

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 10/5/2004  
49th Day: 11/23/2005  
180th Day: 4/3/2005  
Staff: CP-LB  
Staff Report: 11/18/2004  
Hearing Date: December 8, 2004  
Commission Action:

**W7a****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-04-394**APPLICANTS:** Ten & Nicole Haimes**RECORD PACKET COPY****AGENT:** Toby Watson, Architect**PROJECT LOCATION:** 469 Sherman Avenue, Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Remodel and addition to an existing two-story single-family residence on a canal-fronting (Eastern Canal) lot, resulting in a 28.5-foot high, two-story (with mezzanine), 2,373 square foot single-family residence with an attached two-car garage.

Lot Area	2,700 square feet
Building Coverage	1,437 square feet
Pavement Coverage	410 square feet
Landscape Coverage	853 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	28.5 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR2004-6106 (VSO), 9/30/2004.**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit 5-00-018 (Orenstein).
3. Coastal Development Permit 5-01-418 (Jaye).
4. Coastal Development Permit 5-02-168 (Contant).

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to permit compliance, demolition limits, permeable yard area, setback, height, parking, drainage and deed restriction. The applicants agree with the recommendation. **See Page Two for Motion.**

**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 the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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. Approved Development - Permit Compliance

Coastal Development Permit 5-04-394 approves the renovation and enlargement of an existing single-family residence with the retention of more than fifty-percent (50%) of the existing exterior walls. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans 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. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Termite Inspection

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a termite inspection report, prepared by a licensed professional, indicating the degree, if any, of termite damage that exists within the existing structure that is the subject of the permit. The termite inspection report shall also be submitted to the City of Los Angeles Building Department for review and comment.

If the termite inspection report indicates that additional demolition (beyond fifty-percent of the exterior walls) may be necessary in order for the structure to meet building and safety standards, the applicants shall submit a complete amendment request application or a complete application for a new coastal development permit. Whether an amendment or permit application is submitted shall be determined by the Executive Director. The application shall address the issue of revisions to the project due to the need for additional demolition. ***Development may not proceed while an amendment or new coastal development permit application is pending pursuant to the special conditions of this permit.***

#### 3. 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.

After demolition (of less than fifty-percent of the exterior walls) has been completed, and the framing of the walls to remain is exposed pursuant to the partial demolition plan approved in this permit, **but prior to any new construction**, the applicants shall request and receive a site inspection by the Commission staff person assigned to this coastal development permit. The staff's inspection report shall indicate whether any demolition beyond the amount shown on the partial demolition plan approved by this permit has occurred. If additional demolition has already occurred or must occur due to

the deteriorated state of the walls, which were proposed by the applicants to remain, the applicants shall submit a complete amendment application or a complete application for a new coastal development permit. A new local coastal development permit may also be required from the City of Los Angeles Planning Department. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

**No further development may occur until either:**

- a) The Executive Director determines, pursuant to the staff's inspection report and in consultation with the City Department of Building and Safety, that all walls identified as walls to remain are intact and structurally sound; or
- b) The applicant submits an amendment request application if so directed by the Executive Director and the amendment request is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) The applicants submit a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission (and also the City of Los Angeles Planning Department, if necessary) and issued by the Executive Director (and City).

4. 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, two uncovered and permeable yard areas totaling no less than 450 square feet shall be maintained on the property. In lieu of providing all 450 square feet of the required permeable yard area within the front yard setback as is required for new houses, 300 square feet shall be provided and maintained within the front yard setback area situated between the structure and the front (Eastern Canal) property line and 150 square feet of permeable yard area shall be provided elsewhere on property (as generally shown on **Exhibit #4 of the 11/18/04** 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 areas 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 precise boundaries of the areas that must remain uncovered and permeable yard areas will be described and depicted in the exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit.

**PRIOR TO ISSUANCE, BY THE EXECUTIVE DIRECTOR, OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT**, and prior to the recording of the deed restriction required by Special Condition Nine 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 locations and dimensions of the required permeable yard areas, in accordance with the general description of that area in **Exhibit #4 of the 11/18/04** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

5. Building Setback

A ten-foot setback shall be maintained between the structure and the front (Eastern Canal) property line.

6. Building Height

No development is authorized within ten feet of the fronting canal property line (Eastern Canal) and within or above the required 450 square foot permeable yard areas, except as described in Special Condition Four above. At a point ten feet landward of the fronting canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of thirty feet (30') 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. This permit does not authorize any roof access structure to exceed the thirty-foot height limit.

