

CALIFORNIA COASTAL COMMISSION

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W4a

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 49th Day: 5/22/2008
 180th Day: 9/30/2008
 Staff: Charles Posner - LB
 Staff Report: 5/22/2008
 Hearing Date: June 11, 2008
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-08-088**APPLICANTS:** Max & Michelle Brooks**AGENT:** David Reddy, R&D Architects**PROJECT LOCATION:** 814 Marco Place, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of a one-story, 855 square foot single-family residence and detached garage on a 3,330 square foot lot facing a walk street, and construction of a two-story, 28-foot high, 855 square foot single-family residence with a one-car garage on the ground floor.

Lot Area	3,330 square feet
Building Coverage	541 square feet
Pavement Coverage	1,186 square feet
Landscape Coverage	1,603 square feet
Parking Spaces	3
Zoning	R2-1
Plan Designation	Multi-Family Residential - Low Medium I
Ht above final grade	28 feet

LOCAL APPROVAL: City of Los Angeles Specific Plan Project Permit, Case No. DIR-2008-0057-SPP-MEL, 3/18/2008.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to site access during demolition and construction (alley only), compliance with walk street setback, design and parking standards, and protection of water quality. As conditioned, the proposed project complies with the 28-foot height limit, setback requirements, and all other specific standards for development along the Venice historic walk streets, as set forth by the Venice Specific Plan and the certified Venice Land Use Plan (LUP). The applicants agree with the recommendation. **See Page Two for the motion to carry out the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. Coastal Development Permit 5-04-373 (Landon – 728 Marco Place).
3. Coastal Development Permit 5-05-069 (Duarte – 716 Marco Place).
4. Coastal Development Permit 5-05-434 (Tanimoto – 724 Marco Place).
5. Coastal Development Permit 5-06-387 (Grunbaum – 853 Marco Place).
6. Coastal Development Permit 5-07-190 (Yeung – 731 Amoroso Place).
7. Coastal Development Permit 5-07-298 (Amoroso Place LLC – 853 Amoroso Place).
8. Coastal Development Permit 5-07-392 (Crandall & Lifland – 745 Amoroso Place).
9. Coastal Development Permit 5-07-133-W (Brooks – 814-816 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. Site Access During Demolition and Construction

The approved development shall not interfere with pedestrian access along the public walkway that runs down the middle of the Marco Place right-of-way. Vehicular access to the project site during demolition and construction activities, delivery of building supplies and materials, and removal of debris, shall be from the alley (Marco Court) only. Use of vehicles on Marco Place (a walk street) is not permitted.

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

Coastal Development Permit 5-08-088 approves the demolition of a one-story single-family residence and accessory structures, and the construction of a two-story, 28-foot high, single-family residence with three-on-site parking spaces. 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 applicants, 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, all balconies, porches and other portions of the structure shall be set back at least 45 feet from the Marco Place right-of-way, **as shown on Exhibit #4 of the 5/22/08 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 Exhibit #6 of the 5/22/08 staff report.**

- 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).
- d) Landscaping. In order to enhance visual quality and to preserve the water quality, the building setback area described in part (a) above shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with only 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).
- 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 permittees' 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 permittees 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 parking spaces shall be provided and maintained on the site, with vehicular access from the alley only (Marco Court).

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.

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) 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 (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 demolish the existing 1920s era one-story single-family residence and accessory buildings (i.e., detached garage, carport and shed) on the lot, and to construct a new two-story, 855 square foot single-family residence with a 110 square foot garage on the ground floor (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 28 feet above the elevation of Marco Place, one of the historic Venice walk streets. The one-car garage, plus two parking spaces on the driveway, would provide on-site parking for the proposed single-family residence (Exhibit #4). The rear alley (Marco Court) provides vehicular access to the on-site parking (Exhibit #3). Since Marco Place is a walk street, vehicles are not allowed to use it.

On June 14, 2007, the Commission approved Coastal Development Permit 5-07-133 (Brooks) for the construction of a two-story garage/recreation room on the project site (as an accessory use to the applicants' house on the abutting lot). The previously approved garage/recreation room was not built, and the currently proposed single-family residence would occupy the same part of the site where the garage/recreation room would have been built.

