

CALIFORNIA COASTAL COMMISSION

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Approved: 7/9/2009



Staff: Charles Posner - LB

Staff Report: 8/19/2009

Hearing Date: September 9, 2009

Commission Action:

STAFF REPORT: REVISED FINDINGS**APPLICATION NUMBER:** 5-08-285**APPLICANT:** 15 Voyage Street, LLC (Michael Dobson)**AGENT:** Vincent Varela**PROJECT LOCATION:** 147 Via Marina (Lot 23, Block 17, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Remove a mobile construction office trailer from the 2,280 square foot lot, and construct a 45-foot high, 5,000 square foot (approx.) single-family residence with an attached three-car garage.

Lot Area	2,280 square feet
Building Coverage	1,180 square feet
Pavement Coverage	800 square feet
Landscape Coverage	300 square feet
Parking Spaces	3
Zoning	R1-1
Plan Designation	Single-Family Residential
Ht above final grade	45 feet above Via Marina

COMMISSIONERS ON PREVAILING SIDE: Commissioners Achadjian, Blank, Secord, Kruer, Mirkarimi, Potter, Shallenberger, Wan and Chair Neely.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's July 9, 2009 approval with conditions of Coastal Development Permit Application 5-08-285. On July 9, 2009, the Commission approved the permit for a new single-family residence with a condition (Special Condition Three) that requires the applicant to submit revised project plans that comply with the 45-foot height limit set forth by the certified Venice Land Use Plan (LUP). The Commission rejected the applicant's request to build a building that would exceed the 45-foot height limit by three feet. A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Two for the motion to adopt the revised findings.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. City of Los Angeles Planning Department Approval, Case No. DIR-2008-4534-SPP-MEL (1/28/2009).
3. Coastal Development Permit A-266-77 (ILA) & amendment.
4. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
5. Coastal Development Permit 5-86-641 (Lee).
6. Coastal Development Permit 5-03-497 (B.A.B. Enterprises, 133 Channel Pte. Mall).
7. Coastal Development Permit 5-00-458 (Rafla, 135 Via Marina)/
8. Coastal Development Permit 5-00-440 (MFC Properties, 123 Via Marina)
9. Coastal Development Permit 5-00-047 (Wilson, 119 Via Marina).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **adopt the revised findings** in support of the Commission's July 9, 2009 action to approve with conditions Coastal Development Permit Application 5-08-285.

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on July 9, 2009 approving with conditions Coastal Development Permit Application 5-08-285."*

Passage of this motion will result in the adoption of revised findings as set forth in this staff report or as modified by staff prior to the hearing. The motion requires a majority vote of the members from the prevailing side present at the July 9, 2009 hearing, with at least three of the prevailing members voting. The nine Commissioners on the prevailing side are:

Commissioners Achadjian, Blank, Secord, Kruer, Mirkarimi, Potter, Shallenberger, Wan and Chair Neely.

Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

I. Resolution to Adopt Revised Findings

The Commission hereby adopts the findings set forth below for the approval with conditions of Coastal Development Permit Application 5-08-285 on the ground that the findings support the Commission's decision made on July 9, 2009 and accurately reflect the reasons for it.

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. Maintenance of Public Areas

In order to maintain the public areas designated in the Silver Strand and Del Rey Beach tracts, the applicant and all successors in interest shall participate in the private homeowners association established under amended Coastal Development Permit A-266-77 (ILA) on a fair and equitable basis in the maintenance of all public areas and landscaping (including pedestrian malls, parking nodes, and the lagoon buffer and pathway) installed pursuant to Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.). The public areas are identified on the attached "Public Areas Exhibit – Del Rey/Silver Strand" (**Exhibit #7 of the staff report dated 6/18/09**) and repeated as Exhibit #1 to the Notice of Intent that the Executive Director issues for this coastal development permit.

2. Coastal Development Permit 5-87-112 (Del Rey Assoc.)

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows:

- A) The project site is subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.) and that all development must be consistent with Coastal Development Permit 5-87-112 (Del Rey Assoc.), and;
- B) All public areas provided and improved pursuant to Coastal Development Permit 5-87-112 (Del Rey Assoc.), including Channel Pointe (Yawl) Mall, Westwind Mall, and the public streets and alleys, shall remain open and available for use by the general public on the same basis as similar public areas within the City.

3. Building Height

The roof of the proposed single-family residence shall not exceed a height of ~~45~~ 48 feet, measured from the centerline of the Via Marina right-of-way in front of the project site. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised project plans for the review and approval of the Executive Director. The revised project plans demonstrate compliance with a roof height limit of ~~45~~ 48 feet, measured from the centerline of the Via Marina right-of-way in front of the project site. Roof deck railings of an open design shall not exceed 36 inches above the ~~48~~ 45-foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to ~~fifty~~ 53 feet in elevation above the Via Marina right-of-way. In addition, the revised plans shall show that the height of the wall proposed between the approved single-family residence and the abutting public sidewalk on Via Marina does not exceed a height of six feet, as measured from the Via Marina public sidewalk. The revised plans must be approved by the City of Los Angeles Department of City Planning. The permittee shall undertake and maintain the development in accordance with the final plans approved by the Executive Director and the City pursuant to this condition. 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 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 legally required.

4. Wall Height and Landscaping Adjacent to Public Sidewalk

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows:

- A) The maximum height of the wall proposed between the approved single-family residence and the abutting public sidewalk on Via Marina shall not exceed a height of six feet, as measured from the Via Marina public sidewalk, and;
- B) All landscaping within the planter area of the wall shall be maintained in good growing condition throughout the life of the project. New plant material shall be installed whenever necessary.

5. Permeable Yard Area

In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of Ballona Lagoon, a permeable yard area shall be maintained in the front yard area between the structure and the front property line. No more than twenty percent (20%) of the front yard setback (permeable front yard area) shall be covered with impervious materials (i.e., walkway, stairways, and garden walls).

6. Landscaping

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. The use of pesticides and herbicides is prohibited in the front yard permeable yard area required by Special Condition Five.

7. Parking

The applicant shall provide at least three off-street parking spaces on the project site as proposed. These parking spaces shall take access from the alleys (also called courts). The courts and street ends shall not be used as parking for the residence approved by this coastal development permit. This condition shall serve as notification that amended Coastal Development Permit A-266-77 (ILA) reserves parking on the street ends in the Silver Strand area for public parking, and that these public parking areas shall not be used for preferential parking. It also serves notice that the street and street ends adjacent to the project site shall not be reserved to any homeowner(s).

8. Drainage – Water Quality

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows: The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the water or drain. 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. 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. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any waterway or street that drains into a waterway, unless specifically authorized by the California Regional Water Quality Control Board. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible. 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.

9. 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 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 legally required.

10. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Revised Findings and Declarations

Staff Note: The following revised findings include all of the staff's recommended findings that were set forth in the June 18, 2009 staff report for the Commission's July 9, 2009 hearing. The portions of those findings that are being deleted are crossed-out in the following *revised findings: ~~deleted findings~~*. The supplemental findings being added in support of the Commission's July 9, 2009 action are identified with underlined text.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a five-level, 5,905 square foot single-family residence on a 2,280 square foot lot in the Del Rey Beach Tract in Venice (See Exhibits). The project site fronts on Via Marina, a major coastal access road; and faces the entrance channel of Marina del Rey (Exhibit #9). The proposed residence provides three on-site parking spaces within a three-car garage accessed from Via Marina Court, the rear alley (Exhibit #4). A six-foot high wall, topped with a landscaped planter, is proposed on the property line between the proposed development and the abutting public sidewalk on Via Marina (Exhibit #5).

The applicant is requesting Commission approval to construct a house that is at least 48 feet above the elevation of the fronting street (Via Marina) instead of conforming to the 45-foot height limit set forth in the certified Land Use Plan (LUP) for Venice. The additional height would allow the proposed house to have five levels instead of four levels. ~~The justification for the additional height is that the street dips about three feet lower right in front of the project site.~~ If the house were limited to 45 feet measured from the dip in the road, it would appear to be a few feet shorter than the other houses on the street (because the street elevation is higher in front of the other eight lots). A 48-foot high house would not exceed the height of the other homes on the block when measured from a horizontal plain, like sea level (Exhibit #9).

The size of the proposed house is already limited by the relatively small size of the lot, which is five feet narrower and five feet shorter than the other lots on the block (Exhibit #8).

The project site is part of the Del Rey Beach Tract (Exhibit #3). The Silver Strand subdivision is located three blocks north of the site. Ballona Lagoon is located about three hundred feet west of the site. The Marina del Rey entrance channel is located about one hundred feet south of the site, on the other side of Via Marina. The entire area is referred to as the "Silver Strand area" (Exhibit #7). The Silver Strand subdivision and the Del Rey Beach tract share a long history before the Coastal Commission. Both subdivisions, referred to together as the Silver Strand area, are located along the east bank of Ballona Lagoon and have only recently been developed with single-family residences. Although the subdivisions were created in the early 1900s, the development of the area did not commence until the late 1970s. Therefore, the Commission has reviewed and permitted the development of the subdivisions with single-family residences.

The first Commission approval in the area occurred in 1977 when the Commission approved the "Silver Strand Permit", A-266-77 (ILA), which was brought before the Commission on an appeal. Prior to the Commission's action on Coastal Development Permit A-266-77 (ILA) in 1977, the Commission and its predecessor denied several applications to improve the streets and supply utilities within portions of the Silver Strand subdivision and the Del Rey Beach Tract to make residential development possible. The previous projects were denied because of adverse impacts on traffic, recreation and wetland habitat.

The projects were proposed by a consortium of most of the owners of the approximately three hundred undeveloped lots situated on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibit #3). The consortium was judged to have the legal ability to apply for a permit to grade the lots, improve the streets, and supply utilities within the Silver Strand area so that individual lot owners would eventually be able to build homes under separate permits.

The Commission's 1977 approval of Coastal Development Permit A-266-77 (ILA) permitted the consortium of applicants, the Isthmus Landowners Association (ILA), to develop the infrastructure necessary for the development of single family homes on approximately three hundred lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibit #3).

The currently proposed project is located on a lot (Lot 23 of Block 17, Del Rey Beach Tract) outside of the project area of approved Coastal Development Permit A-266-77 (Exhibit #3). The Commission's approval of Coastal Development Permit A-266-77 (ILA), however, is still relevant as it remains the basis for the development of the Silver Strand area under subsequent approvals [e.g., Coastal Development Permit 5-87-112 (Del Rey Assoc.)].

Coastal Development Permit A-266-77 (ILA) was subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. In its approval of Coastal Development Permit A-266-77 (ILA), the Commission found that Ballona Lagoon, located adjacent to the Silver Strand and Del Rey Beach subdivisions and about three hundred feet west of the subject site, was critical habitat area and an important coastal resource. The Commission further found that residential development of the Silver Strand area would have

major adverse cumulative impacts on the lagoon and that several measures were necessary to mitigate the adverse impacts of development.

One of the mitigation measures was a condition of Coastal Development Permit A-266-77 (ILA) that required the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) to establish a private homeowners association sufficient to maintain all public areas and landscaping approved and required by the permit. Because all of the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) would benefit from the permitted tract improvements, the Commission required each lot owner to contribute to the maintenance of the improvements. Coastal Development Permit A-266-77 (ILA) was amended in 1979. Since 1980, the approved grading has been completed, a public access path along Ballona Lagoon has been improved, and the permittee (ILA) established itself as the private homeowners association of the Isthmus Landowners Association (ILA) to maintain the lagoon buffer and other public areas.

The findings and special conditions of approval established through the Commission's approval of Coastal Development Permit A-266-77 (ILA) have become the standard by which subsequent permits in the area are reviewed in order to ensure consistency with the Chapter 3 policies of the Coastal Act, and these conditions provide the basis for the mitigating special conditions that have been routinely applied to all subsequent coastal development permits in the area, including this one. The special conditions ensure that the Chapter 3 policies of the Coastal Act and the underlying permit are carried out as individual lots are developed in the Silver Strand area. Special Condition One, in particular, requires the applicant to participate in the private homeowners association established under amended Coastal Development Permit A-266-77 (ILA) in the maintenance of all public areas and landscaping (including pedestrian malls, parking nodes, and the lagoon buffer and pathway) that have been installed pursuant to Coastal Development Permit A-266-77 (ILA) and the other permits authorizing the development in the Silver Strand area [See Exhibit #3: Coastal Development Permits 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.)]. The public areas are identified on the attached "Public Areas Exhibit – Del Rey/Silver Strand" (Exhibit #7). As conditioned, the proposed development conforms with the Chapter 3 policies of the Coastal Act and the prior permits.

B. Community Character – Building Height

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 neighborhoods. In order to maintain and protect community character, the certified Venice Land Use Plan (LUP) sets forth specific height limits for buildings in the Venice neighborhoods. The height limits in Venice vary between 25 and 45 feet. The Silver Strand area has the highest height limit in Venice, which is 45 feet above the fronting right-of-way. The height limits for Venice are measured from the elevation of the fronting street in all areas except the Venice Canals, where they are measured from the rear alley (because the fronting streets are the canals). Measuring building heights from the fronting streets works well throughout Venice because most of the streets are relatively level. Even in the hilly areas, however, the right-of-way baseline maintains a consistency in terms of building heights.

~~In this case, however, the fronting street (Via Marina) dips about three feet lower than the rest of the street in front of the project site, which is the last lot on the block (See Survey Exhibit #8). The low spot in the street is a drainage channel that crosses the street and drains into the Marina del Rey entrance channel.~~

~~The dip in Via Marina creates an anomaly in the baseline from which building heights are measured on this single block of homes. The three other houses approved by the Commission on Via Marina are each permitted to be 45 feet in height, measured from Via Marina (Coastal Development Permits 5-00-047, 5-00-440 & 5-00-458). The street elevation in front of the other developed lots, however, does not vary more than a few inches.~~

~~Because there is a pronounced dip in Via Marina in front of the project site (the last lot on the block), the applicant is requesting Commission approval to construct a house that is at least 48 feet above the elevation of the fronting street (Via Marina) instead of conforming to the 45-foot height limit set forth in the certified Land Use Plan (LUP) for Venice. A few feet of additional height would allow the proposed house to have five levels instead of four levels. A fifth level is necessary, according to the applicant, because size of the proposed house is already limited by the relatively small size of the lot, which is five feet narrower and five feet shorter than the other lots on the block (Exhibit #8).~~

The applicant lists several reasons the proposed project should be permitted to exceed the height limit set forth in the certified LUP:

1. The street dips about three feet lower right in front of the project site. It would not be fair to measure one house on the block from this low spot, while the other eight lots on Via Marina are measured from a higher elevation.



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2. If the house is limited to a height of 45 feet measured from the dip in the road, it would appear to be shorter than the homes on the eight other lots on the street because the street is at a higher elevation in front of the other lots.
3. The size of the proposed house is already limited by the relatively small size of the lot, which is five feet narrower and five feet shorter than the other lots on the block (Exhibit #8). The additional height will allow one more level.
4. The proposed 48-foot high house will not exceed the height of the other homes on the block when measured from a horizontal plain, like sea level (Exhibit #9).
5. Since the proposed house will not exceed the height of the other houses on the block, it will not adversely impact community character or coastal resources.

The applicant had also requested that the building's height be measured from the rear alley (Via Marina Court) instead of the fronting street (Via Marina). The rear alley has an elevation that is about seven feet higher than Via Marina. Commission staff rejected the request to use the alley as the baseline because the previously approved houses on Via Marina are all limited to a maximum of 45 feet above Via Marina. The heights of the other homes, as measured in

relation to the rear alley, are not known. Therefore, Via Marina must remain the baseline elevation in order to ensure the consistency in height between all the houses, as the applicant has agreed.

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. In this case, the Commission finds that a building on the project site that exceeds the 45-foot height limit would adversely affect community character and visual resources in violation of Sections 30251 and 30253 of the Coastal Act.

The 45-foot height limit is the highest allowed in the Venice LUP. Allowing this building to be built higher than 45 feet would set a bad precedent that would prejudice the LCP and affect the future development of the four other vacant lots along this block of Via Marina. No other property in the Silver Strand area has been allowed to exceed the height limit set forth in the certified Venice LUP. If the project is allowed to exceed this height limit, the proposed project would be the tallest house in the neighborhood. Once a precedent is set, then the other lots would likely seek similar increase in height, which, if granted, would adversely affect visual resources and the character of the community.

A difference in the street elevation (in this case, a dip in the street) is not a sufficient reason for granting an exception. The height limit standard already takes into account the fact that streets are not uniform in elevation by allowing building heights to be measured from the point in front of the property. The height limit allows each house to be built to the same height. In this case, the dip is only 2.15 lower than the elevation at the other end of the block, a 400-foot distance. Each existing house on the block has been required to comply with the 45-foot height limit. The applicant is requesting approval of a five-level house that would be the tallest one in the neighborhood. A five-level house is not consistent with the existing character of the neighborhood which is comprised of four-level houses.

The site, a corner lot, abuts a County park. A 48-foot high house would impact public views from the park more than a 45-foot high house. A higher building would tower over the park more than a building built in compliance with the height limit. Furthermore, the lot's location at the end of the block and next to the park provides it with an advantage that most other lots do not have: a view from the front and east sides of the house that will not be blocked by a structure on the adjacent property.

The property also faces the water (the Marina del Rey entrance channel) and is visible from public areas. Even if the house built to a 45-foot height appears a few feet shorter than the other houses on the block (because of the dip in the street from where the building's height is measured) the lower roof elevation would provide a visible transitional step between the park open space and the adjacent block of houses.

Therefore, in order to comply with Sections 30251 and 30253 of the Coastal Act, the proposed project shall conform with existing character of the neighborhood and shall not exceed a height of 45 feet. Special Condition Three requires the applicant to submit revised plans that comply with the 45-foot height limit for the site, measured from the centerline of Via Marina. As conditioned, the proposed project is consistent with the Chapter 3 policies of the Coastal Act because it will not adversely affect the character and scenic and visual qualities of the community.

~~In this case, the Commission finds that the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act because it will not adversely affect the character and scenic and visual qualities of the community, even though the proposed structure exceeds the certified LUP height limit. In fact, the proposed project is consistent with community character because, as conditioned, its roof will not exceed the elevation of the other houses on the block. In addition, the proposed project will not obstruct any public views or block public access. Finally, the approval of the proposed project in excess of the LUP's height limits 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. Among those unique circumstances are the facts that the fronting street dips in front of the site and the proposed project will not be higher than the other nearby structures. Therefore, the proposed project is approved.~~

C. Public Access and Recreation

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 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 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, as conditioned, 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 Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Marine Resources and Water Quality

The proposed work 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.

