

CALIFORNIA COASTAL COMMISSION

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

W11a

Appeal Filed: 11/22/2010
49th Day: Waived
180th Day: N/A
Staff: Charles Posner-LB
Staff Report: 1/20/2011
Hearing Date: February 9, 2011
Commission Action:

**STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE**

APPEAL NUMBER: A-5-VEN-10-281

APPLICANT: The Leader Camel Cheech, LLC

AGENT: Robert B. Scapa, Scapa Law Group, PC

APPELLANTS: Harris Levey & Stewart Oscars

PROJECT LOCATION: 534 Victoria Avenue, Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Appeal of Local Coastal Development Permit No. ZA-2009-3190 approved by the City of Los Angeles for the conversion of a warehouse use (6,653 square feet) to manufacturing office use, with fees paid in lieu of providing twelve of 22 required parking spaces.

Lot Area	5,000 square feet
Building Coverage	5,000 square feet
Pavement Coverage	0 square feet
Landscape Coverage	0 square feet
On-site Parking Spaces	10 (including two on lifts)
Zoning	M1-1
Plan Designation	Limited Industry
Ht above final grade	30 feet

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which the appeals have been filed because the City-approved project does not include adequate mitigation for the parking impacts of the proposed development. Therefore, the local coastal development permit raises a significant issue with regard to the public access policies of the Coastal Act and the protection of the public parking supply necessary to support public access to the coastal zone. **See Page Five for the motion to make the substantial issue determination.**

The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

I. APPELLANTS' CONTENTIONS

Harris Levey and Stewart Oscars have appealed the City of Los Angeles West Los Angeles Area Planning Commission's action to approve Local Coastal Development Permit No. ZA-2009-3190 for the conversion of a warehouse use (6,653 square feet) to manufacturing office use (with fees paid in lieu of providing twelve of the 22 required parking spaces) at 534 Victoria Avenue in Southeast Venice area.

The grounds for the appeals, which are attached to this report as Exhibit Nos. 6 and 7, relate to the proposed project's unmitigated impacts to the neighborhood's public parking supply. The appellants contend that the City-approved change to manufacturing office use (which occurred in 2006 prior to obtaining any permits) has adversely impacted the public's ability to park on the streets because the employees (approximately 30 employees) of the manufacturing office utilize the public streets for parking while they work. The appellants also contend that the payment of fees in lieu of providing twelve of the 22 required parking spaces will not mitigate the parking impacts of the proposed project because the City's in-lieu fee of \$18,000 per space is not equivalent to the cost of providing an actual parking space, and the City's in-lieu fees are not being used to provide any new parking or to improve coastal access (the fees have allegedly been transferred to the City's general fund).

II. LOCAL GOVERNMENT ACTION

On September 6, 2006, the City of Los Angeles Department of Building and Safety issued an Order to Comply (Case No. 1248892) in response to complaints about construction without permits at the project site.

On November 5, 2007, pursuant to the requirements of the Venice Specific Plan, the City of Los Angeles Planning Department issued a Specific Plan Project Permit (Case No. DIR-2006-10495-SPP) to the applicant for a change of use of a two-story, 6,653 square foot warehouse to a manufacturing office (with a new façade and balcony). The Project Permit approval required the applicant to provide ten parking spaces on the site and to pay an in-lieu fee into the Venice Coastal Parking Impact Fund for twelve of the 22 required parking spaces.

On November, 14, 2007, Harris Levey appealed the City's approval of the Project Permit to the City of Los Angeles West Los Angeles Area Planning Commission. On February 11, 2009, the West Los Angeles Area Planning Commission denied the appeal because the Planning Commission failed to act on it within the required time period (Exhibit #8).

On October 8, 2009, the applicant submitted an application for a local coastal development permit to the City of Los Angeles Planning Department (Case No. ZA-2009-3190-CDP).

On August 3, 2010, the City Zoning Administrator approved Local Coastal Development Permit No. ZA-2009-3190 for the conversion of a warehouse use (6,653 square feet) to manufacturing office use. The approval required the applicant to provide ten parking spaces on the site and to pay an in-lieu fee into the Venice Coastal Parking Impact Fund for twelve of the 22 required parking spaces.

On August 16, 2010, Harris Levey, appealed the City Zoning Administrator's approval of the local coastal development permit to the City of Los Angeles West Los Angeles Area Planning Commission.

On October 20, 2010, after a public hearing, the West Los Angeles Area Planning Commission denied the appeal and upheld the City Zoning Administrator's approval of the local coastal development permit (Exhibit #4). The Planning Commission added Special Condition Thirteen, which states:

13. *The privileges granted herein shall become null and void three years from the effective date of this determination unless a new coastal development permit that extends such privileges is "approved" for the manufacturing office prior to that date. The applicant is advised that he/she should allow appropriate time for a new coastal development permit application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the manufacturing office use on the subject property.*

The City's Notice of Final Local Action for the Planning Commission's approval of the local coastal development permit was received in the South Coast District Office in Long Beach on November 1, 2010, and the Commission's required twenty working-day appeal period commenced. The appeal by Harris Levey was filed on November 22, 2010. The appeal by Stewart Oscars was filed on December 1, 2010. The Commission's twenty working-day appeal period ended on December 2, 2010.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeals of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of substantial issue. If the Commission decides that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government stands. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a *de novo* matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that *de novo* actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the *de novo* phase of the public hearing on the merits of the application at a subsequent Commission hearing. A *de novo* public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

IV. DUAL PERMIT JURISDICTION

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.

The proposed development is not located within the *Dual Permit Jurisdiction*.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to whether the local government's approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

MOTION: *"I move that the Commission determine that Appeal No. A-5-VEN-10-281 raises no substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

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

Resolution to Find Substantial Issue for Appeal A-5-VEN-10-281

The Commission hereby finds that Appeal No. **A-5-VEN-10-281** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. Project Description

The project site, which fronts Victoria Avenue, is about one-half mile inland of the beach and boardwalk in Venice (Exhibit #1). The project site is comprised of two lots developed in 1999 with a two-story, 6,653 square foot warehouse with a ground-floor parking garage (Exhibit #5). The development authorized by the City of Los Angeles West Los Angeles Area Planning Commission's approval of Local Coastal Development Permit No. ZA-2009-3190 is a change of use from warehouse distributor to a manufacturing office use. The project plans indicate that both floors of the structure have been partitioned into various sized offices (Exhibit #5). The proposed use is a multi-media company that employs about thirty people to manufacture art work, graphics, posters and T-shirts for the movie industry. Business hours generally run from 11 a.m. to 9 p.m. daily.

The proposed project includes the provision of ten on-site parking spaces in a tandem arrangement in the ground-floor garage of the structure, with two of the ten spaces provided by mechanical lifts (Exhibit #5, p.2). The applicant also proposes to provide bicycle racks for employees. The parking garage is accessed from the rear alley, Victoria Court. The City approval requires the applicant to pay fees into the Venice Coastal Parking Impact Trust Fund in lieu of providing twelve of the 22 required parking spaces, as no variance from the City's parking requirements has been granted (Special Condition Nine).

The property is zoned M1-1 (Limited Industry). The surrounding properties are improved primarily with automobile repair shops and other manufacturing uses, but the industrial area is bordered by the residential neighborhood situated north of Zeno Place (Exhibit #3).

The land use designation for the project site, as set forth by the certified Land Use Plan (LUP) for Venice, is Limited Industry. The certified Venice LUP sets forth the following policy for industrial land uses:

Policy I. C. 1. Industrial Land Use. *The Land Use Plan designates approximately 53 acres of land for Limited Industry land uses. It is the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted. Artist studios with residences may be permitted in the Limited Industry land use category. Adequate off-street parking shall be required for all new or expanded industrial land uses consistent with Policies II.A.3 and II.A.4. The design, scale and height of structures in areas designated for industrial land uses shall be compatible with adjacent uses and the neighboring community.*

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist with the local government's approval of the project.

The appellants contend that the change of use has adversely impacted the public's ability to park on the streets because the employees of the multi-media company that occupies the structure utilize the public streets for parking while they work. The appellants also contend that the payment of fees in lieu of providing twelve of the 22 required parking spaces will not mitigate the parking impacts of the proposed project because the City's in-lieu fee of \$18,000 per space is not equivalent to the cost of providing an actual parking space, and the City's in-lieu fees are not being used to provide any new parking or to improve coastal access (the fees have allegedly been transferred to the City's general fund). These contentions raise the coastal access issue of whether the parking demands of the City-approved project will adversely impact the public parking supply necessary to support public access to Venice Beach and other nearby recreational areas.

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 30213 of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and **enhance public access to the coast** by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) **providing adequate parking facilities** or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Venice LUP, certified on June 14, 2001, provides guidance for determining parking requirements for projects within the Venice coastal zone. The certified Venice LUP sets forth the following parking requirements which are applicable to new development, additions, and changes of use:

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

MANUFACTURING & RELATED USES:

*Manufacturing and Industrial Establishment,
including offices and other than incidental operations.
Software, music, film and video manufacturing.*

*3 spaces; plus
1 space for each 350
square feet of floor area.*

Warehouse Storage Building

*3 spaces plus; 1 space for
each 1,000 square feet of
floor area*

Policy II. A. 4. Parking Requirements in the Beach Impact Zone. *Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in*

addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund.

The project site is not within the Beach Impact Zone. The City's approval of Local Coastal Development Permit No. ZA-2009-3190 states that 22 parking spaces are required for the 6,653 square feet of manufacturing office use, which is consistent with the Parking Requirement Table contained in Policy II.A.3 of the certified Venice LUP. The approved project, however, would only provide ten of the 22 required parking spaces on the project site (Exhibit #5, p.2). The City has allowed the applicant to pay fees in lieu of providing twelve of the 22 required parking spaces. The City's findings for the local coastal development permit states that the in lieu fees would be paid into the City's Venice Coastal Parking Impact Trust Fund at the rate of \$18,000 per parking space (12 x 18,000 = \$216,000). The City's approval of Local Coastal Development Permit No. ZA-2009-3190 has a three-year term limit (Exhibit #4, p.3).

