

CALIFORNIA COASTAL COMMISSION

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W5e

Filed: 2/13/2007
49th Day: 4/3/2007
180th Day: 8/12/2007
Staff: Charles Posner - LB
Staff Report: 3/22/2007
Hearing Date: April 11, 2007
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-07-052**APPLICANT:** Eastwind and Associates, LLC (Rbt. Schutz & Wm. Oliver)**AGENT:** Bill Tsui**PROJECT LOCATION:** 111 Eastwind Street, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of a one-story, 1,008 square foot duplex on a 2,704 square foot lot, and construction of a four-level, 35-foot high (with two 43.5-foot high roof access structures) 4,003 square foot single-family residence with a three-car garage in the basement.

Lot Area	2,740 square feet
Building Coverage	1,236 square feet
Pavement Coverage	750 square feet
Landscape Coverage	718 square feet
Parking Spaces	3
Zoning	R3-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above Street	35 feet (plus two 43.5' roof accesses)

LOCAL APPROVAL: City of Los Angeles Local Coastal Development Permit, Planning Department Case No. ZA-2005-9250 (8/7/06).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to parking, building height, and the protection of 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 R3-1 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. Certified Land Use Plan for Venice, City of Los Angeles, 6/14/2001.
2. Venice Specific Plan, City of Los Angeles Ordinance No. 175693.
3. Coastal Development Permit 5-97-384 (Frye – 28 Driftwood Street).
4. Coastal Development Permit 5-05-075 (Warne – 25 Topsail Street).

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 5-07-052 permits the demolition of a duplex and the construction of a single-family residence with a three-car garage. Any proposed change in the number of units 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. All development must occur in strict compliance with the proposal as set forth in the application, 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.

2. Building Height

The maximum height of the structure shall not exceed thirty-five feet (35') above the centerline of the fronting right-of-way (Eastwind Street). Roof deck railings shall not exceed 42 inches above the thirty-five foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to forty feet (40') above the centerline of the fronting right-of-way. Two roof access structures (one stairway enclosure and one elevator housing), each with a footprint less than one hundred square feet, may exceed the thirty-five foot height limit by nine feet as shown on **Exhibit #5 of the 3/22/07** staff report).

3. On-site Parking

A minimum of three (3) parking spaces shall be provided and maintained on the site to serve the permitted single-family residence (three-car garage). Vehicular access to the site shall be taken only from the rear alley.

4. 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 Best Management Practices:

- a) No demolition/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.
- d) No runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish a one-story duplex, and construct a 35-foot high (with two 43.5-foot high roof access structures), 4,003 square foot single-family residence on a 2,704 square foot lot in the Marina Peninsula area of Venice (See Exhibits). Parking for the proposed single-family residence will be provided by a three-car garage in the basement of the structure, which will require approximately 1,300 cubic yards of excavation. Vehicular access to the proposed garage is provided only by the rear alley. The surrounding neighborhood is comprised of single-family and multi-family residences up to 35 feet in height.

The proposed project has been approved by the City of Los Angeles Planning Department (Case No. ZA-2005-9250) and is consistent with the R3-1 zoning designation and the surrounding land uses. The proposed single-family residence conforms to the Commission's density limit for the site, and the proposed three-car garage provides adequate on-site parking. No on-street parking is affected by the proposed project.

The roof of the proposed single-family residence conforms to the 35-foot height limit for buildings in the Marina Peninsula area of Venice (Exhibit #2). The proposed structure includes two 43.5-foot high roof access structures: one stairway enclosure and one elevator housing (Exhibit #5). Roof access structures (e.g., stairway enclosures and elevator towers) are parts of a structure that are allowed to exceed the building height limit (by up to ten feet). 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 height limit. Elevator housings are also allowed to exceed the height limit. Some projects, like this one, are permitted to have one stairway enclosures and one elevator tower, but both must be of minimum size (less than one hundred square feet) in order to reduce adverse impacts to visual resources and community character.

