

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 10/17/2011
49th Day: 12/5/2011
180th Day: 4/14/2012
Staff: Charles Posner - LB
Staff Report: 11/17/2011
Hearing Date: December 8, 2011
Commission Action:

**Th6a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-11-211

APPLICANT: Sunset Trust (Steven Berson, Trustee)

AGENT: Dan Brunn

PROJECT LOCATION: 4607 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Construction of a three-story, 35-foot high (plus 45-foot high roof access structure) 5,884 square foot single-family residence with an 870 square foot garage on a vacant beachfront lot.

| | |
|----------------------|-----------------------------------|
| Lot Area | 3,600 square feet |
| Building Coverage | 2,581 square feet |
| Pavement Coverage | 713 square feet |
| Landscape Coverage | 306 square feet |
| Parking Spaces | 4 |
| Zoning | R3-1 |
| Plan Designation | Residential – Low Medium II |
| Ht above final grade | 35 feet, plus 45-foot roof access |

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2011-1058-SPP (7/22/2011).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-03-068 (Farid: 4615 OFW).
3. Coastal Development Permit 5-11-010 (Lu: 4707 OFW).
4. Coastal Development Permit 5-11-223 (JK Pacific: 4617 OFW).

SUMMARY OF 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 is recommending **APPROVAL** of the coastal development permit with special conditions (on Page Three) relating to permit compliance, building height, parking, protection of water quality, and the improvement of the segment of the Ocean Front Walk public right-of-way that abuts the front of the site. The applicant agrees with the staff recommendation. **See the top of Page Two for the motion to carry out the staff recommendation.**

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 on which the Commission voted on the application. 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 5-11-211 approves the construction of a 35-foot high (plus 45-foot high roof access structure) single-family residence with a three-car garage. 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. Parking

The proposed on-site parking supply (three-car garage) shall be provided and maintained on the site shown on **Exhibit #4 of the 11/17/2011** staff report. Vehicular access to the on-site parking shall be taken only from Speedway Alley.

3. Building Height

The roof of the approved structure shall not exceed thirty-five (35') feet in elevation above the Ocean Front Walk right-of-way. Roof deck railings of an open design shall not exceed 42 inches above the 35-foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to forty (40') feet in elevation above the Ocean Front Walk right-of-way. One roof access stairway enclosure, with a footprint not to exceed one hundred square feet in area, may extend up to forty-five (45') feet in elevation above the Ocean Front Walk right-of-way as shown on the approved plans. No portion of any structure shall exceed forty-five (45') feet in elevation above the Ocean Front Walk right-of-way.

4. Ocean Front Walk

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a Class A or B City of Los Angeles Permit for the proposed improvement of the Ocean Front Walk right-of-way where it abuts the project site. The Ocean Front Walk right-of-way shall be improved for public pedestrian access to a width of not less than ten (10') feet consistent with the City of Los Angeles specifications and requirements for permanent right-of-way improvements. The proposed right-of-way improvement shall be completed concurrently with the construction of the approved single-family residence. 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 and posting of signs.

5. Construction Responsibilities and Debris Removal

- A. No demolition or construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. No demolition or construction materials, equipment, debris, or waste will be placed or stored on the beach or boardwalk areas seaward of the applicant's private property.
- C. 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.
- D. 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 and a pre-construction meeting to review procedural and BMP guidelines.
- E. The applicant shall dispose of all demolition and construction debris (including excavated sand) resulting from the proposed project 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.

6. Landscaping – No Invasive Plants

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.

7. No Future Shoreline Protective Device

A. By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit 5-11-211 including, but not limited to, the residence, garage, foundations, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, sea level rise, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this coastal development permit, including the residence, garage, and foundations, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to develop the vacant beach-fronting lot with a three-story, 5,884 square foot single-family residence (See Exhibits). The proposed project includes approximately eighty cubic yards of excavation. Parking for the proposed residence is provided by an 870 square foot, three-car garage on the ground floor (Exhibit #4). Vehicular access to the on-site parking is provided by Speedway, the rear alley.

The roof of the proposed single-family residence is 35 feet high, with one 45-foot high roof access stairway enclosure to provide access to the roof deck (Exhibit #5). The proposed roof access stairway enclosure is set back sixty feet from the front of the structure in order to reduce its visibility from the public beach, and its footprint on the roof does not exceed one hundred square feet in area.

