

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Th 8m

Filed: 5/29/98
49th Day: 7/17/98
180th Day: 11/25/98
Staff: CP-LB
Staff Report: 7/20/98
Hearing Date: August 13, 1998
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-220

APPLICANT: Amir Zagross

AGENT: Guy A. Bartoli, Architect

PROJECT LOCATION: 3815 Via Dolce (Lot 17, Block 6, Silver Strand), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a three-story, 36 foot high, 4,058 square foot single family residence with an attached two car garage on a vacant canal-fronting lot.

Lot Area	3,360 sq. ft.
Building Coverage	1,879 sq. ft.
Pavement Coverage	879 sq. ft.
Landscape Coverage	602 sq. ft.
Parking Spaces	2
Zoning	RW-2
Plan Designation	Single Family Residential-Waterway
Ht abv fin grade	36 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed project with conditions relating to public access along the Grand Canal Esplanade, parking, height, and drainage. The applicant agrees with the recommendation.

LOCAL APPROVAL: City of Los Angeles Approval in Concept No. 98-051, 5/28/98.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits 5-87-657, 5-87-658 & 5-87-659 (Schaffel).
2. Coastal Development Permits 5-87-965 (Laughlin) & 5-87-966 (Kirkhof).
3. Coastal Development Permits 5-87-967 thru 969 (Strand Associates).
4. Coastal Development Permit 5-93-150 (Nichols).
5. Coastal Development Permit Amendments 5-95-019-A1 thru A5.
6. Coastal Development Permit 5-98-193 (Frye).

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. City Esplanade

The permittee acknowledges, through the acceptance of this Coastal Development Permit, that the City Grand Canal Esplanade is a public sidewalk. The permittee shall not encroach onto or over the Grand Canal Esplanade right-of-way or otherwise interfere with the public's use of the Grand Canal Esplanade.

2. Setback from Esplanade

All portions of the structure, including balconies, shall be setback a minimum of ten feet from the City Grand Canal Esplanade right-of-way.

3. Parking

A minimum of three parking spaces shall be provided and maintained on the site: two spaces in the garage and one uncovered area for guest parking on the driveway apron.

4. Height

The height of the roof shall not exceed 36 feet above the centerline elevation of the frontage road, Via Dolce. Only roof deck railings, parapet walls, chimneys, one roof access structure, air conditioning equipment, and solar collectors may extend above the 36 foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 41 feet above the centerline elevation of the Via Dolce right-of-way.

5. Drainage

Prior to issuance of the permit, the applicant shall submit drainage plans, subject to the review and approval of the Executive Director, which provide that all drainage on the site is directed away from the Grand Canal and into the existing City storm drain system. The applicant and all successors in interest shall maintain the approved development consistent with the drainage plans approved by the Executive Director.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes to construct a 36 foot high, three-story, 4,058 square foot single family residence on a vacant lot in Venice (Exhibits #1-4). A two-car garage is proposed on the ground floor. The project site is a vacant 3,360 square foot lot on the east bank of Grand Canal, an open waterway that connects Ballona Lagoon to the rest of the Venice Canals. The project site, located south of Washington Street but north of Ballona Lagoon, is a residential neighborhood comprised of two and three-story single family residences and apartment buildings, including a large senior citizen housing complex. Venice Beach, one of the most popular visitor destinations in Los Angeles, is located about four blocks away.

The project site is on the banks of Grand Canal, part of the Ballona Lagoon seawater system. Grand Canal connects Ballona Lagoon to the rest of the Venice Canals system. Seawater enters and exits the canals system through a set of tidal gates located at the south end of Ballona Lagoon which connect to the marina entrance channel and the Pacific Ocean (Exhibit #1). Ballona Lagoon is located approximately one hundred feet south of the site (Exhibit #2).

The Venice Canals are a popular visitor destination in Southern California. Public access along the canals and Ballona Lagoon is provided throughout the Venice Canals and Silver Strand neighborhoods by a series of improved public sidewalks, public trails, remnants of the original sidewalks built in the early 1900's, and historic use trails (Exhibit #2). Public sidewalks run along both sides of each canal and separate the private residences from the waters of the canals. The Venice Canals and canal sidewalks are both located within public rights-of-way. A public access trail which runs along the east bank of Ballona Lagoon connects to the Venice Canals sidewalk system. The Grand Canal Esplanade is the public walkway which has historically provided access along Grand Canal adjacent to the applicant's lot (Exhibit #2).

The Venice Canals are a unique cultural, historic and scenic resource of Southern California. The canals, which were created as part of the "Venice of America" subdivision in 1905, provide a sense of character and history for the Venice community. They also provide public access, recreation, and wildlife habitat. The canals, along with adjacent Ballona Lagoon, support some of the last remaining pockets of coastal wetland habitat in Los Angeles County.

The Commission has recognized in both prior permit and appeal decisions that the neighborhoods along the Venice Canals are unique in character and should be protected from overly intense development. The Commission has developed a set of building standards for the Venice Canals area through hearing and voting on past permits. The Commission's building standards reflect conditions imposed in a series of past permits. Since then, a set of special conditions, which are periodically updated, have been routinely applied to Coastal Development Permits in the Venice Canals area to address the Coastal

Act issues of public access, habitat protection, preservation of community character, and scale of development. The conditions imposed on the Coastal Development Permits ensure that the projects are consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit.

B. Coastal Access

As previously stated, the Venice Canals are a popular visitor destination in Southern California. Public access along the canals and Ballona Lagoon is provided by a series of improved public sidewalks, public trails, remnants of the original sidewalks built in the early 1900's, and historic use trails. These public trails and sidewalks run along both sides of each canal and separate the private residences from the waters of the canals. The Venice Canals and canal sidewalks, which are both located within public rights-of-way, provide many public recreational opportunities including walking, jogging, rowing, fishing, wildlife viewing, and photography.

One of the basic goals stated in the Coastal Act is to maximize public access along the coast and to encourage public recreational opportunities. The Coastal Act has several policies which address the issues of public access and recreation.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The main public accessway along the Grand Canal runs between the applicant's lot and the water (Exhibits #2&3). This public accessway is the Grand Canal Esplanade, a public sidewalk built in the early 1900's on a City of Los Angeles right-of-way. Although the Esplanade is damaged and in need of repair, it still provides a trail for the public to walk along this section of the north bank of Grand Canal.

In order to protect continued use of the public accessway on the Grand Canal Esplanade right-of-way, a condition of approval requires the applicant to acknowledge that the City Grand Canal Esplanade is a public sidewalk and that the applicant shall not encroach onto or over the Grand Canal Esplanade right-of-way or otherwise interfere with the public's use of the Grand Canal

Esplanade. No development is permitted on the Esplanade at this time. Any proposals to improve the Esplanade for public access must be considered by the Commission in the form of a permit or a permit amendment.

The Commission has approved an Esplanade improvement plan for the section of the Esplanade located north of the site where unpermitted encroachments have been placed over the public right-of-way (See Coastal Development Permit Amendments 5-95-019-A1 thru A5). This project will not interfere with the improvements approved by the Commission's prior actions.

The Commission finds that, only as conditioned to protect public access along the Grand Canal Esplanade, is the permit approval consistent with the public access policies of the Coastal Act.

C. Habitat Protection

The Commission has found that Ballona Lagoon and the Venice Canals are sensitive habitat areas that must be protected from negative impacts associated with development.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Venice Canals are located up stream from Ballona Lagoon, within the Ballona Wetlands system. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the canals which directly impacts the biological productivity of the system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, the Commission has consistently conditioned projects along the waterways to provide front yard setbacks for pervious yard areas to absorb and filter rainwater and site drainage before it enters the canals. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

In 1998, the Commission approved eight Coastal Development Permits for the development of single family homes on the eight lots located immediately north of the currently proposed project on the east bank of Grand Canal [See Coastal Development Permits 5-87-657 thru 659 and 5-87-965 thru 969]. In those

approvals, the Commission approved eight homes that are set back ten feet from the property lines that separate the private lots from the public right-of-way that is the Grand Canal Esplanade. All portions of the structures, including balconies, are required to be setback a minimum of ten feet from the City Grand Canal Esplanade right-of-way.

