

CALIFORNIA COASTAL COMMISSION

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Filed: 3/9/2006
49th Day: 4/27/2006
180th Day: 9/5/2006
Staff: Charles Posner - LB
Staff Report: 5/25/2006
Hearing Date: June 13, 2006
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-06-095**APPLICANTS:** Sara Frith & Patrick Harbinson**AGENT:** Jim Gelfat, Equinox Architecture Inc.**PROJECT LOCATION:** 440 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, 27-foot high, 1,903 square foot single-family residence with an attached two-car garage on a canal-fronting lot.

Lot Area	2,850 square feet
Building Coverage	1,663 square feet
Pavement Coverage	629 square feet
Landscape Coverage	558 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	27 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2006-1422, 2/27/2006.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit 5-01-418 (Jaye – 241 Sherman Canal).
3. Coastal Development Permit Application 5-05-495 (Toussieng – 242 Linnie Canal).
4. Coastal Development Permit Application 5-06-009 (Parkos – 437 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 permeable yard area, density, parking, building height, drainage, permit compliance and deed restriction. The applicants agree 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

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 fifteen times the width of the site shall be maintained on the project site (in this case, 15'x 30'= 450 square feet). 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, 335 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 115 square feet of permeable yard area shall be provided elsewhere on the site. 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.

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 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 and dimensions of the required permeable yard areas, in accordance with the general description of that area in **Exhibit #5 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.

2. 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. The use of pesticides and herbicides is prohibited in the front yard permeable yard area required by Special Condition One.

3. Parking & 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 as shown on **Exhibit #5 of the 5/25/06** staff report. 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.

4. Building Height

No development is authorized within ten feet of the fronting canal property line (Linnie Canal) and within or above the required permeable front yard area, except as described in Special Condition One 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. This permit approves no roof access structure.

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, a drainage plan that 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) All runoff leaving the site shall be directed 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.

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 must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

7. 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 one-story single-family residence on a canal-fronting lot, resulting in a two-story, 27-foot high, 1,903 square foot single-family residence with an attached two-car garage. The existing house has about 1,259 square feet of enclosed floor area. The proposed project consists of the following:

- Remove 191 square feet from the front of the existing house (that portion nearest the canal) in order to bring the structure into conformance with the ten-foot minimum front yard setback requirement (Exhibits #4&5).
- Remove eighty square feet from the rear of the existing house in order to provide all 450 square feet of required permeable yard area on the project site (Exhibits #4&5).
- Add 835 square feet of living area (including a new 735 square foot second floor) and a new two-car garage onto the rear of the existing one-story house (Exhibit #5). The attached garage is accessed from Linnie Canal Court, the rear alley.
- Several of the interior walls within the existing house would be removed, and new ones added, as part of the proposed renovation project.

The project site is a thirty-foot wide, 2,850 square foot lot situated on the south bank of Linnie Canal in the Venice Canals residential area (Exhibit #3). The Venice Canals neighborhood, where the proposed project is located, 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 (Exhibit #3).

The proposed project, with its 27-foot high roof, conforms to the thirty-foot height limit for the area. The proposed project also provides the required three on-site parking spaces: two in the garage and one on the driveway apron (Exhibit #5).

As proposed, the renovation project will bring the structure into conformance with the current minimum building setback that is applicable to new residences in the Venice Canals neighborhood. The City of Los Angeles Venice Specific Plan and the certified Venice Land Use Plan (LUP) require a minimum building setback of ten feet (from the canal property line). The proposed project will provide a ten-foot front yard setback by removing 191 square feet from the front of the existing house (Exhibits #4&5).

The certified Venice LUP also 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 30'= 450 sq.ft.). Existing homes, when obtaining a permit for a renovation or addition, must also provide the required permeable yard area, but not always in the front yard. For renovation 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 applicants propose to remove the front portion of the house in order to provide a 335 square foot permeable yard in the front yard setback area (Exhibit # 5). Therefore, in lieu of providing all 450 square feet of the required permeable yard area within the front yard as is required for new houses, the applicants are providing 335 square feet within the front yard setback area situated between the structure and the front (Linnie Canal) property line, and the other 115 square feet of permeable yard area is proposed to be provided in the courtyard near the rear entrance (as generally shown on **Exhibit #5 of the 5/25/06** staff report).

