

CALIFORNIA COASTAL COMMISSION

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**W16b**

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-0461

Applicant: Eugene Alger

Agent: Gregory Ginter

Location: 24 East Dudley, Venice, City of Los Angeles, Los Angeles County (APN: 4286-021-005)

Project Description: Remodel and second story addition to an existing one story, 1,146 sq. ft. single family dwelling (front unit) resulting in a two-story, 1,884 sq. ft. single family dwelling, and remodel and second story addition to an existing one-story, 792 sq. ft. residence resulting in a two-story, 873 sq. ft. single family dwelling (rear unit) on a 3,751 sq. ft. lot facing a walk street.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to remodel and construct a second-story addition to an existing one-story, 1,146 square-foot single-family dwelling resulting in a two-story, 1,884 square-foot single-family dwelling located at the front portion of the lot and the remodel and second-story addition to an existing, one-story, 792 square-foot single family dwelling resulting in a two-story, 873 square-foot single-family dwelling located at the rear portion of the lot; a total of two parking spaces will be provided onsite, where currently there is no on-site parking provided. The standard of review for the project is Chapter 3 of the Coastal Act, with the certified Land Use Plan (LUP) for Venice used as guidance.

Staff is recommending **approval** of the proposed coastal development permit with **three special conditions**, including: 1) permit compliance; 2) adherence to best management practices to prevent polluted runoff from entering coastal waters; and 3) landscaping.

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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 and the conditions of this permit. 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. 5-19-0461 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 a remodel and second-story addition to an existing one story, 1,146 sq. ft. single family dwelling, resulting in a two-story, 1,884 sq. ft. single family dwelling on the front portion of the lot, and the remodel and second story addition to an existing one story, 792 sq. ft. residence, resulting in a two-story, 873 sq. ft. single family dwelling located at the rear portion of the lot on a 3,751 sq. ft. lot facing a walk street. A total of two new parking spaces will be provided onsite, where currently there is no on-site parking ([Exhibit 2](#)).

The subject site is a relatively flat lot approximately 3,751 square-foot lot located in the Dual Permit jurisdiction area of the North Venice subarea of Venice, Los Angeles ([Exhibit 1](#)). The project site is located along Dudley Avenue, a walk street, and abuts an alley (Dudley Court) to the rear. The

subject block is composed of single and multi-family dwellings ranging from one to three stories in height. The surrounding structures are similar in size to the proposed project. Public access to the beach is available approximately 300 feet from the project site along Dudley Avenue.

The height limits set forth in the certified LUP are specific with regard to residential structures. The proposed development will have a maximum height of 27.72 feet, consistent with the 28-foot height limit set forth in the LUP for residential structures along walk streets. Therefore, the proposed project meets the specific height requirements of the LUP.

There is currently no on-site parking provided for the two existing single-family residential structures, which were constructed in circa 1907 (front unit) and 1919 (back unit). The Venice LUP typically requires that two parking spaces be provided for each single family dwelling, thus the existing residential use is nonconforming to the LUP parking standards. The LUP requires that where extensive renovation of and/or major addition to a structure is proposed to a nonconforming structure, or a project is proposed that would greatly extend the life of a nonconforming structure, the resulting development must bring the nonconforming structure into compliance with the current standards of the certified LCP. Although what constitutes “extensive renovation” and “major addition” are not explicitly defined in the LUP, typically the Commission has considered removal of 50% or more of the exterior walls or adding 50% or more floor area to be considered extensive renovation of and/or major addition to an existing structure. In situations where there are multiple structures onsite, each structure must be analyzed individually.

In this case, the proposed remodel and addition of the front unit consists of removal of 20% of the exterior walls, complete interior remodel, and addition of 64% new habitable floor area to the existing structure. Thus, as proposed by the applicant, the front unit would result in an extensive renovation and a major addition triggering the requirement that the proposed project bring the nonconforming structure into compliance (i.e. provide two off-street parking spaces) with the development standards of the LUP. The proposed remodel and 63 square-foot addition to the rear unit does not trigger the requirement to provide two off-street parking spaces because the applicant is proposing to demolish 40% of the exterior walls and a remodel and addition, which would not result in a 50% or more increase in area for the structure. The development proposed for the rear unit would result in a reduction of habitable area and allow for the creation of the two parking spaces required for the front unit, in a new first-floor garage that will be accessed from the rear alley. 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. ZA-2015-1464(CDP)(SPP)) and the proposed project conforms with the Low Medium II Density (Multi-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 of the area by not exceeding the 28-foot height limit. In addition, the applicant is proposing a 15-foot deep front yard setback, consistent with the pattern of development in the area. The single family dwelling fronting Dudley Avenue features a pitched roof supported by four columns, wood shingles, bay windows, and a

front porch. 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. 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

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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)

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. ZA2015-1464(CDP)(SPP), dated November 14, 2018.