

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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Filed: 3/22/96  
49th Day: 5/10/96  
180th Day: 9/18/96  
Staff: CP-LB  
Staff Report: 4/5/96  
Hearing Date: May 7-10, 1996  
Commission Action:



*CP*

STAFF REPORT: CONSENT

APPLICATION NO.: 5-96-046

APPLICANT: Rufus Friedman

AGENT: Toby Watson, Architect

PROJECT LOCATION: 441 Sherman Canal, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a three-story, 29.5 foot high, 1,050 square foot detached two-car garage with recreation room, loft and roof deck on a lot with an existing one-story, 1,128 square foot single family residence.

Lot Area	2,850 sq. ft.
Building Coverage	1,523 sq. ft.
Pavement Coverage	270 sq. ft.
Landscape Coverage	1,057 sq. ft.
Parking Spaces	3
Zoning	RW1-1-0
Plan Designation	Single Family Residential-Waterway
Ht abv fin grade	29.5 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to pervious yard area, parking, building height, and drainage.

## LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Approval in Concept #96-011, 3/6/96.

## SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-94-273 (Contant).
2. Coastal Development Permit 5-94-115 (Schacht).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Pervious Yard Area

In order to preserve water quality and to protect the biological productivity of the canals, uncovered and pervious yard areas totaling no less than 262 square feet in the front yard and no less than 188 square feet in the back yard (450 square feet total) shall be maintained. Uncovered means that no fill or building extensions shall be placed in or over the pervious yard areas with the exception of fences or permeable decks at grade.

#### 2. Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicant shall submit a deed restriction for recording, subject to the review and approval of the Executive Director, and free of all prior liens and encumbrances which the Executive Director determines may affect the interest conveyed, which shall provide for the maintenance of uncovered and pervious yard areas of no less than 262 square feet in the front yard and no less than 188 square feet in the back yard (450 square feet total) in order to preserve water quality and protect the biological productivity of the canals. Uncovered means that no fill nor building extensions shall be placed in or over the pervious yard area with the exception of fences or permeable decks at grade. The deed restriction shall run with the land binding on all heirs and assigns of the applicant.

#### 3. Parking

Three parking spaces shall be provided and maintained on the site.

#### 4. Height

The height of the structure's roof shall not exceed thirty feet above the centerline of the canal walkway. Roof deck railings may extend to 33 feet above the centerline of the canal walkway.

#### 5. Drainage

The one hundred cubic foot french drain for on-site percolation shall be constructed and maintained as shown on the final approved plans.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description and Area History

The applicant proposes to construct a three-story, 29.5 foot high, 1,050 square foot detached two-car garage on a lot with an existing one-story, 1,128 square foot single family residence (Exhibit #2). The proposed three-story structure contains a two-car garage on the ground floor, a 432 square foot recreation room and half-bath on the second floor, a 144 square foot loft the third floor, and a roof deck on top (Exhibit #5). The project site is a 2,850 square foot lot on the north bank of Sherman Canal in the Venice Canals residential area. The neighborhood is comprised of both old and new one, two and three-story single family residences, and a few non-conforming duplexes.

The Commission has recognized in both prior permit and appeal decisions that the canals area of Venice is a coastal neighborhood of unique character. In 1975, the Commission developed a set of building standards for the Venice Canals area through hearing and voting on various permits. These standards reflect conditions imposed in a series of permits heard prior to that time. Since then, a set of special conditions, which are periodically updated, have been routinely applied to Coastal Development Permits in the Venice Canals area to address the Coastal Act issues of public access, habitat protection, preservation of community character, and scale of development. The conditions imposed on the Coastal Development Permits ensure that projects are consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit.

##### B. Habitat Protection

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.

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 to provide front yard setbacks, pervious yard areas, and drainage devices to absorb and filter rainwater and site drainage before it enters the canals. 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 pervious front yard as a setback from the canal to enhance public access, to provide an area for percolation, and to protect community character by maintaining a comparable scale between buildings in the area. The size of the Commission's required pervious front yard area on thirty foot wide canal fronting lots 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 linear 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, provides the required 450 square foot pervious front yard area and a front yard setback which is consistent with the other residences in the area.

