

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

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Filed: 11/22/95
49th Day: 1/10/96
180th Day: 5/20/96
Staff: CP-LB
Staff Report: 12/13/95
Hearing Date: January 9-12, 1996



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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-86-518-A3
APPLICANT: Park Plaza Partnership
AGENT: Mark Ryavec, Delphi Associates
PROJECT LOCATION: 801 Ocean Front Walk, Venice, City of Los Angeles.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (5-86-518):

Construction of a 9,021 square foot commercial center with a plaza and 54 parking spaces. The four contiguous lots are currently developed with 26 paved parking spaces and has a trailer/office on-site. The construction of the subterranean garage will require 4,900 cubic yards of grading and export. [Note: The originally approved project has been constructed.]

DESCRIPTION OF PREVIOUS AMENDMENTS:

FIRST AMENDMENT (5-86-518-A): Rejected - No Change.

SECOND AMENDMENT (5-86-518-A2): Extinguish and re-record the deed restriction required by special condition one in order to revise section 1c of special condition one. Special condition one is a deed restriction regulating the operation of the 54 space subterranean parking garage. Section 1c of special condition one currently states:

- c. A parking attendant shall be on duty during all hours the development is open for business.

Section 1c of special condition one is revised to state:

- c. A parking attendant shall be on duty or a coin operated device shall be used during all hours development is open for business.

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-86-518-A3):

Convert 1,499 square feet (4 units) of the existing 9,021 square foot, 14 unit, commercial retail center to walk-up food vending with no seating.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that the proposed amendment, subject to the conditions below, is consistent with the Chapter 3 policies of the Coastal Act. The applicant agrees with the recommendation.

LOCAL APPROVALS:

1. City of Los Angeles Approval in Concept No. 95-052, 11/8/95.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-86-518 & amendments (Park Plaza).
2. Coastal Development Permit 5-92-338 & amendment (Elzas Family Trust).
3. Coastal Development Permit 5-90-789R (Blanchard).
4. Coastal Development Permit 5-92-203 (Dror).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change in the project description. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development, as conditioned, 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. Special Conditions

(Note: The special conditions contained in the underlying permit, as amended by 5-86-518-A2 and 5-86-518-A3, still apply.)

1. Use of Structure

Prior to issuance of the Coastal Development Permit amendment, the applicant shall record a deed restriction free of prior liens and encumbrances except for tax liens. The deed restriction shall be subject to the review and approval of the Executive Director, and shall run with the land, binding successors and assigns of the applicant or landowner, for the life of the project. The deed restriction shall provide that a maximum of 1,499 square feet of the structure may be used for walk-up food vending service, and that the rest of the structure is limited to general retail use only. No additional conversions to walk-up food vending, fast food or restaurant uses may occur in the subject structure without the review and approval of the Coastal Commission or its successor agency.

2. Outdoor Seating

There shall be no outdoor seating or tables provided in the plaza area or anywhere else on the site.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to amend Coastal Development Permit 5-86-518 in order to convert 1,499 square feet of interior floor area (four units) within a 9,021 square foot, fourteen unit commercial building from general retail use to walk-up food vending service (Exhibit #3). No seating or restaurants are proposed. The applicant has proposed to limit the proposed operations subject to the conditions listed in the amendment application (Exhibit #4).

The existing 9,021 square foot commercial building was approved by the Commission on August 14, 1986 (Coastal Development Permit 5-86-518). Coastal Development Permit 5-86-518 contains a special condition which limits the uses allowed in the building to general retail uses in order to protect coastal access opportunities by ensuring that the site's underground parking supply does not become overburdened. Special condition two of permit 5-86-518 states:

2. This permit is for general retail use only. No area shall be devoted to the sale or consumption of food or beverage or any other non-general retail use without a new Coastal Development Permit.

