

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: October 13, 2004  
Commission Action:

**W12c****RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-04-082**APPLICANTS:** James & Julie Jungwirth**AGENT:** Leslie Lombard, Urban Concepts**PROJECT LOCATION:** 3000 Strong's Drive, Venice, City of Los Angeles, Los Angeles Co.

**PROJECT DESCRIPTION:** Demolish a one-story, 678 square foot residential building on a canal-fronting lot with seven on-site parking spaces, and renovate and enlarge to 5,074 square feet the remaining two-story, 3,108 square foot, five-unit apartment building.

Lot Area	6,800 square feet (Approx.)
Building Coverage	2,483 square feet (Proposed)
Pavement Coverage	1,800 square feet (Approx.)
Landscape Coverage	2,500 square feet (Approx.)
Parking Spaces	7
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet

**LOCAL APPROVAL:** City of Los Angeles Local Coastal Development Permit, Case No. ZA-2002-5845 (CDP)(ZAA)(SPP)(MEL), 8/22/2003.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending **APPROVAL WITH CONDITIONS**. See Page Three for the motion. The proposed project involves the extensive renovation of an existing five-unit apartment (c.1927) building on a canal-fronting lot in the Venice Canals neighborhood. In order to create additional space to enlarge the existing five-unit apartment building, a small one-story residential structure on the front (canal side) of the site would be demolished (Exhibits #4&5). The proposed project would reduce the number of residential units on the site to five units from a current total of seven units (or six units according to the County Assessor records). The proposed renovation and enlargement of the existing five-unit apartment building would result in a three-level, thirty-foot high, 5,074 square foot structure (Exhibit #6). The number of on-site parking spaces would not be reduced below the current number of spaces (seven), although the applicants are proposing to increase the on-site parking supply by building a two-space carport with a new eighteen-foot long curb cut on the south side of the project. Staff is recommending against the new curb cut because it would displace public on-street

parking. The City approval also included a lot line adjustment that would reduce the size of the project site by 1,500 square feet, but the lot line adjustment is not now part of the proposal before the Commission because the applicants have modified the proposed project (deleted the change to the lot lines) in order to retain all of the existing on-site parking on the rear of the project site.

Although the proposed project would preserve the non-conforming density and parking on the site (the site has a single-family land use designation), staff is recommending that the Commission approve a coastal development permit for the proposed project because: a) the project is a renovation and not a new building (according to the applicants, all four exterior walls of the existing five-unit building will be retained in the renovated structure), b) the existing parking deficiency on the site will be reduced with the reduction in density and the maintenance of the existing on-site parking supply (seven spaces), and c) the proposed renovation would preserve rental units and the mix of density and size of units that once typified the Venice community, and d) the proposed project conforms to the thirty-foot height limit for the area and includes the provision of the required permeable front yard area adjacent to the canal (an area equal to fifteen times the width of the site).

The recommended special conditions of approval would ensure that: a) the applicants would not retain any rights to the non-conforming density or parking in the event that more than fifty percent of the exterior walls of the five-unit building are removed during the project, b) the existing on-site parking supply would not be reduced as a result of the project, c) the required permeable front yard area would be provided adjacent to the canal, and d) the existing and future public on-street parking supply would not be reduced by the proposed new curb cut. Special conditions also address building height and the protection of water quality. As recommended, there would be five residential units with seven on-site parking spaces on the project site.

The applicants agree with the recommendation except for the deletion of the proposed carport and new curb cut, which they say is a necessary component of the proposed project. The applicants contend that the City has agreed to replace one on-street parking space that would be displaced by the proposed eighteen-foot long curb cut. They explain that the affected on-street parking space would be replaced by removing a section of red curb that currently exists next to the project (Exhibit #5). Staff is recommending that the proposed curb cut be deleted from the project in order to protect the existing and future opportunities for public on-street parking, and that the City convert the red curb to a public parking space, if possible.

#### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit Application 5-04-171 (Jungwirth – 3005 Strong's Dr.).
3. Coastal Development Permit Application 5-04-231 (Forsyth – 2808 Strong's Dr.).
4. Coastal Development Permit 5-03-003 (Goldstein – 2800-2806 Strong's Dr.).
5. Coastal Development Permit 5-01-418 (Jaye - 241 Sherman Canal).

**STAFF RECOMMENDATION:**

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

**MOTION:** *"I move that the Commission approve with special conditions Coastal Development Permit 5-04-082 per the staff recommendation as set forth below."*

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

**I. Resolution: Approval with Conditions**

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

**II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Approved Development - Permit Compliance

Coastal Development Permit 5-04-082 approves the renovation and enlargement of an existing five-unit apartment building (and the demolition of a one-story, 678 square foot residential building). No change to the lot lines is approved by this action. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any proposed change or deviation from the approved plans, including adjustment of a lot line, change in the number of residential 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. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Termite Inspection

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a termite inspection report, prepared by a licensed professional, indicating the degree, if any, of termite damage that exists within the existing two-story, five-unit structure that is the subject of the permit. The termite inspection report shall also be submitted to the City of Los Angeles Building Department for review and comment.

If the termite inspection report indicates that additional demolition (beyond fifty-percent (50%) of the exterior walls) will be necessary in order for the structure to meet building and safety standards, the applicants shall submit a complete amendment request application or a complete application for a new coastal development permit. Whether an amendment or permit application is submitted shall be determined by the Executive Director. The application shall address the issue of revisions to the project due to the need for additional demolition. **Development may not proceed while an amendment or new coastal development permit application is pending pursuant to the special conditions of this permit.**

#### 3. Non-conforming Rights - Demolition

This coastal development permit does not permit the demolition of the existing two-story, five-unit structure on the site. The submitted plans show that of the exterior walls of the existing two-story, five-unit structure will remain in place. If, for any reason, more than fifty-percent (50%) of the exterior walls of the existing two-story, five-unit structure are removed, the applicants shall stop work and submit an application to amend this coastal development permit.

After demolition (of less than fifty-percent of the exterior walls) has been completed, and the framing of the walls to remain is exposed pursuant to the demolition plan approved in this permit, but **prior to any new construction**, the applicants shall request and receive a site inspection by the Commission staff person assigned to this

coastal development permit. The staff's inspection report shall indicate whether any demolition beyond the amount shown on the demolition plan approved by this permit has occurred. If additional demolition has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicants shall submit a complete amendment application or a complete application for a new coastal development permit. A new local coastal development permit may also be required from the City of Los Angeles Planning Department. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

**No further development may occur until either:**

- a) The Executive Director determines, pursuant to the staff's inspection report and in consultation with the City Department of Building and Safety, that all walls identified as walls to remain are intact and structurally sound; or
- b) The applicant submits an amendment request application if so directed by the Executive Director and the amendment request is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) The applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission (and also the City of Los Angeles Planning Department, if necessary) and issued by the Executive Director (and City).

4. Permeable Yard Area

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 fifteen times the width of the site (in this case, 15'x 46' = 690 square feet) shall be maintained in the front yard area between the structure and the front (Grand Canal) property line (as generally shown on **Exhibit #5 of the 9/23/04** staff report). Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises) shall be placed in or over the permeable yard area with the exception of fences (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). The precise boundaries of the area that must remain uncovered and permeable yard area will be described and depicted in the exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit.

