

CALIFORNIA COASTAL COMMISSION

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Filed: 10/2/2000
49th Day: 12/7/2000
180th Day: 4/17/2001
Staff: AM-LB
Staff Report: 10/24/00
Hearing Date: Nov. 14-17, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-00-397**APPLICANT:** Gregory and Nancy Hickey**AGENT:** Glen Irani**PROJECT LOCATION:** 213 Howland Canal, Venice, City and County of Los Angeles

PROJECT DESCRIPTION: Construction of a two level over basement, 30-foot high (with an eight-foot high, 99.44 square foot roof access structure), 3,916.5 square foot single family home, with an attached two-car garage and one open guest parking space, on a vacant 2,850 square foot canal fronting lot.

Lot Area	2,850 square feet
Building Coverage	1,516 square feet
Pavement Coverage	839 square feet
Landscape Coverage	495 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet

LOCAL APPROVAL: Venice Coastal Zone Specific Plan Director of Planning
Determination and Findings #2000-3668, Sept. 26, 2000

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to water quality, parking, visual impacts and community character. The applicant agrees with all conditions.

STAFF RECOMMENDATION OF APPROVAL

Motion:

I move that the Commission approve CDP No. 5-00-397 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.

I. Approval with Conditions

The Commission hereby **approves**, 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. Special Conditions

1. Pervious Yard Area

A. 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. Uncovered means that 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.

B. **Prior to issuance of the coastal development permit**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development on the site. The deed restriction shall include the legal description of the applicant's entire parcel. 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. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Drainage

The applicant shall construct and maintain a 100 cubic foot french drain on the project site as proposed.

3. Parking

A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage and one uncovered area for guest parking on the driveway apron.

4. Height

A. The height of the structure shall not exceed thirty feet above the elevation of the centerline of the canal walkway, except for one roof access structure not

exceeding 38 feet above the elevation of the canal walkway. Roof deck railings and roof equipment housings shall not exceed 42 inches above the 30-foot height limit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and History

The applicant proposes to construct a two level over basement, 30-foot high (with an eight-foot high, 99.44 square foot roof access structure), 3,916.5 square foot single family home, with an attached two-car garage and one open guest parking space. The project site is a 2,850 square foot, vacant lot on the north bank of Howland Canal in the Venice Canals residential area (Exhibit #1 & #2). 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. Six man made canals create the distinctive make-up of the area (Exhibit #2). The Venice Canals area is designated as The Venice Canals Historic District as shown on the National Register of Historic Locations. On November 14, 1991, the Commission approved Coastal Development Permit #5-91-584 (City of Los Angeles) for the rehabilitation of the Venice Canals. The project involved dredging the canals and construction of new canal banks and new public walkways along the banks. Where possible, the banks were replanted with native wetland habitat. The rehabilitation of the Venice Canals was for the benefit of public recreation and to enhance the unique features of the community.

Along the canals are public walkways and bridges that provide recreation to visitors and residents. Walking through this area allows the public to see a variety of homes from one-story cottages to three story dwellings all with unique gardens and lawns. The canals, themselves, are home to several animal species that add to the uniqueness of the region. Residents and visitors alike frequent the Canals to enjoy recreational activities provided by the public walkways, bridges, and the peacefulness of the area.

The canals and the canal facing lots are small in scale. Typical lot widths are 30 feet and the average width of the canals is 50 feet. The Commission finds that the scale of development is related to the quality of the recreational experience. To ensure the continued public enjoyment of this community, the Commission has imposed height limits on homes and imposed front yard setbacks between the canals and the canal fronting homes. Without the requirements, the massive structures would create a

canyon effect along the canals, blocking viewsheds and negatively impacting the unique community character.

The Commission has imposed various building standards in the Venice Canals area to address the Coastal Act issues of public access, habitat protection, water quality, preservation of community character, and scale of development. In order to mitigate the identified impacts, the appropriate special conditions also are 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.*

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 Canals drain into and are located upstream from Ballona Lagoon. The canals are part of the Ballona Wetlands system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern. 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.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, Special Conditions #1 and #2 requires the applicant to provide and maintain 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 (a plan completed in August 1994 by a coalition of government officials, scientists, industries, and environmentalists that targets critical problems associated with water pollution in the Santa Monica Bay) to reduce non-point source pollutants.

