

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

Filed: 10/17/2008
 49th Day: 12/5/2008
 180th Day: 4/15/2009
 Staff: Charles Posner - LB
 Staff Report: 2/18/2009
 Hearing Date: March 11, 2009
 Commission Action:

**W4b****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-08-287

APPLICANTS: Hedy & Solomon Kamienowicz

AGENT: Dan Brunn

PROJECT LOCATION: 2615 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Construction of a three-level, 33-foot high (with 43-foot high elevator housing), 5,152 square foot single-family residence with an attached three-car garage on a vacant 3,600 square foot beach-fronting lot (and landscape portion of adjoining 27th Place walk street).

Lot Area	3,600 square feet
Building Coverage	2,500 square feet
Pavement Coverage	900 square feet
Landscape Coverage	200 square feet
Parking Spaces	4
Zoning	RD1.5-1
Plan Designation	Residential – Low Medium II
Ht above final grade	33 feet (plus 43-foot roof access)

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2008-0930-SPP-SPPA (9/18/2008).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to permit compliance, building height, on-site parking, compliance with the Venice walk street standards, and protection of existing native dune vegetation and water quality. **See Page Two for the motion.**

The applicants agree with the staff recommendation. The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with the RD1.5-1 zoning designation and the surrounding residential land uses. Adequate on-site parking is provided. 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. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-03-520 (Ennis: 2911 OFW).
3. Coastal Development Permit 5-04-150 (Binder: 2703 OFW).
4. Coastal Development Permit 5-05-178 (Targon: 3009 OFW).
5. Coastal Development Permit 5-06-209 (Rudisill: 3003 OFW).
6. Coastal Development Permit Application 5-07-137 (Johnson: 2611 OFW).
7. Coastal Development Permit 5-07-093 (Johnson: 2615 OFW).

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 5-08-287 approves the construction of a three-level single-family residence and the improvement of a portion of the fronting 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. Parking

The proposed on-site parking supply (three-car garage plus one unenclosed parking space) shall be provided and maintained on the site shown on **Exhibit #4 of the 2/18/09** staff report. Vehicular access to the on-site parking shall be taken only from Speedway Alley. Parking on the 27th Avenue right-of-way is not permitted.

3. Building Height

The roof of the approved structure shall not exceed 33 feet in elevation above the Ocean Front Walk right-of-way. Roof deck railings of an open design shall not exceed 42 inches above the 33-foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to 38 feet in elevation above the Ocean Front Walk right-of-way. This permit approves one elevator housing (roof access structure) with a footprint of less than one hundred square feet and a height of 43 feet (measured from the elevation of the Ocean Front Walk right-of-way).

4. 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 (i.e., encroachment area) is required as follows:

- A. Native dune vegetation that currently exists on the right-of-way encroachment area (i.e., the area situated between the 27th Avenue accessway and the applicants' property line) shall be protected and preserved in place. Prior to any disturbance of the vegetation that currently exists in the right-of-way, a qualified biologist shall survey the encroachment area and prepare a landscape plan that identifies the types and location of all existing native vegetation. The permittees shall ensure that the areas of existing native dune vegetation are protected from disturbance during the implementation of the approved project.
- B. The area situated between the 27th Avenue accessway and the applicants' property line (i.e., the project area within the 27th Avenue right-of-way) shall not be used for project staging, equipment storage or parking of vehicles.
- C. The area situated between the 27th Avenue accessway and the applicants' property line (i.e., the project area within the 27th Avenue right-of-way) shall be maintained as a permeable landscaped area. Only native plants and non-invasive and low water use plants compatible with the preservation of the existing native dune vegetation shall be used to landscape the portion of the encroachment area that is not already covered by the existing native plants.
- D. No new 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.
- E. 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 permittees shall maintain a decorative fence (or wall) not exceeding 42 inches in height to enclose the area situated between the 27th Avenue accessway and the permittees' property line (i.e., enclose the project area situated within the 27th Avenue right-of-way).

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a revised landscape plan for the portion of the proposed development situated within the 27th Avenue right-of-way that complies with the requirements of this condition. The permittees shall undertake and maintain the development in conformance with 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.

5. 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, building overhangs, walls, fences, equipment storage, landscaping and posting of signs.

6. Construction Responsibilities and Debris Removal

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. No construction materials, equipment, debris, or waste will be placed or stored on the beach or boardwalk areas seaward of the applicant's private property.
- C. 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.
- D. 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 and a pre-construction meeting to review procedural and BMP guidelines.
- E. The applicants shall dispose of all demolition and construction debris resulting from the proposed project 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to develop a vacant beach-fronting lot with a new three-level, 5,152 square foot single-family residence (See Exhibits). The proposed project includes approximately forty cubic yards of excavation. Parking for the proposed single-family residence is provided by a three-car garage on the ground floor of the structure plus one unenclosed parking space (Exhibit #4). Vehicular access to the on-site parking supply is provided by Speedway, the rear alley.

