

CALIFORNIA COASTAL COMMISSION

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Filed: 11/9/2010
49th Day: 12/28/2010
180th Day: 5/8/2011
Staff: Charles Posner - LB
Staff Report: 11/18/2010
Hearing Date: December 15, 2010
Commission Action:

**W5a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-10-235

APPLICANT: Tim C. Bailly

PROJECT LOCATION: 455 Sherman Canal, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a three-story, thirty-foot high (with forty-foot high roof access structure), 3,679 square foot single-family residence with an attached 380 square foot (two-car) garage on a vacant canal fronting lot.

Lot Area	2,850 square feet
Building Coverage	1,390 square feet
Pavement Coverage	450 square feet
Landscape Coverage	1,010 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet (40 for roof access structure)

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2009-3351 (SPP-MEL), 2/3/2010.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. Coastal Development Permit 5-06-384 (Zuckerbraun – 445 Sherman Canal).
3. Coastal Development Permit 5-07-060 (Davis – 427 Sherman Canal).
4. Coastal Development Permit 5-09-051 (Manjooran - 425 Carroll 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, landscaping, density, parking, building height, drainage, permit compliance 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

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 (in this case: 15' x 30' = 450 square feet) shall be maintained on the project site in the front yard area between the structure and the front (Sherman Canal) property line, as generally shown on **Exhibit #4 of the 11/18/10** staff report. 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. 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 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.

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 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 #4 of the 11/18/10** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. 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 One.

3. 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 as proposed: two spaces in the garage and an area for parking a third vehicle on the driveway in the rear setback area. 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 (Sherman Canal) and within or above the required 450 square foot 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. Roof deck railings shall not exceed 42 inches above the thirty-foot height limit. This permit approves one roof access structure (stairway enclosure) with a footprint of less than one hundred square feet and a maximum height of forty feet (40'). Building height is measured from the elevation of the adjacent alley.

5. 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 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 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 permittee 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 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to build a new thirty-foot high (with one forty-foot high roof access structure), 3,679 square foot single-family residence with a 380 square foot ground floor garage (See Exhibits). Three on-site parking spaces are provided for the proposed single-family residence: two in the garage and one on the driveway apron. The rear alley provides vehicular access to the project site (Exhibit #3). The proposed project is consistent with the RW-1 zoning designation and has been approved by the City of Los Angeles Planning Department (Case #DIR-2009-3351, 2/3/10).

The project site is a thirty-foot wide, 2,850 square foot lot situated on the north bank of Sherman Canal (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 single-family residence conforms to the thirty-foot height limit for the Venice Canals neighborhood (Exhibit #5). The proposed forty-foot high roof access structure, with a footprint less than one hundred square feet, is part of the structure that is permitted to exceed the thirty-foot roof height limit. The proposed project also provides a front yard setback in conformance with the Commission-certified building standards for the Venice Canals neighborhood. The certified Venice LUP requires that all new houses maintain a permeable yard area equal to fifteen times the width of the lot (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 Sherman Canal public walkway (Exhibit #4).

Therefore, 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.

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 30231 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 owner 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.

