

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: July 15, 2004  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-04-150**APPLICANTS:** Ronald & Sharon Binder **AGENTS:** Tim & Terry McNamara**PROJECT LOCATION:** 2703 Ocean Front Walk, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Demolition of a two-story duplex, and construction of a three-story, 35-foot high (with 40-foot high roof access structure), 3,534 square foot single-family residence with an attached four-car garage on a beachfront lot.

Lot Area	2,528 square feet
Building Coverage	1,812 square feet
Pavement Coverage	357 square feet
Landscape Coverage	359 square feet
Parking Spaces	4
Zoning	RD1.5-1
Plan Designation	Multi-Family Residential – Low Med II
Ht above final grade	35 feet (plus 40-foot high roof access)

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR2003-4264 (SPP), 8/28/2003.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan, 6/14/01.
2. Coastal Development Permits 5-04-027 & 028 (Venice Lofts: 619-701 OFW).
3. Coastal Development Permit 5-03-520 (Ennis: 2911 OFW).
4. Coastal Development Permit 5-03-068 (Farid: 4615 OFW).
5. Coastal Development Permits 5-01-267 & 268 (Villa Lido: 2201-2205 OFW).
6. Coastal Development Permit 5-95-050 (Snipper: 2811 OFW).

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to development on and along the 27<sup>th</sup> Avenue walk street, residential density, parking, building height, and the protection of public access along the public rights-of-way that abut the front (Ocean Front Walk) and north side (27<sup>th</sup> Avenue walk street) of the project site. The applicant agrees with the recommendation. **See Page Two for Motion.**

the permittee's property line (i.e., within the 27<sup>th</sup> Avenue right-of-way) shall be maintained as a permeable yard area (except for minimal paved walks to the building entrances) landscaped with low water use plants.

- b. In order to prevent vehicular access, the applicant shall erect and maintain a decorative fence (e.g. split rail, picket or rustic) not exceeding 42 inches in height to enclose the area situated between the ten-foot wide 27<sup>th</sup> Avenue sidewalk and the permittee's property line (i.e., within the 27<sup>th</sup> Avenue right-of-way).
- c. In order to enhance the public views along the 27<sup>th</sup> Avenue walk street, no trees or bushes over 48 inches in height are permitted in the right-of-way.
- d. The permittee and the proposed development shall not interfere with public pedestrian access to and along the ten-foot wide public sidewalk that runs down the center of the 27<sup>th</sup> Avenue right-of-way.

The permittee shall undertake and maintain the development in conformance with the approved final plans. Any proposed change to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Ocean Front Walk

Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, landscaping and posting of signs.

7. Construction Responsibilities and Debris Removal

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location.
- C. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea or canals and a pre-construction meeting to review procedural and BMP guidelines.
- D. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

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

The Commission hereby finds and declares:

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

The applicant proposes to demolish the existing two-story duplex on a beachfront lot in North Venice, and to construct a new three-story, 35-foot high, 3,534 square foot single family residence (See Exhibits). One forty-foot high roof access stairway enclosure is proposed in order to provide access to the roof deck (Exhibit #5). A ground floor garage, accessed from Speedway alley, would provide four on-site parking spaces (Exhibit #4). A swimming pool is also proposed on the ground level of the house. The proposed development, including a proposed six-foot high privacy wall, is set back one foot from the Ocean Front Walk right-of-way. The proposed house is less than 22 feet wide, because the lot, like the others on the block, is only 28 feet wide. Three-foot wide side yards are being provided.

The project site is a 2,528 square foot lot situated on the inland side of the Venice boardwalk (Ocean Front Walk), an improved public walkway situated between the private lots of the residential neighborhood and the open sandy public beach (Exhibit #3). The surrounding neighborhood is comprised primarily of two-story and three-story multiple-unit and single-family residential buildings. The 27<sup>th</sup> Avenue walk street, which provides direct public pedestrian access to the beach and boardwalk, abuts the north side of the project site (Exhibit #3). As called for by Policy II.C.7 of the certified Venice LUP, the applicant is proposing to maintain the unique character of the walk street by enclosing and improving a thirteen-foot wide portion of the 36-foot wide public right-of-way with a grade level patio and landscaping (Exhibit #4). No existing public parking will be removed and public access along the 10-foot wide walk street accessway will not be affected by the proposed (and Commission-required) improvements to the 27<sup>th</sup> Avenue right-of-way.

