

CALIFORNIA COASTAL COMMISSION

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Hearing Date: May 7, 2008
Commission Action:



W13c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-08-053

APPLICANT: Steffan Fantini **AGENT:** Howard Robinson

PROJECT LOCATION: 230 Linnie Canal, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Major remodel and addition to an existing one-story, 738 square foot duplex on a canal-fronting lot, resulting in a three-level, thirty-foot high (with 39-foot high roof access structure), 3,851 square foot duplex with an attached two-car garage. The project includes partial demolition of less than 50% of the existing exterior walls.

Lot Area	2,831 square feet
Building Coverage	1,514 square feet
Pavement Coverage	755 square feet
Landscape Coverage	562 square feet
Parking Spaces	4
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet (plus 39-foot high roof access)

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2008-0209-VSO, 1/17/2008.

SUMMARY OF STAFF RECOMMENDATION

The proposed project involves the enlargement of an existing one-story, 738 square foot duplex into a three-level, 3,851 square foot duplex. The project's density (two-units) does not conform to the current single-family density limit in the Venice Canals residential neighborhood. Although the proposed project would extend the non-conforming density on the site (the site has a single-family land use designation), staff is recommending that the Commission approve a permit for the proposed project because: a) the project is a renovation and not a new building (according to the submitted project plans, slightly more than fifty-percent of the existing building's exterior walls will be retained in the renovated structure), b) the existing parking deficiency on the site will be reduced with the provision of two additional on-site parking spaces for a total of four on-site parking spaces, and c) the proposed project conforms to the height limit for the area and includes the provision of the required 450 square foot permeable front yard area adjacent to the canal.

Staff is recommending **APPROVAL WITH CONDITIONS**. The applicant agrees with the staff recommendation. **See Page Two for the motion.** The recommended special conditions of approval would ensure that: a) the applicant will not retain any rights to the non-conforming

density unless more than fifty-percent of the exterior walls of the existing building remain in place during the project, b) the on-site parking supply will be increased to four parking spaces, and c) the required 450 square foot permeable front yard area will be provided adjacent to the canal. The recommended special conditions also address building height, the protection of water quality, landscaping, building height, permit compliance and the recording of a deed restriction.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. Coastal Development Permit 5-01-327 (Storey – 428 Linnie Canal).
3. Coastal Development Permit 5-01-418 (Jaye - 241 Sherman Canal).
4. Coastal Development Permit 5-04-082 (Jungwirth – 3000 Strong's Dr.).
5. Coastal Development Permit 5-05-495 (Toussieng – 242 Linnie Canal).
6. Coastal Development Permit 5-06-009 (Parkos – 437 Linnie Canal).
7. Coastal Development Permit 5-06-095 (Harbinson -440 Linnie Canal).

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-08-053 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

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 5-08-053 approves the renovation and enlargement of an existing duplex 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 any special conditions. Any proposed change or deviation from the approved plans, including change in the number of residential units or change in use, shall be submitted to the Executive Director to determine whether an amendment to this permit or new 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. Should it be necessary to demolish more than fifty-percent of the existing exterior walls, this permit shall no longer be effective and the applicant shall halt construction and notify the Executive Director of the Commission.

2. 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 residential 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 (50%) 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.***

3. Non-conforming Rights - Demolition

In accordance with the plans submitted, this coastal development permit does not permit the demolition of greater than fifty-percent of the exterior walls of the existing structure. 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 a new permit application or a new application to amend this coastal development permit in accordance with Special Condition Two.

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 Commission staff. 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).

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 (in this case, 15'x 30'= 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 4/17/08** 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 (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). The permeable yard area 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 precise boundaries of the area that must remain uncovered and permeable yard area 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 Ten** 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 area, in accordance with the general description of that area in **Exhibit #5 of the 4/17/08** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

5. Landscaping

Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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 Four**.

6. Parking and Residential Density

The permitted use of the structure on the property is a duplex. A minimum of four parking spaces shall be provided and maintained on the site as proposed and as indicated on **Exhibit #5 of the 4/17/08** 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.

7. Building Height – Building Envelope

No development is authorized within ten feet of the fronting canal property line (Linnie Canal) and within or above the required 450 square foot permeable front yard area, 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 shall not exceed 42 inches above the thirty-foot height limit. One roof access structure, with a footprint less than one hundred square feet, may exceed the thirty-foot height limit by nine feet as shown on **Exhibit #6 of the 4/17/08** staff report. Building height is measured from the elevation of the adjacent alley.

8. Drainage – Water Quality

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.
- 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 project that directs all runoff leaving the site away from the canals and into the City storm drain system.
- d) 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.

9. Construction Responsibilities and Debris Removal

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

- C. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea or canals.

10. 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 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 applicant proposes to renovate and enlarge an existing one-story, 738 square foot duplex on a canal-fronting lot in the Venice Canals neighborhood (See Exhibits). The existing two-unit residential structure was built in 1956 (Exhibit #4). The proposed project would add two levels and more than three thousand square feet to the existing structure, resulting in a three-level, 3,851 square foot duplex with a new 380 square foot (two-car) garage. The proposed project has been reviewed and approved by the City of Los Angeles Planning Department (Case #DIR-2008-0209, 1/17/08).

The project site is a 2,831 square foot lot situated on the south bank of Linnie 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 (Exhibit #3).

