

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

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Staff: AM-LB AM  
Staff Report: 1/19/01  
Hearing Date: Feb. 13-16, 2001  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-00-489

**APPLICANT:** Orma Sullivan

**PROJECT LOCATION:** 39-39½ Buccaneer Street, Venice, City and County of Los Angeles

**PROJECT DESCRIPTION:** Remodel and addition to an existing duplex that includes 360 square feet at ground level, 525 square feet at 2<sup>nd</sup> floor, and a new 3<sup>rd</sup> floor loft and roof deck, creating a three level, 28-foot high duplex.

Lot Area	3,696 square feet
Building Coverage	2,632 square feet
Pavement Coverage	418 square feet
Landscape Coverage	310 square feet
Parking Spaces	4
Zoning	R3-1
Plan Designation	Medium, Multi Family Residential
Ht. above walk street	28 feet

**LOCAL APPROVAL:** Venice Coastal Zone Specific Plan Director of Planning Determination and Findings DIR 2000-4378(SPP), December 4, 2000.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to building height and parking. The applicant agrees with the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

**Motion:**

I move that the Commission approve CDP No. 5-00-489 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Approval with Conditions**

The Commission hereby **grants**, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **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. Height

No portion of the proposed structure shall exceed 28 feet in elevation above the centerline of the frontage walk street.

#### 2. Parking

The applicant shall maintain, at a minimum, the existing four on-site parking spaces.

#### 3. Permit Compliance

All Development must occur in strict compliance with the proposal, as set forth in the application for the permit, subject to any special condition set forth above. Any deviation from the approved plans 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

The applicant proposes to remodel and add to her existing two-story 19-foot high duplex with an attached two-car garage. The project includes a remodel of the existing garage, an interior addition to the existing second story, the addition of a third story loft/library, and a roof deck. The proposed addition will create a three-level, 28-foot high duplex. The existing on-site parking, an attached two-car garage with two open parking spaces, remains the same (See Exhibits).

The existing duplex is located on a walk street approximately 300 feet from Ocean Front Walk and Venice Beach (Exhibit #2). Residents and visitors use the walk streets to access Ocean Front Walk and the adjacent beaches. Ocean Front Walk is used for recreation activities and access to the shoreline. It extends for approximately 5 miles, and connects with the Promenade in Santa Monica (Exhibit #2). A two-car garage, with two open parking spaces, located on the ground floor (Exhibit #3) currently provides on-site parking for the proposed duplex addition.

**B. Community Character/Visual Quality**

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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas.*

This section of the Venice Community includes one, two, and three floor single family residences and some older duplexes. Ocean Front Walk, which is approximately 300 feet away, is a heavily used pedestrian path used for biking and strolling. Several walk streets connect Pacific Avenue, a major coastal route seaward of Pacific Coast Highway, to Ocean Front Walk and the adjacent beaches (Exhibit #2). The moderate heights of structures along walk streets have been found by the Commission and the City to enhance the recreational experience. The majority of these structures do not exceed 28 feet along the walk street. Allowing building heights above the 28-foot limit would serve to negatively impact coastal views and the character of the surrounding community. In order to protect community character and visual quality, Special Condition #1 limits the development at a maximum of 28 feet above the frontage walk street, in this case Buccaneer Street walk street. This height is consistent with the general height of the area.

However, some new developments have been permitted to construct portions of the dwelling in excess of the 28-foot height limit by five feet if the scenic and visual qualities of the area are not negatively impacted. The portions of structures that have previously been allowed to exceed the height limit include parapet walls and railings around roof decks, chimneys, air conditioning equipment, ventilation/exhaust equipment, and other similar devices essential for building function. Roof access structures may exceed the 28 foot height limit by up to 10 feet so long as visual qualities of the area are not impacted. No living areas, storage spaces, or bathrooms have been permitted above the 28-foot height limit.

In this case, the proposed project has a roof height of 28 feet measured from the elevation of the centerline of the walk street (Exhibit #4). The applicant has not proposed any structures above the 28 foot height limit. As proposed, the design of the residence will not adversely effect the visual quality and community character of the coastal area in the Venice Community.

