

CALIFORNIA COASTAL COMMISSION

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T10b

Appeal Filed: 7/11/2005
Sub. Issue Hrg: 8/09/2005
Permit Denied: 1/11/2006
Staff: CP-LB
Staff Report: 3/23/2006
Hearing Date: April 11, 2006
Commission Action:

**STAFF REPORT: APPEAL – REVISED FINDINGS**

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-VEN-05-259

APPLICANT: City of Los Angeles Department of Public Works

APPELLANTS: James Murez, John Davis, and Coastal Commission Executive Director, Peter Douglas

PROJECT LOCATION: Northwest corner of intersection of North Venice Boulevard and Abbot Kinney Boulevard, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Vacate a 4,500 square foot portion of the public right-of-way.

COMMISSIONERS ON PREVAILING SIDE: Commissioners Burke, Kram, Kruer, Neely, Orr, Potter, Reilly, Secord, Shallenberger, Wan and Chair Caldwell.

SUMMARY OF STAFF RECOMMENDATION

The Commission has jurisdiction over the proposed project as the result of an appeal of the City of Los Angeles approval of Local Coastal Development Permit No. 04-01. On August 9, 2005, the Commission determined that a substantial issue exists with respect to the consistency of the local coastal development permit with the policies in Chapter 3 of the Coastal Act because the City's approval of the proposed right-of-way vacation could adversely affect coastal resources and public access to the shoreline along North Venice Boulevard, a major coastal access route. On January 11, 2006, after a public hearing, **the Commission denied the coastal development permit** in order to preserve the subject public right-of-way for development pursuant to the City-approved Venice Boulevard Planting Plan.

Staff is recommending that the Commission, after public hearing, adopt the following revised findings in support of the Commission's January 11, 2006 de novo denial of Coastal Development Permit A-5-VEN-05-259. A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Two for the motion and resolution to adopt the revised findings.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Local Coastal Development Permit No. 04-01.
3. City of Los Angeles Street Vacation File No. VAC-E1400779 (Council File No. 01-2183).
4. Coastal Development Permit 5-90-664 & amendments (Caltrans & City of Los Angeles).
5. Coastal Development Permit Application 5-05-343 (Dos Coronas, 1656 Abbot Kinney).
6. City of Los Angeles Venice Boulevard Planting Plan, Department of Public Works, Index No. D-30879 (Sheet L-4), 5/8/1995.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **adopt the revised findings** in support of the Commission's January 11, 2006 action to deny the de novo coastal development permit application. Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on January 11, 2006 denying Coastal Development Permit A-5-VEN-05-259."*

Passage of this motion will result in the adoption of revised findings as set forth in this staff report or as modified by staff prior to the hearing. The motion requires a majority vote of the members from the prevailing side present at the April 11, 2006 hearing, with at least three of the prevailing members voting. The eleven Commissioners on the prevailing side are:

Commissioners Burke, Kram, Kruer, Neely, Orr, Potter, Reilly, Secord, Shallenberger, Wan and Chair Caldwell.

Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

I. Resolution to Adopt Revised Findings

The Commission hereby adopts the findings set forth below for the denial of Coastal Development Permit Application A-5-VEN-05-259 on the ground that the findings support the Commission's decision made on January 11, 2006 and accurately reflect the reasons for it.

II. Revised Findings and Declarations

Staff Note: The following revised findings include all of the staff's recommended findings that were set forth in the December 22, 2005 staff report for the Commission's January 11, 2006 hearing for the de novo coastal development permit application. The portions of those findings that are being deleted are crossed-out in the following *revised findings: deleted findings*. The supplemental findings being added in support of the Commission's January 11, 2006 action are identified with underlined text.

The Commission hereby finds and declares:

A. Project Description

The proposed project is the City's vacation of a 4,500 square foot portion of the public right-of-way situated at the northwest corner of the intersection of North Venice Boulevard and Abbot Kinney Boulevard (Exhibit #3). The portion of the Abbot Kinney Boulevard right-of-way being vacated is five feet deep and about ninety feet long. The portion of the North Venice Boulevard right-of-way being vacated is much larger, about forty feet deep and about 95 feet long. The area proposed by the City to be vacated is situated between the existing public sidewalk and the abutting corner lot (1656 Abbot Kinney Blvd.). The City and owner of the abutting lot state that the owner of that lot holds fee title to the area over which the City's right-of-way will be vacated, and the vacation will involve abandonment of a City easement. The area surrounding the proposed project, in addition to the two public streets, is a mix of residential and commercial uses in one and two-story buildings.

No physical development of the property is proposed as part of this permit application. The owner of the abutting lot (Dos Coronas, LLC) has requested that the City vacate the portion of the right-of-way so that it, as the underlying landowner, can be permitted to improve the vacated area and continue to use it as a private parking lot to serve its two-story, 4,696 square foot office building on its adjoining lot (1656 Abbot Kinney Blvd.). Coastal Development Permit Application 5-05-343 (Dos Coronas, LLC) has been filed for the proposed parking lot improvements and landscaping (Exhibit #4).

B. Project History

On October 18, 2002, the Los Angeles City Council conditionally approved the subject right-of-way vacation. The City Council found that ~~considers~~ the portion of the North Venice Boulevard right-of-way being vacated was excess land that became unnecessary for public use in the early 1990s when the State Department of Transportation (Caltrans) realigned North and South Venice Boulevard (within the existing Venice Boulevard right-of-way) and eliminated portions of a widened median strip that was a relic of the old streetcar system. The Caltrans roadway reconstruction project, which improved the segment of Venice Boulevard between Lincoln Boulevard and Pacific Avenue, is referred to as the "Venice Boulevard Reconstruction" project. Subsequent to Caltran's completion of the new Venice Boulevard pavement and the installation of new sidewalks, the State deeded the highway right-of-way to the City of Los Angeles.

~~The project design, including landscaping, was the result of a series of community meetings and agreements between the City of Los Angeles, which was accepting ownership of the street, and several government agencies (e.g., Caltrans, Coastal Commission and the Coastal~~

~~Conservancy). The general public and non-government groups (Venice Action Committee) were also involved in formulating the plan for the Venice Boulevard right-of-way. The plan identified both interim and permanent public parking in the right-of-way, ten-foot wide sidewalks, and median landscaping that included large street trees (sycamores) to mark the "Gateway to Venice".~~

On September 13, 1990, the Commission approved Coastal Development Permit 5-90-664 for the Caltrans Venice Boulevard Reconstruction public works project. Coastal Development Permit 5-90-664 addressed primarily the issue of the preservation of public parking within the Venice Boulevard right-of-way (both within the median and along the sides of the right-of-way). During that project, the roadways and medians were realigned leaving some of the outside portions of the right-of-way undeveloped (i.e., the right-of-way area beyond/outside of the paved street and sidewalk). Coastal Development Permit 5-90-664 requires that certain portions of the undeveloped Venice Boulevard right-of-way (but not the site subject to this appeal) be preserved for public parking so that the project would not result in any net loss of the public parking that supports coastal access. The Commission's 1990 approval of Coastal Development Permit 5-90-664 did not include a comprehensive landscape plan for the entire Venice Boulevard right-of-way, because such a plan had not yet been developed.

The landscape plan for the Venice Boulevard right-of-way is at issue in this case because the City's proposed right-of-way vacation would have removed part of the right-of-way from the green strip that was envisioned when the City in 1995 approved a landscape plan for the boulevard (the City of Los Angeles Venice Boulevard Planting Plan).

At the Commission's January 11, 2006 public hearing, appellant Jim Murez provided testimony and documentation describing the history of the City's Venice Boulevard Planting Plan. The original concept for a lushly landscaped boulevard that would become "The Ceremonial Gateway to Venice" was the result of a series of community meetings organized in the late 1980s by the City of Los Angeles and the California Coastal Conservancy. The purpose of the community meetings was to develop a set of policies for the whole of Venice that would become the basis for a comprehensive Land Use Plan (LUP) that the City would submit to the Coastal Commission for certification as part of the Local Coastal Program (LCP) process set forth by the Coastal Act of 1976.

