

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 1/11/2010  
49th Day: 3/1/2010  
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Staff: Charles Posner - LB  
Staff Report: 2/17/2010  
Hearing Date: March 10, 2010  
Commission Action:

**W5b****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-10-006**APPLICANT:** Kalnel Gardens, LLC (Mark Judaken)**AGENT:** Jose Gomez**PROJECT LOCATION:** 1422 Main Street, Venice, City of Los Angeles, Los Angeles Co.

**PROJECT DESCRIPTION:** Demolition of a one-story, 814 square foot single-family residence, and construction of a 33-foot high (with one 38-foot high roof access structure), 5,298 square foot mixed-use structure with a 1,125 square foot retail unit and nine-stall parking garage on the ground floor and one residential unit above.

Lot Area	3,030 square feet
Building Coverage	1,293 square feet
Pavement Coverage	1,737 square feet
Landscape Coverage	0 square feet
Parking Spaces	9
Zoning	C2-1
Plan Designation	Neighborhood Commercial
Ht above final grade	33 feet (plus roof access structure)

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. ZA 2007-5795 (ZAA)(SPP)(MEL), 1/21/2009.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed mixed-use development with special conditions. **See Page Two for the motion.** The applicant agrees with the staff recommendation. The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with the Neighborhood Commercial land use designation set forth by the certified Venice Land Use Plan (LUP). Adequate on-site parking is provided. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit Application No. 5-05-139 (1401 Main Street, Venice).
3. Coastal Development Permit Application No. 5-05-036 (1312 Innes Place, Venice).
4. Coastal Development Permit 5-06-001 (1312 Innes Place, Venice).

**STAFF RECOMMENDATION:**

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

**MOTION:** *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** 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 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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### 1. Approved Development - Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to the special conditions of this permit. The permitted use of the approved structure is limited to one residential unit above a ground floor retail store and parking garage. As proposed by the applicant, the side of the building facing Main Street shall include the windows, a primary ground floor pedestrian entrance, and an articulated façade (set back balconies/decks) that provides visual interest to pedestrians. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Parking

A minimum of nine parking spaces shall be provided and maintained in the garage of the approved structure. Vehicular access to the on-site parking shall be provided only from the rear alley (Toledo Court). No vehicles shall exit the site onto Main Street.

#### 3. Building Height

The roof of the approved structure shall not exceed 35 feet in elevation above the centerline of Main Street, with the exception of one 38-foot high roof access structure with a footprint not exceeding one hundred square feet. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to forty feet (40') in elevation above the centerline of Main Street.

#### 4. Signage

No sign shall exceed the height of the nearest roofline. No sign shall rotate or flash.

#### 5. Demolition and Construction Responsibilities and Debris Removal

By acceptance of this permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

- A. No demolition debris, construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.
- B. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- C. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- D. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
- E. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.
- F. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- G. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- H. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition.

6. Landscaping

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.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description

The applicant proposes to build a 33-foot high (with one 38-foot roof access structure), 5,298 square foot, mixed-use structure on a 3,030 square foot lot on the inland side of Main Street in North Venice (See Exhibits). The proposal includes the demolition of the existing one-story, 814 square foot single-family residence on the site. The property, zoned for commercial use (C2-1), is situated about three blocks inland of Venice Beach (Exhibit #2).

The proposed four-level structure includes a 1,125 square foot retail unit and a 1,620 square foot parking garage on the ground floor, with one 2,220 square foot residential unit on the upper levels (Exhibits #4&5). The structure has a 773 square foot basement for storage. The single residential unit includes a roof deck and a 38-foot high roof stairway enclosure with a footprint less than one hundred square feet. The proposed 1,125 square foot retail unit would occupy the site's thirty-foot wide Main Street frontage (Exhibit #6). Vehicular access to the site is provided only by the rear alley, Toledo Court. The parking garage has nine parking stalls, four of which are elevated by lifts. A parking attendant will be provided during the retail unit's business hours to stack the cars (See Exhibit #4 for parking plan).

##### B. Land Use

The proposed project is situated on a commercial lot on Main Street in a historically commercial area of North Venice. The Commission has recognized in both prior permit and appeal decisions that the North Venice area, where the proposed project is located, is a unique coastal community and a popular destination point for recreational uses. The most popular visitor destinations include Venice Beach and the boardwalk, which are situated three blocks west of the project site (Exhibit #2). The commercial uses along Main Street serve the visitors to the area, as well as the local residents.

