

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th7b

Filed: 8/27/2008
49th Day: 10/15/2008
180th Day: 2/23/2009
Staff: Charles Posner - LB
Staff Report: 9/25/2008
Hearing Date: October 16, 2008
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-08-235**APPLICANTS:** Joel William Vuylsteke & Joanne Vuylsteke**AGENT:** James R. Harlan**PROJECT LOCATION:** 5109 Ocean Front Walk, Venice, City of Los Angeles.**PROJECT DESCRIPTION:** Construction of a three-story, 35-foot high, 5,802 square foot (plus attached three-car garage) single-family residence on a vacant 3,644 square foot beach-front lot.

Lot Area	3,644 square feet
Building Coverage	2,395 square feet
Pavement Coverage	1,087 square feet
Landscape Coverage	162 square feet
Parking Spaces	3
Zoning	R3-1
Plan Designation	Residential – Medium
Ht above final grade	35 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2008-2275-SPP (8/21/2008).**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the single-family residence with special conditions relating to permit compliance, building height, on-site parking, landscaping, public access on Ocean Front Walk and water quality. **See Page Two for the motion.** The applicants agree 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. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Amended Coastal Development Permit 5-00-477 (Yoon: 5007 OFW).
3. Coastal Development Permit 5-07-155 (Stronghold Capital: 5005 OFW).
4. Coastal Development Permit Application 5-08-236 (Siegal: 5107 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 5-08-235 approves the construction of a 35-foot high single-family residence with a three-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. 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 feet (40') in elevation above the Ocean Front Walk right-of-way. This permit approves no roof access structure that exceeds the 35-foot height limit. No portion of the structure shall exceed forty feet (40') in elevation above the Ocean Front Walk right-of-way.

3. Parking

A minimum of three parking 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.

4. Ocean Front Walk

The Ocean Front Walk right-of-way abutting the project site shall be maintained for public pedestrian access. 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, the placement of potted plants and patio furniture, and the posting of signs.

5. Landscaping

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.

6. 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 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 (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.
- 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) 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.
- e) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- f) All trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- g) 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to construct a new three-story single-family residence on a vacant beachfront lot in South Venice (See Exhibits). The roof of the proposed house reaches 35 feet above the elevation of Ocean Front Walk, the public right-of-way (boardwalk) that abuts the seaward edge of the project site (Exhibit #3). A 773 square foot garage on the ground floor of the proposed single-family residence will provide three on-site parking spaces. Vehicular access to the on-site parking supply is provided by Speedway, the rear alley (Exhibit #3).

The 3,644 square foot lot is located on the inland side of the Ocean Front Walk right-of-way in the Marina Peninsula subarea of Venice (Exhibit #2). The surrounding neighborhood is comprised primarily of two-story and three-story single and multiple family residential structures.

The proposed single-family residence has been approved by the City of Los Angeles Planning Department (Case #DIR-2008-2275-SPP, 8/21/2008) 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 project provides adequate on-site parking (three-car garage, accessed from Speedway Alley). The proposed structure, with its 35-foot high roof, conforms to the 35-foot height limit for the Marina Peninsula area of Venice (Exhibit #2).

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 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.

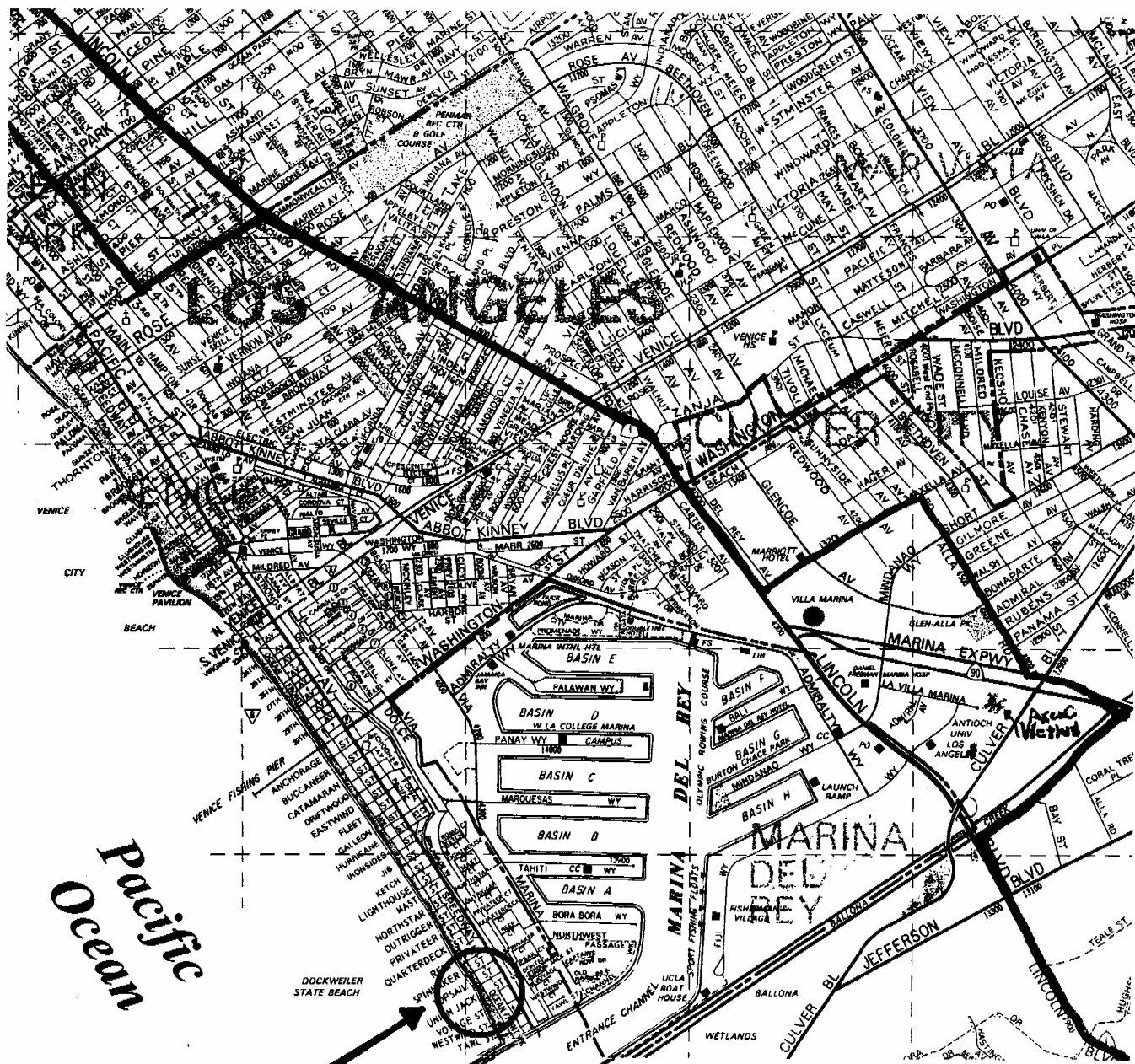
F. Local Coastal Program

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)

