

CALIFORNIA COASTAL COMMISSION

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Filed: 3/8/2010
49th Day: 4/26/2010
180th Day: 9/4/2010
Staff: Charles Posner - LB
Staff Report: 3/24/2010
Hearing Date: April 16, 2010
Commission Action:

**F4a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-10-037

APPLICANT: Bruce D. Alberts

AGENT: Dan Brunn

PROJECT LOCATION: 2611 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Construction of a three-level, 33-foot high (with one forty-foot high roof access structure), 5,234 square foot duplex with an attached four-car garage on a vacant 3,240 square foot beach-fronting lot.

Lot Area	3,240 square feet
Building Coverage	2,636 square feet
Pavement Coverage	440 square feet
Landscape Coverage	164 square feet
Parking Spaces	5
Zoning	RD1.5-1
Plan Designation	Residential – Low Medium II
Ht above final grade	33 feet (plus 40-foot roof access)

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2009-2041-SPP-SPPA (10/30/2009).

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 and water quality. **See Page Two for the motion.** The applicant agrees 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 a Local Coastal Program (LCP).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit P-77-2000 (Gendal: 2611 OFW).
3. Coastal Development Permit 5-03-520 (Ennis: 2911 OFW).
4. Coastal Development Permit 5-04-150 (Binder: 2703 OFW).
5. Coastal Development Permit 5-05-178 (Targon: 3009 OFW).
6. Coastal Development Permit 5-07-137 (Johnson: 2611 OFW.).
7. Coastal Development Permit 5-08-287 (Kamienowicz: 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 5-10-037 approves the construction of a three-level duplex with a four-car garage on the ground floor. 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 (four-car garage plus one unenclosed space) shall be provided and maintained on the site shown on **Exhibit #4 of the 3/24/10** staff report. Vehicular access to the on-site parking shall be taken only from Speedway Alley.

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 forty feet (measured from the elevation of the Ocean Front Walk right-of-way).

4. 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.

5. 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 applicant 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.

6. Landscaping – No Invasive Plants

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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to develop a vacant beach-fronting lot with a new three-level, 5,234 square foot duplex (See Exhibits). The proposed project includes approximately eighty cubic yards of excavation. Parking for the proposed duplex is provided by a four-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 3,240 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 duplex is 33 feet high, and there is one forty-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 above the flat roof height limit). 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 flat roof height limit. 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-2009-2041) and is consistent with the RD1.5-1 zoning designation and the surrounding land uses. The City granted the applicant a Specific Plan project Permit Adjustment to allow a roof height of 33 feet 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 eight 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. A similar-sized 33-foot high single-family residence is being constructed on the neighboring lot (Coastal Development Permit 5-08-287: 2615 Ocean Front Walk). The single-family residence 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.

The proposed duplex conforms to the Commission's two-unit density limit for the site, and the proposed project provides adequate on-site parking (four-car garage plus one guest space). 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 160 square feet of permeable landscaped area will be maintained on the project site). 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. Prior Permits

In 1978, the Commission issued Coastal Development Permit P-77-2000 (Gendal) for an addition to a 1940s era house that formerly occupied the project site. The old house was recently demolished under Coastal Development Permit 5-07-137 (Johnson). A condition of Coastal Development Permit P-77-2000 and a deed restriction (L.A. County Instrument No. 78-69852) limited the use of the demolished structure to a single-family dwelling. The single-family limitation applied only to the structure that was recently demolished. Therefore, once the house was demolished pursuant to Coastal Development Permit 5-07-137, the old land use restriction no longer applied to the property and the deed restriction is moot. Coastal Development Permit 5-10-037 approves the construction and use of two residential units (a duplex).

C. 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.

D. 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.

E. 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.

F. 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.

G. Local Coastal Program

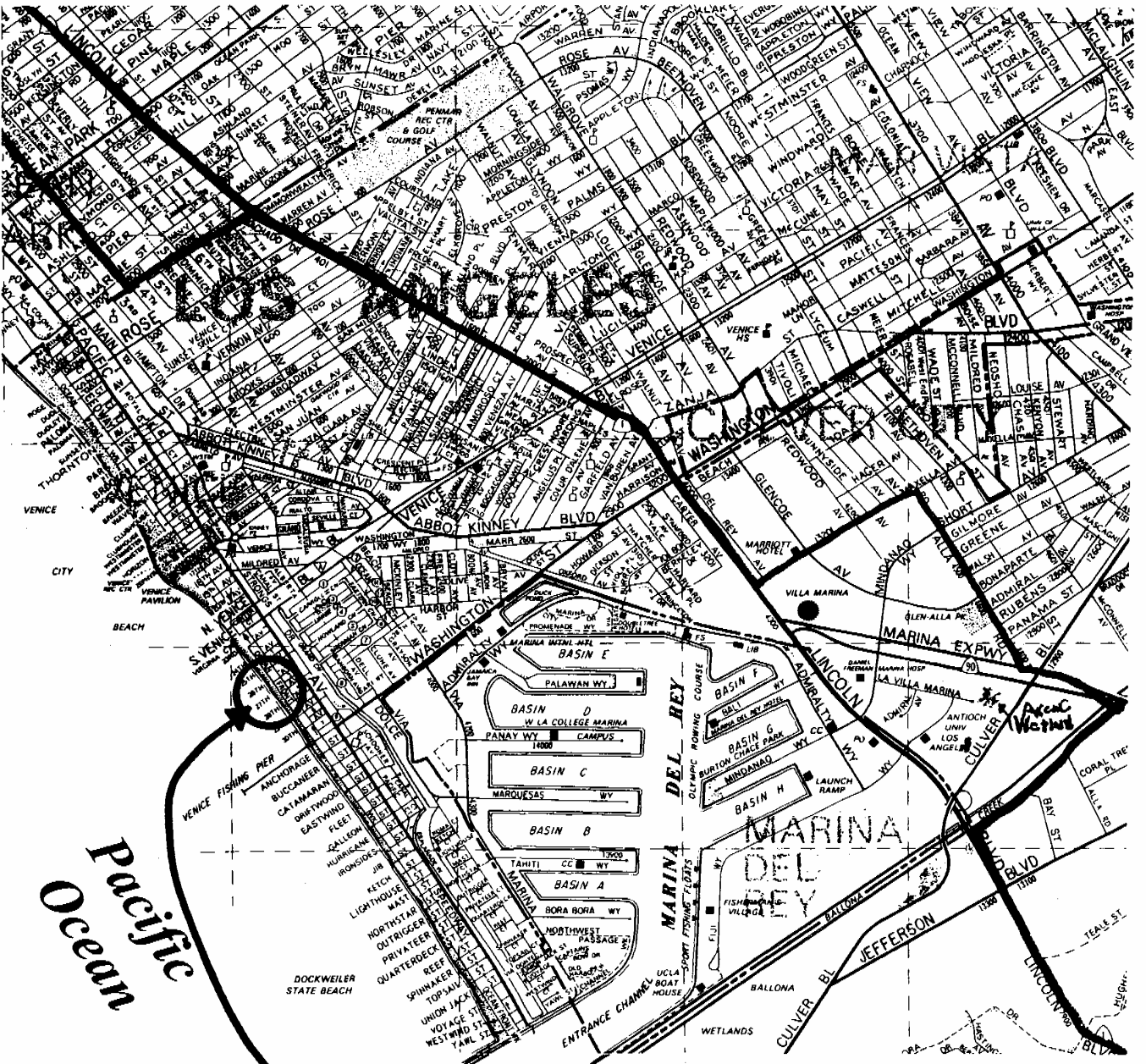
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability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

H. California Environmental Quality Act (CEQA)

The City of Los Angeles has determined that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Article III, Section 1, Class 3, Category 2 of the City CEQA Guidelines. On August 18, 2009, the Los Angeles Department of City Planning issued Notice of Exemption No. ENV-20090-2042-CE.

