

CALIFORNIA COASTAL COMMISSION

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Filed: 8/16/2017
180th Day: 2/12/2018
Staff: D. Nathan-SF
Staff Report: 10/25/2017
Hearing Date: 11/9/2017

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-17-0590

Applicant: John Viola, 2801 Sanborn LLC

Agents: Chris J. Parker (Pacific Crest Consultants)

Location: 2801 Sanborn Avenue, Venice, City of Los Angeles, Los Angeles County (APN 4227-019-019)

Project Description: Demolition of 1,076 square foot one-story single family dwelling with detached garage, and construction of a 3,084 square foot, 25-foot high, two-story single family dwelling with roof deck and attached two-car garage.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project consists of the demolition of a 1,076 sq. ft., one-story single-family residence and the construction of a two-story, 25-ft. high, 3,084 sq. ft. single family dwelling on a level lot of 4,634 sq. ft. ([Exhibit 2](#)) at 2801 Sanborn Avenue in the Southeast subarea of Venice, Los Angeles ([Exhibit 1](#)). The proposed residence includes 4 bedrooms, 4 bathrooms, a roof deck, an attached 462 sq. ft. two-car garage and an uncovered tandem parking space on the driveway, and new landscaping features and fencing. The proposed project received a local coastal development permit (Case No. DIR-2016-4506-CDP-MEL-SPP) from the Los Angeles Department of City Planning on June 1, 2017.

The proposed two-story single family residence is visually compatible with the scale, mass, and character of the surrounding residential neighborhood, which consists primarily of one and two-story residential structures. The proposed project conforms to the height limits as set forth in the certified Venice Land Use Plan and provides a 15-foot deep front yard and rear yard setback, while

the design component provides for an articulated front and rear façade, which minimizes the overall box-like design of the proposed development ([Exhibits 2 and 3](#)). Furthermore, the applicant has provided a streetscape analysis which shows that the proposed project is well within the range of building heights and sizes in the surrounding neighborhood ([Exhibit 4](#)).

Therefore, Staff recommends **approval** of Coastal Development Permit Application No. 5-17-0590 with conditions, as it conforms to Chapter 3 of the Coastal Act and the height and setback limitations of the Venice Land Use Plan. The recommended three special conditions require the applicant to undertake development in accordance with the approved final plans, provide for water-conservation through landscaping and irrigation, and implement construction best management practices.

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Project Plans and Elevations](#)

[Exhibit 3 – Project Renderings](#)

[Exhibit 4 – Streetscape and Scale Analysis](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-0590 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** Coastal Development Permit 5-17-0590 authorizes the demolition of a single-family dwelling and the construction of a new two-story, 25-foot high single-family residence with an attached two-car garage. The applicant shall maintain three (3) parking spaces on-site over the life of the approved development (two spaces in the garage and one in the driveway). All development must occur in strict compliance with the proposal as set forth in the application, subject the special conditions.

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

2. **Landscape and Irrigation.** By acceptance of the permit, the permittee agrees, on behalf of himself and all future successors and assigns, that:

- (a) Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruse/efficiency/docs/wucols00.pdf>).

- (b) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

3. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or stormdrain, unless specifically authorized by the California Regional Water Quality Control Board.
- (k) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (l) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (m) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (n) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project site is located at 2801 Sanborn Avenue in the Southeast subarea of Venice, Los Angeles ([Exhibit 1](#)). The subject parcel, located block south of Sherman Canal and one block east of Grand Canal, has a width of approximately 50 feet and a depth of approximately 92 feet for a total lot area of approximately 4,634 sq. ft. The project is in the dual permit jurisdiction.

The applicant proposes to demolish a 1,076 sq. ft., one-story single-family residence with detached garage and construct a two-story, 25-ft. high, 3,084 sq. ft. single family dwelling, with 4 bedrooms, 4 bathrooms, a roof deck accessible from a stairway leading up from the second floor, an attached 462 sq. ft. 2-car garage and an uncovered tandem parking space on the driveway, and new landscaping features and fencing ([Exhibit 2](#)). The proposed project also has an articulated front, rear, and side façade, with recessed front and rear doorways on the 1st floor and front, rear, and (northern) side balconies projecting outwards on the 2nd floor ([Exhibit 3](#)). The proposed project provides a 15-foot deep front yard setback, and a 15-foot deep rear setback. No exceptions or variances have been requested from City building codes or standards. No roof access structure (i.e., stairway enclosure) exceeding 25 feet in height is proposed or permitted.

