

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(2) 590-5071

Filed: 11/18/1999
49th Day: 1/6/2000
180th Day: 5/16/2000
Staff: CP-LB
Staff Report: 12/8/1999
Hearing Date: January 11-14, 2000
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-99-365**APPLICANT:** The Lee Group, Inc.**AGENT:** Jeffrey Lee**PROJECT LOCATION:** 2501 & 2503 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of two residential structures totaling six units, and construction of two 30-foot high single family residences (each with an attached three-car garage and a 40-foot high roof access structure).

Lot Area	5,040 square feet (2 lots)
Building Coverage	3,630 square feet (2 sfd's)
Pavement Coverage	66 square feet
Landscape Coverage	1,512 square feet
Parking Spaces	6 (3 per residence)
Zoning	RD1.5-1
Plan Designation	Medium Density Residential
Ht above final grade	40 feet

LOCAL APPROVAL: City of Los Angeles Approval in Concept #99-095, 9/21/99.**SUBSTANTIVE FILE DOCUMENTS:**

1. California Coastal Commission Regional Interpretive Guidelines for Los Angeles Co.
2. Coastal Development Permit 5-95-173 (Wilton Corp.).
3. Coastal Development Permits 5-99-273 & 274 (Bieber).

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 to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-99-365 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: 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, 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

1. Residential Density

The permitted use of each structure is limited to one single family residence. Any proposed change in the 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 three parking spaces shall be provided and maintained for each of the two permitted single family residences for a total of six on-site parking spaces. Vehicular access to the six required on-site parking spaces shall be taken only from Speedway Alley. Only public parking is permitted on the 25th Avenue right-of-way.

3. Building Height

The top of the roofs shall not exceed thirty (30') feet in elevation above the centerline of Ocean Front Walk. Roof deck railings may extend up to 34 feet in elevation above the centerline of Ocean Front Walk. One roof access stairway enclosure per residence, with a footprint not to exceed one hundred square feet in area, may extend up to 40 feet in elevation above the centerline of Ocean Front Walk as shown on the approved plans. No portion of any structure shall exceed forty (40') feet in elevation above the centerline of Ocean Front Walk.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish two residential structures (totaling six units) on two beach-fronting lots in North Venice, and to construct in their place two three-story single family residences (See Exhibits). Each of the two proposed single family residences would occupy its own legal lot and would contain approximately 3,600 square feet of living area and an attached three-car garage (Exhibit #4). Both of the proposed three-car garages would be accessed from Speedway, the rear alley (Exhibit #2). Each of the two proposed single family residences includes a roof deck and a 40-foot high, 100 square foot roof access structure (Exhibit #6). A six-foot high solid wall with glass blocks is proposed along the Ocean Front Walk frontage of both lots (Exhibit #5).

The two 2,520 square foot lots are located on the inland side of Ocean Front Walk in North Venice (Exhibit #2). Ocean Front Walk is an improved public pedestrian right-of-way that separates the residential neighborhood from the public beach. The 25th Avenue right-of-way, situated on the north side of the project site, currently provides on-street public parking for area residents and beach visitors (Exhibit #2). The surrounding neighborhood is comprised primarily of two-story and three-story multiple residential structures.

The Commission has recognized in both prior permit and appeal decisions that the North Venice area, where the proposed project is located, 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 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 North Venice area to protect coastal access and community character.

On October 29, 1999, the Los Angeles City Council adopted a draft Land Use Plan (LUP) for Venice as part of the current effort to develop a certified Local Coastal Program (LCP) for the Venice area. The City's draft Venice LUP maintains the City's and Coastal Commission's existing density limit, 30-foot height limit, and parking standard for the project site.

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 coastal development 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 North Venice area, the Commission has consistently limited residential density and structural height.

Residential Density

In order to preserve the character of the North Venice community, the Commission has limited residential density to two units on lots less than 4,000 square feet in area. The draft Venice Land Use Plan (LUP), recently adopted by the Los Angeles City Council, also limits residential density in North Venice to two units on lots less with than 4,000 square feet.

The proposed project is situated on two 2,520 square foot lots. The applicant proposes to construct one single family residence on each 2,520 square foot lot. Therefore, the two proposed single family residences, each with a three-car garage, conform to the Commission's density limit for the site.

