

CALIFORNIA COASTAL COMMISSION

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W4b

Filed: 4/24/2008
49th Day: 6/12/2008
180th Day: 10/21/2008
Staff: Charles Posner -LB
Staff Report: 5/22/2008
Hearing Date: June 11, 2008
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-08-110**APPLICANT:** Sharon Binder **AGENT:** Tim McNamara**PROJECT LOCATION:** 2703 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of a two-story duplex, and construction of a three-story, 35-foot high (with forty-foot high roof access structure), 4,243 square foot duplex with an attached four-car garage on a 2,520 square foot beachfront lot.

Lot Area	2,520 square feet
Building Coverage	1,812 square feet
Pavement Coverage	489 square feet
Landscape Coverage	219 square feet
Parking Spaces	4
Zoning	RD1.5-1
Plan Designation	Multi-Family Residential – Low Med II
Ht above final grade	35 feet (plus 40-foot high roof access)

LOCAL APPROVALS: City of Los Angeles Planning Department Approval, Case Nos. DIR-2003-4264 (SPP), 8/28/2003 & ZA-2005-1305 (ZAA)(SPPA), 7/18/2007.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit 5-95-050 (Snipper: 2811 OFW).
3. Coastal Development Permit 5-03-520 (Ennis: 2911 OFW).
4. Coastal Development Permit 5-07-337 (Epstein: 2903 OFW).
5. Coastal Development Permit 5-04-150 & Amendment (Binder: 2703 OFW).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to development on and along the 27th Avenue walk street, building design and height, parking, and the protection of public access along the public rights-of-way that abut the front (Ocean Front Walk) and north side (27th Avenue walk street) of the project site. The applicant agrees with the recommendation. **See Page Two for the motion to carry out the staff recommendation.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Approved Development - Permit Compliance

Coastal Development Permit 5-08-110 approves the demolition of a duplex and the construction of a new duplex with a four-car garage, and the improvement of a portion of the abutting 27th Avenue right-of-way. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Building Height

The roof of the approved structure shall not exceed thirty-five feet (35') in elevation above the Ocean Front Walk right-of-way. Roof deck railings of an open design shall not exceed 42 inches above the 35-foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to forty feet (40') in elevation above the Ocean Front Walk right-of-way. One roof access stairway enclosure, with a footprint not to exceed one hundred square feet in area, may extend up to forty feet (40') in elevation above the Ocean Front Walk right-of-way. No portion of any structure shall exceed forty feet (40') in elevation above the Ocean Front Walk right-of-way.

3. Building Design

As proposed by the applicant, the side of the building facing the 27th Avenue walk street shall include the windows, primary building entrance, and articulated façade that provides visual interest to pedestrians, as shown on **Exhibit #5 of the 5/22/08** staff report.

4. Parking

The proposed on-site parking supply (four-car garage) shall be provided and maintained in the garage of the approved structure as shown on **Exhibit #4 of the 5/22/08** staff report. Vehicular access to the on-site parking shall be taken only from Speedway Alley. Private parking on the 27th Avenue right-of-way is not permitted.

5. 27th Avenue Walk Street – Encroachment onto the Right-of-Way

The proposed development shall not interfere with public pedestrian access to and along the public accessway that runs down the center of the 27th Avenue right-of-way. In order to enhance visual quality, preserve the water quality, and to provide a transitional zone between the 27th Avenue public accessway and the private dwelling, the proposed private use and development of part of the 27th Avenue public right-of-way is required as follows:

- a) The area situated between the 27th Avenue accessway and the applicant's property line (i.e., the project area within the 27th Avenue right-of-way) shall be maintained as a permeable yard area, except for minimal paved walks to the building entrance. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).
- b) No trees or shrubs over 48 inches in height are permitted in the right-of-way. All trees and shrubs in the right-of-way shall be maintained at a height of 48 inches or less.
- c) Private parking on the 27th Avenue right-of-way is not permitted. In order to prevent vehicular access on the portion of the project site situated within the 27th Avenue right-of-way, the permittee shall maintain a decorative fence (e.g. split rail, picket or rustic) not exceeding 42 inches in height to enclose the area situated between the 27th Avenue accessway and the permittee's property line (i.e., enclose the project area situated within the 27th Avenue right-of-way).

The permittee shall undertake and maintain the development in conformance with this condition and the approved final plans. Any proposed change to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Ocean Front Walk

Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, landscaping and posting of signs.

7. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

- a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
- b) Any and all demolition/construction material shall be removed from the site (via the alley only) within ten days of completion of demolition/construction and

disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

- c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control 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 the sea.
- d) Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- e) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- f) All trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- g) All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish the existing two-story duplex on a beachfront lot in North Venice, and to construct a new three-story, 35-foot high, 4,243 square foot duplex (See Exhibits). The main residential unit is 3,403 square feet, and the second residential unit is 840 square feet in area. One forty-foot high roof access stairway enclosure is proposed in order to provide access to the roof decks (Exhibit #5). A ground floor garage, accessed from Speedway alley, would provide four on-site parking spaces (Exhibit #4). The proposed development, including a proposed six-foot high privacy wall, is set back one foot from the Ocean Front Walk right-of-way. The proposed house is less than 22 feet wide, because the lot, like the others on the block, is only 28 feet wide. Three-foot wide side yards are provided.

The project site is a 2,520 square foot lot situated on the inland side of the Venice boardwalk (Ocean Front Walk), an improved public walkway situated between the private lots of the residential neighborhood and the open sandy public beach (Exhibit #3). The surrounding neighborhood is comprised primarily of two-story and three-story multiple-unit and single-family residential buildings. The 27th Avenue walk street, which provides direct public pedestrian access to the beach and boardwalk, abuts the north side of the project site (Exhibit #3). As called for by Policy II.C.7 of the certified Venice Land Use Plan (LUP), the applicant is proposing to maintain the unique character of the walk street by enclosing and improving a

thirteen-foot wide portion of the 36-foot wide public right-of-way with a grade level patio and landscaping (Exhibit #4). No existing public parking will be removed and public access along the ten-foot wide walk street accessway will not be affected by the proposed (and Commission-required) improvements to the 27th Avenue right-of-way.

In 2004, the Commission approved Coastal Development Permit 5-04-150 (Binder) for a new single-family residence on this lot. Coastal Development Permit 5-04-150, which was amended in 2005 to change the project to a duplex, expired without being vested.

The currently proposed duplex has been reviewed and approved by the City of Los Angeles Planning Department [Case Nos. DIR-2003-4264 (SPP) & ZA-2005-1305 (ZAA)(SPPA)]. The City found the proposed project consistent with the RD1.5-1 zoning designation, the requirements of the Venice Specific Plan, and the surrounding land uses. No one appealed the City's determination and the City issued a Venice Specific Plan Project Permit for the proposed duplex.

The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that approved developments are consistent with the Coastal Act and the certified LUP. In order to mitigate the identified impacts, the appropriate special conditions have been applied to this coastal development permit.

Staff is recommending approval of the proposed duplex (with conditions) because it complies with the 35-foot height limit, the two-unit density limit for the site, the walk street requirements, the on-site parking requirements, and all other requirements set forth by the Venice Specific Plan, the certified Venice LUP and the Chapter 3 policies of the Coastal Act. The proposed structure's architectural style, design and mass would not have a detrimental effect on community character. Therefore, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. As conditioned, the proposed project is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

B. Community Character

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

C. Public Access/Parking

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Public Recreation

As conditioned, the proposed development does not interfere with public recreational use of coastal resources. As conditioned, the development protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

E. Habitat and Parks

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and are compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the proposed development conforms with Section 30240(b) of the Coastal Act.

