

CALIFORNIA COASTAL COMMISSION

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W9a

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180th Day:	01/18/2016
Staff:	M. Revell-LB
Staff Report:	07/23/2015
Hearing Date:	08/12/2015

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-15-0753
Applicant:	Timothy Bailly
Location:	450 Sherman Canal, Venice, City of Los Angeles, Los Angeles County.
Project Description:	Construction of a three-story, 30-foot high (with 10-foot high roof access structure), 3,724 square-foot single-family residence with an attached 468 square foot garage on a vacant canal fronting lot.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicants are proposing to construct an approximately 3,724 square-foot, 30 foot high single-family residence with an attached 468 square foot garage on a vacant canal fronting lot. Landscaping will consist of non-invasive and drought-tolerant vegetation, utilizing drip irrigation. The project site is a 30 foot wide, 2,850 square foot lot situated on the north bank of Sherman Canal in the Venice residential Area of Los Angeles. The proposed project raises issues regarding public access, water quality, and the potential impact to the existing community character.

Staff is recommending **APPROVAL** of the proposed coastal development permit with **five (5) Special Conditions**. The special conditions are: **1)** storage of construction materials, mechanized equipment and removal of construction debris; **2)** permeable yard area; **3)** landscaping – drought tolerant, non-invasive plants; **4)** parking and residential density; **5)** building height; **6)** drainage and run-off control plan; and **7)** permit compliance; **8)** deed restriction, referencing all of the Special Conditions contained in this staff report.

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APPENDICES

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EXHIBITS

Exhibit 1 – Project Location and Parcel Map

Exhibit 2 – Site Plan and Elevations

I. MOTION AND RESOLUTION

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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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. 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:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility outside of the coastal zone. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. 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. 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.

3. Landscaping – Drought Tolerant, Non-Invasive Plants.

- a) 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).
- b) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation

measures shall be considered, such as weather based irrigation controllers.

- 4. 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.
- 5. 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.
- 6. Drainage.** 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.

7. **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.
8. **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:

A. PROJECT DESCRIPTION & LOCATION

The applicant proposes to construct a new thirty-foot high (with one 10-foot high roof access structure), 3,724 square foot single-family residence with an attached 468 square foot garage on a vacant lot within 300 feet of a canal (**Exhibit 1**). The project provides adequate parking based on the Commission's typically applied standards. The proposed project incorporates best management practices (BMPs) during construction to address water quality as required by **Special Condition 1**, and post-construction all storm water will be collected and detained in gravel infiltration trenches and overflow will be pumped up to front yard trenches. The rear alley (Court A) provides vehicular access to the project site (**Exhibit 1**). The proposed project is consistent with the RW-1 zoning designation and has received a Coastal Development Permit from the City of Los Angeles (Case #ZA 2014-2039(CDP)). Landscaping will consist of non-invasive and drought-tolerant vegetation, utilizing drip irrigation as required by **Special Condition 3**.

The project site is a 30 foot wide, 2,850 square foot lot situated on the north bank of Sherman Canal (**Exhibit 1**). 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 duplexes. The proposed single-family residence conforms to the thirty-foot height limit for the Venice Canals neighborhood and is consistent with the surrounding area and with past Commission permit action for the area.

The proposed 10-foot high roof access structure will have a footprint less than one hundred square feet, which is an allowable structure permitted to exceed the thirty-foot height limit by the Venice Certified LUP (**Exhibit 2**). To ensure the proposed project does not exceed the height limits

designated in the Commission-certified Venice LUP, staff is imposing **Special Condition 5**. 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'x30' + 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 Sherman Canal public walkway. To ensure the front yard setback is maintained, **Special Condition 2** is required. Due to limited on-street parking, the Venice Certified LUP requires single family residences to provide three parking spaces, and three on-site parking spaces are provided for this project: two in the garage and one on the driveway apron, as required by **Special Condition 4**.