The applicant shall provide and maintain a large, pervious front yard as a setback from the canal 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 proposed project will provide a 475 square foot pervious front yard area by setting back part of the façade 27 feet from the canal property line, while the remainder of the façade is set back 12 feet across the 30-foot width of the property and (Exhibit #3). No fill or building extensions are proposed for placement in or over the pervious front yard area. The pervious front yard area allows rain and irrigation water to seep into the ground, minimizing run-off directly into the canals. An impervious front yard creates a "rush" of water run-off increasing sediments and pollutants draining into the adjacent canals.

Special Condition #1 requires that the applicant record a deed restriction requiring the pervious yard area on the property 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 uncovered and pervious yard in the front yard area adjacent to 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 the front yard area shall not exceed 42 inches in height. 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 Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Only as conditioned to record a deed restriction on the property for the maintenance of not less than 450 square feet of uncovered, pervious front yard does the Commission find the project consistent with the Chapter 3 policies of the Coastal Act.

In order to mitigate the impacts on habitat caused by surface drainage and drainage from roofs, landscaping, and streets, Special Condition #2 requires the applicant to provide a 100 cubic foot french drain in order to filter urban runoff before it enters the canals. The system directs run-off into the french drain, allowing water to percolate into the ground rather than drain onto the street collecting pollutants and sediment before entering the canals. In this case, the applicant has proposed to provide the required french drain on the site (Exhibit #3).

The Commission finds that, only as conditioned to provide a 100 cubic foot french drain and 450 square feet of pervious yard area to mitigate impacts on biological productivity and water quality caused by surface runoff into the canals, is the proposed project consistent with Section 30240, 30230, and 30231 of the Coastal Act.

C. Public Access/Parking

As described above, the Venice Canals are a public recreational resource. The walkways provide an urban recreational experience popular throughout the Los Angeles area. The Commission has imposed Special Condition #3 & #4 to protect the quality of that recreational experience. 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 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 do not provide adequate on-site parking. There is also no legal street parking in the Canals community. As a result, many residents and guests park on Dell Avenue and Venice Boulevard, where there is a parking shortage, and has negatively impacted public access to the beach. The project site is located approximately three blocks from the beach. Visitors to the beach use Venice Boulevard for parking. Residents of the area and their guests are using the small amount of parking that may be available for the general public on the surrounding streets.

To mitigate this problem, Special Condition #3 is imposed to provide for three onsite parking spaces. In this case, the proposed project provides a two-car garage and a nine-foot rear setback for guest parking on the driveway apron (Exhibit #3). Therefore, the proposed project provides an adequate parking supply for the proposed single family residence. The proposed project is consistent with prior Commission decisions for the Venice Canals area that required two parking spaces per residential unit and provisions for guest parking. The Commission finds that, only as conditioned to maintain the proposed three on-site parking spaces, is the proposed project consistent with section 30252 of the Coastal Act.

D. Scale of Development

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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states:

New development shall:

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

The Venice Canals 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 30 feet in height. In order to protect the existing scale and character of the neighborhood, and to protect the visual corridor along the canal's public walkways, Special Condition #4 limits the development at a maximum of 30 feet as measured from the center line of the canal walkway. This height is consistent with the general height of the area. To reduce the canyon effect of massive structures lining the canals, the 30-foot height limit ensures the proportionality between the homes and the 50-foot wide canals.

However, some new developments have been permitted to construct portions of the dwelling in excess of the 30-foot height limit by up to ten feet if the scenic and visual

qualities of the area are not negatively impacted. The portions of structures that have previously been allowed to exceed the height limit include parapet walls and railings around roof decks, small roof access structures and elevator housings, chimneys, air conditioning equipment, and skylights. No living areas, storage spaces, or bathrooms have been permitted above the 30-foot height limit. One of the methods used to reduce the visual impact of roof access structures is to require that such structures be set back away from the canal walkway which fronts the site. If roof structures are set back towards the rear of the home, they are less visible from the canal walkways which front the lots.

In this case, the proposed residence has a roof height of 30 feet measured from the elevation of the centerline of the canal walkway (Exhibit #4 & #5). In addition, a roof deck is proposed on top of the 30-foot high structure (measured from the canal walkway). A proposed 99.44 square foot roof access structure exceeds the thirty-foot roof elevation by eight feet (Exhibit #4 & #5). The proposed roof access structure is set back 57 linear feet from the canal walkway that fronts the site (Exhibit #5).

To limit the impacts on visual resources, roof access structures have been conditioned to use the least amount of area necessary to house a stairwell and an entryway to the roof deck. The proposed roof access structure is 99.44 square feet (Exhibit #6). Staff believes that the access structure does contain adequate area necessary to provide roof access. The structure is set back away from the canal, toward the rear of the building and will not negatively impact the scale and visual qualities of the Canals community.

In order to ensure that the proposed project complies with Section 30251 and 30253 of the Coastal Act, special condition #4 limits the height of the structure to 30 feet measured above the centerline of the canal walkway, limits the height of all railings and roof equipment housing to 42 inches, and limits the area of the roof access structure to the least necessary amount to enclose a stairwell and roof deck entryway. Only as conditioned does the Commission find the proposed project consistent with sections 30251 and 30253 of the Coastal Act.

In order to protect the scenic and visual corridor along the canal's public walkways, the development is also conditioned to limit building extensions within the front yard setback area. No building extensions, other than a ground level permeable deck and fences not to exceed 42 inches in height, may encroach into the required 450 square feet of uncovered pervious area in the front yard (Exhibit #3). The conditions insure that the project is consistent with section 30251 and 30253 of the Coastal Act.

E. 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 (LCP) which conforms with Chapter 3 policies of the Coastal Act:

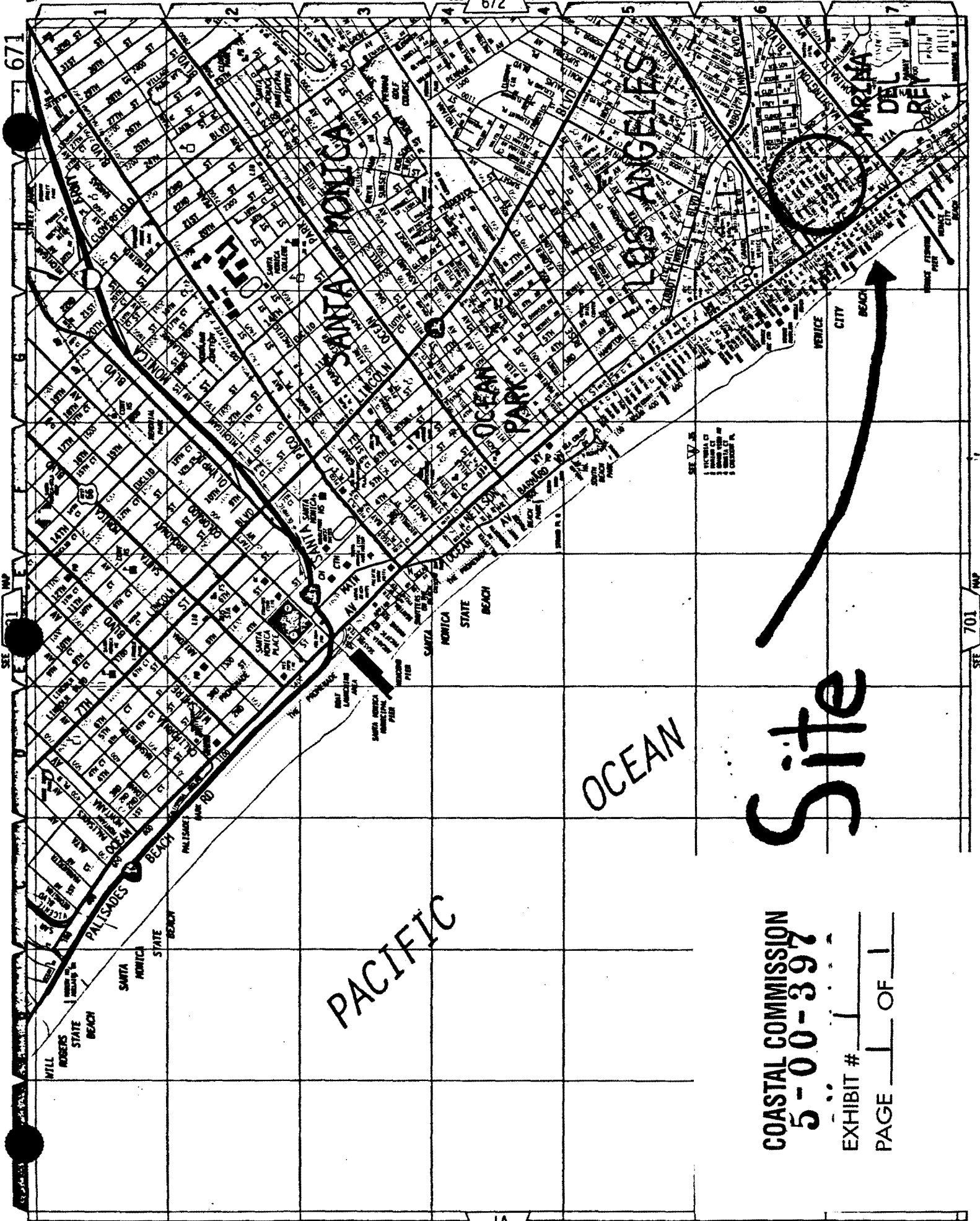
(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 draft Land Use Plan (LUP) for Venice on October 29, 1999, and has submitted it for Commission certification. The proposed project, as conditioned, conforms with the draft 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).

