

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-0233

Applicant: Linnie Canal Silicon Bay, LLC

Agent: Curtis Austin Peters

Location: 237 Linnie Canal, Venice, Los Angeles County (APN: 4227-005-016)

Project Description: Demolition of a 2-story, 1,693 sq. ft. single-family residence built circa 1985 and construction of a 3-story, 30-ft. high, 3,631 sq. ft. single-family residence with an attached 427 sq. ft. two-car garage and one additional on-site parking space on the driveway apron, and a 473 sq. ft. roof deck with 42-inch high railings on an approximately 2,850 sq. ft. canal-fronting lot.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed residential project consists of the demolition of a single-family residence and construction of a new single-family residence. The development is located on the banks of the Venice Canals in Venice, California, in the dual permit jurisdiction zone. Therefore, the standard of review is Chapter 3 of the Coastal Act, and the City of Los Angeles certified Land Use Plan provides guidance as to the project's compliance with Chapter 3 policies. The project raises Coastal Act issues regarding hazards and impacts to public access, visual quality and water quality.

The proposed development has been conditioned to assure that it is consistent with the Chapter 3 policies of the Coastal Act. Staff recommends the following conditions: **1)** development setbacks and building height; **2)** permeable yard area; **3)** permit compliance; **4)** no future protective devices; **5)** assumption of risk; **6)** construction-related requirements and best management practices; **7)** drought tolerant, noninvasive plants; **8)** drainage and water quality; and **9)** deed restriction.

As conditioned, staff is recommending **approval** of the proposed coastal development permit.

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APPENDICES – SUBSTANTIVE FILE DOCUMENTS

Appendix A – City of Los Angeles certified Venice Land Use Plan, 6/14/2001

Appendix B – City of Los Angeles local Coastal Development Permit Case No. 2018-3915-CDP-SPP-MEL, dated January 7, 2019

Appendix C – GeoSoils, Inc. “Coastal Hazard and Sea Level Rise Discussion for 237 Linnie Canal, Venice”, May 20, 2019

Appendix D – Coastal Development Permit Nos. 5-17-0672 (Fessler & Tschortner); 5-18-0512 (437 Howland Canal Silicon Bay, LLC); and 5-17-0598 (210 E. Linnie Canal, LLC)

EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Washington and Marina del Rey Tide Gates Plan View](#)

[Exhibit 4 – Sea Level Rise Projections, CoSMoS](#)

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.

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. **Development Setbacks and Building Height.** No development is authorized within ten ft. of the canal-fronting property line (Linnie Canal) nor within or above the required 450 sq. ft. permeable front yard area, except as described in Special Condition 2 below. Ten feet landward of the canal-fronting property line, the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal ft. from the canal-fronting property line, one ft. in additional height is permitted for each two additional horizontal ft. to a maximum height of thirty ft. (30') except for chimneys, ducts, and other accessory structures, which are

limited to 35 ft. Roof deck railings shall not exceed 42-in. above the 30-ft. height limit (top of roof). Building height is measured from the elevation of the adjacent alley.

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 ft. x 30 ft. = 450 sq. ft.) shall be maintained on the project site in the front yard area between the structure and the front (Linnie Canal) property line as depicted in [Exhibit 2](#) of the staff report. Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises, eaves) shall be placed in or over the permeable yard area with the exception of fences or garden walls (not to exceed 42 in. in height), permeable decks at grade (not to exceed 18 in. in height), and an underground cistern, French drain or other similar drainage system 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.
3. **Permit Compliance.** Coastal Development Permit 5-19-0233 authorizes the construction of a new three-story, 30-ft. high single-family residence with an attached two-car garage. The applicant shall maintain three (3) parking spaces on-site over the life of the approved development (two spaces in the garage and one in the driveway). All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions of this permit.

The permittee shall undertake development in accordance with the approved final plans as depicted in [Exhibit 2](#). Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Plan for Future Removal of Threatened Development.**

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the primary structure, accessory structures, and any retaining walls, if: (a) any government agency has ordered that the structures are not to be occupied due to waves, erosion, storm conditions, liquefaction, landslides, or other coastal hazards, and as may be exacerbated by sea level rise; (b) if essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; or (d) removal is required pursuant to LUP policies for sea level rise adaptation planning. If any portion of the development at any time encroaches onto public property, the permittee shall either remove the encroaching portion of the development or apply to retain it. Any application to retain it must include proof of permission from the owner of the public property. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director determines that no coastal development permit is legally required.

B. Prior to removal/relocation, the permittees shall submit two copies of a Removal/Relocation Plan to the Executive Director for review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/ relocated and the affected area restored so as to best protect coastal resources. In the event that portions of the development fall to the canal waters before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the public waters and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. **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 shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

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- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. 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.

