

CALIFORNIA COASTAL COMMISSION

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Hearing Date: February 18, 2004
Commission Action:

**W9d&e**

STAFF REPORT: APPEALS
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles**RECORD PACKET COPY****LOCAL DECISIONS:** Approval with Conditions**APPEAL NUMBERS:** A-5-VEN-04-008 & A-5-VEN-04-009**APPLICANT:** Venice Park Associates (a.k.a. Venice Lofts, LLC Attn: Ken Ayeroff)**AGENTS:** Mark Miner, Hall & Foreman, Inc. & Clare Bronowski**APPELLANTS:** Coastal Commission Executive Director Peter Douglas,
Joyce Haskell, Hortense Breitman and Steve Schlein.**PROJECT DESCRIPTIONS AND LOCATIONS:**

A-5-VEN-04-008: Appeals from decision of the City of Los Angeles approving Local Coastal Development Permit No. ZA-2002-2526 and Vesting Tentative Tract No. 53773 for a 35-foot high six-unit joint living and working condominium, one 1,500 square foot commercial condominium, and a 66-stall parking garage at 701 Ocean Front Walk, Venice, City of Los Angeles.

A-5-VEN-04-009: Appeals from decision of the City of Los Angeles approving Local Coastal Development Permit No. ZA-2002-2546 and Vesting Tentative Tract No. 53772 for a 35-foot high four-unit joint living and working condominium, one 900 square foot commercial condominium, and a 37-stall parking garage at 619 Ocean Front Walk, Venice, City of Los Angeles.

SUMMARY OF STAFF RECOMMENDATIONS

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

The local coastal development permits approve development that exceeds the 28-foot height limit for development along walk streets in the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice. The displacement of parking on the project sites and the proposed projects' height, land use, setbacks and design raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30222, 30251 and 30253.

The motions to carry out the staff recommendation are at the **Top of Page Seven**.

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. ZA-2002-2546 (619 OFW).
4. City of Los Angeles Local Coastal Development Permit No. ZA-2002-2526 (701 OFW).
5. City of Los Angeles Mitigated Negative Declaration No. 2002-2547 MND (619 OFW).
6. City of Los Angeles Mitigated Negative Declaration No. 2002-2527 MND (701 OFW).
7. Coastal Development Permit Application No. 5-04-028 (619 OFW).
8. Coastal Development Permit Application No. 5-04-027 (701 OFW).

I. APPELLANTS' CONTENTIONS

The City of Los Angeles West Los Angeles Area Planning Commission's actions to approve Local Coastal Development Permit Nos. 2002-2526 and 2002-2526 for the proposed projects located at 619 and 701 Ocean Front Walk in North Venice have been appealed by the Executive Director, Joyce Haskell, Hortense Breitman and Steve Schlein (See Exhibits).

The grounds for the appeals by the Executive Director are:

1. The local coastal development permit approves a primarily residential project on a site designated as "Community Commercial" by the certified Land Use Plan (LUP) for Venice. The Community Commercial land use designation calls for a mix of residential dwelling units and visitor-serving commercial uses and services, with the commercial uses on the ground floor and the residential uses above. The fact that the City has approved a project at 619 Ocean Front Walk with four residential units and only one commercial unit, and at 701 OFW with six residential units and only one commercial unit, is a substantial issue that merits closer scrutiny by the Commission in order to determine whether the mix of uses is appropriate for the site. [Coastal Act Section 30222.]
2. The certified Venice LUP sets forth a 28-foot height limit and other special building standards (e.g., setbacks & design) for projects along walk streets. The 35-foot high projects are situated on the corners of Ocean Front Walk and Thornton Avenue (Exhibit #2). The certified Venice LUP designates Thornton Avenue as a walk street. Therefore, the project height raises a substantial issue as to conformity with the LUP standards that protect community character. [Coastal Act Sections 30251, 30252 and 30253.]
3. The project sites are currently being used as parking lots for beach goers, customers of commercial uses and local residents. The loss of this local parking supply may have adverse impacts on coastal access. This is an issue that merits closer scrutiny by the Commission in order to determine whether such impacts can be mitigated. [Coastal Act Section 30211.]

The grounds for the appeals by Joyce Haskell are that the 35-foot height of the proposed projects and the reduced setbacks from the Thornton Avenue walk street would adversely affect visual quality and community character in violation of the certified Venice Land Use Plan

(LUP) and Sections 30251 and 30253 of the Coastal Act (See Exhibit #8). The projects do not conform with the certified Venice LUP 28-foot height limit for projects situated along North Venice walk streets (Exhibit #2).

The grounds for the appeals by Hortense Breitman are related to the proposed building heights and the proposed setbacks from Speedway, the rear alley that provides vehicular access to the sites (See Exhibit #9).

The grounds for the appeals by Steve Schlein are that the proposed projects would adversely affect coastal access by displacing approximately 70 parking spaces that serve local residents and beach goers (See Exhibit #10). Steve Schlein is requesting that the City provide temporary nighttime preferential parking for residents along Pacific Avenue in order to mitigate the effects of the proposed projects on the local parking supply.

II. LOCAL GOVERNMENT ACTION

The applicants submitted the applications for the proposed development to the City of Los Angeles Planning Department in May 2002. The proposed projects required the City's approval of the following discretionary actions for each site:

619 Ocean Front Walk

1. Local Coastal Development Permit No. ZA-2002-2546.
2. Vesting Tentative Tract No. 53772.
3. Venice Specific Plan Project Permit.
4. Conditional Use Permit (for minor deviations from Commercial Corner Development provisions of the zoning ordinance).
5. Mello Act Compliance Determination.
6. Mitigated Negative Declaration No. 2002-2547 MND.

701 Ocean Front Walk

1. Local Coastal Development Permit No. ZA-2002-2526.
2. Vesting Tentative Tract No. 53773.
3. Venice Specific Plan Project Permit.
4. Conditional Use Permit (for minor deviations from Commercial Corner Development provisions of the zoning ordinance).
5. Mello Act Compliance Determination.
6. Mitigated Negative Declaration No. 2002-2527 MND.

City records state that the City Planning Department held public hearings for the proposed projects on February 19, 2003 and June 11, 2003. The City of Los Angeles Advisory Agency issued its decision to approve all of the above items on June 18, 2003. The current appellants (Joyce Haskell, Hortense Breitman and Steve Schlein) appealed the Advisory Agency's approval to the West Los Angeles Area Planning Commission.

At its meeting of September 17, 2003, the West Los Angeles Area Planning Commission denied the appeals and approved the local coastal development permits, vesting tentative

tracts, project permits, conditional use permits and mitigated negative declarations for the proposed projects located at 619 and 701 Ocean front Walk (Exhibits #11&12).

At least one of the appellants, Joyce Haskell, appealed the West Los Angeles Area Planning Commission's decisions to the Los Angeles City Council. The City Council Planning and Land Use Committee (PLUM) conducted a public hearing for the appeal on November 12, 2003. The PLUM voted to recommend that the City Council deny the appeals and approve the proposed project. The City Council, on December 2, 2003, adopted a motion to "receive and file" a report by the City Council Planning and Land Use Committee (PLUM) relating to the appeal of the West Los Angeles Area Planning Commission decisions.

A City letter dated January 13, 2004 states "the City Council did not have an opportunity to act on the appeals until December 2, 2003, after the deadline..." (Exhibit #13). The letter further states that, although the Tentative Tract Map was appealable to the City Council, the West Los Angeles Area Planning Commission's decision to approve the local coastal development permits was only appealable to the Coastal Commission (see also Exhibit #11, p.2).

The Commission's South Coast District Office in Long Beach received the City's Notice of Final Action for the local coastal development permits on January 7, 2004, 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.

Joyce Haskell filed her appeals of the local coastal development permits at the Commission's South Coast District Office in Long Beach on November 17, 2003, prior to the Commission's receipt of the City's Notice of Final Action. Hortense Breitman, on November 18, 2003, and Steve Schlein, on December 26, 2003, also filed their appeals prior to the Commission's receipt of the City's Notice of Final Action. The Executive Director's appeal was file January 28, 2004. The last day of the Commission's twenty working-day appeal period for Local Coastal Development Permit Nos. ZA-2002-2526 and ZA-2002-2546 is February 5, 2004.

Because the proposed projects are 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 5). The applicant submitted to the Commission, on January 28, 2004, Coastal Development Permit Application Nos. 5-04-027 and 5-04-028. The filing and processing of the applicant's "dual permit" applications will occur after the final outcome of the local coastal development permits that are the subject of these appeals. The public hearings and actions for the de novo portion of these appeals and the necessary "dual permit" applications will be combined and scheduled for concurrent action at a future Commission meeting.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in 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 1978 to exercise its option to issue local coastal development permits.

Sections 13302-13319 of Title 14 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. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a local 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 (Coastal Act 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 that the appeal raises a substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

At this point, the Commission may decide that the appellants' 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 respect to the conformity of the action of the local government with the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114.

IV. DUAL PERMIT JURISDICTION

The proposed project is located on 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.

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 "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The City has approved Local Coastal Development Permit Nos. ZA-2002-2526 and ZA-2002-2546 for the proposed projects located at 619 and 701 Ocean front Walk. The City's actions to approve the local coastal development permits are the subject of these appeals. On January 28, 2004, the applicants submitted the dual permit applications for Commission action (Coastal Development Permit Application Nos. 5-04-027 & 5-04-028). The processing of the applicant's "dual permit" applications will occur concurrently with the processing of the *de novo* portion of these appeals, if the Commission makes a finding of substantial issue. Then the public hearings and actions for the *de novo* portions of these appeals and the necessary "dual permit" applications will be combined and scheduled for concurrent action at a future Commission meeting. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

V. STAFF RECOMMENDATIONS ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to whether the approvals of the projects are 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 motions:

MOTION I: *"I move that the Commission determine that Appeal No. A-5-VEN-04-008 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

MOTION II: *"I move that the Commission determine that Appeal No. A-5-VEN-04-009 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

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

Resolutions to Find Substantial Issue for Appeal A-5-VEN-04-008

The Commission hereby finds that Appeal No. **A-5-VEN-04-008** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

Resolutions to Find Substantial Issue for Appeal A-5-VEN-04-009

The Commission hereby finds that Appeal No. **A-5-VEN-04-009** 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 Descriptions

The proposed projects are two mixed-use buildings proposed at the corner of Ocean Front Walk and Thornton Avenue in North Venice (Exhibit #3). The project proposed on the north side of Thornton Avenue (619 Ocean Front Walk) is a 35-foot high building with four joint living and working condominium units, one 900 square foot commercial space facing the boardwalk, and a two-level, 37-stall parking garage (Exhibits #4-7). The project proposed on the south side of Thornton Avenue (701 Ocean Front Walk) is a 35-foot high building with six-joint living and working condominium units, one 1,500 square foot commercial space, and a two-level, 66-stall parking garage (Exhibits #4-7). The project sites are currently used as surface parking lots.

