

CALIFORNIA COASTAL COMMISSION

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Staff Report: 3/14/2002
Hearing Date: April 10, 2002
Commission Action:

**Item W16b****STAFF REPORT: MATERIAL AMENDMENT**

APPLICATION NUMBER: 5-02-047-A1 (Amending Permit P-77-1286)

APPLICANT: Judith Rubin

RECORD PACKET COPY

AGENT: David H. Raider, Architect

PROJECT LOCATION: 2417 Eastern Canal (Lot 37 of Tract 3533), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Major remodel and addition to an existing two-story single family residence, and remove deed restriction imposed by prior Permit P-77-1286 requiring a 25-foot second story setback (from the canal property line); resulting in a 28-foot high, 2,342 square foot single family residence with an attached two-car garage.

Lot Area	2,700 square feet
Building Coverage	1,553 square feet
Pavement Coverage	700 square feet
Landscape Coverage	447 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	28 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. ZA-2002-774 (AIC), 2/19/2002.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/01.
2. Coastal Development Permit P-77-1286 (Stein & Shiepe).
3. Coastal Development Permit 5-82-57 (Kinsella).
4. Coastal Development Permit Amendment 5-01-485-A1 (Danieri).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a permit amendment for the proposed development and removal of the 25-foot second story setback requirement. The prior permit's conditions will be replaced by the Commission's current set of conditions relating to setbacks, permeable yard area, residential density, parking, building height, and the protection of water quality. 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 permit amendment application with special conditions:

MOTION

"I move that the Commission approve the proposed amendment to Coastal Development Permit Amendment P-77-1286 (5-02-047-A1) pursuant to the staff recommendation."

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and 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 the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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

Note: The following Special Conditions supercede and replace all conditions of Permit P-77-1286 (Exhibit #7).

1. Permeable Yard Area

A) In order to maintain an open and visible access corridor, to 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 (Eastern Canal) property line. The area within the required fifteen-foot front yard setback shall be maintained as the required permeable yard area as shown on **Exhibit #3 of 3/14/02** staff report. Uncovered means that no fill or building extensions (i.e. balconies, stairs, trellises) 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 PERMIT AMENDMENT**, 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. 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 permit amendment.

2. Residential Density

The permitted use of the 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. 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.

4. Building Height

No development is authorized within ten feet of the fronting canal property line (Eastern Canal) and within or above the required 450 square foot permeable front yard area,

except as described in Special Condition One above. At a point ten feet landward of the fronting canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of thirty (30') feet except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings, skylights, and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit. This permit does not authorize any roof access structure above the thirty-foot height limit.

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 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 canals and into the City storm drain system.

The permittee and all successors in interest shall construct and maintain the approved development consistent with the drainage plans approved by the Executive Director.

6. 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 set forth above. 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 Background

The applicant proposes to remodel the entire interior of an existing two-story, 2,011 square foot single family residence (See Exhibits). The roof over the western (canal-side) portion of the house would be removed and raised in order to extend the second floor master bedroom over the existing ground floor living room (which currently has a 12'-20' high ceiling). A new second floor deck is proposed to be added to the front (canal-side) of the house (Exhibit #6). The existing fireplace and chimney would be demolished, and the ground floor living room

extended three feet toward the west (into the front yard area). Two new fireplaces would be installed, one on each floor. The proposed project would result in a two-story, 28-foot high, 2,342 square foot single family residence with an attached two-car garage.

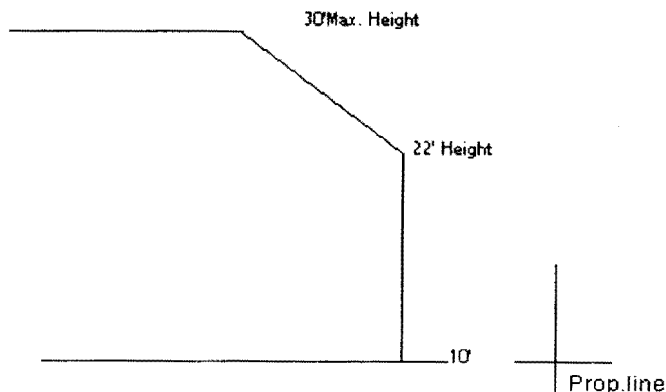
In order to do the proposed work, the applicant must also amend the conditions of the original coastal development permit that approved the house: Permit P-77-1286 (Exhibit #7). Specifically, the applicant is requesting Commission approval to remove the deed restriction imposed by Permit P-77-1286 that requires the maintenance of a 25-foot second story setback from the canal property line (L.A. Co. Instrument No. 77-927764). The currently proposed second floor master bedroom addition and deck would encroach into the 25-foot second story setback (Exhibit #6).

