

CALIFORNIA COASTAL COMMISSION

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Filed: 9/7/2001
49th Day: 10/26/2001
180th Day: 3/6/2002
Staff: CP-LB
Staff Report: 11/16/2001
Hearing Date: December 11, 2001
Commission Action:

**Item Tu4c****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-360**APPLICANT:** David Podleski**RECORD PACKET COPY****PROJECT LOCATION:** 2338 McKinley Avenue, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of a 850 square foot single family residence, and construction of a three-story, 30-foot high, 2,424 square foot single family residence and detached two-car garage with second floor workshop on a 3,600 square foot lot.

Lot Area	3,600 square feet
Building Coverage	1,475 square feet
Pavement Coverage	627 square feet
Landscape Coverage	1,497 square feet
Parking Spaces	3
Zoning	R1-1
Plan Designation	Low Density - Single Family Residential
Ht above final grade	30 feet (above fronting road)

LOCAL APPROVAL: City of Los Angeles Specific Plan project Permit, Case No. DIR2001-3134 (SPP/MEL), 9/6/01.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Land Use Plan for Venice, City of Los Angeles, 6/12/01.
2. Venice Specific Plan, City of Los Angeles Ordinance No. 172,897.
3. Coastal Development Permit 5-00-005 (Podleski).

SUMMARY OF STAFF RECOMMENDATION

In Southeast Venice, the certified Venice Land Use Plan (LUP) establishes a 25-foot height limit for buildings with flat roofs. In order to encourage architectural variation and community character, the LUP allows an additional five feet in height for projects that include a varied or stepped back roofline (a total height of 30 feet above the frontage road). The proposed 30-foot high residence has a stepped back roof and complies with the Commission's height limit.

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to building height, parking, residential density, permeable yard area and compliance with the permit. The applicant agrees with the recommendation. **See page two for motion.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-01-360 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

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

II. Standard Conditions

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. Building Height

The maximum height of the approved single family residence shall not exceed thirty (30') feet above the centerline of the fronting road (McKinley Avenue), except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit. In addition, the approved single family residence shall provide a stepped back roof as proposed and shown on Exhibit #4 of the staff report dated 11/16/01. The proposed two-story garage is approved with a maximum height of 21 feet. Fences in the front yard shall not exceed 42 inches above grade.

2. Parking

As proposed by the applicant, a minimum of three (3) parking spaces shall be provided and maintained on the site: two spaces in the garage and one space next to the garage.

3. Residential Density

This permit approves a single family residence and detached two-story garage. A second residential unit is not proposed or permitted. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Permeable Yard Area

In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of coastal waters, a permeable yard area shall be maintained in the front yard area between the structure and the front property line. The area within a fifteen-foot front yard setback shall be maintained as the required permeable yard area as shown on **Exhibit #3 of 11/16/01** staff report. Uncovered means that no building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the 525 square foot permeable yard area. No more than twenty percent (20%) of the permeable front yard area shall be covered with impervious materials (i.e. walkway, fences and garden walls). At least eighty percent (80%) of the 525 square foot front yard area shall be maintained in a permeable state.

5. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the

approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes to demolish a one-story single family residence and attached garage, and construct a three-story, 2,424 square foot single family residence in the Southeast Venice area (See Exhibits). The height of the proposed three-story residence is thirty feet above the elevation of McKinley Avenue (Exhibit #4). The proposed project also includes the construction of a detached 21-foot high garage with a 420 workshop and office on the second floor. The proposed two-car garage would be accessed from the rear alley (Exhibit #3). The applicant proposes to provide and maintain a third on-site parking space next to the garage (Exhibit #3). A permeable front yard is also proposed.

The 3,600 (90'x 40') square foot lot is located approximately one-half mile inland of the beach (Exhibit #1). The Southeast Venice neighborhood, where the proposed project is located, is comprised of both old and new one, two and three-story single family residences, and a few non-conforming duplexes.

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los Angeles)]. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Southeast Venice neighborhood where the proposed project is located. These building standards, which apply primarily to density, building height, parking, and protection of water quality, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the neighborhoods.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. The Commission on June 12, 2001 officially certified the Venice LUP.