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



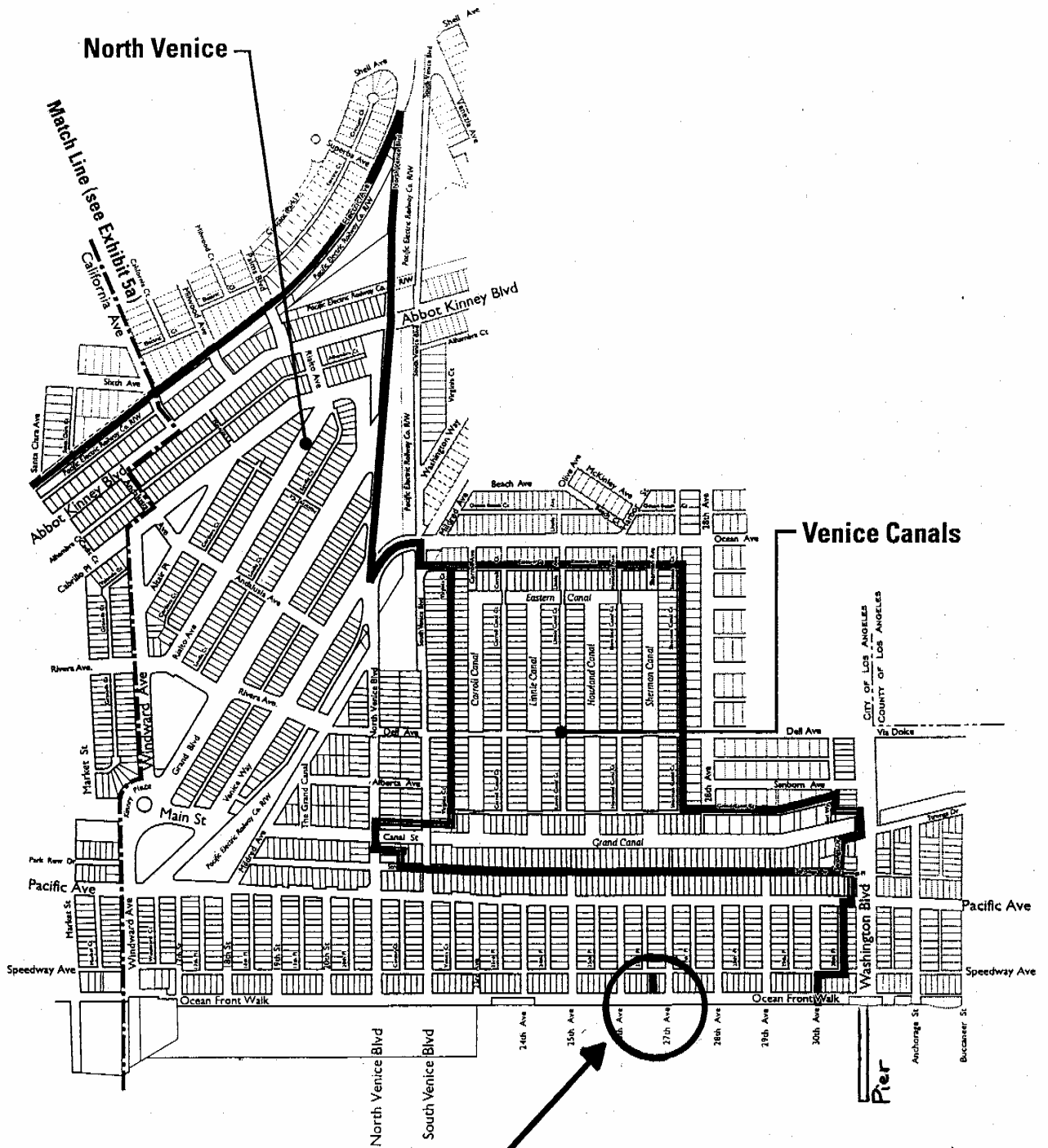
Site: 2611 OFW

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EXHIBIT # 1

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Site-2611 OFW

LUP
Exhibit 5b
