

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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[Click here to go
to staff report](#)

Th9a

A-5-VEN-22-0032 (Kenig)

AUGUST 11, 2022
CORRESPONDENCE

From: Stevens, Eric@Coastal
To: Amitay, Shahrar@Coastal; Reed, Jessica@Coastal
Subject: Fw: Th9a: A-5-VEN-22-0032 City Housing Dept. CPRA request
Date: Wednesday, July 27, 2022 1:12:54 PM
Attachments: [109-111 Catamaran housing cost data issue.pdf](#)

From: Robin Rudisill <wildrudi@mac.com>
Sent: Wednesday, July 27, 2022 12:30 PM
To: Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>
Cc: Sue Kaplan <sueakaplan@gmail.com>; Vaughn, Shannon@Coastal <Shannon.Vaughn@coastal.ca.gov>
Subject: Th9a: A-5-VEN-22-0032 City Housing Dept. CPRA request

Hi Eric,

I don't know who Coastal Staff is for the 109-111 Catamaran appeal but I have some additional information for them. Please see attached and note limit of availability.

I requested this information as I suspected that there had been affordable units in that location and couldn't understand why the City had determined that no affordable units existed at the locations. These are very old structures and the units are very small.

The documentation in the attached email from the City of L.A. Housing Department shows that the affordability of the existing units was determined based on an unpermitted commercial use (short-term rentals, which are not allowed per city ordinance) **and not housing cost data**, as required by the Mello Act and the City's Interim Administrative Procedures 4.4. See attached letter and IAP excerpt:

Rents for short-term rentals, which is a commercial business, are much higher than for long-term housing costs.

Therefore, it's likely that these units were "affordable" as per the Mello Act/IAP definition.

This is yet another example of high end, luxury single-family dwellings replacing affordable housing, thus changing the social diversity of Venice.

This is something you might want to mention in your report.

Please pass this on to the assigned Coastal Staff, thank you!

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

Begin forwarded message:

From: LAHD_custodian@lacity.org
Subject: Status update regarding your CPRA request (CoR File #31716)
Date: July 26, 2022 at 1:23:20 PM PDT
To: wilrudi@mac.com

Below, please find a website address link providing you with our response to your California Public Records Act ("CPRA") request. If you have difficulty viewing the webpage, or if you have any other questions, please contact us at (213) 922-9612 (when calling, please reference CoR File # 31716)

Please note that to the extent that these records identify tenants, their rent amounts, or other personal information at the subject property, or the personal information of any other individual, such identifying information will be redacted based on several grounds. Government Code Section 6254(c) provides for an express exemption from disclosure of such information and Government Code Section 6255 provides that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Note: This link will be available for 30-days

Website URL address: <https://housingapp.lacity.org/CPRA/Home/PublicAccess?id=MzE3MTY=>

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Los Angeles Housing Department (LAHD)
Custodian of Records
(213) 922-9612 | LAHD_custodian@lacity.org



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: June 22, 2020

TO: Faisal Roble, Principal City Planner
City Planning Department

FROM: Marites Cunanan, Sr Mgmt Analyst II *MCunanan*
Los Angeles Housing and Community Investment Department

SUBJECT: **Mello Act Determination for 109-111 E Catamaran Street, Los Angeles, CA 90292**

Planning Case #: DIR-2017-3121-CDP-SPP-MEL

Based on information provided by the owner, 109 Catamaran Marina, LLC, a California limited liability company, as to an undivided 50% interest and 111 Catamaran Marina, LLC, a California limited liability company, as to an undivided 50% interest, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable units exist at 109-111 E Catamaran Street.

The property currently consists of five units (i.e., two duplexes and one single family dwelling). A house survey was provided by an active/licensed architect confirming the unit count, as well as the bedroom type for each unit. Per the statement on the application, the owner is proposing to demolish the five units and construct four new single family homes. The owner acquired the property on April 13, 2017.

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 (3) years. The owner filed an application with the Department of City Planning (DCP) on August 4, 2017. Therefore, HCIDLA must collect data from August 2014 – August 2017.

On September 27, 2017, tenant letters were mailed to all units on the property.

