

CALIFORNIA COASTAL COMMISSION

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Filed: 10/10/2006
49th Day: 11/28/2006
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Staff: Charles Posner - LB
Staff Report: 11/22/2006
Hearing Date: December 12, 2006
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-06-387

APPLICANT: Eric Grunbaum **AGENT:** Catherine Johnson, Architect

PROJECT LOCATION: 853 Marco Place, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Demolition of a two-story, 1,216 square foot single-family residence, and construction of a two-story, 27-foot high, 1,775 square foot single-family residence (with three on-site parking spaces) on a 3,330 square foot lot on a walk street

Lot Area	3,330 square feet
Building Coverage	1,065 square feet
Pavement Coverage	248 square feet
Landscape Coverage	2,017 square feet
Parking Spaces	3
Zoning	R2-1
Plan Designation	Multi-Family Residential - Low Medium I
Ht above final grade	27 feet

LOCAL APPROVAL: City of Los Angeles Specific Plan Project Permit, Case No. DIR-2006-5498-SPP-MEL, 10/5/2006.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions. **See Page Two for the motion.** The applicant, who agrees with the staff recommendation, proposes to build a new two-story, 27-foot high single-family residence in the interior of the developed residential neighborhood known as Milwood. The 3,330 square foot site fronts Marco Place, one of the historic Venice walk streets. On March 16, 2005, after a contentious public hearing, the Commission approved a new 28-foot high single-family residence on a nearby property at 728 Marco Place [Coastal Development Permit 5-04-373 (Landon)]. Although several persons objected to the project at 728 Marco Place, no one has objected to this proposed project.

The proposed project, which is located one mile inland of the beach, complies with the 28-foot height limit for development along historic walk streets, the density limit, setback requirements and all other specific standards set forth by the Venice Specific Plan and the certified Venice Land Use Plan (LUP). The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with the R2-1 zoning designation and the surrounding residential land uses. Adequate on-site parking is provided. Staff recommends that the Commission determine that the proposed project will have no negative effects on visual resources or coastal access, is consistent with community character, 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 Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Venice Coastal Zone Specific Plan (Ordinance No. 175,693).
3. Coastal Development Permit 5-92-181-W (Sant – 831 Marco Place).
4. Coastal Development Permit 5-92-245 (Davos – 746 Marco Place).
5. Coastal Development Permit 5-04-373 (Landon – 728 Marco Place).
6. Coastal Development Permit 5-05-069 (Duarte – 716 Marco Place).
7. Coastal Development Permit 5-05-434 (Tanimoto – 724 Marco Place).

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. Compliance with the Venice Walk Street Setback, Design and Parking Standards

Coastal Development Permit 5-06-387 approves the demolition of a two-story single-family residence and construction of a two-story single-family residence. 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 Setback, Design and Parking Requirements:

- (a) Building Setback. In order to maintain an open and visible access corridor and to enhance visual quality, the structure (except for ground level decks that do not exceed 18 inches in height above the elevation of the walk street sidewalk) shall be set back 13'10" from the Marco Place right-of-way, **as shown on Exhibit #3 of the 11/22/06 staff report.**
- (b) Building Design. In order to enhance visual quality and community character, the front of the building facing the Marco Place 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 the plans submitted with the permit application.
- (c) Building Height. The maximum height of the single-family residence shall not exceed 28 feet above the centerline of the fronting right-of-way (Marco Place). 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. This permit approves no roof access structure that exceeds a height of 28 feet.
- (d) Landscaping. In order to enhance visual quality and to preserve the water quality, the building setback area required by part (a) above 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.

- (e) Marco Place Right-of-Way. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between the Marco Place public sidewalk and the private dwelling, the area situated between the Marco Place sidewalk and the permittee's property line (i.e., within the Marco Place 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 and enclosed within a 42-inch high (maximum) decorative fence (e.g. split rail, picket or rustic). The permittee and the proposed development shall not interfere with public pedestrian access to and along the public sidewalk that runs down the center of the Marco Place right-of-way.
- (f) On-site Parking. A minimum of three (3) parking spaces shall be provided and maintained on the site **as shown on Exhibit #3 of the 11/22/06 staff report**.