The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Southeast Venice neighborhood where the proposed project is situated. The policies and building standards contained in the Venice LUP

reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this coastal development permit.

B. Community Character

Section 3025I of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

In order to protect public access, community character and visual quality, the Commission has consistently limited residential density and structural height in the Southeast Venice neighborhood, where the proposed project is located. The Commission adopted the following policy as part of the certified Venice LUP.

Venice Land Use Plan Policy I.A.3 (Single Family Dwelling – Low Density) states:

Southeast Venice and the Oxford Triangle

Use: Single-family dwelling / one unit per lot

Density: One unit per 5,000 square feet of lot area.

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 25 feet for buildings with flat roofs or 30 feet for buildings with varied or stepped back roofline. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

As discussed in depth below, the proposed project complies with the standards contained in the above-stated LUP policy. The applicant has designed the proposed project in compliance with the above-stated building standards in order to obtain the required coastal development

permit, and to also obtain approval from the City pursuant to the Venice Specific Plan (City Case No. DIR2001-3134).

Residential Density

In order to protect public access to the shoreline and to preserve the character of the Southeast Venice neighborhood, the Commission has consistently limited residential density to one unit per lot. The Venice LUP limits residential density in the project area to one unit per lot. The applicant proposes to replace an existing single family residence with a new single family residence. Therefore, the proposed project conforms to the Commission's density limit for the site, the density limit of the Venice LUP, and is consistent with the provisions of Section 30251 of the Coastal Act.

Building Height

Building height and bulk can also affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. This area of Southeast Venice is fully developed with one, two, and three level single family residences, although most of the homes on McKinley Avenue have only one-story (Exhibit #2).

It should be noted that existing single family residences in Southeast Venice can be enlarged to the maximum extent allowed by City zoning (up to thirty feet high) without any Commission review. Section 13250 of the California Code of Regulations exempts from coastal development permit requirements improvements to existing single family residences, including multi-level additions to homes located more than three hundred feet inland of the mean high tide line and beach. Numerous single family residences in Venice have been substantially enlarged without coastal development permits pursuant to the exemption allowed by Section 13250 of the California Code of Regulations. The City of Los Angeles issues the coastal development permit exemptions for the portion of Venice located more than three hundred feet inland of the mean high tide line and beach. Most of the Southeast Venice area is located more than three hundred feet inland of the mean high tide line and beach (Exhibit #1)

New single family residences and multi-unit residences, however, must obtain a coastal development permit from either the City or the Commission. The Commission has used historic precedents to develop specific building standards for Venice in order to protect public access, community character and visual quality. The Commission's building standards, which apply primarily to density, height and parking, reflect conditions imposed in a series of permits heard prior to 1980. Since then, these density, height and parking standards have been routinely applied to coastal development permits in the Southeast Venice area of Venice in order to protect public access and community character, even though there have been very few developments in the Southeast Venice area to serve as historic precedents.

Prior to the Commission's 2001 certification of the Venice LUP, the height limit for single family residences in Southeast Venice was 25 feet. Very few exceptions to the 25-foot height limit were granted for varied or stepped back rooflines. The 25-foot height limit resulted in little variation of design; most new homes were designed as cubes with flat roofs. In 1999, the

City proposed a five-foot height bonus as part of the Venice LUP to avoid monotony in building designs.

In Southeast Venice, where only single family residences are permitted, new structures are now permitted with a maximum height of 25 feet for buildings with flat roofs (elevation above the frontage road), or 30 feet high if the building has a stepped back or varied roof line.

The Commission certified Venice LUP defines "stepped back roofline" as:

A roof on which the portion that exceeds the flat roof height limit is set back from the required front yard one foot for every foot in height above the flat roof height limit.

The Commission certified Venice LUP defines "varied roofline" as:

Any roof which has a slope in excess of 2 inches to 12 inches, including but not limited to a sloped, curved, or stepped back roofline.

Applicants are rewarded the additional five feet of building height (25 feet to 30 feet) for creating a variation in their roof design, typically a pitched or gabled design, where some of the structure reaches the thirty-foot height limit and the rest is at a lower elevation. The purpose of allowing variation is to avoid monotony in building design. Allowing building heights above the 25-foot (with flat roofs) and 30-foot (with varied or stepped back roofs) height limit would serve to negatively impact the visual quality and the character of the surrounding community.

The Commission certified Venice LUP states:

The maximum densities, building heights, and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP.

The Venice Land Use Plan recognizes the importance of the existing pedestrian scale single family residential neighborhoods and the need to conserve them. As most communities, the greater portion of Venice was originally developed with single family homes for both permanent residents and as temporary resort housing. Today stable single family neighborhoods continue to exist in portions of Venice. While the standard low density, one unit per 5,000 square foot lot is common in Venice, single family homes on lots as small as 2,500 square feet are just as common and a reminder of the community's origin as a resort town. The maintenance of the character and density of these stable single family neighborhoods is consistent with the objectives of the State Coastal Act and the City's General Plan.

Also, the staff report findings for the certified Venice Land Use Plan states the following:

The proposed height limit for the "single family dwelling – low density" land use category is proposed to be 25 feet for flat roofs and 30 feet for buildings with varied

rooflines. This proposed 25 to 30 foot height limit is consistent with past City and Commission actions in the Southeast Venice and Oxford Triangle LUP subareas and will maintain the existing character and scale of the existing single family neighborhoods as required by Section 30251 of the Coastal Act and proposed LUP Policy I.A.2 (pg. 46 Commission 11/2/2000 staff report for the City's proposed Venice LUP).

The fourth suggested modification to LUP Policy I.A.3. would clarify the section of LUP Policy I.A.3. that addresses maximum building heights by allowing stepped back rooflines to reach the 30-foot maximum building height in addition to varied rooflines. The additional five feet in height (30' vs. 25') would be permitted by the proposed LUP in order to encourage architectural variation beyond the flat roofed buildings that are often built to maximize floor area within the maximum height limit. The additional five feet in height allowed for both varied rooflines and stepped back rooflines is consistent with the City's intent to encourage architectural variation.

The proposed project is for the construction of a three-story, 30-foot high single family residence home on a 3,600 square foot lot (See Exhibits). The house (including balcony) will be set back fifteen feet from McKinley Avenue, the frontage road (Exhibit #3). The proposed project has taken advantage of the Venice LUP provision of five additional feet above the flat-roof height limit of 25 feet by stepping back the top floor five feet from the front yard area (Exhibit #4). The front side of the building, closest to McKinley Avenue extends to 25 feet ' above the frontage road. Five feet back from this area the height of the home increases to thirty feet.

The applicant asserts that the proposed project is eligible for the five feet in height bonus given to those who build with a varied or stepped back roofline because:

1. The proposed project has a stepped back roof as defined by the Venice Specific Plan and the certified Venice LUP. He has designed the project in good faith according to the written standards contained in the Venice Specific Plan and the certified Venice LUP which allow five feet of additional building height (over 25') with a stepped-back roofline (see above).
2. The height of the house across the street (2337 McKinley Avenue) and a few others in the neighborhood (both old and new) are already thirty feet tall. The house across the street at 2337 McKinley Avenue built up to thirty feet without a coastal development permit because it was a remodel and addition that qualified for a City-issued coastal development permit exemption pursuant to Section 13250 of the California Code of Regulations (additions to single family residences).
3. The design of the proposed house contributes to the variation in architectural style and community character that the City and Commission are trying to encourage.

The City concurred with the applicant's interpretation of the certified Venice LUP height standards when it approved a Project permit pursuant to the Venice Specific Plan (City Case No. DIR2001-3134).

The Coastal Commission certified the Venice LUP on June 14, 2001. The City of Los Angeles does not, however, have a complete certified Local Coastal Program (LCP). Therefore, the standard of review for this project is Chapter 3 of the Coastal Act. Section 30251 requires the Commission to consider the effects on community character in approving new projects.