All new development in the Venice Canals area must conform to the Commission's front yard setback and pervious yard area requirements. The proposed development does conform to the Commission's requirements because the proposed garage is located on the rear portion of the lot and not next to the canal. No portion of the proposed project encroaches within fifteen feet of the front (canal) property line.

The applicant must, however, provide a minimum of 450 square feet of pervious and uncovered yard area on the site in order to preserve the water quality and biological productivity of the canals. Because the existing residence was constructed prior to the implementation of the Commission's front yard setback and pervious yard area requirements, it has a non-conforming front yard. The existing residence is setback 8'9" from the front property line along Sherman Canal instead of the currently required ten foot minimum setback with a fifteen foot average (Exhibit #2).

Therefore, the applicant cannot provide the required 450 square feet of pervious area in the front yard area as normally required because the existing residence is partially situated in the front yard area. Because the proposed project does not include any changes to the existing residence, it is allowed to retain its non-conforming front yard setback. If the proposed project involved fifty percent or more demolition of the existing residence, the project would be considered a new development and would be required to conform to the standard fifteen foot average front yard setback.

In previous actions, when existing development precludes the ability of an applicant to meet the Commission's requirement of 450 square feet of uncovered and pervious yard area in the front yard adjacent to the canal, the Commission has allowed the applicant to supply uncovered and pervious yard areas elsewhere on the site in order to meet the pervious yard requirement. [See Coastal Development Permits 5-94-115 (Schacht) & 5-94-273 (Contant)].

In this case, the front yard currently provides 262 square feet of uncovered and pervious yard area (Exhibit #2). The applicant has proposed to maintain the existing 262 square foot front yard area and to maintain an additional uncovered and pervious yard area of at least 188 square feet in the back yard area situated between the existing house and the proposed garage. Therefore, the proposed project will provide the required 450 square feet of uncovered and pervious yard area (Exhibit #2).

A condition of approval is applied to the permit to ensure the provision and maintenance of the proposed 450 square feet of pervious and uncovered areas in the front and back yards in order to preserve water quality and protect the biological productivity of the canals. The Commission also requires that a deed restriction be recorded on the property to ensure future compliance with the pervious yard area requirement. A deed restriction is required in this case. Therefore, as conditioned, the proposed project provides the 450 square foot uncovered and pervious yard area as required by the Commission in order to protect water quality and marine habitat.

In order to mitigate the impacts on the habitat caused by surface drainage and drainage from residential areas, the Commission has consistently required the provision of a one hundred cubic foot french drain in order 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 applicant's plans show the required french drain. The applicant is required to provide the french drain as shown on the final approved plans.

The Commission finds that, only as conditioned to provide a french drain and 450 square feet of pervious and uncovered yard area to mitigate impacts on biological productivity caused by surface runoff into the canals, is the proposed project consistent with the Section 30240 of the Coastal Act.

### C. Public Access/Parking

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

Section 30252 of the Coastal Act states, in part:

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

There are very few parking spaces on the streets and many of the older developments in the Venice Canals area do not provide adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. 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.

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 provision of a guest parking space is in addition to the Commission's other parking standards.

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 project provides two parking spaces in the proposed garage, and one uncovered parking space next to the garage (Exhibit #5). The proposed three parking spaces is an adequate on-site parking supply for the existing single family residence. This permit does not approve any increase in residential density over the existing use of the lot as a single family residence. The proposed recreation room and loft located above and within the proposed three-story detached garage structure are not to be used or rented as an auxiliary, guest or second unit.

The Commission finds that, only as conditioned to ensure adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

#### D. Scale of Development

The Commission has also consistently conditioned projects in the Venice Canals area to protect the community character. The area is comprised of both old and new one, two and three-story single family residences and a few remaining duplexes. The majority of the structures in the area do not exceed thirty feet in height. In order to protect the existing scale and character of the neighborhood, and in order to protect the visual corridor along the canals' public walkways, the Commission has consistently limited new development in the canal area to a height of thirty feet above the centerline of the canal walkway, which is consistent with the general height of the area. The Commission has also limited building extensions within the front yard setback area, except for ground level permeable decks.

