

CALIFORNIA COASTAL COMMISSION

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W6c

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180th Day: 2/4/2014
Staff: C. Posner - LB
Staff Report: 9/19/2013
Hearing Date: October 9, 2013
Commission Action:

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-13-0476

Applicants: Venice Beach House Trust (Howard Altman & Jason Sloane, Trustees), and Stephen Emery

Agents: Michael F. McDonald & John A. Henning, Jr.

Project Location: 11-17 23rd Avenue, Venice, City of Los Angeles, Los Angeles County.

Project Description: Substantial remodel and addition to combine two detached apartment buildings into one three-story, 28-foot high, 7,105 square foot duplex with a 1,106 square foot (five-car) garage on two lots (5,279 square feet) facing a walk street. The number of residential units on the two lots will be reduced from six to two. Includes landscaping a portion of the adjoining walk street, and a 54' x 8.5' swimming pool.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** a coastal development permit for the proposed development with special conditions (on Page Four) relating to Venice walk street development standards and the protection of water quality as set forth by the certified City of Los Angeles Land Use Plan (LUP) for Venice. Adequate on-site parking is provided. The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with the RD1.5 zoning designation and the surrounding residential land uses. The applicants agree with the recommendation.

See Page Three for the Motion to carry out the staff recommendation.

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EXHIBITS

- Exhibit 1 – Venice, CA Map
- Exhibit 2 – North Venice Subarea Map
- Exhibit 3 – Project Location Map
- Exhibit 4 – Existing Site Plan
- Exhibit 5 – Proposed Site Plan
- Exhibit 6 – Proposed West (Speedway) Side Elevation Plan
- Exhibit 7 – Proposed Front (23rd Avenue Walk Street) Elevation Plan

I. MOTION AND RESOLUTION

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.

Resolution:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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

This permit is granted subject to the following special conditions:

1. **Compliance with the Venice Walk Street Requirements.** Coastal Development Permit 5-13-0476 approves the conversion of two detached apartment buildings on two lots into one three-story, 28-foot high duplex with a five-car garage. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicant, the approved development shall be constructed in conformance with the following Venice Walk Street Requirements:
 - a) **Building Design.** In order to enhance visual quality and community character, the side of the building facing the 23rd Avenue walk street shall be designed and constructed with a varied and articulated façade that provides visual interest to pedestrians (e.g. with porches, bays and/or balconies), with frequent windows and the primary ground floor entrance for the residence facing the walk street, **as shown on Exhibit #7 of the 9/19/2013 staff report.**
 - b) **Building Height.** The maximum height of the structure shall not exceed 28 feet above the centerline of the fronting right-of-way (23rd Avenue). Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way.
 - c) **23rd Avenue Right-of-Way.** In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of 23rd Avenue and the private dwelling, the area situated between the 23rd Avenue walkway and the permittees' property line (i.e., within the 23rd Avenue right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants (as identified by the California Department of Water Resources - See: http://www.water.ca.gov/wateruseefficiency/docs/water_efficient_landscapes.pdf, and enclosed within a 42-inch high decorative fence or wall (e.g. split rail, picket or rustic). Private parking on the right-of-way is not permitted. The permittees and the proposed development shall not interfere with public pedestrian access to and along a public walkway in center of the 23rd Avenue right-of-way.
 - d) **Landscaping.** 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.

Any proposed change or deviation from the approved plans, including change in the number of residential units, change to parking supply 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. 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. **On-site Parking.** A minimum of five (5) parking spaces shall be provided and maintained on the site (in the garage) to serve the approved duplex. Vehicular access to the site shall be taken only from the rear alley (Virginia Court). Vehicular access is not permitted on the 23rd Avenue right-of-way.
3. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the applicants agree 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 or demolition materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
 - b) 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.
 - c) Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
 - d) 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.
 - e) 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.
 - f) 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicants propose to attach two existing apartment buildings together and convert the (remodeled) structure into a three-level, 7,105 square foot duplex (See Exhibits). The proposed duplex is 28 feet high (Exhibit #6). The number of residential units on the two lots will be reduced from six to two. Five on-site parking spaces are proposed in a ground floor garage, with vehicular access provided by Virginia Court, the rear alley (Exhibit #5). The proposed project includes a 54'x 8.5' swimming pool on the western side of the project site, beneath a second floor overhang (Exhibit #7).

