

CALIFORNIA COASTAL COMMISSION

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Filed: 12/1/97
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Staff: CP-LB
Staff Report: 1/6/98
Hearing Date: Feb. 3-6, 1998
Commission Action:



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RECORD PACKET COPYSTAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-381

APPLICANT: John Denissen

AGENT: Teresa Vargas

PROJECT LOCATION: 2212-2214 Grand Canal, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Major remodel and addition to an existing one-story 792 square foot duplex, resulting in a three-story, 30 foot high, 2,858 square foot duplex with two attached one-car garages on a canal-fronting lot.

Lot Area	2,702 sq. ft.
Building Coverage	1,500 sq. ft.
Pavement Coverage	375 sq. ft.
Landscape Coverage	827 sq. ft.
Parking Spaces	3
Zoning	RW1-1
Plan Designation	Single Family Residential-Waterway
Ht abv fin grade	30 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to pervious yard areas, water quality, parking, height, drainage, and limits on demolition. The recommendation requires that the applicant submit revised plans that provide for a minimum of four on-site parking spaces (two per residential unit) and a rear setback for guest parking. The applicant proposes a substantially enlarged duplex with only two on-site parking spaces and a rear setback for guest parking.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept #97-088, 11/4/97.

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 provide a setback for access, visual quality, and to protect the water quality and biological productivity of the canals, an uncovered and pervious yard area totaling no less than 450 square feet shall be maintained in the front yard area between the front of the structure and the front (canal) property line. No fill or building extensions shall be placed in or over the 450 square foot pervious front yard area with the exception of fences or permeable decks at grade. Fences in front yard areas shall not exceed 42 inches in height.

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 not less than 450 square feet of uncovered and pervious yard area in the front yard adjacent to the canal property line in order to maintain an access corridor, 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. Fences in front yard area shall not exceed 42 inches in height. The deed restriction shall run with the land, binding on all heirs and assigns of the applicant.

3. Rear Setback

A rear setback of not less than nine feet between the alley and the rear of the structure shall be provided in order to provide additional area for on-site parking.

4. Revised Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit revised plans, for the review and approval of the Executive Director, which provide for a minimum of four on-site parking spaces (two spaces for each residential unit). The four required parking spaces may not be located in the required nine foot rear setback or in required pervious yard areas. The applicant and all successors in interest shall maintain the approved development consistent with the final plans approved by the Executive Director.

5. Parking

A minimum of four parking spaces shall be provided and maintained on the site, and an area for guest parking shall be maintained in the required nine foot rear setback located between the structure and the alley.

6. Height

The height of the structure shall not exceed thirty feet above the centerline of the canal walkway.

7. Drainage

Prior to issuance of the Coastal Development Permit, the applicant shall submit plans, subject to the review and approval of the Executive Director, for a one hundred cubic foot french drain or other water filtering device which provides equivalent on-site percolation. The french drain or other water filtering device must be constructed and maintained as shown on the final approved plans.

8. Demolition

This Coastal Development Permit does not permit the demolition of the existing duplex structure. The submitted plans show that the majority of the existing structural walls of the duplex will remain in place. If, for any reason, more walls of the existing duplex structure are removed than shown on the submitted plans, an amendment to this permit or a new Coastal Development Permit will be required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes to remodel and add onto a 792 square foot pre-Coastal Commission duplex in the Venice Canals area. The existing one-story duplex does not conform to the single family zoning designation for the Venice Canals neighborhood. The applicant proposes to substantially increase the size of the duplex while maintaining its non-conforming rights to two residential units. No increase in parking supply is proposed.

The duplex currently contains two living units which are smaller than 400 square feet each. The proposed project would add a second and third floor to the existing one-story structure and result in two residential units, each containing: two bedrooms, two bathrooms, a kitchen, a living room, a study room, and a one-car garage. The proposed project will increase the size of each unit by approximately one thousand square feet.

The proposed additions to the existing structure include 700 square feet added to the ground floor (including two one-car garages), a new 1,464 square foot second floor, a new 352 square foot third floor, and a roof deck with a jacuzzi. The proposed additions will result in a three-story, 30 foot high, 2,858 square foot duplex with two attached one-car garages (See Exhibits).

The project site is located on the east bank of Grand Canal in the Venice Canals residential area (Exhibit #2). The neighborhood is comprised of both

old and new one, two and three-story single family residences, and a few non-conforming duplexes. There are no previous Commission actions on the subject site.