In this case, the proposed project has a roof height of 29.5 feet above the centerline of the canal walkway. However, the proposed roof deck railings extend to 33 feet above the centerline of the canal walkway (Exhibit #3). No roof access structure is proposed or permitted as part of this permit.

The Commission routinely permits roof deck railings to exceed the thirty foot height limit by 3.5 feet. No building extensions to encroach into the front yard area. Therefore, the proposed project conforms to the Commission's height limit, and front yard setback requirements.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal 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:

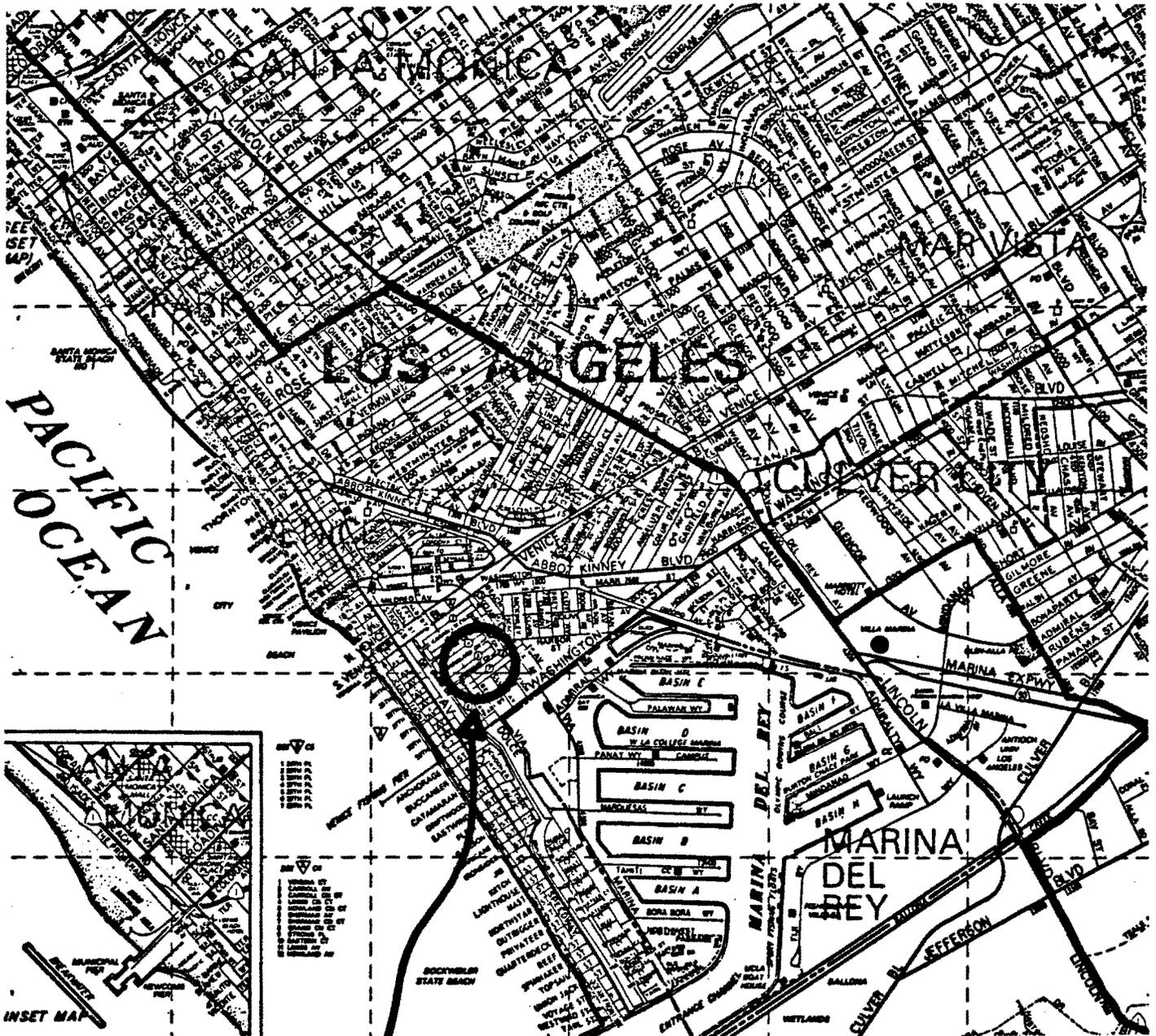
- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, only as conditioned, is consistent with the habitat, coastal access, and recreation 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).

F. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the habitat and coastal access policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



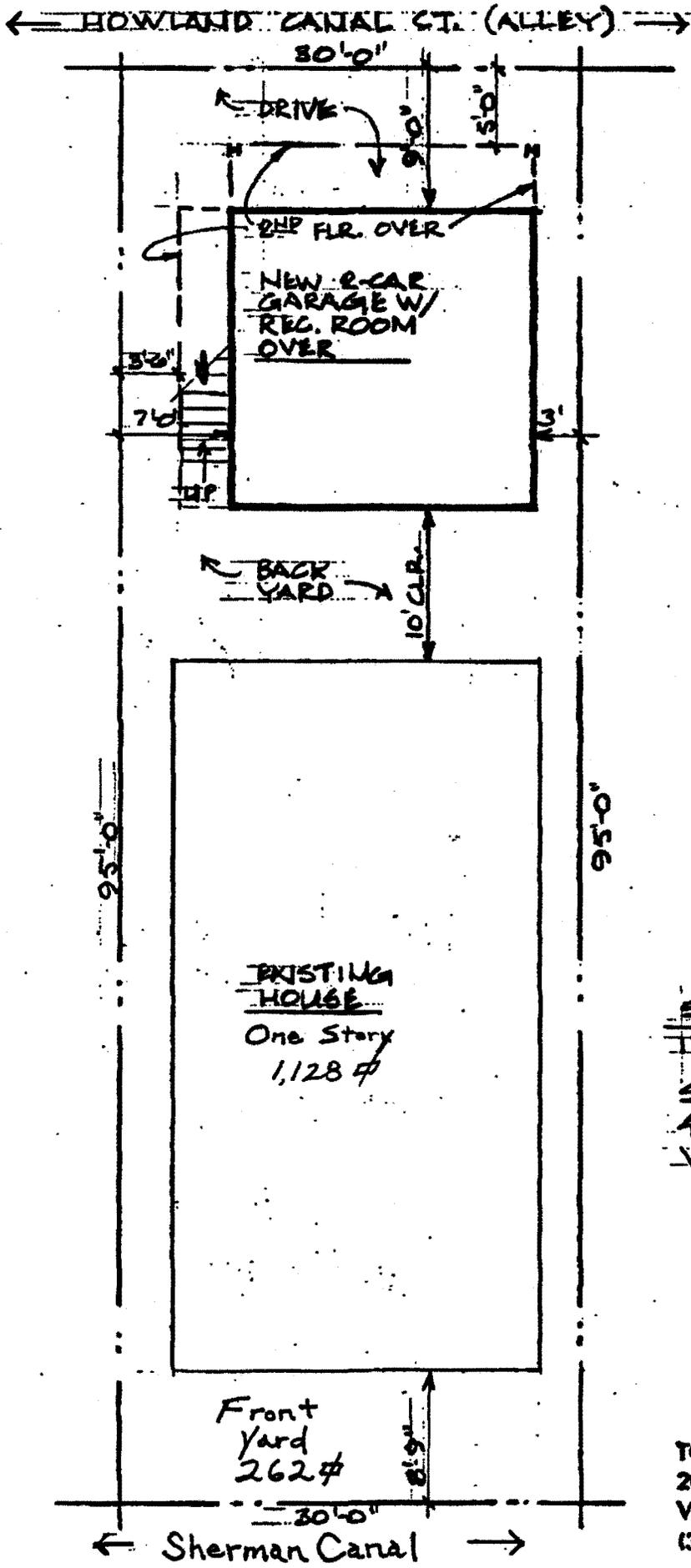
Site

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EXHIBIT # 1

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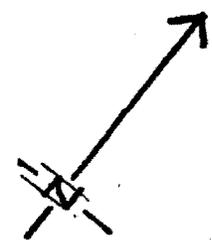


