

**CALIFORNIA COASTAL COMMISSION**

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**W7g**

Filed: 9/28/2007  
49th Day: 11/16/2007  
180th Day: 3/26/2008  
Staff: Charles Posner - LB  
Staff Report: 10/25/2007  
Hearing Date: November 14, 2007  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-07-348**APPLICANTS:** Michael Rivera & Joanne Pham**AGENT:** Robert MacKenzie, Alegre MacKenzie Architecture & Planning**PROJECT LOCATION:** 14 Northstar Street, Venice, City of Los Angeles, Los Angeles Co.

**PROJECT DESCRIPTION:** Demolition of a one-story duplex, and construction of a three-level, 29-foot high (plus two 38-foot high roof access structures), 4,859 square foot two-unit condominium with five enclosed parking spaces on a 3,150 square foot lot on a walk street.

Lot Area	3,150 square feet
Building Coverage	1,810 square feet
Pavement Coverage	800 square feet
Landscape Coverage	540 square feet
Parking Spaces	5
Zoning	R3-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above Walk Street	29 feet (plus 38-foot high roof access)

**LOCAL APPROVALS:** 1) City of Los Angeles Planning Department Case No. ZA-2004-3359, 4/11/05; 2) City of Los Angeles Parcel Map Case No. AA-2005-5423-PMLA, 12/21/05; 3) City of Los Angeles Local Coastal Development Permit Case No. ZA-2005-5896, 6/20/06.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to Venice walk street setback and design standards, building height, on-site parking and water quality. **See Page Two for the motion.** The applicants, who agree with the staff recommendation, propose to build a new three-level, 29-foot high two-unit condominium on a lot facing a walk street in the Marina Peninsula area of Venice. Although the proposed 29-foot high building exceeds the 28-foot height limit for development along Venice walk streets (as set forth by the certified Venice Land Use Plan), it would not exceed the height of the adjacent buildings and would not adversely affect visual resources, coastal access or community character. Previously, on September 16, 2005, the Commission approved Coastal Development Permit 5-05-165 (Rivera & Pham) for an identical two-unit, 29-foot high residential building, but that permit expired before it was vested.

The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with the R3-1 zoning designation and the surrounding residential land uses. Adequate on-site parking is provided. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare a Local Coastal Program (LCP).

**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 Development Permit A5-VEN-01-392/5-01-349 (King).
4. Coastal Development Permit 5-01-131 (Smith: 25 Dudley Avenue).
5. Coastal Development Permit 5-02-353 (Lowenstein: 21 Reef Street).
6. Coastal Development Permit 5-05-076 (Roddy: 25 Quarterdeck Street).
7. Coastal Development Permit 5-05-165 (Rivera & Pham: 14 Northstar Street).

**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. Compliance with the Venice Walk Street Setback, Design and Parking Standards

Coastal Development Permit 5-07-348 approves the demolition of a one-story duplex, and construction of a three-level, 29-foot high two-unit condominium building (with two 38-foot high roof access structures). All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicants, the approved development shall be constructed in conformance with the following Venice Walk Street Setback and Design Requirements:

- a) Building Setback. In order to maintain an open and visible access corridor and to enhance visual quality, all balconies and other portions of the structure (except for ground level decks and porches that do not exceed 30 inches in height above the elevation of the walk street sidewalk) shall be set back at least 12.5 feet from the Northstar Street right-of-way, **as shown on Exhibit #4 of the 10/25/07 staff report.**
- b) Building Design. In order to enhance visual quality and community character, the side of the building facing the Northstar Street walk street shall be designed and constructed with a varied and articulated façade that provides visual interest to pedestrians (e.g. with porches, bays and/or balconies), with frequent windows and the primary ground floor entrance for the residence facing the walk street, **as shown on Exhibit #7 of the 10/25/07 staff report.**

- c) Landscaping. In order to enhance visual quality and to preserve the water quality, the building setback area required by part a) above shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>). Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- d) Northstar Street Right-of-Way. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of Northstar Street and the private dwelling, the area situated between the Northstar Street walkway and the permittees' property line (i.e., within the Northstar Street right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants and enclosed within a 42-inch high decorative fence (e.g. split rail, picket or rustic). Private parking on the right-of-way is not permitted. The permittee and the proposed development shall not interfere with public pedestrian access to and along a public walkway in center of the Northstar Street right-of-way.

Any proposed change or deviation from the approved plans, including change in the number of residential units, change to parking supply 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. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## 2. Building Height

The maximum height of the structure shall not exceed 29 feet above the centerline of the fronting right-of-way (Northstar Street), except for two roof access structures (stairway enclosures, each with a footprint not exceeding one hundred square feet), which shall not exceed 38 feet in height. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 34 feet above the centerline of the fronting right-of-way.

## 3. On-site Parking

A minimum of five (5) parking spaces shall be provided and maintained on the site to serve the approved two-unit condominium. Vehicular access to the site shall be taken only from the rear alley and Speedway (not Northstar Street).

#### 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) Best Management Practices.

- 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.
- d) Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- e) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- f) All trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- g) All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description

The applicants propose to demolish an existing one-story 1920s-era duplex, and construct a 29-foot high, 4,859 square foot two-unit condominium building on a lot fronting Northstar Street in the Marina Peninsula area of Venice (Exhibit #2). The 3,150 square foot project site is located one block inland of the beach (Exhibit #3). Northstar Street is a forty-foot wide City right-of-way that the certified Venice Land Use Plan (LUP) designates as a walk street (i.e.,

closed to vehicular access). The immediate neighborhood is comprised of a variety of old and new multi-unit residential structures that vary in height between 35 and fifty feet.

The proposed structure has three levels and a roof deck, with a two garages (for five cars) on the ground floor (Exhibit #5). The rear and side alleys provide vehicular access to the two proposed garages (Exhibit #4). Two 38-foot high, one hundred square foot roof access structures would provide access to the proposed roof deck. The front of the proposed building would be set back fifteen feet from the Northstar Street right-of-way, but the second and third level balconies would encroach 2.5-feet into the fifteen-foot deep front yard setback (Exhibit #4). The applicants have agreed to maintain front yard setback area and a portion of the fronting right-of-way as a landscaped and permeable yard area as required by the certified Venice LUP.

