

CALIFORNIA COASTAL COMMISSION

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Filed: 10/6/2003
49th Day: 11/24/2003
180th Day: 4/3/2004
Staff: CP-LB
Staff Report: 11/20/2003
Hearing Date: December 11, 2003
Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-03-372

APPLICANT: Jose Bunge

AGENT: Peter Elias

PROJECT LOCATION: 70 Windward Avenue, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Construction of a three-level, thirty-foot high, mixed use building with 450 square feet of ground floor retail space, one 1,767 square foot residential unit, a four-car garage, 161 square foot loading area, and replica historic colonnade/arcade over the Windward Avenue sidewalk.

Lot Area	2,040 square feet
Building Coverage	2,040 square feet
Pavement Coverage	0 square feet
Landscape Coverage	0 square feet
Parking Spaces	4
Zoning	C2-1
Plan Designation	Commercial Aircraft
Ht above final grade	30 feet (plus 42 inch roof railing)

LOCAL APPROVAL: City of Los Angeles Local Coastal Development Permit & Project Permit Case No. APCW-2003-1123, 7/17/2003.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. Coastal Development Permit 5-92-472 (A.Huston: 57 Windward Ave.).
3. Coastal Development Permits 5-92-339 & Amendment (R.Goodfader: 1501 OFW).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to the permitted uses, completion of the proposed replica historic colonnade/arcade, encroachments on the public sidewalk, provision of on-site parking, building height and permit compliance. The applicant agrees with the recommendation. **See Page Two for the motion.**

STAFF NOTE:

The proposed project is located one block inland of the Venice Boardwalk (Ocean Front Walk) within three hundred feet of the beach (Exhibit #2). Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of Title 14 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission. The City issued Local Coastal Development Permit No. APCW-2003-1123 on July 17, 2003. The local coastal development permit action was not appealed to the Commission.

STAFF RECOMMENDATION:

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

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

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

I. Resolution: Approval with Conditions

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

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a

diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permitted Use of Structure

The permitted use of the approved structure is limited to one single family residence, and one 450 square foot commercial retail unit on the ground floor. This coastal development permit permits no restaurant use or customer seating area. Any proposed change in use, intensification of use, or change in the number of residential units 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.

2. Completion of the Proposed Replica Historic Colonnade/Arcade

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide, for the review and approval of the Executive Director, evidence that the City has granted the necessary approval (e.g. encroachment permit) for the construction of the proposed replica historic colonnade/arcade over the City right-of-way in front of the project site. The replica historic colonnade/arcade that the applicant has proposed to build over the Windward Avenue sidewalk as part of the project shall be constructed and opened to public use concurrent with the permitted development that occurs on the private property located at 70 Windward Avenue, Venice (See Exhibit #5 of staff report dated 11/20/03). Any proposed change in to the design or location of the proposed replica historic colonnade/arcade 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.

3. Public Sidewalk Under the Colonnade/Arcade – No Encroachments

The Windward Avenue public sidewalk which will be covered by the proposed replica historic colonnade/arcade is a public sidewalk which shall be maintained as a public accessway and kept clear of encroachments or other obstructions to public access. Prohibited encroachments include, but are not limited to: tables, signs, displays and merchandise racks.

4. Parking

The proposed on-site parking supply (four spaces) and on-site loading area shall be provided and maintained as shown on the proposed project plans (See Exhibit #3 of staff report dated 11/20/03). One pair of the tandem on-site parking spaces shall be reserved for use by the residents of the single family residence, and the other pair of the tandem on-site parking spaces shall be available for use by the employees and customers of the 450 square foot commercial retail unit on the ground floor.

5. Building Height

The roof of the approved structure shall not exceed thirty feet (30') in elevation above the Windward Avenue right-of-way. The parapet, roof deck railings, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to thirty-five feet (35') in elevation above the Windward Avenue right-of-way. No roof access structure is permitted by this action.

6. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a thirty-foot high mixed-use building on a vacant lot located one block inland of the beach in North Venice (See Exhibits). The proposed project includes 450 square feet of ground floor retail space, one 1,767 square foot residential unit, a four-car garage and a 161 square foot loading area (Exhibit #3). The applicant also proposes to build a replica historic colonnade/arcade over the Windward Avenue sidewalk to match the colonnade/arcade that exists on either side of the project site (Exhibit #6).