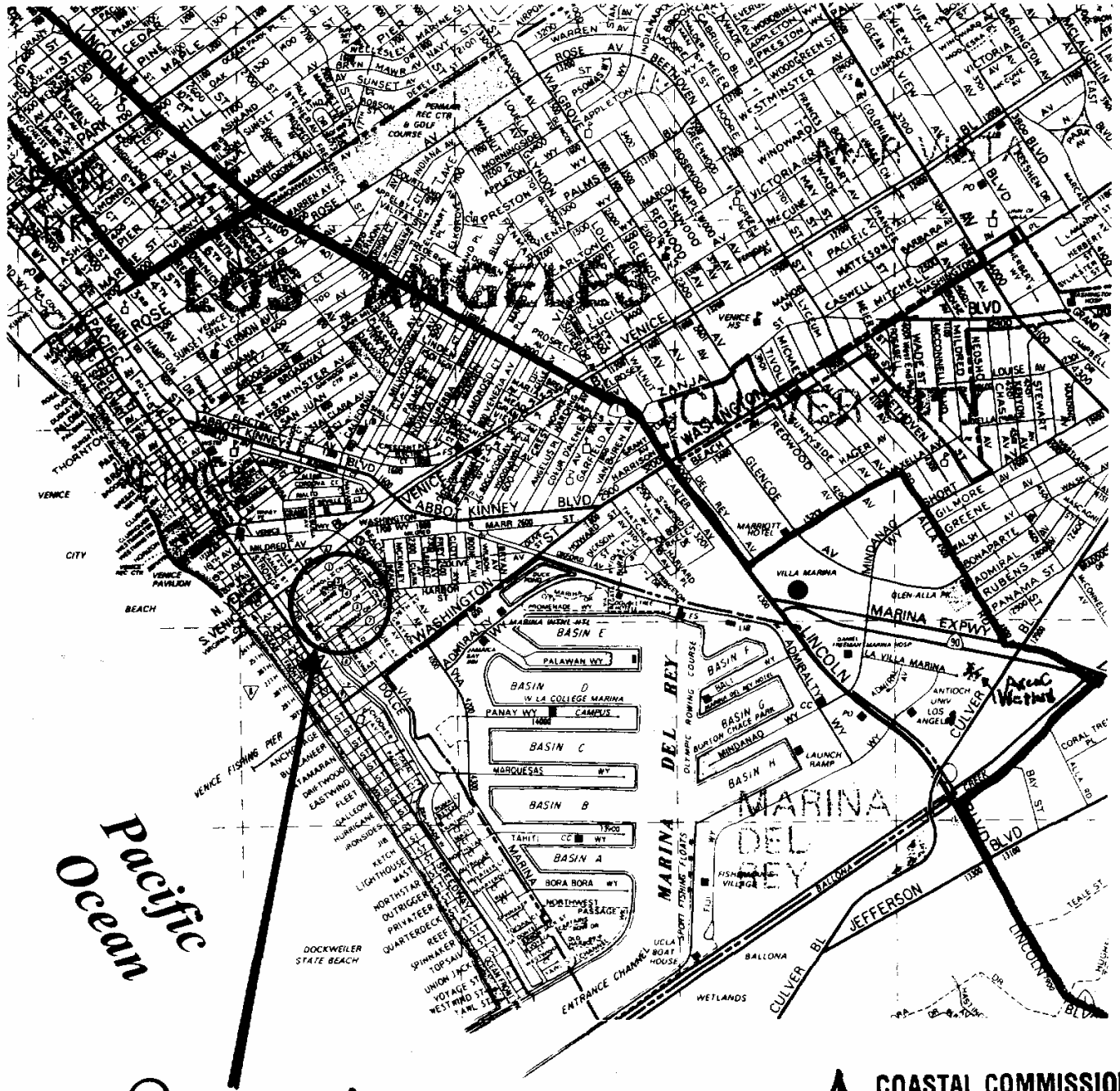
H. Local Coastal Program

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

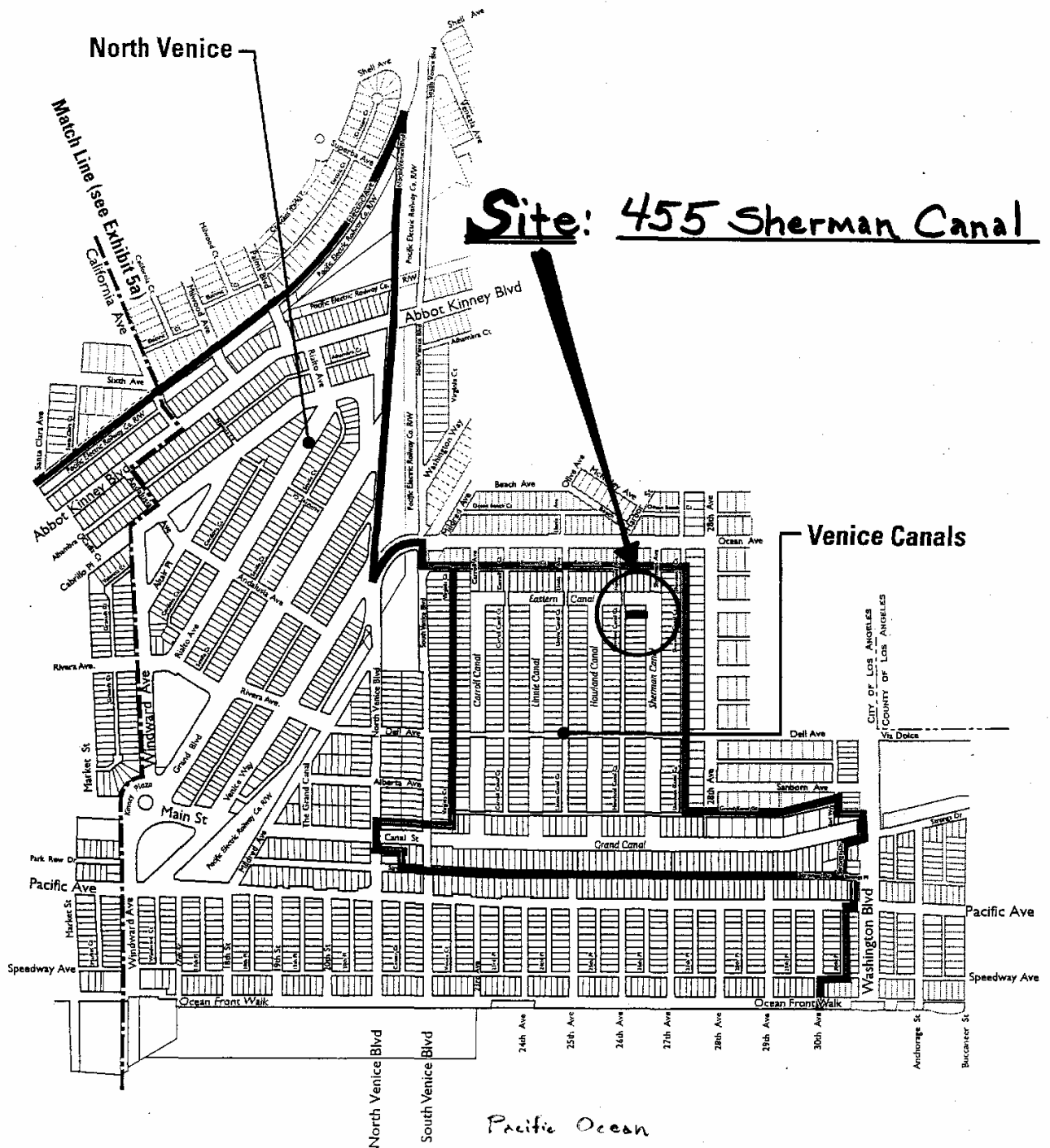


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EXHIBIT # 1