The proposed project has been approved by the City of Los Angeles Planning Department and is consistent with the R3-1 zoning designation and the surrounding residential land uses. The City of Los Angeles Housing Department determined that no affordable housing units currently exist on the project site. The proposed project conforms to the Commission's density limit for the site and adequate on-site parking is provided. The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site (approximately one thousand square feet of permeable landscaped area will be maintained on the project site, which includes part of the Northstar Street right-of-way).

## **B. Project Background**

Previously, on September 16, 2005, the Commission approved Coastal Development Permit 5-05-165 (Rivera & Pham) for an identical two-unit, 29-foot high residential building, but that permit expired before it was vested.

The proposed project has also been reviewed and approved by the City of Los Angeles Planning Department. On April 11, 2005, the City Planning Commission granted the applicants a Project Permit Adjustment that would allow the height of the proposed structure to reach 29 feet above the elevation of Northstar Street, instead of 28 feet which is the height limit set forth by the Venice Specific Plan (and the certified Venice LUP) for development along walk streets (Exhibit #2). In approving the Project Permit Adjustment, the Zoning Administrator determined that granting the additional one-foot in building height would not have any detrimental effect on surrounding properties and would not set a bad precedent because the proposed 29-foot high building would be lower in elevation than all of the other structures along both sides of Northstar Street. The City noted that all of the buildings on Northstar Street have heights above 35 feet. No one is on record objecting to the City's granting of the adjustment for the limited height exception.

On December 21, 2005, the City of Los Angeles Planning Department approved the Parcel Map necessary to create two condominium units in the building (Case No. AA-2005-5423-PMLA). On June 20, 2006, the City of Los Angeles Planning Department approved a local coastal development permit for the proposed project (Local Coastal Development Permit Case No. ZA-2005-5896).

The applicants are now requesting Commission approval of the “dual” coastal development permit that is necessary to undertake the proposed development within three hundred feet of the beach.<sup>1</sup> The Commission has recognized in both prior permit and appeal decisions that the Marina Peninsula 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 Marina Peninsula 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 Marina Peninsula area of Venice. The certified LUP also maintained the previous 35-foot height limit for the Marina Peninsula area of Venice, except on the Marina Peninsula’s walk streets where the height limit was reduced from 35 to 28 feet. This project is on a walk street where the height limit was lowered to 28 feet. Formerly, the height limit for development on the walk streets was the same as the general height limit for each Venice neighborhood. 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.

### **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 Marina Peninsula 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.

Venice Land Use Plan Policy I.A.7.c 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.*

#### **c. Marina Peninsula**

*Use: Two units per lot, duplexes and multi-family structures*

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<sup>1</sup> Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

*Density: One unit per 1,200 square feet of lot area. Lots smaller than 4,000 square feet are limited to a maximum density of two units per lot.*

*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: Not to exceed 35 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).*

### **LUP Walk Street Design Standards**

The certified Venice LUP also contains specific building design standards that have been designed and adopted in order to preserve the unique character of the Venice walk streets.

Policies II.C.7, II.C.10 and II.C.11 of the certified Venice LUP state:

- **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.*

(Staff note: Only a portion the lists of walk streets contained in LUP Policy II.C.7 are listed here).

*The following streets are designated as walk streets (as shown on LUP Exhibit 19):*

*West of Pacific Avenue and east of Speedway:*

- |                               |   |
|-------------------------------|---|
| <i>a. Ozone Avenue</i>        | <i>i. Jib Street</i>                                      |
| <i>b. Clubhouse Avenue</i>    | <i>j. Ketch Street</i>                                    |
| <i>c. Nineteenth Avenue</i>   | <i>k. Mast Street</i>                                     |
| <i>d. Twentieth Avenue</i>    | <i>l. <b><u>Northstar Street</u></b> (emphasis added)</i> |
| <i>e. Twenty-fifth Avenue</i> | <i>m. Outrigger Street</i>                                |
| <i>f. Eastwind Street</i>     | <i>n. Quarterdeck Street</i>                              |
| <i>g. Fleet Street</i>        | <i>o. Union Jack Street</i>                               |
| <i>h. Ironsides Street</i>    | <i>p. Voyage Street</i>                                   |

*West of Pacific Avenue and east of Ocean Front Walk:*

- |                                 |                             |
|---------------------------------|-----------------------------|
| <i>a. Twenty-fourth Avenue</i>  | <i>j. Galleon Street</i>    |
| <i>b. Twenty-sixth Avenue</i>   | <i>k. Mast Street</i>       |
| <i>c. Twenty-seventh Avenue</i> | <i>l. Outrigger Street</i>  |
| <i>d. Twenty-eighth Avenue</i>  | <i>m. Privateer Street</i>  |
| <i>e. Thirtieth Avenue</i>      | <i>n. Reef Street</i>       |
| <i>f. Anchorage Avenue</i>      | <i>o. Spinnaker Street</i>  |
| <i>g. Buccaneer Street</i>      | <i>p. Union Jack Street</i> |
| <i>h. Catamaran Street</i>      | <i>q. Westwind Street</i>   |
| <i>i. Sunset Avenue</i>         | <i>r. Yawl Street</i>       |
|                                 | <i>s. Via Marina</i>        |

- **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.*

Since the Commission certified the Venice LUP in 2001, it has acted on a number of proposals for development (single-family residence and duplexes) along the Venice walk streets. Most of the proposals were for development that conformed to the 28-foot height limit, but a few proposals exceeded the LUP height limit of 28 feet. In two cases along walk streets where the City had granted exceptions to the 28-foot height limit, the Commission overturned the exceptions during the coastal development permit process and required the new development to conform to the 28-foot limit in order to protect community character and public access [See Coastal Development Permit 5-01-131 (Smith) & Appeal A5-VEN-01-392 (King)]. Neither of these two projects was located in the Marina Peninsula area, where the older 35-foot (and higher) height limits has resulted in taller buildings lining the walk streets than in North Venice and Milwood.

Since 2001, the Commission has acted on three cases in the Marina Peninsula area where the applicants requested an exception to the 28-foot height limit [See Coastal Development Permits 5-02-353 (Lowenstein) and 5-05-076 (Roddy)]. In the first case, the Commission approved a 38.5-foot high single-family residence on a walk street (Reef Street) located a few blocks south of the currently proposed project. The Commission found that the unique design of the proposed 38.5-foot high structure would improve the character of the walk street and it would not cause any adverse impact since the surrounding buildings were taller. In the second case, the Commission approved a 31-foot high duplex on another walk street located a few blocks south of the currently proposed project (Quarterdeck Street), finding that the proposed 31-foot high structure would not adversely alter the character of the walk street since the surrounding buildings were taller than the proposed building. The third case was the Commission's prior approval of the 29-foot high building on the proposed project site [See Coastal Development Permit 5-05-165 (Rivera & Pham)]. In any case, 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, that 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.

Building height and bulk can adversely affect the scenic and visual qualities of the Venice coastal area and the unique character of its 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. The certified LUP policies are used to provide guidance for interpreting the requirements of Sections 30251 and 30253 of the Coastal Act. [See Pages Seven through Nine of this report for certified LUP Policies I.A.7, II.C.7, II.C.10 and II.C.11.]

#### **Character of the Marina Peninsula Area of Venice**

The Marina Peninsula neighborhood occupies a narrow strip of land in South Venice between a wide sandy beach on the west and Ballona Lagoon and Grand Canal to the east (Exhibit #2). The neighborhood is comprised primarily of multi-unit residential structures that vary in height between twenty and fifty feet. There are no commercial uses in the area, except at the northern end of the neighborhood near Venice Pier. Speedway and the rear alleys provide vehicular access to the residential neighborhood, since most of the neighborhood streets are designated as walk streets where vehicles are prohibited.

The area's history of changing height limits accounts for the wide variation in building heights in the Marina Peninsula area. All of the existing structures along Northstar Street, where the proposed project is located, are four-to-five level multi-unit structures much taller than the current 28-foot height limit. Prior to the 1970s, the height and density of buildings in the Marina Peninsula area was largely unregulated, and several large condominium buildings were built with heights of forty-to-fifty feet. In 1980, when the Commission adopted the Regional Interpretive Guidelines for Los Angeles County, the height limit for the Marina Peninsula area was lowered to 35 feet. In 2001, the Commission certified the Venice LUP with a 28-foot height limit for development along all Venice walk streets, including the walk streets in the Marina Peninsula area.

The walk streets in North Venice, Marina Peninsula and Milwood neighborhoods of Venice are among the most pleasant pedestrian amenities in Los Angeles and many of them provide excellent vertical access to the beach. 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 into the right-of-way up to the edge of the open public walkway that runs along the center of the right-of-way.

The project site abuts Northstar Street, a forty-foot wide City right-of-way designated as a walk street by the certified Venice LUP (Exhibit #3). The Northstar Street right-of-way is a valuable public resource that is afforded special protection by the certified Venice LUP as it provides direct pedestrian access to the beach with its ten-foot wide asphalt walkway that runs down the center of the walk street. Northstar Street (the segment inland of Speedway Alley) is closed to vehicular use. The lots along the Northstar Street right-of-way, including the applicants', have enclosed part of the right-of-way and landscaped it consistent with certified Venice LUP Policy II.C.11 (*See Page Nine*).

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

The primary issue with the proposed project is whether the proposed project is compatible with the character of the surrounding (Marina Peninsula) neighborhood as required by Section 30251 of the Coastal Act. The general height limit for development in the project area, as stated in the certified LUP, is 35 feet (Exhibit #2). Along Northstar Street, a designated walk street, the height limit is lower at 28 feet. The proposed project is 29 feet in height above the walk street, and has been approved by the City of Los Angeles Planning Department.

The applicants have listed several reasons why they should be permitted to exceed the height limit by twelve inches:

1. At one foot, it's a minor exception.
2. With the additional twelve inches, they can build the proposed three-level duplex with normal ceiling heights, and the building would still be smaller in scale and density than all of the existing structures on the street.
3. All of the other buildings on the street are higher than 29 feet, so the proposed project would not adversely affect community character.

4. The design of the proposed duplex is sufficiently set back (30 feet) from the public walkway in the center of the walk street, thus protecting the character of the walk street.

The Commission can approve development that exceeds the LUP height limit and approve the proposed project only if it finds that it is consistent with the Chapter 3 policies of the Coastal Act. Sections 30251 and 30253 of the Coastal Act require that the Venice walk streets be protected from development that would negatively affect pedestrian access and the unique scenic qualities of the walk streets. In this specific case, the staff is recommending that the Commission find that the proposed project, as conditioned, would not adversely affect visual resources or community character and is consistent with the Chapter 3 policies of the Coastal Act. The approval of the proposed project in excess of the height limit set forth by the certified Venice LUP will not set a negative precedent because of the unique circumstances evident at this site and on this block, none of which, on its own, would necessarily have sufficed to make the proposed structure approvable.

Because of the unique circumstances of the proposed project, it 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. Among those unique circumstances is the fact that the proposed project will be lower in height than all the existing structures on Northstar Street. The proposed project would also be lower in height than the majority of the buildings in the immediate neighborhood (along Northstar Street and the site's rear alley) and would not have any detrimental effect on surrounding properties. In addition, the proposed project would not adversely affect the visual quality and character of the block with its proposed setback from the public walkway and its landscaped front yard area (Exhibit #4). The proposed setback and front yard landscaping will partially obscure the structure's visibility from the center of the walk street, and the proposed project will not obstruct any public views or block public access along the walk street. Therefore, the Commission can find that the proposed project will have a positive effect on the scenic and visual qualities of the area and is consistent with Sections 30251 and 30253 of the Coastal Act.