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. ZA-2009-3190, because the City's approval would allow the intensification of use to proceed without providing additional parking to meet the increased parking demands of the new use. The requirement to pay fees in lieu of providing twelve of the 22 required parking spaces will not mitigate the parking impacts of the proposed project. No new parking would be provided to meet the demands of the proposed project. In fact, part of the ground-floor parking garage in the structure would be converted from parking into office rooms (Exhibit #5). The employees of the approved use will continue to use the public parking supply that is provided by the surrounding streets, competing with residents and visitors to the area.

The certified Venice LUP (Policy II.A.3) states that a change of use that does not meet parking requirements shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund. Certified Venice LUP Policy II.A.3 also states that, "The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone". Policy II.A.4.c of the certified Venice states:

Policy II. A. 4. c. *All in-lieu fees shall be paid into the Venice Coastal Parking Impact Trust Fund to be administered by the City of Los Angeles Department of Transportation for improvement and development of public parking facilities that support public access to the Venice Coastal Zone.*

In recent public hearings on Venice projects, however, Commissioners have raised concerns that the City's in-lieu fee program has not been used to provide additional parking to mitigate the parking impacts of new development in Venice [Appeal No. A-5-VEN-07-200 (Amuse Café – 796 Main St.)]. The issue is that payments made into the Venice Coastal Parking Impact Trust Fund are inadequate to mitigate parking impacts of new development because: 1) the City's in-lieu fee of \$18,000 per space is not equivalent to the cost of providing an actual parking space, and 2) the City's in-lieu fees are not being used to provide any new parking or to improve coastal access. If the City had identified any plan or specific project for which the mitigation fees would be used to increase parking in the coastal zone, then a finding could be made that the parking impacts of the project were being mitigated. In this case, the City does

not identify any plan or project for which the mitigation fees would be used. The parking mitigation fees previously collected by the City were allegedly transferred to the City's general fund and not used for improvement and development of public parking facilities as required by the certified Venice LUP. One project that City staff once proposed to increase public parking opportunities in Venice (the Electric Avenue parking lot in the Abbot Kinney Boulevard area) has not come to fruition as the dirt right-of-way lot has never been paved or otherwise improved.

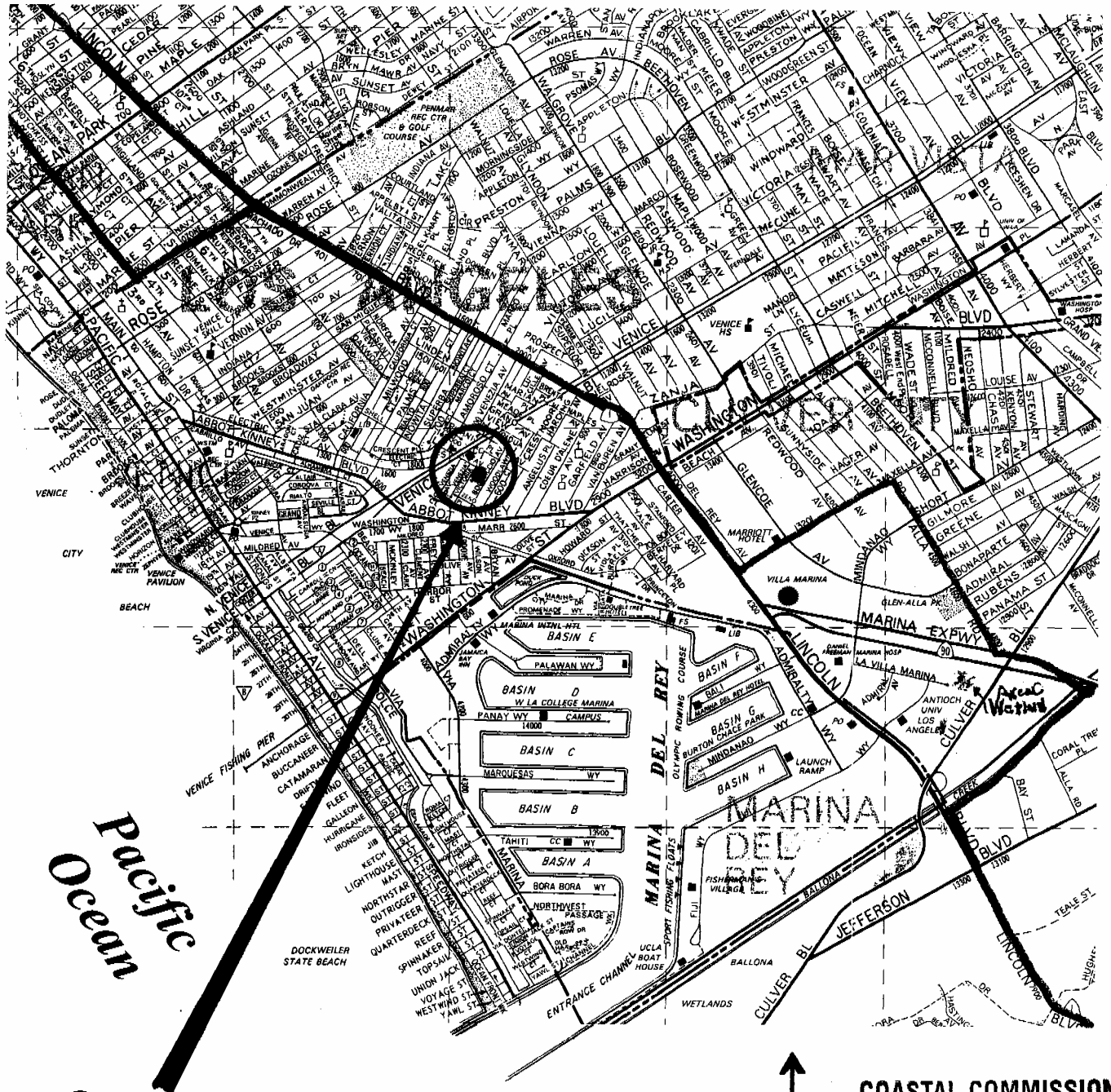
The issue of whether the proposed project can provide adequate parking for its employees and customers, for the life of the proposed use (not just three years), without negatively impacting the public parking supply, is an important and substantial issue. Section 30252 of the Coastal Act requires that new development provide adequate parking facilities to maintain and enhance public access to the coast. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected. The proposed project is located in the vicinity of the Venice Canals and Abbot Kinney Boulevard, both of which are popular visitor destinations (Exhibit #1). Venice Beach and the boardwalk are also located within walking distance of the site. The project area provides beach parking on busy summer weekends (Exhibit #6, p.7).

The City-approved project does not include a plan that will adequately mitigate the parking impacts of the development. A parking plan for a project is supposed to mitigate the parking demands of the development so that public parking supplies that support coastal visitors are not adversely affected by the parking demands of the approved development. The provision of only ten parking spaces for the new use raises a substantial issue in regards to the public access policies of the Coastal Act because ten parking spaces are not enough to satisfy the parking demands of thirty employees and 6,653 square feet of manufacturing office use. Therefore, a substantial issue exists with respect to the grounds on which the appeals have been filed.

Because of the importance of Venice as a unique visitor destination, the Commission has carefully reviewed projects in the area in order to ensure that adequate parking is provided in compliance with the requirements of Sections 30213 and 30252 of the Coastal Act. Only with careful review of the proposed project can the Commission ensure that access to the coastal zone is protected for the public. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. The Commission will be able to consider alternatives to utilizing the City's in-lieu fee program to relieve the project of its parking obligation. For example, the structure could continue its existing permitted use as a warehouse, or the amount of proposed office space on the ground floor of the structure could be reduced in order to minimize its parking demands. A reduction of ground-floor office space would also preserve additional area within the existing parking garage for parking vehicles.

In conclusion, the Commission finds that a substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. ZA-2009-3190.

