

CALIFORNIA COASTAL COMMISSION

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Filed: 1/23/2009
49th Day: 3/13/2009
180th Day: 7/22/2009
Staff: Charles Posner - LB
Staff Report: 4/15/2009
Hearing Date: May 6, 2009
Commission Action:

**W3a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-08-317

APPLICANT: Venice Development, Inc. (Sris Sinnathamby)

AGENT: Jon Perica, Pacific Crest Companies

PROJECT LOCATION: 401 (a.k.a. 8 Dudley Avenue) & 411 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Convert an 896 square foot ground floor area of an existing hotel lobby into a kitchen and café for hotel guests, with twelve off-site parking spaces provided.

Lot Area	5,908 square feet
Building Coverage	5,908 square feet
Parking Spaces	12 (at 411 Ocean Front Walk)
Zoning	R3-1
Plan Designation	Multi-Family Residential – Medium
Ht above final grade	44 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Local Coastal Development Permit, Case No. ZA-2008-0278-CDP-ZV-ZAD-SPP (10/22/2008).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit 5-91-357 (Jakob: 8 Dudley Ave.).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to permit compliance and the provision of the proposed off-site parking supply. The proposed project has a Local Coastal Development Permit issued by the City of Los Angeles Planning Department and is consistent with the adjacent residential and commercial land uses. Adequate parking is provided at 411 Ocean Front Walk. Therefore, as conditioned, the proposed development conforms with the Chapter 3 policies of the Coastal Act and will not prejudice the City's ability to prepare an LCP. The applicant agrees with the staff recommendation. **See Page Two for the motion to carry out the recommendation.**

STAFF NOTE - DUAL PERMIT JURISDICTION:

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Pursuant to Coastal Act Section 30601, certain categories of development, including development located within 300 feet of the mean high tide line, also require a coastal development permit from the Commission. The areas specified in Section 30601 are known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area. Coastal Act Section 30601 Act requires that any development that 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.

The proposed development is located in the City and Commission’s “Dual Permit Jurisdiction” area. On October 22, 2008, the City of Los Angeles Planning Department issued Local Coastal Development Permit No. ZA-2008-0278 for the proposed project.

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. Approved Development - Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Coastal Development Permit 5-08-317 approves the conversion of 896 square feet of the hotel's existing ground floor lobby area into a kitchen and café for hotel guests, with twelve off-site parking spaces provided and maintained at 411 Ocean Front Walk (County of Los Angeles APN 4286-029-003) for use by hotel guests and hotel employees. The twelve off-site parking spaces at 411 Ocean Front Walk shall be provided and maintained for the life of the use approved herein. Any proposed change or deviation from the approved plans, including any change to the approved parking plan, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Parking Plan

The proposed off-site parking supply (twelve spaces at 411 Ocean Front Walk - County of Los Angeles APN 4286-029-003) shall be provided and maintained for use by hotel guests and hotel employees as shown on **Exhibit #3 of the 4/15/09** staff report. Vehicular access to the parking area shall be taken only from Speedway Alley.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to convert an 896 square foot ground floor lobby area of an existing hotel into a kitchen and café for hotel guests. The 47-room hotel was established in 1927 and is undergoing a \$1.2 million renovation. The project site is on the inland side of Ocean Front Walk, the paved public walkway (Venice Boardwalk) that separates the private properties from the open sandy public beach (Exhibit #2). The immediate neighborhood is comprised of a mix of commercial and residential uses. The applicant has long-term lease to operate the subject hotel and its off-site parking lot, and has the owner's consent to undertake the proposed kitchen/café project. The owner of the hotel property is also the owner of the parking lot located at 411 Ocean Front Walk.¹

The proposed kitchen is 384 square feet in area, and the proposed café seating area is 512 square feet (Exhibit #4). The City-approved Local Coastal Development Permit for the proposed kitchen/café project states that the café seating is “limited to approximately 21 diners at any one time unless a smaller occupancy load is determined necessary by the Fire Department and/or the Department of Building and Safety” (Condition Eight). The applicant states that the proposed café will be for hotel guests only and will have no alcohol sales, no outside seating, and no outside advertising. Twelve off-site parking spaces are being provided two lots down the boardwalk as part of the proposed project (Exhibit #4). The hotel has no other parking supply.

