

## CALIFORNIA COASTAL COMMISSION

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# W18a

## ADDENDUM

April 12, 2021

TO: Coastal Commission and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W18a, APPEAL A-5-VEN-15-0003 FOR THE COMMISSION MEETING OF APRIL 14, 2021.**

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### I. CHANGES TO STAFF REPORT

This addendum corrects and modifies the staff report dated March 25, 2021 in order to correct numerical errors and add a special condition which was mistakenly omitted from the original staff report and to include findings to support the added special condition. The proposed modifications do not alter staff's recommendation. Language to be added to the conditions and findings are shown in underline text, and language to be deleted is shown in ~~strikethrough~~.

**a. On page 1 of the staff report, the project description shall be corrected as follows:**

Convert a 4,230 sq. ft. single-family home to a commercial mixed use development, including: 1) 550 sq. ft. retail on ground floor ; 2) 2,990 sq. ft. Artist-in-~~an~~Residence on ground floor, second, and third floors; 3) three onsite parking spaces in an attached 690 sq. ft. garage (including one ADA compliant space); and 4) eight bicycle parking spaces

**b. On page 2 of the staff report, the second full paragraph of the Summary of Staff Recommendation shall be corrected as follows:**

The certified LUP requires two vehicle parking spaces for an Artist-in-Residence unit; one vehicle parking space for each 225 sq. ft. of floor area for general retail uses; and one Beach Impact Zone (BIZ) parking spaces for each 640 sq. ft. of

ground floor area but no fewer than two spaces for commercial projects. For the proposed project, the applicant would be required to provide ~~3~~ 2 vehicle parking spaces for the proposed residential uses ((2 spaces/unit) + ~~1 guest space = 3 spaces~~), 2 vehicle parking spaces for the proposed retail use (1 space / 225 sq. ft. of floor area / 550 sq. ft. of floor area = 2 spaces), and ~~4~~ 2 BIZ vehicle parking space for a total of 6 parking spaces.

**c. On page 3 of the staff report, the last full paragraph of the Summary of Staff Recommendation shall be corrected as follows:**

Commission staff therefore recommends that the Commission APPROVE coastal development permit application A-5-VEN-15-0003 with ~~six~~ five special conditions. As conditioned, the project is consistent with Chapter 3 of the Coastal Act. The motion is on Page 5.

**d. On page 4 of the staff report, the title of Exhibit 3 shall be corrected as follows:**

~~Exhibit 3 – Transportation and Demand Management Plan (TDMP)~~  
Transportation and Parking Management Plan (TPMP)

**e. On pages 6, 7, and 8 of the staff report, the numbers of the Special Conditions shall be corrected as follows and Special Condition 1. A shall be revised as indicated below. Additionally, the numbers of the special conditions as they appear throughout the staff report shall be corrected accordingly:**

**1. Transportation and Parking Management Plan.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two copies of a final revised plan for Transportation and Parking Management. The plan shall be prepared by a qualified planning or transportation professional. The plan shall apply to the permittee and any future successors or assigns, and shall indicate that:

1. The permittee/building operator shall cover the full cost of a monthly transit pass for all ~~any~~ employees/lessees of the proposed development who will be using transit to get to work, ~~up to six employees/lessees. If more than six employees/lessees request a transit pass, the permittee/building operator may or may not elect to cover the cost of the excess transit passes.~~

2. The permittee/building operator shall maintain on-site parking for a minimum of eight bicycles.

3. The permittee/building operator shall maintain on-site parking for a minimum of three vehicles. One space must be an ADA-compliant space.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above parking and transportation restrictions on the use of the property, and including the approved Transportation and Parking Management Plan as an exhibit. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

**24. Construction Best Management Practices (BMPs).** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:

A. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;

B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;

C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;

D. Erosion control/sedimentation Best Management Practices shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;

E. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible;

F. The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum

products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;

G. The permittee shall develop and implement spill prevention and control measures;

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

I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

**32. 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 coastal flooding, 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; (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 require future adaptation or may need to be removed or relocated and the site restored if it becomes unsafe.

**43. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to

restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

- f. **On page 8 of the staff report, the following special condition, Special Condition 5, shall be added:**

**5. Approved Development and Future Permit Requirement**

This permit is only for the development described in coastal development permit (CDP) A-5-VEN-15-0003, which consists of 550 sq. ft. of retail space and 690 sq. ft. of parking in an attached garage on the ground floor and an Artist in Residence on the ground, second, and third floors. The designated Artist in Residence area shall only be used as such and prohibited uses include, but are not limited to: Office, Business, Commercial, and Retail. The 550 sq. ft. of retail space on the ground floor is limited to Retail use only and prohibited uses in the Retail space include but are not limited to: Office and Business. Pursuant to Title 14 California Code of Regulations (CCR) Section 13250(b)(6), the exemptions that would otherwise be provided in Public Resources Code (PRC) Section 30610(a) shall not apply to the development governed by CDP A-5-VEN-15-0003. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP A-5-VEN-15-0003 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition thereto, an amendment to CDP A-5-VEN-15-0003 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit pursuant to PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).

