

RECORD PACKET COPY

Th 8f

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Filed: 9/03/96
49th Day: 10/18/96
180th Day: 2/26/97
Staff: PE/LB
Staff Report: 9/19/96
Hearing Date: Oct. 10, 1996
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-179(Pacific Resident Theatre)

APPLICANT: Pacific Resident Theatre Ensemble AGENT: Bruce Whitney

PROJECT LOCATION: 2024 Pisani Way, Venice, Los Angeles County

PROJECT DESCRIPTION: Convert existing 2400 sq. ft. food market to 90 seat theater

Lot area:	2800 sq. ft..
Building coverage:	2400 sq. ft..
Parking spaces:	None
Zoning:	C2-1
Plan designation:	Community commercial
Ht above fin grade:	22'

LOCAL APPROVALS RECEIVED: CEQA Notice of Exemption, Approval in concept
96-0221 PWA Parking waiver

SUBSTANTIVE FILE DOCUMENTS:

- 1) City of Los Angeles LCP work program 1979
- 2) Venice Community Plan 1980
- 3) City of Los Angeles Venice Canals Marina Peninsula LCP--1983
- 4) City of Los Angeles CDP 82-029 Development of parking lot in Venice Median strip
- 5) 5-94-664, 664A, 664A2, 664A3 (Caltrans and City of Los Angeles) Venice Boulevard widening
- 5) Los Angeles city-issued CDP 92-020 (City of Los Angeles) Construction of Venice Library.

SUMMARY OF STAFF RECOMMENDATION:

This non-profit theater company proposes to convert a store-front food market to a 90 seat theater and to use a city parking lot to accommodate the need for patron parking. The parking lot is located 1.75 miles from the beach but serves beach visitors during some summer weekends. As proposed by the applicant, performances will occur during the evenings when there is little demand for beach visitor parking. Staff is recommending approval of the project with conditions that the theater will not stage daytime performances on summer holidays or weekends, and also will not reserve parking for its exclusive use. As conditioned, the project is consistent with the public access and recreation policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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. Restriction of performances to evenings during the "beach season"

Prior to issuance of the coastal development permit the applicant shall submit a written agreement for the review and approval of the Executive Director. In the agreement the applicant shall stipulate that no performances will begin before 6:00 p.m. on weekends and/or holidays during the beach season (May 25-September 15).

2. No exclusive or reserved parking

The applicant shall not operate the city parking lot, municipal lot Number 613, Pisani Place for its exclusive use, or identify or place signs on the lot or on any space that in any way identifies the parking for its exclusive or reserved use.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes to convert an existing 2400 square foot food market that is located eight blocks (about one and three quarters mile) inland of the beach, to a 90 seat theater. (See exhibit 2 location map.) The applicant has proposed to operate the theater for evening performances only. The existing store-front that is proposed for conversion provides no parking. However, there is an adjacent city-operated parking lot, the Pisani lot, that will accommodate forty cars. The city owned lot was constructed by the City of Los Angeles to provide parking for beach visitors and for users of commercial space along Venice Boulevard and Abbot Kinney Boulevard, which are older commercial areas where there is limited parking except for street parking.

B. Adequacy of Parking/Public Access.

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. . .

There is an extreme shortage of parking in Venice, especially during weekends and holidays. Venice was subdivided before World War I, and was originally designed to be served by a street railway, resulting in high density development on small lots, a large population and relatively little commercial or residential parking. Venice Beach, located approximately one and three quarters mile west of this location is one of the most popular beaches in the

Los Angeles area. Because there is limited on and off-street parking competition for parking spaces is intense at all times and particularly during beach weekends. To help solve the problem, the City of Los Angeles has developed parking on and along Venice Boulevard, and also operates a jitney from a nearby industrial center during summer months. In 1994, the City repaved and realigned Venice Boulevard. As part of that project, the City removed parking spaces from a wide, undeveloped median strip and replaced them in several lots in the median and in this lot. The purpose of these parking lots is to serve both overflow beach parking and intensifying commercial uses in older strip commercial areas like this commercial node and nearby Abbot Kinney Boulevard. Outside of beach hours, demand for the parking in this lot is relatively low.

The proposed theater would require approximately 36 spaces under the Commission guidelines. The current market, that has no parking, would require 11. Usually, in cases where parking is already nonconforming, the Commission has not required the developer of a more intense use in an existing building to supply parking for the entire structure according to current standards. As long as the structure is not being demolished, the developer is obligated to supply only the additional parking that is attributable to the intensification of use. In this case, the developer would be required to supply 25 spaces, representing the additional parking impact of the development.

The City has a similar requirement that the developer is only required to supply the spaces attributable to the intensification of use, and not the spaces representing the previous lack of parking. Under their ordinances, the developer should be required to supply 10 additional spaces. The City has waived this requirement because the City lot is adjacent, because this is a non-profit public serving use and because no other uses have requested that this lot be considered in calculating their parking.

The Pisani lot (Municipal lot 613) contains forty spaces. Therefore the applicant contends that it is possible for a 90 seat theater, that would ordinarily require thirty-four parking spaces, to operate adjacent to this lot without having impacts on the local street parking.

However, because this lot serves beach visitors, the Commission must consider not only whether there will be adequate parking, but also whether the applicant's use of these parking spaces would impact beach access by preventing beach visitors from using the lot. In order to assure that the use of the lot for beach parking is not impacted by theater operations, the Commission finds that it is necessary to assure that 1) no spaces be reserved for theater patrons, 2) the theater not have exclusive use of the lot, and 3) that performances not be scheduled to begin until 6:00 P.M. or later on summer weekends or summer holidays, by which time the beach visitors will have begun to go home. As conditioned this project will not adversely impact access and will be consistent with Section 30252 of the Coastal Act.

C. Recreation and Public Access.

The Coastal Act provides that coastal dependent recreation shall have priority of other uses near the coastline and protects public recreation and recreation support uses.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Ocean-front land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

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 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Coastal Act requires that public coastal recreational facilities shall have priority over other types of development on any private land suitable for such use. Sections 30221 and 30222 give priority land use to visitor-serving commercial and public recreational facilities on public and private ocean-front and upland areas where necessary.

The proposed theater is a recreational use, but is not a coastal oriented or coastal dependent recreational use. Therefore it is favored over residential uses but not over recreation and recreation support uses that must take place on or adjacent to the water. Public parking near the coastline is however a use that supports public recreation and beach access. The Coastal Act requires that parking for beach use be given priority over its use by other uses that could occur at some distance from the coastline. Use of a public parking lot for a lower priority private use does pose a Coastal Act issue.

This lot was constructed with public funds to use for overflow parking during peak times and to replace public parking lost during construction of Venice Boulevard. It was anticipated that the lot could provide beach parking and or commercial parking during peak times: summer holidays and weekends. The Pisani lot is not used to capacity during evenings and during the fall, winter and spring.

City officials have advocated multiple use of this lot, contending that other

public serving uses, including theaters and art galleries should use the lot during other hours. The applicant does not propose exclusive use of the parking lot. The applicant also proposes to operate the theater during the evening hours when demand from the beach and commercial uses is negligible. The proposed use during "off" hours reserves the lot for beach parking when the beach demand is high and is consistent with the requirements in the Coastal Act to protect recreation support use such as beach parking.

As conditioned, to assure that the development will be operated as proposed, this project is consistent with sections 30221, 30222 and of 30223 of the Coastal Act, that require protection of upland uses suitable for supporting public recreation.

D. Neighborhood Character.

Section 30251 of the Coastal Act states:

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, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

This store is located in a node of public serving and commercial establishments. The lot is zoned commercial and is designated commercial in the Community Plan. The development is interior only and will result in no increase in height or bulk. This area is developing as a center for community activities and the arts. The proposed showcase theater use is compatible with the other adjacent uses.

In recent years a number of historic buildings in the immediate area have been converted to art centers and community centers. These include the Historic Venice Jail, that has now become an art center, and the Historic City Hall, that is now devoted to non profit art groups and community meetings. Two other existing City buildings also are located in this area: the Venice Fire Station, and to the west, the newly constructed Venice Library. The adjacent area to the north is developed with single family houses and duplexes, in many cases served by pedestrian ways. The proposed use is compatible with those uses because it does not increase the height or bulk of the structure within which it is located.

As proposed the project is consistent with section 30251 of the Coastal Act.

E. Local Coastal Program

(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.