7. 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.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.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.

8. **Drainage & Water Quality.** By acceptance of this Coastal Development Permit, the applicant agrees that:

- 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, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed on the project site.
- d) All runoff leaving the site shall be directed away from the canals and into the City storm drain system.

9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this 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 or parcels governed by this 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 permit shall continue to restrict the use and enjoyment of the subject property so long as either this 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 LOCATION & DESCRIPTION

The applicant proposes to demolish an existing two-story, 1,693 sq. ft. single-family residence and construct a new three-story, 30-ft. high, 3,631 sq. ft. single-family residence with attached 427 sq. ft. two-car garage ([Exhibit 2](#)). The applicant is proposing one additional on-site parking space on the driveway apron, for a total of three on-site parking spaces. The proposed project includes approximately 392 sq. ft. of balcony space, a 473 sq. ft. roof deck with 42-in. high railings above the roof, 195 cu. yds. of grading (130 cu. yds. of cut and 65 cu. yds. of fill), and landscape improvements. The project obtained a City of Los Angeles local Coastal Development Permit (Case No. DIR-2018-3915-CDP-SPP-MEL) on January 7, 2019, and was not appealed during the 20-working day appeal period [Cal. Pub. Res. Code § 30602]. On March 18, 2019, the applicant applied for a coastal development permit from the Coastal Commission due to the site's location

within the dual permit jurisdiction zone pursuant to Section 30601 of the Coastal Act. The standard of review is Chapter 3 of the Coastal Act, and the City of Los Angeles certified Land Use Plan provides guidance.

The subject site is a relatively level 2,850 sq. ft. lot located approximately 1,000 feet inland of Venice Beach and adjacent to the Linnie Canal in the Venice Canals subarea. The site is designated Single-Family Residential Low Medium I in the certified Venice Land Use Plan (LUP) and zoned RW1-1-O by the City of Los Angeles. The block and surrounding area are characterized by a mix of one to three-story single-family residences of varying architectural styles. Many of the original homes in the Venice Canals have been reconstructed and are three stories in height and of similar size to the proposed project. Public sidewalks currently provide public access along all banks of the canals ([Exhibit 1](#)).

The height limits set forth in the certified Venice LUP for the Venice Canals subarea are specific with regard to residences. Ten feet landward of the canal-fronting 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 canal-fronting property line, one ft. in additional height is permitted for each two additional horizontal ft. to a maximum height of 30 ft. except for chimneys, ducts, and other accessory structures which are limited to 35 ft. Roof access structures are permitted to exceed the 30-ft. height limit by up to ten ft., but must not exceed 100 sq. ft. in area as measured from the outside walls and be setback at least sixty horizontal ft. from the canal. Roof deck railings shall not exceed 42-in. above the 30-ft. height limit. Building height is measured from the elevation of the adjacent alley.

The proposed residence would be set back approximately 16.5 ft. from the front (canal-fronting) property line. The third story would be set back approximately 36.5 ft. from the front property line. The front height of the residence facing Linnie Canal would begin at a height of approximately 22 ft. then ascend to a maximum height of approximately 30 ft. from the centerline of the rear alley. The proposed open railings will not exceed 42 in. in height. Therefore, the proposed project is consistent with the height requirements of the LUP, which are also reflected in **Special Condition 1**.

The certified LUP requires a permeable yard area totaling no less than fifteen times the width of canal-fronting lots. The subject lot is 30-ft. wide. In this case, a minimum of 450 sq. ft. (30 ft. x 15 ft. = 450 sq. ft.) of permeable yard area is required. The proposed residence would be setback 16.5-ft. from the canal-fronting property line, providing approximately 495 sq. ft. of yard area, 450 sq. ft. of which is required to be permeable. As proposed, the project is consistent with the permeable yard area requirements of the certified Venice LUP, and is further reflected in **Special Condition 2**.

In addition, due to the lack of on-street parking in the immediate area of the project, and to address impacts to public access to the coast as a result of proposed construction, the certified Venice LUP requires single-family residences in this area to provide at least three on-site parking spaces. The applicant proposes three on-site parking spaces: two in the garage and one on the driveway apron, all accessed from the alley (Court D). To ensure that any future changes at the subject site are consistent with the policies of the Coastal Act, any deviation from the final approved plans must be submitted for review by the Executive Director; therefore, the Commission imposes **Special Condition 3**.