F. Marine Resources and Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

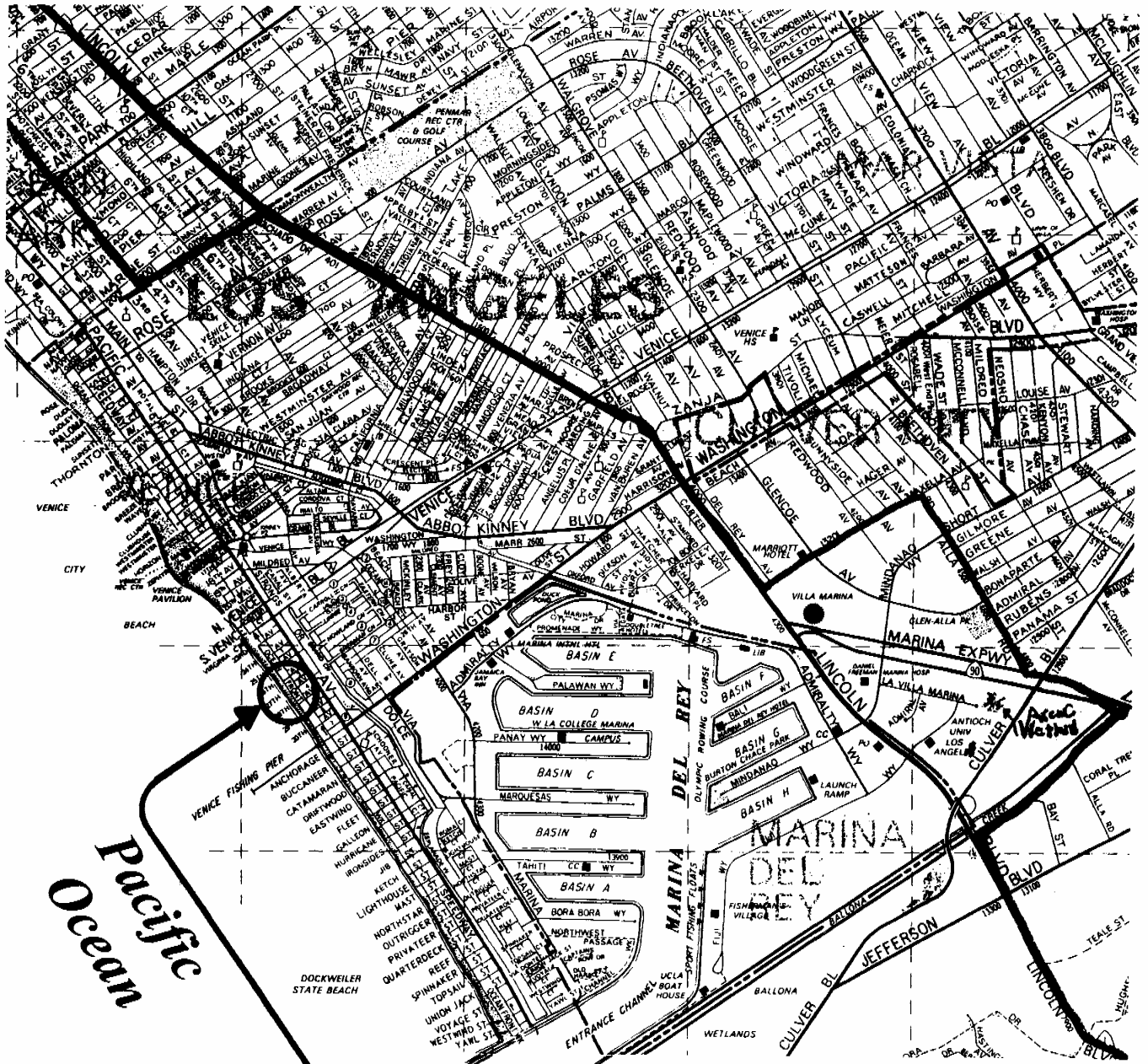
G. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified Venice LUP. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA



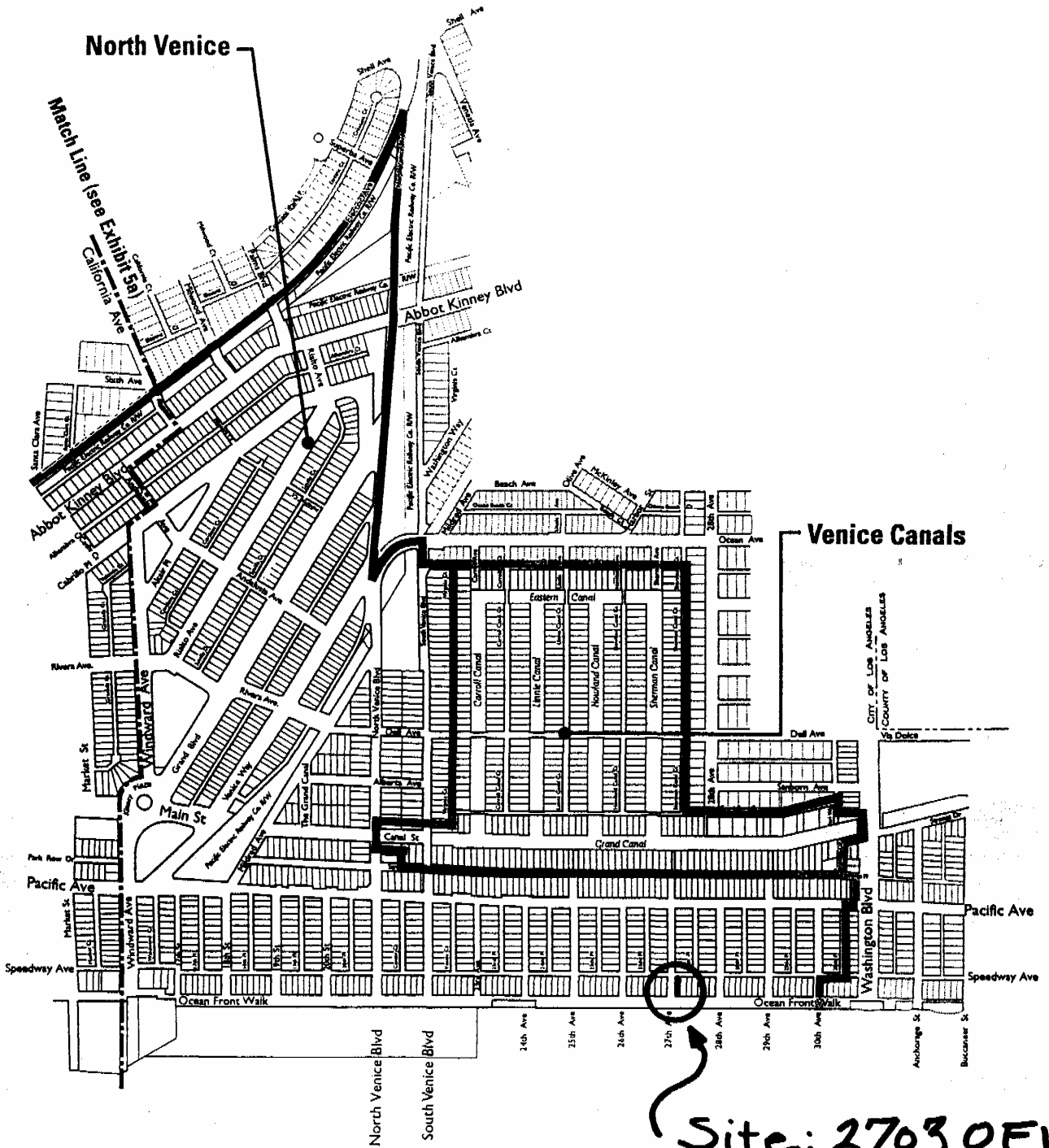
Site: 2703 OFW
Ocean Front Walk

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EXHIBIT # 1

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Site: 2703 OFW