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. 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) Best Management Practices.

- 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 and Background

The applicant proposes to demolish the existing two-story 1920s era single-family residence on the site, and construct a two-story, 1,775 square foot single-family residence with three on-site parking spaces (See Exhibits). The 3,330 square foot lot is situated one mile inland of the beach in the Milwood area of Venice (Exhibit #1). The height of the proposed two-story residence is less than 28 feet above the elevation of Marco Place, one of the historic Venice walk streets (Exhibit #5). On-site parking for the proposed residence would be provided in the rear yard within an existing one-car garage and a new one-stall carport (Exhibit #3). An additional (third) uncovered parking space is provided on the driveway. Vehicular access is provided only from the rear alley, Superba Court.

The proposed project provides a front yard setback (13'10") that is consistent with the depth of the other homes' front yards along this block of Marco Place. The distance between the front of the proposed house and the *edge* of the five-foot wide public sidewalk in the center of the walk street is 26.3 feet (or 28.8 feet to the *centerline* of the Marco Place right-of-way). The front yard setback area between the proposed house and the public sidewalk includes 12.5 feet of the landscaped Marco Place right-of-way and the front yard of the applicant's property. The applicant is proposing to maintain the front yard setback area as a landscaped and permeable yard area as called for by the certified Venice LUP.

The proposed single-family residence has been reviewed and approved by the City of Los Angeles Planning Department (Case No. DIR-2006-5498-SPP-MEL). The Planning Department determined on October 5, 2006 that the proposed single-family residence is compatible in character and scale with the surrounding neighborhood and in compliance with the requirements of the Venice Specific Plan. No one appealed the City's determination and the City issued a Venice Specific Plan Project Permit for the proposed single-family residence.

The applicant is now requesting Commission approval of the coastal development permit that is necessary to undertake the proposed development. The Commission has recognized in both prior permit and appeal decisions that the Milwood area of Venice, where the proposed project is located, is a unique coastal community. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Milwood neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community and its historic walk streets.

On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP maintains the City's and Coastal Commission's previous density limits and parking standards for the Milwood area of Venice. The certified LUP increased the height limit for buildings with varied or steeped-back rooflines from 25 to thirty feet, except on walk streets, where the height limit was raised from 25 feet to 28 feet. The

policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood.

On March 16, 2005, the Commission reaffirmed that the building standards set forth by the certified Venice LUP are adequate for protecting the unique character of the Milwood area of Venice when it approved a new 28-foot high single-family residence at 728 Marco Place, one block south of the project site [Coastal Development Permit 5-04-373 (Landon)]. On April 13, 2005, the Commission approved a new 28-foot high single-family residence at 716 Marco Place [Coastal Development Permit 5-05-069 (Duarte & Rydman)], and on December 14, 2005, the Commission approved a new 28-foot high single-family residence at 724 Marco Place [Coastal Development Permit 5-05-434 (Tanimoto)].

Certified Venice LUP Policies

The Commission adopted the following policy as part of the certified Venice LUP in order to regulate residential development on lots in the Milwood area of Venice that have been designated with the *Multi-Family Residential - Low Medium I* land use designation. The following policy language applies to the project site.

Venice Land Use Plan Policy I.A.6 states:

- **Policy I. A. 6. Multi-Family Residential - Low Medium I Density.** *Accommodate the development of duplexes and multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium I" on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.*

Southeast Venice and Milwood

Use: Two units per lot, duplexes and multi-family structures

Density: One unit per 2,500 square feet of lot area. Lots smaller than 5,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 5,000 square feet can add extra density at the rate of one unit for each 2,000 square feet in excess of 5,000 square feet in lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 25 feet for buildings with flat roofs, or 30 feet for buildings with stepped back or varied rooflines. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16). [28' along walk streets].

