

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 Oceangate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071

**RECORD PACKET COPY****MON 3c**

Filed: 8/21/01  
 49th Day: 10/08/01  
 180th Day: 02/21/02  
 Staff: MS-LB  
 Staff Report: 9/12/01  
 Hearing Date: October 8-12, 2001  
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER: 5-01-333****APPLICANT: Richard Lautenbacher****AGENT: Terri Dickerhoff****PROJECT LOCATION: 26 28<sup>th</sup> Place, Venice (Los Angeles County)**

**PROJECT DESCRIPTION:** Demolition of an existing 700 square foot single family residence and construction of a three-story, 4773 square foot, 28 feet high single family residence with an attached 3-car garage. The proposed project also includes the construction of a 42-inch high stucco block wall, located in the public right-of-way.

Lot Area	2640 square feet
Building Coverage	1686 square feet
Pavement Coverage	654 square feet
Landscape Coverage	300 square feet
Parking Spaces	3
Zoning	RD1.5-1-0
Plan Designation	Low Medium II, MFR
Ht above final grade	28 feet

**LOCAL APPROVALS RECEIVED:** City of Los Angeles Approval in Concept #2001-2921, 8/16/01**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Land Use Plan for Venice, 11/14/00.
2. Coastal Development Permit 5-01-160 (Pearl)
3. Coastal Development Permit 5-98-278 (Hirschfield)
4. Coastal Development Permit 5-98-350 (Binder)

**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, parking, residential density, and community character.

**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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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 roof of the approved structure shall not exceed twenty-eight (28') feet in height above the elevation of the fronting right-of-way along the walk street, except for:

- a) Chimneys, ducts and ventilation shafts which shall not exceed 33 feet in height above the elevation of the fronting right of way along the walk street.
- b) Open roof deck railings which do not exceed 42 inches above the roof elevation; and,
- c) One roof access structure, 100 square feet or less in area as measured from the outside walls, which shall not exceed 38 feet in height above the elevation of the fronting right of way along the walk street.

Any proposed increase in height 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. Residential Density

The permitted use of the approved structure is a 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.

3. Parking

The proposed three parking spaces shall be provided and maintained on the site.

4. Community Character

The proposed stucco wall to be shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way.

5. Permit 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 herein. Any deviation from the approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

#### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

##### A. Project Description and Location

The applicant proposes to demolish the existing structure on a 2640 square foot lot situated in North Venice approximately 300 feet north of Washington Blvd and approximately 240 feet inland from Ocean Front Walk along a designated Walk Street (Exhibit #3). The proposed demolition involves the removal of the existing 700 square foot, single family residence. The proposed project involves the construction of a three-story, 1686 square foot single family residence with an attached three-car garage on the ground floor (See Exhibits), a proposed 42-inch stucco block wall, located in the public right-of-way that is painted to match the proposed building, and a roof deck which would be accessed by a 8'9" high, 100 square foot roof access structure (Exhibit #6). The proposed project is located approximately 300 feet west of the Grand Canal (Exhibit #1)

The Commission has recognized in both prior permit and appeal decisions that the North Venice area is a special coastal neighborhood. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the North Venice area situated north of Washington Boulevard. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the neighborhoods.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000.

The certified Venice LUP contains updated and revised building standards for the various Venice neighborhoods, including the North Venice neighborhood where the proposed project is situated. The policies and building standards contained in the Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. 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 in part:

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 neighborhood situated north of Washington Boulevard where the proposed project is located; the Commission has consistently limited residential density and structural height. On November 14, 2000, the Commission adopted the following policy as part of the Venice LUP in order to regulate residential development in North Venice.

Venice Land Use Plan Policy I.A.8. c states:

***c. North Venice***

*Use: Two units per lot, duplexes and multi-family structures.*

*Density: One unit per 1,200 square feet of lot area. Lots smaller than 4000 square feet are limited to a maximum density of two units per lot.*

*Height: Not to exceed 30 feet for buildings with flat roofs or 35 feet for buildings utilizing stepped back or varied rooflines. The portion of the structure that exceeds 30 feet in height shall be set back one horizontal foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet.*

*Walk Streets: New residential development along walk streets shall enhance both public access and neighborhood character.*

As discussed below, the proposed project complies with the standards contained in the above-stated LUP policy. The applicant has designed the proposed project in compliance with the above-stated building standards in order to obtain the required coastal development permit.

**Residential Density**

In order to protect public access to the shoreline and to preserve the character of the North Venice neighborhood, the Commission has consistently limited residential density to two units per lot. The Venice LUP limits residential density in the project area to two units per lot. The applicant proposes to construct a single family residence. Therefore, the proposed project conforms to the Commission's density limit for the site, the density limit of the Venice LUP, and is 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 coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to

preserve the character of the Venice area. Development along walk streets within the Venice Coastal Zone has been limited to a height of twenty-eight feet.

The Commission and the City have, however, allowed portions of some structures to exceed the twenty-eight 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 twenty-eight-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 the walk streets. Roof access structures have been permitted to exceed the twenty-eight-foot height limit only if they contain no living or storage space and if they do not negatively impact the area's visual resources.

Regarding roof access structures, Venice Land Use Plan Policy I.A.1.a states:

**Roof Access Structures.** *Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:*

- i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;*
- ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;*
- iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; and,*
- iv. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).*

In this case, the roof elevation of the proposed single family residence does not exceed a height of twenty-eight feet above the elevation of the fronting right-of-way (This particular site is not located on a canal). On top of the twenty-eight foot high roof, the applicant has proposed a roof deck surrounded by 36-inch high railings. The proposed roof deck would be accessed by an 8'9"-foot high, one hundred square foot roof access structure. The roof access structure has a maximum height of 36'9" above the fronting right-of-way (Exhibit #6, p.1). It is oriented so that the narrow side is visible and it is set back significantly so there is reduced visibility from the adjacent Walk Street.

As stated above, the Commission, the City and the Venice LUP allow for certain rooftop structures to exceed the twenty-eight 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 project would not adversely effect the visual resources of the North Venice area and complies with the visual resource policies of the Coastal Act.

