

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

Filed: 6/30/1999
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Staff: CP-LB
Staff Report: 3/22/2000
Hearing Date: April 11-14, 2000
Commission Action: 8/10/1999

STAFF REPORT: REVISED FINDINGS

APPLICATION NUMBER: 5-99-194

APPLICANT: Elizabeth Barton

AGENT: Howard Schultz

PROJECT LOCATION: 2337 Eastern Canal Court, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of an existing one-story accessory structure, and major remodel and addition to the remaining single family residence resulting in a two-story, 26.5 foot high, 1,687 square foot single family residence with an attached garage on a canal-fronting lot.

Lot Area	2,700 square feet
Building Coverage	1,251 square feet
Pavement Coverage	350 square feet
Landscape Coverage	1,099 square feet
Parking Spaces	2
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	26.5 feet

LOCAL APPROVAL: City of Los Angeles Approval in Concept #99-053, 5/27/99.

COMMISSIONERS ON PREVAILING SIDE:

Daniels, Desser, Dettloff, Estolano, Flemming, Kehoe, McClain-Hill & Potter.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on August 10, 1999 approving Coastal Development Permit 5-99-194. The revised findings reflect the Commission's modification of special condition three which allows the applicant to retain the non-conforming on-site parking arrangement if the existing one-car garage is maintained on the site without any major alterations

I. Staff Recommendation

The staff recommends that the Commission adopt the following motion:

Motion

"I move that the Commission adopt the following revised findings in support of the Commission's approval of Coastal Development Permit 5-99-194 with conditions."

Staff recommends a YES vote, and the adoption of the following findings. An affirmative vote by a majority of the Commissioners present who voted on the prevailing side is needed to pass the motion (See list of Commissioners on page one).

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 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, 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 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.

3. Parking

If the existing one-car garage is maintained on the site without any major alterations, then a minimum of two on-site parking spaces shall be provided and maintained on the site: one space in the garage and one space next to the garage. If, however, the existing garage is substantially altered or if more than 50% of the existing garage walls are demolished, the applicant shall submit for the review and approval of the Executive Director revised plans that provide for three on-site parking spaces. A nine-foot setback area from the rear (alley) property line may be used as the third on-site parking space. The applicant shall construct and maintain on-site parking supply as approved by the Executive Director.

4. Height

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

5. Drainage

Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director a plan for a one hundred cubic foot french drain on the project site. The applicant shall construct and maintain the one hundred cubic foot french drain as shown on the final approved plans.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Area History and Project Description

The applicant proposes to: 1) demolish the smaller of two existing one-story residential structures on a canal-fronting lot, and 2) remodel and add a second-story to the remaining single family residence (Exhibit #3). The proposed project will result in one two-story, 26.5-foot high, 1,687 (approx.) square foot single family residence with two on-site parking spaces. The applicant proposes to maintain the existing on-site parking supply in the configuration that currently exists: one space in the garage and one space next to the garage (Exhibit #3). The existing attached one-car garage is not proposed to be substantially altered or moved.

The project site is a 2,700 square foot lot located on the east bank of Eastern 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.

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 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 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 the required 450 square foot pervious front yard area within a proposed seventeen-foot front yard setback from the canal property line (Exhibit #3). As required, no fill or building extensions are proposed to be placed in or over the required pervious front yard area other than the proposed uncovered wooden deck.

Therefore, the proposed project conforms to the Commission's 450 square foot pervious yard requirement.

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 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.

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 that depict the location and design of the required french drain. In this case, the applicant is required to submit a plan depicting the location and design of the required french drain. The applicant is also 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 do not provide adequate on-site parking. In addition, there is very little on-street parking in the neighborhood because the canals occupy many of the City rights-of-way where streets would normally be. No parking is provided in the alleys that provide vehicular access to the canal-fronting lots. 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 often occupied by guests and residents of the area.

To mitigate this problem, the Commission has consistently conditioned new development within the canals to provide adequate on-site parking in order to discourage residents and guests from using the limited public parking in the area. The small amount of public parking in the area is shared by the entire public, including residents, their guests, canal sightseers and beach goers.

