

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

45 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

Filed: 1/13/97
49th Day: 3/31/97
180th Day: 7/12/97
Staff: CP-LB
Staff Report: 2/20/97
Hearing Date: 3/14/97
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-178

APPLICANT: Brad Neal

AGENT: Lynda Haas

PROJECT LOCATION: 8 Brooks Avenue, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Conversion of 1,681 square feet of the ground floor of an existing residential building to commercial retail use while maintaining all 19 currently existing residential units. Eleven parking spaces are proposed to be leased in a parking lot located 455 feet from the site.

Lot Area	6,600 sq. ft.
Building Coverage	6,200 sq. ft.
Pavement Coverage	400 sq. ft.
Landscape Coverage	0 sq. ft.
Parking Spaces	11 off-site
Zoning	C1-1
Plan Designation	Commercial
Ht abv fin grade	40 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions regarding parking, permitted use, and signs. A deed restriction is also required in order to ensure the continued provision of the parking supply.

LOCAL APPROVALS:

1. City of Los Angeles Local Coastal Development Permit No. 94-006.
2. City of Los Angeles Zone Variance Case No. 94-0089(ZV)(PP).

SUBSTANTIVE FILE DOCUMENTS:

1. Regional Interpretive Guidelines for Los Angeles County, 10/14/80.
2. Coastal Development Permit 5-87-130 (Galper).
3. Coastal Development Permit 5-93-332 (Sands).
4. Coastal Development Permit Appeal File A-5-VEN-97-032 (Scharff).

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Parking Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit a parking plan, for the review and approval of the Executive Director, which carries out the following requirements:

- a) A minimum of eleven parking spaces shall be leased on a long-term and on-going basis for the exclusive use of the tenants, employees and customers of the retail establishment(s) at 8 Brooks Avenue in Venice.
- b) The eleven parking spaces shall be located in the parking lot located at 619 Ocean Front Walk in Venice or other parking lot located within 455 feet of the property at 8 Brooks in Venice. Any change in the parking location shall be submitted as a request to the Executive Director to determine if an amendment to the permit is necessary.
- c) A copy of the lease and an inventory of all leased or rented parking spaces in the parking lot shall be submitted to demonstrate that the eleven parking spaces which are leased to serve the retail establishment(s) are not leased or used by any other person or party. A site plan in the lease shall identify the location of the eleven required parking spaces in the parking lot.
- d) Signs shall be posted on each of the eleven leased parking spaces and at the retail establishments which clearly state that the parking spaces are reserved and available for the exclusive use of the tenants, employees and customers of the retail establishment(s).
- e) The tenants and employees of the retail establishment(s) shall be allowed to use the eleven parking spaces while they are working. If a parking fee is charged it shall not exceed the cost of parking in public beach parking lots in Venice. The plan shall identify the signs, notices and other measures that will inform the tenants and employees of the retail establishment(s) of the availability and location of the eleven parking spaces.
- f) The eleven leased parking spaces shall be available to customers of the retail establishment(s) for a minimum of one hour of free parking per day. Customers who make a purchase shall be granted

validations for at least one hour of free parking. The plan shall identify the signs, notices and other measures that will inform the customers of the retail establishment(s) of the validation program and location of the eleven parking spaces.

The applicant shall provide the required parking spaces and signs and implement the parking plan as approved by the Executive Director for the life of the uses permitted in this action. Failure to provide the required parking spaces or signs or implement the parking plan will result in termination of this Coastal Development Permit, and reversion of the retail space to residential use (total of 19 units maximum at 8 Brooks Avenue).

2. Permitted Uses

The permitted use of the 1,681 square feet of ground floor space fronting Ocean Front Walk at 8 Brooks Avenue in Venice is general retail use only. The permitted use of the remainder of the structure at 8 Brooks Avenue is residential use only. Any intensification or change in use of the structure, including fast food and restaurant service, will require an amendment to the permit or a new Coastal Development Permit.

3. Signs

All signs shall be attached flush to the building facade, and no sign shall encroach over a public right-of-way. No sign shall rotate, flash, or be internally illuminated.

4. Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicant shall submit a deed restriction for recording, subject to the review and approval of the Executive Director, and free of all prior liens and encumbrances which the Executive Director determines may affect the interest conveyed, which states that:

- a) The applicant shall provide the parking spaces and signs and implement the parking plan as approved by the Executive Director pursuant to Special Condition One of Coastal Development Permit 5-96-178 for the life of the uses permitted in this action. Failure to provide the required parking spaces or signs or implement the parking plan will result in termination of this Coastal Development Permit, and reversion of the retail space to residential use (total of 19 units maximum at 8 Brooks Avenue), and,
- b) The permitted use of the 1,681 square feet of ground floor space fronting Ocean Front Walk at 8 Brooks Avenue in Venice is general retail use only. The permitted use of the remainder of the structure at 8 Brooks Avenue is residential use only. Any intensification or change in use of the structure, including fast food and restaurant service, will require an amendment to the permit or a new Coastal Development Permit.

The deed restriction shall run with the land, binding on all heirs and assigns of the applicant.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to convert 1,681 square feet of the ground floor of an existing residential building on Ocean Front Walk to commercial retail use (Exhibit #3). The existing four-story residential building currently contains 19 residential units and has no parking supply. The proposed project will maintain all 19 existing residential units by remodeling the inside of the building in order to accommodate the proposed 1,681 square feet of commercial retail floor area. Eleven parking spaces are proposed to be leased in a parking lot located 455 feet from the site at 619 Ocean Front Walk (Exhibits #2&5).

The Los Angeles City Council approved Local Coastal Development Permit No. 94-006 and a variance for the off-site parking for the proposed project by on November 1, 1994. The City's approval expires two years from the date of permit issuance which was July 31, 1995.

The proposed project is situated on a 6,600 square foot commercially zoned lot on the corner of Brooks Avenue and Ocean Front Walk (Exhibit #3). Ocean Front Walk is a popular commercial and residential pedestrian street on the beachfront which attracts many tourists and day visitors. Parking spaces are always in great demand in the area. The beach is located in front of the site across Ocean Front Walk (Exhibit #3).

B. Public Access/Parking

The proposed project is located in the North Venice area on Ocean Front Walk. The most important coastal planning issue for the North Venice area is the provision of adequate parking facilities to assure continued public access opportunities to the highly popular coastal area.

