

CALIFORNIA COASTAL COMMISSION

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Th19b

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STAFF REPORT: REGULAR CALENDAR

Application Numbers: 5-19-1167

Applicant: Harley GCS, LLC

Agent: Maria Islas, Denn Engineers

Location: 3819 Via Dolce, Venice, City of Los Angeles, Los Angeles County (APN: 4225-013-153)

Project Description: Construction of a new three-story, 33.8-ft. high, 4,827 sq. ft. single-family residence with a 530 sq. ft. accessory dwelling unit and three on-site parking spaces on a 3,545 sq. ft. vacant canal-front lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The project site is a canal-front lot located approximately 900 feet from Venice Beach in the Ballona Lagoon (Grand Canal) East subarea. The applicant is proposing to construct a 33.8-foot high, 3,681 square foot, three-story single-family residence with an attached 530 square foot accessory dwelling unit, a ground-level patio, and an attached 616 square foot two-car garage in addition to a third on-site parking space. Thus, the total size of the structure is 4,827 square feet. The proposed first floor is 1,721 square feet, including the proposed 530 square foot ADU, and is located partially below grade on the landward side of the site and fully above grade on the canal side of the site. Non-invasive, drought-tolerant landscaping is proposed for the project. Proposed grading includes 2,050 cubic yards of cut and 15 cubic yards of fill.

The Commission certified the City's Land Use Plan (LUP) for the Venice segment in 2000, which was adopted by the City in 2001. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal

Act constitute the standard of review for the project, with the certified LUP used as guidance.

The site is designated Multi-Family Residential—Low Medium II Density per Policy I. A. 7 of the certified Venice LUP, and zoned RW2-1 by the City of Los Angeles (uncertified) zoning code. Policy 1.A.7 typically allows for the construction of up to two units per lot, with one unit per 1,500 square feet of lot area. However, because the subject site is located adjacent to a canal, LUP Policy 1.D.1 only allows for the construction of a single family residence. Consistent with the City's uncertified zoning ordinance for accessory dwelling units (ADUs) and junior accessory dwelling units (JADU), an ADU and a JADU may also be constructed on the site. A mix of one to three-story single-family homes and two-story multi-family dwellings characterize the neighborhood. The proposed single-family residence and ADU will maintain the character of this area of Venice and is consistent with both the Venice LUP and Coastal Act community character policies (Sections 30251 and 30253(e)). This residence also increases housing density on the currently vacant lot and could provide a more affordable housing opportunity (as compared to a single-family residence without an ADU) in a coastal area that has been impacted by rising housing costs and housing shortages. In addition, the design of the proposed single-family residence resembles the adjacent homes in mass and scale, is generally consistent with the character of the area, and would not prejudice the City's ability to prepare a certified LCP. The project has also been designed to minimize risks to life and property in a hazardous area, consistent with Section 30253 of the Coastal Act.

Therefore, Commission staff recommends **approval** of the coastal development permit application with fifteen (15) special conditions, including: **1)** submittal of final revised plans; **2)** permeable yard area; **3)** permit compliance; **4)** assumption of risk; **5)** no future shoreline protective devices; **6)** construction best management practices, and drainage and run-off control practices; **7)** drought-tolerant, non-invasive plants; **8)** construction staging; **9)** Los Angeles Department of Building and Safety approval; **10)** local government approval; **11)** retention of two on-site units; **12)** bird strike prevention; **13)** no encroachment into the public Esplanade; **14)** cultural resource treatment and monitoring plan; and **15)** deed restriction. These conditions are imposed to ensure that the vehicle parking spaces are developed and maintained on-site, biological resources and water quality are protected for the life of the project, and risks to life and property from flood hazards are minimized.

The proposed project, only as conditioned, can be found consistent with Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Survey Area Map](#)

[Exhibit 3 – Project Plans](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. 5-19-1167 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 the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

1. **Submittal of Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant(s) shall submit, in a form and content acceptable to the Executive Director, two (2) full-sized sets of final revised project plans for the proposed development. The final plans shall be in substantial conformance with the plans submitted for this application by CBB Architects Inc., revised August 19, 2020, and shall be subject to the review and written approval of the Executive Director, and shall comply with the following:
 - A. No development is authorized within 10 feet of the canal-fronting property line (Grand Canal) nor within or above the minimum required 600-square foot permeable front yard area, except as described in **Special Condition 2** below. Ten feet landward of the fronting canal property line, the maximum height of any structure shall not exceed 30 feet above the elevation of the fronting right-of-way. Beyond 60 horizontal feet from the canal-fronting property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet, except for chimneys, ducts, and other accessory structures which may exceed the specified height limit by five feet. Roof deck railings shall not exceed 42 inches above the 30-foot height limit and shall clearly be of an open design. Building height is measured from the elevation of the fronting public right-of-way (Esplanade).
 - B. The proposed residence shall provide and maintain an average setback of 15 feet, but no less than 10 feet, in the front yard adjacent to the canal property line. Proposed development must conform with all required setbacks.
 - C. All improvements (e.g. fencing, pavers, etc.) that extend beyond the canal-fronting property line must be removed.
 - D. The plans shall include a development height of 33.8 feet, a lowest finished floor elevation of 6.36 feet above mean sea level, and waterproofing measures including construction of stem walls designed to resist hydrostatic pressure, which will be waterproofed by a waterproofing membrane system for below-grade concrete and masonry walls. In addition, a perforated drain pipe will be installed adjacent to the basement walls, and will be wrapped with gravel and filter fabric to capture infiltrating water before it seeps to the foundation and slab.