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LUP
Exhibit 5b

Subarea: North Venice • Venice Canal



Not to Scale

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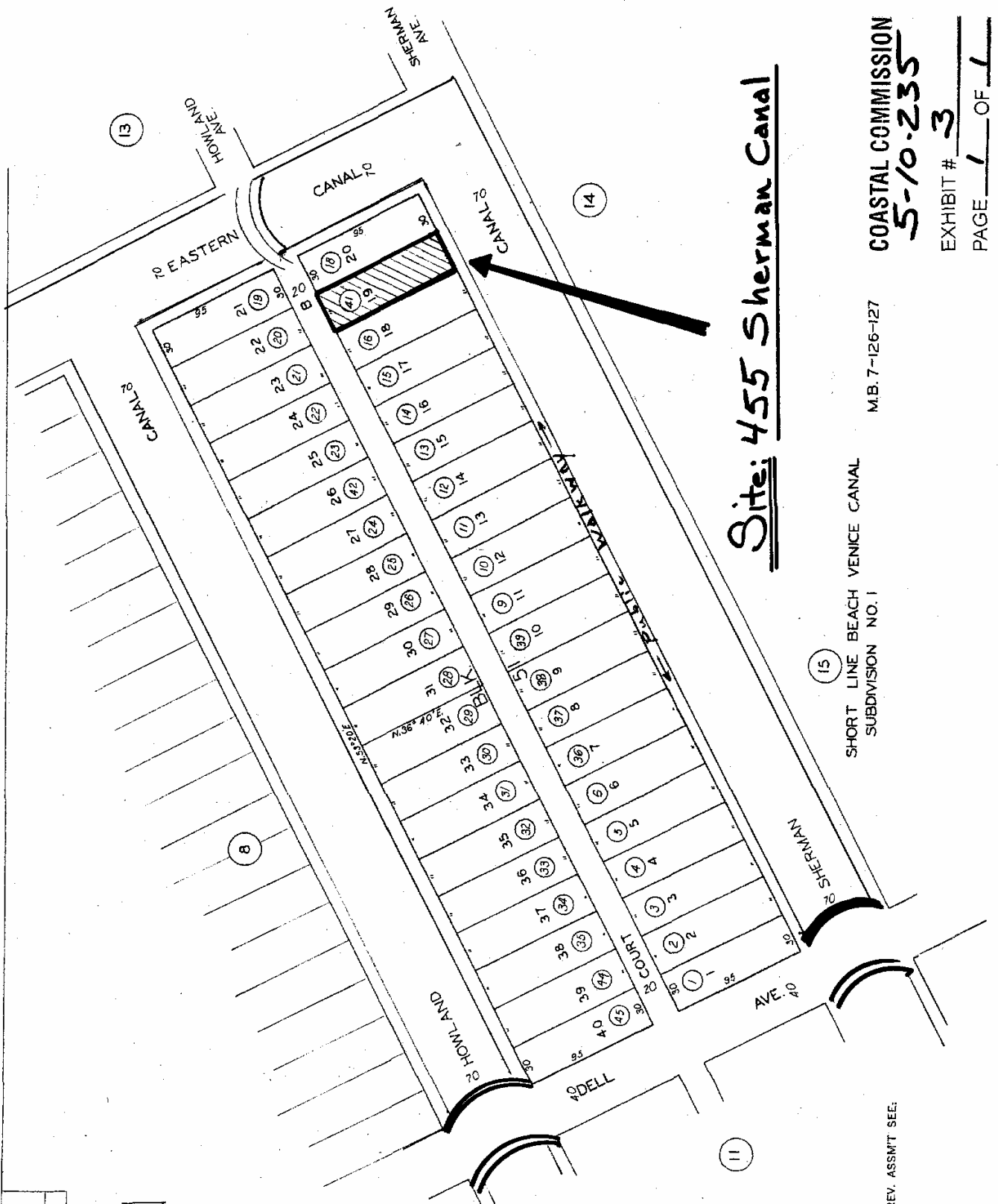
EXHIBIT # 2

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4227 12

SCALE 1" = 60'

2008



Site: 455 Sherman Canal

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 EXHIBIT # 3
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SHORT LINE BEACH VENICE CANAL
 SUBDIVISION NO. 1
 M.B. 7-126-127

