

CALIFORNIA COASTAL COMMISSION

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**W6b**

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 Hearing Date: 10/13/21

STAFF REPORT: CONSENT CALENDAR

Application Numbers: 5-21-0651

Applicant: Jay and Gigi Goodfader

Agent: Esquared Planning (Attn: Ethan Edwards), Gibson Design + Build (Attn: John Gibson)

Location: 411 E. Linnie Canal, Venice, City of Los Angeles, Los Angeles County (APN: 4227-006-002)

Project Description: Remodel and 1,511 sq. ft. addition to an existing 18-ft. high, 1,553 sq. ft., two-story single-family residence with a detached two-car garage, resulting in a 3,064 sq. ft., 30-ft. high, three-story single-family residence with a new 568 sq. ft. rooftop deck on a canal-fronting lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The subject property is located approximately 0.25 miles inland of the beach in the Venice Canals subarea of Venice. The project site is currently developed with an 18-ft. high, two-story, 1,533 sq. ft. single-family residence and a detached two-car garage on a canal-fronting lot. The proposed project includes addition of a new third floor, rooftop deck, and 10-ft. high roof access structure (RAS). The project is a major remodel which constitutes new development, resulting in a 3,064 sq. ft., 30-ft. high, three-story single-family residence with an attached garage and three parking spaces onsite.

The project also proposes correction of all existing nonconformities with regard to the certified Venice Land Use Plan (LUP) through construction of a new 450 sq. ft.

permeable front yard and a 15-ft. average front yard setback. This will ensure conformance with all relevant certified LCP policies.

The applicant initially proposed lowering the existing foundation elevation by 1.7-ft., but has revised the project to maintain the existing lowest finished floor elevation (FFE). This will ensure the foundation remains 7.2-ft. above the current mean sea level (MSL) and approximately 0.4 ft. above MSL with the maximum 6.8 ft. of sea level rise possible within the development lifespan. As such, the project has been designed for safety from coastal hazards.

A mix of one to three-story single-family residences and multi-family residences—with and without roof decks and roof access structures—characterize the neighborhood. The surrounding homes are similar in size to the proposed project; as such, the proposed project is unlikely to have an adverse cumulative effect with regard to the surrounding character.

Staff is recommending the Commission **approve** the coastal development permit (CDP) application with 12 special conditions, including: **1)** submittal of final project plans; **2)** permeable area and setback requirements; **3)** permit compliance; **4)** the use of drought tolerant, non-invasive plants; **5)** construction best management practices; **6)** submittal of construction staging plans; **7)** Los Angeles Department of Building and Safety (LADBS) approval; **8)** local government approval; **9)** assumption of risk; **10)** no future shoreline protective devices; **11)** generic deed restriction; and **12)** amended deed restriction.

These conditions are imposed to ensure that all Venice LUP nonconformities are corrected as proposed, biological resources and water quality are protected for the life of the project, and risks to life and property from flood hazards are minimized. The proposed project, only as conditioned, can be found consistent with Chapter 3 of the Coastal Act.

The standard of review is the Chapter 3 policies of the Coastal Act, with the certified LUP used as guidance.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS.....	10
A. Project Description & Location	10
B. Development	14
C. Public Access.....	15
D. Biological Resources & Water Quality.....	15
E. Hazards.....	15
F. Local Coastal Program (LCP).....	15
G. California Environmental Quality Act (CEQA).....	16
Appendix A – Substantive File Documents	17

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Historic Deed Restriction \(1984\)](#)

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 the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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 that conforms 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 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 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. Submittal of Final Plans.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, two (2) full-sized sets of final project plans, which substantially conform with the project plans submitted to the Commission's South Coast District Office, titled "First and Second Floor Addition and Remodel, Third Story and Roof Deck Additions" and dated August 19, 2021 except shall be modified to comply with the following:

- i. No development is authorized within 10 feet of the fronting canal property line (Carroll Canal) nor within or above the minimum required 450-square foot permeable front yard area, except as described in Special Condition 2 below. 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 10 horizontal feet from the canal-fronting property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 30 feet except for chimneys, ducts, and other accessory structures which are limited to 35 feet. Roof deck railings shall not exceed 42 inches above the 30-foot height limit and shall clearly be of an open design. Building height is measured from the elevation of the adjacent alley.
- ii. The proposed residence shall provide and maintain an average setback of 15 feet, but no less than 10 feet, in the front yard adjacent to the canal property line. Proposed development must conform with all required setbacks.
- iii. All improvements (e.g. fencing, pavers, etc.) that extend beyond the canal-fronting property line must be removed.