The permittee shall undertake the development in accordance with the approved final 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 Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required
2. **Permeable Yard Area.** In order to maintain an open and visible access corridor, to enhance visual quality, and to preserve the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than 15 times the

width of the site (in this case: 15 feet x 40 feet = 600 square feet) shall be maintained on the project site in the front yard area between the structure and the front (Grand Canal) property line. Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises, eaves) shall be placed in or over the permeable yard area with the exception of fences or garden walls (not to exceed 42 inches in height), permeable decks at grade (not to exceed 18 inches in height), and an underground cistern, French drain or other similar drainage system for water retention. The permeable yard area may include minimal coverage with impermeable pavers, stones, concrete walkways or other similar ground cover, but in no event shall impermeable materials occupy more than fifteen percent (15%) of the total amount of the required permeable yard area.

3. **Permit Compliance.** The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.
4. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
5. **Waiver of Rights to Future Shoreline Protective Device.**
 - A. By acceptance of this permit, the applicant acknowledges that the development authorized by this permit, including the single-family residence and accessory dwelling unit constitutes new development under the Coastal Act, and is therefore not entitled to a shoreline protective device under Section 30235 of the Coastal Act. Thus, by acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.
 - B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that they are required to remove all or a portion of the development authorized by the permit, and restore the site, if:

(1) the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices;

(2) essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;

(3) removal is required pursuant to LCP policies for sea level rise adaptation planning; or

(4) the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

In addition, the development approval does not permit encroachment onto public trust lands, and any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain. Any future encroachment would also be subject to the State Lands Commission's (or other designated trustee agency's) leasing approval.

6. Water Quality

A. Construction Responsibilities and Debris Removal

- 1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- 2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- 3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- 4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- 6) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

- 7) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- 8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- 9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- 10) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- 11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- 12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity;
- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Drainage and Water Quality

- 1) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board;
- 2) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;
- 3) A French drain, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed and maintained on the project site;

- 4) All runoff leaving the site shall be directed away from the canals and into the City storm drain system;
- 5) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

7. Landscaping: Drought-Tolerant, Non-Invasive Plants. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final revised landscaping plans, which shall include and be consistent with the following:

- A. Vegetated landscaped areas shall consist only of native plants and/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 the California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or micro-spray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

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

- A. The plan shall specify where construction equipment is proposed to be stored during construction in order to maintain slope stability, control erosion, and maintain public access along Via Dolce.
 - 1) All construction equipment to be stored overnight shall be stored on-site, outside the street travel-way.
 - 2) Placement of the on-site dumpster shall incorporate use of a flagman to direct traffic during placement.
- B. The plan shall also identify a disposal site outside of the Coastal Zone for waste materials and recyclable materials.

9. City of Los Angeles, Department of Building and Safety Approval. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, or within such additional time

as the Executive Director may grant in writing for good cause, the applicant shall provide to the Executive Director a copy of a permit issued or evidence of preliminary approval by the City of Los Angeles, Department of Building and Safety (LADBS). The applicant shall inform the Executive Director of any changes to the project required by LADBS. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

10. Local Government Approval. The proposed development is subject to the review and approval of the City of Los Angeles (City). This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of CDP No. 5-19-1167 shall prevail.

11. Retention of Two On-Site Units. The development approved by CDP No. 5-19-1167 includes the construction of a single-family residence with an attached 530 square foot ADU. The applicant and all assigns/successors shall maintain the ADU as a separate unit. At no point may the ADU be incorporated into the single-family residence or reduced to less than the proposed 530 square-foot size without an amendment to CDP No. 5-19-1167.

12. Bird Strike Prevention. Canal-front deck railing systems, fences, screen walls, gates, windows and the like that are authorized by this permit shall use materials designed to minimize bird-strikes with the deck railing, wall, fence, gate, window, or similar feature. Such materials may consist all or in part of wood, wrought iron, frosted or partially-frosted glass, Plexiglas or other visually permeable barriers designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds or use appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every three-foot by three-foot area). Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

13. City Esplanade. Through 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. Both during and subsequent to construction of the proposed project, the permittee and all successors in interest to the applicant shall avoid encroaching onto or over the Grand Canal Esplanade right-of-way or otherwise interfering with the public's use of the Grand Canal Esplanade.

14. Cultural Resource Treatment and Monitoring Plan. By acceptance of this permit the applicant agrees to comply with the following:

A. Incorporate the following into the archeological monitoring plan:

- i. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and a minimum of one (1) Native American monitor from each tribal entity with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, excavation work, site preparation or landscaping activities associated with the approved development. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures, and shall provide a copy of this special condition, any archaeological monitoring or research plans, past archeological reports, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor;
- ii. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
- iii. The Native American Monitor(s) shall be required until native soils have been reached.

B. If an area of tribal cultural deposits is discovered during the course of the project:

- i. All construction and subsurface activities that have the potential to uncover or otherwise disturb tribal cultural deposits in the area of the discovery shall cease within 50 feet of the deposit immediately;
- ii. The permittee shall report all discovered resources as soon as possible, by phone or by email to the Executive Director;
- iii. The professional archeological monitor on-site must contact all affected groups of the Native American Tribe that are not present for on-site monitoring and notify them of the discovery in order to determine the results of (iv) and (v) below;
- iv. Significance testing may be carried out only if acceptable to the affected Native American Tribe, in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" ([Appendix B](#)) and in consultation with the Tribe. The Executive Director shall, in writing, determine the adequacy of the Significance Testing Plan and if it can be implemented without further Commission action, provide written authorization to proceed. The Significance Testing Plan results, if applicable, along with the project archaeologist's recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive

Director for a determination. If the Executive Director determines that the discovery is significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan consistent with Appendix B.