In regards to compliance with the certified Venice LUP, the proposed project is consistent with certified LUP Policy II.C.10 which requires that new residential development along walk streets enhance both public access and neighborhood character. Public access and neighborhood character would be enhanced by the increased building setback and improved landscaping proposed to be provided along the Northstar Street right-of-way. Northstar Street leads directly to the beach. In addition, the proposed project's massing and scale would complement the existing structures in the neighborhood, and the proposed building's façade, with its primary ground floor residential building entrance, balconies and frequent windows facing the walk street, will provide visual interest to pedestrians as required by LUP Policy II.C.10 (Exhibit #7).

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. 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.

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

The Coastal Act and the policies of the certified Venice LUP protect public access along the Venice walk streets. The following policy of the certified Venice LUP protects the Venice walk streets for public pedestrian access:

- **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.*

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.

Shoreline recreation resources in the Venice area include: Venice Beach, Ballona Lagoon, the Venice Canals, walk streets, and the Marina del Rey north jetty. 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 Marina Peninsula neighborhood provide excellent pedestrian access to the beach. It is a goal of the Coastal Commission and the City to protect these public resources.

The proposed project will not obstruct any public views or block public access along the walk street. The proposed development also does not interfere with public recreational use of coastal resources. 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 the public access policies of the Coastal Act and certified Venice LUP.

#### **E. Marine Resources and Water Quality**

The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site. A 1,050 square foot landscaped front yard will be maintained on the 3,150 square foot lot and abutting right-of-way (Exhibit #4). Special Condition Four requires that the permitted development be conducted in a manner that protects water quality. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 32031 of the Coastal Act.

**F. 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....

There is a parking shortage in the Marina Peninsula area that makes public access difficult at times. The availability of parking on the public streets is reduced by the fact that the streets in this neighborhood are primarily walk streets and narrow alleys. 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 vehicular streets (e.g., Pacific Avenue and Topsail Street) and street ends. To mitigate this problem, the Commission has consistently conditioned new projects in the Marina Peninsula neighborhood to provide two on-site parking spaces per unit, plus guest parking.

The proposed two-unit project includes two attached garages with a total of five parking spaces. One garage is accessed from the rear alley, and the other from Speedway, the side alley (Exhibit #4). Therefore, the proposed project provides an adequate on-site parking supply and conforms to the parking standards for the Marina Peninsula neighborhood. 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.

**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.

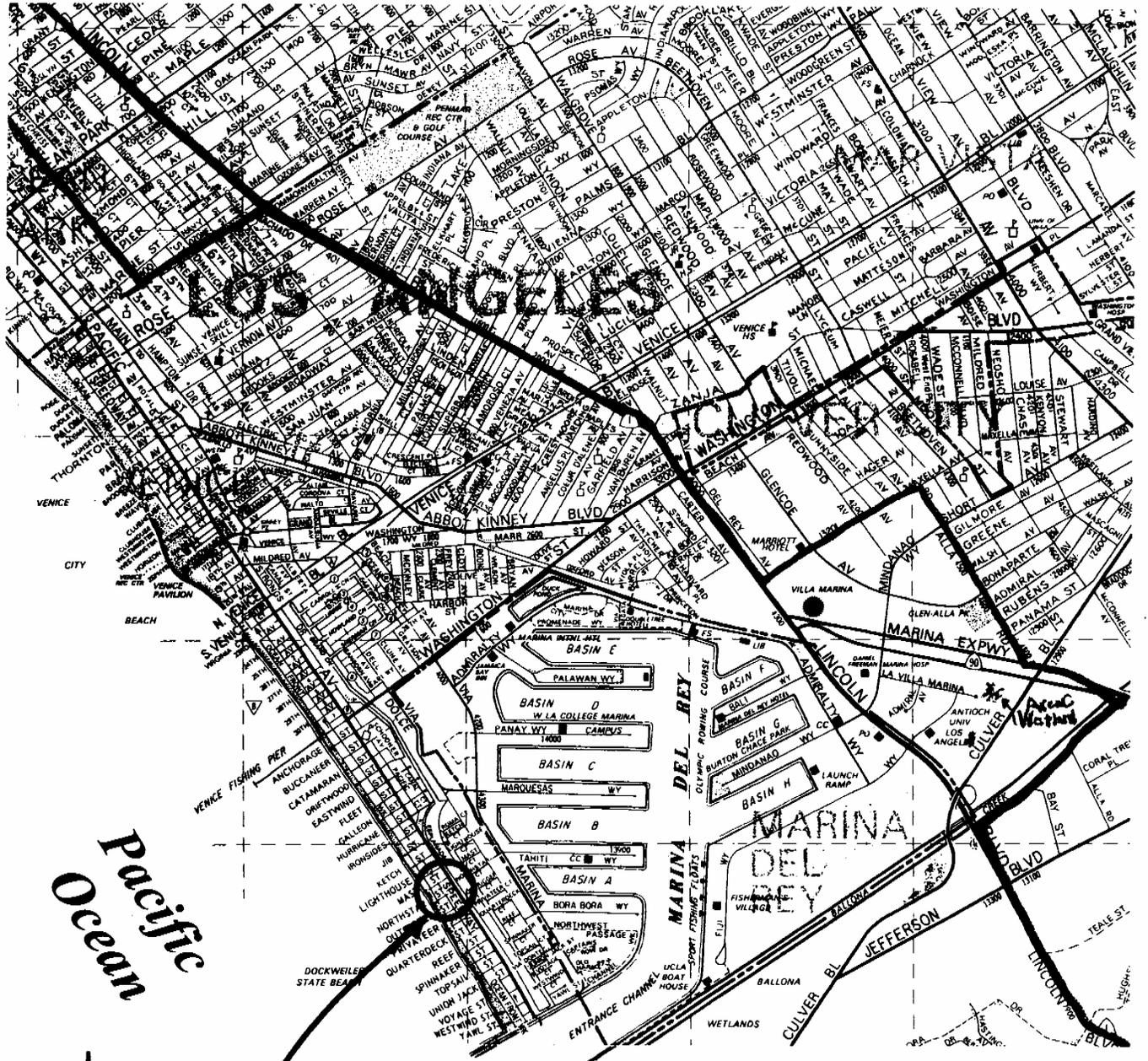
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. With the exception of the proposed building's height, the project is consistent with the certified Venice LUP. However, as conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Therefore, 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 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