The proposed project is located within the boundaries of the City's Windward Historic Arcade District. Policy I.F.4 of the certified Venice LUP states:

- **Policy I. F. 4. Windward Historic Arcade.** *The Windward Historic Arcade District boundaries are the south side of Market Street between Pacific Avenue and Ocean Front Walk on the north, the east side of Ocean Front Walk between Horizon Avenue and the 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. New development shall maintain and preserve the historical arcade area of Venice and*

be required, where feasible, to restore or replicate the arcade if they fall within the historic arcade locations.

The existing public sidewalk that will be covered by the proposed colonnade/arcade will remain a public sidewalk. The applicant has applied to the City of Los Angeles Department of Public Works for the necessary encroachment permit to build the proposed colonnade/arcade over the City right-of-way. The City Planning Department has already approved and issued Local Coastal Development Permit No. APCW-2003-1123 for the proposed development.

The project site is a 2,040 square foot lot located on the south side of Windward Avenue one block inland of the Venice Boardwalk (Exhibit #2). Windward Avenue was originally developed with hotels, restaurants and tourist attractions in the early 1900s as the centerpiece of Abbot Kinney's "Venice of America" development. The street is now comprised of a mix of small retail establishments, restaurants and residential uses, and is still considered the heart of Venice Beach.

The Commission has recognized in both prior permit and appeal decisions that the North Venice area, where the proposed project is located, is a unique coastal community. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the North Venice neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community.

On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP maintains the City's and Coastal Commission's previous density limits and parking standards for the North Venice area. The height limit was increased from thirty feet to 35 feet for buildings with varied or steeped-back rooflines. The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood.

The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that approved developments are consistent with the Coastal Act and the certified LUP, when necessary. In order to mitigate the identified impacts, the appropriate special conditions have been applied to this coastal development permit. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and the certified Venice LUP.

B. Land Use

The certified Venice LUP designates the project site with the Commercial Artcraft land use designation, which allows a mix of residential and small business uses. The applicant is proposing to use the structure as a residence and a small retail business. Therefore, the proposed project conforms with the land use designation set forth for the project site in the

certified Venice LUP. The proposed uses are also consistent with the Chapter 3 policies of the Coastal Act and prior Commission actions in the North Venice area.

C. Community Character

The proposed project is located within the boundaries of the City's Windward Historic Arcade District. The applicant is proposing to provide a replica historic colonnade/arcade over the Windward Avenue sidewalk as called for by LUP Policy I.F.4. The proposed replica colonnade/arcade would match the colonnade/arcade that exists on buildings situated on each side of the proposed project (Exhibit #6). A special condition requires that the applicant obtain the City's final approval for the proposed replica colonnade/arcade, and that the entire project (i.e., retail/residence and the colonnade/arcade) be built and opened at the same time. Any proposed change in to the design or location of the proposed replica historic colonnade/arcade 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. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

In order to protect public access, community character and visual quality in the North Venice area, the Commission has consistently limited building heights. The proposed project has a thirty-foot high roof with a parapet and roof deck railings (Exhibit #5). The proposed project conforms to the thirty-foot height limit for flat-roofed projects in North Venice. In order to ensure that the proposed project is constructed as approved, the permit approval is conditioned to limit the roof height and any chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

D. Parking

The applicant proposes to provide four on-site parking spaces within garage accessed from the rear alley: one pair of the tandem on-site parking spaces will be reserved for use by the residents of the single family residence, and the other pair of the tandem on-site parking spaces will be available for use by the employees and customers of the 450 square foot commercial retail unit on the ground floor (Exhibit #3). No curb cuts are proposed on Windward Avenue. The four proposed on-site parking spaces and the loading area provide an adequate parking supply for the proposed project. A special condition is necessary to ensure that a parking deficiency does not occur as a result of converting the ground floor to another more intense use or creating additional residential units. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

E. Recreation Areas and Parks

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and are compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Section 30240(b) of the Coastal Act.

F. Public Recreation

The proposed development does not interfere with public recreational use of coastal resources. As conditioned, the development protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

G. Development

The development is located within an existing developed area and will be compatible with the character and scale of the surrounding area and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the proposed development conforms with Sections 30250, 30251, 30252, and the public access provisions of the Coastal Act.

