

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 12/21/95
49th Day: 2/8/96
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Staff: CP-LB
Staff Report: 1/18/96
Hearing Date: February 6-9, 1996
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-173

APPLICANT: Wilton Corporation

AGENT: Miguel Angelo Flores, Architect

PROJECT LOCATION: 2409 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Demolition of a two-story, 1,600 square foot single family residence, and construction of a three-story, 38 foot high, 4,674 square foot single family residence with an attached three-car garage on the ground floor.

Lot Area	2,520 sq. ft.
Building Coverage	1,760 sq. ft.
Pavement Coverage	595 sq. ft.
Landscape Coverage	0 sq. ft.
Parking Spaces	3
Zoning	RD1.5-1-0
Plan Designation	Medium Density Residential
Ht abv fin grade	38 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to parking and height. The applicant agrees with the staff recommendation.

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Approval in Concept #95-034, 6/30/95.
2. City of Los Angeles Hardship Exemption #CPC 95-0176, 11/22/95.

SUBSTANTIVE FILE DOCUMENTS:

1. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.
2. City of Los Angeles Venice Interim Control Ordinance (ICO) #170,556.
3. Coastal Development Permit 5-89-575 (Yellin & Bernstein).
4. Coastal Development Permit 5-88-984 (Chomsky).
5. Coastal Development Permit 5-85-002 (Galen).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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

1. Parking

A minimum of three parking spaces shall be provided and maintained on the site.

2. Height

The height of the roof shall not exceed thirty feet above the centerline of the Ocean Front Walk right-of-way. Only roof deck railings, parapet walls, chimneys, air conditioning equipment, atrium roof, solar collectors, skylights and a maximum one hundred square foot roof access structure may extend above the thirty foot roof height limit (as shown on the approved plans). No portion of the structure shall exceed 38 feet above the centerline of the Ocean Front Walk right-of-way.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish an existing two-story, 1,600 square foot single family residence, and then construct a new three-story, 38 foot high, 4,674 square foot single family residence with a roof deck. The roof elevation of the proposed residence is thirty feet above the centerline of the fronting right-of-way, however, some portions of the structure (i.e. atrium roof, solar collectors, roof access structure, etc...) are proposed to extend to a height of 38 feet (Exhibit #4). On-site parking for the proposed residence is provided by a three-car garage located on the ground floor (Exhibit #3). The proposed project is located on a 2,520 square foot lot on Ocean Front Walk in North Venice (Exhibit #2). Ocean Front Walk is an improved public right-of-way. The public beach is located on the opposite side of Ocean Front Walk.

The Commission has recognized in both prior permit and appeal decisions that the North Venice area is a special coastal neighborhood. In 1980, when the Commission adopted the Regional Interpretive Guidelines for Los Angeles County, a set of building standards was adopted for the North Venice area in order to protect public access to the beach. These building standards, which apply primarily to density, height and parking, reflect conditions imposed in a series of permits heard prior to 1980. Since then, these density, height and parking standards have been routinely applied to Coastal Development Permits in the North Venice area in order to protect public access and community character. Special conditions are imposed on Coastal Development Permits ensure that the projects are consistent with the Coastal Act and the Commission's guidelines. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit.

B. Community Character/Density

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

In order to protect public access, community character and visual quality in the North Venice area, the Commission has consistently limited residential density and structural height. Residential density in the North Venice area is limited to two units per lot. The proposed single family residence complies with the density limit for the site.

The Commission has consistently limited new development in the North Venice area to a height of thirty feet measured above the fronting right-of-way. The Commission has, however, allowed portions of some structures to exceed the thirty foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted.

The proposed project has a roof height of thirty feet. However, some portions of the proposed structure exceed the thirty foot roof height. These portions of the proposed structure include the parapet walls around the proposed roof deck, a roof deck access structure, chimneys, air conditioning equipment, an atrium roof, and a solar collector (Exhibit #4). The highest part of the proposed structure, the roof access structure, is proposed to be 38 feet high.

