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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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Filed: 4/2/96  
49th Day: 5/21/96  
180th Day: 9/29/96  
Staff: CP-LB  
Staff Report: 4/17/96  
Hearing Date: May 7-10, 1996  
Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-025  
APPLICANTS: Bud Grant & Linda Fernandez Grant  
AGENT: Brad Ellis  
PROJECT LOCATION: 419 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County.  
PROJECT DESCRIPTION: Conversion of a 475 square foot residential front yard area to an open air vending use.

Lot Area 3,250 sq. ft.  
Building Coverage 1,450 sq. ft.  
Pavement Coverage 1,800 sq. ft.  
Landscape Coverage 0 sq. ft.  
Parking Spaces 5  
Zoning R3-1  
Plan Designation Medium Residential  
Ht abv fin grade 20 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of proposed project with special conditions regarding parking, number of vendors and enoachments.

LOCAL APPROVALS RECEIVED:

- 1. City of Los Angeles Approval in Concept #95-040, 9/28/95.
- 2. City of Los Angeles Zone Variance, Case No. 94-0470(ZV).

SUBSTANTIVE FILE DOCUMENTS:

- 1. Coastal Development Permit 5-92-127 (Venice Family Clinic).
- 2. Coastal Development Permit 5-91-357 (Urs Jakob).
- 3. Coastal Development Permit 5-88-016 (Blanchard).

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

A minimum of five parking spaces shall be provided and maintained on the site at all times.

#### 2. Number of Vendors

The open air vending operation shall be limited to one vendor.

#### 3. 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 shall provide for the provision and maintenance of at least five on-site parking spaces in order to serve the parking demands of the residential and open air vending uses permitted on the site. In addition, the deed restriction shall state that the approved open air vending operation on the site shall be limited to one vendor. The deed restriction shall run with the land binding on all heirs and assigns of the applicant.

#### 4. Ocean Front Walk Encroachments

No portion of the open air vending operation, including but not limited to signs and displays, shall encroach onto or over Ocean Front Walk.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The applicants propose to convert a 475 square foot front yard area of a residential lot which fronts Ocean Front Walk to an open air vending area (Exhibit #3). The property is currently developed with a two-story, three unit apartment building with four parking spaces. One new parking space is proposed to be added to the site for a total of five on-site parking spaces (Exhibit #3). The proposed vending area is located between the Ocean Front Walk right-of-way and the three-unit apartment building, and is separated from the Ocean Front Walk right-of-way by a three foot high wall.

The City of Los Angeles Office of Zoning Administration has issued a Zone Variance (Case No. ZA 94-0470 ZV) which allows the residentially zoned yard area to be converted to an outdoor commercial vending area. The City has limited the vendor's hours of operation to the hours between 9 a.m. and one hour after sunset.

Ocean Front Walk, in this area of North Venice, is a very popular walk street. The beach is on the seaward side of Ocean Front Walk, and commercial stores, restaurants, and vendors, as well as some residences, line the landward side of the walk. The subject site is situated between two multi-unit apartment buildings.

B. Public Access/Parking

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....

Section 30252 is intended to protect access to the beach by ensuring that all new developments provide adequate parking facilities to meet the parking demand of the development.

The proposed project involves the establishment of a 475 square foot open air vending operation. The Commission has consistently required that new commercial developments provide adequate parking as a condition of operation. There are no specific parking standards listed for open air vending in the Commission's Los Angeles County Interpretive Guidelines. In previous actions, however, the Commission has consistently required the provision of one parking space for each vendor.

The Commission's standard of one parking space per vendor is based on the anticipated impacts to beach access parking created by open air vending operations. The one parking space required for each vendor is usually used by the vending operator. The impacts on the local beach access parking supply are considered to be minimal because most of the vendors' potential customers will be people who are already in the area strolling the boardwalk or visiting the beach. Therefore, the proposed vending operation will not be a popular destination which causes additional traffic and parking impacts.

Four existing on-site parking spaces serve the three existing residential units in the two-story apartment building which occupies the site (Exhibit #3). As part of the proposed project, the applicants will create one additional parking space on the site by relocating the trash can enclosure area. The proposed fifth parking space will serve the proposed vending operation.

