

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 12/20/2011  
49th Day: 2/7/2012  
180th Day: 6/17/2012  
Staff: Charles Posner - LB  
Staff Report: 1/19/2012  
Hearing Date: February 8, 2012  
Commission Action:

**W5b****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-11-304

**APPLICANTS:** Jerome and Carol Muchin

**AGENT:** Robert MacKenzie, Architect

**PROJECT LOCATION:** 5401 Ocean Front Walk, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Extensive remodel and conversion of an existing 3,992 square foot duplex into a three-level, thirty-foot high, 4,713 square foot single-family residence with a new attached three-car garage on a 3,800 square foot beachfront lot.

Lot Area	3,800 square feet
Building Coverage	2,434 square feet
Pavement Coverage	480 square feet
Landscape Coverage	876 square feet
Parking Spaces	3
Zoning	R3-1
Plan Designation	Residential – Low Medium II
Ht above final grade	30 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR-2011-2249-SPP-MEL (12/8/2011).

**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, parking, compliance with the Venice walk street standards, no future shoreline protective devices, and the protection of water quality. The applicants agree with the staff recommendation. **See Page Two for the motion to carry out the staff recommendation.**

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-07-093 (Johnson 2617 OFW).
3. Coastal Development Permit 5-03-068 (Farid: 4615 OFW).
4. Coastal Development Permit 5-11-010 (Lu: 4707 OFW).
5. Coastal Development Permit 5-11-211 (Sunset Trust: 4607 OFW).
6. Coastal Development Permit 5-11-223 (JK Pacific Group: 4617 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 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 5-11-304 approves the conversion of an existing duplex into three-story single-family residence, and the improvement of a portion of the Westwind Street right-of-way. 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 (a new three-car garage) shall be provided and maintained on the site as shown on the final approved plans. Vehicular access to the on-site parking shall be taken only from Speedway Alley. Private parking on the Westwind Street right-of-way is not permitted.

#### **3. Westwind Street Walk Street – Encroachment onto the Right-of-Way**

The proposed development shall not interfere with public pedestrian access to and along the twelve-foot wide public accessway that runs down the center of the Westwind Street right-of-way. In order to enhance visual quality, preserve the water quality, and to provide a transitional zone between the Westwind Street public accessway and the private dwelling, the proposed private use and development of part of the Westwind Street public right-of-way (i.e., encroachment area) is required as follows:

- A. The fourteen-foot wide encroachment area situated between the Westwind Street accessway and the applicants' property line (i.e., the project area within the Westwind Street right-of-way) shall be maintained as a permeable landscaped area. Only native plants and non-invasive and low water use plants shall be used to landscape the encroachment area.

- B. No new trees or shrubs over 48 inches in height are permitted in the right-of-way. All new trees and shrubs planted in the right-of-way shall be maintained at a height of 48 inches or less.
- C. Private parking on the Westwind Street right-of-way is not permitted. In order to prevent vehicular access on the portion of the project site situated within the Westwind Street right-of-way, the permittees shall maintain a decorative fence or wall not exceeding 42 inches in height to enclose the area situated between the Westwind Street accessway and the permittees' property line (i.e., enclose the project area situated within the Westwind Street right-of-way).

The permittee shall undertake and maintain the development in conformance with the approved final plans and in compliance with the requirements of this condition.

4. Construction Responsibilities and Debris Removal

- A. Demolition/construction materials, equipment, debris, and waste shall not be placed or stored on the beach or anywhere 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 applicants' 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 applicants shall dispose of all demolition and construction debris 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.

5. 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.

6. No Future Shoreline Protective Device

- A. By acceptance of this permit, the applicants agree, on behalf of themselves 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 5-11-304 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 applicants hereby waive, 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 applicants further agree, on behalf of themselves 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 applicants propose to remodel and add onto an existing 27-foot high, 3,992 square foot duplex, and convert the building into a single-family residence (See Exhibits). The existing house was built in 1966. The structure will be enlarged with the addition of approximately eight hundred square feet and the construction of an attached 756 square foot garage (Exhibit #4). The resulting three-story, 4,713 square foot single-family residence on the beachfront lot will be thirty feet high (Exhibit #5). Vehicular access to the on-site parking supply (the new three-car garage) is provided by Speedway, the rear alley.

