

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**W15h**

Filed: 5/3/2006  
 49th Day: 6/21/2006  
 180th Day: 10/30/2006  
 Staff: Charles Posner - LB  
 Staff Report: 6/22/2006  
 Hearing Date: July 12, 2006  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-06-167**APPLICANT:** Steven Rogers      **AGENT:** Jeff Gordon**PROJECT LOCATION:** 218 Bernard Avenue, Venice, City of Los Angeles**PROJECT DESCRIPTION:** Demolition of a one-story, 1,322 square foot single-family residence, and construction of a two-story, 27-foot high, 2,644 square foot single-family residence on a 4,229 square foot lot.

Lot Area	4,229 square feet
Building Coverage	1,735 square feet
Pavement Coverage	1,185 square feet
Landscape Coverage	1,309 square feet
Parking Spaces	3
Zoning	RD2-1
Plan Designation	Multi-Family Residential-Low Medium II
Ht above street	27 feet

**LOCAL APPROVAL:** City of Los Angeles Specific Plan Director of Planning Sign-off, Case No. DIR-2005-4861 (VSO), 4/20/2006.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending **APPROVAL** of the coastal development permit with special conditions. **See Page Two for the motion.** The applicant, who agrees with the staff recommendation, proposes to build a new two-story, 27-foot high single-family residence in the interior of the developed residential neighborhood known as North of Rose (Oakwood). There is neighborhood opposition to new projects that are perceived to be too large and out of character with the neighborhood, which is comprised primarily of one-story homes. The proposed two-story home is not out of scale with the surrounding development, and no one has gone on record opposing the project. The proposed project, which is located one-half mile inland of the beach, complies with the thirty-foot height limit for single-family homes with varied rooflines (it has a sloping roof). The proposed project complies with the specific standards set forth by the Venice Specific Plan and the certified Venice Land Use Plan (LUP), and has received approval from the City of Los Angeles Planning Department. Adequate on-site parking is provided. Staff recommends that the Commission determine that the proposed project will have no negative effects on visual resources or coastal access, is consistent with community character, the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan (LUP) for Venice, 6/14/2001.
2. City of Los Angeles Venice Coastal Zone Specific Plan (Ordinance No. 175,693).
3. Coastal Development Permit Application 5-05-414 (Shaw – 201 Bernard Ave. Venice).
4. Coastal Development Permit 5-05-461 (Slaten – 233 Rennie Ave. Venice).
5. Coastal Development Permit 5-05-464 (Burston – 703 Machado Ave. Venice).
6. Coastal Development Permit 5-05-453 (Corzine – 221 5th Ave. Venice).

**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 with special conditions Coastal Development Permit 5-06-167 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the 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, 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.

#### **2. Building Height**

As proposed by the applicant, the height of the structure shall not exceed 27 feet above the elevation of the centerline of Bernard Avenue. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the roof height by five feet.

#### **3. On-site Parking**

Three parking spaces shall be provided and maintained on the project site: two in the garage and an uncovered space on the driveway.

#### **4. Construction Responsibilities and Debris Removal**

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to 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. 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.
- (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.

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

The Commission hereby finds and declares:

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

The applicant proposes to construct a two-story, 27-foot high, 2,644 square foot single-family residence on a 4,229 square foot lot in the Oakwood area of Venice (See Exhibits). The project site, situated about one-half mile inland of the beach, is in a neighborhood that is referred to as “North of Rose” (because of its location north of Rose Avenue). The project started in 2005 as a remodel/addition of an existing one-story, 1,322 square foot single-family residence, but the City pulled the building permit and coastal permit exemption when it was informed that the floor, the entire roof, and about ninety percent of the structure’s walls were demolished. The applicant is now applying to build a new house that would be three feet lower in height than the previously designed remodel/addition project.

An existing detached garage on the rear portion of the site provides two covered parking spaces (Exhibit #4). The existing one hundred foot long driveway provides an additional area for on-site parking. No changes are proposed to the existing garage. Since the garage is not being altered in any way, the City of Los Angeles Department of Transportation has determined that the applicant may retain the existing driveway and curb cut on Bernard Avenue, instead of requiring that vehicular access be taken only from the rear alley.<sup>1</sup>

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

The City of Los Angeles Planning Department approved the applicant’s project without holding a public hearing, as the City does not require a public hearing for single-family residence projects that comply with the Venice Specific Plan. The applicant is now requesting Commission approval of the coastal development permit that is necessary to undertake the proposed development. The hearing before the Coastal Commission will be the public’s only opportunity to participate in the review of the project.

The Commission has recognized in both prior permit and appeal decisions that the Oakwood area of Venice, 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 Oakwood 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 and its historic walk streets.

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 Oakwood area of Venice. Prior to 2001, the height

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<sup>1</sup> City of Los Angeles Inter-Departmental Correspondence by Shozo Yoshikawa, January 17, 2006.

limit for single-family residences in the Oakwood area was 25 feet. The certified LUP set forth a new, higher thirty-foot height limit for single-family residences in the Oakwood area and a few other Venice neighborhoods (Exhibit #2). The additional five feet in height (from 25 to thirty feet) is only permitted for projects with varied or stepped-back rooflines, in order to allow and encourage more variation in rooflines. Flat-roofed structures are still limited to a maximum of 25 feet.

### **Certified Venice LUP Policies**

The Commission adopted the following policy as part of the certified Venice LUP in order to regulate residential development on lots in the Oakwood area of Venice that have been designated with the *Multi-Family Residential - Low Medium II* land use designation. The following policy language applies to the project site, although the North of Rose neighborhood does not reflect the multi-family land use designation of the certified LUP, as it is comprised almost entirely of one-story single-family residences.

Venice Land Use Plan Policy I.A.7.d states:

- ***Policy I. A. 7. Multi-Family Residential - Low Medium II Density.*** Accommodate the development of multi-family dwelling units in the areas designated as “Multiple Family Residential” and “Low Medium II Density” on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

#### **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 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 height of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).*

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.

### **C. Community Character**

As stated above, the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, rather than the policies of the certified LUP. The Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected, development be visually compatible with the character of surrounding areas, 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, 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.

Section 30253(5) of the Coastal Act states, in part:

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 primary issue with the proposed project is whether the proposed project is compatible with the character of the surrounding (Oakwood) neighborhood as required by Section 30251 of the Coastal Act. Building height and bulk can adversely affect the scenic and visual qualities of the Venice coastal area and the unique character of its individual neighborhoods. 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. [See Page Five of this report for certified LUP Policy I.A.7.]

#### **Character of the North of Rose Area of Venice**

The North of Rose neighborhood, except for the properties along the Rose Avenue commercial corridor, is comprised almost entirely of one-story single-family residences built in the 1940s and 1950s (a few are older). The few two-story residences in the neighborhood are modest in scale with a height of about 25 feet. There are two existing two-story houses on Bernard Avenue, and all the rest are one-story. There are no three-story homes.

The Oakwood area is a neighborhood in on the cusp of a major transition. As is already common in the other Venice neighborhoods, many older homes are being sold to persons planning to replace them with larger modern homes. New two-story homes are not incompatible with the established existing Venice neighborhoods, as two-story homes have been allowed and built since Venice was first developed in the early 1900s. A large two-story home can be built within the 25-foot height limit that was applicable to single-family homes in the Oakwood area until 2001. The increase in the height limit to thirty feet is just enough for three-level homes. Three-level homes, however, are so massive in relation to the existing scale of development in the North of Rose neighborhood that they would redefine neighborhood scale. The neighborhood residents are currently working with their City Council representative in an effort to lower the height limit and to impose other building standards that would protect the existing low-scale character of the neighborhood while still allowing the homeowners to build up to two stories. They do not want a new project to be built that changes the neighborhood character while they are trying to address the issue through a local ordinance. No one has opposed the proposed two-story house.

### **Compliance with the Coastal Act and Venice LUP**

The maximum height for single-family homes in the Oakwood area, as set forth by the certified Venice LUP, is 25 feet with an additional five feet for a “varied or stepped back roofline” instead of a flat roof. The purpose of allowing the additional five feet (from 25 to thirty feet) is to allow buildings to be designed without flat roofs so as to avoid blocky buildings. The additional five feet in height for varied rooflines is discretionary: additional height over 25 feet does not have to be approved if the project would result in a significant contrast in the mass and scale of a new building in relation to the character of the established neighborhood (Coastal Act Sections 30251 and 30253).

