

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 2/21/2003
49th Day: 4/11/2003
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Staff: CP-LB
Staff Report: 8/21/2003
Hearing Date: September 11, 2003
Commission Action:



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Th 14b**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-03-073**APPLICANT:** Lucia Ruta **AGENT:** Fred Cravea, Architect**PROJECT LOCATION:** 2508 Ocean Avenue, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Construction of a three-story, 30-foot high, 794 square foot single family residence (with a 416 square foot two-car garage on the ground floor) on a 2,617 square foot lot with an existing one-story single family residence.

Lot Area	2,617 square feet
Building Coverage	1,275 square feet
Pavement Coverage	350 square feet
Landscape Coverage	992 square feet
Parking Spaces	3
Zoning	RD1.5-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above final grade	30 feet

LOCAL APPROVAL: City of Los Angeles Zoning Administrator's Adjustment & Specific Plan Project Compliance, Case No. ZA 2002-4354, 1/29/03.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Land Use Plan for Venice, City of Los Angeles, 6/14/01.
2. Venice Specific Plan, City of Los Angeles Ordinance No. 172897.
3. Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 1980.
4. Coastal Development Permit 5-03-214-W (Lambrecht), 2419 Ocean Avenue, Venice.
5. Coastal Development Permit 5-02-026-W (Lavery), 2504 Ocean Avenue, Venice.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed residential development with special conditions relating to residential density, parking and building height. The applicant agrees with the recommendation. **See Page Two for the motion to approve the permit.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit 5-03-073 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of the motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

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

2. Residential Density

The permitted use of the subject site is limited to two residential units. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Parking

As proposed by the applicant, three parking spaces shall be provided and maintained on the site: two spaces inside the garage, and an area for parking a third vehicle on the driveway apron (within the eight-foot setback area situated between the garage entrance and the rear property line).

4. Building Height

The roof of the approved structure shall not exceed thirty (30') feet in elevation above the fronting right-of-way (Ocean Avenue). No portion of the structure, except for chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function, shall exceed thirty (30') feet in elevation above the fronting right-of-way (Ocean Avenue).

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a new three-story, 794 square foot second residential unit on a 2,617 square foot lot with an existing one-story single family residence (Exhibit #3). The proposed project has a maximum height of thirty feet (Exhibit #4). Three on-site parking spaces are proposed: two spaces inside the garage and an area for parking a third vehicle within the eight-foot setback area proposed between the garage and the rear property line.

The project site is located in Southeast Venice, one block east of Eastern Canal and the Venice Canals neighborhood (Exhibit #2). The existing residence on the site was built in 1915, prior to coastal permit requirements. The surrounding neighborhood is comprised of a variety of older and new single family residences that vary in height from a single story to a maximum of thirty feet.

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B. Community Character – Building Height

The proposed project has a maximum height of thirty feet, which is consistent with the height limit set forth by the certified Venice Land Use Plan (LUP) for buildings with varied rooflines. The proposed project has a barrel-vault (rounded) roof that does not exceed the thirty-foot height limit (Exhibit #4).

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....

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The Commission has recognized in both prior permit and appeal decisions that the Southeast Venice area, where the proposed project is located, is a unique coastal community. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Southeast Venice neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community. The Regional Interpretive Guidelines for Los Angeles County set forth a 25-foot height limit for development in Southeast Venice.

In 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. The Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. The Commission officially certified the Venice LUP on June 14, 2001.

The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood. The Commission-certified LUP for Venice, however, also contains some updated and revised building standards for the various Venice neighborhoods, including the Southeast Venice neighborhood where the proposed project is situated. One change proposed by the City and adopted as part of the certified Venice LUP was the raising of the height limit from 25 to thirty feet for new residential development with varied or stepped-back rooflines in the Southeast Venice area. The 25-foot

height limit was maintained and adopted in the LUP for new residential buildings with flat roofs. Roof access structures, with a footprint of one hundred square feet or less, are permitted to exceed the flat roof height limit by no more than ten feet.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. A coastal development permit is approved only if the proposed development is found to be consistent with the Coastal Act.

