

CALIFORNIA COASTAL COMMISSION

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 180th Day: N/A
 Staff: CP-LB
 Staff Report: 3/20/2003
 Hearing Date: April 8, 2003
 Commission Action:

**Tu8a**

RECORD PACKET COPY

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-VEN-03-067

APPLICANT: Best Western Marina Pacific Hotel (Attn: Erwin H. Sokal)

AGENT: Clare Bronowski

PROJECT LOCATION: 1697 Pacific Avenue, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Appeal of City of Los Angeles local coastal development permit for the addition of a fifth floor and thirty new guest rooms to an existing 92-unit hotel for a total of 122 guest rooms. The addition would increase the height of the building from 52 feet above grade to 63.5 feet.

APPELLANTS: Coastal Commission Executive Director Peter Douglas
 John Davis

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the proposed project's conformance the Chapter 3 policies of the Coastal Act for the following reason:

The local coastal development permit approves development that exceeds the 35-foot height limit for the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice. The proposed development also does not provide the ten new parking stalls to serve the thirty new hotel rooms as required by the certified LUP. The proposed project's height and parking supply raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30251, 30252 and 30253.

The motions to carry out the staff recommendation are at the **top of Page Six**.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/01.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 172,897, 12/22/99.
3. City of Los Angeles Local Coastal Development Permit No. 2001-5955 (Marina Pacific Hotel Addition).
4. City of Los Angeles City Council File No. 02-1870 (Marina Pacific Hotel Addition).
5. City of Los Angeles Venice Specific Plan Project Permit & Specific Plan Exceptions, Case No. 2001-5955 (Marina Pacific Hotel Addition).
6. City of Los Angeles Conditional Use Permit, Case No. 2001-5955 (Marina Pacific Hotel Addition).
7. City of Los Angeles Mitigated Negative Declaration No. 2001-5956 MND (Marina Pacific Hotel Addition).
8. Coastal Development Permit Application No. 5-03-071 (Marina Pacific Hotel Addition).

I. APPELLANTS' CONTENTIONS

The City of Los Angeles City Council action upholding the West Los Angeles Area Planning Commission's action to approve Local Coastal Development Permit No. 2001-5955 has been appealed by the Executive Director and John Davis (Exhibit #8).

The grounds for the appeals by the Executive Director are:

The local coastal development permit approves development that exceeds the 35-foot height limit for the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice. The proposed development also does not provide the on-site parking supply as required by the certified LUP. The proposed project's height and on-site parking supply raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30251, 30252 and 30253.

The appeal by John Davis states that the proposed project is not consistent with the California Coastal Act, the California Environmental Quality Act (CEQA), Seismic Hazard Mapping Act, the City of Los Angeles Specific Plan for Venice, the Los Angeles County General Plan, the Los Angeles County Methane Code, and the Los Angeles County Fire Code (Exhibit #8, p.1). In regards to the Coastal Act, John Davis asserts that the City's approval would prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act, in violation of Coastal Act Section 30604(a). The appeal asserts that the proposed development and its proposed valet parking plan is inconsistent with Coastal Act Section 30211 because it would interfere with the public's right to access the sea. In addition, John Davis cites Section 30253 of the Coastal Act and asserts that the City has not addressed the hazardous situations that may exist on the project site (e.g. tsunami risk and seismic hazards). Finally, the appeal states that the project is out of conformance with the following sections of the Coastal Act:

30001, 30001.5, 30004, 30005.5, 30007, 30008, 30210, 30212.5, 30213, 30214, 30220, 30222, 30232, 30250, 30251, 30252, 30255 and 30320.

In essence, the appeal by John Davis asserts that the proposed development is too high, and the applicant's proposed valet parking plan would not adequately mitigate the proposed project's resulting increase in parking demand, thus exacerbating the area's parking shortage (Exhibit #8).

II. LOCAL GOVERNMENT ACTION

The applicants submitted the Coastal Development Permit application to the City of Los Angeles Planning Department on December 26, 2001. The West Los Angeles Area Planning Commission held the first public hearing on May 17, 2002. The proposed project required the City's approval of the following four separate discretionary actions:

1. Local Coastal Development Permit No. 2001-5955.
2. Venice Specific Plan Project Permit.
3. Venice Specific Plan Exception for increase in height (to 63.5 feet), increase in allowable floor area ratio, and elimination of required parking for the added hotel rooms (92 parking spaces in lieu of 112 required spaces).
4. Conditional Use Permit to allow a hotel use within 500 feet of a R-Zone.

On June 19, 2002, the West Los Angeles Area Planning Commission voted to approve all of the necessary entitlements and the project. Marvin Klotz appealed the entire decision to the City Council.

The City Council Planning and Land Use Committee (PLUM) conducted a public hearing for the appeal on October 29, 2002. The PLUM voted to recommend that the City Council deny the appeal and approve the proposed project. On October 30, 2002, the City Council carried out the recommendation of the PLUM.

The Commission's South Coast District Office in Long Beach received the City's Notice of Final Action for the City Council's action on January 17, 2003, and the Commission's required twenty working-day appeal period commenced. Apparently, a substantial delay occurred between the date of final action and the City's sending of the Notice of Final Action because the City Clerk was not aware of the Coastal Act's requirements for the contents of the Notice of Final Action.

Both appeals to the Coastal Commission were filed in the Commission's South Coast District Office in Long Beach on February 19, 2003, the last day of the Commission's twenty working-day appeal period for Local Coastal Development Permit No. 2001-5955.

Because the proposed project is located in the City's and Commission's "Dual Permit Jurisdiction" area, the applicant is also required to submit coastal development permit applications to the Commission for the proposed development (See Section IV on page 4). The applicant submitted to the Commission, on February 14, 2003, Coastal Development Permit Application No. 5-03-071. The filing and processing of the applicant's "dual permit" application is pending the final outcome of the local coastal development permit that is the subject of this appeal. The public hearings and actions for the de novo portion of this appeal and the necessary "dual permit" application will be combined and scheduled for concurrent action at a future Commission meeting.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

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

Staff recommends a **NO** vote on the following motion:

MOTION

*"I move that the Commission determine that Appeal No. A-5-VEN-03-067 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

Resolution to Find Substantial Issue for Appeal A-5-VEN-03-067

The Commission hereby finds that Appeal No. **A-5-VEN-03-067** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the addition of a fifth floor and thirty new guest rooms to an existing 92-unit hotel for a total of 122 guest rooms. The addition would increase the height of the building from 52 feet above grade to 63.5 feet. The existing 52-foot high hotel is situated one block inland of the Venice Boardwalk (Ocean Front Walk) in North Venice (Exhibit #2). The hotel currently has 92 on-site parking spaces within the bottom two levels of the structure (Exhibit #5). The applicant proposes to increase the capacity of the parking garage by 16 cars through the use of a valet parking program (Exhibit #7).

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an

appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. 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 (LCP) 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 a substantial issue does exist in regards to the appeals.

The appeal by John Davis asserts that the proposed development is higher than the certified LUP allows, substantially increases the number of hotel rooms, and that the applicant's proposed valet parking plan would not adequately mitigate the proposed project's resulting increase in parking demand, thus exacerbating the area's parking shortage (Exhibit #8). The appeal by the Executive Director is also based on the building height and parking issues, and asserts that the proposed project's height and lack of increase in actual parking stalls for the added hotel rooms raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30251, 30252 and 30253.

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 areas 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.

Section 30252 of the Coastal Act states:

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

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The above-stated policies of the Coastal Act require that development provide adequate parking supplies (or other means of enhancing public access), and protect visual resources, community character and special communities. The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP) which contains specific policies to carry-out the requirements of the Coastal Act. The Venice LUP limits the height of buildings and requires additional parking for new development as a way of protecting public access, community character and the visual resources of the beach and boardwalk. The existing hotel and the proposed 63.5-foot high hotel addition do not conform to the 35-foot height limit for the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice. The certified LUP requires that

new development, including additions to existing structures, shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table.

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

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

The LUP parking table, not included here, would require ten new parking spaces to serve the thirty new proposed hotel rooms (Exhibit #9, p.6). The proposed valet parking program would not provide the ten new parking stalls to serve the thirty new hotel rooms as required by the certified LUP. Therefore, the proposed project's height and parking supply raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30251, 30252 and 30253

Because of the importance of the Coastal Act issues raised to by the appellants, the proposed project must be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the proposed project's conformance the Chapter 3 policies of the Coastal Act and with the City's approval of the project. The Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing and the public hearing for Coastal Development Permit Application No. 5-03-071. The de novo and dual permit application hearings will be scheduled for concurrent hearing at a future Commission meeting. The Commission's actions on the de novo permit and dual permit application will ensure that the proposed development is consistent with the Chapter 3 policies as guided by the specific building standards of the certified Venice LUP.

