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Filed: 10/1/96
49th Day: 11/19/96
180th Day: 3/30/97
Staff: CP-LB CP
Staff Report: 1/7/97
Hearing Date: February 4-7, 1997
Commission Action:

STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: 5-92-203-A2

APPLICANT: David Dror

AGENT: Sherman L. Stacey

PROJECT LOCATION: 1409-1421 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED:

Demolition of a 20 unit residential building and construction of a one-story, 25 foot high, 5,625 square foot commercial building with 25 on-site parking spaces.

DESCRIPTION OF FIRST AMENDMENT REQUEST:

Rejected by the Executive Director on May 26, 1995.

DESCRIPTION OF CURRENT AMENDMENT REQUEST:

Amend previously approved commercial project to: 1) add a roofed colonnade on two sides of the existing structure over City of Los Angeles rights-of-way, and 2) delete special condition 2a of original permit requiring a parking attendant.

COMMISSION ACTION: Approved with Conditions

DATE OF ACTION: November 14, 1996

COMMISSIONERS ON PREVAILING SIDE: Areias, Belgard, Flemming, Rynerson, Randa, Rick, Staffel, Wan and Calcagno.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on November 14, 1996 approving with conditions the permit amendment for David Dror.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-92-203 (Dror).
2. City of Los Angeles Bureau of Engineering Approval in Concept, 8/7/96.
3. City of Los Angeles City Council Motion Regarding the Re-creation of the Windward Historic Arcade District and its Inclusion in the Local Coastal Program, adopted 9/30/92.
4. Venice Historical Society, Proposed Guidelines for the Venice Historical Arcade Area, 9/18/90.
5. Coastal Development Permit 5-92-339 (Goodfader).
6. Coastal Development Permit 5-93-389 (Goodfader).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development and the amendment, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions

Note: All previous conditions of Coastal Development Permit 5-92-203, except for special condition 2a, remain in full force and effect and are unchanged by this amendment. The Commission adds the following conditions to this amendment 5-92-203-A2.

1. Local Approval

Prior to the issuance of the amendment to the Coastal Development Permit, the applicant shall submit evidence, in a form and content acceptable to the Executive Director, which demonstrates that the City of Los Angeles has issued the required local permits for the construction of the colonnade over the City rights-of-way. Any changes in the design of the

project as approved by the Commission which may be required by the City shall be submitted to the Executive Director in order to determine if the change requires a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Public Property

The approval of Coastal Development Permit amendment 5-92-203-A2 does not permit the vacation of any portion of any public easement or right-of-way.

3. Pedestrian Access

All area covered by the colonnade is a public walkway which shall remain open and unobstructed to the general public for pedestrian access at all times.

4. Encroachments

There shall be no encroachment into the area covered by the colonnade, or onto or over Ocean Front Walk, Market Street, or other public rights-of-way, by the applicant, leaseholders, or operators of the commercial establishments within the approved structure. Prohibited encroachments include, but are not limited to, tables, signs, displays, and merchandise racks. Only the approved colonnade and its columns may encroach into or over public areas.

5. Signs

Signs on the structure shall be limited to twenty square feet in area. Eight such signs may be placed over the entrances to the retail establishments within the colonnade, but this permit authorizes no signs into or over the public rights-of-way under the colonnade unless this permit is amended to include a uniform signage program.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Project History

On July 9, 1992, the Commission approved Coastal Development Permit 5-92-203 (Dror) for the demolition of a 20 unit residential building and construction of a one-story, 25 foot high, 5,625 square foot commercial building with 25 required on-site parking spaces. The applicant had originally applied for a permit to construct a two-story, 12,302 square foot mixed residential and commercial structure with eight on-site parking spaces. The Commission required the project to be revised in order to bring it into compliance with the Chapter 3 policies of the Coastal Act and previous actions in the North Venice area. The one-story building which was approved by the Commission on

July 9, 1992 is a less intense development which provides more on-site parking than the original proposal. Coastal Development Permit 5-92-203 (Dror) was issued on September 14, 1992. The construction of the approved structure was completed soon thereafter.

The approved one-story commercial structure was built across three contiguous lots situated on the corner of Ocean Front Walk and Market Street in North Venice (Exhibit #2). The structure contains seven commercial units which are approximately 750 square feet in size. The 25 required on-site parking spaces are located within and behind the structure (Exhibit #3). Eleven of the required parking spaces are located within the rear of the structure and are enclosed by roll-up doors. Eleven additional parking spaces are sited in a tandem configuration behind the eleven enclosed parking spaces. The eleven pairs of tandem spaces are accessed from Speedway Alley. Three additional non-tandem parking spaces are accessed from Market Street.

The North Venice area is a popular commercial and recreation area which attracts many domestic and international tourists and local day visitors. Ocean Front Walk is a popular pedestrian boardwalk which runs the length of Venice Beach. A public park and beach is located across Ocean Front Walk from the project site (Exhibit #2).

The project site is located on Ocean Front Walk near the historic center of Venice Beach. According the Venice Historical Society, the historic center of Venice is located along Windward Avenue near its intersection with Ocean Front Walk. Windward Avenue is located one block south of the site (Exhibit #6, p.8). The historic center of Venice was developed in the early 1900's by Abbot Kinney as the center of his vision of "Venice in America". Kinney developed 85 foot wide Windward Avenue as an colonnaded street designed in the style of the Italian Square of St. Mark with fifty to sixty foot tall buildings of Italian Renaissance design (Exhibit #6, p.11).

Although many of the original hotels and apartment houses along Windward Avenue were demolished in the 1960's, a few of the original historic structures still exist. In fact, the structure (1401 Ocean Front Walk) located immediately adjacent to the structure subject to this amendment request was constructed in 1915 during the original development of the Venice area. That structure, with its original arches and colonnade, is one of the few structures which remains from that era.

The applicant has submitted an amendment request for two separate changes to the project originally approved by Coastal Development Permit 5-92-203 (Dror). The first proposed change is to add a roofed colonnade onto two sides of the existing structure over portions of the City of Los Angeles rights-of-way of Ocean Front Walk and Market Street (Exhibits #3&4). The second proposed change is to delete special condition 2a of the original permit which requires that:

> 2a) The applicant shall employ a parking attendant between 12:00 noon and 5:00 p.m. on all weekends, all holidays, and on all days during the summer beach season, between Memorial Day and Labor day.

The proposal to add a roofed colonnade onto two sides of the existing structure involves the use of portions of the Ocean Front Walk and Market Street rights-of-way (Exhibits #3). A twelve foot wide section of the forty foot wide Ocean Front Walk right-of-way would be enclosed by the proposed 25 foot high arched colonnade which is proposed to be attached to the front of the existing structure, and an 8.5 foot wide portion of the Market Street right-of-way is proposed to be covered with a roofed colonnade on the south side of the existing structure. The rear of the existing structure would not be altered.

The proposed colonnade would compliment the original Italian Renaissance architecture retained in historic structure (1401 Ocean Front Walk) located immediately north of the building. The 1401 Ocean Front Walk structure retains its original arches and colonnade along its Ocean Front Walk facade (Exhibit #4). The colonnade on the 1401 Ocean Front Walk structure, however, is situated entirely within the limits of its property. No City rights-of-way are covered by the colonnade at 1401 Ocean Front Walk. Therefore, because the existing colonnade at 1401 Ocean Front Walk is situated entirely on private property, and the proposed colonnade at 1409-1421 Ocean Front Walk is located over the public right-of-way of Ocean Front Walk, the two arcade areas covered by the two colonnades will not align.

B. Public Access Under Colonnade

One of the basic goals of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies which address public access and recreation. The proposed project must conform to the following Coastal Act policies:

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 30211 of the Coastal Act states:

> Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states, in part:

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

Section 30220 of the Coastal Act states:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

> Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 of the Coastal Act states:

> Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

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 non-automobile 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 on-site recreational facilities to serve the new development.

The above stated policies of the Coastal Act require that developments near the coast provide maximum public access and opportunities for lower-cost recreational activities.

As previously stated, the proposed project is located in the North Venice area at the intersection of Ocean Front Walk and Market Street. The site located along the main public boardwalk in a highly popular coastal area, seaward of the first public roadway, Speedway Alley. The area is a popular commercial and recreation area on the beachfront which attracts many domestic and international tourists and local day visitors. The Coastal Act requires that public access to the coast be protected from impacts associated with new

development such as increased traffic congestion, increased demand on public parking spaces, and private use of public lands.

The proposed addition of a roofed colonnade onto two sides of the existing structure over City rights-of-way will not generate additional traffic or contribute to parking problems in the area as long as the use of the area located under the proposed colonnade remains a public walkway as it currently exists. The applicant has not proposed to change the use of the area located under the proposed colonnade. No intensification of the existing permitted commercial uses has been proposed. Therefore, the primary public access issue involved with the proposed construction of the roofed colonnade is the protection of public access within a private development (colonnade) located on public land (City rights-of-way of Ocean Front Walk and Market Street).

The Commission must determine if it is appropriate to allow the use of portions of heavily used public rights-of-way for private development. In this case, the applicant has proposed to construct a colonnade over portions of the Ocean Front Walk and Market Street rights-of-way. Both Ocean Front Walk and Market Street are busy pedestrian thoroughfares which provide access to and along the coast. Because the existing structure is built right up to the property lines adjacent to Ocean Front Walk and Market Street, the only area left for the addition of the proposed colonnade is the adjacent City right-of-way areas. Twelve feet of the forty foot wide Ocean Front Walk right-of-way will be covered by the proposed colonnade. Along the Market Street facade, the proposed colonnade will occupy the entire 8.5 foot wide sidewalk on the north side of the Market Street right-of-way.

