

January 23rd. 2007

## COASTAL DEVELOPMENT PERMIT PROJECT: 2812 – 2818 Grand Canal, Venice. CA.90291

### ITEM 15. JUSTIFICATION

**a. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 [commencing with Section 30200 of the California Public Resources Code].**

Section 30251 of the Coastal Act provides that the scenic and visual qualities of the coastal area 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 landforms, to be visually compatible with the character of surrounding areas, and where, feasible, to restore and enhance visual quality in visually degraded areas.

The specific plan states that current structures are not to exceed three stories, or 30 feet in height with varied or stepped back roofline. The roof-line is at the maximum at the center of both buildings at a maximum height of 22 feet. The roof is sloped to the center on all four sides of the building with the eaves at only 17 feet off the surrounding grade.

The existing building was built in 1948 and at that time, the building is consistent with Section 30251 - "visually compatible with the surrounding areas" and it still does today.

**The project consists of a lot split that gives each lot a frontage of 29.5 feet and an area of 2650 square feet.. The apartments are all non-affordable dwellings with a non-attached two (2) car garage for each building. The properties are only 29.5 feet wide feet wide and** only a maximum of 3 parking spaces can be provided for the property on the south and only two parking spaces for the property on the north as exists at the moment.

The lot faces west with the ocean to the west, 700 feet away. The surrounding properties are almost all the same height and vary between two units four units and single family dwellings. The Grand Canal is directly to the east, about 20 feet to the waters edge from the building line. This is a protected waterway and sanctuary.

The topography of the site is flat.

Section 30253 of the Act provides for access to the shoreline. The proposed development neither interferes with, nor reduces such access. It is over 700 feet from the shoreline.

**All the other lots in the immediate area are developed with residential buildings and the few vacant lots are also zoned residential. The applicant has requested no deviations from the Municipal Code and the Venice Coastal Specific Plan.**

The property will be reviewed and it will be determined that no soils and geology reports will be required by the Grading Division of the Department of Building and Safety. A fee will be required for this determination.

**b. The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with Chapter 3 of the Act.**

The property is located within the Venice Community Plan, a component of the Land Use Element of the City's General Plan, and within, the Venice Coastal Specific Plan, Sub Area Venice Canals.

The Coastal Commission has not yet certified the Specific Plan. However, the Coastal Commission has certified the Local Coastal Program Land Use Plan which guides all discretionary land use actions.

The Venice Community Plan provides a more generalized Text than the Specific Plan. According to the Specific Plan, the property is located within a sub-area known as Venice Canals, and within the Neighborhood Council Grass Roots Venice.

The Specific Plan limits development of this property to two dwellings with 4 parking spaces. The proposed project abuts lots which have been improved in the following manner: all the buildings across the canal are single family dwellings with the exception of three properties; the properties to the north and south are all 4 unit complexes within the exception of one, which is a 2 unit building. All these properties located north and south, within the same block as the subject property, have only one parking per unit. As the property exists, and there is no change of use or the addition of any square feet then the parking requirements remain the same as existing and no additional parking stalls are required. Then the Specific Plan requirements do not apply.

These developed lots have the same RW1-1-0 Zone designation and other lots east of this lot have the **R1-1-0 designation, similarly, are designated on the Land Use Plan for One-Family dwellings and maximum height of 30 feet. Refer to photographs. The minimum lot width is 28 feet and the side yard is a minimum of 3 feet. The minimum lot size is 2300 sq. ft. is also exceeded.**

There are no encroachments into any required open space or setbacks, as required when the building was built. **The current setbacks do not comply with present codes and a variance needs to be applied for?????? The south side yard setback.** There is no evidence upon which, the Planning Administrator, or the staff of the Venice Specific Plan could conclude that approval of the lot split, creating two lots, would, in anyway, frustrate the preparation and implementation of a Local Coastal Program.

After reviewing the requirements of the Specific Plan the following evaluation is set forth.

Sections 1 through 12 do not apply directly to the subject application, as the building is existing, but identify that a predecessor ordinance was repealed, that the Specific Plan consists of various map exhibits, the Purposes, the relationship to other Municipal Code regulations, definitions, applicability, and review procedures.

Section 13 is entitled "Parking." This is the only section that impacts this project within the Specific Plan. A Sub Section, 13.C, titled "EXISTING DEVELOPMENTS", refers to a Change of Use that results in a Change of Intensity of Use. This is not applicable, as the intensity is not being changed. The project may not be referred to as a new project, but Sections 13 D, E and F apply as there is no Change of Use then no additional parking is required.

Section 13.E is entitled "Beach Impact Zone Parking Requirements". These provisions apply to commercial and industrial projects and residential projects consisting of three or more dwelling units. As the project is only two residential dwelling units, these provisions do not apply to this application.

Section 14 discusses the Venice Coastal Parking Impact Trust Fund, the designated repository for monies collected pursuant to Section 12.D. [There is an error in the ordinance as there is no Section 12.D. The intent is probably with respect to Section 13.D and E which discusses fees in lieu of parking spaces required under the provisions of the Beach Impact Zone Parking Requirements.] As the project appears that no additional parking spots are required beyond the 4 spaces, this section does not apply to this application.

Section 15 is entitled "Severability" and does not relate to the application, but is an advisory in the event any provision of the ordinance is determined to be invalid.

The certified land use plan does not relate to this project as the building exists and a Change of Use is the only requested change to the Master Land Use and the Venice Specific Plan.

**c. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977, and by subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The project has been compared to the Guidelines and it is found that it is consistent with all requirements in the Municipal Code and the Venice Coastal Specific Plan for off-street parking, setbacks, and use. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local

Coastal Program.

With respect to Locating and Planning New Development and how it applies to existing buildings, the lot does not provide direct access to or from the beach as it was developed in 1948 and there is no evidence of any previous public ownership of the lot.

All of the lots in the immediate vicinity, which are classified in the same zone are developed with density ranging from one to four dwelling units per lot (s) of the same size, or are vacant. The project will not conflict with the goal of providing appropriately located public access points to the coast.

**d. The decision of the permit-granting agency has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The development pre dates the Coastal Act, as this building was built in 1948, but the project appears to fits all of the actions of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan on June 14, 2001. All aspects of the project and buildings that are new or about the same age in the area conform to the Act.. The Plan embodies the previous history of decisions on development projects and extends it forward in a comprehensive document.

**e. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**