

**CALIFORNIA COASTAL COMMISSION**

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 Staff Report: 10/24/2001  
 Hearing Date: November 13, 2001  
 Commission Action:

**Item Tu13L****STAFF REPORT: REGULAR CALENDAR****RECORD PACKET COPY****APPLICATION NUMBER:** 5-01-327**APPLICANTS:** Scott Storey & Gary Delossa**PROJECT LOCATION:** 428 Linnie Canal, Venice, City of Los Angeles, Los Angeles Co.**PROJECT DESCRIPTION:** Addition to a one-story, 610 square foot single family residence resulting in a three-story, 30-foot high, 2,700 square foot single family residence with an attached two-car garage.

Lot Area	2,850 square feet
Building Coverage	2,100 square feet
Pavement Coverage	250 square feet
Landscape Coverage	500 square feet
Parking Spaces	3
Zoning	RW-1-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR2001-2608 (SPP), 8/13/2001.**SUMMARY OF STAFF RECOMMENDATION**

The proposed project involves a remodel and substantial enlargement of a 610 square foot residential structure built in 1926. Instead of demolishing the existing residence and building a completely new residence with the required ten-foot minimum setback front yard setback (from the Linnie Canal property line), the applicants propose to preserve the existing residence on the property along with its non-conforming eight-foot front yard setback (Exhibits #3-5). The proposed project includes the provision of 450 square feet of permeable yard area in and adjacent to the front yard, which is required on all canal-fronting lots (Exhibit #5).

Staff is recommending that the Commission approve a coastal development permit for the proposed project including the preservation of the existing building and its non-conforming front yard setback. The recommended special conditions would prohibit new building encroachments within fifteen feet of the front property line, and require the applicants to maintain the proposed 450 square feet of permeable yard area. Special Conditions also address density, parking, height, non-conforming rights and the protection of water quality. The applicants agree with the recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Land Use Plan for Venice, 11/14/00.
2. Coastal Development Permit 5-99-317 (Parkos).
3. Coastal Development Permit 5-99-085 (Menas).
4. Coastal Development Permit 5-93-291 (Wiener).

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION**

*"I move that the Commission approve with special conditions Coastal Development Permit 5-01-327 per the staff recommendation as set forth below."*

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**I. Resolution: Approval with Conditions**

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 of the Coastal Act. 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**

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

#### 1. Permeable Yard Area

A) 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 450 square feet shall be maintained within 25 feet of the front (Linnie Canal) property line (as shown on **Exhibit #5 of 10/24/01** staff report). Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises) shall be placed in or over the 450 square foot permeable yard area with the exception of fences (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). The existing structure may be maintained in its current footprint, along with its non-conforming eight-foot setback from the front (Linnie Canal) property line, but in no case shall the proposed building addition encroach within fifteen feet of the front (Linnie Canal) property line.

**B) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicants' entire parcel. 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. The deed restriction shall not be removed or changed without a Commission approved amendment to this coastal development permit.

#### 2. Residential Density

The permitted use of the structure is a single family residence. Any proposed change in the number of units 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.

3. Parking

A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage and an area for parking a third vehicle on the driveway apron.

4. Building Height

The maximum height of the structure shall not exceed thirty (30') feet above the centerline of the rear alley (Linnie Canal Court), except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings and roof equipment housings shall not exceed 42 inches above the thirty-foot height limit.

5. Drainage – Water Quality

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal.
- b) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from the canals and into the City storm drain system.

The permittees and all successors in interest shall construct and maintain the development consistent with the drainage plans approved by the Executive Director.

6. Non-conforming Rights - Demolition

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

7. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Area History**

The applicants propose to construct a three-story addition onto an existing one-story, 610 square foot single family residence that was constructed in 1926 on the south bank of Linnie Canal (Exhibits #2&3). The applicants propose to preserve the existing residence and maintain its non-conforming eight-foot setback from the front (Linnie Canal) property line (Exhibits # 3-5). The proposed addition and remodel would result in a three-story, 30-foot high, 2,700 square foot single family residence with an attached two-car garage (See Exhibits). The proposed project includes the provision of 450 square feet of permeable yard area in and adjacent to the front yard (Exhibit #5).

The project site is a 2,850 square foot lot situated in the Venice Canals residential area (Exhibit #2). The neighborhood is comprised of both old and new one, two and three-story single family residences, and a few non-conforming duplexes. Public sidewalks currently provide public access along all banks of the canals.

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.

## **B. Community Character**

Section 3025I 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 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 all the standards contained in the above-stated LUP policy except for the provision of the required ten-foot front yard setback. The applicants propose to preserve the existing residence and maintain its non-conforming eight-foot setback from the front (Linnie Canal) property line (Exhibits #3-5). In numerous prior cases, the Commission has approved remodel and additions which to maintain non-conforming front yard setbacks in order to preserve older structures in the Venice Canals neighborhood [See Coastal Development Permits 5-92-049 (Greenwald), 5-92-292 (Cramer), 5-92-427 (Vessler), 5-92-347 (Leoncavallo), 5-93-224 (Payton), 5-93-291 (Wiener), 5-94-115 (Schacht), 5-94-273 (Contant), 5-95-034 (Groening), 5-95-096 (Pascal), 5-95-273 (Keynan), 5-96-046 (Friedman), 5-99-062 (Balkan), 5-99-085 (Menas) & 5-99-317 (Parkos)].

