

CALIFORNIA COASTAL COMMISSION

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Staff: CP-LB

Staff Report: 8/29/2002

Hearing Date: September 9, 2002

Commission Action:



CP

Items M15c&g**RECORD PACKET COPY****STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISIONS: Approvals with Conditions

APPEAL NUMBERS: A-5-VEN-02-236 & A-5-VEN-02-275

APPLICANT: Villa Lido, LLC

AGENT: Elaine McElmury

PROJECT LOCATIONS: 2201 & 2205 Ocean Front Walk, Venice, City of Los Angeles Angeles County.

PROJECT DESCRIPTION: Appeal of City of Los Angeles local coastal development permits (Case Nos. 2001-4834 & 2001-4837) for construction of three-story, 28.5-foot high (with 37-foot high roof attached structure), 3,513 square foot single family residences attached two-car garages on two beachfront lots.

APPELLANTS: Coastal Commission Executive Director Peter Douglas
Richard Grossman

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the proposed projects' conformance the Chapter 3 policies of the Coastal Act for the following reason:

The local coastal development permit actions did not approve the proposed adjustment of the lot line between the lots at 2201 and 2205 Ocean Front Walk. Therefore, the local action authorizes development on two lots with dimensions that have no legal standing under the Coastal Act. The clouded legal status of the two subject lots has a direct effect on the legality and dimensions of the lots, and thus the size and dimensions of the proposed houses and yard setbacks. Without knowing the correct and legal dimensions of each lot, the Commission does not have all of the information necessary to determine whether the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

The motions to carry out the staff recommendation are at the **top of Page Eight**.

STAFF NOTE: This is a combined staff report for two appeals: A-5-VEN-02-236 and A-5-VEN-02-275. The appellants and the applicant are the same for both appeals. The staff report is being combined due to the fact that the two project sites (2201 & 2205 Ocean Front Walk) abut one another and share a lot line which is one of the main issues of the appeals (Exhibit #2). The location of the shared lot line in question affects both sites, which together have a width of 52 feet along the Ocean Front Walk frontage. The single family residence that formerly occupied the two lots was recently demolished. With the proposed lot line adjustment, both lots would be equally 26 feet wide, each proposed to be developed with a twenty-foot wide single family residence (Exhibit #3). Without the proposed lot line adjustment, one lot is 28 feet wide (Lot 1, Block 6 of Short Line Beach Subdivision), and the other lot is 24 feet wide (Lot 2 in same tract). It must also be noted that the two single family residences proposed to be constructed on the two lots have already been built.

The project address, legal description, Commission appeal number, and local coastal development permit number for each respective property is:

2201 Ocean Front Walk (Lot 1, Block 6 of Short Line Beach Subdivision)
Appeal No. A-5-VEN-02-275 Local CDP No. 2001-4834

2205 Ocean Front Walk (Lot 2, Block 6 of Short Line Beach Subdivision)
Appeal No. A-5-VEN-02-236 Local CDP No. 2001-4837

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/12/01.
2. City of Los Angeles Local Coastal Development Permit No. 2001-4834 (2201 OFW).
3. City of Los Angeles Project Permit Case No. DIR2001-1742 (2201 OFW), 6/25/2001.
4. City of Los Angeles Yard Variance Case No. 2000-1017 (2201 OFW), 8/25/2000.
5. City of Los Angeles Local Coastal Development Permit No. 2001-4837 (2205 OFW).
6. City of Los Angeles Project Permit Case No. DIR2001-1744 (2205 OFW), 6/25/2001.
7. City of Los Angeles Yard Variance Case No. 2000-1019 (2205 OFW), 8/25/2000.
8. City of Los Angeles Parcel Map Exemption No. 2000-1016, 8/25/2000.
9. Coastal Development Permit Application 5-01-267 (Villa Lido, 2201 OFW).
10. Coastal Development Permit Application 5-01-268 (Villa Lido, 2205 OFW).

I. APPELLANTS' CONTENTIONS

The City of Los Angeles West Los Angeles Area Planning Commission's actions to approve Local Coastal Development Permit Nos. 2001-4834 (Exhibit #7) and 2001-4837 (Exhibit #8) have been appealed by the Executive Director and Richard Grossman (Exhibit #6).

The grounds for the appeals by the Executive Director are:

The local coastal development permits approve the construction of a two new single family residences on two lots which have been altered by an unpermitted lot line adjustment (City of Los Angeles Parcel Map Exemption No. 2000-1016). The City should have processed a local coastal development permit for the lot line

adjustment prior to, or concurrent with, the approval of the proposed single family residences. Therefore, the local coastal development permits authorize development on two lots with dimensions that have no legal standing under the Coastal Act. The clouded legal status of the each lot has a direct effect on the legality and dimensions of the abutting lot.

The grounds for the appeals by Richard Grossman are (Exhibit #6):

The project, as built, does not conform to the conditions of the local approval, including:

Height: The conditions of the local approval required measurement from Ocean Front Walk. The applicant's engineering report was measured from Venice Boulevard.

Roof Deck Railings: The conditions of the local approval required railings of an "open design."

Roof Access Stairway Enclosure: The conditions of the local approval state that no roof storage or use of roof by occupants is allowed. The roof access structure, as built, is much larger than required to cover the stairwell. The extra side walls are also non-conforming.

II. LOCAL GOVERNMENT ACTION

The proposed development and the two lots subject to these appeals have a long and complicated history. The applicant commenced the building permit application process early in 2000. At that time, City records indicate that the two lots subject to this appeal (Lot Nos. 1 & 2, Block 6 of Short Line Beach Subdivision) were occupied by one old two-story single family residence.

On August 25, 2000, the City of Los Angeles Zoning Administrator approved a Parcel Map Exemption (Case No. 2000-1016) and two Yard Variances (Case Nos. 2000-1017 & 2000-1019) to allow a two-foot adjustment of the lot line that separates the two lots, thus making each lot 26 feet wide (Exhibit #2). The City did not process a local coastal development permit for the proposed lot line adjustment as required by the Coastal Act [Sections 30600(a), 30600(b) & 30106 of the Coastal Act]. Without the requested lot line adjustment, Lot 1 would remain 28 feet wide, and Lot 2 would remain 24 feet wide; the lot dimensions that resulted from a prior lot line change in 1933. Each Yard Variances states:

"A variance from Section 12.09.1-C,4 of the Municipal Code to permit a lot area of 2,340 square feet in lieu of 5000 square feet and a lot width of 26 feet in lieu of 50 feet as required by the RD1.5 Zone in conjunction with Parcel A of Parcel Map Exemption No. 2000-1016."

The Zoning Administrator's August 25, 2000 actions stated that, in order to complete the pending lot line adjustment, the applicant would be required to remove the existing single

family residence and other structures (fence, deck and garage) from the properties. The house was subsequently demolished and the two lots were cleared of development. The applicant did not apply for or receive a coastal development permit for the demolition of the residential development that formerly occupied the site.

On April 18, 2001, the applicant submitted two separate applications to the City Department of City Planning for approval, pursuant to the City's Venice Specific Plan (Ordinance No. 172,897), of a single family residence on each of the two lots. On June 25, 2001, the City Director of Planning issued the approval letters for two Project Permits (Case Nos. DIR2001-1742 & DIR2001-1744) for the construction of a three-story single family residence with a roof deck and an attached two-car garage on each lot.

On July 12, 2001, the applicant submitted two separate coastal development permit applications to the Commission's South Coast District office in Long Beach. Coastal Development Permit Application No. 5-01-267 proposes the construction of a three-story, 28.5-foot high (with 37-foot high roof access structure), 3,513 square foot single family residence with an attached two-car garage on a vacant 26-foot wide beachfront lot (Lot No. 2, 2205 Ocean Front Walk). Coastal Development Permit Application No. 5-01-268 proposes the construction of a three-story, 28.5-foot high (with 37-foot high roof access structure), 3,513 square foot single family residence with an attached two-car garage on a vacant 26-foot wide beachfront lot (Lot No. 1, 2201 Ocean Front Walk).

When Commission staff reviewed the coastal development permit applications and discovered that the applicant had received City approval for a lot line adjustment without obtaining a local coastal development permit, staff deemed the applications to be incomplete and directed the applicant to apply to the City Planning Department for the necessary local coastal development permit [Sections 30600(a), 30600(b) & 30106 of the Coastal Act]. The applicant was also notified in writing that no demolition or development was permitted to occur without first obtaining the necessary coastal permits (letter dated October 4, 2001). The applicant had requested, but did not receive, authorization from Commission staff to proceed with the proposed development while all the necessary permit applications were being processed.

The applicant then, on October 15, 2001, submitted two separate applications to the City Planning Department for the necessary local coastal development permits. The applicant specifically requested that the City approve the local coastal development permits for both the proposed lot line adjustment and the proposed single family residences.

On May 15, 2002, the Zoning Administrator issued approval letters for Local Coastal Development Permit Nos. 2001-4834 (Lot No. 1, 2201 Ocean Front Walk) and 2001-4837 (Lot No. 2, 2205 Ocean Front Walk). The two local coastal development permits approved with conditions the construction of a single family residence on each 26-foot wide lot, but did not authorize the proposed lot line adjustment as requested by the applicant (and as directed by Commission staff). The Zoning Administrator's approvals noted that the local coastal permits trailed the actual construction of the homes by six months, and also noted that the City Planning Department's public counter staff was clearly in error when it signed-off on the City Building Department's clearance summary sheet on June 26, 2001. The City Building Department issues a building permit only when an applicant can produce a completed clearance summary sheet, which includes a coastal clearance that can be satisfied with either

a valid coastal development permit or a coastal permit exemption letter. In this case, the applicant did not have and still does not possess, any valid coastal development permits for the proposed development.

On May 30, 2002, prior to the expiration of the local appeal period, Richard Grossman filed an appeal of the Zoning Administrator's approvals of the local coastal development permits with the City of Los Angeles West Los Angeles Area Planning Commission. The Planning Commission immediately accepted Mr. Grossman's appeal of Local Coastal Development Permit No. 2001-4837 (Lot No. 2, 2205 Ocean Front Walk), but did not accept his appeal of Local Coastal Development Permit No. 2001-4834 (Lot No. 1, 2201 Ocean Front Walk) until three weeks later.¹

The City of Los Angeles West Los Angeles Area Planning Commission ultimately denied both appeals, upheld the Zoning Administrator's actions, and approved Local Coastal Development Permit Nos. 2001-4834 and 2001-4837. The Planning Commission's Letter of Determination for Local Coastal Development Permit No. 2001-4837 was issued on July 2, 2002 (Exhibit #8). The Planning Commission's Letter of Determination for Local Coastal Development Permit No. 2001-4834 was issued on August 7, 2002 (Exhibit #7). Again, the two local coastal development permits approved with conditions the construction of a single family residence on each 26-foot wide lot, but did not authorize the proposed lot line adjustment as requested by the applicant (and as directed by Commission staff). The Planning Commission's actions were not appealable at the local level.