Many of the existing commercial and residential structures in this area were constructed decades ago at a time when the parking demands generated by development were significantly less than they are today. In addition, many residential structures have been converted to commercial uses without providing any additional parking. Because there is now a severe shortage of available parking spaces in the area during the summer when demand is highest, public access to the coast is negatively affected by the competition for existing parking spaces between commercial uses and recreational uses.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance

public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide an adequate parking supply to meet the needs of the proposed new development. Adequate parking means that parking sufficient to meet the demands generated by the proposed development must be provided on the site or within a reasonable distance of the site. The Commission's Interpretive Guidelines and previous actions are used to determine how many spaces are sufficient and what is a reasonable distance for off-site parking.

There is currently no parking supply on the site to serve the existing uses in the structure. Although zero parking spaces for nineteen residential units is already an inadequate supply to serve the demand of the existing uses in the structure, the existing units can be allowed to retain their non-conforming parking rights according to the Commission's established standard. Section 30252 of the Coastal Act does not require that existing non-conforming uses supply additional parking.

Section 30252 of the Coastal Act does, however, require that new development provide adequate parking facilities. The proposed creation of 1,681 square feet of commercial retail space within a 19 unit apartment building will increase the intensity of use of the structure by adding new commercial space while maintaining the existing uses. The parking demands of the structure will increase as a result of the added commercial retail uses.

Many applicants have argued that small, pedestrian oriented commercial uses along Ocean Front Walk cater to visitors already in the area and do not in and of themselves increase the parking demand in the Venice area. However, the Commission has consistently required the provision of parking for such uses in order to offset the cumulative effects on public parking and beach access which are caused by the continuing intensification of commercial uses along the Venice boardwalk.

Based on the Commission's current parking standards for new commercial development in the North Venice area, 1,681 square feet of new general retail use would require at least eight parking spaces (general retail: 1 space/225 sq. ft.). The Commission's current parking standards are contained in the Regional Interpretive Guidelines for Los Angeles County, adopted by the Commission on October 14, 1980. In general the Commission has required strict adherence to its adopted parking standards.

In addition, because the proposed project is located within the Beach Impact Zone (BIZ) of the North Venice area as defined in the City of Los Angeles Venice Coastal Interim Control Ordinance (ICO), the proposed project must also provide Beach Impact Zone parking spaces. The Beach Impact Zone parking requirements apply to all new commercial developments in the Beach Impact Zone, and are in addition to the standard parking requirements. The parking spaces generated by the Beach Impact Zone parking requirements help offset the cumulative impacts on public access opportunities caused by the intensification of commercial enterprises in the Venice area. One Beach Impact Zone parking space is required for each 640 square feet of ground floor

commercial area. The City allows the option of paying an in lieu fee of \$18,000 per required Beach Impact Zone parking space (up to two spaces) into the Venice Coastal Parking Impact Trust Fund. The Venice Coastal Parking Impact Trust funds are used to increase the parking supply in the Venice area. In this case, three additional parking spaces are required to meet the BIZ requirements.

The City's approval requires the applicant to provide eleven parking spaces for the proposed project. The applicant is not proposing to increase the overall parking supply in the Venice area by eleven spaces, but he is proposing to lease eleven existing parking spaces from another property owner. As previously stated, no on-site parking is available. The proposed eleven off-site parking spaces are located in an existing parking lot at 619 Ocean Front Walk, approximately 455 feet from the project site (Exhibit #2, p.2).

The Commission's Guidelines allow off-site parking to be used for commercial uses when on-site parking is not available. The off-site parking, however, must be unencumbered and available for long-term lease. The Guidelines also state that commercial parking must be located within 300 feet of the site when on-site parking is not feasible.

The primary issues of this permit application are: 1) the distance between the proposed project and the proposed parking supply, and 2) the actual availability of the spaces. Staff is recommending that the project be approved even though the distance between the parking and the commercial use exceeds the 300 foot limitation of the Guidelines. However, the approval must be conditioned to require the actual provision of the proposed parking spaces for use by the tenants, employees and customers of the proposed retail establishment(s). The parking, once reserved for use by this project, may not be used by any other project. This is important because the eleven parking spaces proposed to be leased by the applicant are also being proposed by another applicant to serve a proposed 6,277 square foot commercial project located at 1101-1119 Ocean Front Walk (Exhibits #5&6). The proposed project located at 1101-1119 Ocean Front Walk will come before the Commission at its April meeting (Appeal File A-5-VEN-97-032).

In regards to the Commission's requirements for off-site parking, the Guidelines require that off-site parking must be located within a reasonable distance from the site so that it will be utilized by the people it is meant to serve: the owners, employees and customers of the commercial uses. The Guidelines' limitation of 300 feet is a reasonable distance for off-site parking. The concern is that off-site parking that is farther than 300 feet from the site may not be used by the owners, employees and customers of the proposed commercial uses if they can find closer parking facilities in other commercial lots or public parking areas. In this case, there is a shortage of available parking in the vicinity of the project site. The applicant's representative states that the applicant was not able to lease any parking spaces closer than the ones located 455 feet from the site. If the applicant posts both the proposed retail establishment(s) and the parking spaces, they will be utilized by the tenants, employees and customers of the proposed project.

The Commission must decide whether a distance of 455 feet between a parking supply and a commercial use is a reasonable distance. The issue of reasonable distance for off-site parking is not limited to this application. The same issue will come before the Commission at the April meeting in an appeal of another City of Los Angeles approval which permits the use of 25 off-site parking spaces located 1,000 feet from another residential building being converted to commercial use (Appeal File A-5-VEN-97-032).

