

CALIFORNIA COASTAL COMMISSION

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49th Day: 2/24/2015
Staff: S. Vaughn – LB
Staff Report: 1/29/2015
Hearing Date: 2/12/2015

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-VEN-15-0002

Applicant: Simon Lavi

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: 1) Coastal Commission Executive Director (Dr. Charles Lester);
2) James Murez; and 3) Robin Rudisill

Project Location: 1511 Abbot Kinney Boulevard, Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA 2014-0277 approved with conditions for a change of use and reduction in building size from a 3,820 square foot Artist-in-Residence dwelling unit with two on-site parking spaces in a two-car garage to a 3,465 square foot building consisting of a 1,106 square foot Artist-in-Residence dwelling unit and a 2,359 square foot commercial retail space with three on-site parking spaces and one bike rack, within in an existing three-story building.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the grounds on which the appeals have been filed for the following reason: the project, as approved by the City of Los Angeles, may adversely affect the public's ability to access the coast because the additional parking demands generated by this project (and others) are not adequately mitigated, thereby resulting in increased competition for the limited supply of public parking.

IMPORTANT NOTE: The Commission will not take public testimony during the “substantial issue” phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow at a subsequent Commission meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

I. MOTION AND RESOLUTION

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-15-0002 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-15-0002 presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

Three appeals have been filed (**EXHIBIT #4**). The appellants contend that the City-approved development may adversely affect public access and could prejudice the City's ability to prepare a Local Coastal Program (LCP). The local coastal development permit (CDP) authorizes an increase in intensity of land use (2,359 square feet of new commercial floor area) which will significantly increase the demand for parking on the project site by approximately ten spaces more than provided and the local CDP does not require adequate mitigation for the increased parking demand. The local CDP would allow the applicant to pay an in-lieu fee into a city fund rather than provide additional parking spaces that would meet the parking demands of the approved development. The in-lieu fee is not adequate mitigation for the following two reasons: 1) the amount paid per parking space (\$18,000) is significantly less than the cost for providing one parking space, and 2) The City does not have a plan to use the collected fees to mitigate the parking impacts of the approved development (e.g., construction of additional parking). The result of the action is to increase the demand for parking in an area that currently does not have an adequate parking supply to meet the parking demand. The lack of adequate parking reduces the ability of the public to access the shoreline.

The City's approval of increased commercial intensity in the coastal zone without mitigating the parking demands (by providing more parking or other means to access the area) will result in cumulative adverse effects to public access. The competition for the limited amount of public parking in the vicinity of the project site has led to numerous requests for restricted "resident only" permit parking. The Commission has denied the City's applications for "resident only" permit parking [Appeal Nos. A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344]. The Commission's denials of the applications for "resident only" parking were based on adverse impacts to public access.

Additionally, the appellants contend that the City did not require the provision of a loading zone for the commercial business. Without a proper loading zone for the proposed project, delivery vehicles will disrupt and interfere with already strained traffic patterns and add to the traffic congestion in an already congested area.

Furthermore, Ms. Rudisill and Mr. Murez (**EXHIBIT #3**) contend that the West Los Angeles Area Planning Commission failed to act on a local appeal filed by one of the appellants. The West Los Angeles Area Planning Commission's failure to act resulted in an automatic denial of the appeal and reaffirmed the determination of the Zoning Administrator to approve the local CDP. In order to review the merits of the local appeal that was not acted on by the West Los Angeles Area Planning Commission, additional appeals to the Coastal Commission were filed.

III. LOCAL GOVERNMENT ACTION

On May 22, 2014, a public hearing for Local Coastal Development Permit No. ZA 2014-0277 (Simon Lavi) was held before the Los Angeles City Zoning Administrator. The City Council Office for District No. 11, within which the subject site falls, generally supports the project; however, they are concerned that the change in use will intensify parking problems in the area and indicated that the in-lieu parking fees are insufficient to produce needed parking. The proposed project was also opposed by the Venice Neighborhood Council (VNC) and Elane Spierer via written communications received prior to the public hearing (see pages 14 – 16 of the City's staff report - **EXHIBIT #2**). The City determined that providing three on-site parking spaces, one bicycle rack and paying an in-lieu fee of \$18,000 per parking space for the remaining ten required parking spaces, would bring the proposed project into compliance with the parking requirements of the Venice Specific Plan (VSP), which is an uncertified City ordinance.

On October 2, 2014, the City of Los Angeles Zoning Administrator approved Local Coastal Development Permit No. ZA 2014-0277 (ENV 2014-0278-CE). The Zoning Administrator's decision to approve Local Coastal Development Permit No. ZA 2014-0277 was subsequently appealed by Mr. James Murez. On November 19, 2014, the West Los Angeles Area Planning Commission failed to act on the appeal filed by Mr. James Murez, which automatically denied the appeal and reaffirmed the Zoning Administrator's approval of the local coastal development permit (**EXHIBIT #3**). On December 2, 2014, the West Los Angeles Area Planning Commission issued its determination.

The City's Notice of Final Local Action for Local Coastal Development Case Permit No. ZA 2014-0277 (Simon Lavi) was received in the Coastal Commission's Long Beach Office on December 10, 2014, and the Coastal Commission's required twenty working-day appeal period was established. On January 6, 2015, Ms. Robin Rudisill, Mr. James Murez and the Executive Director of the Coastal Commission submitted appeals of the City's approval of the local CDP (**EXHIBIT #4**). No other appeals were received prior to the end of the appeal period on January 9, 2015.

IV. 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 CDP 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.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal 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 becomes final. 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 CDP 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 (LUP) is used as guidance in the de novo phase of the appeal. 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, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, 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.

V. DUAL PERMIT JURISDICTION AREA

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. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. 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 project site is located within the *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project site is located in a commercially zoned neighborhood of North Venice within the City's Single Permit Jurisdiction and fronts Abbot Kinney Boulevard, approximately one-half mile inland of the beach and boardwalk (**EXHIBIT #1**). The site is developed with an existing three-story, 3,820 square foot Artist-in-Residence dwelling unit with an attached two-car garage on a 2,550 square foot lot (**EXHIBIT #2**). The existing building was constructed in 2008 pursuant to Local Coastal Development Permit No. ZA 2002-7008 (CDP)(ZAA)(SPP)(MEL) issued by the City on April 29, 2003. The City's determination in that matter was not appealed.

The applicant proposes to reduce the size of the building by 355 square feet and change the use of the existing structure from an Artist-in-Residence dwelling unit to a 3,465 square foot building containing a 1,106 square foot Artist-in-Residence dwelling unit and a 2,359 square foot commercial retail space, within in the existing three-story building with an attached two-car garage, with one on-site handicap parking space and one bicycle rack for four bicycles. The City determined that the proposed change in use requires two beach impact parking spaces and twelve parking spaces for the proposed retail area. Three on-site parking stalls are proposed. The City determined that the proposed bike rack can substitute one on-site parking space. The applicant intends to pay a parking fee to the City in lieu of providing the additional ten parking spaces required for the proposed change in use.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;

4. The precedential value of the local government's decision for future interpretations if its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a substantial issue exists with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its LCP are the project's conformity with Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued or denied prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal relate to the proposed project's potential adverse impacts on public access to the coast due to the lack of parking provided in relation to the increase in parking demand that would result from the change of use from an Artist-in-Residence only to an Artist-in-Residence plus the new commercial retail space. The appellants contend that the City-approved change in use will aggravate the parking impacts of the area and that the in-lieu fees will not adequately mitigate for parking impacts. This contention raises the coastal access issue of whether the demands of the proposed change in use will adversely impact the public parking supply necessary to support access to Venice Beach. Additionally, the West Los Angeles Area Planning Commission failed to act on a local appeal that was filed in relation to the proposed project and the appellants wish for that appeal to be heard by the Coastal Commission.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

This appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision for Local Coastal Development Permit No. 2014-0277 and accompanying Final Staff Report issued by the City of Los Angeles state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**EXHIBIT #2**).

Chapter 3 of the Coastal Act sets forth the following Public Access Policies:

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

Section 30210 Access; recreational opportunities; posting

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

Section 30211 Development not to interfere with access

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

Section 30212 New development projects

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to

66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 Public facilities; distribution

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

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 Maintenance and enhancement of public access

*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 issue of whether the proposed development can provide adequate parking for its patrons, for the life of the proposed use, without negatively impacting the public beach access 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.

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of the Local Coastal Development Permit No. ZA 2014-0277, because the City-approved project does not include a plan that will mitigate the parking impacts of the development. The proposed project provides one new parking space and one new bicycle rack (for four bikes) for the proposed new 2,359 square foot commercial retail space and 1,106 square foot Artist-in-Residence. Using the parking standards in the certified LUP for general retail store and Artist-in-Residence (one parking space for each 225 square feet of floor area; two spaces for each dwelling unit for Artist-in-Residence and two City required Beach Impact Parking spaces) that are set forth in the certified Venice LUP, the 2,359 square foot retail space and 1,106 square foot Artist-in-Residence would need to provide fourteen parking spaces for the proposed change in use. No off-site parking plan or other mitigation was approved or required by the City. The applicant's proposal to the City does state that the applicant will pay the Venice Specific Plan approved in-lieu fee of \$18,000 per parking space for ten parking spaces that would be required for the proposed change in use of the subject site. The City's approval gives the applicant the option to pay a fee to the City in lieu of providing actual parking. However, there is no evidence that the payment of a fee to the City in lieu of providing actual parking will mitigate the parking impacts of the project or improve access to the coast.

While the certified LUP is not the basis for establishing the proper grounds for finding substantial issue, the policies nonetheless provide a baseline from which the Commission can evaluate the adequacy of a project's mitigation of public access impacts, including those associated with impacts on public parking supply for coastal access. In its adoption of the certified LUP, the Commission recognized that public parking supply is limited in the Venice Beach area and, as such, it is imperative that any proposed development provide adequate parking on-site (or off-site in non-public parking areas reserved for the development) to ensure that those who use the proposed development will not affect available public parking areas used for coastal access and recreation.

When the LUP was certified in 2001, the Commission considered the potential impacts that development could have on public parking supply and adopted policies to require an applicant to provide a certain number of off street spaces depending on the size and proposed use of a site. Thus, the parking standards adopted by the commission in the certified LUP can be used as a baseline requirement if using the baseline on a case-by-case basis is appropriate to assure that the project will be consistent with Chapter 3 policies of the Coastal Act. Given the site specific conditions of the proposed project and the parking shortages in Venice, it is appropriate to use the certified LUP policies as a baseline for determining whether or not the proposed project is consistent with Chapter 3 policies of the Coastal Act because the number of parking spaces generally accommodate the anticipated number of people who would use the proposed development.

Here, the provision of only three actual parking spaces and one bicycle rack for a new 2,359 square foot retail space and 1,106 square foot Artist-in-Residence raises a substantial issue in regards to the public access policies of the Coastal Act because three parking spaces and one bicycle rack is not enough parking to meet the parking demands of a 2,359 square foot retail space and 1,106 square foot Artist-in-Residence as provided in the LUP. The proposed project would increase parking demand and intensify competition for parking in an area already suffering from an insufficient parking supply.

A parking plan for commercial use is necessary to mitigate the parking demands of the development so that public parking supplies that support coastal access are not adversely affected by the parking demands of the approved development. The City-approved project does not include a plan that will mitigate the parking impacts of the development. Therefore, a substantial issue exists with respect to the grounds on which the appeals have been filed.

Public access is an important issue and as such, the Commission has carefully reviewed projects like the proposed development that are located near popular coastal recreational areas. The City's approval of this project and other similar projects, have collectively exacerbated the parking problems for which Venice is famous. The ongoing competition for limited parking resources has resulted in the City's adoption of resident-only parking permits (overnight parking districts, subsequently denied by the Commission). The City has failed to require provisions of adequate parking, thus creating additional pressure on the existing parking supply, which adversely impacts the public's ability to access the coast.

Only with careful review of the proposed project can the Commission ensure that public access to the coast is protected. 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. Therefore, the Commission finds that a substantial issue exists with respect the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. ZA 2014-0277.

Applying the five factors listed in the prior section clarifies that the appeal raises "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City's findings state that "no objective data or analysis regarding the inadequacy of the in-lieu fee program [had] been submitted for consideration." The City has not shown that they have analyzed any data relating to the effectiveness of the Venice Coastal Parking Impact Trust Fund. However, a Venice In-Lieu Parking Fee Study released in July 2012 (**EXHIBIT#5**) offers evidence that suggests the \$18,000 per parking space in-lieu fee is considerably inadequate. The study shows that in 2012 a single parking space in similar areas throughout Southern California can cost a developer between \$25,000 - \$80,000 per space, depending on the location and type (above or below ground) of the parking structure. Additionally, because the City has not evaluated the Venice In-Lieu Parking Fee Study program, the City has failed to prove that the program is working. Furthermore, the City has not displayed that they have plans to actually build more parking spaces with the fees they have collected in impacted areas, such as near Abbot Kinney Boulevard in North Venice. Therefore, the Coastal Commission finds that the City provided an inadequate degree of factual and legal support for the local government's decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing development is an Artist-in-Residence that provides the two required on-site parking spaces. The proposed development would require the applicant to provide twelve additional parking spaces to support the proposed change in use. The applicant is proposing three on-site parking spaces and one bicycle rack that would substitute for one parking space. The applicant does not provide a plan to supply the additional parking spaces that are required for the proposed change in use. The applicant fails to meet or adequately mitigate the parking requirement for the

proposed project. Therefore, the proposed development is not consistent with the public access policies of Chapter 3 of the Coastal Act.

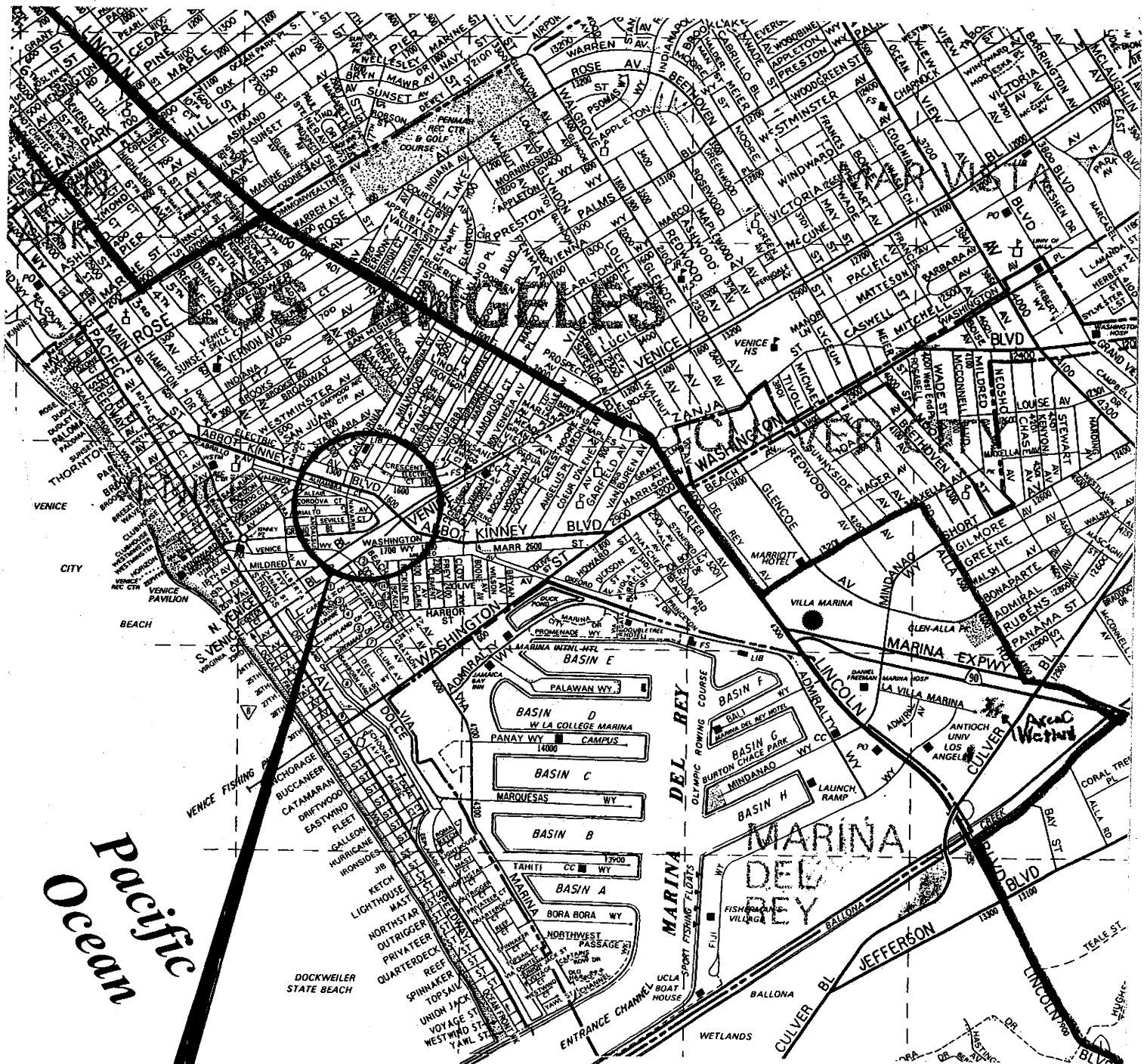
The third factor is the significance of the coastal resources affected by the decision. Public parking is explicitly called out in Section 30212.5 of Chapter 3 of the Coastal Act and in the Shoreline Access section of the certified Venice LUP. Many people who visit the coast, and especially Venice Beach, travel long distances and it is not practical for them to walk, ride bikes or take public transit. It is because of this reason that protecting the public parking supply to the coast is of significant importance. Although the project location is nearly a half-mile inland of the beach, it is also a highly visited area with a very limited parking supply. The proposed project, and others like it, has the potential to negatively and accumulatively impact public beach parking supplies by not providing the required needed to meet the demands of the proposed development. Therefore, the proposed development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP. Although, the proposed development is consistent with the mass, height and scale of past Commission approvals for this area of Venice, it is not consistent with the parking requirement. The City currently has several similar pending projects that have applied for a permit to convert residential uses to commercial uses with the payment of an in-lieu fee rather than providing any actual parking spaces. The certified Venice LUP envisions an in-lieu fee program that will "be established in the Local Implementation Program (LIP) at a rate proportional to the cost of providing a physical parking space." The current in-lieu fee of \$18,000 per parking space is set forth in the VSP, not the certified LUP, and has not been reviewed by the Coastal Commission for adequacy of effectiveness. Thus, the project, as approved and conditioned, raises a substantial issue with regard to the project's conformity with the public access policies Chapter 3 of the Coastal Act and as such would have the potential to set a negative precedent for failing to adequately mitigate the project's impacts on public access.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but without a proper action plan to mitigate against potential negative and cumulative public parking impacts to the coast with the in-lieu fees that the City is collecting, it may set a statewide precedence. Venice Beach is one of the most popular visitor destinations in the state making public access to Venice Beach a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to public parking that supports coastal access. In this case, the City-approved CDP is not in conformity with the public access policies of Chapter 3 policies of the Coastal Act and therefore, the Commission finds that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

VENICE, CA

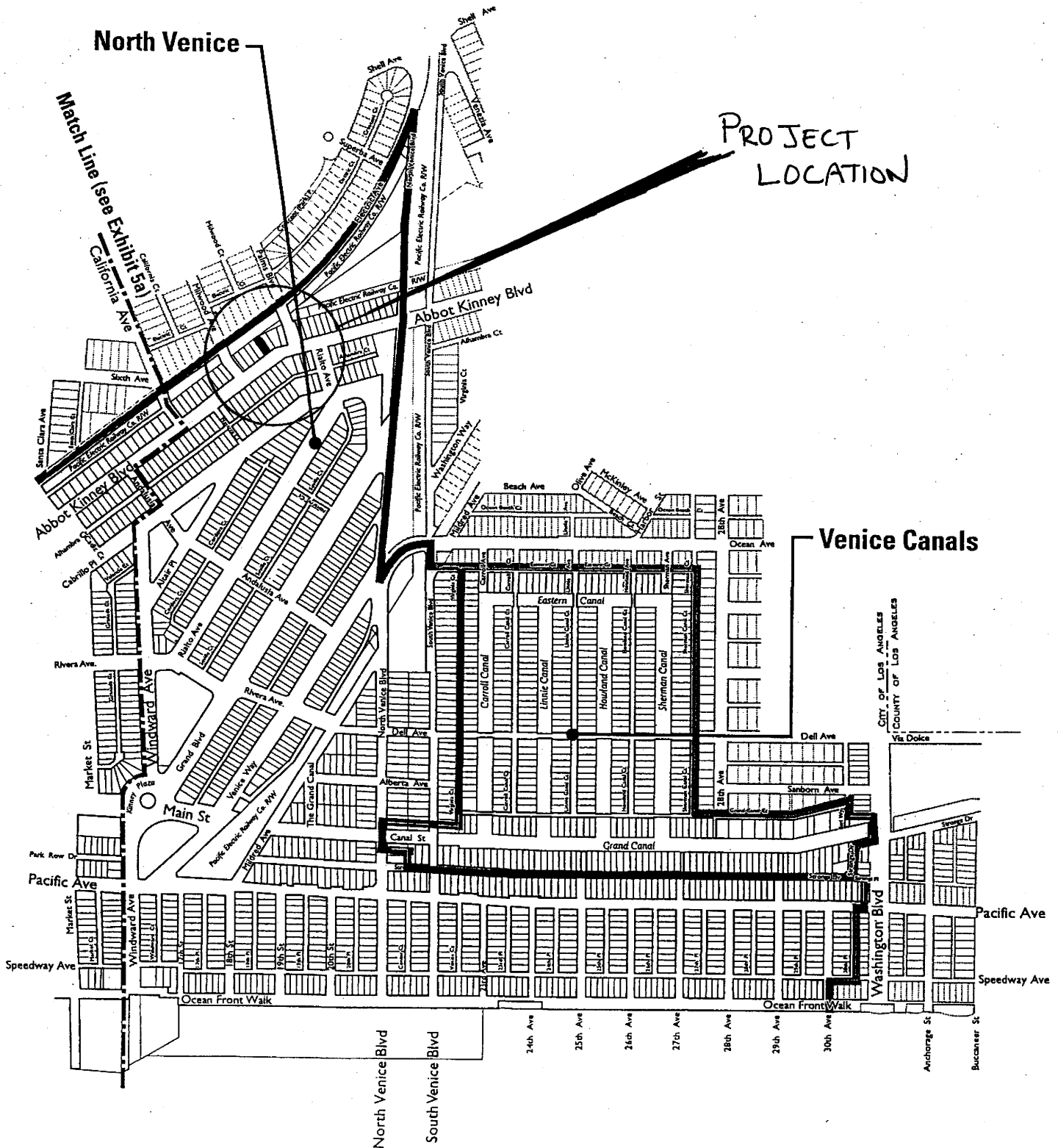


Pacific
Ocean

PROJECT
LOCATION



COASTAL COMMISSION
A-5-VEN-15-0000
EXHIBIT # 1
PAGE 1 OF 2



Not to Scale

COASTAL COMMISSIO
A-5-VEN-15-0002

EXHIBIT # 1
PAGE 2 OF 2

LUP
Exhibit 5b

Subarea: North Venice • Venice Canals

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ASSOCIATE ZONING ADMINISTRATORS

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October 2, 2014

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CASE NO. ZA 2014-0277(CDP)
COASTAL DEVELOPMENT PERMIT
1511 South Abbot Kinney Boulevard
Venice Planning Area
Zone : C2-1-O-CA
D. M. : 108B145
C. D. : 11
CEQA : ENV 2014-0278-CE
Legal Description: Lot 18, Block 23,
Venice of America

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit for a change of use and reduction in building size from a 3,820 square-foot Artist-in-Residence dwelling unit to a 3,465 square-foot building containing a 1,106 square-foot Artist-in-Residence dwelling unit and 2,359 square-foot commercial retail space, within an existing three-story building with an attached garage, located within the Single-Jurisdiction Area of the California Coastal Zone,

upon the following additional terms and conditions:

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.

