

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 4/18/2008
49th Day: 6/6/2008
180th Day: 10/15/2008
Staff: Charles Posner - LB
Staff Report: 7/17/2008
Hearing Date: August 7, 2008
Commission Action:

**Th5a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-08-039

APPLICANT: Gary M. Panas **AGENT:** N/A

PROJECT LOCATION: 2343 & 2345 Ocean Avenue, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Add attached two-car garage and 1,600 square feet of living area to an existing two-story, 1,456 square foot duplex, resulting in a three-level, thirty-foot high (with 35-foot high roof access structure), 3,056 square foot duplex.

Lot Area	2,700 square feet
Building Coverage	1,736 square feet
Pavement Coverage	541 square feet
Landscape Coverage	423 square feet
Parking Spaces	4 (with proposed new curb cut)
Zoning	RD1.5-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above Street	30 feet (with 35-foot high roof access)

LOCAL APPROVALS: 1) City of Los Angeles Planning Department Case No. ZA-2007-0609-ZAA, 8/31/07; 2) City of Los Angeles Planning Department Case No. DIR-2008-0463-VSO, 2/7/08; 3) City of Los Angeles Department of Transportation (Curb Cut), 10/19/06.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to permit compliance, landscaping, building height, and water quality. **See Page Two for the motion.** The applicant agrees with the staff recommendation. In order to accommodate the proposed on-site parking supply (a new two-car garage with driveway), this permit would approve a new nineteen-foot wide curb-cut on Ocean Avenue. New curb cuts, like the one being proposed, can be permitted only if it is infeasible to provide vehicular access from an existing alley. In this case, the existing building on the rear portion of the lot abuts the alley and makes it infeasible to use the alley for vehicular access to the site. The proposed project has received approval from the City of Los Angeles Planning Department and Department of Transportation, and is consistent with the RD1.5-1 zoning designation and the surrounding residential land uses. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Land Use Plan for Venice, City of Los Angeles, 6/14/2001.
2. Coastal Development Permit 5-03-073 (Ruta: 2508 Ocean Avenue).
3. Coastal Development Permit 5-05-366 (2612 Ocean Avenue, LLC).
4. Coastal Development Permit 5-06-282 (Grill: 2423 Ocean Avenue).
5. Coastal Development Permit 5-06-369 (Sivilla: 2411 Ocean Avenue).
6. Coastal Development Permit 5-07-073 (Sivilla: 2403 Ocean Avenue).

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. Permit Compliance

Coastal Development Permit 5-08-039 permits the addition of 1,600 square feet of living area to an existing duplex (two residential units), construction of an attached two-car garage, and a driveway with a new curb cut (not to exceed a width of nineteen feet) on Ocean Avenue. Any proposed change in the number of units or change in use 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. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Landscaping

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.

3. Building Height

The roof of the approved structure shall not exceed thirty feet (30') in elevation above the centerline of the fronting right-of-way (Ocean Avenue). Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 35 feet above the centerline of the fronting right-of-way. This permit approves one roof-top stairway enclosure with a footprint of less than one hundred square feet and a maximum height of 35 feet.

4. 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 Best Management Practices:

- a) No demolition/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 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.
- h) No runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to add onto an existing two-story duplex, and to provide new on-site parking (the site currently has no on-site parking). The proposed project consists of a three-level addition that would be attached to the existing 1,456 square foot duplex (See Exhibits). The proposed addition includes an attached two-car garage on the ground floor, 1,600 square feet of additional living area, and a roof deck (with one 35-foot high roof access structure). The proposed project would result in a total of 3,056 square feet of living area.

The 2,700 square foot project site is located in Southeast Venice, about one hundred feet east of Eastern Canal and the Venice Canals neighborhood (Exhibit #2). The surrounding neighborhood is comprised of a variety of old and new single-family residences and duplexes that vary in height from a single story to a maximum of thirty feet. The existing duplex on the site was built in 1924, prior to coastal permit requirements. Currently, the site has no on-site parking, but the proposed project includes a new two-car garage and a fifteen-foot long driveway with space for two additional vehicles (Exhibit #5). Access to the proposed on-site parking supply would be provided by a new nineteen-foot wide, City-approved curb cut on Ocean Avenue, the fronting street. Access to on-site parking is normally required to be taken from the alley, but the existing building on the rear of the site makes it infeasible to use the alley for vehicular access. New curb cuts are only permitted if it is determined that it would be infeasible to provide vehicular access from an existing alley.

