

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**Items Th3a,b,c,d,e&f**

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 Hearing Date: June 14, 2001
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBERS: 5-01-118, 5-01-119, 5-01-120, 5-01-121, 5-01-122, & 5-01-123

APPLICANT: The Lee Group, Inc.

AGENT: Jay Stark

PROJECT DESCRIPTION: Each application is for the construction of a two-story, 30-foot high, 4,045 square foot single family residence with an attached three-car garage on a vacant canal-fronting lot. *A total of six single family residences are proposed, one house on each of the following six lots:*

<u>APPLICATION NUMBER</u>	<u>PROJECT LOCATION</u>
5-01-118	3705 Esplanade, Venice, City of Los Angeles (Lot 2, Block 3 Silver Strand Tract)
5-01-119	3615 Esplanade, Venice, City of Los Angeles (Lot 4, Block 2 Silver Strand Tract)
5-01-120	3605 Esplanade, Venice, City of Los Angeles (Lot 2, Block 2 Silver Strand Tract)
5-01-121	3701 Esplanade, Venice, City of Los Angeles (Lot 1, Block 3 Silver Strand Tract)
5-01-122	3601 Esplanade, Venice, City of Los Angeles (Lot 1, Block 2 Silver Strand Tract)
5-01-123	3609 Esplanade, Venice, City of Los Angeles (Lot 3, Block 2 Silver Strand Tract)

LOCAL APPROVALS: City of Los Angeles Planning Department Approval, Case Nos. DIR2000-5444 (SPP), DIR2000-3151 (SPP), DIR2000-3146 (SPP), DIR2000-5442 (SPP), DIR2000-3144 (SPP) & DIR2000-3148 (SPP).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant six coastal development permits for the proposed development with special conditions on each permit relating to public access, residential density, building height, parking, the protection of water quality in Grand Canal, and assumption of risk. The applicant agrees with the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Land Use Plan for Venice, 11/14/00.
2. Coastal Development Permit 5-98-250 (City of Los Angeles).
3. Coastal Development Permit 5-98-193 (Frye).
4. Coastal Development Permit Application 5-00-351 (Elster).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the six coastal development permit applications with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permits 5-01-118, 5-01-119, 5-01-120, 5-01-121, 5-01-122 and 5-01-123 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** coastal development permits for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permits 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 [Each condition below applies to all six permits.]

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. 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 [Each condition below applies to all six permits.]

1. City Esplanade

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees that the City Grand Canal Esplanade, the walkway situated between the site of the proposed development and the waters of Grand Canal, is a public sidewalk. The permittee and all successors in interest to the applicant shall not encroach onto or over the Grand Canal Esplanade right-of-way (as shown on Exhibit #2 of the 5/24/01 staff report) or otherwise interfere with the public's use of the Grand Canal Esplanade either during or subsequent to construction of the proposed project.

2. Setback from Esplanade - Pervious Yard Area

A) In order to maintain an access corridor, enhance visual quality, preserve water quality, and to protect the biological productivity of Grand Canal, the structure shall be set back a minimum of fifteen feet from the front (canal) property line. The area within the fifteen-foot setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the fifteen-foot setback area with the exception of fences, garden walls or permeable decks. The total combined height of any deck, deck railings, garden walls and/or fences situated within the required permeable front yard area shall not exceed 6 feet above the elevation of the adjacent public walkway.

B) **Prior to issuance of the coastal development permit**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the

restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Residential Density

The permitted use of the approved structure is a single family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Parking

A minimum of three parking spaces shall be provided and maintained in the garage of the approved structure as shown on the proposed project plans. Vehicular access to the three on-site parking spaces shall be taken only from Canal Court.

5. Building Height

The roof of the approved structure shall not exceed thirty (30') feet in height above the elevation of the Grand Canal Esplanade sidewalk. No portion of the structure shall exceed thirty (30') feet in height above the elevation of the Grand Canal Esplanade sidewalk, except for chimneys, ducts and ventilation shafts which are limited to 35 feet.

6. Drainage – Water Quality

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into Grand Canal.
- b) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from Grand Canal and into the City storm drain system.

The permittee and all successors in interest shall construct and maintain the approved development consistent with the drainage plans approved by the Executive Director.

7. Permit 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, no matter how minor, must be submitted for review by the

Executive Director to determine whether an amendment to this coastal development permit is required.

8. Assumption of Risk

A) By acceptance of this coastal development permit, the applicant/landowner acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, floods and from the existence of subsurface hazardous substances; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards and/or injuries 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/or injuries; 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 or activities.

B) **Prior to issuance of the coastal development permit**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct six two-story, 30-foot high, 4,045 square foot single family residences on six vacant canal-fronting lots (See Exhibits). Each proposed house has an attached three-car garage with access from the rear alley, Canal Court. Each proposed single family residence has its own coastal development permit application as follows:

Six Single Family Residences – Six Permit Applications

3601 Esplanade (Grand Canal)	Lot 1, Block 2	5-01-122
3605 Esplanade (Grand Canal)	Lot 2, Block 2	5-01-120
3609 Esplanade (Grand Canal)	Lot 3, Block 2	5-01-123
3615 Esplanade (Grand Canal)	Lot 4, Block 2	5-01-119
3701 Esplanade (Grand Canal)	Lot 1, Block 3	5-01-121
3705 Esplanade (Grand Canal)	Lot 2, Block 3	5-01-118

Four of the six canal-fronting lots are 38.5 feet wide, and two are 40 feet wide (Exhibit #3). All six proposed residences have the same floor plans, but the applicant proposes to use three different façade plans and different color schemes to increase the diversity among the six proposed structures (Exhibit #4).

The six vacant lots are situated within two blocks on the west bank of Grand Canal in Venice (Exhibit #2). All six lots were formerly owned by the City of Los Angeles and contain abandoned oil wells. The City removed contaminated soils from the sites and reabandoned the oil well heads prior to selling the lots in 1999 [See Coastal Development Permit 5-98-250 (City of Los Angeles)].

The City Esplanade, a public right-of-way, provides public pedestrian access along both banks of Grand Canal. The lots located on the banks of Grand Canal, including the lots where the six residences are proposed, abut the Esplanade right-of-way (Exhibit #2). The surrounding neighborhood is comprised primarily of two-story and three-story single and multiple family residential structures.

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los Angeles)]. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Grand Canal neighborhood situated south of Washington Boulevard. These building standards, which apply primarily to density, height, parking and protection of water quality, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the neighborhoods.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the City's proposed LUP for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000.

The Commission-approved LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Grand Canal neighborhood situated south of Washington Boulevard where the proposed project is situated. The policies and building standards contained in the Venice LUP reflect the Commission's prior actions in the area and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-approved LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved

only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this coastal development 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 Grand Canal neighborhood situated south of Washington Boulevard where the proposed project is situated, the Commission has consistently limited residential density and structural height, and has required the provision of yard areas and structural setbacks from Grand Canal [e.g. Coastal Development Permit 5-98-193 (Frye)]. On November 14, 2000, the Commission adopted the following policy as part of the Venice LUP in order to regulate residential development on the west bank of Grand Canal.

Venice Land Use Plan Policy I.A.7.b states:

b. Ballona Lagoon and Grand Canal West Bank Property North of Ironsides

Use: Two units per lot including duplexes.

Density: One unit per 1,500 square feet of lot area

Esplanade: The Esplanade (City right-of-way) shall be maintained and improved in order to provide for continuous public pedestrian access along Ballona Lagoon and the Grand Canal waterway.

Grand Canal and Lagoon Buffer/Setback: In order to provide a setback for public access, visual quality, and to protect the biological productivity of the canals, an average setback of 15 feet, but not less than 10 feet, shall be maintained in the front yard adjacent to the property line nearest the water.

Yards: An open, permeable yard of at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot, shall be maintained between the lagoon/canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average, shall provide the required permeable front yard area. No building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area with

the exception of permeable decks. The total combined height of any deck, deck railings, garden walls and/or fences situated within the required permeable front yard area shall not exceed 6 feet above the elevation of the adjacent public walkway. Minimum side yard of 3 ½ feet.

Height: Not to exceed 30 feet within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30-foot height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Fill: No fill shall be permitted in the lagoon. No fill may be placed in the lagoon buffer except for the minimum amount necessary for habitat restoration and public access.

Residential Density

In order to protect public access to the shoreline and to preserve the character of the Marina Peninsula neighborhood and the Grand Canal neighborhood situated south of Washington Boulevard, the Commission has consistently limited residential density on lots less than 4,000 square feet in area to a maximum of two units. The Venice LUP limits residential density in the project area to two units per lot.

All six lots where the proposed projects are located are 4000 square feet or less in area (Exhibit #2). The applicant proposes to construct six single family residences on six lots (one unit per lot). Therefore, the proposed project conforms to the Commission's density limit for the site, the density limit of the Venice LUP, and is consistent with the provisions of Section 30251 of the Coastal Act.

Building Height

Building height and bulk can also affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development immediately adjacent to Ballona Lagoon and the Venice Canals has been limited to a height 30 feet (within 60 feet of the Esplanade) in order to provide more air space for bird flyways and to enhance public recreation by protecting the waterways from a canyon effect created by taller buildings [e.g. Coastal Development Permit 5-00-018 (Orenstein)].

The Commission-approved Venice LUP maintains a 30-foot height limit for all development within 60 horizontal feet of the mean high tide line of Ballona Lagoon or Grand Canal. The six proposed single family residences do not exceed a height of thirty feet. The permit is conditioned to limit the roof height of each proposed single family residence to a maximum of 30 feet above the elevation of the Grand Canal Esplanade sidewalk. No portion of the structure is permitted to exceed thirty feet in height above the elevation of the Grand Canal Esplanade sidewalk, except for chimneys, ducts and ventilation shafts which are limited to 35 feet. Any proposed increase in height shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Therefore, the Commission finds that the proposed project conforms to the Commission's height limit, the Venice LUP and Section 30251 of the Coastal Act. The scenic and visual qualities of the area will not be negatively impacted by the proposed project.

Building Setback

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. Commission-approved development adjacent to the Venice Canals has been consistently required to provide an open and permeable yard (at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot) between the lagoon/canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average on any lot provides the required permeable front yard area. No building extensions, including stairs and balconies, are permitted to be placed in or over the required permeable front yard area with the exception of permeable decks. The Venice LUP includes this permeable yard and setback requirement for all development proposed along Grand Canal and the other Venice Canals.

