

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 3/10/98  
 49th Day: 4/28/98  
 180th Day: 9/6/98  
 Staff: CP-LB  
 Staff Report: 4/13/98  
 Hearing Date: May 12-15, 1998  
 Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-073

APPLICANT: Ellis D. Gelman

AGENT: N/A

PROJECT LOCATION: 29 Fleet Street, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a 35 foot high duplex (with 44 foot high roof access structure) with a five-car garage on a vacant lot.

Lot Area	2,925 sq. ft.
Building Coverage	1,421 sq. ft.
Pavement Coverage	1,161 sq. ft.
Landscape Coverage	343 sq. ft.
Parking Spaces	5
Zoning	R3-1
Plan Designation	Medium Density Residential
Ht abv fin grade	44 feet

SUMMARY OF STAFF RECOMMENDATION:

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

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept No. 98-012, 3/3/98.

SUBSTANTIVE FILE DOCUMENTS:

1. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.
2. Coastal Development Permit 5-98-028 (Oceanstrand).

**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, 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. Number of Units

The permitted use of the approved structure is limited to two residential units.

#### 2. Height

The height of the roof shall not exceed 35 feet above the centerline elevation of the Fleet Street right-of-way. Only roof deck railings, parapet walls, chimneys, roof access structures, air conditioning equipment, and solar collectors may extend above the 35 foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 44 feet above the centerline elevation of the Fleet Street right-of-way.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The applicant proposes to construct a 35 foot high, four-level duplex on a vacant lot in the Marina Peninsula area of Venice (Exhibit #2). The proposed structure will contain two 2,300 square foot (approx.) residential units and two garages. The proposed ground floor garages contain five parking spaces which are accessed from the rear alley, not from Fleet Street (Exhibit #3). This block of Fleet Street is a walk-street which is closed to motorized vehicles. Venice Beach, a popular recreation area, is located about three hundred feet west of the site.

The Commission has recognized in both prior permit and appeal decisions that the Marina Peninsula area of 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 Marina Peninsula area of Venice in order to protect public access to the beach and community character. 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 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 Marina Peninsula area of Venice, the Commission has consistently limited residential density and structural height. The Commission's building standards for the Marina Peninsula area of Venice are contained in the Regional Interpretive Guidelines for Los Angeles County.

Residential density in this area of Venice is limited to two units per lot. The applicant proposes to construct two residential units on the vacant lot. A condition of approval on this permit states that the permitted use of the proposed structure is limited to two residential units.

The Commission has consistently limited new development in the Marina Peninsula area of Venice to a height of 35 feet measured above the fronting right-of-way. The Commission has, however, allowed portions of some structures to exceed the 35 foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted.

The proposed structure has a roof height of 35 feet (Exhibit #4). However, some parts of the proposed structure exceeds the 35 foot roof height. These portions of the proposed structure include roof equipment boxes, chimneys, and two roof access structures. These structures do not extend more than 44 feet above the fronting right-of-way (Exhibit #4).

The City of Los Angeles Venice Interim Control Ordinance (ICO) also limits building heights in the area to 35 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 issued an approval in concept for the proposed project.

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 35 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 35 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 public areas. Roof access structures have been permitted to exceed the 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 project 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. The proposed rooftop structures do not extend above the heights of nearby roof deck structures and will not be visible from the beach which is located approximately three hundred feet west of the site.

In addition, the proposed project does not include any enclosed living or storage space over the 35 foot height limit. Therefore, the Commission finds that the proposed project will not negatively impact the visual resources of the area, and that the proposed proposed project conforms to the Commission's height requirements and previous approvals in the Marina Peninsula area of Venice.

In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the roof height of the proposed structure to 35 feet above the centerline elevation of the Fleet Street right-of-way. Only roof deck railings, parapet walls, chimneys, roof access structures, air conditioning equipment, and solar collectors may extend above the 35 foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 44 feet above the centerline elevation of the Fleet Street right-of-way. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

Another community character issue is the provision of front yard areas in newly designed homes in the Marina Peninsula area. Most of the existing homes in the area provide a small front yard area between the structure and the fronting street. Garage access is typically provided by the alleys, not the fronting streets (Exhibit #2). The landscaped front yard areas that already exist in the neighborhood give the area a more attractive appearance than it would have if all of the street fronting areas were paved over for driveways. In addition, any curb cuts on the fronting streets that are open to vehicles would reduce the amount of public on-street parking that is used for beach access and guest parking. Some of the streets in the area, like Fleet Street, are walk-streets that are closed to vehicles.

