

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-14-0111

Applicant: 232 Carroll Canal, LLC

Agent: Austin Peters

Location: 232 E Carroll Canal, Venice, City of Los Angeles, (APN 4227-005-022)

Project Description: Demolition of a one-story, 520 square foot single-family-residence and a 252 square foot single-car garage on a 2,848 square foot, canal fronting lot, and construction of a three-story, 30 foot high, 3,780 square-foot single-family-residence with an attached 430 square foot, two-car garage and additional unenclosed guest parking space.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

This item was previously on the Consent Calendar at the March 12, 2014 hearing in Long Beach. A resident of Venice spoke in opposition to this development. Her concerns included gentrification, loss of cultural diversity, changes in community character and loss of low-income housing along the Venice Canals and throughout the Venice coastal zone in general. She expressed concern that the applicant may have demolished the house prior to obtaining a coastal development permit from the Coastal Commission. She further stated that the design of this house included several variances and that this and many other new developments along the Venice canals and throughout the Venice area do not reflect or conform to the community character of Venice.

During his rebuttal, the agent for the applicant stated that they have not yet applied for a demolition permit and have not, in fact, demolished any part of the structure at 232 Carroll Canal. He further asserted that they did not request any variances in relation to this project and that their project conforms to all of the regulations and meets the requirements for development along the Venice Canals as set forth in the Venice Certified Land Use Plan (LUP) and the Venice Specific Plan.

After hearing these arguments, the Commissioners voted to remove the application from the Consent Calendar and assess it at a subsequent hearing as a Regular Calendar item. Subsequently, all Venice De Minimus Waivers that were included in the Deputy Director's report were removed from the agenda.

In response to the hearing on March 14, 2014 several staff members conducted site visits to the project locations for the items that were removed from the agenda at the March hearing. This site visit confirmed the applicant's claim that the house at 232 Carroll Canal has not been demolished. In communication with the agent, staff learned that the owner of the house also resides in the house and intends to stay there after the new house has been built. Furthermore, the proposed project does not include any variances and all design features conform to the certified Venice Land Use Plan. Therefore, staff recommends approval with conditions that are routinely imposed on projects in the Venice canals area. Motion to approve the project is on page 4.

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Exhibit 1 – General Project Location

Exhibit 2 – Map of Venice Canals

Exhibit 3 – Site Parcel Map

Exhibit 4 – Site Plan with Permeable Area and Setbacks

Exhibit 5 – Site Plan

Exhibit 6 – Elevations

Exhibit 7 – Photographs of Current Site and Canal Community Character

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-0111 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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

This permit is granted subject to the following special conditions:

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 fifteen times the width of the site (in this case: 15' x 30' = 450 square feet) shall be maintained on the project site in the front yard area between the structure and the front (Carroll Canal) property line, as generally shown on **Exhibit #4** of the 5/22/2014 staff report. 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. Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises) shall be placed in or over the permeable yard area with the exception of fences or garden walls (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). The permeable yard area may include minimal coverage with impermeable pavers, stones, concrete walkways or other similar ground cover, but in no event shall impermeable materials occupy more than fifteen percent (15%) of the total amount of the required permeable yard area.

PRIOR TO ISSUANCE, BY THE EXECUTIVE DIRECTOR, OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT, and prior to the recording of the deed restriction required by **Special Condition Seven** below, the applicant 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 5/22/2014 staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. **Landscaping**

Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. The use of pesticides and herbicides is prohibited in the front yard permeable yard area required by Special Condition One.

3. **Parking and Residential Density**

The permitted use of the approved structure is a single-family residence. A minimum of three parking spaces shall be provided and maintained on the site as proposed: two spaces in the garage and an area for parking a third vehicle on the driveway apron in the rear setback area. Any proposed change in the number of residential units, change in number of on-site parking spaces, 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.

4. **Building Height**

No development is authorized within ten feet of the fronting canal property line (Carroll 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 shall not exceed 42 inches above the thirty-foot height limit. Building height is measured from the elevation of the adjacent alley.

5. **Drainage – Water Quality**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a drainage plan that provides 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 or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.
- b) All 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 collect and reduce the amount of runoff that leaves the site.
- d) All runoff leaving the site shall be directed away from the canals and into the City storm drain system.
- e) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

The permittee and all successors in interest shall construct and maintain the 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, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

7. **Deed Restriction**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that,

pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

The deed restriction required by this permit, once recorded, shall amend and supersede the deed restriction originally required by Coastal Development Permit 5-06-463 (Los Angeles County Instrument No. 20070559250, recorded March 13, 2007). The terms and conditions of the deed restriction originally required by Coastal Development Permit 5-06-463 (Los Angeles County Instrument No. 20070559250) shall be rescinded upon the recording of the deed restriction required by this permit.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant proposes to demolish an existing one-story, 520 square foot, single-family residence and a detached 252 square foot one-car garage on a canal fronting lot, and construct a new three-story, thirty-foot high, 3,780 square foot single-family residence with an attached 430 square foot garage (See **Exhibits**). Three on-site parking spaces are provided for the proposed single-family residence: two in the garage and one on the driveway apron (**Exhibit #5**). The rear alley (Court D) provides vehicular access to the project site (**Exhibit #5**).

The project site is a thirty-foot wide, 2,848 square foot lot situated on the south bank of Carroll Canal (**Exhibit #3**). The Venice Canals neighborhood, where the proposed project is located, 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 building footprint will cover 1,439 square feet of the lot, pavement coverage is proposed at 844 square feet and 565 square feet of landscaping is proposed. Zoning for this lot is RW-1 and the plan designation is Single Family – Waterway.

The proposed project is consistent with the RW-1 (Residential Waterways) zoning designation and has been approved by the City of Los Angeles Planning Department (Case #DIR-2013-1695, 12/30/2013). The proposed single-family residence conforms to the thirty-foot height limit for the Venice Canals neighborhood (**Exhibit #6**). The proposed project also provides a front yard setback of 22 feet in conformance with the Commission-certified building standards of at least 10 feet for the Venice Canals neighborhood.

The certified Venice LUP 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 proposed project provides the required 450 square foot permeable yard area within the front yard setback area adjacent to the Carroll Canal public walkway (**Exhibit #4**). Additionally, to protect water quality on the Canal, the applicant proposes a 100 cubic foot seepage field (French drain) that is 25 inches deep and lined with filter fabric and filled with approximately 19 inches of gravel and covered with geo-fabric and a 6 inch soil cap to encourage on-site percolation.