E. Development

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

F. Environmentally Sensitive Habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

G. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

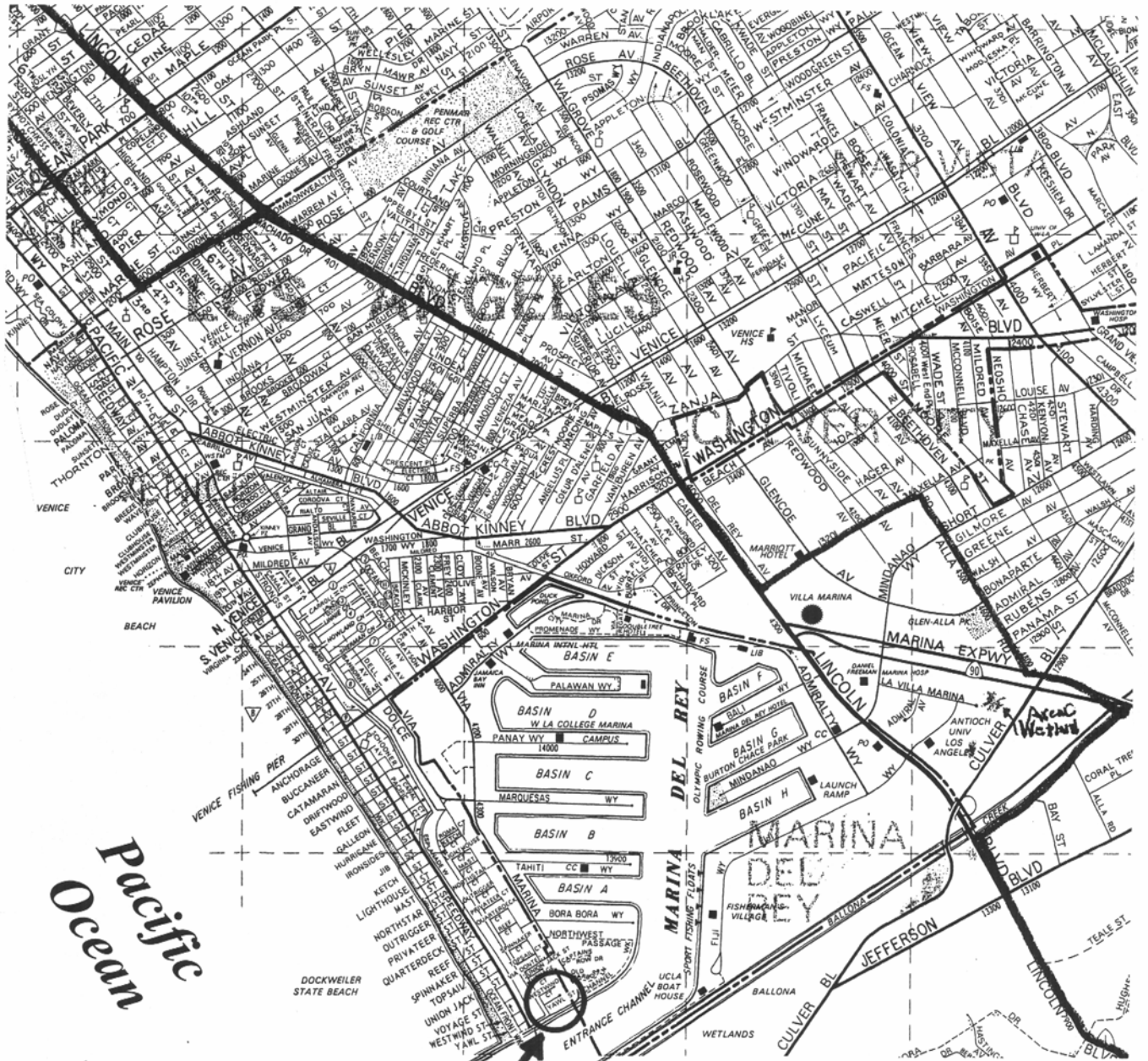
H. Local Coastal Program

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

I. California Environmental Quality Act (CEQA)

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



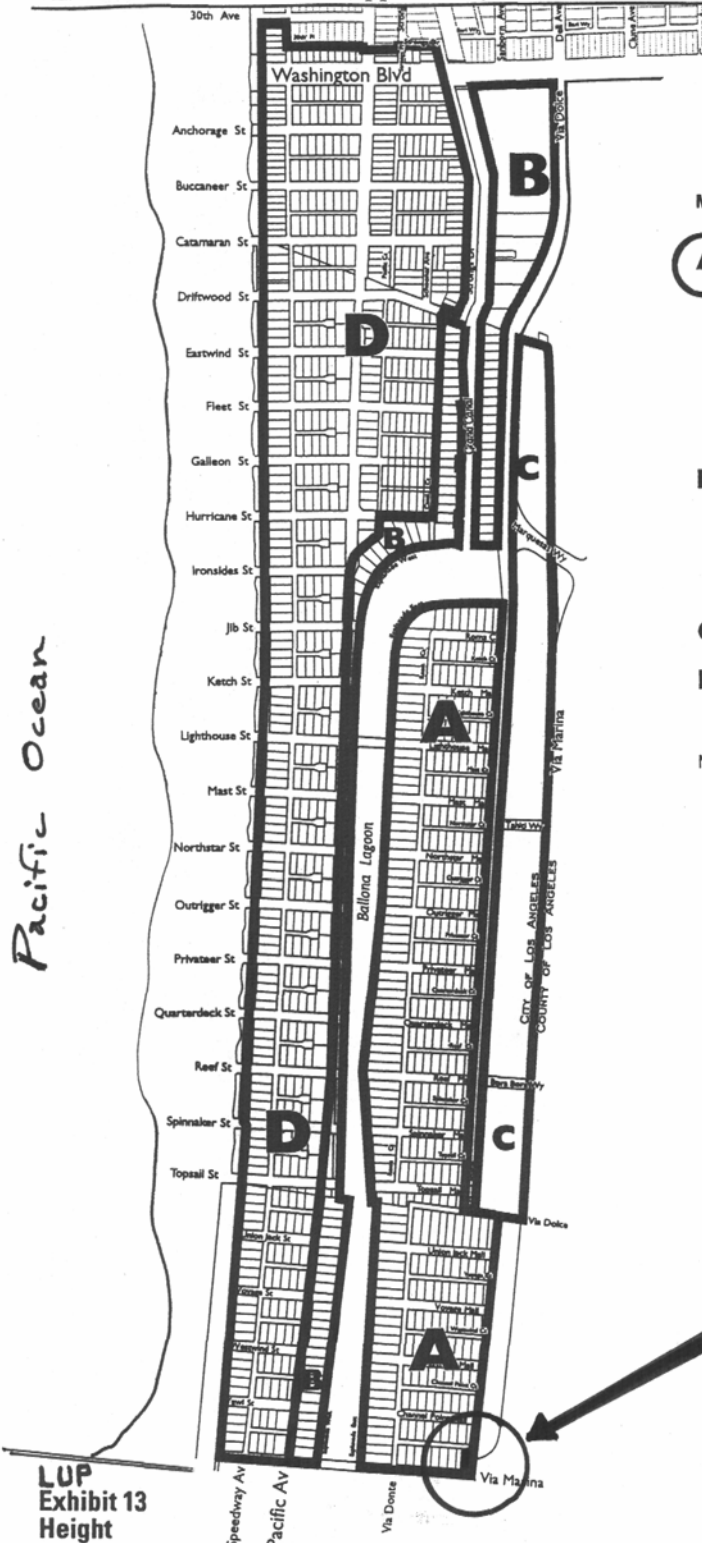
Pacific
Ocean

Site: 147 Via Marina



COASTAL COMMISSION
5-08-285

EXHIBIT # 1
PAGE 1 OF 1



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: 147 Via Marina

COASTAL COMMISSION
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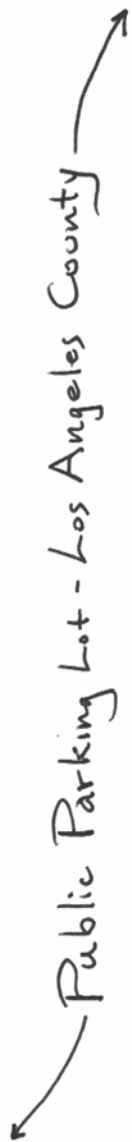


