

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

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Staff: AM-LB AM  
Staff Report: 4/17/01  
Hearing Date: May 7, 2001  
Commission Action:

**ITEM #M-3a****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-01-105

**APPLICANT:** James Conway & Laurie Monday

**AGENT:** Jon Brouse

**PROJECT LOCATION:** 906 Nowita Place, Venice, City and County of Los Angeles

**PROJECT DESCRIPTION:** Demolition of an existing one-story single family home and construction of a two-story, 28-foot high, 2,178 square foot single family home with an attached 437 square foot, two-car garage, on a 3,400 square foot lot.

Lot Area	3,400	square feet
Building Coverage	1,800	square feet
Pavement Coverage	200	square feet
Landscape Coverage	1,400	square feet
Parking Spaces	3	
Zoning	R2-1	
Plan Designation	Low Medium, Multi-Family Residential	
Ht above final grade	28 feet	

**LOCAL APPROVAL:** Venice Coastal Zone Specific Plan Director of Planning Determination and Findings 2001-198(SPP)

**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. 5-01-105 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this motion will result in approval in 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 **approves** a permit, subject to the conditions below, 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 frontage road (Nowita Place). Chimneys, exhaust ducts, ventilation shafts, and other devices essential for building function may exceed the 28-foot height limit by five feet. Any fence, wall, or hedge erected in the City right of way (Nowita Place walk street) shall not exceed 42 inches in elevation above the existing walk street grade.

#### 2. Parking

A minimum of two parking spaces shall be provided and maintained on the site to serve the proposed single family home.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The applicant proposes to demolish the existing one-story single family home and construct a two level, 28-foot high, 2,178 square foot single family home with an attached 437 square foot, two-car garage, on a 3,400 square foot lot (See Exhibits). The 3,400 square foot lot is located in the Oakwood, Milwood, Southeast Venice Subarea, approximately 2 miles inland of the beach (Exhibit #1).

The subject property is situated on a designated walk street. The walk street (a City right of way) consists of a five-foot wide cement walkway and City of Los Angeles approved private yards that encroach into the remaining area (Exhibit #2). The property owners along the walk street can apply for revocable encroachment permits from the City of Los Angeles Planning Department. The applicant has proposed a fenced yard that encroaches into the walk street. Every home on the 900 block of Nowita Place (where the project site is located) contains fenced yards that encroach into the walk street. The proposed project does not encroach into the five-foot public walk area.

**B. Community Character/Visual Quality**

Section 3025I 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 and two story single family residences. The majority of these structures are single story, approximately 15 to 20 feet in height above the centerline of the walk street. Homes in this area of Venice are conditioned to have a maximum height of 28 feet above the centerline of the walk street. Allowing building heights above the 28-foot height limit would serve to negatively impact the visual quality 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 road, in this case Nowita Place. This height is consistent with the general height of the area. Chimneys, exhaust ducts, ventilation shafts, and other similar devices essential for building function may exceed this height limit up to five feet.

The proposed single family home has a height of 28 feet as measured above the centerline of the walk street and a chimney that exceeds this height by 3 ½ feet (Exhibit #3-4). 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. No living area or storage space is proposed above 28 feet.

As previously mentioned, the project site fronts a designated walk street. The walk streets were established for public pedestrian access to the shoreline and to other areas of interest. They were also created to preserve the views along and from the public rights of way. The City has allowed property owners to construct yards and fences within this right of way so long as the encroachment does not impede the designated five-foot wide public pedestrian path. The encroachment allows property owners to landscape a transitional area between the public access ways and the private dwellings that line them.

However, if a property owner constructs a fence or wall that impedes the views along the walk street, the intent of the allowable encroachment is lessened and the public views turn into private yard extensions. To ensure that the yard encroachment does not impact the visual quality of the walk street, Special Condition #1 also limits the height of fences, walls or hedges erected in the right of way to 42 inches above the existing grade of the walk street. In this case, the applicant has proposed to erect a fence in the right of way that is measured at 42 inches above the existing walk street grade.

