

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 8/28/2007
49th Day: 10/16/2007
180th Day: 2/24/2008
Staff: Charles Posner - LB
Staff Report: 1/17/2008
Hearing Date: February 7, 2008
Commission Action:

**Th14d****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-06-481

APPLICANT: William Abbott **AGENTS:** Howard Robinson & Fred Gaines

PROJECT LOCATION: 121 Catamaran Street, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Demolition of a two-story single-family residence and detached garage, subdivision of the 2,700 square foot lot into two lots, and construction of two (one on each lot) three-level, 32.4-foot high, 1,546 square foot single-family residences, each with its own two-car garage in the basement.

Lot Area	2,700 square feet
Building Coverage	1,456 square feet
Pavement Coverage	849 square feet
Landscape Coverage	395 square feet
Parking Spaces	4 (2 per residence)
Zoning	R3-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above final grade	32.4 feet

LOCAL APPROVALS:

- 1) City of Los Angeles Local Coastal Development Permit No. ZA-2005-5941, 9/8/2006.
- 2) City of Los Angeles Variances, Case No. ZA-2005-5941, 9/8/2006.
- 3) City of Los Angeles Parcel Map Case No. AA-2005-5938, 7/13/2006.

SUMMARY OF STAFF RECOMMENDATION

The proposal is the first instance of a "Small Lot Subdivision" project in Venice using both the alley and the fronting street to provide driveway access to its on-site parking, resulting in the loss of potential public parking on the fronting right-of-way. Staff is recommending that the Commission **DENY** the coastal development permit for the proposed project because the proposed project is not consistent with the public access policies of the Coastal Act and the standards developed in the certified Venice Land Use Plan (LUP) to assure the preservation of public parking resources on the public right-of-way. Even though the Catamaran Street public right-of-way is already occupied by private encroachments posted with private "Reserved Parking" signs, the certified Venice LUP requires that public parking opportunities on City streets be protected and maximized, and that public rights-of-way must be protected for public use and shall not be privatized for private use (LUP Policy II.A.9). This case represents an important precedent because the loss of public parking opportunities on Venice streets resulting from this type of two-garage design would adversely impact the public's ability to access this popular coastal recreation area. In order to protect public parking opportunities in Venice, the Commission has required that all Venice residential projects access on-site parking from the rear alley, when feasible. The applicant objects to the staff recommendation and asserts that no existing on-street parking will be displaced by the proposed project because the existing driveway on the project site already takes access from Catamaran Street, and that the project would actually provide one additional public parking space on the street (Exhibit #5, p.2). **See Page Two for the Motion to deny.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. City of Los Angeles "Small Lot Subdivision Ordinance" No. 176,354, 1/31/2005.
3. Coastal Development Permit 5-98-097 (Cunningham: 3319 Grand Canal).

STAFF RECOMMENDATION:

The staff recommends that the Commission vote **NO** on the following motion and adopt the resolution to **DENY** the coastal development permit application:

MOTION: *"I move that the Commission approve Coastal Development Permit Application No. 5-06-481 as submitted by the applicant."*

Staff recommends a **NO** vote and adoption of the following resolution and findings.

I. RESOLUTION FOR DENIAL

The Commission hereby **denies** a coastal development permit for the proposed development on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would 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 application would not comply with CEQA because there are feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to demolish the existing (c.1936) two-story single-family residence and detached garage on the 2,700 square foot lot, subdivide the thirty-foot wide lot into two lots, and construct a three-level, 1,546 square foot single-family residence on each of the newly created lots (See Exhibits). One proposed lot would measure 30' x 47.5' and the other would be 30' x 38.5' (Exhibit #5, p.1). An eighteen-inch gap would separate the two proposed houses from one another (Exhibit #6). Each of the two proposed single-family residences is 32.4 feet high, and each house would have its own separate two-car garage in its basement. The driveway for one house would be accessed from the rear alley, and the driveway for the other house would be accessed from Catamaran Street (Exhibit #5).

On January 10, 2008, the applicant revised the proposed project by narrowing the width of the proposed driveway apron on Catamaran Street to ten feet, thus leaving room on the public right-of-way for one public parking space where there is currently none (Exhibit #5, p.2). The driveway for the existing garage on the project site takes access from Catamaran Street, so a new curb cut is not being proposed. This block of Catamaran Street is not improved with curbs or sidewalks, but is paved for vehicular access (Exhibit #4). About one hundred feet west of the project site Catamaran Street becomes a walk street (i.e., closed to vehicles).

The project site is two blocks inland of the beach and one block west of Grand Canal in the Marina Peninsula neighborhood of Venice (Exhibit #3). The distance between the project site and the Venice Pier is about one thousand feet.

The City of Los Angeles has approved Local Coastal Development Permit No. 2005-5941 and Parcel Map No. AA-2005-5938 for the proposed project.¹ The City's approval of the local coastal development permit was not appealed to the Commission. The height of the two proposed single-family residences conforms to the 35-foot height limit for the area as set forth in the certified Venice Land Use Plan (LUP). The proposed two residential units conform to the density limit for the site set forth in the certified LUP (two units per lot less than 4,000 square feet in area). Adequate on-site parking (four spaces in two garages) would be provided for the proposed project; however, the proposed two-driveway design of the project would eliminate the potential for public parking on Catamaran Street, the fronting right-of-way. The City also granted the applicant two variances: one to reduce the width of the side yards from five feet to three feet, and the other to allow a driveway in the front yard that exceeds the fifty percent of the required front yard area. The City of Los Angeles Housing Department declared that the proposed project does not involve the demolition of affordable housing units.

B. Public Access- Public Parking

The primary Coastal Act issue raised by the applicant's proposal is the project's adverse impact to potential public parking supplies on Catamaran Street, the fronting public right-of-way (Exhibit #4). The proposal is the first instance of a "Small Lot Subdivision" project in Venice using both the alley and the fronting street to provide driveway access to its on-site parking, resulting in the loss of potential public parking on the fronting right-of-way. Two public parking spaces could be established on the portion of the Catamaran Street right-of-way that abuts the project site. The applicant has agreed to narrow the width of the proposed driveway apron on Catamaran Street to ten feet, thus leaving room on the public right-of-way for one public parking space where there is currently none (Exhibit #5, p.2).

