

**CALIFORNIA COASTAL COMMISSION**

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**Th16b**

Filed: 1/21/2005  
49th Day: 3/11/2005  
180th Day: 7/20/2005  
Staff: CP-LB  
Staff Report: 1/27/2005  
Hearing Date: February 17, 2005  
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-04-484-A1 (Amending Permit P-76-8214)

**APPLICANTS:** Peter & Frances Bergman

**AGENT:** Vincent Varela

**RECORD PACKET COPY**

**PROJECT LOCATION:** 460 Howland Canal, Venice, City of Los Angeles, Los Angeles Co.

**PROJECT DESCRIPTION:** Remodel and second floor addition to an existing 24-foot high single-family residence on a canal-fronting lot, resulting in a two-story, 24-foot high, 3,110 square foot single-family residence with an attached two-car garage; and remove deed restriction and conditions imposed by prior permit P-76-8214 imposing a 25-foot height limit and 25-foot setback from the canal property line.

Lot Area	2,850 square feet
Building Coverage	1,971 square feet
Pavement Coverage	429 square feet
Landscape Coverage	450 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	24 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR-2004-7773-VSO, 12/23/2004.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission **grant the permit amendment** for the proposed remodel and addition and to delete the obsolete second floor setback requirement and 25-foot building height limit imposed by the underlying 1976 permit. The permit amendment is subject to special conditions that reflect the Commission's current set of building standards for the Venice Canals neighborhood as set forth by the certified Venice LUP (e.g., thirty-foot height limit and provision of a 450 square foot permeable yard within the canal-side building setback). The applicant would be required to record a new deed restriction that would supercede and replace the 1977 deed restriction originally required pursuant to Coastal Development Permit P-76-8214. The applicants agree with the recommendation. **See Page Two for Motion.**

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan (LUP), 6/14/2001.
2. Coastal Development Permit P-6-25-76-8214 (Argyropoulos - Exhibit #7).
3. Coastal Development Permit Amendment 5-01-485-A1 (Danieri).
4. Coastal Development Permit Amendment 5-02-047-A1 (Rubin).
5. Coastal Development Permit Amendment 5-03-077-A1 (Pickett).
6. Coastal Development Permit Amendment 5-03-312-A1 (Nelson).

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change which affects conditions required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

**MOTION** *"I move that the Commission approve the proposed amendment to Coastal Development Permit Amendment P-76-8214 (5-04-484-A1) pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**I. Resolution for Approval**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended 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. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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

**Note:** The following Special Conditions shall supercede and replace the conditions of Coastal Development Permit P-76-8214 (Exhibit #7, ps.3-4).

### 1. Permeable Yard Area

In order to maintain an open and visible access corridor, to enhance visual quality, and to preserve the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than 450 square feet shall be maintained in the front yard area between the structure and the front (Howland Canal) property line [as originally required by Coastal Development Permit P-76-8214]. The area within the required fifteen-foot front yard setback shall be maintained as the required permeable yard area as indicated on **Exhibit #4 of the staff report dated 1/27/05**. Uncovered means that no fill or building extensions (i.e., chimneys, balconies, stairs, trellises) shall be placed in or over the 450 square foot permeable yard area with the exception of fences (not to exceed 42 inches in height) or permeable decks at grade (not to exceed 18 inches in height). The precise boundaries of the area that must remain uncovered and permeable yard area will be described and depicted in the exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit.

**PRIOR TO ISSUANCE, BY THE EXECUTIVE DIRECTOR, OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT AMENDMENT**, and prior to the recording of the deed restriction required by Special Condition Seven below, the applicants shall provide a site plan, subject to the approval of the Executive Director, which complies with all of the above terms of this condition and clearly identifies the location and dimensions of the required permeable yard area, in accordance with the general description of that area in **Exhibit #4 of the 1/27/05 staff report**. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. Residential Density

The permitted use of the structure is a single-family residence. Any proposed change in the number of units 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.

3. Parking

A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage and a third space next to the garage.

4. Building Height

No development is authorized within ten feet of the fronting canal property line (Howland Canal) and within or above the required 450 square foot permeable front yard area, except as described in Special Condition One above. At a point ten feet landward of the fronting canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of thirty feet (30') except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings, skylights, and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit. This permit does not authorize any roof access structure above the thirty-foot height limit.

5. Drainage – Water Quality

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicants shall submit, for the review and approval of the Executive Director, drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal.
- b) All construction equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals.

- c) A one hundred cubic foot french drain shall be installed on the project site to reduce the amount of runoff that leaves the site.
- d) A drainage plan for the proposed single-family residence which directs all runoff leaving the site away from the canals and into the City storm drain system.

The permittees and all successors in interest shall construct and maintain the approved development consistent with the drainage plans approved by the Executive Director.

6. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for the permit amendment, subject to any special conditions set forth above. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether another amendment to the coastal development permit is required.

7. Deed Restriction

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicants 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 amended 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 amended 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 amended 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 amended coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this amended 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.

The deed restriction required by this permit amendment, once recorded, shall amend and supercede the deed restriction originally required by Coastal Development Permit P-76-8214 (L.A. Co. Instrument No. 77-243417). The terms and conditions of the deed restriction originally required by Coastal Development Permit P-76-8214 (L.A. Co. Instrument No. 77-243417) shall be rescinded upon the recording of the deed restriction required by this permit amendment.

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

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicants propose to remodel and add onto an existing two-story, 24-foot high single-family residence in the Venice Canals neighborhood (See Exhibits). A 281 square foot second floor room and a new balcony, both set back fifteen feet from the canal property line, would be added to the front of the house resulting in a two-story, 24-foot high, 3,110 square foot single-family residence. The attached two-car garage and one uncovered guest parking space provide three on-site parking spaces that are accessed from the rear alley (Exhibit #4).