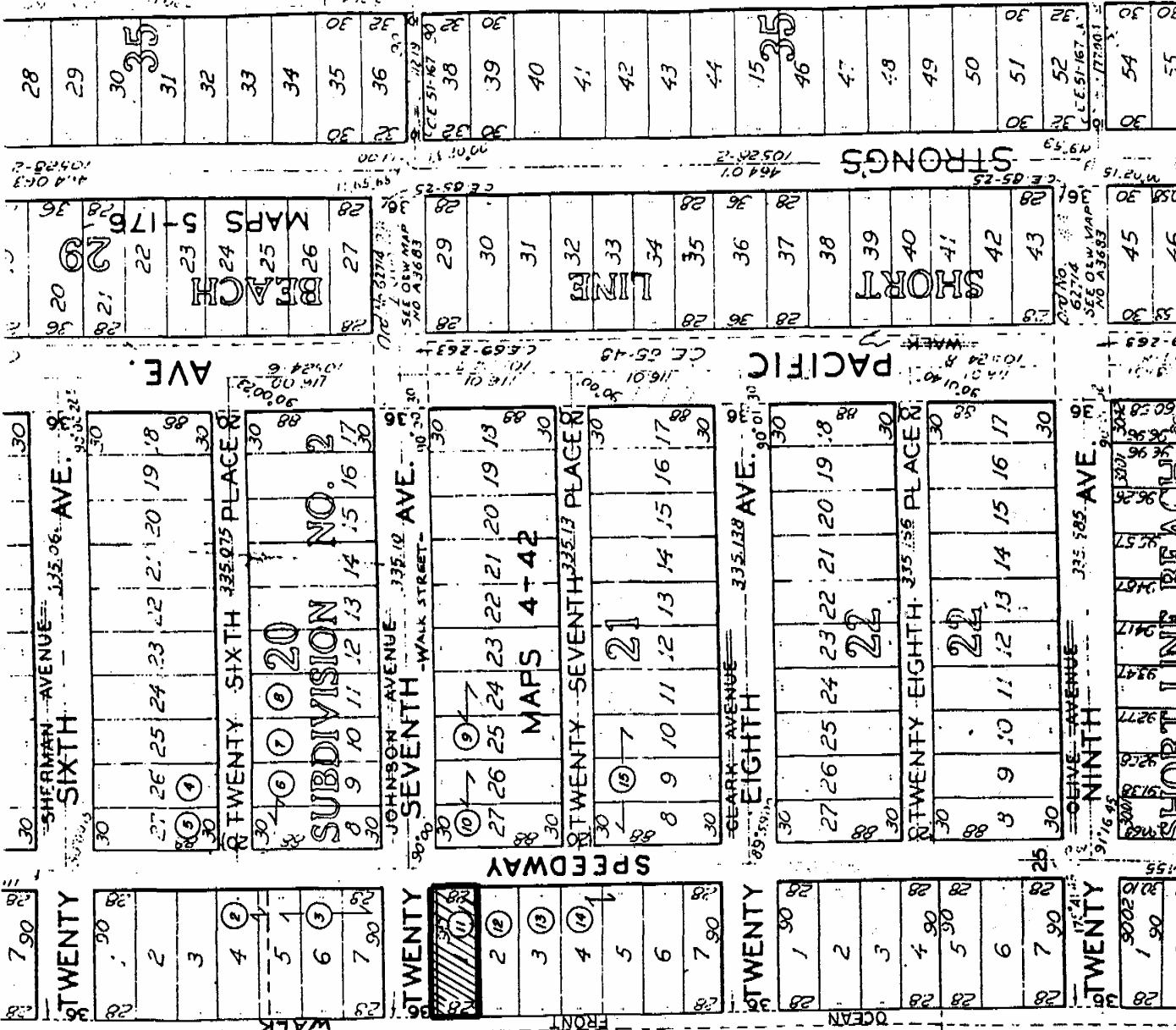
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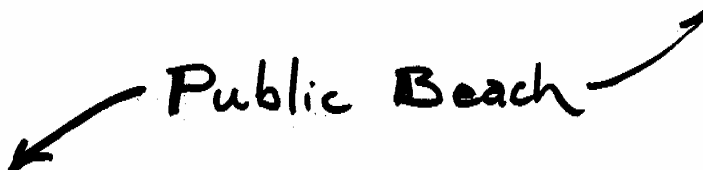
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