Any deviation from the approved plans must be submitted for review by the Executive Director, therefore, the Commission imposes **Special Condition 7**. In addition, the Commission imposes **Special Condition 8** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP # 5-15-0753), 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.

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 affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of

non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. LOCAL COASTAL PROGRAM (LCP)

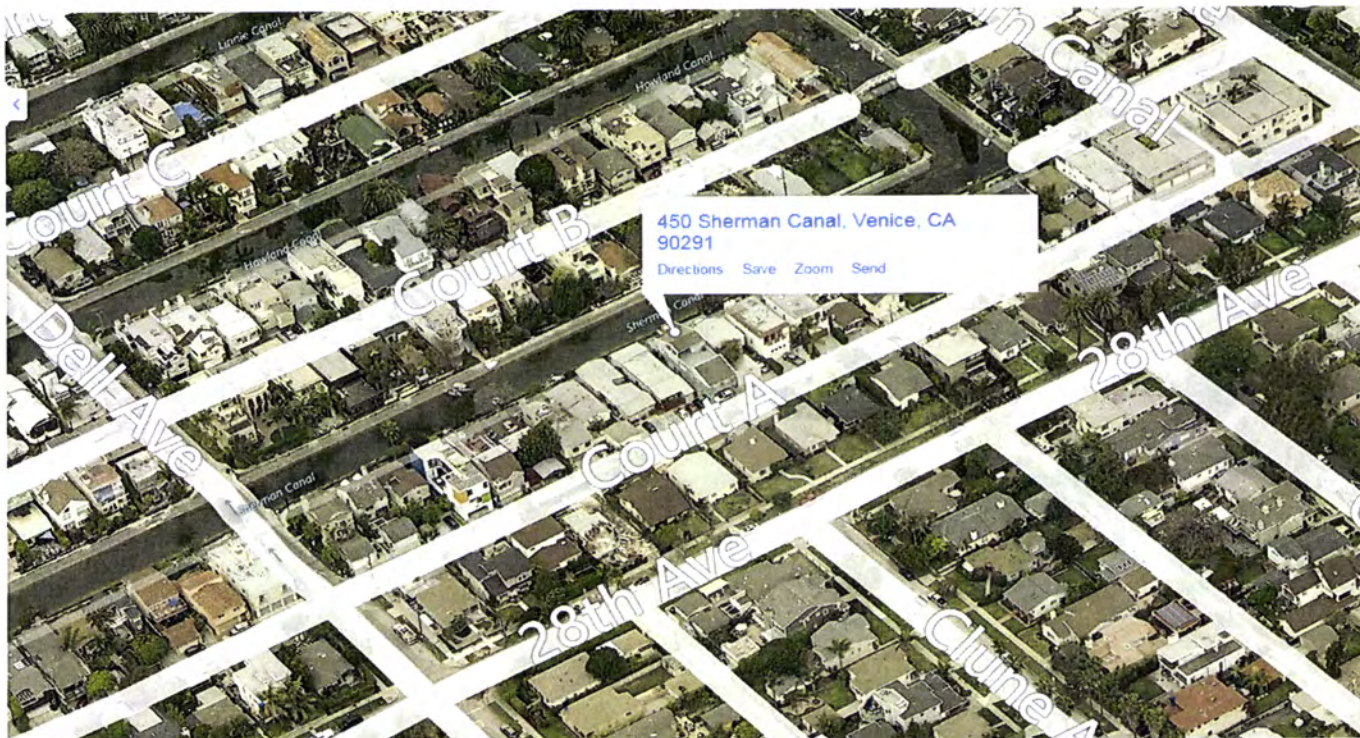
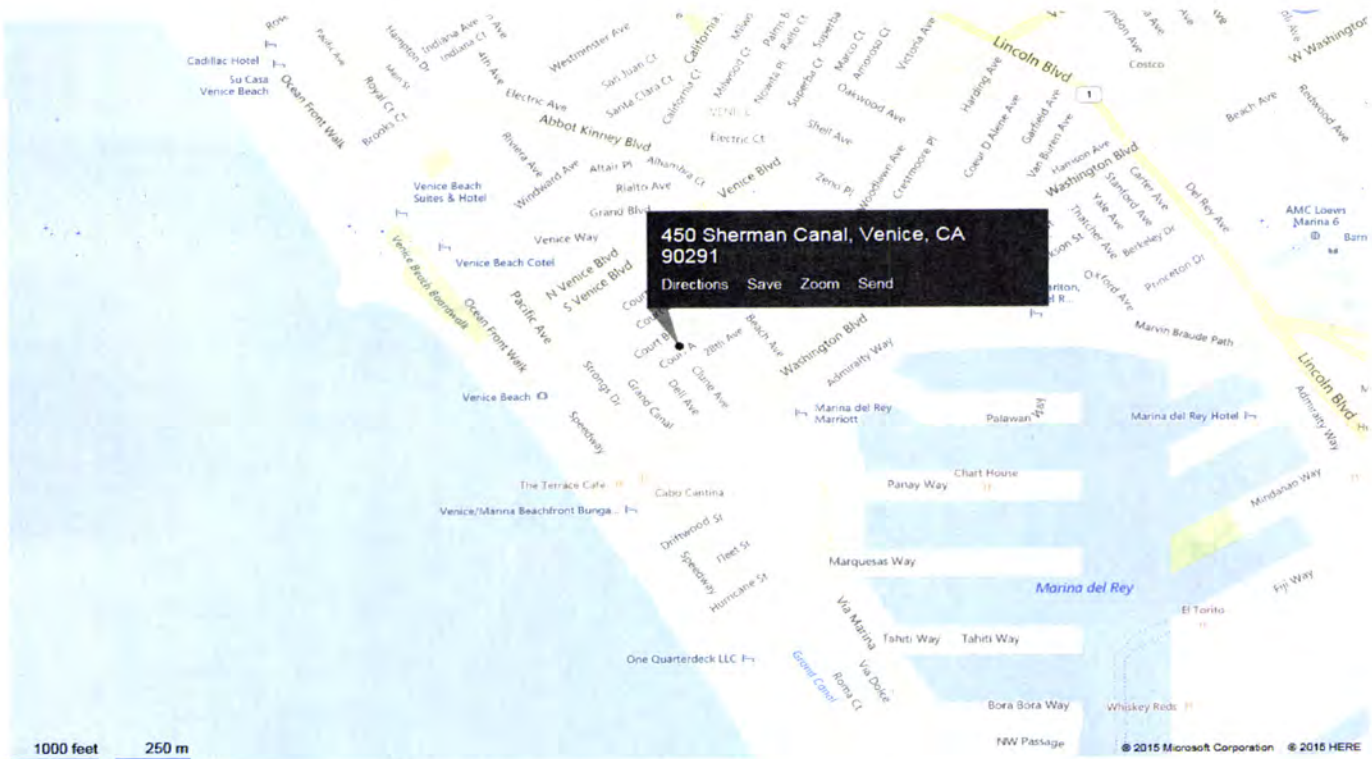
Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