- g. **On page 12 of the staff report, the last paragraph shall be corrected as follows:**

The certified LUP requires two vehicle parking spaces for an Artist-in-Residence unit; one vehicle parking space for each 225 sq. ft. of floor area for general retail uses; and one Beach Impact Zone (BIZ) parking spaces for each 640 sq. ft. of ground floor area but no fewer than two spaces for commercial projects. For the proposed project, the applicant would be required to provide ~~3~~ 2 vehicle parking spaces for the proposed residential uses ~~((2 spaces/unit) + 1 guest space = 3 spaces)~~, 2 vehicle parking spaces for the proposed retail use (1 space / 225 sq. ft. of floor area / 550 sq. ft. of floor area = 2 spaces), and ~~4~~ 2 BIZ vehicle parking space for a total of 6 parking spaces.

- h. **On page 13 and 14 of the staff report, the following paragraphs shall be amended as follows:**

The applicant explored the option of utilizing car lifts to provide additional parking spaces onsite but determined ~~that~~ this option to be infeasible. ~~For one,~~ because the car lifts would require a significant chunk of the structure to be cut out, which

~~would. Not only would this~~ reduce the overall living space for the proposed residence ~~and, but it would~~ also likely require additional entitlements by the City, which are not guaranteed to be approved. In addition, the car lifts require a lot of maintenance and upkeep. If the lifts are not properly maintained, the lifts run the risk of laying inactive. ~~In fact, previous Commission projects have discounted the use of car lifts as parking spaces in small lots due to the level of upkeep required to keep the lift spaces active.~~ However, the Commission generally supports a variety of options (including car lifts) to meet the parking demands of projects in the coastal zone, especially in areas with high demand and low supply of public parking, such as Venice. As it stands, the applicant ~~can only~~ proposes to provide a maximum of three parking spaces onsite at grade level.

Although the proposed development is short on vehicle parking, the project site is in an area that is easily accessible by public transportation. For example, the project site is located approximately 0.2 mi. (an approximately 4-minute walk) from the City's Big Blue Bus station. This station houses Route 18, which provides service between Marina Del Rey and Westwood (near the UCLA campus). The Route 18 bus also stops at the Downtown Santa Monica Expo Line Station (located 1.2 miles away from the project site), which connects Santa Monica to Downtown Los Angeles. Moreover, the Venice community is generally easily traversed by bus, bicycling, shared mobility devices, and walking. Employees of and visitors to the ~~office~~ retail space would not be limited to cars in order to access the project site.

Drawing on the City's robust public transportation system, the applicant has proposed a Transportation and Parking Management Plan (TPMP) to mitigate for the vehicle parking deficiency (Exhibit 3). The applicant has stated that eight bicycle parking spaces (four long-term spaces and four short-term spaces) would be provided onsite. Although bicycle spaces are not necessarily included in the total parking count for a development, they do provide mitigation by allowing employees and visitors to bike to the ~~office~~ retail space instead of driving. In addition to the proposed bicycle parking spaces, the applicant has agreed to provide bus passes to employees who wish to utilize public transportation instead of driving their personal vehicles. The bus passes are intended to offset the three-vehicle parking space deficit. In order to ensure that the provisions of the proposed TPMP are met, and that the TPMP is consistent with those previously approved in Santa Monica, the Commission imposes Special Condition 1 requiring the applicant to submit a final revised TPMP, which includes the commitment of the permittee and all future successors/building operators to provide the transit passes to all employees/lessees of the space and maintain eight bicycle parking spaces and three vehicle parking spaces. Special Condition 4 requires a deed restriction to be recorded against the property to assure that the three vehicle parking spaces, ~~and~~ the eight bicycle parking spaces, and employee/lessee transit passes requirement are maintained and provided for the life of the development.

