

CALIFORNIA COASTAL COMMISSION

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

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 Staff Report: 4/11/97
 Hearing Date: May 13-16, 1997
 Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-281

APPLICANTS: Robin Rose Ice Cream & Dagwoods of Venice

AGENTS: Robin Rose, Justin Weber & Jack Graniti

PROJECT LOCATION: 215 Rose Avenue (Lot 13, APN 4286-3-8), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Add counter-service food sales within an existing ice cream factory and store, and permit the use of an existing 390 square foot patio as an outdoor seating area. Two off-site parking spaces are proposed.

Lot Area	5,870 sq. ft.
Building Coverage	5,000 sq. ft. (approx.)
Pavement Coverage	0 sq. ft.
Landscape Coverage	200 sq. ft. (approx.)
Parking Spaces	2 off-site
Zoning	M1
Plan Designation	Commercial-Manufacturing
Ht abv fin grade	20 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding the provision of parking, permitted uses, and condition compliance. The proposed parking spaces will adequately meet the demands of the additional development and protect public access to the coast. However, the conditions of approval are necessary to ensure the continued provision and use of the proposed parking supply. As of the printing of this report, there were no unresolved issues.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-94-296 (Sharma).
2. Coastal Development Permit & amendment application 5-86-180 (Hamada).
3. Coastal Development Permit & amendment application 5-90-464 (Hamada).
4. Coastal Development Permit 5-93-316 (Scharff).
5. Coastal Development Permit & amendment 5-89-059 (Blanchard).
6. Coastal Development Permit & amendment 5-90-789 (Blanchard).
7. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.

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 applicants shall submit a parking plan, for the review and approval of the Executive Director, which carries out the following requirements:

- a) A minimum of two parking spaces shall be leased on a long-term and on-going basis for the exclusive use of the customers of the commercial establishments at 215 Rose Avenue in Venice.
- b) The two parking spaces shall be located within 300 feet of the property at 215 Rose Avenue 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 which provides the required off-site parking shall be submitted to demonstrate that the parking spaces which are leased to serve the commercial establishments at 215 Rose Avenue are not leased or used by any other person or party. A site plan in the lease shall identify the location of the required parking spaces in the parking lot.
- d) Signs shall be posted on each of the leased parking spaces and at the commercial establishments which clearly state that the parking spaces are reserved and available for the exclusive use of the customers of the commercial establishments at 215 Rose Avenue.
- e) The leased parking spaces shall be available to customers of the commercial establishments 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 establishments of the validation program and location of the required parking spaces.

The applicants 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.

2. Permitted Uses

The uses permitted within the structure located at 215 Rose Avenue are limited to food manufacturing and counter-service food sales only. Although tables and chairs may be provided for use by customers, no sit-down dining service is permitted on the premises. Any intensification or change in use of the structure, including restaurant service, will require an amendment to the permit or a new Coastal Development Permit.

3. Condition Compliance

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this Coastal Development Permit must be met within ninety days of Commission action on this Coastal Development Permit application. Failure to comply with this requirement within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will result in an enforcement action.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to add additional counter-service food sales within an the existing Robin Rose ice cream factory and store in the form of "Dagwoods of Venice" sandwich sales. The proposed project also includes the the use of an existing 390 square foot patio as an outdoor customer seating area (Exhibit #3). No sit-down dining is proposed. The Robin Rose ice cream factory will continue to sell ice cream as it has in the past.

Two off-site parking spaces are proposed to meet the increased parking demand generated by the addition of the 390 square foot outdoor seating area (Exhibit #2). There is no parking available on the site.

The proposed project is located in North Venice near the intersection of Main Street and Rose Avenue (Exhibit #2). Ocean Front Walk and the public beach are located about a thousand feet west of the site (Exhibit #1).

The structure was built in the 1950's, prior to enactment of Proposition 20 and the Coastal Act. The existing food sales use has evolved over the last two decades from a retail bakery to an ice cream store/cafe to the current use as an ice cream store/cafe with an outdoor customer seating area (this is an after-the-fact permit request). The establishment has historically provided seating for customers within the structure's 645 square feet of interior customer service area.

On March 9, 1995, the Commission approved Coastal Development Permit 5-94-296 (Sharma) allowing the addition of a restaurant (Corleone's) with 1,180 square feet of sit-down dining area in the ice cream factory/store. The 390 square foot outdoor customer seating area was part of the 1,180 square feet of permitted sit-down dining area. Eleven off-site parking spaces were required as a condition for adding the sit-down restaurant as permitted use within the structure.