The proposed project is located in Venice, two blocks inland of the popular Venice Beach and boardwalk (Exhibit #3). One of the most important coastal planning issues for this part of Venice is the issue of parking and the lack thereof. New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available at this highly popular coastal area. These public parking facilities are primarily the on-street parking spaces and the public beach parking lots.

The Venice Beach area has a severe parking shortage. The parking shortage exists partly because many of the residences were built several decades ago when there was less demand for parking (there were fewer residents and cars, and the area was once served by the Pacific Railway red cars) and on-site parking was not required by code. Also, the Venice walk streets and alleys provide little or no public parking, and the public beach parking lots are expensive to use on a regular basis, and they are closed at night. The restaurants, cafes and shops in the area (e.g., along Washington Boulevard) often have little or no on-site parking to serve their

¹ The City Planning Department approved the subdivision of the 2,700 square foot lot pursuant to the "Small Lot Subdivision Ordinance" No. 176,354, effective 1/31/2005 (Exhibit #8, ps.7-10). The Venice certified LUP does not set forth a minimum lot size, but does limit residential density to two units for a lot with less than 4,000 square feet of area.

employees and customers. Consequently, there is a severe shortage of available parking spaces in the area when the demand for parking peaks. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast during peak-use periods.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The Commission has consistently required that new development provide adequate parking facilities to meet the demands of the new development. Section 30252 of the Coastal Act requires that new development provide (among other things) 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....

In this case, the applicant is proposing to provide adequate parking (four on-site spaces) for the two proposed single-family residences. However, the Coastal Act issue is not one of quantity of parking spaces being provided by the applicant, but an issue of utilizing the public right-of-way for private use (driveway access) versus public use (parking and/or landscaping).

The Coastal Act requires that new development not reduce the public's right to access the shoreline. The Venice Canals, Venice Pier and Venice Beach, all in the neighborhood of the proposed project, are very popular public recreation areas. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of parking spaces provided on the public streets in the area. One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. Therefore, the public rights-of-way must be protected for public parking or other beneficial public uses.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In regards to public rights-of-way and public parking opportunities, Policies II.A.9 and I.C.9 of the certified Venice LUP state:

Policy II. A. 9. Protection of Public Parking. *The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:*

- a. Beach Parking Lots.** *The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4. The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.*
- b. Street Ends.** *It is the policy of the City to not permit privatization of street ends. Public parking opportunities shall be protected and encouraged at improved and unimproved street-ends that abut Ocean Front Walk and/or the beach.*
- c. Rights-of-way.** *In order to maintain and increase the public parking supply, the City shall maximize and protect the availability of public parking opportunities on City streets that currently accommodate vehicular traffic.*
- d. Curb cuts.** *In order to protect on-street parking opportunities, curb cuts shall not be permitted where vehicular access can be provided from an alley. When vehicular access cannot be safely provided from an alley, curb cuts shall be limited to the minimum amount necessary to provide safe vehicular access to a site. Old curb cuts shall be restored to curbside public parking when feasible.*
- e. Private parking.** *Existing ordinances shall be enforced to ensure that parking areas situated on street-ends and on public rights-of-way are protected for public use and shall not be privatized or posted for private use.*

Policy I. C. 9. Public Rights-of-Way. *Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.*

The public rights-of-way in Venice include walk streets where vehicles are prohibited, vehicular streets that provide public parking opportunities, and alleys that provide access to residents' driveways and off-street parking facilities like carports and garages. Vehicular streets provide public parking, alleys provide garage access, and the walk streets (with private landscaping encroachments) provide the public with unique and lush walkways where there is no threat of negative interactions with speeding vehicles and their exhaust fumes. The Catamaran Street public right-of-way, which runs three blocks between Grand Canal and the public beach, has all three of these street types and characteristics, but the proposed project provides nothing to improve the public's ability to utilize the public right-of-way.

This segment of Catamaran Street (where the project is located) has no curb or sidewalk, and has the characteristics of a wide alley (Exhibit #4). The Catamaran Street public right-of-way near the project site is partly occupied by several patios and fences that encroach into the public way, and also by several parking areas that have been posted with private "Tenant Parking Only" signs that convey a message that the edges of the 36-foot wide right-of-way are private properties (Exhibit #4). The public land is being used by the private property owners and their tenants while denying the general public on-street parking opportunities or other public benefits.

This pattern of right-of-way use also runs contrary to the provisions of Coastal Act Section 30253(5) which protects special communities and neighborhoods, like Venice, which are popular visitor destination points for recreational uses. The conversion of landscaped front yards to paved driveways would certainly have an adverse affect on community character if such projects are approved.² Therefore, it is important to require that vehicular access to residential uses be taken only from the alley, when feasible. In this case, access from the alley is feasible.

The proposed project, with driveways accessing both the alley and the fronting right-of-way, does not conform with Policy II.A.9.c of the certified Venice LUP which requires that public parking opportunities on City streets that currently accommodate vehicular traffic shall be maximized. The proposed project also does not conform with Policy II.A.9.e of the certified Venice LUP which requires that public rights-of-way shall be protected for public use and shall not be privatized or posted for private use. Public parking opportunities are maximized when the private residences take driveway access from the rear alley only, thus leaving the fronting right-of-way available for on-street public parking or other beneficial public uses (e.g., landscaping and walkways). The proposed driveway access off of Catamaran Street eliminates the potential for public on-street parking on Catamaran Street. Even though the Catamaran Street public right-of-way is already occupied by private encroachments posted with private "Reserved Parking" signs, the certified Venice LUP requires that public parking opportunities on City streets be protected and maximized, and that public rights-of-way must be protected for public use and shall not be privatized for private use.

Therefore, the proposed project presents the Commission with two options: 1) approve the proposed project as designed by the applicant and maintain status quo of unregulated private use of the Catamaran Street public right-of-way, or 2) deny the proposed project and require it and future projects to conform with the requirements of the certified LUP that protect public rights-of-way for public parking or other beneficial public uses.

² The City granted the applicant a variance which allowed the proposed driveway in the front yard to exceed fifty percent (50%) of the required front yard area.