The project site is a 3,600 square foot lot situated 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 of a variety of old and new multi-unit residential structures and single-family residences that vary in height between twenty and forty feet. In this area of the Marina Peninsula, Ocean Front Walk is an unimproved public pedestrian right-of-way situated between the private lots of the residential neighborhood and the open sandy public beach. The proposed single-family residence is set back one foot from the Ocean Front Walk right-of-way (Exhibit #4). As part of the project, the applicant proposes to provide a concrete walkway, at least ten feet wide, on the segment the Ocean Front Walk public right-of-way that abuts the applicant's property. Ocean Front Walk provides pedestrian access to the Venice Pier, which is one-half mile north of the site (Exhibit #1).

The proposed single-family residence has been approved by the City of Los Angeles Planning Department (Case #DIR-2011-1058-SPP) 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). The proposed single-family residence complies with the 35-foot height limit for the Marina Peninsula area of Venice (small roof access structures can be permitted to exceed the 35-foot roof height limit if their visibility from Ocean Front Walk and the public beach is minimized). The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed.

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. 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. The proposed project is in substantial conformance 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.

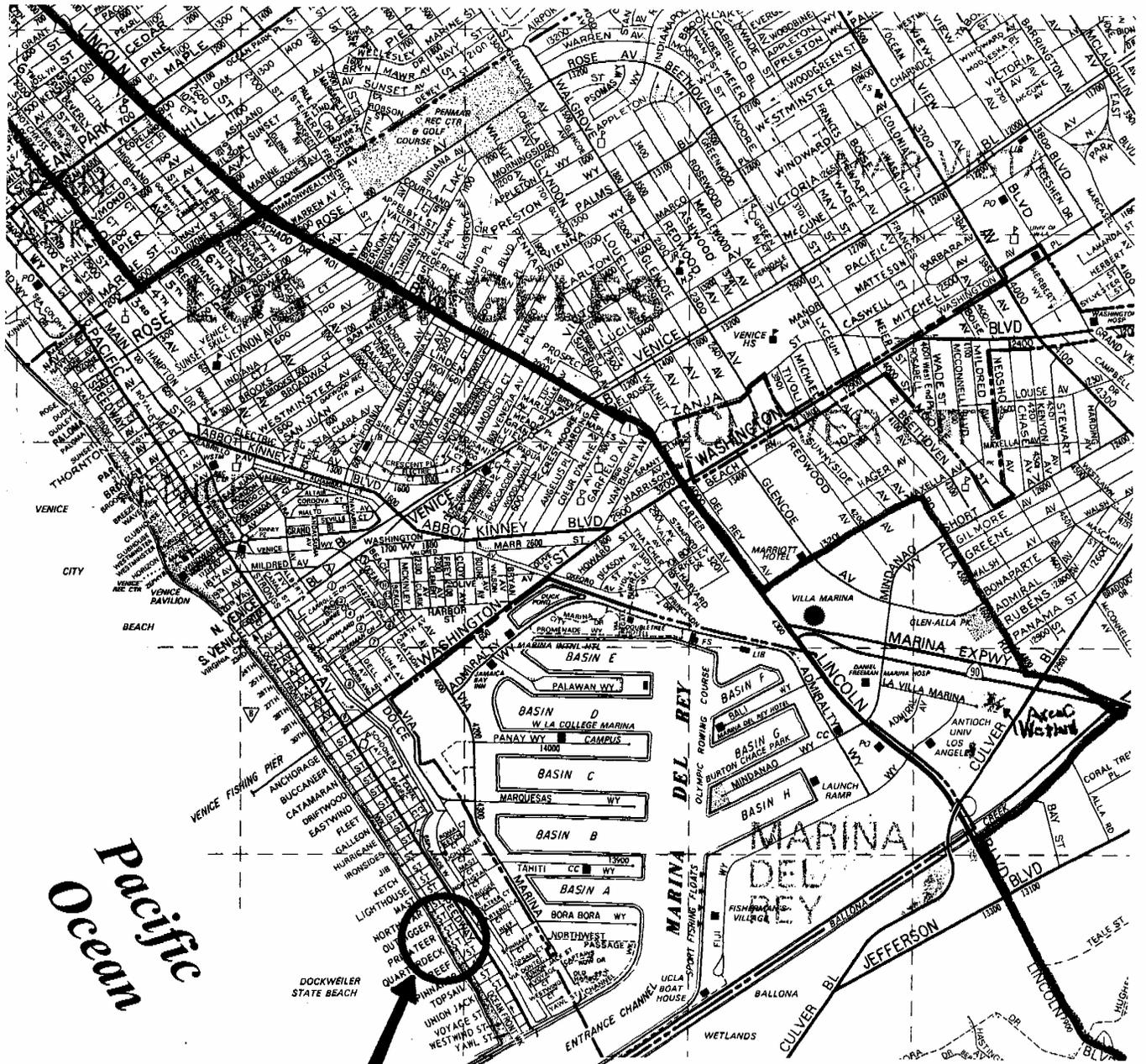
G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The City of Los Angeles has determined that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Article III, Section 1, Class 3, Category 1 of the City CEQA Guidelines. On April 28, 2011, the Los Angeles Department of City Planning issued CEQA Notice of Exemption No. ENV-2011-1059-CE.

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

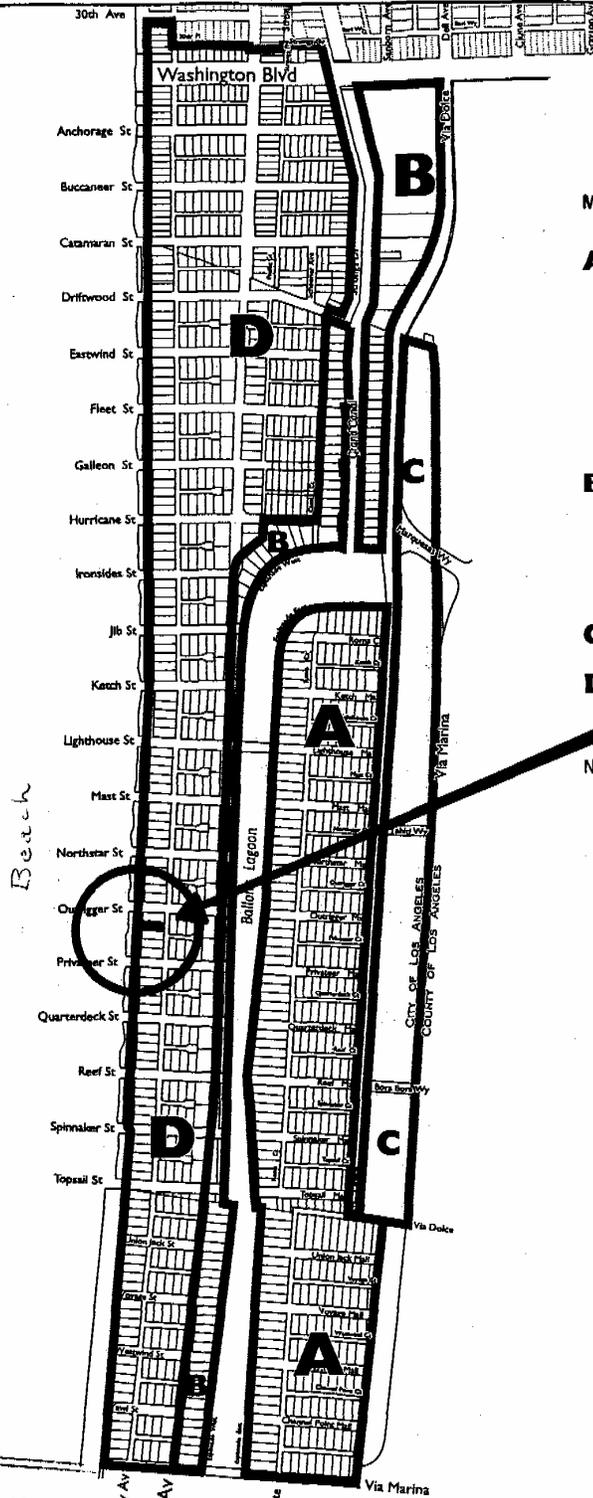
Project Site: 4607 OFW

COASTAL COMMISSION

5-11-211

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.

Project Site

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.