- v. The treatment method or mitigation measure for the discovery shall be prepared in consultation with the Native American monitor(s), and the MLD when State Law mandates the identification of a MLD. The permittee shall inform the Executive Director of the treatment method in writing. In-situ preservation is the preferred treatment and can be achieved through such methods such as, but not limited to, project redesign, capping, and deeding the cultural resource areas in open space. The range of treatment and mitigation measures considered shall not be constrained by the approved development plan.

- C. If the Executive Director determines that the discovery is significant or that the treatment method preferred by the affected Native American tribe is in conflict with the approved development plan, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

15. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, 15 conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The subject site (3819 Via Dolce) is an approximately 3,545 square foot (40-feet wide by 85-feet deep)¹ vacant, canal-front lot located approximately 900 feet from the beach in the Ballona Lagoon (Grand Canal) East subarea of the City of Los Angeles ([Exhibit 3](#)). The subject site is located on the east bank of the Grand Canal in Venice, approximately 100 feet north of Ballona Lagoon ([Exhibit 1](#)). The site is zoned RW2-1 by the City of Los Angeles uncertified zoning code and designated Multi-Family Residential—Low Medium II Density by the certified Venice LUP.

In July 2003, the Commission approved CDP No. 5-03-109 for construction of a new four-story, 30-foot high, 4,268 square foot single-family residence with an attached two-car garage at the vacant site. That permit expired in July 2005, prior to issuance. In January 2006, the Commission approved CDP No. 5-05-392 for construction of a new three-story, 33-foot high, 4,170 square foot single-family residence with an attached two-car garage at the vacant site. That permit expired in January 2008, prior to project construction. There is no additional CDP history for the existing vacant site.

The abutting lot to the south of the subject site is an undeveloped County-owned lot. Additionally, an abandoned oil wellhead exists below-ground on the site, within the proposed rear yard (adjacent to Via Dolce). The applicant does not propose any alterations to the existing wellhead and asserts that the residence will be constructed approximate 7.7-feet from the capped wellhead. Nevertheless, any future alteration of the natural landform to remove or otherwise alter any portion of the wellhead would require an amendment to CDP No. 5-19-1167.

The applicant proposes to construct a 33.8-foot high, 3,681 square foot, three-story single-family residence with an attached 530 square foot accessory dwelling unit, a ground-level patio, and an attached 616 square foot two-car garage in addition to a third on-site parking space (proposed on the driveway). Thus, the total size of the structure is 4,827 square feet. The project also includes decks on the second floor, third floor, and roof (totaling a net 634 square feet) as well as 3.5-foot high concrete walls at the entrance of the first floor facing the Esplanade, and landscape improvements.

The existing grade of the subject site slopes downward steeply from east to west, with an approximately 11.5 elevation above mean sea level (MSL) at Via Dolce and an approximately 2.5 elevation above MSL at the property line adjacent to the Esplanade. The applicant proposes 2,050 cubic yards of cut and 15 cubic yards of fill for the overall site. The lowest finished floor elevation will be located entirely above finished grade at the canal-fronting west elevation and the south elevation facing County-owned lot; it will

¹ The subject lot includes an angled eastern property line, resulting in the 3,545 square foot area despite the 40-foot wide by 85-foot deep dimensions.

be approximately 8 feet below finished grade at the east elevation facing Via Dolce and the north elevation facing 3815 Via Dolce.

B. DEVELOPMENT

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251 of the Coastal Act states, in relevant part:

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...

Venice Certified LUP Policy I. A. 7., Multi-Family Residential– Low Medium II Density, states, in relevant part:

a. Ballona Lagoon (Grand Canal) East Bank

Use: Two units per lot including duplexes.

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

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

Yards: Minimum side yard of 3 ½ feet. 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 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.

Height: Not to exceed 30 feet within 60 horizontal feet of the inland side of the Esplanade (City right-of-way). 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 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. (See LUP Policy I. A. I. and LUP Height Exhibits 13-16).

Fill: No fill shall be permitted in Grand Canal.

Venice Certified LUP Policy I. D. 1., Canals and Ballona Lagoon Waterways, states in relevant part:

...Adjacent Use/Development: The only permitted development adjacent to the canals and lagoon shall be habitat restoration, single-family dwellings, public parks and walkways, subterranean or surface public parking lots, maintenance activities and emergency repairs. Surface public parking lots shall be permitted only where sufficient access and roadway capacity exists to accommodate such parking. New construction along the Canals, and Ballona Lagoon shall comply with standards for setbacks, noise barriers, landscape plan, pervious surfacing with drainage control measures to filter storm run-off and direct it away from environmentally sensitive habitat areas, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration including off-site drainage improvements. For more details refer to the provisions contained in Policy Group I.A., Residential Land Use and Development Standards, and Policies IV.C.1 and IV.C.2, Stormwater Runoff and Circulation.