-5-VEN-15-0002

EXHIBIT # 2

PAGE 1 OF 24

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



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 Development Services Center 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 proceedings against the City or its agents, officers, or employees relating to or 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. Approved herein is a change of use from a three-story Artist-In-Residence dwelling unit to an Artist-In-Residence dwelling unit on the third floor and an independent commercial retail use on the ground and second floor, including an enlargement of the garage area to include a loading area, an additional parking stall, and a trash collection area, and an internal addition of closet and storage areas, in conjunction with the removal of an interior stairway on the third floor.
8. The use of the property shall be conducted in strict compliance with the regulations governing Commercial and Artcraft Districts as established by Section 13.06 of the Municipal Code.
9. One or more signs or symbols of a size and design approved by the Fire Department shall be placed and maintained by the applicant at designated locations on the exterior of each building approved as artist-in-residence (or joint living and work quarters) to indicate that this building is used for residential purposes.
10. Any lease for the artist-in-residence unit shall contain a provision prohibiting any use which results in any noise, vibrations or odors beyond the unit, and shall contain the following conditions pursuant to Section 13.06 of the Municipal Code:
 - a. Production Techniques. The creating, assembling, compounding or treating of articles shall be accomplished by hand, or to the extent practical for a particular artifact. Only those art products which are made by the artisan or his employees from raw materials can be sold. Mass produced parts may be used only if incidental to the basic artifact. In those production techniques which necessitate the use of a kiln, the total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet. Power tools shall be limited to electrically operated motors of not more than one horse power.

COASTAL COMMISSIONEXHIBIT # 2
PAGE 2 OF 24

- b. Location of Equipment. The machinery and equipment shall be so installed and maintained, and the activity shall be so conducted, that noise, smoke, dust, odor and all other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity.
 - c. Area of Production. Certain aircraft activities as listed in Municipal Code Section 13.06-E,2 shall be restricted to either indoor or outdoor manufacturing.
 - d. Commercial Activities. The display of all completed artifacts shall be permitted outdoors and all commercial activities shall be limited to retail businesses only. The sale of all items except antiques shall be limited to those lawfully produced on the premises.
 - e. Employees. Paid helpers shall be limited to no more than three persons other than members of the immediate family occupying the dwelling on such premises.
- 11. A copy of the standard lease including the above clause shall be submitted for review and approval by the Zoning Administrator prior to the issuance of any Temporary or Permanent Certificate of Occupancy.
 - 12. The authorized use shall be of no force and effect unless and until satisfactory evidence is presented to the Zoning Administrator for review and attachment to the file that a business tax registration certificate has been issued to each tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business as artists or artisans.
 - 13. Prior to the issuance of any permit, Plot plans shall be submitted to the Fire Department for review and approval, and any conditions imposed on the project by that agency shall be considered conditions of this action as though written herein.
 - 14. The project shall be in compliance with all applicable provisions of the Venice Coastal Zone Specific Plan, as well as with and the terms and conditions of Case No. DIR 2013-4118-SPP (Venice Coastal Zone Specific Plan Compliance Permit Determination).
 - 15. Should a wall be constructed along the Abbot Kinney Boulevard frontage, its design is to be reviewed to the satisfaction of the Zoning Administrator, in consultation with the Council District Office, to insure that the design of said wall is commensurate with the pedestrian oriented character of the area. Copies of plans shall be submitted to the Council Office by certified mail. The Council Office shall have three weeks from the date shown on the certified mail receipt to conduct its review. Any comments regarding said review shall be issued in writing. Silence will be deemed to be acceptance.

16. Prior to the 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 Development Services Center 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the

Municipal Code. The Zoning Administrator's determination in this matter will become effective after OCTOBER 17, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

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.

NOTICE

The applicant is further advised that all subsequent contact with this Office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 22, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal

development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, interior, through lot having a 30-foot frontage on the north side of Abbot Kinney Boulevard and on the south side of Irving Tabor Court; the property has an even width and depth of 30 feet and 90 feet, respectively. The property is developed with a relatively new three-story building, appearing as a commercial building, contains a retail use on the ground floor and an artist-in-residence use on the upper floors. The existing building was constructed pursuant to Case No. ZA 2002-7008(CDP)(ZAA)(SPP)(MEL) and summarized below, which became effective on April 29, 2003. The determination in that matter was not appealed.

The property is located within the Venice Community Plan, which designates the property for Community Commercial land uses, having corresponding zones of CR, C2, C4, RAS3 and RAS4, and Height District No. 1. The property, being zoned C2-1-O-CA, is within a "CA" Commercial and Artcraft and "O" Oil Drilling District. The property is also located within the North Venice subarea of the Venice Coastal Zone Specific Plan area.

Surrounding properties are within the C2-1-O-CA Zone, and are characterized by level topography and standard streets. The surrounding properties are developed with one and two-story commercial buildings used as artists' residential/working spaces.

To the north, across Irving Tabor Court, the property is zoned C2-1-O-CA and developed with a City of Los Angeles public parking lot with hours from 7 a.m. to 2 a.m. No parking is allowed from 2 a.m. to 7 a.m.

The property is located within the Single Permit Jurisdiction area and Calvo Exclusion Area of the California Coastal Zone Commission Authority area.

The property is located approximately 3,000 feet (0.56 miles) northeasterly from the public right-of-way known as Ocean Front Walk. Ocean Front Walk separates commercial and residential development on the east from the beach on the west. Between the subject property and Ocean Front Walk is a popular commercial strip along Abbot Kinney Boulevard, a well-established Low Medium density residential neighborhood, a small commercial center along Windward Avenue between Main Street and Ocean Front Walk, and a linear, multi-block public parking lot along Venice Boulevard.

Abbot Kinney Boulevard, adjoining the property on the south, is a designated Modified Secondary Highway, dedicated a width of 70 feet and improved with asphalt roadway, concrete curb, gutter and sidewalk.

Irving Tabor Court, adjoining the property on the north, is a Local Street, dedicated a substandard width of 20 feet and improved with asphalt roadway and concrete gutter.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. DIR 2013-4118(SPP) – An appeal to the West Los Angeles Area Planning Commission has been filed against the July 15, 2014, Director of Planning Specific Plan Project Permit Compliance Review determination to permit the conversion/change of use of the first and second floor of an existing three-story, 4281-square-foot Artist-in-Residence (AIR) building. The first floor will contain 1,036 square feet of retail area with the remainder being used for parking. The second floor will contain 1,323 square feet of retail space. A 1,106-square-foot AIR unit will remain on the third floor. As of the writing of this determination, a final action of the appeal has not yet been taken by the West Los Angeles Area Planning Commission.

As a part of the determination, the following Conditions of Approval were adopted:

2. **Floor Area and Use.** The existing Artist-in-Residence unit must remain within the project as required by the State Mello Act. The retail converted area is limited to a maximum of 2,359 square feet of area. Portions of the proposed retail area can be reduced or changed to storage at the second floor level.
4. **Parking.** Two (2) Beach Impact Parking Spaces are required for the change of use. Pursuant to Section D of the Specific Plan the 2,359 square feet of retail area shall provide 12 parking spaces (at one space for every 225 square feet of retail space) plus the two Beach Impact Parking Spaces, either on or off-site parking (as provided by Section 12.26 E 5 of the Los Angeles Municipal Code). Alternatively, the applicant can use any or all of the options below:
 - a. Pay an in-lieu fee of \$18,000 per parking space including the 1 Beach Impact Space that may be bought, payable to the Department of Transportation, for the required parking space that cannot be provided. Proof of payment is required prior to clearance by the Department of City Planning.
 - b. Reduce the required 11 additional parking spaces by utilizing the new bicycle parking ordinance standards for a change of use.
 - c. Reduce the amount of square footage that is proposed to be converted to retail.
 - d. Change the second floor to storage/office instead of retail.

Building Permit No. 03010-30000-04895 - On December 16, 2008, a Certificate of Occupancy was issued for a new three-story Artist-in-Residence building with 1,065

square feet of habitable floor area, 2,755 square feet of workspace, and an attached 420 square-foot two car garage.

Case No. ZA 2002-7008(CDP)(ZAA)(SPP)(MEL) - On April 11, 2003, the Zoning Administrator approved: 1) a Coastal Development Permit for the construction, use and maintenance of one 3,820 square-foot artist in residence unit; 2) a Zoning Administrator's Adjustment to permit the construction, use and maintenance of above-described project observing 0-foot side yards; 3) a Specific Plan Project Permit Compliance review for the construction, use and maintenance of the above-described project in conformance with the Venice Coastal Specific Plan; and 4) a Mello Act Compliance review determination. A Planning staff review of the file indicated that the conditions of approval were complied with.

Surrounding Property

Case No. ZA 2013-3013(CDP) - On October 2, 2014, a public hearing will be conducted to consider a Coastal Development Permit to allow the demolition of a 269 square-foot portion of an existing 996 square-foot single-family dwelling, the construction of a 2,030 square-foot addition, and a change of use from single-family residential to retail and office uses totaling 2,757 square feet (including a 405 square-foot garage) on property located within the C2-1-O-CA Zone, at 1136 South Abbot Kinney Boulevard.

Related Case: DIR 2013-2233(SPP)(MEL) - On July 23, 2013, a request for a Venice Coastal Zone Specific Plan Project Permit compliance determination and a Mello Act Compliance determination was filed, in conjunction with the proposed conversion of an existing residential use to a commercial and retail use, along with additions to the existing building. A part of the request also includes a proposal to maintain one on-site parking stall and an additional six stalls by in lieu fee payment. No determination on this matter has been made.

Case No. ZA 2013-1986(CDP)(MEL)(SPP) - On February 11, 2014, the Zoning Administrator approved the withdrawal of the application for the conversion of a residential unit to an office within an existing building at 1421 South Abbot Kinney Boulevard.

Case No. ZA 2011-1910(CDP)(CUB) - On December 24, 2013, the Zoning Administrator approved a coastal development permit to allow the conversion, use, and maintenance of two existing restaurants into one restaurant with an accessory take-out counter in the single jurisdiction of the California Coastal Zone; and deny a conditional use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with a take-out counter accessory to an existing restaurant; and approve a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the expansion of an existing restaurant previously authorized to sell beer and wine, at 1427 and 1429 Abbot Kinney Boulevard.

Case No. ZA 2013-1466(CDP) - On December 23, 2013, the Zoning Administrator approved a coastal development permit authorizing the conversion of a two-unit dwelling to a retail and office use in the single permit jurisdiction area of the Coastal Zone at 1420 Abbot Kinney Boulevard.

Case No. ZA 2012-0246(CDP)(CUB) - On December 20, 2013, the Zoning Administrator approved a coastal development permit to allow the conversion, use, and maintenance of a take-out restaurant and office space as expanded restaurant space for an existing restaurant in the single jurisdiction of the California Coastal Zone; and a conditional use to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the expansion of an existing restaurant at 1635-1637 Abbot Kinney Boulevard.

ZA 2012-0244(CDP)(CUB)(SPP) - On November 25, 2013, a public hearing was conducted to consider a Coastal Development Permit, a Conditional Use, and a Venice Coastal Zone Specific Plan Project Permit compliance review for a project involving the addition of approximately 434 square feet to an existing second floor mezzanine within an existing restaurant, resulting in a 2,694 square-foot restaurant; and to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant use with separate cocktail bar/lounge area, having a 2 a.m. closing time, on property located within the M1-1-O-CA Zone, at 1683 Abbot Kinney Boulevard. Four parking spaces are proposed to be provided via in lieu fee payment. A determination on the matter is still pending.

Case No. DIR 2012-3271(SPP)(MEL) - On August 2, 2013, the Director of Planning approved a Venice Coastal Zone Specific Plan Project permit compliance review and Mello Act compliance review to permit the conversion of an existing 1,352 square-foot two-story duplex into a 77-square-foot retail space, a 222 square-foot storage space, and a 360 square-foot second-floor office, on property located within the C2-1-O-CA Zone, at 1420 South Abbot Kinney Boulevard.

Case No. ZA 2012-1396(CDP) - On April 22, 2013, the Zoning Administrator approved a coastal development permit to allow the conversion, use and maintenance of a single-family dwelling (previously proposed as an artist-in-residence unit) to a retail commercial use located within the single permit jurisdiction area of the California Coastal Zone at 1524 Abbot Kinney Boulevard.

Case No. DIR 2012-1398(SPP)(MEL) - On December 11, 2012, the Director of Planning approved a Venice Coastal Zone Specific Plan Project permit compliance and Mello Act compliance review to permit the conversion of an existing one-story, 1,347 square-foot artist-in-residence unit into a retail commercial use; also authorized was the provision of six parking spaces via in lieu fee payment; on property located within the C2-1-O-CA Zone, at 1524 South Abbot Kinney Boulevard.

Case No. APCW 2011-1152(SPE)(CDP)(SPP) - On December 5, 2012, the West Los Angeles Area Planning Commission denied Specific Plan Exceptions to permit the purchase of one additional Beach Impact parking space in lieu of provide such

on-site, and to allow the removal of the four existing required parking spaces; denied a Venice Coastal Zone Specific Plan Project permit compliance determination; and denied a Coastal Development Permit to allow the conversion of an approximately 853 square-foot parking garage into a 623 square-foot retail space and 230 square-foot storage area; on property located within the C2-1-O-CA Zone, at 1319 Abbot Kinney Boulevard.

Case No. ZA 2010-2811(CDP)(ZAA) – On September 8, 2011, the Zoning Administrator approved a Coastal Development Permit for the conversion of, and in addition to, an existing, approximately 966 square-foot single-family dwelling into an approximately 1,220 square-foot ground-floor commercial retail space, and an approximately 2,825 square-foot artist-in-residence unit on a new second- and third-floor; and Zoning Administrator's Adjustments to allow a reduced side yard of zero feet in lieu of the 4 feet otherwise required, a reduced passageway width of 4-1/2 feet in lieu of the 10 feet otherwise required, and a partial reduced clearance height of 9 feet, in lieu of the minimum 14 feet otherwise required within a loading zone; all on property located within the C2-1-O-CA Zone, at 1132 South Abbot Kinney Boulevard.

Related Case: DIR 2011-2180(SPP) – On October 25, 2011, the Director of Planning approved a Venice Coastal Zone Specific Plan Project permit compliance determination to allow the partial demolition of an existing 966-square-foot, one-story dwelling unit to allow for an attached two-car garage; convert and expand the remaining space into 1,220 square feet of retail use; and construct a new two-story artist-in-residence unit above, on a C2-zoned lot located within the Beach Impact Zone of the Venice Coastal Zone area.

Case No. APCW 2009-1738(SPE)(CDP)(ZV)(SPP)(MEL) – On April 21, 2010, the West Los Angeles Area Planning Commission denied a Specific Plan Exception to allow six on-site parking spaces in lieu of the 14 otherwise required; approved Variances to allow compact parking stalls within an on-site parking area containing less than 10 overall spaces, to allow tandem parking, and a waiver of the requirement to provide a loading space; approved a Coastal Development Permit; a Mello Act compliance determination; and a Venice Coastal Zone Specific Plan Project permit compliance determination, authorizing the payment of in lieu fees for up to a maximum of 50 percent of the required Beach Impact Zone parking requirement; all in conjunction with the demolition of an existing 1,312 square-foot building and the construction of a new 1,248 square-foot restaurant, on property located within the C2-1-O-CA Zone, at 1305 South Abbot Kinney Boulevard.

Case No. ZA 2006-10367(CDP)(ZAA)(MEL) - On July 1, 2009, the Zoning Administrator accepted the withdrawal of an application for three new townhouses as condominiums at 634 East Milwood Avenue.

Case No. DIR 2007-1996(SPP) – On March 19, 2008, the West Los Angeles Area Planning Commission granted an appeal in part, resulting in the disapproval of a Venice Coastal Zone Specific Plan Project permit compliance determination due to a finding of non-compliance with the Mello Act, in conjunction with a request for a

change of use of two existing single family dwelling units on 582 Venice Blvd and 1702 Abbot Kinney Blvd to allow for two commercial/retail structures that utilize the existing building footprint which has an area of 2,564 square feet, also authorizing 5 on-site parking spaces and an additional 9 parking spaces to be provided via in lieu fee; all on property located within the C2-1-O Zone, at 1702 Abbot Kinney Boulevard.

Case No. ZA 2007-1599(CDP)(MEL) - On August 14, 2007, the Zoning Administrator approved a coastal development permit for the construction of a single-family dwelling and the partial demolition and reconstruction of a commercial building for commercial use within the single jurisdiction of the California Coastal Zone at 1638 Abbot Kinney Boulevard.

Case No. APCW 2005-5122(CDP)(CUB)(SPE)(SPP) - On June 21, 2006, the West Los Angeles Area Planning Commission approved Specific Plan Exceptions to allow a maximum front yard setback of 33 feet 3 inches, in lieu of the 15 feet otherwise permitted, and a zero on-site parking spaces in lieu of the 15 spaces otherwise required; a Venice Coastal Zone Specific Plan Project permit compliance review, including authorization to provide a total of 12 parking spaces via in lieu fee payment; and a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,694 square-foot restaurant, seating a maximum of 28 patrons interior, and hours of operation from 1 a.m. to 12 midnight Monday through Saturday, and from 11 a.m. to 11 p.m. on Sunday; and a Coastal Development Permit and Mello Act Compliance Determination; all on property located within the M1-1-O Zone, at 1633 South Abbot Kinney Boulevard.

Case No. ZA 2004-1041(CDP) - On April 20, 2005, the Zoning Administrator terminated an application for the construction a parking lot at 1656 Abbot Kinney Boulevard.

Case No. ZA 2002-7008(CDP)(ZAA)(SPP)(MEL) - On April 11, 2003, the Zoning Administrator approved a Coastal Development Permit for the construction, use and maintenance of one 3,820 square-foot artist in residence unit at 1511 Abbot Kinney Boulevard.

Case No. ZA 2002-1848(CDP)(MEL)(SPE)(PP)(SUB)(CUB) - On February 5, 2003, the West Los Angeles Area Planning Commission denied an appeal and modified the action of the Zoning Administrator, resulting in approval of a Venice Coastal Zone Specific Plan Project Permit Adjustment to allow 31 parking spaces in lieu of the 34 spaces otherwise required; a Specific Plan Project permit compliance determination for the construction of a mixed-use building containing 7 joint live-work units and 3 commercial condominium units totaling approximately 3,080 square feet, in conjunction with a three-lot consolidation; a Coastal Development Permit for the construction, use and maintenance of the project, and a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 750 square-foot cake or deli market, all on property located within the C2-1-O-CA Zone, at 1119-1123 Abbot Kinney Boulevard.

Also authorized was the payment of in lieu fees for 3 required parking spaces that could not be physically provided on-site.

Case No. ZA 2001-3132(CDP)(CUB)(ZV)(SPP) – On February 27, 2002, the Zoning Administrator approved a Coastal Development Permit to allow the a 1,996 square-foot second-floor residential unit, and a 1,516 square-foot ground-level restaurant; a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with the restaurant, seating 20 patrons, with hours of operation from 11 a.m. to 10 a.m. daily; Zone Variances to allow three-deep tandem parking, a reduced-size loading zone, and two compact parking stalls in lieu of the one otherwise permitted; and a Venice Coastal Zone Specific Plan Project permit to allow the construction, use and maintenance of a new, three-story mixed-use building, also authorizing the payment of in lieu fees for parking that cannot be provided on-site; all on property located within the C2-1-O-CA Zone, at 1432 Abbot Kinney Boulevard.