LUP Walk Street Design Standards

The certified Venice LUP also contains specific building design standards that have been designed and adopted in order to preserve the unique character of the Venice walk streets.

Policies II.C.10 and II.C.11 of the certified Venice LUP state:

- **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.*
- **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.** *Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian. Creative use and arrangement of permeable paving materials shall be encouraged. Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way. The use of decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.*

The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that approved developments are consistent with the Coastal Act and the certified LUP. In order to mitigate the identified impacts, the appropriate special conditions have been applied to this coastal development permit.

Staff is recommending approval of the proposed single-family residence (with conditions) because it complies with the 28-foot height limit, the density limit, the setback requirements, on-site parking requirements, and all other specific requirements set forth by the Venice Specific Plan, the certified Venice LUP and the Chapter 3 policies of the Coastal Act. The proposed structure's architectural style, design and mass would not have a detrimental effect on community character. A ground floor porch and second floor deck (facing the walk street) provide articulation for visual interest to pedestrians using the public walkway in the center of Marco Place. Additionally, the proposed 27-foot high structure would not have a detrimental effect on the historic Marco Place walk street or loom over pedestrians using the public walk street as the proposed house is set back 26.3 feet from the edge of the public sidewalk (Exhibit #4).

Therefore, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. As conditioned, the proposed 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. Community Character

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.

C. Public Access/Parking

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 does not interfere with public recreational use of coastal resources. As conditioned, the development protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development 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. Recreation Areas and Parks

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and are compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the proposed development conforms with Section 30240(b) of the Coastal Act.

F. 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.

G. Local Coastal Program

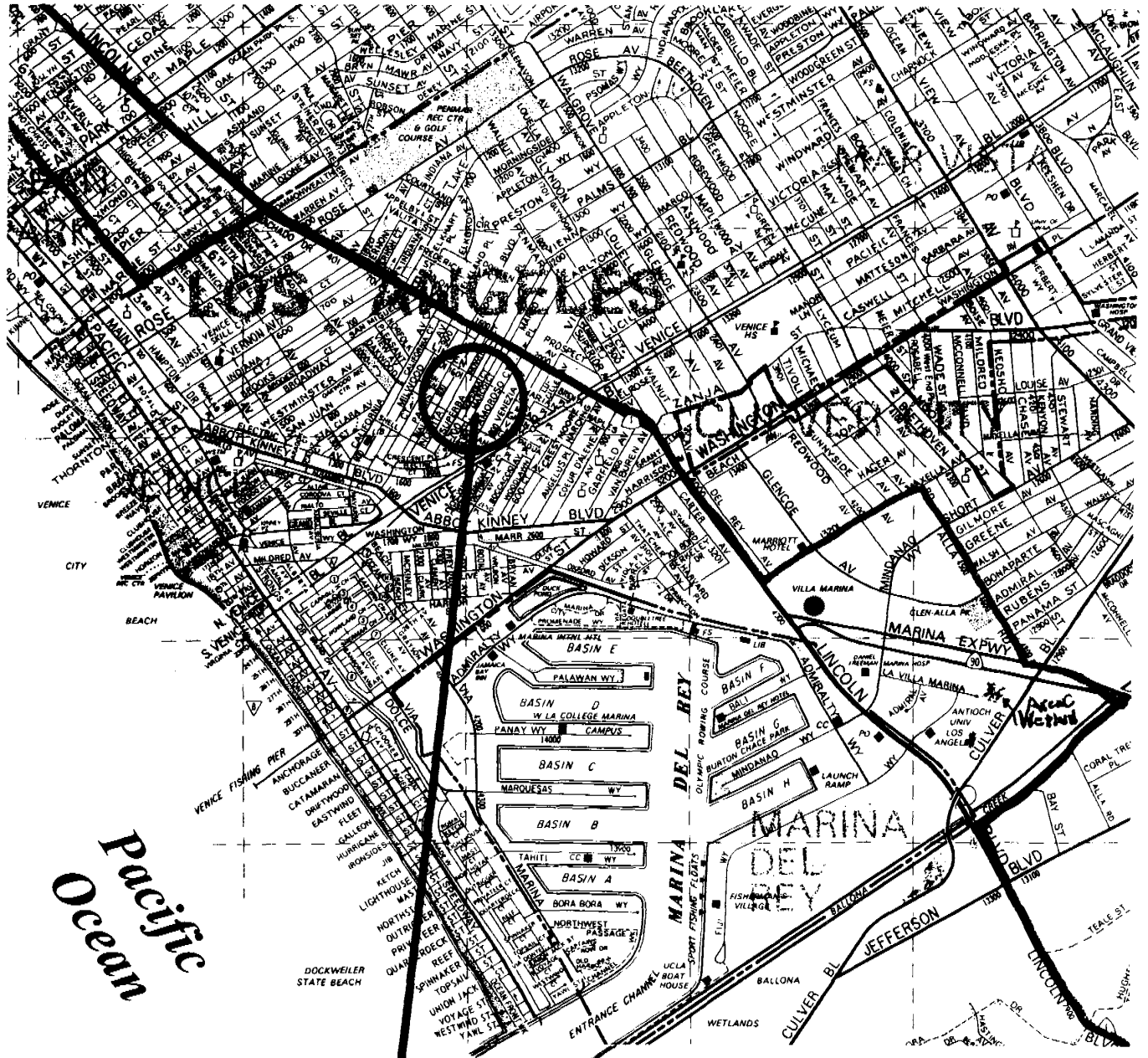
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability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

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

Attachments: Exhibit Nos.1-5

VENICE, CA



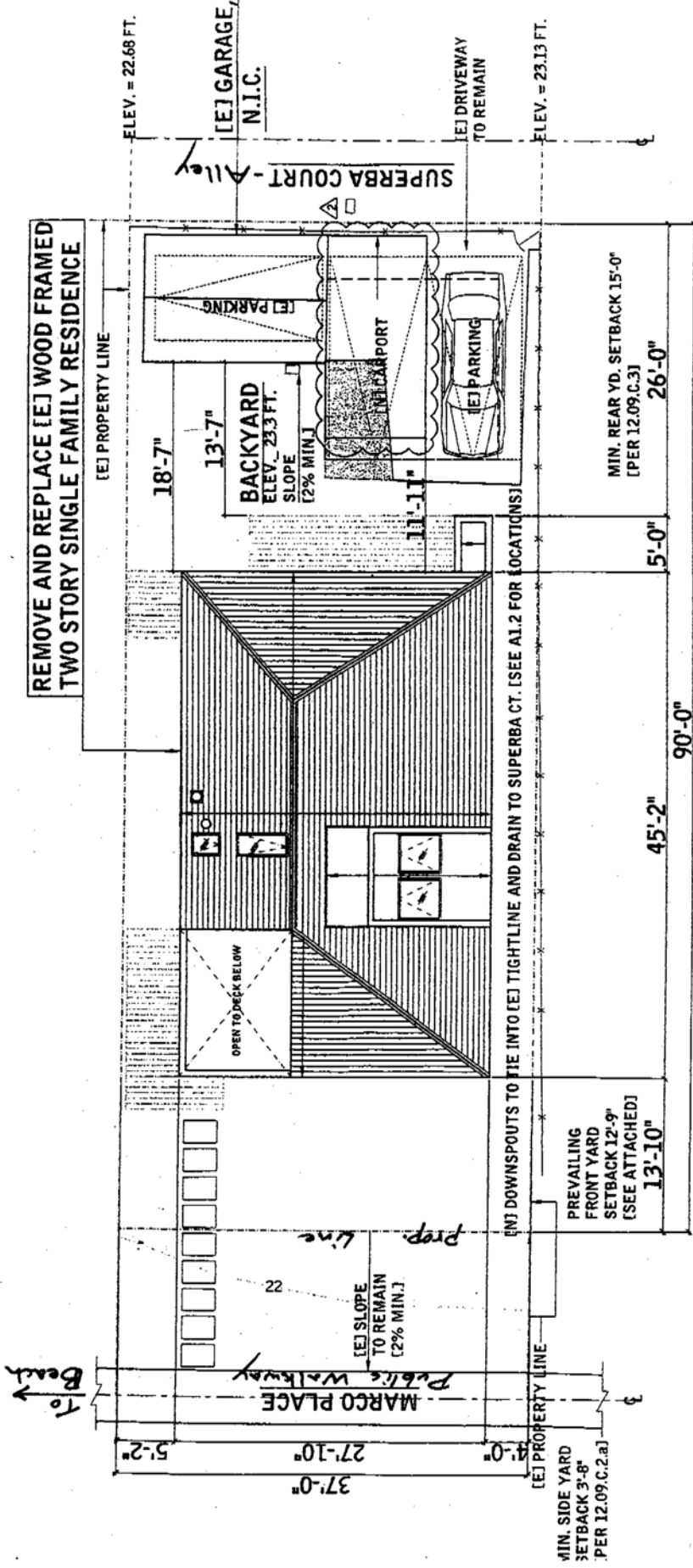