The proposed project provides a front yard area between the structure and the Fleet Street right-of-way. No curb cuts are proposed on Fleet Street which is closed to vehicular access anyway. The five proposed on-site parking spaces are accessed from the rear alley which terminates at the site (Exhibit #3). Therefore, the proposed project conforms with the character of surrounding area, and as conditioned, is 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 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. Because of the shortage of parking in the Venice area, the protection of existing public parking is of primary importance.

To help mitigate the shortage of parking in the area, the Commission has consistently conditioned new development within the Marina Peninsula area of Venice to provide two parking spaces per residential unit and provide provisions for guest parking. The proposed project provides five on-site parking spaces in two ground floor garages (Exhibit #3). Two parking spaces are provided for each proposed residential unit (two units), and an additional space is proposed for guest parking. The rear setback area may also be used for guest parking. As stated above, the proposed parking spaces are accessed from the alley. The Fleet Street right-of-way will not be affected by the proposed project.

In order to maximize public parking opportunities in this coastal area, the Commission finds that the lot frontage on Fleet Street shall not be utilized for private garage access, but reserved for public pedestrian access and/or public parking. Garage access should be taken from the side or rear alleys. Most of the existing buildings in the area are designed with garage access in the rear only. Curb cuts for garage access are prohibited in order to preserve the possibility of maximum on-street public parking for beach access.

Fleet Street is a walk-street closed to vehicles except at the intersection with Speedway where public parking nodes are located on the Fleet Street right-of-way. The parking and pedestrian walkway located within the Fleet Street right-of-way will not be affected by the proposed project.

The project proposes adequate on-site parking spaces to meet the needs of the proposed condominium units. In addition, the design of the proposed parking supply is compatible with community character and will not result in the loss of any on-street public parking along Fleet Street. Therefore, the proposed project consistent with the Commission's parking standards for the Marina Peninsula area and 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:

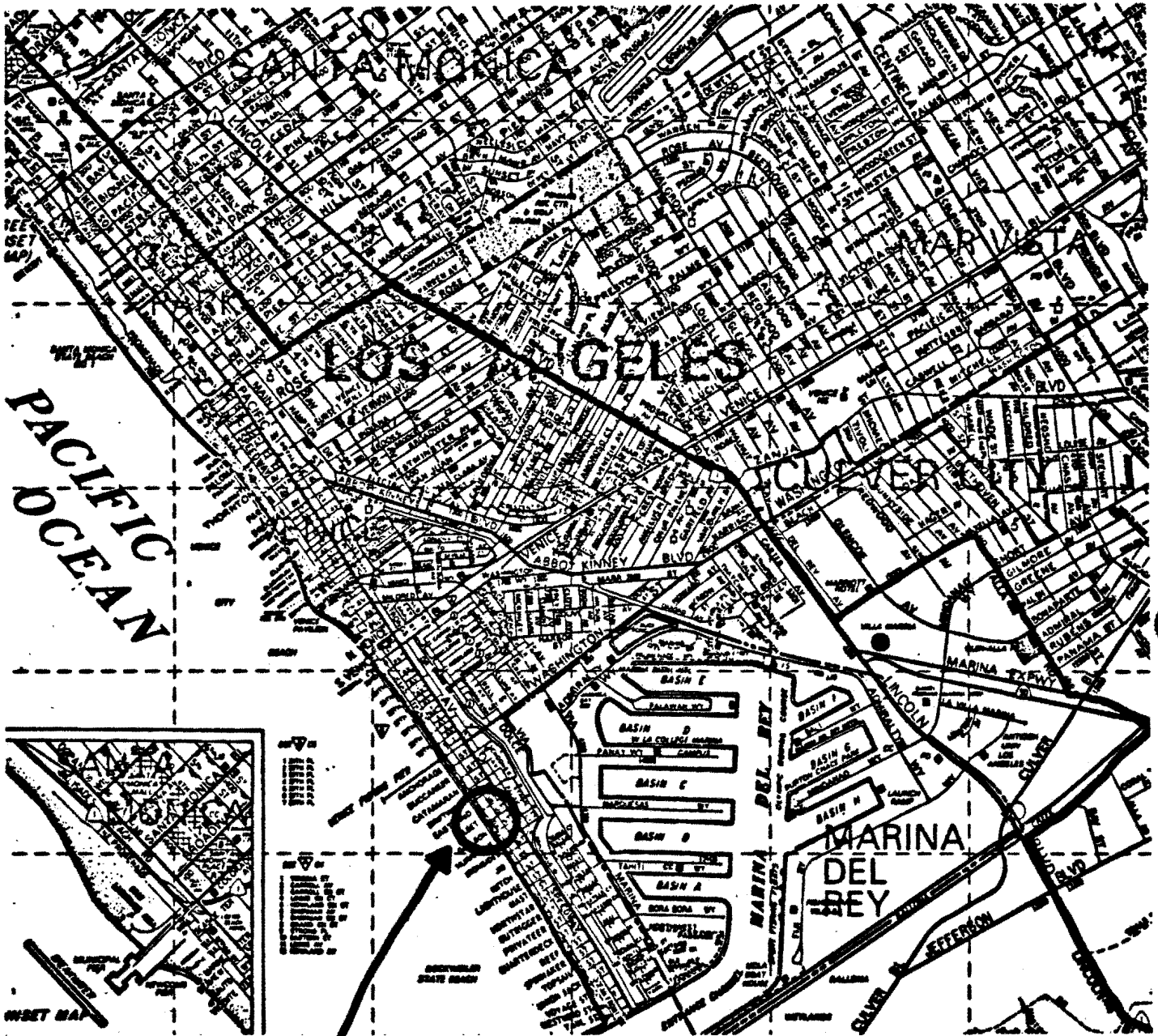
- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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)(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.