End/cp

VENICE, CA

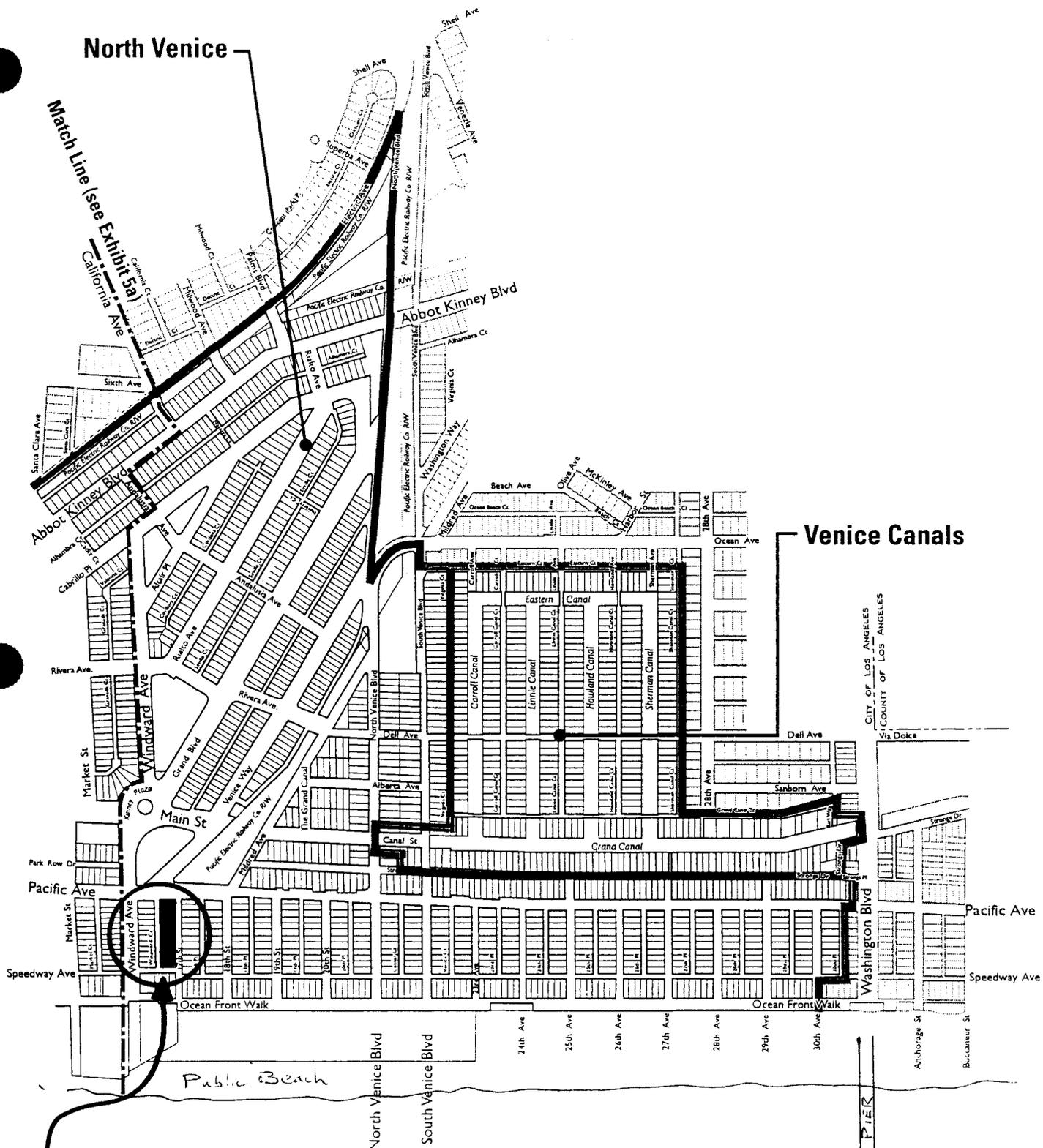


Site:
Hotel at
1697 Pacific Avenue



COASTAL COMMISSION
A5-VEN-03-06

EXHIBIT # 1
PAGE 1 OF 1



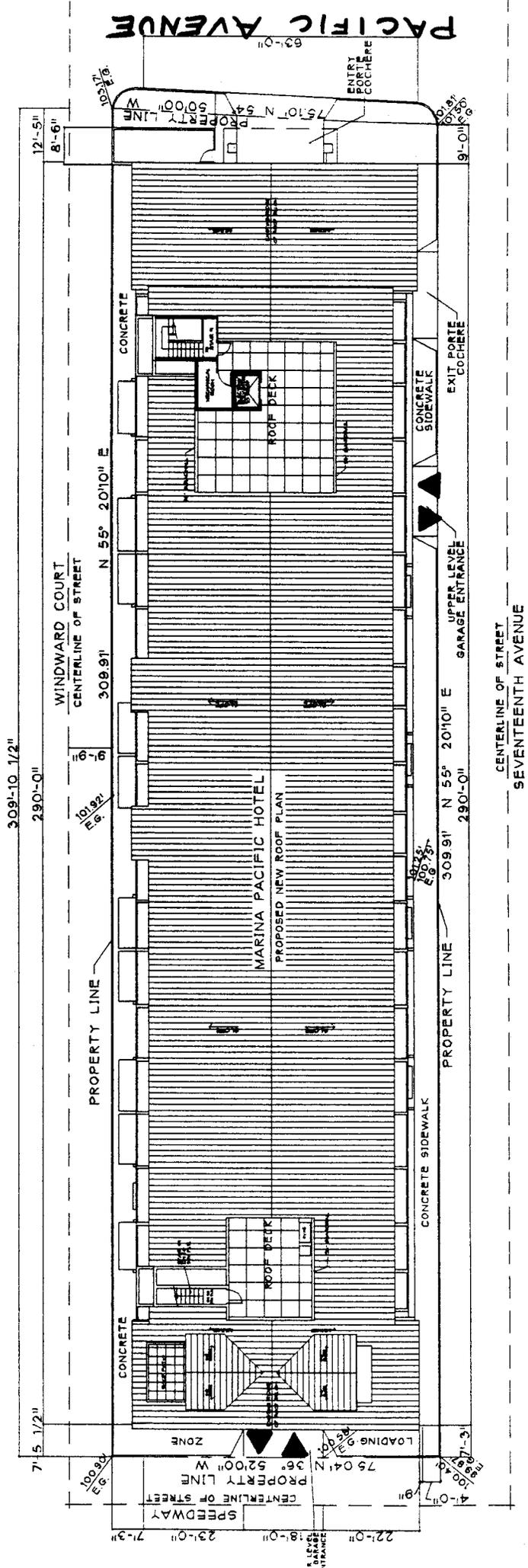
Site: Hotel at 1697 Pacific Avenue



LUP
Exhibit 5b
Subarea: North Venice • Venice Canals

COASTAL COMMISSION
AS-VEN-03-067

EXHIBIT # 2
 PAGE 1 OF 1

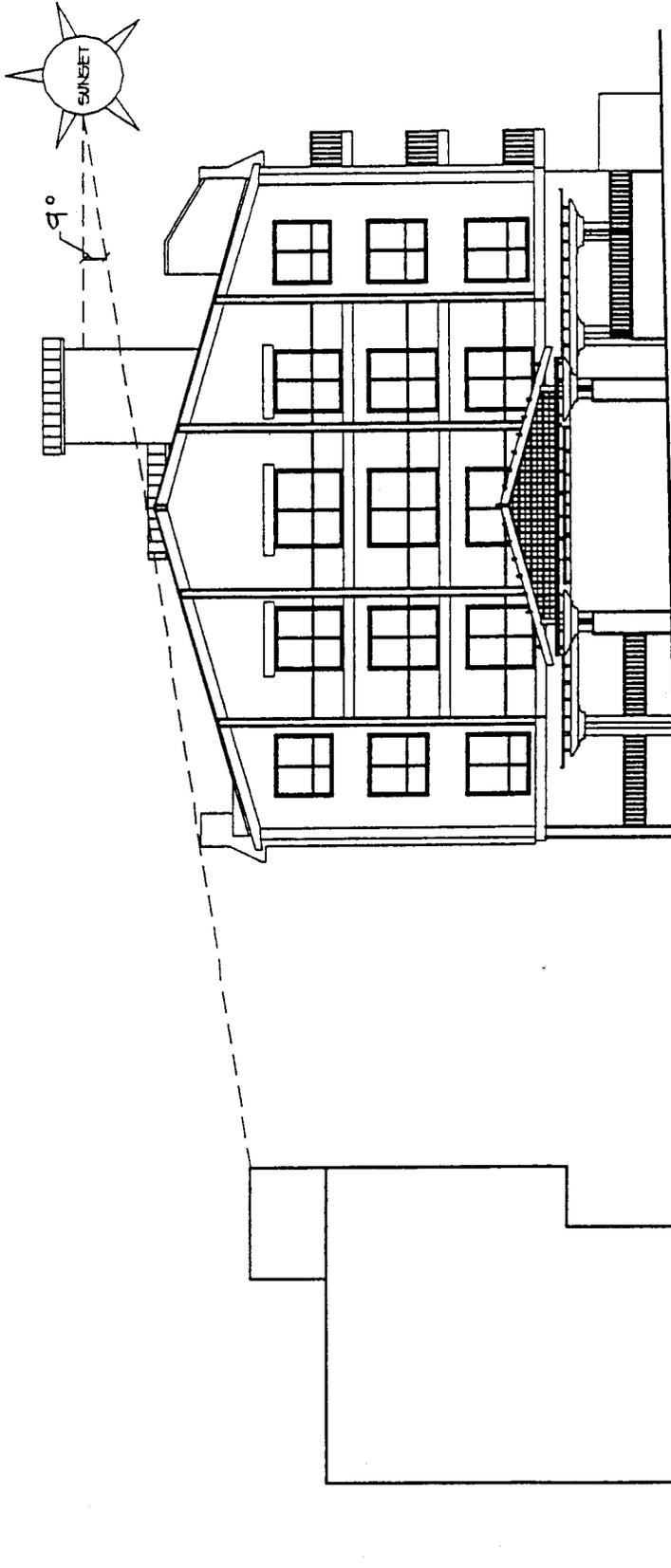


SITE PLAN

COASTAL COMMISSION
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EXHIBIT # 3

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APARTMENT

MARINA PACIFIC HOTEL
EXISTING -
- PACIFIC AVENUE -

MARINA PACIFIC HOTEL
1697 PACIFIC AVE.
VENICE, CA 90291

1000 Wilshire Avenue
Suite 2100 - 2110
Los Angeles, CA 90047