Beach

4607 Ocean Front Walk

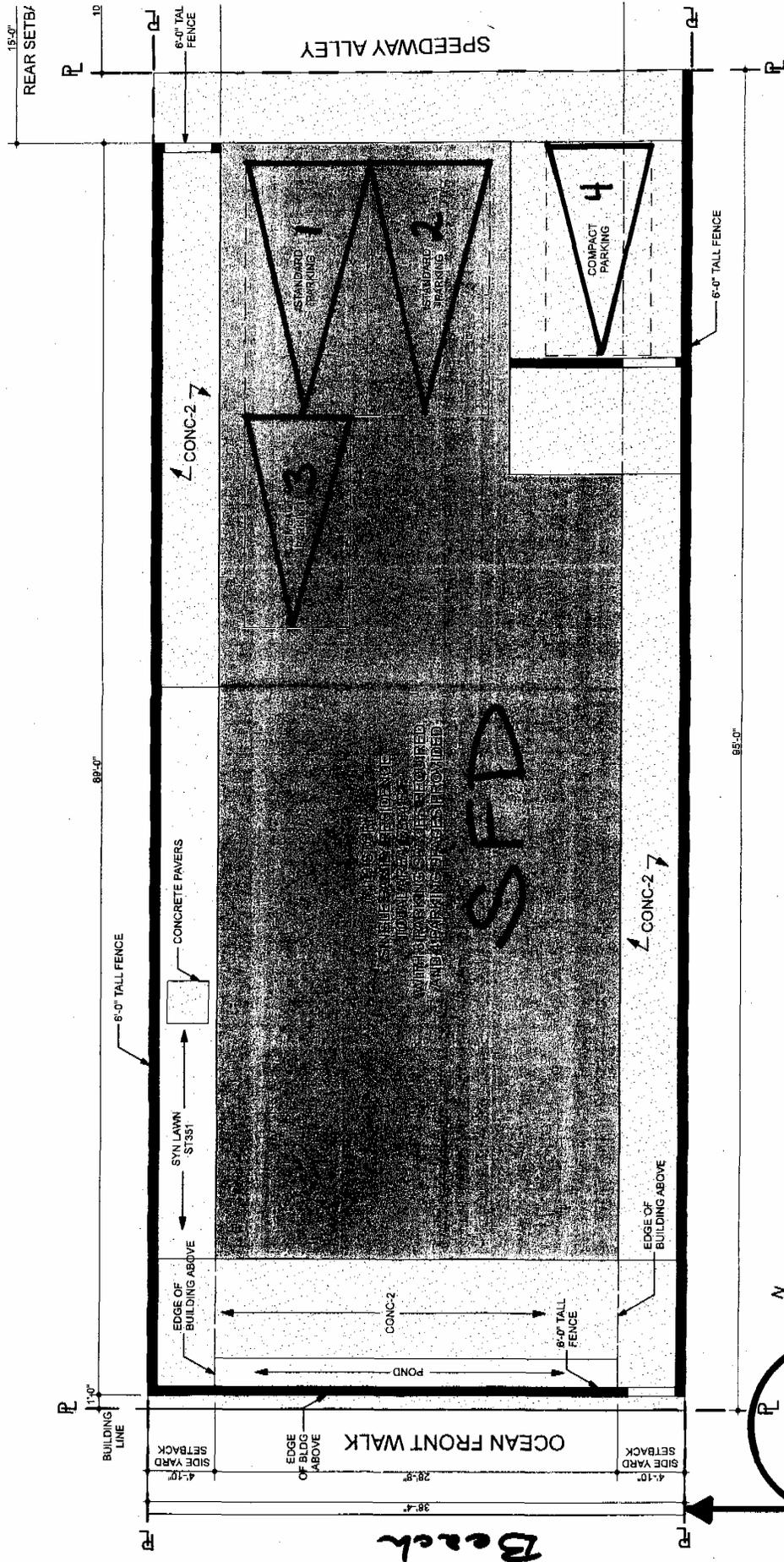
COASTAL COMMISSION
5-11-211



LUP
Exhibit 13
Height

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