Based upon the language in the above stated condition, the Executive Director

determined that an amendment request, in lieu of a new Coastal Development Permit, could be accepted for the proposed conversion of 1,499 square feet of the structure to walk-up food vending uses. The amendment request proposes to allow four of the existing fourteen commercial units in the structure to be used for walk-up food vending. The local approval for the proposed amendment consists of an approval in concept issued by the City of Los Angeles Planning Department. The City did not hold a public hearing regarding the applicant's proposal.

The existing commercial structure is situated on a 16,500 square foot (approx.) commercially zoned lot on the corner of Ocean Front Walk and Park Avenue in North Venice (Exhibit #1). Ocean Front Walk is a popular commercial and residential pedestrian street on the beachfront which attracts many tourists and day visitors. Park Avenue is a pedestrian walk-street which provides vertical access to Venice Beach, the most popular beach in Los Angeles County. Vehicular access to the site is provided by Speedway, the rear alley. Parking spaces are always in great demand in the area. There are 55 parking spaces provided in the underground parking garage on the site.

B. Public Access/Parking

The subject structure 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 structures in this area were constructed decades ago at a time when the parking demands generated by commercial development were significantly less than they are today. In addition, many residential structures were converted to commercial uses without providing additional parking. Consequently, there is now a severe shortage of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast. There is competition for existing parking spaces in the area between commercial, residential, 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 amendment must not negatively affect the area's parking supply by creating additional parking demand without supplying additional parking.

Coastal Development Permit 5-86-518 required the applicant to provide 54 on-site parking spaces in order to meet the parking demands of the approved 9,021 square foot commercial building and to provide replacement parking spaces for coastal access and overnight parking displaced by the development. The applicant states that the existing underground garage currently provides 55 parking spaces. The on-site parking is required to be made available to employees and customers of the businesses during all operating hours, and to parking permit holders at all times. Access to the parking supply is controlled by a coin operated electric gate system. Fourteen quarters must be inserted into the gate system in order to access the parking garage.

In the approval of Coastal Development Permit 5-86-518, the Commission found that the project's underground parking supply was adequate to satisfy the Commission's parking requirements for a general retail use. However, the Commission also stated that 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 from the Commission. As previously stated, the current amendment request is to allow walk-up food vending uses in 1,499 square feet of the existing structure.

The Coastal Act requires that the proposed amendment must not negatively affect the area's parking supply by creating additional parking demand without supplying additional parking. The proposed amendment does not include any increase in the existing parking supply. Therefore, consistency with the access policies of the Coastal Act requires that the proposed amendment not negatively affect coastal access by creating additional parking demand.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The Commission has routinely used the parking standards contained in the Commission's Interpretive Guidelines to determine the amount of parking required for commercial uses to ensure the protection of access to the coast. For drive-in and window food service, the Commission's Interpretive Guidelines require parking at the rate of one space per fifty square feet of gross floor area. However, the Commission's Interpretive Guidelines also state that that rate may be modified for walk-up food vending with no seating area depending on the particulars of the individual case.

Because the window service standard of one parking space per fifty square feet of gross floor area is based on drive-in food service, the Commission has consistently used lower parking ratios for food vending along Ocean Front Walk where take-out food service is all walk-up. The Commission has allowed less stringent parking requirements for walk-up food service uses along Ocean Front Walk because the area is heavily used by pedestrians and the more stringent Interpretive Guideline parking standards are based on impacts caused by vehicular access, and not pedestrian access.

In similar commercial projects on Ocean Front Walk in Venice [5-90-789R (Blanchard), 5-92-203 (Dror) & 5-92-338 (Elzas)], the Commission has used less stringent parking requirements for small areas of walk-up food service if the walk-up food service use is part of a structure that consists of primarily general retail uses, or if the change in use is in an older structure. The

less stringent parking ratios which have been applied on Ocean Front Walk have varied from the base standard of one parking space per fifty square feet of gross floor area to one space per three hundred square feet of gross floor area depending upon the specifics of the project.

In this case, the proposed conversion is a relatively small area (1,499 sq. ft. is 16.6% of the floor area) within a 9,021 square foot retail shopping center.