The following LUP policy carries out the requirements of Coastal Act Sections 30251 and 30253 to protect the scenic and visual qualities of the Southeast Venice coastal area. Certified Venice LUP Policy I.A.7.d, which is applicable to the project site located in the Southeast Venice area, states:

• **Policy I. A. 7. d. Oakwood, Milwood, Southeast and North Venice**

Use: Duplexes and multi-family structures.

Density: One unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 4,000 square feet can add extra density at the rate of one unit for each 1,500 square feet of lot area in excess of 4,000 square feet on parcels zoned RD1.5, or one unit for each 2,000 square feet of lot area in excess of 4,000 square feet on parcels zoned RD2, if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height:

Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

The proposed project conforms to the Southeast Venice area height limit set forth in LUP Policy I.A.7.d above because it proposes a varied roofline that does not exceed the thirty-foot height limit. Additionally, the proposed thirty-foot high residence is consistent with the above LUP policy because the proposed project is not a flat-roofed building. A flat-roofed building would be subject to the 25-foot height limit set forth by the certified Venice LUP. The proposed project is consistent with the certified Venice LUP and Sections 30251 and 30253 of the Coastal Act.

C. Community Character - Residential Density

In order to protect public access to the shoreline and to preserve the character of the Southeast Venice neighborhood, the Commission has consistently limited residential density to two units per lot. Policy I.A.7.d of the certified Venice LUP limits residential density on the project site to one unit per 1,500-2,000 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.

The City Planning Department granted the applicant's request to build a second residential unit on the 2,617 square foot site when it approved the Project Permit (Case No. ZA 2002-4354). While the small lot size does not meet the certified LUP criteria for a second unit (one unit per 1,500-2,000 square feet of lot area), the LUP does allow lots smaller than 4,000 square feet to be developed with two units, if adequate on-site parking is provided.

The project site is a relatively small lot of 2,617 square feet, which has made it difficult for the applicant to design a second residential unit with adequate parking, while also maintaining the existing use (single family residence) on the site. One on-site parking space is currently provided on the site. Two additional on-site parking spaces are being provided as part of the proposed project. As conditioned to provide the proposed on-site parking, the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act.

In order to ensure that the proposed project is constructed and used as proposed, the permit is conditioned to limit use of the subject site to two residential units. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. The condition is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for beach goers, and as a result, reduce the ability of the public to access the coast. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

D. Public Access - Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by, among other means, providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

One parking space is currently provided on the site to serve the existing single family residence that was built in 1915. The certified Venice LUP requires that two additional on-site parking spaces be provided for the proposed new single family residence. The proposed project, which would increase residential density on the site from one unit to two units,

provides a total of three on-site parking spaces. Two parking spaces would be provided inside the proposed ground-floor garage, and an area for parking a third vehicle would be provided within the eight-foot setback area proposed between the garage and the rear property line (Exhibit #3).¹ Vehicular access to the proposed on-site parking supply would be provided from the rear alley (Ocean Court) where an existing curb cut exists. Therefore, two additional on-site parking spaces are being provided for the proposed second unit, consistent with the Commission's parking standards and the certified Venice LUP. As conditioned to provide and maintain the proposed on-site parking supply, the proposed project consistent with the provisions of Section 30252 of the Coastal Act.

E. Marine Resources and Water Quality

The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the provision of a pervious landscaped areas within the side yards of the project site. The Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

F. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

G. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified Venice LUP. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act (CEQA)

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

¹ The City of Los Angeles Zoning Code (Section 12.21.A.5) sets forth a minimum parking stall width of: 7'6" for compact stalls, 8' for parallel parking stalls, and 8'8" for standard residential parking stalls.