The applicants have obtained approval of the proposed project from the City pursuant to the Venice Specific Plan (City Case No. DIR2001-2608).

### **Residential Density**

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has consistently limited residential density to one unit per lot. The Venice LUP limits residential density in the project area to one unit per lot. The applicants propose to maintain the use of the property as a single family residence. Therefore, the proposed project as conditioned conforms to the Commission's density limit for the site, the density limit of the Venice LUP, and is consistent with the provisions of Section 30251 of the Coastal Act. Any proposed change in the number of units 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.

### **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 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, and also includes a 22-foot height limit for non-conforming structures that are permitted to be maintained within ten feet of the canal property line.

The proposed project does not exceed a height of 22 feet within ten feet of the canal property line as required by the certified LUP. Overall, the proposed project does not exceed a height of thirty feet above the centerline of the rear alley (Linnie Canal Court), except for a chimney (Exhibit #7). The permit is conditioned to limit the height of the single family residence to a maximum of thirty feet above the elevation of the adjacent alley. 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.

Approval of the proposed project with a non-conforming front yard setback (see below) shall not include any grant of special privilege for additional floor area or building height within fifteen feet of the front (Linnie Canal) property line. A conforming building would be set back an average of fifteen feet from the front property line. The applicants have not proposed any increase in the existing building's height or floor area within fifteen feet of the front (Linnie Canal) property line (Exhibit #5). Any deviation from the approved project plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The proposed addition is consistent with the established character of the Venice Canals community and will not add any building bulk within the building setback area that has been established to protect the air space above and adjacent to the canals. The scenic and visual qualities of the area will not be negatively impacted by the proposed project. Therefore, the Commission finds that the proposed project, as conditioned, conforms to the Commission's height limit, the Venice LUP and Section 30251 of the Coastal Act.

### **Building Setback from Canal**

The applicants are permitted to preserve the existing building and its non-conforming front yard setback because the proposed project does not include any increase in the existing building's height or floor area within fifteen feet of the front (Linnie Canal) property line and the required 450 square feet of permeable yard area is being provided on the property.

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. For new residential projects in the Venice Canals neighborhood, the certified Venice LUP requires the provision of a minimum ten-foot front yard setback and 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 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. The Venice LUP includes this



permeable yard and setback requirement for all new development proposed along the Venice Canals.

The existing single family residence, which the applicants propose to preserve, provides an eight-foot front yard setback which does not conform to the minimum ten-foot setback that is required for new buildings (Exhibit #3). The applicants propose to preserve the existing residence and maintain its non-conforming eight-foot front yard setback (from the Linnie Canal property line) (Exhibit #5). The proposed project includes the provision of 450 square feet of permeable yard area in and adjacent to the front yard, as required (Exhibit #5).

In past actions, the Commission has determined that non-conforming front yard setbacks may be maintained when older structures are remodeled and enlarged [See Coastal Development Permits 5-92-049 (Greenwald), 5-92-292 (Cramer), 5-92-427 (Vesslier), 5-92-347 (Leoncavallo), 5-93-224 (Payton), 5-93-291 (Wiener), 5-94-115 (Schacht), 5-94-273 (Contant), 5-95-034 (Groening), 5-95-096 (Pascal), 5-95-273 (Keynan), 5-96-046 (Friedman), 5-99-062 (Balkan), 5-99-085 (Menas) & 5-99-317 (Parkos)].

The ability to maintain non-conforming setbacks during major and minor remodeling projects allows applicants to preserve the older (often original) structures in the neighborhood, thus preserving some of the area's unique historical character. The Commission requires all new structures in the Venice Canals neighborhood to conform the current setback requirement, which is a fifteen-foot average setback (with a ten-foot minimum) from the front property line. The Commission's allowance for the maintenance of non-conforming front yard setbacks, however, is limited to very specific circumstances.

First, the proposed development must be an improvement to an existing structure. The Commission has not permitted any new structures to retain a non-conforming front yard setback. The Commission considers a development to be a new structure if more than fifty percent of the exterior walls of an existing structure are removed. In this case, the applicants' plans indicate that less than fifty percent of the existing exterior walls of each structure will be removed (Exhibit #4). If, however, the project results in more than fifty percent of the exterior walls of the existing structure being removed, the applicants shall stop work and submit an application to amend this coastal development permit. Any such demolition and subsequent amendment application shall result in the loss of the right to maintain a non-conforming front yard setback.

Secondly, no new development is permitted to encroach within fifteen feet of the front property line pursuant to the certified LUP fifteen-foot average setback requirement for new development. In this case, the proposed addition is setback more than fifteen feet from the front property line (Exhibits #5&7). No increase in the existing building's height or floor area is proposed within fifteen feet of the front (Linnie Canal) property line. Any deviation from the approved project plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Thirdly, the Commission has consistently required that all projects, including both new homes and remodeled homes, provide the required amount of permeable yard area on the site. For

all new homes in the Venice Canals neighborhood, the permeable yard area is always required to be provided in the front yard setback area. The Commission does not count the standard three foot wide side yard areas and areas less than two feet wide as part of the required permeable yard area for new residences.

For remodels of structures with non-conforming setbacks, the permeable yard area may be provided in the front yard and/or other parts of the property. In this case, the proposed project includes the provision of 450 square feet of permeable yard area in and adjacent to the front yard consistent with prior Commission approvals (Exhibit #5). The proposed project meets all of the criteria that the Commission has established through a series of prior precedential actions for maintaining existing non-conforming front yard setbacks: more than fifty percent of the exterior walls of the existing structure are proposed to be preserved, no part of the proposed addition would encroach within fifteen feet of the front (canal) property line, and all 450 square feet of the required permeable yard area is provided within yard areas that exceed three feet in width (Exhibits #4&5).

Therefore, the existing structure may be maintained in its current footprint, along with its non-conforming eight-foot setback from the front (Linnie Canal) property line. In no case, however, shall the proposed addition encroach within fifteen feet of the front (Linnie Canal) property line. Approval of the proposed project with a non-conforming front yard setback does not include any grant of special privilege for additional floor area or building height within fifteen feet of the front (Linnie Canal) property line. A conforming building would be set back an average of fifteen feet from the front property line.

The proposed addition is consistent with the established character of the Venice Canals community and will not add any building bulk within the required setback area that is applicable to new structures to protect the air space above and adjacent to the canals. The scenic and visual qualities of the area will not be negatively impacted by the proposed project. Therefore, the Commission finds that the proposed project, as conditioned, conforms to the Venice LUP and Section 30251 of the Coastal Act.

### **C. 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 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 nor 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 thirty-foot wide 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, consistent with past approvals and other residences in the neighborhood. 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.

The proposed project, however, cannot provide the all of the required permeable area in the front yard setback area as normally required because the existing residence occupies part of the front yard setback area (Exhibit #5). The existing development on the property was constructed (in 1926) eight feet from the front (canal) property line (Exhibit #3). As stated in the previous section of this report, the existing non-conforming eight-foot front yard setback is permitted to be maintained on the property because the proposed project is a remodel of existing development.

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 permeable yard area in the front yard setback area, the Commission has allowed the applicant to provide the remainder of the required permeable yard area elsewhere on the site. In this case, the applicant proposes to provide all 450 square feet of the required permeable yard area in the front portion of the lot (within 25 feet of the canal property line) where five and 4.5-foot wide yards would be maintained around the existing residence (Exhibit #5). The applicants' proposed permeable yard area plan is consistent with the intent of the condition (to protect water quality by providing a large contiguous area for percolation) and is consistent with the marine resource policies of the Coastal Act.

The Commission has consistently required that applicants record the permeable 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 applicants shall record a deed restriction which provides for the maintenance of not less than 450 square feet of uncovered and permeable yard area in the front yard area adjacent the canal property line (within 25 feet of the front property line as shown on Exhibit #5). Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises) shall be placed in or over the 450 square foot permeable yard area with the exception of fences (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 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. Only as conditioned to record a deed restriction on the property for the maintenance of not less than 450 square feet of permeable yard area does the Commission find the project consistent with the Chapter 3 policies of the Coastal Act.

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. In this case, the applicants are required to provide plans which depict the location and design of the required french drain. In order to further protect marine resources and water quality, a condition of approval requires the applicant to submit drainage plans which also provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal.
- b) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from the canal and into the City storm drain system.

Although the neighborhood where the proposed development is located eventually drains into canals via the City storm drain system, the City plans to install filters in its existing catch basins which lead into the canal. The filters will be installed in the storm drain catch basins as part of the Venice Canal Court rehabilitation project, which the Commission approved on July 10, 2001 [See Coastal Development Permit Amendment 5-91-584-A4 (City of Los Angeles)].

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.

#### **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 canal banks between the project site and the waters of Linnie Canal (Exhibit #3). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals. The proposed project will not interfere with the existing public accessway. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

#### **E. 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....

Some of the older developments in the Venice Canals area do not provide adequate on-site parking. The availability of parking on the public streets is reduced by the fact that the streets in this neighborhood are primarily waterways and narrow alleys. 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. As a result, there is a parking shortage in the area and public access has been negatively impacted by the difficulty in finding a parking space.

To mitigate this problem, the Commission has consistently conditioned new development within the canals to provide a rear setback of at least nine feet for guest parking or to make other provisions for guest parking. The required rear setback for guest parking is in addition to the Commission's other parking standards which require the provision of at least two parking spaces per residence. The parking policies contained in the certified Venice LUP include this requirement.

The proposed project provides an adequate parking supply for the proposed single family residence by providing a two-car garage, and a ten-foot rear setback for guest parking on the driveway apron (Exhibit #5). Therefore, the proposed project conforms to the Commission's parking standards for the Venice Canals area which require two parking spaces per residential unit and provisions for guest parking.

The permit is conditioned to ensure the continued provision of adequate on-site parking (three spaces per single family residence), and that the permitted use of the approved structure is a single family residence. Any proposed change in the number of units 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.

The condition regarding residential density is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for visitors, and as a result, reduce the ability of the public to access the coast. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

#### **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 City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (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 proposed project, as conditioned, conforms with the certified Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 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 (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.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp



# VENICE, CA



Site

428 Linnie Canal

COASTAL COMMISSION  
5-01-327

EXHIBIT # 1

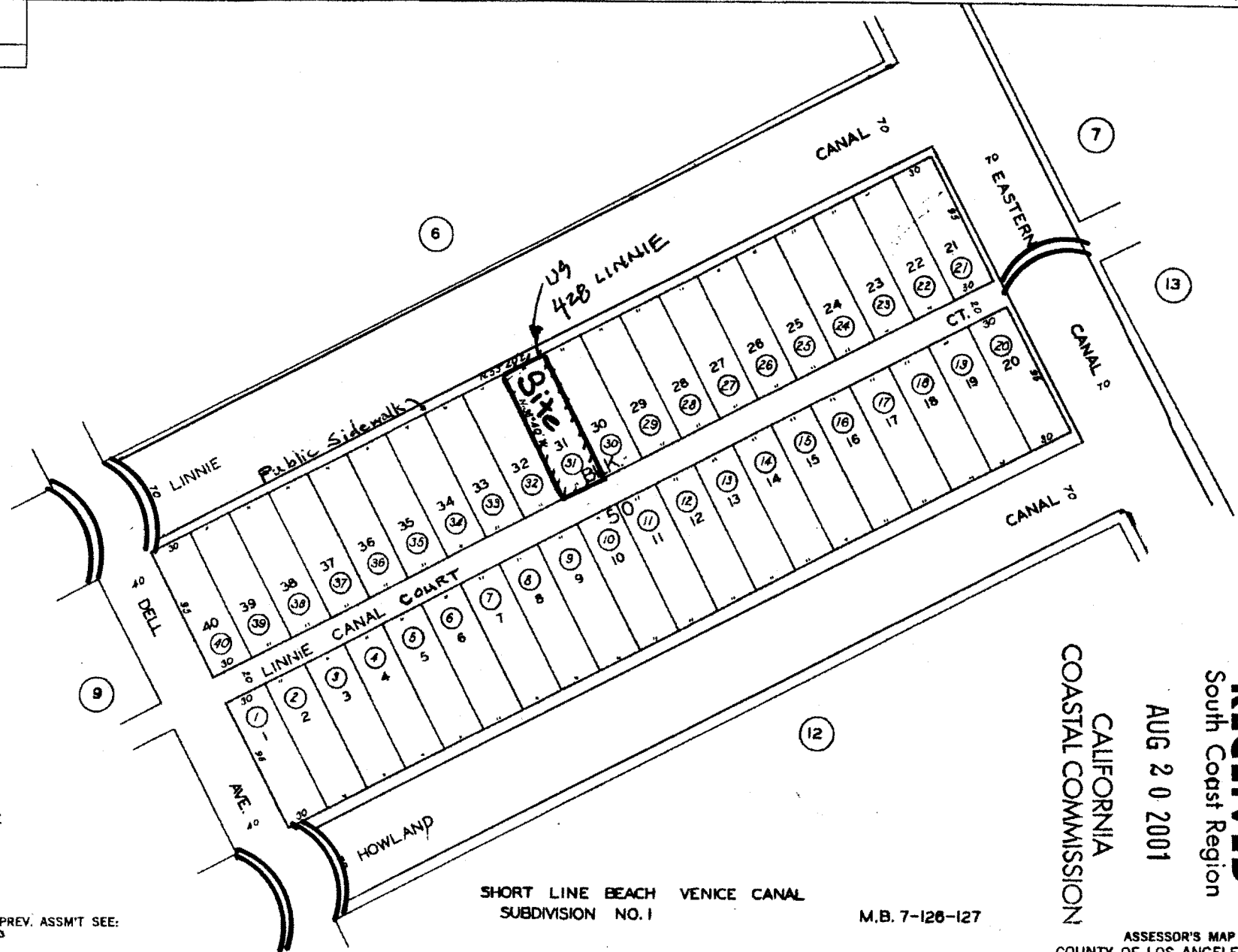
PAGE 1 OF 1

4227

8

SCALE 1" = 60'