TEL: COASTAL COMMISSION
AS-VEN-03-067
MICHAEL KING
ARCHITECT
STANA POLJAK
ARCHITECT

EXHIBIT # 4

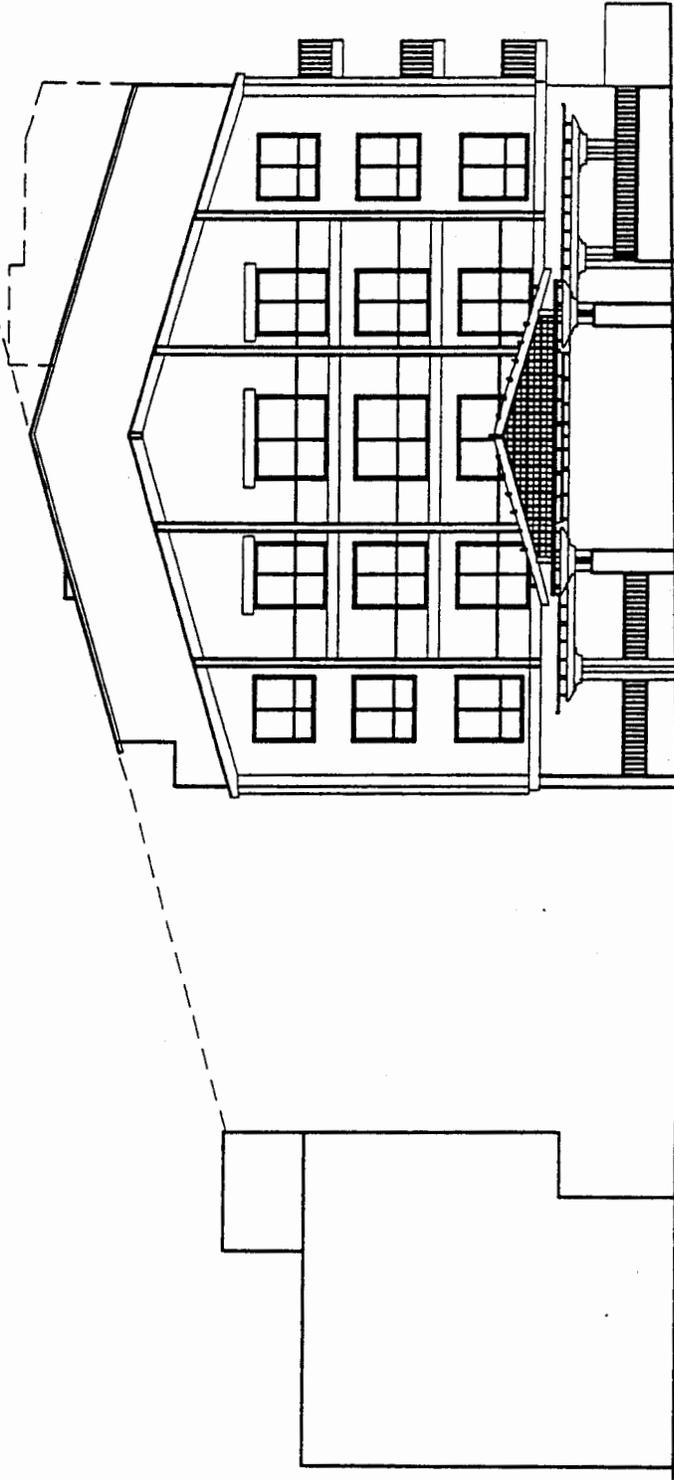
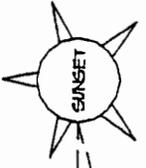
STUDIO
OF
ARCHITECTURE

Existing Hotel

DATE
10.7.02

SCALE
= 1'-0"

DRAWING
SUN STUDY - EXST'G
HOTEL

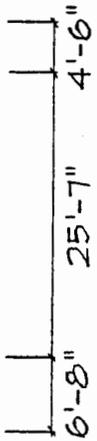


APARTMENT

MARINA PACIFIC HOTEL

PROPOSED

- PACIFIC AVENUE -



MARINA PACIFIC HOTEL
1697 PACIFIC AVE.
VENICE, CA 90291

DATE
10.7.02

SCALE
= 1'-0"

DRAWING
SUN STUDY - PROPOSED
HOTEL ADDITION

STUDIO

OF

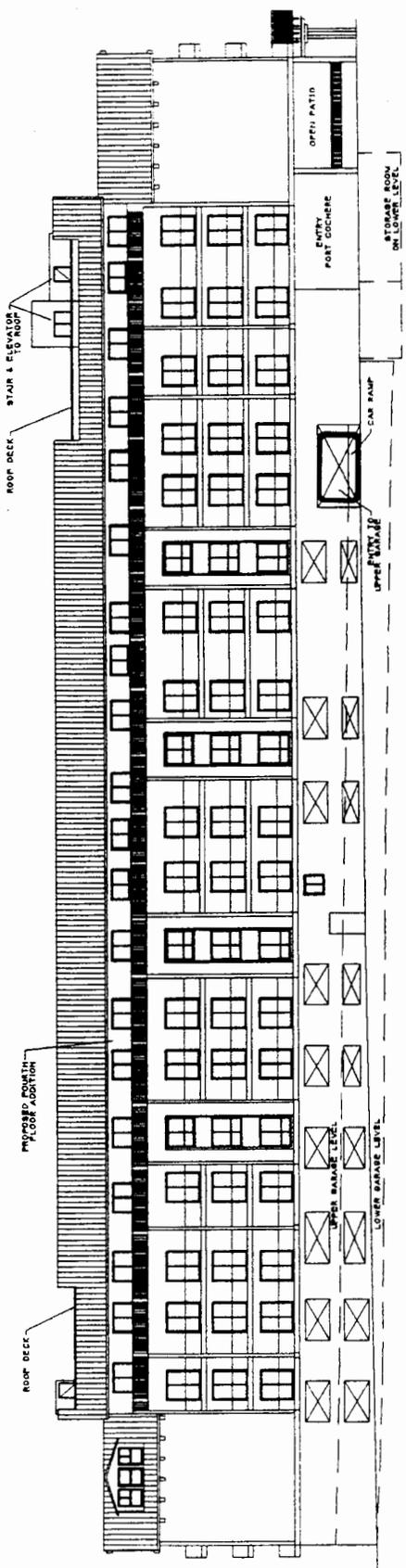
ARCHITECTURE

4223 Wilshire Avenue
Suite 6118
Los Angeles, CA 90048
Tel: 310.859.8888
Fax: 310.859.8888
MICHAEL KING
ARCHITECT
STAMA, COLLARD
ARCHITECTS