For new single family residences in the Venice Canals neighborhood, the Commission has consistently required the provision of three on-site parking spaces. The requirement for a third on-site parking space for all new single family residences in the Venice Canals is necessary to meet the parking demands of the residents and their guests. In order to accommodate the third on-site parking space on the small canal-fronting lots, the Commission has allowed applicants to utilize the rear setback area of each lot between the alley and a two-car garage. The depth of the required rear setback requirement is nine feet. As an alternative, an applicant may provide the three required on-site parking spaces in a three-car garage or carport using a tandem arrangement.

For remodels and additions to existing single family residences and duplexes located the Venice Canals neighborhood, the Commission requires that the existing on-site parking supply be maintained so that any pre-existing parking deficit is not made worse. If a proposed project would increase the parking demand for the site, the Commission requires the provision of additional on-site parking spaces to meet the increased parking demand. The Commission may also require a non-conforming parking supply to be brought up to the current parking standard if the existing non-conforming parking supply is proposed to be altered.

In this case, the proposed project is a remodel and addition to an existing single family residence. There are currently two on-site parking spaces: one space in the existing garage and one space next to the garage (Exhibit #3). A rear setback of four feet exists between the one-car garage and the rear alley. The applicant has not proposed to substantially alter the existing one-car garage that provides half of the on-site parking supply. Therefore, applicant does not propose to provide a third on-site parking space.

Although the two existing on-site parking spaces do not conform to the Commission's current requirement of three on-site parking spaces for a single family residence, the applicant may retain the non-conforming parking arrangement because the proposed project would not change the existing on-site parking arrangement and would not increase the parking demand over that which currently exists for the site. The proposed increase in

the size of the existing single family residence is mitigated by the proposed demolition of the guest house/studio that currently exists on the site (Exhibit #3). Therefore, because the parking demand for the site will not be increased, the existing non-conforming on-site parking supply may be maintained in its current arrangement.

If, however, the existing one-car garage is substantially altered, or if more than 50% of the existing garage walls are demolished, the applicant would be required to submit revised project plans for the review and approval of the Executive Director in order to determine if an amendment to the coastal development permit is required. In any case, the alteration of the existing non-conforming parking supply will trigger the Commission's requirement for the provision of three on-site parking spaces to serve the single family residence.

The Commission's special condition of approval states:

If the existing one-car garage is maintained on the site without any major alterations, then a minimum of two on-site parking spaces shall be provided and maintained on the site: one space in the garage and one space next to the garage. If, however, the existing garage is substantially altered or if more than 50% of the existing garage walls are demolished, the applicant shall submit for the review and approval of the Executive Director revised plans that provide for three on-site parking spaces. A nine-foot setback area from the rear (alley) property line may be used as the third on-site parking space. The applicant shall construct and maintain on-site parking supply as approved by the Executive Director.

Therefore, as conditioned, the Commission finds that the proposed project conforms to Section 30252 and 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 and public view corridors. 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. The Commission has, however, allowed portions of some structures to exceed the thirty-foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. The Commission's front yard setback requirements also protect the public view corridors.

In this case, the proposed project is 26.5 feet high (Exhibit #4). No portion of the proposed project exceeds the thirty-foot height limit. The City of Los Angeles Venice

Interim Control Ordinance (ICO) also limits building heights in the area to thirty feet. In order to ensure that the proposed project is constructed as proposed, the permit is conditioned to limit the height of the proposed structure to thirty feet above the elevation of the centerline of the canal walkway. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

The Commission has also limited building extensions within the front yard setback area, except for ground level permeable decks. No building extensions, other than a permeable wood deck, may encroach into the required 450 square feet of pervious area in the front yard (Exhibit #3). The proposed project, as conditioned, conforms to all of the Commission's requirements that have been developed and implemented to protect community character and public view corridors.

E. Residential Density

The Commission has recognized 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 limit residential density in the Venice Canals neighborhood to single family residences. Although a few non-conforming duplexes remain in the neighborhood, the Commission has limited all new residential structures to single family residences. The City of Los Angeles Venice Interim Control Ordinance (ICO) also limits new residential development to single family residences. Additions and improvements to non-conforming duplexes, however, have been permitted by both the Commission and City.

The proposed project includes the demolition of a 201 square foot structure that may have been used as a small residential unit. The proposed project will result in one single family residence. The proposed project will reduce the number of residential buildings on the site from two (201 and 557 square feet) to one (1,687 square foot single family residence). Therefore, the proposed project complies with the residential density for the site. This coastal development permit approval permits only one residential unit on the site.

