

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
2000 Ocean Gate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W23a

PETE WILSON, Governor



RECORD PACKET COPY

Filed: 8/12/98
49th Day: 9/30/98
180th Day: 2/8/99
Staff: CP-LB
Staff Report: 11/17/98
Hearing Date: December 8-11, 1998
Commission Action:

[Handwritten signature]

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NUMBER: 5-97-211-A1

APPLICANT: Caryl Portnoy

AGENT: Miguel Angelo Flores, Architect

PROJECT LOCATION: 2707 Ocean Front Walk, Venice, City of Los Angeles,
Los Angeles County.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (5-97-211):

Demolition of a one-story, 1,800 square foot single family residence, and construction of a three-story, 30 foot high (with 40 foot high roof access structure), 5,362 square foot single family residence with a four-car garage on the lower level.

DESCRIPTION OF AMENDMENT REQUEST (5-97-211-A1):

Revised project resulting in the construction of a three-story, 30-foot high duplex (with 37-foot high roof access structure and elevator housing) with five on-site parking spaces.

LOCAL APPROVAL: City of Los Angeles Approval in Concept #98-075, 8/10/98.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment with revised special conditions relating to density, parking and building height. The applicant agrees with the recommendation.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change that affects the conditions of the underlying permit. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

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, an amendment to the permit for the proposed development on the grounds that the development and amendment, 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

The following special conditions replace the special conditions of Coastal Development Permit 5-97-211 approved by the Commission on September 9, 1997:

1. Number of Units

The permitted use of the approved structure is limited to a duplex (two residential units).

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, solar collectors, skylights, one elevator housing and one roof access structure with no living or storage area may extend above the thirty foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 40 feet above the centerline of the Ocean Front Walk right-of-way.

3. Parking

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

This amendment request involves a proposal to construct a three-story, 30-foot high *duplex* (with a 37-foot high roof access structure and an elevator housing). Five on-site parking spaces are proposed. The Commission's original approval of coastal development permit 5-97-211 on September 9, 1997, permitted the construction of a three-story, thirty-foot high *single family residence* with a forty-foot high roof access structure. An amendment to the permit is required in order to change the special conditions and project description (*duplex instead of a single family residence*) of coastal development permit 5-97-211.

The proposed project is located on a beachfront lot on Ocean Front Walk in North Venice (Exhibit #2). Ocean Front Walk is an improved public right-of-way that separates the residential lots from the sands of the public beach. The beach and the beach bike path are located in front of the proposed project on the seaward side of Ocean Front Walk. The lot was formerly occupied by a one-story single family residence which has been demolished under the terms of coastal development permit 5-97-211. Coastal development permit 5-97-211 was issued on September 16, 1997.

The proposed three-story duplex contains five covered parking spaces on the ground floor level. A roof deck is also proposed. The roof elevation of the proposed duplex is thirty feet above the centerline of the fronting right-of-way. However, some portions of the structure (i.e. parapet walls, roof deck railings, roof equipment, elevator housing and a roof access structure) are proposed to extend above the thirty-foot roof elevation. A proposed 50 (10'x5") square foot elevator housing and a 72 (8'x9") square foot roof stairway access structure are proposed to reach 37 feet above the elevation of Ocean Front Walk (Exhibit #5). A proposed trellis structure over the roof deck is 36 feet over the elevation of Ocean Front Walk (Exhibit #5).

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 amendment.

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 a duplex on one lot. The proposed duplex complies with the density limit for the site. A condition of approval on this permit amendment states that the permitted use of the proposed structure is limited to a duplex.

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 duplex has a roof height of thirty feet. However, some parts of the proposed structure exceed the thirty-foot roof height. These portions of the proposed structure include parapet walls, roof deck railings, roof equipment, skylights, an elevator housing, and a roof access stairway enclosure. The highest parts of the proposed structure are the elevator housing and the roof access structure which extend to 37 feet above the fronting right-of-way (Exhibit #5).

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 the proposed project an approval in concept.