**PRIOR TO ISSUANCE, BY THE EXECUTIVE DIRECTOR, OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT**, and prior to the recording of the deed restriction required by Special Condition Nine below, the applicants shall provide a site plan, subject to the approval of the Executive Director, which complies with all of the above terms of this condition and clearly identifies the location and dimensions of the required permeable yard area, in accordance with the general description of that area in **Exhibit #5 of the 9/23/04** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

5. Parking

A minimum of seven parking spaces shall be provided and maintained on the rear portion of the site, as generally shown on **Exhibit #4 of the 9/23/04** staff report. Access to the on-site parking shall be taken only from the western end of the site through the existing curb cut. No new curb cut is permitted.

6. Building Height

No development is authorized within ten feet of the fronting canal property line (Grand Canal) and within or above the required permeable front yard area, except as described in Special Condition Four 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 feet (30') except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. This coastal development permit does not include approval of any roof deck railings or roof access structure (stairway enclosure) above the thirty-foot height limit.

7. Drainage – Water Quality

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants 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 or street that drains into a 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 collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed project which directs all runoff leaving the site away from the canals and into the City storm drain system.
- d) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

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

8. Construction Responsibilities and Debris Removal

A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.

- B. Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- C. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea or canals.

9. Deed Restriction

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicants propose to renovate and enlarge an existing five-unit (c.1927) apartment building on a canal-fronting lot in the Venice Canals neighborhood (Exhibit #6). The 6,800 square foot (approx.) project site is situated on the west bank of Grand Canal and on a street corner formed by a right-angle turn of Strong's Drive (Exhibit #3). A one-story residential structure that currently occupies the front (canal side) of the project site would be demolished in order to create the additional area that is necessary to enlarge the existing five-unit apartment building and to provide a large permeable front yard area adjacent to Grand Canal (Exhibits #4&5). The proposed project would reduce the number of residential units on the site to five units from a current total of seven units (according to the applicant) or six units (according to the County Assessor records that identify the smaller structure on the lot as a single unit).



The existing two-story, 3,108 square foot, five-unit apartment building is 24 feet tall (Exhibit #6). The renovated apartment building would be a thirty-foot high, 5,074 square foot structure with two stories and a mezzanine (Exhibit #6). The seven on-site parking spaces that currently exist on the rear of the project site would be maintained in their current location. The applicants are proposing to increase the on-site parking supply by two spaces by building a new carport with a new eighteen-foot long curb cut on the south side of the project (Exhibit #5). The project site already has a fifty-foot long curb cut on its western (rear) end.

Originally, the applicants had also requested Commission approval of a proposed a lot line adjustment along the northern side of the project. The lot line change would have reduced the size of the project site by from about 6,800 square feet to 5,300 square feet.<sup>1</sup> About 1,500 square feet of the project site would have been transferred to the abutting lot on the north side of the project site, which is also owned by the applicants (Exhibit #5). The lot line adjustment would have reduced the size of the on-site parking area that serves the five-unit apartment building, further reducing the capacity of the project site to provide adequate on-site parking for the residential uses. The proposed lot line adjustment, however, is not now part of the proposal before the Commission because the applicants have modified the proposed project (deleted the change to the lot lines) in order to retain all of the existing on-site parking on the rear of the project site (Exhibit #5). It should also be noted that any reduction in lot area would also increase the project's non-conformity in terms of the required lot area for five residential units (per City zoning/LUP).

The Venice Canals 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. Most of the canal-fronting lots in the area are 2,700 square feet (30'x 90') in size. The subject property with 6,800 square feet is one of the largest (if not the largest) parcels that exist on the banks of the canals, and it has a higher residential density than any other lot. The project site is also very close to Washington Boulevard and its busy pier and restaurant area (Exhibit #3). The abutting property to the north, also owned by the applicants, is developed with a 454 square foot single-family residence. The applicants have submitted a coastal development permit application proposing the demolition of the existing house and construction of a new 4,170 square foot single-family residence [See Coastal Development Permit Application 5-04-171 (Jungwirth)].

## **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 considering projects in Venice, the Commission has long recognized the variety and mixture of residential units in terms of size, age and form of ownership. At one time, Venice was typified by rentals. The Commission has attempted to preserve the character of the Venice community by allowing for the preservation of the older and smaller rental units, even if they do not conform with current standards, as is the case with the proposed project.

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<sup>1</sup> On December 19, 2002, the City Advisory Agency issued an approval the lot line adjustment without a local coastal development permit. The local coastal development permit for the proposed apartment renovation, approved by the Planning Commission on December 4, 2003, did not analyze the proposed lot line adjustment in relation to the Chapter 3 policies of the Coastal Act, although it did acknowledge the altered lot lines in the findings.



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 Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the neighborhoods.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. As part of that effort, the City also adopted the Venice Specific Plan in 1999. 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 effectively certified the Venice LUP on June 14, 2001. The Commission has not certified the City's Specific Plan for Venice.

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.

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 where the proposed project is situated, 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)].

The Commission adopted the following policy as part of the certified Venice LUP in order to regulate residential development in the Venice Canals neighborhood. The following policy language applies to the project site.

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 height, yard and setback standards contained in the above-stated LUP policy. The applicants, however, are requesting approval to retain the non-conforming density (and a non-conforming parking supply, as noted below in the parking section) on the site. The project site has a single-family land use designation with a density allowance for one unit per 2,300 square feet of lot area (which could allow for three units on the 6,800 square foot lot if designed in compliance with the other LUP standards). The applicants propose five residential units.

On December 4, 2003, the applicants obtained approval for the proposed renovation and enlargement of the existing five-unit apartment building from the City of Los Angeles Planning Department (West Los Angeles Area Planning Commission). The Planning Commission based its approval of the non-conforming density on Municipal Code Section 12.23.A.3, finding that the code allows for the expansion of an existing residential building that is non-conforming as to use provided that the addition or enlargement did not create additional dwelling units (City Case No. ZA2002-5845).

In numerous prior cases, the Commission has approved remodels, renovations and additions to homes in the Venice Canals neighborhood that maintain non-conforming density (duplexes) and other non-conformities like front yard setbacks. These past approvals have enabled applicants to preserve some of the older structures in the Venice Canals neighborhood [See Coastal Development Permits 5-92-049 (Greenwald), 5-92-292 (Cramer), 5-92-427 (Vesslier), 5-92-347 (Leoncavallo), 5-93-224 (Payton), 5-93-291 (Wiener), 5-94-115 (Schacht), 5-94-273 (Contant), 5-95-034 (Groening), 5-95-096 (Pascal), 5-95-273 (Keynan), 5-96-046 (Friedman), 5-99-062 (Balkan), 5-99-085 (Menas), 5-99-317 (Parkos), 5-01-327 (Storey) & 5-01-418 (Jaye)]. These previously approved projects that included retained non-conformities were all remodels, renovations and additions.

According to the applicants, the proposed project is a renovation of an existing five-unit apartment building and not a new building. To support their contention, the applicants have provided project plans that indicate that all four of the exterior walls of the existing five-unit building will be retained in the renovated structure.

### **C. Demolition vs. Remodel**

The issue of whether a project constitutes demolition and new construction rather than a remodel of an existing structure becomes significant when the applicants propose to retain an existing non-conformity. In the case of the proposed project, the applicants are requesting approval for the renovation of a five-unit residential structure that is non-conforming in regards to density and parking. In the Venice Canals neighborhood, all of the canal-fronting lots are designated in the certified Venice LUP as single-family lots (LUP Policy I.A.4.a). Three on-site parking spaces are required for each single-family residence in the Venice Canals neighborhood (two plus a guest). Multi-family dwellings in Venice are required to provide two on-site parking spaces per unit, plus guest parking at the rate of one space for each four units. A new five-unit residential project in Venice would typically be required to provide 12 on-site parking spaces ( $5 \times 2.25 = 11.25$  rounded up) pursuant to the parking table in the certified Venice LUP and the Venice Specific Plan. Seven on-site parking spaces exist on the site.

The applicants have submitted detailed information about the amount of demolition that would occur with the proposed project. Typically, the Commission has quantified demolition by tabulating the extent of exterior linear walls to be removed compared to the total overall amount of exterior linear walls existing prior to the proposed development. The walls proposed to remain must retain their structural components such as studs. Cosmetic portions of the wall, such as exterior stucco and interior drywall, may be removed.

In the case of the proposed project, all four of the exterior walls of the existing five-unit building are proposed to be retained and remain standing (168 linear feet). The interior of the five-unit building would be gutted to allow for a new floor plan on the two existing levels, while a new mezzanine level and a new roof would be added to the top of the old building shell and a new three-level addition. The new three-level addition, containing one entirely new residential unit, would be added to the eastern end of the existing building, thus increasing the interior floor area of the five-unit structure from 3,108 square feet to 5,074 square feet (Exhibit #6). Four renovated residential units would be contained within the old walls of the existing building. A total of five residential units would occupy the site if the proposed project is approved and completed.

The Commission has generally found that if less than fifty-percent (50%) of the linear feet of the existing exterior walls are removed, the project can be reviewed as a remodel or renovation rather than new construction. The significance of this distinction is that existing non-conformities may remain in a remodel or renovated structure. However, it must be noted that the amount of demolition could easily exceed the critical fifty-percent point once demolition is begun, either by accident or for other reasons. For example, a contractor could "unwittingly" or "accidentally" knock down a wall, or it may appear prudent to the contractor to remove and rebuild a section of existing wall to facilitate construction. Further, it is not uncommon to discover structural problems such as termites or dry rot within walls that were proposed to remain once the studs are exposed. This situation often arises in the case of older homes like the existing structure which was constructed over seventy years ago. When this happens the wall must be taken down to meet building safety standards. Once a new wall is erected in the same location, it is virtually impossible to determine that the wall replacement has occurred. This leads to the situation where a remodel project really constitutes demolition and new development, and would have been required to meet the appropriate density limits and parking standards. This issue has arisen with previously approved coastal development permits including Coastal Development Permit 5-01-327 (Storey) in Venice and Coastal Development Permit 5-98-251 (Boehringer) for a project in Laguna Beach.

The Commission finds that application of the fifty-percent demolition threshold provides a consistent and equitable method of dealing with existing non-conformities associated with extensive remodel projects. Therefore, the Commission finds that because the proposed project does not exceed the fifty-percent threshold, it does not constitute demolition and new construction and so the existing non-conforming density and parking may remain. However, contingencies must be in place once the demolition is under way to assure that the critical threshold is not exceeded, or if it is exceeded, to establish an avenue which allows the project to be re-assessed based on the revised demolition figure.

As stated above, a frequent reason additional demolition becomes necessary is the discovery of termites and termite damage within the walls proposed to remain. In order to minimize the chances of this issue arising after demolition has begun, a special condition is being imposed which requires the applicant to submit a termite inspection report prior to issuance of the coastal development permit. If the report indicates that the walls proposed to remain are damaged, the applicants are required to submit an amendment application or an application for a new coastal development permit. The Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would be evaluated based on the newly discovered information.

In addition, another special condition is being imposed which requires that the applicant to request and receive a site inspection by the Commission staff person after the proposed demolition is complete and the framing of the walls to remain is exposed, but before any new construction has commenced. The staff's inspection report would verify the extent of demolition and the condition of the walls remaining. If the inspection indicates that more demolition has occurred than was approved or that the walls originally proposed to remain are not structurally sound, the applicant is required to submit an amendment application or an application for a new coastal development permit. Again, the Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would then be evaluated based on the newly discovered information.

These special conditions are necessary to assure that development is carried out as proposed and that the development is consistent with the Chapter 3 policies of the Coastal Act. The proposed project's consistency with specific Sections of the Coastal Act is discussed below.

**D. Public Access- Parking**

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities. Section 30252 provides for maximum access.

Section 30210 of the Coastal Act states, in part:

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 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....

The Coastal Act requires that new development not reduce existing access and that adequate parking be provided within new developments in order to protect public opportunities to access the shoreline and recreation areas. The Venice Canals, Venice Pier and Venice Beach, all in the neighborhood of the proposed project, are very popular public recreation areas. Because many of the older developments in the Venice Canals area and along Washington Boulevard do not provide adequate on-site parking to meet their parking demands, area visitors and residents often depend on the limited public parking provided by the local streets. The availability of parking on the public streets is limited by the fact that the streets in this neighborhood are primarily waterways and narrow alleys. The competition for the limited on-street parking is very intense since the small amount of public parking 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 single-family homes within the canals neighborhood 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 that require the provision of at least two parking spaces per residence.

The proposed project does not conform to the parking standards that are applicable to new projects the area and is parking deficient. A new five-unit residential project in Venice would typically be required to provide 12 on-site parking spaces ( $5 \times 2.25 = 11.25$  rounded up) pursuant to the parking table in the certified Venice LUP and the Venice Specific Plan.

According to the applicants, the project site currently contains seven residential (rental) units, two of which would be eliminated by the proposed project. Seven on-site parking spaces serve the existing development (Exhibit #4). All seven existing on-site parking spaces would be retained on the site as part of the proposed project that would result in five residential units (Exhibit #5). Therefore, the existing parking deficiency on the site will be reduced with the reduction in density and the maintenance of all seven existing on-site parking spaces.

The applicants are proposing to add two additional on-site parking spaces in a new carport. The proposed plan, however, would displace public on-street parking with a new eighteen-foot long curb cut along Strong's Drive (Exhibit # 5). A fifty-foot long curb cut already exists on the rear of the property. At least one public on-street parking space would be lost in order to create the proposed two private carport parking spaces to serve the proposed project. The applicants contend that the City Department of Transportation has agreed to create a new on-street parking space to replace one that would be displaced by the proposed eighteen-foot long curb cut by removing a section of red curb that currently exists next to the project.

Staff is recommending that the proposed curb cut be deleted from the project because it would eliminate public on-street parking inconsistent with Sections 30210 and 30211 of the Coastal Act. The City's removal of an unnecessary red curb should not be used to mitigate the loss of an existing public parking space that results from a private development. If the red curb on Strong's Drive is not necessary, then the City should convert the red curb to a public parking space as called for by certified LUP Policy II.A.9.c (see below). A new public parking space, and the retention of the existing on-street parking, would support public access to the Venice Canals. Curb cuts have the effect of reducing public access by converting public on-street parking spaces to private driveways.