Staff recommends that the Commission approve the proposed project and allow the off-site parking to be provided at the site proposed by the applicant 455 feet from the site under the condition that the applicant provide a parking plan which will ensure that the required parking is provided for the life of the project. Special condition one requires the provision of a parking plan which carries out the following requirements:

- a) A minimum of eleven parking spaces shall be leased on a long-term and on-going basis for the exclusive use of the tenants, employees and customers of the retail establishment(s) at 8 Brooks Avenue in Venice.
- b) The eleven parking spaces shall be located in the parking lot located at 619 Ocean Front Walk in Venice or other parking lot located within 455 feet of the property at 8 Brooks in Venice. Any change in the parking location shall be submitted as a request to the Executive Director to determine if an amendment to the permit is necessary.
- c) A copy of the lease and an inventory of all leased or rented parking spaces in the parking lot shall be submitted to demonstrate that the eleven parking spaces which are leased to serve the retail establishment(s) are not leased or used by any other person or party. A site plan in the lease shall identify the location of the eleven required parking spaces in the parking lot.
- d) Signs shall be posted on each of the eleven leased parking spaces and at the retail establishments which clearly state that the parking spaces are reserved and available for the exclusive use of the tenants, employees and customers of the retail establishment(s).
- e) The tenants and employees of the retail establishment(s) shall be allowed to use the eleven parking spaces while they are working. If a parking fee is charged it shall not exceed the cost of parking in public beach parking lots in Venice. The plan shall identify the signs, notices and other measures that will inform the tenants and employees of the retail establishment(s) of the availability and location of the eleven parking spaces.
- f) The eleven leased parking spaces shall be available to customers of the retail establishment(s) for a minimum of one hour of free parking per day. Customers who make a purchase shall be granted validations for at least one hour of free parking. The plan shall identify the signs, notices and other measures that will inform the customers of the retail establishment(s) of the validation program and location of the eleven parking spaces.

The applicant will be required to provide the required parking spaces and signs and implement the parking plan as approved by the Executive Director for the life of the uses permitted in this action. Failure to provide the required parking spaces or signs or implement the parking plan will result in termination of this Coastal Development Permit, and reversion of the retail space to residential use (total of 19 units maximum at 8 Brooks Avenue). Only as conditioned is the proposed project consistent with the coastal access policies of the Coastal Act.

As previously stated, the proposed use of the commercial structure is for general retail sales only. No restaurant or food sales have been proposed. Restaurant uses and food sales have different parking requirements than general retail uses. Therefore, if the applicant wishes to use the proposed structure for any use other than general retail use (such as food service), a new Coastal Development Permit or amendment to this permit must be obtained. Any additional impacts on public access will be analyzed at that time. In order to ensure the continued provision of the parking supply, a deed restriction is required so that the parking and use requirements are tied to the land. Only as conditioned does the Commission find the proposed project consistent with the coastal access policies of the Coastal Act.

All identified impacts on public access caused by the proposed project have been adequately mitigated by special conditions of approval. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the coastal access policies of the Coastal Act.

C. Land Use

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30222 of the Coastal Act requires that visitor-serving commercial uses be given priority over residential uses. The proposed project is consistent with Section 30222 of the Coastal Act in that it will convert an existing residential use to a commercial use which is visitor-serving. The residential use will be converted to a retail use which can enhance public opportunities for coastal recreation. Therefore, the Commission finds the proposed project that it is consistent with Section 30222 of the Coastal Act.

D. Community Character

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...be visually compatible with the character of surrounding areas...

The project site is located on Ocean Front Walk which is a public walkway used for walking, skating, and bicycle riding. Ocean Front Walk is adjacent to Venice Beach. Venice Beach is a very popular, highly utilized public recreation area. The beach is a very wide, sandy beach which can accommodate large numbers of visitors. Venice Beach is a popular destination for both international and domestic tourists, as well as Southern California area residents. As required by the Coastal Act, the visual qualities of this coastal area shall be protected from negative impacts such as excessive building heights and bulks, and unnecessary visual clutter.

Exterior signs and other advertising on structures can negatively impact the visual quality of the area. The design of the signs for the proposed project has not been completed at this time. Exterior signs will likely be attached to the approved structure after construction is completed. Therefore, in order to protect against excessive visual impacts caused by signs, the approval of the project is conditioned to limit the types of exterior signs that may be attached to the approved structure. All signs shall be attached flush to the building facade, and no sign shall encroach over a public right-of-way. No sign shall rotate, flash, or be internally illuminated. As conditioned, the proposed project will not negatively affect the visual quality of the area, and is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

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

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

A preliminary draft of the North Venice Land Use Plan was prepared by the City of Los Angeles in 1980. However, no action was taken by the City or by the Commission to approve the draft Land Use Plan. There is currently a new draft Land Use Plan being developed by the City. It has not yet been submitted to the Commission for certification. Therefore, the City does not have a Local Coastal Program or a Land Use Plan that has been certified by the Commission. The draft Land Use Plan does not contain policies regarding off-site parking for commercial uses.

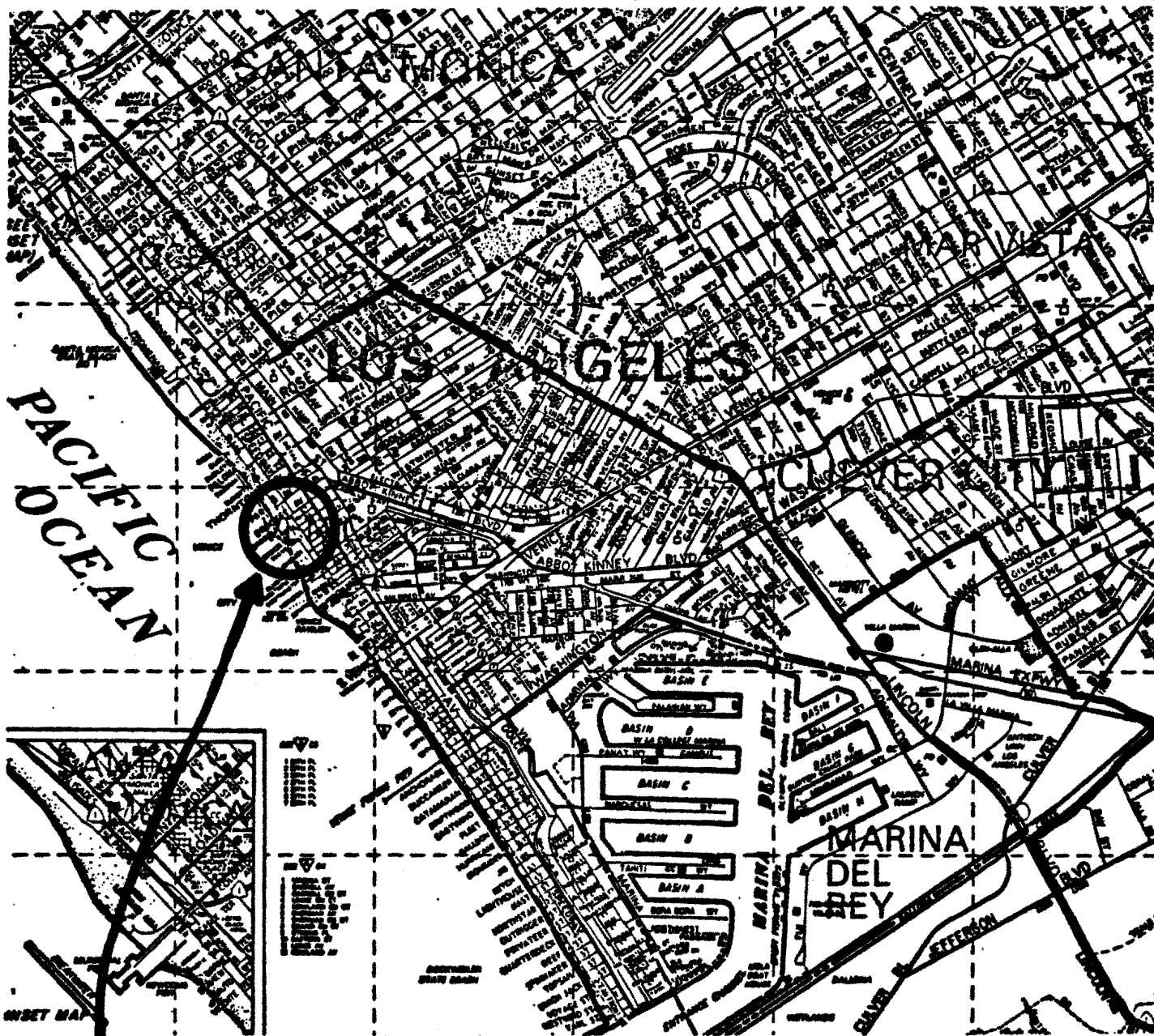
The proposed project, as conditioned, is consistent with the coastal access and other policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies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

