

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**W7b**

Staff: S. Vaughn – LB  
 Date: June 22, 2017

**ADMINISTRATIVE PERMIT**

**Application No.**      **5-17-0224**

**Applicant:**            Larry Layne

**Project Description:**      Remodel and a 438 sq. ft. addition to the third floor at the rear of a four-level, four-level, 7,764 sq. ft., 37-ft.-2in. high, three-unit residential structure, including the addition of a roof deck, two roof access structures, and one additional on-site parking space, resulting in a 8,202 sq. ft., 39-ft.-2in. high three-unit residential structure, with seven on-site parking spaces in two ground floor garages on a 3,799 sq. ft. ocean front lot.

**Project Location:**        5111 (a.k.a. 5117) Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County APN: 4294-006-020.

**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:

**July 12, 2017 9:00 a.m.**  
**CSUMB World Theater**  
**5260 6<sup>th</sup> 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: Shannon Vaughn  
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 seven and eight.

**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 a remodel and addition to a four-level, approximately 37-ft.-2in. high legally non-conforming three-unit residential structure on a 3,799 sq. ft. lot zoned R3-1 (Multiple Unit Residential) by the City of Los Angeles Zoning Code and designated Multiple Family Residential Low Medium II by the certified Venice Land Use Plan (LUP). The project site is located at 5111 Ocean Front Walk in the Marina Peninsula subarea of Venice, Los Angeles ([Exhibit 1](#)). Ocean Front Walk, known as the Venice Boardwalk, is an improved public walkway that runs between the project site and the sandy beach. The existing structure does not have a setback from Ocean Front Walk.

The proposed project is a remodel of an existing structure that consists of replacement of approximately 25% (approximately 1,968/7,854 sq. ft.) of exterior walls; addition of approximately 22% (approximately 1,756 sq. ft.) of new exterior walls to accommodate the addition of new habitable area; an approximately 6% (approximately 438/7,764 sq. ft.) addition of new habitable area for a total of approximately 8,202 sq. ft. of internal area; an interior remodel; reconfiguration of the roof access staircase with an area of approximately 89 sq. ft.; the addition of an approximately 67 sq. ft. elevator that will reach a height of approximately 39 ft. -2 in; a new roof deck; and reconfiguration of the garages in order to accommodate one additional on-site parking space for a total of seven on-site parking spaces within two ground floor garages ([Exhibit 2](#)). The three existing residential units will be retained.

The existing structure has a legally nonconforming height of approximately 37 ft. -2in. for the front portion of the building (approximately 45 ft. deep) facing the beach and Ocean Front Walk. The height limit in the certified Venice LUP for multi-family residential structures in the Marina Peninsula sub area is 35', with the exception of chimneys, exhaust ducts, ventilation shafts, and other similar devices essential for building function, which may reach a height of 40 ft., and roof access structures, which may reach a height 45 ft. The parking supply, though currently not conforming to the standards set forth in the certified Venice LUP, will be brought into conformity with the proposed addition of a seventh on-site parking space.

On August 27, 1979, the Coastal Commission approved Coastal Development Permit A-79-5743 ([Exhibit 3](#)) for the construction of a 480 sq. ft. addition to an "existing 4<sup>th</sup> level of [the three-unit] residential structure... with [an] existing [height of] 37 ft. above grade." The City's records show that the original residential structure was built circa 1923. A condition of approval of CDP A-79-5743 requires "that any future addition, or improvements to the property, will require a [CDP]..." There are gaps in the building record for the structure; however, considering the Commission-approved CDP in 1979, which acknowledged the 37-ft. height of the structure, the existing height of approximately 37 ft. -2in. is considered to be legally nonconforming. Nevertheless, the proposed addition, roof access structures, and roof deck are consistent with the height limits set forth in the certified LUP. The proposed addition and roof deck are at the rear of the structure (along Speedway) and will not exceed the 35 ft. height limit. The roof access structures are proposed to reach a height of approximately 39 ft. -2in.

The applicant proposes to reconfigure the ground floor garages in order to make room for one additional on-site parking space for a total of seven on-site parking spaces, which is consistent with the parking policy of the certified LUP (Policy II.A.3), which requires two parking spaces per residential unit and for multiple dwelling structures on lots of 35 ft. of more in width that are adjacent to an alley, such as the subject site, one additional parking space for each four or fewer units, which, in this case yields seven on-site parking spaces.