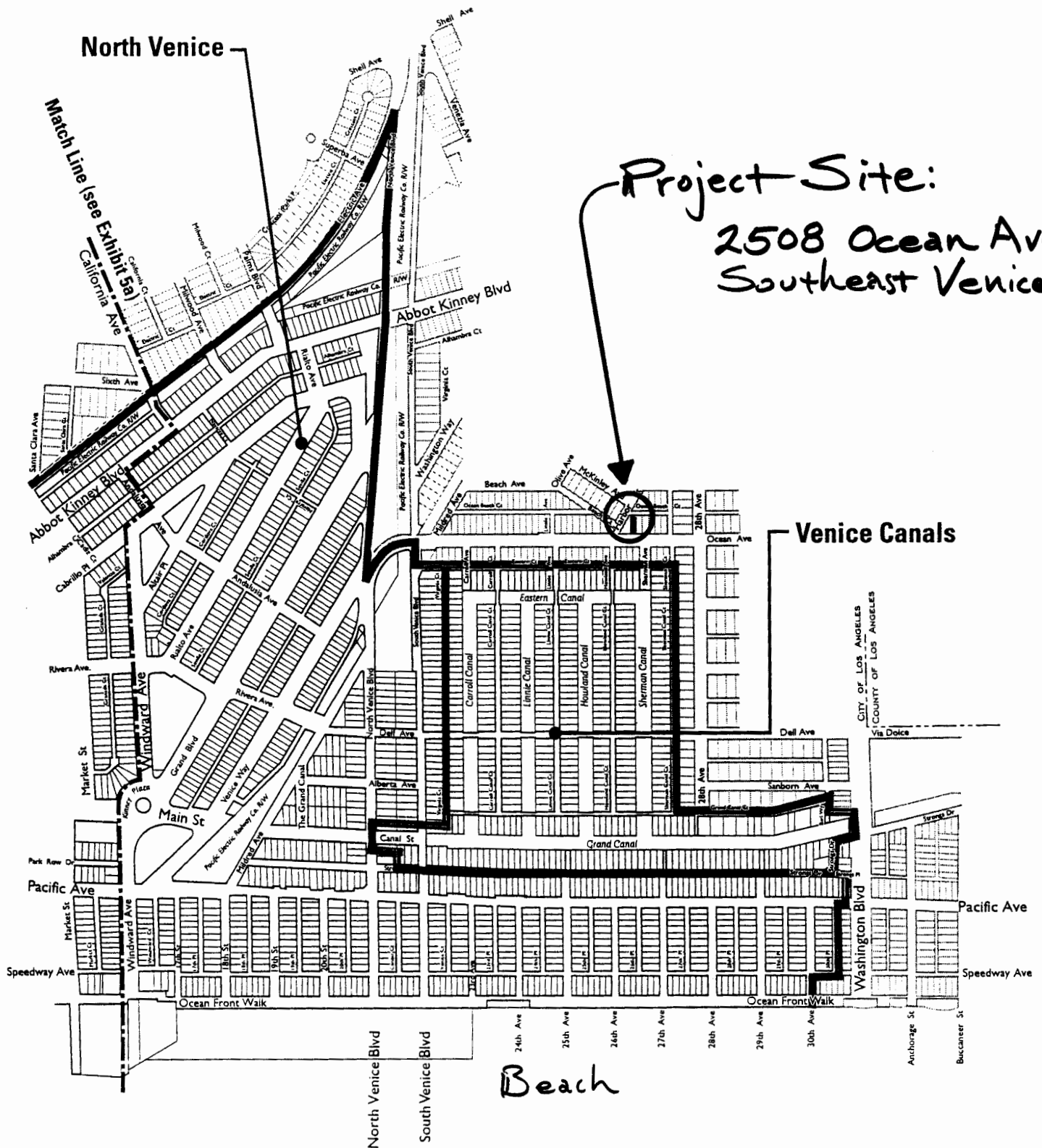
requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

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This is a detailed street map of Los Angeles, California. The map shows the city's layout, including major highways, streets, and landmarks. The Pacific Ocean is visible on the left side. The city name 'LOS ANGELES' is prominently displayed in the center. A circular inset map in the top left corner shows the location of Los Angeles within the state of California. The map includes labels for various streets, landmarks, and the city name 'LOS ANGELES' in large letters. A circular inset map in the top left corner shows the location of Los Angeles within the state of California.

