

**CALIFORNIA COASTAL COMMISSION**

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Staff: MS-LB *JH*  
Staff Report: 12/19/01  
Hearing Date: January 8-11, 2001  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-01-377  
**APPLICANT:** Patrick Loo  
**AGENT:** Neman Niaki  
**PROJECT LOCATION:** 3509, 3511 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:**

1. Certified Land Use Plan for Venice, City of Los Angeles, 9/14/00.
2. Coastal Development Permit 5-98-193 (Frye)
3. Coastal Development Permit 5-86-591 (Eisenberg)
4. Coastal Development Permit 7880 (Epstein)
5. Coastal Development Permits 5-01-118, 119, 120, 121, 122, 123 (Lee Group)
6. Coastal Development Permit 5-00-018 (Orenstein)

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending **denial** of the project because the proposed project is inconsistent with roof access structure standards permitted by the City's Certified Land Use Plan for buildings located in the Grand Canal area and is inconsistent with Sections 30210, 30221, 30251 and 30240 of the California Coastal Act which require protection for public and recreational access, the scenic and visual qualities of special coastal communities, and environmentally sensitive habitat areas. The proposed four-foot high roof access structure is not designed and oriented to reduce its visibility from adjacent public walkways and recreation areas. Further, 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 is inconsistent with both the LUP standards for this type of development and Chapter 3 policies of the Coastal Act. The applicant objects to the staff's recommendation.

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**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 that do not fall into any of the three categories listed 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 30 feet inland of Grand Canal in the Ballona Lagoon and Grand Canal West Bank Property Ironside Subarea (Exhibit 1). 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.

The applicant received an Approval in Concept from the City of Los Angeles on September 9, 2001 (Coastal Zone Plan Approval ZA-2001-4482-AIC).

#### **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. In addition, approval would violate the California Environmental Quality Act because there are feasible alternatives that have not been incorporated that would substantially lessen the significant adverse impacts of the development on the environment.

### III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

#### A. Project Description and Location

The applicant proposes to construct a 143 square-foot stair enclosure structure at the existing roof deck over a 64.75 square-foot existing staircase. The purpose of the proposed development is to protect the building interior from leaks during rain. The proposed addition would extend four feet over the roof level of the existing 30-foot high building. The existing two-story building is a two-unit multiple family residence located along the Grand Canal south of Washington Boulevard (Exhibit 1). The project site is located in the Ballona Lagoon and Grand Canal West Bank Property North of Ironside Subarea of Venice (Exhibit 1, P.2).

The City Esplanade, a public right-of-way, provides public pedestrian access along both banks of Grand Canal. The lots located on the banks of Grand Canal, including the lot where the project is proposed, abut the Esplanade right-of-way (Exhibit #2). The surrounding neighborhood is comprised primarily of two-story and three-story single and multiple family residential structures.

#### B. Building Height, Structure Size, Setback, and Visibility

This existing building is 30-feet high. The applicant does not propose to add height to the main structure. The applicant does propose to add a 4-foot high, 143 square foot roof access structure in the southeastern portion of the building (canal fronting side).

##### 1. Relation to LUP Standard

While in most areas of Venice a 10-foot high roof access structure is allowed, in the canals and along the lagoon, the Commission has traditionally required, and now the LUP requires, that roof access structures, up to ten feet in height, to be set back from the canal-side walkways and from the lagoon.

Venice Land Use Plan Policy I.A.7.b states in part:

*Height: Not to exceed 30 feet 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. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30-foot height limit 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.*

*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 LUP Policy I.A.1 and LUP Height Exhibits 13-16).*

The proposed 34-foot high addition is located approximately 20 feet inland from the Esplanade, which would locate it within the 60 horizontal feet limit. Therefore, the development is not consistent with the Venice Land Use Plan Policy I.A.7(b).

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).*

The proposed roof access structure is 4-feet high above the roof level, which is consistent with the 10-foot limit in LUP policy I.A.1.a. (i.) However, the second LUP standard for roof access structures, Policy I.A.1.a. (ii.) above, 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. Therefore, the proposed development is not consistent with the certified LUP (Exhibit #2).

The third LUP roof access structure standard, Policy I.A.1.a.(iii.) 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 approximately 143 square feet, which exceeds the 100 square feet area limit and is inconsistent with the certified LUP (Exhibit #2). However, while originally the applicant proposed a 143 square foot structure, he now is willing to comply with the LUP standard and reduce the total area square footage down to the permitted 100 square feet (Exhibit 5, P1).

The City's fourth LUP roof access structure standard, Policy I.A.1.a.(iv.), 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 structure is located within 20 feet of the Esplanade and is therefore inconsistent with the Venice certified LUP.