The project site is comprised of two 2,640 square foot lots situated on the north side of 23rd Avenue in North Venice, one block inland of the beach (Exhibit #3). The two lots will be tied as a result of the proposed project. The project site also includes a 15'x 60' portion of the 23rd Avenue right-of-way in front of the proposed duplex, which the applicants have agreed to maintain as a landscaped and permeable yard area (i.e., walk street encroachment) as required by the certified Venice LUP (Exhibit #5). 23rd Avenue is a forty-foot wide City right-of-way designated as a walk street (i.e., closed to vehicular access) by the certified Venice Land Use Plan (LUP). The proposed project will not adversely affect the public walkway that runs down the center of the 23rd Avenue right-of-way (Exhibit #3). The immediate neighborhood is comprised of a variety of old and new single-family and multi-unit residential structures that vary in height between 25 and forty feet.

Although the proposed project includes substantial alterations to the existing structures, including removal of the roof and demolition of the interior walls within the western building, the project plans indicate that seventy percent of the existing exterior walls will be retained in the proposed duplex. The proposed duplex, with its 28-foot high roof, conforms to the 28-foot height limit for structures fronting on walk streets in Venice (Exhibit #6). 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 1,740 square feet of permeable landscaped area will be maintained on the project site, which includes part of the 23rd Avenue right-of-way).

The proposed project has been reviewed and approved by the City of Los Angeles Planning Department (Case No. DIR-2013-0501-SPP-MEL), and it is consistent with the RD1.5 zoning designation and the surrounding land uses. The City of Los Angeles Housing Department determined that there are no affordable housing units on the site (2/4/13). 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 a Local Coastal Program (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 30231 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.

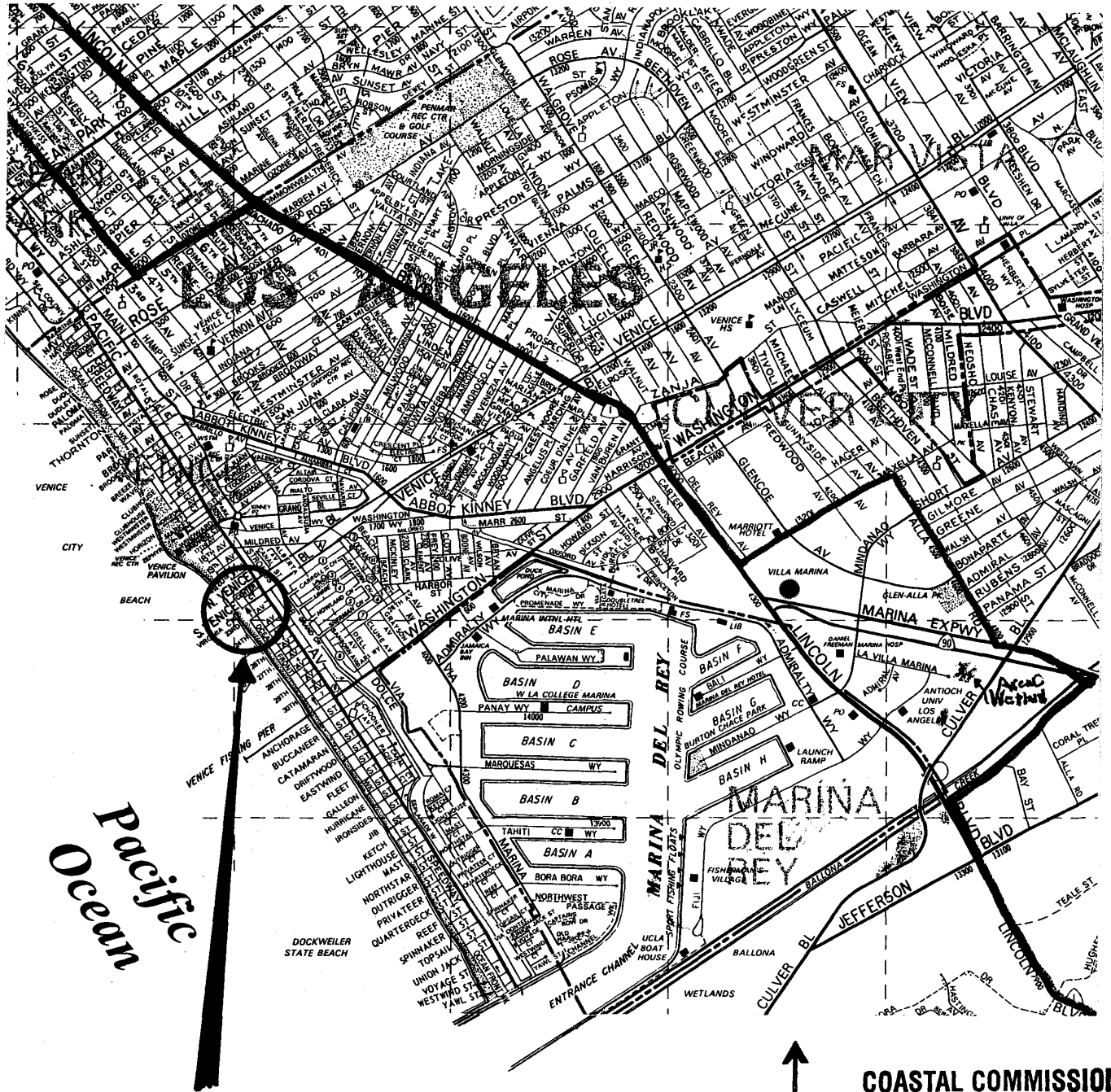
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. On March 19, 2013, the City of Los Angeles Planning Department issued CEQA Categorical Exemption No. ENV-2013-0502-CE (Article III, Section 1, Class 1 - Category 1) for the proposed project. 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.

