

**CALIFORNIA COASTAL COMMISSION**

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 Staff: AM-LB *AM*  
 Staff Report: July 16, 2001  
 Hearing Date: August 7, 2001  
 Commission Action:

**Item Tu-7m****STAFF REPORT: REGUALR CALENDAR**

APPLICATION NUMBER: 5-01-227

RECORD PACKET COPY

APPLICANT: Lynn Silverman

AGENT: Mikaela Nagler

PROJECT LOCATION: 229 Howland Canal, Venice, City of Los Angeles,  
Los Angeles Co.

**PROJECT DESCRIPTION:** Addition and remodel to an existing canal fronting single family home consisting of a 918 sq. ft. addition, creating a three-level, 30-foot high, 3,153 square foot single family home with an attached 452 square foot two-car garage. The project includes the demolition of approximately 45 square feet of the existing building frontage, the second story wooden deck, and the front yard cement patio.

Lot Area	2,850 square feet
Building Coverage	1,572 square feet
Pavement Coverage	464 square feet
Landscape Coverage	814 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending that the Commission approve a coastal development permit for the proposed development with special conditions relating to permeable yard area, residential density, parking, building height, and the protection of water quality. The applicant agrees with the recommendation.

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR2001-0222(SPPM), 3/22/2001.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Land Use Plan for Venice, 11/14/00.
2. Coastal Development Permit 5-00-461 (Irani).
3. Coastal Development Permit 5-00-358-A1 (Touber).

**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

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 Coastal Development Permit No. 5-01-277 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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.

**RESOLUTION TO APPROVE THE PERMIT:**

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. 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. Permeable Yard Area

A) In order to maintain an open and visible access corridor, enhance visual quality, and to preserve the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than 450 square feet shall be maintained in the front yard area between the structure and the front (canal) property line. The area within the required front yard setback (fifteen-foot average setback with ten-foot minimum setback) shall be maintained as the required permeable yard area (as shown on Exhibit #3 of this staff report). Uncovered means that no fill or building extensions (e.g. balconies, stairs, trellises, etc) shall be placed in or over the 450 square foot permeable yard area with the exception of fences (not to exceed 42 inches in height) or permeable decks at grade (not to exceed 18 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, incorporating all of the above terms of this condition. This deed restriction supercedes and replaces the deed restriction recorded on October 31, 1979, recorded document number 79-1229263, in the County of Los Angeles. The deed restriction shall include a 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. The deed restriction shall not be removed or changed without a Commission approved amendment to this coastal development permit.

#### 2. Residential Density

The permitted use of the approved structure is a 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.

3. Building Height

No development is authorized within 10 feet of the canal property line and within or above the 450 square foot, permeable front yard area, except as described in Special Condition #1 above. At a point 10 feet landward of the canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley (Howland Canal Court). Beyond 10 horizontal feet from the canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 30 feet 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 30-foot height limit.

4. 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 parking on the driveway apron.

5. Drainage – Water Quality

**Prior to the issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal.
- b) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from Howland Canal and into the City storm drain system.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Condition Compliance

Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the

applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. Such an action taken by the Coastal Commission if the permit is not issued concerns only the unpermitted encroachment.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

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

The applicant proposes to construct an addition and remodel of the existing canal fronting single family home consisting of a 918 sq. ft. addition. The new home will consist of a three-level, 30-foot high, 3,153 square foot single family home with an attached 452 square foot two-car garage (See Exhibits). The project also includes the demolition of approximately 45 square feet of the existing building frontage, the second story wooden deck, and the front yard cement patio. The applicant has proposed this demolition to remove unpermitted structures within the 450 square foot permeable front yard area. The project site is a 2,850 square foot lot situated on the north bank of Howland Canal, between Dell Avenue and Grand Canal in the Venice Canals residential area (Exhibit #2). The neighborhood is comprised of both old and new one, two and three-story single family residences, and a few non-conforming duplexes. Public sidewalks currently provide public access along both banks of all the canals.

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals is a coastal neighborhood of unique character. Six man-made canals create the distinct 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 view 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 unique character 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 and density 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 quality of the surrounding community.

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.

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 it was approved by the Commission on November 14, 2000.