The applicant asserts that no existing public on-street parking will be displaced by the proposed project, and that the project would actually provide one additional public parking space on the street (Exhibit #5, p.2). This is true, but only because public parking on the Catamaran Street public right-of-way is not currently possible since the edges of the right-of-way are occupied by existing driveways, private encroachments and fences, and public areas are posted with private "Reserved Parking" signs (Exhibit #4). The applicant also points to Coastal Development Permit 5-98-097 (Cunningham) issued for a duplex at the eastern end of Catamaran Street, three lots east of the project site, where the Commission allowed driveway access from Catamaran Street (Exhibit #4). But that was one case where it was not feasible to have the driveway come from the rear alley because the lot has no alley access; it fronts on Strongs Drive, a public street that is regularly used by beach goers and neighborhood residents for on-street parking. The driveway for that project had to be provided by either Catamaran Street or Strongs Drive, since there was no alley option.

As stated above, the approval of the proposed project would violate the public access policies of the Coastal Act and the public right-of-way protections set forth in the certified Venice LUP because the proposed project would eliminate potential public use of the Catamaran Street public right-of-way. In addition, there is a feasible alternative design that would preserve the right-of-way for public use while also allowing the project site to be developed with two residential units (with driveway and garage access taken only from the alley, as is typically required throughout Venice, even in previously approved small lot subdivisions). Therefore, the proposed project must be denied because it is not consistent with the public access policies of the Coastal Act and the standards developed in the certified Venice LUP to assure the preservation of public parking opportunities in the public right-of-way.

C. Local Coastal Program

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

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

The City of Los Angeles does not have a certified LCP for the Venice area. The Commission officially certified the City of Los Angeles Land Use Plan (LUP) for Venice on June 14, 2001. The standard of review for the proposed development is the Coastal Act. The City is working towards certification of the Venice LCP. Although the City currently does not have a certified

LCP, this decision could nevertheless have a precedential impact on future decisions, as the LCP would include provisions (i.e., LUP policies) to require that all driveway access be taken from the rear alley, where feasible.

The proposal is the first instance of a “Small Lot Subdivision” project in Venice using both the alley and the fronting street to provide driveway access to its on-site parking, resulting in the loss of potential public parking on the fronting right-of-way. This case represents an important precedent because the loss of public parking opportunities on Venice streets resulting from this type of two-garage design would adversely impact the public’s ability to access this popular coastal recreation area. Therefore, Commission approval of the proposed project would be a bad precedent that would prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act. The denial of the proposed project is consistent with prior precedents relating to the protection of public parking opportunities on the public right-of-way as the Commission has required that all Venice residential projects access on-site parking from the rear alley, when feasible, to protect public parking opportunities (and pedestrian access) in Venice.

As discussed above, the proposed project violates the public access policies of the Coastal Act and the public right-of-way protections set forth in the certified Venice LUP because the proposed project would eliminate potential public use of the Catamaran Street public right-of-way, and approval of the proposed project would set a bad precedent in regards to the protection of public access and community character. Therefore, the Commission finds that approval of the proposed development would prejudice the City’s ability to prepare an LCP consistent with the policies of Chapter 3 of the Coastal Act, and is therefore not consistent with Section 30604(a) of the Coastal Act.

D. 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.

In this case, there exists a viable use on the site: the existing single-family residence. Another feasible alternative is to design a new house or a new two-unit project with driveway and garage access taken only from the alley. Both of these alternatives would substantially lessen the significant adverse effect of the proposed project. Thus, denial of the proposed project does not deny the applicant all economically beneficial or productive use of the property or unreasonably limit the owner’s reasonable investment-backed expectations of the property.

Therefore, there are feasible alternatives or mitigation measures available which will lessen the significant adverse impacts that the development would have on the environment. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act.

VENICE, CA



Pacific Ocean

121 Catamaran Street

Site

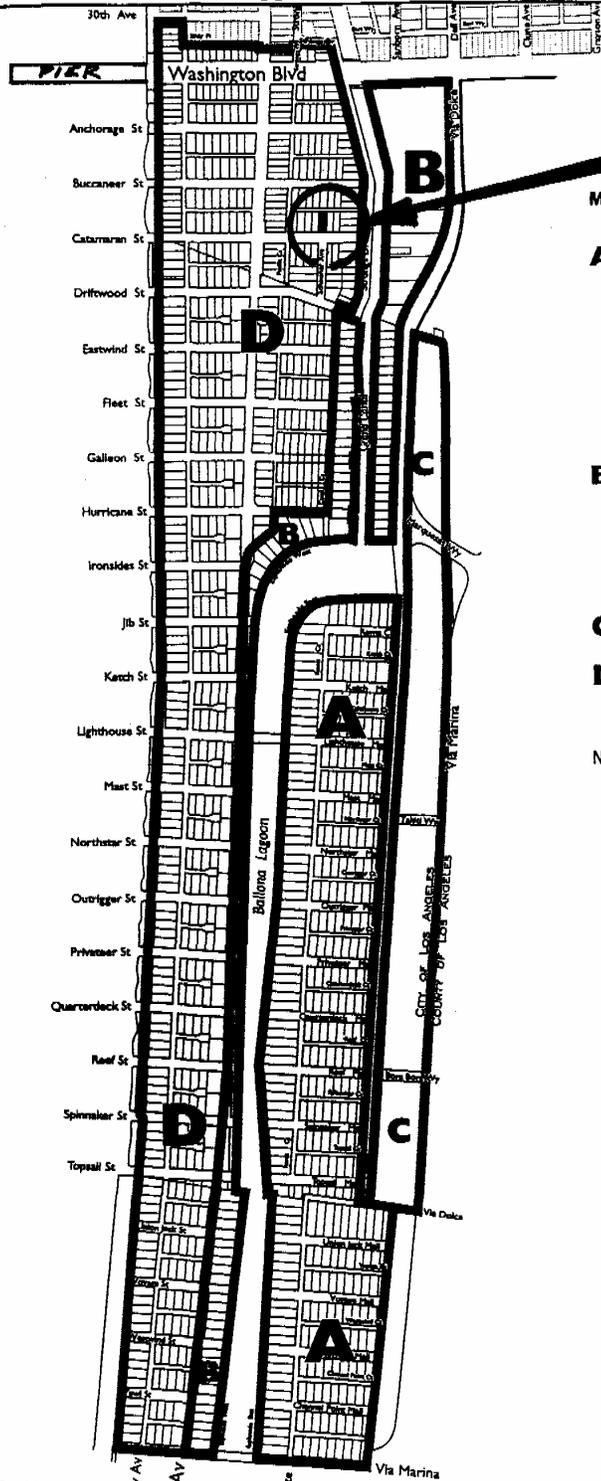
COASTAL COMMISSION

5-06-481

EXHIBIT # 1

PAGE 1 OF 1





Site!
121 Catamaran Street

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.