The certified Venice LUP specifies that the height of single-family dwelling along the canals must “not 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.” The LUP further states that “roof access structure[s] shall not exceed the specified roof limit of ten feet.” The applicant’s proposed project conforms to these requirements with a stepped back roof line at a maximum height of 30 feet. Additionally, the applicant proposes a 42 inch high open railing around the roof deck, conforming with the building height requirements set forth in Special Condition 4. The applicant is not proposing any roof access structure.

B. AREA HISTORY

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. 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 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 neighborhoods.

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 it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

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 coastal development permit.

C. COMMUNITY CHARACTER

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 situated, 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 November 14, 2000, the Commission adopted 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 coastal development permit, and to also obtain approval from the City pursuant to the Venice Specific Plan (City Case No. DIR 2013-1695).

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 construct a single family residence. Therefore, the proposed project as conditioned 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 proposed single family residence does not exceed a height of thirty feet (**Exhibit #5**). The permit is conditioned to limit the height of the proposed single family residence to a maximum of thirty feet above the elevation of the adjacent alley (with a lower ascending height for the portion of the structure fronting Carroll 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 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.

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 single family residence provides a 22-foot front yard setback, that is consistent with prior Commission approvals and the requirements of the Venice LUP (**Exhibit #4**). 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 is maintained on the site as proposed, the applicant is required to record the permeable yard area requirement on the deed for the lot subject to this action.

Therefore, the Commission finds that prior to issuance of the permit, the applicant 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 average 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 or permeable decks. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 3010 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.”

A public sidewalk currently exists on the south bank of Carroll Canal in front of the project site and the waters of Grand Canal and Eastern Canal (**Exhibit #3**). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the waterways. The Coastal Act and the policies of the certified Venice LUP protect public access along the banks of the Venice Canals. The proposed project will not interfere with the existing sidewalk, and will not negatively affect the public’s right to access and use the existing walkway along Carroll Canal. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

E. 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.

Section 30240 of the Coastal Act states:

- (a) *“Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.”*

- (b) *“Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.”*

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The Venice LUP contains the following policies:

- **Policy IV. C. 1. Stormwater Runoff.** *All new public and private development, substantial rehabilitation, redevelopment or related activity, which discharges stormwater runoff into the Ocean, Ballona Lagoon, Grand Canal south of Washington Boulevard or the Venice Canals shall be designed and conducted in compliance with the County-wide Municipal National Pollution Discharge Elimination System (NPDES) Stormwater Permit, issued by the California Regional Water Quality Control Board (RWQCB), the RWQCB approved Standard Urban Stormwater Mitigation Plan, and the NPDES General Permit for Stormwater Discharges Associated with Construction Activity, issued by the State Water Resources Control Board (SWRCB), where applicable. Methods to improve water quality, such as the mitigation of the first-flush stormwater runoff entering coastal waterways, shall be imposed as conditions of development by the City of Los Angeles in accordance with SWRCB and RWQCB recommendations and regulations, and the Santa Monica Bay Restoration Project Action Plan in order to protect, restore, and where feasible, enhance the water quality and habitat of these waterways.*
- **Policy IV. C. 2. Water Quality.** *The methods to improve water quality, recommended in California’s Plan for the Control of Non-Point Source Pollution (January 2000), such as watershed planning and management programs, and habitat restoration projects, shall be considered and implemented by the City of Los Angeles where feasible opportunities exist.*

Selected Best Management Practices (BMPs) or suites of BMPs shall be designed to treat, infiltrate or filter the storm water runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.

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.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, the Commission has consistently conditioned projects along the waterways to provide and maintain front yard setbacks, permeable yard areas and drainage devices to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

The Commission has consistently conditioned projects in the Venice Canals to provide and maintain a large permeable front yard as a setback from the canal to enhance public access, to provide an area for percolation to protect the water quality and biological productivity of the canals, and to protect community character by maintaining a comparable scale between buildings in the area. No fill or building extensions may be placed in or over the required permeable front yard area with the exception of fences or permeable decks at grade. The permeable front yard area allows rain and irrigation water to seep into the ground, minimizing run-off directly into the canals. An impervious front yard could facilitate a “rush” of water run-off which would increase the amount of sediments and pollutants that are washed into the adjacent canal.

The amount of the Commission's required permeable front yard area for the subject site is 450 square feet. The figure of 450 square feet is based on an average setback of fifteen feet across the thirty-foot width of the subject lot. The Commission's front yard setback requirement is defined in square footage rather than an absolute lineal measurement to allow for changes in plane which can add architectural interest. A minimum ten-foot front yard setback, with a required fifteen-foot setback average, can provide the required 450 square foot permeable front yard area and a front yard setback which is consistent with the other residences in the area.

In this case, the proposed residence is set back 22 feet from the canal property line (**Exhibit #4**). The proposed setback would provide an uncovered 450 square foot front yard area between the canal property line and the front of the proposed residence consistent with the Commission's front yard setback requirement. No building extensions are permitted in or over the required 450 square foot permeable front yard area. An uncovered permeable deck may be constructed in the front yard area. In order to further mitigate the impacts on the habitat caused by surface drainage and drainage from residential areas, the Commission has also consistently required the provision of a one hundred cubic foot French drain on canal-fronting lots in order to reduce the amount of runoff that leaves the site and to filter urban runoff before it enters the canals. A condition is routinely placed on permits for development in the canals area which requires that plans be submitted which depict the location and

design of the required French drain. In this case, the applicants are required to provide plans which depict the location and design of the required French drain.

In order to further protect marine resources and water quality, a condition of approval requires the applicants to submit 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) A one hundred cubic foot French drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from the canal and into the City storm drain system.

Although the neighborhood where the proposed development is located eventually drains into canals via the City storm drain system, the City plans to install filters in its existing catch basins which lead into the canal. The filters will be installed in the storm drain catch basins as part of the Venice Canal Court rehabilitation project, which the Commission approved on July 10, 2001 [See Coastal Development Permit Amendment 5-91-584-A4 (City of Los Angeles)].

The Commission finds that, only as conditioned to provide a French drain and a permeable front yard area to mitigate impacts on biological productivity caused by surface runoff into the canals, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

F. PARKING

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

Section 30252 of the Coastal Act states, in part:

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

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 proposed single family residence by providing a two-car garage and a nine-foot rear setback for guest parking on the driveway apron (**Exhibit #5**). Therefore, the proposed project conforms to the Commission's parking standards for the Venice Canals area which require two parking spaces per residential unit and provisions for guest parking.