F. 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 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, community character, 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).

G. 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 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

2337 Eastern Canal
Venice, CA

COASTAL COMMISSION

5-99-194

EXHIBIT # 1

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CARROLL CANAL CT.

LIMNIE CANAL

LIMNIE CANAL CT.



EASTERN CANAL

Public

Sidewalk

CARROLL COURT

LIMNIE AVE.

EASTERN CANAL CT.

OCEAN AVE.

ALLEY

COASTAL COMMISSION

5-99-194

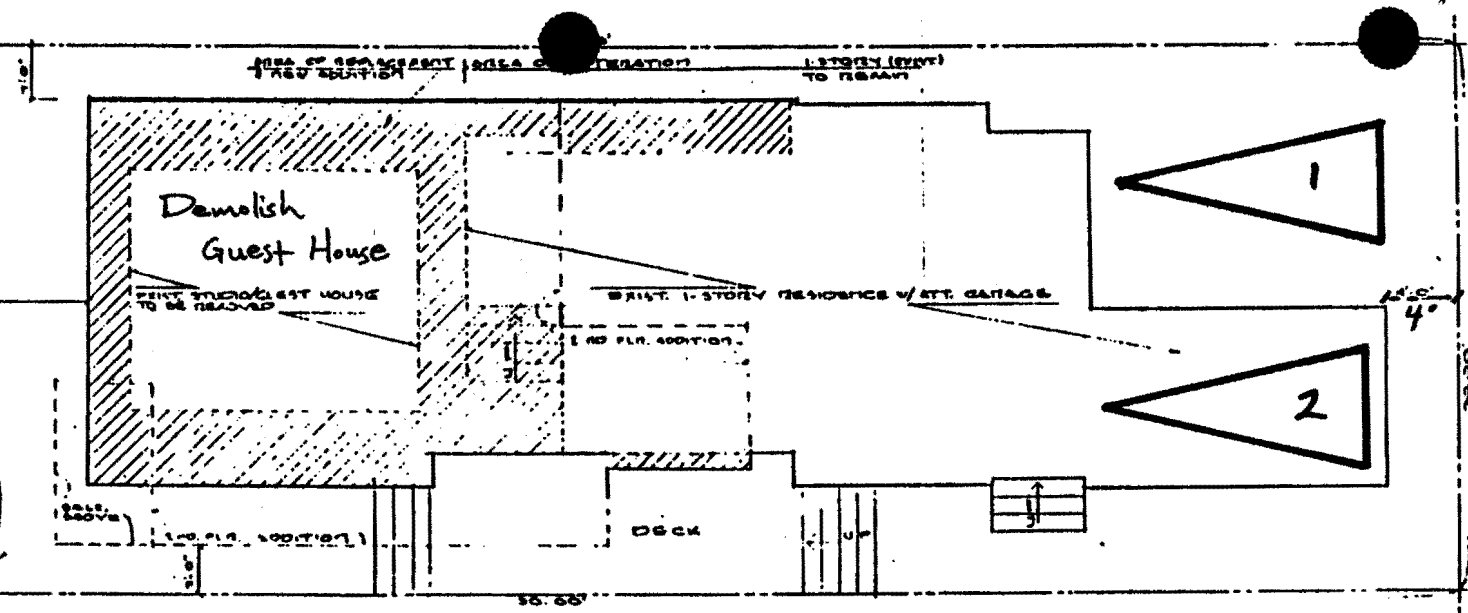
EXHIBIT # 2

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EASTERN CANAL

Public Walkway

Front Yard
450 ϕ



EASTERN COURT-ALLEY

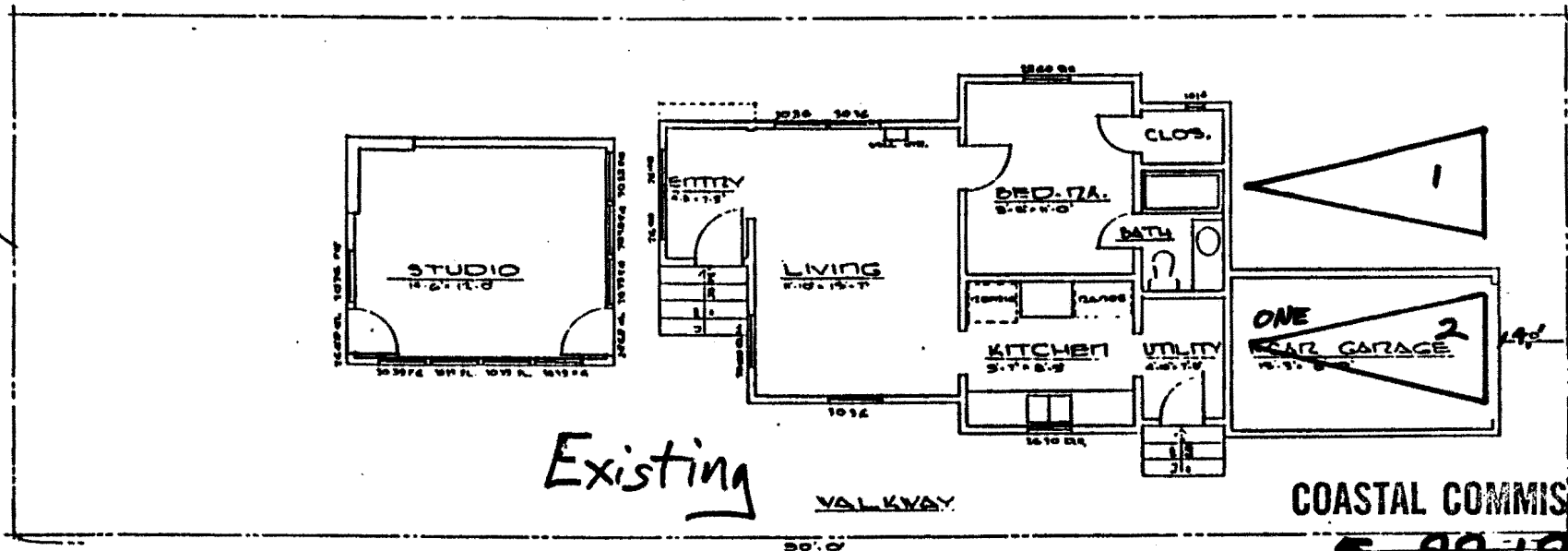
Proposed

PLOT PLAN
51' 0" LOT 15, TRACT 3533

NORTH

CANAL

Public Walkway



ALLEY

Existing

WALKWAY

COASTAL COMMISSION

5-99-194

EXHIBIT # 3

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EXISTING FLOOR PLAN

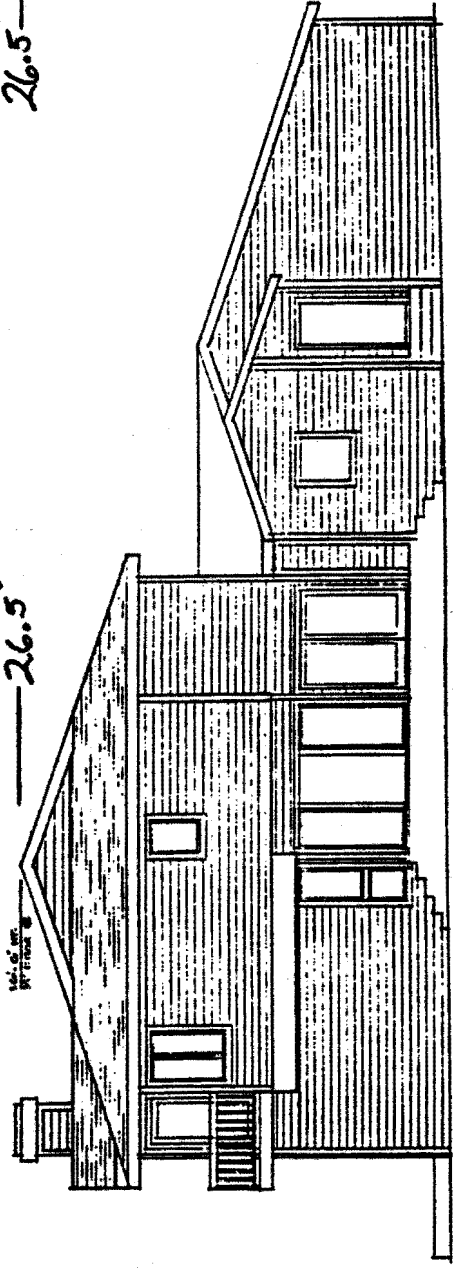
MAIN BLDG...357 SQ. FT.
AUX. BLDG...201 SQ. FT.
TOTAL AREA...558 SQ. FT.