The project site is part of a developed residential neighborhood and is designated R1-1-0 (Low Density Residential) by the Venice Land Use Plan and City of Los Angeles Zoning Code. The subject site is approximately 1/3 of a mile inland of the public beach and one block (100 feet) southeast of the Venice Canals. The subject property is on a corner lot that fronts Sanborn Ave and 28th Avenue, with the rear of the property abutting Grand Canal Court, a 20-foot wide alley behind the project site. This residential neighborhood predominantly features one and two-story single-family homes and multi-family residences on both sides of the block. The proposed project is not located on a canal, as the alley to the rear of the property separates the subject site from another row of housing directly on the nearest canal (Grand Canal). Most of the residences on Sherman Canal are three stories in height. Although the subject site is near to the historic Venice Canals, the property is recognized under the Venice Land Use Plan as part of the Southeast subarea of Venice and is not designated by the City as a historic resource within the community. Further, SurveyLA, which is used as a guideline for historic resources in the area, also does not consider the property a historic resource.

The City issued the Director's Determination (DIR-2016-4506-CDP-MEL-SPP) on June 1, 2017 for the proposed project's conformance to the Venice Specific Plan. The project was also found to be exempt from CEQA (ENV-2016-4507-CE). The applicant applied for a coastal development permit from the Coastal Commission on July 3, 2017, as is required in the *Dual Permit Jurisdiction* area.

B. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required. In this

case, the project site is within the Dual Permit Jurisdiction area. The City of Los Angeles completed its final action to approve local Coastal Development Permit No. DIR-2016-4506-CDP-MEL-SPP on June 1, 2017. The local coastal development permit was not appealed at the local level or to the Commission. The City's findings indicate that the approved development is consistent with the character of the area and will not prejudice its ability to prepare a local coastal program.

C. DEVELOPMENT

The Venice community – including the beach, the boardwalk, the canals, and the eclectic architectural styles of the neighborhoods – is one of the most popular visitor destinations in California with 16 million people visiting annually.¹ The Venice community is primarily residential, however, and the continued change in the residential character of the Venice Community has been a cause of public concern over the years.

Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall...be visually compatible with the character of surrounding areas...

Section 30253 of the Coastal Act states in part:

New development shall...

e) where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Sections 30251 and 30253 of the Coastal Act state that such scenic areas and special communities shall be protected.

When the Commission certified the Venice Land Use Plan (LUP) in 2001, it considered the potential impacts that development could have on community character and adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Given the specific conditions surrounding the subject site and the eclectic development pattern of Venice, it is appropriate to use the certified LUP policies as guidance in determining whether or not the project is consistent with sections 30251 and 30253 of the Coastal Act.

In this case, the certified Venice Land Use Plan echoes the priority expressed in Coastal Act for preservation of the nature and character of unique residential communities and neighborhoods:

Policy I. E. 1, General, states

Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.

¹ Venice Chamber of Commerce website. <<http://venicechamber.net/visitors/about-venice/>>

Policy I. E. 2. Scale, states.

New development within the Venice Coastal Zone shall respect the scale and character of the community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.

Policy I. E. 3. Architecture, states.

Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.

Certified Venice LUP Policy I.A.1 states, in part:

The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP...

a. Roof Access Structures. Building heights and bulk shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:

i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;

ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;

iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls, and;

iv. All roof access structures shall be setback at least 60 horizontal feet from the mean high tide line of Balboa Lagoon, Venice Canals, Grand Canal, and the inland side of the Esplanade (City right-of-way).

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.

Certified Venice LUP Policy I.A.7.c states, in part:

Height: Oakwood, Milwood, and Southeast Venice: Not to exceed 25 feet for buildings with flat roofs; or 30 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 25 feet in height shall be set back from

the required front yard one foot for every foot in height above 25 feet. Structures located along walk streets are limited to a maximum of 28 feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

The applicant proposes to construct a two-story, 25-ft. high, 3,084 sq. ft. single family dwelling ([Exhibit 2](#)).