EXHIBIT # 1
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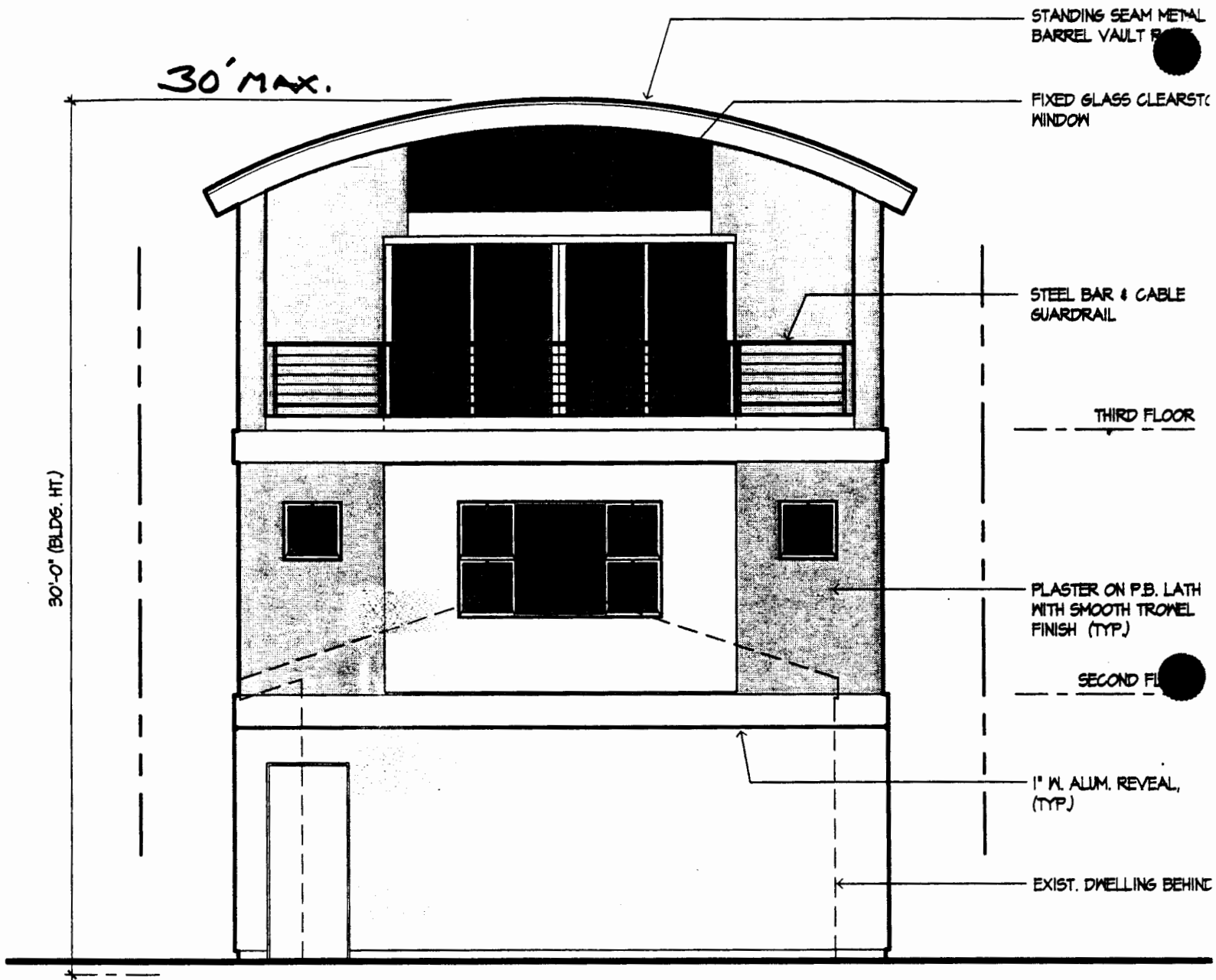
LUP
Exhibit 5b

Subarea: North Venice • Venice Canals

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EXHIBIT # 2

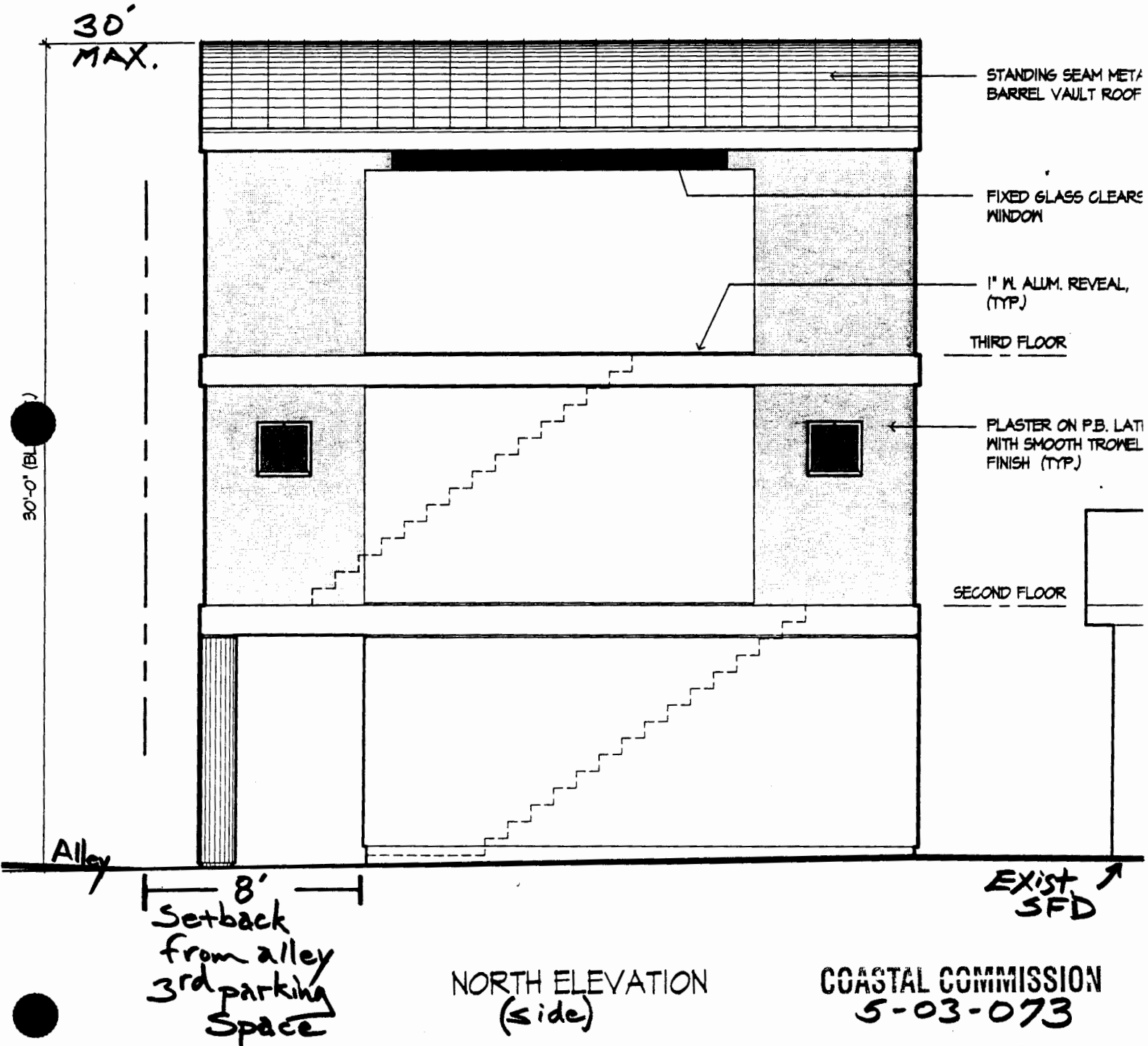
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WEST ELEVATION

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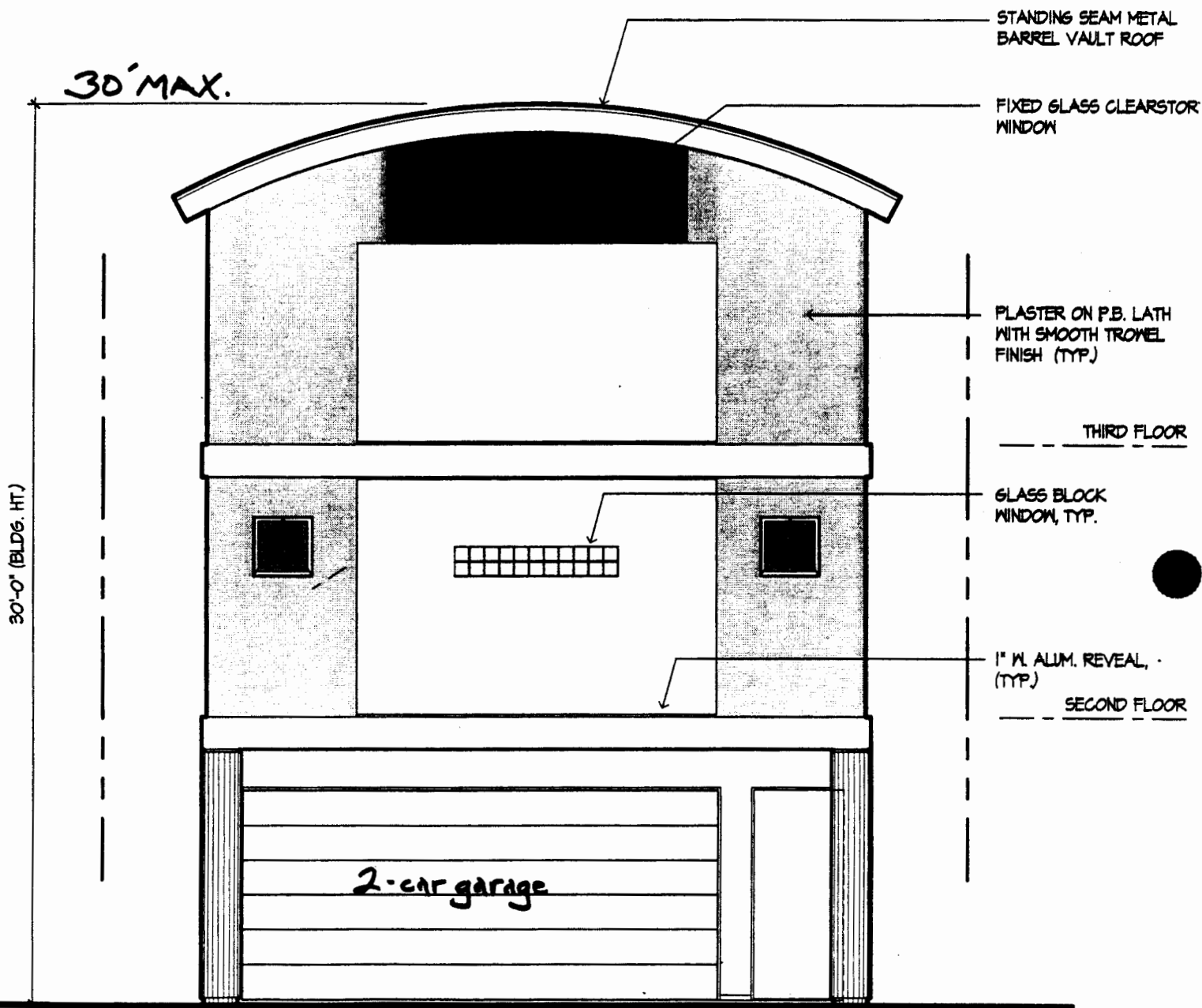
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EXHIBIT # 5

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EAST ELEVATION
(Alley - Ocean Crt.)

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EXHIBIT # 6
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