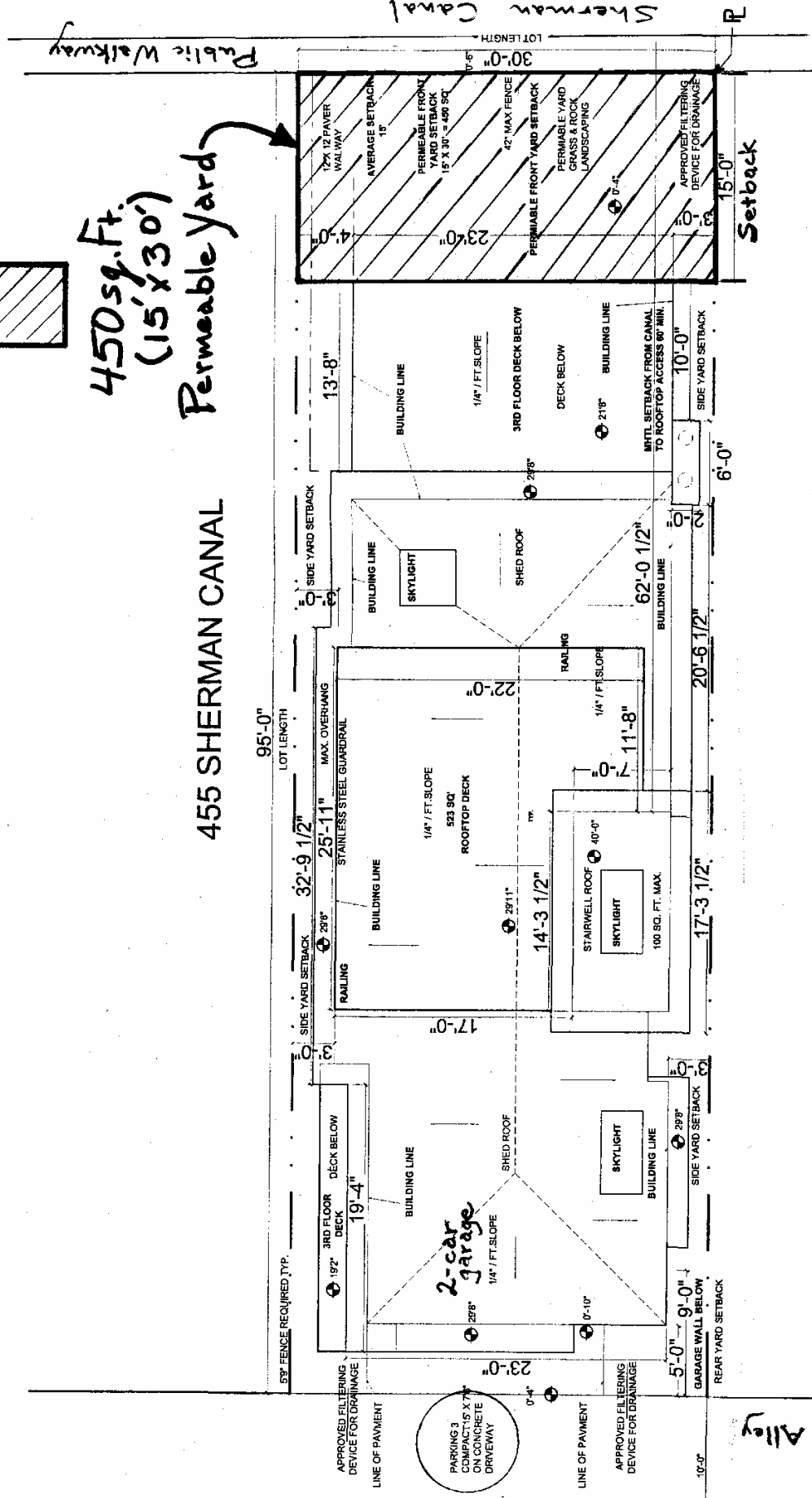
CODE 67

FOR PREV. ASSMT SEE: 78-23

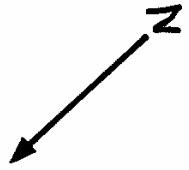


450 sq. Ft.
(15' x 30')
Permeable yard

