

**CALIFORNIA COASTAL COMMISSION**

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Filed: 10/22/2012  
 180th Day: 4/20/2013  
 Staff: Charles Posner - LB  
 Staff Report: 11/20/2012  
 Hearing Date: December 12, 2012  
 Commission Action:

**W6b****STAFF REPORT: CONSENT CALENDAR**

**Application Number:** 5-12-234

**Applicant:** 33East 20<sup>th</sup> Avenue LLC (Attn: Belal Al-Shawe)

**Agent:** Carl Smith, William Adams Architects

**Project Location:** 33 20<sup>th</sup> Avenue, Venice, City of Los Angeles, Los Angeles County.

**Project Description:** Construction of a 28-foot high, two-story (plus mezzanine), 3,533 square foot single-family residence with an attached two-car garage on a vacant lot facing a walk street.

Lot Area	2,640 square feet
Building Coverage	1,831 square feet
Pavement Coverage	300 square feet
Landscape Coverage	509 square feet
Parking Spaces	2
Zoning	R3-1
Plan Designation	Multi-family Residential/Medium
Ht above Walk Street	28 feet

**Local Approval:** City of Los Angeles Planning Department Approval, Case No. DIR-2012-0605 (SPP), 7/24/2012.

**Staff Recommendation:** Approval with conditions

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission **approve** a coastal development permit for the proposed development 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. Adequate on-site parking is provided. 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. The applicant agrees with the recommendation. **See Page Two for the Motion to approve the permit application.**

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### APPENDIX A - Substantive File Documents

## EXHIBITS

- Exhibit 1 – Venice, CA Map
- Exhibit 2 – North Venice Subarea Map
- Exhibit 3 – Project Location Map
- Exhibit 4 – Proposed Site Plan
- Exhibit 5 – Proposed Side Elevation Plan
- Exhibit 6 – Proposed Front (20<sup>th</sup> Avenue Walk Street) Elevation Plan

## I. MOTION AND RESOLUTION

**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.

**Resolution:**

*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

This permit is granted subject to the following 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

This permit is granted subject to the following special conditions:

1. **Compliance with the Venice Walk Street Setback, Design and Parking Standards.** Coastal Development Permit 5-12-234 approves the construction of a 28-foot high single-family residence with a two-car garage. 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 applicant, the approved development shall be constructed in conformance with the following Venice Walk Street Setback and Design Requirements:
  - a) **Building Setback.** In order to maintain an open and visible access corridor and to enhance visual quality, the structure shall be set back at least five feet from the 20<sup>th</sup> Avenue right-of-way, except for one second floor balcony set back 2.5 feet, **as shown on Exhibit #5 of the 11/20/2012 staff report.**
  - b) **Building Design.** In order to enhance visual quality and community character, the side of the building facing the 20<sup>th</sup> Avenue 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 11/20/2012 staff report.**

- c) **Building Height.** The maximum height of the structure shall not exceed 28 feet above the centerline of the fronting right-of-way (20<sup>th</sup> Avenue). 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.
- d) **20<sup>th</sup> 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 20<sup>th</sup> Avenue and the private dwelling, the area situated between the 20<sup>th</sup> Avenue walkway and the permittee's property line (i.e., within the 20<sup>th</sup> 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 the 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 permittee and the proposed development shall not interfere with public pedestrian access to and along a public walkway in center of the 20<sup>th</sup> Avenue right-of-way.
- e) **Landscaping.** 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.  
[Addendum]

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 two (2) parking spaces shall be provided and maintained on the site (in the garage) to serve the approved single-family residence. Vehicular access to the site shall be taken only from 19<sup>th</sup> Place, the rear alley. Vehicular access is not permitted on the 20<sup>th</sup> Avenue right-of-way.
- 3. **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 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**

### **A. PROJECT DESCRIPTION**

The applicant proposes to construct a two-story, 3,533 square foot single-family residence on a vacant lot in North Venice (See Exhibits). The project site is situated on the north side of 20<sup>th</sup> Avenue in North Venice, one block inland of the beach (Exhibit #3). 20<sup>th</sup> Avenue is a forty-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 single-family residence is 28 feet high (Exhibit #5). An attached two-car garage provides the required on-site parking, with vehicular access provided by 19<sup>th</sup> Place, the rear alley (Exhibit #4). The front of the proposed single-family residence is set back five feet from the 20<sup>th</sup> Avenue right-of-way, which is consistent with the other buildings' setbacks on the street. The applicant has agreed to maintain a portion of the fronting 20<sup>th</sup> 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 project will not adversely affect the ten-foot wide public walkway that runs down the center of the 20<sup>th</sup> Avenue right-of-way.