In order to protect public access, the certified Venice LUP limits situations where curb cuts are permitted (see below - LUP Policy II.A.9.c & d). The proposed project already has a 45-foot long curb cut that provides vehicular access from the rear alley (Strong's Drive) to the existing on-site parking supply. A second and new curb cut to support non-conforming development is inconsistent with the certified LUP public parking policy. Therefore, a new curb cut is not consistent with the public access policies of the Coastal Act or the certified LUP. If the current on-site parking situation is unacceptable to the applicants, there are other alternatives: a) reduce the number of residential units on the project site in order to bring the parking supply more in line with the demand, or b) develop the site in conformity with the current standards set forth by the certified Venice LUP.

Venice Land Use Plan Policy II.A.9 states:

• **Policy II. A. 9. Protection of Public Parking.** *The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:*

- a. **Beach Parking Lots.** *The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4. The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.*
- b. **Street Ends.** *It is the policy of the City to not permit privatization of street ends. Public parking opportunities shall be protected and encouraged at improved and unimproved street-ends that abut Ocean Front Walk and/or the beach.*
- c. **Rights-of-way.** *In order to maintain and increase the public parking supply, the City shall maximize and protect the availability of public parking opportunities on City streets that currently accommodate vehicular traffic.*
- d. **Curb cuts.** *In order to protect on-street parking opportunities, curb cuts shall not be permitted where vehicular access can be provided from an alley. When vehicular access cannot be safely provided from an alley, curb cuts shall be limited to the minimum amount necessary to provide safe vehicular access to a site. Old curb cuts shall be restored to curbside public parking when feasible.*
- e. **Private parking.** *Existing ordinances shall be enforced to ensure that parking areas situated on street-ends and on public rights-of-way are protected for public use and shall not be privatized or posted for private use.*

Therefore, staff is recommending that the Commission conditionally approve the proposed project because the project is a renovation and not a new building, and the existing parking deficiency on the site will be reduced with the reduction in density and the maintenance of the existing on-site parking supply (seven spaces). Because the project is a renovation, and not a new building, the applicants are not required to increase the amount of on-site parking spaces above the seven existing spaces. The permit is conditioned to ensure the continued provision of the seven on-site parking spaces to serve the five existing residential units. No new curb cut is approved.

The Commission finds that, only as conditioned to ensure the continued provision of the existing on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.



**E. Building Height and Setback from Canal**

Building height and bulk can 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 set back from the waterway and limited in height 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 certified Venice LUP maintains the historic thirty-foot height limit for all development in the Venice Canals neighborhood, and also includes a 22-foot height limit for non-conforming structures that are permitted to be maintained within ten feet of the canal property line.

The proposed project conforms to the thirty-foot height limit for the area and includes the provision of the required permeable front yard area adjacent to the canal (an area equal to fifteen times the width of the site). The proposed project does not include any portion of a building within ten feet of the canal property line as required by the certified LUP. Overall, the proposed project does not exceed a height of thirty feet above the centerline of the rear alley, Strong's Drive (Exhibit #6). The permit is conditioned to limit the height of the renovated structure to a maximum of thirty feet above the elevation of the 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.

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. For new residential projects in the Venice Canals neighborhood, the certified Venice LUP requires the provision of a ten-foot minimum/fifteen-foot average front yard setback and 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<sup>2</sup>) between the 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 new development proposed along the Venice Canals.

As stated above, the proposed project (building addition) conforms to the minimum setback requirement and provides the required permeable front yard area adjacent to the canal (an area equal to fifteen times the width of the site). Therefore, the scenic and visual qualities of the area will not be negatively impacted by the proposed project. The Commission finds that the proposed project, as conditioned, conforms to the Commission's height limit, set back requirements, the Venice LUP, and Section 30251 of the Coastal Act.

**F. 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.

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<sup>2</sup> The vast majority of the lots in the Venice Canals neighborhood are thirty and forty-foot wide. The subject site is irregular in size and shape, measuring 46 feet in width along Grand Canal (See Exhibit #3).

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 5-00-018 (Orenstein)]. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

The Commission has consistently conditioned projects in the Venice Canals to provide and maintain a large permeable front yard as a setback from the canal to enhance public access, to provide an area for percolation to protect the water quality and biological productivity of the

canals, and to protect community character by maintaining a comparable scale between buildings in the area. The proposed project provides the required permeable front yard area.

The Commission has consistently required that applicants record the permeable yard area requirement and other special conditions on the property deeds to ensure continuous and ongoing protection of coastal resources and compliance with the requirements. Therefore, the Commission finds that prior to issuance of the permit, the applicants shall record a deed restriction which includes the provision for the maintenance of not less than fifteen times the width of the site (in this case, 15'x 46' = 690 square feet). Only as conditioned to provide the permeable yard area in the front yard does the Commission find the project consistent with the Chapter 3 policies of the Coastal Act.

In order to mitigate the impacts on 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. In this case, the applicants are required to provide plans which depict the location and design of the required french drain. Therefore, to further protect marine resources and water quality, a condition of approval requires the applicant to submit project drainage plans for the review and approval of the Executive Director.

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30240, 30230 and 32031 of the Coastal Act.

#### **G. 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.

Sections 30211 and 30210 of the Coastal Act (See Page Thirteen).

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 Grand 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 accessway.

In addition, the project site abuts Strong's Drive where public on-street parking exists along the southern side of the project site (Exhibit #5). In order to protect the public's right of access on the right-of-way, Special Condition Five states that this coastal development permit does not authorize any new curb cut. Therefore, as conditioned the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

#### **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 City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

#### **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.

There are other alternatives that could eliminate some of the project impacts, but may have other effects. For instance, the apartment building could be demolished and replaced with a