The proposed project has been approved by the City of Los Angeles Planning Department (Case Nos. ZA-2007-0609-ZAA & DIR-2008-0463-VSO) and the City of Los Angeles Department of Transportation, and is consistent with the RD1.5-1 zoning designation and the surrounding land uses. The duplex conforms to the Commission's two-unit density limit for the site, and the proposed two-car garage and the driveway provides adequate on-site parking. The proposed project, with its thirty-foot high roof, conforms to the thirty-foot height limit in Southeast Venice (for structures with varied rooflines). Limited roof access structures like stairway enclosures and elevator towers are a part of a structure that can be permitted to exceed the building height limit (by up to ten feet). Policy I.A.1.a of the certified City of Los Angeles Land Use Plan (LUP) for Venice states that each residence may have one stairway enclosure, not exceeding one hundred square feet in area, which extends up to ten feet above the height limit.

The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site (approximately 423 square feet of permeable landscaped area will be maintained on the project site, and the proposed driveway will be constructed with permeable materials).

As conditioned, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals, and approval of the project as conditioned would not prejudice the City's ability to prepare an LCP.

B. Public Access

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.

C. Public Recreation

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

D. 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.

E. Development

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.

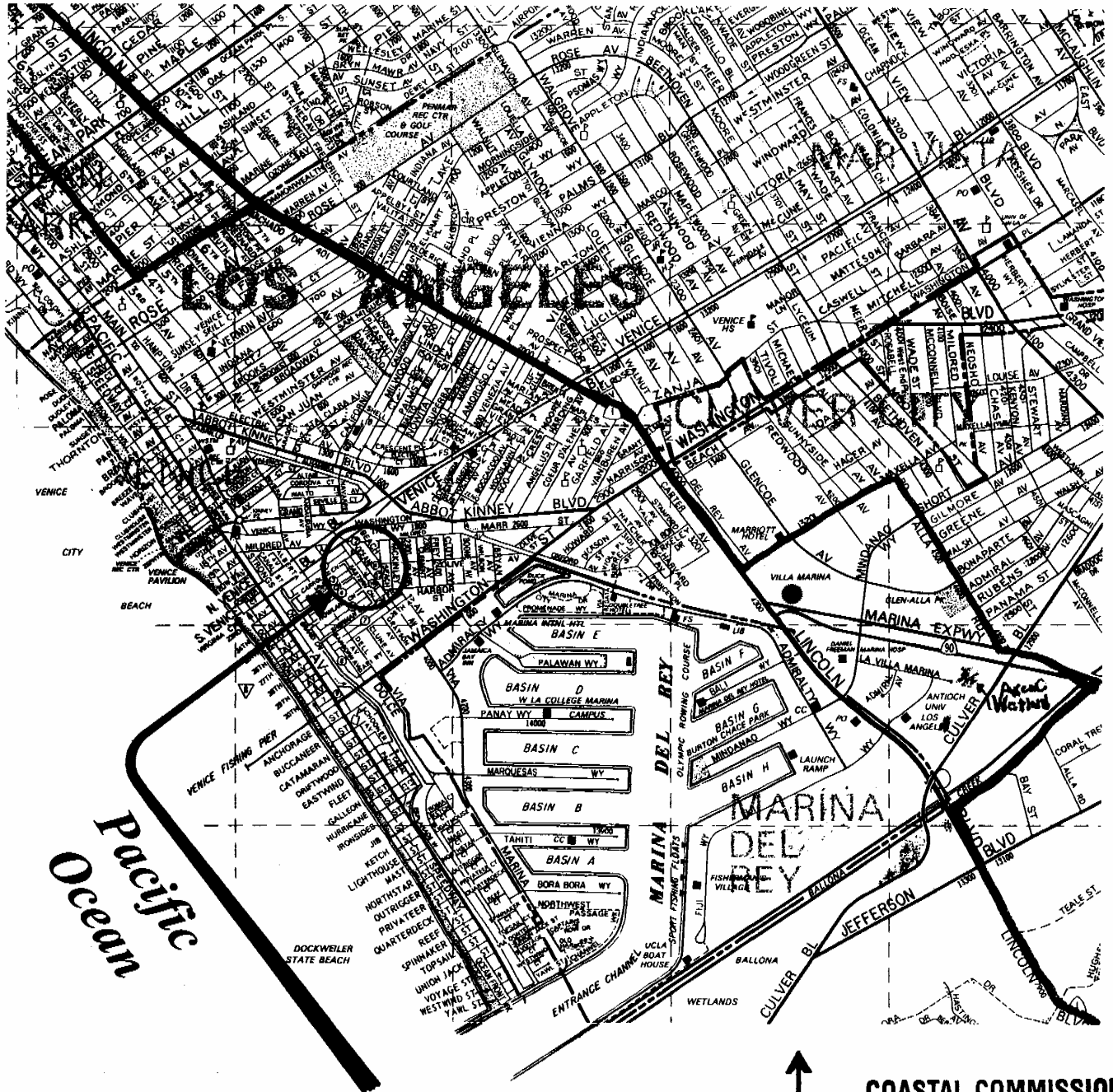
F. Local Coastal Program

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 with the certified Land Use Plan for the area. 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.

G. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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