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SITE PLAN  
1"=10'

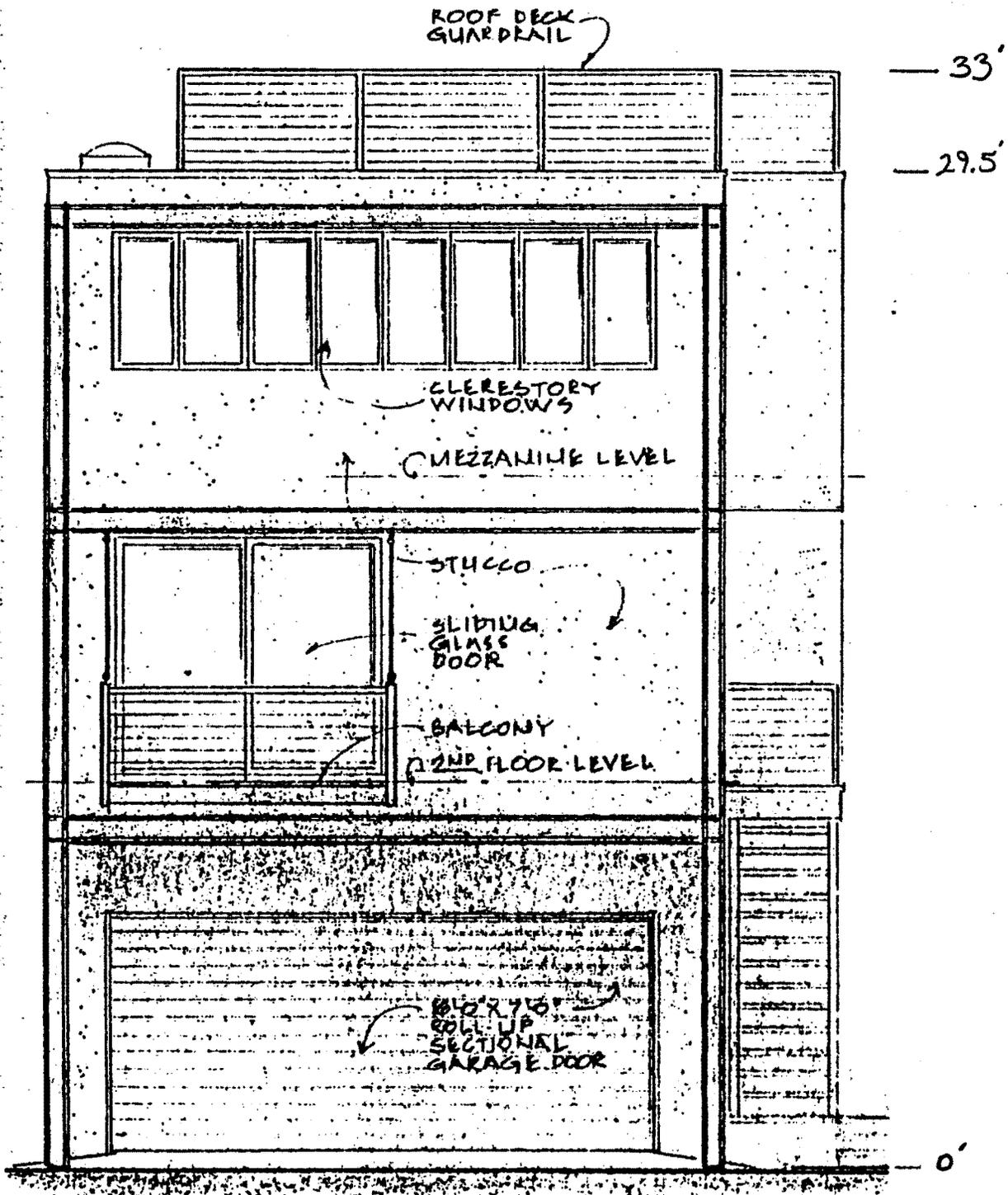
SAVAGE/FRIEDMAN  
441 SHERMAN CANAL  
VENICE, CA 90291

