

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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 Commission Action:



Item M8f

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-01-177**APPLICANT:** Stefan Bachofner, TK Restaurant Inc. (On the Waterfront Café)**AGENT:** Law Offices of Alan Robert Block**PROJECT LOCATION:** 205-213 Ocean Front Walk, Venice, City of Los Angeles.**PROJECT DESCRIPTION:** Construct 8-foot high fence and establish 900 square feet of outdoor dining area (for adjacent café) on a paved vacant lot.

Lot Area	4,164 square feet
Building Coverage	0 square feet
Pavement Coverage	4,164 square feet
Landscape Coverage	0 square feet
Parking Spaces	10 (more with valet)
Zoning	C1-1
Plan Designation	Community Commercial
Ht above final grade	8 feet (fence)

LOCAL APPROVAL: City of Los Angeles Approval in Concept No. 2001-2007, 4/25/01.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions to protect the nearby public parking facilities from the parking impacts of the proposed café expansion, and to protect water quality.

The recommended special conditions would: a) limit the size of the proposed outdoor dining area to 700 square feet to correspond to the proposed parking supply, b) require the applicant to secure a long-term (5 years minimum) lease in order to ensure the continuing provision of the proposed parking supply, c) require the proposed valet parking service to be provided during all hours that the outdoor dining area is being used, and d) require the implementation of BMPs to prevent polluted runoff from affecting marine resources.

The applicant objects to the staff recommendation. **See page two for motion.**

SUBSTANTIVE FILE DOCUMENTS:

1. California Coastal Commission Regional Interpretive Guidelines for Los Angeles County, 10/14/80.
2. Certified Land Use Plan for Venice, City of Los Angeles, 6/12/01.
3. Coastal Development Permit 5-87-904 (Pacific Distributors).
4. Coastal Development Permit 5-91-296 (Las Vegas International, Inc.).
5. Coastal Development Permit 5-93-389 (Goodfader).
6. Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-01-177 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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. **Outdoor Dining Area**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised project plans, subject to the review and approval of the Executive Director, which provide the following:

The approved outdoor dining area, which shall be located entirely on the applicant's lease area, shall not exceed 700 square feet in area. No portion of the outdoor dining area, tables, chairs, signs or other object shall encroach onto or over the adjacent Ocean Front Walk right-of-way. A fence or similar barrier, not exceeding eight feet (8') in height, shall be constructed to separate the approved 700 square feet of outdoor dining area from remainder of the property that is permitted to be used as a parking supply for the café located at 205 Ocean Front Walk. The total area between the fence and the property line abutting Ocean Front Walk shall not exceed 700 square feet in area.

The permittee shall construct and maintain the proposed project consistent with the revised plans approved by the Executive Director.

2. Parking Program

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a long-term (minimum 5-years) lease agreement, for the review and approval of the Executive Director, that secures the applicant's legal ability to access and utilize the proposed project's parking supply located at 213 Ocean Front Walk, Venice, City of Los Angeles. The authorization to operate the approved outdoor dining area granted by this coastal development permit is contingent upon the continuing availability of no less than fourteen (14) additional parking spaces (in addition to the restaurant's twenty existing parking spaces located at the rear of 205 Ocean Front Walk) to meet the expanded restaurant's parking demands during all hours that it is open for business. The proposed outdoor dining area at 213 Ocean Front Walk is not permitted to be used or to operate without the provision of the required fourteen (14) parking spaces located at 213 Ocean Front Walk.

A valet parking program shall be implemented as follows:

- A) A valet parking service shall be provided at 213 Ocean Front Walk at all times when the outdoor dining area at 213 Ocean Front Walk is being used or operated.
- B) **Vehicular Access:** The use of Speedway Alley for the parking or queuing of vehicles is prohibited. The valet parking service shall not obstruct or interfere with traffic circulation on Speedway Alley.
- C) **Cost of Parking:** The fee charged for the valet parking service shall not at any time exceed the rate charged for parking at the Los Angeles County public beach parking lot located on Venice Beach at the terminus of at Rose Avenue. Restaurant employees shall be provided with free parking.
- D) **Signage:** A double-faced portable sign shall be placed at the valet vehicle drop-off/pick-up station during all hours that the valet parking service is in operation. The sign shall clearly announce the availability of the valet parking service for customer use and the cost of valet parking. Each face of the sign shall not exceed 15 square feet in area, and the sign shall not rotate, flash, or be internally illuminated.
- E) The valet parking service shall be provided consistent with the above-stated requirements and limitations. Any change in the operation of the valet parking service shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The permittee shall operate the proposed project consistent with this parking program.