During the entire look back period of August 2014 – August 2017, all five units were rented. Unit #109, a one-bedroom single family dwelling, was rented during the lookback period at an average amount greater than \$1,608; the maximum Moderate Level rent for a one-bedroom unit under the 2019 Land Use Schedule VII Income and Rent Limit. Unit #109 1/4, a one-bedroom unit, was rented during the lookback period at an average amount greater than \$1,608; the maximum Moderate Level rent for a one-bedroom unit under the 2019 Land Use Schedule VII Income and Rent Limit. Unit #109 1/2, a two-bedroom unit, was rented during the lookback period at an average amount greater than \$1,809; the maximum Moderate Level rent for a two-bedroom unit under the 2019 Land Use Schedule VII Income and Rent Limit. Unit #111, #1, a studio, was rented during the lookback period at an average amount greater than \$1,407; the maximum Moderate Level rent for a studio unit under the 2019 Land Use Schedule VII Income and Rent Limit. Unit #111, #2, a two-bedroom unit, was rented during the lookback period at an average amount greater than \$1,809; the maximum Moderate Level rent for a two-bedroom unit under the 2019 Land Use Schedule VII Income and Rent Limit. The data collected from August 2014- August 2017 shows that no affordable units exist at 109-111 E Catamaran Street.

cc: Los Angeles Housing and Community Investment Department File
109 Catamaran Marina, LLC, a California limited liability company, as to an undivided 50% interest and
111 Catamaran Marina, LLC, a California limited liability company, as to an undivided 50% interest,
Owner

HIMS: 17-124258

The Applicant has the burden of proving long-term vacancy. If the Applicant has established long-term vacancy, then LAHD shall not classify the Residential Unit as an Affordable Existing Residential Unit.

4.4.3 STEP THREE. DETERMINE OCCUPANT INCOME BASED ON MONTHLY HOUSING COST OR ACTUAL INCOME DATA.

LAHD may determine occupant income using Monthly Housing Cost as a substitute for actual income, or by collecting and verifying actual income. Pursuant to the definition set forth in Attachment 1, an existing Residential Unit is classified as an Affordable Existing Residential Unit if at least one person or family occupying the unit (excluding dependents) is of Very Low, Low or Moderate Income.

If current Monthly Housing Cost data indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If not, LAHD shall collect prior Monthly Housing Cost data for at least the previous three years. If the average Monthly Housing Cost over this period indicates that the existing Residential Unit is affordable to a Very Low, Low or Moderate Income Household, then that Residential Unit shall be presumed to be occupied by a person or family with a Very Low, Low or Moderate Income. If three years of Monthly Housing Cost data is not available or readily obtainable, then LAHD shall determine occupant income through the direct collection and verification of actual income data.

If occupant income is based on Monthly Housing Cost, LAHD shall go to step four. If occupant income is based on actual income, LAHD shall:

- ☐ Go to step five if the person or family DOES NOT have a Very Low, Low or Moderate Income; or
- ☐ Go to step six if the person or family DOES have a Very Low, Low or Moderate Income.

4.4.4. STEP FOUR. VERIFY ACCURACY OF OCCUPANT INCOME BASED ON MONTHLY HOUSING COST DATA.

LAHD shall provide occupants and Applicants with the opportunity to verify the accuracy of occupant income determinations based on Monthly Housing Cost.

LAHD shall provide persons and families presumed not to have a Very Low, Low or Moderate income with the opportunity to submit data verifying actual income. Likewise, LAHD shall provide Applicants with a roster of occupants presumed to have a Very Low, Low or Moderate Income, who may then submit data verifying actual income. LAHD is



Th9a

August 5, 2022

A-5-VEN-22-0032

109, 109 ¼, 109 ½, 110 #1, 110 #2 Catamaran Street, Venice
(5 units)

PLEASE DECLARE SUBSTANTIAL ISSUE

Honorable Commissioners and Staff,

We point out below various modifications to the findings, which corrected findings clearly support a Substantial Issue recommendation.

1. The project site is located on a walk street and thus must meet the walk street development standards:

The findings are incorrect that state that Catamaran Street becomes a walk street immediately due west of the site. Catamaran becomes a walk street starting at the 109 Catamaran lot moving west through to Speedway Alley, across from the beach. Both the subject site and the property on the other side of the walk street from the subject site have enclosed the public right-of-way at the front of their buildings, subject to irrevocable permits that the City issues to property owners in the walk streets. The walk street between the two enclosed public right-of-way areas is only 12 feet wide, the typical walk street width.

This applicant cannot have their cake and eat it too. They cannot be on a 12-foot wide walk street and have the same enclosed, public right-of-way gardens as a walk street and yet not be subject to the walk street coastal regulations.

As you can see by the red lines on the photo below, taken on Wednesday August 3rd, the Catamaran walk street goes all of the way up to and including the project site.

This photo is taken standing on the walk street, just east of Pacific Ave, looking east. The star is on the subject property. The Grand Canal is in the distance, at the end of Catamaran, with the taller Marina del Rey apartment buildings on the other side of the Grand Canal, in the distance.



