

CALIFORNIA COASTAL COMMISSION

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

Th24b

RECORD PACKET COPY

Filed: 6/7/2004
 49th Day: 7/26/2004
 180th Day: 12/4/2004
 Staff: CP-LB
 Staff Report: 7/22/2004
 Hearing Date: August 12, 2004
 Commission Action:

**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NUMBER:** 5-96-176-A2**APPLICANT:** City of Los Angeles Department of Recreation and Parks**AGENT:** Kathleen Chan, Acting Superintendent**PROJECT LOCATION:** 1500 Ocean Front Walk (Windward Plaza), Venice, City of Los Angeles, Los Angeles County.**DESCRIPTION OF CURRENT PERMIT AMENDMENT REQUEST:**

After-the-fact request to erect a 62-foot high steel sculpture at Windward Plaza.

DESCRIPTION OF FIRST PERMIT AMENDMENT REQUEST APPROVED MAY 7, 2000:

Revise construction schedule to allow demolition and reconstruction of Ocean Front Walk during summer months while allowing continuous pedestrian access.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED MAY 13, 1997:

Refurbishment of Ocean Front Walk and adjacent public park areas (more specifically described in the coastal development permit file).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Certified Land Use Plan for Venice, 6/14/2001.
2. Venice Ocean Front Walk Refurbishment Plan, by RRM Design Group, Nov. 1995.
3. Coastal Development Permit 5-96-176 & Amendment (OFW Refurbishment Plan).
4. Coastal Development Permit 5-99-427/A5-VEN-99-449 (Venice Pavilion Demolition).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** the permit amendment request for the proposed development with no special conditions. The City agrees with the staff recommendation. **See Page Two for the motion** to carry out the staff recommendation.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved project. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit Amendment 5-96-176-A2 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution to Approve a Permit Amendment

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

II. Special Conditions

No special conditions are being imposed by this permit amendment. This permit amendment does not affect the special conditions of Coastal Development Permit 5-96-176 as previously amended. All previously imposed special conditions still apply to the approved development.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Background

On May 13, 1997, the Commission approved Coastal Development Permit 5-96-176 (City of Los Angeles) for the refurbishment of Ocean Front Walk and adjacent public park areas. The Ocean Front Walk refurbishment project included substantial improvements to the Venice Recreation Center and Windward Plaza area where the currently proposed artwork is located (Exhibit #2). The City completed most of the Ocean Front Walk refurbishment project in 2000. Additional public improvements at Windward Plaza area were completed in 2001 after the Venice Pavilion was demolished pursuant to Coastal Development Permit 5-99-427/A5-VEN-99-449 (City of Los Angeles).

The City is now requesting approval of a permit amendment (5-96-176-A2) to allow the placement of a 62-foot high steel sculpture at Windward Plaza, about two hundred feet west of Ocean Front Walk¹ (See Exhibits). Since the artwork has been at this location for three years already, this is an after-the-fact request for approval.

The proposed tripodal structure, created by artist Mark Di Suvero, is comprised of several steel beams welded together at nearly vertical angles that extend up to 62 feet in the air (Exhibits #3&4). The proposed project is situated amid several large palms about two hundred feet inland of the sandy beach, within a developed turf and concrete public recreation area. The City of Los Angeles Venice Recreation Center office, a police substation and a children's playground exist in the immediate vicinity of the project. Although the plans for the previously approved Ocean Front Walk refurbishment project designate Windward Plaza as a potential site for artwork and a water feature, no plan depicting the currently proposed artwork was ever submitted for Commission approval.

During the three-year period that the artwork has been in its current location, it has not had any adverse effects on the public's use of the park (Venice Recreation Center) or the public beach. It does not block access to the beach or along the shoreline as it occupies only a small portion of the landscaped open space area situated between the sandy beach and the boardwalk. The structure does not adversely affect visual resources or block views of the shoreline and is visually compatible with the character of Windward Plaza and the surrounding area. The proposed project is not a sign and it does not include any product advertising. The City is not planning to install any additional artworks at Windward Plaza at this time.

B. Scenic Resources

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

¹ Ocean Front Walk is also known as the Venice Boardwalk.