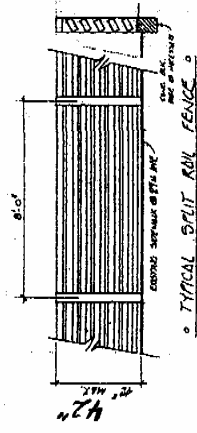
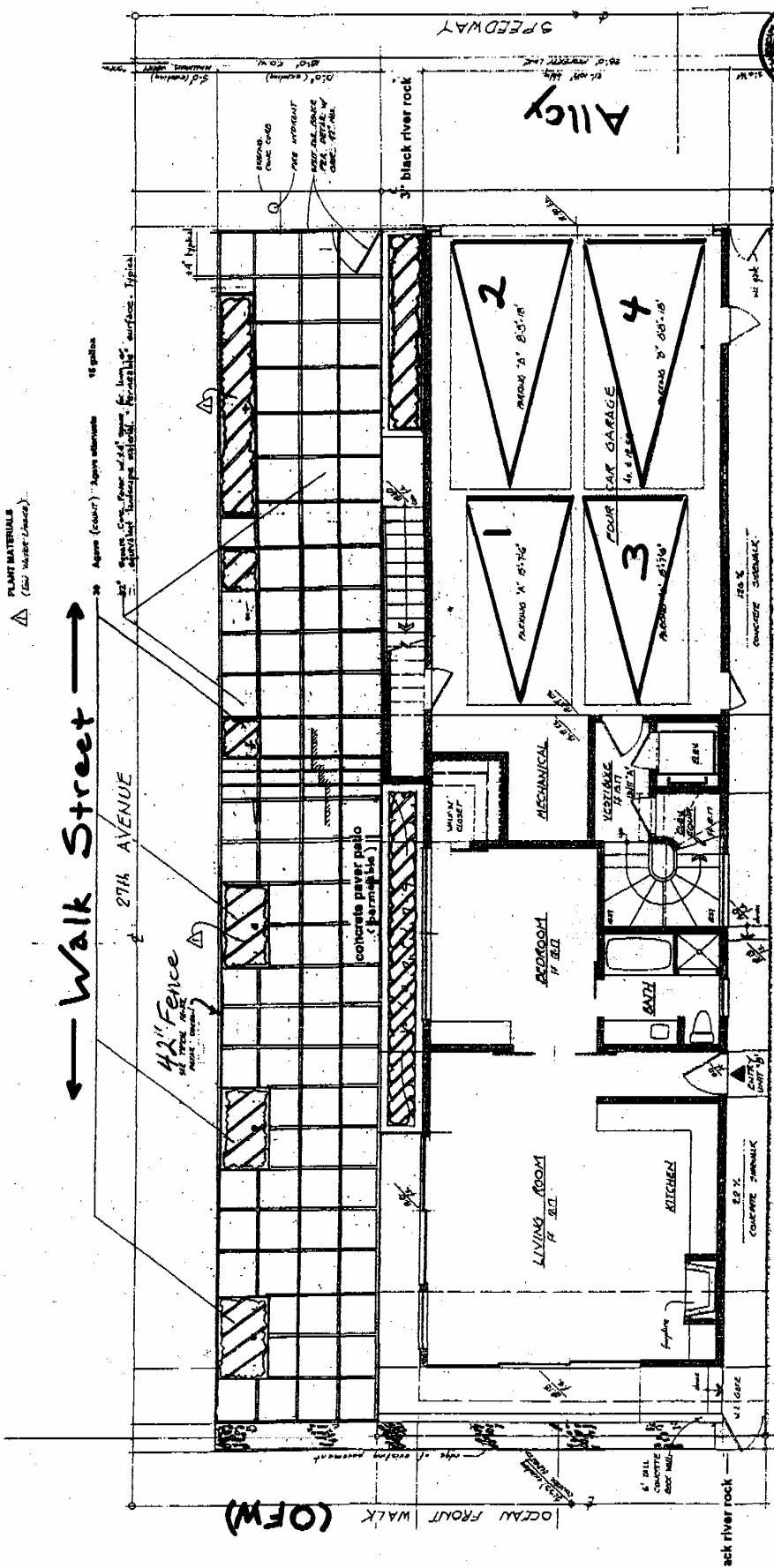
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LUP
 Exhibit 5b
 Subarea: North Venice • Venice Canal