The proposed project also incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site (approximately 718 square feet of permeable landscaped area will be maintained on the 2,740 square foot lot).

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.

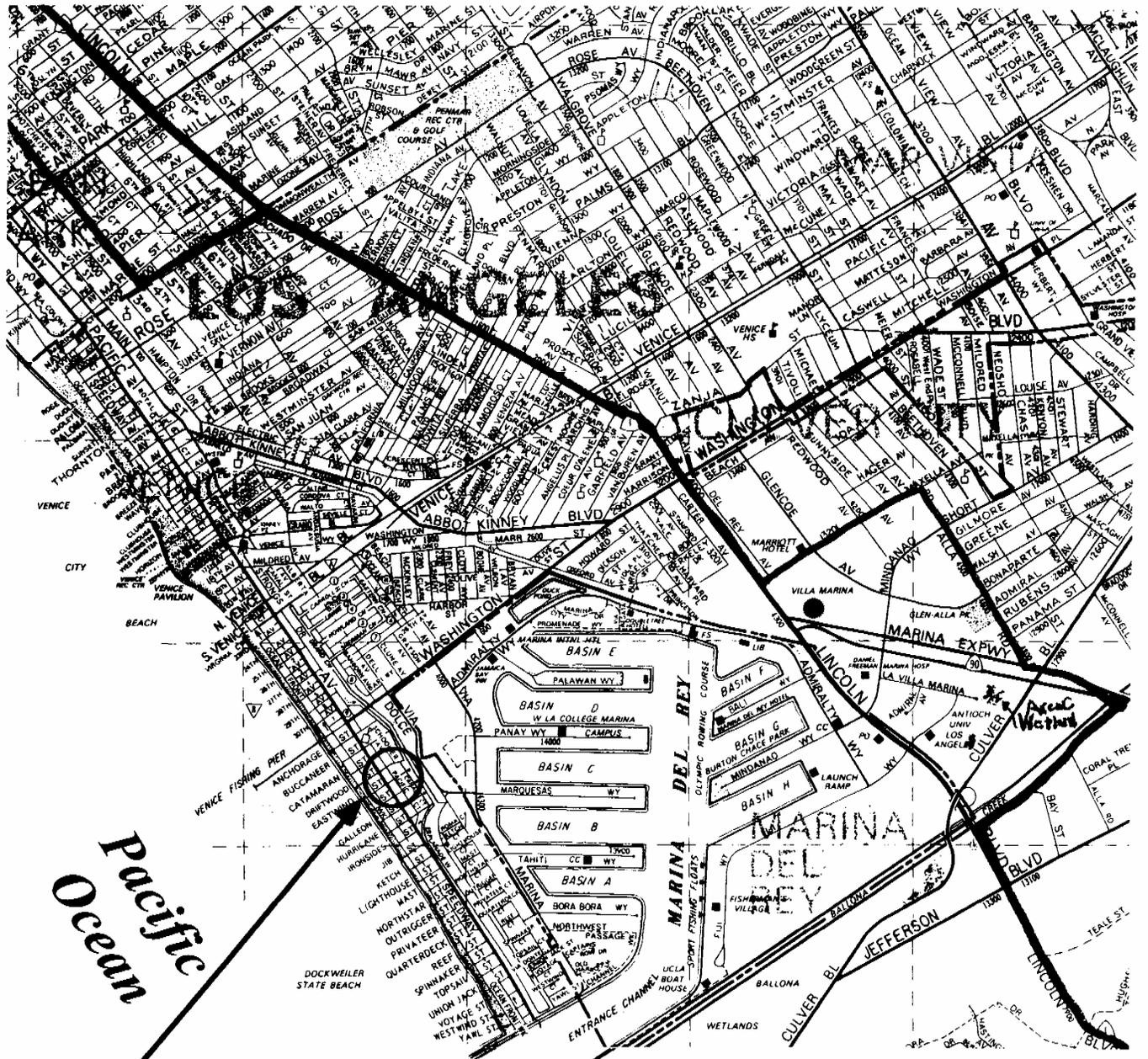
F. Local Coastal Program

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)