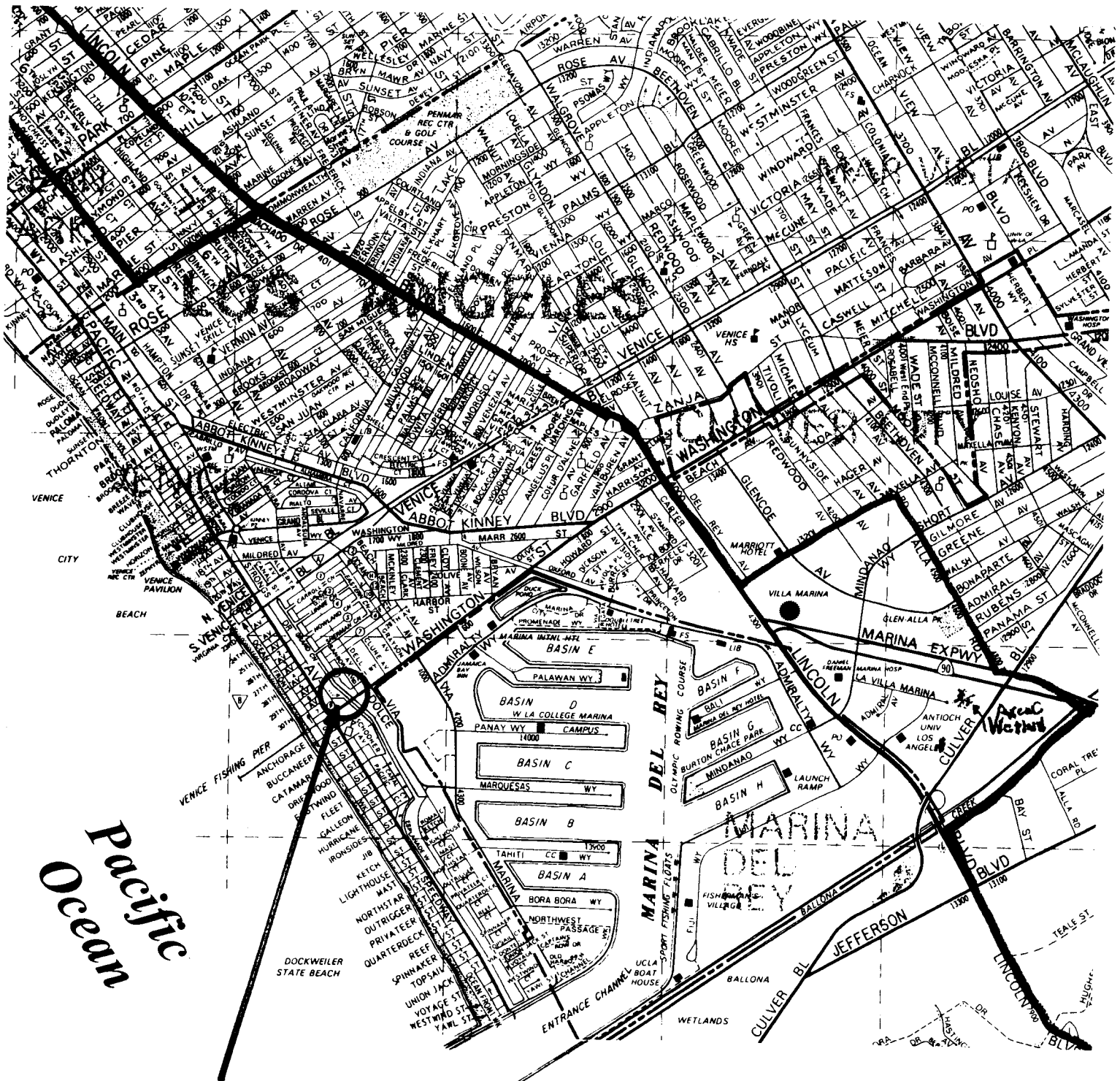
new single family residence or other fully conforming development, but this would result in the loss of the existing rental units. The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**J. Deed Restriction**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

End/cp

# VENICE, CA

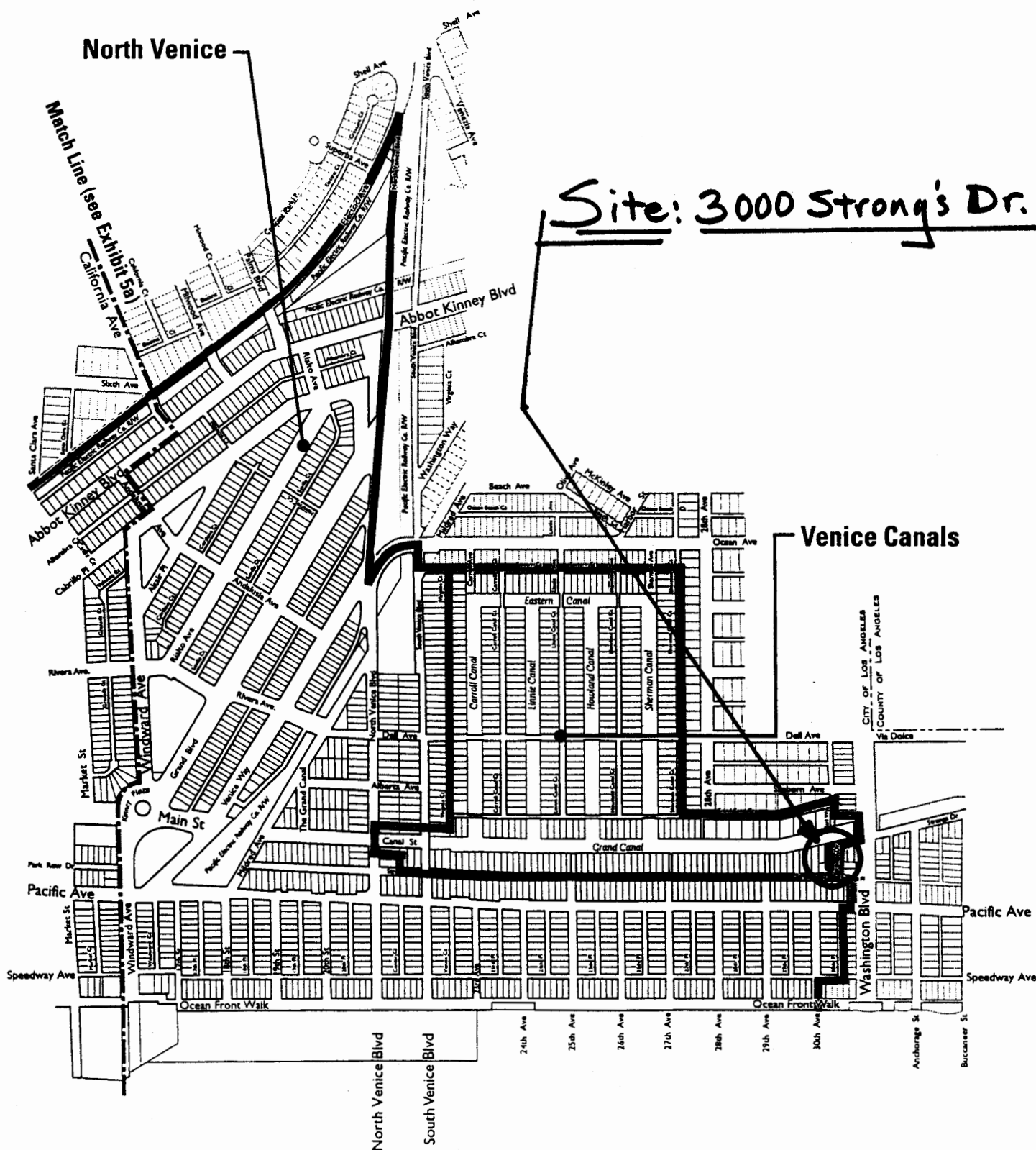


Site: 3000 Strong's Dr.

