

**CALIFORNIA COASTAL COMMISSION**

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Staff: CP-LB  
Staff Report: 9/12/97  
Hearing Date: Oct. 7-10, 1997  
Commission Action:

**RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-241  
APPLICANT: Sidney Djanogly  
AGENT: Guy Bartoli, Architect  
PROJECT LOCATION: 3701 & 3703 Canal Court, Venice, City of Los Angeles, Los Angeles County.  
PROJECT DESCRIPTION: Construction of a four-level, 35 foot high, 4,807 square foot duplex with two attached two-car garages on a vacant lot.

Lot Area	2,700 sq. ft.
Building Coverage	1,602 sq. ft.
Pavement Coverage	498 sq. ft.
Landscape Coverage	600 sq. ft.
Parking Spaces	5
Zoning	R3-1
Plan Designation	Medium Density Residential
Ht abv fin grade	35 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to density, height and the provision of revised plans for the parking arrangement. New plans must be provided which limit garage entrances to the rear or side of the proposed project so that a front yard is provided on the site and no curb cut is required on Fleet Street. The submitted plans have a driveway on both the rear and front of the proposed project and no front yard. In addition, the front driveway would require a curb cut on Fleet Street, thus eliminating the possibility of on-street public parking. The applicant does not agree with the staff recommendation.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept #97-067, 7/25/97.

SUBSTANTIVE FILE DOCUMENTS:

1. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.
2. City of Los Angeles Venice Interim Control Ordinance (ICO) #170,556.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. 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.
7. 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. Number of Units

The permitted use of the proposed structure is limited to two residential units.

#### 2. Parking

Prior to issuance of the Coastal Development Permit, the applicant shall submit revised plans, for the review and approval of the Executive Director, which provide a minimum of five on-site parking spaces. Access to the parking spaces shall be provided from the rear alley or Canal Court. No curb cut or parking access shall be permitted from Fleet Street. The fifth parking space may be provided on a driveway apron. The project shall be maintained consistent with the final approved plans.

#### 3. Height

The height of the roof shall not exceed 35 feet above the centerline of the Canal Court right-of-way. Only roof deck railings, parapet walls, chimneys, elevator housings, air conditioning equipment, and solar collectors may extend above the 35 foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 40 feet above the centerline of the Canal Court right-of-way.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The applicant proposes to construct a four-level, 35 foot high, 4,807 square foot duplex on a vacant lot in Venice (Exhibit #2). The proposed duplex contains two two-car garages on the ground floor, and a fifth guest parking space on the driveway apron (Exhibit #3). One proposed garage is accessed from the rear alley, while the other would be accessed from Fleet Street.

The proposed project is located on a vacant 2,700 square foot lot on the corner of Canal Court and Fleet Street in the Marina Peninsula area of Venice (Exhibit #2). The Grand Canal is located approximately one hundred feet east of the site.

The Commission has recognized in both prior permit and appeal decisions that the Marina Peninsula area of Venice area is a special coastal neighborhood. In 1980, when the Commission adopted the Regional Interpretive Guidelines for Los Angeles County, a set of building standards was adopted for the Marina Peninsula area of Venice in order to protect public access to the beach and community character. These building standards, which apply primarily to density, height and parking, reflect conditions imposed in a series of permits heard prior to 1980. Since then, these density, height and parking standards have been routinely applied to Coastal Development Permits in the area in order to protect public access and community character. Special conditions are imposed on Coastal Development Permits ensure that the projects are consistent with the Coastal Act and the Commission's guidelines. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit.

B. Community Character

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

In order to protect public access, community character and visual quality in the Marina Peninsula area of Venice, the Commission has consistently limited residential density and structural height. The Commission's building standards for the Marina Peninsula area of Venice are contained in the Regional Interpretive Guidelines for Los Angeles County.

Residential density in this area of Venice is limited to two units per lot. The applicant proposes to construct two residential units in compliance with the density limit for the site. A condition of approval states that the permitted use of the proposed structure is limited to two residential units.

The Commission has consistently limited new development in the Marina Peninsula area of Venice to a height of 35 feet measured above the fronting right-of-way. The Commission has, however, allowed portions of some structures to exceed the 35 foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted.

The proposed duplex has a roof height of 35 feet (Exhibit #4). However, some parts of the proposed structure exceed the 35 foot roof height. These portions of the proposed structure include roof equipment boxes, chimneys, and two elevator housings. These structures do not extend more than forty feet above the fronting right-of-way (Exhibit #4).

The City of Los Angeles Venice Interim Control Ordinance (ICO) also limits building heights in the area to 35 feet. The City may grant exceptions to its height limit for specific parts of structures like chimneys, roof equipment, roof access structures, deck railings, parapet walls, and skylights. In this case, the City has granted the proposed project an approval in concept.

