

CALIFORNIA COASTAL COMMISSION

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 49th Day: 10/19/2007
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 Staff: Charles Posner - LB
 Staff Report: 10/25/2007
 Hearing Date: November 14, 2007
 Commission Action:

**W7a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-07-222

APPLICANT: Ted Shelton & Associates, LLC

AGENT: Nasser Nathan Ahdoot

PROJECT LOCATION: 305-309 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of a one-story, 1,728 square foot commercial structure on a 8,208 square foot beachfront site (two lots), and construction of a three-story (over a subterranean parking garage), 35-foot high, 10,815 square foot mixed-use structure containing five residential condominium units, four ground floor commercial condominium units with a total of one thousand square feet of retail space, and nineteen parking spaces.

Lot Area	8,208 square feet (two lots)
Building Coverage	8,208 square feet
Landscape Coverage	0 square feet
Parking Spaces	19 in garage
Zoning	C1-1
Plan Designation	Community Commercial
Ht above final grade	35 feet

LOCAL APPROVALS: 1) City of Los Angeles Local Coastal Development Permit No. ZA-2006-6106-CDP-MEL, 6/29/2007; 2) City of Los Angeles Tentative Tract Map No. 65664, 6/29/2007.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to permit compliance, parking, building height, the Ocean Front Walk right-of-way that abuts the front of the site, and protection of water quality. As conditioned, the proposed project complies with the 35-foot height limit, density limit, on-site parking requirements, and all other specific standards for development along the Venice Boardwalk (Ocean Front Walk) as set forth by the Venice Specific Plan and the certified Venice Land Use Plan (LUP). The applicant agrees with the recommendation. **See Page Two for the motion to carry out the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-88-474 (Oheb: 309 OFW)
3. Coastal Development Permit 5-91-540 (Alai: 309 OFW)
4. Coastal Development Permit 5-05-416 (Murphy: 419 OFW)
5. Coastal Development Permit A5-VEN-04-008/5-04-027 (Venice Lofts: 701 OFW).
6. Coastal Development Permit A5-VEN-04-009/5-04-028 (Venice Lofts: 619 OFW).

STAFF RECOMMENDATION:

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

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

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

I. Resolution: Approval with Conditions

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

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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

III. Special Conditions

1. Permit Compliance

Coastal Development Permit 5-07-222 approves the construction of five residential condominium units and one thousand square feet of ground floor retail-commercial space. This coastal development permit does not authorize any sit-down restaurant use. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any proposed change in use, change in commercial floor area, change in number of residential units, change in number of parking stalls, use of the parking to satisfy the parking requirements of new development or future commercial intensification, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. Parking

The proposed on-site parking supply (19 spaces) shall be provided and maintained in the garage of the approved structure as shown on the proposed project plans. Vehicular access to the on-site parking shall be taken only from Speedway Alley.

3. Building Height

The roof of the approved structure shall not exceed thirty-five feet (35') in elevation above the Ocean Front Walk right-of-way. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to forty (40') feet in elevation above the Ocean Front Walk right-of-way. No portion of any structure shall exceed forty feet (40') in elevation above the Ocean Front Walk right-of-way.

4. Public Right-of-Way

The development approved by this coastal development permit is limited to the applicant's private property. Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, landscaping, fencing, tables, vending and posting of signs.

5. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following (BMPs) Best Management Practices.

- a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
- b) Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.
- d) Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- e) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- f) All trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- g) All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish the existing one-story (c.1922) commercial building that occupies the two-lot beachfront site in North Venice, and to construct a new 35-foot high, 10,815 square foot mixed-use structure (See Exhibits). The proposed three-story (over a subterranean parking garage) building contains five residential condominium units, four ground floor commercial condominium units, and a nineteen-stall parking garage (accessed from Speedway Alley). The four proposed commercial units face the Venice Boardwalk (Ocean Front Walk) and contain a total of one thousand square feet of retail space.