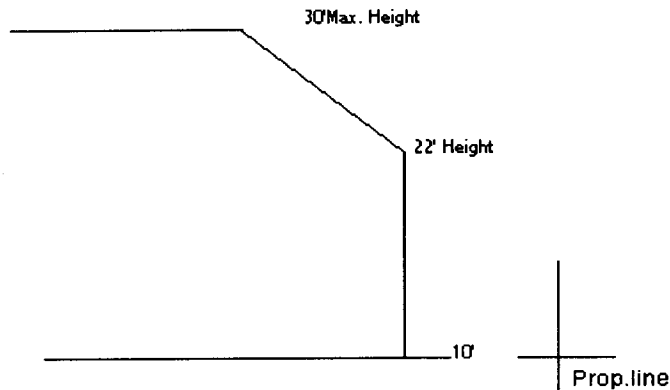
In order to do the proposed work, the special conditions of the original 1976 coastal development permit must be amended (Coastal Development Permit P-76-8214). Specifically, the applicants have requested Commission approval to replace the originally required 25-foot second floor setback requirement with the current ten-to-fifteen foot setback requirement for the area (as set forth by the certified Venice LUP) and to remove the deed restriction imposed by Permit P-76-8214 that requires the maintenance of the 25-foot second story setback from the canal property line (L.A. Co. Instrument No. 77-243417). The currently proposed second floor addition and balcony would encroach ten feet into the 25-foot second story setback (Exhibit #4). The applicants are proposing to maintain the originally required 450 square foot permeable and uncovered yard area provided by the existing fifteen-foot deep front yard setback area (Exhibit #4).

The project site is a 2,850 square foot lot situated on the southwest corner of Howland Canal and Eastern Canal in the Venice Canals residential area (Exhibit #2). The neighborhood is comprised of both old and new one, two and three-story single-family residences, and a few non-conforming duplexes. Public sidewalks currently provide public access along all banks of the canals (Exhibit #3).

The existing house was constructed by a previous owner of the property pursuant to Coastal Development Permit P-76-8214 (Argyropoulos). The Commission approved Coastal Development Permit P-76-8214 on October 6, 1976, subject to special conditions that imposed the building standards for the neighborhood at that time. The conditions required the maintenance of a 450 square foot permeable front yard area, a 25-foot second story setback, and limited the building height to 25 feet (Exhibit #7, ps.3&4). In 1976, the Commission was applying different planning criteria to new residential construction, including a 25-foot second story setback requirement that has since been eliminated (c.1979) in favor of the current building standards (See *Section B below*). As required by Coastal Development Permit P-76-8214, the prior owner recorded a deed restriction to maintain the 25-foot second story setback and the 450 square foot pervious front yard (L.A. Co. Instrument No. 77-243417).

The Commission is no longer requiring 25-foot second story setbacks for houses along the Venice Canals, and now routinely approves thirty-foot high structures within a building envelope that the certified Venice LUP defines as follows:

*Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. (See Figure 1 below).*



In addition, the certified Venice LUP also requires that all new houses maintain a permeable yard area equal to fifteen times the width of the lot (15'x 30' = 450 sq.ft.) between the canal property line and the front of the house. The existing house with the proposed addition, not exceeding thirty feet in height, would conform to the Commission's current building standards and the certified Venice LUP.

Therefore, the proposed addition and permit amendment are consistent with past Commission approvals in the Venice Canals neighborhood since 1980 (See *Section B below*). Commission approval of the permit amendment to replace the obsolete building standards (e.g., the 25-foot second story setback) with the current building standards set forth in the certified Venice LUP would also be consistent with prior Commission actions on other homes in the area that have older permits with similar obsolete conditions [See Coastal Development Permit 5-86-930/P-8279 (Wood) & Permit Amendments 5-01-485-A1 (Danieri), 5-02-047-A1 (Rubin), 5-03-077-A1 (Pickett) & 5-03-312-A1 (Nelson)].

## **B. Community Character**

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los Angeles)]. 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 Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located. These building standards, which apply primarily to density, building height, parking, and protection of water quality, reflect conditions imposed in a series of permits heard prior to 1980. The 25-foot second story setback requirement imposed on canal-fronting homes prior to 1980 was not adopted as part of the Commission's Regional Interpretive Guidelines for Los Angeles County. 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 area.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. The Commission on June 14, 2001 officially certified the Venice LUP.

The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Venice Canals neighborhood where the proposed project is situated. The policies and building standards contained in the Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit amendment.

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....

In order to protect public access, community character and visual quality in the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located, the Commission has consistently limited residential density and structural height, and has required the provision of yard areas and structural setbacks from the canals [e.g. Coastal Development Permit 5-95-043 (Chamorro)]. On June 14, 2001, the Commission certified the following policy as part of the Venice LUP in order to regulate residential development in the Venice Canals neighborhood.

Venice Land Use Plan Policy I.A.4.a states:

**a. Venice Canals**

*Use: Single-family dwelling / one unit per lot*

*Density: One unit per 2,300 square feet of lot area. Lots smaller than 5,000 square feet shall not be subdivided. Lots larger than 2,300 square feet shall not be combined.*



*Buffer/Setback: In order to provide a setback for access, visual quality, and to protect the biological productivity of the canals, an average setback of 15 feet, but not less than 10 feet, shall be maintained in the front yard adjacent to the canal property line.*

*Yards: An open, permeable yard of at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot, shall be maintained between the canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average, shall provide the required permeable front yard area. No fill nor building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area with the exception of 42-inch high fences or permeable decks at grade (no more than 18" high).*

*Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal. 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 LUP Policy I.A.1 and LUP Height Exhibits 13-16).*

As discussed below, the proposed project complies with the standards contained in the above-stated LUP policy. The applicant has designed the proposed project in compliance with the above-stated building standards in order to obtain the required permit amendment. The applicant is not requesting any variances from the Commission's current building standards, nor is the applicant proposing to maintain any non-conforming development in the site.

### **Residential Density**

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has consistently limited residential density to one unit per lot. The Venice LUP limits residential density in the project area to one unit per lot. The applicants propose to maintain the existing use on the property which is the single-family residence approved by the Commission in 1976 (Coastal Development Permit P-76-8214). Therefore, the proposed project conforms to the Commission's density limit for the site, the density limit of the Venice LUP, and is consistent with the provisions of Section 30251 of the Coastal Act.

### **Building Height**

Building height and bulk can also affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development immediately adjacent to Ballona Lagoon and the Venice Canals has been limited to a height thirty feet (within sixty feet of the Esplanade) in order to provide more air space for bird flyways and to enhance public recreation by protecting the waterways from a canyon effect created by

taller buildings [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission-certified Venice LUP maintains the historic thirty-foot height limit for all development in the Venice Canals neighborhood.