Appendix A - Substantive File Documents

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
 2. Coastal Development Permit 5-07-316 (Klein – 31 24th Avenue).
 3. Coastal Development Permit 5-09-230 (Aitken – 25 Anchorage Street).
 4. Coastal Development Permit 5-11-295 (Bloomberg & Farrell – 44 Ozone Avenue).
 5. Coastal Development Permit 5-12-234 (Al-Shawe – 33 20th Avenue).
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VENICE, CA

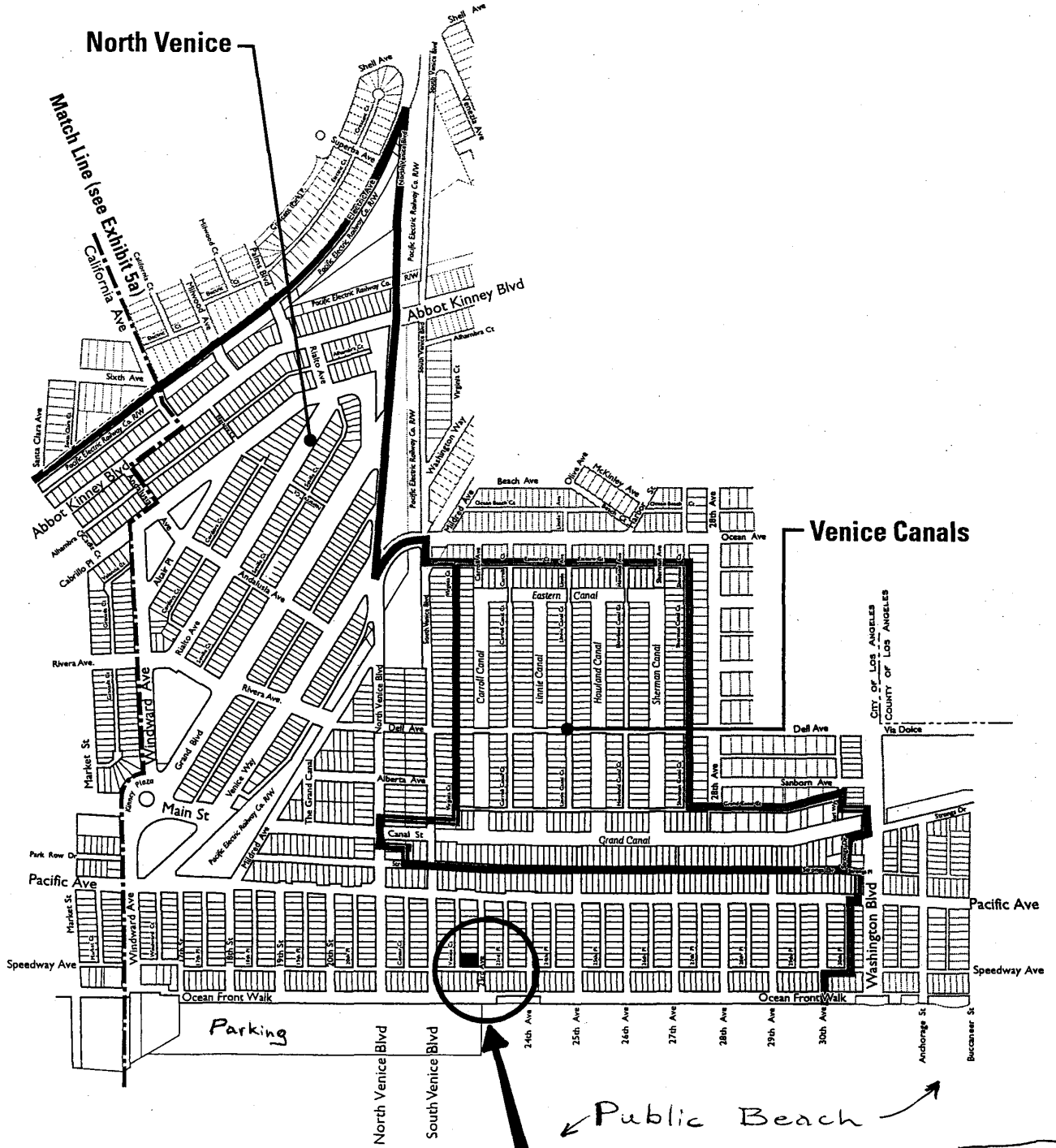


Pacific Ocean

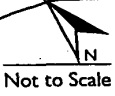
Site: 11-17 23rd Avenue

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EXHIBIT # 1
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11-17 23rd Avenue



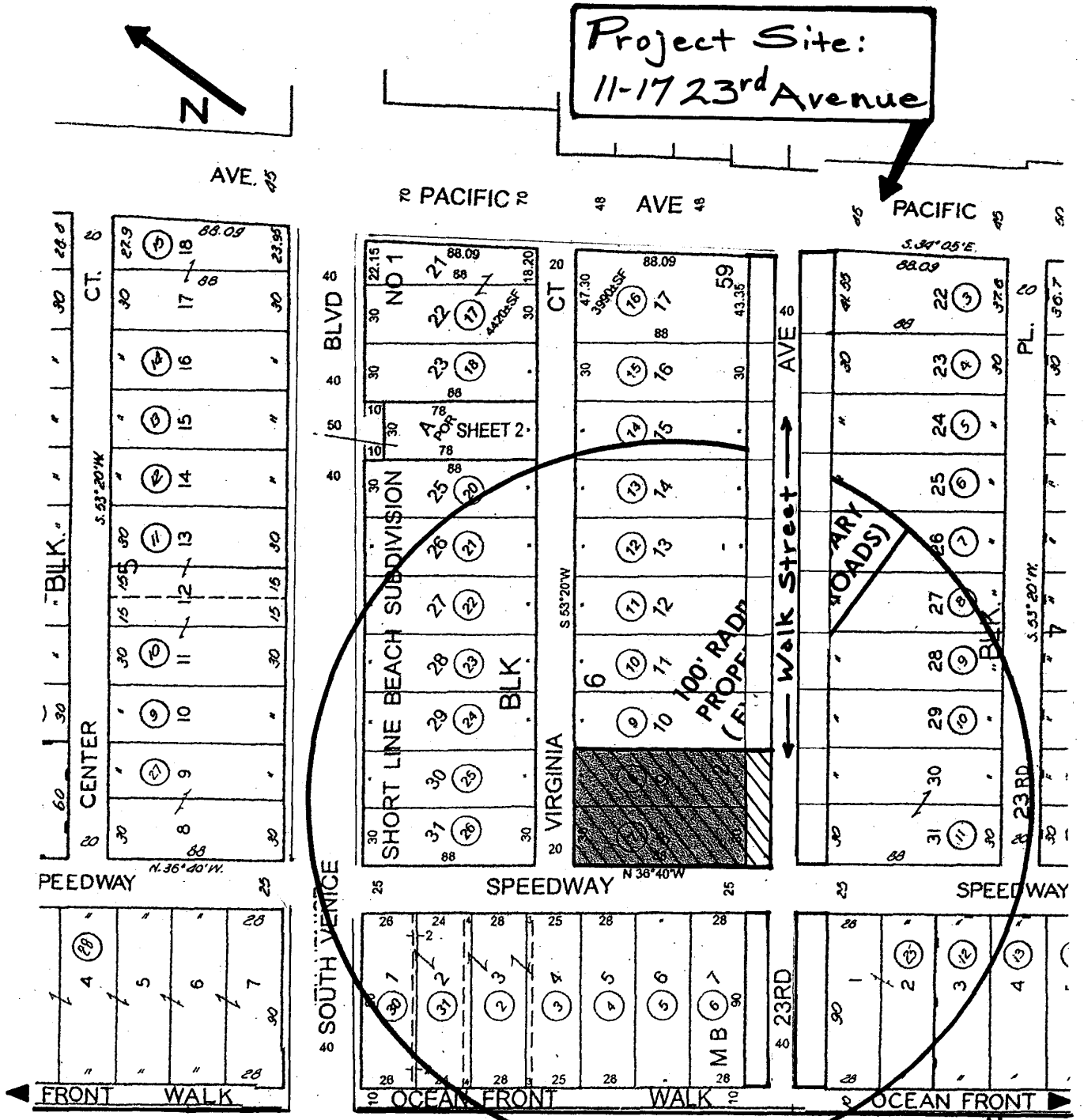
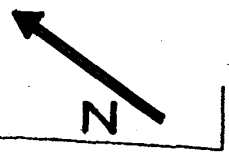
Not to Scale