COSTAL COMMISSION
AS-VEN-03-067

EXHIBIT # 4

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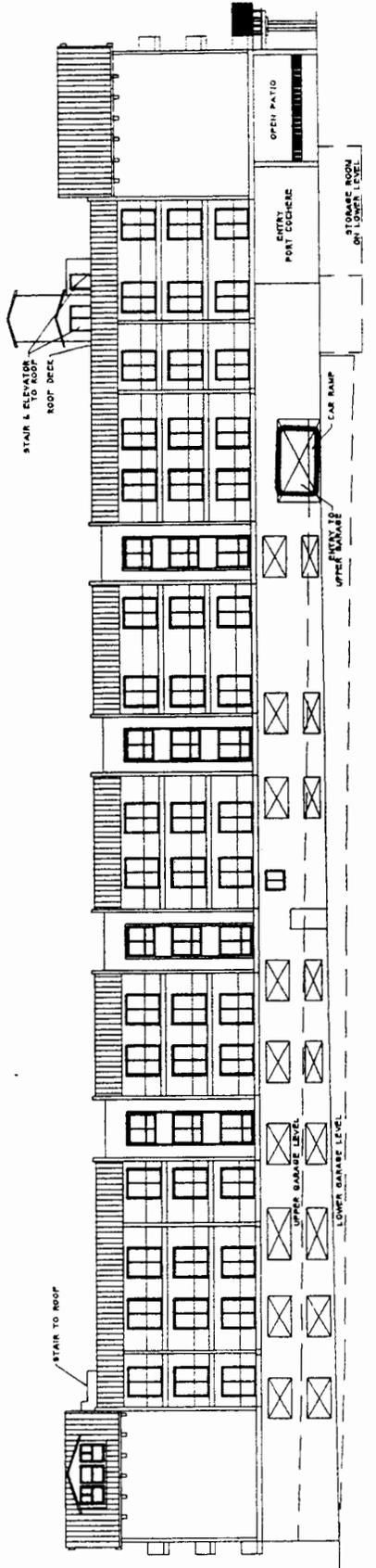


Pacific Avenue

17TH AVENUE ELEVATION - PROPOSED

Speedway Alley

- 16165' TOP OF PEAK
- 152' PEAK OF ROOF
- 144.50' EXISTING PARAPET
- 144.42' NEW 08' STAIR TO ROOF
- 143.23' SUITE ROOF
- 141.75' CEILING
- 132.67' THIRD FLOOR F.P.P.
- 124.583' SECOND FLOOR F.P.P.
- 115.50' FIRST FLOOR F.P.P.
- 107.50' UPPER LEVEL
- 103.10' FRONT PROPERTY LINE
- 98.50' LOWER LEVEL
- 96.00' LOWER GARAGE

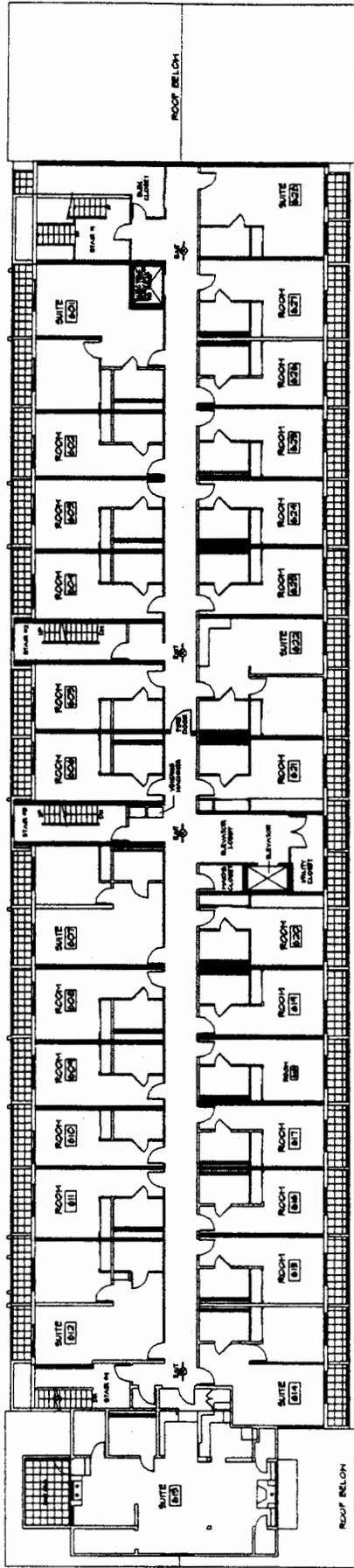


- 16165' TOP OF PEAK
- 152' PEAK OF ROOF
- 144.50' EXISTING PARAPET
- 144.42' NEW 08' STAIR TO ROOF
- 143.23' SUITE ROOF
- 141.75' CEILING
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- 115.50' FIRST FLOOR F.P.P.
- 107.50' UPPER LEVEL
- 103.10' GARAGE PROPERTY LINE
- 98.50' LOWER LEVEL
- 96.00' LOWER GARAGE

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17TH AVENUE ELEVATION - EXISTING

EXHIBIT # 5



Pacific Avenue

17th Avenue

Speedway Alley



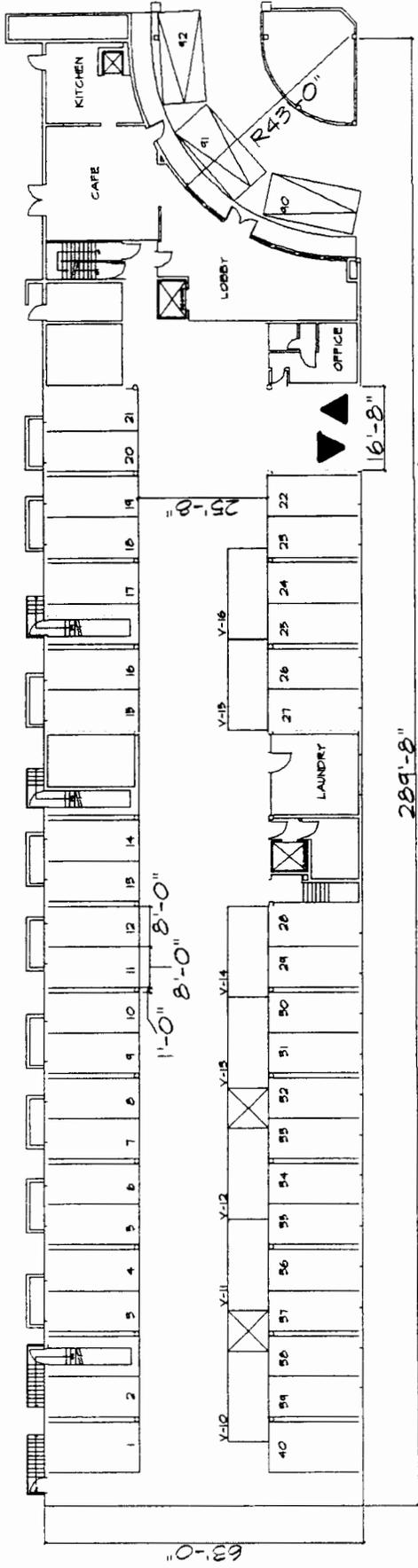
PROPOSED FLOOR PLAN ADDITION

COASTAL COMMISSION
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EXHIBIT # 6

PAGE 1 OF 1

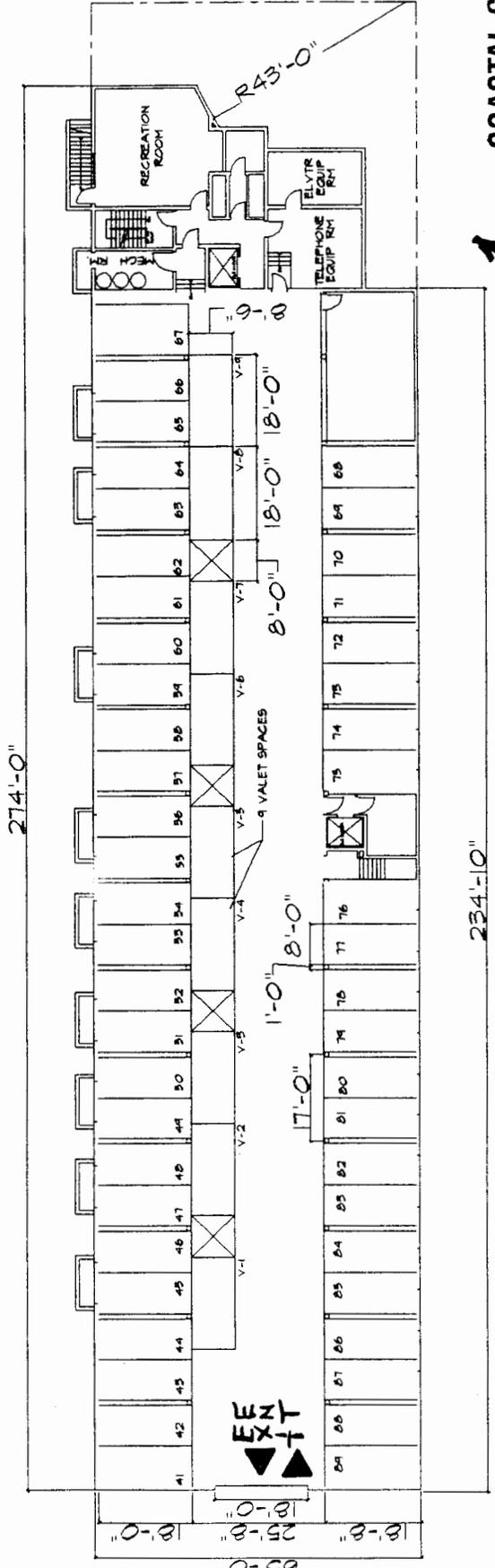
PACIFIC AVENUE



17th Avenue

289'-8"