F. California Environmental Quality Act (CEQA)

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

The proposed project, as conditioned, provides adequate parking facilities and is consistent with the coastal access and other policies of the Coastal Act. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

7694F:CP



Project
Site

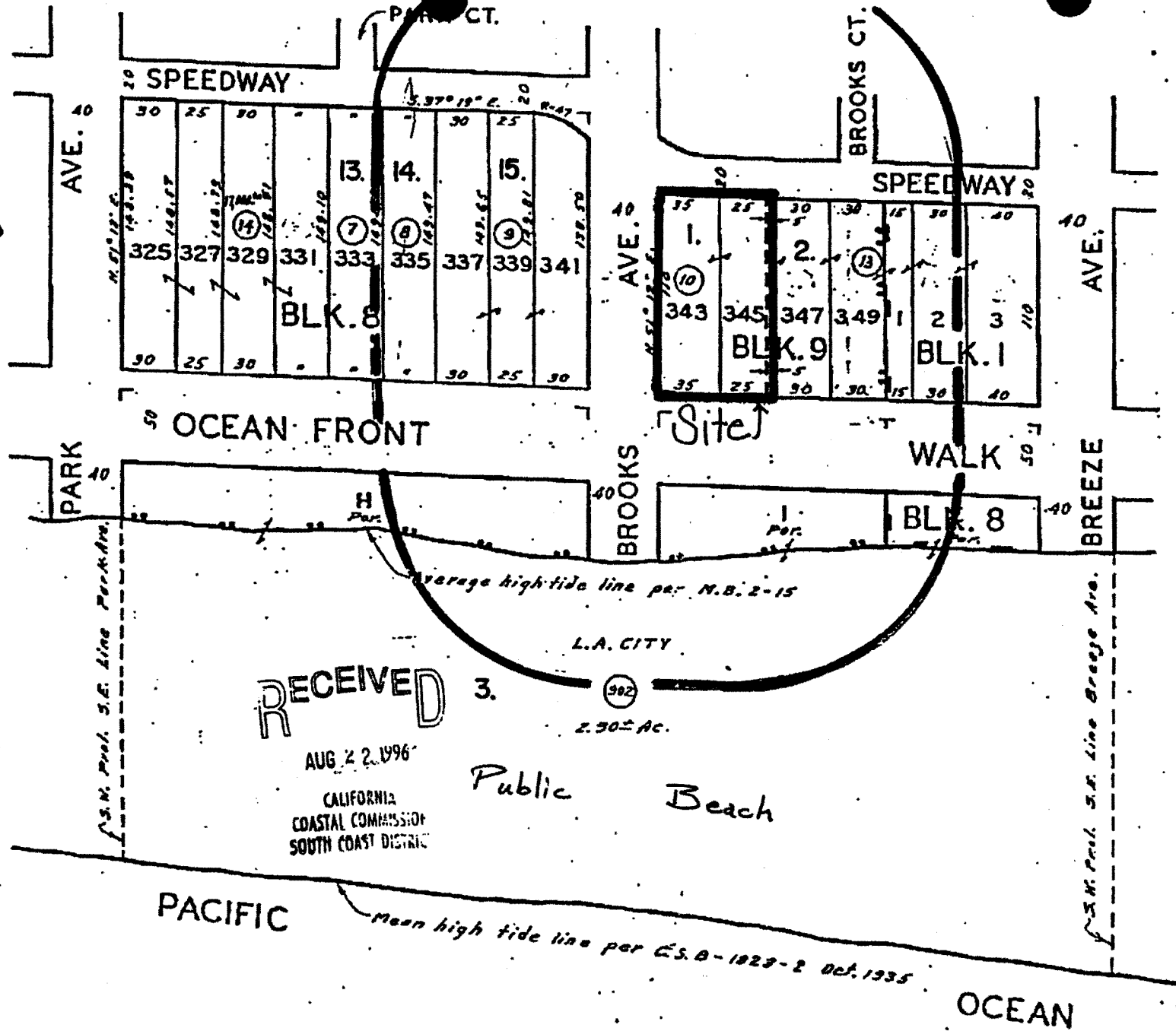
COASTAL COMMISSION

5-96-178

EXHIBIT # 1

PAGE 1 OF 1

1-178



RECEIVED

3.

