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STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

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Filed: 2/1/2000  
49th Day: 3/21/2000  
180th Day: 7/30/2000  
Staff: CP-LB  
Staff Report: 3/14/2000  
Hearing Date: April 11-14, 2000  
Commission Action:



Handwritten initials or signature

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-041

APPLICANTS: David & Janice Altemus

AGENT: Austin Kelly, XTEN Architecture

PROJECT LOCATION: 2405 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Addition of a 11.2-foot high, 380 square foot sunroom on the roof of an existing 22-foot high, 3,865 square foot duplex with four on-site parking spaces.

Lot Area	2,520 square feet
Building Coverage	1,980 square feet
Pavement Coverage	0 square feet
Landscape Coverage	540 square feet
Parking Spaces	4
Zoning	RD1.5-1
Plan Designation	Medium Density Residential
Ht above final grade	33.2 feet

LOCAL APPROVAL: City of Los Angeles Hardship Exemption File #99-1953, 12/17/99.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Coastal Development Permit Waiver 5-99-334 (Altemus).
2. Coastal Development Permits 5-95-173 & 5-96-209 (Wilton Corp.).
3. Coastal Development Permits 5-99-273 & 5-99-274 (Bieber).
4. Coastal Development Permit 5-99-365 (Lee).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to building height and future improvements. The applicants agree 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 5-00-041 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. Building Height

The only portion of the structure that is permitted to exceed thirty (30') feet in elevation above the centerline of Ocean Front Walk is the top of the 380 square foot sunroom that is proposed to be constructed on the roof of the existing structure. No portion of the structure is permitted to exceed 33.2 feet in elevation above the centerline of Ocean Front Walk.

#### 2. Future Development Deed Restriction

This coastal development permit is only for the development described in Coastal Development Permit 5-00-041. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply. Accordingly, any future improvements to the two-unit residential structure, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610 and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Coastal Development Permit 5-00-041 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicants propose to construct a 11.2-foot high, 380 square foot sunroom on the roof of an existing 22-foot high, 3,865 square foot duplex located on a beachfront lot in North Venice (See Exhibits). With the proposed addition the structure would be 33.2 feet high from the elevation of Ocean Front Walk to the top of the proposed sunroom (Exhibit #5). The proposed third-floor sunroom would be located near the mid-point of the structure behind an existing roof deck (Exhibit #4). The two-story duplex has a four-car garage on the ground floor.

The existing duplex is situated on a 2,520 square foot lot 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 surrounding neighborhood is comprised primarily of two-story and three-story single family residences and 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, and has submitted it for Commission certification as part of the current effort to develop a certified Local Coastal Program (LCP) for Venice. The City's proposed Venice LUP maintains the City's and Coastal Commission's existing density limit, 30-foot height limit for flat roofs, and parking standards for the North Venice area. The proposed Venice LUP will be scheduled for a public hearing before the Commission at a future meeting.

The height limit for the North Venice area has been established at thirty feet (with limited exceptions for chimneys, skylights, deck railings and small roof access structures). The 30-foot height limit for North Venice is a Commission building standard that is listed in the Coastal Commission's Regional Interpretive Guidelines for Los Angeles County. The 30-foot height limit is also a City building standard that is listed in the current Venice Specific Plan, as well as the proposed Venice Land Use Plan (with allowances for 35-foot high peaked roofs and 38-foot high architectural features). The City has granted the proposed

project a Hardship Exemption (File #99-1953) that would allow a proposed skylight on top of the proposed sunroom to exceed the 30-foot height limit by three feet and two inches.

The applicants are now seeking the Commission's approval for the proposed 11.2-foot high sunroom addition and skylight. A coastal development permit is required pursuant to Section 13253(b)(4) of the California Code of Regulations because the proposed project, which is located within three hundred feet of the beach, would increase the height of the existing duplex by more than ten percent.

