

CALIFORNIA COASTAL COMMISSION

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Th3b

Filed: 5/19/2009
49th Day: 7/7/2009
180th Day: 11/15/2009
Staff: Charles Posner - LB
Staff Report: 6/18/2009
Hearing Date: July 9, 2009
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-09-088**APPLICANTS:** Evan & Sakura Wells **AGENT:** Maria Castellanos**PROJECT LOCATION:** 33 28th Avenue, Venice, City of Los Angeles, Los Angeles County

PROJECT DESCRIPTION: Demolition of a two-story, 2,558 square foot duplex on a 2,640 square foot lot fronting a walk street; and construction of a three-level, 28-foot high (with 38-foot high roof access structure), 3,414 square foot single-family residence with an attached two-car garage, and landscape portion of adjoining walk street.

Lot Area	2,640 square feet
Building Coverage	1,529 square feet
Pavement Coverage	710 square feet
Landscape Coverage	401 square feet (plus part of rt-of-way)
Parking Spaces	3
Zoning	RD1.5-1
Plan Designation	Low Medium II Residential
Ht above Walk Street	28 feet (plus 38-foot high roof access)

LOCAL APPROVAL: City of Los Angeles Planning Department Case No. DIR-2008-2164-SPP-MEL (4/29/09).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to Venice walk street development standards and the protection of water quality as set forth by the certified City of Los Angeles Land Use Plan (LUP) for Venice. **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 RD1.5-1 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, 6/14/01.
2. Venice Specific Plan, City of Los Angeles Ordinance No. 175,693.
3. Coastal Development Permit 5-06-070 (Certain: 10 26th Avenue).
4. Coastal Development Permit 5-06-371 (Nichols: 33 25th Avenue).
5. Coastal Development Permit 5-07-251 (Cook & Aroth: 21 27th Avenue).
6. Coastal Development Permit 5-07-316 (Klein: 31 24th Avenue).
7. Coastal Development Permit 5-08-130 (Herndon: 33 20th Avenue).

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 5-09-088 approves the demolition of a duplex and the construction of a three-level, 28-foot high (with one 38-foot high roof access structure), 3,414 square foot 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 applicants, the approved development shall be constructed in conformance with the following Venice Walk Street Setback and Design Requirements:

- a) Building Design. In order to enhance visual quality and community character, the side of the building facing the 28th Avenue walk street shall be designed and constructed with a varied and articulated façade that provides visual interest to pedestrians with frequent windows and the primary ground floor entrance for the residence facing the walk street, **as shown on Exhibit #6 of the 6/18/09 staff report.**
- b) Building Height. The maximum height of the structure shall not exceed 28 feet above the centerline of the fronting right-of-way (28th Avenue), except for one 38-foot high roof access structure with a footprint that does not exceed one hundred square feet in area. 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.
- c) 28th Avenue Right-of-Way. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of 28th Avenue and the private dwelling, the area situated between the 28th Avenue walkway and the permittees' property line (i.e., within the 28th Avenue 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 (as identified by California Department of Water Resources - See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>), and enclosed within a 42-inch high decorative fence or wall (e.g. split rail, picket or rustic). Private parking on the right-of-way is not permitted. The permittees and the proposed

development shall not interfere with public pedestrian access to and along a public walkway in center of the 28th Avenue right-of-way.

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. On-site Parking

A minimum of three (3) parking spaces shall be provided and maintained on the site to serve the approved single-family residence: two spaces in the garage and one space next to the garage. Vehicular access to the site shall be taken only from the rear alley (27th Place). Vehicular access is not permitted on the 28th Avenue right-of-way.

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:

- 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) 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.
- c) Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
- d) 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.
- e) 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.
- f) 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to demolish the existing 1950's era duplex on a 2,640 square foot lot fronting a walk street in North Venice, and then construct a three-level, 3,414 square foot single-family residence (See Exhibits). Approximately 66 cubic yards of material will be excavated for the lower level (basement). The project site is situated on the north side of 28th Avenue in North Venice, one block inland of the beach (Exhibit #3). The 28th Avenue is a 36-foot wide City right-of-way designated as a walk street (i.e., closed to vehicular access) by the certified Venice Land Use Plan (LUP). The immediate neighborhood is comprised of a variety of old and new single-family and multi-unit residential structures that vary in height between 25 and forty feet.

