

CALIFORNIA COASTAL COMMISSION

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Staff: CP-LB
Staff Report: 3/12/99
Hearing Date: April 13-16, 1999
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-98-449

APPLICANT: RMJD Partnership LP

AGENT: Ellen Berkowitz, Esq.

PROJECT LOCATION: 26-28 Horizon Avenue, Venice, City of Los Angeles,
Los Angeles County.

PROJECT DESCRIPTION: Construction of a three-level, 30 foot high (with two 38 foot high roof access structures), 7,405 square foot four-unit apartment building on two vacant lots.

Lot Area	5,400 square feet (2 lots)
Building Coverage	2,450 square feet
Pavement Coverage	2,877 square feet
Landscape Coverage	73 square feet
Parking Spaces	12
Zoning	RD1.5
Plan Designation	Mid-Density Residential
Ht above final grade	38 feet

LOCAL APPROVALS:

1. City of Los Angeles Project Permit, Case No. ZA 98-0933 (PP), 2/10/99.
2. City of Los Angeles Slight Modification, Case No. ZA 98-0851, 2/10/99.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a Coastal Development Permit for the proposed development with special conditions relating to density, building height and the provision of adequate parking. The applicant agrees with the recommendation.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development 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 effects 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 four apartment 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. Height

The height of the roof shall not exceed 30 feet above the centerline elevation of the Horizon Avenue right-of-way. Only roof deck railings, chimneys, air conditioning equipment, solar collectors, skylights, and two roof access structures 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 38 feet above the centerline elevation of the Horizon Avenue right-of-way.

3. Parking

A minimum of 12 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-level, 30-foot high (with two 38-foot high roof access structures), four-unit apartment building on two lots in the North Venice neighborhood (See Exhibits). The site is currently vacant and used as a private parking area¹. Twelve on-site parking spaces are proposed in the basement of the proposed project (Exhibit #3). Vehicular access is provided from Horizon Court, the rear alley. Horizon Avenue, the fronting street, is a local street improved with curb, gutter and sidewalks.

The proposed project is located in North Venice on the first block inland of Ocean Front Walk (Exhibit #2). The neighboring properties are developed with single family residences and apartments. The North Venice neighborhood is the heart of Venice Beach, a popular

¹ No permits have been granted by the Commission or the City to permit the use of the site as a parking lot.

recreation area. Ocean Front Walk is an improved public pedestrian right-of-way that separates the private development from the public beach and shoreline recreation area.

The roof elevation of the proposed structure is thirty feet above the centerline of the fronting right-of-way. A roof deck is also proposed, however, and some portions of the structure (i.e. roof deck railings, roof equipment, and two roof access structures) extend above the thirty-foot roof elevation (Exhibit #4). The two proposed roof stairway access structures (approx. 100 sq. ft. each) reach 38 feet above the elevation of Horizon Avenue.

The City of Los Angeles has granted the proposed project a Project Permit (Case No. ZA 98-0933) and a Slight Modification (Case No. ZA 98-0851). The City-approved Slight Modification permits the proposed four-unit project to be constructed on a 5,400 square foot site in lieu of the Municipal Code requirement 6,000 square feet. Two 90'x 30' lots will be tied together to form the 5,400 square foot project 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 the North Venice area in order to protect community character and 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 3025I 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 four apartment units on two lots. The proposed project complies with

the Commission's density limit for the site. As previously stated, the City approved a Slight Modification to permit the proposed four-unit project to be constructed on a 5,400 square foot site in lieu of the Municipal Code requirement 6,000 square feet. A condition of approval on this permit states that the permitted use of the proposed structure is limited to four apartment units. In any case, the proposed floor plan does not lend itself to any more than the proposed four units. Each unit has one bedroom and its own street-level entrance from Horizon Avenue.

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. 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, skylights, and two roof access stairway enclosures. The highest parts of the proposed structure are the two matching roof access structures which extend to 38 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 two roof access stairway enclosures. The City approval requires that the proposed roof deck railings be clear and made of glass or similar see-through material.

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 two 38 foot high rooftop structures (approx. 100 sq. ft. each) so that they contain no living or storage space. Although they may be partially visible from the fronting street, the two proposed rooftop structures will not be visible from the beach because they will be screened by the existing development on the five lots situated between the site and Ocean Front Walk (Exhibit #2). 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 Horizon Avenue right-of-way. Only roof deck railings, chimneys, air conditioning equipment, solar collectors, skylights, and two roof access structures 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 38 feet above the centerline elevation of the Horizon 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. Competition for parking in the North Venice area is intense. Beach goers, employees and customers of commercial uses, and residents and their guests compete for the limited amount of on-street parking.