In 1990, the community meetings resulted in the Coastal Conservancy's development of the Venice Urban Waterfront Restoration Plan. The Urban Waterfront Restoration Plan is a comprehensive program of public beach improvements and related pedestrian, circulation and community improvements. The plan sets forth policies meant to improve public access to the many recreational opportunities available along the Venice shoreline, and it identifies conceptual design options and provides preliminary estimates of project costs. In regards to Venice Boulevard, the area's primary coastal access route that terminates at Venice Beach, the Conservancy's Urban Waterfront Restoration Plan recommended, among other policies, that the boulevard's median and parkways be lushly landscaped in order to convert the blighted strip of pavement into an attractive green strip so as to encourage more pedestrians and cyclists to use the street. Policy III.B.1 of the certified Venice LUP states that, "the City shall support the implementation of the Coastal Conservancy Waterfront Restoration Plan..."

At the Commission's January 11, 2006 public hearing, Mr. Murez described that, in 1992 and 1993, a community group known as the Venice Action Committee organized several

community workshops to develop a comprehensive landscape plan for the Venice Boulevard right-of-way as was originally envisioned by the Conservancy's Urban Waterfront Restoration Plan. The Venice Action Committee's meetings resulted in the development of the Venice Boulevard Planting Plan, which the City of Los Angeles Department of Public Works approved on May 8, 1995 (Exhibit #5). The Venice Boulevard Planting Plan calls for the planting of ground cover and hundreds of street trees (sycamores, California coastal live oaks and Washingtonian palms) along both sides of Venice Boulevard and within the medians. The Venice Boulevard Planting Plan specifically calls for lush landscaping of the right-of-way at all four corners of the intersection of Abbot Kinney and Venice Boulevards, including the right-of-way area that the City proposed to vacate (Exhibit #5).

At the Commission's January 11, 2006 public hearing, Mr. Murez also described how the City, with the help of volunteers from the Venice Action Committee, began to implement the City's Venice Boulevard Planting Plan in 1996 by planting 650 street trees along the segment of the newly improved Venice Boulevard between Lincoln Boulevard and Pacific Avenue. The funding (\$492,000) for the first phase of planting was provided to the City from Caltrans pursuant to a State grant (AB 471). Mr. Murez asserted that Caltrans had in 1991-92 installed irrigation pipes under the sidewalks along both sides of Venice Boulevard as part of the Venice Boulevard Reconstruction project, including into the right-of-way area that the City proposed to vacate, indicating that the landscaping of the outer edges of the Venice Boulevard right-of-way was anticipated as part of Caltran's original Venice Boulevard Reconstruction plan approved by the Commission in 1990.

The State grant provided to the City by Caltrans to implement the Venice Boulevard Planting Plan has been exhausted, and the landscaping of the Venice Boulevard right-of-way envisioned by the City plan has yet to be completed. It is the right-of-way area situated beyond the outer edge of the Venice Boulevard sidewalks that has not yet been completely landscaped because of a lack of funds, but Mr. Murez stated that former City Councilwoman Cindy Miscikowski had recently dedicated additional City discretionary funds to continue the planting that was envisioned by the Venice Boulevard Planting Plan. According to Steve Freedman (testifying at the Commission's January 11, 2006 public hearing), the City Council adopted the motion to provide the additional City funding (\$100,000) on June 28, 2005, and the mayor approved it on June 29, 2005.

The City's Venice Boulevard landscape project, however, stalled at this point as the council district changed representatives in 2005 and additional funding is still necessary. The new City Councilman for Venice, Bill Rosendahl, is working to obtain the necessary funding to complete the City's planting plan for Venice Boulevard. Councilman Rosendahl requested that the Commission deny the proposed right-of-way vacation in order to preserve all of the right-of-way for landscaping pursuant to the City-approved Venice Boulevard Planting Plan (Exhibit #6).

However, On October 18, 2002, at the request of the abutting landowner, the Los Angeles City Council conditionally approved the street vacation, finding that the area to be vacated is not needed for present or prospective public use (Street Vacation File No. VAC-E1400779/Council File No. 01-2183). The City Council's action approving the vacation, however, did not include a local coastal development permit approval for the vacation. In a letter dated October 2, 2003, Commission staff reminded the City that the vacation of a public right-of-way falls within the Coastal Act's definition of "development," and therefore requires a coastal development permit.

In 2004, the City of Los Angeles Department of Public Works began processing a local coastal development permit for the proposed right-of-way vacation at the northwest corner of intersection of North Venice Boulevard and Abbot Kinney Boulevard (Exhibit #3). On December 17, 2004, the City of Los Angeles Bureau of Engineering (Public Works Department) held a public hearing for Local Coastal Development Permit No. 04-01 to approve the City's proposed vacation. On May 2, 2005, the City of Los Angeles Bureau of Engineering issued a Notice of Decision approving Local Coastal Development Permit No. 04-01 and incorporating the conditions of the City Council's 2002 approval of the vacation.

James Murez and Steve Freedman appealed the City's May 2, 2005 approval of the local coastal development permit to the City of Los Angeles Board of Public Works. On June 27, 2005, the Board of Public Works denied the appeal and upheld the approval of Local Coastal Development Permit No. 04-01 for the vacation.

On July 11, 2005, James Murez appealed the City's approval of Local Coastal Development Permit No. 04-01 to the Coastal Commission (Appeal A-5-VEN-05-259). John Davis and the Executive Director filed appeals on July 27, 2005. On August 9, 2005, the Commission, after public hearing, determined that a substantial issue exists with respect to the City's approval of the local coastal development permit for the proposed right-of-way vacation because it could adversely affect coastal resources and public access to the shoreline along North Venice Boulevard, a major coastal access route.

C. Substantial Issues

As stated above, the Commission has determined that a substantial issue exists with respect to the City's approval of the local coastal development permit for the proposed right-of-way vacation. The finding of substantial issue reaffirmed ~~reaffirms~~ that the local coastal development permit approval was ~~is~~ stayed and indicated ~~indicates~~ the Commission's position that the action merited ~~merits~~ closer Commission scrutiny with a de novo action on the permit. The Commission is concerned that the vacation of the right-of-way could adversely affect coastal resources and public access to the shoreline along North Venice Boulevard, a major coastal access route. North Venice Boulevard provides direct vehicular and pedestrian access to Venice Beach and public beach parking lots (Exhibit #2). Some segments of the Venice Boulevard right-of-way also provide public parking that supports coastal recreation (See Coastal Development Permit 5-90-664).

The grounds for the appeal for which the Commission determined that there exists a substantial issue are:

- The City's proposed vacation of a part of this public right-of-way could adversely affect coastal resources and/or public access to the shoreline. For example, this segment of public right-of-way may be used to provide additional public parking, enhanced transit service or for a future expansion of the existing street system.
- The right-of-way may also provide an area for landscaping to enhance the visual resources of the area and to improve air quality.

- The City's proposed vacation of a part of this public right-of-way may violate policies of the certified Venice LUP (Policies I.C.9 and V.A.5) applicable to public rights-of-way, thus setting a bad precedent.

The opponents of the City's proposed vacation assert the following:

- The intersection of North Venice Boulevard and Abbot Kinney Boulevard, referred to by the Coastal Conservancy as "the Ceremonial Gateway to Venice," should be retained in public ownership and landscaped in order to enhance the visual quality of the streetscape.
- The City's action sets a bad precedent as the vacation of any portion of the North Venice Boulevard right-of-way would lead to additional vacations where the right-of-way abuts other properties along the street, thus significantly reducing the public area available for street trees and other landscaping (i.e., a domino effect).
- The large street trees (sycamore) that are already growing within the public right-of-way may be removed if their canopies extend beyond the right-of-way when they reach maturity. Therefore, the width of the right-of-way should not be reduced by any vacations.
- The City's action violates the landscaping plan approved by Coastal Commission Coastal Development Permit 5-90-664, which was issued to the State Department of Transportation for the realignment of Venice Boulevard in the early 1990s.
- The City's action violates the provisions of the certified Land Use Plan (LUP) for Venice that relate to the visual enhancement of Venice Boulevard (the Ceremonial Gateway to Venice) and the surrounding area.
- The City's action violates several provisions of the Coastal Act, including Sections 30251, 30254, 30253(5) and 30604.

D. Public Access and Recreation

The standard of review for the proposed project is the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan (LUP) may provide guidance. One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. ~~The proposed project, as conditioned, will conform with the following Coastal Act policies that protect and encourage public access and recreational use of coastal areas~~ are applicable to this proposal.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The following policy of the certified Venice LUP reserves the use of public rights-of way for public transportation use, but allows uses that do not interfere with coastal access, transportation and visual quality.

- **Policy I. C. 9. Public Rights-of-Way.** *Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.*

In addition, the following LUP policies are also applicable to this proposal.