The project site is a 3,600 square foot lot situated on the inland side of Ocean Front Walk, the paved public walkway (Venice Boardwalk) that separates the private properties of the residential neighborhood from the open sandy public beach. The Venice Pier is four blocks south of the site (Exhibit #2). The immediate neighborhood is comprised of a variety of old and new multi-unit residential structures that vary in height between twenty and forty feet.

The roof of the proposed single-family residence is 33 feet high, with one 43-foot high elevator housing (roof access structure) to provide access to the proposed roof deck (Exhibit #5). A roof access structure (e.g., stairway enclosure or elevator tower) is a part of a structure that is allowed to exceed the building height limit (by up to ten feet). The glass railings for the second and third level balconies, and the glass railing for the roof deck, will be frosted in order to reduce the potential for bird strikes (Exhibit #6).

The proposed project has been approved by the City of Los Angeles Planning Department (Case #DIR-2008-0930) and is consistent with the RD1.5-1 zoning designation and the

surrounding land uses. The City granted the applicants a Specific Plan project Permit Adjustment to allow a roof height of 33 in lieu of the allowed thirty feet (for a flat roof). The height limit for flat-roofed structures in North Venice is thirty feet, but 35 feet is allowed for structures with varied and stepped back rooflines. The proposed project has a flat roof, but the structure is set back ten feet from the front property line. The proposed structure's 33-foot high roof will not exceed the building heights (35 feet) that are permitted on the adjacent properties. The single-family residence situated next door to the project site at 2703 Ocean Front Walk is 35 feet high [Coastal Development Permit 5-08-110 (Binder)]. The proposed 33-foot high flat-roofed structure will not obstruct a significant view to or along the coast or adversely impact public recreational use of a public park or beach. Therefore, the proposed project is consistent with community character and will have no negative effect on visual resources.

Venice Walk Street – 27th Avenue

The proposed project includes the improvement (landscaping) of a portion of the adjoining 27th Avenue walk street (Exhibit #4). The Venice walk streets are a vital public access and recreation resource. The walk streets in North Venice, Marina Peninsula and Milwood neighborhoods of Venice are among the most pleasant pedestrian amenities in Los Angeles and many of them provide excellent vertical access to the beach. The Venice walk streets are generally typical of a number of southern California beach communities that were originally developed with weekend beach cottages early in the twentieth century when streetcars served these communities. Walk streets generally have narrow, pedestrian friendly walkways down the middle of the right-of-way, with landscaped "front yards" that encroach into the right-of-way up to the edge of the open public walkway that runs along the center of the right-of-way. It is a goal of the Coastal Commission and the City to protect these public resources. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies when reviewing development in and along the walk streets (See LUP Policies II.C.7, II.C.10 and II.C.11).

The project site abuts 27th Avenue, a 36-foot wide City right-of-way designated as a walk street by the certified Venice LUP (Exhibit #3). Vehicles are prohibited on 27th Avenue. Direct pedestrian access to the beach is provided by a twelve-foot wide concrete walkway that runs down the center of the walk street. The applicants propose to landscape and maintain the existing twelve-foot wide landscaped encroachment area within the 27th Avenue right-of-way (situated between the 27th Avenue accessway and the applicants' property line) as required by the certified Venice LUP (Exhibit #4).

The encroachment area on the abutting 27th Avenue right-of-way, which is currently enclosed by a fence, is a flat 12'x 90' sand area partially covered with native dune vegetation (*Ambrosia chamissonis* – commonly known as ragweed, bur-sage, beach bur or beach burweed). *Ambrosia chamissonis* is a dominant dune plant member and dunes in Southern California are a rare habitat type. This plant, however, is not a state or federal rare, threatened, or endangered species and is not a California Native Plant Society listed plant. Nonetheless, the permit is conditioned to require that the native vegetation on the public right-of-way be preserved in place and protected (Special Condition Four). Special Condition Four also requires that the proposed project comply with all of the standards set forth by the certified Venice LUP for walk street encroachments, including the 42-inch fence/wall height limit.