The Venice LCP is still in an early draft. The Commission approved a work program in 1979 that identified beach and resident parking, scale, neighborhood character and the preservation of the system of pedestrian walkways as issues to be addressed in developing the LCP. The most difficult issue raised was the issue of providing parking for beach visitors. Since that time the city has developed numerous lots to serve beach visitors, including the Pisani lot. Many of these lots are under-used during off peak hours. The proposed development makes use of the Pisani lot during off-peak hours.

The Venice Community Plan envisioned public parking on Venice Boulevard, neighborhood commercial nodes on major streets, a Library-city hall center in this location and the preservation of low and moderate density residential uses on the nearby neighborhood streets and walk streets. The city has long proposed that the land uses identified in the Community Plan be incorporated into the LCP. This project is consistent with the land uses the City has proposed to be included in its LCP. The City has now constructed the Venice Boulevard parking lots, this parking lot and the Library. City officials state that they wish to encourage this community theater in this location because it is consistent with the library and other community meeting places already contemplated in the Community Plan for this immediate area, and can use the parking lot that has been constructed in this location when it is not needed to alleviate beach parking problems.

As proposed and conditioned, the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

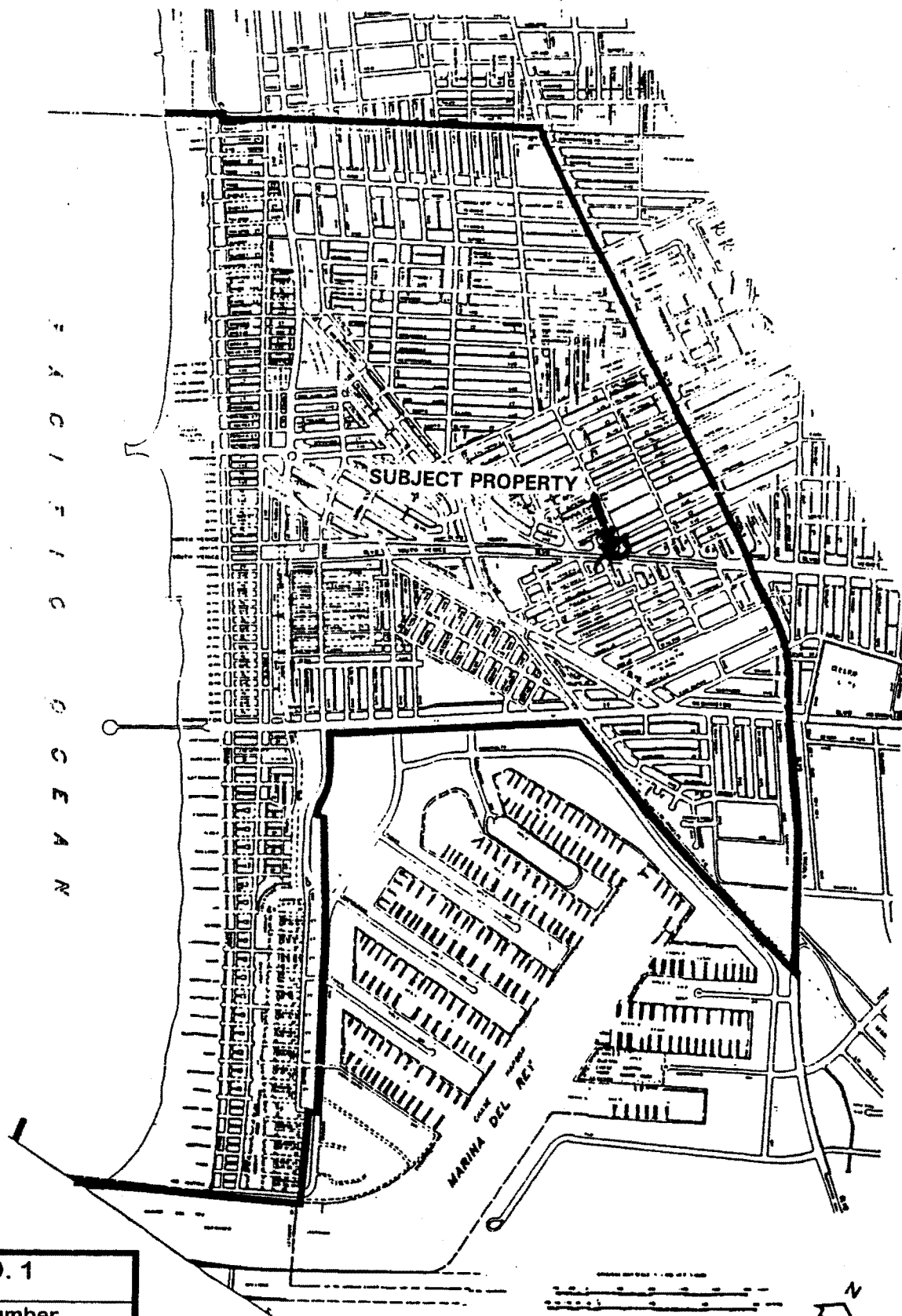
F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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.