The City of Los Angeles Venice Interim Control Ordinance (ICO) also limits building heights in the North Venice area to thirty feet. The City may grant exceptions to its height limit for specific parts of structures like chimneys, roof equipment, roof access structures, deck railings, parapet walls, and skylights. In this case, the City has granted Hardship Exemption #CPC 95-0176 allowing the proposed structure, including the proposed atrium roof, to exceed the thirty foot height limit as proposed.

More importantly, the Commission must decide if the proposed project conforms

to the visual resource policies contained in Section 30251 of the Coastal Act. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected.

As previously stated, the Commission has allowed portions of some structures to exceed the thirty foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. The portions of structures which have been allowed to exceed the thirty foot height limit include parapet walls and railings around roof decks, roof access structures, chimneys, air conditioning equipment and skylights. These rooftop structures shall be sited upon the roof in a manner which minimizes their visibility from Ocean Front Walk and the public beach. Roof access structures have been permitted to exceed the thirty foot height limit only if they are designed to be the minimum size necessary to provide roof access and if they do not negatively impact the visual resources of the area. In addition, roof access structures may not contain any living or storage space.

As proposed, the design of the proposed structure adequately protects the visual resources along Venice Beach. The proposed project complies with the visual resource policies of the Coastal Act by minimizing the bulk of the rooftop structures that can be seen from the beach. The portions of the proposed structure which exceed thirty feet in height are sited at the middle or rear of the structure so that they will not be visible from Ocean Front Walk or the public beach (Exhibit #4). In addition, the proposed project does not include any enclosed living space over the thirty foot height limit. The proposed atrium roof, which reaches 36 feet, is not usable space and does not negatively impact the visual resources of the area. Finally, the proposed 38 foot high roof access structure is designed to be the minimum size necessary (less than one hundred square feet in area and less than ten feet above the roof) and does not contain any living or storage space.

Therefore, the Commission finds that the proposed project, including the 36 foot high atrium roof and the 38 foot high roof access structure, will not negatively impact the visual resources of the area and conforms to the Commission's height requirements and previous approvals in the North Venice area. In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the roof height to thirty feet above the centerline of the Ocean Front Walk right-of-way. Only roof deck railings, parapet walls, chimneys, air conditioning equipment, atrium roof, solar collectors, skylights and a maximum one hundred square foot roof access structure may extend above the thirty foot roof height limit (as shown on the approved plans). No portion of the structure shall exceed 38 feet above the centerline of the Ocean Front Walk right-of-way. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

C. Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

Many of the older developments in the North Venice area do not provide adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. The small amount of parking area that may be available for the general public on the surrounding streets is being used by guests and residents of the area.

To mitigate this problem, the Commission has consistently conditioned new development within the North Venice area to provide two parking spaces per residential unit and provide one guest parking space. The proposed project provides three on-site parking spaces in the ground floor garage which is accessed from Speedway alley (Exhibit #2). The proposed three parking spaces are an adequate parking supply for the proposed residence. Therefore, the proposed project conforms to the Commission's parking standards for the North Venice area.

The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The proposed project, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. 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.

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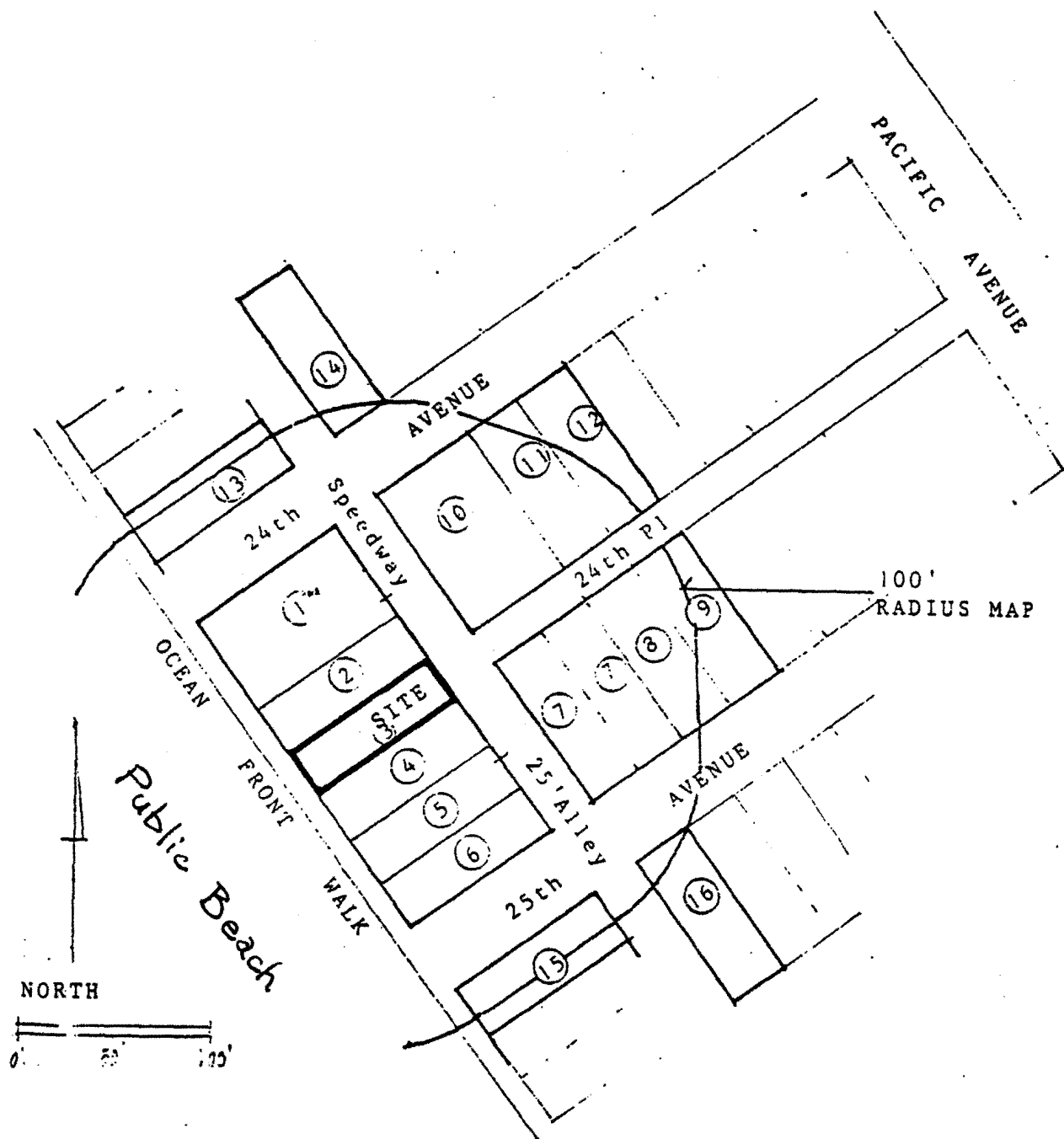
Site