Each of the six proposed single family residences provides a 15-foot front yard setback consistent with prior Commission approvals and the Venice LUP (Exhibit #3). The Commission has consistently required that applicants record the permeable yard area requirement on the property deeds to ensure continuous and ongoing protection of coastal resources and compliance with the requirement. In order to ensure that the required permeable yard areas area maintained as required, the applicant is required in this case to record the permeable yard area requirements on the deeds for the lots subject to this action.

Therefore, the Commission finds that prior to issuance of the permit, the applicant shall record a deed restriction for each lot which provides for the maintenance of an uncovered and permeable yard area in the 15-foot front yard setback area. The area within the fifteen-foot setback shall be maintained as an uncovered and permeable yard area. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the fifteen-foot setback area with the exception of fences, garden walls or permeable decks. The total combined height of any deck, deck railings, garden walls and/or fences situated within the required permeable front yard area shall not exceed 6 feet above the elevation of the adjacent public walkway. The deed restriction shall run with the land, binding all successors and assigns, and

shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 3010 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.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public sidewalk currently exists on the canal bank between the six lots subject to these six permit applications and the waters of Grand Canal. The existing sidewalk is part of the Grand Canal Esplanade, a City right-of-way. The Grand Canal Esplanade provides public access and recreational opportunities along the shoreline of Grand Canal. The Coastal Act and the policies of the Venice LUP protect public access along Grand Canal.

In order to ensure that the proposed project will not negatively affect the public's right to access the existing walkway along Grand Canal, the permit is conditioned as follows:

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees that the City Grand Canal Esplanade, the walkway situated between the site of the proposed development and the waters of Grand Canal, is a public sidewalk. The permittee and all successors in interest to the applicant shall not encroach onto or over the Grand Canal Esplanade right-of-way

(as shown on Exhibit #2 of the 5/24/01 staff report) or otherwise interfere with the public's use of the Grand Canal Esplanade either during or subsequent to construction of the proposed project.

As conditioned, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

D. Marine Resources and Water Quality

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.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Venice LUP contains the following policies:

• **Policy IV. C. 1. Stormwater Runoff.** *All new public and private development, substantial rehabilitation, redevelopment or related activity, which discharges stormwater runoff into the Ocean, Ballona Lagoon, Grand Canal south of Washington Boulevard or the Venice Canals shall be designed and conducted in compliance with the County-wide Municipal National Pollution Discharge Elimination System (NPDES) Stormwater Permit, issued by the California Regional Water Quality Control Board (RWQCB), the RWQCB approved Standard Urban Stormwater Mitigation Plan, and the NPDES General Permit for Stormwater Discharges Associated with Construction Activity, issued by the State Water Resources Control Board (SWRCB), where applicable. Methods to improve water quality, such as the mitigation of the first-flush stormwater runoff entering coastal waterways, shall be imposed as conditions of development by the City of Los Angeles in accordance with SWRCB and RWQCB recommendations and regulations, and the Santa Monica Bay Restoration Project Action Plan in order to protect, restore, and where feasible, enhance the water quality and habitat of these waterways.*

• **Policy IV. C. 2. Water Quality.** *The methods to improve water quality, recommended in California's Plan for the Control of Non-Point Source Pollution (January 2000), such as watershed planning and management programs, and habitat restoration projects, shall be considered and implemented by the City of Los Angeles where feasible opportunities exist. Selected Best Management Practices (BMPs) or suites of BMPs shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.*

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 and maintain front yard setbacks, pervious yard areas, and drainage devices to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

The Commission has consistently conditioned projects in the Venice Canals to provide and maintain a large permeable front yard as a setback from the canal to enhance public access, to provide an area for percolation to protect the water quality and biological productivity of the canals, and to protect community character by maintaining a comparable scale between

buildings in the area. The proposed project provides the required permeable front yard area within a 15-foot setback on each lot (Exhibit #3).

In order to mitigate the impacts on the habitat caused by surface drainage and drainage from residential areas, the Commission has also consistently required the provision of a one hundred cubic foot french drain on canal-fronting lots in order to reduce the amount of runoff that leaves the site and to filter urban runoff before it enters the canals. A condition is routinely placed on permits for development in the canals area which requires that plans be submitted which depict the location and design of the required french drain. In this case, the applicant is required to provide plans which depict the location and design of the required french drain.

In order to further protect marine resources and water quality, a condition of approval requires the applicant to submit drainage plans which provide for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into Grand Canal.
- b) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- c) A drainage plan for the proposed single family residence which directs all runoff leaving the site away from Grand Canal and into the City storm drain system.

Although the neighborhood where the proposed development is located eventually drains into Grand Canal via the City storm drain system, the City plans to install filters in its catch basins which lead into the canal. The filters will be installed in the storm drain catch basins as part of the Grand Canal rehabilitation project, which is currently in the final stages of planning at the City.

The Commission finds that, only as conditioned to provide a french drain and a permeable front yard area to mitigate impacts on biological productivity caused by surface runoff into Grand Canal, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

E. 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 high density Marina Peninsula residential area and the Grand Canal neighborhood situated south of Washington Boulevard where the proposed project is situated do not provide adequate on-site parking. There is also a lack of on-street public parking due to the use of many of the beach area's streets as pedestrian-only walk streets. As a result, there is a parking shortage in the area and public access has been negatively impacted at times by the lack of available parking for beach goers. The limited amount of public parking in the area that may be available for the general public is often occupied by guests and residents of the area. This situation has limited the public's ability to access the Marina Peninsula beaches.