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)(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 alternative of allowing the roof access structure to remain 10' x 10' (100 square feet) would negatively impact the visual quality and community character of the Venice Canals community

The proposed project, as conditioned, has been found consistent with the habitat and coastal access policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that 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.



Site

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5-00-397

EXHIBIT # 1
PAGE 1 OF 1

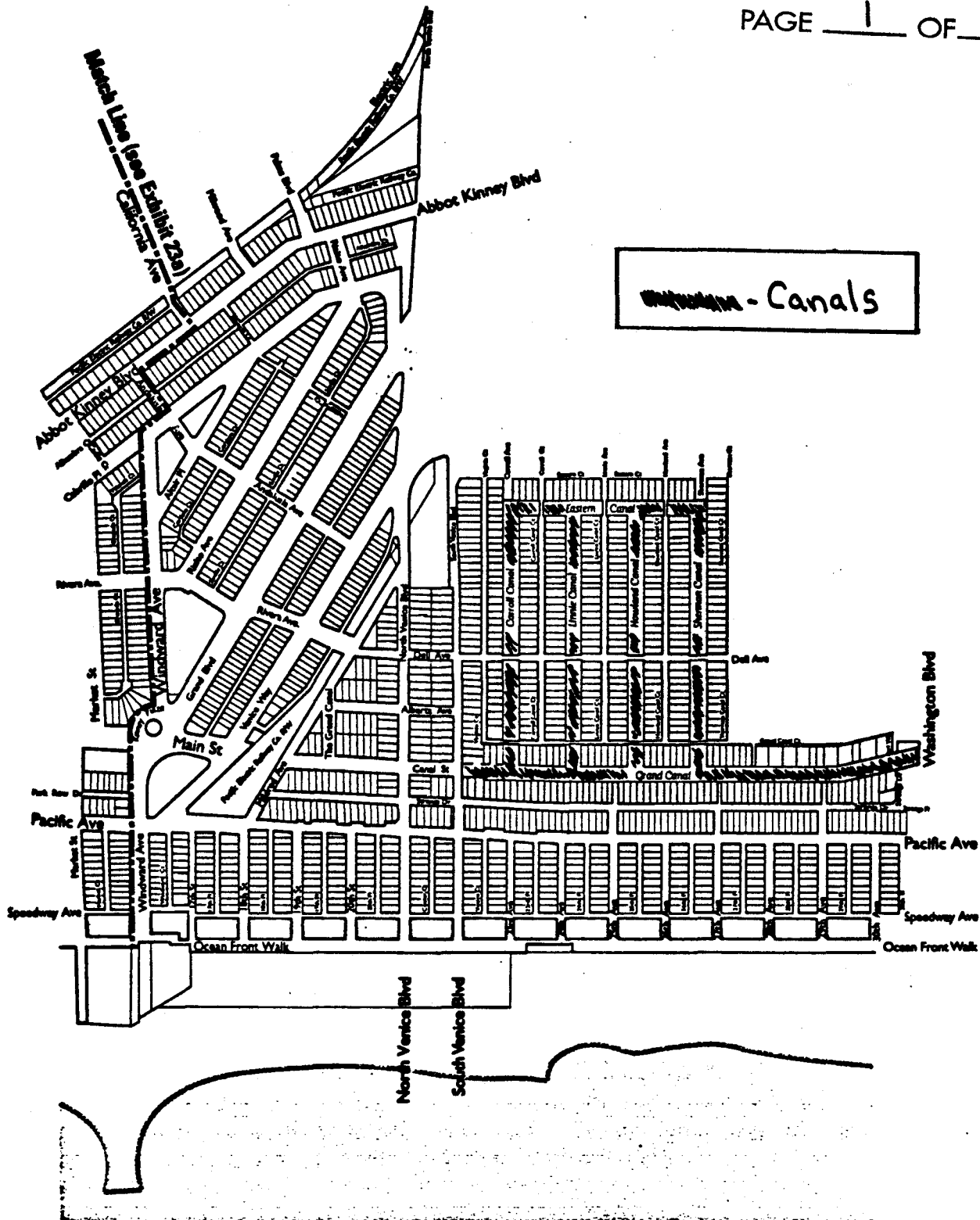
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EXHIBIT # 2

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Not to Scale

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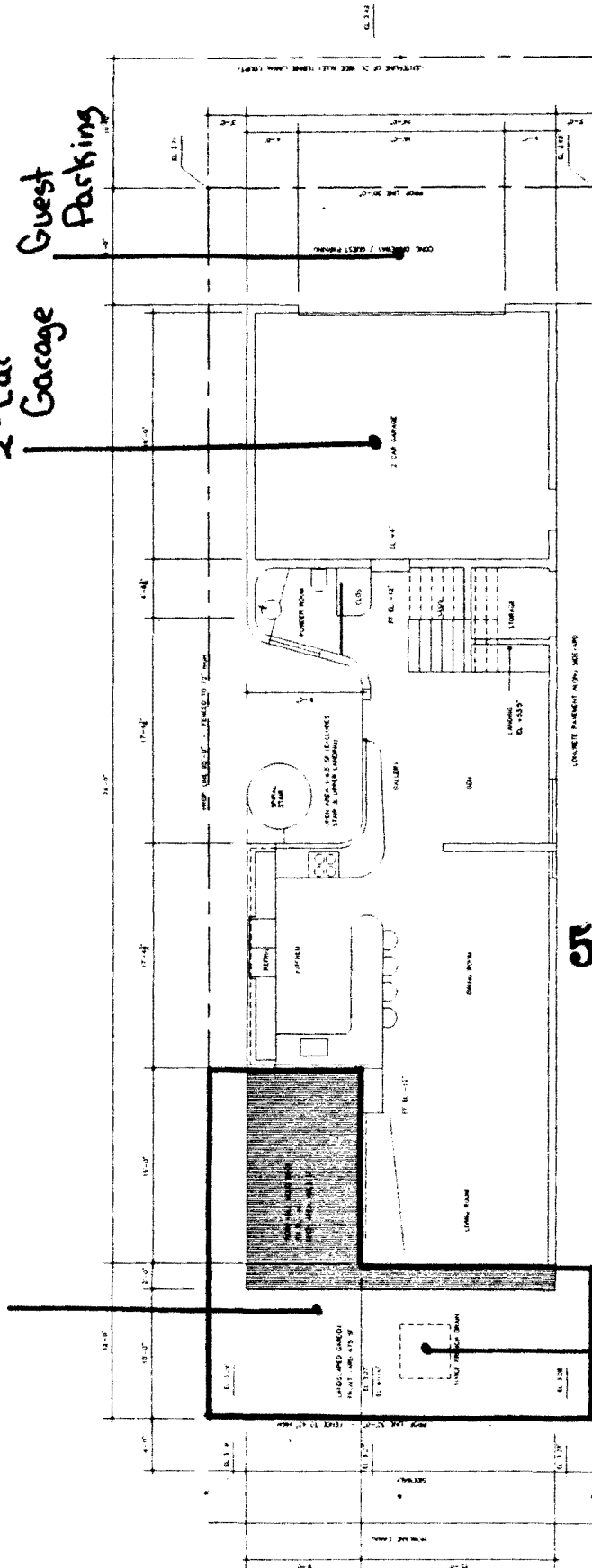
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475 # Permeable
Yard