In order to ensure that the proposed project complies with Section 30251 of the Coastal Act, special condition #1 limits the height of the structure to 28 feet measured above the centerline of the walk street. Only as conditioned does the Commission find the proposed project consistent with sections 30251 of the Coastal Act.

Special Condition #3 of this permit requires that all development must occur in strict compliance with the proposal set forth in the permit application, subject to any special conditions of approval, and that any deviation from the approved plans will require review by the Executive Director to determine if an amendment to this permit will be required. Only as conditioned will the proposed project be consistent with the Chapter 3 policies of the Coastal Act.

**C. Public Access/Parking**

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....*

As described above, the walk streets in the Venice area, Ocean Front Walk and the adjacent beaches are a public recreational resource. The walkways provide an urban recreational experience popular throughout the Los Angeles area. 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.

Many of the older developments in the Venice Community do not provide adequate on-site parking. As a result, many residents and guests park on the surrounding streets, where there is a parking shortage, and has negatively impacted public access to the beach. Visitors to the beach use these streets for parking. Residents of the area and their guests are using the small amount of parking that may be available for the general public on the surrounding streets.

The existing duplex provides four (4) on-site parking spaces within a two-car garage and two open spaces. The addition and remodel to the existing duplex does not reduce the amount of existing on-site parking. However, to ensure that the applicant does not reduce the number of existing parking spaces, Special Condition #2 is imposed which requires the applicant to maintain, at a minimum, the existing four on-site spaces. The proposed project provides an adequate parking supply for the duplex. The Commission finds that, as conditioned to maintain the existing on-site parking supply, is the proposed project consistent with Section 30252 of the Coastal Act.

**D. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the

proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a draft Land Use Plan (LUP) for Venice on October 29, 1999. The Commission approved the proposed Land Use Plan with suggested modifications on November 14, 2000. The City of Los Angeles has six months to except the approved Land Use Plan with suggested modifications. The proposed project, as conditioned, conforms with the Commission approved Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

**E. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that 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 and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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SEE MAP 41

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SEE MAP 50

SEE MAP 55A

Site

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EXHIBIT # 1

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EXHIBIT # 2

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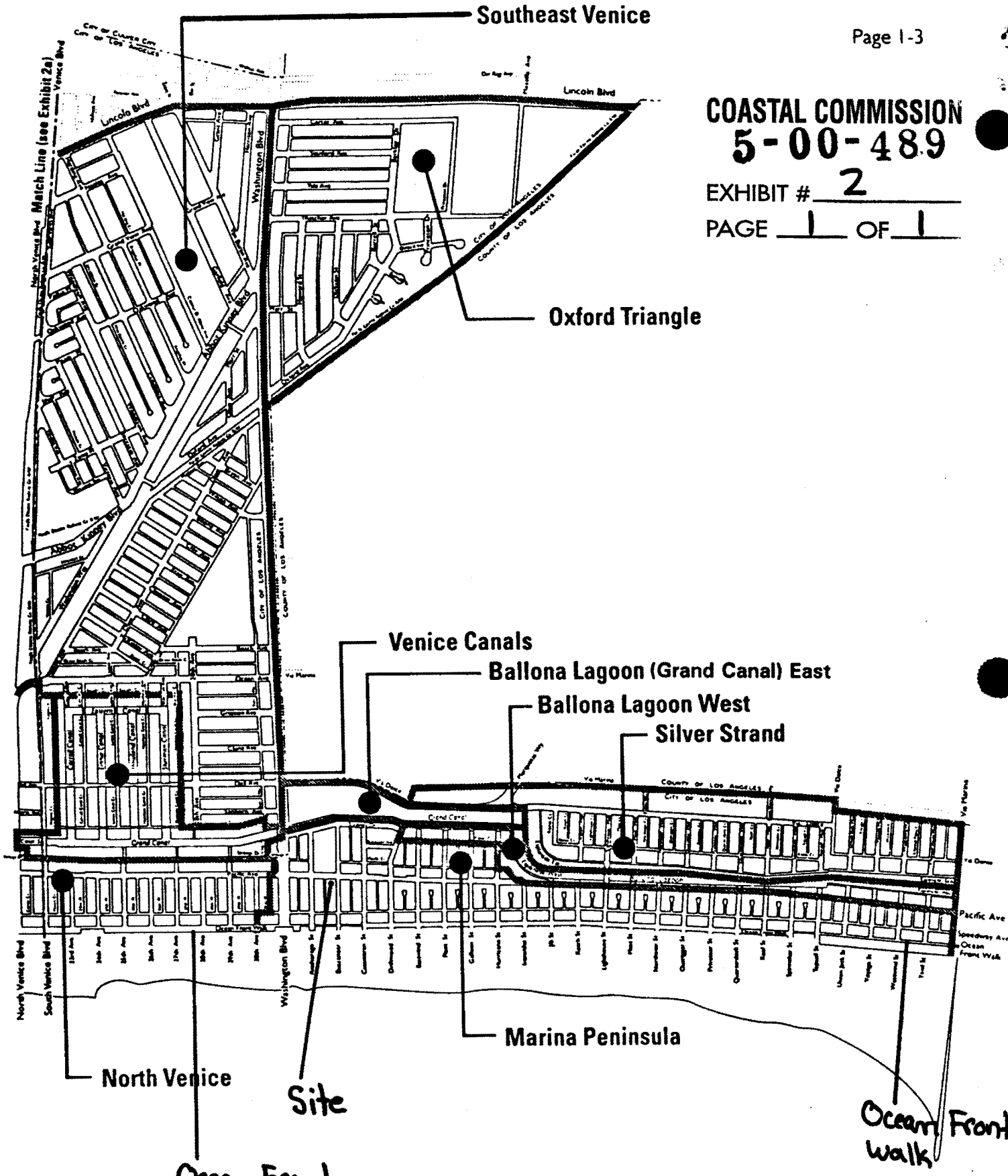


