

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 2/23/2006
49th Day: 4/13/2006
180th Day: 8/22/2006
Staff: Charles Posner - LB
Staff Report: 5/25/2006
Hearing Date: June 13, 2006
Commission Action:

**T7a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-05-495

APPLICANT: Yolanda Toussieng

AGENT: Donald L. Thuotte, Architect

PROJECT LOCATION: 242 Linnie Canal, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Major remodel and addition to an existing one-story single-family residence, resulting in a two-story, 29.5-foot high (with 32-foot high roof access structure), 3,685 square foot single-family residence with an attached three-car garage on a canal-fronting lot.

Lot Area	3,800 square feet
Building Coverage	2,297 square feet
Pavement Coverage	464 square feet
Landscape Coverage	1,039 square feet
Parking Spaces	4
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	29.5 feet (plus 32-foot high roof access)

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2005-7947, 11/03/2005.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit 5-84-692 (Hughes: 242 Linnie Canal).
3. Coastal Development Permit 5-94-115 (Schacht: 241 Linnie Canal).
4. Coastal Development Permit 5-01-418 (Jaye: 241 Sherman Canal).
5. Coastal Development Permit Application 5-06-009 (Parkos: 437 Linnie Canal).
6. Coastal Development Permit Application 5-06-095 (Frith/Harbinson: 440 Linnie Canal).

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, retention of a non-conforming front yard setback, permeable yard area, landscaping, parking, building height, drainage and deed restriction. The applicant agrees with the recommendation. **See Page Two for the 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

Note: The following special conditions shall supercede and replace the conditions of Coastal Development Permit 5-84-692.

1. Approved Development - Permit Compliance

Coastal Development Permit 5-05-495 approves the renovation and enlargement of an existing one-story single-family residence with the retention of more than fifty-percent (50%) of the existing exterior walls. The approved development would result in a two-story, 29.5-foot high (with 32-foot high roof access structure), 3,685 square foot single-family residence with an attached three-car garage. 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. Revised Plans – Preservation of Public Parking

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

Dell Avenue Right-of-Way. Vehicular access to the site and garage is permitted only from the rear alley (Linnie Canal Court). Therefore, the proposed garage door facing Dell Avenue shall be deleted so as to avoid the appearance of a private driveway along the Dell Avenue frontage. No development is permitted in the Dell Avenue right-of-way that abuts the eastern side of the project site. Private parking is not permitted on the right-of-way.

The permittee shall undertake development in accordance with the final plans approved by the Executive Director. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Building Setback - Linnie Canal

The existing non-conforming four-foot setback from the front (Linnie Canal) property line is permitted to remain only if the existing structure is maintained in its current footprint. The existing wooden deck is permitted to remain within the four-foot front yard setback area. In no case shall the proposed building addition encroach within thirteen feet of the front (Linnie Canal) property line.

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, an uncovered and permeable yard area totaling no less than fifteen times the width of the site shall be maintained on the project site (in this case, 15'x 40'= 600 square feet). In lieu of providing all 600 square feet of the required permeable yard area within the front yard setback as is required for new houses, 160 square feet shall be provided and maintained within the front yard setback area situated between the structure and the front (Linnie Canal) property line and at least 440 square feet of permeable yard area shall be provided in the proposed courtyard of the property (as generally shown on **Exhibit #4 of the 5/25/06** staff report). Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises) shall be placed in or over the permeable yard area with the exception of fences or garden walls (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). The permeable yard areas may include minimal coverage with impermeable pavers, stones, concrete walkways or other similar ground cover, but in no event shall impermeable materials occupy more than fifteen percent (15%) of the total amount of the required permeable yard area. The existing wooden deck is permitted to remain in the front yard setback area. 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 Eleven below**, the applicant 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 and dimensions of the required permeable yard areas, in accordance with the general description of that area in **Exhibit #4 of the 5/25/06** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

5. Termite Inspection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 applicant 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.

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 applicant 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 applicant 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 applicant to remain, the applicant shall submit a complete amendment application or a complete application for a new coastal development permit. 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 applicant submits 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).

7. Landscaping

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

8. Building Height

No development is authorized within four feet of the fronting canal property line (Linnie Canal) and within or above the required 600 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. One roof access structure, with a footprint less than one hundred square feet, may exceed the thirty-foot height limit by two feet as shown on **Exhibit #7 of the 5/25/06** staff report.

9. Parking and Residential Density

The permitted use of the approved structure is a single-family residence. A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage, and the third required space on the driveway apron. Any proposed change in the number of residential units, change in number of on-site parking spaces, 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.