The project's density (two-units) does not conform to the current single-family density limit in the Venice Canals residential neighborhood. The certified City of Los Angeles Land Use Plan (LUP) for Venice designates the project site and surrounding properties with a single-family land use. Although the proposed project would extend the non-conforming density on the site, staff is recommending that the Commission approve a permit for the proposed project because

the project is a renovation and not a new building. According to the applicant, more than fifty-percent (50.5%) of the existing building's exterior walls will be retained in the renovated structure. Also, the existing parking deficiency on the site will be remedied with the provision of two additional on-site parking spaces for a total of four on-site parking spaces: two spaces in the proposed garage and two spaces in the rear setback area next to the rear alley (Exhibit #5).

The proposed project conforms to the thirty-foot height limit¹(Exhibit #6). The proposed project also provides a front yard setback and permeable yard in conformance with the Commission-certified building standards for the Venice Canals neighborhood. The certified City of Los Angeles Land Use Plan (LUP) for Venice requires that canal-fronting properties provide and maintain a permeable yard area equal to fifteen times the width of the lot (in this case: 15'x 30'= 450 sq. ft.) between the canal property line and the front of the house. The proposed project provides the required 450 square foot permeable yard area within the fifteen-foot deep front yard setback area adjacent to the Linnie Canal public walkway (Exhibit #5).

The proposed project conforms to the thirty-foot height limit, provides the required permeable front yard and four on-site parking spaces, is consistent with community character, and will have no negative effects on visual resources or coastal access. As conditioned, the proposed project is consistent with Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals.

B. New Development

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the

¹ A one hundred square foot roof access structure is part of a structure that can be permitted to exceed the roof height limit by up to ten feet (Venice LUP Policy I.A.1.a).

alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The issue of whether a project constitutes demolition and new construction rather than a remodel of an existing structure becomes significant when the applicant proposes to retain an existing non-conformity. In numerous prior cases, the Commission has approved remodels, renovations and additions to homes in the Venice Canals neighborhood that maintain non-conforming density (most often duplexes) and other non-conformities like front yard setbacks.² These past approvals have enabled applicants to preserve some of the older structures in the Venice Canals neighborhood.

In the case of the proposed project, the applicant is requesting approval for the renovation of a two-unit residential structure that is non-conforming in regards to density. In the Venice Canals neighborhood, all of the canal-fronting lots are designated by the certified Venice LUP as single-family lots. Venice Land Use Plan Policy I.A.4.a states:

a. Venice Canals

Use: Single-family dwelling / one unit per lot

Density: One unit per 2,300 square feet of lot area. Lots smaller than 5,000 square feet shall not be subdivided. Lots larger than 2,300 square feet shall not be combined.

Buffer/Setback: In order to provide a setback for access, visual quality, and to protect the biological productivity of the canals, an average setback of 15 feet, but not less than 10 feet, shall be maintained in the front yard adjacent to the canal property line.

² These previously approved Venice Canal projects included retained non-conformities as part of remodels, renovations and additions to existing structures: Coastal Development Permits 5-92-049 (Greenwald), 5-92-292 (Cramer), 5-92-427 (Vessler), 5-92-347 (Leoncavallo), 5-93-224 (Payton), 5-93-291 (Wiener), 5-94-115 (Schacht), 5-94-273 (Contant), 5-95-034 (Groening), 5-95-096 (Pascal), 5-95-273 (Keynan), 5-96-046 (Friedman), 5-99-062 (Balkan), 5-99-085 (Menas), 5-99-317 (Parkos), 5-01-327 (Storey), 5-01-418 (Jaye), 5-04-082 (Jungwirth), 5-05-495 (Toussieng), 5-06-009 (Parkos), and 5-06-095 (Harbinson).

Yards: An open, permeable yard of at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot, shall be maintained between the canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average, shall provide the required permeable front yard area. No fill nor building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area with the exception of 42-inch high fences or permeable decks at grade (no more than 18" high).

Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

The applicant has submitted detailed plans and information specifying the amount of demolition that would occur with the proposed project (Exhibit #4). Typically, the Commission has quantified demolition by tabulating the extent of exterior linear walls to be removed compared to the total overall amount of exterior linear walls existing prior to the proposed development. The walls proposed to remain must retain their structural components such as studs. Cosmetic portions of the wall, such as exterior stucco and interior drywall, may be removed.

In the case of the proposed project, two of the four exterior walls of the existing duplex are proposed to be retained and remain standing (57.5 linear feet would remain, and 56.5 linear feet of walls will be removed). Most of the interior of the building would be gutted to allow for a new floor plan on the ground level of the new structure, while two new floor levels and a new roof would be added to the structure. The proposed project would increase the interior floor area of the structure from 738 square feet to 4,231 square feet, including the new garage.

The Commission has generally found that if less than fifty-percent (50%) of the linear feet of the existing exterior walls are removed, the project can be reviewed as a remodel or renovation rather than new construction. The significance of this distinction is that existing non-conformities may remain in a remodel or renovated structure. However, it must be noted that the amount of demolition could easily exceed the critical fifty-percent point once demolition is begun, either by accident or for other reasons. For example, a contractor could "unwittingly" or "accidentally" knock down a wall, or it may appear prudent to the contractor to remove and rebuild a section of existing wall to facilitate construction. Further, it is not uncommon to discover structural problems such as termites or dry rot within walls that were proposed to remain once the studs are exposed. This situation often arises in the case of older homes like the existing structure which was constructed over fifty years ago. When this happens the wall must be taken down to meet building safety standards. Once a new wall is erected in the same location, it is virtually impossible to determine that the wall replacement has occurred. This leads to the situation where a remodel project really constitutes demolition and new development, when it would have been required to meet the appropriate density limits and parking standards. This issue has arisen with previously approved coastal development

permits including Coastal Development Permit 5-01-327 (Storey) in Venice and Coastal Development Permit 5-98-251 (Boehringer) for a project in Laguna Beach.