There is, however, the potential that the two proposed residential structures could be converted and used as duplexes. The lower level floor plan of each proposed structure includes a game room, office and bathroom that could be easily converted into a small residential unit (Exhibit #4). The applicant is proposing only one residential unit per lot, and there is only sufficient parking (three spaces per lot) for one residential unit per lot.

Therefore, in order to ensure that the proposed project is constructed and used as proposed, the permit is conditioned to limit use of each structure to one single family residence. Any proposed change in the 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. The condition is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for beach goers, and as a result, reduce the ability of the public to access the coast. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

Building Height

Building height and bulk can also affect the scenic and visual qualities of the North Venice coastal area. In previous approvals, the Commission and the City have both consistently limited new developments in the North Venice area to a height of 30 feet measured above the fronting right-of-way. The 30-foot height limit for North Venice is the standard of the Commission's Interpretive Guidelines and the City of Los Angeles Interim Control Ordinance (ICO) for Venice. The Commission and the City have, however, allowed portions of some structures to exceed the 30-foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted.

The Los Angeles City Council recently adopted the draft Venice Land Use Plan (LUP) which would also limit the height of new development in Venice. For North Venice, the draft Venice LUP limits flat-roofed residential projects to a height of 30 feet and peaked roofs to 35 feet.

The portions of structures which have been previously allowed to exceed the 30-foot height limit include parapet walls and railings around roof decks, small roof access structures and elevator housings (100 square feet or less), chimneys, air conditioning equipment, and skylights. These rooftop structures must 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 30-foot height limit only if they contain no living or storage space and if they do not negatively impact the area's visual resources.

In this case, the two proposed single family residences each have a roof height of 30 feet above the Ocean Front Walk elevation (Exhibit #5). Each of the two proposed single family residences includes a roof deck, railings and a 40-foot high roof structure to enclose the stairways that lead to the proposed roof decks (Exhibit #6). No portion of either structure would exceed a height of 40 feet above the Ocean Front Walk elevation (Exhibit #5).

As stated above, the Commission allows certain rooftop structures to exceed the 30-foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. As proposed, the design of the two proposed residences would not adversely effect the visual resources of the North Venice area and complies with the visual resource policies of the Coastal Act. The two proposed 40-foot high roof access structures are located near the mid-point of each structure in order to reduce their visibility from Ocean Front Walk and the public beach (Exhibit #6). The footprints of the two proposed roof access structures do not exceed one hundred square feet in area, and there is no living area or storage space proposed above the 30-foot height limit. Therefore, the Commission finds that the proposed project conforms to the Commission's height limit and previous approvals in the North Venice area, and the scenic and visual qualities of the area will not be negatively impacted.

In order to ensure that the proposed project is constructed as approved, the permit approval is conditioned to limit the roof height of the two permitted single family residences to 30 feet above the elevation of the centerline of Ocean Front Walk. Roof deck railings may extend up to 34 feet in elevation, and one roof access stairway enclosure per residence (with a footprint not to exceed one hundred square feet in area) may extend up to 40 feet in elevation above the centerline of Ocean Front Walk as shown on the approved plans. No portion of any structure shall exceed 40 feet in elevation above Ocean Front Walk. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

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. Private parking areas are not permitted on public rights-of-way.

The applicant proposes to provide a total of six on-site parking spaces within two three-car garages (Exhibit #4). Vehicular access to the on-site parking is proposed from Speedway alley (Exhibit #2). The six proposed on-site parking spaces provide an adequate parking supply for the two proposed single family residences. 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:

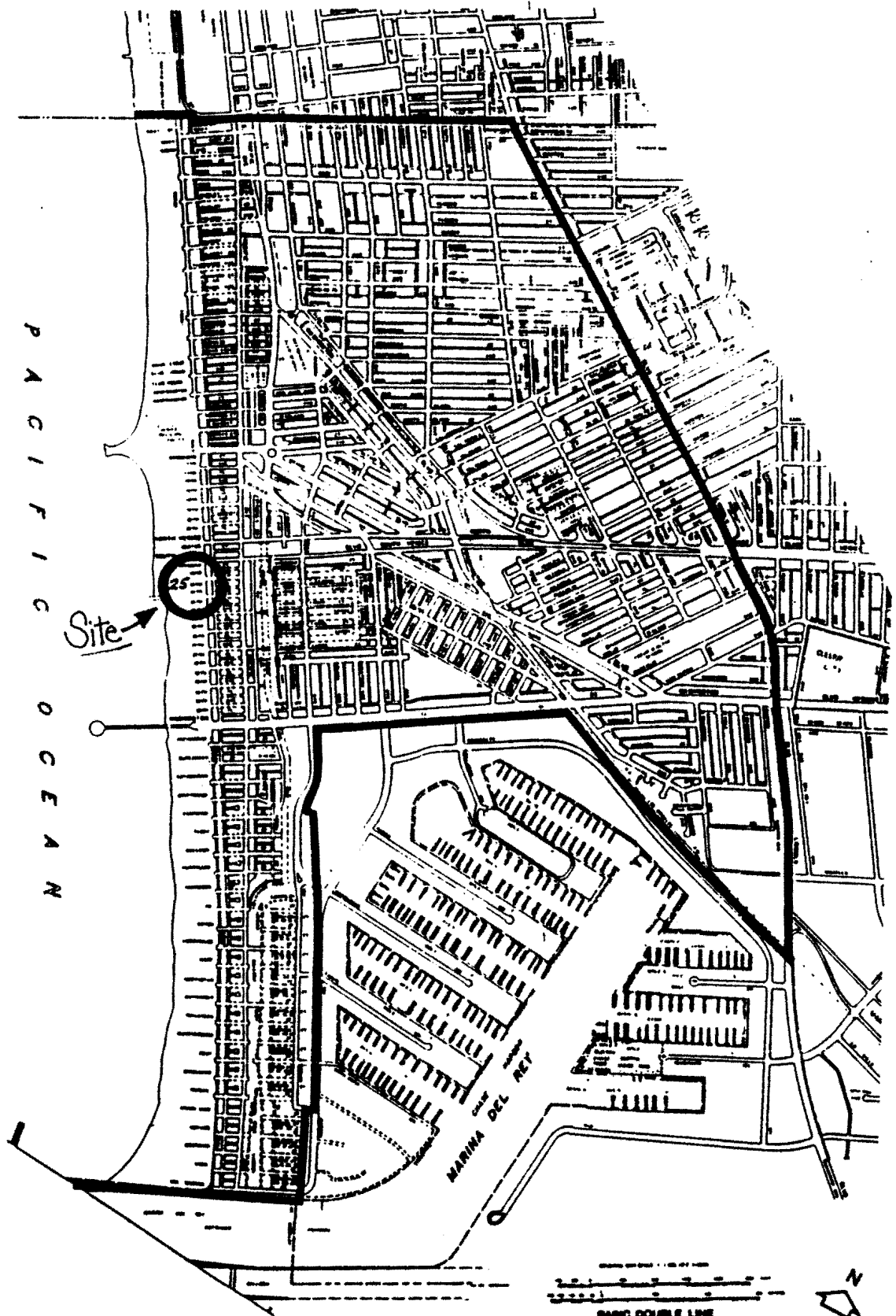
- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a draft Land Use Plan (LUP) for Venice on October 29, 1999, and has submitted it for Commission certification. The proposed project, as conditioned, conforms with the draft Venice LUP. The proposed project, as conditioned, is also 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 by the recommended conditions of approval and there are no feasible alternatives or additional 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.



