

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 5/27/97  
49th Day: 7/15/97  
180th Day: 11/23/97  
Staff: CP-LB  
Staff Report: 6/17/97  
Hearing Date: July 8-11, 1997  
Commission Action:



### STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-155

APPLICANT: W. Paul Bailey

AGENT: N/A

PROJECT LOCATION: 2307 & 2309 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Demolition of a one-story, 1,600 square foot single family residence, and construction of two single family residences on two lots. Each single family residence is a three-story, 30 foot high (plus 10 foot high roof access structure for total height of 40 feet above Ocean Front Walk), 4,626 square foot house with a three-car garage on the lower level.

Lot Areas	2,520 sq. ft. per lot
Building Coverage	1,892 sq. ft. per lot
Pavement Coverage	584 sq. ft. per lot
Landscape Coverage	44 sq. ft. per lot
Parking Spaces	3 per residence
Zoning	RD1.5-1
Plan Designation	Medium Density Residential
Ht abv fin grade	40 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 #96-008, 2/14/96.
2. City of Los Angeles Hardship Exemption, File No. 93-1538-S10, 10/11/96.

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.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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 for each of the two approved residences.

#### 2. Height

The height of the roofs 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, solar collectors, skylights and one roof access structure with no living or storage area may extend above the thirty foot roof height limit on each residence (as shown on the approved plans). No portion of any structure shall extend more than 40 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 construct two new three-story, 30 foot high (plus 10 foot high roof access structure), 4,626 square foot homes on the two lots which comprise the project site (one residence per lot) (Exhibit #2). One lot is currently vacant and the other is occupied by a one-story single family residence. The existing single family residence will be demolished.

Both of the proposed three-story single family residences contain a three-car garage and a roof deck. The roof elevation of the proposed residences is thirty feet above the centerline of the fronting right-of-way, however, some portions of the structures (i.e. parapet walls, roof deck railings, roof equipment, and roof access structure) are proposed to extend above the thirty foot roof elevation. The proposed roof access structures (one per residence) are proposed to reach forty feet above the elevation of Ocean Front Walk (Exhibit #3).

The proposed project is located on two 2,520 square foot lots situated on Ocean Front Walk in North Venice (Exhibit #2). Ocean Front Walk is an improved public right-of-way. The proposed front decks on each residence are set back one foot from the Ocean Front Walk right-of-way (Exhibit #3). The beach, a public beach parking lot, the beach bike path and the County Lifeguard Station are located in front of the proposed project on the seaward side of Ocean Front Walk (Exhibit #2). A five-story multi-unit residential structure occupies the lot immediately north of the site.

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

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. The Commission's building standards for the North Venice area are contained in the Regional Interpretive Guidelines for Los Angeles County.

Residential density in the North Venice area is limited to two units per lot. The applicant proposes to construct one single family residence on each of the two lots on the site. The proposal of one residential unit per lot is in compliance 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.

Both of the proposed residences have a roof height of thirty feet. However, some portions of the proposed structures exceed the thirty foot roof height.

These portions of the proposed structures include the parapet walls or railings around the proposed roof decks and one glass-enclosed roof deck access structure on each residence. The highest part of the proposed structures, the roof access structures, are proposed to be forty feet high (Exhibit #3).

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 a hardship exemption for the proposed structures (Exhibit #4).

The City's hardship exemption allows each of the two proposed structures to: 1) have a forty foot high roof access structure with no habitable space, 2) have a one foot front setback from Ocean Front Walk in lieu of the usually required five foot setback, and 3) have a nine foot high front deck next to Ocean Front Walk in lieu of the normally required six foot maximum front deck height limit (Exhibit #4).

Regardless of the City's approval of the hardship exemption for the proposed project, 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 previously 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 contain no living or storage space and if they do not negatively impact the visual resources of the area.

As proposed, the design of the two proposed roof access structures 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 proposed forty foot high roof access structures are sited at the rear of each structure so that they will not be visible from Ocean Front Walk or the public beach (Exhibit #3). In addition, the proposed project does not include any enclosed living or storage space over the thirty foot height limit. The proposed roof access structures have glass fronts and backs which allow light to enter into the third floor living area below through ceiling openings within the proposed roof access structures.

