

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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 Staff Report: 10/17/2002
 Hearing Date: November 5, 2002
 Commission Action:

**Items Tu15d&e****STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-268 **APPEAL NUMBER:** A5-VEN-02-236

APPLICANT: Villa Lido, LLC

AGENTS: Elaine McElmury & Will Nieves

PROJECT LOCATION: 2205 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Adjustment of lot line, and after-the-fact authorization for demolition of a two-story single family residence and construction of a three-story, thirty-foot high (with 38-foot high roof access structure), 3,513 square foot single family residence with an attached two-car garage on a beachfront lot.

Lot Area	2,340 square feet
Building Coverage	1,614 square feet
Pavement Coverage	726 square feet
Landscape Coverage	0 square feet
Parking Spaces	2
Zoning	RD1.5-1
Plan Designation	Multi-Family Residential – Low Med II
Ht above final grade	38 feet

LOCAL APPROVALS:

1. City of Los Angeles Local Coastal Development Permit No. 2001-4837.
2. City of Los Angeles Project Permit Case No. DIR2001-1744, 6/25/2001.
3. City of Los Angeles Yard Variance Case No. 2000-1019, 8/25/2000.
4. City of Los Angeles Parcel Map Exemption No. 2000-1016, 8/25/2000.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a de novo permit (A5-VEN-02-236) and a coastal development permit (5-01-268) for the proposed residential development with special conditions relating to residential density, parking, building height, and permeable yard area. The applicant agrees with the recommendation. **See Page Three for the motions.**

STAFF NOTE: The proposed project is located immediately inland of the Venice Boardwalk (Ocean Front Walk) and within three hundred feet of the beach (Exhibit #2). Therefore, the site is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of Title 14 of the California Code of Regulations, any development located in the *Dual Permit Jurisdiction* that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission.

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 located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

Local Coastal Development Permit No. 2001-4837, approved by the City for the proposed single family residence, was appealed to the Commission on July 16, 2002 (Appeal No. A5-VEN-02-236). On September 9, 2002, the Commission found that a Substantial Issue exists with the City's approval of the proposed project. In order to minimize duplication, Commission staff has combined the de novo appeal permit (A5-VEN-02-236) and coastal development permit application (5-01-268) into one staff report and one Commission hearing. However, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo appeal permit and one action for the coastal development permit application filed directly with the Commission. Staff is recommending that the Commission approve both permits with the following identical special conditions and findings (See Page Three).

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 City of Los Angeles Land Use Plan (LUP) for Venice is advisory in nature and may provide guidance.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit Application 5-01-267 (Villa Lido, 2201 OFW).
3. Substantial Issue Findings for Appeal Nos. A5-VEN-02-236 & A5-VEN-02-275, Commission Staff Report dated August 29, 2002.
4. Coastal Development Permits 5-99-273 & 5-99-274 (Bieber, 2401-2403 OFW).
5. Coastal Development Permit 5-00-477 (Yoon, 5007 OFW).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the de novo permit and the dual coastal development permit application with special conditions:

MOTION I: *"I move that the Commission approve Coastal Development Permit A5-VEN-02-236 pursuant to the staff recommendation."*

MOTION II: *"I move that the Commission approve Coastal Development Permit 5-01-268 pursuant to the staff recommendation."*

Staff recommends two **YES** votes. Passage of these motions will result in approval of the de novo permit and dual coastal development permit as conditioned and adoption of the following resolutions and findings. Each motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions of A5-VEN-02-236

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 of the Coastal Act. 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. Resolution: Approval with Conditions of 5-01-268

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 of the Coastal Act. 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.

III. 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.

IV. Special Conditions

1. Residential Density

The permitted use of the property is a single family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Parking

A minimum of two parking spaces shall be provided and maintained in the garage of the approved structure as shown on the proposed project plans. Vehicular access to the two on-site parking spaces shall be taken only from Speedway Alley.

3. Building Height

The roof of the approved structure shall not exceed thirty feet (30') in elevation above the Ocean Front Walk right-of-way. Roof deck railings of an open design may extend

up to 42 inches above roof. One roof access stairway enclosure, with a footprint not to exceed one hundred square feet in area, may extend up to 38 feet in elevation above the Ocean Front Walk right-of-way as shown on the approved plans. No portion of any structure shall exceed 38 feet in elevation above the Ocean Front Walk right-of-way.

4. Permeable Yard Area

In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of coastal waters, a permeable yard area shall be maintained in the front yard area between the structure and the front property line. The area within a six-foot front yard setback shall be maintained as the required permeable yard area as shown on **Exhibit #3 of 10/17/02** staff report. No more than twenty percent (20%) of the permeable front yard area shall be covered with impervious materials (i.e. balcony, walkway, fences and garden walls). At least eighty percent (80%) of the front yard area shall be maintained in a permeable state.

5. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the two-foot adjustment of a lot line between two abutting beachfront lots and the development of one of the lots with a three-story single family residence (Exhibits #2&3). This staff report (for applications A5-VEN-02-236 & 5-01-268) addresses the proposed lot line adjustment and the after-the-fact approval for the single family residence at 2205 Ocean Front Walk (Lot No. 2, Block 6 of Short Line Beach Subdivision). A separate but related staff report (for applications A5-VEN-02-275 & 5-01-267) addresses the single family residence that has been constructed at 2201 Ocean Front Walk (Lot No. 1, Block 6 of Short Line Beach Subdivision).

A two-story single family residence that formerly occupied both lots (Lot Nos. 1 & 2) was demolished in 2000. The two lots are situated on the southeast corner of South Venice Boulevard and Ocean Front Walk in North Venice (Exhibit #2). Ocean Front Walk, the pedestrian street/boardwalk that runs along the inland side of the beach between the City of Santa Monica and the Venice Pier area, separates the project sites from the Venice Boulevard public beach parking lot situated on the seaward side of the boardwalk. South Venice Boulevard is a major coastal access road that terminates at the public beach parking lot (Exhibit #1).

The proposed single family residence has three-stories, 3,513 square feet of floor area, and an attached two-car garage with access from Speedway Alley (See Exhibits). The proposed roof height is thirty feet, as measured from the Ocean Front Walk elevation. A chimney, the roof deck railings, and a 38-foot high roof access structure would exceed the thirty-foot roof height (Exhibit #4).

The proposed project also includes a two-foot adjustment of the (shared) lot line that separates the project site and the abutting lot (Exhibit #2: Lot Nos. 1 & 2, Block 6 of Short Line Beach Subdivision). On August 25, 2000, the City of Los Angeles Zoning Administrator approved a Parcel Map Exemption (Case No. 2000-1016) for the proposed lot line adjustment, but a coastal development permit has not yet authorized the lot line adjustment. Without the requested lot line adjustment, the lot dimensions would remain as they were last changed in 1933: Lot 1 would remain 28 feet wide, and Lot 2 would remain 24 feet wide. With the approval of the requested lot line adjustment, each lot would be equally 26 feet wide.

The Commission has recognized in both prior permit and appeal decisions that North Venice, where the proposed project is located, is a unique coastal community [e.g. Coastal Development Permit 5-90-396 (Ehrman)]. 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 North Venice neighborhood. These building standards, which apply primarily to density, building height and parking 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 community character.

The Commission on June 14, 2001 officially certified the Venice Land Use Plan (LUP). The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the North Venice neighborhood where the proposed project is situated. 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 unique character of the area.

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. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this coastal development permit.

B. Community Character

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to

minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

In order to protect public access, community character and visual quality in the North Venice area, the Commission has consistently limited residential density and structural height.

Residential Density

In order to preserve the character of the North Venice community, the Commission has consistently limited residential density to two units on lots less than 4,000 square feet in area. The certified Venice LUP limits residential density in North Venice to two units on lots less than 4,000 square feet in area. The proposed project is situated on a 2,340 square foot lot (after lot line adjustment). The applicant proposes to construct a single family residence. Therefore, the proposed project conforms to the density limit for the site.

Building Height

Building height and bulk can also affect the scenic and visual qualities of the North Venice coastal area. In previous approvals, the Commission and the City have both consistently limited new developments in the North Venice area to a height of thirty feet measured above the fronting right-of-way. The thirty-foot height limit for the North Venice area is the standard of the Commission's Interpretive Guidelines, the City of Los Angeles Venice Specific Plan, and the certified Venice LUP. The Venice Specific Plan and the certified Venice LUP, however, allow buildings in North Venice to be built up to 35 feet if they provide a varied or stepped back roofline.

In this case, the proposed single family residence has a thirty-foot high roof that complies with the thirty-foot height limit for flat-roofed structures in North Venice (Exhibit #4). The proposed project includes a 38-foot high (above Ocean Front Walk elevation) stairway enclosure on the roof and 42-inch high safety railings around a proposed roof deck. The proposed roof access structure, which would provide access to the proposed roof deck, covers less than one hundred square feet of the roof (Exhibit #5). No portion of the proposed structure would exceed a height of 38 feet above the Ocean Front Walk elevation (Exhibit #4).

The Commission and the City both permit portions of some structures to exceed the flat-roof height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. The portions of structures which have been previously allowed to exceed the flat-roof height limit include railings around roof decks, small roof access structures and elevator housings (100 square feet or less), chimneys, air conditioning equipment, and skylights. These rooftop structures must be sited upon the roof in a manner which minimizes their visibility from Ocean Front Walk and the public beach. Roof access structures have been permitted to exceed the flat-roof height limit only if they contain no living or storage space and if they do not negatively impact the area's visual resources.

Policy I.A.1.a of the certified Venice LUP 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).*

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.

As stated above, the Commission allows certain rooftop structures to exceed the flat-roof height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. As proposed, the design of the proposed project would not adversely affect the visual resources of the North Venice area and complies with the visual resource policies of the Coastal Act. The proposed 38-foot high roof access structure is located near the rear (alley side) of the structure in order to reduce its visibility from Ocean Front Walk and the public beach (Exhibit #4). The footprint of the proposed roof access structure does not exceed one hundred square feet in area, and there is no living area or storage space proposed above the thirty-foot flat height limit. Therefore, the Commission finds that the proposed project conforms to the certified Venice LUP and previous approvals in the North Venice area, and the scenic and visual qualities of the area will not be negatively impacted.

In order to ensure that the proposed project is constructed as approved, the permit approval is conditioned to limit the roof height of the proposed single family residence to thirty feet above the elevation of the Ocean Front Walk right-of-way. Roof deck railings may extend up to 42-inches above the flat roof, and one roof access stairway enclosure (with a footprint not to exceed one hundred square feet in area) may extend up to 38 feet in elevation above the elevation of Ocean Front Walk as shown on the approved plans. No portion of any structure shall exceed 38 feet in elevation above Ocean Front Walk. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

C. 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 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

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 high density North Venice area do not provide adequate on-site parking. There is also a lack of on-street public parking due to the use of most of the area's streets as pedestrian-only walk streets. As a result, there is a parking shortage in the area and public access has been negatively impacted. Guests and residents of the area often occupy the limited amount of public parking in the area that may be available for the general public. This situation has limited the public's ability to access Venice beach.

To mitigate this problem, the Commission has consistently conditioned new development within the North Venice area to provide two parking spaces per residential unit. In some cases, additional on-site parking must be provided. All residential parking must be provided on the site. Private parking areas are not permitted on public rights-of-way.

The applicant proposes to provide two on-site parking spaces in an attached garage accessed from Speedway alley. The two proposed on-site parking spaces provide an adequate parking supply for the proposed single family residence. Therefore, the proposed project conforms to the Commission's parking standards for the area.

In order to ensure that the proposed project is constructed and used as proposed, the permit is conditioned to limit use of the approved structure to a single family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. The condition is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for beach goers, and as a result, reduce the ability of the public to access the coast. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

D. Marine Resources and Water Quality

The Commission has found that coastal waters must be protected from negative impacts associated with development.

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 such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project is located about immediately inland of the beach and the Pacific Ocean (Exhibit #1). The ocean is habitat for many species of marine biota, including the state and federally listed endangered least tern. Drainage leaving the project site drains into coastal waters via the City stormwater system. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of coastal waters which directly impacts the biological productivity of the system.

In order to protect the biological productivity of coastal waters, the Commission has consistently conditioned projects to provide and maintain permeable yard areas to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

Therefore, in order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of the coastal waters, the proposed project is not permitted to convert the project site into a one hundred percent impervious surface. A portion of the site must be maintained as a permeable area to reduce the total amount of runoff that leaves the site.

In prior actions in the Venice area, the Commission determined that no more than twenty percent (20%) of the required front yard setback area could be covered with impervious

materials and be considered to be a permeable yard [See Coastal Development Permit Amendment 5-95-116-A2 (Bailey)]. The proposed project has a six-foot front yard setback which is consistent with the front yard setbacks along the boardwalk. The front yard area within the project's proposed six-foot setback is 156 square feet (Exhibit #3).

Therefore, In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of coastal waters, the permit is conditioned to require that the applicant provide and maintain a permeable yard area within the proposed six-foot front yard setback as shown on **Exhibit #3 of 10/17/02** staff report. No more than twenty percent (20%) of the permeable front yard area shall be covered with impervious materials (i.e. balcony, walkway, fences and garden walls). At least eighty percent (80%) of the 156 square foot front yard area shall be maintained in a permeable state. Therefore, at least 125 square feet of the front yard must be maintained in permeable state. The City imposed the same requirement in its approval of the proposed project.