Appendix A - Substantive File Documents

- City of Los Angeles Coastal Development Permit Case No. (Case #ZA 2014-2039(CDP)).
dated November 12, 2014
- Coastal Development Permit Application No. 5-15-0753



COASTAL COMMISSION

EXHIBIT # 1
PAGE _____ OF _____

COASTAL COMMISSION

COURT A



2
1ST FLOOR PLAN
SCALE 1/8" = 1'-0"

BAILLY RESIDENCE	
PROJECT: 450 SHERMAN CANAL VENICE, CA 90291	
LEGAL DESCRIPTION: LOT 24, M.B. 7-126 / 127 BLOCK 52 TRACT SHORTLINE BEACH VENICE CANAL, SUB NO. 1	
OWNER: TIM C BAILLY 20728 LAS FLORES M DR, MALIBU, CA 90265 310-917-0993	
STRUCTURAL: MMC ASSOCIATES 22716 LONGWOOD AVE LOS ANGELES, CA 90016 323-977-0572	
DESIGNER: TIM C BAILLY 20728 LAS FLORES M DR MALIBU, CA 90265 310-917-0993	

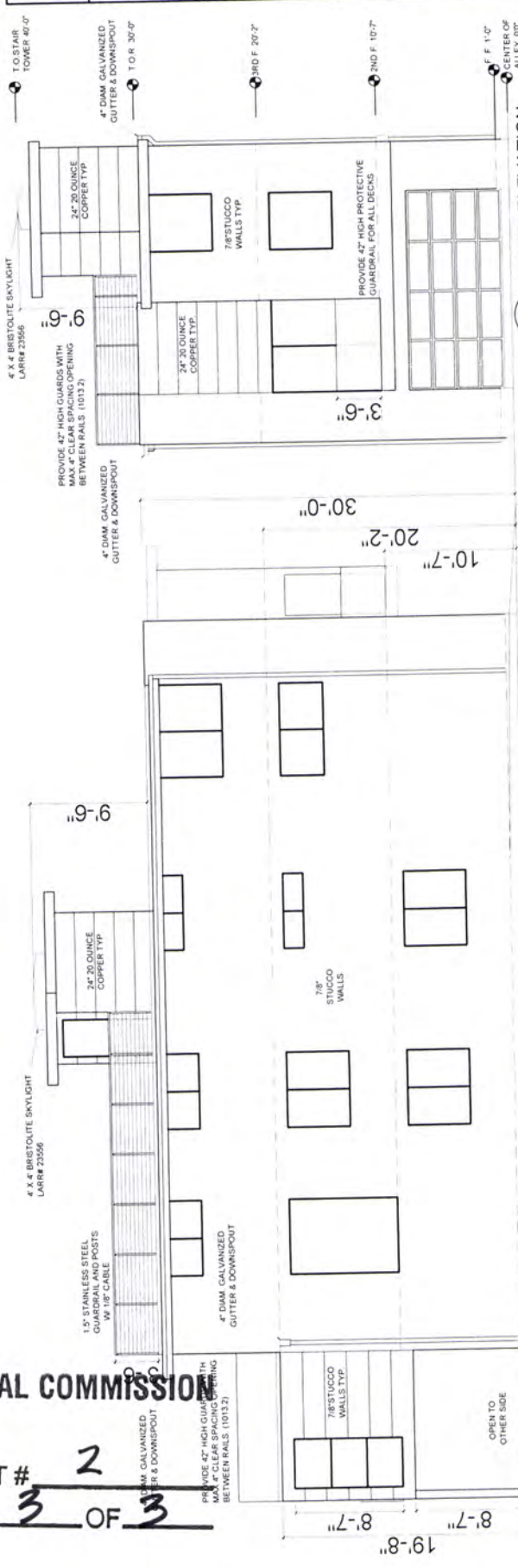


EXHIBIT # 2
PAGE 2 OF 3

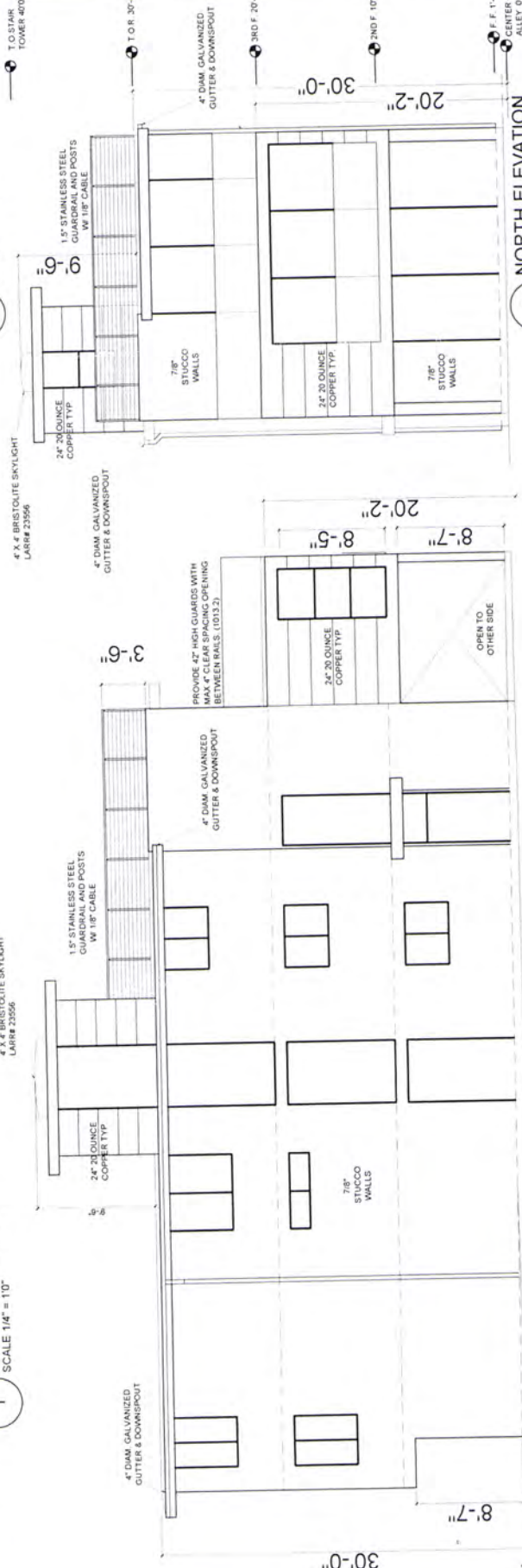


<div>BALLY RESIDENCE</div>																
<div>PROJECT: 459 SHERMAN CANAL VENICE, CA 90291</div>																
<div>LEGAL DESCRIPTION: LOT 24, MB 7-126 / 127 BLOCK 52 TRACT SHORTLINE BEACH VENICE CANAL SUB NO. 1</div>																
