

CALIFORNIA COASTAL COMMISSION

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 49th Day: 12/27/2007
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 Staff: Charles Posner-LB
 Staff Report: 1/17/2008
 Hearing Date: February 7, 2008
 Commission Action:

Th15a**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBER: 5-07-362-A1 (Amending Permit SF-79-5863)

APPLICANT: Lynn Silverman **AGENT:** N/A

PROJECT LOCATION: 229 Howland Canal, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Remodel and 650 square foot addition to an existing two-story single-family residence on a canal-fronting lot, resulting in a thirty-foot high, 2,662 square foot single-family residence with an attached two-car garage; and remove deed restriction imposed by prior permit SF-79-5863 imposing a 25-foot second story setback (from the canal property line).

Lot Area	2,850 square feet
Building Coverage	1,763 square feet
Pavement Coverage	637 square feet
Landscape Coverage	450 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2007-4632-VSO, 9/27/2007.

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 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 to carry out the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit SF-79-5863 (Silverman & Swartz).
3. Coastal Development Permit Application 5-01-227 (Silverman).
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).
6. Coastal Development Permit Amendment 5-06-307-A1 (Gartner)

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 SF-79-5863 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 Coastal Development Permit SF-79-5863 (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, an uncovered and permeable yard area totaling no less than fifteen times the width of the site (in this case: 15 x 30' = 450 square feet) shall be maintained on the project site in the front yard area between the structure and the front (Howland Canal) property line, as generally shown on **Exhibit #4 of the 1/17/08** staff report. 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. 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 or garden walls (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). The permeable yard area may include minimal coverage with impermeable pavers, stones, concrete walkways or other

similar ground cover, but in no event shall impermeable materials occupy more than fifteen percent (15%) of the total amount of the required permeable yard area.

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 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 location and dimensions of the required permeable yard area, in accordance with the general description of that area in **Exhibit #4 of the 1/17/08** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. Landscaping

Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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.

3. Parking and Residential Density

The permitted use of the structure is a single-family residence. A minimum of three parking spaces shall be provided and maintained on the site as proposed and as indicated on **Exhibit #4 of the 1/17/08** staff report: two spaces in the garage and an area for parking a third vehicle on the driveway in the rear setback area. 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 an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Building Height – Building Envelope

No development is authorized within ten feet of the fronting canal property line (Howland Canal) and within or above the required 450 square foot permeable front yard area, except as described in Special Condition One above. At a point ten feet landward of the fronting canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of thirty feet (30') except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings shall not exceed 42 inches above the thirty-foot height limit. This permit approves no roof access structure that exceeds a height of thirty feet (30'). Building height is measured from the elevation of the adjacent alley.

5. 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.

6. 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.

7. 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 SF-79-5863 (Los Angeles County Instrument No. 79-1229263, recorded October 31, 1979). The terms and conditions of the deed restriction originally required by Coastal Development Permit SF-79-5863 (Los Angeles County Instrument No. 79-1229263) 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, 2,415 square foot single-family residence on the north bank of Howland 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 #3). The alleys provide vehicular access to each lot. The existing house, built in 1980, was permitted by Coastal Development Permit SF-79-5863 (Silverman & Swartz). This permit amendment imposes a new set of special conditions that would replace the outdated and obsolete set of conditions imposed in 1979 by Coastal Development Permit SF-79-5863.

The proposed project includes modifications to the front of the house in order to provide the 450 square foot permeable front yard area that was required by in 1979 by Coastal Development Permit SF-79-5863, and which is also a current requirement for new houses in the Venice Canals neighborhood. The proposed additions to the first and second floors would add 650 square feet to the structure and result in a 2,662 square foot single-family residence (with an attached 403 square foot garage). The proposed additions are all located more than fifteen feet from the canal property line. The height of the residence would be increased from 28 feet to a maximum of thirty feet (Exhibit #5). The three required on-site parking spaces are being maintained on the site: two spaces in the garage and an area for parking a third vehicle on the driveway in the rear setback area (Exhibit #4). Vehicular access to the on-site parking is provided by the alley, Linnie Canal Court (Exhibit #3).

In order to complete the proposed project, the applicant must also amend (i.e., replace) the conditions of the original 1979 coastal development permit that approved the construction of the existing two-story house (Exhibit #7). The applicant constructed the existing house in 1980 pursuant to Coastal Development Permit SF-79-5863 (Silverman & Swartz). The Commission approved Coastal Development Permit SF-79-5863 on September 17, 1979, subject to special conditions that reflected the building standards for the neighborhood at that time (Exhibit #7). In 1979 the Commission was applying different planning criteria to new residential construction, including a 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 1979 permit that are now outdated and obsolete are the 25-foot second story setback requirement and the 1.1 criteria (Floor Area Ratio). The previously imposed 450 square foot permeable front yard area requirement is not being deleted, as it is required by the conditions of this amendment. As required by Coastal Development Permit SF-79-5863, the applicant in 1979 recorded a deed restriction with the requirement to maintain the 25-foot second story setback (Los Angeles County Instrument No. 79-1229263). Therefore, the applicant is requesting Commission approval to remove the deed restriction imposed by Permit SF-79-5863 that requires the maintenance of a 25-foot second story setback from the canal property line. Part of the proposed second floor addition is situated within 25 feet of the front (Howland 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*).

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. 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.

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 applicant proposes to maintain the existing use on the 2,850 square foot lot, which is the single-family residence approved by the Commission in 1979. Therefore, the proposed project conforms to the density limit for the site.

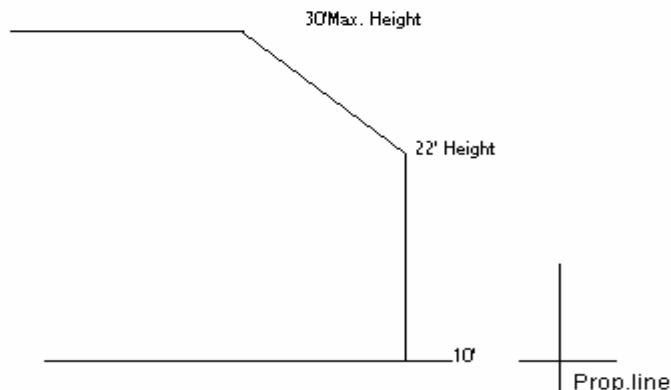
Building Height

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 on lots 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 1979) thirty-foot height limit for all development in the Venice Canals neighborhood. The existing two-story house is 28 feet high. As proposed, the height would be increased to thirty feet (Exhibit #5). 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 Howland 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 setback for houses along the Venice Canals as it did in 1979, 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 Four 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.

A condition of Coastal Development Permit SF-79-5863 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 SF-79-5863, the applicant in 1979 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 (Los Angeles County Instrument No. 79-1229263).

In this case, the proposed project provides a 450 square foot permeable front yard area within an L-shaped front yard as originally required by Coastal Development Permit SF-79-5863. The proposed project provides a minimum front yard setback of 11'10" from the canal property line (Exhibit #4). Therefore, the proposed project 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 Commission finds that prior to issuance of the permit amendment, the applicant shall record a deed restriction for the lot (to supercede and replace the 1979 deed restriction) 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. The new deed restriction will amend and replace the deed restriction that was recorded in 1979 as a requirement of Permit SF-79-5863 (Los Angeles County Instrument No. 79-1229263). The new deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit amendment.

As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project and amendment, and 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 1.1 criteria) is also consistent with prior Commission actions on other homes in the area that had 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 Howland 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 Howland 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 front yard area 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 30231 of the Coastal Act.

E. Environmentally Sensitive Habitat Areas (ESHA)

The Venice Canals are designated as Environmentally Sensitive Habitat Areas (ESHA) in the certified Venice LUP. 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 1979 as a requirement of Permit SF-79-5863 (Los Angeles County Instrument No. 79-1229263). The terms and conditions of the deed restriction originally required by Coastal Development Permit SF-79-5863 shall be rescinded upon the recording of the deed restriction required by this permit amendment.

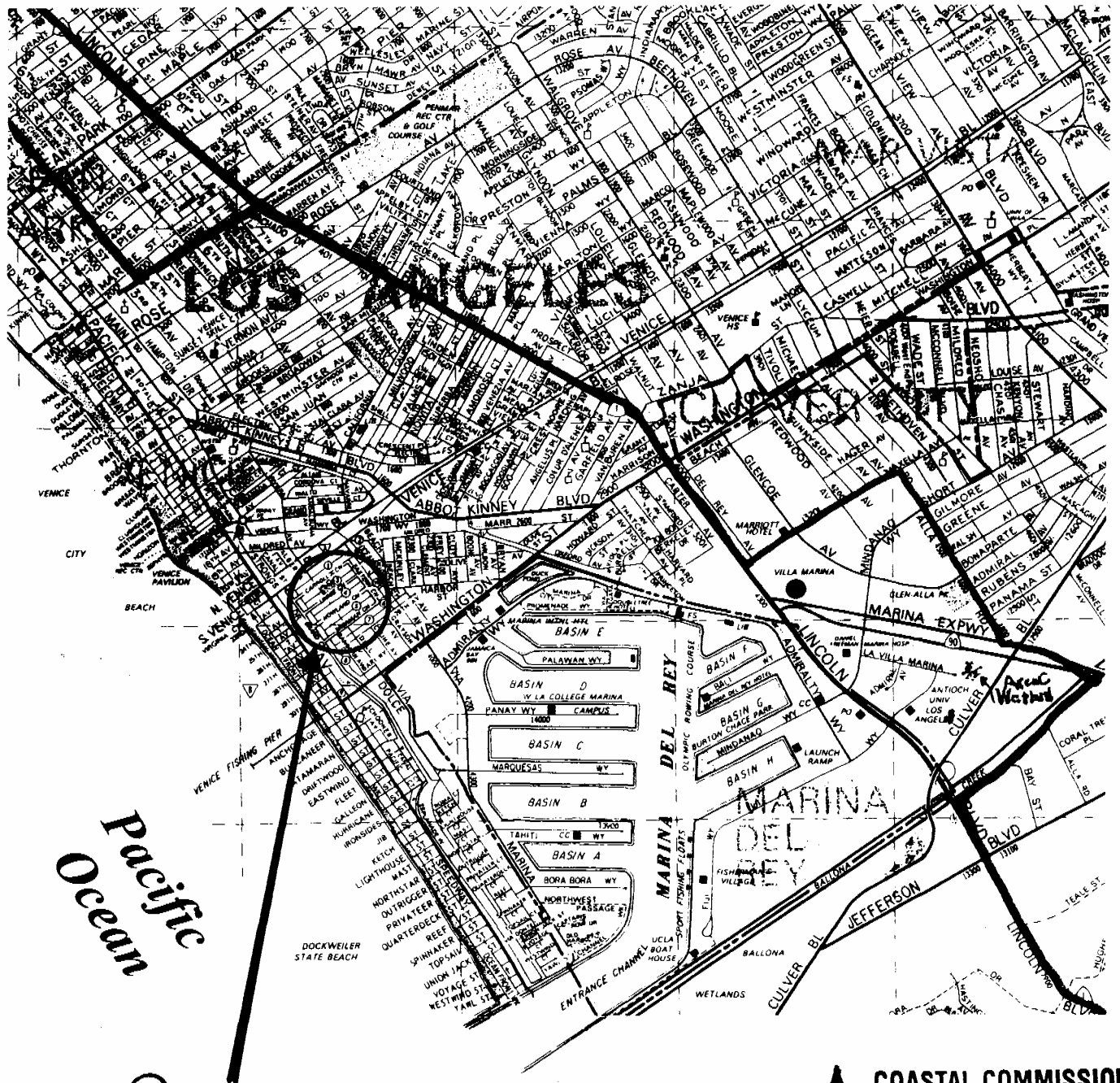
G. Local Coastal Program

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



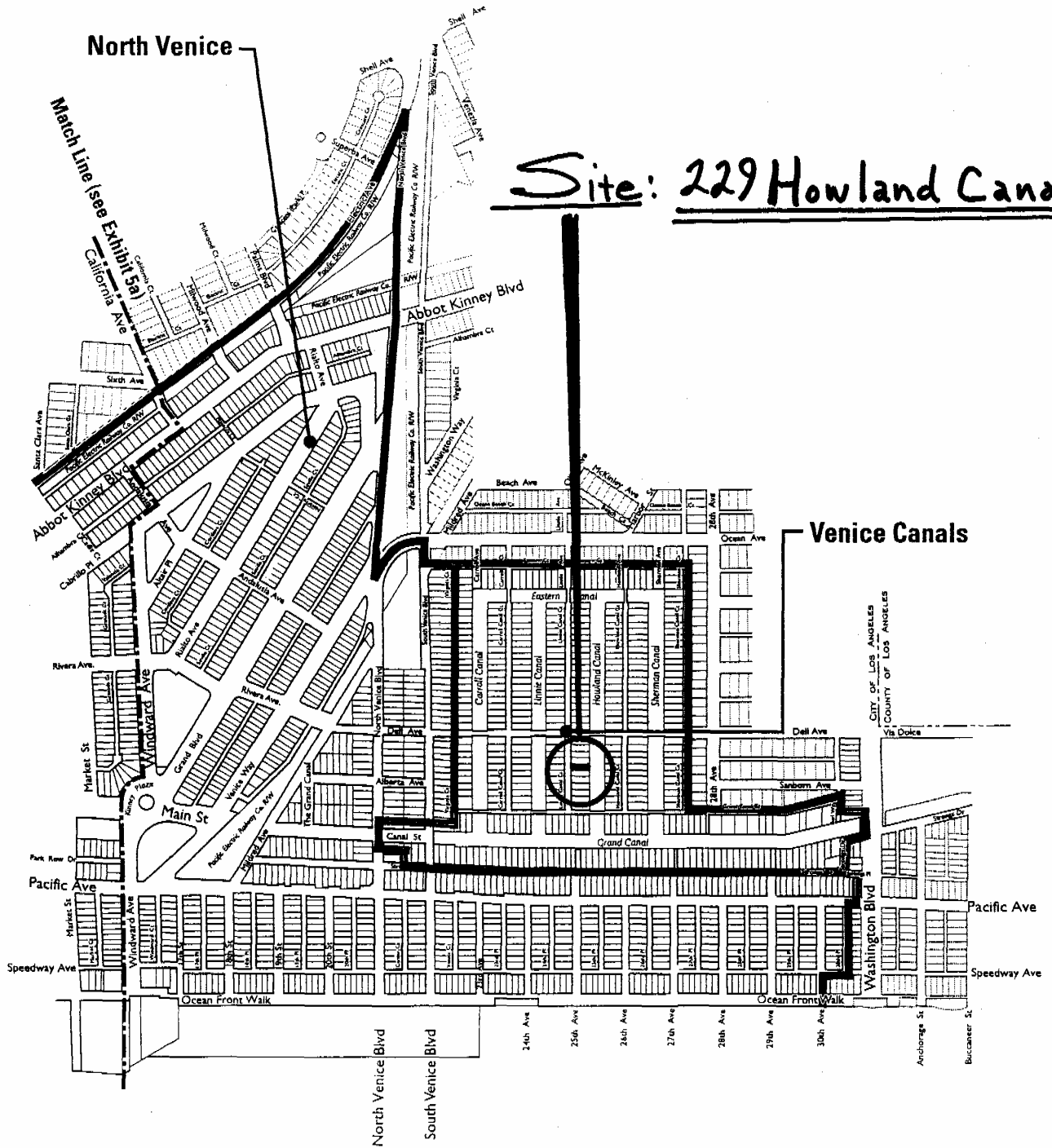
Pacific
Ocean

Site: Venice Canals



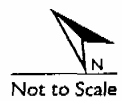
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EXHIBIT # 1