The permit is conditioned to ensure the continued provision of adequate on-site parking (three 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 an amendment to this permit 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.

G. DEED RESTRICTION

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

H. LOCAL COASTAL PROGRAM

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

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

(commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.”

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (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 it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 14, 2001.

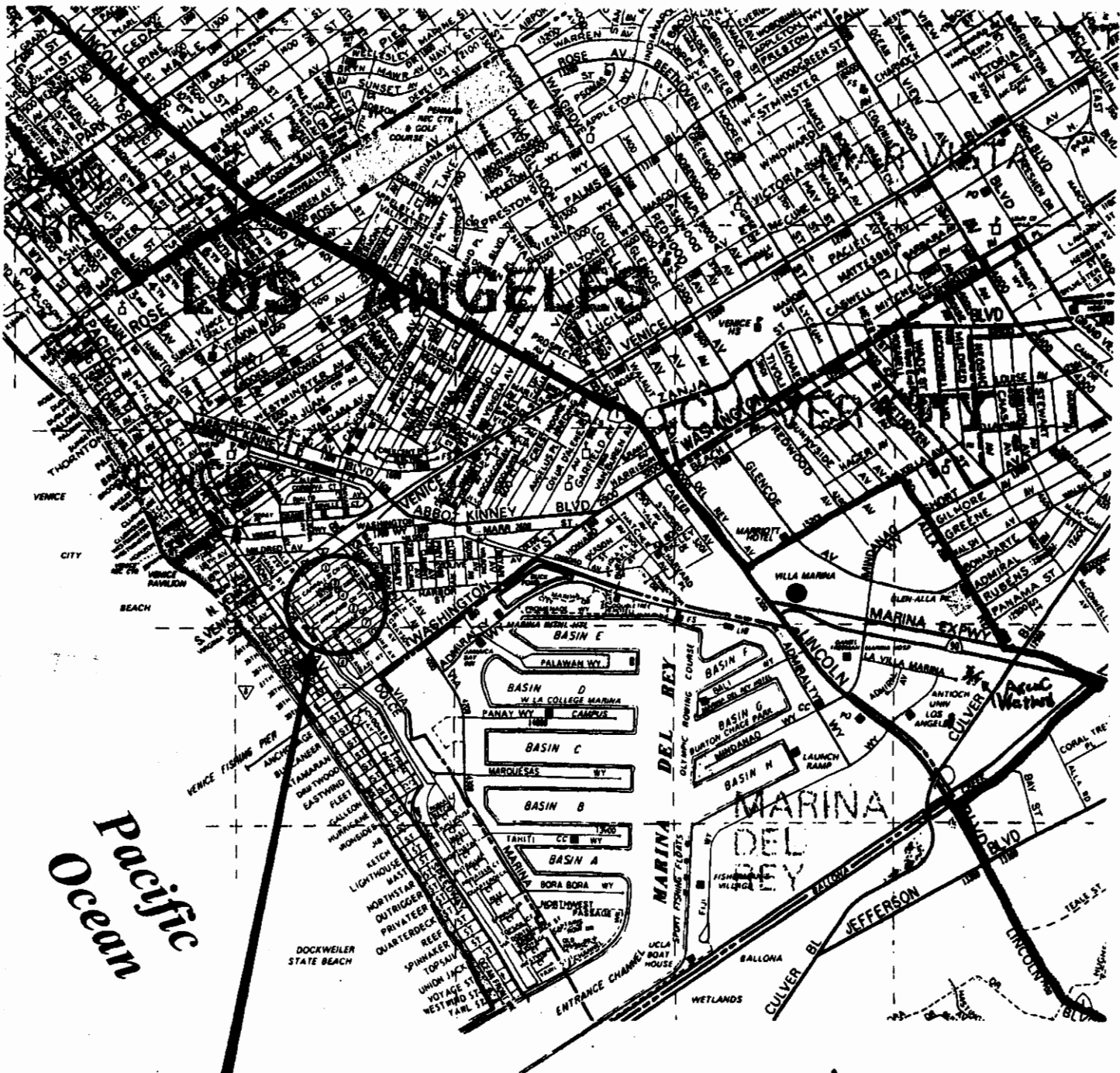
The proposed project, as conditioned, conforms with the certified Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

I. 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. The City of Los Angeles issued Cat Ex ENV 2013-1696-CE for the proposed single-family residence on 12/30/2013.