In this case, the ~~applicant is project site can~~ only proposing to provide a maximum of three parking spaces due to site constraints. However, as described above, the project site is located within an area that is easily accessible to public transportation. ~~The project site is located less than a half mile from regional bus routes that connect Venice to Santa Monica and the greater Los Angeles area.~~ Moreover, and the applicant has committed to provide three vehicle spaces, eight bicycle parking spaces, and some transit passes to the retail employees/lessees of the retail space in order to manage onsite parking and reduce onsite parking demand. However, the project site is located in a high parking demand area and because the applicant is not proposing to provide all of the required parking for the proposed project onsite or elsewhere, the deficiency of the increase of intensity of use created by the lack of vehicle parking must be adequately mitigated. The mitigation for the deficiency of vehicle parking for the proposed project is done through a careful balance of vehicle parking, bicycle parking, and a TPMP, which would be enforced by Special Condition 1. Special Condition 1 requires the applicant provide transit passes to all employees/lessees of the retail space and cover the full cost of all such transit passes – it is not capped at six transit passes. In addition, Commission staff recommends Special Condition 5 to affirm the applicant’s proposal and ensure that the balance of proposed uses and mitigation for the demand created by those uses is maintained for the life of the structure and to further ensure that any changes to the proposed development, including any changes in the types or intensity of uses proposed by the applicant, or the applicants successor(s), and authorized by this CDP, are fully reviewed by the Commission or successor agency and any new demands placed on the project site continue to be adequately mitigated consistent with the Public Access and Recreation Policies of the Coastal Act.

Therefore, only as conditioned, the project is not expected to adversely impact public access and can. ~~Only as conditioned can the project~~ be found consistent with the public access policies of the Coastal Act.

**i. On page 15 and 16 of the staff report, the following findings shall be incorporated:**

The project site is zoned C2 (Commercial) by the City of Los Angeles General Plan and designated as a Commercial Artcraft use by the certified Venice LUP. As stated in certified LUP Policy I.B.3, the Commercial Artcraft zone is intended to accommodate mixed-use combinations of artist-in-residences, small businesses, light industrial, and artisan uses.

The proposed development is consistent with the LUP’s land use designation in that the project proposes a mixed-use structure that would accommodate an artist-in-residence on the ground floor, second, and third floors of the structure and a small retail shop on the ground floor. In fact, a mixed-use commercial/residential structure would be more consistent with the Commercial Artcraft land use designation than a single-family residence.

Furthermore, the proposed development would remain consistent with the character of the surrounding neighborhood. Abbot Kinney Boulevard is a highly urbanized street containing structures that range from one story to three stories (or a 30 ft. maximum height). The structures accommodate a wide variety of uses, including residences, retail shops, restaurants, and other light commercial uses. The existing structure is a three-story, 30-ft. high building that was approved pursuant to a 2014 local CDP. The proposed project consists of an internal conversion of a single-family residence to a mixed-use structure with a small (550 sq. ft.) retail space on the ground floor and an artist in residence on the ground, second, and third floors ~~retail/commercial building~~. The mass, height, and scale of the existing structure would not change under the proposed project, and would therefore remain consistent with the character of the surrounding neighborhood.

Overall, as conditioned, the project would be consistent with the community character policies of Chapter 3 Coastal Act policies and the certified LUP policies pertaining to development, and community character.

## **II. Correspondence**

Commission staff received two letters in opposition to the staff recommendation from James Murez (dated April 7, 2021) and Robin Rudisill (dated April 9, 2021). Both letters allege that the existing single-family residence is being used exclusively as an office space (a use that was not permitted under local CDP No. ZA 2003-7101 (CDP)(ZAA)(SPP)(MEL)), and further, that the applicant would continue to use the proposed mixed-use development as an exclusive office space after Commission approval.

Staff has spoken with the applicant's agent to ascertain the current use of the building. According to the applicant's agent, the building does appear to be used, at least in part, by a digital production company called Media Monks. It is not clear whether the office space currently takes up the entire structure, but general office use was not permitted under Local CDP No. ZA 2003-7101, which authorized the construction of a single-family residence. Both Mr. Murez and Ms. Rudisill have claimed that the office accommodates thirty or more employees, but Staff cannot verify this information.

The application currently before the Commission is to convert the existing structure into a mixed use retail shop and artist-in-residence. If approved by the Commission, the proposed conversion would cease the current office uses onsite. To address Mr. Murez and Ms. Rudisill's concern that the mixed-use development would continue to operate as an office space, Staff is also recommending an additional special condition (Special Condition 5) that limits the approval of this permit to a 550 sq. ft. retail space and a 2,990 sq. ft. artist-in-residence. No office space would be approved pursuant to CDP No. A-5-VEN-15-0003. Like the other special conditions, Special Condition 5 would be deed restricted for the life of the development. Should the applicant violate the terms of the permit after Commission approval, the applicant would be subject to review by the Commission's Enforcement Division and/or the City's Code Enforcement division.