x13

811-815 OCEAN FRONT WALK
 SB 1818 - MIXED USE PROJECT

811 OCEAN FRONT WALK, 01-10-2019
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 DATE: 04-16-19
 ISSUE/REVISION: PLANNING SUBMITTAL
 DATE: 07-26-19
 ISSUE/REVISION: REVISIONS
 DATE: 08-27-19
 ISSUE/REVISION: REVISIONS: TRSH RING
 DATE: 09-13-19
 ISSUE/REVISION: UPDATED PLANS
 DATE: 11-11-19
 ISSUE/REVISION: SFA REVISIONS
 DATE: 03-03-20
 ISSUE/REVISION: PLANNING COMMENTS
 DATE: 03-26-20
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A4.1

811 OCEAN FRONT WALK
 PRINTED ON 10/26/2021

THE VENICE COASTAL DEVELOPMENT PROJECT SHALL INCLUDE A STREET WALL, WHICH SHALL EXTEND FOR AT LEAST 65 PERCENT OF THE LENGTH OF THE BUILDING FRONTAGE.

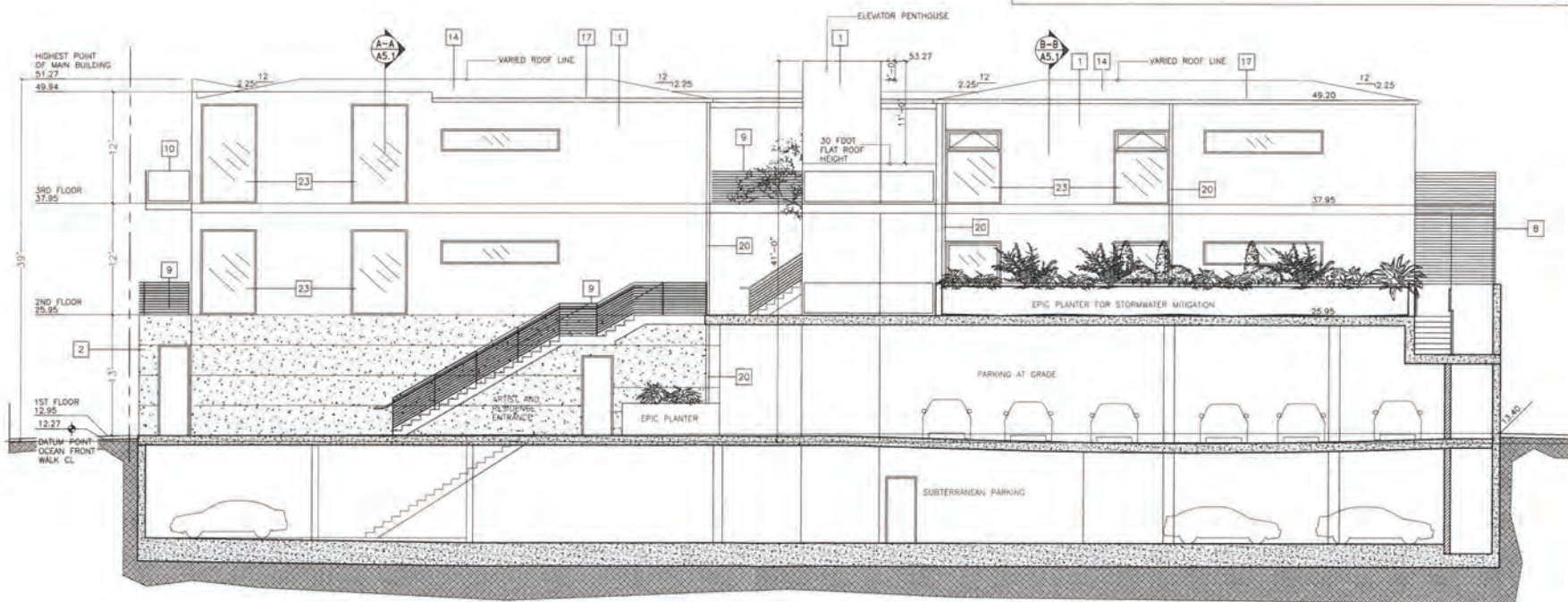
50% OF THE AREA OF THE GROUND FLOOR STREET WALL OF A COMMERCIAL VENICE COASTAL DEVELOPMENT PROJECT SHALL BE DEVOTED TO PEDESTRIAN ENTRANCES, DISPLAY WINDOWS OR WINDOWS OFFERING VIEWS INTO RETAIL, OFFICE GALLERY OR LOBBY SPACE.

BUILDING FRONTAGE= 59'-7 3/4"
REQUIRED STREET WALL= 65% OF BUILDING FRONTAGE OR 38'-9 1/4"
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REQUIRED AREA FOR DISPLAY AND ENTRANCE = 50% OF STREET WALL AREA = $0.5 \times 532 \text{ SF} = 266 \text{ SF}$
 PROVIDED AREA FOR DISPLAY AND ENTRANCE = 289 SF = 54% OF STREET WALL AREA

EXHIBIT "A"
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- | | | | |
|----|--|----|---------------------------------------|
| 1 | 3/8" PAINTED STUCCO - SMOOTH FINISH | 13 | FRAME-LESS GLASS SYSTEM |
| 2 | CONCRETE WALL - SCORE LINES PER PLAN | 14 | BUILT-UP ROOFING |
| 3 | METAL SIDING | 15 | METAL GATE |
| 4 | 8" CMU WALL | 16 | ADDRESS NUMBERS - PAINTED METAL SHEET |
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| 7 | STOREFRONT SYSTEM | 18 | CONTROL JOINT |
| 8 | PAINTED METAL GRATE | 19 | STANDING SEAM METAL ROOF |
| 9 | PAINTED 42"H. METAL BAR GUARDRAIL SYSTEM | 20 | DOWNSPOUT |
| 10 | 42"H. CLEAR, TEMPERED GLASS GUARDRAIL | 21 | PAINTED METAL BEAM / COLUMN |
| 11 | PAINTED METAL STAIRS | 22 | SKYLIGHT |
| 12 | CAST-IN-PLACE CONCRETE PLANTER | 23 | WINDOW SYSTEM |



SOUTH ELEVATION / SECTION

$\frac{3}{16}$ " : 1" IF PRINTED 36x24
 $\frac{3}{32}$ " : 1" IF PRINTED 19x13

811-815 OCEAN FRONT WALK
SB 1818 - MIXED USE PROJECT

B11 OCEAN FRONT WALK, LA B0001
THESE PLANS AND SPECIFICATIONS HAVE
BEEN DEVELOPED FOR THE SCALE INDICATED
AND FOR THE MATERIALS AND METHODS OF
FLOOR COMMERCIAL WEETING MINIMUM
BUILDING CODE STANDARDS. ONLY IF THE
PROJECT HAS NOT BEEN DESIGNED FOR
OTHER THAN THE INTENDED USE AND
PLANS AND SPECIFICATIONS MAY NOT BE
USED FOR ANY EXTENSIVE APPLICATION
BUILDING PERMIT APPLICATION TO CON-
SISTENT WITH THE INTENT OF THE
THE WRITTEN CONSENT OF THE ARCHITECT
NEED ARCHITECTURAL GROUP, INC. DOES
ASSUME ANY LIABILITY FOR ANY INJURY,
LOSS OR DAMAGE ARISING OUT OF ANY
SERVICES PROVIDED HEREON FOR THESE
PLANS AND SPECIFICATIONS TO COMPLY SAID
APPOINTMENT PROJECT TO CONDOMINIUM

THE ABOVE DRAWINGS, SPECIFICATIONS AND DECISIONS ARE THE PROPERTY OF NEED ARCHITECTURAL GROUP. NO PART OF THIS WORK SHALL BE COPIED OR USED WITH ANY OTHER WORK OTHER THAN THAT FOR THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN DEVELOPED WITHOUT THE WRITTEN CONSENT OF NEED ARCHITECTURAL GROUP. NEED ARCHITECTURAL GROUP & JZM1 NEED NAMES ANY AND ALL RESPONSIBILITY FOR PROBLEMS WHICH ARISE FROM FAILURE TO FOLLOW THESE PLANS, SPECIFICATIONS, AND/OR DESIGN. HOWEVER, JZM1 CONVEY, OR FOR PROBLEMS WHICH ARISE FROM THEIR FAILURE TO OBTAIN AND/OR FOLLOW THE DESIGN PROFESSIONAL'S GUIDANCE WITH RESPECT TO ANY ERRORS, OMISSIONS, INCONSISTENCIES, OR CONFLICTS WHICH ARE ALLOCATED.

**REED
ARCHITECTURAL
GROUP, INC.**
657 ROSE AVE. VENICE, CA 90291
Phone: 310 393 9128
Fax: 310 393 2539
www.reedarchgroup.com

DATE	ISSUE/REVISION	DATE	ISSUE/REVISION
01-25-19	PLANNING SUBMITTAL		
02-01-19	REVISIONS		
04-16-19	PLANNING SUBMITTAL		
07-26-19	REVISIONS		
08-27-19	REVISIONS: TRSH RMS		
09-13-19	UPDATED PLANS		
11-11-19	SFA REVISIONS		
03-03-20	PLANNING COMMENTS		
03-26-20	PLANNING SUBMITTAL		

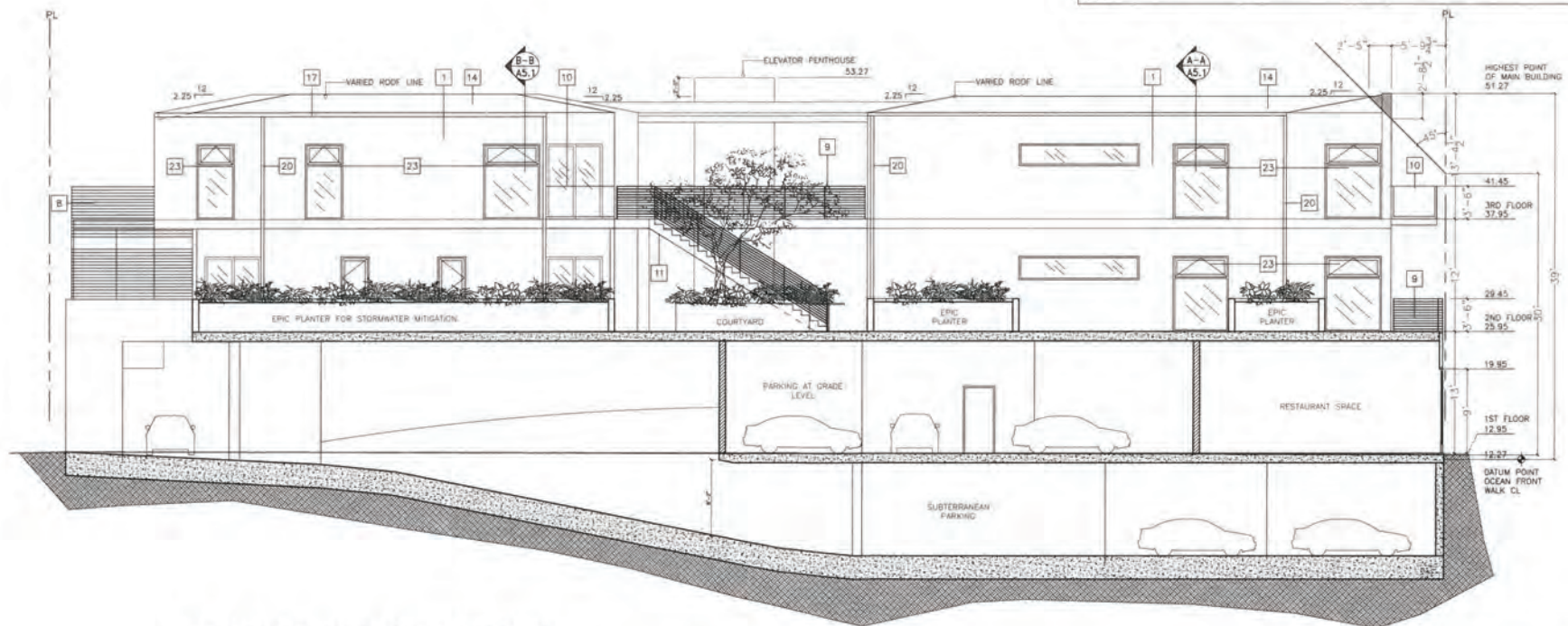
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SIGNED BY THE ARCHITECT

B11 OCEAN FRONT WALK

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EXHIBIT "A"
Page No. 13 of 16
Case No. CPC-2019-2282

- | | | | |
|----|--|----|---------------------------------------|
| 1 | 1/8" PAINTED STUCCO - SMOOTH FINISH | 13 | FRAME-LESS GLASS SYSTEM |
| 2 | CONCRETE WALL - SCORE LINES PER PLAN | 14 | BUILT-UP ROOFING |
| 3 | METAL SIDING | 15 | METAL GATE |
| 4 | 8" CMU WALL | 16 | ADDRESS NUMBERS - PAINTED METAL SHEET |
| 5 | BREAK METAL | 17 | BOX GUTTER / DOWNSPOUT |
| 7 | STOREFRONT SYSTEM | 18 | CONTROL JOINT |
| 8 | PAINTED METAL GRATE | 19 | STANDING SEAM METAL ROOF |
| 9 | PAINTED 42"H. METAL BAR GUARDRAIL SYSTEM | 20 | DOWNSPOUT |
| 10 | 42"H. CLEAR, TEMPERED GLASS GUARDRAIL | 21 | PAINTED METAL BEAM / COLUMN |
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NORTH ELEVATION / SECTION

$\frac{3}{16}$ " : 1" IF PRINTED 36x24
 $\frac{3}{32}$ " : 1" IF PRINTED 19x13

811-815 OCEAN FRONT WALK
SB 1818 - MIXED USE PROJECT

8111 OCEAN FRONT WALK, CA 90281
THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED FOR THE USE OF THE
AS A MIXED USE - RESIDENTIAL AND
FLOOR COMMERCIAL RETAILING MINIMUM
BUILDING CODE STANDARDS (ONLY THE
FUTURE DEVELOPER SHALL BE RESPONSIBLE
FOR THE FUTURE DEVELOPMENT OF THE
PLANS AND SPECIFICATIONS MAY NOT BE
USED FOR ANY FUTURE APPLICATION
BUILDING OR RENOVATION TO THE COM-
MERCIAL PROJECT TO CONFORM WITH
THE WRITTEN CONSENT OF THE ARCHITECT
AND ARCHITECTURAL GROUP, INC. 3000
ADDITIONAL LIABILITY FOR ANY BUILDING
OR RENOVATION SHALL BE THE RESPONSIBILITY
SERVICES PROVIDED AND/OR THESE PLANS
AND SPECIFICATIONS TO CONVERT SAID
APARTMENT PROJECT TO CONDOMINIUM

THE ABOVE DRAWINGS, SPECIFICATIONS AND DESIGN ARE THE PROPERTY OF REED ARCHITECTURAL GROUP. NO PART THEREOF SHALL BE COPIED OR USED WITH ANY OTHER FIRM. OTHER THAN THE REED ARCHITECTS FOR WHICH THEY HAVE BEEN DEVELOPED. NO PART SHALL BE LOANED OR REPRODUCED WITHOUT THE CONSENT OF REED ARCHITECTURAL GROUP. REED ARCHITECTURAL GROUP & JOHN REED ASSOCIATES ACCEPT NO RESPONSIBILITY AND LIABILITY FOR PROBLEMS WHICH ARISE FROM FAILURE TO FOLLOW THESE PLANS, SPECIFICATIONS AND DESIGN NOTICES. REED ARCHITECTS AND JOHN REED ASSOCIATES ACCEPT NO RESPONSIBILITY AND LIABILITY FOR PROBLEMS WHICH ARISE FROM OTHER FAILURE TO OBTAIN AND/OR FOLLOW THE DESIGN PROFESSIONAL'S DESIGN WITH RESPECT TO ANY LOADS, DIMENSIONS, INCONSISTENCIES, OMISSIONS OR CONFLICTS WHICH ARE ALLEGED.

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A4.4

B11 OCEAN FRONT WALK

Page No. 14 of 16
Case No. CPC-2019-2282



- ### LEGEND

- WOOD FRAMED WALL
- CMU WALL 
- CONCRETE WALL/SLAB 

SB 1818 - MIXED USE PROJECT

[illegible]

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11-11-19	SFA REVISIONS		
03-03-20	PLANNING COMMENTS		
03-26-20	PLANNING SUBMITTAL		

A5.1

B11 OCEAN FRONT WALK
PRINTED ON RECYCLED PAPER

Exhibit 3 – City Determination Letter



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **DEC 15 2020**

Case No. CPC-2019-2282-CDP-MEL-SPP-DB-CUB

Council District: 11 – Bonin

CEQA: ENV-2019-2284-CE

Plan Area: Venice Coastal Zone – North Venice Subarea

Project Site: 811 and 815 South Ocean Front Walk

Applicant: Vera J. Sutter and Gary L. Sutter MD, 811 Ocean Front Walk, LLC and 815 Ocean Front Walk, LLC
Representative: John G. Reed, Reed Architectural Group, Inc.

At its meeting of **December 3, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level.


1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.20.2 of the Los Angeles Municipal Code (LAMC), a Coastal Development Permit for the proposed Project in the dual permit jurisdiction of the California Coastal Zone;
3. **Approved**, pursuant to Sections 65590 and 65590.1 of the California Government Code and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, a Mello Act Compliance Review for the demolition of nine Residential Units and the construction of nine Residential Units in the Coastal Zone;
4. **Approved**, pursuant to LAMC Section 11.5.7, a Project Permit Compliance Review for a project within the North Venice Subarea of the Venice Coastal Zone Specific Plan;
5. **Approved**, pursuant to LAMC Section 12.22 A.25, a Density Bonus Affordable Housing Incentive Program Review for a housing development project comprised of nine dwelling units, of which one unit will be set aside for a Low Income Household and requesting the following Incentive and Waivers of Development Standards:
 - a. An On-Menu Incentive to permit a maximum building height of 39 feet in lieu of 35 feet, as otherwise permitted by the Venice Coastal Zone Specific Plan Section 10.F(3)(a);
 - b. A Waiver of Development Standards to permit a six-foot in width passageway in lieu of a 12-foot passageway, as otherwise required by LAMC Section 12.21.C(2)(b);
 - c. A Waiver of Development Standards to permit a two-foot nine-inch by two-foot five-inch triangular portion of the upper portion of the building to encroach into the 45 degree step-back plane, as otherwise required by the Venice Coastal Zone Specific Plan Section 10.F(3)(a); and

- d. A Waiver of Development Standards to permit a Roof Access Structure with a maximum height of 12 feet in lieu of 10 feet, as otherwise permitted by the Venice Coastal Zone Specific Plan Section 9.C(1)(a);
6. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit, for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption within a 1,568 square foot restaurant having 574 square feet of Service Floor area with 50 seats;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
Second: Choe
Ayes: Ambroz, Khorsand, Lopez-Ledesma, Mack, Millman
Absent: Leung, Relan

Vote: 7 - 0



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Density Bonus and Waiver of Development Incentives are not appealable. All remaining actions are appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: DEC 30 2020

Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Commission's action on the Coastal Development Permit shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The Applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to

California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure,
Appeal Facts Sheet

c: Faisal Roble, Principal City Planner
Juliet Oh, Senior City Planner
Ira Brown, City Planner

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on December 3, 2020)

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped Exhibit "A" attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Residential Density.** The project shall be limited to a maximum density of 9 dwelling units.
4. **Affordable Units.** A minimum of one unit, that is 10 percent of the total 9 dwelling units, shall be reserved for Low Income Households, as defined by Government Code Section 65915(c)(1) or (c)(2).
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-d).
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make one (1) unit available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
7. **Height (On-Menu Incentive).** The proposed building shall not exceed a maximum height of 39 feet, as measured from the midpoint of the centerline of Ocean Front Walk to the highest point of the roof (varied roofline).
8. **Passageway (Waiver of Development Standards).** The project shall provide a passageway of at least six feet in width.
9. **Third Story Step-back (Waiver of Development Standards).** The project shall provide a maximum two-foot nine-inch by two-foot five-inch encroachment into the 45 degree step-back plane of the upper portion of the building, as shown Sheet A4.4 of Exhibit A.
10. **Roof Access Structure (Waiver of Development Standards).** The project shall be limited to a Roof Access Structure with a maximum height of 12 feet and the area within the outside walls shall not exceed 100 square feet as measured from the outside walls.

11. **Parking and Access.** Based upon the number of dwelling units, Service Floor area, Ground Floor area proposed, 30 parking spaces shall be provided; all vehicle access shall be from Speedway.
- a. Residential Use – A minimum of 17 unbundled parking spaces shall be provided.
 - i. Residential Parking (Affordable Housing Unit) – Vehicle parking for the Affordable Housing Unit shall be provided consistent with LAMC Section 12.22-A.25, Parking Option 1 providing one (1) parking space.
 - ii. Residential Parking (Market Rate Housing Unit) – A minimum of 16 parking spaces shall be provided.
 - iii. Notwithstanding the above subparagraphs i. and ii, required parking in a Housing Development Project that qualifies for a Density Bonus may be rented separately from the dwelling units, so that tenants have the option of renting a unit without a parking space. The separate rental of a dwelling unit and a parking space shall not cause the rent of a Restricted Affordable Unit (or the parking space) to be greater than it would otherwise have been.
 - b. Restaurant Use – The proposed 1,568 square foot restaurant is limited to 574 square foot of Service Floor area. Eleven parking spaces are required (one space for each 50 square feet of Service Floor area). Pursuant to LAMC Section 12.21-A.4, a maximum 30% of the required commercial vehicle parking may be replaced with bicycle parking. Eight vehicle parking spaces are provided, and three spaces will be replaced with 12 bicycle parking spaces.
 - c. Beach Impact Zone (BIZ) – A minimum of two parking spaces are required, one space for each 640 square feet of Ground Floor area.
12. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
13. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
14. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A.16.
15. **Open Space.** The project shall provide open space consistent with LAMC Section 12.21-G.
16. **Landscaping.** A final landscape plan shall be submitted that is substantial conformance with the landscape plan in Exhibit “A”. Open areas not used for buildings, driveways, parking areas, recreational facilities, pedestrian amenities, or walkways shall be landscaped. The landscape plan shall include an irrigation plan. Landscaping shall be maintained in good health for the life of the project.

17. **Solar Panels.** The project shall dedicate a minimum of 15% of the available rooftop space, for the installation of a solar power system as part of an operational photovoltaic system to be maintained for the life of the project, in substantial conformance with the plans stamped "Exhibit A". The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
18. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, Environmental Sensitive Areas, the public right-of-way, nor from the above.
19. **Trash.** Separate trash collection areas for residential and commercial trash collection shall be maintained, and shall also accommodate the separate collection of recyclable trash. The separate trash collection areas shall be clearly identified on final plans submitted for review and sign-off.
20. **Service Floor Area.** The ground floor restaurant is limited to a maximum Service Floor, as defined in the Venice Coastal Zone Specific Plan, of 574 square feet.
21. **Dual Permit Jurisdiction Area.** The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission and shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
22. **Minimum Elevations:** The Finished Floor Elevation (FFE) of the Project shall not be lower than the Base Flood Elevation identified in the governing floor zone plus one feet.
23. **Street Wall:** Commercial buildings located on Ocean Front Walk shall have the Street Wall set zero feet from the building line and shall have a minimum height of 13 feet.
24. **Ground Floor:** At least 50 percent of the area of the Ground Floor Street Wall of the Project shall be devoted to pedestrian entrances, display windows or windows offering views into retail, office gallery or lobby space.
25. Blank Walls shall be limited to segments of 15 feet in length, except that Blank Walls that contain a vehicle entry door shall be limited to the width of the door plus five feet.
26. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Alcoholic Beverage Conditions

27. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the proposed 1,568 square-foot restaurant with a 574 square feet of Service Floor area from the effective date of this grant. Subject to the following limitations:
 - a. The seating area shall be limited to a maximum of 50 interior seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - b. Hours of operation shall be limited to 7:00 a.m. to 2 a.m., daily.

28. No after-hour use is permitted, except for routine clean-up. This includes but is not limited to private or promotional events, special events, but is excluding any activities which are issued film permits by the City.
29. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

30. STAR/LEAD Training. Within the first six months of operation or the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training.
31. STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
32. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
33. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
34. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
35. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
36. Parking for the restaurant use shall be provided in compliance with the Venice Coastal Zone Specific Plan, Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the commercial use parking requirements has been requested or granted herein.

37. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
38. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
39. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
40. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
41. Designated Driver Program. Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus.
42. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall comply Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
43. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
44. Private Events. Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
45. Prior to the utilization of this grant, the applicant shall submit the restaurant's menu to the case file to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
46. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
47. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.

48. There shall be no live entertainment or amplified music on the premises including but not limited to karaoke, disc jockey, topless entertainment, male or female performers or fashion shows. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant.
49. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience, shall be limited to background music at a low volume such that it is not audible beyond the premises. Independent, professional or amateur disc jockeys are not allowed.
50. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing in the outdoor patio area at any time.
51. There shall be no speakers or amplified sound permitted in the outdoor dining area.

Administrative Conditions

52. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
53. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
54. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
55. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
56. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
57. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

58. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

59. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

60. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with

respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

Entitlement Findings

1. Coastal Development Permit Findings

- a. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.***

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. The applicable provisions are as follows:

Article 2 Public Access

Section 30211 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.

Section 30212 (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The subject property is comprised of two private lots located on Ocean Front Walk, mid-block between Park Avenue and Brooks Avenue Avenues. The subject property is developed with three residential buildings and does not provide public access to the beach. Access to the Venice Beach Shoreline is provided by Park Avenue (Walk Street) located approximately 115 feet to the north of the property and Brooks Avenue, located approximately 86 feet to the south of the property. Park Avenue and Brooks Avenue provide adequate public access to the beach and shoreline. The proposed development is limited to the subject property. No work is proposed in the public right-of-way. Therefore, the proposed mixed-use will not interfere with or obstruct the public's right to access to coastal resources.

Article 5 Land Resources

Section 30240 requires the protection of environmentally sensitive habitat areas and to prevent significant impacts on such areas.

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.

The Project site is identified in Venice Land Use Plan as a site located adjacent to the beach which is an Environmentally Sensitive Habitat Area (ESHA). The project site is separated from the ESHA by Ocean Front Walk, a pedestrian pathway. The proposed development would be fully developed within the boundaries of the private lots and would not impact sensitive habitat areas.

The Project site currently improved with structures and is not located in an area identified to contain paleontological or archaeological resources. The proposed excavation and grading are subject to review by the Los Angeles Department of Building and Safety (LADBS) and compliance with the Los Angeles Building Code. In the event archaeological or paleontological resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place.

Article 6 Development

Section 30250 New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed Project can be accommodated by the existing infrastructure and by the existing public services. The project site is contiguous with and in close proximity to existing developed areas that are able to accommodate it.