Only the proposed roof access structure and roof deck railings would exceed the twenty-eight foot height limit. The proposed one hundred square foot roof access contains no living area or storage space above the twenty-eight foot height limit. 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 roof height of the proposed single family residence to a maximum of twenty-eight feet above the elevation of the fronting right-of-way. No portion of the structure is permitted to exceed twenty-eight feet in height above the elevation of the alley, except for

- a) Chimneys, ducts and ventilation shafts which shall not exceed 33 feet in height above the elevation of the fronting right-of-way;
- b) Open roof deck railings which do not exceed 42 inches above the roof elevation; and,
- c) One roof access structure, 100 square feet or less in area as measured from the outside walls, which shall not exceed 38 feet in height above the elevation of the fronting right-of-way.

Any proposed increase in height 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. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

Therefore, the Commission finds that the proposed project conforms to the Commission's height limit, the Venice LUP and Section 30251 of the Coastal Act. The scenic and visual qualities of the area will not be negatively impacted by the proposed project.

### **Walk Streets**

Venice City Certified LUP Policy II. C. 11. States in part:

*Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences...*

*Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way...*

The proposed project complies with the residential development standards for projects fronting on walk streets. The proposed stucco block wall, located in the public right-of-way, is 42 inches in height and painted to match the proposed building.

Therefore, the Commission finds that the proposed project conforms to the Commission's development standards, the Venice LUP and Section 30251 of the Coastal Act. The scenic and visual qualities of the area will not be negatively impacted by the proposed project.

**C. Public Access and Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform to the following Coastal Act policies, which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The proposed project is located on a designated Walk Street, 28<sup>th</sup> Ave. that connects to Ocean Front Walk on Venice Beach. The existing Walk Street is part of a continuous City right-of-way system that provides public access to the beach and recreational opportunities along Ocean Front Walk. Ocean Front Walk runs into Washington Blvd. and North and South Venice Blvd. The Coastal Act and the policies of the certified Venice LUP protect public access along the walk streets of Venice neighborhoods. Although the proposed project does involve an encroachment on the City right-of-way of the Walk Street, the proposed 42-inch block wall complies with the City LUP and the current character pattern of walls or fences already built within this Walk Street community. The proposed 42 inch high wall with in the public right-of-way will not negatively affect the public's right to access and use the 28<sup>th</sup> Ave Walk Street. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

**D. 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....



The proposed project provides an adequate parking supply for the proposed single family residence by providing a three-car garage (Exhibit #4,p.2). Therefore, the proposed project conforms to the Commission's parking standards for the North Venice area, which require two on-site parking spaces per residential unit.

The permit is conditioned to ensure the continued provision of adequate on-site parking (two spaces per single family residence), and that the permitted use of the approved structure is a single family residence. A parking deficiency would reduce the availability of on street parking for visitors, and as a result, reduce the ability of the public to access the coast. 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.

The condition regarding residential density is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units.

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.

#### **E. 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 proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000.

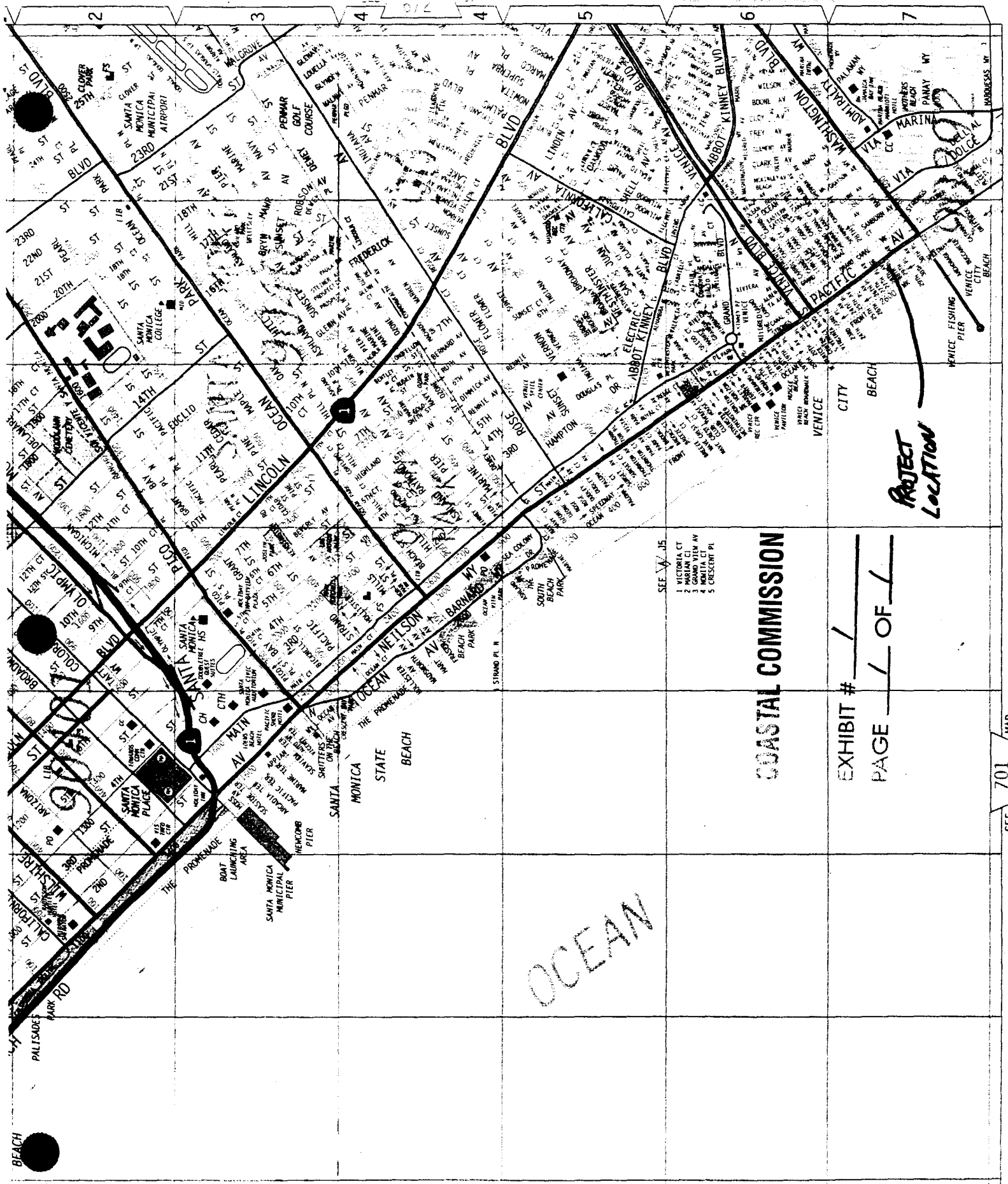
As conditioned, to address the visual quality, community character, and access and recreational issues, Special Conditions 1, 2 and 4, ensure that LUP regulations for building height, residential density and community character are imposed to protect the special community character of the Walk Street neighborhood described in the City of Venice LUP. Adequate on-site parking is maintained and public right-of-way encroachments are limited in Special Conditions 3 and 4.