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



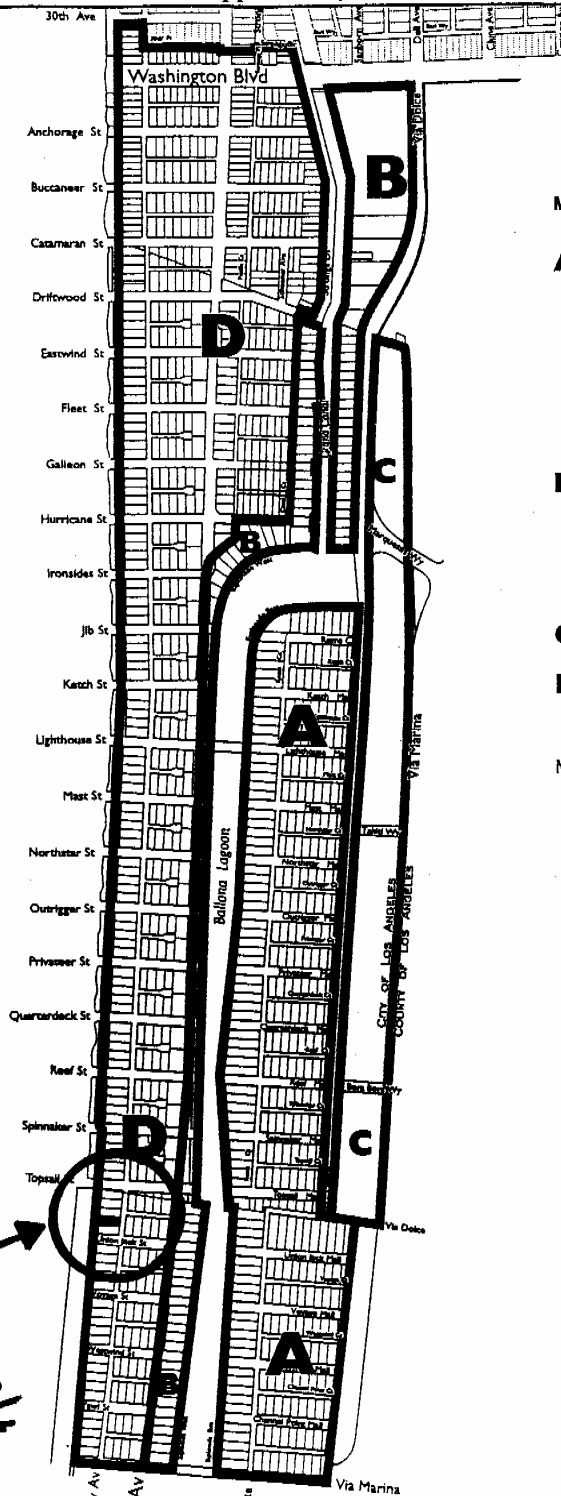
Pacific
Ocean

Site: 5109 OFW



COASTAL COMMISSION
5-08-235

EXHIBIT # 1
PAGE 1 OF 1



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.

Site

**LUP
Exhibit 13
Height**

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

5109 OFW

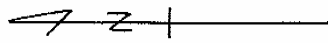
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5-08-235**