An examination of the character of surrounding buildings shows that the proposed project fits the mass, scale and character of the neighborhood. First, the proposed project conforms to the height limits as set forth in the certified Land Use Plan for Venice: 25 feet for flat-roofed residences and 30 feet for buildings utilizing a stepped back or varied roofline. Devices essential for building function may extend a maximum of 5 feet above the maximum height, and roof access structures can be permitted to exceed the specified flat roof height limit by up to 10 feet with an internal area of no more than 100 sq. ft. Since the proposed project measures 25 ft. in height for a flat roofline, and because no roof access structure is included, the height of the proposed structure is consistent with the Venice Land Use Plan ([Exhibit 2](#)).

Second, the front, side, and back of the proposed single family residence meets the setback requirements of the Venice Land Use Plan, as the proposed development will be set back 15 feet from the Sanborn Avenue (fronting) right-of-way and 15 feet from the rear alley (Grand Canal) right-of-way. The sides of the proposed project will also be set back 5 feet from the property line, which is also consistent with City's setback requirements. The proposed project also has an articulated front, rear, and side façade, with recessed front and rear doorways on the 1st floor and front, rear, and (northern) side balconies projecting outwards on the 2nd floor ([Exhibit 3](#)). Further, outdoor lighting is designed with shielding so that light does not spill into adjacent residential properties. No exceptions or variances have been requested from City building codes or standards.

Third, the applicant has provided a streetscape analysis which shows that the height of the proposed structure is consistent with the prevailing heights of the surrounding properties ([Exhibit 4](#)).

Given these design specifications, the proposed project is consistent with the relevant Venice Land Use Plan and Coastal Act policies stated above, which emphasize protection of community character by requiring new construction to respect the bulk, height, buffer, and setbacks of buildings in the surrounding neighborhood. For the reasons discussed above, and because the development is located within an existing developed area, as conditioned, the proposed development will be compatible with the character and scale of the surrounding area and will avoid cumulative adverse impacts on visual resources and community character. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30251 and 30253 of the Coastal Act.

The proposed project also includes permeable pavers and landscaped rear, front, and side yards, with lot grading requirements for pervious surfaces to fall a minimum of 6 inches within the first 10 feet. For impervious surfaces, a slope of 2% is required.

As required by the Venice Land Use Plan and consistent with previous Commission actions in the area, the proposed project provides three on-site parking spaces, with the attached 2-car garage located at the rear of the property and one uncovered parking space accessed from the rear alley as well. [Special Condition 1](#) requires the applicant to maintain these three parking spaces on-site over

the life of the approved development. [Special Condition 1](#) also ensures that the applicant undertakes the development in accordance with the approved final plans.

D. WATER QUALITY

The subject site includes permeable pavers and landscaped rear, front, and side yards, with lot grading requirements for pervious surfaces to fall a minimum of 6 inches within the first 10 feet. For impervious surfaces, a slope of 2% is required. In order to ensure that water quality is preserved and energy use is minimized over the life of the development, [Special Condition 2](#) requires all new landscaping to consist of drought tolerant, non-invasive vegetation irrigated by a drip or microspray system, consistent with previous Commission actions and Governor Brown's executive orders to preserve water.

Due to its proximity to the Venice Canals, the proposed development has a potential for the discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials, and the prohibiting of wastewater, solvents, or other construction by-products to be dumped or disposed of on site. Further, the applicant proposes to install low flush water closets for water conservation purposes. However, to ensure that water quality impacts are mitigated during construction, [Special Condition 3](#) requires the applicant to implement construction best management practices. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

As conditioned, the proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Adequate on-site parking for the proposed single-family residence is provided by an attached 462 sq. ft. two-car garage and an uncovered tandem parking space on the driveway, which is accessed from the rear alley. Further, the subject site is not located between the first public road and the sea, while public access to the Venice Canals is available one block away, and access to the beach is provided approximately five blocks from the subject site at the western end of Washington Boulevard at the Venice Pier. Therefore, as conditioned, the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. 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 (LCP) which conforms with Chapter 3 policies of the Coastal Act:

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).

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 City is the lead agency for CEQA compliance and after preparing an Initial Study, the City issued a CEQA Notice of Exemption (ENV-2016-4507-CE).

As conditioned, the project does not have any significant environmental effects, and there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A - Substantive File Documents

1. City of Los Angeles, Venice Segment certified Land Use Plan
2. City File Record for Local Coastal Development Permit No. 2016-4506-CDP-MEL-SPP