The proposed project, as conditioned, conforms to the certified 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).

**F. California Environmental Quality Act**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



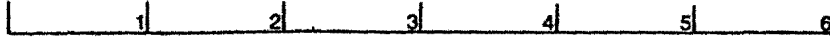
SEE V. 75  
 1 VICTORIA CT  
 2 GRAND VIEW AV  
 3 MONITA CT  
 4 CRESCENT PL

**COASTAL COMMISSION**

EXHIBIT # 1  
 PAGE 1 OF 1

*PROJECT LOCATION*

1-800-345-7334

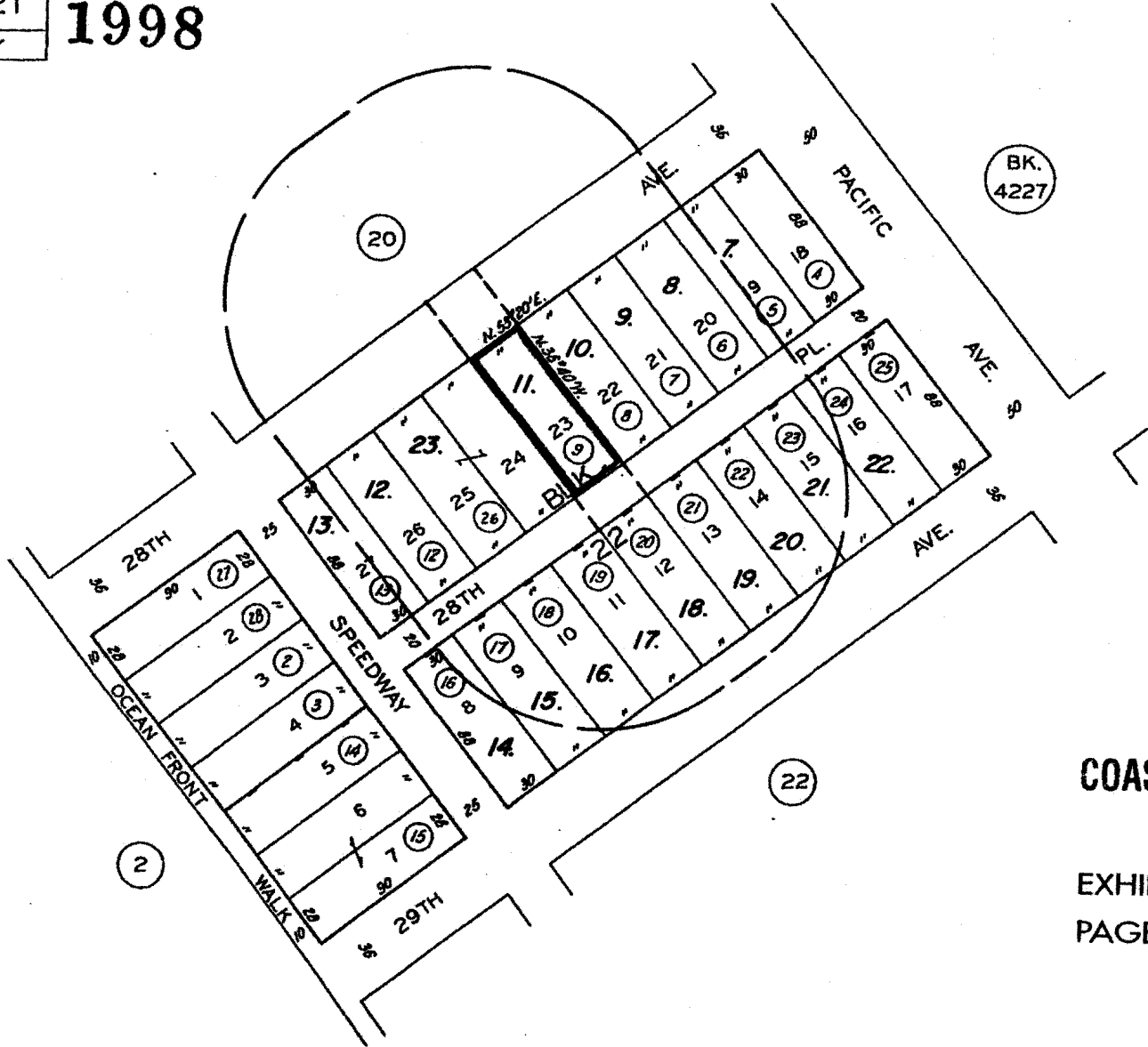


951030508  
98012802003

4226 | 21

1998

SCALE 1" = 60'