The existing hotel occupies half of the ground floor and all of the upper three floors of the subject four-story commercial building on Ocean Front Walk. The building also currently contains two retail stores on the ground floor fronting Ocean Front Walk. In 1992, the Commission approved Coastal Development Permit 5-91-357 (Jakob) to convert part of the hotel's ground floor lobby area into a restaurant and bar with 850 square feet of service area (maximum of 40 patrons). As with the current proposal, the previously approved restaurant/bar was proposed only for guests of the existing hotel. Seventeen off-site parking spaces were required as a condition of Coastal Development Permit 5-91-357 (Jakob). The hotel's lobby was not converted into a restaurant/bar and the permit expired without being vested.

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

¹ Commission records indicate that the parking spaces located in the parking lot at 411 Ocean Front Walk are not currently dedicated to the hotel use or any other use.

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. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

The proposed project involves the establishment of a café with 512 square feet of service area on the ground floor of an existing hotel. Even though the proposed café will serve only registered hotel guests who are already in the building, the proposed addition of the kitchen and café is an intensification of use (i.e., new development) that must provide adequate parking. The applicant, as part of the proposed project, has proposed to provide twelve off-site parking spaces in the parking lot located two lots down the boardwalk at 411 Ocean Front Walk (Exhibit #4). The proposed twelve-space parking supply exceeds the minimum requirement set forth in the certified Venice Land Use Plan (LUP) of one space for each fifty square feet of service area in the proposed café.

The parking lot at 411 Ocean Front Walk is currently being used by the hotel for guest parking, even though there are no previous coastal development permits that require the hotel to provide guest parking on this lot (or any lot). The hotel building pre-dates the Coastal Act and has not previously been required to provide any parking supply. Commission records indicate that the parking spaces located in the parking lot at 411 Ocean Front Walk are not currently dedicated to any other use, so the parking spaces located on this lot could conceivably be acquired by anyone in order to meet a parking demand. Approval of this permit will authorize the use of the parking lot to meet the parking requirements of the proposed café, as well as continue to be used by hotel guests and hotel employees. The proposal ensures that the parking lot will not be available for any other project as long as the proposed hotel café exists.

Therefore, as proposed and conditioned to supply twelve parking spaces for hotel customers and hotel employees, and to limit the use of the café to registered hotel guests only, the proposed project will provide adequate parking consistent with the requirements of Section 30252 of the Coastal Act. Thus, as conditioned, the proposed 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. 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.