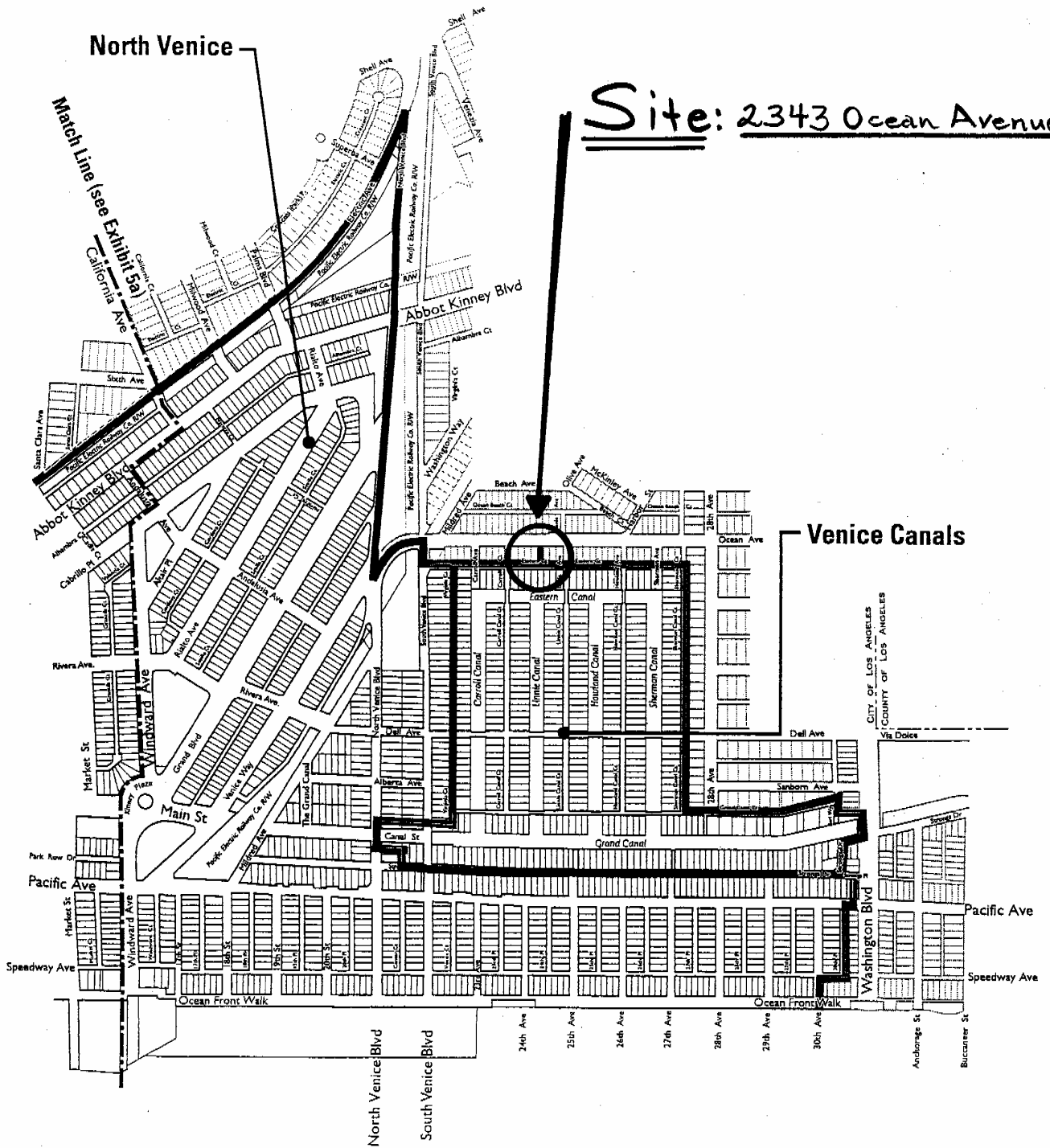
Site: 2343 Ocean Avenue



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EXHIBIT # 1