Venice Certified LUP Policy I. E. 3., Architecture, states:

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

As further discussed below, the applicant has designed the proposed project in compliance with the above-stated LUP building standards in order to obtain the required coastal development permit, and to obtain approval from the City pursuant to the uncertified Venice Specific Plan. The proposed project is in the Dual Permit Jurisdiction and has received a local coastal development permit (DIR-2018-5865-CDP-SPP-MEL) from the Los Angeles Department of City Planning. No appeal of the local action was filed.

Residential Density

Section 30250 of the Coastal Act requires concentration of development in existing developed areas able to accommodate it. This reduces vehicle miles traveled (required by Section 30253(d) listed below), preserves open spaces that might otherwise be developed, provides more opportunities for people to live near the places where they

work and recreate (consistent with Coastal Act public access policies and the Coastal Commission's Environmental Justice policy), and thereby, reduces impacts to coastal resources. The Venice LUP contains building restrictions and density limits specific to individual areas and subareas of Venice, designed to protect community character and minimize impacts to coastal resources.

As of January 1, 2020, multiple new State ADU laws² went into effect that changed local governments' authority relating to regulation of ADUs with the goal of increasing statewide availability of smaller, more affordable housing units, which aligns with the aforementioned Coastal Act policies. Similarly, SB 330 (Skinner), which also took effect January 1, 2020, enacted the Housing Crisis Act of 2019 with the goal of increasing housing stock. The Housing Crisis Act prohibits an affected city or county from approving a housing development that will require the demolition of occupied or vacant residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished (no net loss). The proposed construction of a single-family residence and ADU on the vacant lot will require no demolition of existing units, and will produce an increase in housing density, consistent with the intent of SB 330.

While the Housing Crisis Act is not the standard of review for this CDP application, Coastal Act policies (such as Sections 30250 and 30253) align with the goals of SB 330 and encourage concentrating development in existing developed areas that are able to accommodate it. Other Coastal Act policies discussed further below, such as the coastal hazards policies in Section 30253, are also relevant to the amount of housing density that is appropriate at a particular location.

The Venice LUP, certified in 2000 and adopted in 2001, designates the project site and the adjacent row of lots as Low Medium II Density per Policy I. A. 7. This designation typically allows for a maximum of two dwelling units. LUP Policy I.A.7 also allows for the construction of a single-family residence within the subject 3,545 square foot lot. The allowance of single-family residences within the Low Medium II Density land designation was confirmed in the staff report published in November 2000 for certification of the Venice LUP with the following description of Policy I. A. 7: "Properties designated with this land use category could be developed with single-family residences, duplexes, and in some cases, multiple unit apartments and condominiums." This staff report additionally describes the allowed use for the relevant Ballona Lagoon (Grand Canal) East Bank area as "1 unit per 1,500 square feet (2 units max.)". Regardless, LUP Policy I. D. 1. restricts residential uses adjacent to the Venice Canals to single-family residences. Thus, the certified LUP, which serves as guidance for Commission review, allows for construction of a single-family residence. Consistent with the City's uncertified zoning ordinance for ADUs and JADUs, and under the new ADU laws, an ADU can also be constructed on the site because it is designated for single-family residential use³.

Section 30604 of the Coastal Act directs the Commission to encourage housing opportunities for persons of low or moderate incomes and authorizes the Commission to

² AB 68, AB 587, AB 670, AB 881, and SB 13

³ Government Code § 65852.2(b)

consider environmental justice and the equitable distribution of environmental benefits throughout the coastal zone. While the construction of ADUs does not guarantee housing opportunities for persons of low or moderate income and is not necessarily a complete or adequate substitute for existing residential units, in this case, it does offer one potentially more affordable housing opportunities on-site (as compared to a single-family residence) and minimizes loss of housing opportunities in the coastal zone overall, which appears to be a trend.

Special Condition 3 requires the development to be carried out in a manner consistent with the proposed project, **Special Condition 11** requires the ADU be retained on-site as proposed, and **Special Condition 15** requires the applicant to record a deed restriction imposing the special conditions of the permit as restrictions for use of the property to ensure the ADU will be built and maintained.

As proposed and conditioned, the development concentrates new development in an already developed area and is consistent with the allowable density in the LUP. As conditioned, the development conforms with Section 30250 and 30253(d) of Chapter 3 of the Coastal Act.

C. COASTAL HAZARDS

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) 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...

(d) Minimize energy consumption and miles traveled.

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

On November 7, 2018, the Commission adopted a scientific update to its Sea Level Rise Policy Guidance. This guidance document serves as Interpretive Guidelines to help ensure projects are designed and built in a way that minimizes risks to the development associated with sea level rise and avoids related impacts to coastal resources. These guidelines state, "to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development." Additionally, Moffat & Nichol prepared a Venice Sea Level Rise Vulnerability Assessment for the City of Los Angeles in May 2018, which provides information regarding the potential impacts of sea level rise in Venice.

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

According to the Our Coast Our Future (OCOF) model, which, like the City's Vulnerability Assessment, uses Coastal Storm Modeling System data, the subject site is one of approximately 4,000 parcels, including the surrounding walk streets and canal bridges, which are anticipated to flood, particularly from exceedances of stormwater capacity and/or tide gate malfunction. Under a medium-high risk aversion scenario, 2.5 feet of sea level rise is possible within the next 40 years and a rise in sea levels of up to 6.6 feet is projected to occur between 2090 and 2100 with current development and emission patterns⁴, which is within the anticipated 75 to 100-year life of the proposed development. The OCOF model indicates the project site is especially flood-prone with 2.5 feet of sea level rise, and will be subject to non-storm coastal flooding with 6.6 feet of sea level rise. While the Commission cannot determine with absolute certainty that the proposed residential development will be impacted by sea level rise-related hazards before the end of its economic life, the current best available science indicates that some impacts are likely.