Thornton Avenue is a walk street (closed to vehicular use) that provides direct pedestrian access from the inlying residential neighborhood to the Venice boardwalk (Ocean Front Walk) and the open sandy public beach (Exhibit #3). Ocean Front Walk is a paved public walkway situated between the private lots the beach and the private commercial and residential properties situated immediately inland of the boardwalk. Speedway Alley provides vehicular access to the proposed developments and the other properties along the boardwalk.

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 approvals of the projects are 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 appeals assert that the proposed projects are higher than the certified LUP allows and thus raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30251 and 30253. Issues of land use, setback requirements and replacement parking are also raised by the appeals.

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 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 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, especially along walk streets including Thornton Avenue. The Venice LUP limits the height of buildings as a way of protecting public access, community character and the visual resources of the beach and boardwalk. The proposed 35-foot high buildings do not conform to the 28-foot height limit for development along walk streets in the North Venice area as set forth in the City's certified Land Use Plan (LUP) for Venice (Exhibit #2). Therefore, the proposed projects' heights raise substantial issues with regards to the Chapter 3 policies of the Coastal Act, specifically Sections 30251 and 30253.

The Commission recognizes that the City imposed the Ocean Front Walk height limits (30-35 feet) on the projects rather than the walk street standards because the sites have frontage on

the boardwalk. Also, the standard of review is the Chapter 3 policies of the Coastal Act; the LUP only provides guidance, and is not the final standard for approval. Therefore, the height limit question is a significant issue that must be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act.

The certified the Venice LUP also includes the following additional policies to protect the Venice walk streets and the character of the North Venice community. The following LUP policies carry out requirements of Coastal Act Sections 30251 and 30253 to protect the scenic and visual qualities of the Marina Peninsula coastal area, a popular visitor destination.

- **Policy II. C. 7. Walk Streets.** *Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way. Vehicular access on walk streets shall be restricted to emergency vehicles. The minimum width of the pedestrian path shall be 10-12 feet in the North Venice and Peninsula areas and 4½ feet in the Milwood area. The remaining public right-of-way shall be limited to grade level uses including landscaping, patios, gardens and decks.*

(Staff note: The following list, which includes Thornton Avenue, is only part of the list of Venice walk streets contained in LUP Policy II.C.7).

The following North Venice streets are designated as walk streets (See LUP Exhibit 19):

West of Main Street and east of Speedway:

- a. Dudley Avenue*
- b. Breeze Avenue*
- c. Wave Crest Avenue*

West of Main Street and east of Ocean Front Walk:

- a. Paloma Avenue*
- b. Thornton Avenue*

West of Main Street and east of Pacific Avenue:

- a. Park Place*
- b. Vista Place*

- **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries*

shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.

- **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.** *Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian. Creative use and arrangement of permeable paving materials shall be encouraged. Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way. The use of decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.*

Secondly, the above-stated LUP policies protect the character of the walk streets by regulating the building setbacks and building designs. The proposed projects are set back less than eight feet from the Thornton Avenue right-of-way (Exhibit #4). The City-approved setbacks may not be adequate to protect public views toward the shoreline. The setbacks from Speedway Alley are also important, for the reasons described in the appeals by Hortense Breitman (Exhibit #9).

Third, the City has approved a project at 619 Ocean Front Walk with four residential units and only one commercial unit, and at 701 OFW with six residential units and only one commercial unit, is a substantial issue that merits closer scrutiny by the Commission in order to determine whether the mix of uses is appropriate for the beachfront site. The site designated as "Community Commercial" by the certified Land Use Plan (LUP) for Venice, which calls for a mix of residential dwelling units and visitor-serving commercial uses and services, with the commercial uses on the ground floor and the residential uses above. Section 30222 of the Coastal Act gives priority to visitor-serving commercial recreational facilities over private residences.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Fourth, the appellants also raise parking impacts as an issue because the project sites are currently being used as parking lots for beach goers, customers of commercial uses and local residents. The temporary or permanent loss of this local parking supply during and after construction of the proposed development may adversely affect coastal access opportunities by increasing demand for the limited public parking provided by the public streets and beach parking lots. In addition, some of the parking provided on the sites may already be encumbered or leased by nearby commercial uses pursuant to Coastal Commission issued permits. This needs to be researched prior to the issuance of any coastal development permits for the proposed projects. Therefore, the parking issues merit closer scrutiny by the

Commission in order to determine to what extent the impacts to public access can be mitigated.

Because of the importance of the Coastal Act issues raised to by the appellants, the proposed projects 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 projects' conformance the Chapter 3 policies of the Coastal Act and with the City's approval of the projects. The Commission will have the opportunity to review and act on the proposed projects at the subsequent de novo hearing and the public hearing for Coastal Development Permit Application Nos. 5-04-027 and 5-04-028. 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 applications 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: 619-701 OFW
Ocean Front Walk
@ Thornton Avenue

COASTAL COMMISSION
AS-VEN-04-008
AS-VEN-04-009
EXHIBIT # 1
PAGE 1 OF 1

Maximum Building Height

- E** 22'-30'
- F** 30' with a flat roof
35' with varied or stepped back roofline
28' along walk streets

Notes:

*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

*Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal.

*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

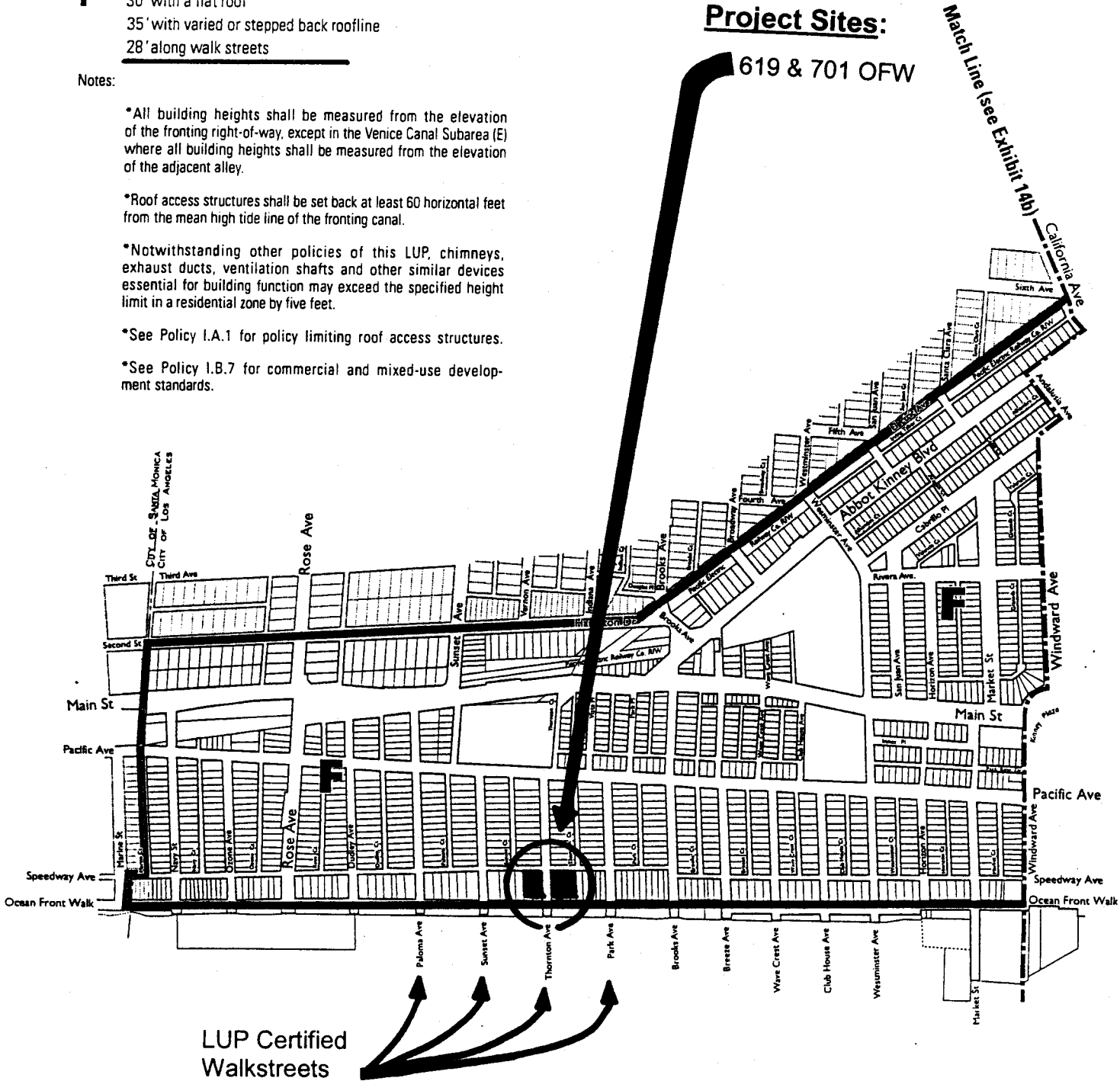
*See Policy I.A.1 for policy limiting roof access structures.

*See Policy I.B.7 for commercial and mixed-use development standards.