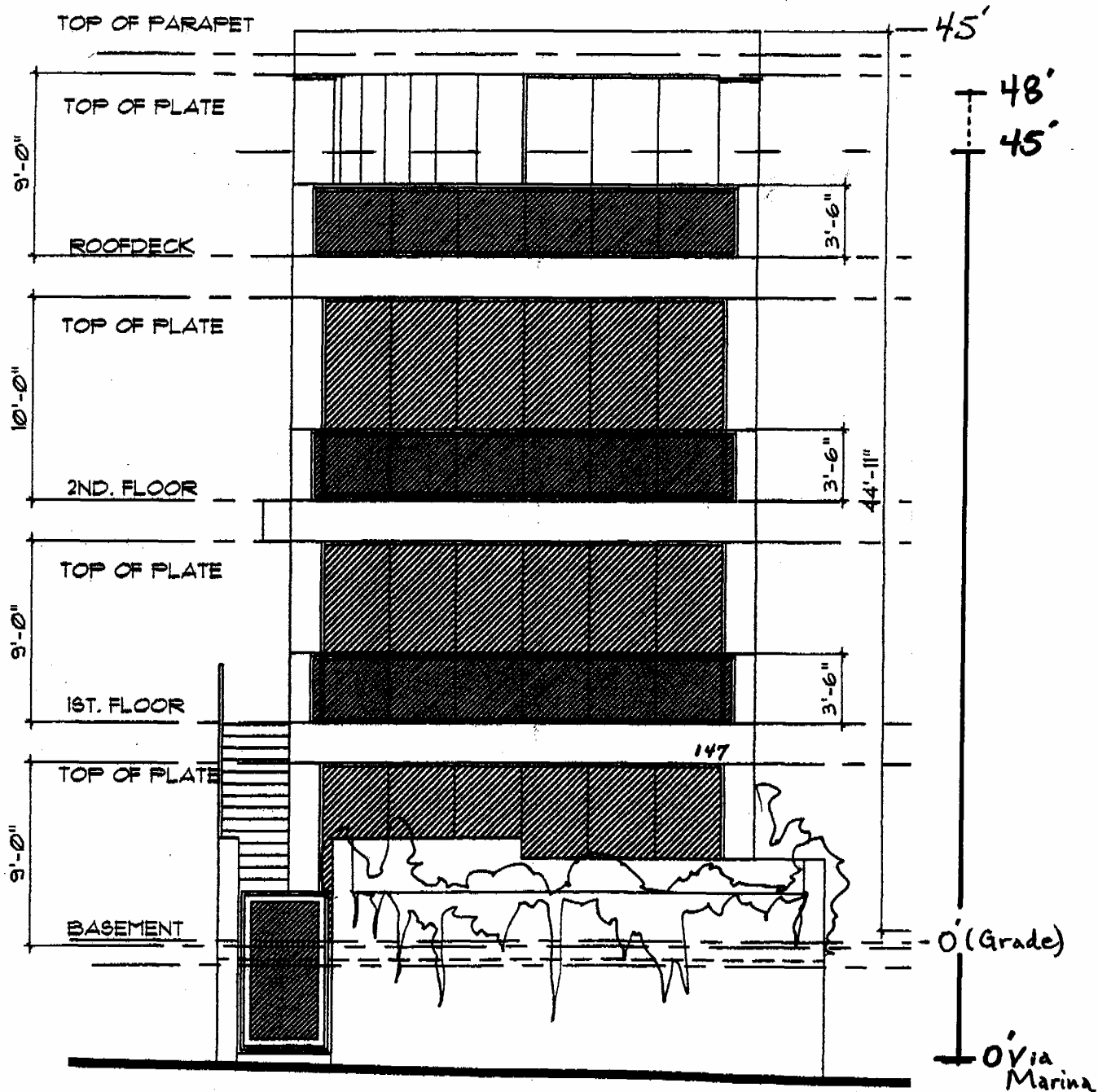
**LUP
Exhibit 13
Height**

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

EXHIBIT # 2