The proposed three-level single-family residence is 28 feet high, with one 38-foot high stairway enclosure that provides access to a roof deck (Exhibit #5). A two-car garage and a third space next to the garage on the rear portion (alley-side) of the lot provides on-site parking (Exhibit #4). The rear alley (27th Place) provides vehicular access to the on-site parking area. The front of the proposed single-family residence is set back fifteen feet from the 28th Avenue right-of-way, which is consistent with the other buildings' setbacks on the street. The applicants have agreed to maintain a portion of the fronting 28th Avenue right-of-way as a landscaped and permeable yard area (i.e., walk street encroachment) as required by the certified Venice LUP (Exhibit #4).

The proposed single-family residence, with its 28-foot high roof, conforms to the 28-foot height limit for structures fronting on walk streets in Venice (Exhibit #6). The proposed project also provides the required three on-site parking spaces. The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site (approximately 700 square feet of permeable landscaped area will be maintained on the project site, which includes part of the 28th Avenue right-of-way).

The proposed single-family residence has been reviewed and approved by the City of Los Angeles Planning Department (Case No. DIR-2008-2164-SPP-MEL), and it is consistent with the RD1.5-1 zoning designation and the surrounding land uses. The City of Los Angeles Housing Department determined that one of the two existing residential units on the site is an affordable unit, but the Planning Department has found that it would not be economically feasible for the applicants to replace the affordable unit. Therefore, the affordable unit that will be demolished is not being replaced as part of the project.

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 a Local Coastal Program (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.

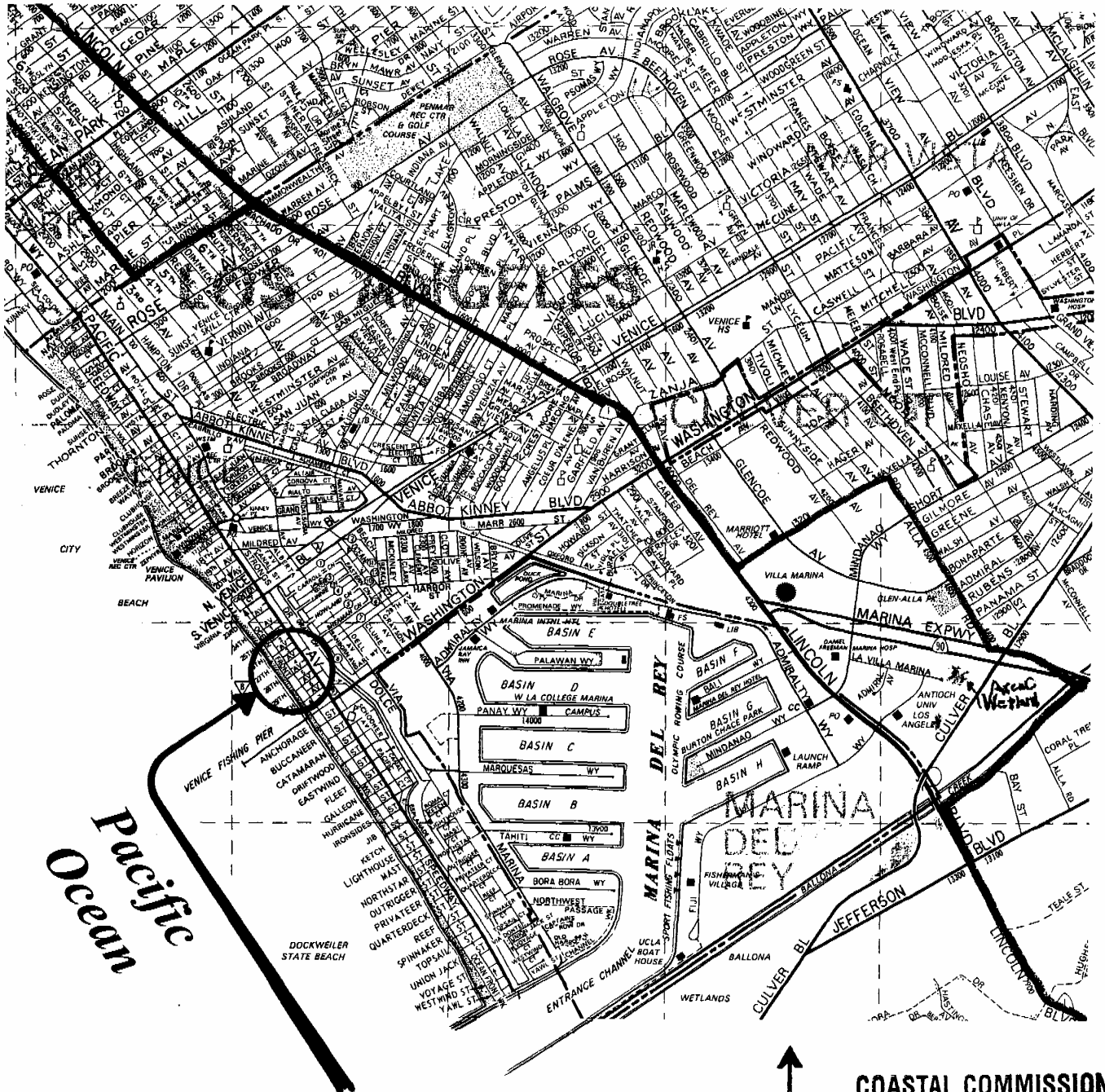
F. Local Coastal Program (LCP)