Vehicular access to the site provided by the narrow alleys of Virginia Court and Grand Canal Court (Exhibit #2). Currently, a 365 square foot detached two-car garage provides the parking for the existing duplex. However, the proposed project includes the demolition of the existing garage, and the construction of two attached one-car garages on the rear of the enlarged duplex. Therefore, two existing on-site parking spaces are being replaced as part of the proposed project. In addition, a 12.5 foot rear setback is provided between the alley and the enlarged duplex (Exhibit #4).

The existing front yard area between the structure and the canal will not be altered. The existing structure is set back fifteen feet from the front canal property line, and no additions are proposed within the existing fifteen foot setback.

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 the 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 along the waterways 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 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 nor building extensions may be placed in or over the required pervious front yard area with the exception of fences or permeable decks at grade.

The amount of the Commission's required pervious 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 pervious front yard area and a front yard setback which is consistent with the other residences in the area.

In this case, the proposed project provides a fifteen foot front yard setback and the required 450 square foot pervious front yard area (Exhibit #3). No building encroachments are proposed to be constructed within fifteen feet of the canal property line. Therefore, the proposed project conforms to the Commission's front yard setback requirements.

The Commission has consistently required that applicants record the pervious yard area requirement on the property deeds to ensure continuous and ongoing protection of coastal resources and compliance with the requirement. Therefore, the Commission finds that prior to issuance of the permit, the applicant shall record a deed restriction which provides for the maintenance of not less than 450 square feet of pervious yard area in the front yard area adjacent the canal property line. 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. Fences in front yard area shall not exceed 42 inches in height. The deed restriction shall run with the land, binding on all heirs and assigns of the applicant.

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 must submit plans for 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 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....

Many of the older developments in the Venice Canals area, like the existing duplex, 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 neighborhood to provide adequate on-site parking to meet the demands of the permitted use, if feasible. The current Commission parking standards require two on-site parking spaces per residential unit. A duplex requires at least four on-site parking spaces to meet the parking demands of two residences.

Because the existing duplex was constructed prior to passage of the Coastal Act, the duplex has never been subject to the Commission's parking standards. Therefore, the duplex does not currently provide the number of on-site parking spaces normally required by the Commission. The existing duplex has two on-site parking spaces in an unattached two-car garage (Exhibit #3). That garage is proposed to be demolished as part of the proposed project.

There are currently only two parking spaces provided on the site. The proposed project, which significantly increases the size of the existing 792 square foot duplex to 2,858 square feet, provides two on-site parking spaces and the required rear setback (12.5') for guest parking. In past actions, the Commission has approved improvements to non-conforming duplexes in the Venice Canals area if additional parking was provided as part of the project [see Coastal Development Permit 5-92-427 (Vesslier)].

The existing duplex, with its two 400 square foot one bedroom units, may only create a parking demand of one space per unit because of the very small size of the existing units. Typically, fewer people live in a 400 square foot unit than would live in the proposed 1,400 square foot two bedroom/two bath units. In fact, most cities have reduced parking standards for one bedroom units because they typically generate the need for only one parking space. Larger residential units, like two bedroom units, generally create a demand for two parking spaces per unit.

As previously stated, the Commission has required new development in the Venice Canals neighborhood to provide adequate on-site parking. If the proposed project was a completely new duplex, and not an addition, it would be required to provide four on-site parking spaces and a nine foot rear setback for guest parking. However, a new duplex on the site would not be approved by the City because the area is zoned for single family residences only. The existing duplex is a non-conforming use. In addition, based on previous Commission actions in the area and the public access policies of the Coastal Act, the Commission has also denied applications for new duplexes in the Venice Canals area.

The proposed project, which significantly increases the size of the existing 742 square foot duplex to 2,858 square feet, provides only two on-site parking spaces and a rear setback that can be used for guest parking (Exhibit #4). The Commission finds that the proposed parking supply is inadequate to protect public access from the impacts of the proposed development because the proposed addition will more than triple the size of the existing duplex and will increase the parking demand in the area. The parking demand, which already exceeds supply, will increase because the proposed larger duplex can provide living quarters for more people than the existing small duplex.