Project Sites:

619 & 701 OFW

Match Line (see Exhibit 14b)



LUP Certified Walkstreets

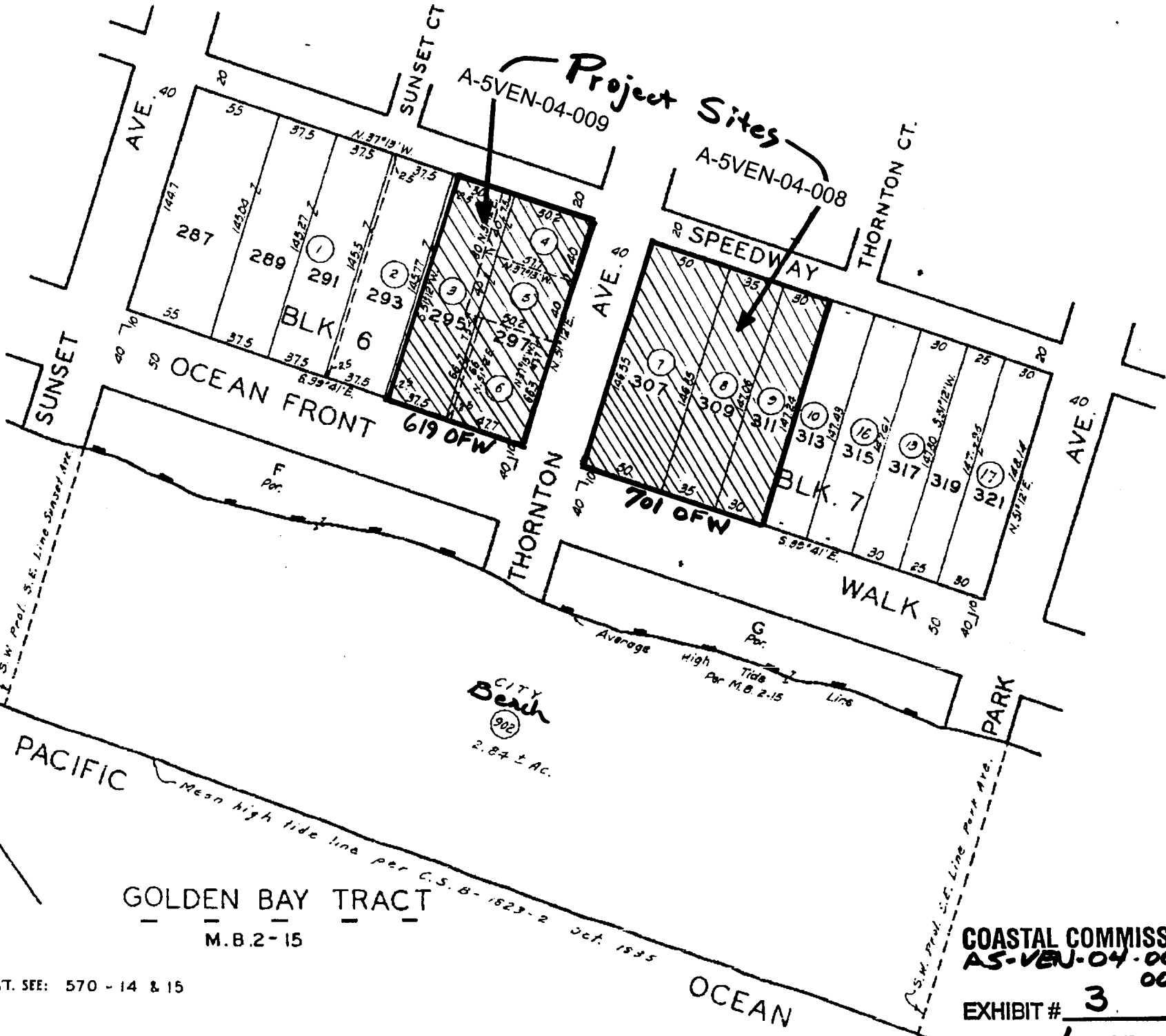
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LUP
Exhibit 14a
Height

Subarea: North Venice • Venice Canals





CODE
67

GOLDEN BAY TRACT
M.B. 2-15

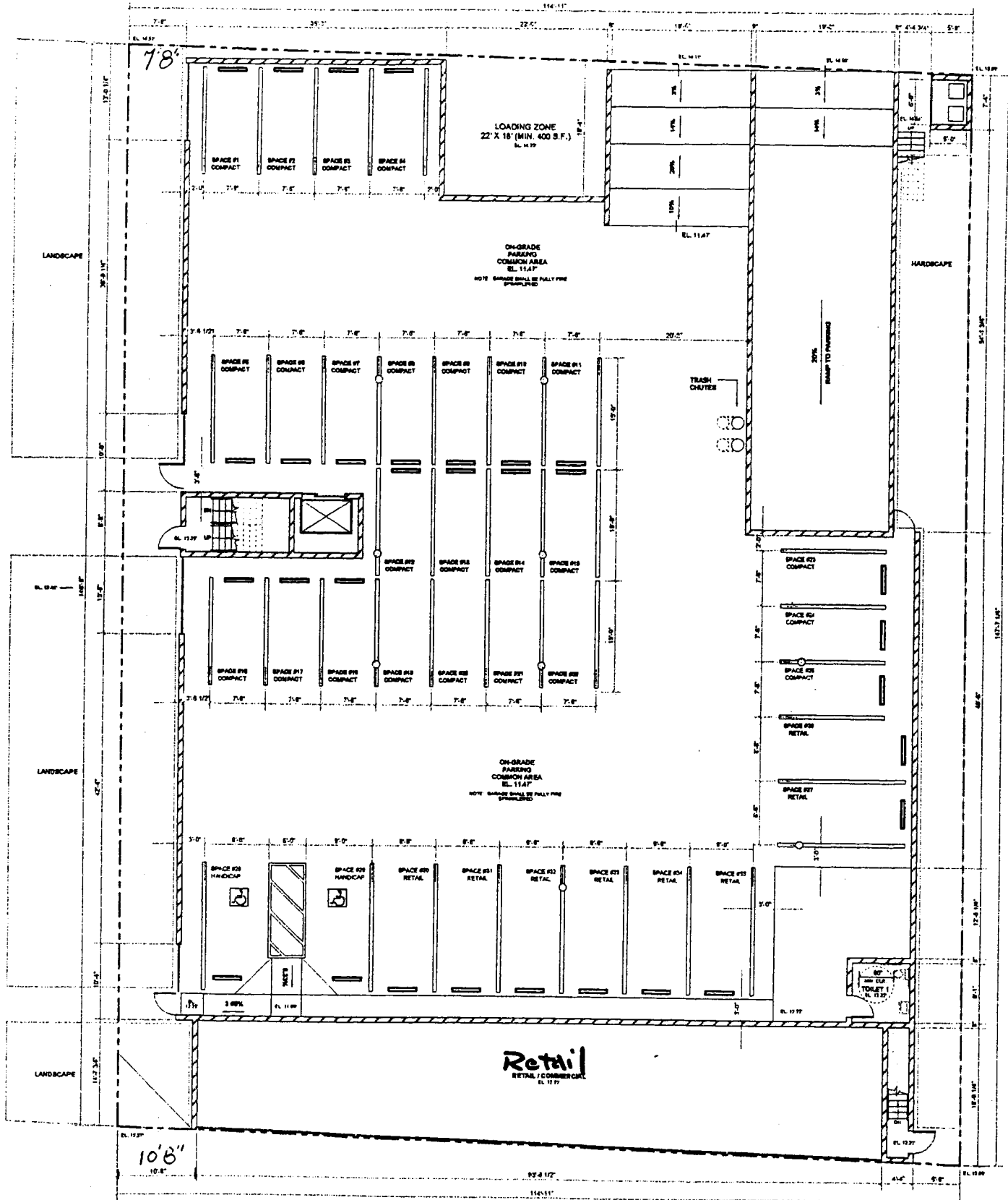
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AS-VEN-04-008
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EXHIBIT # 3
PAGE 1 OF 1

