

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(2) 590-5071

Item Th11c

Filed: 11/14/2002
49th Day: 1/2/2003
180th Day: 5/13/2003
Staff: CP-LB
Staff Report: 12/18/2002
Hearing Date: January 9, 2003
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT****RECORD PACKET COPY****APPLICATION NUMBER:** 5-01-327-A1**APPLICANTS:** Scott Storey & Gary Delossa**PROJECT LOCATION:** 428 Linnie Canal, Venice, City of Los Angeles, Los Angeles Co.**ORIGINALLY APPROVED PROJECT (11/13/01):**

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.

AMENDMENT DESCRIPTION:

Revise the previously approved plans to include after-the-fact approval of demolition of more than fifty percent (50%) of the exterior walls of the existing house. In addition, the revised plans provide for new additional demolition of the remaining portion of the existing house in order to provide a fifteen-foot front yard setback between the proposed single family residence and the canal property line, resulting in a three-story, 30-foot high, 2,700 square foot (approx.) single family residence with an attached two-car garage on a canal-fronting lot.

SUMMARY OF STAFF RECOMMENDATION

On November 13, 2001, the Commission approved Coastal Development Permit 5-01-327 for a remodel and substantial enlargement of an existing one-story, 610 square foot single family residence. The permit allowed the applicants to maintain the existing structure's non-conforming eight-foot front yard setback only if the existing structure was preserved in place (i.e., at least fifty percent of the exterior walls of the existing structure had to remain in place). Special Condition Six of Coastal Development Permit 5-01-327 states: *"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."*

During the demolition phase of the project, the applicants removed more than fifty percent (50%) of the structure's exterior walls. At the direction of Commission enforcement and planning staff, all work stopped and the applicants submitted this amendment request to revise the previously approved plans as required by Special Condition Six of the permit. The proposed revised plans are for after-the-fact approval of the unpermitted demolition that has occurred, as well as new additional demolition of the remaining portion of the previously existing house located within the non-conforming front yard setback area in order to provide a fifteen-foot front yard setback (between the house and the canal property line), consistent with the current building standards for the Venice Canals neighborhood (Exhibit #6). Therefore, staff is recommending that the Commission grant a permit amendment for the proposed development. The applicants agree with the recommendation. **See Page Two for Motion.**

PROCEDURAL NOTE:

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved project. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

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

MOTION

"I move that the Commission approve the proposed amendment to Coastal Development Permit Amendment 5-01-327-A1 pursuant to the staff recommendation."

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and 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 the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions

Note: The following special conditions supercede and replace the originally approved conditions of Coastal Development Permit 5-01-327 (See Appendix A for original conditions).

1. Permeable Yard Area

In order to maintain an open and visible access corridor, to enhance visual quality, and to preserve the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than 450 square feet shall be maintained in the front yard area between the structure and the front (Linnie Canal) property line (as generally shown on **Exhibit #5 of the 12/18/02** staff report and repeated as Exhibit 1 to the Notice of Intent that the Executive Director issues for this permit amendment). 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).

PRIOR TO ISSUANCE, BY THE EXECUTIVE DIRECTOR, OF THE NOTICE OF INTENT FOR THIS PERMIT AMENDMENT, and prior to recording of the deed restriction required by Special Condition Seven below, the applicants shall provide a site plan, subject to the approval of the Executive Director, which complies with all of the above terms of this condition and clearly identifies the location of the required permeable yard area in accordance with the general description of that area shown on **Exhibit #5 of the 12/18/02** staff report. Once the Executive Director approves the site plan, that site plan will be included as Exhibit 1 to the Notice of Intent that the Executive Director issues for this permit amendment.

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 PERMIT AMENDMENT, 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. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans, 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.

7. Deed Restriction

WITHIN NINETY DAYS OF COMMISSION ACTION ON THIS AMENDMENT REQUEST, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this amended permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property. This deed restriction shall supercede and replace the deed restriction recorded per Coastal Development Permit 5-01-327 approved November 13, 2001 (Instrument Nos. 02-105024, 02-105025 and 02-105026).

8. Condition Compliance

WITHIN NINETY DAYS OF COMMISSION ACTION ON THIS AMENDMENT REQUEST, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description

The applicants are requesting to amend Coastal Development Permit 5-01-327 in order revise the previously approved plans to include after-the-fact approval for the demolition of more than fifty percent (50%) of the exterior walls of the existing structure. In addition, the revised plans provide for new

additional demolition of the remaining portion of the previously existing 610 square foot single family residence in order to provide a fifteen-foot front yard setback between the proposed single family residence and the canal property line (Exhibits #5-7). Approval of the amendment request would permit the applicants to complete a three-story, 30-foot high, 2,700 square foot (approx.) single family residence with an attached two-car garage.

The project site is a 2,850 square foot lot situated on the south bank of Linnie Canal in the Venice Canals residential area (Exhibits #2&3). The Commission's prior approval of the residential addition (Coastal Development Permit 5-01-327) permitted a similar-sized house on the site, but one that maintained the existing non-conforming eight-foot front yard setback (Exhibit #3).

On November 13, 2001, the Commission approved Coastal Development Permit 5-01-327 for a remodel and substantial enlargement of the applicants' existing one-story, 610 square foot single family residence. The permit allowed the applicants to maintain the existing structure's non-conforming eight-foot front yard setback only if the existing house was preserved (at least fifty percent of the exterior walls of the existing structure had to remain in place).

Special Condition Six of Coastal Development Permit 5-01-327 states:

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.

During the demolition phase of the project, the applicants removed more than fifty percent (50%) of the structure's exterior walls when inadequate foundations and asbestos were discovered. All windows, doors, exterior siding, interior walls, the entire roof and floor and nearly all of the framing for the exterior walls have been removed from the structure. Only the chimney and three nine-foot long sections of wall framing were left standing (Exhibit #4). Enforcement staff notified the applicant by a letter dated November 14, 2002, that all work on the site should cease immediately as required by Special Condition Six of Coastal Development Permit 5-01-327. At the direction of Commission enforcement and planning staff, the applicants stopped all work and submitted this permit amendment request.

The non-conforming front yard setback is not maintained on the revised plans. Instead, the applicants propose to remove the remaining portion of the previously existing 610 square foot single family residence that is situated within the non-conforming front yard setback area in order to provide a fifteen-foot front yard setback between the proposed single family residence and the canal property line (Exhibits #5-7). The proposed fifteen-foot front yard setback is consistent with the current building standards for the Venice Canals neighborhood. The currently proposed project would provide the required 450 square feet of permeable yard area within the proposed fifteen-foot front yard setback area (Exhibit #5). The revised project also conforms to the thirty-foot height limit, provides the required three on-site parking spaces, and is consistent with all of the previously imposed conditions of approval (See Appendix A).

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Marine Resources and Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. Environmentally Sensitive habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

F. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, and the public access provisions of the Coastal Act.

G. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Standard and Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. This deed restriction shall supercede and replace the deed restriction recorded per Coastal Development Permit 5-01-327 approved November 13, 2001 (Instrument Nos. 02-105024, 02-105025 and 02-105026). Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land.

H. Unpermitted Development

Prior to applying for this coastal development permit amendment, some of the development on the site occurred without the review or approval of the Commission. The unpermitted development includes the demolition of more than fifty percent (50%) of the exterior walls of the existing house during the demolition phase of the project when inadequate foundations and asbestos were discovered. All windows, doors, exterior siding, interior walls, the entire roof and floor and nearly all of the framing for the exterior walls have been removed from the structure. Only the chimney and three nine-foot long sections of wall framing were left standing (Exhibit #4). Enforcement staff notified the applicants by a letter dated November 14, 2002, that all work on the site should cease immediately. At the direction of Commission enforcement and planning staff, the applicants stopped all work and submitted this permit amendment request as required by Special Condition Six of Coastal Development Permit 5-01-327. The proposed amendment includes a request for after-the-fact approval for the previously unpermitted demolition. In addition, the amendment includes additional demolition of the remaining portion of the previously existing single family residence in order to provide a fifteen-foot front yard setback between the proposed single family residence and the canal property line, consistent with the area's current building standards (Exhibits #5-8).

In order to ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition Eight requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit amendment within ninety days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development has taken place prior to Commission action on this permit amendment, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit amendment application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit or permit amendment.

I. Local Coastal Program

The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

J. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

The following special conditions are the original conditions of Coastal Development Permit 5-01-327, as approved by the Commission on November 13, 2001.

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.

VENICE, CA



Site

428 Linnie Canal

COASTAL COMMISSION
5-01-327-A

EXHIBIT # 1

PAGE 1 OF 1

SCALE 1" = 60'

69108
7784E

CODE
67

FOR PREV. ASSM'T SEE:
79-23

SHORT LINE BEACH VENICE CANAL
SUBDIVISION NO. 1

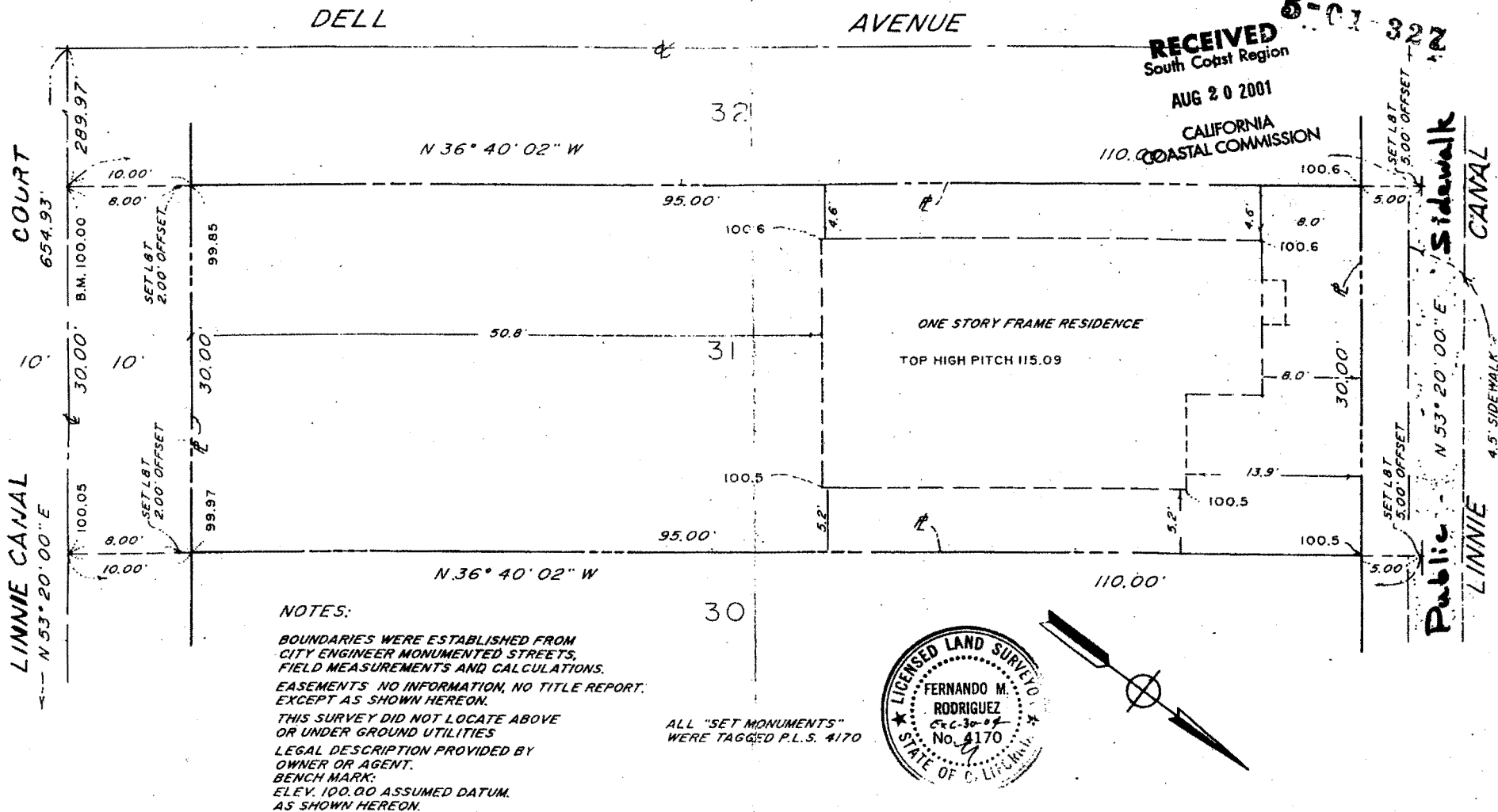
M.B. 7-126-127

RECEIVED
South Coast Region
AUG 20 2001
CALIFORNIA
COASTAL COMMISSION

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

COASTAL COMMISSION
5-01-327-A

EXHIBIT # 2
PAGE 1 OF 1



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 L.S. 4170
FOR GARY A. DELOSSA

DATE: 4-25-01

SCALE: 1" = 10 FT.