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



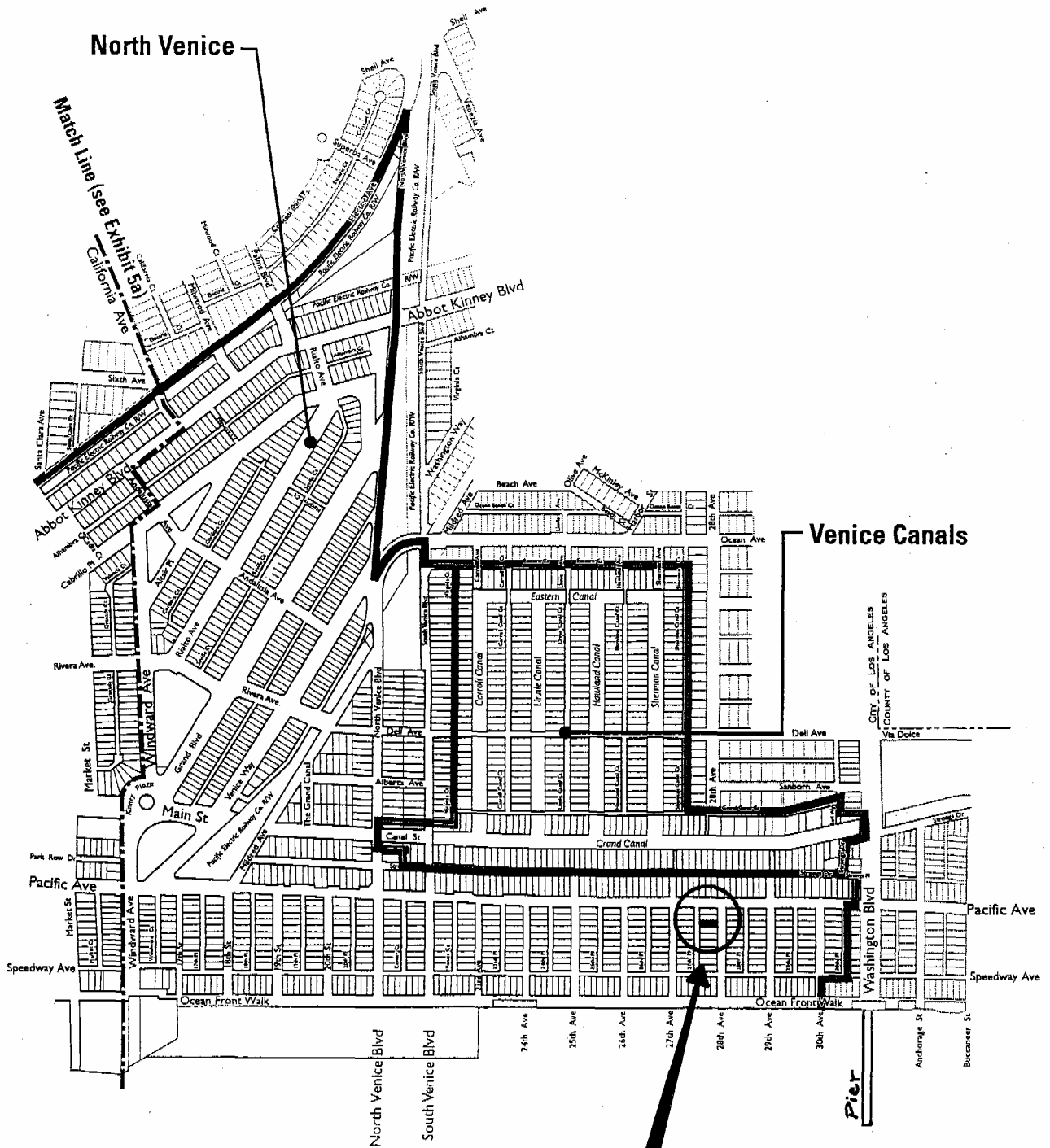
Pacific Ocean

Site: 33 28th Avenue



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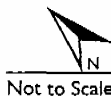
EXHIBIT # 1
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Site: 33 28th Avenue