COASTAL COMMISSION  
5-04-082

EXHIBIT # 1

PAGE 1 OF 1



LUP  
Exhibit 5b  
Subarea: North Venice • Venice Canal

Not to Scale

COASTAL COMMISSION

5-04-082

EXHIBIT # 2

PAGE 1 OF 1

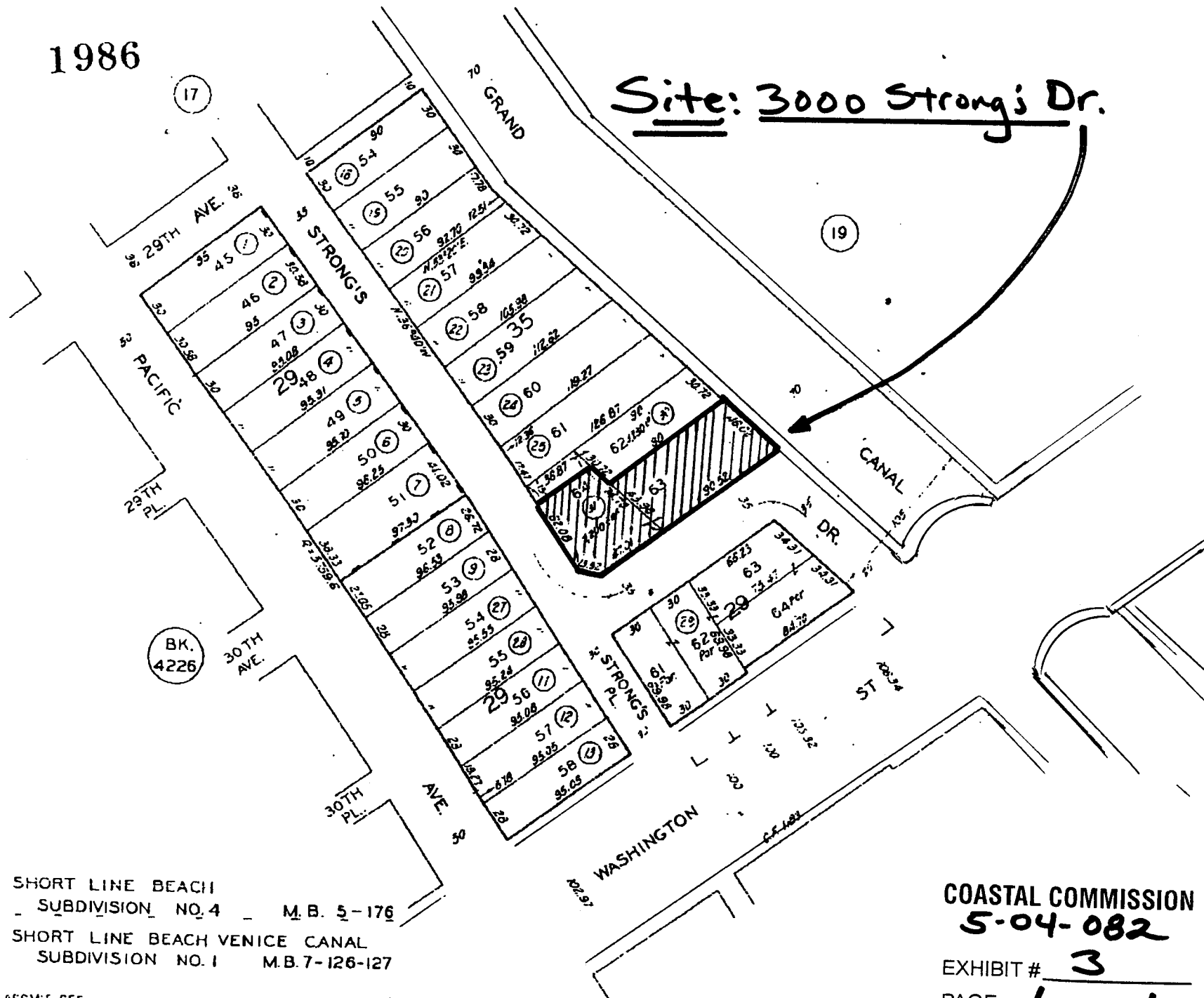


4227 18

SCALE 1" = 60'

1986

Site: 3000 Strong's Dr.



CODE  
67

SHORT LINE BEACH  
SUBDIVISION NO. 4 M.B. 5-176

SHORT LINE BEACH VENICE CANAL  
SUBDIVISION NO. 1 M.B. 7-126-127

FOR PREV. ASSM'T SEE:  
79-25

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5-04-082

EXHIBIT # 3  
PAGE 1 OF 1

GRAND CANAL

Canal

Hedge  
Walkway

North ↑

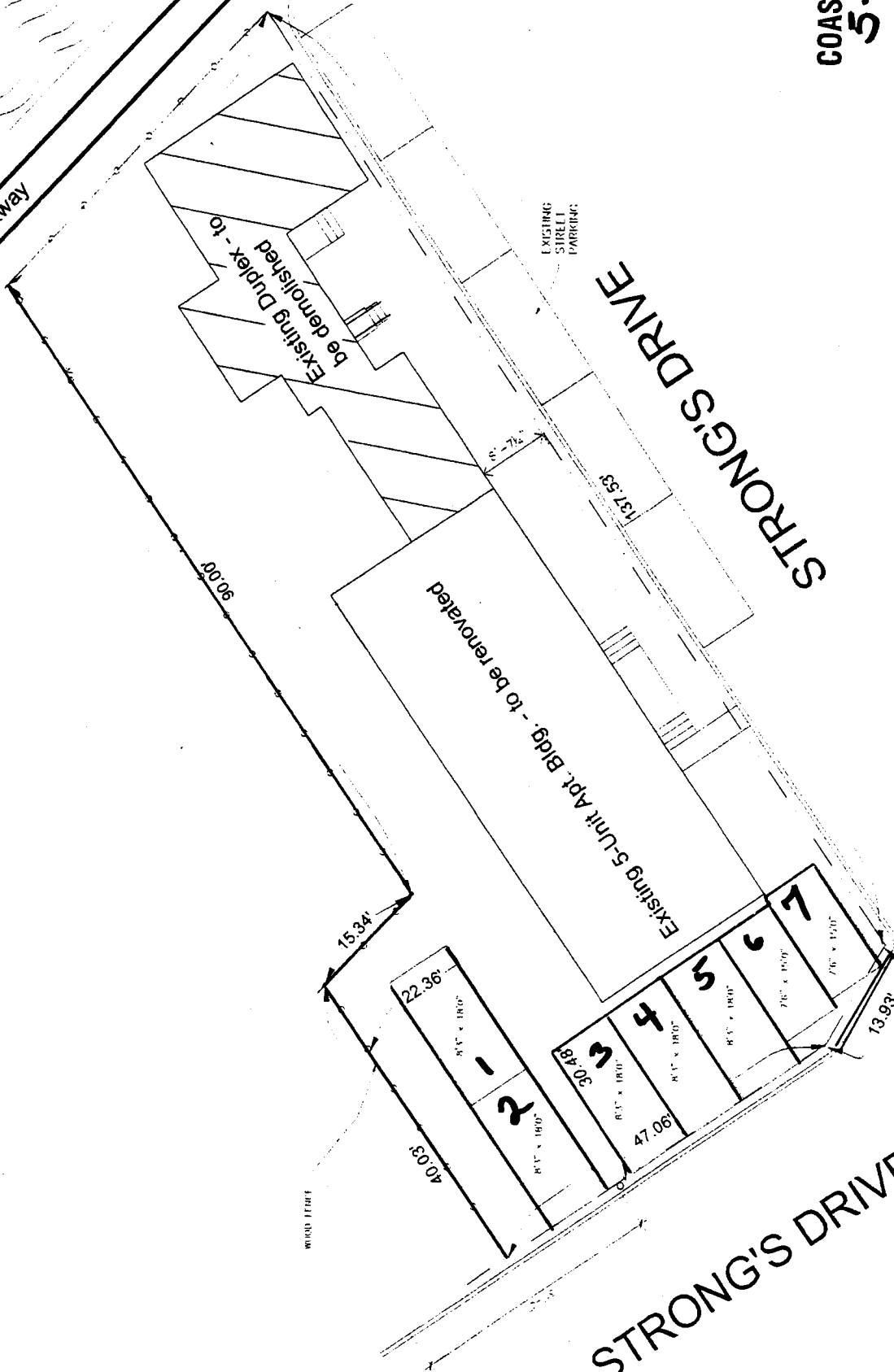
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5-04-082

EXHIBIT # 4

PAGE 1 OF 1

STRONG'S DRIVE

Existing Site Plan



STRONG'S DRIVE

GRAND CANAL

SFD  
5-04-171  
3005 Strong's Dr.