While generally the Venice LUP allows roof access structures, there are standards for the particular areas. In the case of the project area (Grand Canal West), the LUP requires that such structures be located 60 feet inland of the Esplanade (City right-of-way). In the Venice Canals subarea, roof access structures must be set back 60 horizontal feet from the mean high tide line of the fronting canal. In the Ballona Lagoon subareas, roof access structures must be set back 60 horizontal feet from the mean high tide line of the Ballona Lagoon or the inland side of the Esplanade (City right-of-way), whichever is furthest from the water. The proposed project is located approximately 20 feet inland 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 argues that the location of the roof access structure is dictated by the location of the existing stairway. Further, he states that the existing staircase has been left open to the elements and over the years, the rain has rotted the wood. The building is approximately 25-30 years old. A coastal development permit (P-80-6404) was granted on February 25, 1980 allowing the conversion of an existing, owner occupied duplex into a two-unit condominium (Exhibit 6). The staircase, a part of the existing structure, cannot be easily relocated. The depth of the lot is 100 feet. The applicant is willing to minimize the size of the roof access structure to 100 square feet (Exhibit 5). However, the structure would still be inconsistent with the LUP standards regarding the location of the structure in reference to the setback. The applicant should consider alternative ways to enclose the existing stairway as discussed in Section G of this report.

## **2. Relation to Development in the Surrounding Area**

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.

In fact, roof access structures were not popular until recently. The Commission began imposing height limits and size limitations to rooftop structures in the last 10 or so years. There were no specific setback standards created until the 2001 certified Venice LUP. In the

northern lot (3505 Grand Canal) adjacent to the subject lot, coastal development permit 7880 (Epstein - 1976) was approved for a 28-foot high, as measured from the centerline of the frontage road, single family residence. The next northern adjacent lot (3501 and 3503 Grand Canal), was issued an administrative permit 5-86-591 for a two-unit condominium in 1986. No height conditions were imposed. The building appears to be approximately 30-feet high. There is no roof access structure that is visible from the Esplanade on any of these lots north of the project site. The adjacent lots south of the project site, (3601, 3605, 3609, 3615, 3701, 3705 Grand Canal) were recently granted coastal development permits for single family residences (Permit No. 5-01-118, 119, 120, 121, 122, 123 – The Lee Group). The Commission approved the permits in June 2001 requiring that no portion of the structure exceed 30 feet above the Grand Canal Esplanade sidewalk. No roof access structures were proposed or approved.

Directly across the canal from the subject property on Via Dolce is a vacant lot with a pending coastal development permit for a single family residence. The next adjacent lot south is a 30-foot high single family residence with an 8-foot high roof access structure (Coastal Development Permit 5-98-193 Frye). The rooftop structure is partially visible from the Esplanade. There were no conditions requiring the rooftop structure to be set back 60 horizontal feet from the Esplanade. Although there are other residences along the Grand Canal with roof access structures, there is no evidence that the Coastal Commission has approved all of them. Many of the buildings within this area along the Grand Canal were also approved prior to the certification of the Venice LUP containing the roof access structure setback requirement (CDP No's: 5-86-591, 5-98-193, 5-87-657, 5-87-658, 5-87-659, 5-87-965, 5-87-966, 5-87-967, 5-87-968, 5-87-969).

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 building height limit to 30 feet (within 60 horizontal feet from the Esplanade) 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 West Bank area, there was not a strict height limit restriction. Projects were reviewed and dealt with on a case by case basis. The certified LUP building height limit for this area is currently 30 feet including flat roofed projects. The 30-foot maximum height limit applies to all development within 60 horizontal feet of the Esplanade (City right-of-way), including roof access structures.

The applicant contends that residences across the canal, along Via Dolce, have similar roof access structures that are not set back 60 horizontal feet from the inland side of the Esplanade. Staff has researched prior coastal development permits from the Coastal Commission and concurs with the applicant that other residences in the Grand Canal neighborhood do have rooftop structures within 60 horizontal feet. However, like those

discussed previously, those instances reflect approvals granted prior to the certification of the most recent Venice Land Use Plan (Certified by the California Coastal Commission on June 12, 2001), thus prior to the current roof access structure standards. 3511 Via Dolce is a vacant lot directly across the canal from the subject lot. The following permits apply to the lots that are located adjacent to and south of the vacant lot. Permits issued:

3515 Via Dolce, 1998 – 8-foot roof access structure that is setback approximately 40 feet from the canal property line.

3602 Via Dolce, 1995 – no roof access structure

3608 Via Dolce, 1993, 1995 – no roof access structure

3610 Via Dolce, 1995 – no roof access structure

3614 Via Dolce, 1995 – no roof access structure

3618 Via Dolce, 1995 – no roof access structure

The next 8 adjacent lots south were granted permits in 1987, all but one having roof access structures. Permits Issued:

5-87-657, no roof access structure proposed.

5-87-658, roof access structure set back approximately 34 feet from the canal property line.

5-87-659, roof access structure set back approximately 34 feet from the canal property line.

5-87-965, roof access structure set back approximately 30 feet from the canal property line.

5-87-966, roof access structure set back approximately 36 feet from the canal property line.

5-87-967, roof access structure set back approximately 31 feet from the canal property line.

5-87-968, roof access structure set back approximately 31 feet from the canal property line.

5-87-969, roof access structure set back approximately 30 feet from the canal property line.

The permits listed above did not have conditions requiring that the roof access structures be set back 60 horizontal feet from the Esplanade (City –right-of-way). In the late 1980's, roof access structures seemed to become more popular along the Venice canals. The Commission attempted to minimize adverse visual impacts by requiring that the structures be minimized in their size. In the 1990's, the Commission required that the structures be set back from the Esplanade but did not impose specific setback distances. The Commission also required that the area of the structures be reduced down to a minimum, again without specific area limitations. Prior to the Commission adopting the Venice Land Use Plan, there were not any specific provisions for roof access structure setbacks. Since the certification of the City LUP, the Commission has required all roof access structures to comply with the LUP standards (5-01-271, 5-01-201, 5-01-118, 5-01-119, 5-01-120, 5-01-121, 5-01-122, 5-01-123)

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. The Commission has found that the roof access structure standards of the recently certified LUP ensures that development along the Grand Canal will be protective of the ESHA, visual, and recreational resource protection policies of the Coastal Act.



