

CALIFORNIA COASTAL COMMISSION

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Hearing Date: 04/12/2018

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-17-0312

Applicant: Stacey Teruya

Agent: Sandra J. Baik

Location: 217 North Venice Boulevard, Venice, City of Los Angeles, Los Angeles County (APN: 4238-023-035)

Project Description: Construction of an approximately 3,547 sq. ft., 30-ft. high, 3-story duplex with a 9-ft. high (as measured from top of roof), 100 sq. ft. roof access structure, an attached 680 sq. ft. four-car garage, decks/balconies, 3.5-ft. high rooftop metal post guardrails, and hardscape and landscape improvements. The project includes the removal of an unpermitted approximately 132 sq. ft. building encroachment and an approximately 1,500 sq. ft. concrete slab.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed residential project raises issues concerning compatibility with the character of the surrounding area, and impacts to public access and water quality.

The proposed development has been conditioned to assure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The conditions are: **1)** permit compliance; **2)** construction-related requirements and best management practices; **3)** drought tolerant, non-invasive plants.

Staff is recommending **APPROVAL** of the proposed coastal development permit as conditioned.

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APPENDICES

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EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Plans & Elevations

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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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. 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 of 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. **Permit Compliance.** The permittee shall undertake development in accordance with the approved final 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-approved amendment to Coastal Development Permit No. 5-17-0312 unless the Executive Director determines that no amendment is legally required.
2. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.**

The permittee shall comply with the following construction-related requirements:

- (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(s) 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.

3. Landscaping – Drought Tolerant, Non-Invasive Plants.

- A. 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant is proposing to construct an approximately 3,547-square-foot, 30-foot high, three-story duplex with a nine-foot high (as measured from top of roof), 100 square-foot roof access structure, an attached 680-square-foot four-car garage, decks/balconies, 3.5-foot high rooftop metal post guardrails, and hardscape and landscape improvements (**Exhibit 2**). The project includes the removal of an unpermitted approximately 132-square-foot building encroachment and an approximately 1,500-square-foot concrete slab.

The subject site is a level approximately 3,166.5-square-foot vacant lot in the North Venice subarea of Venice, Los Angeles (**Exhibit 1**). The project site is located within 300 feet of Grand Canal, which is located within the Venice Canals Historic District. The subject block is composed primarily of both old and new two and three-story residential structures of varying architectural styles (**Exhibit 1**). The surrounding structures are similar in size to the proposed project. The block fronting the project site is almost entirely comprised of a surface parking lot with the exception of a multi-family residential structure to the west. Public access to the beach is available approximately 1000 feet from the project site along North Venice Boulevard. Public sidewalks located approximately 200 feet from the project site currently provide public access to the Venice Canals along the banks.

The height limits set forth in the certified Venice Land Use Plan (LUP) are specific with regards to residential structures. The proposed development will have a maximum height of 30 feet, consistent with the height limit set forth in the certified Venice Land Use Plan (LUP) for residential structures with a flat roof. The applicant is proposing two roof decks totaling 1,330 square feet. The proposed metal post roof deck railing surrounding the proposed roof decks will not exceed 42 inches in height above the 30-foot height limit consistent with the certified LUP requirements. The applicant is proposing an approximately 100-square-foot roof access structure with a nine-foot height as measured from the top of the roof consistent with the policies of the LUP, which permits roof access structures to exceed the 30-foot height limit by up to ten feet with an area measuring no more than 100 square feet. Therefore, the proposed project meets the specific height requirements of the LUP.

The Venice Certified LUP requires that two parking spaces be provided for each dwelling unit for projects involving multiple dwellings on lots of less than 40 feet in width, or less than 35 feet in width if adjacent to an alley. In this case, the applicant is proposing a duplex on a lot of approximately 33 feet in width. Therefore, the proposed four-car garage is consistent with the LUP parking requirements. To ensure that any future changes are consistent with the policies of the Coastal Act, any deviation from the approved plans must be submitted for review by the Executive Director; therefore, the Commission imposes **Special Condition 1**.

The project has obtained a Local Coastal Development Permit (CDP) issued by the City's Planning Department (Case No. DIR-2015-2912-CDP- SPP-MEL) and the proposed duplex conforms with the Medium (Multiple Family Residential) land use designation set forth by the certified LUP.

The proposed development will not adversely affect the visual qualities of the area, and the project has been designed to be consistent with the community character by maintaining the 30-foot height limit. In addition, the applicant is proposing a 15-foot deep front yard setback. Accordingly, the project site is surrounded by multi-story residential structures that are similar in size and height. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

The proposed project has the potential to degrade water quality because the proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. To ensure the proposed project incorporates and implements measures to address erosion, water quality, and

pollution, the Commission imposes construction-related requirements and best management practices under **Special Condition 2**. To address water quality, stormwater runoff will be diverted to a 130-gallon rain barrel and permeable/landscaped areas for percolation, which will help minimize water runoff from the subject site. The applicant is proposing landscaping; therefore, to minimize water use, the Commission imposes **Special Condition 3**, which implements the installation of drought-tolerant (low-water use), non-invasive plants and water conservative irrigation systems.

B. PUBLIC ACCESS

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

C. 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.

D. 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 design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of 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. 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.

E. UNPERMITTED DEVELOPMENT

Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The subject property is currently developed with an unpermitted approximately 1,500-square-foot concrete slab and an unpermitted approximately 132-square-foot building encroachment from the adjacent property. The applicant is proposing to remove the concrete slab and the encroaching structure from the subject lot. Therefore, Commission review and action on this permit will resolve the violations identified in this section once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant.

F. LOCAL COASTAL PROGRAM (LCP)

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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, 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 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.

Appendix A - Substantive File Documents

- City of Venice certified Land Use Plan
- City of Los Angeles local Coastal Development Permit Case No. DIR-2015-2912-CDP-SPP-MEL, dated February 16, 2017.