The two-lot, 8,208 square foot project site is situated on the inland side of the Venice Boardwalk (Ocean Front Walk), the improved public walkway that exists immediately inland of the public beach and the Rose Avenue public beach parking lot (Exhibit #3). The surrounding neighborhood is comprised primarily of two-story and three-story single and multiple-unit residential structures, with commercial structures lining the inland side of the boardwalk.

In 1988, the Commission approved Coastal Development Permit 5-88-474 (Oheb) for a proposed addition to the existing commercial structure, but the project was never built. In 1991, the Commission approved Coastal Development Permit 5-91-540 (Alai) for another proposed addition to the existing commercial structure, but that project was also never built. The existing commercial structure on the site (and its 21 on-site parking spaces), has sat vacant and unused for several years.

The City of Los Angeles Planning Department has issued Local Coastal Development Permit No. 2006-6106 and Tentative Tract Map No. 65664 for the proposed project. The applicant is now requesting Commission approval of the “dual” coastal development permit that is necessary to undertake the proposed development within three hundred feet of the beach.¹

The proposed mixed-use project, which abuts the public beach and boardwalk, is consistent with the site’s C1-1 zoning designation, the Community Commercial land use designation set forth in the certified Venice Land Use Plan (LUP), and the surrounding land uses. 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 proposed five residential units conform to the Commission’s density limit for the site (one unit per 800-1200 square feet of lot area). The proposed building also complies with the 30-to-35-foot height limit for projects in the North Venice area (limited rooftop development is permitted to exceed the roof height limit). The proposed nineteen on-site parking spaces are adequate for the five proposed residential units (twelve spaces: two spaces per unit, plus two guest parking spaces), the one thousand square feet of commercial retail uses (five spaces: one space per 225 square feet), plus two BIZ (Beach Impact Zone) spaces. Vehicular access is provided by the rear alley (Speedway).

The proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The project is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City’s ability to prepare an LCP.

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed

¹ 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 any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

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

D. Marine Resources and Water Quality

The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the provision of pervious landscaped areas within the side yards of the project site. The Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