The Commission finds that, only as conditioned to provide a permeable front yard area to mitigate impacts on biological productivity caused by surface runoff into coastal waters, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

E. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project conforms with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 3010 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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public sidewalk (Venice Boardwalk) currently exists on the seaward side of the project site (Exhibit #2). The boardwalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along Venice Beach. The Coastal Act and the policies of the certified Venice LUP protect public access to the beach and along the Venice Boardwalk. The proposed project will not interfere with the existing public accessway. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

F. Unpermitted Development

The residential development proposed by these coastal development permit applications has already occurred without the review or approval of the Commission. Therefore, these are after-the-fact permit applications. The unpermitted development includes the demolition of the house that formerly occupied the site and the construction of the single family residence that currently occupies the site.

Although development has taken place prior to Commission action on these coastal development permits, consideration of the applications by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on these coastal development permit applications does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

G. 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 the Commission on November 14, 2000 approved it. The Commission officially certified the Venice LUP on June 14, 2001.

The proposed project, as conditioned, conforms to the proposed 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).

H. 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.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project as conditioned can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

VENICE, CA



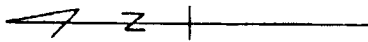
2201-2205 Ocean Front Walk

AS-VEN-02-236
COASTAL COMMISSION
5-01-268

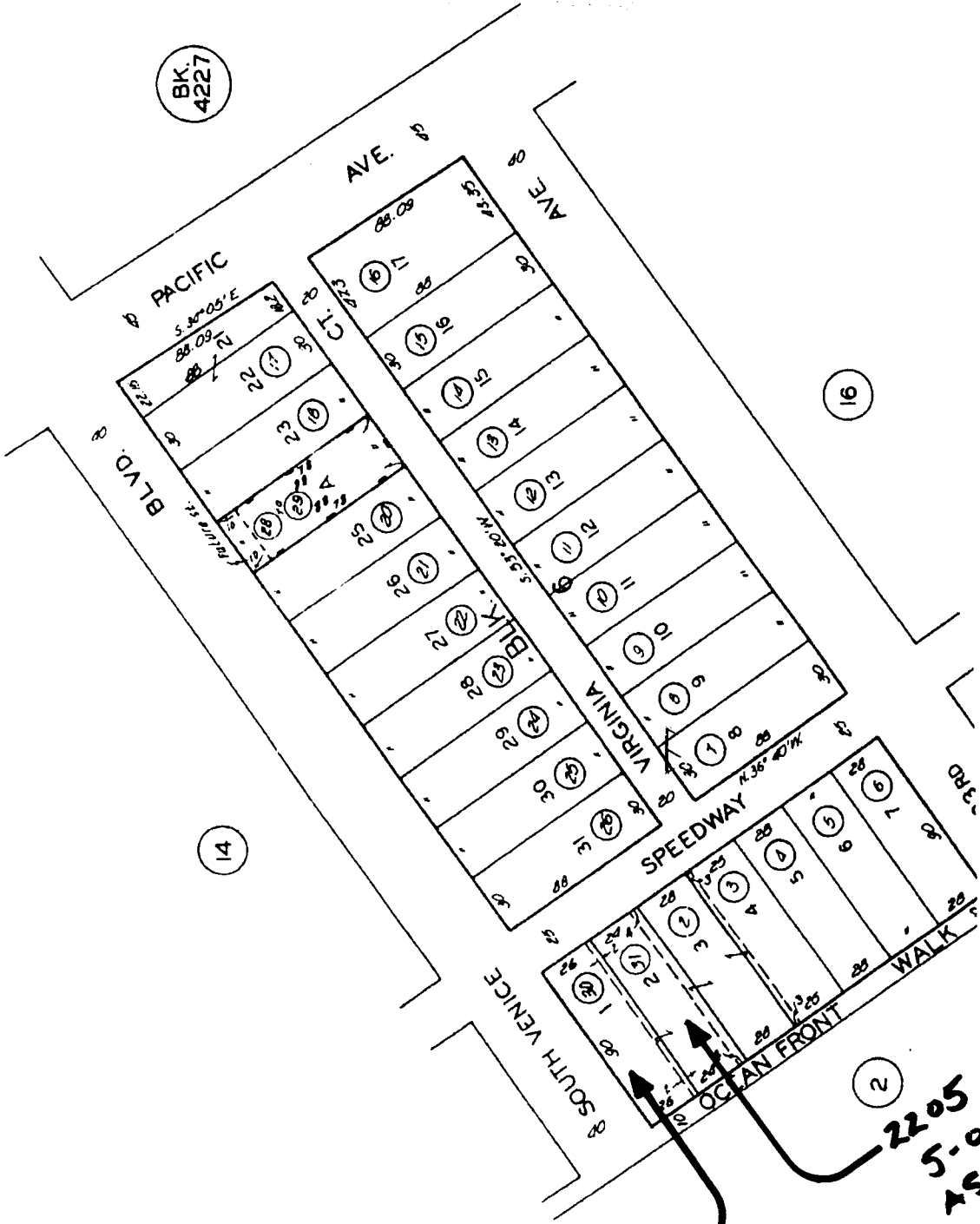
EXHIBIT # 1
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2001