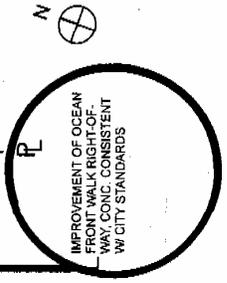
EXHIBIT # 2
PAGE 1 OF 1



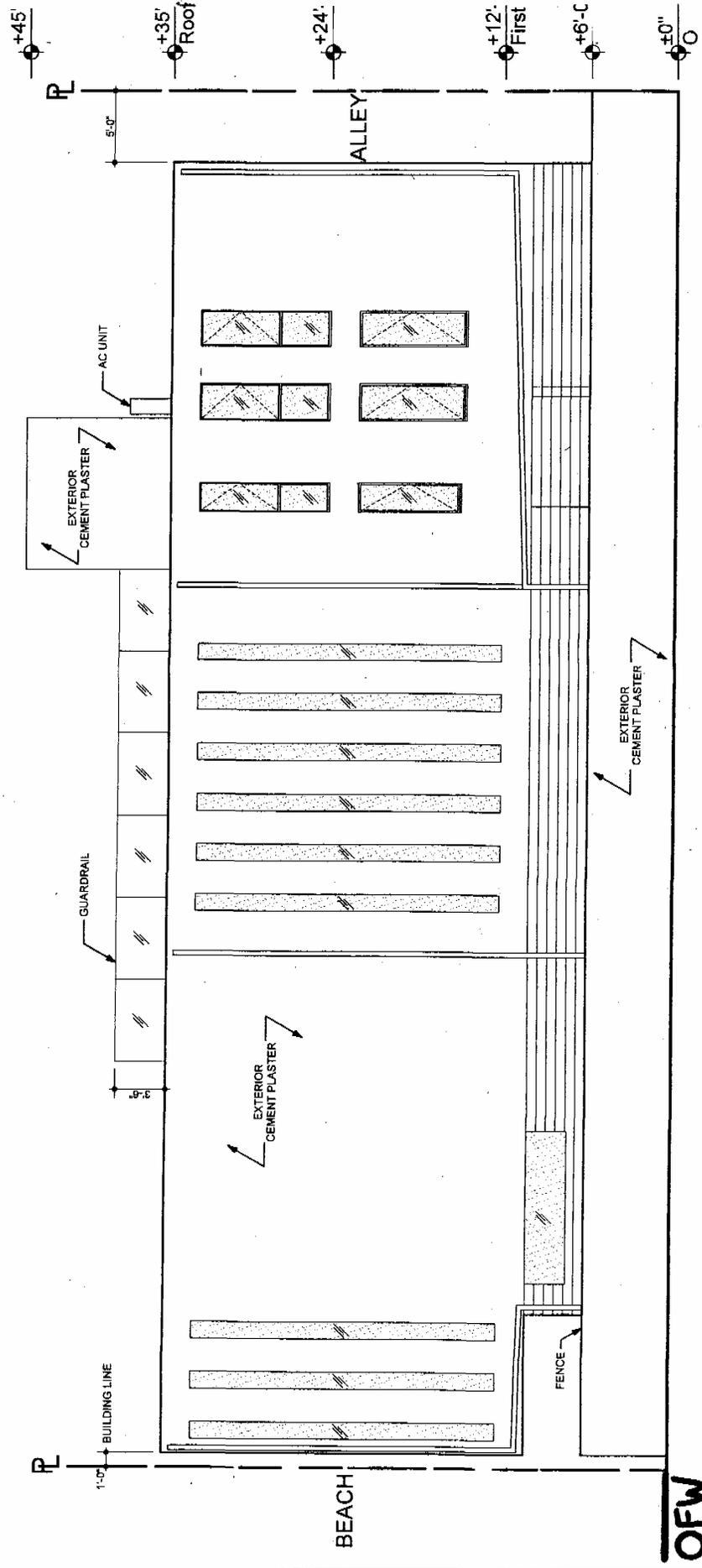
COASTAL COMMISSION
 5-11-211
 EXHIBIT # 4
 PAGE 1 OF 1