VENICE, CA

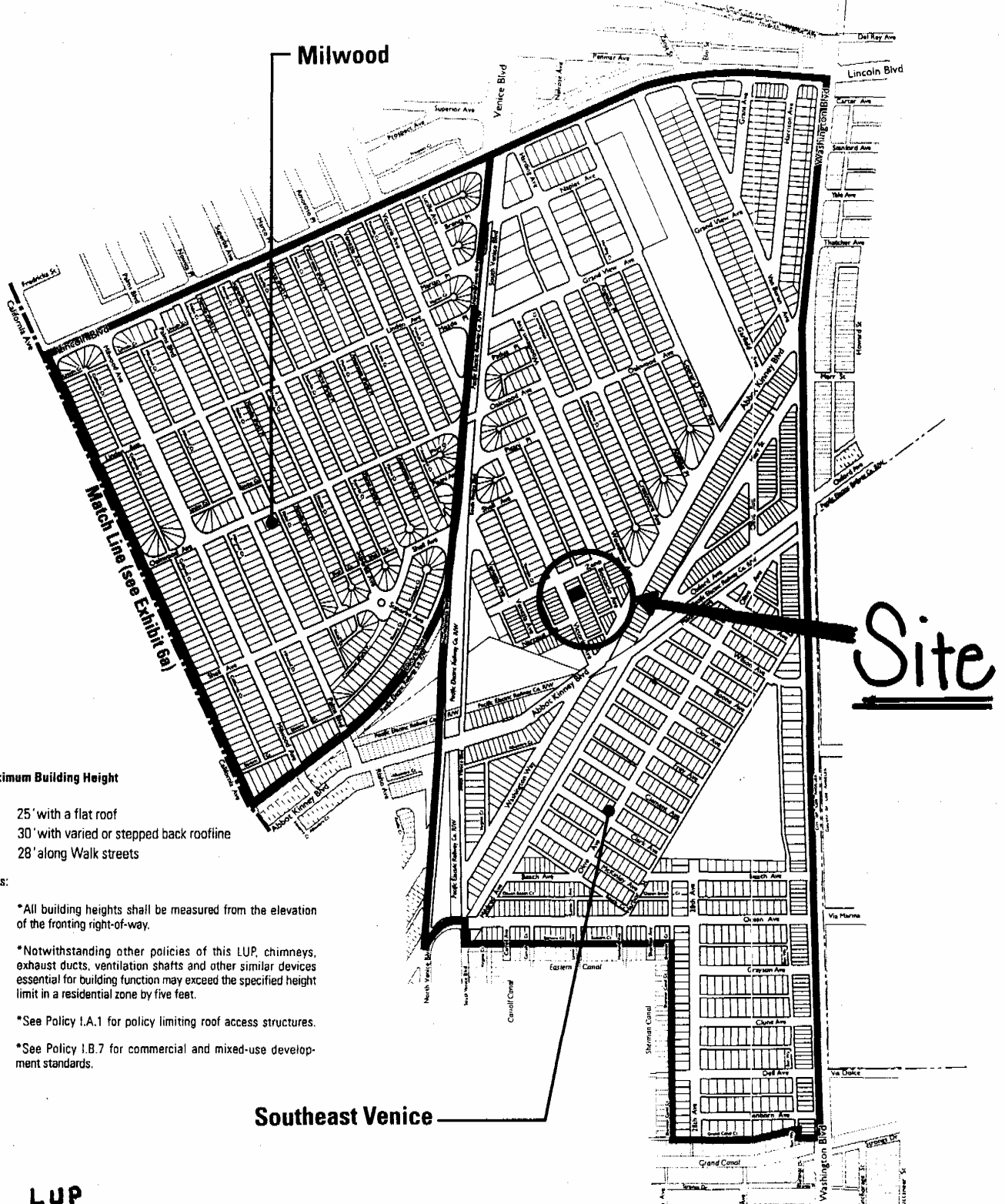


Pacific
Ocean

Site: 534 Victoria Ave.



COASTAL COMMISSION
A.S-VEN-10-281
EXHIBIT # 1
PAGE 1 OF 1



Maximum Building Height

- 25' with a flat roof
- 30' 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.

*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 6b

Subarea: Oakwood • Milwood • Southeast Venice

A-5-VEN-10-281

COASTAL COMMISSION

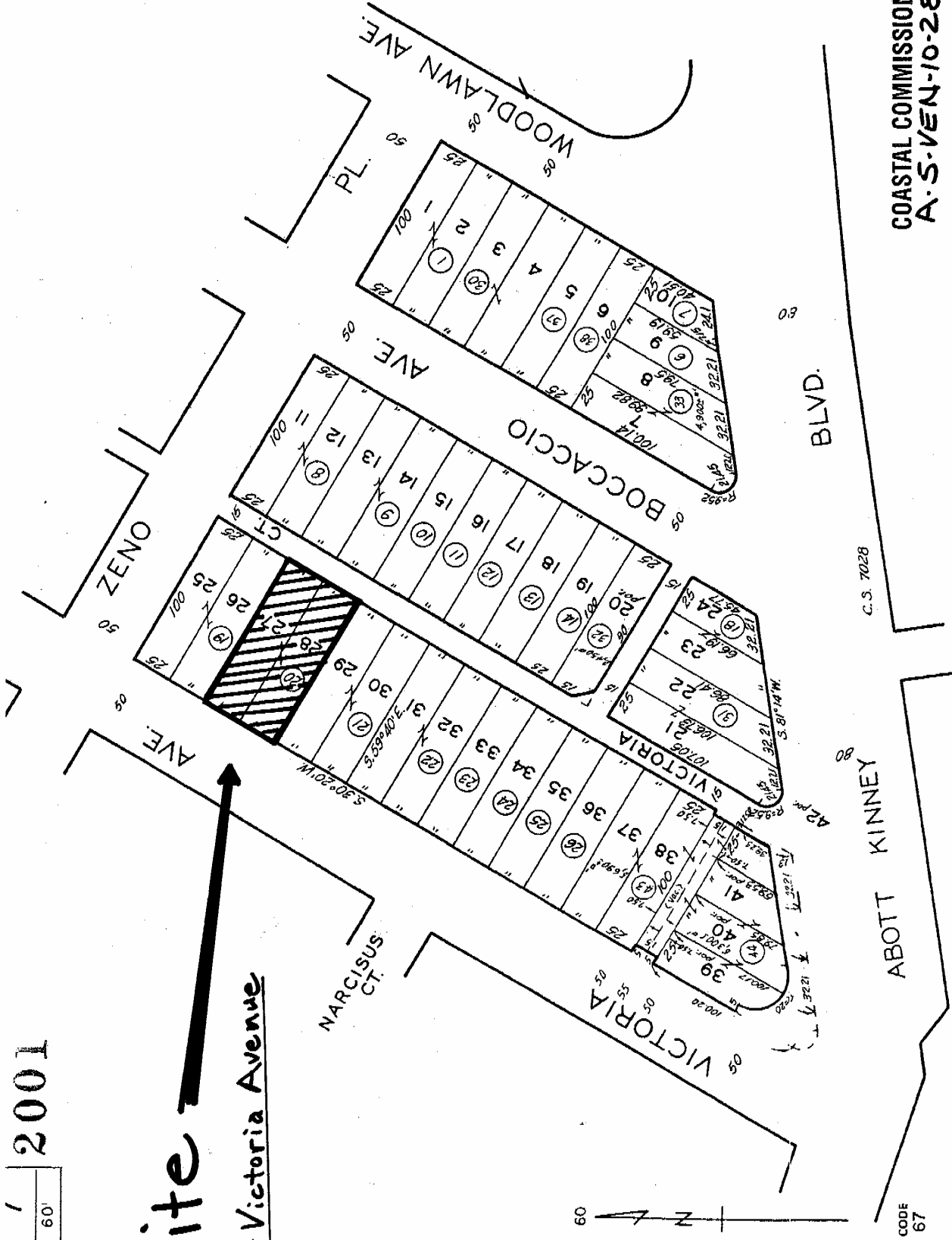
Not to Scale

EXHIBIT # 2

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4231 / 2001
 SCALE 1" = 60'

Site
534 Victoria Avenue



CODE
67

COASTAL COMMISSION
 A-S-VEN-10-281

EXHIBIT # 3
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TRACT NO. 6002
 M. B. 63 - 79 - 80

FOR PREV. ASSMT. SEE: 571 - 32



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: OCT 29 2010

CASE NO: ZA 2009-3190-CDP-1A
CEQA: ENV-2009-3191-CE

Location: 534 Victoria Avenue
Council District: 11
Plan Area: Venice
Zone: M1-1
District Map: 108B145

Applicant: The Leader Carmel Cheech, LLC
Representatives: Mitchell J. Dawson and Justin Michael Block

Appellant: Harris J. Levey, Presidents Row Neighborhood Assn.

At its meeting on **October 20, 2010**, the following action was taken by the West Los Angeles Area Planning Commission:

1. **Denied** the appeal.
2. **Sustained** the Zoning Administrator's decision and approved a Coastal Development Permit to allow a change of use of an existing warehouse distributor to a manufacturing office located within the single jurisdiction of the California Coastal Zone, subject to the Conditions of Approval with an additional Condition No. 13.
3. **Adopted** the Modified Conditions and revised Findings.
4. **Found** the environmental clearance Categorical Exemption ENV-2009-3191-CE.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Donovan
Seconded: Foster
Ayes: Donovan, Foster, Lee
Nays: Linnick
Absent: Martinez

Vote: 3 - 1

Effective Date
Effective upon the mailing of this notice

Appeal Status
Not further appealable to City Council


Rhonda Ketay, Commission Executive Assistant
West Los Angeles Area Planning Commission

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Modified Conditions and Findings

cc: Notification List
Sue Chang

COASTAL COMMISSION
A-5-VEN-10-281

EXHIBIT # 4
PAGE 1 OF 7

CONDITIONS OF APPROVAL**[THE WEST LOS ANGELES AREA PLANNING COMMISSION
AT THE MEETING ON OCTOBER 20, 2010]**

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Zoning Administrator.
8. The project shall not exceed 30 feet in height and 6,653 square feet of floor area, as shown on Exhibit "A" and as approved in the project permit under Case No. DIR 2006-10495-SPP-1A.
9. Parking shall be provided in compliance with the Venice Specific Plan and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.

COASTAL COMMISSIONEXHIBIT # 4
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Prior to the issuance of any building permit, evidence of compliance with this condition such as communication from the Community Planning staff clarifying the parking requirement shall be submitted to the satisfaction of the Zoning Administrator.

10. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
11. The project shall comply with the conditions of a Project Permit, which was approved under Case No.2006-10495-SPP-1A, in conformance with the Venice Specific Plan (Ordinance No. 175,693 or its subsequent amendments, if any)

Prior to the issuance of any permits, evidence of compliance with this condition shall be submitted to the satisfaction of the Zoning Administrator such as a clearance letter from the Community Planning Staff.

12. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
13. **[ADDED BY THE WLA APC]** The privileges granted herein shall become null and void three years from the effective date of this determination unless a new coastal development permit that extends such privileges is "approved" for the manufacturing office prior to that date.

The applicant is advised that he/she should allow appropriate time for a new coastal development permit application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the manufacturing office use on the subject property.

COASTAL COMMISSION

EXHIBIT # 4
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FINDINGS:**[THE WEST LOS ANGELES AREA PLANING COMMISSION MEETING
ON OCTOBER 20, 2010]****MANDATED FINDINGS FOR COASTAL DEVELOPMENT PERMIT:**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).

The applicant is requesting a Coastal Development Permit to allow the conversion of an existing building, which has been used for a warehouse distributor into a manufacturing office. The project contains approximately 6,653 square feet of floor area with within a single jurisdiction of the California Coastal Zone.