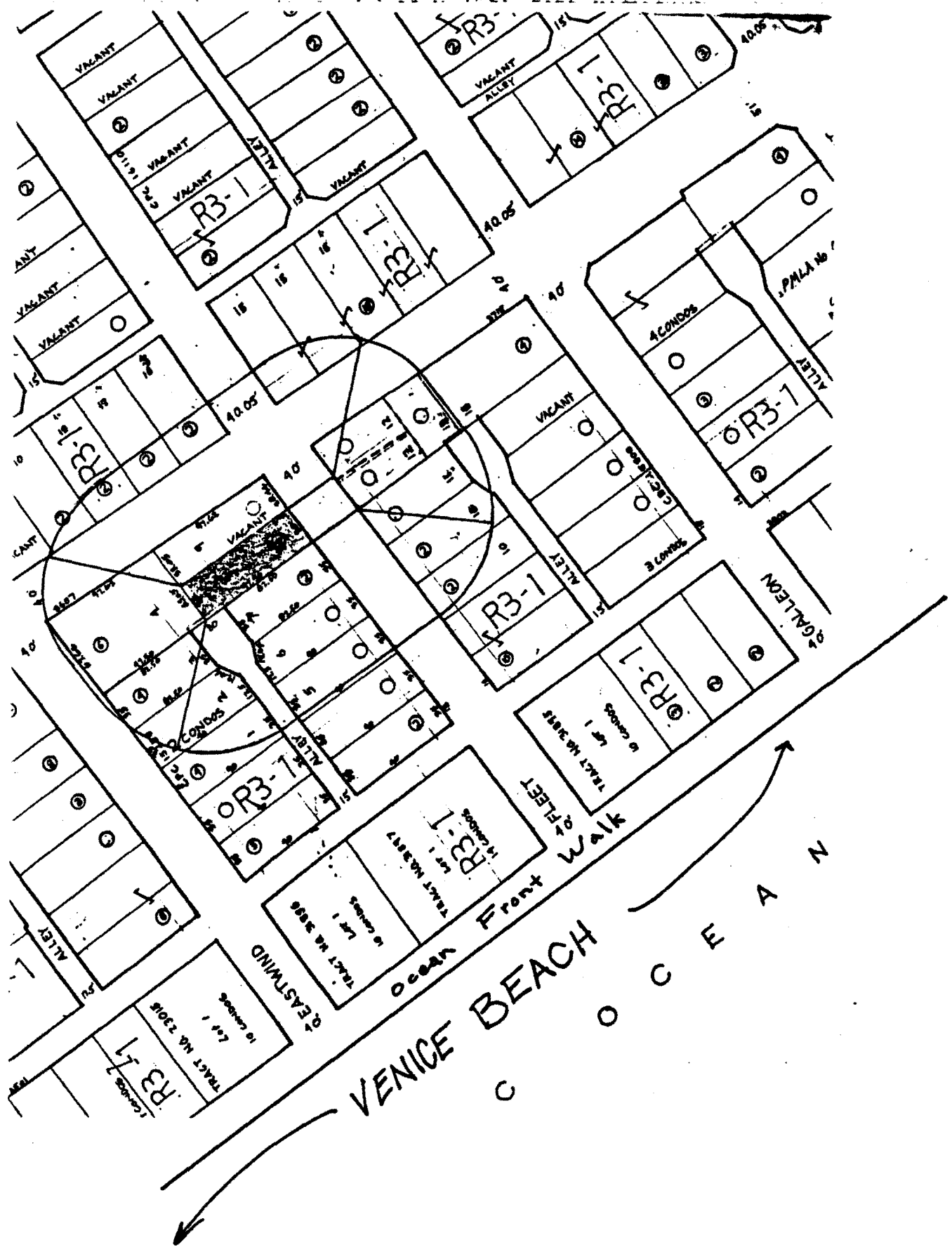
The proposed project, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Site