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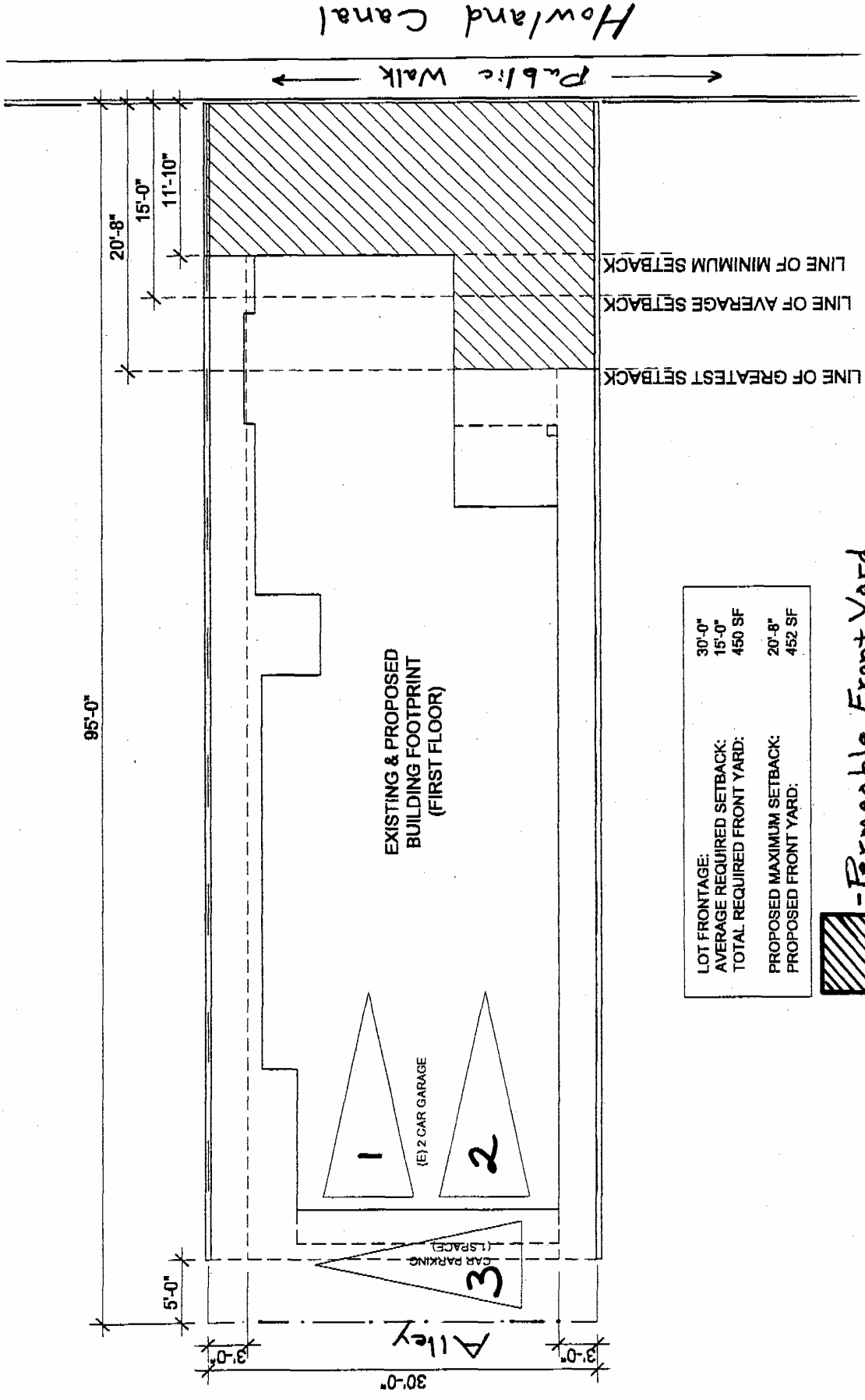
Site: 229 Howland Canal

LUP
Exhibit 5b
Subarea: North Venice • Venice Canals




Not to Scale
COASTAL COMMISSION
5-07-362-A1

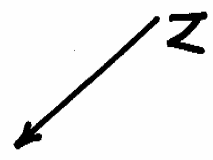
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LOT FRONTAGE:	30'-0"
AVERAGE REQUIRED SETBACK:	15'-0"
TOTAL REQUIRED FRONT YARD:	450 SF
PROPOSED MAXIMUM SETBACK:	20'-8"
PROPOSED FRONT YARD:	452 SF

 - Permeable Front Yard
 450 sq. ft.

Proposed Site Plan



Howland Canal

Public Walk

Alley

EXISTING & PROPOSED
BUILDING FOOTPRINT
(FIRST FLOOR)

(E) 2 CAR GARAGE

CAR PARKING (1 SPACE)

LINE OF GREATEST SETBACK
LINE OF AVERAGE SETBACK
LINE OF MINIMUM SETBACK

95'-0"

20'-8"

15'-0"