The Commission must, however, determine whether the proposed project conforms to the visual resource policies contained in Section 30251 of the Coastal Act. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected.

As previously stated, the Commission has allowed portions of some structures to exceed the 35 foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. The portions of structures which have been previously allowed to exceed the 35 foot height limit include parapet walls and railings around roof decks, roof access structures, chimneys, air conditioning equipment and skylights. These rooftop structures shall be sited upon the roof in a manner which minimizes their visibility from public areas. Roof access structures have been permitted to exceed the height limit only if they contain no living or storage space and if they do not negatively impact the visual resources of the area.

As proposed, the design of the proposed project adequately protects the visual resources along Venice Beach. The proposed project complies with the visual resource policies of the Coastal Act by minimizing the bulk of the rooftop structures. The proposed rooftop structures will not be visible from the beach. In addition, the proposed project does not include any enclosed living or storage space over the 35 foot height limit. Therefore, the Commission finds that the proposed project will not negatively impact the visual resources of the area, and that the proposed proposed project conforms to the Commission's height requirements and previous approvals in the Marina Peninsula area of Venice.

In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the roof height of the proposed duplex to 35 feet above the centerline of the Canal Court right-of-way. Only roof deck railings, parapet walls, chimneys, elevator housings, air conditioning equipment, and solar collectors may extend above the 35 foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 40 feet above the centerline of the Canal Court right-of-way. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

Another community character issue is the provision of front yard areas in newly designed homes in the Marina Peninsula area. Most of the existing homes in the area provide a small front yrad area between the structure and the fronting street. Garage access is typically provided by the rear alley (Exhibit #2). The landscaped front yard areas that already exist in the neighborhood give the area a more attractive appearance than it would have if all of the street fronting areas were paved over for driveways.

The proposed project does not provide a front yard area along Fleet Street in the manner that most of the existing residences have done. Instead, a

driveway apron is proposed to provide access to one of the two proposed garages in the project. The front yard area is proposed to be paved over with a driveway which would provide a guest (fifth) on-site parking space (Exhibit #3). This proposal is not in character with the surrounding community.

In order to make the project more visually compatible with the character of surrounding area, a condition of approval requires the applicant to revise the plans for the proposed project in order to provide a front yard area between the structure and Fleet Street. The access to the five required on-site parking spaces shall take access from the alley or the side street, Canal Court. The elimination of the driveway access on Fleet Street will also preserve the possibility of public curbside parking along Fleet Street by eliminating the proposed curb cut. The importance of protecting available on-street public parking is discussed in the next section. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

### C. Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

Many of the older developments in the Venice area do not provide adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. The small amount of parking area that may be available for the general public on the surrounding streets is being used by guests and residents of the area. Because of the shortage of parking in the Venice area, the protection of existing public parking is of primary importance.

To help mitigate the shortage of parking in the area, the Commission has consistently conditioned new development within the Marina Peninsula area of Venice to provide two parking spaces per residential unit and provide provisions for guest parking. The proposed project provides four on-site parking spaces on the ground floor of the proposed residence, and the required guest parking area is provided on one of the two driveway aprons (Exhibit #3). However, as stated above, the two proposed garages are accessed from either end of the structure, the rear alley and Fleet Street respectively.

Although the project proposes enough on-site parking spaces to meet the needs of the proposed duplex, the design of the two garage driveways is not compatible with community character and would result in the loss of on-street public parking in front of the lot on Fleet Street. In order to maximize

public parking opportunities in this coastal area, the Commission finds that the lot frontage on Fleet Street shall not be utilized for private garage access, but reserved for public on-street parking. Garage access should be taken from the rear alleys or Canal Court. Most of the existing buildings in the area are designed with garage access in the rear only.

Even though the a City sign now occupies the lot stating "no parking", both sides of Fleet Street are being used for parking. Fleet Street is currently partially improved with pavement, but has no curbs or sidewalks. Several lots on Fleet Street are not developed with structures. When the street is fully improved with curbs and sidewalks, it would be able to provide curbside parking on both sides in the same manner that other streets in the neighborhood. Therefore, curb cuts for garage access should be prohibited in order to preserve the possibility of maximum on-street parking.

Therefore, approval of the proposed project is conditioned to require the applicant to submit revised plans, for the review and approval of the Executive Director, which provide a minimum of five on-site parking spaces with access taken from the rear alley or Canal Court. No curb cut or garage access shall be permitted from Fleet Street. The fifth parking space may be provided on a driveway apron along the rear alley or Canal Court. Only as conditioned is the proposed project consistent with the Commission's parking standards for the Marina Peninsula area and the public access policies of the Coastal Act.

#### D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The proposed project, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application 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). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. 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.