The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Venice Canals 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. Prior Permit History for 229 Howland Canal (SF-79-5863)**

On September 19, 1979 the Coastal Commission approved the construction of a 28-foot high, 2,850 square foot single family home at 229 Howland Canal (the subject property in this permit application). The project was conditioned to protect water quality and community character within the Venice Canals community (Exhibit #5). One of the special conditions for the project was to provide for a pervious 450 square foot front yard area between the canal property line and the building frontage. This requirement was recorded as a deed restriction on the land. On July 11, 2000 the applicant submitted Coastal Development Permit application 5-00-277-A1 for the addition and remodel to the existing single family home. Permit application 5-00-277-A1 proposed a similar addition to the home but did not include the removal of the unpermitted development. Upon review of the proposed project within permit application 5-00-277-A1, development inconsistent with the original permit (impervious extensions above and on top of the required 450 square foot

pervious front yard area) was discovered. It is unclear when the unpermitted development occurred. The unpermitted development that extends over the permeable yard area consists of a 3-foot wide by 15½-foot long extension of the building frontage, a second story wooden deck, and a ground-level cement deck. Subsequently, the applicant withdrew permit application 5-00-277-A1 to allow time to redesign the project and plan for the removal of the unpermitted development. This permit application includes a proposal to remove all impervious structures that extend over the 450 square foot, pervious front yard area.

### C. Community Character

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 surrounding areas....*

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 Venice Canals neighborhood, and to protect the visual corridor along the canal's public walkways the Commission generally conditions projects to limit residential density and structural height and requires the provision of yard areas and structural setbacks from the canals. On November 14, 2000, the Commission approved the following policy as part of the Venice LUP in order to regulate residential development in the Venice Canals neighborhood.

Venice Land Use Plan Policy I.A.4.a states:

#### **a. Venice Canals**

*Use: Single-family dwelling / one unit per lot*

*Density: One unit per 2,300 square feet of lot area. Lots smaller than 5,000 square feet shall not be subdivided. Lots larger than 2,300 square feet shall not be combined.*

*Buffer/Setback: In order to provide a setback for access, visual quality, and to protect the biological productivity of the canals, an average setback of 15 feet, but not less than 10 feet, shall be maintained in the front yard adjacent to the canal property line.*

*Yards: An open, permeable yard of at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot, shall be maintained between the canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average, shall provide the required permeable front yard area. No fill nor building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area with the exception of 42-inch high fences or permeable decks at grade (no more than 18" high).*

*Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).*

As discussed 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. DIR2001-0222-SPPM).

#### Residential Density

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission conditions the project to limit residential density to one unit per lot. The Venice LUP also limits residential density in the project area to one unit per lot. The applicant proposes to construct an addition to the existing single family residence but does not propose to add any additional units. 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 and 30253 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 limited the height of structures in order to preserve the character of the Venice area. The majority of the homes in the area do not exceed 30 feet in height. In order to protect the existing scale and character of the



Venice Canals community, to protect the visual corridor along the canal's public walkway, and to provide more air space for bird flyways. Special Condition #3 limits the height of the proposed addition to a maximum of 30 feet as measured above the center line of the rear alley. No portion of the structure is permitted to exceed thirty feet in height above the elevation of the alley, except for chimneys, ducts and ventilation shafts, which are limited to 35 feet. In this case the height of the proposed single family home is 30 feet as measured above the center line of the frontage road (Exhibit #4). The height limits ensure the proportionality between the homes and the 50-foot wide canal.

Any proposed increase in height 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.

#### Building Setback

As previously mentioned, the small lot sizes as well as the small scale of the canals contributes to the unique character of the Venice Canals community. Allowing structures in close proximity to the canal facing property lines could create a canyon-like effect, a massing of structures on opposite sides of a small-scale canal. To alleviate such impacts to the scale and character of the community the Commission finds that projects along the canals should provide a setback from waterways in order to enhance visual quality and public recreation. The front yard setback will also protect marine resources and provide an area on the site for water percolation as discussed further in section D below. The Commission further finds that a minimum ten-foot front yard setback, with a required fifteen-foot setback average on any lot provides the required permeable front yard area. No building extensions, including stairs and balconies, are permitted to be placed in or over the required permeable front yard area, with the exception of permeable decks. The Venice LUP includes this permeable yard and setback requirement for all development proposed along the Venice Canals.

Therefore, Special Condition #1 requires the applicant to provide a 450 square foot, permeable front yard setback (a minimum ten-foot front yard setback, with a required fifteen-foot setback average). The proposed single family residence provides a fifteen-foot front yard setback (450 square feet) consistent with prior Commission approvals and the requirements of the Venice LUP (Exhibit #3). In order to ensure the continuous and ongoing protection of coastal resources and compliance with the requirement, Special Condition #1 also requires the applicant to record the permeable yard area requirement on their property deeds. Prior to issuance of the permit, the applicant shall record a deed restriction for the lot which provides for the maintenance of an uncovered and permeable yard area in the front yard setback area. The area within the setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, trellises, etc) shall be placed in or over the setback area with the exception of fences, garden walls or permeable decks.

Therefore, the Commission finds that the proposed project conforms to the Commission's certified Venice LUP and Section 30251 and 30253 of the Coastal Act. The scenic and visual qualities of the area will not be negatively impacted by the proposed project.