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 work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

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

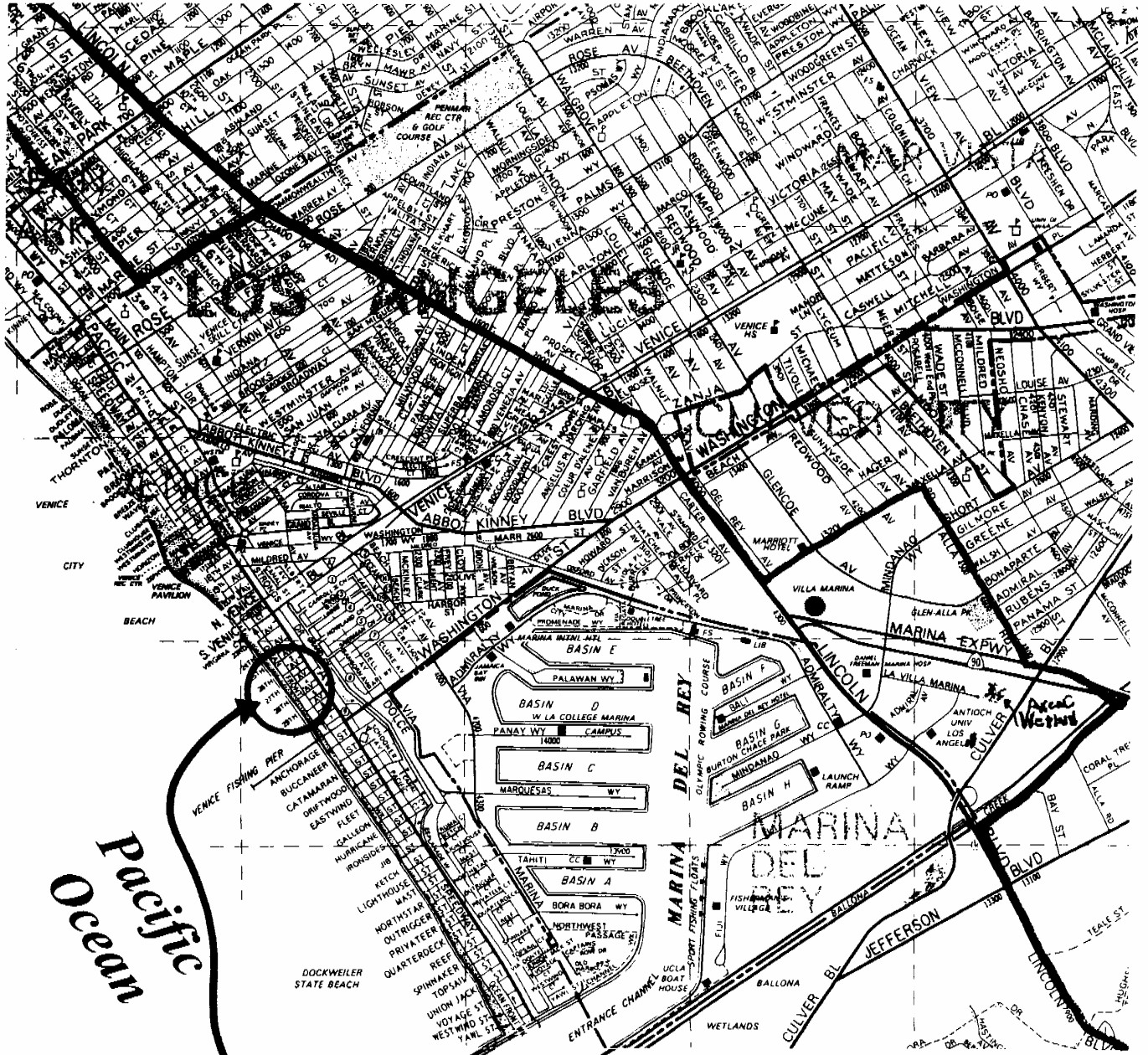
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability 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