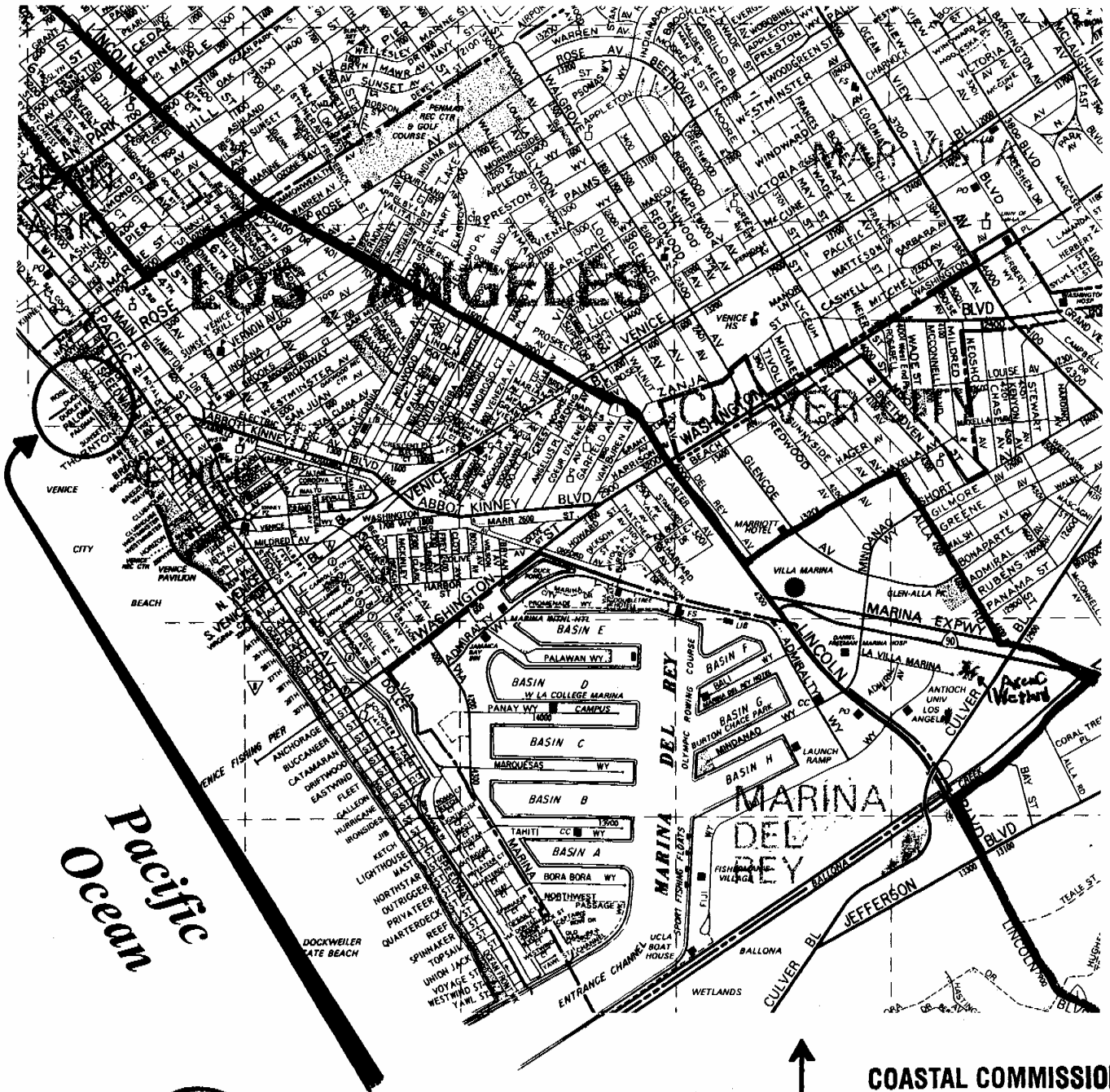
E. Local Coastal Program

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.

F. 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



Project Site:

401 Ocean Front Walk



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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:

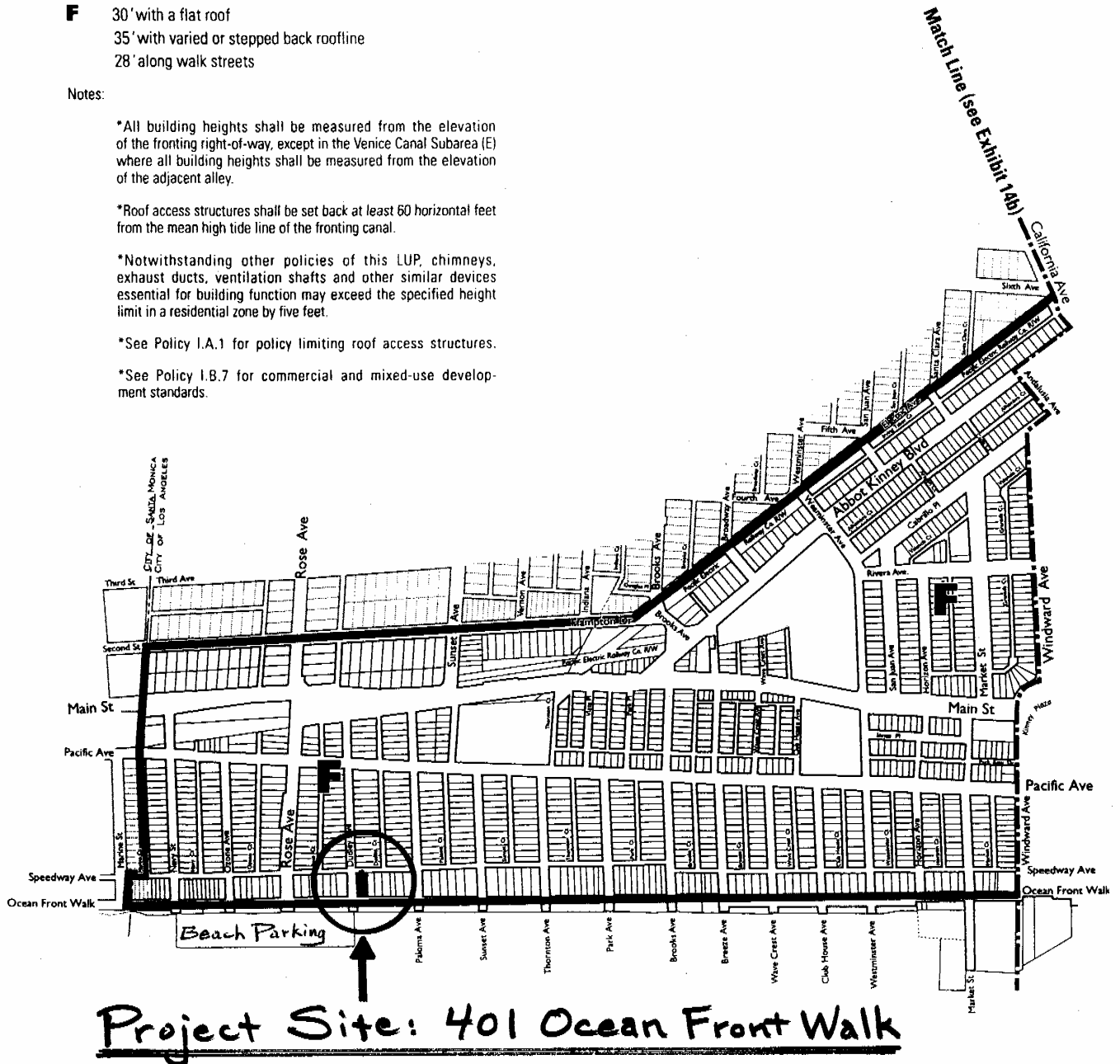
*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

*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.