The Commission finds that application of the fifty-percent demolition threshold provides a consistent and equitable method of dealing with existing non-conformities associated with extensive remodel projects. Therefore, the Commission finds that because the proposed project does not exceed the fifty-percent threshold, it does not constitute demolition and new construction and the existing non-conforming density may remain. However, contingencies must be in place once the demolition is under way to assure that the critical threshold is not exceeded, or if it is exceeded, to establish an avenue which allows the project to be re-assessed based on the revised demolition figure.

As stated above, a frequent reason additional demolition becomes necessary is the discovery of termites and termite damage within the walls proposed to remain. In order to minimize the chances of this issue arising after demolition has begun, a special condition is being imposed which requires the applicant to submit a termite inspection report prior to issuance of the coastal development permit. If the report indicates that the walls proposed to remain are damaged, the applicant is required to submit an amendment application or an application for a new coastal development permit. The Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would be evaluated based on the newly discovered information.

Another special condition is being imposed which requires the applicant to request and receive a site inspection by the Commission staff person after the proposed demolition is complete and the framing of the walls to remain is exposed, but before any new construction has commenced. The staff's inspection report would verify the extent of demolition and the condition of the walls remaining. If the inspection indicates that more demolition has occurred than was approved (per the applicant's partial demolition plan) or that the walls originally proposed to remain are not structurally sound, the applicant is required to submit an amendment application or an application for a new coastal development permit. Again, the Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would then be evaluated based on the newly discovered information. These special conditions are necessary to assure that development is carried out as proposed and that the development is consistent with the applicable Chapter 3 policies of the Coastal Act. The proposed project's consistency with specific sections of the Coastal Act is discussed below.

C. Development - Community Character

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los

Angeles)]. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located. These building standards, which apply primarily to density, building height, parking, and protection of water quality, reflect conditions imposed in a series of permits heard prior to 1980. Since 1980, the Commission has consistently applied these newer density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the area.

In 1999 the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On June 14, 2001 the Commission officially certified the Venice LUP. The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Venice Canals neighborhood where the proposed project is situated. The policies and building standards contained in the Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this coastal development permit.

In order to protect public access, community character and visual quality in the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located, the Commission has consistently limited residential density and structural height, and has required structural setbacks from the canals. Venice Land Use Plan Policy I.A.4.a (See Page Nine) sets forth the relevant building standards for the Venice Canals neighborhood. As discussed below, the proposed project complies with the standards contained in the above-stated LUP policy, except for density.

Residential Density

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has consistently limited new residential development to a density of one unit per lot. The applicant proposes to maintain the existing two existing residential units on the 2,831 square foot lot. As explained in the preceding section of this staff report, the applicant is being permitted to maintain the non-conforming density on the site because the project is a renovation and not a new building. As conditioned, the proposed project conforms to the thirty-foot height limit, provides the required permeable front yard and four on-site parking spaces, is consistent with community character, and will have no negative effects on visual resources.

Building Height

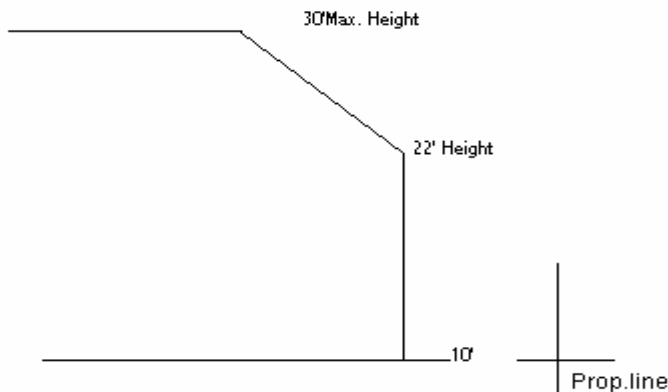
Building height and bulk can adversely affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development on lots immediately adjacent to the Venice Canals has been limited to a height of thirty feet in order to provide more air space for bird flyways and to enhance public recreation by protecting the waterways from a canyon effect created by taller buildings [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission-certified Venice LUP maintains the historic (since 1979) thirty-foot height limit for all development in the Venice Canals neighborhood. Certain items on the roof of a structure (e.g., chimneys, roof deck railings, stairway enclosures, etc.) can be permitted to exceed the height limit by up to ten feet.

As proposed, the height of the structure would be increased to thirty feet, with one 39-foot high roof access structure (Exhibit #5). The permit is conditioned to limit the height of the single-family residence to a maximum of thirty feet above the elevation of the adjacent alley (with a lower ascending height for the portion of the structure fronting Linnie Canal). Roof deck railings shall not exceed 42 inches above the thirty-foot height limit. One roof access structure, with a footprint less than one hundred square feet, may exceed the thirty-foot height limit by nine feet as shown on Exhibit #6.

Second Story Setback

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. The Commission is no longer requiring a 25-foot second story setback for houses along the Venice Canals as it did in 1979, and it now routinely approves thirty-foot high structures within a building envelope that the certified Venice LUP defines as follows:

Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. (See Figure 1 below).



The proposed project complies with the building envelope defined by the certified Venice LUP (Exhibit #6).

Front Yard Building Setback

A front yard setback must be provided between all buildings and the waterways in order to prevent a canyon effect along the canals and to provide an area on each site for water percolation (to improve water quality). The certified Venice LUP requires that all new development along the Venice canals provide a minimum ten-foot front yard setback, with a required fifteen-foot average setback, between the front of each structure and the canal property line. The LUP requires that the front yard setback area be maintained as a permeable yard area. Commission-approved development adjacent to the Venice Canals has been consistently required to provide an open and permeable yard (at least 450 square feet for a thirty-foot wide lot, and at least six hundred square feet for a forty-foot wide lot) in the front yard between the canal property line and the front of any structure.

In this case, the proposed project provides a 450 square foot permeable front yard area within the fifteen-foot deep front yard setback area (Exhibit #5). Therefore, the proposed project conforms with the front yard setback and permeable yard requirements of the Venice LUP.

As conditioned, the proposed project is located on an existing developed site, provides adequate on-site parking, and the scenic and visual qualities of the area will not be negatively impacted by the proposed project, and the proposed project is consistent with prior Commission approvals in the Venice Canals neighborhood. Therefore, the Commission finds that the proposed project, as conditioned, conforms to the standards of the certified Venice LUP and Sections 30250, 30251 and 30252 of the Coastal Act.

D. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public sidewalk currently exists on the canal bank situated between the project site and the waters of Linnie Canal (Exhibit #3). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals. The proposed project will not interfere with the existing public walkway along Linnie Canal. Therefore, the Commission finds that the proposed project, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. 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. The proposed project also includes the maintenance of at least 450 square feet of permeable front yard area in order to improve water quality by allowing for on-site water percolation. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

F. Environmentally Sensitive Habitat Areas (ESHA)

The Venice Canals are designated as Environmentally Sensitive Habitat Areas (ESHA) in the certified Venice LUP. 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 coastal development permit, the Commission imposes a condition requiring that the property owner records a deed restriction against the property, referencing all of the 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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

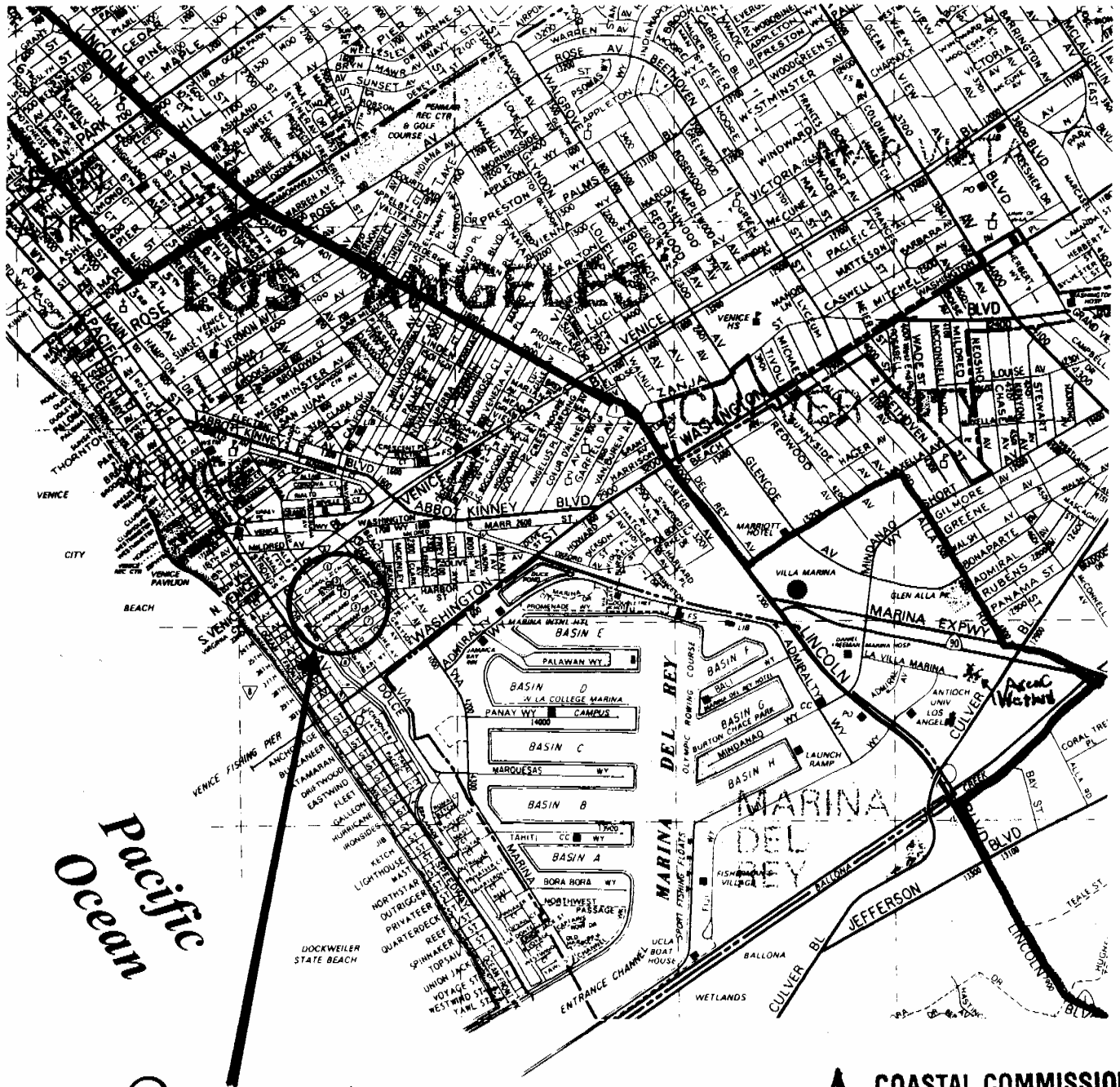
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified 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)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. 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