Shortly after the Commission's approval of the sit-down restaurant (Corleone's) in the structure, it went out of business and the Robin Rose ice cream factory remained as the only use in the structure. When Corleone's went out of business, the lease was terminated for the eleven off-site parking spaces which were required by Coastal Development Permit 5-94-296 (Sharma). Any new sit-down restaurant in the structure would have to comply with the terms of Coastal Development Permit 5-94-296 (Sharma) and supply at least eleven off-site parking spaces.

After the failure of Corleone's, Robin Rose did not want to sublease to another sit-down restaurant. The current proposal is to add "Dagwoods of Venice" as an additional counter-service food service use to the existing Robin Rose ice cream factory and store. Dagwoods of Venice primarily serves sandwiches over the counter. This application is different than what was approved by Coastal Development Permit 5-94-296 in that no sit-down dining service is proposed. The applicants are proposing to provide off-site parking for the use of the patio as an outdoor customer seating area.

B. Public Access/Parking

One of the main goals of the Coastal Act is to protect coastal access. The Coastal Act contains following policies which protect the public's right to access the coast.

Section 30210 of the Coastal Act states:

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

One of the methods commonly used to maximize public access to the coast is to ensure that there is enough parking available for visitors of the coast. 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....

The proposed project involves the enlargement of the existing 645 square foot customer seating area to 1,035 square feet by using the 390 square foot patio as an outdoor customer seating area (Exhibit #3). The customer seating area is used by customers who purchase ice cream, chocolate or meals over the counter from either Robin Rose ice cream factory or Dagwoods of Venice. Both Robin Rose ice cream factory and Dagwoods of Venice are located in the structure. No sit-down restaurant service is proposed.

Section 30252 of The Coastal Act requires that adequate parking be provided for the proposed new development. The Coastal Commission has allowed small counter service and walk-up food service establishments to provide parking at the same rate as retail uses because of the similarity in parking demands for both uses. 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. Based on the Commission's current parking standards for retail development in the North Venice area, the addition of 390 square feet of commercial area would require 1.7 parking spaces (general retail: 1 space/225 sq. ft.). Parking for sit-down restaurants is required at a rate of one space per fifty square feet of customer service area.

The applicants have proposed to lease two off-site parking spaces in the privately owned parking lot in the parking lot on the corner of Rose Avenue and Hampton Drive to meet the increased parking demand generated by the use of the 390 square foot patio as a customer area (Exhibit #2). The applicants are currently providing the proposed parking spaces for customer use. In fact, on weekends and evenings, the applicants state that there are eleven parking spaces available for their customers in the parking lot located on the corner of Rose Avenue and Hampton Drive (Exhibit #2). These parking spaces are in the same parking lot that Corleone's leased parking from in 1995.

The provision of two parking spaces for the proposed 390 square foot enlargement of the customer seating area is consistent with the Commission's parking guidelines. No parking is required for the existing 645 square feet of customer seating area because the pre-existing parking demand predates the Coastal Act. Therefore, additional parking is required only for the addition of the outdoor patio as customer area.

Therefore, the Commission finds that two parking spaces are adequate to meet the demands of the new development and to protect public access to the coast. In order to ensure that the parking is provided and that public access opportunities are not reduced by the proposed project, the approval of the Coastal Development Permit requires the applicants to 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 two parking spaces shall be leased on a long-term and on-going basis for the exclusive use of the customers of the commercial establishments at 215 Rose Avenue in Venice.
- b) The two parking spaces shall be located within 300 feet of the property at 215 Rose Avenue 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 which provides the required off-site parking shall be submitted to demonstrate that the parking spaces which are leased to serve the commercial establishments at 215 Rose Avenue are not leased or used by any other person or party. A site plan in the lease shall identify the location of the required parking spaces in the parking lot.
- d) Signs shall be posted on each of the leased parking spaces and at the commercial establishments which clearly state that the parking spaces are reserved and available for the exclusive use of the customers of the commercial establishments at 215 Rose Avenue.
- e) The leased parking spaces shall be available to customers of the commercial establishments 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 establishments of the validation program and location of the required 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. 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 structure is food manufacturing and counter-service food sales only. Although tables and chairs may be provided for use by customers, no sit-down dining service is permitted on the premises. Any intensification or change in use of the structure, including restaurant service, will require an amendment to the permit or a new Coastal Development Permit. Any additional impacts on public access will be analyzed at that time.

Therefore, the Commission finds that, as conditioned, the proposed project will not negatively impact coastal access in the area. Only as conditioned to provide adequate parking is the project consistent with Sections 30210 and 30252 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development 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:

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 City of Los Angeles has not yet developed a Local Coastal Program for the North Venice area that has been certified by the Commission. 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).