The certified Venice Land Use Plan (LUP) designates the project site as *Neighborhood Commercial*, a commercial land use that emphasizes pedestrian-oriented building design and the incorporation of streetscape amenities. The certified Venice LUP sets forth the following policy for the Neighborhood Commercial land use.

- **Policy I. B. 5. Neighborhood Commercial Land Use.** *The Neighborhood Commercial designation is intended to accommodate local neighborhood commercial facilities and services which provide daily convenience goods and services to persons living in nearby residential areas. Small scale neighborhood stores and community services shall be preserved and encouraged. Neighborhood retail goods and services include, but are not limited to the following: art galleries; barber shops or beauty parlors; dry cleaners; laundry services; shoe repair; tailors; florists; hardware stores; drug stores; food/grocery stores; newsstands; medical facilities; and job service centers. Drive-thru facilities and billboards shall be prohibited on properties designated as neighborhood commercial. Community services include day-care, community-meeting rooms, recreational, religious or cultural facilities and similar uses. The clustering of uses minimizes multiple vehicle*

*trips and encourages walking to and from adjacent residential neighborhoods. Areas designated for Neighborhood Commercial Land Use are shown in Exhibits 9 through 12. Physically, Neighborhood Commercial areas are generally characterized by one and two story low-rise structures. Pedestrian activities shall be encouraged by the emphasis on local serving uses, design of buildings, and the incorporation of streetscape amenities.*

The certified Venice LUP also sets forth Policy I.B.2 to encourage mixed residential/commercial development on commercial properties like the subject site.

Policy I.B.2 of the certified Venice LUP states:

- ***Policy I. B. 2. Mixed-Use Development.*** *Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

The above-stated mixed-use policy indicates that the project site should be developed with a mix of residential and commercial uses, but not with residential-only. Allowing residential-only development in this historically commercial area along Main Street would forever change this special community by eliminating, or substantially altering, its primarily commercial makeup. With the economic incentive for building residential development, the Commission often faces the question of whether residential-only development on commercially-designated properties is consistent with the Coastal Act. Along this section of Main Street in Venice there have been two development proposals for residential-only development on commercially-designated lots [See Coastal Development Permit Applications 5-05-139 (1401 Main Street) & 5-05-036 (1312 Innes Place)]. These two residential-only projects were withdrawn from consideration after staff recommended they be denied for lack of a commercial component. On May 10, 2006, the Commission approved Coastal Development Permit 5-06-001 for a mixed-use (residential over retail) project on a commercial lot located across the street from the currently proposed project. Approvals for mixed-use projects along Main Street set important precedents for future planning and development of the nearby commercially-zoned properties.

The proposed project is a mixed-use project with a 1,125 square foot retail unit on the ground floor and one 2,220 square foot residential unit above. The proposed mix of commercial and residential uses is consistent with the *Neighborhood Commercial* land use designation and the applicable land use policies set forth by the certified Venice LUP.

The proposed mixed-use project, which has adequate on-site parking, is also consistent with Section 30222 of the Coastal Act, which states that visitor-serving commercial recreational opportunities shall have priority over residential uses.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

In addition, Section 30253(5) of the Coastal Act requires the protection of special neighborhoods that are popular destination points for recreational uses.

Section 30253(5) of the Coastal Act states:

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

The proposed project will protect the North Venice community as a destination for public recreation because it has been designed to provide visitor-serving uses (retail) and to be pedestrian friendly by providing a ground floor store facing Main Street. Therefore, the proposed project, as conditioned, conforms with Sections 30222 and 30253(5) of the Coastal Act, as well as the policies of the certified Venice LUP.

### **C. Public Access - Parking**

The proposed project is located in North Venice, three blocks inland of the popular Venice Beach and boardwalk (Exhibit #2). One of the most important coastal planning issues for this part of Venice is the issue of parking and the lack thereof. New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available at this highly popular coastal area. These public parking facilities are primarily the on-street parking spaces and the public beach parking lots.

Public parking is available near the project site along both sides of Main Street and along the surrounding streets (Exhibit #3). Even so, the Venice Beach area has a severe parking shortage. The parking shortage exists partly because many of the residences were built several decades ago when there was less demand for parking (there were fewer residents and cars, and the area was served by the Pacific Railway red cars) and on-site parking was not required by code. Also, the Venice walk streets and alleys provide little or no public parking, and the public beach parking lots are expensive to use on a regular basis, and they are closed at night. The restaurants, cafes and shops in the area often have little or no on-site parking to serve their employees and customers. Consequently, there is a severe shortage of available parking spaces in the area when the demand for parking peaks. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast during peak-use periods.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The Commission has consistently required that new development provide adequate parking facilities to meet the

demands of the new development. Section 30252 of the Coastal Act requires that new development provide (among other things) adequate parking facilities.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

In order to conform to the requirements of the Coastal Act, given the limitations of public transit in this area, the proposed project is required to provide adequate parking facilities. The amount of parking that is “adequate” is usually determined by calculating the parking demand of a specific project using a parking standard. The parking standard is typically part of a certified local coastal program or zoning ordinance. The Commission, on June 14, 2001 certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development, including additions to existing structures, shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table.

