

CALIFORNIA COASTAL COMMISSION

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**F6c**

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180th Day: 06/20/2016
Staff: S. Vaughn-LB
Staff Report: 01/21/2016
Hearing Date: 02/12/2016

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-15-2064

Applicant: Joel Jay Shapiro

Location: 451 Sherman Canal, Venice, City of Los Angeles, Los Angeles County (APN: 4227012016).

Project Description: Construction of a new 30-foot high, three-story, 3,563 sq. ft. single-family residence with an attached 437 sq. ft. two-car garage with one additional on-site parking space and a 390 sq. ft. roof deck on a vacant 2,850 sq. ft. lot with a 1,000 gallon underground cistern for landscape irrigation.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to construct an approximately 3,563 square-foot, 30-foot high single-family residence with an attached 437 square-foot, two-car garage on a vacant canal-fronting lot. Landscaping will consist of non-invasive and drought-tolerant vegetation, utilizing drip irrigation with water stored in a 1,000 gallon underground cistern as a water conservation measure. 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 water quality, and the potential impact to the existing community character. Special conditions to address these issues are listed below.

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

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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. **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), permeable decks at grade (not to exceed 18 inches in height), and an underground cistern for water retention. 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 and cistern, in accordance with the general description of that area in **Exhibit 2 of the 1/21/2016 staff report**. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. **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.
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 2 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.** 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 or underground cistern 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.

- 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, 3,563 square-foot single-family residence with an attached 437 square-foot, two-car garage with an additional on-site guest parking space on a vacant lot within 300 feet of a canal (**Exhibit 2**). The project site is located at 451 Sherman Canal, Venice Beach, City of Los Angeles, Los Angeles County.

The project provides adequate parking based on the Commission's typically applied standards, with three on-site parking spaces. The proposed project incorporates best management practices (BMPs) during construction to address water quality as required by **Special Condition 5**. Post-construction all storm water and runoff will be collected and detained in on-site gravel infiltration trenches or a 1,000 gallon underground cistern. Overflow water will be pumped to the street at the rear of the house away from the canal and directed toward the City storm drain system.

The rear alley (Howland Canal) provides vehicular access to the project site (**Exhibit 2**). 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 2014-2856(CDP)). Landscaping will consist of non-invasive and drought-tolerant vegetation, and as required by **Special Condition 2**, will utilize water conservation measures such as using reclaimed water or drip irrigation.

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.

To ensure the proposed project does not exceed the 30 and 35 foot height limits designated in the Commission-certified Venice LUP, staff is imposing **Special Condition 4**. 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 1** 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 3**.

To ensure that any future changes are consistent with the policies of the Coastal Act, any deviation from the approved plans must be submitted for review by the Executive Director, therefore, the Commission imposes **Special Condition 6**. In addition, the Commission imposes **Special Condition 7** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP # 5-15-2064), 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 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.