C. Public Access

The proposed development and permit amendment will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, the proposed development and permit amendment conform with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Public Recreation

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

E. Recreation Areas & Parks

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

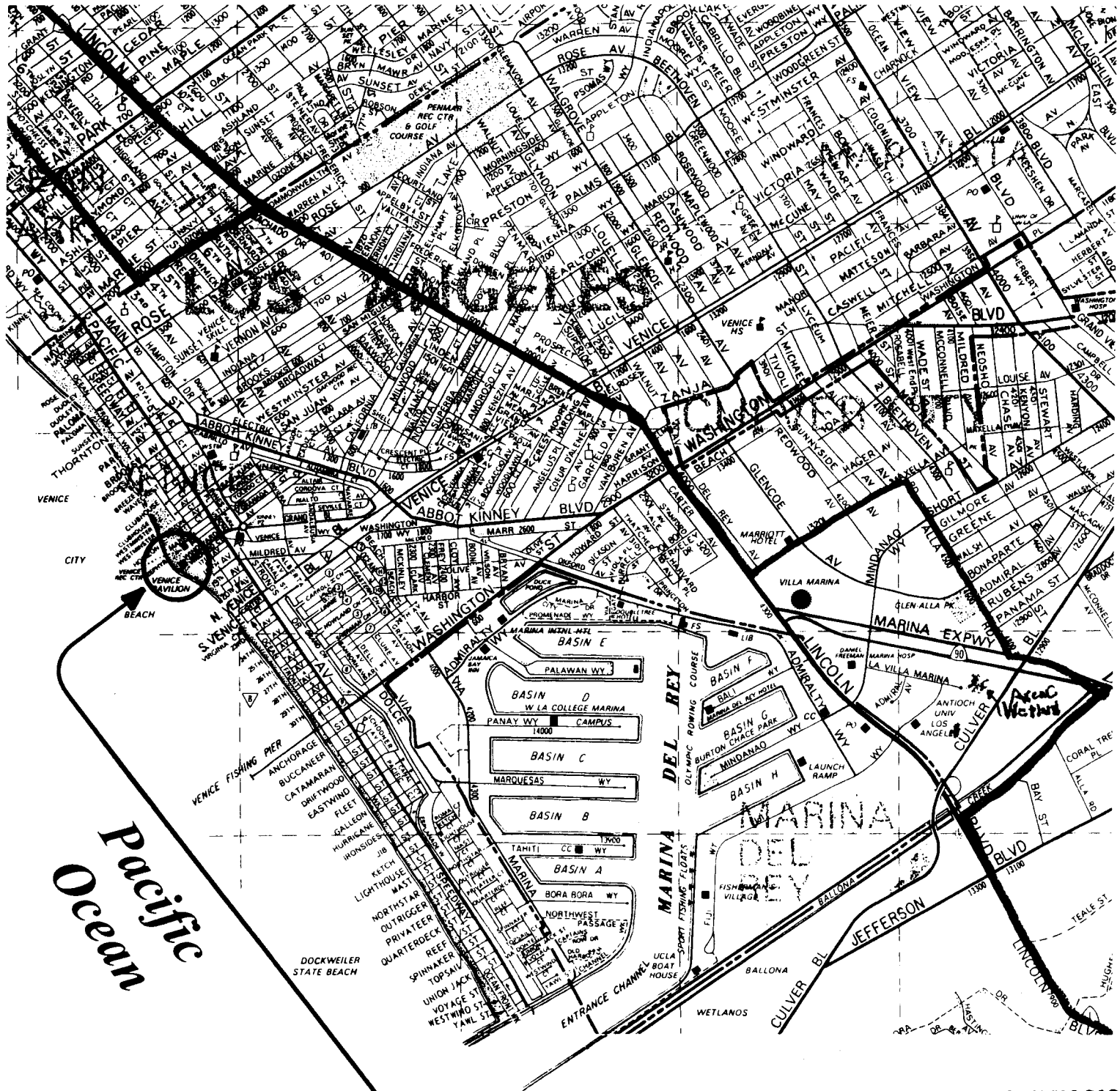
F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The proposed development and permit amendment are consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project and permit amendment will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed development and permit amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