- **Policy V. A. 2. Street and Highway Improvements.** *Streets and highways shall be designed and improved to adequately accommodate development and to enhance public access to the shoreline. (Refer to Circulation Map, Exhibit 23, and to Policy II.B.4 for street and highway improvements).*

- **Policy V. A. 5. Streetscapes.** *Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors. Public and private developments within the Venice Coastal Zone shall be required to include*

elements that will contribute to and enhance streetscape improvements in accordance with a Venice Coastal Zone streetscape plan.

Implementation Strategies

A streetscape plan for public and private developments should be developed for the Venice Coastal Zone in conjunction with the Bureaus of Engineering, Street Maintenance, and other Departments with jurisdiction over street design should include the following:

“It is the intent of the City that whenever a ... street ... is to be improved, complete street improvements should be installed whenever feasible whether a project is initiated by a public agency or a private party.... Any item may be eliminated from an improvement project if the item would not contribute to the safety or welfare of the community, or if unusual conditions make its installation impractical or unnecessary.”

The Venice coastal zone streetscape plan should also include the following:

1. Consideration of roadway and sidewalk widths based on pedestrian and vehicular needs.
2. Promotion of pedestrian and bicycle access and transit use emphasizing circulation along major retail corridors, as well as establishing and reinforcing connections between the beach, walk streets, canals and lagoon, and other areas of pedestrian activity.
3. Provision of amenities for pedestrians, cyclists and transit users such as street trees, mini parks, improved lighting, special paving, graphics, and street furniture.
4. A boulevard beautification program should be included in the Local Implementation Plan involving street tree planting, landscaping, or construction of gardens. Trees which are a minimum of 24-inch box size are encouraged. Trees should be drought tolerant and associated with California coastal areas. A distinction should be made on the plan map between the species of trees to be planted along all major and secondary highways and local and collector streets. The following streets should be targeted for the beautification program.
 - a. Lincoln Boulevard
 - b. Rose Avenue
 - c. Pacific Avenue
 - d. Venice Boulevard
 - e. Washington Boulevard
 - f. Abbot Kinney Boulevard
 - g. Main Street
 - h. Venice Way

5. Require that all surface parking lots incorporate landscaping in their interior and along their perimeter.
6. Require that all new development in the Venice coastal zone provide open space and landscaping which contributes to a high quality visual environment. New residential developments should incorporate landscaping that supplements and enhances existing deficient landscaping or complements the existing landscape where a high visual quality exists. Commercial developments should provide landscaping along their street frontages such that it is designed to enhance pedestrian activity.

The proposed project is located at a prominent Venice intersection on a major coastal access route (Venice Boulevard) that connects the San Diego Freeway (I-405) to Venice Beach. North Venice Boulevard is “the Ceremonial Gateway to Venice,” as referred to by the Coastal Conservancy in the Venice planning document entitled “Coastal Conservancy Urban Waterfront Restoration Plan Policies”.

The project site abuts the private nine-stall gravel parking lot that serves a two-story commercial office building at 1656 Abbot Kinney Boulevard [Coastal Development Permit P-74-3323 (Sarlo)]. The underlying owner of the property and the two-story commercial office building intended to develop the vacated right-of-way area to enlarge the existing private parking lot [See Exhibit #4, Coastal Development Permit Application 5-05-343 (Dos Coronas)].

The proposed project is the City’s vacation of a 4,500 square foot portion of the public right-of-way situated at the northwest corner of the intersection of North Venice Boulevard and Abbot Kinney Boulevard (Exhibit #3). Although the proposed right-of-way vacation would not affect the existing public sidewalk or require the removal of the sycamore trees growing in planters within the sidewalk, it would remove from about 3,500 square feet from the green strip that the City-approved Venice Boulevard Planting Plan designates for public landscaping (Exhibit #5). The other 1,000 square feet (approx.) of the 4,500 square foot right-of-way area proposed to be vacated is designated in the planting plan as pavement for the existing driveway that provides vehicular access from North Venice Boulevard to the office building at 1656 Abbot Kinney Boulevard (Exhibit #5: Venice Boulevard Planting Plan, Sheet L-4, Dept. of Public Works, Index No. D-30879).

The City’s proposed vacation of the public right-of-way set up a choice between two competing plans for the project site at the corner of this prominent intersection: 1) vacate the right-of-way to the underlying property owner who proposed to develop it as a private parking lot with about 1,000 square feet of landscaping around the edges (Exhibit #4: Coastal Development Permit Application 5-05-343), or 2) retain the public right-of-way so the City can install all of the 3,500 square feet (approx.) of landscaping designed for the corner pursuant City-approved Venice Boulevard Planting Plan (Exhibit #5).

Appellant Jim Murez, at the January 11, 2006 public hearing, showed the Commission a visual presentation of the City City-approved Venice Boulevard Planting Plan for the four corners of the intersection of Venice Boulevard and Abbot Kinney Boulevard (Exhibit #5: Venice Boulevard Planting Plan, Sheet L-4, Dept. of Public Works, Index No. D-30879). The City-approved Venice Boulevard Planting Plan, which includes the right-of-way area proposed to be

vacated at the northwest corner of the intersection, would landscape about 3,500 square feet of right-of-way with new trees and shrubs that would beautify and improve the visual quality of this "Gateway to Venice" intersection. Jim Murez's presentation demonstrated how the proposed right-of-way vacation and private parking lot proposal (Application 5-05-343) conflict with the City-approved Venice Boulevard Planting Plan that was previously designed in 1995 for the intersection. In addition to enabling the paving over a portion of the right-of-way that was planned to be a green strip, the proposed vacation would also set a precedent that, if applied to 43 other potential properties along North Venice Boulevard, could adversely affect 1.5 miles of this important coastal accessway by encouraging other right-of-way vacation requests. Future right-of-way vacation requests could affect several thousand square feet of the planned green strip along Venice Boulevard.

The Commission, by its denial of Coastal Development Permit Application A5-VEN-05-259 (and 5-05-343), made a choice between two competing alternatives for the improvement of the 4,500 square foot portion of the project site that is public right-of-way. The Commission concluded in favor of more landscaping (instead of a parking lot) in the right-of-way, thus supporting the City-approved Venice Boulevard Planting Plan described by Mr. Murez at the January 11, 2006 public hearing (and then subsequently denying the proposed private parking lot with landscaping proposed by Coastal Development Permit Application 5-05-343). The Commission found that the City-approved Venice Boulevard Planting Plan conformed more closely with the Coastal Act policies that address visual resources and public access in that the additional landscaping of the right-of-way area would substantially improve aesthetics and coastal access along North Venice Boulevard, a major coastal access route. The Commission also found that the proposed removal of the subject portion of the right-of-way from the Venice Planting Plan would threaten the entire plan by setting a precedent for other similarly situated segments of the Venice Boulevard right-of-way that are supposed to be landscaped pursuant to the City-approved Venice Boulevard Planting Plan.

When the Commission staff has reviewed the proposed project in advance of the January 11, 2006 public hearing, the staff and has concluded, as had has the City, that the right-of-way area proposed to be vacated does not currently support public access and recreational opportunities (e.g., public parking). The because the project site is not identified as a public parking area by Coastal Development Permit 5-90-664, as are several other segments of the Venice Boulevard right-of-way. The proposed vacation area does not include the area currently occupied by the public sidewalk (along North Venice and Abbot Kinney Boulevards) that does comprise part of the coastal public access system in Venice. Therefore, Since the proposed project would not adversely affect or interfere with existing public parking, the public sidewalk, or any other existing public access facilities, staff reported to the Commission that the project would not interfere with existing public access. The City had also indicated no interest in expanding the roadway by adding an additional lane.

Although the proposed project may not directly interfere with or displace any existing public access or recreation facilities, the Commission finds that the City's proposed right-of-way vacation would preclude the use of the right-of-way for future public improvements associated with the road (e.g. landscaping and widened walkways) that would improve the aesthetics and the overall experience of proceeding along the major coastal access route that is North Venice Boulevard.