H. 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 is consistent with Chapter 3 of the Coastal Act and the certified Venice LUP. 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.

I. California Environmental Quality Act (CEQA)

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

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

VENICE, CA



Site: 70 Windward Ave.

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EXHIBIT # 1

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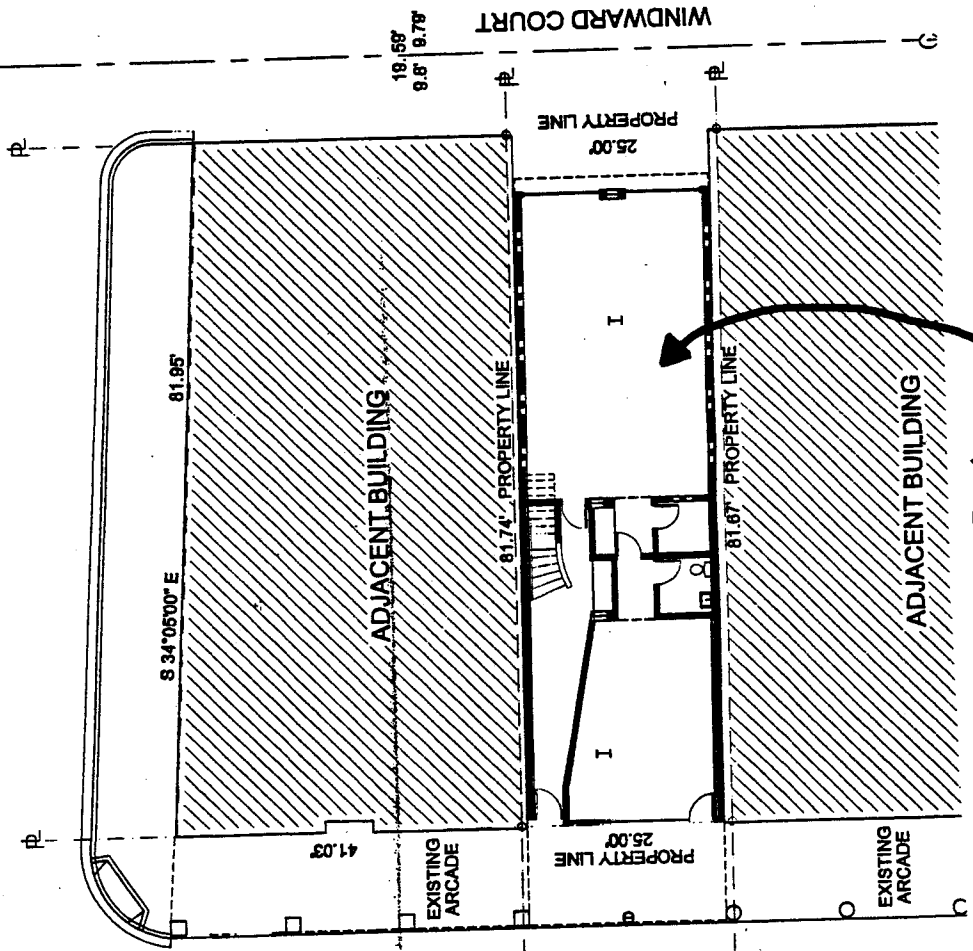
69.88' 57.38' 12.5'

PACIFIC AVENUE

816
42.5' x 42.5'

WINDWARD AVENUE

70 WINDWARD AVENUE
PROJECT LOCATION



18.58'
9.5' 8.78'

WINDWARD COURT

PROPERTY LINE
25.00'

PROPERTY LINE
81.74'

PROPERTY LINE
81.67'