LOT 15, TRACT 3533

26.5'

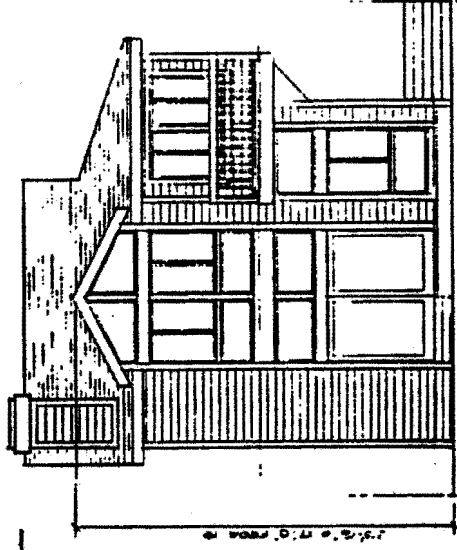
26.5'

14' 6" max
at front

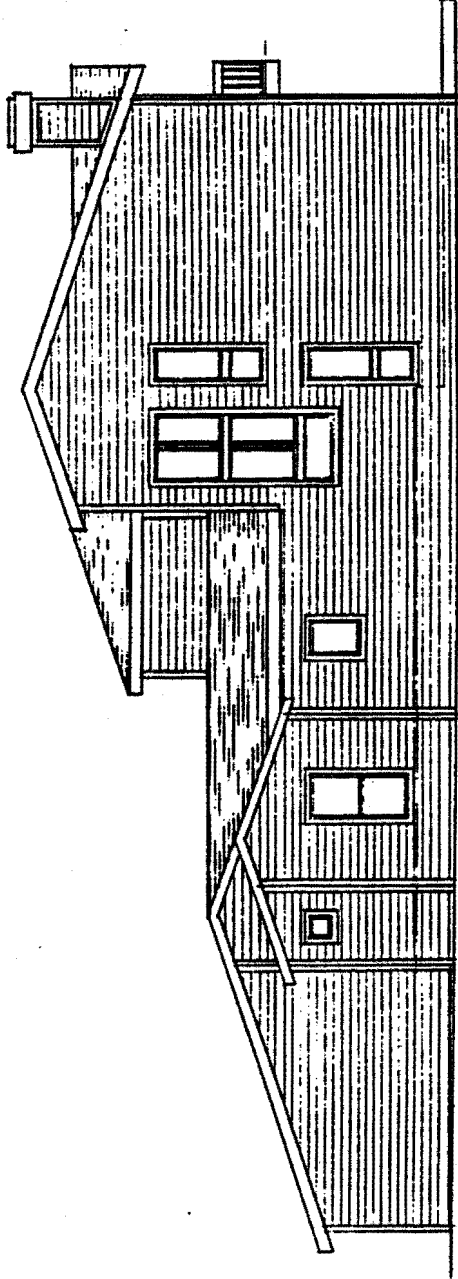


SOUTH (SIDE) ELEVATION
Proposed

Garage

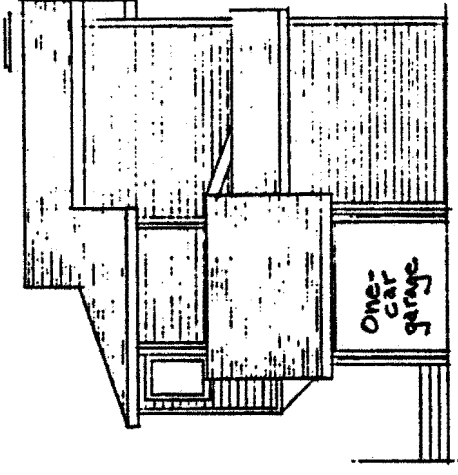


WEST (CANAL) ELEVATION



NORTH (SIDE) ELEVATION
Proposed

Garage



EAST (STREET) ELEVATION

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