The Venice Canals are a unique example of community recreation planning in a coastal marshland area that consists of a majority of single-family homes. When the LUP was certified in 2001, development standards were set forth in order to preserve the character of the community while minimizing/ avoiding impacts to coastal resources. The proposed residence is consistent with the development standards set forth in the LUP, and is similar in size (i.e. height, setbacks, buffer, bulk, floor area) to other residences in the Venice Canals. These design standards minimize or avoid impacts of new development to public access, water quality, environmentally sensitive habitat, and visual resources. In addition, previous Commission actions [CDP Nos. 5-17-0672 (Fessler & Tschortner); 5-18-0512 (437 Howland Canal Silicon Bay, LLC); 5-17-0598 (210 E. Linnie Canal, LLC)] have approved similar projects in the Venice Canals as consistent with the certified LUP and Chapter 3 of the Coastal Act. Because the certified LUP implements and (as the Commission found when it certified the LUP) itself is consistent with Chapter 3 of the Coastal Act, the project's consistency with the development standards in the LUP (Policies I.A.2, I.A.4, I.E.1, and I.E.2) is substantial evidence that the project also complies with the Coastal Act. As such, approval of the project will not result in adverse cumulative impacts to the surrounding area due to the approval and presence of similar residences, is compatible with the character of the neighborhood, and is consistent with Chapter 3 of the Coastal Act.

As previously mentioned, the project site is located within the Venice Canal system, which is located north of Washington Boulevard and is hydrologically connected to Ballona Lagoon via Grand Canal. Within this system, there are two sets of tide gates. One set is located under the Washington Street Bridge at Grand Canal and the other is located at the southern end of Ballona Lagoon near the Marina del Rey entrance channel ([Exhibit 3](#)). These tide gates limit the potential for flooding and regulate tidal flushing (with seawater) in the Ballona Lagoon, Grand Canal, and Venice Canals. Although these tide gates afford some protection of development from flooding hazards, development in this area is not immune to hazards. For example, the canal area exists at a lower elevation than the surrounding area. During a storm event, rainfall from the area is gravity-drained to the canals and typically drains out to the ocean at low tide. The tide gates typically close during higher-high tides which, when coinciding with large storm events and/or a potential tide gate malfunction, can lead to stormwater accumulation in the canals causing stormwater-related flooding¹. Such stormwater-related flooding may become more prevalent as sea levels rise. In 2015, the Commission adopted guidance for addressing sea level rise in Local Coastal Program planning and coastal development permit applications, utilizing best available science² pursuant to Sections 30006.5 and 30335.5 of the Coastal Act. As directed by the guidance (subsequently updated in 2018), staff utilizes the Ocean Protection Council's 2018 sea level rise (SLR) figures as the best available science to evaluate the vulnerability of new development to SLR within its economic life (75 years). In this particular area, anticipated SLR is approximately 6.8-ft.³ by the year 2100 for medium- to high-risk development such as residences. When development is proposed in areas that are predicted to be subject to coastal hazards, the Commission typically

¹ City of Los Angeles. "Venice Coastal Zone Sea Level Rise Vulnerability Assessment", 25 May 2018. In this assessment, the City of Los Angeles recognizes the importance of planning for SLR in the Venice community, including the exposure, sensitivity and adaptive capacity of Venice's coastal resources.

² CA Coastal Commission. CCC SLR Policy Guidance, final adopted science update. 7 November 2018.

³ This figure represents high emissions under the 0.5% probability scenario for residential development. Staff utilizes these figures because global greenhouse gas emissions are currently tracking along this trajectory unless large-scale curtailment of greenhouse gas emissions occurs to keep projections towards the lower end of the spectrum ([Exhibit 4](#)).

requires an applicant to submit a coastal hazards analysis using the best available science with a CDP application.

Given the vulnerability of the area, the applicant submitted a hazards analysis dated May 20, 2019. The analysis states that the subject site is vulnerable to SLR-related flooding with 4.9-ft. SLR by the year 2085 ([Exhibit 4](#)). If the world continues current development and emissions patterns, high emissions scenarios of 6.6-ft. SLR may flood the subject site between the years 2095-2100, which is outside of the approximately 75 year economic life of the development. In addition, the surrounding streets are at a lower elevation than the subject site and are anticipated to flood before the site, itself, floods. However, even if the site itself is not subject to flooding as soon as the surrounding areas, access to the site and surrounding area could be impacted by flooding of the lower-elevation areas. Additionally, according to the City's vulnerability assessment and as verified on CoSMoS (the best available SLR hazards mapping tool), the subject site is one of approximately 4,000 parcels, including the surrounding walk streets and canal bridges, which are anticipated to flood particularly from stormwater overcapacity and tide gate malfunction during 6.6-ft. of SLR ([Exhibit 4](#)). This exposure can be mitigated by temporary measures such as sand bags and dewatering; however, adaptive measures for long-term and more chronic flooding exposure are unknown, and will most likely require a regional effort to protect coastal resources in the area.