982

AUG 22 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Public Beach

PACIFIC

OCEAN

COASTAL COMMISSION

5-96-178

EXHIBIT # 2

PAGE 1 OF 2

Parking

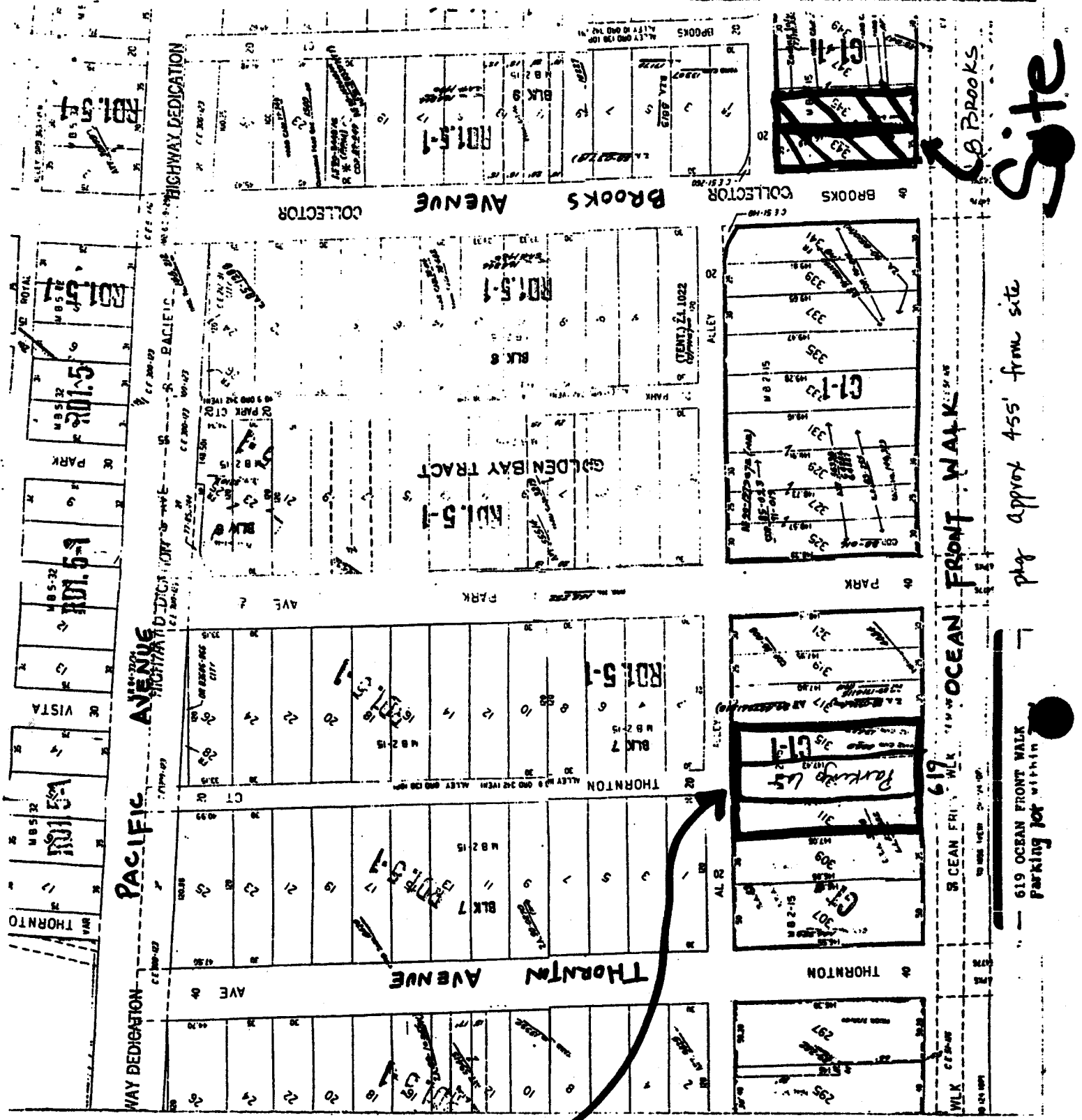
RECEIVED
JAN 13 1997
CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