**D. Marine Resources and Water Quality**

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 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.*

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 LUP contains the following policies:

- **Policy IV. C. 1. Stormwater Runoff.** *All new public and private development, substantial rehabilitation, redevelopment or related activity, which discharges stormwater runoff into the Ocean, Ballona Lagoon, Grand Canal south of Washington Boulevard or the Venice Canals shall be designed and conducted in compliance with the County-wide Municipal National Pollution Discharge Elimination System (NPDES) Stormwater Permit, issued by the California Regional Water Quality Control Board (RWQCB), the RWQCB approved Standard Urban Stormwater Mitigation Plan, and the NPDES General Permit for Stormwater Discharges Associated with Construction Activity, issued by the State Water*

*Resources Control Board (SWRCB), where applicable. Methods to improve water quality, such as the mitigation of the first-flush stormwater runoff entering coastal waterways, shall be imposed as conditions of development by the City of Los Angeles in accordance with SWRCB and RWQCB recommendations and regulations, and the Santa Monica Bay Restoration Project Action Plan in order to protect, restore, and where feasible, enhance the water quality and habitat of these waterways.*

• **Policy IV. C. 2. Water Quality.** *The methods to improve water quality, recommended in California's Plan for the Control of Non-Point Source Pollution (January 2000), such as watershed planning and management programs, and habitat restoration projects, shall be considered and implemented by the City of Los Angeles where feasible opportunities exist. Selected Best Management Practices (BMPs) or suites of BMPs shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume based BMPs and/or the 85<sup>th</sup> percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.*

The Venice Canals are located up stream from Ballona Lagoon, and 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 other 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 #5 require 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, or to prevent it from entering the canal at all. 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.

Therefore, the applicant shall provide and maintain a minimum 450 square foot, 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, as well as to protect community character by maintaining a comparable scale between buildings in the area, as discussed above. No fill nor building extensions may be placed in or over the required pervious front yard area with the exception of fences (not to exceed 42 inches in height) or permeable decks at grade (not to exceed 18 inches in height). 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 permeable front yard area and a front yard setback, which is consistent with

the other residences 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 that would increase the amount of sediments and pollutants that are drained into the adjacent canal.

In this case, the proposed project will provide a 450 square foot pervious front yard area by setting back the façade 15 feet from the canal property line across the 30-foot width of the property (Exhibit #3). No fill or building extensions are proposed for placement in or over the pervious front yard area.

Special Condition #1 also requires the applicant to 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 between the front of any structure and the canal property line.

In order to further mitigate the impacts on canal habitat caused by surface drainage, drainage from residential areas, and construction related water runoff, the Commission requires the provision of a one hundred cubic foot french drain on canal-fronting lots. The french drain reduces the amount of runoff that leaves the site and filters urban runoff before it enters the canals. The Commission also requires the implementation of a permanent drainage control plan that directs runoff water away from the canals and into the storm drain system. The applicant shall not direct construction runoff or drainage into the canals.

Therefore, in order to protect marine resources and water quality, Special Condition #5 requires the applicant to submit drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal.
- b) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from the canal and into the City storm drain system.

Although runoff water from the neighborhood where the proposed development is located eventually drains into canals via the City storm drain system, the City plans to install filters in its existing catch basins that lead into the canal. The filters will be installed in the storm drain catch basins as part of the Venice Canal Court rehabilitation project, which is currently awaiting Commission approval [See Coastal Development Permit Amendment Application 5-91-584-A4 (City of Los Angeles)].

The Commission finds that, only as conditioned to provide a french drain, a permeable front yard area, and a drainage plan to mitigate impacts on biological productivity caused

by surface runoff into the canals, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

**E. Public Access and Recreation**

One of the fundamental goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform to the following Coastal Act policies that protect and encourage public access and recreational use of coastal areas.

Section 3010 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public sidewalk currently exists on the canal bank between the project site and the waters of Howland Canal (Exhibit #2). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the waterways. The Coastal Act and the policies of the certified Venice LUP protect public access along the banks of the Venice Canals. The proposed project will not interfere with the existing sidewalk, and will not negatively affect the public's right to access and use the existing walkway along Howland Canal. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

**F. 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 #2 & #4 to protect the quality of that recreational experience. The Commission has 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 or providing substitute means of serving the development with public transportation....*

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, Venice Boulevard, and 28<sup>th</sup> Avenue, where there is a parking shortage, and this has negatively impacted public access to the beach. The project site is located approximately four 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 #4 is imposed to provide for three onsite parking spaces. A rear setback of at least nine feet for guest parking or other provisions for guest parking is required. The required rear setback for guest parking is in addition to the Commission's other parking standards which require the provision of at least two parking spaces per residence. The parking policies contained in the certified Venice LUP include this requirement.