##### **B. Project Background**

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 community character. The Regional Interpretive Guidelines for Los Angeles County contain a thirty-foot height limit for development in the North Venice area. The Interpretive Guidelines also state that the Venice walk streets shall be preserved as walk streets.

On October 29, 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. As part of that effort, the City also adopted the Venice Specific Plan in 1999. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. On March 28, 2001, the Los

Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. The Commission officially certified the Venice LUP on June 14, 2001. The Venice Specific Plan has not been certified.

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 unique character of each Venice neighborhood. The certified Venice LUP, however, also contains some updated and revised building standards for the various Venice neighborhoods, including the North Venice neighborhood where the proposed project is located.

One change proposed by the City and adopted as part of the certified Venice LUP was the lowering of the height limit to 28 feet for all new development situated along the historic Venice walk streets. Formerly, the height limit for development on the walk streets was the same as the general height limit for each Venice neighborhood. In the North Venice area, the general height limit before the adoption of the certified LUP was thirty feet, as set forth by the Interpretive Guidelines. The certified LUP height limit for the North Venice area is now 30-to-35 feet, except for buildings along walk streets where the height limit is 28 feet. The 35-foot height is allowed only when the structure has a varied or sloped roofline. The proposed project has a curved roofline that qualifies as a sloped roofline.

This project, because of its location on the corner of a historic Venice walk street (27<sup>th</sup> Avenue) and the boardwalk (Ocean Front Walk), presents the Commission with a height limit dilemma: Should the general 30-to-35-foot height limit applicable to the majority of the boardwalk properties prevail, or should the 28-foot height limit for walk streets be enforced? If the 28-foot height limit were to be imposed because the project is along a walk street, then the applicant would not be able to take advantage of the 30-to-35-foot height limit that is applicable to its neighboring boardwalk properties. On the other hand, the LUP is clear: the height limit along walk streets is 28 feet.

This project is the second project proposed since the 2001 certification of the Venice LUP that is situated on the corner of a walk street and the boardwalk, so it was not the first time that the City and the Commission have had to consider which height limit would prevail on such a corner. The first case was decided by the Commission (after several local hearings) on April 14, 2004, when is approved Coastal Development Permits A5-VEN-04-008/009 and 5-04-027/028 (Venice Lofts) for two mixed-use projects located at 619 and 701 Ocean Front Walk. In that case, the Commission agreed with the City's determination that the projects on Ocean Front Walk did not need to comply with the 28-foot height limit for walk streets. The Commission instead imposed the LUP's standard 30-to-35 foot height limit instead, finding that visual resources and community character would not be adversely affected by 30-to-35 foot high buildings along the boardwalk, even if located on the end of a walk street. In fact, many of the existing structures along the boardwalk are 30-to-40 feet in height.

The City has resolved the question at the local level by amending the City of Los Angeles Venice Specific Plan (not the LUP) to state that only projects *fronting* walk streets (instead of projects *along* walk streets) are limited to the more restrictive height limit of 28 feet. Now, the City only imposes the 28-foot height limit on projects that front walk streets. The City imposes the standard North Venice area height limit (30-to-35 feet) on all other projects, including all

Ocean Front Walk projects. In this case, the City approved the proposed project plans as being consistent with the Venice Specific Plan [Case No. DIR2003-4264 (SPP), 8/28/2003].

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.

### **C. Visual Resources and Community Character – 27<sup>th</sup> Avenue Walk Street**

The Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected, and that special neighborhoods be protected.

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.

Building height and bulk can adversely affect the scenic and visual qualities of the Venice coastal area and the unique character of its historic walk streets. Architectural design and the provision, or lack thereof, of adequate open space and landscaping can also strongly influence community character and visual resources. The certified Venice LUP contains specific building limits and design standards that have been designed and adopted in order to preserve the unique character of the Venice walk streets and neighborhoods and to carry out the requirements of Sections 30251 and 30253 of the Coastal Act.

Policy II.C.7 of the certified Venice LUP states:

- **Policy II. C. 7. Walk Streets.** *Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way. Vehicular access on walk streets shall be restricted to emergency vehicles. The minimum width of the pedestrian path shall be 10-12 feet in the North Venice and Peninsula areas and 4½ feet in the Milwood area. The remaining public right-of-way shall be limited to grade level uses including landscaping, patios, gardens and decks.*

As stated previously, the project site abuts 27th Avenue, a 36-foot wide City right-of-way designated as a walk street by the certified Venice LUP (Exhibit #3). The walk streets in North

Venice, Marina Peninsula and Milwood neighborhoods of Venice are among the most pleasant pedestrian amenities in Los Angeles and provide excellent vertical access to the beach. The certified Venice LUP identifies the North Venice walk streets as protected coastal accessways for pedestrians. Vehicular access on walk streets is restricted to emergency vehicles.