- a. Shoreline Access: The subject property is located within the single jurisdiction of the California Coastal zone and will clearly not interfere with or obstruct any access to coastal resources or ocean use.
- b. Recreation and Visitor Serving Facilities: The project site has no adjacent or nearby recreational facilities for visitors.
- c. Water and Marine Resources: This project will not impact any marine resources. The project is well above the high tide line and will not have any identifiable effect on the Pacific Ocean, or on the sandy inter-tidal zone.
- d. Environmentally Sensitive Habitat Area. The project is within a fully developed residential and commercial community with no such areas nearby. The project is limited to the boundary of the private property in an area that is fully developed with residential homes and commercial/industrial buildings.

2. The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3 of the California Coastal Act of 1976.

Currently, there is no adopted Local Coastal Plan (LCP) for this portion of the Coastal Zone. In the interim, the adopted Venice Community Plan serves as the functional equivalent. The Venice Community Plan Map designates for Limited Manufacturing with a corresponding zone of M1 and Height District No. 1. The property is within the area of the Los Angeles Coastal Transportation Corridor Venice Coastal Zone Specific Plan. The subject property is zoned M1-1 and is consistent with the community plan in terms of the use and the density.

The proposed use is permitted in the M-1 zone and plan designation of the Venice Community Plan.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments (revised October 14, 1980) thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The referenced interpretive guidelines are designed to provide direction to the decision-making authority when rendering discretionary determinations on requests for coastal development permits, pending the adoption of a Local Coastal Program. The project does not conflict with any of the guideline provisions for the involved area. The project will provide parking that is in compliance with the Venice Specific Plan and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein. The Project Permit for the proposed project has been approved under Case No. DIR2006-10495-SPP-1A in compliance with the Venice Specific Plan. A total of 22 parking spaces are required for the project, 10 of which will be provided on site and the remaining 12 parking spaces will be satisfied through the payment of the parking in-lieu fee as allowed in the Venice Specific Plan. The in-lieu fee will be paid into the Venice Coastal Parking Impact Trust Fund. At the April 8, 2010 hearing, the residents in the area expressed concerns about the in-lieu fee of \$18,000 for each parking space not provided on site. The residents feel that due to an increase in the value of the property and the construction cost for parking facilities, the in-lieu-fee of \$18,000 for each parking space is not sufficient to mitigate parking deficiencies in the Venice Community. The residents also stated at the hearing that the subject site is located in the Parking Impact Zone within the Venice Specific Plan; therefore, the proposed 22 parking spaces do not meet the parking requirements of the Specific Plan, which requires additional parking spaces in the Parking Impact Zone. It is clarified that the subject site is NOT located within the Parking Impact Zone. The applicant previously proposed 10 parking spaces on site and the payment of in-lieu fees for 22 parking spaces. At the hearing, the applicant proposed 11 parking spaces on site, 6 of which will be in vertical tandem, and the payment of in-lieu fees for 11 parking spaces. The project will provide parking spaces in compliance with the applicable provisions of the code and the Venice Specific Plan, therefore, minimizing the use of on-street and coastal access roads.

The guidelines also require visual compatibility with the surrounding topography and vegetation. Visual compatibility of the proposed use building will be achieved by maintaining a similar roof color and type, similar building design and window treatment and the continuation of similar landscaping with the present vegetation and landscaping in the surrounding area. Views from the neighboring or adjacent properties will not change in any significant manner because the distance to the ocean currently does not provide any views to the ocean. The Coastal Act protects public views of the ocean, but not private views. No public views will be impacted by this project.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.**

The Coastal Commission has consistently indicated concerns for the public views, important resources, accessibility, and improved access to recreational opportunities for the public and the impacts to marine resources or sensitive habitats. No outstanding

issues have emerged which would indicate a conflict between this requested conversion and any other decision of the Coastal Commission. In as much as the property has no physical connection to the beach or any body of water, there are no Commission actions related to marine resources, wetlands, fishing, diving or other water related issues.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The property is OUTSIDE the area between the sea and Pacific Coast Highway, the nearest highway. The subject property is located within the single jurisdiction of the California Coastal zone, and a few miles from the shoreline. The proposed development will have no impact on public access or public recreation as described in Chapter 3 of the California Coastal Act.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

The proposed project will not be materially detrimental to the property or the improvements in the same zone or vicinity in which the property is located. The conversion of a warehouse distributor into a manufacturing office will not cause a traffic increase, a loss of view or privacy for any neighboring properties, or any soil or environmental problems for local residents. The City environmental review process has not identified any significant impacts caused by the proposed project.

7. **Mello Act**

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. ~~The proposed project involves the demolition of a two-family dwelling and its replacement by a new two-family dwelling. Therefore, the proposed project is subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.~~

The Mello Act (California Government Code Sections 65590 and 65590.1) is a Statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The Mello Act requires that very low, low, and moderate income housing units that are demolished or converted must be replaced and that new residential developments must reserve at least 20% of all new residential units for low or very low income persons or families or reserve at least 10% of all new residential units for very low income persons or families.

Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc. the Barton Hill Neighborhood Organization, and Carol Berman concerning the implementation of the Mello Act in the Coastal Zone portions of the City of Los Angeles, the following finding is provided.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 6 OF 7

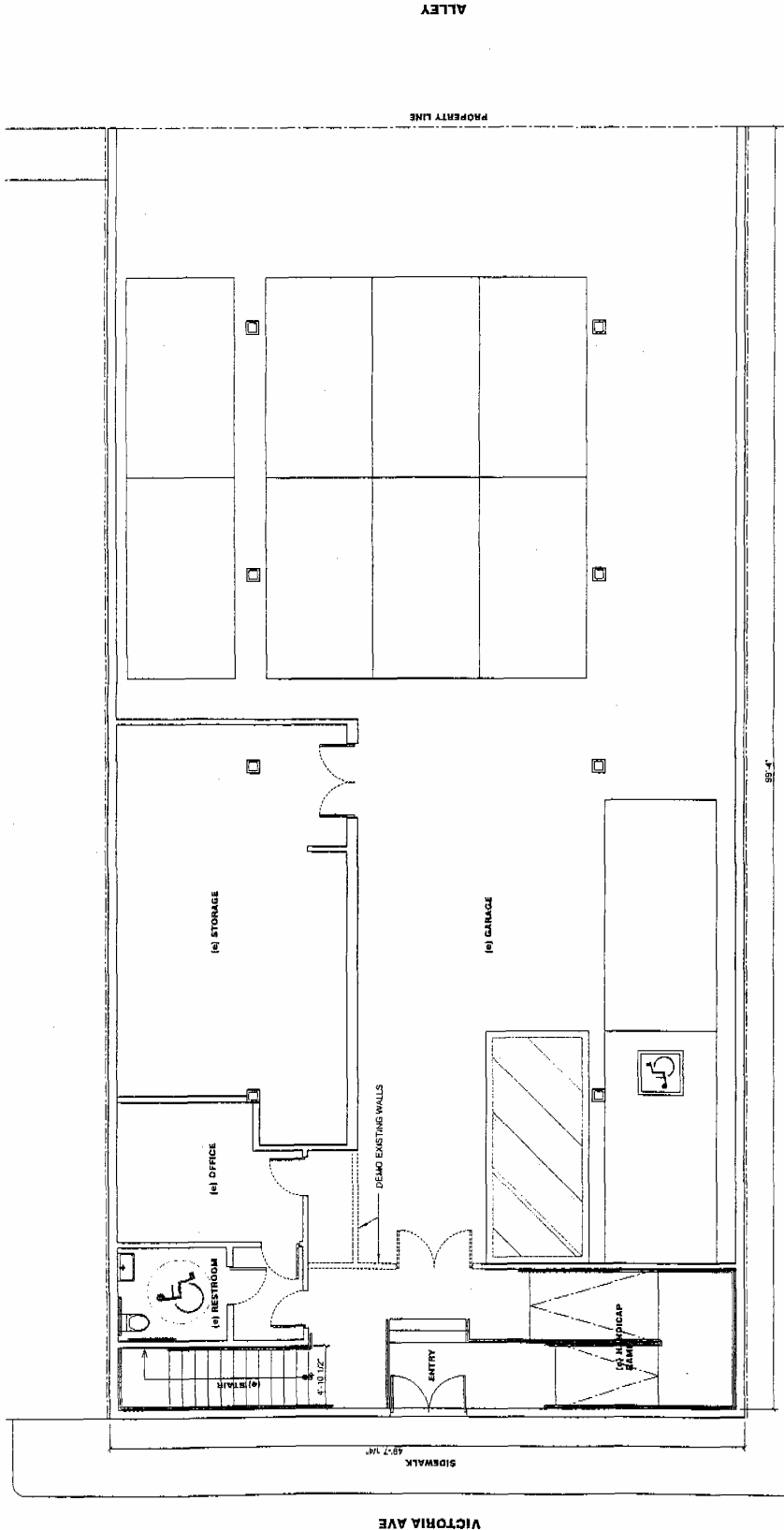
There are no affordable dwelling units on the project site. The project does not meet or exceed the threshold of ten or more new dwelling units to require the inclusion of affordable dwelling units. The project is exempt from Mellow Act requirements to provide replacement or inclusionary housing because the project does neither propose to demolish or convert existing affordable or market rate dwelling units nor does it include the development of new dwelling units.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On October 8, 2009, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2009-3191-CE, for a Categorical Exemption, Class 1, Category 1, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 7 OF 7



1 first floor demolition plan
A0.2 scale: 1/8" = 1'-0"

1st Floor - Existing

2009 3100

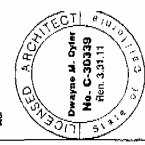
COASTAL COMMISSION
A-5-VEN-10-281

EXHIBIT # 5

PAGE 1 OF 4

A-O.2

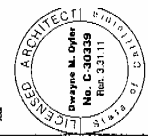
date September 18, 2005
sheet
drawing set
FIRST FLOOR
DEMOLITION PLAN
drawing number