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 incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site (approximately 900 square feet of permeable landscaped area will be maintained on the project site, which includes part of the 20<sup>th</sup> 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-2012-0605-SPP), and it is consistent with the R3-1 zoning designation and the surrounding land uses. 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**

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)**

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. On July 24, 2012, the City of Los Angeles Planning Department issued CEQA Categorical Exemption No. ENV-2012-0607-CE (Class 3 - Category 1) for the proposed single-family residence. 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.

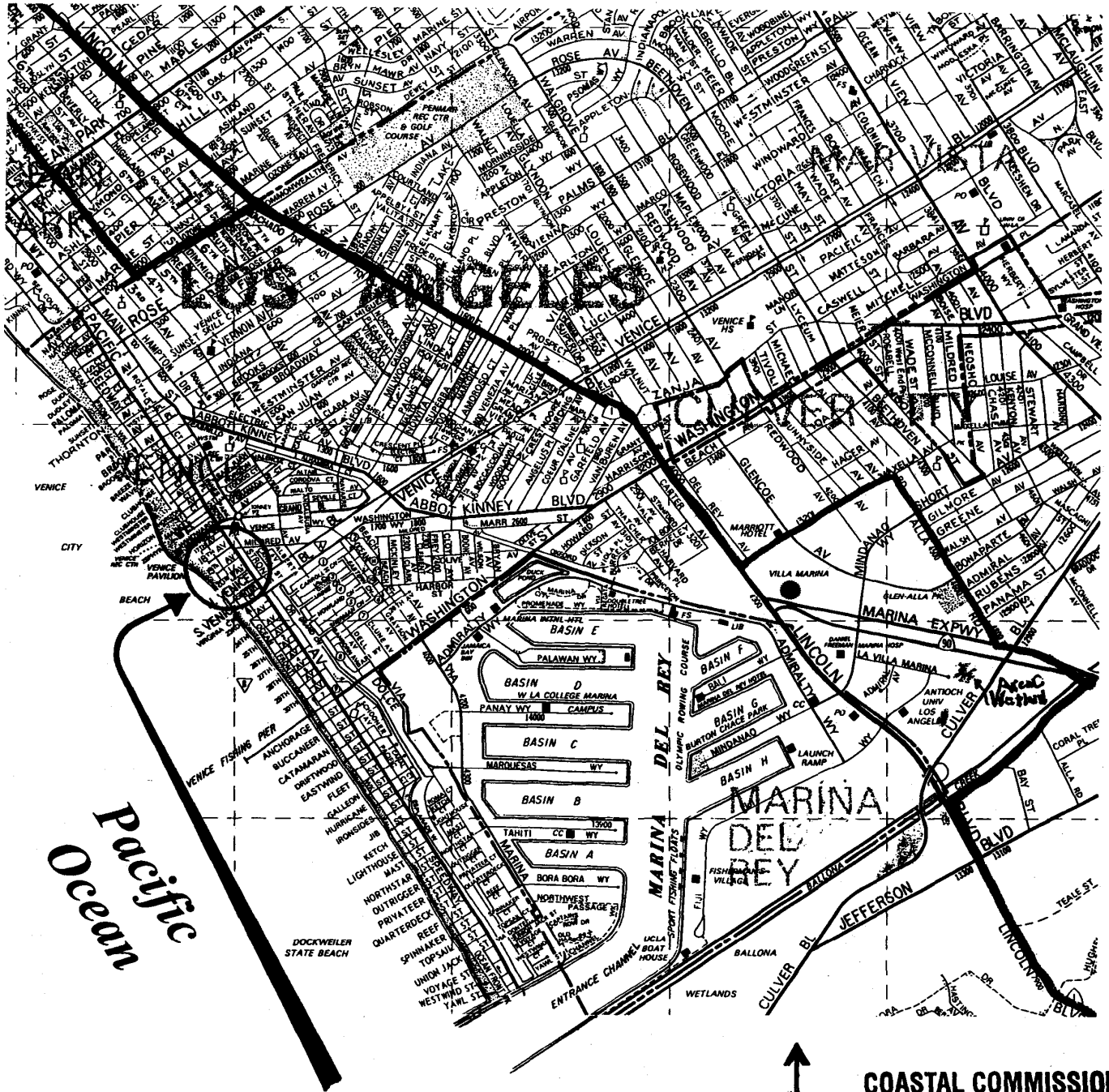
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## **Appendix A - Substantive File Documents**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
  2. Coastal Development Permit 5-08-130 (Herndon – 33 20<sup>th</sup> Avenue).
  3. Coastal Development Permit 5-11-295 (Bloomberg & Farrell – 44 Ozone Avenue).
  4. Coastal Development Permit 5-07-316 (Klein – 31 24<sup>th</sup> Avenue).
-