North ↑

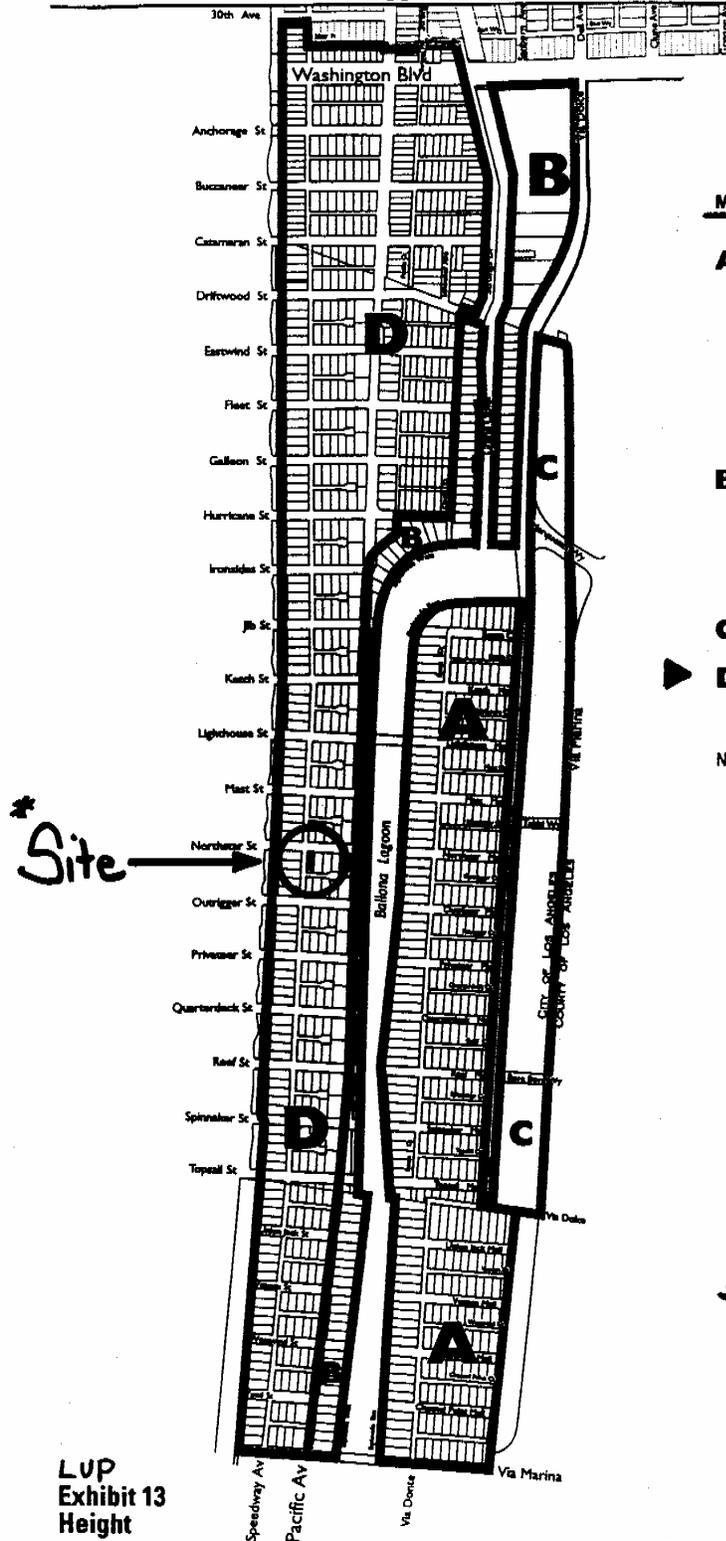
Site: 14 Northstar Street

COASTAL COMMISSION

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EXHIBIT # 1

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**Maximum Building Height**

- A** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.
- B** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet.
- C** 45'
- D** 35', 28' along Walk Streets.

**Notes:**

- \*All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.
- \*No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).
- \*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.
- \*See Policy I.A.1 for policy limiting roof access structures.
- \*See Policy I.B.7 for commercial and mixed-use development standards.