B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan 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 legally required.

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 15 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. 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 inches in height), permeable decks at grade (not to exceed 18 inches 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.** The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

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

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, two (2) full sized sets of final landscaping plans, which shall include and be consistent with the following:

- i. 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>).
- ii. 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.

B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 legally required.

5. Water Quality.

A. Construction Responsibilities and Debris Removal

5-21-0651 (Goodfader)

- 1) No demolition or construction materials, equipment, 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;
- 2) 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;
- 3) 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;
- 4) 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;
- 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- 6) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- 7) 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;
- 8) 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;
- 9) 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;
- 10) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- 11) 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;
- 12) 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;

- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Drainage and Water Quality

- 1) 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;
- 2) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;
- 3) A French drain, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed and maintained on the project site;
- 4) All runoff leaving the site shall be directed away from the canals and into the City storm drain system;
- 5) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

6. Construction Staging Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written review and approval of the Executive Director, two copies of a construction staging plan. The construction staging plan shall incorporate the following:

A. The plan shall specify where construction equipment is proposed to be stored during construction in order to maintain slope stability, control erosion, and maintain public access along Via Dolce.

- 1) All construction equipment to be stored overnight shall be stored on-site, outside the street travel-way.
- 2) Placement of the on-site dumpster shall incorporate use of a flagman to direct traffic during placement.

B. The plan shall also identify a disposal site outside of the Coastal Zone for waste materials and recyclable materials.

7. City of Los Angeles, Department of Building and Safety Approval. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall provide to the Executive Director a copy of a permit issued or evidence of preliminary

approval by the City of Los Angeles, Department of Building and Safety (LADBS). The applicant shall inform the Executive Director of any changes to the project required by LADBS. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

8. Local Government Approval. The proposed development is subject to the review and approval of the City of Los Angeles (City). This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of CDP No. 5-21-0651 shall prevail.

9. Assumption of Risk, Waiver of Liability, and Indemnity. By acceptance of this permit, the applicant 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.

10. Waiver of Rights to Future Shoreline Protective Device.

A. By acceptance of this permit, the permittee(s) agrees, on behalf of itself and all other successors and assigns, that the project is new development for which there is no right to shoreline protection and hereby waives on behalf of itself, and all other successors and assigns, any rights that may exist under applicable law to construct a shoreline protective device to protect the development approved pursuant to Coastal Development Permit No. 5-21-0651, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards in the future.

B. By acceptance of this permit, the applicants further agree, on behalf of itself and all successors and assigns, that the landowner(s) is required to remove the development authorized by this permit if any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices.

C. In the event that portions of the development fall to the public walkway and/or water before they are removed, the landowner(s) shall remove all recoverable

debris associated with the development from the public walkway and/or water and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the Venice Canals.

- 11. 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(s) have 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.
- 12. Amended Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, amending the existing Deed Restriction recorded in the Los Angeles County Recorder's Office on May 29, 1984 as Instrument No. 84-637188, requiring a 450 sq. ft. pervious yard area. The existing deed restriction shall be amended to revise the location of the pervious yard area to the area between the canal property line and the front of the structure as described in Special Condition 2 and shown on Page 5 of Exhibit 2. The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and shall include an exhibit depicting the location of the 450 sq. ft. permeable yard area. The amended deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The subject site is an approximately 2,852 sq. ft. (30-ft. wide by 95-ft. deep) canal-fronting lot located approximately 0.25 miles inland of the beach in the Venice Canals subarea of the City of Los Angeles ([Exhibit 1](#)). The site is zoned RW1-1-O by the City of

Los Angeles uncertified zoning code and designated Single-Family Dwelling—Low Medium I Density by the certified Venice LUP.

