


CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 Long Beach, CA 90802-4302
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Filed: 10/02/01
 49th Day: 11/16/01
 180th Day: 3/27/01
 Staff: MS-LB 
 Staff Report: 10/23/01
 Hearing Date: Nov. 13-17, 2001
 Commission Action:

**Tu12b****RECORD PACKET COPY****STAFF REPORT: APPEAL / SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Los Angeles
LOCAL DECISION: Approval with Conditions
APPEAL NUMBER: A-5-VEN-01-392
APPLICANT: Larry and Yen King
AGENT: The Land Use Consortium Attn: James J. Crisp, M.S.
PROJECT LOCATION: 31 26th Street, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Appeal of City of Los Angeles approval of Coastal Development Permit No. 2001-1763 to permit a 33-foot high, 2-story, 1,368 square-foot addition to an existing one-story single family residence in lieu of the Venice Certified LUP 28-foot maximum height limit for homes located on walk streets.

APPELLANTS: California Coastal Commission Executive Director

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the proposed project's conformance with the Chapter 3 policies of the Coastal Act for the following reasons:

- The approved local coastal development permit raises issues of consistency with Sections 30251 and 30253 of the Coastal Act which require protecting community character and visual quality. The local coastal development permit is inconsistent with the Commission Certified Land Use Plan for Venice and raises issues of consistency with the Coastal Act provisions that require that a coastal development permit shall not prejudice the implementation of a Local Coastal Program.

The motion to carry out the staff recommendation is on **page 5**.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Certified Land Use Plan for Venice, 11/14/01.
2. City of Los Angeles Local Coastal Development Permit No. 2001-1763.
3. California Coastal Commission Coastal Development Permit No. 5-89-035
4. California Coastal Commission Coastal Development Permit No. 5-84-595

I. APPELLANTS' CONTENTIONS

City of Los Angeles Local Coastal Development Permit No. 2001-1763 (Exhibit #5), approved by the West Los Angeles Area Planning Commission on August 9, 2001 has been appealed by the Executive Director.

The grounds for the appeal by the Executive Director are:

- The approved local coastal development permit is inconsistent with Section 30251 and 30253 of the Coastal Act.
- The approved local coastal development permit is inconsistent with the Commission Certified Land Use Plan for Venice and would prejudice the ability of the local government to prepare a Local Coastal Program in conformity with the provisions of Chapter 3 of the Coastal Act.

II. LOCAL GOVERNMENT ACTION

The City of Los Angeles, in granting Local Coastal Development Permit No. 2001-1763, approved the construction of a two-story addition to an existing one-story single family residence resulting with a 33-foot high, 3,559 square foot single family home, on a 2,640 square foot walk street lot (Exhibit #4).

The West Los Angeles Area Planning Commission held a public hearing for the proposed project and Local Coastal Development Permit No. 2001-1763 on August 1, 2001. On August 9, 2001, the West Los Angeles Area Planning Commission issued a determination of approval for Local Coastal Development Permit 2001-1763 with special conditions (Exhibit #6). Within the Coastal Development Permit, the applicant requested and the City act on: a Venice Specific Plan Exception to permit a 33-foot height in lieu of the 28-foot height as required in the Venice Specific Plan; a Specific Plan Project Permit; and a Zoning Administrators Adjustment to permit a 3-foot setback in lieu of the required 4-foot setback. The Planning Commission approved the Coastal Development Permit with conditions. On September 5, 2001, a valid Notice of Final Local Action for Local Coastal Development Permit No. 2001-1763 was received in the Commission's South Coast District office in Long Beach, and the Commission's required twenty working-day appeal period commenced.

The appeal by the Executive Director was filed on October 2, 2001. No other appeals were received. The Commission's required twenty working-day appeal period closed on October 3,

2001. Because the proposed project is located in the City and Commission's "Dual Permit Jurisdiction" area (see Section IV on Page Four), the applicant has submitted a separate coastal development permit application to the Commission for the proposed development (Coastal Development Permit Application 5-01-349). Coastal Development Permit Application 5-01-349 was completed on September 5, 2001 when the Commission received a valid Notice of Final Action from the City of Los Angeles.

If possible, the public hearings and actions for both the de novo portion of this appeal (if the Commission finds that a substantial issue exists) and Coastal Development Permit Application 5-01-349 will be combined and scheduled for concurrent action at the same future Commission meeting.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13302-13319 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows any action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a coastal development permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice that contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds that the appeal raises a substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

In this case, a valid Notice of Final Local Action was received on September 5, 2001. The appeal by the Executive Director was filed on October 2, 2001. Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal unless the applicant waives the 49-day requirement.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government

stands, or the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114 and 13057-13096.

IV. DUAL PERMIT JURISDICTION

Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.*
- (3) Any development which constitutes a major public works project or a major energy facility.*

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles' local coastal development permit is the only coastal development permit required.

The proposed development is located approximately 150 feet inland of Venice Beach along a designated walk street in the North Venice Subarea (Exhibit #2). This area is within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "*Dual Permit Jurisdiction*" area pursuant to Section 13307 of the California Code of Regulations.

The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. The Certified Venice LUP is advisory in nature and may provide guidance.

In regards to this appeal, if the Commission finds that a substantial issue exists with respect to the City's approval of the Local Coastal Development Permit No. 2001-1763, the subsequent

de novo action on the local coastal development permit will also be combined with the required "dual" Coastal Commission coastal development permit application (Coastal Development Permit Application 5-01-349). The matter will not be referred back to the local government.

On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the local coastal development permit, then the local coastal development permit approved by the City will be final, and the Commission will act on the required "dual" Coastal Commission coastal development permit as a separate agenda item (Coastal Development Permit Application 5-01-349).

In order to minimize duplication, Commission staff intends to combine the de novo permit action for this appeal (if the Commission finds that a substantial issue exists) and Coastal Development Permit Application 5-01-349 into one staff report and one hearing for concurrent Commission action. If the Commission finds that a substantial issue exists, staff will schedule a combined hearing at a future Commission meeting.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

MOTION

*"I move that the Commission determine that Appeal No. A-5-VEN-01-392 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

A majority of the Commissioners present is required to pass the motion.

Resolution to Find Substantial Issue

The Commission hereby finds that Appeal No. **A-5-VEN-01-392** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The City approved local coastal development permit is for the construction of a two-story addition to an existing one-story single family home. The addition will increase the height of the home to 33 feet. Total square footage will be 3,559 square feet on a 2,640 square foot lot situated along a Venice Walk Street. The neighborhood is comprised of mostly two and three-story single-family residences, condos and a nonconforming duplex. To the east, the house adjacent to the project site is a 28-foot high single family residence (Coastal Development Permit # 5-89-035). Across the street from the site is a 30 foot high double condominium (Coastal Development Permit # 5-84-595). The adjacent lot to the west is a two-story single family home. At the seaward end of the 26th Ave. Walk Street is Ocean Front Walk.

