

**CALIFORNIA COASTAL COMMISSION**

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Filed: 1/18/2012  
49th Day: 3/7/2012  
180th Day: 7/16/2012  
Staff: Charles Posner-LB  
Staff Report: 1/19/2012  
Hearing Date: February 8, 2012  
Commission Action:

**W22a****STAFF REPORT: PERMIT AMENDMENT****APPLICATION NUMBER:** 5-88-005-A1**APPLICANT:** Lakota Properties, LLC (Steven Aguilar)**AGENT:** Robert Thibodeau, Architect**PROJECT LOCATION:** 124 Washington Boulevard & 115 Anchorage Street (parking), Venice, City of Los Angeles, Los Angeles County.**PROJECT ORIGINALLY APPROVED FEBRUARY 25, 1988 (5-88-005):**

Demolition of a commercial building and construction of a 4,450 square foot commercial/residential building. The structure will be thirty feet in height and will provide eleven parking spaces.

**PROJECT DESCRIPTION:** Convert an existing three-level, 4,450 square foot commercial/residential building into general office use, and enclose a 650 square foot second floor deck, resulting in a total of 5,100 square feet of general office space. Twenty parking spaces will be provided.

Lot Area	4,660 square feet
Building Coverage	2,410 square feet (approx.)
Pavement Coverage	2,050 square feet
Landscape Coverage	200 square feet
Parking Spaces	20: 12 on-site/8 off-site
Zoning	C2-1
Plan Designation	Community Commercial
Ht above final grade	37.5 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR-2011-1428-SPP, 9/23/2011.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a permit amendment for the proposed development with a special condition requiring the provision of the proposed parking supply and the recordation of a deed restriction. As conditioned, the project provides adequate parking. The recommended special conditions begin on Page Three. **See Page Two for the motion to carry out the staff recommendation.** The applicant agrees with the recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-88-005 (Semmelmann).
3. City of Los Angeles Local Coastal Development Permit 87-023 (MOD).

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or,
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change which affects conditions required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to APPROVE the permit amendment request with special conditions:

**MOTION:** "*I move that the Commission approve the proposed amendment to Coastal Development Permit 5-88-005 pursuant to the staff recommendation.*"

The staff recommends a YES vote. Passage of the motion will result in APPROVAL of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

**I. Resolution for Approval**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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. Parking Supply – Deed Restriction**

The permitted use of the structure is 5,100 square feet of general commercial office space. A minimum of twenty (20) parking spaces shall be provided to serve the parking demands of the building's tenants and customers, as follows: twelve (12) parking spaces shall be provided and maintained on the same parcel as the permitted office use (124 Washington Blvd., Los Angeles County APN 4225-002-014), and eight (8) parking spaces shall be provided and maintained at 115 Anchorage Street (Los Angeles County APN 4225-002-009), as shown on **Exhibit #4 of the staff report dated January 19, 2012.**

**PRIOR TO THE ISSUANCE OF THE PERMIT AMENDMENT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcels governed by this amended permit (Los Angeles County APNs 4225-002-014 & 4225-002-009), a deed restriction, in a form and content acceptable to the Executive Director: 1) indicating that, pursuant to this amended coastal development 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 amendment as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit amendment. 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 amended coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this amended coastal development permit or the development it

authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## 2. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans, including the approved parking plan, 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.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### A. Project Description

The applicant proposes to convert an existing three-level, 4,450 square foot commercial/residential building into general office use, and enclose a 650 square foot second floor deck, resulting in a total of 5,100 square feet of general office space. The existing structure was built in 1989, pursuant to Coastal Development Permit 5-88-005 (no special conditions), with one two-bedroom dwelling unit, 2,250 square feet of general office space, and eleven on-site parking spaces. The 4,660 square foot parcel is two blocks inland of the beach and the Venice Pier (Exhibit #3).

The currently proposed project will provide a total of twenty parking spaces: twelve parking spaces will be provided on the same parcel as the office building, and eight parking spaces will be provided on a parking lot located about fifty feet away at 115 Anchorage Street (Exhibit #4). A loading area is provided on the site. The proposed project has been reviewed and approved by the City of Los Angeles Planning Department (Case No. DIR-2011-1428-SPP).