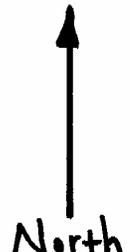
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified 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

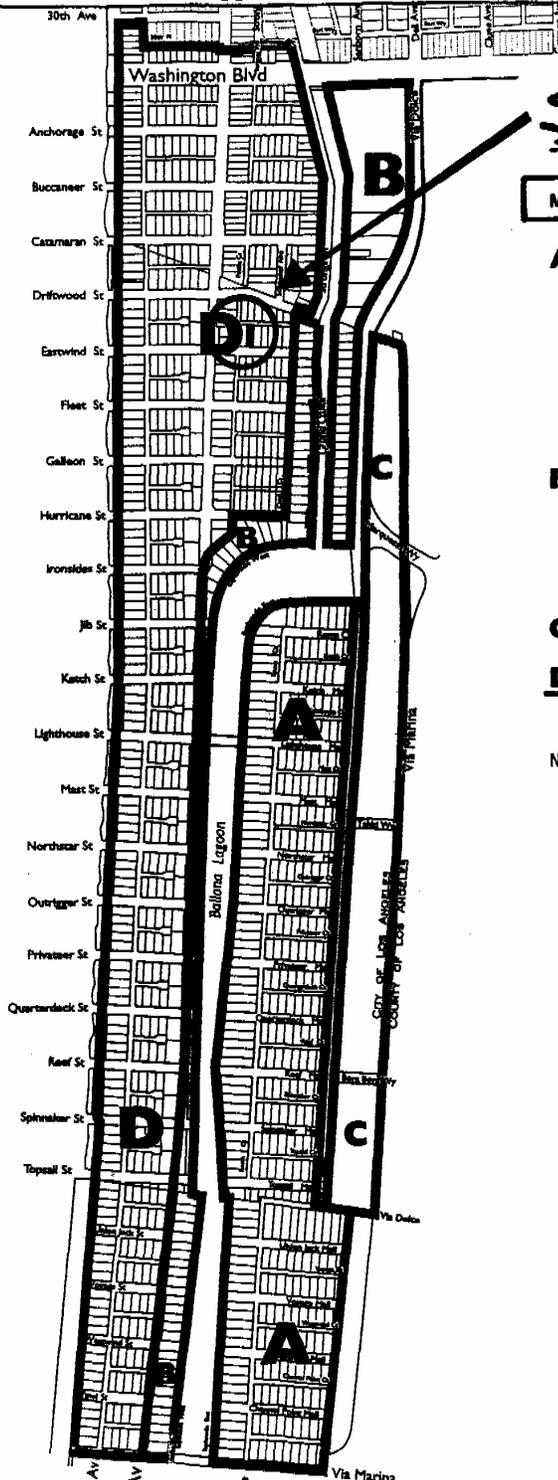


Pacific Ocean

Site: 111 Eastwind Street



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EXHIBIT # 1
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Site: 111 Eastwind St.

Maximum Building Height

- A** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.
- B** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet.
- C** 45'
- D** 35', 28' along Walk Streets.

Notes:

- *All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.
- *No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).
- *Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.
- *See Policy I.A.1 for policy limiting roof access structures.
- *See Policy I.B.7 for commercial and mixed-use development standards.