The existing two-story house is 24 feet high, and the height will not be increased by the proposed project (Exhibit #6). The current thirty-foot height limit of the Venice LUP, however, is added as a condition of the permit amendment to replace the prior permit's 25-foot height limit that is now obsolete. Therefore, the permit amendment is conditioned to limit the future maximum permitted height of the single-family residence to thirty feet above the elevation of the adjacent alley (with a lower ascending height for the portion of the structure fronting Howland Canal). No portion of the structure is permitted to exceed thirty feet in height above the elevation of the alley, except for chimneys, ducts and ventilation shafts which are limited to 35 feet. Any proposed increase in height above the current 24-foot height shall be submitted to the Executive Director to determine whether an amendment to this action is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Therefore, the Commission finds that the proposed project as conditioned conforms to the Commission's height limit, the Venice LUP and Section 30251 of the Coastal Act. As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project.

### **Building Setback**

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. Commission-approved development adjacent to the Venice Canals has been consistently required to provide an open and permeable yard (at least 450 square feet for a thirty-foot wide lot, and at least six hundred square feet for a forty-foot wide lot) between the lagoon/canal property line and the front of any structure. A minimum ten-foot front yard setback, with a required fifteen-foot setback average on any lot provides the required permeable front yard area. No building extensions, including stairs and balconies, are permitted to be placed in or over the required permeable front yard area with the exception of permeable decks. The Venice LUP includes this permeable yard and setback requirement for all development proposed along the Venice Canals.

The proposed project provides the required fifteen-foot setback between the house and the front (Howland Canal) property line (Exhibit #4). The 450 square foot permeable yard area originally required by Coastal Development Permit P-76-8214 is being maintained within the fifteen-foot front yard setback area. Therefore, the proposed front yard setback and permeable yard area are consistent with the prior Commission approval and the requirements of the Venice LUP. The Commission has consistently required that applicants record the permeable yard area requirement on their property deeds in order to ensure the continuous and ongoing protection of coastal resources and compliance with the requirement. In order to ensure that the required permeable yard area continues to be maintained on the site as required, the applicants are required to record the conditions of approval, including the permeable yard area requirement, on the deed for the lot subject to this action. The new deed restriction will amend and replace the deed restriction that was recorded in 1977 as a requirement of Permit P-76-8214 (L.A. Co. Instrument No. 77-243417). The terms and

conditions of the deed restriction originally required by Coastal Development Permit P-76-8214 (L.A. Co. Instrument No. 77-243417) shall be rescinded upon the recording of the deed restriction required by this permit amendment.

Therefore, the Commission finds that prior to issuance of the permit amendment, the applicants shall record a deed restriction for the lot which provides for the maintenance of an uncovered and permeable yard area in the 450 square foot front yard area shown on Exhibit #4 of the staff report. The area within the fifteen-foot front yard setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the 450 square foot front yard setback area with the exception of fences, garden walls and permeable decks. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit amendment. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

**C. Public Access and Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. A public sidewalk currently exists on the canal banks situated between the project site and the waters of Howland and Eastern Canals (Exhibit #3). The existing sidewalks area part of a continuous City right-of-way system that provides public access and recreational opportunities along all the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals. The proposed project will not interfere with the existing public walkway along the canals. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

**D. Marine Resources and Water Quality**

The Commission has found that Ballona Lagoon and the Venice Canals are sensitive habitat areas that must be protected from negative impacts associated with development. The Venice Canals are located up stream from Ballona Lagoon, within the Ballona Wetlands system. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the canals which directly impacts the biological productivity of the system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern.

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. 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....

Some of the older developments in the Venice Canals area do not provide adequate on-site parking. The availability of parking on the public streets is reduced by the fact that the streets in this neighborhood are primarily waterways and narrow alleys. The small amount of parking area that may be available for the general public on the surrounding streets is being used by guests and residents of the area. As a result, there is a parking shortage in the area and public access has been negatively impacted by the difficulty in finding a parking space.

To mitigate this problem, the Commission has consistently conditioned new development within the canals to provide a rear setback of at least nine feet for guest parking or to make other provisions for guest parking. The required rear setback for guest parking is in addition to the Commission's other parking standards which require the provision of at least two parking spaces per residence. The parking policies contained in the certified Venice LUP include this requirement.

The proposed project provides an adequate parking supply for the single-family residence by providing a two-car garage and a third uncovered parking space next to the garage (Exhibit #4). Therefore, the proposed project conforms to the Commission's parking standards for the Venice Canals area. The permit amendment is conditioned to ensure the continued provision of adequate on-site parking (three on-site parking spaces per single-family residence), and that the permitted use of the approved structure is a single-family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether a permit amendment is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The condition regarding residential density is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for visitors, and as a result, reduce the ability of the public to access the coast. 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.