ADJACENT BUILDING

EXISTING ARCADE

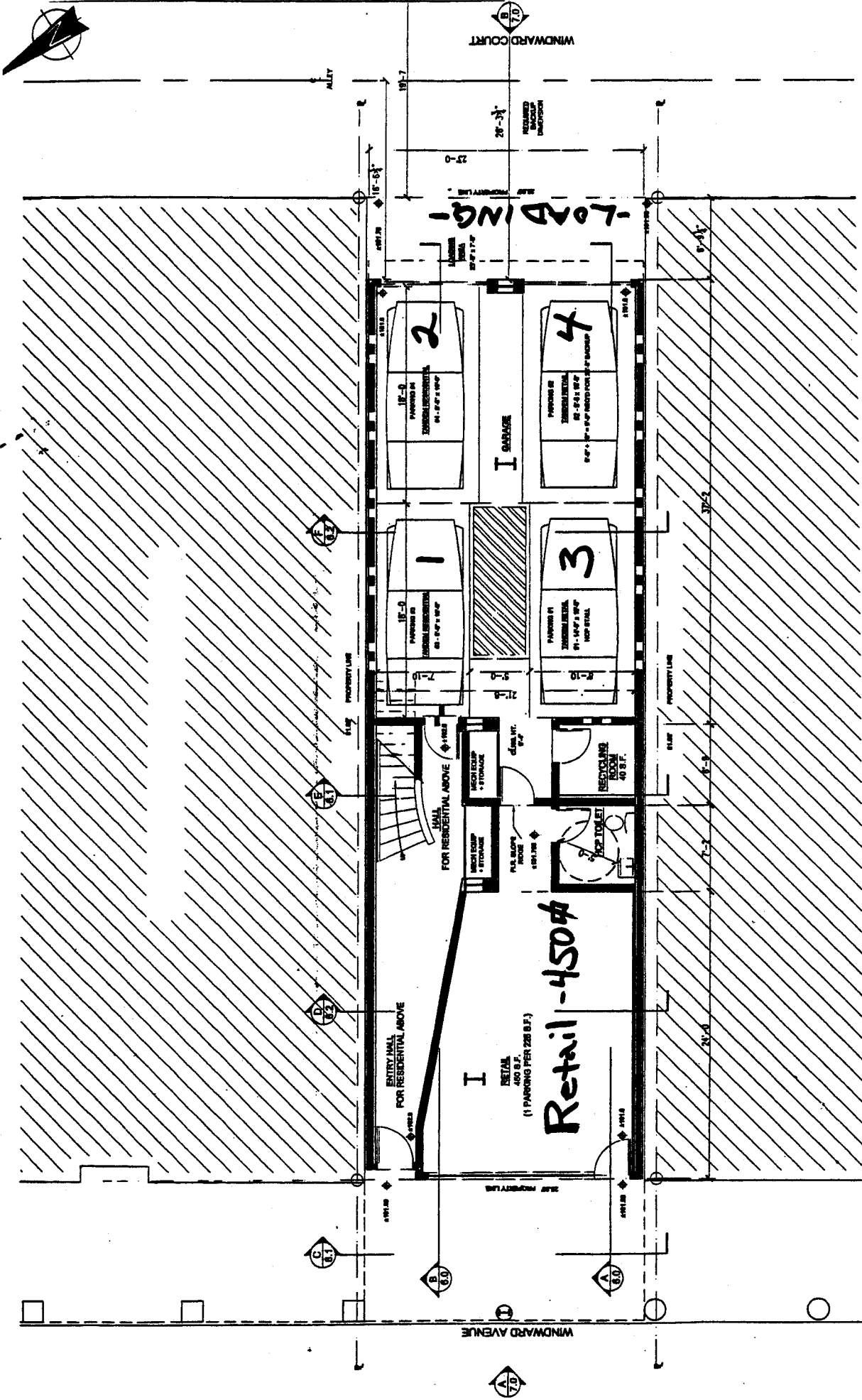
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