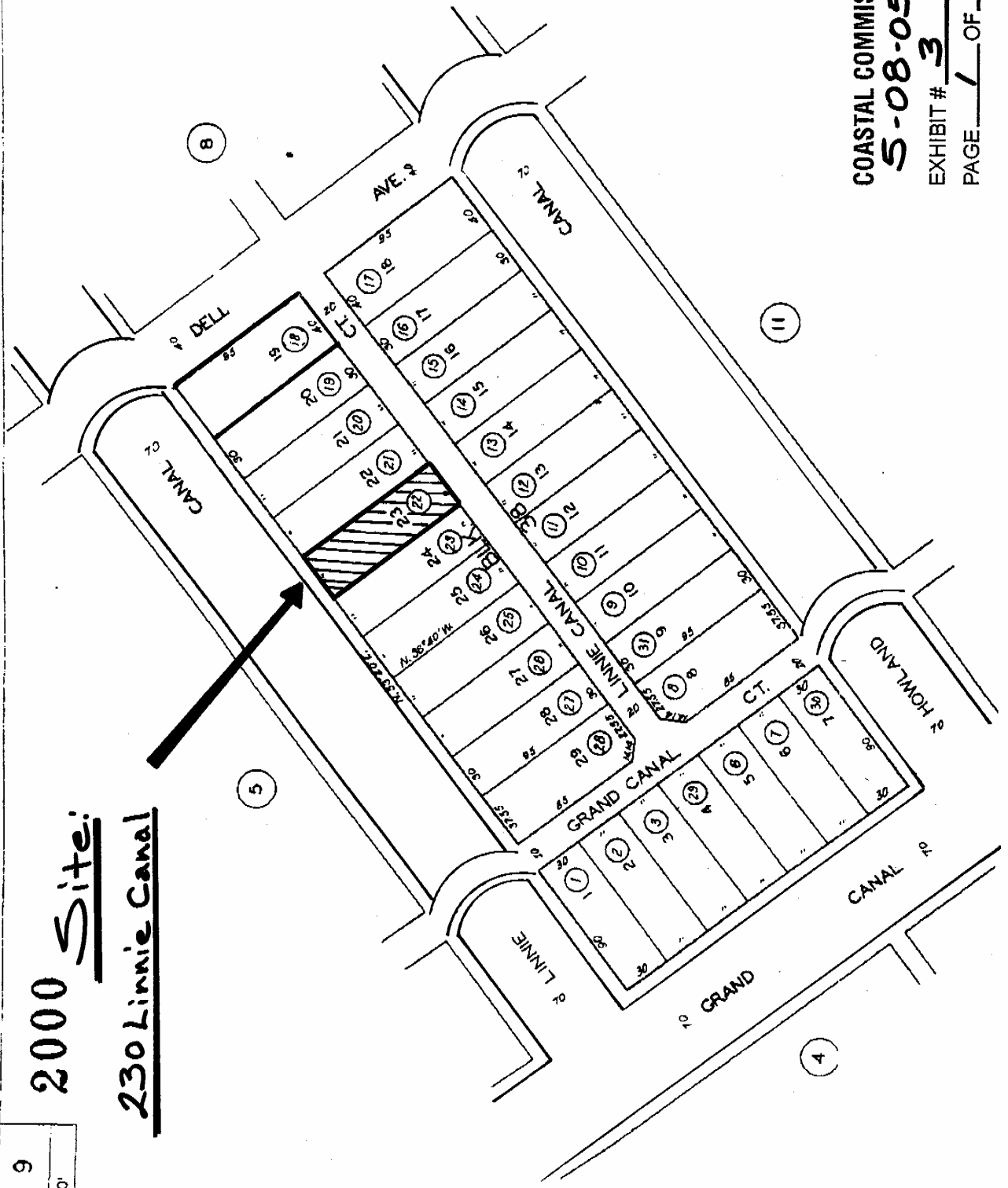
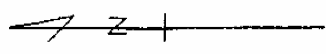
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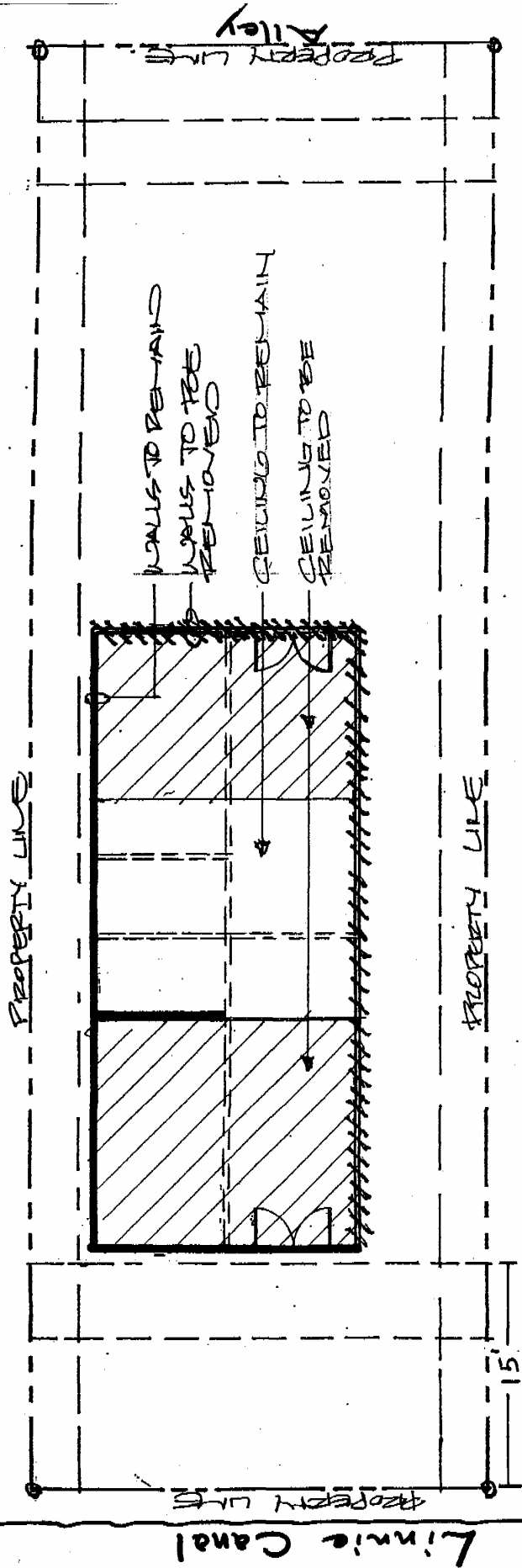
COASTAL COMMISSION
5-08-053
EXHIBIT # 1
PAGE 1 OF 1