The Commission must, however, determine whether 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 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 proposed 37 foot high roof access structure and elevator enclosure are set back 35 feet from the front property line at Ocean Front Walk (near the middle of the structure) in order to minimize the amount of rooftop structures that may be seen from the public areas of Ocean Front Walk and the public beach (Exhibit #5). In addition, the proposed project does not include any enclosed living or storage space over the thirty-foot height limit. The proposed elevator housing is 50 square feet (10'x5") in area, and the roof stairway access structure is 72 square feet (8'x9") in area. The Commission has allowed roof access structures to exceed the height limit if they are less than one hundred square feet in area and contain no living space or storage area. The maximum height of the two proposed rooftop structures is 37 feet above the elevation of Ocean Front Walk (Exhibit #5).

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 the proposed residence 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, one elevator housing and one roof access structure with no living or storage area may extend above the thirty foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 40 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.

Therefore, the Commission finds that the proposed project, as conditioned, 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.

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 five on-site parking spaces on the ground floor of the proposed residence. The parking spaces are accessed from Speedway alley. The proposed five parking spaces are an adequate parking supply for the proposed duplex. 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.

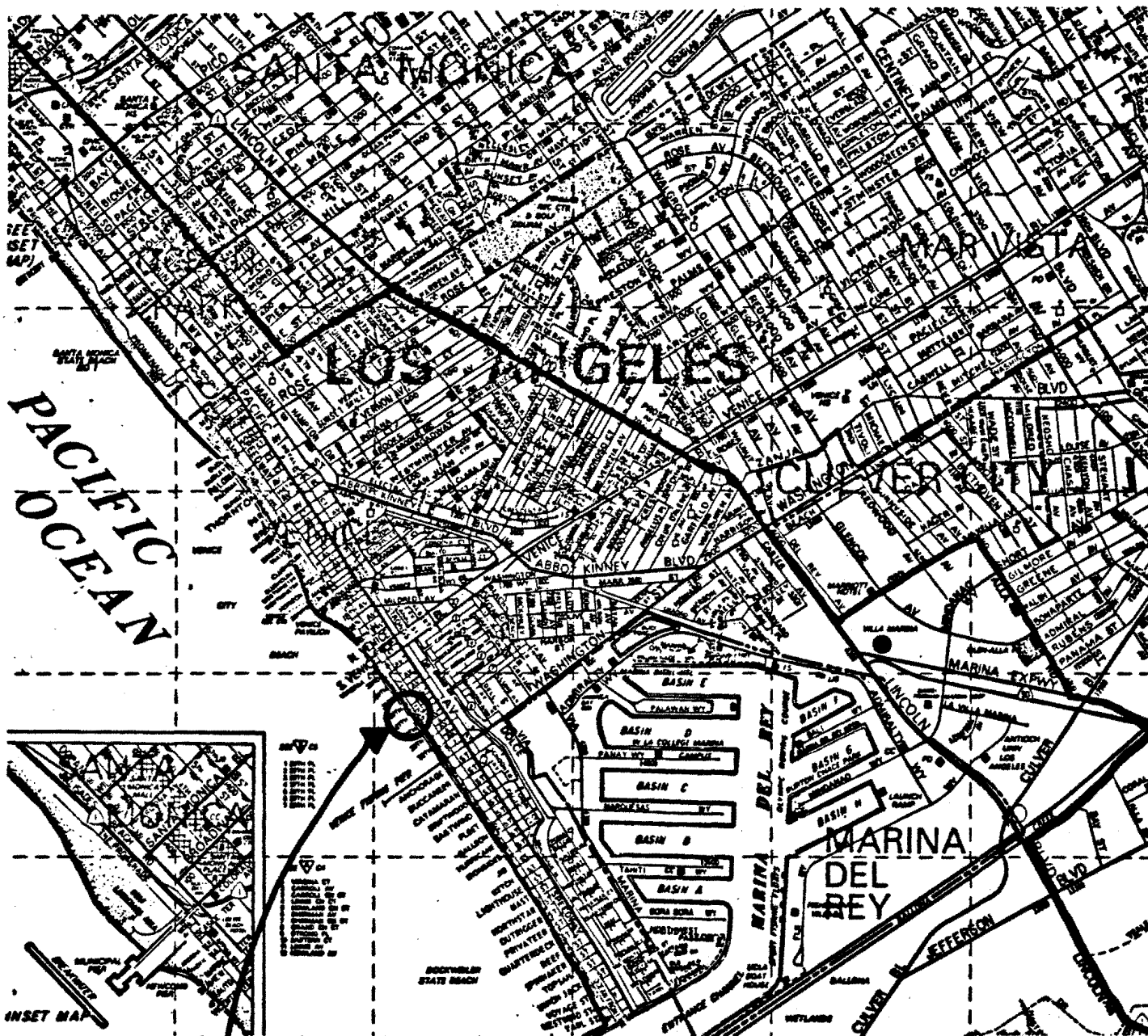
The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, only as conditioned, is consistent with the habitat, coastal access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, 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)(A) 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 effect which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the habitat and coastal access 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.

End/cp



Site

COASTAL COMMISSION

5-97-211-A1

EXHIBIT # 1

PAGE 1 OF 1

0707 ocean front walk

LOT 3, BLOCK 21
STREET LINE - BEACH
SUBDIVISION No 2
BLK 4, PG. 42 LACOREC.

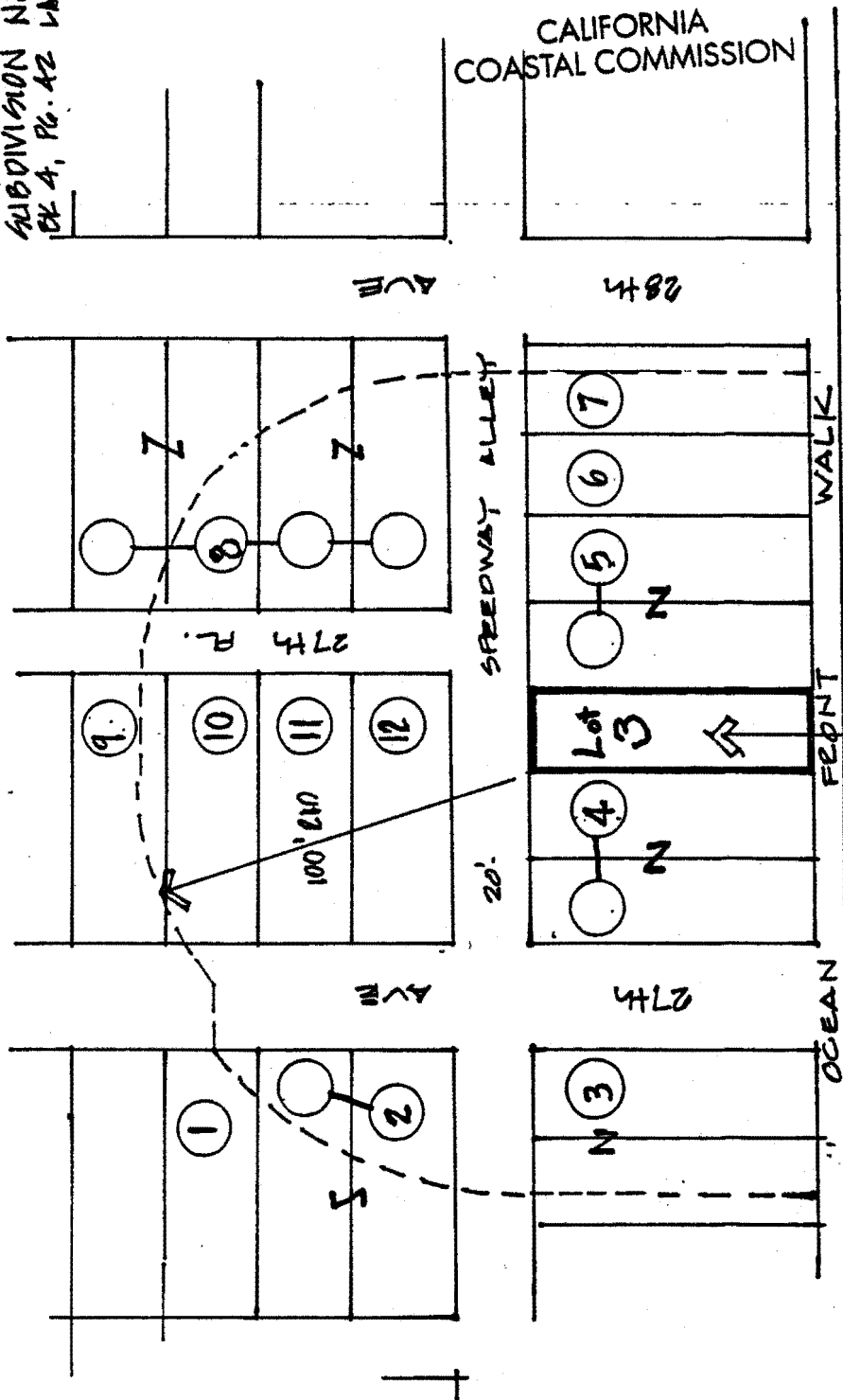
5-97-211
RECEIVED
JUL 11 1997

CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION
5-97-211-A1

EXHIBIT # 2

PAGE OR PAGE NO.