The Venice walk streets are generally typical of a number of southern California beach communities that were originally developed with weekend beach cottages early in the twentieth century when streetcars served these communities. Walk streets generally have narrow, pedestrian friendly walkways down the middle of the right-of-way, with landscaped "front yards" that encroach up over the right-of-way up to the edge of the open public walkway in the middle of the right-of-way. On the block inland of the project site, this walk street (27<sup>th</sup> Avenue) includes the typical landscaped "front yards" that encroach into the street right-of-way. A ten-foot wide public sidewalk runs down the center of the walk street, providing pedestrian access between the inland area where some public parking is available and the boardwalk and the sandy beach (Exhibit #2).

### **Building Height**

One of the issues raised by the proposed project is its height. The proposal is to construct a new three-story single-family residence with a 35-foot high roof, and a forty-foot high roof access stairway enclosure (Exhibit #5). The proposed project complies with the standard 30-to-35 foot height limit for the North Venice area, but exceeds the 28-foot height limit for development along walk streets as set forth by the certified Venice LUP.

The certified Venice LUP contains specific policies to carry out the requirements of the Coastal Act, especially along walk streets including 27<sup>th</sup> Avenue. The Venice LUP limits the height of buildings as a way of protecting public access, community character and the visual resources of the beach, boardwalk and walk streets.

The Commission, however, recognizes that the standard of review is the Chapter 3 policies of the Coastal Act; the LUP only provides guidance and is not the final standard for approval. When the City granted its approval of the project, it imposed the general North Venice height limit (30-to-35 feet) on the project rather than the more restrictive walk street height limit. The City found that the proposed project fronts the boardwalk, and the height limit for all projects fronting the boardwalk would be 30-to-35 feet (with additional height for a limited roof access structure).

The Commission can approve development that exceeds the LUP height limit and approve the proposed project, but it must find that the project is consistent with the Chapter 3 policies of the Coastal Act. In this case, the Commission finds that the proposed project, because of the reasons listed below, is consistent with the Chapter 3 policies of the Coastal Act. The proposed project would not negatively affect the character and scenic and visual qualities of the community, even though the proposed structure exceeds the certified LUP height limit for projects along walk streets.

The Commission finds that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act because, as conditioned, the proposed project would have no adverse effect on public views down the walk street to the beach and ocean, as the additional height



above 28 feet would not obstruct any public view of the coast. The proposed structure is visually compatible with the character of the surrounding neighborhood and the walk street where many of the existing buildings are thirty feet high or higher. The highest portion of the proposed project, the forty-foot high roof access structure, is set back 42 feet from Ocean Front Walk in order to reduce its visibility from the public beach and boardwalk (Exhibit #5). Approval of the proposed project would not set a new precedent for the walk streets as the exceptions to the 28-foot walk street height limit is only being granted to projects that front the boardwalk. To do otherwise would prohibit the applicant from having the same right to the 30-to-35-foot height limit that is applicable to the neighboring boardwalk properties.

It is also visually compatible with the buildings along the boardwalk, many of which are 30-to-35 feet in height. The proposed project does not threaten the unique character of the neighborhood because the proposed building is comparable in height and bulk to many of the existing structures along the boardwalk, and it also conforms to the general 30-to-35-foot height limit. Finally, the proposed project, as conditioned, would result in the improvement of the walk street's visual resources by providing a landscaped yard and softly textured transitional zone between the public sidewalk and the proposed structure.

In order to ensure that the proposed project is constructed consistent with the plan and design that is being presented and approved by the Commission, special conditions are imposed that require strict compliance with the proposal as set forth in the application, and as modified by the conditions of approval. 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. As conditioned, the proposed project is found to be consistent with Sections 30251 and 30253 of the Coastal Act.