The Coastal Act policies strongly protect the public's ability to access the coast and to undertake lower cost (or free) recreational activities such as strolling along the boardwalk. The proposed colonnade would not be consistent with the public access policies of the Coastal Act if it interferes in any way with the public's use of the Ocean Front Walk boardwalk or Market Street sidewalk. Ocean Front Walk is a highly popular beachfront boardwalk which enables thousands of beachgoers to stroll along Venice Beach. Market Street provides direct vehicular and pedestrian access to Ocean Front Walk and the beach.

In a previous permit action in the North Venice area [See Coastal Development Permit 5-92-339 (Goodfader)], the Commission approved the construction of a structure with arches and colonnades built over portions of the Ocean Front Walk and Windward Avenue public rights-of-way. That project, located on the block next to the currently proposed project, received Commission approval because continued public use of the areas covered by the colonnades was guaranteed, and because the project was consistent with the 1992 Los Angeles City Council motion which created the Windward Historic Arcade District in order to preserve and recreate the grand buildings with their colonnades, columns and arcades which were prevalent in the Windward Avenue and Ocean Front Walk area in the early 1900's (Exhibits #5&6). The City motion proposes to include the Windward Historic Arcade District in the Local Coastal Program (LCP) currently being developed for the area.

The proposed Windward Historic Arcade District is geographically defined and

limited to a few blocks around Windward Avenue, including the site subject to this amendment request (Exhibit #6, p.8). Specific development and design guidelines have been proposed for the district by the Venice Historical Society (Exhibit #6). The proposed district guidelines allow the construction of colonnades over City rights-of-way, but specifically require the protection of public access under all colonnades built on public property. Historically, the buildings along Windward Avenue have encroached over the public right-of-way while always allowing the public to use the walkway beneath the arcade. (Note: The Venice Historical Society has not reviewed or commented on the currently proposed colonnade.)

As protected by the recommended special conditions of approval, the existing public access opportunities on the Ocean Front Walk and Market Street rights-of-way will not be adversely affected by the construction of the proposed colonnade. The recommended special conditions of approval state that the area covered by the proposed colonnade is a public walkway which shall remain open and unobstructed to the general public for pedestrian access at all times. In addition, there shall be no encroachment into the area covered by the colonnade, or onto or over Ocean Front Walk, Market Street, or other public rights-of-way, by the applicant, leaseholders, or operators of the commercial establishments within the approved structure. Prohibited encroachments include, but are not limited to, tables, signs, displays, and merchandise racks. Only the approved colonnade and its columns may encroach into or over public areas. These conditions are consistent with the special conditions of Coastal Development Permit 5-92-203 which strictly prohibit any encroachment onto or use of Ocean Front Walk (See Section E of this report).

The proposed colonnade, as conditioned, will not inhibit public pedestrian use of the City rights-of-way and carries out the City's intent to recreate the grand buildings with their colonnades, columns and arcades which were once prevalent in the Windward Historic Arcade District. Therefore, only as conditioned does the Commission find that the proposed colonnade is consistent with the Chapter 3 Policies of the Coastal Act.

C. Local Approvals

The applicant has received an approval in concept from the City of Los Angeles Bureau of Engineering for the proposed colonnade. An approval in concept is a preliminary City approval which allows the applicant to apply to the Commission for a Coastal Development Permit or amendment. The applicant states that he will apply to the City for the necessary local approvals for the proposed project, including a permit to build over the City rights-of-way, subsequent to the Commission's approval of the proposed colonnade.

A special condition requires that, prior to the issuance of the amendment to the Coastal Development Permit, the applicant shall submit evidence, in a form and content acceptable to the Executive Director, which demonstrates that the City of Los Angeles has issued the required local permits for the construction of the proposed colonnade over the public rights-of-way.

In addition, another special condition clarifies that the approval of Coastal Development Permit amendment 5-92-203-A2 does not permit the vacation of any portion of any public easement or right-of-way. No vacation of any right-of-way is before the Commission in this action. The City has not reviewed or approved any such vacation, nor has the applicant proposed the vacation of any portion of any public right-of-way.

The Commission is concerned that a vacation a public right-of-way has the potential to impact public access and public use of the vacated areas. Street vacations convert publicly owned land to private ownership. Quite often, a street vacation will result in the exclusion of the public from the formerly public area. The area in question is heavily used by the public. Crowds often fill the entire width of Ocean Front Walk on busy weekends and summer days. Any reduction of the area available to the public resulting from a vacation or commercial encroachment would reduce public access to the recreational area along Ocean Front Walk.

Therefore, Coastal Development Permit amendment 5-92-203-A2 does not permit the vacation of any portion of any public easement or right-of-way, and is further conditioned to prevent private use of the public areas.

D. Community Character

Section 30251 of the Coastal Act states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic area 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.

The project site is located on Ocean Front Walk which is a public walkway used for beach access, walking, skating, and bicycle riding. Venice Beach is a very popular, highly utilized public recreation area. The beach is a very wide, sandy beach which can accommodate large numbers of visitors. Venice Beach is a popular destination for both international and domestic tourists, as well as Southern California area residents. As required by the Coastal Act, the visual qualities of this coastal area shall be protected from negative impacts such as excessive building heights and bulks, and unnecessary visual clutter.

The applicant has proposed an addition to an existing structure which is architecturally designed to recreate the historical and cultural character of historic Venice as it was originally developed in the early 1900's. The design of the proposed colonnade will enhance the visual quality of the area

by providing visually pleasing architecture in the form of arches and a colonnade. The existing facade of the box-shaped structure is plain and flat.

The local community and the Commission are concerned about the design and appearance of the commercial structures which line the inland side of Ocean Front Walk. Exterior signs and other advertising on structures can negatively impact the visual quality of the area. The design of the signs for the proposed project have not been submitted for Commission review. Exterior signs will likely be attached to the approved structure after construction is completed. In order to maintain the proposed architectural improvement of the structure, signs should be placed within the arcade area, as opposed to the exterior of the historically designed structure.

Therefore, in order to protect against excessive visual impacts caused by signs, the approval of the project is conditioned to limit the size, type and location of signs. Signs on the commercial structure shall be limited to twenty square feet in area. Such signs may be placed over the entrances to the retail establishments within the colonnade, but this permit authorizes no signs into or over the public rights-of-way under the colonnade unless this permit is amended to include a uniform signage program. The applicant may submit a comprehensive sign plan for the structure for the review and approval of the Commission in the form of a permit amendment.

Similar sign limitations were placed on the historically designed structure approved next door at 1501 ocean Front Walk [See Coastal Development Permit 5-92-339 (Goodfader)].

The proposed colonnade will be visually compatible with the surrounding neighborhood and will not block public views to the coast. The historical design of the colonnade will actually enhance the visual quality of the area. Therefore, the proposed project, as designed and conditioned, will not negatively affect the visual quality of the area, and is consistent with Section 30251 of the Coastal Act.

E. Parking

The Commission has consistently found that a direct relationship exists between the provision of adequate parking for commercial and residential uses and the availability of public access to the coast. All beach access surveys have shown that the majority of beach visitors reach the beach by car. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

> The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

Many of the older developments in the North Venice area do not provide

adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. The residents, beachgoers, employees and customers of the various commercial uses in the area all compete for the small amount of parking that may be available for the general public in the area. To mitigate this problem, the Commission has consistently conditioned new development within the North Venice area to provide an adequate on-site parking supply in order to meet the demands generated by the approved use.

In its July 9, 1992 approval of Coastal Development Permit 5-92-203 (Dror), the Commission addressed the issue of the development's impact on coastal access (as it relates to parking demand and supply) by limiting the intensity of the development and by requiring the provision of at least 25 on-site parking spaces. The 25 required on-site parking spaces were specifically required by the permit to be provided for the use of the tenants, employees and customers of the commercial establishments within the approved structure. The permit also specifically requires that the customers of the commercial establishments be granted one hour of free parking with a validation from any commercial establishment on the premises.

Special condition two of Coastal Development Permit 5-92-203 (Dror) requires the applicant to operate the development and its on-site parking supply in a manner consistent with the Coastal Act's goals of protecting public access to the coast. Special condition two of Coastal Development Permit 5-92-203 (Dror) states:

2. Deed Restriction - Uses and Management

Within ninety (90) days of the Commission action on this permit, the applicant shall record a deed restriction subject to the review and approval of the Executive Director that binds the applicant and his successors in interest to the provisions of this permit 5-92-203. The deed restriction shall include the following agreements on the part of the applicant:

a) The applicant shall employ a parking attendant between 12:00 noon and 5:00 p.m. on all weekends, all holidays, and on all days during the summer beach season, between Memorial Day and Labor day.

b) The applicant and/or the building management shall validate parking for tenants, employees and customers. Patrons of commercial establishments shall be eligible for one hour of free parking with a validation from any commercial establishment on the premises.

c) Truck deliveries shall not occur on weekends or holidays.

d) Uses in the building and the square footage of the building shall be maintained as required in condition one and any intensification of use or additions to the building shall require a Coastal Development Permit.

e) No encroachment on or use of Ocean Front Walk is approved in this permit.

The deed restriction shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and shall run with the land for the life of the development approved in this permit 5-92-203.

The applicant agreed to the above stated condition and Deed Restriction No. 92-1827927 was recorded on September 30, 1992. As part of this amendment request, the applicant has requested to amend Coastal Development Permit 5-92-203 by deleting section a) of special condition two which requires that:

2a) The applicant shall employ a parking attendant between 12:00 noon and 5:00 p.m. on all weekends, all holidays, and on all days during the summer beach season, between Memorial Day and Labor day.

The Commission routinely requires the provision of a parking attendant whenever an applicant proposes to use tandem parking arrangements in order to meet the required parking supply. In this case, the project site contains 25 on-site parking spaces which are located within and behind the structure (Exhibit #3). Eleven of the required parking spaces are located within the rear of the structure and are enclosed by roll-up doors. Eleven additional parking spaces are sited in a tandem configuration behind the eleven enclosed parking spaces.

In the amendment application, the applicant's agent states:

> Prior to the approval of Permit No. 5-92-203, the applicant did not know either the cost of maintaining an attendant or the number of spaces for which an attendant might be necessary to relocate automobiles of unrelated persons. Since the building was built, the renting of parking spaces to tenants has resulted in one tenant taking both the tandem spaces. The tenant and his employees arrange the movement of vehicles without the need for an attendant. All of the 22 tandem parking spaces have been rented on that basis. Further, since the building was completed, the cost of a parking attendant for ten hours a week in the non-summer days and seventy hours a week in the summer is simply prohibitive for 22 spaces, particularly when the spaces are rented to his tenants.

According to the above statement, it appears that the applicant has rented at least 22 of the 25 on-site parking spaces to tenants. There are seven commercial units in the building which contain six small retail or walk-up food service establishments (two of the units have been combined into one). The number of parking spaces required for the six tenants and their employees would be about two or three spaces per tenant. At this rate, the tenants and their employees would use approximately 12-18 of the 25 available parking spaces. The remaining on-site parking spaces should be available for use by the customers of the commercial establishments. Special condition two of Coastal Development Permit 5-92-203 specifically requires that the 25 on-site parking spaces were to be provided for the use of the tenants, employees and

customers of the commercial establishments within the approved structure. The permit specifically requires that the customers be granted one hour of free parking with a validation from any commercial establishment on the premises.

Herein lies the problem: The Commission requires the provision of at least 25 on-site parking spaces for the use of the tenants, employees and customers of the commercial establishments within the approved structure. The applicant has requested a change to the permit condition to eliminate the requirement for a parking attendant. But someone must move the vehicles around in order to utilize all 22 of the tandem parking spaces when the demand is high, such as during the summer, weekends, and holidays. Without someone to move cars in and out of the tandem parking arrangements, eleven of the 25 parking spaces would seldom be unusable. According to the applicant, however, it is not economically feasible to pay a person for the sole purpose of attending eleven pairs of tandem parking spaces.

In this case, the Commission agrees that a parking attendant is not necessary for the operation of the parking supply, and that it is not economically feasible for the applicant to pay a person just to attend the eleven pairs of tandem parking spaces. A parking attendant is not necessary because the tenants and employees of the commercial establishments within the structure will move parked automobiles when necessary for the utilization of the tandem parking spaces by customers and employees. In the amendment application, the applicant's agent states, "The tenant and his employees arrange the movement of vehicles without the need for an attendant".

Therefore, the Commission finds that the request to alter the deed restriction and permit condition in order to eliminate the requirement for a parking attendant would not result in a reduction of parking opportunities during peak beach use periods and would not negatively affect the public's ability to access the coast and the recreational opportunities in the area as long as the tenants and employees arrange the movement of vehicles. Therefore, the request to delete special condition 2a is approved.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program 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 Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed development and amendment, as conditioned, is consistent with the coastal access and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development and amendment, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

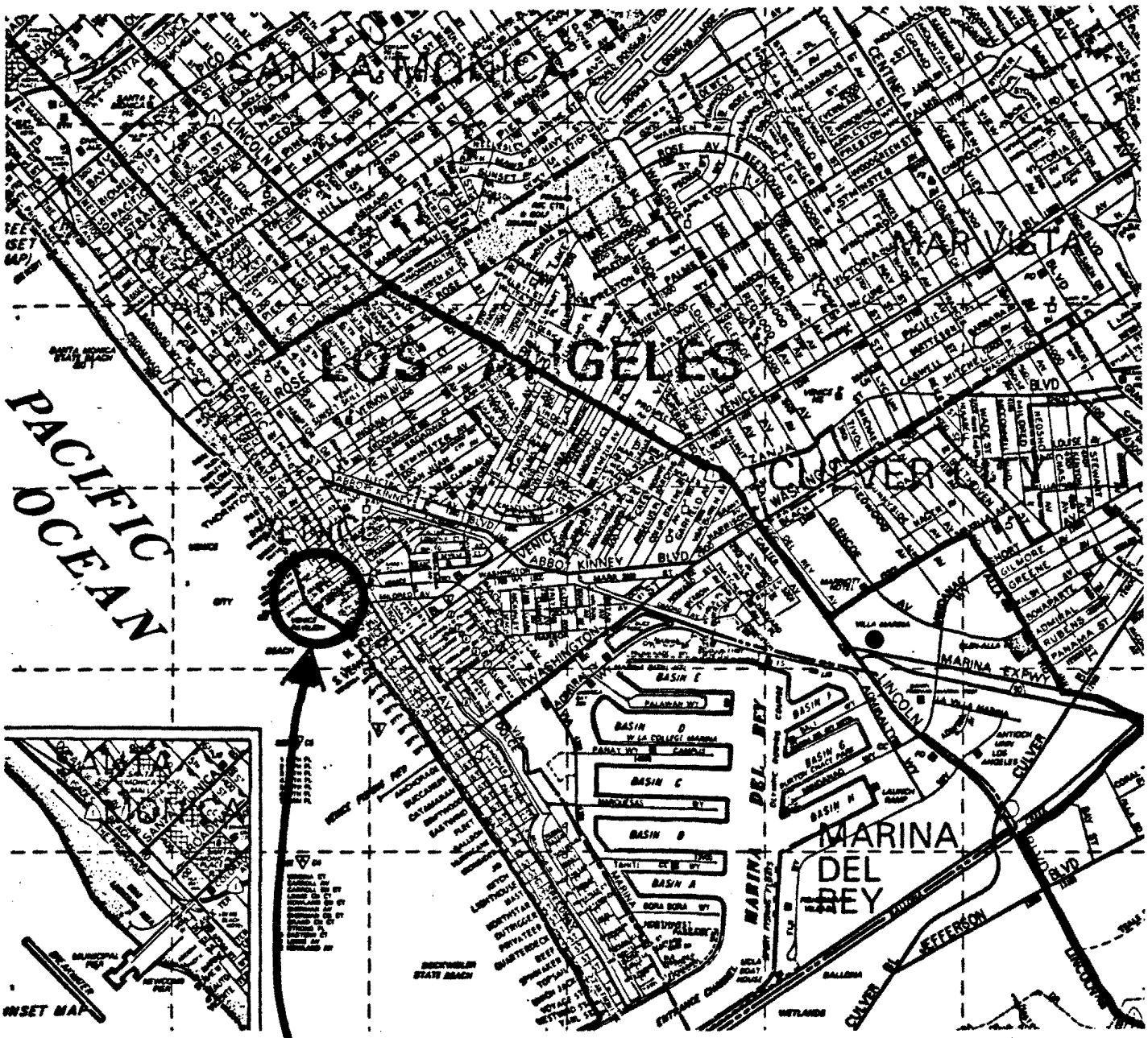
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The Commission's conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project as amended. All adverse impacts have been minimized and there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project and amendment, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

H. Violation

Consideration of this amendment application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this application does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission will act on this application without prejudice.

The Coastal Commission staff has been monitoring, and is continuing to monitor, the operation of approved project's required on-site parking supply for compliance with the requirements of Coastal Development Permit 5-92-203 (Dror).



COASTAL COMMISSION

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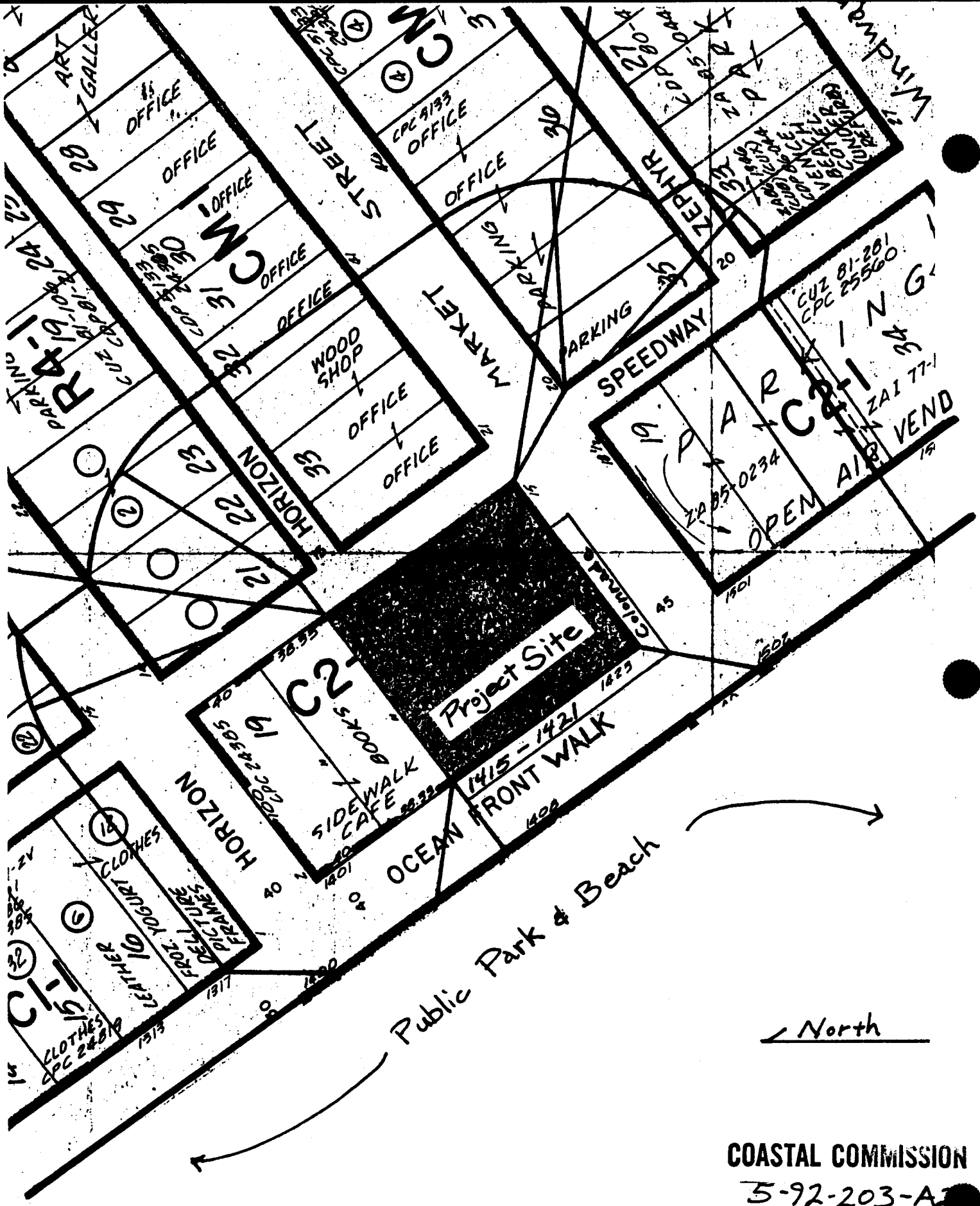