The project has obtained local CDP No. DIR-2019-5377-CDP, issued by the City’s Planning Department on January 22, 2020. No appeal of the local action was filed. On April 13, 2020, the applicants submitted the required “dual” Coastal Commission CDP application (Application No. 5-21-0651) for Commission review and action. On January 15, 2021, the applicants withdrew the application in order to submit a revised application correcting all existing nonconformities as required by the certified LUP for new development. On September 16, 2021, the applicants resubmitted the current CDP application.

A mix of one to three-story single-family residences and multi-family residences—with and without roof decks and roof access structures—characterize the neighborhood. The surrounding homes are similar in size to the proposed project; as such, the proposed project is unlikely to have an adverse cumulative effect with regard to the surrounding character. Public sidewalks currently provide public access along all banks of the canals.

The subject lot was originally developed with a one-story single-family residence in 1921. On February 29, 1984, the Commission issued Administrative CDP No. 5-84-064 for the addition of a second floor to the single-family residence (the new second floor area was not provided in the staff report.) The special conditions of the CDP initially required a minimum nine-foot rear yard setback for guest parking and a minimum 450 sq. ft. permeable area between the canal property line and the front of the development, as well as reconstruction of a 10-ft. public right-of-way along the canal, drainage plans, and a deed restriction. However, on March 15, 1984 the Commission formally issued a correction eliminating the first condition (the required nine-foot rear setback) and revising the second condition to allow for a 450 sq. ft. permeable yard area located anywhere on the property. On May 8, 1984, the subject applicant (Robert Matchatka) recorded a deed restriction reflecting solely the condition requiring a 450 sq. ft. permeable yard area onsite. The deed restriction included Exhibit A showing the permeable yard area located between the residence and the detached garage [\(Exhibit 3\)](#).

On July 25, 1985, the Commission issued Administrative CDP No. 5-85-456 to Robert Matchaka for demolition of the existing detached garage and construction of a new detached garage with a second-floor studio. The single special condition of the CDP required the applicant to record a deed restriction limiting use of the subject development to a single-family residence. The applicant recorded another deed restriction for the property reflecting this condition on October 4, 1985.

The development approved by both previous CDPs was undertaken and currently exists onsite. The lot is now developed with a two-story, 1,511 sq. ft. single-family residence and detached, two-story accessory structure (a two-car garage topped with a guest room) accessed from Court D, the rear alley. The currently proposed project is consistent with the conditions and findings of the two previous Commission actions onsite. However, **Special Condition 2** requires the applicants to maintain a 450 sq. ft. permeable yard between the canal property line and the development, inconsistent with Exhibit A of the previous deed restriction recorded in 1984 [\(Exhibit 3\)](#). **Special**

Condition 12 requires the applicants to correct this deed restriction exhibit through an amended deed restriction, as discussed further below.

The applicants propose major renovation of the existing development and construction of a 1,511 sq. ft. net addition, resulting in an approximately 3,064 sq. ft., 30-ft. high, three-story single-family residence with a total of three parking spaces ([Exhibit 2](#)). The addition includes connection of the primary residence with the currently detached rear structure and addition of a new third story spanning the entire development. The new third story includes a 568 sq. ft. new rooftop deck, 3.5-ft. high metal post guardrails, and a 10-ft. high, 100 sq. ft. roof access structure (RAS). The applicants also propose to demolish 105 sq. ft. of the existing 236 sq. ft. of exterior walls (resulting in 44% replacement of the existing exterior walls) and demolition of the entire existing roof structure for addition of a third story. No alterations to the existing foundation are proposed.

The height limits set forth in the certified LUP for the Venice Canals subarea are specific with regards to residences. Ten feet landward of the fronting canal property line, the maximum height of any structure shall not exceed 22 ft. above the centerline of the rear alley. Beyond 10 horizontal ft. from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 30 ft. except for chimneys, ducts, and other accessory structures, which are limited to 35 ft. Roof deck railings shall not exceed 42 inches above the 30-ft. height limit. RAS may exceed the maximum residence height limit by no more than ten feet. Building height is measured from the elevation of the adjacent alley.