The project site is a 2,700 square foot lot situated on the eastern bank of Eastern Canal in the Venice Canals residential area (Exhibit #2). The neighborhood is comprised of both old and new one, two and three-story single family residences, and a few non-conforming duplexes. Public sidewalks currently provide public access along all banks of the canals.

The existing house was constructed by previous owners of the property pursuant to Coastal Development Permit P-77-1286 (Stein & Shiepe). The Commission approved Coastal Development Permit P-77-1286 on August 4, 1977, subject to special conditions that imposed the building standards for the neighborhood at that time (Exhibit #7). In 1977, the Commission was applying different planning criteria to new residential construction, including a 25-foot second story setback requirement that has since been eliminated (c.1979) in favor of the current building standards (See *Section B below*). A deed restriction was recorded by the prior owners to maintain the second story setback in perpetuity (L.A.Co. Instrument No. 77-927764).

The Commission is no longer requiring 25-foot second story setbacks for houses along the Venice Canals, and now routinely approves thirty-foot high structures within a building envelope that the certified Venice LUP defines as follows:

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. (See Figure 1 below).



In addition, the certified Venice LUP also requires that all new houses maintain a permeable yard area equal to fifteen times the width of the lot (15'x 30' = 450 sq.ft.) between the canal property line and the front of the house. The existing house with the proposed addition would conform to the Commission's current building standards and the certified Venice LUP.

Therefore, the proposed addition and permit amendment are consistent with past Commission approvals in the Venice Canals neighborhood since 1980 (*See Section B below*). Commission approval of the permit amendment to remove the obsolete condition (25-foot second story setback) would also be consistent with prior Commission actions on other homes in the area that have older permits with similar obsolete conditions [See Coastal Development Permit 5-86-930/P-8279 (Wood) & Permit Amendment 5-01-485-A1 (Danieri)].

B. Community Character

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 Venice Canals neighborhood situated north of Washington Boulevard 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 25-foot second story setback requirement imposed on canal-fronting homes prior to 1980 was not adopted as part of the Commission's Regional Interpretive Guidelines for Los Angeles County. 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 area.

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 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 permit amendment.

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 in the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located, the Commission has consistently limited residential density and structural height, and has required the provision of yard areas and structural setbacks from the canals [e.g. Coastal Development Permit 5-95-043 (Chamorro)]. On November 14, 2000, the Commission adopted 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 permit amendment. The applicant is not requesting any variances from the Commission's current building standards, nor are they proposing to maintain any non-conforming development in the site.

Residential Density

In order to protect public access to the shoreline and to preserve the character of the Venice Canals 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 maintain the existing use on the property which is the single family residence approved by the Commission in 1977 (Coastal Development Permit P-77-1286). 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. Development immediately adjacent to Ballona Lagoon and the Venice Canals has been limited to a height thirty feet (within sixty feet of the Esplanade) in order to provide more air space for bird flyways and to enhance public recreation by protecting the waterways from a canyon effect created by taller buildings [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission-certified Venice LUP maintains the historic thirty-foot height limit for all development in the Venice Canals neighborhood.

The existing two-story house is 28 feet high, and the height will not be increased by the currently proposed remodel (Exhibit #5). The current thirty-foot height limit of the Venice LUP is added as a condition of the permit amendment to replace the prior permit's 25-foot height limit that is now obsolete. Therefore, the permit amendment is conditioned to limit the height of the single family residence to a maximum of thirty feet above the elevation of the adjacent alley (with a lower ascending height for the portion of the structure fronting Eastern Canal). 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. Any proposed increase in height shall be submitted to the Executive Director to determine whether an amendment to this action is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

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.

Building Setback

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. Commission-approved development adjacent to the Venice Canals has been consistently required to provide an open and permeable yard (at least 450 square feet for a thirty-foot wide lot, and at least six hundred square feet for a forty-foot wide lot) between the lagoon/canal property line and the front of any structure. 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.

The proposed project provides the required fifteen-foot setback between the house and the front (Eastern Canal) property line (Exhibit #3). Therefore, the proposed front yard setback is consistent with prior Commission approvals and the requirements of the Venice LUP. The Commission has consistently required that applicants record the permeable yard area requirement on their property deeds in order to ensure the continuous and ongoing protection of coastal resources and compliance with the requirement. In order to ensure that the required permeable yard area is maintained on the site as proposed, the applicant is required to record the permeable yard area requirement on the deed for the lot subject to this action. The new deed restriction will amend and replace the deed restriction that was recorded in 1977 as a requirement of Permit P-77-1286 (L.A. Co. Instrument No. 77-927764).

Therefore, the Commission finds that prior to issuance of the permit amendment, the applicant shall record a deed restriction for the lot which provides for the maintenance of an uncovered and permeable yard area in the 450 square foot front yard area shown on Exhibit #3 of the staff report. The area within the fifteen-foot front yard setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the 450 square foot front yard setback area with the exception of fences, garden walls and permeable decks. 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 amendment to this coastal development permit amendment. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

C. Public Access and Recreation

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

Section 30210 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 situated between the project site and the waters of Eastern Canal (Exhibit #3). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals. The proposed project will not interfere with the existing public walkway along Eastern Canal. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

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 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Venice Canals are located up stream from Ballona Lagoon, within the Ballona Wetlands system. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the canals which directly impacts the biological productivity of the system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, the Commission has consistently conditioned projects along the waterways to provide and maintain front yard setbacks, permeable yard areas and drainage devices to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-0018 (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. No fill nor building extensions may be placed in or over the required permeable front yard area with the exception of fences or permeable decks at grade. 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.

The amount of the Commission's required permeable front yard area for the subject site is 450 square feet. The figure of 450 square feet is based on an average setback of fifteen feet across the thirty-foot width of the subject lot. The Commission's front yard setback requirement is defined in square footage rather than an absolute lineal measurement to allow for changes in plane which can add architectural interest. A minimum ten-foot front yard setback, with a required fifteen-foot setback average, can provide the required 450 square foot permeable front yard area and a front yard setback which is consistent with the other residences in the area.

In this case, the house with the proposed addition is set back fifteen feet from the canal property line. The proposed project provides the required 450 square feet of permeable yard area in the setback area situated between the house and the front (Eastern Canal) property line (Exhibit #3). The proposed fifteen-foot setback is consistent with the Commission's front yard setback requirement. No building extensions are permitted in or over the required 450 square foot permeable front yard area, except for permeable ground level decks.

The Commission has consistently required that applicants record the permeable yard area requirement on the property deeds to ensure continuous and ongoing protection of coastal resources and compliance with the requirement. Therefore, the Commission finds that prior to issuance of the permit amendment, the applicant shall record a deed restriction which provides for the maintenance of not less than 450 square feet of uncovered and permeable yard area in the front yard area adjacent the canal property line. Uncovered means that no fill nor building extensions shall be placed in or over the permeable yard area with the exception of fences or permeable decks at grade. Fences in front yard area shall not exceed 42 inches in height, and decks shall not exceed 18 inches in height. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. Only as conditioned to record a deed restriction on the property for the maintenance of not less than 450 square feet of permeable yard area does the Commission find the project consistent with the Chapter 3 policies of the Coastal Act.

In order to further mitigate the impacts on the habitat caused by surface drainage and drainage from residential areas, the Commission has also consistently required the provision of a one hundred cubic foot french drain on canal-fronting lots in order to reduce the amount of runoff that leaves the site and to filter urban runoff before it enters the canals. A condition is routinely placed on permits for development in the canals area which requires that plans be submitted which depict the location and design of the required french drain. In this case, the applicant must verify the existence of the french drain on the property that was required by the prior permit, or submit plans which show where the required french drain will be installed to satisfy the drainage requirement.

In order to further protect marine resources and water quality, a condition of approval 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, unless specifically authorized by the California Regional Water Quality Control Board.
- b) A one hundred cubic foot french drain shall be installed on the project site to 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 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 which 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 the Commission approved on July 10, 2001 [See Coastal Development Permit Amendment 5-91-584-A4 (City of Los Angeles)].

The Commission finds that, only as conditioned to provide a french drain and a permeable front yard area 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. 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....

Some of the older developments in the Venice Canals area do not provide adequate on-site parking. The availability of parking on the public streets is reduced by the fact that the streets in this neighborhood are primarily waterways and narrow alleys. The small amount of parking area that may be available for the general public on the surrounding streets is being used by guests and residents of the area. 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 development within the canals to provide a rear setback of at least nine feet for guest parking or to make other provisions for guest parking. 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.

The proposed project provides an adequate parking supply for the proposed single family residence by providing a two-car garage, and a 11.5-foot rear setback for guest parking on the driveway apron (Exhibit #3). Therefore, the proposed project conforms to the Commission's parking standards for the Venice Canals area which require two parking spaces per residential unit and provisions for guest parking. The permit amendment 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 a permit amendment 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.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

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

The 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 the Commission on November 14, 2000 approved it. The Commission on June 12, 2001 officially certified the Venice LUP.

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 and amendment, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (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



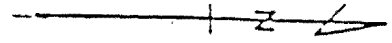
2417 Eastern Canal

COASTAL COMMISSION
5-02-047-A

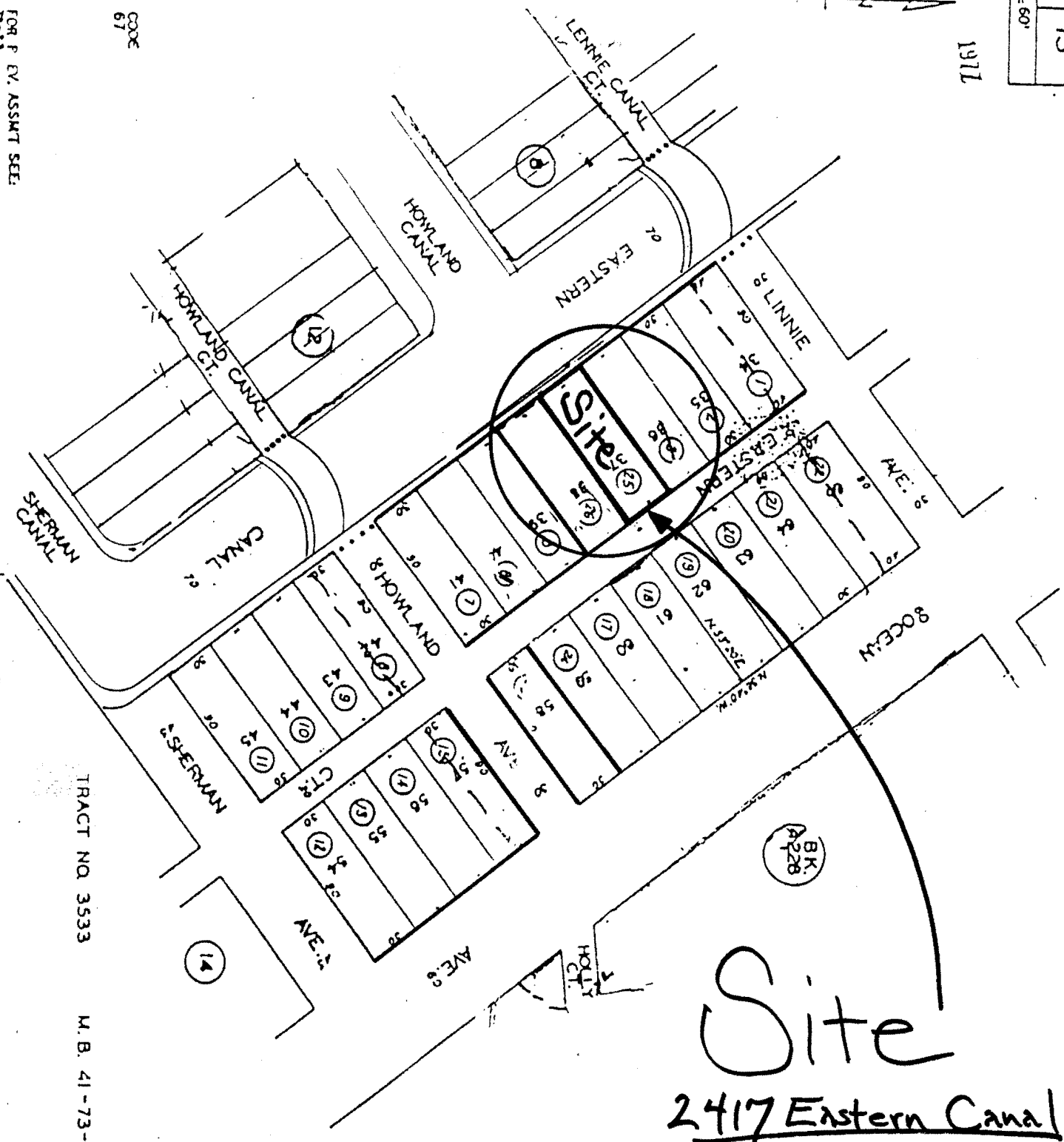
EXHIBIT # 1

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1917



CODE
67
FOR F. EV. ASSMT SEE
7-12



TRACT NO. 3533

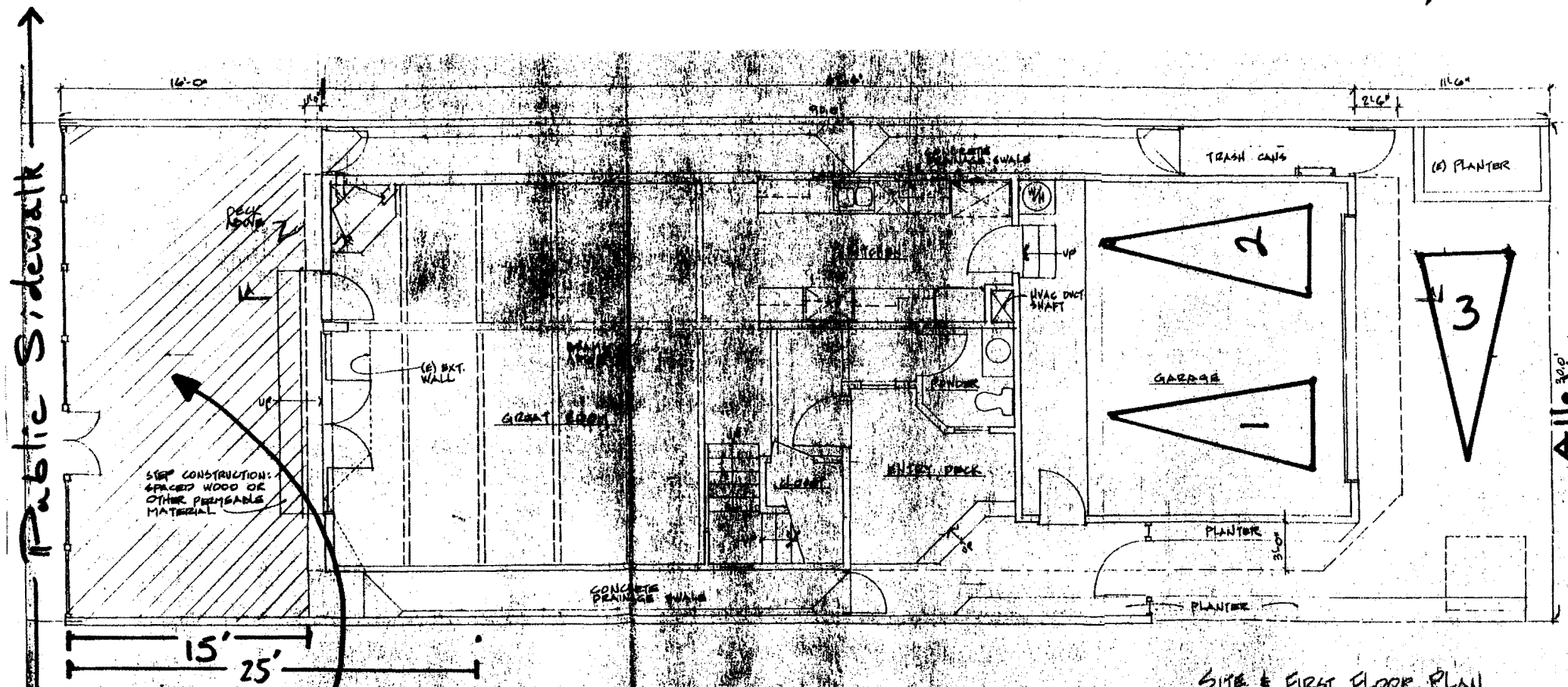
M.B. 41-73-74

Site
2417 Eastern Canal

COASTAL COMMISSION
5-02-047-A1
EXHIBIT # 2
PAGE 1 OF 1

◀ Canal

Alley ▶



SITE & FIRST FLOOR PLAN

450 sq. ft.
Permeable
Yard

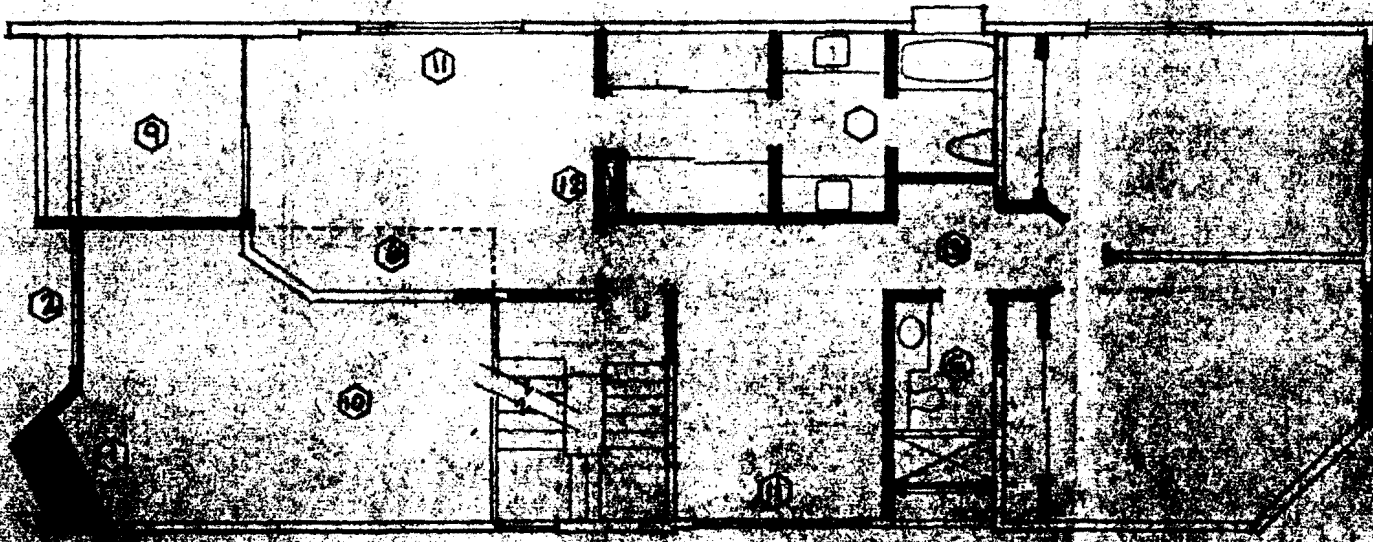
Site Plan
2417 Eastern Canal



COASTAL COMMISSION
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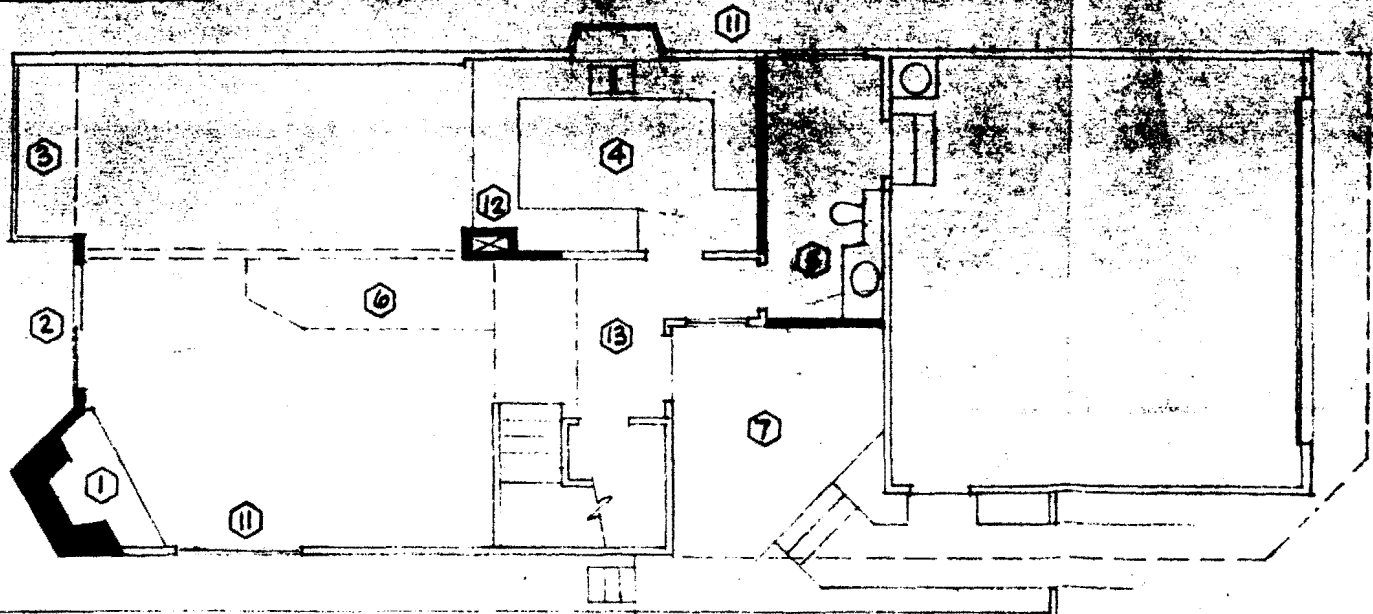
EXHIBIT # 3

