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CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
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Filed: 7/16/98  
49th Day: 9/3/98  
180th Day: 1/12/99  
Staff: CP-LB  
Staff Report: 8/19/98  
Hearing Date: Sept. 8-11, 1998  
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-278  
APPLICANT: Richard Hirschfield  
AGENT: N/A  
PROJECT LOCATION: 39 28th Avenue, Venice, City of Los Angeles,  
Los Angeles County.  
PROJECT DESCRIPTION: Construction of three-story, 30 foot high (with 38 foot  
high roof access structure), 3,777 square foot (approx.)  
single family residence with an attached two-car garage  
on a vacant lot.

Lot Area 2,640 sq. ft.  
Building Coverage 1,640 sq. ft.  
Pavement Coverage 700 sq. ft.  
Landscape Coverage 300 sq. ft.  
Parking Spaces 3  
Zoning RD1.5  
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 density, parking and building height.  
The applicant agrees with the recommendation.

LOCAL APPROVAL RECEIVED:

- 1. City of Los Angeles Approval in Concept No. 98-060, 7/14/98.

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) #171,435.

**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 one single family residence.

#### 2. Height

The elevation of the roof shall not exceed 30 feet above the centerline of 28th Avenue. Only a roof access structure, mechanical equipment and roof deck railings, limited to the footprint shown in the approved plans, may exceed the 30 foot height limit. No portion of the structure shall exceed 38 feet above the centerline of 28th Avenue.

#### 3. Parking

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

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The applicant proposes to construct a three-story, 3,777 square foot single family residence on a vacant lot in North Venice (See Exhibits). Three on-site parking spaces are provided by an attached two-car garage and a carport (Exhibit #3). Venice Beach, a popular recreation area, is located one block west of the site (Exhibit #2).

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 North 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 North Venice, the Commission has consistently limited residential density and structural height. The Commission's building standards for North Venice are contained in the Regional Interpretive Guidelines for Los Angeles County.

Residential density on small lots (less than 4,000 square feet) in this area of Venice is limited to two units per lot. The applicant proposes to construct a single family residence (one unit) on the lot. A condition of approval on this permit states that the permitted use of the proposed structure is limited to one residential unit.

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 structure has a roof height of thirty feet above 28th Avenue. A roof access structure and a roof deck are proposed on top of the roof. The proposed roof access structure extends eight feet above the thirty foot roof elevation (Exhibit #4).

As previously stated, the Commission has allowed portions of some structures to exceed the 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 height limit include parapet walls and railings around roof decks, roof access structures, chimneys, air conditioning equipment and skylights. 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 in North Venice. The proposed project complies with the visual resource policies of the Coastal Act by minimizing the bulk of the rooftop structure. The proposed rooftop structure does 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 thirty 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 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 structure to thirty feet above the centerline of the 28th Avenue right-of-way. Only a roof access structure, mechanical equipment and roof deck railings, as shown in the approved plans, may exceed the thirty foot height limit. No portion of the structure shall exceed 38 feet above the centerline of 28th Avenue. 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 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 North Venice to provide at least two parking spaces per residential unit and provide provisions for guest parking. The proposed project provides two parking spaces in the ground floor garage (Exhibit #3). The side setback area provides an area for guest parking. All on-site parking is accessed from the rear alley.

Therefore, the project proposes adequate on-site parking to meet the needs of the proposed project. Therefore, the proposed project consistent with the Commission's parking standards for the North Venice 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.