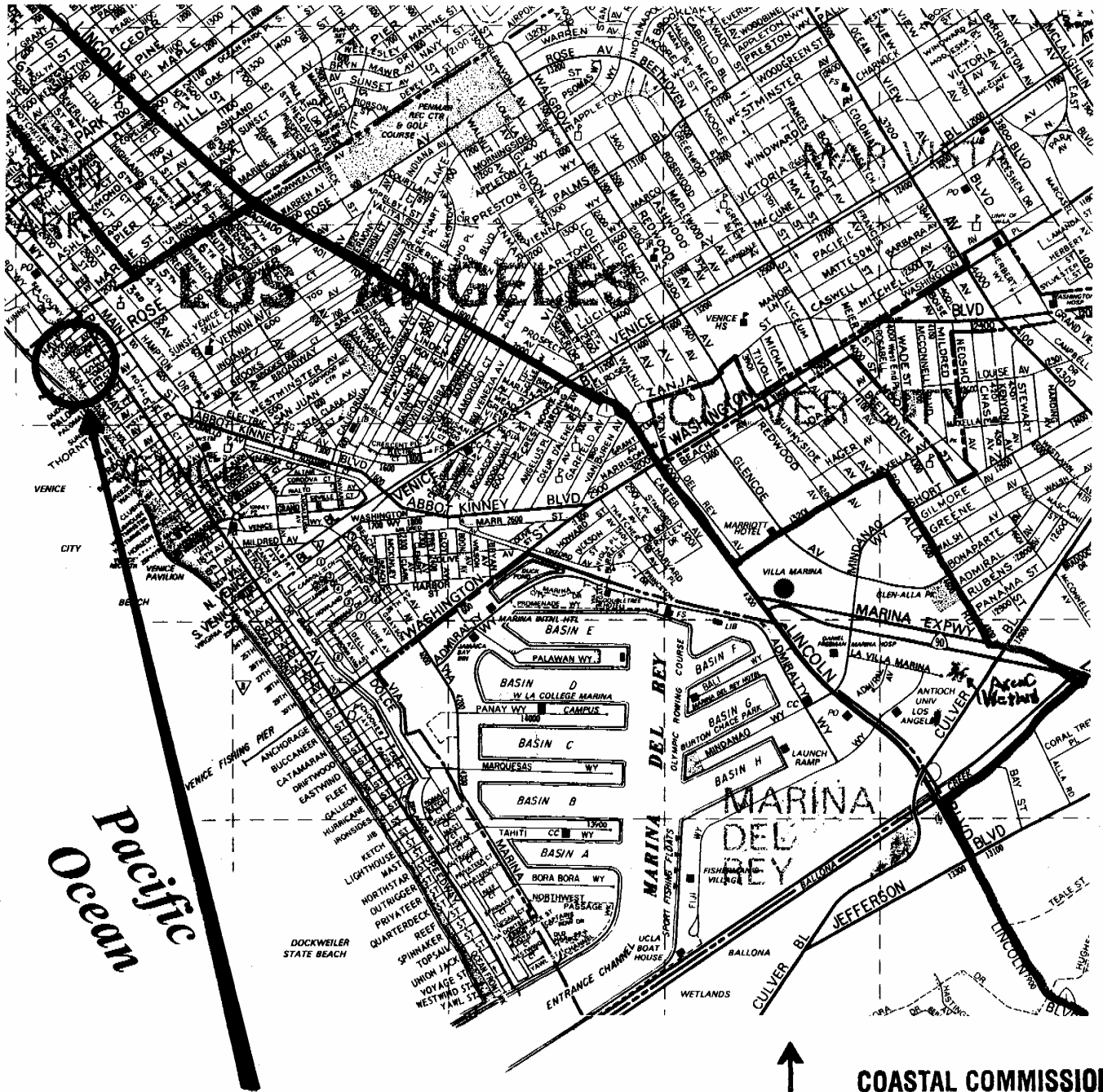
F. Local Coastal Program

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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

As conditioned, 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 project, as conditioned to mitigate the identified impacts, 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



Pacific Ocean

Site: 305-309 OFW



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EXHIBIT # 1
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Maximum Building Height

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

Notes:

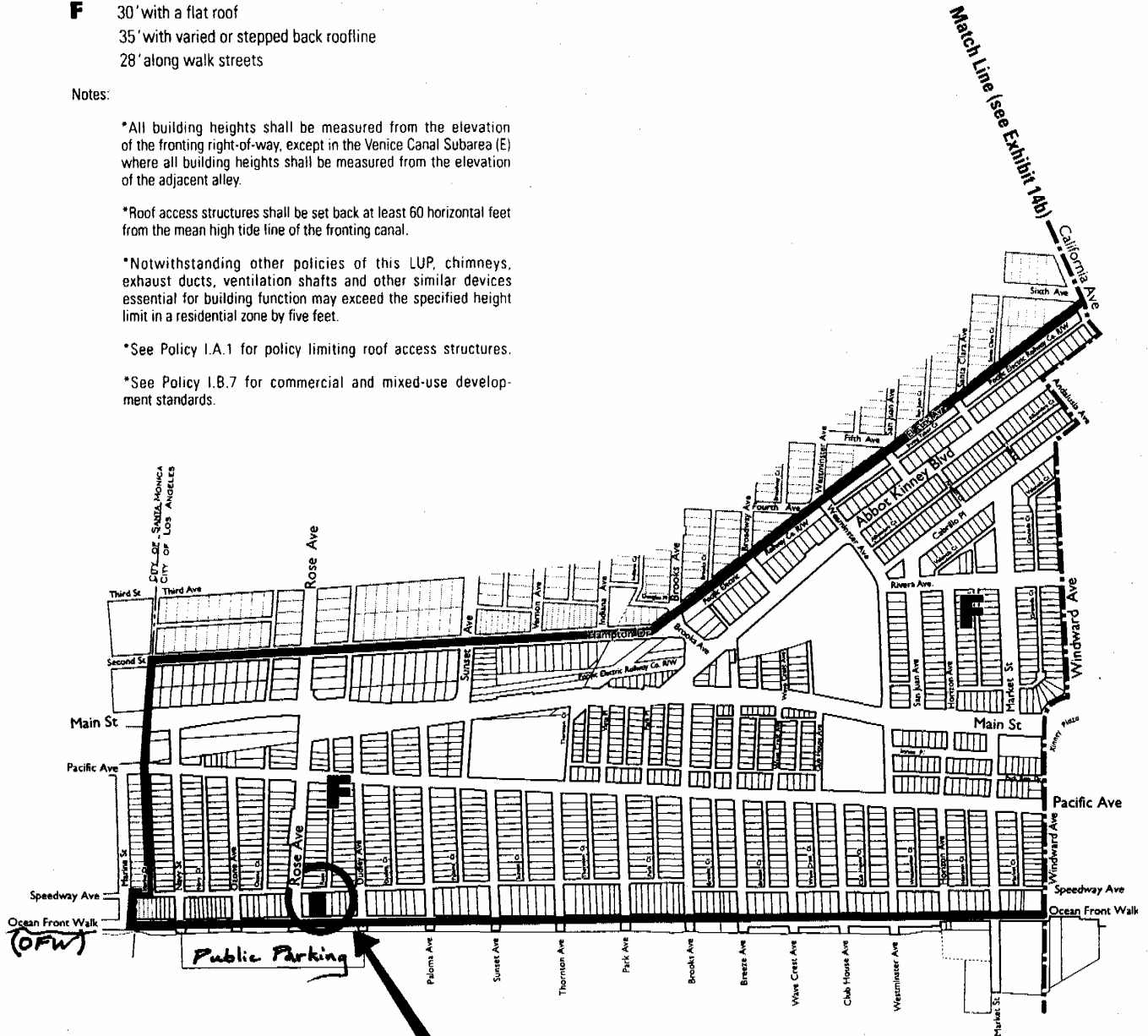
*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

*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.