Pacific Ocean

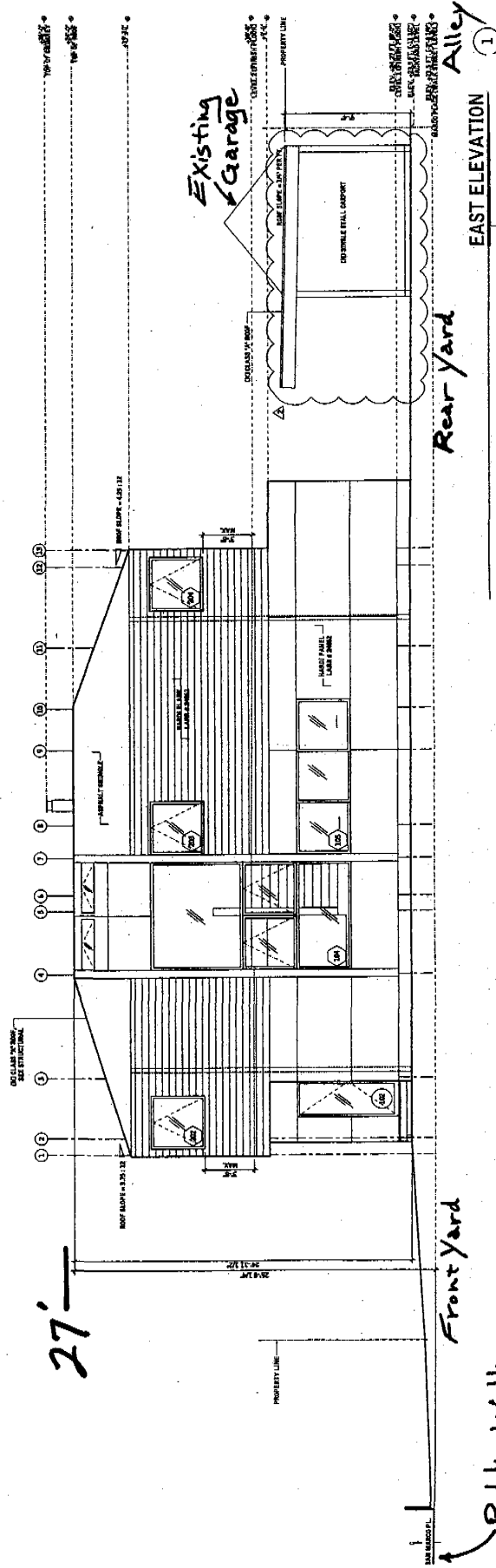


Site: 853 Marco Place

COASTAL COMMISSION
5-06-387

EXHIBIT # 1
PAGE 1 OF 1





27'