39 28<sup>th</sup> Avenue

Site

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5-98-278

EXHIBIT # 1

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R1-1-88-0

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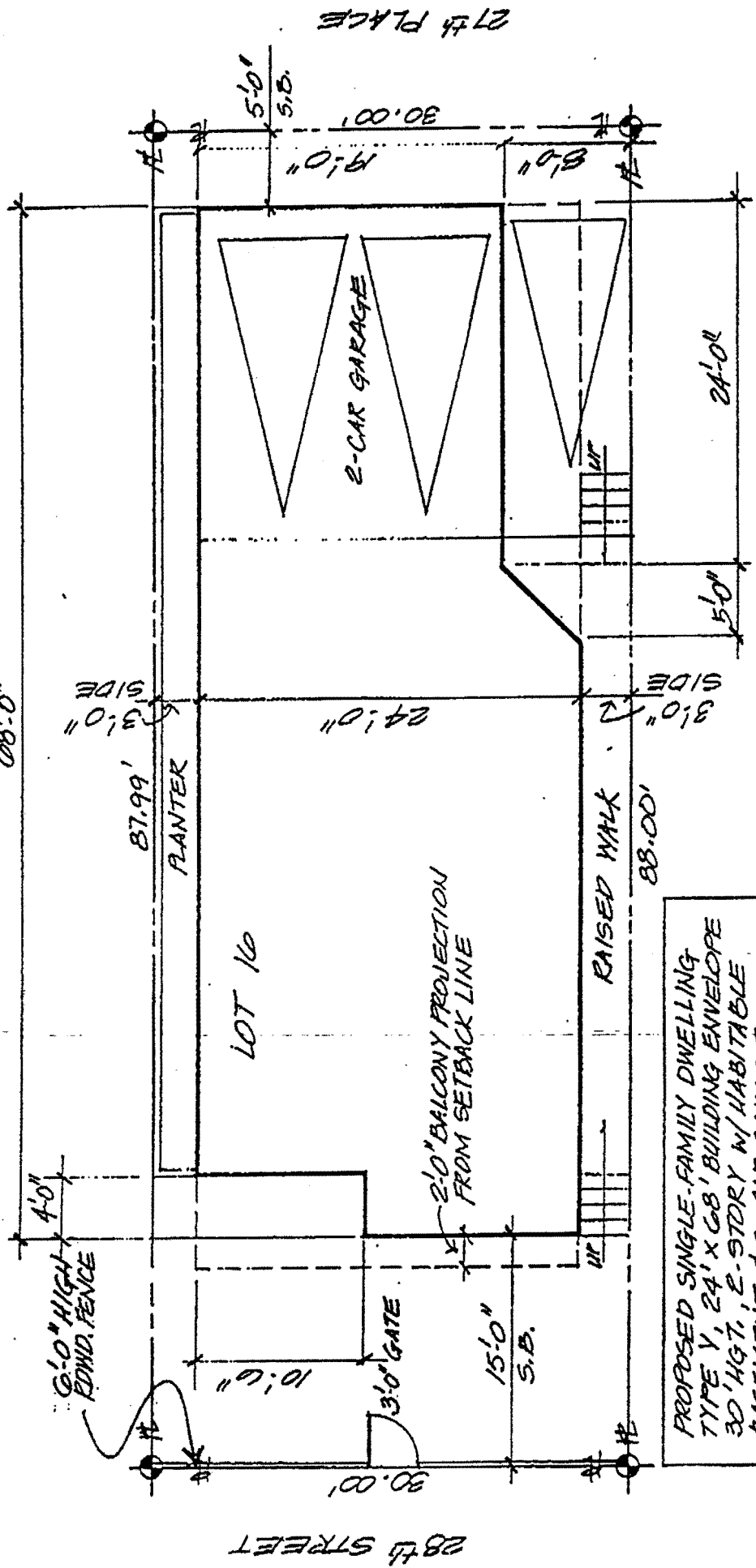
COASTAL COMMISSION

5-98-270

EXHIBIT # 2

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PROPOSED SINGLE-FAMILY DWELLING  
 TYPE V, 24' x 68' BUILDING ENVELOPE  
 30' HGT., 2-STORY W/ HABITABLE  
 BASEMENT & 2-CAR GARAGE