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

extra parking for guests at the rate of one space per four units. The City has required the proposed four-unit project to provide three parking spaces per unit to comply with the City's Beach Impact Zone (BIZ) parking standard for North Venice. The proposed twelve on-site parking spaces are provided in the basement of the proposed structure in a tandem arrangement with one of the guest parking spaces sited on the drive-way apron (Exhibit #3). The parking spaces are accessed from Horizon Court, the rear alley. The proposed twelve parking spaces are an adequate parking supply for the proposed four-unit apartment building. The tandem parking arrangement would not be feasible for a higher density than the proposed four units. 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.

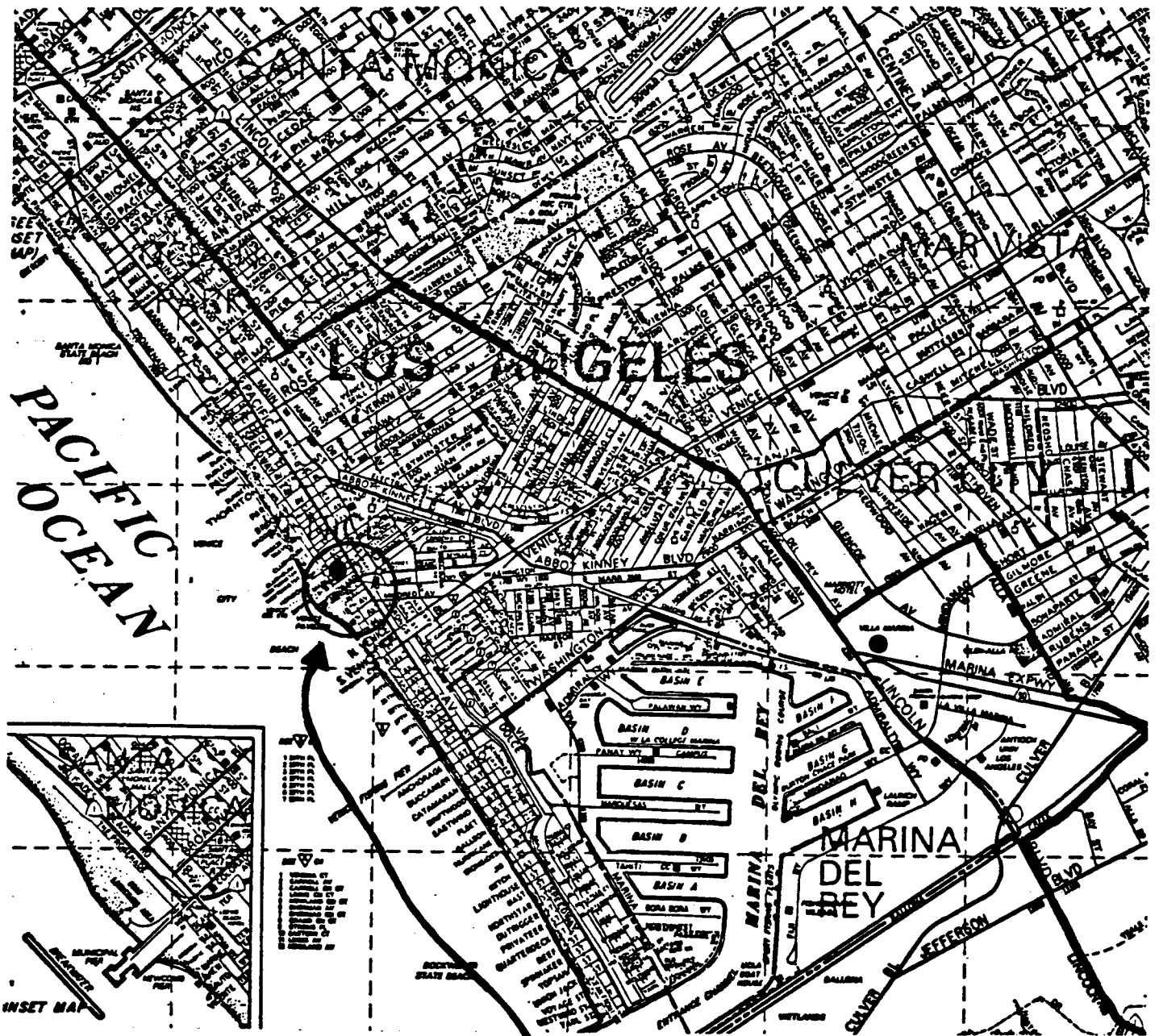
The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, only as conditioned, is consistent with the coastal access, visual resource, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, 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 scenic resource, coastal access, and recreation 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

26-28 Horizon Ave.