VENICE COASTAL ZONE

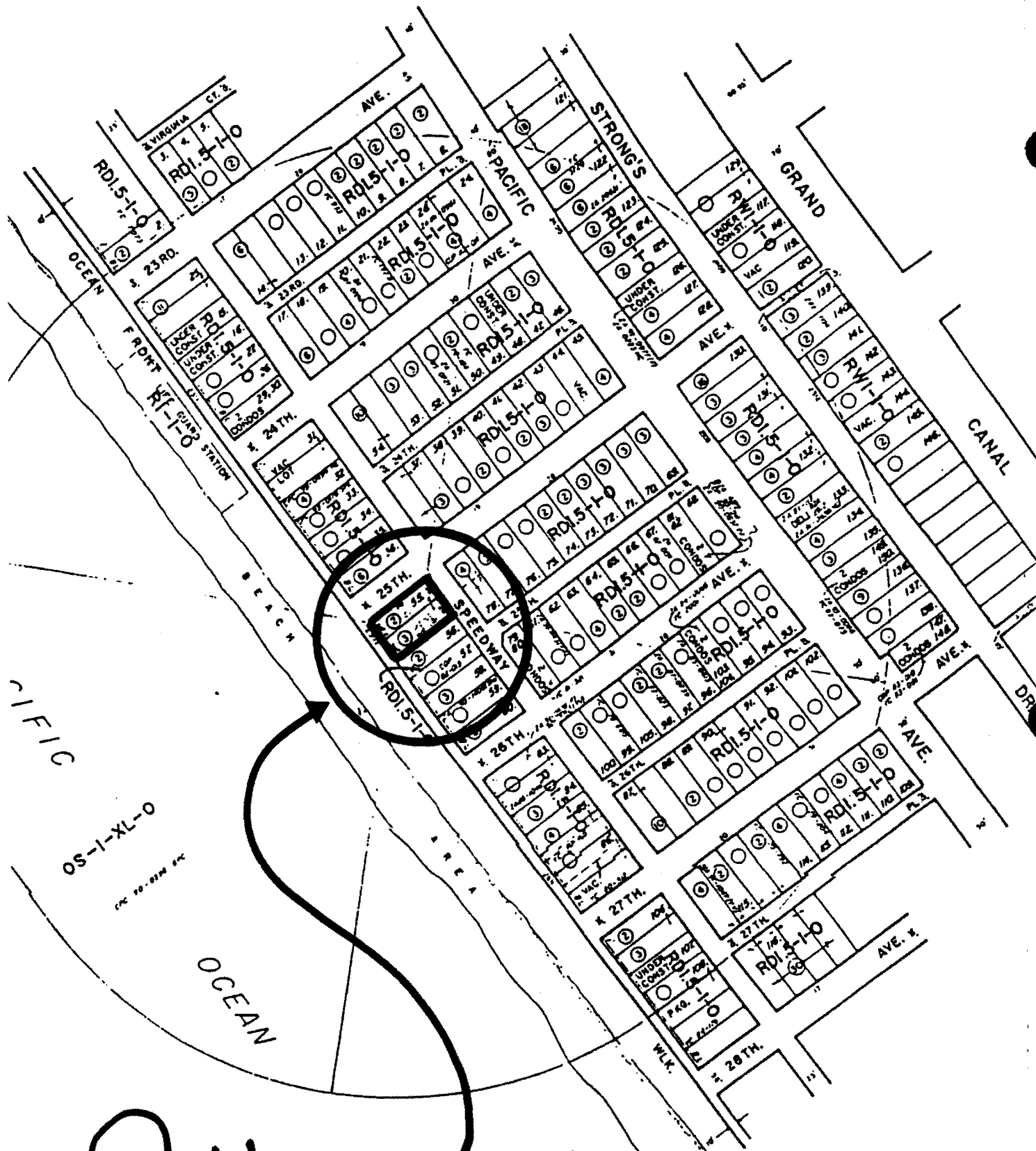
COASTAL COMMISSION

2501 & 2503 Ocean Front Walk

5-99-365

EXHIBIT # 1

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Site

North

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5-99-365

EXHIBIT # 2

PAGE 1 OF 1



Existing
6-Unit Apt.



