

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

Filed: 3/9/2000  
49th Day: 4/27/2000  
180th Day: 9/5/2000  
Staff: CP-LB  
Staff Report: 3/17/2000  
Hearing Date: April 11-14, 2000  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-00-005

**APPLICANT:** David Podleski

**AGENT:** N/A

**PROJECT LOCATION:** 839 Superba Avenue, Venice, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** Demolition of a 600 square foot single family residence and detached garage, and construction of a two-story, 25-foot high (with 30-foot high roof access structure), 2,711 square foot single family residence with an attached two-car garage.

Lot Area	3,145 square feet
Building Coverage	1,680 square feet
Pavement Coverage	555 square feet
Landscape Coverage	910 square feet
Parking Spaces	3
Zoning	R2
Plan Designation	Low-Medium Density Residential
Ht above final grade	30 feet

**LOCAL APPROVAL:** City of Los Angeles Approval in Concept #1999-3136, 12/21/99.

**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, parking and building height. 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 a single family residence. Any change in density, number of units, or change in use shall require an amendment to this permit or a new coastal development permit pursuant to the requirements of the Coastal Act and the California Code of Regulations.

#### 2. Parking

A minimum of three (3) parking spaces shall be provided and maintained on the site to serve the approved single family residence.

#### 3. Height

The only portion of the structure that is permitted to exceed 25 feet in elevation above the centerline of Superba Avenue is one roof access structure with a footprint not to exceed one hundred square feet in area. The proposed one hundred square foot roof access structure may extend to thirty feet in elevation above the centerline of Superba Avenue as shown on the approved plans. No portion of the structure shall exceed thirty feet in elevation above the centerline of Superba Avenue.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description and Background

The applicant proposes to demolish a one-story single family residence and detached garage, and construct a two-story, 2,711 square foot single family residence on a lot in the Milwood area of Venice (See Exhibits). The 3,145 square foot lot is located approximately one mile inland of the beach (Exhibit #1).

The height of the proposed residence is 25 feet, except for a one hundred square foot roof access structure that is proposed to extend 30 feet above the elevation of Superba Avenue (Exhibit #3). The proposed 30-foot high portion of the residence would enclose a stairway leading to a proposed roof deck. On-site parking for the proposed project would be provided within an attached two-car garage, with vehicular access provided from the rear alley. Additional parking area would be provided on the driveway apron. A six-foot high wall is proposed to enclose the lot.

In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County, which include a set of building standards for the Milwood area of Venice. 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 Milwood area of Venice 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 Milwood area of Venice the Commission has consistently limited residential density and structural height.

### **Residential Density**

In order to preserve the character of the Milwood area of Venice, the Commission has limited residential density to two units per lot. The City of Los Angeles Venice Specific Plan also limits residential density in Milwood to two units per lot. The proposed Venice Land Use Plan (LUP), recently adopted by the Los Angeles City Council, would limit residential density in Milwood to two units per lot. The proposed single family residence complies with the density limit for the site.

### **Building Height**

Building height and bulk can also affect the scenic and visual qualities of the Milwood area of Venice. In previous approvals, the Commission and the City have both consistently limited new single family residences in the Milwood area of Venice to a height of 25 feet measured above the fronting right-of-way. The 25-foot height limit for single family residences in the Milwood area is the standard of the Commission's Interpretive Guidelines.

The City of Los Angeles Venice Specific Plan limits flat roofed single family residences to a maximum height of 25 feet, while allowing varied rooflines to reach thirty feet above the

fronting right-of-way. The proposed Venice LUP, recently adopted by the Los Angeles City Council, would also limit flat roofed single family residences to a maximum height of 25 feet, while allowing varied rooflines to reach thirty feet above the fronting right-of-way.

The Commission and the City have, however, allowed portions of some structures to exceed the 25-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 25-foot height limit include chimneys, air conditioning equipment, skylights, railings around roof decks, and small roof access structures and elevator housings that do not exceed 100 square feet in gross floor area. These rooftop structures must be sited upon the roof in a manner which minimizes their visibility from public areas and rights-of-way. Roof access structures have been permitted to exceed the 25-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 height of the proposed single family residence is 25 feet, except for a one hundred square foot roof access structure that is proposed to extend 30 feet above the elevation of Superba Avenue (Exhibit #3). The proposed 30-foot high portion of the residence would enclose a stairway leading to a proposed roof deck. No portion of the structure would exceed a height of thirty feet above the elevation of Superba Avenue, the fronting right-of-way.