Site: 305-309 OFW

**LUP
Exhibit 14a
Height
Subarea: North Venice • Venice Canals**

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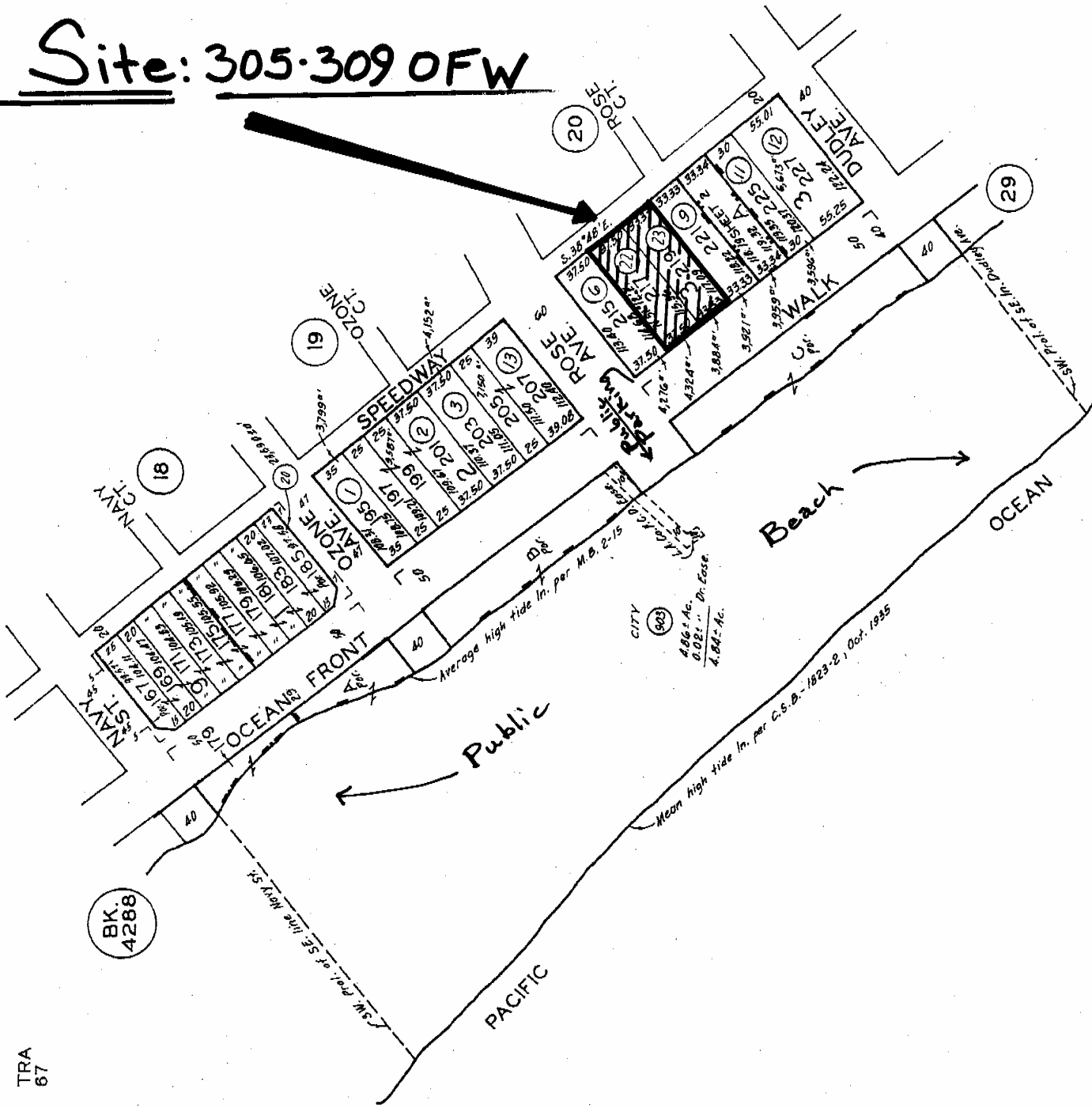
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EXHIBIT # 2

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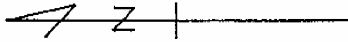
Site: 305-309 OFW



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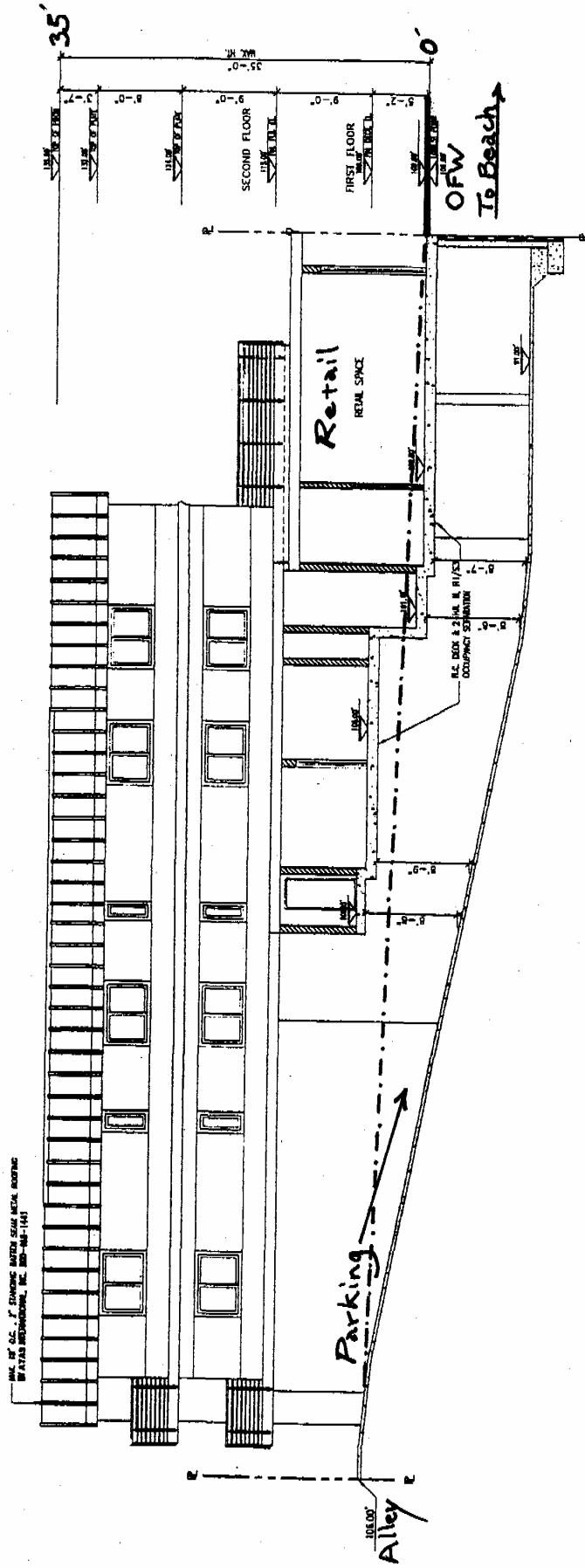