The proposed residence features a stepped-back third story. The canal-facing height of the residence, which is set back a minimum of 10 ft. from the canal, begins at a height of just above 22 ft. and then ascends to a maximum height of approximately 30 ft. (as measured from the centerline of the alley). The proposed, metal post roof deck railing will not exceed 42 inches in height and the RAS will not exceed 10 ft. Therefore, the proposed project meets the specific height requirements of the LUP. **Special Condition 1** reflects the LUP requirements for height limits.

The existing development includes a 7-ft. canal-fronting, front yard setback and no permeable front yard area. These constitute legal nonconformities with regard to the certified LUP, which requires a minimum 15-ft. average canal-fronting yard setback and at least 450 sq. ft. of permeable front yard area. The applicants propose to demolish a portion of the front structure in order to create a new 454 sq. ft. permeable yard between the canal and the development. This will also provide an average 15-ft. front yard setback no less than 10-ft. wide for any portion of the structure. Correction of these nonconformities are also required by **Special Condition 2**.

The project is consistent with parking requirements of the certified LUP, which require single-family residences to provide three off-street parking spaces. The existing garage provides two parking spaces and a new third space will be provided on the driveway apron, accessed from the rear alley (Court D). 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 to determine whether a permit

amendment shall be required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required. Therefore, the Commission imposes **Special Condition 3**.

The proposed development is located within the tidally influenced Venice canal system, which is mechanically controlled via a tide gate system and hydrologically connected to Ballona Lagoon via the Grand Canal. There are two sets of tide gates: 1) gates located under the Washington Street Bridge at Grand Canal, which connect to the Venice Canals, and 2) gates located at the southern end of Ballona Lagoon. These tide gates limit the potential for flooding and regulate the flow of ocean water into the Ballona Lagoon, Grand Canal, and Venice Canals. However, the City's Venice Sea Level Rise Vulnerability Assessment, prepared by Moffat & Nichol (May 2018), indicates communities within the Venice Canals area as low-lying and flood prone under existing conditions. The tide gates are typically closed prior to high-tide events to prevent the water levels in the canal to rise. As sea levels rise, the tide gates may remain closed for longer periods (which would prevent accumulated stormwater from flushing out to sea), and as storm events become more extreme, flooding may become more frequent.

According to the Our Coast Our Future (OCOF) model, which, like the City's Vulnerability Assessment, uses Coastal Storm Modeling System data, 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 exceedances of stormwater capacity and/or tide gate malfunction. Under a medium-high risk aversion scenario, 2.5 ft. of sea level rise is possible within the next 40 years and up to 6.8 ft. may occur between 2090 and 2100 with current development and emission patterns. This risk aversion scenario does not account for ice sheet loss and may even be exceeded within the anticipated 75-100 year lifespan of the proposed development.