### B. Land Use

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

The land use designation for the project site, as set forth in the certified Venice Land Use Plan (LUP), is Community Commercial. The City's zoning for the site is C2-1 (commercial). The Community Commercial land use designation allows a mix of residential and small business uses, including general office uses. The project area (Venice Pier/Washington Boulevard) has an abundance of restaurants and other visitor-serving commercial uses. In this case, a lower priority land use (residential) will be replaced by another low priority land use (general office).

Therefore, the proposed project will not have an adverse affect on the visitor-serving character of the area. The proposed additional office space is an appropriate land use for the existing building on the project site as long as the development complies with the parking standards set forth in the certified LUP.

### C. Public Access/Parking

The primary Coastal Act policy raised by the proposed project is the proposed office use's parking demand and its relationship to public access. 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 Coastal Act requires that new development shall enhance public access to the coast by, among other things, providing adequate parking.

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.

Section 30252 of the Coastal Act requires the proposed project to provide adequate parking facilities in order to mitigate its parking impacts so that the development does not adversely affect the public parking supply that supports public access to Venice Beach, the pier and the boardwalk. The amount of parking that is "adequate" is 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 shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table. The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for general office use as one parking space for each 250 square feet of floor area.

The proposed project will result in 5,100 square feet of general office floor area. The parking requirements set forth in the certified Venice LUP require twenty parking spaces for 5,100 square feet of general office floor area. The applicant is proposing to provide twenty parking spaces to serve the parking demands of the building's tenants and customers, as follows: twelve (12) parking spaces will be provided and maintained on the same parcel as the permitted office use, and eight (8) parking spaces will be provided and maintained at 115 Anchorage Street, about fifty feet west of the office building (Exhibit #4).

Special Condition One requires the provision of the proposed parking supply. As conditioned to mitigate the parking demands of the proposed project, the proposed development is consistent with the public access policies of the Coastal Act and the parking requirements of the certified Venice LUP. The Commission finds that, only as conditioned to ensure the continued provision of adequate parking, is the proposed project consistent with the public access policies of the Coastal Act.

#### **D. Deed Restriction**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this amended permit, the Commission imposes a condition requiring that the property owner records a deed restriction against the property, referencing all of the special conditions of this amended permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit amendment ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

#### **E. Development**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

#### **F. Local Coastal Program**

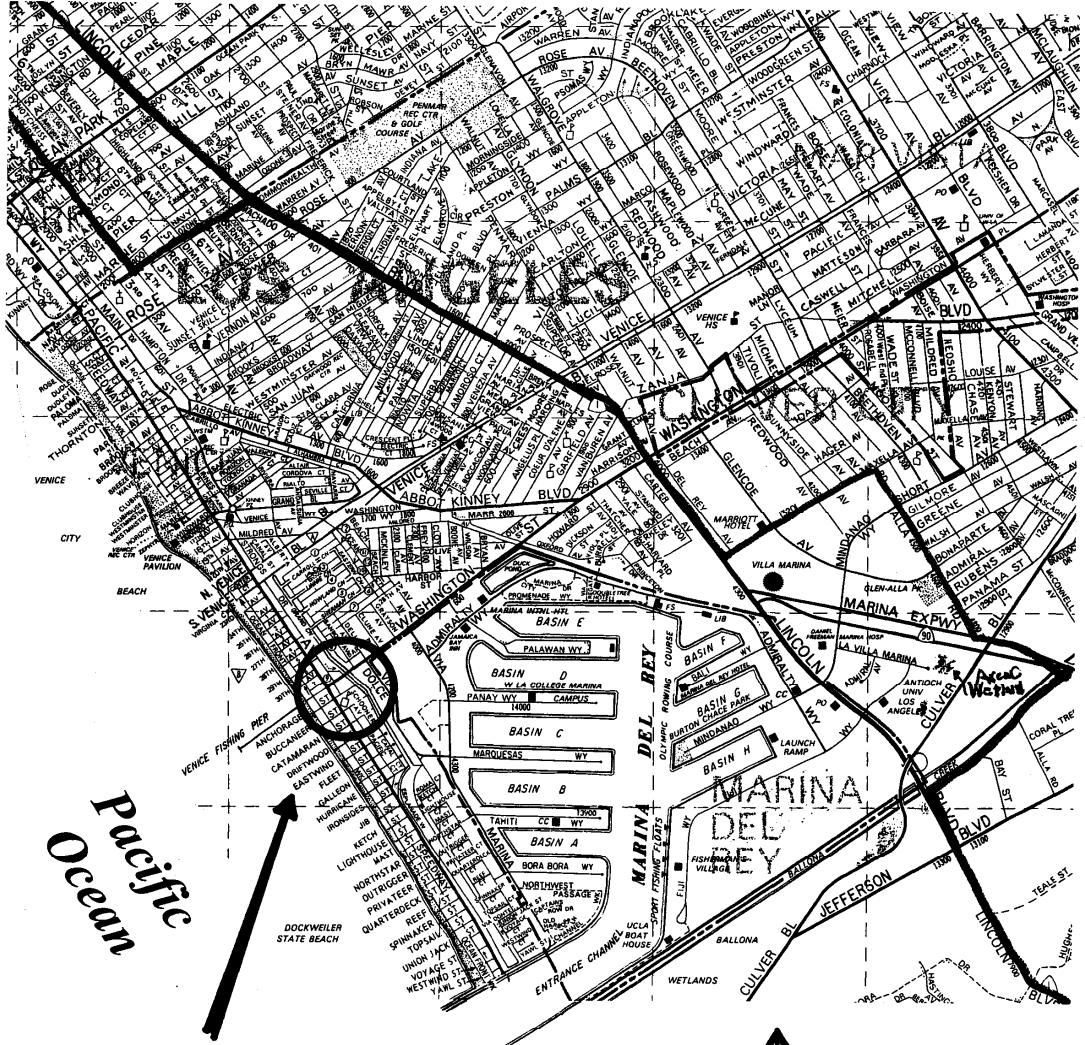
Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development and amendment are consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