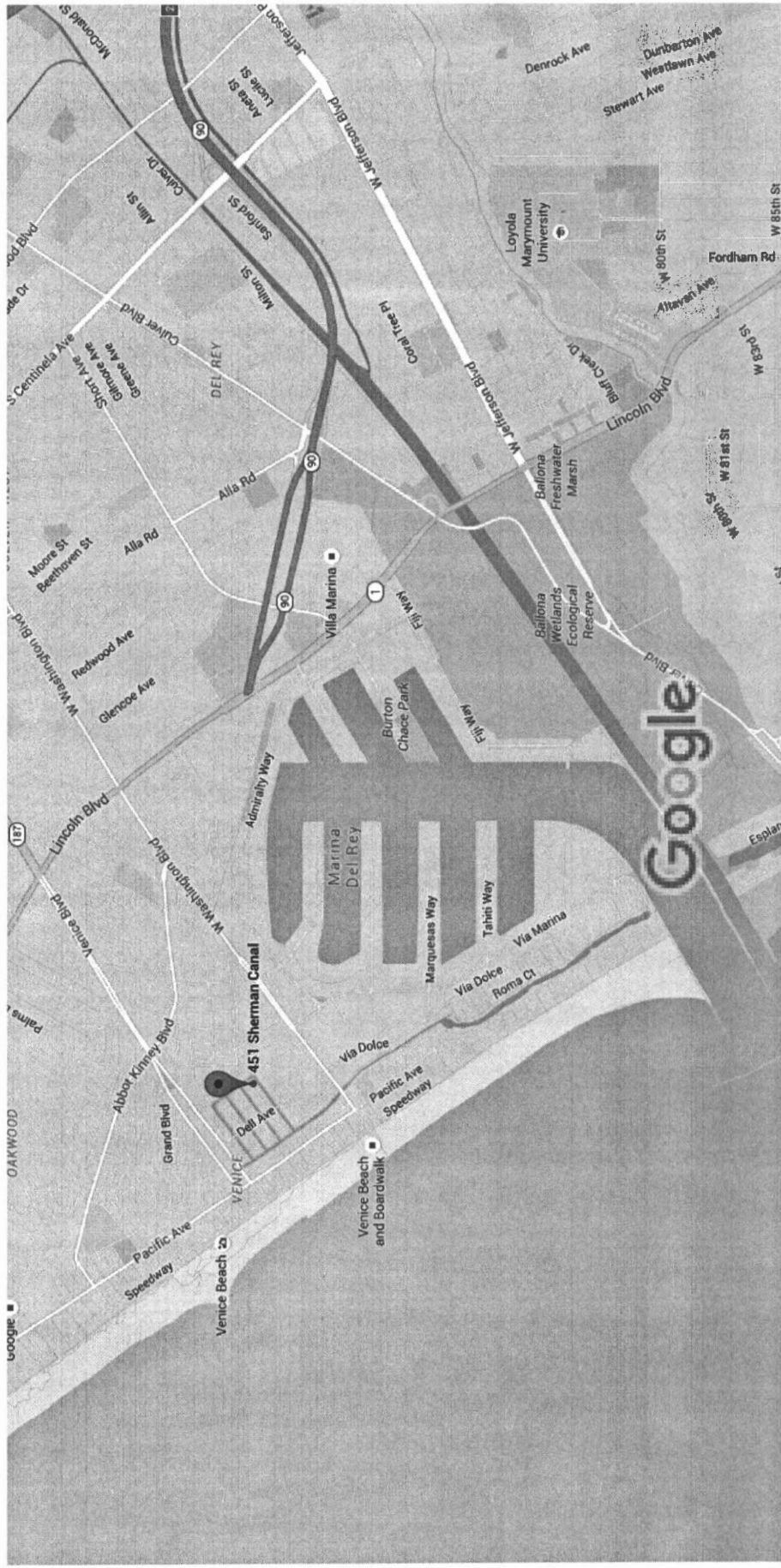
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

1. City of Los Angeles Coastal Development Permit Case No. (Case #ZA 2014-2856(CDP)). dated August 31, 2015
2. Coastal Development Permit Application No. 5-15-2064

Google Maps 451 Sherman Canal



Map data ©2016 Google 2000 ft

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5-15-2014

EXHIBIT # 1

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Google Maps 451 Sherman Canal



COASTAL COMMISSION Imagery ©2016 Google, Map data ©2016 Google 100 ft

EXHIBIT # 1
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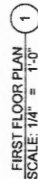
PORTIONS OF SUPPLY AIR RETURN DUCTS AND PLenums SHALL EITHER BE INSTALLED TO A MINIMUM INSTALLED LEVEL OR BE SMALLER THAN THE INSTALLED LEVEL. ALL PORTIONS OF EXHAUST SHALL OCCUR DIRECTLY IN CONTACT WITH OUTSIDE AIR. IF THE PACKAGE DESIGN USES REFRIGERANT INSULATION AN SPACE FILL [REPLACE] DETING

JOINTS AND OTHER OPENINGS IN THE BUILDING ENVELOPE THAT ARE NOT CALLED OUT OTHERWISE SHALL BE STOPPED OFF OR OTHERWISE SEALED TO LIMIT INFILTRATION AND EXFILTRATION [IN7 DETING]

AIR PRESSURE SENSITIVE TAPES, MATES, ASSURES, SEALANTS, OR OTHER CLOSURE DEVICES USED FOR INSTALLING FIELD AND JOINT SEALS MUST MEET THE APPLICABLE REQUIREMENTS OF UL-181, UL-180A OR UL-181B [H40609C]

ON THE SUPPLY HEATING AND COOLING ENERGY TO EACH SPACE.

CONDITIONING ZONE OR DUELLING CONTROL SHALL BE CONTROLLED BY AN EXISTING ZONE CONTROLLER. ZONE CONTROL THAT RESPONDS TO TEMPERATURE



as required by
CASE NO 011-2014-1009-SPP
Planner Waltch

SAFETY GLAZING

PROVIDE SAFETY GLAZING IN THE FOLLOWING LOCATIONS (2406.3):

1.01 THIS NOTE ORIGINATES IN THIS TEXT BOX PLACED DIRECTLY ONTO THE LAYOUT SHEET. SEE BELOW FOR THE ALTERNATE WORKSHEET OPTION

WITHIN THE WORKSHEET WORKSHEET, FLOOR PLAN KEY NOTES, AND ALTERNATE TO THE TEXT BOX DIRECTLY PLACED ONTO THE LAYOUT SHEET.

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