The project site is a 3,800 square foot lot situated on the inland side of Ocean Front Walk (the boardwalk) 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 fifty feet. In this area of the Marina Peninsula, Ocean Front Walk is an improved public pedestrian right-of-way situated between the private lots of the residential neighborhood and the open sandy public beach.

The proposed project includes the improvement of a portion of the adjoining forty-foot wide Westwind Street right-of-way (Exhibit #4). Westwind Street is a walk street that provides vertical public access to the beach. The Venice walk streets generally have narrow, pedestrian friendly walkways down the middle of the right-of-way, with landscaped “front yards” that encroach into the right-of-way up to the edge of the open public walkway that runs along the center of the right-of-way. It is a goal of the Coastal Commission and the City to protect these public resources. The certified Venice LUP provides specific guidance for the Commission’s interpretation of the relevant Chapter 3 policies when reviewing development in and along the walk streets (See LUP Policies II.C.7, II.C.10 and II.C.11).

The proposed project includes the installation of private landscaping and a 42-inch high wall on the fourteen-foot wide portion of the right-of-way (i.e., encroachment area) that is situated between the applicants' property line and the public accessway, as required by the certified Venice LUP (Exhibit #4). Special Condition Three requires that the proposed project comply with all of the standards set forth by the certified Venice LUP for walk street encroachments, including the 42-inch fence/wall height limit.

The proposed single-family residence has been approved by the City of Los Angeles Planning Department (Case #DIR-2011-2249-SPP-MEL) 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 35-foot height limit for the Marina Peninsula area of Venice. Adequate on-site parking will be provided by a new three-car garage. 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**

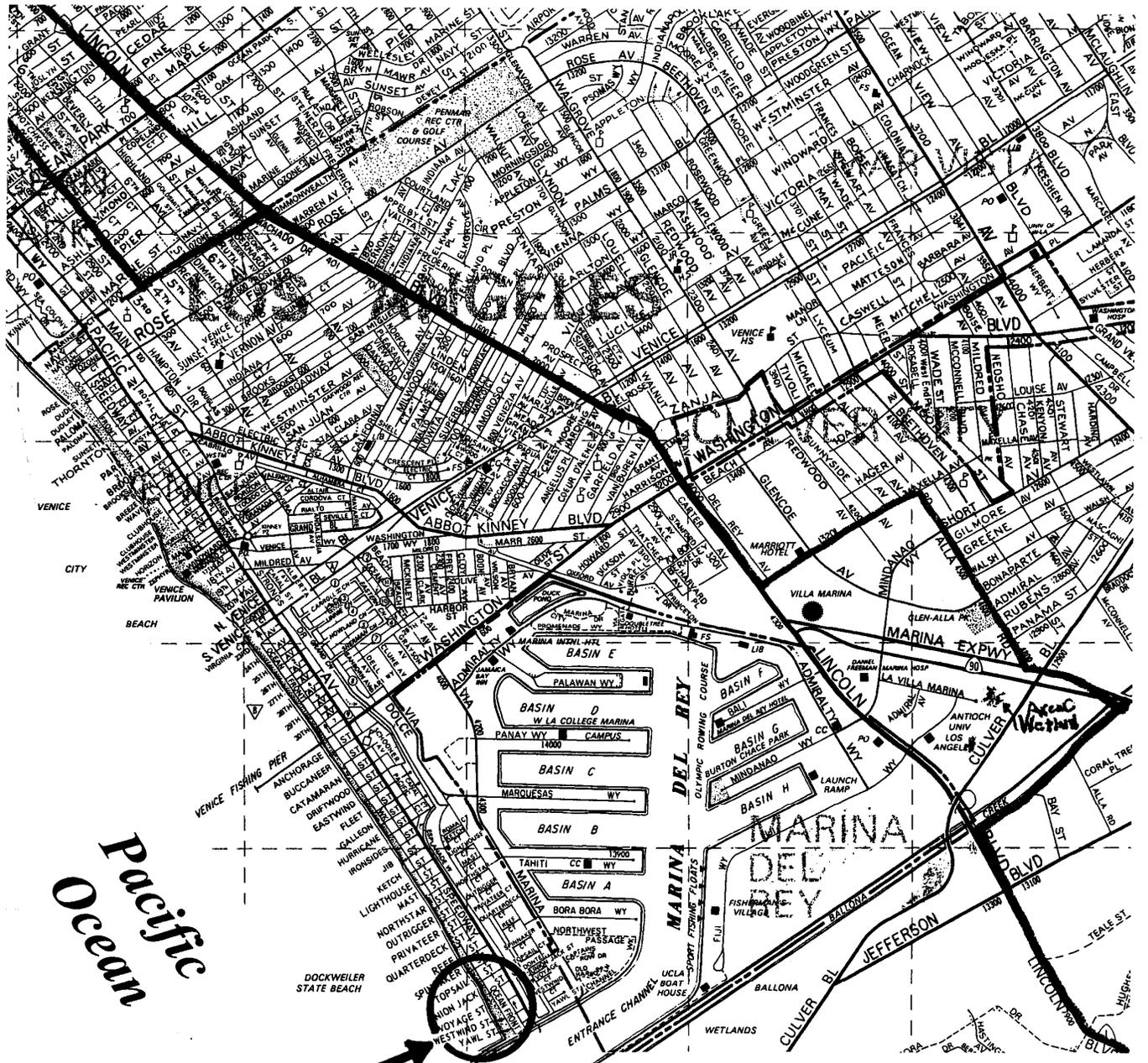
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability 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 21, Category 2 of the City's CEQA Guidelines. On December 8, 2011, the Los Angeles Department of City Planning issued CEQA Notice of Exemption No. ENV-2011-2250-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