7. Parking

A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage and one space on the driveway apron as shown on **Exhibit #4 of the 11/18/04** staff report.

8. 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 or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.
- b) All construction equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals.
- c) 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.
- d) A drainage plan for the proposed development that directs all runoff leaving the site away from the canals and into the City storm drain system.
- e) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

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

9. Deed Restriction

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, 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 coastal development permit, 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 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 coastal development permit. 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 coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to remodel and add onto an existing two-story, 1,749 square foot single-family residence on a canal-fronting lot in Venice (See Exhibits). The proposed project would result in a 28.5-foot high, two-story (with mezzanine), 2,373 square foot single-family residence with an attached two-car garage (Exhibit #5). The application indicates that more than fifty-percent of the exterior walls of the structure will remain in place.

The project site is a 2,700 square foot lot situated on the east bank of Eastern Canal 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 proposed project conforms to the thirty-foot height limit, maintains the minimum ten-foot setback from the canal property line, and provides three on-site parking spaces as required by the policies of the certified Venice Land Use Plan (LUP). In order to preserve the water quality and biological productivity of the canals, the proposed project provides the required 450 square feet of permeable yard area on the thirty-foot wide lot. In lieu of providing all 450 square feet of the required permeable yard area within the front yard setback as is required for new houses, 300 square feet is being provided within the ten-foot deep front yard setback area situated between the existing structure and the front (Eastern Canal) property line, and 150 square feet of permeable yard area is being provided in the middle part of the site (Exhibit #4). Since the proposed project is an improvement to an existing residential structure that does not involve the removal of more than fifty-percent of the exterior walls, the applicants are

permitted to provide the 450 square feet of the required permeable yard area in two separate yard areas (i.e., 300 square feet in the front yard and 150 square feet in the middle yard). In the event that more than fifty-percent of the exterior walls are removed, the applicants may be required to redesign the project in order to provide all 450 square feet of the required permeable yard area within the front yard setback, as is required for new houses.

As conditioned, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals, and approval of the project as conditioned would not prejudice the City's ability to prepare an LCP.

**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. 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, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

**F. 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.

**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 owners record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

**H. Local Coastal Program**

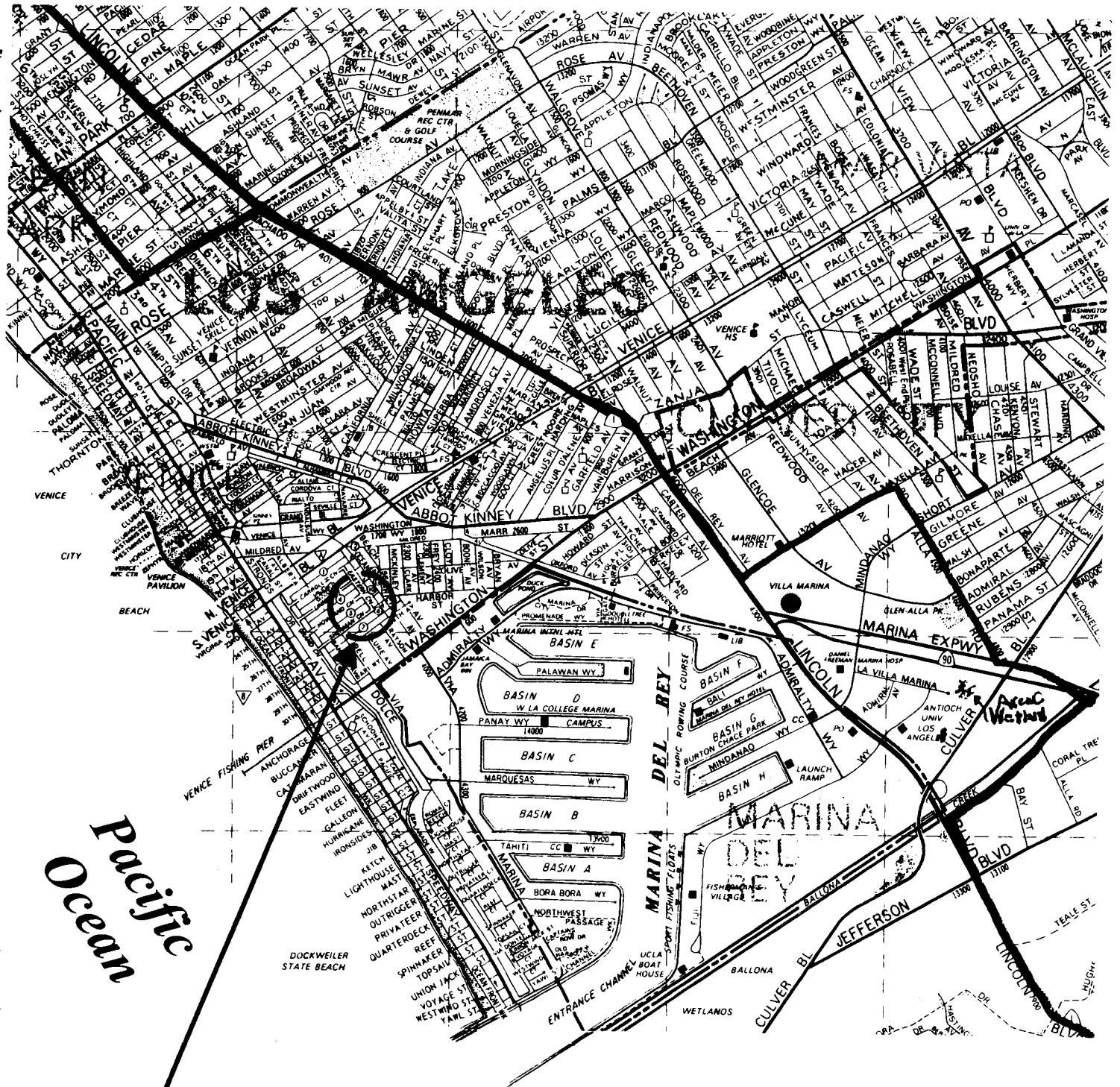
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**I. 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.