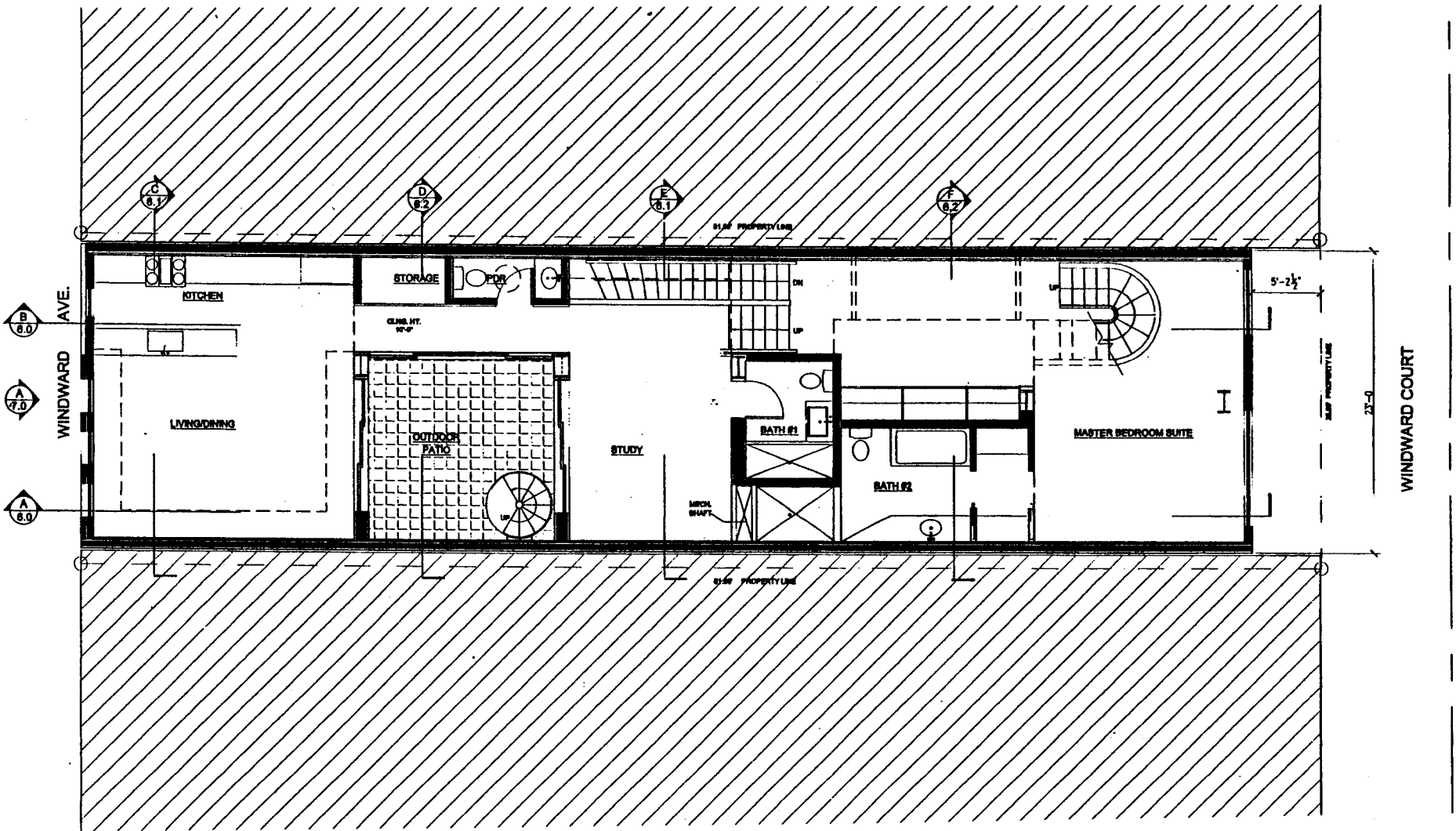
EXHIBIT # 2
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Site Plan

