

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 3/12/2004  
49th Day: 4/30/2004  
180th Day: 9/8/2004  
Staff: CP-LB  
Staff Report: 4/21/2004  
Hearing Date: May 14, 2004  
Commission Action:



A handwritten signature in black ink, appearing to be "CP".

**F5g****RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-04-097**APPLICANT:** Sherill Johnson & Albert Moore**AGENT:** Lilian Davis**PROJECT LOCATION:** 19 26<sup>th</sup> Avenue, Venice, City of Los Angeles.**PROJECT DESCRIPTION:** Demolition of a two-story single-family residence, and construction of a three-level, 28-foot high, 3,793 square foot duplex with a five-car carport.

Lot Area	2,640 square feet
Building Coverage	1,968 square feet
Pavement Coverage	672 square feet
Landscape Coverage	360 square feet (Walk Street)
Parking Spaces	5
Zoning	RD1.5
Plan Designation	Multi-Family Res- Low Med II
Ht above final grade	28 feet

**LOCAL APPROVAL:** City of Los Angeles Local Coastal Development Permit and Project Permit Case No. APCW2003-3655, 1/27/2004.**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit 5-01-349/A5-VEN-01-392 (King - 31 26<sup>th</sup> Ave.).
3. Coastal Development Permit 5-91-440 (Carey - 17 26<sup>th</sup> Ave.).

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to the permitted use, provision of adequate parking, building height and permit compliance. The applicant agrees with the recommendation. **See Page Two for the motion.**

**STAFF NOTE:**

The proposed project is located one block inland side of the Venice Boardwalk (Ocean Front Walk) within three hundred feet of the beach (See Exhibits). Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of Title 14 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission. On January 27, 2004, the City of Los Angeles West Los Angeles Area Planning Commission approved Local Coastal Development Permit No. APCW2003-3655.

**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 the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**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. Permitted Use of Structure

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

#### 2. Parking

The proposed on-site parking supply (five spaces) shall be provided and maintained in the carport of the approved structure as shown on the proposed project plans. Vehicular access to the on-site parking shall be taken only from the rear alley.

#### 3. Building Height

The roof of the approved structure shall not exceed twenty-eight feet (28') in elevation above the center of the 26<sup>th</sup> Avenue walk street right-of-way. Chimneys, exhaust ducts, sky lights, ventilation shafts and other similar devices essential for building function may extend up to thirty-three feet (33') in elevation above the center of the 26<sup>th</sup> Avenue walk street right-of-way. One thirty-seven foot (37') high roof access structure, with a footprint not exceeding one hundred square feet, is permitted in order to provide access to the twenty-eight foot (28') high roof deck.

#### 4. 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 must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicant proposes to demolish an existing two-story single-family residence on the project site, and to construct a three-level, twenty-eight foot high, 3,793 square foot duplex (See Exhibits). One thirty-seven foot high roof access structure, with a footprint not exceeding one hundred square feet, would provide access to a deck on the twenty-eight foot high roof (Exhibit #6). Five on-site parking spaces are proposed in the carport, with vehicular access provided by the rear alley. No vehicular access is proposed or permitted on the 26<sup>th</sup> Avenue walk street. The proposed on-site parking supply provides an adequate parking supply for the two proposed residential units.

The project site is a 2,640 square foot lot located one-block inland of the public beach on 26<sup>th</sup> Avenue, an historic North Venice walk street that provides pedestrian access to the Venice Boardwalk and the beach (Exhibit #2). The surrounding neighborhood is comprised of a mix of old and new residential uses. The proposed project includes permeable landscaping and a wooden fence in the City right-of-way area situated between the applicant's lot and the walk street walkway, as called for by the certified Venice LUP.

The Commission has recognized in both prior permit and appeal decisions that the North 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 North Venice neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community.

On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP maintains the City's and Coastal Commission's previous density limits and parking standards for the North Venice area. The certified LUP increased height limits for buildings with varied or steeped-back rooflines from thirty feet to thirty-five feet, except on walk streets, where the height limit was lowered to 28 feet. 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 standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that approved developments are consistent with the Coastal Act and the certified LUP, when necessary. In order to mitigate the identified impacts, the appropriate special conditions have been applied to this coastal development permit. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and the certified Venice LUP.