**SITE PLAN**

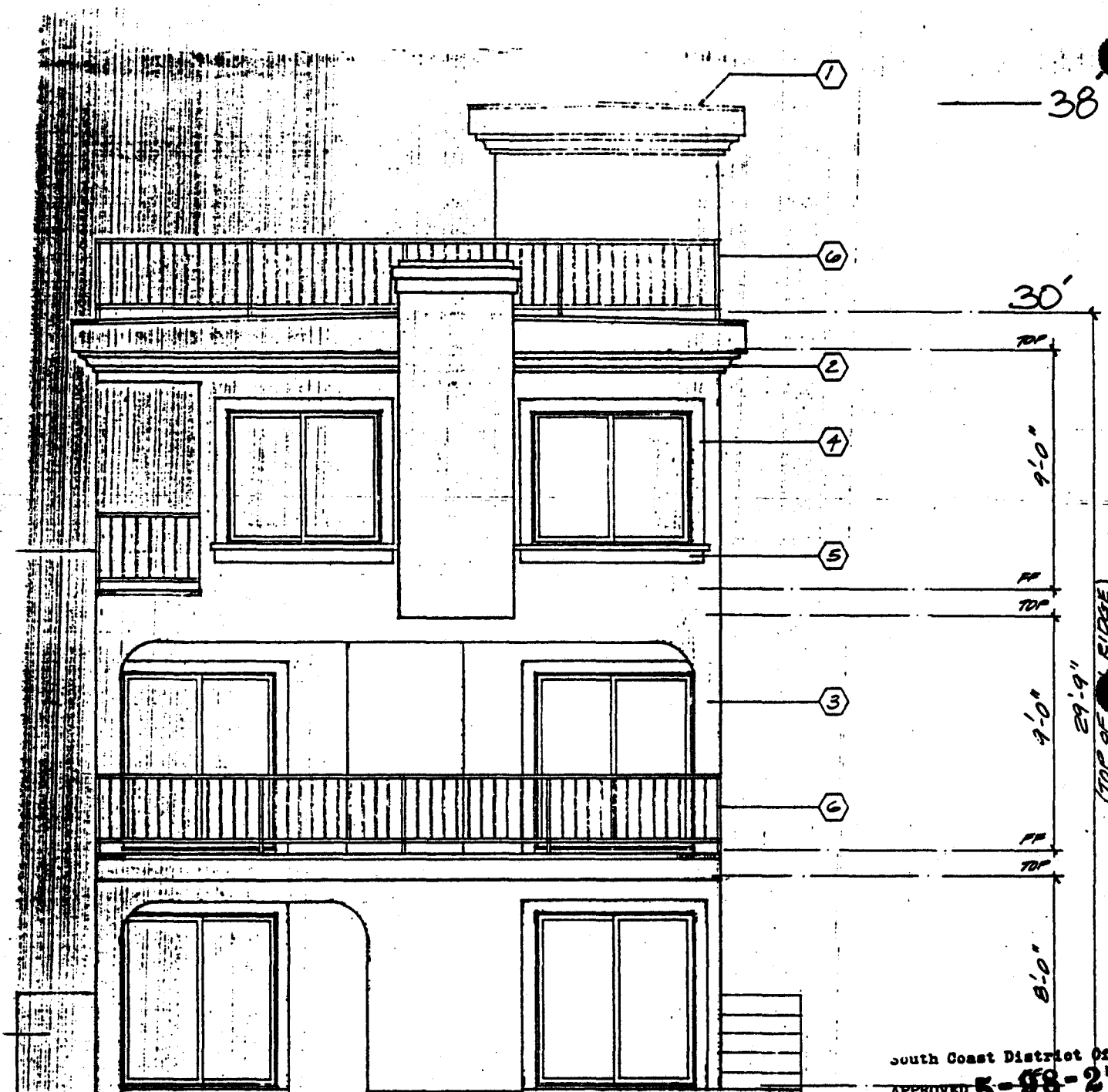
1/10" = 1'-0"

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EXHIBIT # 3

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38

30'

9'-0"

9'-0"

8'-0"

29'-9"  
(TOP OF RIDGE)

South Coast District Office  
 APPROVED **5-98-278**  
 Permit No.

By: \_\_\_\_\_

EFFECTIVE  
 Date: \_\_\_\_\_

East Elevation

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EXHIBIT # 4

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