## **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 proposed 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 existing structure on the 2,520 square foot lot is a duplex. No change in the number of residential units is proposed. Therefore, the proposed project complies with the Commission's density limit for the site. The four existing on-site parking spaces will be maintained.

### **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 Venice Specific Plan. 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 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 fact, the Commission has approved several residential projects near the project site (2405 Ocean Front Walk) that include development that exceeds the 30-foot roof height limit. Next door at 2409 Ocean Front Walk, the Commission approved Coastal Development Permit 5-95-173 (Wilton) on February 8, 1996 for a 30-foot high single family residence with a 38-foot high roof access structure, 36-foot high atrium roof, and a 36-foot high solar collector.

At 2401 Ocean Front Walk, the Commission approved Coastal Development Permit 5-99-273 (Bieber) on September 16, 1999 for a 30-foot high single family residence with a 34-foot high roof access structure.

At 2801 and 2807 Ocean Front Walk, the Commission approved Coastal Development Permit 5-96-209 (Wilton) on November 12, 1996 for two 30-foot high single family residences, each with a 38-foot high roof access structure and a 34-foot high atrium roof.

As recently as January 11, 2000, the Commission approved Coastal Development Permit 5-99-365 (Lee) for two 30-foot high single family residences at 2501 and 2503 Ocean Front Walk, each with a 40-foot high roof access structure.

In this case (2405 Ocean Front Walk), the existing structure has a roof height of 22 feet with 25-foot high roof deck railings. The proposed 380 square foot sunroom addition would increase the height of the structure to 33.2 feet above Ocean Front Walk elevation (Exhibit #5). The applicants state that the proposed 33.2-foot height is necessary to accommodate a skylight on the roof of the proposed sunroom. A 30-foot high sunroom addition was previously proposed and approved pursuant to Coastal Development Permit Waiver 5-99-334 (Altemus) in October of 1999. The applicants have also pointed out that their proposed addition would still be lower than the single family residence located next door at 2409 Ocean Front Walk with its Commission approved 38-foot high roof access structure, 36-foot high atrium roof, and 36-foot high solar collector.

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 proposed sunroom addition would not adversely effect the visual resources of the North Venice area and complies with the visual resource policies of the Coastal Act. The proposed sunroom addition is located near the mid-point of the existing structure in order to reduce its visibility from Ocean Front Walk and the public beach (Exhibit #6). Only the skylight and roof of the proposed sunroom addition would exceed the 30-foot height limit. Therefore, no living area or storage space is proposed above the 30-foot height limit. Also, the proposed 33.2-foot high addition would be visually compatible with the character of the neighboring residences which also have rooftop structures that exceed thirty feet in height. Therefore, the Commission finds that the proposed project conforms to Section 30251 of the Coastal Act 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 size of the 33.2-foot high sunroom to 380 square feet, and to require a future improvements deed restriction in order to prevent unpermitted future additions from increasing the amount of development that exceeds the 30-foot height limit. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

### C. 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 the height limit of the proposed Venice LUP in that the proposed LUP includes an allowance for 35-foot high peaked roofs. 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).

**D. 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.

End/cp





Site

2405  
Ocean Front Walk  
VENICE

COASTAL COMMISSION

5-00-041

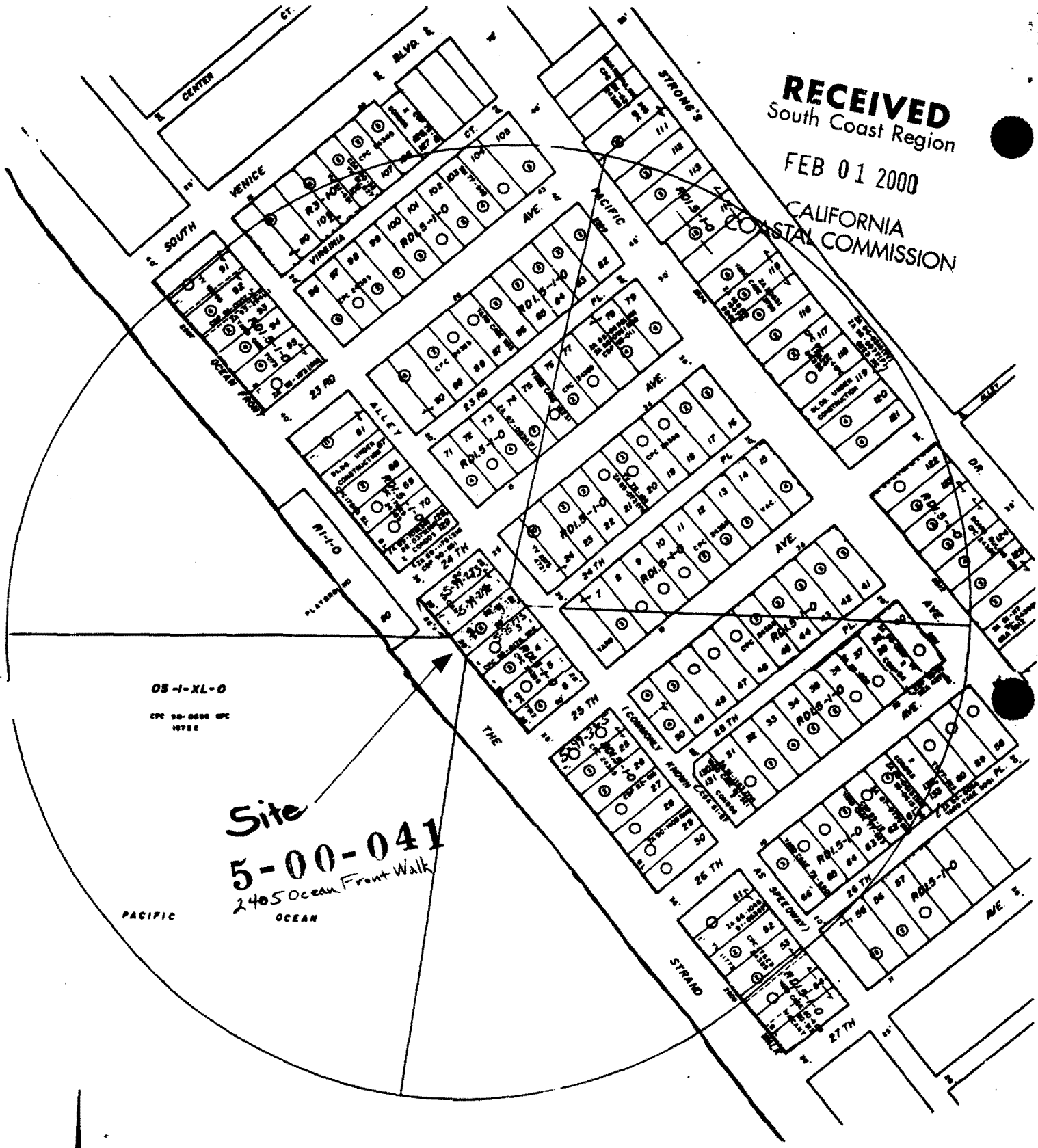
EXHIBIT # 1

PAGE 1 OF 1

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COASTAL COMMISSION



Site  
**5-00-041**  
2405 Ocean Front Walk

OS-1-XL-0  
CPC 99-0004 CPC  
1972