Therefore, as a condition of approval, the applicant is required to submit revised plans which provide for at least four on-site parking spaces. The four required parking spaces may not be located in the required nine foot rear setback or in the required pervious yard areas. The applicant and all successors in interest shall maintain the approved development consistent with the final plans approved by the Executive Director. As conditioned, the proposed project will meet the Commission's parking standards for the area and will increase the on-site parking supply by two spaces to mitigate the increase in parking demand.

The required four on-site parking spaces will replace the two existing on-site parking spaces and provide two additional parking spaces on the site. In addition, the required nine foot rear setback will provide space to park an additional vehicle. There is sufficient room for the four required on-site parking spaces, the required nine foot rear setback, as well as a large addition to the existing duplex. A four-car garage can be accommodated in the footprint of the proposed ground floor addition and will not require any changes to or demolition of the existing duplex structure (Exhibit #3). As conditioned to provide adequate parking on the site, the applicant will benefit from a substantial increase in the size of the existing non-conforming duplex, and will provide additional parking on the site without a substantial hardship.

Only as conditioned to provide and maintain four on-site parking spaces, and a nine foot rear setback between the garage and alley, is the proposed project consistent with the public access policies of the Coastal Act.

As previously stated, the existing duplex is a non-conforming use. As such, the use may remain on the site and be improved, as long as all adverse impacts on coastal resources area mitigated. However, if the existing duplex is demolished under orders of the City Department of Building and Safety, or for any other reason, all rights to the non-conforming use will be lost. A new duplex may not be permitted on the site. The Commission considers demolition as removal of more than fifty percent of existing structural walls. If more than fifty percent of the existing structural walls are removed, the project is considered new development, and all rights to the non-conforming use are forfeited.

In any case, this Coastal Development Permit does not permit the demolition of the existing duplex structure. The submitted plans show that the majority of the existing structural walls of the duplex will remain in place (Exhibit #3). If, for any reason, more walls of the existing duplex structure are removed than shown on the submitted plans, an amendment to this permit or a new Coastal Development Permit will be required. A revised project will be analyzed for conformance with the policies of the Coastal Act at that time. Only as conditioned 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 canal's public walkways, the Commission has consistently limited new development in the canal area to a height of thirty feet, which is consistent with the general height of the area.

In this case, the proposed project has a maximum height of 29.5 feet (Exhibit #5). Therefore, the proposed project conforms to the Commission's height requirements.

The Commission has also limited building extensions within the front yard setback area, except for ground level permeable decks. No building extensions encroach into the required 450 square feet of pervious area in the front yard.

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:

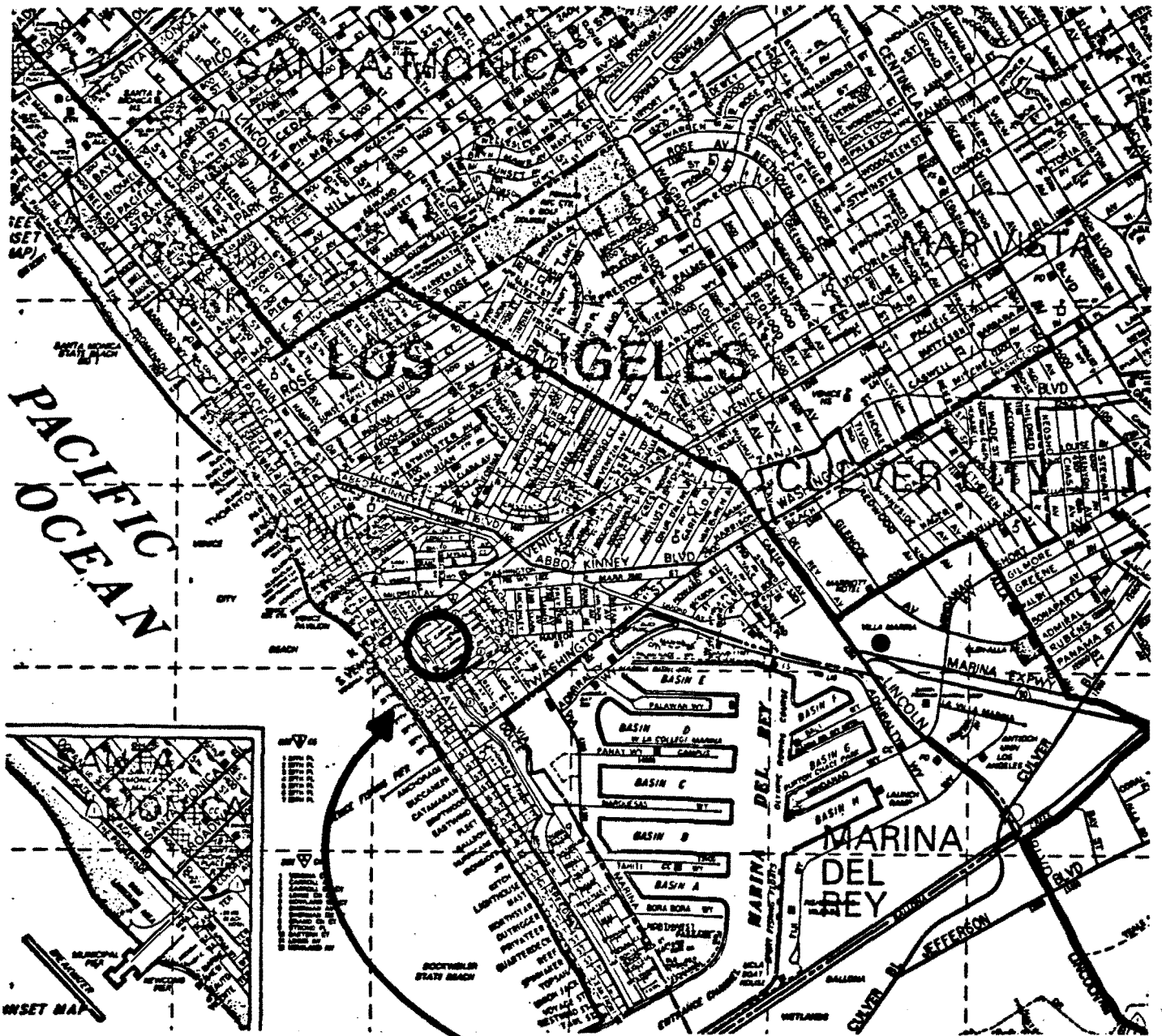
- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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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5-97-381

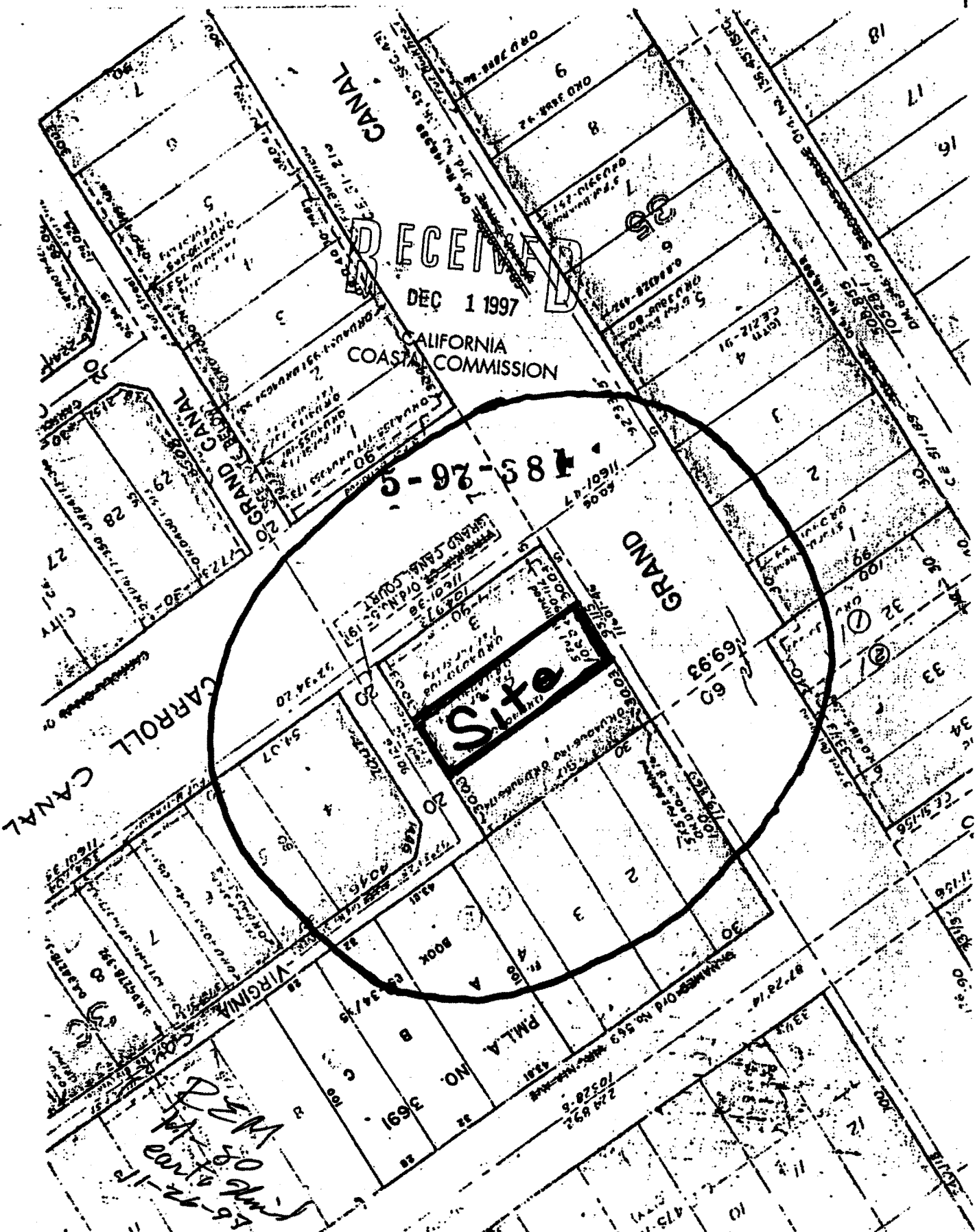
EXHIBIT # 1

PAGE 1 OF 1

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483-26-5

Site



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COASTAL COMMISSION

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EXHIBIT # 2

PAGE 1 OF 1

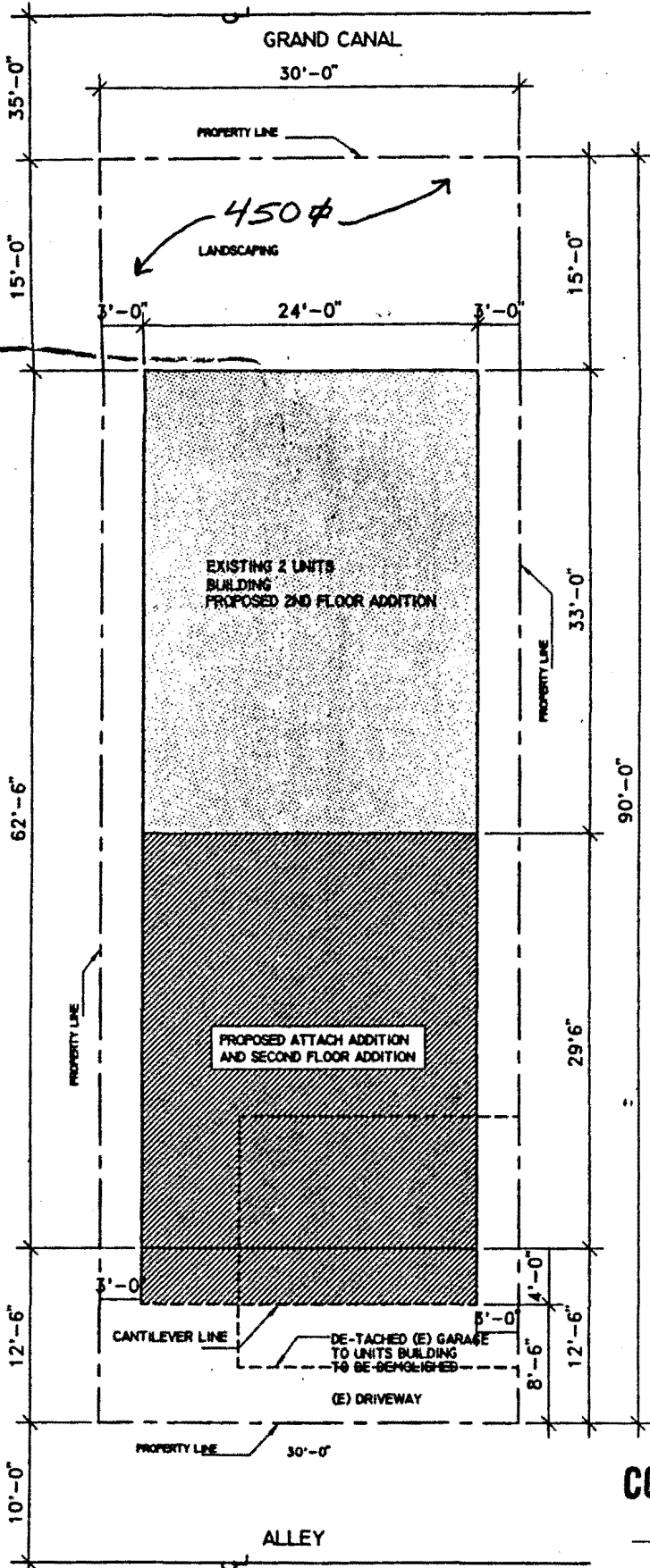
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FIRST AND 2ND FLOOR ADDITION