10. 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, a drainage plan which provides 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 property which 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 permittee and all successors in interest shall construct and maintain the development consistent with the drainage plans approved by the Executive Director.

11. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has 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.

The deed restriction required by this permit, once recorded, shall supercede and replace the deed restriction originally required by Coastal Development Permit 5-84-692. The terms and conditions of the deed restriction originally required by Coastal Development Permit 5-84-692 shall be rescinded upon the recording of the deed restriction required by this permit amendment.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to remodel and add onto an existing one-story single-family residence on a canal-fronting lot, resulting in a two-story, 29.5-foot high (with one 32-foot high roof access structure), 3,685 square foot single-family residence with an attached three-car garage. The existing house has about 1,408 square feet of enclosed floor area. The proposed project consists of the following:

- Construct a new 2,028 square foot second floor over the existing one-story, 1,408 square foot house and detached two-car garage. The proposed second story is set back thirteen feet from the canal property line (Exhibit #5).
- Connect the existing detached garage to the house by adding 249 square feet to the ground floor (Exhibit #5).
- Enlarge the existing two-car garage into a three-car garage. The existing garage is accessed from Linnie Canal Court, the rear alley (Exhibit #4).

The project site is a forty-foot wide, 3,800 square foot lot situated on the south bank of Linnie Canal in the Venice Canals residential area (Exhibit #3). 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. In 1985, the Commission issued Coastal Development Permit 5-84-692 (Hughes) for a remodel and addition to the existing one-story structure.

The existing house, built in 1924, does not conform to the current ten-foot front yard minimum setback requirement, as it is set back only four feet from the front (Linnie Canal) property line (Exhibit #5). Instead of removing part of the existing house in order provide the minimum ten-foot front yard setback, the applicant proposes to maintain the existing non-conforming front yard setback as part of the proposed remodel project. The proposed new second floor conforms to the current setback requirement, as it is set back thirteen feet from the front (Linnie Canal) property line (Exhibit #5).

The Commission has approved several home remodel projects in the Venice Canals neighborhood with existing non-conforming setbacks (i.e., without requiring the removal of part of the existing house in order provide the ten-foot minimum front yard setback). [See Coastal Development Permits 5-94-115 (Schacht) & 5-01-418 (Jaye)]. In order to qualify as a remodel, however, the existing structure must actually be retained within the proposed project. The existing structure cannot be demolished, or the development must conform with the current building setback requirements. A project that removes more than fifty-percent (50%) of the existing structure's exterior walls is considered to be demolition and new construction, rather than a remodel. Any new construction is required to conform with the current building setback requirements.

The proposed project plans show that more than fifty-percent (approximately 79%) of the exterior walls of the existing one-story single-family residence will remain in place during the proposed remodel project. Several of the interior walls within the existing house would be removed, and new ones added, as part of the proposed project. One wall of the existing detached one-story garage is being removed as part of the proposed garage expansion (from two to three cars). The applicant is required, by conditions of this permit, to verify that the proposed project is truly a remodel that maintains at least fifty-percent (50%) of the structure's existing exterior walls. If exterior walls are removed (or must be removed due to the deteriorated state of the walls) which were proposed by the applicant to remain, the applicant shall stop work and submit a new application. As conditioned, the proposed remodeled house is permitted to maintain the non-conforming four-foot front yard setback on the ground floor.

The proposed project provides four on-site parking spaces (a three-car garage plus one space on the driveway apron); one more than is required for a single-family residence by the policies of the certified Venice Land Use Plan (LUP). Vehicular access to the garage is proposed from both Dell Avenue and the rear alley (Linnie Canal Court). Vehicular access to the property is permitted only from the rear alley. Vehicular access from Dell Avenue is not permitted because a new driveway off of Dell Avenue would displace informal public parking on the shoulder of the Dell Avenue right-of-way, or the parkway landscaping on the right-of-way, or both. In any case, the reservation of a private parking space on the public right-of-way is not permitted, by either the paving of a driveway or by the posting of private signs. Therefore, a condition requires the applicant to delete the proposed garage access from Dell Avenue.