534
VICTORIA
AVENUE
Venice, CA

oyler wu collaborative
2005 WILSON BLVD STE 100 LOS ANGELES, CA 90057 TEL: 213.736.1877

534
 VICTORIA
 AVENUE
 Venice, CA



Design Phase
 Planning, Design, Construction Administration

Date: September 18, 2006

Scale: As Shown

Drawing No.: FIRST FLOOR PLAN

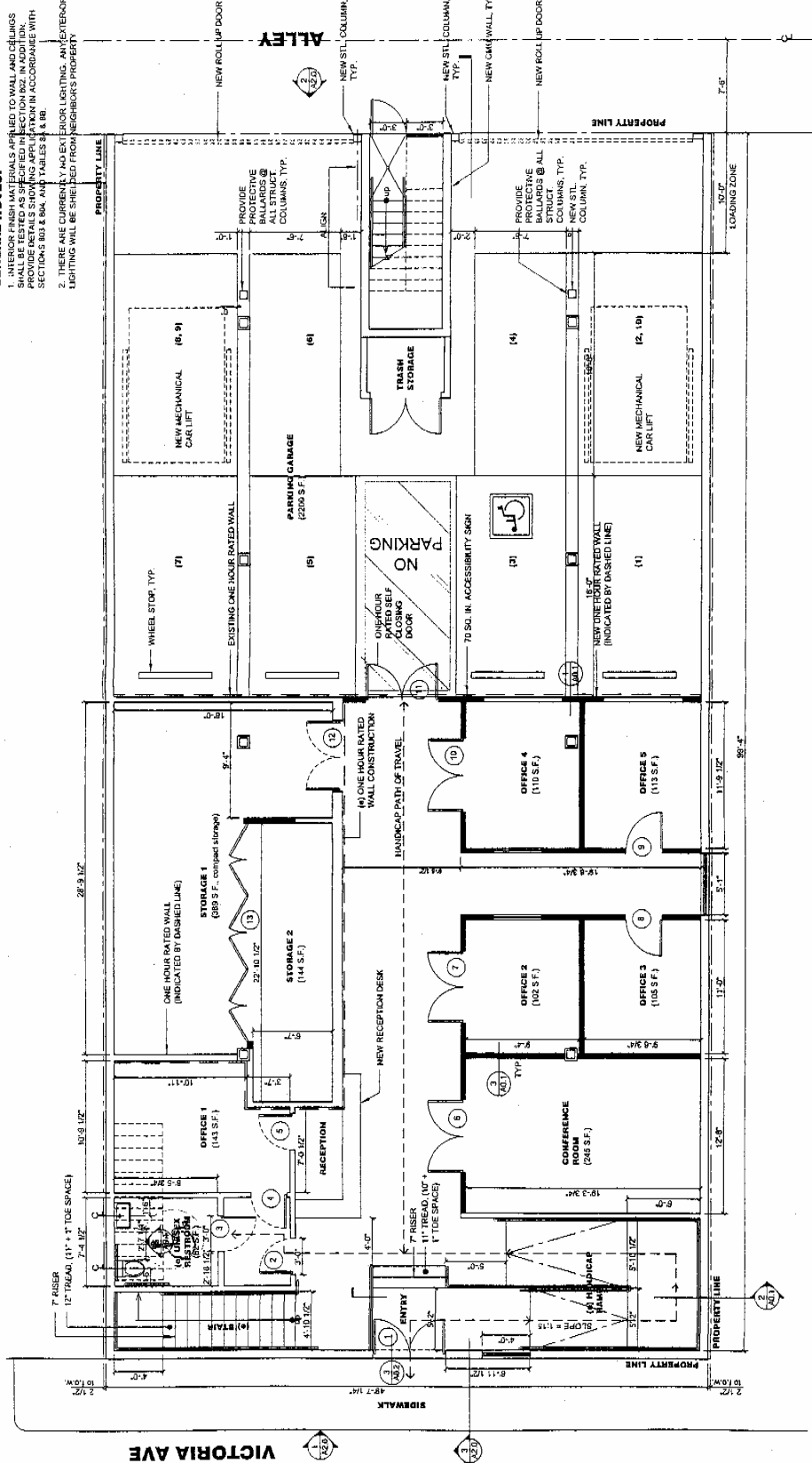
Architect's Office

A-1.0

COASTAL COMMISSION
 A.S.-VEN-10-281

EXHIBIT # 5
 PAGE 2 OF 4

- GENERAL NOTES:**
1. INTERIOR FINISH MATERIALS APPLIED TO WALL AND CEILINGS SHALL BE TESTED AS SPECIFIED IN SECTION 902. IN ADDITION, FINISHES SHALL BE TESTED FOR LEAD AND MERCURY IN ACCORDANCE WITH SECTIONS 901 & 904 AND TABLES 901.4 & 901.5.
 2. THERE ARE CURRENTLY NO EXTERIOR LIGHTING. AN EXTERIOR LIGHTING WILL BE SPECIFIED FROM NEIGHBORS PROPERTY.



1. first floor plan
 A1.0 scale: 1/8" = 1'-0"

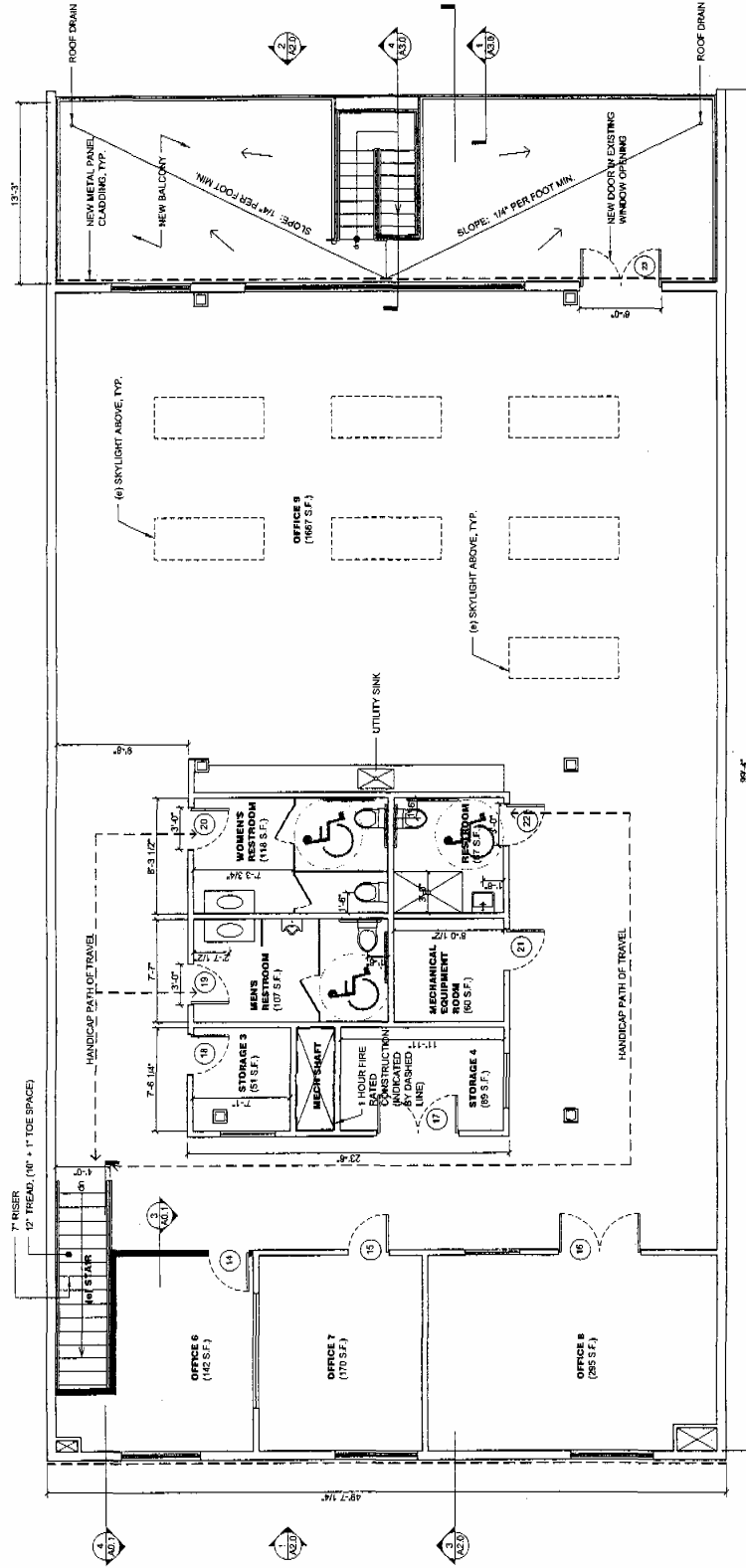
190

LEGEND
 — NEW PARTITION WALL
 — EXISTING WALL

1st Floor - Proposed

GENERAL NOTES:

1. INTERIOR FINISH MATERIALS APPLIED TO WALL AND CEILINGS SHALL BE IDENTICAL TO THOSE SHOWN IN THE EXISTING FLOOR PLAN. PROVIDE DETAILS SHOWING APPLICATION IN ACCORDANCE WITH SECTIONS 803 & 804, AND TABLES 8A & 8B.