SPEEDWAY

THORNTON AVENUE

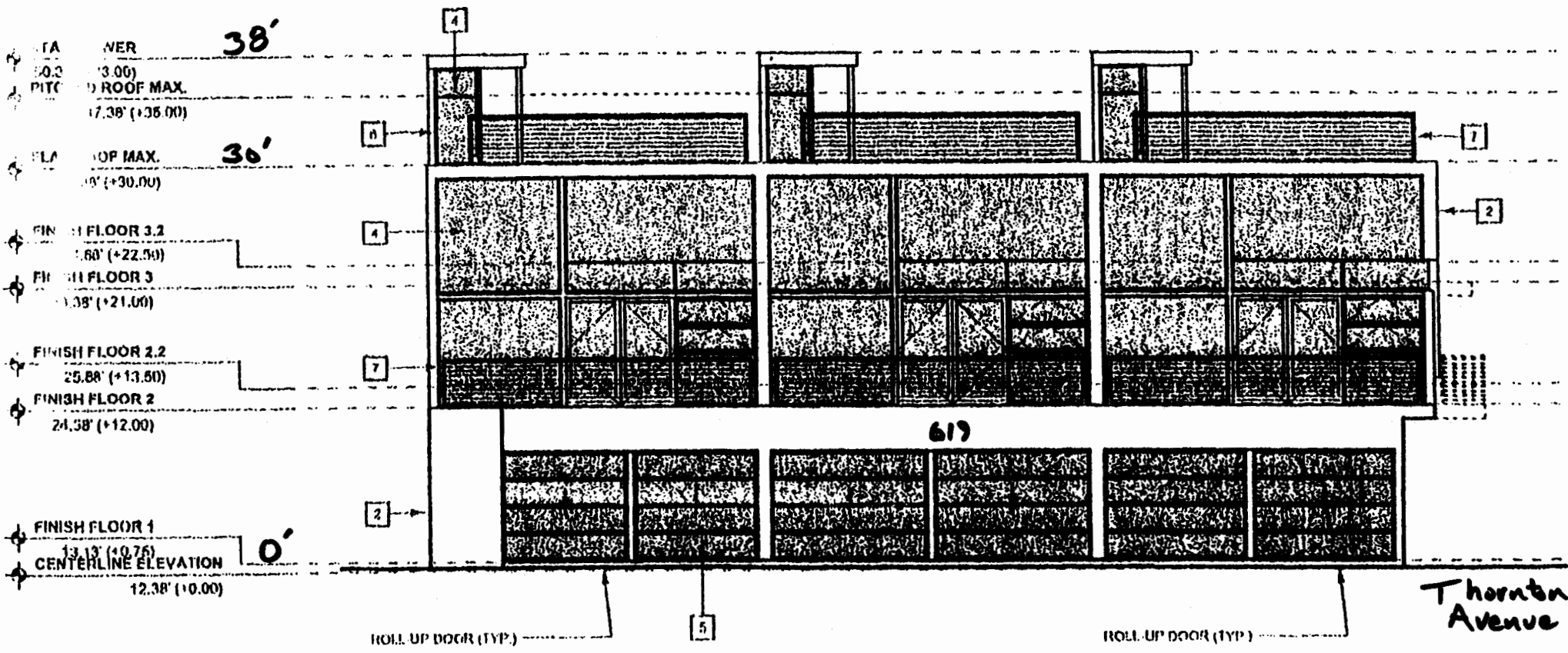


← OCEAN FRONT WALK →
701

COASTAL COMMISSION
A5-VEN-04-008

EXHIBIT # 4
 PAGE 2 OF 2





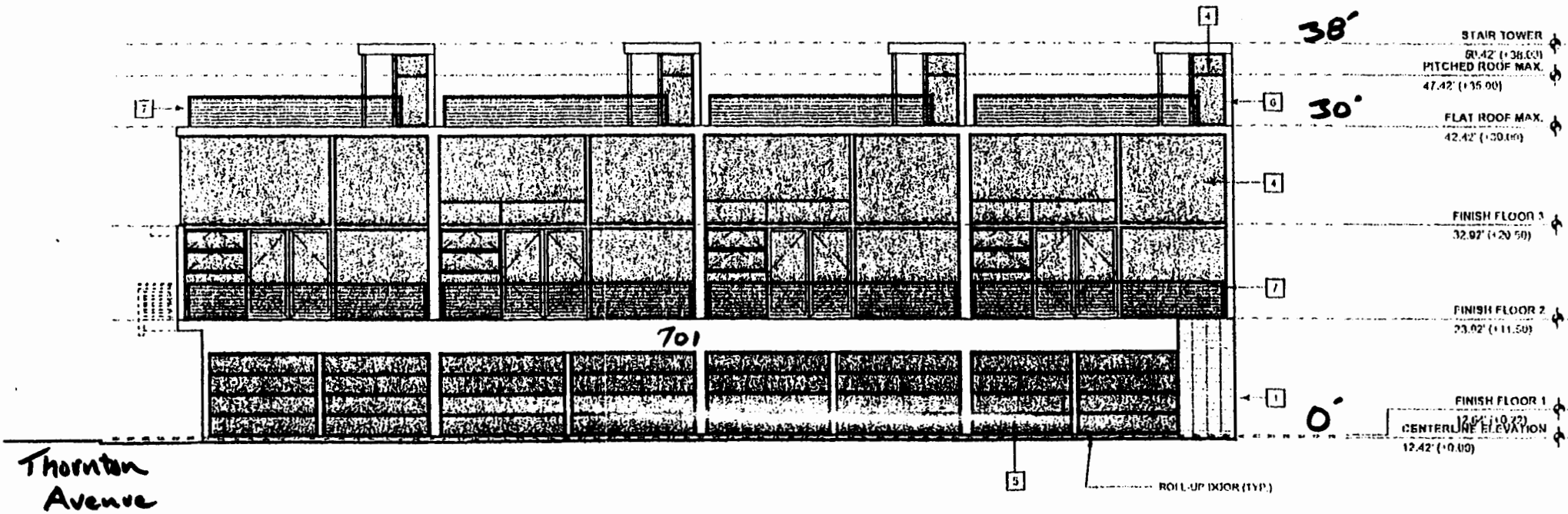
West Elevation - Ocean Front Walk

619 OFW

COASTAL COMMISSION
A-5VEN-04-009

EXHIBIT # 5

PAGE 1 OF 2



West Elevation - Ocean Front Walk

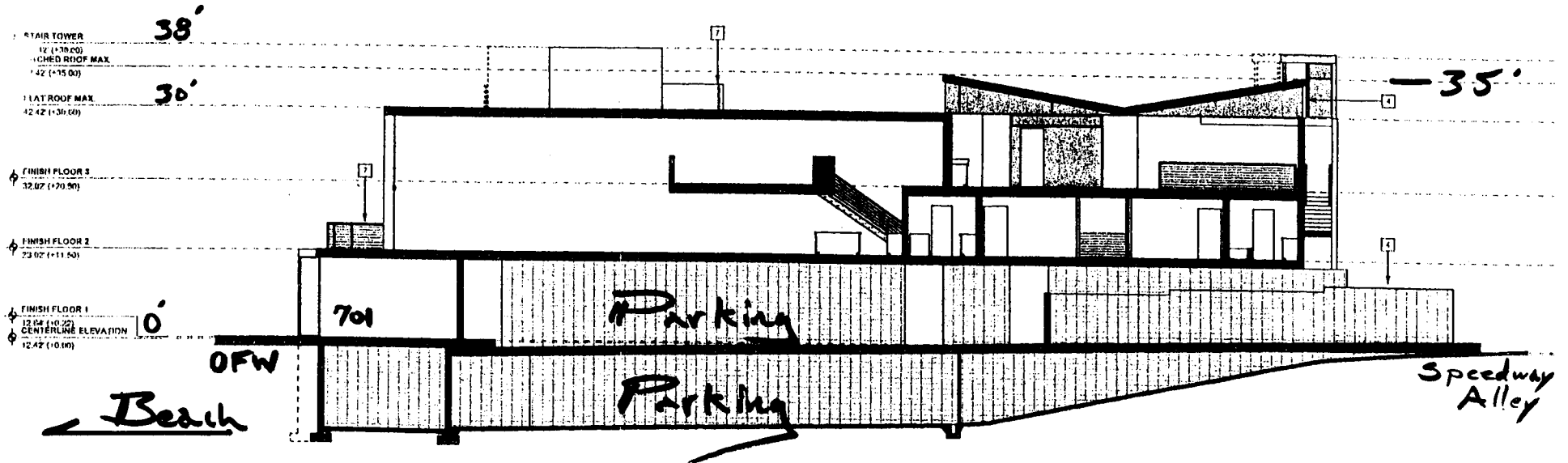
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COASTAL COMMISSION

A-5VEN-04-008

EXHIBIT # 5

PAGE 2 OF 2



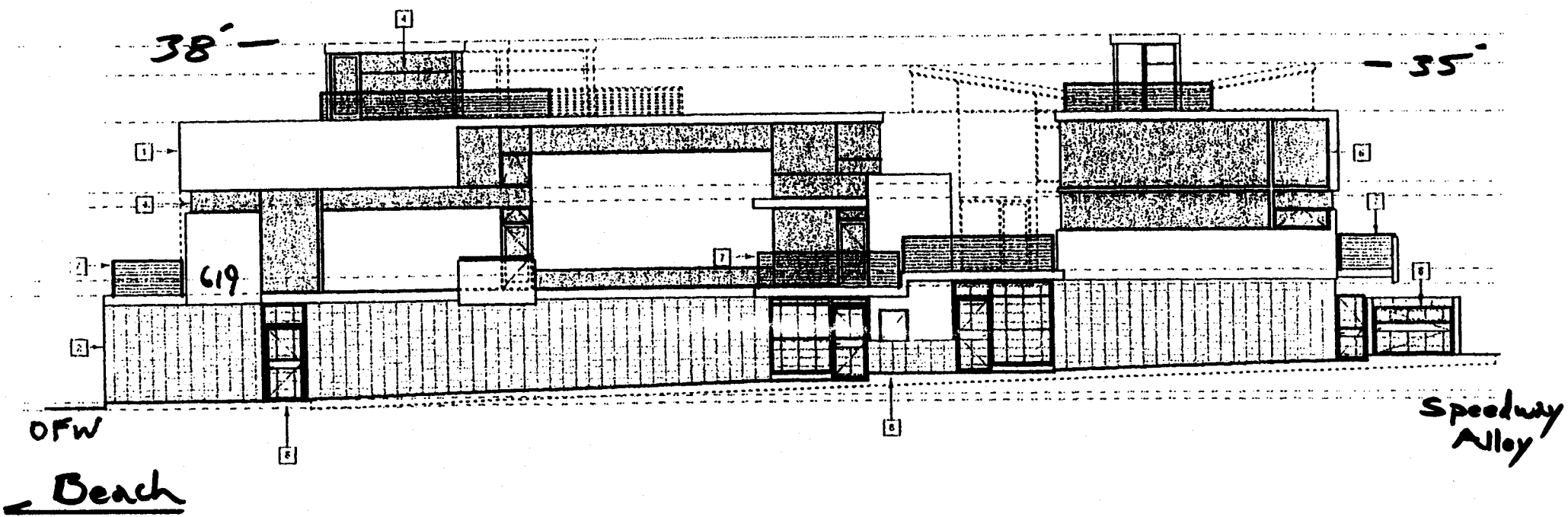
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COASTAL COMMISSION

A-5VEN-04-008

EXHIBIT # 6

PAGE 2 OF 2

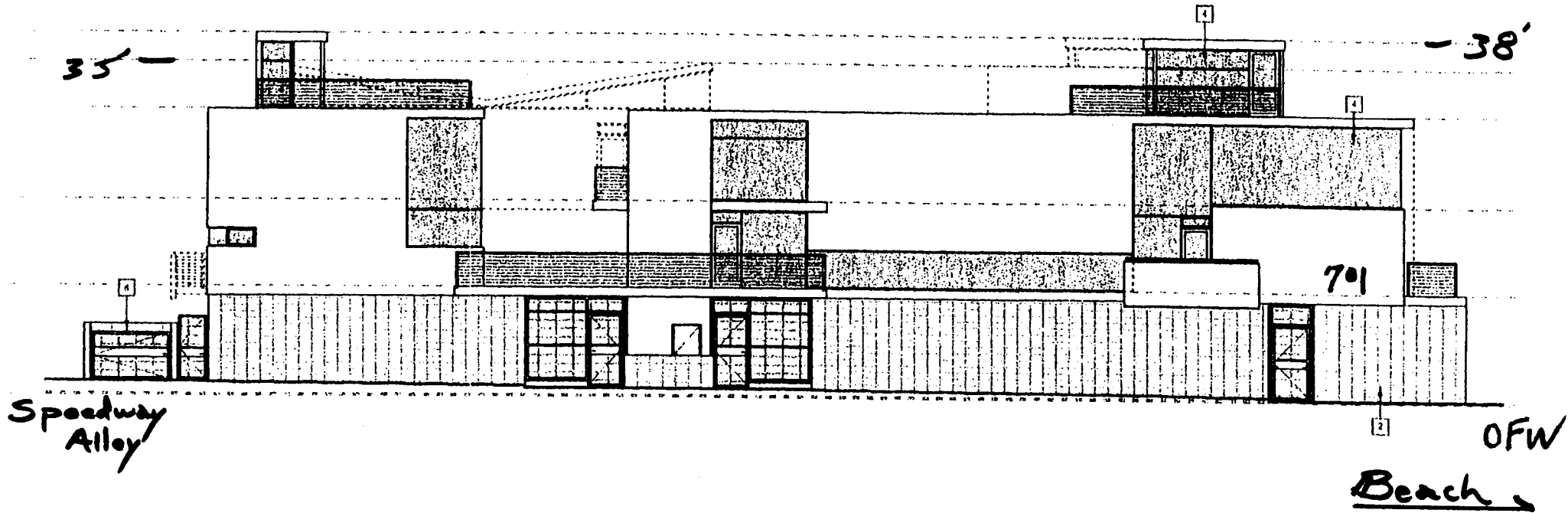


South Elevation - Thornton Avenue

619 OFW

COASTAL COMMISSION
A-5VEN-04-009

EXHIBIT # 7
PAGE 1 OF 2



North Elevation – Thornton Avenue

701 OFW

COASTAL COMMISSION

A-5VEN-04-008

EXHIBIT # 7

PAGE 2 OF 2

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

In violation of:

A. Section No. 30251 AND Section 30253 of the Coastal Act.


B. Venice Specific PLAN, Section (North Venice) G-3c Height, which states proposed structures on WALK Streets should not exceed 28 feet in height.