### C. Habitat

Grand Canal and the Ballona Lagoon wetlands system are environmentally sensitive habitat areas that must be protected from the negative impacts associated with development. Grand Canal and Ballona Lagoon are habitat areas for many species of marine biota, including the state and federally listed endangered least tern.

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

In a survey and study conducted by Charles F. Dock and Ralph W. Schreiber (1981) of the birds of the Ballona wetlands area, analysis was done to observe bird nesting, flight, and habitat patterns<sup>1</sup>. The study states:

*The lagoon... provides useful habitat for a variety of wild bird species. It would be preferable to maintain access to the lagoon for migrant and wintering species. To this end, the mouth of the lagoon should be kept free of obstructions as much as possible, as most birds appear to enter the lagoon from the marina channel.... Tall buildings immediately surrounding the mouth of the lagoon might well discourage entrance to the lagoon, just as large structures around the entrance to the Venice Canal system appear to inhibit its use. The mudflats at either end of the lagoon should be maintained, and tidal flow should be largely unrestricted. This combination would insure the maintenance of foraging and resting grounds for shorebirds and the survival of their invertebrate and vertebrate prey. ... Limiting the height of buildings immediately adjacent to the lagoon would also be preferable. Tall buildings along the banks would create an artificial "canyon effect" and would be likely to discourage bird use, much as it appears to do in the canal system. Multi-story structures in the immediate vicinity are probably an important factor in limiting water and shorebird use of the Los Angeles County Bird Conservation Area.... The buffer zone along the lagoon could be landscaped in such a way to improve its aesthetic appeal and also provide some protection from human disturbances for the birds.*

In response to the research and analysis done by Dock and Schreiber, the Commission found that both the height and setback distance of new development would affect bird flight and habitat patterns. Not only does the Commission require height setback limits to protect the visual quality of the surrounding area, but also to lessen the impact that massing of development would ultimately have on the abundant bird populations of Ballona Lagoon and the Venice Canals system. Although the proposed project itself may not have a large-scale impact on bird flyways, the Commission must consider the cumulative adverse impacts of all

<sup>1</sup> Biota of the Ballona Region, Los Angeles County, by Ralph W. Schreiber, 1981, pg. Bi-27 to 28.

proposed structures that collectively have significant adverse impacts. Therefore, the 60-foot setback (from the Esplanade) for any development above 30 feet is also required for consistency with Environmentally Sensitive Habitat Area (ESHA) Coastal Act policy 30240.

**D. Recreational Access**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Policy II.C.1. of the Venice certified LUP states in part:

General Non-Vehicular Coastal Access Policy. *Pedestrian and bicycle access ways are identified on Exhibit 19. Pedestrian Access and Bicycle Trails shall be developed, protected and maintained, and new development adjacent to the coast and coastal waterways shall be required to provide public access in a manner that is consistent with the policies of the Coastal Act.*

*A network of pedestrian and bicycle routes shall be developed, enhanced and maintained to provide linkages within residential neighborhoods and between visitor-serving commercial areas and coastal recreational access points, transit routes, existing and projecting parking facilities, and area of historical significance to facilitate circulation of visitors within the heavily congested areas in Venice.*

The Grand Canal Esplanade provides public access and recreational opportunities along the shoreline of Grand Canal. The Coastal Act and the policies of the Venice LUP protect recreational access along the Grand Canal. Residential development along the canal has been regulated by the Commission pursuant to the Coastal Act and the Venice LUP in order to control development so that the public may continue to utilize the public amenities of the Canal area (5-01-271, 5-01-201, 5-01-118, 5-01-119, 5-01-120, 5-01-121, 5-01-122, 5-01-123). Imposing specific height, setbacks, and size limitations of development, including roof access structures, helps to improve public recreation by reducing bulk and preventing a "canyon effect" along the waterways, which would negatively impact public recreation and enjoyment.

Although there were height limits prior to the June 12, 2001 Venice LUP certification, there were no specific policies on roof access structures prior to the LUP certification.

## **E. Scenic and Visual Quality**

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.*

Building height and bulk can affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development immediately adjacent to Ballona Lagoon and the Venice Canals has been limited to a height of 30 feet (within 60 feet of the Esplanade) in order to provide more air space for bird flyways and to enhance public recreation by protecting the waterways from a canyon effect created by taller buildings [e.g. Coastal Development Permit 5-00-018 (Orenstein)].

In order to protect public access, community character, and scenic 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 Policy I.A.7.b as part of the Venice LUP in order to regulate residential development in the Venice Canals neighborhood.