This is the applicant's rendering of the project, showing that they intend to continue to have the enclosed public right-of-way adjacent to the walk street and that this section of Catamaran will not be converted to a driving street.



The applicant cannot be on a walk street and not be subject to the walk street regulations, including the height limit of 28 feet.

However, it should be noted that if the applicant wanted to eliminate the walk street in front of their property in order to try to evade the walk street development standards, they could not do so because:

- a. The Coastal Act and certified LUP would not allow part of a scenic coastal area such as a walk street to be destroyed/taken away, which would decrease the visual quality of the area and harm the view along a scenic coastal area, and
- b. The property across the walk street from the subject property still has the walk street features of an enclosed public right-of-way garden, and it would not be possible to have the walk street be in effect on only one side of the walk street!

The Venice walk streets are considered one of the features of Venice that make it a special coastal community and a coastal resource to be protected. The certified LUP Policy I.D.3. Views of Natural and Coastal Recreation Resources indicates that the walk streets are highly scenic coastal areas, among several other areas, and Policy I.F.1. considers the walk streets an historic and cultural resource.

Coastal Act section 30251 states that new development should maintain and enhance public access to the coast, and section 30253 states that new development should protect special communities and neighborhoods.

Coastal Act section 30251 states that new development in highly scenic areas shall be subordinate to the character of its setting. The character here is that of a walk street.

The project, as proposed, is essentially a non-Coastal Zone project. It belongs elsewhere in the City of L.A. where there are no “special coastal communities” and coastal resources to be protected. Even in the non-Coastal Zone area of the City, a project of this sheer size would normally be on a significantly larger lot. The project is simply way too large for the lot area. As is stated in the certified LUP, Venice is known for its smaller lot sizes. In this case, they are consolidating two 2,714 square foot existing lots to a total lot size of 5,429 square feet, which is barely the size of a normal conforming lot (5,000 square feet).

Not only is the project located ON a walk street itself, which is 12 feet wide, a much narrower width than the typical street, but it is adjacent to the building immediately to the south (108 Catamaran), adjacent to the building immediately to the southwest/kittie corner (102 Catamaran), and is adjacent to the building immediately to the west (3320 Pacific), all of which are also on the Catamaran walk street.



Two stars are on the subject property and the other adjacent walk street properties have one star on them.

Thus, the character surrounding the project site is the walk street character, with gardens in the public rights-of-way adjacent to the walk street.

The height limit on walk streets is 28 feet, and the proposed development is 35 feet, 25% higher!! Even if the project was not located on a walk street, because it is adjacent to projects that are on a walk street there should be more of a transition in height from the historic walk street to the adjacent subject site.

Also, it is clear that the subject property and the lot across the walk street, 108 Catamaran, have been a part of the walk streets for a very long time, likely since pre-Coastal Act, as 108 Catamaran was built in 1967 and 109 Catamaran was built around 1921 - 1923.

And above all, this project is located in the Dual Coastal Zone, a very special area between the Grand Canal and the beach. We should be especially cautious not to remove part of a walk street as well as fill up the complete envelope of the consolidated lot and cause a cumulative effect of big box projects built out to the max in the Dual Coastal Zone, which is to be the most protected area of all.

Even if it is confusing because the certified LUP states that the walk street ends just before the project, given that the walk street in reality does extend through the project site location and that it is also clear in observing the age of the fence/wall structures surrounding the public rights-of-way that it has done so likely for decades and likely

since prior to the Coastal Act, the facts/that evidence make clear that this project site is on a walk street. What has apparently been on the ground since before the Coastal Act supersedes what is in text in the LUP.

2. The findings are not consistent with prior Commission findings for similar projects:

Recently findings were made that a similar small lot subdivision project, A-5-VEN-21-0069, 315 6th Ave, did not provide for adequate permeable area, vegetation and yards. The subject project is no different and thus the findings here that the permeable area, vegetation and yards are not important appears arbitrary and erroneous. This dual zone area of mainly multi-family structures is just as important to protect as other areas of Venice. Staff does correctly state that the proposed yard space for the subject site is lacking in terms of open space, permeable land area for on-site percolation of stormwater and on-site recreation but then errs in saying that this does not raise a substantial issue as that conclusion is not logical.