B. Venice Walk Streets

Venice Walk Streets are a unique scenic resource of Southern California. Walk Streets add to the character that maintains the Venice "Special Coastal Community". They provide pedestrian public access to the shoreline and other areas of interest and they preserve views along and from the public right-of-way. The Certified Venice Land Use Plan recognizes the importance of preserving special communities within the city to maintain the unique character of Venice, which attracts visitors from around the world. The LUP sets a standard that new residential development along walk streets enhances both public access and neighborhood character.

C. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

D. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with the Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist.

The appellant contends that the local coastal development permit is inconsistent with the Commission Certified Land Use Plan for Venice and would prejudice the implementation of a Local Coastal Program. The appellant further contends that the local coastal development permit violates Sections 30251 and 30253 of the Coastal Act.

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, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states:

New development shall:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

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 LUP for Commission

certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan 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 mentioned previously, the City of Los Angeles does not have a complete Local Coastal Program. The Land Use Plan is used as guidance until the City of Los Angeles completes the implementation section of the Local Coastal Program (Local Implementation Plan).

The Certified Venice LUP contains provisions to carry out these policies. The LUP policies are intended to protect coastal views and the character of the North Venice community, including a 28-foot height limit for residences built along Walk Streets. The Certified LUP identifies walk streets as important elements of community character. The proposed project does not conform to the policies of the Certified Venice LUP. Moreover, as discussed above, the proposed development is inconsistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the proposed project raises a substantial issue.

The Venice LUP contains the following policies:

Policy I. A. 7. North Venice. Height: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet.

Policy I. E. 2. Scale: New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer, and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidation shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings, and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts, and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

The project, as approved by the City of Los Angeles, is for the construction of a two-story addition to an existing home increasing the height to 33 feet. The project is also permitted by the local CDP to keep a 3-foot side yard setback, in lieu of the required 4 feet. The total

square footage will be 3,559 square-foot single family home, on a 2,640 square foot lot situated along a Venice walk street approximately 150 feet inland from Ocean Front Walk.

The City's local coastal development permit allowed for a reduced building side yard setback and a building height of 33 feet. The side yard is not an issue raised by the appellants. The City found that to require the added one-foot setback would cause unreasonable hardship to the applicant because the first floor is existing and the applicant would have to do a complete demo and rebuild. The applicant is proposing an addition only. The subject of this appeal is the City's local coastal development permit allowing for a height of 33 feet in a Venice Walk Street neighborhood where the LUP standard for maximum height is 28 feet regardless of the roof style.

The applicant contends that the third floor roof top, which is the portion that exceeds the 28-foot height limit for walk street neighborhoods does not raise a substantial issue with community character because as designed it would not have a significant impact on community character. The appellant contends that the scenic and visual impacts of a 33-foot home may be inconsistent with Section 30251 and 30253 of the Coastal Act.

In analyzing the project, the City considered its consistency with the present zoning, the Venice Specific Plan, which is not certified, and the project's consistency with the Certified Land Use Plan. The analysis, however, was more detailed in addressing the project's compliance with zoning standards, and the applicant's request for an exception from those standards. In its Specific Plan Exception findings, the City found that the setback design of the roof is not inconsistent with the character of the immediate neighborhood. The City found that the pitched portion of the roof that exceeds the 28-foot height limit has a 26-foot step back from the front property line and that allowing the height exception for this home design places the smaller portion of the home along the walk street creating a more pedestrian oriented feel.

However, the City findings for the local coastal development permit did not adequately address how allowing an exception to the Land Use Plan height limit would cumulatively affect the scenic and visual quality and community character of the walk streets, many of which have structures of a variety of heights. A plain reading of the Land Use Plan indicates an intention to set a limit on escalation of heights and encroachments in Venice's' more sensitive neighborhoods, such as the walk streets and the canals. In the findings for the present coastal development permit there was no discussion concerning the consistency of the project with Sections 30251 and 30253 of the Coastal Act and the implications of allowing projects to exceed height limits established to carry out those policies. There was no discussion on the cumulative impacts with allowing development to exceed the height of the City's LUP on a case by case basis.

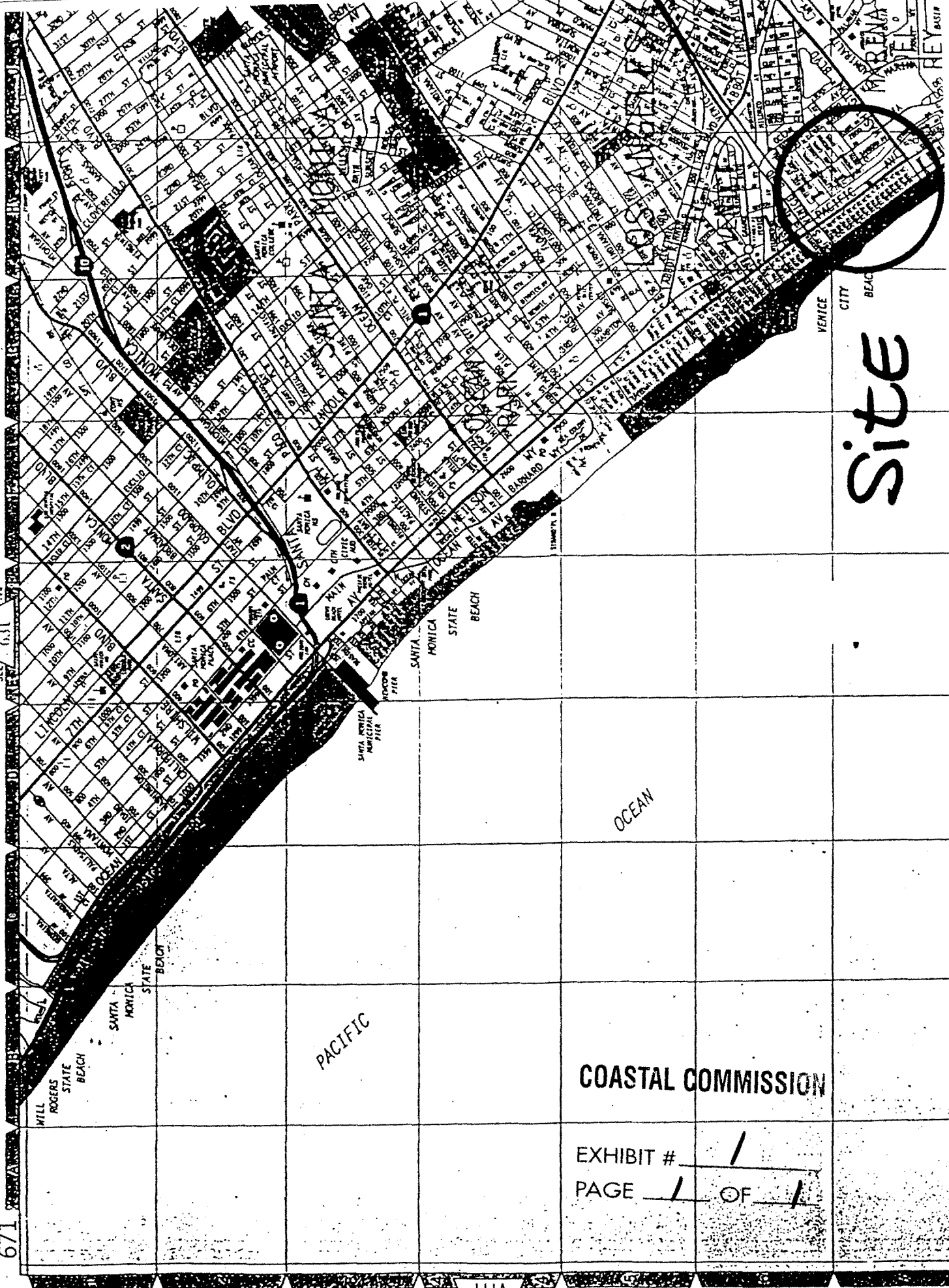
The City's permit was inconsistent with the City's Certified LUP and the development policies of the Coastal Act (Section 30250 and 30253). The City has adopted a Land Use Plan and a Specific Plan where certain regulations are specified including maximum building heights for the Venice Community. The City recommended the 28-foot height limit for walk street neighborhoods in its Certified LUP but is now allowing individual exceptions that are not consistent with the LUP. By allowing these exceptions, the City may be creating a pattern of discounting limits found in the Land Use Plan. This practice may jeopardize its ability to