LUP
Exhibit 5b

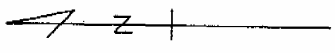
Subarea: North Venice • Venice Canals



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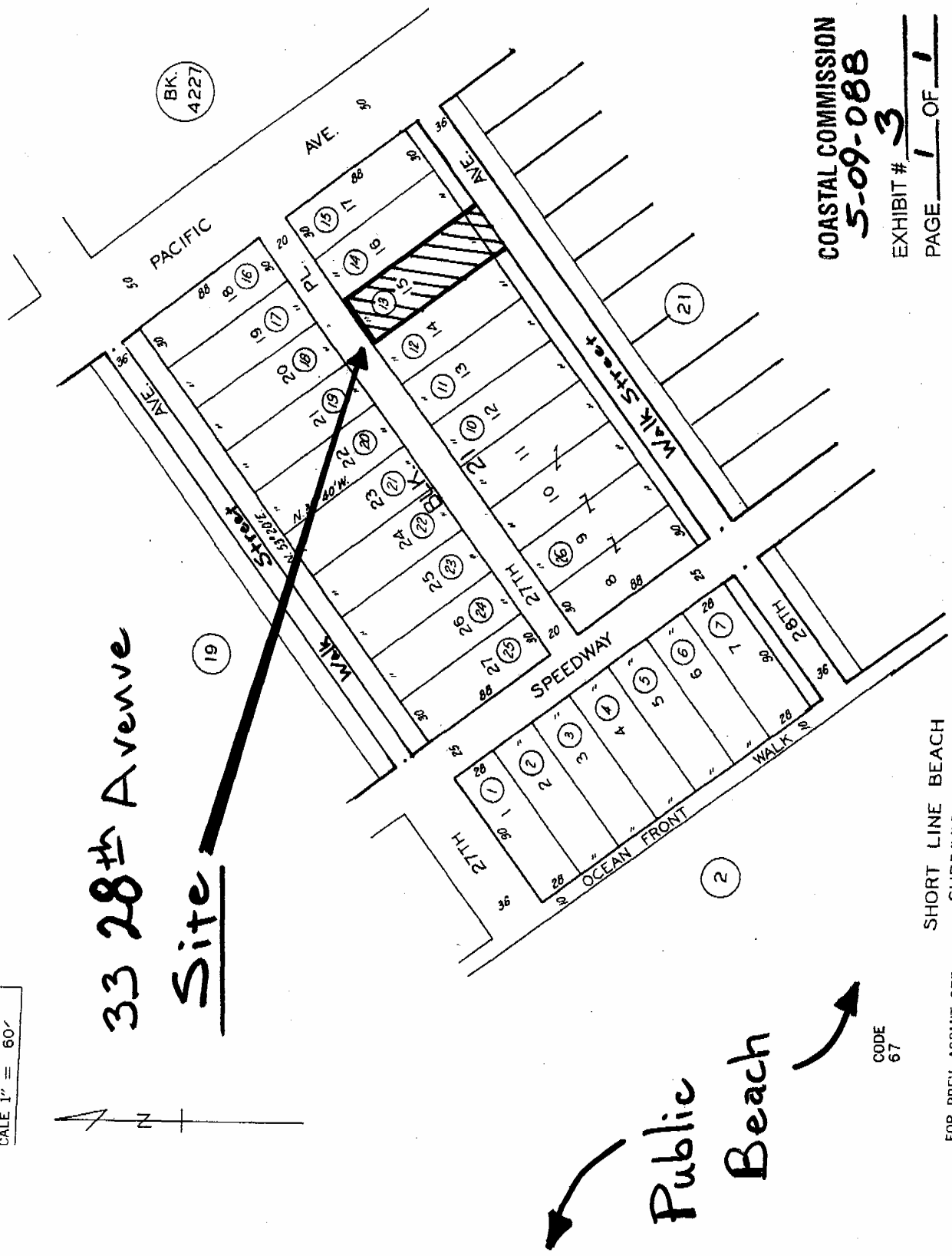
EXHIBIT # 2
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4226 | 20
SCALE 1" = 60'



