

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 2/19/97
49th Day: Waived
180th Day: 8/18/97
Staff: CP-LB
Staff Report: 4/10/97
Hearing Date: May 13-16, 1997
Commission Action:



Tu Ha

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles
DECISION: Approved with Conditions
APPEAL NUMBER: A-5-VEN-97-032
APPLICANT: Werner G. Scharff
AGENT: Mark Ryavec
PROJECT LOCATION: 1105-1119 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.
PROJECT DESCRIPTION: Conversion of 12 ground floor units (6,277 sq. ft.) in an existing 44 unit residential building to commercial retail use. Twenty-five parking spaces are proposed to be leased in a parking lot located approximately 1000 feet from the site.
APPELLANT: Executive Director

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons: The project, as approved by the City of Los Angeles, does not comply with the parking requirements contained in the Commission's Interpretive Guidelines which provide guidance for the implementation of the coastal access policies of the Coastal Act. The proposed off-site parking is located approximately 1000 feet from the project site. The California Coastal Commission's Regional Interpretive Guidelines for Los Angeles County state that off-site parking should be located within 300 feet of the development it serves if on-site parking is not available.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Local Coastal Development Permit No. 96-012 (Scharff).
2. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.
3. City of Los Angeles Venice Interim Control Ordinance No. 170,556.
4. Coastal Development Permit 5-96-178 (Neal).
5. Coastal Development Permit 5-93-332 (Sands).

I. APPELLANT'S CONTENTIONS

The Executive Director has appealed the City of Los Angeles decision to approve a Local Coastal Development Permit with conditions for the conversion of 12 ground floor units (6,277 sq. ft.) in an existing 44 unit residential complex to commercial retail use (Exhibits #4&5). Although the applicant has proposed to provide an adequate amount of parking spaces for the proposed conversion, it is the location of the proposed parking spaces is the issue of this appeal. The applicant proposes to lease 25 off-site parking spaces in a parking lot located approximately 1000 feet from the project site (Exhibit #2).

The Executive Director's appeal contends that the distance between the project site and the proposed parking area (about 1000 feet) raises a substantial issue of consistency with Section 30252 of the Coastal Act. Section 30252 of the Coastal Act requires new development to provide adequate parking facilities to serve the needs of the development. The proposed off-site parking spaces may be located too far from the proposed commercial use to actually be used to meet the additional parking demands generated by the project. The California Coastal Commission's Regional Interpretive Guidelines for Los Angeles County state that off-site parking should be located within 300 feet of the development it serves if on-site parking is not available.

The Executive Director's appeal also contends that the City's approval of the proposed project could prejudice the local government's ability to prepare a Local Coastal Program that is in conformity with the public access policies of the Coastal Act. For these reasons, the Executive Director recommends that the Commission find that a substantial issue exists in regards to the City's approval.

II. LOCAL GOVERNMENT ACTION

A public hearing for a Local Coastal Development Permit and a variance was held before the Los Angeles City Zoning Administrator on November 7, 1996. On December 27, 1996, the Zoning Administrator approved with conditions Local Coastal Development Permit No. 96-012 and a parking variance for the proposed project.

The Zoning Administrator found that: 1) a commercial retail use is the preferred use on the ground floor of the site because the existing residential uses are negatively impacted by their direct physical relationship to Ocean Front Walk, a popular beach fronting boardwalk; 2) approximately 85% of the

boardwalk is commercial; 3) it is physically infeasible to locate all of the required parking on the site; 4) beach goers generally park in one location and shop all along the boardwalk so the proposed project will not generate new trips; and 5) other nearby properties have been granted variances for off-site parking lease agreements [see Coastal Development Permit 5-96-178 (Neal @ 8 Brooks Avenue) & Coastal Development Permit 5-93-332 (Sands @ 615 Ocean Front Walk)].

The special conditions of Local Coastal Development Permit No. 96-012 require the reservation of twelve of the existing on-site parking spaces for use by the proposed twelve commercial retail units, and the lease of 25 additional spaces on lot located within 1000 feet of the site. The lease for the off-site parking must be a minimum five-year term and may not contain a termination clause. There was no appeal of the Local Coastal Development Permit at the City level.

The City's Notice of Final Local Action was received in the Commission's Long Beach office on January 17, 1997. The Commission's required twenty working day appeal period was established on January 21, 1997. The Executive Director's appeal of the Local Coastal Development Permit was filed on February 19, 1997. A public hearing on the appeal was scheduled for the Commission's April 8-11, 1997 meeting in Huntington Beach, but the applicant requested a postponement and waived the 49 day hearing requirement.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program, a local jurisdiction may, with respect to development within its area of jurisdiction in the the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a Coastal Development Permit. Pursuant to this provision, the City of Los Angeles developed a permit program in order to exercise its option to issue Coastal Development Permits in 1978.

Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued Coastal Development Permits. Section 30602 of the Coastal Act allows any action by local government on a Coastal Development Permit application evaluated under Section 30600(b) to be appealed to the Commission.

After a final local action on a Coastal Development Permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds substantial issue, the Commission the holds a new public hearing to act on the Coastal Development Permit as a de novo matter.

In this case, the Notice of Final Local Action was received on January 17, 1997, and the appeal was filed on February 19, 1997. Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal unless the applicant waives the 49 day requirement. A public hearing on the appeal was scheduled for the Commission's April 8-11, 1997 meeting in Huntington Beach, but the applicant requested a postponement and waived the 49-day hearing requirement.

At this point, the Commission may decide that the appellant's contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists with the action of the local government if it finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976. If the Commission finds substantial issue, then the hearing will be continued as a de novo permit request. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

IV. DUAL PERMIT AREA

The proposed development involves two separate types of Coastal Development Permit jurisdiction. Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a Coastal Development Permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a Local Coastal Development Permit also obtain a permit from the Coastal Commission. For projects in other areas, such as the Single Jurisdiction area, the City of Los Angeles Coastal Development Permit is the only Coastal Development Permit required.

The proposed development is located within three hundred feet of the inland extent of the beach, an area that was designated as within the Dual Permit Jurisdiction area by the Commission pursuant to Section 13307 of the California Code of Regulations.

In this case, if the Commission finds that a substantial issue exists in regards to the City's approval of the Local Coastal Development Permit, the subsequent de novo action for the proposed project will combine both the required Local Coastal Development Permit decision and the required Coastal Commission Coastal Development Permit decision. The matter will not be referred back to the local government.

On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the Local Coastal Development Permit, then the Commission will act on the required Coastal Commission Coastal Development Permit as a separate agenda item. In this case, the public hearing for the required Coastal Commission Coastal Development Permit is scheduled later today.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

MOTION. Staff recommends a NO vote on the following motion:

I move that the Commission determine that Appeal No. A-5-VEN-97-032 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the conversion of twelve ground floor units (6,277 sq. ft.) in an existing 44 unit residential complex to commercial retail use. The 44 existing residential units are currently served by 36 on-site parking spaces. The twelve proposed ground floor retail units face Ocean Front Walk, a popular boardwalk in Venice. The public beach is located directly in front of the site across Ocean Front Walk.

The proposed project is situated within an existing 44 unit residential complex consisting of three buildings (Exhibit #4). The site is a commercially zoned parcel which occupies almost the entire block between Ocean Front Walk, Wave Crest Avenue, Club House Avenue, and Speedway, the rear alley (Exhibit #2). Ocean Front Walk is a popular commercial and residential pedestrian street on the beachfront which attracts many tourists and day visitors.

In order to meet the parking demands of the proposed retail conversion project, the City has required the applicant to provide 37 parking spaces to meet the needs of the proposed project. The required 37 parking spaces for the retail conversion project are in addition to 26 on-site parking spaces that must be reserved for the remaining 32 residential units in the complex. The City approval requires a total of 63 parking spaces to serve the proposed twelve retail units and 32 residential units.

By adding two new parking spaces to the site for a total of 38 on-site parking spaces, the applicant has twelve on-site spaces to serve the proposed retail conversion project and 26 on-site parking spaces for the remaining 32 residential units. Each of the twelve proposed retail units will have one on-site parking space. Twenty-five additional parking spaces are proposed to be leased in a parking lot located 1000 feet from the site (Exhibits #2&3).

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program are the Chapter 3 policies of the Coastal Act. Any such local government Coastal Development Permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that there is a substantial issue.

The Executive Director's appeal contends that the distance between the project site and the proposed parking area (about 1000 feet) raises a substantial issue of consistency with Section 30252 of the Coastal Act. Section 30252 of the Coastal Act requires new development to provide adequate parking facilities to serve the needs of the development. The proposed off-site parking spaces may be located too far from the proposed commercial use to actually be used to meet the additional parking demands generated by the project. The Executive Director's appeal also contends that the City's approval of the proposed project could prejudice the local government's ability to prepare a Local Coastal Program that is in conformity with the public access policies of the Coastal Act.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Therefore, in order to conform to the Chapter 3 policies of the Coastal Act, the proposed project must provide an adequate parking supply to meet the needs of the proposed new development. Adequate parking means that parking sufficient to meet the demands generated by the proposed development must be provided on the site or within a reasonable distance of the site. The Commission's Interpretive Guidelines and previous actions are used to determine how many spaces are sufficient and what is a reasonable distance for off-site parking.