The applicant proposes a setback consistent with the Commission's previous approvals in the area. The proposed structure is set back 12.5 feet from the Grand Canal Esplanade, with balconies extending up to the ten foot required setback line. A condition of approval requires that all portions of the structure, including balconies, shall be setback a minimum of ten feet from the City Grand Canal Esplanade right-of-way. No building extensions are permitted within ten feet of the Grand Canal Esplanade. Only as conditioned is the proposed project consistent with the habitat protection policies of the Coastal Act.

In order to mitigate the impacts on the habitat caused by surface drainage from residential areas, the Commission has consistently required that site drainage be directed away from Ballona Lagoon and Grand Canal and into the City storm drain system. Once in the storm drain system, the drainage can be directed into the City sewer system for treatment if the City installs low-flow diverters in the storm drains. The City has already installed low-flow diverters in some of the Venice storm drains.

A condition is routinely placed on permits for development along Ballona Lagoon and Grand Canal which requires that plans be submitted which provide that all drainage on the site be directed away from the canal and into the existing City storm drain system. The applicant and all successors in interest shall maintain the approved development consistent with the drainage plans approved by the Executive Director.

The Commission finds that, only as conditioned to provide a building setback and a drainage plan to mitigate impacts on biological productivity caused by surface runoff into the canals, is the proposed project consistent with the Section 30240 of the Coastal Act.

D. Public Access/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.

To mitigate this problem, the Commission has consistently conditioned new development near the Venice coast to provide adequate parking for residences and to make provisions for guest parking.

In this case, the proposed project provides a two-car garage and a fifteen foot driveway apron where two additional vehicles can park (Exhibit #3). Therefore, the proposed project conforms to the Commission's parking standards for the Venice area which require two parking spaces per residential unit and provisions for guest parking. The proposed four on-site parking spaces are an adequate parking supply for the proposed single family residence. The Commission finds that, only as conditioned to ensure adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

E. Scale of Development

The Commission has also consistently conditioned projects in the Venice area to protect the community character. The area is comprised of two and three-story single family residences and larger apartment buildings.

In order to protect the existing scale and character of the neighborhood, and in order to protect the visual corridor along the Grand Canal Esplanade, the Commission has limited new development on the east bank of Grand Canal to a height of 36, which is consistent with the general height of the area. The Commission has, however, allowed portions of some structures to exceed the 36 foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted.

In this case, the proposed project has a height of 36 feet, except for a 41 foot high roof access structure (Exhibit #4). The Commission must 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.

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....

As previously stated, the Commission has allowed portions of some structures to exceed the 36 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 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 of the Venice Canals. The proposed project complies with the visual resource policies of the Coastal Act by minimizing the bulk of the rooftop structure. The proposed rooftop structure does not extend above the heights of nearby roof deck structures and will only be partially visible from the canal walkway in front of the site. In addition, the proposed project does not include any enclosed living or storage space over the 36 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 neighborhood.

In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the height of the roof to 36 feet above the centerline elevation of the frontage road, Via Dolce. Only roof deck railings, parapet walls, chimneys, one roof access structure, air conditioning equipment, and solar collectors may extend above the 36 foot roof height limit (as shown on the approved plans). No portion of the structure shall extend more than 41 feet above the centerline elevation of the Via Dolce right-of-way. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

F. 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 Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, only as conditioned, is consistent

with the habitat, coastal access, and recreation 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).

G. 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)(A) 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 effect which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the habitat and coastal access 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.