The certified Venice LUP requires that each new canal-front house maintain a permeable yard area equal to fifteen times the width of the lot between the canal property line and the front of the house (in this case: 15'x 40'= 600 sq.ft.). The objective of the permeable yard requirement is to improve water quality by limiting the amount of impervious ground cover (e.g., homes, patios, walkways) adjacent to the canals and to provide an area on each lot where runoff can be filtered naturally before it is discharged in to the canals. Existing homes, when obtaining a permit for a remodel or addition, must also provide the required permeable yard area, but not always in the front yard. For remodel projects, the Commission allows part of the permeable yard area to be provided on other portions of the lot when the front yard of the existing house cannot provide the entire amount. In this case, the applicant proposes to maintain the existing four-foot deep front yard as a permeable yard area (160 square feet) and provide the remainder of the required permeable yard area in the proposed courtyard (Exhibit #4). Therefore, in lieu of providing all 600 square feet of the required permeable yard area within the front yard as is required for new houses, the applicant is required to provide and maintain the 160 square feet within the front yard setback area situated between the structure and the front (Linnie Canal) property line, and the other 440 square feet of permeable yard area in the courtyard (as generally shown on **Exhibit #4 of the 5/25/06** staff report).

The proposed project, with its 27-foot high roof, conforms to the thirty-foot height limit for the Venice Canals neighborhood. The proposed 32-foot high roof access structure, with a 98 square foot footprint, is part of the structure that is permitted to exceed the roof height limit.

As conditioned, the proposed project is consistent with community character, and will have no negative effects on visual resources, water quality 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 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.