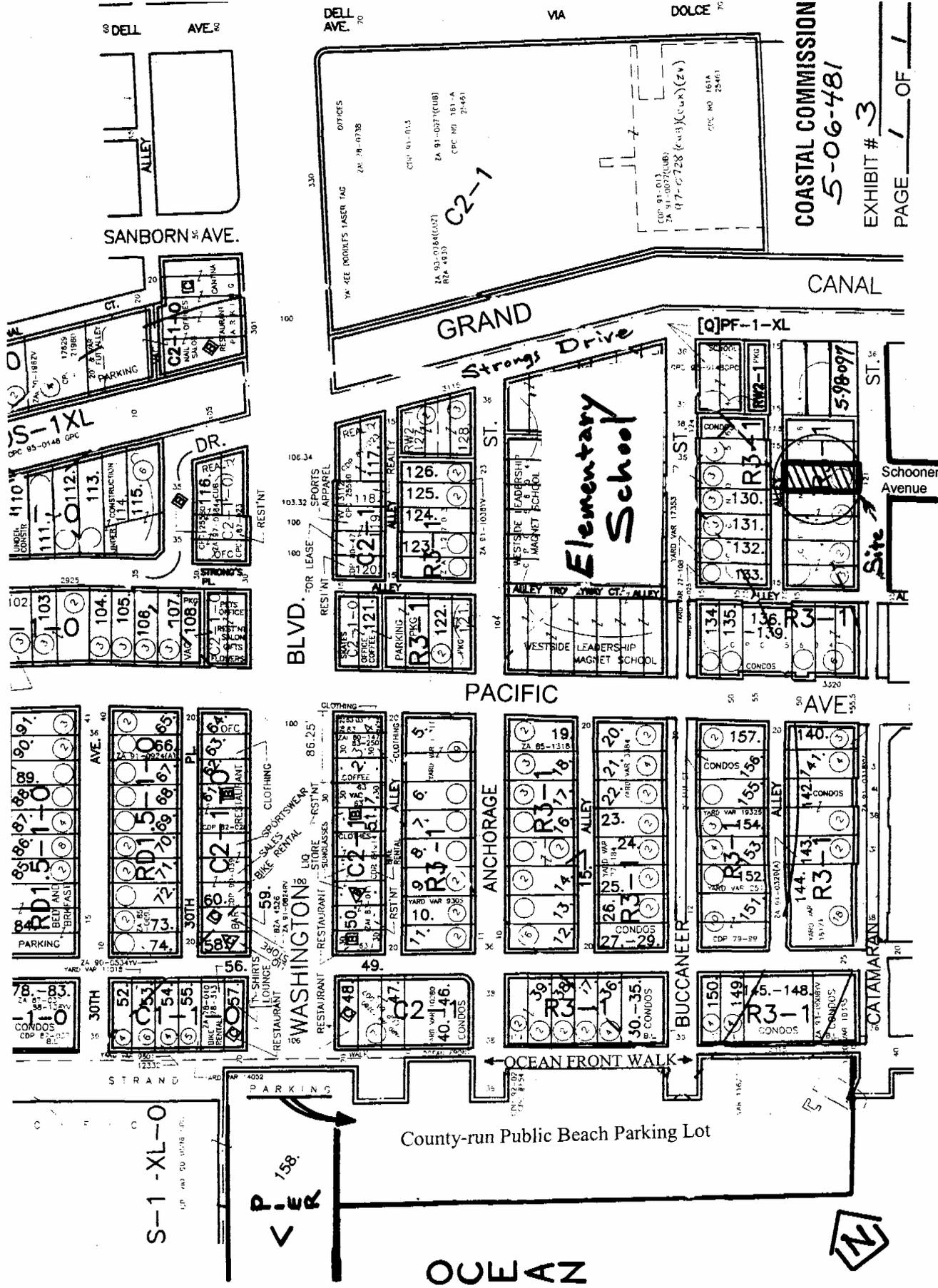
LUP
Exhibit 13
Height

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

COASTAL COMMISSION
5-06-481



EXHIBIT # 2
PAGE 1 OF 1



COASTAL COMMISSION
 5-06-78/1
 EXHIBIT # 3
 PAGE 1 OF 1

County-run Public Beach Parking Lot

Elementary School

PACIFIC

Grand Blvd

DELL AVE

SANBORN AVE

S-1-XL-0

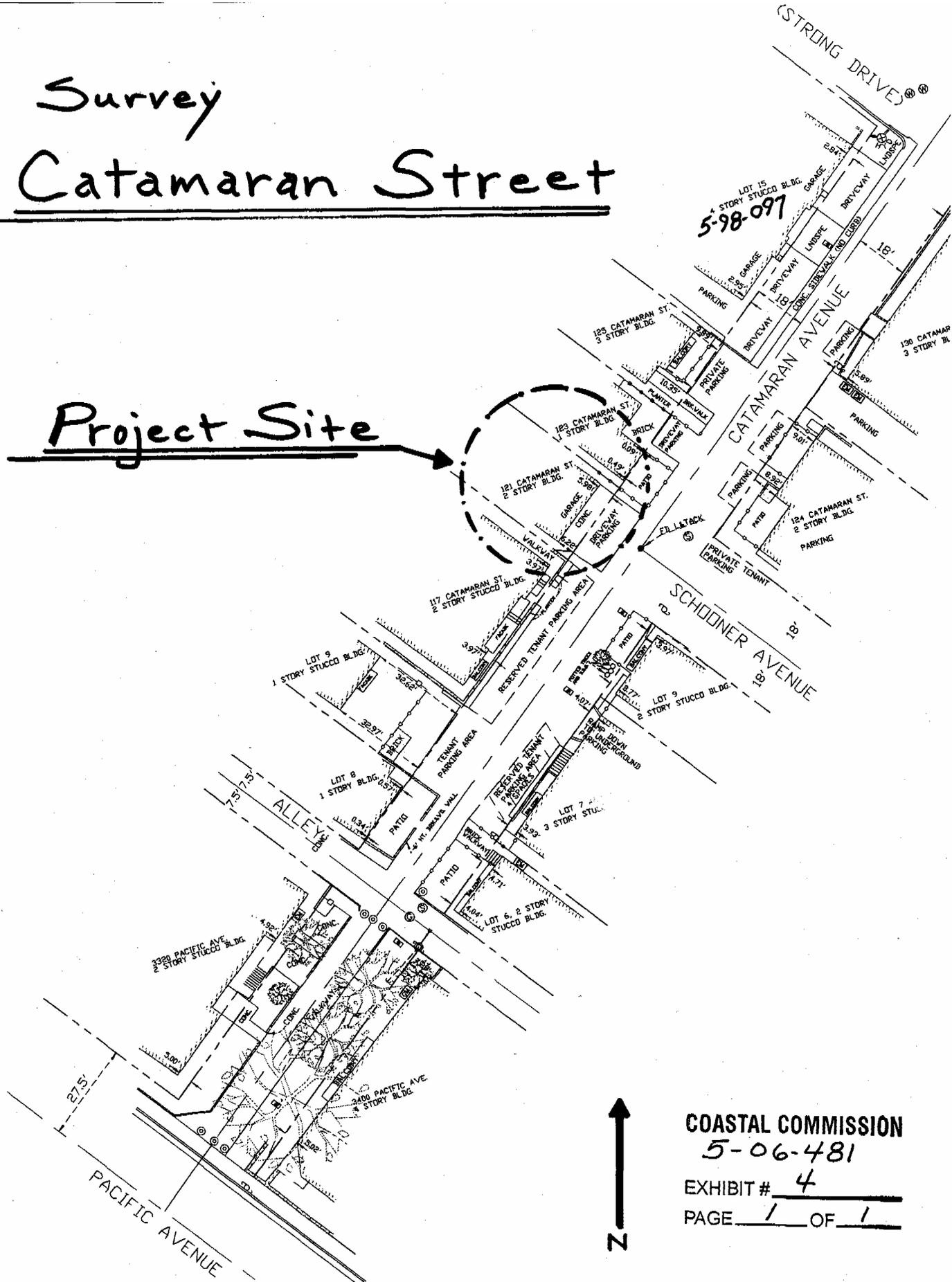