In the immediate neighborhood of this proposed house, there is a variation in building height and building design. The area is currently dominated by one and two story homes, but is rapidly giving way to larger homes. The Southeast Venice area is a neighborhood in transition. All new homes must go through the coastal development permit process, but major remodels and additions would be exempt from obtaining a coastal development permit. Regardless of the permit process, all new construction will be limited by the zoning code (Venice Specific Plan) to 25 feet in height, or thirty feet with a varied or stepped back roof. New thirty-foot high buildings with varied or stepped back roofs will not have an adverse effect on community character. Any buildings over thirty feet, however, would have a negative impact on the scale and character of the surrounding community and the visual quality of the area.

Therefore, in order to protect the community character and visual quality of the area, Special Condition One limits the height of the approved single family residence to thirty (30') feet above the centerline of the fronting road (McKinley Avenue), except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit. In addition, the approved single family residence shall provide a stepped back roof as proposed and shown on Exhibit #4 of the staff report dated 11/16/01. The proposed two-story garage is approved with a maximum height of 21 feet. Fences in the front yard shall not exceed 42 inches above grade. This height is consistent with the existing tall buildings in the neighborhood and the certified Venice LUP.

Therefore, the Commission finds that the proposed project as conditioned conforms to the Commission's height limit, the Venice LUP and Section 30251 of the Coastal Act. As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project.

C. 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 Venice 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 limited amount of parking on the surrounding streets that may be available for the general

public is often occupied by residents of the area and their guests. As a result, there is a parking shortage in the area and public access has been negatively impacted by the difficulty in finding a parking space.

To mitigate this problem, the Commission has consistently conditioned new single family residences in Venice to provide a minimum of two on-site parking spaces. New single family homes in the Venice Canals and Silvers Strand neighborhoods, and homes on forty-foot wide lots, have been required to provide three on-site parking spaces.

The proposed project, which is on a forty-foot wide lot, includes a detached two-car garage and a third on-site parking space next to the garage (Exhibit #3). Vehicular access to the on-site parking supply is provided from the rear alley. Therefore, no public parking on the fronting street will be eliminated by a curb cut. The proposed project provides an adequate on-site parking supply and conforms to the Commission's parking standards for the Southeast Venice area.

The permit is conditioned to ensure the continued provision of adequate on-site parking (three spaces per single family residence), and that the permitted use of the approved project is one single family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The condition regarding residential density is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for visitors, and as a result, reduce the ability of the public to access the coast. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

D. Marine Resources and Water Quality

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 proposed project is located about four hundred feet from the Venice Canals, which are connected to Ballona Lagoon and the Marina del Rey entrance channel (Exhibit #1). Ballona Lagoon, part of the Ballona Wetlands system, is habitat for many species of marine biota, including the state and federally listed endangered least tern. Drainage leaving the project site drains into coastal waters via the City stormwater system. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of coastal waters which directly impacts the biological productivity of the system.

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 and permeable yard areas to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

The Commission has consistently conditioned projects in the Venice Canals to provide and maintain a large permeable front yard as a setback from the canal to enhance public access, to provide an area for percolation to protect the water quality and biological productivity of the canals, and to protect community character by maintaining a comparable scale between buildings in the area. The permeable front yard area allows rain and irrigation water to seep into the ground, minimizing run-off directly into the canals. An impervious front yard could facilitate a "rush" of water run-off which would increase the amount of sediments and pollutants that are washed into the adjacent canal.

Although the Commission has required (since the 1970's) the provision of permeable yard areas on all new single family residences situated on the banks of Ballona Lagoon and the Venice Canals, it has not routinely mandated permeable yards for projects in Southeast Venice because they are not situated on the banks of the waterways. However, all new homes in the area, whether situated directly on the banks of the waterways or a few hundred feet inland, contribute to the total amount of surface runoff that is discharged into coastal waters. The runoff from impervious surfaces usually carries pollutants including pesticides, garden fertilizers and animal feces, into the receiving waters. This polluted runoff negatively affects the biological productivity and recreational values of the receiving waters.

Therefore, in order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of the coastal waters, the proposed project is not permitted to convert the vacant property into a one hundred percent impervious surface. A portion of the site must be maintained as a permeable area to reduce the total amount of runoff that leaves the site. The applicant has agreed to provide maintain the front yard area as a permeable area on the project site.