1 second floor floor plan
A111 scale: 1/8" = 1' - 0"

2A 2009-3190

LEGEND

NEW PARTITION WALL

EXISTING WALL

2nd Floor - Proposed

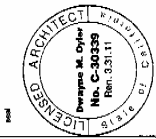
COASTAL COMMISSION
A.S.VEN-10-281

EXHIBIT # 5
PAGE 3 OF 4

oyler wu collaborative
2024 WILSON CREDIT AND 10% ANNUAL INTEREST
01/12/2017

project

534
VICTORIA
AVENUE
Ventura, CA



design phase
Planning/Design/Construction/Post-Construction

date September 16, 2009

scale

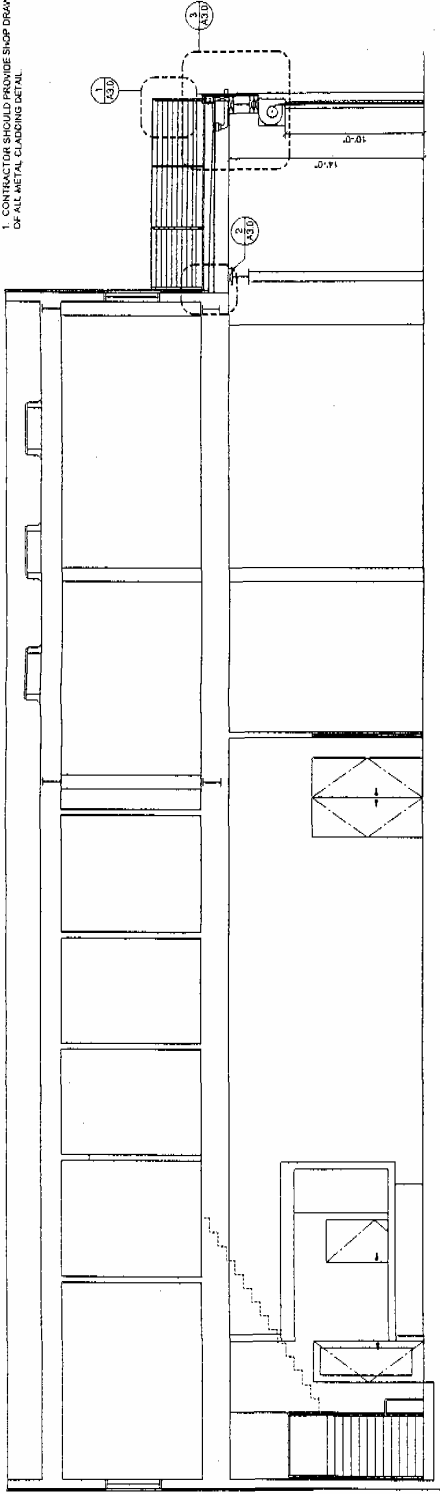
drawing title

SECOND FLOOR PLAN

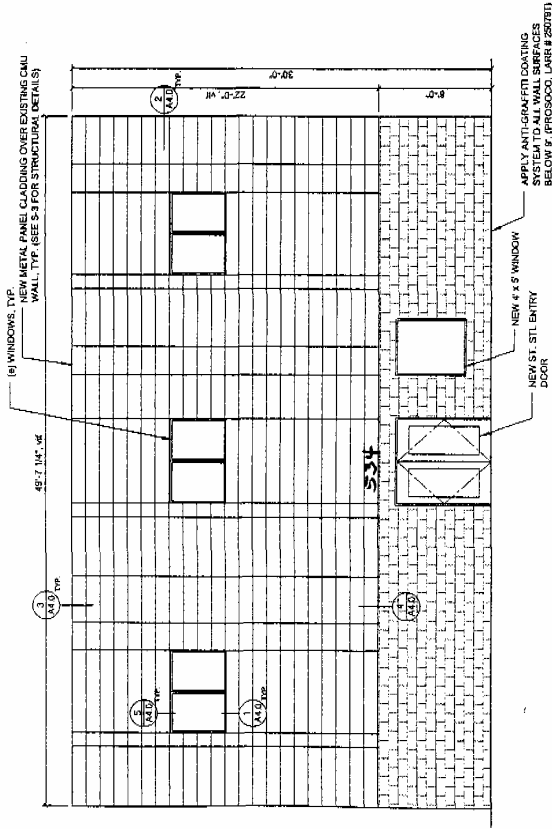
drawing number

A-1.1

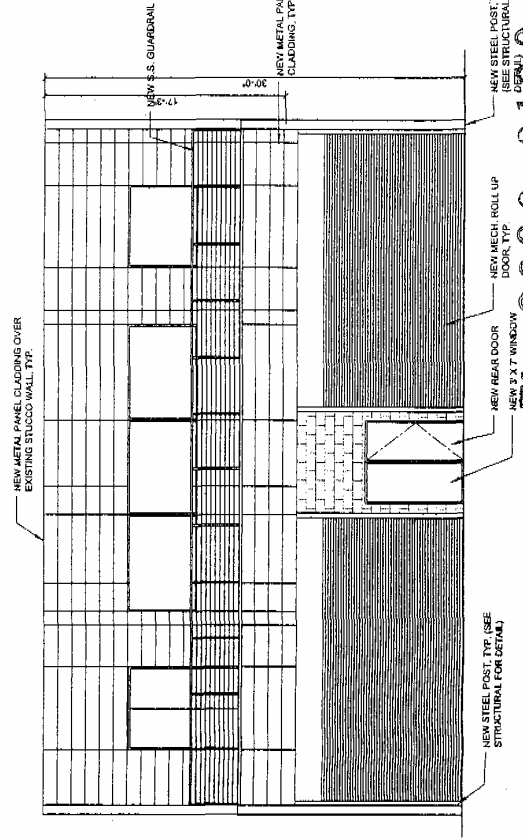
GENERAL NOTES:
1. CONTRACTOR SHOULD PROVIDE SHOP DRAWINGS OF ALL METAL CLADDING DETAIL



3 building section
A2.0 scale: 1/8" = 1' - 0"



1 front building elevation
A2.0 scale: 1/8" = 1' - 0"



2 back building elevation
A2.0 scale: 1/8" = 1' - 0"

ZA 2009 3190

COASTAL COMMISSION
A-S-VEN-10-281

EXHIBIT # 5
PAGE 4 OF 4

Elevations

O'Neil & O'Neil collaborative

53.
VICTORIA
AVENUE
Victoria, C



Design Phase
Planning, Design, and
Construction

Date: September 16, 2009
Scale: As Shown
Drawing Set: BUILDING SECTION AND ELEVATION
Sheet Number: A-2.0

NOV 22 2010

A-5-VEN-10-281 (Levey)

Section IV: Reasons Supporting This AppealCALIFORNIA
COASTAL COMMISSION

The City has erred in making their findings for the issuance of a Coastal Development Permit (CDP) ZA 2009-3190-CDP-1A for the property located at 534 Victoria, Venice 90291.

For the City to issue this CDP, they state Shoreline Access is not going to be affected because the property is located in the Single Jurisdiction area of Venice. This is in direct contrast with Policy II. A. 3., titled Parking Requirements of the CCC Certified Land Use Plan (LUP) dated June 14, 2001 for Venice area of Los Angeles. The plan describes a single jurisdiction area, but does not specify any parking considerations that are not required within the dual jurisdiction area of the plan, with the exception of Beach Impact Zone parking. However, the City states that, although this project is lacking about 50 percent of its required parking for the illegally converted Change-Of-Use, there is no impact to coastal resources. The City has not provided any documentation to support their findings why this project will not impact public access to coastal resources in spite of a lack of more than 10 parking stalls, about 50% of their required parking.

The City states there are no visitor serving facilities in the area of the project, which is true up to a point; the next door neighboring properties are not restaurants, nor is this project located on the sand at the beach. However, this is a property that is less than 1000 feet from the intersection of Venice Blvd. and Abbot Kinney Blvd., which happens to be the intersection of the ceremonial gateway to Venice Beach and the Venice Business District respectively. Both of these major roadways through the community are described in the LUP as visitor-serving destinations. The Venice Centennial Park is also located at this intersection, which abuts the Venice Branch Public Library. Again, the City does not state in their determination why this property, which is located so close to these visitor serving facilities, should not be considered nearby to this project. Furthermore, Exhibit 11b of the LUP shows this property being located in one of the few Industrial zoned areas in Venice. The plan in Policy I. C. 1., titled Industrial Land Use, and in Policy I.C.2 describes why the existing illegal change-of-use should not be allowed because it encourages such uses as boat building, servicing and supply, all of which would comply with the existing legal certificate-of-occupancy.

This City describes the lack of a Local Coastal Plan and interprets an outdated Community Plan that was last revised in the mid 1980s in its place. The referenced community plan does not address issues on a detailed level, such as parking requirements of trip traffic generated by various uses. So once again, the City is not addressing the real underlying issues that are addressed in the LUP. No findings have been described to support an abundance of public parking in the area where this project is located. Furthermore, the City has been aware of this site being in violation of the LUP for over three years, ever since the property was converted from a legal industrial warehouse with an artist-in-residence living area above into its present illegal use of offices for a production company. The LUP Policy II. A. 3, titled Parking Requirements, describes how a change-of-use of this nature which causes an intensification of use MUST address the increased parking demand, yet for over three years the impacts continue!

The City has gone to great length to describe how the project conforms to the parking requirements of the Venice Coastal Zone Specific Plan (VSP), a Los Angeles City founded document, and further develops their flawed understanding of the concept of the In-Lieu Parking Fees as set forth in the Certified LUP. They attempt to make the case that parking stalls can be purchased at a flat fee of \$18,000 each. But they forget that the VSP is a document that has not been adopted by the CCC and, in this case, when the wording of In-Lieu parking fees are compared between the LUP and the un-adopted VSP, a major difference exists which comes down to the following few words: in-lieu fee proportional to the cost of providing a physical parking space. The fee described by the City, which is unsupported by any findings, refers to a \$18,000 dollar amount taken from Venice Interim Control Ordinance (ICO) dated 1988. Since that point in time, land value in Venice has more than doubled five times over where a 30x90 foot parcel in 1988 sold for under \$200k and today in 2010 that same lot sold for over \$2m. With this sort of

increase in value of land, the proportional cost of providing such a parking space is more along the lines of \$106,000. However, even with a more realistic fee amount based on land value and cost of construction today, the Commission should not forget three very important facts; 1) since the Venice Parking Trust Fund (VPTF) was established in 1988 to collect funds received from In-Lieu Fees, not one dollar (zero) has ever been used by the City to provide additional parking, a mandate in the wording of the LUP; 2) The City Controller audited the VPTF and found that all the monies in the account (in excess of \$4,000,000) had been withdrawn in 2008 to help balance the City General Fund budget deficit; and 3) In all recent unrelated cases before the CCC including A5-VEN-07-200 and A5-VEN-10-138, requests for substituting fees for parking spaces have been denied.