JOB NO. 01-14

SHEET 1

COASTAL COMMISSION
OF 5-01-327-A

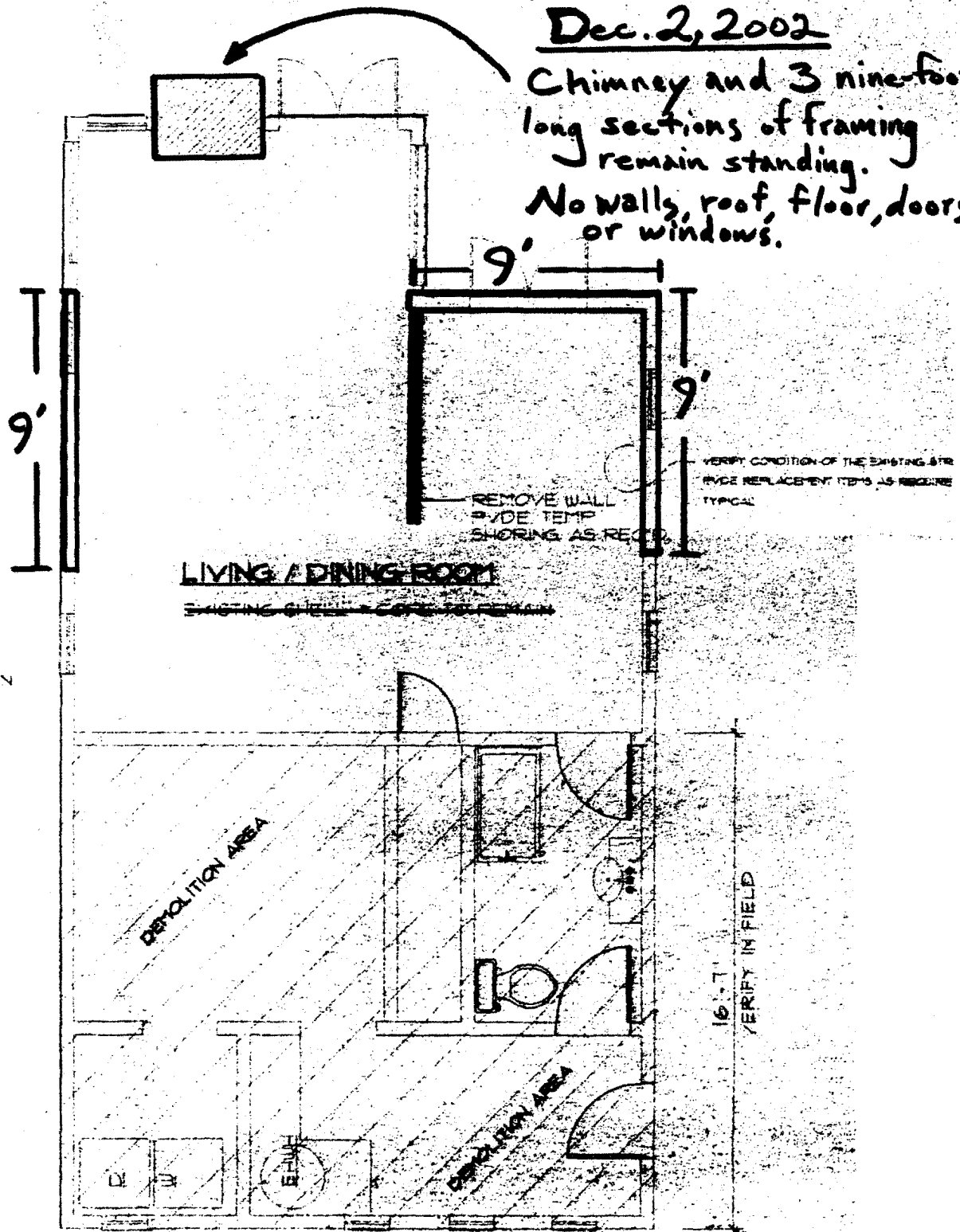
Existing Site

EXHIBIT # 3
PAGE 1 **OF** 1

Dec. 2, 2002

Chimney and 3 nine-foot long sections of framing remain standing.

No walls, roof, floor, doors or windows.



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

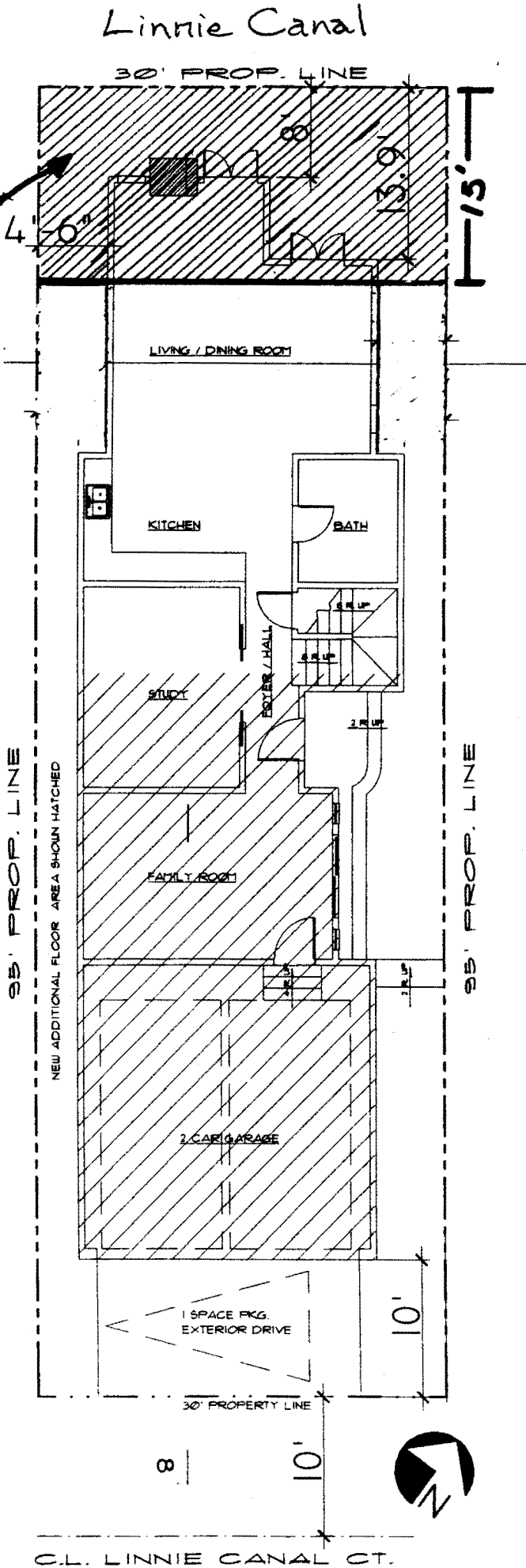
COASTAL COMMISSION
5-01-327-A

DEMOLITION PLAN
SCALE: 1/4\"/>

EXHIBIT # 4

PAGE 1 OF 1

450 sq. ft.
Permeable yard area
in 15-foot setback



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.

R

Sol

COAS

COASTAL COMMISSION
5-01-327-A

EXHIBIT # 5

PAGE 1 OF 1

COASTAL COMMISSION

5-01-327-A

EXHIBIT # 5

PAGE 1 OF 1