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EXHIBIT # 1

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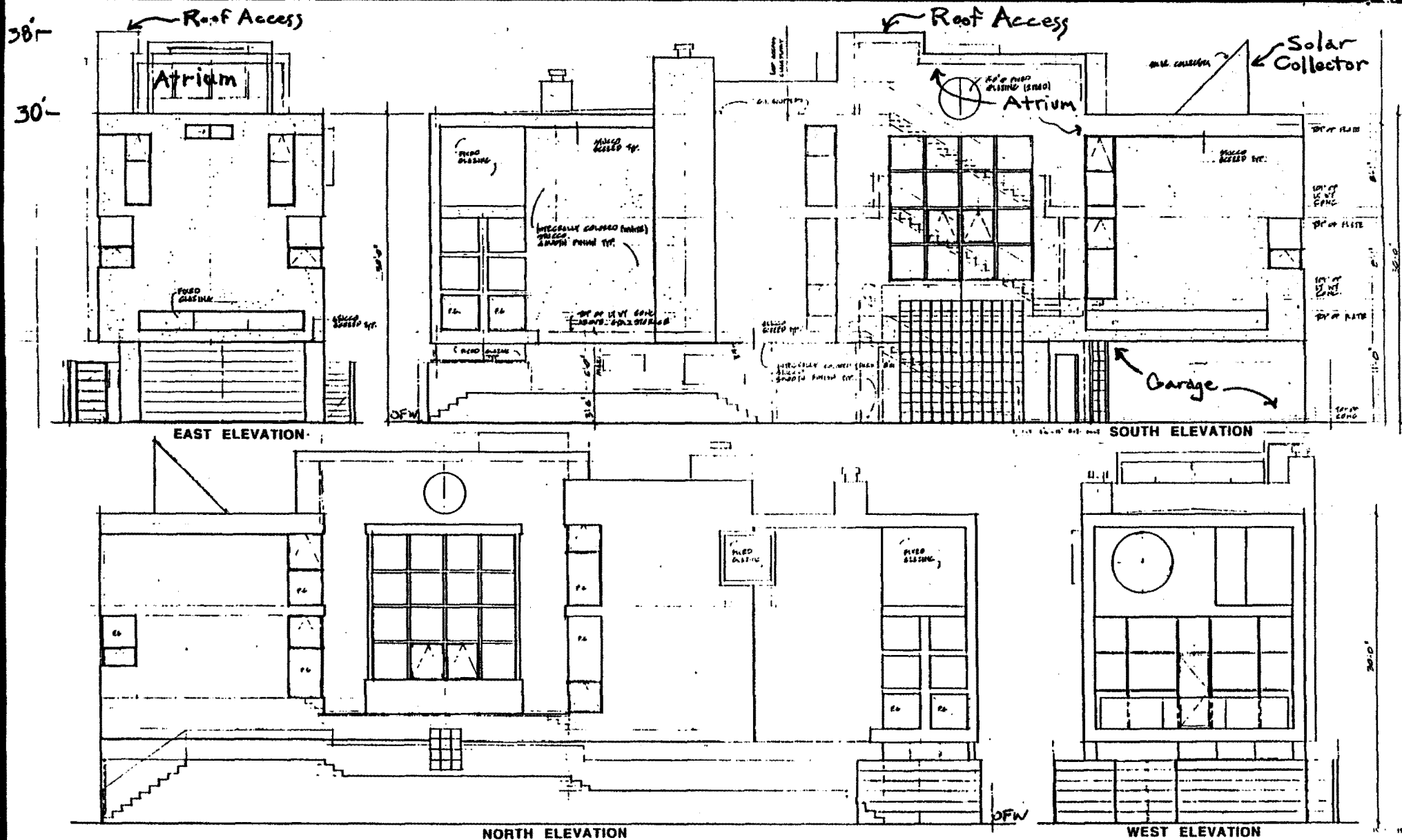
100' Radius Map for 2409 Ocean Front Walk- Venice, CA