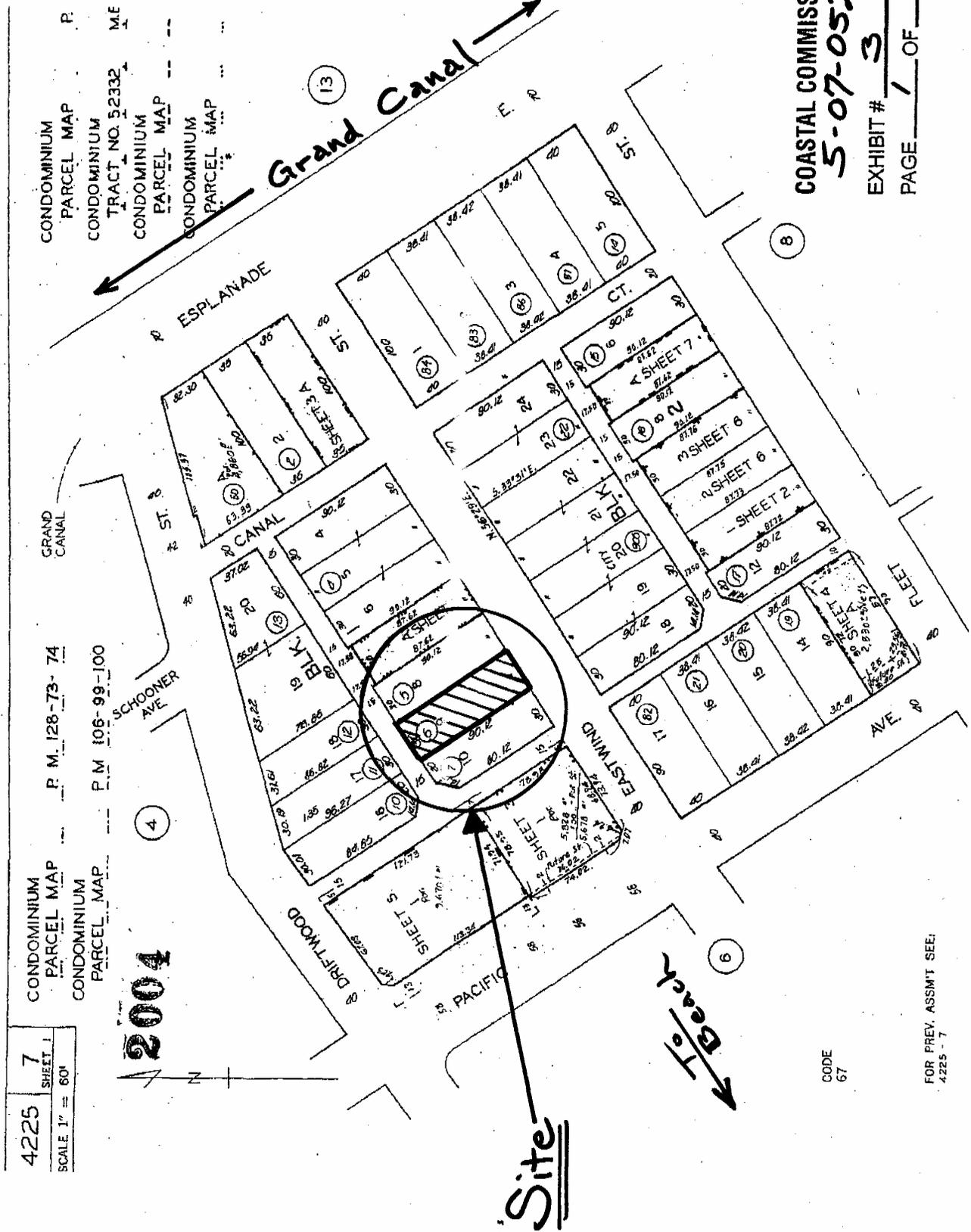
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LUP
Exhibit 13
Height

Subarea: Marina Peninsula • Silver Strand •
Ballona Lagoon West • Ballona Lagoon (Grand Canal) East