Subarea: North Venice • Venice Canals

Not to Scale
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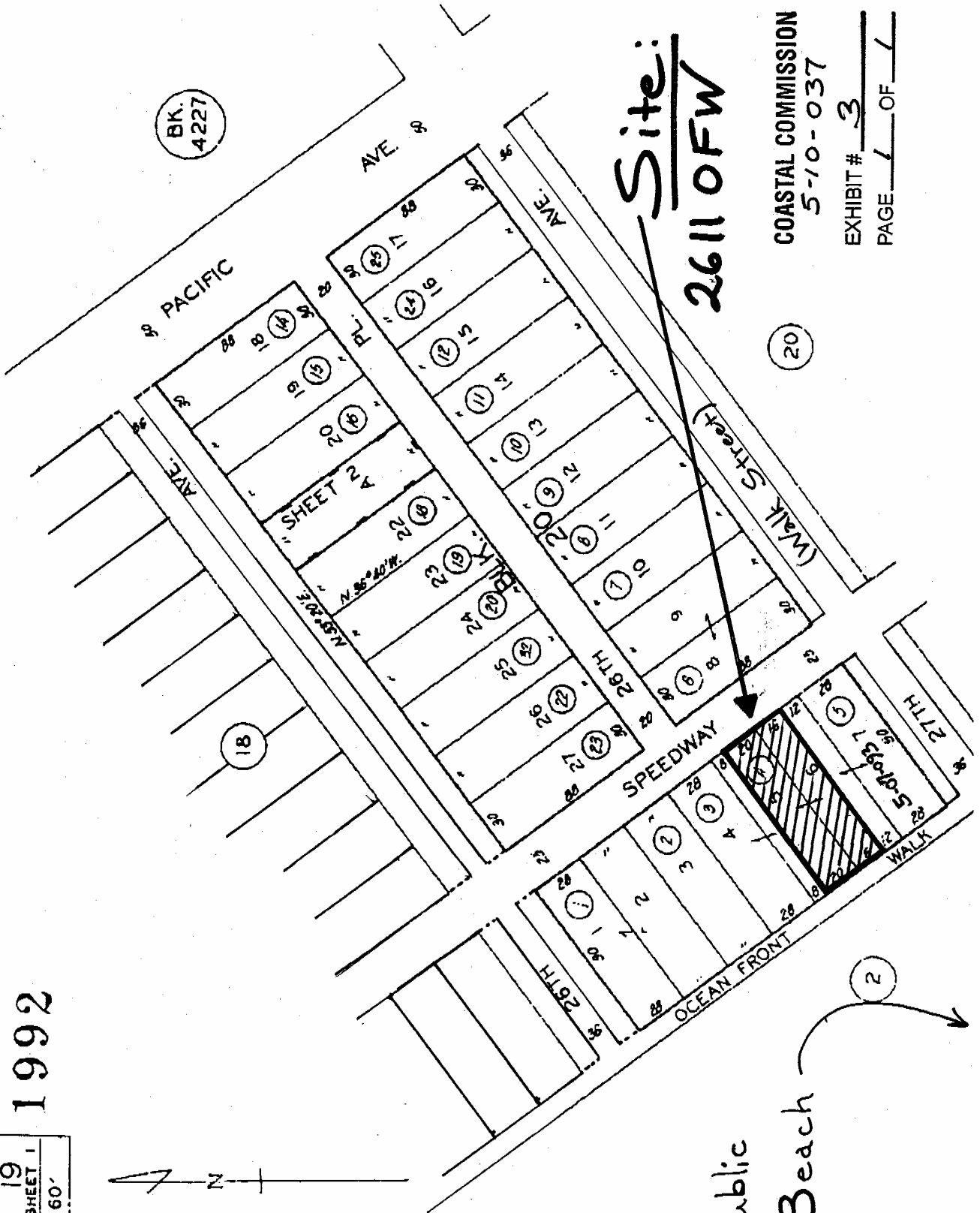
EXHIBIT # 2
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County of Los Angeles: Rick Auerbach, Assessor

4226 19 SHEET 1
SCALE 1" = 60'