## **F. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government

having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

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

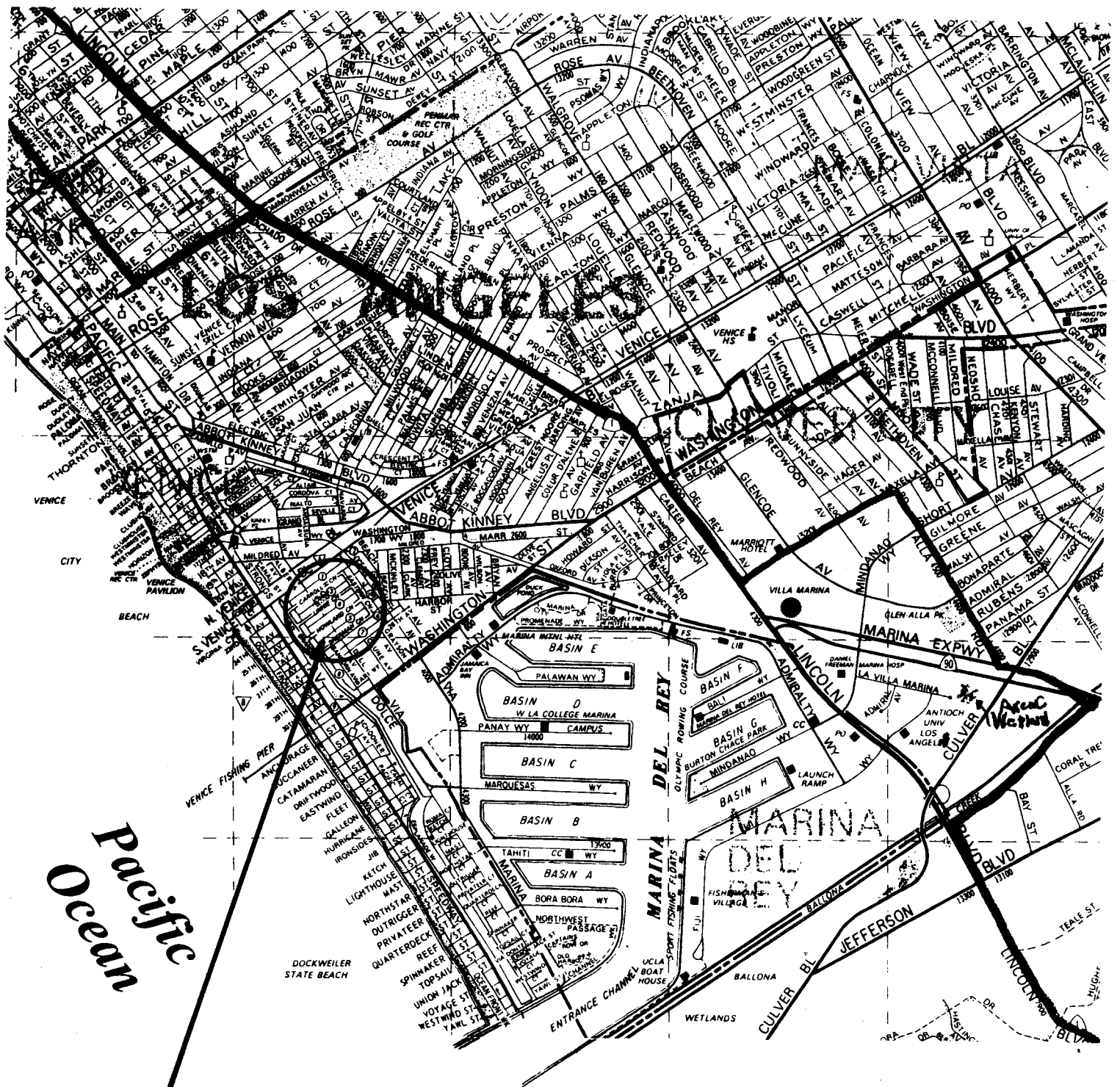
The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development and amendment are consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**G. California Environmental Quality Act (CEQA)**