PRESENT
SITE

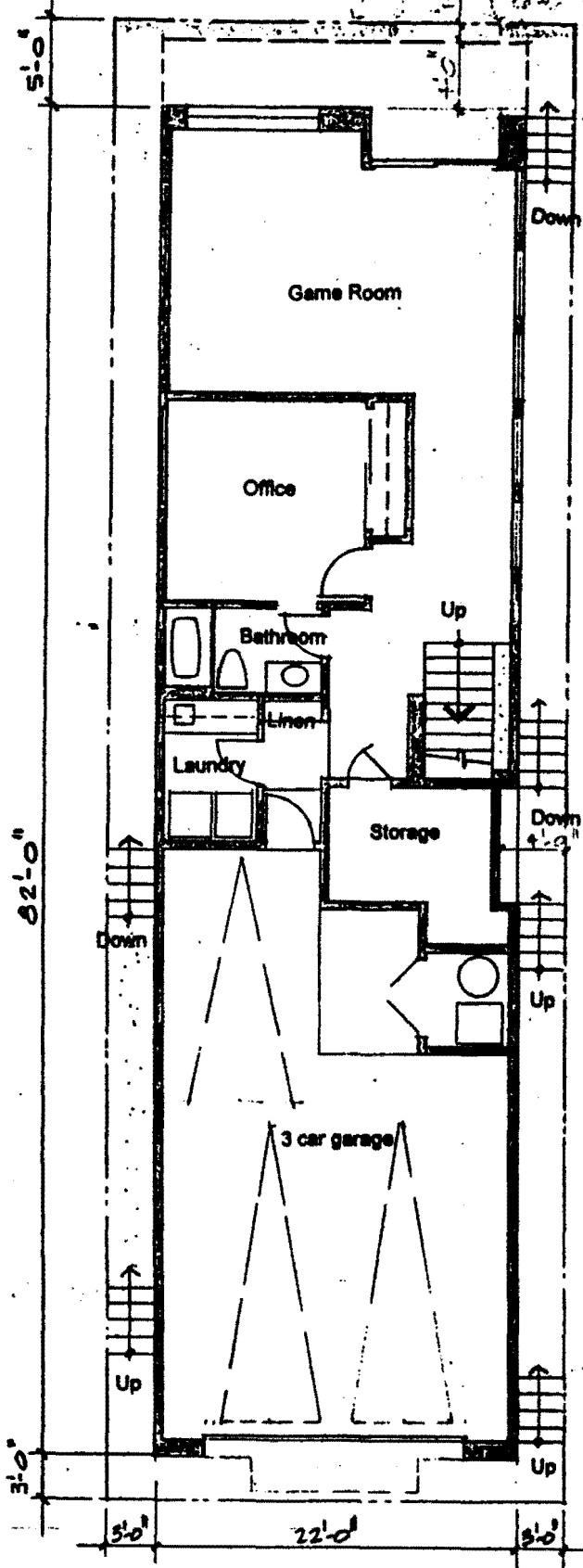
2501 / 2503 OCEAN FRONT WALK

COASTAL COMMISSION
5-99-365

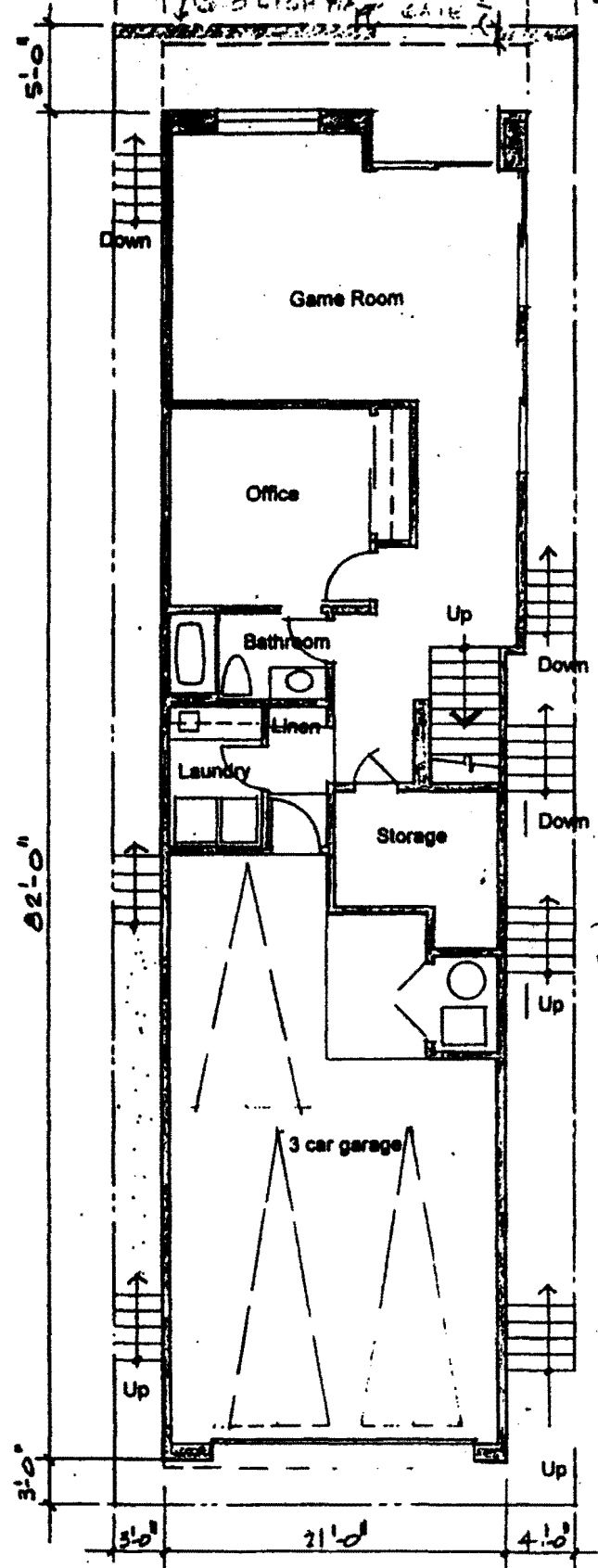
EXHIBIT # 3