The proposal includes seismic upgrades and will incorporate technology to minimize energy use consistent with Coastal Act requirements and the City’s adopted CALGreen standards and other City guidelines. **Special Condition 1** requires the applicant to observe water quality and best management practices (BMP) measures into the project. No landscaping is proposed at this time; however, if in the future the applicant wishes to incorporate landscaping on the lot, **Special Condition 2** restricts plant palettes to drought tolerant and non-invasive species.

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 located adjacent to Ocean Front Walk and the public beach and is designated for multi-family residential use by the certified Venice LUP and R3-1 by the Los Angeles Zoning Code. The land use and density of the structure are consistent with the City’s Zoning Code and with the certified LUP. The Marina Peninsula neighborhood is comprised of an amalgam of new and old two-to-four story residential structures, with few one-story residences in the area. The structures vary in number of residential units from single-family homes to pre-coastal multiple-unit condominium buildings built across several lots. The subject property is neighbored on the north by a 5,364 sq. ft., three-story single-family residence and a three-story, six-unit approximately 9,200 sq. ft. multi-family structure, on the south by a two large approximately 20,000 sq. ft. three-story multi-family structure with subterranean parking, and on the east by a 2,037 sq. ft., three-story single-family residence. The proposed project at 5111 Ocean Front Walk will result in an 8,202 sq. ft., four-story multi-family residential structure. The project is designed to be consistent with the scale of residential structures in the area (see table below for similar residential structures in the area).

Table 1. Residential structures in Marina Peninsula subarea.

Address	No. Units	No. Stories	Square Footage
5401 Ocean Front Walk (SFR)	1	3	4,713
4607 Ocean Front Walk (SFR)	1	3	6,754
4707 Ocean Front Walk (SFR)	1	4	7,138
25 Topsail Street (Duplex)	2	4	4,992
5205 Ocean Front Walk	14	3	~17,600
5209 Ocean Front Walk	14	3	~17,600
18 Union Jack Street	6	3	~9,200

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.

Section 30601 of the Coastal Act provides details regarding the geographic areas where applicant must also obtain a coastal development permit from the Commission in addition to obtaining a local coastal development permit from the City. These areas are considered Dual Permit Jurisdiction areas. Coastal zone areas outside of the Dual Permit Jurisdiction areas are considered Single Permit Jurisdiction areas. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has been granted the authority to approve or deny coastal development permits in both jurisdictions, but all of the City's actions are appealable to the Commission. In this case, the project site is within the Dual Permit Jurisdiction area.

Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has opted to issue its own coastal development permits prior to certification of a Local Coastal Program (LCP) except for those permits eligible for issuance as administrative coastal development permits by the Executive Director under Section 30624. Section 30624 of the Coastal Act states in part:

(a) The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or, where the coastal development permit authority has been delegated to a local government pursuant to Section 30600.5, by an appropriate local official designated by resolution of the local government without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section 30611, and for the following nonemergency developments: improvements to any existing structure; any single-family dwelling; any development of four dwelling units or less within any incorporated area that does not require demolition, and any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land, and any development specifically authorized as a principal permitted use and proposed in an area for which the land use portion of the applicable local coastal program has been certified...

Local approval of the proposed project (i.e., Venice Specific Plan) allows the applicant the option of applying to the Commission for a coastal development permit (CDP) rather than a local coastal development permit through the City. The Executive Director of the Coastal Commission may consider the issuance of an administrative coastal development permit for a proposed project pursuant to Section 30624 of the Coastal Act. If the project is not one of the above mentioned categories of development, or the development raises significant environmental/coastal issues, such issues cannot be appropriately addressed on the Commission's administrative permit process and must be addressed by the City through its local coastal development permit process.

In this case, the proposed project has received the appropriate approvals from the local government and qualifies for the Commission's Administrative Calendar. The Venice Neighborhood Council recommended approval of the proposed development on May 17, 2017, revised on June 1, 2017.

The proposed development received Venice Coastal Zone Specific Plan Director of Planning Sign-off on March 17, 2017 (DIR-2016-0851-VSO) from the City of Los Angeles Department of City Planning.

## **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 1** and **Special Condition 2**. 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:

Note: All Special Conditions of Coastal Development Permit A-79-5743 remain in effect and are unchanged by this action.

1. **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) The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - (k) 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.

- (l) 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.
  - (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
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) 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.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

**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