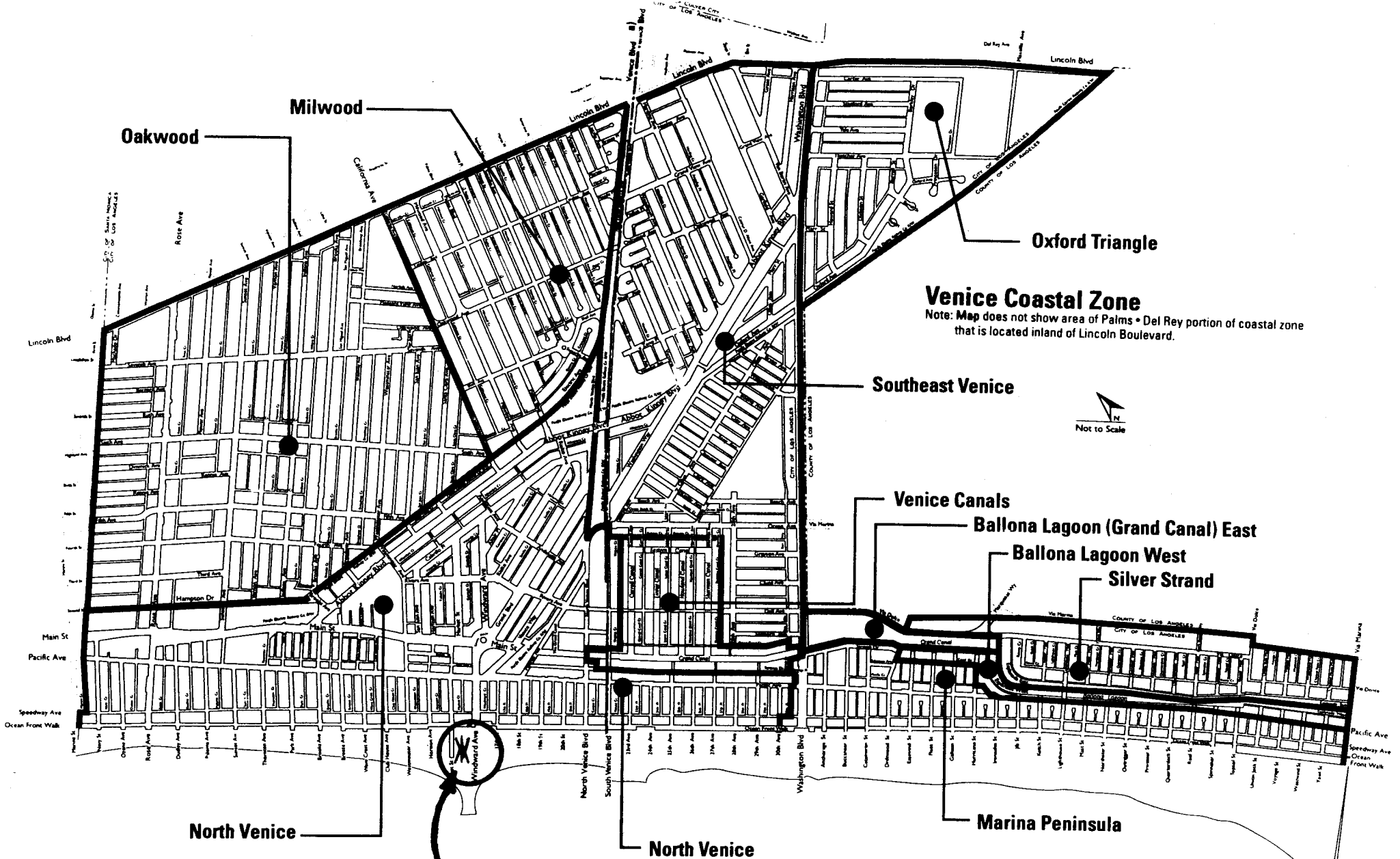
VENICE, CA



Project Site

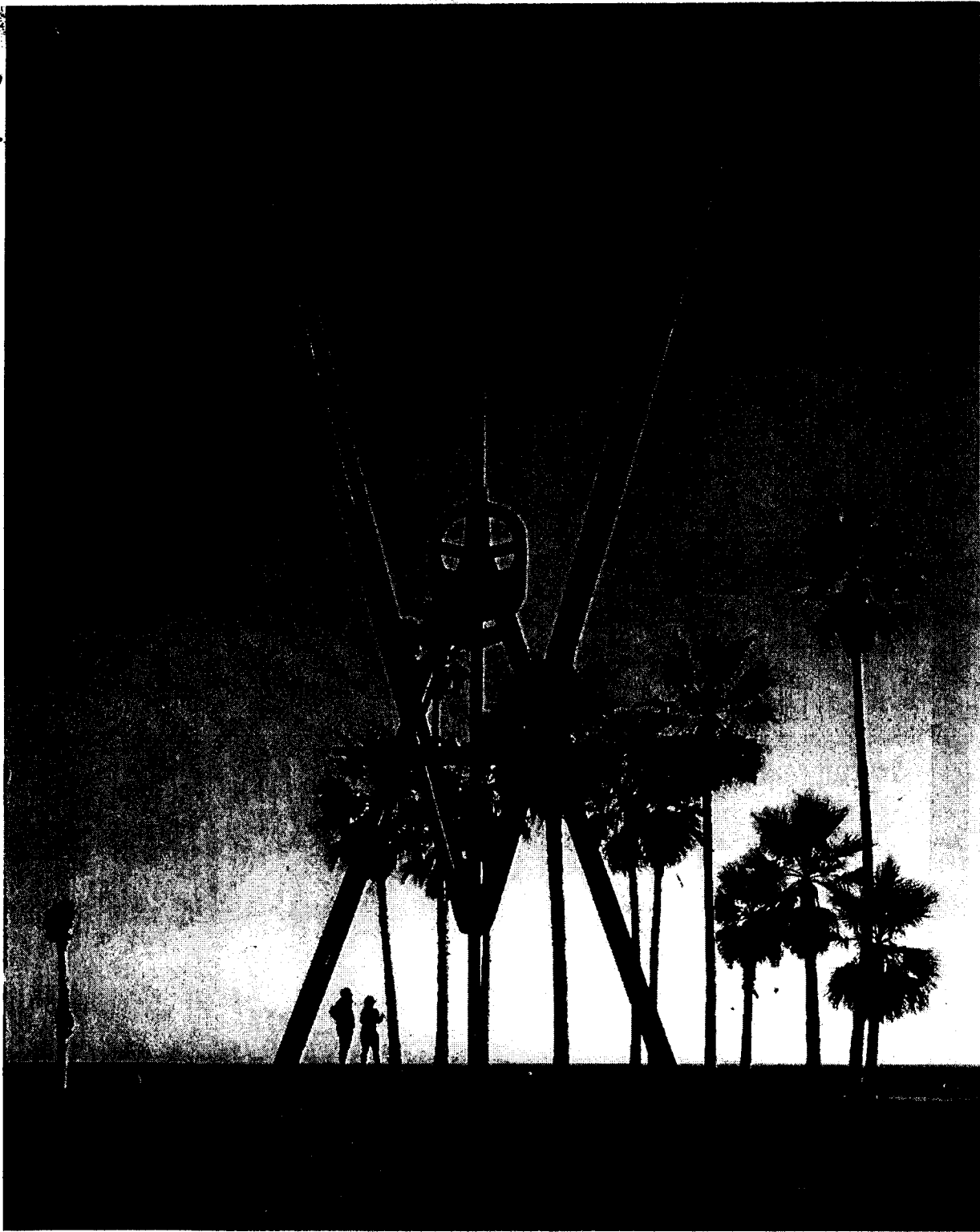
COASTAL COMMISSION
5-96-176-A2

EXHIBIT # 1
PAGE 1 OF 1



*Proposed Sculpture
 by Artist Mark Di Suvero*

COASTAL COMMISSION
5-96-176-A2
 EXHIBIT # 2
 PAGE 1 OF 1



Los Angeles City Planning
COASTAL ZONE PLAN APPROVAL

-
-
-
-
-
-

CDP-5-96-176
ABlessunia
7/16/03

COASTAL COMMISSION
5-96-176-A2

EXHIBIT # 3
PAGE 1 OF 1



COASTAL COMMISSION
5-96-176-A2

EXHIBIT # 4

PAGE 1 OF 1