Therefore, the Commission finds that the proposed roof access structures will not negatively impact the visual resources of the area, and that the proposed roof access structures conform 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 of both proposed residences to thirty feet above the centerline of the Ocean Front Walk right-of-way. Only roof deck railings, parapet walls, chimneys, air conditioning equipment, solar collectors, skylights and one roof access structure with no living or storage area may extend above the thirty foot roof height limit on each residence (as shown on the approved plans). No portion of the structures shall exceed forty 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.

The proposed one foot front setback from Ocean Front Walk and the nine foot high front decks next to Ocean Front Walk will also not negatively impact the visual resources of the area. Many of the existing residential structures along Ocean Front Walk are set back only one foot from the right-of-way. Many of those which are set back farther have six foot high walls built along the right-of-way. Therefore, the existing pattern of development abuts the walk. The proposed one foot setback is consistent with community character and will not negatively affect coastal access.

High walls along Ocean Front Walk, similar to the proposed nine foot high first floor walls, can negatively impact visual resources if they do not contain any ground level entryways or windows. Large blank facades with no ground level entryways or windows are visually unappealing and can negatively affect the community character. The Commission's Regional Interpretive Guidelines for Los Angeles County state that, "ground level entryways or windows should be provided". In this case, each of the two proposed structures contain front doors on the Ocean Front Walk level (Exhibit #3). Therefore, the proposed project is designed so that the Ocean Front Walk level walls will not be unbroken blank facades out of character with the rest of the community.

Therefore, the Commission finds that the proposed project will not negatively impact the visual resources of the area and conform to the Commission's height requirements and previous approvals in the North Venice area.

### 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 on the ground floor of each of the two proposed residences. The ground floor garages are accessed from Speedway alley. The proposed three parking spaces per residence are an adequate parking supply for the proposed residences. 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

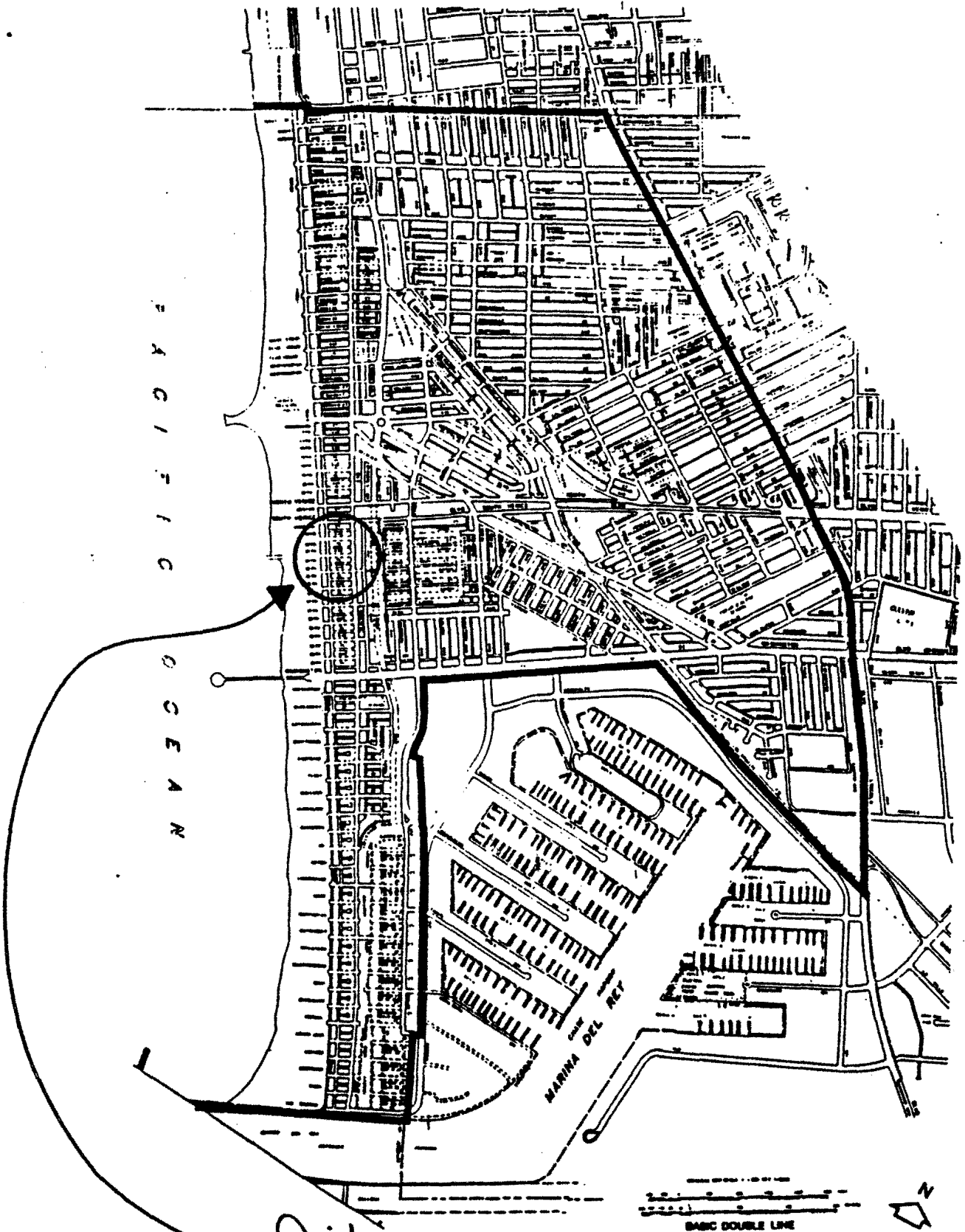
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California