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EXHIBIT # 2

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REVISIONS



ARCHITECT
AND ASSOCIATES

THE ARCHITECTS
OF THE
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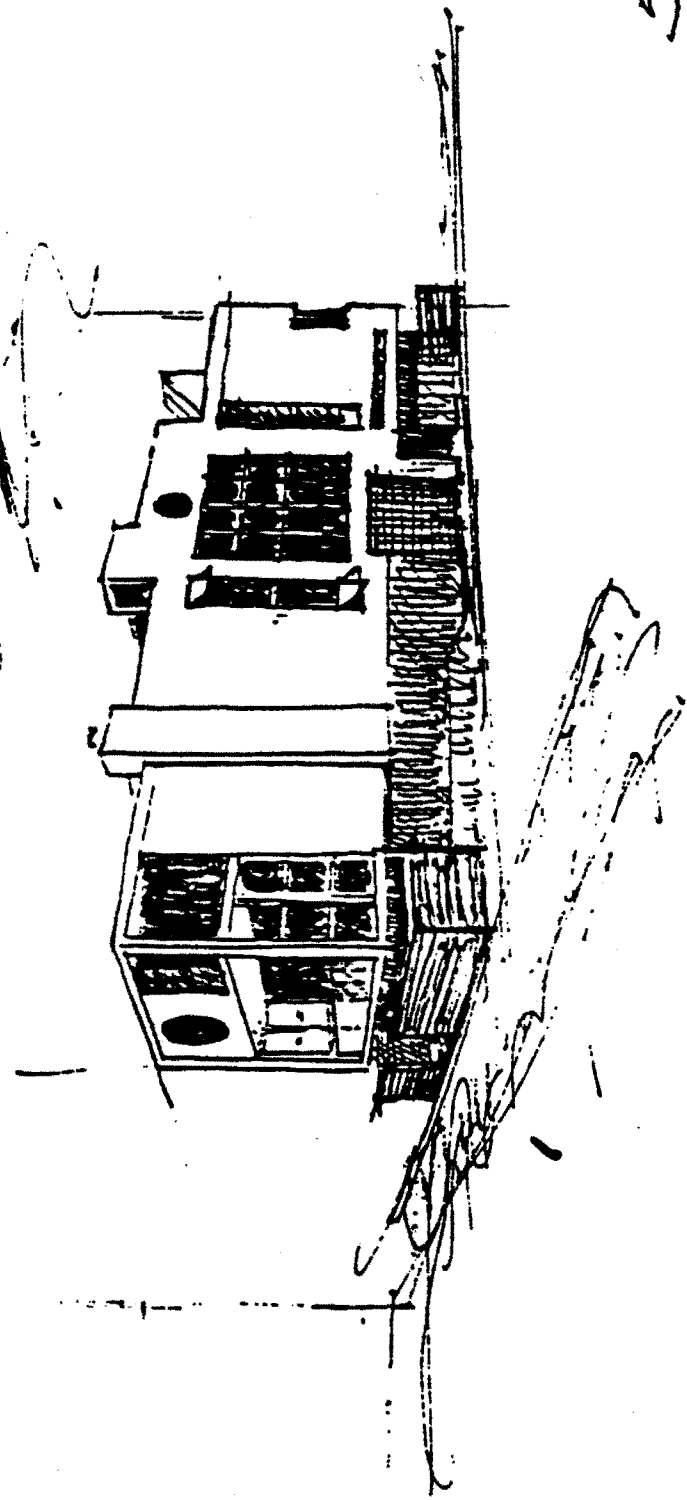
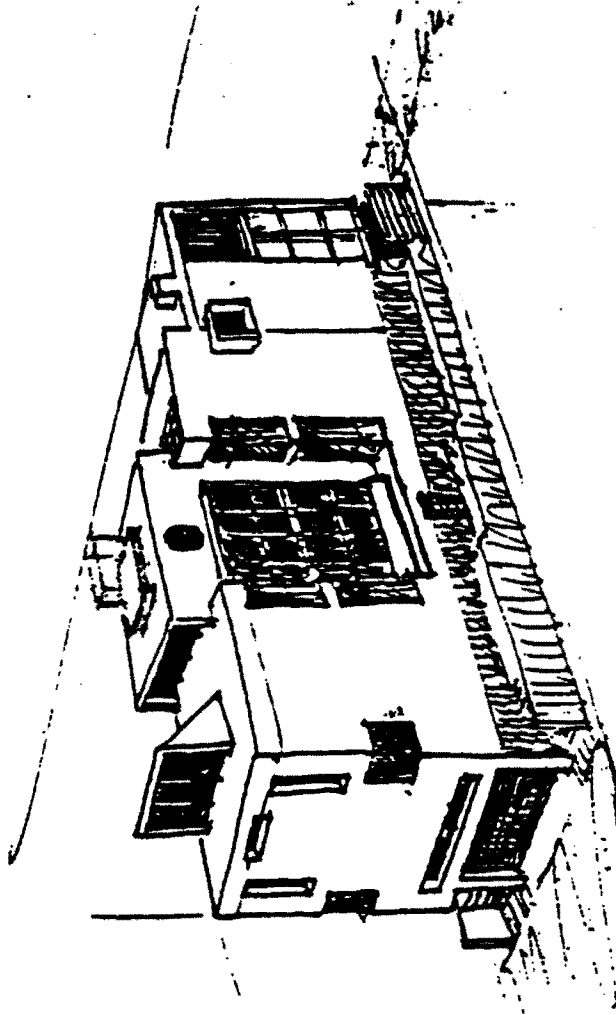
MIGUEL
ANGELO
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EXHIBIT # 4
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