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Site

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EXHIBIT # 1  
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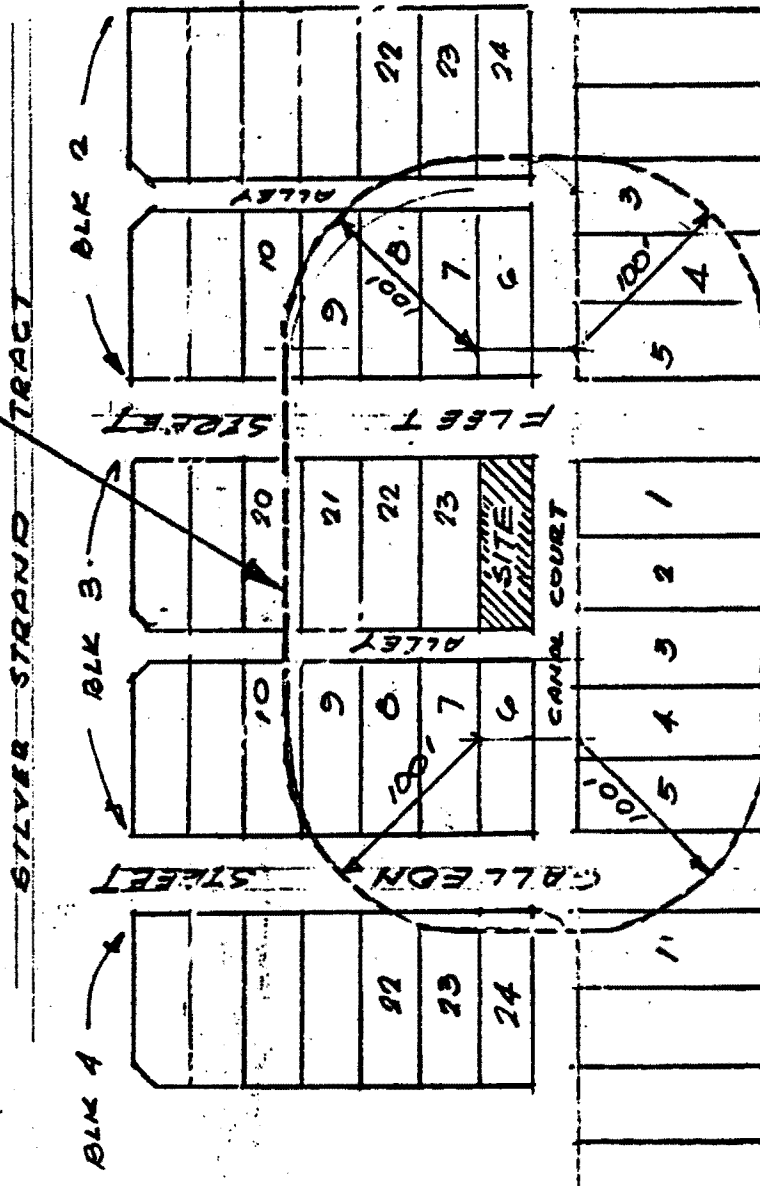
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EXHIBIT # 2