To mitigate this problem, the Commission has consistently conditioned new development within the Marina Peninsula area and the Grand Canal neighborhood situated south of Washington Boulevard to provide two parking spaces per residential unit and provide additional on-site parking for guests. All residential parking must be provided on the site. Private parking areas are not permitted on public rights-of-way. The parking policies contained in the Venice LUP include these requirements.

The proposed project is located three blocks inland of the beach (Exhibit #1). The applicant proposes to provide three on-site parking spaces within an attached garage for each of the six proposed single family residences (Exhibit #3). Vehicular access to the on-site parking is proposed from the rear alley, Canal Court. No new curb cuts are proposed that would remove existing public parking areas.

The three proposed on-site parking spaces for each proposed single family residence provide an adequate parking supply. Therefore, the proposed project conforms to the Commission's parking standards for the area and the Venice LUP for single family residences.

The permit is conditioned to ensure the continued provision of adequate on-site parking (three spaces per single family residence), and that the permitted use of each approved structure is a single family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. The condition regarding residential density is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking

deficiency would reduce the availability of on-street parking for beach goers, and as a result, reduce the ability of the public to access the coast. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

F. Hazards

The Coastal Act states that new development must minimize risks to life and property.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Developments located in or near waterways like the Venice Canals have the potential for damage caused by flooding. Additionally, the Venice Canals area is subject to potential liquefaction resulting from a seismic event. No development in or near the water can be guaranteed to be safe from hazard.

The project site was once used for oil production which resulted in the spilling of unknown quantities of petroleum. Therefore, the site may have been contaminated by these spills. All six lots were formerly owned by the City of Los Angeles. The City removed contaminated soils from the six lots and reabandoned the old oil well heads prior to selling the lots in 1999 [See Coastal Development Permit 5-98-250 (City of Los Angeles)]. The Commission has no information regarding the current status of the soils and groundwater beneath the project site.

The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the applicant understand and assume the potential hazards associated with development. In 1999, the Commission imposed such a condition on Coastal Development Permit 5-98-156 (City of Long Beach) for the Queensway Bay Development. In 2001, the Commission imposed such a condition on Coastal Development Permit 5-00-484 (City of Los Angeles) for the demolition of the Damson Oil Facility on Venice Beach.

Therefore, by acceptance of this coastal development permit, the applicant/landowner acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, floods and from the existence of subsurface hazardous substances; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury

and damage from such hazards and/or injuries 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/or injuries; 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 or activities. Only as conditioned is the proposed project is consistent with Section 30253 of the Coastal Act.

G. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development 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 City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000.

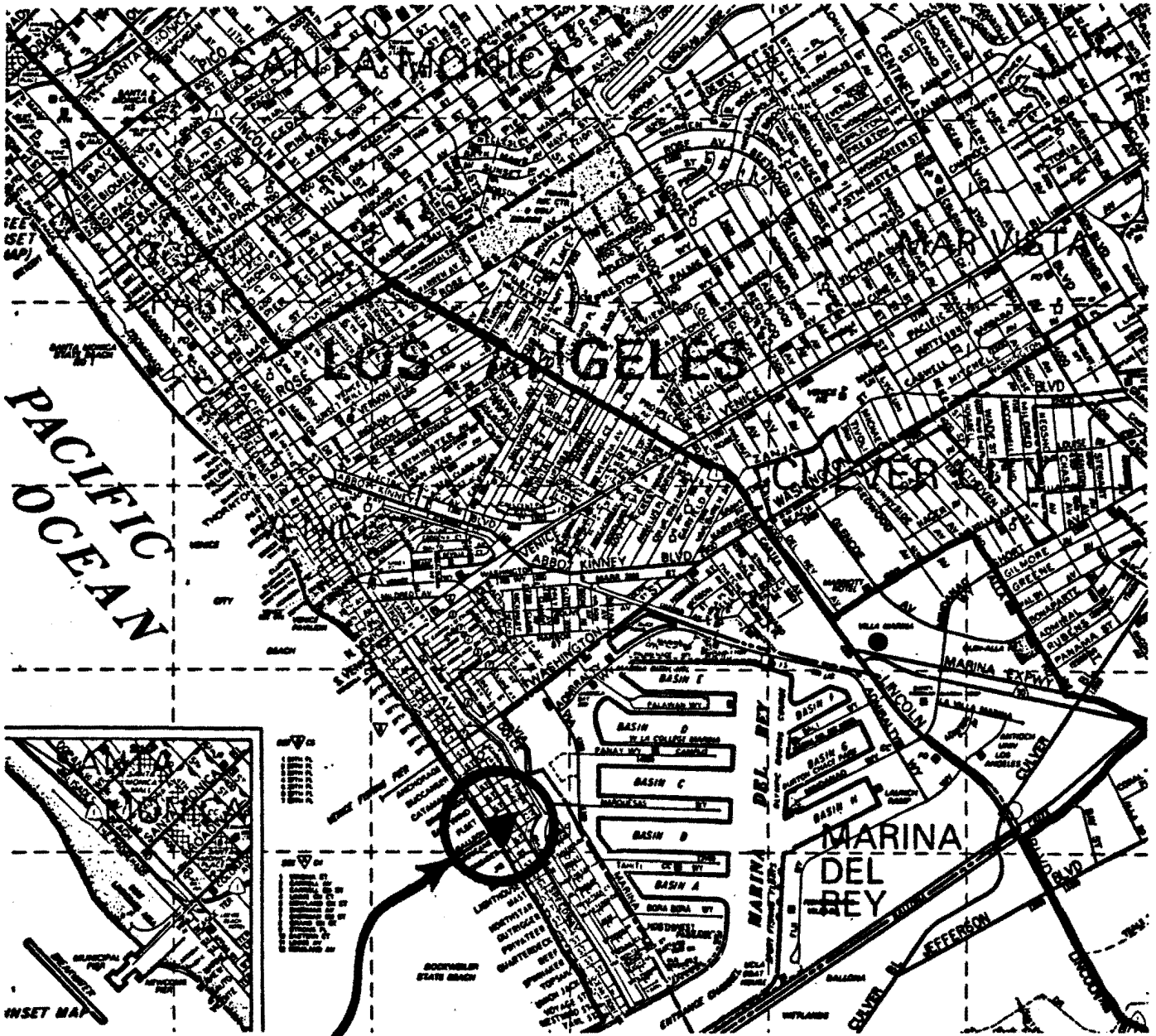
The proposed project, as conditioned, conforms with the Commission-approved Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice 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).

H. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a 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, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

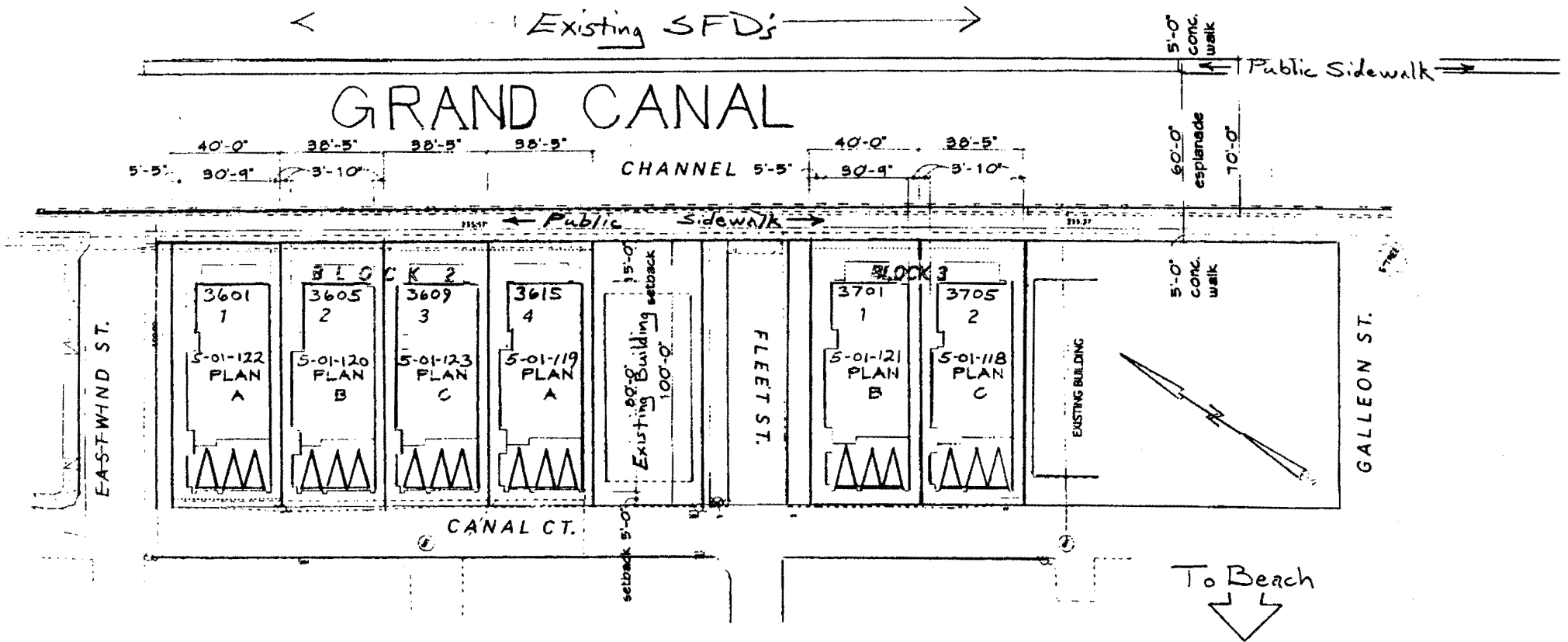


Grand Canal Esplanade
VENICE

Site

COASTAL COMMISSION
5-01-118 thru 123

EXHIBIT # 1
PAGE 1 OF 1