LUP
Exhibit 14a
Height

Subarea: North Venice • Venice Canals

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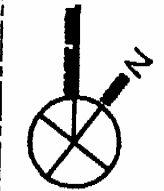
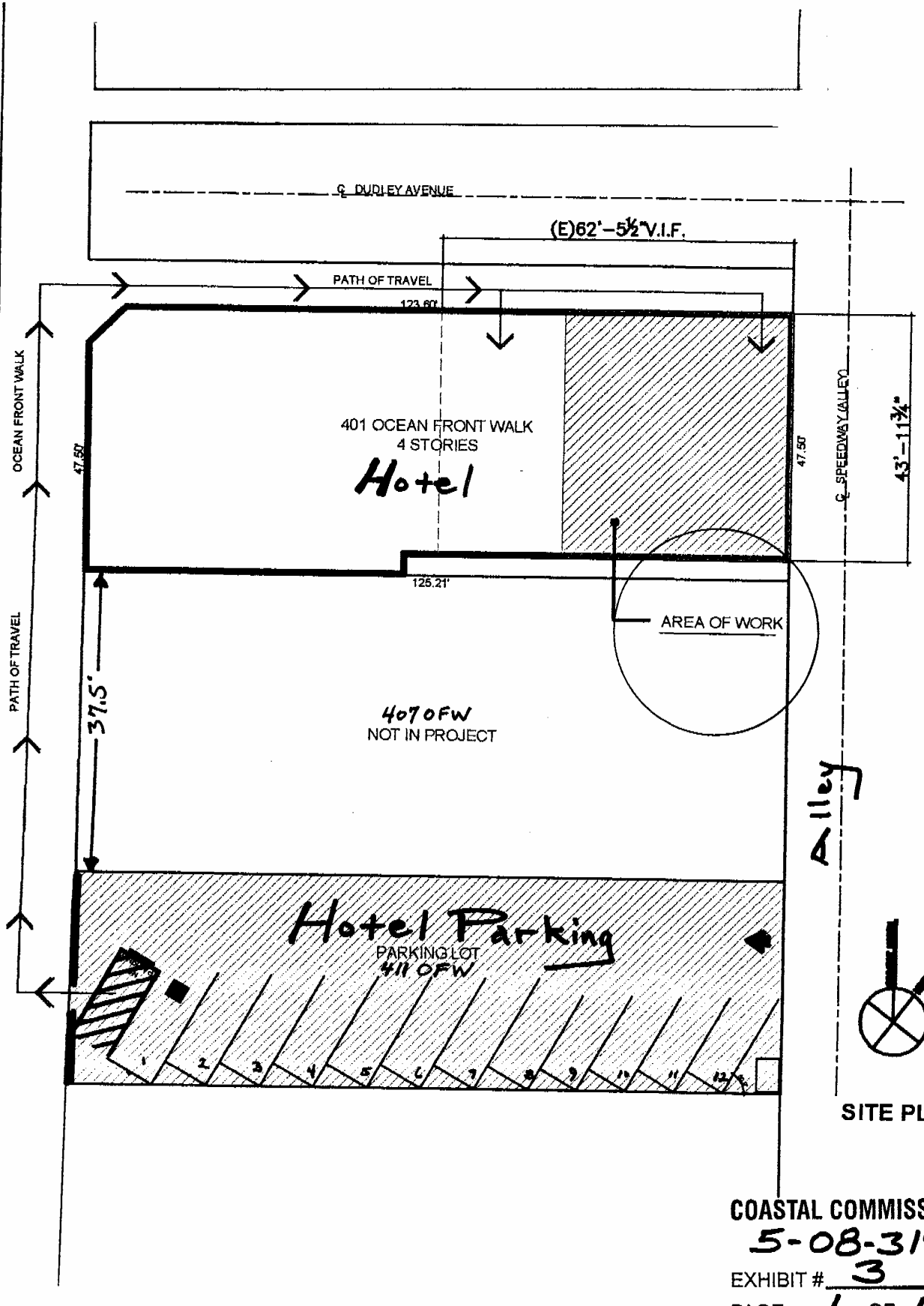
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EXHIBIT # 2