5-96-178

EXHIBIT # 2

PAGE 2 OF 2



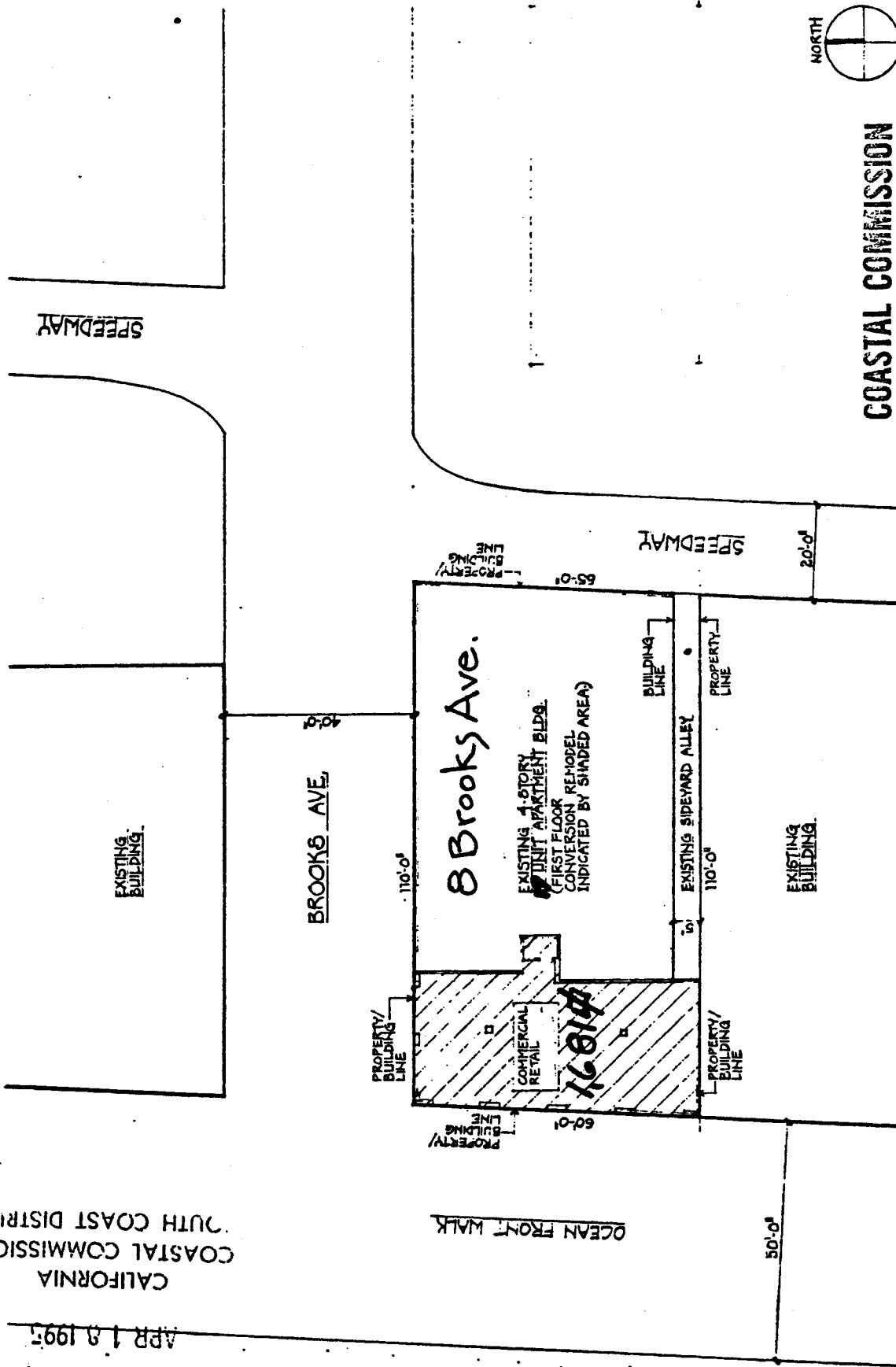
RECEIVED

APR 18 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

VEHICLE BEACH

5-95-044

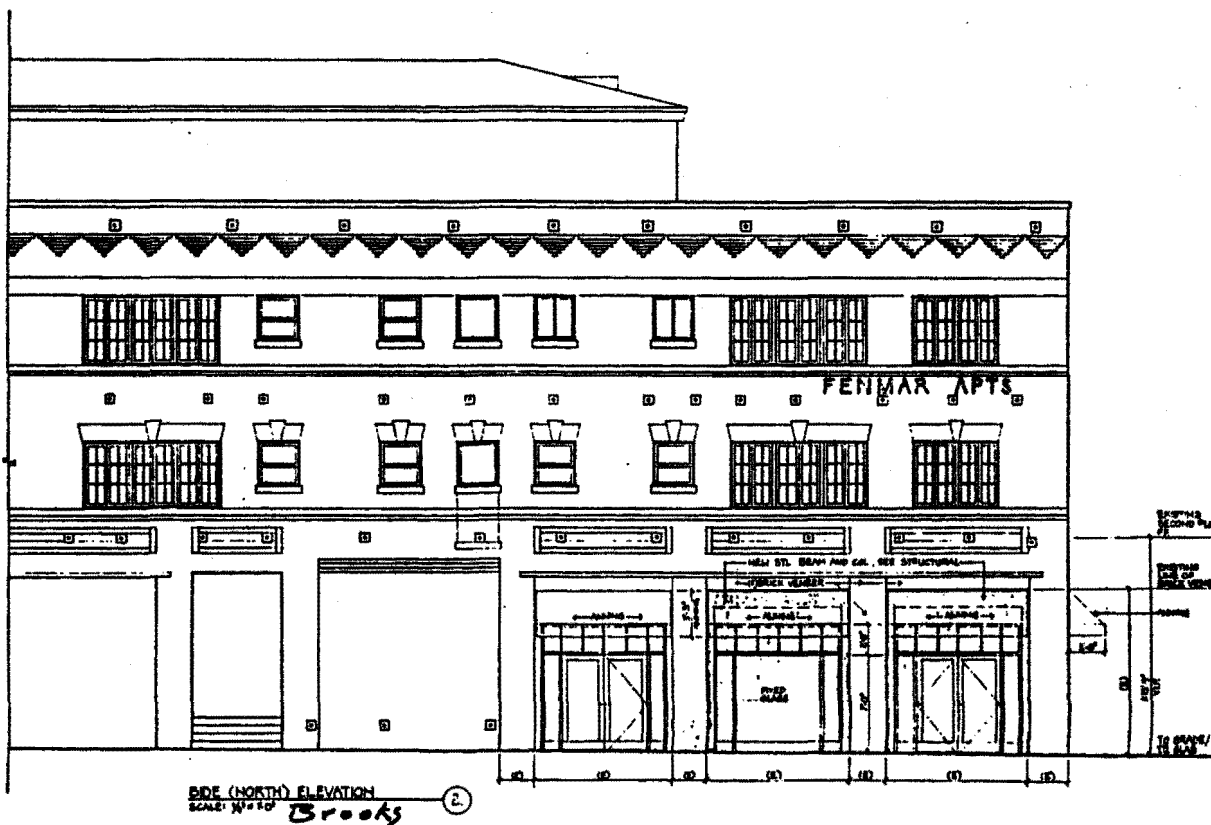
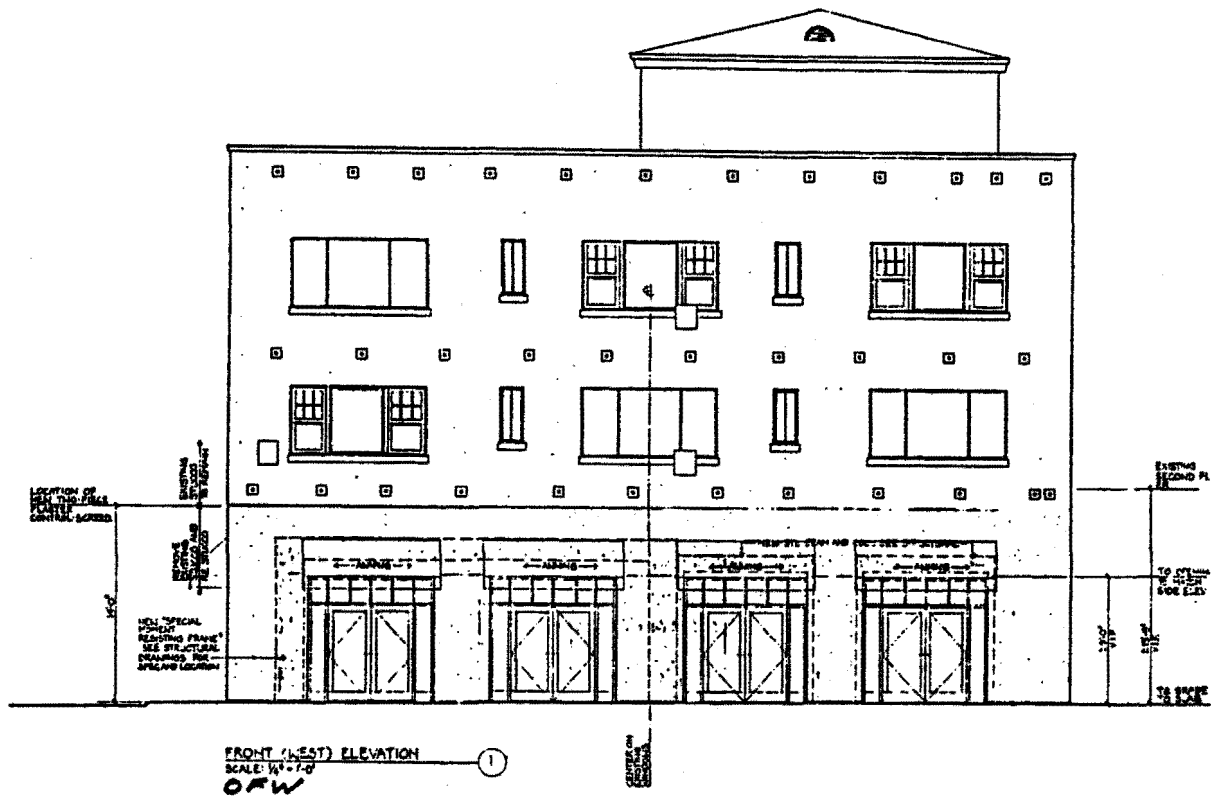


