

CALIFORNIA COASTAL COMMISSION

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Filed: 8/28/2007
Approved: 2/7/2008
Staff: Charles Posner - LB
Staff Report: 6/19/2008
Hearing Date: July 10, 2008
Commission Action:

Th6a**STAFF REPORT: REVISED FINDINGS**

APPLICATION NUMBER: 5-06-481

APPLICANT: William Abbott **AGENTS:** Howard Robinson & Fred Gaines

PROJECT LOCATION: 121 Catamaran Street, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of a two-story single-family residence and detached garage, subdivision of the 2,700 square foot lot into two lots, and construction of two (one on each lot) three-level, 32.4-foot high, 1,546 square foot single-family residences, each with its own two-car garage in the basement.

Lot Area	2,700 square feet
Building Coverage	1,456 square feet
Pavement Coverage	849 square feet
Landscape Coverage	395 square feet
Parking Spaces	4 (2 per residence)
Zoning	R3-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above final grade	32.4 feet

COMMISSIONERS ON PREVAILING SIDE: Commissioners Achadjian, Blank, Burke, Clark, Gonzalez, Neely, Reilly, Secord, Shallenberger, Wan and Chair Kruer.

LOCAL APPROVALS: 1) City of Los Angeles Local Coastal Development Permit No. ZA-2005-5941, 9/8/2006. 2) City of Los Angeles Variances, Case No. ZA-2005-5941, 9/8/2006. 3) City of Los Angeles Parcel Map Case No. AA-2005-5938, 7/13/2006.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's February 7, 2008 conditional approval of Coastal Development Permit Application 5-06-481. At the February 7, 2008 hearing, the Commission voted per applicant to approve the proposed development with vehicular driveways on both ends of the project site (instead of alley access only), finding that the public parking situation would be improved by the proposed creation of one new public parking space on Catamaran Street, along with the provision of the four proposed on-site parking spaces in two garages. A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Two for the motion to adopt the revised findings.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. City of Los Angeles "Small Lot Subdivision Ordinance" No. 176,354, 1/31/2005.
3. Coastal Development Permit 5-98-097 (Cunningham: 3319 Grand Canal).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **adopt the revised findings** in support of the Commission's February 7, 2008 action to approve with conditions Coastal Development Permit Application 5-06-481. Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on February 7, 2008 approving with conditions Coastal Development Permit 5-06-481."*

Passage of this motion will result in the adoption of revised findings as set forth in this staff report or as modified by staff prior to the hearing. The motion requires a majority vote of the members from the prevailing side present at the **July 10, 2008** hearing, with at least three of the prevailing members voting. The eleven Commissioners on the prevailing side are:

Commissioners Achadjian, Blank, Burke, Clark, Gonzalez, Neely, Reilly, Secord, Shallenberger, Wan and Chair Kruer.

Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

I. Resolution to Adopt Revised Findings

The Commission hereby adopts the findings set forth below for the approval with conditions of Coastal Development Permit Application 5-06-481 on the ground that the findings support the Commission's decision made on February 7, 2008 and accurately reflect the reasons for it.

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

Staff Note: The Commission added the following two special conditions to the permit at the February 7, 2008 hearing.

1. Landscaping

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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).

2. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following (BMPs) Best Management Practices.

- a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
- b) Any and all demolition/construction material shall be removed from the site (via the alley only) within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

- d) Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- e) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- f) All trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- g) All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

IV. REVISED FINDINGS AND DECLARATIONS

Staff Note: The following revised findings include all of the staff's recommended findings that were set forth in the January 17, 2008 staff report for the Commission's February 7, 2008 hearing for the coastal development permit application. The portions of those findings that are being deleted are crossed-out in the following *revised findings*: ~~deleted findings~~. The supplemental findings being added in support of the Commission's February 7, 2008 action are identified with underlined text.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to demolish the existing (c.1936) two-story single-family residence and detached garage on the 2,700 square foot lot, subdivide the thirty-foot wide lot into two lots, and construct a three-level, 1,546 square foot single-family residence on each of the newly created lots (See Exhibits). One proposed lot would measure 30' x 47.5' and the other would be 30' x 38.5' (Exhibit #5, p.1). An eighteen-inch gap would separate the two proposed houses from one another (Exhibit #6). Each of the two proposed single-family residences is 32.4 feet high, and each house would have its own separate two-car garage in its basement. The driveway for one house would be accessed from the rear alley, and ~~the~~ a ten-foot wide driveway for the other house would be accessed from Catamaran Street (Exhibit #5).

On January 10, 2008, the applicant revised the proposed project by narrowing the width of the proposed driveway apron on Catamaran Street to ten feet, thus leaving room on the public right-of-way for one eighteen-foot long public parking space where there is currently none (Exhibit #5, p.2). The driveway for the existing garage on the project site takes access from Catamaran Street, so a new curb cut is not being proposed. This block of Catamaran Street is not improved with curbs or sidewalks, but is paved for vehicular access (Exhibit #4). About one hundred feet west of the project site Catamaran Street becomes a walk street (i.e., closed to vehicles).

The project site is two blocks inland of the beach and one block west of Grand Canal in the Marina Peninsula neighborhood of Venice (Exhibit #3). The distance between the project site and the Venice Pier is about one thousand feet.

The City of Los Angeles has approved Local Coastal Development Permit No. 2005-5941 and Parcel Map No. AA-2005-5938 for the proposed project.¹ The City's approval of the local coastal development permit was not appealed to the Commission. The height of the two proposed single-family residences conforms to the 35-foot height limit for the area as set forth in the certified Venice Land Use Plan (LUP). The proposed two residential units conform to the density limit for the site set forth in the certified LUP (two units per lot less than 4,000 square feet in area). Adequate on-site parking (four spaces in two garages) would be provided for the proposed project; ~~however, the proposed two driveway design of the project would eliminate the potential for public parking on Catamaran Street, the fronting right-of-way.~~ The City also granted the applicant two variances: one to reduce the width of the side yards from five feet to three feet, and the other to allow a driveway in the front yard that exceeds the fifty percent of the required front yard area. The City of Los Angeles Housing Department declared that the proposed project does not involve the demolition of affordable housing units.

B. Public Access- Public Parking

The primary Coastal Act issue raised by the applicant's proposal is the project's ~~adverse~~ impact to potential public parking supplies on Catamaran Street, the fronting public right-of-way (Exhibit #4). The proposal is the first instance of a "Small Lot Subdivision" project in Venice using both the alley and the fronting street to provide driveway access to its on-site parking, ~~resulting in the loss of potential public parking on the fronting right-of-way. Two public parking spaces could be established on the portion of the Catamaran Street right-of-way that abuts the project site.~~ The applicant has agreed to narrow the width of the proposed driveway apron on Catamaran Street to ten feet, thus leaving room on the public right-of-way for one eighteen-foot long public parking space and curb where there is currently none (Exhibit #5).

The proposed project is located in Venice, two blocks inland of the popular Venice Beach and boardwalk (Exhibit #3). One of the most important coastal planning issues for this part of Venice is the issue of parking and the lack thereof. New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available at this highly popular coastal area. These public parking facilities are primarily the on-street parking spaces and the public beach parking lots.

The Venice Beach area has a severe parking shortage. The parking shortage exists partly because many of the residences were built several decades ago when there was less demand for parking (there were fewer residents and cars, and the area was once served by the Pacific Railway red cars) and on-site parking was not required by code. Also, the Venice walk streets and alleys provide little or no public parking, and the public beach parking lots are expensive to use on a regular basis, and they are closed at night. The restaurants, cafes and shops in the area (e.g., along Washington Boulevard) often have little or no on-site parking to serve their

¹ The City Planning Department approved the subdivision of the 2,700 square foot lot pursuant to the "Small Lot Subdivision Ordinance" No. 176,354, effective 1/31/2005. The Venice certified LUP does not set forth a minimum lot size, but does limit residential density to two units for a lot with less than 4,000 square feet of area.

employees and customers. Consequently, there is a severe shortage of available parking spaces in the area when the demand for parking peaks. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast during peak-use periods.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The Commission has consistently required that new development provide adequate parking facilities to meet the demands of the new development. Section 30252 of the Coastal Act requires that new development provide (among other things) 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....

In this case, the applicant is proposing to provide adequate parking (four on-site spaces) for the two proposed single-family residences. However, the Coastal Act issue is not one of quantity of parking spaces being provided by the applicant, but an issue of utilizing the public right-of-way for private use (driveway access) versus public use (parking and/or landscaping).

The Coastal Act requires that new development not reduce the public's right to access the shoreline. The Venice Canals, Venice Pier and Venice Beach, all in the neighborhood of the proposed project, are very popular public recreation areas. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of parking spaces provided on the public streets in the area. One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. Therefore, the public rights-of-way must be protected for public parking or other beneficial public uses.

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.

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In regards to public rights-of-way and public parking opportunities, Policies II.A.9 and I.C.9 of the certified Venice LUP state:

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

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

Policy I. C. 9. Public Rights-of-Way. *Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.*

The public rights-of-way in Venice include walk streets where vehicles are prohibited, vehicular streets that provide public parking opportunities, and alleys that provide access to residents' driveways and off-street parking facilities like carports and garages. Vehicular streets provide public parking, alleys provide garage access, and the walk streets (with private landscaping encroachments) provide the public with unique and lush walkways where there is no threat of negative interactions with speeding vehicles and their exhaust fumes. The Catamaran Street public right-of-way, which runs three blocks between Grand Canal and the public beach, has all three of these street types and characteristics, ~~but the proposed project provides nothing to improve the public's ability to utilize the public right-of-way.~~

This segment of Catamaran Street (where the project is located) has no curb or sidewalk, and has the characteristics of a wide alley (Exhibit #4). The Catamaran Street public right-of-way near the project site is partly occupied by several patios and fences that encroach into the public way, and also by several parking areas that have been posted with private "Tenant Parking Only" signs that convey a message that the edges of the 36-foot wide right-of-way are private properties (Exhibit #4). The public land is being used by the private property owners and their tenants while denying the general public on-street parking opportunities or other public benefits.

This pattern of right-of-way use also runs contrary to the provisions of Coastal Act Section 30253(5) which protects special communities and neighborhoods, like Venice, which are popular visitor destination points for recreational uses. The conversion of landscaped front yards to paved driveways would certainly have an adverse affect on community character if such projects are approved.² Therefore, it is important to require that vehicular access to residential uses be taken only from the alley, when feasible. ~~In this case, access from the alley is feasible.~~

In this specific circumstance, however, the Commission finds that requiring both two-car garages to take access from the narrow alley would create an unsafe situation. It is therefore not feasible to require that vehicular access to the proposed project be taken only from the alley. Therefore, the proposed project, with driveways accessing both the alley and the fronting right-of-way, does not violate the provisions of Policies II.A.9 and I.C.9 of the certified Venice LUP because it is not feasible for the proposed project to have vehicular access taken only from the alley. In addition, the proposed project will displace no existing on-street parking because the existing driveway on the project site already takes access from Catamaran Street. The proposed project will enhance public access to the coast by providing one additional public parking space on the street as the applicant has proposed to narrow the width of the proposed driveway apron on Catamaran Street to ten feet, thus leaving room on the public right-of-way for one eighteen-foot long public parking space (with a curb) where there is currently none (Exhibit #5, p.2).

~~The proposed project, with driveways accessing both the alley and the fronting right-of-way, does not conform with Policy II.A.9.c of the certified Venice LUP which requires that public parking opportunities on City streets that currently accommodate vehicular traffic shall be maximized. The proposed project also does not conform with Policy II.A.9.e of the certified Venice LUP which requires that public rights-of-way shall be protected for public use and shall not be privatized or posted for private use. Public parking opportunities are maximized when~~

² The City granted the applicant a variance which allowed the proposed driveway in the front yard to exceed fifty percent (50%) of the required front yard area.

~~the private residences take driveway access from the rear alley only, thus leaving the fronting right-of-way available for on-street public parking or other beneficial public uses (e.g., landscaping and walkways). The proposed driveway access off of Catamaran Street eliminates the potential for public on-street parking on Catamaran Street. Even though the Catamaran Street public right-of-way is already occupied by private encroachments posted with private "Reserved Parking" signs, the certified Venice LUP requires that public parking opportunities on City streets be protected and maximized, and that public rights-of-way must be protected for public use and shall not be privatized for private use.~~

~~Therefore, the proposed project presents the Commission with two options: 1) approve the proposed project as designed by the applicant and maintain status quo of unregulated private use of the Catamaran Street public right-of-way, or 2) deny the proposed project and require it and future projects to conform with the requirements of the certified LUP that protect public rights-of-way for public parking or other beneficial public uses.~~

~~The applicant asserts that no existing public on-street parking will be displaced by the proposed project, and that the project would actually provide one additional public parking space on the street (Exhibit #5, p.2). This is true, but only because public parking on the Catamaran Street public right-of-way is not currently possible since the edges of the right-of-way are occupied by existing driveways, private encroachments and fences, and public areas are posted with private "Reserved Parking" signs (Exhibit #4).~~

The applicant also points to Coastal Development Permit 5-98-097 (Cunningham) issued for a duplex at the eastern end of Catamaran Street, three lots east of the project site, where the Commission allowed driveway access from Catamaran Street (Exhibit #4). But that was one case where it was also not feasible to have the driveway come from the rear alley because the lot has no alley access; it fronts on Strongs Drive, a public street that is regularly used by beach goers and neighborhood residents for on-street parking. The driveway for that project had to be provided by either Catamaran Street or Strongs Drive, since there was no alley option.

Therefore, approval of the proposed project would not violate the public access policies of the Coastal Act and the public right-of-way protections set forth in the certified Venice LUP because the proposed project would not eliminate public use of the Catamaran Street public right-of-way. The proposed project will enhance public access to the coast by providing one additional public parking space (with a curb) on Catamaran Street. Therefore, the proposed project is consistent with the public access policies of the Coastal Act and the standards developed in the certified Venice LUP to assure the preservation of public parking opportunities in the public right-of-way.

~~As stated above, the approval of the proposed project would violate the public access policies of the Coastal Act and the public right-of-way protections set forth in the certified Venice LUP because the proposed project would eliminate potential public use of the Catamaran Street public right-of-way. In addition, there is a feasible alternative design that would preserve the right-of-way for public use while also allowing the project site to be developed with two residential units (with driveway and garage access taken only from the alley, as is typically required throughout Venice, even in previously approved small lot subdivisions). Therefore, the proposed project must be denied because it is not consistent with the public access policies of the Coastal Act and the standards developed in the certified Venice LUP to assure the preservation of public parking opportunities in the public right-of-way.~~

C. 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 discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for 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. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

D. Habitat

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.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified LCP for the Venice area. The Commission officially certified the City of Los Angeles Land Use Plan (LUP) for Venice on June 14, 2001. The standard of review for the proposed development is the Coastal Act. The City is working towards certification of the Venice LCP. As discussed above, the proposed project does not violate the public access policies of the Coastal Act and the public right-of-way protections set forth in the certified Venice LUP. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare an LCP consistent with the policies of Chapter 3 of the Coastal Act, and is therefore consistent with Section 30604(a) of the Coastal Act.

~~Although the City currently does not have a certified LCP, this decision could nevertheless have a precedential impact on future decisions, as the LCP would include provisions (i.e., LUP policies) to require that all driveway access be taken from the rear alley, where feasible. The proposal is the first instance of a "Small Lot Subdivision" project in Venice using both the alley and the fronting street to provide driveway access to its on-site parking, resulting in the loss of potential public parking on the fronting right-of-way. This case represents an important precedent because the loss of public parking opportunities on Venice streets resulting from this type of two-garage design would adversely impact the public's ability to access this popular coastal recreation area. Therefore, Commission approval of the proposed project would be a bad precedent that would prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act. The denial of the proposed project is consistent with prior precedents relating to the protection of public parking opportunities on the public right-of-way as the Commission has required that all Venice residential projects access on-site parking from the rear alley, when feasible, to protect public parking opportunities (and pedestrian access) in Venice. As discussed above, the proposed project violates the public access policies of the Coastal Act and the public right-of-way protections set forth in the certified Venice LUP because the proposed project would eliminate potential public use of the Catamaran Street public right-of-way, and approval of the proposed project would set a bad precedent in regards to the protection of public access and community character. Therefore, the Commission finds that approval of the proposed development would prejudice the City's ability to prepare an LCP consistent with the policies of Chapter 3 of the Coastal Act, and is therefore not consistent with Section 30604(a) of the Coastal Act.~~

F. 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.

In this case, there are no feasible alternatives or mitigation measures available which will lessen the significant adverse impacts that the development would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the Coastal Act.

~~In this case, there exists a viable use on the site: the existing single-family residence. Another feasible alternative is to design a new house or a new two-unit project with driveway and garage access taken only from the alley. Both of these alternatives would substantially lessen the significant adverse effect of the proposed project. Thus, denial of the proposed project does not deny the applicant all economically beneficial or productive use of the property or unreasonably limit the owner's reasonable investment-backed expectations of the property. Therefore, there are feasible alternatives or mitigation measures available which will lessen the significant adverse impacts that the development would have on the environment. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act.~~

VENICE, CA



Pacific Ocean

121 Catamaran Street

Site

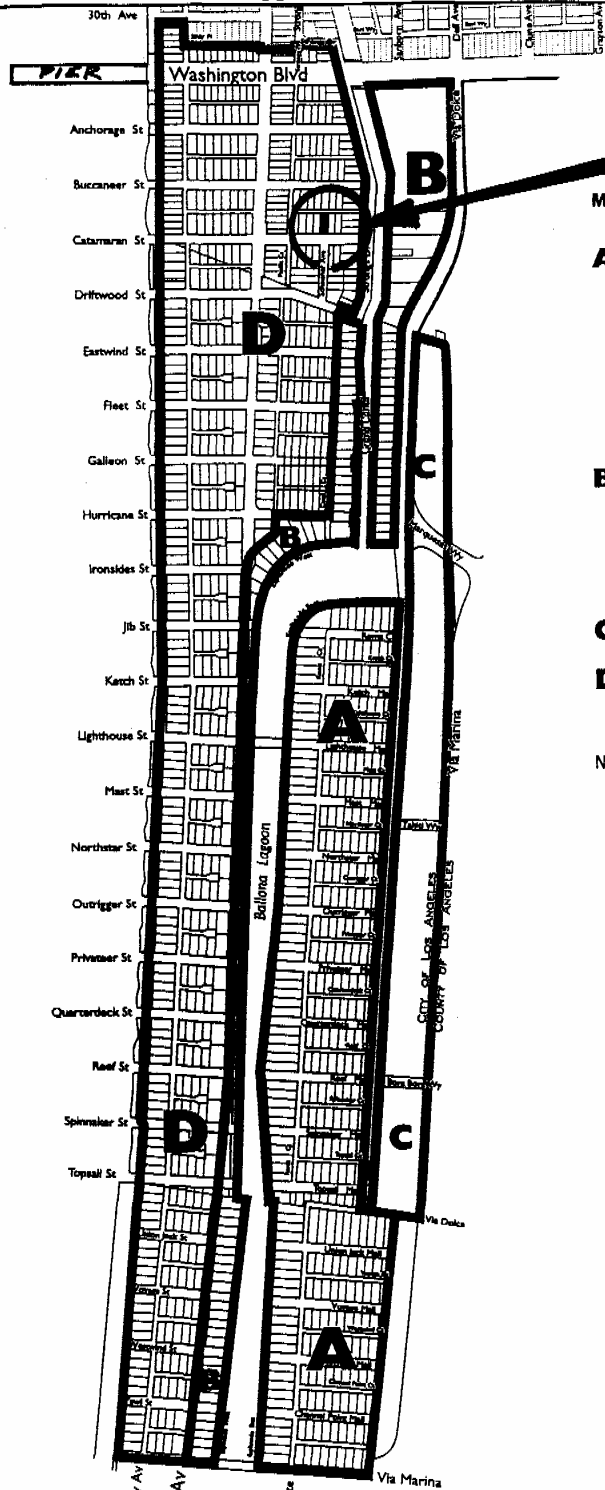
COASTAL COMMISSION

5-06-481

EXHIBIT # 1

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Site!
121 Catamaran Street

Maximum Building Height

- A** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.
- B** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet.
- C** 45'
- D** 35', 28' along Walk Streets.

Notes:

- *All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.
- *No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).
- *Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.
- *See Policy I.A.1 for policy limiting roof access structures.
- *See Policy I.B.7 for commercial and mixed-use development standards.

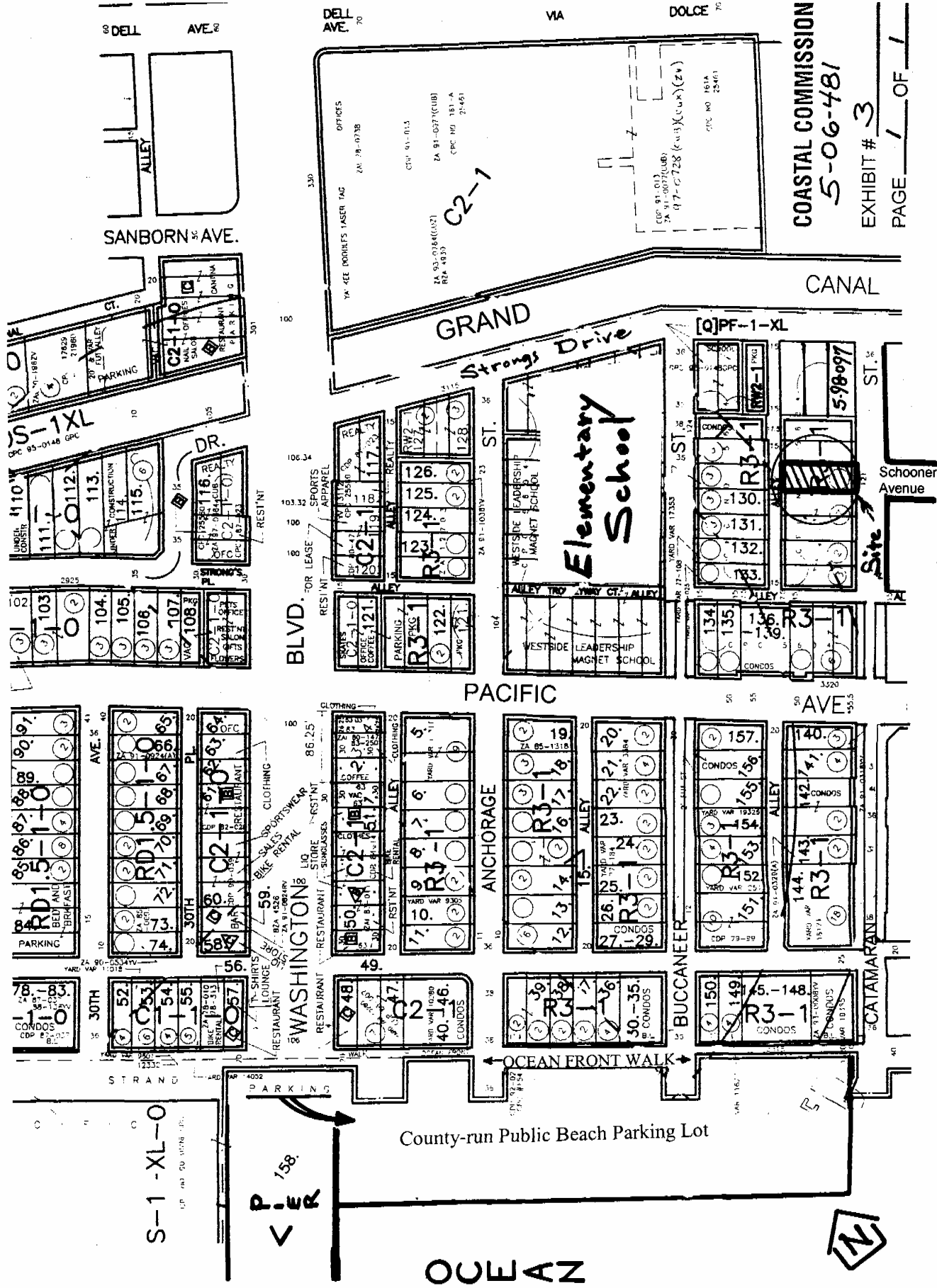
LUP
 Exhibit 13
 Height

**Subarea: Marina Peninsula • Silver Strand •
 Ballona Lagoon West • Ballona Lagoon (Grand Canal) East**

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County-run Public Beach Parking Lot

OUEAZ



Elementary School

WESTSIDE LEADERSHIP
 MAGNET SCHOOL

P-158

S-1-XL-0

S-1-XL
 CPC 95-0146 GPC

BLVD. FOR LEASE
 REST. INT. APPAREL

330

OFFICES
 ZA 91-0073(LUB)
 ZA 91-0073(CUB)
 CPC MO 181-A
 CPC MO 21-481

C2-1
 ZA 91-0073(LUB)
 ZA 91-0073(CUB)
 CPC MO 181-A
 CPC MO 21-481

CPC MO 181-A
 CPC MO 21-481
 (17-C728)(CUB)(CUB)(CUB)(CUB)

CANAL

GRAND

Strong's Drive

[Q]PF-1-XL

ST. 36
 Schooner Avenue

Site

PACIFIC

AVE 35.5

ANCHORAGE

BUCCANEER

CATAMARAN

OCEAN FRONT WALK

STRAND

PARKING

RESTAURANT

RESTAURANT

RESTAURANT

RESTAURANT

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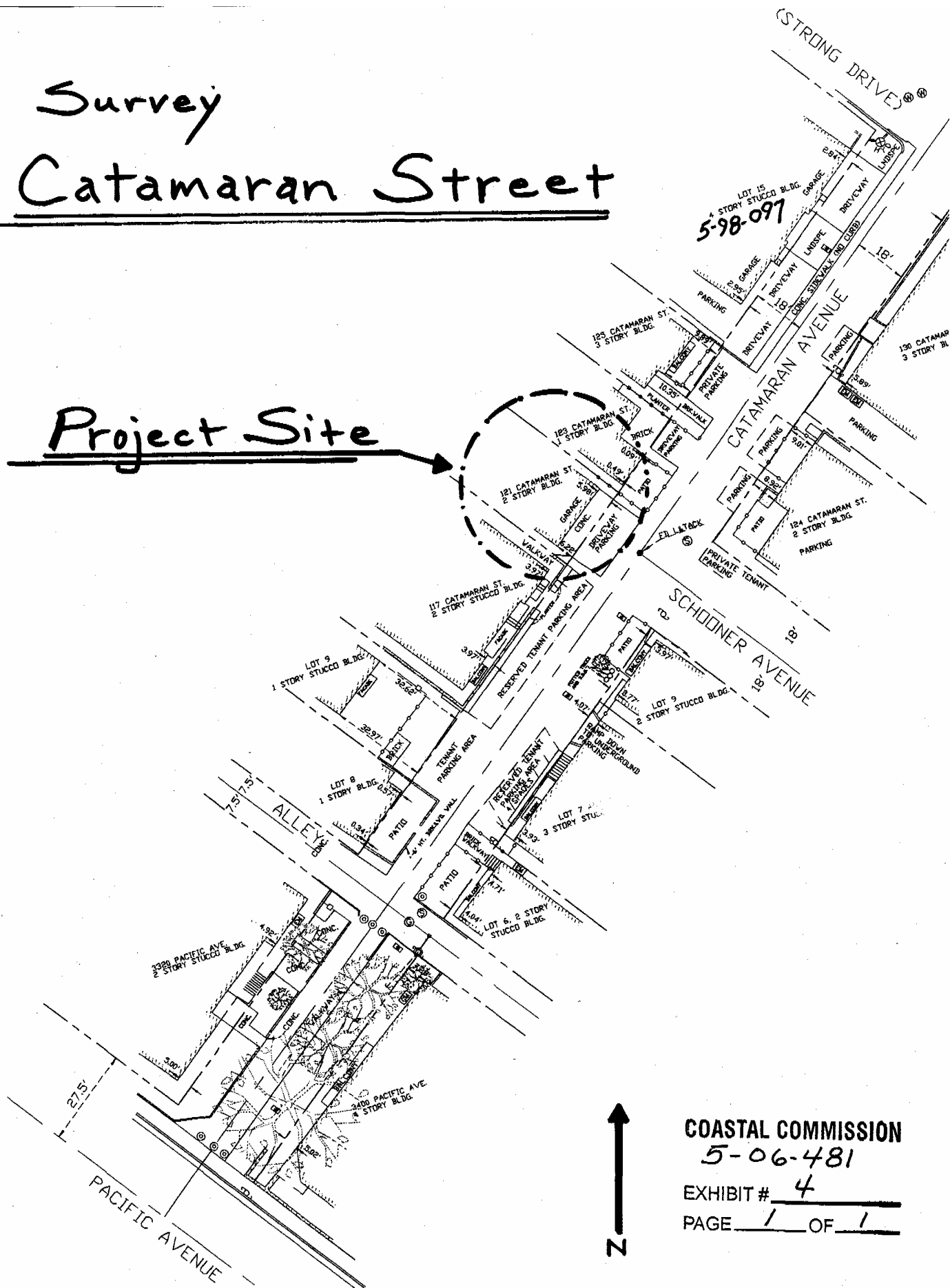
RESTAURANT

RESTAURANT

RESTAURANT

Survey Catamaran Street

Project Site →

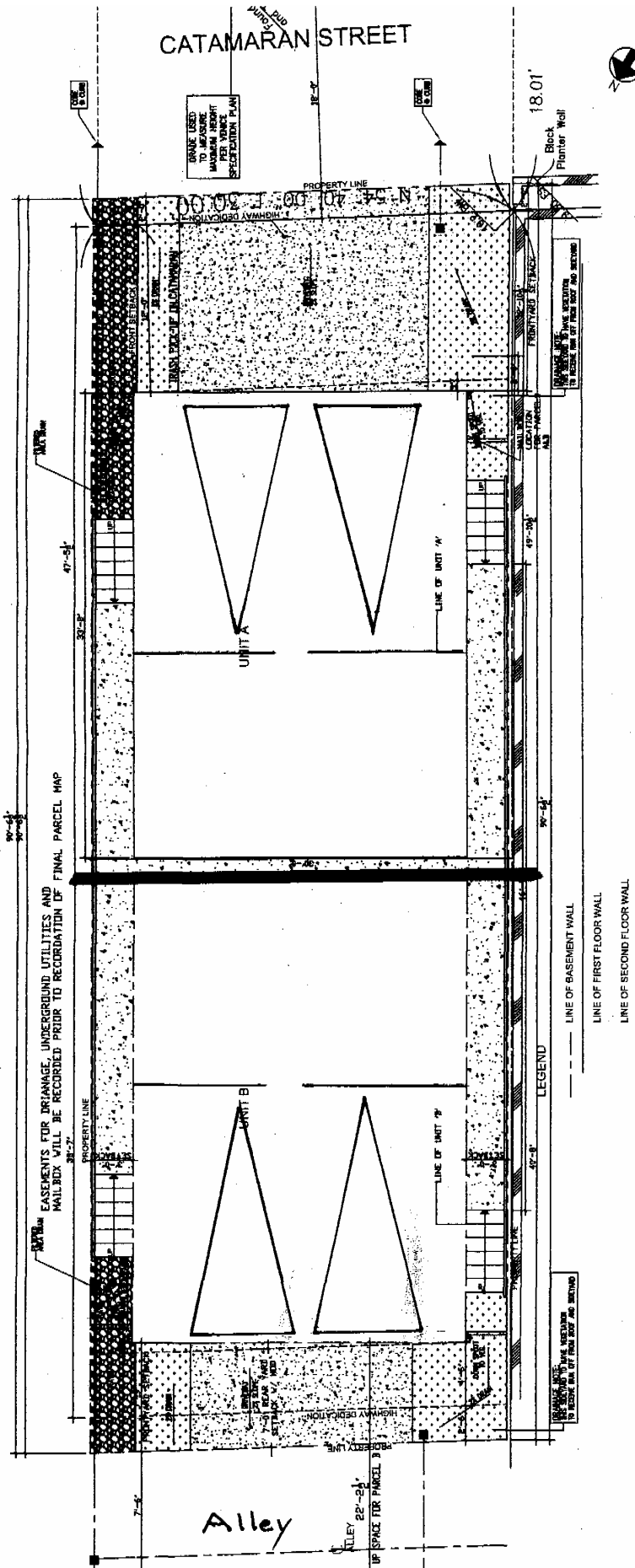


COASTAL COMMISSION

5-06-481

EXHIBIT # 4

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 5-06-781
 EXHIBIT # 5
 PAGE 1 OF 2

Proposed Site Plan

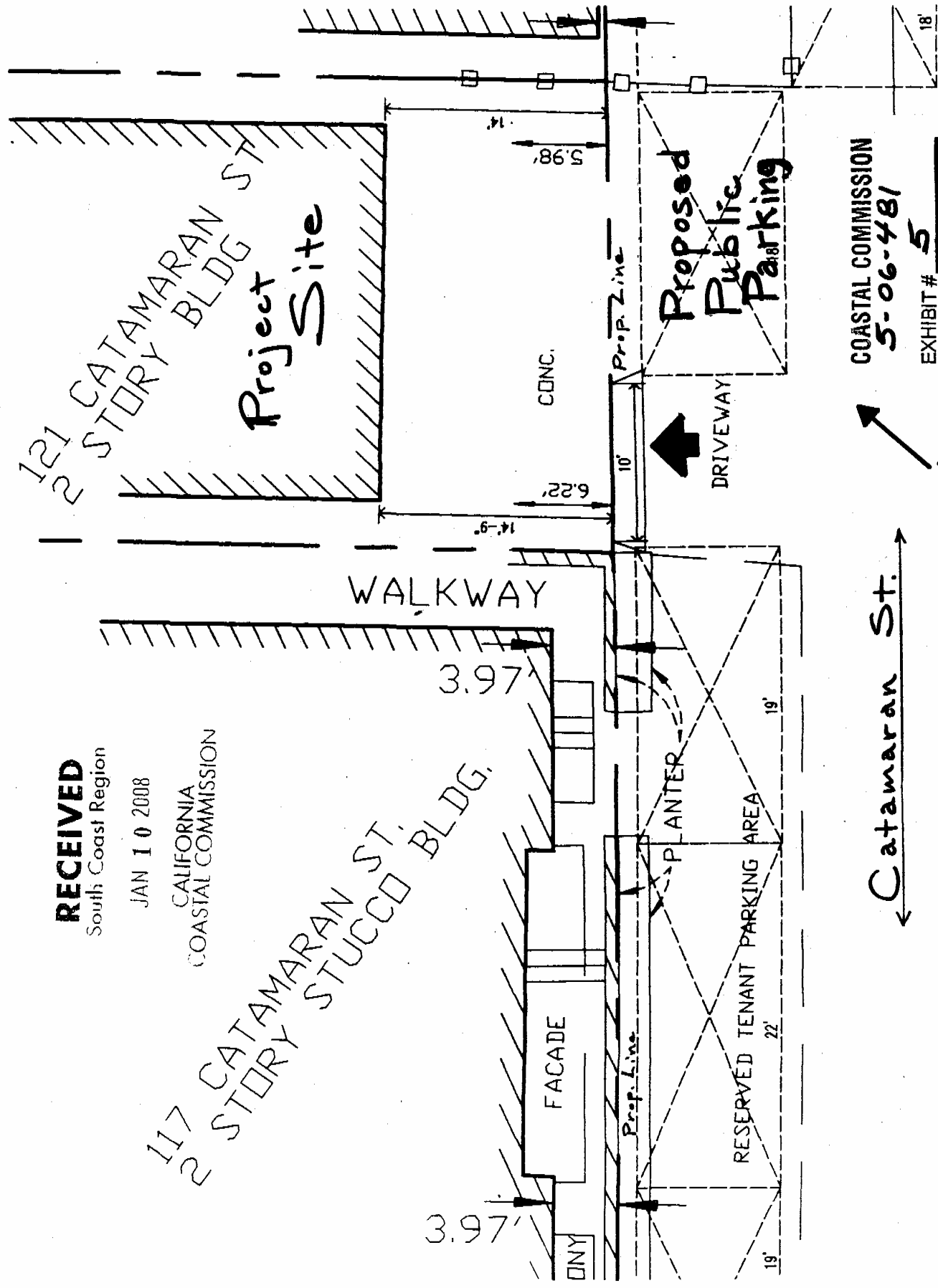
RECEIVED
South Coast Region

JAN 10 2008

CALIFORNIA
COASTAL COMMISSION

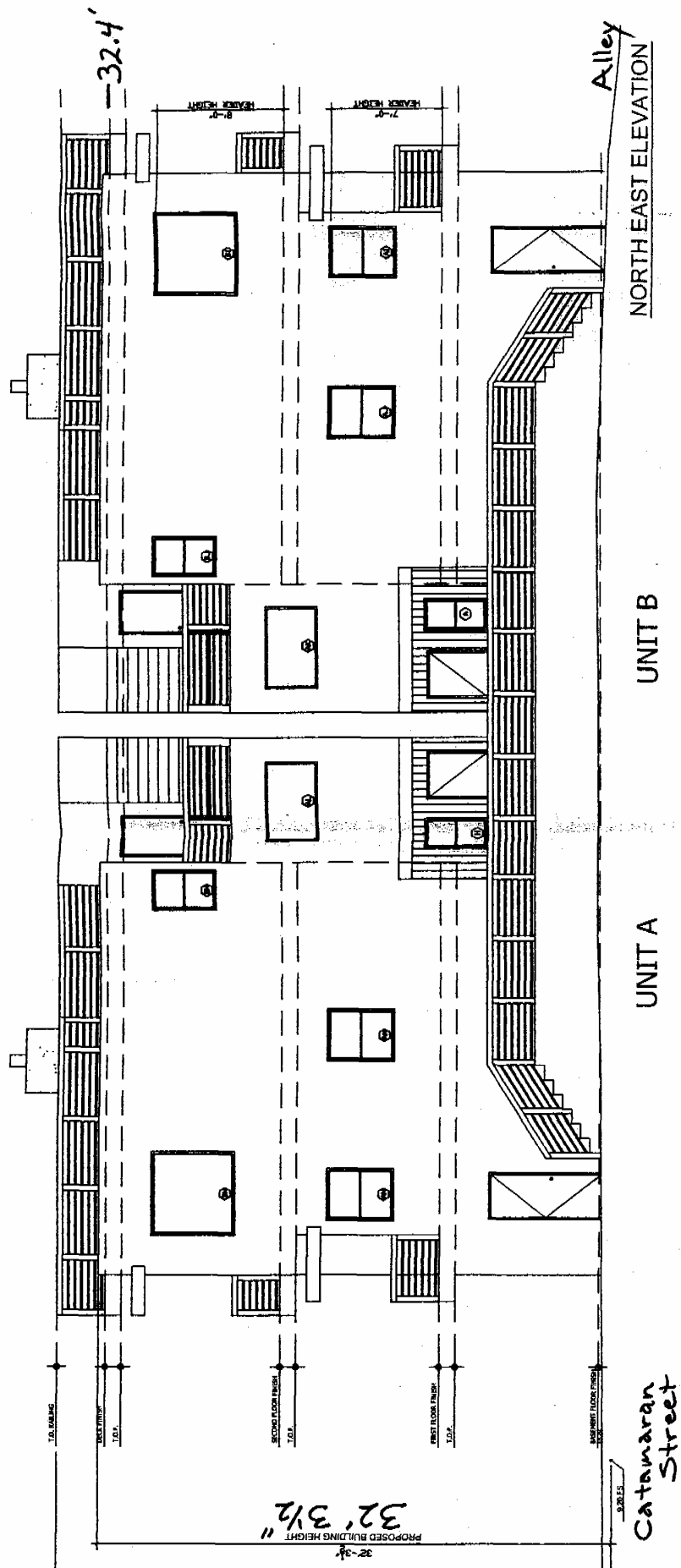
117 CATAMARAN ST.
2 STORY STUCCO BLDG.