The subject property is zoned for commercial uses on property which fronts on a public right-of-way (Ocean Front Walk) that directly serves a beach. The project proposes a ground-level, 50-seat restaurant with nine dwelling units above to replace the existing buildings which together contain nine residential units. This portion of Ocean Front Walk is developed with a mixture of tourist-serving commercial retail uses and residential uses. The property is not located in an area suitable for an agriculture use, nor to directly support recreational boating uses.

There are multiple mixed-use projects and multifamily residential projects along Ocean Front Walk dating from 1910 to 2007. These buildings range in height between 30 feet and 76 feet and vary between three stories and six stories. Along Ocean Front Walk, there are

seven buildings that vary between four stories and six stories and 13 three-story buildings between Rose Avenue and 17th Avenue.

The subject property is located along a commercial strip fronting on Ocean Front Walk, a pedestrian walkway that fronts on Venice Beach. This commercial strip is part of the larger Venice Boardwalk, which is a regional and international tourist attraction. Surrounding properties include a mix of residential and commercial uses. The northwestern adjoining property, fronting on Ocean Front Walk, Speedway, and Park Avenue, is zoned C1-1 and developed with a one- and two-story multi-tenant commercial retail building. The northeastern and eastern adjoining properties, across Speedway, are zoned RD1.5, and developed with a two- and three-story residential duplex and a three-story single-family dwelling. The southeastern adjoining property, fronting Ocean Front Walk, Speedway, and Brooks Avenue is zoned C1-1 and developed with a two-story-over-garage multi-unit residential building fronting on Speedway and Brooks Avenue and a one-story multi-tenant commercial building fronting on Ocean Front Walk.

Many buildings along Ocean Front Walk are three-stories or more in height, many contain both commercial and residential components, and most maximize their development potential according to the size of their lot. The architectural character of nearby development includes an eclectic mix of architectural styles including modern and contemporary style buildings. The project's proposed contemporary design fits into the architectural diversity of the neighborhood. The building facades clearly identifies the commercial from residential uses with the use of color and material changes. The project height, massing and scale of the project is consistent with existing buildings along Ocean Front Walk. The requested four-foot height increase will not adversely impact the scale of the street. Additionally, the residential portion of the project, levels 2 and 3, are set back 5 feet from the property line decreasing the visual impact of the project along sidewalk of Ocean Front Walk. Therefore, the Project is visually compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

The proposed Project is located between the first public road and the sea and is located more than 140 feet from the beach. Adequate parking will be provided onsite within at-grade and subterranean parking. The proposed project will not interfere with or obstruct the public's right to access to coastal resources. The proposed development will not have any adverse impacts on public access to the coast. Additionally, the proposed project will comply with the requirements of the Venice Coastal Zone Specific Plan which establishes design guidelines for project. The proposed project will neither interfere nor reduce access to the shoreline as the site does not have direct access to any water or beach. As such, the project will not have a significant adverse impact on coastal resources.

Section 30253 states new development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) 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. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed development is located within a methane, liquefaction, and tsunami inundation zone, and within 4.75 kilometers of the Santa Monica Fault. As such, the project

is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The property is also located within Zone B, Areas of 500-year flood.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, updated and adopted On November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: *Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas. As discussed in the analysis, there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45).* Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

However, this proposed project, a Wave Uprush Study/Coastal Engineering Report (February 1, 2020) was prepared by Pacific Engineering Group for the subject property to determine the wave uprush limit and design parameters for the proposed project. The Report analyzed the project's vulnerability to flood hazards, considering a scenario of a minimum 5.5-foot sea level rise and a 100-year storm scenario. The analysis found that the maximum storm wave uprush at the property will occur 145 feet seaward of the subject property. The report provides recommendations for foundation systems, minimum finished floor elevations, and construction materials. The report concluded that the project will not have an adverse effect on the normal coastal and littoral processes along the shoreline provided the project is constructed per the elevations and recommendations in the report and that the construction will not have any effect on the natural coastal hazards affecting any of the adjacent structures or properties. Furthermore, any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

The proposed development will have no adverse impacts on public access, recreation, public views, or the marine environment. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, to a maximum height of 39 feet, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

- b. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.***

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be

made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. The subject site is located within the North Venice Subarea with a land use designation of Community Commercial and zoned C1-1.

The following are applicable policies from the certified LUP:

Policy I.B.6 Community Commercial Land Use. The areas designated as Community Commercial will accommodate the development of community serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses.

Uses/Density: On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.

The applicant is proposing the construction use and maintenance of a three-story 39-foot high, approximately 13,412 square foot, mixed-use building containing a 1,568 square foot ground level restaurant, two upper residential levels with nine dwelling units, including one unit set aside as a Low Income unit, and at grade parking and a subterranean parking level providing a total of 30 required on-site parking spaces. The ground floor level contains a restaurant fronting on Ocean Front Walk designed with 574 square feet of Service Floor area and 50 seats. The ground floor restaurant will enhance the pedestrian experience, providing neighborhood-serving commercial uses and dining options. The proposed neighborhood serving uses have the added benefit of attracting more pedestrian activity to activate the streets in the surrounding area.

Commercially zoned properties in the North Venice Subarea are limited to a maximum of one dwelling unit per 800 square feet of lot area using the R3 density standard. The proposed project with a lot area of 9,001 square feet would allow for 11 dwelling units to be built. The Project proposes the construction of nine dwelling units.

Policy I.B.7 Commercial Development Standards. The following standards shall apply in all commercial land use designations, unless specified elsewhere within this Land Use Plan.

Density/Intensity: Maximum Floor Area Ratio (FAR)

- 0.5 to 1 for retail only (including restaurants)*
- 1.0 to 1 for retail / office*
- 1.5 to 1 for retail and/or office and residential*

Lot Consolidation. Two commercial lots may be consolidated, or three with subterranean parking with the following restrictions:

- 1. Methods for insuring that the structure does not look consolidated (breaks in front wall of ten feet minimum) shall be utilized.*
- 2. Subterranean parking shall be fully depressed with roof at natural grade.*

Yards: Per the following Ground Level Development Policy which requires that commercial development be designed in scale with, and oriented to, the adjacent pedestrian accessways (i.e. sidewalks).

Ground Level Development: Every commercial structure shall include a Street Wall, which shall extend for at least 65% of the length of the street frontage, and shall be located at the property line or within five feet of the property line, except on Ocean Front Walk, where all commercial buildings shall have the Street Wall set zero (0) feet from the building line. The required Street Wall at sidewalk level shall be a minimum of 13 feet high. (A Street Wall is the exterior wall of a building that faces a street.)

Street Walls adjacent to a sidewalk café, public plaza, retail courtyard, arcade, or landscaped area may be setback a maximum of 15 feet along the project which consists of the sidewalk café, public plaza, retail courtyard, arcade, or landscaped area. Such areas shall not be considered in calculating the buildable area of a project but, with the exception of areas used only for landscaping, shall be considered in calculations for required parking.

The Venice Land Use Plan permits a Floor Area Ratio (FAR) of 1.5 times the buildable area of the lot for mixed-use projects in the C1-1 zone (VSP Section 11.B.3). The buildable lot area is 9,001 square feet, so a FAR of 1.5 to 1 permits a total floor area of approximately 13,502 square feet. The project proposes a maximum FAR of 1.49, a total project size of 13,412 square feet.

The project consists of the consolidation of two lots with one level of subterranean parking providing 30 required parking spaces. The subterranean parking structure is fully below the natural grade.

The proposed ground floor commercial will include a full-service restaurant and that restaurant space will front on Ocean Front Walk, observing no setback from the building line. Ground floor uses will enhance the pedestrian experience, providing neighborhood-serving commercial uses and dining options. The proposed neighborhood serving uses have the added benefit of attracting more pedestrian activity which will help to activate the streets in the surrounding area.

Policy I.A. 14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A. 13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

The proposed Project includes the demolition of nine existing residential dwelling units within three buildings, and the construction use and maintenance of a three-story 39-foot high, approximately 13,412 square foot, mixed-use building containing a 1,568 square foot ground level restaurant, two upper residential levels with nine dwelling units, including one unit set aside as a Low Income unit, and at grade parking and a subterranean parking level providing a total of 30 required on-site parking spaces. Vehicle parking for the Affordable Housing Unit is provided consistent with LAMC Section 12.22-A.25, Parking Option 1 providing one parking space. The required parking for the market rate housing units and commercial use is provided consistent with Venice Coastal Zone Specific Plan Parking Requirement Table (Policy II.A.3) providing 27 parking spaces.

Policy II. A. 4. Parking Requirements in the Beach Impact Zone (BIZ). Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Projects within the Beach Impact Zone (BIZ) shall provide one parking space for each 640 square feet of floor area of the ground floor commercial. The project contains 1,568 square foot of ground floor commercial floor area necessitating an additional 2 parking spaces for the BIZ requirement.

- c. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.***

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.” On June 14, 2001, the Coastal Commission certified the Venice Coastal Zone Land Use Plan (LUP), which provides policies and development standards to guide development in the Venice Coastal Zone. As discussed in Finding 1.b, the proposed development is consistent with the applicable policies of the certified LUP. Furthermore, the Regional Interpretive Guidelines do not outline specific guidelines for development in the North Venice Subarea.

- d. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.***

The project consists of the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats and is located within the dual permit jurisdiction of the Coastal Zone, where the local jurisdiction (City of Los Angeles) issues Coastal Development Permits and the Coastal Commission will render a decision on the a second Coastal Development Permit. The Coastal Commission took action on the following residential projects in the Venice Coastal Zone:

Application Nos. 5-18-0212 and A-5-Ven-18-0017 (appeal) – On November 28, 2018, the Commission approved a Coastal Development Permit (de novo hearing) for the demolition of an existing residential structure containing two dwelling units and three guest rooms and the construction of a new 3, 139 square-foot, two-story single-family dwelling with an attached four-car garage, basement having no habitable rooms, and a roof deck, at 3011 South Ocean Front Walk in the dual permit jurisdiction of the Coastal Zone.

Application No. A-5-VEN-19-0020 (appeal) – On June 12, 2019, the Commission found No Substantial Issue with the City’s approval of a Coastal Development Permit for the

development of a four-story, 44-foot tall, 35 unit affordable housing project (supportive housing) providing 17 vehicle and 48 bicycle parking spaces on two consolidated lots at 718-720 Rose Avenue, in the single permit jurisdiction.

Application No. A-5-VEN-05-206 (appeal) – On August 9, 2005, the Commission approved a Coastal Development Permit (de novo hearing) for the development of a three-story, 37-foot tall (up to 50 feet for one clock tower), mixed use project comprised of 70 residential condominium units of which seven are restricted for Very Low Income Households, five live/work units, and one ground floor commercial use (bakery/restaurant), providing 247 parking spaces within a subterranean garage; the project is located on eight consolidated lots at 512 Rose Avenue, in the single permit jurisdiction.

In these decisions, the Coastal Commission approved Density Bonus incentives for increased height, determining that the resulting development would be consistent and visually compatible with existing development in the project vicinity. The Commission also found that reduced parking was consistent with the Policy I.A.4 of the certified LUP and provided: “In a recent study conducted by Fehr & Peers in April 20, 2017, 42 affordable housing sites within the City of Los Angeles were surveyed for vehicle trip generation and parking. The results indicate that parking utilization ratios are less than the ratios required in the certified LUP. The study indicated that permanent supportive affordable housing, created a demand between 0.2 and 0.48 spaces per unit.

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

- e. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.***

Section 30210 of the Coastal Act states the following in regards to public access:

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, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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.

The subject site is located on the eastern (inland side) of Ocean Front Walk, between Park Avenue to the north and Brooks Avenue to the south, both within 120 feet of the property and of which provide vehicle as well as pedestrian access to Venice Beach. Ocean Front Walk is a public right-of-way which separates the beach from developed inland areas. There is no evidence of any previous public ownership of the lot and the project does not conflict with the goal of providing appropriately located public access points to the coast.

f. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

A Categorical Exemption, ENV-2019-2284-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act. The project proposes the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15332 (In-fill Development). A full discussion is provided in Finding Number 6 – Environmental Finding.

2. Density Bonus/Affordable Housing Incentives Compliance Findings

The applicant requests one (1) On-Menu Incentive and three (3) Waiver of Development Standards pursuant to the Density Bonus/Affordable Housing Incentives Program, as follows:

- An **On-Menu Incentive** to permit a maximum building height of 39 feet in lieu of 35 feet, as otherwise permitted by Venice Coastal Zone Specific Plan Section 10.F(3)(a),
- A **Waiver of Development Standards** to permit a six-foot in width passageway in lieu of a 12-foot passageway, as otherwise required by LAMC Section 12.21.C(2)(b),
- A **Waiver of Development Standards** to permit a two-foot nine inch by two-foot five inch triangular portion of the upper portion of the building to encroach into the 45 degree step-back plane, as otherwise required by the Venice Coastal Zone Specific Plan Section 10.F(3)(a), and
- A **Waiver of Development Standards** to permit a Roof Access Structure with a maximum height of 12 feet in lieu of 10 feet, as otherwise permitted by the Venice Coastal Zone Specific Plan Section 9.C(1)(a).

Following is a delineation of the findings related to the request for the On-Menu Incentive and Waivers of Development Standards pursuant to Government Code 65915 and LAMC Section 12.22.A.25. The Commission shall approve a Density Bonus and requested Incentives unless the Commission makes a finding based on substantial evidence that:

a. The incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low-, low-, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of On-Menu Incentives in LAMC Section 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Planning Department will always arrive at the conclusion that the Density Bonus On-Menu Incentives provide identifiable and actual cost reductions that provide for affordable housing costs, because the Incentives by their nature increase the scale of the project, allow the construction of increased residential floor area, allow for processing, construction and design efficiencies, and collectively allow more market-rate floor area whose rents will subsidize the affordable units.

Height. The project site is zoned C1-1. The 1 height district limits which provides for unlimited building height. The Venice Coastal Zone Specific Plan further limits building height to 35 feet. The applicant requests a height of 39 feet. Pursuant to LAMC Section 12.22 A.25(f)(5), the project is eligible for a percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Project is eligible; the height increase shall not exceed 11 feet or one story. The requested On-Menu Incentive for an 4-foot increase in height is expressed in the Menu of Incentives per LAMC Section 12.22 A.25(f) and as such, allows exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive will allow the developer to expand the building envelope and build an additional story, increasing the overall space dedicated to residential use.

- b. The incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects.

The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

- c. The incentives are contrary to state or federal law.**

There is no substantial evidence in the record that the requested incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for the Waiver of Development Standards, pursuant to Government Code Section 65915.

Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested Waivers of Development Standard(s) unless the Commission finds that:

d. The waiver(s) or reduction(s) of development standard(s) are contrary to state or federal law.

A project that provides 10 percent of base units for Low Income Households qualifies for one (1) Incentive, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as Waivers of Development Standards. Without the below Waivers, the existing development standards would physically preclude development of the base units, proposed density bonus units, build out of the incentives, and project amenities:

Passageway Reduction. LAMC Section 12.21-C.2, requires a passageway of 12 feet in width, extending from the street to the entrance of each dwelling unit or a hallway (common entrance to a multi-family residential structure) for three-story multi-family residential structures. The proposed project would provide a 12-foot passageway extending from the street to the entrance of the stairwell access to the residential units on the upper floors. Thereafter the passageway will be reduced to six feet on the southerly side yard setback.

In order to accommodate the 9 residential units on the second and third floor and provide elevator access and the necessary two exit stairs, a reduction to this passageway is required from Ocean Front Walk to the elevator. The proposed solution sets the building back 12 feet from the south property line but provides the exit stair and exit balcony within this 12-foot passageway. The mass of the building does not change because the second and third floor residential units are set back 12 feet from the south property line where the passageway is required but the exit stair and exit balcony will be located within the passageway.

Strict compliance with the passageway requirement on the ground floor would physically preclude the development of two dwelling units by substantially reducing the width and floor area of unit one and unit six. In addition, due to the narrow lot, the required passageway results in the elimination of two residential parking spaces on the ground floor required for the units. Compliance with the passageway requirement would require the removal of floor area that could otherwise be dedicated to the number, configuration, and livability of the units including the affordable housing unit. By waiving this development standard, the applicant will not be physically precluded from constructing the proposed development with nine units, of which one are affordable dwelling units.

Step-Back Plane. Pursuant to Venice Coastal Zone Specific Plan Section 10.F(3)(a), development project shall be limited to a maximum height of 30 feet for flat portions of the roof and 35 feet for varied rooflines (slope greater than 2:12), measured from the centerline of street. Any portion of the roof that exceeds 30 feet shall be set back from the required front yard at least one foot in depth for every foot in height (45 degrees) above 30 feet.

The proposed project would provide a two-foot nine-inch by two-foot five inch encroachment into step-back plane. Compliance with the step-back requirement would substantially reduce the floor area and livable space for 4 of the 9 proposed units (Units 1, 2, 6, and 7) as proposed. Without the waiver, the applicant would be physically precluded from constructing some portion of the residential units. The requested waiver will allow the developer to expand the building envelope so the units can be constructed, and the overall space dedicated to residential use is increased.

Roof Access Structure. Pursuant to Venice Coastal Zone Specific Plan Section 9.C(1)(a), Roof Access Structures may exceed the building height by up to ten feet in height. An elevator structure is necessary to provide access to the third floor. Based on the overhead mechanical equipment for the elevator, a waiver of this standard is necessary for building design or construction efficiencies that provide for affordable housing costs. The elevator from the ground floor to the upper third level is required by the City's Building Code to comply with ADA requirements for all the units. The elevator shaft size is mandated by the Building Code and the top of the shaft enclosure is 41 feet in height which exceeds the Roof Access Structure maximum height by one foot. Without this waiver, the applicant would be physically precluded from constructing a residential level as the building height would need to be lowered to accommodate 10 feet in height roof access structure, which would result in the loss of buildable floor area.

- e. **The waivers will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate-Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed waivers will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(3), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

- f. **The waivers are contrary to state or federal law.**

There is no substantial evidence in the record that the requested incentives are contrary to state or federal law.

3. Conditional Use Permit Findings

- a. **That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project site is located on Ocean Front Walk within a commercial zone developed with restaurants, entertainment uses, and recreational uses. Restaurant uses are essential to

the local economy and the project site is zoned for such uses, with the intention that the restaurants serve nearby residents and visitors to the Venice Beach shoreline. The sale of alcoholic beverages is incidental to food sales. It is generally accepted that the availability of alcoholic beverages has become a component of the dining experience.

A variety of commercial uses are necessary for the conservation, development, and success of a vibrant neighborhood. The proposed project would contribute to a vibrant sidewalk and provide transparency on the street with glazing along the façade. The current project site contains three vacant residential structures. As such, the mixed use development would enhance the built environment and the surrounding neighborhood. The proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service alcoholic beverages will not be disruptive to the community. The availability of a full line of alcoholic beverages for on-site consumption in conjunction with the restaurant will offer an amenity to the local residents and visitors to the Venice area.

- b. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.**

Restaurant uses contribute to the overall success of the surrounding community and the local economy. Furthermore, restaurant uses are desirable to the public convenience and welfare as such uses are intended to serve nearby residents and visitors. However, the sale of alcohol for on-site consumption is necessary for new restaurants to compete with other area restaurants for patrons who desire this service. As the project site is located within an active and vibrant commercial and recreational area, the ability to serve a full line of alcoholic beverages for on-site consumption will help to ensure the lasting financial success of the restaurant. The proposed size and location of the restaurant is consistent with other restaurants along Ocean Front Walk. The approval of the subject CUP request not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Conditions have been imposed to encourage responsible management and deter criminal activity. As conditioned, the continued operation of the restaurant with the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

- c. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

There are eleven elements of the General Plan including the Framework Element, a Land Use Element and twelve citywide elements which address various citywide topics. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code (LAMC).

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for General Commercial land uses with the corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4 and Height District No. 1. In addition, the Venice Community Plan outlines objectives regarding the importance of strengthening commercial development.

The CUP request is consistent with the intent of the Venice Community Plan, which aims to increase pedestrian activity and economic prosperity. The subject request meets the following goals and objectives:

- *Goal 2: A strong and competitive commercial sector, which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*
- *Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*
- *Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*
- *Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.*

Approval of the subject request would further the goals of the Plan to promote the economic well-being of the community and enhance pedestrian activity in the area.

While the Framework Element and Venice Community Plan provide general policies that support commercial uses in existing commercial areas, the Venice Coastal Zone Specific Plan and Land Use plan outline additional development regulations regarding the intensity of commercial uses within the Venice Specific Plan area.

The Venice Local Coastal Land Use Plan (“LUP”) was certified by the California Coastal Commission. The LUP designates the property as a General Commercial area.

The subject property is in the North Venice Subarea on parcels designated for “Community Commercial” use. The Venice Land Use Plan provides policy direction for the Community Commercial designation. The project substantially conforms and complies with the LUP Policies and Coastal Guidelines as demonstrated by the following policies:

- *Policy I. B. 2: Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use.*
- *Policy I. B. 6: The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and visitor-serving commercial uses... The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses.*
- *Policy III. A. 1(a): Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing housing opportunities of the area and provided there is sufficient infrastructure capacity to service such facilities.*
- *Policy I. B. 6. (c): Properties located along Ocean Front Walk from 17th Avenue to the Santa Monica City Line, which includes the project site, are designated as “Community Commercial Areas of Special Interest” with the intention of promoting: “Visitor-serving and personal services emphasizing retail and restaurants. Mixed-use with retail and/or personal services on the ground floor with either residential or personal services on upper floors.”*

The Venice Community Plan, Venice Land Use Plan (LUP), and Venice Coastal Zone Specific Plan text are silent as to alcoholic beverage sales. The Los Angeles Municipal Code authorizes the Zoning Administrator to grant the subject request in the zones corresponding to the Plan's Land Use Designation of Community Commercial. The subject request is a permitted use by this land use category in the Venice Community Plan. Indeed, the LUP states that "Community Commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants". As conditioned, the proposed project conforms with the purpose, intent and policies of the General Plan, Land Use Plan and Specific Plan.

d. The proposed use will not adversely affect the welfare of the pertinent community.

The project site has long been an area of blight along the boardwalk. The lack of activity has attracted nuisance activity. The proposed development will enhance the area by providing a new restaurant and dwelling units.

The project compliments Coastal policies and guidelines designed to increase the availability of ground floor commercial services within walking or bicycling distance of the waterfront while at the same time fully replaces the existing nine residential units. The project will increase quality of life within the community and offer added amenities for visitors.

The request for a CUP to allow on-site alcohol sales is compatible with the surrounding uses as the restaurant provides a place for business people, residents, guests and visitors to eat, drink, socialize, and do business. The sale of alcoholic beverages is an expected amenity that accompanies most restaurants and further enhances their economic viability.

The project is located within a commercial corridor developed with primarily restaurant and retail uses, abutting Venice Beach recreational areas. A variety of commercial uses are an integral part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions, the sale of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

e. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-site and 1 off-site consumption licenses are allocated to the subject census tract (Census Tract 2734.02). Currently there are 16 on-site licenses and three off-site licenses in this census tract. Records from the California Department of Alcoholic Beverage Control show no active ABC Licenses for the subject site.

Within 1,000 ft. of the Project Site there are 4 total active licenses, two for on-site sales and two for off-site sales. Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience.

According to statistics provided by the Los Angeles Police Department's Pacific Division Vice Unit, within Crime Reporting District No. 1412, which has jurisdiction over the subject property, a total of 904 crimes were reported in 2019 (268 Part I and 636 Part II crimes), compared to the citywide average of 170 offenses and the high crime reporting district of 204 crimes for the same reporting period.

Part I Crimes reported by LAPD include, Homicide (0), Rape (3), Robbery (9), Aggravated Assault (61), Burglary (37), Auto Theft (29), Larceny (129). Part II Crimes reported include, Other Assault (25), Forgery/Counterfeit (0) Embezzlement/Fraud (2), Stolen Property (2), Weapons Violation (2), Prostitution Related (0), Sex Offenses (3), Offenses Against Family (0), Narcotics (40), Liquor Laws (130), Public Drunkenness (22), Disturbing the Peace (1), Disorderly Conduct (0), Gambling (0), DUI related (3), Moving Traffic Violations (2), Miscellaneous Other Violations (52), Pre-Delinquency (1) and other offenses (351). Of the 904 total crimes reported for the census tract, 130 arrests were made for liquor laws, 22 arrests were made for under the influence of alcohol, and 3 arrest was made for driving under the influence. Crime reporting statistics for 2020 are not yet available.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within revitalized hubs are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Additional conditions have been included to prevent public drinking, driving under the influence, and public drunkenness.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the city average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

The Venice Beach Boardwalk has a long history as a commercial tourist attraction that draws over 18 million visitors annually. A large concentration of the alcohol licenses issued along Ocean Front Walk predate the advent of CUB permitting and offer the operators "grandfathered" rights. A survey of the establishments operating closest to the project shows many operate with these grandfathered licenses.

The conditions placed on CUB's will set this project apart from the grandfathered license holders in the area and form the basis for a partnership between the applicants and the community to provide a supervised sales process in a safe environment. The LAPD Pacific Area Vice Unit reviewed the case and submitted a letter, dated January 29, 2020, stating no objections to the CUB.

- f. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments**

All sales will happen in conjunction with sit-down food service within a quality restaurant. Service will be conducted and monitored at all times by employees certified to have completed Standardized Training for Alcohol Retailers (STAR Training) and security staff will routinely patrol the building exterior and parking lot to discourage loitering.

This commitment to safety on the part of the applicants has been recognized by LAPD as evidenced by the Pacific Area Vice Unit review of the prior 2014 case and ultimate support of the project. The applicants will continue to work with LAPD to ensure a safe environment for the entire community.

While the project site is within proximity to nearby sensitive uses, the location of the site does not directly adjoin these sensitive uses and service of alcoholic beverages is anticipated to be ancillary to the sale of food at the restaurant. The project site is located within a developed commercial area and will not detrimentally affect the neighboring commercial uses. To the west and west of the project site the properties are zoned RD1.5- and are developed with single- and multi-family residential uses. These residential areas are, however, buffered from the project site by commercial zones and uses.

The project site is zoned for commercial uses and will be redeveloped as a mixed use development with a restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

- Venice Beach
- Westminster Off-Leash Park
- Westminster Avenue Elementary School

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

4. Project Permit Compliance Review Findings

- a. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.**

The project consists of the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. As conditioned, the proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the North Venice Subarea set forth in Section 10.F, Commercial and Industrial Design Standards in Section 11, and the Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

Section 8.C of the Specific Plan outlines the following required findings:

- i. **That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The subject property is comprised of two legal lots with a combined width of 60 feet and a length of 150 feet for a total lot square footage of 9,001 square feet. The subject property is zoned C1-1 and the surrounding properties are zoned C1-1 and RD1.5-1. The proposed project will consist of a three-story mixed-use project containing a restaurant on the ground floor and 9 residential units totaling on the second and third floors with a maximum height of 39 feet. The Venice Local Coastal Program Land Use Plan Policy I.B.6. identifies commercial properties along Ocean Front Walk between Santa Monica City Line and 17th Avenue as areas of special interest with "Visitor-serving and personal services emphasizing retail and restaurants uses." Mixed-use projects with the ground floor commercial and residential units on upper floors is encouraged. There are multiple mixed-use projects and multifamily residential projects along Ocean Front Walk constructed between 1910 and 2007. These buildings range in height between 30 feet to 76 feet and vary between 3-stories and 6-stories. Along Ocean Front Walk, there are seven buildings that vary between six-stories and four-stories and 13 three-story buildings between Rose Avenue and 17th Avenue.

The subject property is located along a commercial strip fronting on Ocean Front Walk, a pedestrian right-of-way adjacent to Venice Beach. This commercial strip is part of the larger Venice Boardwalk, which is a regional and international tourist attraction. Surrounding properties include a mix of residential and commercial uses. The northwestern adjoining property, fronting on Ocean Front Walk, is zoned C1-1 and developed with a two-story multi-tenant commercial retail building constructed in 1989. The northeastern and eastern adjoining properties, across Speedway, are zoned RD1.5, and developed with a three-story single-family dwelling and a lot containing three-story duplex and a one-unit structure. The southeastern adjoining property, fronting Ocean Front Walk, Speedway, and Brooks Avenue is zoned C1-1 and developed with a three-story mixed-use project with ground floor commercial and two stories of residential constructed in 2000. The western adjoining property (across Ocean Front Walk) is zoned OS-1XL-O and is maintained as a beach. The buildings fronting Ocean Front Walk Between Rose Ave and 17th Avenue were constructed between 1910 and 2007 with varying building heights. There are 20 buildings along this length of Ocean Front Walk that range between three and six stories, with 14 buildings exceeding 40 feet in height. The tallest building is 76-feet 9-inches.

Generally, the buildings along Ocean Front Walk are three or more stories in height and many contain both commercial and residential components, and most maximize their development potential according to the size of their lot. Architectural character of nearby development includes an eclectic mix of architectural styles including modern and contemporary style buildings. The project's proposed contemporary design fits into the architectural diversity of the neighborhood. The building facades clearly identifies the commercial from residential uses with the use of color and material changes. The project height and scale of the project is consistent with existing buildings along Ocean Front Walk. The requested 4-foot height increase will not adversely impact the scale of the street. Additionally, the residential portion of the project, levels 2 and 3, are set back 5 feet from the property line decreasing the visual impact of the project along sidewalk of Ocean Front Walk. Therefore, the Project is compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

ii. That the Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.

A Local Coastal Program is comprised of a Land Use Plan and Implementation Plan, certified by the California Coastal Commission. The Venice Local Coastal Land Use Plan ("LUP") was certified by the Coastal Commission on June 14, 2001, however, the necessary Implementation Plan was not certified. The proposed project conforms to the applicable policies of the certified Venice LUP, as outlined in Finding No. 1.b.

iii. That the applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.

No on-site affordable dwellings have been documented. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 14, 2015 concluded that no affordable units exists at the project site. HCIDLA reviewed data from June 2012 to June 2015.

On May 10, 2007, a Notice of Intent to Withdraw Units (Ellis Act) from Rental Housing Use was filed with the Los Angeles County Recorder's Office and was granted by HCIDLA on September 24, 2009. On February 2008 and July 2012, the HCIDLA Enforcement inspectors noted the subject property was vacant and boarded up. In addition, the owner provided a security contract and billing statements for 24-hour security patrol for the period from April 2013 to April 2016.

The Notice of Intent to Withdraw Units, Security contract/billing statements and HCIDLA database indicate the property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit.

As such, there is no requirement to replace any Affordable Dwelling Units in conjunction with this project.

iv. That the Venice Coastal Development Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).

The Project proposes nine new Residential Units and qualifies as a Small New Housing Development. The proposed development is therefore exempt from the Inclusionary Residential Units requirement.

In addition to the requisite findings set forth in Section 8.C of the Specific Plan, the project also complies with all applicable provisions of the Specific Plan, as set forth below:

B. Section 9. General Land Use and Development Regulations

1. *Lot Consolidation.* Lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects. The project site is comprised of two adjacent lots which would be consolidated to create a unified mixed-use building across the lots. The project complies with the development standards in Section 9.A.2 as the subterranean parking is fully below grade and not visible from the street, the building provides a variety of visual breaks and architectural features to create a change in material or a break in the plane for every 20 feet in horizontal length and every 15 vertical feet, and includes residential balconies to provide architectural variety.
2. *Height* As shown in “Exhibit A”, the height of the structure is measured from the centerline of Ocean Front Walk and conforms to the standards of measurement as outlined in Section 9.B of the Specific Plan.
3. *Roof Structures.* Roof Access Structures shall not exceed the Flat Roof height limit by more than ten feet regardless of roof type. The North Venice subarea specifies a 30 foot height limit for a Flat Roof. The Project includes an elevator to provides access on all levels and the elevator enclosure is 42.5 feet in height. The Project requests approval of a Density Bonus Waiver of Development Standard to permit a 42.5 foot Roof Access Structure in lieu of 40 feet permitted.

C. Sections 10.F. Land Use and Development Regulations for North Venice Subarea

1. *Density.* Projects in the North Venice Subarea on a commercially-zoned lot shall not exceed the density permitted in the R3 Zone. The R3 Zone permits a residential density of one dwelling unit per 800 square feet of lot area which permits a maximum of 11 dwelling units on the subject site. The project proposes 9 dwelling units which complies with the density provisions in the North Venice Subarea.
2. *Height.* Pursuant to the Venice Specific Plan North Subarea, Venice Coastal Development Projects with Varied Rooflines may be up to 35 feet in height, provided that those portions of the building which exceed 30 feet in height are set back from the required front yard one foot for every foot in height over 30 feet. Pursuant to LAMC Section 12.22 A.25(f)(5)(i), the project requests a Density Bonus on-menu incentive to permit 39 feet in height in lieu of 35 feet otherwise permitted by Venice Coastal Zone-Specific Plan Section 10.F(3)(a). The building is setback approximately five feet on the second and third residential levels from the front property line and a two feet nine inches by two feet six inches triangular portion of the upper portion of the building encroaches within the 45 degree step back requirement. The project requests a Density Bonus Waiver of Development Standard to permit the minor height

stepback encroachment. The project's proposed height is measured from the centerline of street adjacent to the front lot line measured from the projection of the midpoint of the lot frontage. Elevations. With approval of the Density Bonus incentive, the project complies with the height provisions of the Specific Plan. The height increase is also consistent with the mass and scale of existing buildings fronting Ocean Front Walk where there are 20 buildings that range between 3 stories and 6 stories between Rose Avenue and 17th Avenue.

3. Setback. Pursuant to the Venice Specific Plan North Subarea, Commercial Venice Coastal Development Projects along Ocean Front Walk may set their front yard at the building line. The project's ground floor and restaurant use is located along the property line abutting Ocean Front Walk. Therefore, the project is in compliance with the setback provisions of the Plan.
4. Access. Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys, unless the Department of Transportation determines that it is not Feasible. As shown in "Exhibit A", the proposed project maintains vehicle access to from the Speedway, which functions like an alley.

D. Section 11 – Commercial and Industrial Design Standards

1. Ground Floor Commercial Development. Pursuant to the Venice Coastal Specific Plan, all commercial Venice Coastal Development Projects which fronts on Ocean Front Walk shall include a street wall which extends a minimum of 65 percent of the length of the Building Frontage, is set back zero feet from the building line, with a minimum height of 13 feet. In addition, a minimum of 50 percent of the area of the Ground Floor Street Wall of a commercial Venice Coastal Development Project shall be devoted to pedestrian entrances or windows; and there shall be at least one pedestrian entrance into each business or use for each Store Frontage. As proposed, a restaurant will be located on the Ground Floor of the new mixed-use building, and that restaurant space will front on Ocean Front Walk, observing no setback from the building line. The commercial portion of the Street Wall has a height of 13 feet as required. The Street Wall that the restaurant will occupy approximately 78 percent of the lot width and approximately 54 percent of the street wall consists of windows into the restaurant dining area. A pedestrian walkway and entrance are provided for the restaurant from Ocean Front Walk. Therefore, the project complies with the ground floor commercial development provisions of the Plan.
2. Floor Area Ratio. Pursuant to the Venice Coastal Specific Plan, in all commercial zones the floor area ratio is limited 1.5 to one for retail and/or office and residential development. The proposed mixed-use restaurant and residential building is located on an approximately 9,001.75 square-foot property which permits a maximum 13,502.30 square feet of floor area. The project proposes to construct approximately 13,412.60 square feet of floor area for a 1.49 to one floor area ratio which complies with the floor area ratio provisions of the Specific Plan.
3. Access. Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys, unless the Department of Transportation determines that it is not Feasible. As shown in "Exhibit A", the proposed project

maintains vehicle access to from the alley and Speedway, which functions like an alley.

4. Landscaping. Pursuant to the Venice Specific Plan, any open portion of the lot on which the Venice Coastal Development Project is located, which is not used for buildings, parkways, driveways, or other access features, shall be landscaped. The project proposes a multi-story mixed-use building over a subterranean parking garage. The dimensions of the subterranean parking garage basically correspond to the maximum dimensions of the lot, with exceptions for areas corresponding with the ground-level loading zone and an access stairway. On the second level, the project includes a central courtyard that includes a row of planter boxes and 36 inch boxed olive tree.
5. Light. Pursuant to the Venice Specific Plan, lighting from commercial Venice Coastal Development Projects is to be directed away from residential Venice Coastal Development Projects and Environmentally Sensitive Habitat Areas. The project contains residential uses and is adjacent to others, and westerly of the mean high tide line is designated by the Venice Land Use Plan as an Environmentally Sensitive Habitat Area. No lighting plan has been submitted for review and approval, however, as conditioned the project is in compliance with the lighting provisions of the Plan.
6. Trash. Pursuant to the Venice Specific Plan, Venice Coastal Development Projects are required to have trash enclosures for both regular and recyclable trash. Commercial trash and recycle enclosures and separate residential trash and recycle enclosures are proposed on the subterranean level.

E. Section 13 – Parking

The proposed Project includes the demolition of nine existing residential dwelling units within three buildings, and the construction use and maintenance of a three-story 39-foot high, approximately 13,412 square foot, mixed-use building containing a 1,568 square foot ground level restaurant, two upper residential levels with nine dwelling units, including one unit set aside as a Low Income unit, and at grade parking and a subterranean parking level providing a total of 30 required on-site parking spaces. A total of 30 parking spaces are provided for the project, as follows: Vehicle parking for the Affordable Housing Unit is provided consistent with LAMC Section 12.22-A.25, Parking Option 1 providing one parking space. The parking for the eight market rate housing units is provided consistent with Venice Coastal Zone Specific Plan Parking Requirement Table providing 16 parking spaces.

The parking for the 1,568 square restaurant with 574 square foot Service Floor is provided consistency with the Venice Coastal Zone Specific Plan Parking Requirement, which requires one space for every 50 square feet of Service Floor area. Table providing 11 parking spaces. Pursuant to LAMC Section 12.21-A.4, a maximum 30% of the required commercial vehicle parking may be replaced with bicycle parking. Eight vehicle parking spaces are provided, and three spaces will be replaced with 12 bicycle parking spaces.

Parking Requirements in the Beach Impact Zone (BIZ). Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to

parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Projects with the Beach Impact Zone (BIZ) shall provide one parking space for each 640 square feet of floor area of the ground floor commercial. The project contains 1,568 square foot of ground floor commercial necessitating an additional 2 parking spaces for the BIZ requirement.

- b. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2019-2284-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act. The project proposes the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15332 (In-fill Development). A full discussion is provided in Finding Number 6 – Environmental Finding.

- 5. Mello Act Compliance Review Findings.** Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

a. Demolitions and Conversions (Part 4.0)

The project includes the demolition of nine existing residential dwelling units within three buildings and the construction of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 14, 2015 concluded that no affordable units exist at the project site. HCIDLA reviewed data from June 2012 to June 2015.

On May 10, 2007, a Notice of Intent to Withdraw Units (Ellis Act) from Rental Housing Use was filed with the Los Angeles County Recorder's Office and was granted by HCIDLA on September 24, 2009. On February 2008 and July 2012, the HCIDLA Enforcement inspectors noted the subject property was vacant and boarded up. In addition, the owner provided a security contract and billing statements for 24-hour security patrol for the period from April 2013 to April 2016. The Notice of Intent to Withdraw Units, Security contract/billing statements and HCIDLA database indicate the property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit. As such, there is no requirement to replace any Affordable Dwelling Units in conjunction with this project.

b. New Housing Developments (Part 5.0).

The project proposes the construction of nine new Residential Units within a mixed-use development. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments, which consist of nine or fewer Residential Units, are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of nine new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

Environmental Findings

6. Environmental Findings.

The project is for the demolition of nine existing residential dwelling units within three buildings and the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of Service Floor area and 50 seats requesting on-site sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level. As a residential mixed used building and a project characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The site currently is developed with buildings that contain nine residential dwelling units, which have been vacant since 2007. The site is zoned C1-1 and has a General Plan Land Use Designation of Community Commercial. The Project consists of the construction, use and maintenance of a three-story, 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 30 parking spaces on the ground floor and one subterranean level and is conformance with the General Plan and Zoning designation.

There are eleven elements of the General Plan including the Framework Element, a Land Use Element and twelve citywide elements which address various citywide topics. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code (LAMC).

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for General Commercial land uses with the corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4 and Height District No. 1. In addition, the Venice Community Plan outlines objectives regarding the importance of strengthening commercial development.

The proposed development meets the following goals and objectives:

- *Goal 2: A strong and competitive commercial sector, which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*
- *Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*
- *Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*
- *Policy 2-2.1: Encourage pedestrian-oriented uses and mixed-use in designated areas.*

The subject property is in the North Venice Subarea on parcels designated for “Community Commercial” use. The Venice Land Use Plan provides policy direction for the Community Commercial designation. The project substantially conforms and complies with the LUP Policies and Coastal Guidelines as demonstrated by the following policies:

- *Policy I. B. 2: Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use.*
- *Policy I. B. 6: The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and visitor-serving commercial uses... The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses.*
- *Policy III. A. 1(a): Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing housing opportunities of the area and provided there is sufficient infrastructure capacity to service such facilities.*
- *Policy I. B. 6. (c): Properties located along Ocean Front Walk from 17th Avenue to the Santa Monica City Line, which includes the project site, are designated as “Community Commercial Areas of Special Interest” with the intention of promoting: “Visitor-serving and personal services emphasizing retail and restaurants. Mixed-use with retail and/or personal services on the ground floor with either residential or personal services on upper floors.”*

- b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The site – located at 811-815 South Ocean Front Walk – is wholly within the City of Los Angeles, and is completely surrounded by urban uses. Surrounding properties include single story and multi-story commercial and residential uses and Pacific Ocean shoreline.

- c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The project site is currently developed with three existing buildings that contain nine residential dwelling units, which have been vacant since 2007. The area around the site is highly urbanized and surrounded by residential, commercial and recreational uses. NavigateLA and the Venice Land Use Plan shows that the subject site is not located in a Significant Ecological Area. The site has been developed since at least 1909 with residential uses and has no value as a habitat for endangered, rare or threatened species.

- d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will reduce any potential impacts on noise and water quality to less than significant. The creation of noise is limited to certain decibels, restricted to specific hours.

The proposed Project is not expected to result in a cumulatively net increase of any criteria pollutant for which the air basin is non-attainable under an applicable federal or state ambient air quality standard. The operational emissions derived from the Project would be minimal due to the small size of the Project, and neither construction nor operation of the Project are anticipated to cause the SCAQMD's recommended threshold levels to be exceeded.

e) **The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the property is located in an urban tract with water supply, water treatment, sewage and waste disposal infrastructure, and power lines. The area surrounding the project is developed with a mix of commercial and multiple family dwellings, thereby making the project site contiguous with and in close proximity to existing developed areas that are served by utilities and public services. The street is accessible to emergency vehicles. As such, no significant impact on the capacity of existing utilities and services is anticipated.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

- (a) **Cumulative Impact.** A categorical exemption shall not be used if the cumulative impact of successive projects of the same type in the same place, over time, is significant. The project is consistent with the type of development permitted for the area zoned C1-1 and designated Community Commercial use. The proposed addition of nine new dwelling units and 1,568 square foot of commercial space will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts. Staff did not identify any comparable projects that have either filed or were granted approvals for land use entitlements within a 500-foot radius of the subject site. Moreover, the air quality study indicated construction and operations of the Project would not result in exceedances of SCAQMD daily. Therefore, it is not anticipated that any successive projects of the same type in the immediate vicinity would create cumulative impacts.

- (b) **Significant Effect.** A categorical exemption shall not be used if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. An unusual circumstance may result if a project “has some feature that distinguishes it from others in the exempt class.” No unusual circumstances exist in this case. Although the project site fronts Venice beach, the project is consistent with the type of development permitted for the area zoned C1-1 and designated Community Commercial use. Moreover, the proposed project is typical of development that has been historically developed along the Venice Beach Boardwalk. There is nothing about the Property that would differentiate it from other Class 32 infill developments that would create a significant impact. Therefore, there is no fair argument or substantial evidence that the Project would create a significant impact, nor can it be readily perceived that the Project would create a significant impact.

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical in a C1 Zone and the Venice Beach Boardwalk specifically and, as such, no unusual circumstances are present or foreseeable.

- (c) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway. The project site is not located on or near a designated state scenic highway. There is no evidence that the Project may result in damage to scenic resources within a highway officially designated as a State scenic highway because neither Ocean Front Walk nor any surrounding street is designated as a State scenic highway. According to Appendix B of the City of Los Angeles Mobility Plan, the Project Site is not designated as being on a scenic highway, nor are there any designated scenic highways located near the Project Site.
- (d) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on a designated list of hazardous waste sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code. According to Envirostor, the State of California's database of Hazardous Waste Sites, the Project Site, or any other site in the vicinity, is identified as a hazardous waste site. As such, this exception is not applicable.
- (e) **Historical Resources.** A categorical exemption may not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The Project Site has not been identified as a historic resource by local or state agencies, and the Project Site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, nor has the Project Site been found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Based on this, the Project will not result in a substantial adverse change to the significance of a historic resource.

Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

ADDITIONAL MANDATORY FINDING

- 7. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone B, Areas of 500-year flood: areas of 100-year flood with average depths of less than 1-foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year- flood.

Exhibit 4a - Appeals: Executive Director

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV



APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Coastal Commission Deputy Director, Steve Hudson

Mailing address: South Coast District, 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802

Phone number: 562-590-5071

Email address: _____

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☐ Testified at hearing ☒ Other

Describe: Coastal Commission Deputy Director

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: Coastal Commission Deputy Director

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Coastal Commission Deputy Director

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: City of Los Angeles

Local government approval body: City of Los Angeles Planning Commission

Local government CDP application number: CPC-2019-2282-CDP-MEL-SPP-DB-CUB

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: December 15, 2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Project Location:

811 - 815 Ocean Front Walk, Venice, Los Angeles

APN: 4286-027-007 and 4286-027-008

Project Description:

Demolition of nine existing dwelling units within three buildings and the construction, use

and maintenance of a three-story 13,412 square foot mixed use building with nine dwelling units

(including one affordable unit) and a 1,568 square foot ground floor restaurant providing 574

square feet of service area and 50 seats requesting on-site, sale of a full line of alcohol

beverages, and 30 parking spaces on the ground floor and one subterranean level.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s):	<u>Vera J. Sutter and Gary L. Sutter, Managing Member</u>
	<u>811 Ocean Front Walk, LLC and 815 Ocean Front Walk, LLC</u>
Applicant Address:	<u>431 Howland Canal, Venice, CA 90291</u>

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See attached sheet

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certification⁵

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Steve Hudson, Deputy Director

DocuSigned by:
Steve Hudson
Signature 14EBFBFD71A84CC...

Date of Signature 09/27/2021

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address. _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

Grounds for Appeal

The City approved the “demolition of nine existing dwelling units within three buildings and the construction, use and maintenance of a three-story 13,412 square foot mixed use building with nine dwelling units and a 1,568 square foot ground floor restaurant providing 574 square feet of service area and 50 seats requesting on-site, sale of a full line of alcohol beverages, and 30 parking spaces on the ground floor and one subterranean level.” One of the nine residential units is restricted for very low-income households. The following policies from the certified Venice Land Use Plan (LUP) and the Coastal Act are relevant in this case:

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

- a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Policy I. A. 13. Density Bonus Applications.

Required replacement dwelling units shall be counted as reserved units in any related State mandated density bonus application for the same project. In order to encourage the provision of affordable housing units in the areas designated as “Multiple Family Residential” and in mixed-use developments, the City may grant incentives such as reduced parking, additional height or increased density consistent with Government Code Section 65915 provided that the affordable housing complies with the following:

- a. This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than 25 percent more units than a property’s zoning would ordinarily allow. In exchange for this density bonus, the owners must make the units affordable for 30 years if an incentive is utilized in addition to a density bonus specified in Government Code Section 65915(b) or for 10 years if a second incentive is not utilized.
- b. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. In the Coastal Zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission. The density bonus shall be applicable to housing development consisting of five or more units.

c. In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. If the City approves development with a density bonus, the City must find that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the City determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the City shall require that the density increase be accommodated by those means. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a 25 percent density increase, the City shall identify all feasible means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that are most protective of significant coastal resources.

d. The City may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25 percent may be permitted based on a finding that no adverse impacts on coastal resources would result.

e. In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the City determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the City may grant the requested incentive. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.

f. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Policy I.A.14. Parking Requirements for Affordable Housing.

Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.

Policy II. A. 3

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

Multiple dwelling and duplex on lots 40 feet or more in width, or 35 feet or more in width if adjacent to an alley: 2 spaces for each dwelling unit; plus a minimum of 1 (one) guest parking space for each 4 (four) or fewer units (i.e. 2.25 spaces per unit; always round-up to highest whole number of spaces). Exception: For projects where all required parking spaces are fully enclosed, any required guest spaces may be paid for at the same in lieu fee rate defined for BIZ parking.

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

Policy II. A. 4. Parking Requirements in the Beach Impact Zone, states in part:

Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:

a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.

b. Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area of the ground floor for multiple dwelling projects of three units or more. Up to 100% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces. The recommended rates shall be established based upon the development cost study of the area.

d. In no event shall the number of BLZ parking spaces (over and above those spaces required by the parking requirements set forth in Policy II.A.3) required for projects of three or more dwelling units, or commercial or industrial projects, be less than one (1) parking space for residential projects and two (2) parking spaces for commercial and industrial projects.

Policy I. E. 2. Scale.

New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

The project raises hazards concerns under Section 30253 of the Coastal Act because it involves new development (including a subterranean parking level) in a low-lying area vulnerable to flooding, which may be exacerbated by sea level rise due to the site's oceanfront location. Section 30253 requires that new development minimize risks to life and property in hazardous areas, including areas subject to flooding.

The City analyzed a Wave Uprush Study (dated February 1, 2020) that considered the project site's vulnerability to flood hazards under a scenario of 5.5 feet of sea level rise (SLR) and a 100-year storm. The analysis concluded that the maximum storm wave uprush at the property will occur at 145 feet seaward of the subject property. The Commission's 2018 updated Sea Level Rise Policy Guidance recommends using the high emission scenario when determining the range of Low Risk and Medium-High-Risk sea level rise. Per this guidance, sea levels near the Santa Monica gauge (the nearest tide gauge to the project site) will likely rise between 3.3 ft. and 6.8 ft. within the subject development's estimated 75-year lifespan. Using the CoSmOs sea level rise modeling tool, 3.3 feet of SLR with a 100-year storm shows flooding at the perimeter of the site which would occur prior to the end of the structure's lifespan. At 6.6 feet of SLR, the entire site would be flooded. Given the project's location in a hazardous, flood-prone

area, the potential flooding of the garage could impact groundwater and endanger human life and property.

In past Commission actions, shoreline basements and subsurface development have been considered potential future shoreline protective devices.¹ Erosion from magnified wave action and storms could cause subterranean levels to daylight and guard the development from coastal erosion at the expense of natural beach accretion, much like a seawall. Additionally, a daylighting structure would reflect wave energy in a manner similar to a seawall and impact surrounding coastal resources, such as the remaining sandy beach or surrounding developments without shoreline protection. This could adversely affect public access, beach width, shoreline sand supply, visual resources, or environmentally sensitive habitat areas. As such, under circumstances similar to those present here, the Commission has found that constructing new subsurface development on ocean-fronting properties could conflict with Section 30253, which provides that new development “shall not contribute to erosion, geologic instability, or the destruction of the site or surrounding area.”

Even if daylighting does not occur, subsurface development in flood-prone areas poses risks relating to the presence of pollutants, the storage of hazardous materials and electrical/mechanical equipment. Parking garages typically include an elevator system, lighting and ventilation system, cleaning chemicals and vehicles. Inundation of a parking garage could present important human health and safety concerns (e.g., electrocution, interruption in public infrastructure services), release of harmful toxins into the water, and/or impacts to water quality and surrounding coastal habitats.

In the event of potential inundation, removal of vulnerable structures may be considered necessary to minimize risks to life and property. In past decisions, the Commission has imposed conditions requiring removal, relocation, or elevation of structures at a specified future time to ensure the development will appropriately minimize risks and protect coastal resources consistent with Coastal Act provisions.² However, the City approved permit does not include any of these conditions. The approved subsurface development would also make removal of the associated development difficult, and/or result in greater impacts to coastal resources, in a manner inconsistent with Section 30253. Therefore, the City’s approval for the construction of a beach front subterranean parking garage raises a substantial issue and warrants further review.

The Venice Certified Land Use Plan policies III.A.3 and III.A.4 identify the parking requirements for residential and commercial projects as well as projects within the Beach Impact Zone. For multi-family structures with 9 units, 21 parking spaces are required (rounding up from 20.25). Per LUP Policy I.A.14, parking requirements may be reduced for affordable housing units. In this case, the City reduced the required parking for the one affordable unit to one space instead of the two spaces required for each of the market rate units. Thus, the parking needed for the residential component of the

¹ A-5-MNB-20-0020 & A-5-MNB-20-0041(Cotsen), 5-19-0955 (Lesman), 5-18-1212 (Lowell/Correll), A-5-VEN-15-0052, A-5-VEN-15-0053, and A-5-VEN-15-0054 (Bever).

² 5-19-1167 (Harley GCS, LLC), 5-19-1266 (German Quality Borders, LLC), A-5-VEN-18-0049 & 5-19-1015 (Mobile Park Investment), 5-89-011-A1 (Waldorf, LLC).

project is 20 spaces. For a restaurant with 574 square feet of service area, 12 spaces are required (rounding up from 11.48). For projects within the Beach Impact Zone (BIZ), an additional 3 spaces (rounding up from 2.72) are required for the restaurant. Based on the LUP policies stated above, a total of 35 parking spaces are required for the mixed-use project. The applicant for the mixed-use project proposes to have 27 parking spaces. Additionally, the City further allowed a reduction of the required parking in lieu of bicycle parking as allowed under the uncertified municipal code. The proposed project is deficient 8 parking spaces which reduces public access to the coast. Therefore, the apparent parking deficiency raises a substantial issue and warrants further review.

Additionally, LUP Exhibit 14a provides the maximum height limit for the North Venice subarea. The maximum height of a building in the North Venice subarea with a flat roof is 30 feet and a varied or stepped back roofline is 35 feet. The applicant proposes a structure with a varied roofline at a building height of 39 feet and an elevator shaft at a maximum height of 41 feet, as indicated on the plans stamped by the City. The main structure with a height of 39 feet exceeds the maximum height limit for a varied roofline by four feet. The City justified the height exceedance pursuant to a density bonus incentive. However, the City did not provide an adequate community character analysis of how the structure is visually compatible to surrounding development and the potential visual impacts of the 39-foot structure and the elevator shaft on the public walkway on Ocean Front Walk. Therefore, the City's approval of a structure inconsistent with the height requirements of the LUP without an adequate analysis raises a substantial issue and warrants further review.

Interested Parties

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Beverly Hills, CA 90210

So. Calif. Edison Co.
Attn: Community Liaison
West Los Angeles/Coastal Area
2800 East Willow Street
Long Beach, CA 90806

Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91802

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David Ewing – seriousbus@aol.com; moreseriousbus@gmail.com
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Naomi Nightingale – nightingalenaomi@yahoo.com
Mike Bravo – miguel@bravo1.la
Lydia Ponce – venicelydia@gmail.com

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV



APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

POWER, Citizens Preserving Venice, Laddie Williams, Lydia Ponce, Margaret Molloy

Name:

see attached

Mailing address:

see attached

Phone number:

see attached

Email address:

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☒ Testified at hearing ☐ Other
testified in writing and verbally at all city hearings

Describe:

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: appealed at City level

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appellants--5-VEN-21-0070

People Organized for Westside Renewal

C/o Bill Przylucki, Executive Director
5617 Hollywood Blvd Ste 107
Los Angeles, CA 90028
518-229-2693
bill@power-la.org

Citizens Preserving Venice

c/o Robin Rudisill, Treasurer
3003 Ocean Front Walk
Venice, CA 90291
310-721-2343
wildrudi@mac.com

Laddie Williams

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310-908-7174
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Lydia Ponce

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Margaret Molloy

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310-560-2523
mmmolloy@earthlink.net

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: Los Angeles
Local government approval body: City Planning Commission
Local government CDP application number: CPC-2019-2282-CDP-MEL-SPP-DB-CUB
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: DECEMBER 15, 2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Demolition of ten original residential dwelling units within three buildings
and the construction, use and maintenance of a three-story, 13,412 square
foot mixed-use development with nine dwelling units and a 1,568 square foot
ground floor restaurant providing 574 square feet of service floor area
and 50 seats, requesting on-site sale of a full line of alcoholic beverages,
and 30 parking spaces (3 of which will be replaced with 12 bicycle spaces)
on the ground floor and one subterranean level.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Vera J. Sutter and Gary L. Sutter MD

Applicant Address:

811 Ocean Front Walk

Venice, CA 90291

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please see attached

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certification⁵

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

POWER, Citizens Preserving Venice, Laddie Williams, Lydia Ponce, Margaret Molloy

Print name _____

Laddie Williams
Bethany Williams *Robert Ponce* *M Molloy* *Lydia Ponce*

Signature _____

September 28, 2021

Date of Signature _____

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

COASTAL APPEAL REASONS
A-5-VEN-21-0070
September 28, 2021
811-815 Ocean Front Walk, Venice

We strongly urge the Commission to declare Substantial Issue for this proposed project - a demolition of three 100% residential structures (with ten original dwelling units) and construction of a three-story, 13,412 square foot mixed-use development with nine dwelling units and a 1,568 square foot restaurant with 50 seats in a 574 square foot service floor area, requesting a full line of alcoholic beverages, and 30 parking spaces on the ground floor and one subterranean level at 811-815 Ocean Front Walk ("Project").

The Project violates Coastal Act Sections 30250, 30251, 30252, 30253(e), 30013, 30107.3, and 30604(f)(g) and (h) as well as the Coastal Commission's Environmental Justice Policy because as a precedent the cumulative adverse impact of the project harms lower income residents and thus the social diversity of the Venice Special Coastal Community, which is to be protected as a coastal resource. The Project also violates the Mello Act as it would demolish three residential structures for purposes of a non-residential use.

Coastal Act Section 30116 states:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, and that "Sensitive coastal resource areas" include areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons."

Coastal Act Section 30007.5 Legislative findings and declarations; resolution of policy conflicts states:

"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."

Coastal Act Section 30007.5 requires that if there are policy conflicts that they be resolved in a manner that is the most protective of coastal resources. To the extent there is a policy conflict between the need to protect an area that provides existing coastal housing for low- and moderate-income persons and to protect the social diversity of the Special Coastal Community of Venice, deemed by the Coastal commission as a coastal resource in and of itself, versus encouraging mixed-use development in commercial zones, the policy conflict must be resolved in a manner that is most protective of coastal resources. Neither mixed-use development nor a restaurant use is a coastal resource. In addition, the state is undergoing the worst affordable housing crisis in its history. Thus,

protection of the housing of existing residents and preventing displacement is a priority over encouraging mixed use development by replacing existing housing with equal density and adding a commercial component only maintains density and is not a priority.

Commercial uses have never been designated coastal resources but affordable housing, community character and social diversity are all coastal resources to be protected. Commercial use is not a coastal resource to be protected under Coastal Act Section 30253, whereas an area that provides coastal housing for low- and moderate-income persons **is** a coastal resource to be protected under Coastal Act Section 30253. On the other hand, commercial uses are not coastal resources. Thus, projects like this one, in a commercial zone, cannot and must not allow a commercial mixed-use project to replace these residential structures, the cumulative impact of which would result in the loss of affordable housing and the displacement of the tenants living there, the very thing that Coastal Act Section 30116 is meant to protect. Such sensitive coastal resources must be protected, which the underlying City CDP determination does not respect.

The applicant misstates the certified Venice Land Use Plan (LUP) in claiming that mixed use development is required in Venice's commercial areas. This is not correct as a commercial use is not required by city zoning code, nor is it required in the coastal land use designation for this project. The LUP clearly states in Policy I.B.2. that mixed use residential developments shall be encouraged in the areas designated for commercial use, but it does not say they are required. Thus, a residential use is allowed by both the city zoning code and the coastal land use designation in the LUP.

The housing issues here are even more critical than the Commission has supported for a similar housing policy issue with respect to the detrimental impact on housing density of the use of ADUs to maintain density. Demolishing or converting 100% residential structures for purposes of mixed-use projects **has far more potential for housing loss and displacement of existing residents than any of the other issues that have come before the Commission.**

The project is required to conform with both the Mello Act and the Coastal Act and thus a 100% residential only use must be the only option available to the applicant.

Character and opportunities for housing in the area must be protected

Although the LUP indicates that this coastal land use designation, community commercial, allows for and will accommodate a mixed-use commercial project and that mixed use projects are encouraged, 100% residential uses are also allowed in the coastal land use designation as well as in the city zone (C1-1). Also, the surrounding area is described in the December 15, 2020 city determination (bottom of page F-2) as "a mix of tourist-serving commercial retail uses and residential uses." The property is adjacent to the beach to the west, 2 blocks of residential uses on the walk streets to the east, five lots

containing residential uses to the south, and a retail use to the north. The property is surrounded by mainly residential uses. Changing the property to a mixed-use development would have an impact on the residential character of the area. In addition, the addition of a restaurant with the usual impacts of daily as well as late night noise and many other nuisances, will have a negative impact on the surrounding residential area.

Also, the Coastal Act requires the protection of the balance of existing uses. Coastal Act Section 30001 Legislative findings and declarations; ecological balance states:

“The Legislature hereby finds and declares that existing developed uses...are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.”

This provision is clearly meant to prevent developments that commercialize housing and result in displacement of existing residents due to changes from 100% residential use to mixed use, because when existing residents are displaced, because there is no affordable housing available in the Coastal Zone, they must relocate outside the Coastal Zone.

In addition, as per LUP Policy III.A.1.a.:

“Recreation and visitor-serving facilities shall be encouraged, provided that they retain the existing character and housing opportunities of the area...”

Not only is the present use residential but building a mixed-use development changes the area's balance of commercial uses to residential. A change from a 100% residential structure to mixed use commercial would significantly change the character of the property as well as the character of the surrounding area. As noted in LUP Policy III.A.1.a., the coastal regulations are clear that the existing housing and residential character must be retained and that this is a priority over visitor-serving commercial uses/facilities.

It's clear that even though it's "preferable" to be consistent and to have only commercial uses in a commercial land use designation, it is not required. Also, a residential use in a commercial zone is a legal non-conforming, allowable use – key word “legal.”

Priority for protection of existing housing stock

Because the first Venice Coastal Issue of significant concern by the Commission when approving the LUP is "preservation of existing housing stock," the only conclusion can be that LUP Policy I.B.2. did not intend for existing housing to be replaced by commercial mixed-use projects. LUP Policy I.B.2 states that mixed use residential-commercial development shall be encouraged in all areas designated for commercial uses. It does not say that mixed use development is required in those areas. That difference is consequential as it allows for protection of housing structures (as required

by the Mello Act) and protects existing residents from displacement. Allowing demolition or conversions of residential structures for purposes of commercial mixed use in this case may be consistent with the commercial land use designation but preventing the commercialization of housing and protecting existing residents from displacement is more important than being consistent.

Also, we have reviewed the Staff Report for the LUP and nowhere does it indicate that the intent of encouraging mixed use development in the commercial land use designations included an intent for replacing existing residential structures with mixed use development. The only reasonable conclusion can be that the intent of encouraging mixed use development was to increase housing in the commercial zones by adding residential uses where there are existing 100% commercial uses, resulting in a mixed-use project. There is no evidence that there was ever any intent to commercialize existing housing, nor is there any evidence of intent to convert existing residential zones to commercial zones. In fact, the Venice Coastal Issues in the LUP state that protection of housing stock is a serious concern and an important issue.

In addition, the Commission was clear at the hearing of 3011 Ocean Front Walk (A-5-VEN-18-0017) on March 6, 2019, that it is not required to have mixed use development replace a residential structure for a new development in a coastal commercial land use designation. It was a very productive Commission discussion, and it was made clear that the interpretation of LUP I.B.2 is discretionary and would allow for a new residential only use. One Commissioner opposing requiring mixed use development felt that staff was trying to force feed the applicant. Another Commissioner pointed out that not only is there a housing crisis but there is a crisis of accessibility. Other Commissioners felt there is a policy priority with respect to protecting housing and protecting existing residents from displacement and that the Coastal Act requires protection of residential character and Venice's social diversity, both coastal resources. The issue was brought up re. whether LUP I.B.2. is "permissive." The guidance does not say that 100% residential development is not allowed in the coastal land use designation, and it does not say that housing is in any way not an equally important use or just a "supportive use." In addition, a residential use is allowed by the city's zoning code. In fact, housing is considered such an important use that, as is made clear in the staff report for the LUP, the LUP was designed to encourage more housing in commercial areas by encouraging mixed use projects and the LUP specifically does not encourage conversions of residential uses to mixed use, which will only keep the density the same. Clearly the LUP does not intend to encourage mixed use developments when it would result in displacement of existing residents and a change in the social diversity of the area.

In addition, the city approved a single-family dwelling in this community commercial land use designation, so it is clear that the city's interpretation of LUP I.B.2. is that the LUP allows a 100% residential use in that land use designation. Also, there is no

requirement that a project be brought into conformance with policy guidance when it says that something is only “encouraged.”

The Coastal Act is the standard of review and the LUP is guidance. The Commission has the discretion to prioritize housing and to act to eliminate displacement in order to protect lower-income housing and existing residential and Venice’s social diversity, a key part of its community character.

We understand and agree that housing should never replace existing coastal dependent uses, existing coastal recreation facilities, or even existing commercial (only mixed-use development should be allowed to replace existing commercial).

Residential structures in commercial land use designations must remain as such to protect from displacement of lower income residents and protect community character.

Coastal Act 30222 states:

"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential..."

Online legal sources define recreation facilities as: “a building or portion thereof designed and intended to accommodate one or more leisure or sporting activities.... (Lawinsider.com) Thus, a mixed-use project that does not have recreation facilities is not a priority over housing. Even if it were, given California’s unprecedented housing crisis, it only makes sense that housing would be the priority.

Housing in commercial zones must be protected irrespective of the zone

The Coastal Act states that visitor serving recreational uses may be a priority use, and mixed use may be a preferred use in commercial zones, but that does not mean that existing housing structures can or should be replaced with mixed use development, in violation of the Mello Act. Whether a property is zoned residential or commercial is irrelevant to the provisions of the Mello Act and thus that law protects all residential structures and affordable housing. In order to truly protect housing in the Coastal Zone, the Commission should also be indifferent to the zoning in doing so.

Community character is impacted by commercializing housing and not replacing affordable units

Venice is a Special Coastal Community, and its unique social diversity must be protected.

We look to the Commission to help us protect Venice's social diversity, the human character of our community. There have been so many stealth, piecemeal ways that developers in Venice have taken away our housing and affordable housing. We must consider for each and every case, that when someone removes a home, displacing its residents who contributed to the diversity of this community, that this causes a cumulative impact to our social diversity and harms the coastal resource that is Venice. Every home and every resident matters.

Venice has been and continues to be known as one of the most socially diverse coastal communities in the coastal zone. It's incumbent on us to keep it that way.

In addition, Venice as a Special Coastal Community wasn't even considered in the City's determination, as is typical of the City's findings, which means that Finding 1 with respect to conformance with the Coastal Act Chapter 3 is in error as the city did not cover all the relevant Coastal Act sections. As a Special Coastal Community, Venice has special protections of its social diversity, and the city ignores that. (Coastal Act 30253(e) and LUP Policy I.E.1.) This is a significant error and abuse of discretion.

LUP Policy for Density Bonus Applications I.A.13.c.:

"In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. If the City approves development with a density bonus, the City must find that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the City determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the City shall require that the density increase be accommodated by those means. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a 25 percent density increase, the City shall identify all feasible means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that are most protective of significant coastal resources."

The city also violates Finding 1 of the CDP with respect to Coastal Act Section 30251 regarding Scenic and Visual Resources as it does not comply with the guidance in LUP I.A.13.c. The city did not find that the development without density bonus increases would have been fully consistent with the policies and development standards of the certified LUP, as required by LUP Policy I.A.13.c. In fact, the project is not fully consistent with the policies and development standards in the LUP. The city should have required the maintenance of the 100% residential use because as a commercial

mixed-use development, the project is not compatible with the majority of the surrounding uses, which are residential uses. In addition, a restaurant serving alcohol from 7 am to 2 am daily is not compatible with the majority of the surrounding uses, which are residential uses. The addition of a restaurant serving alcohol 19 hours per day, 7 days a week significantly intensifies the impact of traffic and parking (as well as noise and other nuisance impacts) on the entire area, including the residential walk streets as well as the other adjacent and surrounding residential uses. The city also did not make any findings with respect to Coastal Act Section 30253(e) and LUP I.E.1. regarding Venice as a Special Coastal Community and protection of its social diversity, which would be adversely impacted by the cumulative impact of approving projects that replace 100% residential structures with mixed use project, thereby displacing existing residents in lower-cost units, as further explained below. The city did not require implementation of other feasible projects that are more protective of significant coastal resources, which would include a 100% residential project.

In addition, Finding 1 of the CDP does not provide adequate significant evidence to show that the 4 additional feet above the 35 foot height limit (11% over the height limit) to a full height of 39 feet is compatible with the surrounding neighborhood as required by Coastal Act Section 30251 and LUP I.E.2. The city only states that “height, massing and scale of the project is consistent with existing buildings along Ocean Front Walk,” concluding that the requested four-foot height increase will not adversely impact the scale of the street, with no evidence provided. In addition, there is no analysis provided for whether the roof is varied, which is required in order to qualify for a 35 foot height as opposed to a 30 foot height. (city CDP page F-4)

What is important here is much more than just housing density. It’s about the people. There may be no issue with imminent displacement in this one case, but that is because the residential structures have been kept vacant for years; however, residents were displaced for this project, using Ellis Act evictions. See EXHIBIT A. The major issue here is the cumulative effect of projects like this on displacement and that projects that convert residential structures to mixed use have an unacceptable cumulative impact.

Coastal Act Environmental Justice provisions and the Coastal Commission’s Environmental Justice Policy must be considered

Coastal Act sections 30013, 30107.3, and 30604(h) (Environmental Justice provisions stemming from state Assembly Bill 2616) further support the retention of 100% residential uses in order to prevent lower income residents and communities of color from being displaced and relocated far from the coast. In addition, Coastal Act sections 30604(f) and (g) state that the housing opportunities for persons of low- and moderate-income shall be encouraged and that the state Legislature finds and declares that encouraging the protection of existing and the provision of new affordable housing opportunities for persons of low- and moderate-income in the Coastal Zone is

important. The Coastal Commission's Environmental Justice Policy indicates that existing affordable housing must be protected, and that the implementation of housing laws must be undertaken in a manner fully consistent with the Coastal Act (applicable sections above). These Environmental Justice Coastal Act provisions and policy were not considered in the city's determination as the city believes they are not applicable until a LCP is approved.

The City has a pattern and practice of erring in not considering the Coastal Act's Environmental Justice provisions and the Commission's Environmental Justice Policy. The Commission recently issued a letter "strongly encouraging" the city to consider Environmental Justice in their review of coastal development permits. See EXHIBIT B. In the Venice Coastal Zone, there is a significant number of housing structures in commercial zones and thus the cumulative impact of this project and past, current and probable future projects like it is a major concern.

The project violates the Environmental Justice provisions of the Coastal Act and it violates the Commission's Environmental Justice policy too. We strongly urge you to pursue Environmental Justice with respect to the project. The Commission has gone to great pains and taken important positions to protect housing for residents in the Coastal Zone. Looking at the coastal policies through the lens of the Commission's Environmental Justice housing section policy (page 8) makes it clear that demolishing or converting 100% residential structures for purposes of mixed-use projects has more potential for housing loss and displacement of existing residents than any of the other housing issues that have come before you.

The California Women's Law Center and Venskus and Associates wrote a letter, dated May 4, 2021, to the City of Los Angeles summarizing why demolitions or conversions of 100% residential structures for purposes of nonresidential mixed-use projects are not allowed unless they are for coastal dependent uses. See EXHIBIT C.

Mixed use development is a nonresidential/commercial use. See EXHIBIT D.

The letter explains that allowing demolitions or conversions of 100% residential structures for purposes of mixed-use projects will disproportionately harm low-income communities of color in the Coastal Zone as new mixed-use development will be encouraged:

"The impact of the destruction of housing that has and will continue to result from the Mello Act Ordinance if the ability to convert residential structures to mixed uses is not eliminated, disproportionately harms communities of color. In 2017, California had nearly two million rent burdened households of color that spent more than thirty percent of the household income on rent and utilities. There were also 1.6 million extremely low-income renter households, two-thirds of which were households of color. During the COVID-19 pandemic, there has been a disproportionate financial impact on populations of color, which has

created even greater disparities. If demolition or conversion of residential structures for purposes of mixed-use developments is allowed, those who will be impacted most are low-income people and communities of color. This is especially true because allowing such mixed-use developments to replace residential structures encourages, rather than discourages, displacement. Developers would be encouraged to demolish the building and erect a new building in its place, thus displacing families currently living in older housing stock, which is always, by definition, more affordable than new units deemed “affordable” pursuant to federal and state law. It makes no sense for the city to encourage destruction of existing housing, including affordable housing, so that more lucrative commercial mixed-use projects can be built in the Coastal Zone, especially when such a concept runs completely contrary to the Mello Act’s intent. This would be a boon to developers and would cause a steady stream of property owners getting richer on the backs of our existing renters in the L.A. Coastal Zones as they will be displaced when mixed-use projects replace residential structures."

The letter states that allowing such demolition or conversions of 100% residential structures for purposes of mixed-use projects “...effectively destroys residential housing, including and especially affordable housing for low-income residents and communities of color, thus causing a gross, unacceptable, adverse cumulative impact on housing, including affordable housing, in the Los Angeles Coastal Zones. All of this is an unfortunate, perhaps unconscious, continuance of the City’s practices of institutional racism.”

Housing stability and protection in the Coastal Zone needs to be paramount, particularly in Venice where we’ve seen too much displacement of our lower income Venetians and too much residential space has been taken over by commercial uses, aided by the blind eye of our city government. It’s hard enough to protect our coastal housing from commercialization, even when the CDP and Certificate of Occupancy are for residential use as there are numerous cases of unpermitted conversions of residential to commercial use.

The purpose of a demolition or conversion from a residential structure to a mixed use is specifically to create a non-residential use or uses in addition to the residential use. Allowing this will result in the prioritization of more lucrative, commercial uses rather than maximizing residential uses. The reason why this is an Environmental Justice issue is because in consideration of past city-approved projects allowing commercialization of residential structures, together with several other similar current/pending projects (see EXHIBIT E), along with probable future projects doing the same given the precedent this and other pending projects would set, the cumulative impact of this project’s approval going forward as proposed would be to adversely affect hundreds of affordable units (see EXHIBIT K), causing a significant amount of displacement of tenants in lower cost housing since developers would undoubtedly

want to take advantage of this potential goldrush to realize the increase in property values due to commercializing residential structures. The cumulative impact of approving this project and others like it would be truly devastating because allowing projects that have a cumulative effect of demolishing or converting residential structures for mixed use projects would cause massive displacement of existing residents from the Coastal Zone.

Under the Commission's Environmental Justice Policy, which in many ways is also consistent with the intent of the Mello Act, housing structures must be protected. Allowing mixed use projects to replace residential structures results in an incentive to commercialize housing and thus lose what are likely older lower income housing structures with lower rents, displacing existing residents. The Commission's Environmental Justice policy should prevent the Commission from approving a project such as this that violates the Mello Act and causes an adverse cumulative impact of displacing Venice's existing lower income residents.

The Mello law wisely prohibits conversion to nonresidential uses unless they are coastal dependent, Government Code Section 65590(c) states:

"The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location."

Similar in intent to the Mello Act, the Coastal Commission Environmental Justice Policy, Housing, page 8 states:

"The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness."

"The Coastal Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss..."

"The Commission will also support measures that protect existing affordable housing. If the Commission staff determines that existing affordable housing would be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue." (Emphasis added)

The City has violated the Mello Act by allowing a demolition and conversion of residential structures for purposes of a mixed-use development and this is your

opportunity to put your Environmental Justice policy into effect by working with the city to resolve this violation. See EXHIBIT F for details of the state Mello Act law violations.

See also letter from Venskus & Associates at EXHIBIT G and from appellant Citizens Preserving Venice at EXHIBIT M.

The coastal zone areas of Los Angeles include Venice, San Pedro and Pacific Palisades. Venice is home to the first intentional Black coastal community and only remaining intentional Black coastal community in California. Many of the multi-generational families still live here. Both Venice and San Pedro represent some of the only remaining cultural, ethnic, and socio-economic diversity in the Los Angeles coastal zone area. Environmental justice includes access for all people to the coast, including housing access.

The Mello Act is a state Housing Element law that supersedes any local ordinance, and as stipulated in the Mello Act, local governments may exceed the protections of the state law but must meet its criteria as a minimum. The Mello Act in its title cites "Low- **and Moderate-Income** Housing Within the Coastal Zone" but the City of Los Angeles regularly cites "low income" rents or tenants and does not include moderate income residents and rents as required by law, thus failing to meet the minimum stipulation of the Mello Act.

If this project is approved, each successive applicant would use this precedent to convert 100% residential properties to mixed-use developments, and, in this and many other cases, cause a further loss of RSO units, and thus our diverse housing stock, and unique community character. Environmental justice requires the commission to take a stand in defense of these issues that intersect with the Coastal Act's requirement for coastal access for all, including housing access, and the necessarily mandated Environmental Justice policies of protecting "sensitive coastal resource areas" (section 30116 embedded into the Venice LUP) including the only remaining original intentional Black coastal community in California.

The law requires courts to interpret terms used in policy with their plain and ordinary meaning, as a reasonable person would understand them. If a writing or term appears to be unambiguous on its face, it must be interpreted on the ordinary meaning of the term. The Mello Act prohibits conversion of residential housing to non-residential uses with very narrow exceptions for a coastal-dependent use that could not be possible otherwise, a standard that cannot apply here.

The City CDP states (F-3):

"The subject property is located along a commercial strip fronting on Ocean Front Walk, a pedestrian walkway that fronts on Venice Beach. This commercial

strip is part of the larger Venice Boardwalk, which is a regional and international tourist attraction. Surrounding properties include a mix of residential and commercial uses. The northwestern adjoining property, fronting on Ocean Front Walk, Speedway, and Park Avenue, is zoned C1-1 and developed with a one- and two-story multi-tenant commercial retail building. The northeastern and eastern adjoining properties, across Speedway, are zoned RD1.5, and developed with a two- and three-story residential duplex and a three-story single-family dwelling. The southeastern adjoining property, fronting Ocean Front Walk, Speedway, and Brooks Avenue is zoned C1-1 and developed with a two-story-over-garage multi-unit residential building fronting on Speedway and Brooks Avenue and a one-story multi-tenant commercial building fronting on Ocean Front Walk.”

As established here, there is a mix of entirely residential as well as commercial uses in the C-1 zone. The Mello Act is a state law that supersedes local ordinances, code, or zoning. A continued residential use of this property is feasible. Allowing a conversion to commercial use violates the Mello Act and creates a challenge for the existing infrastructure.

It is critical that the Commission protects the existing affordable housing and the existing residents that make up Venice’s social diversity, both coastal resources to be protected. The reason it is so critical to protect affordable housing is to protect the existing residents in that affordable housing. Even if the number of units in the existing residential structure is the same number in the mixed-use project, when housing is redeveloped, whether with affordable housing or not, displacement is caused. Studies have shown that once someone is displaced, they are very unlikely to return to the area even if affordable units are replaced.

Lastly, related to Environmental Justice, the city is in the process of updating its General Plan Housing Element. One of the main concepts of the Plan is “Housing Stability and Anti-Displacement” and one of the 4 top priorities of the Plan is “Preventing Displacement and Protecting Angelenos.” See EXHIBIT H. Projects must not be approved that work against these concepts and priorities.

Inadequate infrastructure and adverse effects on traffic

Venice is the most popular public visitor destination in California. For this reason, public health and safety must be a compelling government interest. Department of City Planning (DCP) approvals must consider adequate infrastructure, primarily adequate emergency service access, as the primary consideration of infrastructure.

The area between Ocean Front Walk to the west and Pacific Avenue to the east, Marine Street to the north and Washington Boulevard to the south, is the most densely

populated residential area in Venice. Residential parcels on Ocean Front Walk are zoned R-3. Residential parcels between Speedway and Pacific Avenue are mostly R1.5. Ocean Front Walk is a pedestrian-only heavily trafficked public walkway providing access to the beach. Vehicular access is limited to police, ambulance and fire department emergency response vehicles, and Department of Sanitation services for the boardwalk and beach restrooms. Importantly, the Letter of Determination for CPC-2019-2282-CDP-MEL-SPP-DB-CUB does not directly appear to address the issue of the restricted emergency vehicular access at 811-815 Ocean Front Walk.



However, City CDP 2016-1341-CDP-SPP-MEL for 305 Ocean Front Walk, issued August 2, 2017, Page 6 of 25, Background, states:

Ocean Front Walk is a pedestrian right-of-way, designated as a Local Street, approximately 50 feet in width.

Speedway is an alley, designated as a Local Street, with a right-of-way width of approximately 20 feet with an asphalt/concrete roadway.

Source: <https://planning.lacity.org/pdiscaseinfo/document/MTc4MTgx0/03b6cd7a-61f3-4d27-8bc5-9bb6e20119bc/pdd>

Speedway, at a 20 ft. width, is a **one-way alley** traveling north to south between Marine Street, to the north, and S. Venice Boulevard. For the entire **seven blocks** between Rose Avenue and Brooks Avenue, Speedway is the only vehicular access for all residential, business, visitor, and emergency service vehicles. Emergency vehicles, LAPD and Department of Sanitation have limited access to the pedestrian-only walkway at Ocean Front Walk.

811-815 Ocean Front, the subject property (shown in blue on the illustration above), is located north of Brooks Avenue, on the last block of those seven blocks.

Captain Johnson, from Los Angeles Fire Department's Station 63 in Venice, has stated that LAFD does not consider the east-west alleys in the area between Speedway and Pacific Avenue for emergency response purposes because, as the photos at EXHIBIT I show, these alleys are so narrow that a large truck or a fire engine cannot make a turn from any alley onto Speedway.

Page F-16 of the city CDP states: "The Venice Beach Boardwalk has a long history as a commercial tourist attraction that draws over 18 million visitors annually."

For this reason, infrastructure must be a primary consideration when the city proposes to replace an entirely residential property with a mixed-use commercial project, **an intensification of use of the property requiring with parking for restaurant patrons and residents**. The conversion to a **commercial use of the property not only** violates the Mello Act, but also creates a potential problem from vehicles related to the restaurant use blocking Speedway. Cars, including Uber and Lyft rides, will access the restaurant from both the east-west alleys and Speedway, but delivery trucks can only access from Speedway (and not the east-west alleys). Emergency vehicles for the entire area need access on Speedway, but a customer vehicle queue for the proposed restaurant or delivery trucks for the restaurant could block the entire Speedway alley, a 20 ft-wide critical traffic artery, from Rose to Brooks Ave.

As established, there is a mix of entirely residential and commercial uses in the C-1 zone. The statement “**the proposed project maintains vehicle access to from the alley and Speedway, which functions like an alley,**” does not address the inadequate existing infrastructure including the potential for the commercial project to cause blockage of Speedway with vehicles using the alleys and Speedway to get into the proposed restaurant parking lot, the potential for cars queuing for the parking lot, Lyft and Uber drop-offs and pick-ups for a restaurant, and delivery trucks that can “only” use Speedway because the surrounding alleys are inadequate for larger vehicles. **ALL emergency vehicle access** is on Speedway for the entire seven blocks from Rose Avenue to Brooks Avenue in an unusually-densely populated residential and visitor-serving area. This is a critical consideration.

Based upon the number of dwelling units, Service Floor area, Ground Floor area proposed, 30 parking spaces shall be provided: 1 space for the affordable-housing unit, 16 spaces for the eight market-rate units, 11 spaces for the 574 square feet of the restaurant’s service floor area and 2 BIZ parking spaces. For the 11 restaurant spaces, eight vehicle parking spaces are provided and three spaces will be replaced with 12 bicycle parking spaces, allowed by the city’s LAMC Section 12.21-A.4. The LUP does not provide for bicycle parking to replace required vehicle spaces. In addition, two spaces should be required for the affordable housing unit as it is not demonstrated that the prospective occupants of the low-income unit will have a reduced demand for parking, as is required by LUP Policy I.A.14.

Regarding the service floor area of the restaurant, the conditions of the CDP should require an inspection by both the city and the Coastal Commission Enforcement division prior to issuance of the certificate of occupancy and also 3 months from the start of operations, to assure that only 574 square feet is used as service floor area so that it can be determined that adequate parking has been required and so that it can be determined that a 50 seats can fit within a restaurant service floor area of 574 square feet.

However, the project also offers “unbundled parking.” Unbundled parking should not be offered as residents are likely to choose to pay the reduced rent for a unit without parking and then park on the surrounding streets, further exacerbating the lack of parking in the area for both visitors and residents.

Additionally, 5(b) and 5(c) in the approval grant LAMC Section 12.22.A25 exceptions for reduced passageways and setbacks:

- b. A Waiver of Development Standards to permit a six-foot in width passageway in lieu of a 12-foot passageway, as otherwise required by LAMC Section 12.21.C(2)(b);
- c. A Waiver of Development Standards to permit a two-foot nine-inch by two-foot five-inch triangular portion of the upper portion of the building to encroach into the 45 degree step-back plane, as otherwise required by the Venice Coastal Zone Specific Plan Section 10.F(3)(a); and

The city CDP grants a significant intensification of use of the property with zero open-green-space on a three-lot development combined with passageways reduced to six-feet from the required from 12-feet. All of this increases the potential risks to people on the property and to adjacent properties in an emergency.

Venice is a residential coastal community with a high volume of visitors. As such, there are many ordinary emergency incidents but a higher volume than in most residential communities, and also the potential for an extraordinary circumstance in terms of an emergency. On January 13, 2021, a fire at 723 Ocean Front Walk gutted the entire building. More than 100 firefighters were required to knock down the fire and prevent it's spread to adjacent buildings. Fortunately, no injuries were reported. In 2003, a fire at 8 Brooks, very close to the subject site, destroyed a 24-unit apartment building. It was the largest fire in the City of Los Angeles that year. In 2013, one person was killed, and many others were injured by a person driving onto Ocean Front Walk. These are just a few examples.

Again, Ocean Front Walk is a heavily trafficked pedestrian-only walkway. Only emergency vehicles, LAPD, and maintenance crews have vehicular access. Speedway is a 20 ft-wide one-way alley traveling north to south for the entire **seven blocks** between Rose Avenue and Brooks Avenue. All of the residents in this area use Speedway and the alleys to get in and out of their homes. Adding a restaurant to the existing 100% residential use at this location will cause traffic for the restaurant continuously throughout the day until 2 am, including cars attempting to park and Lyft and Uber pick-ups and drop-offs from Speedway and the alleys. Delivery vehicles for a restaurant at this location can only use Speedway and not the alleys. Emergency vehicle access for the entire residential population as well as business uses and visitors between Ocean Front Walk and Pacific Avenue for seven blocks is limited to Speedway as the primary route, and the crowded pedestrian-only Ocean Front Walk.

The **existing infrastructure is inadequate and cannot be modified** to support a significant intensification of use at this particular location. There is zero open green-space on a three-lot development with passageways reduced to six-feet (an exception from the required from 12-feet) and limited vehicular access in a densely populated residential and commercial area.

This project violates Coastal Act Section 30252 and 30253 as it would cause an unreasonable public safety risk due to inadequate infrastructure and as it would create an unacceptable intensification of use, creating an increased adverse parking and traffic impact in an area that already has one of the worse parking and traffic issues in the entire Coastal Zone. As the project would not maintain or enhance public access and as it would not minimize risks to life and property in an area of high geologic, flood and fire hazard, the existing use must not be intensified by adding a commercial use, a restaurant, to the existing residential use.

See supporting photos at EXHIBIT I.

Cumulative Effect

In order for any development to be approved in the Coastal Zone, it must not have significant adverse individual or cumulative effects. Review of a project's incremental effects does not only mean determining whether the impacts of a project can be identified as a single "increment" among many others. It also means considering the probability that the project may serve to promote more such projects with further "incremental" impacts. In other words, the project may ultimately have an outsize effect and adverse cumulative impact, especially when it provides a key to unlock a new development paradigm in a location.

As always, it's not a matter of just this one instance, it's the cumulative effect of the project. California is experiencing an unprecedented housing crisis and in Venice the demolition of lower income housing and displacement of our most diverse residents has been dramatic. As our affordable housing continues to be demolished, existing residents are being displaced from the Coastal Zone.

This project violates Coastal Act Section 30250 as the project, along with the many other current similar projects, past similar and probable future projects, is causing a very clear and extremely fast growing adverse cumulative impact on the displacement of our existing residents and on the residential character and social character of Venice. If demolition and conversion of the existing residential structures at 811-815 Ocean Front Walk for purposes of a mixed-use restaurant project is allowed, a terrible and destructive precedent will be set, exacerbating the adverse cumulative effect.

Allowing these residential structures to be converted to mixed use commercial would cause an adverse cumulative impact on existing residents living in residential buildings in commercial zones. The cumulative effect of this project together with past, current and probable future similar projects would result in a significant increase in projects for which housing structures would be demolished to build more lucrative commercial projects, causing the demolition of existing lower cost units in older housing stock and displacing the lower income tenants living there, causing harm to the social diversity of the Venice Special Coastal Community.

There is an exponentially growing movement to commercialize housing in Venice, which continues to cause displacement of existing residents and a change in the residential character and social diversity of Venice. This effort is being pursued by several avenues: 1) a rash of applications for demolition or conversion of 100% residential structures in commercial zones (that are legal non-conforming) for purposes of mixed use projects (see EXHIBIT E), 2) an effort by City Planning in its draft Mello Act Ordinance to allow demolitions and conversions of 100% residential structures for purposes of nonresidential mixed use projects, a significant violation of the Mello Act and the City's current procedures for implementing the Mello Act, the IAP, and 3) an aggressive effort to change several residential zones in Venice to commercial zones so that the 100% residential structures in the previously residential zones can be converted to mixed use projects. See EXHIBIT J. Not only do these property owners want to commercialize existing residential structures in existing commercial zones, but they want to change several existing residential zones into commercial zones so that they can commercialize those residential structures as well!

Again, developers and speculators want to commercialize Venice Coastal Zone housing and the City appears to be an ally in this effort, which will only serve to displace our lower income and most diverse and vulnerable residents, thus harming Venice's social diversity that is a key part of Venice's Special Coastal Community character, required to be protected by Coastal Act Section 30253(e) and LUP Policy I.E.1.

Approving this project would cause a significant adverse cumulative impact on housing and residents in commercial zones in the Coastal Zone by causing the displacement of existing tenants. If demo or conversion of residential structures for purposes of mixed-use projects is allowed, not only will residents be displaced from their current homes, but they will also be displaced from the Coastal Zone since there is no lateral movement to similar lower-cost housing because none is available. We collected the data and there are over 200 properties in Venice with 100% residential structures in commercial zones, with well over 1,800 units that would be impacted by such a precedent, approximately 700 of which are RSO. See EXHIBIT K. Allowing applicants such as this developer to commercialize 100% existing residential structures (the existing Certificates of Occupancy for the properties at 811-815 Ocean Front Walk are for residential use) would set a precedent and be an incentive for other owners to demolish or convert existing residential structures, which are typically lower cost, affordable units, for

purposes of mixed-use projects. Why would this precedent be an incentive? Because it would significantly increase the value of their properties.

A new project must conform to both the Mello Act and Coastal Act and a proposed project at this site can only be 100% residential

In the City determination for the initial similar project for 811-815 Ocean Front Walk, Charles Posner, Supervisor of Planning for the Coastal Commission stated in an email to the appellants, the applicant, and senior Coastal Commission staff regarding the 811-815 Ocean Front Walk project:

“A new project must conform to both the Mello Act and Coastal Act requirements. If it cannot, then the existing use will continue.” (ZA-2014-3007-CDP-CUB-ZV-SPP-MEL, which was ultimately denied by the WLAAPC, pages 21 - 22, on June 15, 2015). See EXHIBIT L.

There is no requirement in the Mello Act or the Coastal Act to harmonize the two laws. Both the Mello Act and the Coastal Act requirements must be followed. This means that the mixed-use restaurant project could only be allowed if the existing use being demolished was commercial or mixed-use commercial, as demolishing a commercial structure for purposes of a mixed-use project would be in compliance with both the Mello Act and the Coastal Act.

Again, as the Coastal Commission has stated with reference to this case, “A new project must conform to both the Mello Act and Coastal Act requirements. If it cannot, then the existing use will continue.” The project is in violation of the Mello Act and IAP. The existing use, 100% residential, must continue.

Conclusion

Any one of the appeal issues taken individually may not result in a material impact but taken together and considering the adverse cumulative impact of similar past, currently pending and likely future projects, the project would cause a very significant adverse cumulative effect.

There are many other developers with projects that demolish or convert 100% residential structures for purposes of mixed-use projects "in the queue" who want to do this same thing, take what are housing structures in commercial zones and turn them into commercial projects--commercializing the housing, disrupting and displacing the existing lower income residents, and disrupting and changing the character of the adjacent neighborhoods! And there are also efforts to change residential zones to commercial zones so that even more mixed-use projects can be done!

We the appellants, as well as the community in general (with the exception of those who stand to gain financially from the commercialization of Venice's housing), do not want housing changed to commercial mixed use. We ask that the Coastal Commission to take a strong stand to protect existing housing and protect against displacement of existing residents and adverse impact on Venice's social diversity and community character in order to reverse the growing wave of applications and development pressure to demolish or convert existing residential structures for purposes of more lucrative mixed-use developments.

Subject: 811 Ocean Front Walk and 815 Ocean Front Walk

This property with a central location on Ocean Front Walk has deteriorated under Sutter ownership since 2007, and continues to do so, only while the Sutter's seek Approval for more profitable redevelopment as a mixed-use project. A 100% residential project would have been approved years ago.

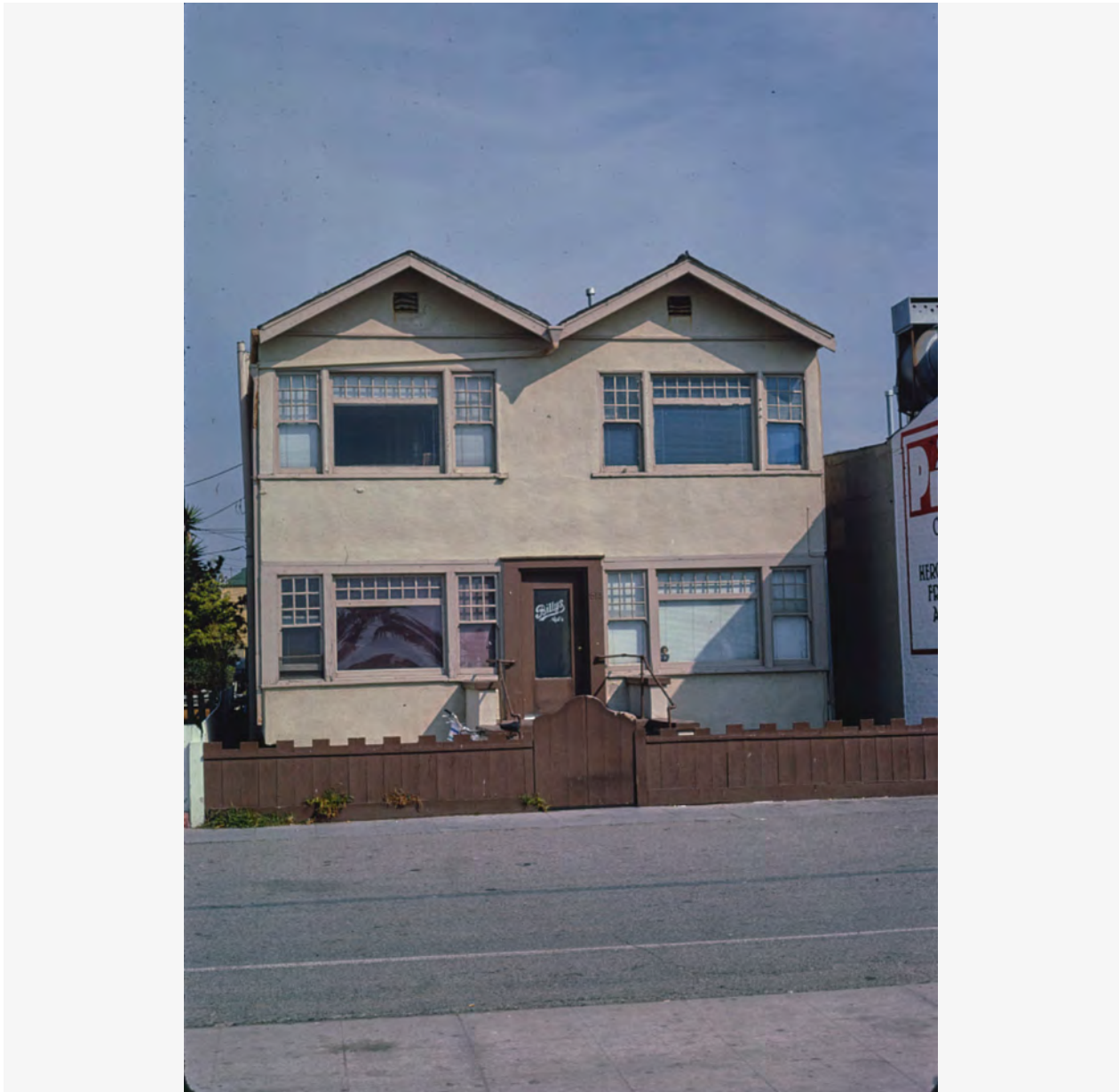
The Interim Administrative Procedures for Complying with the Mello Act, Section 4.3, includes:

An Applicant may not claim infeasibility because the current premises are dilapidated or are in a state of disrepair due to the Applicant's failure to make reasonable repairs or to adequately maintain the site. The City may require the Applicant to correct substandard conditions before it will further consider an Applicant's challenge of the City's presumption.

Developers must be incentivized to follow the law, and thus bad actors must not be rewarded.

Library of Congress - <https://www.loc.gov/resource/mrg.09340/>

Billy's Apartments, Venice, California, 1985 – Photo by John Margolies.



811 Ocean Front Walk

Los Angeles County Assessor Records –
Built 1905.

APN 4286-027-008, purchased by Gary Sutter on 09/07/2007.

815 Ocean Front Walk

Los Angeles County Assessor Records –
Built 1908.

APN 4286-027-008, purchased by Gary Sutter on 09/07/2007.

Another Typical Change in Ownership is recorded on 12/30/2011.

Sutter Ownership since 2007:



BearTrap Entertainment Takes Over 72 Windward, MTV Reality Show Supposedly In Works

March 20, 2013 By [Venice](#) 311 2 Comments



Searching for a missing teen yielded some interesting information about the property at 811/815 Ocean Front Walk known as the old "Billy's Apartments". [Bear Trap Entertainment](#) has been operating out of the facility has reportedly just purchased a building at 72 Windward, are relocating their studio and supposedly have an MTV reality show brewing about them. Let's hope that also signals long awaited renovations to the property on Ocean Front Walk.



Unpermitted demolition of a garage, removal of mature trees, and unpermitted construction including installation of an electric gate to create an unpermitted commercial parking lot for Venice Breeze Suites at 2 Breeze Avenue/ Ocea Front Walk.





The Interim Administrative Procedures for Complying with the Mello Act prohibit an applicant from allowing a property to deteriorate in order to claim infeasibility of a continued residential use, regardless of zoning.

4.3 QUESTION #3. IS A RESIDENTIAL USE FEASIBLE AT THIS LOCATION?

Because the site contains a residential structure, the City presumes that a residential use is feasible. The Applicant may challenge the City's presumption by presenting substantial evidence to the contrary directly to DCP/ZAD staff (for Non-Discretionary Applications); and to the decision-maker (for Discretionary Applications).

The following shall be considered in reviewing an Applicant's challenge of the City's presumption:

- ☐ The Applicant has the burden of proof. Proximity to other existing, viable residential uses is strong evidence that a residential use is feasible.
- ☐ An Applicant may not claim infeasibility merely because the site is zoned commercial. Commercial zones in the City of Los Angeles generally permit residential uses. However, in some cases a "Q" or "D" limitation may be imposed on a particular property which prohibits residential uses.
- ☐ If the existing, underlying zoning or any other applicable regulation prohibits all residential uses, then the Applicant may cite those facts if the Applicant is challenging the City's presumption. If an Applicant has non-conforming or other rights which permit a continued residential use, then the Applicant may not contend that the existing zoning renders a residential use infeasible.

INTERIM MELLO ACT ADMINISTRATIVE PROCEDURES 5.17.00 PAGE 12

- ☐ An Applicant may not initiate and obtain approval for a zone change which prohibits residential uses and subsequently claim infeasibility based on that zone change.
- ☐ An Applicant may not claim infeasibility merely because the site is zoned industrial if a Zoning Administrator had previously approved joint living and work quarters for that site. A Zoning Administrator's grant runs with the land.
- ☐ An Applicant may not claim financial infeasibility unless it can clearly document an inability to rent or sell the current premises based on the site's unique characteristics or circumstances. Unique characteristics or circumstances include proximity to noxious and incompatible existing uses that are likely to remain, and that render a continued residential use infeasible. If challenging the City's presumption, an Applicant may not cite mere proximity to commercial or industrial uses.
- ☐ An Applicant may claim infeasibility due to the site's unique geologic or other topographical features which render it unsafe for human habitation. Applicants must provide supporting documentation.
- ☐ An Applicant may not claim infeasibility because the current premises are dilapidated or are in a state of disrepair due to the Applicant's failure to make reasonable repairs or to adequately maintain the site. The City may require the Applicant to correct substandard conditions before it will further consider an Applicant's challenge of the City's presumption.

If the Applicant has proved with substantial evidence that a residential use is infeasible, staff shall record a "no" answer to question #3, and go to question #4.

If the Applicant has not proved with substantial evidence that a residential use is infeasible, staff shall record a "yes" answer to question #3. This stops the Mello Act Compliance Review process. The Discretionary or Non-Discretionary Application shall be denied. A determination shall be issued pursuant to Part 6.0.

EXHIBIT A



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: July 14, 2015

TO: Kevin Jones, City Planner
City Planning Department

FROM: Robert Manford, Environmental Affairs Officer
Los Angeles Housing and Community Investment Department

SUBJECT: **811 Ocean Front Walk, Venice, CA 90291**

Planning Case #: ZA-2014-3007-CDP-CUB-ZV-SPP-MEL

Based on information provided by the owner, 811 Ocean Front Walk, LLC, a California Limited Liability Company, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable unit exists at 811 Ocean Front Walk, Venice, CA 90291.

The property consists of a single-family dwelling. Per the statement provided by the owner, they are proposing to demolish the single-family dwelling and construct a mixed-use development in conjunction with 815 Ocean Front Walk. 811 Ocean Front Walk, LLC, was conveyed the deed on December 30, 2011 by Gary Sutter who had acquired the property on February 6, 2006. 811 Ocean Front Walk, LLC, has not filed for a building permit per a Los Angeles Department Building & Safety permit search.

Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous three years. The owner's Mello application statement was received by HCIDLA on June 12, 2015. HCIDLA must collect data from: June, 2012 through June, 2015.

The owner acknowledged that pursuant to the Ellis Act, the property was vacated on 2007. On May 10, 2007 a Notice of Intent to Withdraw Units from Rental Housing Use was filed with the Los Angeles County Recorder's Office, and was granted by HCIDLA on September 24, 2009 per HCIDLA BIMS database. Information on HCIDLA's CRIS database indicate that on February 2008 and July 2012, the property was noted as being vacant and boarded up by HCIDLA Code Enforcement inspectors. The owner also provided a security contract and billing statements for 24 hour security patrol for the period from April 2013 to April 2016 to ensure the safety of the building due to the vacant status. Section 4.4.3 of the Interim Administrative Procedures for Complying with the Mello Act could not be applied since there was no rental data available for the previous three years. Additionally, HCIDLA sent the required 30-day tenant letter, however no forms were returned. The former tenant's current mailing address was unavailable.

The Notice to Intent to Withdraw Units, security contract/billing statements and HCIDLA CRIS database indicate property has been vacant for more than 365 days and therefore shall not be classified as an affordable unit per Section 4.4.2 of Interim Administrative Procedures for Complying with the Mello Act.

cc: Los Angeles Housing and Community Investment Department File
811 Ocean Front Walk, LLC, a California Limited Liability Company, Owner
Richard A. Rothschild, Western Center on Law and Poverty, Inc.
Susanne Browne, Legal Aid Foundation of L.A.

RM:MAC:RB:rl

EXHIBIT B

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



August 17, 2021

Jason Patrick Douglas
Senior Planning Deputy
Councilmember Mike Bonin
City of Los Angeles

Dear Mr. Douglas,

In response to your inquiry, the Commission strongly encourages all local governments, including the City of Los Angeles, to consider environmental justice in their review of coastal development permits. In 2016, the Coastal Act was amended to include section 30604(h) which states: *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.* In this case, "the issuing agency" is the City of Los Angeles. Although the City does not have a fully certified LCP, it still may consider environmental justice in its review, and the Commission urges the City to do so.

Sincerely,
DocuSigned by:


110847C3FC6B4AB
Jessica Reed

Staff Attorney, California Coastal Commission

EXHIBIT C



May 4, 2021

CPC-2019-7393-CA
ENV-2019-7394-ND

Re: Mello Act Ordinance must not allow demolitions/conversion of residential structures for purposes of mixed-use projects

Dear Los Angeles City Planning Commissioners:

The California Women's Law Center ("CWLC") is a non-profit law and policy center whose mission is to create a more just and equitable society by breaking down barriers and advancing the potential of women and girls through transformative litigation, policy advocacy and education. We focus on addressing economic justice, gender discrimination, violence against women, and women's health.

Venskus & Associates, APC is a boutique law firm litigating in the areas of housing rights and environmental/land use. The law firm represents and advocates for traditionally under-represented plaintiffs, such as low-income tenants, community organizations and environmental groups.

We write to urge the Los Angeles City Planning Commission ("Planning Commission") to ensure that its proposed Mello Act Ordinance (CPC-2019-7393-CA) does not:

- exceed the City's jurisdiction by conflicting with, or changing the meaning of, state law;
- run afoul of the Settlement Agreement Concerning Implementation of the Mello Act in the Coastal Zones within the City of Los Angeles ("Settlement Agreement");
- establish a law that is weaker than the City of Los Angeles' ("City") Mello Act Interim Administrative Procedures ("IAP").

The Settlement Agreement provided that the City must adopt Interim and Permanent Ordinances to implement both the Mello Act and the provisions of the Agreement. In response, the City adopted the IAP in 2000. In 2015, the City Council requested that City Planning prepare a permanent ordinance, but one was not adopted at that time. In April 2019, the City Council directed the Planning and Housing Departments to prepare and present a permanent ordinance to implement the Mello Act. In December 2019, the City's proposed Mello Act Ordinance was released. On February 25, 2021, the Planning Commission reviewed the proposed ordinance, but the vote was continued to May 13, 2021.

The Mello Act states:

“The conversion or demolition of any residential structure for purposes of a nonresidential use which is not ‘coastal dependent,’ as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location.”

This language is repeated in IAP section 4.1 (also covered in the Settlement Agreement, section VI.C.1.):

“The Mello Act states that the Demolition or Conversion of residential structures for the purposes of a non-Coastal-Dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location.”

II. As proposed, the draft Mello Act Ordinance exceeds the City’s jurisdiction and violates the Settlement Agreement

The draft Mello Act Ordinance exceeds the City’s jurisdiction. Under article XI, section 7 of the California Constitution, “[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”³ The Mello Act is a state statute; therefore, any attempt to enact an ordinance in conflict with it is in excess of the City’s authority.

The City must also comply with the Settlement Agreement in enacting the Mello Act Ordinance. The permanent ordinance must be consistent with both the Mello Act and the provisions of the Settlement Agreement. Adopting an ordinance that is contrary to the provisions of the Settlement Agreement would be in violation of the Settlement Agreement itself.

III. Words have meaning: terminology in land use law is specific

The draft Mello Act Ordinance new proposed provision (LAMC 12.21H.c.7.) for conversion to mixed uses changes the meaning and application of the Mello Act by stating:

“Mixed Use Development. A proposed mixed use development may not result in a net reduction in the total number of existing Residential Units unless a residential use is no longer feasible. A mix of uses is permitted, so long as the structure provides all required Replacement Affordable and Inclusionary Units.”

This new provision would allow for the conversion of one hundred percent residential structures to non-residential mixed uses and by doing so, change the meaning, spirit, and purpose of the Mello Act. This change is in direct violation of the Mello Act and the Settlement Agreement, which explicitly forbid the conversion of a residential structure to a non-residential use.

³ *Sherwin-Williams Co. v. City of L.A.*, 4 Cal. 4th 893, 897 (1993).

This new conversion provision included in the draft Mello Act Ordinance essentially changes the Mello Act, as follows:

“Conversion or demolition of any ~~Residential-Structure~~ residential unit or residential use, for purposes of a non-residential use that is not Coastal-Dependent, is prohibited, unless a residential use is no longer feasible at that location.”

This new provision has the effect of replacing the word “structure,” as used in the Mello Act, the Settlement Agreement and IAP, with “unit or use.” The words “structure” and “unit” are not interchangeable. Nor are the words “unit” and “use.” The word “structure” refers to an entire building as an entity, while the word “unit” refers to an individual dwelling, which may be one of many within a single structure. This is an important distinction, because the use of the word “structure” in both the Mello Act and the IAP intentionally protects the entire residential building.

The terminology used in land use law is specific and purposeful. The use of “unit” in the Mello Act pertains to sections of the law related to protecting existing affordable housing or providing inclusionary affordable housing, whereas “structure” relates to the protection of housing from the desires of developers for more lucrative commercial uses, including mixed use.

A residential structure in a commercial zone may also not be changed to a mixed use, as the Mello Act specifically protects housing regardless of zoning. Furthermore, the definition of a “residential structure” does not include “mixed use,” which is considered a commercial use and is restricted to commercial zones. A “residential structure,” on the other hand, is permitted in both residential and commercial zones. They are far from equivalent. Therefore, the substitution of “unit or use” in the proposed ordinance amounts to a sleight of hand, *apparently to promote the substitution of mixed use structures in place of residential structures*. This was clearly not the intent of the clear and carefully chosen language of the Mello Act, the Settlement Agreement and the IAP.

Municipalities are permitted to strengthen the local implementation of a statute, but not to weaken it. As per the Mello Act, Government Code Section 65590(k):

...[t]his section establishes minimum requirements for housing within the coastal zone for persons and families of low or moderate income. It is not intended and shall not be construed as a limitation or constraint on the authority or ability of a local government, as may otherwise be provided by law, to require or provide low- or moderate-income housing within the coastal zone which is in addition to the requirements of this section.

The present use of the term, “residential structure” protects an entire building, whereas “residential unit or use” does not, necessarily. It would therefore weaken the implementation of the statute and is thus beyond the jurisdiction of the City.

IV. Conversion to mixed use is used as loophole to allow unpermitted conversions to commercial uses

The result of the change in terminology will destroy housing by allowing for conversion to commercial uses. Replacing the word “structure” with the words “unit” or “use” is beyond the jurisdiction of the City because it contradicts the Mello Act, a state law.

The City’s Mello Act Ordinance must also comply with the Mello Act’s intent. Since this new mixed use provision would effectively change the meaning, in direct contradiction to the Act’s intent, the City would be acting in excess of its jurisdiction.

The harm from the City’s attempt to exceed its jurisdiction by allowing conversion or demolition of residential structures for purposes of non-residential use is not just theoretical. Several recent projects have already seized on the current, draft language of the proposed Mello Act Ordinance, regarding “residential units” or “residential uses,” to justify approval of the conversion of residential properties to mixed-use properties. Many of these properties have then illegally converted the entire structure to commercial, non-residential use, with no consequence.

Thus, already the use of “units or uses” rather than “structures” has created a loophole to allow developers to convert one hundred percent residential use structures to “mixed use” and then fail to actually maintain any residential uses, in violation of state law and the Settlement Agreement.

A. Example #1: 1214 Abbot Kinney Blvd.

First, for the property at 1214 Abbot Kinney Blvd., in 2014, the City approved a change of use from residential to mixed use, in violation of the Mello Act. Since then the property has been used illegally as commercial office use, even though it was only approved for conversion to “mixed use.” Yet another example of ongoing use of residential structures for commercial use is 619-701 Ocean Front Walk, aka Thornton Lofts. When the tech industry moved in they took over residential structures for offices. There are numerous other similar examples of unpermitted mixed uses or full commercial uses where the structures are only permitted for residential use.

B. Examples #2 & #3: 811-815 Ocean Front Walk, and 1310 Abbot Kinney Blvd.

Other Coastal Zone projects are pending that would violate the Mello Act by allowing demolition of 100% residential structures for purposes of a mixed-use development. One example is the project at 811-815 Ocean Front Walk, which proposes the demolition of three residential structures for purposes of a mixed-use commercial development. Another example is the project proposed at 1301-1303 Abbot Kinney, which is requesting a change of use from a 100% residential triplex structure to two live/work mixed use units. The approvals of both of these projects have been appealed. If these projects are ultimately approved by the City it will be in clear violation of the state Mello Act and the Settlement Agreement. There are other examples where the City approved a residential structure to be replaced by “artist in residence” use, a mixed use, but they do not meet the code’s definition of artist and thus the structures have become essentially all commercial use.

C. Example #4: 1047 Abbot Kinney Blvd.

One final example is the three bungalows at 1047 Abbot Kinney Blvd., which have certificates of occupancy as residential units but have for years been illegally used for a non-residential use. The City recently approved the demolition of those bungalows for purposes of the Venice Place mixed use project, for which they will be covered by the hotel's CUB, and they will be included in the hotel buildings, very likely losing their identity as housing.

These examples illustrate that because the as-now-proposed Mello Act Ordinance provisions regarding conversion to mixed use contradict the Mello Act's language and intent to protect housing, developers have exploited, are currently exploiting, and will likely continue to exploit this "mixed-use" loophole to effectively destroy residential housing, including and especially affordable housing for low-income residents and communities of color, thus causing a gross, unacceptable, adverse cumulative impact on housing, including affordable housing, in the Los Angeles Coastal Zones.

All of this is an unfortunate, perhaps unconscious, continuance of the City's practices of institutional racism.⁴

V. **If not amended, the draft Mello Act Ordinance will disproportionately harm low income communities of color in the Coastal Zone as new mixed use development will be encouraged**

The impact of the destruction of housing that has and will continue to result from the Mello Act Ordinance if the ability to convert residential structures to mixed uses is not eliminated, disproportionately harms communities of color. In 2017, California had nearly two million rent burdened households of color that spent more than thirty-percent of the household income on rent and utilities.⁵ There were also 1.6 million extremely low-income renter households, two-thirds of which were households of color.⁶ During the COVID-19 pandemic, there has been a disproportionate financial impact on populations of color, which has created even greater disparities.⁷ All housing will be put in jeopardy in the Coastal Zone if the draft Mello Act Ordinance is not amended to prohibit demolition or conversion of residential structures for purposes of mixed use developments, and those who will be impacted most are low-income people and communities of color.

This is especially true because by allowing such mixed use developments to replace residential structures the current draft of the Ordinance actually encourages, rather than discourages,

⁴ On top of these egregious practices, the City has a pattern and practice of using the rent paid by existing unpermitted commercial uses (this was done for 1301-1303 Abbot Kinney and 1047 Abbot Kinney, among many others) to determine whether affordable housing must be replaced, a gross double violation of the Mello Act and a practice that the City must never allow, and yet it openly does allow it.

⁵ AMEE CHEW & CHIONE LUCINA MUÑOZ FLEGAL, POLICY LINK, FACING HISTORY, UPROOTING INEQUALITY: A PATH TO HOUSING JUSTICE IN CALIFORNIA 14 (2020), https://www.policylink.org/sites/default/files/pl_report_calif_housing_101420a.pdf

⁶ *Id.*

⁷ See Kelly Anne Smith, *Covid and Race: Households of Color Suffer Most From Pandemic's Financial Consequences Despite Trillions in Aid*, FORBES (Sept. 17, 2020), <https://www.forbes.com/advisor/personal-finance/covid-and-race-households-of-color-suffer-biggest-pandemic-consequences/>.

displacement. With the “mixed use” loophole, developers are encouraged to demolish the building and erect a new building in its place, thus displacing families currently living in older housing stock which is always, by definition, more affordable than new units deemed “affordable” pursuant to federal and state law. It makes no sense for the City to encourage destruction of existing housing, including affordable housing, so that more lucrative commercial mixed use projects can be built in the Coastal Zone, especially when such a concept runs completely contrary to the Mello Act’s intent. This would be a boon to developers and would cause a steady stream of property owners getting richer on the backs of our existing renters in the L.A. Coastal Zones as they will be displaced when mixed use projects replace residential structures.

VI. Conclusion

We understand that the City’s priority is to increase housing, but it must be done within the confines of the law and not by allowing conversions of residential structures to mixed use, in violation of the Mello Act.

We too support mixed use developments, but only where they replace existing commercial uses and thus add housing.

The Mello Act’s purpose is to protect all housing in the Coastal Zone, as well as to protect existing and provide for new affordable housing.

For the foregoing reasons, we respectfully urge you to eliminate any and all proposed Mello Act Ordinance language that would allow for demolition or conversion of residential structures for purposes of non-residential/commercial mixed use projects, in order to comply with state law and the Settlement Agreement and to ensure the City is acting within its jurisdiction.

Sincerely,

Amy Poyer
Senior Staff Attorney

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Sabrina Venskus
Partner

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EXHIBIT D

A-5-VEN-20-0060 (Venice Community Housing Corporation)
Appeal – No Substantial Issue

be used by the Commission to evaluate a project's consistency with Chapter 3. In this case, the appellants contend that the City-approved project is not consistent with visual resources policies of Chapter 3 of the Coastal Act or with the land use, height, parking, density and community character standards of the certified LUP.

Section 30251 of the Coastal Act protects public views to and along the coast and requires permitted development be sited and designed to be visually compatible with the character of surrounding areas. The Venice LUP includes standards for building height, development setbacks, roofline setbacks, floor area ratio, and density, which may be used as guidance in analyzing new development for compatibility with existing development in Venice. The appellants contend that the project is not consistent with the Venice LUP and, thus, raises a substantial issue with regard to the City's findings of conformity with Chapter 3 of the Coastal Act.

The project site is located in an area designated General Commercial. This land use designation is intended to maintain the uses, density, and character of existing low intensity commercial areas. Thus, the subject project, with a mix of residential development and commercial development, will maintain its commercial use and will provide social programs and services for the residents, is allowed under the certified Venice LUP. Section 30250 of the Coastal Act requires new development be sited in existing developed areas able to accommodate it. In this case, the project is located in a developed mixed-use area able to accommodate residential and commercial uses and is consistent with the Chapter 3 policies of the Coastal Act, including Section 30250.

EXHIBIT E

* 1047 Abbot Kinney--existing three 100% residential RSO units in community commercial zone, application for a mixed-use hotel project, under appeal to the Coastal Commission

* 1214 Abbot Kinney--existing 100% residential in community commercial zone, application for a mixed-use project, under appeal with the Coastal Commission (the 100% residential property is currently being used as an unpermitted 100% commercial use)

* 1301-1303 Abbot Kinney--existing three 100% residential RSO units in community commercial zone, application for conversion to mixed use retail, under appeal to the West L.A. Area Planning Commission, hearing scheduled on October 30th

* 706 Hampton--existing single-family dwelling in neighborhood commercial zone, application for a mixed-use retail project, project was approved but it hasn't been started

* 800-802 Main--existing single-family dwelling, application for a mixed-use restaurant project, under appeal to the Coastal Commission, which declared Substantial Issue at the September meeting

* 204-208 N Venice—five-unit apartment building being demolished for purposes of a mixed-use project

* 1410-1414 Main--existing two single family dwellings in neighborhood commercial zone, application for a huge mixed-use restaurant and office project, pending first City CDP hearing

EXHIBIT F

The Mello Act – Summary of City errors and abuse of discretion re. Mello Act Compliance Review determination

Introduction/Background

California Government Code §65590 and §65590.1, commonly called “The Mello Act” is a California State Law passed in 1982 requiring that all developments and redevelopments in the Coastal Zone of California must replace existing affordable housing units that are being demolished or redeveloped, that new projects include a percentage of new units that are affordable, and that all projects preserve housing structures where they currently exist. The law requires that the local jurisdiction granting a demolition or development permit enforce these requirements, and the law sets a floor for the minimum amount of affordable housing a jurisdiction must require for a project to be in compliance.

The Mello Act law was poorly enforced in the City of Los Angeles after its passage. In 1996, grassroots groups from the Coastal neighborhoods of Venice and San Pedro brought a lawsuit against the City of L.A. for its failure to enforce the Mello Act. In 2000, that suit, Venice Town Council Inc., et. al. v. City of Los Angeles resulted in a settlement (“Settlement Agreement”) and the City's adoption of the Interim Administrative Procedures for Complying with the Mello Act (“IAP”), which is the current Mello Act city law governing implementation in the City’s Coastal Zone.

Especially given the current state of affordable housing in the City of Los Angeles, where our elected officials are working hard to “stop the bleeding” of truly affordable housing to luxury housing developers, the hypocrisy from this and other Mello determinations from the Department of City Planning (“DCP”) is unacceptable. Here, the DCP fails to consider the total loss of 10 affordable units from the Venice community. It is the duty of the City, including the WLAAPC, the City Planning Commission (“CPC”), PLUM and City Council, to ensure that abuses of discretion such as in this case do not systematically adversely impact affordable housing opportunities for low- and moderate-income people. Here, there has been a failure to comply with the Mello Act with respect to the lost 10 affordable units and the demolition of the existing residential structures for purposes of a mixed-use restaurant project. Thus, the Planning Director’s decision is inconsistent with the Mello Act, the IAP and the Settlement Agreement.

Proposed project violates the Mello Act and IAP

This project proposes the demolition of a 100% residential structure for purposes of a non-residential development in the Coastal Zone, which the Mello Act and the IAP prohibits. The City cannot violate the state Mello Act, neither may it exceed its jurisdiction by changing the wording and the meaning of the Mello Act in order to

provide for new mixed use commercial developments replacing 100% residential structures. This violates the law.

The residential structures are being demolished for purposes of a non-residential use, a mixed-use project, which is both a residential use and a nonresidential /commercial use, a restaurant. One only needs to ask--is this project for a mixed-use commercial development? or does this project not demolish a residential structure for purposes of a mixed-use project? The answer to both questions is clearly no and the project does demolish or convert residential structures for purposes of a non-residential use, in violation of the Mello Act and IAP.

The prohibition of demolition or conversion for non-residential use is unequivocal. In addition, the Coastal Commission clearly considers mixed-use projects in the Coastal Zone to be commercial uses. See EXHIBIT D above for one example: Coastal Staff Report dated November 20, 2020.

The December 15, 2020 city CDP determination shows how the city attempts to get around the Mello Act requirement to preserve existing residential structures, Government Code Section 65590(c), by approving "a Mello Act Compliance Review for the demolition of nine Residential Units and the construction of nine Residential Units in the Coastal Zone," making it appear as though this is a project for a new residential use while ignoring the commercial aspect and commercial nature of the project. Using a partial project description in order to analyze a project for Mello Act compliance is piecemealing and is a violation of the Mello Act and the IAP. The Mello Act Compliance Review must apply to the same project as the related discretionary CDP application/determination, which in this case is a mixed-use commercial project and not just nine new residential units. As a matter of law, the city must consider the entire mixed-use project in its Mello Act Compliance Review determination, including the non-residential restaurant use portion, and cannot only review the project in light of one aspect of the project, the residential use. Like CEQA, which prohibits project "piecemealing," under the Mello Act piecemealing is prohibited.

We attach a letter dated May 4, 2021 from land use law firm Venskus & Associates and the California Women's Law Center (CWLC). See EXHIBIT C above. It explains in more detail why a demolition or conversion of the existing residential structures at 811-815 Ocean Front Walk for purposes of the proposed mixed-use project is prohibited by the state Mello Act, Government Code Section 65590-65590.1, and the IAP. There is a pattern and practice of such violations approved by the city that is resulting in a significant adverse cumulative impact on housing and displacement of existing residents in the Venice Coastal Zone.

In addition to the violation of Government Code Section 65590(c), we have proven with substantial evidence in the record that ten units existed at the property, which also

violates the IAP's prohibition against reductions of the existing number of residential units.

This evidence includes the fact that the residents at 811 Ocean Front Walk were evicted under the Ellis Act. See EXHIBIT A above. When tenants are evicted under the Ellis Act, it means that the building is rent-stabilized, which means that it has a minimum of two units since the Rent Stabilization Ordinance does not apply to single-family dwellings. Accordingly, the 811 Ocean Front Walk building is not a single-family dwelling and contains at least two units. Together with the eight units in the two buildings at 815 Ocean Front Walk there were ten dwelling units at 811-815 Ocean Front Walk. The Project only provides nine units; thus, it also violates the Mello Act and IAP as there is a reduction in units from ten to nine, making it an unpermitted conversion due to a reduction in the existing number of residential units.

In addition, there is an inclusionary requirement for projects for ten units. According to IAP 5.0 New Housing Developments:

"Based on the Coastal Commission Guidelines, the Council has found that it is generally feasible for New Housing Developments consisting of ten or more Residential Units to provide Inclusionary Residential Units. Applicants shall implement one of the following two required inclusionary options:

- 1) Inclusionary Requirement Option #1. Reserve at least 20 percent of all Residential Units for Inclusionary Residential Units for Very Low- or Low-Income Households; or
- 2) Inclusionary Requirement Option #2: Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low-Income Households."

The project can only be approved under both the Mello Act and the Coastal Act if it is a 100% residential project, with at least ten units, nine of which would be replacement affordable units--4 units each in the two buildings at 815 Ocean Front Walk and one inclusionary affordable unit (note that the feasibility analysis is not applicable as there are more than 3 units in the buildings).

The City previously denied the same project and must be consistent

The city's West L.A. Area Planning Commission (WLAAPC) issued a determination on January 8, 2018, correctly denying a project that is essentially the same as this project (a mixed use restaurant project with a reduction in units) at the same address, stating that the project was not consistent with the Mello Act, that the project proposes the construction of a non-residential use that is not a coastal dependent non-residential use, that the project will also result in a Conversion (as defined in the IAP) due to the reduction in the number of existing residential units, and further, that the Applicant has not submitted any evidence to argue that continued residential use is no longer feasible. (CASE NO. ZA-2014-3007-CDP-CUB-ZV-SPP-MEL-1A) In addition, in its May 28, 2015 letter related to that case, the Los Angeles Housing and Community Investment

Department (HCID) stated that as per IAP 4.0 and 4.3 “applications where demolition or conversion of residential structures occur for non-residential uses are denied unless the applicant proves with substantial evidence that a residential use is not feasible at that location.”

There must be consistency in following the law. The issues are the same and the violations are the same. The city erred in approving the same project that it had previously denied due to the same Mello Act violations.

Voluntary conditions do not mitigate the impact of displacement

The voluntary conditions mentioned by the applicant at the PLUM hearing in no way mitigate for the loss of affordable housing due to this project or the adverse cumulative impact of displacement that would be caused by approving this project. There was no evaluation of the value of affordable housing lost compared to the community benefits offered.

In addition, as per email from Juliet Oh to David Ewing on July 10, 2021, when a decision-maker approves a project with Conditions of Approval, the applicant has to adhere to all of the conditions outlined. If an applicant volunteers conditions or members of the public request specific conditions, it is up to the decision-maker to determine whether such conditions are necessary/appropriate for the requested action and include them in the final decision letter as conditions of approval. Without that they are not enforceable. In this case, the voluntary conditions have not been made conditions of approval by the decision maker, so there is no real benefit to the project and they do not compensate for the loss of affordable housing.

If HCID had done its job correctly they would have found 10 affordable units, 2 at 811 Ocean Front Walk and 8 at 815 Ocean Front Walk, all of which were Ellised. So, for this project to provide only one affordable unit, which is required in order to qualify for the density bonuses being requested, and then propose voluntary conditions such as murals or having a deeper affordability level for the one unit, does not make up for the loss of the other 9 affordable units. To coordinate with a non profit for services for that one affordable unit also does not make up for the loss of the other 9 affordable units.

HCID was negligent in their findings of no affordable units in the structures. They violated the IAP section 4.4, including 4.4.1 through 4.4.6. They did not follow the process required for reaching out to prior tenants and determining prior rents. As per the HCID letters dated July 14, 2015 and July 21, 2015, they “sent the required 30-day tenant letter, however no forms were returned. The former tenant’s current mailing address was unavailable.” They did not make best efforts in this regard.

In addition, as stated in the HCID letter dated June 27, 2013 with respect to the Mello Act Determination for 416-418 and 422-424 Grand Blvd, when there is insufficient documentation LAHD policy is to find the unit affordable. Thus, in this case where the rental and income information was not available, the conclusion should have been that the units were affordable.

Also, as stated in the appellant's letter in the Council File dated August 2, 2021, the evidence for HCID finding that the property was vacant for the year prior to the application is insufficient. They relied on a security contract and billing statements in saying the property was vacant. Billing statements or a contract are not adequate evidence and actual payment evidence should have been required. Also, presence of security does not mean that no one was living at the premises. In addition, the appellants provided substantial evidence in the form of sample utility bills showing evidence of occupancy during the year prior to the application.

The project also entails an unpermitted conversion under the IAP as there were ten existing units, as documented in detail in the appeal and the Council File record, and the project only entails 9 units, a reduction of one.

You must not allow the commercialization of housing in the Coastal Zones of Los Angeles. Mixed use projects are good for a community if they are replacing other commercial projects but by law, they must not be used to replace residential structures in the coastal zone.

The city's job is to protect housing and prevent displacement, not to promote commercial uses.

HCID Mello determination of affordable units must be corrected and reissued

The proposed project also has numerous issues with the determination of previously existing affordable housing that must be replaced. HCID found that, because the units had been vacant for 365 days at the time of their review, no affordable units existed. However, substantial community testimony contradicts this. Many neighbors said that the site was never vacant before the redevelopment effort began. Based on information provided by people who claim to have resided there, some, if not all, of the premises was used for housing that would be determined affordable replacement housing under the IAP. Evidence is in the case file for the WLAAPC appeal of the prior proposed project for 811-815 Ocean Front Walk – ZA-2014-3007-CDP-CUB-ZV-SPP-MEL, which the City should provide to the Coastal Commission Staff as a part of this record. It was established that people were living there and paying rent. There is a letter from at least one person stating that. There are years of utility bills. The City's Abatement Unit couldn't do anything because it was the owner's son who was living on the property with many others, so it was not an unauthorized entry. Inspection notes support this.

It is possible that some or all of the rental activity at the project site was happening without the property owners' approval. It is well documented that an unpermitted commercial use, a recording studio, operated at the site, and some community members have indicated that the person collecting rent may have not been an agent of the property owner. In addition, there are 10 units – 10 gas meters as well as HCID records for 10 units, and according to IAP 5.0 an additional inclusionary affordable unit is required.

The HCID Mello determination of replacement affordable housing must be corrected and reissued accordingly.

See also EXHIBIT N below.

EXHIBIT G



Venskusk & Associates
A PROFESSIONAL CORPORATION

603 WEST OJAI AVE., SUITE F
OJAI, CALIFORNIA 93023
TEL: 805-272-8628

1055 WILSHIRE BLVD., SUITE 1996
LOS ANGELES, CALIFORNIA 90017
TEL: 213-482-4200

August 16, 2021

Los Angeles City Council
Attn: City Clerk
200 N. Spring Street, Room 395
Los Angeles, CA 90012

Clerk.CPS@lacity.org, Clerk-ENSLA@lacity.org

Re: Appeal of Case No. CPC-2019-2282-CDP-MEL-SPP-DB-CUB and
ENV-2019-2284-CE (811-815 Ocean Front Walk, Venice)

Honorable Members of the City Council,

Venskusk & Associates, A.P.C. is a boutique law firm litigating in the areas of housing rights and environmental/land use. The law firm represents and advocates for traditionally under-represented plaintiffs, such as low-income tenants, community organizations and environmental groups.

California Government Code §65590 and §65590.1, commonly called “The Mello Act,” is a California state law passed in 1982. The law requires that the local jurisdiction granting a demolition or development permit enforce its requirements. The Mello Act law was poorly enforced in the City of Los Angeles (“City”) after its passage. In 1996, grassroots groups from the Coastal neighborhoods of Venice and San Pedro brought a lawsuit against the City for its failure to enforce the Mello Act. In 2000, that suit, *Venice Town Council Inc., et. al. v. City of Los Angeles* (1996), resulted in a settlement (“Settlement Agreement”) and the City’s adoption of the Interim Administrative Procedures for Complying with the Mello Act (“IAP”), which is the current Mello Act city law governing implementation in the City’s Coastal Zone.