The tip of the sloping roof of the proposed two-story single-family residence measures a few inches less than 27 feet above the elevation of the centerline of the fronting street, Bernard Avenue (Exhibit #5). Only the sloped roofline exceeds the 25-foot elevation. The proposed project measures 25 feet above the existing grade of the site, as the site is a couple feet higher than street level. With the building’s height being limited to 27 feet (as proposed by the applicant), the proposed project is compatible with low-scale character of the North of Rose neighborhood. Therefore, the Commission finds that the proposed project will not adversely affect neighborhood character and conforms with the requirements of Sections 30251 and 30253 of the Coastal Act.

### **D. Parking**

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

Section 30252 of the Coastal Act states, in part:

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

Many of the older developments in Venice do not provide adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. The walk streets and alleys provide no public parking, and residents of the area and their guests often occupy the small amount of parking area that may be available for the general public on the surrounding streets. To mitigate this problem, the Commission has consistently conditioned new single-family residences in the Oakwood area of Venice to provide a minimum of three on-site parking spaces. The proposed project includes three on-site parking spaces (Exhibit #4). The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

#### **E. Control of Polluted Runoff**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The proposed project poses a potential source of pollution due to contaminated runoff. Runoff from the site enters the City's stormdrain system and is ultimately discharged into the marine environment. Untreated wastewater from the site must be prevented from negatively affecting the marine resources in the adjacent waters of the Pacific Ocean.

To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, a special condition requires the applicant to incorporate best management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site. As conditioned, the proposed project is consistent with past Commission action with regards to water quality requirements and will minimize water quality impacts. The Commission, therefore, finds that, as conditioned, the development will be consistent with Sections 30230 and 30231 of the Coastal Act.



**F. Local Coastal Program**

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

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

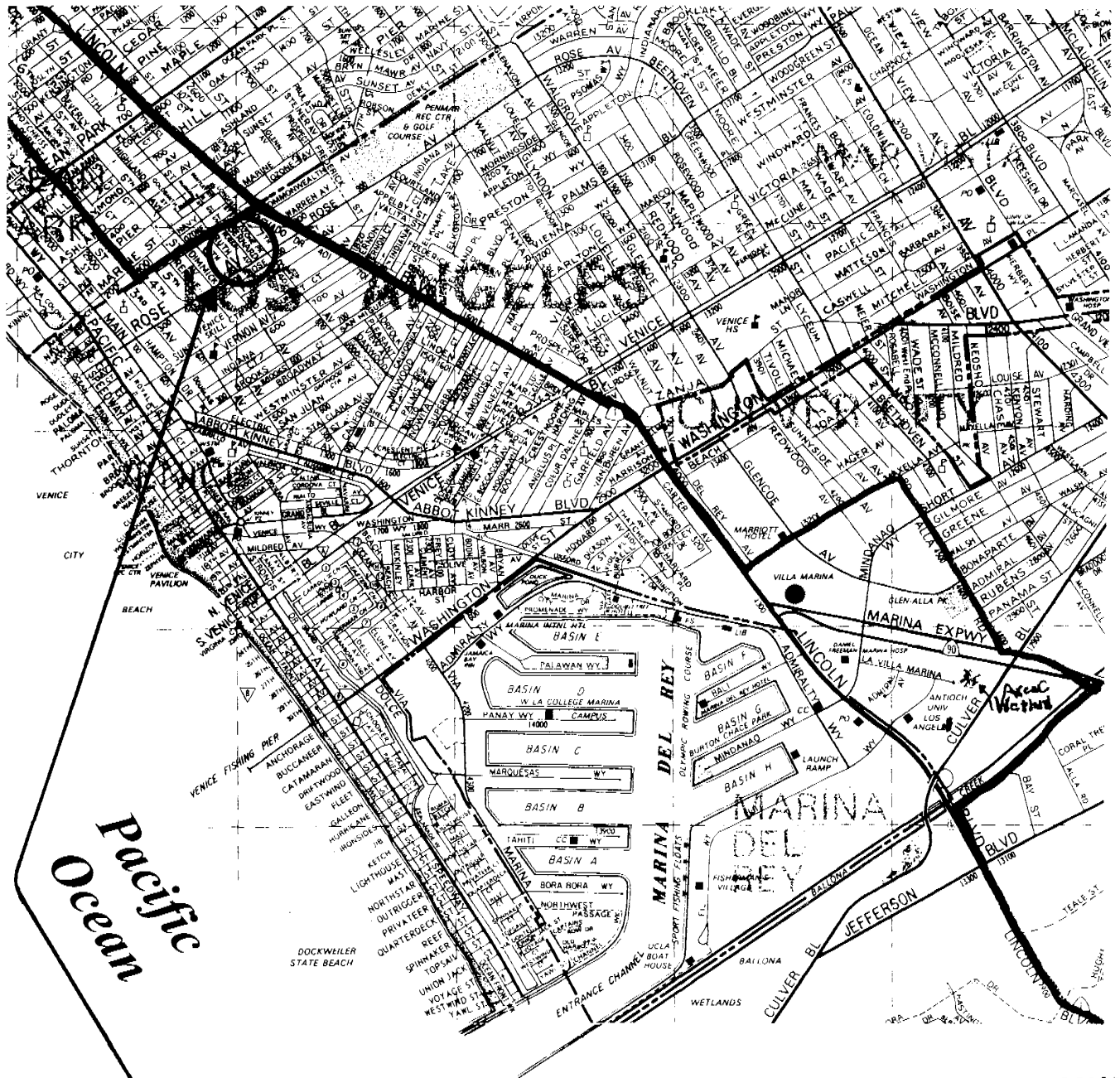
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. 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.