develop an implementation ordinance consistent with the standards of the land use plan, which was adopted by the City in full knowledge of the variety of heights prevalent in Venice neighborhoods. Therefore, the Commission finds that a substantial issue exists with the consistency of the approved coastal development permit with the sections 30251, and 30253 of the coastal act. A substantial issue also exists with policies of the coastal act requiring that coastal development permits shall not impede the ability of a local government to adopt a local coastal program that is consistent with Chapter 3 of the Coastal Act.

E. Conclusion

Because of the importance of the Coastal Act issues raised by the appellants, the proposed project must be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the proposed project's conformance with the Chapter 3 policies of the Coastal Act and with the City's approval of Local Coastal Development Permit No. 2001-1763 because the local coastal development permit does not adequately analyze and mitigate the potential impacts of the proposed project on the visual and scenic quality of the pedestrian public right-of-way and protection of "Special Community" character. The Commission has also found that the local coastal development permit would prejudice the City's ability to prepare a Local Coastal Program consistent with the Chapter Three policies of the Coastal Act.

The Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing, and after the public hearing for Coastal Development Permit application 5-01-349 which will be scheduled for concurrent hearing and action with the de novo permit. The Commissions' actions on the de novo permit and Coastal Development Permit application 5-01-349 will ensure that the proposed project will protect the public access, coastal views, and community character as required by the Coastal Act.