However, projecting sea level rise at any one location is not an exact science, and coastal areas are inherently unpredictable, especially when making predictions about conditions in 75-100 years. Although the current trend of sea level rise appears to be in the direction of more accelerated sea level rise, not less, the Commission cannot determine with absolute certainty that this house will be impacted by sea level rise-related hazards before the end of its economic life, although the current best available science indicates that some impacts are likely.

Section 30253 of the Coastal Act allows for some development in hazardous locations, as long as it minimizes risks to life and property in areas of high flood hazard (30253(a)) and assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs (30253(b)). As such, the Commission's Draft Residential Adaptation Guidance (2018, Sect. E.4) and SLR Policy Guidance (2018, Sect. A.8) recommend that new development be designed to avoid and/or mitigate for anticipated flood hazards, consistent with Section 30253 of the Coastal Act. Here, the project's ground level includes an attached garage, living room, and dining area. The upper levels include bedrooms, recreational rooms, and decks. The project does not involve construction of a basement, and includes the elevation of some of the habitable space.

Although siting and design measures should minimize risks, ensure the stability of development, ensure the provision of adequate services (e.g., roads, water and sewer), and protect coastal resources over the expected life of the development, coastal hazards are not entirely predictable. Thus, to address residual uncertainty and risks, **Special Condition 4** requires that the applicant remove or relocate the threatened development in the event that it is threatened with damage or destruction from chronic flooding events, is no longer accessible by way of public streets, and/or is ordered by any government agency to not be occupied, as the evidence indicates is likely towards the end of the proposed structure's economic life but is not known with certainty. Removal of any

structures requires a coastal development permit, which shall be accompanied with a removal/relocation plan.

Furthermore, the applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits the subject development should be held liable for the applicant's decision to develop. Therefore, the Commission imposes **Special Condition 5**, which requires the landowner to assume the risk of flooding hazards of the property, and to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, runs with the land and will ensure that the applicant and future owners are made aware of the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

Moreover, the project site fronts the canals and is in close proximity to the water. Thus, the Commission imposes construction-related best management practices under **Special Condition 6** to mitigate construction-related pollution and debris from entering the canals. Based on the project plans, stormwater runoff will be diverted to a 100 cu. ft. seepage field (French drain) located in the front yard and permeable areas for percolation, which will help minimize water runoff from the subject site. To ensure that water quality is maintained on site, the Commission imposes **Special Condition 8**. To further conserve water, **Special Condition 7** requires the applicant to utilize primarily drought tolerant, non-invasive plant species and water conservative irrigation systems for any new landscaping.

The Commission also imposes **Special Condition 9**, which requires the applicant to record a deed restriction acknowledging that, pursuant to this CDP (CDP No. 5-19-0233), the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of the subject property; and imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction will additionally provide notice of potential hazards of the property, and the risks of flooding and other sea level rise impacts towards the end of the development's economic life.

As conditioned, the proposed development is consistent with the development standards in the certified LUP and, therefore, Chapter 3 of the Coastal Act, and will not result in adverse cumulative effects to the visual resources or community character. In addition, the site is potentially subject to flooding from anticipated SLR and storm events; however, as conditioned, the development will minimize impacts to coastal resources. As conditioned, proposed development will not adversely impact coastal resources, public access, visual resources or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, and conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, as proposed, the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

D. HAZARDS

Development adjacent to the ocean is inherently hazardous. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; require the removal of the structure if and when threatened; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

E. 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 with 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.

F. 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 provides notice to any prospective future owner(s) of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. 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 Venice Land Use Plan was certified by the Commission on June 14, 2001 and is advisory in nature and may provide guidance. 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 proposed 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, either individually or cumulatively with other similar developments in the area.

H. 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.

5-19-0233 (Linnie Canal Silicon Bay, LLC)
Approval with Conditions

Substantive File Documents

Appendix A – City of Los Angeles certified Venice Land Use Plan, 6/14/2001

Appendix B – City of Los Angeles local Coastal Development Permit Case No. 2018-3915-CDP-SPP-MEL, dated January 7, 2019

Appendix C – GeoSoils, Inc. “Coastal Hazard and Sea Level Rise Discussion for 237 Linnie Canal, Venice”, May 20, 2019

Appendix D – Coastal Development Permit Nos. 5-17-0672 (Fessler & Tschortner); 5-18-0512 (437 Howland Canal Silicon Bay, LLC); and 5-17-0598 (210 E. Linnie Canal, LLC)