Case No. ZA 2001-2591(CDP)(ZAD)(ZAA)(SPP) - On February 22, 2002, the Zoning Administrator approved 1) a Coastal Development Permit to demolish an existing office building and replace it with a new three-story, 35-foot in height building containing two AIR (Artist in Residence) units (size of each unit excluding garage is 708 and 2,814 square feet) located within the single permit area of the California Coastal Zone; 2) A Zoning Administrator's determination to permit the construction, use and maintenance of a three-story, 35-foot in height building containing two AIR (Artist in Residence) units; 3) Adjustments to allow a reduced side yard setback of 3 feet in lieu of the required 5 feet and allow reduced rear yard of 13 feet in lieu of the required 15 feet; 4) An Adjustment to allow a passageway of 4 feet in lieu of the required 12 feet; and 5) Specific Plan Project Permit Compliance for the above project; at 1136 Abbot Kinney Boulevard.

APPLICANT'S OVERALL STATEMENT

The following information was submitted by the applicant in response to the Coastal Development Permit application:

- This project has had an application submitted to the State Coastal Commission or the City of Los Angeles for Coastal approvals under Case No. ZA 2002-7008(CDP)(ZAA)(SPP)(MEL).
- The existing use of land is as an Artist-in-Residence within a one- to three-story building, which is to remain. Abbot Kinney consists of mixed use as well as restaurants up and down the street.
- There are no trees or drainage channel on the property; the property consists of land that has a less than 10% slope. No grading is proposed, and no import or export of soil is proposed.

- The project will result in a total of one dwelling unit on the property, consisting of one Artist-in-residence unit and one retail use. There are a total of two parking spaces on the property; three are proposed. Additional space will be provided for bicycle racks, which credit the property with one additional parking space, for a total of four on-site parking spaces.
- The existing building is three stories, and will not change. No new nighttime lighting is proposed, and no new landscaping is proposed.
- The development will not extend onto or adjoin any beach, tidelands, submerged lands or public trust lands. The development will not conflict with public access to the shoreline and along the coast.
- Alternatives to private vehicle uses will not be provided or facilitated, and the development will not affect traffic on coastal access roads.
- The development is proposed within an existing developed area, and in conformance with the neighborhood. The project involves no grading or alteration of landforms.
- The project involves no diking, filling or dredging of open coastal waters, wetlands, estuaries or lakes. The development is not coastal-dependent, and does not displace any coastal-dependent facilities. The project has no impact on biological productivity of coastal waters. The project has no impact on sensitive habitat areas, parks or recreation areas.
- The project has no impact on adjoining lands suitable for agriculture, or the conversion of agricultural land to another use.
- There are no water conservation features needed in conjunction with the project. There are no energy conservation features needed in conjunction with the project, other than Green Department requirements. No service lines for necessary utility connections are needed.
- There are no recreation opportunities, but will protect lower visitor cost because of the artist-in-residence use.
- There is no impact on low- and moderate-income housing opportunities; the project will not displace low- or moderate-income housing.
- The project is not within or new a known archaeological, paleontological or historic site.
- Building permits for the property have been submitted.

- The project is not located between the sea and the first public road paralleling the sea; is not located within 300 feet of the inland extent of any beach; and is not within 300 feet of the top of the seaward face of any coastal bluff.

COMMUNICATIONS RECEIVED PRIOR TO THE PUBLIC HEARING

Venice Neighborhood Council, Linda Lucks, President – opposed – May 21, 2014

This will advise that at a regularly held public meeting of the Venice Neighborhood Council's Board of Officers on May 20, 2014, it was moved and passed by the Venice Neighborhood Council as follows:

MOTION: The Venice Neighborhood Council recommends denial of the project as presented, based on the following:

1. It does not meet the intent of the Venice Land Use Plan (LUP) or Venice Specific Plan (VSP).
2. It does not address physical parking, and the use of in lieu fees as presented is inappropriate.
3. Given the recent (2008) construction, which was built under the VSP, the project does not conform to the Adaptive Re-Use Plan concept, as described in the Venice LUP or VSP.
4. There is no space allocated for trash or recycling, and it should therefore remain as it was built.

LUPC Motion made by Jim Murez, seconded by Robert Aronson, Approved 4-0-2, May 7, 2014

Case Info:

<http://www.venicenc.org/wp-content/uploads/2012/12/1511-staff-report.pdf>

<http://www.venicenc.org/wp-content/uploads/2012/12/1511abbotkinneycaseinfo..pdf>

BOARD ACTION: Motion made by Sevan Gerard, seconded by Hugh Harrison
MOTION PASSES 11-2-1, May 20, 2014

Elane Spierer – Opposed – May 1, 2014

You will be evaluating this property for a change-of-use from artist-in-residence to retail. It has been used illegally as retail for years as a 'temporary' pop-up store while the architect-owner tried to sell it. The current owner purchased it with knowledge that this new property was not, in fact, a legal retail property.

As you will note, the plans on the Facebook page (attached) show a garage with 2 car parking. For some reason, the builder architect got approval for just 2 cars when all other artist-in-resident buildings on Abbot Kinney in the last 10 years were required to have 3 car parking. The new owner applicant is claiming on-site parking on supported by the plans.

Abbot Kinney is now under assault by change-of-use applications and frequent approvals to change a property to retail as 'that is where the money is' for an owner. We are suffering from parking chaos of monumental proportions and each day it gets worse as

exceptions are approved for retail without required parking. Venice is in a true parking crisis and it is being exacerbated with change-of-use approvals which do not meet 2014 parking rules. This must stop.

This is a new property. This is not a 'hardship' case for the applicant. I appeal to you to stand up for and protect the Venice community and deny any retail use on this property because it does not have the urgently needed parking spaces to support a retail store in accordance with 2014 LA parking requirements.

[ZA Note: a copy of the referenced Facebook page, included as an attachment, is retained in the case file for reference. In addition, there is an unreferenced attachment, consisting of seven pages, from the website imaginevenice.org, apparently containing the text and associated photographs of "Edition 11, April 22, 2014", which is also retained in the case file.]

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was held by Jonathan A. Hershey, City Planner, acting in the capacity of a Hearing Officer from the Office of Zoning Administration under Case No. ZA 2014-0277(CDP) and CEQA No. ENV 2014-0278-CE on May 22, 2014, at approximately 10:30 a.m. in the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025.

The subject site was identified as being located at 1511 South Abbot Kinney Boulevard, zoned C2-1-O-CA, within the bounds of Council District No. 11, and the Venice Community Plan and Venice Coastal Zone Specific Plan Area.

The applicant was Lion Head #2 Global, LLC, and was represented by Shannon Nonn.

The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The environmental document was among the matters considered at the hearing. After a review of the file the matter was opened to public testimony and the following points were considered:

Representative/project architect:

- The building is currently used as an artist-in-residence use
- Want a change of use; third floor AIR unit would be independent use from proposed retail portion.
- Front and rear of the building would stay the same; only the interior would be remodeled.

- The intent of the request is to legalize an intermittent retail use that has been occurring. In all other respects, the project is code-compliant.
- Parking: the existing building has two parking spaces. The project will require a total of 14 parking spaces. Two parking spaces for the AIR unit, one handicap space/beach parking, one bicycle rack for four bicycles. Per Venice Specific Plan, in-lieu fees will be paid for remaining 10 parking spaces.
- Project is not "adaptive re-use"
- Representative has met with the Council Office regarding parking issue.
- Revised plans will be submitted to reflect the location of a trash/recycling collection area.

Council Office:

- Council Office is generally in support, but is NOT in support of in-lieu fees for parking.
- Does not support intensifying parking problem in the area.
- Collected in-lieu fees are insufficient to produce needed parking.
- Coastal Commission is concerned about parking.
- Want a two-month advisory period to figure out solution to parking.

After the comments of the Council Office, the Hearing Officer, seeing other parties in the room, asked if anyone else desired to offer any testimony, communication, documentation, or evidence concerning the case. No one indicated such a desire. With that, the representative and the project architect were invited to respond to comments made by the Council Office:

Representative:

- Meeting with Council Office would not be productive.
- Project is complying with the Code.
- Have made a good-faith effort to locate off-site parking.
- In lieu fees are permitted by the Specific Plan; we are just complying with the options available through the Specific Plan.

After this testimony, the hearing was closed. The applicant was instructed to provide copies of the revised plans as soon as they were ready, and that no determination letter would be issued until revised plans were received for consideration, or communication was received that no revised plans would be forthcoming.

MANDATED FINDINGS

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.**

Applicant:

The proposed development/request is in conformity with Chapter 3 of the California Coastal Act of 1976. The building is an existing, 3 story, 3,914 square-foot Artist and Residence, requesting Retail for the first and second floors. Requesting retail on both the first and second floor, with Artist and Residence to remain on the third floor is in conformance with the area and will not have any significant adverse effects, either individually or cumulatively, on the Coastal resources. It is in compliance with the neighborhood and per the Zone, this request is allowed by right.

The proposed project does not consist of new construction of a bldg., the bldg. footprint exist with only remodeling to occur for the Retail, first and second floors as well as new parking area. Since this request involves a change of use from Artist and Residence to Artist and Residence with Retail, it triggers a Coast Development Permit and a Project Permit Compliance Review for this request. Parking required under the Venice Coastal Specific Plan will be both on-site and through a payment in-lieu of fees per additional parking spaces not physically provided on- or off-site. Abbot Kinney has both residential and mixed use, and commercial uses up and down the street. This project request will have no adverse effects on public access, recreation, public views, or the marine environment.

Zoning Administrator:

The applicant seeks a Coastal Development Permit to remodel the interior of an existing artist-in-residence (AIR) dwelling unit, resulting in a smaller AIR unit and an independent commercial retail space.

The existing AIR use and building was first authorized through Case No. ZA 2002-7008(CDP)(ZAA)(SPP)(MEL) on April 11, 2003. The approval was not appealed, and became effective on April 29, 2013. A copy of the determination letter has been attached to the administrative record. The authorized use consists of a 3,820 square-foot, three-story building, having an attached two-car garage. The building contains a living area of 1,065 square feet located on the second and third floors and a work area of 2,755 square feet located on the first, second, and third floors. A Certificate of Occupancy for the new construction, referenced in the background information above, was issued on December 16, 2008 by the Department of Building and Safety.

As proposed, the existing building will be reduced in size from 3,820 square feet to 3,465 square feet. The new project will result in a 1,106 square-foot AIR dwelling unit on the third floor and an independent 2,359 square-foot commercial retail space on the first and second floors. An approximately 41 square-foot storage room addition would be constructed in place of a demolished stairway on the third floor. On-site parking would increase from two automobile spaces to three automobile

spaces, plus a loading zone and a four-bicycle bike rack. The enlargement of the garage, including the loading area, results in the reduction in the floor area from the prior project. The project involves a change of use, triggering the need for the Coastal Development Permit. The project seeks no deviations from the Zoning Code or Venice Coastal Zone Specific Plan.

There is a concurrent request for the project, Case No. DIR 2013-4118(SPP) for a Venice Coastal Zone Specific Plan Project Permit Compliance review, is under appeal with the West Los Angeles Area Planning Commission.

The property is located approximately 3,000 feet (0.56 miles) northeasterly from the public right-of-way known as Ocean Front Walk. Ocean Front Walk separates commercial and residential development on the east from the beach and shoreline on the west. Between the subject property and Ocean Front Walk is a popular commercial strip along Abbot Kinney Boulevard, a well-established Low Medium density residential neighborhood, a small commercial center along Windward Avenue between Main Street and Ocean Front Walk, and a linear, multi-block public parking lot along Venice Boulevard.

In approving the initial development of the building, the Zoning Administrator made the following finding:

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of proposed developments subject to the provision of this division are determined". In the instant case, the Coastal Act provides that: "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources".

The applicant is proposing the construction of one three-story, 3,820 square-foot joint living and work quarters/artist in residence unit with two parking spaces, on a 2,700 square-foot, level, rectangular-shaped, interior, record lot, with a frontage of 30 feet on the north side of Abbot Kinney Boulevard and a uniform depth of 90 feet. The property is zoned C2-1-O-CA and currently undeveloped.

The project is of an infill nature. The proposed land use is permitted by right in the property's zone classification of C2, one of the corresponding zones of the plan land use designation of Community Commercial uses, applying to the property. The project will improve a vacant site with a development similar to other developments recently constructed in the immediate area. The property is not adjacent to the shoreline, and the project will not affect marine resources, coastal waters, wetlands, any environmentally sensitive habitat area, archaeological or paleontological resources. The project is

appropriately located along the north side of Abbot Kinney Boulevard, a Collector Street dedicated a width of 60 feet.

In light of the above, it can be found that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The circumstance of the project's location has not changed; the project has no increased impact on sensitive coastal or coastal-dependent resources:

- a. **Public Access.** The subject property is located approximately 1/2-mile inland from the public roadway nearest to the beach and the shoreline. The project, due to its distant location from the beach, the well-established and extensive intervening development of the surrounding community, and other existing public rights-of-way, does not interfere with public access to the sea.
- b. **Recreation.** The subject property is located approximately 1/2-mile inland from the nearest beach; the project consists of an internal remodeling of an existing building involving a change of use from AIR use to also include an independent commercial retail use. The project has no impact any water-oriented recreational facilities or activities.
- c. **Marine Environment.** The subject property is located approximately 1/2-mile inland from the nearest beach; the project consists of an internal remodeling of an existing building involving a change of use from AIR use to also include an independent commercial retail use. The property is surrounded by an established urban environment. The project has no direct impact on protected marine environments or resources.
- d. **Land Resources.** The subject property is located approximately 1/2-mile inland from the nearest beach; the project consists of an internal remodeling of an existing building involving a change of use from AIR use to also include an independent commercial retail use. The property is surrounded by an established urban environment. The project has no impact on sensitive or protected natural habitats or agricultural lands within the vicinity.
- e. **Development.** The subject property is located approximately 1/2-mile inland from the nearest beach; the project consists of an internal remodeling of an existing building involving a change of use from AIR use to also include an independent commercial retail use. The property is surrounded by an established urban environment.

According to the applicant, the project has a total parking requirement of 14 automobile spaces as follows: 2 spaces for the AIR use; 10 spaces for the new commercial retail use; and 2 spaces for beach impact parking. As proposed, the project will provide a total of 3 on-site parking spaces, bike racks to accommodate four bicycles equating to 1 additional vehicle parking space (per Section 12.21-A,4 of the Los Angeles Municipal Code), and a loading space. Pursuant to the provisions of Section 13 of the Venice

Coastal Zone Specific Plan (Specific Plan), effective on January 19, 2004, in lieu fees will be paid for the remaining 10 spaces that cannot be provided on-site.

The City Council District office, Neighborhood Council, and a local resident have all voiced opposition to the project due to the applicant's election to pay in-lieu fees for the additional parking the commercial retail space would otherwise be required to provide. Their argument is articulated elsewhere in this determination.

In summary, the Neighborhood Council and local resident's argument against the project are that the lack of available parking in the area has led to deleterious parking impacts in the surrounding residential community. To allow the project to utilize the in lieu fees instead of providing for on-site parking spaces would exacerbate the problem:

The instant request for a Coastal Development Permit makes no independent assessment of the project's compliance with the zoning regulations or applicable Specific Plan. It is represented to this decision-maker that the project is in full compliance with those land use and development regulations. A condition has been incorporated into this determination that requires the project to comply with the determination of Case No. DIR 2013-4118-SPP, which provides the determination of compliance with the Specific Plan. No request has been made to otherwise vary from the regulations and requirements of the Zone Code. This determination does not grant or extend any authority to the applicant or the project to vary from those regulations. It is beyond the scope of authority of this action to address the local parking demand issues as articulated in the Neighborhood Council and local resident's comments.

The City Council District 11 office opposes the request because the lack of existing parking in the area, combined with the reduction of on-site parking associated with the project; and other, similar projects in the area providing in lieu parking fees, would result in parking impacts ultimately affecting beach access. The Council Office states that the collected in lieu fees are insufficient to produce the number of parking spaces required at an off-site location.

The Specific Plan was legislatively enacted by City Council and has been operative for over 10 years. Projects within the plan area have relied upon and utilized the in lieu parking fees authorized by the Specific Plan without opposition. Payment of the in lieu fees are to support the development of off-site parking facilities in the following manner, specified by Section 14 B of the Specific Plan:

... for expenditure only for parking mitigation measures in, adjacent to or serving the Beach Impact Zone. Those improvements shall include but not be limited to:

1. Venice Boulevard median public parking facility improvement, including land acquisition and construction.
2. Development of public parking facilities on the former railroad right-of-way at Electric Avenue.
3. Development of public parking facilities on City-owned lots in the Venice Coastal Zone.
4. Development of public parking facilities on the site of the Los Angeles County Metropolitan Transportation Authority (MTA) located between Main Street and Pacific Avenue south of Sunset Avenue.
5. Operation of shuttle buses to remote/intercept parking lots.

In this case, no objective data or analysis regarding the inadequacy of the in lieu fee program has been submitted for consideration. The City Council Office confirms that there is no operative interim control ordinance or motion pending with the City Council to suspend implementation of the in lieu fee program authorized by the Specific Plan. The Council Office indicates that a study being conducted by their office is underway, but results and conclusions based upon those results have not been reached. As proposed, the project will comply with the requirements of the Specific Plan.

Chapter 3, Article 6, Section 30252, of the California Coastal Act, entitled "Maintenance and enhancement of public access", states the following, 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 ...

Through the in lieu fees paid by the applicant, the proposed conversion will result in the development of additional parking spaces and/or public transportation opportunities that do not presently exist. Collected in lieu fees are not necessarily required to translate into a one-for-one off-site parking facility. Enhancement and/or extension of public transportation opportunities are an authorized alternative to the provision of parking in meeting goals of public access to coastal areas.

If the funds are utilized to develop an off-site parking area, it is recognized that there will be a delay before those spaces are available, due to high real estate values in the surrounding area. Successful implementation of the in lieu fee program is contingent upon an aggregation of fees collected from multiple projects in the area.

Inasmuch as the project is compliant with the requirements and regulations of the Specific Plan and the underlying C2-1-O-CA Zone of the Venice Community Plan, the scope of the project, and its location, the project has

little to no impact on the maintenance and enhancement of public access to the coast, and is otherwise consistent with the other development-related criteria of this Article 6 of Chapter 3.

- f. **Industrial Development.** The property is presently developed with an AIR residential/commercial use, on property located with a zone classification designated for commercial and artcraft development and uses. There are no industrial-use lands within the immediate vicinity of the project property. The proposed change of use to include commercial retail space within the existing building has no impact on the location or operation of coastal dependent industrial facilities.

Many of the conditions of approval originally imposed by Case No. ZA 2002-7008(CDP)(ZAA)(SPP)(MEL) have been carried forward into this determination.

As articulated above, and as conditioned, the development is in conformity with Chapter 3 of the California Coastal Act of 1976.

12. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Applicant:

Currently there is no adopted local Coastal Program for this portion of the Coastal Zone. Therefore, the adopted Venice Community Plan and the Venice Specific Plan serve as the functional equivalent plan. The Community Plan designates the subject property for Community Commercial with the corresponding zone of C2, CR, C4, RAS3 and RAS4 as well as Height District No. 1. The basic use is permitted by the plan designation and this Zone. The proposed development is in compliance with the current regulations, policies of the California Coastal Act and adopted Venice Plans and will not prejudice the ability of the City to prepare a local Coastal Program in conformity with Chapter 3 of the California Coastal Act. The plan actively encourages mixed use development, 1st and 2nd floors to be commercial, retail use, with 3rd floor remaining Artist and Residence.

Zoning Administrator:

The City of Los Angeles has not yet adopted a Local Coastal Program for this area that has been certified by the California Coastal Commission. In the interim, the City's Venice Community Plan and Venice Coastal Zone Specific Plan, both portions of the Land Use Element of the City's General Plan, serves as a functional equivalent. The Venice Community Plan limits development on this property to commercial and residential uses. The proposed project involves an interior change of use in which approximately two-thirds of an artist-in-residence dwelling unit will be converted into an independently-operated commercial retail use.

The project is bounded on the east and west by other mixed-use residential and commercial buildings; the property to the north is developed as a public parking lot, and the properties to the south are developed with commercial buildings; all are within same Community Plan land use designation. The interior conversion of use results in no fundamental change in the existing land use policies in place for development and use of the property. There is no apparent reason to conclude that approval of the request, on a lot zoned for the proposed use and located approximately 1/2 mile from beach, would frustrate the preparation and implementation of a Local Coastal Program. Other properties in the area have been developed with and maintain similar uses and combination of uses within the immediate vicinity. As such, the development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:**

Applicant:

The above mentioned Guidelines are designed to provide direction in assisting decisions with regard to discretionary determinations on request for the Coastal Development Permits. The Venice Specific Plan as it associates to this project has been considered and deemed to be in substantial conformance with the applicable Guidelines, as conditioned.

Zoning Administrator:

The Interpretive Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

The Zoning Administrator has compared the project to the Guidelines and found that it is consistent with requirements for building height, setbacks, use, design, and off-street parking. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program.

With respect to the proposed change of use, the property is a presently developed lot which does not provide access to or from the beach and there is no evidence of any previous public ownership of the lot. All of the lots in the vicinity are classified in the same zone and many are being similarly utilized as proposed in this project. The project will not conflict with the goal of providing appropriately located public access points to the coast. The Interpretive Guidelines have been reviewed, analyzed and considered in light of the individual project in making this determination, and the project, as conditioned, is consistent with such guidelines.

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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

Applicant:

The California Public Resources Code states that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions and responsibility as well as authority, under the Coastal Act of 1976. There are no outstanding issues that have emerged which would indicate a conflict between this request and any other decision of the Coastal Commission.