 N
 Site: 2703 OFW
 Public Beach

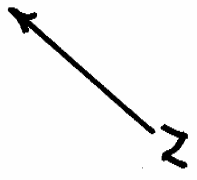
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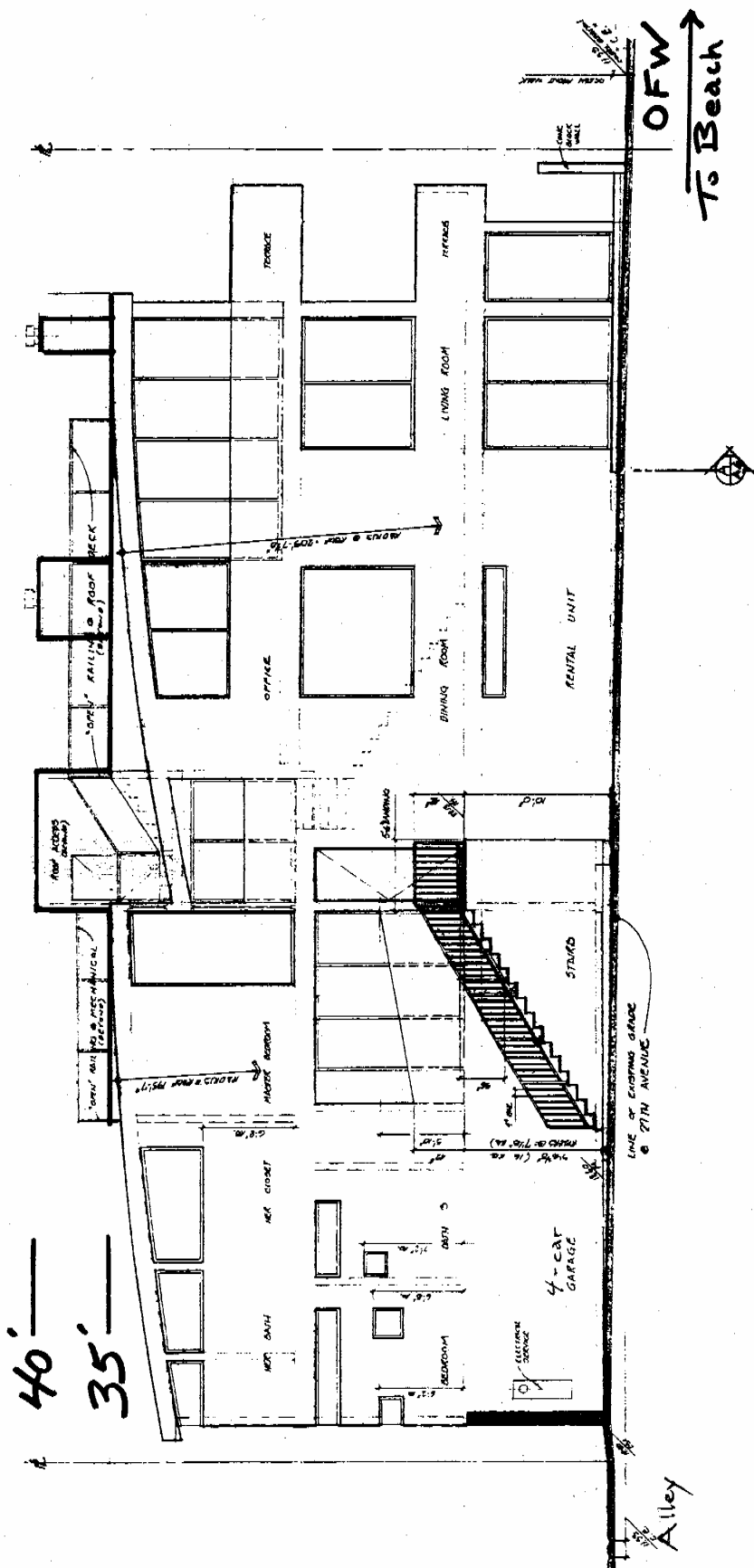