The Commission has consistently referred to the California Coastal Commission's Regional Interpretive Guidelines for Los Angeles County for guidance when reviewing development proposals. The Regional Interpretive

Guidelines were adopted by the Coastal Commission in 1980 in order to provide guidance for the consistent implementation of the Chapter 3 policies of the Coastal Act regarding building density, building design, building heights, parking standards, and other standards of development.

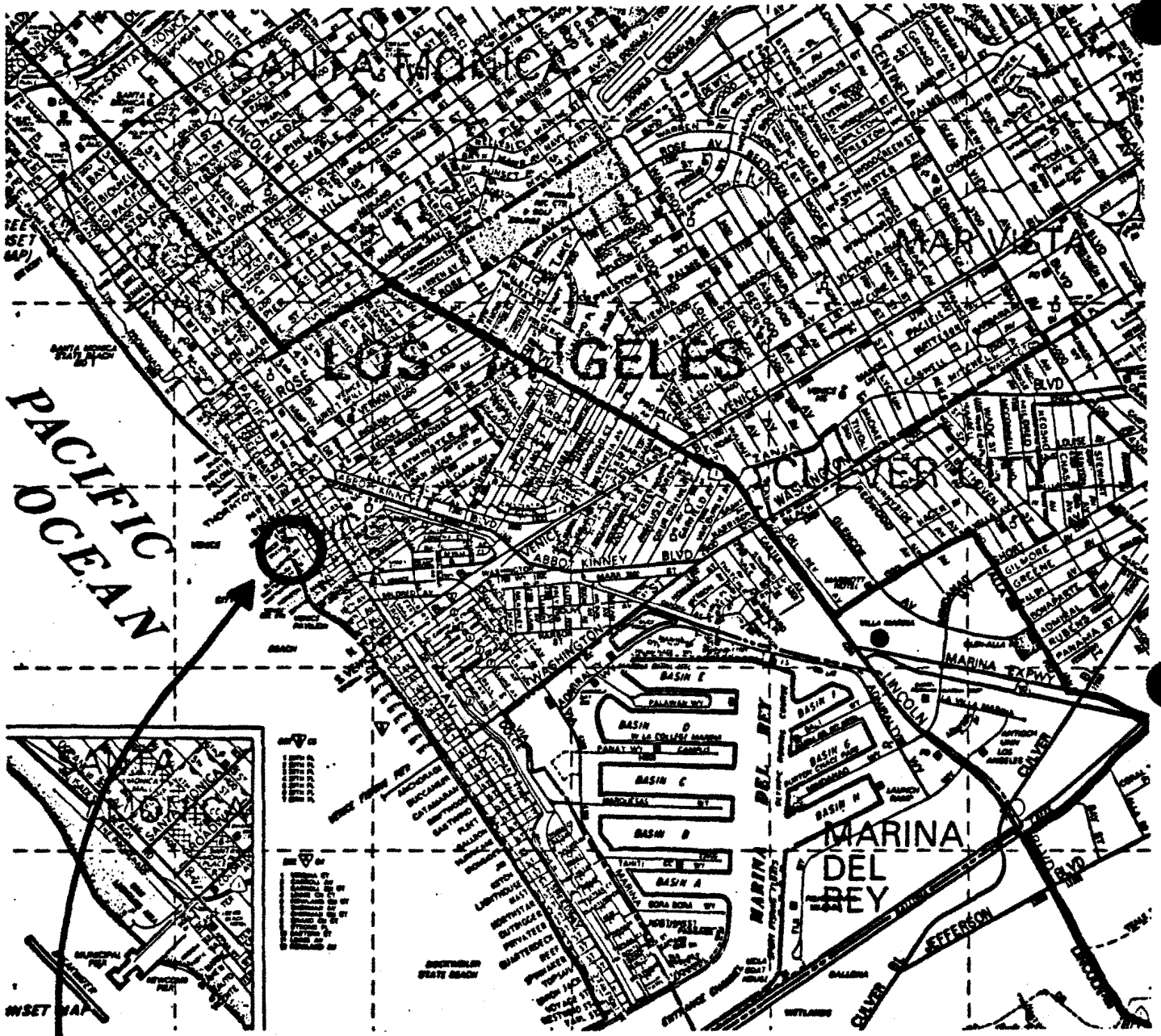
The project, as approved by the City, does not conform to the Commission's standards contained in the Interpretive Guidelines regarding off-site parking requirements. The Commission's Guidelines allow off-site parking to be used for commercial uses when on-site parking is not available, but the Guidelines state that off-site parking should be located within 300 feet of the development it serves. The off-site parking must also be unencumbered and available for long-term lease. The proposed project includes 25 leased parking spaces located approximately 1000 feet from the project site (Exhibit #2).