Zoning Administrator:

The project, consisting of the conversion of a portion of an existing artist-in-residence dwelling unit into an independently-operated commercial retail space does not conflict with prior decisions made by the California Coastal Commission. However, prior actions made by the Commission have expressed concern and doubt regarding the efficacy of the in lieu fee payment alternative, as authorized by the Venice Coastal Zone Specific Plan.

The in lieu fee payment alternative provides a mechanism to develop off-site parking in aggregate and/or enhance public transportation where individually proposed projects cannot reasonably provide the full measure of on-site parking otherwise required. Coastal Commission staff has questioned within their staff reports whether the in lieu fee payments received into the Venice Coastal Parking Impact Trust Fund remain in that account, and have suggested that the fees have be re-appropriated for other uses. However, no factual evidence to support either the argument for the ineffectiveness of the in lieu fee payment alternative or the insolvency of the receiving fund has been presented for consideration. In fact, the denial of projects which attempt to take advantage of the in lieu fee alternative frustrates the premise of the trust fund which relies upon the aggregate fees to develop off-site parking or implement needed enhancements to public transportation.

It is recognized that the Coastal Commission is greatly concerned with the availability of public and on-street parking to facilitate access to the beaches and other coastal-dependent uses. The project, in conjunction with the fees collected for other, similar projects, will result in additional parking availability, public transportation enhancements, or a combination of both.

As such, this 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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

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.**

Applicant:

This project is not located between the nearest public road and the shoreline.

Zoning Administrator:

The property is located approximately 3,000 feet (0.56 miles) northeasterly from the public right-of-way known as Ocean Front Walk. Ocean Front Walk separates commercial and residential development on the east from the beach on the west. Between the subject property and Ocean Front Walk is a popular commercial strip along Abbot Kinney Boulevard, a well-established Low Medium density residential neighborhood, a small center commercial along Windward Avenue between Main Street and Ocean Front Walk, and a linear, multi-block public lot along Venice Boulevard.

The property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and, as discussed in Finding No. 1, above, the development is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976.

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

The change of use in a portion of the existing building from artist-in-residence to artist-in-residence and retail is not anticipated to result in any unmitigated adverse environmental impacts, and was determined to be categorically exempt from the provisions of California Environmental Quality Act ("CEQA"). The environmental clearance prepared for the proposed development is appropriate pursuant to CEQA.

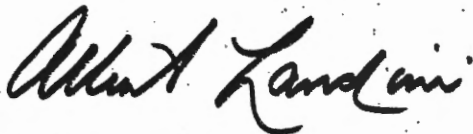
7. The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].

No existing dwelling unit, affordable or otherwise, will be removed from the property, and no new dwelling units will be constructed as a part of the proposed project. Consequently, the provisions of California Government Code Section 65590 do not apply to this request.

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 B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.
9. On September 22, 2014, the subject project was issued a Notice of Exemption, log reference ENV 2014-0278-CE, for a Categorical Exemption, Class 32 (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Jonathan A. Hershey, Planning Staff for the Office of Zoning Administration at (213) 978-1337.



ALBERT LANDINI
Associate Zoning Administrator

AL:JAH:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners



West Los Angeles Area Planning Commission

200 North Spring Street, Room 272, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

TO: California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Mailing Date: DEC 02 2014

Case No.: ZA-2014-277-CDP-1A
Address: 1511 South Abbot Kinney Boulevard
Plan Area: Venice
Council District: 11

RECEIVED
South Coast Region

DEC 10 2014

FROM: West Los Angeles Area Planning Commission

CALIFORNIA
COASTAL COMMISSION

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Applicant name/address

Simon Lavi
307 N. Saltair Avenue
Los Angeles, CA 90049

Representative name/address

Shannon Nonn
8955 Geyser Avenue
Northridge, CA 91324

The above-referenced Coastal Development Permit was approved effective DEC 02 2014, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on November 19, 2014. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

Appeals must be filed within a 20 working-day appeal period, to be determined by the South Coast District Office of the Coastal Commission in accordance with said Commission's procedures.

- () The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.
- (X) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20-working-day period the applicant may proceed with the subject project.

Attachments: Coastal Development Permit / Commission Determination Report
Zoning Administrator's Determination
Miscellaneous relevant documents

cc: Applicant and Applicant's Representative (Notice, Coastal Permit/APC Determination)
APC Determination Report mailing list (Notice & Coastal Permit/APC Determination)

COASTAL COMMISSION
A-5-VEN-15-2002
EXHIBIT # 3
PAGE 1 OF 3



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: DEC 02 2014

CASE NO: ZA-2014-277-CDP-1A
CEQA: ENV-2014-278-CE

Location: 1511 South Abbot Kinney Boulevard
Council District: 11
Plan Area: Venice
Zone: C2-1-O-CA

APPLICANT: Simon Lavi
Representative: Shannon Nonn

APPELLANT: James Murez

At its meeting on **November 19, 2014** the West Los Angeles Area Planning Commission failed to act on Case No. ZA-2014-277-CDP-1A.

The Commission's failure to act results in the automatic denial of the appeal and reaffirmation of the determination of the Zoning Administrator to approve a Coastal Development Permit for a change of use and reduction in building size from a 3,820 square-foot Artist-in-Residence dwelling unit to a 3,465 square-foot building containing a 1,106 square-foot Artist-in-Residence dwelling unit and 2,359 square-foot commercial retail space, within an existing three-story building with an attached garage, located within the Single-Jurisdiction Area of the California Coastal Zone, and the Zoning Administrator's decision to adopt the action of the Lead Agency in issuing Categorical Exemption ENV-2014-0278-CE as the environmental clearance for this action.

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

This failure to act resulted from the following vote:

Moved: Commissioner Halper
Seconded: Commissioner Donovan
Ayes: Commissioners Halper and Donovan
Noes: Commissioners Margulies and Merritt
Absent: Commissioner Waltz Morocco

Vote: 2 - 2

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

COASTAL COMMISSION
A-5-VEN-15-004
EXHIBIT # 3
PAGE 2 OF 3

The Coastal Development Permit is effective at the City level on the mailing date of this determination. The Coastal Development Permit is not further appealable at the City level, but appealable only to the California Coastal Commission – South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this determination, will establish the start of the 20-day appeal period.

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: Zoning Administrator's Decision Letter dated October 2, 2014

cc: Notification List
Jonathan Hershey
Albert Landini
Linda Clarke

COASTAL COMMISSION
A-5-VEN-15-0002
EXHIBIT # 3
PAGE 3 OF 3

RECEIVED
South Coast Region

JAN 8 2015

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 591-5084

CALIFORNIA
COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Robin Rudisill

Mailing Address: 3003 Ocean Front Walk

City: Venice

Zip Code: CA

Phone: 310-721-2343

SECTION II. Decision Being Appealed

1. Name of local/port government:

Venice/L.A.

2. Brief description of development being appealed:

Change of use fr SFD to commercial retail w/residential, parking to be purchased using the In Lieu Parking Fee

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1511 Abbot Kinney Blvd. (cross street Santa Clara Ave), Venice, CA 90291, APN: 423-800-3040

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☐ Approval with special conditions:
☒ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-Ven-15-0002

DATE FILED: 1-6-15

DISTRICT: South Coast

COASTAL COMMISSION

A-5-VEN-15-0002

EXHIBIT # 4

PAGE 1 OF 11

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

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.

Please note that I am filing this appeal as an individual, not on behalf of the LUPC or the VNC.

I am very reluctantly filing this Appeal and believe that I must do so for 2 reasons:

1. The recent Appeal decision by the West L.A. Area Planning Commission did not represent "due process," as the Commission appeared to be more worried about following the City Attorney's instructions than in listening to the merits of the Appeal and making a meaningful decision...in other words, I do not believe that the City Appeal was a fair hearing/due process and thus this issue/appeal still needs an Appeal review that is done fairly; and
2. The Councilperson for the district announced that he would be amending the Venice Coastal Zone Specific Plan to increase this fee to a more representative amount reflecting the fair value of the parking, and will include an index for COLA type increases, which should have been done years ago, but as he knows this will take a very long time to do this and he is not putting a hold on use of the In Lieu fee in the meantime, which is often what is done in such a situation. Thus, he is allowing for developers to try to take full advantage of Venice by using the current, lower, in lieu fee to pay for parking for their projects, creating a one-time, gigantic windfall for these owners/developers, with a corresponding detrimental adverse, gigantic impact to Venice and our visitors.

The concerns are:

1. Use of the in lieu fee and not providing actual parking is clearly resulting in a cumulative adverse impact on parking and traffic in this area, which is a beach tourist area and coastal access area, as no parking is provided and funds that are woefully inadequate in representing the value of the parking have been going into a City fund that has not been used to create any parking. CEQA may not require a review for individual projects of this size, but it clearly DOES require a review when the cumulative impact of successive projects of the same type in the same place may be significant (City of L.A. Environmental Quality Act Guidelines, page 26), which clearly is the case here.
2. No Loading Zone is being required for this commercial business, which MUST not be allowed for any commercial business, especially ones where parking and traffic are already a serious and very significant problem for tourists, residents and business owners alike.

If there is inadequate parking available for the commercial businesses, perhaps projects should be delayed or contingent on the parking becoming constructed or otherwise available via shuttle buses, etc. Other options for parking MUST be considered, as use of the In Lieu Fee is creating a cumulative adverse impact that cannot and should not be tolerated. The City has proven that they will not address this, thus we request that the Coastal Commission does so. Also, perhaps the Abbot Kinney area should be looked at for use by the Artcraft population, as is a preferred use as per the Venice Land Use Plan.

COASTAL COMMISSION
A-5-VEN-15-0002
EXHIBIT # 4
PAGE 2 OF 11

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

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CALIFORNIA
COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: James Murez

Mailing Address: 804 Main St

City: Venice

Zip Code: 90291-3218

Phone: 310-399-1490

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Change of Use from Single Family Dwelling to Commercial Retail with Residentail, proposed parking to be purchased in-lieu or provided by bicycles.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1511 AbbotKinney Blvd., Venice, CA 90291, APN: 4241036012, @ Palms Blvd.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☐ Approval with special conditions:
☒ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-Ven-15-0002

DATE FILED: 1-6-15

DISTRICT: South Coast

COASTAL COMMISSION
A-5-VEN-15-0002

EXHIBIT # 4

PAGE 3 OF 11

In this appeal, I'm asking the California Coastal Commission (CCC) to consider several policy issues the City of Los Angeles is imposing which, I believe relate to visitor and stakeholder parking in Venice California. These considerations need to realize a fundamental disconnect between the CCC Certified Land Use Plan (LUP) and the Venice Coastal Zone Specific Plan (VSP), an LA City Municipal Code document which binds them to their own law. These laws include an In-Lieu parking buyout program that has been in place since 1988 and in the twenty-eight years since over \$1m has been collected and yet not a single new parking space has been created with these funds.

I have exhausted the local permitting process. I started with the Venice Neighborhood Council, who unanimously agreed with my opinion and asked the City to deny this application. That request fell on deaf ears. After exhausting the City appeal process, I'm wondering if coastal access includes being able to park automobiles in the Venice region or if this is an ideal I grew up believing in that is as outdated as wiring telephones together with copper.

My primary argument is the lack of looking at the region as a whole and the net effects individual projects have on accumulated impacts. Does an In-Lieu parking buy out policy work when revenues collected reflect huge dollar discounts of the real costs to replace the said required parking? This concept suggests a reality of wanting to fight a battle you know you will lose: collect \$1 for every \$10 you commit to spend.

Other issues also exist, such as if bicycle parking really replaces required automobile parking in a coastal community like Venice. The proposed project is allowed under a recent Citywide approved Ordinance to offset twenty percent of their required parking with bike spaces at a four to one ratio. Bicycle access to local businesses makes a lot of sense, but visitors need to have someplace to park near the bike rental shops before required visitor parking can be deferred to bikes. Furthermore, the City has installed two bike corrals on Abbot Kinney and they almost always have spaces available. Bikes are not currently a reality for visitors who come from out of the area.

This project request implies additional impacts by not providing a commercial loading space. This condition is required in the Los Angeles Municipal Code (LAMC), but was not referenced in the ZA Findings or Determination. The lack of providing such a loading space suggests public on-street parking will be removed to provide a restricted yellow loading zone curb. This condition will further make it difficult for coastal visitors. (See LAMC Sec. 12.21 C.6.) The City might argue Abbot Kinney now is striped with a center lane where loading and unloading commercial trucks occurs all the time. This is a true statement but stops short of considering this is a painted consideration that a year ago did not exist and can be removed at any time LA DOT chooses to try another option. It further does not consider the traffic impacts which are created when a busy street is littered with people and trucks working in the center lane. These traffic impacts have not been studied because LAMC provides a requirement of a Loading Space on ALL commercial projects. Why is it omitted here? On a side note, parking in the median is prohibited unless LA DOT posts signs allowing such actions and, guess what? No such signs exist today!

COASTAL COMMISSION
A-5-VEN-15-0002
EXHIBIT # 4
PAGE 4 OF 11

With Case No. ZA 2014-277-CDP dated Dec. 2, 2014, LA City erred by issuing this permit. They did not consider the accumulated impact of allowing a Change-Of-Use to occur which intensifies the site beyond that which would have been allowed at the time the project was originally constructed six years ago.

Before the City should be allowed to sell In-Lieu parking spaces for new developments, they need to demonstrate that existing commitments have been satisfied. These unsatisfied needs exist because the City has a policy to allow existing non-conforming properties to receive parking credits ("grandfathered rights") which in turn create phantom (nonexistent) spaces.

The intent of In-Lieu parking credits being a purchasable commodity goes hand-in-hand with the idea of adapting the historic structures of Venice to a current use that fits into the community needs. This policy only exists for existing project and does NOT apply to new construction, such as this project six years ago. In the case of this project, the applicant owns a recently constructed building that lacks adequate parking for their original proposed use. But the building is not historic and meets the current vision for the designated site, Artist-In-Residence (AIR). For that matter, Abbot Kinney Blvd incorporates a special "CA" zone overlay which further grants the AIR use additional rights. These conditions were all adopted into the LUP and the VSP many years prior to this project applying for new building construction permits. This project is a new building for all intents and purposes and does not qualify for anything that might today be considered historic and needing to adapt to a changed community.

This project was granted an option to purchase parking spaces under the In-Lieu policy of the VSP without consideration to the State requirements of the LUP. The VSP offers these spaces at a fixed rate which was established in 1988 of \$18,000. This dollar amount is very out of date and is in direct conflict with the State approved LUP which states the amount should reflect current cost of providing such a space. In an effort to more fully understand the implications of the In-Lieu policy of these documents, in 2012 the City incorporated into the West Los Angeles Transportation Mobility Study a sub study to evaluate the concept of such parking plans. In their own words, at a dollar rate of \$50,000 the surrounding cities that have tried to implement such programs are struggling to make them break even. The study also noted the land value to create replacement parking was NOT factored into the \$50k cost. In-Lieu Parking study attached for reference.

Side note, without knowing what a parking structure might look like that could house the current commitments, I can offer that commercial land value for a 2700 SF lot is estimated around \$2.5m. Factor in the height restrictions and cost of building a fully automated parking structure to maximize the number of cars that could fit on such a lot, the cost of land would add another \$80,000 per stall.

The City knows they erred by discounting In-Lieu fees on this project. The Councilman has filed a request with the City Council to have this code section revised, but this could take several years. In the meantime, the VSP allows the \$18k rate and since it is an adopted City ordinance, the fee is locked in law. So rather than deny the project and risk a lawsuit, they approved it and assume they will fix the shortcoming someday. This is fundamentally wrong and deteriorating the quality of life out of our community.

The City is allowing this project an option to incorporate Bike Parking in place of providing required automobile spaces. This policy is not approved in the State LUP and really has no basis or foundation to

COASTAL COMMISSION
A-S-VEN-15-0002
EXHIBIT # 4
PAGE 5 OF 11

show such an allowance will not negatively impact visitor access to this coastal region. When we think about Venice beach as a coastal resource and that it should be available to visitor access, I ask myself, are we talking about visitors who might live in Santa Monica or Mar Vista where the current bike paths extend to or are we bound by a higher standard and need to consider the visitor who wants to see the Pacific Ocean and has traveled from the state of Ohio or across the ocean? If we need to allow access to these more distant visitors, then we must provide accommodations for them to park within bicycle distance. Because the City has not constructed any visitor parking structures within several miles of the beach, I do not believe this need is being addressed. Should the City create alternate services (parking structures or a shuttle system) that address visitor needs, then bike parking makes a lot more sense in my mind. This just seems like the cart is leading the horse!

The accumulated impacts of In-Lieu parking must be considered. In two separate appeals filed with the City they refused to consider these impacts. The City Zoning Administrator cited individual projects of this size do not justify a CEQA review and the only mechanism they have to consider regional impacts is such a study - basically their hands are tied. Again, I think the City erred by not considering the coastal access impacts of over development which they are creating by not mandating adequate parking for the property uses.

In a one day effort, I surveyed the current property uses and, to a great extent, discovered what parking was available on Abbot Kinney. In summary, there are approximately 225 buildings (sites) on Abbot Kinney between Main St and Venice Blvd. Of these sites, 51 include parking (about 373 spaces) and 136 sites have zero parking. These numbers further break down by property Use, as follows: Offices: 31, Retail: 105, Artist-In-Residence: 28, Restaurant: 17, Takeout Food: 8. But what I was unable to determine was how many are operating without valid permits (hmm... the house that is now a retail store or the office that removed their parking to operate an exercise gym).

I believe the City MUST determine what is and is not allowed in their permit records and then publish a real number which documents the extent of "Grandfathered Credits". Only after such credits are known can visitors and the local community realize and appreciate newly created public parking. I believe the deficit is growing as the City issues remodel and change-of-use permits. And In-Lieu credits are only worsening the visitor access by further increasing the intensity of development without providing mitigating solutions.

On a last point to the ZA's approval writings talk about several "Surrounding Properties" are sited which seem to add credibility to the issuance of this permit. However, this could not be farther from the truth. For example, 1421 AK (ZA 2013-1986-CDP) was withdrawn but the tenant is going ahead and using it for offices and retail only without a new CDP. 1420AK (ZA 2013-1466 CDP) this is an original early 1900's Venice home that had a second over the garage unit added to it. The owner/applicant proposed to comply with all parking requirements on-site. The community supported retaining this historic structure and was not opposed to in-lieu parking if required. 1635AK (ZA 2012-0246 CDP) This older redbrick building dates back to the early 1930's. It has always been used for commercial uses. Parking requirements were achieved for the restaurant through Grandfathered Credits for all but one space which was purchased in 2000 as In-Lieu. The community supported the reuse of this site. 1633AK (ZA 2012-0244 CDP) this project received In-Lieu parking credits over ten years ago. They converted upstairs

COASTAL COMMISSION

A-5-VEN-15-0002

EXHIBIT # 4

PAGE 10 OF 11

to service floor area without permits and continue to violate their existing CDP. When this matter came before the community in-lieu parking options were not considered since the City took funds from this project in the past and has still not created any mitigating parking. 1524 AK (ZA2012-1396-CDP) was a remodel of a craftsman house that had been use for offices as far back as City records could reflect. In the case the applicant did not increase the original foot print of the building and maintained the original roofline. The prior parking space that was on site was required to be converted to handicap and therefore, to legalize the change of use and comply with ADA, in-lieu parking was purchased. This project was NOT new construction. 1319AK (APCW 2011-1152 CDP) this site had illegally converted all their onsite parking to retail, the ZA approved an In-Lieu parking purchase which was over turned by the WLA Planning Commission. This is a new building that was causing Venice to be overdeveloped without providing adequate parking. The list of cases on Abbot Kinney goes on in the ZA Determination but at the end of the day they do not justify why this project should receive In-Lieu parking on a building that received the a Certificate of Occupancy in 2008.

Lastly the ZA sites 1136 AK, an identical project to 1132 AK the former Jack Spade retail store that has been an illegal use of a single family house for many years. This project like 1132 AK rubs mud in the face of the approval process. The project at 1132 was proposed to the Neighborhood Council as a remodel. When plans were requested the owner/developer (same as 1136) postponed presenting anything claiming he was in redesigning. As a result this project never came before the local communities before the permits were issued and construction started. The project was approved as a remodel with 9 in-lieu parking spaces. When construction started everyone was in shock, how could the City approve leaving a small portion of a single wall (that was moved to pour foundations during the construction) and classify it as a remodel. The community filed permit violation complaints but the City tuned their heads claiming it was approved. After the few studs that made up the so called original wall were relocated, they became an interior closet face frame. Photographs are attached of 1132 AK project so you can judge for yourself, was this really a remodel which should grant them the rights to prior entitlements including being allowed to buy In-Lieu parking (an option that only allowed for existing projects). Shame on the community for being gullible, shame on the City for approving this project and then having the nerve to reference an identical farce at 1136 AK as an approvable example in these case findings.

Please deny this and all other In-Lieu parking requests until the City increases the fees to address replacement costs and demonstrates the ability to provide parking or a multimodal transportation solution that mitigates the impacts herein.

####

Attachments:

LAMC Sec. 12.21 C.6. excerpt

West Los Angeles Transportation Mobility Study, In-Lieu Parking

1132 AK Photos

COASTAL COMMISSION
A-5-VEN-15-0008
EXHIBIT # 4
PAGE 7 OF 11

LAMC Sec. 12.21 C.6. (excerpt)

http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:lapz_ca

SEC. 12.21 GENERAL PROVISIONS.

12.21C6 Loading Space.

(a) A loading space shall be provided and maintained on the same lot with every hospital, hotel, or institution building. A loading space shall be provided and maintained on the same lot with every building in the C or M Zones where the lot on which said building is located abuts an alley, provided that when the lot is occupied by a use, such as a service station or a drive-in business, in which the building covers less than the total buildable area, a suitable loading space must be provided, but it need not comply with all the provisions of this section if its location, size and means of access are approved by the Department of Building and Safety. (Amended by Ord. No. 174,769, Eff. 9/26/02.)