#### **G. California Environmental Quality Act (CEQA)**

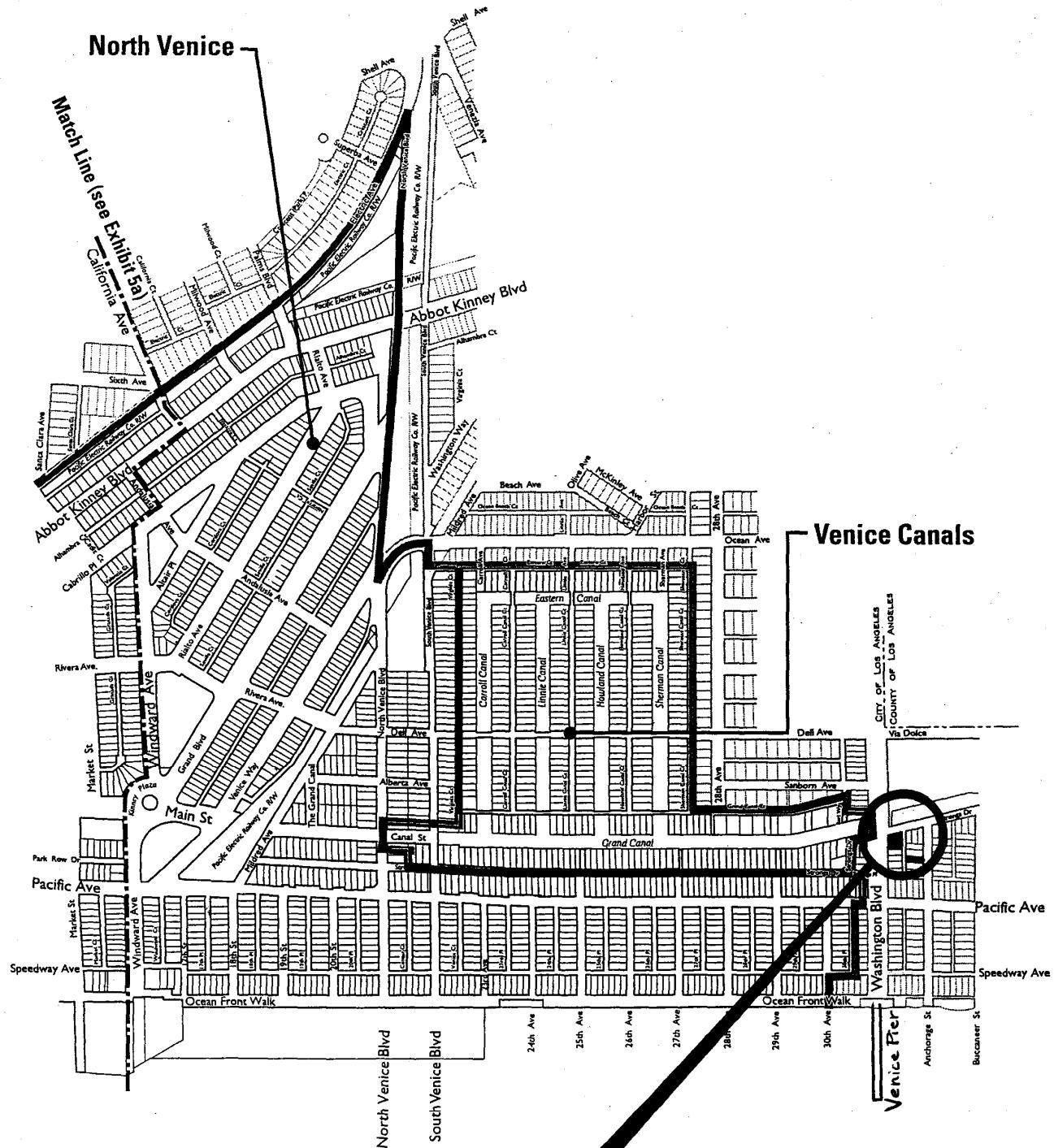
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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.

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The City of Los Angeles has determined that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Article III, Section 1, Class 21, Category 2 of the City's CEQA Guidelines. On June 7, 2011, the Los Angeles Department of City Planning issued CEQA Notice of Exemption No. ENV-2011-1429-CE. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## VENICE, CA