See Attached:

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

Date November 14, 2003

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

A-5VEN-04-008
A-5VEN-04-009

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 10

Venice Community Association

RECEIVED
South Coast Region

Friday,
November 14, 2003

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



VENICE COMMUNITY ASSOCIATION

Attention: Charles Posner

Re: City of Los Angeles Case No. ZA-2002-2546-CDP-CU-SPP-MEL
Vesting Tract Map 53772 – MND No. 2002-2547
Project Location: 619 Ocean Front Walk, and 7, 9, and 11 Thornton Avenue
Applicant: Venice Park Associates / N.S.B. Associates, Inc.
MARK MIVOR, HALL & FOREMAN INC.

Project Description:

A four unit, joint living/work condominium, and one unit commercial condominium and retail stores. There will be ground level day-to-day parking, and one floor of subterranean parking for residential, retail and guests.

Decisions Being Appealed:

1. Venice Specific Plan Exception for a height of 35-feet in lieu of the maximum 28-foot height limit allowed along a designated Venice Walk Street.
2. A 22-foot, 8-inch setback on Thornton Avenue in lieu of the existing 26-foot Walk Street setback.

Dear Commissioners:

The Venice Community Association (VCA) is an umbrella association of community groups and concerned individuals consisting of two hundred sixty nine members. A list of the individuals supporting this appeal is attached.

The Association is appealing the determination of the City of Los Angeles Tract Map Hearings, conducted by Emily Gable-Luddy, Deputy Advisor Agency, February 19 and June 18, 2003, and the determination of the West Los Angeles Planning Commission's hearing on September 17, 2003.

Background

Members of the VCA appeared at each of the three hearings. Over twenty-five members spoke in opposition to granting a building height that exceeds the Venice Specific Plan (VSP) and a reduced setback on Thornton Ave. A petition with 269 signatures in opposition to the height and setback were presented. In addition, letters,

COASTAL COMMISSION

EXHIBIT # 8
PAGE 2 OF 10

telephone calls, and e-mails were sent to Ms. Gable-Luddy, the WLA Planning Commission and the Councilwoman for our Council District 11, Cindy Miscikowski.

Our appeal to the Los Angeles Planning Department is attached.

Summary of Concerns

1. Venice Walk Streets Community Character and Height

- a. The Walk Streets are a unique and vital part of our community. These streets provide access to the beach. They exist along the coast from the southern boundary of Santa Monica to the entrance of Marina del Rey, a distance of approximately three miles.
- b. If the City of Los Angeles issues an Exception to the Venice Specific Plan, it will adversely affects this community. Such an Exception would be in conflict with Sections 30251 and 30253 of the Coastal Act, which requires the protection of the community's character and visual quality. In part the Act states, "The scenic and visual qualities of coastal areas shall be considered and protected as a public importance" and permitted developments shall "...be visually compatible with the character of surrounding areas...."
- c. The 28-foot height limit mandated in the Venice Specific Plan was put in place to protect the Walk Streets and remaining unique character of the community. The Venice Specific Plan, Section 8.G.3c is clear and unambiguous on the required height of 28-feet on all designated Walk Streets. An Exception circumvents a critical part of the Venice Specific Plan.

2. Building Setback on Thornton Avenue

- a. The applicant has proposed a setback of 22-feet, 8-inches. The existing setback along Thornton Avenue is 26-feet
- b. The granting of an additional Exception further jeopardizes the protection of visual quality and scenic character of the walk streets.

3. Additional negative impacts on visual quality

The height and bulk of the building will be increased with the addition of solar panels, elevator rooftop structure, and a stair well for rooftop access. All of this would be placed on top of a 35-foot high building, whose height is not permitted. The project can also include architectural design elements that would further increase the height and bulk.

The height and bulk of this project limits the scenic vistas of the beach area and walk streets and does not respect the unique character of the Venice North Beach community area.

Previous Action by the Coastal Commission Regarding Walk Streets Covered by the Venice Specific Plan

The following summary is excerpted from Coastal Commission Case No. 5-01-349, Appeal No. A-5-VEN-01-349, pages 5-7. In this appeal by the Executive Director, the Commission recognized the importance of maintaining the integrity of the Walk Streets and affirmed the maintenance of the 28-foot height limit:

COASTAL COMMISSION

EXHIBIT # 8
PAGE 3 OF 10

- a. "New development shall: Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular destination points for recreation uses.
- b. Venice walk streets are a unique scenic resource of Southern California. Walk Streets add to the character that maintains the Venice "Special Coastal Community. They provide pedestrian public access to the shoreline and other areas of interest and they preserve views along and from public right-of way.
- c. The Certified Venice Land Use Plan recognizes the importance of protecting public resources such as pedestrian access to the beach and to Ocean Front Walk.
- d. Building height and bulk can affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area.
- e. The Venice Specific Plan contains a more stringent height limit (28 feet) for development along all walk streets in Venice. The City included the 28-foot height limit for development along the Venice walk streets in its 1999 submittal of the Venice LUP to the Commission.
- f. The 28-foot height limit for development on walk streets carries out the requirement of Section 30251 of the Coastal Act to protect the scenic and visual qualities of the walk streets by limiting the height and bulk of development along the walk streets.
- g. A 35-foot building along a walk street is inconsistent with the City's Certified LUP and the development policies of the Coastal Act (Section 30251 and 30253).
- h. The City has adopted a Land Use Plan and a Specific Plan where certain regulations are specified including maximum building heights for the Venice Community. The City recommended the 28-foot height limit for walk streets in its certified LUPC but is now allowing individual exceptions that are not consistent with the LUP. By allowing these exceptions, the City may be creating a pattern of disregarding limits found in the Land Use Plan. This practice may jeopardize its ability to develop an implementation ordinance consistent with the standards of the land use plan, which was adopted by the City in full knowledge of the variety of heights prevalent in Venice neighborhoods. The Commission finds that approval of the proposed development would prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, and is not consistent with Section 30604(a) of the Coastal Act."

Rebuttal to the City of Los Angeles Assertions that the Walk Street Criteria Contained in the Venice Specific Plan Should Not be Followed

The applicant has made every effort to shift the fact that this is a Thornton Avenue Project and is located on Thornton Avenue; a Venice Specific Plan designated Walk Street. The Project is being presented as an Ocean Front Walk project in order to gain undeserved benefits. Ocean Front Walk is NOT a designated Walk Street under the Venice Specific Plan.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 4 OF 10

The following facts contradict the applicant's efforts:

- Thornton Avenue is a Walk Street that extends to the corner of Ocean Front Walk. It does not stop at Speedway to the rear of the subject property. See attached Coastal Commission map.
- The Project:
 1. Has its residential access on Thornton Avenue
 2. Is named Thornton Lofts
 3. Has three lots located on Thornton Avenue. They are numbered 7, 9, and 11 on the City Plot Map. The single adjacent lot fronts on Ocean Front Walk (see attached Plot Map)
 4. Lots on Thornton Ave have separate tax bills from the Los Angeles County Assessor: The Tax Numbers are: 4286-28-4, 4286-28-5, and 4286-28-6. See attached plot map.
 5. Lots on Thornton Avenue have a combined square footage greater than the single adjacent Ocean Front Walk lot.

Conclusion

If this project were built as proposed by the developer, it would set a very dangerous precedent for the future of the unique and scenic walk streets in the Venice beach area. The Venice Community Association members and I felt very disappointed with the actions of the City of Los Angeles towards the concerns of the Venice community. Not only were our concerns ignored but they saw fit to set aside the Venice Specific Plan, which they themselves had crafted.

Please support our appeal to protect the scenic and unique character on Thornton Avenue Walk Street and the North Venice Beach area.

Sincerely,



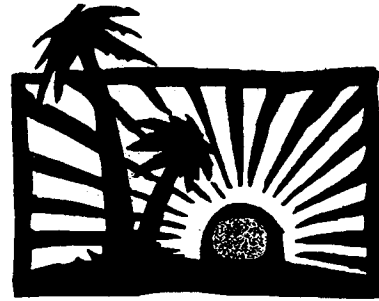
Joyce Haskell, Board Member
For the Board of Directors of the Venice Community Association
32 Thornton Avenue, Apt. No. 3
Venice, CA 90291
(310) 392-4413

cc: Venice Park Associates / N.S.B. Associates
Mark Miner, Hall & Foreman, Inc.
Los Angeles Planning Department
West Los Angeles Area Planning Commission

COASTAL COMMISSION

EXHIBIT # 8
PAGE 5 OF 10

December 9, 2003



California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

VENICE COMMUNITY ASSOCIATION

RECEIVED
South Coast Region

DEC 9 2003

Attention: Charles Posner

SUPPLEMENT TO APPEAL

CALIFORNIA
COASTAL COMMISSION

DATED NOVEMBER 14, 2003

City of Los Angeles Case No. ZA-2002-2546-CDP-CU-SPP-MEL
Vesting Track Map: 53772 - MND No. 2002-2547
Project Location: 619 Ocean Front Walk and 7, 9, and 11 Thornton Avenue
Applicant: Venice Park Associates/N.S.B. Associates, Inc.
Mark Miner, Hall & Foreman Inc.

Project Description:

A four unit, joint living/work condominium, and one unit commercial condominium and retail stores ("Project"). There will be ground level day-to-day parking, and one floor of subterranean parking for residential, retail and guests.

Decisions Being Appealed:

1. Venice Specific Plan Exception for a height of 35-feet in lieu of the maximum 28-foot height limit allowed along a designated Venice Walk Street.
2. A 22-foot, 8-inch setback on Thornton Avenue in lieu of the existing 26-foot Walk Street setback, *on the north side of Thornton Ave.*

Dear Commissioners:

This supplement to the Appeal is to alert you as to how these proposed projects would affect our Thornton Avenue Walk Street and our unique scenic and historical North Venice Beach community, as well as to make known the opposition of the Venice Community Association to the proposed Plan Exceptions.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 6 OF 10

SETBACK on Thornton Avenue Walk Street:

A. The two proposed Projects (on the North and South sides of the walk street of Thornton Avenue would cause a negative double impact on the unique, scenic character of our community.

