. CALIFORNIA COASTAL COMMISSION

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Filed: 5/2/01 49th Day: 6/27/01 180th Day: 11/5/01 Staff: AM-LB

Staff Report: June 15, 2001 Hearing Date: July 10-13

Commission Action:



Item Tu 9h

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-164

APPLICANT:

John Lee

PROJECT LOCATION:

665 Mildred Avenue, Venice, City and County of

Los Angeles

PROJECT DESCRIPTION: Construction of a two-story over basement, 30-foot high, 2,487 square foot single family home with an attached 585 square foot three-car garage, on a vacant 2,000 square foot lot.

Lot Area 2,000 square feet
Building Coverage 1,061 square feet
Pavement Coverage 635 square feet
Landscape Coverage 304 square feet

Parking Spaces

3

Zonina

RD1.5-1-0

Plan Designation

Low Medium II, Multi-Family Residential

Ht above frontage road

30 feet

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 Commission approved Land Use Plan (LUP) establishes a height limit for this area of 25 feet with a flat roofline. The LUP allows for an additional five feet in height (a total of 30 feet above the frontage road) for projects that include a varied or stepped back roofline. This height bonus is intended to give variation to the character of the community. Staff recommends Special Condition #1, which limits the height of the home to 30 feet above the frontage road. Also, Special Condition #2. requires a minimum of two on-site parking spaces. The applicant agrees with the Special Conditions.

LOCAL APPROVAL:

Venice Coastal Zone Specific Plan, Director of Planning

Determination and Findings 2001-9982(SPP)

SUBSTANTIVE FILE DOCUMENTS: 1) Venice Land Use Plan

2) Coastal Development Permit 5-92-041

3) Coastal Development Permit 5-89-203

4) Coastal Development Permit 5-89-204

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION:

I move that the Commission approve Coastal Development Permit #5-01-164 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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 single family home shall exceed 25 feet in elevation above the centerline of the frontage road (Mildred Ave.). At the front yard setback line the height may increase one foot for every one horizontal foot between the front yard setback line and the rear of the lot, to a maximum height of 30 feet above the centerline of the frontage road. Chimneys, exhaust ducts, ventilation shafts, and other devices essential for building function may exceed the 30-foot height limit by five feet.

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. <u>Project Description and History</u>

The applicant proposes to construct a two level over garage, 30-foot high, 2,487 square foot single family home with an attached 585 square foot, three-car garage, on a 2,000 square foot lot (See Exhibits). The 2,000 square foot lot is located in the Oakwood, Milwood, Southeast Venice subarea, approximately 1½ miles inland of the beach (Exhibit #1).

The project site is located on a property created from the former Pacific Electric Railway Company right-of way. On October 17, 1979, the City of Los Angeles established front and area yard regulation for properties located on the northwesterly side of Mildred Avenue between Venice Blvd. and Cloy Ave (ZAI 79-052(H)). The regulations were established given

that the lots created on the railroad right-of-way were much smaller than a typical single family lot (most lots in the right-of-way are 40 feet by 50 feet – 2,000 square feet). The diminished yard requirements allow property owners to develop their lots with single family homes. The applicant has received confirmation from the City of Los Angeles that the subject property is eligible for the reduced yard setback requirements.

The Coastal Commission and the City of Los Angeles have approved several coastal development permits along this section of Mildred Avenue. The Commission approved Coastal Development Permit 5-92-041 for a three-story, 30-foot high home on 619 Mildred Ave and approved two, three-story 28-foot high homes at 639 and 641 Mildred Ave (Coastal Development Permit 5-89-203 and 5-89-204). The City of Los Angeles approved local Coastal Development Permits for construction of six 30-foot high single family homes at 653-663 Mildred Ave in 1980 (these six homes are directly east of the subject site) and construction of six 30-foot high single family homes at 667-681 Mildred Ave in 1984 (these six homes are directly west of the subject site). Neither the public nor the Commission filed appeals for the construction of the12 single-family homes. The homes approved along this stretch of Mildred Ave. are all located on the north side of the street. The subject lot is currently vacant and is bordered by two, 30-foot high single family homes.