Site Plan

4607 Ocean Front Walk – Venice Beach



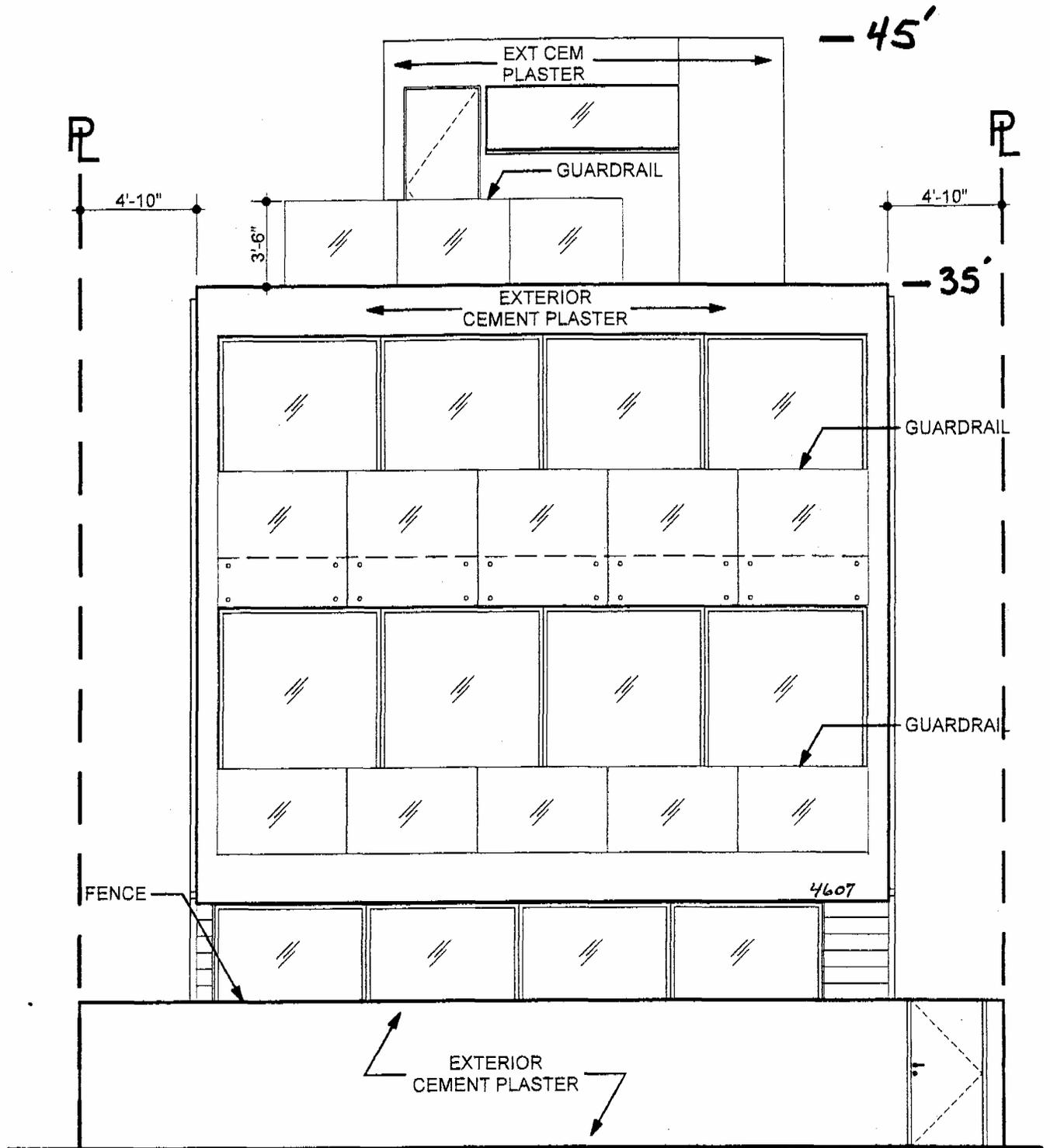
IMPROVEMENT OF OCEAN FRONT WALK RIGHT-OF-WAY, CONC. CONSISTENT W/ CITY STANDARDS



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 5-11-211
 EXHIBIT # 5
 PAGE 1 OF 1

South Elevation

OFW



West (beach) Elevation

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5-11-211

EXHIBIT # 6

PAGE 1 OF 1



OBJECT RENDERING
E: N.T.S.

4607 Ocean Front Walk – Venice Beach

COASTAL COMMISSION
5-11-21

EXHIBIT # 7
PAGE 1 OF 1