4226 SHEET 1
SCALE 1" = 60'



BK.
4227



COASTAL COMMISSION

EXHIBIT # 2
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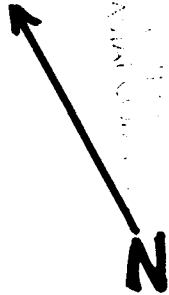
SOUTH VENICE BOULEVARD

Street

EXISTING CONCRETE SIDEWALK

2201 - "NORTH"

Lot 1
2201 OFW



1607 21 700

1607 21 700

SPEEDWAY

PROPERTY LINE

24' 0" (Not to scale)

N 36°40'00"W

N 53°20'20"E 90.00'

Matched across lots (E.L. 100.00')

24'

24'

PROPERTY LINE

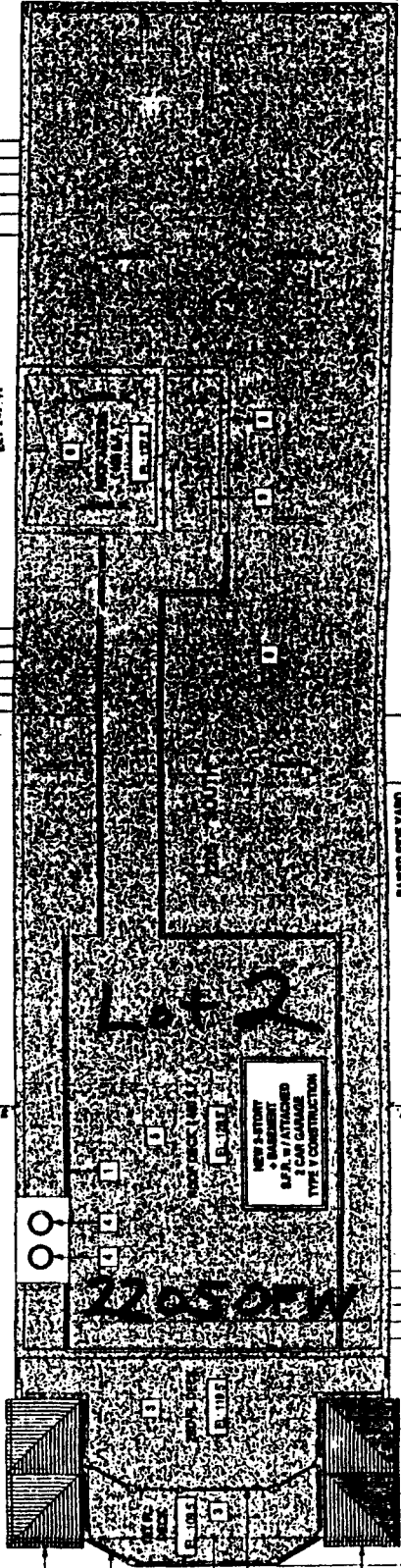
PROPERTY LINE

24' 00"