1992

BK. 4227



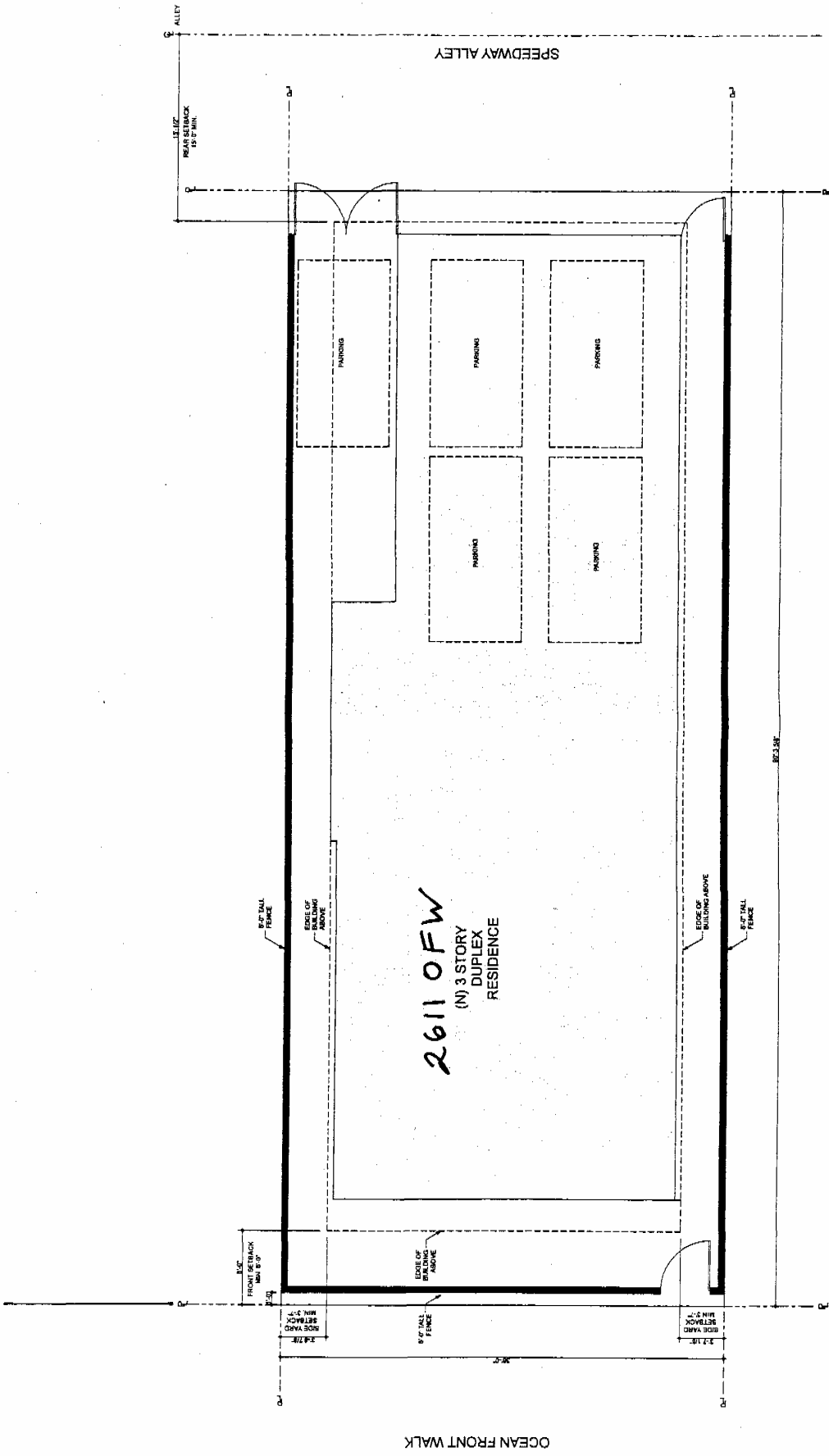
Site:
2611 OFW

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EXHIBIT # 3
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20