EXCEPTION: No loading space shall be required on a lot that abuts an alley in the C Zone when all the buildings are erected, structurally altered, enlarged or maintained and used solely as dwellings or apartment houses. (Amended by Ord. No. 174,769, Eff. 9/26/02.)

(b) Every required loading space shall be so located and arranged that delivery vehicles may be driven upon or into said space from the alley. Such loading space shall have a minimum height of 14 feet and shall be directly accessible through a usable door not less than three feet in width and not less than six feet six inches in height opening from the building it is to serve. (Amended by Ord. No. 138,685, Eff. 7/10/69.)

(c) Every required loading space shall have a minimum area of 400 square feet, a minimum width of 20 feet measured along the alley line, and a minimum depth of ten feet measured perpendicularly to the alley line except as hereafter provided in this Subsection. Such loading space may be furnished within a building where said building is designed and arranged to include accessible loading space equivalent to that required by this subdivision.

(d) The required loading space shall have a minimum area of 600 square feet where the gross floor area of all buildings on the lot exceeds 50,000 square feet, but not more than 100,000 square feet, a minimum area of 800 square feet where the gross floor area of all buildings is between 100,000 and 200,000 square feet, and shall be increased by an additional 200 square feet for each additional 200,000 square feet or fraction thereof of gross floor area in the building.

(e) The required loading space, on lots less 40 feet in width, shall extend across the full width of the lot at the alley line, but need not exceed 10 feet in depth.

(f) No loading space shall be required on a lot on which a building, other than a residential building, is to be erected, structurally altered, or enlarged, and on which there is an existing separate building being lawfully maintained adjacent to the alley in such manner as to prevent the establishment of the loading space required by the provisions of this subdivision. (Amended by Ord. No. 130,952, Eff. 11/8/65.)

(g) No loading space shall be required on unusually shaped lots, oddly located lots, or on hillside lots, when waived by the Department of Building and Safety as provided for in Sec. 12.26-B.

(h) Any loading space being maintained in connection with an existing main building shall be maintained so long as the building remains, provided, however, that this regulation shall not require the maintenance of more loading space than is herein required for a new building, nor the maintenance of such space in any other zone or for any other buildings than those specified herein.

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COASTAL COMMISSION

A-5-VEN-15-0002

EXHIBIT #

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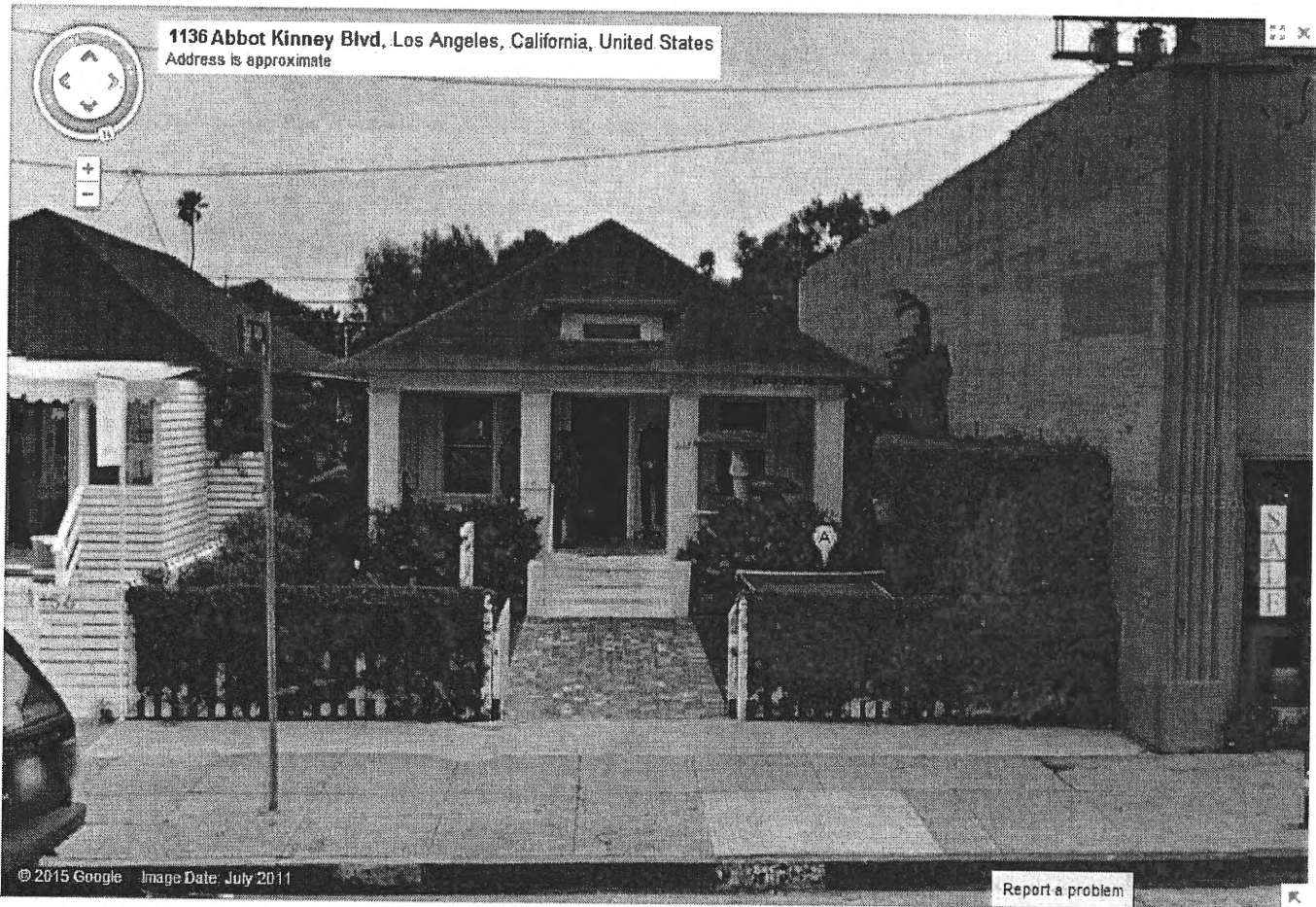
8

OF

11

1132 Abbot Kinney Photos
Before – During – After

This first picture was taken from Google maps. It shows the before retail store occupying the old house.



COASTAL COMMISSION
A-S-VEH-15-0002
EXHIBIT # 4
PAGE 9 OF 11

This second photograph of 1136 AK was taken shortly after construction began. Notice the a small portion of a stud framed wall. These walls had to be removed to make way for new building foundation was poured along the property lines. I understand portions of the right most wall were restored near their original location and used for an interior closet wall.



COASTAL COMMISSION
A-S-VEN-15-0008
EXHIBIT # 4
PAGE 10 OF 11

The third and final photo shows the nearly complete new building. There are no side or front setbacks and no sign of anything that was remodeled.



COASTAL COMMISSION
A-S-VEN-K-0002
EXHIBIT # 4
PAGE 14 OF 14



Venice In-Lieu Parking Fee Study

FINAL REPORT

July 2012

COASTAL COMMISSION

A-5-VBN-15-0002

EXHIBIT # 5

PAGE 1 OF 32

Table of Contents

Executive Summary	0-1
Introduction	0-1
Summary of Section 1- Policy Review	0-1
Summary of Section 2- Financial Evaluation.....	0-1
Summary of Section 3- Findings and Recommendations	0-2
Section 1 Policy Review.....	1-1
1.1 Venice Local Coastal Program (LCP) Land Use Plan (LUP)	1-1
1.2 Venice Coastal Zone Specific Plan Section 13E	1-3
1.3 Venice Coastal Parking Impact Trust Fund Section 14.....	1-3
Section 2 Financial Review	2-1
2.1 Methods of Collection	2-1
2.2 Cost Evaluation.....	2-1
Mechanical Stackers.....	2-2
Automated Parking.....	2-3
Valet Parking	2-3
Shuttle to Satellite Parking.....	2-5
2.3 Parking Restrictions and Revenue Collection Methods	2-6
Parking Restrictions on Parking Built by In-Lieu Funds.....	2-6
Revenue Collection Methods.....	2-6
Section 3 Findings and Recommendations	3-1
3.1 Parking Credits vs In-Lieu Fee Analysis.....	3-1
3.2 In-Lieu Fee Program Case Studies	3-1
Beverly Hills.....	3-1
Santa Monica	3-2
West Hollywood.....	3-3
Ventura.....	3-4
Pasadena	3-4
Venice	3-5
3.3 Recommendations	3-6
In-Lieu Fee Recommendations.....	3-6
Maximizing Efficiency of Current Parking Supply	3-6

List of Figures

Figure 2-1 Submarine Bus -1970s.....	2-6
Figure 2-2 Public Parking Lot Location Map	2-9

List of Tables

Table E-1 Comparison of Fees.....	0-2
Table 2-2 Valet Wait Times – Level of Service (LOS)	2-4
Table 2-3 On-Street Inventory	2-7
Table 2-4 Public Parking Lot Rates	2-8
Table 2-5 Parking Concepts Lot Operation Information	2-10
Table 3-1 Years for Parking Credits to Equal In-Lieu Fee (Static Fee).....	3-1
Table 3-2 Years for Parking Credits to Equal In-Lieu Fee (Inflation Indexed Fee)	3-1
Table 3-3 Parking Garage Costs.....	3-2
Table 3-4 Construction Costs for Venice Surface Parking	3-5

List of Appendices

Appendix A	Policy & Code Excerpts
Appendix B	Parking Credit Accumulation

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COASTAL COMMISSION

A-5-VEN-15-0008 E-iii

EXHIBIT # 5

PAGE 4 OF 32

Executive Summary

Introduction

The Venice Coastal Zone is one of the most heavily utilized beach recreation areas in Southern California. The shoreline access issues in the Venice Coastal Zone include inadequate on-street and off-street parking near or on the beach frontage for visitors and residents, conflicts between residential and beach visitor parking, signage of available parking on weekends, and intrusion of non-resident vehicles on residential and business streets.

This report comprises:

- A policy review of the Venice Coastal Program Land Use Plan, the Venice Coastal Zone Specific Plan and the parking Trust Fund for parking-related policies to ensure that recommendations are consistent with and support the policy goals of increasing beach access;
- A financial evaluation of in-lieu fee programs, alternative access applications and revenue collection methods; and
- Local case studies and recommendations for Venice.

Summary of Section 1- Policy Review

The Venice Coastal Land Use Plan sets the boundaries of the Venice Coastal Zone and the goal of maintaining and enhancing access to the coast with adequate parking facilities and public transportation. There are 11 policy topics regarding parking and the study summarizes six of the topics which have particular relevance to the in-lieu fee program and the projects the funds may be used for (e.g., intercept lots, shuttle service, valet service, shared parking).

The Venice Coastal Zone Specific Plan Section 13E – Beach Impact Zone Parking Requirements provides the policy language for the in-lieu fee, set to \$18,000 per space for commercial, industrial, and multi-family residential units. Section 14 – Venice Coastal Parking Impact Trust Fund dictates that funds are collected by LADOT and can be used for parking improvements and shuttle buses.

Summary of Section 2- Financial Evaluation

Deciding whether to collect in-lieu fees in a lump sum or by annual payments is dependent on several factors. These include expected future development patterns, land use mix, policy goals, expenditures allowed, and whether the fee is charged to tenants or property owners.

This section also evaluates the types of parking improvements and programs that the in-lieu fee could fund. The general costs of constructing parking structures (above and below grade), mechanical stackers, automated parking, valet parking, and shuttle service to satellite parking are outlined based on existing facilities/programs in other cities.

A sample of current parking rates in Venice and Abbot Kinney are provided as a baseline for what amount the additional spaces could charge, should on- or off-street parking supply be expanded.

Summary of Section 3- Findings and Recommendations

This section provides a series of case studies summarizing in-lieu fee programs in nearby cities including Beverly Hills, Santa Monica, West Hollywood, Ventura, and Pasadena.

Beverly Hills, West Hollywood, and Ventura set in-lieu fee rates on a per space basis and collected as a lump sum while Santa Monica set their rates based on square footage and collected annually. West Hollywood devised payment plans for those who could not afford to pay upfront. Beverly Hills has a special line item in their fee schedule for restaurant expansion that requires a lower fee. Restaurants are also allowed to pay in installments.

Beverly Hills and Ventura adjust their rates annually based on the Consumer Price Index (CPI), while Santa Monica and West Hollywood make no adjustments. In the case of Santa Monica and Pasadena, rates for their fees (whether in-lieu or parking credit) could not be increased until their bonds matured. Beverly Hills had the highest in-lieu fee rate of about \$47,000 per space, while West Hollywood and Venice had the lowest fees. **Table E-1** compares the rates as parking impact fees per 1,000 square feet.

Pasadena and West Hollywood both have parking credit programs. Pasadena's parking credit program was established to encourage economic growth by providing a way around parking requirements in an area with limited opportunity for expansion. West Hollywood's parking credit program was established to allow the city to effectively manage and utilize existing parking spaces more efficiently, enabling businesses to utilize existing parking resources to satisfy parking requirements. The program is for a commercial area and based on parking supply and utilization rates. In all cases, fees collected were not sufficient to cover the full cost of parking and thus were supplemented with other funding sources.

Table E-1 Comparison of Fees

Cities	a. In-Lieu Fee (Credit)	b. Parking Requirement for retail (spaces/1,000 s.f.)	Parking Impact Fee (fee/1,000 s.f.)
Beverly Hills	\$47,000/space ¹	2.9	\$136,000
Santa Monica	\$1.50/square foot annually	N/A ²	\$1,500 annually
Ventura	\$25,000/space	3.3	\$83,000
Venice	\$18,000/space	4.4	\$80,000
West Hollywood	\$20,000/space ³	3.5	\$70,000
West Hollywood	(\$375/space)	3.5 ⁴	N/A
Pasadena	(\$155/space)	3 ⁵	N/A

Notes:

1. \$47,007.40 for inner CBD core, \$37,605.80 for mid-CBD, and \$28,284.60 for outer-CBD.
2. Santa Monica calculates their fee based on square footage and not by parking space; therefore the parking requirement was not required to calculate the impact fee by 1000 square feet
3. As of March 19, 2012, the in-lieu parking fee had been eliminated and replaced by parking credit program by City Council.
4. No parking required for expansions in parking credit district.
5. No parking required for expansion in Old Pasadena.

Parallels can be drawn between Venice's current parking and development situation and that of Pasadena and West Hollywood in that there is limited opportunity for expansion. A parking credit program would allow the city to collect fees, assign credits and apply those fees to programs that improve access in and around the district.

A parking credits program can be supplemented with a valet parking program to improve service for public access to areas of high demand. To maximize efficiency of existing parking spaces, the implementation of intercept/satellite lots serviced by a shuttle system that could bring people to the beach or other areas with high parking demand is recommended.

Mechanical stackers and automated garages were considered for their ability to increase existing parking capacity. Mechanical stackers are typically two levels and used primarily for residential developments, thus not appropriate for public parking. Automated garages are more appropriate for public garages with a regular flow of customers. Further, they require only half the volume of conventional garages since they do not require ramps, aisles, elevators, and stairs. A recent example in West Hollywood has an estimated capital cost reported by the builders to be 90 percent of that of a conventional garage (\$53,000/space) on the same site. This option may be considered if a new facility is warranted.

The city may opt to retain the current in-lieu fee program for larger developments and uses that tend to have less tenant turnover (such as new office and residential and large mixed-use with limited retail) while developing a parking credits program for infill and smaller businesses that tend to have shorter-term leases and greater turnover (e.g., restaurant, retail and personal services). Finally, before an appropriate fee level can be estimated more data will be needed on the existing occupancies of potential satellite lots and the development and desired extent of a shuttle bus program to serve the study area.

Section 1

Policy Review

The following section is a summary of the pertinent goals and policies and implications from the Venice Coastal Program Land Use Plan, the Venice Coastal Zone Specific Plan, and the Venice Coastal Parking Impact Trust Fund.

1.1 Venice Local Coastal Program (LCP) Land Use Plan (LUP)

The Venice Local Coastal Program (LCP) Land Use Plan (LUP) establishes the goals and defining policies (kinds, location and intensity of uses) of the LCP.¹ This includes policies for locating and planning new development, shoreline access, recreation, water, marine and sensitive habitats and public works in the Venice Coastal Zone. In some cases, implementation strategies are provided.

The LCP LUP addresses Section 30252 of the California Coastal Act, which states: "The location and amount of new development should maintain and enhance public access to the coast by... providing adequate parking facilities or providing substitute means of serving the development with public transportation."²

With respect to parking and alternative transit and traffic management, Policy II covers the LUP relevant policies in detail with 15 specific sub-areas. Of the 15 areas³, eight topics that directly pertain to this study are extracted and summarized (see bolded policies below). Each of the relevant sections is excerpted for reference in Appendix A.

Policy II. A. 1. General

Policy II. A. 2. Expansion of Public Beach Parking Supply

Policy II. A. 3. Parking Requirements

Policy II. A. 4. Parking Requirements in the Beach Impact Zone

Policy II. A. 5. Intercept Parking Lots

Policy II. A. 6. Preferential Parking

Policy II. A. 7. Metered Parking on Abbot Kinney Boulevard

Policy II. A. 8. Signage and Management of Public Beach Parking

Policy II. A. 9. Protection of Public Parking

Policy II. A. 10. Valet Parking

Policy II. A. 11. Shared Parking

Policy II. B. 1. Public Transportation

Policy II. B. 2. Beach Bus Service

Policy II. B. 3. Shuttle System

Policy II. B. 4. Traffic Management

¹ The LCP LUP indicates the kinds, location and intensity of uses as well as necessary resource protection and development policies.

² Venice LCP LUP, pp II-3.

³ Venice LCP LUP, pp III-5-19.

⁴ In no event shall the number of required spaces be less than two parking spaces for commercial and industrial projects.

⁵ Venice LCP LUP, pp II-3.

³ In no event shall the number of required spaces be less than one parking space for residential projects (unless project has less than 3 dwelling units), pp III-5-19.

The policies pertaining to this study, along with potential implications that each particular policy could impose on the proposed in-lieu fee program, is summarized and reviewed in the paragraphs below.

Policy II. A. 1. General

The general policy establishes the goal of providing increased access, with sufficient parking and supporting alternative strategies, to Venice Beach for both visitors and residents. The in-lieu fee program can be designed to support increased access by better managing parking supply to be used more efficiently.

Policy II. A. 2. Expansion of Public Beach Parking Supply

The expansion policy establishes the goal of providing more parking by either maximizing the supply in existing parking lots or building new facilities. Funds from the in-lieu fee program can go towards converting existing lots to public parking or sharing parking spaces with existing underutilized lots.

Policy II. A. 5. Intercept Parking Lots

The intercept lots policy establishes the goal of providing more parking by remote lots that are well-signed and serviced by shuttles. Funds from the in-lieu fee program can go towards the operational costs of running a shuttle, converting existing lots or constructing new lots, and developing a signage program. Potential remote lots include: the Marina Business Center lot on Glencoe Avenue served by the existing Venice DASH shuttle service, future parking to be provided by the Channel Gateway project in accordance with its development agreement, and the Westminster School.

Policy II. A. 6. Preferential Parking

The preferential parking policy establishes the goal of maintaining the total supply of public parking spaces when establishing a residential parking permit district. Funds from the preferential parking program can cover the administrative costs of running the program and contribute to alternative access programs.

Policy II. A. 10. Valet Parking

The valet parking policy provides the enabling code to establish a universal valet program. The major goals are to ensure valet service for the general public and to make sure that valet storage vehicle lots will not conflict with the need for public parking. Funds from the valet program can cover the administrative costs of running the program and contribute to the in-lieu fund.

Policy II. A. 11. Shared Parking

The shared parking policy provides the enabling code to establish shared parking for commercial uses. The major goals are to ensure that the program will not decrease access for the general public. Funds from an in-lieu program can contribute to parking studies to explore shared parking opportunities.

Policy II. B. 2. Beach Bus Service and Policy II. B. 3. Shuttle System

These policies provide the enabling code to establish a shuttle program with the goal of increasing beach access. The implementation strategies provided offer potential routes and satellite parking lots at Mildred Avenue and potential inland standby parking facilities (e.g., schools). Funds from the in-lieu fees and development fees could be applied toward funding the program.

1.2 Venice Coastal Zone Specific Plan Section 13E

The Venice Coastal Zone Specific Plan provides regulations in addition to those set forth in the Los Angeles Municipal Code (LAMC). The overall purpose of the plan is to implement the policies of the Coastal Act and LCP LUP. In particular, the plan assures that public access to the coast is provided.

With respect to parking, the plan specifically establishes parking requirements and in-lieu fees for all Venice Coastal Development Projects located within the Beach Impact Zone. The requirements are outlined as follows:

- One parking space for each 640 square feet of floor area of the Ground Floor for commercial and industrial uses.⁴ A fee of \$18,000/space may be paid in-lieu of up to 50 percent of the required parking.
- One parking space for each 1,000 square feet of the floor area of the Ground Floor for multi-family residential.⁵ A fee of \$18,000/space may be paid in-lieu of up to 100 percent of the required parking.

The Venice Coastal Zone Specific Plan establishes parking requirements, current in-lieu fee program and fees for residential, commercial and industrial uses. This is a development-based fee and it does not appear that there are alternative options for changes in use (adaptive reuse) or infill development.

1.3 Venice Coastal Parking Impact Trust Fund Section 14

The Venice Coastal Parking Impact Trust Fund establishes location and type of expenditures, and designates department of management for the Venice Coastal Parking Impact Trust Fund. The Trust Fund Policy allows funds to be used for parking mitigation measures in, adjacent to or serving the Beach Impact Zone. Potential improvements include but are not limited to development of parking facilities and improvements and operation of shuttle buses to remote/intercept parking lots. The Department of Transportation collects the funds that go into the Trust Fund, and the General Manager of the department authorizes expenditures.