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2nd FLOOR

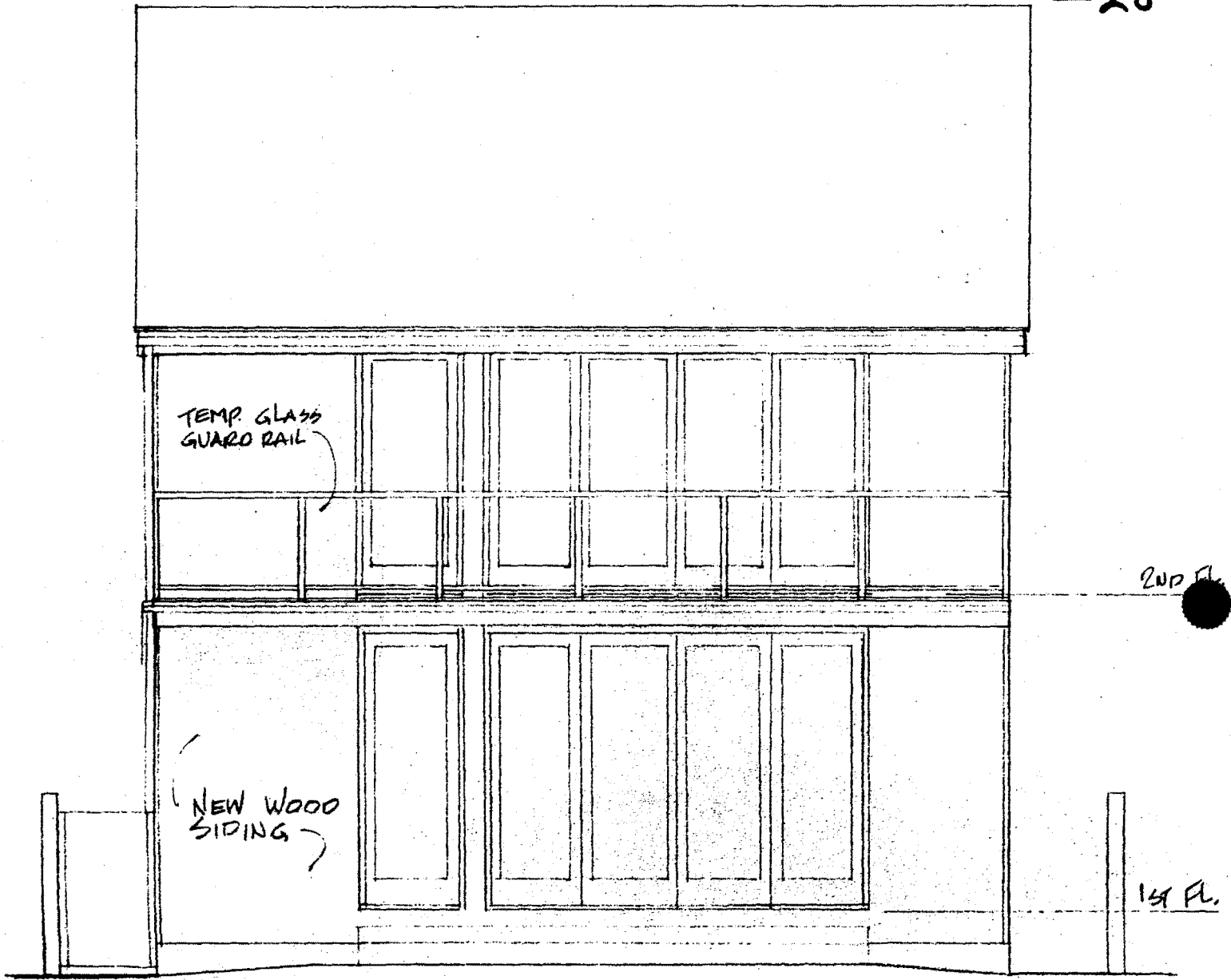
SHARED WALLS TO BE REMOVED



1st FLOOR

DEMOLITION PLANS

-28'



WEST ELEVATION
(Canal Facing)

COASTAL COMMISSION
5-02-047-A

EXHIBIT # 5

PAGE 1 OF 1

25' to canal property line

—28'

Demo Chimney

HING
KEY TO
OVER

TEMP. GLASS
GUARD RAIL
New Dock

EXISTING
DOOR TO
ROOM

(E) WOOD SIDING

EXISTING
WINDOW TO
CLOSE UP TYP.
PATCH TO MATCH
(B) FINISH

◀ Canal (west)

SOUTH ELEVATION

Alley ▶

COASTAL COMMISSION
5-02-047-A1

EXHIBIT # 6

PAGE 1 OF 1

Prior to issuance of permit, applicant shall submit:

1. revised plans which conform to the following guidelines:
 - a. drainage plan which prevents any runoff into the canal and disposes of all but the heaviest storm flows on-site in a French drain (gravel filled well);
 - b. compliance with the 1.1 criteria; and 18 square feet.
 - c. 25 foot height limit measured from centerline of the alley;
 - d. a rear setback not less than 9 feet or other provision for guest parking;
 - e. create a pervious front yard adjacent to the canal equivalent in size to a 15 foot front setback.

In order to achieve variation, one portion of the house up to 15 feet wide may extend to within 10 feet 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 feet 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 feet from the canal property line;
 - g. nothing in this permit implies approval of any construction on city property except for removable fences less than 3½ ft. in height that do not impede access along the sidewalks;
 - h. on corner lots (lots bounded on two sides by canals) an uncovered deck a minimum of 240 sq. ft. in area on the second story along the longest canal frontage may substitute for 5 feet of the second story setback along the narrowest canal frontage; and
2. submit a deed restriction for recording:
 - a. that provides for the maintenance of the 450 sq. f pervious yard area adjacent to the canal property line, free of all structures except for fences and pervious decks at-grade; and
 - b. that prohibits any extension of the second story closer than 25 feet to the canal property line except that said 25 feet may be modified to 20 feet when the option allowed in condition 1(h) is exercised.

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EXHIBIT # 7

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