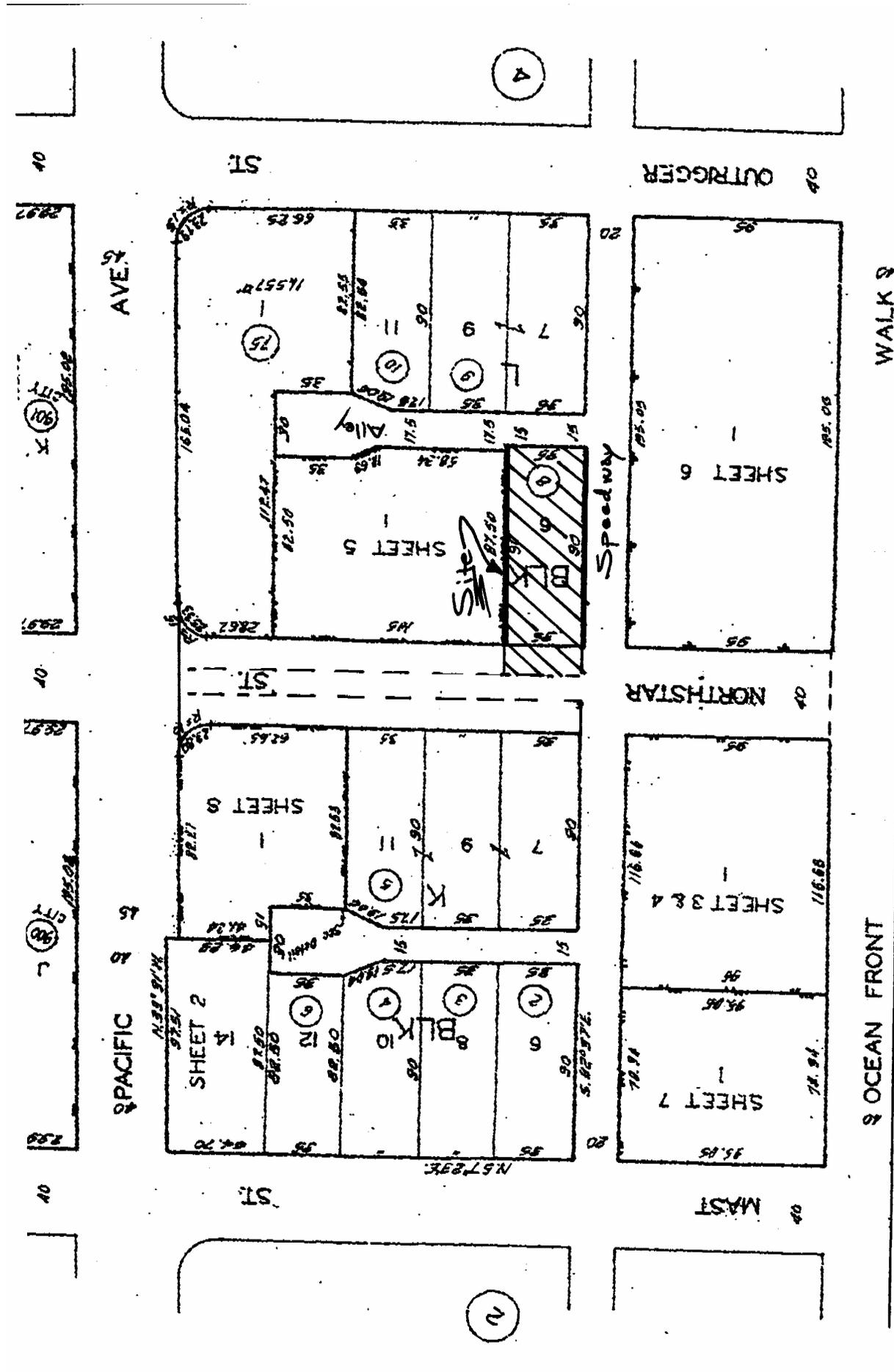
\* Site →

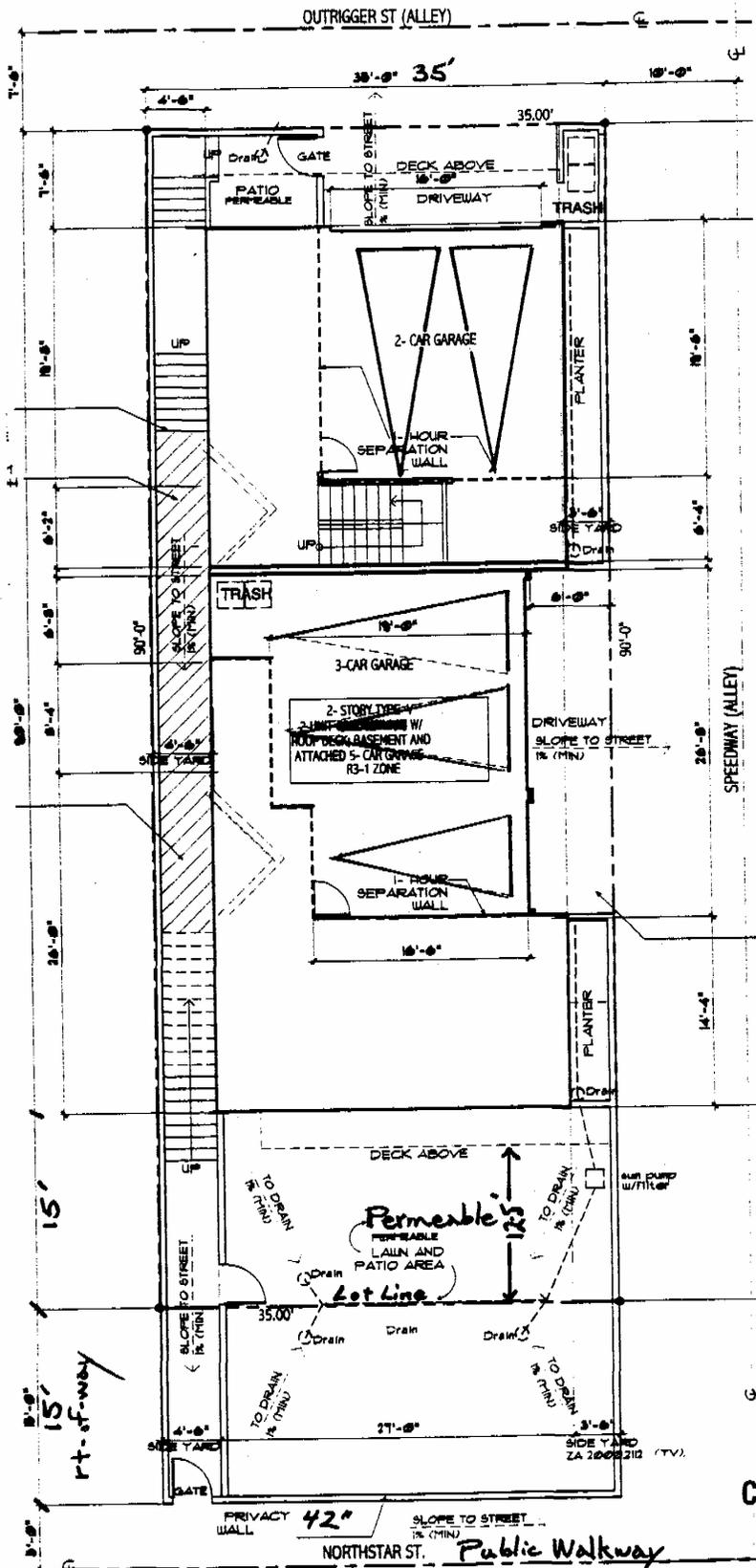
\*14 Northstar Street  
5-07-348

LUP  
Exhibit 13  
Height

**Subarea: Marina Peninsula • Silver Strand •  
Ballona Lagoon West • Ballona Lagoon (Grand Canal) East**





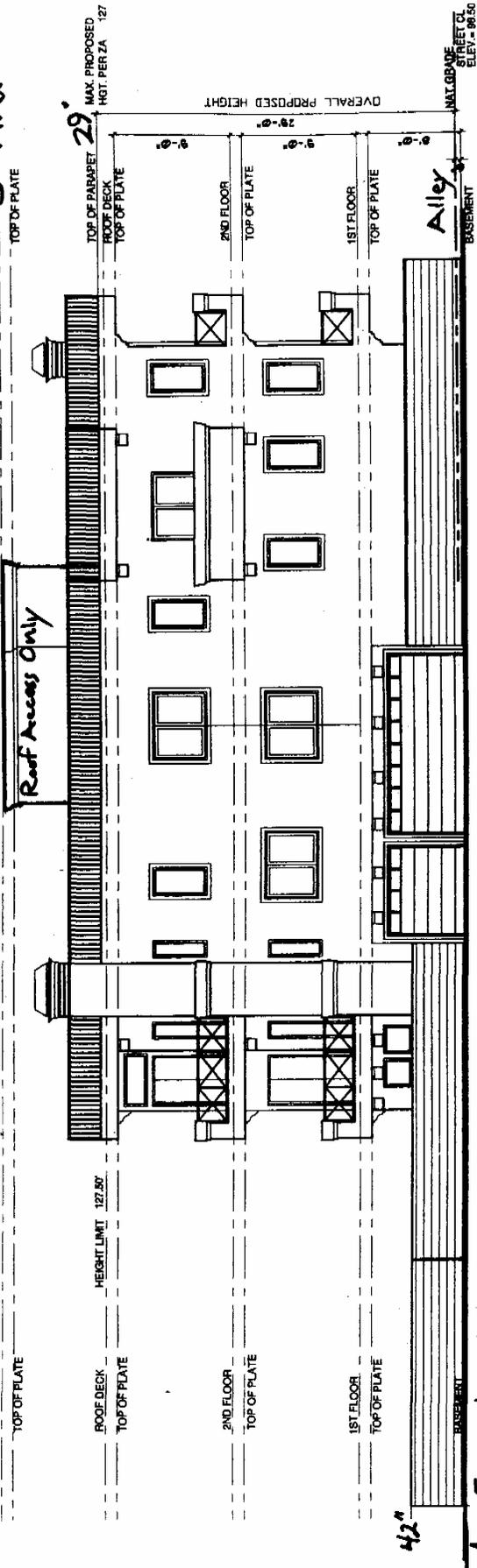


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EXHIBIT # 4  