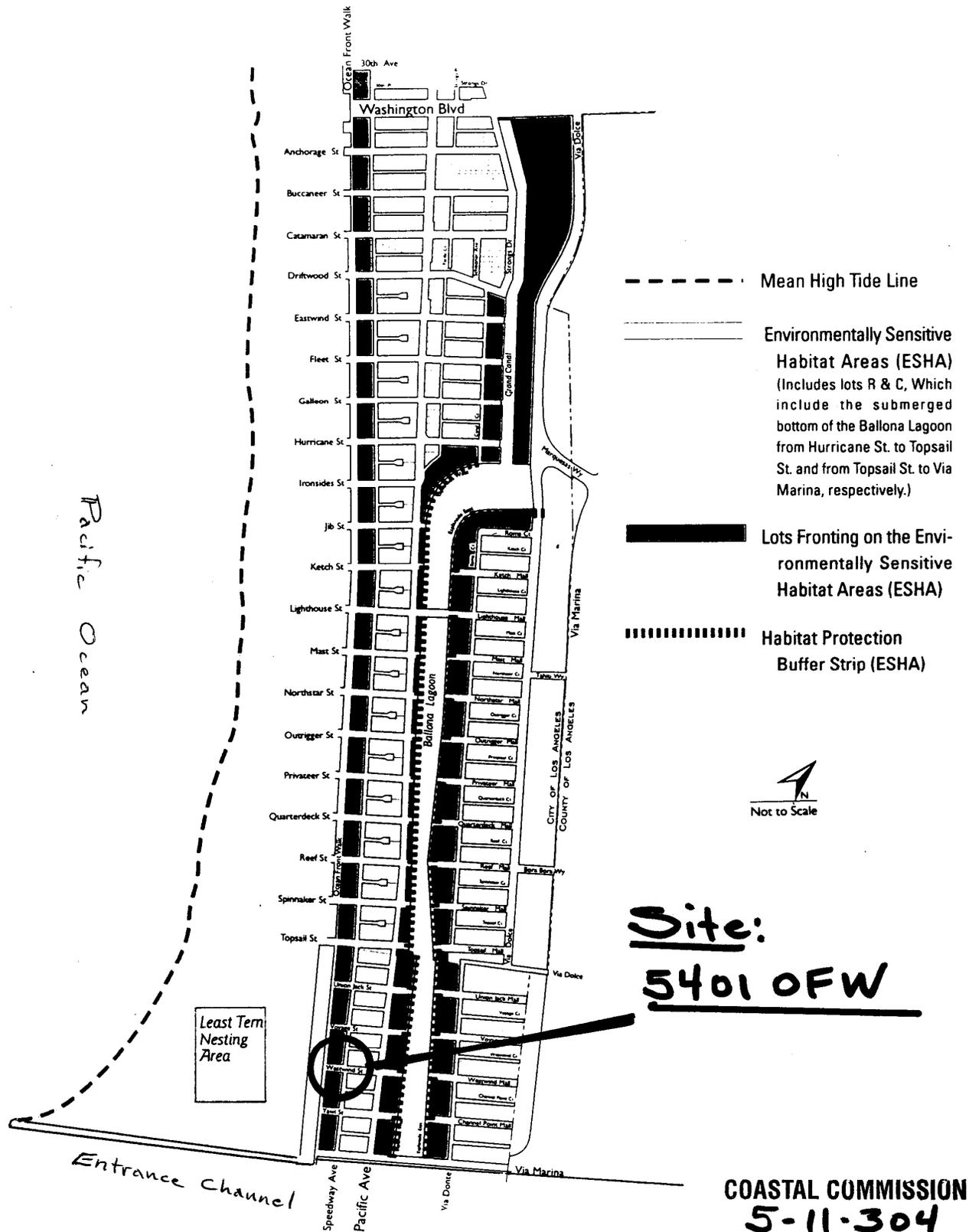
Pacific  
Ocean

Site: 5401 OFW



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EXHIBIT # 1  
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LUP  
Exhibit 22c  
**Environmentally Sensitive Habitat Areas**