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.

Therefore, since the proposed project complies with the Commission's current minimum ten-foot building setback standard and the applicants are not requesting to maintain any non-conforming development within the ten-foot front yard on the site, it does not matter that approximately fifty percent of the existing structure's walls will be demolished. Most of the proposed demolition involves the removal of the front of the house in order to provide the required front yard setback between the house and the canal property line. The applicants may remove more than fifty percent of the existing structure as long as the resulting single-family residence conforms with the conditions of this permit and the final approved plans.

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.

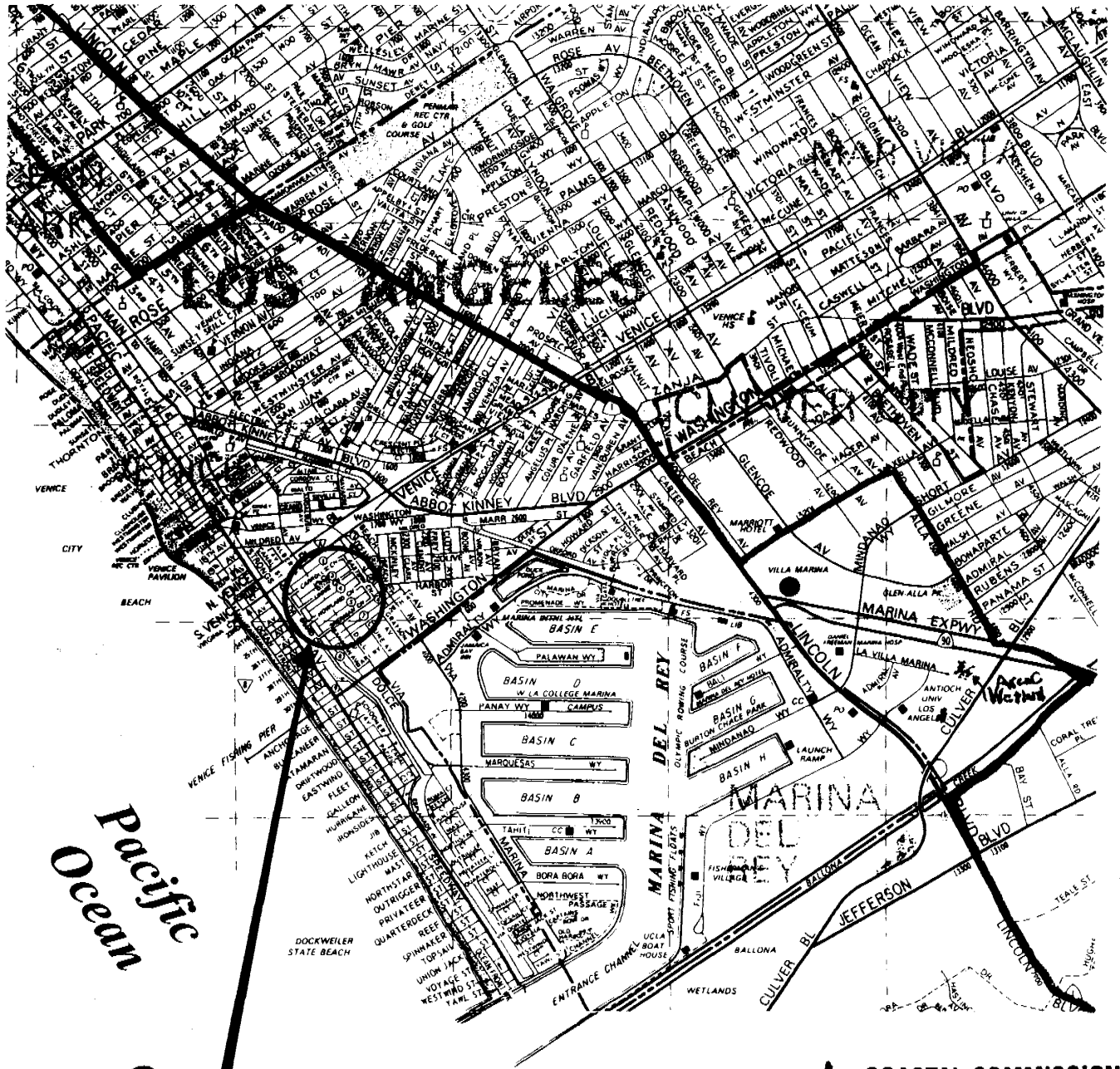
H. Local Coastal Program

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



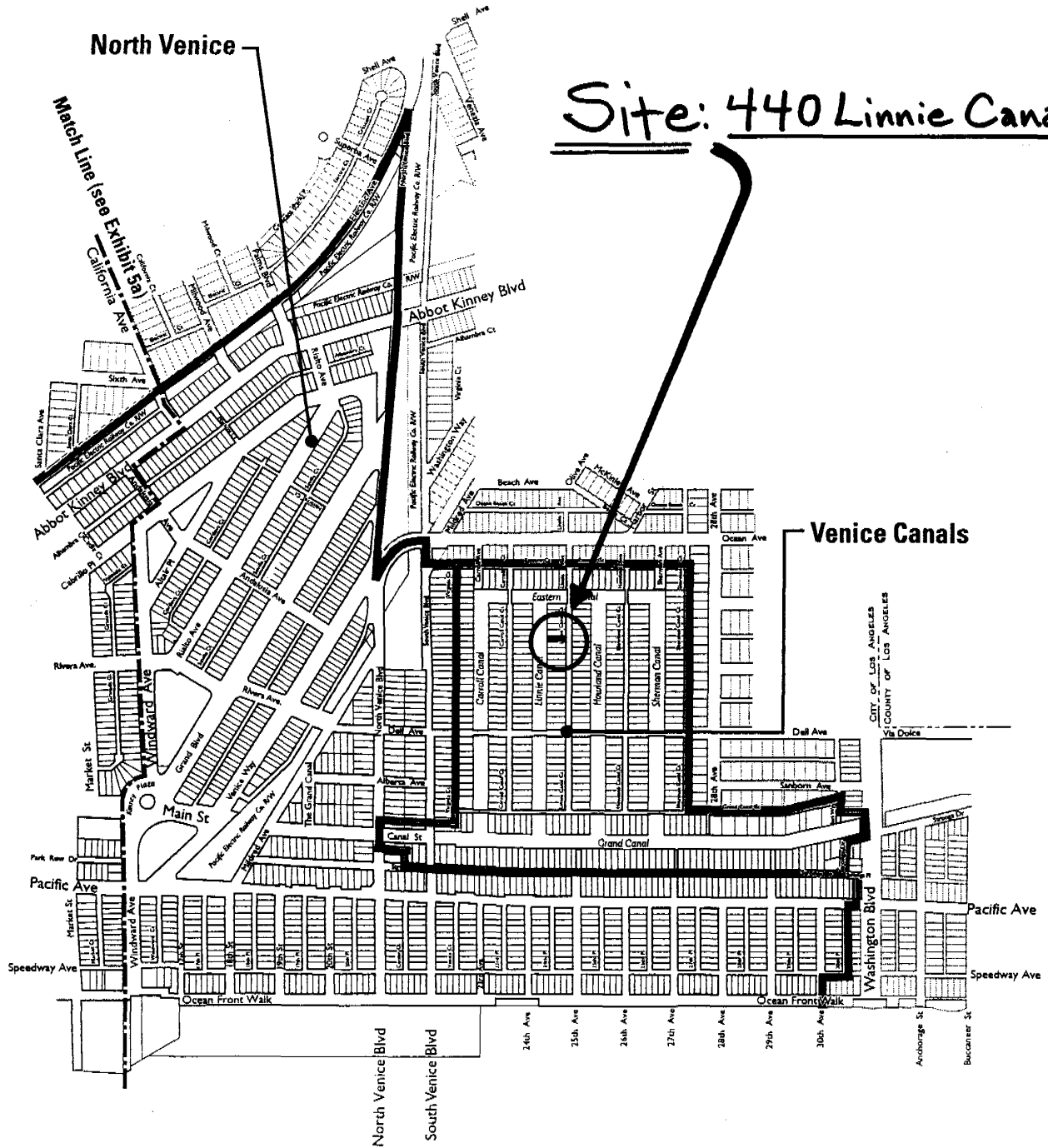
Pacific
Ocean

Site: Venice Canals

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EXHIBIT # 1
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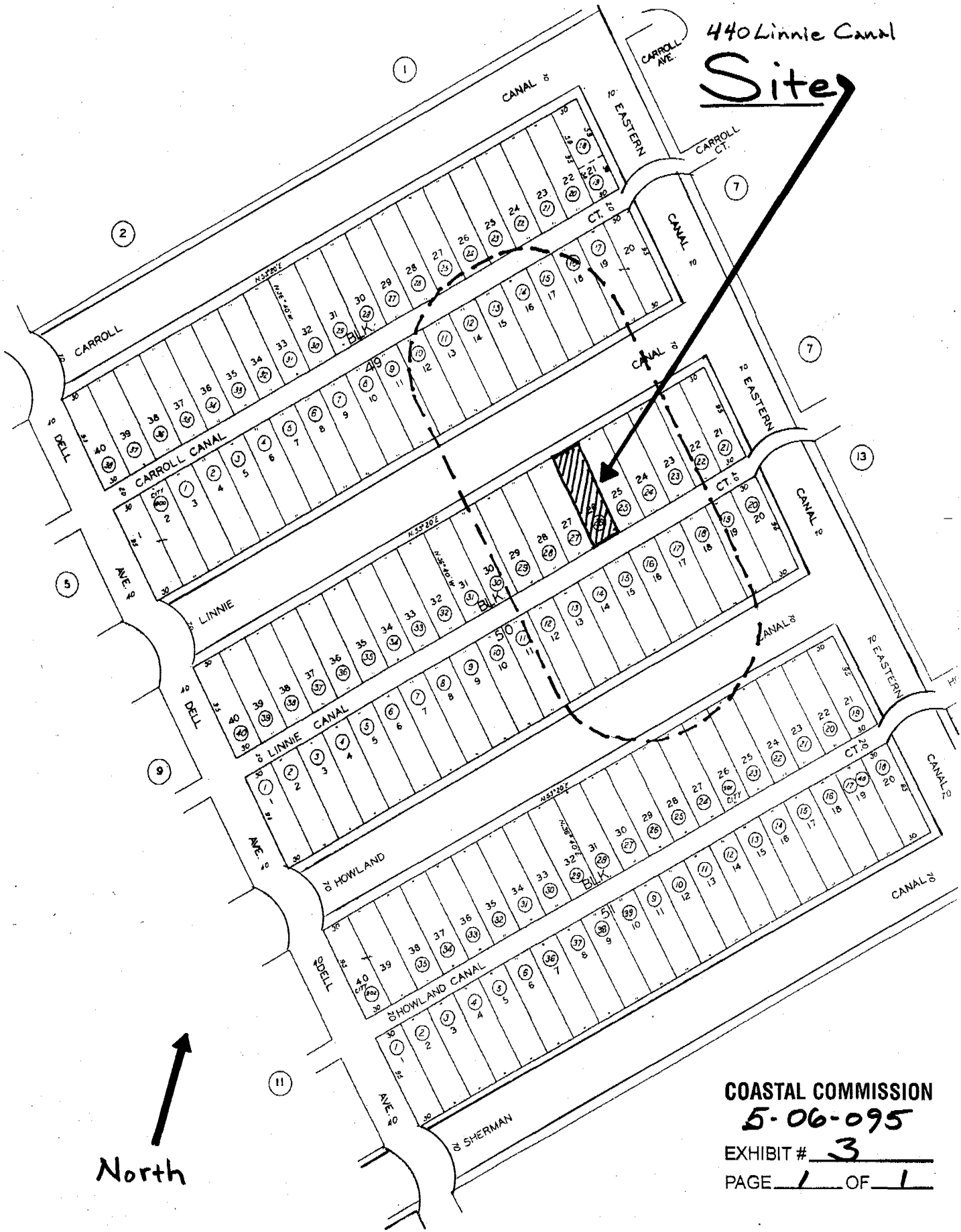