BK.  
4227

COASTAL COMMISSION

EXHIBIT # 2

PAGE 1 OF 1

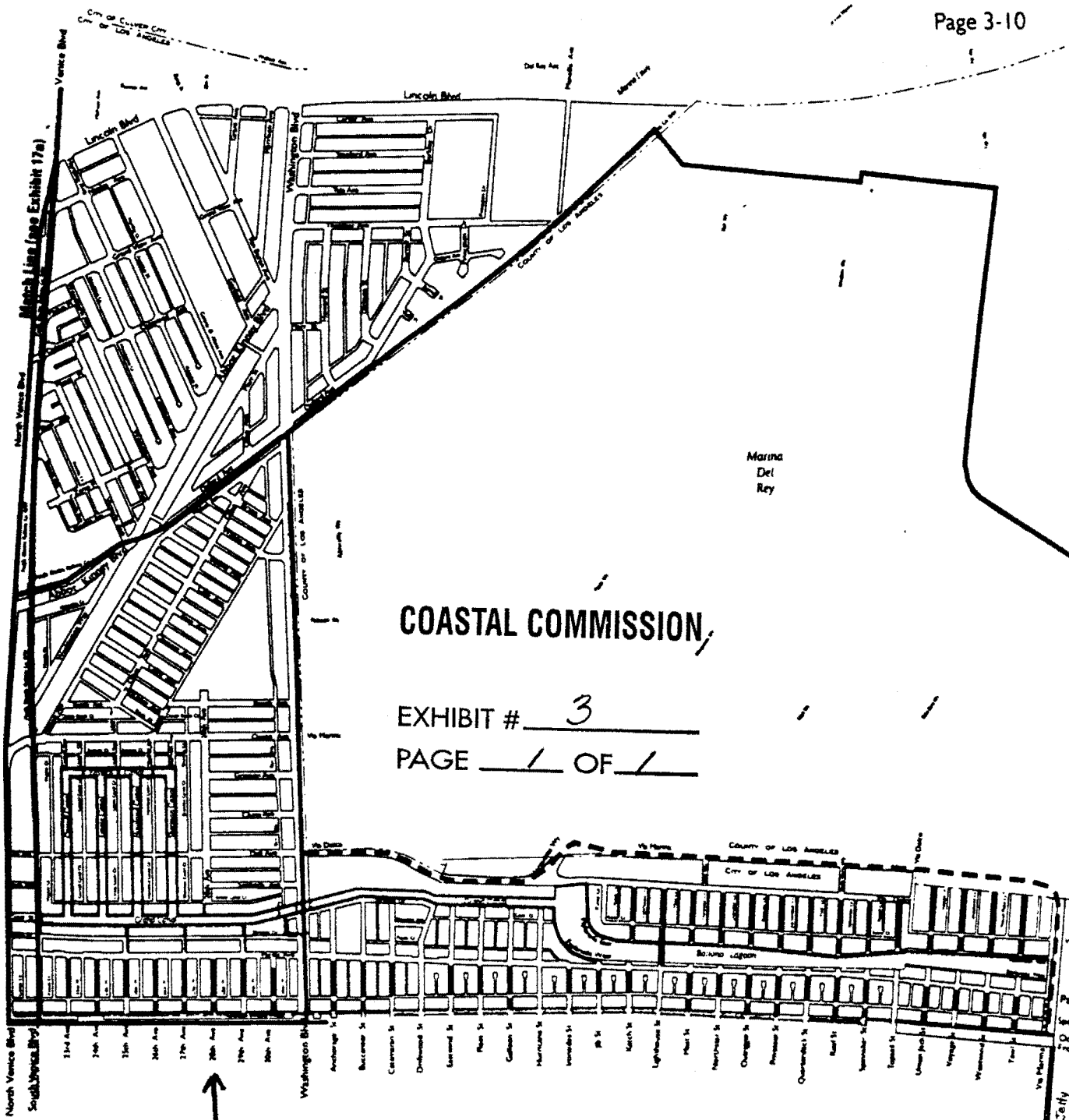
CODE  
67

SHORT LINE BEACH  
SUBDIVISION NO. 2 M. B. 4-42

BLK. NO. AS SHOWN ON THIS  
PAGE COVERS ALL LOTS IN  
M.B. 4-42 & M.B. 5-116

ASSESSOR'S

5-01-333



# COASTAL COMMISSION

EXHIBIT # 3

PAGE 1 OF 1

5-01-333

Project Location  
Walk Street

Coastal Accessways

Walkstreets

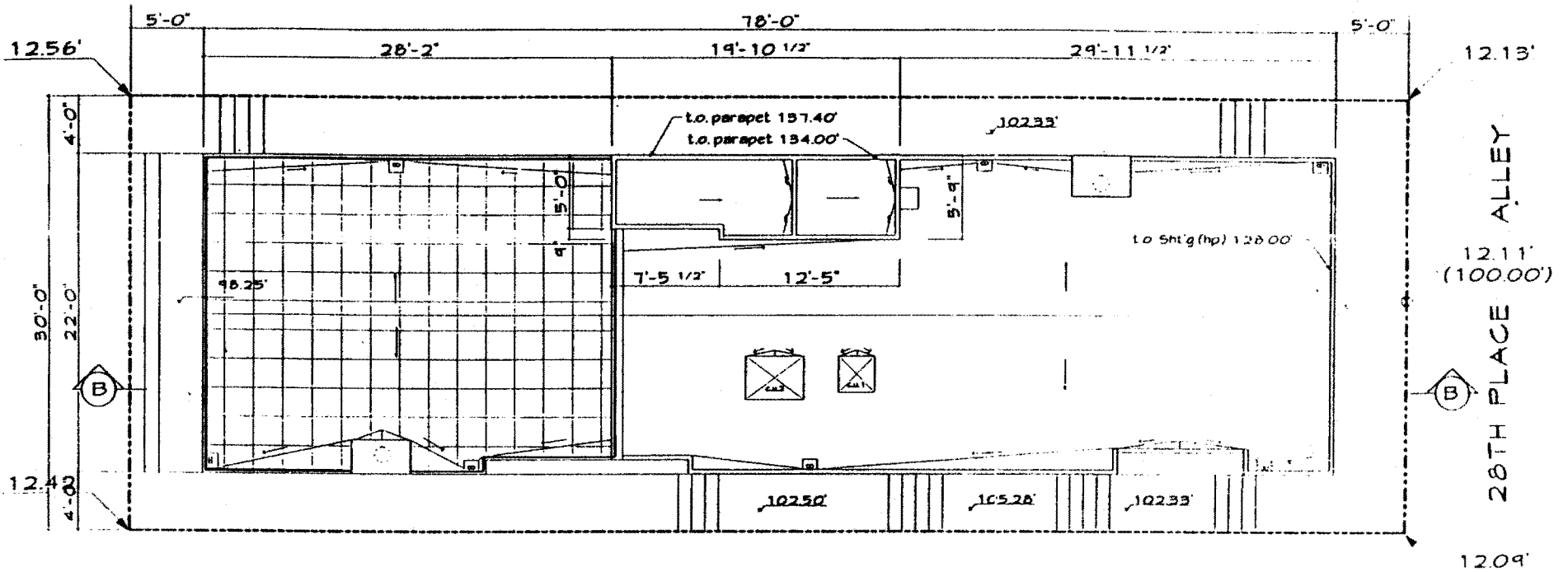
Existing Bikeways

Proposed Bikeway

Exhibit 19b  
**Coastal Access Map**  
 Pedestrian Access and Bikeways

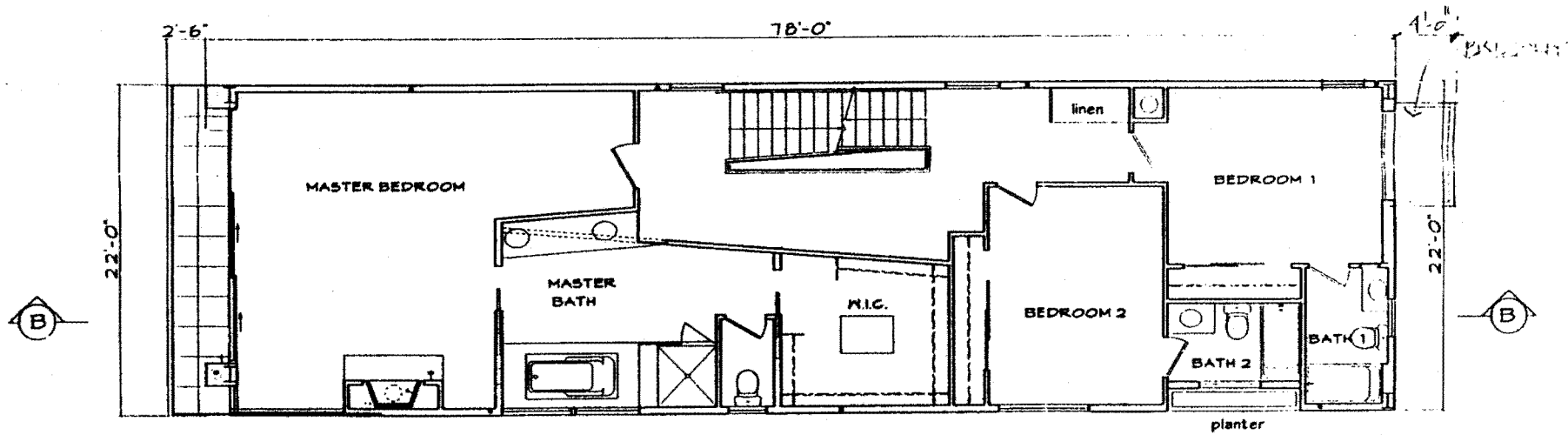