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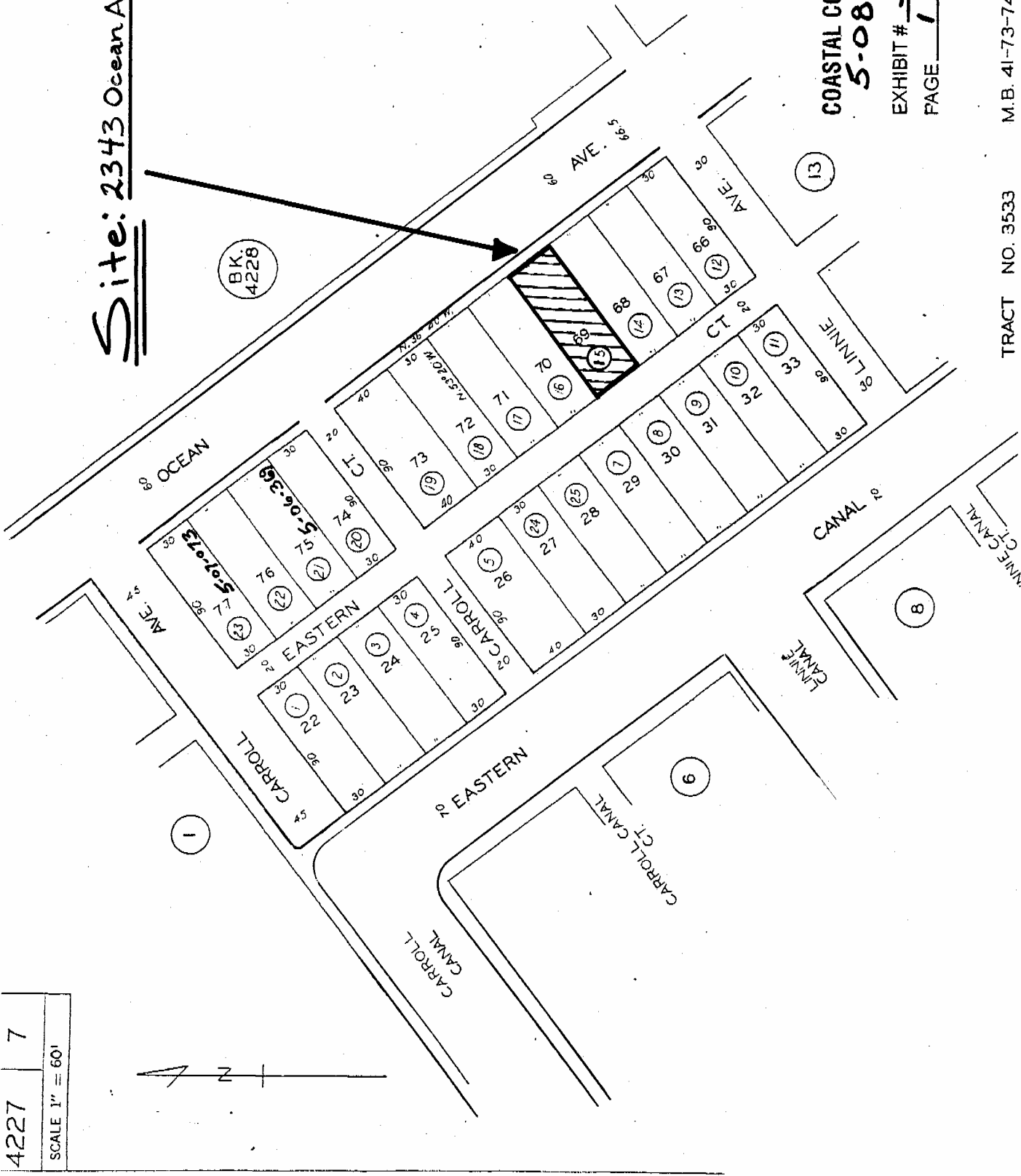
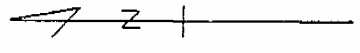
Site: 2343 Ocean Avenue