Site: 440 Linnie Canal

LUP
Exhibit 5b
Subarea: North Venice • Venice Canals


 Not to Scale
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 EXHIBIT # 2
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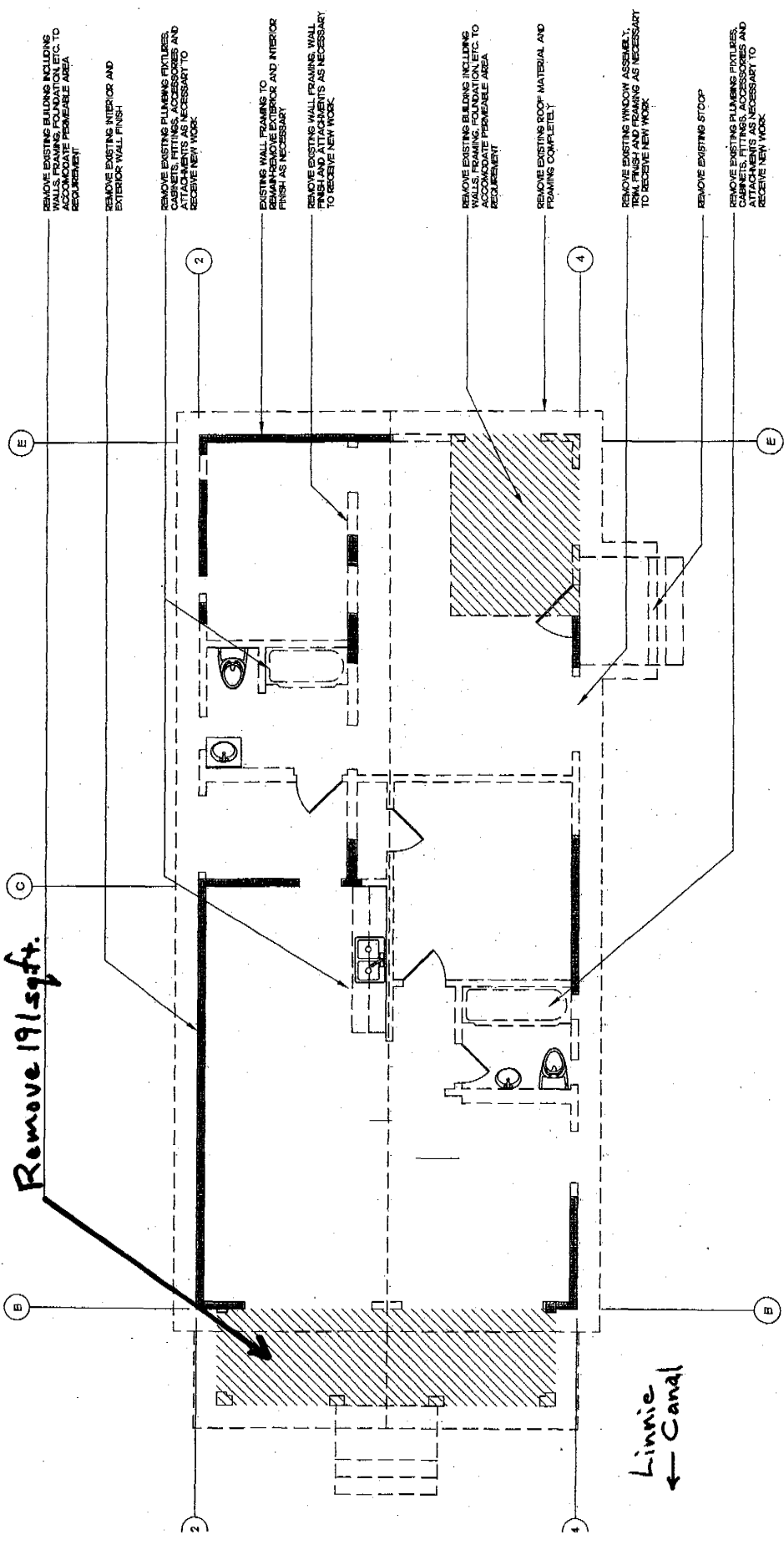
440 Linnie Canal
Site



North

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EXHIBIT # 3
PAGE 1 OF 1

Remove 191sqft.