The Trust Fund establishes the mechanism to collect and dispense monies for parking improvements in the Beach Impact Zone. There is flexibility in the use of the funds for non-parking transportation-related access improvements in the Beach Impact Zone, such as

⁴ In no event shall the number of required spaces be less than two parking spaces for commercial and industrial projects.

⁵ In no event shall the number of required spaces be less than one parking space for residential projects (unless project has less than 3 dwelling units).

Section 2

Financial Review

2.1 Methods of Collection

Most cities collect in-lieu fees by charging a lump sum payment or an annual fee. The method of collection is dependent on several factors. One approach is to support desired growth patterns for the area using the in-lieu fee program as a tool. For example, the City of Pasadena has a goal to support economic development in Old Pasadena, which is fully built out, so they elect to charge annual fees to attract and accommodate adaptive reuse and infill projects. Before the parking credit program was established, existing uses that wanted to expand or change uses could not meet the parking requirements in the zoning code because there was simply no room to add parking. As a result, businesses had to locate elsewhere, reducing economic activity in the downtown. The parking credit program allows businesses to meet the parking requirements by purchasing the number of credits needed per required parking space on an annual basis.

Many cities believe the in-lieu fee is difficult to manage for small businesses and restaurants. In fact, the City of Beverly Hills understands that restaurant uses may have difficulties making a full lump sum in-lieu fee payment, which may deter new business, so they allow a significant reduction as well as payments in installments.

Annual fees could offer an alternate payment option and may be a better tool for landlords and tenants because the fee would last for the duration of the lease and would be a more straightforward mechanism to pass on charges to tenants. In addition, it may be more manageable than a large lump sum payment for many small businesses. However, from a collection standpoint, the City of West Hollywood noted it may be riskier to charge tenants annually because of the potential that they break their lease and sever the cash flow.

In the case of purely new developments that have longer tenancy types such as office and residential (including mixed-use), the goal of the in-lieu fee program would be to raise funds for parking construction, maintenance, and management costs. A lump sum payment is the best approach, as it provides funds for immediate use by the city.

2.2 Cost Evaluation

The full cost of parking includes capital costs for development, operation and maintenance. Underground parking is the most expensive to construct because of excavation and engineering costs associated with potentially high water tables and soil geology.

Excluding land costs, the cost of constructing an average surface lot parking space is \$3,500. The cost to construct a one-level deck parking averages \$10,000 per space; the cost per parking space for multilevel parking structures is \$15,000 for up to four stories and \$20,000 per space for more than four stories. Underground spaces average \$25,000 for one level and \$35,000 for more than one level.⁶

⁶ Wilbur Smith Associates. Station Parking and Transit Oriented Design – A Transit Perspective. November 4, 2011.

These cost numbers reflect larger parking facilities. It is important to note that the costs of parking construction vary greatly depending on the size and shape of the site, the soil conditions, the amenities included in the structure and the quality or aesthetics of the design and that these are just representative cost numbers. The small parcels and non-rectangular sites that are typical of the Venice coastal zone do not lend themselves to efficient parking layouts and designs. Parking developments costs in the Westside tends to be significantly higher.

It is important to differentiate costs between building public parking or private parking. It costs a city more to construct a parking space than a developer. According to the Santa Monica Economic Development Division, while it costs \$30,000 to \$50,000 per space for the city to construct a parking structure, it costs a developer only \$20,000 to \$30,000 per space.⁷ This is most likely due to developer experience, the design/build methods typical of private sector projects, and labor efficiencies. **Table 2-1** compares available data of some comparable southern Californian cities and their costs of constructing parking for above and below ground structures.

Table 2-1 Comparison of Construction Costs for City

Cities	Above Ground Structure	Below Ground Structure (Cost per Space)
Beverly Hills	\$65,000 ¹	\$57,000 - \$80,000
Santa Monica ²	\$32,000	\$54,000
West Hollywood ³	\$30,000	\$65,000
Ventura ⁴	\$25,000	N/A: Cost prohibitive to build underground due to high water table so there are no structures to estimate construction cost.
Pasadena ⁵	N/A	\$40,000-\$45,000

Notes:

1. Structure was a mixture of above and below ground parking (cost per space is averaged)
2. 2011 financial data from Erika Cavicante, City of Santa Monica. Phone conversation April 23, 2012.
3. Daniel Adams, Construction Manager at HEERY. Email correspondence April 25, 2012.
4. Chandra Shaker, Associate Transportation Engineer, City of Ventura. Phone conversation April 20, 2012.
5. Robert Montano, Economic Development Division, City of Pasadena. Phone conversation April 24, 2012.

Mechanical Stackers

Mechanical parking is an apparatus, such as car stackers, operated by a valet parker that can stack two or more motor vehicles on two or more levels. Mechanical stackers are typically used in low-turnover facilities, such as employee parking. Donald Shoup describes mechanical parking as substituting labor for land and capital in parking cars.⁸ Stackers are typically installed in existing facilities that are deficient in parking and can store two to 30 cars per unit. One drawback is that stackers may be unable to accommodate larger vehicles, such as sport utility vehicles, vans and trucks. However, mechanical parking can provide more parking spaces for lower construction costs than self-park spaces.

In 2008, Watry Design, Inc. studied various options to increase parking by 46 stalls for the Olympia Place development in Walnut Creek, California. Valet-operated stack car lifts provided 66 new stalls at

⁷ 2011 cost estimate from Erika Cavicante, City of Santa Monica. Phone conversation April 23, 2012.

⁸ Shoup, Donald. (2005). *The High Cost of Free Parking*. Chicago, IL: American Planning Association.

a construction cost of \$20,000 per stall, while a self-park expansion provided 62 new stalls at a construction cost of \$56,000 per stall.⁹

Automated Parking

Automated garages require only half the volume of conventional garages since they do not require ramps, aisles, elevators, and stairs. In automated garages, cars are parked mechanically instead of by a valet service. Typical automated parking systems can store anywhere from 50 to several thousands of cars, and new software allows garage designers to accurately assess how a facility will manage peak traffic volumes.

Due to wait times for car retrieval, automated garages are not suitable for accommodating large numbers of patrons leaving or arriving at the same time and are more suitable for regular traffic from monthly parkers or even multi-unit residential developments.

West Hollywood is building a first-in-California, fully automated 5-story parking structure at West Hollywood City Hall. The structure will be primarily used by City Hall staff and visitors, who can park for free. However, the structure will be available for public use in the evenings and the fee is expected to be based on existing rates at nearby parking lots and structures.

Construction will begin in June 2012 and is expected to be completed a year later. The structure will provide 200 spaces. Initially the city considered building a traditional parking deck, but the ramping, ventilation shafts and heights required for human-occupied parking structures, plus the mandatory setbacks from adjacent lots, made that impractical.¹⁰ The cost of the automated parking system is estimated at \$53,000 per space, which is less than the \$58,250 per space estimated for a standard parking garage of the same design.¹¹ The automated garage was designed for a 150 foot by 80 foot lot, and 48 foot height. A conventional garage on the same footprint assuming 400 square feet per parking space inclusive of circulation and HVAC needs, could fit 30 spaces per floor and approximately 150 spaces in total.

Valet Parking

This section provides a review of the costs and associated features of various scales of valet service. Contracting a valet parking operation to a third party (similar to any parking service) can result in savings compared to a similar service operated directly by city staff. A third party operator is not bound by labor agreements and rules and can adjust staffing levels as needed. Contractors would typically have more experienced management and there would be no need to train or hire city staff. Finally, the city would have the ability to seek competitive bids for the best terms.

Logistics, Service, and Pricing

The City of Santa Monica has 27 city-licensed, but privately operated valet locations in the downtown area. Currently, valet parking operators pay a permit fee of \$1,750 per location per year, and a space use fee of \$1.00 per space per hour of valet operations in Parking Meter Zone "A" (downtown) and \$0.75 per hour in the rest of the city.

⁹ Davis, Matt. Watry Design Inc. (April 23, 2008). Olympia Place Development recommendations. Pg. 21

¹⁰ "City Hall to Install Automated Parking Structure", West Hollywood Patch. May 27, 2011.

¹¹ Daniel Adams, Construction Manager at HEERY. Email correspondence April 25, 2012.

As part of the Downtown Parking Program Update, Walker Parking Consultants were asked to evaluate the feasibility of a single-operator, coordinated valet parking service as a public benefit to downtown Santa Monica visitors. The study outlined levels of service for wait times when claiming vehicles. A summary of valet level of service is presented in **Table 2-2**. The ideal level of service (LOS A) is less than four minutes of wait time from presentation of ticket to return of vehicle. Locating parking spaces close to the valet station is a major factor in cutting down labor costs and providing a higher level of service. Ideally, the parking area should be within three blocks of the valet station and all vehicles would be staged in a single area. In the event that multiple parking facilities are needed, operation by radio or telephone dispatch can cut down on wait times. The study also stated that each valet drop-off/pick-up station would require removal of four public parking spaces.

Table 2-2 Valet Wait Times – Level of Service (LOS)

LOS	Wait Time
A	Less than 4 minutes
B	4-6 minutes
C	6-8 minutes
D	8-10 minutes
F	Exceeds 10 minutes

Source: Walker Parking Consultants, 2009.

The cost per parked car depends on the attendants' wages, the distance between drop off point(s) and where the vehicles are parking, the number of staff required, insurance, and workers' compensation. Setting a price of less than \$5.00/hour will probably not cover the costs of running the program. The private operator running the valet program in Pasadena, United Service Parking, currently charges \$7 to \$10 per hour.

Universal Valet Case Study

Pasadena supports universal valet parking program in Old Pasadena. The city and stakeholders originally introduced the idea of valet parking with a program in which businesses would pay and underwrite the cost of the valet. However, this program did not work because the businesses did not support the program. Unified Parking Service took over the valet program and converted it into a universal valet in the lots that they owned to allow customers the convenience of picking up their vehicle in a different lot than where they dropped the vehicle off. The parking operator charged a fee for the valet service. This effectively moved the cost from the business owners to the customers.

The city licenses the valet station and charges a \$115 annual staff processing fee. Private valet parking operators are required to pay fees to occupy the sidewalk and on-street meters. A street usage fee of \$1/hr/parking space is charged when the operator uses a metered parking space for extended hours. Since the city does not implement or run the valet program, the program does not generate revenue aside from covering administrative costs. Pasadena receives approximately 13,500 from valet permits and \$110,000 from related meter rentals on an annual basis from the valet program.^{12,13}

¹² Gloria Flores, Pasadena. Phone conversation April 25, 2012.

¹³ Unified Parking operates 11 valet stations in Old Pasadena, but did not confirm the number proportion of types of parking spaces rented as part of the program.

The president of Unified Parking, Mike Sabet, stated that the costs of operation are composed of about 80 percent parking space rental and 20 percent payroll and insurance. Fourteen sponsors (restaurants and clubs, etc.) also allow the valet to occupy metered spaces in front of their businesses. Unified Parking currently charges \$7.00 with validation and \$10.00 without validation. Rates are indexed to the cost of on-street parking, which is unchanged in five years. Mr. Sabet claims that the program is very popular, especially on weekends, because customers do not want to waste time looking for the cheapest available parking. At \$1/hour, the annual meter rental fees would cover the use of 75 meters for a 4 hour peak parking period, seven days per week, 52 weeks per year. Since, Unified Parking operates 11 valet stations in Old Pasadena there will likely be a minimum of 11 on-street spaces in use at all times for the valet operation, with an estimated peak parking cost of \$16,000.¹⁴ Based on parking availability and turnover during peak demand hours, it is estimated that the majority of the parking supply used by the valet operation would be 75-85 percent off-street. Therefore it is unlikely that the city will see a negative revenue impact with valet use.

Private Garage Valet Case Study

Valet service can be used in existing garages to handle peak demand and provide better service. An Oakland office building has eight floors of parking, with approximately 300 spaces, operated by Douglas Parking. The garage is open for 15 hours a day, from 5:30 AM to 8:00 PM, and is serviced by a total of eight attendants throughout the day (four in the morning shift and four in the afternoon shift). Parking rates are charged based on the type of parking: \$166 per month, \$11 to \$13 per day, or \$1 per 20 minutes.¹⁵

Shuttle to Satellite Parking

Satellite parking is designed to accommodate overflow demand off-site at the periphery of an activity center. The Venice Coastal Land Use Plan lists potential lots and various locations along Venice Boulevard and Washington Boulevard where a shuttle should stop. On Venice Boulevard, these locations include the library lot, lots on Electric Avenue, and the Venice Boulevard median lot expansion area. On Washington Boulevard, the locations include potential lot on Mildred Avenue, Washington Square garage¹⁶, the Venice pier and the beach. The plan also lists Marina Business Center at Glencoe Avenue, the Channel Gateway project, and school sites during off-season as potential lots. One of the potential school sites is a surface lot at the Westminster Elementary School.

The shuttle should interface with regional transit lines, including Los Angeles County Metropolitan Transportation Authority (Metro), Santa Monica Municipal Bus Lines (SMMBL), also known as the "Big Blue Bus", Culver City Municipal Bus (CCMB), also known as the "Culver City Bus", and the Los Angeles Department of Transportation (LADOT). The majority of these transit lines operate along Pacific Avenue, Main Street, Lincoln Boulevard, and Washington Boulevard.¹⁷

A privately-operated shuttle may cost approximately \$80/bus/hour. This rate includes fuel, maintenance, insurance, administration, driver wages, and the shuttle vehicle.¹⁸ Frequency of service depends on demand. During peak days such as summer weekends, headways can be as frequent as 5 to 10 minutes. During summer weekdays, headways can be around 15 minutes. Assuming a 22-

¹⁴ http://www.oldsadadena.org/docs/2010ParkingValet_Map.pdf (referenced May 31, 2012)

¹⁵ Douglas Parking. Phone conversation with attendant at 420 13th St, Oakland. April 25, 2012.

¹⁶ Since the Venice Coastal Land Use Plan was developed, Washington Square garage is no longer available for remote parking.

¹⁷ Venice Coastal Land Use Plan, Policy II. B. 1. Public Transportation.

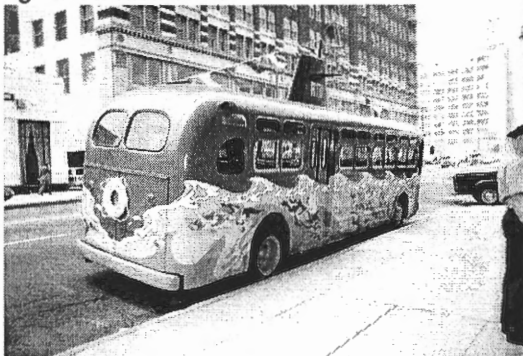
¹⁸ Peter Martin, CDM Smith, based on UCSF shuttle rates.

passenger bus, 15-minute headways would require four buses an hour and could shuttle approximately 200 people per hour. The cost to operate buses on a 12-hour summer schedule is about \$35,000/week.

A shuttle bus operated by a public agency may cost approximately \$90/ bus/ hour. The rate is higher than a privately operated shuttle because of significantly higher wages and benefits of union employees. Based on 2010 data from the National Transit Database, LADOT transit services cost approximately \$88/bus/hour.

Refurbished used shuttles purchased from the used bus market may be most appropriate to handle the dirt and sand tracked in from the beach. The vehicles can be refurbished with easy-to-clean benches and racks to accommodate surf boards and boogie boards. The exterior can be decorated to be easily recognizable as the beach shuttle. The Los Angeles "Submarine Bus Fleet" of the 1970s in **Figure 2-1** was decorated to look like submarines with bright blue waves.

Figure 2-1 Submarine Bus -1970s



Source: May 15, 2012

<http://telstarlogistics.typepad.com/telstarlogistics/2011/06/surfs-up-the-lost-submarine-buses-of-los-angeles.html>

2.3 Parking Restrictions and Revenue Collection Methods

Parking Restrictions on Parking Built by In-Lieu Funds

A review of policies in the Venice Coastal Land Use Plan, the Venice Coastal Zone Specific Plan Section 13E – Beach Impact Zone Parking Requirements, and Section 14 Venice Coastal Parking Impact Trust Fund did not find language applying restrictions to charging for parking built by in-lieu fee funds or for public parking in general. In fact, the policies allowed meters to be priced in increments up to four hours and included daily permits.

Revenue Collection Methods

This section refers to parking inventory counted along the Washington Boulevard corridor for the Westside Transportation Study, supplemented by inventory data provided by LADOT on their Public Parking Locator website¹⁹ to get a sense of current supply and rates for on-street and off-street

¹⁹ <http://parkinginla.lacity.org>, referenced May 10, 2012.

parking in Venice.²⁰ The Abbot Kinney Boulevard/Main Street study area captures the majority of commercial activity along Abbot Kinney Boulevard/Main Street between Dewey Street to the northwest and Washington Boulevard to the southeast. The Washington Boulevard study area captures the majority of commercial activity along Washington Boulevard between Lincoln Boulevard to the northeast and Venice Beach to the southwest, encompassing a large area of the Venice neighborhood.

On-Street Inventory

Inventory from the Abbot Kinney study area shows that there are approximately 780 on-street parking spaces, but only 33 spaces (4 percent) are metered. These meters all charge \$1/hour and most are restricted to either 1 or 2 hours from 8AM-6PM. The parking inventory from the Washington Boulevard study area shows that there are approximately 346 on-street spaces, but only 47 (13 percent) are metered. These meters charge \$1/hr and are restricted to one or two hours from 8:00 AM to 6:00 PM. See **Table 2-3**.

Table 2-3 On-Street Inventory

Study Area	On-Street	
	Inventory (# spaces)	Rates
Abbot Kinney/Main St	33 metered (747 unmetered)	\$1/hr
Washington Blvd	47 metered (299 unmetered)	\$1/hr

Off-Street Inventory

Inventory from the Abbot Kinney study area shows that there are approximately 1400 off-street parking spaces in this corridor, with about 7 percent of the spaces being publicly owned spaces. Three public lots (#616, #617, and #740) were counted in this area and only one of them charged for parking. The lot that charged for parking charged \$1 per hour or \$4 for 10 hours. None of the private lots charged for parking with the exception of one lot that offered a valet service.²¹

The parking inventory from the Washington Boulevard study area show that there are approximately 1,650 off-street parking spaces, with about 35 percent of the spaces being publicly-owned. There are three public lots in the study area: Marina Del Rey public parking, L.A. County parking lot, and the beach parking lot. Costs per hour range from no charge to \$7 and some depend on the season.

The LADOT Public Parking Locator map shows seven lots in the Venice area. The four nearest to the beach are on Pacific Avenue and Venice Boulevard. There are two lots on Abbot Kinney Boulevard and one on Venice Boulevard further inland. This list includes four additional lots that were not part of the Abbot Kinney/Main or Washington Boulevard study area. See **Table 2-4**. All Venice Area lots are shown on **Figure 2-2**

²⁰ Data collected during April and May of 2011, CDM Smith.

²¹ 1121 Abbot Kinney Blvd, fee of \$3 with validation and \$6 without validation.

Table 2-4 Public Parking Lot Rates

Lot	Address	Inventory	Hours of Operation	Rate	Additional Details
Lot 613-Pisani & Venice	2010 S Pisani Pl, Venice	53	8AM-6PM	Free	Mon-Sat 10 hrs max time limit.
Lot 616-California & Electric	1411 Electric Ave, Venice	29	7AM-2AM	Free	Mon-Fri 8 hrs max time limit, Sat-Sun 4 hrs max time limit; no overnight parking 2am-7am nightly
Lot 617-Milwood & Electric	1511 Electric Ave, Venice	22	7AM-2AM	Free	Mon-Fri 8 hrs max time limit, Sat-Sun 4 hrs max time limit; no overnight parking 2am-7am nightly
Lot 701-Dell & Venice ¹	2150 Dell Ave, Venice	150	8AM-11PM	Hourly: varies by time of day and season ¹ M-F: \$5/day Sat/Sun/Holidays: \$12/day Monthly: \$15	Overflow lot for Lot 731. \$5.00 7am-9am, \$12.00-\$17.00 9am-4pm, \$5.00 4pm-8pm Daily May-Sep; \$4.00 7am-9am, \$7.00-\$12.00 9am-5pm Daily Oct-Apr; no overnight parking 11pm-5am nightly; free for Farmers' Market 7am-12pm Fri; monthly only for grandfathered properties
Lot 731-Venice and Pacific	200 N Venice Blvd, Venice	177	8AM-11PM	Hourly: varies by time of day and season ¹ M-F: \$5/day Sat/Sun/Holidays: \$12/day Monthly: \$55	\$5.00 7am-9am, \$12.00-\$17.00 9am-4pm, \$5.00 4pm-8pm Daily May-Sep; \$4.00 7am-9am, \$7.00-\$12.00 9am-5pm Daily Oct-Apr; pay at honor box closing to 11pm; \$2.00 Mon-Thu, \$3.00 Fri-Sun; overnight parking by monthly permit only 6pm-9am nightly
Lot 740-Main and Rose	301 S Main St, Venice	41	9AM-6PM	\$1/hr, or \$4/10 hrs. ¹	None
Lot 761-Pacific and Windward	1608 S Pacific Ave, Los Angeles	14	8AM-6PM	\$2/hr May 1-Sep 30 ¹ \$1/hr Oct1-Apr 30	1 hr max time limit
Marina Del Rey ³	4220 Admiralty Way	183	Not Available	\$5-7/hr depending on season	No Overnight Parking allowed
L.A. County Lot	Via Marina at Washington Blvd	8	Not Available	No charge	
Venice City Beach Parking ⁴	Washington Blvd Lot	380	7AM.- 8PM weekdays 7AM-9PM weekends	Winter \$4.00 to \$9.00; Summer \$5.00 to \$15.00	

Notes:

1. <http://parkinginla.lacity.org/> (referenced May 15, 2012)
2. http://file.lacounty.gov/dbh/cms1_150840.gif (referenced July 27, 2012)
3. <http://www.venicebeach.com/parking.php> (referenced July 27, 2012)

With the exception of Lot #613, the three additional lots do charge for parking and offer hourly, daily, and monthly rates. Lots #701, #731, #761, and #740 are located near the coast near or on Pacific Avenue and are also the only 4 out of the 7 lots that charge for parking. The hourly rates for Lot #701 and #731 are even sensitive to demand changes by season and time of day. Lots #616, #617, and #613, on the other hand, are located about a mile further inland and do not charge for parking. The demand varies at each parking lot and the range in prices reflects greater demand near the coast.