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

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

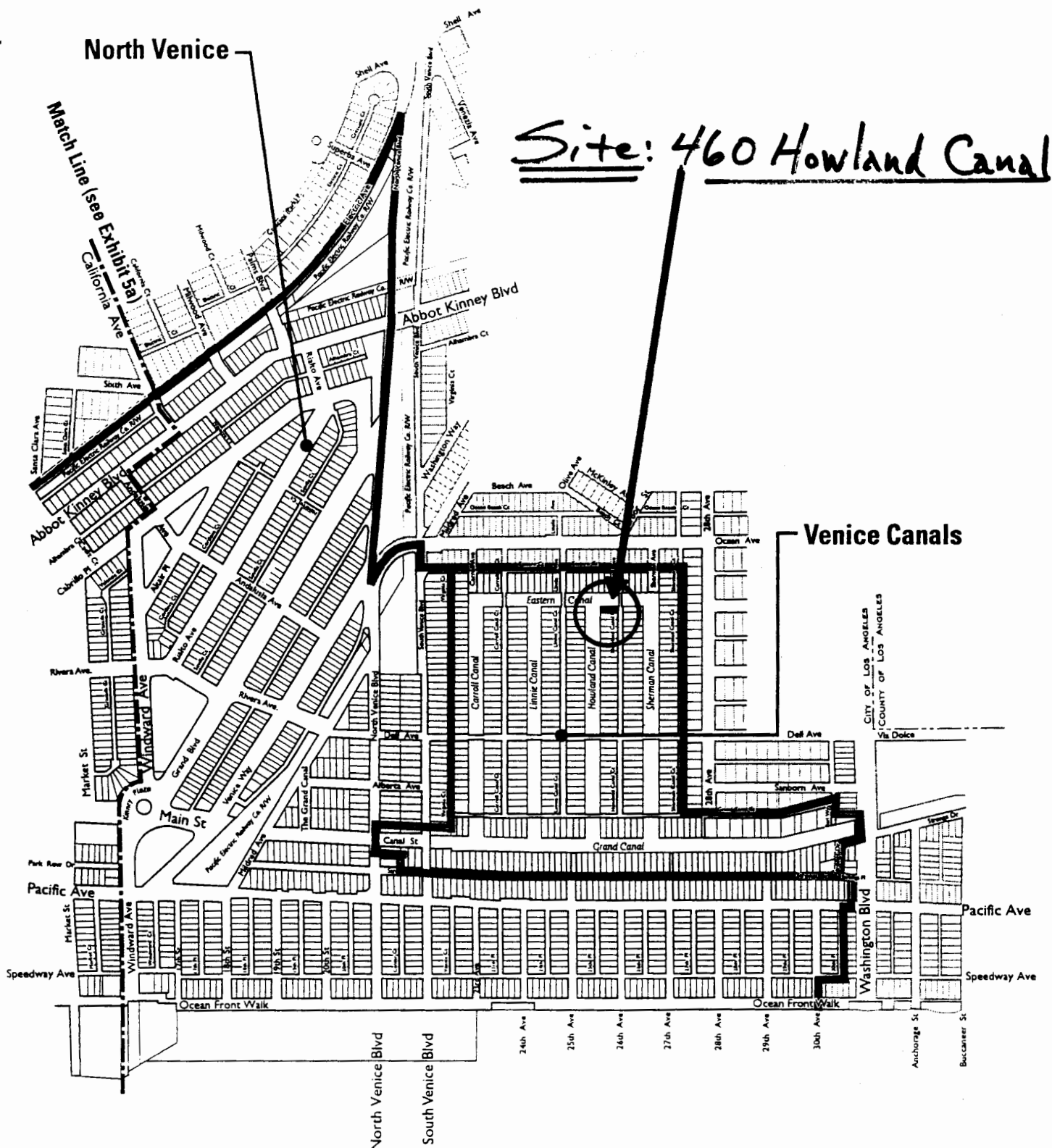
# VENICE, CA



Project Site: 460 Howland Canal

COASTAL COMMISSION  
5.04-484-A1

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Not to Scale

**COASTAL COMMISSION**  
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EXHIBIT # 2

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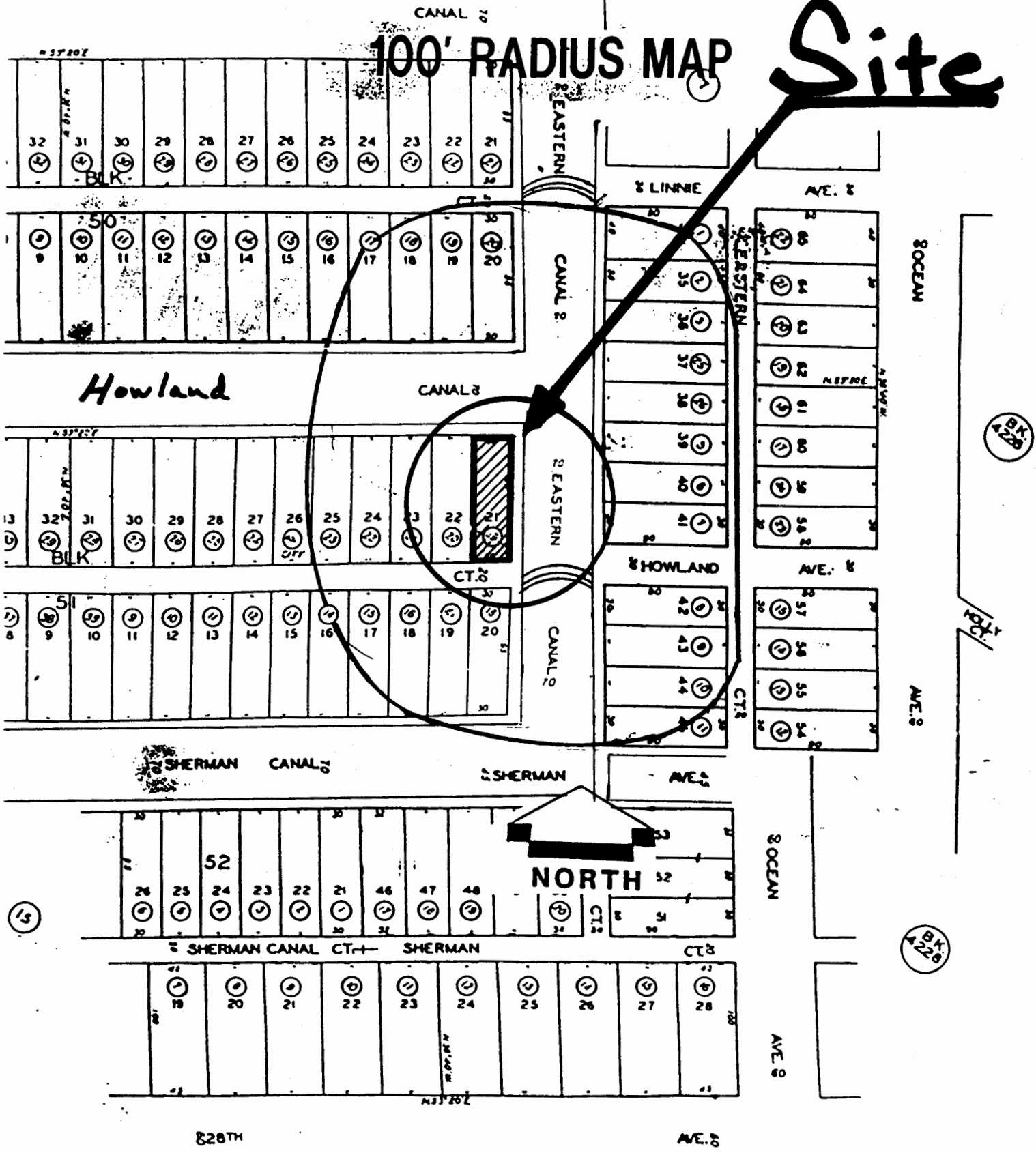
**LUP**  
**Exhibit 5b**

**Subarea: North Venice • Venice Canal**



# 100' RADIUS MAP

**Site**



Site:

460 Howland Canal, Venice

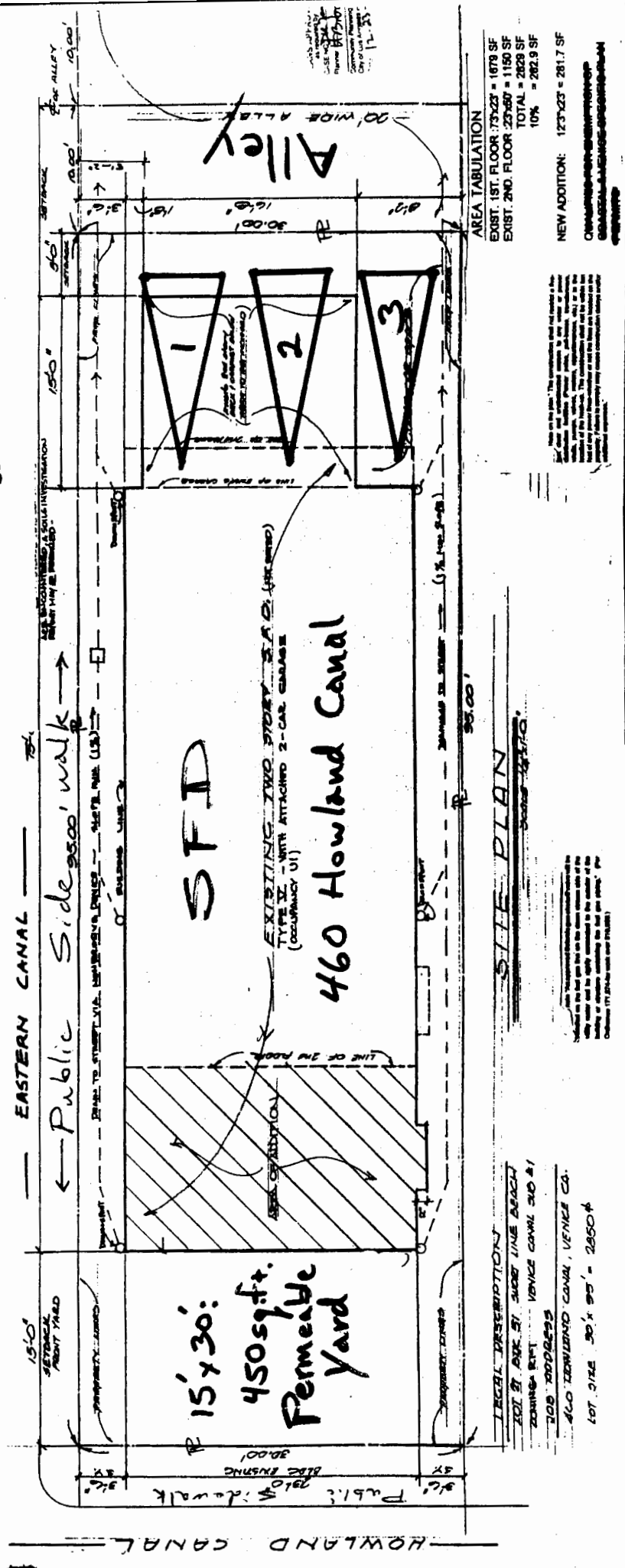
COASTAL COMMISSION

5-04-484-A1

EXHIBIT # 3

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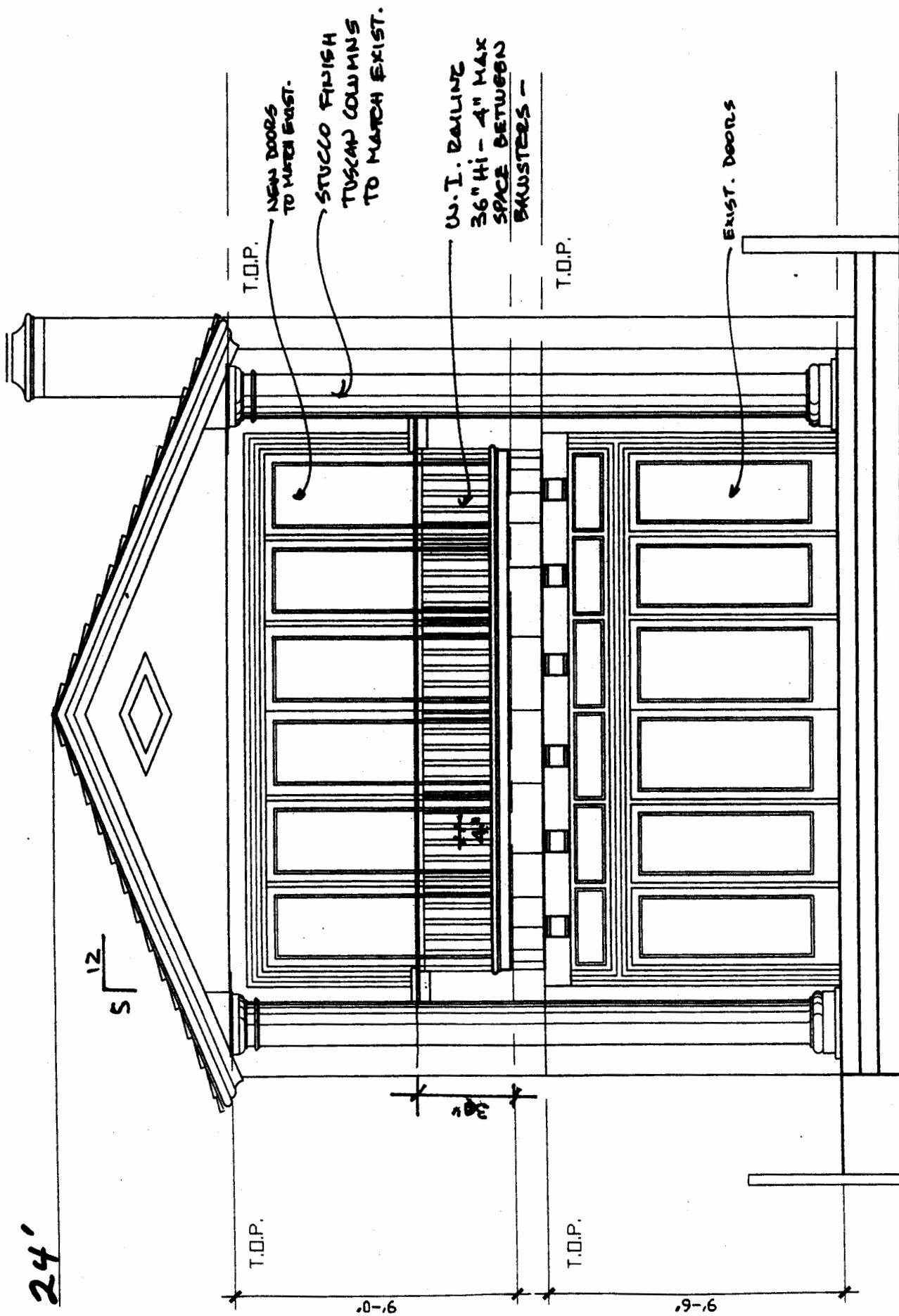


CALIFORNIA  
COASTAL COMMISSION

# Site Plan

24'

5' 12"