N 36°40'00"W

OCEAN FRONT WALK

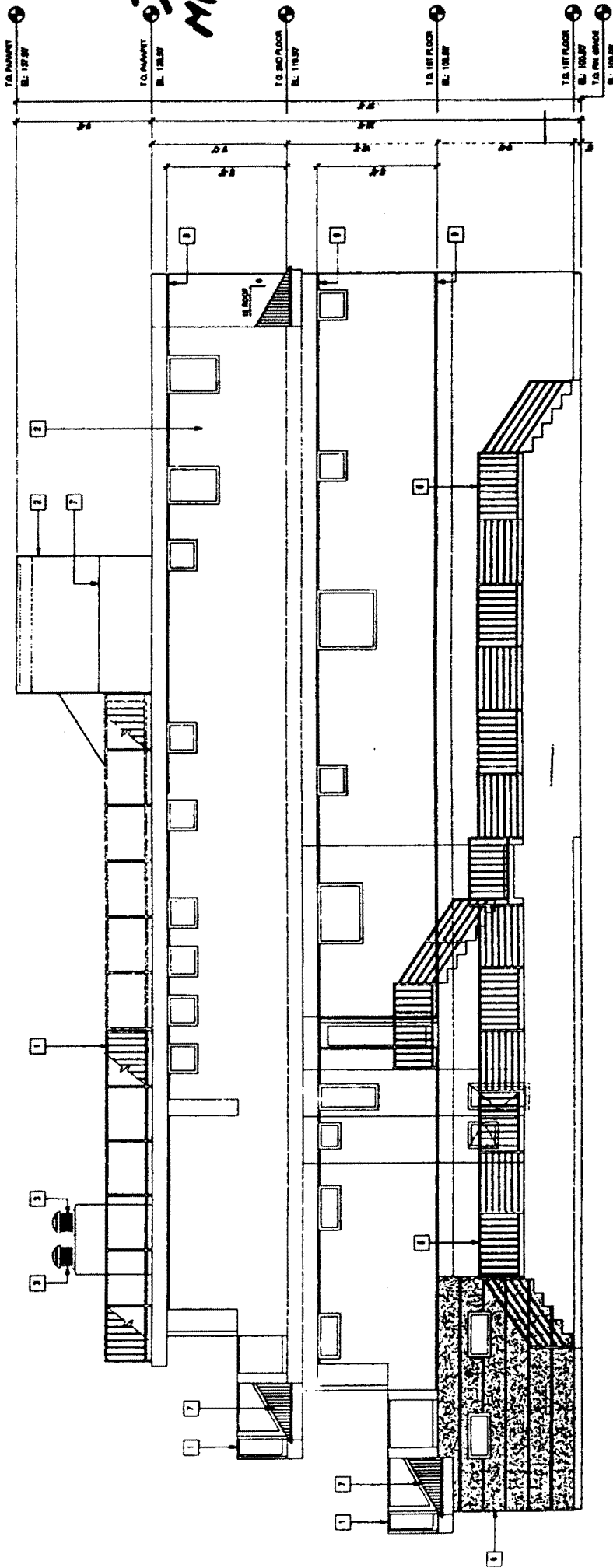
COASTAL COMMISSION



Lot 2

2205 OFW

ROOF PLAN / SITE PLAN

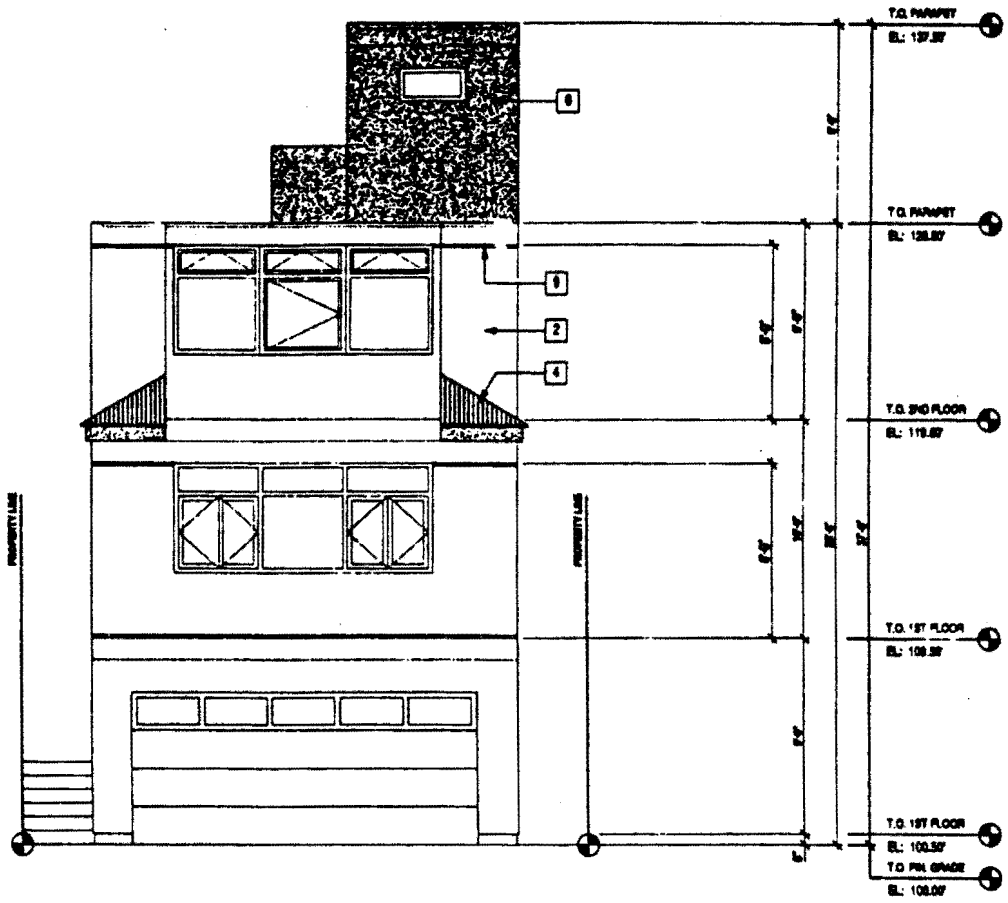


05 - SOUTH ELEVATION
4'-0" = 1'-0"

2205 OFW
← BEACH

COASTAL COMMISSION

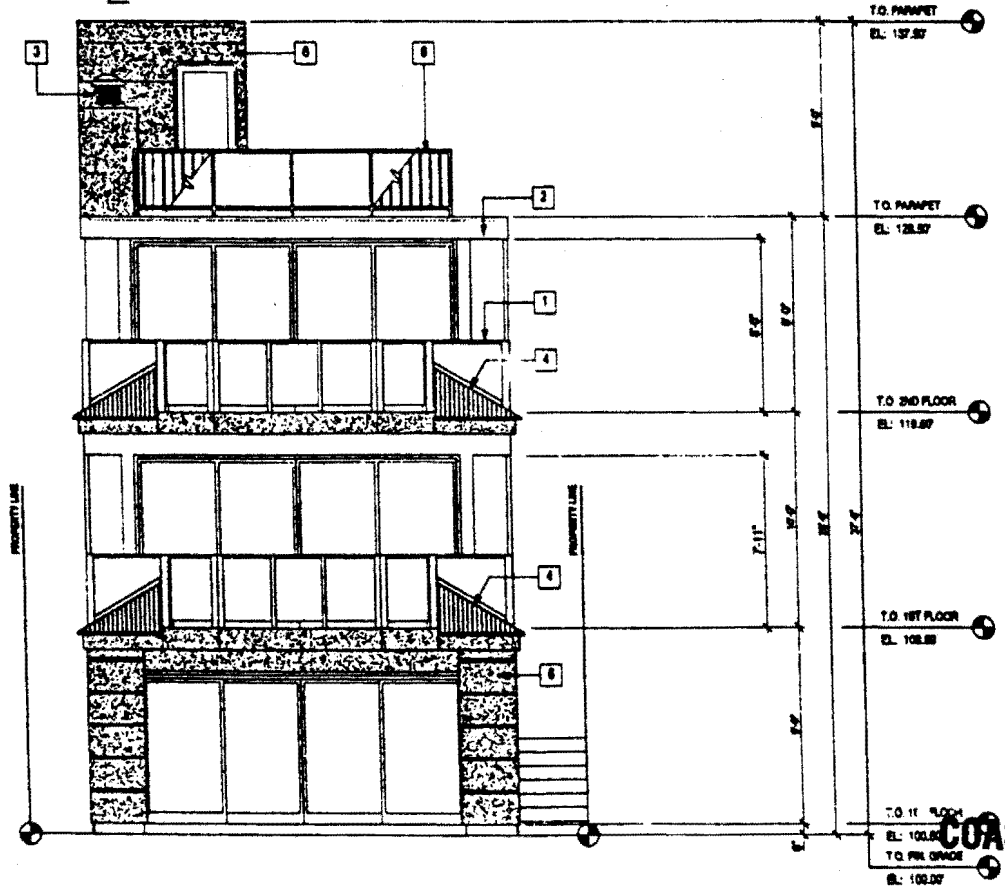
EXHIBIT # 4
PAGE 1 OF 1



2205- EAST ELEVATION (SPEEDWAY)

1/4" = 1'-0"

1



2205- WEST ELEVATION (OCEAN FRONT WALK)

1/4" = 1'-0"

COASTAL COMMISSION

September 12, 2002

California Coastal Commission

Attn: Mr. Charles Posner

Ref: 2201 and 2205 Ocean Front Walk
Venice, California

Jared
562-590-5084

Gentlemen:

I was told last evening that Elaine McElmury testified before your committee on Monday.

The facts about her offer to change the rails to glass are completely untrue. I invited Elaine and her building contractor to come to my building and see what the view was like from my building. She said she was sure her husband could figure something out to correct the situation. The three of them did come to the building and my apartment manager showed them around and let them see what the view looked like from or prospective. The husband's comment to my manager (Blackie Strassburg) was if they want to see the ocean we would paint the doghouses blue. They were absolutely not going to change anything according to my manager.