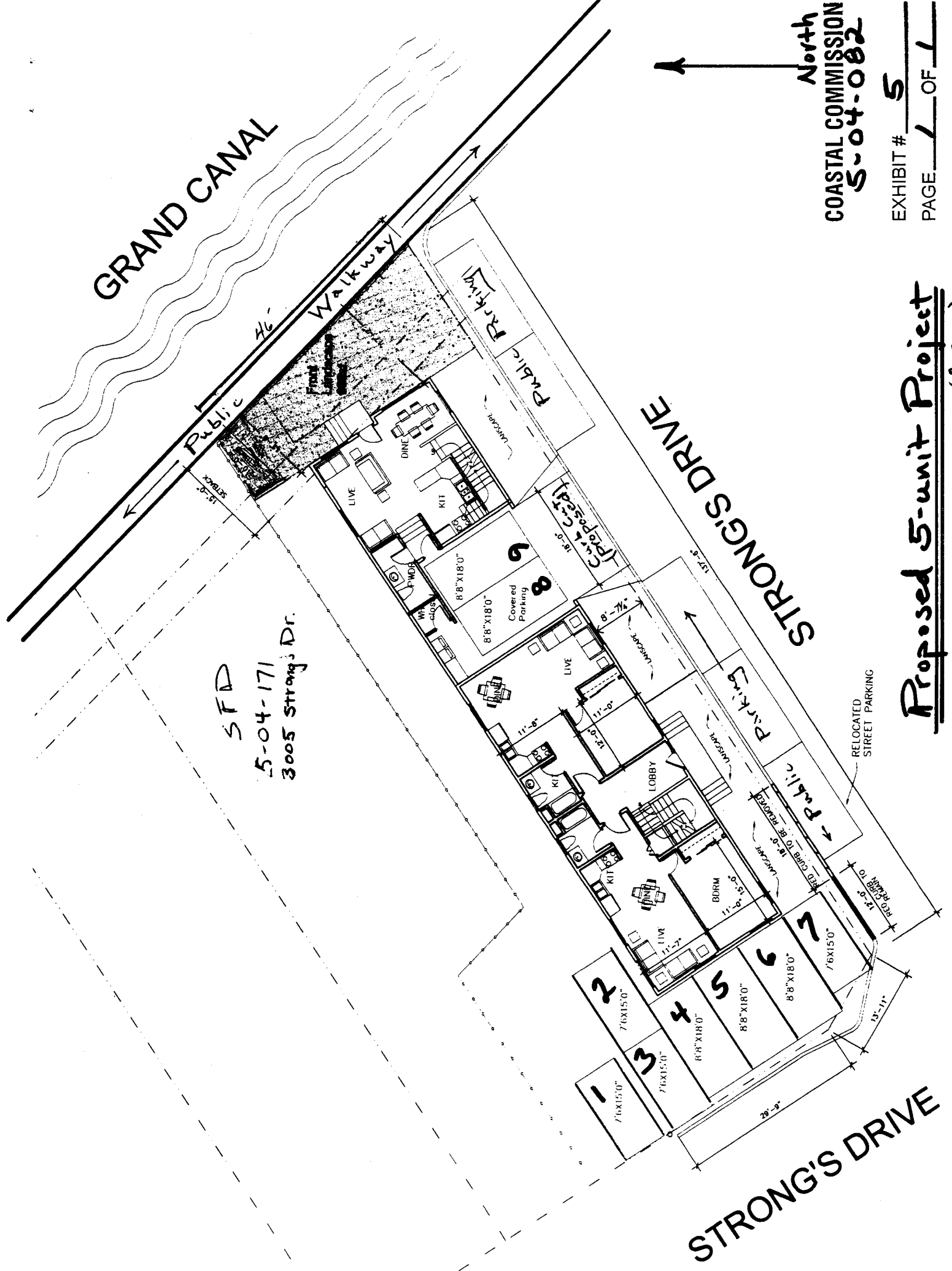
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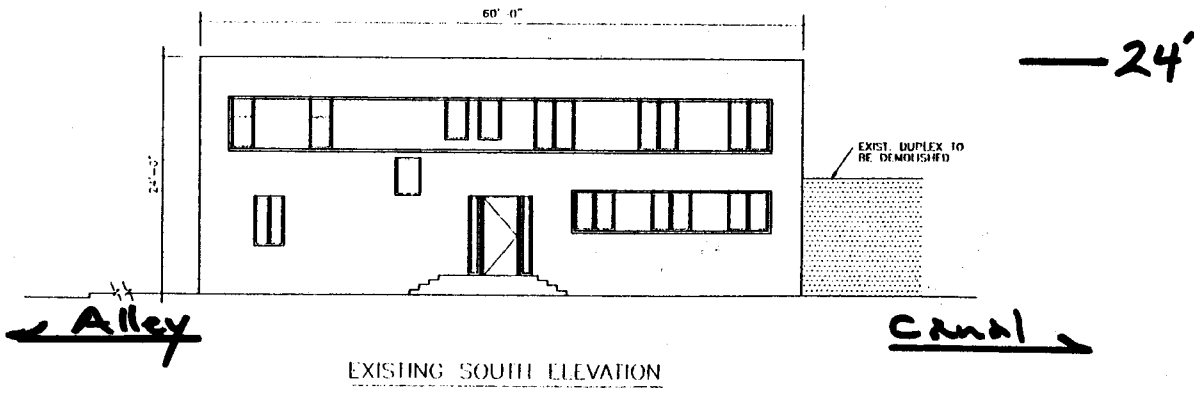
STRONG'S DRIVE

North  
COASTAL COMMISSION  
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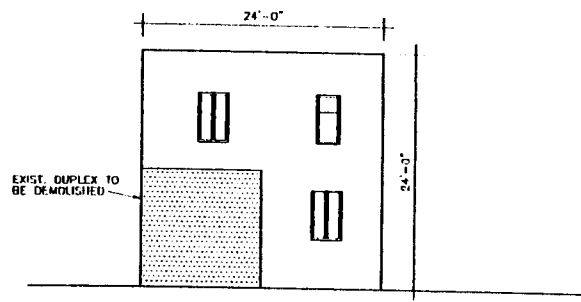
EXHIBIT # 5  
PAGE 1 OF 1

Proposed 5-unit Project  
(9-20-4)

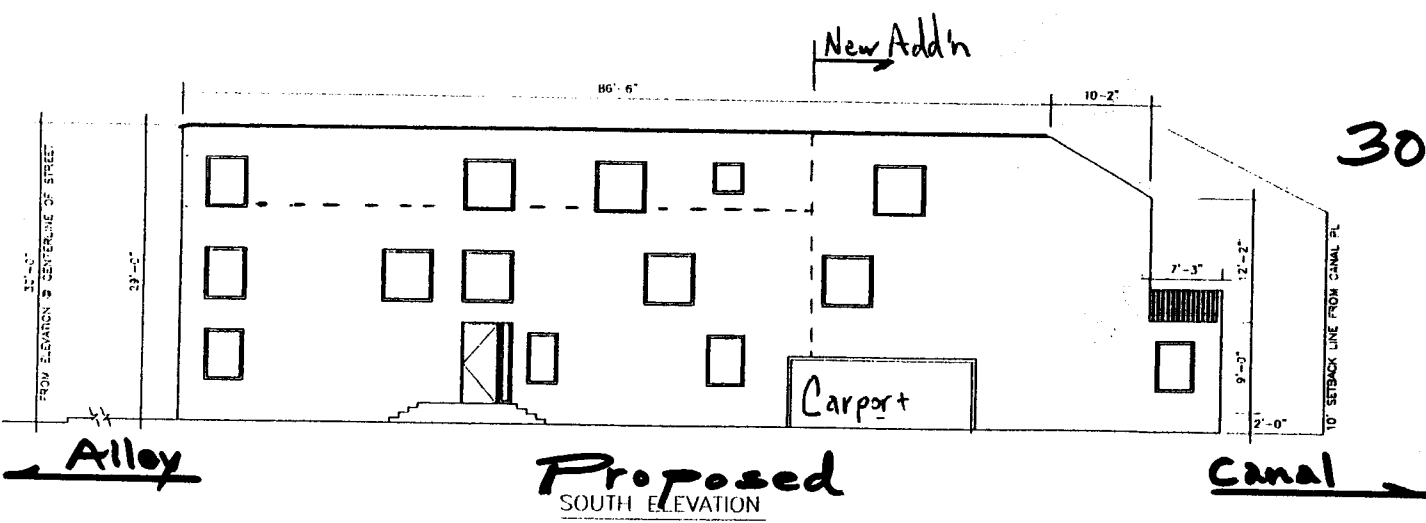




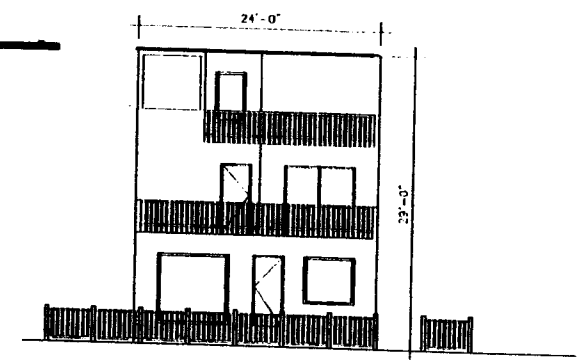
EXISTING SOUTH ELEVATION



EXIST. EAST ELEVATION (FRONT)  
Grand Canal



Proposed  
SOUTH ELEVATION

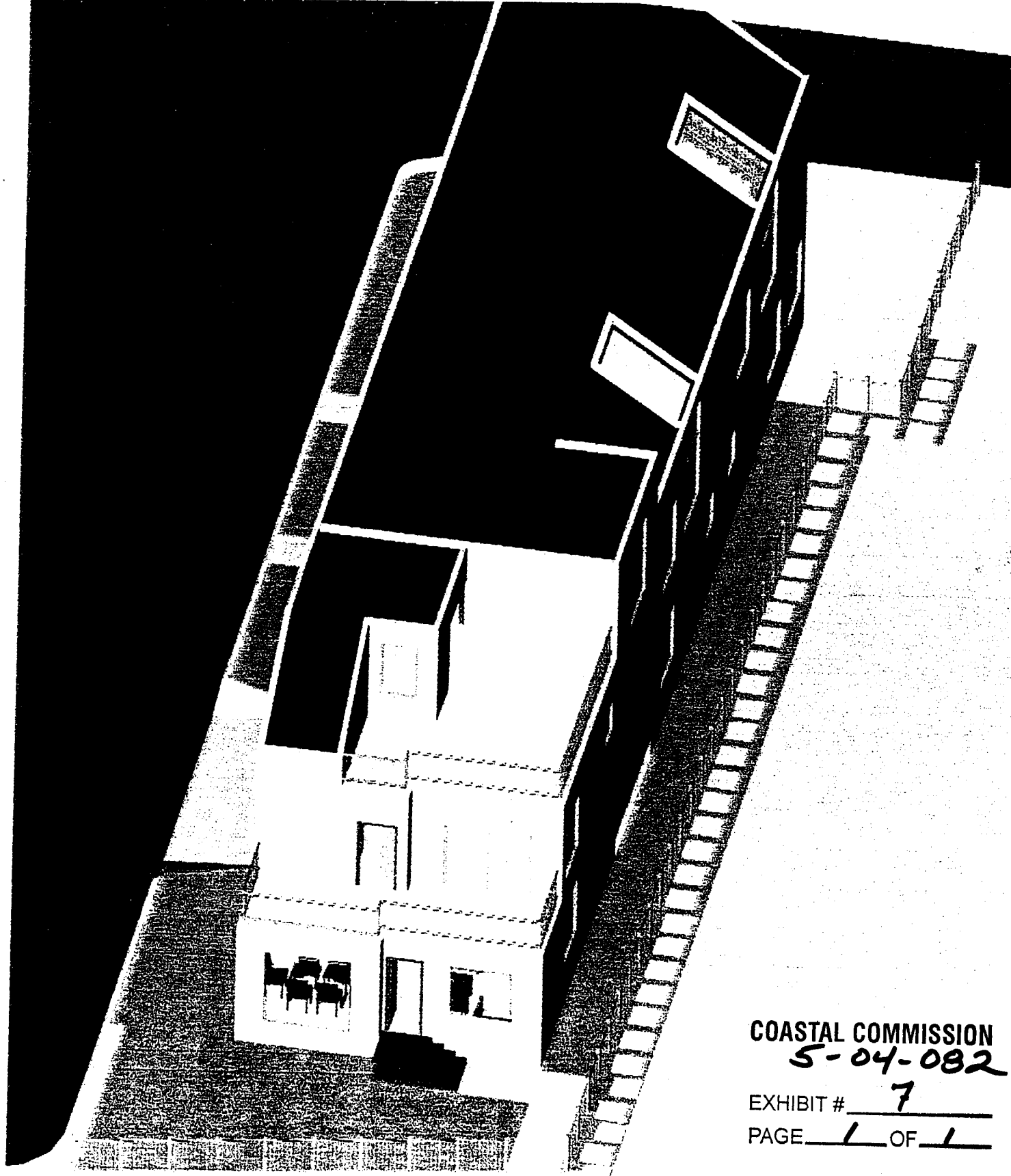


Proposed  
EAST ELEVATION (FRONT)  
Grand Canal

Elevations: Existing & Proposed

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5-04-082

EXHIBIT # 6  
PAGE 1 OF 1



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5-04-082

EXHIBIT # 7

PAGE 1 OF 1

← Public Walkway →

← Grand Canal →