Policy II.A.3 of the certified LUP states:

**Policy II. A. 3. Parking Requirements.** *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for residential and retail uses as follows:<sup>1</sup>

Multiple Dwelling:	2 spaces per unit. <sup>2</sup>
General Retail	1 space for each 225 square feet of floor area.

<sup>1</sup> The parking standards set forth in the certified Venice LUP are identical to the parking standard contained in the Commission’s Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

<sup>2</sup> Guest parking is required for lots 35 feet or more in width. The project site is thirty feet wide.



Using the current parking standards set forth by the certified Venice LUP, the proposed project s required to provide seven on-site parking spaces, as follows:

One Residence:	2 spaces
<u>Commercial Retail:</u>	<u>5 spaces (1,125 sq. ft./225=5)</u>
Total Required	7 spaces

The City requires the provision of two additional parking spaces because the project is located within the Beach Impact Zone (BIZ). The parking garage has nine parking stalls, four of which are elevated by lifts. A parking attendant will be provided during the retail unit's business hours to stack the cars (See Exhibit #4 for parking plan). No loss of on-street parking will occur as there is no curb cut or vehicular access permitted from Main Street. The coastal development permit is conditioned to require the provision of the required on-site parking. Only as conditioned to provide the required amount of on-site parking is the proposed project consistent with the public access policies of the Coastal Act.

#### **D. Marine Resources and Water Quality**

The proposed development has a potential for a discharge of polluted runoff from the project site into the storm drain system and eventually into coastal waters. The development, as conditioned, minimizes the effect of demolition and construction activities on the marine environment through the appropriate management of equipment and construction materials and for the use of best management practices 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

#### **E. 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 over the area to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

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

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14,

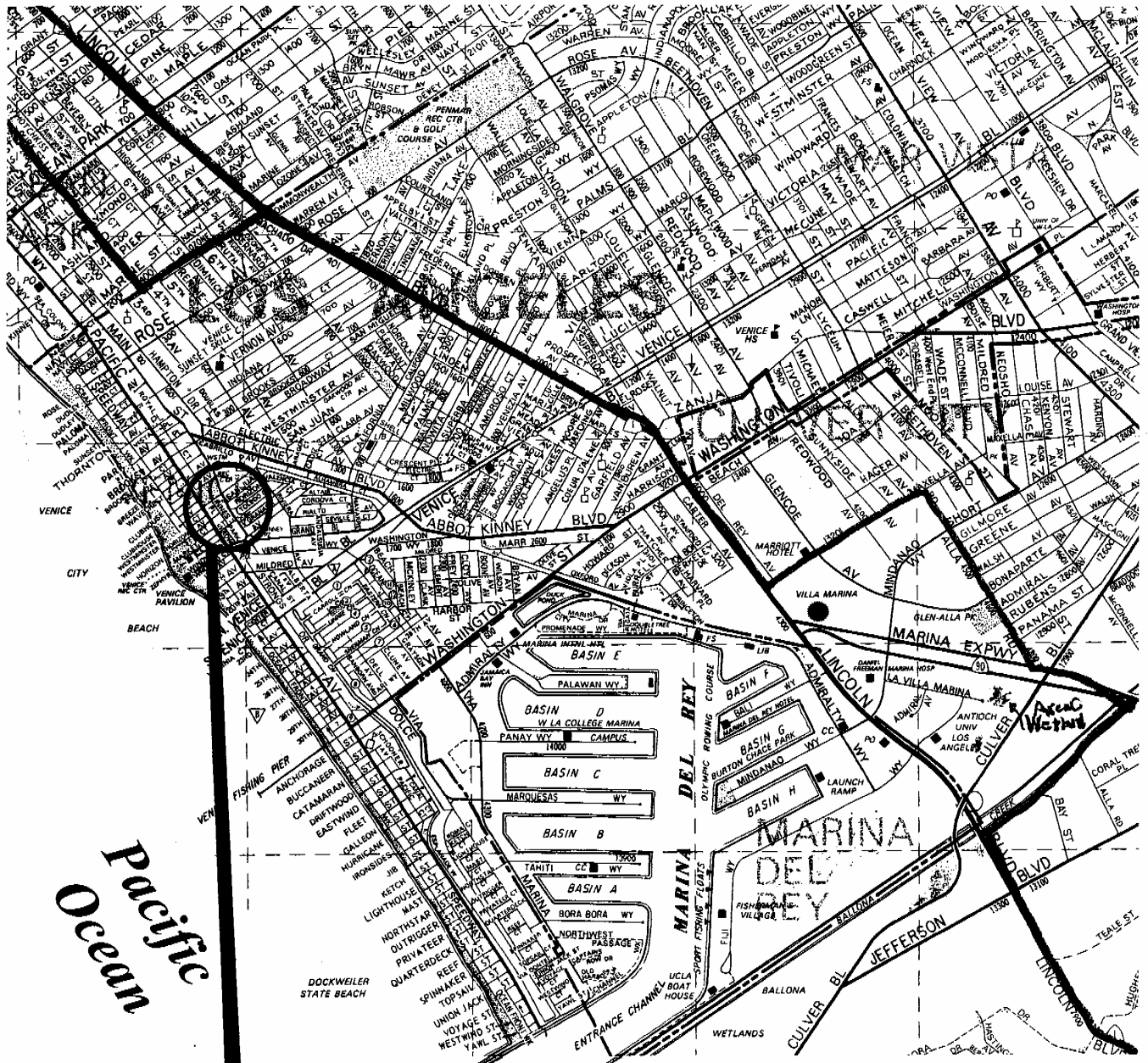
2001. As conditioned, the proposed project conforms with the certified Venice LUP, as well as the policies of Chapter 3 of the Coastal Act. Therefore, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**F. California Environmental Quality Act (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