Elaine was supposed to contact me after they left the building. Neither Elaine nor her contractor ever contacted me and Elaine never returned my phone calls. I had agreed not to file an appeal based on her assurance that she would correct the railing situation with a more open design, etc. It was all a big setup to stop me from filing a timely appeal. I fell into the trap. I actually wanted Richard Grossman not to file an appeal because I thought something would be worked out based on my agreement with Elaine.

The rails are approximately 5 or 6 inches taller than permitted under the original permit. Elaine told me that it would cost \$7,000 to fix that problem. Of course, that has not been corrected. Mr. Dan Green told me that the rail height was not subject to his jurisdiction. Elaine also told me, before the visit to my building, that she would investigate the cost of all glass but that she knew it would be too costly to make the change.

My experience with Elaine McElmury has been one of complete deceit and misrepresentation.

Again, I urge the Commission to penalize the Villa Lido, LLC.

Carmel K. Shore-Bloom
September 12, 2002

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1

Alan and Miriam Jacob

RECEIVED
SEP 11 2002

AUG 20 2002

COASTAL COMMISSION
August 20, 2002

Mr. Chuck Posner
California Coastal Commission
South Coast Area
PO Box 1450
Long Beach, CA 90802-4416

RE: Commission Appeal Nos. A-5-VEN-02-236, A-5-VEN-02-275
2201 and 2205 Ocean Front Walk

Dear Mr. Posner,

This is a letter of support for our next-door neighbor's project, which we've been told is under appeal for Coastal Commission approval in September.

We feel this project will enhance the beachfront area both for passers-by and for those living in the area. The design is contemporary and fits in well with the neighborhood. The front has a stepped-back profile, which opens up the view down the boardwalk. Their project replaces an old run-down building surrounded by a rickety wood fence with cars spilling out the back into the alley.

We've had an opportunity to work with the property owners, as we share a common wall. They've been considerate and sensitive to our concerns. We've even been inspired to make some improvements to our own building at 2207 Ocean Front Walk.

Sincerely,

Alan and Miriam Jacob

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 1

Villa Lido LLC

RECEIVED
South Coast Region

JUL 22 2002

CALIFORNIA
COASTAL COMMISSION

Fax

To: Mr. Charles Posner California Coastal Commission	From: Elaine McElmury 760/ 436-6295 Villa Lido LLC
Fax: 562/ 590-5084	Pages: 2
Phone: 562/ 590-5071	Date: 7/17/02
Re: Commission Appeal No. A-5-VEN-02-226	CC: Mr. Wil Nieves Nieves & Associates

Dear Mr. Posner,

During our Los Angeles Planning Commission hearing for the Coastal Development Permit for our Ocean Front Walk project, a question was raised about the roof height as measured from the centerline of Ocean Front Walk. The original height certification letter calculated the maximum allowable height from a benchmark point on South Venice Blvd. This had been sent to the Building Department, which already had a copy of the original survey showing elevations of various points around the subject property.

We requested that the engineering firm restate the calculation based on their original survey but using Ocean Front Walk as the benchmark. Here is a copy of that restated certification in case you need it for the Appeal hearing in August. I will mail you a more legible copy but wanted to fax this to you by the July 17 deadline for hearing support materials.

Sincerely,


Elaine McElmury

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 2

DENN ENGINEERS

July 17, 2002

Villa Lido LLC
C/o Elaine McElmury
2126 Woodwind Drive
Encinitas, CA 92024

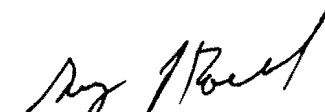
Re: Buildings under construction at 2201 & 2205 Ocean Front Walk,
Venice, CA
Job Number 00-005

Denn Engineers measured the building height of the structures under construction at the aforementioned property and found the following elevations:

	<u>Actual Elev.</u>	<u>Max. Allowable</u>
2201 Ocean Front Walk: Parapet (top of catwalk)	129.19	129.60
2205 Ocean Front Walk: Parapet (top of catwalk)	129.18	129.60

These elevations are based on a benchmark of a spike and washer located in the centerline intersection of South Venice Boulevard and Speedway as shown on the original survey by Denn Engineers. The benchmark elevation is 100.00. The elevation of the projection of the midpoint of the fronting right-of-way at the centerline of Ocean Front Walk is 99.60.

Sincerely,


Gary Roehl
R.C.E. 30826



COASTAL COMMISSION

EXHIBIT # 8
PAGE 2 OF 2