

CALIFORNIA COASTAL COMMISSION

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Filed: 9/20/01
 49th Day: 11/08/01
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 Staff: MS-LB
 Staff Report: 10/22/01
 Hearing Date: 11/13/01
 Commission Action:

TU 13m**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-377

APPLICANT: Patrick Loo

AGENT: Neman Niaki

PROJECT LOCATION: 3509 Grand Canal, Venice (Los Angeles County)

PROJECT DESCRIPTION: Construction of a stair enclosure structure on the existing roof deck of an existing two-unit multiple family residence.

Lot Area	3500 square feet
Building Coverage	1876 square feet
Pavement Coverage	124 square feet
Landscape Coverage	1500 square feet
Parking Spaces	4
Zoning	Low-Medium I Density
Ht above final grade	34 feet

LOCAL APPROVALS RECEIVED: City of Los Angeles, Coastal Zone Plan Approval ZA-2001-4482-AIC, 9/21/01

SUBSTANTIVE FILE DOCUMENTS: Certified Land Use Plan for Venice, City of Los Angeles, 9/14/00.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **denial** of the project because the proposed project exceeds the maximum height limit permitted by the City's Certified Land Use Plan for buildings located in the Grand Canal area and is inconsistent with Section 30251 of the California Coastal Act which require that the scenic and visual qualities of special coastal communities be protected. The proposed four-foot high roof access structure is not designed and oriented to reduce its

visibility from adjacent public walkways and recreation areas. The area within the outside walls of the roof access structure exceeds the permitted LUP maximum 100 square feet in area as measured from the outside walls. Finally the proposed structure is not set back at least 60 horizontal feet from the mean high tide line of the Esplanade. Approval of the structure would also prejudice the ability of the City to prepare an LCP that conforms to Chapter 3 policies of the Coastal Act because the proposed structure exceeds the 30-foot height limit for buildings along the Grand Canal Esplanade. The applicant objects to the staff's recommendation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. STAFF RECOMMENDATION:

Staff recommends that the Commission **DENY** the permit application

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-01-377 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. RESOLUTION TO DENY THE PERMIT:

The Commission hereby **DENIES** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act, and will 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.

III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a 144 square-foot stair enclosure structure at the existing roof deck over a 64.75 square-foot existing staircase. The proposed development

is to protect the building interior from leaks during rain. The proposed development would increase the height of the building from 30 feet to 34 feet (Exhibit #3). The existing two-story building is a two-unit multiple family residence located along the Grand Canal south of Washington Boulevard (Exhibit # 1).

Roof access structures are permitted by the City's LUP provided that they do not exceed the specified flat roof height limit by more than ten feet. The proposed structure conforms to the LUP regulation limit. It will exceed the height limit by four feet. The second LUP standard for roof access structures requires that the roof access structure be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas. The proposed structure is located on the Esplanade side of the building where it would be clearly visible from the Esplanade (City right-of-way) and the Canal, thus not conforming to the LUP (Exhibit #2).

The LUP also states that 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. The proposed structure is 13'6"x11'2" (approximately 144 square feet), which does exceed the 100 square feet area limit and is inconsistent with the Certified LUP (Exhibit #2).

The City's LUP also requires roof access structures to 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). The proposed project is located approximately 25-30 feet from the Esplanade, which would locate it within the 60 horizontal feet from the mean high tide line limit therefore, the development is not consistent with the Venice LUP. The applicant contends that the location of the proposed structure is a result of the location of the existing staircase.

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los Angeles)]. 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 Venice Grand Canal neighborhood situated south of Washington Boulevard. These building standards, which apply primarily to density, building height, parking, and protection of water quality, 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 Commission officially certified the Venice LUP on June 12, 2001.

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 character of each Venice neighborhood. The Commission-certified LUP for Venice, however, also contains some updated and revised building standards for the various Venice neighborhoods, including the Ballona Lagoon, Grand Canal neighborhood where the proposed project is situated.