COASTAL COMMISSION

5-92-203-A1

EXHIBIT # 2

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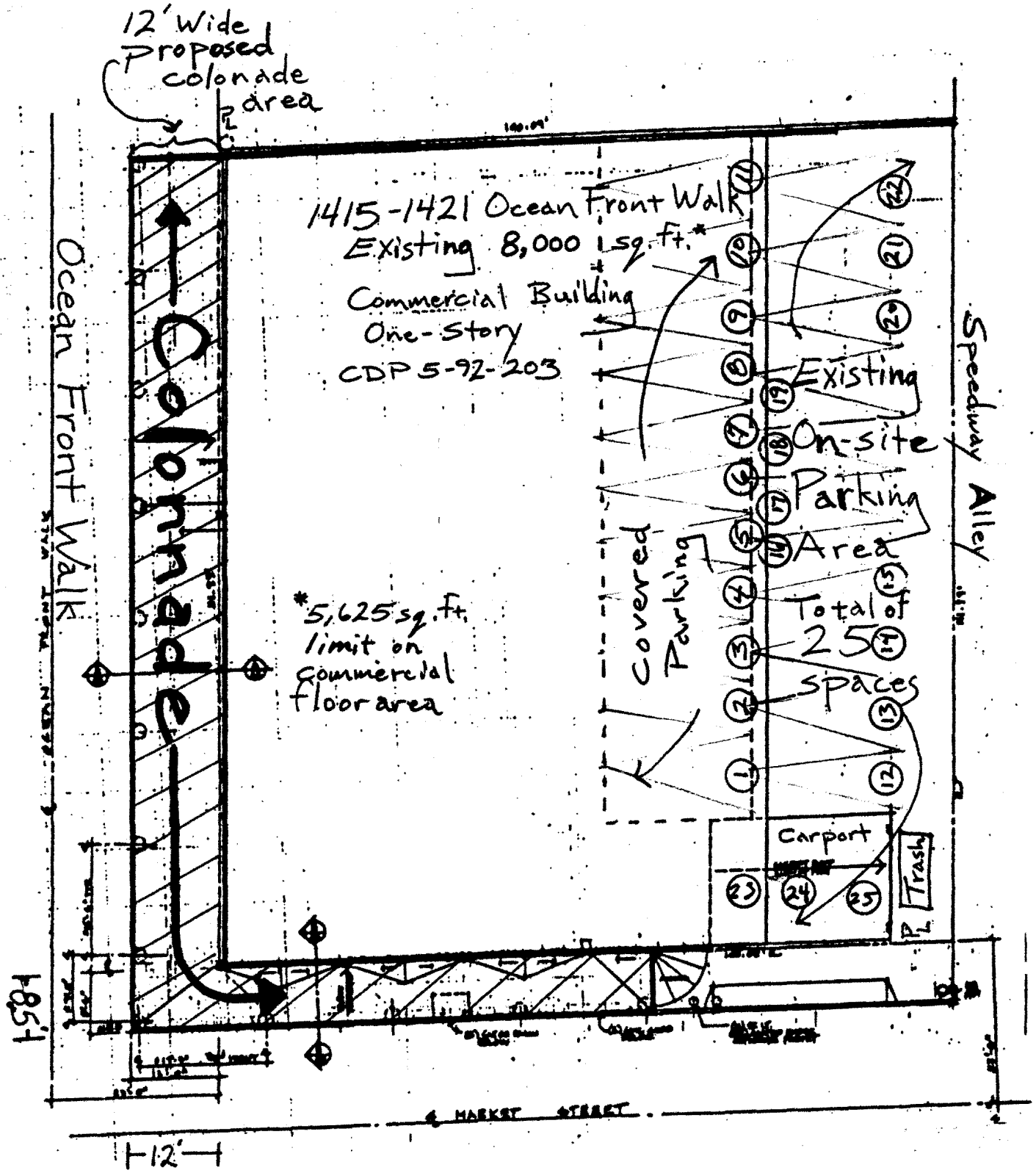

Site Plan

North

COASTAL COMMISSION
5-92-203-A2
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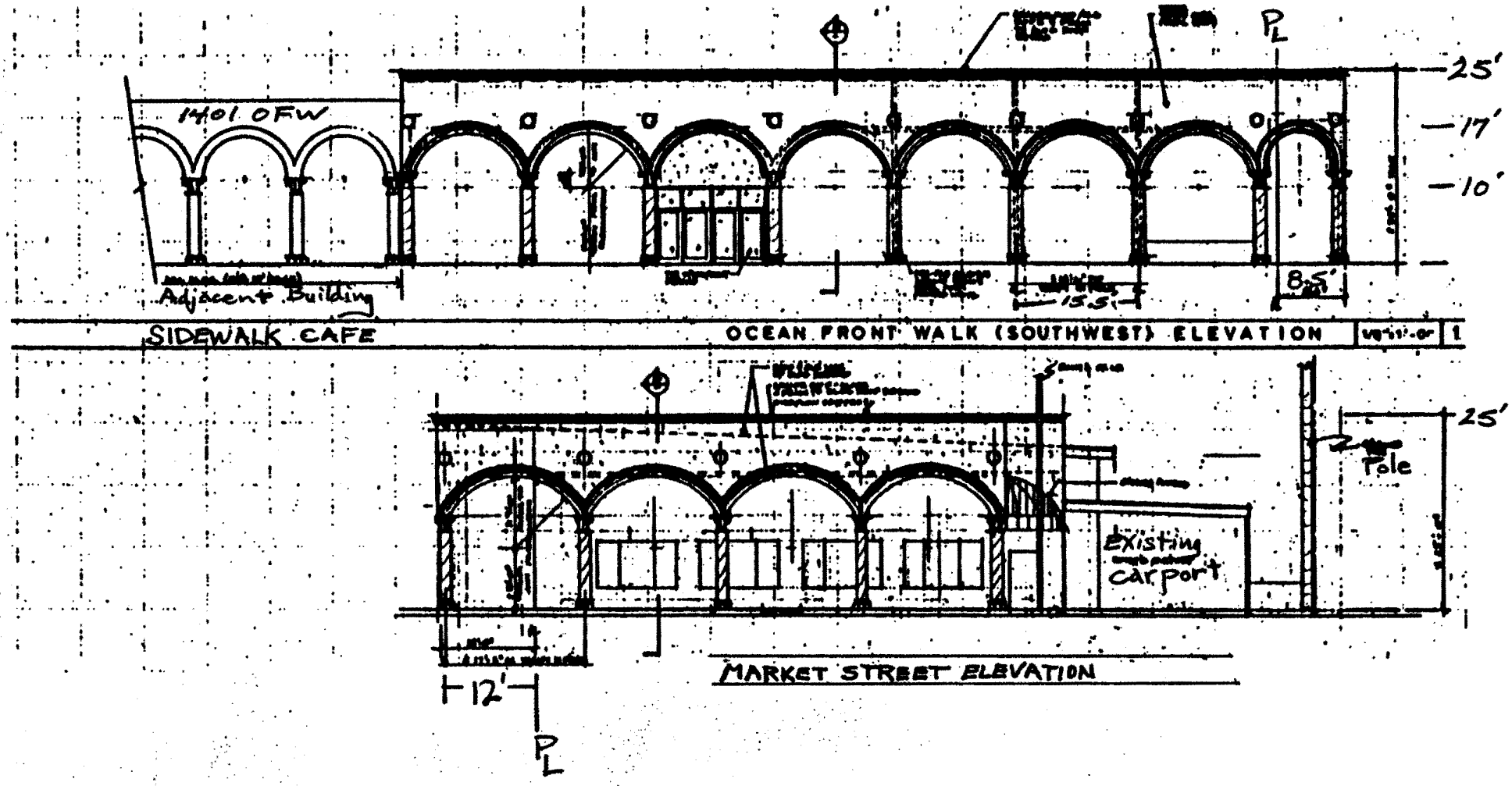
PAGE 1 OF 1



Elevations

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5-92-203-A2
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PAGE 1 / 1

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries relative to this matter refer to File No.