**G. 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. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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.

# VENICE, CA



Pacific  
Ocean

Site: 218 Bernard Avenue

COASTAL COMMISSION

5-06-167

EXHIBIT # 1

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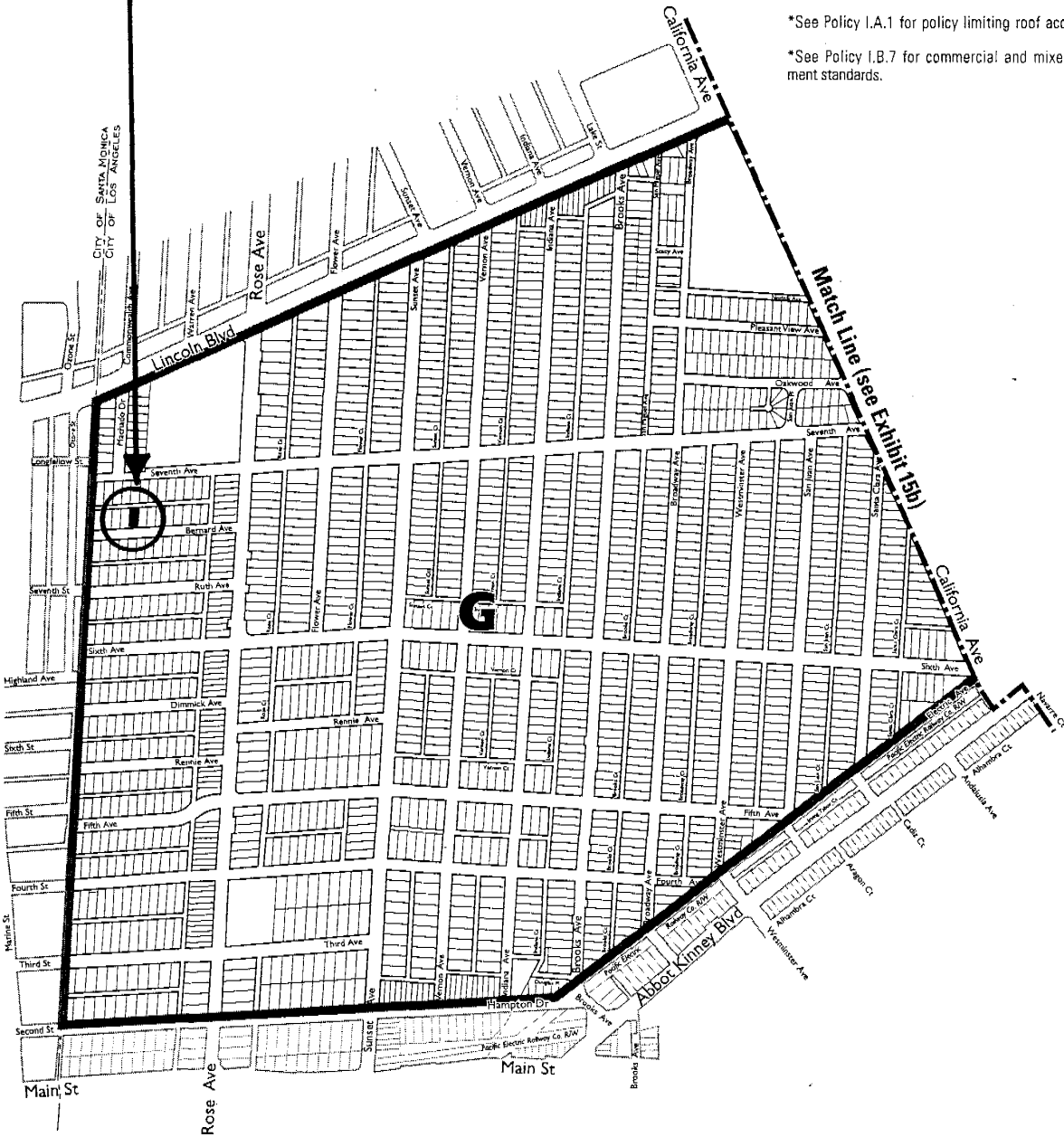
**Maximum Building Height**