County of Los Angeles: Rick Auerbach, Assessor



4225
SHEET 1
SCALE 1" = 60'

CONDOMINIUM
PARCEL MAP
CONDOMINIUM
PARCEL MAP

P. M. 128-73-74
P. M. 106-99-100

CONDOMINIUM
PARCEL MAP
CONDOMINIUM
TRACT NO. 52332
CONDOMINIUM
PARCEL MAP
CONDOMINIUM
PARCEL MAP

2004

Grand Canal

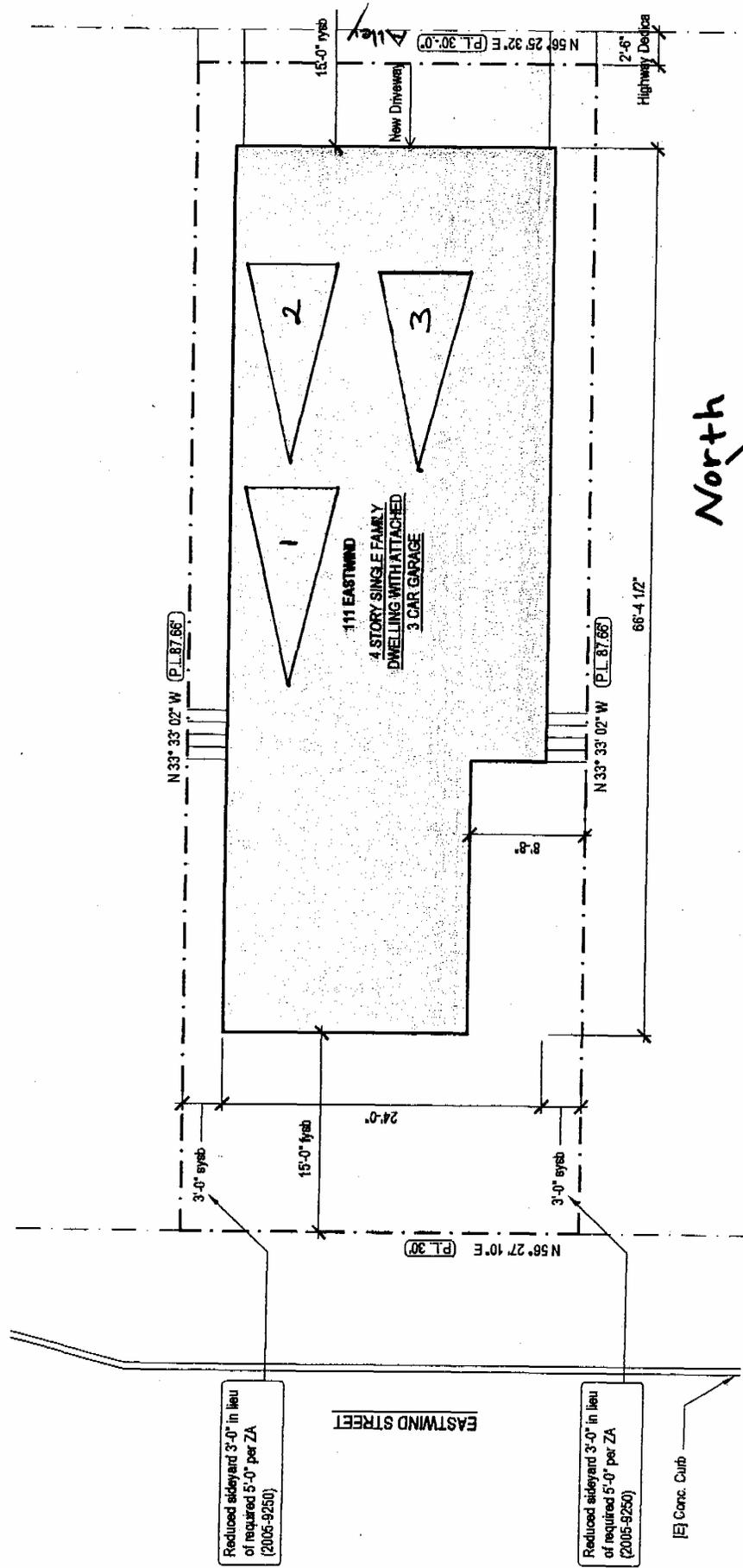
Site

Back

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EXHIBIT # 3
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CODE
67