Given the risks and vulnerabilities the site faces with regard to flood hazards for the life of the development, **Special Conditions 4 and 5** require the applicant to assume the risks of pursuing development in a hazardous area, waive the right to install shoreline protective devices, and remove the development approved by this permit if deemed unsafe by a government entity. In addition, the applicant would be required to remove the approved development if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no feasible measures that could make the structure suitable for habitation or use without the use of shoreline protective devices.

To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the

⁴ This prediction does not account for ice sheet loss.

flow of water offsite; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development.

Special Condition 3 requires the development to be carried out in a manner consistent with the proposed project, as approved and conditioned. **Special Condition 9** requires the applicant to obtain preliminary review and approval of revised plans by the LADBS in order to address any non-coastal resource related concerns with the revised plans, which would require the applicant to return to the Commission for an amendment to this CDP. **Special Condition 10** requires the applicant to comply with local government requirements, which include details relating to the maintenance of appropriate drainage and permeable area on-site. To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, **Special Condition 15** requires the applicant to record a deed restriction acknowledging that, pursuant to the subject permit (CDP No. 5-19-1167), the Coastal Commission has authorized development on the subject property subject to the terms and 15 Special Conditions of this permit (imposed as covenants) that restrict the use of the subject property. This condition will additionally provide notice of potential hazards of the property, the risks of flooding, and other sea level rise impacts towards the end of the development's economic life.

The applicant has submitted a geology report identifying existing groundwater at an elevation 0.25 feet below mean sea level (MSL), while the proposed lowest floor elevation would be 3.24 feet above MSL. According to a study conducted by Hoover et al (2017), shallow groundwater levels are expected to rise with sea levels, suggesting that the first floor may be inundated within the development lifetime. Furthermore, 6.6 ft. of SLR has the potential exceed the lowest floor elevation. In acknowledgement of these risks, the applicant has proposed design elements to adapt to rising sea levels. These adaptation measures include increasing the elevation of the lowest finished floor elevation by 3.36 feet to create a 6.6-foot buffer between the slab and MSL. This increased lowest floor elevation would also be above the rising groundwater levels expected with 6.6 ft. of SLR. The applicant also proposes construction of stem walls designed to resist hydrostatic pressure, which will be waterproofed by a waterproofing membrane system for below-grade concrete and masonry walls. In addition, a perforated drain pipe will be installed adjacent to the basement walls, and will be wrapped with gravel and filter fabric to capture infiltrating water before it seeps to the foundation and slab. There is adequate room on the property for temporary adaptive measures (i.e. soft protection such as sandbags) without impacting public access in the event that wave uprush or stormwater accumulation does reach the property within the lifetime of the structure. **Special Condition 1** ensures the inclusion of these protective project elements through the submittal of revised plans prior to issuance of the subject permit.

Section 30253 of the Coastal Act requires siting new development such that it minimizes risks to life and property in flood hazard areas, assures stability and structural integrity, and does not require the construction of protective devices that substantially alter natural landforms. Concurrently, and as discussed above, the Coastal Act also requires concentrating development in existing developed areas able to accommodate it (as required by Section 30250), which provides more opportunities for people to live near places they work and recreate, such as the beach. This reduces vehicle miles traveled

and preserves open spaces that might otherwise be developed, thereby reducing impacts to coastal resources. Overall, these Coastal Act policies support maintaining housing density in safe areas to assure the stability and structural integrity of development. In this case, the project site is located in a low-lying area vulnerable to flood hazards. Thus, as it relates to coastal hazards, it is appropriate to limit development and density at the project site to protect coastal resources.

Therefore, as conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. COMMUNITY CHARACTER

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states, in relevant part:

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

Venice Certified LUP 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.

Venice Certified LUP Policy I. E. 2., Scale, states, in relevant part:

New development within the Venice Coastal Zone shall respect the scale and character of 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...

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.

The height limits set forth in the certified Venice LUP maintain this historic 30-foot height limit of the Ballona Lagoon (Grand Canal) East area. The maximum height of any structure within 60 horizontal feet of the inland side of the Esplanade shall not exceed 30 feet (as measured from the existing elevation of the Esplanade right-of-way.) Beyond 60 horizontal feet from the inland side of the Esplanade, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet. Chimneys, ducts, and other accessory structures essential for building function may exceed the specified 30-foot height limit within 60 horizontal feet of the Esplanade for a maximum height of 35 feet. Roof deck railings shall not exceed 42-inches above the 30-foot height limit.

The applicant proposes a building height of 30 feet above the existing elevation of the Esplanade public-right-of-way, with a roof parapet 33.8-foot high (also measured from the public-right-of-way) located more than 60 horizontal feet from the inland side of the Esplanade. Therefore, the proposed project meets the specific height requirements of the LUP. **Special Condition 1** reflects the requirements for height limits, and pursuant to **Special Condition 1 and 3**, no increase in height or alterations to approved plans may be made without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment was required. Therefore, the Commission finds that the proposed project as conditioned conforms to the Venice LUP and Section 30251 of the Coastal Act. As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project.