The proposed single-family residence provides a 45-foot front yard setback (between the house and the property line) that is greater than the depth of the other homes' front yards along Marco Place. The distance between the proposed house and the *edge* of the five-foot wide public sidewalk that runs down the center of the walk street is 57.5 feet (or sixty feet to the *centerline* of the thirty-foot wide Marco Place right-of-way). The 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 applicants' property (Exhibit #4). The applicants are proposing to maintain the front yard 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-2008-0057-SPP-MEL). The Planning Department determined on March 18, 2008 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 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 28-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 57.5 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

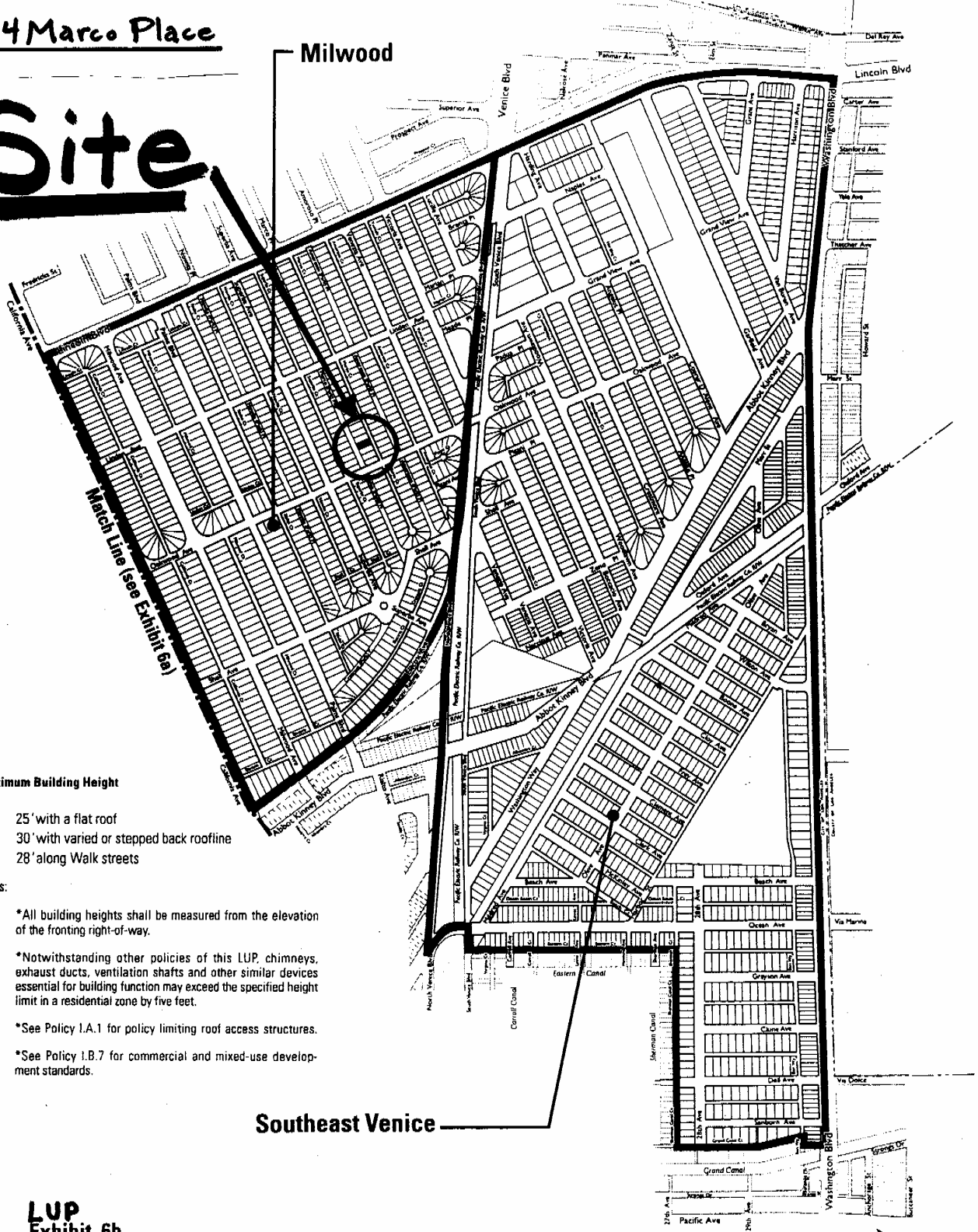
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability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

814 Marco Place

Site



Maximum Building Height

- 25' with a flat roof
- 30' with varied or stepped back roofline
- 28' along Walk streets

Notes:

- *All building heights shall be measured from the elevation of the fronting 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.