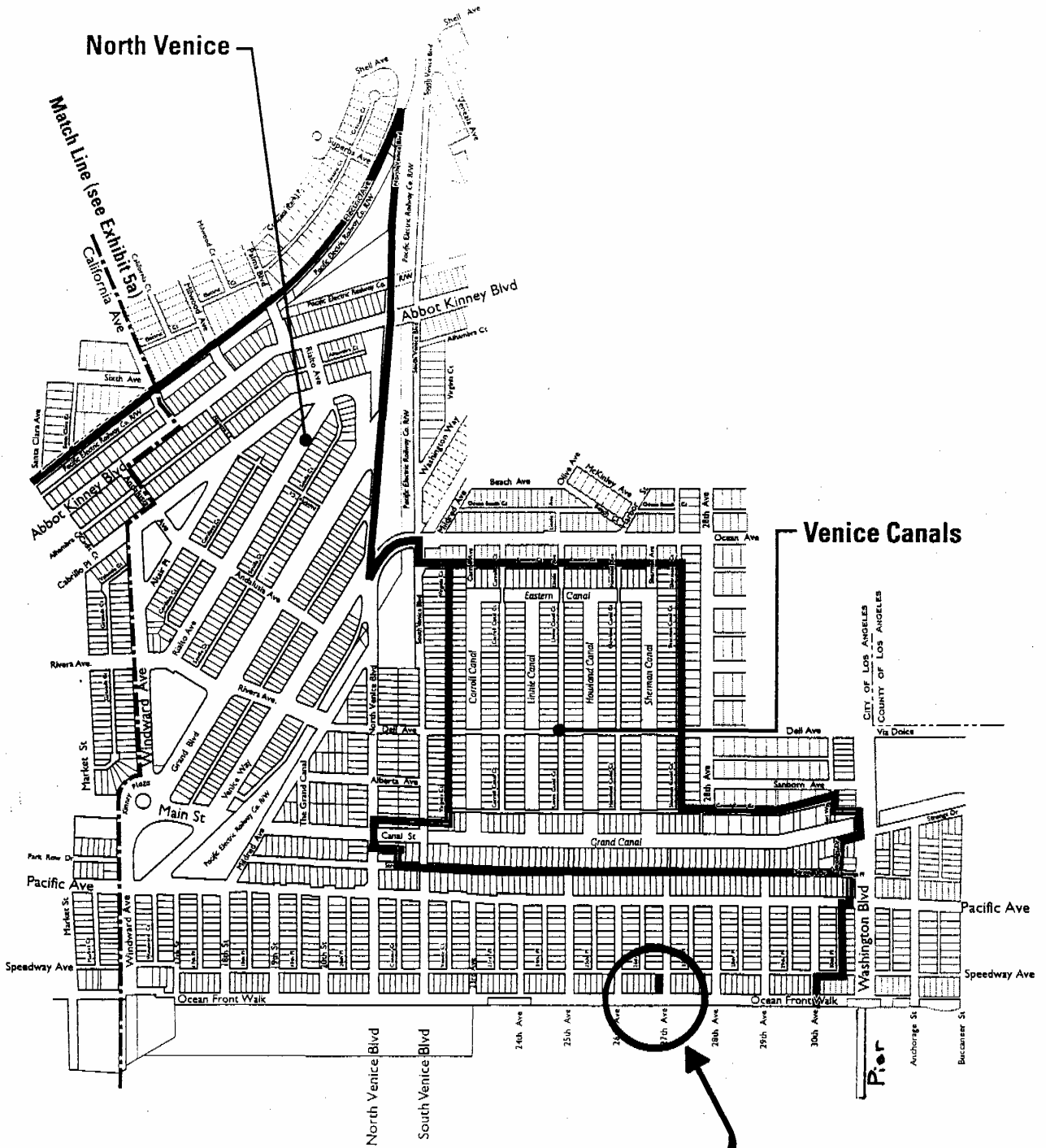


Site: 2615 OFW



COASTAL COMMISSION
5-08-287

EXHIBIT # 1
PAGE 1 OF 1



Site: 2615 OFW

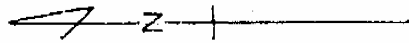
**LUP
Exhibit 5b
Subarea: North Venice • Venice Canal**