The Commission's Guidelines require that off-site parking must be located within a reasonable distance from the site so that the parking will be utilized by the people it is meant to serve: the owners, employees and customers of the commercial uses. The Guidelines' limitation of 300 feet defined the reasonable distance for off-site parking. Off-site parking that is farther than 300 feet from the site is not as likely to be used by the owners, employees and customers of the proposed commercial uses, especially if they can find closer parking facilities in other commercial lots or public parking areas. Even if the project site has informational signs, the customers of the proposed commercial uses may not be able to find the off-site parking supply. For these reasons, the Commission usually requires that off-site parking for commercial uses in Venice be located within 300 feet of the site.

The Commission may grant exceptions to the Interpretive Guidelines it finds the project to be consistent with the Chapter 3 policies of the Coastal Act. The Chapter 3 policies of the Coastal Act are the standard of review for this project. However, because the Interpretive Guidelines were adopted by the Commission to provide guidance for the consistent implementation of the Chapter 3 policies of the Coastal Act, and the project does not conform to the guidelines, the City's approval of the project does raise a substantial issue in regards to the Chapter 3 policies of the Coastal Act, and it should be reviewed by the Coastal Commission in order to ensure that the approval does not prejudice the local government's ability to prepare a Local Coastal Program that is in conformity with the public access policies of the Coastal Act.

Because of the importance of the Coastal Act issues involved with the proposed project, the Commission should look at it very closely. The Commission will have the opportunity to review the proposed project at the subsequent de novo hearing and at the required Coastal Commission permit hearing. The exception granted to the proposed project by the City requires review by the Commission to ensure that the public's coastal resources are adequately protected.

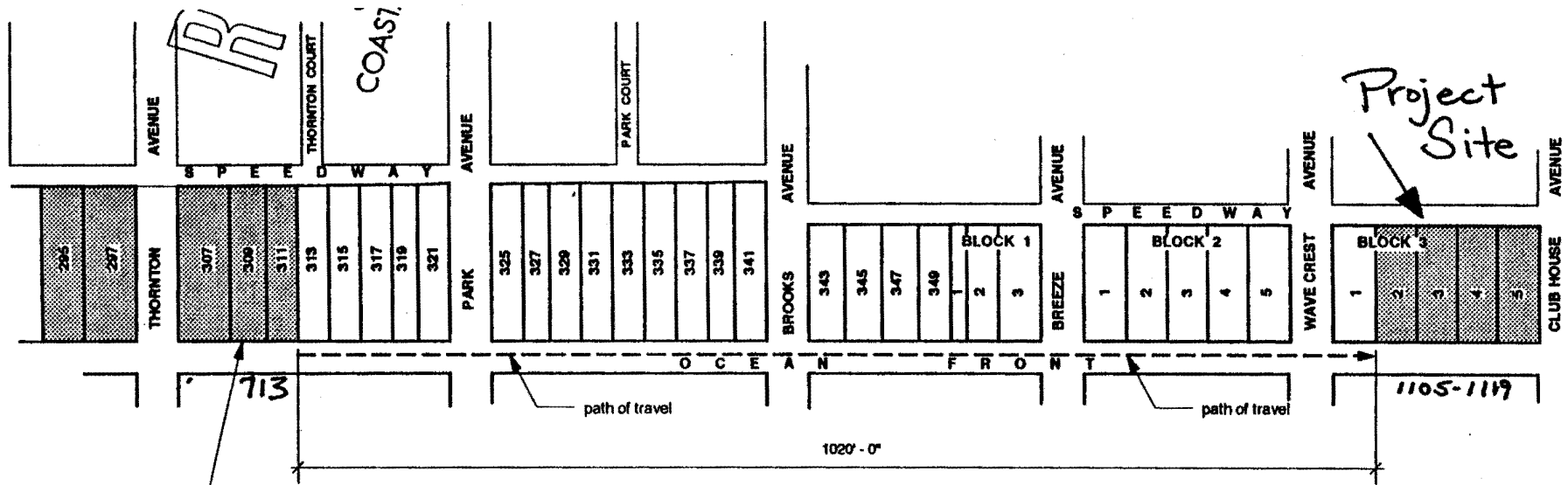
Therefore, the Commission finds that a substantial issue exists with respect to the proposed project's conformance with the Chapter 3 policies of the Coastal Act, and with the approval of Local Coastal Development Permit 96-012.