The Commission certified Venice Land Use Plan establishes a height limit in this area of Venice of 25 feet above the frontage road. An additional five feet (up to a 30-foot height limit) is allowed for single family homes that include a varied or stepped back roofline (Exhibit #2). This variation is intended both by the City of Los Angeles and the Coastal Commission to encourage architectural variation (Venice LUP page 47). The proposed single family home incorporates a varied roofline (although the variation is not visible from the frontage road) and a stepped back roofline (as further discussed in Section B below).

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, two, and three level single family residences. The majority of the structures located on the streets perpendicular to Mildred Ave. are one and two story homes, with most not exceeding 25 feet in height. However, as indicated above, six homes east and six homes west of the subject property were approved at a height of 30 feet by the City of Los Angeles. Homes in this area of Venice are conditioned to have a maximum height of 25 feet in elevation above the frontage road (Mildred Ave.) for buildings with flat roofs; or 30 feet in elevation above the frontage road (Mildred Ave.) for buildings utilizing a stepped back or varied roof line (Exhibit #2). Homeowners are rewarded the additional five feet of building height (25 feet to 30 feet) for creating a variation in their roof

design, typically a pitched or gabled design, where some of the structure reaches the 30 foot height limit and the rest is at a lower elevation. The purpose of allowing variation is to avoid monotony in building design. Allowing building heights above the 25-foot (with flat roofs) and 30-foot (with varied or stepped back roofs) height limit would serve to negatively impact the visual quality and the character of the surrounding community.

The Commission certified Land Use Plan states:

The maximum densities, building heights, and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP.

The Venice Land Use Plan recognizes the importance of the existing pedestrian scale single family residential neighborhoods and the need to conserve them. As most communities, the greater portion of Venice was originally developed with single family homes for both permanent residents and as temporary resort housing. Today stable single family neighborhoods continue to exist in portions of Venice. While the standard low density, one unit per 5,000 square foot lot is common in Venice, single family homes on lots as small as 2,500 square feet are just as common and a reminder of the community's origin as a resort town. The maintenance of the character and density of theses stable single family neighborhoods is consistent with the objectives of the State Coastal Act and the City's General Plan.

Also, the staff report findings for the certified Venice Land Use Plan states the following:

The proposed height limit for the "single family dwelling – low density" land use category is proposed to be 25 feet for flat roofs and 30 feet for buildings with varied rooflines. This proposed 25 to 30 foot height limit is consistent with past City and Commission actions in the Southeast Venice and Oxford Triangle LUP subareas and will maintain the existing character and scale of the existing single family neighborhoods as required by Section 30251 of the Coastal Act and proposed LUP Policy I.A.2 (pg. 46 Commission staff report for the certified LUP for Venice).

The fourth suggested modification to LUP Policy I.A.3. would clarify the section of LUP Policy I.A.3. that addresses maximum building heights by allowing stepped back rooflines to reach the 30-foot maximum building height in addition to varied rooflines. The additional five feet in height (30' vs. 25') would be permitted by the proposed LUP in order to encourage architectural variation beyond the flat roofed buildings that are often built to maximize floor area within the maximum height limit. The additional five feet in height allowed for both varied rooflines and stepped back rooflines is consistent with the City's intent to encourage architectural variation.

The Commission approved LUP defines "stepped back roofline" as:

a roof on which the portion that exceeds the flat roof height limit is set back from the required front yard one foot for every foot in height above the flat roof height limit.

The Commission approved LUP defines "varied roofline" as:

any roof which has a slope in excess of 2 inches to 12 inches, including but not limited to a sloped, curved, or stepped back roofline.

The proposed project is for the construction of a two-story over basement, 30-foot high, 2,487 square foot single family home with an attached 585 square foot three-car garage, on a vacant 2,000 square foot lot (See Exhibits).

The house will be set back 7½ feet from Mildred Ave, the frontage road, although the minimum set back for the area is 15 feet (Exhibit #6). The City of Los Angeles has made exceptions to the setback line in this section of Mildred because of the exceptionally small lot sizes caused from the subdivision of the Pacific Electric Railway Co. right-of-way (Exhibit #8). The height limit for this area is 25 feet with a flat roof and 30 feet if the roof slopes back and up from the front property line (a "varied" or "stepped back" roofline – Exhibit #2).