• **Policy II. C. 14. Bikeway South of Washington Boulevard.** The LUP designates a class II bikeway south of Washington Boulevard, along Via Dolce, Marquesas Way and Via Marina. This bike path will provide public access to the Jetty and to the south part of Marina Peninsula Beach. The City should provide for the extension of the beach bicycle path from Washington Boulevard to the marina entrance channel in order to improve public access opportunities on the Marina Peninsula beach between the Venice Pier and the Jetty.



**SITE PLAN / ROOF PLAN**

1/8" = 1'-0"



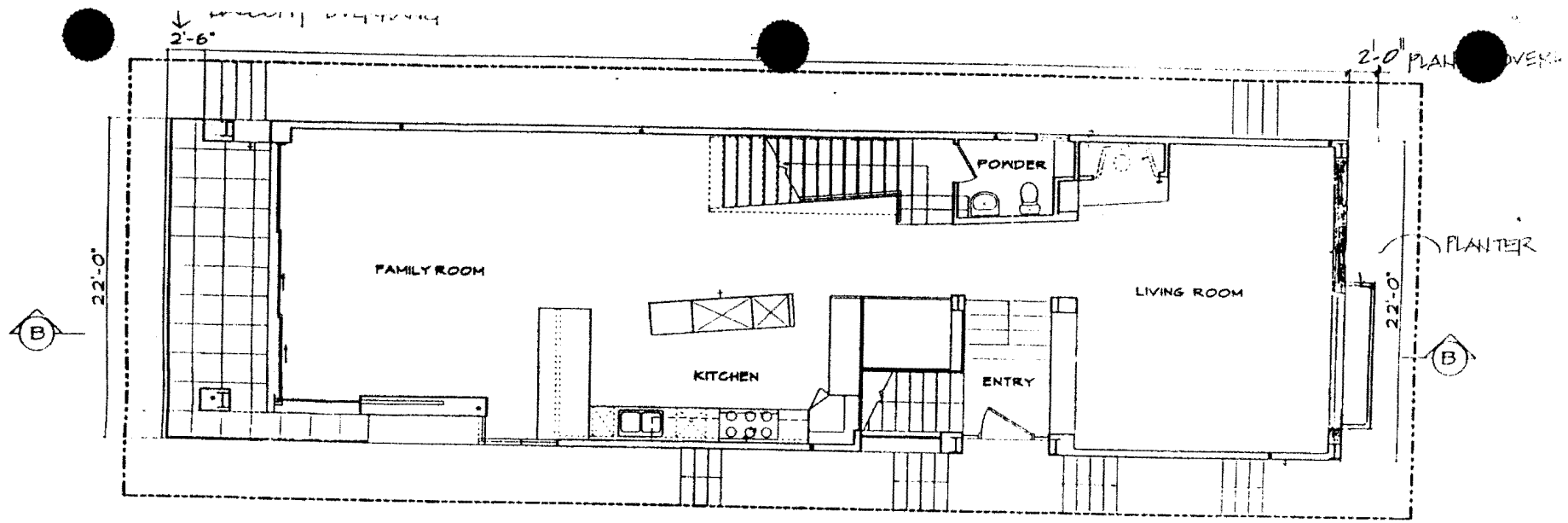
**COASTAL COMMISSION**

**SECOND FLOOR PLAN**

1/8" = 1'-0"