Site

COASTAL COMMISSION
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EXHIBIT # 1
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NOTE:

THE DISTANCE FROM SOUTH WESTERLY CORNER OF LOT # 311 OF TRACT GOLDEN BAY TRACT TO NORTH WESTERLY CORNER OF LOT 2, BLOCK 3, TRACT COUNTRY CLUB IS 1,020' IN LENGTH

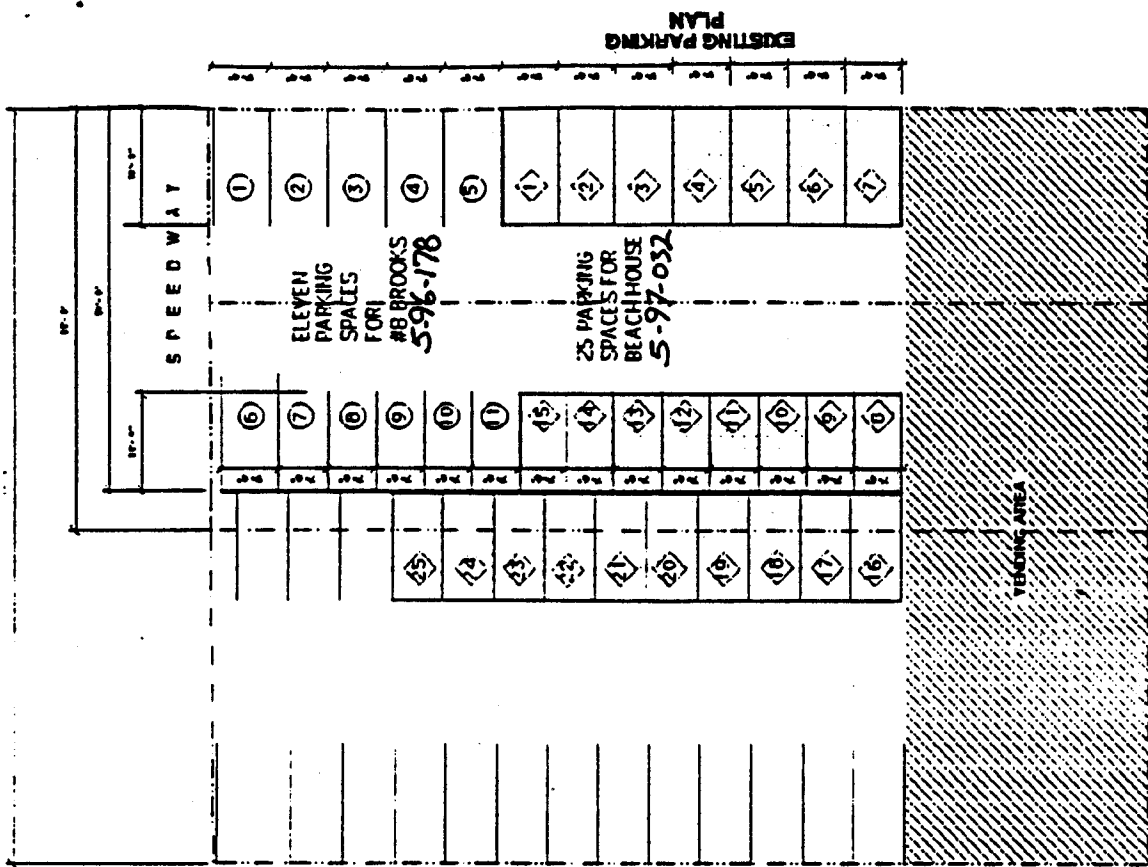
OFF-SITE PARKING

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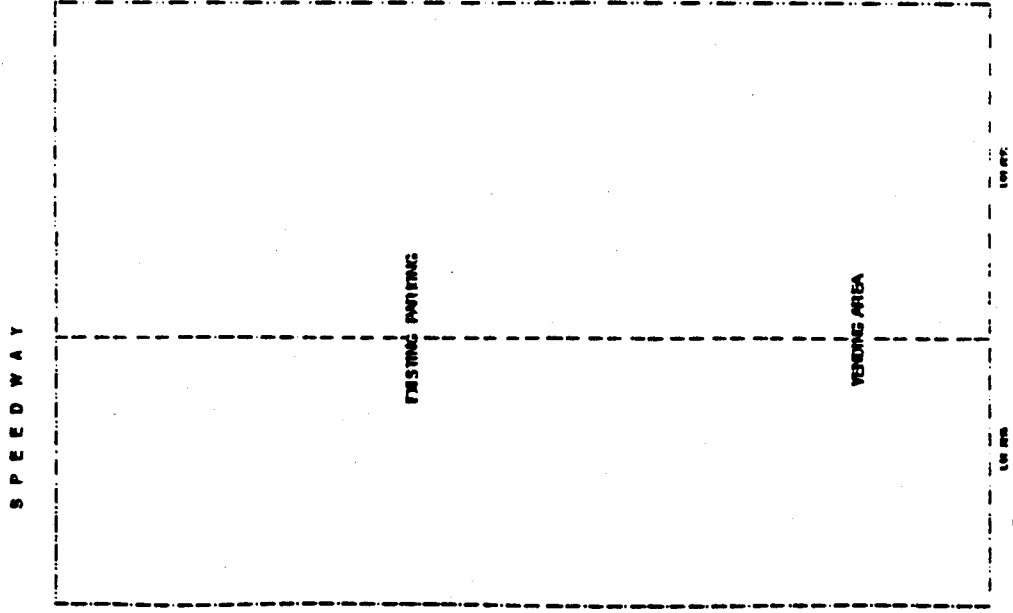
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EXHIBIT # 2

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THOMNTON AVENUE



EXISTING PARKING 713 Ocean Front Walk
SCALE 1/8" = 1'-0"

OCEAN FRONT WALK

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EXHIBIT # 3
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1101-19 OCEAN FRONT WALK PARKING.

BUILDING A:

EXISTING FIVE STORY BUILDING,
MIXED OCCUPANCY - RETAIL AND APARTMENTS
BUILT PRIOR TO 1937
NO PARKING REQUIRED

BUILDING B + C:

EXISTING TWO STORY APARTMENT BUILDINGS
WITH ATTACHED GARAGE.
32 APARTMENTS AND 12 GUEST ROOMS
BUILT IN 1967
38 PARKING SPACES REQUIRED, 38 PROVIDED.

D PORTION OF BUILDING B:

CONVERSION OF (12) TWELVE EXISTING APARTMENTS
AT THE GROUND FLOOR TO 12 RETAIL STORES.

TOTAL GROSS CONVERSION AREA = 6,277 SQ.FT.

PARKING REQUIRED :

6,277 / 225 = **27.9 PARKING SPACES**

(PER CITY OF L.A.)

6,277 / 640 = **9.8 PARKING SPACES**

(PER VENICE ICO)