0836G:CP



Site

COASTAL COMMISSION

5-98-220

EXHIBIT # 1

PAGE 1 OF 2

4225 | 13
SCALE 1" = 100'

TRA
57
1711

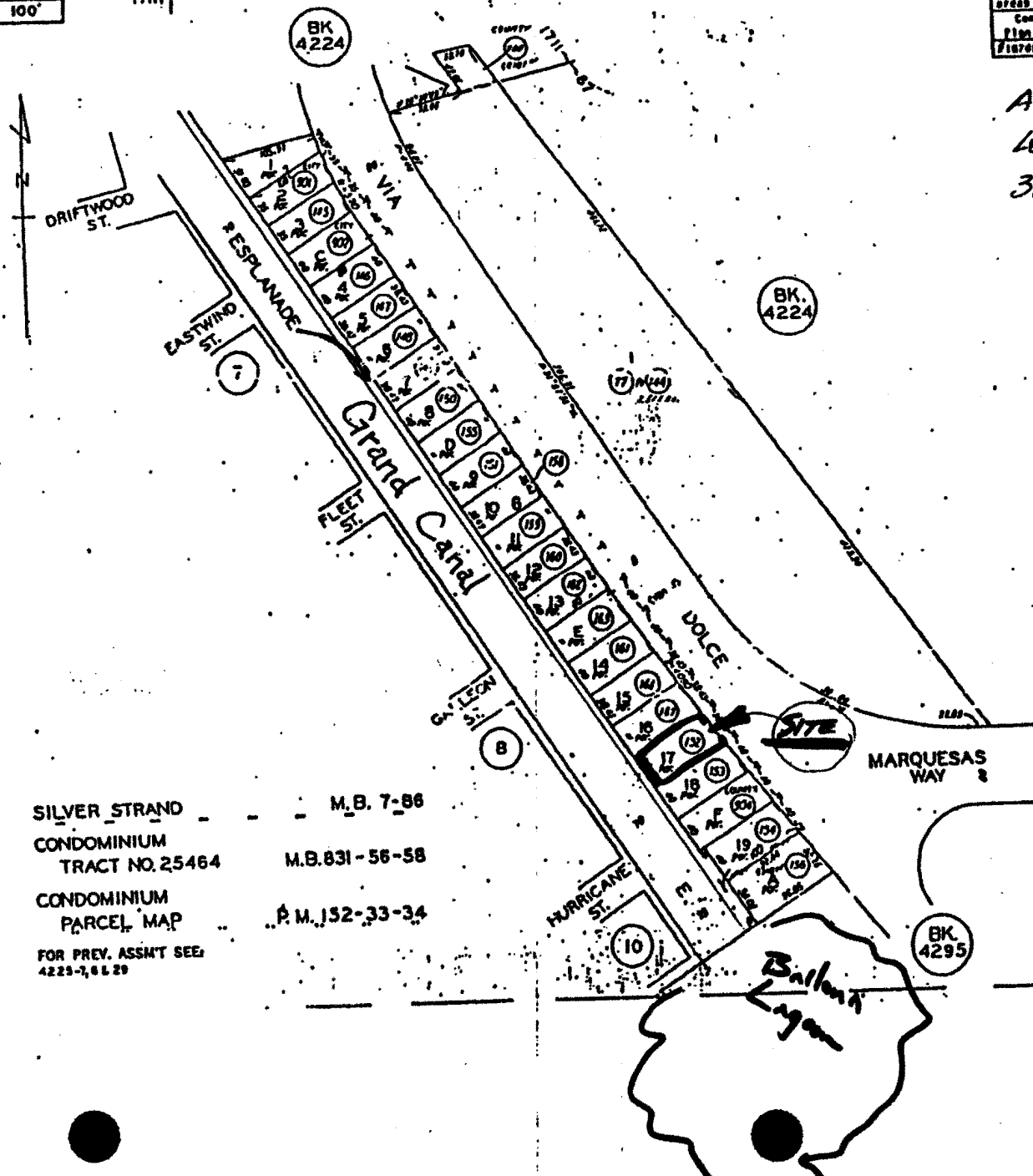
The area of units in the following Condominium Plan, includes all rights and interests in the common areas as set forth in deeds of record.

Condominium Plan Reference	Tract No.	Units	Subdivision of Tract No.
Plan 708	1-8-77	25464	Par. 1 --

Sho. 2 to 5

270120000000
270120000000
270120000000
270120000000

A.P. # 4225-013-152
10717 BLK 6 SILVER STRAND
3815 VIA DOLCE



CALIFORNIA
COASTAL COMMISSION

5-98-220
RECEIVED
MAY 24 1989

SILVER STRAND CONDOMINIUM TRACT NO. 25464
CONDOMINIUM PARCEL MAP
FOR PREV. ASSMT SEE: 4225-7, 8 & 29
M.B. 7-86
M.B. 831-56-58
P.M. 152-33-34

COASTAL COMMISSION
5-98-220

EXHIBIT # 1
PAGE 2 OF 2

Washington Street

Site Lot 17

Via

Police

comm.
site
71'

Senior
Citizen
Complex

City
lots

Vacant
Lots

Lots 4-8
5 SFR's
P-76-8463
S-95-019

CDP 5-87-657, 658, 659
CDP 5-87-765 to 969

SFR's

Two
Duplex

Grand

Canal

dedicated 15' to 26' variable width
walkway easement

dedicated vertical
easement

10' dedicated easement

dedicated
vertical easement

Bellona
Lagoon

Public Access



improved
access way



unimproved
access way



deteriorated
Public ROW

Grand Canal Esplanade c. 1905

10' public ROW.
Esplanade.
(Access blocked)
at Lots 4-8

* not to scale

COASTAL COMMISSION
5-98-220

EXHIBIT # 2
PAGE 1 OF 1

GRAND CANAL ACCESS

N

South Coast District Office

COASTAL COMMISSION

5-98-220

EXHIBIT # 3

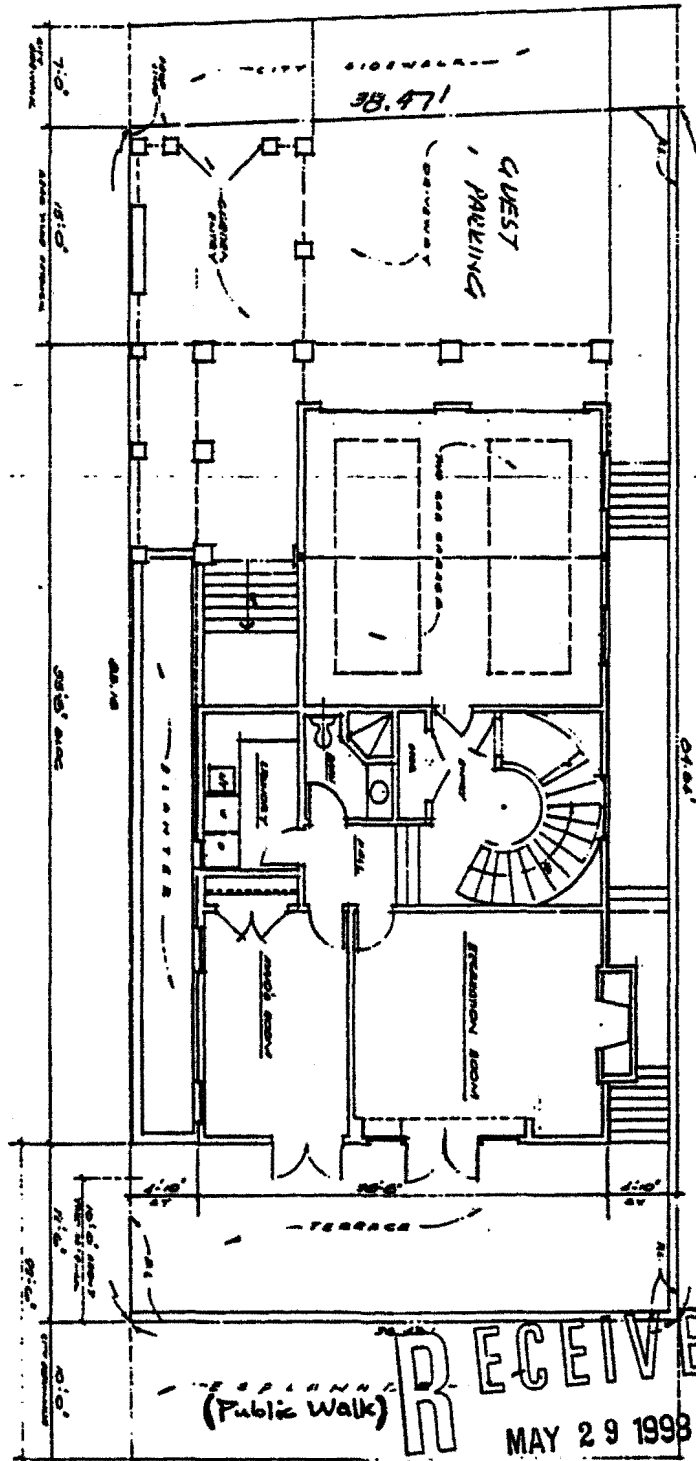
PAGE 1 OF 1

Los Angeles City Planning
COASTAL ZONE PLAN
APPROVED

- ☒ Approval in Concept 98-051
☐ Exempt (Sec. 301, 303)
☐ CALCO (Section 1)

PLOT PLAN : BASEMENT FLOOR PLAN

SCALE 1/4" = 1'-0"

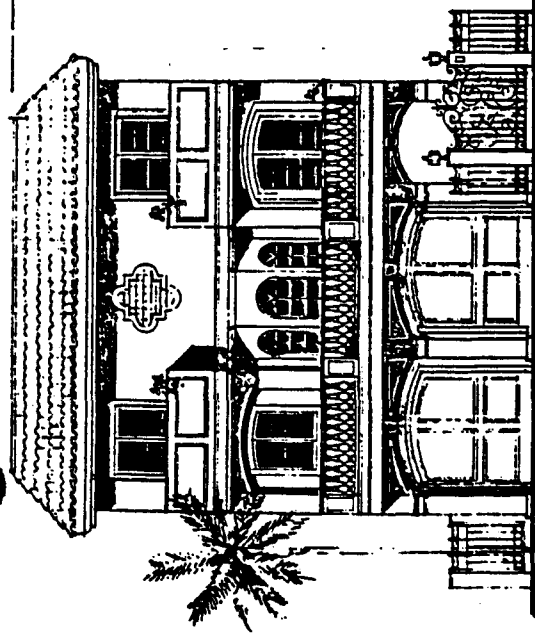


RECEIVED
MAY 29 1998

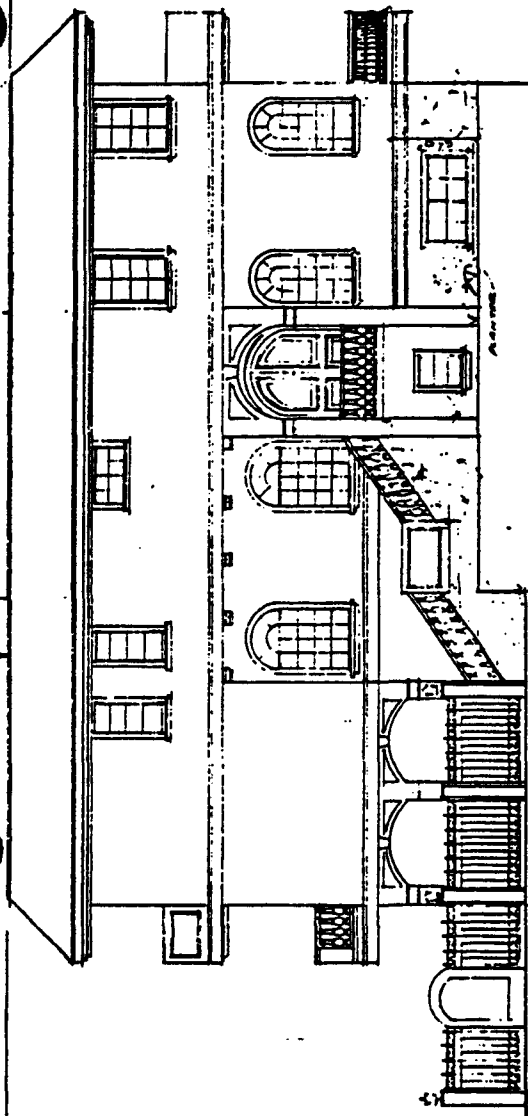
Grand CANAL
CALIFORNIA COASTAL COMMISSION

12

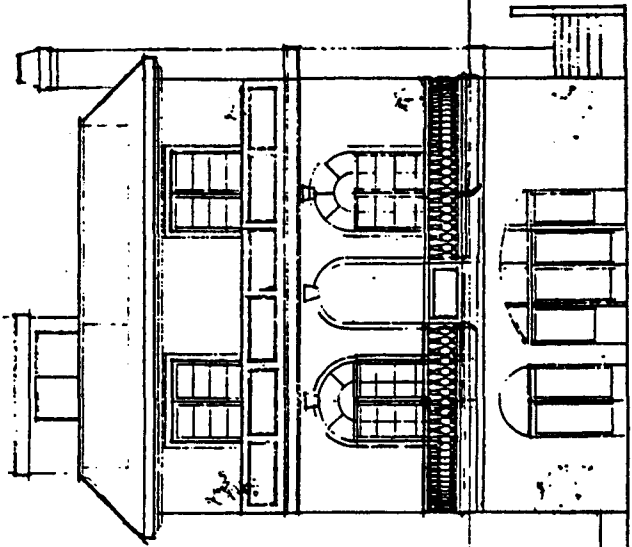
ARCHITECT	STRUCTURAL ENGINEER	OWNER	PROJECT ADDRESS (ALSO SEE PERMIT)
GUY A. BARTOLI 2515 S. GARDEN WAY LOS ANGELES, CA 90004 Tel. 213-670-0000 for info only	JAGDISH PATEL, A.E. 1751 N. BAYVIEW BLVD. SUNSHINE, CA 90084 Tel. 714-576-2000 for info only	MR. & MRS. AMIR TAGAROSS 4800 VIA DOLCE (N. 99) MIRAMAR, CALIF. 92053 Tel. 619	SINGLE FAMILY DWELLING BASEMENT 1ST STORY W/ATTACHED GARAGE ADDRESS 3075 VIA DOLCE LOS ANGELES, CA 90004 LOCAL REGISTRATION 101 17 BIGHAM & BIGHAM STAMPA



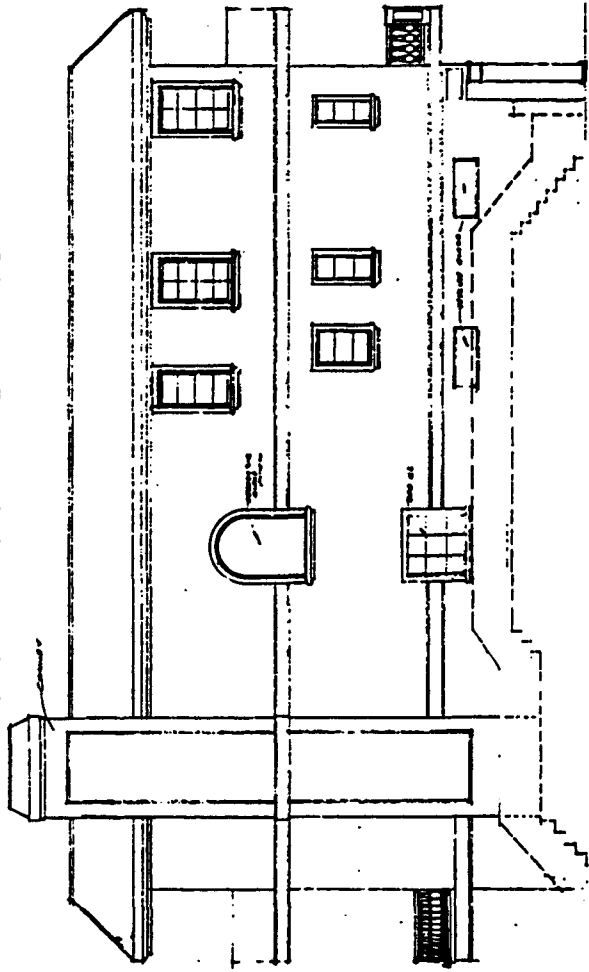
VIA DOLCE VIEW



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

COASTAL COMMISSION

5-98-220

EXHIBIT # 4

PAGE 1 OF 1