# VENICE, CA



Pacific Ocean

Site: 33 20<sup>th</sup> Avenue

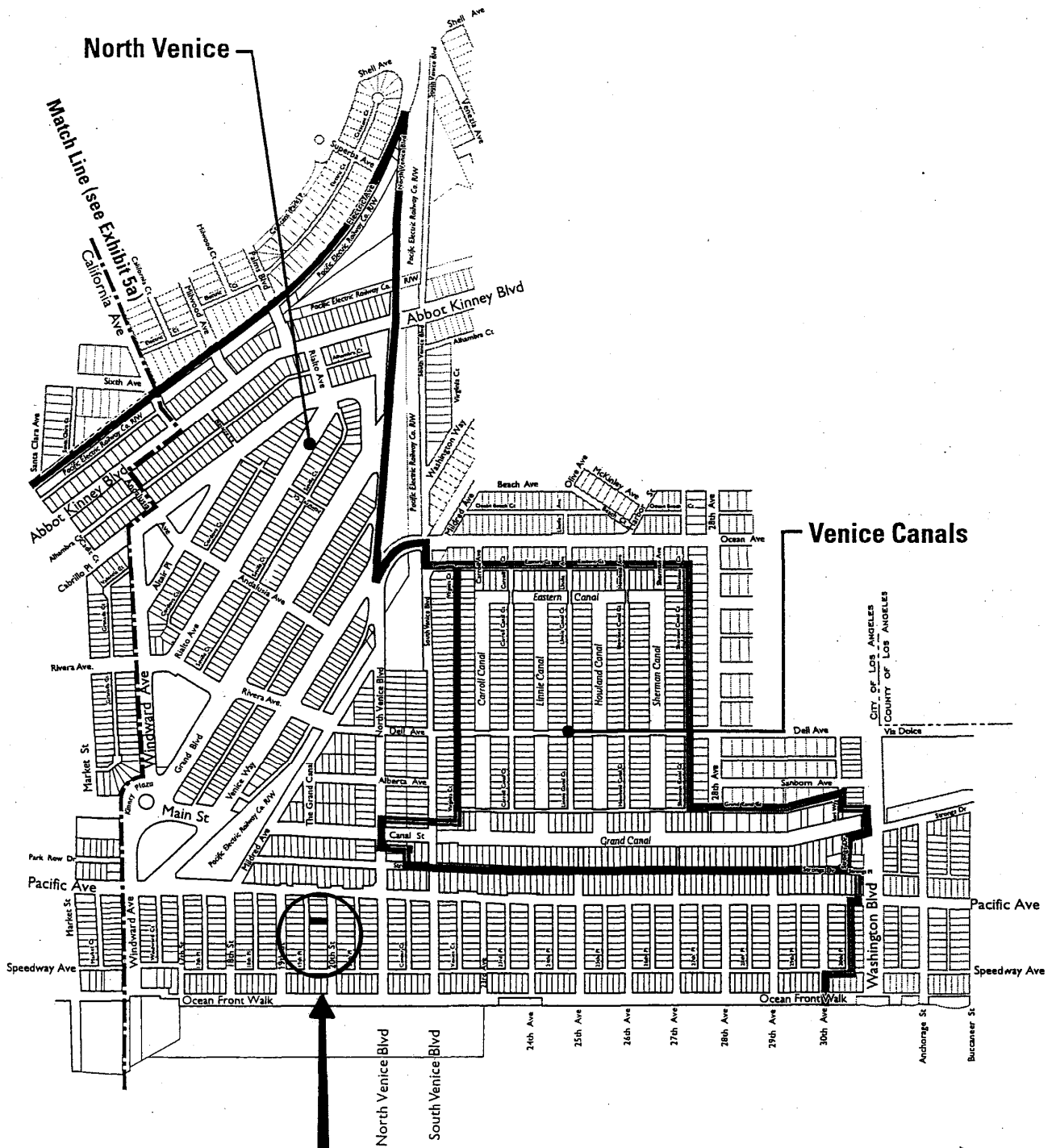


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EXHIBIT # 1

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Site: 33 20th Avenue

LUP  
Exhibit 5b