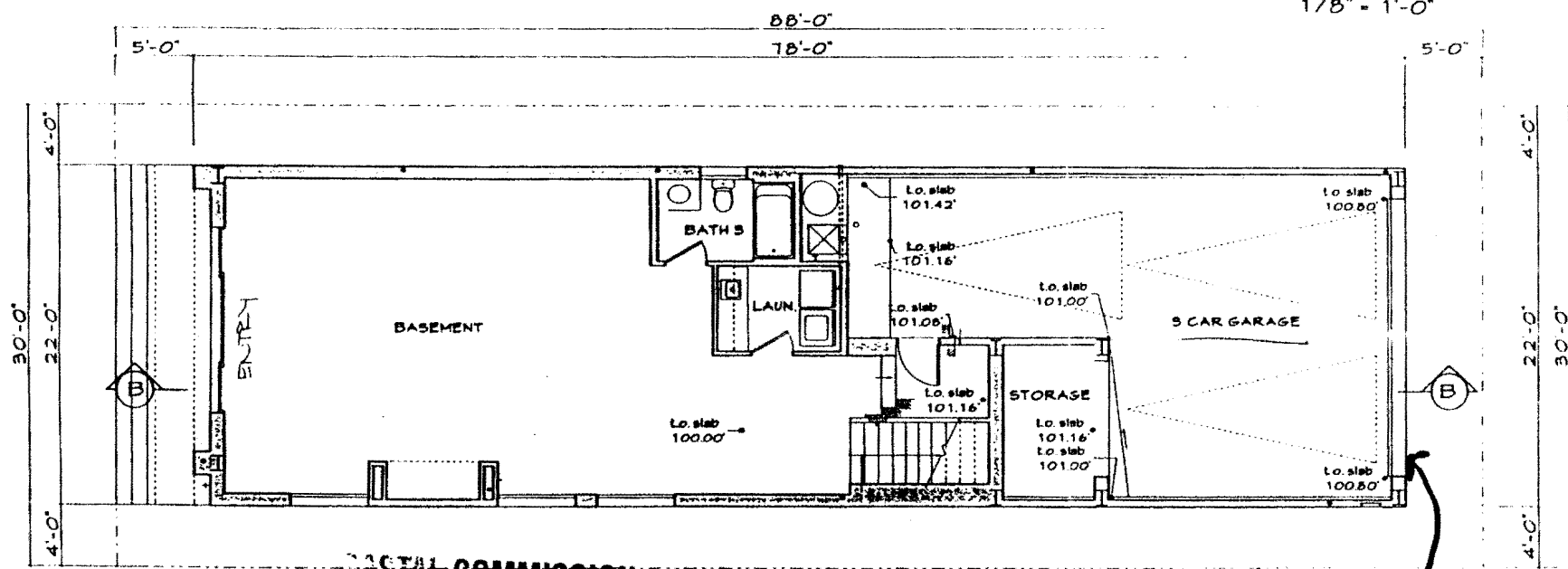
EXHIBIT # 4  
PAGE 1 OF 2

5-01-333



FIRST FLOOR PLAN

1/8" = 1'-0"