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.

Section 30252 of the Coastal Act also requires the provision of substitute means of serving developments with public transportation. Public transportation provides access to the coastline by bringing those who cannot reach the beaches on their own and by lessening the burden on public beach parking facilities and access routes to the beach. The proposed project is the addition to an existing single family home on the Venice Canals. Public transit currently exists throughout the Venice area. The construction of the proposed project will not jeopardize the existing transit opportunities that serve the Venice coastal area and does not warrant substitute means of public transportation to serve the proposed project. Therefore, the commission finds the proposed project consistent with Section 30252 of the Coastal Act.

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 structure is a 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 Commission also places Special Condition #2 on the project that requires the submittal of any change in density or use of the subject property for the approval of the Executive Director. This condition regarding residential density is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units without commensurate parking spaces. A parking deficiency could lead to more residents parking on the public streets, which 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.

#### **G. Unpermitted Development**

Development has occurred on the subject site that includes the construction of portions of the existing home inconsistent with Condition #1e. and 2a of the original permit #SF-79-5863. Condition #1e. and 2a. required the establishment and continued maintenance of a 450 square foot, pervious yard area with a minimum 10-foot setback from the canal property line using a 15-foot setback average. This condition was recorded in a deed restriction on the land on October 31, 1979. Staff of the Coastal Commission discovered the construction of a 3-foot by 15½ -foot area of the home, a second floor deck, and a cement patio within and over the required 450 square foot, permeable yard area. The applicant is proposing to demolish and remove all structures within the 450 square foot, permeable yard area under this permit application.

To ensure that the unpermitted development component of this application is resolved in a timely manner, Special Condition #6 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action. The Executive Director may grant additional time for good cause.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **H. 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.

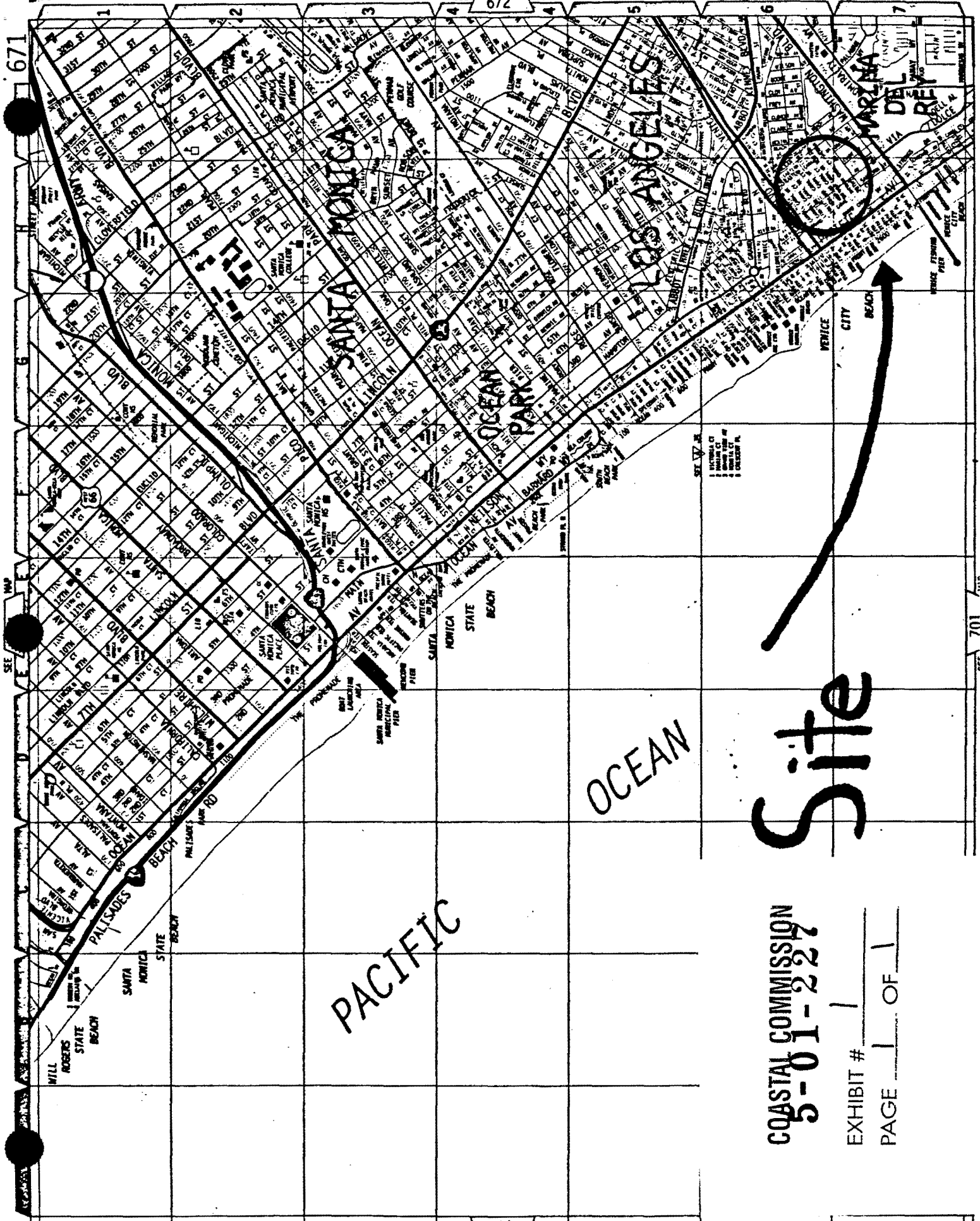
The proposed project, as conditioned, conforms with the Commission-certified Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice 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).