- G** 25' with a flat roof
- 30' with varied or stepped back roofline
- 28' along Walk streets

**Notes:**

- \*All building heights shall be measured from the elevation of the fronting 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.
- \*See Policy I.A.1 for policy limiting roof access structures.
- \*See Policy I.B.7 for commercial and mixed-use development standards.

Site: 218 Bernard Ave.



**LUP**  
**Exhibit 15a**  
**Height**  
**Subarea: Oakwood**

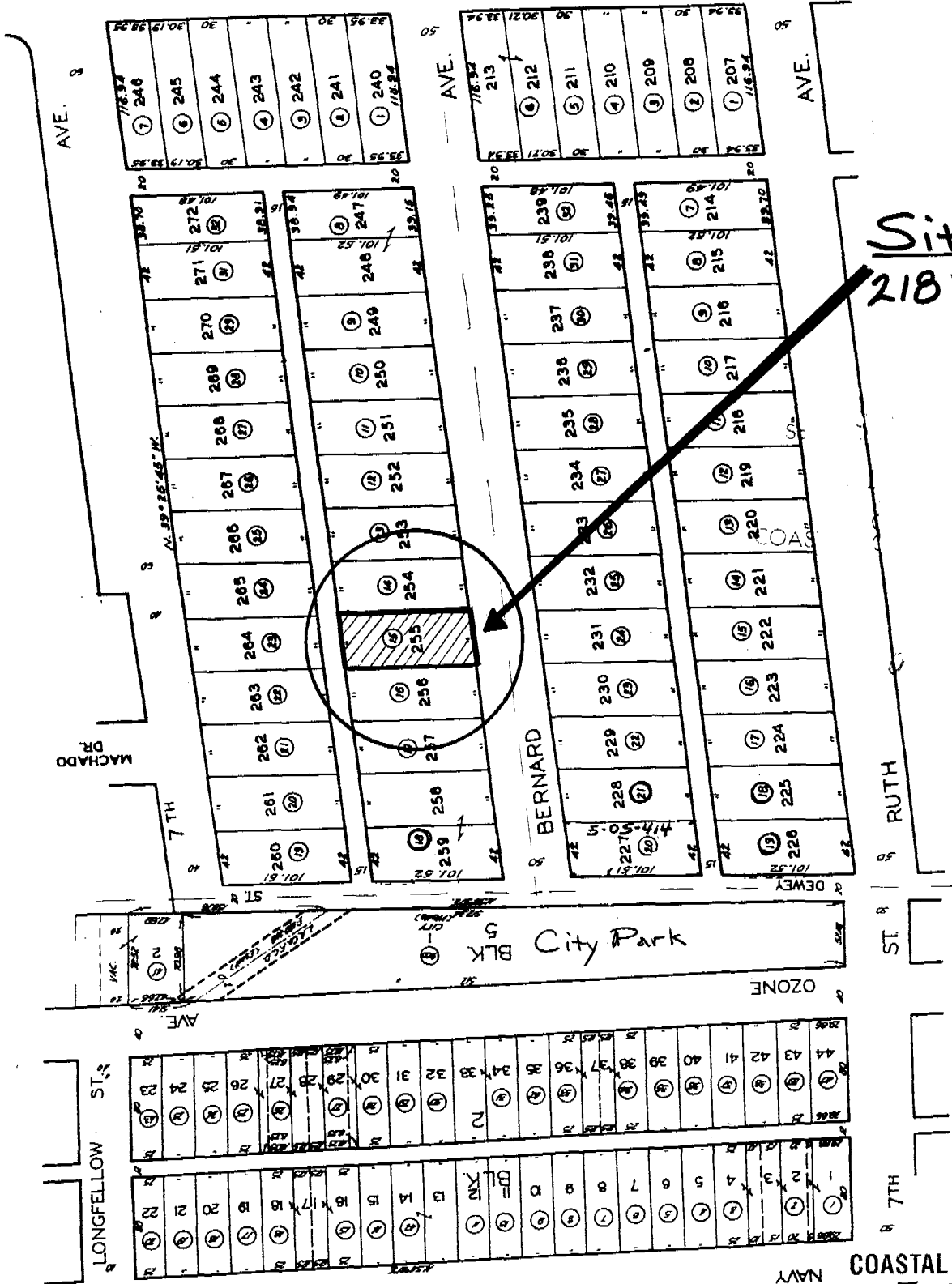
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EXHIBIT # 2  
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Not to Scale