Only as conditioned, to limit the height of the single family home to 28 feet above the centerline of the walk street and limit the height of fences, walls or hedges to 42 inches above the existing walk street grade does the Commission find the proposed project consistent with sections 30251 of the Coastal Act.

**C. Public Access/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 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....*

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. 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.

To mitigate this problem, Special Condition #2 is imposed to provide for two on-site parking spaces. In this case, the proposed project provides a two-car garage on the ground floor and one open guest parking space (Exhibit #2). Therefore, the proposed project provides an adequate parking supply for the proposed single family home. The proposed project is consistent with prior Commission decisions for the Venice area that required two parking spaces per residential unit. The Commission finds that, only as conditioned to maintain the proposed two on-site parking spaces, 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 (LCP) 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*

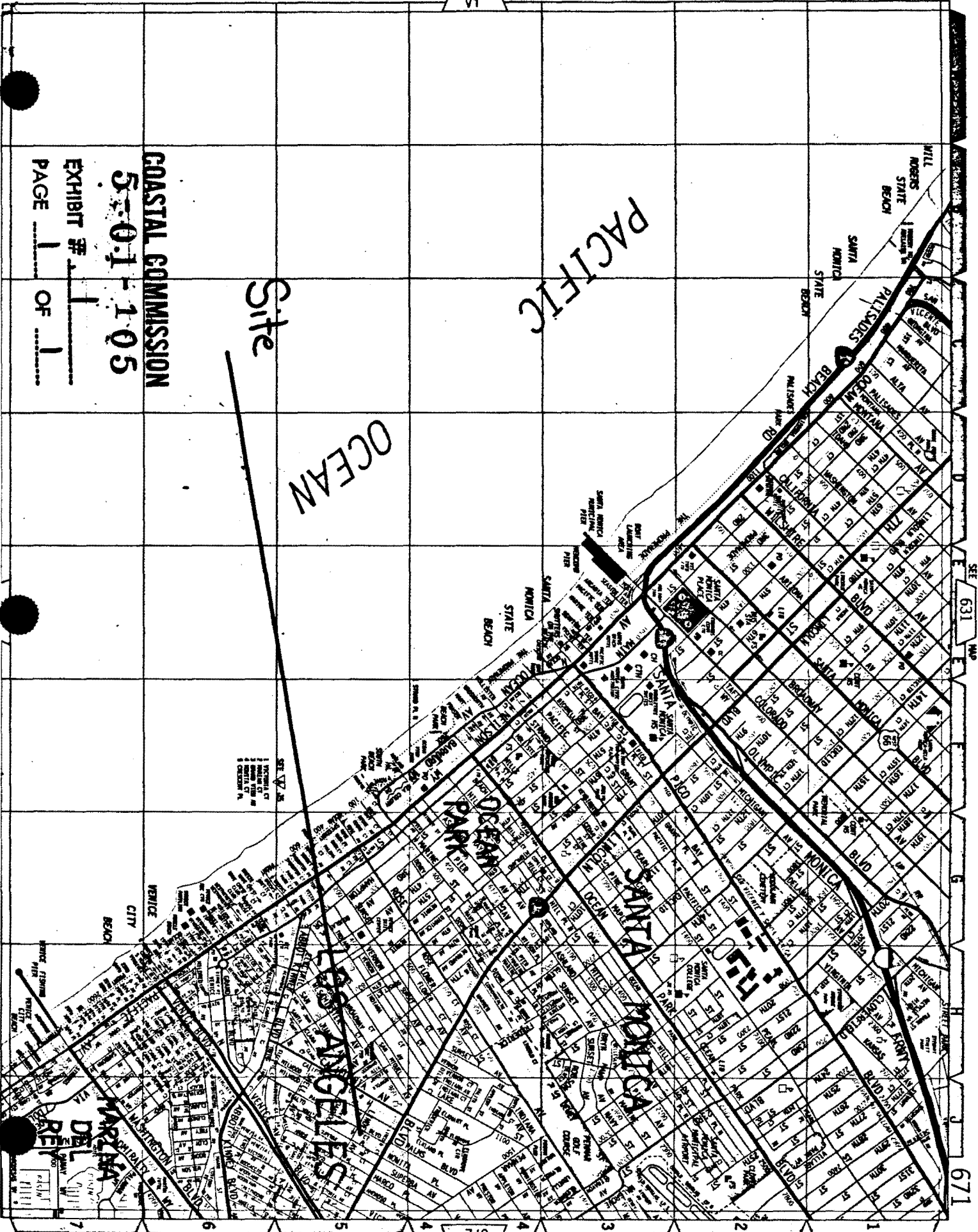
*grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