2



OCEAN FRONT WALK

SPEEDWAY ALLEY

2611 OFW
(N) 3 STORY
DUPLEX
RESIDENCE

PARKING

PARKING

PARKING

PARKING

PARKING

8'-0" TALL FENCE

EDGE OF BUILDING ABOVE

EDGE OF BUILDING ABOVE

8'-0" TALL FENCE

6'-0" FRONT SETBACK MIN 5'-0"

5'-4 1/8"

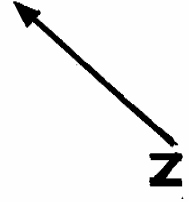
EDGE OF BUILDING ABOVE

8'-0" TALL FENCE

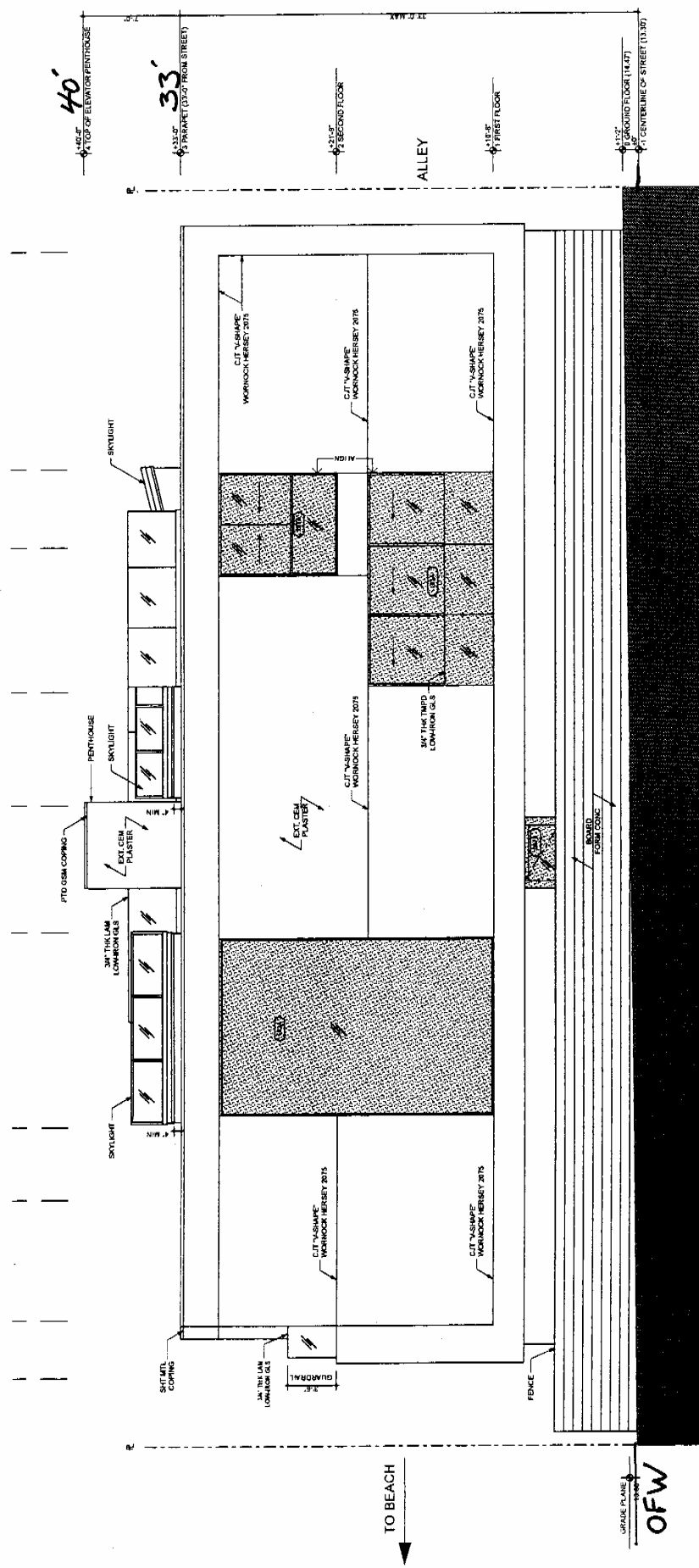
5'-2 1/8"