The front side of the building, closest to Mildred Avenue extends to 25 feet above the frontage road. Five feet back from this area the height of the home increases to 30 feet. The applicant asserts that he is eligible for the 5 feet in height bonus given to those who build with a varied or stepped back roofline because:

- 1. The height of the house at the street side (the *south* side) is 25 feet. If he had built at the minimum setback line and sloped up, as allowed in the stepped back rule, he would be allowed to extend to 30 feet at five feet behind the setback line. He has extended to 30 feet five feet behind the setback line. Therefore he is within the height limits established for varied or stepped back heights. (Exhibit #3 & #4).
- 2. While the building extends to 30 feet at the front and rear sides of the house, the building roofline dips down to 25 feet near the center and rear of the lot, where there is a "valley". Although three of the four sides of the proposed home reach a height of 30 feet, the roof slopes inward, away from the street, at the rear and center of the structure (Exhibit #4 & #5). The applicant asserts that while the variation is not visible from the street, the building does in fact have a varied roofline. Because the roof is not flat, he asserts that he is eligible for the 5-foot incentive.

The City concurred with the applicant's interpretation of the height standards of the certified LUP.

The City proposed the increase over the Commission's previous actions to avoid monotony. In this case, the stepped back area consists of a 25-foot high area before increasing to the maximum 30-foot high single family home. From the street level (Mildred Ave) the home appears to be a 30-foot high structure with a flat roof (Exhibit #3). If the home truly were 30 feet high with a flat roof, its construction would be inconsistent with the certified LUP. Clearly the LUP does not provide enough information to indicate that the purpose of the standard is to provide a mix of roof types form public ways and to avoid the wall effect of a row of flat-roofed structures along the street. It merely indicates an intention to achieve a varied roofline as viewed from the street, and does not contain the detail that would eliminate a proposal for a flat 30 by 23-foot façade at the front of a structure, visible from the street.

The Coastal Commission certified the Venice LUP on June 14, 2001. The City of Los Angeles does not, however, have a complete certified Local coastal Program. Therefore, the standard of review for this project is Chapter 3 of the Coastal Act. Section 30251 requires the Commission to consider the effects on community character in approving new projects. In the immediate neighborhood of this proposed house, the Commission has already allowed a row of 12 30-foot high single family homes. This proposed house is the thirteenth of a line of such houses that were granted additional height because they were located on extraordinarily small lots.

If this area were closer to the rest of Milwood, which is dominated by one and two story bungalows, the higher height would not be appropriate and would not be consistent with community character and scale of development. A home in such an area could not be approved in order not to prejudice the City's ability to add refinement and detail to its implementation ordinance. However, because the development is, in fact, consistent with the scale of adjacent development, as proposed the development is consistent with the character and scale of the community.

Anything over 30 feet, however, would have a negative impact on the scale and character of the surrounding community and the visual quality of the area, with the exception of approved chimneys, exhaust ducts, ventilation shafts, and other devices essential for building function.

Therefore, in order to protect the community character and visual quality of the area, Special Condition #1 limits the development at a maximum of 25 feet in elevation above the centerline of the frontage road (Mildred Ave.). At the front yard setback line the height may increase one foot for every one horizontal foot between the front yard setback line and the rear of the lot, to a maximum height of 30 feet above the centerline of the frontage road. Chimneys, exhaust ducts, ventilation shafts, and other similar devices essential for building function may exceed this height limit by up to five feet, consistent with the LUP. This height is consistent with the general height of the area, past Commission actions, and the certified Venice LUP.

Only as conditioned, to limit the height of the single family home does the Commission find the proposed project consistent with sections 30251 of the Coastal Act and with the Certified Venice LUP.

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 or providing substitute means of serving the development with public transportation....

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 three-car garage on the ground floor (Exhibit #6). 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 and the Certified Venice LUP.