Not to Scale
COASTAL COMMISSION
5-08-287
 EXHIBIT # 2
 PAGE 1 OF 1

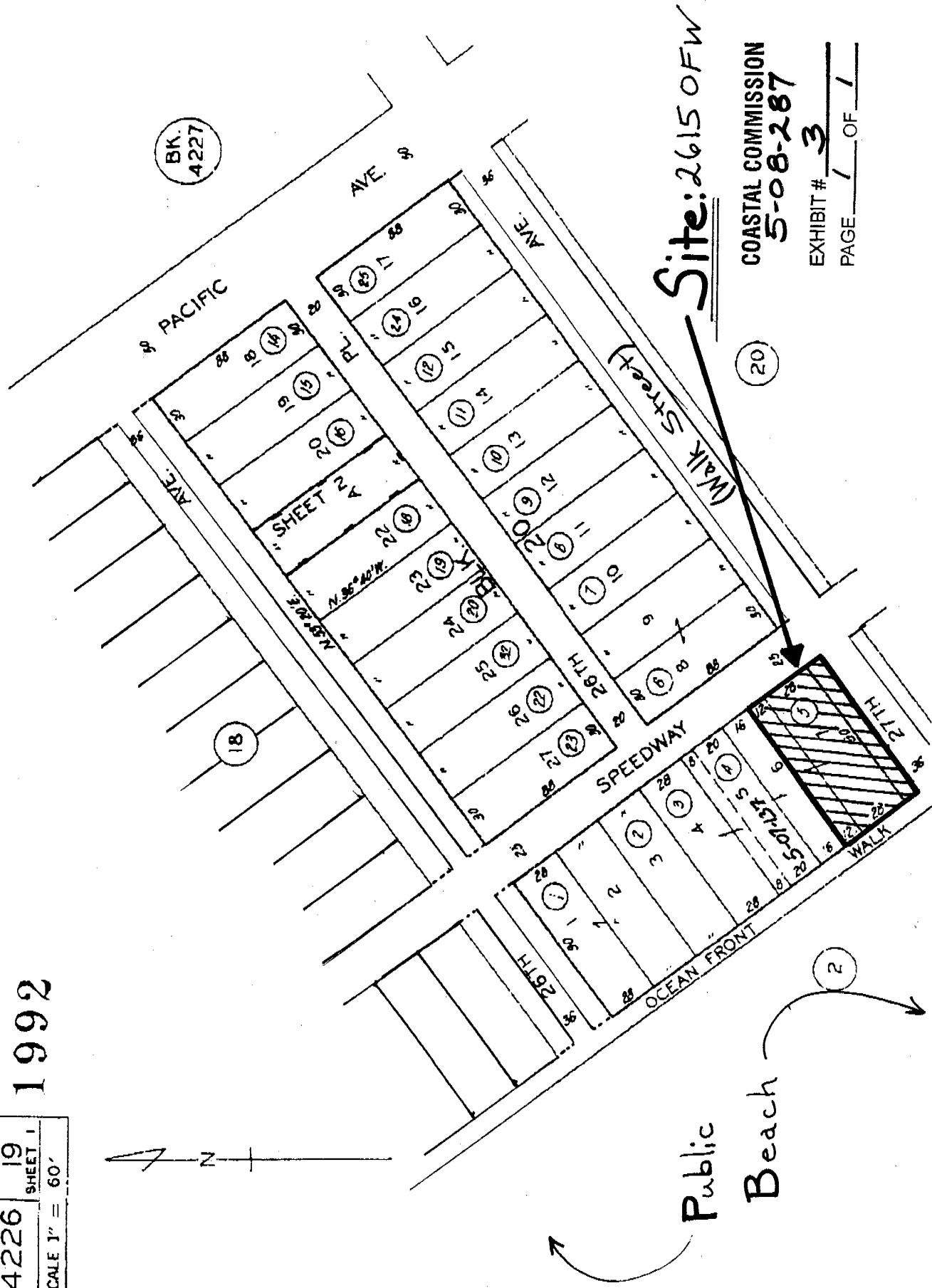
County of Los Angeles: Rick Auerbach, Assessor

4226 19
SHEET 1
SCALE 1" = 60'