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**5-11-304**  
EXHIBIT # 2  
PAGE 1 OF 1

SEARCHING

REVISED  
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2003011608008001-07

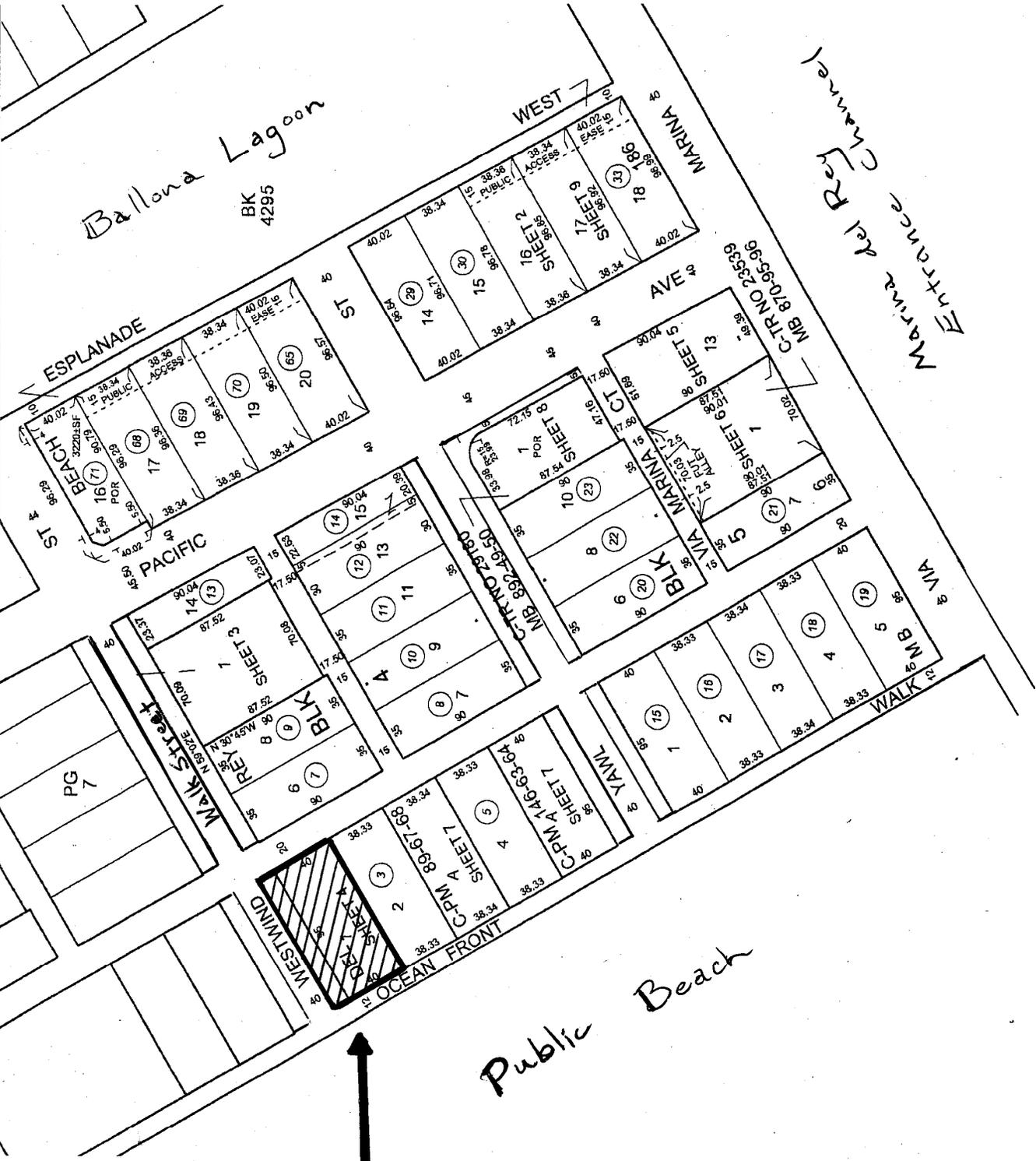
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SHEET 1

