

*Fr 3d**PL***CALIFORNIA COASTAL COMMISSION**

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 Staff: CP-LB
 Staff Report: 9/14/99
 Hearing Date: Oct. 12-15, 1999
 Commission Action:

*CP***STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-99-296**APPLICANT:** Anatoly Rosinsky**AGENT:** Hope Alexander**PROJECT LOCATION:** 46 Rose Avenue, Venice, City of Los Angeles, Los Angeles Co.**PROJECT DESCRIPTION:** Construction of a three-story, 30-foot high (with 39-foot high roof access structure), 4,554 square foot duplex with five on-site parking spaces on a vacant lot.

Lot Area	3,060 square feet
Building Coverage	1,804 square feet
Pavement Coverage	1,256 square feet
Landscape Coverage	0 square feet
Parking Spaces	5
Zoning	R3-1
Plan Designation	Medium Density Residential
Ht above final grade	39 feet

LOCAL APPROVAL: City of Los Angeles Approval in Concept #99-075, 7/26/99.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to residential density, building height and parking. The applicant agrees with the staff recommendation.

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. Residential Density

The permitted use of the approved structure is limited to two residential units. Any change in density, number of units, or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Parking

A minimum of five (5) parking spaces shall be provided and maintained on the site to serve the approved duplex.

3. Height

The top of the roof shall not exceed thirty (30') feet in elevation above the centerline of Rose Avenue. The proposed roof deck railings may extend up to 34 feet, and the proposed one hundred square foot roof access structure may extend to 39 feet in elevation above the centerline of Rose Avenue as shown on the approved plans.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a three-level, 30-foot high (with a roof deck and one 39-foot high roof access structure), 4,554 square foot duplex on a vacant lot in North Venice (See Exhibits). The 3,060 square foot lot is located approximately 400 feet inland of the beach (Exhibit #1). The neighborhood is comprised primarily of two-story and three-story multiple residential structures. On-site parking for the proposed duplex is provided by a five-space carport proposed underneath the second floor, with vehicular

access from the rear alley (Exhibit #3). A six-foot high fence is also proposed along both sides of the lot.

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 duplex complies with the density limit for the site.

Building height and bulk also affects the scenic and visual qualities of coastal areas. 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 measured from the fronting street, Rose Avenue. However, some parts of the proposed structure exceed the thirty-foot roof height. These portions of the proposed structure include roof deck railings, roof equipment, and one roof access stairway enclosure. The highest part of the proposed structure is the one hundred square foot roof access structure that extends to 39 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 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 approved the proposed project with the proposed roof deck railings and roof access stairway enclosure.

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 proposed 39-foot high rooftop structure (approx. 100 square feet in area) so that it contains no living or storage space. Although the rooftop structure may be partially visible from the fronting street, it will not be visible from the beach because of the distance (approx. 400 feet). Therefore, the Commission finds that the proposed roof access structure will not negatively impact the visual resources of the area, and that the 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 duplex to thirty feet above the centerline of the Rose Avenue right-of-way. Only the roof deck railings, chimneys, air conditioning equipment, and one roof access structure with no living or storage area may extend above the 30-foot roof height limit (only as shown on the approved plans). No portion of the structure shall extend more than 39 feet above the centerline elevation of the Rose Avenue 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. All residential parking must be provided on the site. The proposed project provides five on-site parking spaces in a carport located beneath the second floor (Exhibit #3). The proposed five-space carport provides 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 development 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 North 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 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 Title 14 of the California Code of Regulations requires Commission approval of a 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, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp



Site: 46 Rose Av.

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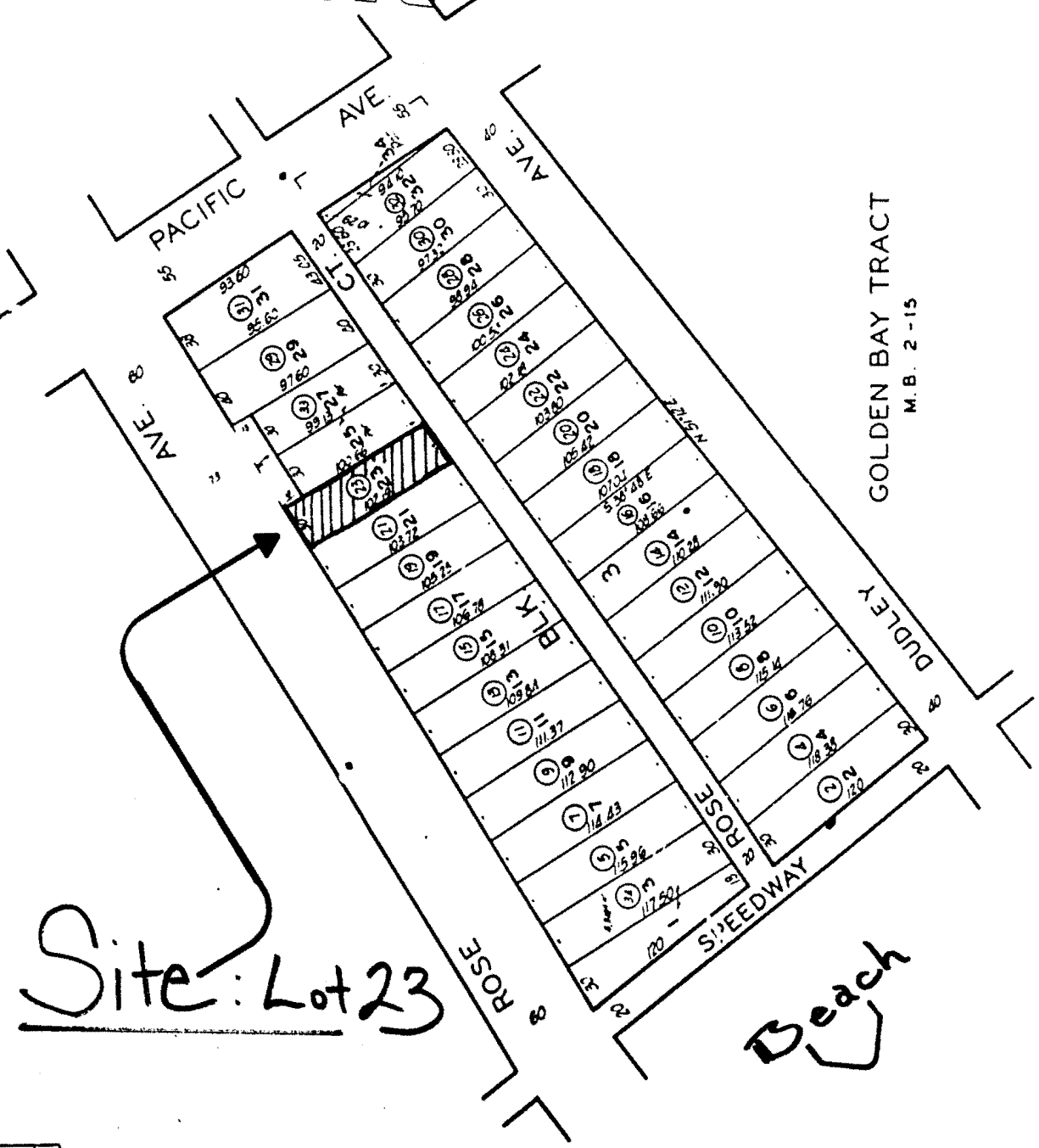
EXHIBIT # 1
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ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

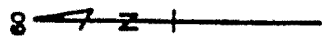


GOLDEN BAY TRACT
M.B. 2-15

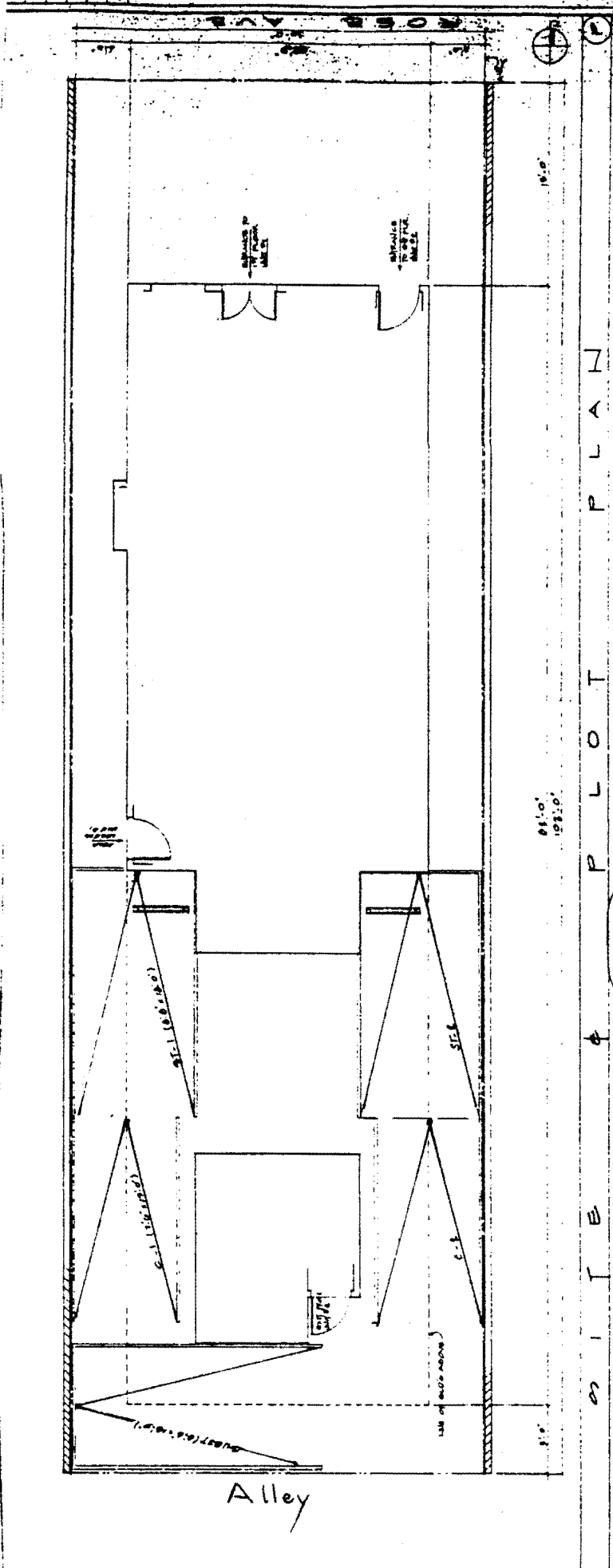
Site: Lot 23

Beach

4286 20
SCALE 1" = 60'



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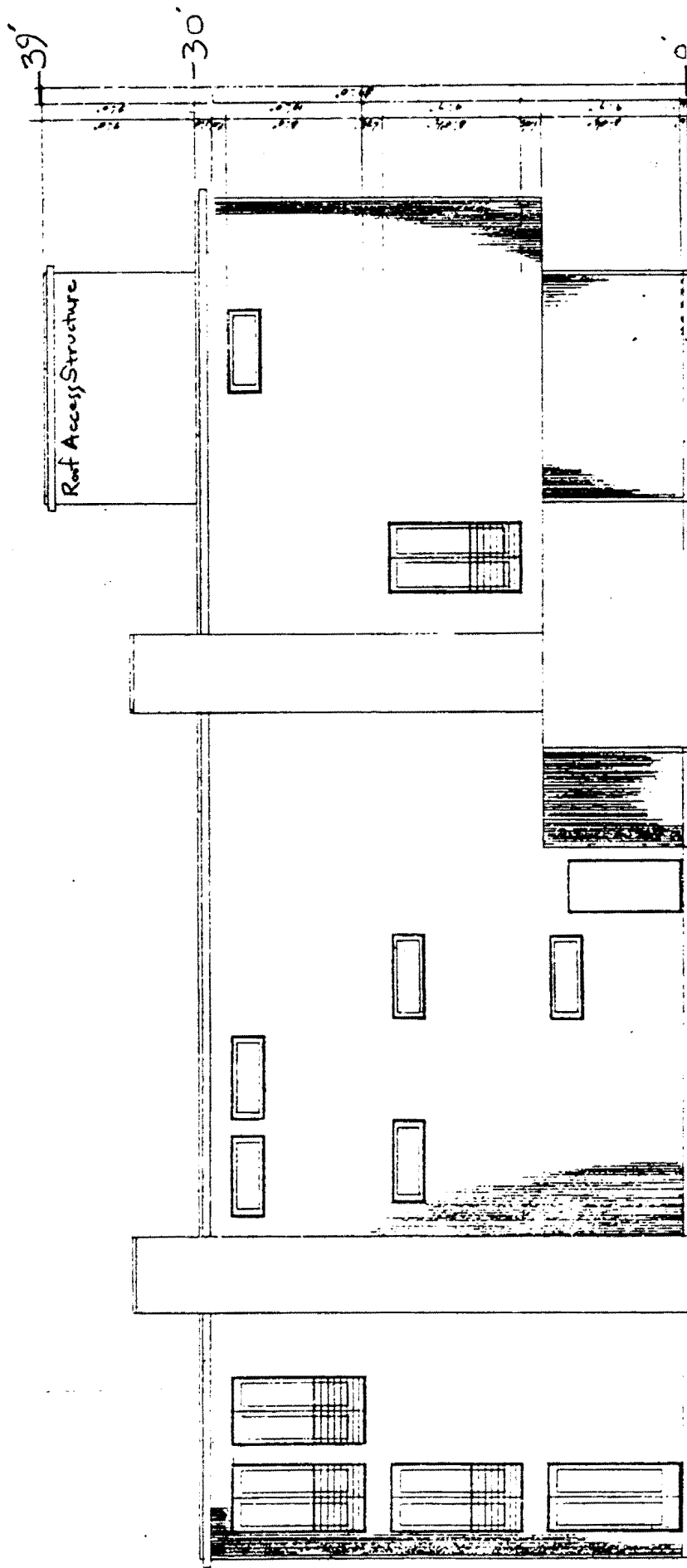


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EXHIBIT # 3

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WEST ELEVATION

CENTRAL COMMISSION

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Draw # 4

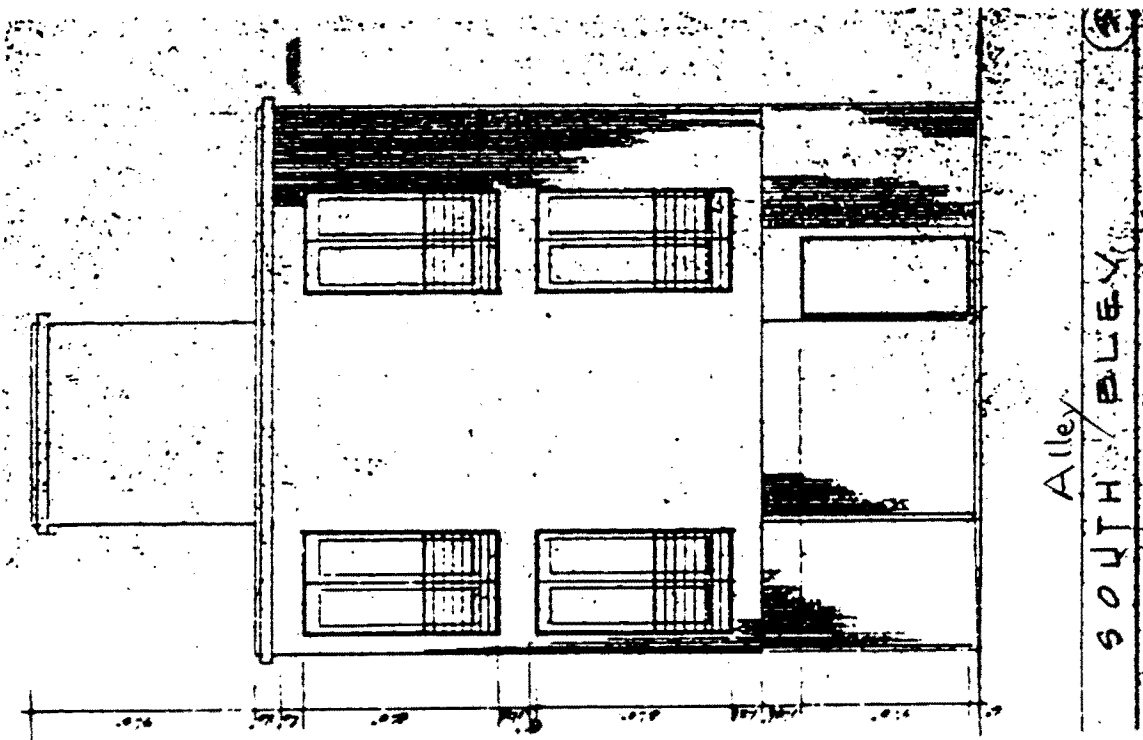
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EXHIBIT # 5

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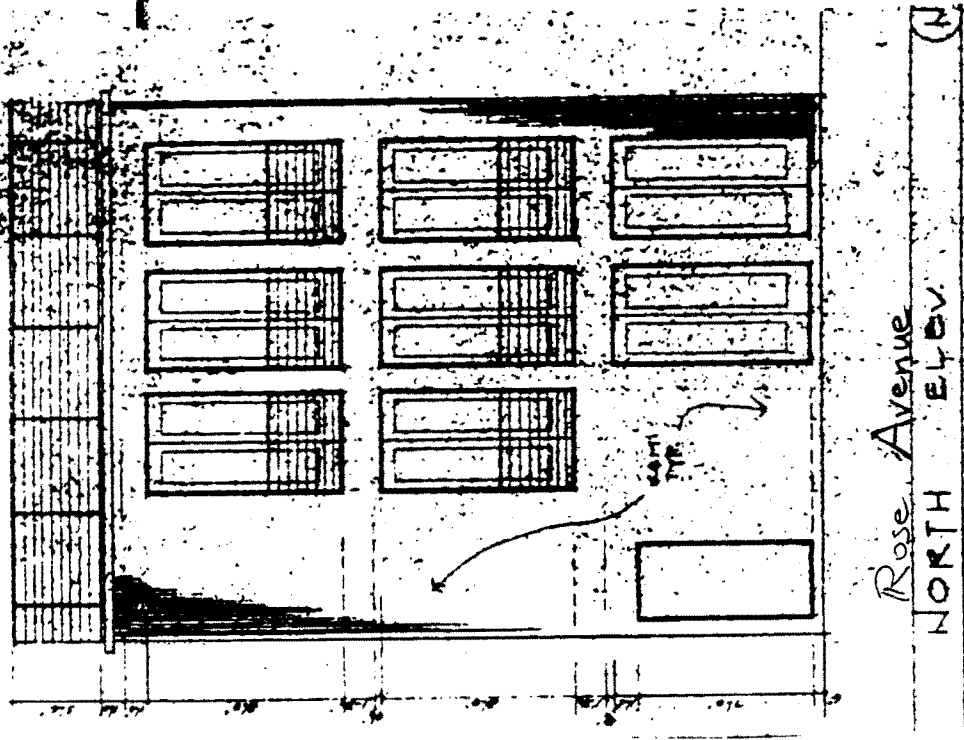


39'

30'

Alley

SOUTH ELEV.



Rose Avenue

NORTH ELEV.