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, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

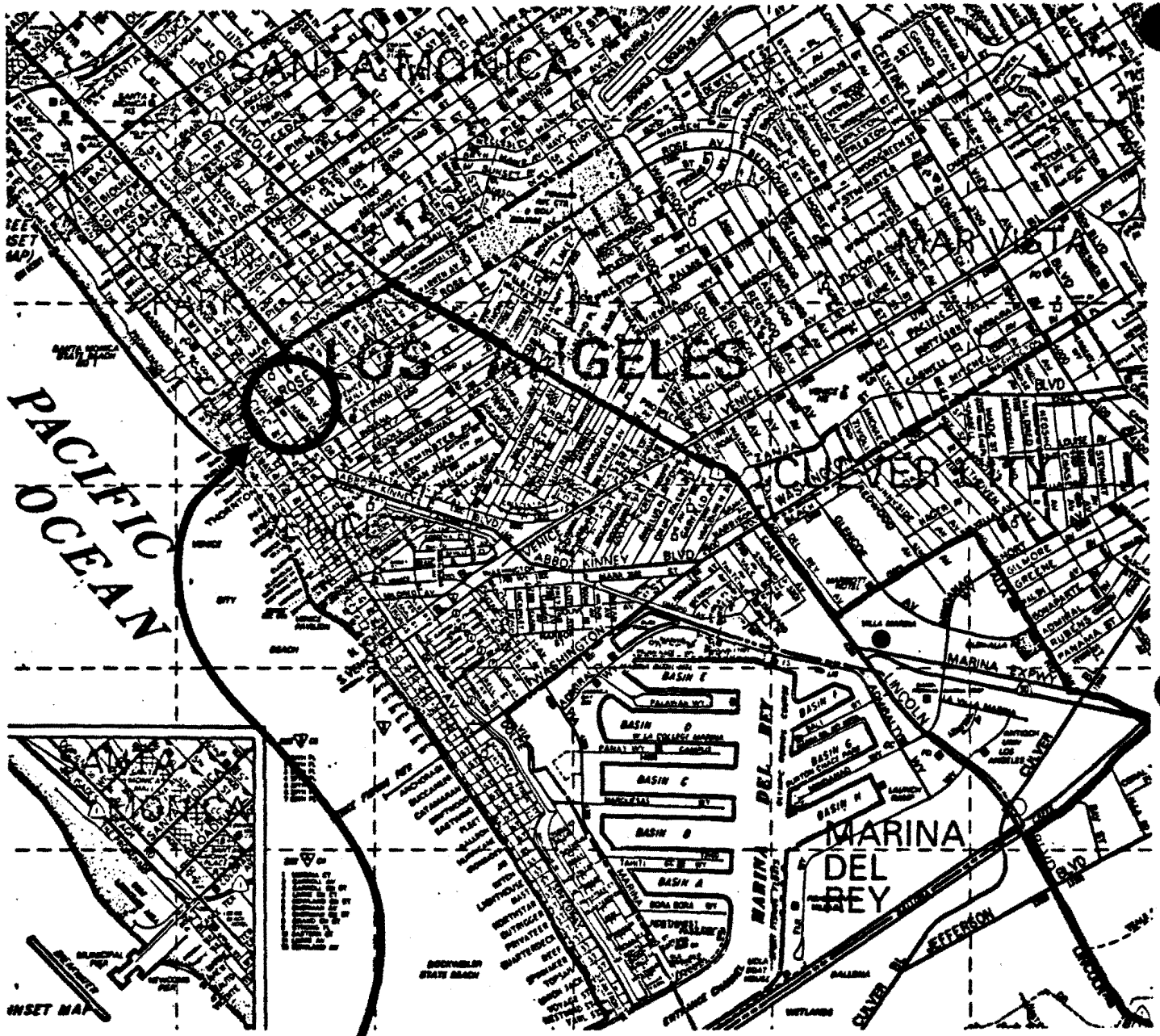
E. Violation

Although unpermitted development and/or use of the site may have taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission will act on this application without prejudice and will act on it as if none of the existing development or uses have previously occurred.

This is an after-the-fact permit application. The Coastal Commission staff is investigating an allegation that the applicant has undertaken the proposed development prior to the submittal of this Coastal Development Permit application.

The Commission has conditioned the approval of the permit to require that the applicant satisfy all conditions that are required as prerequisites to the issuance of this Coastal Development Permit within ninety days of Commission action. If the applicant fails to comply with the special conditions of approval, further enforcement action will be warranted.