8'-0" TALL FENCE

Site Plan



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EXHIBIT # 4
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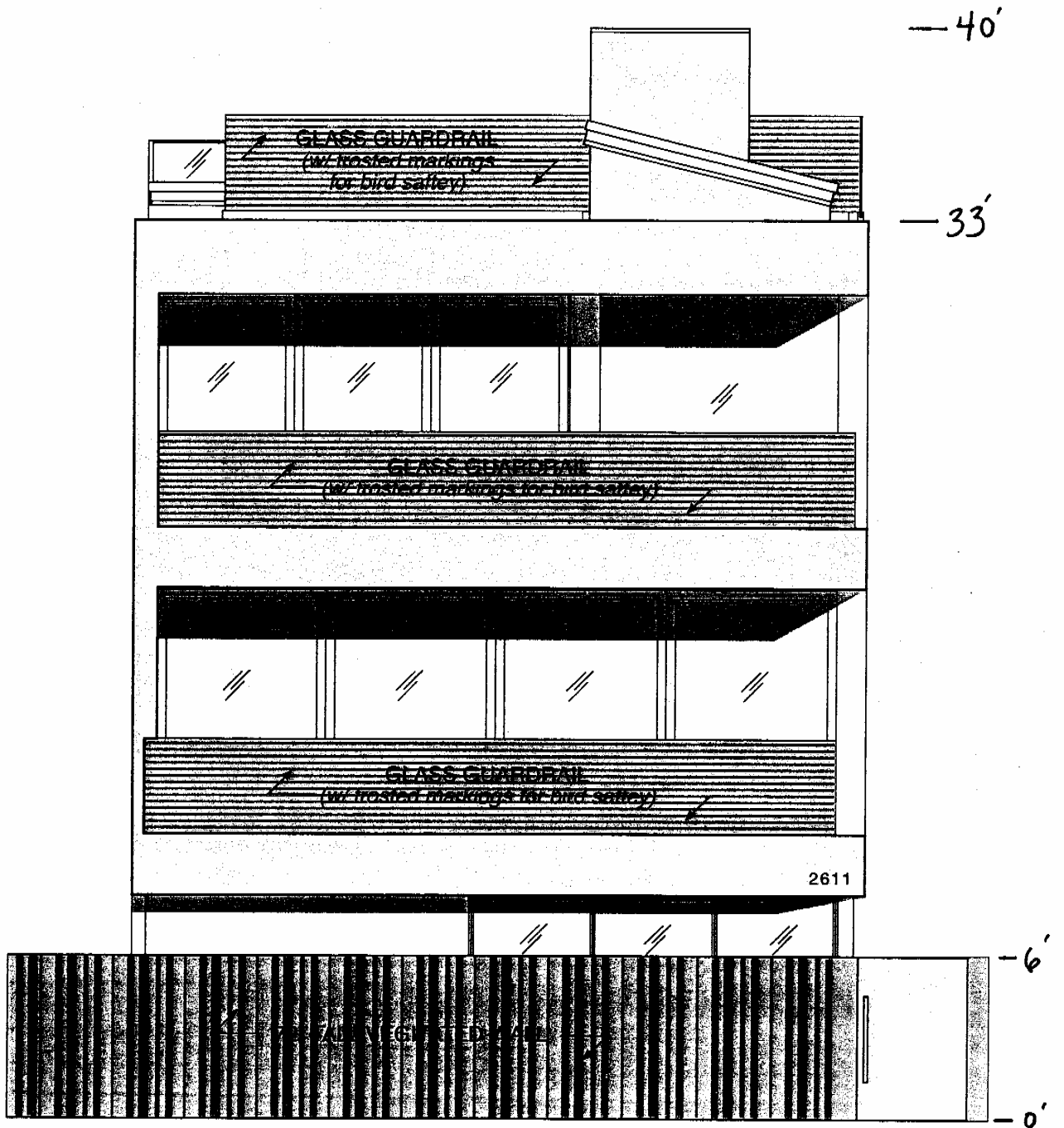


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 EXHIBIT # 5
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South Elevation