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EXHIBIT # 2

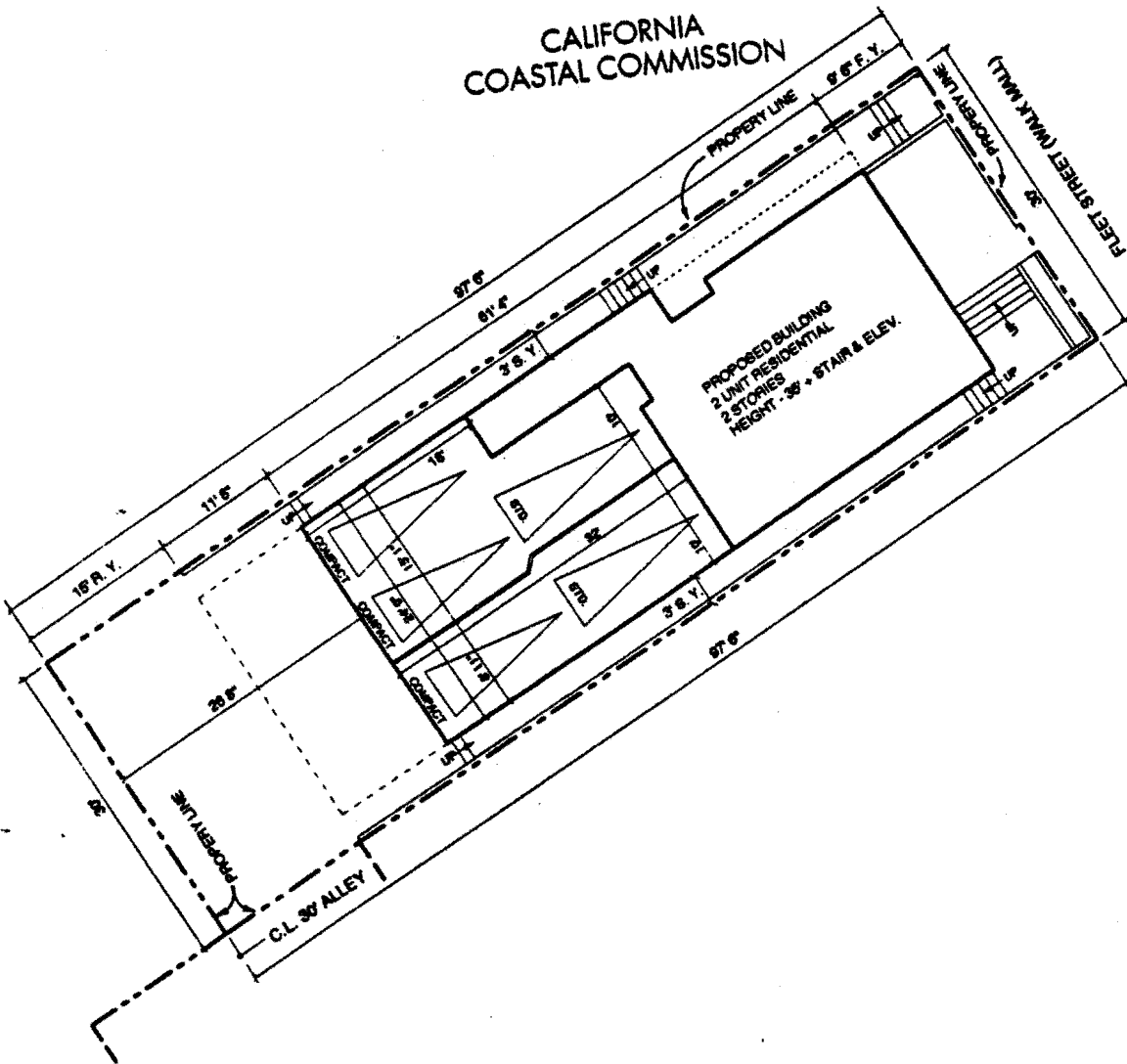
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North