County of Los Angeles: Rick Auerbach, Assessor

4227 9
SCALE 1" = 60'

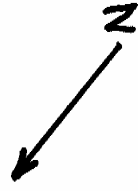
2000 Site:
230 Linnie Canal





EXISTING FLOOR PLAN

Demolition Plan



COASTAL COMMISSION

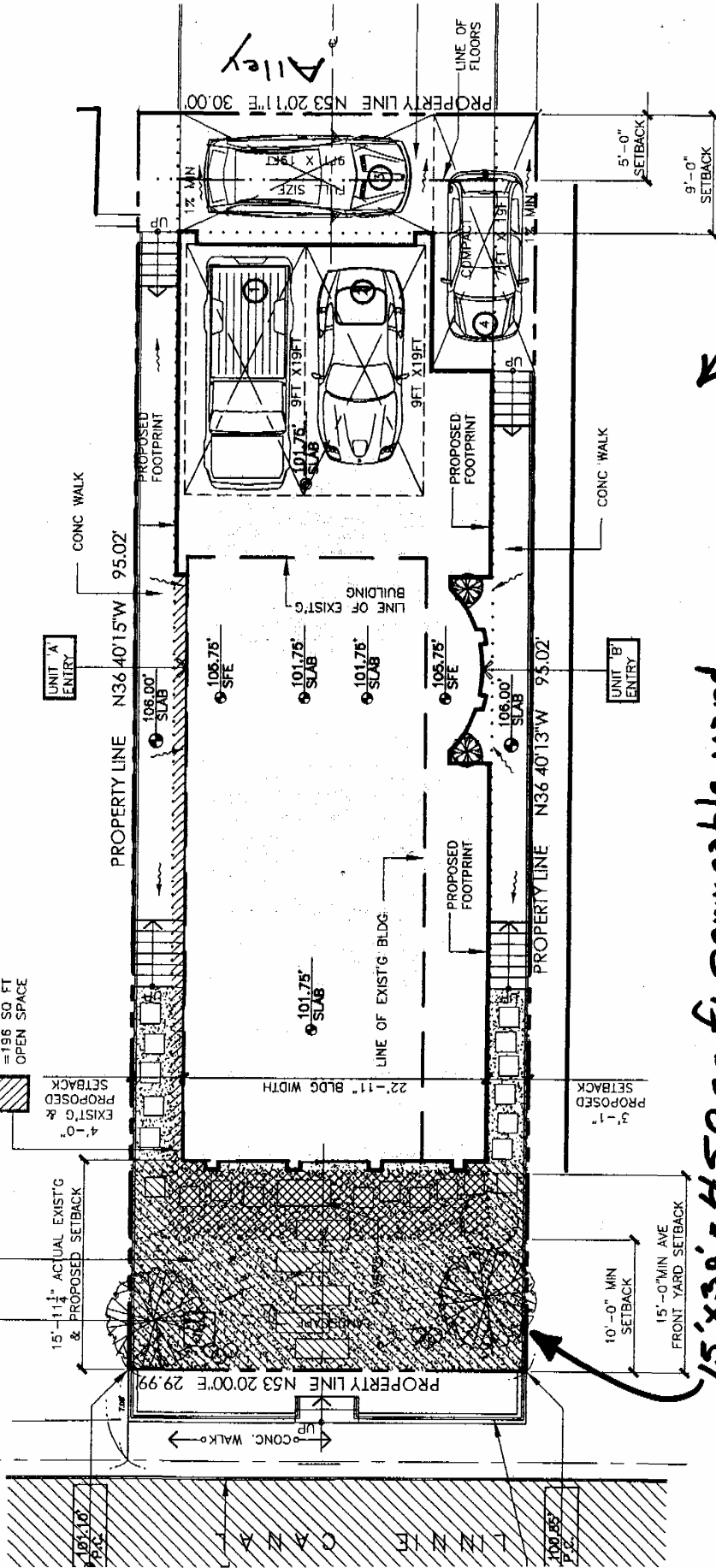
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EXHIBIT #

4

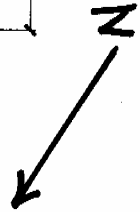
PAGE 1 OF 1

100 CUBIC FT FRENCH
DRAIN ON-SITE
PERCOLATION
= 450 SQ. FT. PERMEABLE
YARD AREA W/ 65 SF
PAVERS = 14.5%
PERMEABLE AREA
= 196 SQ. FT.
OPEN SPACE



15'x30' = 450 sq. ft. permeable yard.