Section 30252 of the Coastal Act also requires the provision of substitute means of serving developments with public transportation. Public transportation provides access to the coastline by bringing those who cannot reach the beaches on there own and by lessening the burden on public beach parking facilities and access routes to the beach. The proposed project is the construction of a new single family home approximately 1½ miles from the beach. There currently exists public transit throughout the Venice area. The construction of the proposed project will not jeopardize the existing transit opportunities that serve the Venice coastal area and does not warrant substitute means of public transportation to serve the proposed project. Therefore, the commission finds 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

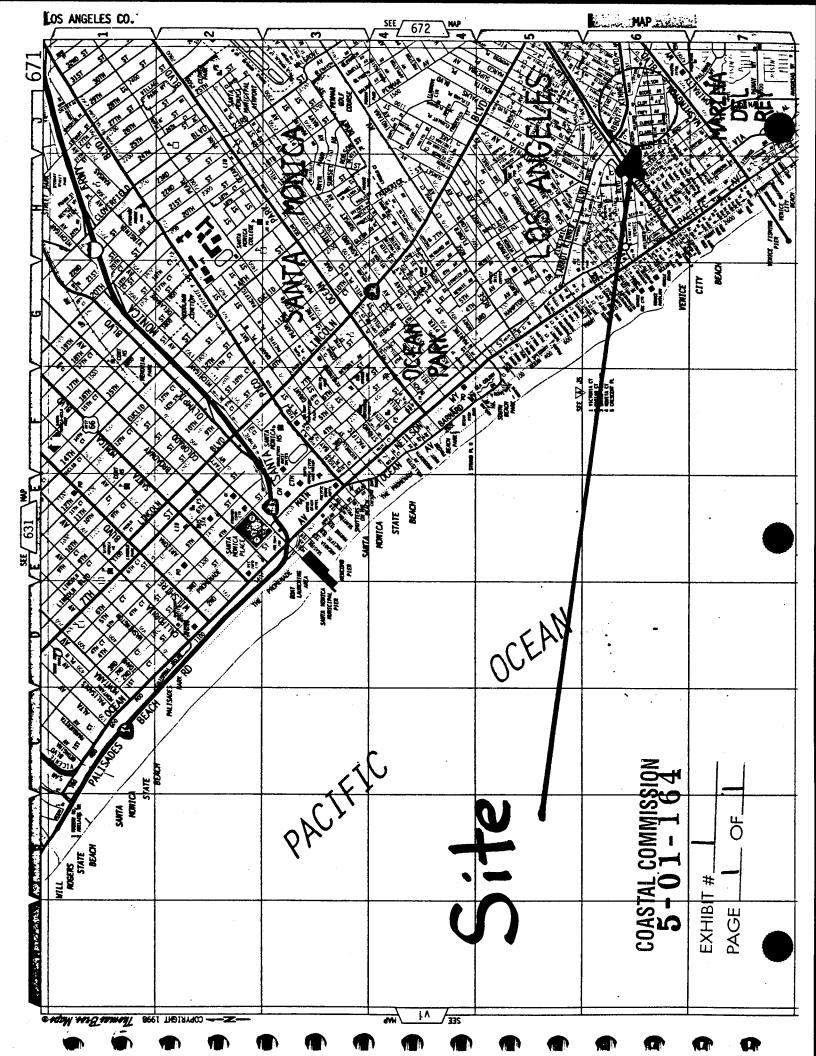
on November 14, 2000. On March 28, 2001, the City of Los Angeles accepted the approved Land Use Plan with suggested modifications. The Venice Land Use Plan was officially certified upon the Commission's concurrence with the Executive Director's determination that the City's submittal is legally adequate on June 14, 2001. The proposed project, as conditioned, conforms to the Commission certified Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

