

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: April 13, 2005  
Commission Action:

**W7c****RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-04-474**APPLICANTS:** Ronald H. Layton & Anna Zimmerman**AGENT:** Kimber Clark**PROJECT LOCATION:** 2309 Grand Canal, Venice, City of Los Angeles, Los Angeles Co.

**PROJECT DESCRIPTION:** Demolition of a one-story single-family residence and detached garage, and construction of a three-story, 30-foot high (with 38-foot high roof access structure), 3,548 square foot single-family residence with an attached two-car garage on a canal-fronting lot.

Lot Area	2,700 square feet
Building Coverage	1,800 square feet
Pavement Coverage	570 square feet
Landscape Coverage	330 square feet
Parking Spaces	3
Zoning	RW1-1
Plan Designation	Single-Family Residential - Waterway
Ht above final grade	30 feet (plus 38-foot high roof access)

**LOCAL APPROVAL:** City of Los Angeles Specific Plan Project Permit, Case No. DIR-2004-6103 (SPP)(MEL), 11/23/2004.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending **APPROVAL WITH SPECIAL CONDITIONS** requiring the applicants to submit revised plans for the review and approval of the Executive Director. **See Page Two for the motion.** The proposed project does not conform to the Chapter 3 policies of the Coastal Act and the height, setback and yard area requirements set forth by the certified Venice Land Use Plan (LUP). The building extensions (i.e. roof, stairways, decks and balconies) that are proposed to extend towards the canal from the front façade would leave an eleven-foot deep front yard instead of the fifteen-foot deep (average) front yard that has been provided on all Commission-approved homes along the Venice Canals (Exhibit #5). Therefore, the project plans must be revised in order to provide an adequate building setback and 450 square foot permeable and uncovered yard area between the proposed structure and the canal property line. Only as conditioned to provide a minimum 450 square foot permeable and uncovered yard area within a fifteen-foot deep (average) front yard can the proposed project be found to conform with the public access, community character and marine resource policies of the Coastal Act. The applicants do not agree with the staff recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan (LUP) for Venice, 6/14/01.
2. Commission's Regional Interpretive Guidelines for Los Angeles County, 10/14/1980.
3. City of Los Angeles Venice Coastal Zone Specific Plan (Ordinance No. 175,693).
4. Coastal Development Permit P-78-2987 (Ofsanko & Argyropoulos).
5. Coastal Development Permit Amendment 5-03-077-A1 (Pickett).
6. Coastal Development Permit 5-92-013 (DeBell: 2304 Strong's Drive).
7. Coastal Development Permit 5-04-178 (Smith: 2314 Strong's Drive).

**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 5-04-474 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**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. Revised Plans

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

- a) Building Setback. In order to provide a setback for access, visual quality, and to protect the biological productivity of the canals, an average building setback of fifteen feet (15') shall be maintained in the front yard adjacent to the canal property line. All portions of the structure shall be set back at least ten feet (10') from the canal property line. No building extensions are permitted within the front yard setback area.
- b) Permeable Front Yard. See **Special Condition Two below**.
- c) Building Height. No development is authorized within ten feet of the fronting canal property line (Grand Canal) and within or above the required 450 square foot permeable front yard area, except as described in **Special Condition Two below**. 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. Roof deck railings, skylights, and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit.
- d) Roof Access Structure. One roof access structure, with a footprint not exceeding one hundred square feet in area, is permitted to extend up to forty feet (40') above the elevation of the centerline of the canal walkway. In order to reduce the visual impact of the roof access structure from the canal walkway that fronts the site, the roof access structure shall be set back a minimum of sixty linear feet (60') from the mean high tide line of Grand Canal.
- e) Drainage. See **Special Condition Five below**.

The permittees shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. 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 450 square feet shall be maintained in the front yard area between the structure and the front (Grand Canal) property line. Uncovered means that no fill or building extensions (i.e. chimneys, 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). 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 Seven** 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. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

3. 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.

4. Parking

A minimum of three parking spaces shall be provided and maintained on the site.

5. 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, a drainage plan which provides 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) All construction equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals.
- c) 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.
- d) All runoff leaving the site shall be directed away from the canals and into the City storm drain system.
- e) 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.

6. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for the permit amendment, subject to any special conditions set forth above. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether another amendment to the coastal development permit is required.

7. Deed Restriction

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has 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 demolish an existing 1920s era one-story single-family residence and detached garage on the canal-fronting lot, and to construct a new 30-foot high, 3,548 square foot single-family residence (See Exhibits). A proposed 38-foot high roof access structure would provide access to the proposed roof deck (Exhibit #6). An attached two-car garage and a carport, accessed from Strong's Drive (the rear alley), would provide three on-site parking spaces (Exhibit #5).

An eleven-foot front yard building setback and 330 square foot uncovered front yard area is being proposed instead of the LUP standard fifteen-foot front yard building setback and 450 square foot uncovered and permeable front yard area. The proposed stairways, deck and balconies on the canal-facing façade would encroach into the required front yard setback area and over the required permeable yard area (Exhibit #5). The certified Venice LUP 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 project site is a 2,700 square foot lot situated on the west bank of Grand Canal in the Venice Canals residential area (Exhibit #2). The neighborhood is comprised of both old and new one, two and three-story single-family residences, and a few non-conforming duplexes. Public sidewalks currently provide public access along all banks of the canals, including the west bank of Grand Canal in front of the project site (Exhibit #3).

##### **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, setbacks, 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, setback and parking standards to development in the Venice coastal zone in order to protect public access, water quality and to preserve the special character of the area as required by the Chapter 3 policies of the Coastal Act.

Section 3025l 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....

On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP includes the density, building height, parking and water quality standards for the Venice Canals neighborhood that the Commission had previously adopted in 1980 as part of the Regional Interpretive Guidelines for Los Angeles County. The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood.

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.

### **Certified Venice LUP Policies**

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 June 14, 2001, the Commission certified the following policy as part of the Venice LUP in order to regulate residential development in the Venice Canals neighborhood.

Certified 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 plans must be revised in order to comply with the standards set forth by the certified Venice LUP.

### **Building Setback and Permeable Yard Area**

Buildings in Venice are required to be set back 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. The required setback from the waterway, and the permeable front yard provided and maintained within each setback, protect community character by maintaining a comparable scale between buildings in the area, enhance public access, and provide an area for percolation to protect the water quality and biological productivity of the canals.

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 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, may be placed in or over the required permeable front yard area with the exception of permeable decks. The setback and front yard requirements maintain community character in the Venice Canals by reducing building masses and by protecting a landscaped open space strip along each side of each canal. Policy I.A.4.a of the certified Venice LUP includes this permeable yard and setback requirement for all development proposed along the Venice Canals.

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 proposed project provides an eleven-foot front yard building setback and 330 square foot uncovered front yard area instead of the standard fifteen-foot front yard building setback and 450 square foot uncovered and permeable front yard area (Exhibit #5). The proposed stairways, deck and balconies on the canal-facing façade would encroach into the required front yard setback area and over the required permeable yard area. The proposed 330 square foot uncovered yard area and eleven-foot setback do not meet the requirements of the certified Venice LUP or Section 3025I of the Coastal Act which requires that development shall be sited and designed to be visually compatible with the neighborhood character and to protect views along scenic coastal areas like the Venice Canals.

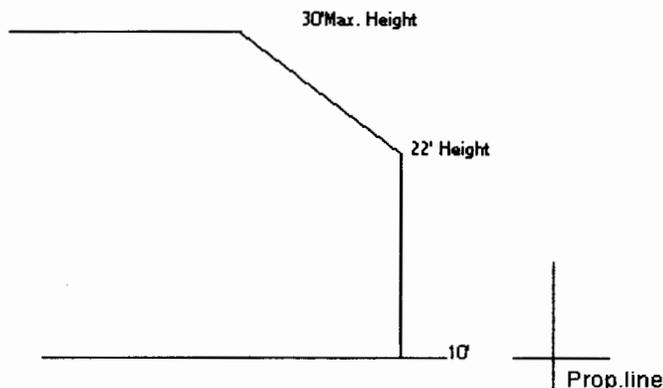
Therefore, the Commission finds that prior to issuance of the coastal development permit, the applicants shall revise the project plans in order to provide an adequate building setback and 450 square foot permeable and uncovered yard area between the proposed structure and the canal property line. Only as conditioned to provide a minimum 450 square foot permeable and uncovered yard area within a fifteen-foot deep (average) front yard can the proposed project be found to conform with the public access, community character and marine resource policies 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 the Venice Canals has been limited to a height thirty feet 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 imposes an upper level setback to prevent houses from looming over the canals and the public sidewalks on their banks. The Commission approves thirty-foot high structures within a building envelope that certified Venice LUP Policy I.A.4.a 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).*



The roof deck level of the proposed single-family residence project is thirty feet high. The proposed roof deck railings extend 42-inches above the proposed roof deck. A proposed 38-foot high roof access structure would provide access to the proposed roof deck (Exhibit #7). As proposed, the top of the proposed structure extends outside of the LUP-required building envelope and does not comply with the ascending height limit (see diagram above) that applies to the portion of the building nearest the canal (Exhibit #6).

Therefore, the Commission finds that prior to issuance of the coastal development permit, the applicants shall revise the project plans in order to conform to the height limit, setback and yard area requirements set forth by the certified Venice LUP. The revised plans shall also conform with the following certified LUP policy that limits the mass and visual impact of roof access structures that exceed the thirty-foot height limit.

Certified Venice Land Use Plan Policy I.A.1.a states:

a. **Roof Access Structures**. *Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:*

i. *The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;*

ii. *The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;*

iii. *The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; and,*

iv. *All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).*

*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.*

Therefore, the Commission finds that only as conditioned to conform to the height limit and massing restrictions can the proposed project be found to conform with 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.

### **Residential Density**

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has limited new residential development density to one unit per lot. Policy I.A.4.a (see above) of the certified Venice LUP also limits residential density in the project area to one unit per lot. The proposed single-family residence conforms to the density limit for the site.

### **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. 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 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. As conditioned to provide an adequate building setback on the ground floor and upper level (i.e. ascending height limit), the proposed project will not interfere with the existing public walkway along Grand 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 5-00-018 (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.

As stated in Section B of this report, 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 or 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.

In this case, the permit is conditioned to require the applicants to revise the project plans in order to provide an adequate building setback and 450 square foot permeable and uncovered yard area between the proposed structure and the canal property line. Only as conditioned to provide a minimum 450 square foot permeable and uncovered yard area within a fifteen-foot deep (average) front yard can the proposed project be found to conform with the public access, community character and marine resource 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. The permit is conditioned to provide a drainage plan that depicts the location and design of the required french drain. In order to further protect marine resources and water quality, the required drainage plan shall also provide for the following:

- 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.
- All construction equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals.
- All runoff leaving the site shall be directed away from the canals and into the City storm drain system.
- No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

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....

Many of the older developments in Venice do not provide adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. The 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 walk streets and alleys provide no public parking, and residents of the area and their guests often occupy the small amount of parking area that may be available for the general public on the surrounding streets. To mitigate this problem, the Commission has consistently conditioned new single-family residences in the Venice Canals neighborhood to provide a minimum of three on-site parking spaces.

The proposed project includes an attached two-car garage and a carport, accessed from Strong's Drive (the rear alley), to provide the required three on-site parking spaces (Exhibit #5). Therefore, the proposed project provides an adequate on-site parking supply and conforms to the parking standards for the Venice Canals neighborhood. 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. 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 owners record a deed restriction against the property, referencing all of the 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.

**G. 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 (LCP) 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 LCP for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001.

As proposed, the project does not conform to the Chapter 3 policies of the Coastal Act and the height, setback and yard area requirements set forth by the certified Venice LUP. The building extensions (i.e. stairways, decks and balconies) that are proposed to extend towards the canal from the front façade would leave an eleven-foot deep front yard instead of the fifteen-foot deep (average) front yard that has been provided on all Commission-approved homes along the Venice Canals (Exhibit #5). Therefore, the approval of the project as proposed could prejudice the ability of the local government to prepare a LCP that is in conformity with the provisions of Chapter 3.

As conditioned, however, the approved project is required to provide an adequate building setback and 450 square foot permeable and uncovered yard area between the proposed structure and the canal property line. Only as conditioned to provide a minimum 450 square foot permeable and uncovered yard area within a fifteen-foot deep (average) front yard can

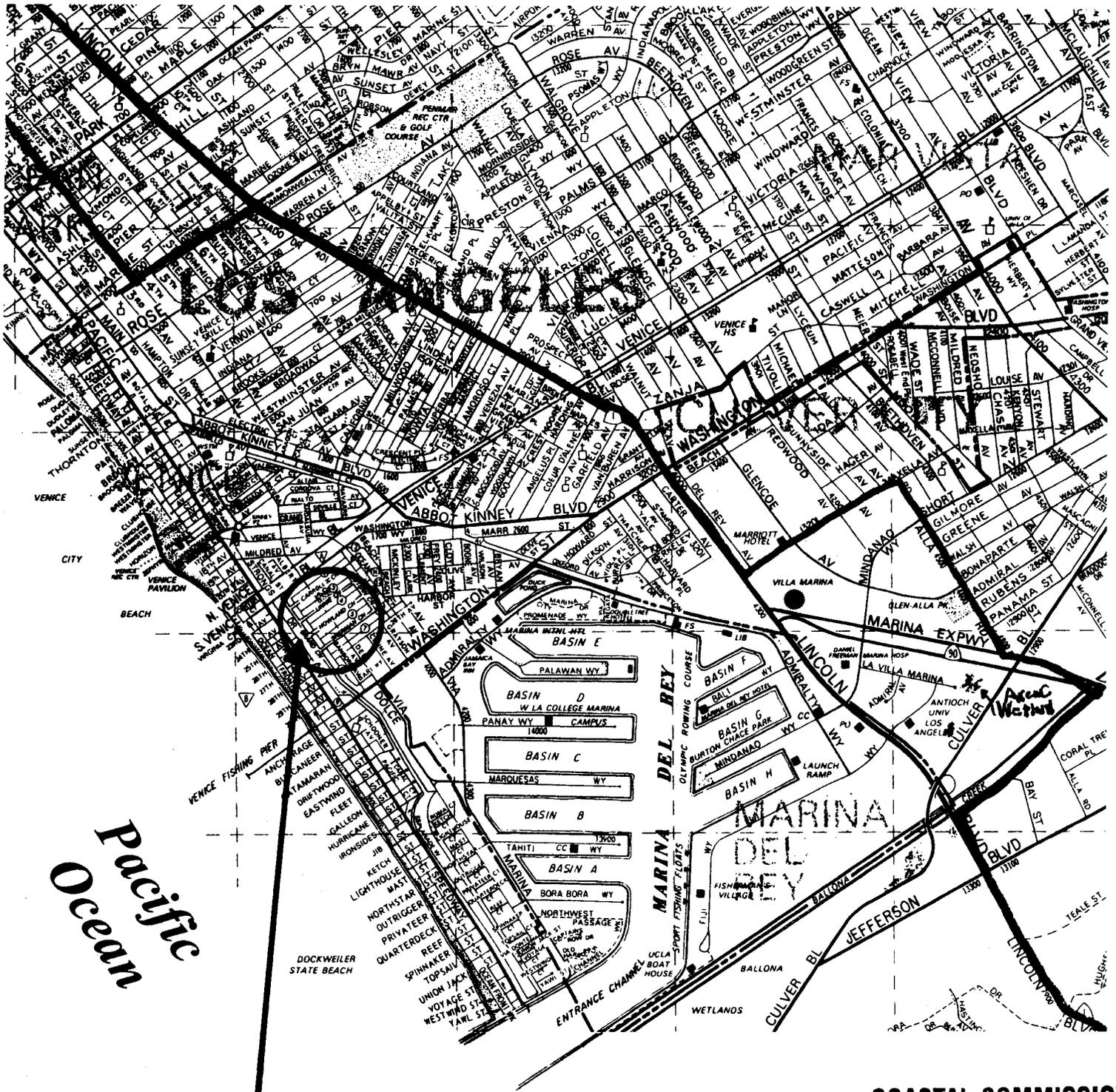
the proposed project be found to conform with the public access, community character and marine resource policies of the Coastal Act. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified LUP for the area. Approval of the project, as conditioned, will 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.

#### **H. 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 Commission has identified feasible mitigation measures available that would substantially lessen the significant adverse effect that the proposed project would have on the environment. The feasible mitigation measures have been incorporated into the permit as conditions of approval. Therefore, 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.

# VENICE, CA

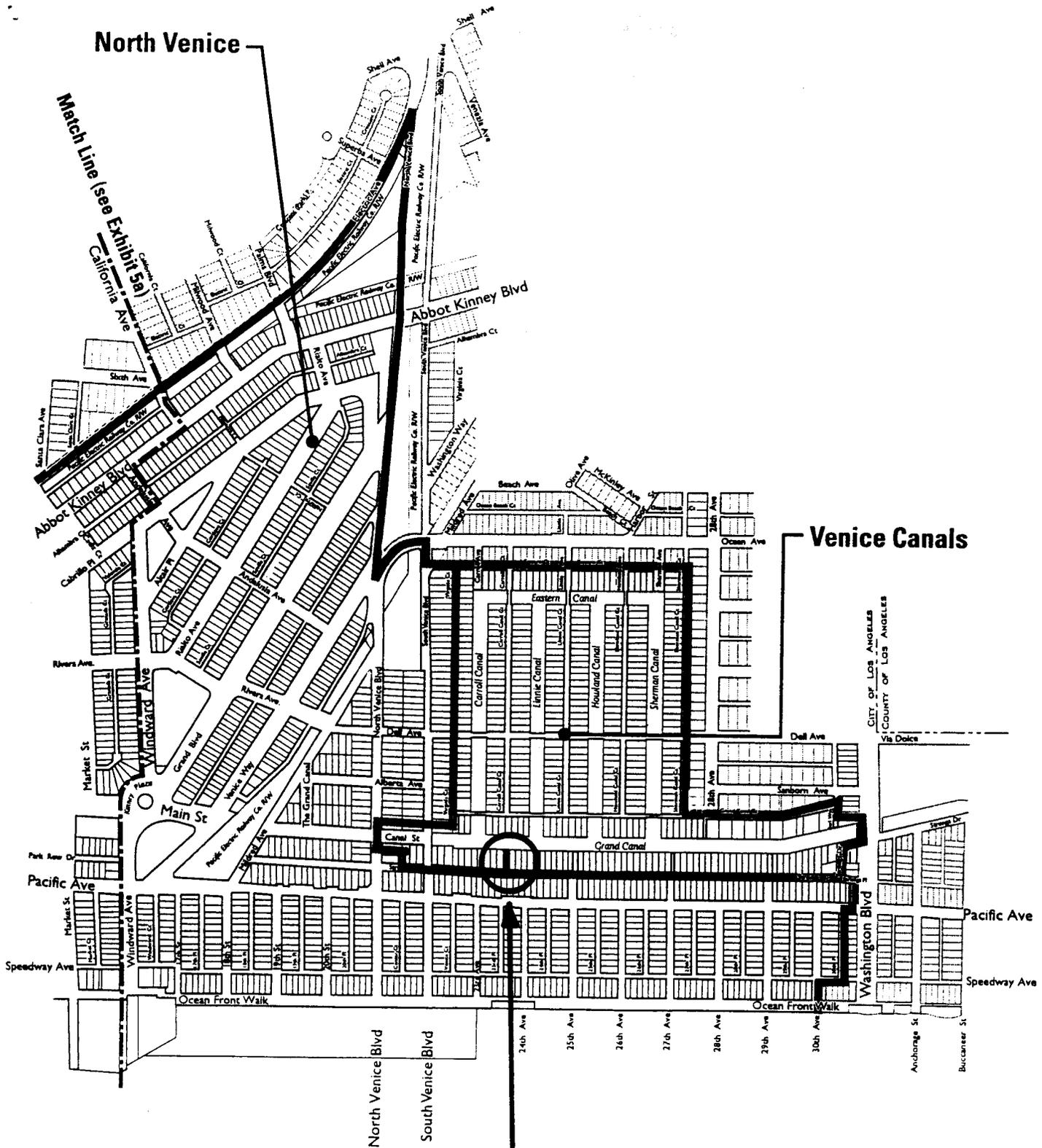


Pacific  
Ocean

Site: 2309 Grand Canal

COASTAL COMMISSION  
5-04-474

EXHIBIT # 1  
PAGE 1 OF 1



Site: 2309 Grand Canal

LUP  
Exhibit 5b  
Subarea: North Venice • Venice Canal



COASTAL COMMISSION

5-04-474

EXHIBIT # 2

PAGE 1 OF 1

4227

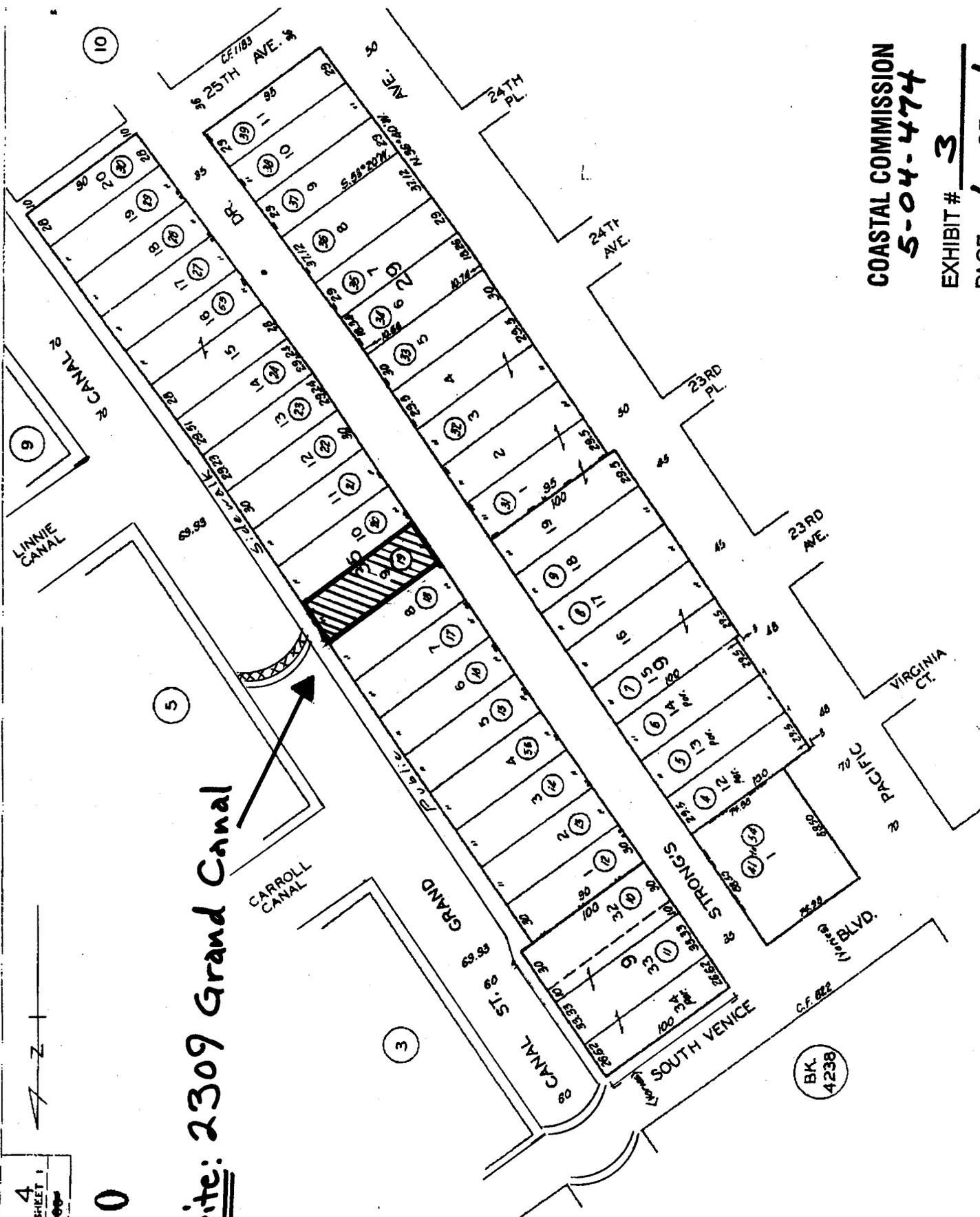
4

SHEET 1

SCALE

2000

Site: 2309 Grand Canal



COASTAL COMMISSION  
5-04-474

EXHIBIT # 3  
PAGE 1 OF 1



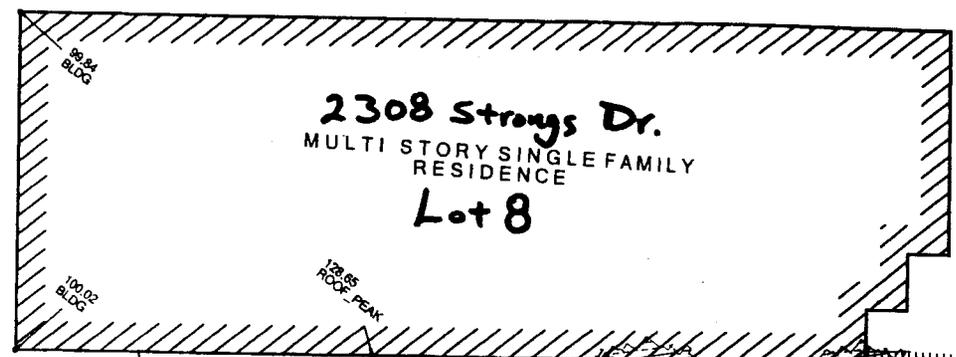
**EXPLANATION**

B-10 BORING LOCATION

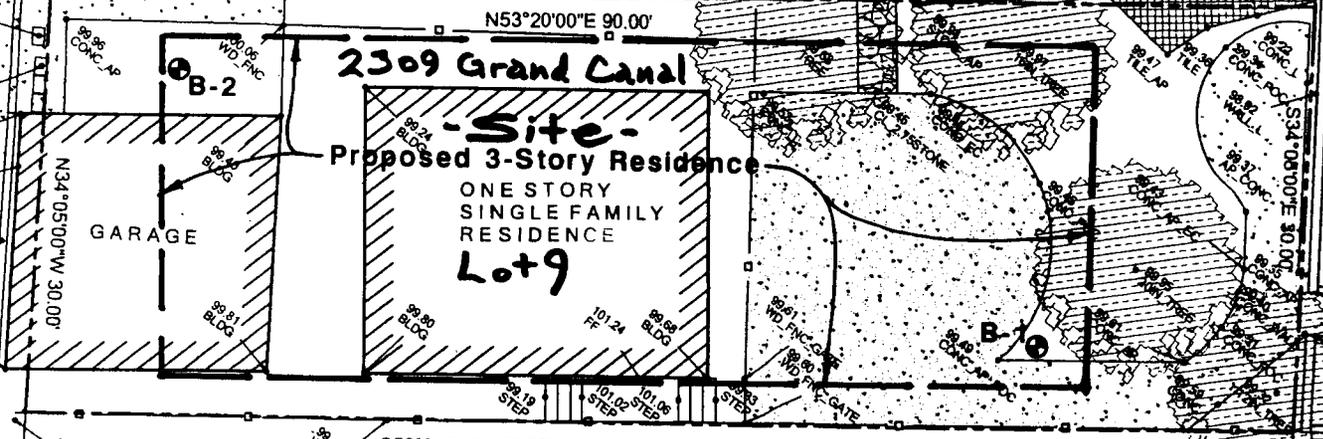
STRONG'S DRIVE

Public  
SIDEWALK

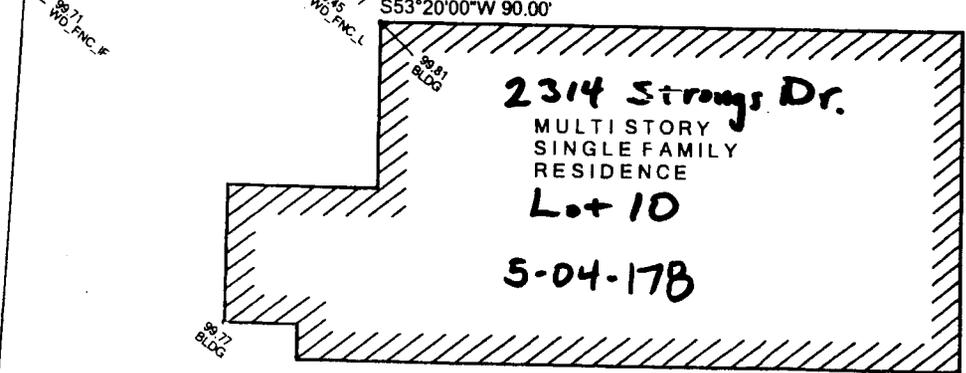
GRAND CANAL



**2308 Strong's Dr.**  
MULTI STORY SINGLE FAMILY RESIDENCE  
**Lot 8**



**2309 Grand Canal**  
**- Site -**  
Proposed 3-Story Residence  
ONE STORY SINGLE FAMILY RESIDENCE  
**Lot 9**



**2314 Strong's Dr.**  
MULTI STORY SINGLE FAMILY RESIDENCE  
**Lot 10**  
**5-04-178**

1848 VICTORY BLVD., 2ND FLR.  
CLENDALE, CA 91201-9240  
PHONE 818-300-8333  
FAX 818-300-0134

**GEOSYSTEMS, Inc.**  
ENVIRONMENTAL ENGINEERING-GEOL  
AND GEOTECHNICAL ENGINEER

**PLOT PLAN**

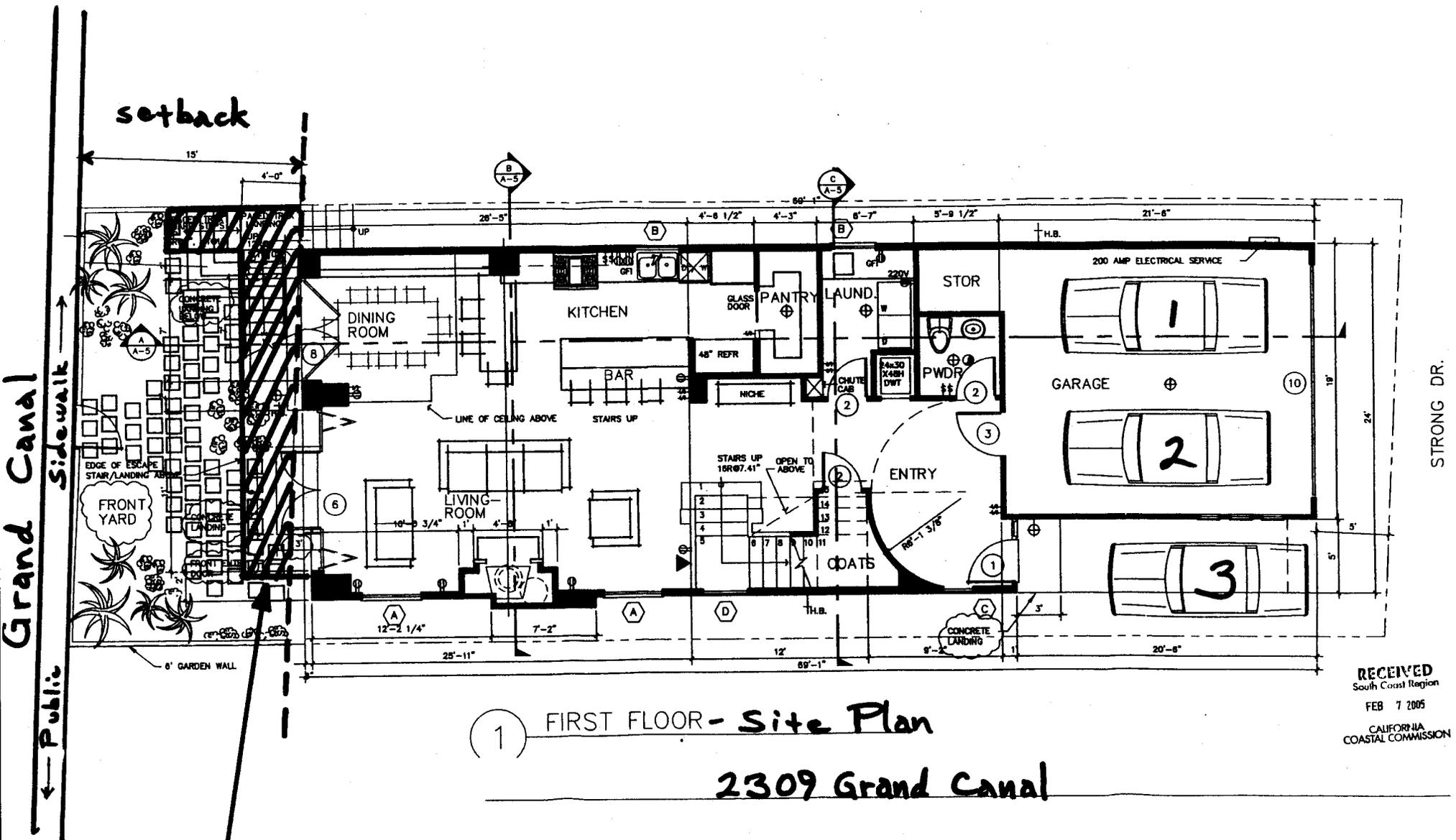
2309 Grand Canal  
Venice, California

**COASTAL COMMISSION**

**5-04-474**

EXHIBIT # 4

PAGE 1 OF 1



① FIRST FLOOR - Site Plan

2309 Grand Canal

Building proposed within  
 required setback.

RECEIVED  
 South Coast Region  
 FEB 7 2005  
 CALIFORNIA  
 COASTAL COMMISSION

COASTAL COMMISSION  
 5-04-474  
 EXHIBIT # 5  
 PAGE 1 OF 1

38'

ROOF ACCESS STRUCTURE BEYOND

Ascending height limit

30'

SCUPPER

WROUGHT IRON RAILING  
WOOD TRELLIS

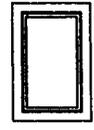
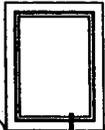
38.00'  
TOP OF  
ROOF  
STRUCTURE

DOWNSPOUT

STUCCO

DOWNSPOUT

30.00'  
T.O.P.



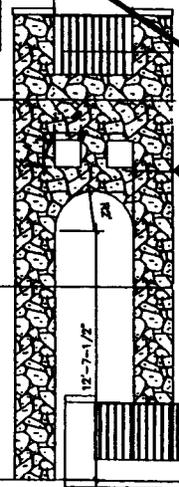
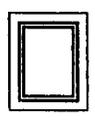
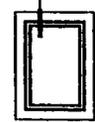
11'  
setback

18.5'  
THIRD FLOOR

TYPICAL  
8  
A-7

8  
A-7  
TYPICAL

STUCCO

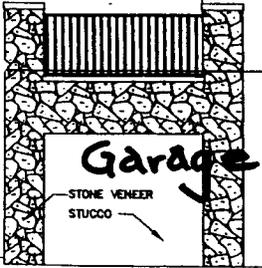


WROUGHT IRON RAILING

9.875'  
SECOND FLOOR

FIRST FLOOR 0.33'  
0.00'

Canal →



Garage

STONE VENEER  
STUCCO

Strong's Dr.

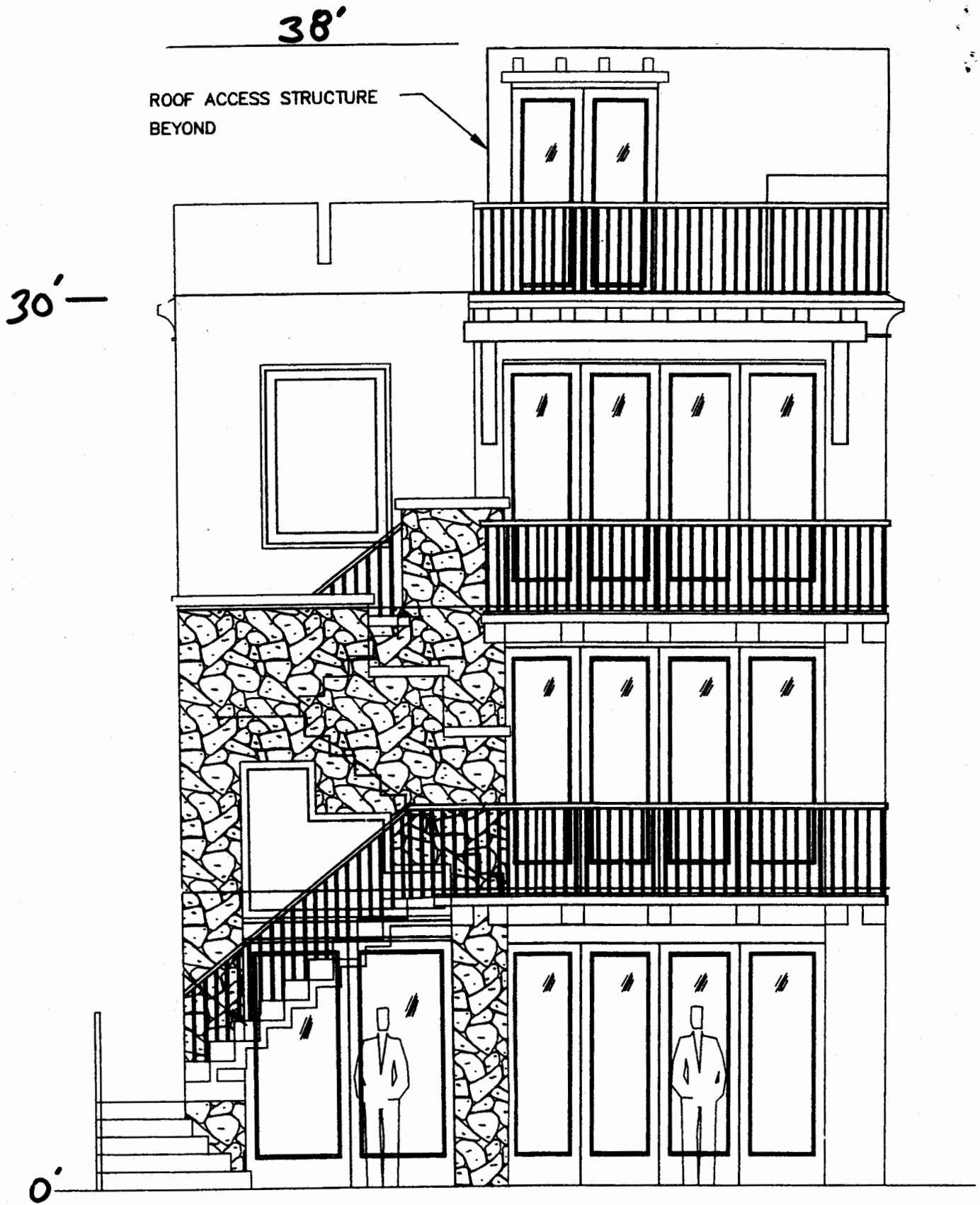
EAST ELEVATION

COASTAL COMMISSION

5-04-474

EXHIBIT # 6

PAGE 1 OF 1



ROOF ACCESS STRUCTURE  
BEYOND

38'

30'—

0'

2

NORTH ELEVATION

Grand Canal View

COASTAL COMMISSION

5-04-474

EXHIBIT # 7

PAGE 1 OF 1