One change adopted as part of the certified Venice LUP is the lowering of the height limit to 30 feet for all new residential development situated along the Venice Grand Canal. Formerly, the height limit for development on the Canal was the same as the general height limit for the nearby Marina Peninsula neighborhood. In the Grand Canal area, the general height limit before the adoption of the certified LUP was thirty-five feet. The certified LUP height limit for this area is currently 30 feet, including flat roofed projects which are also limited to thirty feet and residences along walk streets which is now limited to 28 feet.

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. A coastal development permit is approved only when the proposed development it is found to be consistent with the Coastal Act.

B. Community Character

Section 30251 of the California 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.

In order to protect public access, community character and visual quality in the Venice Ballona Lagoon, Grand Canal neighborhoods situated south of Washington Boulevard where the proposed project is situated, 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 the Venice Canals neighborhood.

Venice Land Use Plan Policy I.A.1.a states:

- a. 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).*

As discussed, the proposed project would violate three of four of the above-stated policies of the certified Venice LUP as well as Sections 30251 of the Coastal Act. The staff's recommendation is based on the City of Venice's Certified LUP (November 19, 2000) and the Coastal Act Section 30251. The staff believes it is important to comply with the City's LUP standards so as to establish a foundation of consistency for future developments.

The applicant contends that he is not able to build the structure to conform to the City's LUP regulation standards for location and orientation because the internal staircase is existing so the access structure cannot be built in any other spot on the roof deck (Exhibit #4). The applicant contends that over the years, the existing roof access cover has deteriorated and now leaks into both existing apartments during rain. There are existing buildings across the canal and adjacent to this building that exceed the 30-foot height limit. The applicant contends that if conditioned to do so by the Commission, the square footage of the outside wall area would be reduced to comply with the LUP 100 square foot area maximum. The applicant contends that the outside walls of the proposed structure are to be made with stucco that will match the existing walls of the building, and the east side of the development (Esplanade side) is to be the more narrow of the two sides. The applicant did receive approval from the City of Los Angeles for the proposed development.

Staff is recommending that the Commission deny the proposed project because it cannot be found to be consistent with Sections 30251 of the Coastal Act, and it would prejudice the ability of the City to prepare an LCP which conforms with Chapter 3 policies of the Coastal Act. The applicant's proposal to construct a four-foot high staircase enclosure on the roof deck that is located within the 60 horizontal feet set back limit on the side of the Esplanade (City right-of-way) cannot be found to be consistent with the policies of the Coastal Act that require the

protection of community character and visual quality in the Grand Canal neighborhood. The construction of the neighboring buildings was prior to the LUP 30-foot height limit. Therefore, the proposed project is denied.

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 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. The Venice LUP was officially certified by the Commission on June 12, 2001.

The certified Venice LUP contains provisions to protect coastal views and the character of the Venice Grand Canal community, including a 30 foot height limit for residences built along the Esplanade (right-of-way). 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 approval of the proposed development would prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, and is not consistent with Section 30604(a) of the Coastal Act.