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EXHIBIT # 3

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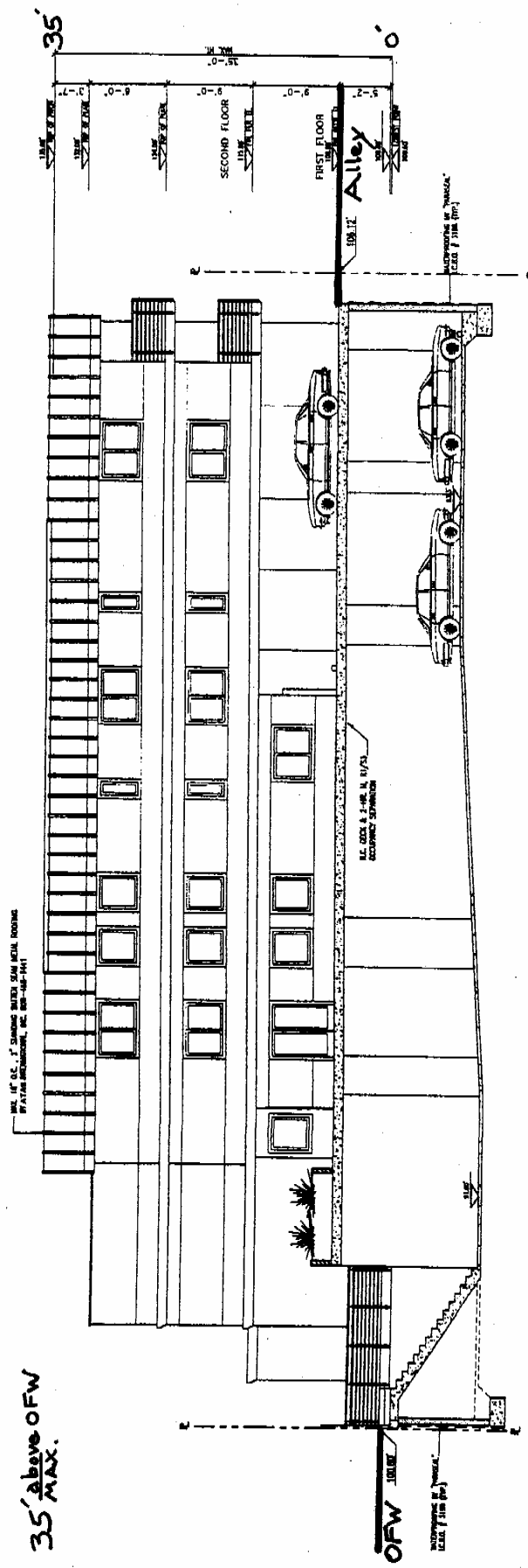
SOUTHEAST ELEVATION VIEW