PACIFIC

**SPECIFIC PLAN E**

**COASTAL COMMISSION**

**5-00-041**

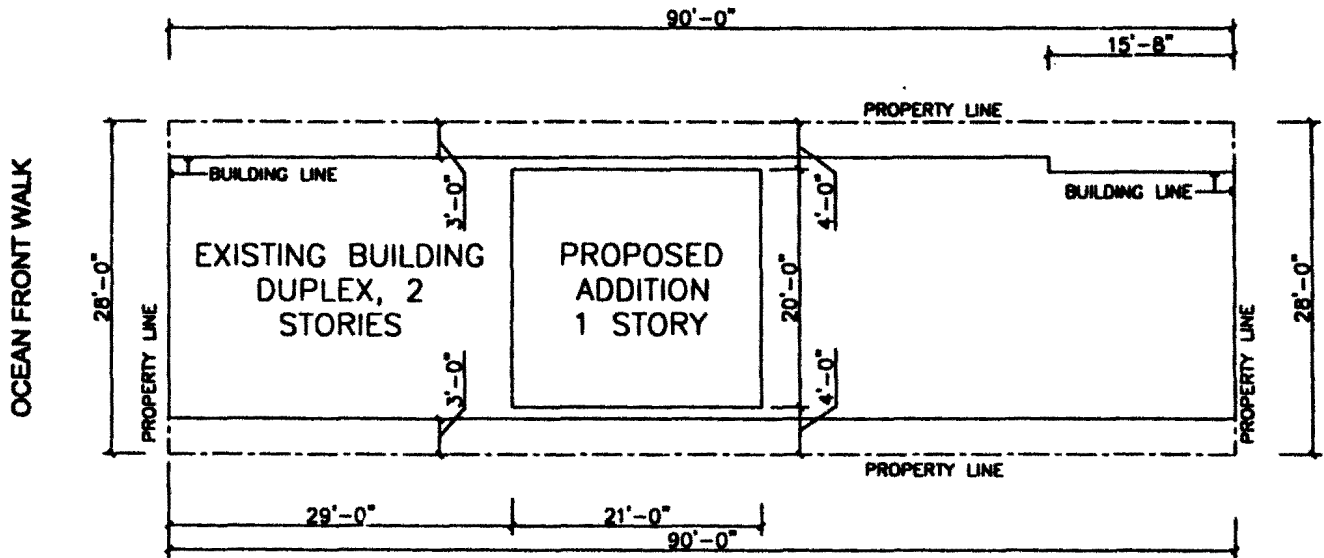
EXHIBIT # **2**

PAGE **1** OF **1**

CASE NO.  
DATE 9-10-99  
D.M. 106.5 A 145, 106.5 A 145  
SCALE 1" = 50'  
USES FIELD

LEGAL: LOT 9, BLK. 10, SHORT LINE BEACH SUBD  
T.B. PAGE 671 GRID H-  
C.D. 6 C.T. 2739 P.A.

0.089 AC.



(COMMONLY KNOWN AS SPEEDWAY)