LUP
Exhibit 5b
Subarea: North Venice • Venice Canals


 Not to Scale
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 EXHIBIT # 2
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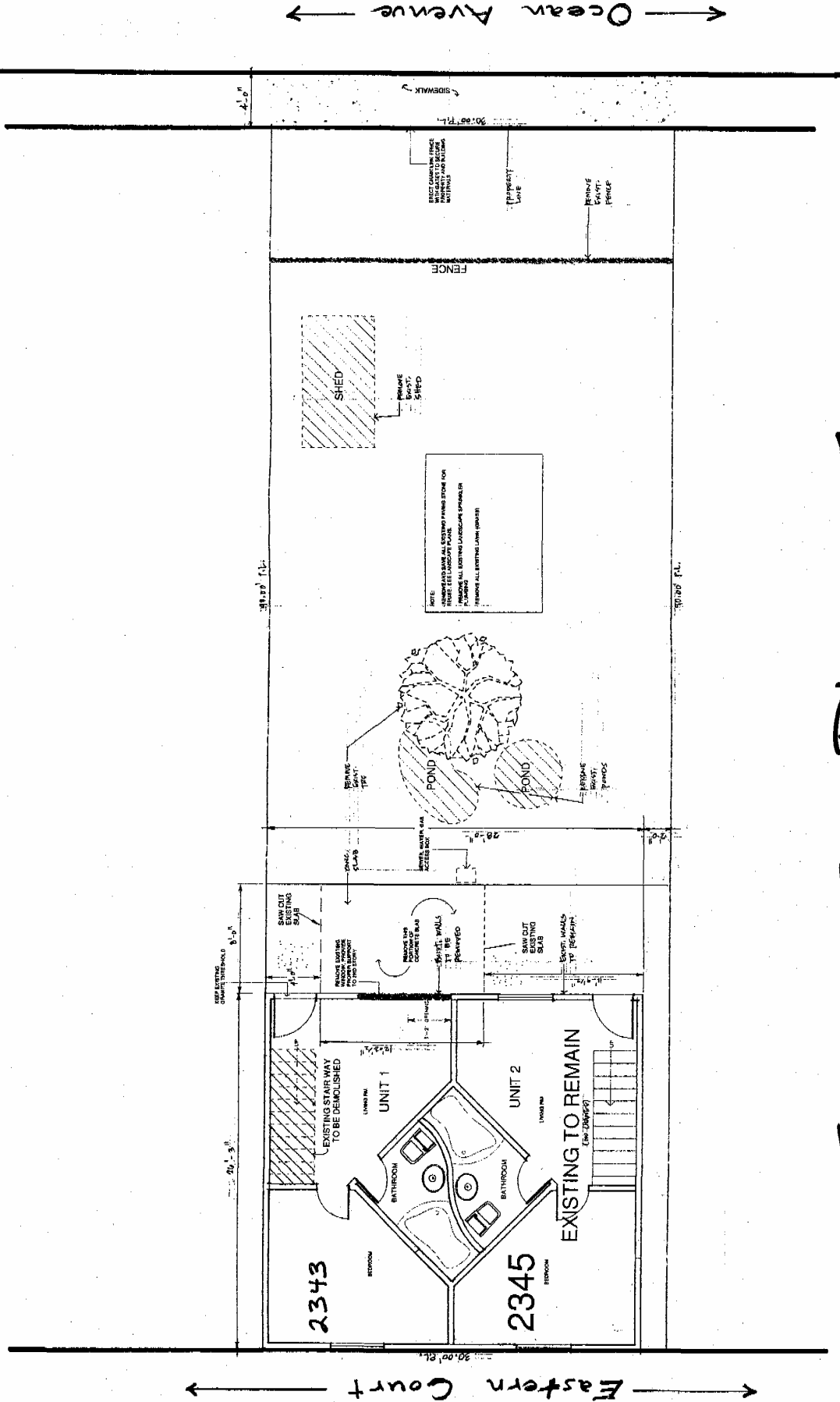
4227 | 7
SCALE 1" = 60'