### **Walk Street Setback Requirement**

The Venice LUP does not set forth any specific setback distance for projects along walk streets, but the LUP does require that:

*"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." [Residential Land Use and Development Standards, LUP Page 2-22].*

The proposed project provides a three-foot setback from the 27<sup>th</sup> Avenue right-of-way (Exhibit #4). The proposed three-foot side yards leave the applicant with a 22-foot wide house on the 28-foot wide lot. Therefore, the Commission finds that the narrow width of the lot precludes the applicant from providing a larger set back from the 27<sup>th</sup> Avenue right-of-way.

### **Walk Street Design Standards – Architecture and Landscaping**

As stated previously, the certified Venice LUP contains specific building design standards and encroachment limits that have been designed and adopted in order to preserve the unique character of the Venice walk streets.

Policies II.C.10 and II.C.11 of the certified Venice LUP state:

- **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.*
- **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.** *Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian. Creative use and arrangement of permeable paving materials shall be encouraged. Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way. The use of decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.*

The LUP policies protect and preserve the unique character of the Venice walk streets. In order to enhance visual quality and to provide a transitional zone between the 27<sup>th</sup> Avenue public sidewalk and the private dwelling, the applicant is proposing to landscape the right-of-way area situated between a ten-foot wide 27<sup>th</sup> Avenue sidewalk and the permittee's property line. The proposed plan, however, includes large street trees (e.g. magnolia grandiflora) in the City right-of-way. The proposed large trees would obstruct public views down the walk street to the beach, and would not conform to the requirements of LUP Policy II.C.11 to limit encroachments to "grade level uses" that "shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian."

Therefore, Special Condition Five requires the applicant to submit a revised plan for the walk street encroachment area that includes: a permeable surface (such as pavers with space for percolation, low water use plants, a decorative fence (42 inches or less in height), and no trees or bushes over 48 inches in height. Also, Special Condition Four requires the applicant to construct the building as proposed (see Exhibit #4), with the side of the building facing the 27<sup>th</sup> Avenue walk street providing visual interest to pedestrians with frequent windows, a primary ground floor entrance, and articulated façade as required by LUP Policy II.C.10. As conditioned, the proposed project would result in the substantial improvement of the walk street's visual resources in conformance with the certified Venice LUP and Sections 30251 and 30253 of the Coastal Act.



#### **D. Public Access and Recreation**

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The certified Venice LUP protects public access along the historic Venice walk streets and the Venice boardwalk. Therefore, the proposed development be designed to avoid any new adverse impacts on public access to the coast or to nearby recreational facilities.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Certified LUP Policy II.C.7, stated in the previous section of this report, states in part:

*Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way.*

Certified LUP Policy II.C.10 states in part:

*New residential development along walk streets shall enhance both public access and neighborhood character.*

Shoreline recreation resources in the Venice area include: Venice Beach, Ballona Lagoon, the Venice Canals, walk streets, boardwalk, and the Marina del Rey north jetty which lies partly in the jurisdiction of the City of Los Angeles. Venice Beach is a publicly owned sandy beach, which provides direct access to the entire oceanfront shoreline and is readily accessible to pedestrians and bicyclists. The walk streets in the North Venice and Marina Peninsula neighborhoods provide excellent pedestrian access to the beach. It is a goal of the Coastal Commission and the City to protect these public resources. Unregulated development along walk streets could cause an over developed, crowded feel that may discourage public use and enjoyment of these pedestrian accessways. Discouraging public access is inconsistent with the certified LUP and the public access policies of the Coastal Act.

As conditioned, the proposed project would not adversely impact public access. The special conditions protect public access along the ten-foot wide public sidewalk on the 27<sup>th</sup> Avenue right-of-way (Special Condition 5.d) and prohibit encroachments on the boardwalk (Special Condition Six). Also, the proposed project, as conditioned, would enhance public access on

the walk street by providing a landscaped transitional zone between the 27<sup>th</sup> Avenue public sidewalk and the private dwelling. Therefore, as conditioned, the proposed development conforms with the public access and recreation policies of the Coastal Act.

**E. Public Access - Parking**

The proposed project is located in North Venice, immediately inland of the popular Venice Beach and boardwalk (Exhibit #3). One of the most important coastal planning issues for this part of Venice is the issue of parking and the lack thereof.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30252 of the Coastal Act requires that new development provide (among other things) adequate parking facilities. New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available at this highly popular coastal area.

The Commission has consistently required that new development provide adequate parking facilities to meet the demands of the new development. Single-family residences are required to provide at least two on-site parking spaces. The proposed project includes a four-car garage on the ground floor garage, with access from Speedway alley (Exhibit #4). Therefore, the proposed project provides adequate on-site parking. Special Condition Two requires the applicant to maintain the on-site parking supply as proposed. As conditioned, the proposed project is consistent with the public access policies of the Coastal Act.

**F. Marine Resources**

The proposed development will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

### **G. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The 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.

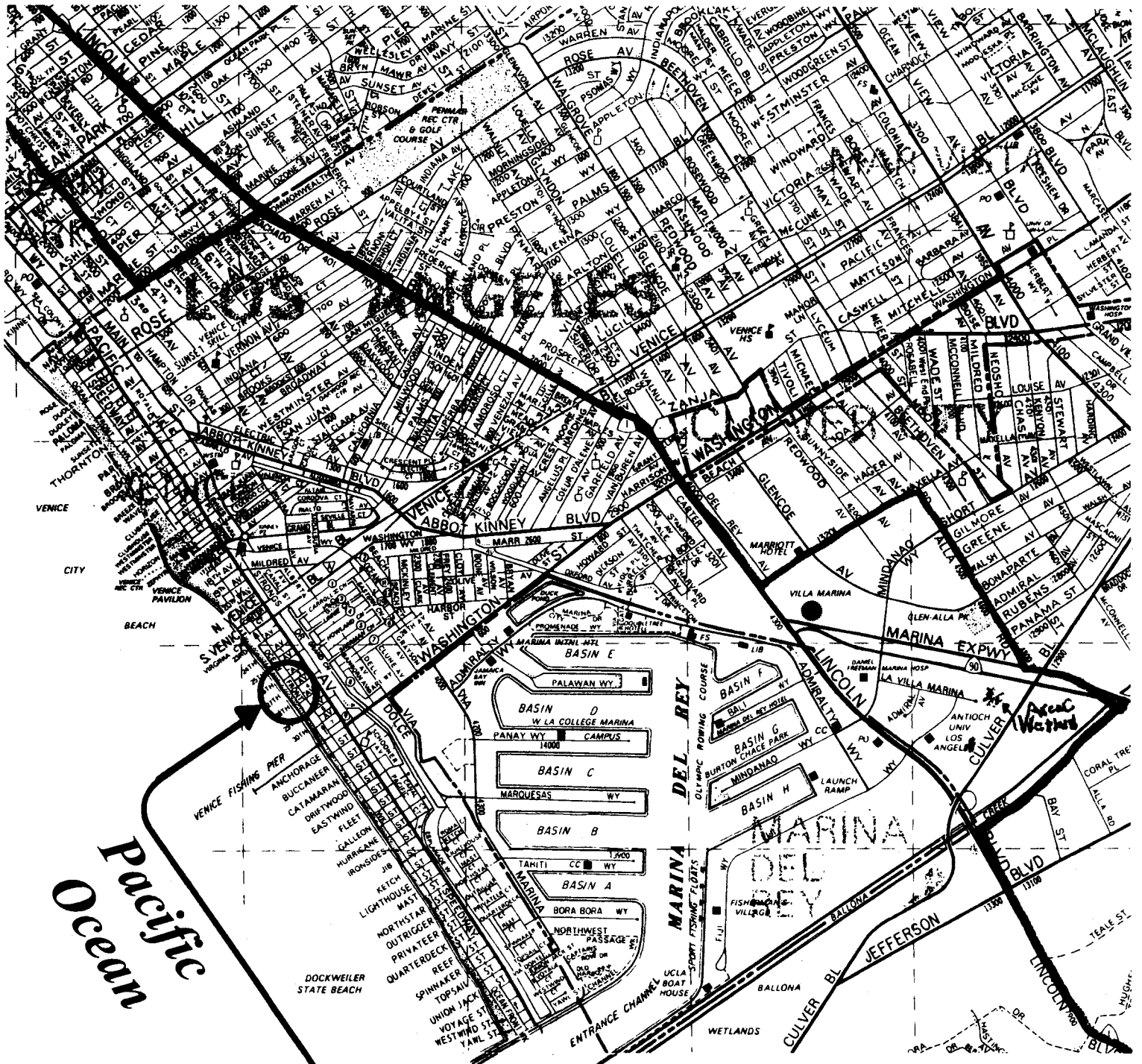
The proposed project does not conform to the 28-foot height limit for projects along walk streets as set forth in the certified Venice LUP. Nonetheless, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act because the exception to the height limit in this case is for a specific and unique circumstance: it is a boardwalk fronting project that will not adversely affect public views or community character.