~~The project site abuts the private nine-stall parking lot that serves a two-story commercial office building [Coastal Development Permit P-74-3323 (Sarfo)]. One question is whether the vacated area should be used for public parking or private parking (or perhaps, only for landscaping). As public right-of-way, the site could potentially provide additional public parking (about nine parking spaces) in an area that is deficient in parking facilities. It is impractical, because of management and liability issues, to create a new fourteen-stall parking lot that is partly private and partly public.¹ The parking area has only one entrance and one exit (two existing curb cuts).~~

~~In any case, the creation of additional off-street parking, even private parking, would increase the number of parking spaces in the neighborhood and benefit coastal access. Therefore, the proposed vacation (and subsequent improvement of the site as a private parking area as proposed by a separate coastal development permit) would not adversely affect coastal access or recreation.~~

In addition to landscaping, oOther potential uses of the vacated right-of-way area proposed to be vacated include a widened walkway, landscaping, enhanced transit service (e.g. a bus stop) or a future expansion of the existing street system. Even though the City has determined that it does not currently need the vacated right-of-way areas for any public use, this could change in the future as the population grows and technology advances. A condition subsequent, which would have allowed the right-of-way to revert back to the City if it determined, in the future, that the vacated property was needed for a public street purpose (e.g., street widening, public transportation, sidewalk, bicycle lane, etc.) would not mitigate the proposed vacation's adverse and irrevocable effect on the City's ultimate completion of the Venice Boulevard Planting Plan.

Street landscaping is a common incident to a highway purpose. The Commission recognizes the public value in landscaped boulevards, especially along a major coastal access route like North Venice Boulevard. The lack of attractive landscaping degrades the aesthetic experience of the public using the accessway, and thus negatively affecting coastal access. The right-of-way in question is not a park, but it is part of a public transportation route for vehicles, cyclists and pedestrians.

The Commission's endorsement of the City-approved landscape plan over the proposed right-of-way vacation (and a proposed private parking lot) is based on the public access policies of the Coastal Act. Increasing the apparent width of the road with the relatively inexpensive investment in landscaping of the right-of-way would enhance the visual resources of the area and visually distinguish this critical intersection where Venice Boulevard joins the commercial center of Venice (Abbot Kinney Boulevard). The additional landscaping contemplated by the City's Venice Boulevard Planting Plan would make the streets and the intersection a more inviting and attractive area for area residents and visitors alike. The visual quality of this major coastal access route should not be sacrificed for an enlarged private parking lot.

Therefore, the Commission finds that the proposed right-of-way vacation would adversely affect public access and enjoyment of the access route by allowing the privatization (for a paved private parking lot) of a public area that is part of the City's planned landscaped green strip. Privatization of the area in question would remove an impediment to the development of

¹ Coastal Development Permit Application 5-05-343 (Dos Coronas, LLC) proposes the improvement of the project site as a landscaped, fourteen-stall parking lot which would serve an office building (Exhibit #4).

the site with a private paved parking lot where a City plan (Venice Boulevard Planting Plan) proposes a landscaped green strip. The Commission finds that the area that is proposed to be vacated should be preserved as right-of-way so that it can be used to improve the public beach accessway and the Gateway to Venice as contemplated by the City's Venice Boulevard Planting Plan. The enhanced landscaping previously designed for the intersection would improve the recreational experience and psychological aspects of the coastal accessway. Denial of the proposed vacation will preserve the City's options over the long term. Therefore, the permit is denied, as the proposal does not conform with the access and recreation policies of the Coastal Act.

~~The applicant has agreed to the proposed right-of-way vacation being conditional upon the City's limited right of defeasance (Exhibit #10, p.2). Therefore, in order to ensure that the right-of-way area is available in the future, should the City determine that it is needed for a public purpose; Commission approval of the City's proposed vacation is subject the following condition (Right of Defeasance):~~

~~Coastal Development Permit A-5-VEN-05-259 authorizes the City of Los Angeles to vacate, subject to defeasance, the portion of the public right-of-way situated at the northwest corner of the intersection of North Venice Boulevard and Abbot Kinney Boulevard, as shown on **Exhibit #3 of the staff report dated 12/22/2005**. Pursuant to that right, if the City of Los Angeles determines that the vacated property is needed for a public purpose (e.g., street widening, public transportation, sidewalk, bicycle lane, etc.) the property shall revert to public right-of-way in order to provide for the public purpose identified by the City. Any development of the vacated property shall require a coastal development permit issued by the Commission or its successor agency.~~

~~As conditioned, the City's right of defeasement would apply to the entire right-of-way area being vacated, or that portion which the City determines is needed for a public purpose. The owner of the abutting property is requesting that the City's right of defeasement be limited to only the area that remains between the existing curbline of North Venice Boulevard and the edge of the new parking lot being proposed by Coastal Development Permit Application 5-05-343 (Exhibit #4). As proposed by Coastal Development Permit Application 5-05-343, the parking lot plan would leave about eighteen feet of sidewalk and landscaping between the proposed edge of the parking lot pavement wall and the existing curb, enough space for one new vehicular lane and a sidewalk. A limited right of defeasement may not allow for a particular public use in the future, so the right of defeasement applies to the entire area to be vacated.~~

E. Visual Resources

A substantial issue exists in regards to the proposed project because the City's proposed vacation of a part of this public right-of-way may limit the ability of the City to use the right-of-way to provide landscaping that would beautify the intersection, improve air quality and enhance visual resources. Section 30251 of the Coastal Act protects visual resources and requires that development be designed to enhance visual quality, where feasible.

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(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The following policy of the certified Venice LUP addresses the visual quality of streetscapes in the Venice coastal zone.

- ***Policy V. A. 5. Streetscapes.*** *Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors. Public and private developments within the Venice Coastal Zone shall be required to include elements that will contribute to and enhance streetscape improvements in accordance with a Venice Coastal Zone streetscape plan.*

The proposed project is located at a prominent Venice intersection on a major coastal access route (Venice Boulevard). ~~The intersection of North Venice Boulevard and Abbot Kinney Boulevard~~ is referred to by the Coastal Conservancy as “the Ceremonial Gateway to Venice.” The sycamore trees growing in planters within the existing public sidewalk would not be affected by the proposed project. Several palms are growing within the area that the City proposes to vacate.

Opponents of the proposed project assert that the entire right-of-way should be retained in public ownership and landscaped in order to enhance the visual quality of the streetscape. The opponents are also concerned that the City’s proposed vacation of part of the right-of-way sets a bad precedent as the vacation of any portion of the North Venice Boulevard right-of-way would lead to additional vacations where the right-of-way abuts other properties along the street, thus significantly reducing the public area available for street trees and other landscaping (i.e., a domino effect).

It is a matter of public importance that the character and visual resources of the Venice area be considered and protected. The entire North Venice Boulevard corridor is part of a major tourist destination (Venice Canals and Venice Beach). Major public parking lots exist along Venice Boulevard, between Abbot Kinney Boulevard and the beach. Connecting these parking lots with a landscaped walkway would encourage public use of these lots. The right-of-way area proposed to be vacated provides an area for public landscaping that would provide and alternative to the dense landscape of pavement, parked cars and intense development that presently marks the approach to the beach. Increasing the apparent width of the accessway with the relatively inexpensive investment in landscaping would enhance the visual resources of the area (and also improve air quality).

Additional landscaping on the street corner site would also visually distinguish this critical intersection where Venice Boulevard, a major coastal access route, joins the commercial center of Venice (Abbot Kinney Boulevard). The additional landscaping contemplated by the City-approved Venice Boulevard Planting Plan would improve the view down the streets and the intersection would become an inviting and attractive area for area residents and visitors alike. Landscaping would especially improve the quality of the pedestrian experience so as to provide an inviting alternative to the automobile for transportation.

Therefore, the Commission finds that the proposed right-of-way vacation should be denied, and the public's right to use the land for street purposes be retained, so that the visual quality of the area can be enhanced as called for by Sections 30251 and 30253 of the Coastal Act and Policy V.A.5 of the certified Venice LUP. The Commission finds that the visual quality of this major coastal access route should not be sacrificed for an enlarged parking lot. Therefore, the permit is denied, as the proposed vacation of the right-of-way would adversely affect visual resources and is not consistent with Sections 30251 and 30253 of the Coastal Act.