Site: 2343 Ocean Avenue



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EXHIBIT # 3
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TRACT NO. 3533 M.B. 41-73-74

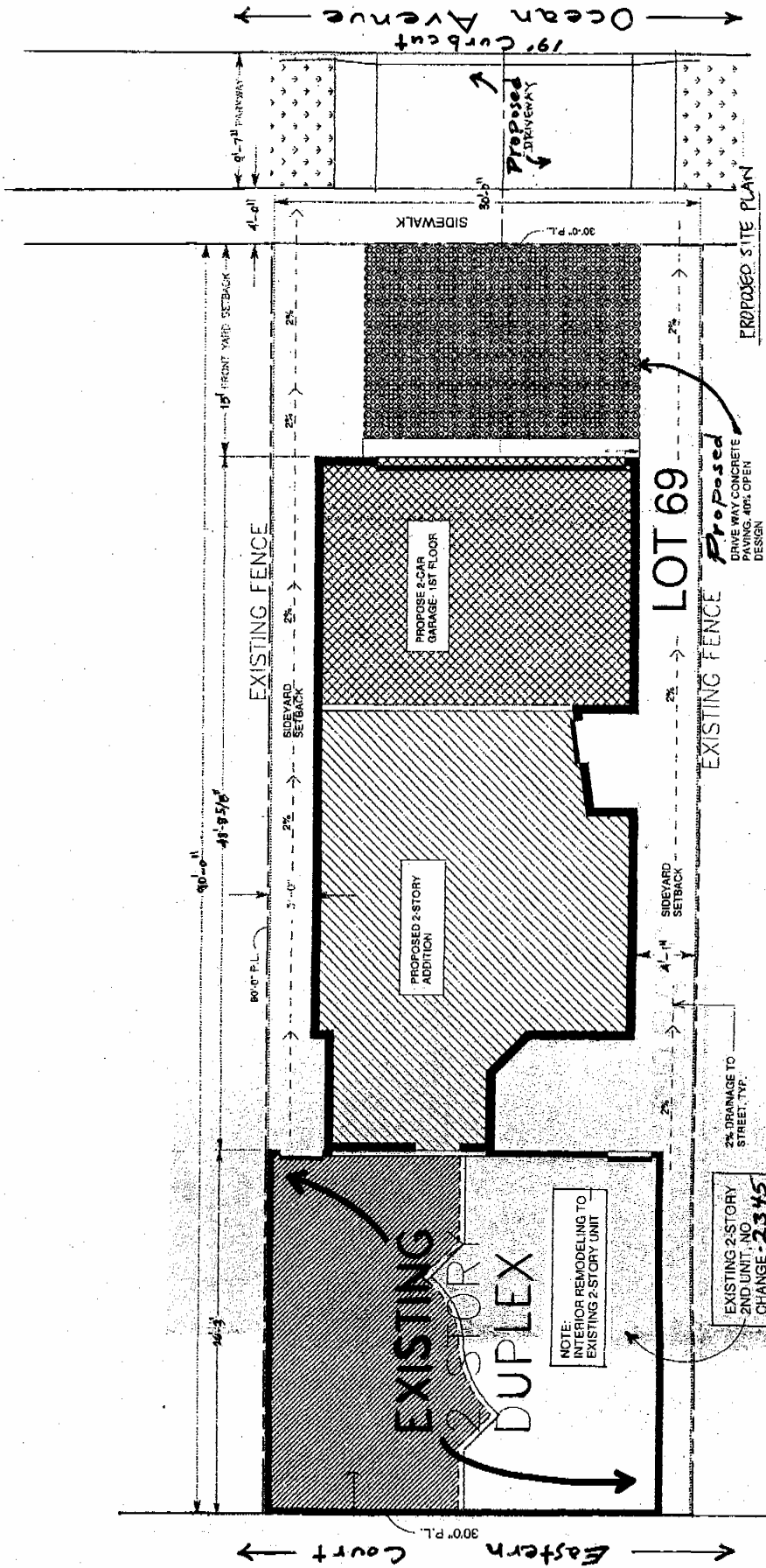


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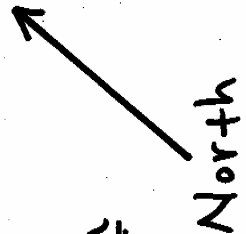
EXHIBIT # 4
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North