VENICE, CA



Pacific Ocean

Site: Venice Canals

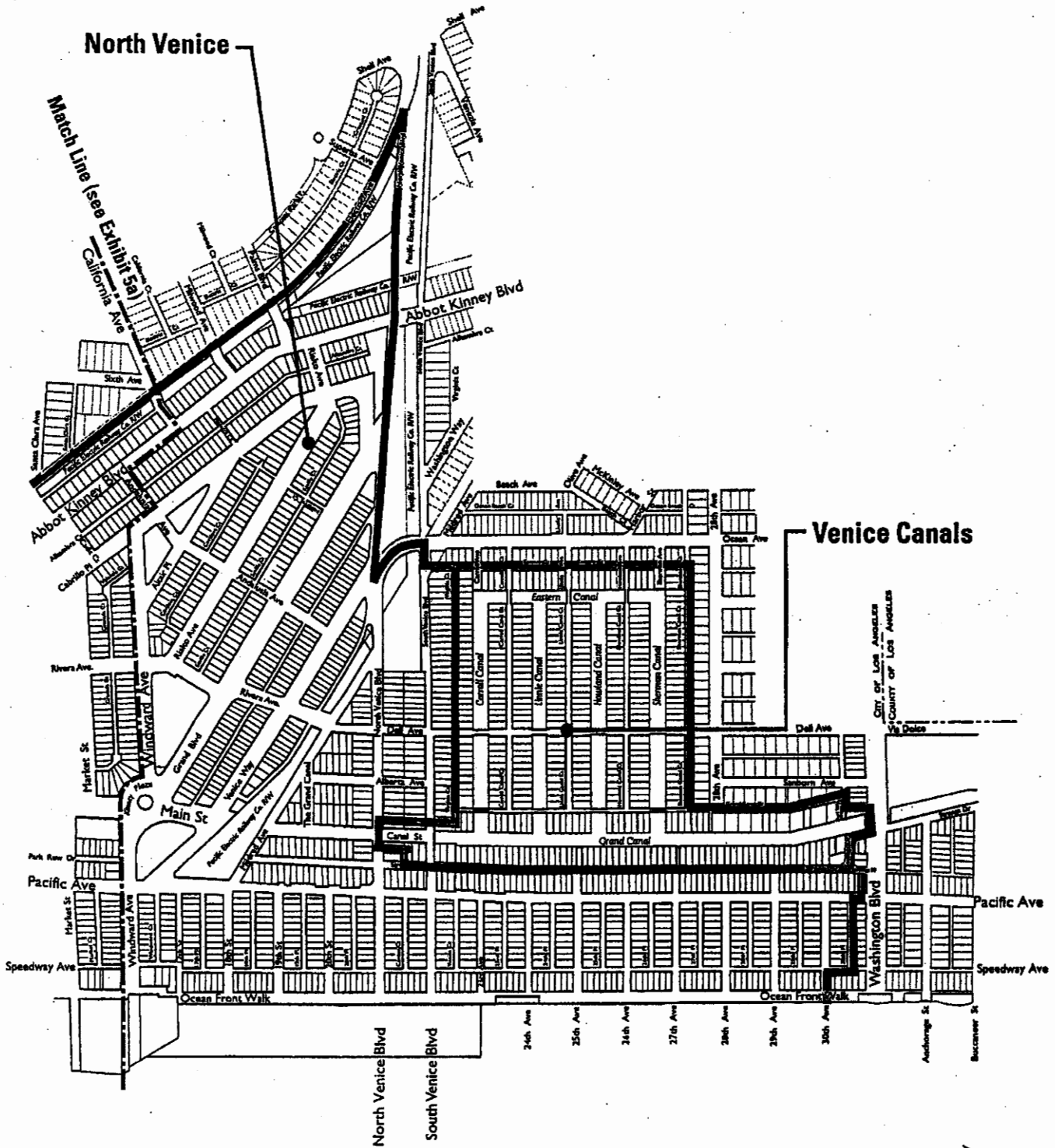


COASTAL COMMISSION

EXHIBIT # 1

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5-14-011



LUP
 Exhibit 5b
 Subarea: North Venice • Venice Canals

Not to Scale
COASTAL COMMISSION

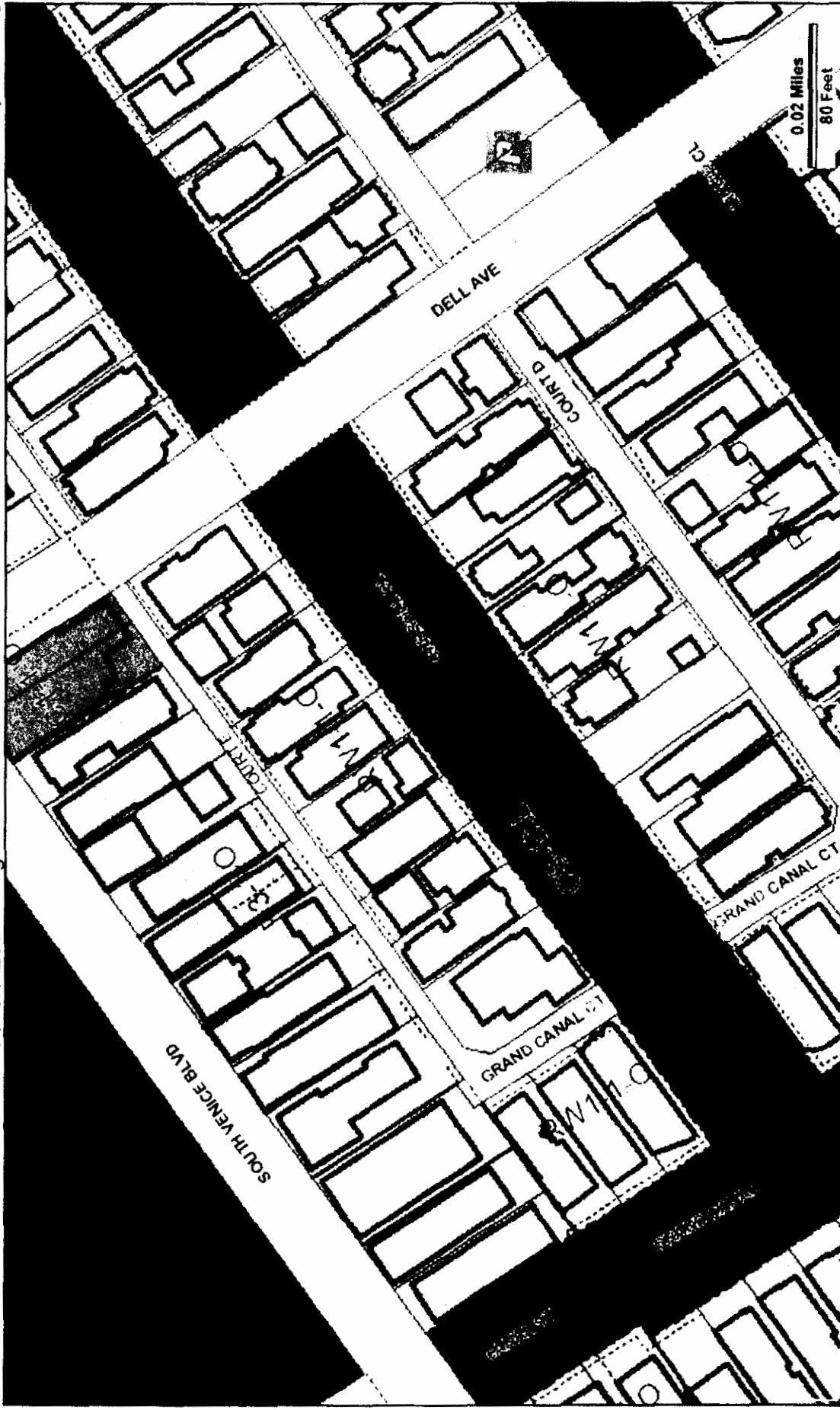
EXHIBIT # 2
 PAGE 1 OF 1

5-14-0111

04/23/2013

Generalized Zoning

ZIMAS PUBLIC



Address: 232 E CARROLL CL

APN: 4227005022

PIN #: 106-5A145 453

Tract: SHORT LINE BEACH VENICE Zoning: RW1-1-O
CANAL SUBDIVISION NO. 1

Block: 37

Lot: 22

Arb: None

RECEIVED

South Coast Register

COASTAL COMMISSION Plan: Low Medium II Residential

JAN 9 2014



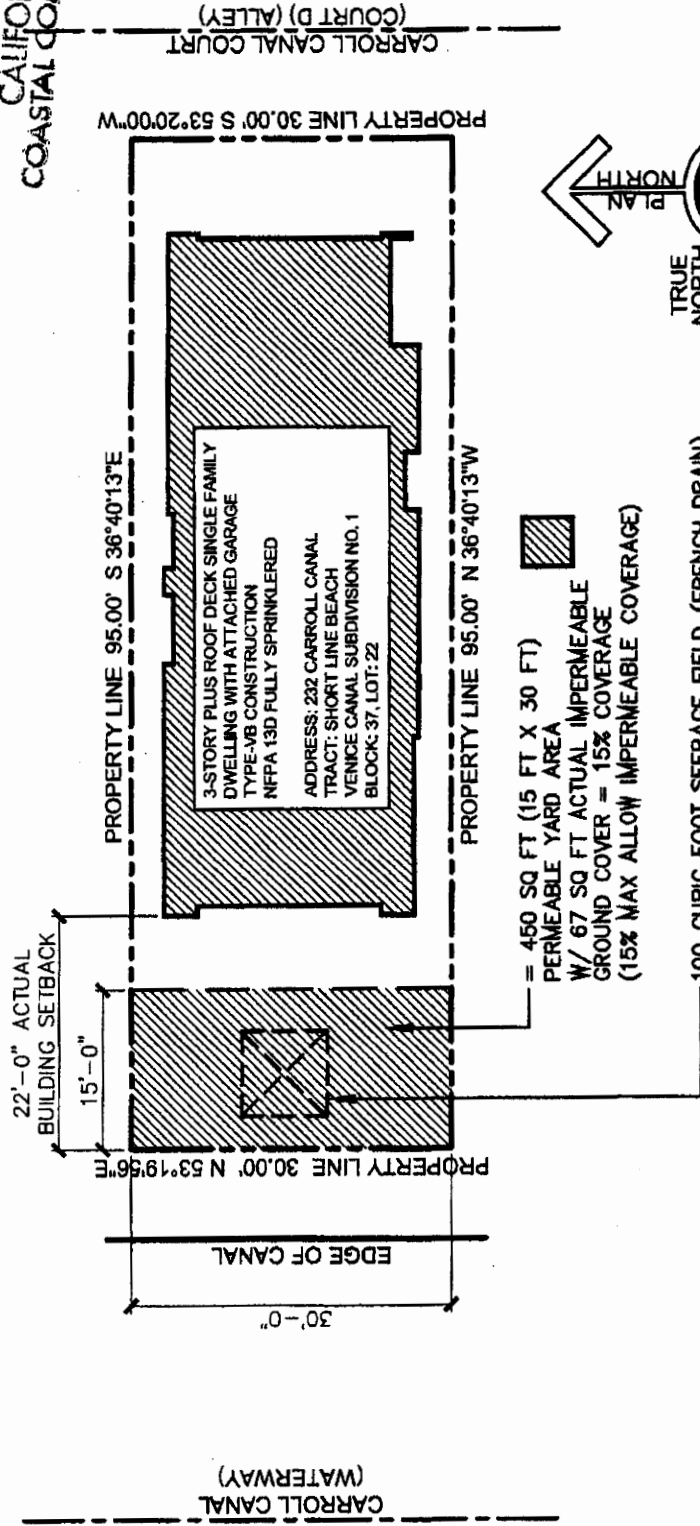
EXHIBIT # 3
 PAGE 1 OF 1
 5-14-0111

PERMEABLE YARD AREA EXHIBIT
232 E CARROLL CANAL
VENICE, CA 90291

RECEIVED
 South Coast Region

JAN 8 2014

CALIFORNIA
 COASTAL COMMISSION



3-STORY PLUS ROOF DECK SINGLE FAMILY DWELLING WITH ATTACHED GARAGE TYPE-VB CONSTRUCTION NFPA 13D FULLY SPRINKLERED
 ADDRESS: 232 CARROLL CANAL TRACT: SHORT LINE BEACH VENICE CANAL SUBDIVISION NO. 1 BLOCK: 37, LOT: 22

= 450 SQ FT (15 FT X 30 FT) PERMEABLE YARD AREA W/ 67 SQ FT ACTUAL IMPERMEABLE GROUND COVER = 15% COVERAGE (15% MAX ALLOW IMPERMEABLE COVERAGE)

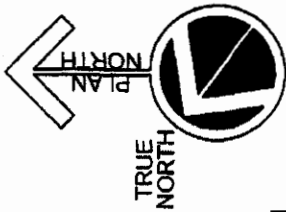
100 CUBIC FOOT SEEPAGE FIELD (FRENCH DRAIN) ON-SITE PERCOLATION DRAIN TO BE 25" DEEP, LINED WITH FILTER FABRIC, SUCH AS MIRARI 140N OR EQUIVALENT, AND FILLED WITH ABOUT 19" OF GRAVEL, AND COVERED W/ GEOFABRIC.A 6" SOIL CAP WILL BRING THE SITE TO GRADE