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EXHIBIT # 4

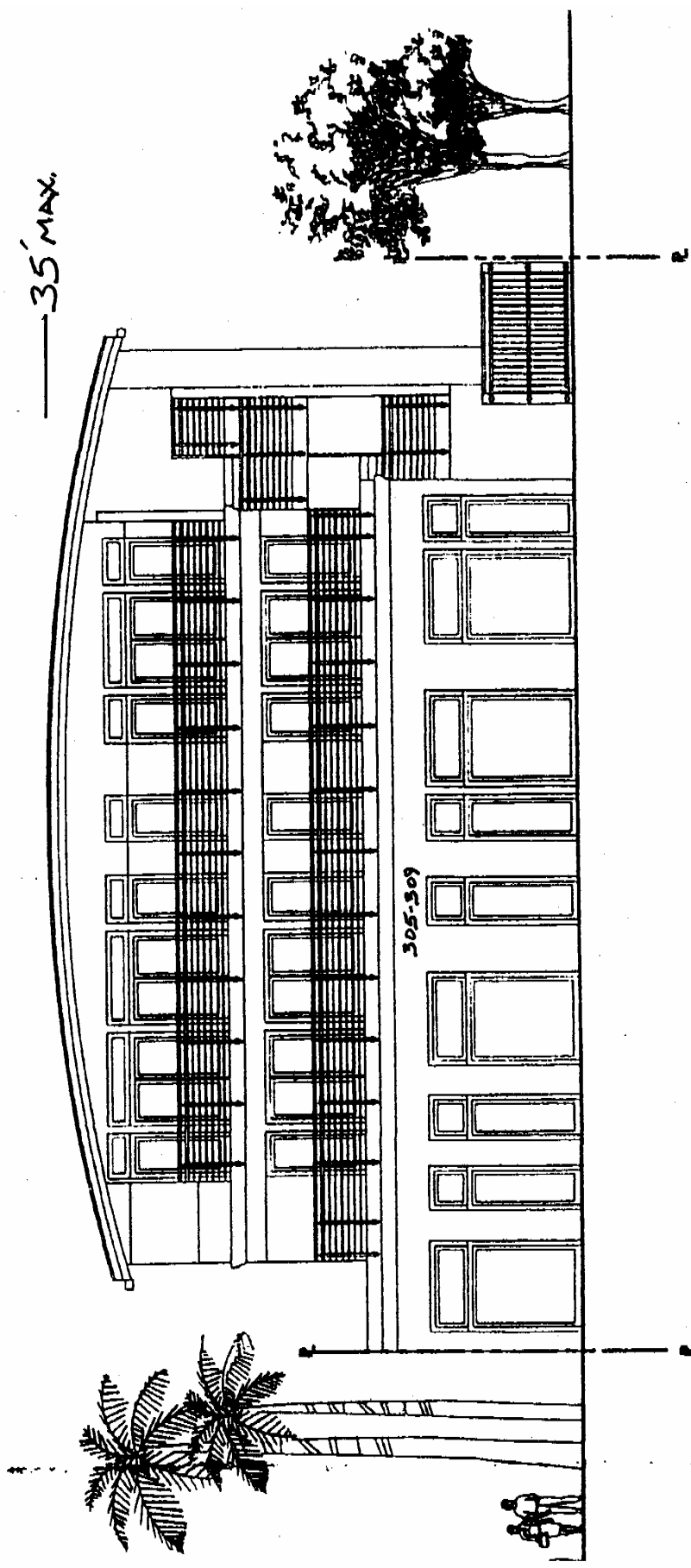
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35' Above OFW
MAX.

NORTH/WEST ELEVATION VIEW

← To Beach



35' MAX.

305-309

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EXHIBIT # 6
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Ocean Front Walk Elevation (OFW)