3. The Cumulative Effects analysis is not accurate:

The Staff Report Study Area consists of only the properties along the long block of Catamaran Steet between Pacific Ave and Strongs Ave, a total of twelve properties and does not include the adjacent properties to the north, which is strange. Also, in spite of what the Staff Report alleges, there has been no new construction in the Study Area. There has been permitted work within 114 Catamaran but that work was mainly associated with tenant improvements. The City did approve a lot spilt for 121 Catamaran and construction of a new single-family home on each new sub-parcel in 2008, but that work was never done and cannot now be done as the permits have expired. In addition, that Coastal permit was approved by the City 14 years ago and the reason the permits expired is because the Coastal Staff recommended denial of the dual zone project— see screen shot below. In addition, it differs because it was a subdivision of a 2,700 square foot lot and was not located on the walk street. Using the 121 Catamaran project to justify the proposed project is an error.

CALIFORNIA COASTAL COMMISSION

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

Th14d

Filed: 8/28/2007
49th Day: 10/16/2007
180th Day: 2/24/2008
Staff: Charles Posner - LB
Staff Report: 1/17/2008
Hearing Date: February 7, 2008
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-06-481**APPLICANT:** William Abbott **AGENTS:** Howard Robinson & Fred Gaines**PROJECT LOCATION:** 121 Catamaran Street, Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Demolition of a two-story single-family residence and detached garage, subdivision of the 2,700 square foot lot into two lots, and construction of two (one on each lot) three-level, 32.4-foot high, 1,546 square foot single-family residences, each with its own two-car garage in the basement.

Lot Area	2,700 square feet
Building Coverage	1,456 square feet
Pavement Coverage	849 square feet
Landscape Coverage	395 square feet
Parking Spaces	4 (2 per residence)
Zoning	R3-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above final grade	32.4 feet

LOCAL APPROVALS:

- 1) City of Los Angeles Local Coastal Development Permit No. ZA-2005-5941, 9/8/2006.
- 2) City of Los Angeles Variances, Case No. ZA-2005-5941, 9/8/2006.
- 3) City of Los Angeles Parcel Map Case No. AA-2005-5938, 7/13/2006.

SUMMARY OF STAFF RECOMMENDATION

The proposal is the first instance of a "Small Lot Subdivision" project in Venice using both the alley and the fronting street to provide driveway access to its on-site parking, resulting in the loss of potential public parking on the fronting right-of-way. Staff is recommending that the Commission **DENY** the coastal development permit for the proposed project because the proposed project is not consistent

Again, the Commission should be consistent with its prior decisions and deny this project as well.

The twelve properties within the Staff's Study Area vary in building heights and style. None, however, are single-family homes on split-lot parcels. There are only two single-family homes on the block (17%) and their average size is 40% of the 1,922 square foot average size of the four "sardine-can" single-family homes being proposed. At the far end of the block is a 2-unit condominium. Nine of the twelve structures on the block house rental units and that is the predominant land use and characteristic of Catamaran Street. The 68 rental units on this block average 1,275 square feet in size. They constitute fully 95% of the residential square footage on Catamaran Street.

This project *superficially retains housing density* as the Staff states but substituting private single-family homes for far more affordable and accessible rental units is a false equivalence. This area of Venice, very near the beach, somewhat out-of-the way, and clearly filled with smaller apartment units, is exactly the type of beach housing access the Coastal Commission should be protecting in this Special Coastal Community!

It is unclear how analysis of this Study Area in the Staff Report justifies this project. The prevailing land use is rental properties of various shapes, heights and sizes, both in the full two-block area and beyond (as shown by appellants in their analysis of a larger,

more appropriate Study Area for a corner lot). It is a real stretch in logic that a precedent-setting subdivision into four parcels, each with a single-family home larger than any other units in the Study Area, with no yards and maximum height, is in any way justified by what the Staff Report presents. Should this project be approved, it will set a precedent that developers would happily exploit to erode the existing number of rental units in this multi-family land use designation over time. Thus, approval of this project would have an adverse cumulative effect.

4. Small lot subdivisions for single family housing is not the same as multi-family housing:

First, the minuscule amount of yard area is absolutely not consistent with the existing scale and character of the neighborhood. The findings erroneously state that the limited yard space appears to be consistent with the development pattern of the existing structures within the survey area. Just because some property owners have developed or hardscaped nearly the entirety of their sites doesn't mean that that should continue. This is not consistent with Coastal Act section 30251, which states that development should restore and enhance visual quality in visually degraded areas.

According to certified LUP Policy I.A.7.c.:

Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

The first part of the policy, through the word "stormwater," is not required only if every other home in the area has adequate yards. It is required.