UPPER GARAGE LEVEL



Speedway Alley

274'-0"

LOWER GARAGE LEVEL

234'-10"

COASTAL COMMISSION
AS-VEN-03-067

EXHIBIT # 7

From: John Davis
To: California Coastal Commission
Date: 2/19/03
Subject: APPEAL OF 5-VEN-03-010

I hereby certify transmission of the appeal to the California Coastal Commission via fax on 2/19/03 at:

John Davis
PO 10152
Marina del Rey CA 90295

The approval of this Coastal Development Permit is inconsistent with the following laws;

Coastal Zone Management Act
California Coastal Act
California Environmental Quality Act
Seismic Hazard Mapping Act
Venice Specific Plan
Los Angeles County General Plan
Los Angeles County Methane Code
Los Angeles County Fire Code

CALIFORNIA COASTAL ACT

Presented below are various project inconsistencies with the Coastal Act.

The City of Los Angeles of Los Angeles approved the Venice Specific Plan and has operated under the plan since 1999. The City has failed however to submit a draft of the plan to the Coastal Commission for approval in over four years. As a result the City has and is in effect preempting and preventing the public from fully participating in decisions affecting the certification of a Local Coastal Program as is required by §30006.

Furthermore approval of this Coastal Development Permit would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3(commencing with § 30200) of the California Coastal Act as is required by §30604.

The Venice Specific Plan (hereafter VSP) is inconsistent with the certified Land Use Plan (hereafter LUP) and Coastal Act (hereafter Act). Therefore the VSP is subservient to the LUP and Act. Sections 6, 11, 12 and appendix C of the VSP (City of Los Angeles Ordinance No. 172,897) are inconsistent with the LUP and Act among other glaring incongruities.

This development will interfere with the public's right of access to the sea as acquired through use and legislative authorization §30211. The project proposes to pay in lieu fees to move existing public parking to an unknown location that may or may not be in the Coastal Zone at an unknown time.

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EXHIBIT # 8
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Furthermore the introduction of new automobile trips to an already congested business area beset by Valet Parking Companies illegally operating in the surrounding public streets would clearly exacerbate congestion. The Lead Agency has approved a condition whereby a Valet Parking Company is considered a Parking Mitigation. The "Valet Solution" will simply further reduce the Public's ability to reach the sea.

The project is also out of conformance with the following sections of the Act;

§30001
§30001.5
§30004
§30005.5
§30008
30007
§30210
§30212.5
§30213
§30214
§30220
§30222
§30232
§30250
§30251
§30252
§30255
§30320

§30253 The development is located in a area of high geologic, flood hazard. According to Dr. Eddie Bernard of NOAA this area is at a moderate to high risk of Tsunami. Furthermore the project is located in near proximity to several active faults on shore and off shore both being tsunamigenic in nature. Moreover sub-marine canyon slumping can occur as the result of an earthquake or without one. Underwater landslides in the Santa Monica Canyon , the Redondo Canyon, or a number of others present substantial hazards that have not been addressed.

VENICE SPICIFIC PLAN

The California Coastal Act governs Coastal Development in Venice under the guidance of the certified Land Use Plan for Venice until the Local Coastal Program is certified by the Coastal Commission. The City of Los Angeles is using City Ordinances No. 172,897 and No.173445 as a Trojan horse to avoid governing law.

The Venice Coastal Zone Specific Plan (VCZP hereafter) has not been certified by the California Coastal Commission, yet the City has gone so far as to exempt applicants from its provisions.

The exemptions are inconsistent with the Coastal Zone Management Act of 1972, the Coastal Zone Management Plan, and the California Coastal Act.

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The Lead Agencies Findings are False and irresponsible to the point of recklessness.

This is a Major expansion, not a minor expansion as claimed. The term is subjective and imprecise.

The Hotel can maintain it's current operations without expansion.

The Hotels present 92-room capacity has and can continue serving the Venice Beach Community and its visitors without adding rooms or fundamentally changing the character of the business.

Hotels should be compared to hotels, not other businesses.

There is no independent substantiating evidence to support the erroneous claim that the expansion will enable the business to remain profitable at its current price point and continue to provide an alternative to other lodgings.

The enlargement of this already massive structure will move the hotel into a category of larger accommodations. For this reason it is necessary to determine if approval of this project would encourage and invite larger, and yet larger structures next to the public beach before certification of the Local Coastal Program. In fact approval of this project would clearly prejudice the City's ability to produce a LCP within the constraints of governing law. Approval would simply preordain yet more illegal development because other potential developments would also claim the same hardships. The hardship exemptions are illegal and inconsistent with governing law.

The hardship exemptions to the uncertified Specific Plan cannot be supported by the Findings and will have significant impact and or effect on the environment.

The project would have a negative effect on the Community.

The additional height violates the Coastal Act and would create shadows.

The existing building envelope is a term that has no bearing on the project.

Expansion would negatively affect access to the Beach. The findings do not provided a sufficient independent traffic study to support its claims.

The findings accept a Valet mitigation so that the current lanes will be double staked with cars in violation of Los Angeles County Fire Code.

The findings hope, but do not support the assertion that clients will not drive cars.

The truth is that if clients do drive cars, and the Hotel does reach capacity, business parking will infringe on and dominate parking currently dedicated to beach access protected by the Coastal Act.

As it stands, the Hotel dose not has enough capacity to support a full Hotel and Staff parking. Therefore when the hotel is filled, Staff must infringe on public parking spaces.

The location is not desirable to the public convenience and welfare.

The location is not proper in relation to adjacent uses or development in the Community.

The location will be materially detrimental to the character of the development in the immediate neighborhood.

The proposed location is not consistent with the General Plan.

The project is not in conformity with Chapter 3 of the California Coastal Act of 1976.

The development will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act.

The interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission are not consistent with the development.

The decision of the permit granting authority has not been guided by §3062 c of the Public Resources Code.

The development is not consistent with the certified Land Use Plan or Coastal Act.

The development is not consistent with the Mello Act.

CEQA

The Lead Agency appears to have failed in its responsibility to address significant effects and or impacts on the environment emanating from the project. Furthermore, it appears that the Lead Agency has failed in executing due diligence regarding the Mitigated Negative Declaration, which is a requirement of the California Environmental Quality Act.

Substantial evidence as defined in *Title 14. California Code of Regulations Chapter 3. Guidelines for Implementation of the California Environmental Quality Act § 15384* is hereby submitted. It shows that on 2/5/03 the West Los Angeles Planning Commission as the **Decision-Making Body §15356** abused it's discretion by **Approval §15352 of a Discretionary Project §15357** and approval of a **Mitigated § 15370 Negative Declaration §15371 concerning Significant Effects on the Environment §15382** requiring a **Environmental Impact Report §15362**.

The Decision Making Body and Lead Agency §15367 failed to contact the following **Responsible Agencies §15381**; California Department of Conservation, (hereafter CDC), Division of Mines and Geology, CDC Division of Geothermal and Oil Resources, California Environmental Protection Agency Department of Toxic Substance Control, California Regional Water Quality Control Board, and the County of Los Angeles Department of Public Works Watershed Management Division Environmental Section.

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The project would cause substantial and or potentially substantial, adverse changes in physical conditions within the area affected by the project, including land, air, water, minerals, fauna, ambient noise, and objects of historic or aesthetic significance.

The project will further cause a social and or economic change related to physical changes caused by the project resulting in a significant effect on the environment.

There is significant opposition to the project by residents and business owners.

The Project will generate excessive automobile traffic affecting access to the Coastal Zone therefore the project imposes a significant effect on the environment.

The Decision-Making Body failed utilize an adequate traffic study. A condition imposed on the project requires the impossible use of a Valet Car Parking Service to mitigate parking.

The Project will with other approved and pending projects in the area have a negative Cumulative Impact on the Environment §15355 therefore imposing a significant effect on the environment.

The Project is in a State of California Seismic Hazard Zone therefore the project automatically imposes a significant effect on the environment in that the permit is inconsistent with the California Seismic Hazard Mapping Act.

The project is in near proximity to a complex of abandoned oil well indicating potential toxification of soil and groundwater at the location. The Lead Agency has failed to consider the condition of the soil and groundwater.