Building Setbacks

Buildings in Venice have been required to be set back from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an on-site area for water percolation. The Commission has consistently required that development adjacent to the Venice Canals, Grand Canal, and Ballona Lagoon provide an open and permeable yard (at least 600 square feet for a 40-foot wide lot) between the canal or lagoon 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. For the rear yard, a 10-foot rear yard setback is required on the ground floor for additional vehicle storage. The Venice LUP also requires minimum side yards of 3.5 feet. The Venice LUP includes this permeable yard and setback requirement for all development proposed along the Ballona Lagoon (Grand Canal) East, which is further imposed by **Special Conditions 1 and 2**.

The proposed residence will provide a setback of 15 feet in the front yard adjacent to the Grand Canal property line, as well as 5-foot wide side yard setbacks and approximately 601 square feet of permeable front yard area. This yard area and canal-front setback are intended to not only preserve the water quality and biological productivity of the canals and lagoon but to also maintain an open and visible access corridor for enhancement of visual quality. Therefore, the proposed project meets the specific height and setback requirements of the LUP.

A mix of one to three-story single-family homes and two-story multi-family dwellings characterizes the neighborhood. The subject lot is at the southern end of a row of 17 multi-story single-family residences, the majority of which were built in 1989. These lots average approximately 4,000 square feet in size and are all located adjacent to the Ballona Lagoon (Grand Canal) East area, which has been designated by the City as a historic-cultural monument. The proposed development is consistent with the character of the single-family residences in this row and includes similar structural features, such as a patio facing the Esplanade and landscaping at the Via Dolce street level.

Mass and Scale

In terms of the mass and scale, the proposed project conforms with all applicable development standards in the Venice LUP. The adjacent row of single-family residences are developed on similarly sized lots, and most include multiple levels, upper floor decks, and parapet roof structures. The applicant's project proposes a similar design with three levels, multiple decks facing the canal, and a roof parapet. The residence proposes a maximum height of 30 feet within 60 feet of the inland side of the Esplanade, and 33.8 feet beyond this distance. This height is consistent with the certified LUP and the surrounding residence heights, which range from 30 feet to the maximum allowed height, 38 feet. The proposed development also includes a front yard setback of 15 feet from the canal-front property line, side yard setbacks of 5 feet, and a rear yard setback of 16.8 feet from the Via Dolce property line. Thus, the proposed development offers appropriate setbacks from the historic canal and pedestrian walkway and is compatible with the mass and scale of the neighboring single-family residences.

Community Character

Venice LUP Policy I. E. 2 requires that new development must respect both the scale and character of the community development. At the same time, Policy I. E. 3 allows that varied styles of architecture are encouraged, while maintaining the neighborhood scale and massing. Therefore, new development need not be identical to the homes in the surrounding neighborhood; rather, a variety of styles and appearances are part of Venice's unique character. While the Venice LUP primarily addresses compatibility with community character and protection of Venice's special status through objective building standards, such as setbacks, height and density, there is also a subjective component. LUP Policy I. F. 1, which calls out specific historic and cultural landmarks, does not mention the Ballona Lagoon (Grand Canal) East subarea.

Here, the proposed project is consistent with the density, height, setback, and floor area requirements of the LUP. These requirements were incorporated into the LUP (which was certified by the Commission in 2000 and adopted by the City in 2001) in order to

protect community character and Venice's special community status, and the LUP contemplated and allowed for some larger homes to be built in Venice consistent with Chapter 3 of the Coastal Act. In addition to being consistent with the LUP's building standards, the proposed home simply does not stand out in any significant way from the surrounding neighborhood, particularly in light of the overall eclectic nature of the Venice community.

Therefore, the proposed development is compatible with community character and is not anticipated to have an adverse cumulative effect with regard to the character of this neighborhood, as further analyzed below.

Cumulative Effects

In order to evaluate the potential cumulative impacts of the proposed residence, the incremental effects of the proposed development on community character, mass, and scale are considered in connection with the effects of the past, current, and probable future projects within the subject area. To that end, Commission staff reviewed the residential developments on the subject block, Via Dolce, extending from the Grand Canal bank south of the subject site to the public Via Dolce Park north of the site ([Appendix C](#)). This survey included the 17 currently existing multi-story, single-family residences on Via Dolce and considered the year of Commission or City approval for redevelopment, lot size, habitable residence area, and height (no record of local CDPs or exemptions issued by the City were found for the 17 single-family residences on the subject block since adoption of the certified LUP in 2001) ([Exhibit 2](#)). For properties which have not received Commission or City approval for redevelopment since 2001, the survey considered the year of residence construction, lot size, and current habitable residence area. Height is not included on the mapping tool used to obtain this information, ZIMAS, and thus wasn't included for the properties that have not redeveloped subsequent to 2001.

The information analyzed by Commission staff shows that the majority of single-family residences within the subject block have not been redeveloped since their initial construction. Table 1 indicates the only Commission action on the subject parcels since 2001 to be a CDP issued in 2002 for 3511 Via Dolce, approving construction of a new 33-foot high, 4,167 square foot single-family residence on the previously vacant lot. Table 2 demonstrates that the subject project proposes a square footage larger than the majority of homes that have not been redeveloped subsequent to 2001 within the survey area. However, within the survey area, three of the properties that had not been redeveloped subsequent to 2001 have lot sizes similar to the subject 3,545 square foot lot and home sizes exceeding 4,000 square feet.