PAGE 1 OF 1

← Via Marina →

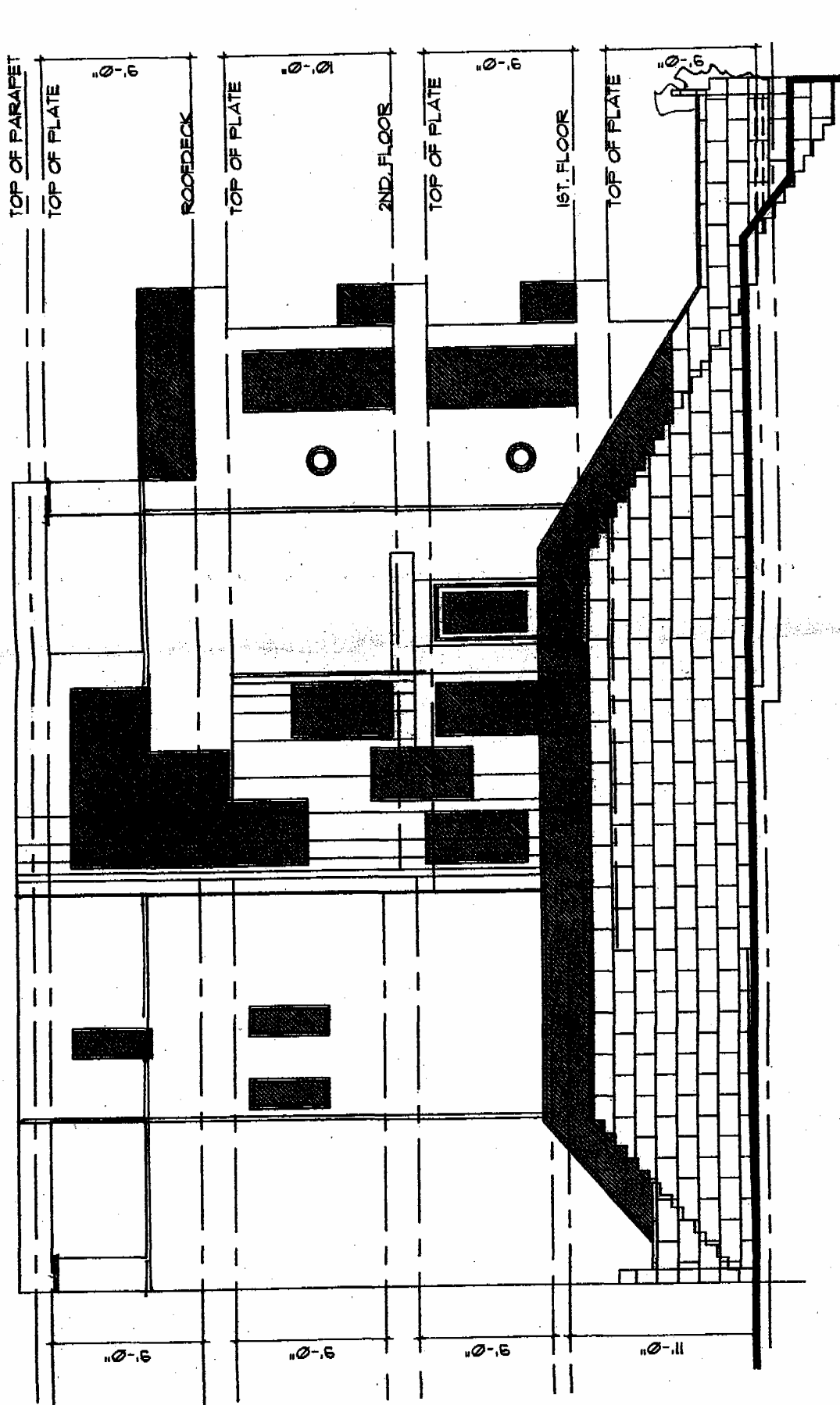




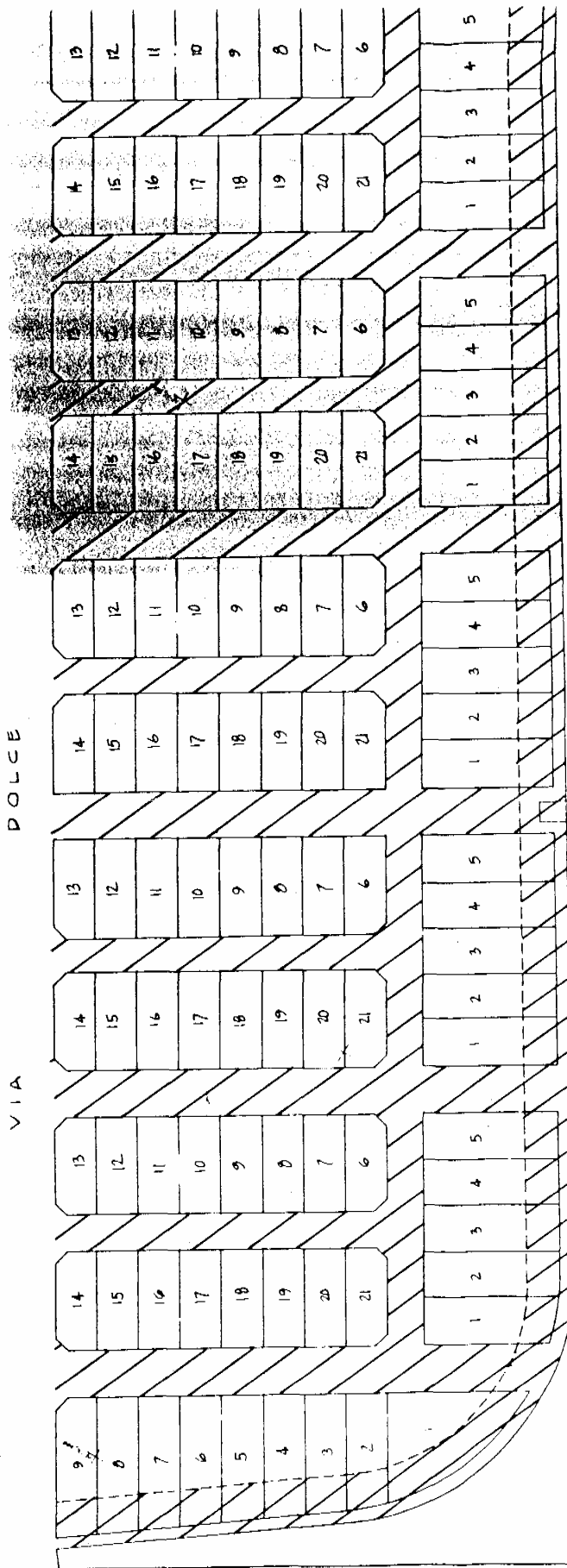
FRONT ELEVATION (Via Marina)