The certified LUP has standards to limit visual impacts of roof access structures. The roof access structure shall not exceed a flat roof height limit by more than 10 feet, a structure shall be designed and oriented to reduce visibility from walkways, a maximum area of 100 square feet and all roof access structures shall be set back at least 60 horizontal feet from the inland side of the Esplanade (City right-of-way)

As discussed, the proposed project would violate Venice Land Use Plan Policy I.A.7(b), LUP Policy I.A.1(a) roof access structure limitations (ii, iii, iv), and Section 30251 of the Coastal Act. The staff's recommendation is based on the City of Venice's Certified LUP (November 14, 2000) and the Coastal Act Section 30251. It is important to comply with the City's LUP standards so as to establish a foundation of consistency for future developments and to prevent prejudicing the LCP process.

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 states that previous owners have left the access area open and over the years the rain has deteriorated the existing staircase. The applicant has agreed to revise the size of the roof access structure to comply with the LUP standard of a maximum 100 square foot area (Exhibit 5). 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. The applicant did receive an Approval in Concept (ZA-2001-4482-AIC, 9/21/01) 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. 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 scenic and visual quality (public resource) in the Grand Canal neighborhood. Therefore, the proposed project is denied.

#### **F. 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.

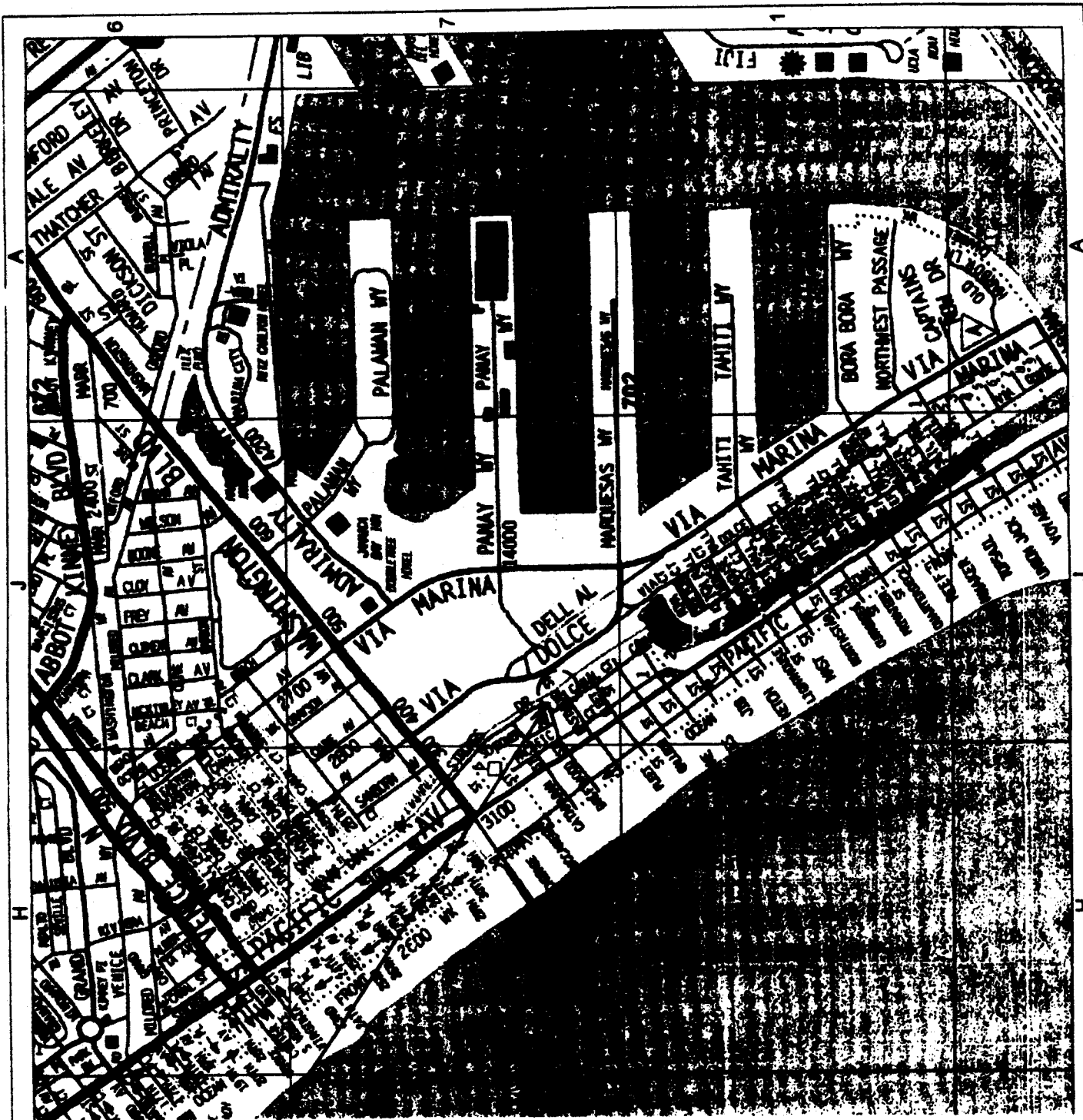
The certified Venice LUP contains roof access structure provisions (LUP Policy I.A.1.a) and building height provisions (LUP Policy I.A.7) to protect coastal views and the character of the Venice Grand Canal community, including a 30 foot height limit within 60 horizontal feet of the Esplanade (City right-of-way), for residential development built along the Esplanade. The building height setback provisions are also imposed for habitat reasons. 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.