Existing Site Plan



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 EXHIBIT # 5
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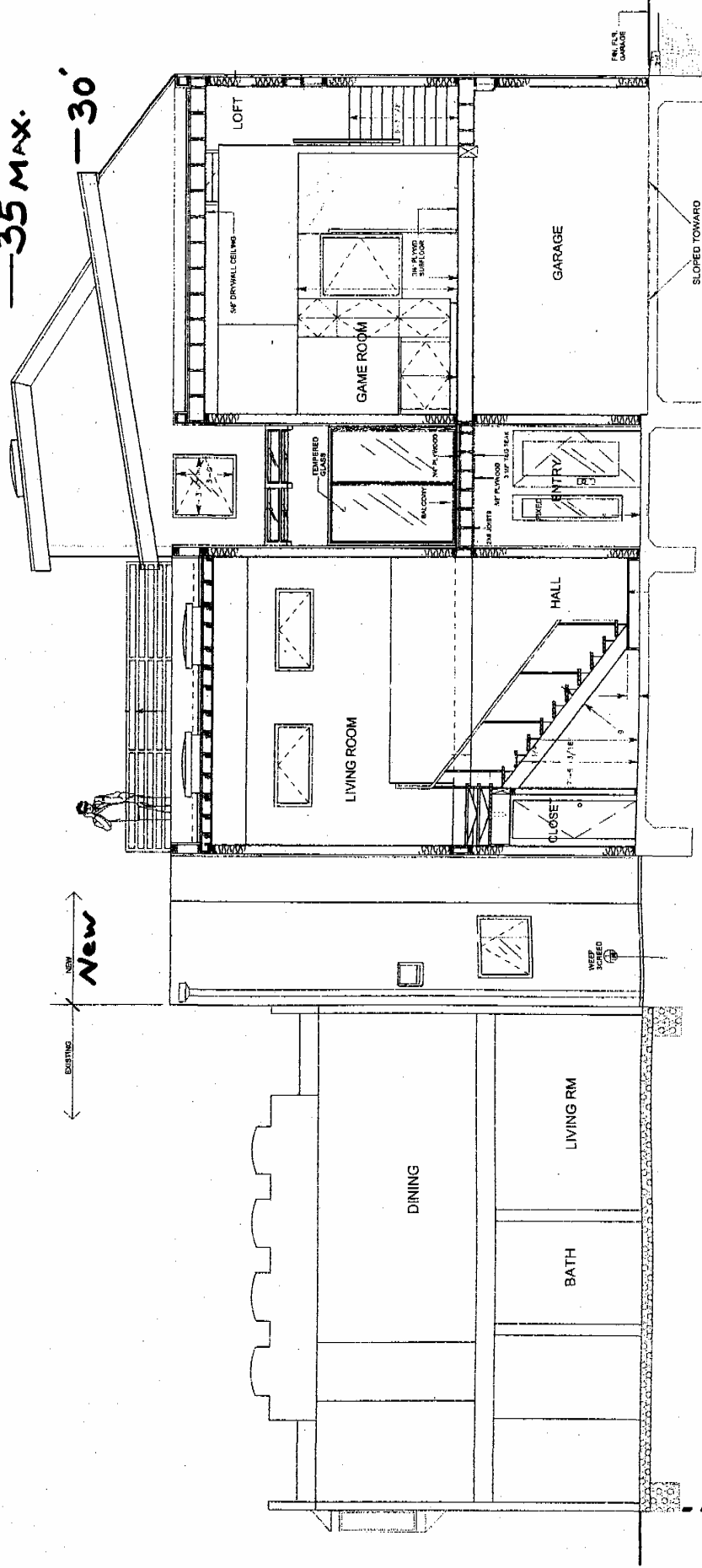


Proposed Site Plan

35' MAX.