2-Car
Garage

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No.	Revision/Date	By

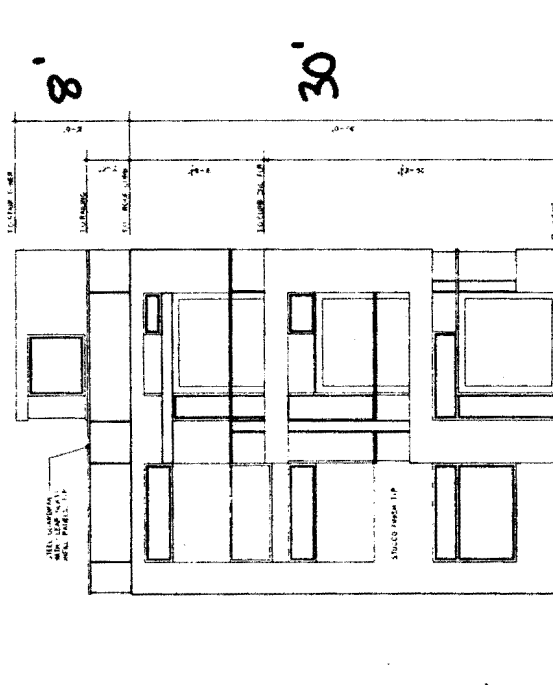
GLENN HARRIS ARCHITECTS
1414 S. GLENN HARRIS
SANTA ANA, CA 92705
714/941-1111
glenharris@earthlink.net

Project Name and Address
MILKY RESIDENCE
11111111111111111111

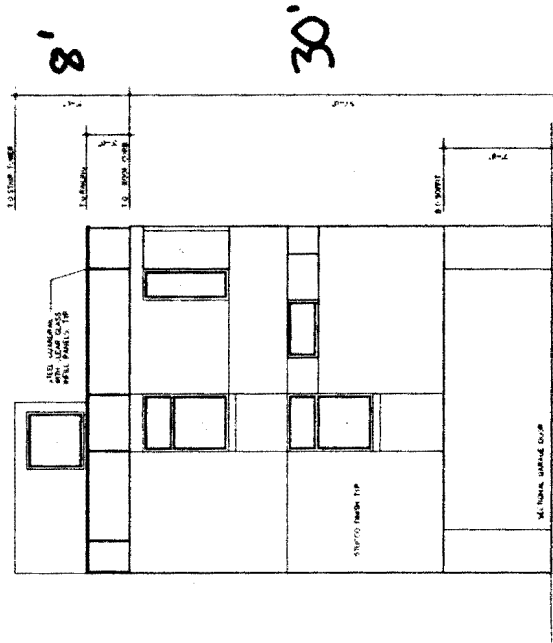
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415/961-1131
FAX 415/961-1132
jrh@jrharr.com