~~The City, however, has not identified this portion of the right-of-way as needed for any public purpose, including landscaping. Other vacation proposals will be evaluated on their own merits. There is no coastal development permit requirement that requires the City to maintain the project site or the intersection with any specific landscape plan or as the "the Ceremonial Gateway to Venice. Therefore, the City's proposed vacation of part of the right-of-way would not violate any landscaping plan approved by Coastal Commission, including any provision of Coastal Development Permit 5-90-664, which was issued to the State Department of Transportation for the realignment of Venice Boulevard in the early 1990s.~~

~~It is a matter of public importance, however, that the visual resources of the site be considered and protected. Landscaping on the site enhances the visual quality of the intersection, and it should continue to do so. The underlying landowner of the area that would be vacated (Dos Coronas, LLC) proposes to landscape part of the project site with a several trees and a parkway along North Venice and Abbot Kinney Boulevards (Exhibit #4). A requirement to install and maintain the proposed landscaping on the site can be imposed on the landowner when the Commission acts on the development plan proposed by Coastal Development Permit Application 5-05-343 (Dos Coronas, LLC). Therefore, the City's proposed vacation of the right-of-way does not in any way preclude the maintenance of landscaping that would enhance visual resources consistent with Sections 30251 and 30253 of the Coastal Act and the policies of the certified Venice LUP. The proposed project will not adversely affect visual resources, and as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.~~

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3

(commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. See the certified LUP policies listed previously in this report on pages 8-10 and 13.

~~The proposed project, as conditioned, conforms to the proposed Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).~~

Approval of the City's proposed vacation of part of the public right-of-way would violate the policies of the certified Venice LUP listed previously in this report (Policies I.C.9 V.A.2 and V.A.5). The Commission finds that the proposed removal of the subject portion of the right-of-way from the Venice Planting Plan would threaten the entire plan by setting a precedent for other similarly situated segments of the Venice Boulevard right-of-way that are planned to be landscaped pursuant to the City-approved Venice Boulevard Planting Plan. Approval of the proposed right-of-way vacation could adversely affect 1.5 miles of this important coastal accessway by encouraging other right-of-way vacation requests that would affect several thousand square feet of the planned green strip, thus significantly reducing the public area available for street trees and other landscaping (i.e., a domino effect). The proposed project is also not consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

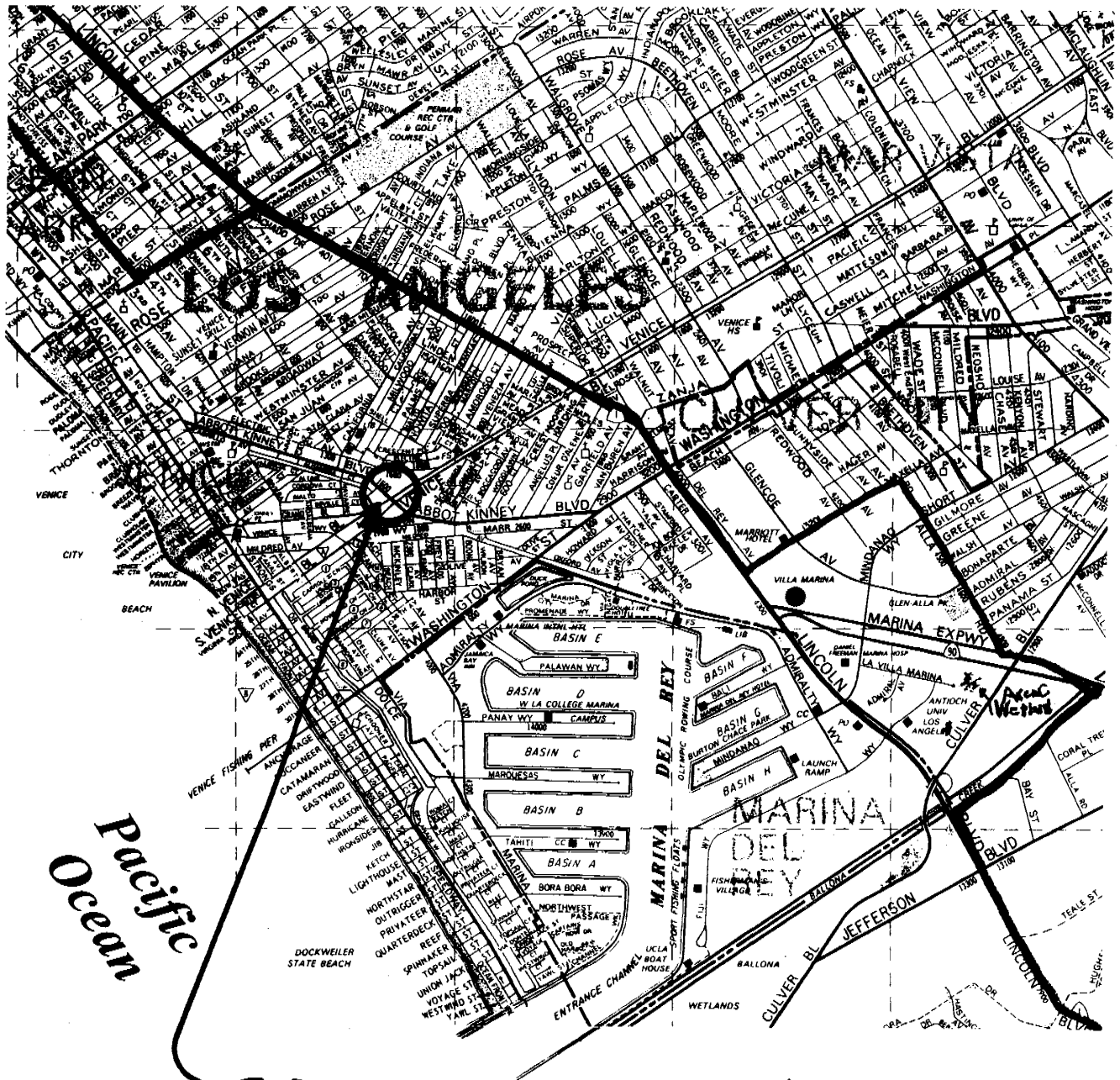
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

~~The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity~~

~~may have on the environment. Therefore, the Commission finds that the proposed development can be found consistent with the requirements of the Coastal Act to conform to CEQA.~~

The proposed project is not consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have not been minimized and denial of the proposed project is a feasible alternative which would substantially lessen the significant adverse impacts which the activity may have on the environment. The City-approved Venice Boulevard Planting Plan, as applied to the four corners of the intersection of Venice Boulevard and Abbot Kinney Boulevard, provides a feasible alternative which would substantially lessen the significant adverse impacts which the activity may have on the environment (Exhibit #5: Venice Boulevard Planting Plan, Sheet L-4, Dept. of Public Works, Index No. D-30879). Therefore, the Commission finds that the proposed development cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA

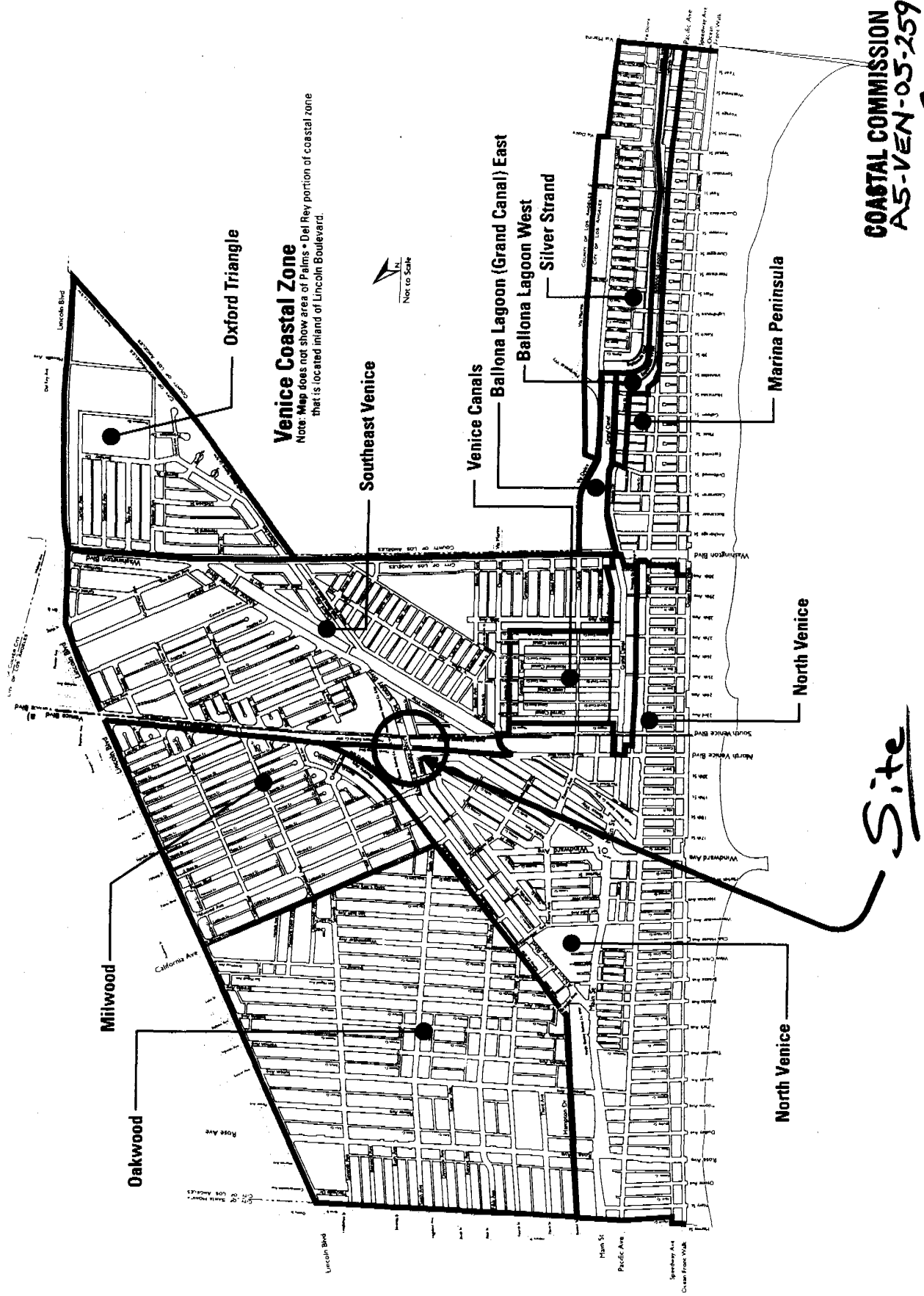


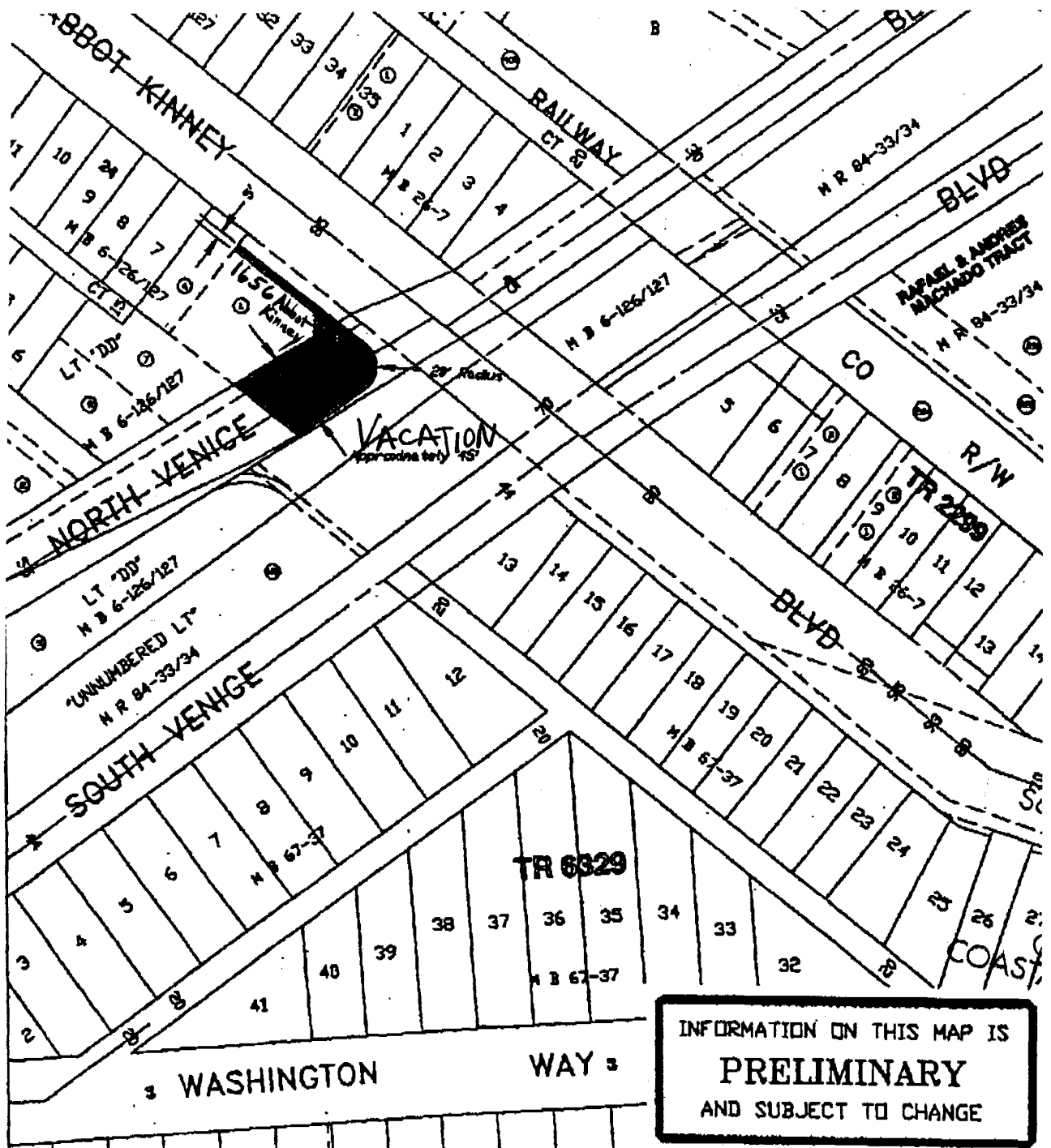
COASTAL COMMISSION
AS-VEN-05-259

EXHIBIT # 1

PAGE 1 OF 1





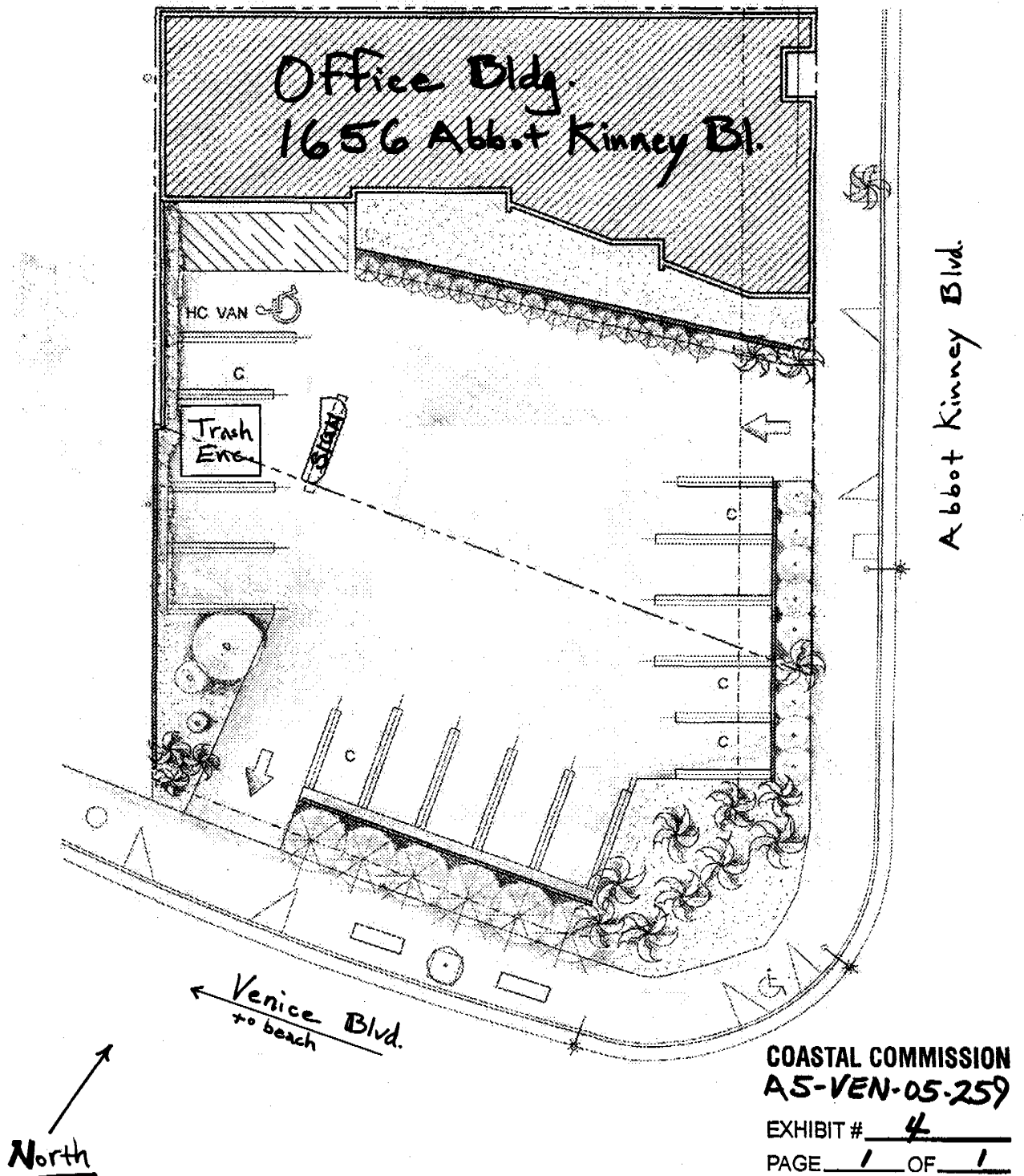


TITLE: VENICE BOULEVARD (PORTION OF NORTHWESTERLY SIDE) FROM ABBOT KINNEY BOULEVARD TO APPROXIMATELY 96' SOUTHWESTERLY THEREOF.

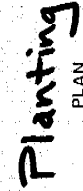
WORK ORDER NO. VAC- E1400779
COUNCIL FILE NO. 01-2183
COUNCIL DIST. 6 **DIV. INDEX** 1428
ENGR. DIST. W.L.A. T.G. 671-H6
DISTRICT MAP 108B145 & 108B149
 106.5A145 & 106.5A147

CITY OF LOS ANGELES
 DEPT. OF PUBLIC WORKS
 COASTAL COMMISSION
 VITALY B. TROYAN
 CITY ENGINEER **EX. 3**
 PAGE 1 OF 1







Proposed Parking Lot Plan
5-05-343



1656 Abbot Kinney



ALL 310-575-8895 WLA ENGINEERING SURVEY FOR
MARKING THE LOCATION OF EXISTING SEWER TWO DAYS
PRIOR TO CONSTRUCTION. PROPOSED TREES SHALL BE
3" MIN. FROM CENTER LINE OF EXISTING SEWER

LEGEND	
	GROUND COVER SEE PLANT RECORD ON TYPE
	GROUND COVER & SHRUBS SEE PLANT RECORD ON TYPE
	DEBRISAL CHANGES SEE PLANT RECORD ON TYPE
	THICK SEE PLANT RECORD ON TYPE
	INSTALL TRUSS AS REQ'D. SEE TRUSS RECORD ON TYPE
	INSTALL TRUSS ETC. TRUSS WELL ON WAYWAY

0 5 10 15 20 40 60
GRANITE: 2028 F

North



BILL ROSENDAHL

City of Los Angeles
Councilman, Eleventh District

RECEIVED
South Coast Region

AUG 16 2005

CALIFORNIA
COASTAL COMMISSION

August 5, 2005

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: A-5-VEN-05-259
Appeal for vacation of right-of-way at NW corner of intersection of North Venice
Boulevard & Abbot Kinney Boulevard, Venice, City of Los Angeles

Dear Mr. Douglas,

My constituents and I have been working diligently to get funding for landscape improvements along Venice Boulevard, including the above-named intersection. Improving the visual quality of the Venice Boulevard streetscape is an important goal of local residents and I support their efforts.

The proposed vacation would negatively impact these beautification efforts and I find no compelling reason for vacating this public right-of-way. Therefore, I request that the Commission support the appeal and not allow the vacation to proceed.

Thank you very much for your consideration.

Regards,

BILL ROSENDAHL
Councilman, 11th District

COASTAL COMMISSION
AS-VEN-05-259

EXHIBIT # 6
PAGE 1 OF 1

Westchester Office
7166 W. Manchester Boulevard
Westchester, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall
200 N. Spring Street, Room 415
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

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



In the "Findings" of the decision, item "a" states that the development will conform to City's Local Coastal Program (LCP). I believe this statement is in error for the reasons below and if this action occurs, it will violate several prior Coastal Development permits that reference this land as landscaped public property that are listed below.

1. This violates the LCP as described in the certified publication dated 6/14/2001. This was derived from several prior documents. One of these documents is the "Coastal Conservancy Urban Waterfront Restoration Plan Policies" (LCP page I-11, Exhibit 8 Relevant Documents, item 3). This document describes in words and illustrations what later became the LCP to a great extent. It was also the City's first attempt to organize the community to develop a plan for the Venice public open space. In this document, Venice Blvd is described as "The Ceremonial Gateway to Venice". As the ceremonial gateway in this plan, several vistas are described that include the intersection of Abbot Kinney and Venice Blvd being the entrance to the commercial district of Venice. Also described is the intersection of Grand Avenue and Venice Blvd that is one block to the west and the park in the median that stretches from Abbot Kinney to Grand Ave before blending into the Venice Library. One of the points made in this plan is the uniting of these intersections that historically align with Windward Circle. These vistas are key elements to this plan but if this vacation is allowed, both of these historic scenic view corridors, will be lost.