On a separate point about parking, the applicant plans to vertically stack cars in machines. These are unproven devices in the Venice region and because of the narrow alleys and close proximity to residential properties, the use of such machines must be very carefully considered. It is one thing for an employee who is working late to go to their car in a ground level parking lot, but quite another thing for that same individual to have to remove their car from a stacking machine in the silence of night. The issue of where to stage cars stored in lower stalls while upper cars are being removed has not been addressed. Once again, the City is granting abnormal conditions without making any findings to support their deviations to the building code. These car stacking machines MUST be evaluated within the environment where they are proposed before granting their use.

When the property was constructed in 1999 as a legal artist-in-residence over a warehouse, it conformed with all parking and did not create negative impacts on the community. When the current owner purchased the property in 2006 and made the entire site into production rooms and hired over 30 workers, the property became a huge nuisance. After much outcry from the neighbors, the City decided the owner was in violation and issued an order to comply. That order was over three years ago, and the property continues operate as though they are being allowed to continue operations by right.

Now in the final hour of the City's decision making process, they are proposing a CDP for a limited three year term. At the end of the term, if the owner does not have a re-issued CDP, the property will revert back to its prior use. Well, based on the track record of the production company and its owner Kim Cooper, why should the CCC believe that just because the three year CDP expires, the property will revert back to conforming or another permit will be obtained prior to the term? This is going to become a CCC enforcement nightmare and the City has demonstrated many times before that following up on conditions placed on projects where entitlements expire in the future is not their strong point and for the most part are NOT enforced without much additional public outcry.

As the entitlements run with the land, enforcement against future owners could become even problematic. Please support this appeal and reject the City's determination to grant a Coastal Development Permit to this property.

COASTAL COMMISSION
A5-VEN-10-281

EXHIBIT # 6
PAGE 2 OF 10

2

August 17, 2010

Councilman Bill Rosendahl
200 N. Spring Street
Room 415
Los Angeles, CA 90012

Re: LAMC Sect. 21.21.A.5(m) Mechanical Automobile Lifts and Robotic Parking Structures

Dear Councilman Rosendahl,

In order to protect Venice neighborhoods from visual, noise and traffic impacts, and rapid intensification of uses that would otherwise result from the use of parking lifts by right to satisfy parking requirements, the LUPC recommends that the VNC request of the Council Office and CCC, that there be an immediate discretionary review, requiring a public hearing by the ZA or Planning Commission of each project seeking use of LAMC Sect. 12.21.A.5(m) (Mechanical Automobile Lifts and Robotic Parking Structures) within Venice.

Adopt a moratorium on the approval by the City of any mechanical parking lift in the Venice neighborhood for one year, to allow for the drafting and passage of an urgency ordinance. The urgency ordinance would be an amendment to Section 12.21.A.5.m of the Los Angeles Municipal Code, requiring that all proposals for mechanical automobile lifts used for required parking be subject to a discretionary review by the Zoning Administrator, with a public hearing and notice to a 500-foot radius, and specifying standards to ensure that the lifts actually operate to provide the required parking, and that neighbors are protected from the negative impacts of such lifts.

Thank you for your attention to this matter.

Sincerely,

Linda Lucks
President
Venice Neighborhood Council

cc: California Coastal Commission

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 10

3

October 19, 2010

ATTN: Rhonda McKay
WLA Area Planning Commission
200 Spring Street
Los Angeles, CA 90012

Fax (213) 978-1029. Rhonda.McKay@lacity.org

Reference Case No: ZA-2009-3190-CDP-1A – 534 Victoria Avenue

Dear Ms. McKay:

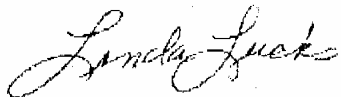
The Venice Neighborhood Council (VNC) voted on November 20, 2007, to unanimously endorse a request from the Presidents Row Neighborhood Association (PRNA) to co-sponsor and fully support an appeal with respect to Parking In Lieu Fees at 534 Victoria. That decision remains the position of the current board. (See attached letter).

This PRNA/VNC appeal asked for denial of the applicant's request to eliminate twelve (12) on site parking spaces. On street parking is scarce and the neighborhood can ill afford to lose these spaces. By not providing parking as required by city code, the property owner has shifted the parking burden onto the adjacent neighborhood. As this is within the Coastal area, it further creates a problem of reducing beach access. This also sets a precedent which would be detrimental to the Venice community.

Further, the board stated "If in lieu fees are assessed as an alternative, this appeal asks that Parking in Lieu Fees of \$18,000.00 per parking space be raised to \$45,000.00 per parking space to reflect the realities of current construction costs and that these collected fees be specifically, and only, used in Venice to replace the lost parking."

Please distribute our position to all Commissioners.

Thank you.



Linda Lucks
President

Cc: Harris Levey, President Row Neighborhood Association, prna1@hotmail.com
Hon. Bill Rosendahl Councilman.rosendahl@lacity.org
Board@Venicenc.org
LUPC@Venicenc.org

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 10



Venice Neighborhood Council

PO Box 550, Venice, CA 90294-0550
310.606.2015



November 30, 2007

Ms. Gail Goldberg
Director of Planning
Los Angeles City Hall, Rm. 525
200 N. Spring St.
Los Angeles, CA 90012

Re: VNC Support of Appeal by PRNA of 11/5/2007 decision of City Planning Department
Case No: DIR 2006-10495-SPP Project Permit Compliance CEQA: ENV 2006-
10495-CE, Section A #5, Parking in Lieu Fee

Dear Gail:

First of all, thank you again for taking part in our Town Hall on November 10th. We know how busy your schedule is, and we really appreciated you time.

I am also writing to inform you, that on November 20, 2007, the Board of the Venice Neighborhood Council (VNC) unanimously endorsed a request from the Presidents Row Neighborhood Association (PRNA) to co-sponsor and fully support its above referenced appeal with respect to Parking In Lieu Fees.

This PRNA/VNC appeal asks for denial of the applicant's request to eliminate twelve (12) on site parking spaces. On street parking is scarce and the neighborhood can ill afford to lose these spaces. By not providing parking as required by city code, the property owner has shifted the parking burden onto the adjacent neighborhood. As this is within the Coastal area, it further creates a problem of reducing beach access. This also sets a precedent which would be detrimental to the Venice community.

If in lieu fees are assessed as an alternative, this appeal asks that Parking in Lieu Fees of \$18,000.00 per parking space be raised to \$45,000.00 per parking space to reflect the realities of current construction costs and that these collected fees be specifically, and only, used in Venice to replace the lost parking.

Thank you,

Mike Newhouse
President

COASTAL COMMISSION

EXHIBIT # 6
PAGE 5 OF 10



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



April 8, 2009

Charles R. Posner, Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Subject: 534 Victoria Avenue, Venice, California 90291. Planning Case Number: DIR 2006-10495 SPP;
CEQA: ENV 2006-10496 CE; Prologue Entertainment: Kyle Cooper and Sharyl Beebe

Dear Mr. Posner:

This correspondence follows the Venice Neighborhood Council's ("VNC") letter to Gail Goldberg, dated November 30, 2007, in support of the President Row Neighborhood Association's ("PRNA") appeal of the above referenced Zoning Administrator ("ZA") decision. A copy of the November 30, 2007 letter is enclosed for your reference.

As you may be aware, in 2006, Prologue Entertainment ("Prologue") bought a warehouse, built in 1999, with adequate on-site parking spaces. This property is immediately adjacent to a residential neighborhood. Prologue changed the use of the building to a manufacturing office and converted a majority of the parking spaces to offices. This was apparently done without a permit.

The Los Angeles Department of Building & Safety ("LADBS") was alerted to this change and issued four citations, which were ignored. LADBS stated that their options were to prosecute the owner for failure to comply with the existing orders or to order vacation of the unapproved portion of the building. In either case, the owner would be compelled to come to an agreement regarding parking, and ultimately secure a permit, legalize the construction, and obtain a Certificate of Occupancy.

The above referenced case was originally filed on December 22, 2006, and accepted for review on March 30, 2007. The November 5, 2007 ZA hearing resulted in a recommendation for approval. The ZA recommendation was appealed by Harris Levey and PRNA on or about December 19, 2007. After numerous continuances at the request of Prologue, the appeal period timed out because the West Los Angeles Area Planning Commission did not have enough members to seat a quorum for a hearing. Consequently, the appeal was denied.

However, Prologue is appropriating visitor-serving parking well within the coastal zone. Their intensity of use requires 22 parking spaces; they have 10 on site and propose street parking for 12 employees' cars.

In light of the foregoing, the VNC requests that you recommend denial of Prologue's Coastal Development Permit when the California Coastal Commission hears the project. Approval would set a dangerous precedent which would open the door for other enterprises to usurp visitor-serving parking in the Coastal Zone.

Sincerely,

Mike Newhouse, President
Venice Neighborhood Council

COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 10

E-mail message

8/16/2010

6

To: prna1@hotmail.com
From: Presidents Row Neighborhood Association
Subject: appeal of ZA 2009-3190(CDP)
Date: Monday, August 16, 2010 6:24 AM

1. The subject property is located in the coastal zone, and in an industrial area immediately adjacent to a residential neighborhood comprised primarily of older homes and rental units with little on-site parking.

