

CALIFORNIA COASTAL COMMISSION

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W26a

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Staff: Charles Posner-LB
Staff Report: 10/26/2006
Hearing Date: November 15, 2006
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBER: 5-06-307-A1 (Amending Permit P-78-2987)

APPLICANT: James Gartner, Trustee

AGENT: Bruce Bolander, Architect

PROJECT LOCATION: 447 Carroll Canal, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Remodel and addition to an existing two-story single-family residence on a canal-fronting lot, resulting in a 29-foot high, 1,511 square foot single-family residence with an attached two-car garage; and remove deed restriction imposed by prior permit P-78-2987 imposing a 25-foot height limit and requiring a 25-foot second story setback (from the canal property line).

Lot Area	2,400 square feet
Building Coverage	1,102 square feet
Pavement Coverage	572 square feet
Landscape Coverage	726 square feet
Parking Spaces	4
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	29 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2006-6400-VSO, 7/21/2006.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a permit amendment for the proposed development and for the removal of the obsolete 25-foot height limit and 25-foot second story setback requirement. This permit amendment will delete the prior permit's conditions and replace them with new conditions that are consistent with the Commission's current set of building standards and water quality requirements for the Venice Canals neighborhood. As conditioned, the project conforms with the minimum front yard setback requirement (ten feet), the height limit (thirty feet), as well as the permeable yard area requirement (at least 450 square feet of permeable yard area will be maintained on the site). The applicant agrees with the recommendation. **See Page Two for the motion.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit P-78-2987 (Ofsanko & Argyropoulos).
3. Coastal Development Permit Amendment 5-01-485-A1 (Danieri).
4. Coastal Development Permit Amendment 5-02-047-A1 (Rubin).
5. Coastal Development Permit Amendment 5-03-077-A1 (Pickett).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or,
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change which affects conditions required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve the proposed amendment to Coastal Development Permit Amendment P-78-2987 (5-06-307-A1) pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution for Approval

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse

effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Standard Conditions

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

III. Special Conditions

Note: The following Special Conditions supercede and replace all conditions of Permit P-78-2987 (Exhibit #7).

1. Permeable Yard Areas

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, at least 450 square feet of permeable yard area shall be maintained on the property. In lieu of providing all 450 square feet of the required permeable yard area within the front yard setback as is required for new houses, 288 square feet shall be provided and maintained within the front yard setback area situated between the structure and the front (Carroll Canal) property line and 162 square feet of permeable yard area shall be provided elsewhere on the property (as generally shown on **Exhibit #4 of the 10/26/06** staff report). 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 areas with the exception of a fence (not to exceed 42 inches in height) and a permeable deck at grade (not to exceed 18 inches in height). An existing permeable wooden deck (not to exceed 18 inches in height) is permitted to remain in the front yard setback area. The precise boundaries of the areas that must remain uncovered and permeable yard areas 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 PERMIT AMENDMENT, and prior to the recording of the deed restriction required by Special Condition Eight below, the applicant 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 locations and dimensions of the required permeable yard areas, in accordance with the general description of that area in **Exhibit #4 of the 10/26/06** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. Building Setback

A minimum ten-foot (10') front yard setback shall be maintained between the front of the structure and the front (Carroll Canal) property line. An existing permeable wooden deck (not to exceed 18 inches in height) is permitted to remain within the ten-foot front yard setback area. In no case shall the proposed building addition encroach within fifteen feet of the front (Carroll Canal) property line.

3. Landscaping

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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. The use of pesticides and herbicides is prohibited in the front yard permeable yard area required by Special Condition One.

4. Parking and Residential Density

The permitted use of the approved structure is a single-family residence. A minimum of three parking spaces shall be provided and maintained on the site. Any proposed change in the number of residential units, change in number of on-site parking spaces, or change in use shall be submitted to the Executive Director to determine whether another amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

5. Building Height – Building Envelope

No development is authorized within ten feet of the fronting canal property line (Carroll Canal) and within or above the required 450 square foot permeable yard areas, 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. This permit approves no roof access structure that exceeds a height of thirty feet (30').

6. Drainage – Water Quality

PRIOR TO THE ISSUANCE OF THE PERMIT AMENDMENT, the applicant 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 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 permittee 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 another amendment to this coastal development permit is required.

8. Deed Restriction

PRIOR TO THE ISSUANCE OF THE PERMIT AMENDMENT, 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.