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EXHIBIT # 2
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LUP
Exhibit 5b
Subarea: North Venice • Venice Canals

Project Site:
11-17 23rd Avenue



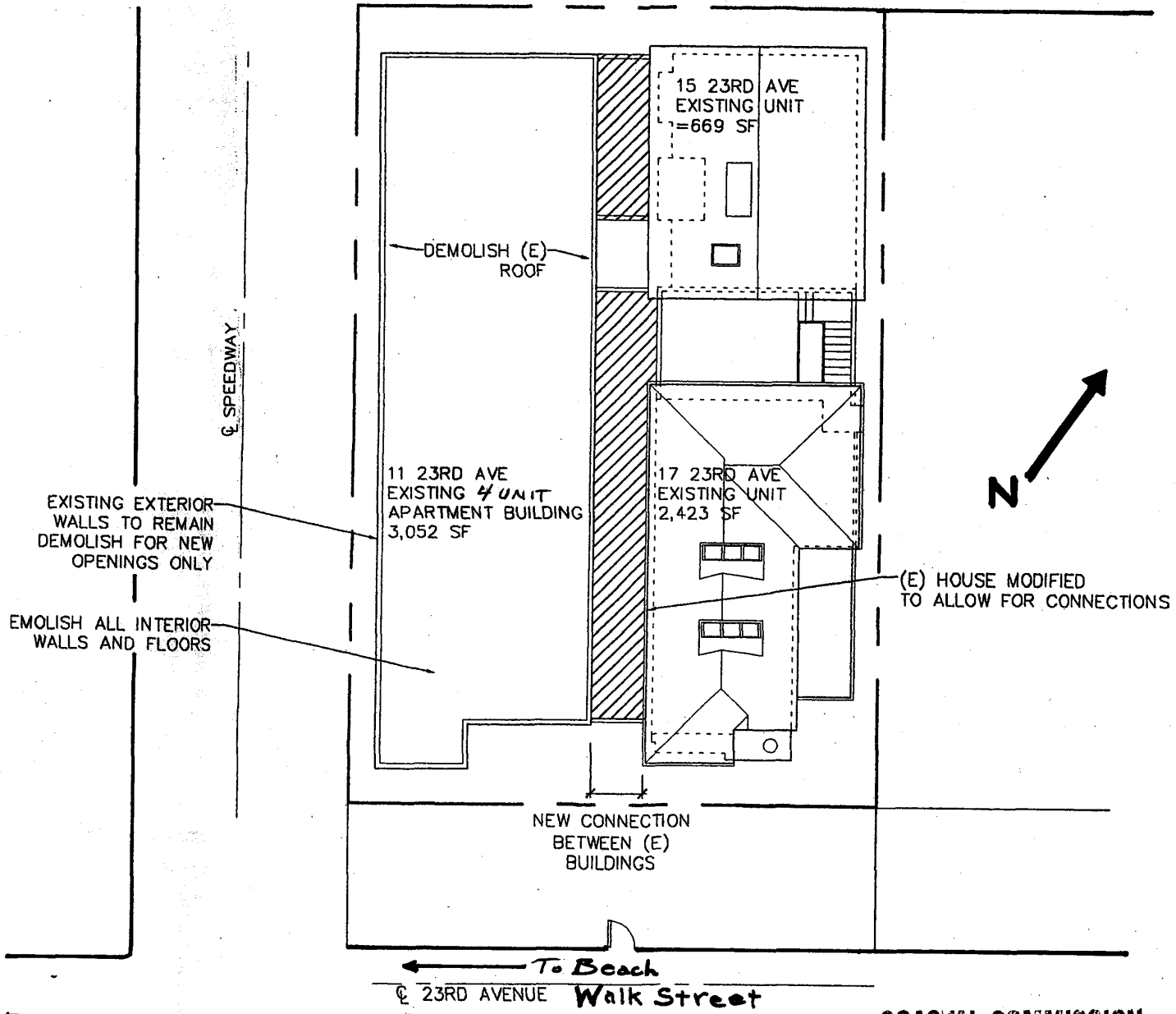
Public Parking Lot

Public Beach

L.A. County
Lifeguard
Headquarters

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EXHIBIT # 3
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☪ VIRGINIA COURT