At most times, the off-site parking is insufficient to accommodate the residential needs. On street cleaning days or trash pick-up day, the shortage of available spaces is even more dire. And during the Summer, there is also an influx of vehicles looking for beach parking.

To allow the applicant to use the residential neighborhood for employee parking would create even more of a hardship.

2. Regarding DIR 2006-10495(SPP)-1A.

When the matter first was heard by the APC, they recommended that the applicant attempt to work things out with the community, because he might not like their ruling. The applicant requested a continuance, and each time the matter was scheduled to come before the APC, he requested another continuance.

When the APC was unable to meet due to lack of a quorum, the applicant did not agree to extend the appeal period, and this resulted in a denial of the appeal. No notice was given to the appellant of this situation, and thus he was unable to protect his rights.

Please include all information from the above case in the current matter.

3. Chapter 2, Land Use Plan Policies in the Venice Local Coastal Program Land Use Plan states: " The in lieu fee for a BIZ parking space shall be established in the (LIP) at a rate proportional to the cost of providing a physical parking space." No other reference establishes the cost of in lieu spaces when they are not BIZ, therefore we must assume the cost of these spaces is equal when referring to non-BIZ in lieu spaces.

The \$18,000 is insufficient to supply one replacement parking space, based on current market conditions.

4. Denial of this appeal would set a dangerous precedent which would open the door for other businesses to utilize the community for employee parking, and reduce the amount of available parking for beach visitors.

COASTAL COMMISSION

EX. #6

<http://mail-sg3.msntv.msn.com/apps/mail/readmailx...>

Page 1/2

PAGE 7 OF 10

8/16/2010

5. In the prior hearing, the applicant stated that they ceased operation at 6PM, and parking for people returning from work would not be negatively affected. Now they state that employees often work well into the evening, and thus residents are having more difficulty finding parking space near their homes.

6. The subject property was built for artist-in-residence use and a warehouse, and has a higher building-to-land ratio than other properties in the area. It's current size is already out of character with the surrounding community. To allow conversion of parking to office space would increase the value of the property at the expense of the community.

7. The determination of the ZA states that "All terms and conditions of the approval shall be fulfilled BEFORE the use may be established". However, the unauthorized use has been in effect for several years.

Other information may be submitted prior to the APC hearing.

COASTAL COMMISSION

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ERIC ELERATH

623 WOODLAWN AVENUE, VENICE, CA 90291

301.821.4466

August 16, 2010

Office of Zoning Administration
200 North Spring St., 7th Floor
Los Angeles, CA 90012

RE: 534 Victoria Ave.

Dear Department of City Planning:

I am a 28 year resident of Venice and I write to appeal the decision by Associate Zoning Administrator Ms. Sue Chang regarding 534 Victoria Avenue:

- 1.) The statutes require approval before development occurs--not after the fact. The development has already been undertaken, and Ms. Chang's statement that the permit complies with LAMC § 12.20.2 does not appear to be true.
- 2) The development permit is sought to legalize an illegal use of land that the applicant has pursued voluntarily and now seeks to legitimize by asking the Zoning Administrator to change the law. The owner should first be fined and required to comply.
- 3) There are no extenuating financial circumstances. The property owner is a successful member of the entertainment industry with addresses in New York and Malibu, and pursuit of this approval seems to be financially motivated. This is not a hardship case.
- 4) The Coastal Act intends to ensure access to beaches and coastal amenities. Street parking in the adjacent neighborhood is increasingly difficult as development along Abbot Kinney Blvd continues. The area is a short walk to the beach, and granting rights to a manufacturing office to use adjacent residential streets for employee parking is contrary to the intent of the Coastal Act.

For the above reasons, I ask that the prior decision to approve the project be reversed.

Sincerely,



Eric Elerath

623 Woodlawn Ave
Venice, CA 90291

COASTAL COMMISSION

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A different aspect of the parking challenge in Venice's Presidents Row

BY VINCE ECHAVARIA

Parking troubles are nothing out of the ordinary for people living in Venice.

With the community having one of the most popular beaches in Southern California, parking can be quite sparse, to say the least, most especially during the summer.

The parking challenge has recently made headlines in other ways, as the community is seeking solutions to deal with RVs that have been lining the streets, while accommodating those living in the vehicles and property owners.

But while parking issues seem to resonate throughout the community, residents of one neighborhood in particular say they have been facing a different aspect of the problem.

Residents living on certain streets in Presidents Row, a title associated with streets named after former presidents, say that parking for some businesses in the area has had an impact on their neighborhood. They say that due to limited parking being provided at some area businesses, cars associated with the companies tend to park on their streets, depleting spots for residents during the day.

"When you leave your house during the day you never know how far you're going to have to park from your house when you return," Victoria Avenue resident Harris Levey, a member of the Presidents Row Neighborhood Association, said.

Resident Daryl Barnett also pointed to the difficulties that neighbors face when trying to look for parking after coming home during the work day.

"It gets to the point where I'm afraid to drive because if I come back, I won't be able to find parking," said Barnett, who manages 14 residential units in the area.

Levey said parking problems on streets such as Victoria, Venezia Court and Boccaccio Avenue, south of Venice Boulevard, have been exacerbated in the last couple of years as some adjacent buildings have changed uses to Internet services. Those operations can employ more workers in the same space designated for commercial uses, he said. A number of independent contractors also tend to work for those companies, requiring more parking spaces, he said.

When the municipal code was written requiring a certain amount of parking for the business, the Internet service use was not anticipated, Levey said.

"There are uses that were not anticipated when the code was written," he said, adding that the



PRESIDENTS ROW RESIDENT Harris Levey says his neighborhood has been impacted by cars from nearby businesses taking up residential parking. (Argonaut photo by T.W. Brown)

code should be amended to address Internet services. "We're handcuffed by the L.A. municipal code."

With an increased number of employees working in the same size building as a former commercial space, it has heightened the need for parking in the area, residents say. Most of the businesses don't seem to provide adequate parking for the number of employees, while many of the residents say they also need to park on the street because they don't have driveways or large enough garages.

Victoria Avenue resident Lindsey Folsom said she is not directly impacted by the problem because she has a place to park and is not home during the day, but she has noticed an influx of cars on the street.

"I have observed a lot more cars on our street in the last year," Folsom said.

Venice Neighborhood Council President Mike Newhouse said the council has supported the Presidents Row residents' effort to address the issue, but he noted that parking struggles occur in other parts of the community, such as Abbot Kinney Boulevard, where there are businesses nearby.

"This is a big problem throughout every neighborhood in Venice, not just Presidents Row," Newhouse said.

Levey explained that his neighborhood is unique to others because it's the only area that has a pocket of industrial-type businesses "right in the middle of it." He pointed out that the fight is not against the businesses themselves but the conditions that have allowed the parking problems to take place.

"We have nothing against the businesses but we should not have to supply their parking," he said.

Representatives of some of the businesses did not respond to inquiries from *The Argonaut* seeking comment on the parking concerns.

Levey said he and his neighbors have been in contact with executives of some of the companies who say that they are aware of the matter and have been willing to work with the community and City Council office to try to find solutions. The companies have told the neighbors that they encourage employees to avoid parking on residential streets by carpooling or biking to work if possible.

Newhouse said that as parking is an ongoing problem in Venice with limited spaces, the focus needs to be on making alternative modes of transportation to work, such as bike riding, "part of the culture."

A representative of Councilman Bill Rosendahl's office said the office has been working with the residents and businesses to discuss long-term solutions including a parking structure or shuttle program from off-site lots. Residential permit parking has also been considered but city staff say that the California Coastal Commission needs to approve restrictions in the coastal zone.

Levey said the neighborhood is continuing to explore various options but hopes to come to an agreement that preserves parking for the residents while not impacting the business operations.

"Some changes have to be done to allow for the protection of the neighborhood while permitting the businesses to do business," he said.

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A-5-VEN-10-281

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION IV. Reasons Supporting This Appeal (Oscars)

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

- ① There is no available parking on the street in the area.
- ② No in lieu funds have been used to create parking in the coastal zone.
- ③ \$18,000/space is insufficient to create parking based on current market conditions.
- ④ This would set a precedent for other buildings in this industrial ~~area~~ ^{area} to use ~~the~~ street parking for their employees in the coastal ~~zone~~ ^{zone}.

COASTAL COMMISSION

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RECEIVED
South Coast Region

DEC 8 - 2010

West Los Angeles Area Planning Commission

CALIFORNIA
COASTAL COMMISSION

200 North Spring Street, Room 272, Los Angeles, CA 90012, (213) 978-1300

DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

Mailing Date: FEB 11 2009

Address: 534 Victoria Avenue

Council District: 11

Case No.: DIR-2006-10495-SPP-1A

Plan Area: Venice

CEQA: ENV-2006-10496-CE

Zone: M1-1-O

D.M.: 108B145

Legal Description: Lot 27, Tract 6002

Applicant: Kyle Cooper; Representative: Sharyl Beebe

Appellant: Harrison Levey

On January 21, 2009 the subject case, on appeal, was scheduled for the West Los Angeles Area Planning Commission; however they did not meet due to lack of a quorum.

Again on February 4, 2009 the Commission did not meet due to lack of a quorum, and the applicant did not agree to extend the appeal period.

Pursuant to the provisions of Section 11.5.7 C 6 (c), the failure of the Area Planning Commission to act within the appeal period results in the denial of the appeal, sustaining the decision of the Director of Planning for the approval of DIR-2006-10495-SPP-1A, Specific Plan Compliance, for change of use to an existing 6,653 square foot warehouse to a manufacturing office with a new façade and balcony.

This determination is effective upon the date of the mailing of this letter and is not further appealable.

Carmen Montgomery, Commission Executive Assistant
West Los Angeles Area Planning Commission

COASTAL COMMISSION
A-5-VEN-10-281

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c: Notification List

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed not later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review