CASTAL COMMISSION

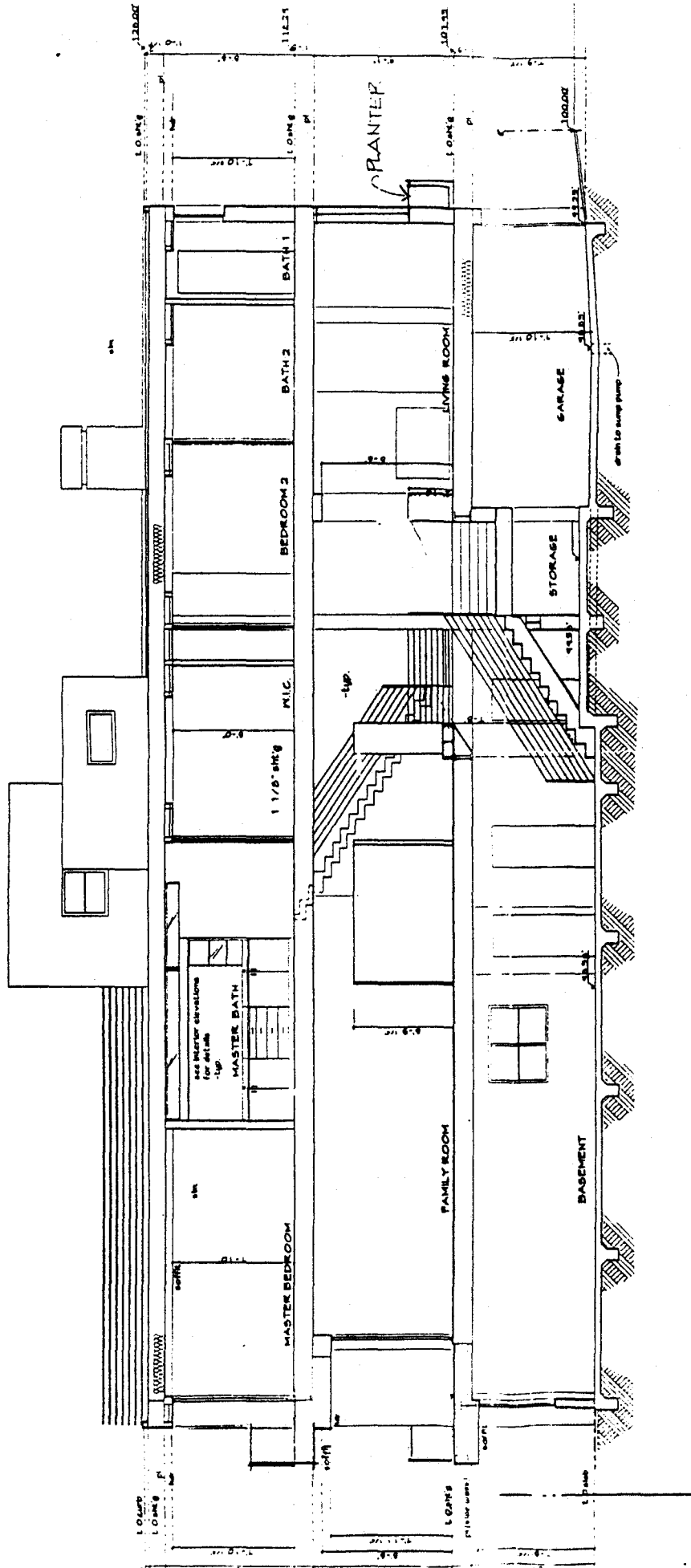
3 Car Garage

EXHIBIT # 4  
PAGE 2 OF 2

BASEMENT FLOOR PLAN

1/8" = 1'-0"

RE: South



**B**

1/8" = 1'-0"