Rose Avenue - To Beach →



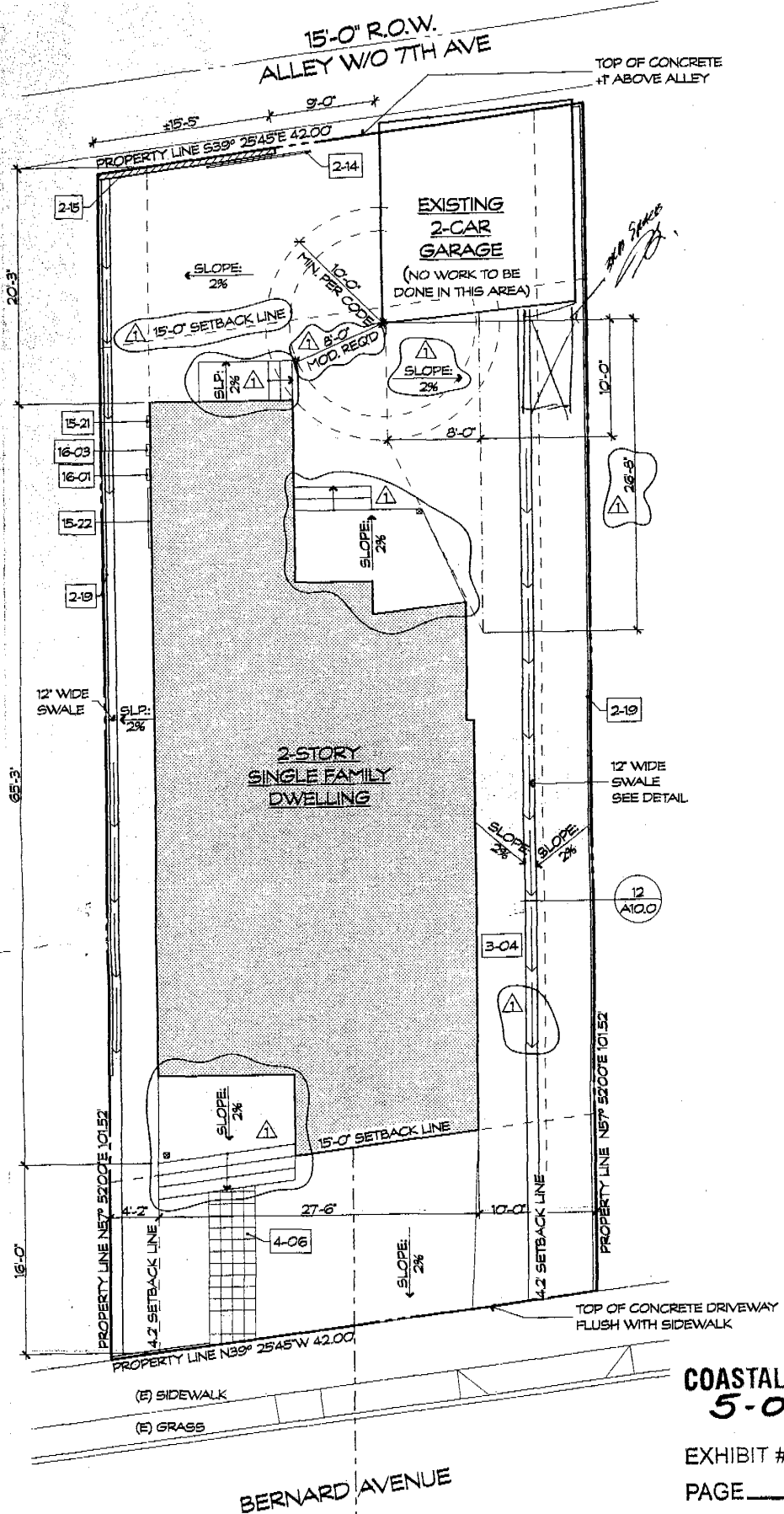
Site:  
218 Bernard Ave.