2004

Ballona Lagoon  
BK 4295



Site: 5401 OFW

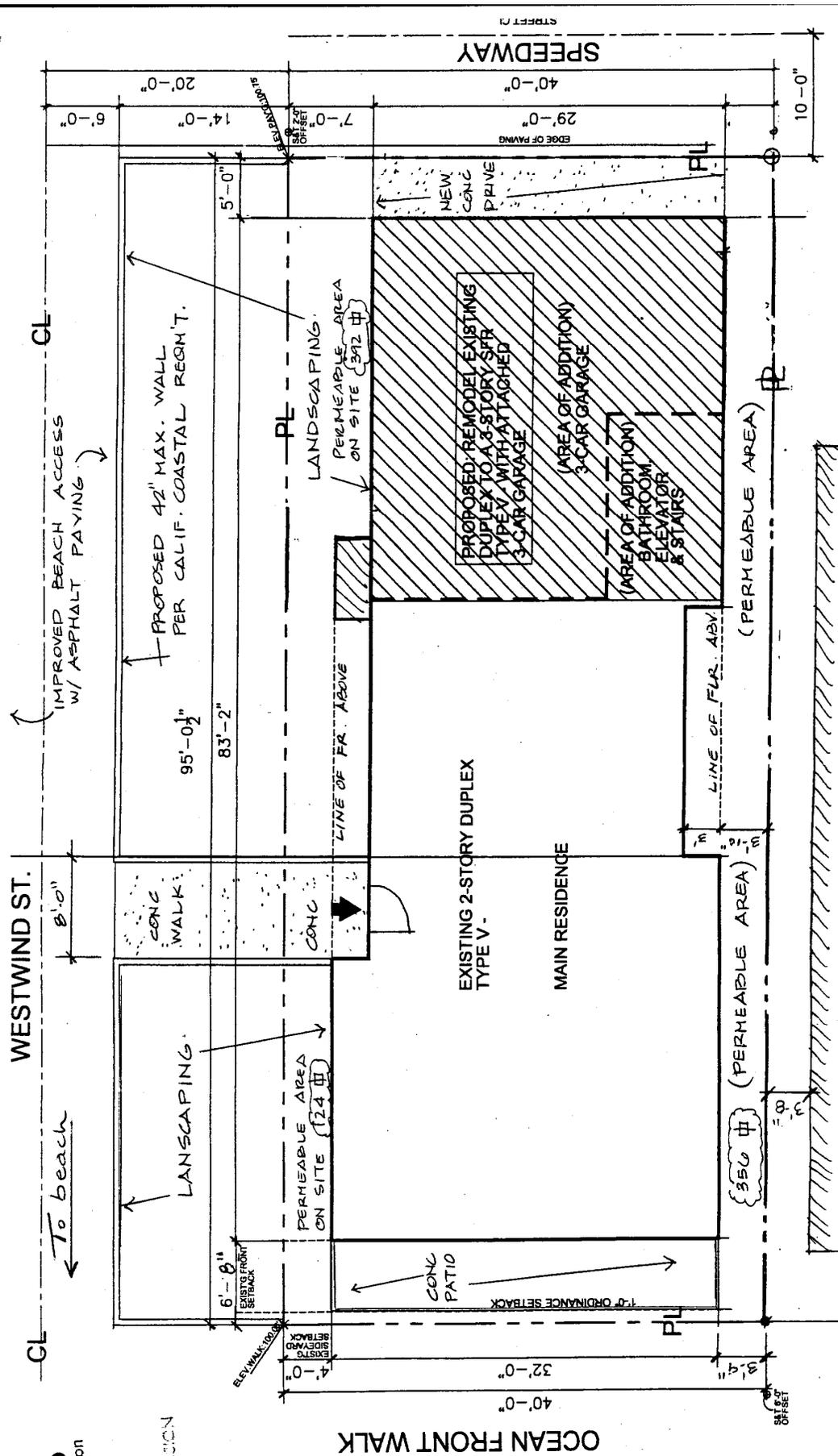


MAPPING AND COASTAL SERVICES  
SCALE 1" = 60'

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EXHIBIT # 3