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Site

COASTAL COMMISSION

5-96-281

EXHIBIT # 1

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MAIN STREET

Alley

Bath Rooms

ROBIN ROSE
FOOD MANUFACTURING

Commercial

LOT 15-2

Parking
(NOT INCLUDED)

COMMERCIAL

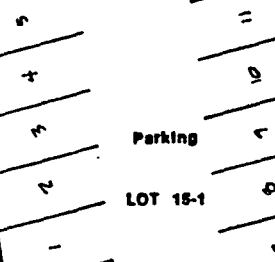
LOT 14

HAMPTON STREET

FIREHOUSE
RESTAURANT
LOT 12

LOT 13

5-90-464



Parking

LOT 15-1

Proposed
Parking
Area

patio

ROSE AVENUE

Site

PLOT PLAN

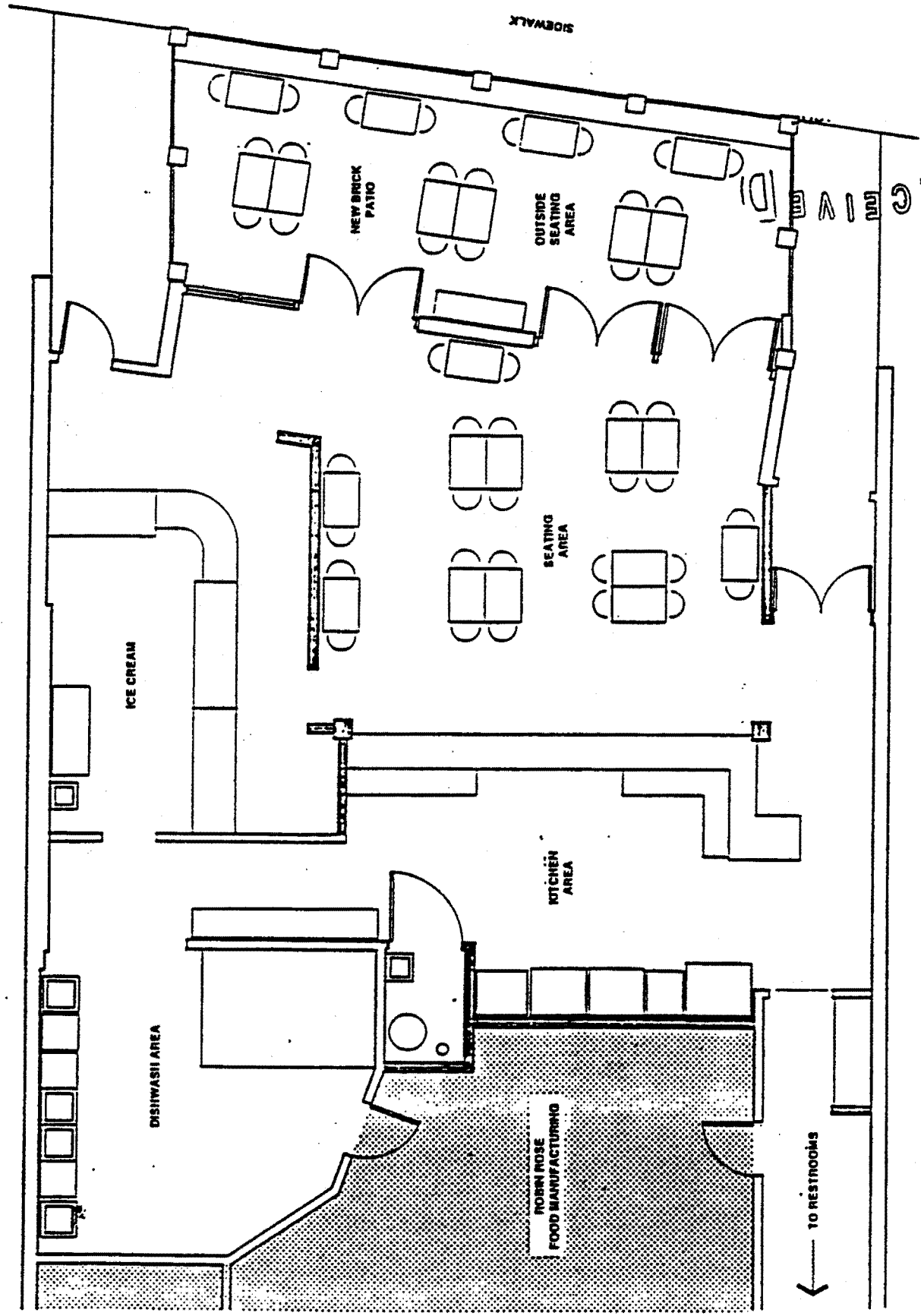


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EXHIBIT # 2

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EXHIBIT # 3

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Floor Plan