<div>OWNER: TIM C BALLY 20728 LAS FLORES M DR MALIBU, CA 90265 310-317-0993</div>																
<div>STRUCTURAL: MMC ASSOCIATES 22716 LONGWOOD AVE LOS ANGELES, CA 90016 323-337-0572</div>																
<div>DESIGNER: TMC C BALLY 20728 LAS FLORES M DR MALIBU, CA 90265 310-317-0993</div>																
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BAILLY RESIDENCE	
PROJECT: 450 SHERMAN CANAL VENICE, CA 90291	
LEGAL DESCRIPTION: LOT 24, M.B. 7-126 / 127 BLOCK 52 TRACT: VENICE CANAL SUB NO. 1	
OWNER: TIM C BAILLY 20728 LAS FLORES M DR MALIBU, CA 90265 310-317-0993	
STRUCTURAL: MMC ASSOCIATES 2216 LONGWOOD AVE LOS ANGELES, CA 90016 323-377-0572	
DESIGNER: TIM C BAILLY 20728 LAS FLORES M DR MALIBU, CA 90265 310-317-0993	
REV	DESCRIPTION
A	PLAN CHECK & SUBMITTAL
B	PLAN CHECK CORRECTIONS
C	
D	
ELEVATIONS	
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EXHIBIT A PAGE 3 OF 3	



1 WEST ELEVATION
SCALE 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE 1/4" = 1'-0"

3 EAST ELEVATION
SCALE 1/4" = 1'-0"

4 NORTH ELEVATION
SCALE 1/4" = 1'-0"