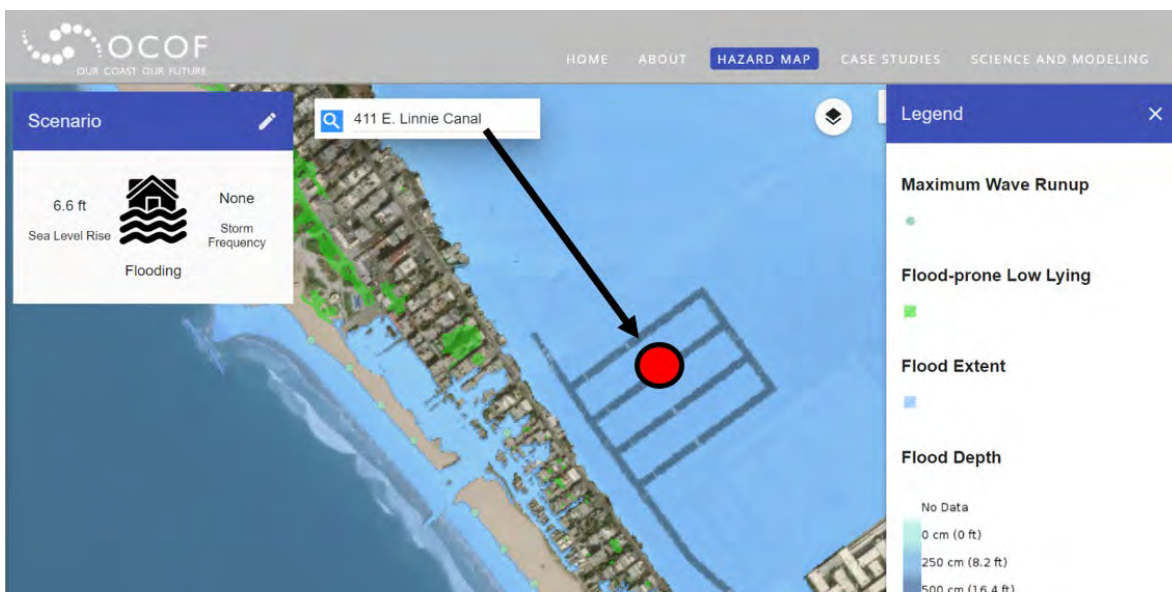


Figure 1. Coastal Flooding at Project Site in 6.6-ft of Sea Level Rise and No Coastal Storm Scenario. (Source: Our Coast, Our Future)

The OCOF model indicates the project site will be subject to non-storm coastal flooding with 6.6 ft. of sea level rise (see Figure 1 below). The applicant's coastal hazards report, published by GeoSoils, Inc. and dated May 7, 2020, indicates that the existing, lowest finished floor elevation (FFE) is approximately 7.21 ft. above existing mean sea level (MSL). This suggests that the maximum 6.8 ft. of sea level rise possible within the subject development's lifespan would result in the lowest FFE remaining approximately 0.4 ft above MSL. The applicant originally proposed lowering the foundation elevation by 1.7-ft., but has revised the project to maintain the existing lowest FFE.

Because the project site is located in close proximity to the canals, the Commission imposes construction-related requirements and best management practices under **Special Conditions 5 and 6** to ensure pollution of the canal is prevented. Based on the project plans, stormwater runoff will be diverted to permeable areas for percolation, which will help minimize water runoff from the subject site. **Special Condition 4** requires the applicant to utilize only drought tolerant, non-invasive plant species and water conservative irrigation systems for any new landscaping.

Special Condition 7 requires that the applicant obtain, at a minimum, preliminary approval from the local government to ensure that any changes to the project required by the local government complies with the intent of this coastal development permit.

Special Condition 8 requires the applicant to comply with local government requirements but clarifies that in the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of this permit (CDP No. 5-21-0651) shall prevail.

Given the risks and vulnerabilities the site faces with regard to flood hazards for the life of the development, **Special Conditions 9 and 10** require the applicant to assume the risks of pursuing development in a hazardous area, waive the applicant's right to install shoreline protective devices, and remove the development if deemed unsafe by a government entity. **Special Condition 11** requires the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-21-0651), the Commission has authorized development on the subject property, subject to the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Lastly, **Special Condition 12** requires the applicant to amend the deed restriction recorded on May 19, 1984 for Administrative CDP 5-84-064. As described above, this is necessary to correct Exhibit A of the prior deed restriction, which shows a 450 sq. ft. permeable yard area in the middle of the property rather than the currently proposed location (between the canal property line and the front of the development.)

B. 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.

C. 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 Section 30252 of the Coastal Act.

D. BIOLOGICAL RESOURCES & 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.

E. 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; 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.

F. 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 Land Use Plan 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The findings above are incorporated herein by reference.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's staff report dated January 22, 2020, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Sections 15301(Class 1) and 15303 (Class 3).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development 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, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

5-21-0651 (Goodfader)

Appendix A – Substantive File Documents

Policies of the City of Venice Certified Land Use Plan cited in report.

City of Los Angeles local Coastal Development Permit Case No. DIR-2019-5377-CDP, dated January 22, 2020.

Coastal Hazard and Sea Level Rise Discussion for 411 East Linnie Canal, Venice, Los Angeles, California prepared by Geosoils, Inc., dated May 7, 2020.