The information gathered by staff does not suggest a trend in single-family residences of the subject area being redeveloped with larger homes. Rather, it appears that the homes on Via Dolce have largely retained their original mass and scale since adoption of the LUP in 2001. Furthermore, the only Commission action within the subject block since to 2001 has been approval of a new home constructed on a vacant lot, which included a square footage similar to several of the existing nearby residences. Thus, past

Commission action within the area has not produced a cumulative effect on the existing community character or visual resources of the subject area.

With regard to potential cumulative effects of the current project, it is true that the size of the proposed residence (4,827 square feet) is larger than the average of the 17 single-family residences in the survey area (3,517 square feet) which have not been redeveloped subsequent to 2001. However, this difference in size may be accounted for at least in part by the size of the subject lot, and does not differ substantially from the three homes in the survey area with similar lot sizes and square footage exceeding 4,000 square feet. Thus, the proposed development will not appear more massive from the public walkway and canal than the neighboring single-family residences on similarly sized lots. Additionally, the proposed residence proposes a 33.8-foot height that is substantially similar to the surrounding residence heights. As discussed above, all of the building standards of the Venice LUP have been satisfied and the proposed development substantially conforms to the mass, scale, and exterior structure of the surrounding homes. Therefore, Commission approval of the current project would not result in a cumulative effect on the existing community character or visual resources of the subject area. With regard to potential future cumulative effects, staff is not aware of any other future projects within the subject area.

In summary, the project as proposed is unlikely to contribute to any cumulative effect on community character, mass and scale, and visual resources of the surrounding area in combination with past and potential future Commission actions. Thus, the project conforms with the visual resource and community character policies of Chapter 3 of the Coastal Act.

E. PUBLIC ACCESS

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 30214 of the Coastal Act states, in relevant part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

A public sidewalk currently exists on the canal bank situated between the project site and Grand Canal. Grand Canal is a waterway, approximately 50 feet in width with five-foot wide pedestrian walkways along both sides of the canal. The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all of the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals, which is the inland extent of the sea in this location. To ensure this access is protected, **Special Condition 13** requires the applicant to acknowledge the Esplanade as public sidewalk and avoid any encroachment into this right-of-way. Residences in the area have historically maintained the Esplanade as a public sidewalk and imposing this condition will maintain this precedent, thus avoiding the potential cumulative effects of future encroachment by proposed residences.

The applicant has not proposed improvements within the public right-of-way. The public access policies of the Coastal Act ensure protection and enhancement of all people's opportunity to access the coast and enjoy coastal recreation. This includes Section 30252, which states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development through public transportation. Due to the limited on-street parking in the immediate vicinity of the project, the Venice Certified LUP requires single-family residences to provide three parking spaces; this requirement is satisfied by the proposed two-car garage and third parking space on the driveway accessed by Via Dolce. To ensure that any future changes are consistent with the policies of the Coastal Act, **Special Condition 3** requires any deviation from the approved plans be submitted for review by the Executive Director.

Regarding the construction staging for the project, construction can adversely impact public access by displacing otherwise available on-street, public parking spaces or by blocking traffic. During construction, measures should be implemented to ensure that temporary impacts to public access are minimized. Therefore, **Special Condition 8** requires that a final construction staging plan be submitted for Commission review and approval. All construction equipment to be stored overnight shall be stored on-site, outside the street travel-way. Placement of an on-site dumpster shall incorporate use of a flagman to direct traffic during placement.

The subject privately-owned residential site abuts a County-owned lot; however, the project does not encroach into this public area. Therefore, no long-term, post-construction impacts are anticipated for existing coastal access and nearby recreational facilities. Moreover, the three on-site parking spaces satisfy the certified LUP on-site parking requirements for a single-family residence. As proposed, and conditioned, the development conforms to Sections 30210 and 30214 of the Coastal Act.

F. CULTURAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

As described above, the project involves 2,050 cubic yards of cut and 15 cubic yards of fill for the construction of a partially-subterranean first floor. It is unclear whether the subject site has undergone prior grading; while the lot is undeveloped, the steep existing grade suggests some previous disturbance of soils on the site. Nevertheless, on July 10, 2020 a representative of the Gabrieleno Band of Mission Indians – Kizh Nation provided resources indicating a Native American heritage site existing potentially within 0.5 miles of the subject site. If historic period use occurred on the project site, buried archeological and cultural resources may be discovered during construction. Additionally, project grading or excavation may directly or indirectly destroy unique paleontological resources or sites. Were the developers to discover an archeological resource that was tribally affiliated during ground disturbance, it could have a negative impact to tribal resources. Tribal resources can be identified as Sacred Lands (whether documented with the NAHC or not) or archeological deposits that are prehistoric from the tribe.

In past permit actions on projects located near potential heritage sites, the Commission has required applicants to monitor all grading and construction activities and required appropriate recovery and mitigation measures regarding excavation, reporting and curation. To ensure that the project is consistent with the protection of any found cultural deposits, the Commission imposes **Special Condition 14** requiring cultural and archaeological monitoring. To assure that the proposed project remains sensitive to the concerns of the affected Native American groups, a Native American monitor shall be present along with an archaeological monitor at the site during excavation activities to monitor the work. If a discovery is made, the professional archeologist must inform each tribal group and discuss treatment options.

Therefore, as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act which requires reasonable mitigation measures be provided to offset impacts to archaeological resources.

G. BIOLOGICAL RESOURCES & WATER QUALITY

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.