Alternatives include remaining as a commercial use or development as a theater with no restrictions. Retention as a food market is unlikely to be proposed because in the last twenty years two subregional supermarkets have developed within a short drive of this neighborhood. Use of the property as theater without time restrictions could result in a reduction of available beach parking during peak beach use hours.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

7597F



VENICE COASTAL ZONE

EXHIBIT NO. 1

Application Number

5-96-179 (Pacific
Theater)

Location map Venice
coastal zone

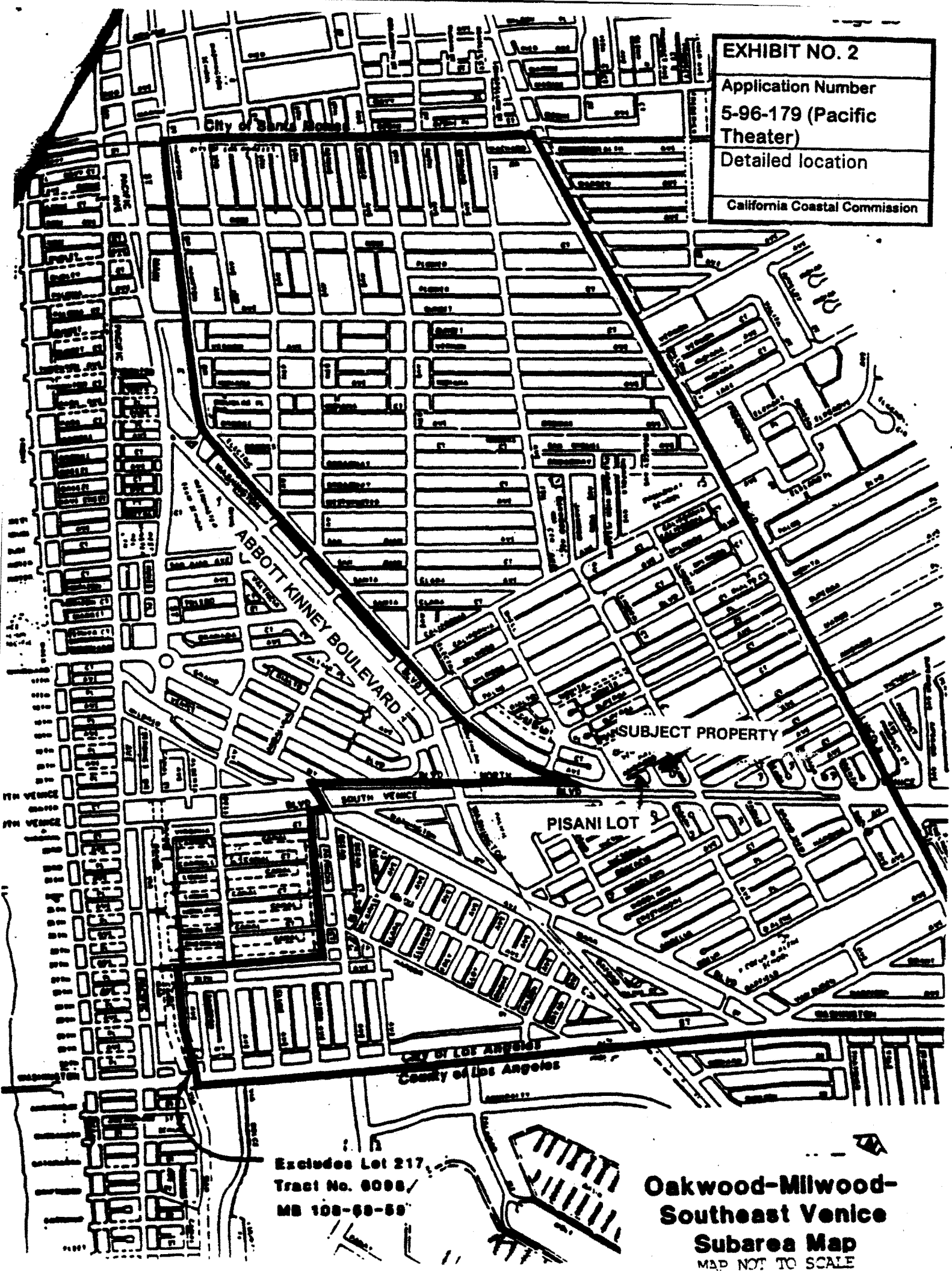
California Coastal Commission

EXHIBIT NO. 2

Application Number
5-96-179 (Pacific
Theater)

Detailed location

California Coastal Commission



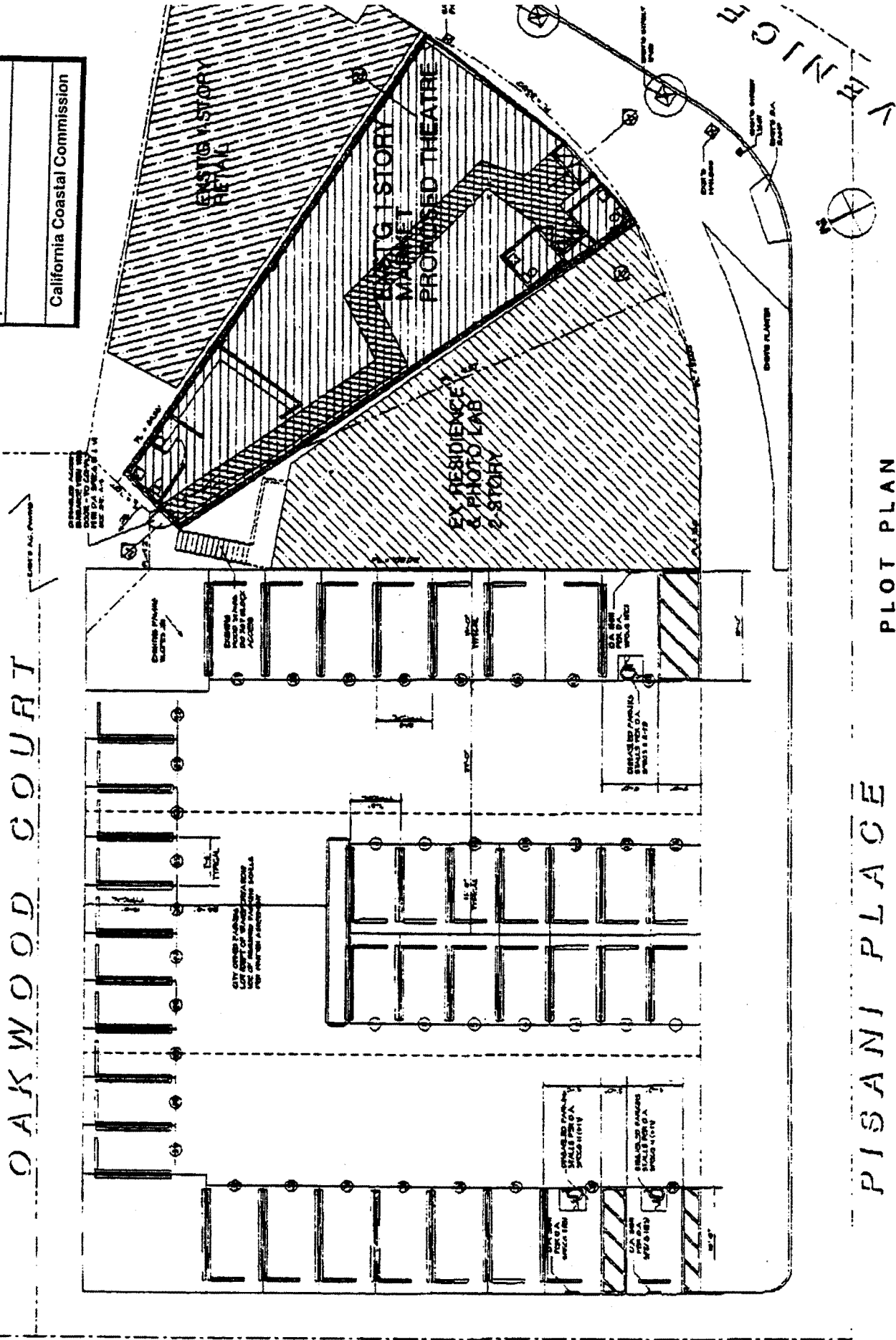
Excludes Lot 217,
Tract No. 8098/
MB 108-68-58