4
Not to Scale

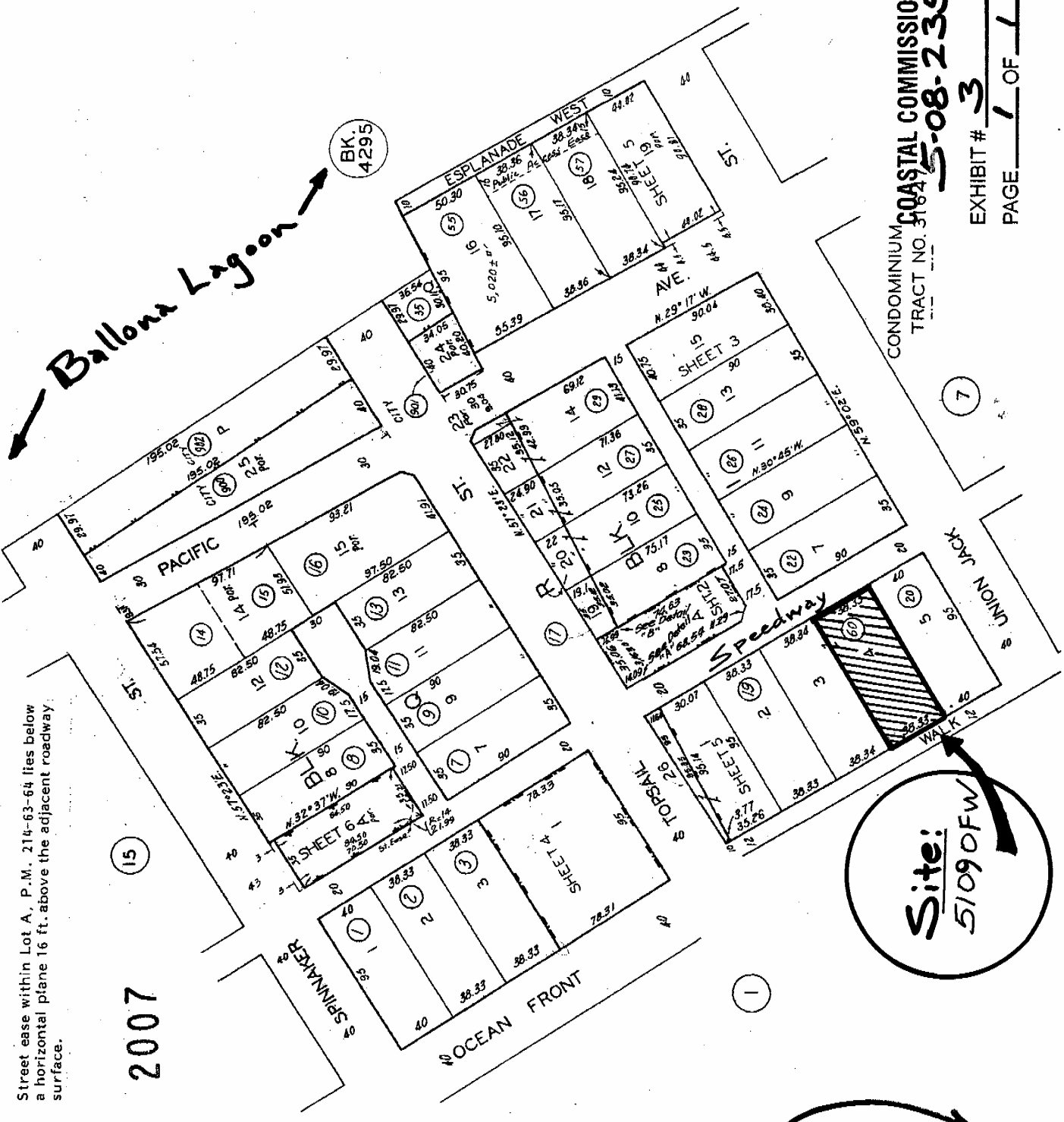
EXHIBIT # 2
PAGE 1 OF 1

4294
 SHEET 6
 SCALE 1" = 60'

Street ease within Lot A, P.M. 214-63-64 lies below a horizontal plane 16 ft. above the adjacent roadway surface.