It is acknowledged that no excavation or grading will be required for this project, however, the Lead Agency must still consider the highly probable ramifications of leaking oil field gases that could potentially cause adverse health effects to humans and the environment. The introduction of an increased number of people using the facility must be considered in relative to potential increase of exposures, creating a significant effect and or impact on the environment. Exposure standards set forth by the Governors Office of Health Hazard Assessment, CALOSHA, and OSHA.

There is furthermore a former sanitary landfill hydrogeologically up gradient that may have contributed to toxicity of groundwater at the proposed site of development.

LOS ANGELES COUNTY METHANE CODE

The project must comply with §110.4 of the Los Angeles County Methane Code and has not.

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CALIFORNIA SEISMIC HAZARD MAPPING ACT

The project as approved is inconsistent with California Codes **Public Resources Codes §2690-2699.6**. According to the Venice Quadrangle Seismic Hazard Map the project lies in an area where historic occurrences of liquefaction and or local geotechnical and or groundwater conditions indicate a potential for permanent ground displacement such that mitigation as defined in **Public Resources Code (PRC hereafter) §2693** would be required. The project is clearly not in conformance with **PRC§2693** among others.

CONCLUSION

The public has it's lost faith in the ability of the West Los Angeles Area Planning Committee to execute its legal responsibilities in the issuance permits for development within the constraints of CQEA, the California Coastal Act, Seismic Hazard Mapping Act and places the public at risk thereby.

COASTAL COMMISSION
A5-VEN-03-067

EXHIBIT # B
PAGE 6 OF 6

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March 10, 2003

MERITAS LAW FIRMS WORLDWIDE

RECEIVED
South Coast Region

MAR 11 2003

CALIFORNIA
COASTAL COMMISSION

VIA OVERNIGHT MAIL

Mr. Charles Posner
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Best Western Marina Pacific Hotel – 1697 Pacific Avenue
Coastal Commission Appeal A-5-VEN-03-067
City of Los Angeles 2001-5955
Our File No.: 04342-001

Dear Mr. Posner:

This letter is submitted on behalf of the Best Western Marina Pacific Hotel regarding the proposed expansion of the existing hotel in the Venice Beach area. The proposed expansion requires, among other entitlements, Coastal Development Permits from both the City of Los Angeles ("City") and the California Coastal Commission ("Commission"). The Hotel obtained a Coastal Development Permit and other needed City approvals from the City of Los Angeles on October 30, 2002 (Case No. 2001-5955 CDP).

The Commission and one other appellant appealed the City's Coastal Development Permit on February 19, 2003. The basis of the Commission's appeal is the City's approval of a development that "exceeds the 35-foot height limit for the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice" and that "does not provide the on-site parking supply as required by the certified LUP." The Commission's appeal states that these two factors raise "substantial issues" with regard to the proposed project's compliance with relevant provisions of the Coastal Act.

In response to the Commission appeal, I want to provide some further information about the height and parking for the proposed expansion and about the project's consistency with the LUP and the Coastal Act.

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PAGE 1 OF 9

1. Height

The City Council granted the project a Specific Plan Exception from the current 35-foot height limitation imposed by the Venice Specific Plan and Venice LUP. The City Council adopted a set of findings to support the Specific Plan Exception and found, among other things, that, because of its sensitive design, the proposed expansion would have no greater height impacts than the existing grandfathered building, and that the building would continue to be compatible with surrounding commercial and residential uses, including various multi-story apartment buildings.

The existing hotel building, constructed pursuant to building permits issued in February, 1972, includes an elevator tower with a maximum height of approximately 62 feet. The roof line of the hotel also includes sharp peaks on Pacific Avenue and Speedway. These height elements are grandfathered from the newer requirements of the Specific Plan and LUP. The applicant proposes to add the 30 rooms behind these existing roof elements.

Through the use of setbacks and the removal of existing roofline elements, the addition will have no visible impact on pedestrians at ground level. From Pacific and Speedway, the existing frontages will remain unchanged. The additional roof height will be set back more than 29 feet from those frontages, and will not be visible from the public beach or public roads. On the Windward Court and 17th Avenue frontages, the present mansard roofs, approximately five feet high, will be removed and replaced with much shorter balcony railings around the proposed new rooms. The hotel extension will be set back four feet from the Windward Court and the 17th Avenue building edges -- a large enough setback that the existing borders of the hotel will block the view of the addition from the ground. Because of these design features, the building will actually look *shorter* to pedestrians on these frontages. For these same reasons, the proposed addition will actually reduce shadow impacts now caused by the existing roofline in most areas and will increase shadow impacts by only five minutes in the late afternoon on any adjacent residential use. (Attached as Exhibit A are project elevations and illustrations demonstrating how the addition has been designed to fit within the roofline of the existing building. Attached as Exhibit B are a photograph of the hotel now and a computer-altered photograph depicting how the hotel will look with the addition.)

Because the proposed addition will remain within the existing building height envelope, and be barely visible from the ground, the height exception granted by the City was justified, and the hotel will remain consistent with the Specific Plan and LUP.

2. **Parking**

Because the hotel has grandfathered rights with respect to its existing size, configuration, and parking, additional parking need only be provided for the proposed additional hotel rooms. The hotel has 92 existing spaces. As set forth in the attached exhibit (Exhibit C), only 10 new spaces, for a total of 102, are required. As approved by the City, the hotel will provide 16 additional spaces, for a total of 108, by restriping and providing an attendant. Therefore, the project will provide six spaces more than it is required to provide. If the expanded hotel were built now for the first time and did not have grandfathered parking rights, it would require a total of 115 spaces under the Venice Specific Plan and LUP, only seven spaces more than the number that will actually be provided.

Moreover, a parking study provided by the hotel demonstrates that, even with the requested expansion, the hotel's parking supply substantially exceeds the parking demand by hotel guests, even during the busy summer months. (Exhibit D). In the parking study, professional traffic engineer Arthur Kassan surveyed the actual use of the on-site parking at peak times in summer, during the highest occupancy period at the hotel and during the busiest traffic period in the area. The parking study concluded that the maximum parking usage never exceeded 56% of the supply. When the parking lot was at its fullest, there were 41 empty spaces, even when the hotel had an occupancy rate over 93%. The study further concluded that, even if the hotel were 100% occupied, the hotel would have approximately 37 empty parking spaces and that, with the proposed addition of 30 rooms, the hotel would still have 18 empty spaces at full occupancy at peak hours.

These results are further supported by the hotel's years of experience which demonstrate that the hotel's clientele includes a large number of foreign tourists and a large number of guests visiting local community members, and that neither of these groups tend to rent or bring personal vehicles to the hotel. The hotel's management practices and convenient location in a commercial area -- the corner of Windward and Pacific -- makes it easy for guests to walk to local destinations such as the beach or the boardwalk and to rely heavily on local transportation, shuttles, and tour vans for more distant venues. The hotel provides a free local shuttle service, which also minimizes cars on site. The hotel advertises these features in its marketing materials, along with the fact that tours to all Los Angeles' major destinations have a pick-up/drop off at the hotel, thereby reducing the need for a car. Thus, the City Council found that, while the existing hotel cannot physically expand its subsurface parking, the hotel has ample parking and can provide additional aisle parking when needed through the use of an attendant.

Indeed, the hotel, which already has excess parking, anticipates that it will continue to have excess parking after the expansion. Indeed, the parking study suggests that, even with the 30-room addition and without the additional 16 spaces, there will typically be 18 extra spaces at

peak hours at full occupancy. When the 16 new spaces are added to the existing surplus, the hotel can be expected to have at minimum 34 unused spaces that can be made available to the general public at any given time. This will benefit the neighborhood by adding to the existing parking supply during peak beach and boardwalk use times.

3. Conformity with LUP

The project is in keeping with one of the overarching goals of the LUP -- to promote beach-oriented visitor-serving commercial activities and overnight accommodations at a moderate price. The thoughtful design proposed by the hotel will enable it to add 30 rooms of moderately priced overnight accommodations to the Venice Beach area, without creating any additional visual, shadow, parking, traffic, or other neighborhood impacts.

The LUP emphasizes the value of the Venice beach area to the general public, and the need for moderately-priced hotel accommodations in the area to make it as accessible as possible to residents and tourists alike. The hotel has for many years provided high-quality, moderately priced visitor accommodations to the Venice Beach area, which is an area severely under-served by overnight accommodations. The proposed expansion would enable the hotel to maintain its current operations, continue its affordable prices (which average \$118/night) and serve a greater number of visitors.

The hotel's proximity to the beach and popular visitor-serving commercial areas means that the proposed upgrade will increase the number of visitors who can access these coastal resources. The proposed expansion of the hotel represents an investment of several million dollars in the neighborhood and will serve to substantially upgrade not only the hotel itself but the immediately surrounding commercial area. The hotel has for many years provided high-quality, moderately priced visitor accommodations in Venice Beach and has become an integral part of the community. It is located in a heavily commercialized area of Venice in close proximity to the beach, the boardwalk, stores, restaurants, and public transit. The area is the commercial heart of old Venice, and has been a busy urban commercial hub since the 1920's. The area attracts millions of visitors weekly who come primarily to see the Venice Boardwalk which extends both north and south of the hotel.