COASTAL COMMISSION

EXHIBIT # 4
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 S-14-0111

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 1
S-14-D-111



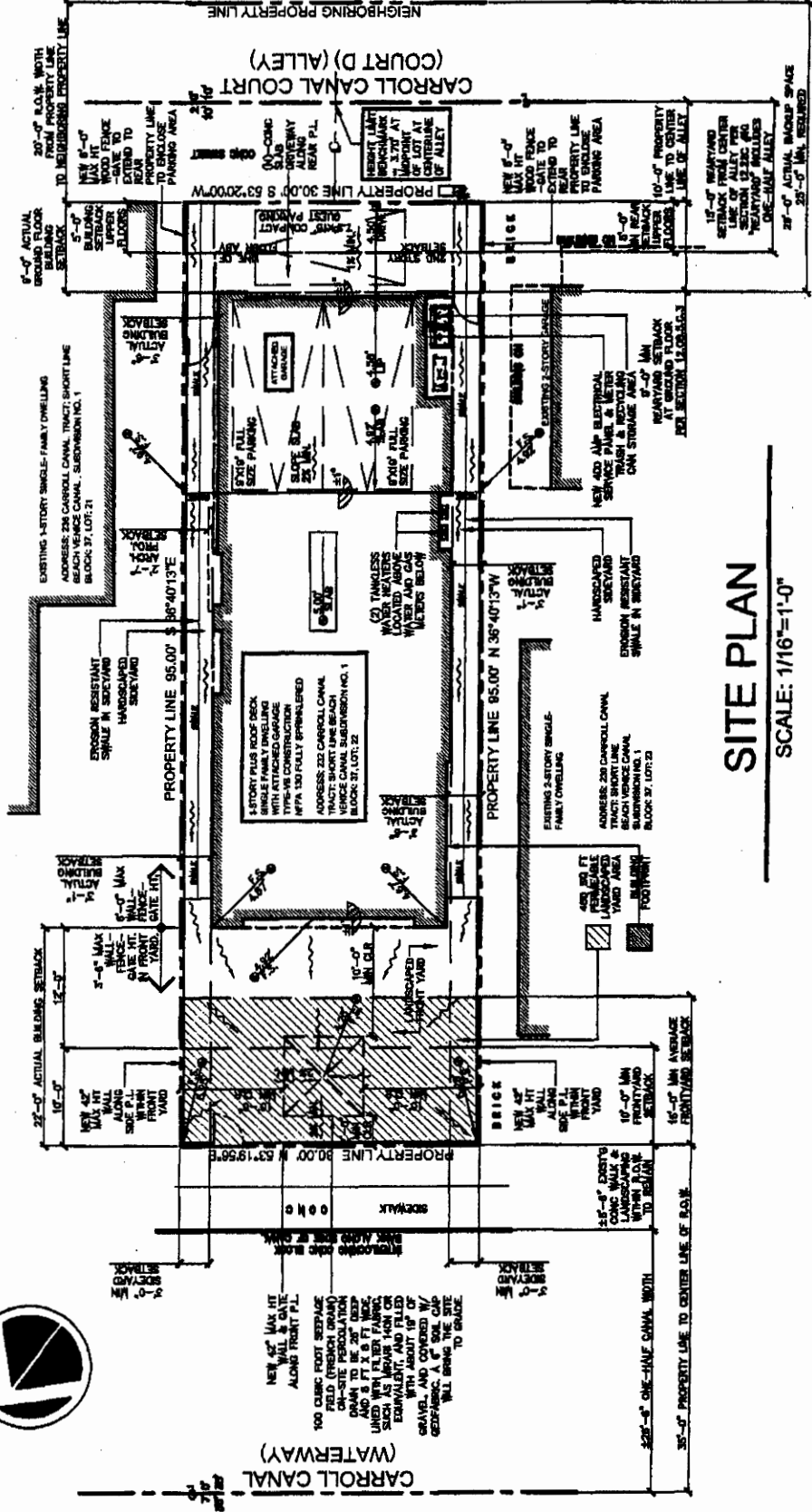
CALIFORNIA
COASTAL COMMISSION

JAN 9 2014

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South Coast Region

**A NEW
RESIDENCE**
229 E Linnie Canal
Venice, CA 90291

etersArchitecture
67 Brownstone Way
Aliso Viejo, CA 92656
Phone 310 529 0931
austin@capeters.com
www.capeters.com



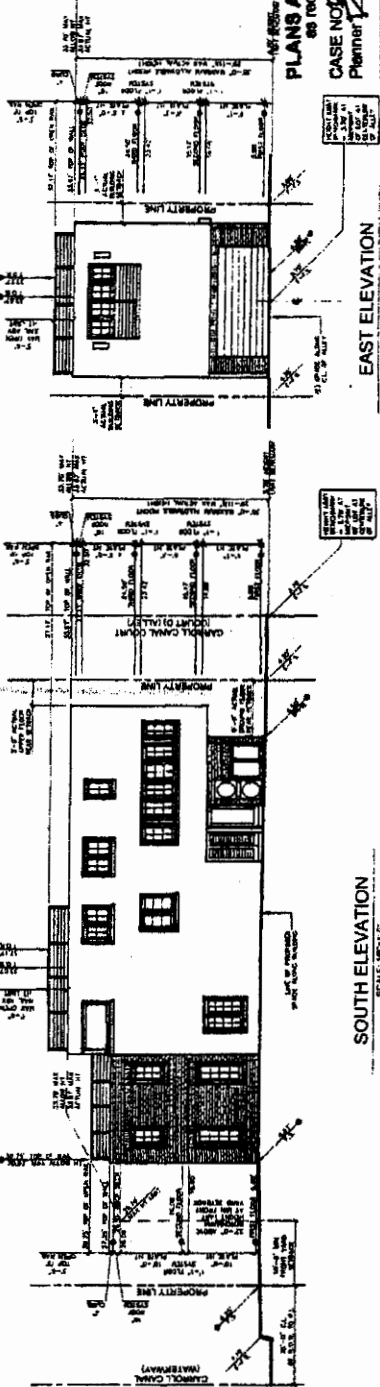
SITE PLAN

SCALE: 1/16"=1'-0"



eifers Architecture
 65 Brownstone Way
 Aliso Viejo, CA 92606
 Phone 714 529 0001
 austin@eifers.com
 www.eifers.com

EXTERIOR FINISH MATERIALS
 ROOFING: METAL PANELS
 WALLS: STUCCO
 WINDOWS: ALUMINUM
 DOORS: WOOD
 FLOORS: CERAMIC TILE
 PAINT: EXTERIOR GRAHNSHAW
 STAIRS: WOOD
 RAILINGS: WOOD
 LIGHTING: RECESSED CANALS
 PLUMBING: CONCEALED
 ELECTRICAL: CONCEALED
 MECHANICAL: CONCEALED
 FINISHES: ALL FINISHES TO BE APPROVED BY THE CITY



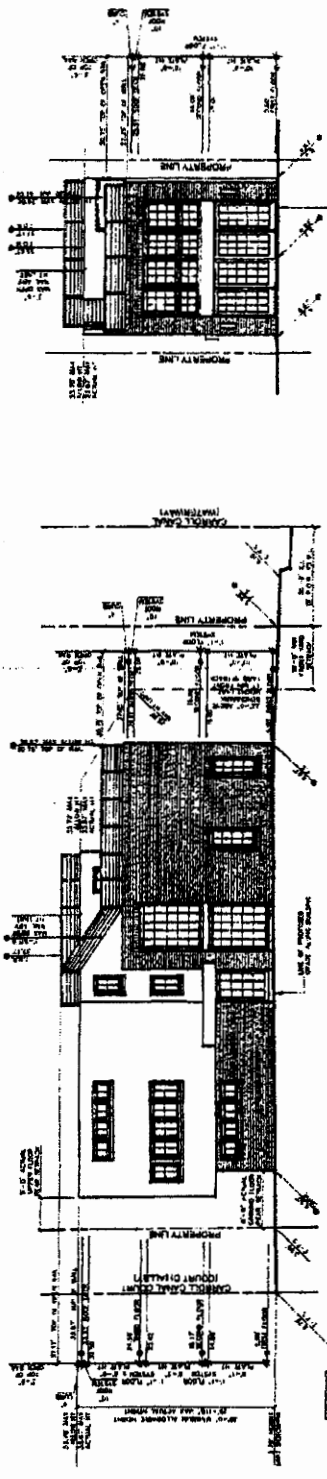
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