COASTAL COMMISSION
5-08-285

EXHIBIT # 5
PAGE 1 OF 1



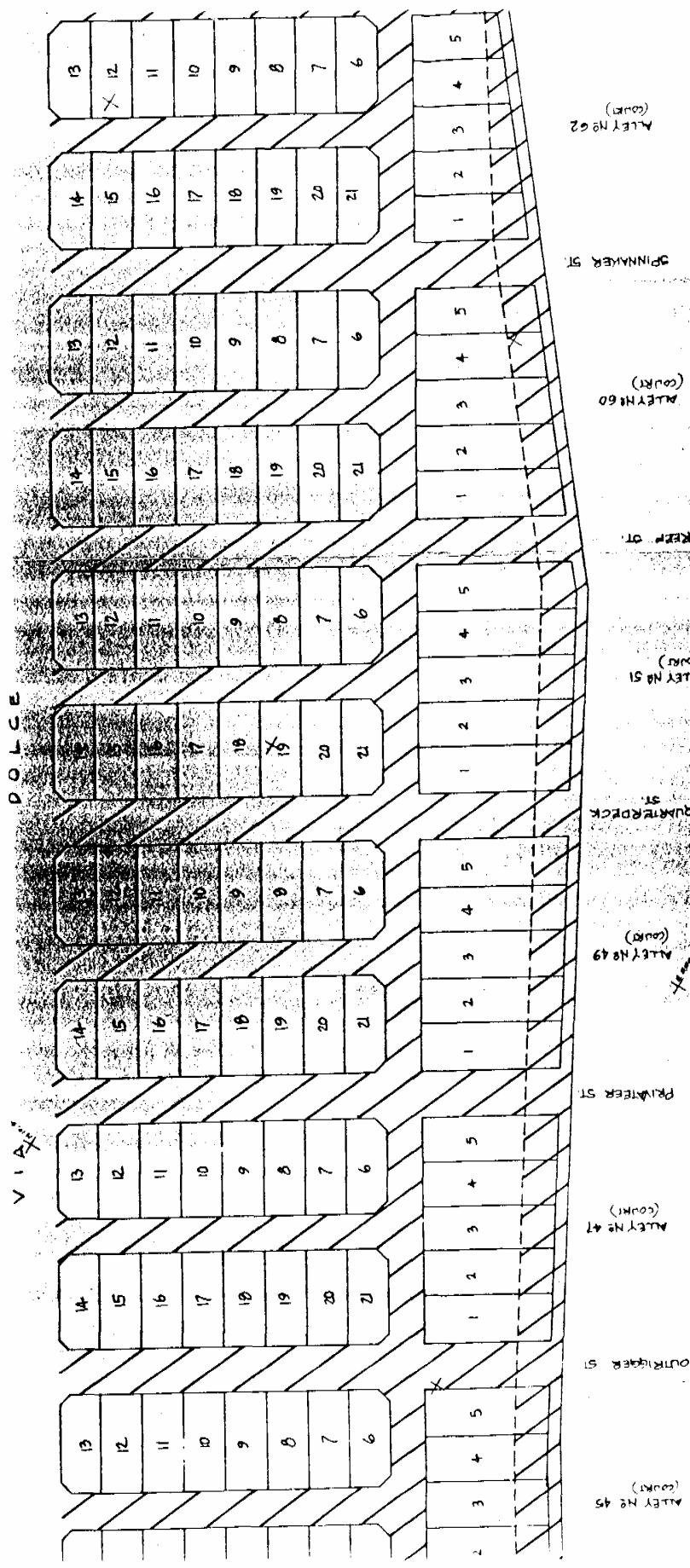
WEST ELEVATION



PUBLIC BUFFER and DRAINAGE AREAS / DEL REY STRAN COMMISSION

SOURCE: ECC, Engineering Service Corporation

Public Areas Exhibit
Del Rey/Silver Strand



STRAND

CALIFORNIA COASTAL COMMISSION

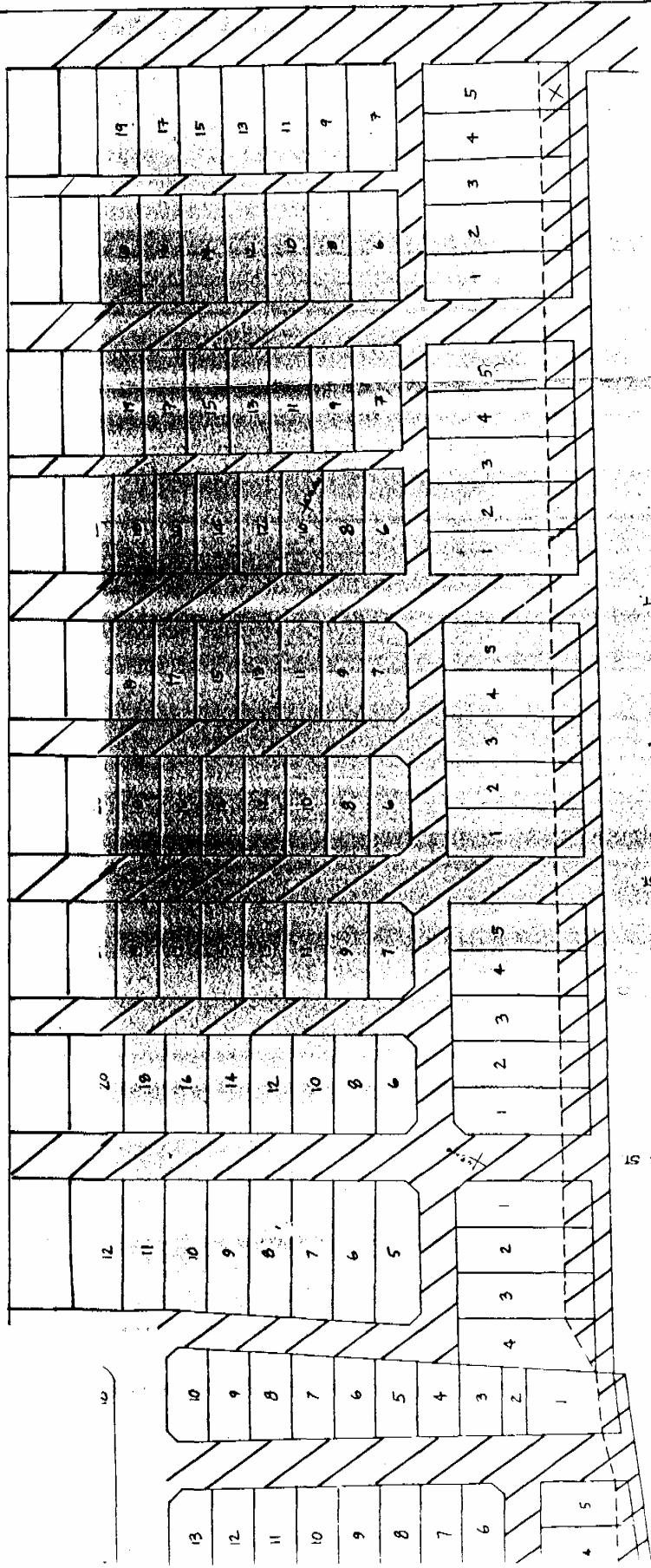
APPROVED ON 4-18-1980

AS CONFORMING TO PERMIT A. 246-77

MICHAEL L. FISCHER
EXECUTIVE DIRECTOR

BY *Janet [Signature]*

CALIFORNIA COASTAL COMMISSION



VIA MARINA

WEARWIND ST

VOYAGE ST

ALLEY (COURT)

ALLEY (COURT)

UNION JACK ST

COURT

TOPSHIL ST



CALIFORNIA COASTAL COMMISSION