6P1002  
710428



CODE  
67

FOR PREV. ASSMT SEE:  
79-23

SHORT LINE BEACH VENICE CANAL  
SUBDIVISION NO. 1

M.B. 7-126-127

**RECEIVED**  
 South Coast Region  
 AUG 2 0 2001  
 CALIFORNIA  
 COASTAL COMMISSION

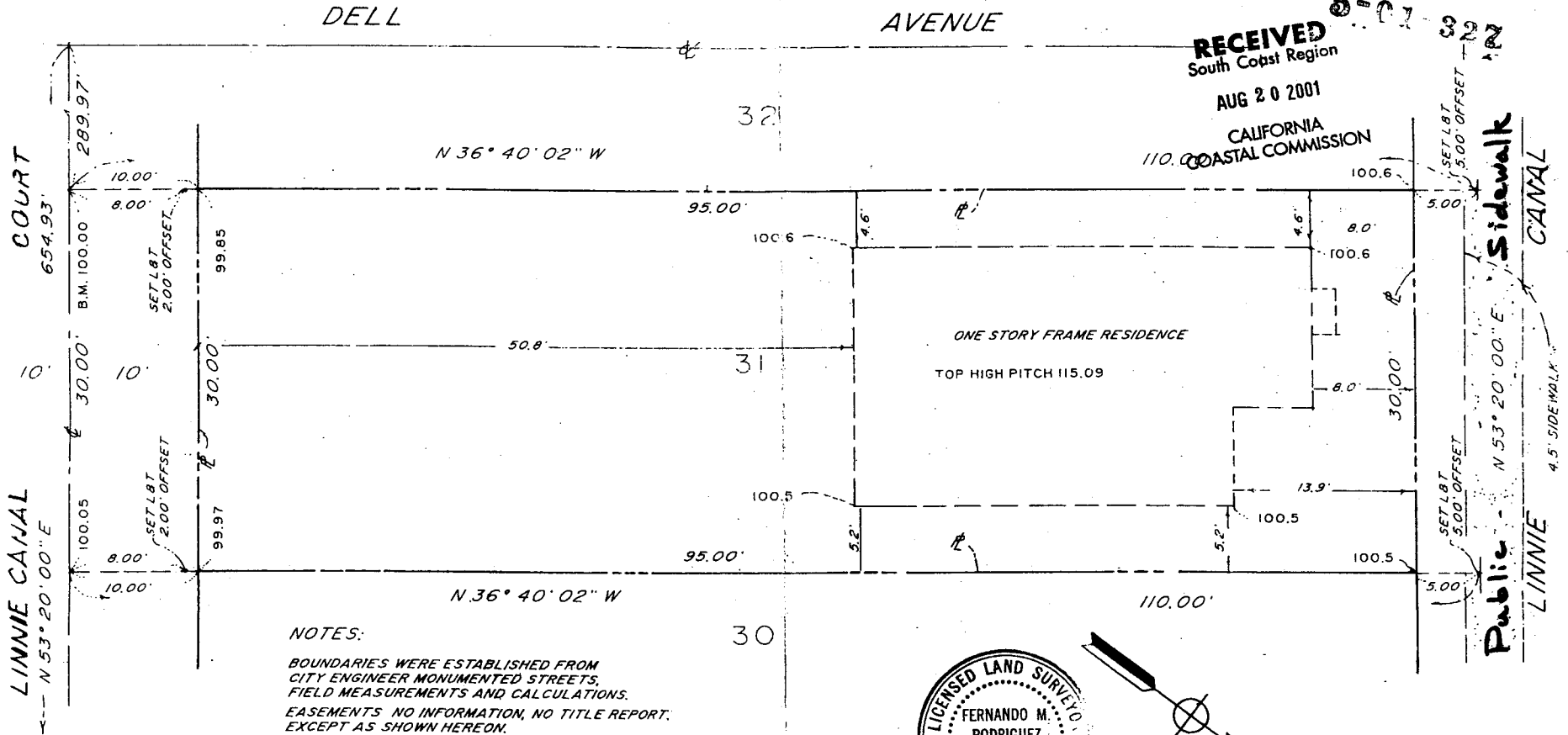
ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF

**COASTAL COMMISSION**

5-01-327

EXHIBIT # 2

PAGE 1 OF 1

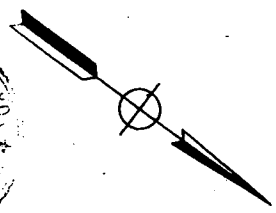
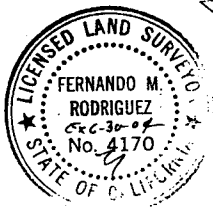


**RECEIVED**  
 South Coast Region  
 AUG 20 2001  
 CALIFORNIA  
 COASTAL COMMISSION

**NOTES:**

BOUNDARIES WERE ESTABLISHED FROM CITY ENGINEER MONUMENTED STREETS, FIELD MEASUREMENTS AND CALCULATIONS.  
 EASEMENTS NO INFORMATION, NO TITLE REPORT, EXCEPT AS SHOWN HEREON.  
 THIS SURVEY DID NOT LOCATE ABOVE OR UNDER GROUND UTILITIES  
 LEGAL DESCRIPTION PROVIDED BY OWNER OR AGENT.  
 BENCH MARK:  
 ELEV. 100.00 ASSUMED DATUM.  
 AS SHOWN HEREON.

ALL "SET MONUMENTS" WERE TAGGED P.L.S. 4170



**MITCHELL SURVEYS**  
 11948 W. WASHINGTON BLVD.  
 LOS ANGELES, CALIFORNIA 90066  
 (310) 390-3494

LEGAL DESCRIPTION: LOT 31, BLK. 50 SHORT LINE BEACH VENICE CANAL # 1 VENICE, CALIFORNIA

BY Fernando M. Rodriguez 5-5-01  
 FERNANDO M. RODRIGUEZ LS 4170

FOR GARY A. DELOSSA

DATE: 4-25-01

SCALE: 1" = 20 FT.

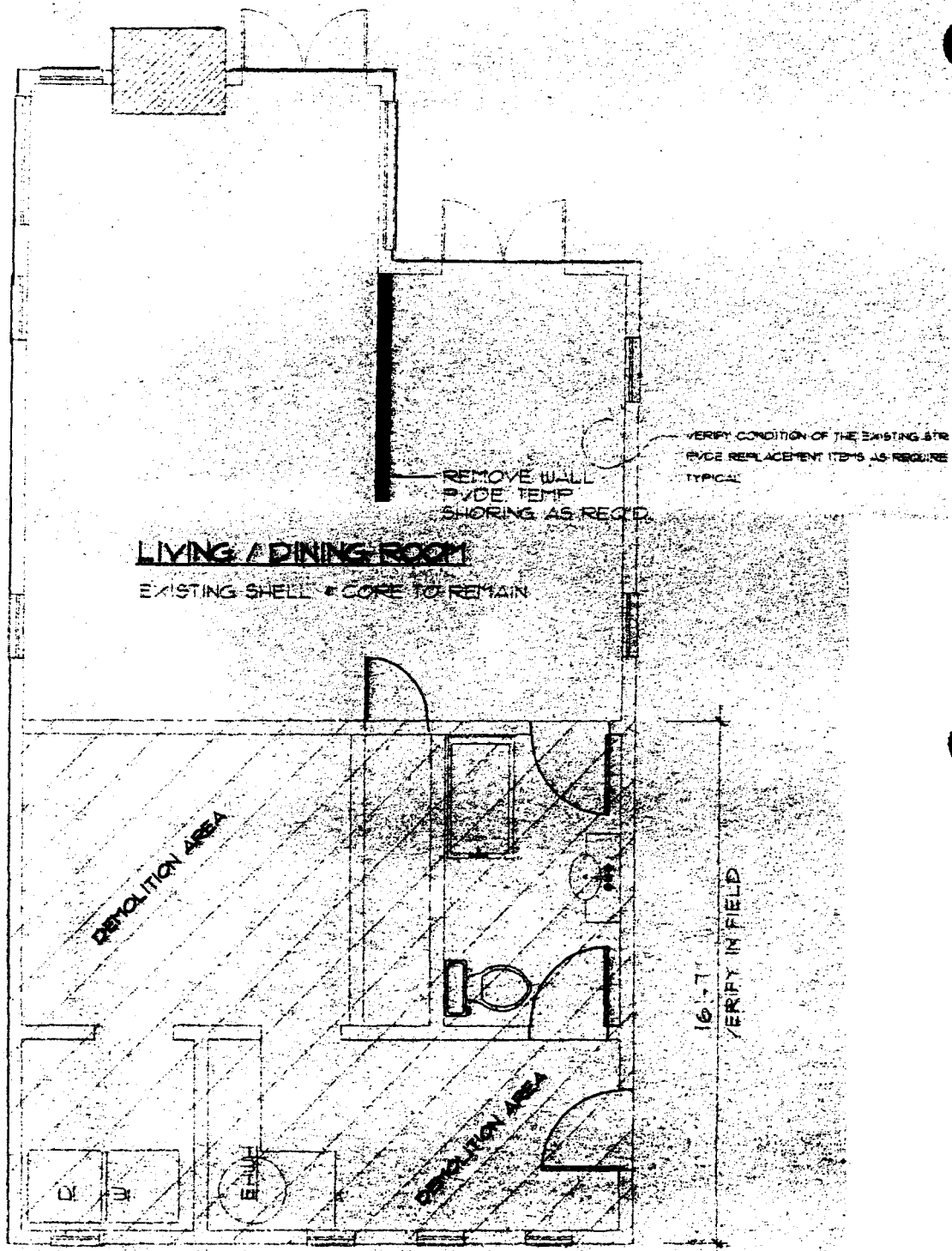
JOB NO. 01-14

SHEET 1

**COASTAL COMMISSION**  
 OF **5-01-327**

*Existing Site*

EXHIBIT # 3  
 PAGE 1 OF 1



NOTE: WINDOWS & DOORS NOT LABELED ARE EXISTING TO REMAIN.

**DEMOLITION PLAN**  
SCALE: 1/8" = 1'-0"

COASTAL COMMISSION

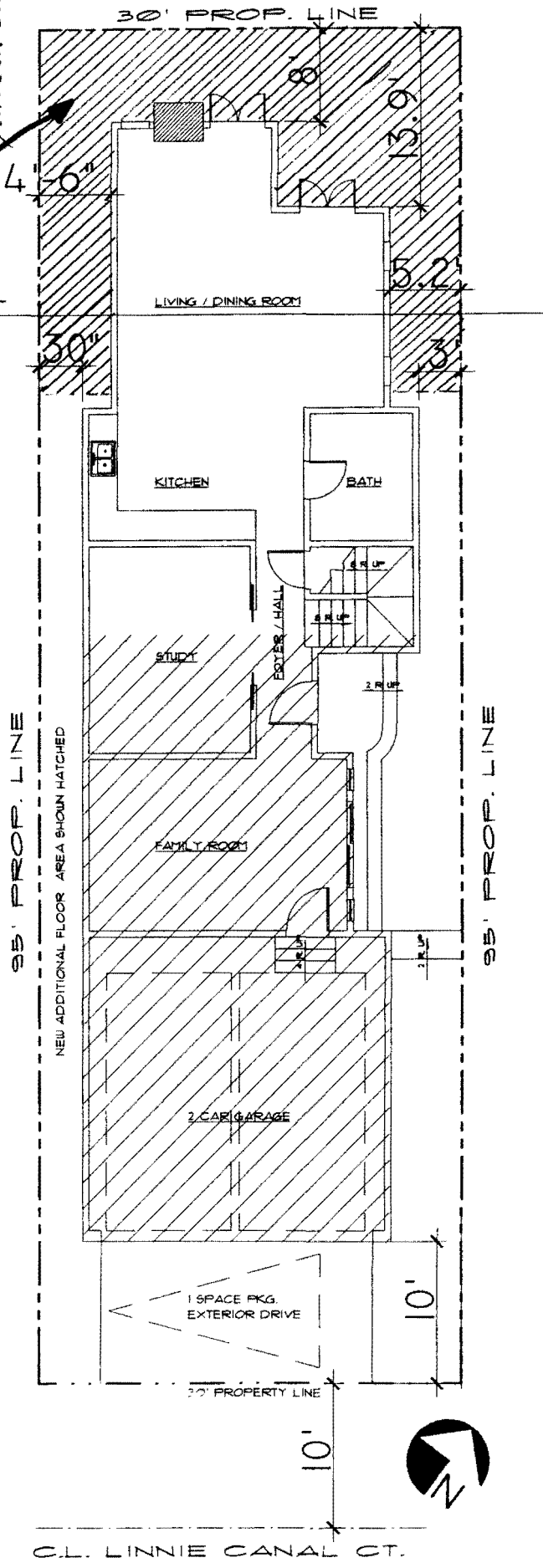
5-01-327

EXHIBIT # 4

PAGE 1 OF 1

Linnie Canal

Hatched area represents 450# permeable yard area



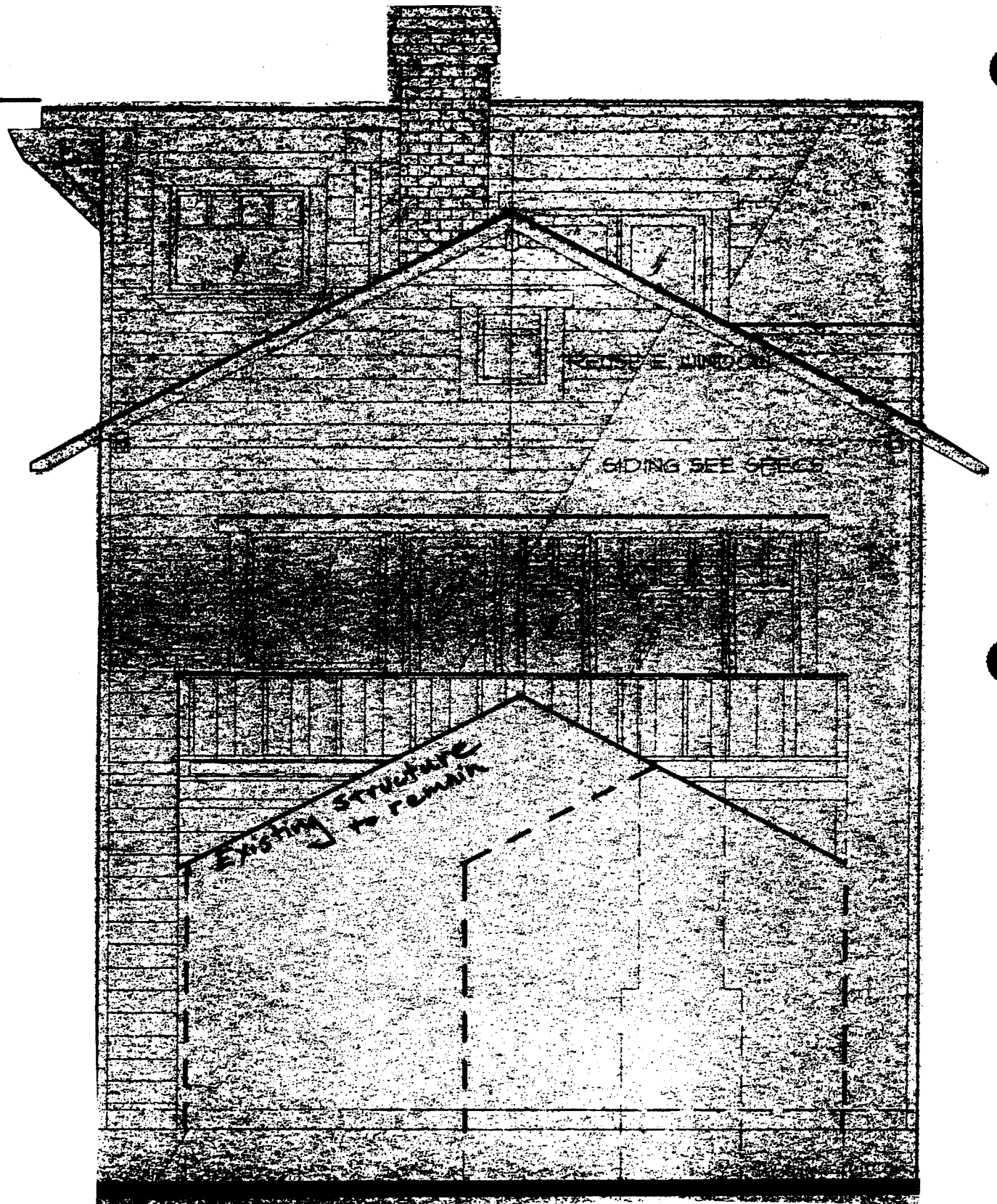
RESIDENCE RENOVATION & ADDITION FOR SCOTT STOREY & GARY DELOSSA  
 428 LINNIE CANAL CT.  
 LOS ANGELES, CA

