

CALIFORNIA COASTAL COMMISSION

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Commission Action:



W5m

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-05-416

APPLICANT: Frank Murphy **AGENT:** N/A

PROJECT LOCATION: 419 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of a three-unit apartment building, and construction of a four-level, 35-foot high, 4,808 square foot two-unit condominium complex with a six-car garage on a 3,236 square foot beachfront lot.

Lot Area	3,236 square feet
Building Coverage	1,712 square feet
Pavement Coverage	1,203 square feet
Landscape Coverage	321 square feet
Parking Spaces	6
Zoning	R3-1
Plan Designation	Multi-Family Residential – Medium
Ht above final grade	35 feet (plus 37-foot high mechanical)

LOCAL APPROVALS: 1) City of Los Angeles Local Coastal Development Permit, Case No. APCW-2002-6520, 4/7/2004; 2) City of Los Angeles Preliminary Parcel Map, Case No. AA-2002-6519, 12/16/2003.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-96-025 (Grant: 419 OFW).
3. Coastal Development Permit 5-03-520 (Ennis: 2911 OFW).
4. Coastal Development Permit A5-VEN-04-008/5-04-027 (Venice Lofts: 701 OFW).
5. Coastal Development Permit A5-VEN-04-009/5-04-028 (Venice Lofts: 619 OFW).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions relating to permit compliance, parking, building height, the Ocean Front Walk right-of-way that abuts the front of the site, and water quality. The applicant agrees with the recommendation. **See Page Two for the Motion.**

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 5-05-416 approves the construction of two residential condominium units. All development must occur in strict compliance with the proposal as set forth in the application for permit, 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 pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Parking

The proposed on-site parking supply (six spaces) shall be provided and maintained in the garage of the approved structure as shown on the proposed project plans. 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 thirty-five feet (35') in elevation above the Ocean Front Walk right-of-way. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to forty (40') feet 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.

4. Public Right-of-Way

The development approved by this coastal development permit is limited to the applicant's private property. 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, landscaping, fencing, vending and posting of signs.

5. 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 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish the existing two-story three-unit apartment building on a beachfront lot in North Venice, and to construct a new four-level, 35-foot high, 4,808 square foot two-unit condominium complex (See Exhibits). A ground floor garage, accessed from Speedway alley, would provide six on-site parking spaces in tandem (Exhibit #4).

The project site is a 25-foot wide, 3,236 square foot lot situated on the inland side of the Venice boardwalk (on Ocean Front Walk, between Dudley and Paloma Avenues), 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 single and multiple-unit residential structures. On May 8, 1996, the Commission approved Coastal Development Permit 5-96-025 (Grant) permitting the use of the existing three-unit apartment building's front yard as an open-air vending use. No vending or commercial use would remain on the site as part of the currently proposed residential condominium project.

The City of Los Angeles Planning Department has issued Local Coastal Development Permit No. 2002-6520 and Preliminary Parcel Map No. AA-2002-6519 for the proposed project, which is located within the "Dual Permit Jurisdiction" of the coastal zone. The proposed project, which abuts the public beach and boardwalk, is consistent with the R3-1 zoning designation and the surrounding land uses.

The proposed two-unit condominium conforms to the Commission's density limit for the site and the 30-to-35-foot height limit for projects in the North Venice area (limited rooftop development is permitted to exceed the roof height limit). The proposed six on-site parking spaces are adequate for the two proposed residential units. Vehicular access provided by the rear alley. A portion of the narrow lot will be landscaped (321 square feet). The proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The 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. 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 project incorporates best management practices (BMPs) to improve water quality in the watershed, including the provision of pervious landscaped areas within the side yards of the project site. 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.