# VENICE, CA

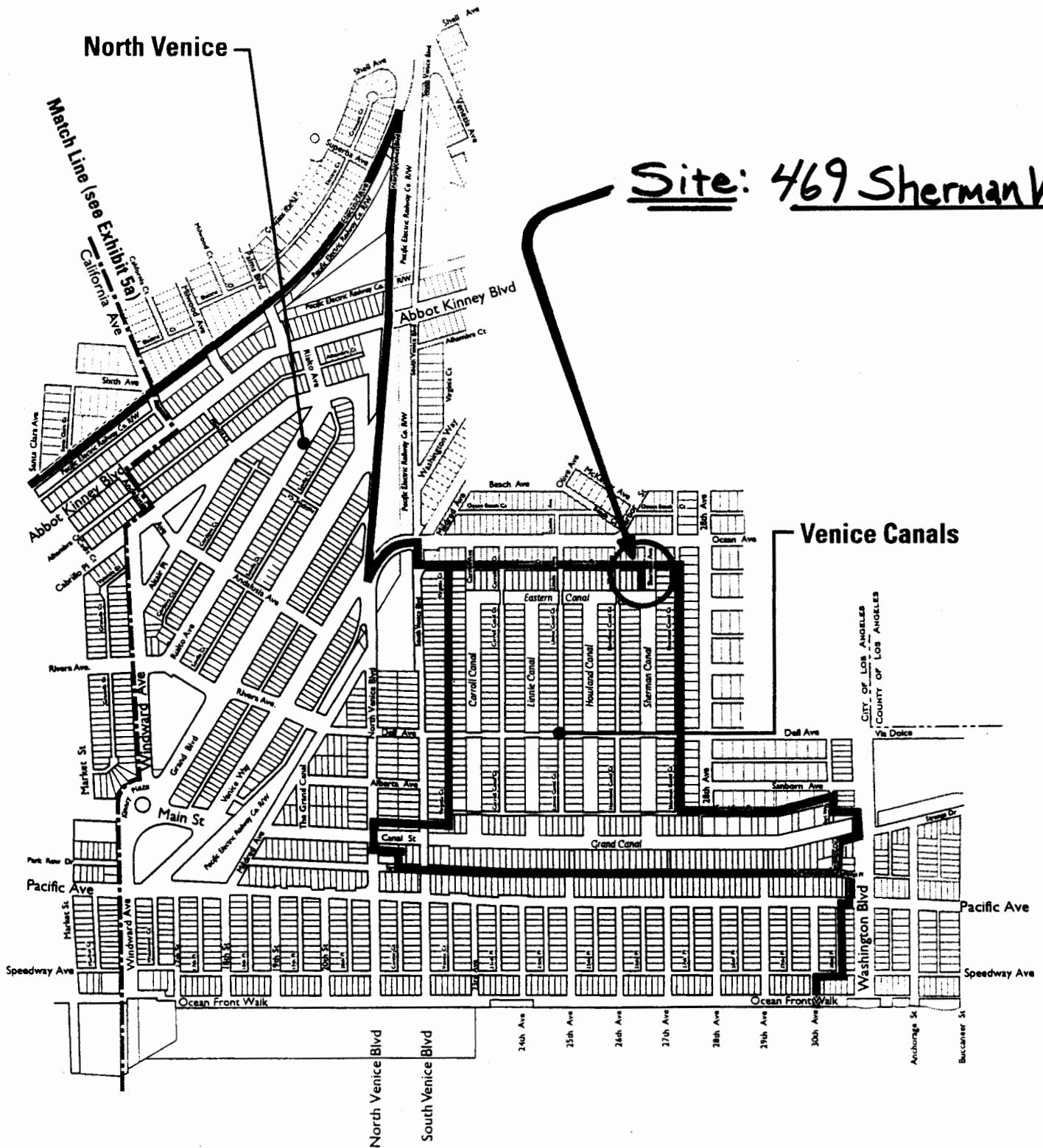


Pacific  
Ocean

Site: 469 Sherman Way

COASTAL COMMISSION  
5-04-394

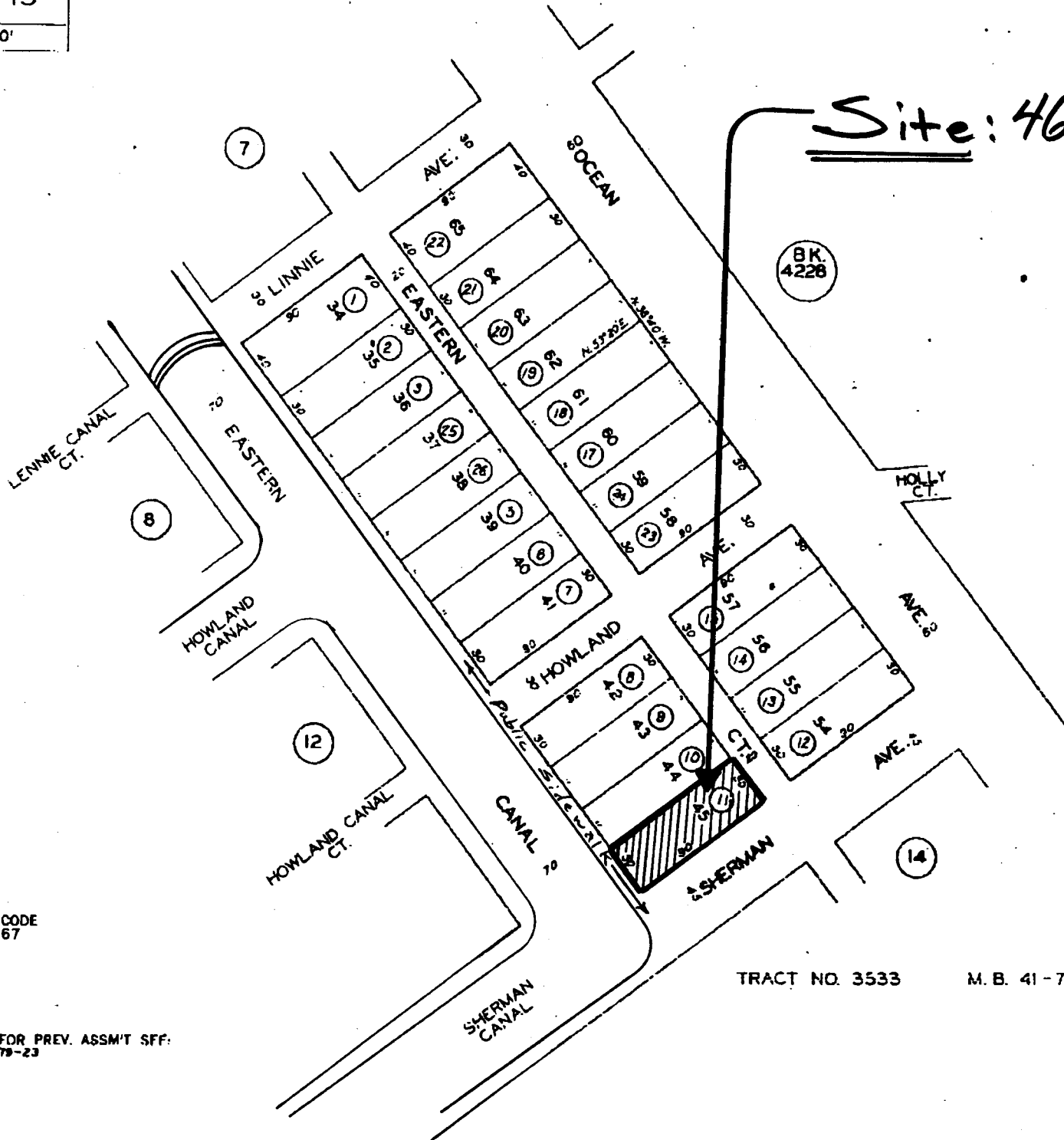
EXHIBIT # 1  
PAGE 1 OF 1