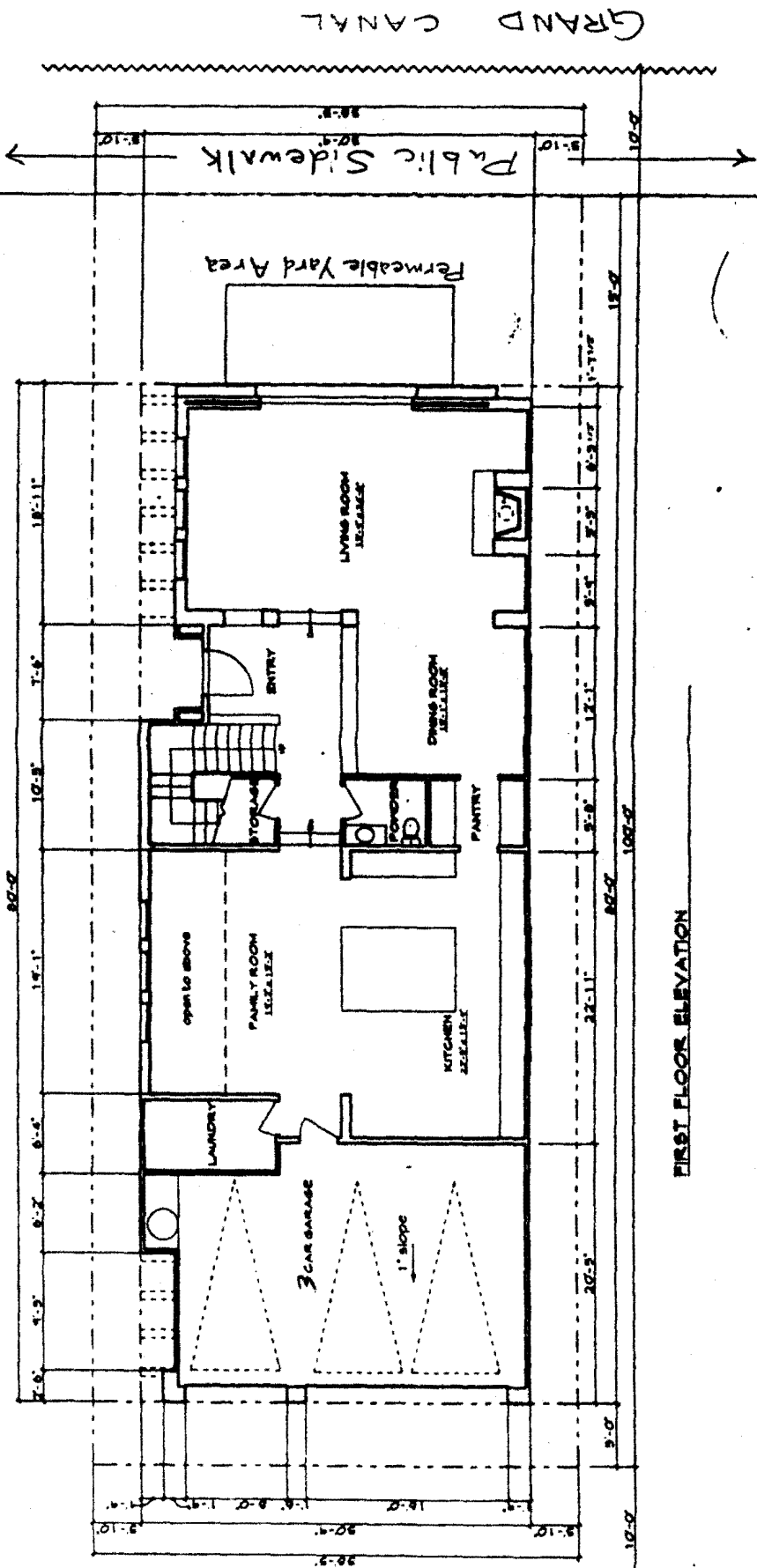


6 Single Family Residences – 6 Coastal Development Permits

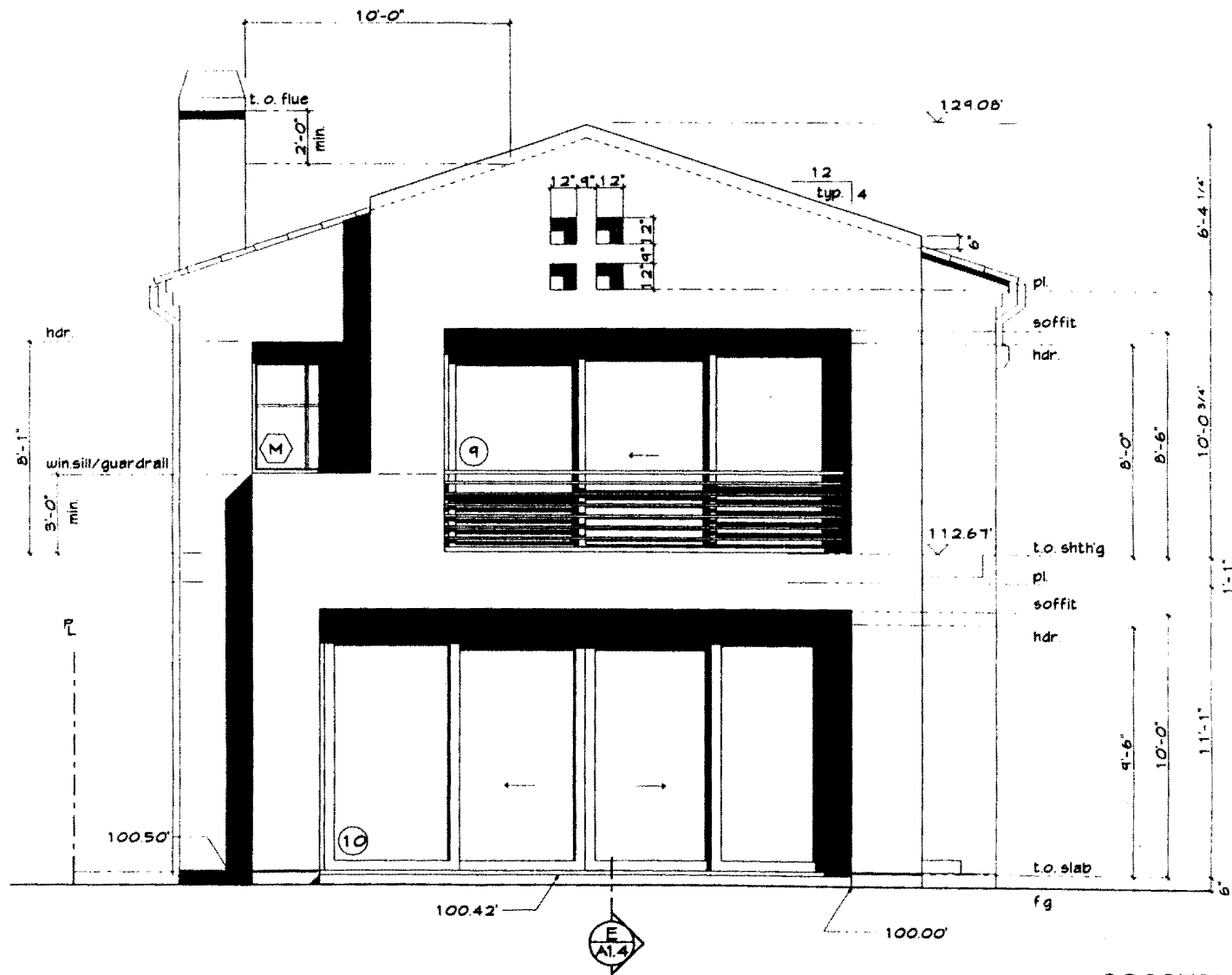
3601 Esplanade (Grand Canal)	Lot 1, Block 2	5-01-122
3605 Esplanade (Grand Canal)	Lot 2, Block 2	5-01-120
3609 Esplanade (Grand Canal)	Lot 3, Block 2	5-01-123