The deed restriction required by this permit amendment, once recorded, shall amend and supercede the deed restriction originally required by Coastal Development Permit P-78-2987 (L.A. Co. Instrument No. 78-769453). The terms and conditions of the deed restriction originally required by Coastal Development Permit P-78-2987 (L.A. Co. Instrument No. 78-769453) shall be rescinded upon the recording of the deed restriction required by this permit amendment.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to remodel and add onto an existing two-story, 1,020 square foot single-family residence on the north bank of Carroll Canal in the Venice Canals residential neighborhood (See Exhibits). The surrounding neighborhood is comprised of both old and new one, two and three-story single-family residences and duplexes. Public sidewalks currently provide public access along all banks of the canals (Exhibit #2). The alleys provide vehicular access to each lot. The existing house, built in 1979, was permitted by Coastal Development Permit P-78-2987 (Ofsanko & Argyropoulos). This permit amendment imposes a new set of special conditions that would replace the outdated and obsolete set of conditions imposed in 1978 by Coastal Development Permit P-78-2987.

The proposed project includes a 441 square foot second floor addition over the existing two-car garage on the rear portion of the site, and two smaller additions on the first and second floors (Exhibit #4). All of the proposed additions are set back more than fifteen feet from the canal property line. The height of the residence would be increased from 24 feet to 29 feet (Exhibit #5). The proposed project would result in a two-story, 29-foot high, 1,511 square foot single-family residence with an attached two-car garage. Additional on-site parking is provided on the driveway (Exhibit #4). A total of 450 square feet of permeable yard area will be maintained on the site (288 square feet in the front yard setback and 162 square feet on the rear portion of the property).

In order to complete the proposed project, the applicant must also amend (i.e. replace) the conditions of the original 1978 coastal development permit that approved the construction of the existing two-story house (Exhibit #7). The existing house was constructed by previous owners of the property pursuant to Coastal Development Permit P-78-2987 (Ofsanko & Argyropoulos). The Commission approved Coastal Development Permit P-78-2987 on May 8, 1978, subject to special conditions that reflected the building standards for the neighborhood at that time (Exhibit #7). In 1978 the Commission was applying different planning criteria to new residential construction, including a 25-foot height limit and 25-foot second story setback requirement which have since been eliminated (c.1980) in favor of the current building standards (*See Section B below*).

The conditions of the 1978 permit that need to be replaced by new conditions involve the 25-foot second story setback requirement, the 25-foot height limit, and the permeable yard area requirement. As required by Coastal Development Permit P-78-2987, the former owners in 1978 recorded a deed restriction with the requirement to maintain the 25-foot second story setback (L.A. Co. Instrument No. 78-769453). Therefore, the applicant is requesting Commission approval to remove the deed restriction imposed by Permit P-78-2987 that requires the maintenance of a 25-foot second story setback from the canal property line. The second floor of the existing house encroaches about fifteen feet into the 25-foot second story setback, and a currently proposed second floor addition is also situated within 25 feet of the front (Carroll Canal) property line. The Commission is no longer requiring 25-foot second story setbacks for houses along the Venice Canals, as the building envelopes are now limited in other ways (*See Section B below*).

The applicant is also requesting Commission approval to increase the building's height from 24 feet to 29 feet (above the centerline of the rear alley). A condition of Coastal Development Permit P-78-2987 limits the building's height to 25 feet. The current height limit for the Venice Canals neighborhood is thirty feet, measured from the centerline of the rear alley.

The applicant also discovered (when the site was surveyed in 2006) that the 450 square foot permeable yard area situated between the front of the existing house and Carroll Canal is partially situated on the City right-of-way of Carroll Canal (Exhibit #4). The underlying 1978 permit requires that all 450 square feet of permeable yard area be maintained on the project site and in the front yard. A 450 square foot yard is being maintained between the house and the Carroll Canal public sidewalk, but only 288 square feet is actually on the applicant's property; the rest is on City land. In order to rectify the permeable yard discrepancy (which is not the fault of the new owner, the applicant in this case) the applicant is proposing to maintain the existing front yard as it is, and to also maintain 162 square feet of additional permeable yard area on the rear portion of the property (Exhibit #4). As proposed, all of the required 450 square feet of permeable yard area will be provided and maintained on the applicant's property. This change to the location of the required permeable yard area is reflected in the new set of special conditions being imposed by this permit amendment.

B. Development - Community Character

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los Angeles)]. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located. These building standards, which apply primarily to density, building height, parking, and protection of water quality, reflect conditions imposed in a series of permits heard prior to 1980. The 25-foot second story setback requirement imposed on canal-fronting homes prior to 1980 was not adopted as part of the Commission's Regional Interpretive Guidelines for Los Angeles County, and the former 25-foot height limit was increased to thirty feet. Since 1980, the Commission has consistently applied these newer density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the area.

