

CALIFORNIA COASTAL COMMISSION

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W7a

Staff: Daniel Nathan – SF

Date: June 23, 2017

ADMINISTRATIVE PERMIT**Application No.** 5-17-0334**Applicant:** Louise DuBois**Agents:** Doron Bennaïem (Owner's Representative) and David Crimmins (Expediter)**Project****Description:** Demolition of a 943 square foot one-story non-historic single family dwelling and detached garage, and construction of a 3,857 square foot two-story, 25-foot high single family dwelling, with 35-foot high roof access structure and roof deck, an attached 422 square foot 2-car garage and 1 uncovered tandem parking space, and new landscaping and fencing.**Project Location:** 459 E. 28th Street, Venice, City of Los Angeles, Los Angeles County
APN: 4227-014-009.**EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, July 12, 2017 9:00 am
California State University Monterey Bay
World Theater Building
5260 6th Avenue
Seaside, CA 93955

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

JOHN AINSWORTH
Executive Director

By: Daniel Nathan
Title: Coastal Program Analyst

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 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 term or 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.

SPECIAL CONDITIONS: SEE PAGES SIX THROUGH SEVEN.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The applicant proposes to demolish a 943 sq. ft., one-story single-family residence and construct a 3,857 sq. ft., two-story single family dwelling on a 4,300 sq. ft. lot at 459 E. 28th Street in the Southeast subarea of Venice, Los Angeles ([Exhibit 1](#)). The proposed development includes 4 bedrooms, 4½ bathrooms, roof access and roof deck, an attached 422 sq. ft. 2-car garage and an uncovered tandem parking space, new landscaping and fencing ([Exhibit 2](#)). As required by the Venice Land Use Plan and consistent with previous Commission actions in the area, the proposed project provides three on-site parking spaces, with the attached 2-car garage located at the rear of the property and one uncovered parking space accessed from the rear alley as well. [Special Condition 1](#) requires the applicant to maintain these three parking spaces on-site over the life of the approved development, as well as requiring that all development occur in strict compliance with the proposal as set forth in the application.

The front of the proposed single family residence will be set back approximately 25 feet from the 28th Street right-of-way, which is consistent with the setback limits of the Venice Land Use Plan. The rear of the proposed single-family residence will be set back 15 feet from the rear alley (Court A) right-of-way, which is also consistent with City's setback requirements. Both the rear and front yards will incorporate new landscaping features, including permeable pavers, while the proposed development will also include rain gutters, downspouts, and rain barrels. The use of permeable pavers, rain gutters, downspouts, and rain barrels is consistent with the City's adopted CALGreen standards and Coastal Act requirements to minimize energy use and preserve water quality. [Special Condition 2](#) requires the applicant to maintain the rain barrels throughout the life of the development and requires all new landscaping to consist of drought tolerant non-invasive vegetation irrigated by a drip or microspray system, consistent with previous Commission actions and Governor Brown's executive orders to preserve water. The applicant's plans identify several construction best management practices (BMPs) to preserve water quality and [Special Condition 3](#) requires additional BMPs in order to ensure consistency with the water quality and biological productivity policies of the Coastal Act.

Typically, the Commission looks at allowable land uses, density, and height when evaluating whether or not a project is visually compatible with the character of the neighborhood, along with the existing characteristics of the surrounding area. The project site is part of a developed residential neighborhood and is designated R1-1-0 (Low Density Residential) by the Venice Land Use Plan

and City of Los Angeles Zoning Code. The subject site is approximately 1/3 of a mile inland of the public beach and 100 feet southeast of the Venice Canals. Surrounding development includes one-story, two-story, and three-story single family homes and multi-family residential structures of varying architectural styles. The proposed project has an articulated front and rear façade, with recessed front and rear doorways on the 1st floor and front and rear balconies projecting outwards on the 2nd floor.

The Commission and the City of Los Angeles have consistently limited new development in the project area to a height of 25 feet (flat roof), or 30 feet (varied roofline) measured above the fronting right-of-way. These height limits are set forth in the certified Venice Land Use Plan. The LUP also requires that roof access structures be no more than 10 feet above the flat roof height. The proposed project conforms to the 25-foot height limit of the LUP for flat rooflines, with a maximum height of approximately 25 feet to the top of the parapet, and a maximum height of approximately 35 feet to the top of the one hundred square foot roof access structure. The Venice Specific Plan, which the Commission has not certified, also sets forth the same height limits as the certified Venice LUP. The project, as proposed has a maximum roof height and roof access structure height of approximately 25 feet and 35 feet, respectively, and therefore, conforms to the mandated height limits in its neighborhood. Overall, the project is designed to be compatible with the residential character of the surrounding development.

The City has not designated the property as a historic resource within the community. SurveyLA, which is used as guidelines for historic resources in the area, also does not consider the property a historic resource nor does any other inventory maintained by the local government, the State of California, or the United States.

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission’s standard of review for development in the Dual Permit Jurisdiction area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the Single Permit Jurisdiction area), the City of Los Angeles local coastal development permit is the only coastal development permit required. In this case, the project site is within the Dual Permit Jurisdiction area. The City of Los Angeles completed its final action to approve local Coastal Development Permit No. DIR-2016-2104-CDP-SPP-MEL on February 28, 2017 and reported its action to the Coastal Commission on March 21, 2017. The local coastal development permit was not appealed at the local level or to the Commission. The City’s findings indicate that the approved development is consistent with the character of the area and will not prejudice its ability to prepare a local coastal program.

The proposed project has also received approval from the Venice Neighborhood Council, which recommended approval of the proposed development by a vote of 14-0-1 on December 20, 2016.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. 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 best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of rain barrels and 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, as imposed in [Special Condition 2](#) and [Special Condition 3](#). 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.

D. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, as proposed, the development conforms with Sections 30250, 30251 and 30252 of the Coastal Act.

E. 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 Venice Land Use Plan was certified by the Commission on June 14, 2001 and is advisory in nature and may provide guidance. 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 proposed 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.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** Coastal Development Permit 5-17-0334 authorizes the demolition of a single-family dwelling and the construction of a two-story single-family residence with an attached garage. The applicant shall maintain three (3) parking spaces on-site over the life of the approved development. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. **Landscape and Irrigation.** By acceptance of the permit, the permittee agrees, on behalf of all future successors and assigns, that:
 - (a) Vegetated landscaped areas shall 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruse/efficiency/docs/wucols00.pdf>).
 - (b) The permittee shall maintain the proposed rain barrels in a functional state over the life of the development. If the rain barrels cease functioning, the permittee shall replace them.
 - (c) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
3. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or stormdrain, unless specifically authorized by the California Regional Water Quality Control Board.
- (k) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (l) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (m) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (n) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

5-17-0334 (DuBois)
Administrative Permit

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing