

CALIFORNIA COASTAL COMMISSION

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 Commission Action:



Item Tu3b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-01-160

RECORD PACKET COPY

APPLICANT: Gary Pearl

AGENT: Austin Kelley, XTEN Architecture

PROJECT LOCATION: 409 Linnie Canal, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of an existing one-story, 520 square foot single family residence and 420 square foot detached garage, and construction of a three-level, 30-foot high (with 38-foot high roof access structure), 3,110 square foot single family residence with four enclosed parking spaces on a canal-fronting lot.

Lot Area	2,850 square feet
Building Coverage	1,920 square feet
Pavement Coverage	0 square feet
Landscape Coverage	930 square feet
Parking Spaces	4
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	38 feet

LOCAL APPROVAL: City of Los Angeles Approval in Concept #2001-2096, 5/1/2001.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Land Use Plan for Venice, 11/14/00.
2. Expired Coastal Development Permit 5-98-167 (Pearl).
3. Coastal Development Permit Applications 5-01-165 & 166 (Archwest).
4. Coastal Development Permit 5-95-043 (Chamorro).
5. Coastal Development Permit 5-98-388 (Belasco).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to permeable yard area, residential density, parking, building height, and the protection of water quality. The applicant agrees with the recommendation.

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 5-01-160 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 access corridor, 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 in the front yard area between the structure and the front (canal) property line. The area within the required front yard setback (fifteen-foot setback) shall be maintained as the required permeable yard area (as shown on Exhibit #4 of 6/27/01 staff report). Uncovered means that no fill or building extensions (i.e. 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) or permeable decks at grade (not to exceed 18 inches in height).

B) **Prior to issuance of the coastal development permit**, the applicant 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 applicant's 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 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.

3. Building Height

The roof of the approved structure shall not exceed thirty (30') feet in height above the elevation of the adjacent alley. No portion of the structure shall exceed thirty (30') feet in height above the elevation of the adjacent alley, except for:

- a) Chimneys, ducts and ventilation shafts which shall not exceed 35 feet in height above the elevation of the adjacent alley;
- b) Open roof deck railings which do not exceed 42 inches above the roof elevation; and,
- c) One roof access structure, 100 square feet or less in area as measured from the outside walls, which shall not exceed 38 feet in height above the elevation of the adjacent alley, and which shall be set back at least 60 horizontal feet from the fronting canal.

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.

4. Parking

A minimum of three parking spaces shall be provided and maintained on the site.

5. Drainage – Water Quality

Prior to the issuance of the coastal development permit, the applicant 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 Linnie Canal and into the City storm drain system.

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

6. 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 set forth below. 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 applicant proposes to demolish the existing structures on a 2,850 square foot lot situated on the north bank of Linnie Canal in the Venice Canals residential area (Exhibit #2). The proposed demolition involves the removal of the existing one-story single family residence and a detached garage (Exhibit #3). The proposed project also involves the construction of a three-level, 3,110 square foot single family residence with a four-car garage on the ground floor (See Exhibits). A deck is proposed on top of the thirty-foot high roof, which would be accessed by a 38-foot high, 100 square foot roof access structure (Exhibit #6). The proposed project is located next to a City Park (Exhibit #2).

On July 7, 1998, the Commission approved Coastal Development Permit 5-98-167 for a similar single family residence on the project site. The previously approved, however, expired on July 7, 2000 without being vested or extended.

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 certified Venice LUP 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 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.

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 applicant proposes to construct a single family residence. Therefore, the proposed project 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.

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 thirty-foot height limit for the Venice Canals neighborhood is the standard in the Commission's 1980 Interpretive Guidelines and the City of Los Angeles Venice Specific Plan. The Commission-certified Venice LUP maintains the historic thirty-foot height limit for all development in the Venice Canals neighborhood.

The Commission and the City have, 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 portions of structures which have been previously allowed to exceed the thirty-foot height limit include railings around roof decks, small roof access structures and elevator housings (100 square feet or less), chimneys, air conditioning equipment, and skylights. These rooftop structures must be sited upon the roof in a manner which minimizes their visibility from the public areas of the canals. Roof access structures have been permitted to exceed the thirty-foot height limit only if they contain no living or storage space and if they do not negatively impact the area's visual resources.

Regarding roof access structures, Venice Land Use Plan Policy I.A.1.a states:

Roof Access Structures. *Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:*

- i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;*
- ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;*
- iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; and,*
- iv. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).*

In this case, the roof elevation of the proposed single family residence does not exceed a height of thirty feet above the elevation of the adjacent alley (Exhibit #6). On top of the thirty-foot high roof, the applicant has proposed a roof deck surrounded by 42-inch high railings. The proposed roof deck would be accessed by a 38-foot high, one hundred square foot roof access structure (Exhibit #5, p.2).

As stated above, the Commission, the City and the Venice LUP allow for certain rooftop 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. As proposed, the design of the proposed project would not adversely effect the visual resources of the Venice Canals area and complies with the visual resource policies of the Coastal Act.

Only the proposed roof access structure and roof deck railings would exceed the thirty-foot height limit. The proposed one hundred square foot roof access structure is set back more than sixty feet from the canal and contains no living area or storage space above the thirty-foot height limit. Therefore, the Commission finds that the proposed project conforms to Section 30251 of the Coastal Act and previous approvals in the Venice Canals area, and the scenic and visual qualities of the area will not be negatively impacted.

In order to ensure that the proposed project is constructed as approved, the permit approval is conditioned to limit the roof height of the proposed 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

- a) Chimneys, ducts and ventilation shafts which shall not exceed 35 feet in height above the elevation of the adjacent alley;
- b) Open roof deck railings which do not exceed 42 inches above the roof elevation; and,
- c) One roof access structure, 100 square feet or less in area as measured from the outside walls, which shall not exceed 38 feet in height above the elevation of the adjacent alley.

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. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

Therefore, the Commission finds that the proposed project conforms to the Commission's height limit, the Venice LUP and Section 30251 of the Coastal Act. 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 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. Commission-approved development adjacent to the Venice Canals has been consistently required to 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. The Venice LUP includes this permeable yard and setback requirement for all development proposed along the Venice Canals.

The proposed single family residence provides a fifteen-foot front yard setback consistent with prior Commission approvals and the requirements of the Venice LUP (Exhibit #4). 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.

Therefore, the Commission finds that prior to issuance of the permit, the applicant shall record a deed restriction for the lot which provides for the maintenance of an uncovered and permeable yard area in the fifteen-foot front yard setback area. The area within the fifteen-foot setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the fifteen-foot 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, 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 amendment to this coastal development permit. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

C. 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.

The proposed project is located next to a City Park, and a public sidewalk currently exists on the canal bank between the project site and the waters of Linnie Canal (Exhibit #2). 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 along the banks of the Venice Canals. The proposed project will not interfere with the park or the existing sidewalk, and will not negatively affect the public's right to access and use the existing walkway along Linnie Canal. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

D. 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 stormwater 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 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 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 fifteen feet from the canal property line (Exhibit #4). The proposed fifteen-foot setback provides a 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 proposed in or over the required 450 square foot permeable front yard area. An uncovered permeable deck may be constructed in the front yard area.

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 applicant 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. Uncovered means that no fill nor building extensions shall be placed in or over the permeable yard area with the exception of fences or permeable decks at grade. Fences in front yard area shall not exceed 42 inches in height, and decks shall not 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. 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 is 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 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 is currently awaiting Commission approval [See Coastal Development Permit Amendment Application 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.

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 four-car garage (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 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).

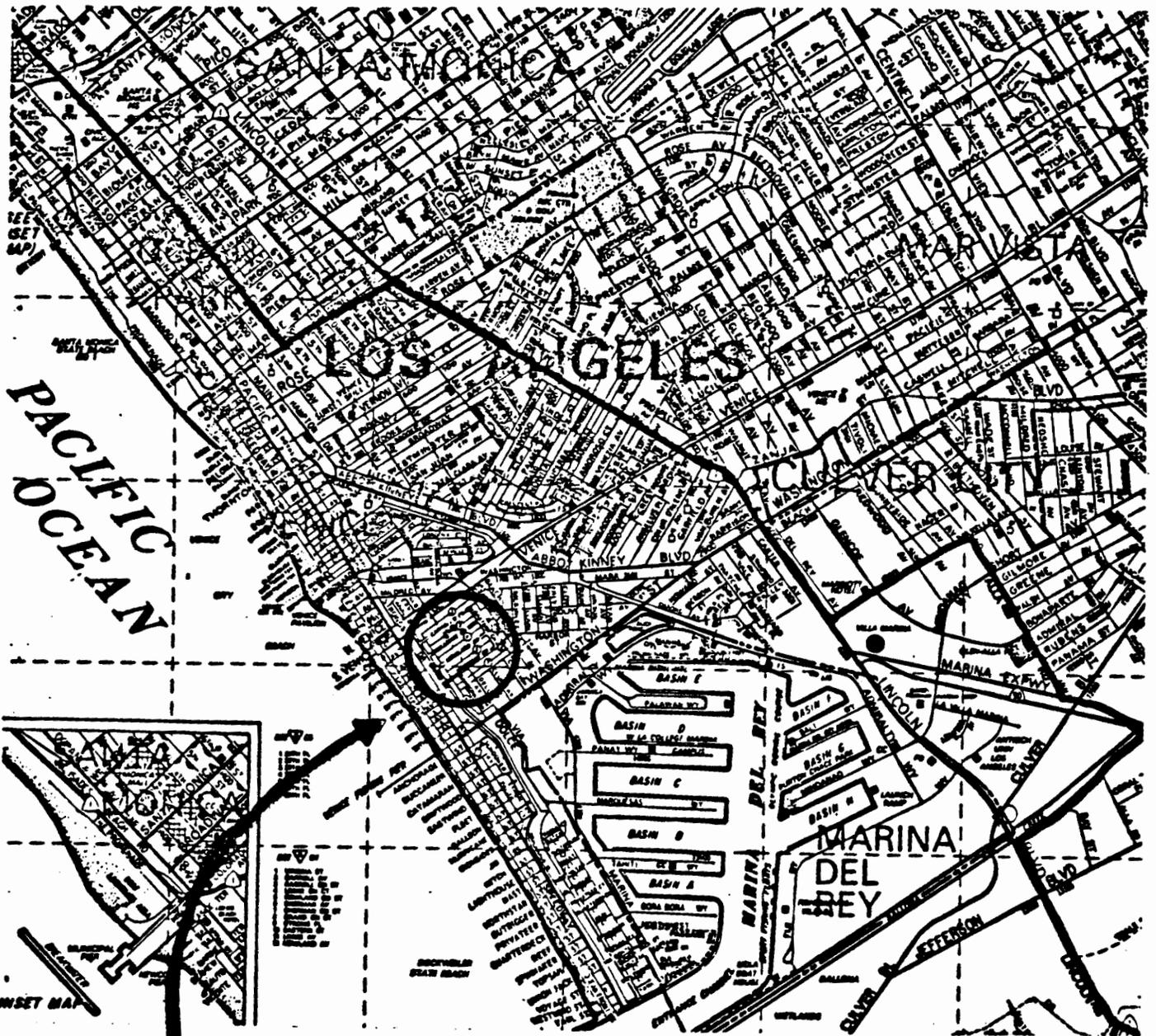
G. California Environmental Quality Act (CEQA)

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



Site

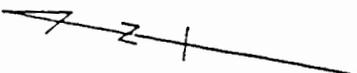
409 Linnie Canal

COASTAL COMMISSION
5-01-160

EXHIBIT # 1

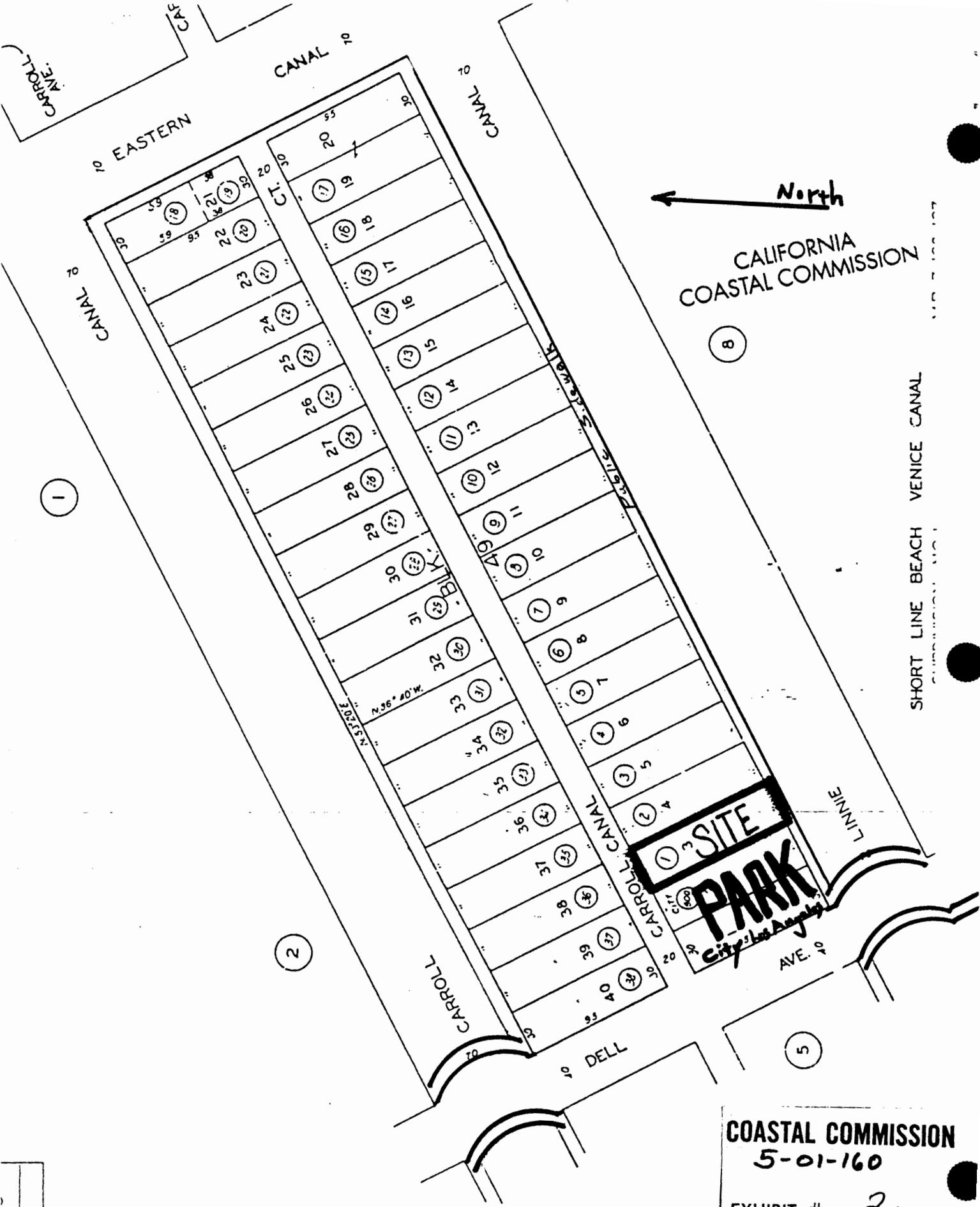
PAGE 1 OF 1

1" = 60'



CALIFORNIA COASTAL COMMISSION

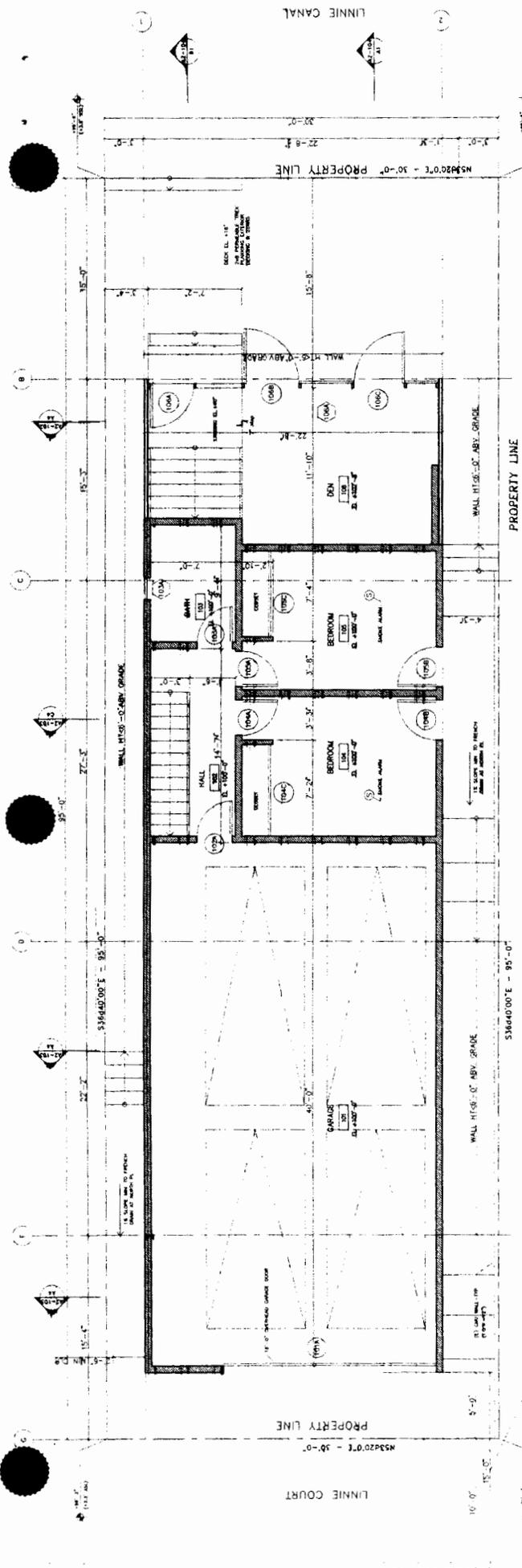
SHORT LINE BEACH VENICE CANAL



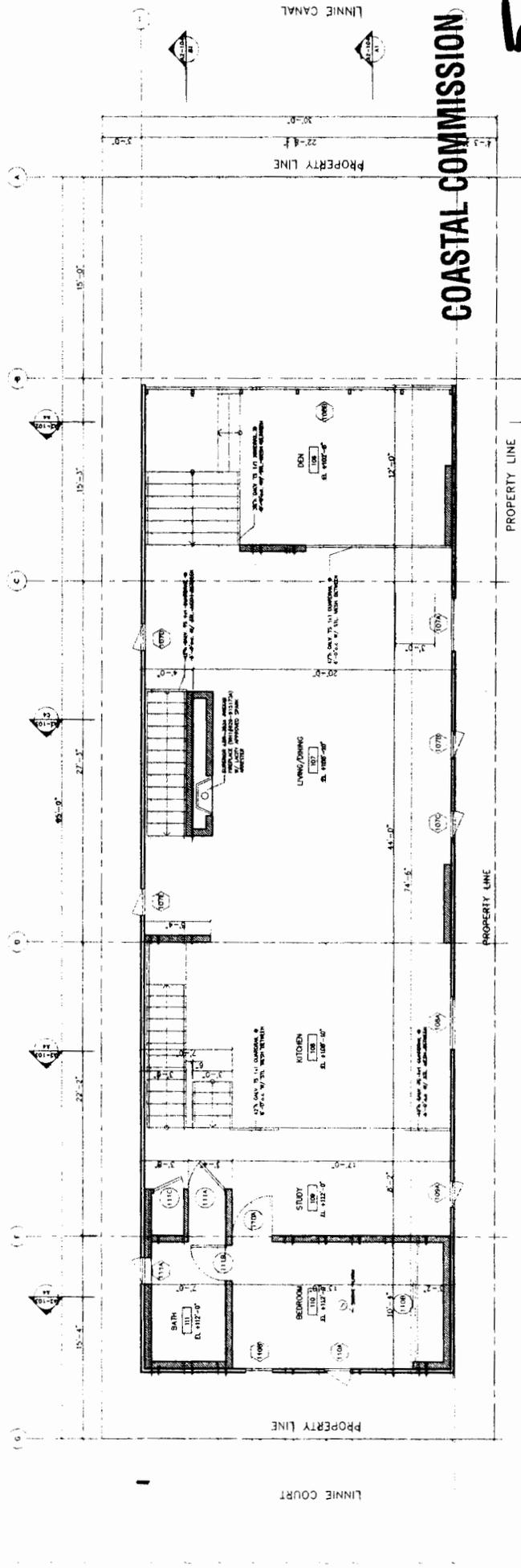
COASTAL COMMISSION
5-01-160

EXHIBIT # 2

PAGE 1 OF 1



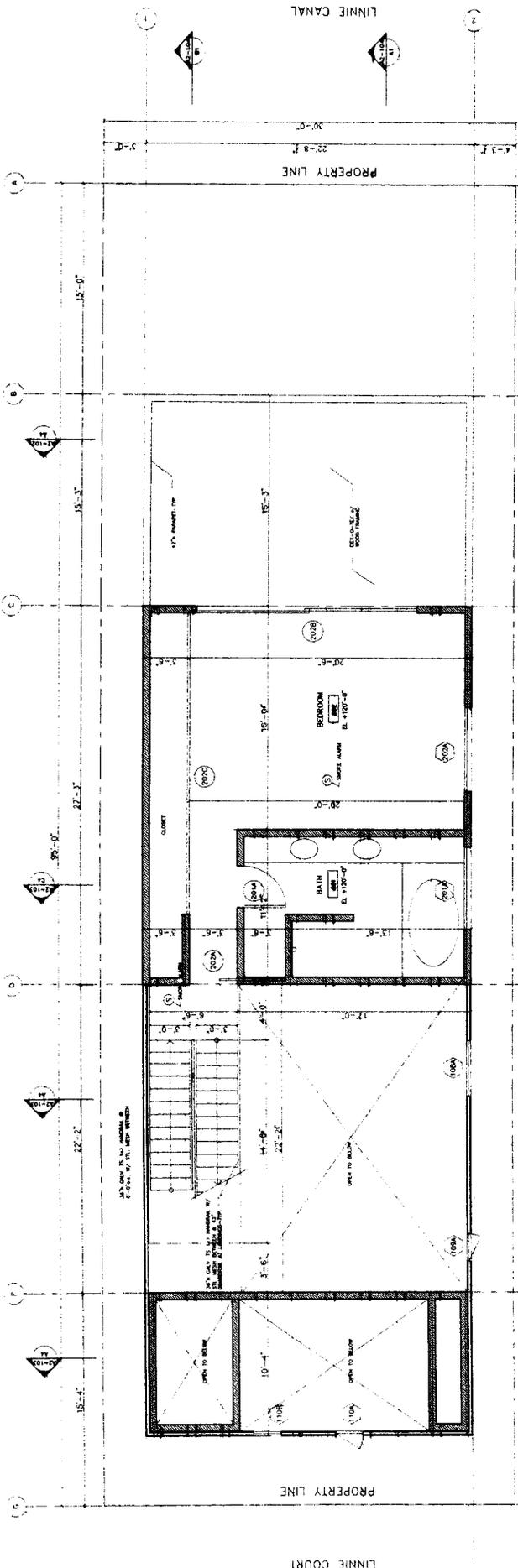
A1 BASEMENT PLAN
 REF. SCALE: 1/4" = 1'-0"