The Commission's South Coast District Office in Long Beach received the Planning Commission's Notice of Final Action for Local Coastal Development Permit No. 2001-4837 on July 9, 2002, and the Commission's required twenty working-day appeal period commenced. The Executive Director's appeal was filed on July 16, 2002. Richard Grossman's appeals were received on July 26, 2002. The Commission's twenty working-day appeal period for Local Coastal Development Permit No. 2001-4837 ended on August 8, 2002. No other appeals were filed.

The Commission's South Coast District Office in Long Beach did not receive the Planning Commission's (corrected) Notice of Final Action for Local Coastal Development Permit No. 2001-4834 until August 12, 2002. Upon receipt of the corrected notice, a new twenty working-day appeal period was established. On August 13, 2002, the first day of the Commission's appeal period, the Executive Director filed an appeal of the Planning Commission's action approving Local Coastal Development Permit No. 2001-4834. Richard Grossman's appeal of the Planning Commission's action approving Local Coastal Development Permit No. 2001-4834 was also officially filed on August 13, 2002. The Commission's twenty working-day appeal period for Local Coastal Development Permit No. 2001-4834 will end on September 10, 2002.

¹ In the meantime, the City sent a Notice of Final Action (for the Zoning Administrator's approval of Local Coastal Development Permit No. 2001-4834) to the Commission's South Coast District Office, received June 11, 2002, which established the Commission's twenty working day appeal period. The Executive Director appealed the Zoning Administrator's action, but then withdrew the appeal when Commission staff found that the City Planning Commission had decided to also accept Mr. Grossman's appeal of Local Coastal Development Permit No. 2001-4834 (Exhibit #11).

Because the proposed projects are located in the City's and Commission's "Dual Permit Jurisdiction" area, the applicant is also required to submit coastal development permit applications to the Commission for the proposed development (See Section IV on page 7). The applicant submitted to the Commission, on July 12, 2001, Coastal Development Permit Application Nos. 5-01-267 and 268. The filing and processing of the applicant's "dual permit" applications is pending the final outcome of the local coastal development permits that are the subject of these appeals. The public hearings and actions for the de novo portion of these appeals and the necessary "dual permit" applications will be combined and scheduled for concurrent action at a future Commission meeting.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13302-13319 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a local coastal development permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Coastal Act Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds that the appeal raises a substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands. Or, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114.

IV. DUAL PERMIT JURISDICTION

The proposed projects are located immediately inland of the Venice Boardwalk (Ocean Front Walk) and within three hundred feet of the beach (Exhibit #2). Therefore, they are 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.

The City has approved Local Coastal Development Permit Nos. 2001-4834 and 2001-4837 for the proposed single family residences. The City's actions to approve the local coastal development permits are the subject of these appeals. On July 12, 2001, the applicant submitted the "dual permit applications for Commission action (Coastal Development Permit Application Nos. 5-01-267 and 268). The filing and processing of the applicant's "dual permit" applications is pending the final outcome of the local coastal development permits that are the subject of these appeals. The public hearings and actions for the de novo portion of these appeals and the necessary "dual permit" applications will be combined and scheduled for concurrent action at a future Commission meeting. 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.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to whether the approvals of the projects are consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motions:

MOTION I

*"I move that the Commission determine that Appeal No. A-5-VEN-02-236 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

MOTION II

*"I move that the Commission determine that Appeal No. A-5-VEN-02-275 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

Failure of these motions will result in de novo hearings on the applications and adoption of the following resolutions and findings. A majority of the Commissioners present is required to pass the motions.

Resolution to Find Substantial Issue for Appeal A-5-VEN-02-236

The Commission hereby finds that Appeal No. **A-5-VEN-02-236** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

Resolution to Find Substantial Issue for Appeal A-5-VEN-02-275

The Commission hereby finds that Appeal No. **A-5-VEN-02-275** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The proposed projects involve the development of two abutting beachfront lots, each with one three-story single family residence (Exhibits #3-5). A two-story single family residence that formerly occupied both lots 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 two proposed single family residences have very similar designs; each house has three-stories, 3,513 square feet of floor area, and an attached three-car garage (with access from Speedway Alley). The plans for both structures indicate compliance with the 30-foot height limit contained in the Venice Specific Plan and the certified Venice Land Use Plan (LUP). A chimney, the roof deck railings, and a 37-foot high roof access structure on each house exceed the 30-foot height limit, as allowed by the Venice Specific Plan and the certified Venice LUP (Exhibit #4).

The proposed project also includes a 2-foot adjustment of the (shared) lot line that separates the two lots (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 the lot line adjustment has not yet been authorized by a coastal development permit. 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. Each house is twenty feet wide, with a three-foot wide side yard on each side of each lot (Exhibit #3).

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approval of the projects are consistent with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist in regards to both appeals.

The appeals by the Executive Director assert that the two local coastal development permits authorize development (new houses) on two lots with dimensions that have no legal standing under the Coastal Act. The two lots subject to the appeals have been altered by an unpermitted lot line adjustment (City of Los Angeles Parcel Map Exemption No. 2000-1016). The lot line adjustment is unpermitted because there has not yet been a coastal development permit approved for the change to the lot dimensions. The applicant is required to obtain an approved local coastal development permit for the requested lot line adjustment because a lot line adjustment is development as defined by the Coastal Act. Development is broadly defined by Section 30106 of the Coastal Act, which states:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; **change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits**, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Section 30600(a) of the Coastal Act requires that anyone wishing to perform or undertake any development within the coastal zone shall obtain a coastal development permit. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has opted to issue its own

coastal development permits prior to certification of a Local Coastal Program (LCP) except for those permits eligible for issuance as administrative coastal development permits by the Executive Director under Section 30624 of the Coastal Act. A lot line adjustment is a division of land that requires a coastal development permit, but is not a type of development that is eligible for an administrative coastal development permit issued by the Executive Director under Section 30624 of the Coastal Act. Therefore, the City must process a local coastal development permit for any division of land including lot line adjustments, no matter how minor the change to the affected parcels.

In this case, the applicant should have obtained a local coastal development permit from the City for the lot line adjustment at the same time that the City approved Parcel Map Exemption No. 2000-1016 for the lot line adjustment on August 25, 2000. A local coastal development permit was not applied for or processed at that time. Later, after being informed by Commission staff (letter dated October 4, 2001) that the lot line adjustment needed a local coastal development permit, the applicant on October 15, 2001 submitted two separate applications to the City Planning Department for the necessary local coastal development permits. The applicant specifically requested local coastal development permit approvals for both the proposed lot line adjustment and the proposed single family residences. On May 15, 2002, the Zoning Administrator issued approval letters for Local Coastal Development Permit Nos. 2001-4834 (Lot No. 1, 2201 Ocean Front Walk) and 2001-4837 (Lot No. 2, 2205 Ocean Front Walk). Neither local coastal development permit included authorization of the proposed lot line adjustment. The Planning Commission, when it upheld the Zoning Administrator's approvals on appeal, also did not include authorization of the proposed lot line adjustment as requested by the applicant.

Therefore, the City should have processed a local coastal development permit for the lot line adjustment prior to, or concurrent with, the approval of the proposed single family residences, but it did not. As a result, the legal status of the each lot is clouded until a coastal development permit has been approved for the proposed lot line adjustment. The clouded legal status has a direct effect on the legality and dimensions of the two abutting lots. Without the approval of the lot line adjustment, the lot dimensions would remain as they are currently: Lot 1 would remain 28 feet wide, and Lot 2 would remain 24 feet wide. Each house, which is already built, is twenty feet wide (Exhibit #3). With the approval of the requested lot line adjustment, each lot would be equally 26 feet wide.

A twenty-foot wide house on a 24-foot wide lot would raise a substantial issue with regards to the project's conformance with Section 30251 of the Coastal Act, which requires that new development be visually compatible with the character of the surrounding area and that visual resources and special communities, like the Venice Canals area, be protected from development that is out of scale with the area.

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, 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.

Also, without knowing the correct and legal dimensions of each lot, the Commission would not have all of the information necessary to determine whether the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Therefore, staff recommends that the Commission determine that a substantial issue exists with respect to the proposed projects' conformance the Chapter 3 policies of the Coastal Act.

The appeals by Richard Grossman also raise the issue of the proposed developments' consistency with the visual resources, community character and Section 30251 of the Coastal Act. Richard Grossman's appeals state that the projects, as built, do not conform to the conditions of the local approvals, including the 30-foot height limit, the design of the roof deck railings, and the size of the roof access structures (Exhibit #6).

The Venice Specific Plan and the certified Venice LUP both limit the height of buildings, design of roof deck railings, and the size of roof access structures as a way of protecting community character and the visual resources of the beach and boardwalk.

In regards to roof access structures, the certified Venice LUP, states:

- **Policy I. A. 1. Residential Development.** *The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP. Refer to Policies II.C.10 for development standards for walk streets and to Policies II.A.3 and 4 for parking requirements.*

- 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.

Although, the proposed development, as built, does not appear to violated the thirty-foot height limit of the Venice Specific Plan and the certified Venice LUP, and the roof deck railings are clearly of an open design, the Commission at this point does not have conclusive evidence that the buildings have been built in complete conformance with all of the applicable building limits. In particular, the Commission does not have any "as built" plans for the roof access structure on the roof of each house. Therefore, the Commission is not able to determine whether the proposed projects have excessively large roof access structures that would not conform to the requirements of Section 30251 of the Coastal Act which are carried out by the specific building standards of the certified Venice LUP. Therefore, staff recommends that the Commission determine that a substantial issue exists with respect to the proposed projects' conformance the Chapter 3 policies of the Coastal Act.

Because of the importance of the Coastal Act issues raised to by the appellants, the proposed projects must be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the proposed projects' conformance the Chapter 3 policies of the Coastal Act and with the City's approvals of the projects. The Commission will have the opportunity to review and act on the proposed projects at the subsequent de novo hearings and the public hearings for Coastal Development Permit Application Nos. 5-01-267 and 5-01-268. The de novo and dual permit application hearings will be scheduled for concurrent hearing at a future Commission meeting. The Commission's actions on the de novo permits and dual permit applications will ensure that the proposed development is consistent with the Chapter 3 policies as guided by the specific building standards of the certified Venice LUP.