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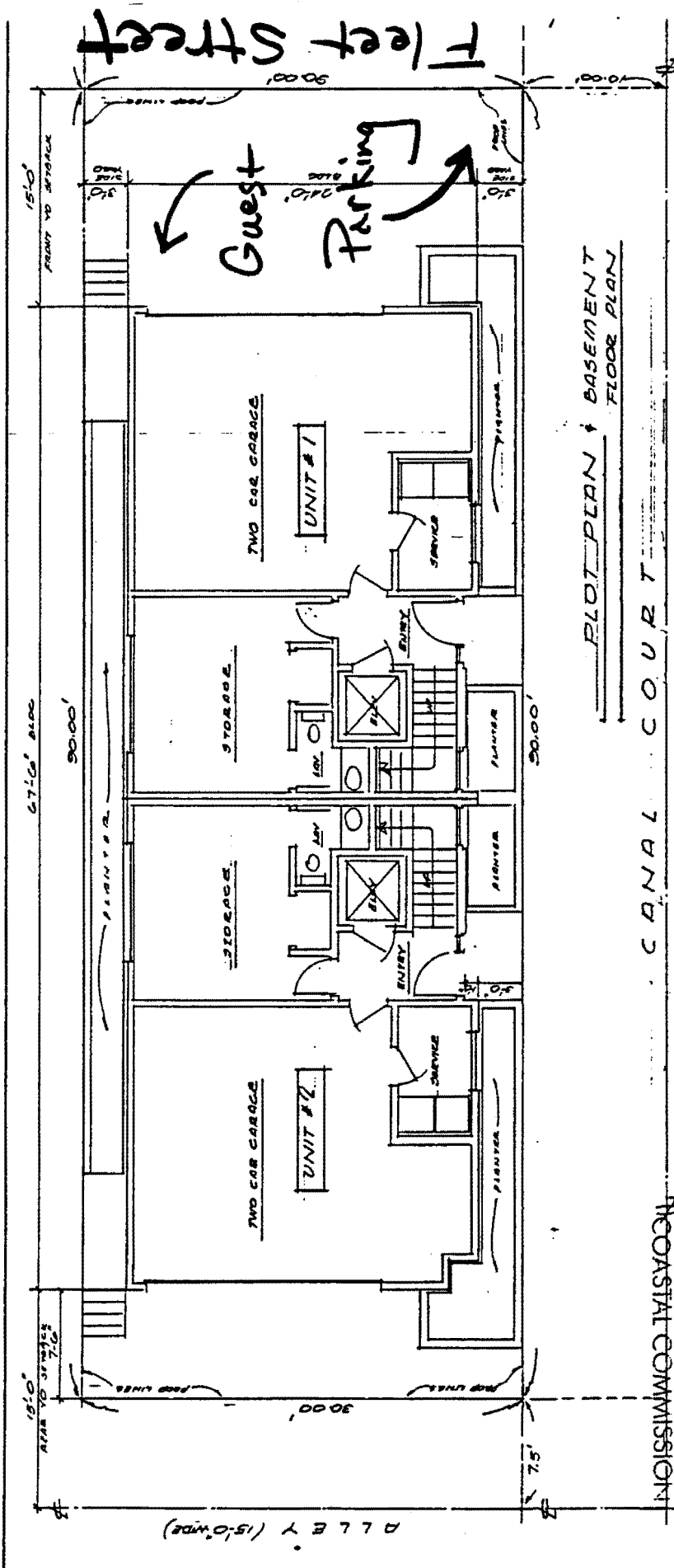
DEED OF NOTIFICATION



CANAL (ESPLANADE)

Grand Canal

SCALE 1" = 100'



LOT PLAN & BASEMENT FLOOR PLAN

COURT LAND

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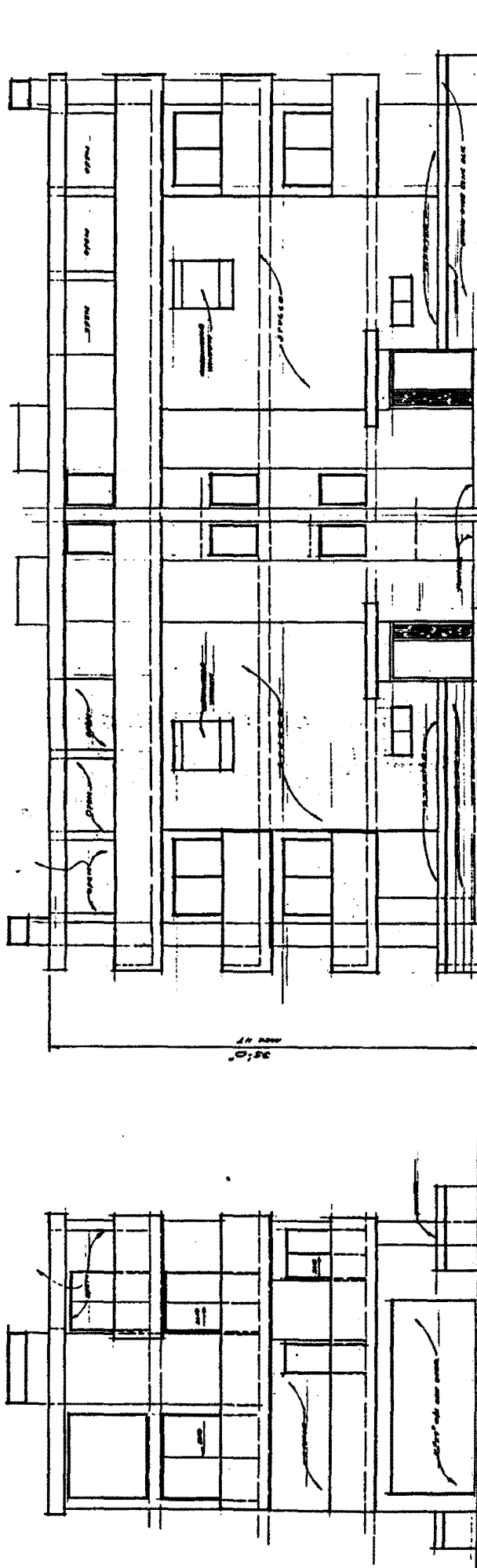
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EXHIBIT # 3

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South Coast Highway

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EXHIBIT # 4

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