B. The applicant's Project is a step which would detrimentally change the historic character of North Venice Beach.

C. The Project would greatly affect the view of the beach, decrease the ocean breezes and alter the wind patterns for the residents of Thornton Avenue Walk Street.

D. The Project would greatly reduce the view of the Thornton Avenue Walk Street and the historical Thornton Tower building to visitors on Ocean Front Walk.
7 (see Attached Photo)

E. The Project would greatly affect the visually unique quality of the North Venice Beach area and cause a damaging effect on the character of our community.

F. The Project would create a very dangerous precedent for North Venice Beach Ocean Front Walk, and the unique Walk Streets in the North Venice Beach area.

The developers propose a setback on Thornton Avenue Walk Street of 22-feet, 8-inches on the north and south sides of Thornton Avenue on both Projects. Instead, the setbacks should be in exact line with the existing buildings (homes and residences) on Thornton Avenue Walk Street which are:

North side: 26 feet
South side: 29 feet

COASTAL COMMISSION

EXHIBIT # 8
PAGE 7 OF 10

Height on Thornton Avenue Walk Street:

The applicant has made every effort to shift the fact that the Project includes lots that are on Thornton Avenue Walk Street to present the proposal that the lots are on Ocean Front Walk, in order to gain undeserved benefits. Under the Venice Specific Plan, the height for buildings on the walk streets is limited to 28 feet, while the Project plans have a height of 35 feet (see Appeal dated November 14, 2003 for details).

A. The two Projects on the North and South sides of Thornton Avenue Walk Street cause a double negative impact on the unique, scenic character of our community.

B. The applicant's Project is another step in detrimentally changing the historic character of North Venice Beach.

C. The Project would greatly reduce the view of the sky and of sunsets to residents of the Walk Street.

D. The Project would greatly reduce sunlight, wind and the sea air from reaching the rest of the Walk Street.

E. The Project would greatly reduce the view both for the residents of Thornton Avenue Walk Street and the visitors on Ocean Front Walk viewing the historical Walk Street.

F. The height and bulk of the building would be out of character with the unique scenic Thornton Avenue Walk Street and the North Venice Beach area of Ocean Front Walk.

G. The proposed huge glass structures would not fit in with the other buildings on Thornton Avenue Walk Street or Ocean Front Walk in the unique North Venice Beach area.

H. 151 Ocean Front Walk is the newly constructed Adda and Paul Safran Senior Housing Building that occupies the entire block of Rose Avenue on the South and Ozone Avenue, a walk street, on the North. The building maintains the existing set back of all the homes on these two avenues. Also, the Senior Housing building, in order to preserve the visual vistas of the homes on the avenues, was constructed one story high at each avenue and then rose to four stories high in the center of the building (photo attached), in this way keeping the character of the North Venice Beach area.

I. Additional negative impacts on visual quality by the Project plan are as follows:

i. The height and bulk of the building would be further increased with the addition of proposed solar panels, an elevator rooftop structure, and a stairwell for rooftop access. These structures would be placed on top of an already 35-foot high building, whose height is not permitted.

ii. The proposed Project would also include architectural design elements that would further increase the height and bulk.

The height and bulk of this project limits the scenic vistas of the beach area and walk streets, and does not respect the unique character of the Venice North Beach community area, creating a very dangerous precedent for North Venice Beach walk streets and Ocean Front Walk.

COASTAL COMMISSION

Setback on Speedway:

The applicant's request for a 0-foot setback on Speedway would create a dangerous condition for the Los Angeles Fire Department and potential hazard for the community.

A. The Fire Department requires a minimum of a 28-foot wide roadway with No Parking for a 35-foot high building (Section 57.09.03 – Fire Department Access Requirement). To reduce the Speedway access further by granting a 0-foot setback is unacceptable (see attached).

B. Speedway, not Ocean Front Walk, is the official roadway for Fire Department access. The fire hydrant is located on the Project property at the corner of Thornton Avenue and Speedway. A reduction in the width of access due to a 0-foot setback would adversely affect the ability of the Fire Department to react in an efficient manner and would affect the safety of our community.

Ocean Front Walk is heavily used as a walkway by pedestrian, so that during the weekends, holidays and peaktimes, police often walk or use bicycles rather than police cars. The Venice Use Plan (pages 3-28) (Policy II C.5) specifies "It is the policy of the city to complete a continuous public pedestrian walkway" (emphasis added) that extends from the boundary of the City of Santa Monica to the Marina del Rey. This suggests that this is a walkway and not for vehicles.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 9 OF 10

Conclusion:

Thornton Avenue is a Walk Street that extends to the corner of Ocean Front Walk. It does not stop at Speedway to the rear of the subject property. See attached Coastal Commission map (See attached map).

If this project were built as proposed by the developer, it would set a very dangerous precedent for the future of the unique and scenic walk streets in the Venice beach area.

Please support our appeal to protect the scenic and unique character on Thornton Avenue Walk Street and the North Venice Beach area.

Sincerely,



Joyce Haskell, Board Member
For the Board of Directors of the Venice Community Association
32 Thornton Avenue, Apt. No. 3
Venice, CA 90291
(310) 392-4413

cc: Venice Park Associates/N.S.B. Associates
Mark Miner, Hall & Foreman, Inc.
Los Angeles Planning Department
West Los Angeles Area Planning Commission

COASTAL COMMISSION

EXHIBIT # 8
PAGE 10 OF 10

CALIFORNIA COASTAL COMMISSION
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

1) Whereas the Venice Specific Plan limited the overall height of buildings to 28 feet adjoining walk streets (Thornton Ave. is a walk street), the height was increased to 35 feet, which will accommodate this newly proposed new two-building construction project with greater height of 35 feet. The increased height will impact all of the adjoining properties as well as people walking down Thornton by denying their view of the ocean and beach.

2) The proposed buildings back to Speedway which is approximately 20 feet wide and the only vehicular access to the proposed buildings. The loading space provided in the plans is woefully inadequate for sizeable trucks that must service the commercial uses in the buildings as well as the residential units in the buildings. Trucks blocking or partially blocking Speedway will impact access to the ramp to the 45 car subterranean parking garage immediately across Speedway from the one of the proposed buildings. Mitigating measures were offered. A) A sign would be posted stating "no Parking". Speedway is currently posted at close intervals with signs stating: "Tow Away, no parking at any time". The signs are ignored because there is no other way to make deliveries along Speedway. B) Deliveries by truck would be limited to small trucks that could fit in the small loading space provided. The size of such trucks is uncontrollable for the commercial uses as well as the residential units. These are unrealistic answers to the problem.

As stated, trucks park and are permitted to make deliveries along Speedway to older buildings that have no loading space in spite of the "tow away-no parking" signs. Since these two buildings are only proposed, they should be set back 10 feet from Speedway for their entire length along Speedway for any size and height trucks loading parallel to Speedway.

Hortense Breitman

Hortense Breitman

A-5VEN-04-008
COASTAL COMMISSION
A-5VEN-04-009

EXHIBIT # 9
PAGE 1 OF 1

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South Coast Region

DEC 26 2003

CALIFORNIA
COASTAL COMMISSION

Steve Schlein
615 Ocean Front Walk
Venice, CA 90291

December 23, 2003

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re:

Appeal of Coastal Development Permits 2002-2546 and 2002-2526

Thornton Lofts Project
619 and 701 Ocean Front Walk, Venice
Los Angeles City Council District 11

Dear Coastal Commission,

This coastal access appeal arises out of the City's refusal to provide temporary preferential parking for residents whose parking will be lost during the construction phase of the Thornton Lofts project.

The site of the Thornton Lofts project is a parking lot which has been used for the past 50 years or so by residents who live in the immediate neighborhood. These residents live in old apartment buildings which do not have onsite parking. The City apparently allowed these buildings to continue without dedicated parking in spite of subsequent changes in zoning code parking requirements.

During the construction phase of the Thornton Lofts project, all parking on the parking lot will disappear. After the project is completed, however, approximately 70 ground-level parking spaces will again be available to the residents and the public.

I, and the owners of the building I manage, proposed to the City that nearby Pacific Avenue be made available to the residents with temporary preferential parking until the Thornton Lofts project is completed. Since public parking is currently prohibited on Pacific Avenue during the day, temporary preferential parking will not eliminate parking spaces for people who are going to the beach. No other suitable parking is available in this area.

On the other hand, if Pacific Avenue is not used for temporary preferential parking, residents displaced by construction of the Thornton Lofts projects will be forced to find parking on streets which are used by the public for beach parking.

The City refused, without explanation, to provide temporary preferential parking on Pacific Avenue. This decision creates an impact on coastal access parking with a loss of approximately 70 parking spaces (the approximate number of residents who currently use the parking lot).

COASTAL COMMISSION
A-5VEN-04-008
A-5VEN-04-009
EXHIBIT # 10
PAGE 1 OF 7

I would like to give the Commission a record of the City's response to efforts to help the residents find parking during the construction of the Thornton Lofts project and to avoid impacts on coastal access.

In January 2003 I sent a fax to Councilwoman Cindy Miscikowski about the parking impacts resulting from the Thornton Lofts project and suggested preferential parking for the residents on Pacific Avenue. Councilwoman Miscikowski did not respond to my fax.

In February 2003 I submitted a detailed letter to the City's Planning Department as part of the public hearing process for the Thornton Lofts project. I urged the Planning Department to use Pacific Avenue for preferential parking to help the residents and to avoid the obvious impact on coastal access.

The first public hearing on the Thornton Lofts project took place on February 19, 2003. The City's Mitigated Negative Declaration does not address the parking impact on coastal access. In its approval of the Coastal Development permits for the Thornton Lofts project, the City declared that "The project will neither interfere with nor reduce access to the shoreline."

In March, I sent an e-mail to Mr. Aaron Gross, the District Director for Councilwoman Cindy Miscikowski's West Los Angeles Office. I explained that Pacific Avenue is a logical location for temporary preferential parking because of its proximity to the parking lot. In addition, if Pacific Avenue is not used for temporary preferential parking, "the residents will be using spaces which might otherwise be available for beach parking. This impact has the potential for raising coastal access problems with the Coastal Commission."

Mr. Gross replied that he would forward my e-mail to Sandy Kievman, Senior Field Deputy, to "let her know what you have found and request that she look into it by discussing such a possibility with the Department of Transportation, the Coastal Commission and the Councilwoman." I did not hear from Ms. Kievman.