#### **G. 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 property: a multiple-family residence. Construction of some kind of at grade cover or hatch system for the opening in the roof deck constitutes a feasible alternative to the construction of the proposed four-foot high staircase enclosure. A hatch type cover would have less adverse visual and bird use effects. Another alternative could be to close off the existing stairway roof access and construct a new stairway and roof access structure that is located at least 60 feet inland of the Esplanade (city right-of-way).

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 REY, CA

COASTAL COMMISSION

EXHIBIT # 1  
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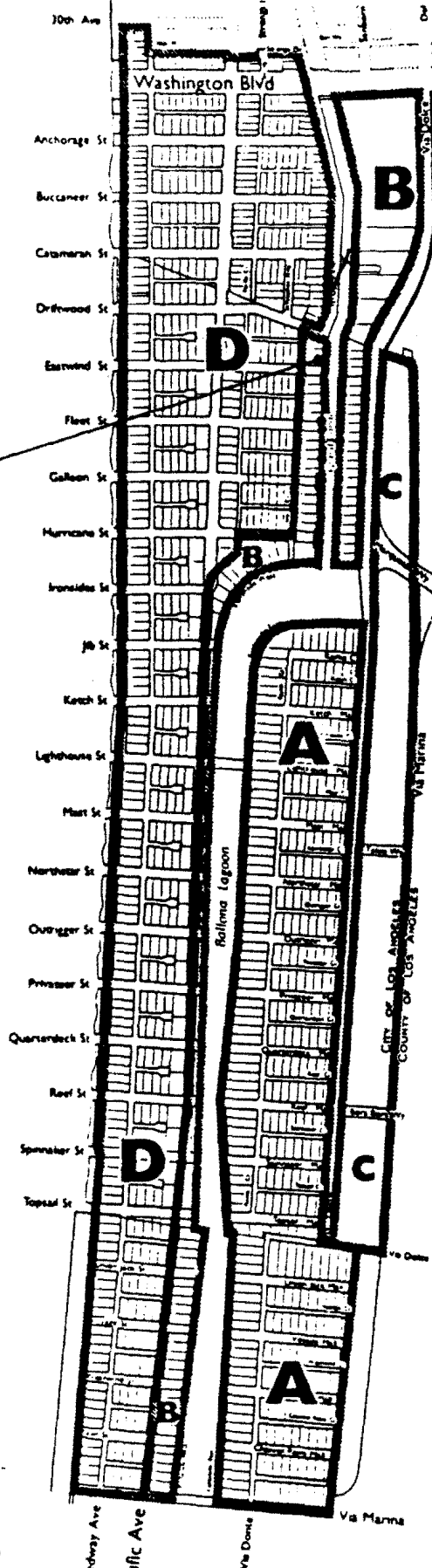
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South Coast Region

SEP 20 2001

CALIFORNIA  
COASTAL COMMISSION

VICINITY MAP

Project  
Location



\* **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.

**COASTAL COMMISSION**

EXHIBIT # 1

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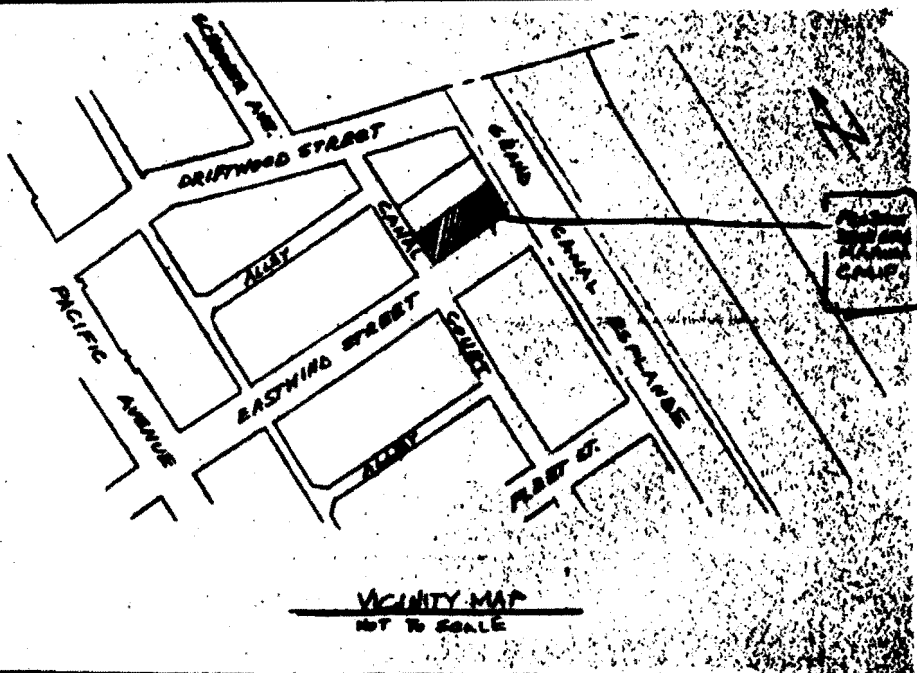
5-01-377