89-2402-S1

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - 485-5703
General Information - 485-5705

Pat Letcher
Chief Legislative Assistant

CD 6

October 5, 1992

City Planning Department (with file)
Councilmember Bernson

✓ Councilmember Galanter
City Attorney

RE: RE-CREATION OF THE WINDWARD HISTORIC ARCADE DISTRICT IN VENICE AND ITS INCLUSION IN THE LOCAL COASTAL PROGRAM

At the meeting of the Council held September 30, 1992, the following action was taken:

Attached report adopted	
" motion " (Galanter - Bernson)	X
" resolution " ( )	
Ordinance adopted	
Motion adopted to approve attached report	
" " " " " communication	
To the Mayor for concurrence	
To the Mayor FORTHWITH	
Mayor concurred	
Appointment confirmed	
Findings adopted	
Negative Declaration adopted	
Categorically exempt	
Generally exempt	
EIR certified	
Tract map approved for filing with the County Recorder	
Parcel map approved for filing with the County Recorder	
Bond approved is No. _____ of Contract	
Resolution of acceptance of future street to be known as _____ adopted	
Attach a copy of follow-up Department Report to file	
Agreement mentioned therein is/are No. _____ of contracts	

Elias Martinez

City Clerk
bs
892402.1

MOTION

The original vision of Venice's original developer, Abbot Kinney, brought to bear in 1905 when building the seaside resort community was both ambitious and artistic. His concept was to create a beachfront community resplendant with recreational and cultural opportunities as well as an old world urban architectural flavor.

Basing the design on that of Venice, Italy, Kinney included a system of canals with a lagoon and grand buildings in the Windward Avenue area, featuring arched pedestrian arcades, to house the hotels, the opera house and the indoor plunge he hoped would bring visitors streaming to Venice, California for decades to come.

The hurriedly built community did not catch on the way Kinney had hoped it would, and began to fall into disrepair after only a few years. The poorly-engineered canals began to stagnate, with their banks crumbling. The arcade columns also aged quickly in the marine air. By the mid-'20s, when the citizens of the bankrupt City of Venice voted to join the City of Los Angeles, the canals had been declared a health hazard and many of the stately buildings and their columns had been demolished.

Now, nearly 70 years later, what's left of the canals are being rehabilitated and there is widespread support to restore the unique arcades and take advantage of the pedestrian orientation of what has become one of Southern California's most popular visitor attractions, Venice Beach. Because the original arcades were privately built, it has been determined that the best way to encourage their reconstruction is to provide private developers with appropriate incentives to do so.

The City added to the momentum toward arcade reconstruction in 1991 when the City Council declared the columns at 69 Windward Avenue as historic-cultural monuments. With the building at that address being rebuilt and expanded, the preservation of the existing columns sets an example for other property owners on the block. A proposed new building at 1501 Ocean Front Walk (at the northeast corner of Windward) would also re-establish the arcades that were originally at that location, at the same time providing affordable housing units and extra parking in a mixed-use development on the site.

As a result of a series of community workshops held in 1988 by the Planning Department and the State Coastal Conservancy to facilitate the drafting of the state Coastal Act-mandated Venice Local Coastal Program (LCP), a proposal to establish a Windward Historic Arcade District has been developed. It would facilitate the re-creation of the historic arcades by addressing the multiple issues facing private developers in this important Venetian focal point: the need for a height bonus incentive, the impediments raised by designated right-of-way widths and the need for street, air and subsurface vacations, alleviating parking shortages and traffic congestion, and opportunities for affordable housing and mixed-use development.

In recognition of the opportunity the arcades present for combining innovative urban design with planning that is respectful of the needs of the community as well as its historic legacy, the City Council should adopt as a policy the City's intention to create the Windward Historic Arcade District and instruct the Planning Department to ensure its inclusion in the LCP.

NOW, I THEREFORE MOVE that the City Council hereby initiate the Windward Historic Arcade District and instruct the Department of City Planning to include it in the Venice Local Coastal Program currently being drafted by the Department of City Planning; and

I FURTHER MOVE that the boundaries of this district shall be the south side Market Street between Pacific Avenue and Ocean Front Walk on the north, the east side of Ocean Front Walk between Horizon Avenue and 17th Avenue on the west, both sides of Windward Avenue between Pacific Avenue and Ocean Front Walk on the south, and the east side of Pacific Avenue between Market Street and Windward Avenue on the east; and

I FURTHER MOVE that there be established special street designations (to be included in the LCP and the Venice Community Plan) for Market Street, Ocean Front Walk, Windward Avenue and Pacific Avenue within the boundaries of the district to facilitate re-creation of the arcades with minimal need for time-consuming vacation proceedings; and

I FURTHER MOVE that the district include design guidelines for the historic columns, their locations and spacing; and

I FURTHER MOVE that the district include provisions for preservation of the remaining original columns wherever feasible, as well as guidelines for their replacement when necessary; and

I FURTHER MOVE that the district include provisions for permitting customized height bonuses, with accommodation made for certain kinds of decorative roof structures, for projects within the district boundaries which include columns in the manner prescribed by the district regulations, with the precise height limits to be determined by the Planning Department in developing the regulations; and

I FURTHER MOVE that the district include provisions for measuring Floor Area Ratio (FAR) which <u>do not</u> provide additional FAR for square footage included in portions of a project built over, on, or under public sidewalks, except as prescribed below; and

I FURTHER MOVE that the district include provisions to permit an FAR bonus for any project providing a substantial percentage of very low or low income housing units on site, with the maximum permissible FAR to be determined by the Planning Department in development of the district regulations; and

I FURTHER MOVE that the district include provisions for affordable housing density increases commensurate with the FAR bonus for projects containing the substantial percentage of very low and low income

housing units to be determined in the development of the district regulations; and

I FURTHER MOVE that the district include provisions permitting consolidation of multiple lots to facilitate projects which include columns in the manner prescribed by the district regulations; and

I FURTHER MOVE that the district include provisions permitting reductions in required parking for each very low and low income dwelling unit; and

I FURTHER MOVE that any project which does not include columns in the manner prescribed by the district regulations shall be subject to normal LCP regulations determined to be appropriate for the properties within the district boundaries; and

I FURTHER MOVE that this initiation be communicated to the appropriate City departments and the California Coastal Commission to facilitate their involvement in the development of the district regulations as part of the LCP.

proposed by: _____
RUTH GALANTER
Councilwoman, Sixth District

seconded by: Bernson

September 23, 1992 historic/f11

COASTAL COMMISSION

EXHIBIT # 5

PAGE 4 OF 4

VENICE HISTORICAL SOCIETY

September 18, 1990

Councilwoman Galanter
200 North Spring Street
Room 239
Los Angeles, California 90012

Attention: Jim Bickhart

RE: Proposed Guidelines for the Venice Historical Arcade Area

Dear Councilwoman Galanter:

The following is an initial draft of Proposed Guidelines for the Venice Historical Arcade Area which we feel would be appropriate to include in the Draft L.U.P. and L.I.P. currently being considered by the L.A. City Planning Department. We feel that more specific protective guidelines are essential to the preservation and restoration of this area of Venice.

The vision that Venice's original developer, Abbot Kinney, imported to this Southern California seaside resort in 1905 was rather ambitious. In the early years, Venice was full of tourists, amusements, and recreational activity supported by a richly interwoven urban architecture. Today, although Venice and particularly its Ocean Front Walk are still a vibrant scene of visitors and activity, there remain only scattered fragments of the original architecture. However, even the few remaining original buildings, some in much disrepair, still seem to be richer and more successful both aesthetically and urbanistically than any of the newer projects.

Windward Avenue was and is the center of Venice. It deserves a more noble appearance; one that Venice would be proud to share with the countless tourists and beachgoers that visit from all over the world.

Architectural diversity is an important aspect of Venice. This should continue to be encouraged, but at the same time the order and strength of the arcade as a unifying element within the center of the diverse fabric of Venice is both appropriate and pleasing. The arcade also provides climactic protection to the pedestrian. Although rare in the United States, these covered sidewalks are found in many parts of the world and, in particular, Venice, Italy, the source of architectural inspiration for Windward Avenue. We are fortunate in our

Post Office Box 2012, Venice, California 90294

community to still have enough left of the arcade to initiate planning measures that would require preservation of the already existing arcaded buildings which are historically an integral part of Venice and encourage the gradual reconstruction of the arcade in areas in which it has been demolished.

The scale of Windward Avenue is another important aspect of this area of Venice. Windward Avenue, measuring 85 feet across, is one of Venice's widest streets. It was originally designed to accommodate buildings ranging in height from approximately 49 feet to 62 feet. These buildings had many stylistic variations and roof treatments such as ornamental parapets, gabled roofs, spires, sloped tile roofs, etc., but they all had the consistent arcade and cornice and entablature just above the arcade. To ensure the proper and consistent reconstruction of the arcades, we would be more than happy to provide the City with scaled drawings showing the original arcade, vault, column shaft, base, and capital, and cornice and entablature. More importantly, however, we feel the larger issues covered in the enclosed Proposal first need to be reviewed, discussed, and modified as seems appropriate, and finally adopted as part of the L.U.P. and L.I.P. if we are to save this valuable part of Venice's architectural heritage.

Thank you in advance for your consideration. Please feel free to call Marc Appleton at 213-399-9386 if you have any questions.