# VENICE, CA



Pacific Ocean

Site: 1422 Main St.

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EXHIBIT # 1

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**Maximum Building Height**

**E** 22'-30'

**F** 30' with a flat roof  
 35' with varied or stepped back roofline  
 28' along walk streets

**Notes:**

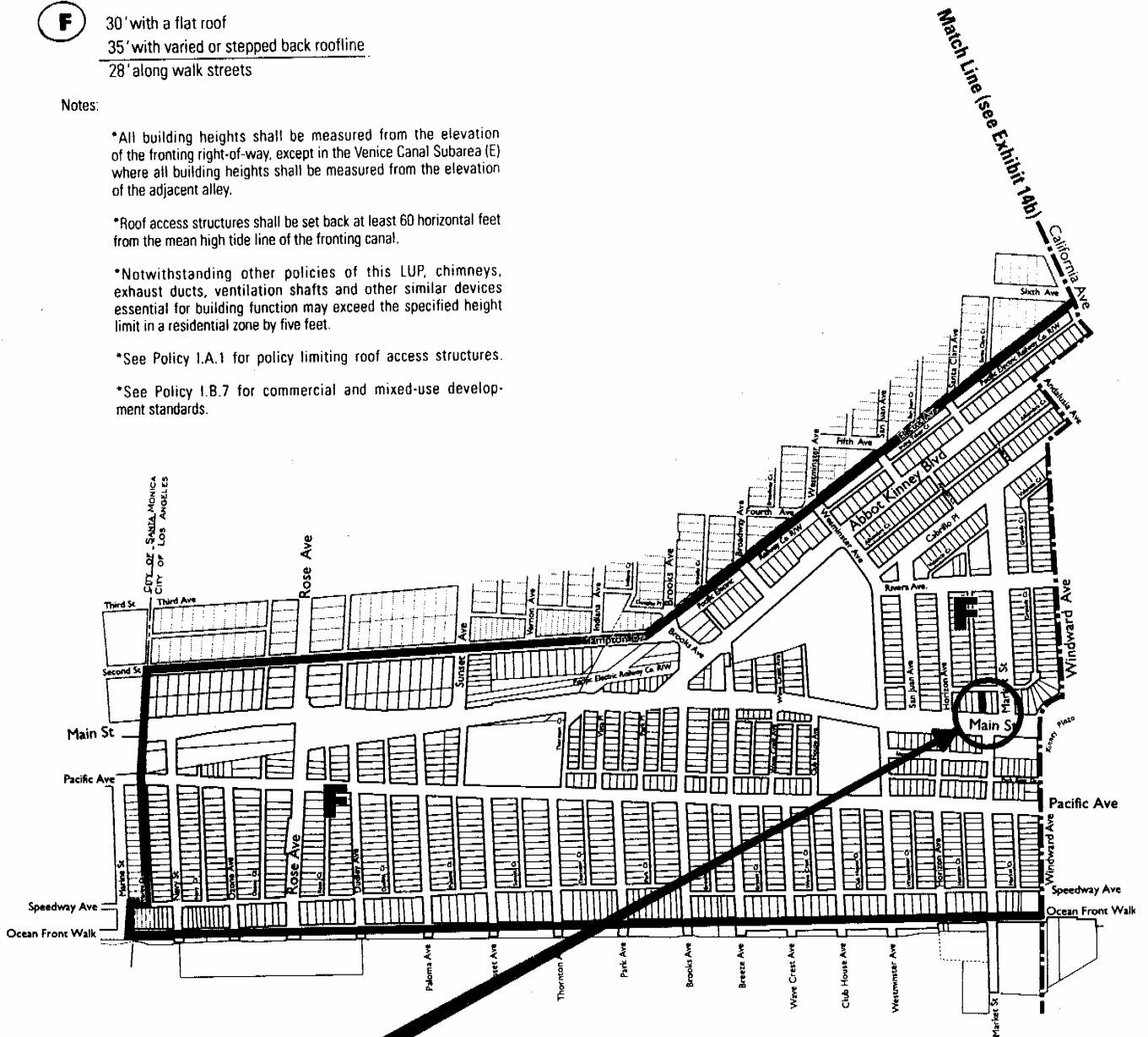
\*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