COASTAL COMMISSION

5-96-178

PLOT PLAN
SCALE: 1" = 10'

EXHIBIT # 3
PAGE 1 OF 1



COASTAL COMMISSION

5-96-178

EXHIBIT # 4

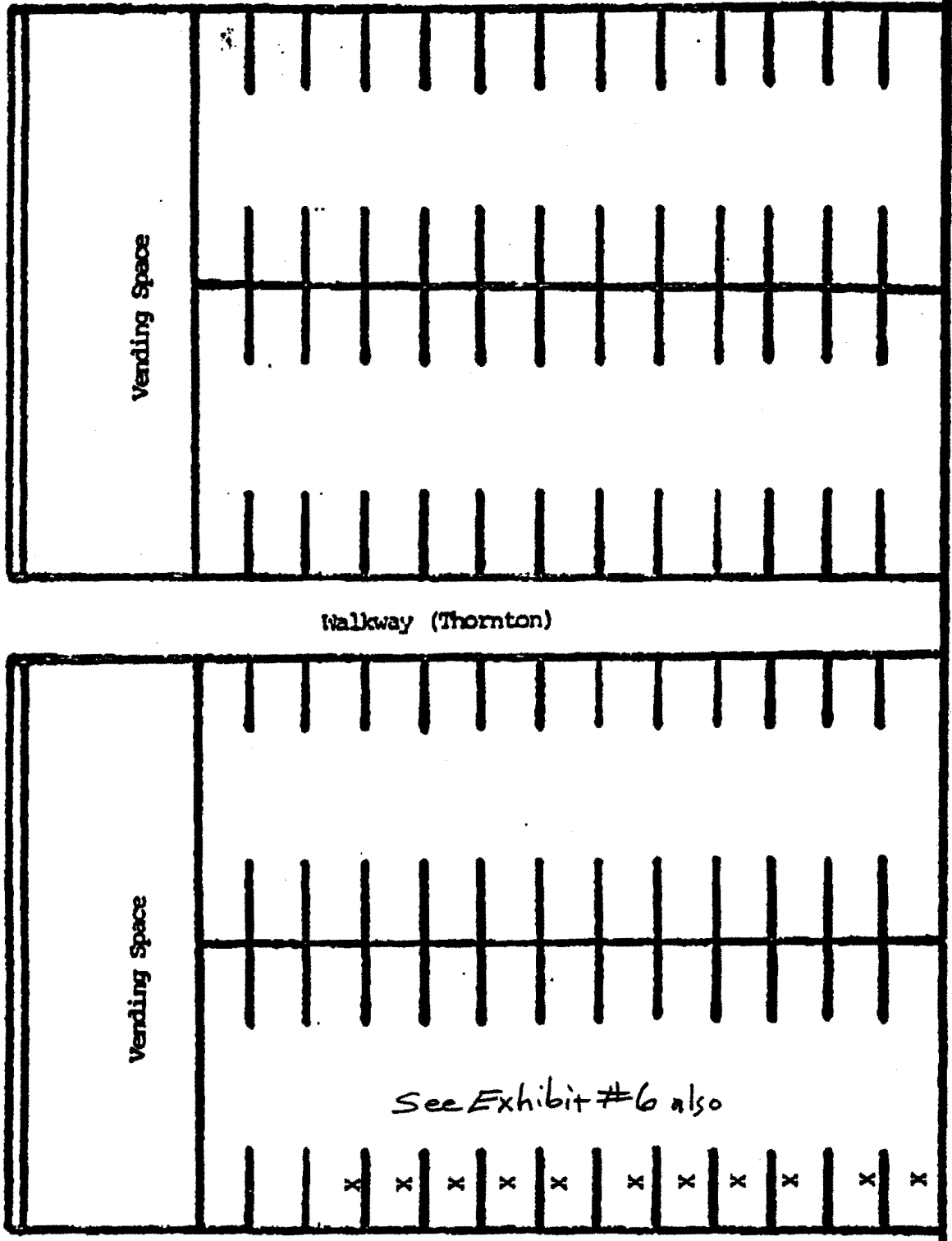
PAGE 1 OF 1

619 Ocean Front Walk, Venice

X = Susan Cox Designated Space

NA

Ocean Front Walk

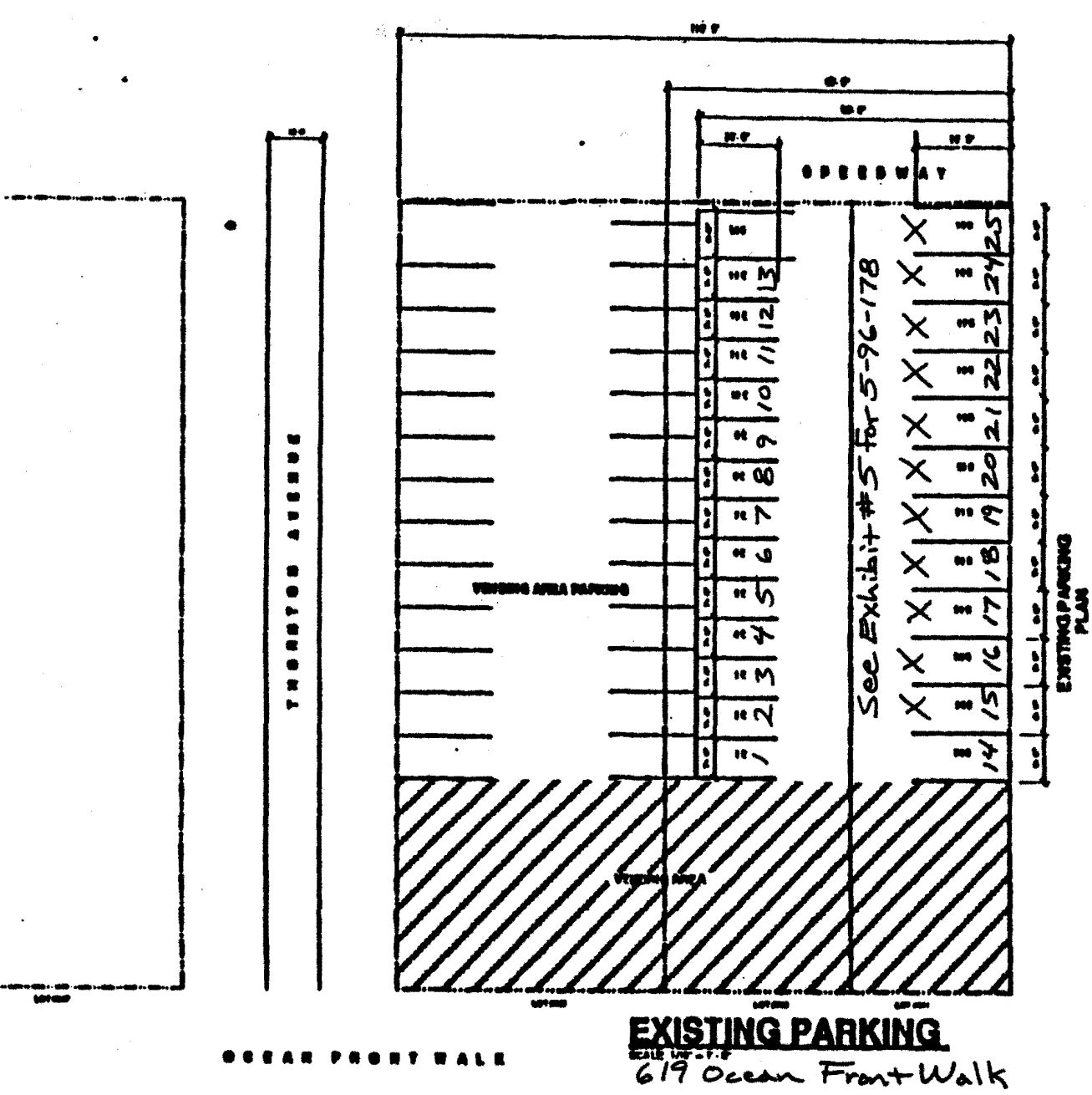


(not to scale)

Speedway

Eleven Parking
Spaces for Brooks

COASTAL COMMISSION
5-96-178
EXHIBIT # 5
PAGE 1 OF 1



REVISIONS	BY