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Not to Scale

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EXHIBIT # 2  
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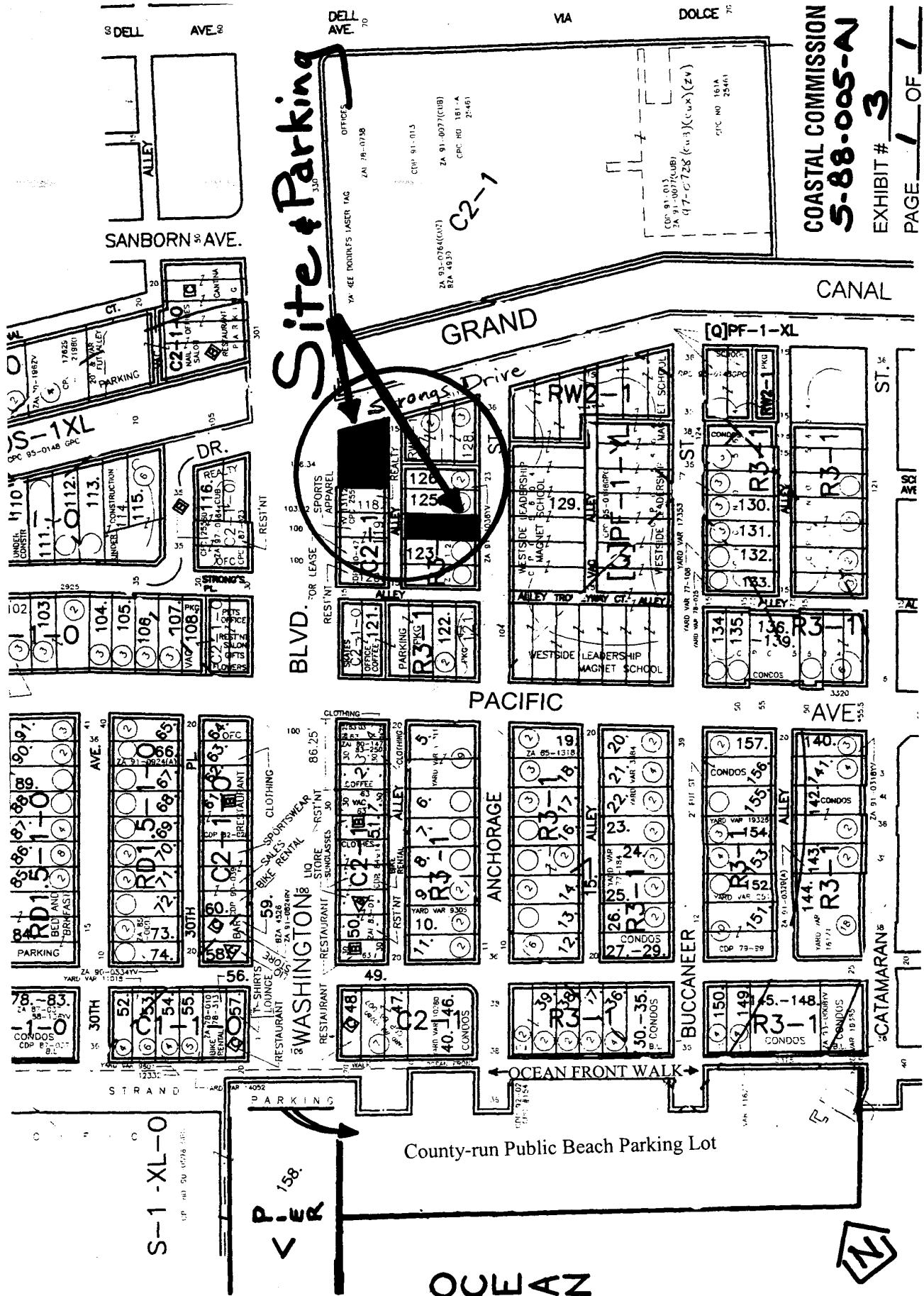
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**Site:**

PROJECT LOCATION  
(124 WASHINGTON BLVD)

THE GRAND CANAL

STRONGS DR

**Parking**

ADDITIONAL PARKING AREA  
(115 ANCHORAGE)

CDP-47-102 (Mod)