\*Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal.

\*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 Policy I.A.1 for policy limiting roof access structures.

\*See Policy I.B.7 for commercial and mixed-use development standards.



Site: 1422 Main St.

**LUP  
 Exhibit 14a  
 Height**

**Subarea: North Venice • Venice Canals**

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EXHIBIT # 2  
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South Coast Region

JAN 11 2010

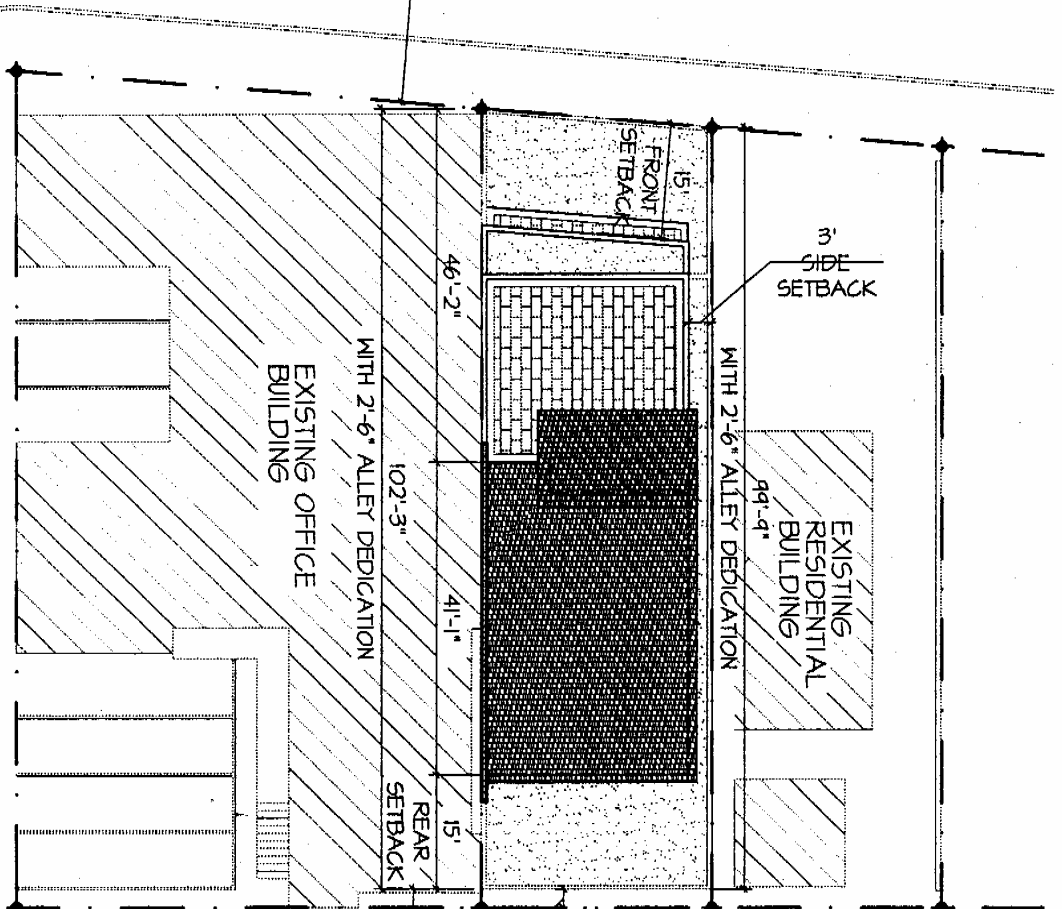
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→ To Beach - 2 Blocks