City Park

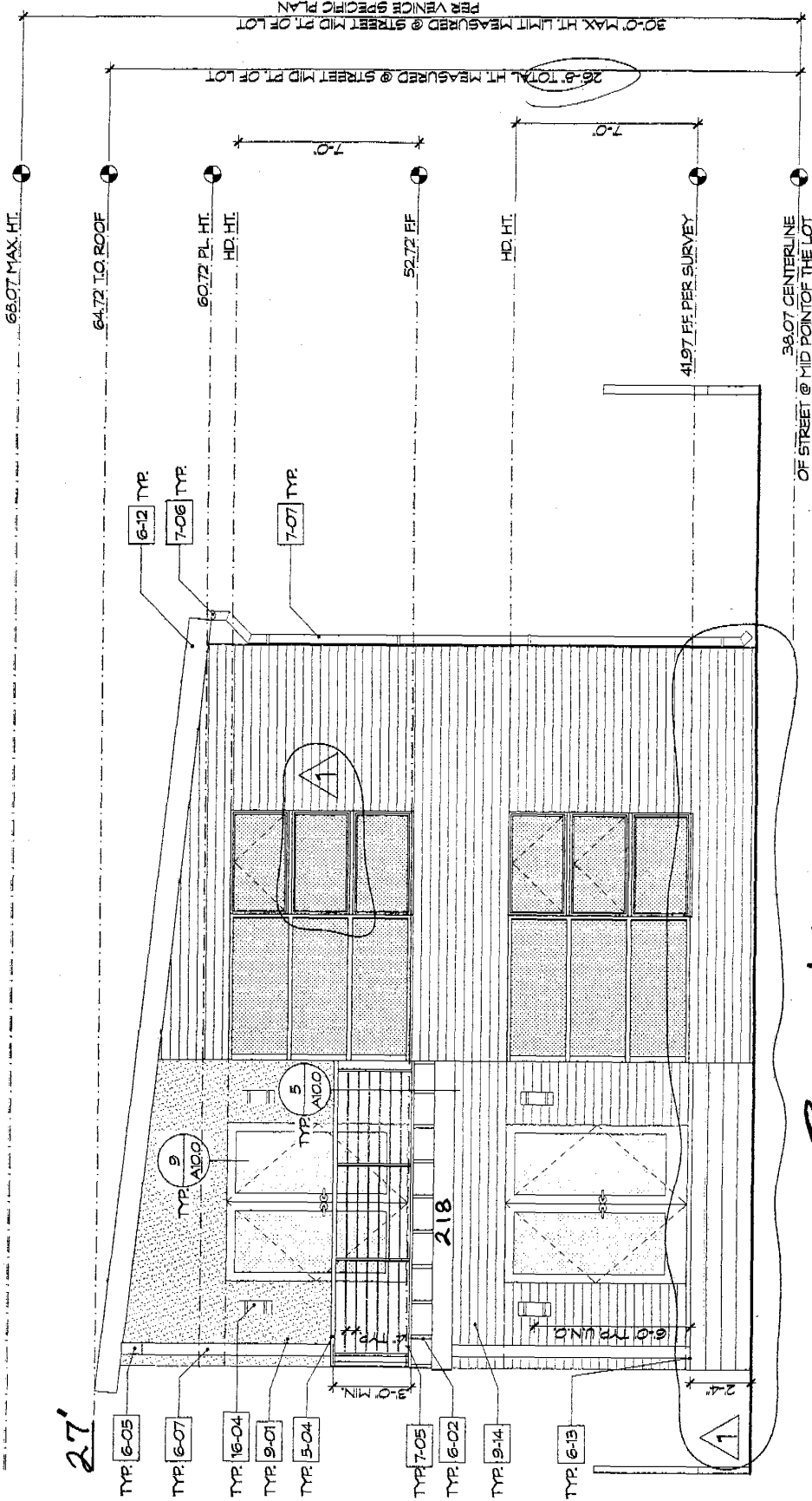
North

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EXHIBIT # 3  
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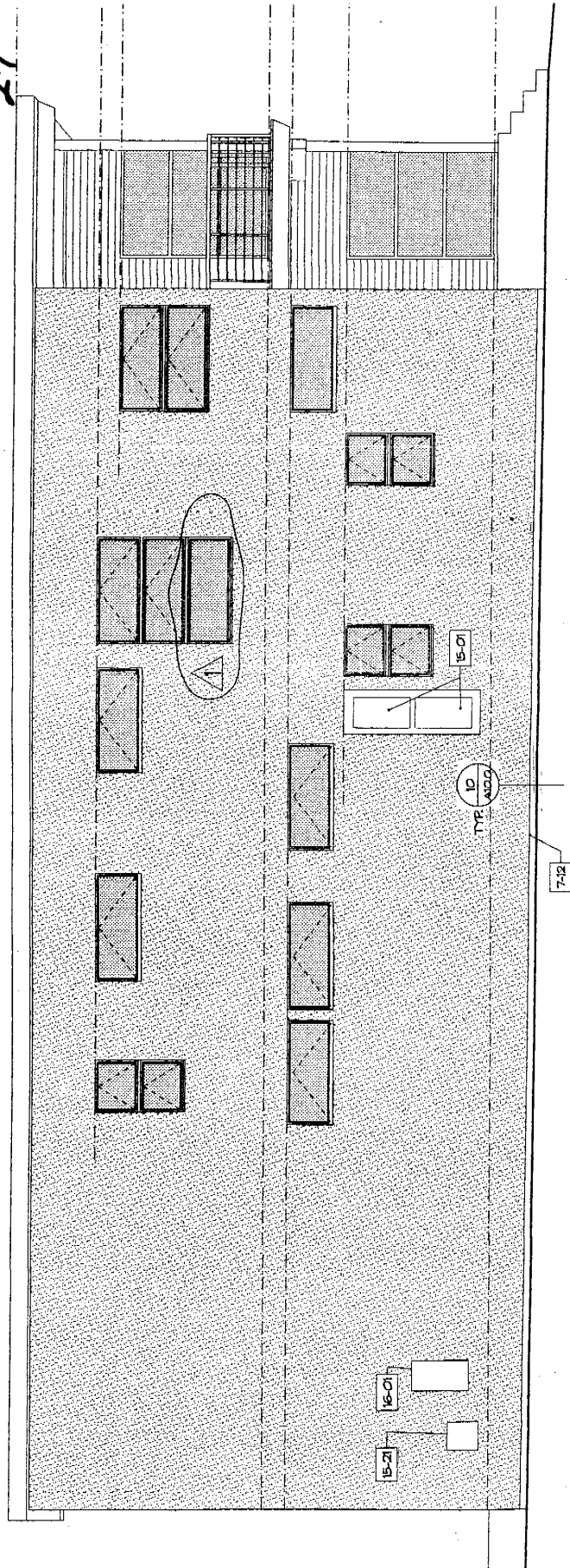
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 EXHIBIT # 4  
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SOUTHWEST ELEVATION  
SEE SHEET A2.0 FOR KEYNOTES

**Bernard Avenue**

27'



NORTHWEST ELEVATION  
SEE SHEET A2.0 FOR KEYNOTES  
SEE SOUTHWEST ELEVATION FOR ADDITION INFORMATION.

COASTAL COMMISSION

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EXHIBIT # 6

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