### **H. California Environmental Quality Act (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

# VENICE, CA



Pacific Ocean



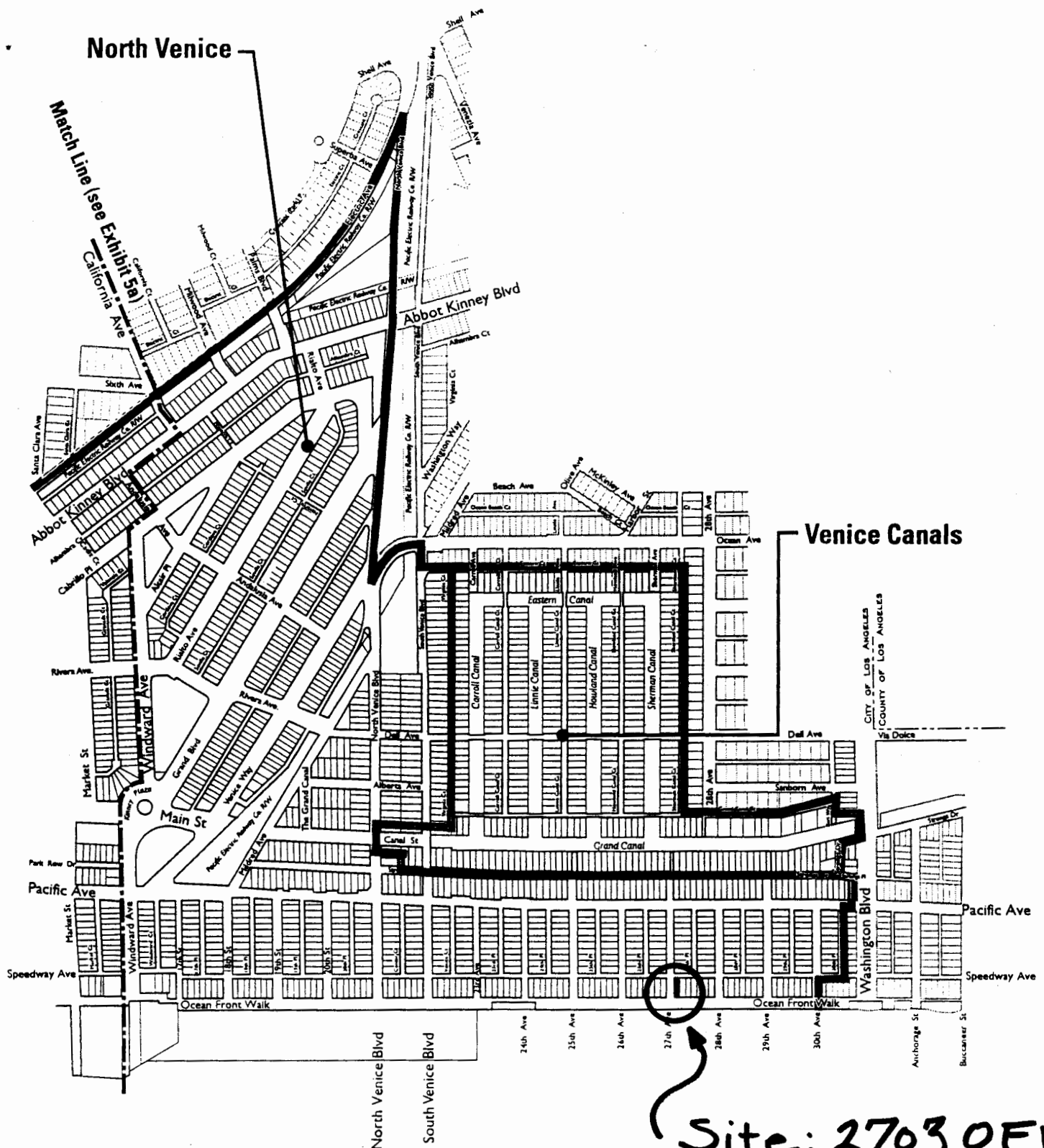
Site: 2703 OFW  
Ocean Front Walk

COASTAL COMMISSION

5-04-150

EXHIBIT # 1

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**LUP**  
**Exhibit 5b**  
**Subarea: North Venice • Venice Canal**

Not to Scale  
**COASTAL COMMISSION**  
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EXHIBIT # 3  
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# Public Beach

Site: 2703 OFW