COASTAL COMMISSION

A-5-VEN-15-0002

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EXHIBIT # 5

PAGE 18 OF 32

VENICE IN-LIEU FEE STUDY

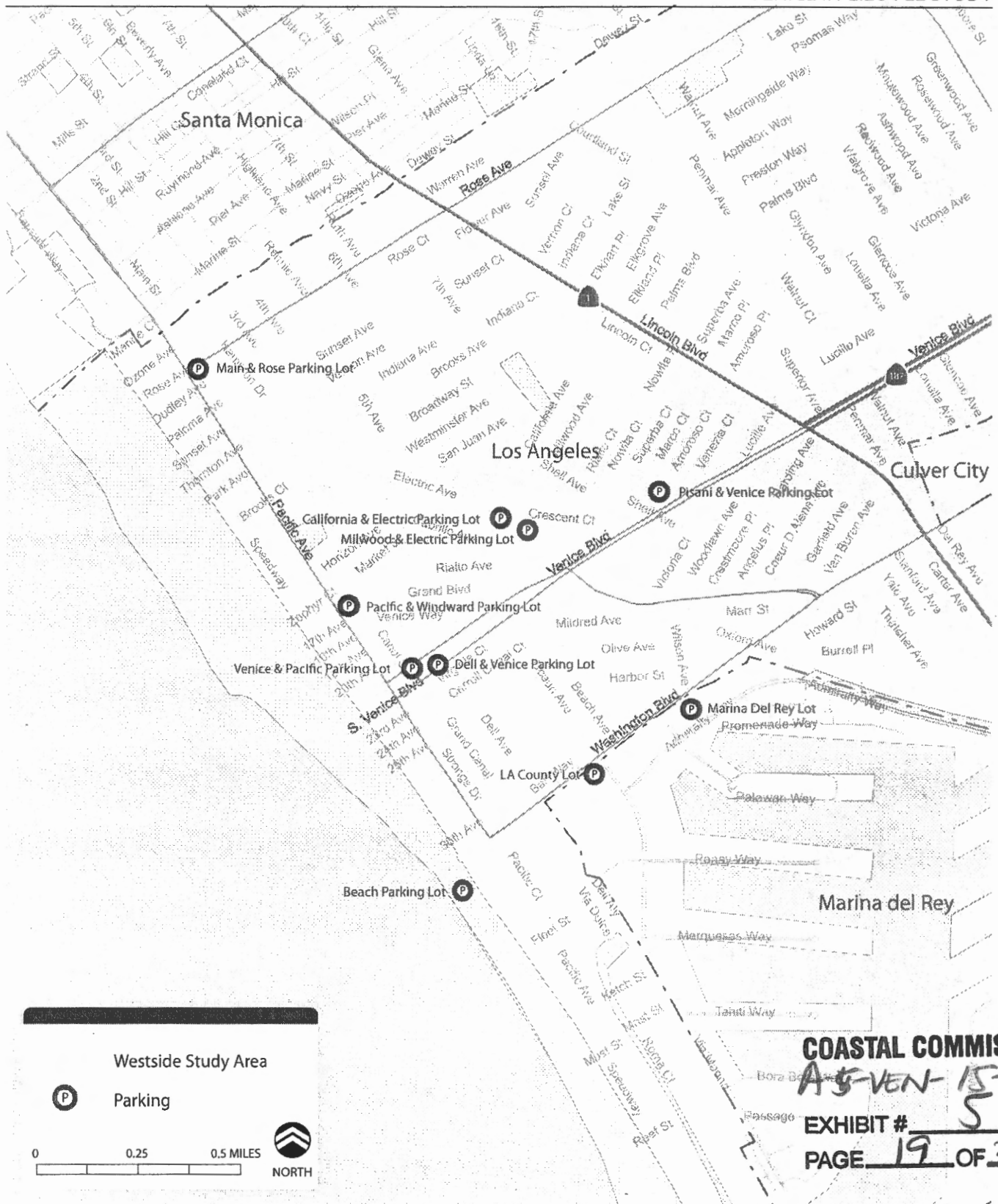


Figure 2-2 Public Parking Lot Location Map

Parking Occupancy of Venice Lots (Parking Concepts)

Parking Concepts, Inc. (PCI) the operator of several of the public parking facilities in the Venice study area provided some general operational details²² for the following lots:

Table 2-5 Parking Concepts Lot Operation Information

	Inventory	Peak	Notes
Lot 731	182	1-4PM (75-100%) weekdays	\$15-\$20 day
100 N. Venice Blvd		12-7PM weekends	
Lot 701	163	Overflow for 731	Film crew parking
2150 N Dell Avenue			(\$1000/day)
Lot 740	42	Metered parking	Staffed weekends only
301 Main Street			

COASTAL COMMISSION**A-5-VEN-15-0002****EXHIBIT # 5****PAGE 20 OF 32**

²² This operational information was provided by Robert Hindle of Parking Concepts, International. Detailed occupancy data was not available for the purpose of estimating available parking spaces in these lots.

Section 3

Findings and Recommendations

3.1 Parking Credits vs In-Lieu Fee Analysis

When determining whether to institute an in-lieu fee program or a system of parking credits it is important to have an idea of how the two systems compare in terms of total revenue each would raise. **Table 3-1** identifies the number of years of collection of each parking credit level it would take to accumulate to each corresponding in-lieu fee amount. The credit and fee amounts listed below are similar to those used by case study cities in Section 3.2. The analysis assumes a \$650 one time administrative processing fee for parking credits (in practice by West Hollywood). For example, if a city collected \$350 a year per parking space it would take 50 years to earn \$18,000 in today's dollars.

Table 3-1 Years for Parking Credits to Equal In-Lieu Fee (Static Fee)

		Parking Credit (\$/space/year)			
		\$ 155	\$ 200	\$ 350	\$ 500
In-Lieu Fee (\$/space)	\$ 10,000	60	47	27	19
	\$ 18,000	112	87	50	35
	\$ 25,000	157	122	70	49

However since the city has the flexibility to change the credit levels more frequently, if the rates were indexed to inflation and increased 2% per year the time needed to earn back the in-lieu fee would decrease significantly. **Table 3-2** identifies the number of collection years required to accumulate to the in lieu fee amounts. The detailed accumulation table is provided in Appendix B.

Table 3-2 Years for Parking Credits to Equal In-Lieu Fee (Inflation Indexed Fee)

		Parking Credit (\$/space/Y01)			
		\$ 155	\$ 200	\$ 350	\$ 500
In-Lieu Fee (\$/space)	\$ 10,000	40	34	22	17
	\$ 18,000	60	51	35	27
	\$ 25,000	72	63	45	35

Note: The initial parking credit is listed for Y01 and escalated 2% annually.

3.2 In-Lieu Fee Program Case Studies

The following section details the administrative and financial aspects of in-lieu fee program management experiences of four Southern California cities. The case studies were developed to understand the success of existing programs in supporting policy goals and the contribution of the program towards the costs of providing, maintaining, and managing parking in each of the various cities studied. The range of communities represented offer valuable lessons regarding the in-lieu fee program as a parking management tool and funding resource for parking-related expenses.

Beverly Hills

Beverly Hills adopted different parking in-lieu rates based on distance from the Central Business District (CBD). Their 2011 fee schedule shows a lump sum fee of \$47,000/space for developments

COASTAL COMMISSION

A-5-VENTIS-0002

3-1

EXHIBIT # 5

PAGE 21 OF 32

within the CBD, \$38,000 for mid-CBD, and \$28,000 for outer-CBD. Restaurants looking to expand have a reduced fee of \$12,000/space. Restaurants are also allowed to pay in installments. Fees are calculated to cover the cost of constructing a parking stall and are adjusted every year based on the Consumer Price Index (CPI). Although the program is administered by the Community Development Department, the Building and Safety Division is responsible for collecting the fees and placing the fees into the In-Lieu Parking Fund. The funds are used to construct parking garages on city-owned lands and for partnership with private development.

Fee Collection and Application

As of April 2012, 15 permits have been issued, totaling \$1,348,000 in revenue that has been collected since July 2006.²³ The funds were used for several parking garages that have been constructed in the past 10 years. However, in-lieu fees have not covered the full cost of the garages, requiring supplemental funding from the General Fund.²⁴ The estimated cost per space for the city's most recent constructed parking garages are summarized in **Table 3-3**.

Table 3-3 Parking Garage Costs

Garage	Date Estimate	Type	Cost Estimate	Cost per Space Estimate
438 N Beverly Drive	2005	City garage below ground and commercial retail/office above	\$23 Million	\$56,500
9333 W 3 rd Street	2010	City Garage with levels below and above ground	\$14 Million	\$65,000
450 N Crescent Drive	2011	City Garage below ground	\$35 Million	\$80,000

Santa Monica

Santa Monica adopted a Parking Developer Fee at the same time that the Bayside Mall Assessment District was created; thus, the fee is locked in at the rate of \$1.50 per square foot per year for the 30-year period until the bond sunsets. For each new square foot of building space added in the Bayside Mall Assessment District after 1986, a fee is charged for parking spaces that are not provided. The fees are collected in a fund used for maintenance and construction of parking. A fee is not required if the developer elects to provides the required parking.

Fee Collection and Application

Based on a study by Walker Parking Consultants in 2009, the current in-lieu fee has lagged far behind the cost of providing a structured parking space. A sample calculation for a 333 square foot building over a 30-year period shows that the in-lieu fee only provided between 8.8 and 10.5 percent of the cost of developing a parking space in Santa Monica (excluding land costs). Although developers now are not required to build new parking in the downtown area, many developers took advantage of this difference and opted to pay the fee over building parking. Since the near 30-year span of the program, funds have accumulated to around \$7 million, which the city speculates will not even cover 20 percent

²³ Jon Terwilliger, Community Development Department, City of Beverly Hills. Email correspondence April 30, 2012.

²⁴ Peter Noonan, Community Development Department. City of Beverly Hills. Email correspondence April 23, 2012.

of the construction costs of the new parking structure that they are planning to build.²⁵ Walker Parking Consultants estimate the fund balance can cover 129 parking spaces.²⁶

In 2009, city staff met with members of the Bayside Board and Bayside Parking Committee, who recommended that staff consider additional factors in the calculation of an in-lieu parking fee. Staff prepared a Request for Proposal (RFP) for consultant services to develop alternative approaches to calculating this fee, and the consultants are currently working on the report.

The City Planning Department offered another perspective that the concept of the parking developer fee supports the city policy of no new net trips in the city as a parking management tool. Although the program may not be successful generating funds for parking expenses, the program itself could be reducing vehicle trips by not adding to the parking supply.²⁷ The program is used as an incentive for developers to build less parking, and is not meant to fully recapture the cost to build or replace parking.

West Hollywood

West Hollywood recently switched their in-lieu fee program to a parking credits program in March 2012. Their fee was a lump sum payment of \$20,000 per required space and was not adjusted. There were special instances when the city devised payment plans for businesses (such as restaurants) that were unable pay the fee upfront. The lump sum fees along with meter revenue went into the Parking Improvement Fund and had been used to help pay for parking structures, surface lots, and to lease property from land owners.

Fee Collection and Application

According to the Public Works Department, few businesses have ever used the original in-lieu fee option. It has been estimated that the city has collected a total of \$200,000 to \$300,000 since the in-lieu fee was established.²⁸ The program was not attractive for small businesses, such as restaurants, who could not afford to pay the lump sum fee. There were also administrative/collection issues because the fee was charged to the tenant and not the property owner. If the tenant relocated or went out of business, the fee would remain unpaid. The program also did not solve the issue of providing parking for businesses, since a timely parking structure was not guaranteed and once built, may not necessarily be built near the business that paid the fee.²⁹

Parking Credits Program

The newly adopted parking credits program allows the city to actively manage commercial parking supply based on demand. The city monitors the number of spaces available for public use, including street parking, parking structures, and private lots, and then sells parking credits to businesses that need to meet off-site parking requirements. The current program is a pilot project for a specific neighborhood and they currently have about 200 credits to assign. The price is \$375 per credit, per year, with a one-time application fee of \$650. The fee is adjusted every year based on CPI to account for inflation. The fees are collected into the Parking Improvement Fund with other fees and are used

²⁵ Erika Cavicante, Senior Development Analyst. City of Santa Monica, phone conversation April 19, 2012.

²⁶ Erika Cavicante, Senior Development Analyst. City of Santa Monica, phone conversation April 19, 2012.

²⁷ Steve Mizokami, City of Santa Monica, phone conversation April 18, 2012.

²⁸ Oscar Delgado, Public Works Director. "Planning Commission Talks Parking, Delays Decision", West Hollywood Patch, July 22, 2011.

²⁹ Don Norte, Public Works, City of West Hollywood. Phone conversation April 17, 2012.

to cover signage, staff costs, consultant fees, new parking construction and maintenance of existing parking. Every six months, the city has a consultant re-assess the parking occupancy, and based on the new data, the city adjusts the credit pool accordingly. In response to the issue of small businesses not being able to afford to pay the in-lieu fee, the city now does not require businesses of smaller than 10,000 square feet to provide parking in this area. Future plans include expanding the program to bring in private lots and a universal valet program.³⁰

Ventura

Based on their 2011 fee schedule, Ventura charges developers/property owners a \$25,000 lump sum fee per required space. If property owners or businesses cannot afford the fee, there is an option to lease city parking spaces on a monthly basis. The fees are calculated to cover the cost of constructing a parking stall and are adjusted every year based on the CPI. The Land Development department, part of the Community Development Department, is responsible for collecting the fees. The funds are used for parking management and providing more parking.

Fee Collection and Application

City staff reports that since the program was updated from \$1,000/space around 2006, no one has chosen the in-lieu fee option and most developers just build the required parking or lease parking spaces from private or public sources. However, the program is meant to support the park-once policy and is part of an effort to price parking appropriately. Therefore, the city does not rely on the in-lieu fee program to provide significant funding for projects, but rather as an incentive for supporting other parking goals and policies.³¹

Pasadena

Pasadena implemented a parking credit program for Old Pasadena. Old Pasadena has limited room for development/expansion. Old buildings being considered for new uses in the area had difficulty meeting the parking requirements in the zoning code because there was no room for parking. The city created the credit program as a "paper" parking program to allow property owners to meet their required parking numbers and to utilize their existing parking garages. This program may only be utilized if there is an addition or change of use that requires a greater number of parking spaces. Although the property owners buy the credits needed and are under contract, they are not guaranteed a parking space and are still required to pay a monthly fee or purchase a transient parking pass to access existing garages.

The current annual fee is \$155.00 per space, which is adjusted annually in July based on a CPI factor adopted by the Finance Department. The fee is capped at \$200 to preserve the tax-exempt status of their bonds. Once the bonds mature in 2018, the staff plan to revise the rates of the parking credits program to more accurately cover the costs of a parking space.³²

Fee Collection and Application

City staff report that the program makes about \$330,000 per year and is collected in a sub-fund of the general fund.³³ Currently, the revenues derived from the fee go towards paying down debt on existing city parking structures. The maintenance and operation of the off-site parking structures is funded by

³⁰ <http://qcode.us/codes/westhollywood/revisions/12-885.pdf> downloaded May 15, 2012.

³¹ Chandra Shaker, Associate Transportation Engineer, City of Ventura. Phone conversation April 20, 2012.

³² Robert Montano, Economic Development Division. City of Pasadena. Phone conversation April 24, 2012.

³³ Robert Montano, Economic Development Division. City of Pasadena. Phone conversation April 24, 2012.

COASTAL COMMISSION

A-5-VENT-15-0008

EXHIBIT # 5

PAGE 24 OF 32

various sources. Monthly permit sales, Rose Parade parking, ground floor retail lease revenue, investment earnings and transient parking revenue from the structures is all used to fund existing parking structures.³⁴

The program's goal is to give property owners in Old Pasadena a way to meet the parking requirements. The program is not intended to generate significant revenue to cover the costs of constructing parking. However, the city is looking to apply a parking credit program for on-street parking spaces in a commercial area. The city plans to count the total parking spaces and utilization rates in the area and develop the credits based on how many spaces are not utilized. They cited the neighborhood of Eagle Rock in northeastern Los Angeles as inspiration for this program.

Venice

The in-lieu fee is described in the 2004 Venice Coastal Zone ordinance. For commercial and industrial uses Venice Coastal Development Projects, the fee is \$18,000 per space for up to 50 percent of parking required. For multi-family residential, the fee is \$18,000 per space for up to 100 percent of required spaces. There is currently no mechanism in the ordinance that would allow for any kind of adjustment to the fee. The fees are collected by the Department of Transportation and go into the Venice Coastal Parking Impact Trust Fund. The fund can be used for parking facility improvement, construction, and operation of shuttle buses, some administrative costs, and bicycle racks and storage.

Fee Collection and Application

Based on a 2011 accounting report, about \$417,000 has been collected from the in-lieu fee program since 2003. According to Eddie Guerrero of LADOT, these fund expenditures were limited to the two planned at grade parking lots (Electric Avenue/Irving Tabor Court) listed in **Table 3-4**.³⁵ In total these lots will provide 116 spaces. The estimated construction cost and cost per space is presented in Table 3-4. Approximately \$230,000 from the in lieu fee program has been used, which correlates to approximately 12 parking spaces per the \$18,000 fee (17.2% cost coverage) based on the LADOT cost estimate.³⁶ Estimates provided for the design construction of the Electric Ave lots were provided by the city and a private developer.³⁷

Table 3-4 Construction Costs for Venice Surface Parking

Project	Number of Spaces	Total Construction Cost	Cost per Space (LADOT EST)	Cost per Space (Private EST)
1300 Electric Ave	66	\$231,000 - \$618,000 ¹	\$9,400	\$3,500
1600 Irving Tabor Ct	50	\$713,000 ²	\$14,300	NA

Notes:

1. Estimates provided for the design construction of the Electric Ave lot was provided by Vahik Vartanians (LADOT) and a Sully-Miller Contracting Company, a private developer.
2. Estimates provided for the design construction of the Irving Tabor lot was provided by LADOT.

³⁴ Downtown Parking Program Update, Walker Parking Consultants, June 24, 2009.

³⁵ Funds were expended on design and construction of parking facilities and new metered parking in Venice.

³⁶ Email correspondence with Eddie Guerrero. LADOT, April 26, 2012.

³⁷ The LADOT uses city labor including all project costs and the private developer appears to internalize equipment costs or make different assumptions about the site design. The developer's estimate is missing permits, plans/specs and temporary equipment. It is likely these costs have been internalized or considered unnecessary. Also, some administrative costs would likely be incurred by the city even if the project was conducted by a private developer.

3.3 Recommendations

The goal of this study is to develop policy recommendations that promote the goals of the Venice Coastal Zone Specific Plan and the Venice Coastal Land Use Plan. The goals include increasing parking opportunities and beach access by maximizing the efficiency of the current parking system.

In-Lieu Fee Recommendations

The current in-lieu fee program has successfully funded parking spaces in the district covering 17.2% of costs. While the allowable applications of the funds are broad, supporting alternative access options to the coast, the current structure is not the most effect approach to collect fees for the businesses in the area.

It is recommended that LADOT consider expanding the current in-lieu fee program to include a parking credits program to collect a reliable source of funds and to determine the most suitable area for application. A parking credits program is appropriate for areas with high parking demand and underutilized spaces because it will allow the city to actively manage commercial parking supply based on demand and to collect a steady and reliable source of funds that matches the character and need of the businesses in the district. The city can test the program with a pilot period for Venice Beach as the program matures, expand it throughout the district, and bring in private lots and a universal valet program. Eagle Rock and West Hollywood currently have parking credit programs and Pasadena will be looking to establish one for commercial areas as soon as their bonds mature. A reasonable fee level for the pilot program is in the range \$300 to \$1,000/year per space (with an administrative set-up fee) depending on the location of the business/development and anticipated parking usage.

The program can generate revenue on an annual basis. Based on case studies, the amount that a traditional in-lieu fee can bring in varies with each city. In all cases studied, the fee does not and is not expected to cover the full costs of constructing a parking stall. Even in Beverly Hills where the funds are higher, the funds are pooled with other sources to pay for parking improvements. In West Hollywood's experience, they received only a total of \$200,000 to \$300,000 when requiring \$20,000/space, which is about the same or less than what Pasadena's parking credit program makes in a year.

LADOT may elect to retain the traditional in-lieu fee program if they expect much new expansion and development in the district in the future. In this case, it is recommended that the city add enabling code to adjust the fee annually based on CPI (to account for inflation and construction cost increases) and to allow reduced fee and payment in installments for restaurants and small/local businesses. The city can also vary the rates depending on land cost and perhaps increase the rates if the development is closer to the beach. If the fee is set too high, developers may elect to build the parking spaces or choose instead to abandon their project. However, if the rate is set too low, the city will be short of funds for replacement parking or will need to focus efforts on reducing parking demand.

Before an appropriate fee level can be estimated more data will be needed on the existing occupancies of potential satellite lots and the development and desired extent of a shuttle bus program to serve the study area.