One block to beach



1st Floor Plan



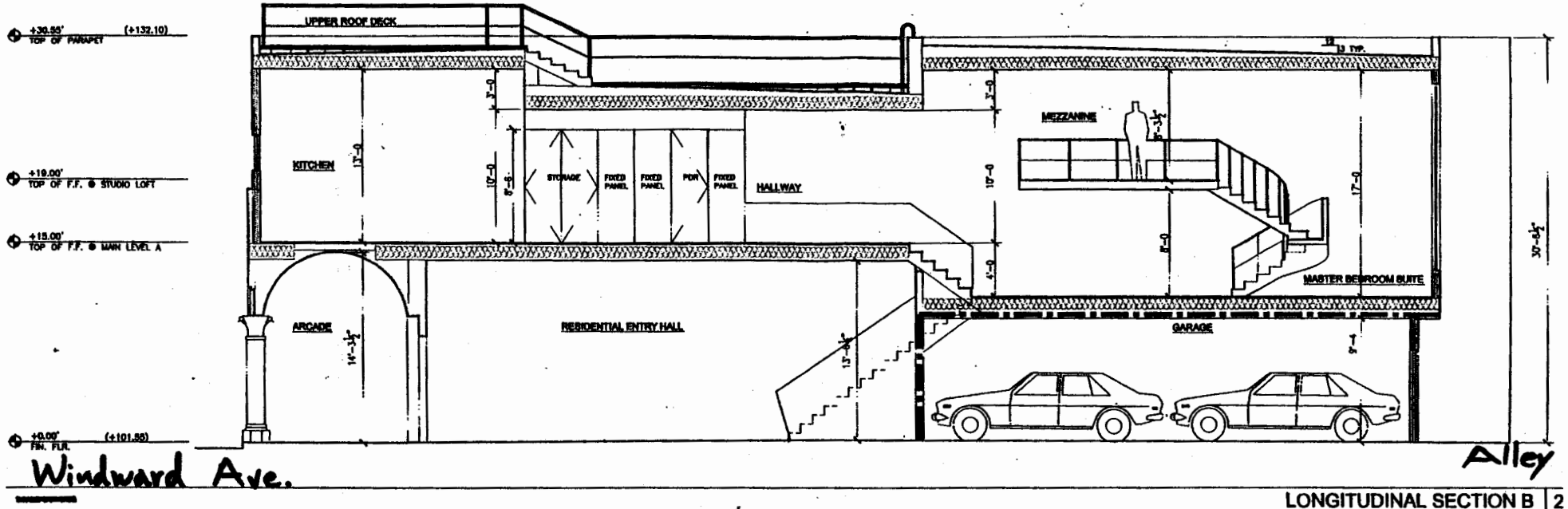
2nd Floor Plan

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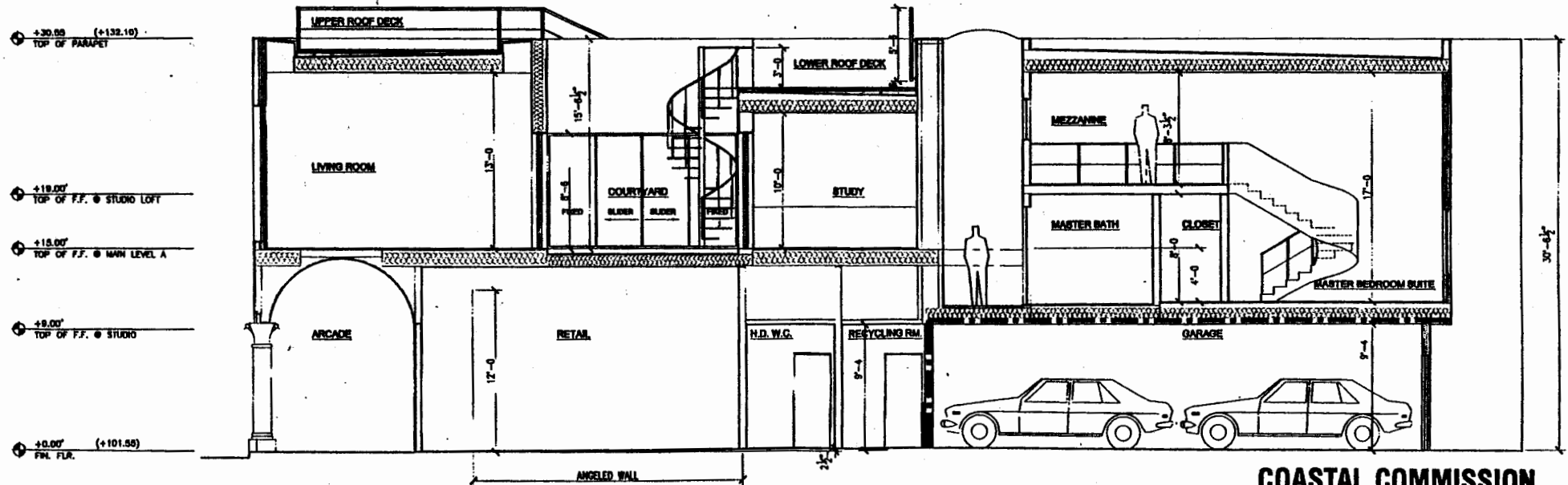
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EXHIBIT # 4