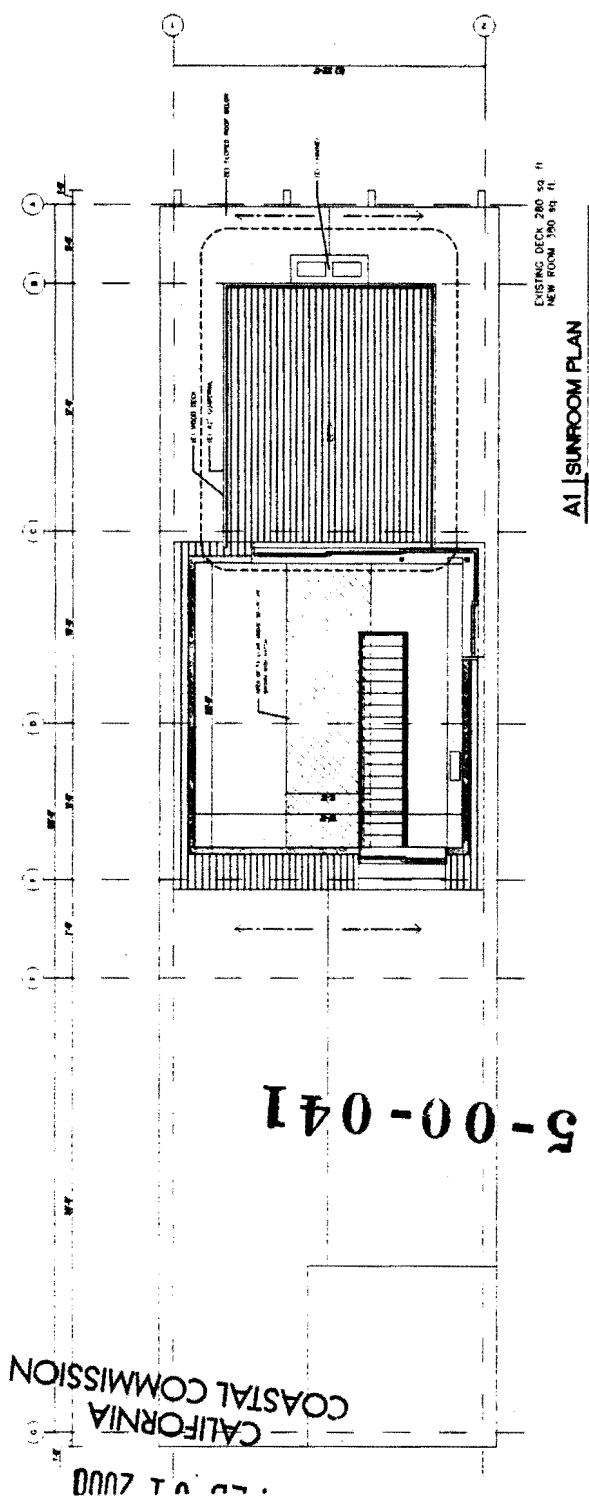
PLOT PLAN



LEGAL DESCRIPTION:  
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 TRACT SHORT LINE  
 BEACH SUBDIVISION  
 NO.2

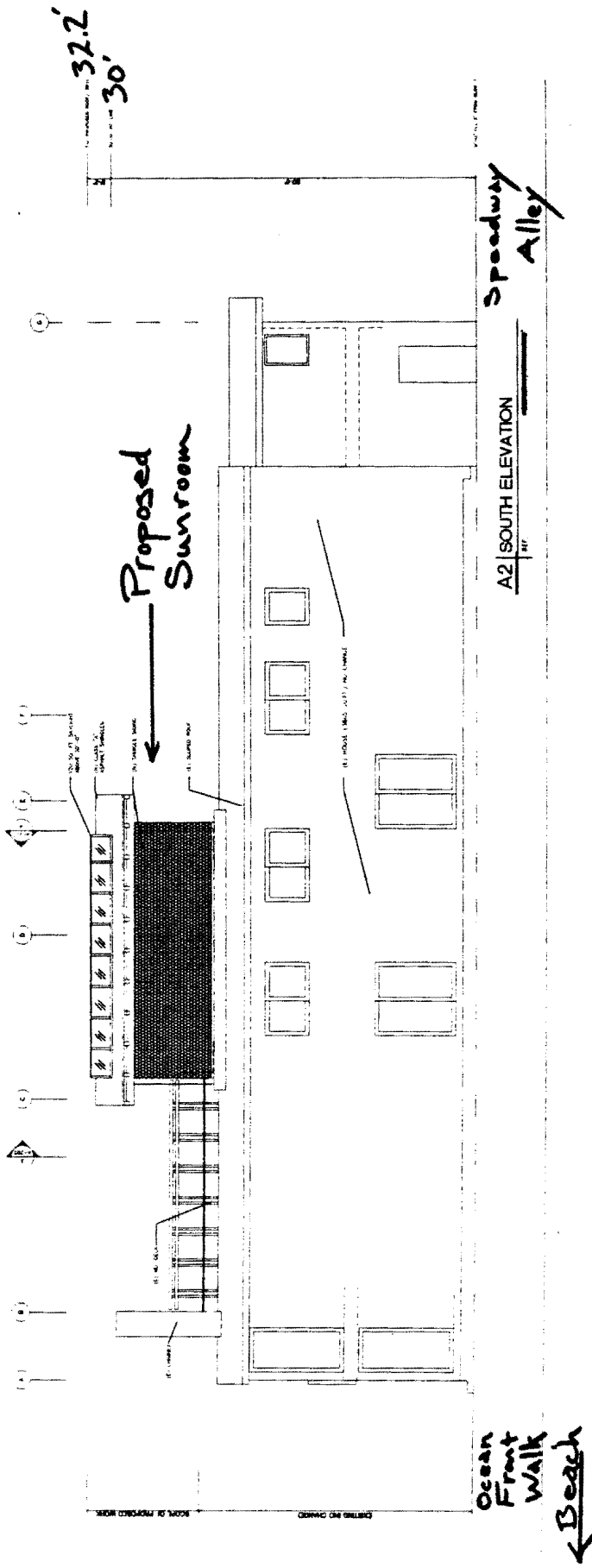
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 VENICE, CA. 90291