Environmental Quality Act (CEQA). Section 21080.5(d)(2)(1) 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.

9051F:CP





Site

VENICE COASTAL ZONE

COASTAL COMMISSION

5-97-155

EXHIBIT # 1

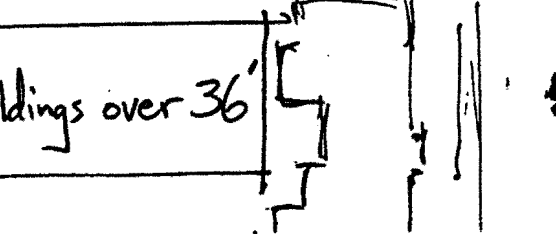
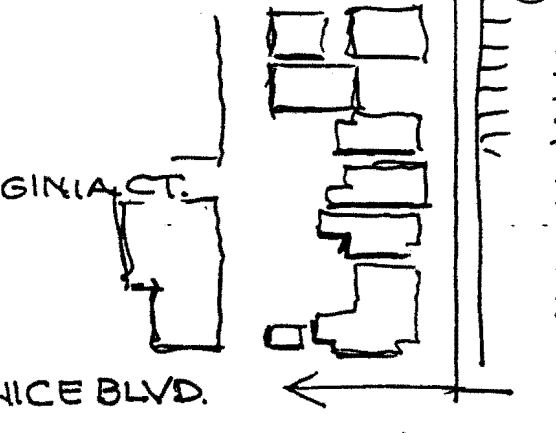
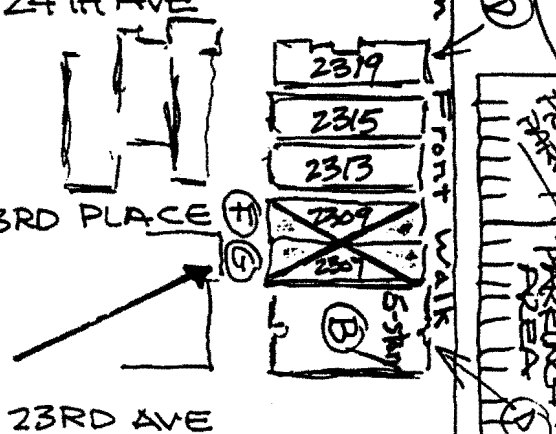
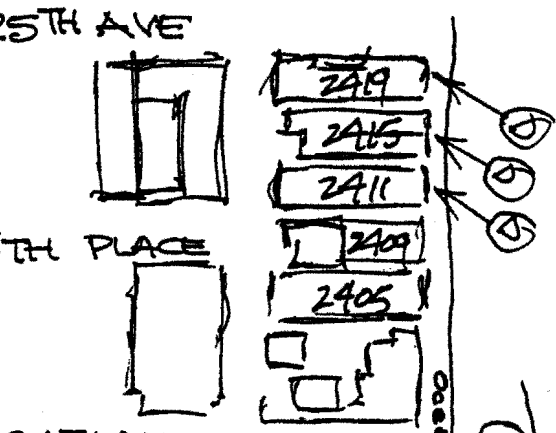
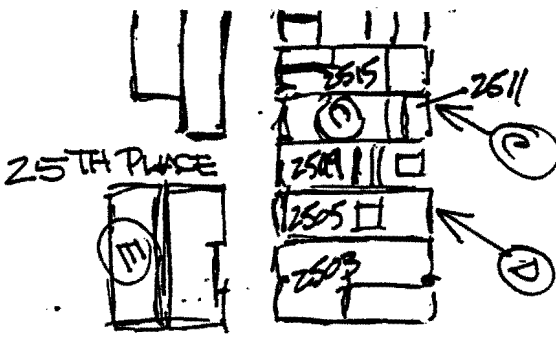
PAGE 1 OF 1

