

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

**F5a**

Staff: E.Stevens – LB
 Date: February 20, 2020

ADMINISTRATIVE PERMIT

Application No. **5-19-1323**

Applicant: John Stein

Project Description: Construction of a 1,115 square foot, second-story addition with an approximately 645 square foot roof deck and 100 square foot roof access structure and interior remodel to a one-story, 1,472 square foot single family residence. The project will result in a two-story, 28-foot high, 2,587 square foot single-family residence with an existing 788 square foot non-habitable basement and existing detached two-car garage with second-floor recreation room.

Project Location: 20 Sunset Avenue, Venice, City of Los Angeles, Los Angeles County APN 4286-023-003.

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:

March 13, 2020 at 9:00 a.m.
Hilton Scotts Valley
6001 La Madrone Drive
Santa Cruz, CA 95060

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
Acting Executive Director

By: Eric Stevens
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 through nine.

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 the construction of a 1,115 square foot, second-story addition with an approximately 645 square foot roof deck and 100 square foot roof access structure and interior remodel to an existing 1,472 square foot, one-story single family residence. The project will result in a 2,587 square foot, two-story, 28 ft.-high, single-family residence, with an existing 788 square foot non-habitable basement and existing 24-foot high detached two-car garage with existing second-floor recreation room ([Exhibit 2](#)). Proposed hardscape includes permeable pavers located between the residence and the garage to provide two uncovered parking spaces, which would bring the total of on-site parking spaces to four, which exceeds the parking requirements of the certified Venice Land Use Plan (LUP) and the Commission's minimum of two parking spaces for the residence. The parking spaces will be accessed from the alley. The project would require approximately ten cubic yards of grading (cut). The proposal includes rain gutters and downspouts consistent with Coastal Act requirements to preserve water quality. Additionally, **Special Condition 1** requires the applicant to observe water quality and best management practices (BMP) for the project.

The project site is located on a historic walk street in the North Venice area at 20 Sunset Avenue, about 260 feet inland of the beach and boardwalk ([Exhibit 1](#)). Public beach access is available at the end of Sunset Avenue, about 250 feet seaward of the subject property. The lot area is 3,600 square feet, and is designated for multi-family residential use by the certified Venice LUP and RD 1.5-1 by the Los Angeles Zoning Code.

The project site also includes an approximately 30 ft. by 15 ft. portion of the Sunset Avenue right-of-way in the front of the existing residence. Currently the front yard area contains an existing wood deck and landscaping. No landscaping is proposed as part of this project. To ensure that the project, as conditioned, will not adversely affect the public walkway that runs down the center of the Sunset Avenue right-of-way, the Commission imposes **Special Condition 2** requiring the applicant to comply with Venice walk street requirements.

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. A majority of the buildings along the subject property's block of Sunset Avenue are multi-family residences, and approximately 1/3 of the lots contain single-family homes. The North Venice neighborhood is comprised of both new and old buildings, mostly one or two stories in height. The subject property is neighbored on the east by a two-story, 3,765 square foot single-family residence and on the west by a two-story, 4,560 multi-family building. The proposed project at 20 Sunset Avenue will result in a two-story, 2,587 square foot single-family residence. The project is designed to be consistent with previous Commission actions in the area.

The City of Los Angeles has consistently limited new development on walk streets to a height of 28 feet measured above the fronting right-of-way. The proposed project conforms to the 28-foot height limit of the LUP for rooflines along a walk street. A 49 square foot clerestory unit (upper part of the wall that rises above a roof and has windows) with skylights is proposed and will extend approximately five feet above the roofline, which is allowed in the Venice certified LUP. The roof

deck will be accessed by exterior stairs at the rear of the residence and by interior stairs leading to the proposed roof access structure. The roof access structure will be set back from the front of the building in order to reduce scenic view impacts along the Sunset Avenue walk street. The roof deck will be enclosed by 36-inch high railings. 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, conforms to the mandated height limits for development on a walk street. Overall, the project is designed to be compatible with the residential character of the surrounding development.

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 with conditions, Local Coastal Development Permit No. DIR-2015-3309-CDP-SPPA-SPP on August 10, 2016 and reported its action to the Coastal Commission’s South Coast area office on September 8, 2016. 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. There were no appeals of the local action submitted to the Commission within the 20 working day appeal period. The Venice Neighborhood Council reviewed the project on June 21, 2016 and recommended approval of the project presented. The City subsequently approved an amendment to include the construction of the roof access structure and to expand the approved rooftop deck (Ref: Local Coastal Development Permit No. DIR-2015-3309-CDP-SPPA-SPP-M1 approved on September 12, 2017). The applicant provided the Commission with correspondence from the City verifying that that the local CDP approvals have not expired.

The Commission previously reviewed and approved this project on January 11, 2017 (Ref: CDP No. 5-16-0934/Stein) and, as amended, on February 15, 2018 (Ref: CDP No. 5-16-0934-A1/Stein). However, the previous Commission approvals expired prior to commencement of construction. The development proposed pursuant to the current application is unchanged since the prior Commission approvals.

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**. 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)

The subject property is located within the North Venice Walk Streets Historic District and has been identified as a Non-Contributor to the District. In the City's review of the local coastal development permit application, the Office of Historic Resources (OHR) reviewed the proposed project on March 30, 2016, and determined that a Historic Resource Assessment Report was not required. OHR determined that due to the project location and the lack of Contributors in the area, proximate to the site, the proposed addition would not have a significant impact on the District. The On August 10, 2016, City of Los Angeles approved a Categorical Exemption (ENV-2015-3310-CE) for the proposed project consistent with the provisions of the California Environmental Quality Act (CEQA) and the City CEQA Guidelines.

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. Construction Responsibilities and Debris Removal.** By acceptance of this coastal development 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.

The permittee shall undertake the 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. Compliance with the Venice Walk Street Requirements. Coastal Development Permit 5-19-1323 approves the construction of a 1,115 sq. ft. second-story addition with an approximately 645 square foot roof deck and 100 square foot roof access structure and interior remodel to an existing one-story single-family residence. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicant and conditioned, the approved development shall be constructed in conformance with the following Venice Walk Street Requirements:

- (a) **Number of Units.** The permitted use of the approved development is one residential unit.
- (b) **Building Height.** The maximum height of the structure shall not exceed 28 feet above the centerline of the fronting right-of-way (Sunset Avenue), except for 49 square foot clerestory unit that will extend approximately five feet above the roofline and the 100 square foot roof access structure. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way.
- (c) **Sunset Avenue Right-of-Way.** In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of Sunset Avenue and the private dwelling, the area situated between the Sunset Avenue walkway and the permittee's property line (i.e., within the Sunset Avenue right-of-way) shall be maintained as a transitional zone between the public walkway and the private dwelling, with only grade level uses including gardens, patios, landscaping, ground level decks, and fences not exceeding 42 inches in height. Private parking on the right-of-way is not permitted. Fences are limited in height to 42 inches. The permittee and the proposed development shall not interfere with public pedestrian access to and along the public walkway in center of the Sunset Avenue right-of-way.
- (d) **Landscaping.** 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.

The permittee shall undertake the 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.

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