DO ME
DO ME
0707 OF W. VENICE

100' RADIUS MAP

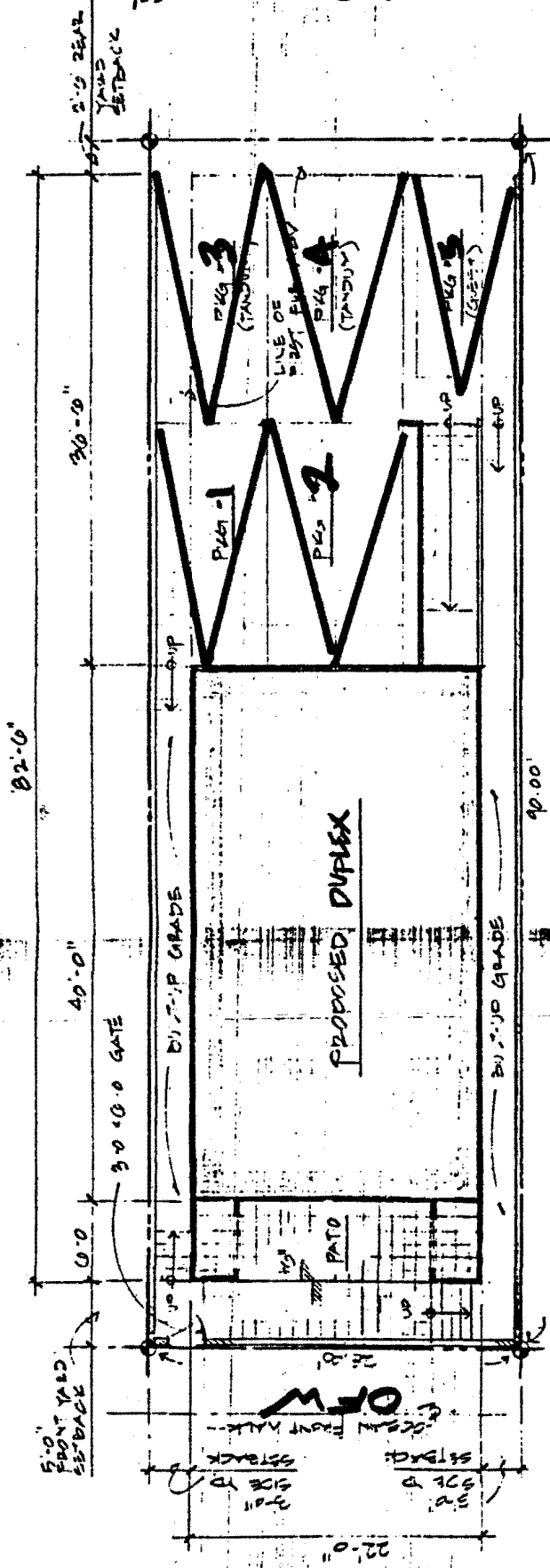
$100' = 60'$

COASTAL COMMISSION

5-97-211-A1

EXHIBIT # 3

PAGE 1 OF 1



SITE PLAN

NOTE:
FOR CONC. BLK
HEIGHTS - SEE
GRADING PLAN, SHT. A2

JOB ADDRESS:
2707 OCEAN FRONT WALK
VENICE, CA 90291

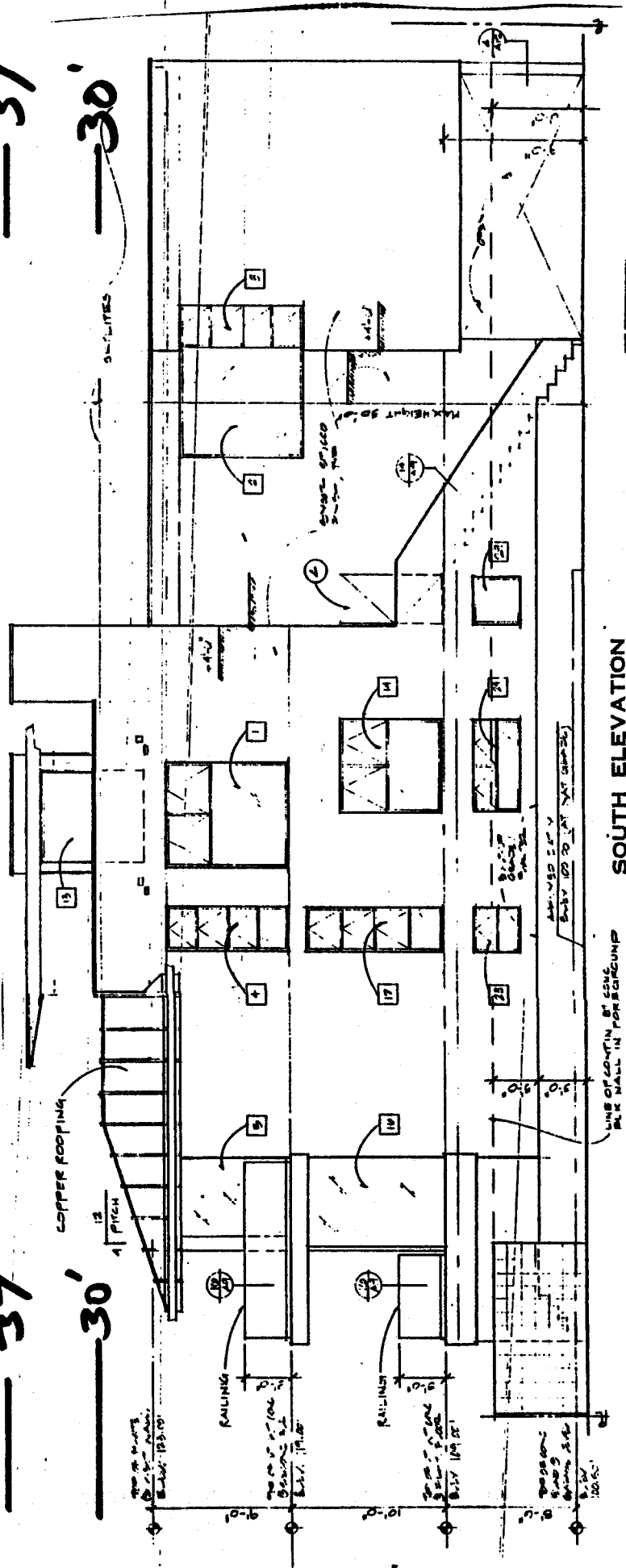
LEGAL DESCRIPTION:
LOT 3, BLK 21
SHORT LINE BEACH
SUBDIVISION No 2

— 37' —

— 37' —

— 30' —

— 30' —



SOUTH ELEVATION

COASTAL COMMISSION
5-97-211-A1

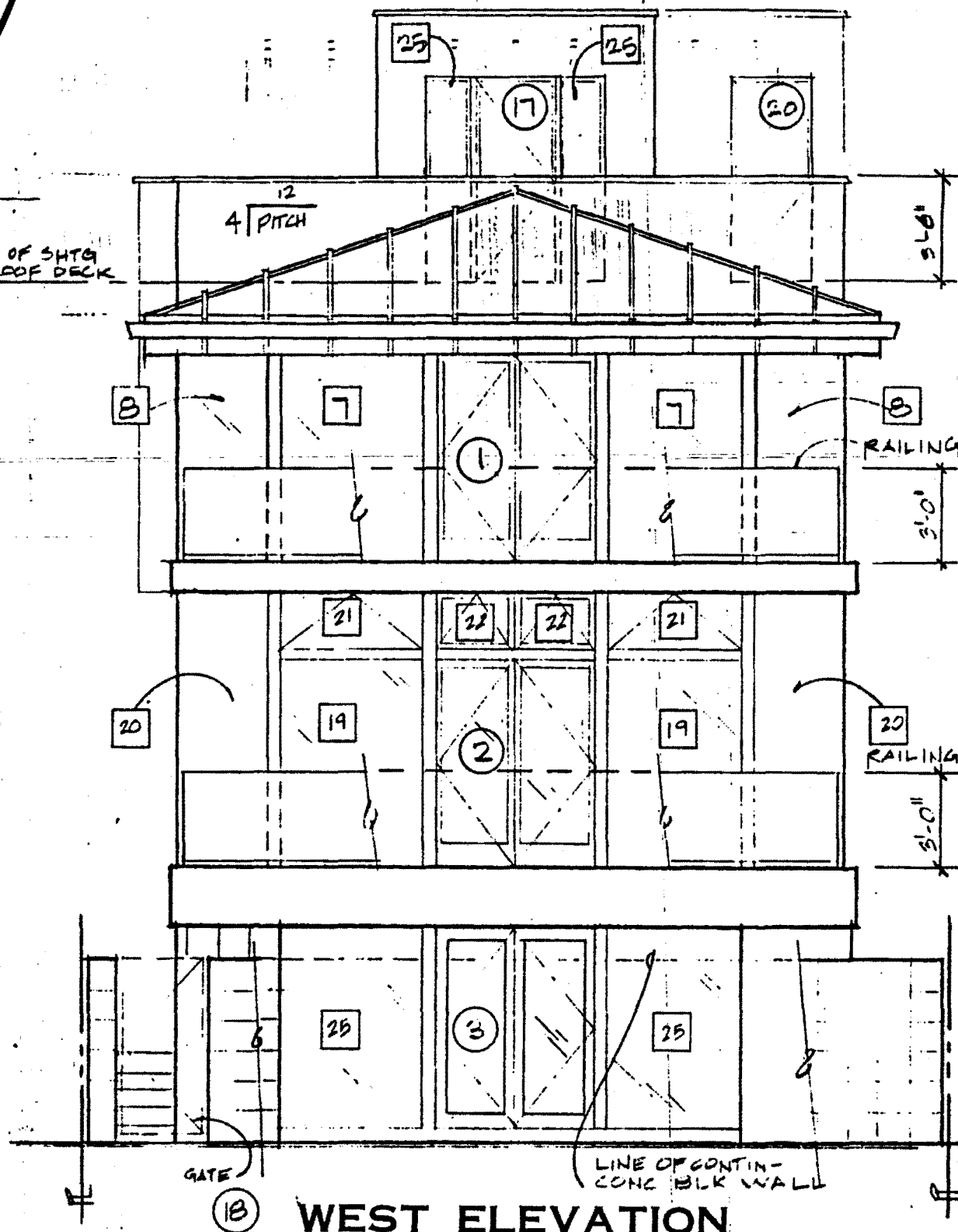
EXHIBIT # 4

PAGE 1 OF 1

● — 37'

TOP OF SHED
ROOF DECK

30'-0" MAX HT.



WEST ELEVATION

COASTAL COMMISSION
5-97-211-A1

EXHIBIT # 5

PAGE 1 OF 1