Subarea: North Venice • Venice Canals

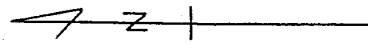


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EXHIBIT # 2  
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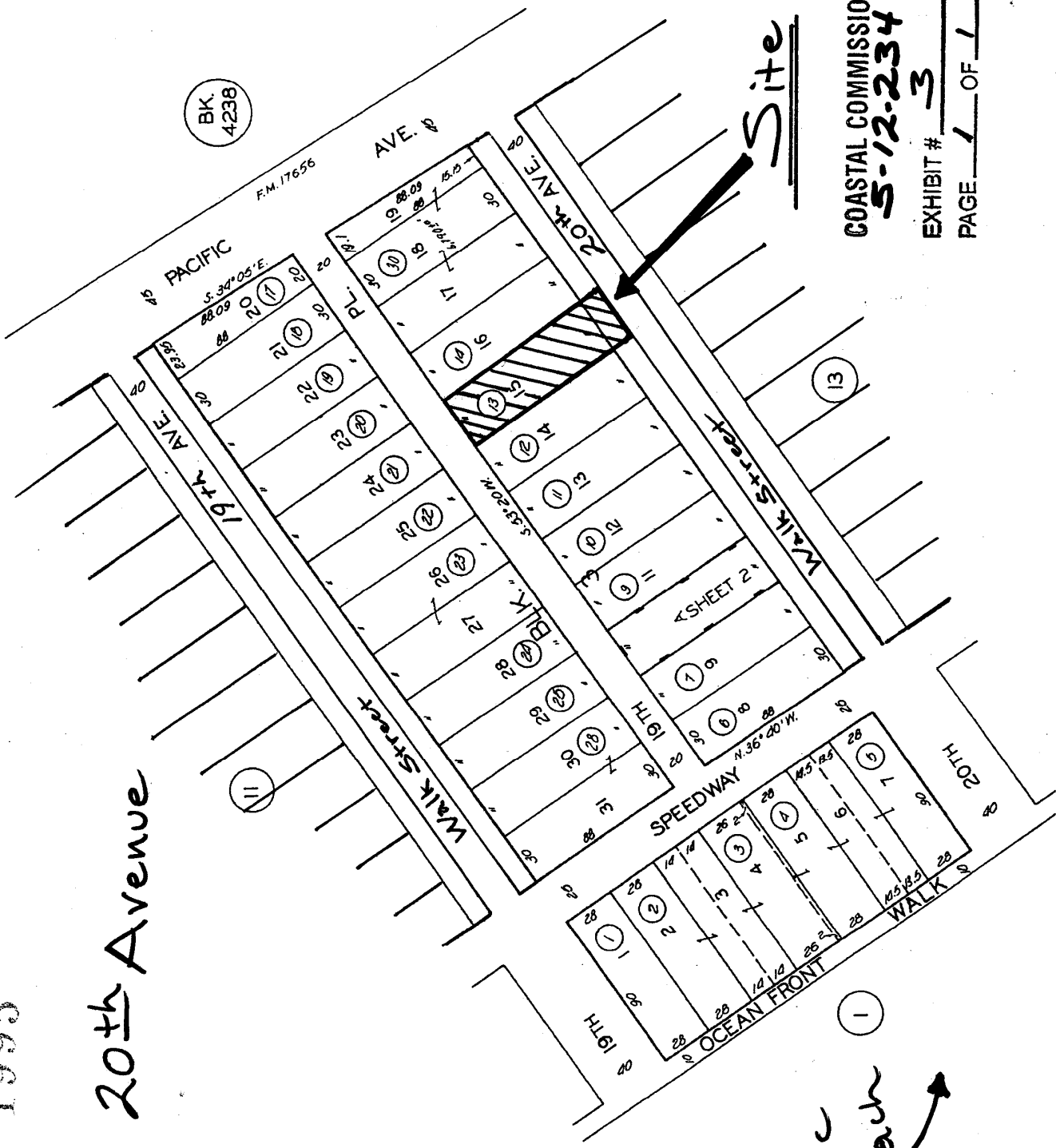
4226 12 SHEET 1  
SCALE 1" = 60'