Exhibit 2b  
**Venice Coastal Zone**

Note: This map does not show area of Palms/Del Rey portion of coastal zone that is located inland of Lincoln Boulevard.

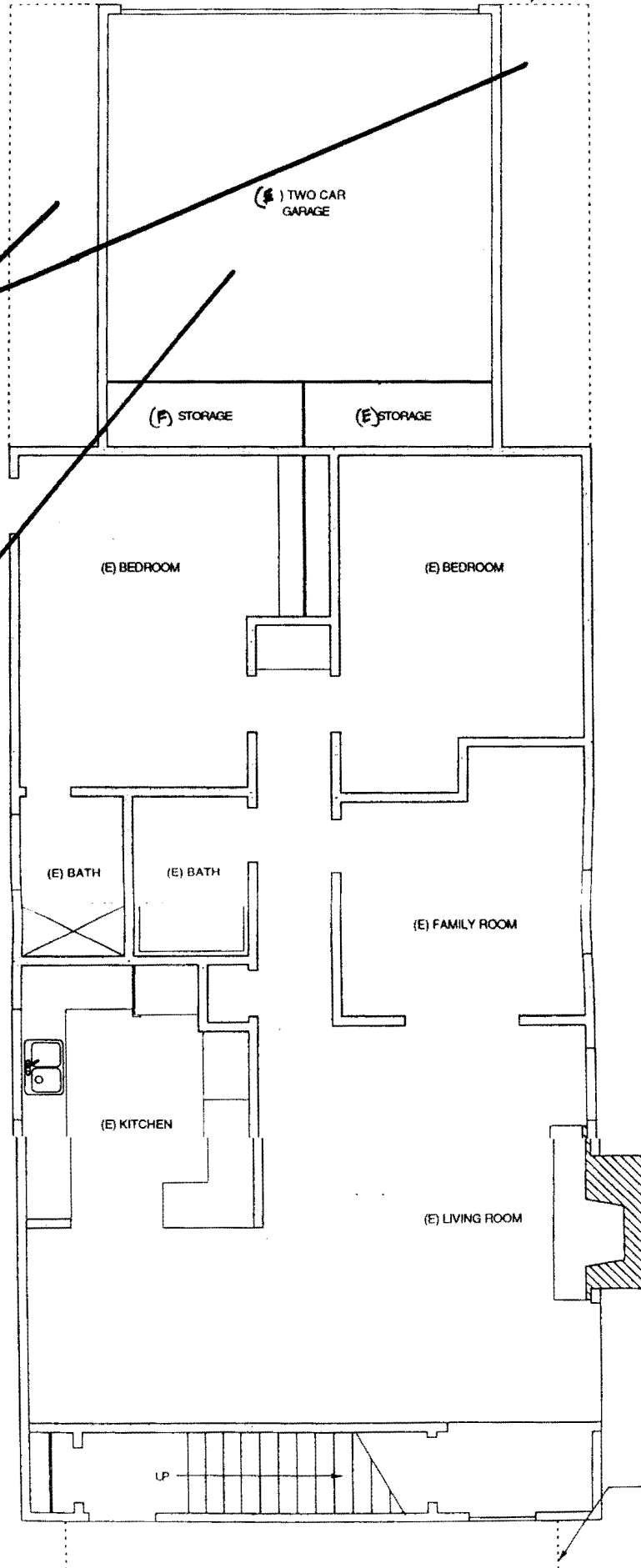


Not to Scale



2 Open Spaces

2 Car Garage