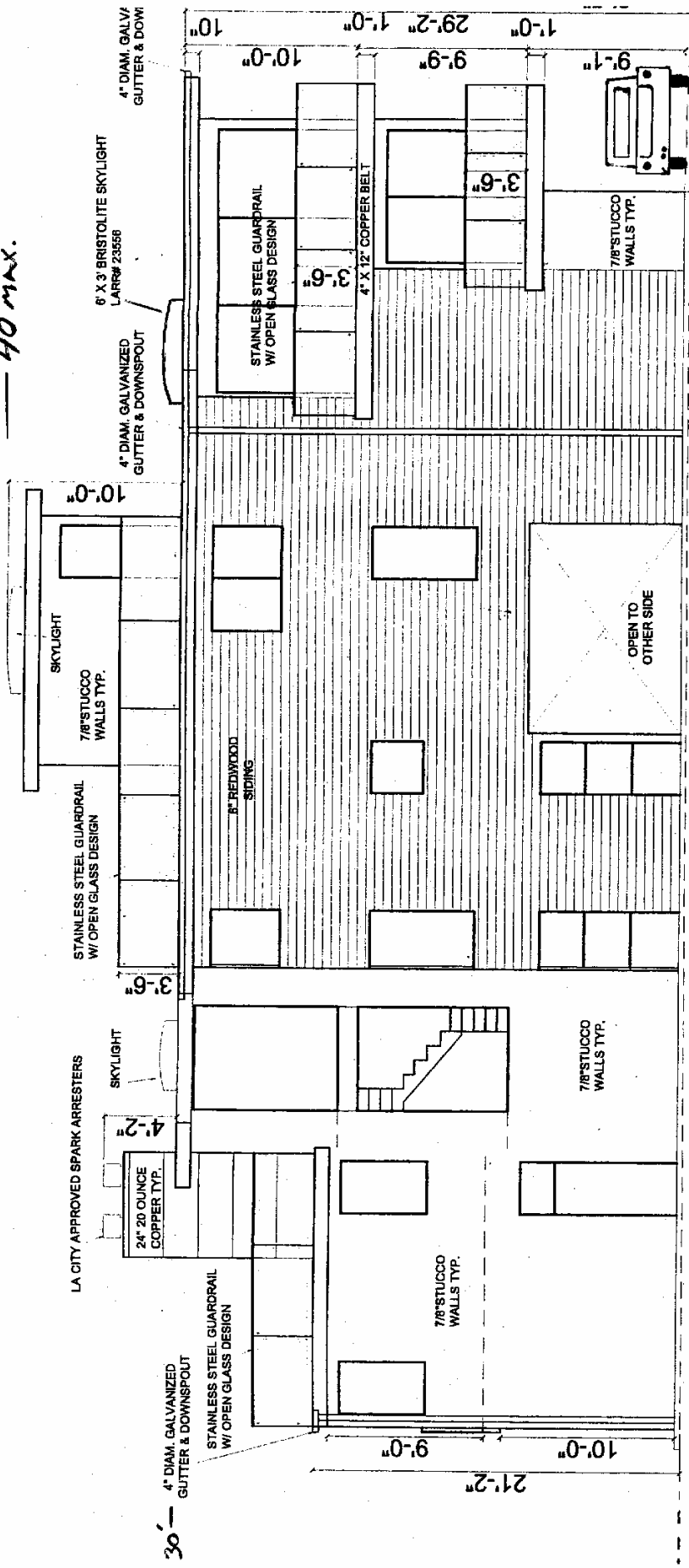
455 SHERMAN CANAL



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 EXHIBIT # 4
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40' max.