MARKET STREET

48'-9"

MAIN STREET



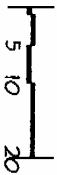
TOLEDO CT.  
(ALLEY)

17'-6"

ALLEY DEDICATION  
2'-6"

30'

5'  
ALLEY



Site

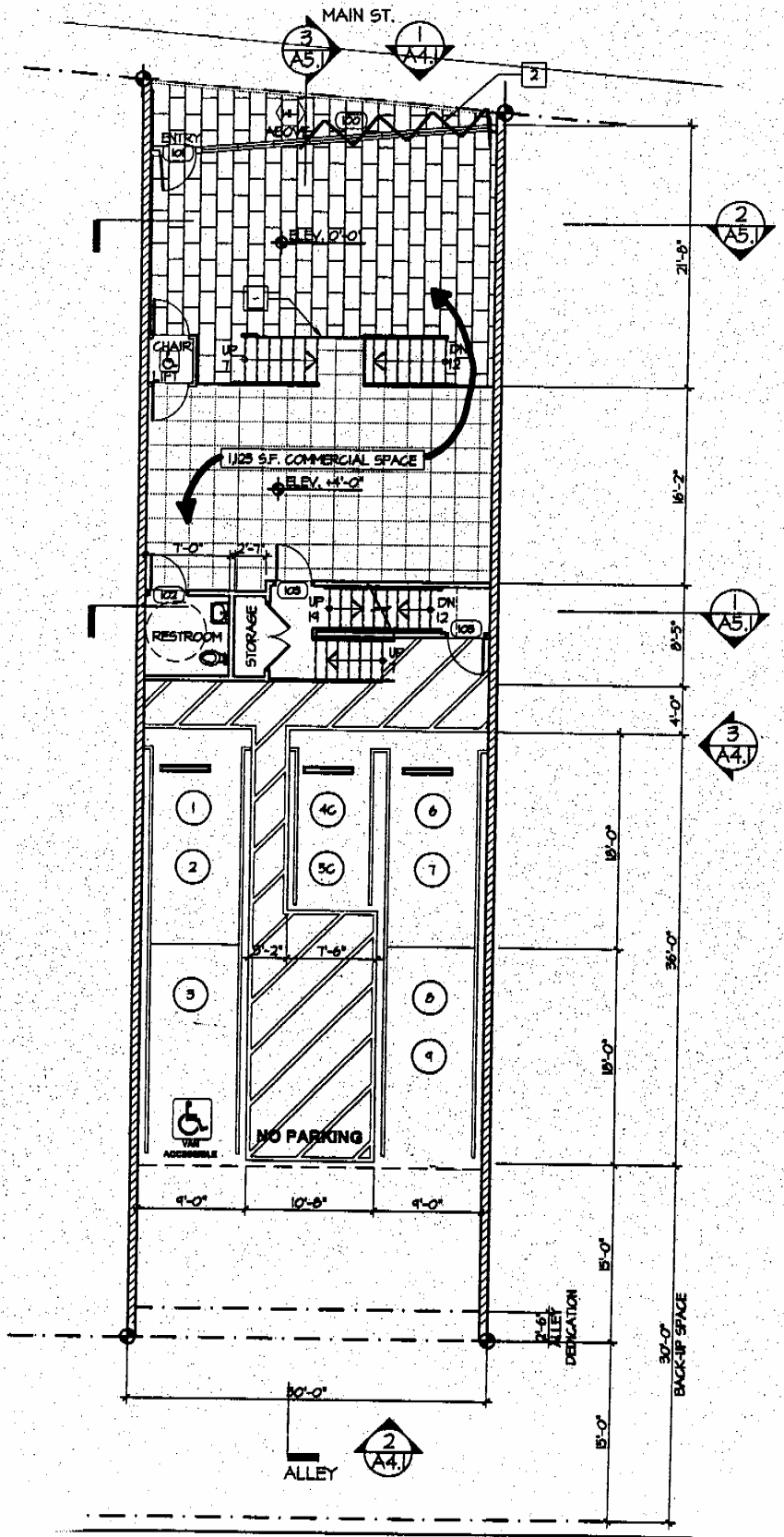
1422 Main St.