End/cp

VENICE, CA

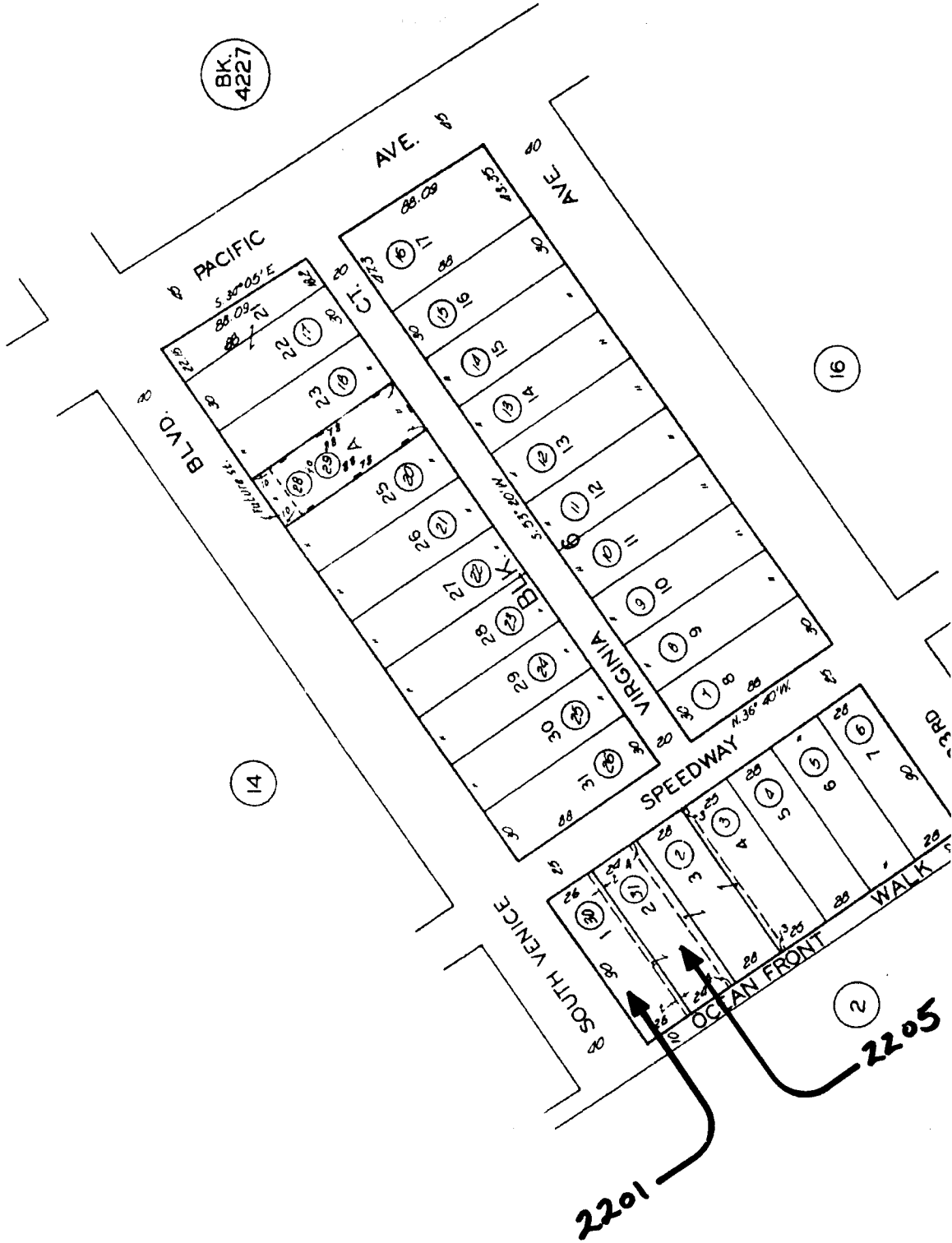
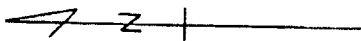


2201-2205 Ocean Front Walk

COASTAL COMMISSION

EXHIBIT # 1

PAGE 1 OF 1



COASTAL COMMISSION

SOUTHWEST NICE BOULEVARD

Street

EXISTING CONCRETE SIDEWALK

2201 - "NORTH"

Lot 1
2201 OFW



1007 21 700

1007 21 700

SPEEDWAY

PROPERTY LINE

24.00'

17.4' TO CORNER
(Not to Scale)

N 36°40'00"W

N 53°20'20"E 90.00'

PROPERTY LINE

PROPERTY LINE

24.00'

N 36°40'00"W

OCEAN FRONT WALK

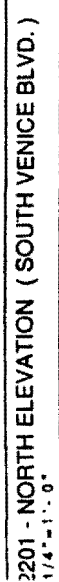
RAISED SIDE YARD

6.10' x 37'

N 53°20'20"E 90.00'