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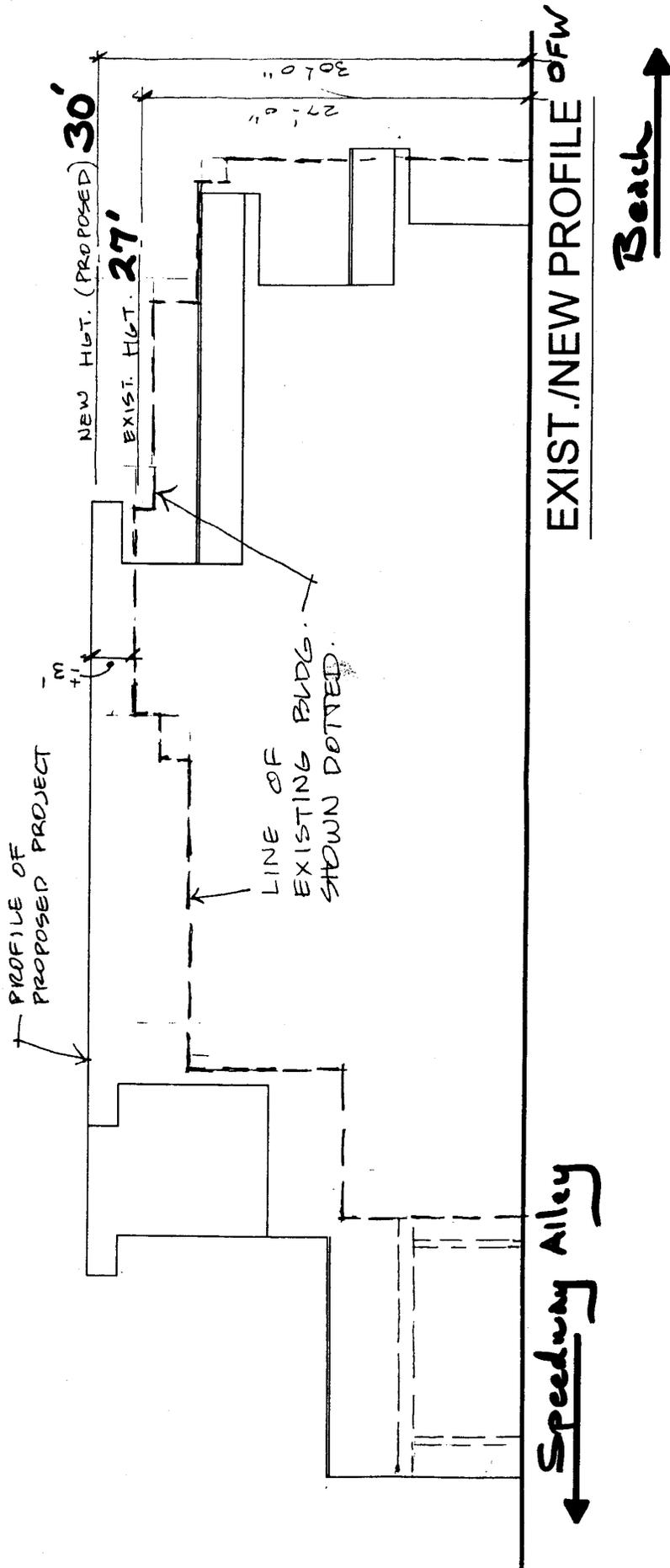
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 EXHIBIT # 4  
 PAGE 1 OF 1