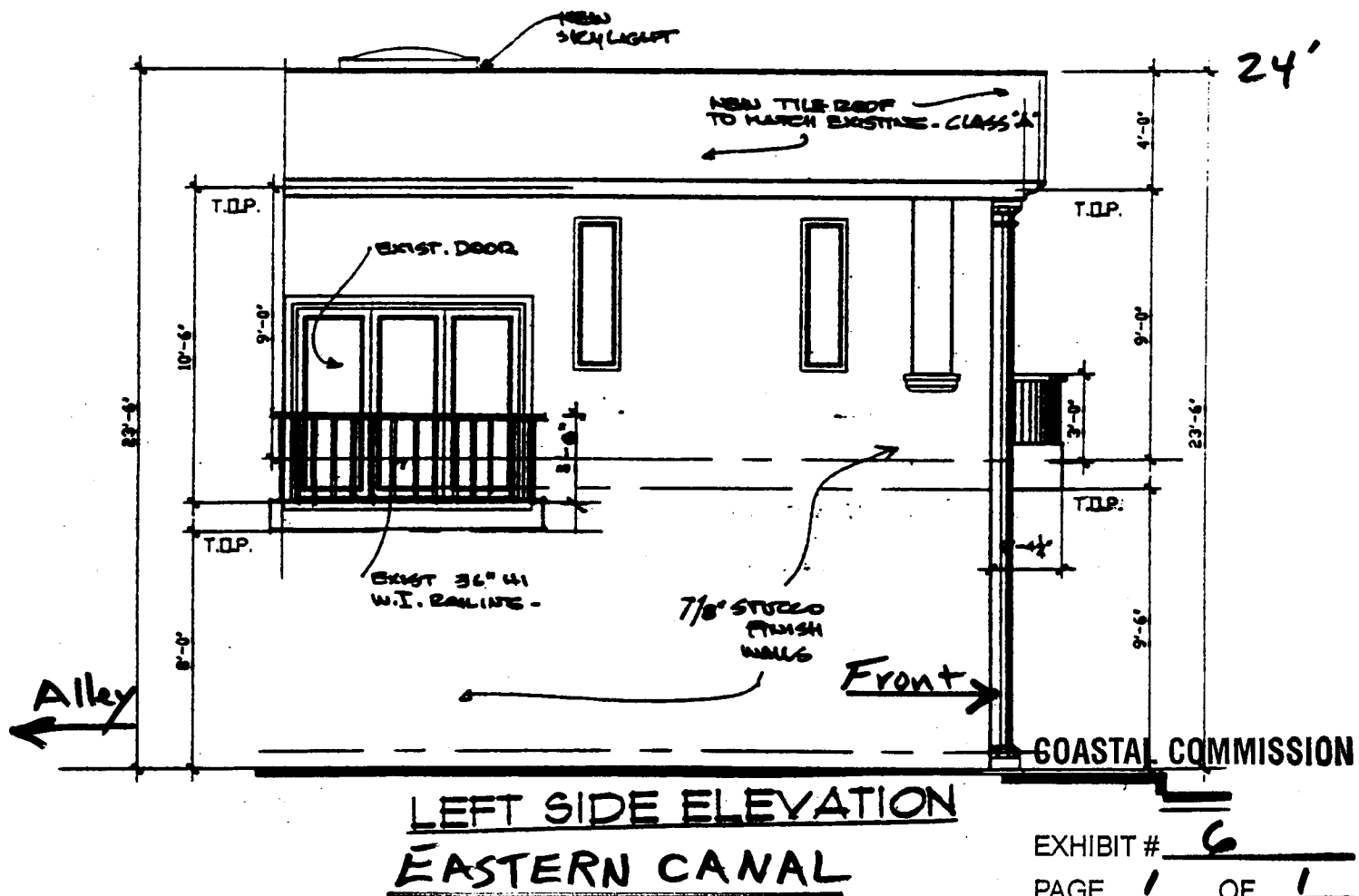
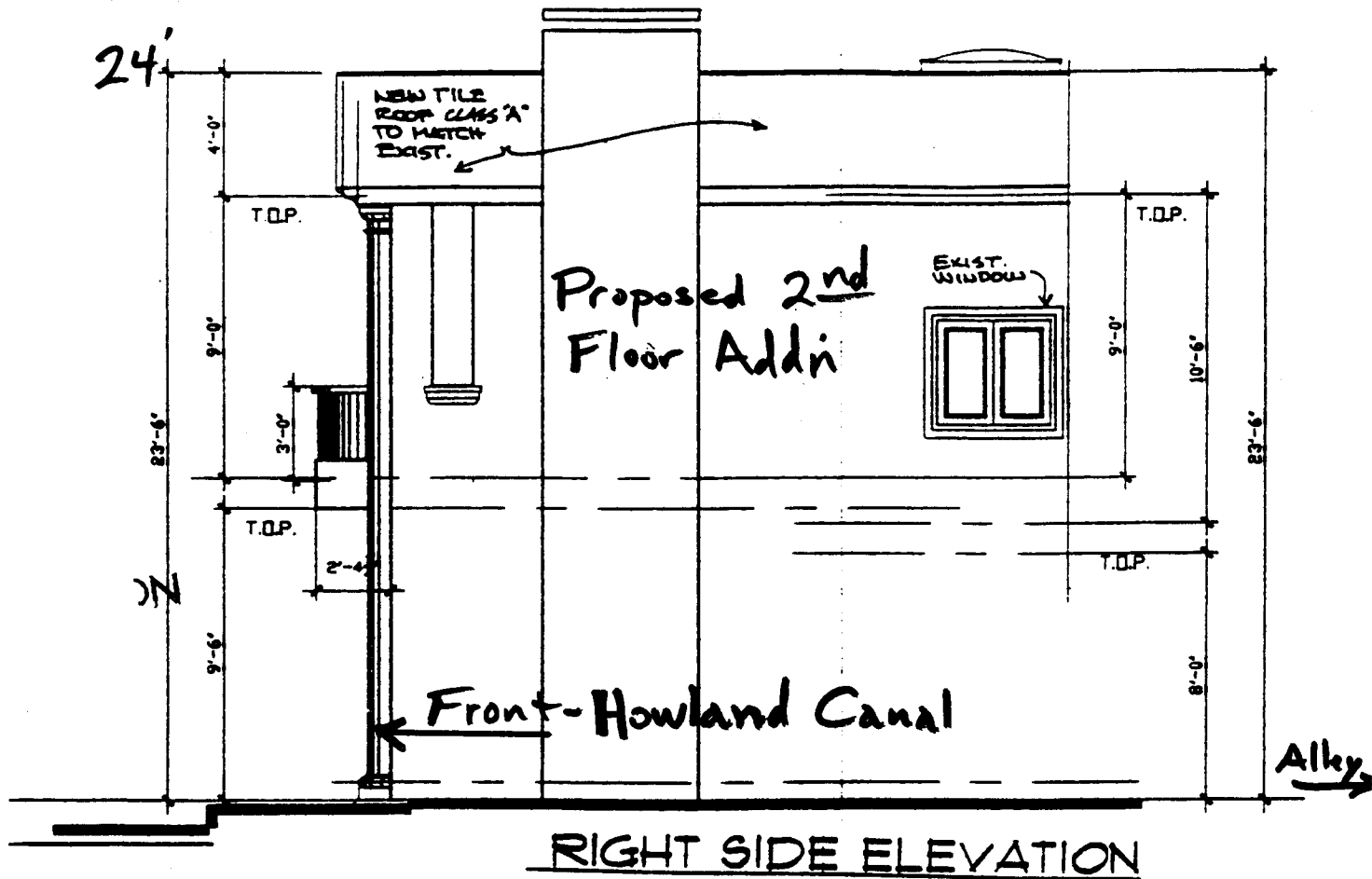
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EXHIBIT # 5