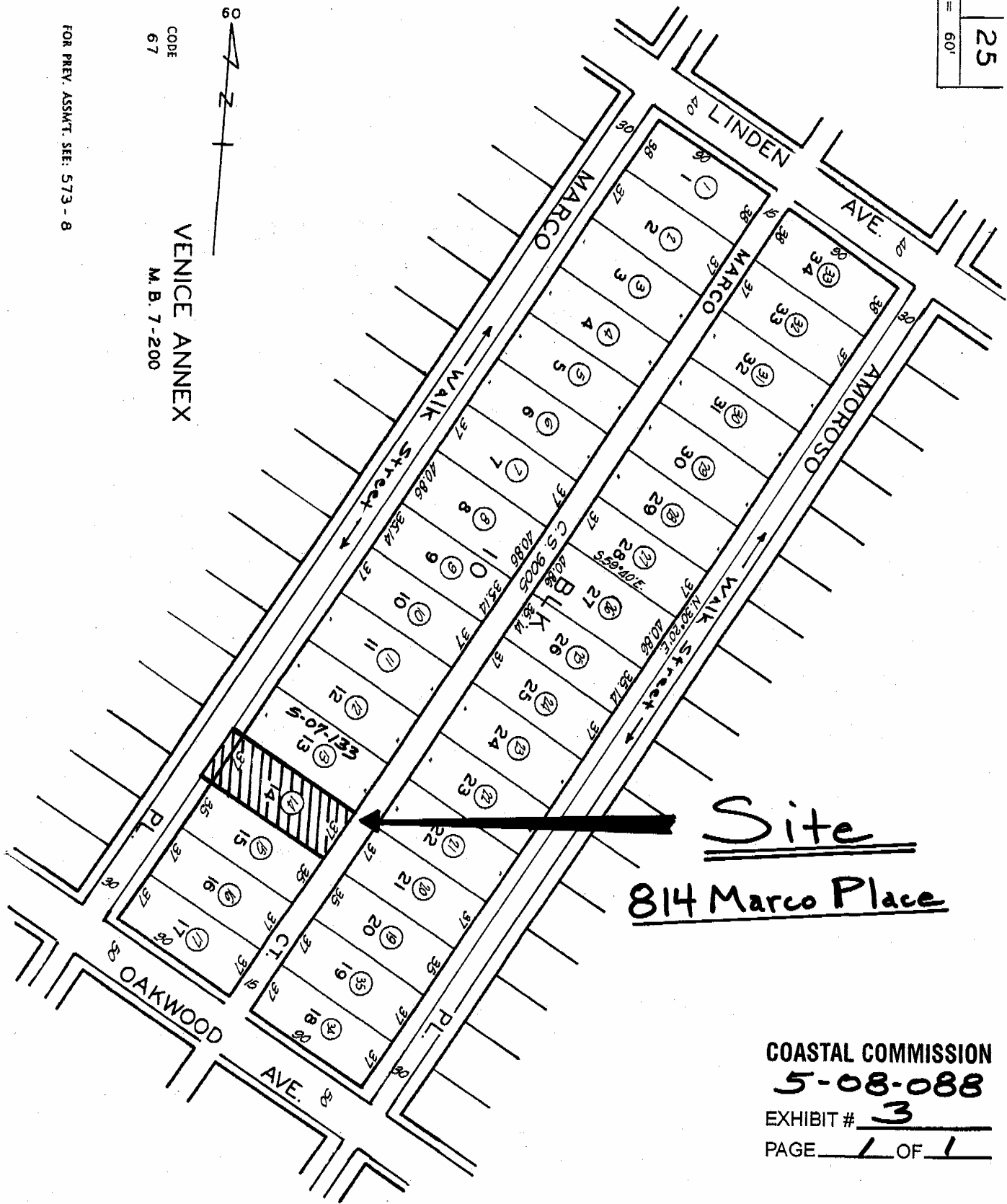
**LUP
Exhibit 6b**

Subarea: Oakwood • Milwood • Southeast Venice

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EXHIBIT # 2

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CODE
 67
 VENICE ANNEX
 M. B. 7-200

FOR PREV. ASSMNT. SEE: 573 - 8

Site
814 Marco Place

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 EXHIBIT # 3
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COMPOSITE SHINGLE
ROOF, TYP.
COLOR T.B.D.