3615 Esplanade (Grand Canal)	Lot 4, Block 2	5-01-119
3701 Esplanade (Grand Canal)	Lot 1, Block 3	5-01-121
3705 Esplanade (Grand Canal)	Lot 2, Block 3	5-01-118

COASTAL COMMISSION
5-01-118 thru 123

EXHIBIT # 2
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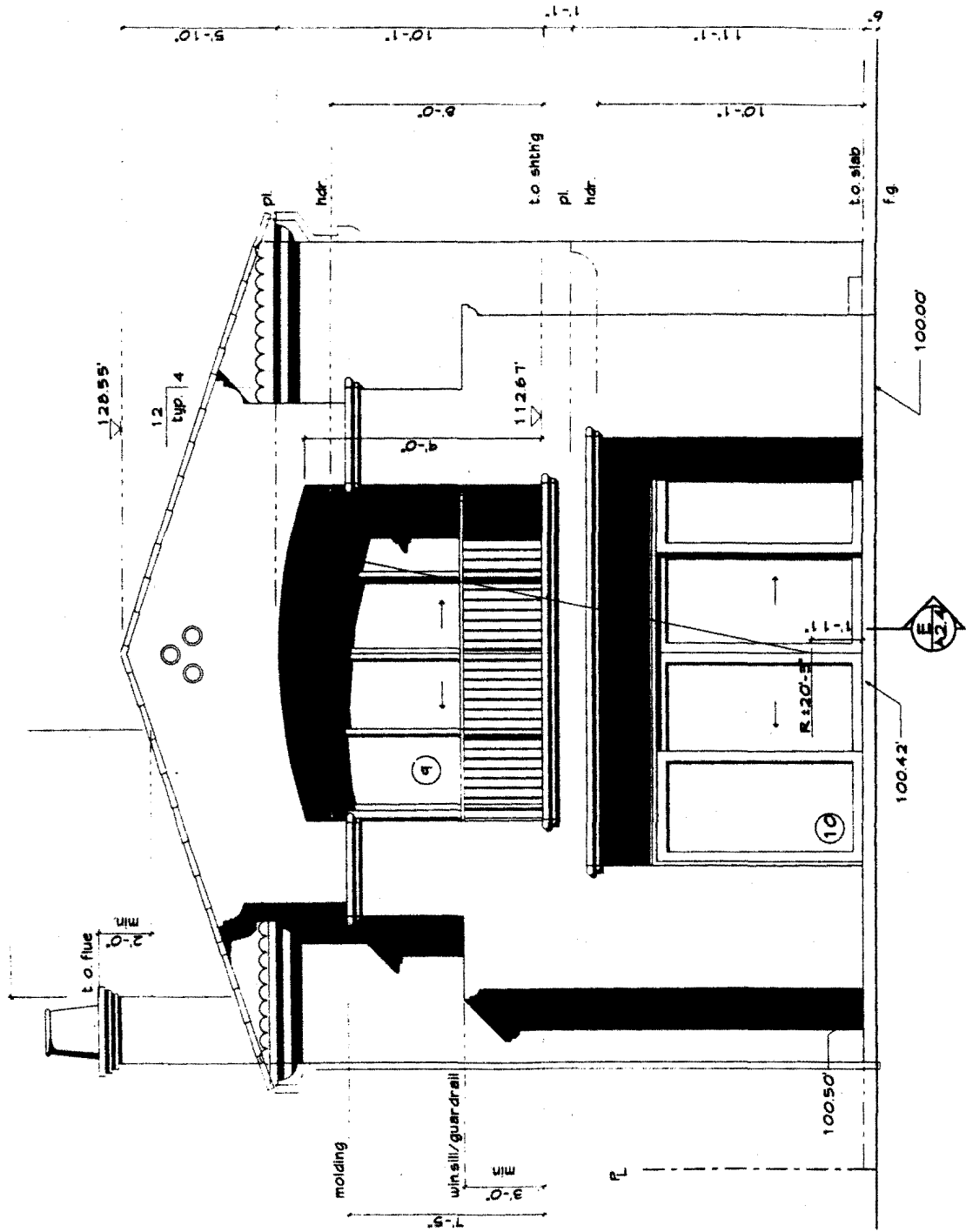
FIRST FLOOR ELEVATION