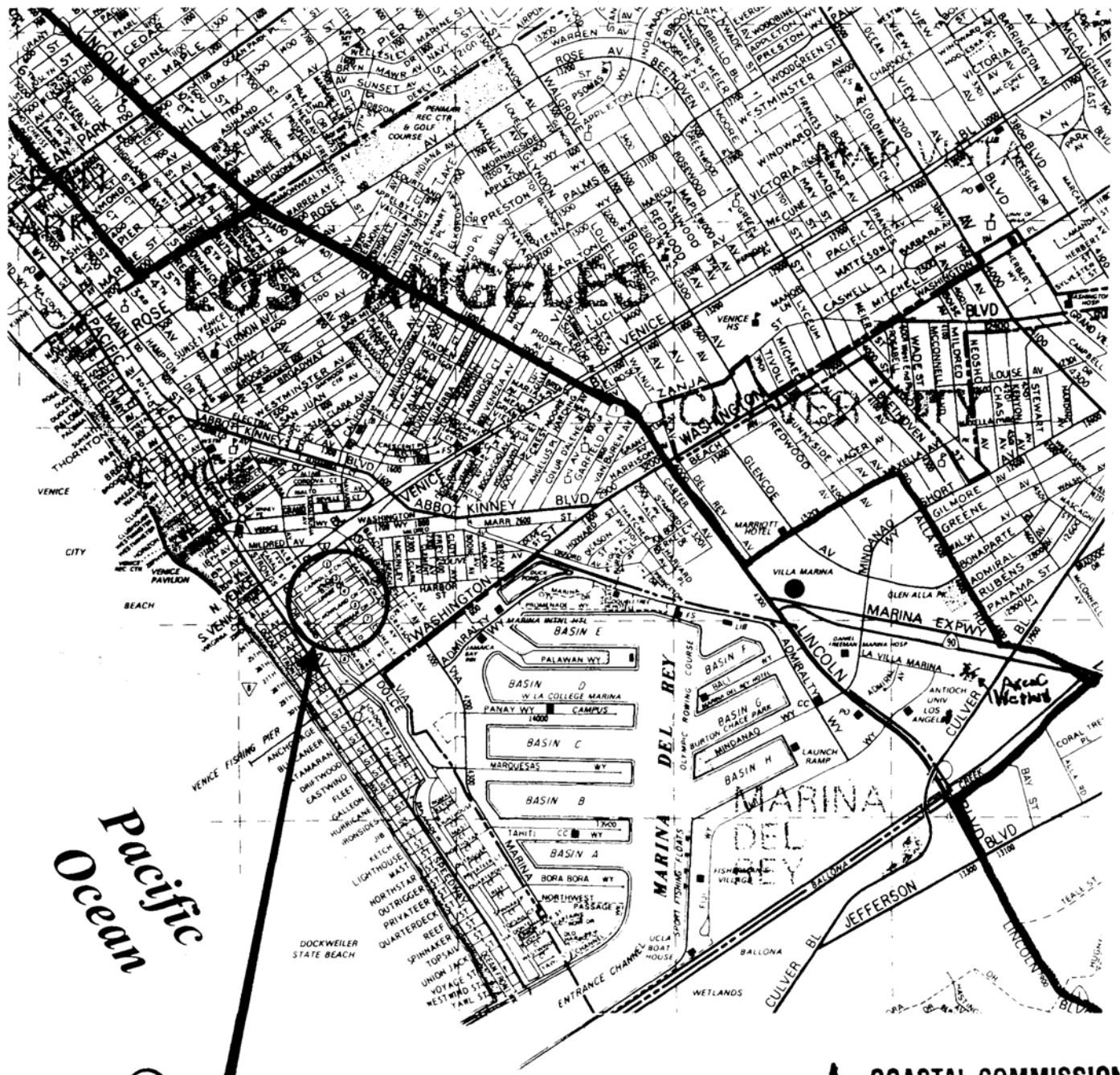
H. Local Coastal Program

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: Venice Canals

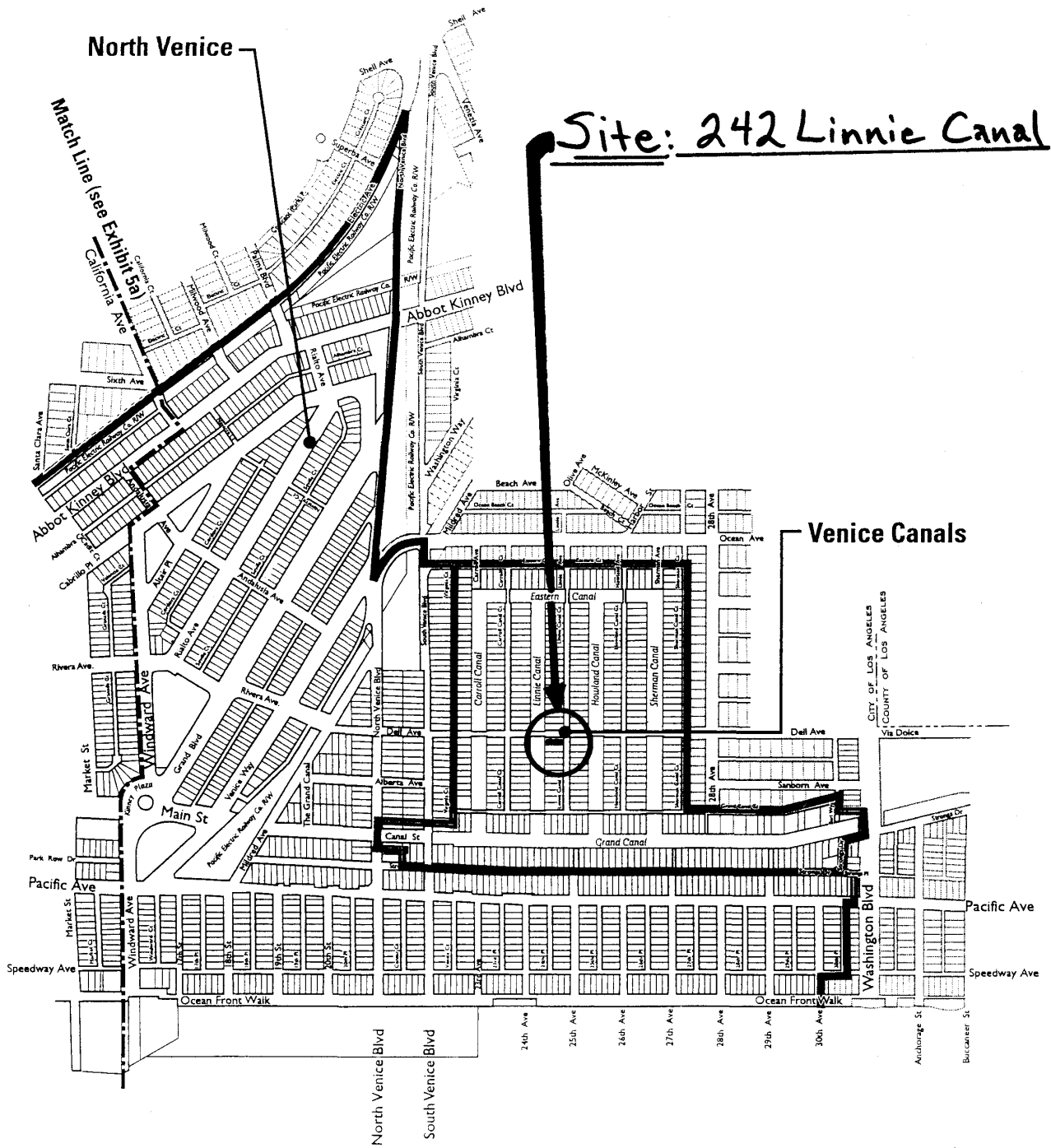


COASTAL COMMISSION

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EXHIBIT # 1

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LUP
 Exhibit 5b
 Subarea: North Venice • Venice Canals



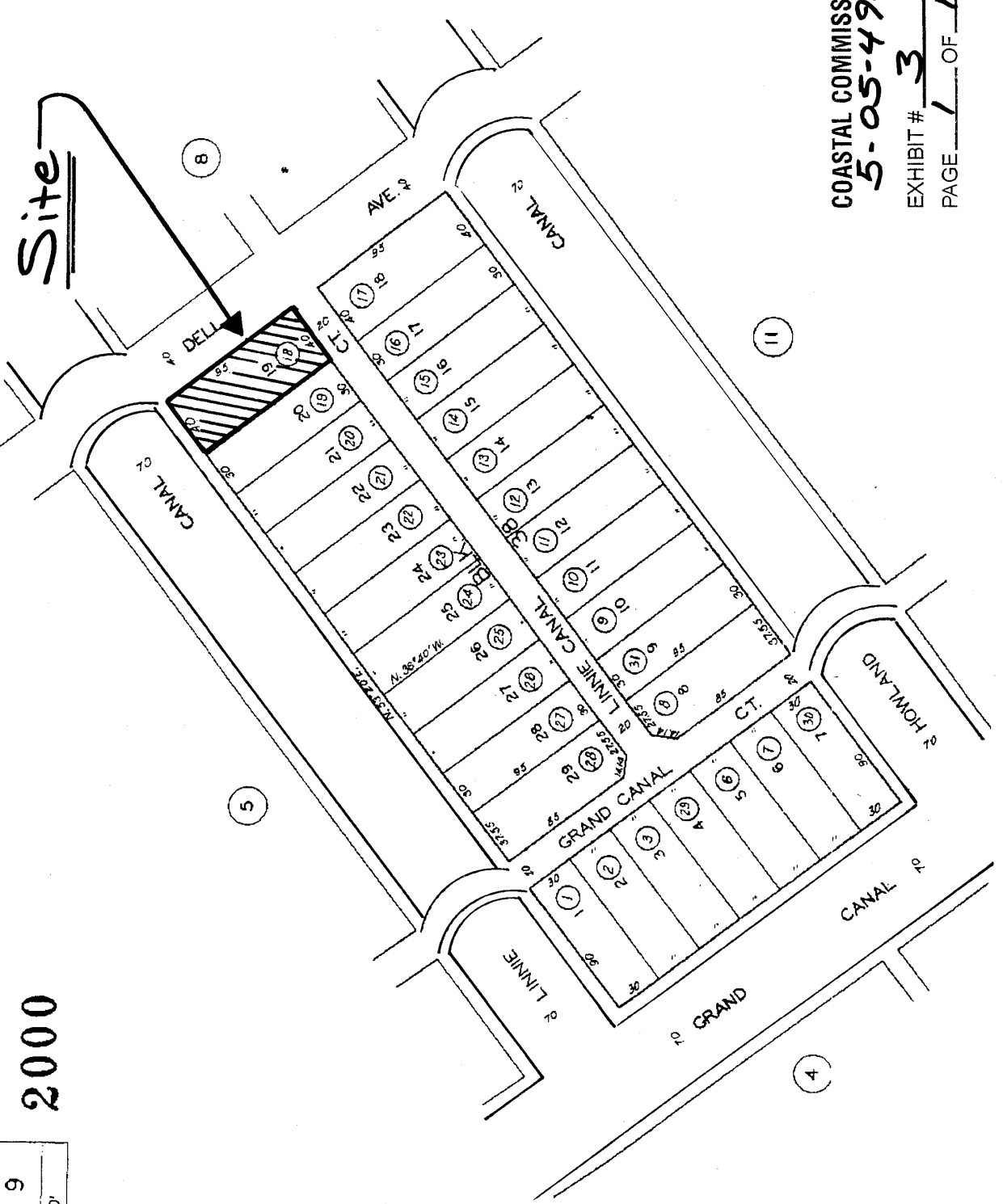
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EXHIBIT # 2
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County of Los Angeles: Rick Auerbach, Assessor

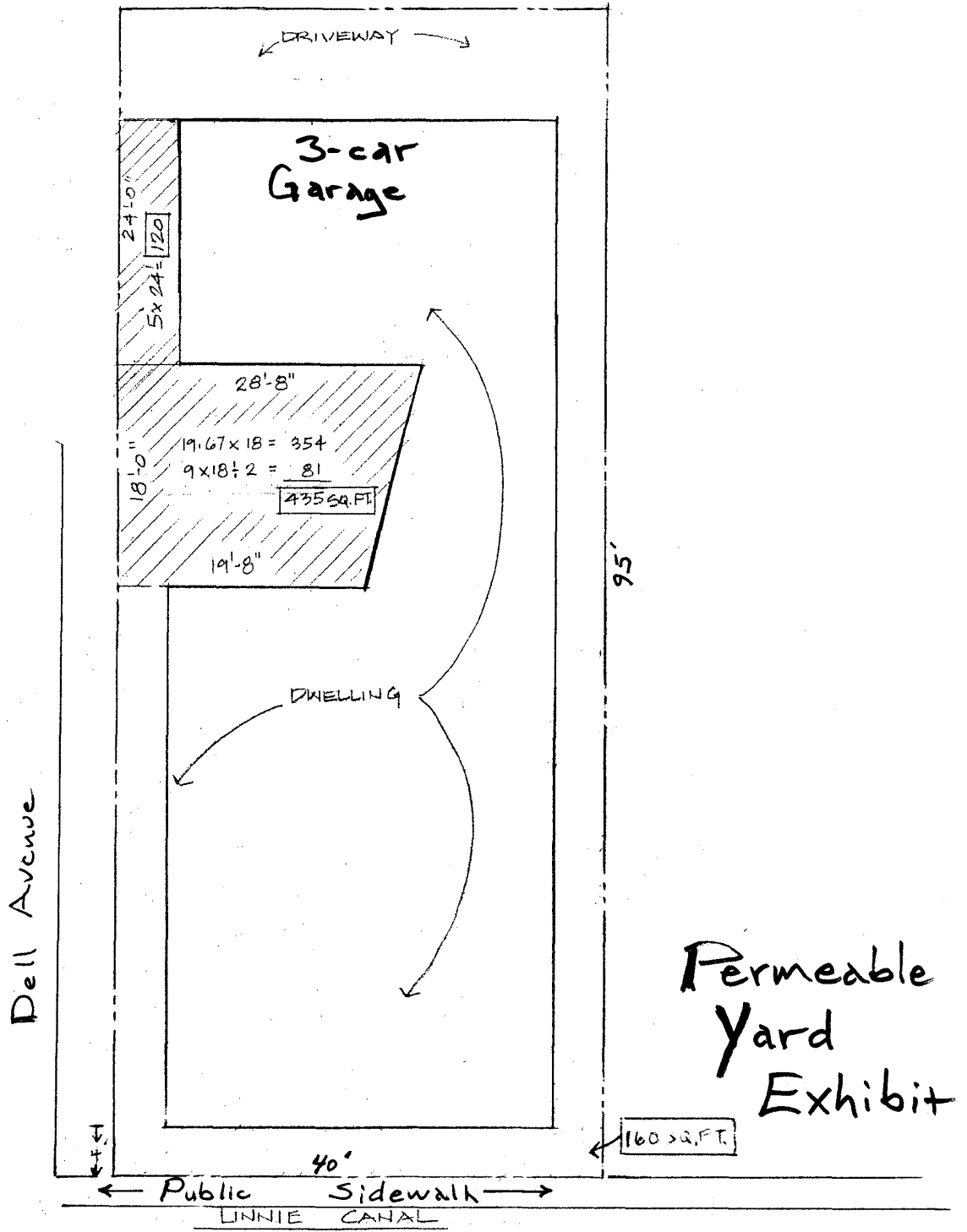
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SCALE 1" = 60'

2000



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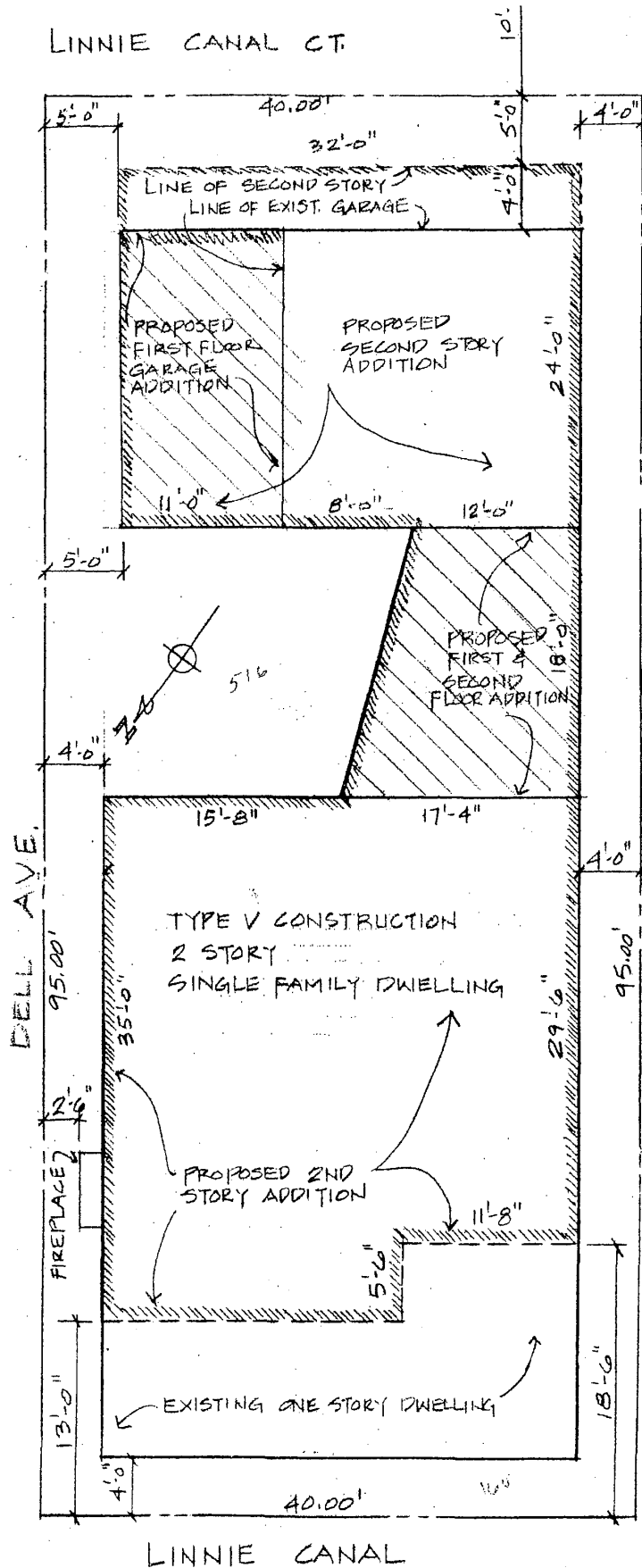
LINNIE CANAL CT.



Permeable
Yard
Exhibit

PERMIABLE YARD AREA	
FRONT YARD	160 SQ. FT.
COURTYARD	435 SQ. FT.
LEFT SIDE YARD	120 SQ. FT.
TOTAL	600+ SQ. FT. <u>Minimum</u>

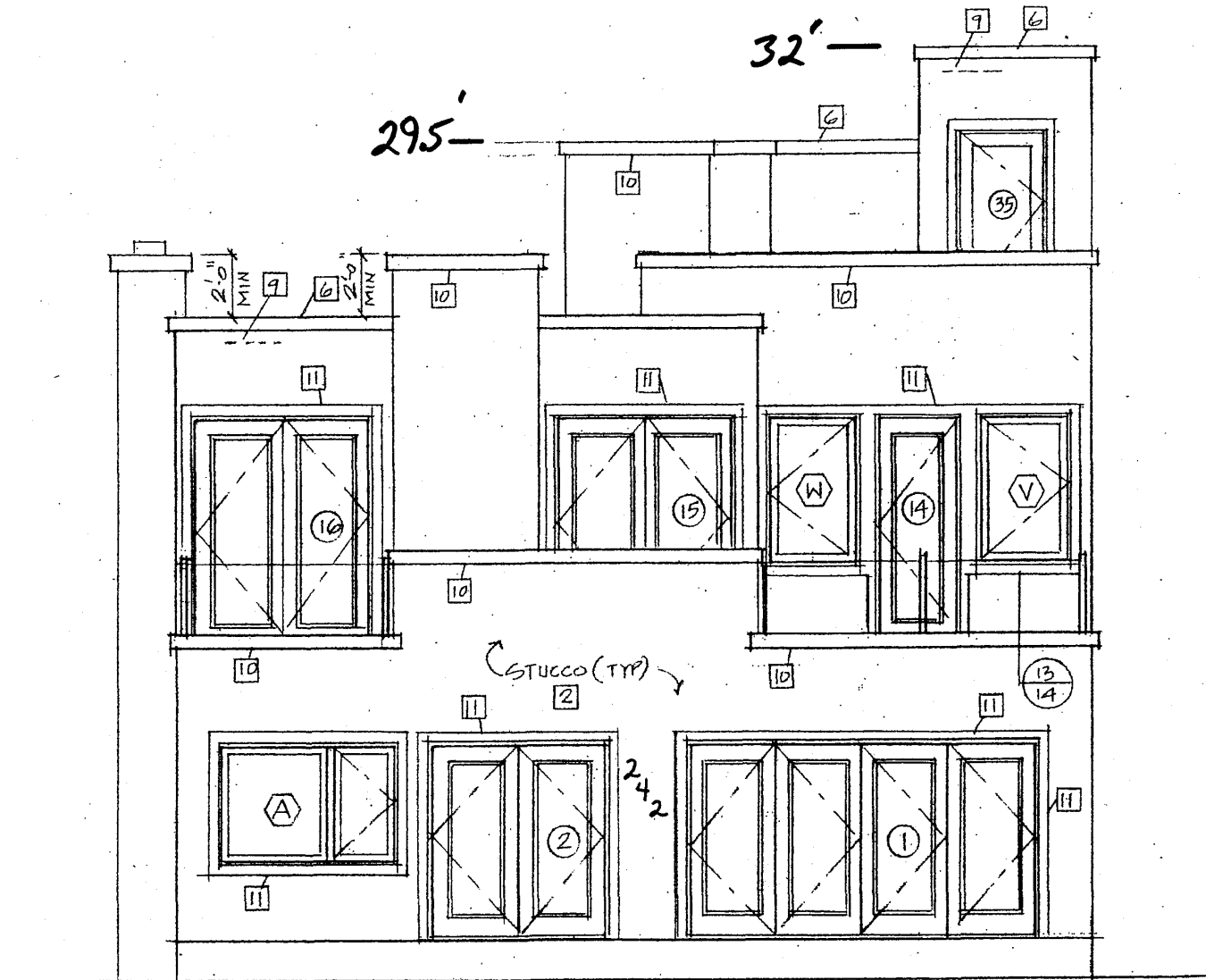
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EXHIBIT # 5