DRAWN BY: R.S.  
 PLAN CHECK SET \*  
 PERMIT SET \*  
 DATE: 5-18-01  
 SHEET NO. PAGE 1 OF 1

COASTAL COMMISSION  
 5-01-327

COASTAL COMMISSION  
 5-01-327  
 EXHIBIT # 5  
 PAGE 1 OF 1

30'



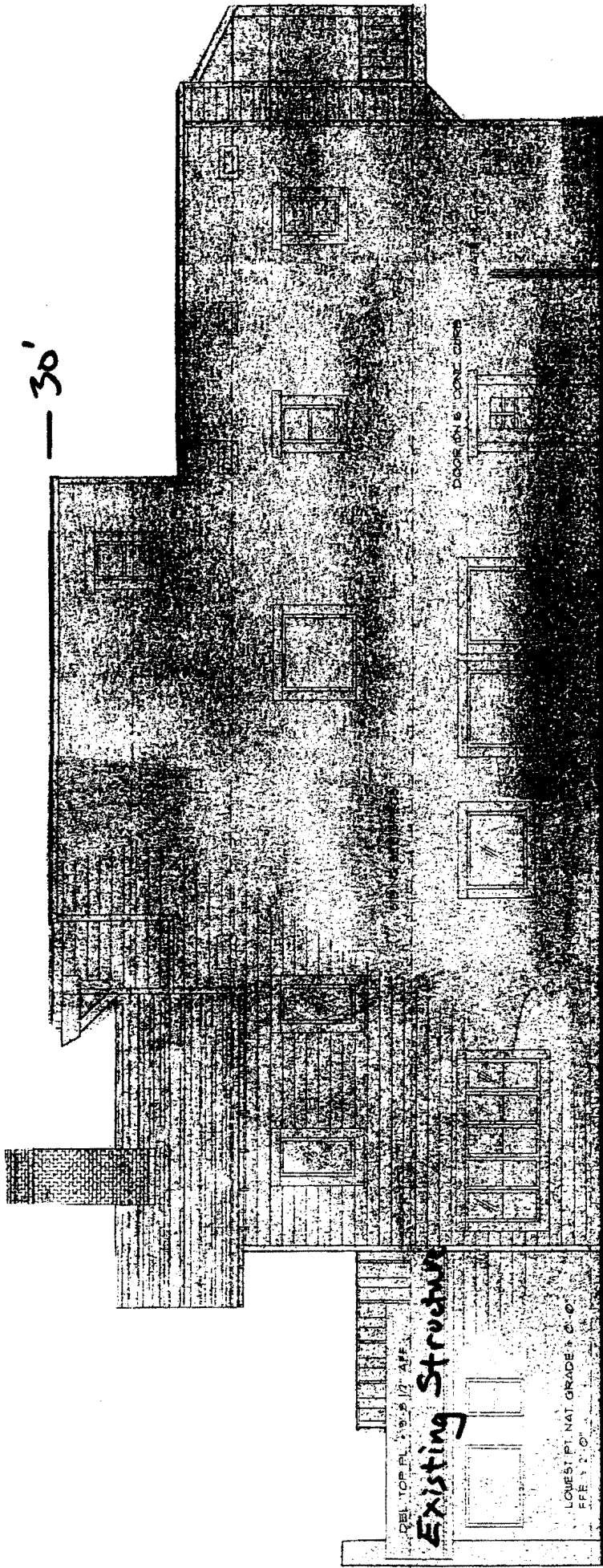
Front (Canal Side) Elevation

COASTAL COMMISSION

5-01-327

EXHIBIT # 6

PAGE 1 OF 1



30'

Existing Structure

LOWEST FIN. NAT. GRADE + 0'-0"  
F.F.E. + 2'-0"

DOOR ON S. SIDE CURB

← Canal

Alley →

COASTAL COMMISSION  
5-01-327

EXHIBIT # 7

PAGE 1 OF 1