**LUP**  
**Exhibit 5b**  
**Subarea: North Venice • Venice Canals**



Not to Scale  
**COASTAL COMMISSION**  
**5-04-394**  
 EXHIBIT # 2  
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Site: 469 Sherman Avenue

BK. 4228

CODE 67

FOR PREV. ASSM'T SFF: 79-23

TRACT NO. 3533

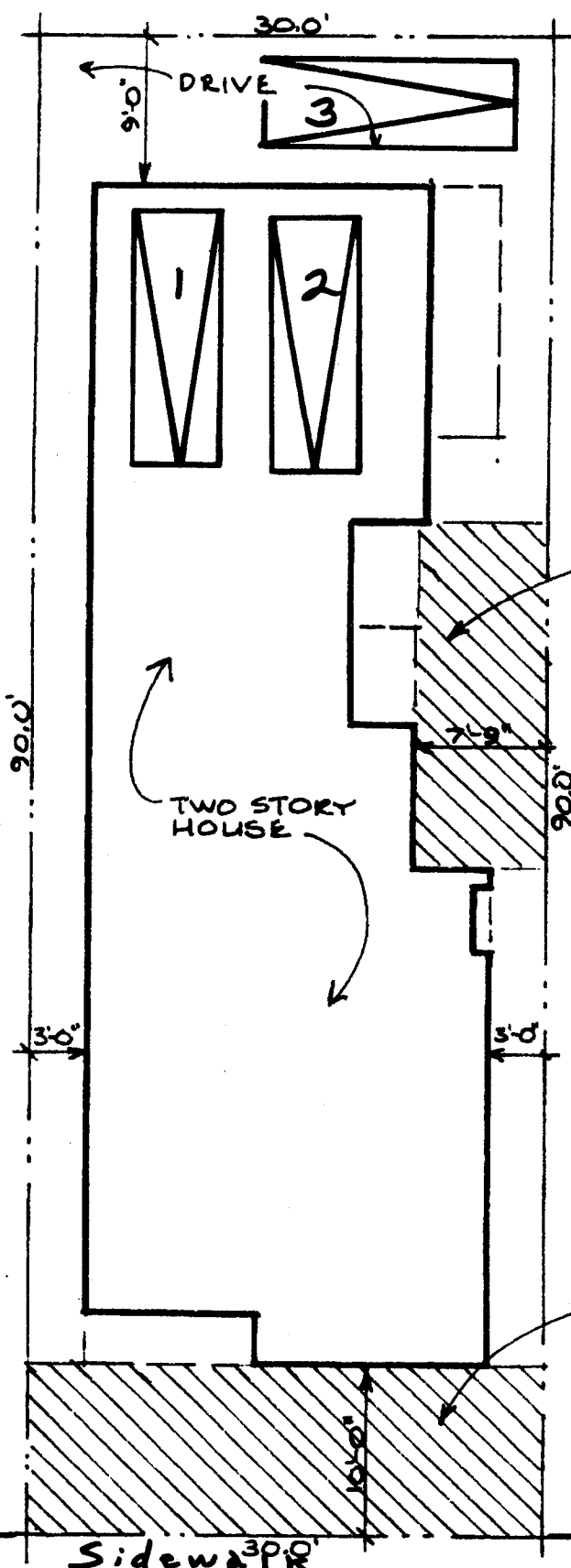
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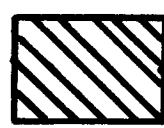
EXHIBIT # 3

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← EASTERN COURT →



450 SQ. FT. PERMEABLE YD.



150 sq. ft.: mid-yard  
 300 sq. ft.: front yard  
450 sq. ft. total

150 SQ. FT. PERMEABLE SIDE YARD

5-04-394

↑ SHERMAN AVENUE ↓

**RECEIVED**  
South Coast Region

OCT 05 2004

CALIFORNIA  
COASTAL COMMISSION

EXISTING 300 SQ. FT. PERMEABLE FRONT YARD

HAIMES ADDITION  
 469 SHERMAN AVE  
 VENICE, CA 90291

Sidewalk 3.0'

← EASTERN CANAL →

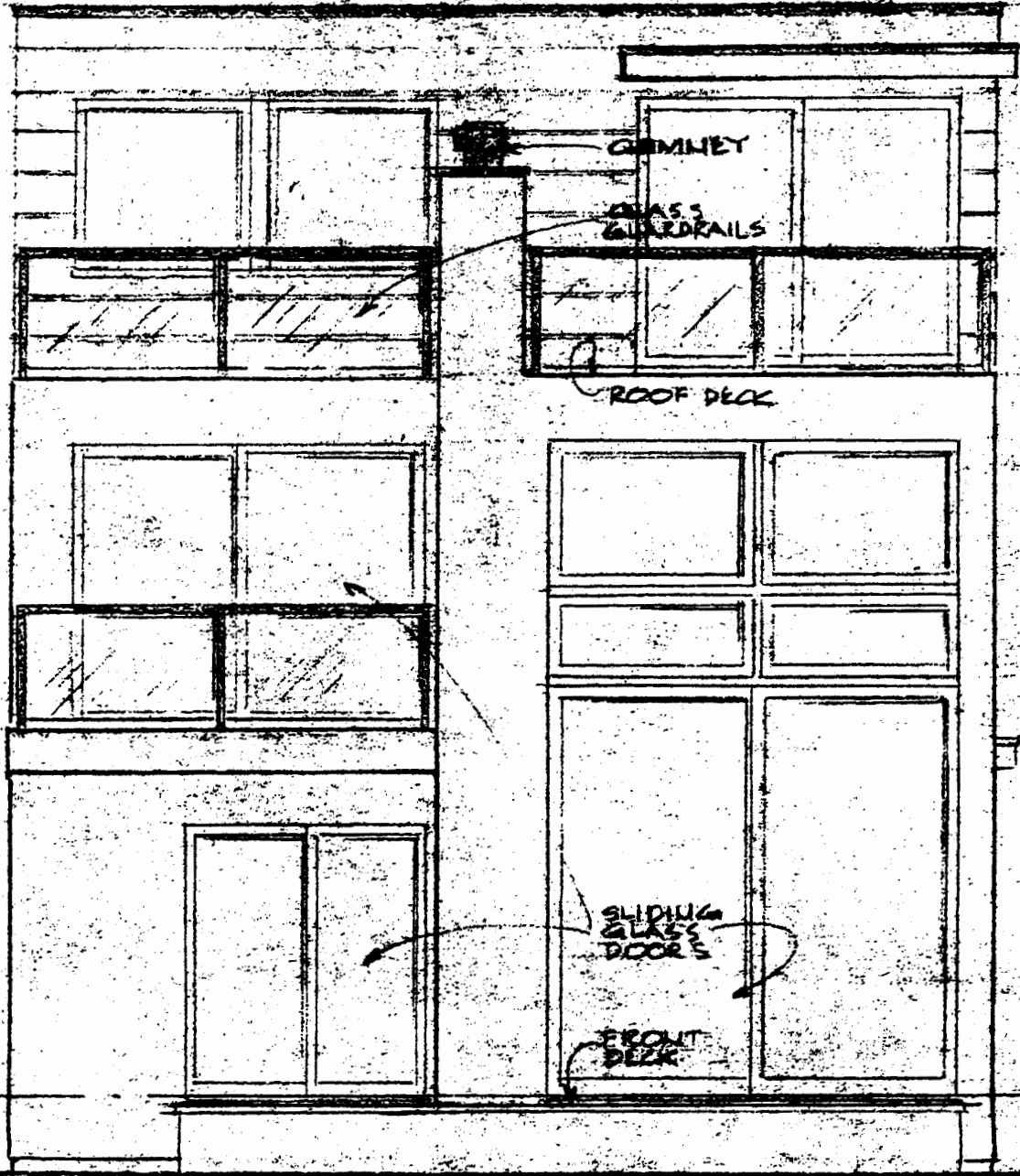
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EXHIBIT # 4

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28.5'  
MAX.



WEST ELEVATION  
(Eastern Canal)

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EXHIBIT # 6  
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