In 1999 the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. The Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. On June 14, 2001 the Commission officially certified the Venice LUP. The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Venice Canals neighborhood where the proposed project is situated. The policies and building standards contained in the Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit amendment.

Section 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....

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 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.

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

a. Venice Canals

Use: Single-family dwelling / one unit per lot

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

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

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

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

As discussed below, the proposed project complies with the standards contained in the above-stated LUP policy, with the single exception of the location of the required permeable yard area (it's not all in the front yard).

Residential Density

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has consistently limited residential density to one unit per lot. The certified Venice LUP limits residential density in the project area to one unit per lot. The applicant proposes to maintain the existing use on the 2,400 square foot lot, which is the single-family residence approved by the Commission in 1978 (Coastal Development Permit P-78-2987). Therefore, the proposed project 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 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 Commission-certified Venice LUP maintains the historic (since 1980) thirty-foot height limit for all development in the Venice Canals neighborhood.

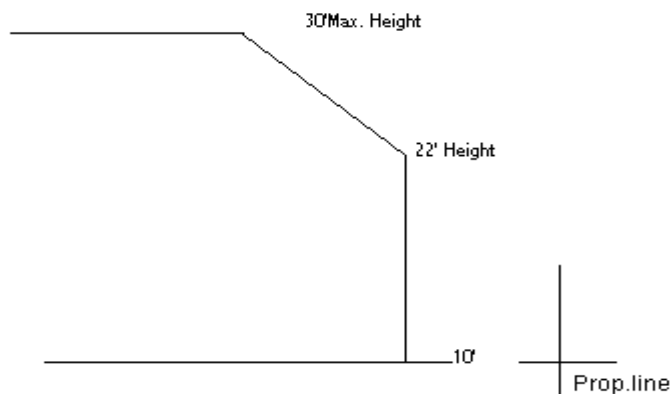
The existing two-story house is 24 feet high. As proposed, the height would be increased to 29 feet, one foot less than the height limit of thirty feet (Exhibit #5). The current thirty-foot height limit set forth by the certified Venice LUP is added as a condition of the permit amendment to replace the prior permit's outdated 25-foot height limit. Therefore, the permit amendment is conditioned to limit the height of the single-family residence to a maximum of thirty feet above the elevation of the adjacent alley (with a lower ascending height for the portion of the structure fronting Carroll Canal). No portion of the structure is permitted to

exceed thirty feet in height above the elevation of the alley, except for chimneys, ducts and ventilation shafts which are limited to 35 feet.

Second Story Setback

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. As previously stated, the Commission is no longer requiring 25-foot second story setbacks for houses along the Venice Canals as it did in 1978, and now routinely approves thirty-foot high structures within a building envelope that the certified Venice LUP defines as follows:

Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. (See Figure 1 below).



The proposed project complies with the building envelope defined by the certified Venice LUP Exhibit #5). Therefore, the obsolete 25-foot second story setback requirement of the underlying permit can be deleted by this permit amendment. Instead, the current building envelope limit set forth by the certified Venice LUP is imposed as Special Condition Five of this permit amendment.

Front Yard Building Setback

A front yard setback must be provided between all buildings and the waterways in order to prevent a canyon effect along the canals and to provide an area on each site for water percolation (to improve water quality). The certified Venice LUP requires that all new development along the Venice canals provide a minimum ten-foot front yard setback, with a required fifteen-foot average setback, between the front of each structure and the canal property line. The LUP requires that the front yard setback area be maintained as a permeable yard area. 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) in the front yard between the canal property line and the front of any structure. In this case, the existing house was built with a ten-foot setback from the canal property line (Exhibit #4).

A condition of Coastal Development Permit P-78-2987 required the maintenance of a 450 square foot permeable yard adjacent to the canal property line on the project site. As required by Coastal Development Permit P-78-2987, the former owners in 1978 recorded a deed restriction with the requirement to maintain the required 450 square foot permeable yard on the project site adjacent to the canal property (L.A. Co. Instrument No. 78-769453).

A 450 square foot yard is being maintained between the house and the Carroll Canal public sidewalk, but on 288 square feet is actually on the applicant's property while the rest is on City land between the property line and the public sidewalk (Exhibit #4). The applicant discovered this (that the 450 square foot permeable front yard area is partially situated on the City right-of-way of Carroll Canal, because the existing house is set back only ten feet from the actual property line) when the site was surveyed in 2006 in preparation for this permit amendment application.