In regards to building height, the proposed project has a twenty-eight foot high roof and roof deck (Exhibit #6). One thirty-seven foot high roof access structure, with a footprint not exceeding one hundred square feet, would provide access to the roof deck. A thirty-five foot high skylight is also proposed on the roof. The certified LUP permits limited roof access structures, roof deck railings, skylights and other devices essential for building function to exceed the roof height limit. Therefore, the proposed project conforms to the twenty-eight foot height limit for buildings along walk streets in North Venice, as set forth by the certified Venice LUP.

**B. Community Character**

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.

**C. Public Access/Parking**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. Marine Resources and Water Quality**

The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the provision of pervious landscaped areas within the side yards and the front yard of the proposed project. The Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**E. Public Recreation**

The proposed development does not interfere with public recreational use of coastal resources. As conditioned, the development protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

**F. Recreation Areas and Parks**

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and are compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the proposed development conforms with Section 30240(b) 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)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

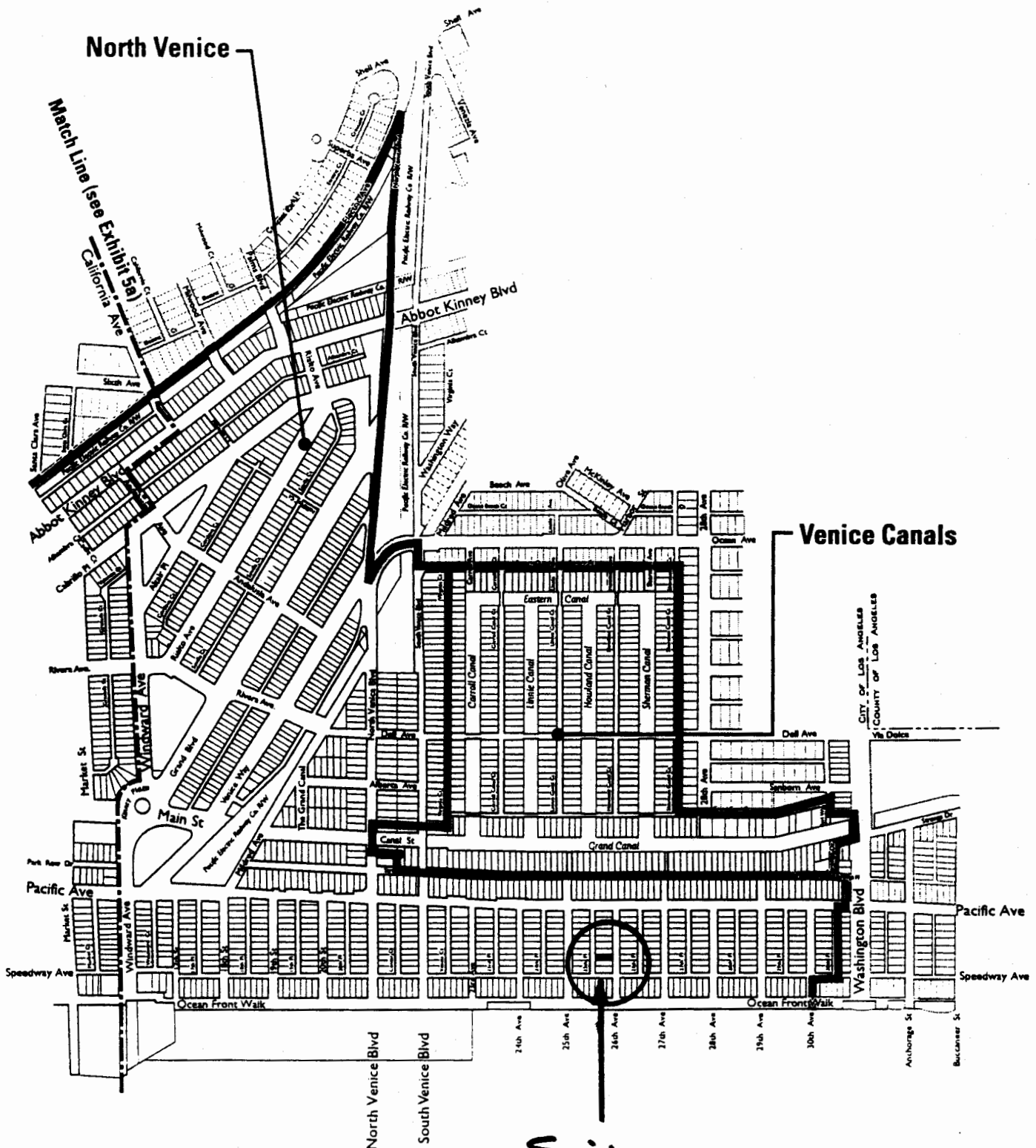
# VENICE, CA



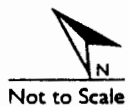
Site: 19 26th Avenue

COASTAL COMMISSION  
5-04-097

EXHIBIT # 1  
PAGE 1 OF 1



Site:  
19 26<sup>th</sup> Avenue



Not to Scale

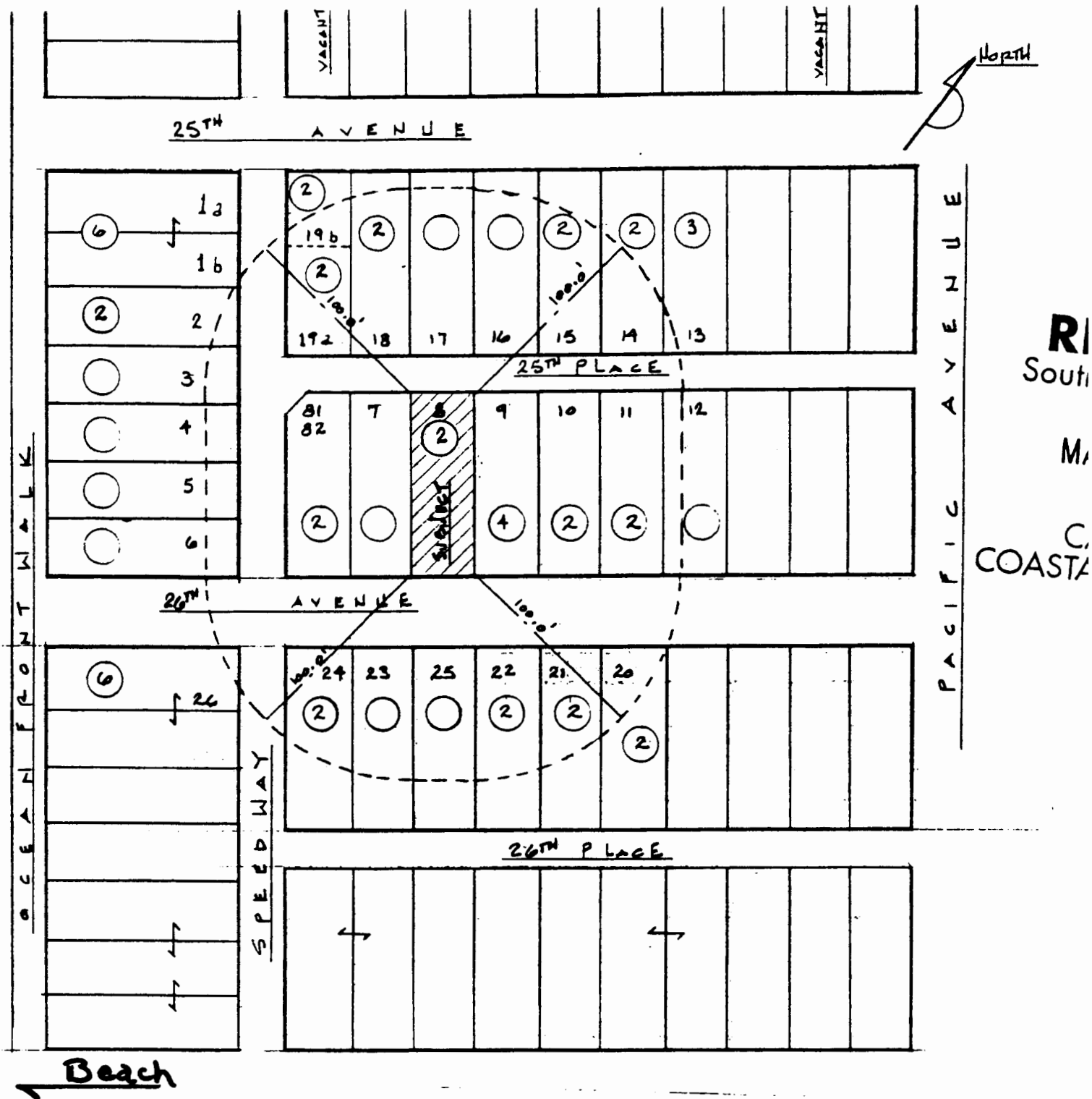
COASTAL COMMISSION  
5-04-097

EXHIBIT # 2

PAGE 1 OF 1

LUP  
Exhibit 5b

Subarea: North Venice • Venice Canal



100.0' Radius Map Scale: 1" = 60

Subject Property: 19 E 26<sup>th</sup> Avenue

Venice, CA 90291

Owners:

Albert Moore & Sherrill Johnson

19 E 26<sup>th</sup> Avenue

Venice, CA 90291

Legal:

Lot # 10 Block # 19

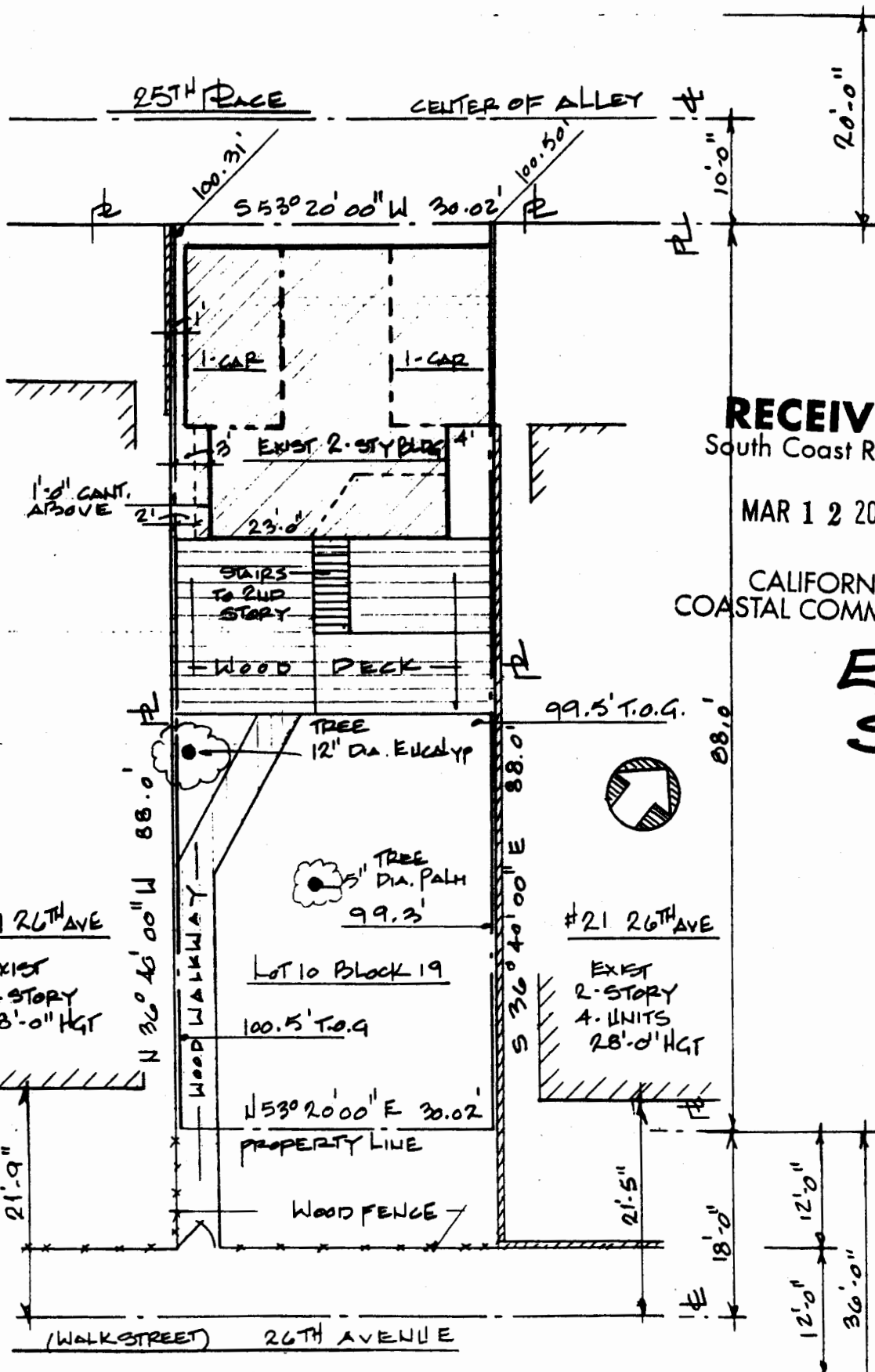
Tract: Shortline Beach Sub. No. 2

COASTAL COMMISSION

5-04-097

EXHIBIT # 3

PAGE 1 OF 1



**RECEIVED**  
South Coast Region

MAR 12 2004

CALIFORNIA  
COASTAL COMMISSION

**Existing  
Site  
Plan**

Plot Plan 1/16" = 1'-0"