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FRONT ELEVATION

HOWLAND CANAL



## CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

## SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P. O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(213) 426-4204 (714) 846-0648

590-5071

## RESOLUTION OF APPROVAL AND PERMIT

FILE COPY

Application Number: P-6-25-76-8214 **P-76-8214**Name of Applicant: James Argyropoulis406 Glencoe, Venice, CA 90291Permit Type: ☒ Standard  
☐ EmergencyDevelopment Location: 460 Howland Canal, Venice, CADevelopment Description: Construct a two-story, single-family  
dwelling with two bedrooms, loft and attached two-car garage,  
24 feet above centerline of frontage road, with conditions.

## Commission Resolution:

- I. The South Coast Conservation Commission finds that the proposed development:
- A. Will not have a substantial adverse environmental or ecological effect.
  - B. Is consistent with the findings and declarations set forth in Public Resources Code Sections 27001 and 27302.
  - C. Is subject to the following other resultant statutory provisions and policies:  
City of Los Angeles ordinances.
  - D. Is consistent with the aforesaid other statutory provisions and policies in that:  
approval in concept has been issued.
  - E. The following language and/or drawings clarify and/or facilitate carrying out the intent of the South Coast Regional Zone Conservation Commission:  
application, site map, plot plan and approval in concept.

COASTAL COMMISSION  
**5-04-484-A1**  
EXHIBIT # **Ex. 7**  
PAGE 1 OF 4

II. Whereas, at a public hearing held on October 6, 1976 at  
(date)  
Torrance by a 7 to 0 vote hereby approves  
(location)  
the application for Permit Number P-6-25-76-8214 pursuant to  
the California Coastal Zone Conservation Act of 1972, subject to  
the following conditions imposed pursuant to the Public Resources  
Code Section 27403:

See attached for conditions.

Condition/s Met On March 10, 1977 By pe PE

- III. Said terms and conditions shall be perpetual and bind all future owners and possessors of the property or any part thereof unless otherwise specified herein.
- IV. The grant of this permit is further made subject to the following:
- A. That this permit shall not become effective until the attached verification of permit has been returned to the South Coast Regional Conservation Commission upon which copy all permittees have acknowledged that they have received a copy of the permit and understood its contents. Said acknowledgement should be returned within ten working days following issuance of this permit.
  - B. Work authorized by this permit must commence within 360 days of the date accompanying the Executive Director's signature on the permit, or within 480 days of the date of the Regional Commission vote approving the project, whichever occurs first. If work authorized by this permit does not commence within said time, this permit will automatically expire. Requests for permit extensions must be submitted 30 days prior to expiration, otherwise, a new application will be required.
- V. Therefore, said Permit (Standard, ~~Permit~~) No. P-6-25-76-8214 is hereby granted for the above described development only, subject to the above conditions and subject to all terms and provisions of the Resolution of Approval by the South Coast Regional Conservation Commission.
- VI. Issued at Long Beach, California on behalf of the South Coast Regional Conservation Commission on March 10, 1977.

COASTAL COMMISSION

M. J. Carpenter  
Executive Director

EXHIBIT # 7

PAGE 2 OF 4

dh

Conditions for P-8214

Prior to issuance of permit, applicant shall submit:

1. revised plans which conform to the following guidelines:
  - a. drainage plan which prevents any runoff into the canal and disposes of all but the heaviest storm flows on-site in a French drain (gravel filled well);
  - b. compliance with the 1.1 criteria;
  - c. 25 foot height limit;
  - d. a rear setback not less than 9 feet or other provision for guest parking;
  - e. create a pervious front yard adjacent to the canal equivalent in size to a 15 foot front setback.

In order to achieve variation, one portion of the house up to 15 feet wide may extend to within 10 feet of the canal property line as long as a yard area of at least 450 sq. ft. is maintained adjacent to the canal property line free of all structures except for fences less than 3.5 feet and pervious decks at grade.
  - f. in all events, except for corner lots (lots bounded on two sides by canals), all portions of the second story shall be set back a minimum of 25 feet from the canal property line;
  - g. nothing in this permit implies approval of any construction on city property except for removable fences less than  $3\frac{1}{2}$  ft. in height that do not impede access along the sidewalks;
  - h. on corner lots (lots bounded on two sides by canals) an uncovered deck a minimum of 240 sq. ft. in area on the second story along the longest canal frontage may substitute for 5 feet of the second story setback along the narrowest canal frontage; and

Conditions for P-8214 continued:

2. evidence that a deed restriction has been recorded:
  - a. that provides for the maintenance of the 450 sq. ft. pervious yard area adjacent to the canal property line, free of all structures except for fences and pervious decks at grade; and
  - b. that prohibits any extension of the second story closer than 25 feet to the canal property line except that said 25 feet may be modified to 20 feet when the option allowed in condition 1(h) is exercised.

\* \* \*

COASTAL COMMISSION

5-04-484-A1

EXHIBIT #

7

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OF

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