As stated above, the Commission allows certain rooftop structures to exceed the 25-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 proposed residence would not adversely effect the character of the Milwood area and complies with the visual resource policies of the Coastal Act. The proposed 30-foot high roof access structure is located near the mid-point of the proposed structure in order to reduce its visibility from the adjacent public streets (Exhibit #3). The footprint of the proposed roof access structure does not exceed one hundred square feet in area, and there is no living area or storage space proposed above the 25-foot height limit. Therefore, the Commission finds that the proposed project conforms to the Commission's height limit and previous approvals in the Milwood area of Venice 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 is conditioned to limit the roof height of the permitted single family residence to 25 feet above the elevation of Superba Avenue. One roof access stairway with a footprint not to exceed one hundred square feet in area may extend up to thirty feet in elevation above the elevation of Superba Avenue as shown on the approved plans. No portion of the structure shall exceed thirty feet in elevation above the elevation of Superba Avenue. 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 Venice 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 often occupied by residents of the area and their guests. To mitigate this problem, the Commission has consistently conditioned new single family residences in the Milwood area of Venice to provide a minimum of two on-site parking spaces with provisions for guest parking.

The proposed project includes an attached two-car garage and a 15-foot deep driveway apron that can provide additional area for on-site parking. Therefore, the proposed project provides an adequate on-site parking supply and conforms to the Commission's parking standards for the Milwood area of Venice. Vehicular access to the on-site parking supply is provided from the rear alley. Therefore, no public parking on the fronting street will be eliminated by a curb cut.

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 to all building standards of the proposed 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.