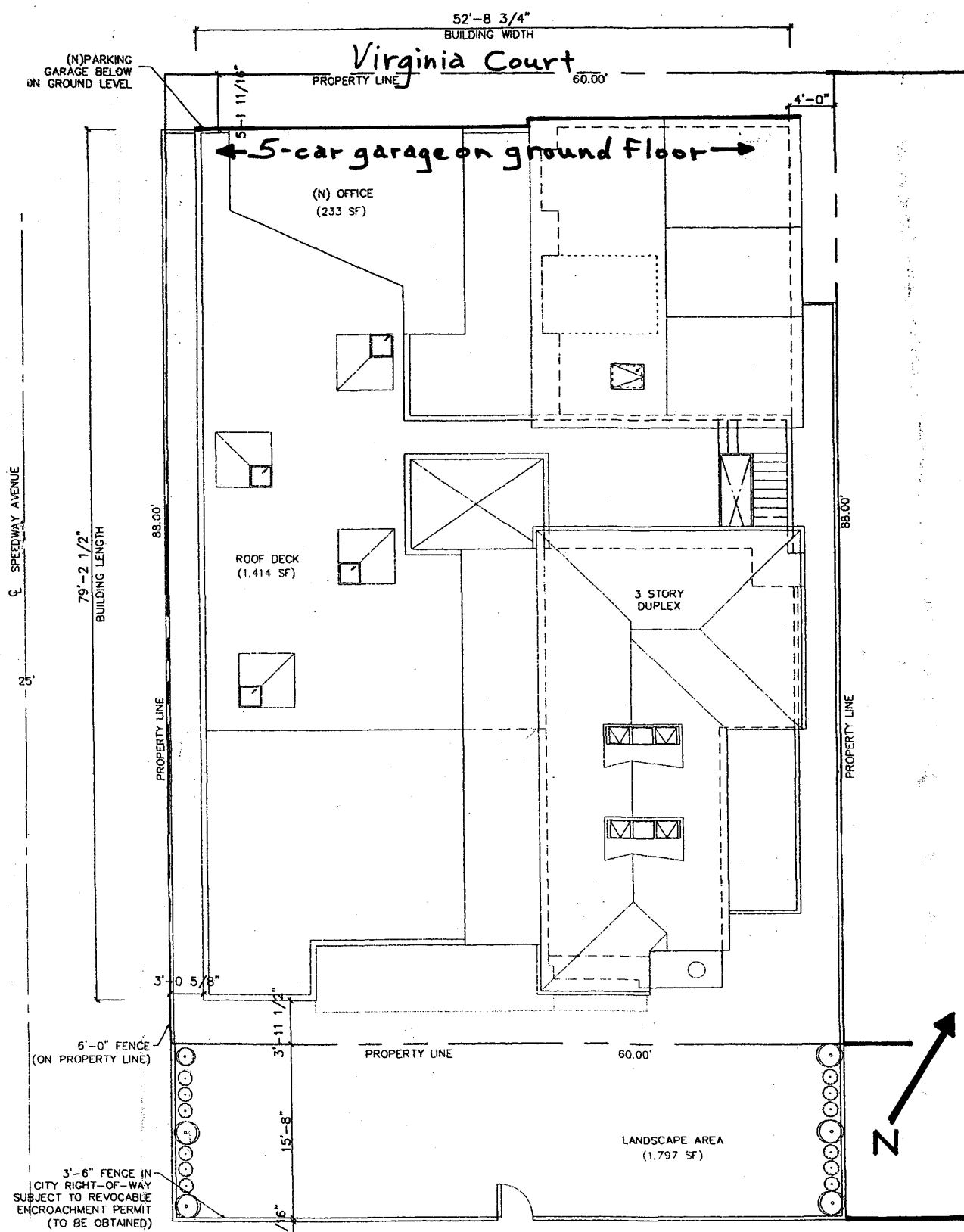
Existing Site Plan

