

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 9/20/1999
 49th Day: 11/8/1999
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 Staff: CP-LB
 Staff Report: 10/6/1999
 Hearing Date: November 2-5, 1999
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-99-317

APPLICANT: Gregory T. Parkos, Trustee

AGENT: Donald L. Thuotte, Custom Home Designer

PROJECT LOCATION: 437 Linnie Canal, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Major remodel project to convert two detached single family residences into a two-story, 28-foot high, 1,910 square foot single family residence with a detached one-car garage and one uncovered parking space on a canal-fronting lot.

Lot Area	2,850 square feet
Building Coverage	1,545 square feet
Pavement Coverage	289 square feet
Landscape Coverage	1,016 square feet
Parking Spaces	2
Zoning	RW-1
Plan Designation	Single Family Residence - Waterway
Ht above final grade	28 feet

LOCAL APPROVAL: City of Los Angeles Approval in Concept #99-086, 8/19/99.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to pervious yard areas, water quality, parking, height, drainage, demolition, and future improvements. The applicant agrees with the recommendation. Although the proposed project would retain an existing non-conforming front yard setback, the applicant's proposal does provide the required 450 square feet of pervious yard area on the property (Exhibit # 4).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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

1. Pervious Yard Area

In order to protect the water quality and biological productivity of the canals, the applicant shall provide and maintain an uncovered and pervious yard area totaling no less than 450 square feet in the front and rear portions of the property as shown on Exhibit #4 of this staff report dated October 6, 1999. No fill or building extensions shall be placed in or over the 450 square feet of pervious yard areas with the exception of fences or permeable decks at grade. The pervious yard area at the rear of the property may be used as a parking space. Fences in front yard areas shall not exceed 42 inches in height.

2. Deed Restriction

Prior to issuance of the coastal development permit, the applicant shall submit a deed restriction for recording, subject to the review and approval of the Executive Director, which shall provide for the maintenance of not less than 450 square feet of uncovered and pervious yard area in the front and rear portions of the property (as shown on Exhibit #4 of this staff report dated October 6, 1999) in order to preserve water quality and protect the biological productivity of the canals. Uncovered means that no fill nor building extensions shall be placed in or over the pervious yard area with the exception of fences or permeable decks at grade. Fences in front yard area shall not exceed 42 inches in height. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Parking

At least two parking spaces shall be maintained on the site: one space in the garage and one space on a permeable driveway next to the garage.

4. Height

No portion of the structure shall exceed thirty (30') feet in elevation above the centerline of the canal walkway.

5. Drainage

The applicant shall construct and maintain the one hundred cubic foot french drain as shown on the final approved plans.

6. Demolition

This coastal development permit does not permit the demolition of the existing structures on the site. The submitted plans show that more than fifty percent (50%) of the exterior walls of each existing structure will remain in place. If, for any reason, more than fifty percent (50%) of the exterior walls of any existing structure are removed, the applicant shall stop work and submit an application to amend this coastal development permit. Any such demolition to the front structure shall result in the loss of the existing non-conforming front yard setback and the provision of the Commission's standard front yard setback requirement.

7. Future Improvements

Prior to issuance of the coastal development permit, the applicant shall submit a deed restriction for recording, subject to the review and approval of the Executive Director, which states that Coastal Development Permit 5-99-317 is only for the proposed development and that any future development or improvements to the property will require a new coastal development permit or an amendment from the Coastal Commission or its successor agency. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Area History and Project Description

The applicant proposes a major remodel of the existing residential development that currently occupies the 2,850 square foot lot located on the north bank of Linnie Canal in the Venice Canals residential area (Exhibit #2). Two existing detached one-story single family residences (670 square feet and 400 square feet) are proposed to be connected, enlarged and converted into one two-story, 28-foot high, 1,910 square foot single family residence (See Exhibits). No demolition is proposed other than the removal of the roofs and less than fifty percent of the existing exterior walls of the two small single family residences. The existing detached one-car garage and uncovered parking space are proposed to be maintained as they currently exist on the rear of the site (Exhibit #3).

The Venice Canals residential neighborhood is comprised of both old and new one, two and three-story single family residences, and a few non-conforming duplexes. The Commission has recognized in both prior permit and appeal decisions that the canals area of Venice is a coastal neighborhood of unique character. In 1975, the Commission developed a set of building standards for the Venice Canals area through hearing and voting on various permits. These standards reflect conditions imposed in a series of permits heard prior to that time. Since then, a set of special conditions, which are periodically updated, have been routinely applied to coastal development permits in the Venice Canals area to address the Coastal Act issues of public access, habitat protection, preservation of community character, and scale of development. The conditions imposed on the coastal development permits ensure that the projects are consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit.

B. Habitat Protection

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.

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, pervious yard areas, and drainage devices to absorb and filter rainwater and site drainage before it enters the canals. 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 pervious yard area to provide an area for percolation. The provision of percolation areas and the reduction of impervious surfaces protects the water quality and biological productivity of the Venice Canals by absorbing and filtering rainwater and site drainage before it enters the canals. The required pervious yard area is usually provided in the front yard in order to provide a setback from the canal to enhance public access and to protect community character by maintaining a comparable scale between buildings in the area.

The Commission has consistently required projects in the Venice Canals to provide and maintain a minimum 450 square foot uncovered and pervious yard area. The figure of 450 square feet is based on an average setback of fifteen feet on a thirty-foot wide lot. Most of the lots in the Venice Canals neighborhood, including the subject lot, are thirty feet wide. Therefore, the proposed project must provide an uncovered and pervious yard area of at least 450 square feet.

The proposed project, however, cannot provide the all of the required pervious area in the front yard area as normally required because one of the existing residences occupies most of the front yard area (Exhibit #3). The existing development on the property was constructed built less than one foot from the front property line along the Linnie Canal sidewalk (Exhibit #3). The Commission's front yard setback requirement for new structures in the Venice Canals neighborhood is fifteen feet with an allowance for architectural variety (i.e. ten-foot minimum setback with a fifteen-foot average setback). The proposed second floor addition is set back an average of fifteen feet from the canal property line consistent with the Commission's requirement (Exhibit #3).

The existing non-conforming front yard setback may be maintained on the property because the proposed project is a remodel of existing development. A new structure is not permitted to retain a non-conforming front yard setback. The Commission would consider the proposed project to be a new structure if more than fifty percent of the exterior walls of an existing structure are removed. The applicant's plans indicate that less than fifty percent of the existing exterior walls of each structure will be removed. If, however, the project results in more than fifty percent of the exterior walls of any existing structure being removed, the applicant shall stop work and submit an application to amend this coastal development permit. Any such demolition and subsequent amendment application could result in a requirement to provide the Commission's standard fifteen-foot front yard setback.

In previous actions, when existing development precludes the ability of an applicant to meet the Commission's requirement to provide all 450 square feet of uncovered and pervious yard area in the front yard adjacent to the canal, the Commission has allowed the applicant to supply uncovered and pervious yard areas elsewhere on the site in order to meet the pervious yard requirement. In this case, the applicant proposes to provide 115 square feet of pervious yard area in the front portion of the lot (within fifteen feet of the canal property line) where yards exist next to the existing residence, and to provide the remainder of the pervious yard area in the rear yard behind the house and next to the

garage (Exhibit #4). The applicant proposes to maintain a total of 455 square feet of uncovered and pervious yard area, although about 200 square feet of the area is also used as the second on-site parking space (permeable brick-in-sand driveway). The applicant's proposed permeable yard area plan can be approved in this case because the proposed project involves a remodel of existing development that precludes the provision of 450 square feet of uncovered and pervious yard area in the front yard.

Therefore, in order to preserve water quality, protect the biological productivity of the canals, and meet the Commission's pervious yard area requirement, the applicant must provide and maintain a minimum of 450 square feet of uncovered and pervious yard area in the front and rear yards of the property as shown on Exhibit #4 of this staff report. No fill or building extensions shall be placed in or over the 450 square foot pervious yard areas with the exception of fences or permeable decks at grade. In this case, the pervious yard area at the rear of the property may be used as a parking space.

The Commission has consistently required that applicants record the pervious yard area requirement on the property deeds to ensure continuous and ongoing protection of coastal resources and compliance with the requirement. Therefore, the Commission finds that prior to issuance of the permit, the applicant shall record a deed restriction which provides for the maintenance of not less than 450 square feet of uncovered and pervious yard area in the front and rear yards of the property as shown on Exhibit #4 of this staff report. A future improvements deed restriction is also required in order to ensure that future development does not cover the required pervious yard areas, and to ensure that future additions to the residence maintain the fifteen-foot average front yard setback. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. The deed restrictions shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

In order to 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 to filter runoff before it enters the canals. A condition is routinely placed on permits for development in the canals area that requires plans to be submitted which depict the location and design of the required french drain. In this case, the applicant's plans already depict the location and design of the required french drain (Exhibit #3).

Therefore, the Commission finds that, only as conditioned to provide a french drain and 450 square feet of pervious yard area to mitigate impacts on biological productivity caused by surface runoff into the canals, is the proposed project consistent with the Section 30240 of the Coastal Act.

C. Public Access/Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing 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....

Many of the older developments in the Venice Canals area do not provide adequate on-site parking. In addition, there is very little on-street parking in the neighborhood because the canals occupy the City rights-of-way where streets would normally be. No parking is provided in the alleys that provide vehicular access to the canal-fronting lots. As a result, there is a parking shortage in the area and public access has been negatively impacted. The small amount of parking area that may be available for the general public on the surrounding streets is being used by guests and residents of the area.

To mitigate this problem, the Commission has consistently conditioned new development within the canals to provide adequate on-site parking in order to prevent residents and guests from using all of the limited public parking in the area. The small amount of public parking in the area is shared by the entire public, including residents, their guests, canal sightseers and beach goers. In addition to the Commission's parking standard of two parking spaces per residential unit, projects in the Venice Canal neighborhood have been consistently required to provide a rear setback of at least nine feet for guest parking or to make other provisions for guest parking. The required guest parking space is a third space in addition to the Commission's other parking standards (two spaces per residential unit). Therefore, new single family residences within the Venice Canals neighborhood are required by the Commission to provide space to park three vehicles on the site.

In this case, two parking spaces are provided on the site: one space in the garage and one space on a permeable driveway next to the garage (Exhibit #3). The configuration of the existing development on the site precludes the provision of third on-site parking space. The existing detached garage has a zero-foot setback from the alley. No alterations are proposed to the existing garage. Therefore, the non-conforming on-site parking configuration may be retained. The maintenance of the two on-site parking spaces for the proposed single family residence will not negatively impact public access to the area due to the fact that the proposed project will reduce the parking demand by reducing the number of residential units on the site. The proposed project includes the conversion of the two existing residential units into one single family residence. Therefore, the proposed project, as conditioned to maintain the two existing on-site parking spaces, is consistent with the public access policies of the Coastal Act.

D. Scale of Development

The Commission has also consistently conditioned projects in the Venice Canals area to protect the community character and public view corridors. The area is comprised of both old and new one, two and three-story single family residences and a few remaining duplexes. The majority of the structures in the area do not exceed thirty feet in height. In order to protect the existing scale and character of the neighborhood, and in order to protect the visual corridor along the canal's public walkways, the Commission has consistently limited new development in the canal area to a height of thirty feet, which is consistent with the general height of the area. The Commission has, however, allowed portions of some structures to exceed the thirty-foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. The Commission's front yard setback requirements also protect the public view corridors.

In this case, the proposed project is 27.6 feet high and the proposed second floor addition is set back an average of fifteen feet from the canal property line consistent with the Commission's requirement (Exhibit #6). No portion of the proposed project exceeds the thirty-foot height limit. The City of Los Angeles Venice Interim Control Ordinance (ICO) also limits building heights in the area to thirty feet. In order to ensure that the proposed project is constructed as proposed, the permit is conditioned to limit the height of the proposed structure to thirty feet above the elevation of the centerline of the canal walkway. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

E. Residential Density

The Commission has recognized that the canals area of Venice is a coastal neighborhood of unique character. In 1975, the Commission developed a set of building standards for the Venice Canals area through hearing and voting on various permits. These standards limit residential density in the Venice Canals neighborhood to single family residences. Although a few non-conforming duplexes remain in the neighborhood, the Commission has limited all new residential structures to single family residences. The City of Los Angeles Venice Interim Control Ordinance (ICO) also limits new residential development to single family residences. Additions and improvements to non-conforming duplexes, however, have been permitted by both the Commission and the City.

The proposed project includes the conversion of two existing detached one-story single family residences (670 square feet and 400 square feet) into one two-story, 1,910 square foot single family residence (See Exhibits). The proposed project will result in one single family residence on the site with a detached one-car garage. Therefore, the proposed project complies with the residential density limit for the site. This coastal development permit approval permits only one residential unit on the site.

F. 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.

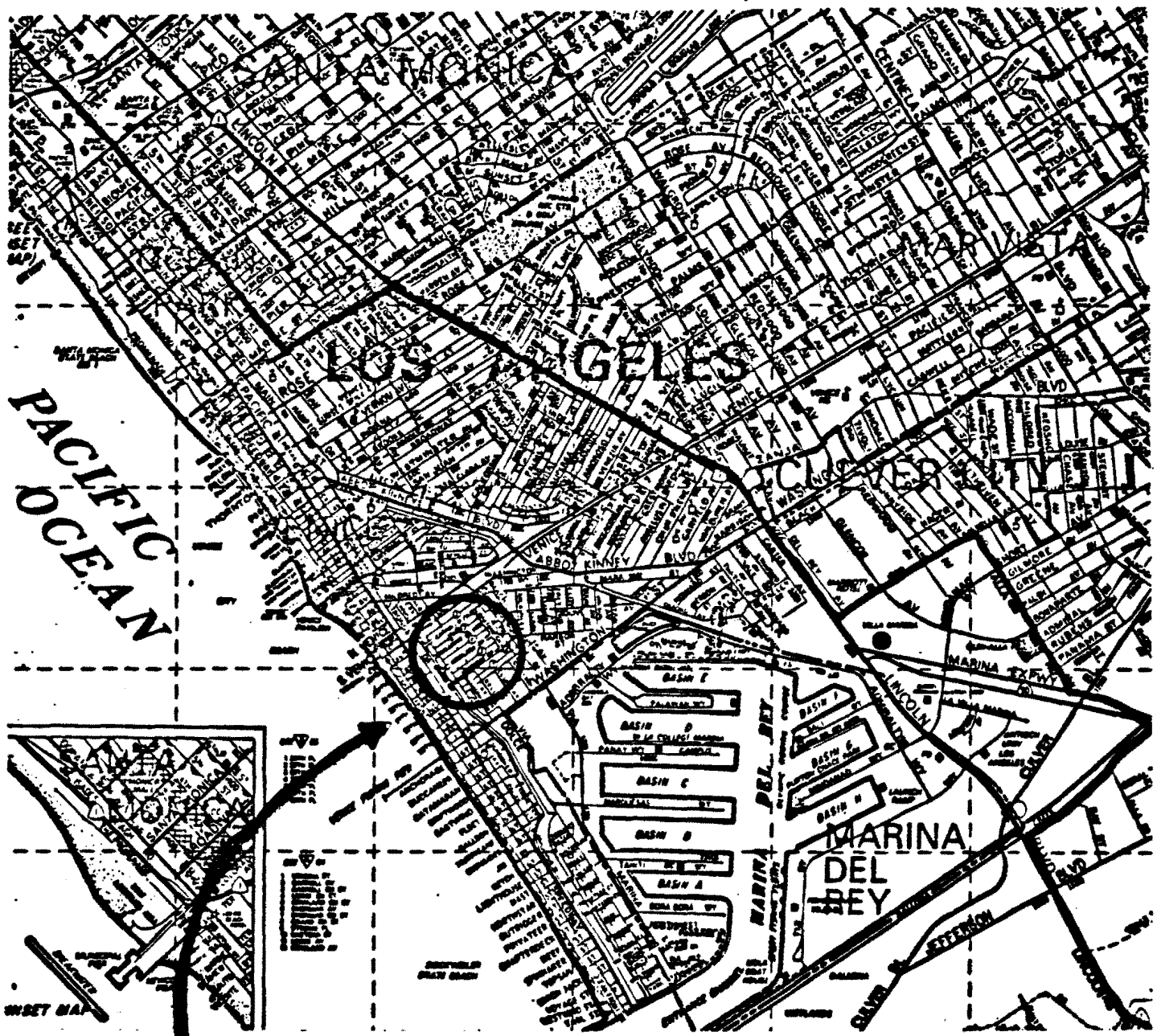
The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, only as conditioned, is consistent with the habitat, community character, coastal access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of 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 proposed project, only as conditioned, is consistent with the habitat, community character and coastal access policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE CANALS



Site

437 LINNIE CANAL

COASTAL COMMISSION

5-99-317

EXHIBIT # 1

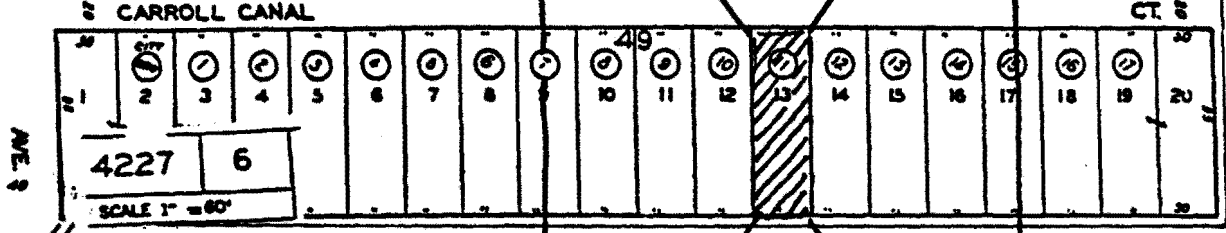
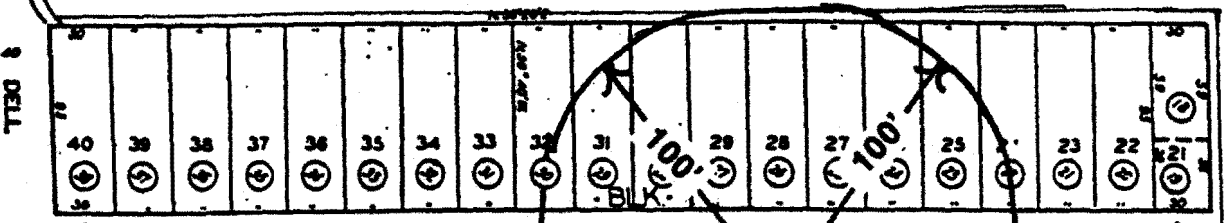
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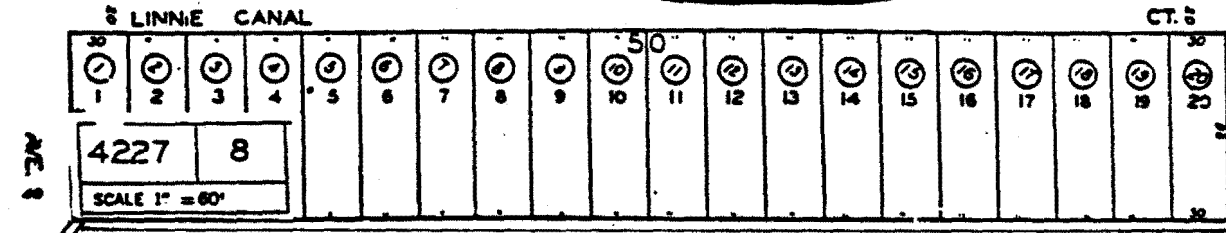
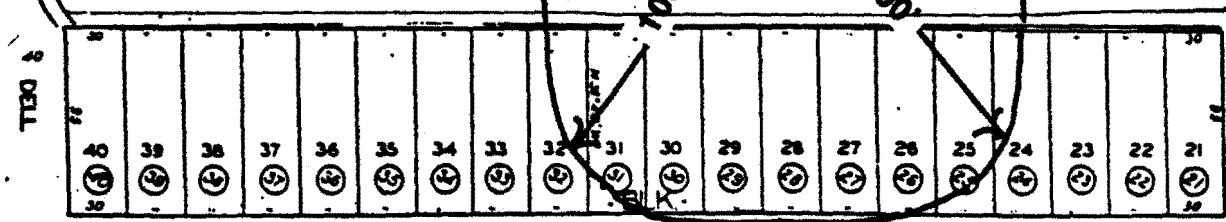
5-99-317

CALIFORNIA COASTAL COMMISSION CANAL

CARROLL



LINNIE



HOWLAND

SHORT LINE BEACH VENICE CANAL SUBDIVISION NO. 1

M.B. 7-126-127

ASSESSOR'S MAP COUNTY OF LOS ANGELES, CALIF.

100' RADIUS MAP 437 LINNIE CANAL, VENICE 90291

ASSESSOR'S PARCEL 4227-006-011 LOT 13 BLK 49 SHORTLINE BEACH VENICE CANAL#1 8-15-99

COASTAL COMMISSION 5-99-317 EXHIBIT # 2 PAGE 1 OF 1

CARROLL CANAL CT

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South Coast Region

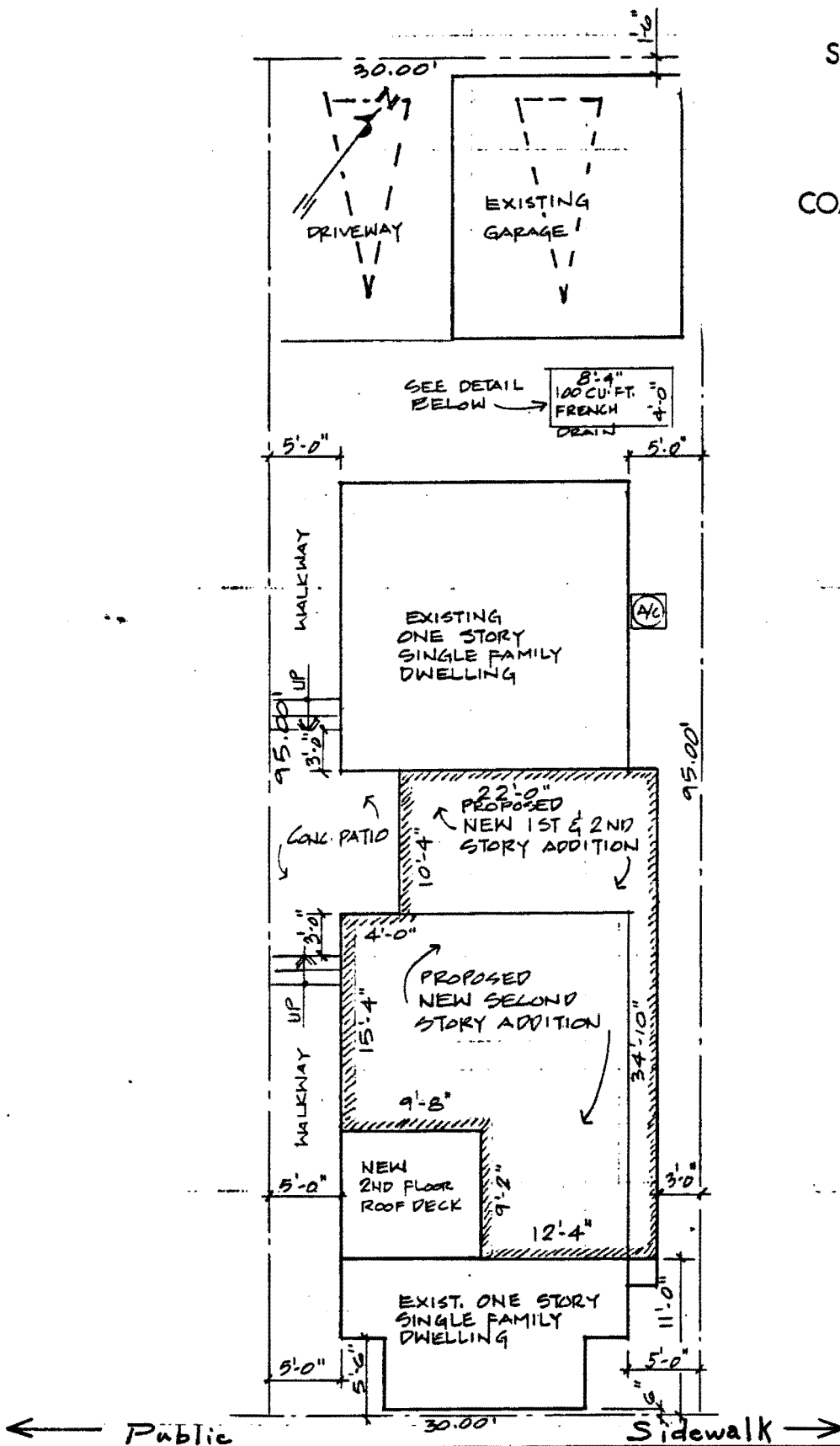
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CALIFORNIA
COASTAL COMMISSION

5-99-317

Site
Plan

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5-99-317
EXHIBIT # 3
PAGE 1 OF 1



LINNIE CANAL

PARKOS RESIDENCE
437 LINNIE CANAL
VENICE, CA 90291

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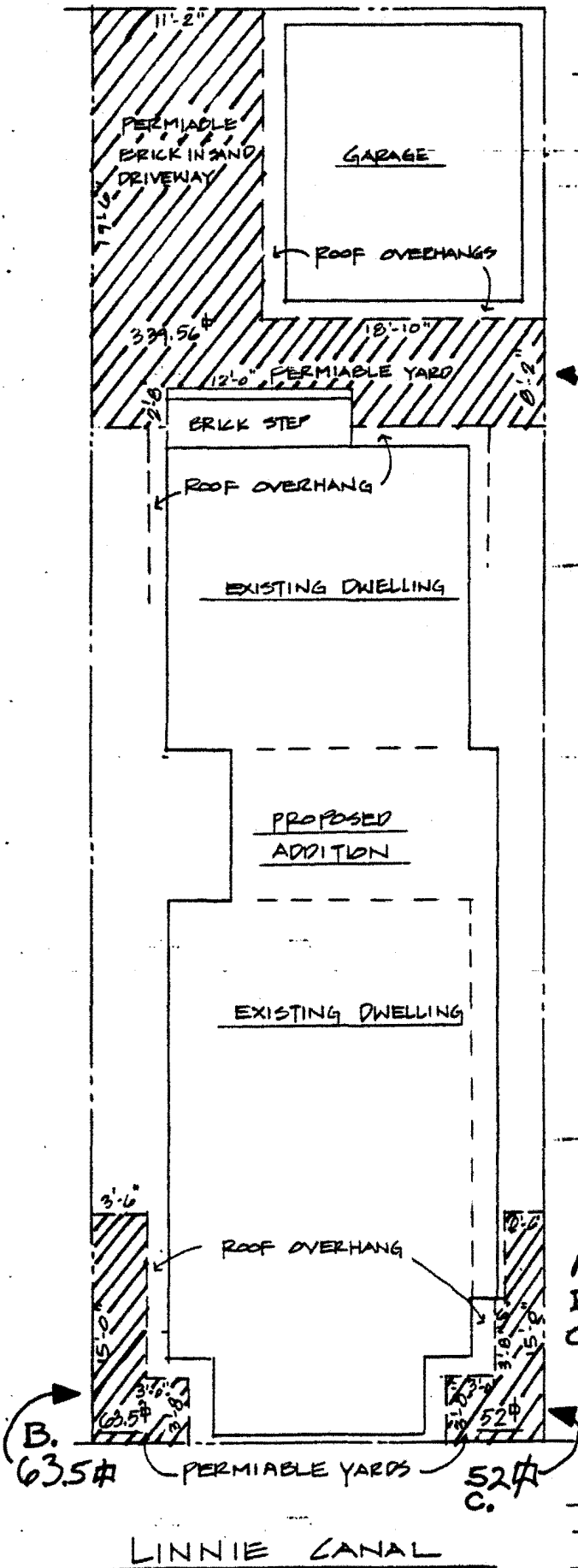
CALIFORNIA
 COASTAL COMMISSION

DONALD L. THUOTTE
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 1830 LINCOLN BL., STE. 106, SANTA MONICA, CA 90404
 (310) 396-9462

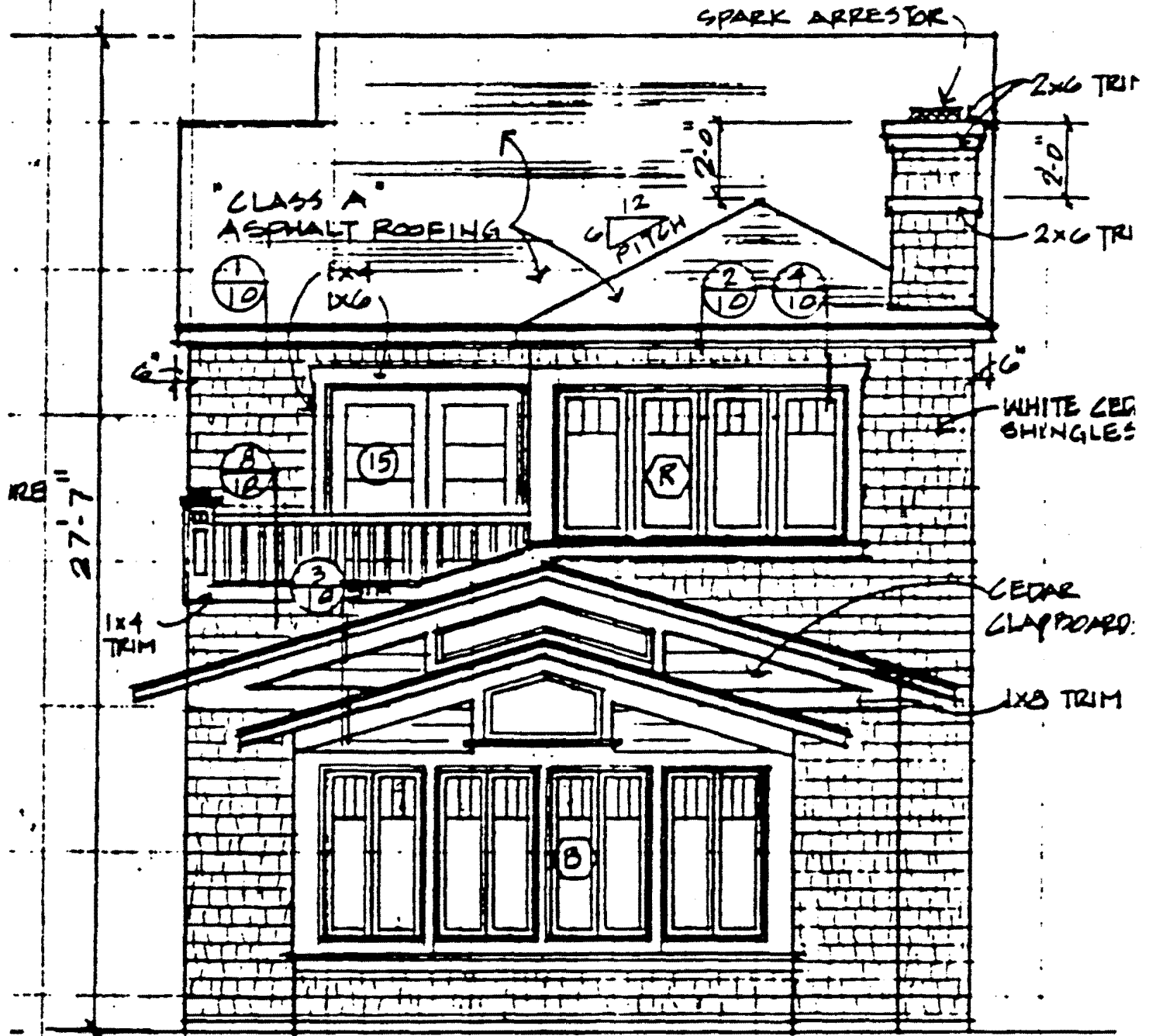
A.
 339.56 #

Proposed
 Permeable Yard
 Plan

A. REAR YARD	339.56
B. FRONT LEFT YARD	63.50
C. FRONT RIGHT YARD	52.07
TOTAL	455.13
TOTAL REQUIRED	450.00



COASTAL COMMISSION **COASTAL COMMISSION**
PERMIABLE YARD
REQUIREMENT
 5-99-317
 EXHIBIT # 4
 PAGE 1 OF 1



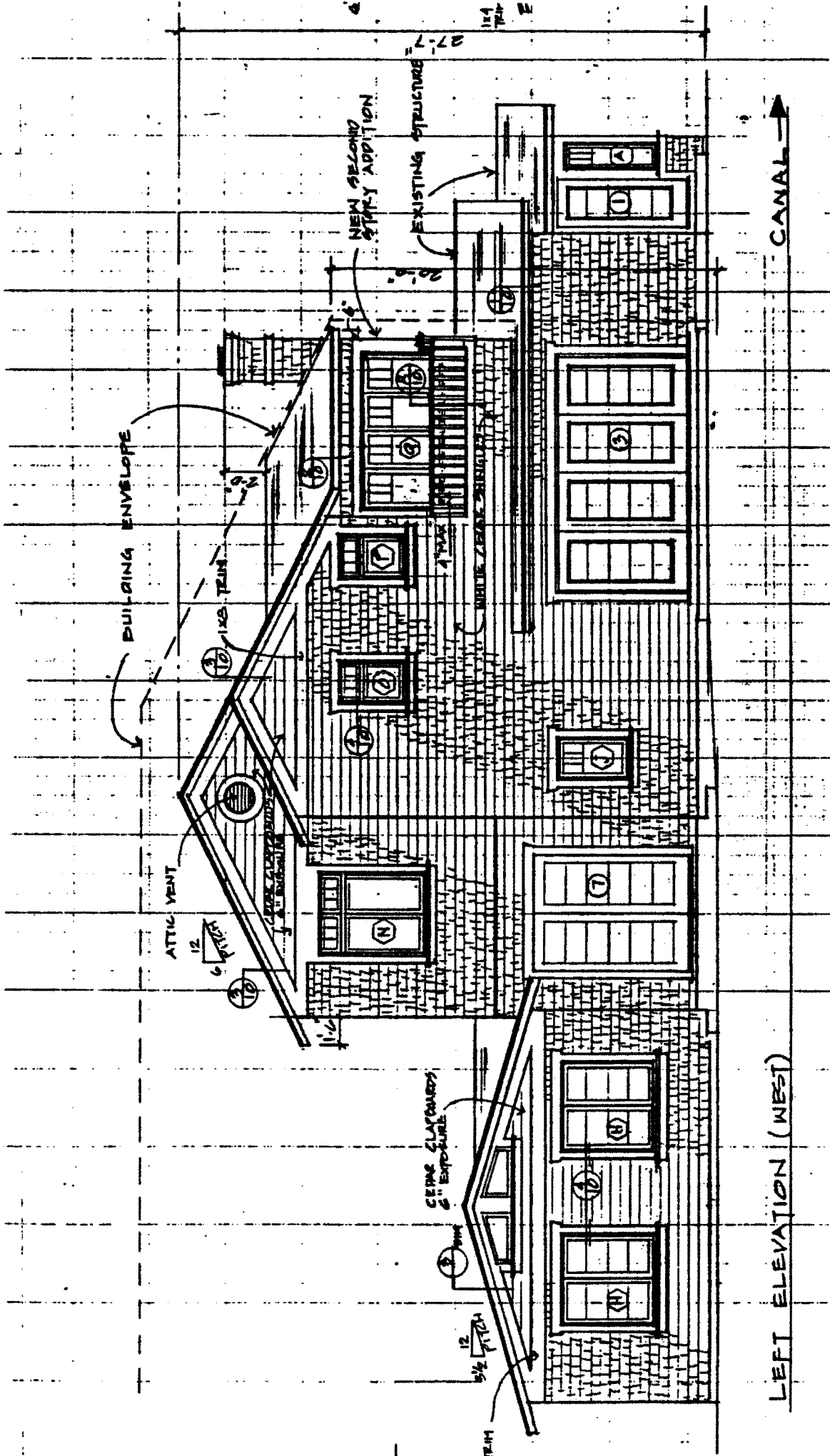
FRONT ELEVATION (SOUTH)
(LINNIE CANAL)

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5-99-317

EXHIBIT # 5

PAGE 1 OF 1



LEFT ELEVATION (WEST)

CANAL

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5-99-317

EXHIBIT # 6

PAGE 1