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EXHIBIT # 3

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North

**Parking Plan**

4 PARKING SPACES REQD.-  
 2 SPACES FOR RESIDENTIAL UNIT,  
 3 SPACES FOR COMMERCIAL AREA AND 2 SPACES  
 FOR BEACH IMPACT.  
 4 SPACES PROVIDED (SEE SHT. T1.0 FOR BREAKDOWN)  
 NOTE: PARKING ATTENDANT REQUIRED DURING  
 BUSINESS HOURS

PARKING LIFT SET TO UP-RIGHT POSITION AFTER  
 CLOSE OF BUSINESS TO ALLOW FULL ACCESS  
 TO PARKING SPACES 6 & 8.  
 COMMERCIAL PARKING SPACES ARE NUMBERS 1, 2, 3,  
 4c, 5c, 7, & 9.

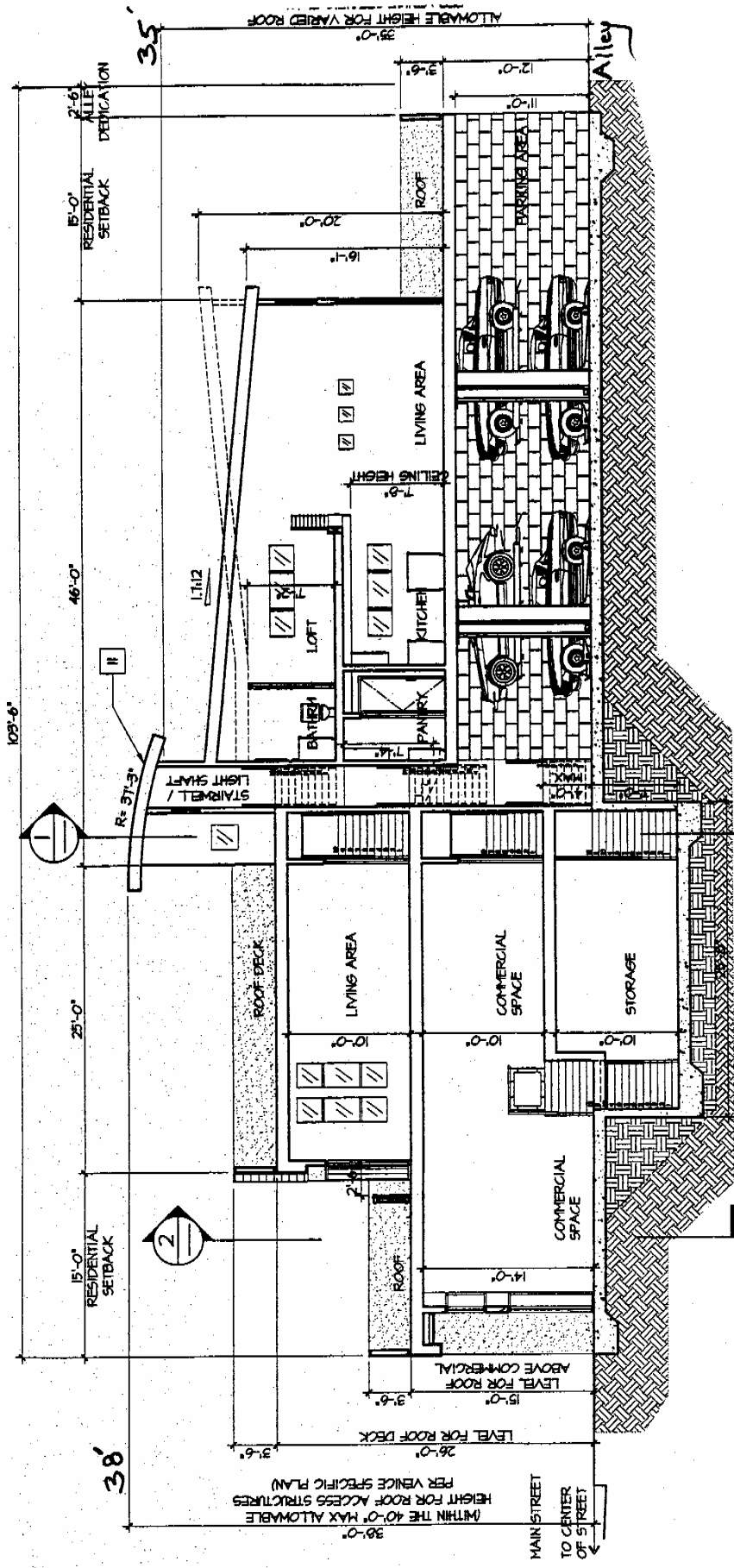
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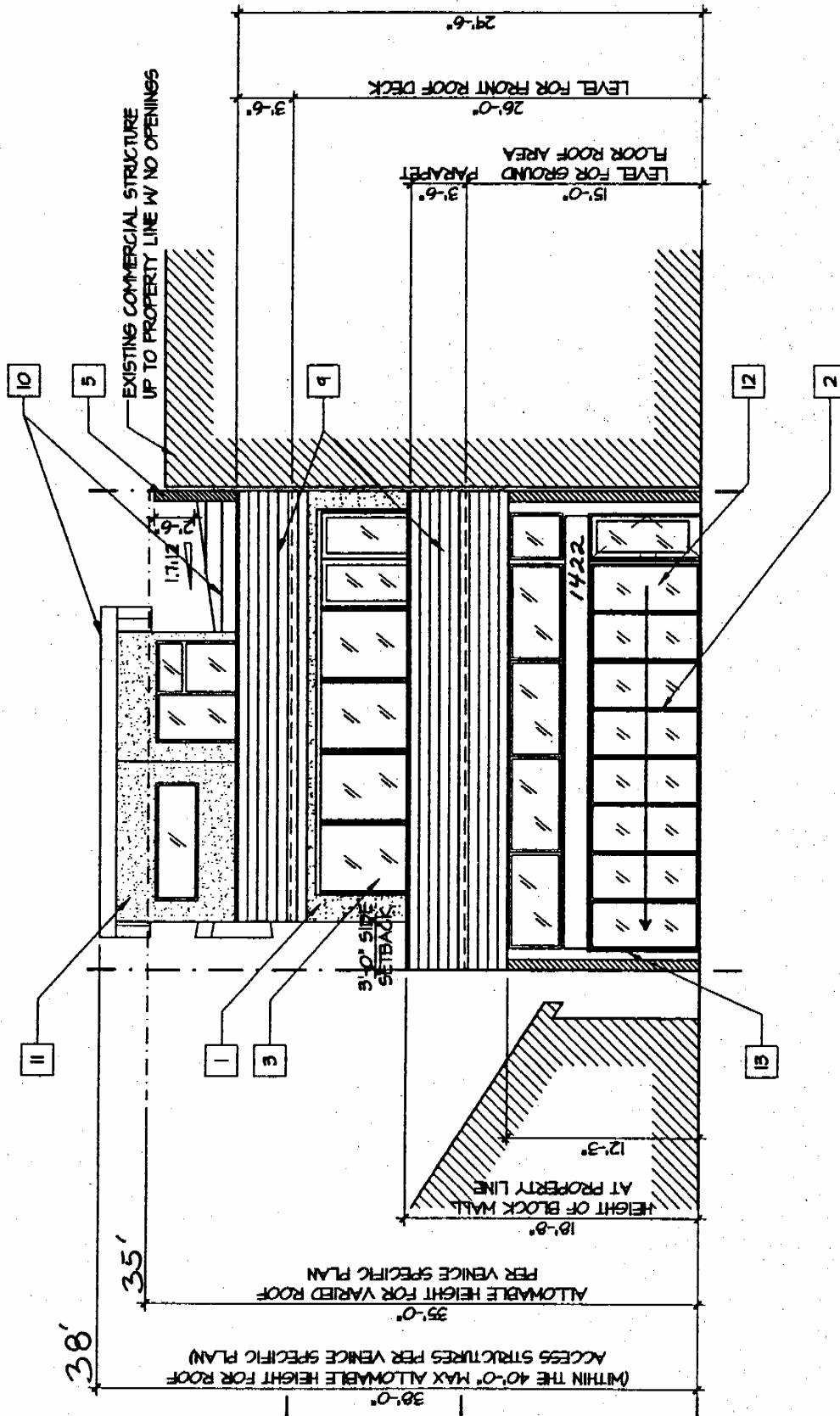
EXHIBIT # 4

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**GROUND LEVEL PLAN**



## LONGITUDINAL SECTION



Main St. - Front Elevation

COASTAL COMMISSION

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EXHIBIT # 6

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