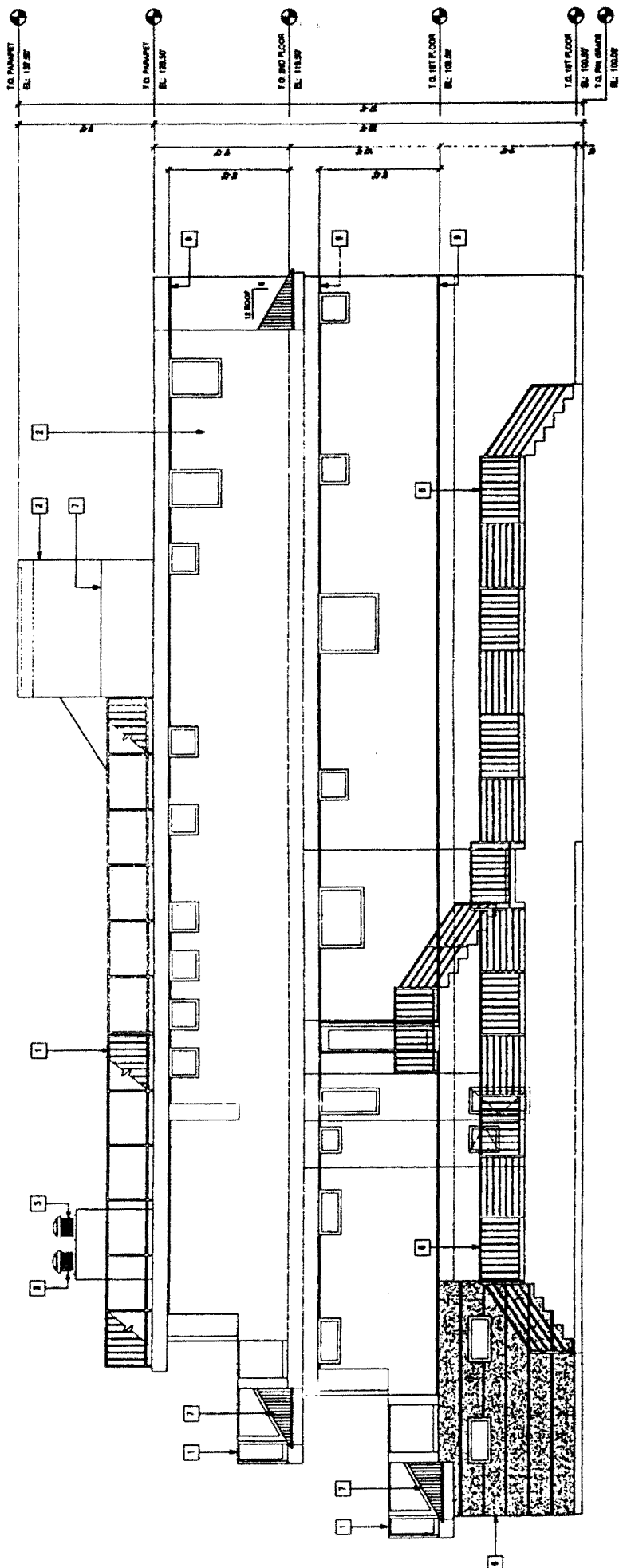
COASTAL COMMISSION

ROOF PLAN / SITE PLAN



BEACH ↑

EXHIBIT # 4
PAGE 1 OF 2

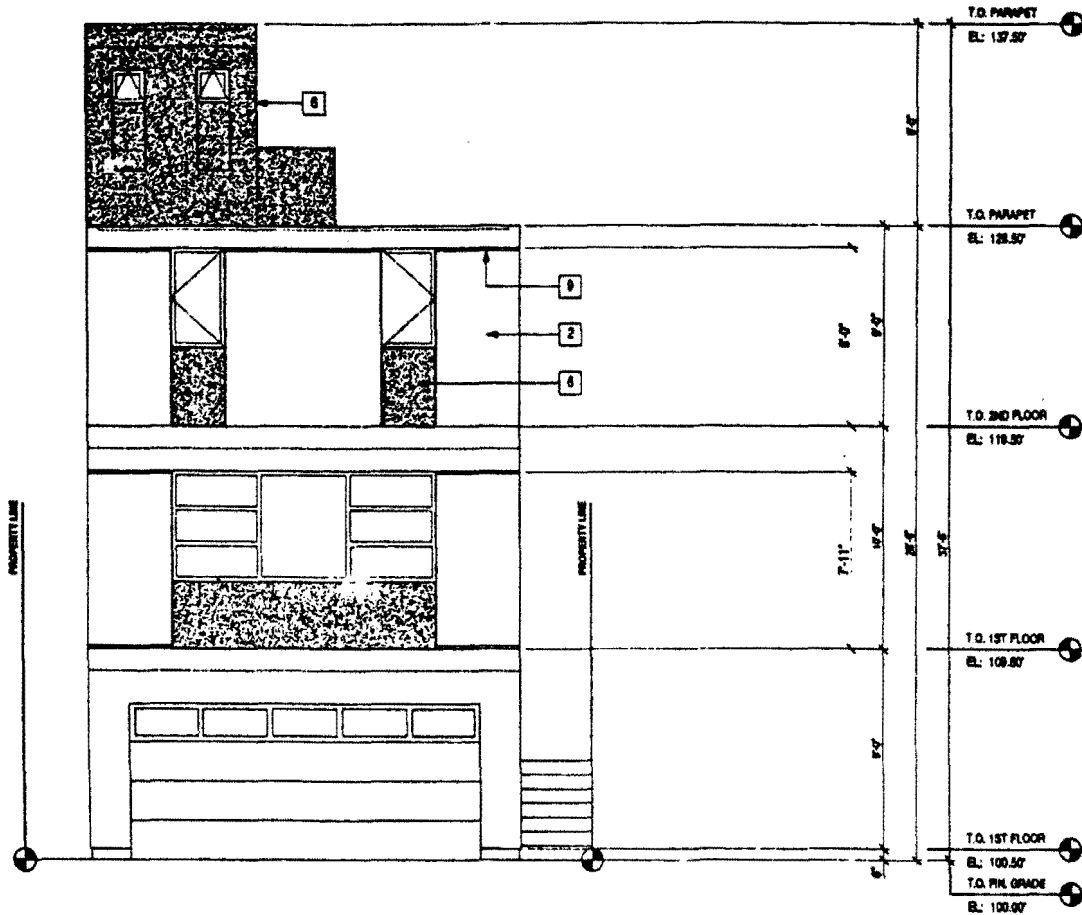


2205 OFW
← BEACH

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

COASTAL COMMISSION

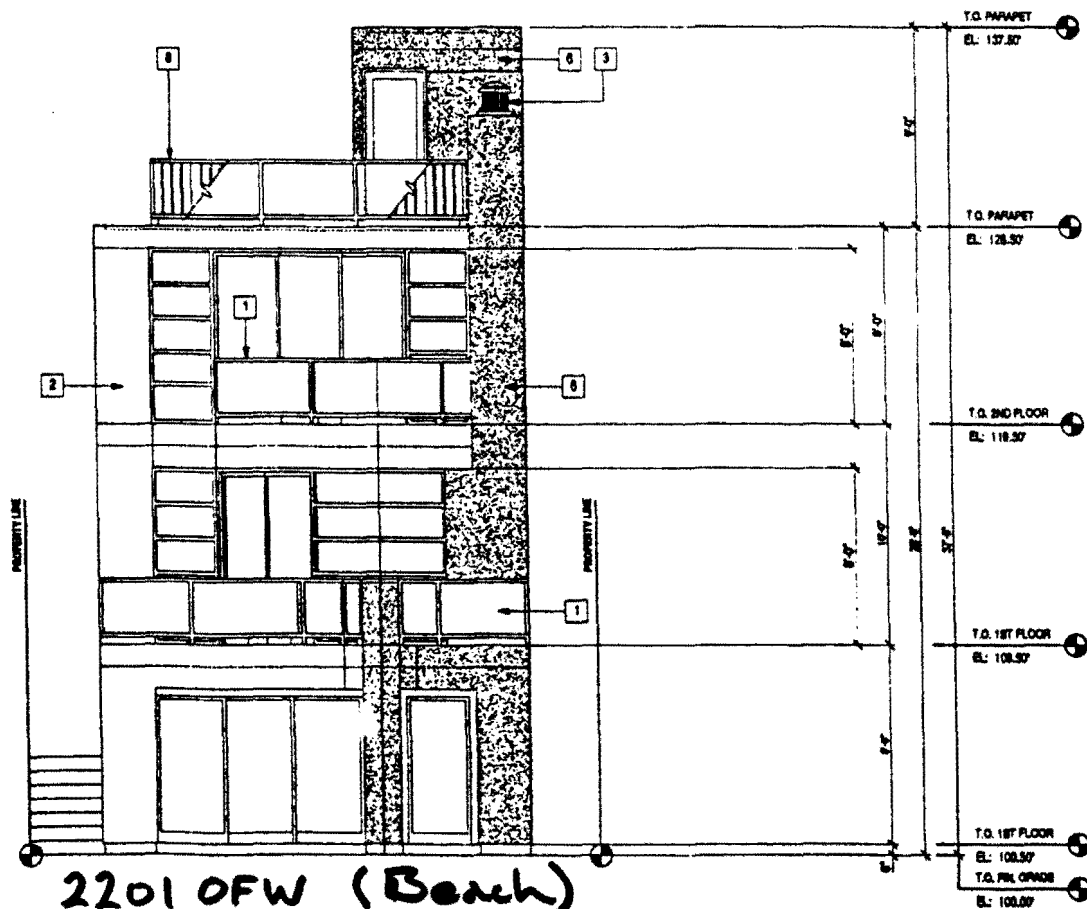
EXHIBIT # 4
PAGE 2 OF 2



2201 - EAST-ELEVATION (SPEEDWAY)

1/4" = 1' - 0"

1

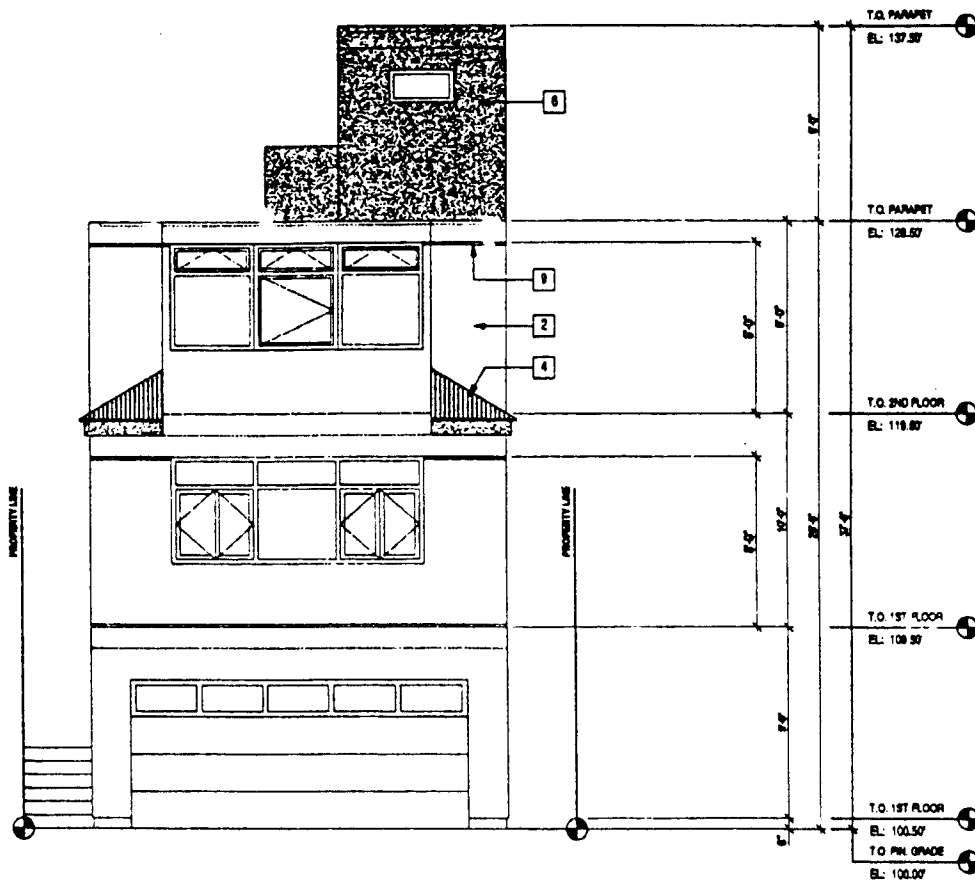


2201 OFW (Bench)

COASTAL COMMISSION

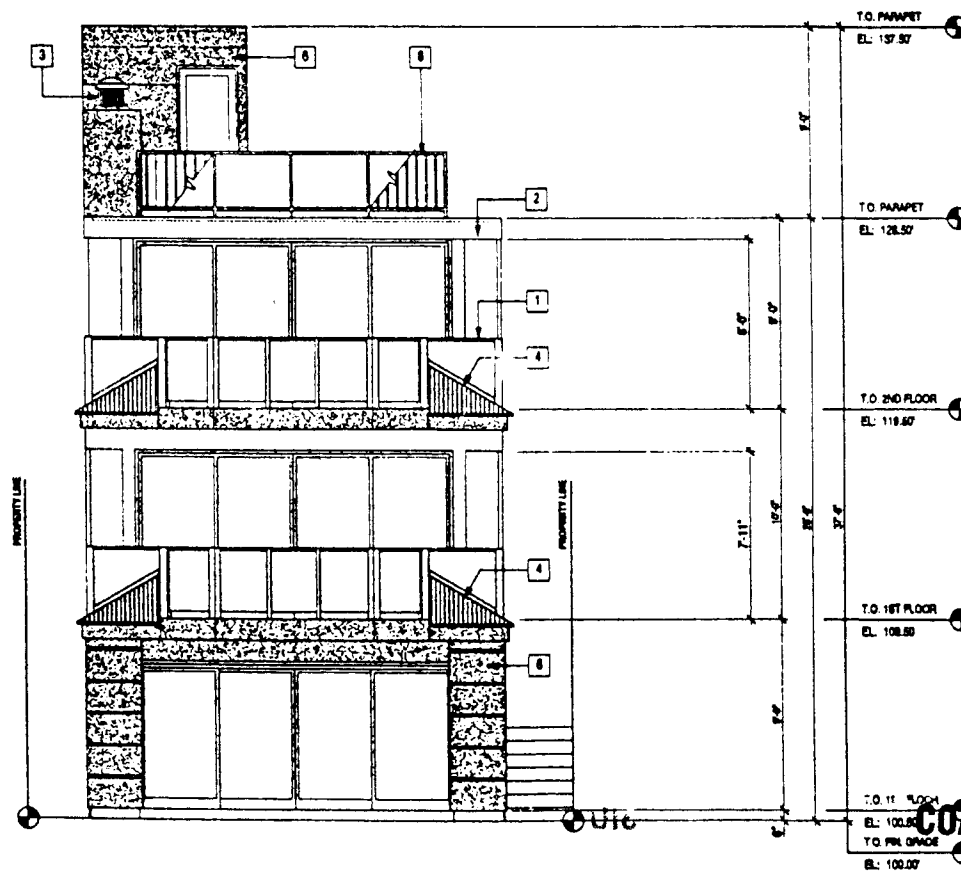
EXHIBIT # 5

PAGE 1 OF 2



2205- EAST ELEVATION (SPEEDWAY)
1/4" = 1' - 0"

1



2205- WEST ELEVATION (OCEAN FRONT WALK)
1/4" = 1' - 0"

Richard Grossman
11 S. Venice Blvd., # 302
Venice, CA 90291
(310) 827-4568
rgrossman@techiii.com

July 22, 2002

Pamela Emerson
Los Angeles County Area Supervisor
California Coastal Commission
South Coast Office
Long Beach, CA 90802430
(562) 590-5071

RECEIVED
South Coast Region

JUL 26 2002

CALIFORNIA
COASTAL COMMISSION

RE: ZA 2001-4834 (CDP), ZA 2001- 4837 (CDP)

Dear Ms. Emerson,

Enclosed please find my appeals to the WLA Planning Commission's decision to issue a Coastal Permit on the above cases. Since the owners, buildings and the findings in the cases are identical, I am appealing both at the same time.

Copies of this complete package have been sent to all interested parties mentioned in the appeal(s).

I look forward to hearing from you.