Site

839 Superba Avenue

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EXHIBIT # 1

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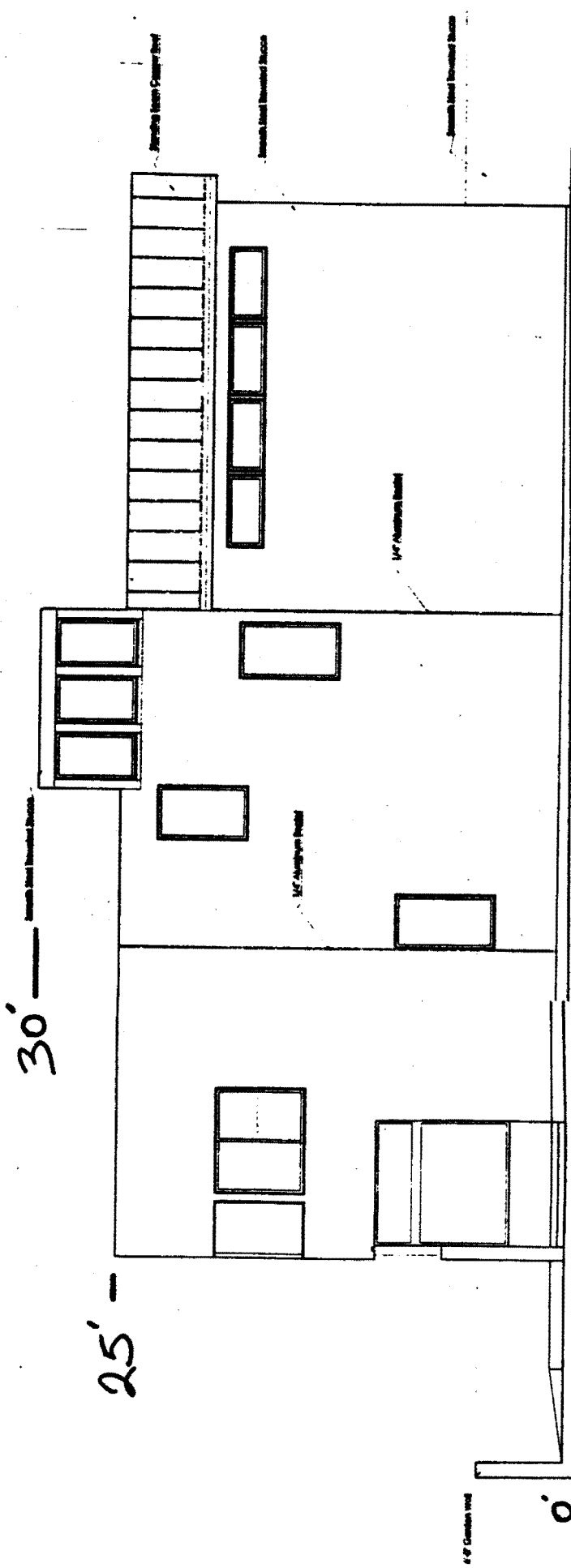
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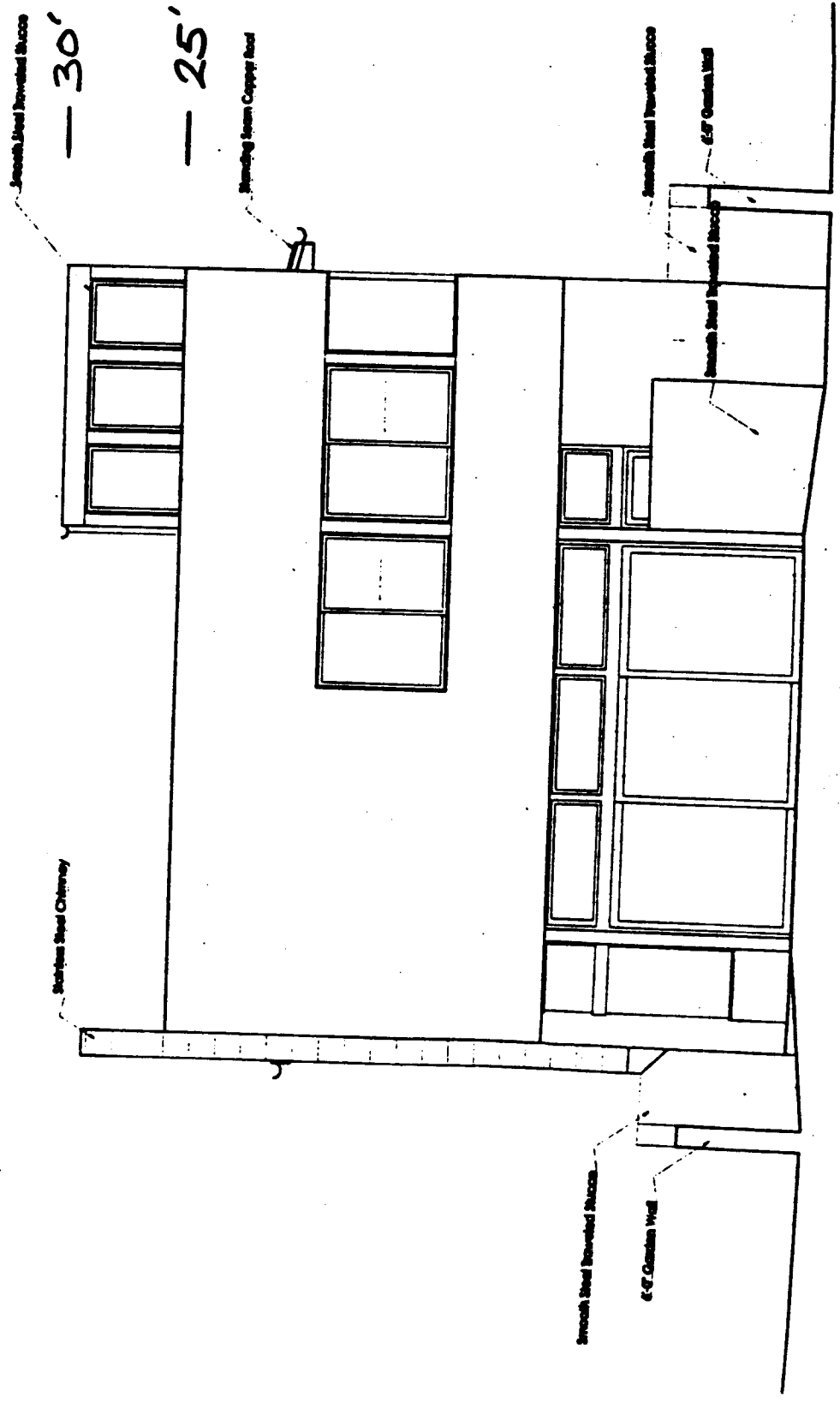
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EXHIBIT # 3  
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EXHIBIT # 4

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