Exhibit 13  
Height

Subarea: Marina Peninsula • Silver Strand •

Ballona Lagoon West • Ballona Lagoon(Grand Canal) East



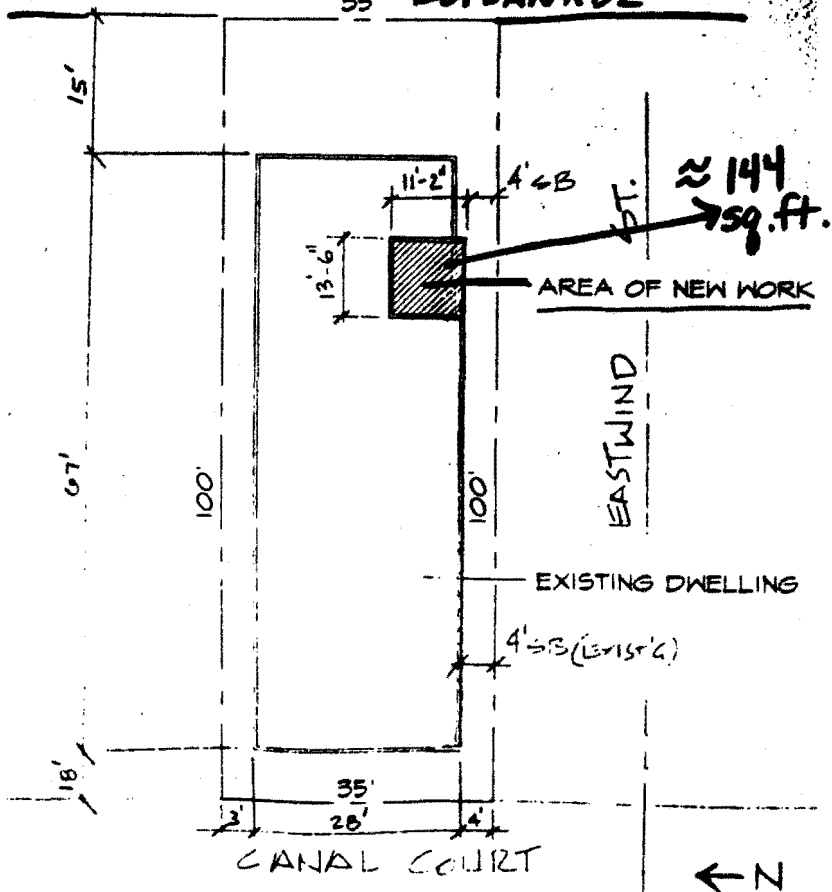


## SITE PLAN

### GRAND CANAL

GRAND CANAL ESPLANADE

35' ESPLANADE



— FIRE BLOCKING AT FLOOR, CEILING, COVERS  
HEIGHT OF WALLS OVER 6'-6" IN HEIGHT.  
SHALL CONFORM TO PROVISIONS OF CHAPTER 54  
3 EDITION OF THE CITY OF LOS ANGELES UNIFORM  
CODE.  
1 ASSEMBLIES SHALL BE CLASS 'A' OR 'B' FIRE  
TYPES. SEE ARCHITECTURAL DRAWINGS AND  
NOTES.  
UTILITY REQUIREMENTS SHALL BE IN ACCORDANCE  
BUILDING CODE.  
ALL INSULATION SHALL BE R-11, AND ROOF/  
CEILING SHALL BE R-19.

CONTRACTOR SHALL SUBMIT LANDSCAPING LAYOUT,  
PAVING LIST, PLUMBING DETAILS, SOILS PRE-  
PARATIONS 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 WHERE DRUG STORAGE OCCURS.

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

STREETS SHALL BE 24 HOUR RATED AND SHALL  
BE MAINTAINED AND SERVICED.

ROOMS SHALL BE PROVIDED WITH SMOKE DETECTORS  
WITH USC STANDARD NO. 42-B AND USC SECTION 1204.  
FALLS SHALL BE INSTALLED IN ACCORDANCE WITH ALL  
REQUIREMENTS SET FORTH IN CHAPTER 30 1993 USC.

## COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 1  
**5-01-377**

## ARCHITECTURAL



LOCATION  
OF  
PROPOSED  
STRUCTURE

EXISTING  
STAIRCASE

COASTAL COMMISSION

EXHIBIT # 3  
PAGE 1 OF 1  
5-01-377

NEW ADDITION

WEST ELEVATION

NEW  
ADDITION

FLOOR  
LEVEL

FLOOR TOP OF  
STAIRCASE

STAIR TOP OF  
STAIRCASE

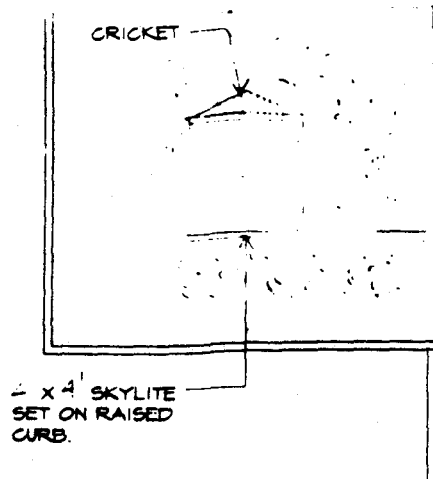
34'-6"

EXISTING BLOCK WALL

ESPLANADE

EAST ELEVATION

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



ROOFING SLOPE  
1/4" PER FOOT  
TO DRAIN.

EXISTING  
ROOFING  
CURBING  
V.L.