EAST ELEVATION

ALLEY →

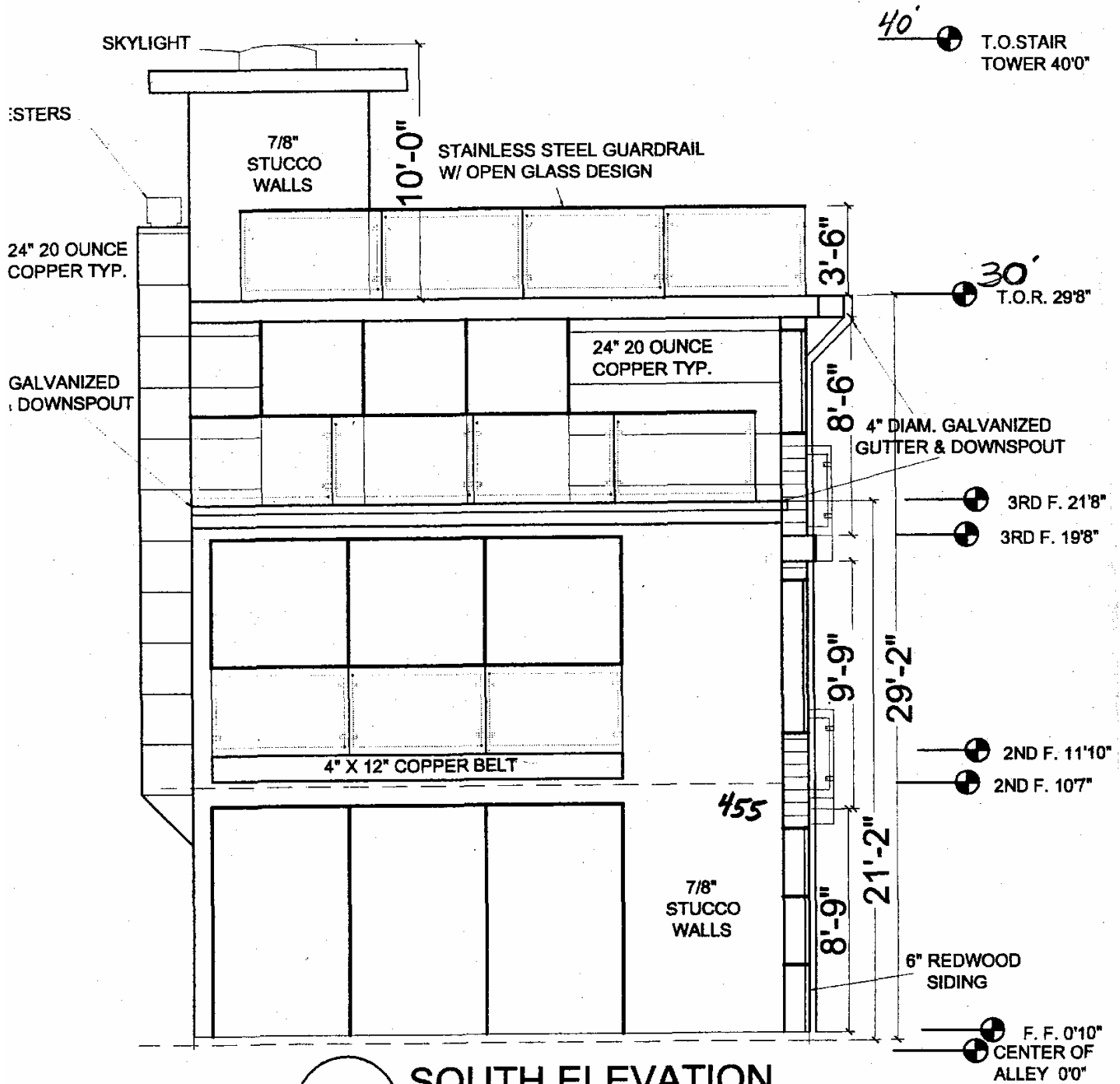
← CANAL

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EXHIBIT # 5

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2 SOUTH ELEVATION

CANAL

Sherman Canal

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EXHIBIT # 6
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