BAILEY

Pacific Ocean

Venice Beach

Site



(D) - Buildings over 36'

5-97-155

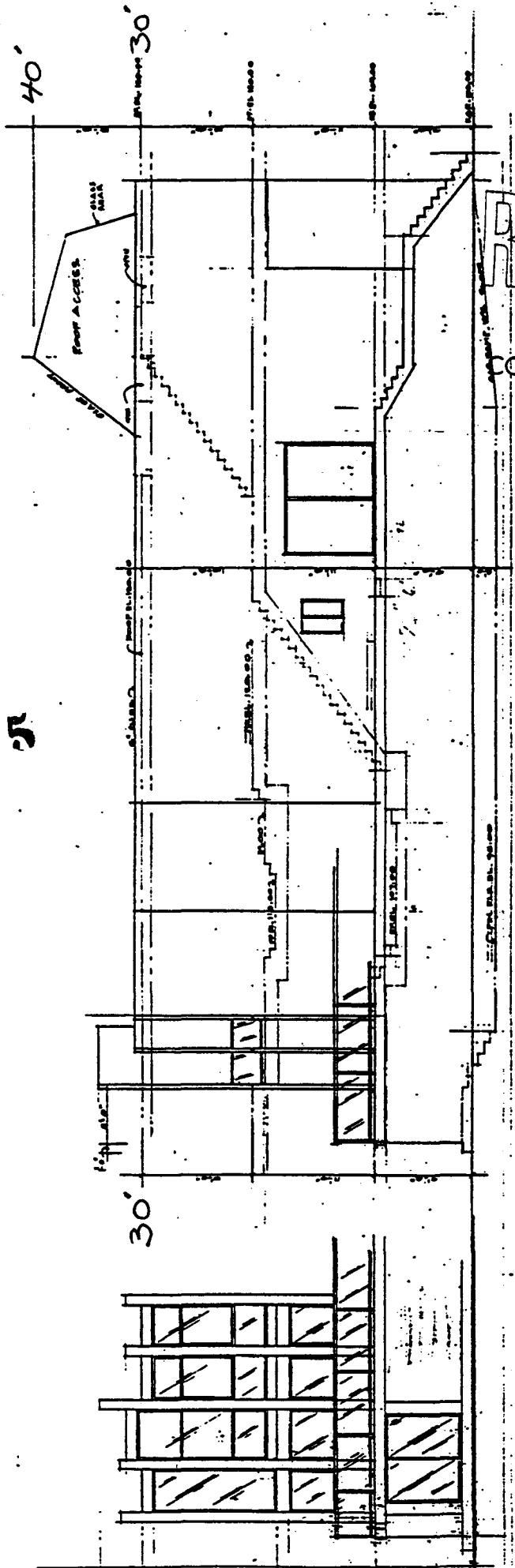
COASTAL COMMISSION  
5-97-155

EXHIBIT # 2

PAGE 1 OF 1

5-97-155

RESIDENT FOR:  
MR. PAUL D. PALEY  
2307 OCEAN FRONT WALK  
VENICE, CA.



FRONT ELEVATION

SOUTH ELEVATION

REC  
MAY  
CALI  
COASTAL C

2307 Ocean Front Walk

COASTAL COMMISSION

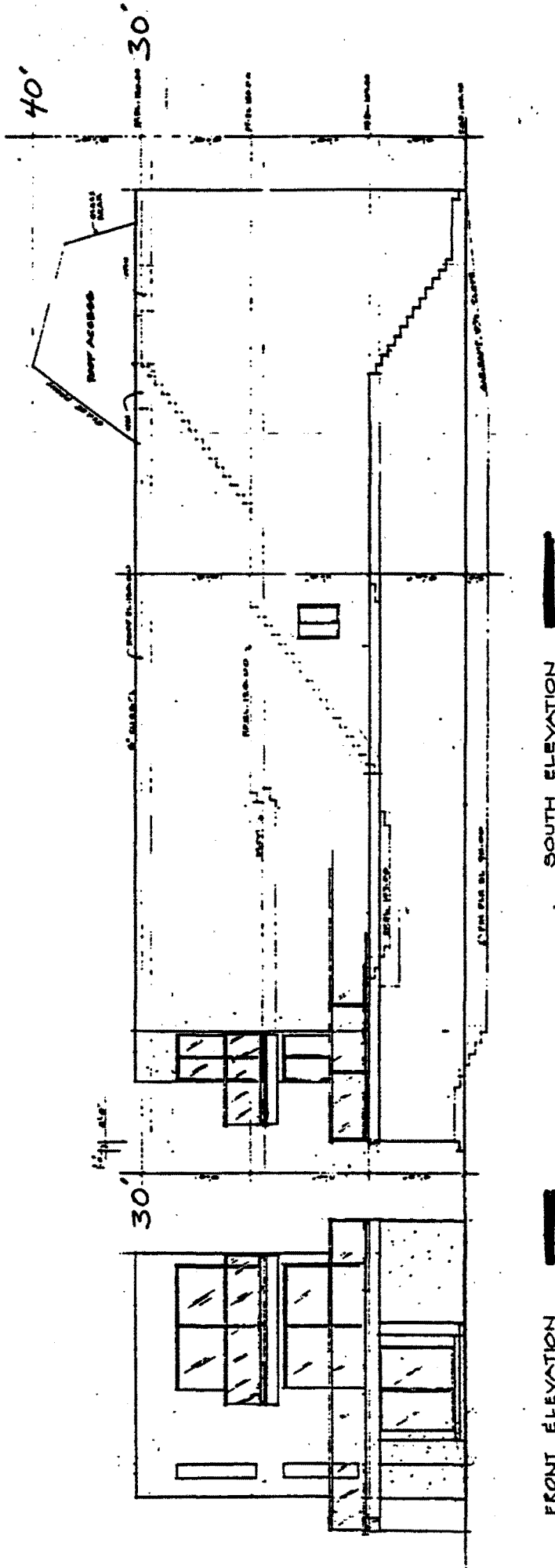
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EXHIBIT # 3

PAGE 1 OF 2

RESIDENCE FOR:

2309 OCEAN FRONT WALK  
VENICE, CA.



2309 Ocean Front Walk

COASTAL COMMISSION

5-97-155

EXHIBIT # 3

PAGE 2 OF 2

J. MICHAEL CAREY  
CITY CLERK

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

OFFICE OF THE  
CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CA 90012  
(213) 485-5708  
FAX (213) 237-0636

93-1538-S10

CD 6

October 25, 1996

RECEIVED  
MAY 27 1997

CALIFORNIA  
COASTAL COMMISSION

5-97-155

Councilmember Galanter  
Director of Planning  
Bureau of Engineering, Development  
Services Division, Attn: F. Bonoff  
Department of Transportation,  
Traffic/Planning Sections  
Department of Building & Safety,  
Zoning Coordinator

City Planning Department  
Attn: Haideh Aghassi  
Fire Department

✓ W. Paul Bailey  
14 Avenue 25  
Venice, CA 90291

RE: HARDSHIP EXEMPTION REQUEST FROM PROVISIONS OF THE VENICE  
COASTAL INTERIM CONTROL ORDINANCE FOR PROPERTY AT 2307 AND  
2309 OCEAN FRONT WALK

At the meeting of the Council held October 11, 1996, the following  
action was taken:

Attached report adopted.....	_____X_____
Attached motion ( ) adopted.....	_____
Attached resolution adopted.....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve attached communication.....	_____
To the Mayor FORTHWITH.....	_____
Mayor concurred.....	_____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorically exempt.....	_____X_____
Generally exempt.....	_____
EIR certified.....	_____