121 CATAMARAN ST.
2 STORY BLDG
Project Site



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5-06-481

EXHIBIT # 5
PAGE 2 OF 2

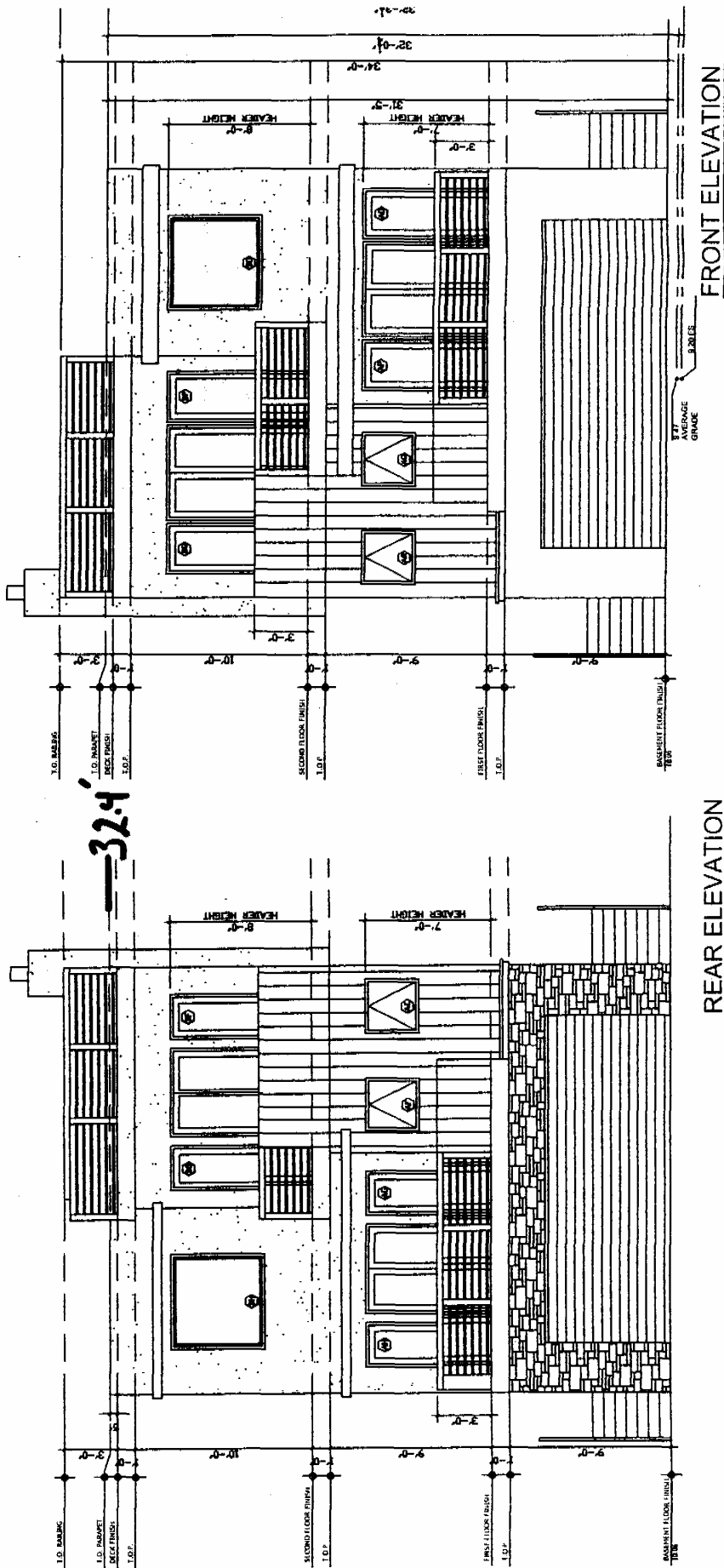


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EXHIBIT # 6

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COASTAL COMMISSION

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EXHIBIT # 7

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