Since the underlying 1978 permit requires that all 450 square feet of permeable yard area be maintained in the front yard (on the project site), and it does not, either the house or the requirement must be changed. In order to comply with the permeable yard requirement of Coastal Development Permit P-78-2987, the applicant would have to remove part of the existing house to create a fifteen-foot deep front yard setback. The applicant's other option is to request and obtain Commission approval to rectify the permeable yard discrepancy by providing additional permeable yard area (for a total of 450 square feet) elsewhere on the property while maintaining the house in its current footprint.

In this case, the applicant (who is the new owner, and not the original permit applicant) is proposing to maintain the existing permeable front yard, and to provide an additional 162 square feet of permeable yard area on the rear portion of the property, for a total of 450 square feet (Exhibit #4). As proposed, the existing front yard setback will be maintained as originally constructed, while all of the required 450 square feet of permeable yard area will be provided and maintained on the applicant's property (in the front and rear yards). The existing building conforms with the minimum ten-foot front yard setback requirement of the Venice LUP and does not encroach further towards the canal than is currently permitted for new homes. The proposed change to the location of the required permeable yard area is reflected in the new set of special conditions being imposed by this permit amendment.

Therefore, the Commission finds that prior to issuance of the permit amendment, the applicant shall record a deed restriction for the lot which provides for the maintenance of at least the 450 square feet of uncovered and permeable yard area as generally shown on Exhibit #4 of the staff report. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the permeable yard areas with the exception of fences, garden walls and permeable decks. The new deed restriction will amend and replace the deed restriction that was recorded in 1978 as a requirement of Permit P-78-2987 (L.A. Co. Instrument No. 78-769453). The new deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit amendment.

The scenic and visual qualities of the area will not be negatively impacted by the proposed project and amendment, as conditioned. As conditioned, the proposed house addition and permit amendment are consistent with past Commission approvals in the Venice Canals neighborhood since 1980. Commission approval of the permit amendment to remove the obsolete conditions (25-foot second story setback and 25-foot height limit) would also be

consistent with prior Commission actions on other homes in the area that have older permits with similar obsolete conditions [See Coastal Development Permit 5-86-930/P-8279 (Wood) & Permit Amendments 5-01-485-A1 (Danieri) & 5-02-047-A1 (Rubin)]. Therefore, the Commission finds that the proposed project and amendment, as conditioned, conforms to the standards of the certified Venice LUP and Section 30251 of the Coastal Act.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast.

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 Carroll Canal (Exhibit #3). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals. The proposed project will not interfere with the existing public walkway along Carroll Canal. Therefore, the Commission finds that the proposed project, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Marine Resources and Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal

waters and for the use of on-going best management practices following construction. The proposed project also includes the maintenance of at least 450 square feet of permeable yard area on the property in order to improve water quality by allowing for on-site water percolation. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. Environmentally Sensitive Habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) 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 amended permit, the Commission imposes a condition requiring that the property owner records a deed restriction against the property, referencing all of the special conditions of this amended permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit amendment 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. The deed restriction recorded for this permit amendment will amend and replace the deed restriction that was recorded in 1978 as a requirement of Permit P-78-2987 (L.A. Co. Instrument No. 78-769453). The terms and conditions of the deed restriction originally required by Coastal Development Permit P-78-2987 (L.A. Co. Instrument No. 78-769453) shall be rescinded upon the recording of the deed restriction required by this permit amendment.

G. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development and amendment are 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)