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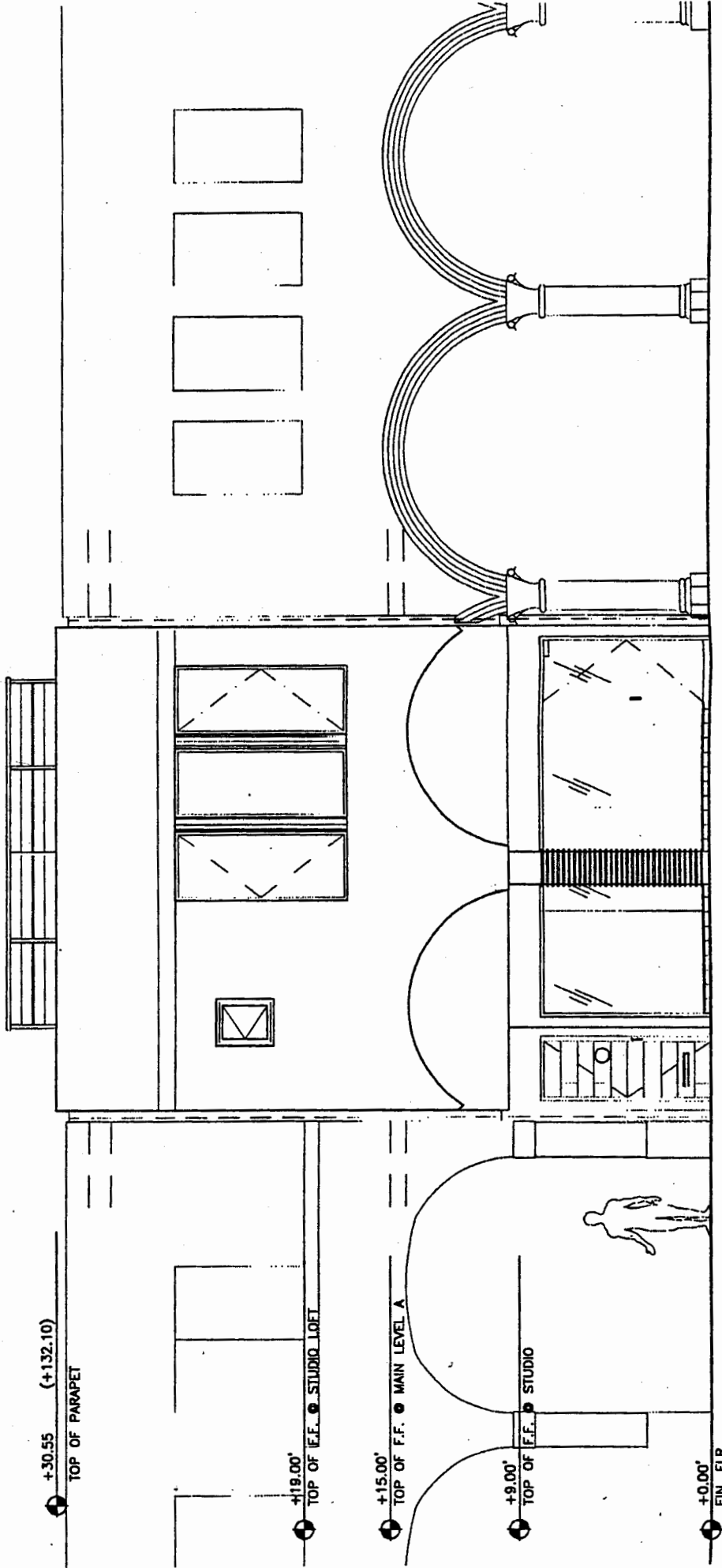


LONGITUDINAL SECTION B | 2



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COASTAL COMMISSION



+30.55 (+132.10)
TOP OF PARAPET

+19.00'
TOP OF F.F. • STUDIO LOFT

+15.00'
TOP OF F.F. • MAIN LEVEL A

+9.00'
TOP OF F.F. • STUDIO

+0.00'
FIN. FLR.

70 Windward Avenue - Front Elevation