In prior Commission actions in the Venice Canals neighborhood, it determined that no more than eighty percent (80%) of the required front yard setback area could be covered with impervious materials and be considered to be a permeable yard [See Coastal Development Permit Amendment 5-95-116-A2 (Bailey)]. The proposed project has a fifteen-foot front yard setback (front property line to balconies) which is consistent with the front yard setbacks and permeable yard areas required by the Commission in the Venice Canals and Silver Strand areas. The front yard area within the project's proposed fifteen-foot setback is 600 square feet.

Therefore, In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of Ballona Lagoon, the permit is conditioned to require that the applicant provide and maintain a permeable yard area within the proposed fifteen-foot front yard setback as shown on **Exhibit #3 of 11/16/01** staff report. No more than twenty percent (20%) of the permeable front yard area shall be covered with impervious materials (i.e. walkway, fences and garden walls). At least eighty percent (80%) of the 600 square foot front yard area shall be maintained in a permeable state. Therefore, at least 480 square feet of the front yard must be maintained in permeable state.

The Commission finds that, only as conditioned to provide a permeable front yard area to mitigate impacts on biological productivity caused by surface runoff into coastal waters, is the proposed project consistent with the marine resource and water quality provisions 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 which conforms with Chapter 3 policies of the Coastal Act:

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

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

Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

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

F. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

VENICE, CA



2338 McKinley Avenue

COASTAL COMMISSION

5-01-360

EXHIBIT # 1

PAGE 1 OF 1

1023 MILDRED 1 STORY
 2310F 1 STORY
 623V2 3 STORY
 625 3 STORY
 625 1/2 3 STORY
 2301 2 STORY
 2301 1 STORY
 627 1 STORY

MILDRED AVE.

→ HARBOR CROSSING DEVELOPMENT

RECEIVED
 South Coast Region
 OCT 2 2001
 CALIFORNIA COASTAL COMMISSION

DEATH AVE.

DEATH CT.

MCKINLEY AVE.

15' ALLEY

2315 1 STORY	2314 1 STORY
2317 1 STORY	2318 1 STORY
2321 1 STORY	2322 1 STORY
2325 1 STORY	2326 1 STORY
2329 1 STORY	2330 1 STORY
2337 2 STORY 30' HIGH	2334 1 STORY / 3 UNITS
	2336 PROJECT LOC.

2338
SUBJECT PROPERTY
 McKinley Avenue
 3 story

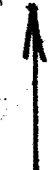
OLIVE AVE.

DELIVERED TO
 CHRISTINA TOY
 w/ PHOTOS 8/13/01

592 OLIVE 2 STORY	612 OLIVE 1 STORY
2419 2 STORY	2408 1 STORY
2413 1 STORY	2412 1 STORY
2417 2 STORY	2416 1 STORY
2421 1 STORY	2420 2 STORY
2425 1 STORY	2424 1 STORY
2429 1 STORY	2428 1 STORY
2433 1 STORY	2432 1 STORY