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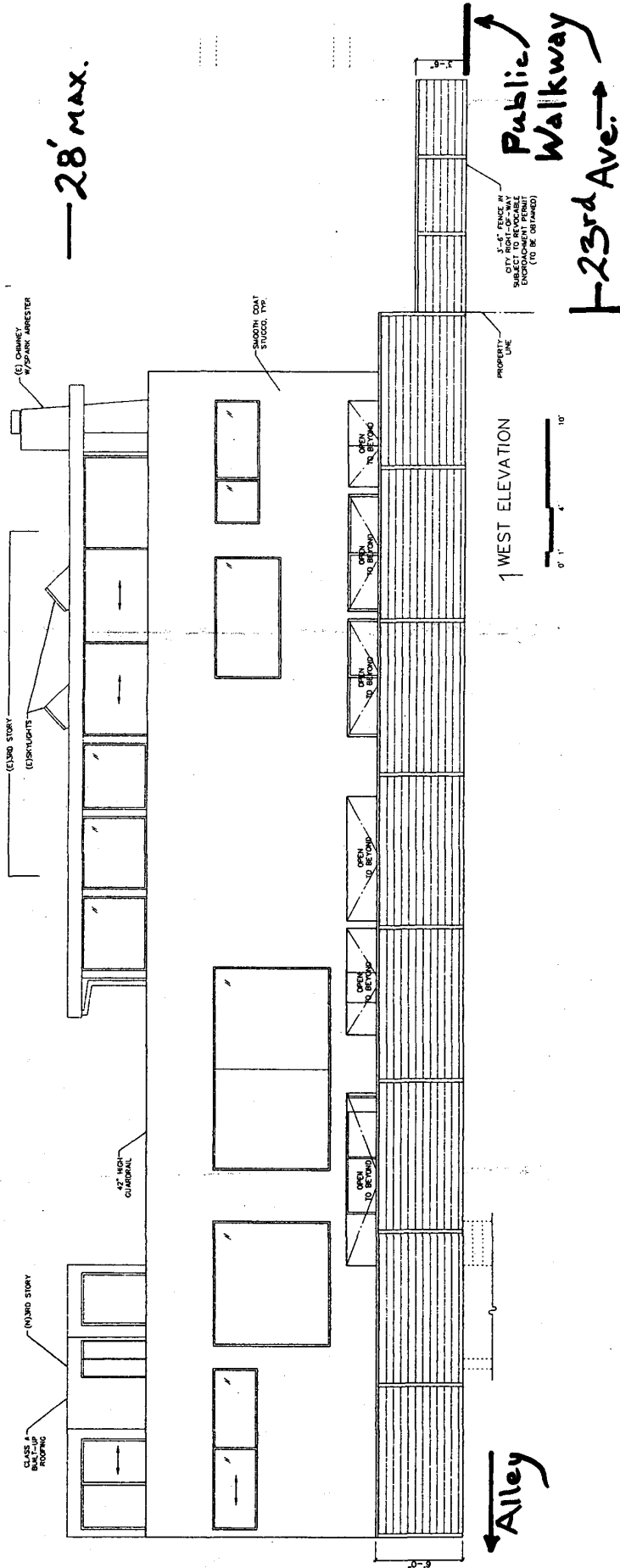
EXHIBIT # 4