PROJECT

ROOF PLAN

COASTAL COMMISSION

ESPLANADE

EXHIBIT #

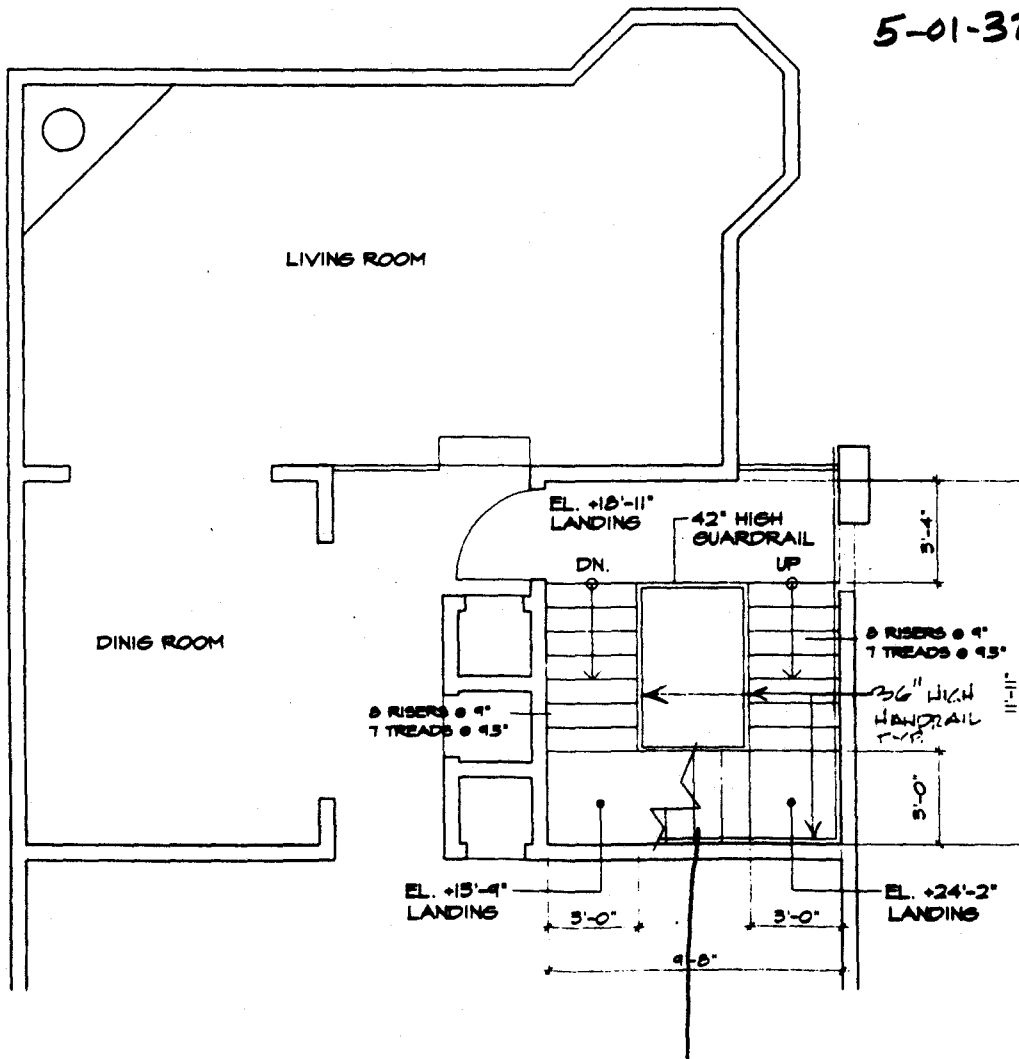
4

PAGE

1

OF 1

5-01-377



SECOND FLOOR

EXISTING  
STAIRCASE

NO. DA

STA  
AND

PREPARED BY

MR.  
3501  
MERI

SHEET TITLE

PLA  
ROC

SCALE

JOB NO.

DATE

December 15, 2001

California Coastal Commission  
South Coast Area Office  
200 Ocean Gate, Suite 1000  
Long Beach, CA 90802-4302

**RECEIVED**  
South Coast Region

DEC 18 2001

CALIFORNIA  
COASTAL COMMISSION

In reference to application 5-01-377, I am requesting you make an exception and set aside the staff recommendation to deny my permit application.

This building was constructed nearly 20 years ago with an open stairwell which provided access to the roof. Unfortunately, over the years, severe structural damage developed from exposure to rain. The structural damage from water, and resulting dry rot will recur unless I enclose the stairwell. Under this application, I am seeking to repair and protect a stairwell in a cost effective manner while still maintaining access to the roof of the building.

The Staff Report of October 22, 2001 recommends denial of my application for the following reasons:

1. Violation of the Venice Land Use Plan Policy I. A. 1. a:
  - a. The size of the roof access structure will exceed 100 square feet.
  - b. The roof access structure will be located within the limit of 60 feet from the mean high tide of the canal.
  - c. The roof access structure will be visible from the adjacent public walkways and recreation areas.
2. Violation of Section 30251 of the Coastal Act.

