

**CALIFORNIA COASTAL COMMISSION**

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# W15d

## ADDENDUM

DATE: December 14, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W15D, CDP APPLICATION NO. 5-20-0656 FOR THE COMMISSION MEETING ON WEDNESDAY, DECEMBER 15, 2021.**

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### I. REVISIONS TO THE STAFF REPORT

Commission staff recommends changes to the staff report dated December 3, 2021 to make the following modifications and corrections. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

a) Modify Special Condition 1 on page 5 as follows:

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two (2) full-sized sets of final project plans, which show proof of local government approval and substantially conform with the project plans submitted to the Commission's South Coast District Office, titled "Second Floor Master Bedroom Addition" on August 26, 2021, except they shall be modified to comply with the following:

i. ~~The proposed residence shall be designed to include safety measures recommended by a structural engineer to protect the development in the event of 6.8 feet of sea level rise, which may result in inundation up to 2.89 feet above the lowest finished floor elevation (located approximately 3.91 feet above the current mean sea level as of November 18, 2021.) Safety measures to minimize flood risks may include, but are not limited to, waterproofing all exterior walls and structures up to 2.89 ft. or higher above the lowest finished floor elevation; raising the foundation elevation at least 2.89 ft. above the existing lowest finished floor elevation; construction of stem walls designed to resist hydrostatic pressure; and/or installation of a perforated drain pipe installed adjacent to the first floor wall and wrapped with gravel and filter fabric to capture infiltrating water.~~ Three parking spaces, accessed from the rear alley, shall be provided on-site.

b) Modify Special Condition 12 on pages 9 and 10 as follows:

12. Assumption of Risk, Waiver of Liability, and Indemnity. By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards, (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure may require future adaptation or may need to be removed or relocated and the site restored if it becomes unsafe; and (vii) that redesign and/or floodproofing measures such as, but not limited to, waterproofing all exterior walls and structures up to 2.89 ft. or higher above the lowest finished floor elevation, raising the foundation elevation at least 2.89 ft. above the existing lowest finished floor elevation, construction of stem walls designed to resist hydrostatic pressure, and/or installation of a perforated drain pipe installed adjacent to the first floor wall and wrapped with gravel and filter fabric to capture infiltrating water, may be required to the first floor of the property, and that critical mechanical equipment may be required to be relocated above-grade in the future given that flooding is expected to increase with sea level rise in the future.

c) Modify Special Condition 15 on page 11 as follows:

15. Removal or Relocation of Unpermitted Development. The applicant shall remove, or relocate without reducing the existing permeable yard area, the existing storage structure that is located in the parking area on the alley side of the residence within 30 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

d) Modify the second complete paragraph on page 2 as follows:

Therefore, to ensure the project is designed for safety within the development lifespan, Commission staff recommends Special Condition 12 requiring the applicant to acknowledge that safety measures installed on the first floor of the existing development may be necessary in the future with sea level rise and inundation within the development lifespan. ~~submit final revised plans for Executive Director approval prior to permit issuance. This condition requires submittal of revised plans to which identify and implement waterproofing adaptations and safety measures to improve site resiliency in the face of anticipated sea level rise in the next 75 years.~~

e) Correct the second sentence of the third complete paragraph on page 11 as follows:

The project also proposes demolition of the existing balcony facing the canal-front, in order to construct a new 457 ~~445~~ sq. ft. addition and a new 111 sq. ft. canal-facing second-story balcony (Exhibit 2).

f) Modify the second complete paragraph on page 21 as follows:

~~For consistency with Section 30253, the project must include adaptive measures that address the risk of up to 2.89 ft. of flooding onsite. Therefore, the Commission imposes Special Condition 1 requiring the submittal of final revised plans which include floodproofing measures for Executive Director approval prior to permit issuance. The applicant has provided an alternatives analysis demonstrating that floodproofing measures are not feasible for the project. The analysis discusses each of the waterproofing measures included in previous residential projects in Venice approved by the Commission and why each would require substantial redevelopment of the existing first floor or another area onsite, despite the scope of the proposed project being generally limited to the second floor. Based on the limited scope of work, the project is not required to provide floodproofing measures in the current proposal. However, the subject site may be required to install safety measures in the future. These measures may include the adaptations used in past Venice projects described above, or the adaptations listed in the current project plans as potential future measures. ~~Special Condition 3 requires the development to be carried out in a manner consistent with the proposed project, as conditioned and approved by the Executive Director.~~~~

g) Modify the fourth complete paragraph on page 22 as follows:

~~In~~ ~~The project originally proposed removal of the unpermitted storage shed for provision of a third parking space parallel to the existing two spaces. However, in the week prior to the hearing, the applicant revised the project to propose maintaining the shed in its existing location. It is unclear from the revised plans, submitted in the week prior to the hearing, whether a third parking space is possible in the current configuration. Therefore, Special Condition 1 requires final revised plans approved by the Los Angeles Planning Department and LADBS to confirm that a third parking space is provided on-site. Additionally, in order to ensure that the unpermitted storage shed is removed~~ addressed in a timely manner, Special Condition 15 requires its removal or relocation within 30 days of issuance of this permit.

h) Correct Page 1 of the Exhibits to replace Item Number “W6b” with “W15d”.

## **II. CORRESPONDENCE FROM APPLICANT**

Since publication of the staff report on December 3, 2021, Commission staff has received a comment letter from the applicant expressing opposition to specific staff findings. The correspondence is included under the “Correspondence” tab of this agenda item. The applicant contends primarily: 1) the project will not result in new development under Section 30212 of the Coastal Act; 2) floodproofing measures are not feasible for the current project and should be installed only when required by the local government in the future; 3) a licensed surveyor should not be required to ascertain and memorialize the location of the open space permeable yard area ; and 4) the rear shed does not constitute unpermitted development, as it does not qualify as a structure under the Los Angeles Department of Building and Safety (LADBS) definition. The applicant also revised the project to retain the unpermitted shed, rather than remove it as originally proposed.

The applicant incorrectly contends that the project will result in an addition of less than 10% of the existing interior floor area, via a 74 sq. ft. addition to the existing 1,688 sq. ft. residence. The applicant contends that, based on this statement, the project would not constitute “new development” under Section 30212 and should not be held to current development standards. However, the applicant has confirmed via previous

correspondence that the project plans propose in part both a 74 sq. ft. addition to the alley-facing second floor and a 445 sq. ft. habitable addition to the canal-facing second floor, resulting in a 31% addition to the existing habitable interior floor area. Section 30212 indicates “new development” does not include improvements to any structure which “do not increase either the floor area, height, or bulk...by more than 10 percent”. As such, the subject project is not exempted by this Chapter 3 Coastal Act policy. Commission staff further discusses the scope of proposed work on Page 11 of the staff report.

The applicant is also incorrect in stating that the shed does not constitute unpermitted development. While in most situations, an 80 sq. ft. storage shed would be exempt development, in this case three parking spaces were required by a coastal development permit (CDP) previously approved for the residence and the shed blocks one of those required spaces, preventing the use of that space for parking onsite as required in order to protect public access. The shed location, and the applicant’s failure to provide the minimum number of onsite parking spaces for at least the past 18 years, is a violation of the Commission’s previous CDP approval for the site (ref: Page 22 of the staff report). Staff have addressed the possibility of providing a third parking space through relocation, rather than removal, of the shed by revising Special Conditions 1 and 15.

The applicant raised concerns regarding the difficulties of implementing floodproofing measures in the subject project. This issue has been addressed with a revision to Special Conditions 1, which no longer requires installation of floodproofing measures in the current project, and Special Condition 12, which requires that floodproofing be addressed by the applicant in the future as necessary.

Special Condition 3 requires a licensed surveyor to provide an exhibit showing the exact location of the total 450 sq. ft. of permeable yard area onsite, for inclusion in the recorded deed restriction required by Special Condition 14 of the staff report. This exhibit is necessary to institute a legal requirement for maintenance of the minimum amount of permeable yard area onsite, regardless of any future changes in ownership or future projects onsite. Without this formal exhibit, the amount of permeable yard area may be subject to change with future home improvements, such as paving or installing new impermeable features in existing yard area. This is especially necessary for the subject project due to its provision of permeable yard area throughout the site rather than adjacent to the canal, as discussed on Page 15 of the staff report.

In summary, Commission staff have recommended conditions necessary to address public access, coastal hazard and water quality issues raised by the proposed project. Only as conditioned may the project be found consistent with Chapter 3 policies of the Coastal Act. Commission staff have also made minor revisions below to correct two errors in the staff report.