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

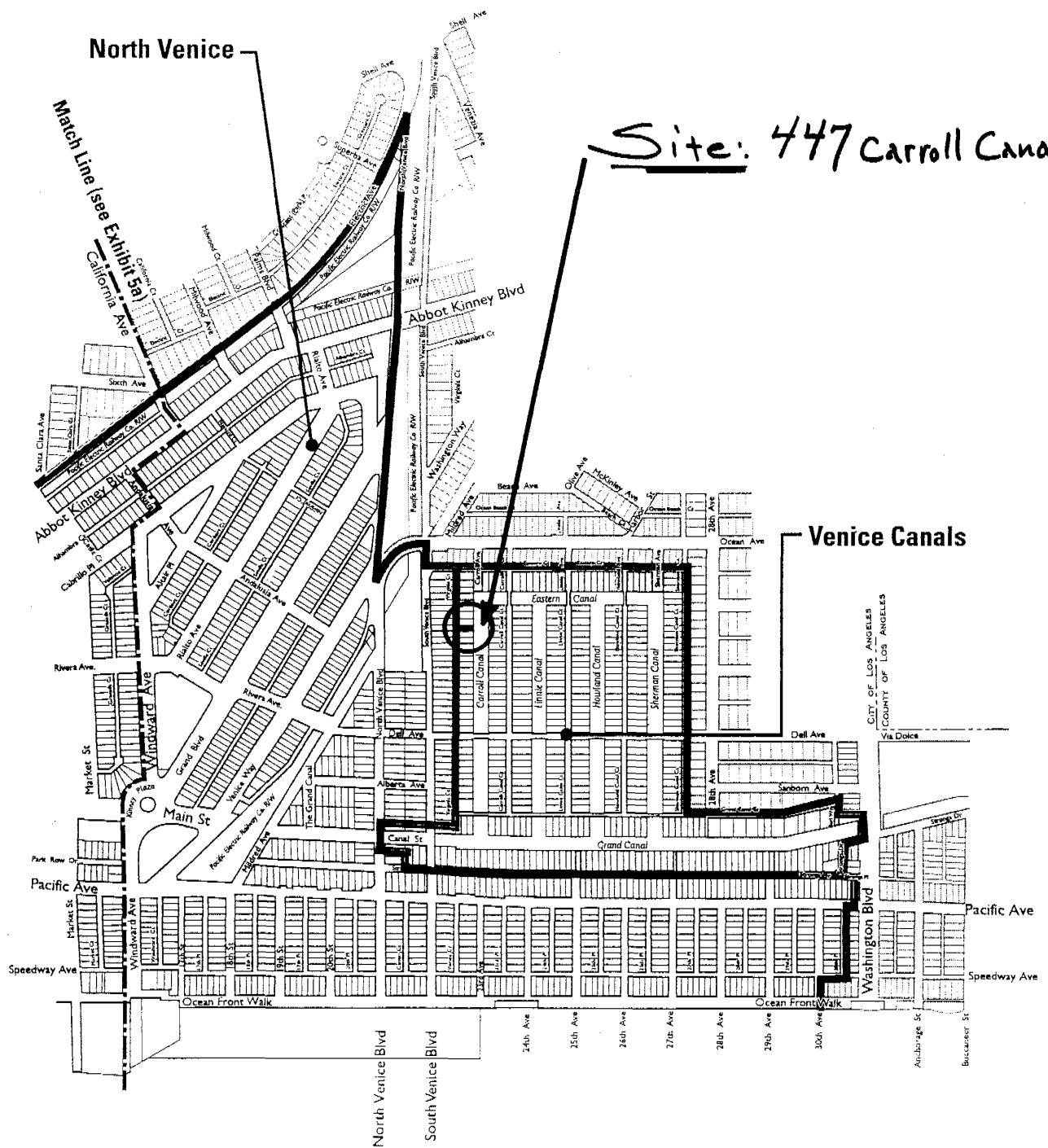


Project Site: 447 Carroll Canal

COASTAL COMMISSION
S-06-307-A

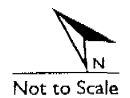
EXHIBIT # 1

PAGE 1 OF 1



LUP
Exhibit 5b

Subarea: North Venice • Venice Canal



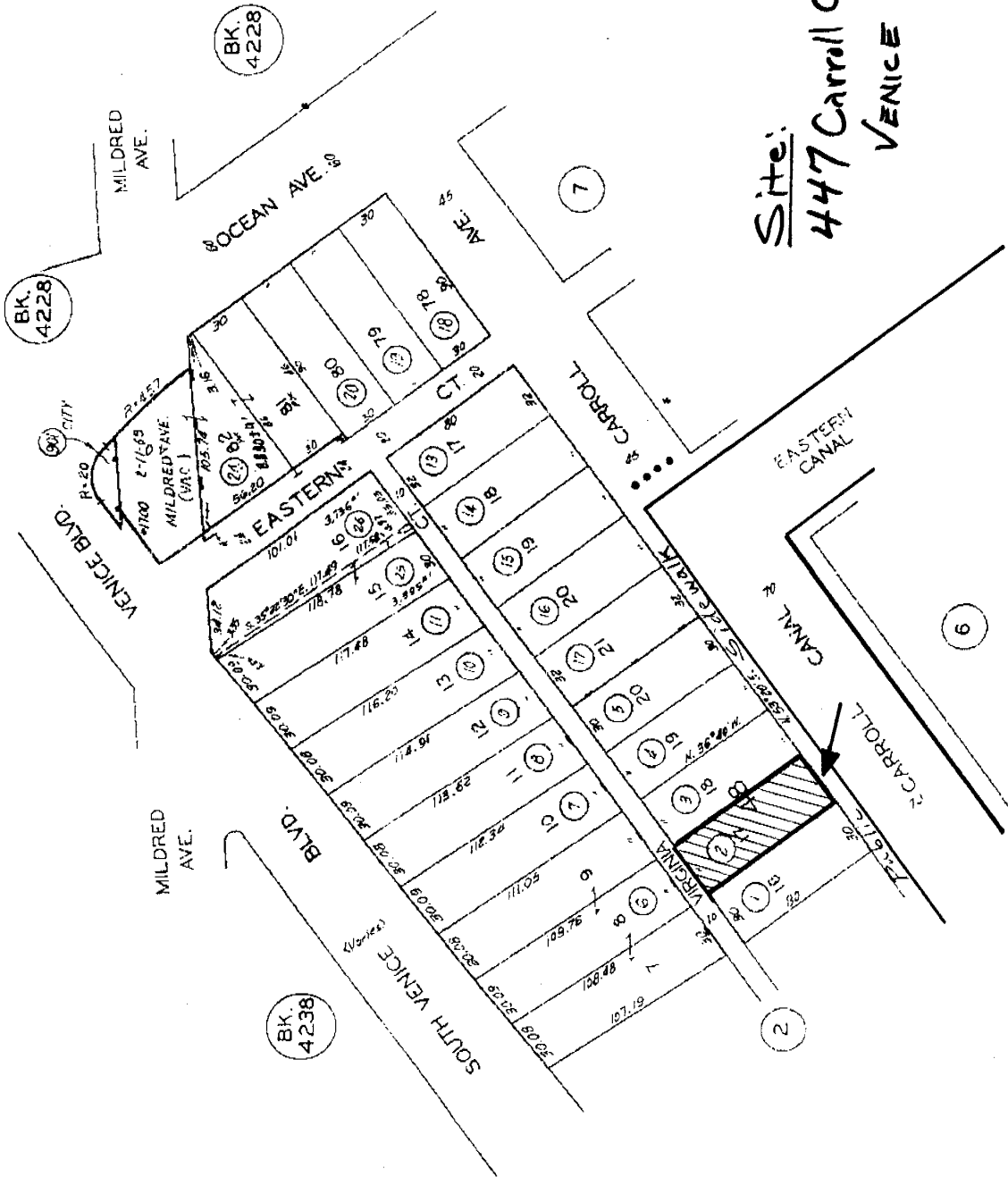
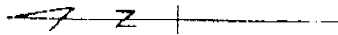
Not to Scale

COASTAL COMMISSION
S-06-307-A

EXHIBIT # 2
PAGE 1 OF 1

4221 1
SCALE 1" = 60'

1998



Site:
447 Carroll Canal
VENICE

CODE
67

RANCHO LA BALLONA
SHORT LINE BEACH VENICE CANAL
SUBDIVISION NO. 1
TRACT NO. 3533
P. 1-309 - 310
MB. 7-126-127
MB. 41-73-74