Regarding the Venice Land Use Plan, I am attempting to mitigate and comply as much as possible. As noted in the Staff Report, I am instructing my engineer to draft a planned roof access structure of under 100 square feet and will submit these revisions for review as soon as possible. The location of the roof access structure is driven by the location of the stairwell, approximately 35 feet from the mean high tide line. While the roof access structure would be visible from the walkways and recreation areas, it will be no more noticeable than those of other structures immediately adjacent to my building. See attached exhibits.

As for Section 30251 of the Coastal Act and its interpretation regarding community character; this construction will actually render my building more consistent with the surrounding architecture and the community as a whole. While not my original intention, this contradicts the contention made by the Staff Report to this point.

I have been working on obtaining this permit for over a year and have gutted my stairway. The construction of my stairway is under way and the completion of the enclosure is becoming critical. Additionally, further delay of the construction process completely prohibits access to my upper unit. Until I obtain a permit to enclose my stairway I cannot rent my upper unit which will cause a financial hardship. I have a very large mortgage on this property and depend on the rent of my unit to pay for my mortgage.

Sincerely,

*Patricia Lee*

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 1 OF 3  
**5-01-377**

# AMERICORP FUNDING

REAL ESTATE FINANCING

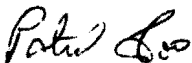
Monday, December 17, 2001

Melissa Stickney  
Coastal Commission  
200 Ocean Gate Suite 1000  
Long Beach, CA 90802

To whom it may concern,

Attached are pictures of properties located across the street from my property. Please note that everyone of these structures has a similar stairway enclosure for their stairway leading to the roof. All photos are taken from the perspective of my property at 3511 Grand Canal and are within 100 feet.

Sincerely,



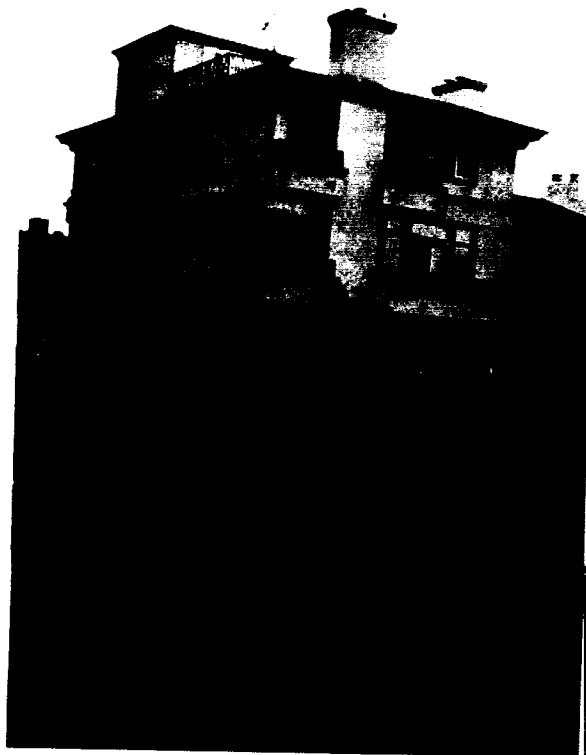
Patrick Loo

**COASTAL COMMISSION**

EXHIBIT # 5

PAGE 2 OF 3

5-01-377



THIS HOUSE IS LOCATED  
DIRECTLY ACROSS THE CANAL  
(ON BELLE) THE PROPERTY HAS  
AN ENCLOSURE FOR THE STABLES



ALL THESE PROPERTIES ARE LOCATED  
ACROSS THE CANAL FROM THE  
GRAND CANAL. EACH PROPERTY HAS  
AN ENCLOSURE FOR THEIR STABLES

VIEW FROM THE  
FRONT OF THE CANAL CHAIN



COASTAL COMMISSION

EXHIBIT # 5

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5-01-377

## CALIFORNIA COASTAL COMMISSION

## SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(714) 590-5071 (714) 846-0648

## COASTAL DEVELOPMENT PERMIT

Permit Type: ☐ Administrative ☒ Standard ☐ EmergencyApplication Number: P-80-6404, LGA-12, 686-79(c)Name of Applicant: Edward L. Callahan and Richard L. Otterstrom2478 Lincoln Boulevard, Marina del Rey, CA 90291Development Location: 3509 - 3511 Grand CanalVenice (Marina Peninsula), CADevelopment Description: Conversion of an existing owner-occupied  
(owned by partnership) duplex into condominiums.I. Whereas, at a public hearing, held on February 25, 1980at Torrance by a vote of 10 to 0,

the Commission hereby grants, subject to condition/s, 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions: (From L.A. City Permit 686-79(c):

1. That the herein approved Coastal permit shall be of no force and effect unless and until Parcel Map No. 4510-CC is recorded.
2. That the applicant submit revised plans showing the existing dwelling and two double garages and one additional guest parking space.

COASTAL COMMISSION

EXHIBIT # 6PAGE 1 OF 25-01-377

Condition/s Met On 3-24-80 By AKH kph

- III. This permit may not be assigned to another person except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent/s authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued on behalf of the South Coast Regional Commission on March 24, 1980.

M. J. Carpenter  
M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number P-80-6404 and have accepted its contents.  
LGA-12, 686-79(c)

\_\_\_\_\_  
(Date)

COASTAL COMMISSION  
\_\_\_\_\_  
(Signature)

EXHIBIT # 6

PAGE 2 OF 2

5-01-377