I write to strongly urge the City Council to uphold the appeal and deny the project-- a demolition of three residential structures (with ten original dwelling units) and construction of a three-story, 13,412 square foot mixed-use development with nine dwelling units and a 1,568 square foot restaurant with 50 seats, requesting a full line of alcoholic beverages, and 30 parking spaces on the ground floor and one subterranean level at 811-815 Ocean Front Walk (“Project”)--as it is in violation of the Mello Act and the City’s IAP.

The structures are being demolished for purposes of a non-residential use, a mixed-use project, which is both a residential use and a nonresidential use--a restaurant, which is a commercial use. The project violates the Mello Act as it would demolish three residential structures for purposes of a non-residential use. As a matter of law, the City must consider the entire mixed-use project in its Mello Act Compliance Review Determination, including the non-residential restaurant use portion, and cannot only review the project in light of one part of the project, the residential use.

We attach a letter dated May 4, 2021 from Venskus & Associates and the CWLC. It explains in more detail why a demolition or conversion of the existing residential structures at 811-815 Ocean Front Walk for purposes of the proposed mixed-use project must not be allowed, as per the state Mello Act and the IAP. Please note specific mention of the Project on page 5 and that there is a pattern and practice of such violations approved by the City that is resulting in a significant adverse cumulative impact on housing and displacement of existing residents in the Venice Coastal Zone.

In addition, the appellants have proven with substantial evidence in the record that ten units existed at the property. This evidence includes photos of gas meters and the fact that the residents at 811 Ocean Front Walk were evicted under the Ellis Act, which means that the building contained more than one unit, in this case two units. Together with the eight units at 815 Ocean Front Walk there were ten dwelling units at 811-815 Ocean Front Walk. The Project only provides nine units; thus, it also violates the Mello Act and IAP as there is a reduction in units from ten to nine, making it an unpermitted conversion due to a reduction in the existing number of residential units.

The West L.A. Area Planning Commission issued a determination on January 8, 2018, denying essentially the same project (a mixed use restaurant project with a reduction in units) at this same address, stating that the project was not consistent with the Mello Act, that the project proposes the construction of a non-residential use that is not a coastal dependent non-residential use, that the project will also result in a Conversion (as defined in the IAP) through the reduction in the number of existing residential units, and further, that the Applicant has not submitted any evidence to argue that continued residential use is no longer feasible. (CASE NO. ZA-2014-3007-CDP-CUB-ZV-SPP-MEL-1A) In addition, in its May 28, 2015 letter related to that case, the Los Angeles Housing and Community Investment Department stated that as per IAP 4.0 and 4.3 "applications where demolition or conversion of residential structures occur for non-residential uses are denied unless the applicant proves with substantial evidence that a residential use is not feasible at that location."

You must be consistent and follow the law as the planning commission did. The issues are the same, the violations are the same, your decision must be the same.

Lastly, the applicant misstates the certified Land Use Plan in claiming that mixed use development is required in Venice's commercial areas. The certified Land Use Plan clearly states in Policy I. B. 2. that mixed use residential developments shall be encouraged in the areas designated for commercial use, but they are not required. The

project is required to conform with both the Mello Act and the Coastal Act and thus a residential only use is the only option available to the applicant.

Sincerely,

/s/ Sabrina Venskus

Sabrina Venskus
Partner
Venskus & Associates, A.P.C.
Los Angeles, California 90017
[http://venskus@lawsv.com](mailto:vs@lawsv.com)

ATTACHMENT

EXHIBIT H

Concepts



Citywide Housing Priorities

Using the 6 **Concepts**, a set of overarching priorities was developed (“citywide housing priorities”) used to guide the goals, objectives and policies

- ☐ **Addressing the Housing Shortage**
- ☐ **Advancing Racial Equity & Access to Opportunity**
- ☐ **Preventing Displacement and Protecting Angelenos**
- ☐ **Promoting Sustainability & Resilience**

EXHIBIT I

Annual Hare Krishna Parade in Venice, 2010.



A truck is unable to make a turn onto Speedway. Speedway is the only access to Ocean Front Walk and the surrounding residential areas for 6 entire blocks.



1 dump truck blocks Speedway.



On Speedway, a 20ft-wide alley, vehicles are trapped behind one large truck with no room to pass.



1 jeep blocks an alley adjoining Speedway.



On August 3, 2013 a man drove on Ocean Front Walk killing an Italian tourist and injuring several people. Emergency personnel need unobstructed access to OFW and the surrounding residential areas. This is critical for public safety.



2020 Emergency Response to a suicide on Speedway (20ft. wide) in Venice:



Bob Newman

21 hrs

Just another day in Venice.. jumper off Thornton Tower

  Vinnie Caggiano and 1 other

5 Comments

January 13, 2021

More than 100 firefighters knocked down a large fire at a vacant commercial building. The flames and smoke were reported at 6:19 a.m. at a two-story, 6,952-square-foot building at 723 Ocean Front Walk, near Park Avenue, Los Angeles Fire Department spokesman Brian Humphrey said in a statement. No injuries were reported.



Apartment Fire at 8 Brooks Avenue / Ocean Front Walk in Venice in 2003 –

This location is less than 200 ft. south of the subject property at 811-815 Ocean Front Walk

https://youtu.be/AZcYtoN_j6k

A fire at 8 Brooks & Ocean Front Walk in 2003 was the largest fire in Los Angeles that year. More than 100 firefighters were deployed. The fire burned for hours.



EXHIBIT J

Title: Zoning Realignment of Commercial Corridors

Meeting Date: 09/01/2021

Committee: Land Use & Planning Committee

Vote Count:

Request: This is a follow-up request to hear the "spot-zoning" correction motion relating to Rose Avenue, Pacific Avenue, and OFW. This item was originally heard by LUPC in May 2019 and, in August 2019, the Board ordered the case returned to LUPC. Rick Swinger submitted this agenda request on June 24, 2021. On July 30, 2021, the Chair indicated this would be taken up this term. Draft Motion: |

Whereas commercial corridors in Venice have over many decades been subject to spot zoning and/or otherwise have been inadvertently rezoned without outreach to the Property Owners or Neighboring Residents; Whereas the Venice Land Use Plan Policy I. B. Z. states: "The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity."; and Whereas, the City Planning Dept and Coastal Commission are in the process of updating the LCP and Venice Community Plan. Therefore the VNC shall recommend to the City Planning Dept and the Coastal Commission that Properties per the list below along commercial corridors in Venice be rezoned to Commercial Use as part of the LCP and Community Plan update in order to: (i) create consistency with the adjacent and neighboring properties; (ii) to remedy the past spot zoning of certain commercial corridors of Venice; and (iii) that the rezoned properties be in compliance with all land use requirements set forth in the applicable Los Angeles zoning code, including, but not limited to, any uses which may require a conditional use permit. Properties to be included in the rezoning back to commercial use:

100 Venice Way 401-507

1901-2015 Ocean Front Walk

305-373 Rose Ave

EXHIBIT K

Based on these reports, below is the summary of the number of 100% residential structures in commercial zones in the Venice, San Pedro and Playa del Rey Coastal Zones, for which property owners would be incented to demolish or convert residential structures for purposes of mixed use projects if the City were to allow it.

Coastal Zone Properties with 100% residential structures in commercial zones:

230	Venice
29	San Pedro
<u>19</u>	Playa del Rey
278	Total

Units on those properties:

1,862	Venice
231	San Pedro
<u>108</u>	Playa del Rey
2,204	Total

of Units on those properties that are RSO:

706	Venice
164	San Pedro
<u>102</u>	Playa del Rey
972	Total

EXHIBIT L

From: "Posner, Chuck@Coastal" <Chuck.Posner@coastal.ca.gov>
Subject: 811-815 Ocean Front Walk, Venice
Date: June 5, 2015 12:14:14 PM PDT
To: 'Robin Rudisill' <wildrudi@me.com>, 'John Reed' <John@reedarchgroup.com>
Cc: "Ainsworth, John@Coastal" <John.Ainsworth@coastal.ca.gov>, "Padilla, Al@Coastal" <Al.Padilla@coastal.ca.gov>, "Henry, Teresa@Coastal" <Teresa.Henry@coastal.ca.gov>

Regarding 811-815 Ocean Front Walk, Venice: Land Use Plan Designation of Community Commercial.

A new 100% residential project would not conform to the land use policies of the certified LUP or the Chapter 3 policies that prioritize visitor-serving uses along the shoreline. A mixed-use project, with residential above commercial, would conform to the LUP and Chapter 3.

The site is currently 100% residential units. The owners can maintain the existing non-conforming use if the Mello Act does not allow conversions of residential units to commercial uses.

A new project must conform to both the Mello Act and Coastal Act requirements. If it cannot, then the existing use will continue.

Charles R. Posner

Supervisor of Planning
California Coastal Commission
200 OceanGate - Tenth Floor
Long Beach, CA 90802
(562) 590-5071
chuck.posner@coastal.ca.gov

EXHIBIT M

PLUM August 3, 2021, Item 13--CPC-2019-2282-CDP-MEL-SPP-DB-CUB- 1A

'Robin Rudisill' via Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>

Tue, Aug 3, 2021 at 12:03 PM

Reply-To: clerk.plumcommittee@lacity.org

To: Armando Bencomo <clerk.plumcommittee@lacity.org>, councilmember.blumenfield@lacity.org, councilmember.harris-dawson@lacity.org, councilmember.lee@lacity.org, councilmember.ridley-thomas@lacity.org, Gilbert.Cedillo@lacity.org

Cc: Sabrina Venskus <venskus@lawsv.com>, Bill Przylucki <bill@power-la.org>, Laddie williams <cwilli7269@gmail.com>, Lydia Ponce <venicelydia@gmail.com>, Margaret Molloy <mmmolloy@earthlink.net>, Sue Kaplan <sueakaplan@gmail.com>, Ira Brown <ira.brown@lacity.org>, Len Nguyen <len.nguyen@lacity.org>, Jason Douglas <jason.p.douglas@lacity.org>, "Selvaraj, Sumi@Coastal" <sumi.selvaraj@coastal.ca.gov>, Steve Hudson <Steve.Hudson@coastal.ca.gov>, "Eric@Coastal Stevens" <eric.stevens@coastal.ca.gov>, Amy Poyer <amy.poyer@cwlc.org>, betsy.butler@cwlc.org, "Vaughn, Shannon@Coastal" <shannon.vaughn@coastal.ca.gov>, David Ewing <seriousbus@aol.com>, David Ewing <moereseriousbus@gmail.com>, Andrew.Pennington@lacity.org, hannah.lee@lacity.org, Gerald.Gubatan@lacity.org, Luciralia.Ibarra@lacity.org, hakeem.parke- davis@lacity.org, Elizabeth Ene <Elizabeth.Ene@lacity.org>, Belem Lamas <belem.lamas@lacity.org>, Joshua Yeager <josh.yeager@lacity.org>, "Christie, Sarah@Coastal" <Sarah.Christie@coastal.ca.gov>

PLUM City Clerk,

Please provide this letter to PLUM for the August 2nd Agenda, Item 13, and post it to Council File 21-0013.

Thank you.

To: City of Los Angeles Planning and Land Use Management Committee

Fr: Appellants

Re. Our appeal of CPC-2019-2282-CDP-MEL-SPP-DB-CUB-1A

[811-815 Ocean Front Walk](#)

CF 21-0013

This appeal is about protecting housing.

This is about commercial interests wanting to take over our housing developments in coastal commercial zones.

A similar mixed use restaurant project FOR THIS SAME PROPERTY was previously denied by the Area Planning Commission because the Mello Act does not allow a residential structure to be demolished for purposes of a non-residential mixed use project in the Coastal Zone.

West L.A. Area Planning Commissioner Joe Halper said at that hearing: "This project is in stark contradiction to the City's policy direction."

This is still pertinent today. Preventing displacement of existing residents (which would be caused by allowing the commercialization of our residential buildings) is one the main goals of our Housing Element! To allow this project with NO replacement affordable housing and to turn 100% residential to commercial mixed use is the epitome of structural racism in land use.

The coastal Mello law is clear--it does not allow demolitions for projects that have any nonresidential/commercial use. Period. It does not allow for a commercial component as long as some level of residential use is maintained. Nowhere does the Mello Act allow for any form of commercial development to replace housing except coastal dependent uses. It says that a demolition of a residential structure for purposes of a nonresidential use is prohibited. This demolition would be in part for purposes of a nonresidential use, a restaurant, which is just not permitted.

We've proven with substantial evidence in the Council File that the Mello findings are erroneous. There was occupancy during the one year period prior to the application and the City's finding that the premises were vacant is erroneous. We've also proven that a mixed use project here would violate the Mello Act's prohibition on commercial projects unless they are coastal dependent and a residential use is infeasible.

It's a tragedy that at every turn City Planning has tried to weaken, evade and find loopholes around the Mello Act law that protects housing in the Coastal Zone.

City Planning violated the Mello Act in the 90's, resulting in a lawsuit and a settlement agreement that we've been following ever since.

City Planning also violated the Mello Act and IAP for several years with a pattern and practice of approving Mello Act Compliance Determinations using the VSO ministerial permit process when an appealable process is required.

And City Planning still violates the Mello Act by allowing applicants to count higher, illegal commercial use rents as the required housing cost information!!

And now City Planning is proposing to violate the Mello Act once again by allowing a demolition of three residential structures for purposes of a non-residential mixed use project. Mixed use contains a non-residential use, a commercial use.

As you can see, City Planning has violated the Mello Act many times over the past three decades and it is known for its long-standing illegal practices with respect to the Mello Act. It has been necessary for citizen groups, such as ours and such as the Venice Town Council and Barton Hill Neighborhood Organization, to fight and work to get the City's illegal practices corrected. This project is no different.

Also, we acknowledge that City Planning has supported demolitions or conversions of 100% structures for purposes of some mixed use projects in the past and also that City Planning has put a provision in the draft Mello Act Ordinance in that regard. However, the City is in error on this point and we the undersigned and the public interest lawyers involved are challenging such projects as well as the mixed use provision of the draft Mello Act Ordinance. The City has a pattern and practice of approving projects such as this in violation of the Mello Act state law. While this draft Mello Act Ordinance mixed use issue is being decided by the City Council, and ultimately by a court of law if necessary, this unlawful practice must not be allowed.

Mixed use projects in the coastal zone are a good thing, but they must be used to to replace existing commercial uses (instead of existing residential uses) and then we are increasing housing and following the Mello law! It's a win win.

We must not allow unlawful projects that demolish residential structures for purposes of mixed use projects, resulting in the same number of units but violating the law, commercializing housing AND displacing residents! It's a lose, lose, lose.

Allowing mixed use developments such as this one to replace residential structures encourages, rather than discourages, displacement. If mixed use is allowed to replace residential structures, developers are encouraged to demolish 100% residential buildings in commercial zones and erect new buildings in their place, thus displacing families currently living in older housing stock which is always, by definition, more affordable than new units deemed "affordable" pursuant to federal and state law. The City must not encourage destruction of existing housing so that more lucrative commercial mixed use projects can be built in the Coastal Zone, especially when this is clearly prohibited by the Mello Act. This would be a boon to developers and would cause a steady stream of property owners getting richer on the backs of our existing renters in the Los Angeles Coastal Zones.

I know you understand that the increasing trend of displacement of existing residents needs to stop and that that is one of the main goals of the Housing Element. At a time when we have record numbers of people losing housing, even more people falling into homelessness, the eviction moratorium is being lifted and even more people are going to be displaced, WHY would we violate a law that protects existing housing?! We know quite well how it works now and the direct

consequences. Homelessness will increase. Why in the WORLD would we allow something like this that would result in more displacement when we are in this crisis? We need to follow the Mello Act's mandate to protect housing in the coastal zone from developers' natural inclination to commercialize it. We must use mixed use developments to ADD housing by replacing commercial developments and not 100% residential structures.

Lastly, the applicant will try to convince you that the coastal regulations require a mixed use project in this commercial zone. That is simply not true as the coastal regulations only state that mixed use projects should be encouraged in commercial zones, but they are definitely not required.

This project would serve to perpetuate structural racism in land use in Venice. This project would violate the Mello Act. Please do the right thing and either require modification of this project to a 100% residential housing project or deny this application.

For the Love of Los Angeles and our precious Coast,

Robin Rudisill, Citizens Preserving Venice

(310) 721-2343

EXHIBIT N

Mello Act Violations, continued

Conversion Prohibited Unless Continued Residential Use is Infeasible

The Mello Act, Public Resources Code (PRC) Article 10.7: Low- and Moderate-Income Housing Within the Coastal Zone, incorporates PRC Article 10.6, Housing Element.

Article 10.7, 65590 (a):

The conversion or demolition of any residential structure for purposes of nonresidential use which is not "coastal dependent" shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location.

"Coastal dependent" is defined as "any development or use which requires a site on, or adjacent to, the sea *to be able to function at all.*"

The prohibition of conversion or demolition of a 100% residential structure is not authorized unless the local government finds that a residential use is no longer feasible in that location regardless of LAMC or zoning. The Mello Act and IAP state that the proximity of nearby residential uses creates the presumption of the feasibility of a continued 100% residential use.

Here, in CPC-2019-2282-CDP-MEL-SPP-DB-CUB, F-3 states:

The northeastern and eastern adjoining properties, across Speedway, are zoned RD1.5, and developed with a two- and three-story residential duplex and a three-story single-family dwelling. The southeastern adjoining property, fronting Ocean Front Walk, Speedway, and Brooks Avenue is zoned C1-1 and developed with a two-story-over-garage multi-unit residential building fronting on Speedway and Brooks Avenue and a one-story multi-tenant commercial building fronting on Ocean Front Walk.

Therefore, the proximity of nearby 100% residential uses creates a presumption of feasibility of a continued 100% residential use.

Conversion Prohibited Unless Continued Residential Use is Infeasible

In *Venice Town Council v City of Los Angeles*, the court wrote:

[W]e conclude the City's interpretation of its responsibilities under the Mello act is erroneous. The plain language of the statute imposes a mandatory duty on the City in certain circumstances to require replacement housing for low- or moderate-income persons or families where units occupied by qualifying persons are converted or destroyed. We further conclude the City has no discretion to allow a developer to escape the requirement of providing affordable replacement units whenever the City permits a **noncoastal dependent commercial structure** to replace existing affordable residential units.

Conversion of 100% residential structure to a noncoastal dependent use is prohibited unless a continued residential use is infeasible.

811-815 Ocean Front Walk = 10 gas meters = 10 units

Here, the Applicant provided a 2015 HCID Mello Determination for nine units at 811-815 Ocean Front Walk. This required a three-year look-back at the use of the property from 2012-2015. The Applicant claimed that the property was vacant during that time.

Documents included here show ten Rent Stabilized dwelling units at 811-815 Ocean Front Walk. There are ten gas meters. Housing & Community Investment Department (HCID) records show 2 units at 811 Ocean Front Walk. Multiple documents show 8 units at 815 Ocean Front Walk. Additionally, on Dec 2, 2016, LADBS Inspector Michael Schulzinger wrote: "The Vacant Building Abatement section of the department can issue an Abate order at a location where the buildings are vacant and open to unauthorized entry. As you can see on the website I had responded to requests for service in the past. At the time of inspection, the property did not meet the requirements for an Abate order." Inspector Schulzinger and other LADBD Inspector's notes show people living on the property including the owner's son.

These documents prove that there are ten units and the property was occupied during 2012-2015 contrary to the 2015 HCID Mello Determination

For these reasons, the Mello Determination letter issued by HCID is not valid.
PLUM **cannot** approve a project without a valid Mello Determination.

Mello Act Prohibits Conversion of Rental Units to Condos/For Sale Units

Additionally, the Mello Act prohibits conversion of rental units to condominiums or other for-sale units.

Article 10.7, 65590

(1) "Conversion" means a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel as defined in paragraph (1) **to a condominium, cooperative, or similar form of ownership**; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

DCP's Mello Screening Checklist requires applicants to disclose if they plan to convert residential units to condos or for sale units.

The Parking Map for 811-815 Ocean Front Walk includes a disclaimer by the Architect/Representative John Reed of Reed Architecture (below) regarding any after-the-fact application to convert the residential units in this commercial development to condominiums. This appears to indicate the Representative's belief that the Applicant may seek an after-the-fact conversion.

That would be considered a Mello Act workaround and is prohibited.

811-815 Ocean Front Walk has 10 gas meters for 10 units (photos below).



HOUSING & COMMUNITY INVESTMENT DEPARTMENT

RECORDS FOR 811-815 OCEAN FRONT WALK

811 OCEAN FRONT WALK – 2 UNITS. NO EXEMPTIONS.
SYSTEMATIC CODE ENFORCEMENT INSPECTIONS (SCEP) & CODE ENFORCEMENT.

PROPERTY INFORMATION

Assessor Parcel Number:	4285027007	Official Address:	811 S OCEAN FRONT WALK, Los Angeles, CA 90291
Total Units:(legal unit count may vary)	2	Total Exemption Units:	0
Rent Registration Number:		Rent Office ID:	West
*Census Tract:	273402	Code Regional Area:	West Regional Office
*Council District:	Council District 11	Year Built:	1905

*Bureau of Engineering Data

Please click on a Case Number to view "Property Activity Report"

Property Cases

Case Type	Case Number	Date Closed
Complaint	520071	04/30/2015
Complaint	434796	08/13/2013
Systematic Code Enforcement Program	396545	07/17/2012
Complaint	386556	04/26/2012
Systematic Code Enforcement Program	174982	02/01/2008



CODE ENFORCEMENT DIVISION - Property Activity Report

[HCDLA HOME](#) [Report a Violation](#) [Property Activity Report](#)

PROPERTY ACTIVITY REPORT

Assessor Parcel Number:	4286027007	Official Address:	811 S OCEAN FRONT WALK, Los Angeles 90291
Council District:	Council District 11	Case Number:	388656
Census Tract:	273402	Case Type:	Complaints
Rent Registration:		Inspector:	Julian Amaya
Historical Preservation Overlay Zone:		Case Manager:	
Total Units:	2	Total Exemption Units:	0
Regional Office:	West Regional Office		
Regional Office Contact:	(310)-996-1723		

Nature of Complaint: Unit in unsafe and/or unclean condition, Building and/or premises unsafe, or unclean, Trash, debris, or rodents on premises, Trash, debris, and/or discard items stored on premises

Date	Status
4/26/2012 8:57:00 AM	Complaint Closed
4/26/2012 8:57:00 AM	No Violations
4/25/2012 10:01:00 AM	Site Visit/Initial Inspection
4/4/2012 9:47:00 AM	Complaint Received



CODE ENFORCEMENT DIVISION - Property Activity Report

[HCDLA HOME](#) [Report a Violation](#) [Property Activity Report](#)

PROPERTY ACTIVITY REPORT

Assessor Parcel Number:	4286027007	Official Address:	811 S OCEAN FRONT WALK, Los Angeles 90291
Council District:	Council District 11	Case Number:	396545
Census Tract:	273402	Case Type:	Systematic Code Enforcement Program
Rent Registration:		Inspector:	Andy Garcia
Historical Preservation Overlay Zone:		Case Manager:	
Total Units:	2	Total Exemption Units:	0
Regional Office:	West Regional Office		
Regional Office Contact:	(310)-996-1723		

Date	Status
7/17/2012 11:35:00 AM	No Violations
7/17/2012 11:07:00 AM	Site Visit/Initial Inspection



PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **4286027007**
 Council District: **Council District 11**
 Census Tract: **273402**
 Rent Registration:
 Historical Preservation Overlay Zone:
 Total Units: **2**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(310)-996-1723**

Official Address: **811 S OCEAN FRONT WALK, Los Angeles 90291**
 Case Number: **434796**
 Case Type: **Complaints**
 Inspector:
 Case Manager:
 Total Exemption Units: **0**

Nature of Complaint: Construction in progress without permits, Sales of merchandise on residential zone property. Miscellaneous articles stored on premises

Date &	Status
8/13/2013 11:04:00 AM	Complaint Closed
8/13/2013 11:01:00 AM	All Violations Resolved Date
8/8/2013 1:15:00 PM	Site Visit/Compliance Inspection
6/21/2013 12:00:00 AM	Compliance Date
5/15/2013 7:47:00 AM	Order Issued to Property Owner
5/9/2013 1:55:00 PM	Photos
5/9/2013 11:46:00 AM	Site Visit/Initial Inspection
5/3/2013 4:22:00 PM	Complaint Received



[HCDLA HOME](#) [Report a Violation](#) [Property Activity Report](#)

PROPERTY ACTIVITY REPORT

Assessor Parcel Number: **4286027007**
 Council District: **Council District 11**
 Census Tract: **273402**
 Rent Registration:
 Historical Preservation Overlay Zone:
 Total Units: **2**
 Regional Office: **West Regional Office**
 Regional Office Contact: **(310)-996-1723**

Official Address: **811 S OCEAN FRONT WALK, Los Angeles 90291**
 Case Number: **520071**
 Case Type: **Complaints**
 Inspector:
 Case Manager:
 Total Exemption Units: **0**

Nature of Complaint: Construction in progress without permits

Date &	Status
4/30/2015 10:16:00 AM	Complaint Closed
4/30/2015 10:06:00 AM	Complaint Received



Los Angeles County Assessor Portal
4286-027-008
Map Search | Print | Measure Address

AIN: 4286-027-008

Sites Address:
815 OCEAN FRONT WALK
LOS ANGELES CA 90091-0242

Use Type:
Multi-Family Residential
Parcel Type:
Regular Fee Parcel
Tax Rate Area:
00007

Parcel Status: ACTIVE
Create Date:
Delete Date:
Tax Status: CURRENT
Year Delisted:
Exemption: None

Building #102 & Land Overview

# of Units:	4	Year Built:	1909
Beds/Baths:	0/4	Effective Year:	1933
Building SqFt:	2,292	Land SqFt:	4,303

[View Map / Map Index](#)

	2021 Roll Preparation	2020 Current Roll	RC	Year	2019 Base Value
Land	\$ 1,821,628	\$ 1,823,348	T	2012	\$ 1,575,000
Improvements	\$ 34,406	\$ 34,452	T	2012	\$ 30,000
Total	\$ 1,856,036	\$ 1,857,800			\$ 1,605,000

Assessor's Responsible Division

District: Red District Office
Region: DP
Cluster: 02426 VENICE RES INC.