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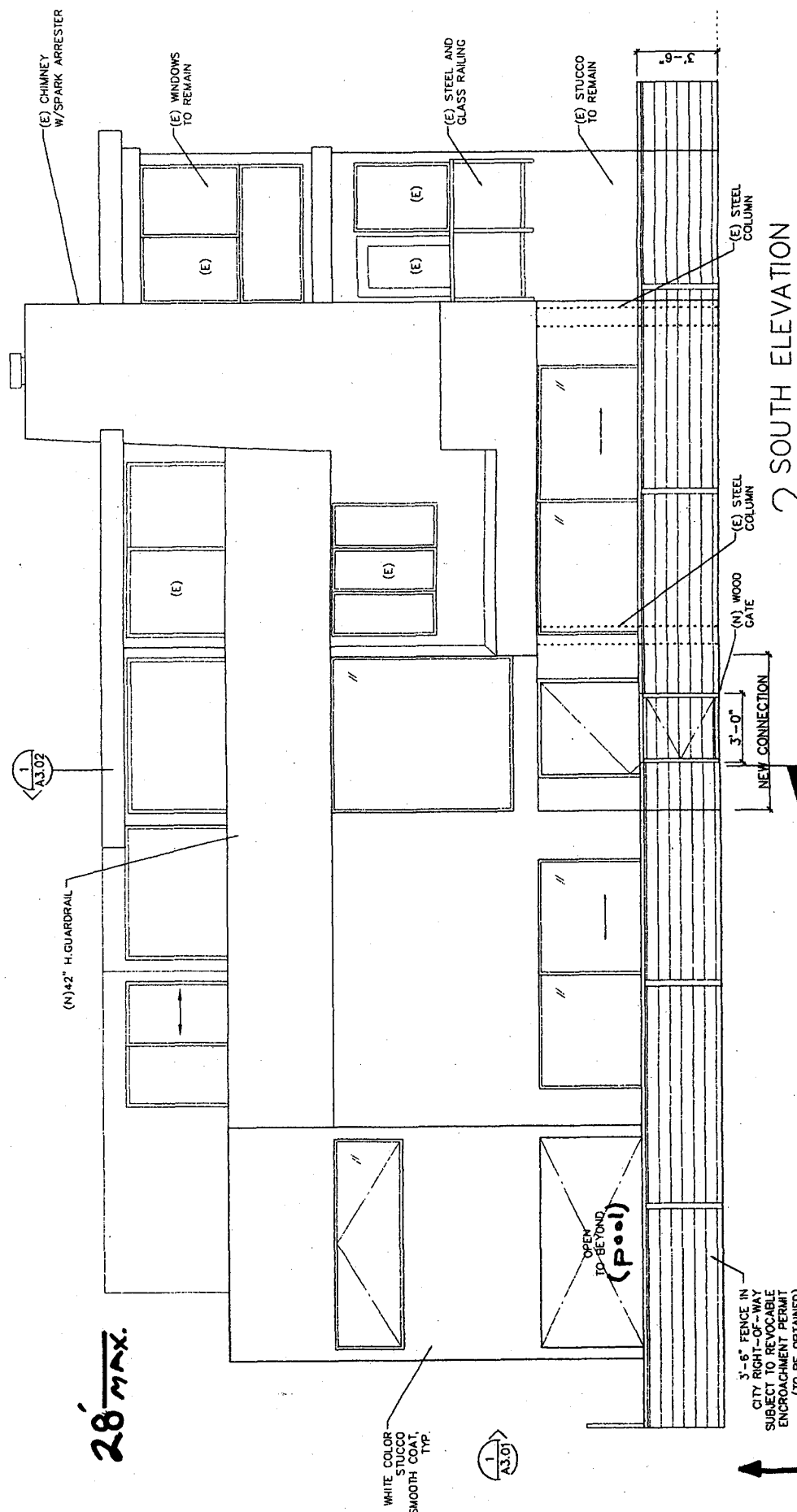
Proposed Site Plan

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 EXHIBIT # 5
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 EXHIBIT # 6
 PAGE 1 OF 1

West Side Elevation-Speedway



2 SOUTH ELEVATION

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EXHIBIT # 7
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28' MAX.

WHITE COLOR
STUCCO
SMOOTH COAT,
TYP.

3'-6" FENCE IN
CITY RIGHT-OF-WAY
SUBJECT TO REVOCABLE
ENCROACHMENT PERMIT
(TO BE OBTAINED)

Speedway

Front Elevation - 23rd Avenue