SECTION

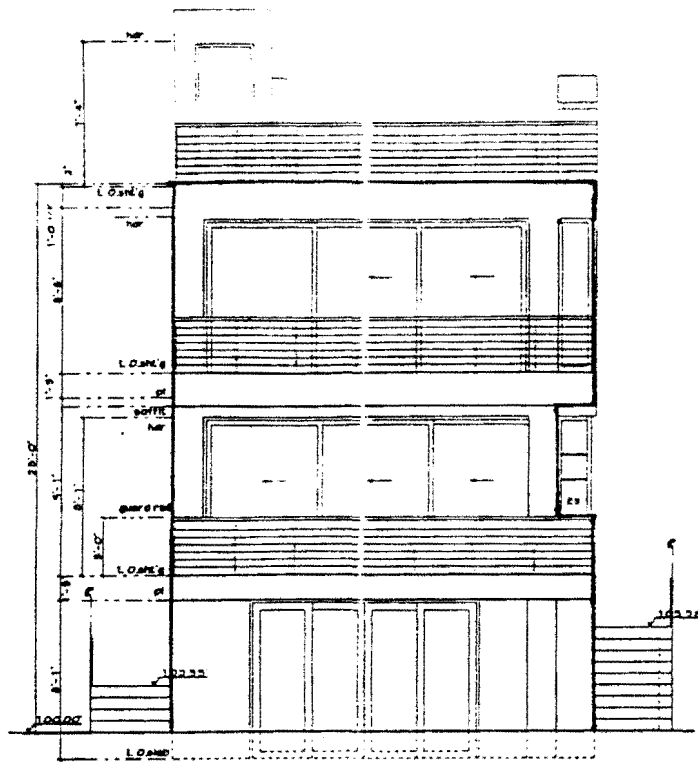
COASTAL COMMISSION

EXHIBIT # 5

PAGE 1 2

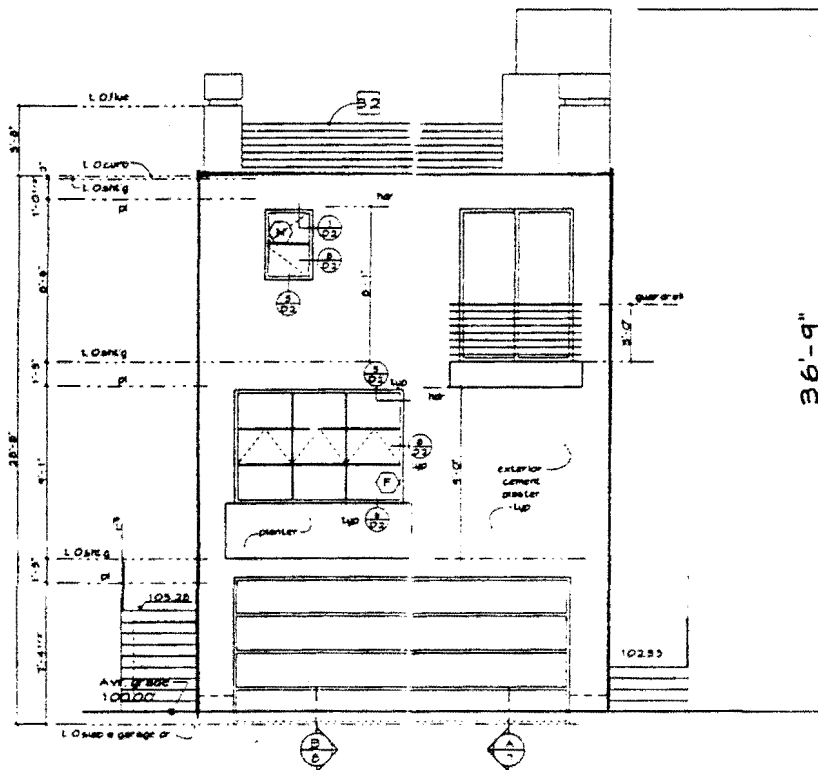
5-01-333





NORTH ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

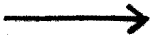
**COASTAL COMMISSION**

EXHIBIT # 5

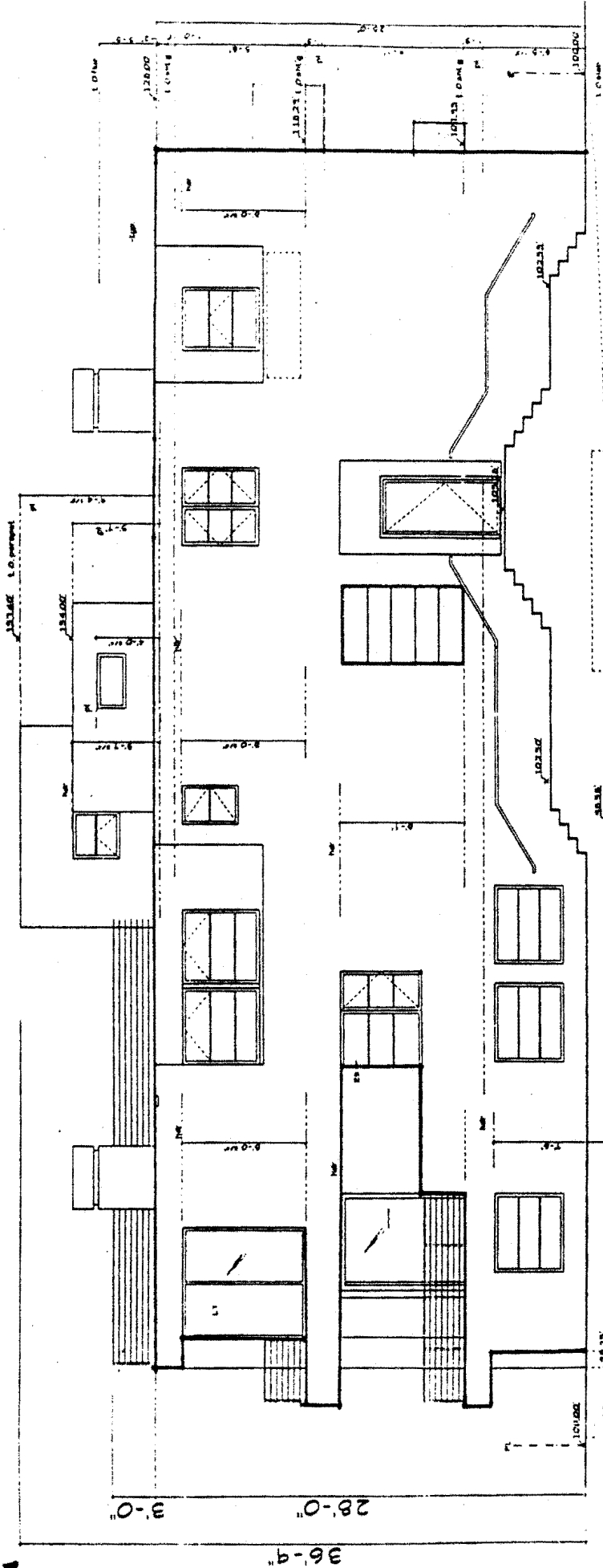
PAGE 2 OF 2

5-01-333

Roof Access Structure



36'-9"



WEST ELEVATION

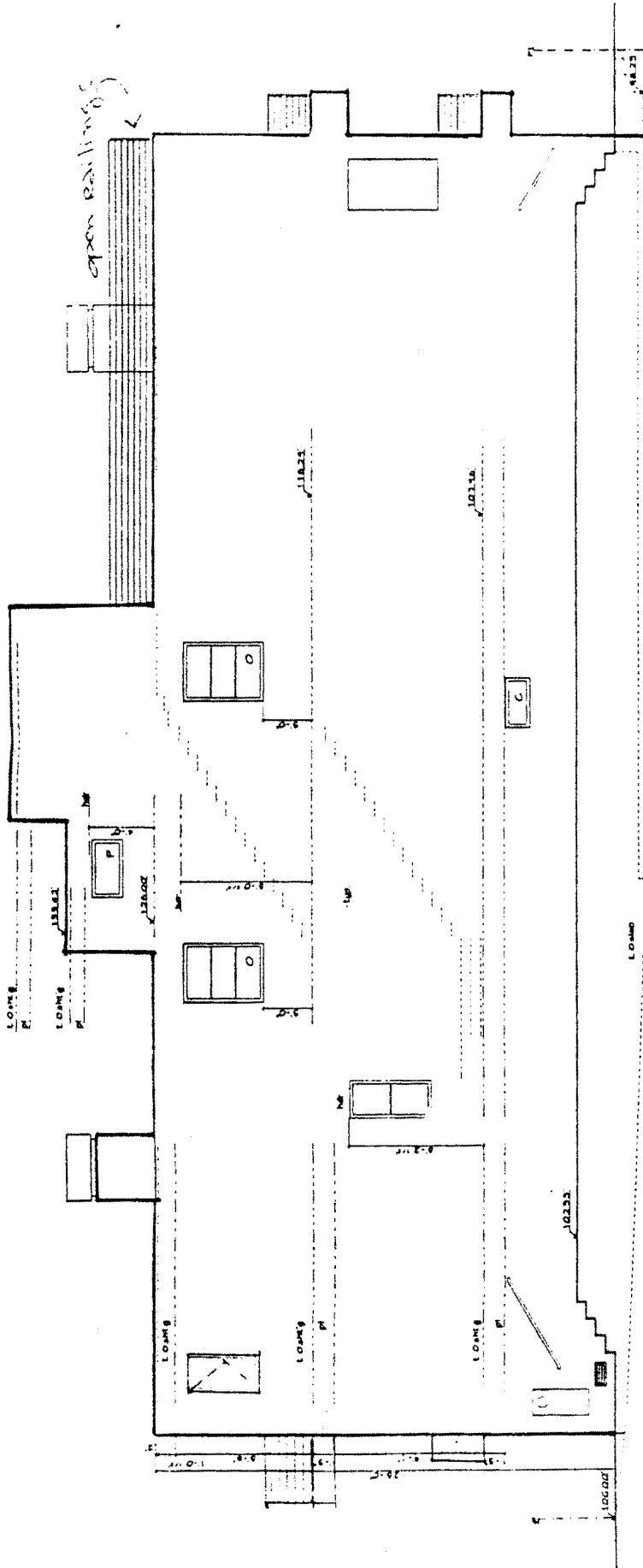
1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 1 OF 2

501-333

Roof Access Structure



EAST ELEVATION

1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 2 OF 2

S-01-333