1995



33 20th Avenue

BK. 4238



Public Beach

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EXHIBIT # 3  
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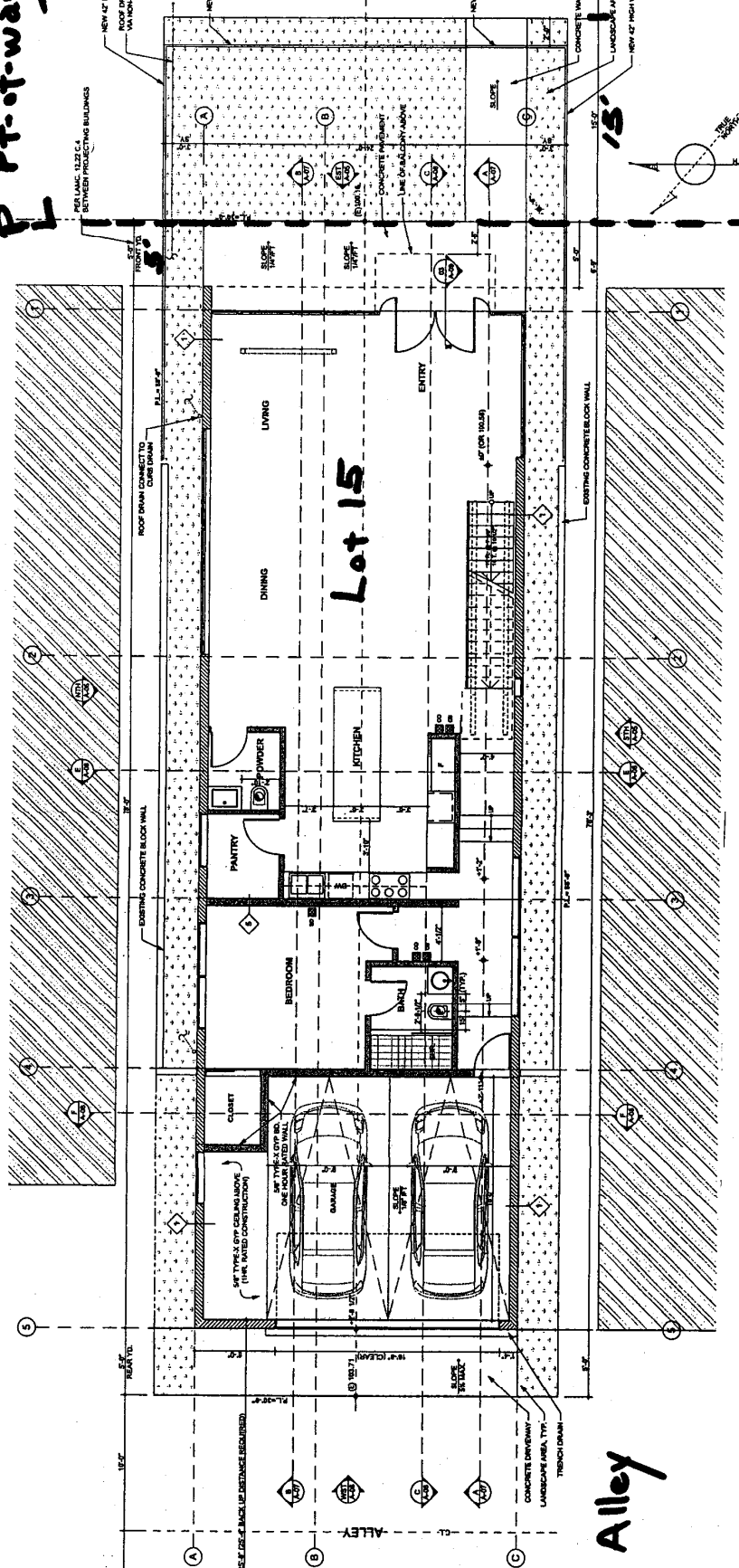
CODE 67