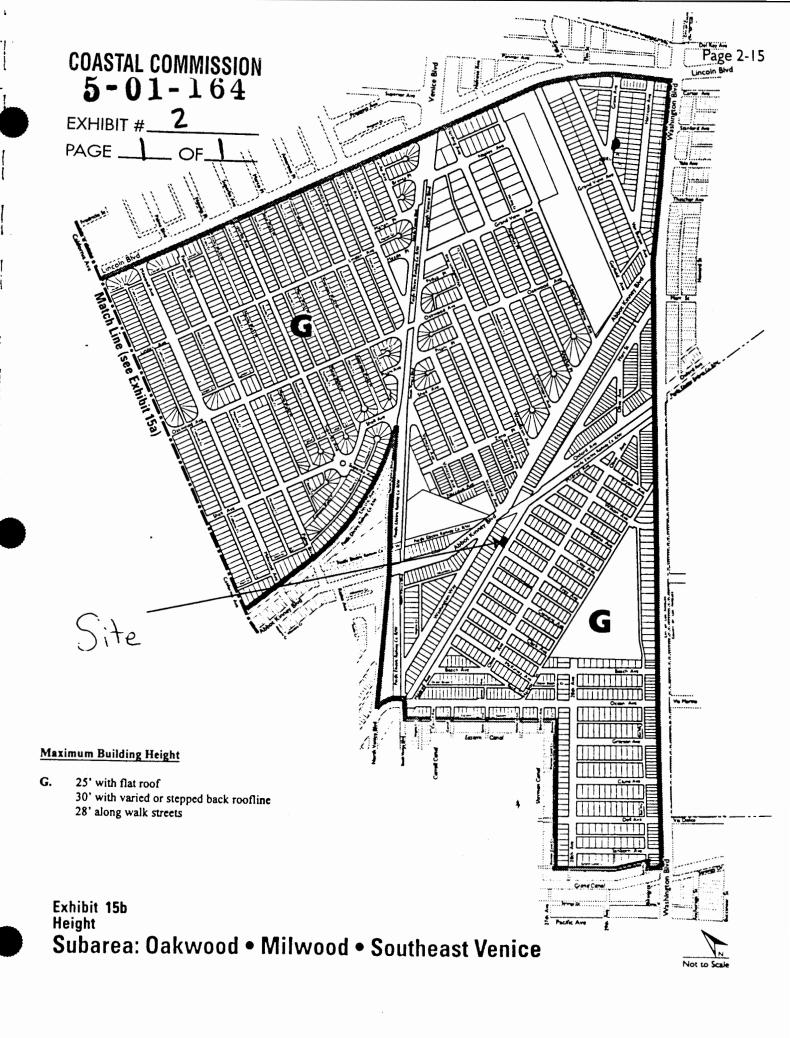
E. California Environmental Quality Act

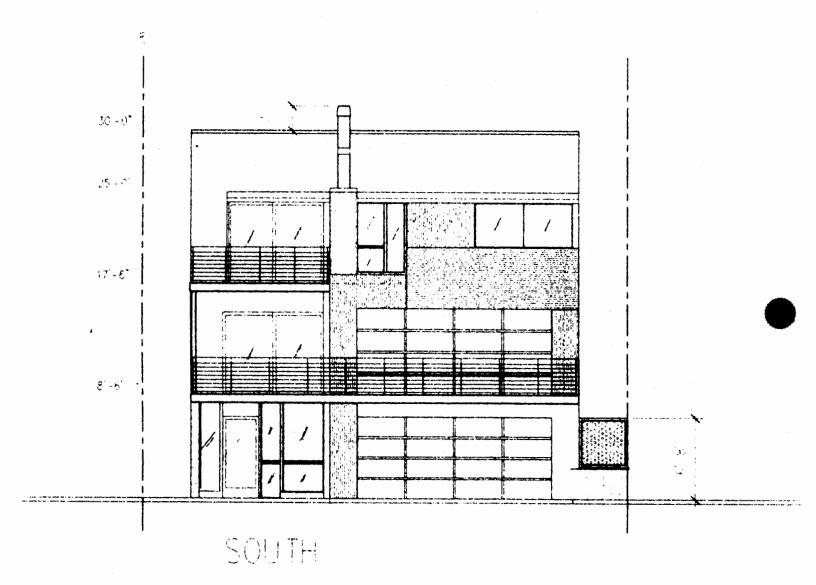
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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.