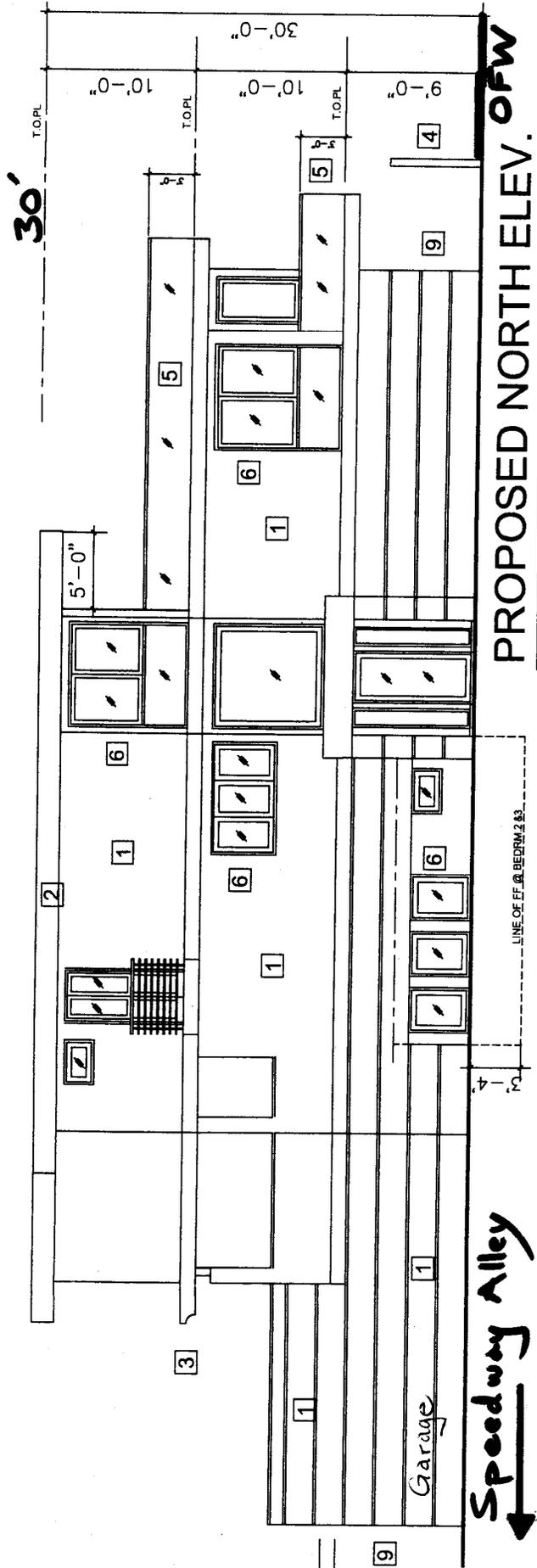
# Site Plan

0 2011  
 CRNA  
 COMMISSION

EXISTING MULTI-FAMILY RESIDENCE

N





**Speedway Alley** →

**RECEIVED**  
South Coast Region

DEC 20 2011

CALIFORNIA  
COASTAL COMMISSION

**Beach** →

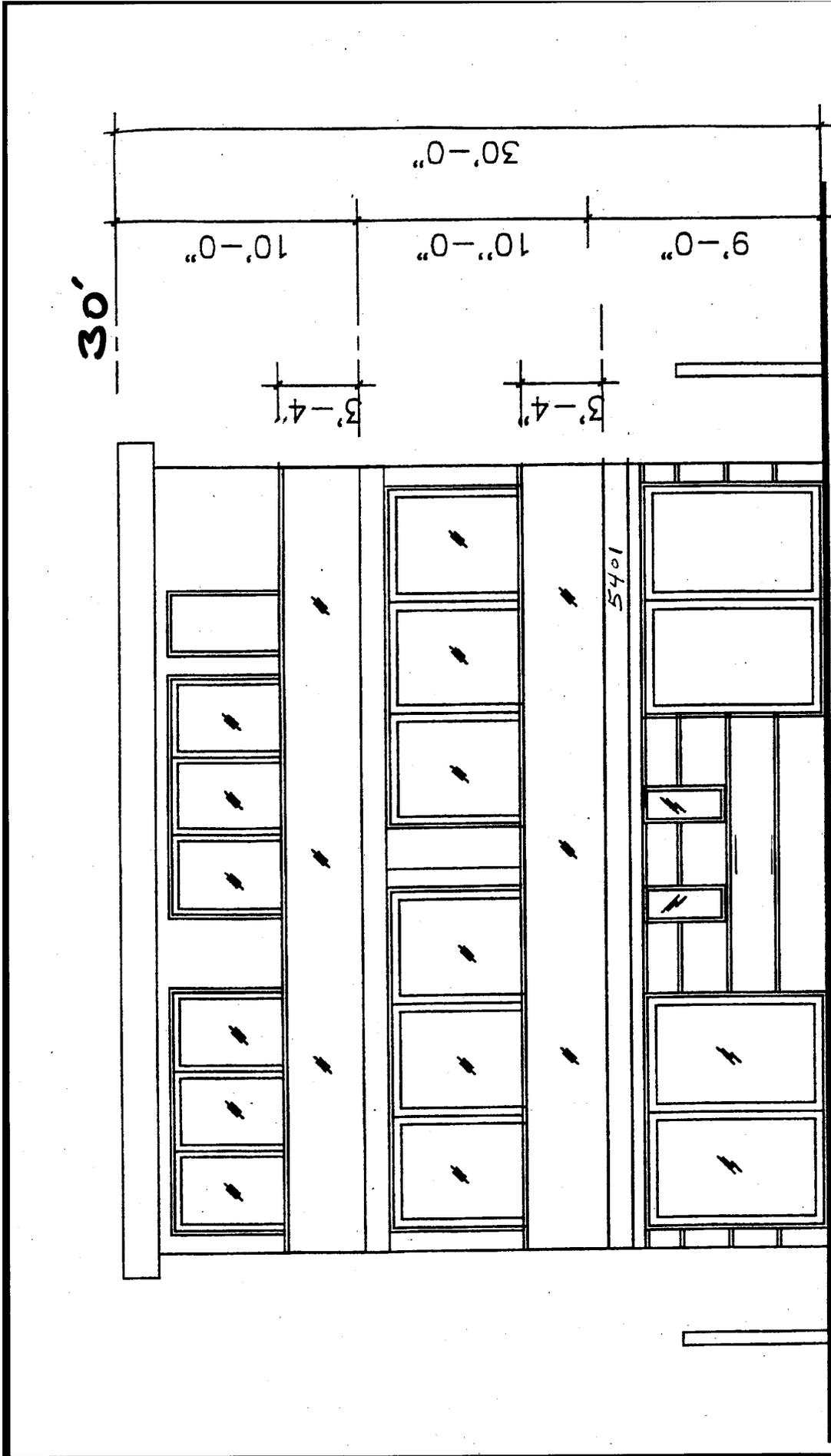
PROPOSED NORTH ELEV. OF W

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EXHIBIT # 6

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# PROPOSED FRONT ELEV.

Ocean Front Walk

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EXHIBIT # 7  
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