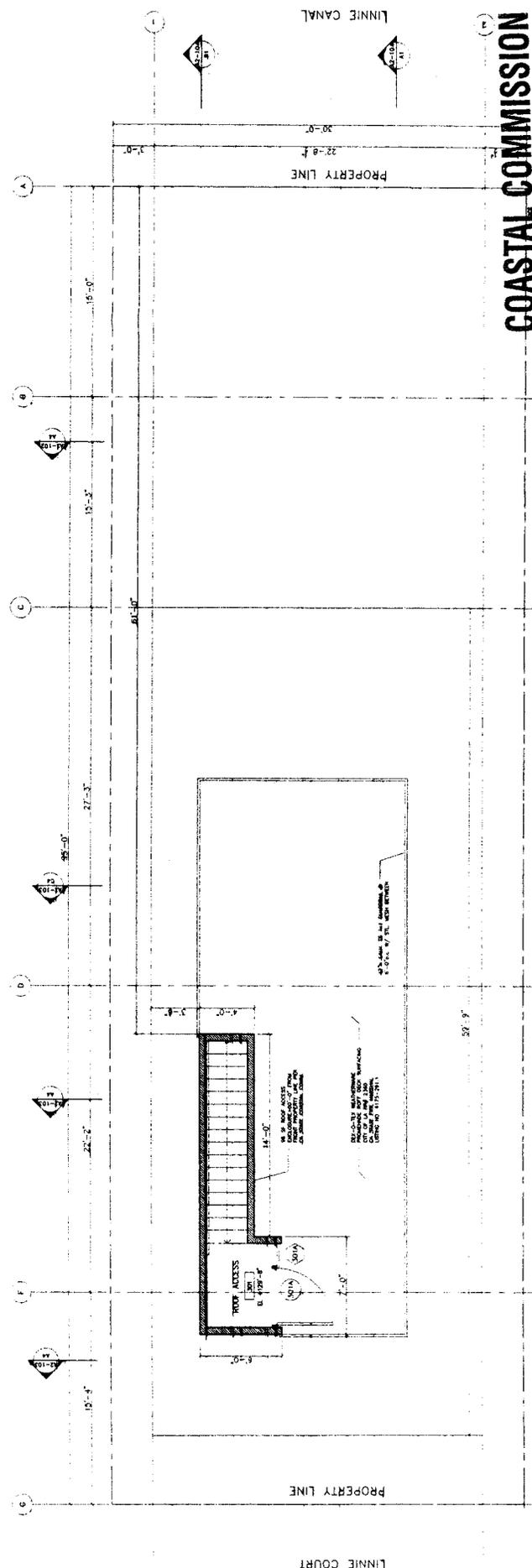
A2 FIRST FLOOR PLAN
 REF. SCALE: 1/4" = 1'-0"

COASTAL COMMISSION

NOTE: REAR YARD SETBACK SHALL BE AS SHOWN ON EACH FLOOR PLAN FOR THE PRELIMINARY PERMITS.



A1 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"
REF.



A2 ROOF PLAN
SCALE: 1/4" = 1'-0"
REF.

COASTAL COMMISSION

EXHIBIT # **5** OF **2**
PAGE

NOTE: SEISMIC SHUTOFF VALVE TO BE INSTALLED ON EACH PIPE, GAS LINE FOR NEW BUILDING PER IAPIC.

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EXHIBIT # 6
PAGE 2 OF 2