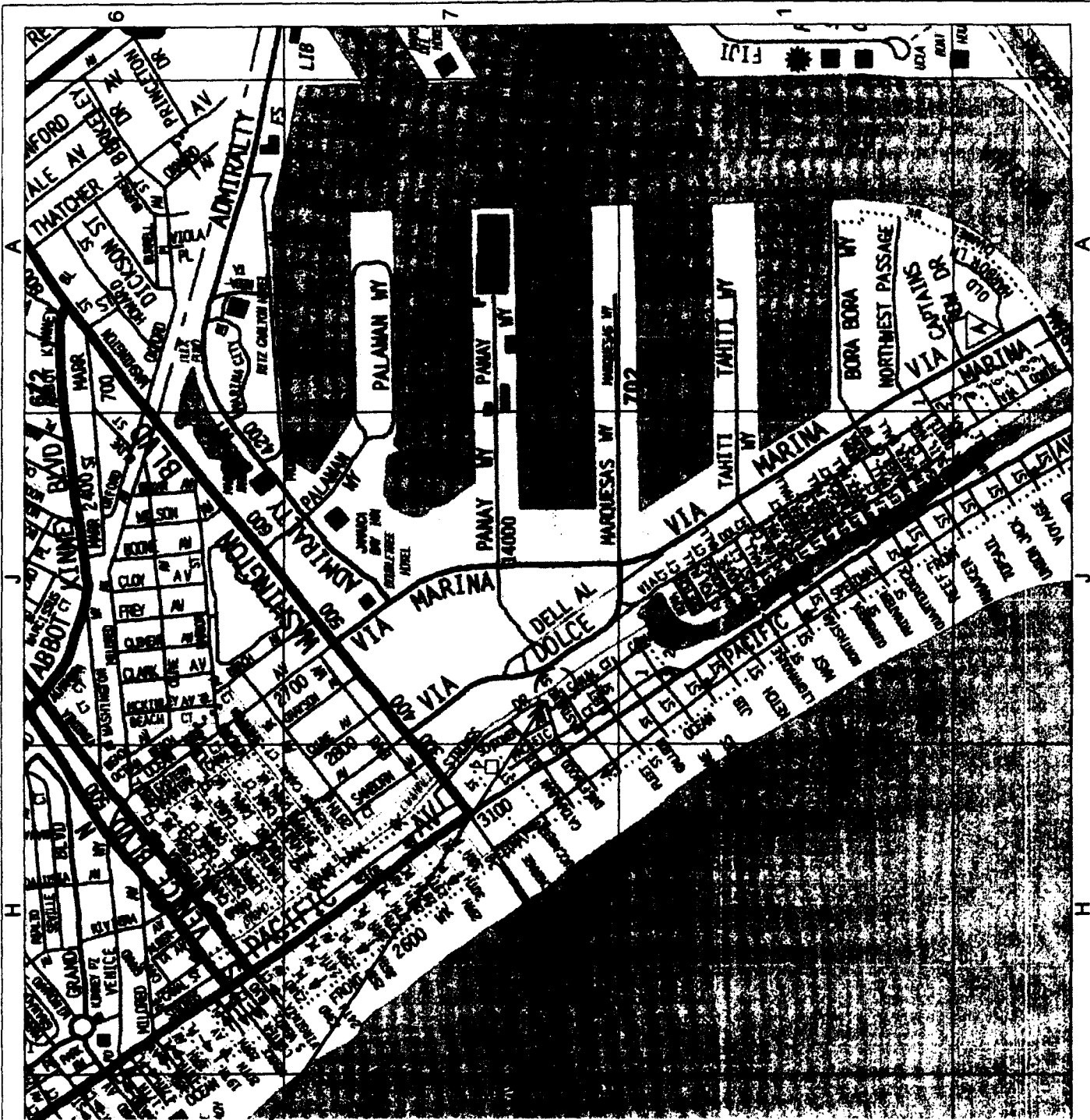
E. California Environmental Quality Act (CEQA)

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.

In this case, there exists a viable use on the private property: a multiple-family residence. Construction of some kind of cover for the opening in the roof deck constitutes a feasible alternative to the construction of the proposed four-foot high staircase enclosure. A cover would have less adverse environmental effects. The proposed structure exceeds the height limit, is not consistent with character of the historic Grand Canal, and would significantly impact the views of the canal from buildings west of the proposed project. The denial of this project would reduce the project's visual impact from other residences.

Therefore, there are feasible alternatives or mitigation measures available, which will lessen the significant adverse impacts that the development would have on the environment. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act.



3509 GRAND CANAL
MARINA DEL REYCA

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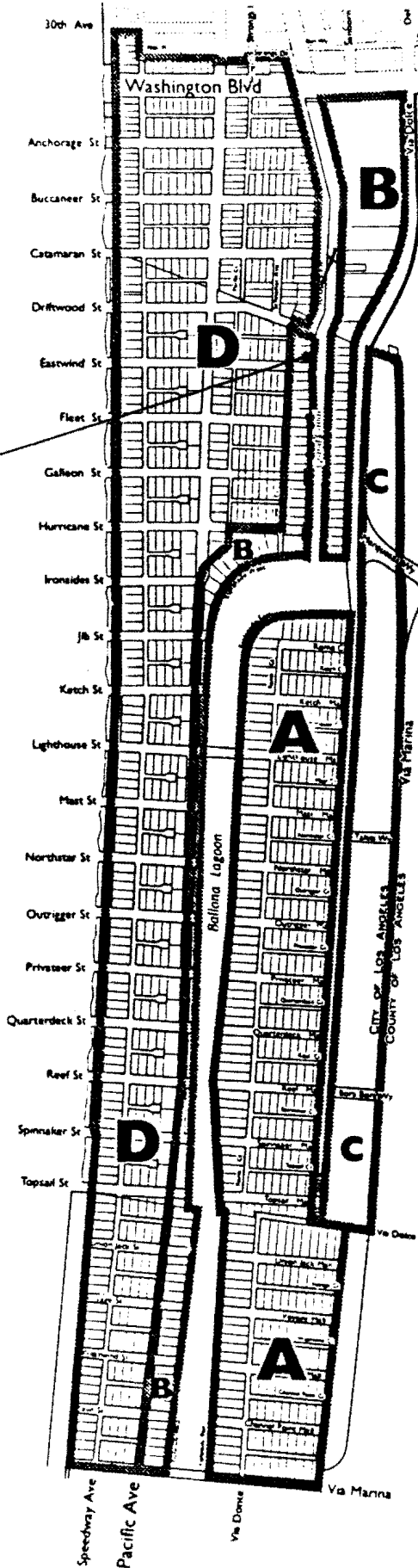
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South Coast Region

EXHIBIT # 1
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VICINITY MAP



*** Maximum Building Height**

A: 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.

B: 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet.

C: 45'

D: 35', 28' along Walk Streets

Notes:

- *All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.
- *No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).
- *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.
- *See Policy I.A.1 for policy limiting roof access structures.
- *See Policy I.B.7 for commercial and mixed-use development standards.

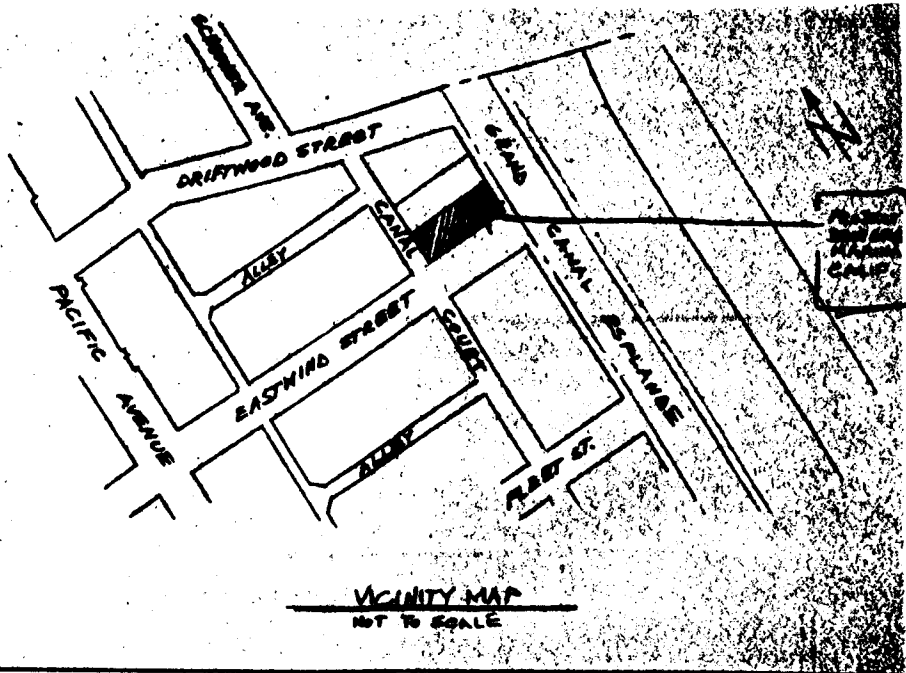
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EXHIBIT # 1
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Exhibit 13
Height

Subarea: Marina Peninsula • Silver Strand •
Ballona Lagoon West • Ballona Lagoon(Grand Canal) East





SITE PLAN

... FIRE BLOCKING AT FLOOR, CEILING, COVES
HEIGHT OF WALLS OVER 8'-0" IN HEIGHT.

SHALL CONFORM TO PROVISIONS OF CHAPTER 54
3 EDITION OF THE CITY OF LOS ANGELES UNIFORM
CODE.

ASSEMBLIES SHALL BE CLASS "A" OR "B" FIRE
TYPES. SEE ARCHITECTURAL DRAWINGS AND
SPECS.

SECURITY REQUIREMENTS SHALL BE IN ACCORDANCE
WITH BUILDING CODE.

ALL INSULATION SHALL BE R-11 AND ROOF/
CEILING INSULATION SHALL BE R-19.

CONTRACTOR SHALL SUBMIT LANDSCAPING LAYOUT,
IRRIGATION LIST, PLANNING DETAILS, SOILS PRE-
TESTS, IRRIGATION AND IRRIGATION SYSTEM LAYOUT
TO THE ARCHITECT FOR APPROVAL PRIOR TO
ANY WORK. THE CONTRACTOR SHALL SECURE
ALL REQUIRED PERMITS FROM GOVERNING

ALL COMPLY WITH LOCAL SECURITY ORDINANCE
WHERE DRUG STORAGE OCCURS.

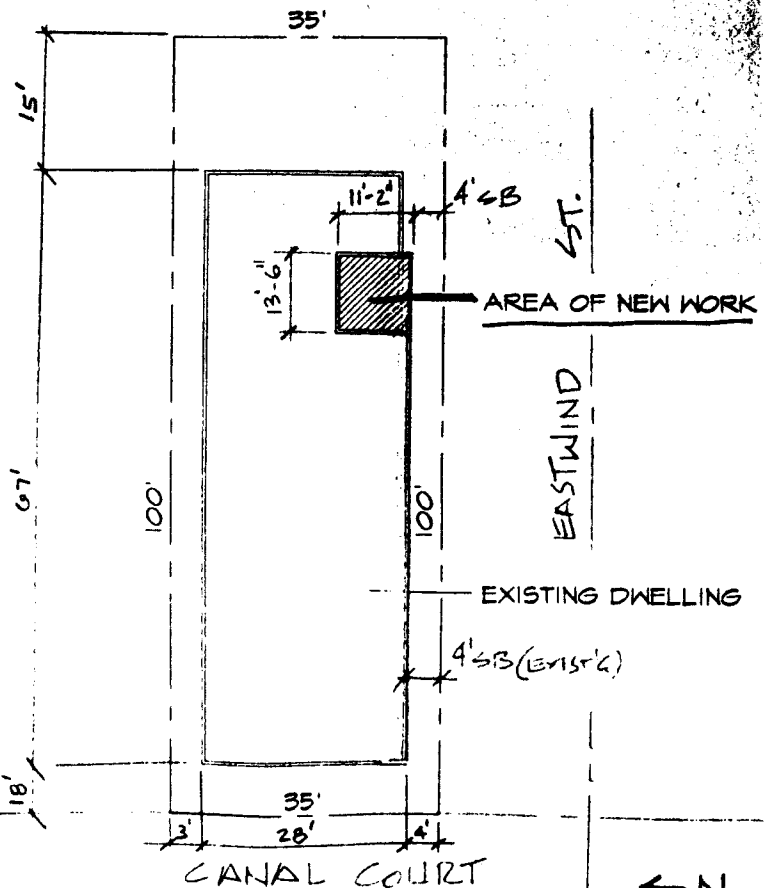
AS PART OF THIS PERMIT, ALL SIGNS SHALL
OBTAIN A PERMIT TO BE PAID FOR AND TAKEN BY
THE CONTRACTOR.

SIGNERS SHALL BE 2A-105C RATED AND SHALL
BE MAINTAINED AND SERVICED.

ALL ROOMS SHALL BE PROVIDED WITH SMOKE DETECTORS
WITH UBC STANDARD NO. 43-8 AND UBC SECTION 1201.

ALL WALLS SHALL BE INSTALLED IN ACCORDANCE WITH ALL
REQUIREMENTS SET FORTH IN CHAPTER 30, 1993 UBC.

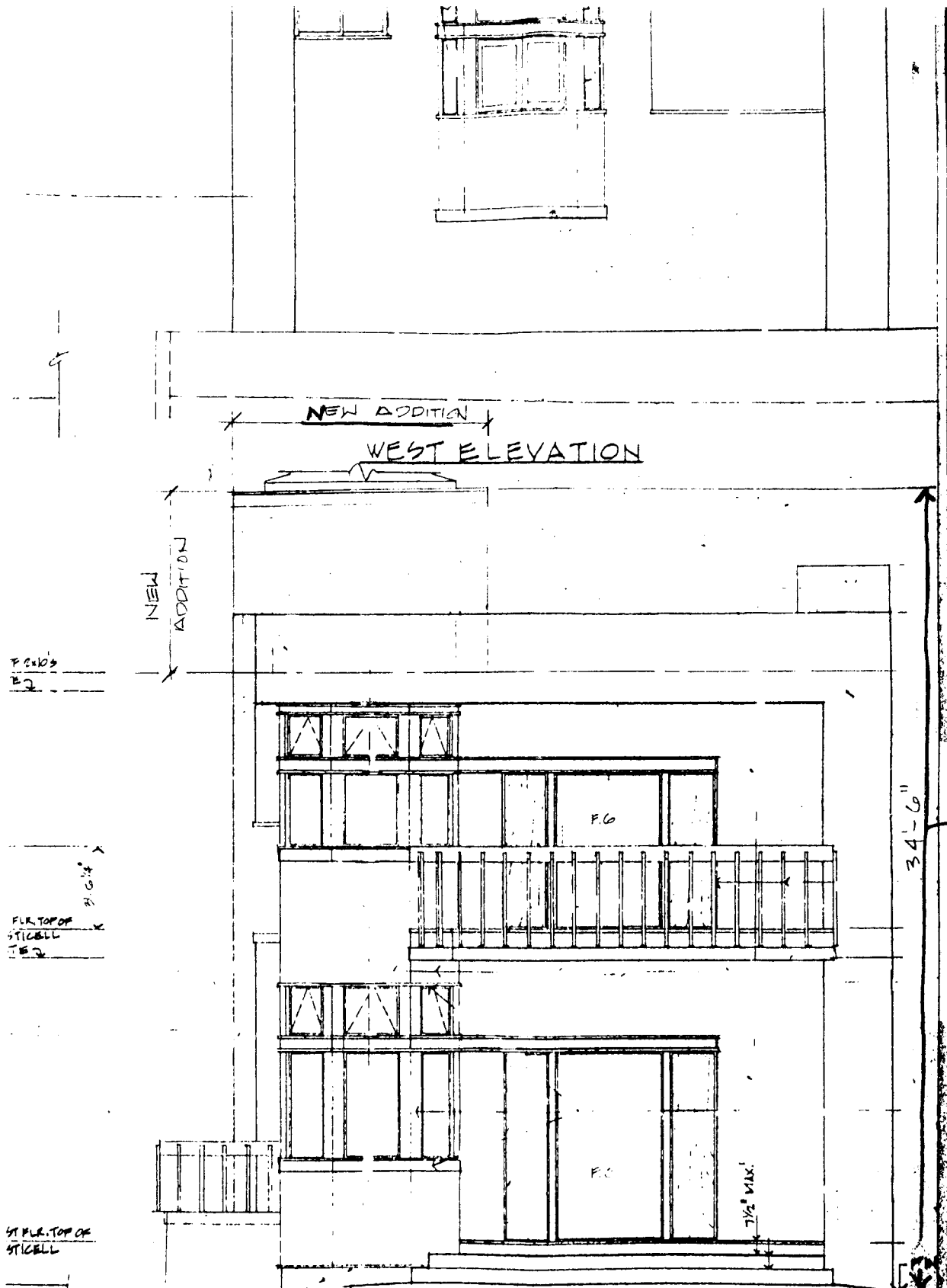
GRAND CANAL ESPLANADE



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EXHIBIT # 2

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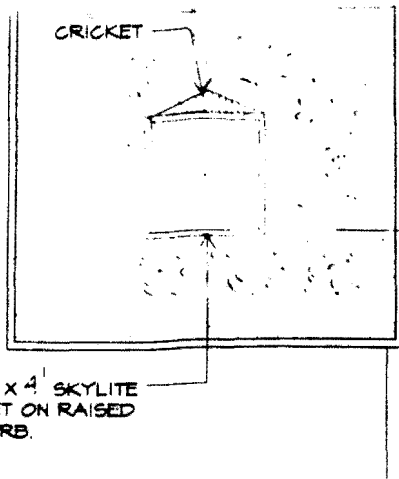
EXHIBIT # 3

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EAST ELEVATION
SCALE: 1/4" = 1'-0"

Exceedin
Height

EXISTING BLOCK WALL



ROOFING SLOPE
1/4" PER FOOT
TO DRAIN.