Sincerely,



Richard Grossman

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 5

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
South Coast Region

JUL 26 2002



Please Review Attached Appeal Information Sheet Prior to Completing
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

RICHARD GROSSMAN
11 S. VENICE BLVD # 11
VENICE, CA 90291 (310) 827-4568
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: WLA PLANNING COMMISSION
2. Brief description of development being appealed: CONSTRUCTION OF A SINGLE FAMILY DWELLING LOCATED WITHIN THE SMALL JURISDICTION OF THE CALIFORNIA COASTAL ZONE
3. Development's location (street address, assessor's parcel no., cross street, etc.): 2201 OCEAN FRONT WALK, VENICE CA 90291, CROSS STREET: SOUTH VENICE BLVD
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: SEE ATTACHED EXHIBIT B1
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 5

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
South Coast Region

JUL 26 2002



Please Review Attached Appeal Information Sheet Prior to Completion of This Form.

CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

RICHARD GROSSMAN
11 S. VENICE BLVD #302
VENICE CA 90291 (310) ~~228~~ 827-4568
Zip Area Code Phone No.

SECTION II. Decision Being Appealed1. Name of local/port government: WLA AREA PLANNING COMMISSION2. Brief description of development being appealed: CONSTRUCTION OF A SINGLE FAMILY DWELLING
LOCATED WITHIN THE DUAL JURISDICTION OF THE
CALIFORNIA COASTAL ZONE.3. Development's location (street address, assessor's parcel no., cross street, etc.): 2205 OCEAN FRONT WALK,
VENICE CA 90291 CROSS STREET: SOUTH VENICE BLVD

4. Description of decision being appealed:

a. Approval; no special conditions: _____

☒ b. Approval with special conditions: SEE ATTACHED EXHIBIT B-1

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

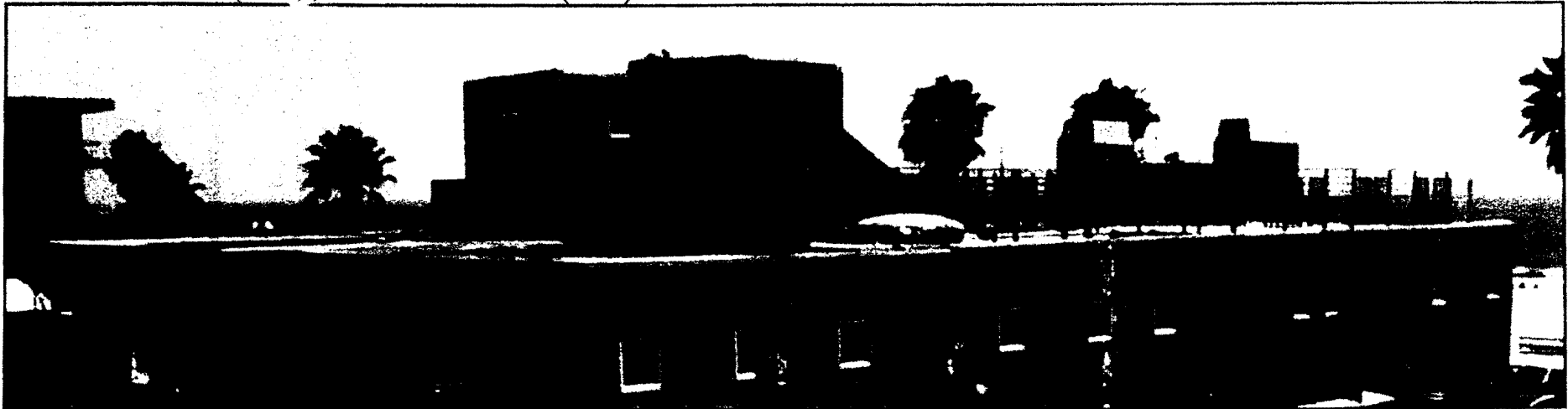
DATE FILED: _____

DISTRICT: _____

H5: 4/88

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 5



2201, 2205 OCEAN FRONT WALK : DOES NOT CONFORM TO PERMIT CONDITIONS

Request to deny final permit and to deny COO until conditions are met.

• **HEIGHT**

Permit required measurement from Oceanfront Walk. Engineering report submitted was measured from Venice Blvd.

• **RAILINGS**

Condition required railings of an "open design".

• **STAIRWAY**

Conditions state no roof storage or use of roof by occupants allowed. Structure is much larger than required to cover stairwell. The structure is non-conforming.

EX. 6, P. 4.4.5

FROM :

PHONE NO. : 805 6826932

Jun. 18 2002 04:51PM

May 20 02 04:24p

P. 2

05/20/2002 09:41 0103220635

C & C PARTNERS -

PAGE 02/02

DENN

E N G I N E E R S

January 21, 2001

Building Department
City of West Los Angeles
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

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

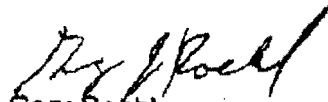
Denn Engineers measured the building height of the structures under construction at the aforementioned property and found the following elevations:

	<u>Actual Elev.</u>	<u>Design Elev.</u>	<u>Max. Allowable</u>
2201 North:			
Parapet (top of catwalk)	129.19	128.50	130.00
2201 South:			
Parapet (top of catwalk)	129.18	128.50	130.00

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 maximum allowable elevations are taken from the approved building plans prepared by C&C Partners.

Sincerely,


Gary Roehl
R.C.E. 30826



3914 Del Amo Boulevard, Suite 921, Torrance, California 90503
Tel (310) 542-9433 • Fax (310) 542-9491 • dennengineer@earthlink.net

COASTAL COMMISSION

EXHIBIT # 6
PAGE 5 OF 5



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: www.cityofla.org/PLN/index.htm

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: August 07, 2002

Case No.: ZA 2001-4834(CDP)-A1

COASTAL DEVELOPMENT PERMIT

CEQA: ENV 2001-4835-MND

Location: 2201 Ocean Front Walk

Council District: 6

Plan Area: Venice

Zone: RD1.5-1

D.M.: 106.5A 145

Legal Description: Lot 1, Block 6, Short Line
Beach Subdivision 1

Applicant: Villa Lido, LLC / Nieves and Associates, Will Nieves (Representative)

Appellant: Richard Grossman

At the meeting on July 10, 2002, the West Los Angeles Area Planning Commission:

Denied the Appeal

Sustained the action of the Zoning Administrator

Granted the Coastal Development Permit

Modified prior Conditions

Adopted the Findings of the Zoning Administrator

Adopted ENV 2001-4835-MND

This action was taken by the following vote:

Moved: Rodman

Seconded: Hall

Ayes: Krisiloff

Absent: Ritter Simon

Effective Date:

Coastal Development Permit effective at the City level
upon the mailing of this report

Greg Bartz, Commission Executive Assistant
West Los Angeles Area Planning Commission

Attachment(s): Finding, Conditions of Approval,
cc: File Distribution

Appeal Status:

Coastal Development Permit is not further appealable
at the City level but appealable only to the California
Coastal Commission - South Coast District office.
California Coastal Commission upon receipt and
acceptance of this Determination will establish start of
the 20-day appeal period

RECEIVED
SOUTH COAST DISTRICT
AUG 14 2002
CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 9

WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT

BACKGROUND, APPEAL REQUEST AND PROJECT DESCRIPTION:

1. On May 15, 2002, Zoning Administrator Daniel Green, pursuant to Los Angeles Municipal Code Section 12.20.2 approved a Coastal Development Permit authorizing the construction of a single-family dwelling located within the dual permit jurisdiction of the California Coastal Zone.
2. The Appellant, an aggrieved resident, appealed the certain Conditions, elements or parts of the Zoning Administrator's approval.

FINDINGS:

1. The Commission determined that the Zoning Administrator did not err or abuse his discretion, but erred in certain Conditions of Approval.
2. The Mandatory Findings of the Zoning Administrator were adopted by the Commission and are delineated in ZA 2001-4834(CDP) as indicated below.

A. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 [commencing with Section 30200 of the California Public Resources Code].

The applicant obtained a variance on August 25, 2000, [Case No. ZA 2000-1019(YV)] to permit a lot area of 2,340 square feet in lieu of 5,000 square feet and a lot width of 26 feet in lieu of 50 feet in conjunction with the approval of Parcel Map Exemption No. 2000-1016. The applicant requests authority to construct a single family dwelling not to exceed 30 feet in height within 3,513 square feet of floor area, plus a three-car garage of 706 square feet. A roof stairway extending an additional 8 feet in height is permitted under the Venice Specific Plan, approved by the Coastal Commission. The proposed project consists of the development of a three-story single family dwelling, with habitable rooms on each floor, and automobile parking for three vehicles within the ground floor. The architectural plans show the ground floor 6 inches above grade, rather than below as would be a prerequisite for using the term "basement". The implication of a basement, as the drawings refer to the ground floor, may be due to the artificially raised south side yard as indicated on Sheet A2.0. Ocean Front Walk, the technical front of the site, is a pedestrian walkway dedicated 10 feet in width. Speedway is parallel with Ocean Front Walk and is a 20-foot wide alley.

Section 30251 of the Coastal Act seeks to protect the scenic and visual qualities of the coastal area as a resource of public importance. Permitted development should be sited and designed to protect views to and along the ocean to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. The applicant has designed a dwelling which has a stepped back second floor and patio along the ocean frontage to maximize tenant views of that resource and is further recessed at the third floor and patio. The enclosed stairwell on the roof is stepped back yet again. Otherwise the building is shaped much like a shoe box as is common in the vicinity. Given the narrow,

26-foot width of the property, it is understandable that the applicant is trying to maximize the buildable area of the lot. The side yards are 3 feet 3 inches and 3 feet on the east and west frontages, respectively. Parking will consist of three interior ground level spaces. Building height is 28.5 feet as measured from the lowest adjacent ground elevation of the lot to the highest parapet wall of the dwelling. The design of the building does not suggest bulk and mass out of character for the area. Building height nearby varies between one and five stories. The plans show a front yard 6 feet in depth and 26 feet in width. At least 80% of this area, equivalent to 173 square feet, is required by Condition No. 9 to be permeable to minimize runoff of fertilizers, herbicides and other pollution into the storm drains and into the ocean where it poses a hazard to endangered habitat.

Section 30252 of the Act calls for "(4) providing adequate parking facilities . . ." In the instant case, the applicant will provide three spaces for the proposed dwelling unit. The primary use of the garage is for automobile parking (Condition No. 6) not for household storage.

The Venice Plan, an Element of the City's General Plan, designates the property for Low Medium II density residential land uses, corresponding to the RW1, RD2, and RD1.5 Zones. The proposed development of the property is consistent with the Plan density which is consistent with the Policies of the Coastal Act.

The Interpretive Guidelines for Coastal Planning and Permits has been reviewed and considered. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program. Relevant Guidelines involve Locating and Planning New Development as set forth in Section 30253 of the Act.