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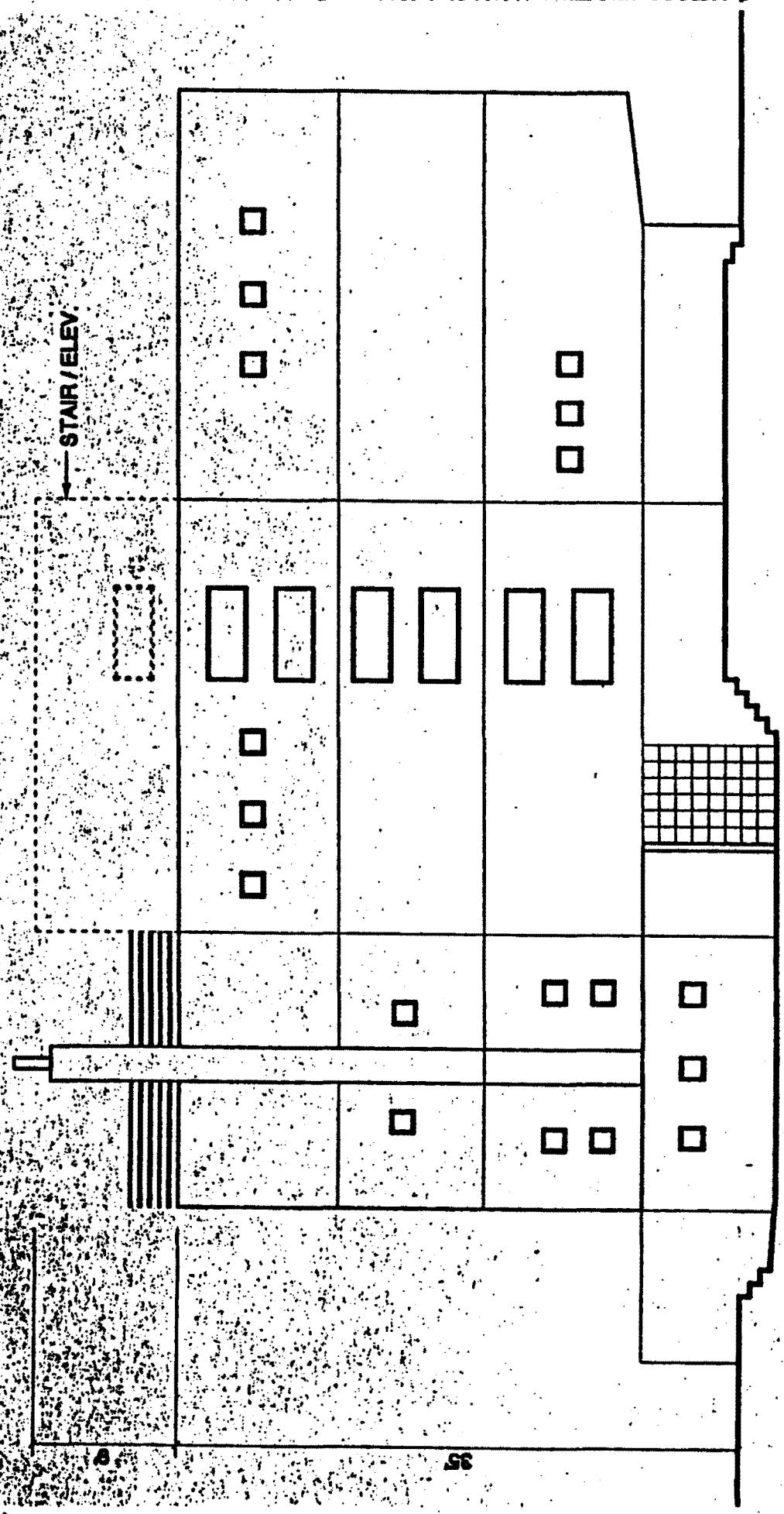
PROJECT ADDRESS:  
28 FLEET STREET  
CASE NO

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EXHIBIT # 3  
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PLOT PLAN  
SCALE: = 1/8" = 1' 0"

LEGAL DESCRIPTION:  
LOT - THE SOUTHWESTERLY 30' OF LOT 17  
BLOCK - C  
TRACT - OCEAN STRAND



← STAIR/ELEV.

EAST ELEVATION

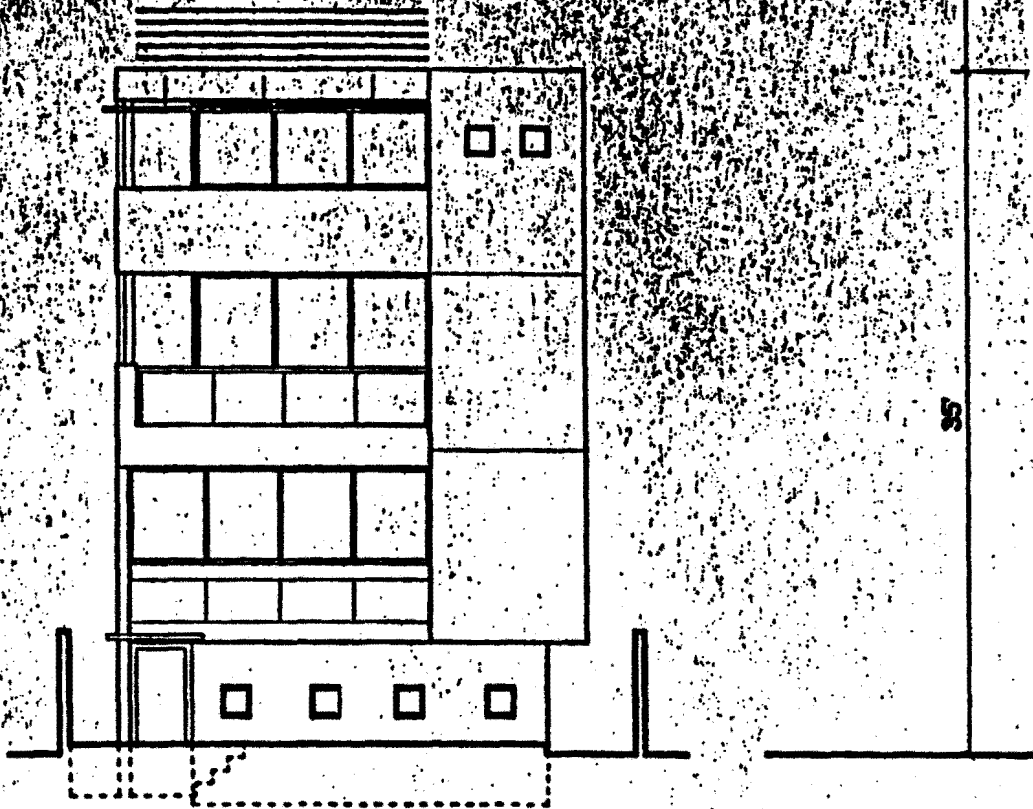
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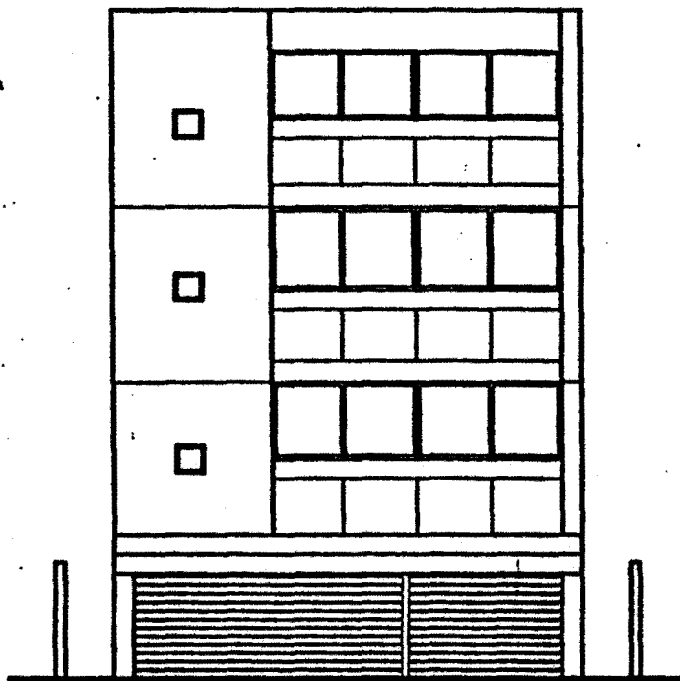
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44'



**SOUTH ELEVATION**



**NORTH ELEVATION**

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