Sincerely,

Betsy Goldman
President, Venice Historical Society, on behalf of the Venice Historical Society Board

Marc Appleton, A.I.A.
Architect, Member, Venice Historical Society

Lewin Wertheimer, Architect

Enclosures

cc: Nancy Burke, City Planning
LaGronie Wyatt, Bureau of Engineering

The following material should be incorporated into the Land Use and Implementation Plans (L.U.P. and L.I.P.) for Venice:'

Proposed Guidelines for the Venice Historical Arcade Area

Article I

Goal: To maintain and preserve the historical arcade area of Venice and to require new developments to restore or replicate the arcade if they fall within the historical arcade locations as designated on Exhibit "A".

Implementation:

1. ARCADE LOCATIONS:

   New Arcade Locations: New projects within the area delineated on Exhibit "A", upon application for any change in use or improvements requiring a building permit shall be required to reconstruct an arcade consistent in design and location with the original arcaded buildings shown on Exhibits "A" and "B".

   Historically, in all cases the upper stories of the original arcaded buildings extended out over the sidewalk and arcade.

   For existing arcade properties or projects proposing to reconstruct the arcade, the City of Los Angeles shall vacate the air rights above the arcade, the column and column base areas at grade, and the subterranean rights immediately below the arcade. Sidewalks under arcades shall remain open public right of way at all times. (Refer to Exhibit "B".)

   To ensure that these vacations are coordinated with applicable utility companies, the City's Bureau of Engineering, and other City departments having jurisdiction in the area, a formal street vacation application shall be filed with the City during preliminary planning stages. The arcade locations are as follows (see map Exhibit "A"):

   - Market Street: South side between Pacific Avenue and Ocean Front Walk in line with existing columns and arcade widths.

- Ocean Front Walk: East side between Horizon Avenue and 17th Avenue with exterior, west-facing side of column base in line with property line and majority of existing buildings just north of Horizon on east side of Ocean Front Walk. (This excludes "dog leg" portion of property at 17th Avenue and Ocean Front Walk which extends further west than property lines to the north of Horizon Avenue and aligns, and should continue to align, with property lines south of 17th Avenue on the east side of Ocean Front Walk.

- Windward Avenue: North side of Windward Avenue from Royal Court to Ocean Front Walk in line with existing columns. South side of Windward Avenue from Pacific Avenue to Ocean Front Walk in line with existing columns.

- Pacific Avenue: East side between Market Street and Windward Avenue in line with existing conforming columns and arcade widths. (See Exhibit "B".)

- Speedway, Zephyr Court, and Windward Court: These alleys shall remain designated as 20 feet wide with no encroachments allowed other than those permitted by current applicable building and zoning codes.

2. ARCADE STREET WIDTHS AND DESIGNATIONS:

Market Street: Market Street from Pacific to Ocean Front Walk shall be designated as 45 feet wide from property line to property line, with the arcade permitted to extend into the 45 foot width on the south side per Exhibit "C".

The portion of Market Street located between Speedway and Ocean Front Walk shall be designated as pedestrian with a minimum clearance of 28 feet required, allowing access only for emergency vehicles and for vehicles servicing or accessing on-site parking at properties along this portion of Market Street. Vehicular access to these properties shall be allowed along this portion of Market Street only within 70 feet from western property line along Speedway.

Ocean Front Walk: Ocean Front Walk shall be designated as a pedestrian street with minimum emergency vehicle clearance of 28 feet required. Arcades shall be permitted to extend into the designated street on the east side per Exhibit "C".

Windward Avenue: Windward Avenue from Pacific to Ocean Front Walk shall be designated at 85 feet wide and shall remain 85 feet wide from property line to property line with arcades extending into the 85 foot width per Exhibit "C".

The portion of Windward Avenue located between Speedway and Ocean Front Walk shall be designated as pedestrian with a minimum clearance of 28 feet required, allowing access only for emergency vehicles and service vehicles, or accessing on-site parking at properties along this portion of Windward Avenue. Vehicular access to this property shall be allowed along this portion of Windward Avenue only within 50 feet from western property line along Speedway.

3. ARCADE DESIGN:

Arcade Design and Column Locations: New arcades shall be consistent in detail and proportion to the original ones. (See Exhibits "A" and "B" for location and design of original columns.) This shall include column base, shaft and capital, vault (where applicable) along Windward Avenue, arch details, and cornice and entablature.

Although there is little left of the original cornice and entablature above the arcade arch, except the line of its locations, it is critical that it be consistent from building to building in order to maintain the continuity of the arcade.

The remainder of the facade above the arcade cornice and entablature and the design of the building behind the arcade must observe the City and Venice Community codes and guidelines and should be in keeping with the character and spirit of the original architecture. Proposed height limitations are indicated on Exhibit A.

There is a slight slope to the east-west streets, Market Street, and Windward Avenue, the high point at the Pacific Avenue end and the low point at the Ocean Front Walk end. As a result of this slope, the height of the columns and continuous cornice and entablature, which is level, varies from grade. This variation measures approximately 8'-9" from top of curb to top of column capital at the northwest corner of Windward Avenue and Pacific Avenue and approximately 12'-0" at the northeast corner of Windward Avenue and Ocean Front Walk. Projects shall conform to the slope variation.

Property Owners shall be responsible for having a licensed surveyor ensure that the cornice, entablature and column capitals align with this slope.

Column Spacing Along Street: On Windward, existing column spacing ranges from 11'-5" on center to 12-'5" on center. New column spacing shall fall within this range. On Market Street, existing column spacing ranges from 9'-10 1/2" on center to 14'-7 1/2" on center. New column spacing shall fall within this range. On Ocean Front Walk, new columns shall be spaced within the same range as for Windward Avenue.

Arch Height Along Windward Avenue: Arches measure approximately 5'-0" high from top of column capital to bottom of arch. This height shall be maintained in new arcades. (See Exhibit "B".)

Column Design: Base is an octagon measuring 2'-1" from one side to the opposite and is approximately 1'-3" tall. Column shaft diameter at bottom is 1'-6" and tapers per Exhibit "B". Capital is a custom "Corinthian" style measuring 23" high, which shall match existing column capitals.

Deviations from Column Spacing Standards and Arch Heights: Deviations from column spacing standards or arch heights are permitted for the following reasons and/or at the following locations:

- o Along Market Street and Windward Avenue: Column spacing and/or arch height may be altered for vehicular parking access into a building. The height of the arch, however, cannot go higher than the bottom of the entablature. No more than three column bays shall be allowed to deviate from the standard along Market Street and Windward Avenue. Department of Transportation must approve vehicular access to all projects in addition to these guidelines.

- o Along Ocean Front Walk: Portions of the new arcade location may be deleted along Ocean Front Walk only. These deleted arcade portions cannot exceed 25% of the total length of the project along Ocean Front Walk. No projections other than those allowed by applicable code will be permitted over the portion of the property line where the arcade has been deleted.

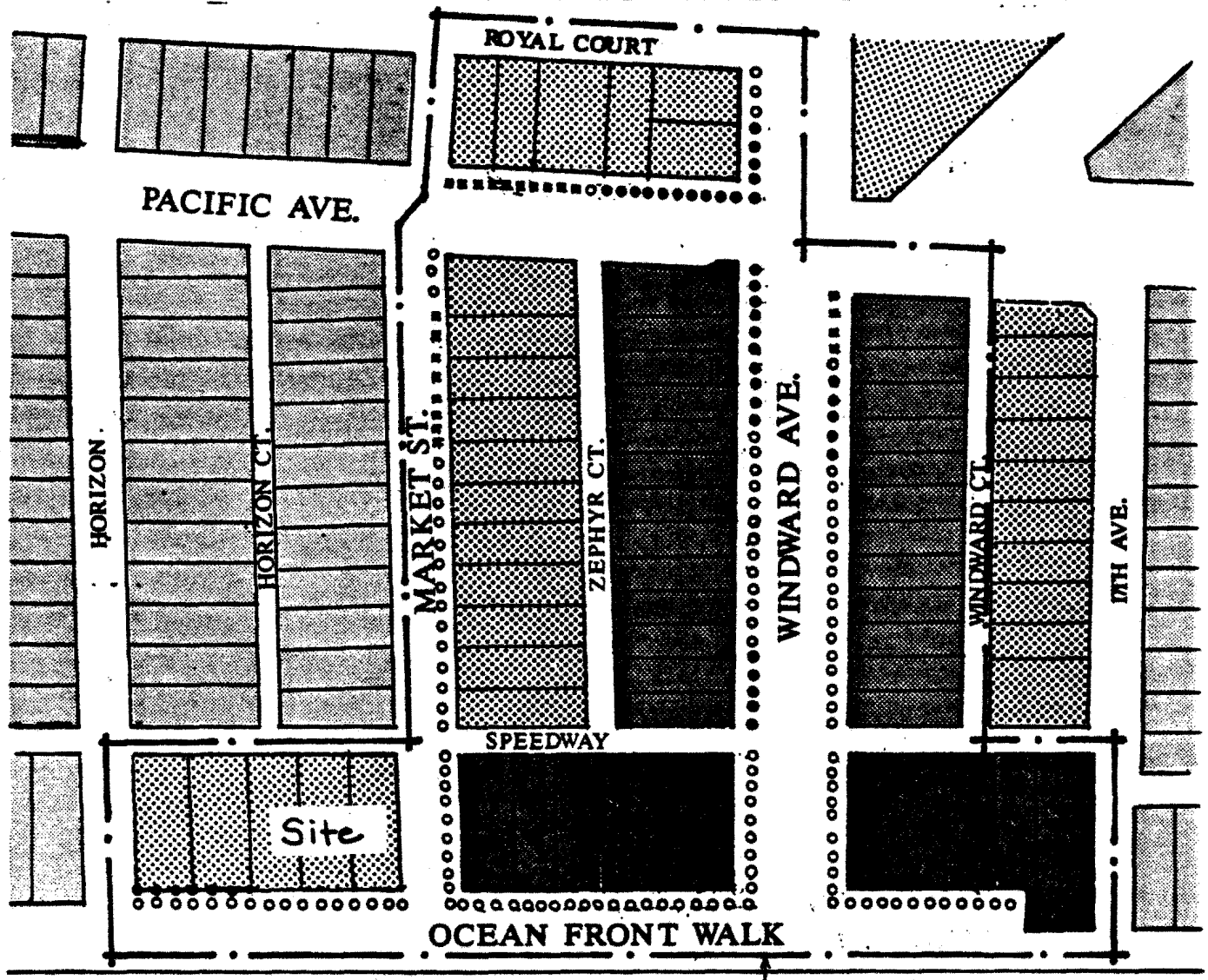
4. ARCADE PRESERVATION:

No demolition of any of the existing arcades shall be permitted unless it has been determined to be structurally unsafe and economically more feasible to replicate the existing arcade with a new "replacement" arcade. Remodeling of existing arcaded buildings or additions above or behind the arcades are permitted as long as they are consistent with all other guidelines within this section as well as other applicable City and Community guidelines for new construction, additions, and remodels. The existing arcades themselves must either be kept as they are or restored to this section's guidelines.