TOMAS OSINSKI DESIGN
 4300 HOLLYWOOD BLVD
 LOS ANGELES
 CALIFORNIA 90028
 TEL 213 280-0878
 FAX 213 280-7803

Proposed Parking Supply
 25 spaces required by city
OFF-SITE PARKING
 FOR 1101-19 OCEAN FRONT WALK
 RETAIL STORES L.A. DDP No. 96-012

1101-1119 OFW
 PROPOSED STORES
 A-5-VEN-97-032

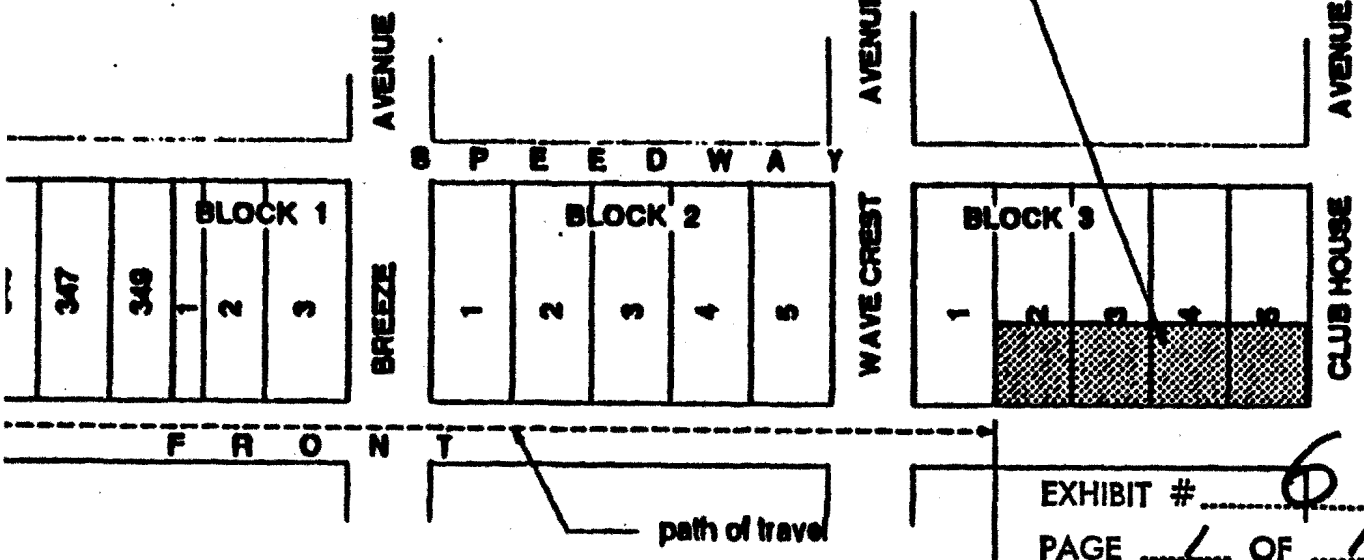


EXHIBIT # 6
 PAGE 1 OF 1

LEGAL DESCRIPTION:
 Lots: 295, 297, 307, 309,
 311
 Tract Golden Bay Tract