In April, Morris Sands, the owner of the apartment building I manage, wrote to Councilwoman Miscikowski about temporary preferential parking for his tenants on Pacific Avenue while the Thornton Lofts project is under construction. He stated that the Coastal Commission would be concerned about coastal access issues if residents were forced to park on streets which are used by the public for beach parking. He emphasized the fact that no parking is allowed on Pacific Avenue during the day and, therefore, the use of Pacific Avenue for temporary preferential parking will not displace any beach parking.

In July, Councilwoman Miscikowski replied to Mr. Sands. In her reply, Councilwoman Miscikowski ignored the fact that replacement parking is not needed under this proposal for temporary preferential parking. She wrote, "... the Coastal Commission will not allow Preferential Parking in Venice, even temporarily, until the city can demonstrate that we have created more parking spaces in the community." Councilwoman Miscikowski concluded with her opinion that there is no "immediate fix" for the residents who will temporarily lose their parking. (I am attaching the letter from Councilwoman Miscikowski)

I called Chuck Posner, Coastal Program Analyst for the Coastal Commission, and read Councilwoman Miscikowski's letter to him. I pointed out that temporary preferential parking on Pacific Avenue would not displace any public parking for beach access and that replacement parking would therefore not be needed. However, if the residents are forced to find parking

COASTAL COMMISSION

EXHIBIT # 10
PAGE 2 OF 7

elsewhere, they will leave their cars on the street and remove those parking spaces from the public's use for beach access.

Mr. Posner told me that "there may be circumstances where the Coastal Commission would not have grounds to deny a preferential parking district permit. There is a possibility that a preferential parking district, especially a temporary one, could receive a permit from the Coastal Commission."

I spoke to Mr. Sands about my conversation with Mr. Posner. As a result, Mr. Sands wrote a second letter to the council office, addressed to Field Deputy Sandy Kievman. Mr. Sands pointed out that Councilwoman Miscikowski's characterization of the Coastal Commission's position appeared to be in conflict with Mr. Posner's reaction to a temporary preferential parking district under the unique circumstances of this case. (I am attaching a copy of Mr. Sands' July 31, 2003 letter)

In October, Ms. Kievman informed Mr. Sands that the City's Department of Transportation would not approve temporary preferential parking on Pacific Avenue. On October 23, 2003 I sent the following e-mail to Brian Gallagher, Senior Transportation Engineer, On-Street Parking Division for the Department of Transportation:

Dear Mr. Gallagher,

I spoke to Ms. Emilie Baradi about a temporary preferential parking solution to a serious, but temporary parking problem which will soon occur in my neighborhood in Venice. Ms. Baradi suggested that I contact you. I would like to know whether the Department of Transportation sees any problem with a temporary preferential parking district under the following circumstances:

I live in a neighborhood which has several old apartment buildings that do not have onsite parking. The City apparently allowed these buildings to continue without dedicated parking in spite of changes in zoning code parking requirements.

For the past 50 years or so, the residents of these apartment buildings - and perhaps a few other residential buildings in the neighborhood - have used a neighborhood parking lot located at Thornton Avenue and Ocean Front Walk. The parking lot is managed by Standard Parking and the residents pay a monthly parking fee. The parking lot is open to the public. No other suitable parking is available for the residents who live in this neighborhood.

This year, the owner of the parking lot submitted plans to the City to construct a building on the parking lot. The project will go to the Coastal Commission after approval by the City Council and I imagine construction will start early next year.

During the construction phase, all parking on the Thornton Avenue parking lot will disappear. After the building is finished, however, approximately 70 ground-level parking spaces will again be available to the residents and the public. The challenge is to find adequate parking for the residents while the building is under construction.

I believe that temporary preferential parking on nearby Pacific Avenue is the only solution for this parking problem. Pacific Avenue is less than a block away from the Thornton Avenue parking lot.

COASTAL COMMISSION

EXHIBIT # 10
PAGE ³ 3 OF 7

Pacific Avenue is a north-south thoroughfare with two lanes of traffic in each direction, near the parking lot. Daytime parking is prohibited seven days a week. (Parking is allowed from 8 pm to 8 am). Less than a mile south of the intersection of Thornton Avenue and Pacific Avenue, daytime parking is allowed on both sides of Pacific Avenue and traffic is therefore limited to a single lane in each direction. Parking on both sides of Pacific Avenue begins just south of the intersection of 18th Avenue and Pacific Avenue.

Preferential parking on the section of Pacific Avenue near the parking lot will remove one lane of traffic from each direction; but this would only be a temporary change and it would be no different than Pacific Avenue south of 18th Avenue where daytime parking is permanently allowed on both sides of the street.

There is another important reason which recommends Pacific Avenue for preferential parking as a solution to this temporary parking problem: preferential parking on Pacific Avenue will not interfere with the Coastal Commission's policy of preserving street parking for beach access. Since daytime parking is currently prohibited on Pacific Avenue, temporary preferential parking will not eliminate street parking spaces for people who are going to the beach. On the other hand, if Pacific Avenue is not used for temporary preferential parking, residents displaced by construction on the Thornton Avenue parking lot will be forced to find parking on streets which are already overimpacted. Residents will use parking spaces which would otherwise be available to the public for beach parking.

Several months ago, I spoke at length with Charles Posner, the Coastal Commission's staff person for Venice, about the benefits of temporary preferential parking on Pacific Avenue under the unique facts of this case: since no public parking will be eliminated, there will be no impact on coastal access mandated by the California Coastal Act, and preferential parking on Pacific Avenue will be temporary. Mr. Posner told me that this may be a circumstance where the Coastal Commission would not have grounds to deny a preferential parking district permit. He said that there is a possibility that a preferential parking district, especially a temporary one, could receive a permit from the Coastal Commission.

Los Angeles Municipal Code section 80.58 (d) provides for temporary preferential parking for a period of one year in situations which impact fewer than six blocks and which "deserve immediate relief until a permanent solution can be found." This is an accurate description of our problem.

Pacific Avenue is the only street available for temporary preferential parking. The residents certainly deserve immediate relief as soon as construction begins.

Would you please let me know if the Department of Transportation sees any problems with this proposal for temporary preferential parking.

Mr. Gallagher responded at the end of October and wrote that he would meet with Sandy Kievman, Field Deputy for Councilwoman Miscikowski, in the second week of November and would discuss this proposal with her. He thanked me "for doing such a good job of describing the situation and checking with Mr. Posner in advance on the feasibility of such a request. Once I have a chance to investigate your request more carefully, I will get back to you."

The Thornton Lofts project went before the Los Angeles City Council on December 2, 2003. I sent many follow-up e-mails to Mr. Gallagher, but he did not get back to me. But I learned from

another source that Mr. Gallagher commented that "His issues are much bigger than a request for preferential parking."

In summary, the City Planning Department ignored this project's impact on coastal access. The Planning Department incorrectly stated that "the project will neither interfere with nor reduce access to the shoreline"

Even though Councilwoman Miscikowski was informed that replacement parking would not be needed for temporary preferential parking on Pacific Avenue, she claimed that the Coastal Commission would not approve it without replacement parking. When Mr. Sands communicated Mr. Posner's reaction to temporary preferential parking on Pacific Avenue — a reaction which indicated that the Coastal Commission might approve temporary preferential parking — Councilwoman Miscikowski turned to the City's Department of Transportation. I wrote to the Department of Transportation's Senior Transportation Engineer for On-Street Parking and provided a detailed description of the proposal for a temporary preferential parking district. The Senior Transportation Engineer said he would get back to me, but he did not.

I hope that the Coastal Commission will insist on temporary replacement parking on Pacific Avenue during the construction phase of the Thornton Lofts project.

Sincerely,



Cc:

Applicant:

Clare Bronowski
Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP
10250 Constellation Boulevard
Nineteenth Floor
Los Angeles, CA 90067

City of Los Angeles:

Councilwoman Cindy Miscikowski
200 North Spring Street
Room 415
Los Angeles, CA 90012

COASTAL COMMISSION

EXHIBIT # 10
PAGE 5 OF 7



CINDY MISCIKOWSKI

City of Los Angeles
Councilwoman, Eleventh District
Assistant President Pro Tempore

Committees

Chair, Public Safety

Vice-Chair, Rules, Election & Intergovernmental Relations

Member, Budget and Finance

Member, Personnel

Morris Sands
First Realty Management
1505 4th Street, Suite 211
Santa Monica, CA 90401

July 7, 2003

Dear Mr. Sands:

I have received your letter regarding the parking problem that is being created by the development of the Thornton Lofts. I understand that community residents have been using this property for parking over the years and that it will present a hardship for many. That is why I worked closely with the developer to ensure that he created parking for the community in his new project, even though I know that it will not replace all the spaces.

I am very aware that parking in Venice is the number one problem, partly because much of the housing was constructed before there were so many cars and partly because the area is so overbuilt. For that reason, my staff has been working with the Grass Roots Venice Neighborhood Council to address the issue of parking in the community.

Although your idea of parking on Pacific Avenue has merits, the Coastal Commission will not allow Preferential Parking in Venice, even temporarily, until the City can demonstrate that we have created more parking spaces in the community. Their primary concern is that the public have access to the beach and, unfortunately, they are far less concerned with the needs of the residents or businesses. Some of what we are working on is the construction of two new parking lots in the Abbot Kinney area; angled parking on some of the wider streets; and a tram that will shuttle people around the community. We have also entered into discussions with the County of Los Angeles and the Coastal Commission regarding use of existing lots for overnight residential parking. This could take some time and will not be an immediate fix for your tenants, but I will continue to try to find solutions to the parking problem.

If you would like to discuss this further, please contact my Senior Field Deputy, Sandy Kievman and (310) 575-8461

Sincerely,

Cindy Miscikowski

Westchester Office
7166 W. Manchester Boulevard
Westchester, CA 90645
(310) 560-8272
(310) 410-1946 Fax

City Hall
200 N. Spring Street, Room 415
Los Angeles, CA 90012
213-485-3811
213-473-6926 Fax

West Los Angeles Office
1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax

COASTAL COMMISSION
Decisions are made for residents.