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. On March 28, 2001, the City of Los Angeles accepted the approved Land Use Plan with suggested modifications. The Venice Land Use Plan will become officially certified upon the Commission's concurrence with the Executive Director's determination that the City's submittal is legally adequate. The proposed project, as conditioned, conforms to 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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EXHIBIT # 1

PAGE 1

OF 1

Site

OCEAN

PACIFIC





31 1/2' —

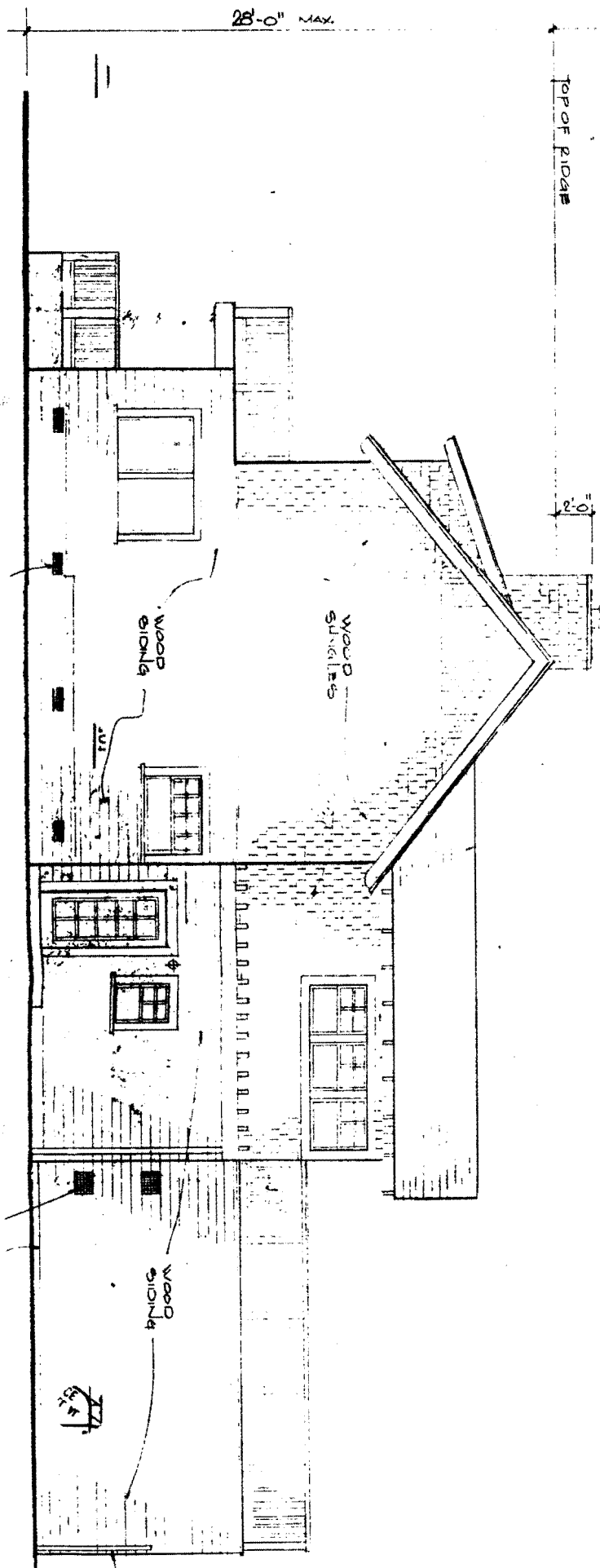
28' —



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EXHIBIT # 3

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EXHIBIT # 4  
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