The less restrictive parking standards for walk-up food service allowed by the Commission have been limited to relatively small areas or units so that food service uses that are large enough to draw additional traffic to the area by themselves are not granted reduced parking standards that would result in parking deficits that affect the public's ability to access the coast. Based on several previous Commission actions on Ocean Front Walk, a reduced parking standard for walk-up food service can be applied to the proposed 1,499 square feet of area within the existing 9,021 square foot commercial structure without creating a parking deficit that would affect the public's ability to access the coast. In this case, the parking standard applied to the proposed walk-up food vending area shall be the same as was applied for the permitted general retail uses: one parking space per 225 square feet of gross floor area. Therefore, no increase in parking supply is required for the proposed amendment.

Because of the pattern of the Commission's previous actions on small walk-up food service uses on Ocean Front Walk, the Commission finds that the proposed conversion of 1,499 square feet of general retail use to walk-up food service will not create additional burdens on the parking supply and will not negatively impact the public's ability to access the coast for the following reasons: 1) only four of the fourteen commercial units in the subject structure will be converted to walk-up food service, 2) the area converted to walk-up food service is only 16.6 percent of the internal floor area, 3) the small size of the food service area will not significantly increase the vehicular traffic to the subject structure, 4) the subject site contains a 55 space parking garage which is available for use by customers and meets the Commission's parking standards for general retail use, and 5) the existing on-site parking supply of is adequate to meet the parking demand under these circumstances.

As stated above, the less stringent parking standard for the proposed walk-up food service use only applies to this project because of its limited size. If a larger portion of the subject structure was converted from retail use to food service, the impacts on the parking supply would be much greater and would exceed the parking supply. Larger food service areas tend to generate more customers than equal sized general retail uses, and they also require more employees than general retail uses, thus generating more traffic and more demand for parking. The additional demand for parking can cause increased competition between beach goers and customers of the commercial establishments thus impacting the public's ability to access the coast.

Therefore, in order to protect the public's ability to access the coast by ensuring that further intensification of the subject structure does not occur, the amendment is conditioned to require a deed restriction that limits the

gross floor area of walk-up food service use to a maximum of 1,499 square feet, and to limit the rest of the subject structure to general retail use only. In addition, there shall be no outdoor seating or tables provided in the plaza area or anywhere else on the site. A recorded deed restriction required by Coastal Development Permit 5-86-518 already prohibits any encroachments into the plaza area or onto Ocean Front Walk. Only as conditioned does the Commission find the proposed amendment consistent with the coastal access policies of the Coastal Act.

C. 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. Therefore, the City has not yet developed a Local Coastal Program or a Land Use Plan that has been certified by the Commission.

As conditioned to limit the allowable uses within the subject structure the proposed amendment is consistent with the coastal access policies of the Coastal Act. The proposed amendment, as conditioned, 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. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