2. In the Coastal Conservancy plan, Venice Blvd. is shown as a green belt leading to the beach. The drawings include a par exercise course, a bike path, and several mini park areas where visitors can stop and relax while taking in the visual aspects of this diverse community. This was the basis of the LCP and should be preserved as a critical element. This document is also referenced several times in the LCP policies. One policy that addresses the preservation of this resource is I.F.1, entitled Historic and Cultural Resources, which discusses the streets and trees and references the Conservancy plan. In this policy, several structures along Venice Blvd are cited, along with the very intersection where this property is located. This policy and the Conservancy plan talk about preserving this area as landscaped public property. If this action should be allowed, it would violate the intent of the LCP.

3. In Policy Group II, Shoreline Access of the LCP, public access to the beach is identified as a Commission issue. If this vacation is allowed to proceed, it would set a precedent that would encourage other property owners along this stretch of Venice Blvd to apply for vacations of public property adjacent to their property. These potential vacations would have a devastating impact on public access to the beach by narrowing the public right of way and eliminating the attractive landscaping planned for the Venice Blvd. corridor. The concept of a Ceremonial Gateway as described in the LCP and the Conservancy plan to Venice Beach would be lost.

The visual impact of vacating this landscape buffer can only be imagined because all the public easements along Venice Blvd. is presently publicly controlled and partially landscaped. This does not prevent us from assuming a worst-case scenario that can be quantified by assuming the maximum property build-out under the current zoning code. In this assumption, this site and about 40 others along Venice Blvd. that fall into the same category have the right to build to zero front setbacks and to a height of thirty feet or more. The net effect of this build-out would turn Venice Blvd into a narrow corridor surrounded by tall buildings. The concept of a Ceremonial Gateway to the beach would be lost and Venice Blvd would become another non-descript commercial corridor.

4. In addition to becoming a commercial corridor, under the build-out, many of the existing street trees along Venice Blvd. would have to be removed and replaced by much smaller varieties. This will occur as a result of the growing pattern of the present three hundred plus California Sycamore trees that are located in the parkway area of the sidewalks along Venice Blvd. These trees were chosen for these parkway locations because, in time, they will create a canopy over the street and provide shade for parked cars and beachgoers along the sidewalks. The canopies of these trees at full maturity will be in excess of sixty feet. With the sidewalk only being ten feet wide along this street and buildings at zero setback, these trees will have to be so heavily cut back to conform to City code for minimum building clearances, they will end up lopsided and would endanger vehicles and pedestrians as a result of becoming unstable. Replacing these trees with smaller species will not only be very costly but will be devastating to the local community that volunteered their time to install them in the first place. The visual aspects will be impaired because smaller trees will not create a shade canopy over the street and the sidewalk and, therefore, will not meet the vision of any of the prior community plans for this area.