1992



BK.
4227



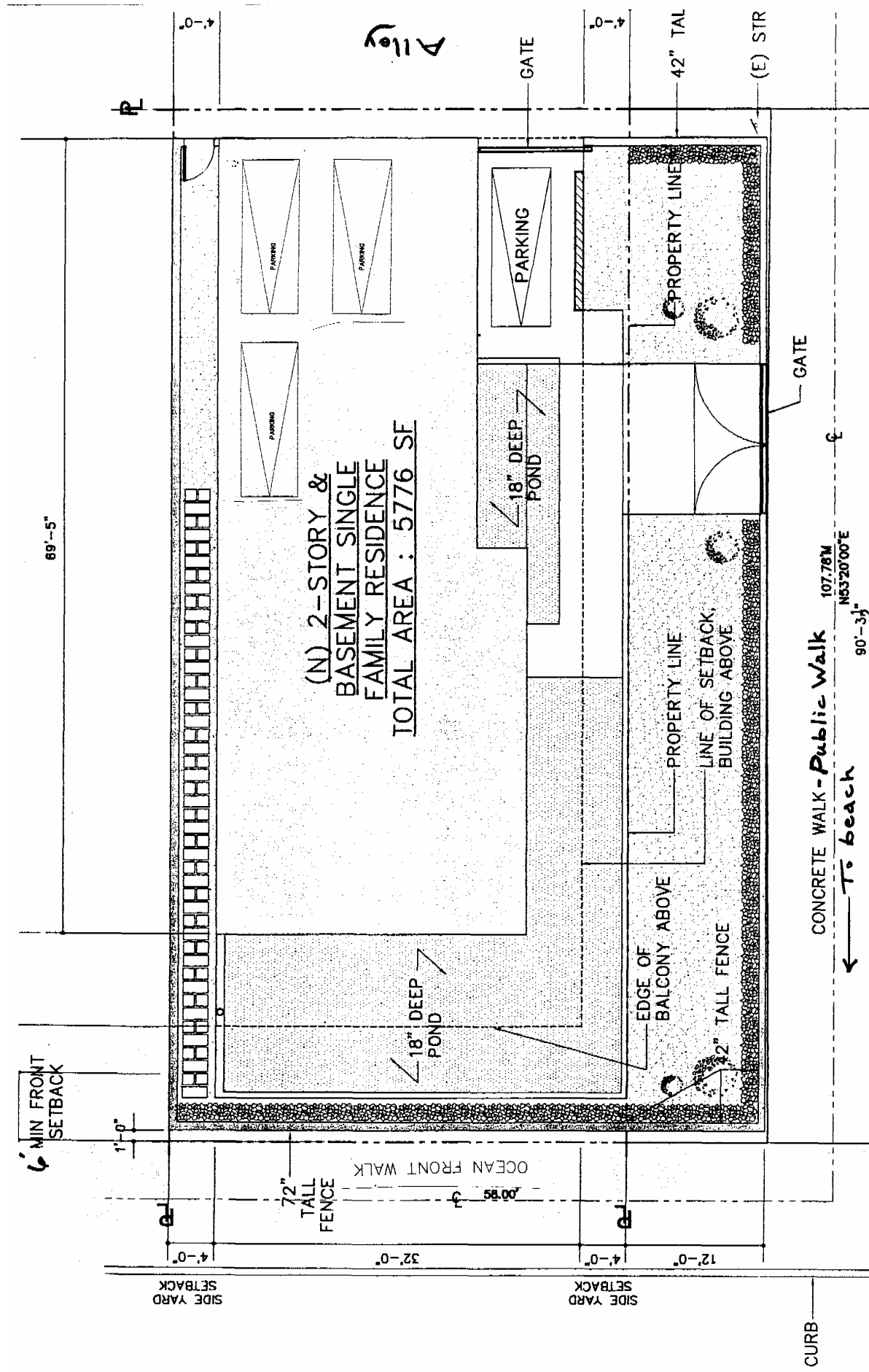
Site: 2615 OFW

COASTAL COMMISSION
5-08-287

EXHIBIT # 3
PAGE 1 OF 1

Public Beach

2



(N) 2-STORY &
 BASEMENT SINGLE
 FAMILY RESIDENCE
 TOTAL AREA : 5776 SF

COASTAL COMMISSION
 5-08-287
 EXHIBIT # 4
 PAGE 1 OF 1

27TH AVENUE

01 PLOT PLAN

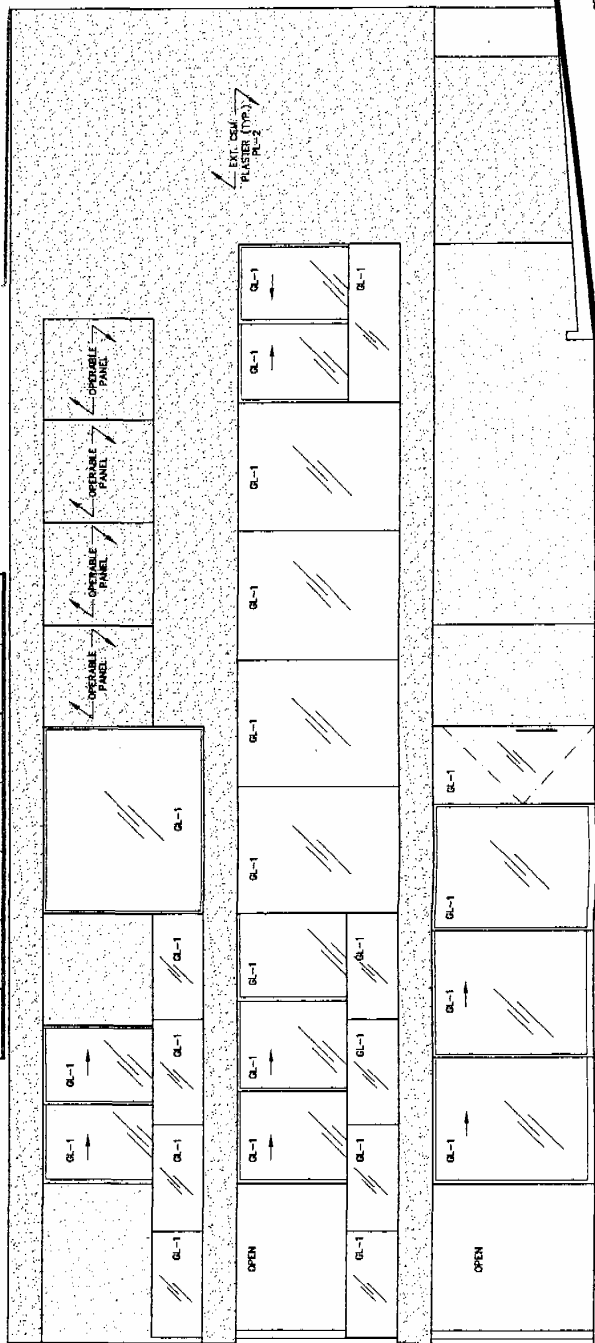
43'