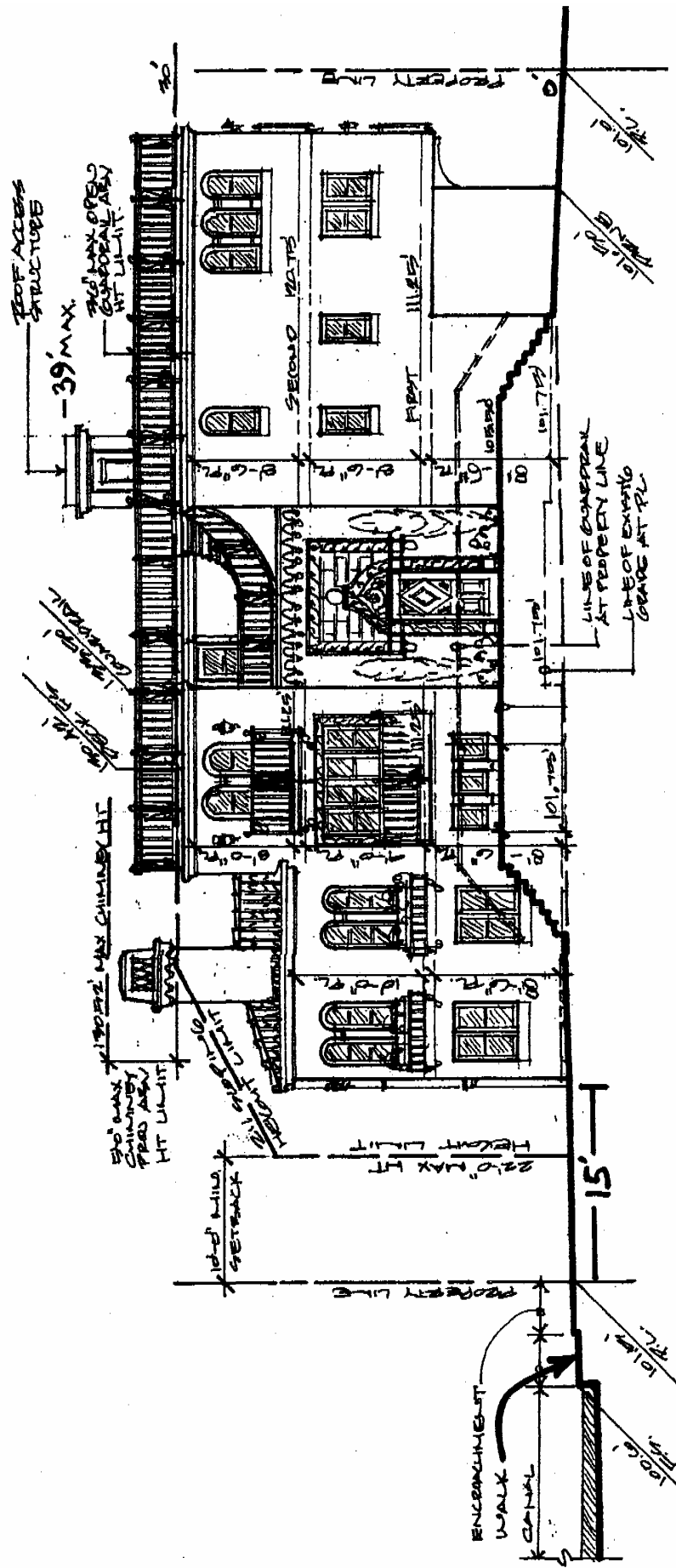
Proposed Site Plan



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5-08-053

EXHIBIT # 5

PAGE 1 OF 1



WEST ELEVATION

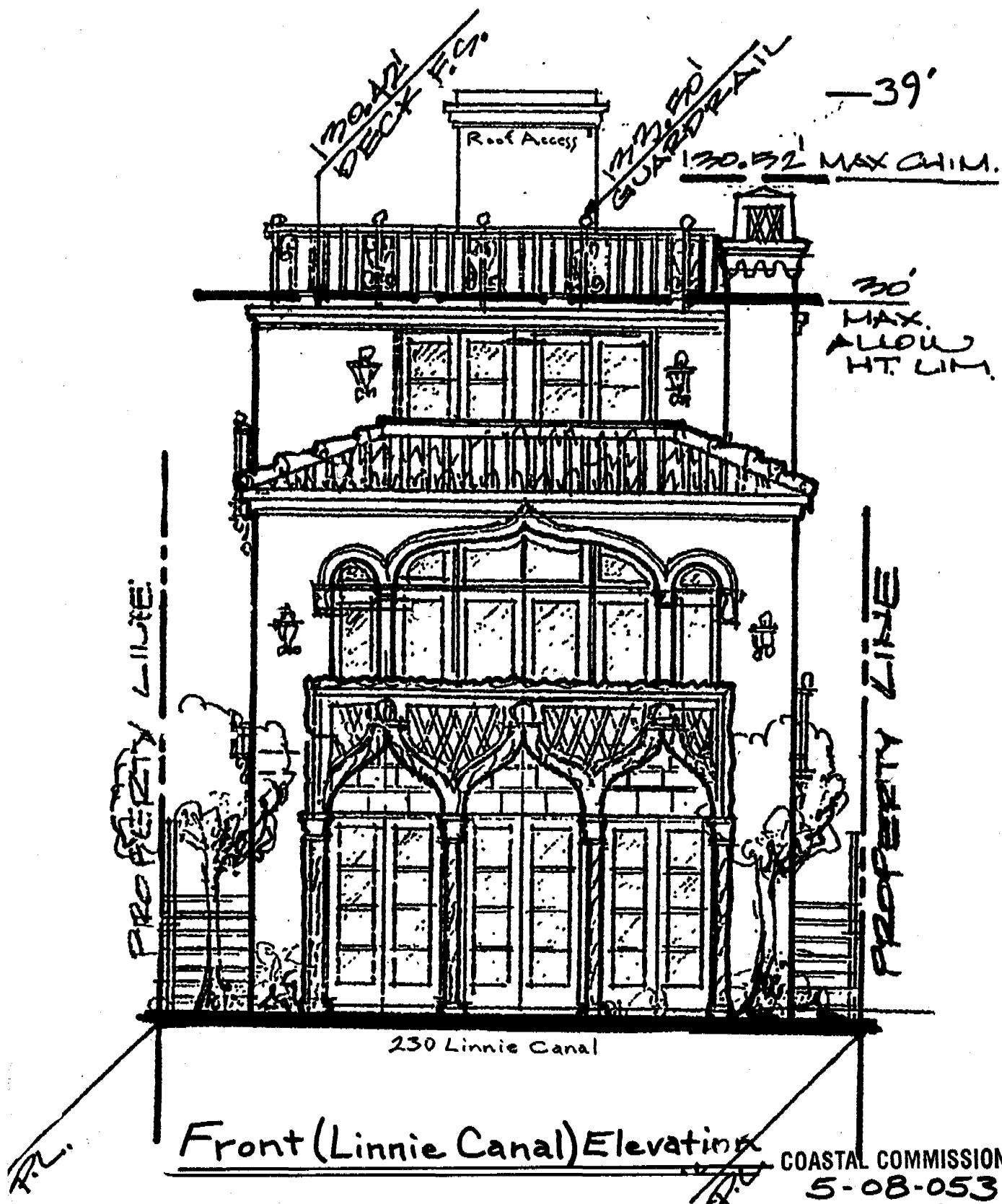
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5-08-053