New District Office
4120 Smokey Parkway
Culver City, CA 90230

Phone: (310) 688-6300
Toll Free: 1 (888) 801-2111
M-F 7:30 am to 5:00 pm

Land Information

Use Code: 0500 Multi-Family Residential
Total SqFt (GAS): 4,303
Total SqFt (POS):
Usable SqFt: 0
Acre:
Land W x D: 0 x 0

Sewer:
Right Path:
X-Traffic:
Freeway:

Corners Lot:
Gulf Front:
Horse Lot:
Vine:

Zoning: (Refer Issuing Agency)
Code Sqft:
Impairment: None

Use Code: 0500 Multi-Family Residential
0 = Residential
1 = Five or More Units or Apartments (Any Combination)
2 = Four Stories or Less
3 = Unused or Unknown Code (No Meaning)

Sites Address:
815 OCEAN FRONT WALK LOS ANGELES CA 90091-0242

Legal Description (for assessment purposes):
SOLDIER HAY TRACT LOT 535 BLK 8

Building Information

Design Type: 0400
Quality Class: 045

of Units: 4
Beds/Baths: 0/4
Building SqFt: 2,292

Year Built: 1909
Effective Year: 1933
Depreciation: UPD5 / 18 / 80

RCN Other: \$ 0
RCN Other Tracked: \$ 0
Year Change: 1970

Design Type: 0400
0 = Residential
4 = Four Units (Any Combination)
5 = Unlisted or Unknown Code (No Meaning)
6 = Unlisted or Unknown Code (No Meaning)

Design Type: 0400
Quality Class: 045

of Units: 4
Beds/Baths: 0/4
Building SqFt: 2,300

Year Built: 1909
Effective Year: 1933
Depreciation: UPD5 / 18 / 80

RCN Other: \$ 300
RCN Other Tracked: \$ 1,353
Year Change: 1979

Design Type: 0400
0 = Residential
4 = Four Units (Any Combination)
5 = Unlisted or Unknown Code (No Meaning)
6 = Unlisted or Unknown Code (No Meaning)

of Units: 8
Beds/Baths: 0/8
Building SqFt: 4,500
Avg SqFt/Unit: 562

Error
 Search service temporarily unavailable, please try again.
 OK

LADBS PERMITS FOR 811-815 OCEAN FRONT WALK

815 OCEAN FRONT WALK – 8 UNITS

815 S OCEAN FRONT WALK 90291

Application / Permit 06041-30000-23826
Plan Check / Job N... X06WL06108
Group Electrical
Type Electrical
Sub-Type Apartment
Primary Use ()
Work Description INSTALL SMOKE DETECTORS @ UNITS # 1-5, & #8.
Permit Issued Issued on 9/22/2006
Issuing Office West Los Angeles
Current Status Permit Finaled on 9/27/2006

Permit Application Status History

Issued	9/22/2006	KERMIT YOUNG
Permit Finaled	9/26/2006	JEROME NAPIER

DECLARATION OF PETER J. SEUME – LIVED AT 811-815 OCEAN FRONT WALK IN 2011 IN EXCHANGE FOR WORK. ASKED TO LEAVE WHEN OWNER'S SON MOVED IN WITH FRIENDS.

DECLARATION of PETER J. SEUME

ITEM 7 - 2A-2014-3007 -
CDP-CUB-2V-
SPP-MEL-1A

- 1) During the period from JULY, 2011 to OCT., 2011 I resided at
- 2) ADDRESS 811 OCEAN AVE, VENICE, CA 90291
- 3) and paid a monthly rent of \$ 0 to 0
- 4) I left 811 OCEAN AVE, VENICE, CA 90291 address on X 3 OCT 1, 2011 (even approximate date) because
[give reason, including "on my own accord", "due to eviction by landlord", "after being given a monetary incentive of \$ to do so", etc.]
I WAS ASKED TO
I WAS ASKED TO LEAVE BY THE LANDLORD'S
SON AFTER SPENDING SEVERAL MONTHS HELPING
CLEAN UP THE WHOLE DILAPIDATED PREMISES
IN EXCHANGE FOR ALLOWING US TO PARK, AND
STAY ON OUR BUS, IN THE BACK DRIVEWAY.
- 5) Add anything else that may be of interest

THE LANDLORD'S SON, JANKIN (SP?), DECIDED
TO MOVE-IN WITH A BUNCH OF HIS FRIENDS,
SET UP A LOW SCALE RECORDING STUDIO, START A
RECORD LABEL, AND PUT ON SHOWS AFTER SEEING
WHAT WE HAD DONE WITH OUR OWN MUSIC AND ART
SHOWS. AFTER COMPLETELY METAMORPHOSING THE COMPLETELY
I declare under penalty of perjury that the foregoing is correct.

(today's date) Executed on April 28, 2016, Venice, CA

Signature: [Signature]

Name (printed): PETER J SEUME

Contact Info: PETERSEUME@gmail.com

310.951.5744

PETER SEUME -> FACEBOOK

PETER SEUME
907 W. HUNTINGTON DR. APT. A
ARCADIA, CA 91007

SACRAMENTO CA 957

28 JUN 2016 PM 5 L



MARGARET MOLLOY
3841 BEETHOVEN ST.

~~VENICE, CA 90291~~

LOS ANGELES, CA 90066

90066-411941



**LADBS SENIOR INSPECTOR MICHAEL SCHULZINGER
RE 811-815 OCEAN FRONT WALK**



CUSTOMER SERVICE REQUEST

CSR No.: 277994 CONTRACT NUISANCE ABATEMENT
CALL DATE: October 21, 2011 11:41 am MICHAEL SCHULZINGER
DUE BY: November 21, 2011 11:41 am PRIORITY: 2
SOURCE: INTERNET
TAKEN BY: INTERNET

CASE #:

811 S OCEAN FRONT WALK 90291

APN: 4286-027-007 ZONE: C1
Community Development Block Grant(CDBG): YES

LADBS Branch Office	WLA	Community Plan Area	Venice
Coastal Zone Cons. Act	YES	Area Planning Commission	West Los Angeles
Census Tract	2734.02	Council District	11
Energy Zone	6	School Within 500 Foot Radius	YES
Earthquake-Induced Liquefaction Area	Yes	Thomas Brothers Map Grid	671-G5
Thomas Brothers Map Grid	671-G6	District Map	108A143
Certified Neighborhood Council	Venice	LAPD Reporting District	1412
LAPD Division	PACIFIC	LAPD Bureau	WEST
Methane Hazard Site	Methane Zone	Near Source Zone Distance	4.7
Coastal Development Permit	CDP-1980-26	City Planning Cases	CPC-1987-648-ICO
City Planning Cases	CPC-1998-119-LCP	City Planning Cases	CPC-2000-4046-CA
City Planning Cases	CPC-24385	City Planning Cases	CPC-24819
City Planning Cases	CPC-25560	Ordinance	ORD-172019
Ordinance	ORD-172897	Specific Plan Area	Venice Coastal Zone
Zoning Information File	ZI 2273	Community Development Block Gr	LARZ-Venice
Low to moderate income %	33.31%	Ordinance	ORD-175693
Ordinance	ORD-175694	CNAP area	2
Ordinance	ORD-146323	City Planning Cases	CPC-2005-8252-CA
Zoning Information File	ZI-2406 Dir Inter of Venice SP for Small Lot Sub	Specific Plan Area	Los Angeles Coastal Transportation Corridor
City Planning Cases	CPC-17631	Ordinance	ORD-130337
Director's Determination	DIR-2014-2824-DI	Zoning Administrator's Case	ZA-2014-3007-CDP-C
City Planning Cases	CPC-1984-226-SP	Ordinance	UB-ZV-SPP-MEL
Zoning Information File	ZI-2452 Transit Priority Area in the City of Los Angeles		ORD-168999

PROBLEM: ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC

CALLER COMMENT: LAPD Sr. Lead Officer Peggy Thusing (310-622-3968) informed our Office that this location is vacant and is subject to unauthorized entry. Transients have broken into the property.

COMMENT: Inspector Schulzinger at site. Site behind locked fence and barricade. Per previous site inspection site is in control of Jeff Harris who claims to be owner's agent. Contact information for Harris was provided by person claiming to be son of owner Gary Sutter Related contact information: GVS Properties LLC, 13428 Maxcella #273, Marina Del Rey 90292. Phone message states mailbox full. As there is no access to building which is inside fence and barricade and the site cannot accessed no abate order can be issued. Site barricade has sign for Halloween party. Duplicate service request. Previous CSR referred to Sign Div.

SITE OWNER: 811 OCEAN FRONT WALK LLC
10880 WILSHIRE BLVD STE 800
LOS ANGELES, CA 90024
Contact ID: AC2303532

EXISTING UNRESOLVED CSR'S ON THIS PARCEL PIN # 108A143 128

NO CURRENT UNRESOLVED SERVICE REQUEST ON THIS PARCEL


EXISTING CASE(S) ON THIS PARCEL


CASE #	ADDRESS
730883	811 S OCEAN FRONT WALK

PROD_CSR

CASE TYPE AND STATUS
CLOSED CITATIONS CASE

2014 - Utility Bills for 811-815 Ocean Front Walk:

815 OCEAN FRONT WALK, LLC 10880 WILSHIRE BLVD., STE. 800 LOS ANGELES, CA 90024		 PACIFIC WESTERN BANK 408 Santa Monica Blvd. Santa Monica, CA 90401 90-3820-1222	2112
		3/26/2014	
PAY TO THE ORDER OF	LA DWP	\$ **950.00	
Nine Hundred Fifty and 00/100*****			DOLLARS
LA DWP P.O. BOX 30808 LOS ANGELES, CA 90030-0808			0
MEMO	_____ AUTHORIZED SIGNATURE		
735 005 1000			
⑈002112⑈ ⑆122238200⑆ 1000651669⑈			
815 OCEAN FRONT WALK, LLC		2112	
LA DWP		3/26/2014	
SERV 1/22 - 3/18 815 OCEAN FRONT		950.00	

815 OCEAN FRONT WALK, LLC 10880 WILSHIRE BLVD., STE. 800 LOS ANGELES, CA 90024		 PACIFIC WESTERN BANK 408 Santa Monica Blvd. Santa Monica, CA 90401 90-3820-1222	2085
		2/12/2014	
PAY TO THE ORDER OF	LA DWP	\$ **1,232.22	
One Thousand Two Hundred Thirty-Two and 22/100*****			DOLLARS
LA DWP P.O. BOX 30808 LOS ANGELES, CA 90030-0808			0
MEMO	_____ AUTHORIZED SIGNATURE		
735 005 1000 - 815 Ocean Front			
⑈002085⑈ ⑆122238200⑆ 1000651669⑈			
815 OCEAN FRONT WALK, LLC		2085	
LA DWP		2/12/2014	
815 Ocena Front Serv: 11/14 - 1/22		1,232.22	

Photos of 811-815 Ocean Front Walk under Ownership of Sutters

March 20, 2013 By Venice 311 2 Comments



November 2, 2013



Venice Beach California Boardwalk, Band: Piracy
811-815 Ocean Front Walk - Apr 24, 2014
<https://youtu.be/YULI-pYcZdk>



Venice Beach California Boardwalk, Band: Piracy



Venice Beach California Boardwalk, Band: Piracy



Venice Beach California Boardwalk, Band: Piracy



Venice Beach California Boardwalk, Band: Piracy





811-815 Ocean Front Walk. 10 RSO units Used for unpermitted hotel parking for Venice Breeze Suites.



LADBS COMPLAINTS – 811-815 OCEAN FRONT WALK

811 S OCEAN FRONT WALK		
+ Parcel Profile Report:		1
+ Permit Information found:		2
- Code Enforcement Information:		11
Date Received	Problem Description	Status
10/14/2011	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
10/18/2011	OUTDOOR ADVERTISEMENTS (SIGNS) OF GOODS OR SERVICES AVAILABLE ON SITE	CLOSED
10/18/2011	BUILDING OR PROPERTY CONVERTED TO ANOTHER USE	CLOSED
10/21/2011	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
4/19/2013	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
8/13/2013	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
10/21/2013	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
7/14/2016	LOCATIONS HAVING YARD SALES ALL THE TIME	CLOSED
7/14/2016	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
7/18/2016	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
7/5/2017	BUILDING OR PROPERTY CONVERTED TO ANOTHER USE	CLOSED

811 S OCEAN FRONT WALK

Date Received: 10/18/2011
Description: BUILDING OR PROPERTY CONVERTED TO ANOTHER USE
Inspector: DAVE MATSON
Status: DUPLICATE SERVICE REQUEST

811 S OCEAN FRONT WALK

Date Received: 10/18/2011
Description: OUTDOOR ADVERTISEMENTS (SIGNS) OF GOODS OR SERVICES AVAILABLE ON SITE
Inspector: JAMES BUCHAN
Status: NO VIOLATION

811 S OCEAN FRONT WALK

Date Received: 10/14/2011
Description: ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC
Inspector: MICHAEL SCHULZINGER
Phone: (213)252-3962
Status: REFER TO OTHER AGENCY/DEPT/GRP

811 S OCEAN FRONT WALK

Date Received: 10/21/2011
Description: ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC
Inspector: MICHAEL SCHULZINGER
Phone: (213)252-3962
Status: DUPLICATE SERVICE REQUEST

811 S OCEAN FRONT WALK

Date Received: 4/19/2013
Description: CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS
Inspector: ROBERT GARTH
Phone: (310)417-8640
Status: REFERRED TO HOUSING DEPARTMENT

811 S OCEAN FRONT WALK

Date Received: 8/13/2013
Description: CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS
Inspector: ROBERT GARTH
Status: REFERRED TO VACANT BUILDINGS

811 S OCEAN FRONT WALK

Date Received: 10/21/2013
Description: ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC
Inspector: MICHAEL SCHULZINGER
Phone: (213)252-3962
Status: REFERRED TO GENERAL

815 S OCEAN FRONT WALK

Date Received: 4/30/2015
Description: CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS
Inspector: ROBERT GARTH
Phone: (310)417-8640
Status: NO VIOLATION

811 S OCEAN FRONT WALK

Date Received: 7/14/2016
Description: ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC
Inspector: EDMUND LUM
Phone: (213)252-3959
Status: CLOSED

811 S OCEAN FRONT WALK

Date Received: 7/14/2016
Description: LOCATIONS HAVING YARD SALES ALL THE TIME
Inspector: MARCOS MENDEZ
Phone: (213)252-3983
Status: CLOSED

811 S OCEAN FRONT WALK

Date Received: 7/18/2016
Description: ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC
Inspector: ROBERT WOOD
Status: REFERRED TO INSPECTION BUREAU

811 S OCEAN FRONT WALK

Date Received: 7/5/2017
Description: BUILDING OR PROPERTY CONVERTED TO ANOTHER USE
Inspector: BRENDAN LOONEY
Status: NO VIOLATION

LADBS PERMITS for 811-815 OCEAN FRONT WALK including 2016 Permits

811 S OCEAN FRONT WALK 90291

Application/Permit #	PC/Job #	Type	Status	Work Description
16016-90000-04331	—	Bldg-Alter/Repair	Permit Expired 3/30/2018	Reroof with 1 sqrs COMP SHINGLE roofing. Existing solid sheathing. Re-roof with Class A or B material weighing less than 6 pounds per sq. ft. For residential roof replacement > 50% of the total roof area, apply Cool Roof Product labeled and certified by Cool Roof Rating Council (CRRC). Cool Roof may be required for non-residential buildings per Title 24, Part 6, Section 149(b).
04042-90000-35499	—	Plumbing	Permit Finaled 12/14/2004	Install EQ Valve

811-815 S OCEAN FRONT WALK 1-2 90291

Application/Permit #	PC/Job #	Type	Status	Work Description
16048-10000-00812	816LA04723	Sign	Application Submittal 4/4/2016	ONE (1) 40'X6' TEMPORARY SIGN ON WOOD CONSTRUCTION FENCE
16048-10000-00870	816LA05109	Sign	Verifications in Progress 7/13/2016	INSTALL (1) 40' X 6' TEMPORARY SIGN ON WOOD CONSTRUCTION FENCE. PERMIT ONLY VALID FOR 2 YEARS FROM DATE OF ISSUANCE.

811 S OCEAN FRONT WALK 90291

Application / Permit	16016-90000-04331
Plan Check / Job No.	—
Group	Building
Type	Bldg-Alter/Repair
Sub-Type	1 or 2 Family Dwelling
Primary Use	(1) Dwelling - Single Family
Work Description	Reroof with 1 sqrs COMP SHINGLE roofing. Existing solid sheathing. Re-roof with Class A or B material weighing less than 6 pounds per sq. ft. For residential roof replacement > 50% of the total roof area, apply Cool Roof Product labeled and certified by Cool Roof Rating Council (CRRC). Cool Roof may be required for non-residential buildings per Title 24, Part 6, Section 149(b).
Permit Issued	Issued on 2/29/2016
Issuing Office	
Current Status	Permit Expired on 3/30/2018

811-815 S OCEAN FRONT WALK 1-2 90291

Application / Permit	16048-10000-00870
Plan Check / Job No.	816LA05109
Group	Building
Type	Sign
Sub-Type	On-site
Primary Use	(19) Temporary Sign
Work Description	INSTALL (1) 40' X 6' TEMPORARY SIGN ON WOOD CONSTRUCTION FENCE. PERMIT ONLY VALID FOR 2 YEARS FROM DATE OF ISSUANCE.
Permit Issued	Nil
Current Status	Verifications in Progress on 7/13/2016

Permit Application Status History

Submitted	4/1/2016	APPLICANT
Assigned to Plan Check Engineer	4/1/2016	RICARDO RAMIREZ
Consent/Not Issued	4/1/2016	RICARDO RAMIREZ
Applicant returned to address conditions	7/13/2016	JAMES DETONBENDY
Applicant returned to address conditions	7/13/2016	ALDOUS CHIC

Permit Application Clearance Information

Specific Plan	Cleared	4/13/2016	JALET OH
CPC	Cleared	5/20/2016	GRACIELA ACOSTA
JA Code	Cleared	8/10/2016	GRACIELA ACOSTA

LADBS - SENIOR INSPECTOR MICHAEL SCHULZINGER

Re 811-815 OCEAN FRONT WALK

On Dec 2, 2016, at 9:23 AM, Michael Schulzinger <mike.schulzinger@lacity.org> wrote:

Ms. Molloy,

I do not know if the owner's son resided at the property.

The Vacant Building Abatement section of the department can issue an Abate order at a location where the buildings are vacant and open to unauthorized entry.

As you can see on the website I had responded to requests for service in the past. At the time of inspection, the property did not meet the requirements for an Abate order.

Referrals were made other portions of the department when appropriate.

The Building & Safety website ladbs.org can answer many of your question.

Select the "Code Enforcement" panel, then click "check complaint status."
Enter the address you wish to inquire about, then click on the plus sign next to "check code enforcement information."

The result would appear as below.

811 S OCEAN FRONT WALK

Code Enforcement Information: 10

Date Received	Problem Description	Status
10/14/2011	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
10/18/2011	OUTDOOR ADVERTISEMENTS (SIGNS) OF GOODS OR SERVICES AVAILABLE ON SITE	CLOSED
10/18/2011	BUILDING OR PROPERTY CONVERTED TO ANOTHER USE	CLOSED
10/21/2011	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
4/19/2013	CONSTRUCTION IN PROGRESS WITHOUT	CLOSED

8/13/2013	PERMITS OR INSPECTIONS CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
10/21/2013	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
7/14/2016	LOCATIONS HAVING YARD SALES ALL THE TIME	UNDER INVESTIGATION
7/14/2016	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED
7/18/2016	ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC	CLOSED

Then, by selecting the date you can see inspector contact information.

For further information you may wish to inquire with the inspector who responded to a given request for service.

For future request you can enter them via the website or by calling 311.

For public statements please contact Public Information Officer, David Lara 213-202-9869.

Regards,

811-815 OCEAN FRONT WALK - Unpermitted Demolition

Unpermitted Demolition of existing garage, cutting down mature trees, pouring concrete, installation of chain-link fence, outdoor lighting and a large steel electric gate to facilitate unpermitted commercial parking for Venice Breeze Suites. No LADBS permits had been issued since 2004.

Inspector Robert Garth closed three complaints for Construction in Progress Without Permits or Inspections in 2013 and 2015 – No Violation.

811 S OCEAN FRONT WALK

Date Received: 4/19/2013
Description: CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS
Inspector: ROBERT GARTH
Phone: (310)417-8640
Status: REFERRED TO HOUSING DEPARTMENT

811 S OCEAN FRONT WALK

Date Received: 8/13/2013
Description: CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS
Inspector: ROBERT GARTH
Status: REFERRED TO VACANT BUILDINGS

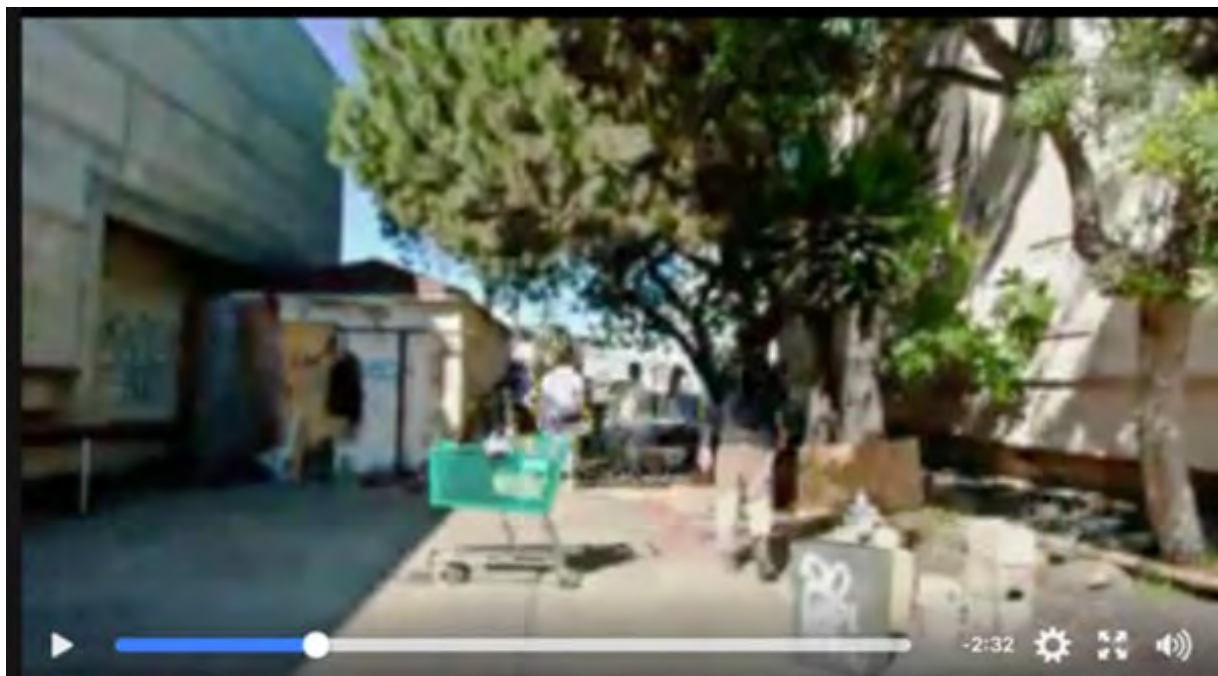
815 S OCEAN FRONT WALK

Date Received: 4/30/2015
Description: CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS
Inspector: ROBERT GARTH
Phone: (310)417-8640
Status: NO VIOLATION

811-815 Ocean Front Walk - Mature trees were cut down

Mature trees were cut down. A garage demolished, concrete poured, chain-link fence, outdoor lighting and a large steel electric gate installed. This facilitated unpermitted commercial parking for Venice Breeze Suites.





811-815 Ocean Front Walk - Photos in Case File

Unpermitted Construction: Mature trees were cut down. A garage demolished, concrete poured, chain-link fence, outdoor lighting and a large steel electric gate installed. This facilitated unpermitted commercial parking for Venice Breeze Suites.







Unpermitted Demolition & Commercial Parking for Venice Breeze Suites.

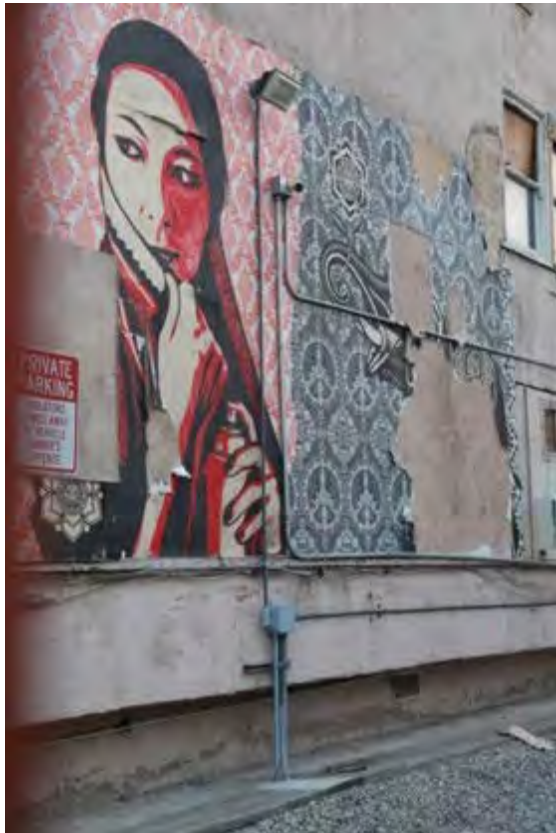
Unpermitted Construction: Mature trees were cut down. A garage demolished, concrete poured, chain-link fence, outdoor lighting and a large steel electric gate installed. This facilitated unpermitted commercial parking for Venice Breeze Suites.

No LADBS permits had been issued since 2004. Inspector Robert Garth responded to 3 complaints for Construction in Progress Without Permits or Inspections in 2013 and 2015 – Closed. No Violation.











Mello Act Prohibits Conversion of Rental Units to Condominiums or other For-Sale Units.

The Parking Map and Plans for 811-815 Ocean Front Walk include a disclaimer regarding any after-the-fact application to convert the residential units in this commercial development to condominiums. This appears to indicate the Representative's belief that his client, the Applicant, may seek an after-the-fact conversion. That would be considered a Mello Act workaround. The Mello Screening Checklist requires applicants to disclose if they plan to convert residential unit to condos or for sale units.

65590

(c) The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent", as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. **If a local government makes this determination** and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

(1) "Conversion" means a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel as defined in paragraph (1), to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

811 OCEAN FRONT WALK, CA 90291
THESE PLANS AND SPECIFICATIONS HAVE BEEN DEVELOPED FOR THE SOLE PURPOSE AND USE AS A MIXED USE - RESIDENTIAL AND GROUND FLOOR COMMERCIAL MEETING MINIMUM BUILDING CODE STANDARDS ONLY. THIS PROJECT HAS NOT BEEN DESIGNED FOR FUTURE CONDOMINIUM CONVERSION. THESE PLANS AND SPECIFICATIONS MAY NOT BE USED FOR ANY ENTITLEMENT APPLICATION OR BUILDING PERMIT APPLICATION TO CONVERT SAID PROJECT TO CONDOMINIUMS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. REED ARCHITECTURAL GROUP, INC. DOES NOT ASSUME ANY LIABILITY FOR ANY INJURY, LOSS OR DAMAGE ARISING OUT OF ARCHITECTURAL SERVICES PROVIDED AND/OR THESE PLANS AND SPECIFICATIONS TO CONVERT SAID APARTMENT PROJECT TO CONDOMINIUMS.

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