Maximizing Efficiency of Current Parking Supply

The high cost of constructing new parking and the traffic impacts of adding more parking in high activity areas, leads to the conclusion that other measures to improve utilization of existing parking

COASTAL COMMISSION

A-5-VEN-15-0008

3-6

EXHIBIT # 5

PAGE 26 OF 32

and increase use of alternative travel modes should be explored. In addition to a parking credits program and valet program, consideration of implementation of intercept parking with a shuttle service is recommended. This program makes use of underutilized parking lots on the periphery of the study area, connects beach goers with regional transit routes, and eases parking demand near the coastline. A shuttle bus service would cost approximately \$35,000/week.

The cost of a private valet service would be paid by the parking customers as a premium fee over the current seasonal hourly Venice parking lot rates. These programs should be delivered with a robust marketing, outreach, and signage program to educate the public on where to park and how to use the programs. It is also possible to install more parking meters on certain streets to increase turnover and shift demand to off-street lots. An employee parking permit program directing employees to satellite lots could also be considered for managing supply.

Appendix A Policy & Code Excerpts

Venice Coastal Land Use Plan

Policy II. A. 1. General

"It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control. A comprehensive package of parking measures and strategies that addresses the needs and balances the competing demands of residents and beach visitors is proposed. Parking facilities shall be increased, subject to the availability of funding, to meet existing unmet needs for residents and beach visitors in order to improve public access opportunities and reduce conflicts between residential and beach visitor parking. Parking facilities for beach overload parking shall be located outside of the Beach Impact Zone. To facilitate ingress and egress to the beach area, a shuttle system that serves outlying parking areas, lots or structures should be developed and maintained. The development of parking facilities shall be consistent with Coastal Act policies.

The City's policy is to provide sufficient parking for beach goers outside of local streets, and encourage the use of this parking (simply restricting use of on-street parking without providing an alternative would diminish public access to the beach). An integrated plan should contain the following types of measures:

- *Provision of new parking supply for beach goers;*
- *Measures to encourage beach goers to use the new supply;*
- *Measures to reduce parking demand; and*
- *Management and coordination of the parking and traffic system.*

Policy II. A. 2. Expansion of Public Beach Parking Supply

"The construction of new public parking facilities should be implemented, as well as maximizing the use of existing ones by restriping existing parking lots or converting them to multi-level structures where consistent with other Coastal Act policies. The parking lots located west of the Ocean Front Walk shall remain surface parking lots. In no case shall such structures obstruct ocean views or be inconsistent with other Coastal Act or LUP Policies." Potential sites:

- *Public use of private parking facilities: 414-space subterranean parking garage serving the 330 Washington Boulevard office building.*
- *Los Angeles County Metropolitan Authority (MTA) bus maintenance yard located between Main Street and Pacific Avenue south of Sunset Avenue is a potential site for public parking. It is estimated that about 350 spaces could be provided on the approximately 3-acre site. This site affords good walking access to the beach, and good vehicular access via Main Street and Pacific Avenue.*
- *School parking lots and playgrounds may be used as parking areas during periods of high beach use providing vehicular access to such lots is sufficient. In the off-season, the existing parking areas may be used for resident-serving needs, such as basketball courts and farmers' markets.*

COASTAL COMMISSION

A-5-VEN-15-0002

A- 1

EXHIBIT # 5

PAGE 28 OF 32

Policy II. A. 5. Intercept Parking Lots

"A limited number of large intercept parking facilities at remote locations shall be provided and connected to the beach with a shuttle bus service operated on summer weekend days and holidays, with a signing and advertising program to direct beach goers to the intercept parking lots. This measure should build upon the current system by potentially adding more lots and modifying the shuttle routes accordingly.

The intercept parking lots may be public lots or private lots which are underutilized during weekends (i.e. office building parking) and should be located along major access streets, not within residential neighborhoods.

Possible locations could include continued use of the Marina Business Center lot on Glencoe Avenue served by the existing Venice DASH shuttle service, future parking to be provided by the Channel Gateway project in accordance with its development agreement or other sites to be determined."

Policy II. A. 6. Preferential Parking

Establishment of residential preferential parking districts shall be contingent upon replacing displaced public parking spaces with new public parking at a minimum one-to-one ratio.

To provide adequate visitor parking, the preferential parking district(s) should be operated as follows:

- Parking restriction shall not be less than 4-hour within designated residential district(s); meters, if provided, shall be priced and enforced to encourage use of off-street lots and shall accept payment for time increments up to 4 hours.*
- Require that the general public maintain the right to buy a day permit allowing parking on all streets within the zone.*

Policy II. A. 10. Valet Parking

"a. The use of public parking areas for valet vehicle Drop-off/Pick-up stations shall be limited to the minimum area necessary and occupy the fewest number of public parking spaces.

b. Vehicle Storage/Parking. The storage of vehicles by valets is prohibited in public parking lots, on public rights-of-way and in on-street parking spaces (except for loading and unloading) unless it is determined that use of the public parking area will not conflict with the need for public parking by beach goers.

c. A valet parking program that utilizes public property in the coastal zone shall be available for use by the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers)."

Policy II. A. 11. Shared Parking

Shared parking arrangements may be permitted to accommodate new commercial uses and intensification of existing commercial uses provided that a detailed parking study demonstrates that the proposed shared parking arrangement will not negatively affect coastal access or access to public recreational facilities. Public beach parking lots shall not be used for shared parking arrangements.

COASTAL COMMISSION

A-5-VEN-15-0007 A- 2

EXHIBIT # 5

PAGE 29 OF 32

Policy II. B. 2. Beach Bus Service

Special beach bus service from targeted areas to Venice Beach shall be provided. The objective of the beach bus service would be to provide specialized bus service to the Venice beach area and offer beachgoers an alternative means of accessing the beach. The beach bus service would be provided during summer weekends and holidays by using school buses or LADOT commuter express buses which are otherwise not utilized on weekends. High schools located in the targeted areas could serve as the pick-up/drop-off points for the beach bus service.

Policy II. B. 3. Shuttle System

The City shall develop a comprehensive shuttle (DASH) system for the Venice Coastal Zone as a transit alternative to the automobile for use by beach visitors. Shuttles should be located along well-utilized routes to the beach to ensure adequate use of the system. To serve Marina Peninsula, the current Venice DASH shuttle bus route shall be modified to operate along Pacific Avenue, south of Washington Boulevard to the Marina Jetty.

The Venice intercept parking shuttle route(s) shall be designed to interface with regional transit routes. For example, the current Venice DASH shuttle bus route travels along Mindanao Way, Admiralty Way, Ocean Avenue and Venice Way to Pacific Avenue, interfacing with MTA line 33 via stops along Venice Way and with Culver City Municipal Bus line 1 and Santa Monica Municipal Bus Line 2 at Pacific Avenue. Adding stops within Marina del Rey along Admiralty Way and on Mindanao Way near Lincoln Boulevard would also allow transfers to/from MTA line 108 and Santa Monica Municipal Bus Line 3. If the shuttle route is modified or new shuttle routes are provided to serve new intercept parking lots, the new or modified routes should also coordinate with regional transit services.

The shuttle system should be implemented as follows:

- 1. Shuttle bus operation on Venice Boulevard between beach and inland parking areas, including:
 - a. Venice Boulevard Median Lot expansion;*
 - b. new Venice Branch Library lot; and*
 - c. Electric Avenue lots.**
- 2. Shuttle bus operation on Washington Boulevard between a prospective lot at Mildred Avenue, the Venice Pier, and the beach, with potential stops at existing available parking facilities (e.g., the 400-space Washington Square garage at Via Dolce and Washington Boulevard).*
- 3. Other shuttle bus routes to connect inland standby parking facilities (e.g. school sites) during peak days (e.g. summer and holidays). Shuttle buses would operate on summer weekends and holidays plus other days that might be identified as periods of high public beach demand.*

New commercial developments shall be required to contribute to the cost of funding a Venice coastal shuttle system. The City should support coordination and participation of privately operated shuttle systems. Subject to availability of funding, the City should establish park-and-ride lots along regional bus line routes that could be served by commuters on weekdays and which could also be utilized by visitors to recreational areas on weekends.

COASTAL COMMISSION

A-5-VEN-15-0002

A- 3

EXHIBIT # 5

PAGE 30 **OF** 32

Subject to availability of funding, the City should establish park-and-ride lots parallel to the Santa Monica Freeway route which could be utilized by carpoolers traveling to metropolitan Los Angeles on weekdays, and which could also be linked to the coastal area by a shuttle service on weekends.

The City shall continue coordination efforts with CALTRANS to design a park-and-ride lot on the median of the Marina Freeway.

COASTAL COMMISSION

A-5-VEN-15-0008 A-4

EXHIBIT # 5

PAGE 31 OF 32

Appendix B Parking Credit Accumulation

Accumulation of Parking Credit (Fees) Indexed for Inflation									
Program Year	Annual Credit	Cumulative Cost	Annual Credit	Cumulative Cost	Annual Credit	Cumulative Cost	Annual Credit	Cumulative Cost	
Y01	\$ 155	\$ 805	\$ 200	\$ 850	\$ 350	\$ 1,000	\$ 500	\$ 1,150	
Y02	\$ 158	\$ 963	\$ 204	\$ 1,054	\$ 357	\$ 1,357	\$ 510	\$ 1,660	
Y03	\$ 161	\$ 1,124	\$ 208	\$ 1,262	\$ 364	\$ 1,721	\$ 520	\$ 2,180	
Y04	\$ 164	\$ 1,289	\$ 212	\$ 1,474	\$ 371	\$ 2,093	\$ 531	\$ 2,711	
Y05	\$ 168	\$ 1,457	\$ 216	\$ 1,691	\$ 379	\$ 2,471	\$ 541	\$ 3,252	
Y06	\$ 171	\$ 1,628	\$ 221	\$ 1,912	\$ 386	\$ 2,858	\$ 552	\$ 3,804	
Y07	\$ 175	\$ 1,802	\$ 225	\$ 2,137	\$ 394	\$ 3,252	\$ 563	\$ 4,367	
Y08	\$ 178	\$ 1,980	\$ 230	\$ 2,367	\$ 402	\$ 3,654	\$ 574	\$ 4,941	
Y09	\$ 182	\$ 2,162	\$ 234	\$ 2,601	\$ 410	\$ 4,064	\$ 586	\$ 5,527	
Y10	\$ 185	\$ 2,347	\$ 239	\$ 2,840	\$ 418	\$ 4,482	\$ 598	\$ 6,125	
Y11	\$ 189	\$ 2,536	\$ 244	\$ 3,084	\$ 427	\$ 4,909	\$ 609	\$ 6,734	
Y12	\$ 193	\$ 2,729	\$ 249	\$ 3,332	\$ 435	\$ 5,344	\$ 622	\$ 7,356	
Y13	\$ 197	\$ 2,925	\$ 254	\$ 3,586	\$ 444	\$ 5,788	\$ 634	\$ 7,990	
Y14	\$ 201	\$ 3,126	\$ 259	\$ 3,845	\$ 453	\$ 6,241	\$ 647	\$ 8,637	
Y15	\$ 205	\$ 3,330	\$ 264	\$ 4,109	\$ 462	\$ 6,703	\$ 660	\$ 9,297	
Y16	\$ 209	\$ 3,539	\$ 269	\$ 4,378	\$ 471	\$ 7,174	\$ 673	\$ 9,970	
Y17	\$ 213	\$ 3,752	\$ 275	\$ 4,652	\$ 480	\$ 7,654	\$ 686	\$ 10,656	
Y18	\$ 217	\$ 3,969	\$ 280	\$ 4,932	\$ 490	\$ 8,144	\$ 700	\$ 11,356	
Y19	\$ 221	\$ 4,190	\$ 286	\$ 5,218	\$ 500	\$ 8,644	\$ 714	\$ 12,070	
Y20	\$ 226	\$ 4,416	\$ 291	\$ 5,509	\$ 510	\$ 9,154	\$ 728	\$ 12,799	
Y21	\$ 230	\$ 4,646	\$ 297	\$ 5,807	\$ 520	\$ 9,674	\$ 743	\$ 13,542	
Y22	\$ 235	\$ 4,881	\$ 303	\$ 6,110	\$ 530	\$ 10,205	\$ 758	\$ 14,299	
Y23	\$ 240	\$ 5,121	\$ 309	\$ 6,419	\$ 541	\$ 10,746	\$ 773	\$ 15,072	
Y24	\$ 244	\$ 5,365	\$ 315	\$ 6,734	\$ 552	\$ 11,298	\$ 788	\$ 15,861	
Y25	\$ 249	\$ 5,615	\$ 322	\$ 7,056	\$ 563	\$ 11,861	\$ 804	\$ 16,665	
Y26	\$ 254	\$ 5,869	\$ 328	\$ 7,384	\$ 574	\$ 12,435	\$ 820	\$ 17,485	
Y27	\$ 259	\$ 6,128	\$ 335	\$ 7,719	\$ 586	\$ 13,021	\$ 837	\$ 18,322	
Y28	\$ 265	\$ 6,393	\$ 341	\$ 8,060	\$ 597	\$ 13,618	\$ 853	\$ 19,176	
Y29	\$ 270	\$ 6,663	\$ 348	\$ 8,408	\$ 609	\$ 14,227	\$ 871	\$ 20,046	
Y30	\$ 275	\$ 6,938	\$ 355	\$ 8,764	\$ 622	\$ 14,849	\$ 888	\$ 20,934	
Y31	\$ 281	\$ 7,219	\$ 362	\$ 9,126	\$ 634	\$ 15,483	\$ 906	\$ 21,840	
Y32	\$ 286	\$ 7,505	\$ 370	\$ 9,495	\$ 647	\$ 16,129	\$ 924	\$ 22,764	
Y33	\$ 292	\$ 7,797	\$ 377	\$ 9,872	\$ 660	\$ 16,789	\$ 942	\$ 23,706	
Y34	\$ 298	\$ 8,095	\$ 384	\$ 10,257	\$ 673	\$ 17,462	\$ 961	\$ 24,667	
Y35	\$ 304	\$ 8,399	\$ 392	\$ 10,649	\$ 686	\$ 18,148	\$ 980	\$ 25,647	
Y36	\$ 310	\$ 8,709	\$ 400	\$ 11,049	\$ 700	\$ 18,848	\$ 1,000	\$ 26,647	
Y37	\$ 316	\$ 9,025	\$ 408	\$ 11,457	\$ 714	\$ 19,562	\$ 1,020	\$ 27,667	
Y38	\$ 323	\$ 9,348	\$ 416	\$ 11,873	\$ 728	\$ 20,290	\$ 1,040	\$ 28,707	
Y39	\$ 329	\$ 9,677	\$ 424	\$ 12,297	\$ 743	\$ 21,033	\$ 1,061	\$ 29,769	
Y40	\$ 336	\$ 10,012	\$ 433	\$ 12,730	\$ 758	\$ 21,791	\$ 1,082	\$ 30,851	
Y41	\$ 342	\$ 10,355	\$ 442	\$ 13,172	\$ 773	\$ 22,564	\$ 1,104	\$ 31,955	
Y42	\$ 349	\$ 10,704	\$ 450	\$ 13,622	\$ 788	\$ 23,352	\$ 1,126	\$ 33,081	
Y43	\$ 356	\$ 11,060	\$ 459	\$ 14,082	\$ 804	\$ 24,156	\$ 1,149	\$ 34,230	
Y44	\$ 363	\$ 11,423	\$ 469	\$ 14,551	\$ 820	\$ 24,976	\$ 1,172	\$ 35,401	
Y45	\$ 370	\$ 11,793	\$ 478	\$ 15,029	\$ 837	\$ 25,812	\$ 1,195	\$ 36,596	
Y46	\$ 378	\$ 12,171	\$ 488	\$ 15,516	\$ 853	\$ 26,666	\$ 1,219	\$ 37,815	
Y47	\$ 385	\$ 12,557	\$ 497	\$ 16,013	\$ 870	\$ 27,536	\$ 1,243	\$ 39,059	
Y48	\$ 393	\$ 12,950	\$ 507	\$ 16,521	\$ 888	\$ 28,424	\$ 1,268	\$ 40,327	
Y49	\$ 401	\$ 13,351	\$ 517	\$ 17,038	\$ 905	\$ 29,329	\$ 1,294	\$ 41,620	
Y50	\$ 409	\$ 13,760	\$ 528	\$ 17,566	\$ 924	\$ 30,253	\$ 1,319	\$ 42,940	
Y51	\$ 417	\$ 14,177	\$ 538	\$ 18,104	\$ 942	\$ 31,195	\$ 1,346	\$ 44,285	
Y52	\$ 426	\$ 14,603	\$ 549	\$ 18,653	\$ 961	\$ 32,156	\$ 1,373	\$ 45,658	
Y53	\$ 434	\$ 15,037	\$ 560	\$ 19,213	\$ 980	\$ 33,136	\$ 1,400	\$ 47,058	
Y54	\$ 443	\$ 15,479	\$ 571	\$ 19,785	\$ 1,000	\$ 34,136	\$ 1,428	\$ 48,487	
Y55	\$ 452	\$ 15,931	\$ 583	\$ 20,367	\$ 1,020	\$ 35,155	\$ 1,457	\$ 49,943	
Y56	\$ 461	\$ 16,392	\$ 594	\$ 20,962	\$ 1,040	\$ 36,195	\$ 1,486	\$ 51,429	
Y57	\$ 470	\$ 16,861	\$ 606	\$ 21,568	\$ 1,061	\$ 37,256	\$ 1,516	\$ 52,945	
Y58	\$ 479	\$ 17,341	\$ 618	\$ 22,186	\$ 1,082	\$ 38,338	\$ 1,546	\$ 54,491	
Y59	\$ 489	\$ 17,829	\$ 631	\$ 22,817	\$ 1,104	\$ 39,442	\$ 1,577	\$ 56,067	
Y60	\$ 499	\$ 18,328	\$ 643	\$ 23,460	\$ 1,126	\$ 40,568	\$ 1,608	\$ 57,676	
Y61	\$ 509	\$ 18,837	\$ 656	\$ 24,117	\$ 1,148	\$ 41,716	\$ 1,641	\$ 59,316	
Y62	\$ 519	\$ 19,355	\$ 669	\$ 24,786	\$ 1,171	\$ 42,888	\$ 1,673	\$ 60,990	
Y63	\$ 529	\$ 19,884	\$ 683	\$ 25,469	\$ 1,195	\$ 44,082	\$ 1,707	\$ 62,696	
Y64	\$ 540	\$ 20,424	\$ 696	\$ 26,165	\$ 1,219	\$ 45,301	\$ 1,741	\$ 64,437	
Y65	\$ 550	\$ 20,975	\$ 710	\$ 26,875	\$ 1,243	\$ 46,544	\$ 1,776	\$ 66,213	
Y66	\$ 561	\$ 21,536	\$ 725	\$ 27,600	\$ 1,268	\$ 47,812	\$ 1,811	\$ 68,024	
Y67	\$ 573	\$ 22,109	\$ 739	\$ 28,339	\$ 1,293	\$ 49,105	\$ 1,847	\$ 69,872	
Y68	\$ 584	\$ 22,693	\$ 754	\$ 29,093	\$ 1,319	\$ 50,424	\$ 1,884	\$ 71,756	
Y69	\$ 596	\$ 23,289	\$ 769	\$ 29,861	\$ 1,345	\$ 51,770	\$ 1,922	\$ 73,678	
Y70	\$ 608	\$ 23,897	\$ 784	\$ 30,646	\$ 1,372	\$ 53,142	\$ 1,961	\$ 75,639	
Y71	\$ 620	\$ 24,517	\$ 800	\$ 31,445	\$ 1,400	\$ 54,542	\$ 2,000	\$ 77,639	
Y72	\$ 632	\$ 25,149	\$ 816	\$ 32,261	\$ 1,428	\$ 55,970	\$ 2,040	\$ 79,679	

COASTAL COMMISSION

A-5-VEN-15-0008

B- 1

EXHIBIT # 5

PAGE 32 OF 32



Venice Neighborhood Council

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Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



May 21, 2014

Jonathan Hershey
Zoning Administrator
Los Angeles Department of City Planning
200 N. Spring Street
Los Angeles, CA 90012-2601

Case Number: ZA-2014-0277-CDP; ENV-2014-278-CE; DIR-2013-4118-SPP

Project: 1511 Abbot Kinney, Venice 90291

Project description: Change of use from Artist-in-residence to Artist-in-residence (3rd floor) and retail (1st and 2nd floors)

Dear Jonathan,

This will advise that at a regularly held public meeting of the Venice Neighborhood Council's Board of Officers on May 20, 2014, it was moved and passed by the Venice Neighborhood Council as follows:

MOTION: The Venice Neighborhood Council recommends denial of the project as presented, based on the following:

1. It does not meet the intent of the Venice Land Use Plan (LUP) or Venice Specific Plan (VSP).
2. It does not address physical parking, and the use of in lieu fees as presented is inappropriate.
3. Given the recent (2008) construction, which was built under the VSP, the project does not conform to the Adaptive Re-Use Plan concept, as described in the Venice LUP or VSP.
4. There is no space allocated for trash or recycling, and it should therefore remain as it was built.

LUPC Motion made by Jim Murez, seconded by Robert Aronson, Approved 4-0-2, May 7, 2014
Case Info:

<http://www.venicenc.org/wp-content/uploads/2012/12/1511-staff-report.pdf-.pdf>

<http://www.venicenc.org/wp-content/uploads/2012/12/1511abbotkinneycaseinfo..pdf>

BOARD ACTION: Motion made by Sevan Gerard, seconded by Hugh Harrison
MOTION PASSES 11-2-1, May 20, 2014

Sincerely,

Linda Lucks
President
Venice Neighborhood Council

COASTAL COMMISSION
A-5-VEN-15-0002
EXHIBIT # 6
PAGE 1 OF 1