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 EXHIBIT # 4
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← Walk Street →

← Beach →



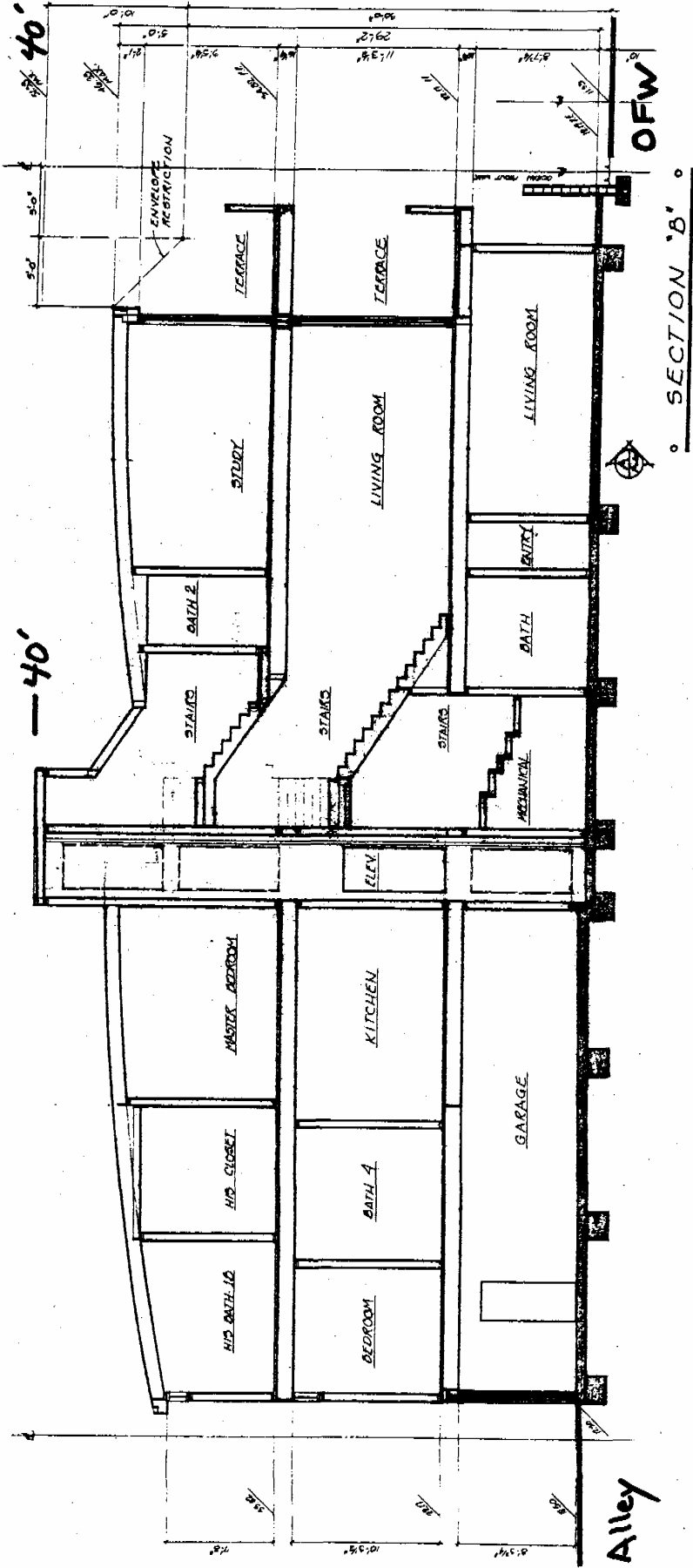


° NORTH ELEVATION °
27th AVENUE

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EXHIBIT # 5

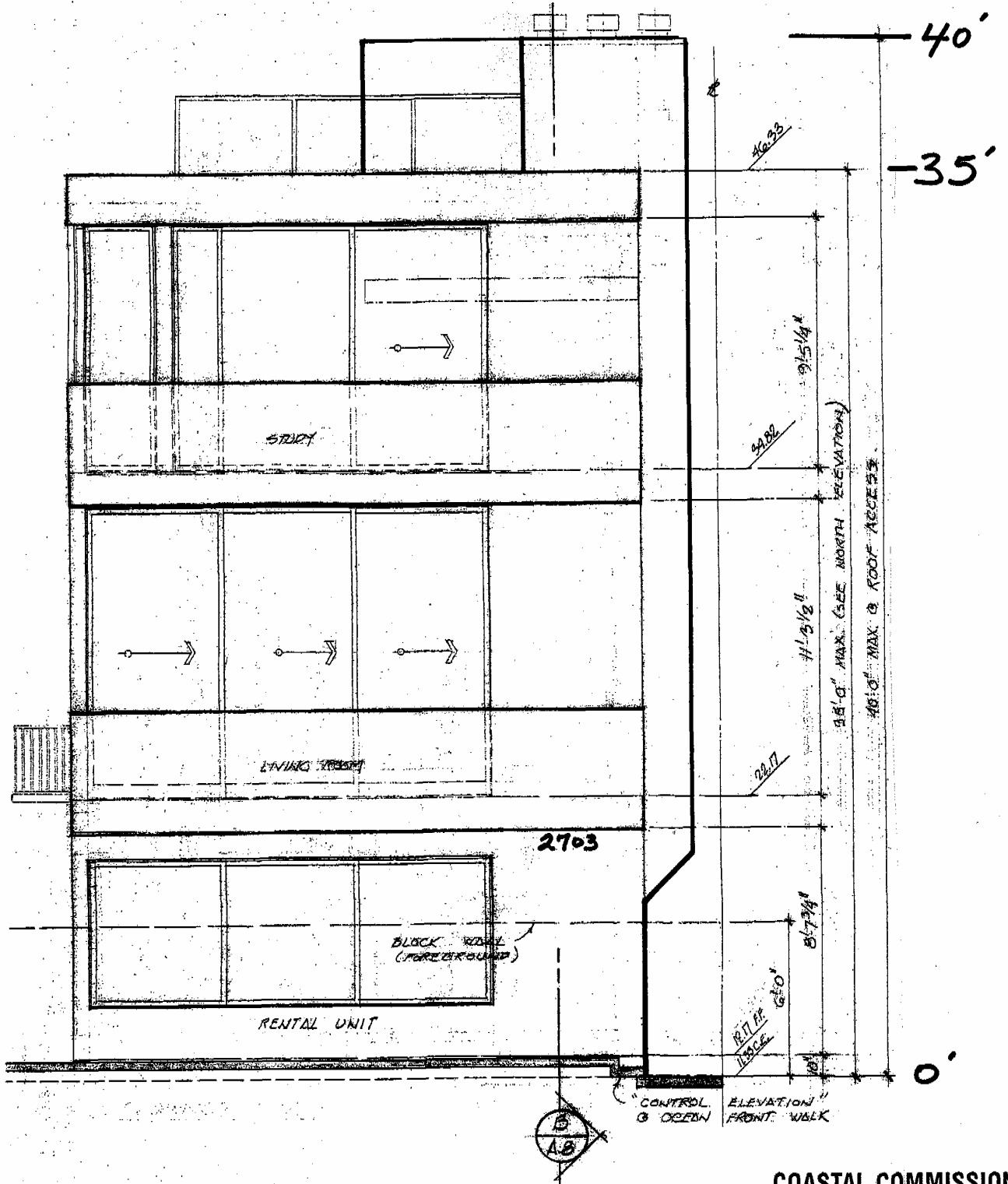
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EXHIBIT # 6

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Front (OFW) Elevation

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EXHIBIT # 7

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