5. This action will violate a prior Coastal decision. A 1990 Caltrans project (M-3041(395), CRP-LO89(627), 07-062224 dated 12/24/1990) realigned Venice Blvd between Lincoln Blvd and Pacific Ave. The project was permitted by the City and approved by the California Coastal Commission. That project reduced the center median of the divided highway to move the traffic lanes closer together and removed the previously existing parking and landscaped areas from the median. The permitted plans show the vacation area to be part of the public right-of-way. The plans clearly indicate the buffer area to be landscaped. This is indicated on the approved plans and in the build-out of the roadway by the inclusion of an irrigation crossover at station 174+15, the detail of which can be seen in drawing HP-1. This detail indicates that sprinklers will be connected in the buffer area. Therefore, since the prior Commission action approved the roadway to be constructed with this area as a landscape buffer, it would violate that plan to allow it to become anything other than landscaped public space.

In 1990, the voters of Los Angeles voted to approve Proposition A, which specifically earmarked funding for the landscaping of Venice Blvd. Although the City diverted these funds to other projects in Venice, it was still the desire of the voters to see Venice Blvd landscaped in its entirety.

6. In 1992, the Venice Action Committee was awarded an Environmental Enhancement Mitigation grant by Caltrans as part of Assembly Bill 471. The project was funded by public monies under this bill to reduce the negative impacts of the prior Caltrans roadway realignment. The project went through the normal City plan approval process (Public Works Permit D-30879) that also included Coastal Commission compliance. These plans identified landscaping this buffer area with one *Platanus racemosa*, three *Spathodea campanulata* and nine *Washingtonia robusta* trees, in addition to many native xeriscape plants specified in the Venice Interim Control Ordinance. Of these original trees, the nine *Washingtonia robusta* trees remain, but the other trees and ground cover have been destroyed by vehicles belonging to or associated with the adjacent property owner (underlying vacation applicant). The irrigation system that was installed as part of this project remains, but has been damaged by these same vehicles. Nevertheless, this land was included in several public workshops that specified this space as public landscaped area.

7. The Shoreline Access summary on page I-4 of the LCP describes one of the guiding issues of the Conservancy plan and many topics of the community hearings that were conducted by the City in the preparation of the LCP. With regard to pedestrian access to the beach it reads, "Open areas in activity nodes and special districts are often completely surfaced with asphalt and concrete without provisions for pedestrian relief from the sun's heat and reflected glare. Resting places or other people-oriented accommodations are seldom provided." This vacation would result in a direct conflict with that LCP statement. The public landscaped land would become private and, as stated in the application findings, the area would become another private paved parking lot. Even the landscaped area of the parking lot would not allow public access without trespassing onto private property.

8. On page I-6 of the LCP, Los Angeles City Public Works is entrusted to develop and implement a comprehensive streetscape plan. In 1992, such a plan was developed for Venice Blvd. The process included two public workshops, and at least one multi-department meeting conducted by City Engineer Stan Sysack. The resulting plan was permitted by the City and approved by the Commission. The implementation of the plan was partly completed in the mid 1990's by the Venice Action Committee (VAC) and community volunteers. In the late 1990's, the Street Maintenance Division returned to the site and continued the planting project. Recently, the CD11 City Council office and the VAC in conjunction with the LADPW, Street Services Division, has funded and intends to complete the original project. This work is scheduled to be completed prior to the Venice Centennial on July 4th, 2005. By allowing this street vacation to occur, the entire landscaping plan for Venice Blvd. would become questionable since more than half of the public land could be subject to similar vacations.

9. The LCP Policy Group III cites several sections of the Coastal Act. In Policy III.A.1, the document discusses new opportunities to expand and maintain existing passive recreational areas. Item "b" under this section talks about acquiring additional land and item "d" talks about maximizing opportunities. But nowhere in this section or anywhere else in the LCP is there anything that references reducing the size of any of the coastal access corridor. Since Venice Blvd is the primary coastal access corridor to Venice Beach, it should be expanded at its narrow points to comply with the intent of the Coastal Act and the LCP – not the other way around!

10. At LCP Policy Group V – Public Works, section 30254 of the Coastal Act, policy V.A.4, 1c refers to the type of plants to be used within public open space. The Venice Blvd landscaping project complies with this requirement. All the plant material used within the right-of-way is drought resistant and native to the southern California region. If the property became privatized, the plant palette would no longer be required.

Furthermore, policy V.A.5 talks about improving the streetscapes throughout the Venice Coastal Zone to enhance the visual image for residents and visitors. This section states, "...whenever a street is to be improved, complete street improvements should be installed..." and does not refer to anything about undoing or giving away opportunities for such improvements. As a matter of fact, boulevard beautification, as called in item 4 of this section, refers to several streets (a,c,d,f and h) that were all incorporated into the nearly complete Venice Blvd landscaping project. Vacating this site would set a precedent that could allow other owners to apply for the same sort of vacation that could

threaten the entire landscaping project for Venice Blvd. Any deviation from the existing plan along the lines of vacating public land along this corridor will be in direct conflict with this section of the LCP and the Coastal Act.

11. Coastal Act policy at section 30251 – states that scenic and visual qualities of the coastal areas shall be considered and protected as a public importance. The very limited public open space within the community of Venice must preserved. Venice Blvd is the primary gateway corridor to the beach and thus plays an even a greater role in the scenic aspects of this coastal region. It is the only roadway that directly connects Venice beach to the Los Angeles freeway system. West of the harsh environment of U.S. Route #1 (Lincoln Blvd.), the visual qualities of the Venice community quickly become apparent. The roadway is reduced from three lanes in both directions to just two. The landscape areas should serve as a buffer between the roadway and the private properties appear on both sides of the street. This landscape buffer softens the harshness of the cityscape as it appears east of Lincoln Blvd. If this development permit is allowed to go through then all the other properties along this corridor will eventually apply for the same street vacation and the visual qualities of this scenic gateway to the beach will disappear.

12. Section 30253.5 states, where appropriate, to protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. The intersection of Abbot Kinney and Venice Blvd is a primary focal point to residents and visitors. Venice Blvd is the primary access corridor to Venice beach and Abbot Kinney is the gateway to the commercial district. This is indicated on local maps, the signage on the 405 and 10 freeways and on local signage that is also tied into the remote parking lots and DASH schedule bus system.

The main Venice Business district, which includes some of the finest restaurants in the City, many small shops and boutiques, and also happens to be called out in the LCP, many travel guides and tourist maps, is Abbot Kinney Boulevard starting at Venice Boulevard and continues north to Main Street.

Therefore, the intersection of Venice Blvd and Abbot Kinney Blvd is of major importance to the ambience of the community. The open space at this intersection allows visitors to appreciate the special importance of these intersecting gateways. Reducing this open space would be a mistake that would felt by everyone passing through this intersection. This land must be protected to comply with this section of the Coastal Act.

13. LUP Policy I.F.1 discusses cultural resources including several sites along Venice Blvd. It states that these sites were identified in the Coastal Conservancy workshops. This plan calls out many building sites, but includes the landscaping areas along Venice Blvd. If this process is allowed to privatize this public land, then other property owners along this same route will probably make similar applications. Most of these properties are allowed under current City zoning to build to zero setbacks. With ever increasing land value, it is hard to imagine that these cultural resource sites will continue to exist without public protection. Existing structures will be remodeled and expanded onto the existing public right-of-way if vacations are allowed. The net result will be much larger buildings overtaking the these existing cultural sites.

14. There is another problem to consider if this vacation of public property is allowed. Lets call it the saw tooth effect of vacations. If the City allows this vacation, it would set

a precedent. As some of the adjacent property owners apply for additional vacations we would end up with one property owner exercising the right to build to their property line besides others that do not exercise that option – hence the saw tooth. As such, the roadside would become a zig-zag of structures and open spaces eliminating the view corridor and harboring crime, trash and other negative elements. There are over forty properties along this stretch of roadway that fall into this category. Before any decision is made a comprehensive plan must be made that will not allow this sort of negative impact on the community.

The approval of this vacation would undo all these prior decisions and removes a much needed community and visitor-serving amenity, namely public open space. No other streets leading to Venice Beach have any open space. As the ceremonial gateway to the Venice Beach and the community Venice Blvd. enjoys the widest right-of-way west of Lincoln Blvd. These public buffer areas existing outward of the sidewalks were earmarked for landscaping to retain an open feeling for residents and visitors approaching the beach to enjoy.

In effect, this vacation would open the door for about 40 additional property owners along Venice Blvd to apply for the public land in front of their properties to be vacated. Such vacations would constitute a gift of public lands to private property owners. We respectfully request that you reconsider the decision, deny the requested street vacation, and not grant this Coastal Development Permit. .

COASTAL COMMISSION