End/am



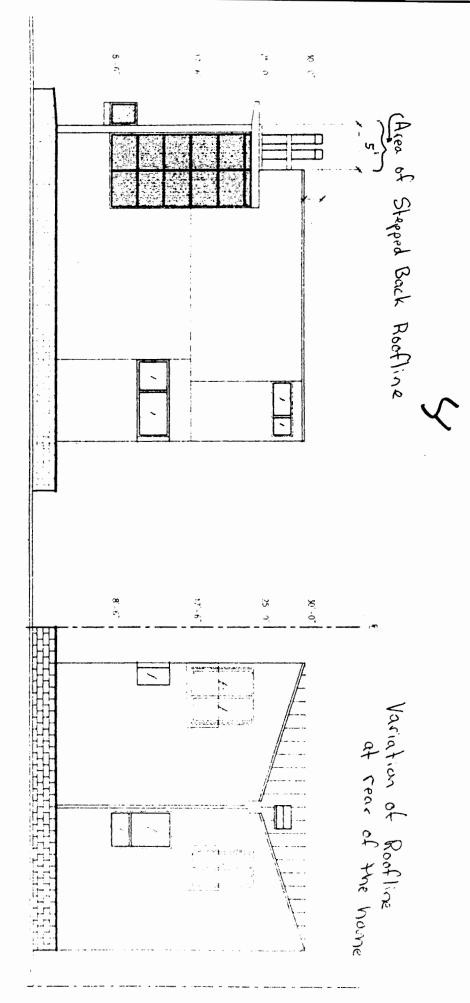




View from Mildrod Ave.

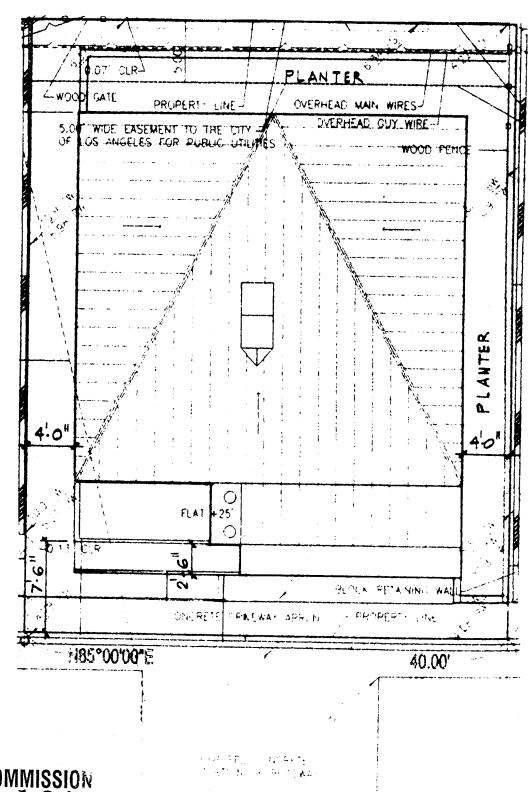
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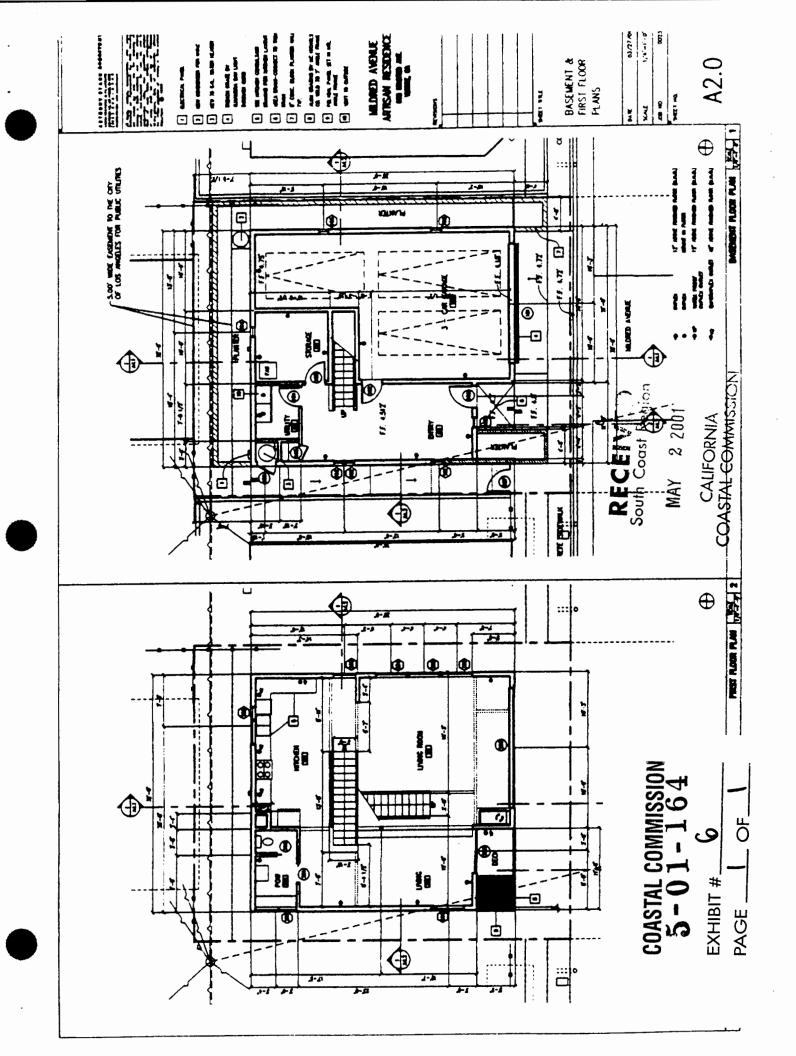
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Street Wall: an exterior wall of a building that faces a street.