ANCHORAGE S1

M15

ALLEY

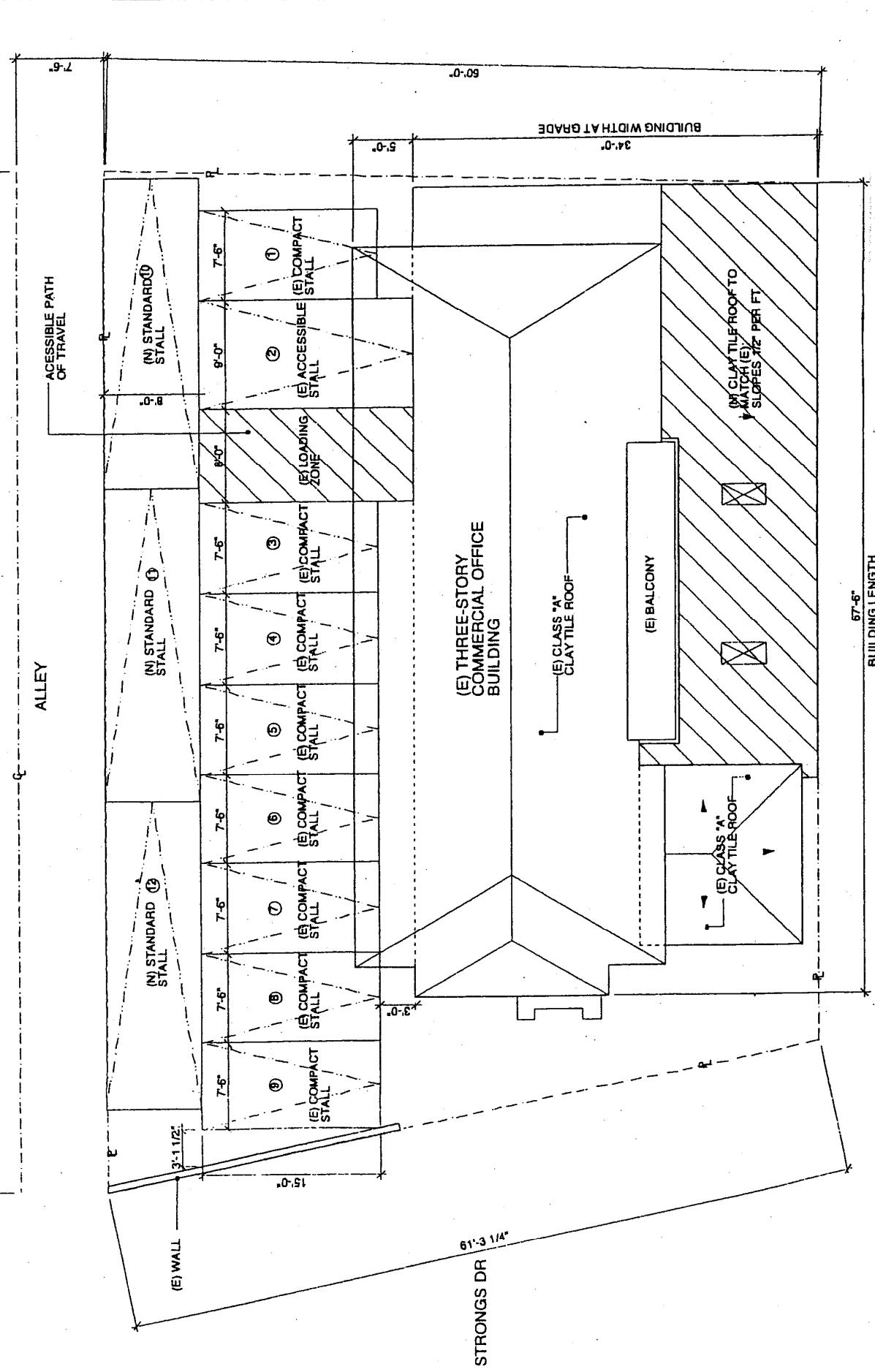
WASHINGTON BLVD  
10' BACK

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EXHIBIT # 4

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## Site Plan

WASHINGTON BLVD  
To beach & pier

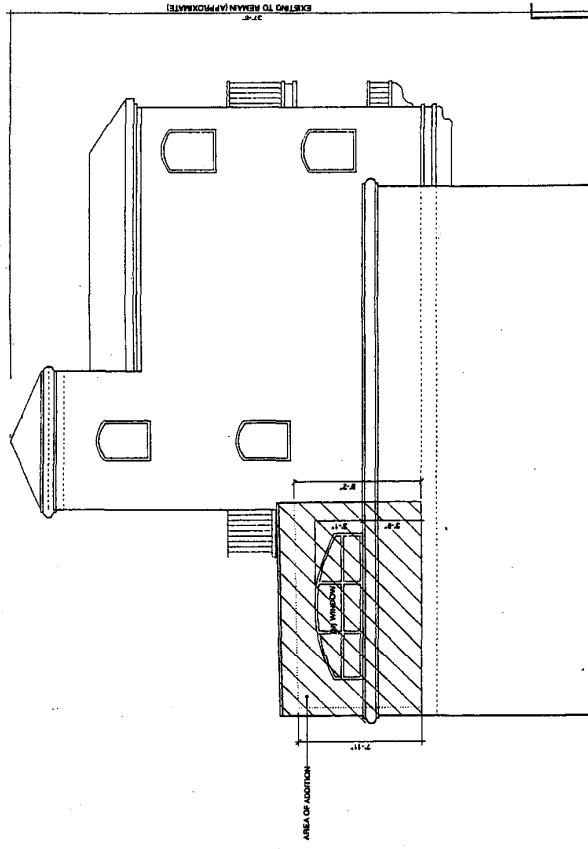
**BUILDING LENGTH**

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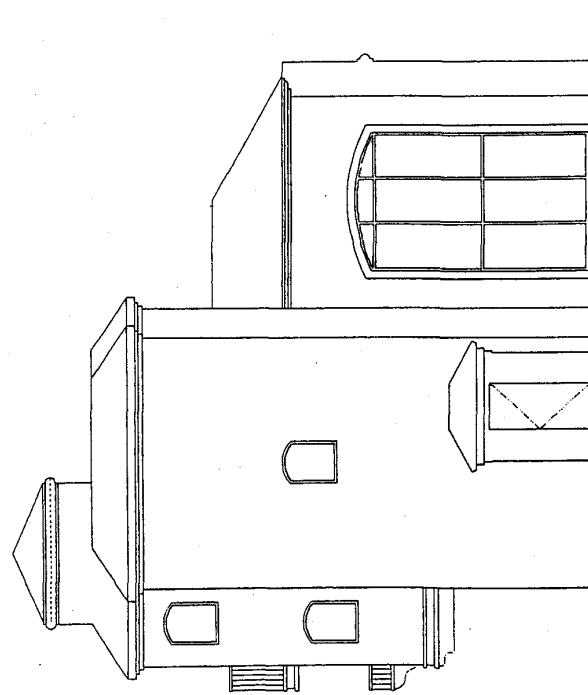