2ND FLOOR ADDITION



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Coast District Office
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 Permit No. **5-97-381**
 DESCRIPTIVE
 Date:

Los Angeles City Planning
 COASTAL ZONE PLAN
 APPROVED
 AIC 97-088
 97-0922
 date

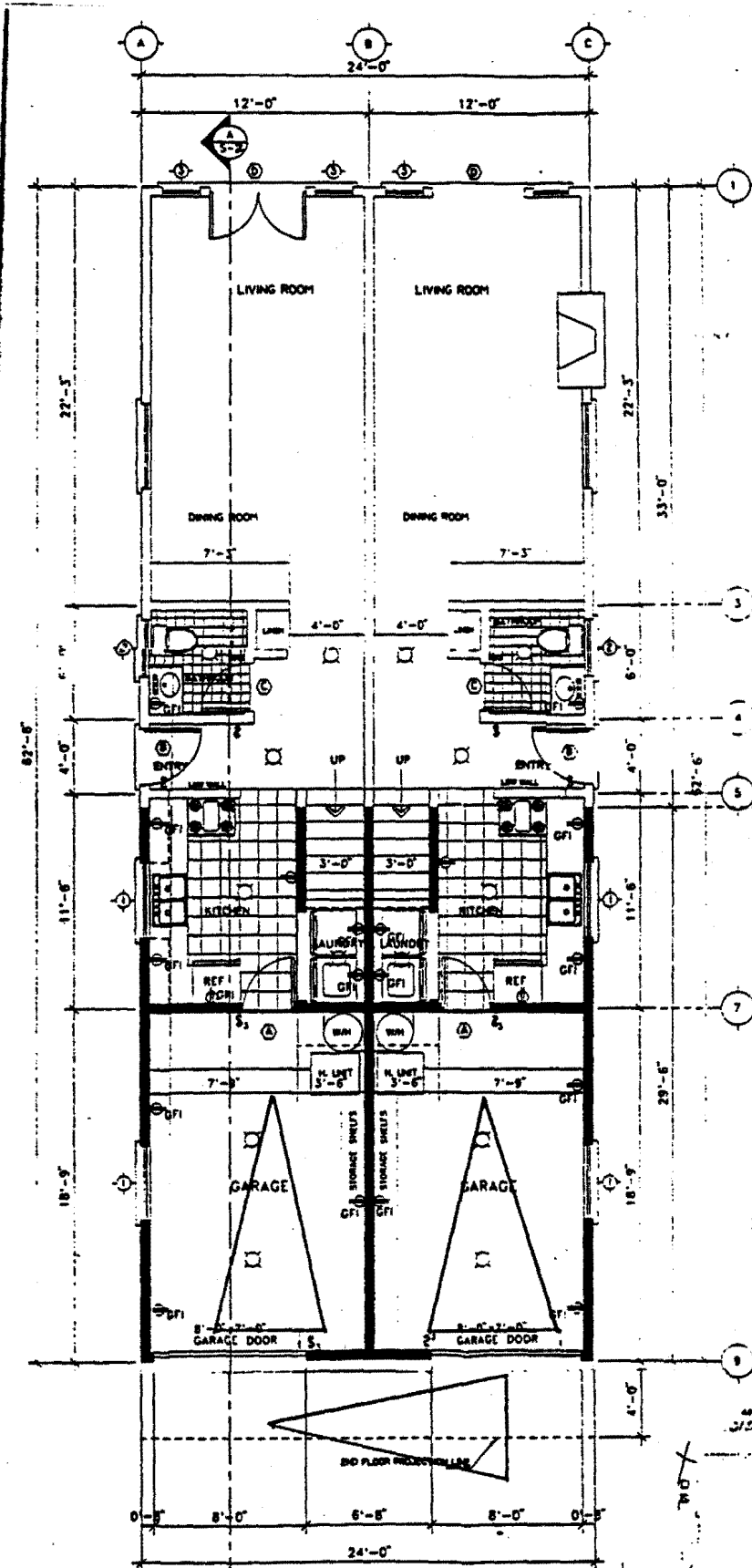
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 5-97-381