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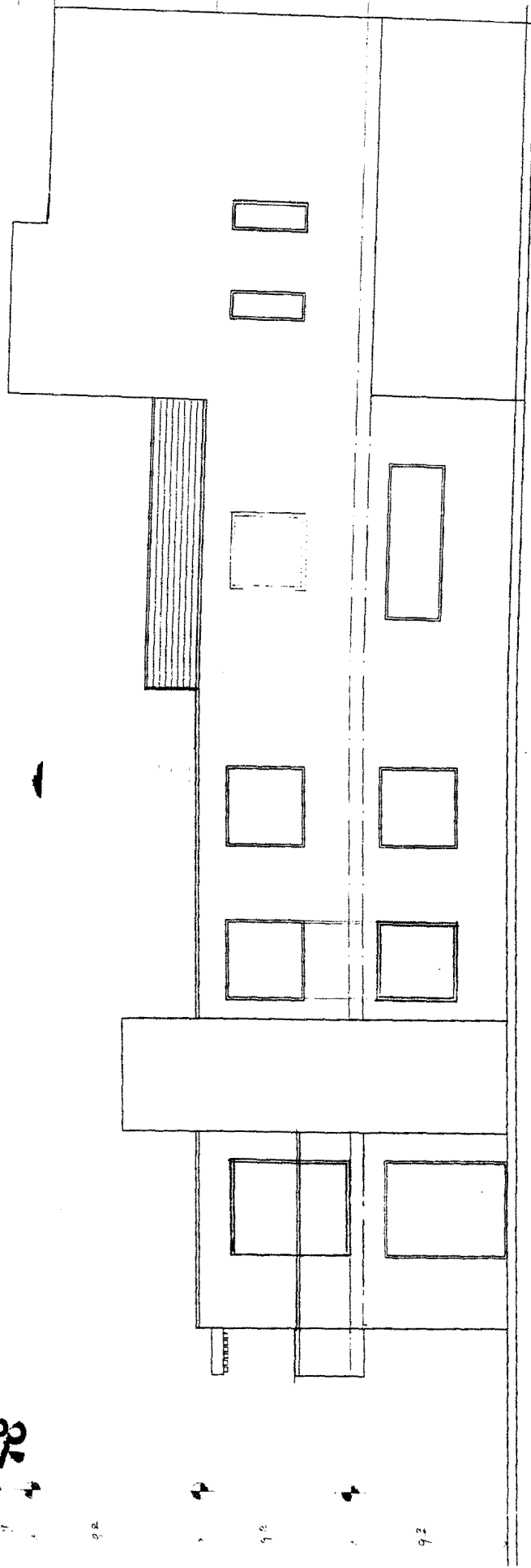
EXHIBIT #

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EAST ELEVATION

1

1/4" = 1.0'

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EXHIBIT # 4

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