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← Ocean Front Walk →



2503 **Basement Level**
880 Sq. ft.
Lot 2



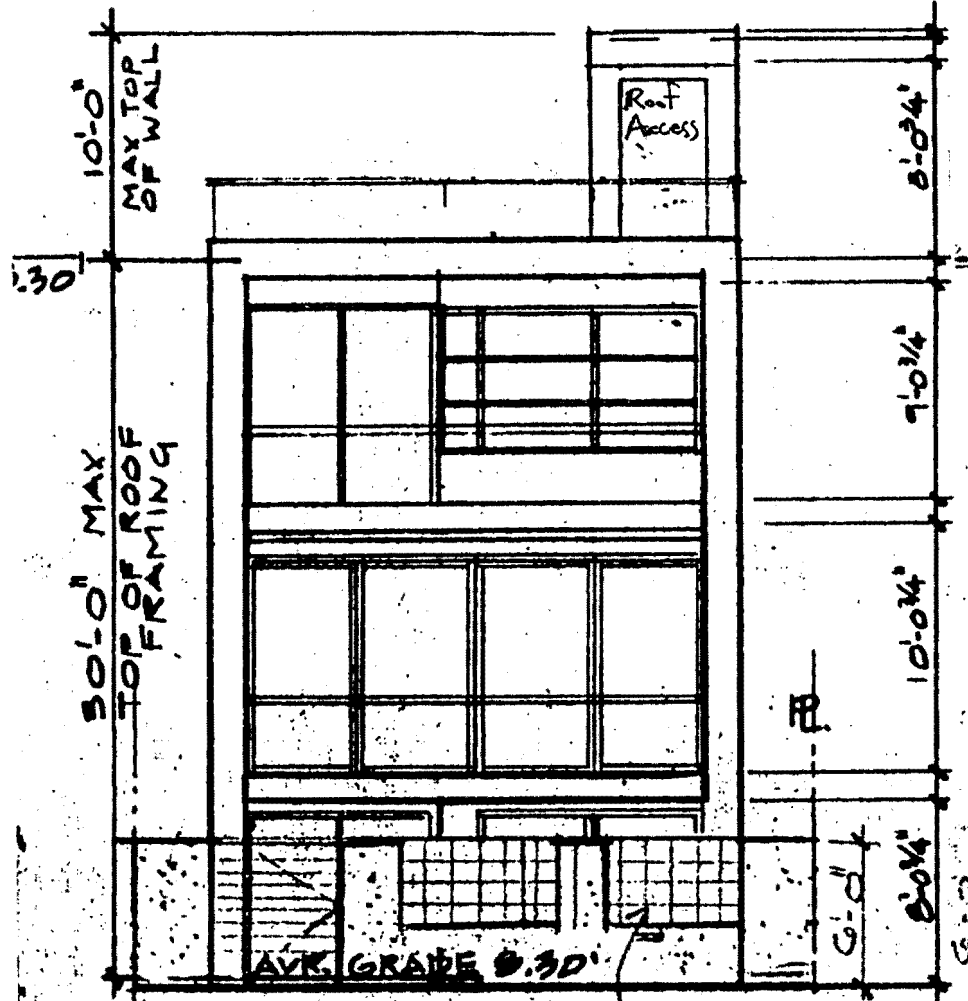
2501 **Basement Level**
880 Sq. ft.
Lot 1