EXHIBIT # 3
 PAGE 1 OF 1

PLOT PLAN
 SCALE = 1 FOOT

D.F. not appeared or
 appeal process completed
 Date: 11/14/97



FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

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Angela Co. Planning
3200 S. FLORENCE
AVG 97-088
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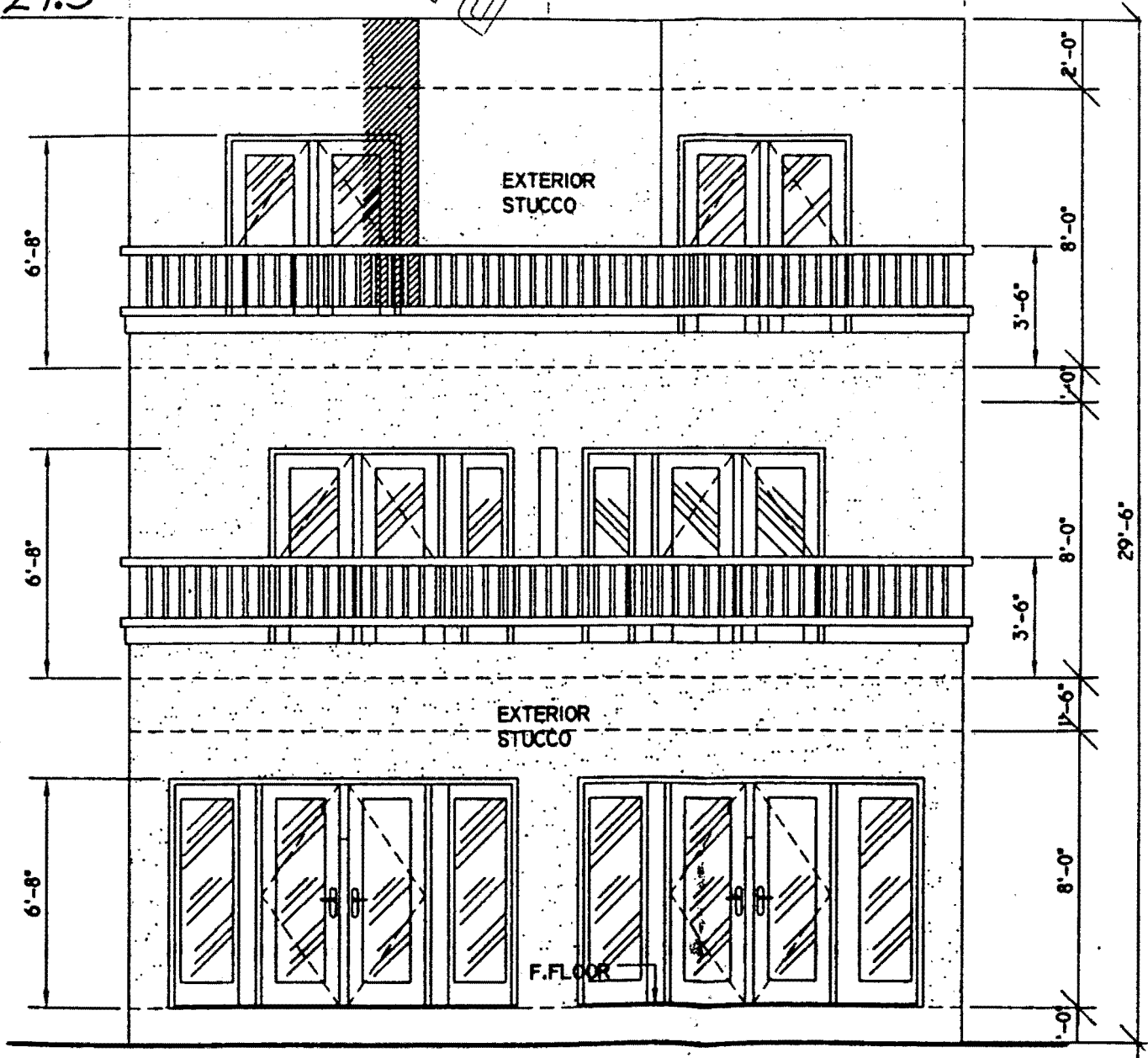
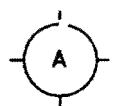
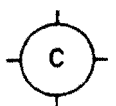
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EXHIBIT # 4