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Beach



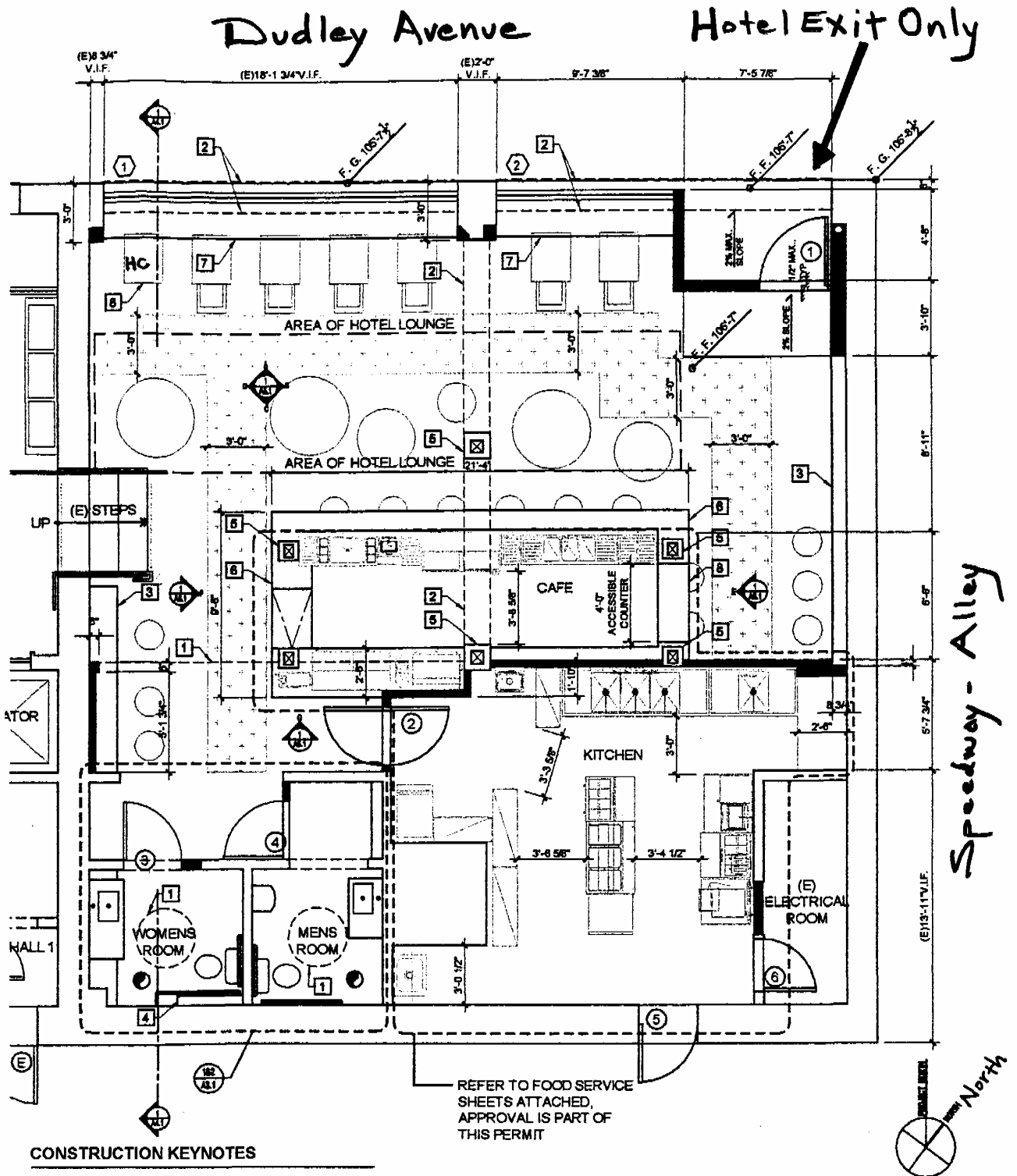
SITE PLAN

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EXHIBIT # 3

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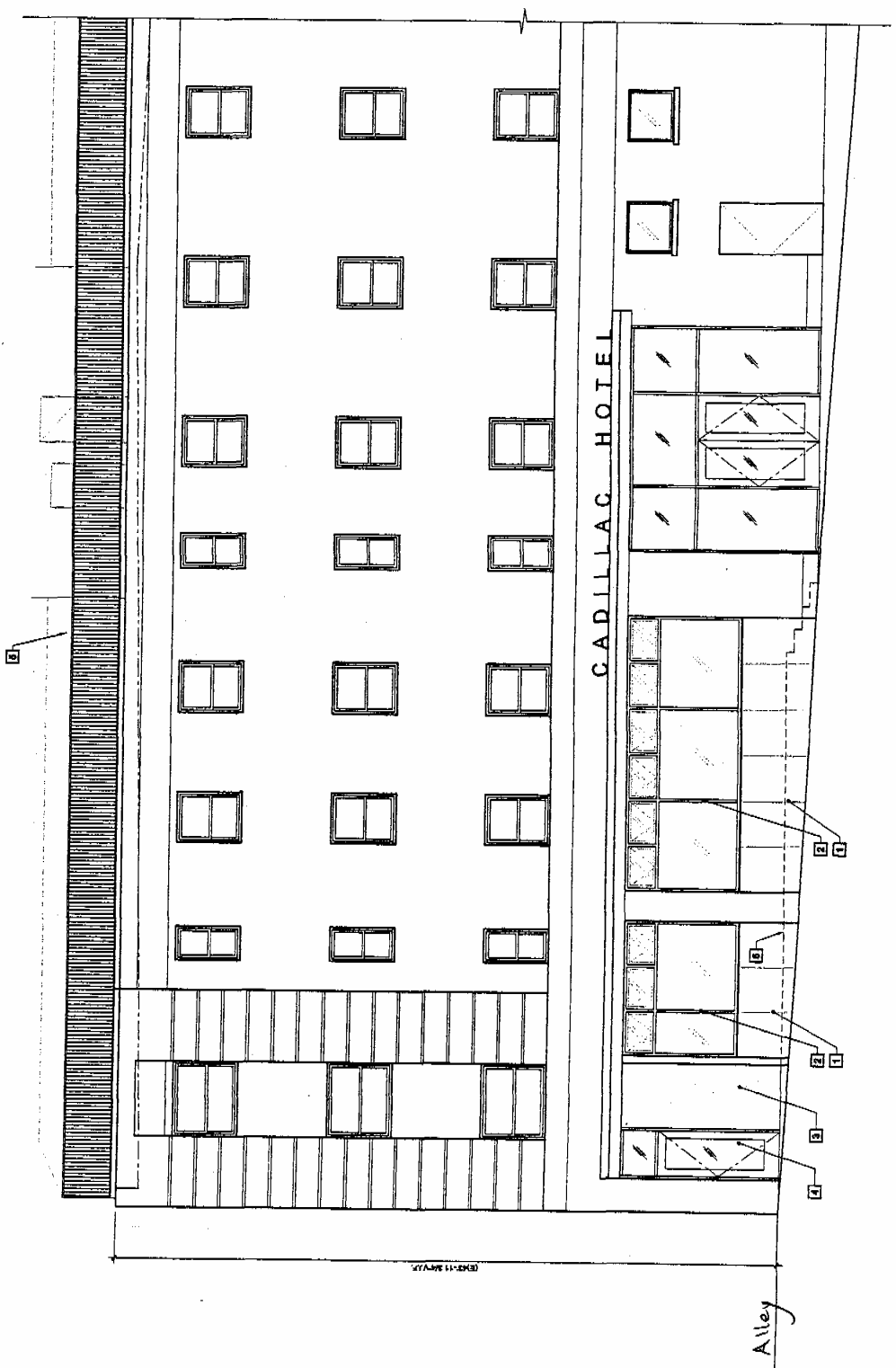
CONSTRUCTION KEYNOTES

- | | |
|--|--|
| 1 LINE OF (N) SOFFIT ABOVE | 7 (N) BUILT-IN WALL SEATING - REFER TO INTERIOR ELEVATION |
| 2 LINE OF (E) BEAM ABOVE - DO NOT DISTURB | 8 (N) HANDICAP ACCESSIBLE TABLETOP - 34" MAX. HEIGHT, 27" HIGH CLEAR KNEE SPACE, 19" MIN. DEEP, TYP. |
| 3 (N) CASEWORK - REFER TO INTERIOR ELEVATION | |
| 4 (E) PARTIAL HEIGHT WALL - REFER TO INTERIOR ELEVATIONS | |
| 5 (E) COLUMN ENCASED IN 5/8" GYP. BD. FOR ONE HOUR RATING - SEE DETAIL 6A7.1 | |
| 6 (N) BAR-HEIGHT COUNTER - REFER TO INTERIOR ELEVATION | |

FIRST FLOOR PLAN

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EXHIBIT # 4
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OFW

DUDLEY STREET PARTIAL ELEVATION

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EXHIBIT # 5
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