FOR PREV. ASSMT SEE:
4225 - 7



North

Proposed Site Plan

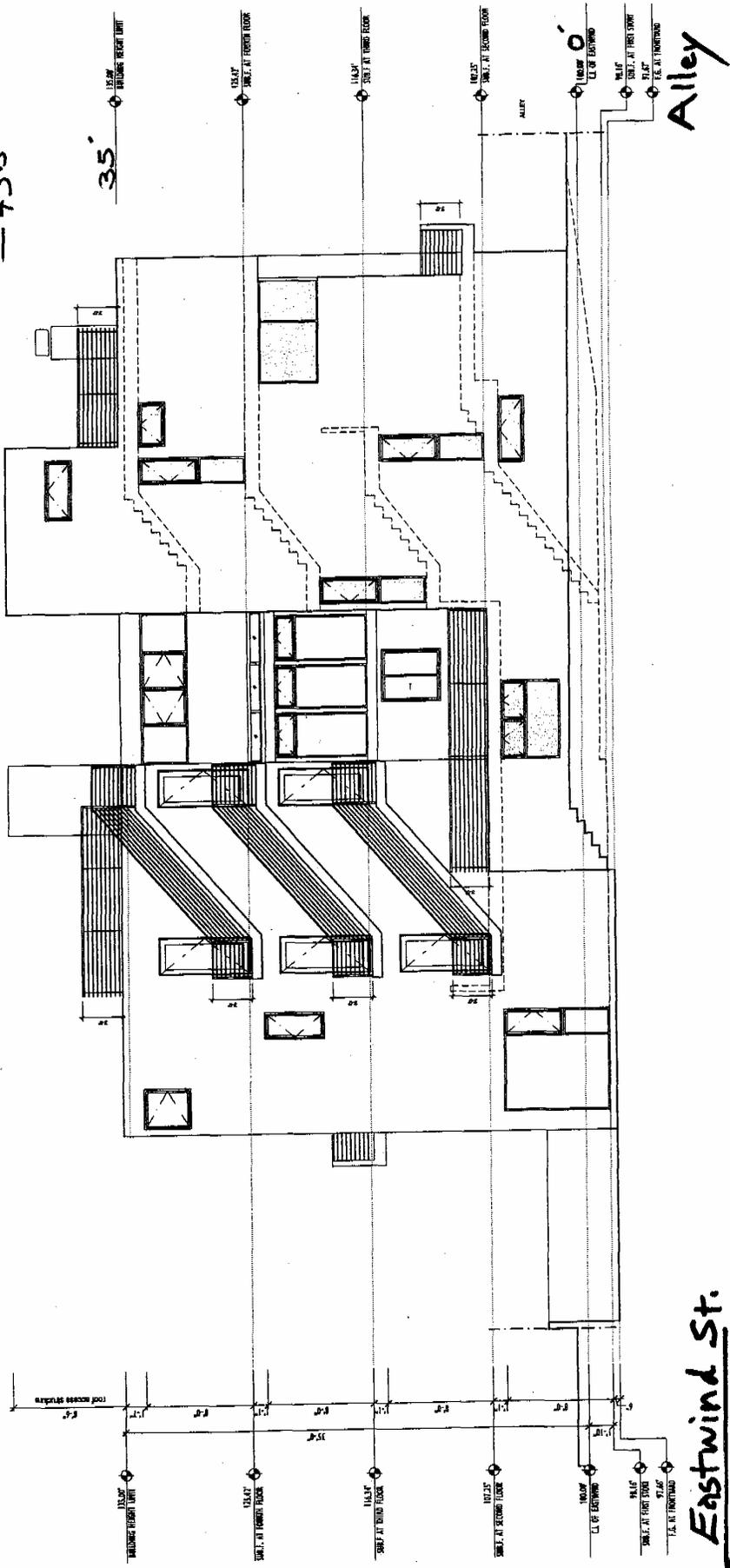
Reduced setback 3'-0" in lieu of required 5'-0" per ZA (2005-9250)

Reduced setback 3'-0" in lieu of required 5'-0" per ZA (2005-9250)

(E) Conc. Curb

43.5'

35'