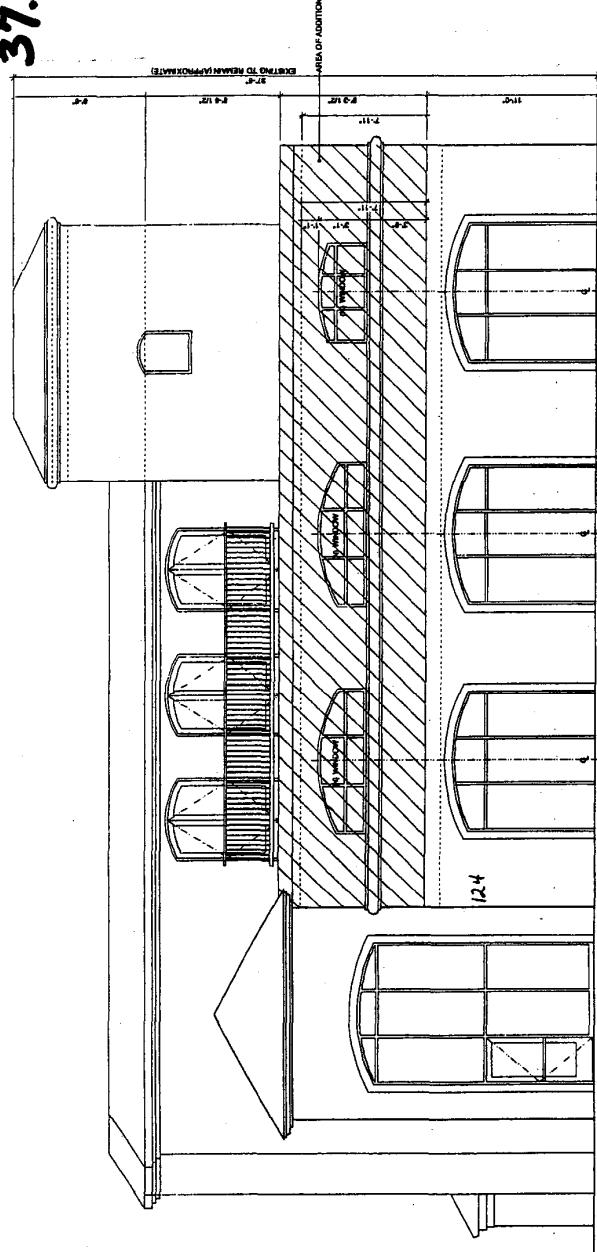
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EXHIBIT # 2  
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**37.5'**



**37.5'**



NORTH ELEVATION

Washington Blvd.

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EXHIBIT # 6  
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