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 5-00-041  
 EXHIBIT # 3  
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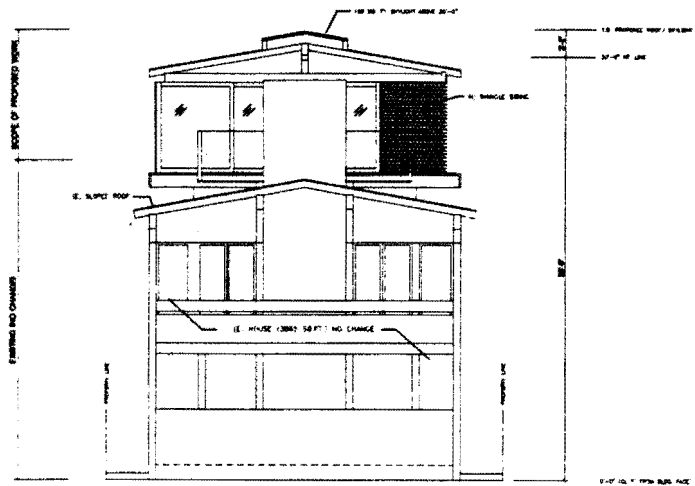
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5-00-041  
EXHIBIT # 4  
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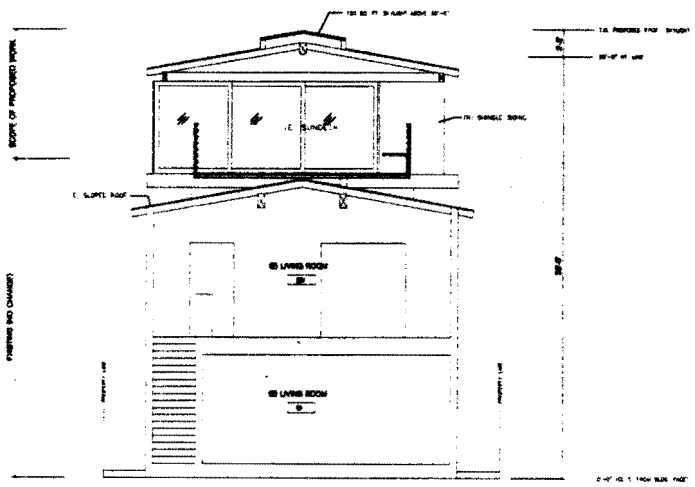


COASTAL COMMISSION  
 5-00-041  
 EXHIBIT # 5  
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32'-  
30'-  
22'-



A1 | ELEVATION WEST (Beach)



A3 | SECTION 2

# XTEN

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Project Team

Description	Date

EXTERIOR ELEVATIONS  
N/ S SECTIONS

A-202

COASTAL COMMISSION

5-00-041

EXHIBIT # 6

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