Also, the site is on a walk street and there is additional open space in terms of the yards on walk streets in the enclosed area of the public right-of-way used for gardens and yard space. Just because a few sites to the east of the project site, where the street is no longer a walk street but is a driving street, do not have reasonable or adequate yards does not mean that justifies the lack of yards for this project. To not have yards as with this project does not conform at all with the surrounding area to the west of the project, along the Catamaran walk street.

On page 9 of the Staff Report the project description begins by accurately saying that the site is bordered primarily by multi-family residential development. The cumulative effect of small lot subdivisions in the LUP multi-family land use designation is to change the area to the character of a single-family neighborhood. *What a building is used for and its impact on the social diversity of the area is just as important to the character of an area as what it looks like.* As per the certified LUP Policy I.E.1.:

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

Further, the Coastal Act section 30253(e) states:

New development shall, where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Further, the findings state that single-family housing is allowed in the R3-1 zone. However, that is the City's uncertified zoning. For the coastal zoning, this land use designation provides for duplexes and multi-family housing, and single-family dwellings would not be in conformance. To allow projects other than multi-family housing is contrary to the certified LUP. If the certified LUP had allowed for single-family housing as well, it would have stated that fact in the LUP. On page 16 of the Staff Report, the finding states that the construction of multiple single-family dwellings can be allowed in a multi-family land use designation if compatible with the community character. However, this focuses only on visual character and ignores the importance of social diversity to Venice's special coastal community character.

In addition, the findings erroneously rely on the uncertified small lot subdivision ordinance in accepting the narrow setback requirements for the site. A conclusion that because the City's small lot subdivision ordinance allows the small, inadequate side yards and thus no variances were granted, and because the certified LUP doesn't provide setback standards, doesn't mean that the project is consistent with community character of the area. The visual character as related to the surrounding walk street area must be considered.

5. Compatibility of the project with the Mass, Scale and Character of the area was incorrectly analyzed:

The findings on size state that nearly all structures in the Study Area are at least two stories, and that there are three buildings that are at least 35 feet tall. A compatibility analysis must focus on the entire study area and not just a comparison to a couple of buildings in the study area (3 of the 12). See section 3. above for an analysis of the Study Area, showing that the project is not compatible with the surrounding area.

Once again, the City failed to do a cumulative effects analysis on Catamaran Street or the larger Marina Peninsula neighborhood of Venice. That should have been cause for a Substantial Issue recommendation in and of itself. Substantial issue Factor 1. Cannot be met as factual and legal support for the local government's decision that the development is consistent with the relevant provisions of the Coastal Act was not provided. As we have pointed out many times, the Commission Staff should not be

tasked with doing the City's work for them. This only perpetuates the City's ongoing omission of findings related to cumulative effects and protection of Venice as a Special Coastal Community and Coastal Resource.

6. Environmental Justice and Social Diversity issues were not correctly analyzed:

The findings err in saying that a project such as this will not lead to a loss of affordable housing.

Before this owner started renting the units for higher rents as short-term rentals, they were highly likely affordable housing. Of course, allowing projects like this that are way too large for the lot and probably couldn't even be built outside of the Coastal Zone on such a small lot is what is jacking up land prices. This is the reason land prices are through the roof. The more this happens the more that affordable housing will be lost. Oakwood is not the only area of Venice where there is affordable housing. It is all over Venice and projects like this where owners defy the law, illegally rent the units as short-term rentals, and aggressively pursue developments that are giant boxes with no yards, built from lot line to lot line, will only benefit the owners financially and will harm the special coastal community of Venice.

It is alarming that the Coastal Commission appears to be working so hard to justify a project that clearly violates the Coastal Act and certified LUP and has attributes for which projects have been denied by them in the past. **Please don't give up on certain neighborhoods of Venice, such as the Marina Peninsula community, in this special walk street area in the Dual Zone.** All of Venice needs to be protected.

Perhaps the building can be reduced to two stories and 28 feet high and the issue of minimal yards can be compensated for by the enclosed public right-of-way along the walk street that can be used as a yard. Reducing the project to 28 feet in height would reduce Unit A from 2,002 to 1,230 square feet, Unit B from 1,915 to 1,169 square feet, Unit C from 1,915 to 1,169 square feet, and Unit D from 1,854 to 1,092 square feet.

Please declare substantial issue so that Staff can do a de novo review in order to require appropriate changes to make this project compatible with the area and compliant with the coastal regulations that so many have fought so hard to put into place in order to protect our coast from unacceptable developments such as this.

Please remember that this project is in the Dual Coastal Zone, between the beach and the Grand Canal, the area the Commission is tasked with taking special care to protect.

Sincerely,

Sue Kaplan, President, Citizens Preserving Venice