

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD, SUITE 300  
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# F7a

## ADDENDUM

September 15, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W17c, De Novo CDP No. A-5-VEN-21-0052 (LA Riverstonegrey, LLC) for the Commission Meeting of Wednesday, November 17, 2021.**

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### I. CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report dated October 28, 2021 to modify the special conditions to be consistent with other recent actions in the area. The text in the staff report dated October 28, 2021, is shown in plain text. Language to be added is shown in underline. Language to be removed is shown in ~~strikethrough~~.

#### A. Addition of Prior-to-Issuance Local Approval Conditions

*Page 5, after Permit Compliance condition*

**2. City of Los Angeles, Department of Building and Safety Approval. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director evidence, acceptable to the Executive Director, of preliminary approval by the City of Los Angeles, Department of Building and Safety (LADBS). The applicant shall inform the Executive Director of any changes to the project required by LADBS. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.**

*Page 9, last full paragraph*

As originally approved by the City, the project would have changed the land use for the site from multi-family to single-family. Thus, the Commission found a substantial issue existed with the conformance of the City-approved project with the aforementioned

policies. The revised project currently proposed would result in the demolition of the two existing single-family residences on the site and construction of a duplex with two attached units. Therefore, the residential density allowed under the LUP for this part of Venice is maintained. **Special Condition 1** requires the applicant to construct the development in compliance with the approved plans for the duplex. City staff have reviewed the revised project plans and believe them to be consistent with the uncertified Venice Specific Plan, compliant with the Mello Act, and approvable under City Building and Safety requirements. In any case, considering the plans are different than those approved by the City, **Special Condition 2** requires the applicant to submit proof of approval from the Department of Building and Safety and notify Commission staff of any proposed changes, which might trigger the need for a CDP amendment. **Special Condition 3** ensures that all other City approvals are obtained. ~~Special Condition 1~~ requires the applicant to construct the development in compliance with the approved plans for the duplex. Pursuant to ~~Special Condition 2~~, the applicant must obtain all necessary City approvals and Furthermore, before the permit can be issued, the applicant is required to record a deed restriction memorializing the subject permit conditions (**Special Condition 86**).

*Page 11, last paragraph of Mass and Scale subsection*

This design, while architecturally different from others on the street, appears to be compatible with the variety of architectural styles and ages of the one- and two-story residences on the block, including the two-story structures on either side and across from the project site. In addition, the development's landscaping and green rooftops are consistent with the lush landscaping of the immediately surrounding residences and the relatively green tree-lined street. **Special Condition 1** requires the applicant to construct the project consistent with the approved plans that must also be approved by the City of Los Angeles (**Special Conditions 2 and 3**). Thus, the proposed development is visually compatible with the character of the surrounding area.

## **B. Addition of Water Quality Protection Measures**

*Page 5, after Local Government Approval Condition*

**4. Water Quality.** By acceptance of this permit, the applicant shall comply with the following construction-related requirements:

- a. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- c. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- d. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the

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- accumulation of sediment and other debris that may be discharged into coastal waters.
- e. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  - f. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - g. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
  - h. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
  - i. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - j. The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - k. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
  - l. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
  - m. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

*Page 14, before 1<sup>st</sup> paragraph of Subsection E*

Section 30230 of the Coastal Act, Marine resources; maintenance, states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy

populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act, *Biological productivity; waste water*, states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

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

*Page 14, after 1<sup>st</sup> paragraph of Subsection E*

In addition, to protect coastal water quality and biological resources consistent with Sections 30230, 30231, and 30232 of the Coastal Act, the Commission imposes **Special Condition 4**, which requires the applicant to follow construction best management practices to protect water quality. These protection measures include safe storage of construction materials and the safe disposal of construction debris, prohibitions on discharge of hazardous and other construction materials where they could enter storm drains and/or receiving waters, and implementation of spill prevention and control measures. Therefore, as proposed and conditioned to conserve water and energy and minimize impacts to water quality, habitat, and wildlife, the subject development is consistent with the Chapter 3 biological resource protection policies of the Coastal Act.

### **C. Update Assumption of Risk condition language**

*Page 5, Assumption of Risk, Waiver of Liability and Indemnity*

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

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impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; (vi) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; (vii) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and (viii) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.

**D. Update special condition numbers throughout the report to reflect the changes listed above and as summarized in the change below.**

*Page 2, last paragraph*

Therefore, staff recommends the Commission approve the de novo CDP Application No. A-5-VEN-21-0052 with ~~six (6)~~eight (8) special conditions: 1) Permit Compliance; 2) City of Los Angeles, Department of Building and Safety Approval; 3) Local Government Approval; ~~34)~~ Water Quality; 5) Landscaping; ~~46)~~ Assumption of Risk, Waiver of Liability and Indemnity; ~~57)~~ Development Removal; and ~~68)~~ Deed Restriction. These conditions will ensure the site will be developed with a duplex, biological resources are protected for the life of the project, and risks to life and property from flood hazards are minimized.

## **II. PUBLIC CORRESPONDENCE**

One letter was received on November 12, 2021 from the applicant's representative in support of the staff recommendation.