Subarea: one of the areas in the Venice Coastal Zone within which a project is located as defined in the "Locating and Planning New Development" Section of the Venice Land Use Plan, as shown in Exhibits 4 through 7.

Stepped Back Roofline: a roof on which the portion that exceeds the flat roof height limit is set back from the required front yard one foot for every foot in height above the flat roof height limit.

Trip: a single or one direction vehicle movement with either origin or destination (exiting or entering) generated by the use of a subject site.

Varied Roofline: any roof which has a slope in excess of 2 inches to 12 inches, including but not limited to a sloped, curved, or stepped back roofline.

Venice Coastal Zone: the area within the Venice community planning area west of Lincoln Boulevard, including those lots fronting on the west side of Lincoln Boulevard (See Exhibits 2a and 2b of this Land Use Plan).

Walk Street: a public street in the Coastal Zone and/or beach area that has been improved for public pedestrian use over part of its width and is landscaped (privately or publicly) over the remainder, but which has not been improved for vehicular access.

Wetland: Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or support the growth of hydrophytes, and shall include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. Wetlands include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Chap1 Venice LUP November 14, 2000

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EXHIBIT # 7

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CITY OF LOS ANGELES

POBERT JANOVICE

A ISOCIATE ZONING ADMINISTRATORS

R NICOLAS BROWN

EMILY J GABEL-LUDDY

DANIEL GREEN

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January 19, 2001

K. John Lee 10966 Rochester Avenue, Suite 5C Los Angeles, CA 90024-6161

APPLICABILITY OF CASE NO. ZAI 79-052(H) AS IT APPLIES TO PROPERTY LOCATED AT 665 MILDRED AVENUE, APN 4228-002-019 - CORRECTION LETTER

On October 17, 1979, under Case No. ZAI 79-052(H), this Office issued an interpretation at the front and area yard regulations as applied to properties located on the northwesterly side of Mildred Avenue between Venice Boulevard and Cloy Avenue extended. By virtue of authority contained in Section 12.27-C,1 of the Municipal Code, the Associate Zoning Administrator determined the following front and rear setbacks on the properties created from the former Pacific Electric Railway Company's right-of-way and located between Venice Boulevard and Cloy Avenue, extended:

7-1/2-foot front yard setbacks measured to Mildred Avenue, 40-foot wide, 7-1/2-foot rear yard measured to the southeast bounded by Tract 6329.

In a letter dated October 10, 2000, you requested confirmation as to the applicability of ZAI 79-052(H) grant pertaining to property located at 663 Mildred Avenue. As you indicated subsequently, the address should have been 665 Mildred Avenue.

Upon reviewing the case, I have determined that the subject property (665 Mildred Avenue) is eligible, as are other properties on the northwesterly side of Mildred Avenue between Venice Boulevard and Cloy Avenue, to enjoy the authorization, terms and limitations, i.e., reduced 7-1/2-foot front and rear yard setbacks as set forth under Case No. ZAI 79-052(H).

If you have any questions, you may contact me at (213) 580-5485.

DAVID KABASHIMA

Associate Zoning Administrator

Direct Telephone No. (213) 580-5485

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DK:cgu

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER