

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 6/13/2005
49th Day: 8/1/2005
180th Day: 12/10/2005
Staff: CP-LB
Staff Report: 6/23/2005
Hearing Date: July 13, 2005
Commission Action:



CP

W9c**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-04-171**APPLICANTS:** James & Julie Jungwirth**AGENT:** Leslie Lombard, Urban Concepts**PROJECT LOCATION:** 3005 Grand Canal, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of a one-story single-family residence, adjustment of the southern lot line, and construction of a three-story, 29.5-foot high, 4,170 square foot single-family residence with an attached two-car garage on a canal-fronting lot.

Lot Area	3,277/4,452 square feet (before/after)
Building Coverage	2,460 square feet
Pavement Coverage	635 square feet
Landscape Coverage	1,357 square feet
Parking Spaces	4
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	29.5 feet

LOCAL APPROVALS: 1) City of Los Angeles Project Permit, Case No. DIR-2003-1849 (SPP)(MEL), 9/9/2003; 2) Parcel Map Exemption No. AA-2002-5846 (Lot Line Adjustment), 12/19/2002 & 4/14/2005.

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. Coastal Development Permit Application 5-04-082 (Jungwirth - 3000 Strong's Dr.).
4. Coastal Development Permit 5-04-231 (Forsyth - 2808 Strong's Dr.).
5. Coastal Development Permit 5-03-003 (Goldstein - 2800-2806 Strong's Dr.).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions to address permeable yard area, landscaping, building height, parking, drainage and permit compliance. The applicants agree with the recommendation. **See Page Two for the motion to carry out the staff recommendation.**

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 5-04-171 per the staff recommendation."*

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. 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 38.35' = 575 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 #6 of the 6/23/05** 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.

2. Landscaping

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

3. Residential Density

The permitted use of the approved structure is a single-family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Parking

A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage, and the third required space in the rear yard as shown on **Exhibit #6 of the 6/23/05** staff report.

5. Building Height

No development is authorized within ten feet of the fronting canal property line (Grand Canal) and within or above the required 575 square foot permeable front yard area, except as described in Special Condition One above. At a point ten feet landward of the fronting canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of thirty feet (30') except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit. This permit does not authorize any roof access structure to exceed the thirty-foot height limit.

6. 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 that 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.

7. Permit Compliance

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

8. 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 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

The proposed project has three components: 1) adjustment of the southern lot line, 2) demolition of an existing one-story single-family residence, and 3) construction of a new three-story single-family residence. The project site is a 3,277 square foot lot situated on the west bank of Grand Canal in the Venice Canals residential area (Exhibit #2). The Venice Canals neighborhood is comprised of both old and new one, two and three-story single-family residences, and a few non-conforming multi-family residential buildings. 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). The project site is also very close to the commercial corridor of Washington Boulevard and the Venice Pier and restaurant area.

The proposed 7.5-foot adjustment of the southern lot line would widen and enlarge the project site (Lot No. 62) from 3,277 to 4,452 square feet (Exhibit #4). The applicants also own the abutting property to the south (Lot No. 63), which is occupied by a two-story apartment building. On November 18, 2004, the applicants received Commission approval to renovate and enlarge the existing apartment building on Lot No. 63 [See Coastal Development Permit 5-04-082 (Jungwirth)]. Although the proposed lot line adjustment will reduce the area of Lot 63 from 6,788 to 5,613 square feet, the lot will still have sufficient area to provide the ten on-site parking spaces required by Coastal Development Permit 5-04-082 to serve the five approved apartment units (Exhibit #5). Subsequent to the Commission's approval of this permit application, the applicants will apply to amend Coastal Development Permit 5-04-082 so that the permit for Lot No. 63 reflects the change to the lot configuration that would result from the proposed lot line adjustment.

After the existing one-story single-family residence is demolished and removed from the project site, the applicants propose to construct a new three-story, 29.5-foot high, 4,170 square foot single-family residence on the canal-fronting lot (Exhibit#7). An attached two-car garage and the driveway apron, accessed from Strong's Drive (the rear alley), would provide four on-site parking spaces. A six hundred square foot permeable yard area is being provided in the required front yard setback area adjacent to the Grand Canal public walkway (Exhibit #6). The certified Venice LUP requires that all new houses maintain a permeable yard area equal to fifteen times the width of the lot between the canal property line and the front of the house (in this case: 15'x 38.35' = 575 sq.ft.).

The proposed project conforms to the thirty-foot height limit, provides the required permeable front yard and on-site parking spaces, is consistent with community character, and will have no negative effects on visual resources or coastal access. As conditioned, the project is consistent with Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

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 30251 of the Coastal Act states:

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

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 complies with the standards set forth by the certified Venice LUP.

Lot Line Adjustment

The proposed lot line adjustment would affect two lots owned by the applicants: Lot Nos. 62 and 63 (Exhibit #4). On December 19, 2002, the City Advisory Agency (City of Los Angeles Planning Dept.) issued its original approval for the adjustment of the lot line shared by the applicants' two lots. On April 14, 2005, the City Advisory Agency issued its approval for a revised lot line adjustment between the two lots (Parcel Map Exemption No. AA-2002-5846-PMEX). No new lots are being created. Lot No. 62 (the project site) would be widened by about 7.5 feet by the proposed lot line adjustment, and enlarged from 3,277 to 4,452 square feet (Exhibit #4). Lot No. 63, the abutting site subject to Coastal Development Permit 5-04-082, would be reduced in area from 6,788 to 5,613 square feet (Exhibit #4).

Most of the canal-fronting lots in the area are 2,700 square feet (30'x 90') or 3,600 square feet (40'x 90') in size, so the two lots subject to the lot line adjustment would continue to be larger than average for the neighborhood. Certified Venice LUP Policy I.A.4.a states (for the Venice

Canals neighborhood) that lots smaller than 5,000 square feet shall not be subdivided (i.e. made into more than one lot) and lots larger than 2,300 square feet shall not be combined (with another lot). The proposal does not include the subdivision and creation of any new lots, nor would it combine any lots together. The number of lots is not changing. Therefore, the proposed lot line adjustment does not conflict with the certified LUP policy that controls subdivisions, lot combinations and lot sizes.

Lot No. 63 with 5,613 square feet (reduced from 6,788) would continue to be 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 (currently seven units). On November 18, 2004, the applicants received Commission approval to renovate and enlarge the existing non-conforming apartment building on Lot No. 63 [See Coastal Development Permit 5-04-082 (Jungwirth)]. Although the proposed lot line adjustment will reduce the area of Lot 63 from 6,788 to 5,613 square feet, the lot will still have sufficient area to provide the ten on-site parking spaces required by Coastal Development Permit 5-04-082 to serve the five approved apartment units (Exhibit #5). The required permeable front yard area (15'x the width of Lot. No. 63) can also be provided as required on the smaller site that would result from the proposed lot line adjustment. Subsequent to the Commission's approval of this permit application, the applicants will apply to amend Coastal Development Permit 5-04-082 so that the permit for Lot No. 63 reflects the change to the lot configuration that would result from the proposed lot line adjustment.

Certified Venice LUP Policy I.A.4.a (for the Venice Canals neighborhood) allows only one residential unit per lot, regardless of lot area, so the proposed 7.5-foot adjustment of the southern lot line on Lot No. 62 would not enable the applicants to increase the density on the site, although it would enable the applicants to build a larger single-family residence on the site once it is enlarged as they are proposing (Exhibit #5). The proposed lot line adjustment does not conflict with the policies of the certified Venice LUP, and is consistent with the requirements of section 30251 of the Coastal Act.

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 575 square feet. The figure of 575 square feet is based on an average setback of fifteen feet across the 38.35-foot width of the subject lot (after adjustment of the lot line). 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 575 square foot permeable front yard area and a front yard setback which is consistent with the other residences in the area. In this case, instead of the standard fifteen-foot deep rectangle-shaped front yard building setback, the proposed project provides 600 square foot uncovered front yard area within a fourteen-to-twenty-foot deep front yard building setback (Exhibit #6). Therefore, the proposed project meets the permeable yard area and setback requirements of the certified Venice LUP.

Only as conditioned to provide a minimum 575 square foot permeable and uncovered yard area within a fifteen-foot deep (average) front yard can the proposed project be found to conform with Section 30251 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.

Residential Density

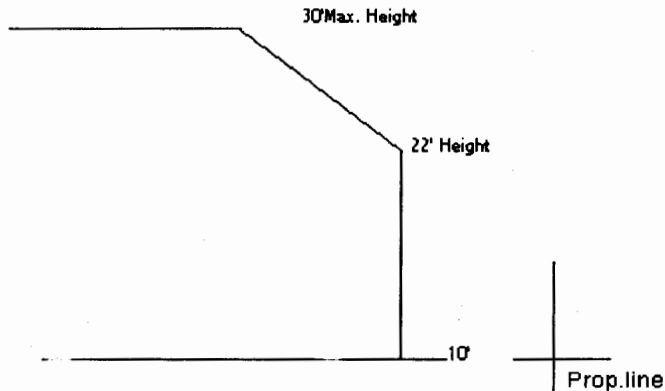
In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has limited new residential development density to one unit per lot. Policy I.A.4.a (see above) of the certified Venice LUP also limits residential density in the project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

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 of 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 highest point of the roof of the proposed single-family residence project is 29.5-feet high, measured from the centerline of Strong's Drive (Exhibit #7). No roof deck or roof access structure is proposed above the 29.5-foot elevation. Therefore, the proposed project complies with the thirty-foot height limit for the area as set forth by the certified Venice LUP. As conditioned to conform to the height limit and massing restrictions, the proposed project conforms with Section 30251 of the Coastal Act, and the scenic and visual qualities of the area will not be negatively impacted by the proposed project.

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 proposed project provides an adequate building setback and the required minimum 575 square feet of permeable and uncovered yard area between the proposed structure and the canal property line. Only as conditioned to provide a minimum 575 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 large driveway, accessed from Strong's Drive (the rear alley), to provide four on-site parking spaces (Exhibit #6). The certified Venice LUP requires the provision of three on-site parking spaces for each single-family residence in the Venice Canals area. 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.

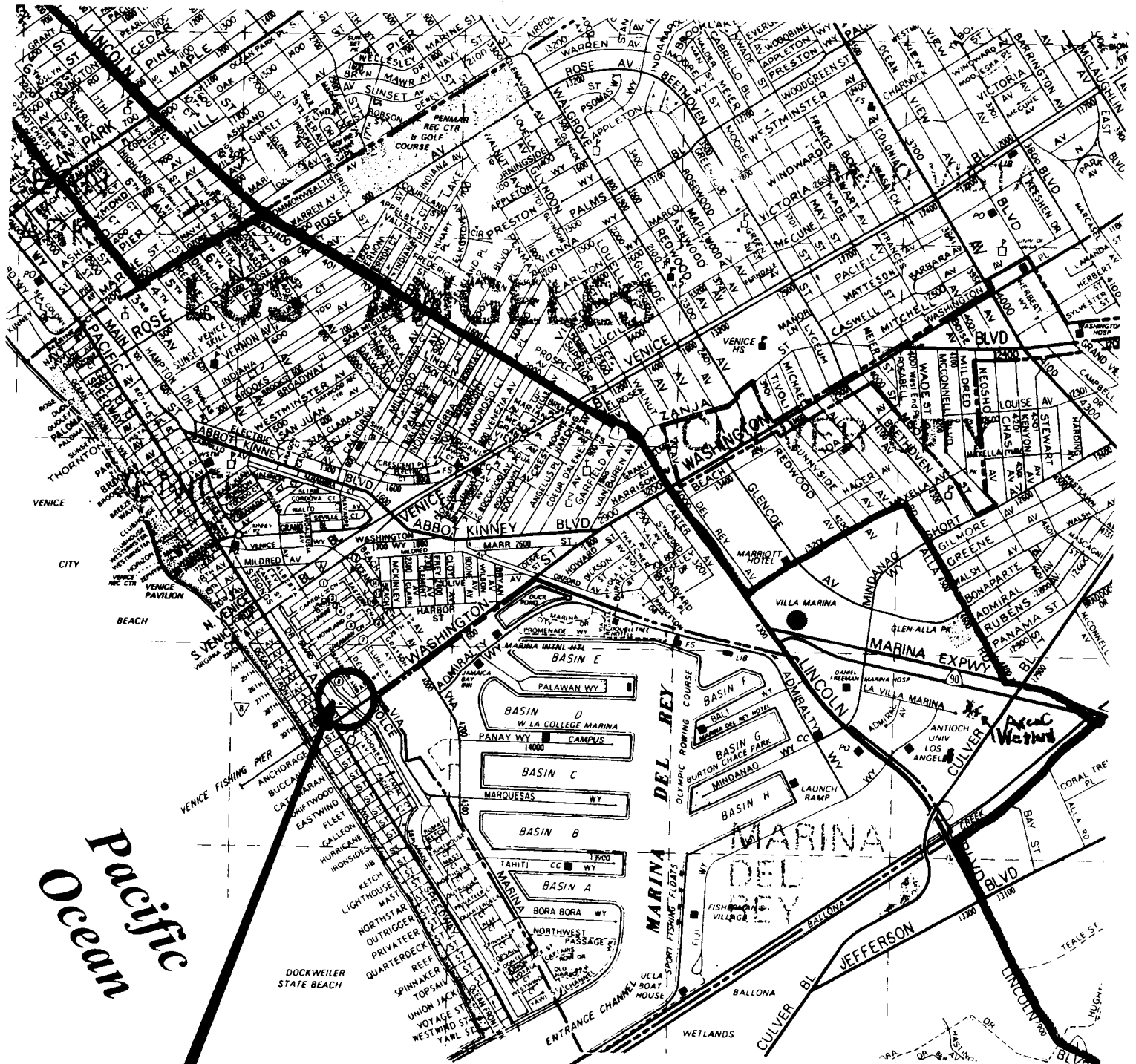
The City of Los Angeles does not have a certified LCP for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for 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

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.

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

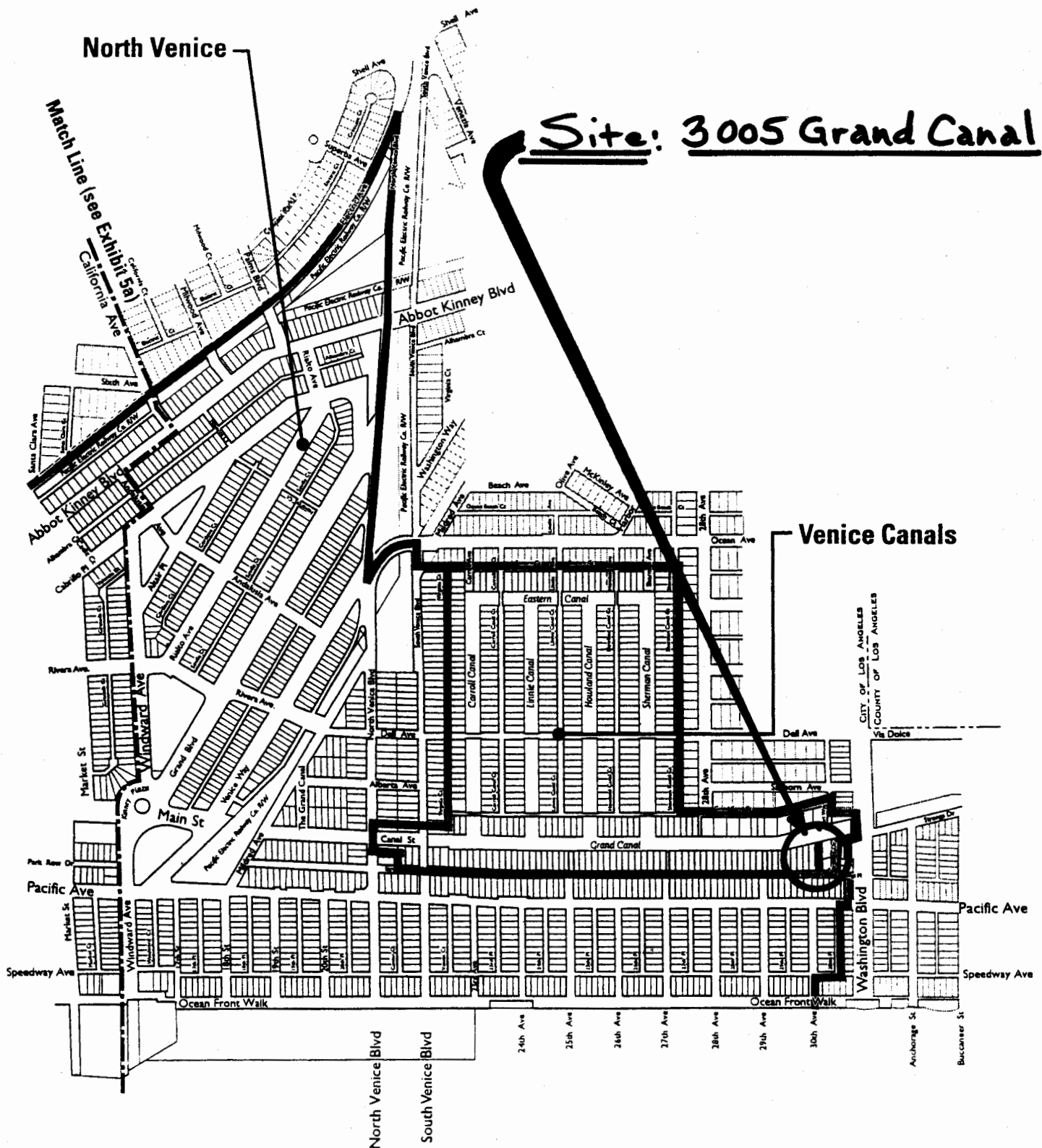


COASTAL COMMISSION

5-04-171

EXHIBIT # 1

PAGE 1 OF 1



LUP
Exhibit 5b
Subarea: North Venice • Venice Canal



Not to Scale

COASTAL COMMISSION

5-04-171

EXHIBIT # **2**

PAGE **1** OF **1**

4227 18

SCALE 1" = 60'

1986

Site: 3005 Grand Canal

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

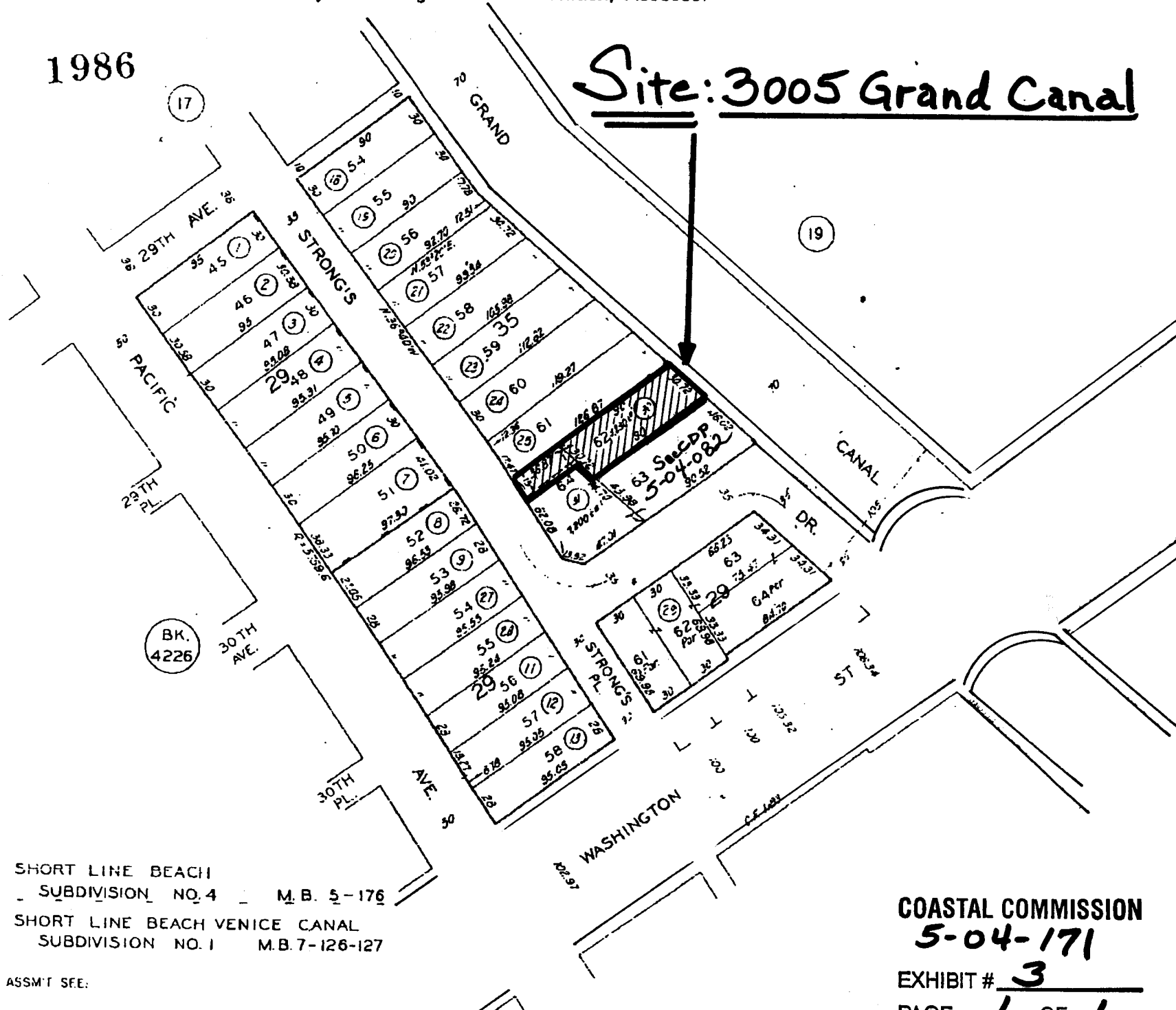
FOR PREV. ASSMT SEE:
79-25

COASTAL COMMISSION

5-04-171

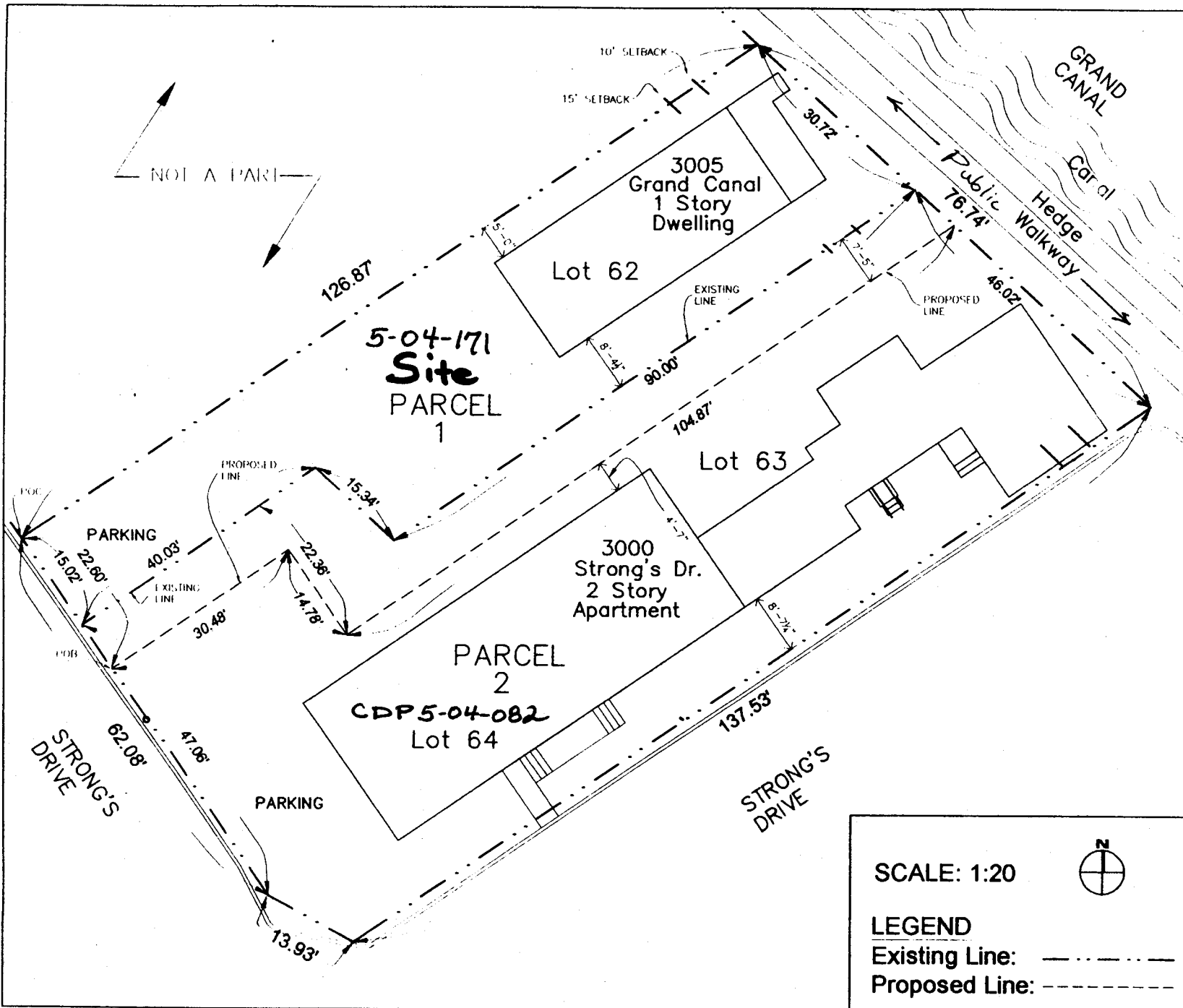
EXHIBIT # 3

PAGE 1 OF 1



LOT LINE ADJUSTMENT W / EXISTING BUILDINGS

Parcel Map Exemption



SITE ADDRESS
 3000 Strong's Dr., Venice, CA **5-04-082**
 3005 Grand Canal, Venice, CA **5-04-171**

ASSESSOR'S PARCEL NUMBERS
 4227-018-031 (3000 Strong's Dr.)
 4227-018-030 (3005 Grand Canal)

Property Owners for 3000 Strong's Dr.
 James & Julie Jungwirth Trust

Property Owners for 3005 Grand Canal
 James & Julie Jungwirth

CIVIL ENGINEERS
 Danjon Engineering, Inc.,
 895 E. Yorba Linda Blvd., Ste. 104
 Placentia, CA 92870
 Tel: 714.572.6800

Legal Description

RW1 Zone

Parcel 1 - Lot 62 & a Portion of Lot 64,
 Tract: Short Line Beach Venice Canal,
 MB7-126/127

Parcel 2 - Lot 63 & a Portion of Lot 64
 Tract: Short Line Beach Venice Canal,
 MB7-126/127

AREAS

Old Parcel 1: 3277 sf
 Old Parcel 2: 6788 sf

Proposed Parcel 1: 4452 sf
 Proposed Parcel 2: 5613 sf

Lot Line Adjustment

5-04-171

COASTAL COMMISSION

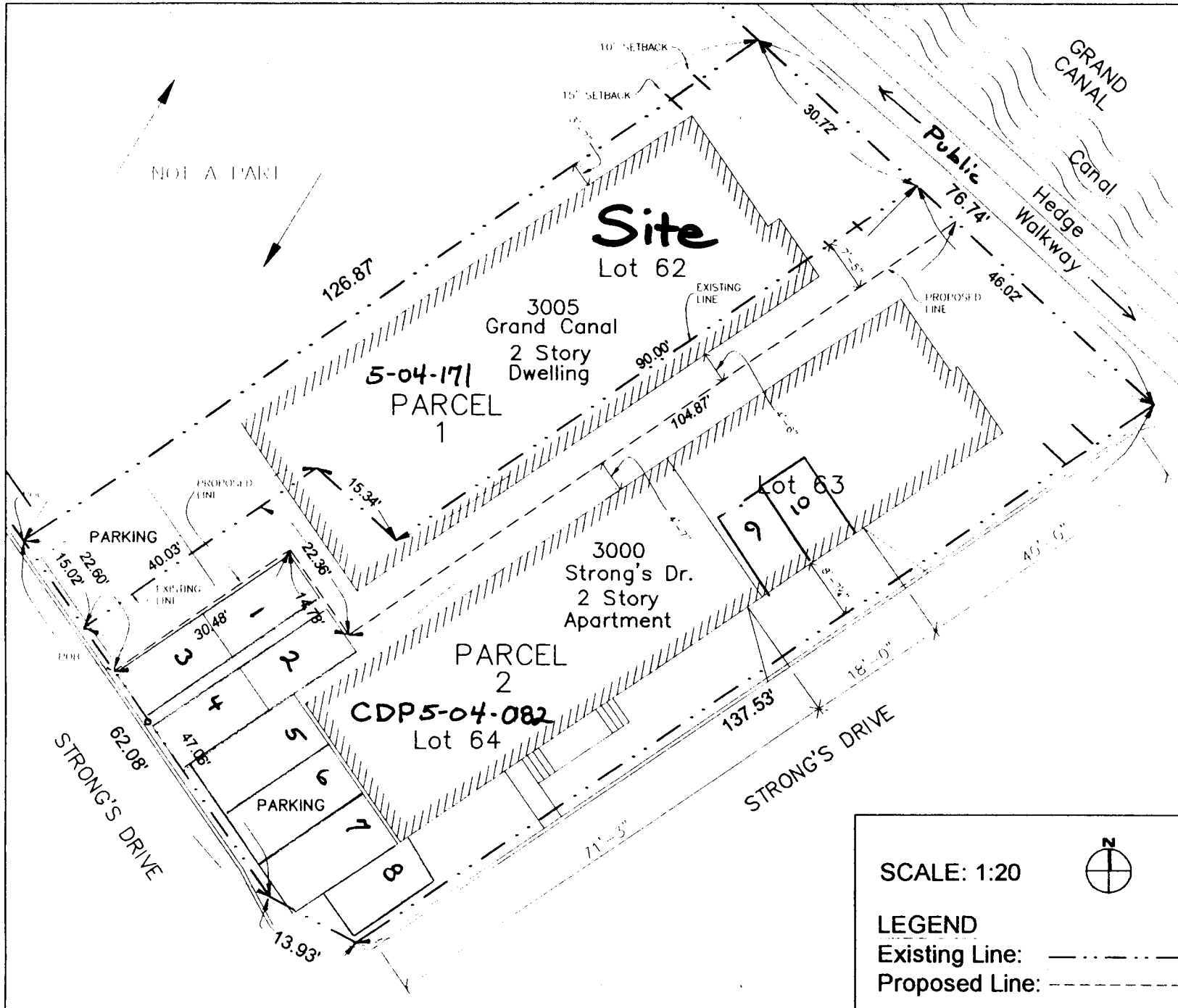
November 2004

EXHIBIT # 4

PAGE 1 OF 1

LOT LINE ADJUSTMENT W / PROPOSED BUILDINGS

Parcel Map Exemption



SITE ADDRESS
 3000 Strong's Dr., Venice, CA **5-04-082**
 3005 Grand Canal, Venice, CA **5-04-171**

ASSESSOR'S PARCEL NUMBERS
 4227-018-031 (3000 Strong's Dr.)
 4227-018-030 (3005 Grand Canal)

Property Owners for 3000 Strong's Dr.
 James & Julie Jungwirth Trust

Property Owners for 3005 Grand Canal
 James & Julie Jungwirth

CIVIL ENGINEERS
 Danjon Engineering, Inc.,
 895 E. Yorba Linda Blvd., Ste 104
 Placentia, CA 92870
 Tel: 714 572 6800

Legal Discription

RW1 Zone

Parcel 1 - Lot 62 & a Portion of Lot 64,
 Tract: Short Line Beach Venice Canal,
 MB7-126/127

Parcel 2 - Lot 63 & a Portion of Lot 64
 Tract: Short Line Beach Venice Canal,
 MB7-126/127

AREAS
 Old Parcel 1, 3277 sf
 Old Parcel 2, 6788 sf

Proposed Parcel 1: 4452 sf
 Proposed Parcel 2: 5613 sf

Lot Line Adjustment

SCALE: 1:20



LEGEND

Existing Line: - - - - -
 Proposed Line: —————

COASTAL COMMISSION

5-04-171

EXHIBIT # **5**

PAGE **1** OF **1**

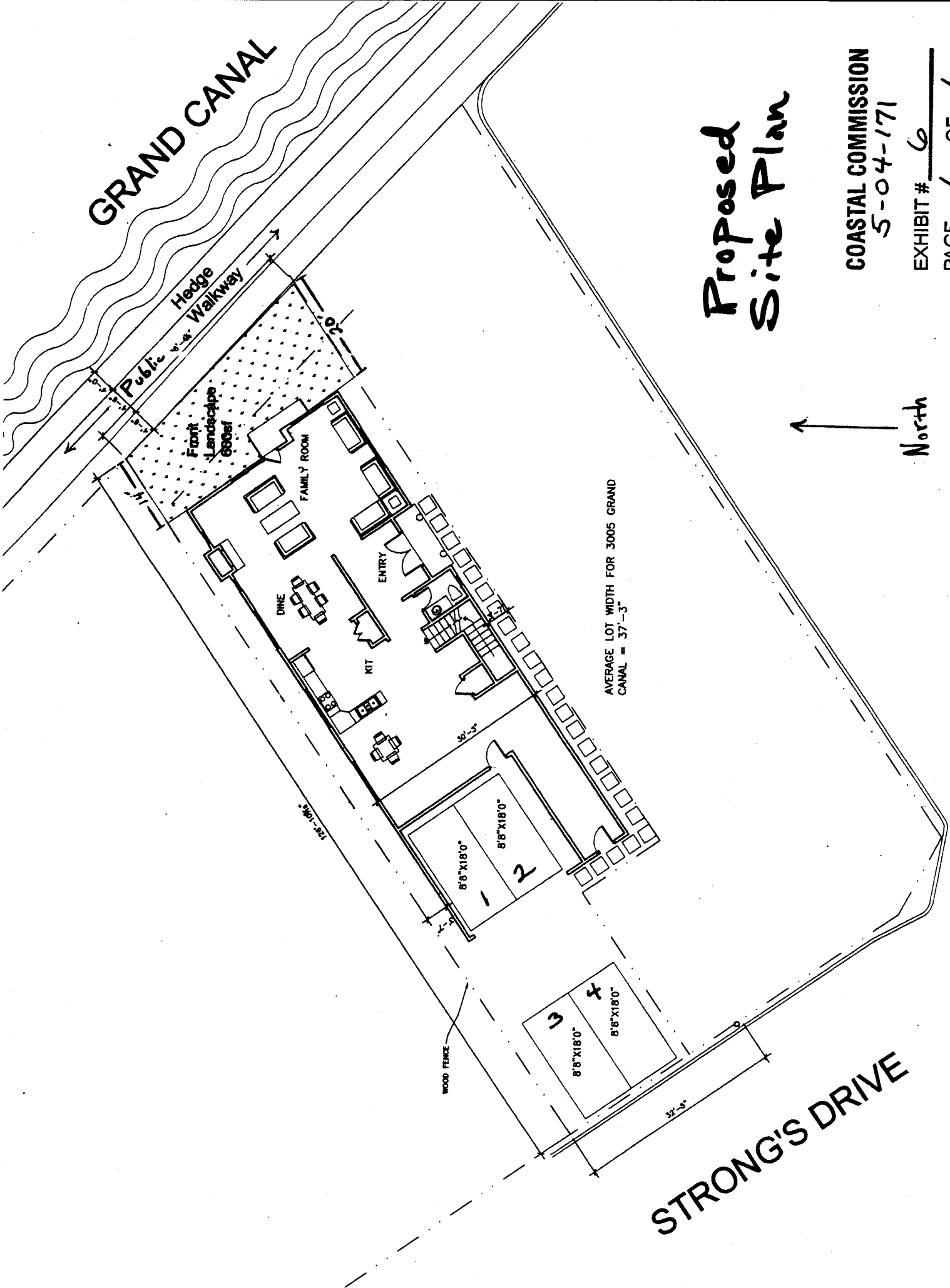
GRAND CANAL

Proposed Site Plan

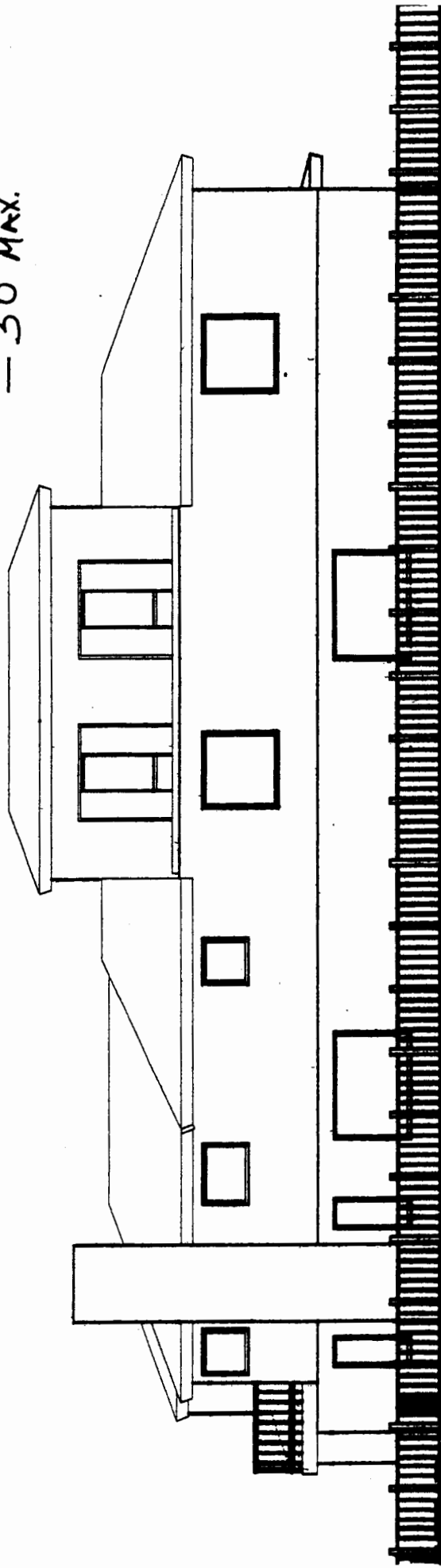
COASTAL COMMISSION
5-04-171

EXHIBIT # 6
PAGE 1 OF 1

North



— 30' MAX.



Grand Canal

NORTH ELEVATION

Strong's Drive-Alley

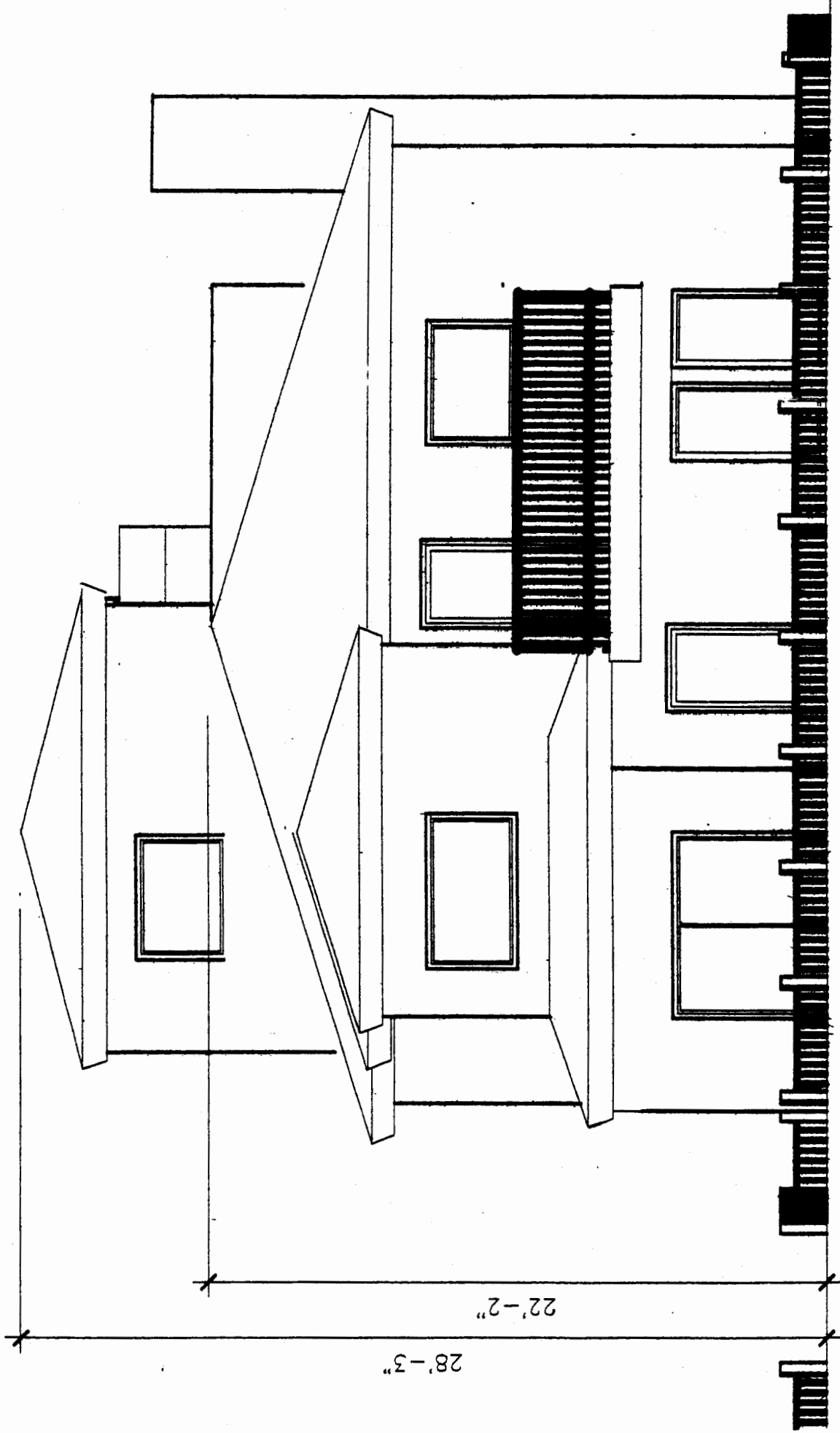
COASTAL COMMISSION

5-04-171

EXHIBIT #

7

PAGE 1 OF 1



EAST ELEVATION

Grand Canal

COASTAL COMMISSION
5-04-171

EXHIBIT #

8

PAGE

OF

1