Project Home and Community
Military Residents
215 Northgate Street, Boston

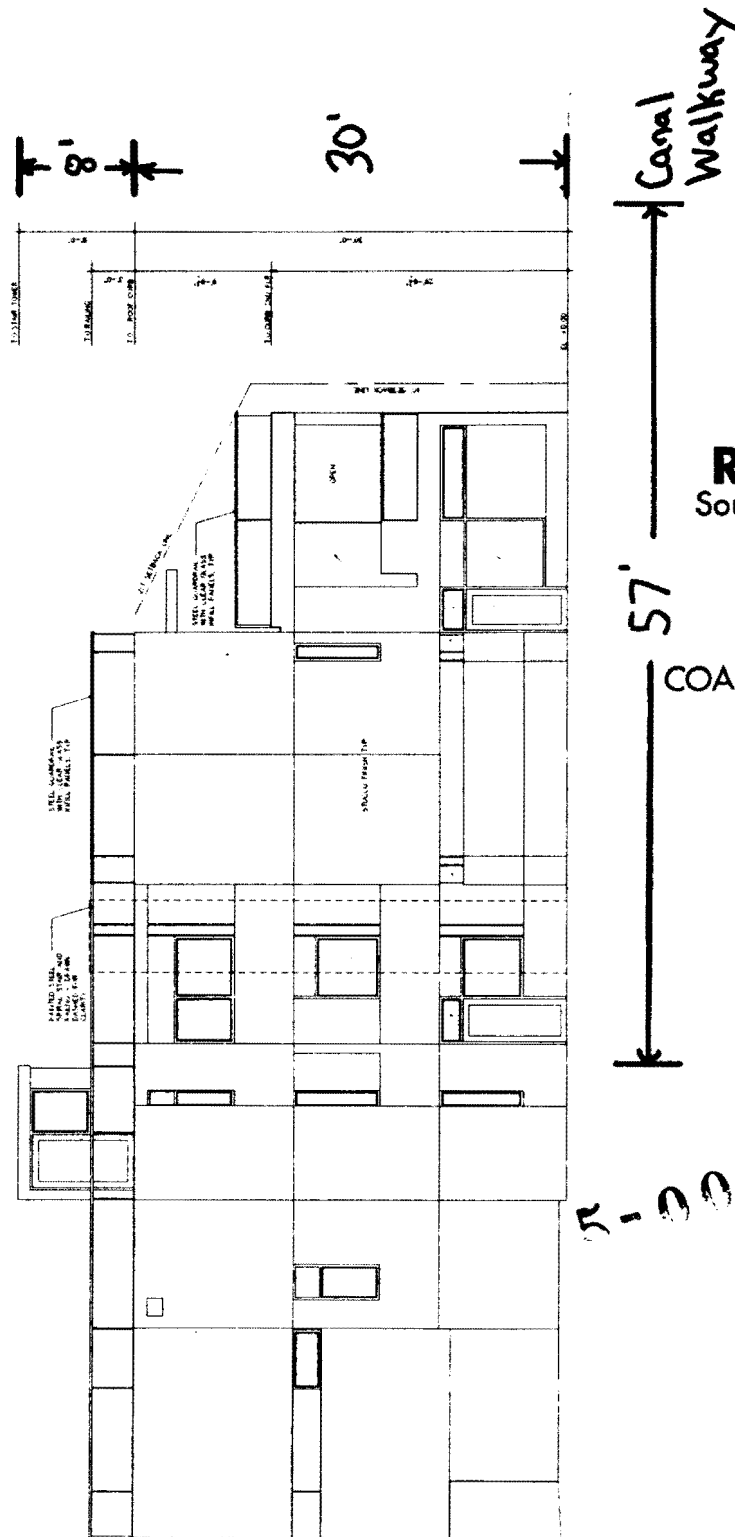
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Project name and address
 14141y Residence
 113 Highland Capital Valley

BUILDING ELEVATION WEST	Building 5-0	AS
	Date 08-28-2006	

243 Howard Canal
VIEWLINE SKETCH FOR CA-COASTAL COMMISSION.
10/19/00