8" TALL GLASS GUARDRAIL (TYP.)

ELEVATOR SHAFT BEYOND

SKYLIGHT BEYOND

33'



ALLEY

TO BEACH

OCEAN FRONT WALK

- 27TH AVENUE

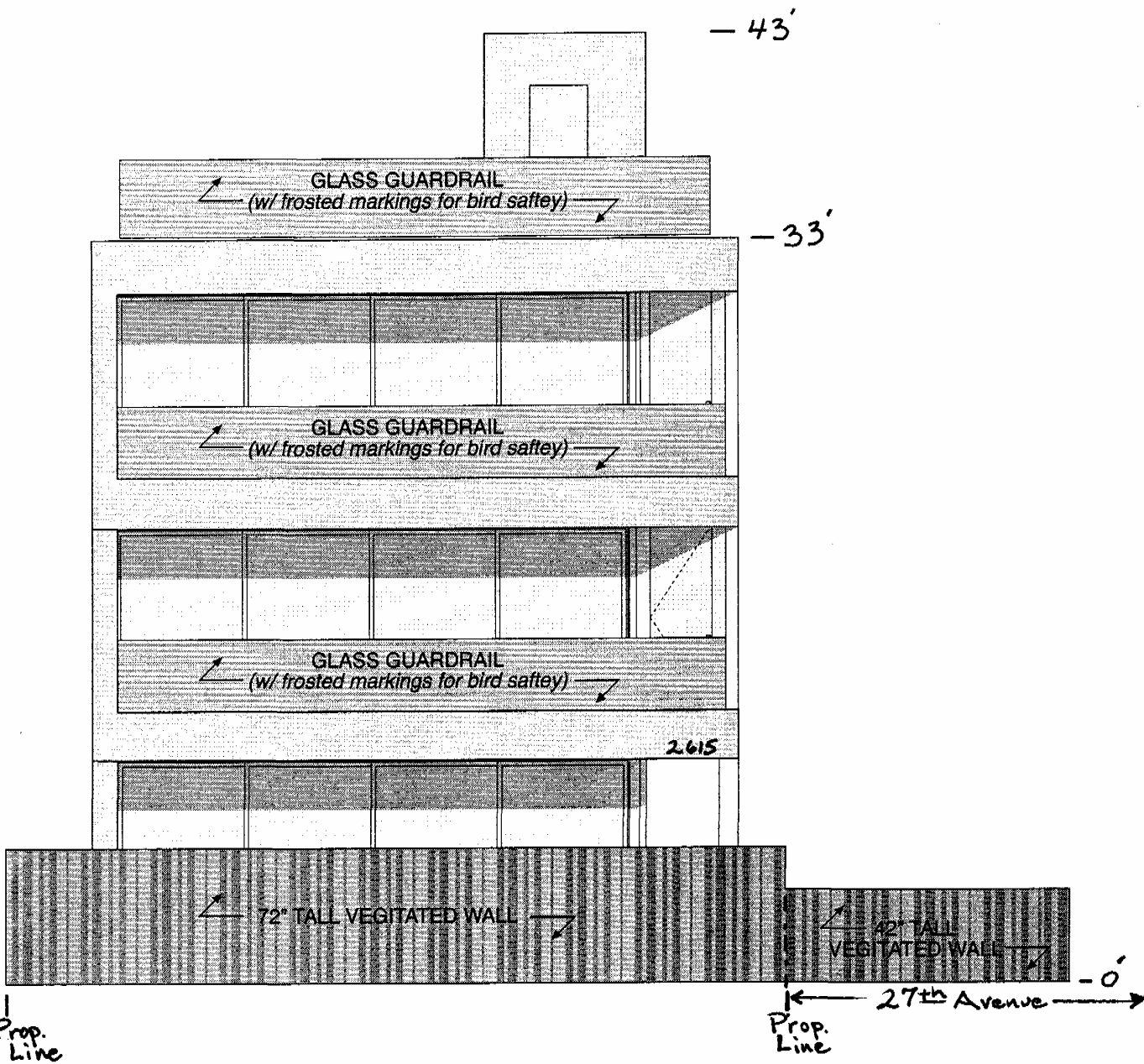
JUN 03 2008

GENERAL NOTES & REQUIREMENTS
1. ALL GLASS MARKED WITH GL-1