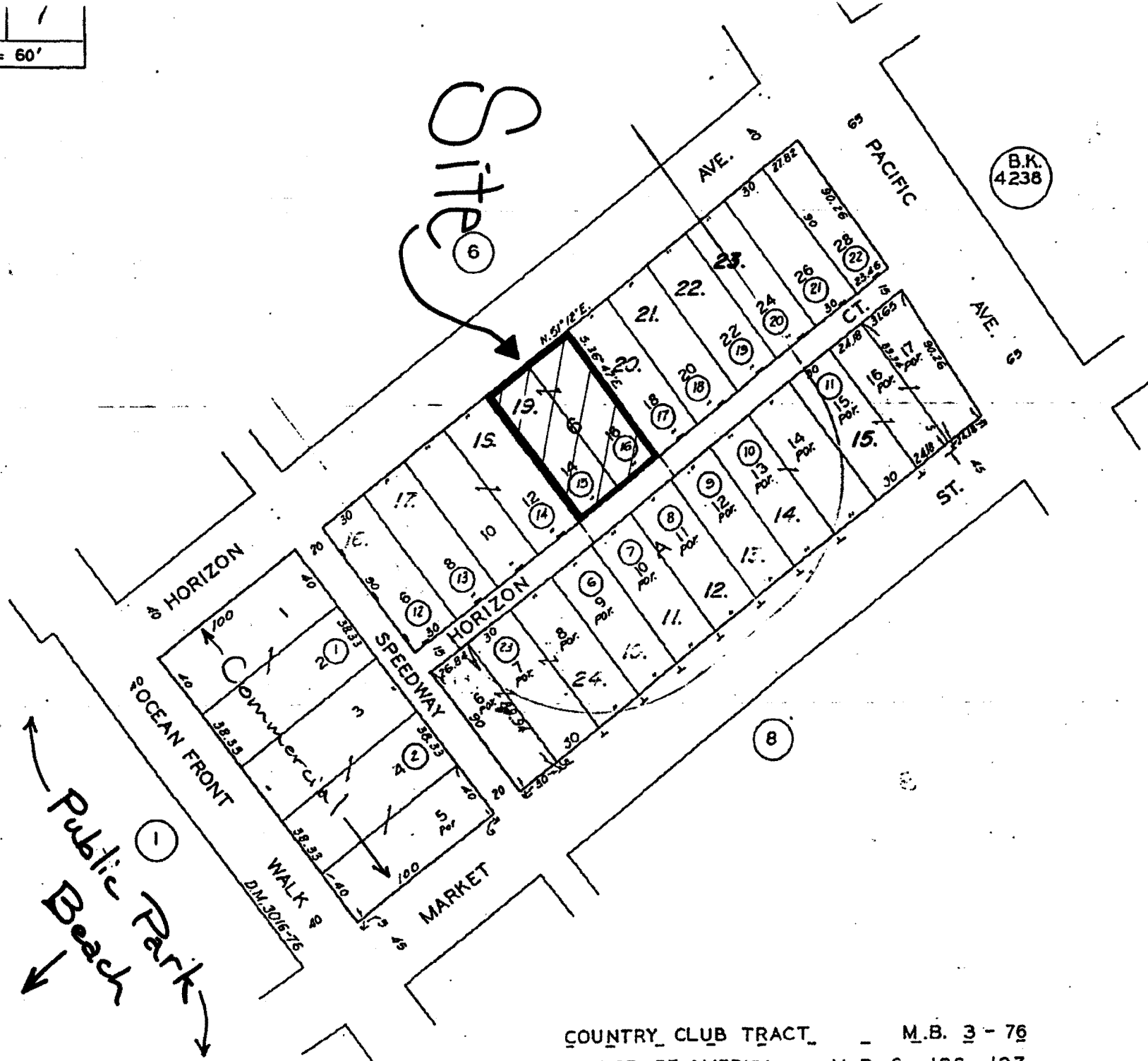
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EXHIBIT # 1

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SCALE 1" = 60'



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 EXHIBIT # 2
 PAGE 1 OF 1

COUNTRY CLUB TRACT M.B. 3 - 76
 VENICE OF AMERICA M.B. 6 - 126 - 127

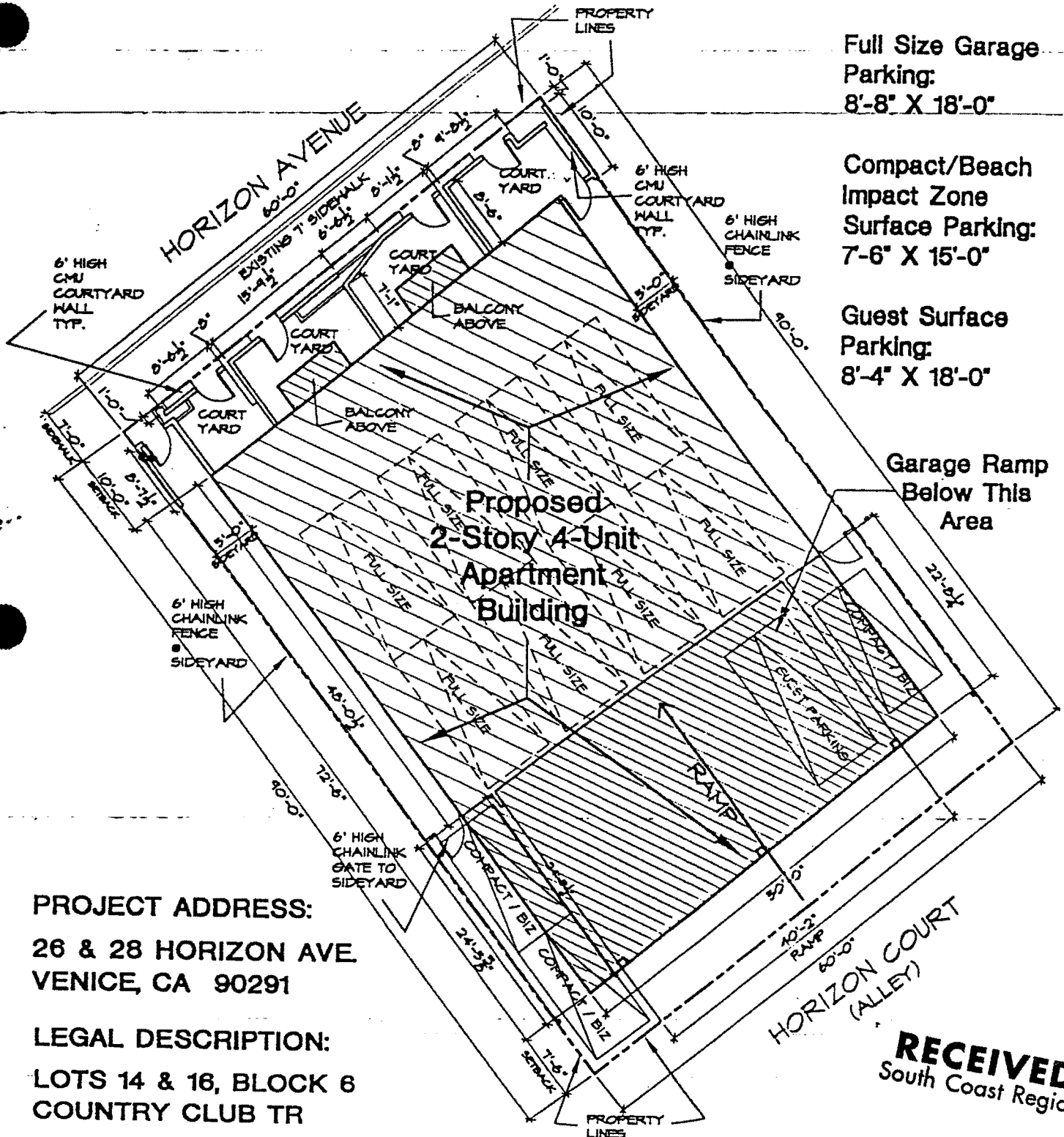
PARKING STALL
SIZES:

Full Size Garage
Parking:
8'-8" X 18'-0"

Compact/Beach
Impact Zone
Surface Parking:
7'-6" X 15'-0"

Guest Surface
Parking:
8'-4" X 18'-0"

Garage Ramp
Below This
Area



PROJECT ADDRESS:

26 & 28 HORIZON AVE
VENICE, CA 90291

LEGAL DESCRIPTION:

LOTS 14 & 16, BLOCK 8
COUNTRY CLUB TR

PLOT PLAN

LE



NORTH

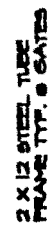
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South Coast Region