With respect to Locating and Planning New Development, the lot does not provide access to or from the beach as it has been owned and previously developed by private land owners with a single family dwelling. All of the lots on the subject block are developed with residential uses. The same is true for all adjoining blocks except for the beach which is westerly of Ocean Front Walk. There is no conflict with the goal of providing appropriately located public access points to the coast.

- B. **The development will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The Coastal Commission certified the Venice Specific Plan as the LUP on June 14, 2001. The only existing and permitted land use on the block is housing. City approvals limit the use of the lot to a one single-family dwelling. Therefore, the approval herein will not prejudice the City's ability to prepare an LCP consistent with Chapter 3 of the Act.

- C. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission, dated February 11, 1977, and any subsequent amendments thereto, have been reviewed and considered in light of the proposed project in making this determination.**

COASTAL COMMISSION

EXHIBIT # 7
PAGE 3 OF 9

The Zoning Administrator has compared the proposed project to the State Guidelines and found that it is consistent with all requirements for design, use, parking, coastal access, and marine resources. The provision of three parking spaces on site will insure a parking deficiency does not occur which 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.

- D. **The decision of the Zoning Administrator has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The grant is consistent with previous Coastal Commission grants for other single family dwellings in Venice. The applicant provided a copy of a Coastal Commission approval of a duplex located at 5007 Ocean Front Walk on February 13, 2001, which is substantially similar in certain aspects to the instant request. The Zoning Administrator has incorporated applicable Conditions and Findings from that case in the instant case. For example, the Zoning Administrator included the necessary upgrading of the right of way as required under numerous other approvals.

- E. **The development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The property is 10 feet from the public beach and not separated by any public road. Therefore, it is within the dual-jurisdiction area of the Coastal Zone.

- F. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

The project was issued a Mitigated Negative Declaration. The Commissioners and Zoning Administrator has incorporated as Conditions of the grant those mitigation measures identified in the MND.

- G. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.

- H. On December 12, 2001, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2001-4835-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. The Commission hereby adopts that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 290 North Spring Street.

- I. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.
3. The prior conditions and limitations were modified in part for the following reason:
 - A. To protect the surrounding community and environment.
 - B. To assure a project as described by the Applicant.
4. The Commission arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Commission's hearing on the subject matter.

SUMMARY OF THE HEARING:

Zoning Administrator Daniel Green summarized the request, the facts surrounding the case, the action taken, and the Findings made. He indicated:

- Commission addressed a similar case on an adjoining site owned by the Applicant;
- Issues are almost identical;
- The Commission denied the appeal and sustained the action of the Zoning Administrator on the case (ZA 2001-4837(CDP)-A1 at 2205 Ocean Front Walk) on the adjoining site;
- Only change to the prior action of the Zoning Administrator on the adjoining site was language added to Conditions of Approval in the Commission's determination; and
- Commission should deny this appeal and sustain the action of the Zoning Administrator.

The public then was given an opportunity to speak. The speakers/Appellant did not refute the Findings of the Zoning Administrator.

After closing the public hearing, the Commission recognized the issues were similar to their prior action and moved to:

- Deny the appeal, thereby sustaining the action of the Zoning Administrator that granted the Coastal Development Permit;
- Modify the Conditions of Approval to reflect those Conditions of Approval as indicated in ZA 2001-4837(CDP)-A1 on the adjoining site that the Site is in a dual permit jurisdiction of the California Coastal Zone;
- Adopt the Findings of the Zoning Administrator; and
- Adopt ENV 2001-4835-MND

COASTAL COMMISSION

EXHIBIT # 7
PAGE 5 OF 9

APPEAL RIGHTS:

Coastal Development Permit is appealable. The determination in this matter is only appealable to the California Coastal Commission. Said determination by the West Los Angeles Area Planning Commission will become effective on the date indicated on the front page of this report unless an appeal is filed with the California Coastal Commission in accordance with their procedures. They can be reached at:

California Coastal Commission - South Coast District Office
200 Oceangate - 10th Floor
Long Beach, CA 90802
(562) 590-5071
Attention: Pam Emerson / Charles Posner

Furthermore, this Coastal Development Permit shall be subject to revocation as provided in Section 12.12-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

All of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the determination is deemed received by such Commission, the City's action shall be deemed final.

SITUATION OF THE ACTION:

1. Coastal Development Permit:

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed in a public office of the Department of Planning setting the reason for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. The extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.
- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the Applicant from taking advantage of the grant or authorization within the specified time limits.

Determination Report: 2201 Ocean Front Walk

WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

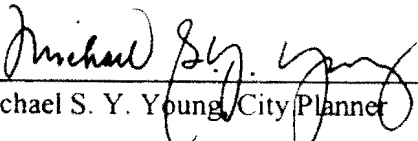
AMERICANS WITH DISABILITIES ACT (ADA) NOTICE:

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

REFERENCED EXHIBITS and ATTACHMENT:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).



Michael S. Y. Young, City Planner

MSY:gb

COASTAL COMMISSION

EXHIBIT # 7
PAGE 7 OF 9

CONDITIONS OF APPROVAL

The Conditions and requirements of ZA 2001-4834(CDP) have not been modified substantially, except as indicated below.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A" - Proposed Site Plan, except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The dwelling, exclusive of the garage, shall not exceed 3,513 square feet of floor area. The garage shall contain at least 706 square feet of floor area and be primarily used to park cars.
7. The dwelling shall not exceed 30 feet in height except for a stairway providing roof access which shall not exceed 38 feet in height. There shall be no deck above 30 feet nor any storage or use by occupants of the building.
8. A minimum of three enclosed parking spaces shall be provided within the building.
9. At least 80% of the front yard shall be permeable.
10. At all times during construction, the unobstructed width of Venice Boulevard and Speedway shall be a minimum of 10 feet. The applicant shall not store materials, debris, nor permit construction vehicles to encroach into this 10-foot wide space.
11. The applicant shall comply with the Uniform Building Code, Chapter 18, Division 1, Section 1894.5 - Liquefaction Potential and Soil Strength Loss. This requires the preparation of a geotechnical report which assesses potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and mitigation measure that may include building design considerations.
12. The applicant shall improve abutting rights-of-way as determined necessary by the City Engineer.

EX. 7

P. 8.f9

13. The applicant shall obtain the sign-off by the Bureau of Fire Prevention and Public Safety of the Fire Department, and by the Bureau of Engineering on a common set of plans prior to obtaining the sign-off of the Zoning Administrator. The plans shall include a copy of Page 1 of the instant grant and all subsequent Conditions.
14. No certificate or temporary certificate of occupancy shall be issued unless and until the Department of Building and Safety determines that the development of the property complies with the Conditions set forth in this determination along with any Conditions that may be established under the California Coastal Commission's determination. This site is located within the dual permit jurisdiction of the California Coastal Zone.
15. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

COASTAL COMMISSION

EXHIBIT # 7
PAGE 9 OF 9



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: www.cityofla.org/PLN/index.htm

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: July 02, 2002

Case No.: ZA 2001-4837(CDP)-A1

COASTAL DEVELOPMENT PERMIT

CEQA: ENV 2001-4838-MND

Applicant: Villa Lido, LLC

Appellant: Richard Grossman

Location: 2205 Ocean Front Walk

Council District: 6

Plan Area: Venice

Zone: RD1.5-1

D.M.: 106.5A 145

Legal Description: Portion of Lots 1 and 2, Block 6, Short Line Beach Subdivision

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JUL 9 2002

At the meeting on June 19, 2002, the West Los Angeles Area Planning Commission:

Denied the Appeal

Sustained the action of the Zoning Administrator

Granted the Coastal Development Permit

Modified prior Conditions

Adopted the Findings of the Zoning Administrator

Adopted ENV 2001-4838-MND

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This action was taken by the following votes:

Moved: Krisiloff

Seconded: Ritter Simon

Ayes: Rodman

Absent: Hall

Effective Date:

Coastal Development Permit effective at the City level upon the mailing of this report unless appealed to the California Coastal Commission

Appeal Status:

Coastal Development Permit is not further appealable at the City level but appealable only to the California Coastal Commission - South Coast District office. California Coastal Commission upon receipt and acceptance of this Determination will establish start of the 20-day appeal period

Greg Bartz, Commission Executive Assistant
West Los Angeles Area Planning Commission

Attachment(s): Finding, Conditions of Approval,
cc: File Distribution

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 10

WEST LOS ANGELES AREA PLANNING COMMISSION DETERMINATION REPORT

BACKGROUND, APPEAL REQUEST AND PROJECT DESCRIPTION:

1. On May 15, 2002, Zoning Administrator Daniel Green, pursuant to Los Angeles Municipal Code Section 12.20.2 approved a Coastal Development Permit authorizing the construction of a single-family dwelling located within the dual permit jurisdiction of the California Coastal Zone.
2. The Appellant, an aggrieved resident, appealed the certain Conditions, elements or parts of the Zoning Administrator's approval.

FINDINGS:

1. The Commission determined that the Zoning Administrator did not err or abuse his discretion, but erred in certain Conditions of Approval.
2. The Mandatory Findings of the Zoning Administrator were adopted by the Commission and are delineated in ZA 2001-4837(CDP) as indicated below.

A. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 [commencing with Section 30200 of the California Public Resources Code].

The applicant obtained a variance on August 25, 2000, [Case No. ZA 2000-1019(YV)] to permit a lot area of 2,340 square feet in lieu of 5,000 square feet and a lot width of 26 feet in lieu of 50 feet in conjunction with the approval of Parcel Map Exemption No. 2000-1016. The applicant requests authority to construct a single family dwelling not to exceed 30 feet in height within 3,513 square feet of floor area, plus a three-car garage of 706 square feet. A roof stairway extending an additional 8 feet in height is permitted under the Venice Specific Plan, approved by the Coastal Commission. The proposed project consists of the development of a three-story single family dwelling, with habitable rooms on each floor, and automobile parking for three vehicles within the ground floor. The architectural plans show the ground floor 6 inches above grade, rather than below as would be a pre-requisite for using the term "basement". The implication of a basement, as the drawings refer to the ground floor, may be due to the artificially raised south side yard as indicated on Sheet A2.0. Ocean Front Walk, the technical front of the site, is a pedestrian walkway dedicated 10 feet in width. Speedway is parallel with Ocean Front Walk and is a 20-foot wide alley.