COASTAL COMMISSION
5-06-307-A

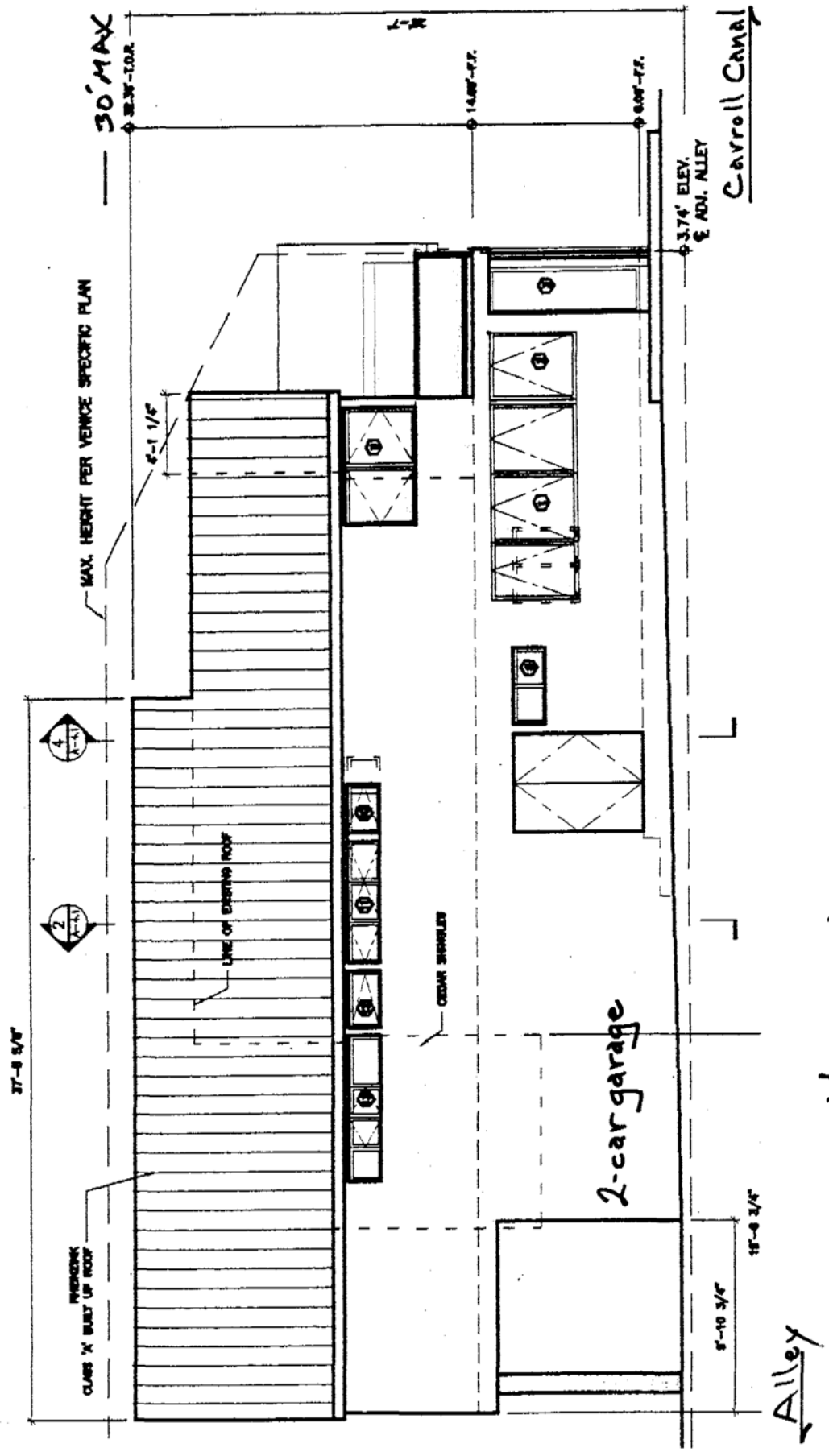
EXHIBIT # 3

PAGE 1 OF 1

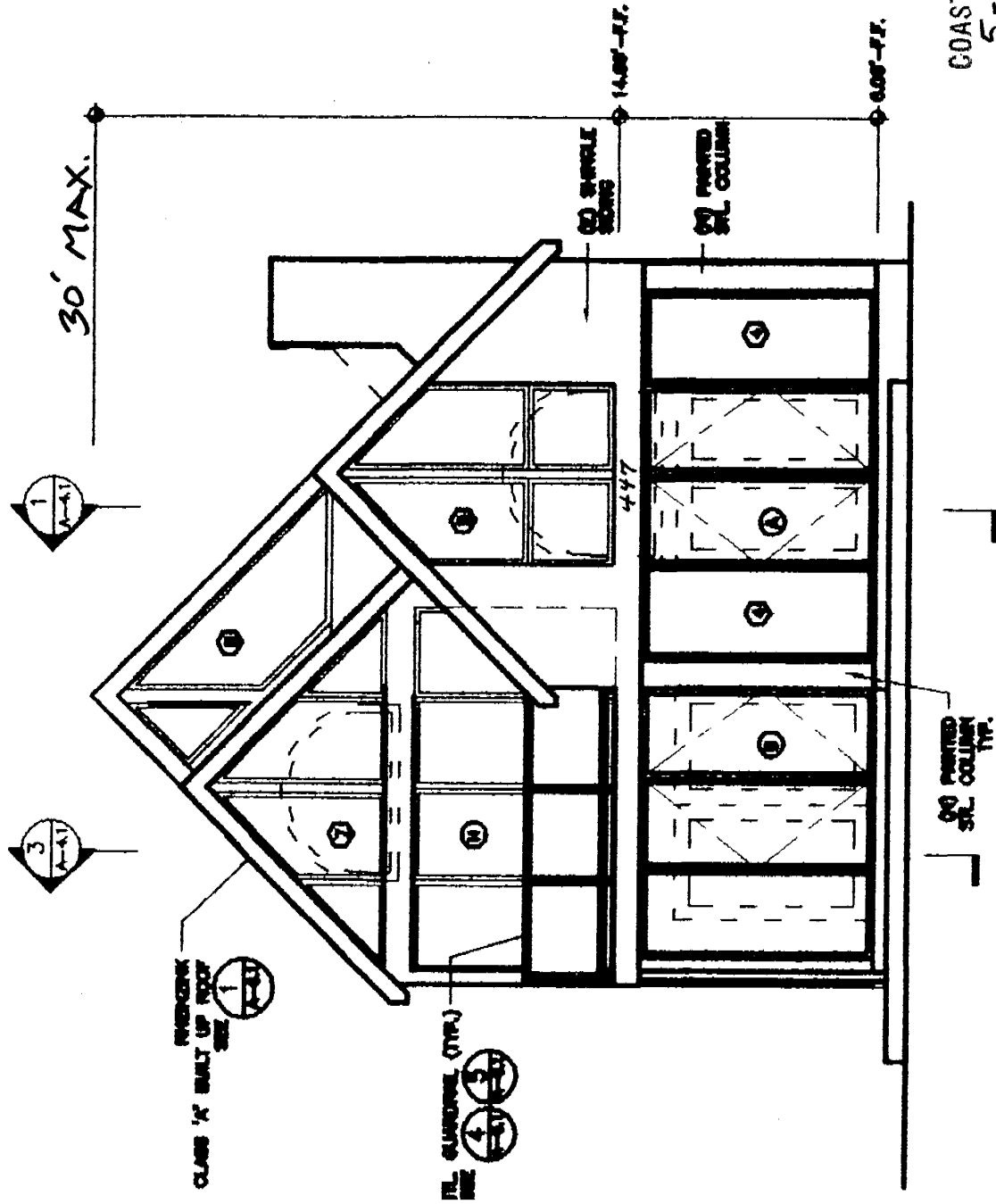
FOR PREP. ASSAULT SEC.
79-19
4228 2



Site Plan



West Elevation



COASTAL COMMISSION

5-06-307-A

EXHIBIT # 6

PAGE 1 OF 1

SOUTH ELEVATION - Carroll Canal

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION

566 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(213) 590-5071 (714) 846-0648



COASTAL DEVELOPMENT PERMIT

Application Number: P-3-22-78-2987Name of Applicant: John Ofsanko & James Argyropoulos13360 Beach Avenue, Venice, California 90291Permit Type: ☐ Emergency
☒ Standard
☐ AdministrativeDevelopment Location: 447 Carroll Canal, Venice, CA. 90291Development Description: Construction of a two-story single family dwelling,
with two 9' x 19' covered parking spaces, 25 feet above centerline of
frontage road, with conditions.I. The proposed development is subject to the following conditions imposed
pursuant to the California Coastal Act of 1976:See attached Page 3 for conditionsCondition/s Met On 5-06-80 By COASTAL COMMISSION
5-06-307-AEXHIBIT # 7PAGE 1 OF 3

II. The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on May 8, 1978 at Torrance by a unanimous ~~EE~~ vote permit application number P-3-22-78-2987 is approved.

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

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

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

II. Issued on behalf of the South Coast Regional Commission on March 23, 197 9.

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

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number P-3-22-78-2987 and have accepted its contents.

EXHIBIT # 7
PAGE 2 OF 3

(date)

(signature)

Conditions for P-78/2987

Prior to issuance of permit, applicant shall submit:

1. revised plans which conform to the following guidelines:
 - a. drainage plan which prevents any runoff into the canal and disposes of all but the heaviest storm flows on-site in a French drain (gravel filled well);
 - b. compliance with the 1.1 criteria;
 - c. 25 foot height limit measured from centerline of the alley;
 - d. a rear setback not less than nine feet or other provision for guest parking;
 - e. create a pervious front yard adjacent to the canal equivalent in size to a 15 foot front setback. In order to achieve variation, one portion of the house up to 15 feet wide may extend to within 10 feet of the canal property line as long as a yard area of at least 450 sq. ft. is maintained adjacent to the canal property line free of all structures except for fences less than 3.5 feet and pervious decks at grade.
 - f. In all events, except for corner lots (lots bounded on two sides by canals), all portions of the second story shall be set back a minimum of 25 feet from the canal property line;
 - g. nothing in this permit implies approval of any construction on city property except for removable fences less than 3½ feet in height that do not impede access along the sidewalks;
 - h. on corner lots (lots bounded on two sides by canals) an uncovered deck a minimum of 240 sq. ft. in area on the second story along the longest canal frontage may substitute for five feet of the second-story setback along the narrowest canal frontage; and
2. submit a deed restriction for recording:
 - a. that provides for the maintenance of the 450 sq. ft. pervious yard area adjacent to the canal property line, free of all structures except for fences and pervious decks at grade; and
 - b. that prohibits any extension of the second story closer than 25 feet to the canal property line except that said 25 feet may be modified to 20 feet when the option allowed in condition 1(h) is exercised.

* * *

COASTAL COMMISSION

5-06-307-A

EXHIBIT # 7

PAGE 3 OF 3