5. ALLOWABLE BUILDING HEIGHT AND FLOOR AREA RATIO (F.A.R.) DENSITY:

As per Exhibit "A", there is a scaled height limit in this area of Venice which allows a transition from the lower maximum allowable height limits in the rest of Venice to a maximum allowable height along Windward Avenue between Pacific Avenue and Ocean Front Walk. The Floor Area Ratio is determined by lot size within property lines at ground level. Therefore, air, subterranean, and column vacation areas shall not be permitted to enter into the F.A.R. calculations.

VENICE HISTORICAL ARCADE AREA



LEGEND

- EXISTING ARCADE
- NEW ARCADE
- LOW ZONE - building height as defined by other sections of this document
- MEDIUM ZONE - 30 feet - 45 feet - building height
- HIGH ZONE - 45 feet - 52 feet - building height plus: (10 feet maximum to top of: sloped roofs, towers, decorative parapets, gables & cornices, provided they comprise no more than 25% of total lot area and no more than 50% across length of each elevation.)
- EXISTING NON-CONFORMING ARCADE

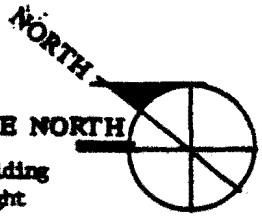


EXHIBIT "A"

COASTAL COMMISSIO

EXHIBIT # 6
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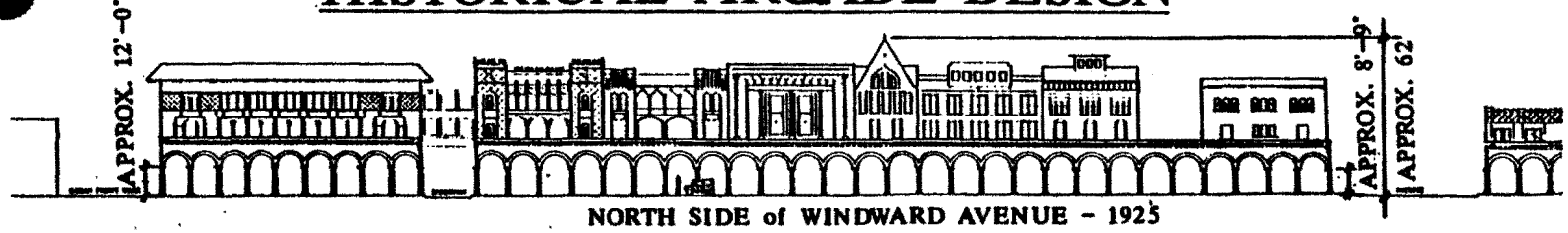
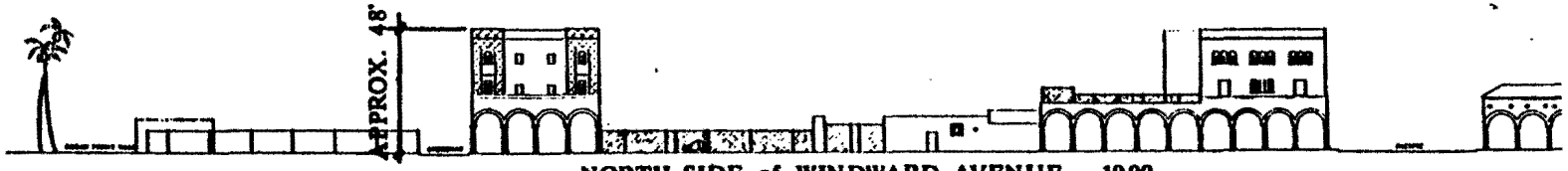
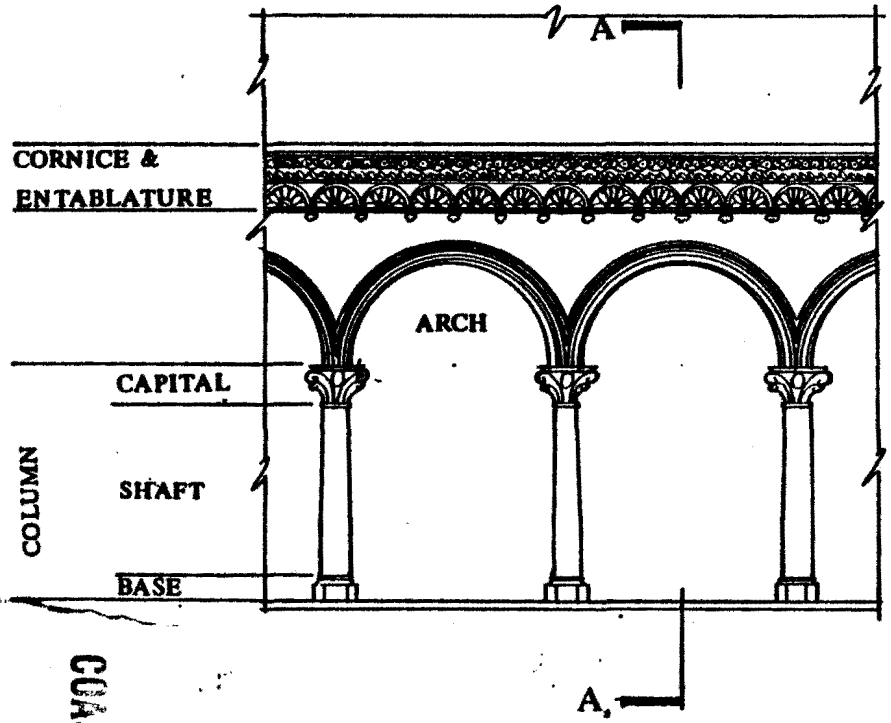
HISTORICAL ARCADE DESIGN



NORTH SIDE of WINDWARD AVENUE - 1925

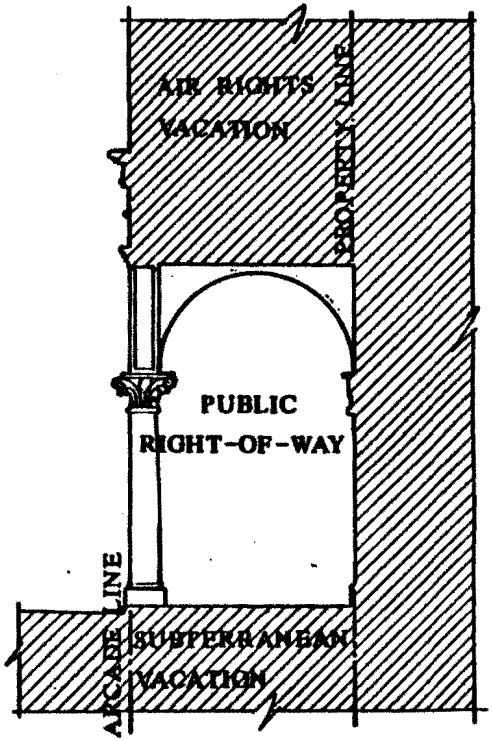


NORTH SIDE of WINDWARD AVENUE - 1990



ARCADE ELEVATION

EXHIBIT "B"