*J. Michael Carey*  
City Clerk  
et

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COASTAL COMMISSION

5-97-155

EXHIBIT # 4

PAGE 1 OF 4



TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your                      PLANNING AND LAND USE MANAGEMENT                      Committee

reports as follows:

PUBLIC COMMENTS: YES

PLANNING AND LAND USE MANAGEMENT COMMITTEE relative to a hardship exemption request from provisions of the Venice Coastal Interim Control Ordinance for property at 2307 and 2309 Ocean Front Walk.

Recommendations for Council action:

1. FIND that this action is categorically exempt from CEQA pursuant to Article VII, Section 1, Class 3(1) of the City's Guidelines.
2. RESOLVE pursuant to Section 6 of Ordinance No.170,556 (Venice Coastal Interim Control Ordinance), that by the adoption of this report, a HARDSHIP EXEMPTION from Section 5.G.1 (maximum height), BE GRANTED, for the proposed two single family homes on two lots for a roof access which exceed height and setback requirements for the property located at 2307 and 2309 Ocean Front Walk, subject to the following conditions of approval:
  - A. The additional height will not increase habitable space.
  - B. A minimum of a three foot setback shall be permitted from the rear of the homes, a 60 foot front setback, and five feet of access space on the north side of the homes.
  - C. The over-in-height roof structure housing the stairway shall be enclosed on two sides in transparent material such as glass.
  - D. Nine foot high front deck instead of 6 foot high deck.

Applicant: W. Paul Bailey                      CPC 96-0177 HE

3. DIRECT the Department of Building and Safety to require the City Planning Department's sign-offs on building permits for this project.
4. ADVISE the applicant that this hardship exemption, if granted by the City Council, is not a permit or license and that any other approvals, permits and licenses required by law must be obtained from the proper agencies. Furthermore,

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your                      PLANNING AND LAND USE MANAGEMENT                      Committee

reports as follows:

if any condition of this exemption is violated or not complied with, this exemption shall be subject to revocation by order of a City Council resolution to that effect.

5. TRANSMIT the final City Council action to the Department of Building and Safety and the City Planning Department.

Fiscal Impact Statement: No General Fund impact, as administrative costs are recovered through fees.

SUMMARY

On September 24, 1996, the Planning and Land Use Management Committee, considered a communication from W. Paul Bailey, applicant, requesting a hardship exemption from requirements of the Venice Coastal Interim Control Ordinance No. 170,556 ("the ICO") for two proposed single family homes on two lots at 2307 and 2309 Ocean Front Walk.

The applicant requests an exemption to allow a glass-enclosed roof access structure which would extend the total height of the buildings to 40 feet in height, while the ICO provides for a maximum height of 30 feet for all projects. Also requested is authority for a 10-foot high front deck on each lot, observing a setback of one foot in lieu of the required 5 foot setback. Under the ICO, ground level patios, decks, landscaping and railings, walls and fences not over six feet in height may encroach into the setback, provided they observe a setback of at least one foot.

At the meeting, Planning Department staff began the discussion with brief presentations describing the case. It was noted that, although an exemption from the ICO would be needed for the construction and maintenance of these aspects of the structural design, a zone variance would not be required.

The applicant then explained the reasons for the request, indicating that the roof access would permit sunlight to better illuminate the studio area of the homes, and that the reduced setback would allow the placement of a door on the front of the houses, providing the occupants with an entry door directly facing onto the beach.

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your                      PLANNING AND LAND USE MANAGEMENT                      Committee  
reports as follows:

A representative of the District Council Office spoke in support of the granting of the exemption, with four conditions of approval. These conditions would assure that the added height will not increase habitable space in the homes, that the roof structure will be enclosed in transparent material such as glass, and that minimum setbacks will be three feet on the rear, 60 feet on the front and with at least five feet of access space on the north side of the structures.


With the inclusion of these conditions, the Committee recommends granting of the requested exemption.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

WJS:ys  
10-4-96  
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Laura Chubb

*Rept.*  
**ADOPTED**

OCT 11 1995

LOS ANGELES CITY COUNCIL  
*Categorical Exempt. Approved*