33 28th Avenue
Site

BK.
4227

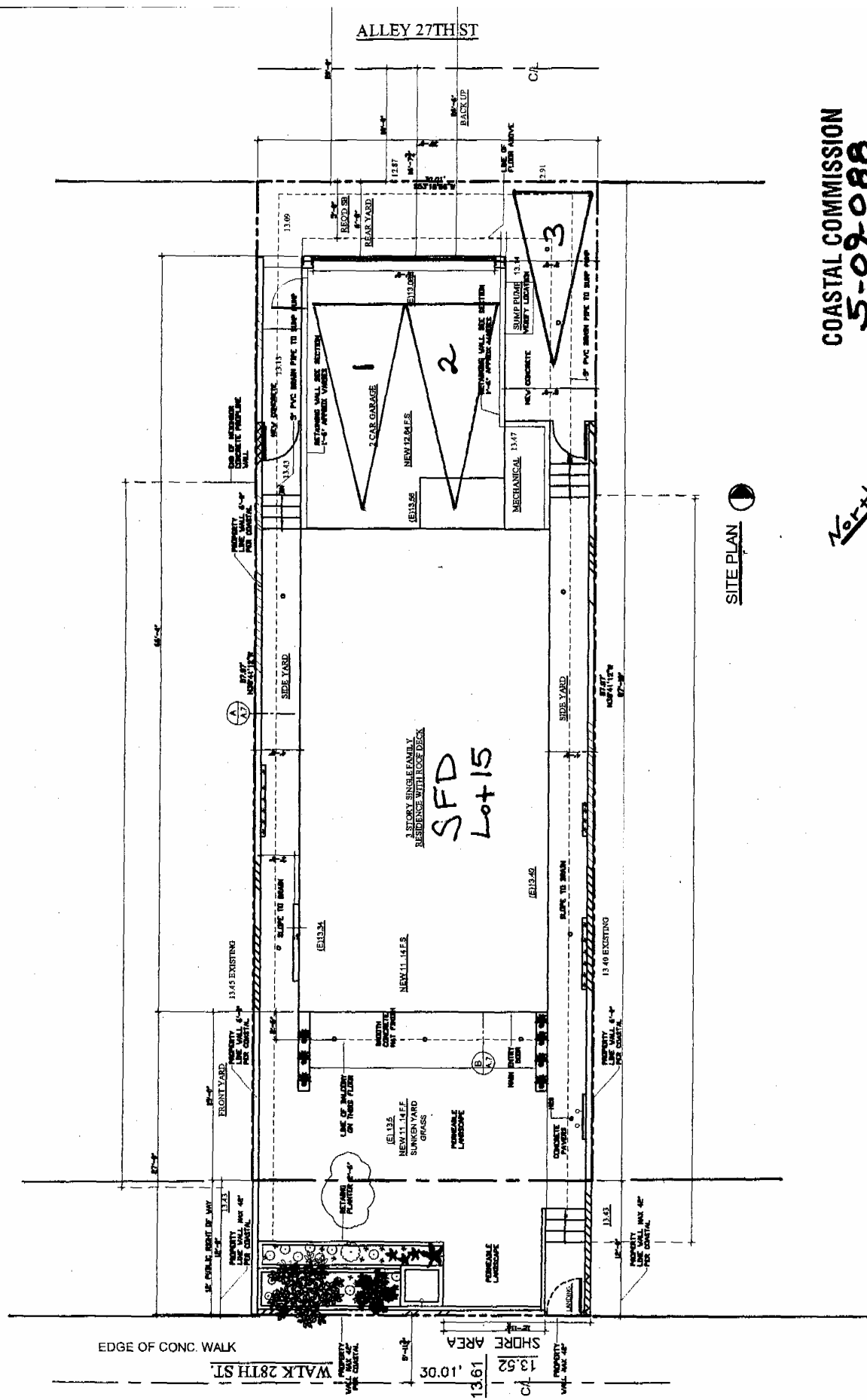


Public Beach
CODE 67

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EXHIBIT # 3
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SHORT LINE BEACH