TO BEACH

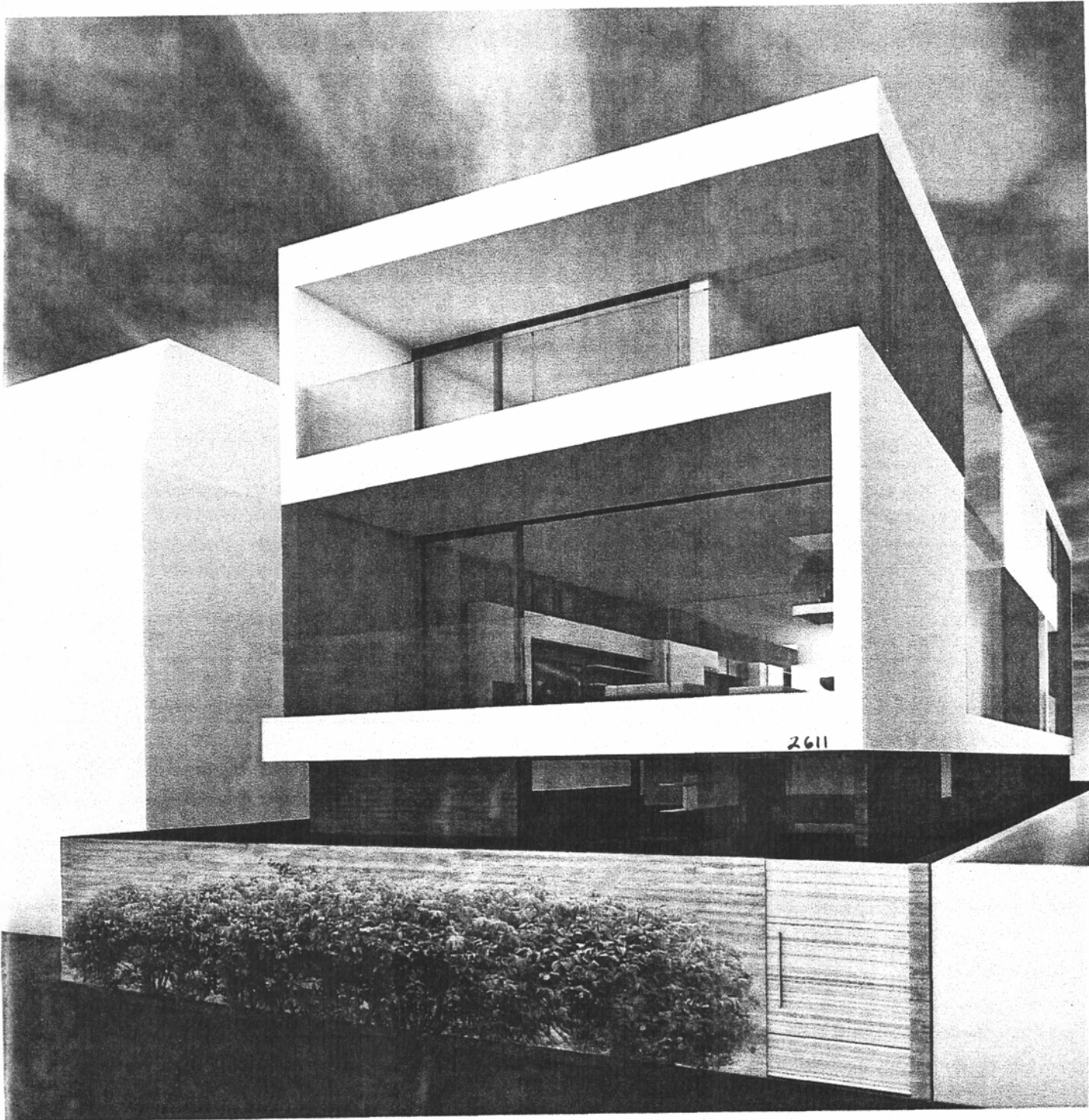
OFW



West
ELEVATION OFW (Beach)

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EXHIBIT # 6
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Ocean Front Walk

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5-10-037

EXHIBIT # 7
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