PAGE 1 OF 1

To Beach → SITE PLAN

38' MAX  
TOP OF PLATE



LEFT SIDE ELEVATION (FROM SPEEDWAY)

Encroachment into rt. of way

Public Walkway - Northstar Street

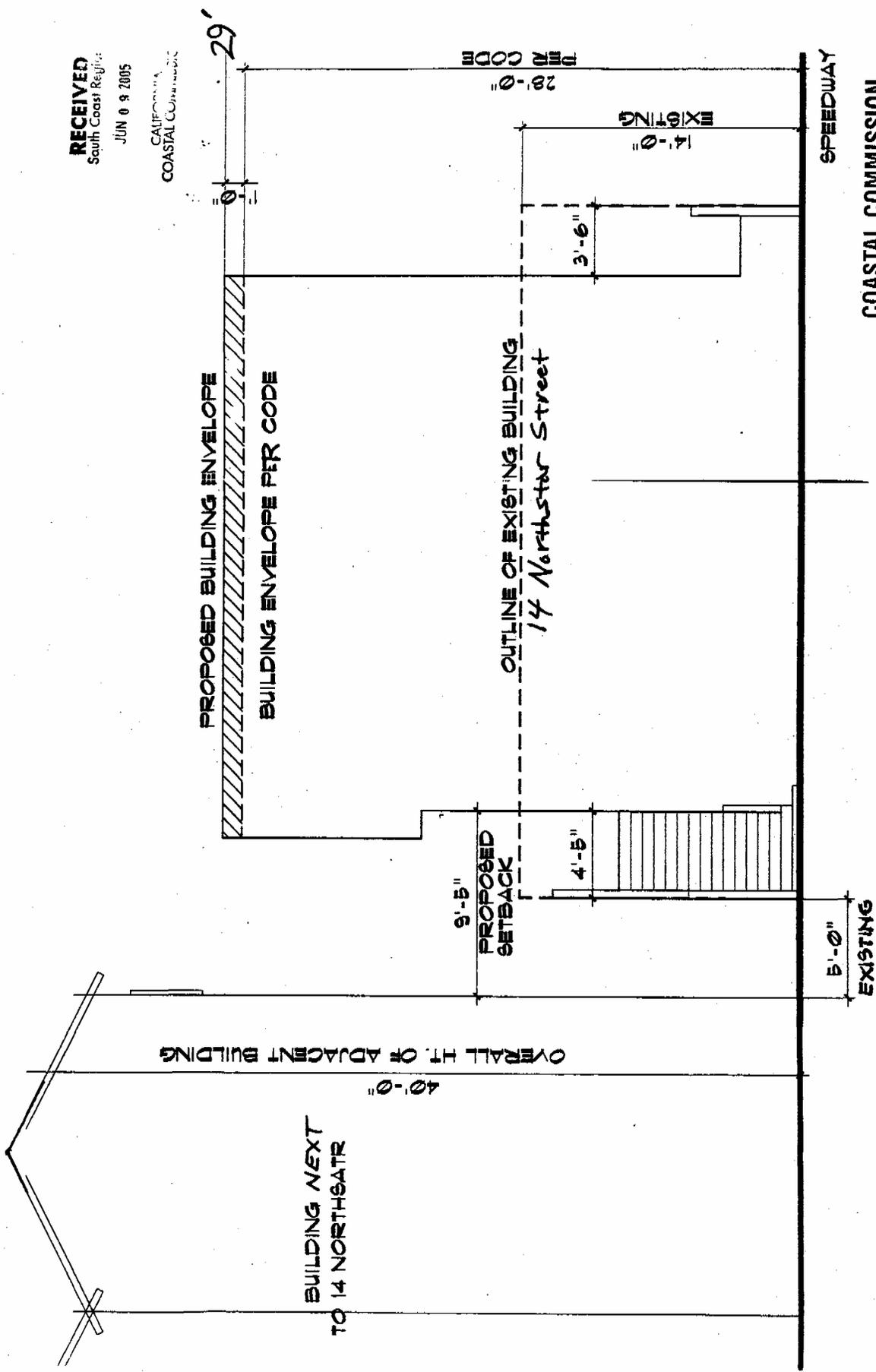
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EXHIBIT # 5  
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South Coast Region