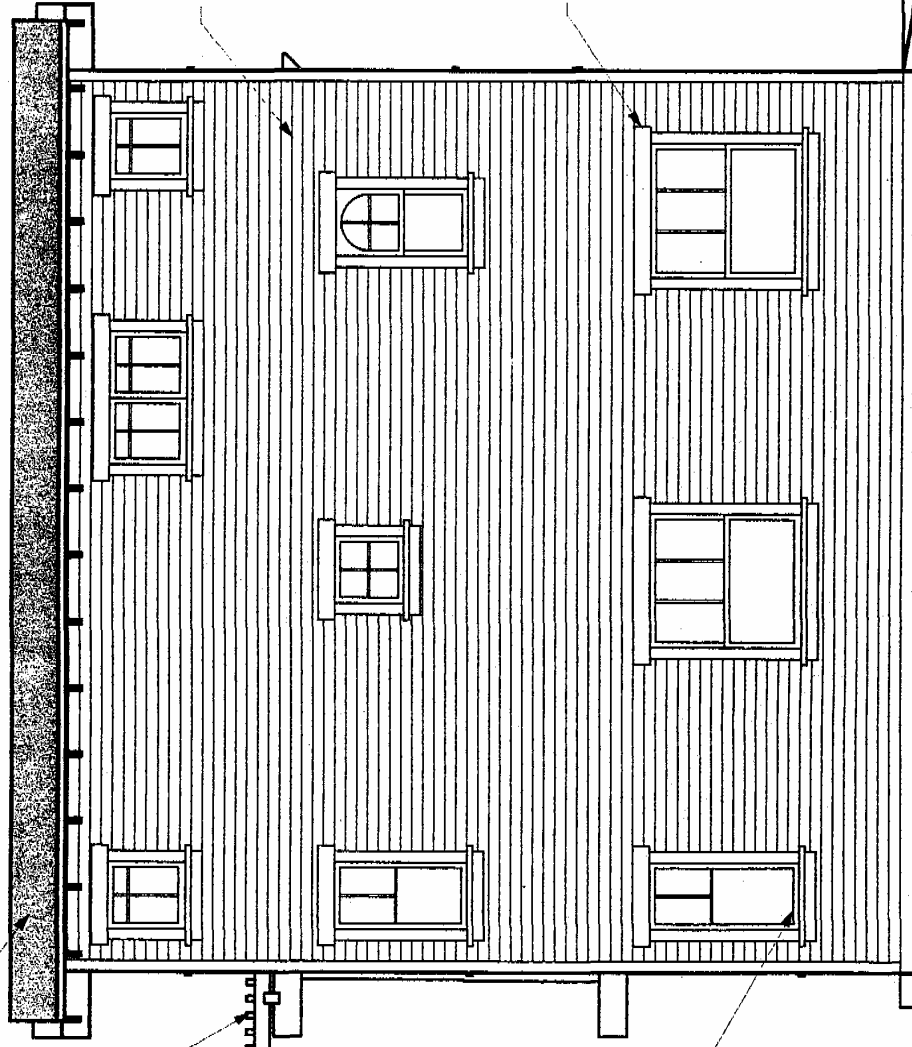
-28'

EXPOSED POST
& BEAM, STAINED
& SEALED

HARDI PLANK
SIDING PAINTED
COLOR T.B.D.

HARDI PLANK
CASING PAINTED
COLOR T.B.D.

WOOD WINDOWS
PAINTED
COLOR T.B.D.