TOTAL
37 PROPERTIES SURVEYED
5-3 STORY
5-2 STORY
27-1 STORY

by applicant



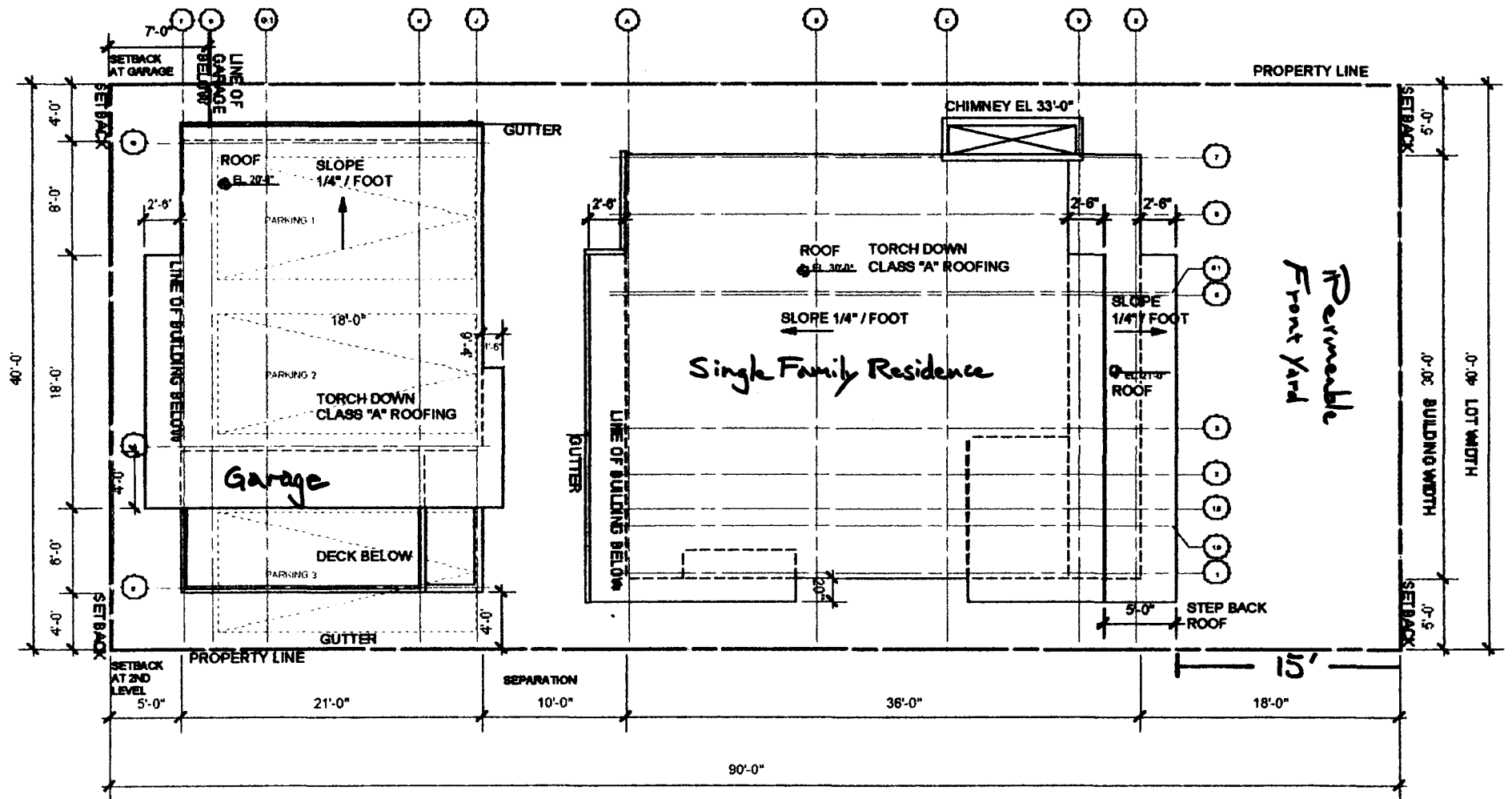
North

COASTAL COMMISSION
 5-01-260

HARBOR AVE

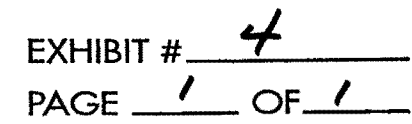
2603 BEACH 3 STORY

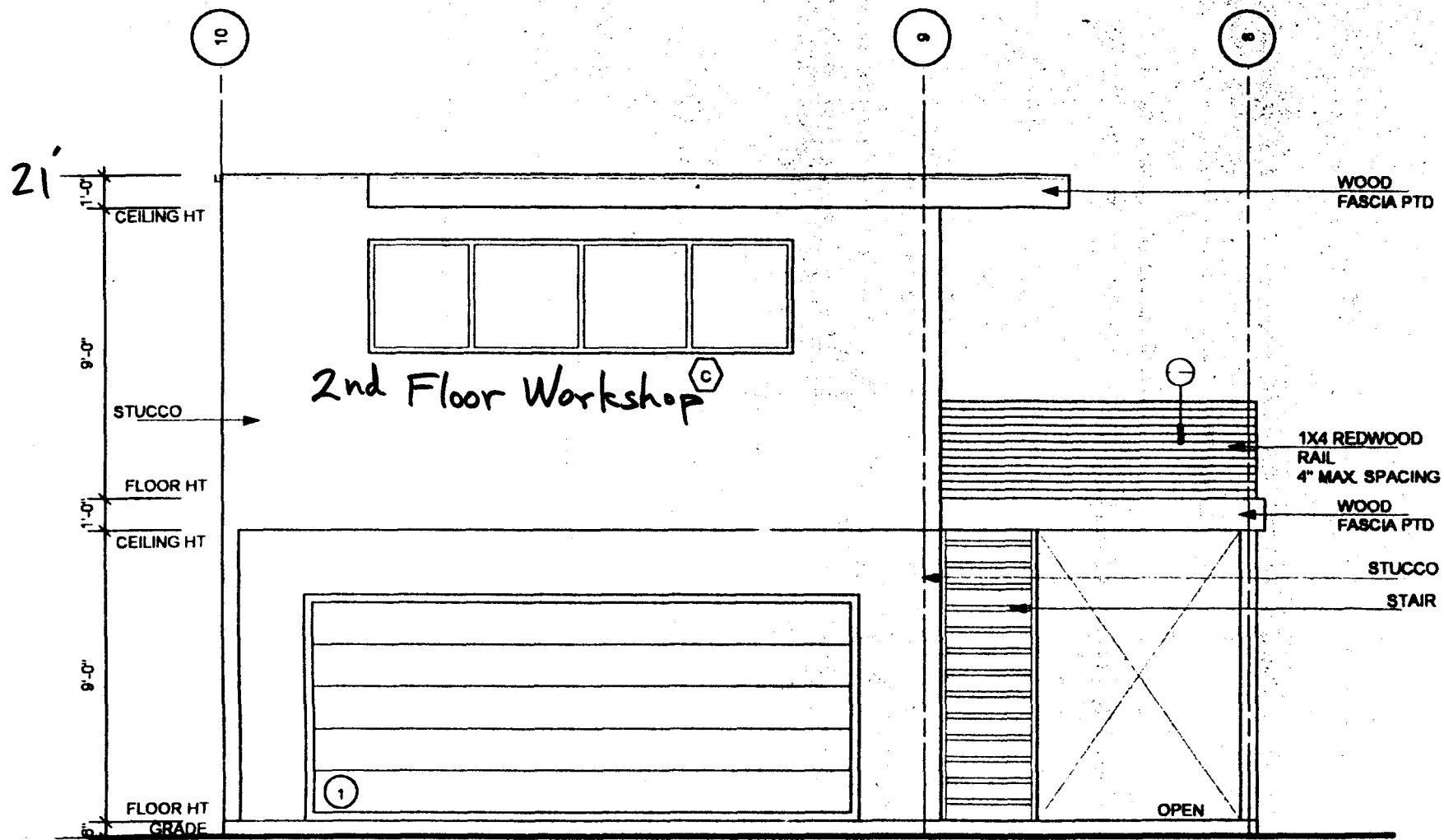
EXHIBIT # 2
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○ SITE PLAN / ROOF PLAN

COASTAL COMMISSION
5-01-360
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GARAGE WEST ELEVATION

Garage

COASTAL COMMISSION
5-01-360

EXHIBIT # 5
PAGE 1 OF 1

From David Podleski
310-821-9740

Att. Chuck Posner

The undersigned have reviewed and support the
construction of a 29 ft 6 in tall, single family
house at 2338 Mckinley Ave.

Linda T. Caciola LINDA T. CACIOLA

310-306-8833

2333 Clark Ave. Venice, CA 90291

Steve Larry Wright

310-306-5885

2341 CLARK AV. VENICE CA 90291

John Houghton JOHN Houghton

310-306-1561

2329 Clark Venice CA 90291

COASTAL COMMISSION
5-01-360

EXHIBIT # 6
PAGE 1 OF 2

David Padolski - 821-9740

ATT. Chuck Posner

The undersigned have reviewed and support the construction of a 29 ft 6 in tall, single family house at 2338 Mckinley Ave.

2337 CLARK AVE

Venice, CA 90291

MariAnne Beck-Woods Paul Woods

7619 W. 85th St

Playa del Rey, CA 90293

310 641.1191

COASTAL COMMISSION

S-01-360

EXHIBIT # 6

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