EAST ELEVATION
SCALE: 1/8" = 1'-0"

PLANS APPROVED
 as required by
 CASE NO. 2013-1015
 Planner PAVANA
 Community Planning Bureau
 City of Los Angeles Planning Dept.
 Date: 1-23-14

EXHIBIT "A"
 Page No. 5 of 5
 CARD No. DR-2013-1015-5A-MEL

A NEW RESIDENCE
 232 E. Carroll Canal
 Venice, CA 90291



NORTH ELEVATION
SCALE: 1/8" = 1'-0"

WEST ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATIONS

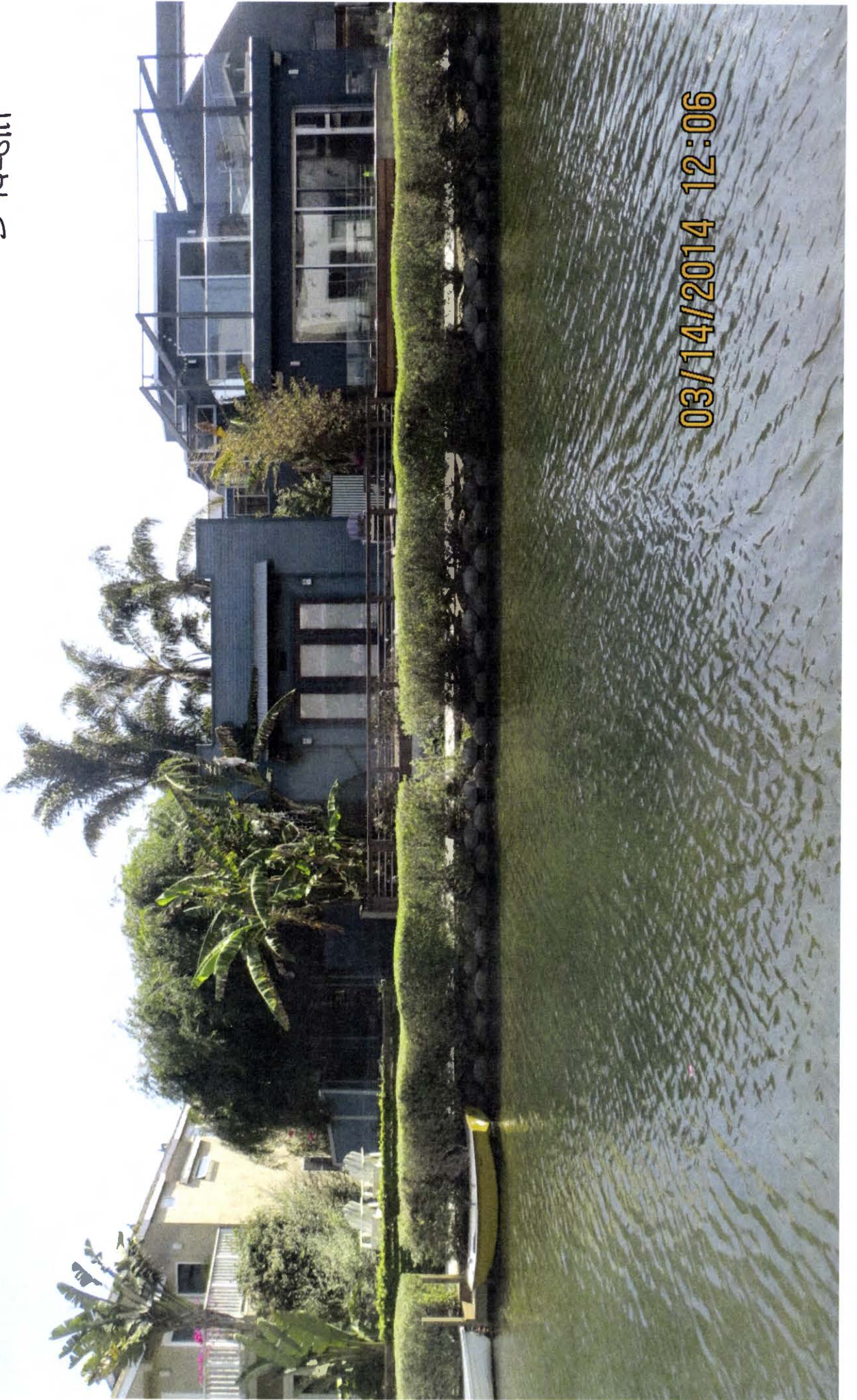
A-03

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EXHIBIT # 6
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COASTAL COMMISSION