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OUEAZ



Survey Catamaran Street

Project Site →



COASTAL COMMISSION
5-06-481
EXHIBIT # 4
PAGE 1 OF 1

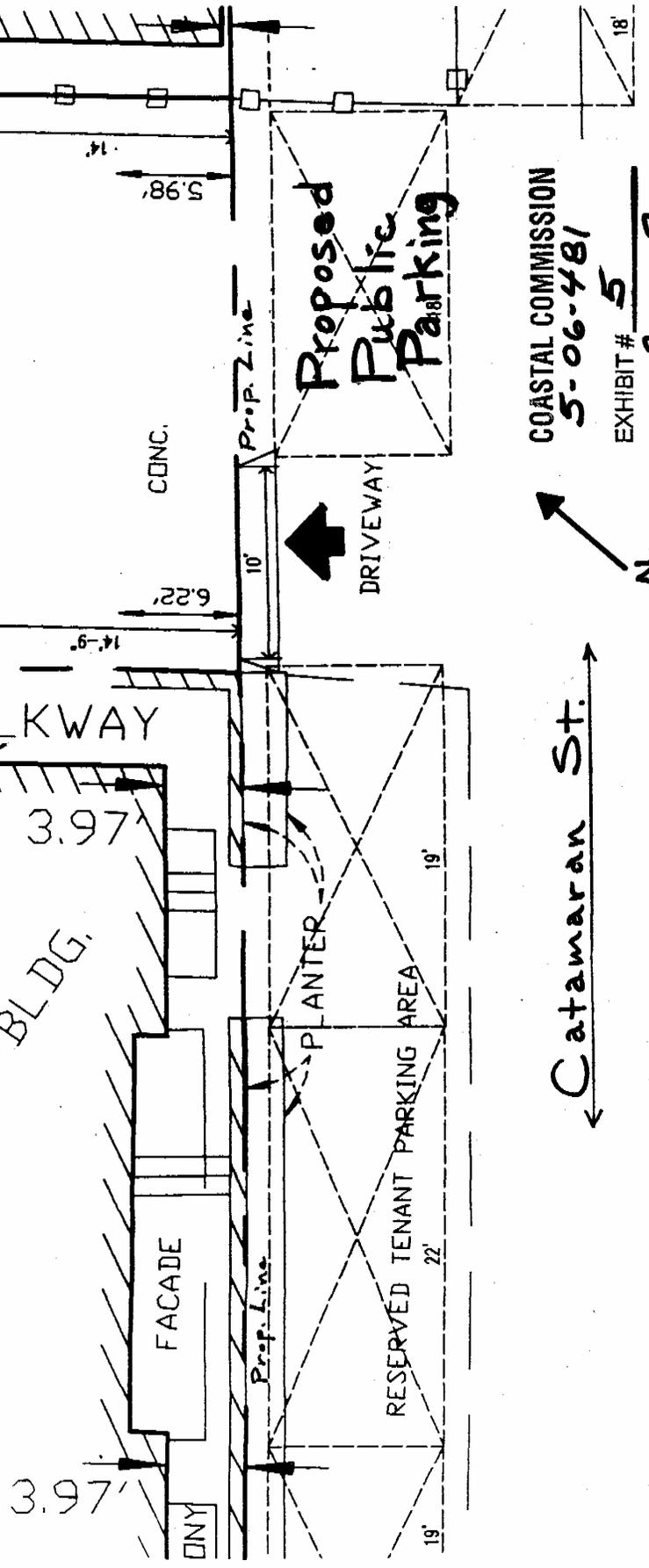
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South Coast Region

JAN 10 2008

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117 CATAMARAN ST.
2 STORY STUCCO BLDG.