← 25th Avenue →

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5-99-365

Lot Area 28' x 90' = 2520 sq.ft.
 Total Buildable area 22'x82'-6" = 1815 sq. ft
 Total Building Area 4,218 sq.ft.

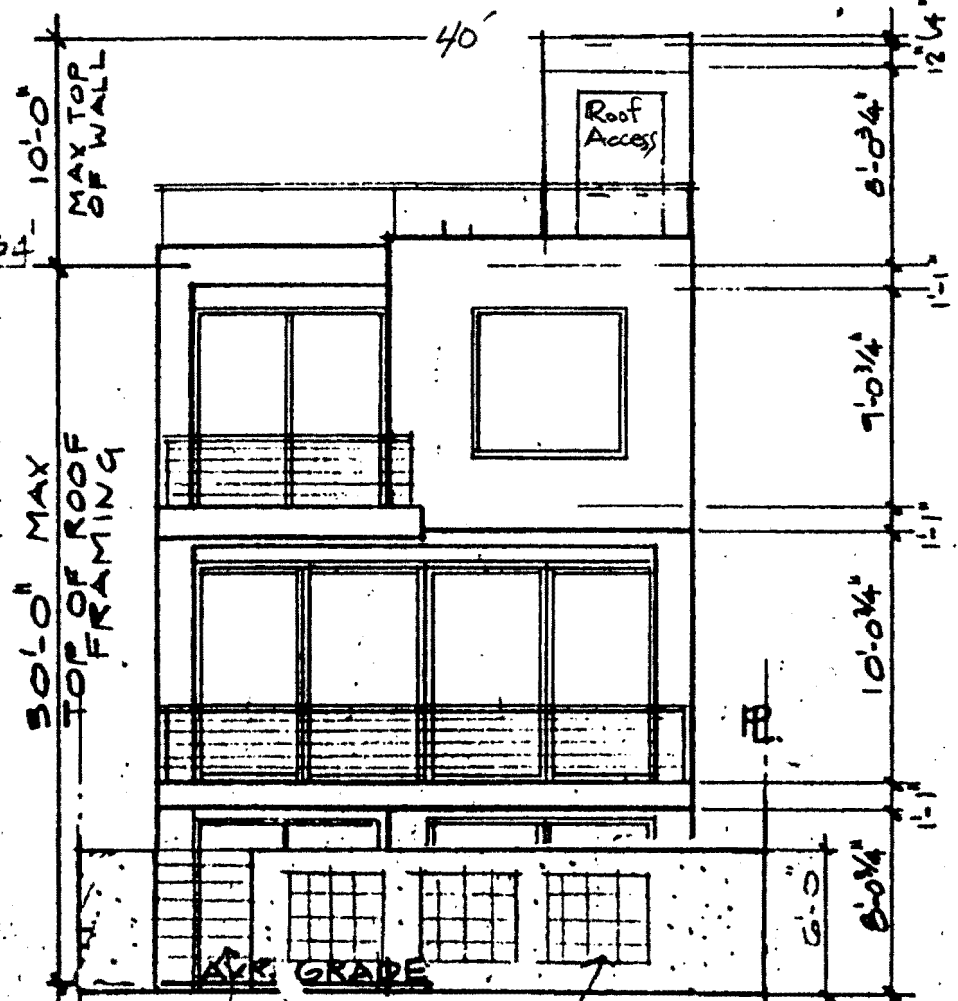
Lot Area 28' x 90' = 2520 sq.ft.
 Total Buildable area 22'x82'-6" = 1815 sq. ft
 Total Building Area 4,262 sq.ft.