JUN 09 2005

CALIFORNIA  
COASTAL COMMISSION

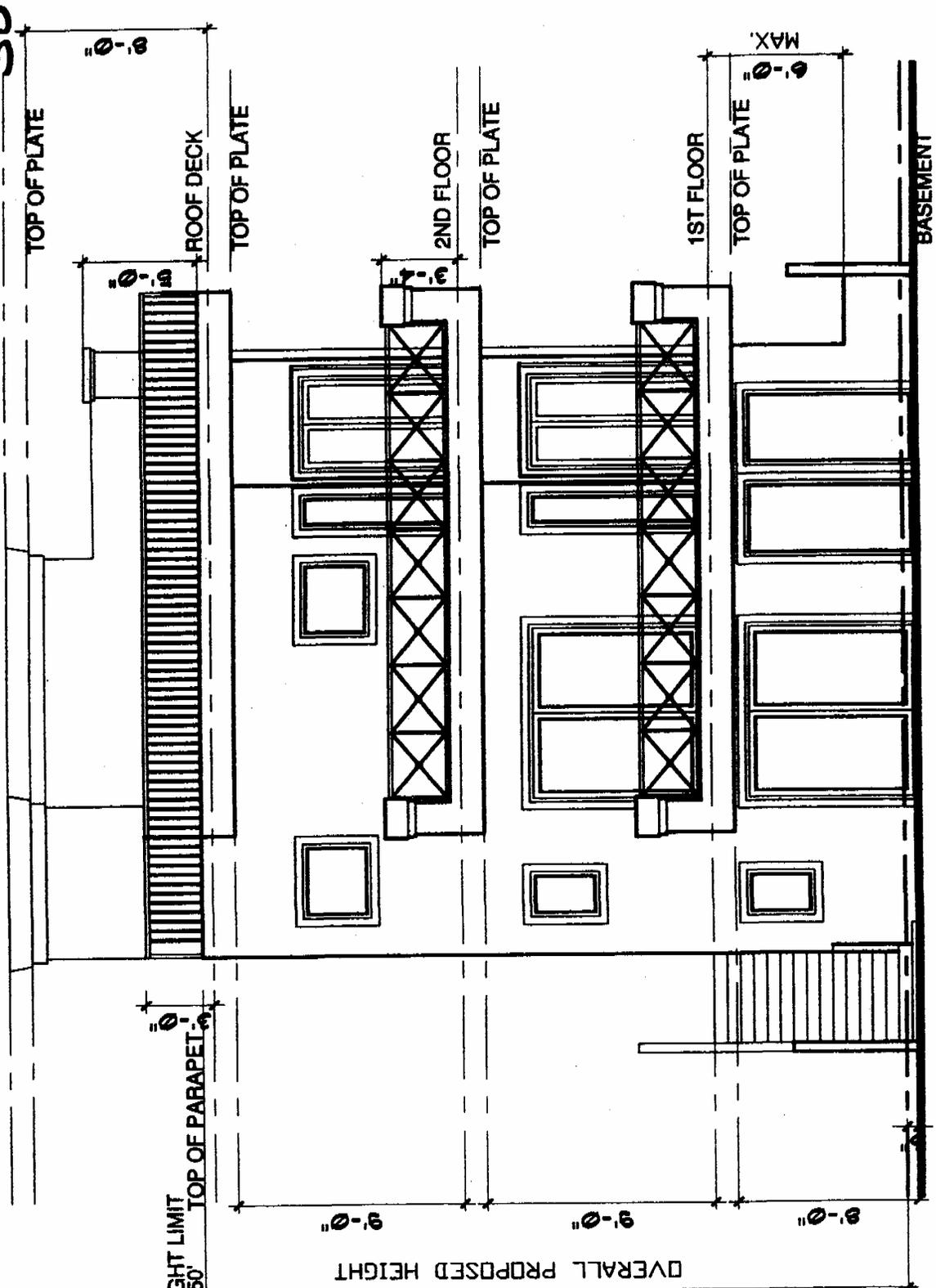


BUILDING NEXT  
TO 14 NORTSTAR

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5-07-348

EXHIBIT # 6  
PAGE 1 OF 1

38'



29'

HEIGHT LIMIT  
127.50'

TOP OF PARAPET

OVERALL PROPOSED HEIGHT

9'-0"

9'-0"

9'-0"

STREET CL.  
ELEV. = 98.50

TOP OF PLATE

ROOF DECK

TOP OF PLATE

2ND FLOOR

TOP OF PLATE

1ST FLOOR

TOP OF PLATE

BASEMENT

MAX

14 Northstar Street - FRONT ELEVATION

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EXHIBIT # 17

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