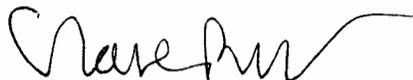
The project thus serves the intent of the LUP by providing additional moderately priced high-quality visitor accommodations in an extremely popular area where demand for moderately priced visitor facilities is very high and is not met by existing facilities.

Mr. Charles Posner
March 10, 2003
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Conclusion

I look forward to presenting this project to the Commission in further detail. Feel free to call me if you have any further questions.

Sincerely,



Clare Bronowski
of CHRISTENSEN, MILLER, FINK, JACOBS,
GLASER, WEIL & SHAPIRO, LLP

CB:vs
Enclosures

cc: Erwin Sokol
Mark Sokol

Best Western Marina Pacific Hotel
1697 Pacific Avenue

Summary of Parking Requirements

Expansion (Including Grandfathered Rights)

Component	Parking Rate	Number of Spaces Required
Existing uses	varies	92 existing
Guest Rooms 93-122 (30 rooms)	1 per 3 guest rooms	10 new
TOTAL REQUIRED FOR ADDITION		102
TOTAL TO BE PROVIDED		92 (existing) + 16 (aisle) = 108
DIFFERENCE		6 spaces in excess of requirements

Current Standards for Expanded Hotel (If first built at proposed size today)

Component	Parking Rate (Specific Plan)	Number of Spaces Required
General (765 s.f. lobby)	1 per 500 s.f.	2
Guest Rooms 1-30	1 per guest room	30
Guest Rooms 31-60	1 per 2 guest rooms	15
Guest Rooms 61-122 (61 rooms)	1 per 3 guest rooms	21
Meeting Room (1,035 s.f.)	1 per 35 s.f.	30
Breakfast Room (504 s.f.) (used for guests only and closed by 11:00 a.m.)	1 per 35 s.f. <i>(1 per 100)</i>	14 <i>(5)</i>
Beach Impact Zone	1 per 640 s.f. ground floor area (1,906.8)	3
Total Required if New Use		115 <i>(106)</i>
TOTAL TO BE PROVIDED		92 (existing) + 16 (aisle) = 108

COASTAL COMMISSION
A5-VEN-03-067

EXHIBIT # 9
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ARTHUR L. KASSAN, P.E.

Consulting Traffic Engineer

February 11, 2003

Ms. Clare Bronowski
Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP
2121 Avenue of the Stars
18th Floor
Los Angeles, CA 90067

Subject: Best Western Marina Pacific Hotel
1697 Pacific Avenue, Venice
Coastal Development Permit

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South Coast Region

FEB 14 2003

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Bronowski:

This in regard to the proposed expansion of the existing 92-room hotel at 1697 Pacific Avenue in Venice. If expanded as proposed, the hotel will have 30 more guest rooms for a total of 122 rooms.

I wish to address the traffic flows to and from the hotel and the parking for the hotel.

Traffic Flows

Based on formulas and rates published by the Institute of Transportation Engineers (ITE) in the book, *Trip Generation, 6th Edition*, 1997, the proposed expansion of the hotel by 30 rooms will add the following numbers of vehicle trips:

<u>TIME PERIOD</u>		<u>ADDED VEHICLE TRIPS</u>
24 Hours	-	268
Morning Peak Hour	-	20
Afternoon Peak Hour	-	21

Those volumes are **less than one-half of the City Department of Transportation threshold** for requiring a Traffic Impact Study, and, therefore, there would be **no significant impacts attributable to the hotel expansion**. [The Department's threshold for requiring a study is 43 or more trips in any hour.]

According to trip generation rates attached to the **Venice Coastal Zone Specific Plan**, the afternoon peak-hour traffic at the hotel would increase by only 18 trips per hour, which is even **less than the estimated trip generation using the ITE rate**. [The Specific Plan attachment addresses trip generation rates for only the afternoon peak hour.]

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AS-VEN-03-067

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(310) 558-1820 PAGE 7 OF 9

Parking Demand and Supply

Based on the Venice Coastal Zone Specific Plan requirements, if the expanded hotel were to be constructed new, it would require 115 parking spaces. Because the hotel has grandfathered rights with respect to its existing configuration, parking requirements are to be calculated based upon the size of the proposed addition. The addition will require 10 additional spaces.

Currently, the hotel has 92 spaces – 89 spaces in two levels of parking structure, and 3 spaces adjacent to the hotel lobby. In conjunction with the expansion, an additional 16 spaces could be added in the existing parking level aisles, with an attendant on duty to maneuver the vehicles. Those 16 aisle-based spaces would be made available when the hotel occupancy and the guest parking demands warrant. The total supply, with the 16 additional spaces, would be 108 parking spaces.

The particular experience at the Best Western Marina Pacific Hotel has been that the **use of vehicles by guests is at a lower rate than at other hotels**, because the subject hotel provides transportation to the airport and to various tourist and shopping attractions in the vicinity, and there is coordination of guest pick-up and drop-off with the various sightseeing bus companies.

In August 2001, historically a **peak month for the hotel's occupancy**, we studied the **actual use of the available parking spaces** at the hotel. The number of parked vehicles at the hotel was counted every half-hour between 7:00 and 10:30 p.m. on two evenings, Friday, August 24, and Saturday, August 25, 2001. The hotel occupancy on those two days was 95.7% (88 rooms) on Friday and 93.5% (86 rooms) on Saturday.

[As shown in the book, *Shared Parking*, published by the Urban Land Institute (ULI) in 1983, parking for hotel guest rooms is at its highest percentages during the hours of the study. During the morning and afternoon hours (8 a.m. to 5 p.m.), the parking demand at a hotel does not exceed 60% of the maximum parking demand.]

The maximum parking use counted in our evening study at the subject hotel was 51 spaces, at 7:00 p.m. on Saturday. With 86 rooms occupied, the **actual maximum parking usage counted was at the rate of 0.6 spaces per occupied room** (51 spaces ÷ 86 occupied rooms = 0.59 spaces per room). If that maximum were factored upward to estimate 100% occupancy of the hotel, there would have been 55 parked vehicles with the existing 92 rooms.

When the hotel is expanded, as proposed, from 92 rooms to 122 rooms, the parking usage can be expected to increase proportionally. The maximum parking usage rate with the current room total was 0.6 spaces per occupied room. Based on that ratio, if the total **122 rooms** after expansion were **100% occupied**, there would be a **maximum of**

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Ms. Clare Bronowski
February 11, 2003

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73 vehicles parked on-site. That would leave **19 empty spaces**, approximately 20% of the total on-site supply of 92 spaces. During other hours of the evening, there would be even fewer parked vehicles and, therefore, more empty spaces.

Based on the empirical data gathered during the peak season for the hotel, the parking for the proposed hotel will be accommodated by the existing on-site supply of 92 spaces with a substantial surplus (20%) in case of an occasional higher parking demand. An additional 16 spaces can be made available, with attendant service, when conditions warrant.

I would be pleased to discuss my findings regarding traffic flows and parking related to the expansion of the Best Western Marina Pacific Hotel with members of the Coastal Commission and with Commission staff. Please contact me if you have any questions about my analyses.