COASTAL COMMISSION
5-08-287

EXHIBIT # 5

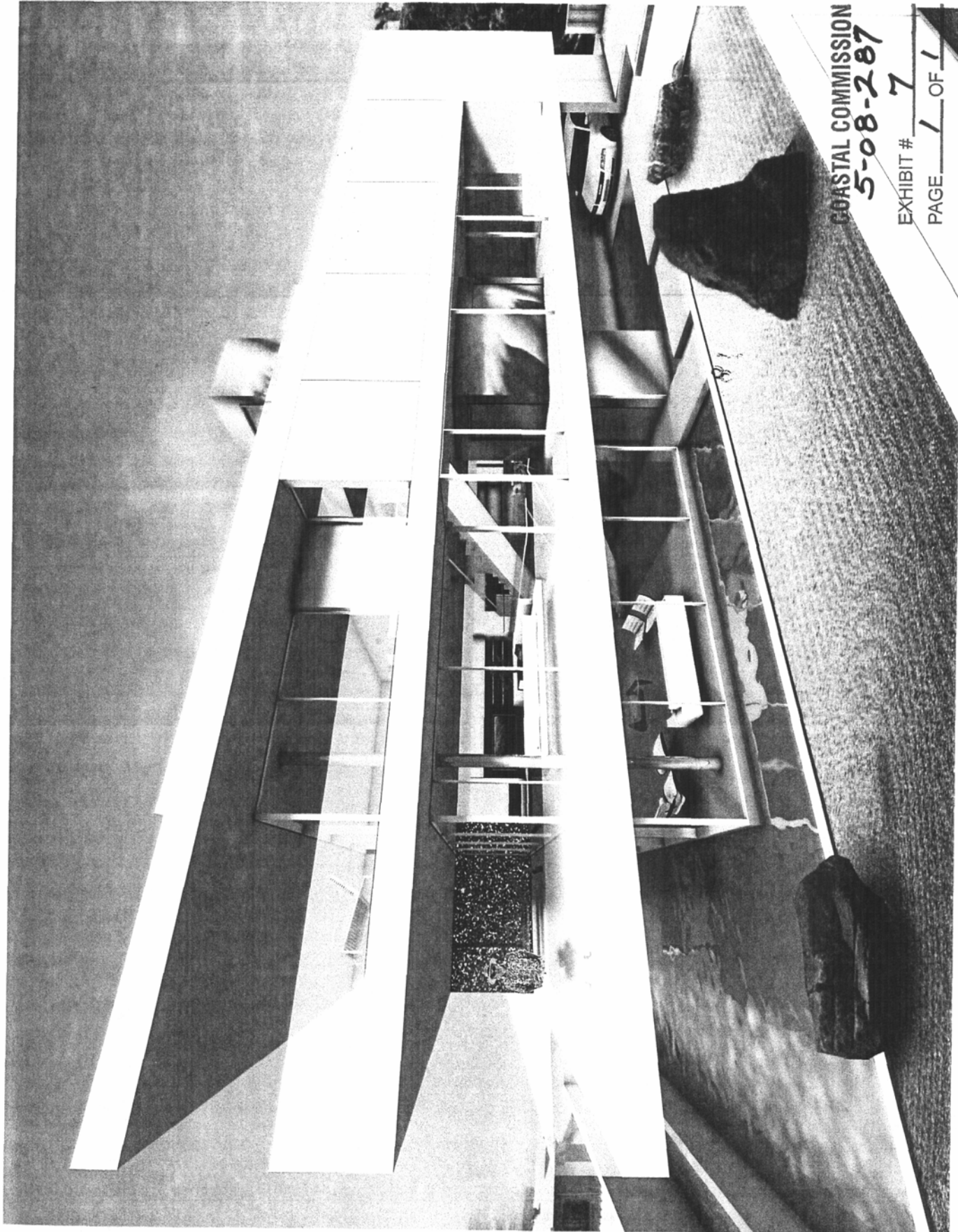
PAGE 1 OF 1



Ocean Front Walk
WEST ELEVATION

COASTAL COMMISSION
5-08-287

EXHIBIT # 6
PAGE 1 OF 1



COASTAL COMMISSION
5-08-287

EXHIBIT # 7
PAGE 1 OF 1