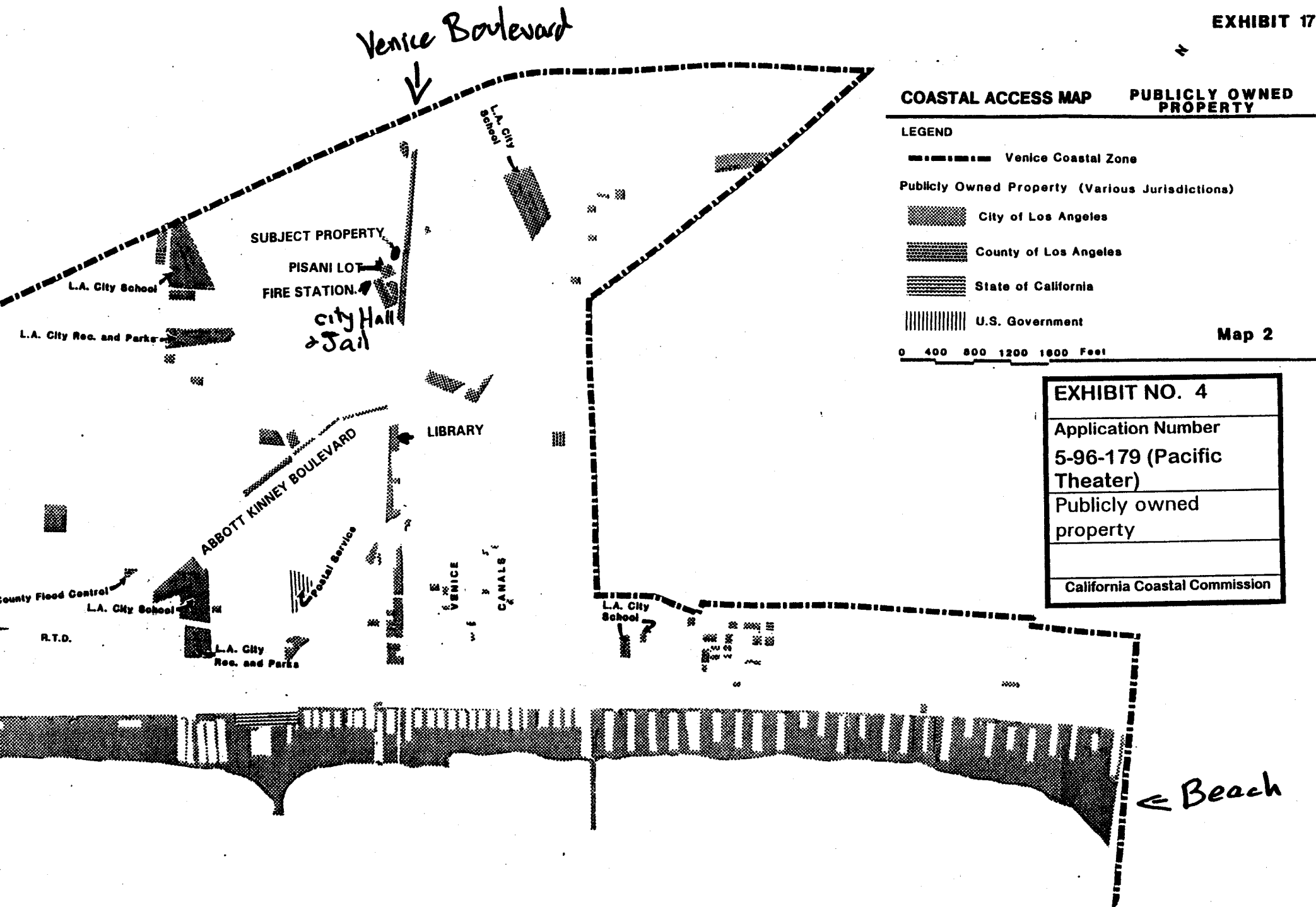
**Oakwood-Milwood-
Southeast Venice**

Subarea Map

MAP NOT TO SCALE

EXHIBIT NO. 3
Application Number
5-96-179 (Pacific Theater)
Proposed development plan
California Coastal Commission