Front Yard

Public Walkway -
Marco Place

EAST ELEVATION

Alley 1

Existing Garage

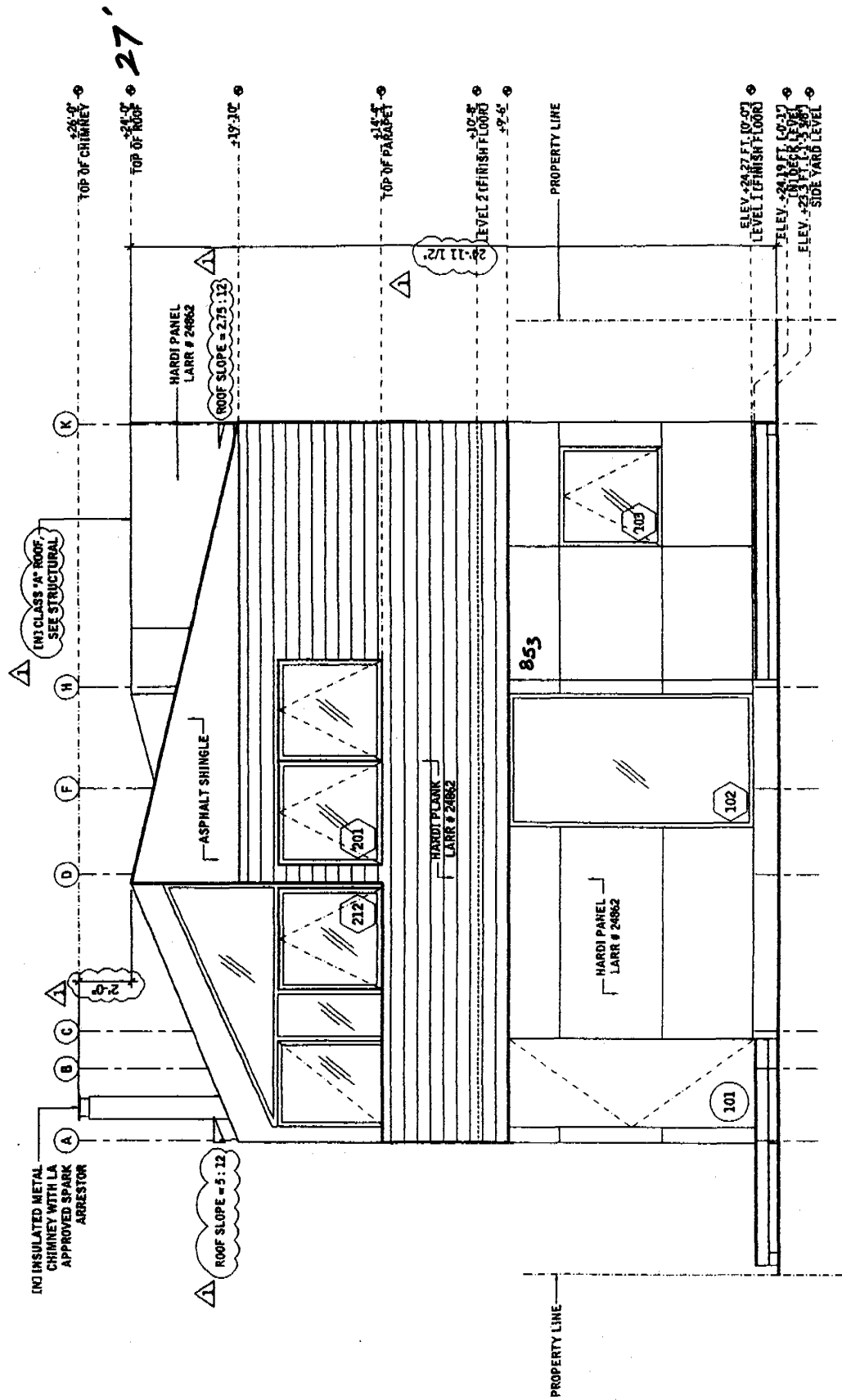
Rear Yard

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5-06-387

EXHIBIT # 4

PAGE 1 OF 1



SOUTH ELEVATION
 (Marco Place) Front

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 5-06-387

EXHIBIT # **5**
 PAGE 1 OF 1