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EXHIBIT # 3

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CASE



HORIZON AVENUE NORTHWEST ELEVATION

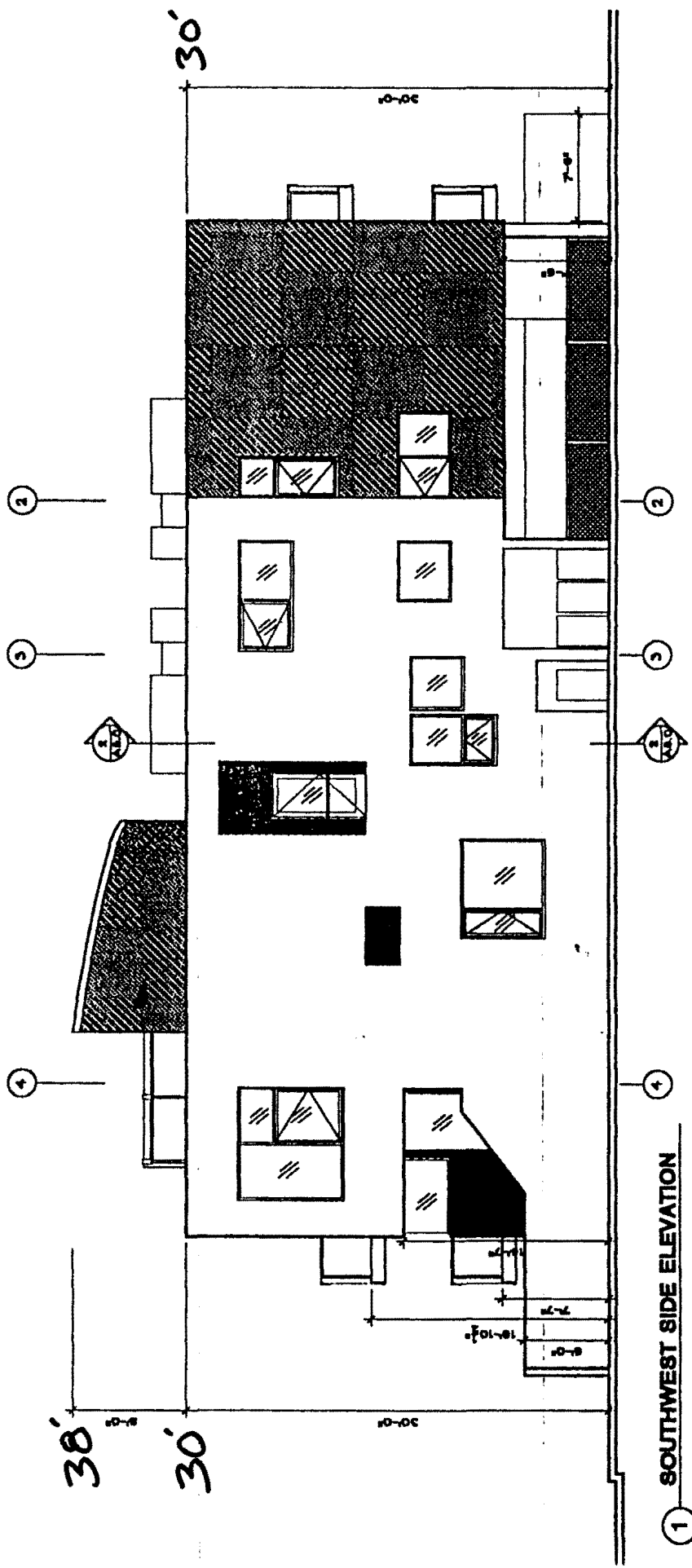
FRONT WALL ELEVATION

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EXHIBIT

PAGE



1 SOUTHWEST SIDE ELEVATION

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EXHIBIT # 5
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RUTH GALANTER
COUNCILMEMBER
SIXTH DISTRICT

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of the
City of Los Angeles
City Hall
90012

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South Coast Region

FEB 4 1999

CALIFORNIA
COASTAL COMMISSION

January 27, 1999

Lourdes Green
Office of Zoning Administration
221 N. Figueroa Street, Room 1500
Los Angeles, CA 90012

Re: 26 and 28 Horizon Avenue ZA 98-0851(SM)

Dear Ms. Green:

I am writing to inform you of my support for the above referenced project and to recommend your approval of the slight modification request to permit a 2.5 percent reduction from lot area requirements on a tied lot of 5,859 square feet in lieu of the 6,000 square feet required by Code for the construction of a four-unit apartment building.

As you know, Venice is a community of small lots with many instances of modified Code requirements. The proposed development is compatible in scale and character with existing neighborhood and will not have any adverse impacts. The Venice Community Planning Advisory Committee requests that adequate landscaping be provided with planting of maximum number of trees in the parkway. I urge you to approve the slight modification application that is before you.

Sincerely,

Ruth Galanter
Councilmember, Sixth District

RG:mj

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5-98-449

EXHIBIT # 6

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