Very truly yours,

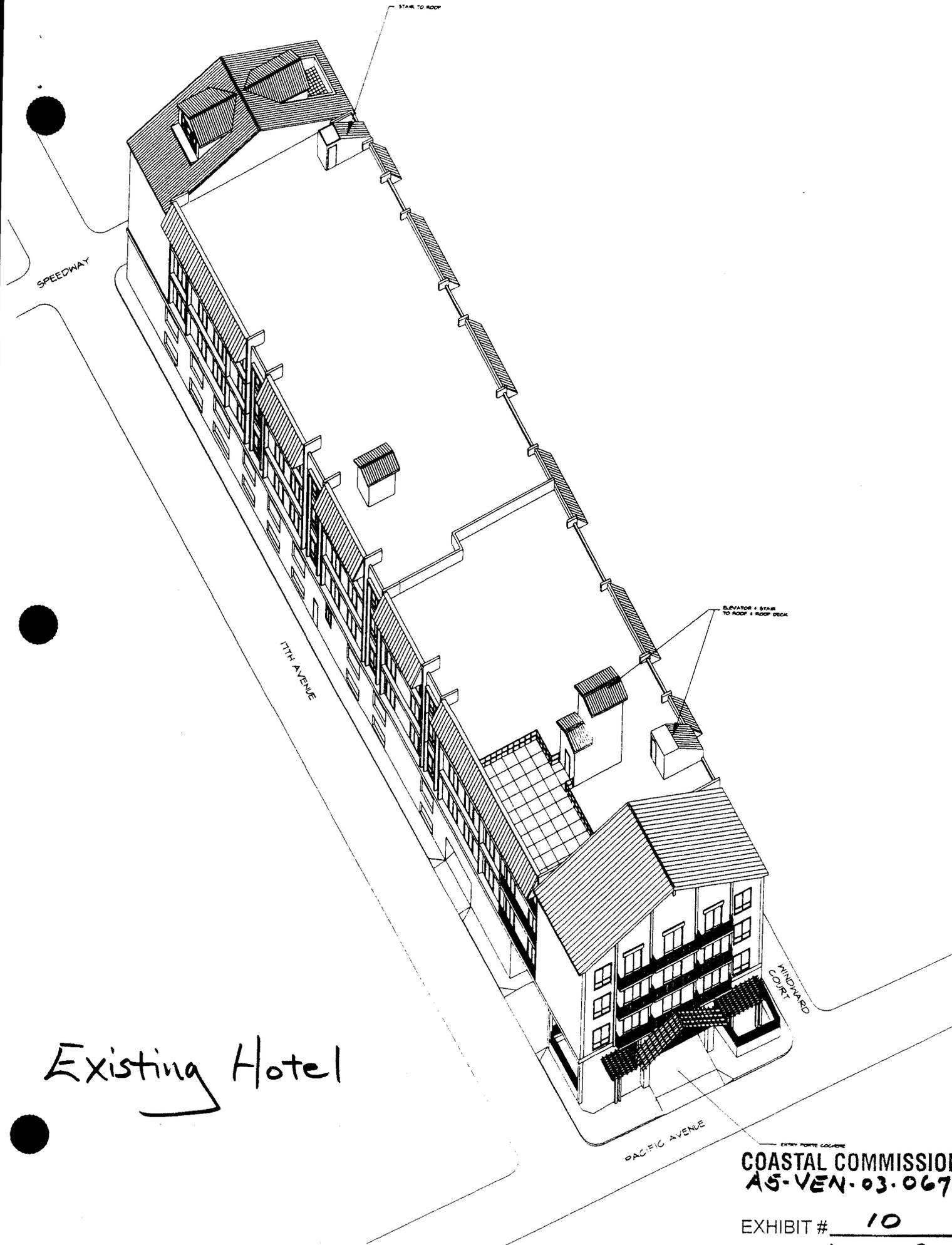


Arthur L. Kassan, P.E.
Registered Civil Engineer No. 15563
Registered Traffic Engineer No. 152

0.165080

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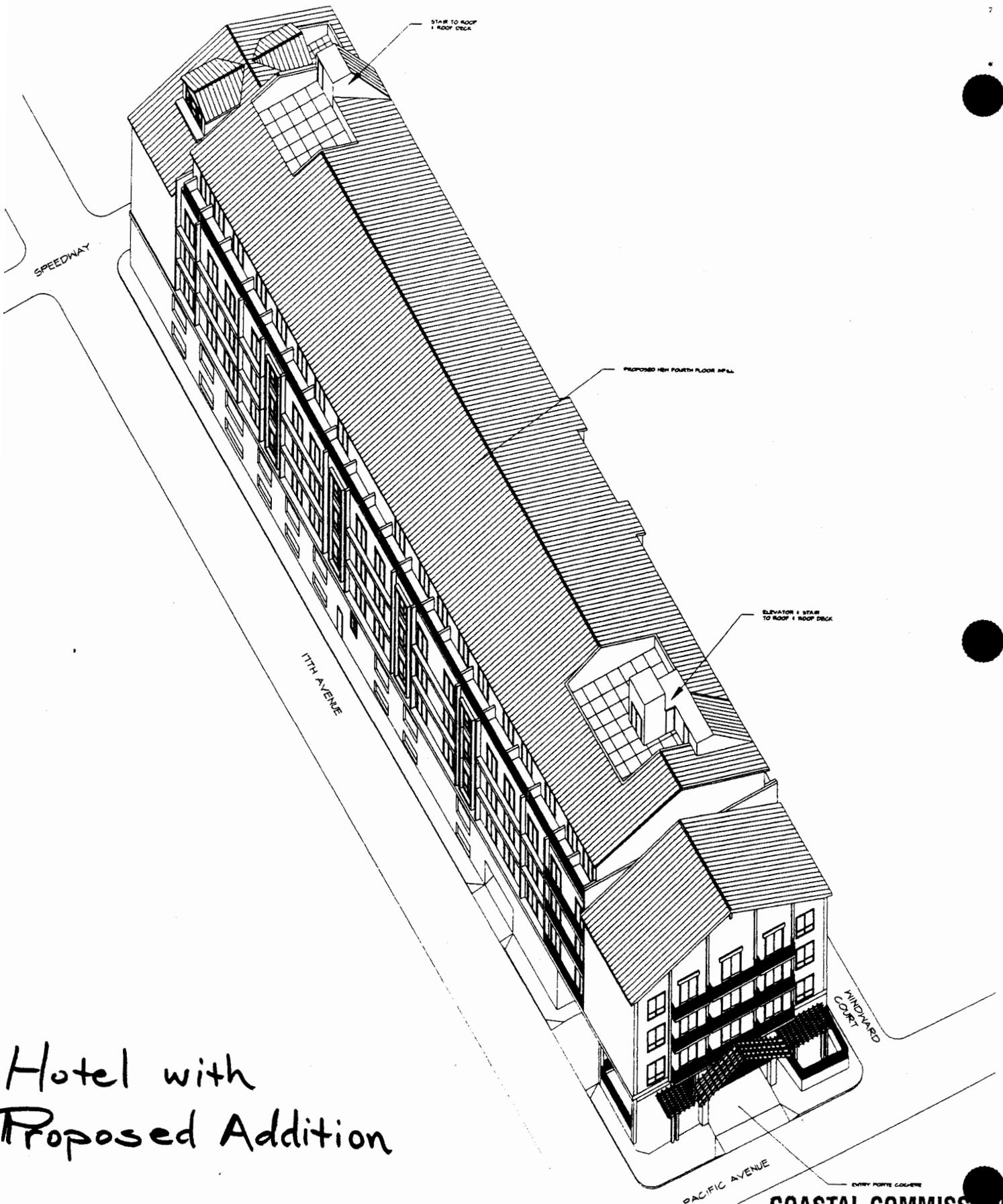
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Existing Hotel

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AS-VEN-03.067

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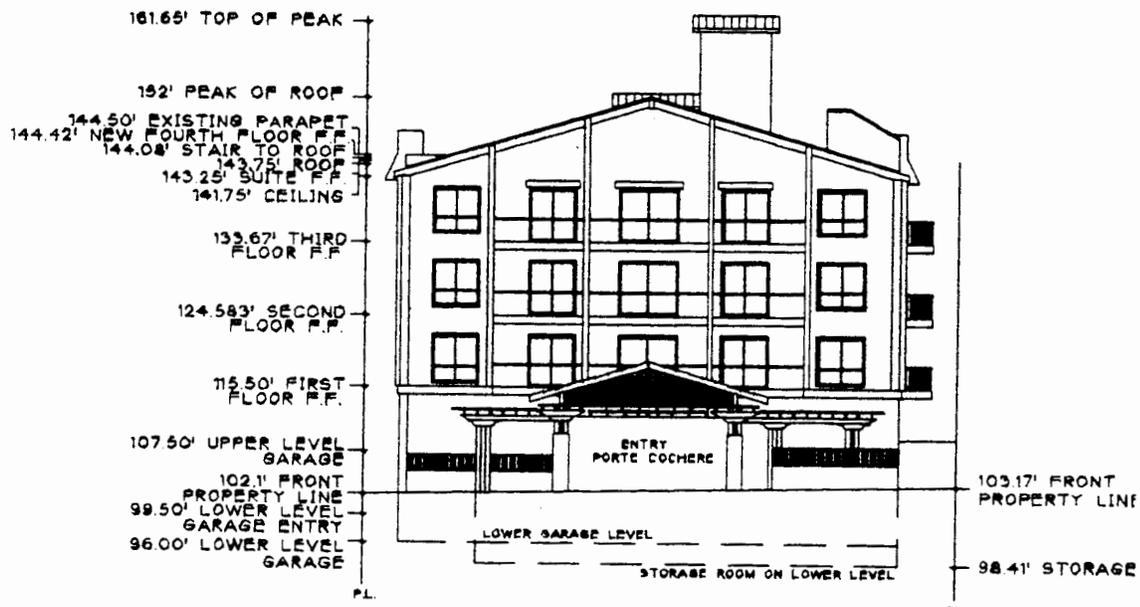
Hotel with
Proposed Addition

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PACIFIC AVENUE
ELEVATION - PROPOSED



PACIFIC AVENUE
ELEVATION - EXISTING

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