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FRONT ELEVATION (NORTH)

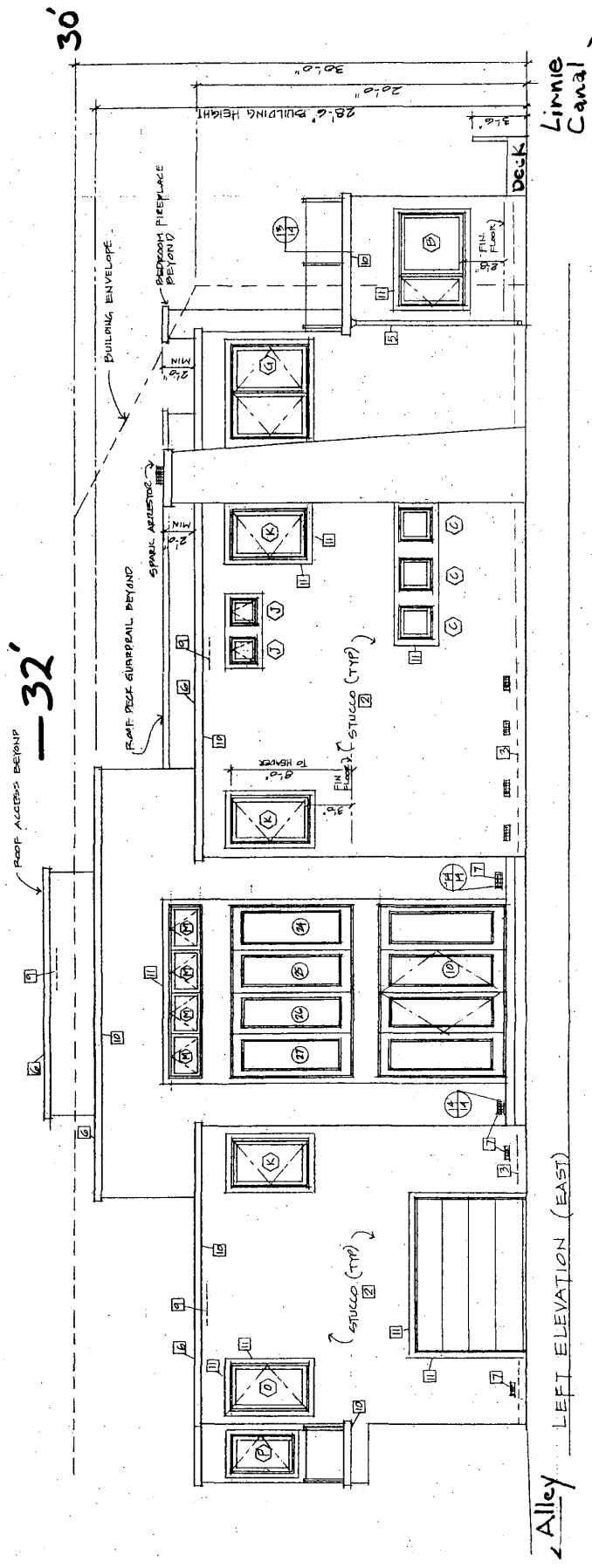
Linnie Canal Frontage

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EXHIBIT # 6

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Dell Avenue Frontage