REMOVE EXISTING BUILDING INCLUDING
WALLS, FLOORING, CEILING, ETC. TO
ACCOMMODATE PERMISSIBLE AREA
REQUIREMENT

REMOVE EXISTING INTERIOR AND
EXTERIOR WALL FINISH

REMOVE EXISTING PLUMBING FIXTURES,
CABINETS, FITTINGS, ACCESSORIES AND
ATTACHMENTS AS NECESSARY TO
RECEIVE NEW WORK

EXISTING WALL FRAMING TO
REMAIN REMOVE EXTERIOR AND INTERIOR
FINISH AS NECESSARY

REMOVE EXISTING WALL FRAMING, WALL
FINISH AND ATTACHMENTS AS NECESSARY
TO RECEIVE NEW WORK

REMOVE EXISTING BUILDING INCLUDING
WALLS, FRAMING, FOUNDATION ETC. TO
ACCOMMODATE PERMISSIBLE AREA
REQUIREMENT

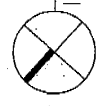
REMOVE EXISTING ROOF MATERIAL AND
FRAMING COMPLETELY

REMOVE EXISTING WINDOW ASSEMBLY,
TRIM, FINISH AND FRAMING AS NECESSARY
TO RECEIVE NEW WORK

REMOVE EXISTING STOOP

REMOVE EXISTING PLUMBING FIXTURES,
CABINETS, FITTINGS, ACCESSORIES AND
ATTACHMENTS AS NECESSARY TO
RECEIVE NEW WORK

DEMOLITION PLAN

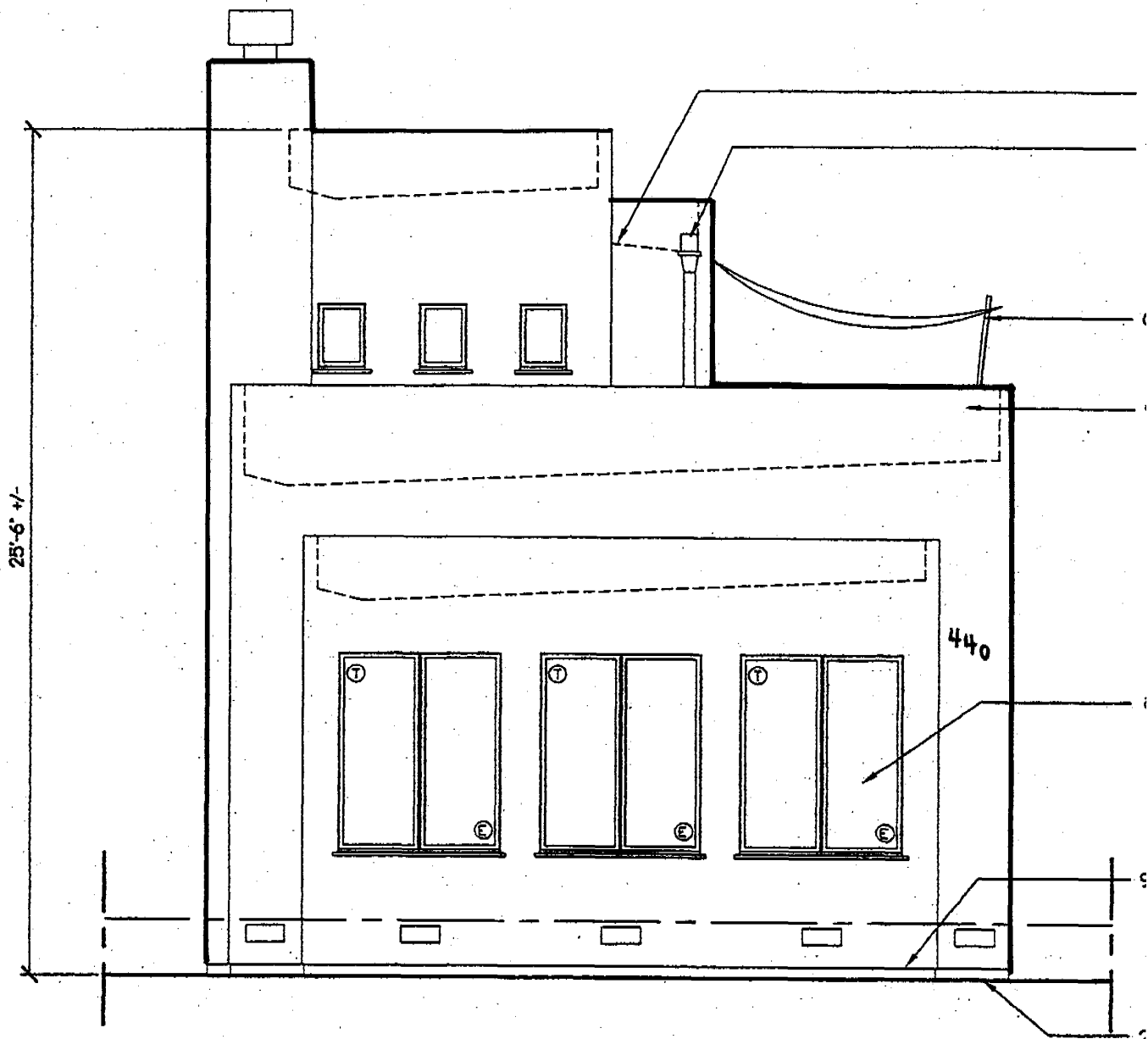


Linnie
← Canal

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EXHIBIT # 4

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NORTHWEST ELEVATION

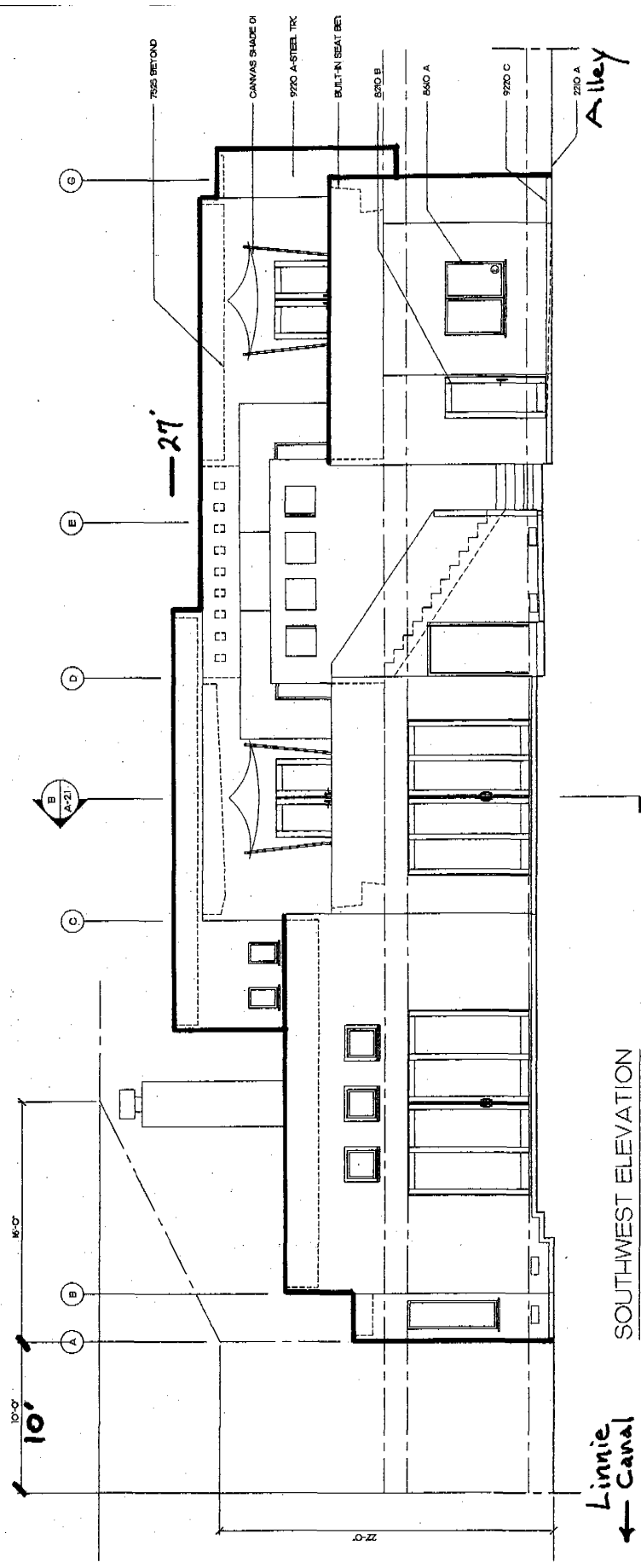
Linnie Canal

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EXHIBIT # 6

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 EXHIBIT # 7
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