CREDIT FOR PARKING ALLOCATED TO

EXISTING APARTMENTS

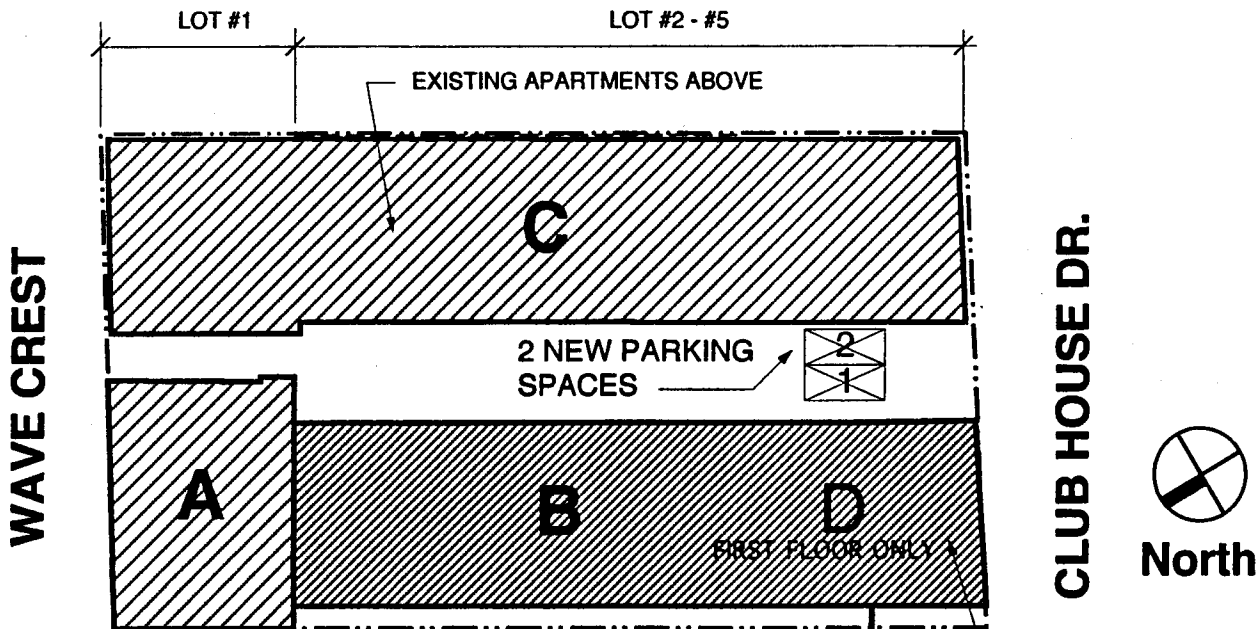
12 x .86 = **-10.3 PARKING SPACES**

TOTAL PARKING

REQUIRED (Additional) 27.4 (27)

2 PARKING SPACES WOULD BE PROVIDED ON SITE.
25 PARKING SPACES WOULD BE PROVIDED OFF SITE.

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MAR 17 1997
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1101-19 OCEAN FRONT WALK

PLOT PLAN

OCEAN FRONT WALK

SCALE: 40' = 1"

CONVERT EXISTING
12 APARTMENT
UNITS TO RETAIL
(6,277 S.F. TOTAL)

COASTAL COMMISSION

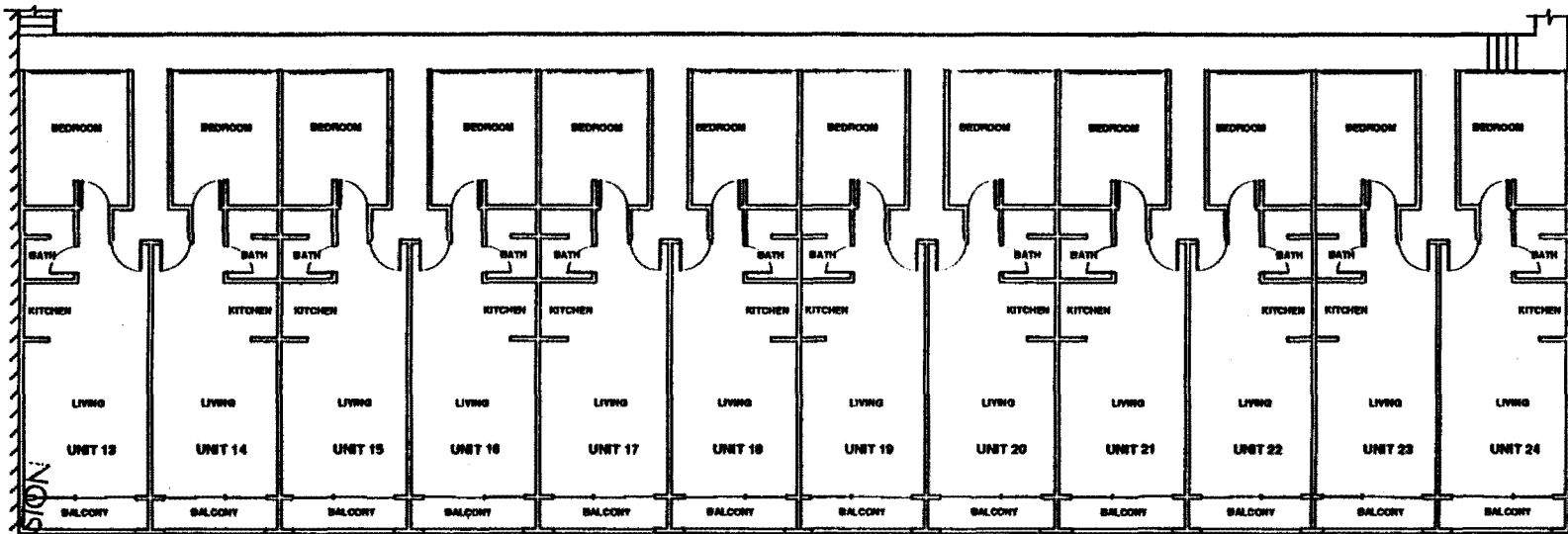
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EXHIBIT # 4