Therefore, because the proposed project increases the on-site parking supply by one parking space, the Commission finds that there is adequate parking to permit one open air vending operation on the site. The additional fifth parking space provided by the proposed project will be used to load and unload vending materials, as well as for parking by the vendor. The four previously existing on-site parking spaces will continue to serve the three-unit apartment building.

Therefore, the approval of the proposed project is conditioned to require the

provision and maintenance of at least five on-site parking spaces, and to limit the number of vendors on the site to one vendor at any one time. This restriction will limit the negative impacts the proposed project could have on the immediate area by ensuring that off-site beach access parking is not used by vendors on the site, and that the four residential parking spaces on the site are not usurped by vendors. The approval of the proposed project is conditioned to require that prior to issuance of the permit, the applicants shall record a deed restriction which contains the five on-site parking space requirement and the one vendor limit. In addition, in order to protect public access along Ocean Front Walk, the project is conditioned so that encroachment onto or over Ocean Front Walk is prohibited.

The Commission finds that because the proposed project provides one additional on-site parking space and is limited to one vending operator, it will have a minimal impact on traffic and parking. As conditioned, the proposed project meets the Commission's parking requirement for open air vending and provides adequate parking to meet the proposed project's parking demand as required by Section 30252 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.

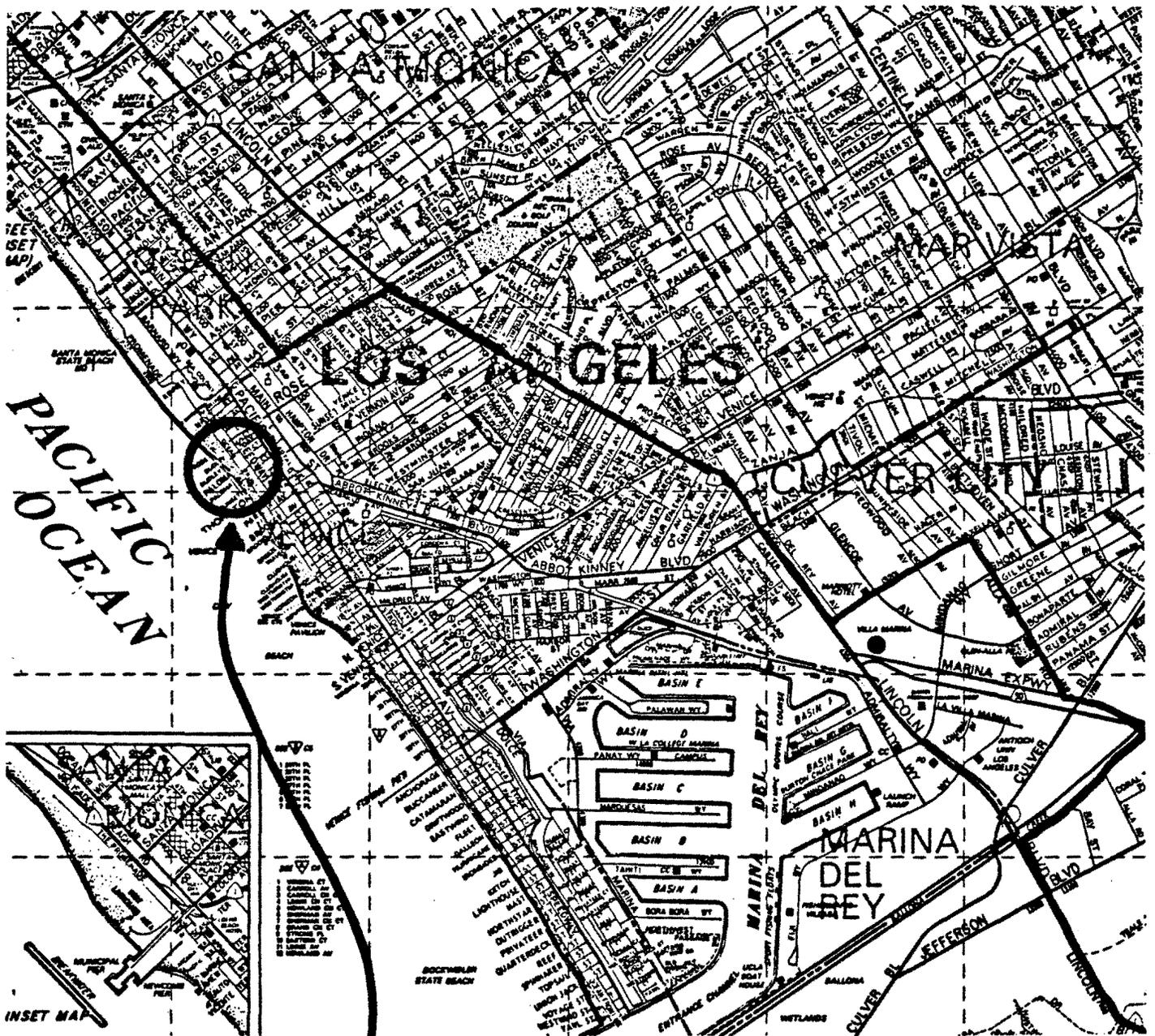
The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, only as conditioned, is consistent with the coastal access and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, 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).

D. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of 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, is consistent with the coastal access and recreation policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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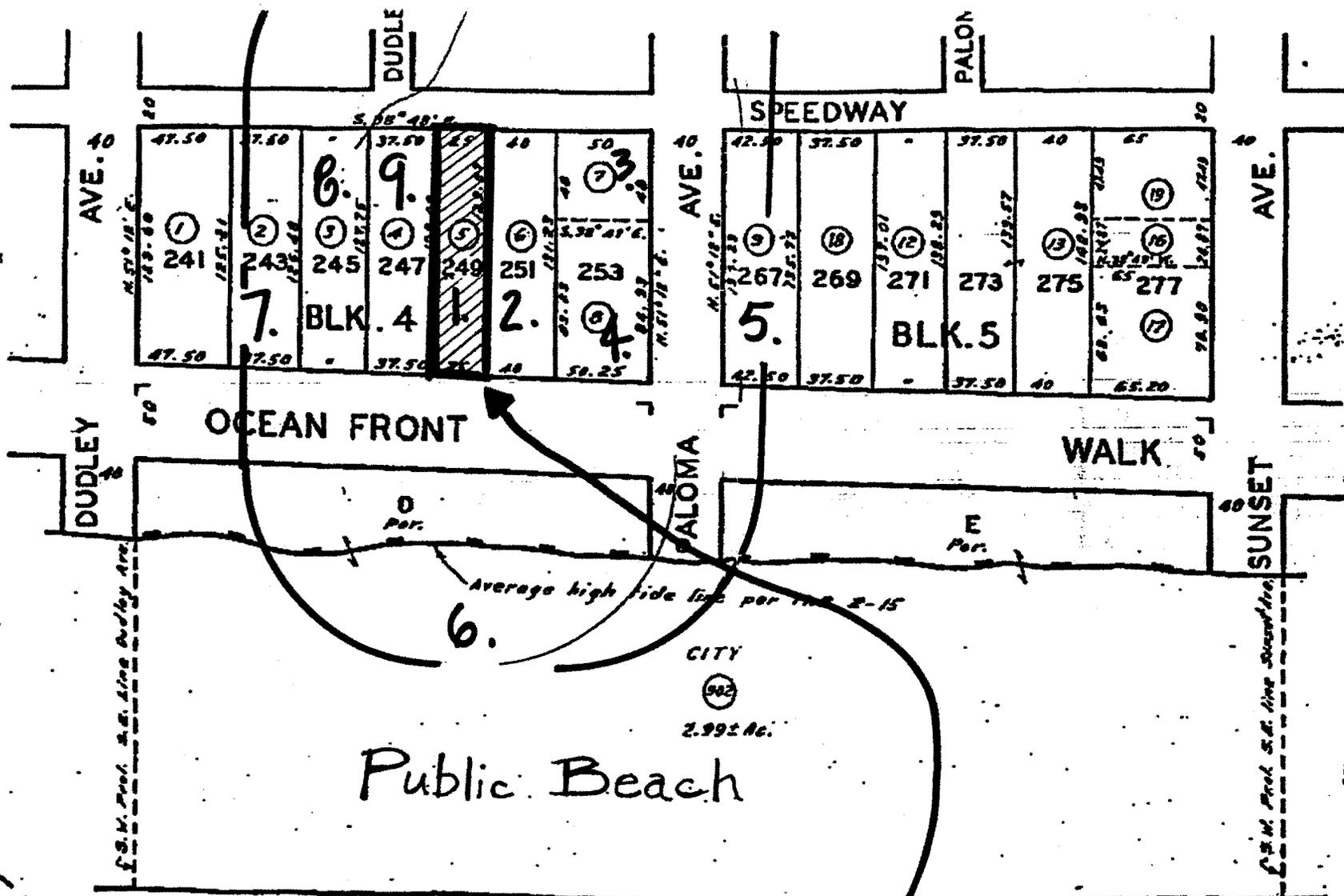
Site