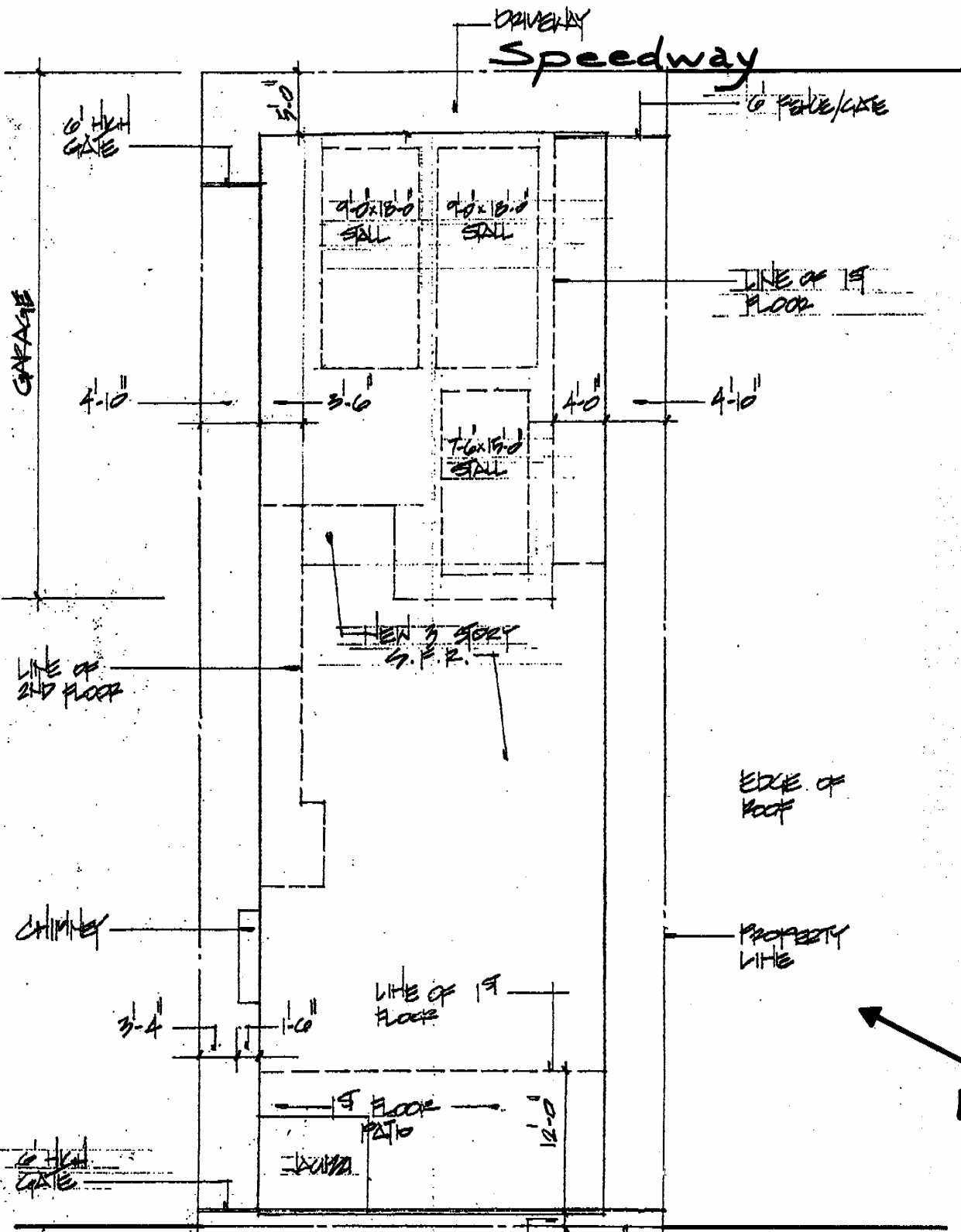
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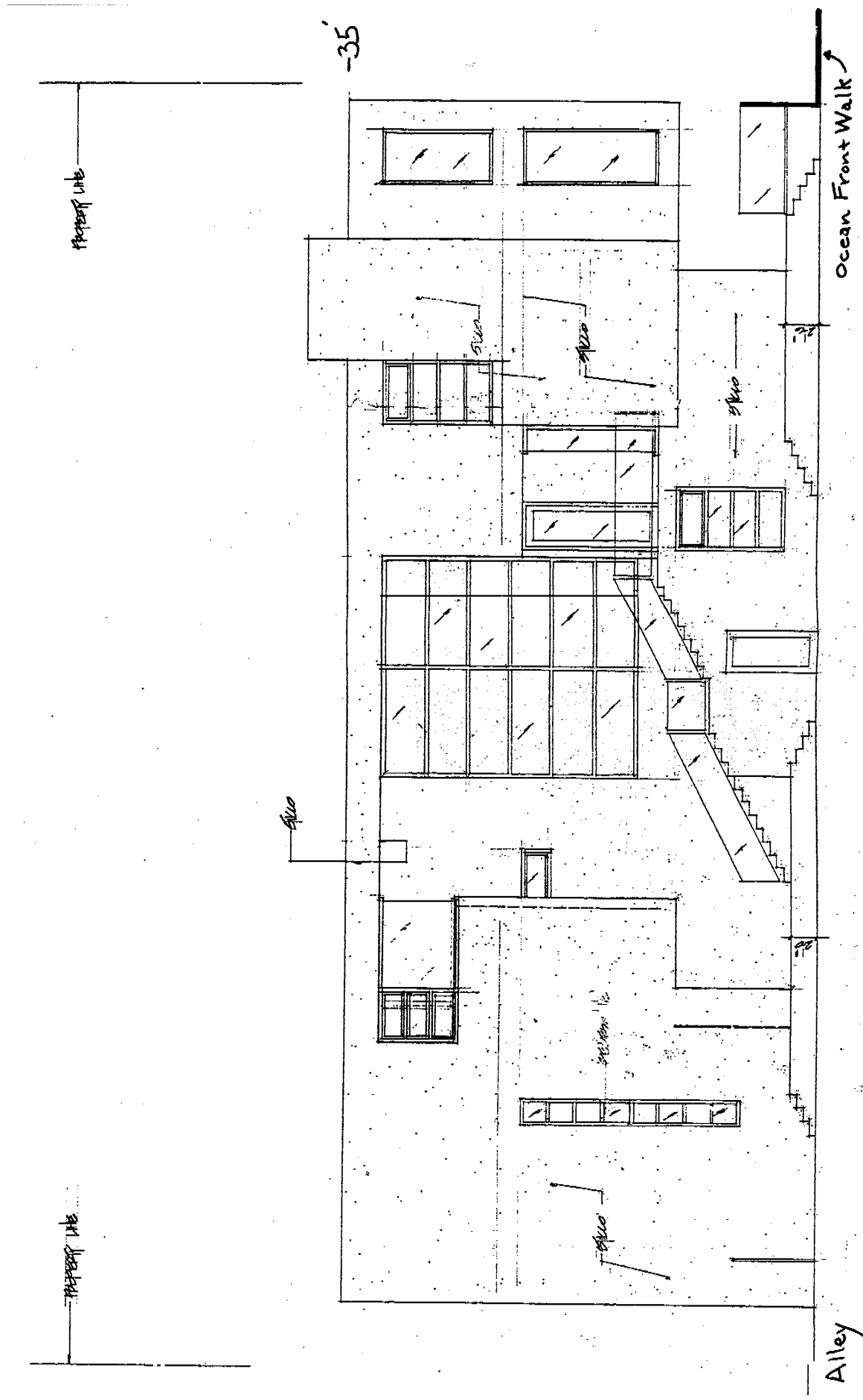
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EXHIBIT # 3
 PAGE 1 OF 1