Demolition Plan of Existing 2 Story Dwelling and Wood Deck and Walkway

EXHIBIT #

PAGE 1 OF 1

IVED  
1st Region

2 2004

ORNIA  
OMMISSION

BEAM & COLUMN

ELEVATOR SHAFT  
(FLAT ROOF)  
ROOF ACCESS

METAL ROOFING  
(BELOW)  
SKYLIGHT

17 26TH AVE  
3-STORY  
28'-0" HGT

19 1/2 E 26TH GATE  
19 E 26TH GATE

(WALK STREET) 26TH AVENUE

24'-0" BLDG

CENTER LINE

(ALLEY) 25TH PLACE

S53°20'00"W 30.02'

BALCONY  
BELOW

FLAT  
ROOF

WALKWAY

ROOF DECK  
28'-0" HGT

LANDSCAPED

CHIMNEY

BM & COL.

SOLAR PANELS

SKYLIGHT

CHIMNEY

1'-0" PARAPET  
WALL

GLASS RAILING

1'-0" BALCONY SIF

78'-0" BLDG

Proposed  
Site  
Plan

BUILDING WALL

5'-0" SETBACK

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

12'-0"

Plot Plan 1/16" = 1'-0"

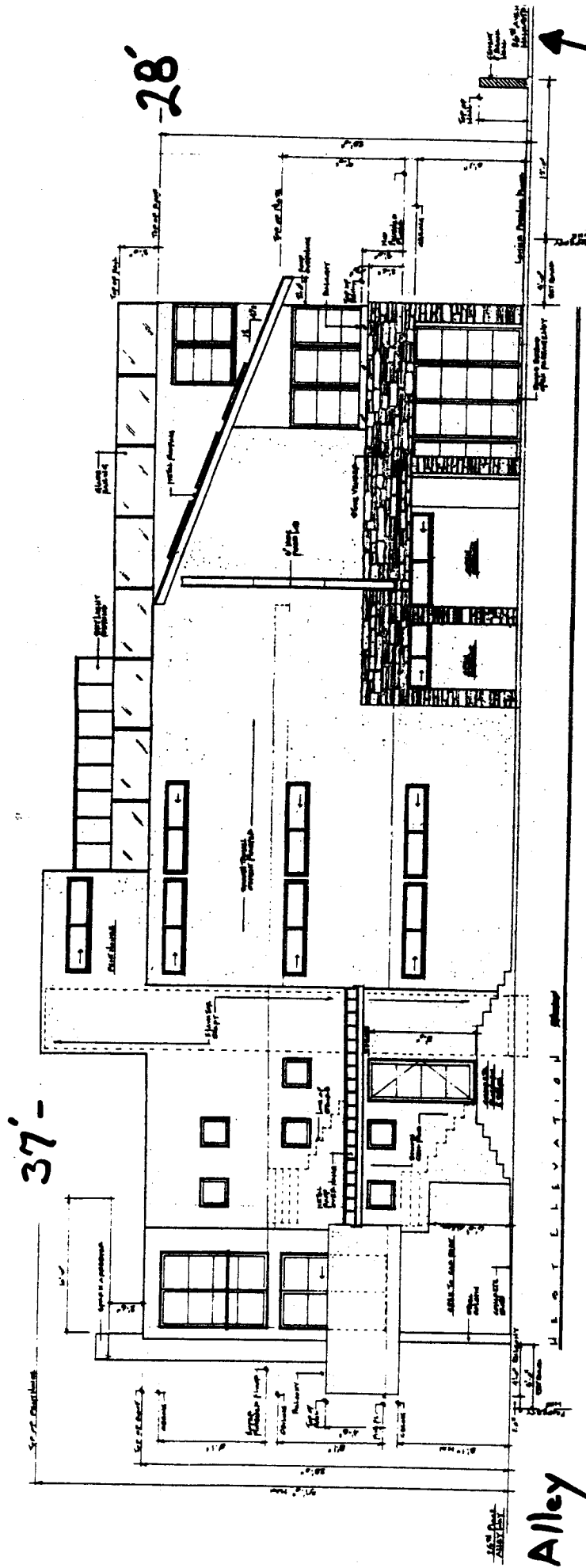
Proposed 3 Story Dwelling and Roof Deck w/ 5 Parking Units

EXHIBIT #

5

PAGE 1

OF 1



# West Proposed Elevation

COASTAL COMMISSION

5-04-097

EXHIBIT # 6

PAGE 1 OF 1