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EXHIBIT # 2

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TOBY WATSON, ARCHITECT  
205 VENICE WAY  
VENICE, CA 90291  
(310) 306-5095



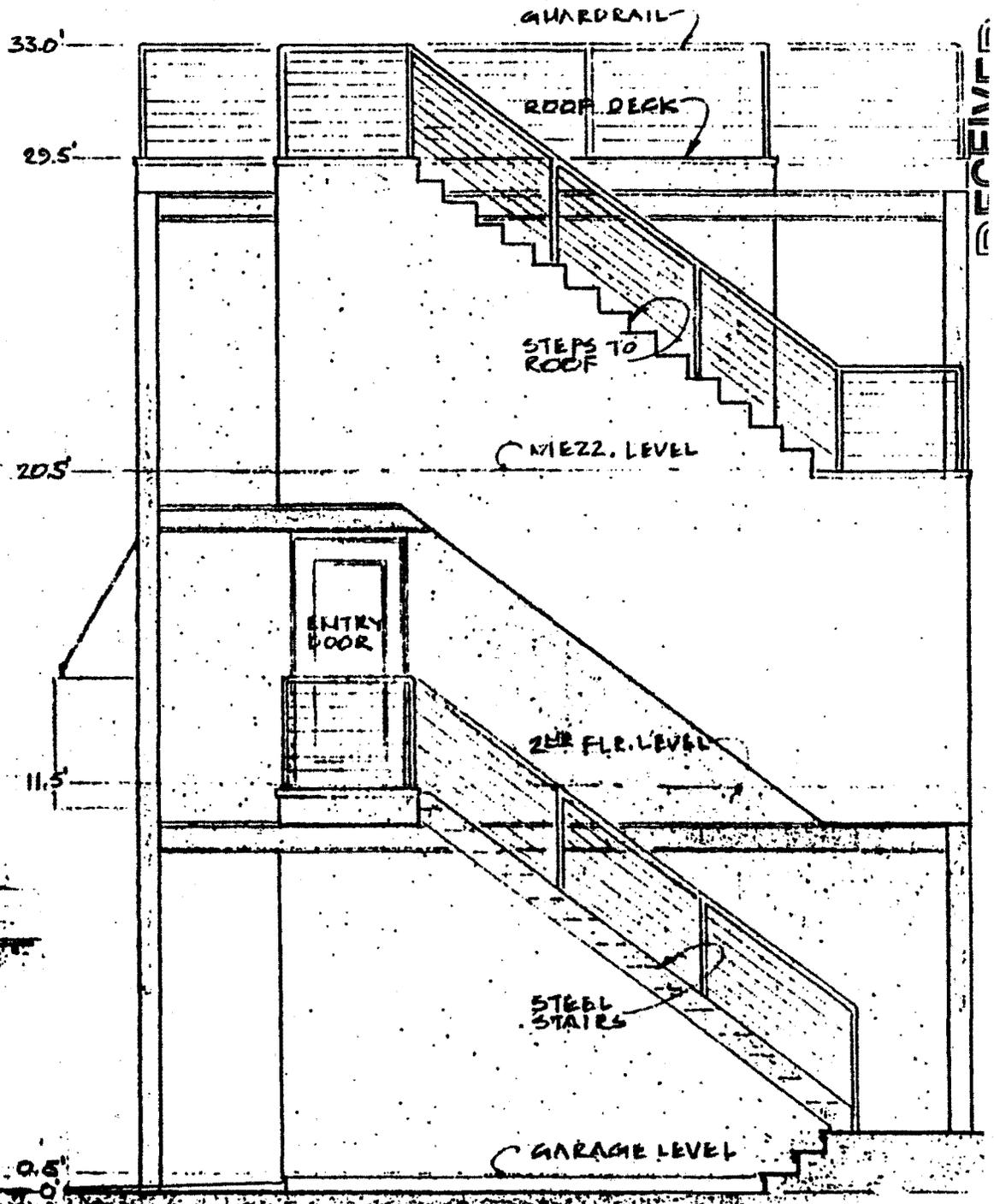
north elevation

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EXHIBIT # 3

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HEIGHTS FROM CENTER OF ALLEY

west elevation

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EXHIBIT # 4

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