SUBDIVISION NO. 2 M. B. 4-42

FOR PREV. ASSMIT SEE:
73-22

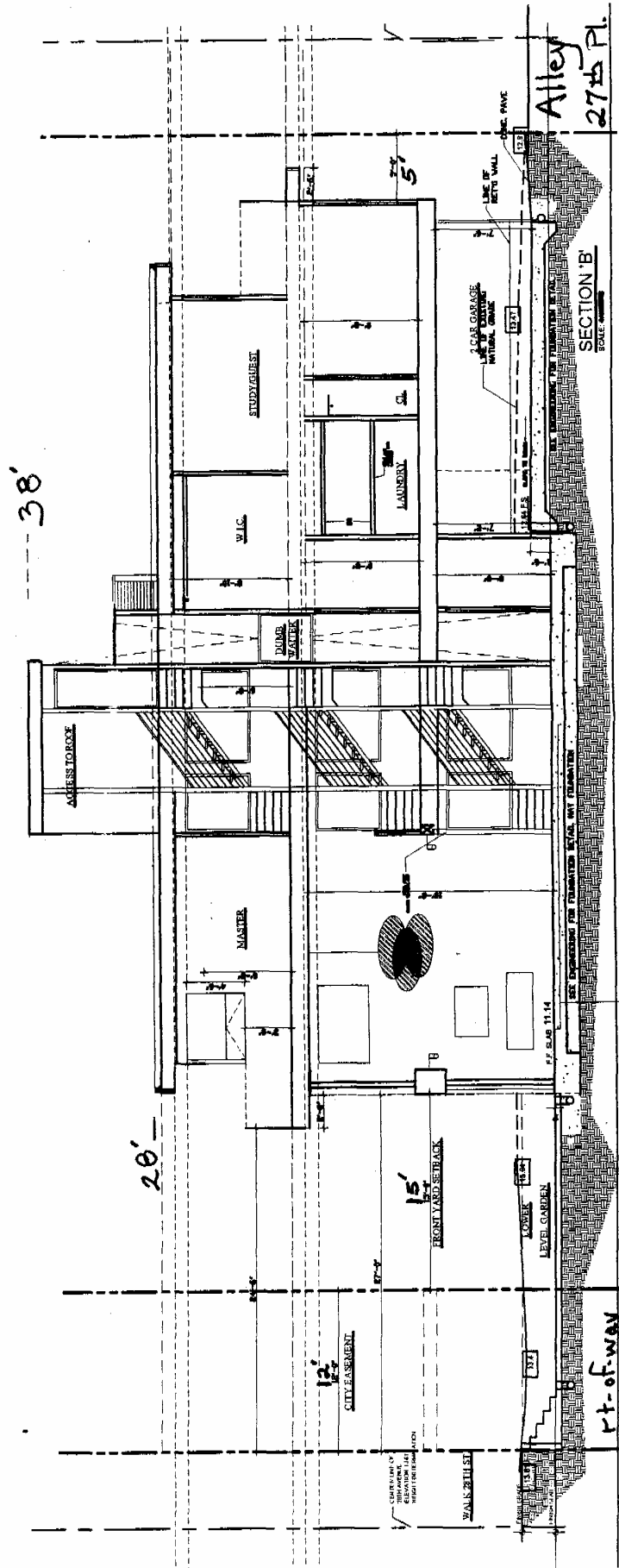


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EXHIBIT # **4**
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SITE PLAN