Ocean Walk Elevation

2501 Lot 1

GLASS
BLOCK



Ocean Walk Elevation

2503 Lot 2

GLASS
BLOCK

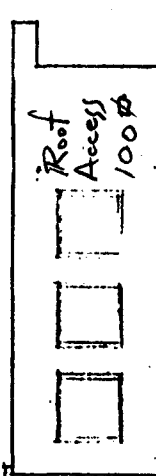
COASTAL COMMISSION

5-99-365

EXHIBIT # 5

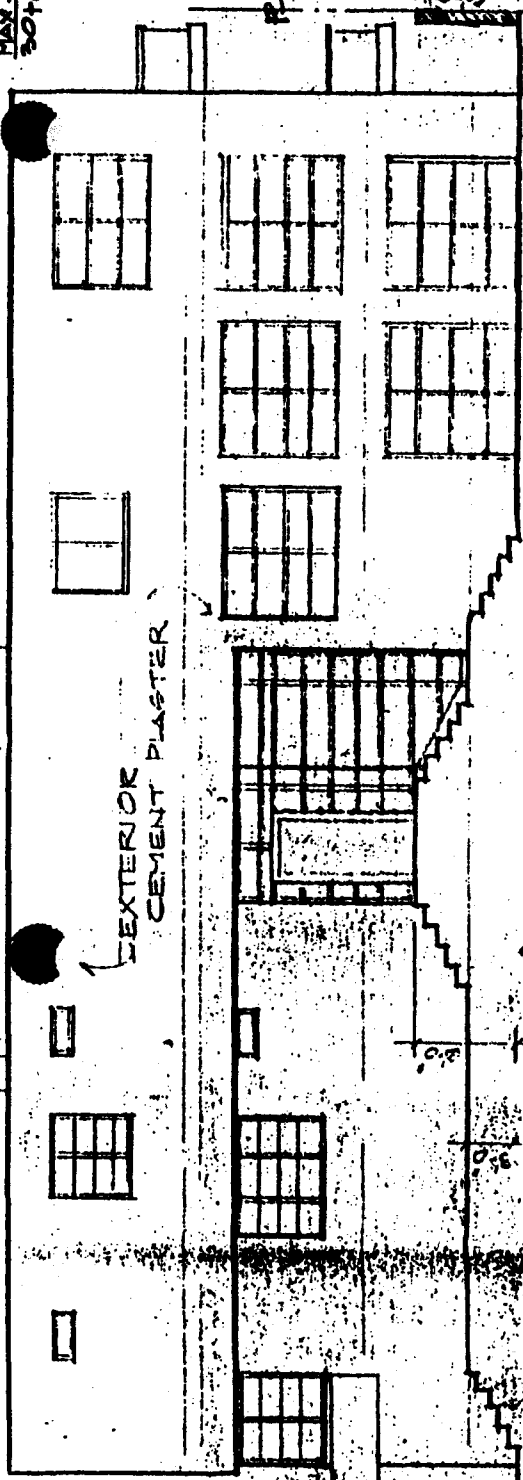
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40'



MAX 30
30+0.36

EXTERIOR CEMENT PLASTER



North Elevation

25th Avenue

Ocean Front Walk

Speedway Elevation

2501 Ocean Front Walk - Lot 1

COASTAL COMMISSION
5-99-365

EXHIBIT # 6

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California Coastal Commissioners
Coastal Commission Headquarters
45 Fremont St.
Suite 2000
San Francisco, CA 94105-22119

Please distribute the following information to the California Coastal Commissioners.

In reference to:

Address: 2501-2503 Ocean Front Walk, Venice Ca 90291- Applicant Stephen Klein

File Numbers:

CF 99-2204&S1

CPC 99-0532 HE&1999-2474 HE

CD6

We are opposed to 2501-2503 Ocean Front Walk's requested building height of 40 feet.

The current building Ordinance for North Venice is a maximum of 30 feet in height. At 40 feet this building would be out of scale with the established residences, most of which are single family homes.

Sincerely,

Charles & Ramsey McDaniel

2909 Ocean Front Walk, Venice CA 90291

310 301 0769

cc: Councilwoman Ruth Gallanter, District 6

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EXHIBIT # 7

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