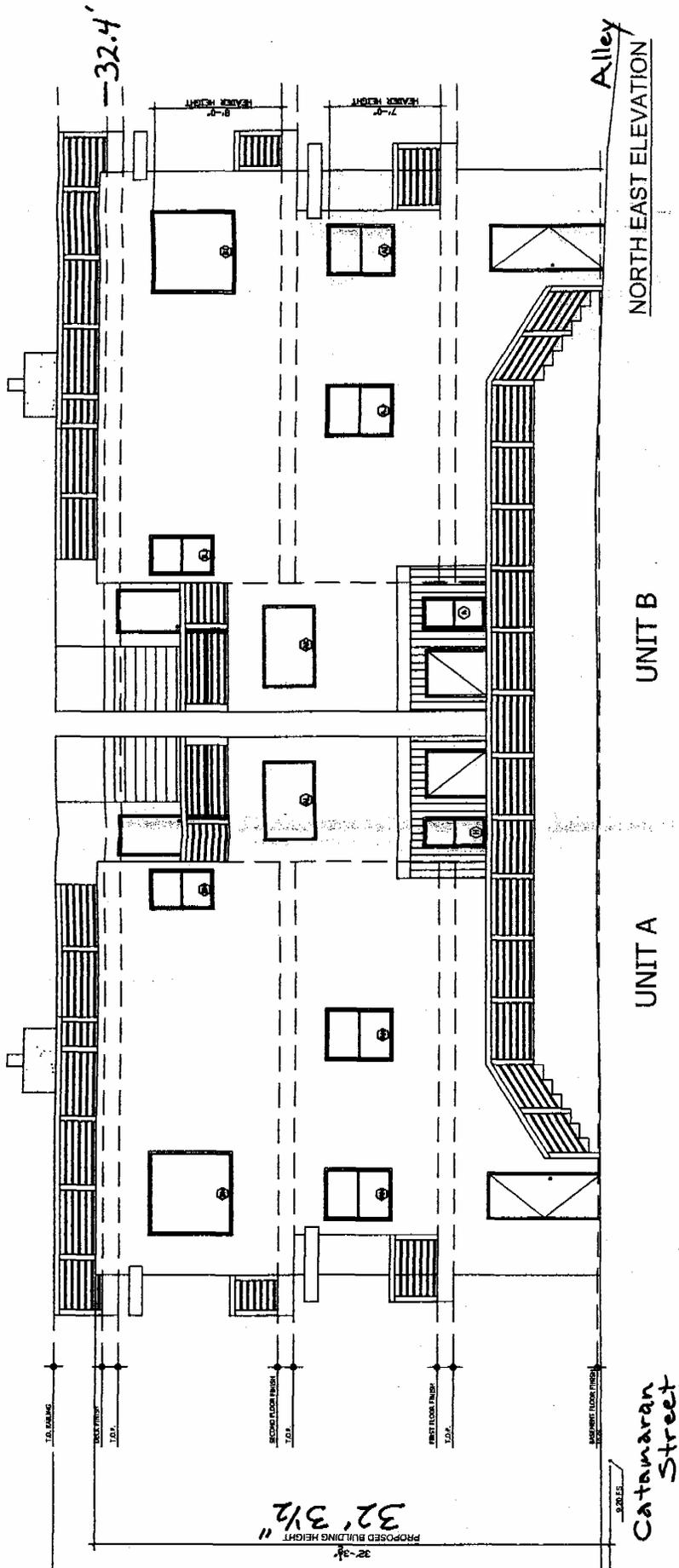
121 CATAMARAN ST.
2 STORY BLDG
Project Site



COASTAL COMMISSION
5-06-481

EXHIBIT # 5
PAGE 2 OF 2

Catamaran St.



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5-06-781

EXHIBIT # 6

PAGE 1 OF 1

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AUG 28 2007

LUNA & GLUSHON
ATTORNEYS

CALIFORNIA
COASTAL COMMISSION

15821 VENTURA BOULEVARD, SUITE 600
ENCINO, CALIFORNIA 91436
TEL: 818-907-8755
FAX: 818-907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

September 27, 2007

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA, 90802-4416

Attention: Chuck Posner

Re: 121 E. Catamaran Street, Venice, CA.
File No. **5-06-481**
City of L.A. Case No's: ZA-2005-5941(CDP)(ZV)(ZAA)(SPP)(MEL)
AA-2005-5938-PMLA-SL

Dear Mr. Posner,

Enclosed are several exhibits related to the above-referenced case to be distributed to the Commission along with a copy of this letter. We anticipate that this case will be agendaized for the November Commission meeting in San Diego. Attached please find:

- 1) A topographic survey of the subject site and its surrounding vicinity, with photos highlighting key features of the area;
- 2) A color rendering of the proposed project, in context with its adjacent neighboring buildings; and
- 3) Schematic architectural plans

This project is a modest 2-unit condominium located in the Venice Coastal Zone area. The project is located on a legal, non-conforming lot of only thirty feet (30') width and ninety feet (90') length for a total of 2700 square feet lot area. The architect has attempted to make the most of the restricted site by designing two townhouse-style units that fit back-to-back on the lot, with one unit and its private garage facing the street and one unit and garage facing the alley. In this way, each resident enjoys individual vehicular access to his or her own unit.

COASTAL COMMISSION
5-06-481

EXHIBIT # 8
PAGE 1 OF 10

California Coastal Commission
September 27, 2007
Page Two

In addition, the rear walls of the two units are separated by approximately 18 inches, and do not share any common walls. Due to the unusually tight site conditions, the City of Los Angeles approved an Adjustment for three foot (3') side yards. The project is deigned to provide maximum privacy and quality of housing on a very small lot.

Based on our discussions with Coastal Commission staff, it appears that there are two issues of concern: (1) vehicular access and (2) City of L.A. Small Lot Subdivision Ordinance. This letter is intended to address those issues.

Vehicular Access

The subject project is designed to take vehicle access from both the rear alley and the front street (Catamaran Street). You have asked why we need driveway access from the street.