EXHIBIT #

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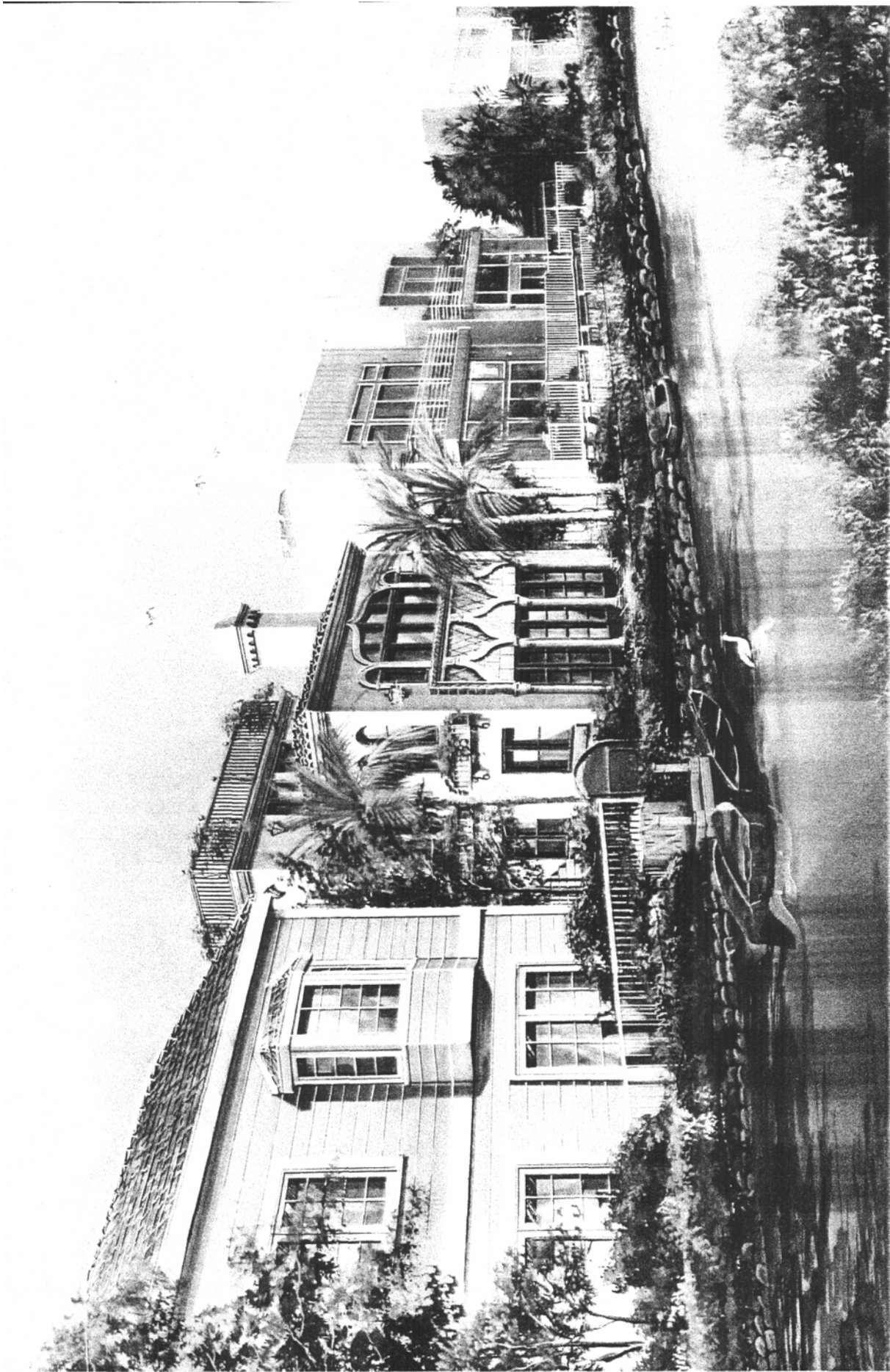


Front (Linnie Canal) Elevation

COASTAL COMMISSION
5-08-053

EXHIBIT # 7

PAGE 1 OF 1



FANTINI DUPLEX
230 N. LINNIE CANAL
VENICE, CALIFORNIA