APPROVED ON 11/13/86 BY 31/6/86 22/VEB

AS CONFORMING TO HERMITS BEACH ZONING ORDINANCE, RESPECTIVELY.

MICHAEL L. FISCHT

EXECUTIVE DIRECTOR

By *James M. [Signature]*

Title *Coastal Engineer*

COASTAL COMMISSION

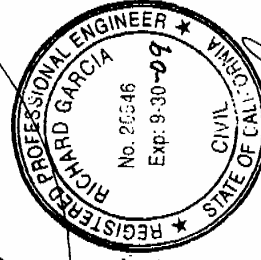
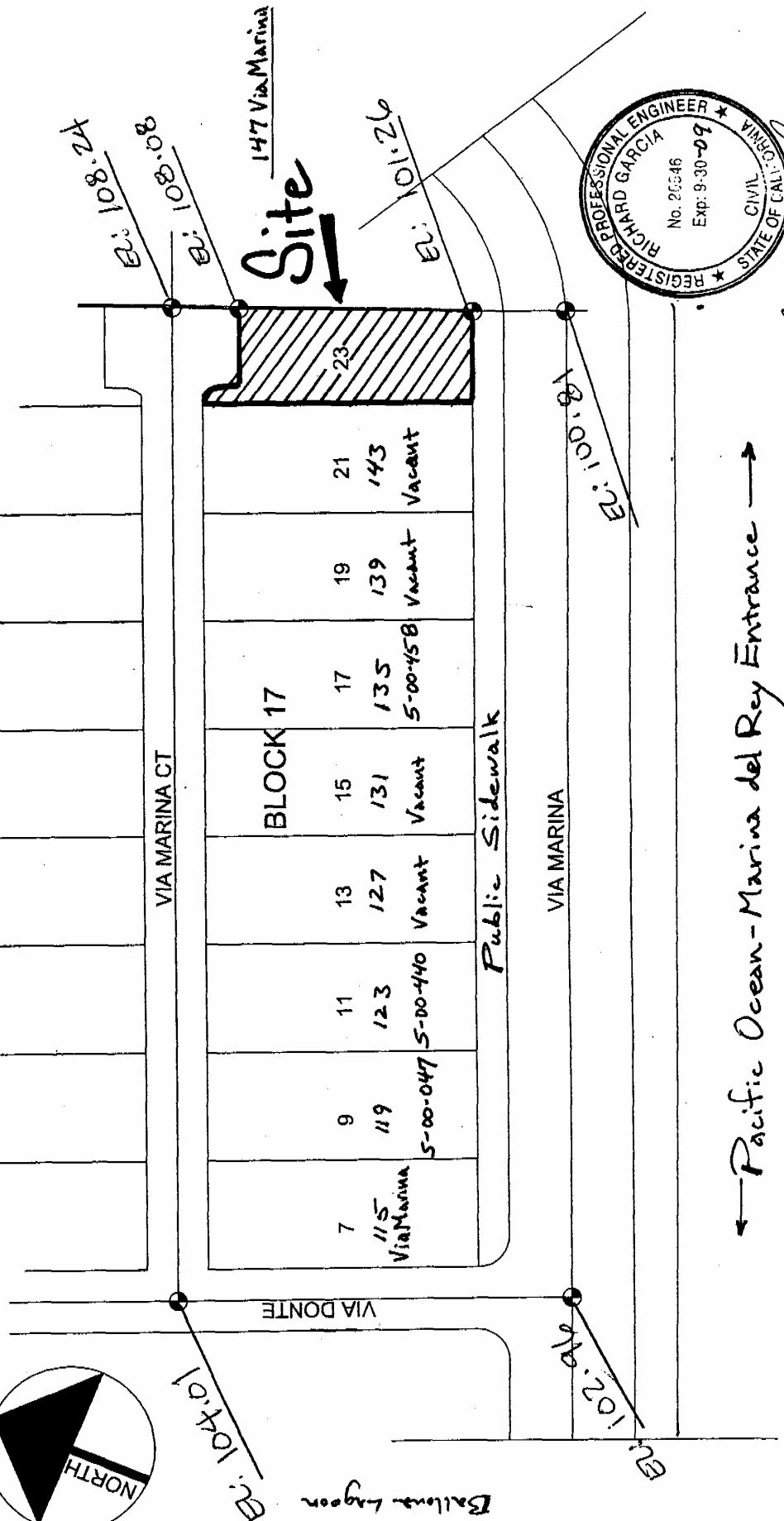
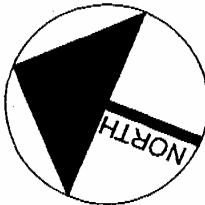
Public Areas Exhibit
Del Rey/Silver Strand

Exhibit 7

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JUN 15 2009

CALIFORNIA
COASTAL COMMISSION



Richard Garcia
6-12-09

COASTAL COMMISSION
5-08-285

EXHIBIT # 8

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