30'

EXISTING
NEW
New



SECTION
④ Ocean Avenue

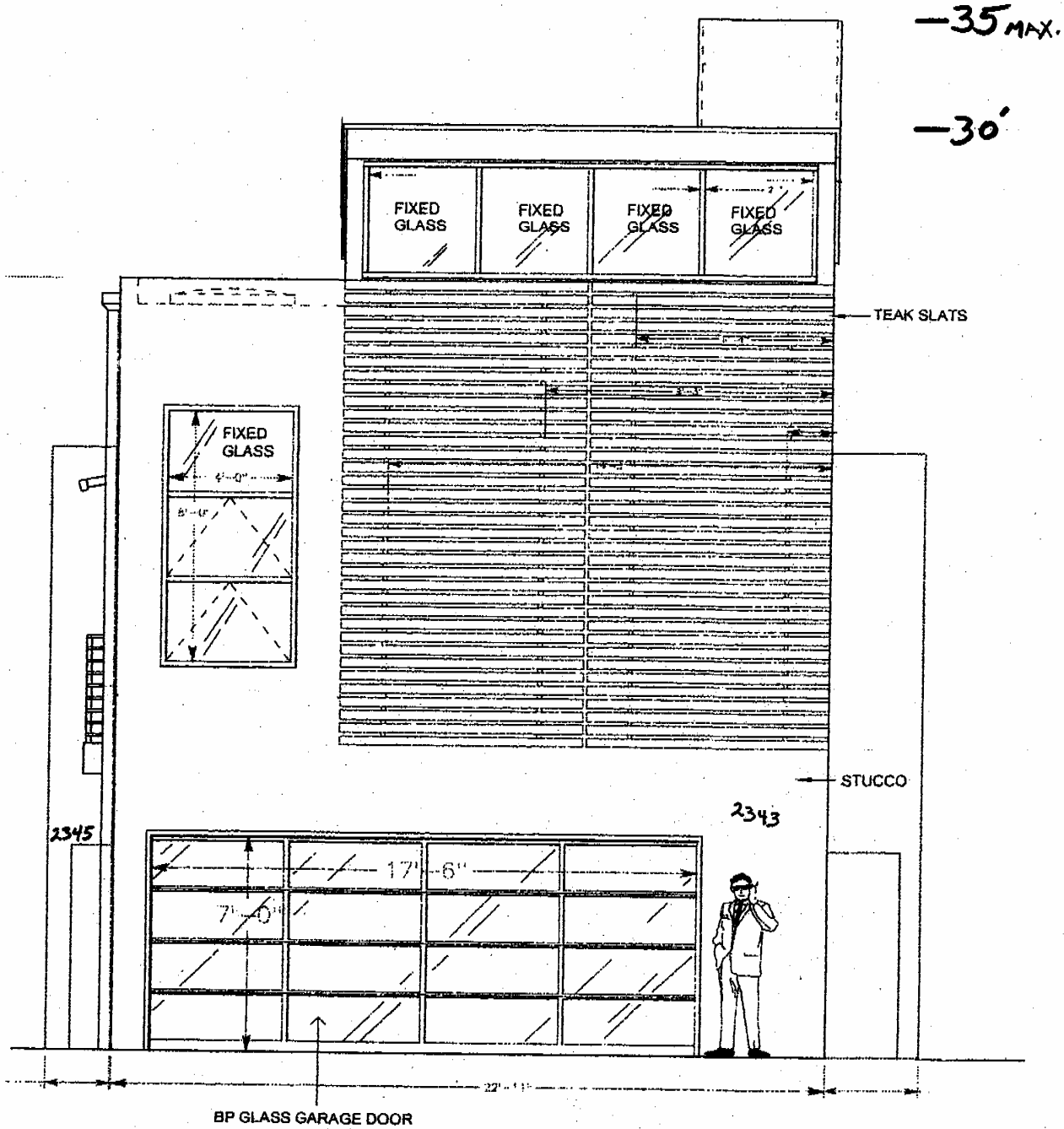
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EXHIBIT # 6

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P.L. Eastern Court



Proposed
Ocean Avenue - WEST ELEVATION

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EXHIBIT # 7

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