EXHIBIT # 10
PAGE 6 OF 7

First Realty Management

Investments & Management

1505 4th Street
Suite 219
Santa Monica, California 90401
Fax (310) 393-9464
(310) 393-4122

July 31, 2003

Sandy Kievman, Field Deputy
Councilwoman Cindy Miscikowski
1645 Corinth Avenue, Room 201
Los Angeles, CA 90025

Re: Pacific Avenue, Venice Temporary Preferential Parking District

Dear Ms. Kievman:

This letter shall confirm our telephone conversation on July 30th, 2003 regarding the critical need for temporary preferential permit parking on Pacific Avenue in North Venice, during the anticipated construction involving the Thornton Lofts Project, as follows:

While the Councilwoman's letter of July 7th, 2003 stated that the Coastal Commission will not allow preferential parking in Venice, even temporarily, I spoke with Chuck Posner on July 29th, who left the door open for the possibility of such parking. Mr. Posner indicated that he could be quoted as follows:

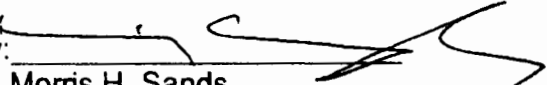
"There may be circumstances where the Coastal Commission would not have grounds to deny a Preferential Parking District Permit. There is a possibility that a Preferential Parking District, especially a temporary one, could receive a permit from the Coastal Commission ."

As we discussed, the need is critical. We are told that the Coastal Commission may not oppose an application for such parking if certain criteria are met. The implication was that if the District were temporary, with no public parking being displaced, and at the conclusion of the construction project (and termination of the temporary parking district) parking will then be available in the Project, there could be a basis for Coastal Commission approval.

Many of the Councilwoman's (voting) constituents are gravely concerned about the loss of parking during construction of the Thornton Lofts, and, with the Councilwoman's help in seeking Coastal Commission approval, their fears can be allayed. Please do what you can to help your Councilwoman's constituents during this time of need.

Yours very truly,

FIRST REALTY MANAGEMENT

By: 
Morris H. Sands

COASTAL COMMISSION

EXHIBIT # 10
PAGE 7 OF 7



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: OCT 21 2003

Case No.: Vesting Tentative Tract 53772 and
ZA-2002-2546-CDP-CU-SPP-MEL-A1, A2,A3

CEQA: ENV 2002-2547-MND

Location: 619 Ocean Front Walk

Council District: 11

Plan Area: Venice - Venice Coastal Zone
Specific Plan

Zone: C1-1

D.M.: 109.5A143,108B143

Legal Description: Lot Portion 295 & Lot 297;
BLK 6. Tract Golden Bay Tract MB2.15...

Applicant: Venice Park Associates

Appellants: Hortense Breitman - A1
Joyce Haskell - A2
Steve Schlein - A3

At its meeting of September 17, 2003, the West Los Angeles Area Planning Commission took the following action:

Denied the appeals by Appellants A1, A2 and A3, and sustained the decision of the Deputy Advisory Agency of June 18, 2003, **approving Vesting Tentative Tract No. 53772,** for a maximum 4-unit joint living and work condominium and one-unit commercial condominium, subject to the attached conditions of approval, as modified.

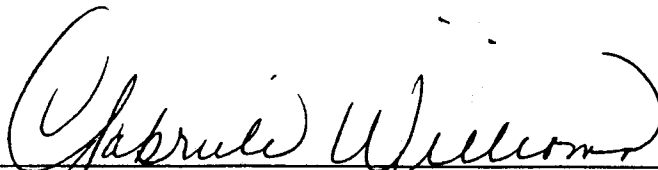
Approved ZA-2002-2546-CDP-CU-SPP-MEL, permitting a Project Permit Compliance, a Coastal Development Permit within Dual Permit jurisdiction of the California Coastal Zone and, a Conditional Use to permit minor deviations from Commercial Corner Development provisions, for the proposed construction, use and maintenance of a maximum new 4-unit joint living and work condominium and one-unit commercial condominium with a total of 900 square feet of floor area, subject to the attached conditions of approval, as modified.

Adopted Mitigated Negative Declaration ENV 2002-2547-MND

Adopted the attached Findings of the Deputy Advisory Agency **(See File # A5-VEN-04-009)**

This action was taken by the following vote:

Moved: Ritter-Simon
Seconded: Rodman
Ayes: Krisiloff
Absent: Moon



Gabriele Williams, Commission Executive Assistant
West Los Angeles Area Planning Commission

COASTAL COMMISSION
A-5VEN-04-009

EXHIBIT # 11
PAGE 1 OF 2

Effective Date/Appeal: The West Los Angeles Area Planning Commission's action on this appeal takes place on the day of the meeting unless the Commission orally indicated otherwise. Any appeal to the City Council must be filed 10 days after the orally stated action of the Commission. The Commission action was final on September 17, 2003, unless an appeal was filed within the 10-day appeal period.

All City Council appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6255 Van Nuys Boulevard, First Floor, Van Nuys. Forms are also available on-line at www.lacity.org/pln.

The Coastal Development Permit is effective at the City level on the mailing date of this determination. The Coastal Development Permit is not further appealable at the City level, but appealable only to the California Coastal Commission - South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this Determination, will establish the start of the 20-day appeal period.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachment(s): Conditions and Findings

c: Notification List

COASTAL COMMISSION

EXHIBIT # 11
PAGE 2 OF 2



West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: OCT 21 2003

Location: 701 Ocean Front Walk

Council District: 11

Case No.: Vesting Tentative Tract 53773 and
ZA-2002-2526-CDP-CU-SPP-MEL-A1, A2, A3

Plan Area: Venice - Venice Coastal Zone
Specific Plan

Zone: C1-1

CEQA: ENV 2002-2527-MND

D.M.: 109.5A143, 108B143

Legal Description: Lot 307, 309, 311; BLK 7.
Tract Golden Bay Tract MB2.15...

Applicant: Venice Park Associates

Appellants: Hortense Breitman - A1
Joyce Haskell - A2
Steve Schlein - A3

At its meeting of September 17, 2003, the West Los Angeles Area Planning Commission took the following action:

Denied the appeals by Appellants A1, A2 and A3, and sustained the decision of the Deputy Advisory Agency of June 18, 2003, approving Vesting Tentative Tract No. 53773, subject to the attached conditions of approval, as modified.

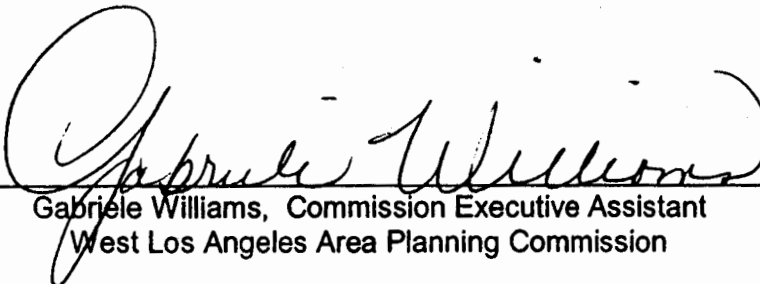
Approved ZA-2002-2526-CDP-CU-SPP-MEL, permitting a Project Permit Compliance, a Coastal Development Permit within Dual Jurisdiction of the California Coastal Zone and, a Conditional Use to permit minor deviations from Commercial Corner provisions, for the proposed construction, use and maintenance of a maximum new 6-unit joint living and work condominium and one-unit commercial condominium with a total of 1,500 square feet of floor area, subject to the attached conditions of approval, as modified.

Adopted Mitigated Negative Declaration ENV 2002-2527-MND

Adopted the attached Findings of the Deputy Advisory Agency *(See File No. A5-VEN-04-008)*.

This action was taken by the following vote:

Moved: Ritter-Simon
Seconded: Rodman
Ayes: Krisiloff
Absent: Moon



Gabriele Williams, Commission Executive Assistant
West Los Angeles Area Planning Commission

COASTAL COMMISSION

A-5VEN-04-008

EXHIBIT # 12

PAGE 1 OF 1

J. MICHAEL CAREY
City Clerk

CITY OF LOS ANGELES

CALIFORNIA

FRANK T. MARTINEZ
Executive Officer

Region



Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

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

JAN 16 2004

JAMES K. HAHN
MAYOR

HELEN GINSBURG
Chief, Council and Public Services Division

January 13, 2004
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90280

Venice Park, Associates, Applicant
433 North Camden Drive, Suite 820
Beverly Hills, CA 90210

Ms. Joyce Haskell, Appellant
for Venice Community Association
32 Thorton Avenue #3
Venice, CA 90291

RE: CERTIFICATION OF APPROVAL ON VESTING TENTATIVE TRACT MAP NOS. 53772 and 53773

The City Clerk of the City of Los Angeles hereby certifies the approval of the following Vesting Tentative Tract Maps which were approved on appeal by the West Los Angeles Area Planning Commission on October 21, 2003, subject to conditions of approval:

- 1) VTTM No. 53772 (ZA-2002-2546-CDP-CU-SPP- MEL) for property located at 619 Ocean Front Walk, in the City of Los Angeles, Council File No. 03-2316; and,
- 2) VTTM No. 53773 (ZA-2002-2526-CDP-CU-SPP- MEL) for property located at 701 Ocean Front Walk, in the City of Los Angeles; Council File No. 03-2315.

Pursuant to the California Subdivision Map Act Section 664452(b), and the Los Angeles Municipal Code Section 17.06-A,4, an appeal to the legislative body must be held within 30 days after the request by an appellant; and Section 664452(c) of said Map Act, which governs the Division of Land in the State of California, states the following:

"If the legislative body fails to act upon and appeal within the time limit specified in this chapter, the tentative tract map, insofar as it complies with applicable requirements of this division and local Ordinance shall be approved, or conditionally approved, and it shall be the duty of the city clerk of the legislative body to certify or state that approval.

The 30-day deadline for the Los Angeles City Council to act on the September 29, 2003, appeals filed by Joyce Haskell for the Venice Community Association on VTTM Nos. 53772 and 53773, was October 29, 2003. Since the Los Angeles Council did not have the opportunity to act on the appeals until December 2, 2003, after the deadline, the matters were received and filed by the City

COASTAL COMMISSION
AS-VEN-04-008+009

EXHIBIT # 13

PAGE 1 OF 2

Council on December 2, 2003, and therefore, in accordance with governing statutes, both VTTM Nos. 53772, and 53773 are deemed approved, or conditionally approved.

Please be advised that all other applications including the Coastal Development Permit within the Dual Permit jurisdiction of the California Coastal Zone , and a Conditional Use Permit filed in connection with both VTTM Nos. 53772 and 53773 for the proposed projects were approved in the October 21, 2003, the West Los Angeles Planning Commission's action. The City Attorney, opined that only the Tentative Tract Map was appealable to the City Council. A Coastal Development Permit appeal must be filed with the California Coastal Commission.

Should you require any further assistance relative to the above certification, please contact me at 213 978-1068.

Sincerely,


Barbara Greaves
Deputy City Clerk

COASTAL COMMISSION

EXHIBIT # 13
PAGE 2 OF 2