TO INLAND
PARKING FACILITY

EXHIBIT

COASTAL ACCESS MAP PUBLIC TRANSPORTATION AND PARKING

LEGEND

- Venice Coastal Zone
- Beach Impact Zone
- Bus Routes
 - R.T.D.
 - Santa Monica
 - Culver City
- Shuttle Routes
 - Existing
 - Potential (as proposed by the Venice Community Resource Corporation)
- Public Parking
 - Existing
 - Potential

0 400 800 1200 1600 Feet

Map

SUBJECT PROPERTY

VENICE
CANALS

EXHIBIT NO. 5

Application Number

5-96-179 (Pacific Theater)

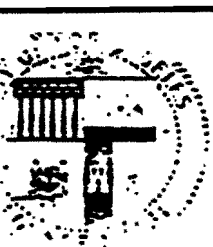
Beach shuttle and parking map

California Coastal Commission

Source

Preliminary LCP

City of Los Angeles



Los Angeles City Planning Department

221 South Figueroa, #310
Los Angeles, California 90012



Michael J. Inouye
Parking Administrator
Department of Transportation
555 Ramirez Street, Space 315
Los Angeles, CA 90012

City Plan Case No. 96-0221 PWA
Council District No. 6
Community: Venice **DECE**

Department of Building & Safety
200 North Spring Street, Room 400
Los Angeles, CA 90012

Marilyn Fox
11860 Kiowa Avenue #5
Los Angeles, CA 90049

EXHIBIT NO. 6
Application Number 5-96-179 (Pacific Theater)
<i>City Approval</i>
California Coastal Commission

REQUEST: WAIVER OF TEN (10) OFF-STREET PARKING SPACES, IN CONNECTION WITH A CHANGE OF USE FROM A MARKET TO A NON-PROFIT SHOWCASE THEATER

Property Involved: 2024 Pisani Place

FINDINGS

Environmental Status: Categorical Exemption in accordance with City CEQA Guidelines, Article VII, Class 11, Category 2.

CHARTER SECTIONS 96.5(5) & 97.6

The project is in substantial conformance with the purposes, intent, and provisions of the City's General Plan by conforming to the Venice Community Plan, an element or portion of the General Plan, and the Planning and Zoning Code, an implementing tool of the General Plan.

Section 12.21 A4(o) of the Municipal Code states that "all or a portion of the off-street automobile parking spaces may be waived when the lot involved is located within the boundaries of an assessment district for the acquisition of publicly owned automobile parking lots, or is located adjacent to land used or being acquired for publicly owned parking lots."

The subject property is located adjacent to Municipal Parking Lot No. 613 which has a total of 60 spaces. The Department of Transportation reports that no parking spaces of Lot No. 613 have been previously designated for use under waiver requests, and indicates that 50-60% of the lot remains vacant during peak business hours.

However, the Showcase Theater Project, being in the Venice Coastal Zone, is subject to and must obtain necessary approvals under the Venice Interim Control Ordinance, No. 170,556, and the California Coastal Act.

5-96-179

Exhibit 6p2

CHARTER SECTION 97.8

The subject project conforms with the applicable portions of the General Plan and applicable specific plans.

RECOMMENDATION

Under the authority granted by City Plan Case No. 13505-A, I approve the subject project for the waiver of ten (10) parking spaces subject to the following condition.

1. That this parking waiver is for the subject Non-Profit Showcase Theater use only. This waiver is not transferable to any other use at the site, and shall be null and void upon any change of use.

CON HOWE
Director of Planning

By Carl L. Smith
Jack Sedwick
Principal City Planner

Date: 8/6/96

Approved by:

Merryl Edelstein
Merryl Edelstein
Senior City Planner

RECEIVED

AUG 22 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Reviewed by:

FRANK PARRELLO (ME)
Frank Parrello
City Planner

Prepared by:

Haideh Aghassi
Haideh Aghassi
Associate Planner