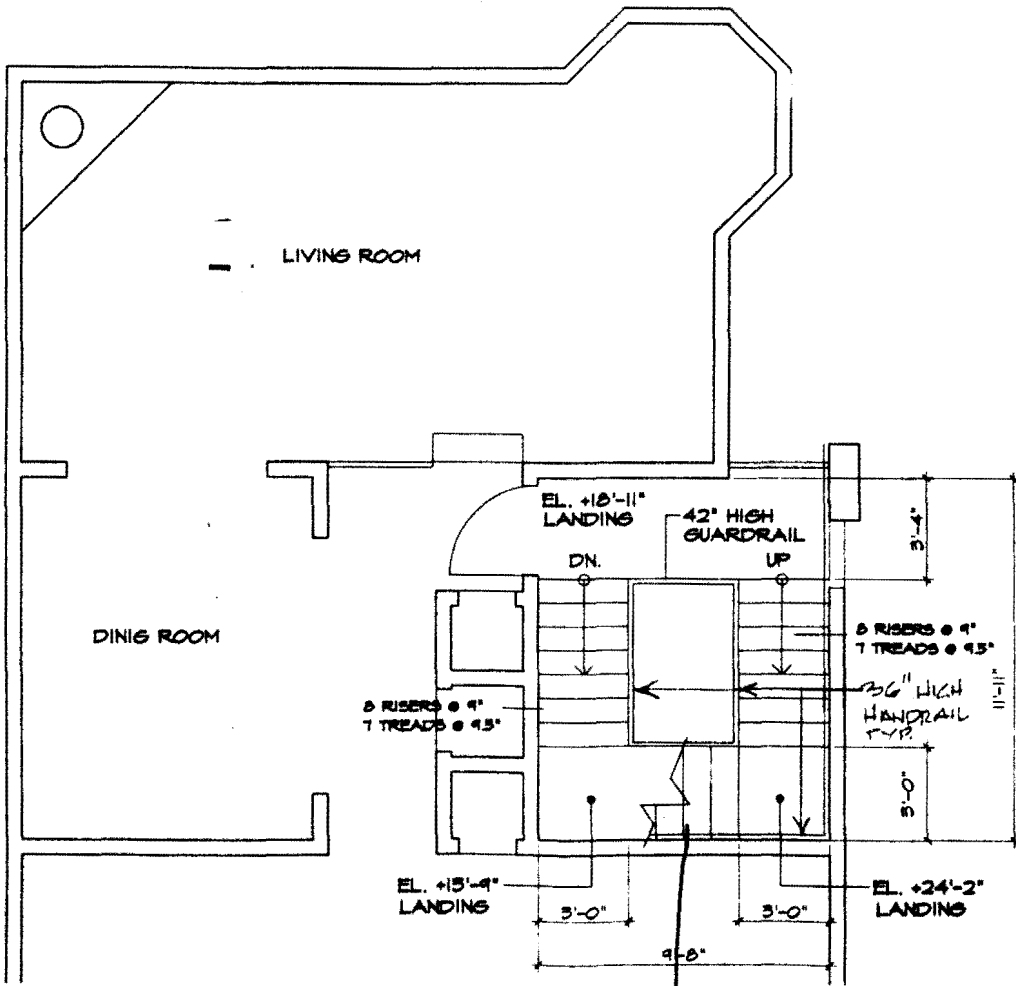
BUILT-UP
ROOFING
CLASS 'B'
S.I.C.

PROJECT

ROOF PLAN

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 1



SECOND FLOOR

EXISTING
STAIRCASE

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AND

PREPARED I

MR.
3509
MERI

SHEET TITLE

PLA
ROC

SCALE

JOB NO.

DATE