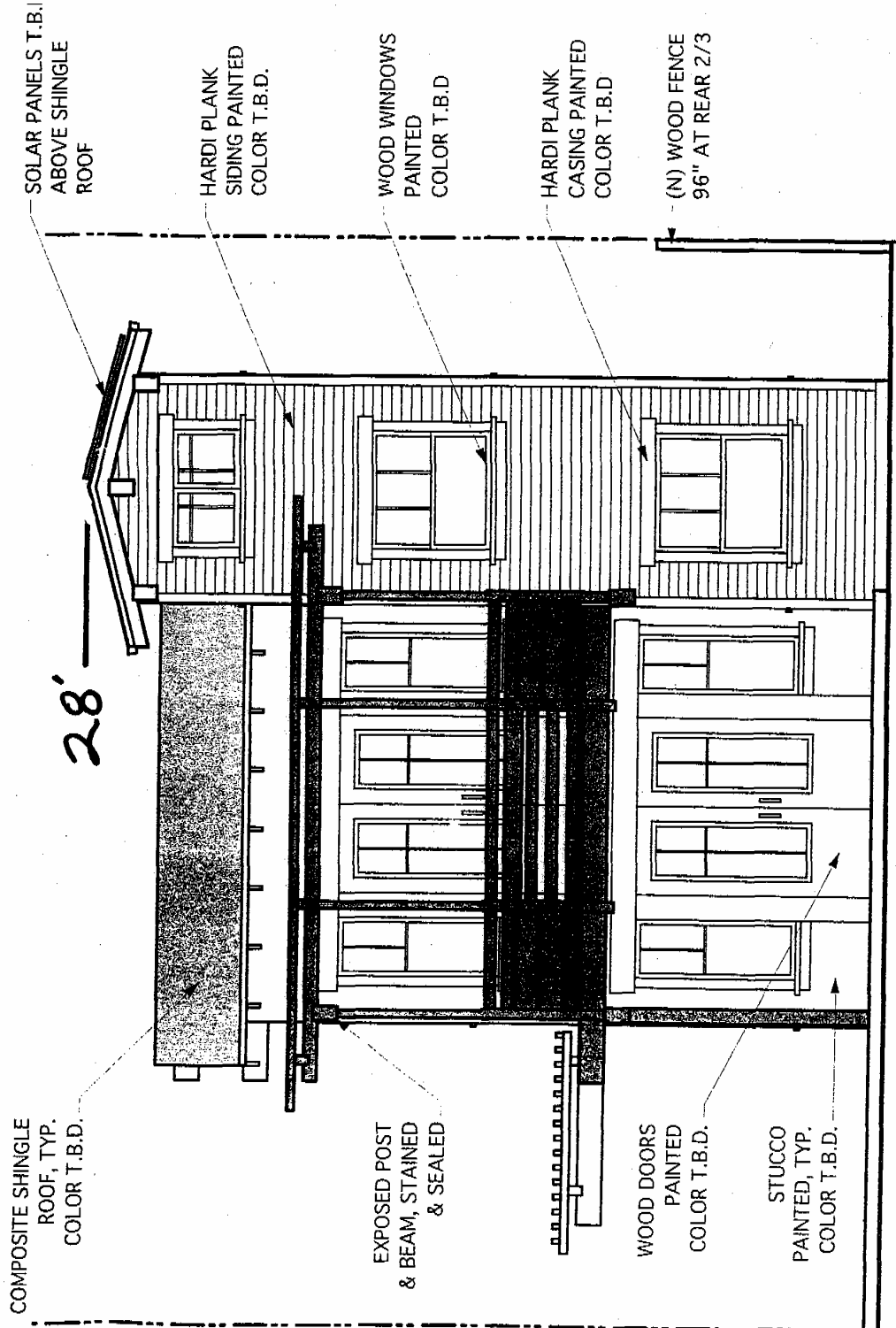


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EXHIBIT # 5
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Alley

South Side Elevation



COMPOSITE SHINGLE
ROOF, TYP.
COLOR T.B.D.

SOLAR PANELS T.B.I.
ABOVE SHINGLE
ROOF

HARDI PLANK
SIDING PAINTED
COLOR T.B.D.

WOOD WINDOWS
PAINTED
COLOR T.B.D.

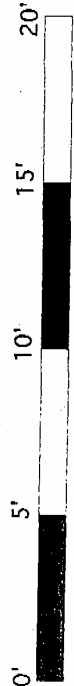
HARDI PLANK
CASING PAINTED
COLOR T.B.D.

(N) WOOD FENCE
96" AT REAR 2/3

EXPOSED POST
& BEAM, STAINED
& SEALED

WOOD DOORS
PAINTED
COLOR T.B.D.

STUCCO
PAINTED, TYP.
COLOR T.B.D.



1 WEST ELEVATION

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EXHIBIT # 6
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Front (Marco Place) Elevation