EXHIBIT # 7
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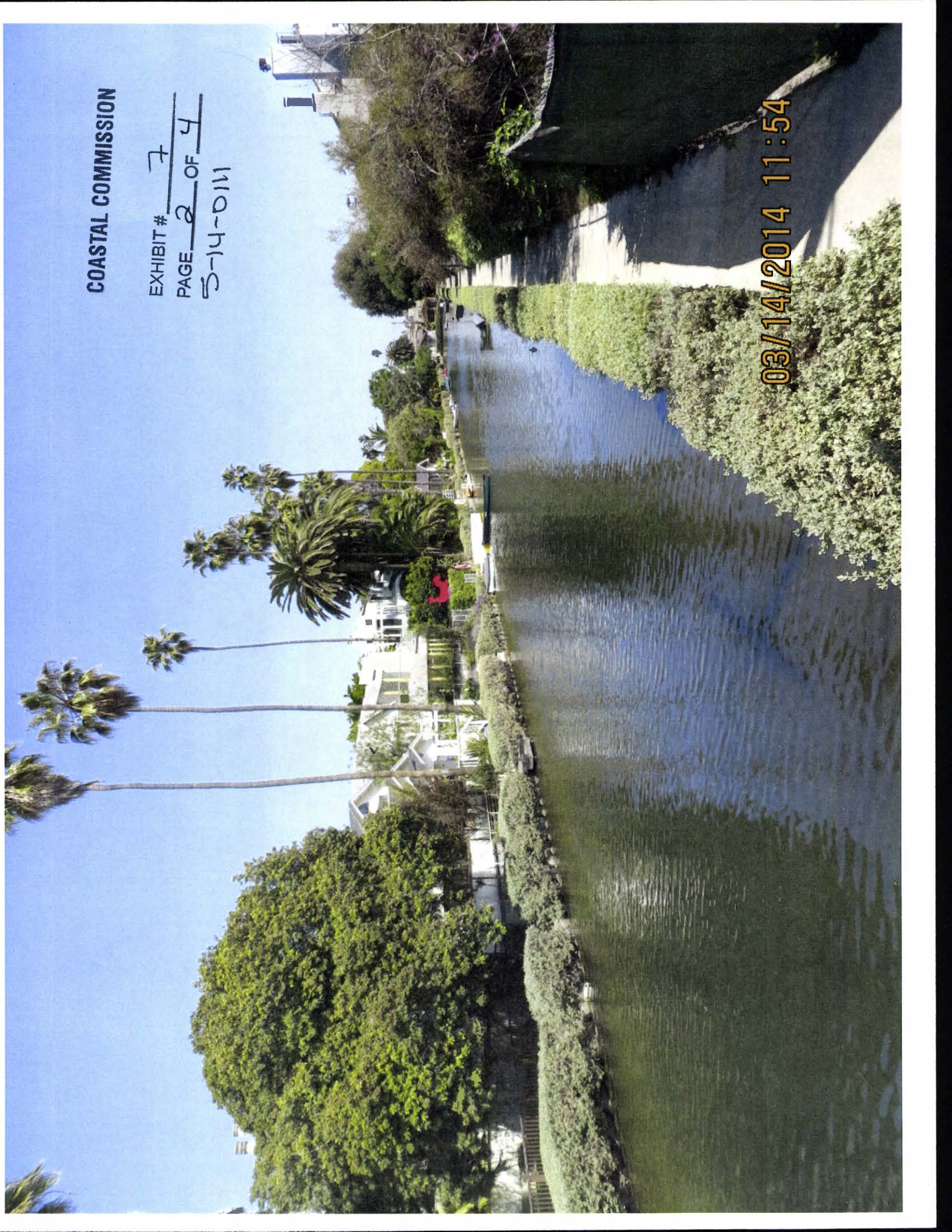


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EXHIBIT # 7
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03/14/2014 11:54



Venice Canals Walkway

zig79

zig79

Photo

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EXHIBIT # 7
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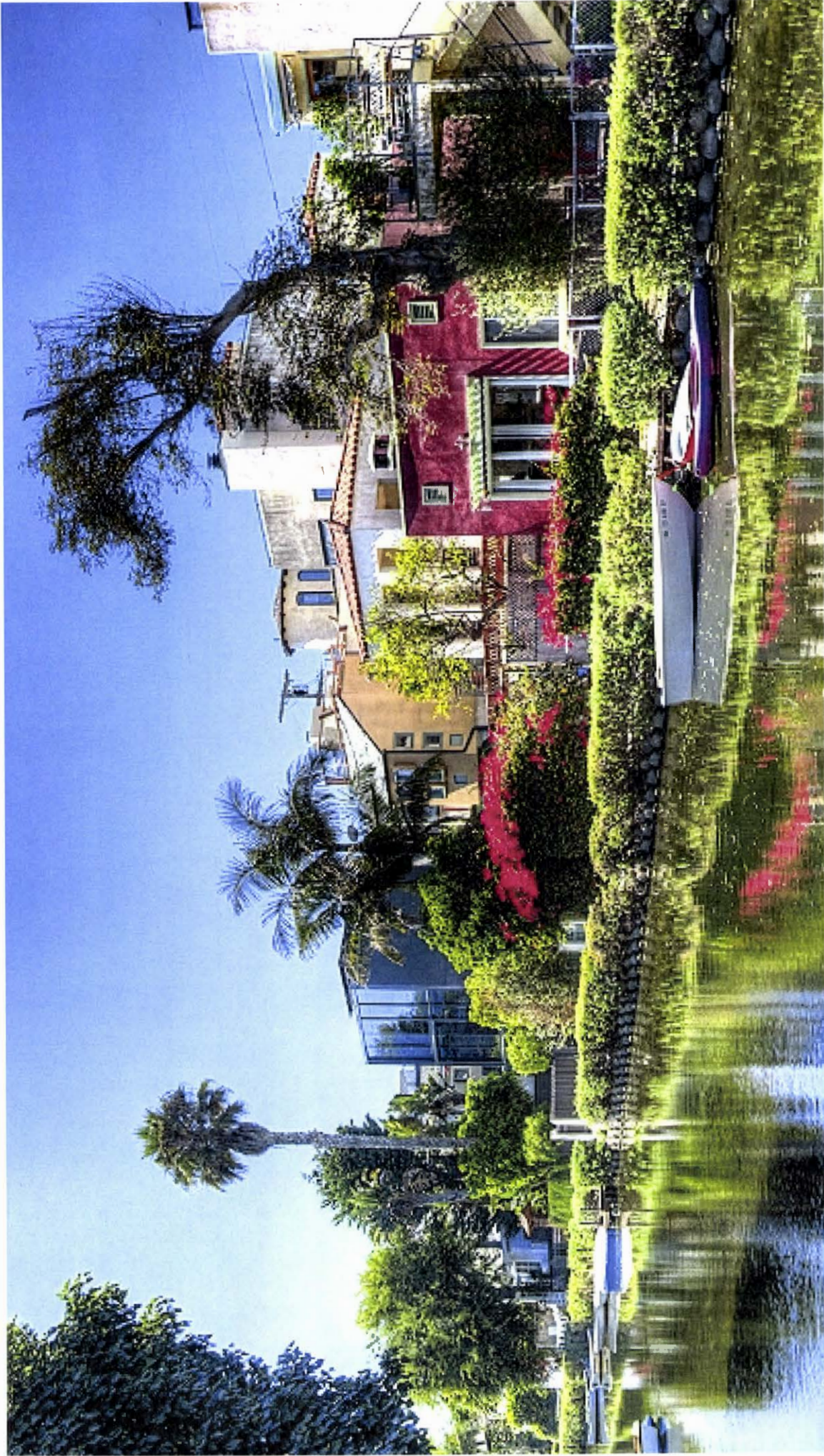


Photo by Kostya Danko, [Flickr](#)

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S-14-D111