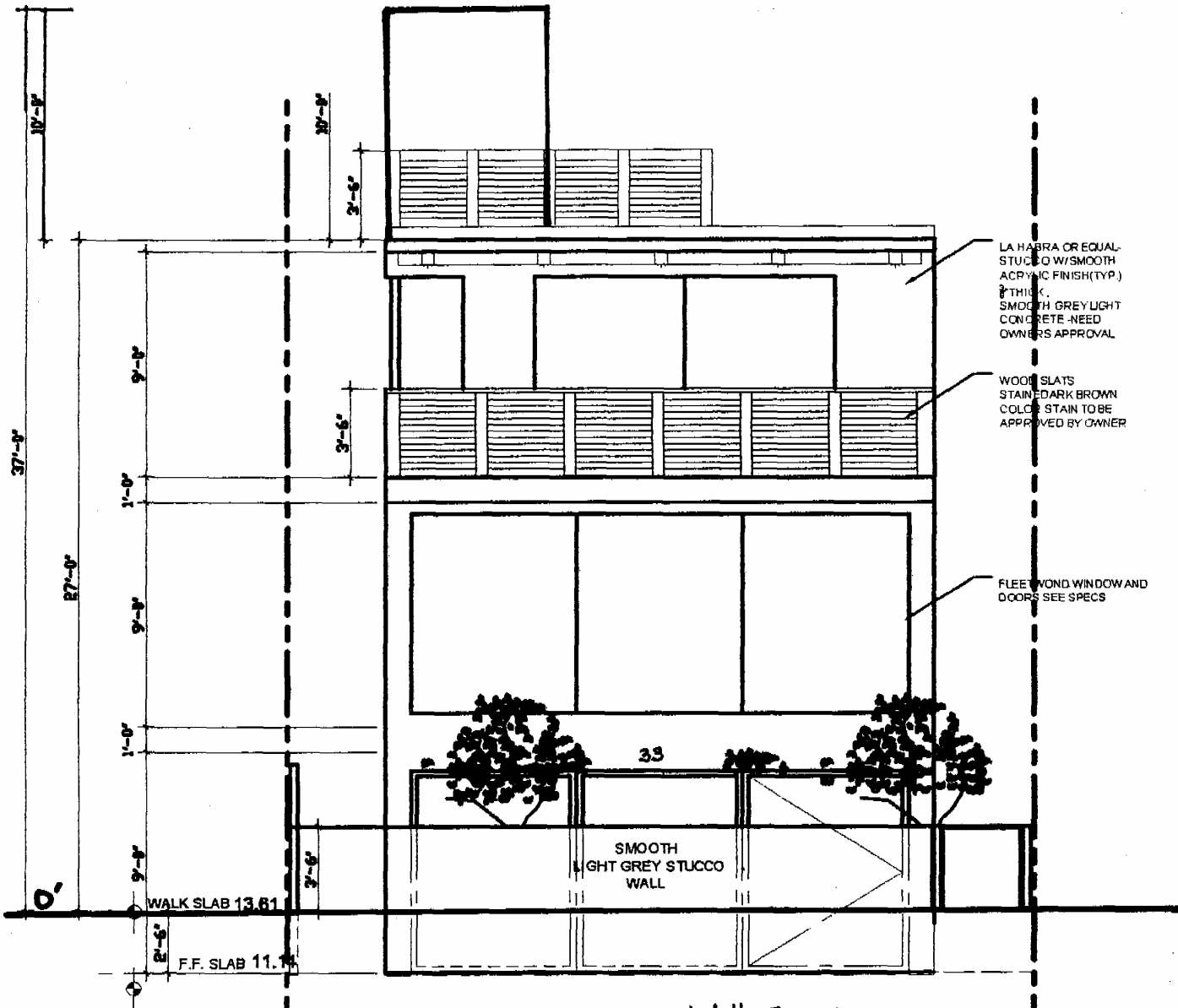




Proposed SFD Section

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EXHIBIT # 5
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LA HABRA OR EQUAL STUCCO W/SMOOTH ACRYLIC FINISH (TYP.) 2" THICK. SMOOTH GREY LIGHT CONCRETE - NEED OWNERS APPROVAL

WOOD SLATS STAINED DARK BROWN COLOR STAIN TO BE APPROVED BY OWNER

FLEET WOND WINDOW AND DOORS SEE SPECS

SMOOTH LIGHT GREY STUCCO WALL

WALK SLAB 13.81

F.F. SLAB 11.1

33

Walk Street
SOUTH ELEVATION

28th Avenue

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EXHIBIT # 6
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