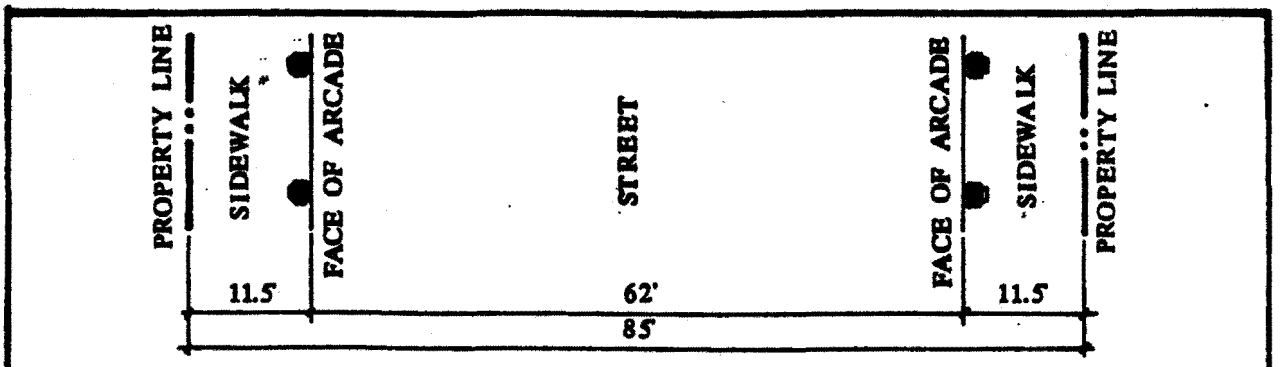


ARCADE SECTION A-A

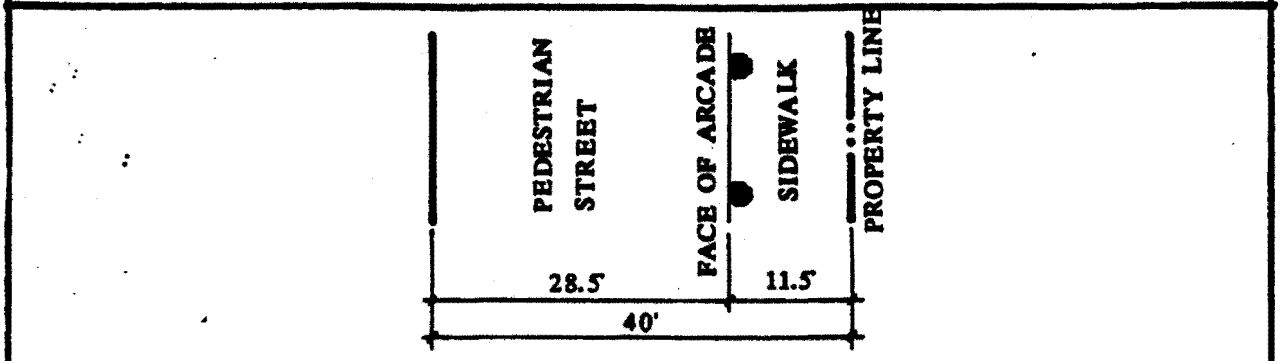
COASTAL COMMISSION

EXHIBIT # 6
PAGE 9 OF 12

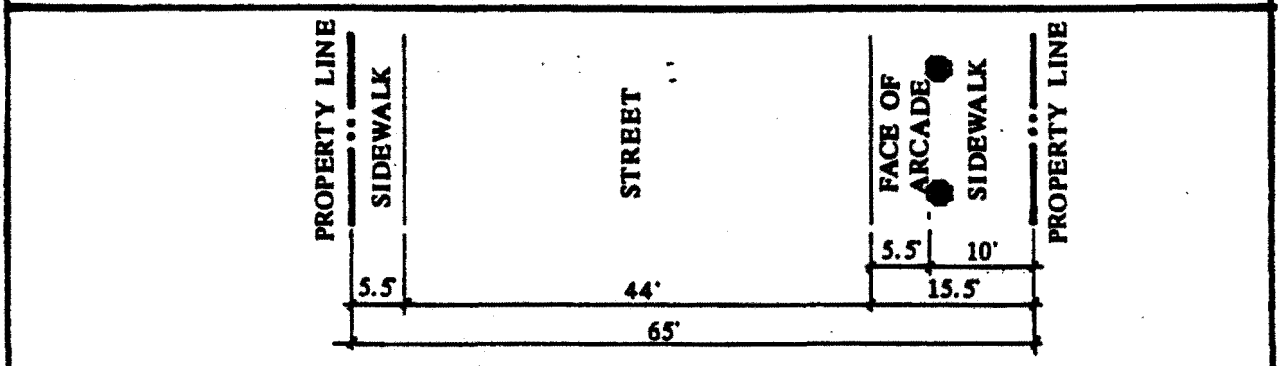
ARCADE STREET WIDTHS & DESIGNATIONS



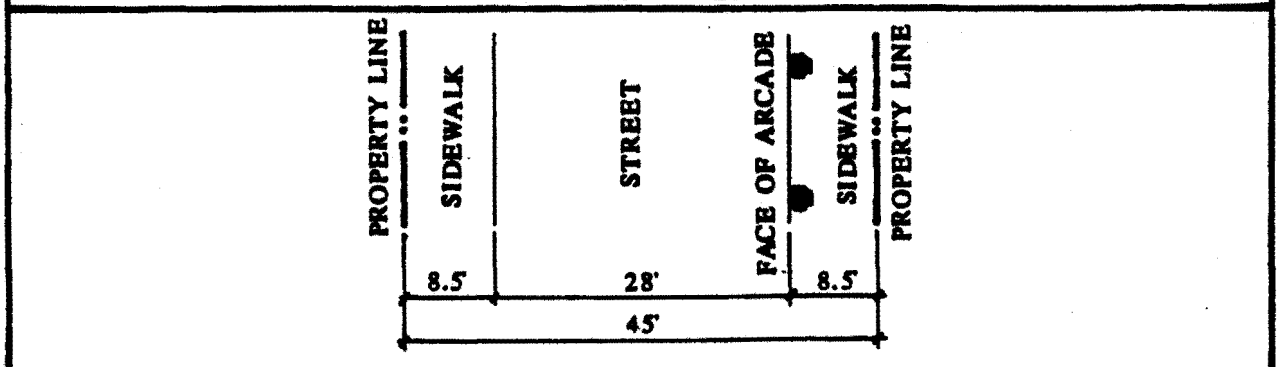
WINDWARD AVENUE



OCEAN FRONT WALK



PACIFIC AVENUE

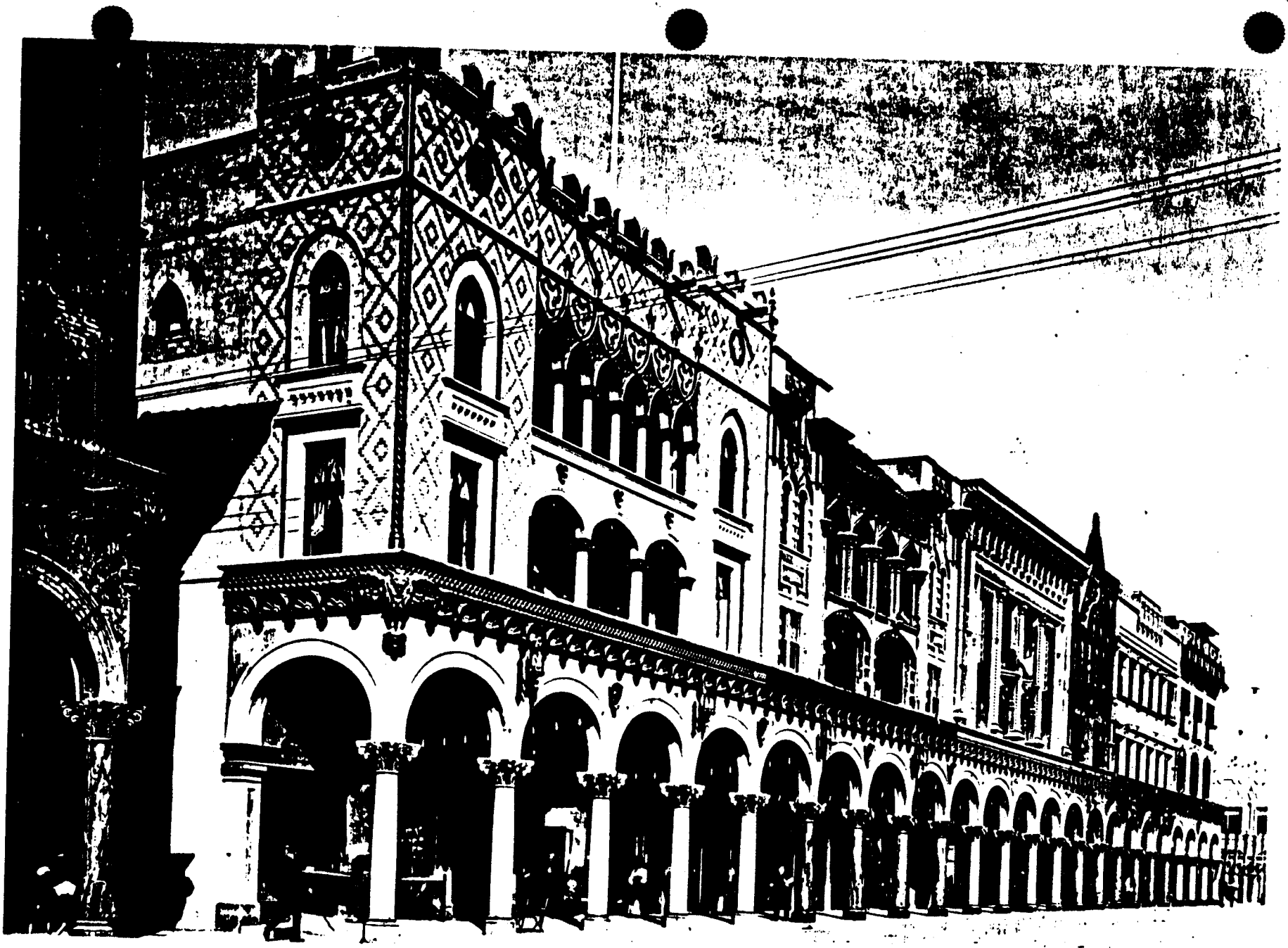


MARKET STREET

Dimensions indicated above are approximate based on field measurements and may vary slightly along street.

EXHIBIT "C"
COASTAL COMMISSION

EXHIBIT # 6
PAGE 10 OF 12



WINDWARD AVE. - CIRCA 1925

WINDWARD ARCADE – CIRCA 1905