20th Ave.  
P rt.-way

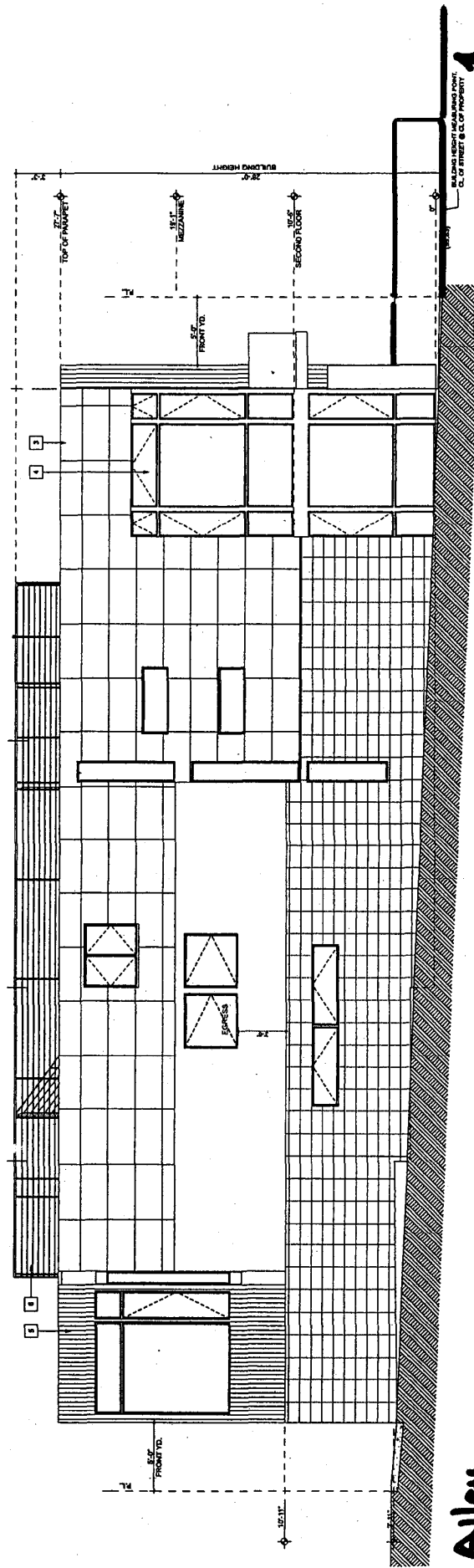
Street

Walk  
to beach

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EXHIBIT # 4  
PAGE 1 OF 1



Site Plan

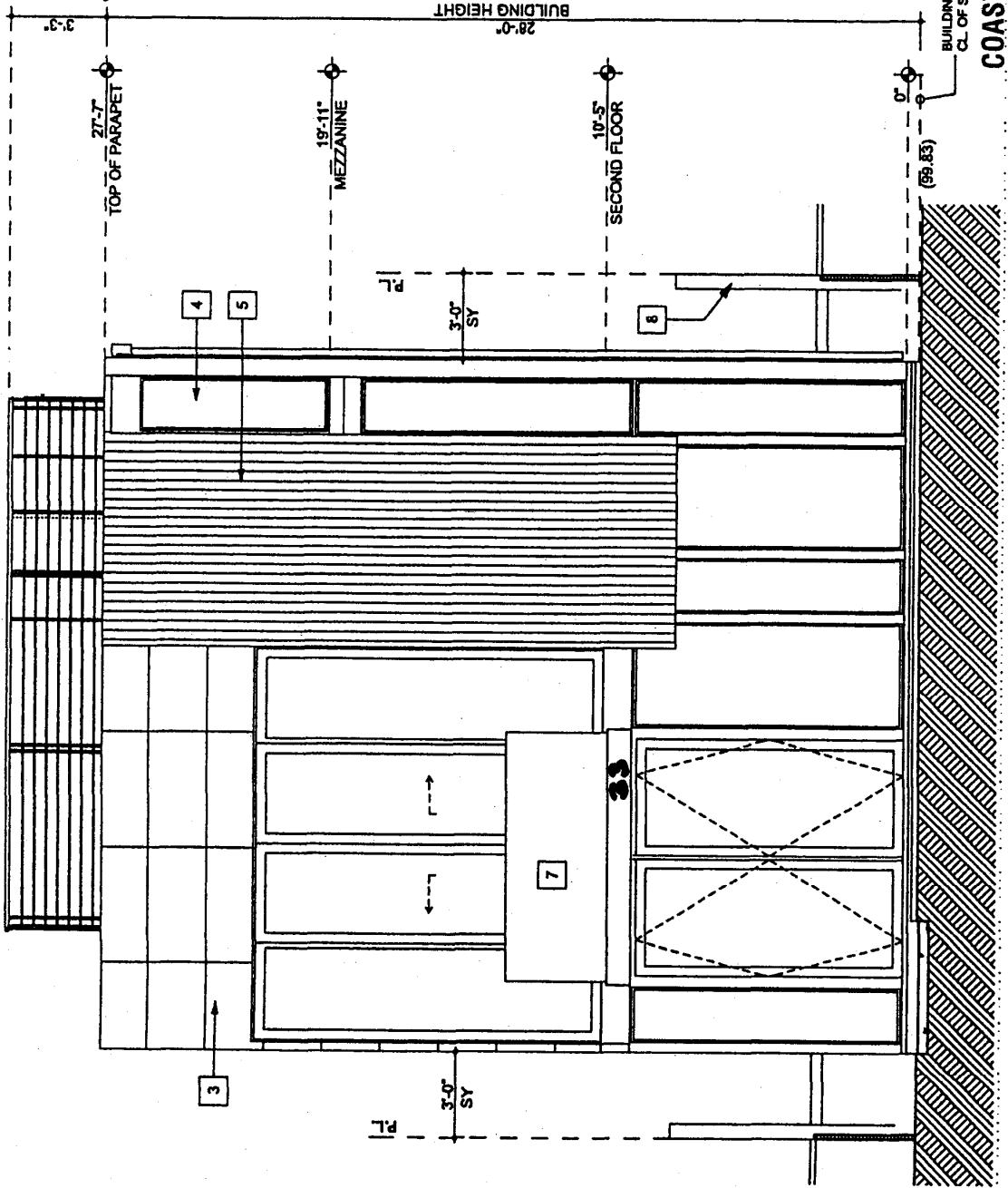


Alley

Public Walkway  
20th Avenue

Side Elevation

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EXHIBIT # 5  
PAGE 1 OF 1



BUILDING HEIGHT MEASURING POINT.  
CL. OF STREET @ CL. OF PROPERTY

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EXHIBIT # 6

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EAST ELEVATION - 20th Avenue