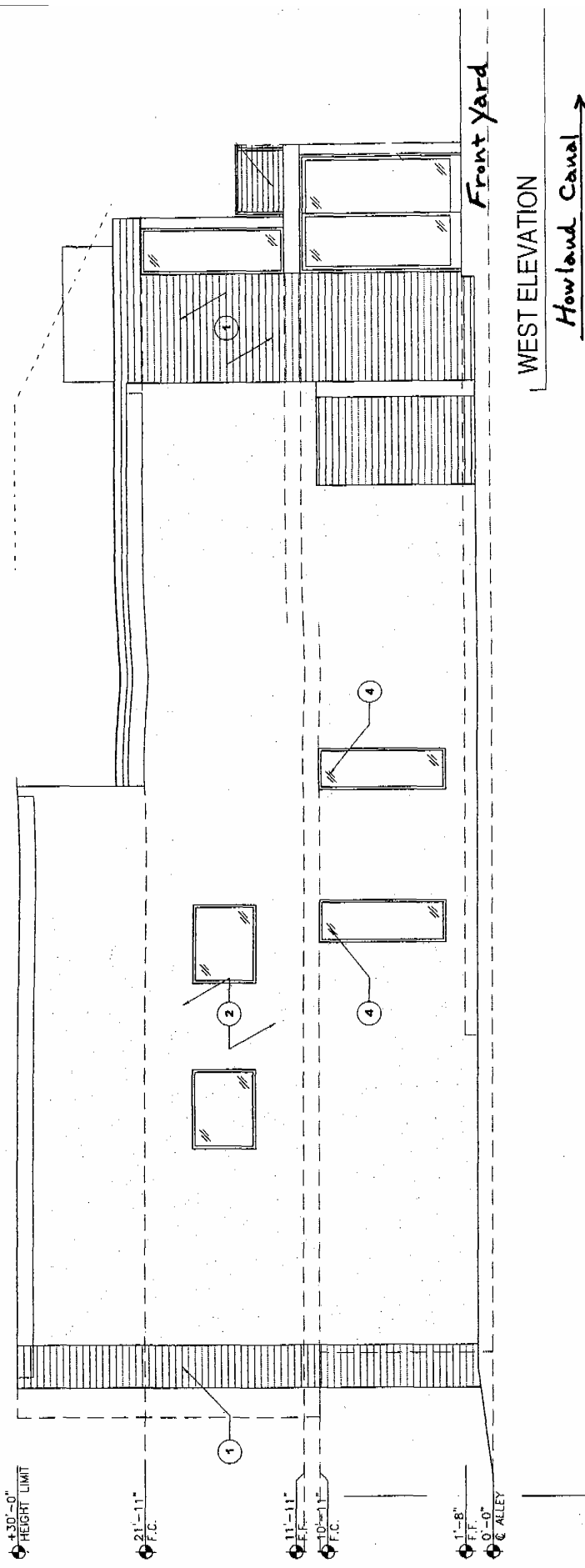
11'-10"

5'-0"

3'-0"

30'-0"

3'-0"