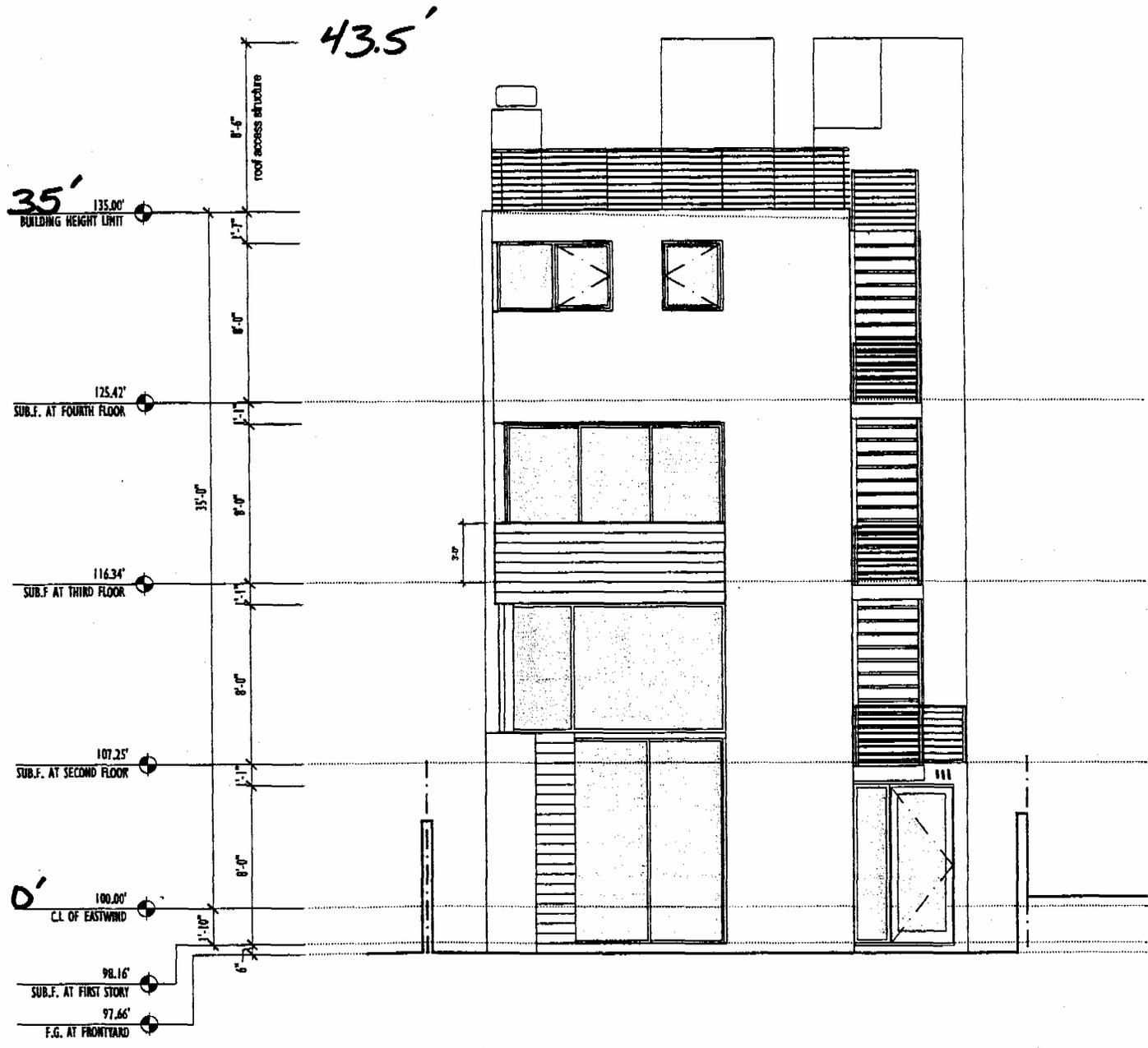


Eastwind St.

Side Elevation

Alley

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Front (Eastwind St.) Elevation

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EXHIBIT # 6

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