Section 30251 of the Coastal Act seeks to protect the scenic and visual qualities of the coastal area as a resource of public importance. Permitted development should be sited and designed to protect views to and along the ocean to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. The applicant has designed a dwelling which has a stepped back second floor and patio along the ocean frontage to maximize tenant views of that resource and is further recessed at the third floor and patio. The enclosed stairwell on the roof is stepped back yet again. Otherwise the building is shaped much like a shoe box as is common in the vicinity. Given the narrow,

Ex. A p. 2 of 10

26-foot width of the property, it is understandable that the applicant is trying to maximize the buildable area of the lot. The side yards are 3 feet 3 inches and 3 feet on the east and west frontages, respectively. Parking will consist of three interior ground level spaces. Building height is 28.5 feet as measured from the lowest adjacent ground elevation of the lot to the highest parapet wall of the dwelling. The design of the building does not suggest bulk and mass out of character for the area. Building height nearby varies between one and five stories. The plans show a front yard 6 feet in depth and 26 feet in width. At least 80% of this area, equivalent to 173 square feet, is required by Condition No. 9 to be permeable to minimize runoff of fertilizers, herbicides and other pollution into the storm drains and into the ocean where it poses a hazard to endangered habitat.

Section 30252 of the Act calls for "(4) providing adequate parking facilities . . ." In the instant case, the applicant will provide three spaces for the proposed dwelling unit. The primary use of the garage is for automobile parking (Condition No. 6) not for household storage.

The Venice Plan, an Element of the City's General Plan, designates the property for Low Medium II density residential land uses, corresponding to the RW1, RD2, and RD1.5 Zones. The proposed development of the property is consistent with the Plan density which is consistent with the Policies of the Coastal Act.

The Interpretive Guidelines for Coastal Planning and Permits has been reviewed and considered. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program. Relevant Guidelines involve Locating and Planning New Development as set forth in Section 30253 of the Act.

With respect to Locating and Planning New Development, the lot does not provide access to or from the beach as it has been owned and previously developed by private land owners with a single family dwelling. All of the lots on the subject block are developed with residential uses. The same is true for all adjoining blocks except for the beach which is westerly of Ocean Front Walk. There is no conflict with the goal of providing appropriately located public access points to the coast.

B. The development will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

The Coastal Commission certified the Venice Specific Plan as the LUP on June 14, 2001. The only existing and permitted land use on the block is housing. City approvals limit the use of the lot to a one single-family dwelling. Therefore, the approval herein will not prejudice the City's ability to prepare an LCP consistent with Chapter 3 of the Act.

C. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission, dated February 11, 1977, and any subsequent amendments thereto, have been reviewed and considered in light of the proposed project in making this determination.

The Zoning Administrator has compared the proposed project to the State Guidelines and found that it is consistent with all requirements for design, use, parking, coastal access, and marine resources. The provision of three parking spaces on site will insure a parking deficiency does not occur which 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.

- D. **The decision of the Zoning Administrator has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The grant is consistent with previous Coastal Commission grants for other single family dwellings in Venice. The applicant provided a copy of a Coastal Commission approval of a duplex located at 5007 Ocean Front Walk on February 13, 2001, which is substantially similar in certain aspects to the instant request. The Zoning Administrator has incorporated applicable Conditions and Findings from that case in the instant case. For example, the Zoning Administrator included the necessary upgrading of the right of way as required under numerous other approvals.

- E. **The development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The property is 10 feet from the public beach and not separated by any public road. Therefore, it is within the dual-jurisdiction area of the Coastal Zone.

- F. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

The project was issued a Mitigated Negative Declaration. The Zoning Administrator has incorporated as Conditions of the grant those mitigation measures identified in the MND.

- G. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.

- H. On December 12, 2001, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2001-4838-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. The Commission hereby adopts that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.

- I. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.
3. The prior conditions and limitations were modified in part for the following reason:
- A. To protect the surrounding community and environment.
- B. To assure a project as described by the Applicant.
4. The Commission arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Commission's hearing on the subject matter.

SUMMARY OF THE HEARING:

Zoning Administrator Daniel Green summarized the request, the facts surrounding the case, the action taken, and the Findings made. He indicated:

- Single-family dwelling under construction when application was filed;
- After filing application, the construction continued;
- No reason to deny the request;
 - 30-foot height is conforming;
 - project meets yard, parking and area requirements;
 - complies with the Venice Specific Plan;
 - Findings can be made;
- Appellants' concerns;
 - loss of view;
 - can project be built;
- No basis to deny to enhance another's view;
- First floor residents in adjoining dwelling will have views blocked even though the top floor is eliminated;
- Observations;
 - small building footprint;
 - wonder what will satisfy Appellant;
 - difficult to give up part of the project on a small lot;
- Applicant desired to have two properties addressed at the same time; and
- Building and Safety ensures compliance when plans are checked.

After a brief discussion on the merits to continue this case in order for this case to be heard at the same time as another property, the Appellant who appealed Conditions, elements or parts of the Zoning Administrator's approval indicated:

- Views or whether you like or dislike the project are not the issues;
- Issues and concerns:
 - no notifications;
 - building is a three-story structure since there is no basement;

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EXHIBIT # 8
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- others are upset over the proposed project;
- builder doesn't care;
- Applicant cut corners;
- views will be lost;
- rules were not followed;
- roof structure and air conditioning units occupy approximately one-third of the roof;
- determination of building height; and
- Desire removal of structures mounted on the roof.

The Applicants and their Representatives in support of the proposed project indicated:

- Inaccurate statements made;
- Incorrect date on engineering letter;
- Venice Specific Plan was recently adopted;
 - project is in full compliance with the Specific Plan;
- A lot line adjustment triggered a need for a Coastal Development Permit;
- Desire to be able to develop property as other have done in the area; and
- Property owners abutting and adjacent to the site didn't appeal this determination.

After closing the public hearing, the Commission deliberated and the following points were made:

- Railings on the roof 36 inches in height are permitted;
 - authority to "approve" railings are with the Plan Checker from Building and Safety;
- Height of structure is in conformity with neighboring structures;
- Stairway and rooftop enclosures are in compliance;
- Recommends denial of the appeal; and
- Clarify Conditions No. 14 to reflect that this determination is appealable to the State Coastal Commission.

After deliberating the Commission unanimously passed a motion to:

- Deny the appeal, thereby sustaining the action of the Zoning Administrator that granted the Coastal Development Permit;
- Modify the Conditions of Approval to reflect in Condition No. 14 that the site is in a dual permit jurisdiction of the California Coastal Zone;
- Adopt the Findings of the Zoning Administrator; and
- Adopt ENV 2001-4838-MND.

APPEAL RIGHTS:

Coastal Development Permit is appealable. The determination in this matter is only appealable to the California Coastal Commission. Said determination by the West Los Angeles Area Planning Commission will become effective on the date indicated on the front page of this report unless an appeal is filed with the California Coastal Commission in accordance with their procedures. They can be reached at:

California Coastal Commission - South Coast District Office
200 Oceangate - 10th Floor
Long Beach, CA 90802
(562) 590-5071
Attention: Pam Emerson / Charles Posner

Furthermore, this Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

A copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

EFFECTUATION OF THE ACTION:

1. Coastal Development Permit:

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed in a public office of the Department of Planning setting the reason for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. The extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.
- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the Applicant from taking advantage of the grant or authorization within the specified time limits.
- d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 7 OF 10

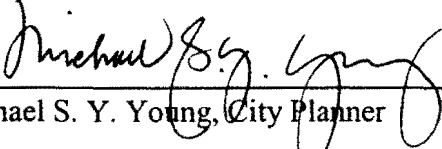
AMERICANS WITH DISABILITIES ACT (ADA) NOTICE:

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

REFERENCED EXHIBITS and ATTACHMENT:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).



Michael S. Y. Young, City Planner

MSY:gb

COASTAL COMMISSION

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CONDITIONS OF APPROVAL

The Conditions and requirements of ZA 2001-1780(CDP) have not been modified substantially, except as indicated below.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A" - Proposed Site Plan, except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The dwelling, exclusive of the garage, shall not exceed 3,513 square feet of floor area. The garage shall contain at least 706 square feet of floor area and be primarily used to park cars.
7. The dwelling shall not exceed 30 feet in height except for a stairway providing roof access which shall not exceed 38 feet in height. There shall be no deck above 30 feet nor any storage or use by occupants of the building.
8. A minimum of three enclosed parking spaces shall be provided within the building.
9. At least 80% of the front yard shall be permeable.
10. At all times during construction, the unobstructed width of Venice Boulevard and Speedway shall be a minimum of 10 feet. The applicant shall not store materials, debris, nor permit construction vehicles to encroach into this 10-foot wide space.
11. The applicant shall comply with the Uniform Building Code, Chapter 18, Division 1, Section 1894.5 - Liquefaction Potential and Soil Strength Loss. This requires the preparation of a geotechnical report which assesses potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and mitigation measure that may include building design considerations.
12. The applicant shall improve abutting rights-of-way as determined necessary by the City Engineer.

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13. The applicant shall obtain the sign-off by the Bureau of Fire Prevention and Public Safety of the Fire Department, and by the Bureau of Engineering on a common set of plans prior to obtaining the sign-off of the Zoning Administrator. The plans shall include a copy of Page 1 of the instant grant and all subsequent Conditions.
14. No certificate or temporary certificate of occupancy shall be issued unless and until the Department of Building and Safety determines that the development of the property complies with the Conditions set forth in this determination along with any Conditions that may be established under the California Coastal Commission's determination. This site is located within the dual permit jurisdiction of the California Coastal Zone.
15. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

COASTAL COMMISSION

EXHIBIT # 8
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Villa Lido LLC

2126 Woodwind Drive • Encinitas, CA 92024

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

August 26, 2002

RE: Commission Appeal Nos. A-5-VEN-02-236, A-5-VEN-02-275
Local permit #: cdp ZA2001-4837, cdp ZA2001-4834
2201 and 2205 Ocean Front Walk

Dear Mr. Posner,

We are responding in advance to the appeal by Mr. Richard Grossman in order to expedite the handling of this case at the September 2002 session of the California Coastal Commission. Mr. Grossman is presenting the same material as in his June 19 and July 10 appeals to the West Los Angeles Area Planning Commission, which were both unanimously denied.

Mr. Grossman is upset because our project will block part of the view he had when the previous house was standing. Mr. Grossman rents a southwest-corner unit on the fourth floor of an apartment building at 11 South Venice Blvd. His building is behind (to the east) of a five-story apartment building. Since the higher building, which is on the oceanfront, blocks his view directly west, he can only see the ocean if he looks diagonally out his window. South Venice Blvd. and our project are in that diagonal line of vision, since our property is also on the oceanfront (see diagram).

Mr. Grossman's issue is a personal one, which we feel does not concern the general beach-going public. (In fact, we have received many positive comments on our project from beach-goers, neighbors and even from Mr. Matthew Rodman, president of the West Los Angeles Area Planning Commission). We tried to contact Mr. Grossman in order to come to a resolution but he has not returned our call and prefers to use a public forum.