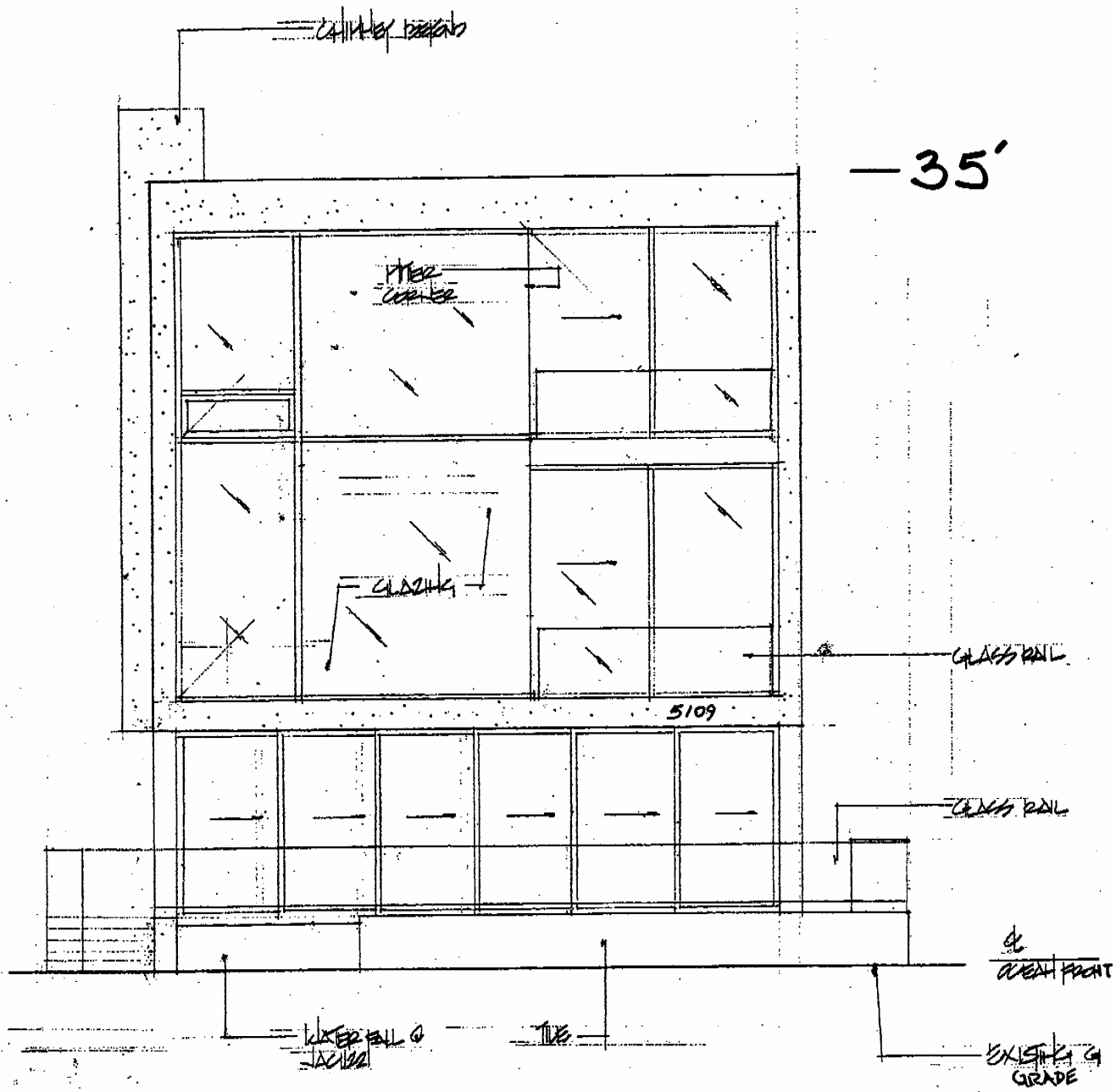


North



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 5-008-235
 EXHIBIT # 5
 PAGE 1 OF 1

North Elevation



Front (beach) Elevation

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5-08-235

EXHIBIT # 6
PAGE 1 OF 1