PAGE 1 OF 1

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CASTAL CO
CALIFORNIA

29.5'

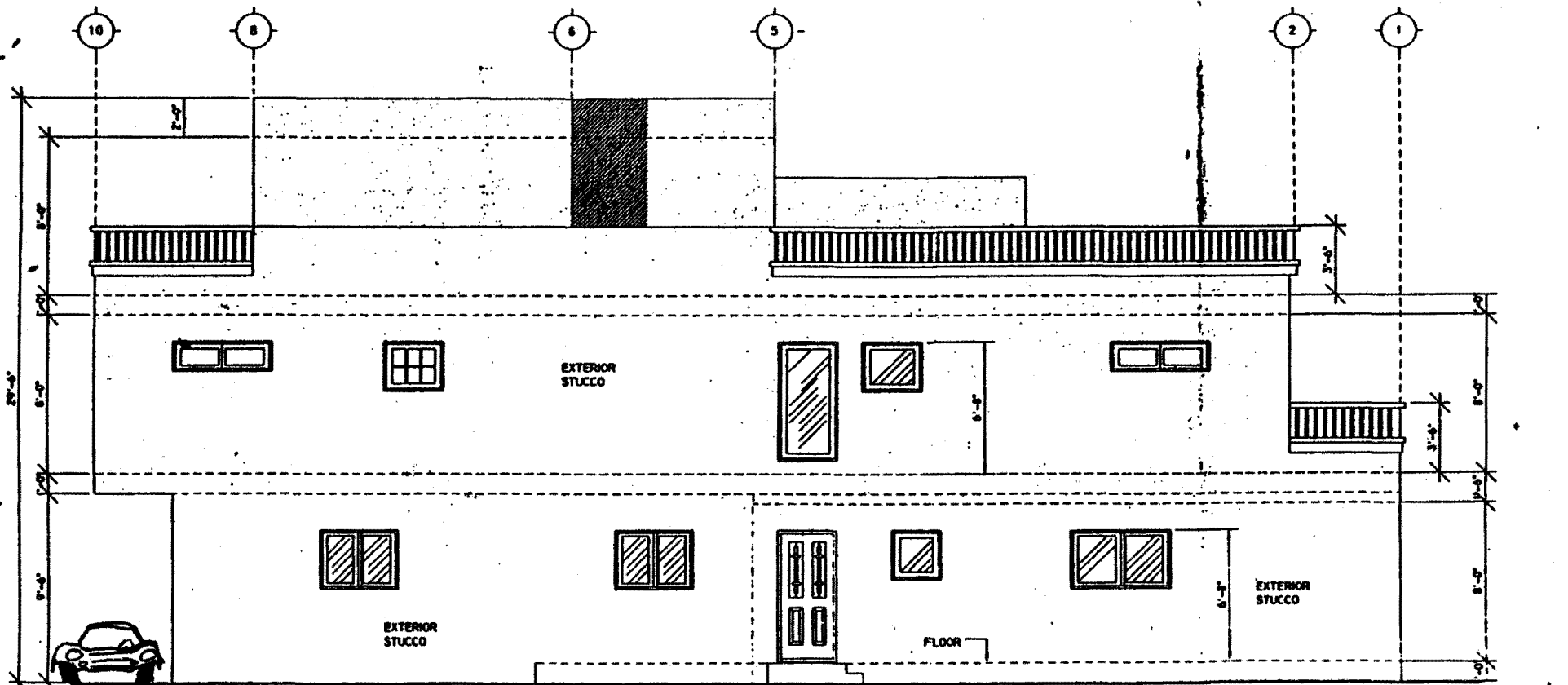


483-26-9

Grand Canal
WEST ELEVATION
SCALE ~~3/8"~~ = 1 FOOT

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5-97-381
EXHIBIT # 5
PAGE 1 OF 1

29.5'



Garage

Canal

← ADDITION EXISTING BUILDING →

NORTH ELEVATION
SCALE 1/8" = 1 FOOT

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5-97-381

EXHIBIT # 6

PAGE 1

5-97-5

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