We offer the following information to counter Mr. Grossman's assertions:

- Height – both our design height and actual height (see certification) are under 30 feet from the center of the midline of the fronting street (Ocean Front Walk) to the highest point of the roof parapet.
- Railings – we have done our best to maintain an open railing within the constraints of the Uniform Building code. The roof decks on each house have a glass wall on the front (west) side and ¾-1" square metal tubing spaced 4" apart on all other sides. The current code requires that railings be a maximum of 4"

COASTAL COMMISSION

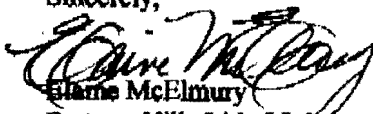
EXHIBIT # 9
PAGE 1 OF 4

apart for safety purposes. Because of Mr. Grossman's unique location in relation to our railing, he sees up to four overlapping layers of railing (2 sides x 2 houses). Since the railings do not perfectly line up from that vantage point, they appear to be less open.

- Stair access structure – The Venice Specific Plan allows for rooftop structures of up to 200 square feet for architectural features such as stairway access. We have installed a stair access structure on each house (2201 and 2205) which is about one-third of the allowable area. These structures are set back from the front in order to minimize visibility from the oceanfront and are designed with just enough room to ascend the stairs and turn around before exiting to the roof deck. The structures are approximately 4.5 feet wide and 9 feet long (for head clearance while ascending stairs) with a small turnaround area (approximately 4.5 x 4.5 feet).
- Usage of roof deck – In our Coastal Development Permit, condition 7 states "There shall be no deck above 30 feet nor any storage or use by occupants of the building." The City allows usage of rooftop decks which are under 30 feet high for houses along the boardwalk, as can be observed on several houses along Ocean Front Walk. Mr. Grossman has misinterpreted this condition to fit his case.

If you have any questions or would like additional information in advance of the meeting, you may contact us through our representative, Mr. Wil Nieves, of Nieves & Associates or directly.

Sincerely,


Elaine McElmury
Partner, Villa Lido LLC

Cc: W. Nieves, Nieves & Associates

COASTAL COMMISSION

EXHIBIT #

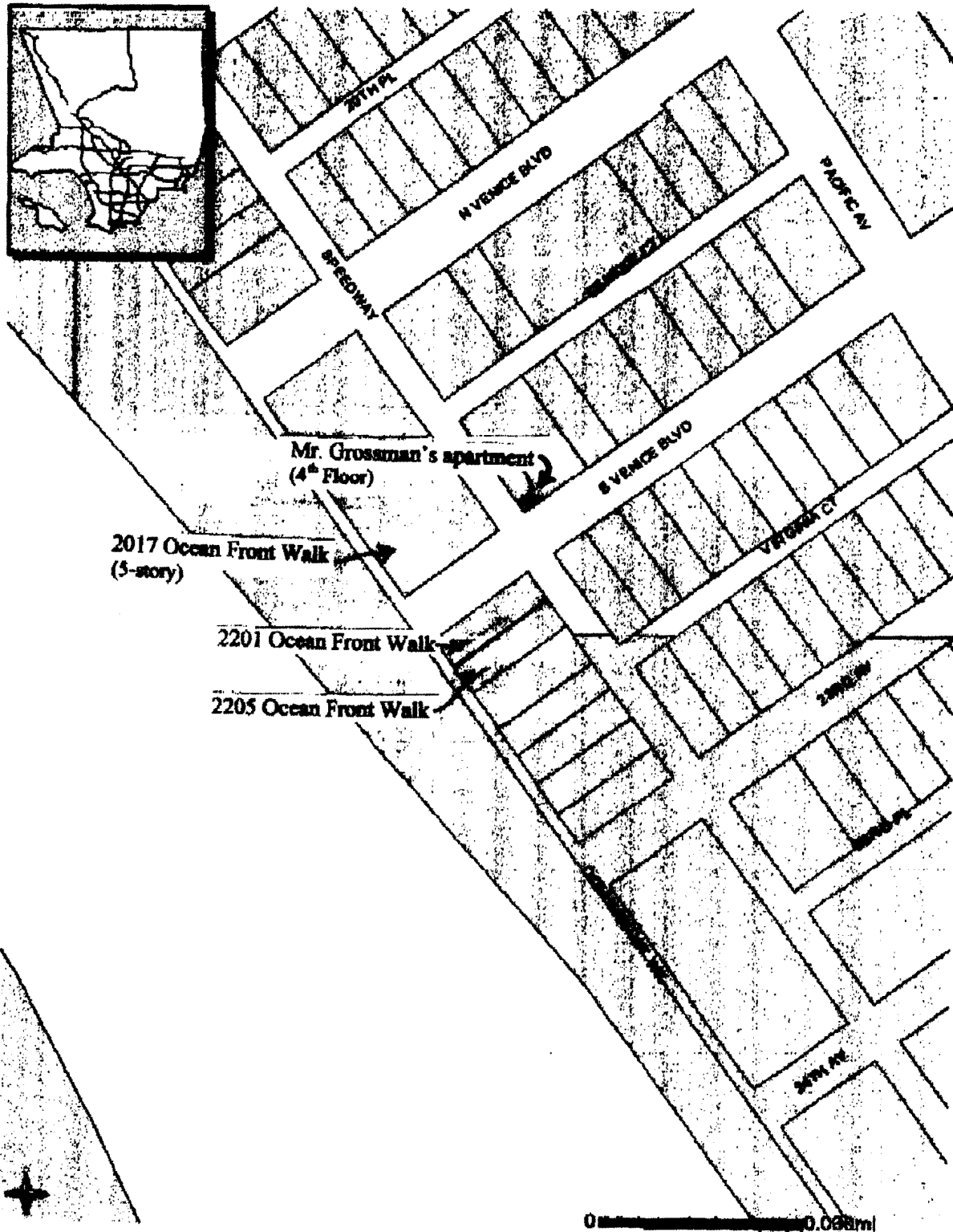
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OF

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DENN ENGINEERS

July 17, 2002

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

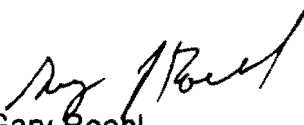
Re: Buildings under construction at 2201 & 2205 Ocean Front Walk,
Venice, CA
Job Number 00-005

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



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Alan and Miriam Jacob

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SOUTH COAST

AUG 20 2002

CALIFORNIA
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

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PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
100 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



August 27, 2002

Elaine McElmury, Partner
Villa Lido, LLC
2126 Woodwind Drive
Encinitas, CA 92024

Re: Appeal Nos. A5-VEN-02-226 and A5-VEN-02-275 (2201 Ocean Front Walk, Venice).

Dear Ms. McElmury:

The Executive Director hereby withdraws Coastal Commission Appeal No. A5-VEN-02-226, as it is superceded and replaced by Coastal Commission Appeal No. A5-VEN-02-275.

On July 9, 2002, the Executive Director filed an appeal with the Coastal Commission from the City of Los Angeles Zoning Administrator's May 15, 2002 decision to approve Local Coastal Development Permit No. 2001-4834 for the construction of a single family residence at 2201 Ocean Front Walk, Venice. The Executive Director's July 9, 2002 appeal was assigned Appeal No. A5-VEN-02-226.

Unbeknownst to the Executive Director, the City of Los Angeles West Los Angeles Area Planning Commission had also accepted an appeal of the Zoning Administrator's May 15, 2002 decision to approve Local Coastal Development Permit No. 2001-4834, thus rendering the Zoning Administrator's ruling void pursuant to local law and mooted the Executive Director's appeal. On August 7, 2002, the West Los Angeles Area Planning Commission issued an action upholding the approval of Local Coastal Development Permit No. 2001-4834 for the single family residence at 2201 Ocean Front Walk, Venice. Our office received notice of the Planning Commission's action on August 12, 2002.

On August 13, 2002, the Executive Director filed an appeal with the Coastal Commission from the Planning Commission's action to approve Local Coastal Development Permit No. 2001-4834. The Executive Director's August 13, 2002 appeal was assigned Appeal No. A5-VEN-02-275. Appeal No. A5-VEN-02-275, which appeals the City's actual final action on Local Coastal Development Permit No. 2001-4834, effectively supercedes and replaces the prior appeal, Appeal No. A5-VEN-02-226. Therefore, the Executive Director hereby withdraws Coastal Commission Appeal No. A5-VEN-02-226 of the Zoning Administrator's decision to approve Local Coastal Development Permit No. 2001-4834.

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please call Charles Posner or myself at (562) 590-5071 if you have any questions regarding this letter or other permitting issues.

Sincerely,

Teresa Henry
Teresa Henry
District Manager

COASTAL COMMISSION

cc: Daniel Green, L.A. City Planning
Will Nieves

EXHIBIT # 11
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August 29, 2002

California Coastal Commission
South Coast Area
P. O. Box 1450
200 Oceangate
10th Floor
Long Beach, Calif. 90802

Attn. Mr. Charles

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South Coast Region

AUG 29 2002

Ref: A-5-VEN-236 & A-5-VEN-02-275
Villa Lido, LLC

CALIFORNIA
COASTAL COMMISSION

Gentlemen:

I am the owner of 11 South Venice Boulevard. My apartment building is located on the northeast corner of Speedway and South Venice Boulevard.

My tenants have been adversely affected by the building of the two condominiums because they are oversized for the size of the corner lot and block the views from all angles. It is also my opinion that the owners of these structures have not complied with the building and zoning regulations as stated in their permit.

The structures on top of the building are 8 or 10 feet above the roofline and the railings are not of an open design. They are, as you have seen from previous photographs, a busy configuration that insures that you cannot see through them.

I personally spoke with Elaine Mc Elmury regarding this situation and she and her building contractor assured me that they would change the railings and modify the "doghouses" so as not to cause me financial harm. After I agreed not to file an appeal, they did nothing and had no further contact with me.

This limited partnership has violated all kinds of rules and regulations. Building without the proper permit should certainly result in heavy penalties.

I also want to mention, that I am the only property owner in the immediate area that was not contacted by Elaine in order to request a variance on the lot split. She contacted owners on all sides of the building. She never contacted me because, of course, I would have fought to stop this oversized mass of concrete on this corner. These two buildings do not fit the neighborhood and are not in compliance with the permit as issued.

Again, I ask the question, how can construction start on a project without proper permits and no penalties be assessed?

Is there anything you can do to reduce the size of the doghouses (built for two or three people to use) and have the railings comply with open design?

I apologize for this late submission, but I was in Ireland until late last night.

Sincerely,

Carmel K. Shore
Carmel K., Shore
2621 Montrose Place
Santa Barbara, California 93105
805-6892-8351

COASTAL COMMISSION

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