The existing home on the property has driveway access from Catamaran Street and a garage facing the street. The proposed project retains that design and does not add a new curb-cut.

The Venice Local Coastal Program Land Use Plan ("LUP") generally encourages increased parking opportunities for both visitors and residents (Policy II.A.1). However, the LUP does not establish detailed development standards to implement this policy. In the absence of specific development standards in the LUP, the subject project has been designed in conformance with the City of L.A.'s Venice Specific Plan ("VSP"). Consistent with the LUP's emphasis on parking opportunities, the VSP seeks to maximize public street parking by requiring most new projects to take all vehicle access from an alley, if available. However, there are a few limited streets within Venice where localized conditions make an alley access requirement impractical (see Exhibit 1, Summary of Vehicle Access Requirements in the Venice Specific Plan). The subject project is located on one of those streets. The vehicle access design of the subject project is consistent with City of L.A. requirements and was part of the Coastal Development Permit approved by the City. The applicant's representatives worked closely with stakeholders and City officials and there was no opposition. The City's approval of the CDP was not appealed.

This section of Catamaran Street is a non-continuous street only two blocks long. It has no sidewalks, no curbs, and no gutters. The street looks and

functions like an alley. Most properties have parking areas accessed directly from the street. There is almost no standard "curbside parking" available. The street is characterized by a variety of private encroachments, with patios, fences and private parking areas in the public right-of-way. Attached is a survey and photo exhibit detailing current site conditions on the street, with emphasis on the many driveways and front yard parking areas accessed directly from Catamaran Street.

The proposed project provides resident on-site parking consistent with the LUP requirements at the rate of two (2) standard-size spaces per single family dwelling. Each home features a standard side-by-side two car garage, with the front unit accessing its garage from the street, and the rear unit accessing its garage from the alley. If the project design were changed to take all parking from the alley, the result would be tandem parking for each home, due to the narrow (30 foot) width of the lot and side yard setback requirements. Since tandem parking is less desirable than side-by-side parking, it is predictable that such tandem parking arrangement would result in a greater likelihood that residents would park only one car in the garage and seek street parking for a second vehicle. Thus, by offering standard side-by-side parking, the subject project is maximizing the likelihood that on-site parking will be fully utilized, thus decreasing pressure on scarce public street parking.

Recently approved projects have taken access from Catamaran Street. The most recent new construction project on the street is a two-unit condominium constructed in 1999 at the corner of Catamaran Street and Grand Canal (3319 Grand Canal). That project was approved with two driveways and two garages facing Catamaran Street. The project did not have alley access, and the Commission in approving the project apparently felt that taking access from Catamaran was preferable to taking access from Grand Canal, which was the narrower frontage and would have required tandem parking arrangement, similar to the subject site. The two new driveways reinforce the overall pattern of street-accessed parking on this unusual non-continuous street.

City of L.A. "Small Lot Subdivision" Ordinance

On January 31, 2005, City of L.A. Ordinance No. 176354 became effective. Known as the "Small Lot Subdivision (Townhome) Ordinance", the program permits the subdivision of multifamily and commercially-zoned properties into

California Coastal Commission
September 27, 2007
Page Four

small single family lots. The Ordinance is effective City-wide. The goal of the Ordinance is to enable ownership of single family homes, typically built in a "townhouse" style, on lots normally zoned for multi-family residential use. The Ordinance does not increase density; it only allows buyers to have a fee simple ownership of their own building including the land beneath it and the sky above it, as opposed to the common "air-rights" ownership available in most condominium projects. The applicant in the subject case has elected to utilize the Small Lot Subdivision Ordinance because it offers greater privacy and ownership rights than the typical condominium arrangement. From a land use planning point of view, however, the same two units in a typical condominium ownership structure would be allowed under existing L.A. City Zoning Code and Venice Coastal Specific Plan regulations. [See Exhibit 2, Ordinance No. 176354].

The Small Lot Subdivision Ordinance has no effect on vehicle access requirements.

The Small Lot Subdivision Ordinance, and other applicable regulations, do not allow further subdivision of the subdivision because two (2) units is the maximum that will be allowed under the site's R3-1 zoning.

The Statewide "Granny Flat" law would also not create a "loophole" for further subdivision. The Granny Flat law (State Assembly Bill 1866, Chapter 1062, amending Government Code Sections 65583.1, 65852.2 and 65915, effective July 1, 2003) addressed the process of creating second dwelling units on single family zoned parcels only. It does not affect multi-family zoned lots. The subject lot is zoned R3 and is thus not covered by the Granny Flat law.

In conclusion, the proposed project is a small-scale two-unit project designed to be consistent with the prevailing development pattern in the immediate area. The driveway access from Catamaran for one of the units will not result in any change from the existing use and access and is preferable to the alternative of tandem parking for two units.

Very truly yours,

LUNA & GLUSHION



ROBERT L. GLUSHION

COASTAL COMMISSION

EXHIBIT # 8
PAGE 4 OF 10

Summary of vehicle access requirements in the Venice Specific Plan:

Sec. 9 – General Land Use and Development Regulations

Sec. 9 A 2 (a) – (applies to all Lot Consolidation projects): Access to subterranean parking shall be from an alley, where an alley exists ...

Sec. 10 – Land Use and Development Regulations for Sub-areas:

- A. Ballona Lagoon West Bank: All access is from alley, “street” is canal.
- B. Ballona Lagoon (Grand Canal) East Bank: All access is from alley, “street” is canal.
- C. Silver Strand: Almost all access is from alleys, streets are generally walk streets. Also, all landscaped pedestrian malls in public rights-of-way, public streets and alleys and all public parking spaces shall remain open and available for use by the general public to the extent the Board of Public Works determines that it is reasonable and feasible.
- D. Marina Peninsula:
 - Projects adjacent to Ocean Front Walk shall provide access from Speedway, unless DOT determines that it is not feasible.
 - Projects adjacent to Pacific Avenue shall provide access from streets other than Pacific Avenue, unless DOT determines that it is not feasible.
 - Projects adjacent to walk streets shall provide access from streets or alleys other than walk streets.
- E. Venice Canals: All access is from alleys, “streets” are canals.
- F. North Venice:
 - Driveways and vehicular access shall be provided from alleys, unless DOT determines that it is not feasible.
 - Projects adjacent to Pacific Avenue shall provide access from streets other than Pacific Avenue, unless DOT determines that it is not feasible.
 - Projects adjacent to walk streets shall provide access from streets or alleys other than walk streets.
- G. Oakwood, Millwood, Southeast Venice:
 - Driveways and vehicular access shall be provided from alleys, unless DOT determines that it is not feasible.
 - Projects adjacent to walk streets shall provide access from streets or alleys other than walk streets.
- H. Oxford Triangle:

COASTAL COMMISSION

EXHIBIT # 8
PAGE 5 OF 10

Sec. 11, Commercial and Industrial Design Standards

Sec. 11 B 5:

- Driveways and vehicle access shall be provided from alleys, unless Dot determines that it is not feasible. New and existing curb cuts shall be minimized to protect and maximize public on-street parking opportunities.
- Projects adjacent to Ocean Front Walk shall provide access from Speedway, unless DOT determines that it is not feasible, but in no case shall access be permitted from Ocean Front Walk.
- Projects adjacent to Pacific Avenue shall provide access from streets other than Pacific Avenue, unless DOT determines that it is not feasible.

Prepared Oct. 13, 2006 by Howard Robinson & Associates, LLC

COASTAL COMMISSION

EXHIBIT # 8
PAGE 6 OF 10

ORDINANCE NO. 176354

An ordinance amending Sections 12.03, 12.09, 12.12.1, 12.21 and 12.22 of the Los Angeles Municipal Code to permit detached for-sale small lot subdivisions in commercial and multifamily residential zones.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by revising the definition of "lot" to read:

LOT. A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development or an approved small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development.

Sec. 2. Subdivision 3 of Subsection A of Section 12.09 of the Los Angeles Municipal Code is amended to read:

3. Apartment houses, boarding or rooming houses, dwelling units in a small lot subdivision, or multiple dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone, provided that:

(a) The use, including the accessory buildings and uses and required yards, does not extend more than 65 feet from the boundary of the less restrictive zone which it adjoins; and

(b) The lot area per dwelling unit or guest room regulations of the RD1.5 zone shall apply to these uses.

Sec. 3. Subsection A of Section 12.12.1 is amended by adding a new subdivision 8 to read.

8. Dwelling unit or units constructed on a lot in a small lot subdivision and approved by the Advisory Agency, pursuant to Article 7 of this Chapter in conformity with the provision of 12.22 C 27 of this Code.

Sec. 4. The first paragraph of Paragraph (a) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(a) For Dwelling Units. In all zones, there shall be at least two automobile parking spaces on the same lot with each one-family dwelling thereon, and in any RW Zone there shall be at least two automobile parking spaces per dwelling unit which shall be upon the same lot with the dwelling unit. However, for small lot subdivisions approved pursuant to Article 7 of this Chapter in conformity with the provisions of Section 12.22 C 27 of this Code, the required parking spaces shall not be required to be located on the same lot with each dwelling unit, but shall be provided within the boundaries of the parcel or tract map. The ratio of parking spaces required for all other dwelling units shall be at least one parking space for each dwelling unit of less than three habitable rooms, one and one-half parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms. Where the lot is located in an RA, RE, RS, R1, RU, RZ, RMP, or RW Zone, the required parking spaces shall be provided within a private garage. Where the lot is located in an R2 Zone, at least one of the required parking spaces per dwelling unit shall be provided within a private garage. Any door or doors installed at the automobile entry to a garage serving a one or two-family dwelling where one or more required parking spaces is located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles into each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position.

Sec. 5. Paragraph (h) of Subdivision 5 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended by adding a new subparagraph numbered (4) to read:

(4) In a private garage or parking area serving an approved small lot subdivision, where the tandem parking is not more than two cars in depth, and provided that at least one parking stall per dwelling unit and all of the parking stalls required for any guest rooms are individually and easily accessible..

Sec. 6. Subsection C of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new subdivision 27 to read:

27. Small Lot Subdivision in the R2, RD, R3, R4, R5, RAS and the P and C zones pursuant to an approved subdivision tract or parcel map.

COASTAL COMMISSION

Notwithstanding any provisions of this Code relating to minimum lot area to the contrary, in the R2, RD, R3, R4, R5, RAS and the P and C zones, parcels of land may be subdivided into lots which may contain one, two or three dwelling units, provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement established for each zone, or in the case of a P zone, the density of the subdivision shall comply with the minimum lot area per dwelling unit of the least restrictive abutting commercial or multi-family residential zone(s).

(a) A parcel map or tract map, pursuant to Section 17.00 *et seq.* of this Code shall be required for the creation of a small lot subdivision.

(b) The minimum lot width shall be 16 feet and the minimum lot area shall be 600 square feet. The Advisory Agency shall designate the location of front yards in the subdivision tract or parcel map approval.

(c) Vehicular access may be provided to either a lot containing a dwelling unit or to its required parking spaces by way of street or alley frontage, driveway access or similar access to a street.

(d) All structures on a lot which includes one or more dwelling units, may, taken together, occupy no more than 80% of the lot area, unless the tract or parcel map provides common open space equivalent to 20% of the lot area of each lot not meeting this provision.

(e) No front, side, or rear yard shall be required between lots within an approved small lot subdivision. However, a five-foot setback shall be provided where a lot abuts a lot that is not created pursuant to this subdivision.

(f) No passageway pursuant to Section 12.21 C 2 of this Code shall be required.

(g) In a P zone, lots may be developed as a small lot subdivision, provided that the General Plan land use designation of the lot is "commercial" or "multiple family residential."

(h) In an R2 zone, a lot may be developed as a small lot subdivision provided that the lot meets the requirements of Section 12.09 A 3 of the Code.

(i) A dwelling unit in a small lot subdivision shall not be required to comply with Paragraphs (a), (b), (f) and (g) of Section 12.21 A 17 of this Code.

(j) Fences and walls within five feet of the front lot line shall be no more than three and one-half feet in height. Fences and walls within five feet of the side and rear lot lines shall be no more than six feet in height.

(105208)