

CALIFORNIA COASTAL COMMISSION

45 Fremont St, Suite 2000
San Francisco, CA 94105
Phone: (415) 904-5200
Fax: (415) 904-5400



Th26b

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STAFF REPORT: REGULAR CALENDAR

Application No.:	5-17-0672
Applicant:	Sabine Fessler and James Tschortner
Location:	236 Carroll Canal, Venice, City of Los Angeles, Los Angeles County (APN 4227-005-021)
Project Description:	Demolition of 1,139 square foot single-story family dwelling with detached garage, and construction of a 3,857 square foot, 30-foot high, three-story single family dwelling with roof deck, 40-foot high roof access structure, and attached 2-car garage on a canal-fronting lot.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project consists of the demolition of a one-story single-family residence and the construction of a three-story, 30-ft. high, 3,857 sq. ft. single family dwelling ([Exhibit 2](#)) on the south bank of Carroll Canal in the Venice Canals subarea of Venice, Los Angeles ([Exhibit 1](#)). The proposed project includes 4 bedrooms, 5 bathrooms, a roof deck accessible through a 40-ft. high roof access structure, an indoor pool, an elevator and elevator vestibule, an attached approximately 400 sq. ft. 2-car garage and an uncovered tandem parking space on the driveway, and new landscaping features and fencing, including a 450 sq. ft. permeable front yard ([Exhibit 2 and 3](#)). The proposed project is in the Dual Permit Jurisdiction and has received a local coastal development permit (Case No. DIR-2016-3467-CDP-MEL-SPP) from the Los Angeles Department of City Planning.

The proposed three-story single family residence is visually compatible with the scale, mass, and character of the surrounding residential neighborhood, which consists primarily of two and three-story residential structures. The proposed project conforms to the height limits as set forth in the certified Venice Land Use Plan and provides a 15-foot deep front yard setback and a 10-foot deep

rear yard setback on the ground floor, while the design component provides for a stepped back façade, which minimizes the overall box-like design of the proposed development ([Exhibits 2 and 3](#)). Furthermore, the applicant has provided a streetscape analysis which shows that the proposed project is within the range of building heights and sizes in the surrounding neighborhood ([Exhibit 5](#)).

Therefore, Staff recommends **approval** of Coastal Development Permit Application No. 5-17-0672 with conditions, as it conforms to Chapter 3 of the Coastal Act and the height and setback limitations of the Venice Land Use Plan. The proposed development has been conditioned to assure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The conditions are: **1)** permeable area and setback requirement; **2)** development setback and building height; **3)** parking and residential density; **4)** assumption of risk; **5)** construction-related requirements and best management practices; **6)** drainage and run-off control; **7)** drought-tolerant, non-invasive landscaping; **8)** bird-strike prevention; **9)** permit compliance; and **10)** deed restriction.

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- [Exhibit 1 – Project Location](#)
- [Exhibit 2 – Project Plans and Elevations](#)
- [Exhibit 3 – Project Renderings](#)
- [Exhibit 4 – Project Landscaping \(Permeable Front Yard\) Plan](#)
- [Exhibit 5 – Streetscape Analysis](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-0672 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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

This permit is granted subject to the following special conditions:

1. **Permeable Yard Area.** In order to maintain an open and visible access corridor, to enhance visual quality, and to preserve the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than fifteen times the width of the site (in this case: 15' x 30' = 450 square feet) shall be maintained on the project site in the front yard area between the structure and the front (Carroll Canal) property line. The precise boundaries of the area that must remain uncovered and permeable yard area shall be described and depicted in accordance with [Exhibit 4](#) of the staff report dated October 26, 2017 and shall be 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), permeable decks at grade (not to exceed 18 inches in height), and an underground cistern or French drain for water retention. 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.
2. **Development Setbacks and Building Height.** No development is authorized within ten feet of the fronting canal property line (Carroll Canal) nor within or above the required 450 square foot permeable front yard area, except as described in [Special Condition 1](#) 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 (Carroll Canal Court, "Court D"). 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 other accessory structures which are limited to 35 feet. Roof deck railings shall not exceed 42 inches above the thirty-foot height limit. Building height is measured from the elevation of the adjacent road or alley. A one-hundred square foot (maximum) roof access structure no higher than 10 feet above the thirty-foot roof height limit is permitted and must be setback at least 60 feet from the fronting canal property line.
3. **Parking and Residential Density.** The permitted use of the approved structure is a single-family residence. A minimum of three (3) parking spaces shall be provided and maintained on the site as proposed: 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. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.**

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. **Drainage & Water Quality.** By acceptance of this coastal development Permit, the applicant agrees that:

- 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 or underground cistern 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. **Landscaping – Drought Tolerant, Non-Invasive Plants.**

- A. 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. All plants shall be low water use plants as identified by California Department of Water Resources.

- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
8. **Bird Strike Prevention.** Glass railings on decks and balconies shall use materials designed to minimize bird-strikes. Such materials may consist, all or in part, of frosted or partially-frosted glass, or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds or appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.
9. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
10. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant(s) shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this 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 or parcels governed by this 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 permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant proposes to demolish a 1,139 sq. ft., one-story single-family residence with detached garage and construct a three-story, 30-ft. high, 3,857 sq. ft. single family dwelling, with 4 bedrooms and 5 bathrooms; a roof deck accessible through a 3rd floor stairway and a 40-ft. high, 72.5 square foot roof access structure with an elevator; an indoor pool; an attached approximately 400 sq. ft. 2-car garage and an uncovered tandem parking space on the driveway; and new landscaping features and fencing, including a 450 sq. ft. permeable front yard ([Exhibit 2, 3, and 4](#)).

The project site is located at 236 Carroll Canal in the Venice Canals subarea of Venice, Los Angeles ([Exhibit 1](#)). The subject parcel, located on the south bank of Carroll Canal with its rear property line abutting Carroll Canal Court (Court D), has a width of approximately 30 feet and a depth of approximately 95 feet for a total lot area of approximately 2,848 sq. ft. The project is in the dual permit jurisdiction and the existing structure has not been designated as historic on any local, state, or national register.

The project site is part of a developed residential neighborhood and is designated RW1-1-0 (Low Medium II Density Residential) by the Venice Land Use Plan and City of Los Angeles Zoning Code. The subject site is approximately 1/2 of a mile inland of the public beach. This residential neighborhood predominantly features two and three-story single-family homes on both sides of the block. Public sidewalks currently provide public access along all banks of the canals.

The certified Venice LUP requires that all new houses maintain a permeable yard area equal to fifteen times the width of the lot (15' x 30' = 450 sq. ft.) between the canal property line and the front of the house. The proposed project provides the required 450 square foot permeable yard area within the front yard setback area adjacent to the Carroll Canal public walkway ([Exhibit 4](#)). Additionally, to protect water quality on the Canal, the applicant proposes a 100 cubic foot seepage field (French drain) that is 25 inches deep and lined with filter fabric, filled with gravel and covered with geo-fabric and a 6 inch soil cap. Water that drains into the seepage field will be collected via a perforated pipe from the bottom of the seepage field and directed to a sump pump that will pump the water to the storm drainage system. However, some water will percolate into the ground to encourage on-site percolation.

The certified Venice LUP specifies that the height of single-family dwelling along the canals must “not 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 is allowed. Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal.” The LUP further states that “roof access structure[s] shall not exceed the specified roof limit of ten feet.” The applicant’s proposed project conforms to these requirements with a stepped back roof line at a maximum height of 30 feet, with the building height measured from the ground elevation of the adjacent (rear) alley. Furthermore, the applicant has provided a streetscape analysis which shows that the proposed project is similar in height and size with newly developed surrounding properties ([Exhibit 5](#)).

Lastly, the proposed development includes glass railing on the second and third floor balconies facing the canal fronting side of the project site. Glass railing systems, walls or wind screens are

known to have adverse impacts upon a variety of bird species. Birds are known to strike these glass walls causing their death or stunning them, which exposes them to predation. To ensure bird strike prevention, [Special Condition 8](#) requires that the applicant to use a material for the glass railing that is designed to prevent creation of a bird strike hazard.

B. AREA HISTORY

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. 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 Commission has consistently applied these 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 neighborhoods.

On October 29, 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. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

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 coastal development permit.

C. COMMUNITY CHARACTER

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 situated, the Commission has consistently limited residential density and structural height, and has required the provision of yard areas and structural setbacks from the canals [e.g. Coastal Development Permit 5-95-043 (Chamorro)]. On November 14, 2000, the Commission adopted 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. The applicant has designed the proposed project in compliance with the above-stated building standards in order to obtain the required coastal development permit, and to also obtain approval from the City pursuant to the Venice Specific Plan. The proposed project is in the Dual Permit Jurisdiction and has received a local coastal development permit (DIR-2016-3467-CDP-MEL-SPP) from the Los Angeles Department of City Planning. The project was also found to be exempt from CEQA (ENV-2016-3467-CE). Additionally, on May 17, 2017, the proposed project also received approval from the Venice Neighborhood Council, which recommended approval of the proposed development by a vote of 15-0-1.

Residential Density

The Venice LUP currently limits residential density in the project area to one unit per lot. The applicants propose to construct a single family residence. Therefore, the proposed project as conditioned conforms to the density limit of the Venice LUP, and is consistent with the provisions of Section 30251 of the Coastal Act.

Building Height

Building height and bulk can also affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development immediately adjacent to Ballona Lagoon and the Venice Canals has been limited to a height of thirty feet (within sixty feet of the Esplanade) 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 thirty-foot height limit for all development in the Venice Canals neighborhood. The proposed single family residence does not exceed a height of thirty feet ([Exhibit 2 and 5](#)). The permit is conditioned to limit the height of the proposed 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, and a roof access structure that will be 40 feet. Any proposed increase in height 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.

The proposed project features a height of approximately 30 ft. (as measured from the centerline of the rear alley, Carroll Canal Court, or Court D), with the roof access structure reaching 40 ft. as measured from the centerline of the rear alley (or 10 feet above the roof deck). [Special Condition 2](#) reflects the requirements for height limits.

Therefore, the Commission finds that the proposed project as conditioned conforms to the Venice LUP and Section 30251 of the Coastal Act. As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project.

Building Setback

Buildings in Venice have been required to be set back from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. The Commission has consistently required that development adjacent to the Venice Canals provide an open and permeable yard (at least 450 square feet for a thirty-foot wide lot, and at least six hundred square feet for a forty-foot wide lot) between the lagoon/canal property line and the front of any structure. A minimum ten-foot front yard setback, with a required fifteen-foot setback average on any lot provides the required permeable front yard area. No building extensions, including stairs and balconies, are permitted to be placed in or over the required permeable front yard area with the exception of

permeable decks. For the rear yard, a 10-foot rear yard setback is required on the ground floor (for additional vehicle storage). The Venice LUP includes this permeable yard and setback requirement for all development proposed along the Venice Canals, which is imposed by [Special Condition 1](#) and [Special Condition 2](#).

The proposed single family residence provides a 15-foot front yard setback and a 10-foot deep rear yard setback on the ground floor that is consistent with prior Commission approvals and the requirements of the Venice LUP ([Exhibit 2](#)). The proposed residence also features a stepped-back design with the second and third floors set back approximately 26 feet (including the 15 feet front yard setback) from the front facing (canal side) esplanade (City right-of-way). The roof access structure will be setback over 60 feet from the front facing (canal side) esplanade (City right-of-way), as required by the Venice LUP. In addition, the proposed roof terrace will be sited on the stepped back roof of the third floor fronting the canal. Therefore, the proposed project meets the specific height and setback requirements of the LUP.

The Commission has consistently required that applicants record the permeable yard area requirement on their property deeds in order to ensure the continuous and ongoing protection of coastal resources and compliance with the requirement. In order to ensure that the required permeable yard area is maintained on the site as proposed, the applicant is required to record the permeable yard area requirement on the deed for the lot subject to this action, as required by [Special Condition 10](#). The deed restriction provides for the maintenance of an uncovered and permeable yard area in the 450 square foot front yard area shown on [Exhibit 2 and 4](#) of the staff report. The area within the fifteen-foot average front yard setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, and trellises) shall be placed in or over the 450 square foot front yard setback area with the exception of fences, garden walls or permeable decks. The deed restriction shall run with the land, binding all successors and assigns. The deed restriction shall not be removed or changed without Commission approval. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 3010 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 south bank of Carroll Canal in front of the project site. The existing sidewalk is part of a continuous esplanade (City right-of-way) system that provides public access and recreational opportunities along all the waterways in Venice. The Coastal Act and the policies of the certified Venice LUP protect public access along the banks of the Venice Canals. The proposed project will not interfere with the existing sidewalk, and will not negatively affect the public’s right to access and use the existing walkway along Carroll Canal. Public access to the beach is provided approximately seven blocks from the subject site at the western end of Washington Boulevard at the Venice Pier. Further, adequate on-site parking for the proposed single-family residence is provided by an attached approximately 400 sq. ft. two-car garage and an uncovered tandem parking space on the driveway, which is accessed from the rear alley; this parking requirement is also imposed through [Special Condition 3](#). Provision of such onsite parking will ensure that the development does not cause the use of street parking that would displace public parking spaces used for coastal access. Therefore, as conditioned, the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. MARINE RESOURCES AND WATER QUALITY

The Commission has found that Ballona Lagoon and the Venice Canals are sensitive habitat areas that must be protected from negative impacts associated with development.

Section 30240 of the Coastal Act states:

- (a) *“Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.”*
- (b) *“Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.”*

Section 30230 of the Coastal Act states:

“Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.”

Section 30231 of the Coastal Act states:

“The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.”

The Venice LUP contains the following policies:

- **Policy IV. C. 1. Stormwater Runoff.** *All new public and private development, substantial rehabilitation, redevelopment or related activity, which discharges stormwater runoff into the Ocean, Ballona Lagoon, Grand Canal south of Washington Boulevard or the Venice Canals shall be designed and conducted in compliance with the County-wide Municipal National Pollution Discharge Elimination System (NPDES) Stormwater Permit, issued by the California Regional Water Quality Control Board (RWQCB), the RWQCB approved Standard Urban Stormwater Mitigation Plan, and the NPDES General Permit for Stormwater Discharges Associated with Construction Activity, issued by the State Water Resources Control Board (SWRCB), where applicable. Methods to improve water quality, such as the mitigation of the first-flush stormwater runoff entering coastal waterways, shall be imposed as conditions of development by the City of Los Angeles in accordance with SWRCB and RWQCB recommendations and regulations, and the Santa Monica Bay Restoration Project Action Plan in order to protect, restore, and where feasible, enhance the water quality and habitat of these waterways.*
- **Policy IV. C. 2. Water Quality.** *The methods to improve water quality, recommended in California’s Plan for the Control of Non-Point Source Pollution (January 2000), such as watershed planning and management programs, and habitat restoration projects, shall be considered and implemented by the City of Los Angeles where feasible opportunities exist. Selected Best Management Practices (BMPs) or suites of BMPs shall be designed to treat, infiltrate or filter the storm water runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.*

The Venice Canals are located up-stream from Ballona Lagoon, within the Ballona Wetlands system. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the canals, which directly impacts the biological productivity of the system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, the Commission has consistently conditioned projects along the waterways to provide and maintain front yard setbacks, permeable yard areas and drainage devices to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission's

requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

The Commission has consistently conditioned projects in the Venice Canals to provide and maintain a large permeable front yard as a setback from the canal to enhance public access, to provide an area for percolation to protect the water quality and biological productivity of the canals, and to protect community character by maintaining a comparable scale between buildings in the area. No fill or building extensions may be placed in or over the required permeable front yard area with the exception of fences or permeable decks at grade. The permeable front yard area allows rain and irrigation water to seep into the ground, minimizing run-off directly into the canals. An impervious front yard could facilitate a “rush” of water run-off which would increase the amount of sediments and pollutants that are washed into the adjacent canal.

The amount of the Commission's required permeable front yard area for the subject site is 450 square feet. The figure of 450 square feet is based on an average setback of fifteen feet across the thirty-foot width of the subject lot. The Commission's front yard setback requirement is defined in square footage rather than an absolute lineal measurement to allow for changes in plane which can add architectural interest. A minimum ten-foot front yard setback, with a required fifteen-foot setback average, can provide the required 450 square foot permeable front yard area and a front yard setback which is consistent with the other residences in the area.

In this case, the proposed residence is set back 15 feet from the canal property line ([Exhibit 2 and 4](#)). The proposed setback would provide an uncovered 450 square foot front yard area between the canal property line and the front of the proposed residence consistent with the Commission's front yard setback requirement. No building extensions are permitted in or over the required 450 square foot permeable front yard area. In order to further mitigate the impacts on the habitat caused by surface drainage and drainage from residential areas, the Commission has also consistently required the provision of a one hundred cubic foot French drain on canal-fronting lots in order to reduce the amount of runoff that leaves the site and to filter urban runoff before it enters the canals. A condition is routinely placed on permits for development in the canals area which requires that plans be submitted which depict the location and design of the required French drain. In this case, the applicant has submitted the required plans which depict the location and design of the required French drain ([Exhibit 4](#)). The 100 cubic foot seepage field (French drain) will be 25 inches deep and lined with filter fabric, filled with gravel and covered with geo-fabric and a 6 inch soil cap. Water that drains into the seepage field will be collected via a perforated pipe from the bottom of the seepage field and directed to a sump pump that will pump the water to the storm drainage system. However, some water will percolate into the ground to encourage on-site percolation.

In addition, because the project site fronts the canals and is in proximity to the water, the Commission imposes construction-related requirements and best management practices under [Special Condition 5](#), and to address water quality, imposes [Special Condition 6](#) to ensure pollution of the canal is prevented, while [Special Condition 7](#) requires the applicant to utilize drought tolerant, non-invasive plant species in order to minimize water use and water runoff from the subject site. Accordingly, the Commission finds that, only as conditioned to provide a French drain and a permeable front yard area to mitigate impacts on biological productivity caused by surface runoff into the canals, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

F. HAZARDS

Development adjacent to the ocean is inherently hazardous, and development adjacent to the canals could be subject to flooding as sea levels rise. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate setback from the canal fronting property line ([Special Condition 2](#)); require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite ([Special Condition 6](#)); and to require that the landowner and any successor-in-interest assume the risk of undertaking the development ([Special Condition 4](#)). As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

G. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition ([Special Condition 10](#)) requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

H. LOCAL COASTAL PROGRAM

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

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).

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City is the lead agency for CEQA compliance and after preparing an Initial Study, the City issued a CEQA Notice of Exemption (ENV-2016-3467-CE).

As conditioned, the project does not have any significant environmental effects, and there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

Appendix A - Substantive File Documents

1. City of Los Angeles, Venice Segment certified Land Use Plan
2. City File Record for Local Coastal Development Permit No. 2016-3467-CDP-MEL-SPP