#### **I. 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.





# Site

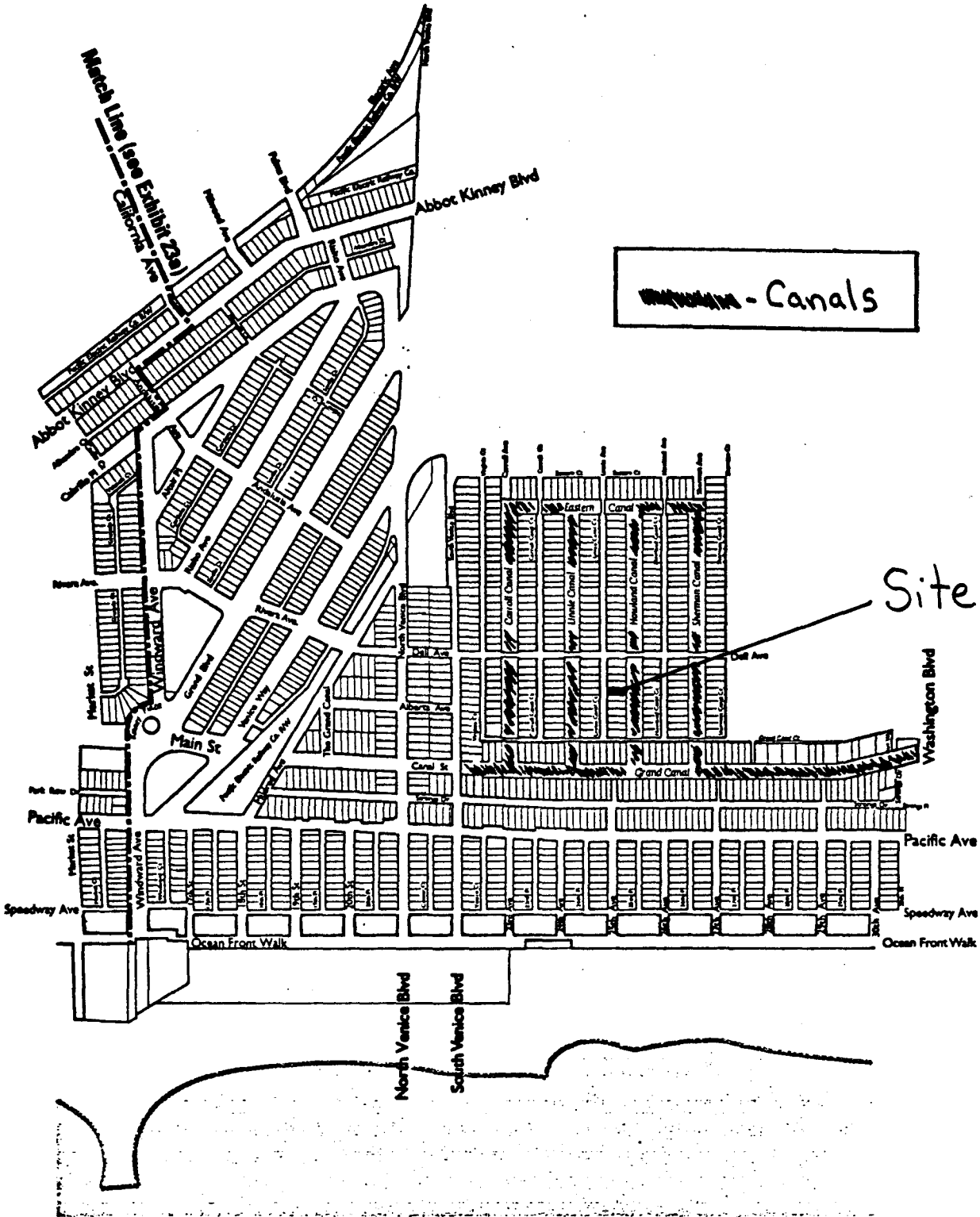
COASTAL COMMISSION  
5-01-227

EXHIBIT # 1  
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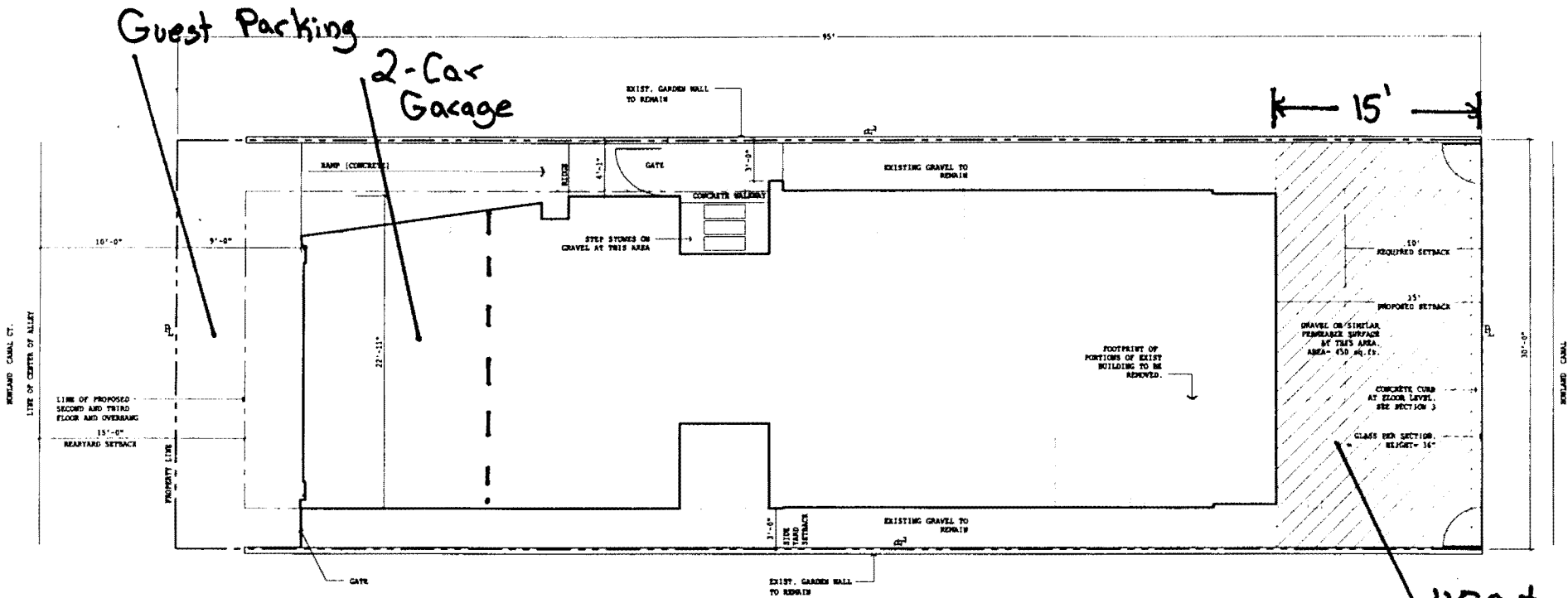
EXHIBIT # 2

PAGE 1 OF 1



# SILVERMAN RESIDENCE

229 HOWLAND CANAL  
VENICE, CA 90291



Site / Plot Plan  
SCALE: 1/4" = 1'-0"

General Notes:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)
- (14)
- (15)

Key Notes:

- 1 SITE WORK
  - 11 ALL CONCENTRATED DRAINAGE INCLUDING ROOF WATER SHALL BE COLLECTED AND CONDUCTED TO THE STREET IN A 4" DIAMETER ABS DRAIN @ 2% MIN SLOPE. SLOPE DRAIN LINES TO STREET AND EXIT DRAIN LINES AT THE CURB. PROVIDE CURB CURINGS AS REQUIRED FOR THE DRAIN LINES TO EXIT.
  - 12 UNDERGROUND TELEPHONE LINE AND CABLE TV LINE HOOKUP TO THE HOUSE ARE EXISTING. CONFIRM EXISTING LOCATION. MOVE TO NEW LOCATION IF REQUIRED.
  - 13 CONFIRM WITH CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS IF UPGRADE IS REQUIRED FOR EXISTING WATER METER. REPLACE WATER METER IF NECESSARY TO CONFORM WITH CITY REQUIREMENTS.
  - 15 VERIFY LOCATION OF GAS METER AND SHUT OFF VALVE. RELOCATE TO AN OWNER APPROVED LOCATION IF NECESSARY.
  - 17 SEWER HOOKUP IS EXISTING. PROVIDE CONNECTION OF NEW SOILS LINE TO EXISTING SEWER LINE. ROTD ROOT EXISTING LINE AND PROVIDE FREE FLOWING LINE.
  - 3 PROVIDE CONCRETE
  - 31 PROVIDE CONCRETE FOOTINGS, SLABS, BANDS, CURBS, PAVING AND STEPS AS PER PLANS, LANDSCAPE PLANS AND/OR STRUCTURAL PLANS.
  - 32 PROVIDE 4" THICK CONCRETE SLABS WITH #5 BARS 24" OC EACH WAY FOR WALKS, PATIOS AND RAISED PLATFORMS AS PER SITE PLAN. PROVIDE FINISH PER OWNER WITH DEEP SCORE LINES AT JOINT PATTERN AS INDICATED ON SITE PLAN.
  - 14 PROVIDE PLUMBING
  - 1412 VERIFY LOCATION OF MAIN SHUT OFF WATER VALVE. RELOCATE TO AN OWNER APPROVED LOCATION IF NECESSARY.
  - 1416 PROVIDE SEISMIC GAS SHUT OFF VALVE PER CITY OF LOS ANGELES REQUIREMENTS.
- NOTE: A PERMIT IS REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS FOR A PROTECTION FENCE, OR CANOPY ON OR OVER ANY STREET OR PUBLIC SPACE (SEC 813303) (8144023)

Scope of Work:

REMODELING AND CONSTRUCTION OF SILVERMAN RESIDENCE  
DWELLING UNIT 229 HOWLAND CANAL VENICE, CA 90291

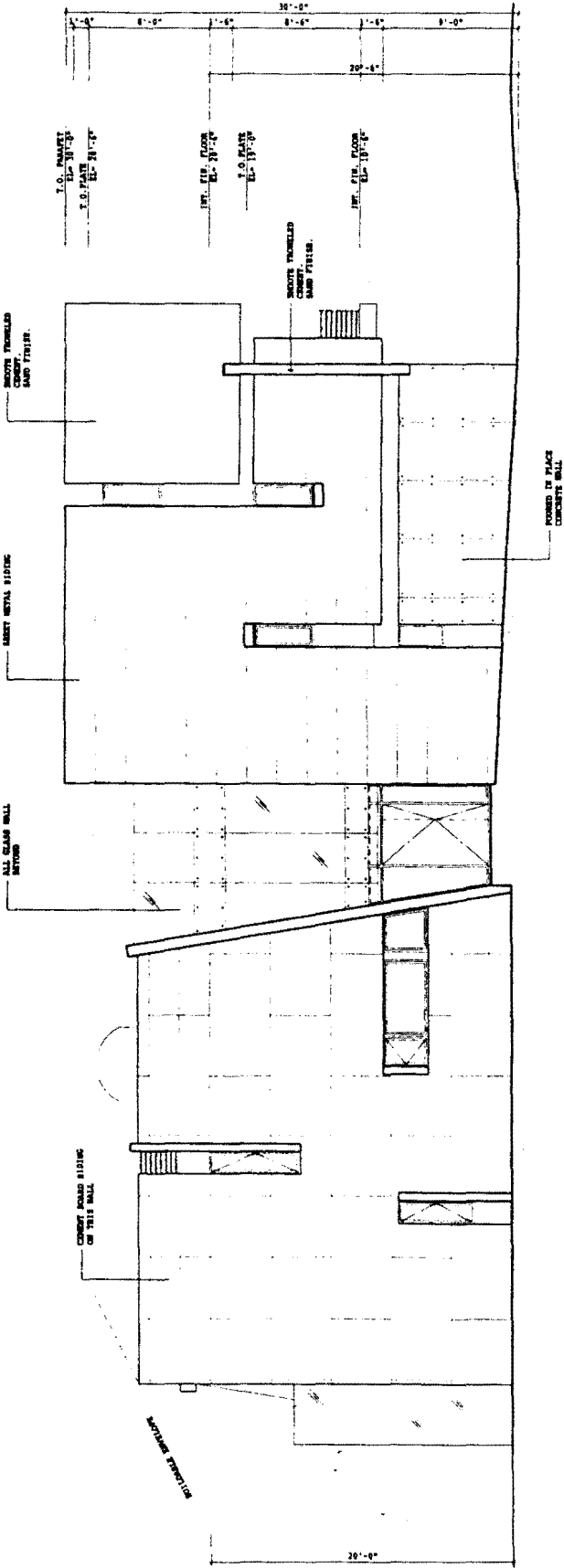
**COASTAL COMMISSION**  
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EXHIBIT # 3

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450 #

30'



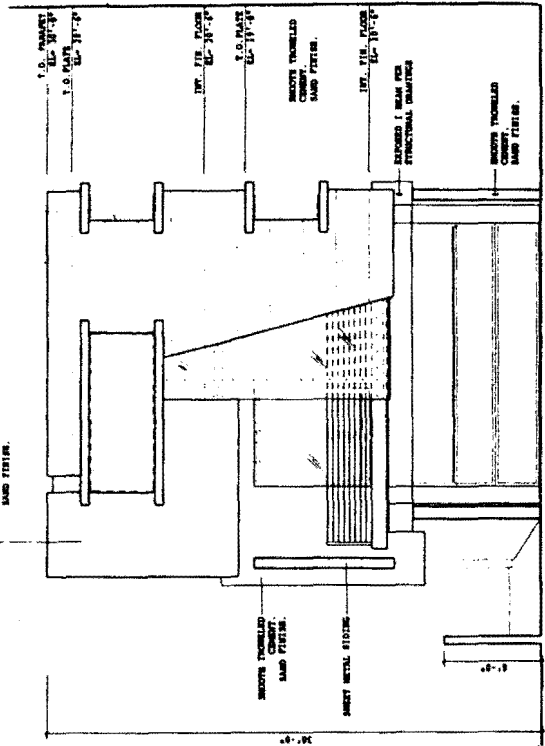
SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

4

COASTAL COMMISSION  
5-01-227

EXHIBIT # 4

PAGE 1 OF 1



ELEVATION  
SCALE: 1/4" = 1'-0"

3



**FILE COPY**  
**COASTAL DEVELOPMENT PERMIT**

Application Number: SF-79-5863

Name of Applicant: Lynn Silverman & Jacob Swartz

1039 South Fairfax, Los Angeles, CA 90019

Permit Type:  Emergency  
 Standard  
 Administrative

Development Location: 229 Howland Canal  
Venice, CA

Development Description: Construction of a 2-story, 2415 sq. ft. SFD on  
a vacant RW- 2850 sq. ft. lot; 28 feet above CFR with attached 2-car  
garage. Exceeds 1.1 criteria by 303 square feet.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

see page 3 of 3

**COASTAL COMMISSION**

Condition/s Met On 5-01-227 By ELFrcb

EXHIBIT # 5  
PAGE 1 OF 3

II. The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and 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 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on September 17, 1979 at Torrance by a unanimous vote permit application number SF-79-5863 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on November 13, 1979.

M. J. Carpenter  
M. J. Carpenter  
Executive Director

I, \_\_\_\_\_ permittee/agent, hereby acknowledge receipt of Permit Number 5-01-227 and have accepted its contents.

**COASTAL COMMISSION**  
**5-01-227**

EXHIBIT # 5

PAGE 2 OF 3

(date)

(signature)

Prior to issuance of permit, applicant shall submit:

1. revised plans which conform to the following guidelines:
  - a. drainage plan which conforms to the following criteria:
    - a minimum of 150 cubic ft. capacity
    - uncovered at surface
    - filled with minimum one inch, maximum three inch diameter granular rocks,
  - b. compliance with the 1.1 criteria, plus 250 square feet,
  - c. 30 ft. height limit measured from centerline of the alley,
  - d. a rear setback not less than 9 ft. or other provision for guest parking,
  - e. create a pervious front yard adjacent to the canal equivalent in size to a 15 ft. front setback. In order to achieve variation, one portion of the house up to 15 ft. wide may extend to within 10 ft. of the canal property line as long as a yard area of at least 450 sq. ft. is maintained adjacent to the canal property line free of all structures except for fences less than 3.5 ft. and pervious decks at grade,
  - f. in all events, except for corner lots (lots bounded on two sides by canals), all portions of the second story shall be set back a minimum of 25 ft. from the canal property line. An uncovered deck of at least 5 ft. wide along the longest canal frontage may substitute for 5 ft. of the second story setback along the narrowest canal frontage on corner lots,
  - g. nothing in this permit implies approval of any construction on City of Los Angeles property except for removable fences less than 3½ ft. in height that do not impede access along the sidewalks; and
2. a deed restriction for recording that:
  - a. provides for the maintenance of the 450 sq. ft. pervious yard area adjacent to the canal property line, free of all structures except for fences and pervious decks at grade,
  - b. prohibits any extension of the second story closer than 25 ft. to the canal property line except that said 25 ft. may be modified to 20 ft. when the option allowed in Condition #1(f) is exercised.

**COASTAL COMMISSION**  
**5-01-227**

EXHIBIT # 5  
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