Side Elevation

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+30'-0"
HEIGHT LIMIT

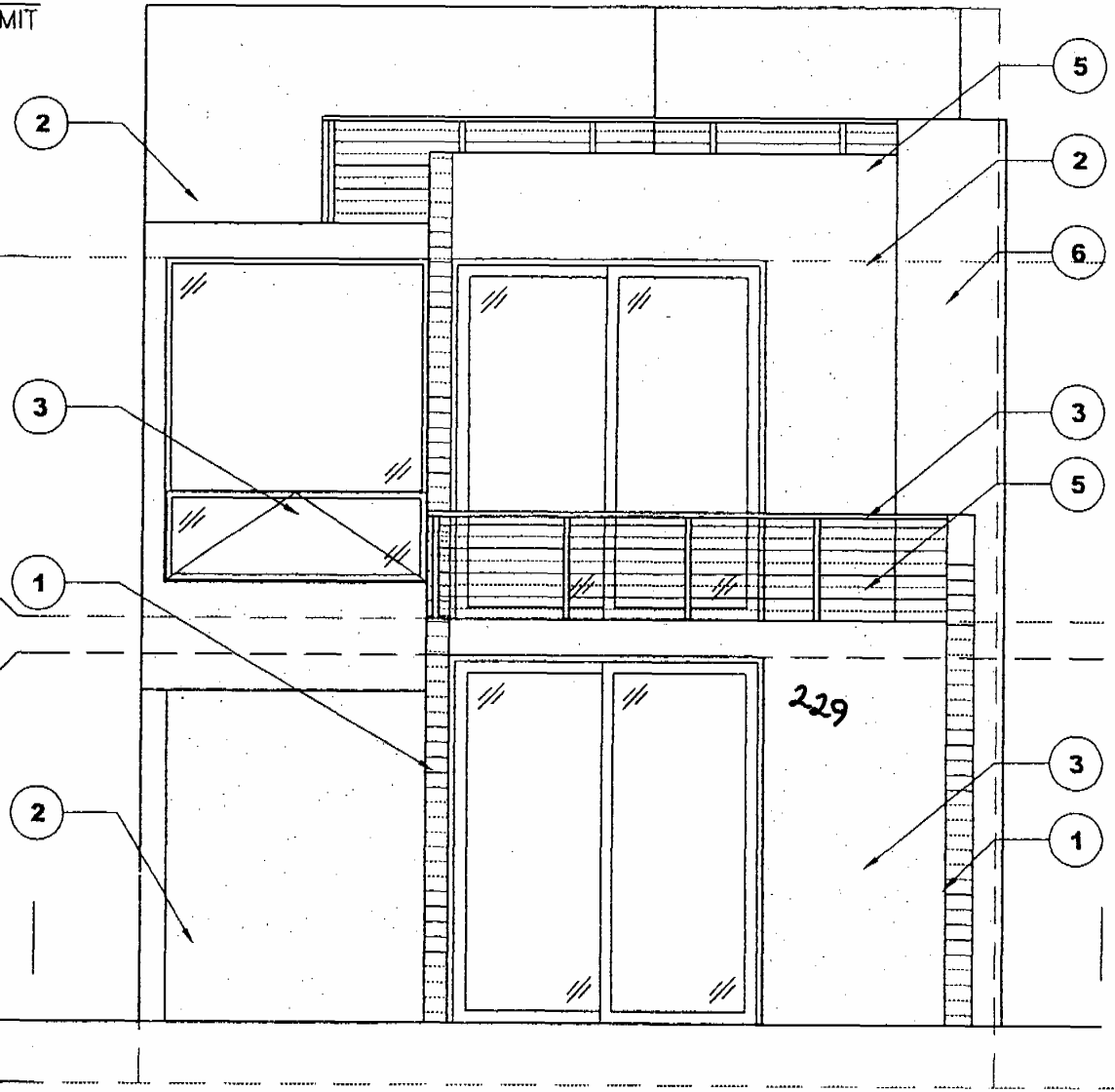
22'-11"
F.C.

12'-11"
F.F.

11'-11"
F.C.

1'-8"
F.F.

0'-0"
ALLEY



Front (Howland Canal) Elevation

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CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(713) 590-5071 (714) 846-0648



COASTAL DEVELOPMENT PERMIT

Application Number: SF-79-5863

Name of Applicant: Lynn Silverman & Jacob Swartz

1039 South Fairfax, Los Angeles, CA 90019

Permit Type: Emergency
 Standard
 Administrative

Development Location: 229 Howland Canal

Venice, CA

Development Description: Construction of a 2-story, 2415 sq. ft. SFD on
a vacant RW- 2850 sq. ft. lot; 28 feet above CFR with attached 2-car
garage. Exceeds 1.1 criteria by 303 square feet.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

see page 3 of 3

Condition/s Met On _____ By _____

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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 September 17, 1979 at Torrance by a unanimous vote permit application number SF-79-5863 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.

VII. Issued on behalf of the South Coast Regional Commission on November 13, 1979.

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

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number _____ and have accepted its contents.

(date)

(signature)

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Conditions for SF-79-5863

Prior to issuance of permit, applicant shall submit:

1. revised plans which conform to the following guidelines:
 - a. drainage plan which conforms to the following criteria:
 - a minimum of 150 cubic ft. capacity
 - uncovered at surface
 - filled with minimum one inch, maximum three inch diameter granular rocks.
 - b. compliance with the 1.1 criteria, plus 250 square feet,
 - c. 30 ft. height limit measured from centerline of the alley,
 - d. a rear setback not less than 9 ft. or other provision for guest parking,
 - e. create a pervious front yard adjacent to the canal equivalent in size to a 15 ft. front setback. In order to achieve variation, one portion of the house up to 15 ft. wide may extend to within 10 ft. 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 ft. 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 ft. from the canal property line. An uncovered deck of at least 5 ft. wide along the longest canal frontage may substitute for 5 ft. of the second story setback along the narrowest canal frontage on corner lots,
 - g. nothing in this permit implies approval of any construction on City of Los Angeles property except for removable fences less than 3½ ft. in height that do not impede access along the sidewalks; and
2. a deed restriction for recording that:
 - a. 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,
 - b. prohibits any extension of the second story closer than 25 ft. to the canal property line except that said 25 ft. may be modified to 20 ft. when the option allowed in Condition #1(f) is exercised.

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