Water Quality

The project site is located adjacent to Grand Canal and in the vicinity of the Venice Canals, which is a saltwater system hydrologically connected to the Pacific Ocean via the Marina del Rey inlet tide gate, Ballona Lagoon, and Washington Boulevard tide gate. Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal water be maintained and enhanced. **Special Condition 6** ensures that all construction materials, equipment, or debris be placed to avoid entering sensitive habitat or the canals or lagoon. This condition also includes water quality measures to be implemented on-site. To avoid water quality impacts during construction, the Commission additionally imposes **Special Condition 8**, which requires the applicant to follow construction best management practices that prevent construction activities and construction related debris from entering and impacting the canal waters.

Canal Setback

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. As discussed above, the proposed project will provide the required minimum 600-square-foot uncovered permeable front yard area for 40-foot wide lots and a minimum average 15-foot setback from the canal-front property line. There are an estimated 375 residential lots adjacent to the Venice Canals and Ballona Lagoon, most of which have been developed⁵. The amount of polluted runoff these homes could introduce to the canals and lagoon without the required permeable yard area and canal setbacks would have extreme cumulative effects on the water quality and biological resources of Ballona Lagoon. These setbacks and permeable area will help to protect and improve water quality of the canal waterways by allowing for greater on-site water percolation

Landscaping

The applicant is not proposing to use any invasive species in the landscape design, which minimizes the potential spread of invasive species through the canals and lagoon area; however, **Special Condition 7** is imposed to ensure that any landscaping on-site through the life of the development does not include the use of invasive species. In addition, **Special Condition 7** requires the applicant to utilize primarily drought-tolerant plant species and water conservative irrigation systems for any new landscaping.

Bird Strike Prevention

⁵ <http://voiceofthecanals.org/our-community.html>

The applicant's proposal does not include the installation of glass guardrails on the canal-fronting side of the structure. However, if the railings were to be modified to glass at some point in the future, the railings would have the potential to impact birds that forage in the canals and lagoon and fly in the project vicinity. Additionally, the glass windows included on the canal-fronting side of the structure may also impact avian activity in the area. Thus, **Special Condition 12** is imposed to use bird-strike prevention techniques in the design of windows and glass guardrails to be maintained through the life of the development.

Conclusion

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to: the appropriate management of equipment and construction materials; reducing runoff through the use of permeable surfaces; the use of non-invasive, drought-tolerant vegetation to reduce and treat the runoff discharged from the site; and the use of post-construction BMPs to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

H. LOCAL COASTAL PROGRAM

Coastal Act Section 3060 states, in relevant part:

(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).

The Venice LUP was certified by the Commission on June 14, 2000, is advisory in nature, and may provide the Commission with guidance. 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 proposed 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.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's staff report dated August 9, 2019, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Sections 15301(Class 1) and 15303 (Class 3).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

City of Venice Certified Land Use Plan.

City of Los Angeles Coastal Development Permit Case No. DIR-2018-5865-CDP-SPP-MEL, dated August 9, 2019.

Venice Sea Level Rise Vulnerability Assessment by Moffat & Nichol, dated May 25, 2018.

Coastal Hazards and Sea Level Rise Discussion for 3819 Via Dolce, Venice, Los Angeles, California prepared by Geosoils, Inc., dated August 3, 2020.

Coastal Development Permit No. 5-05-392, issued January 11, 2006.

Coastal Development Permit No. 5-03-109, issued July 9, 2003.

Appendix B – Cultural Resources Significance Testing Plan Procedures

- A. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
 3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection B of this appendix and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in the special condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be

constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- C.** Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.

Appendix C – Neighborhood Survey Tables

Table 1. Past Commission actions on single-family residences within the subject block since adoption of the certified LUP in 2001 ([Exhibit 2](#)).

Address	Action No.	Approval Year	Height (ft.)	Lot Size (sq. ft.)	Square Footage	
					(original)	(new)
3819 Via Dolce (proposed)	5-19-1167	N/A	33.8	3,545	vacant	4,827
3511 Via Dolce	A-5-VEN-01-272	2002	33	2,908	vacant	4,167
Average Square Footage (Original/New):					vacant	4,497
Average Height (New):					33.4	

Table 2. Existing single-family residences currently within the subject block that have not obtained permits or exemptions for redevelopment from either the City or the Commission since adoption of the certified LUP in 2001 ([Exhibit 2](#)).

Note: Residences 3618 S. Esplanade through 3602 S. Esplanade are located on Via Dolce but named for the adjacent public right-of-way, the Esplanade.

Address	Year Built	Lot Size (sq. ft.)	Square Footage
3815 Via Dolce	2000	3,236	3,760
3811 Via Dolce	1989	3,176	3,938
3807 Via Dolce	1989	3,135	3,891
3803 Via Dolce	1978	3,230	4,010
3721 Via Dolce	1989	3,215	4,019
3719 Via Dolce	1989	3,208	4,064
3715 Via Dolce	1989	3,082	3,657
3711 Via Dolce	1989	3,082	3,830
3707 Via Dolce	1989	3,082	3,772
3701 Via Dolce	1990	3,082	3,890
3621 Via Dolce	1991	3,082	3,863
3618 S. Esplanade	1979	3,082	2,326
3614 S. Esplanade	1978	3,082	2,487
3610 S. Esplanade	1979	3,083	2,487

3608 S. Esplanade	1979	3,082	3,676
3602 S. Esplanade	1979	3,200	2,326
3515 Via Dolce	1999	3,210	3,795
Total Number of Residences in Table:			17
Average Square Footage:			3,517

*Information obtained from ZIMAS on August 18, 2020.