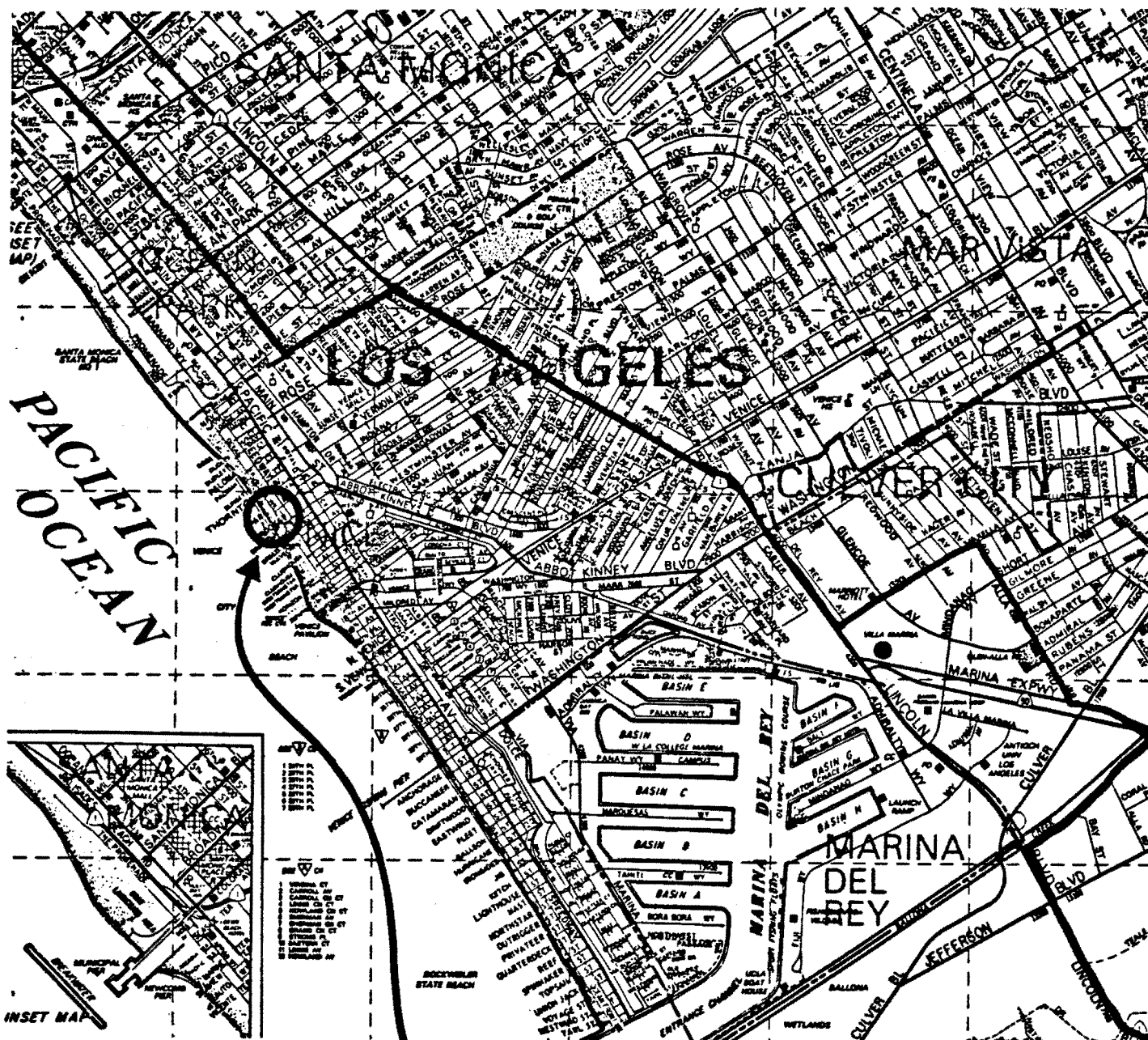
D. California Environmental Quality Act (CEQA)

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, only as conditioned, supplies adequate parking and will not create negative environmental impacts which have not been mitigated. Therefore, the Commission finds that the project, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