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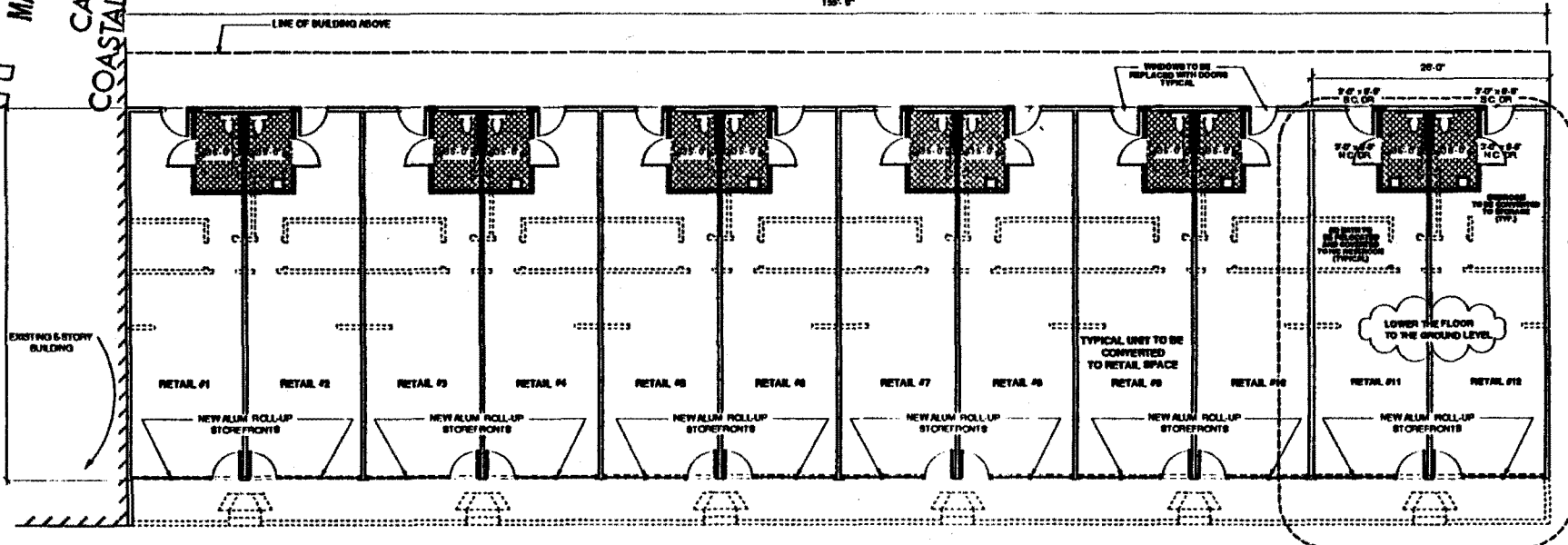
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SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

150'-0"



FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"

- WALL LEGEND**
- NEW WALL
 - EXISTING WALL
 - DEMOLISHED WALL

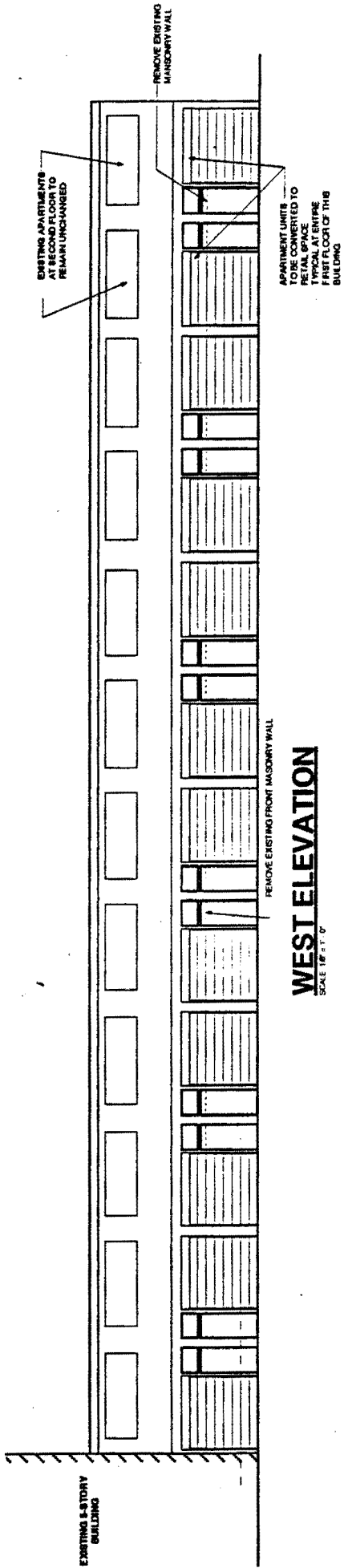
NOTE:
SEE SHEET A2 FOR FLOOR LAYOUT IN PARKING.

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EXHIBIT # 5

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WEST ELEVATION
SCALE 1/8" = 1'-0"

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EXHIBIT # C

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