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EXHIBIT # 1

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Public Beach

GOLDEN BAY TRACT  
M.B. 2-15

Site

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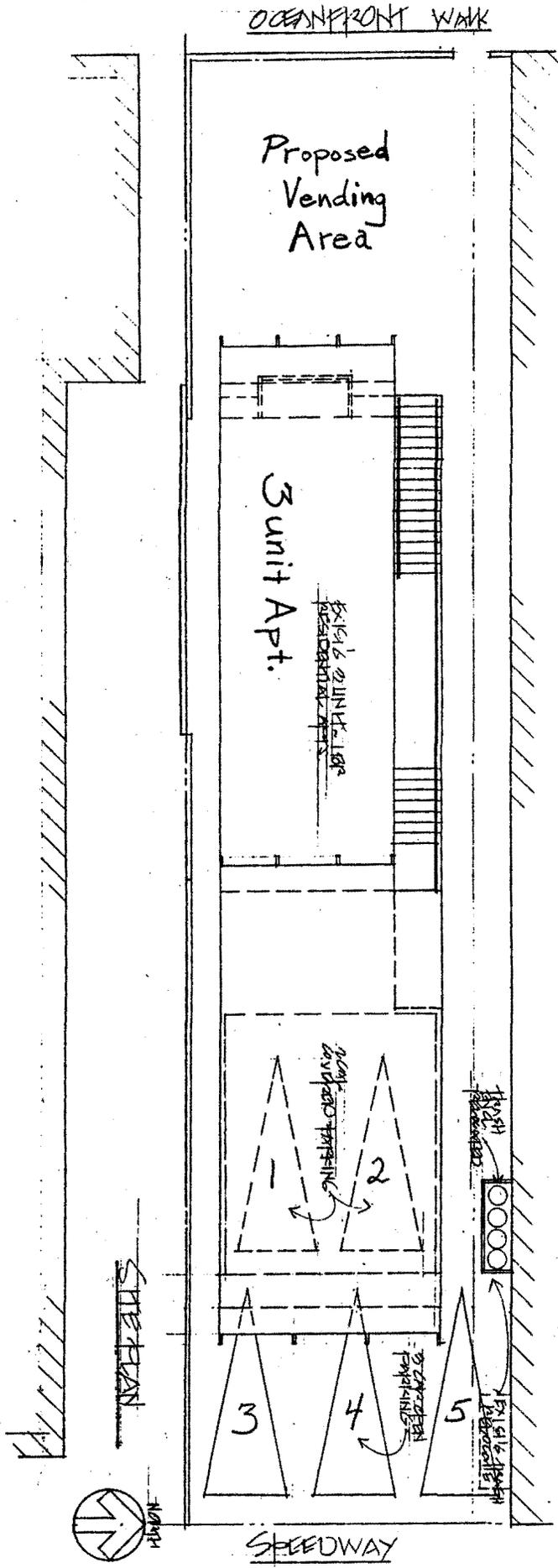
EXHIBIT # 2  
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CODE 67

FOR PREV. ASSMT. SEE 570-11 & 12

5-96

COUNTY



Site Plan

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EXHIBIT # 3

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