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Site

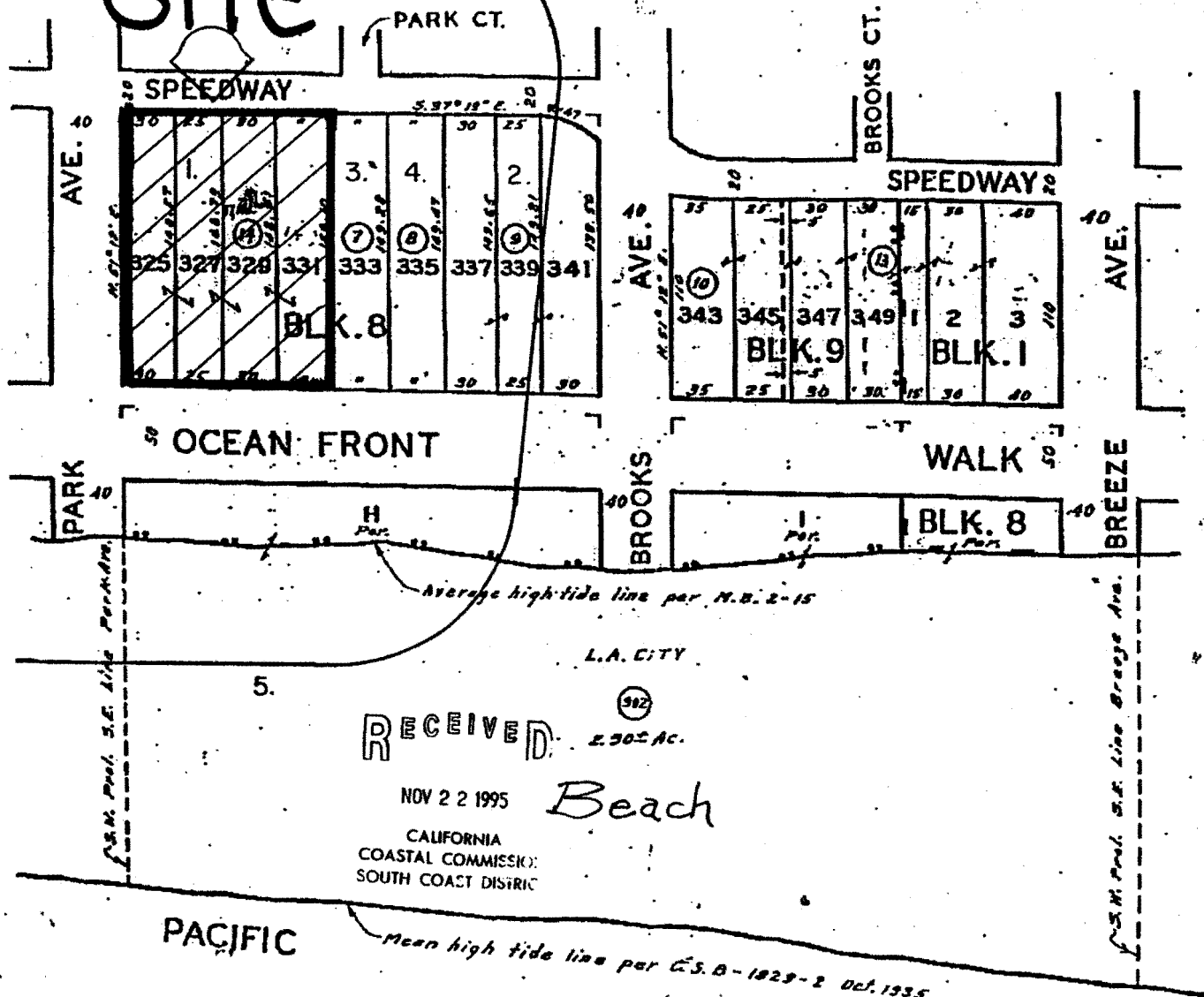
COASTAL COMMISSION
5-86-518-A3

EXHIBIT # _____ /

PAGE ____ / ____ OF ____ /

North

Site



CODE
67

FOR PREV. ASSM'T. SEE 570-17

GOLDEN BAY TRACT
M.B. 2-1-15

COUNTRY CLUB TRACT
M.B. 3-76

OCEAN TRACT

North Venice Beach

COASTAL COMMISSION
S-86-518-A3

EXHIBIT # 2
PAGE 1 OF 1

Hand-drawn floor plan of a building with 14 suites and a central courtyard. The plan shows the layout of the building, including corridors, stairs, and a central courtyard area. Suites are numbered 1 through 14, with their respective square footages. A central courtyard is labeled 'COURTYARD (No Seating)'. A note 'Proposed Food Vending' points to the courtyard area. The building is situated along 'Ocean Front Walk'.