ESPLANADE SIDE ELEVATION
Frente Plan A

COASTAL COMMISSION

EXHIBIT # 4
 PAGE 1 OF 3

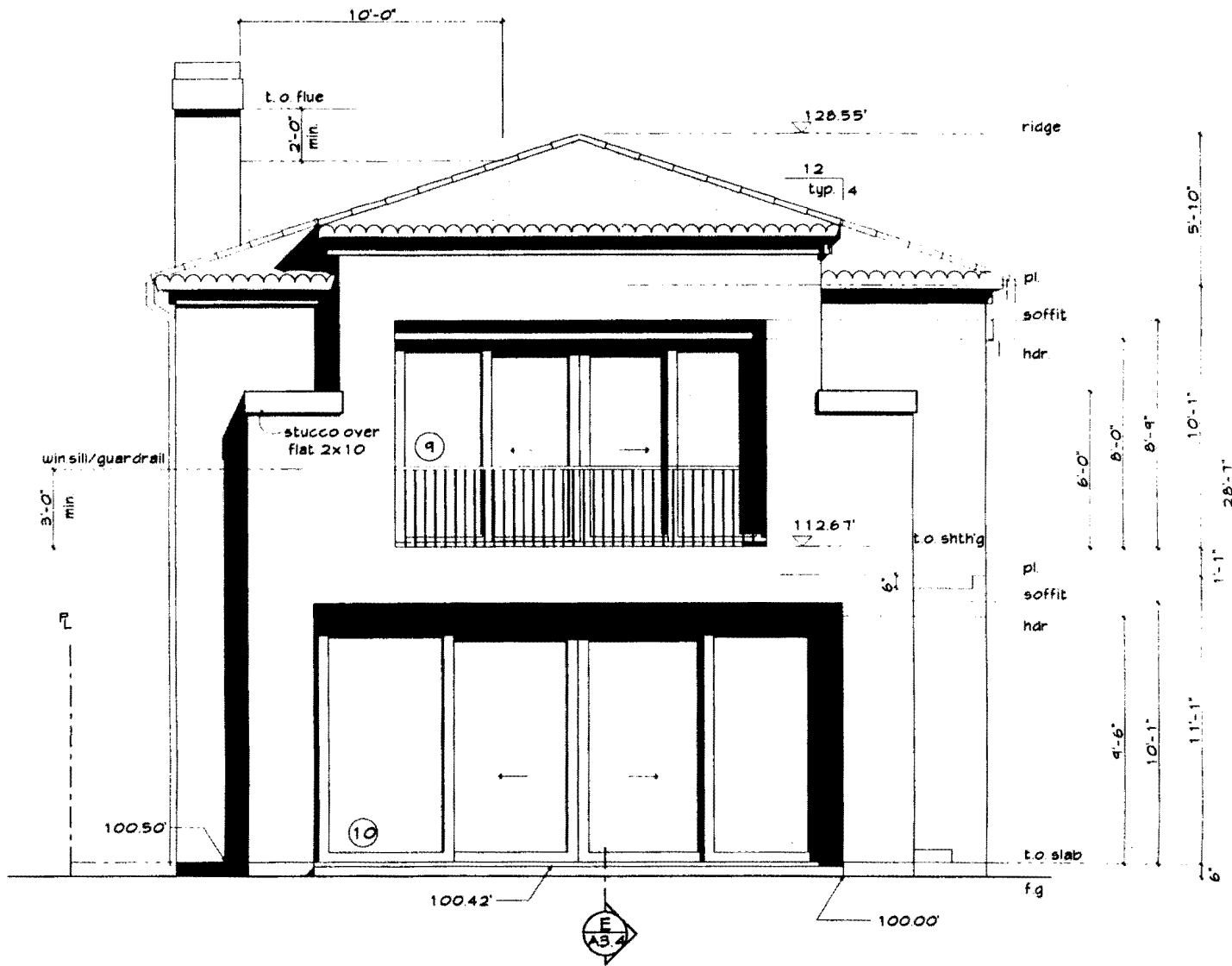


COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 3

ESPLANADE SIDE ELEVATION

Facade Plan B



ESPLANADE SIDE ELEVATION

Facade Plan C

COASTAL COMMISSION

EXHIBIT # 4
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