Site

SEE MAP 631

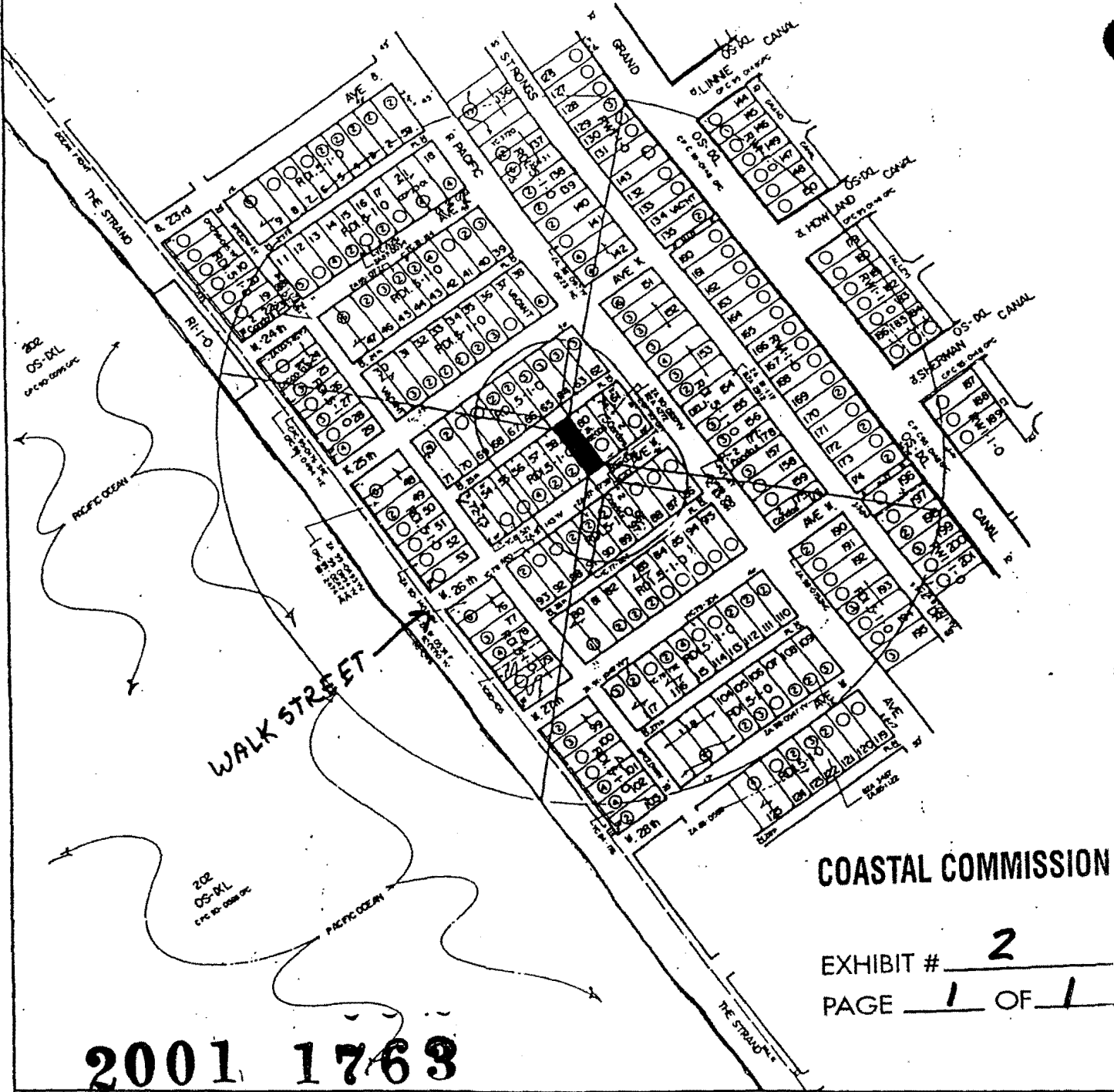
671

PACIFIC

OCEAN

COASTAL COMMISSION

EXHIBIT # 1
 PAGE 1 OF 1



COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

2001 1768

COASTAL DEVELOPMENT PERMIT, PROJECT PERMIT,
EXCEPTION TO THE SPECIFIC PLAN & VARIANCE

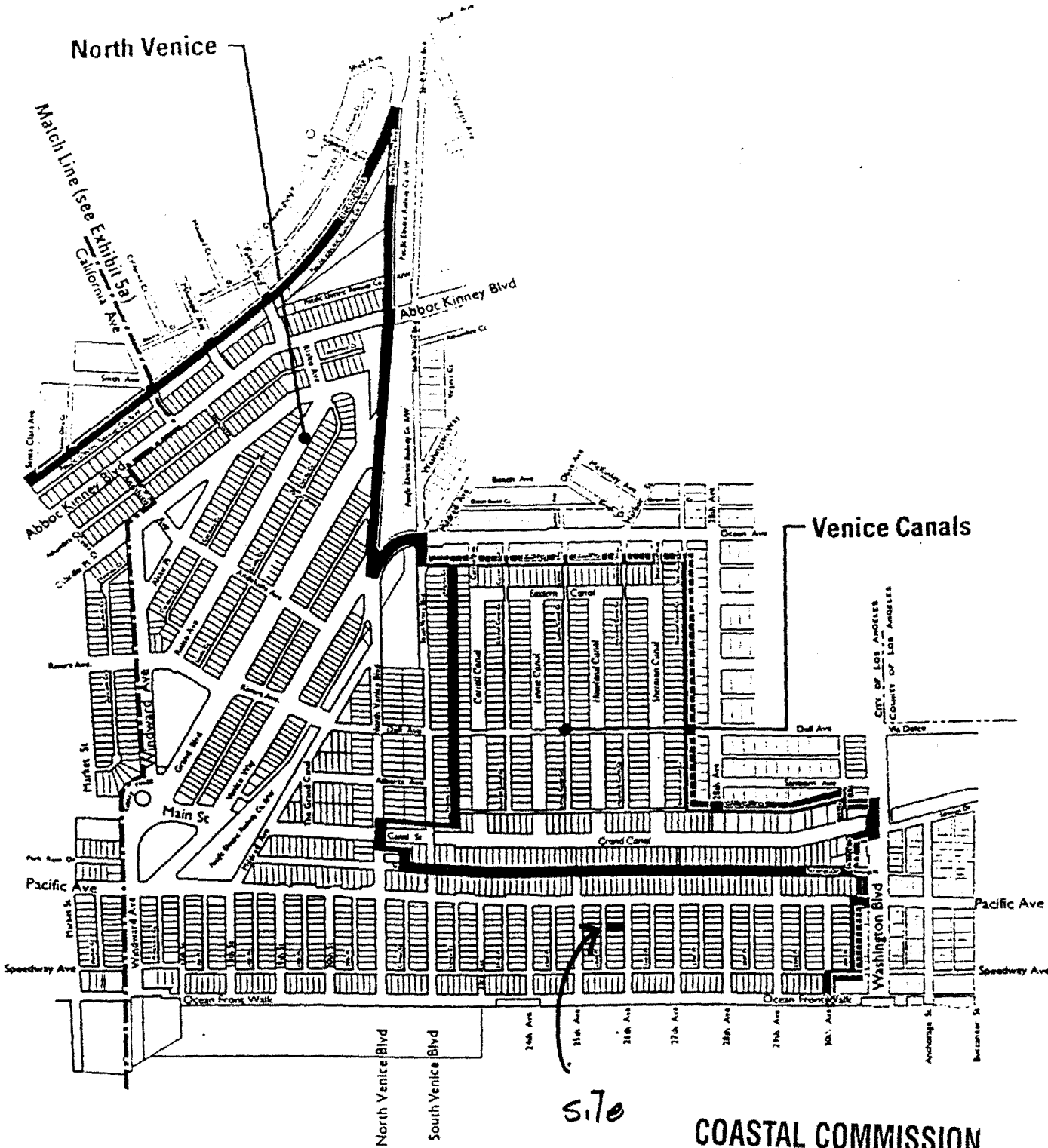
QMS Quality Mapping Service
 Senior Consultants
 14549 Archwood St., Suite 301
 Van Nuys, California 91405
 Phone (818) 997-7948 - Fax (818) 997-0351
 DRAWN BY: DIAZ

THOMAS BROTHERS
 Page: 671 Grid: H7
 LEGAL
 LOT: M BLK 19
 TRACT: SHORT LINE BEACH
 SUBDIVISION NO. 2
 M.B. 4-42
 CONTACT: JAMES CRISP

C.D. 16
 C.T. 12739
 P.A. 1329 (VENICE)
 USES: FIELD
 CASE NO.:
 SCALE: 1" = 100'
 D.M.:

DATE: 03-22-01
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 NORTH
 NET AC: .06

01-111
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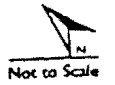
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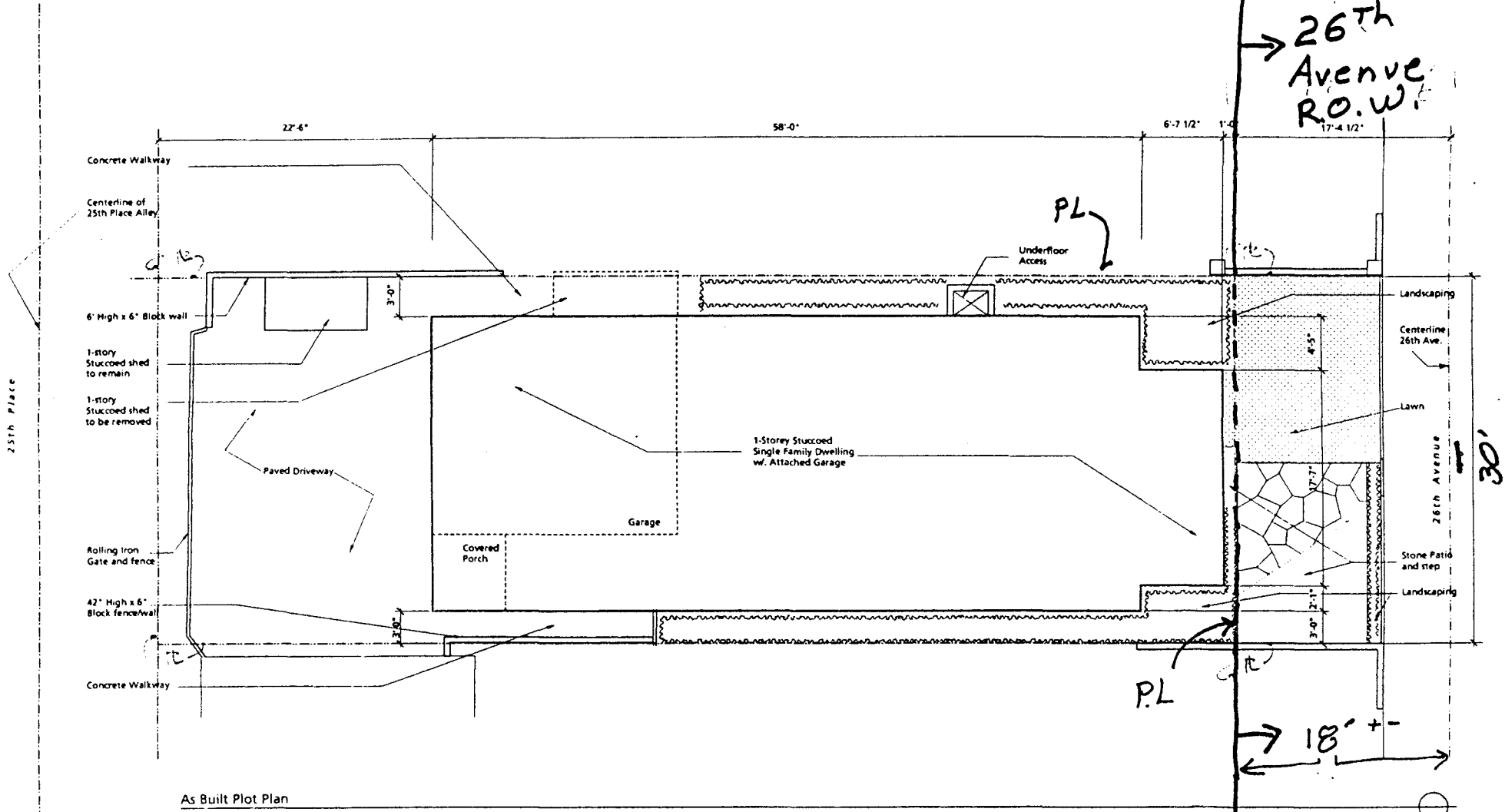
COASTAL COMMISSION

EXHIBIT # 3

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Exhibit 3b
 Subarea: North Venice • Venice Canals





As Built Plot Plan

See Attached Survey by California Land Services Dated 7/14/2000 for precise dimensions

Existing

NORTH

26th Ave.
R.O.W.

EXHIBIT # 4
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COASTAL COMMISS

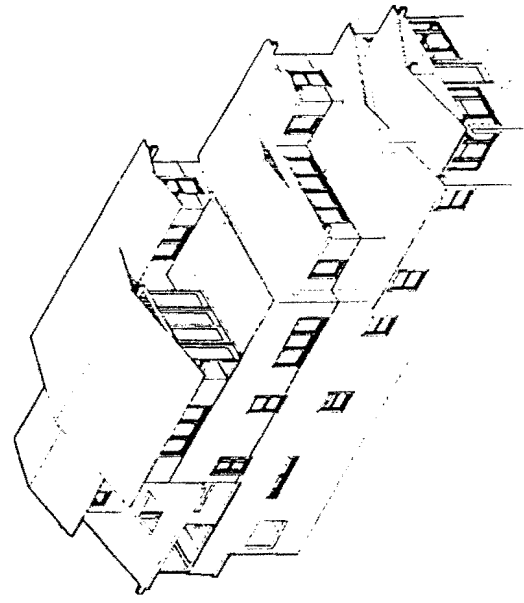
PaysonDenney Architects <small>755 Alameda Street, Suite 710, #811 94608, 415.775.1700 1139 Orange St. Santa Monica, CA 90404 310.412.9517 / 310.458.4742 800.927.8551</small>	Project King Residence 31 26th Ave.	Project No.	Scale Reduced	Date 5	Sheet No.
	Sheet Title As-Built Plot Plan	Date 5			

7-19-01

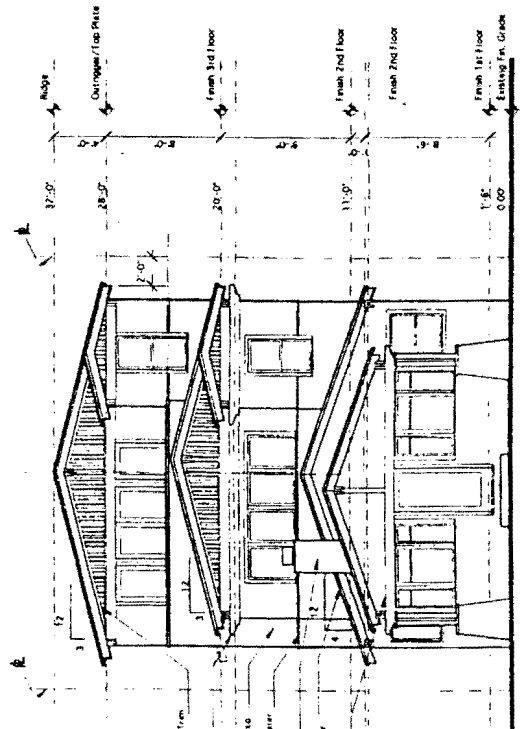
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BY	[Signature]
CHECKED BY	[Signature]
SCALE	1/4" = 1'-0"
PROJECT	[Project Name]
CLIENT	[Client Name]
ARCHITECT	[Firm Name]

COASTAL COMMISSION

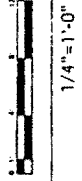
EXHIBIT # 4
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ISOMETRIC VIEW FROM SOUTHWEST

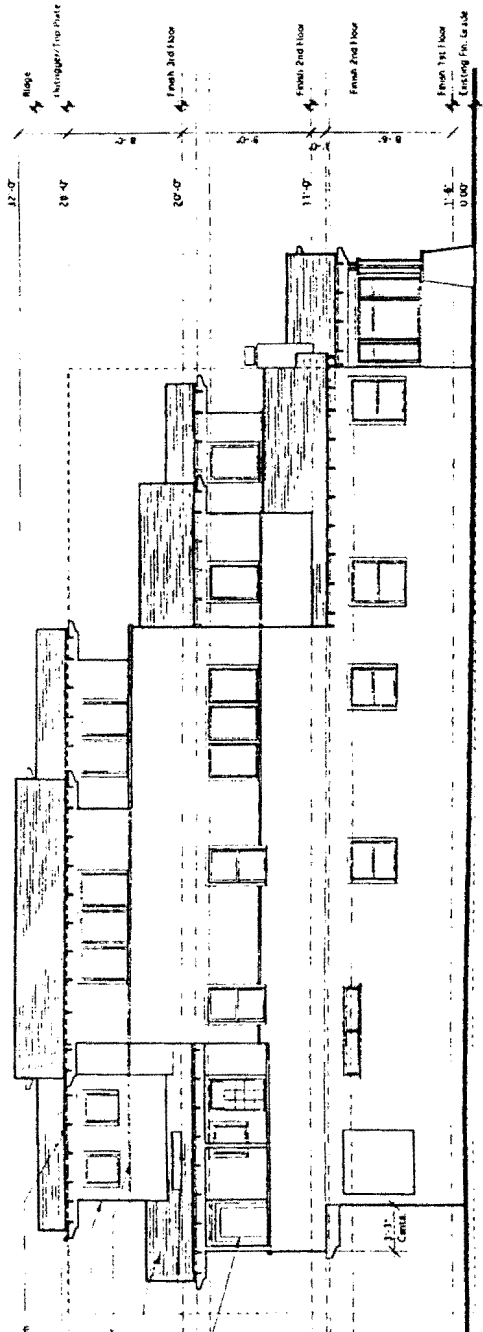


1. Painted Wood Siding and Glass Trim
2. Painted Outriggers to Match Siding
3. 20' to 30' Hard Finish Color Steel Siding
4. Composite Painted Redwood Water Table
5. Existing Chimney
6. New Roof & Porch on 1st Floor
7. Existing 1st Floor Front



1/4" = 1'-0"

SOUTH ELEVATION



1. Painted Wood Siding and Glass Trim
2. Painted Outriggers to Match Siding
3. 20' to 30' Hard Finish Color Steel Siding
4. Composite Painted Redwood Water Table
5. Glass & Wood Front Porch
6. Skylight
7. Vinyl clad wood windows and exterior glass door



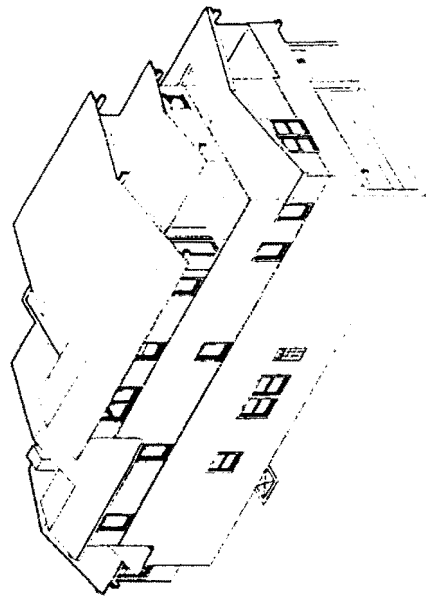
1/4" = 1'-0"

WEST ELEVATION

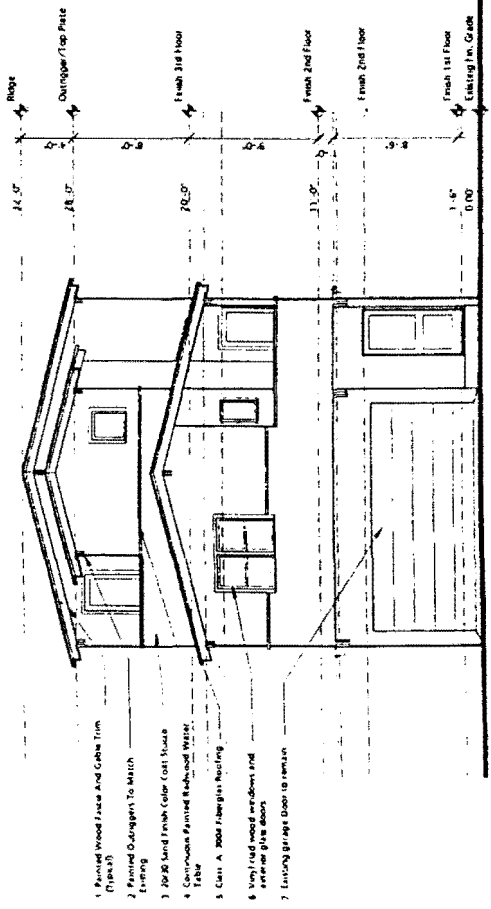
Project No.	11-11-11
Sheet No.	11-11-11
Scale	1/4" = 1'-0"
Date	11-11-11
Drawn by	11-11-11
Checked by	11-11-11
Approved by	11-11-11

COASTAL COMMISSION

EXHIBIT # 4
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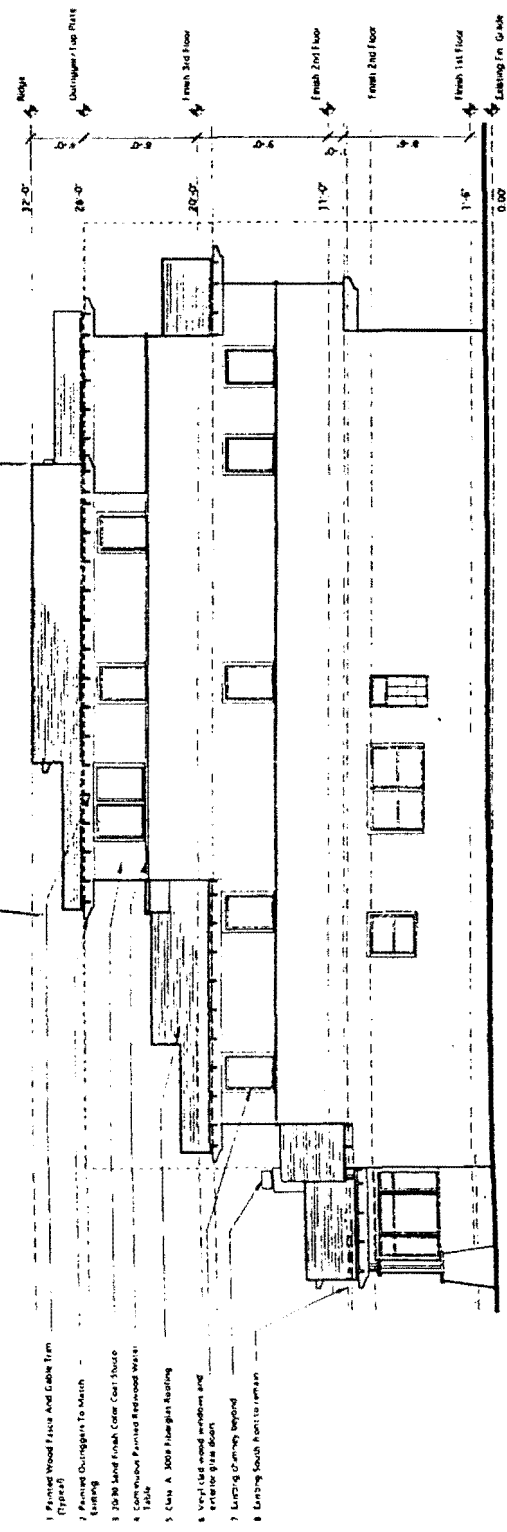


ISOMETRIC VIEW FROM NORTHEAST



NORTH ELEVATION

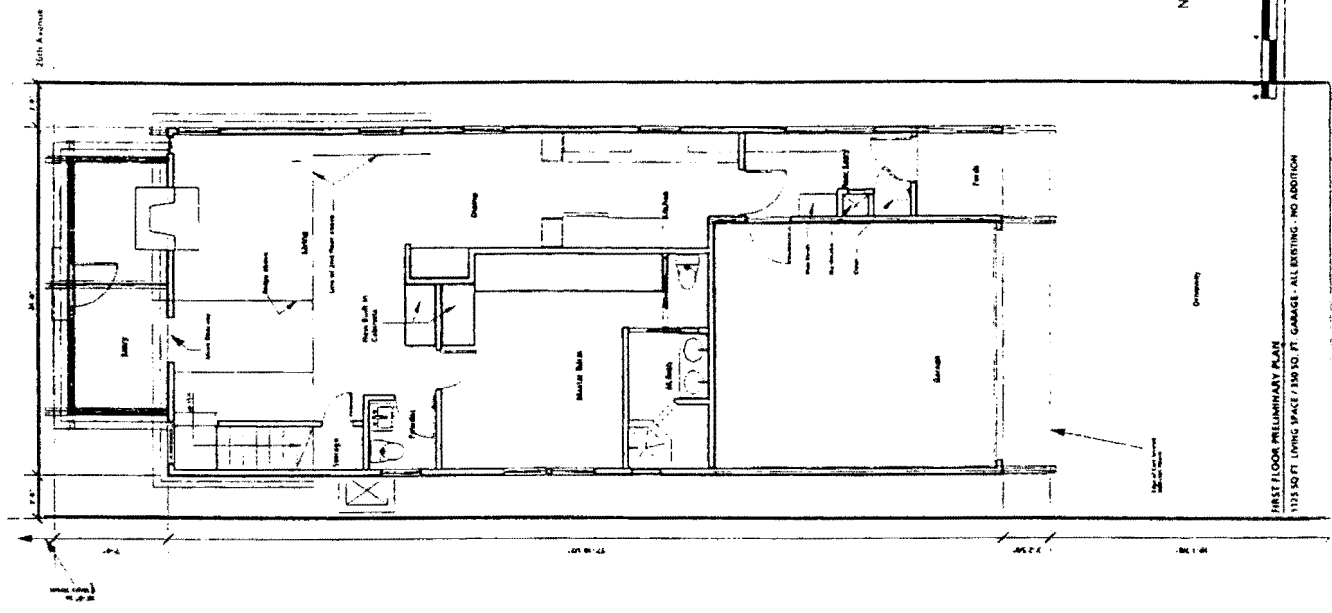
1/4" = 1'-0"



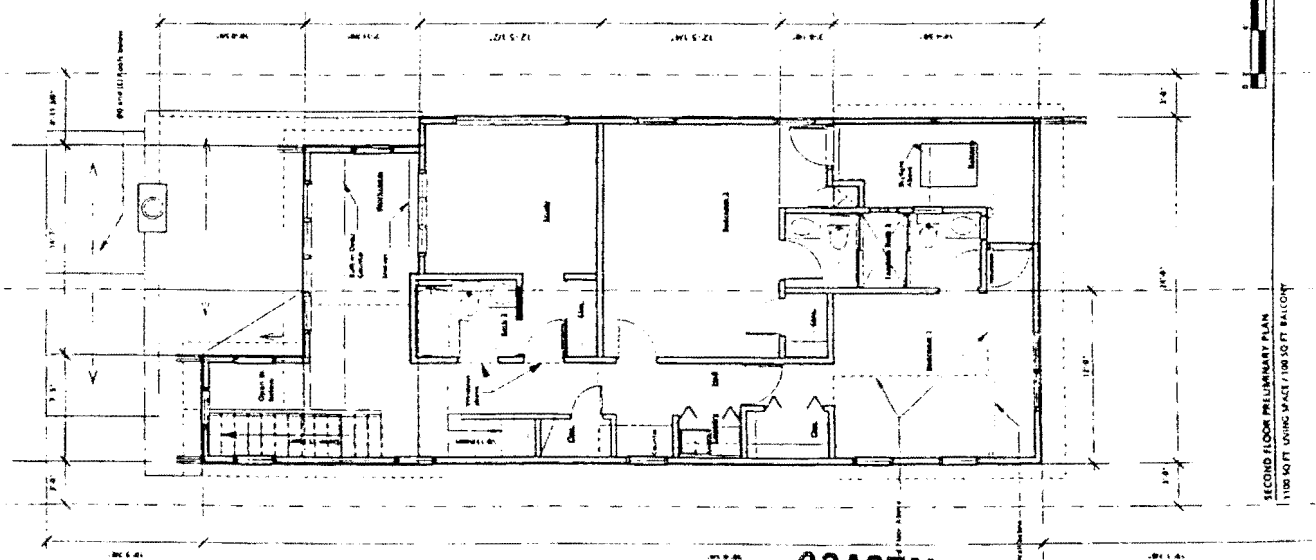
EAST ELEVATION

1/4" = 1'-0"

1st Floor



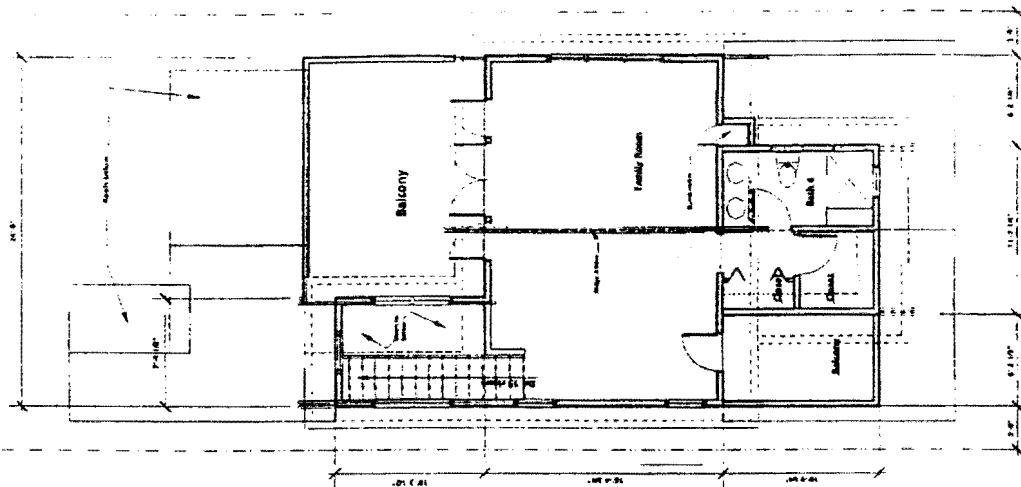
2nd Floor



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EXHIBIT # 4
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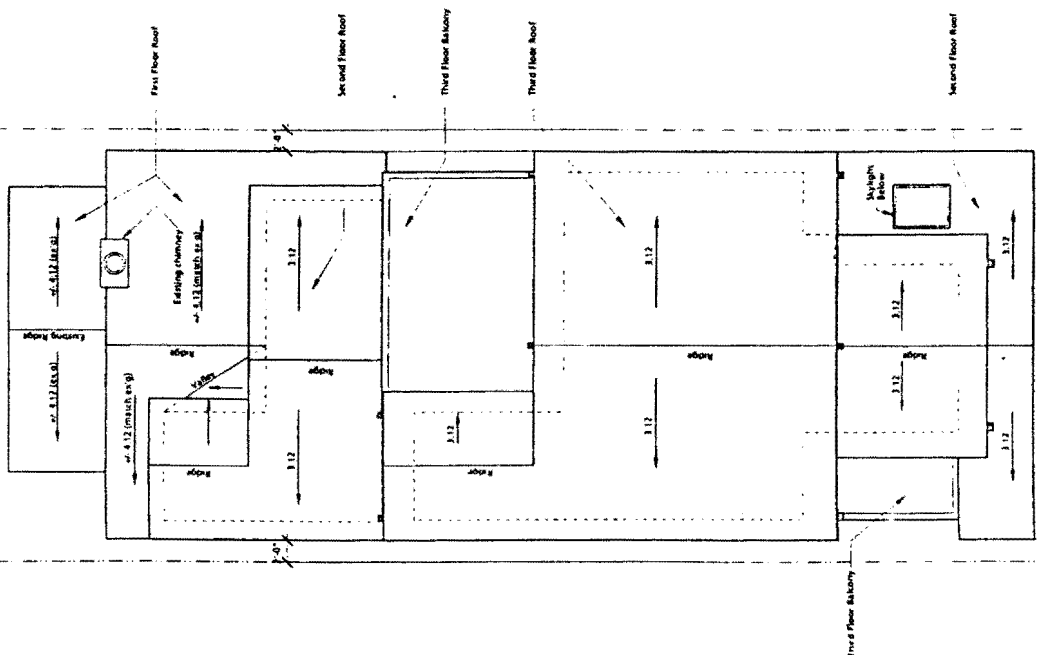
26th Ave.



3rd Floor

THIRD FLOOR PRELIMINARY PLAN
 514 SQ. FT. (114x5) (31.25 FT. BALCONY)
 1/4" = 1'-0"

26th Ave



Roof Plan

PRELIMINARY ROOF PLAN
 1/4" = 1'-0"

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EXHIBIT # 4
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DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Date: August 9, 2001

Council District: 6

Department of Building and Safety
201 N. Figueroa Street
3rd Floor, Zoning Engineer

Plan Area: Venice

Location: 31 26th Avenue

Applicant: Larry and Yen King

AREA PLACE CASE NO. APCW 2001-1763 SPE-CDP-SPP-ZAA

At its meeting of August 1, 2001, the West Los Angeles Area Planning Commission considered a request for a Specific Plan Exception from Section 8.3.G(c) to ~~permit a 33-foot height in lieu of the 28-foot height~~ as required in the Venice Specific Plan (Ordinance No. 172,897), pursuant to Section 11.5.7.H of the Los Angeles Municipal Code. Specific Plan Project Permit Compliance, pursuant to Section 11.5.7.C of the Los Angeles Municipal Code. Zoning Administrators Adjustment per section 12.28 of the Los Angeles Municipal Code to permit a 3-foot setback in lieu of the required 4-foot setback per section 12.09.1B2(a) of the Los Angeles Municipal Code. Coastal Development Permit, pursuant to Section 12.20.2 of the Municipal Code. All these requests are to permit a ~~remodel of an existing single-family home~~.

Disapproved the request as filed.

Approved the exception request to the Venice Specific Plan to ~~permit a 33-foot height in lieu of the 28-foot height~~ as required in the Venice Specific Plan (Ordinance No. 172,897), subject to conditions of approval.

Approved a Zoning Administrators Adjustment to permit a 3-foot setback in lieu of the required 4-foot setback per section 12.09.1B2(a) of the Los Angeles Municipal Code, subject to conditions of approval.

Approved the request for a Specific Plan Project Permit Compliance for the project as modified, subject to conditions of approval.

Approved the request for a Coastal Development Permit for the project as modified, subject to conditions of approval.

Adopted the Categorical Exception No. ENV 2001-1764-CE.

Adopted the Conditions of Approval and Findings.

COASTAL COMMISSION

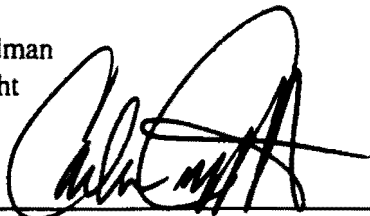
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Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision became final.

This action was approved by the following vote:

- Moved: Lopez
- Seconded: Hall
- Ayes: Krisiloff, Rodman
- Absent: Mobley Wright



Carla Crayton, Commission Executive Assistant
West Los Angeles Area Planning Commission

Note: The West Los Angeles Area Planning Commission determination will be final 15 days from the date of this communication unless an appeal is filed within that time on forms provided at the Planning Department Public Counters located at 201 N. Figueroa Street, Third Floor, Los Angeles, or at 6255 Van Nuys Boulevard, First Floor, Van Nuys.

Attachments: Conditions of Approval and Findings

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CONDITIONS OF APPROVALS

Specific Plan Exception, Adjustment, Coastal Development Permit and Project Permit Compliance are as follows:

Entitlement:

1. The project shall be ~~permitted a height of 33-feet;~~ as shown in Exhibit E-3, in lieu of the 28-foot limited required by the Venice Specific Plan.
2. The project shall be permitted a 3-foot side yard setback, as shown in Exhibit E-3, in lieu of the required 4-foot setback per 12.09.1B2(a) of the L.A.M.C.
3. Plan. The subject property shall be developed substantially in conformance with the plot plan, and elevations and floor plans shown on Exhibit No.-3 and dated stamped July 19, 2001, of the subject case file. Deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization.
4. All roofs shall be pitched roofs as shown in Exhibit E-3. There shall be ~~no flat roofs~~ permitted.
5. Balconies: There shall be no second floor balcony or sundeck fronting onto the walk street. The third floor balcony shall be located as shown on Exhibit E-3 and not be enclosed or cover with any structure or materials.
6. There shall not be any rooftop sundeck or access to the third story roof.
7. The following development restrictions per the Venice Specific Plan shall be fully complied with:

Section 10.A.2.c :Any fence 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. New fences shall be located in a straight line with existing fences on the same side of the street.

Section 10.B: Permanent Encroachments.

1. Permanent Encroachments within the existing public right-of-way of a designated Walk Street shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences and shall be permitted only by obtaining a revocable encroachment permit from the City Department of Public Works.

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2. No Encroachments, including fences, hedges or other accessory structures, shall be permitted within five feet of the centerline of the existing public right-of-way except in the Milwood area where fences shall be permitted in straight line with the existing fences. Encroachments shall not exceed 42 inches above natural grade.

Administrative:

8. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
9. Code Compliance. Area, height and use regulations of the RD1.5-1 zone classification of the subject property shall be complied with, except where herein modified .
10. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
11. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
12. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
13. Building Plans. Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

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