Suite Details:

Suite Number	Square Footage
Suite #1	310 SF
Suite #2	310 SF
Suite #3	300 SF
Suite #4	550 SF
Suite #5	415 SF
Suite #6	400 SF
Suite #7	400 SF
Suite #8	440 SF
Suite #9	190 SF
Suite #10	615 SF
Suite #11	700 SF
Suite #12	525 SF
Suite #13	300 SF
Suite #14	240 SF

Other Features:

- COURTYARD (No Seating):** Central area with a note 'Proposed Food Vending' pointing to it.
- STORAGE:** Located near Suite #8, 700 SF.
- RESTROOM:** Located near Suite #7.
- STAIRS:** Multiple stairwells are indicated throughout the plan.
- Ocean Front Walk:** The building is situated along this walkway.

Floor Plan

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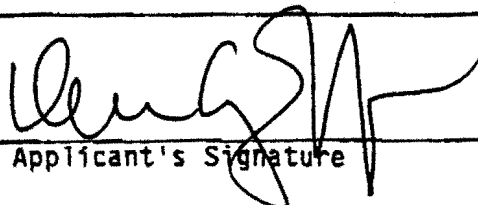
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AMENDMENT REQUEST FORM

NOV 22 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

1. Permit Number 5-86-518-A
2. Applicant's Name PARK PLAZA Partnership
Address 433 N. Camden Drive, Suite 820
Beverly Hills, CA 90291 (310) 550-1570
(area code & phone no.)
3. Project Address
801 Ocean Front Walk
Venice, CA 90291
4. Items necessary to file an Amendment Request (Attach to this form):
 - A. Two sets of plans stamped with Approval in Concept (if construction is involved).
 - B. Approval in Concept Form (if construction is involved).
 - C. Notification of Owners and Occupants (as in original application, updated if necessary).
 - D. Estimated Cost of Amended Project \$40,000
 - E. Filing fee of \$200.00 or 50% of current permit filing fee.
5. Describe Proposed Amendment:
The conversion of four lease spaces totaling 1,499 square feet
to walk-up food vending within the existing 9,021 square feet
commercial complex as described and conditioned in the attached
Attachment "A".


Applicant's Signature

11/14/95
Date

COASTAL COMMISSION
5-86-518-A3EXHIBIT # 4
PAGE 1 OF 3

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SOUTH COAST DISTRICT

ATTACHMENT A

The proposed amendment will permit a change in use of 1,499 square of general retail space to food vending use as identified in the accompanying site plan.

To limit impact on residential neighbors the applicant proposes to condition the food vending use as follows:

Venting

Any required venting of the food vending space will be taken towards Ocean Front Walk, not to Park Avenue, Brooks Avenue or Speedway.

Nature of Food Vending Uses

No grills or barbecues will be installed. Other equipment, including microwave ovens, baking ovens, rotisserie ovens to heat hotdogs, etc. or popcorn poppers, are allowed. Equipment to make coffee, tea or other hot drinks is permitted. All manner of prepared food, including but not limited to ice cream, frozen yogurt, fruit, fruit ices and fruit juices, bread, pastries, sandwiches, salads, is permitted for sale.

There will be no outdoor seating on the property in connection with food vending uses. There will be no vending of food or other uses outside the building in connection with the space leased for food vending uses.

Deliveries

Deliveries will be taken from the designated delivery space behind 801 Ocean Front Walk, but in no event from vehicles parked on either Park Avenue or Speedway.

Trash

The only trash enclosure to service 801 Ocean Front Walk will be the one containing the existing dumpster at the rear of the

COASTAL COMMISSION

5-86-518-A3

EXHIBIT # 4

PAGE 2 OF 3

building, and it shall be regularly cleaned and maintained closed at all times except pick-up.

Lease Restrictions

The foregoing limitations would be included as lease restrictions in any lease of the food vending spaces at 801 Ocean Front Walk. The owners of the building would be responsible for enforcing those lease restrictions.

Deed Restriction

The applicant will record a deed restriction limiting the total square footage of 801 Ocean Front Walk dedicated to food vending use to no more than 1,499 square feet and the location of food vending to the four commercial spaces as identified in the attached site plan. Said deed restriction will also incorporate the restrictions enumerated above and be binding on successors, heirs and assigns.

COASTAL COMMISSION

5-86-518-A3

EXHIBIT # 4

PAGE 3 OF 3