3. Protection of Marine Resources

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans, subject to the review and approval of the Executive Director, for the implementation of appropriate source control, treatment, and both structural and non-structural Best Management Practices (BMPs) to mitigate the volume, velocity, and pollutant load of stormwaters and nuisance flows from the development site. The BMPs shall include, but are not limited to the following:

- A) The applicant shall, on a weekly basis, sweep the parking areas and impervious surfaces to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
- B) The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
- C) Wash down areas for restaurant equipment and accessories shall be designed as follows: 1) The area should be self-contained, equipped with a grease interceptor (minimum capacity of 750 gallons), and properly connected to a sanitary sewer. 2) If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer. 3) The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

The permittee shall implement, maintain and carry out the plans for BMP's as approved by the Executive Director.

4. Condition Compliance

WITHIN SIXTY (60) DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. 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, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to establish a 900 square foot outdoor dining area on a vacant beachfronting lot (Lot No. 203) in North Venice (Exhibit #3). The proposed outdoor dining area would expand the seating capacity of the applicant's existing café (On the Waterfront Café) which is located on the adjacent property (Exhibit #2). The applicant has leased the project site (1999 until February 2003) and has been using it as a parking area for the On the Waterfront Café. There is no evidence that the parking supply on the project site is encumbered by any other use.

The existing one-story, 6,600 square foot café (On the Waterfront Café) is situated on a 9,500 square foot beachfront parcel (Lot Nos. 197, 199 & 201). Ten pairs of tandem parking spaces (total of twenty on-site spaces), situated at the rear of the restaurant, serve the existing restaurant (Exhibit #3, p.1). Speedway, the rear alley, provides vehicular access to the café's on-site parking area (Exhibit #2).

The currently proposed 900 square foot outdoor dining area expansion is located on an adjacent 4,162 square foot parcel (Lot No. 203). The portion of Lot No. 203 not used for the café's expanded dining area would continue to be used as a parking area for the café. An 8-foot fence separates the proposed 900 square foot outdoor dining area from the parking area (Exhibit #4). The applicant asserts that valet parking enables him to park up to twenty cars on the site (Exhibit #5). The site can accommodate ten self-parked cars (Exhibit #3).

The C1-1 zoned project site (the existing café and proposed expansion area) is situated on the inland (east) side of Ocean Front Walk in North Venice (Exhibit #2). Ocean Front Walk is a popular beachfront walkway (paved boardwalk) which extends more than two miles along Venice Beach, from the southern boundary of the City of Santa Monica to the beach area south of Venice Pier (Exhibit #1). The inland side of the boardwalk is lined with a variety of residential and commercial uses which cater to local residents and the thousands of coastal visitors who are attracted to Venice Beach. The public beach and the Rose Avenue public beach parking lot (289 spaces), both managed and operated by the Los Angeles County Department of Beaches and Harbors, are located in front of the proposed project between Ocean Front Walk and the sea (Exhibit #2). The area inland of the project site is a residential neighborhood comprised of single family and multi-family residential buildings.

The Commission has approved two prior coastal development permits for development on the site of the proposed dining area expansion (213 Ocean Front Walk, Venice). Coastal Development Permit 5-87-904 (Pacific Distributors), approved by Commission on April 19, 1988, permitted establishment of eight open-air vending booths and eight on-site parking spaces on the vacant lot. Coastal Development Permit 5-91-296 (Las Vegas International, Inc.), approved by Commission on October 8, 1991, permitted the construction of a one-story, 1,450 square foot commercial retail building with nine on-site parking spaces.

B. Land Use

Section 30222 of the Coastal Act requires that visitor-serving commercial uses be given priority over residential and other non-priority land uses.

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.

The proposed café expansion project would provide coastal visitors and nearby residents with an expanded outdoor area for sit-down dining service. Outdoor dining areas next to the Venice boardwalk are visitor-serving commercial uses which enhance opportunities for coastal recreation. Therefore, the proposed project is consistent with Section 30222 of the Coastal Act because it would provide a visitor-serving commercial use on the site.

The proposed project is also consistent with the property's land use category as designated by the certified City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP designates the site, as well as the adjoining commercial properties on the inland side of Ocean Front Walk, for Community Commercial land uses. The certified Venice LUP specifically calls for visitor-serving commercial uses, such as restaurants, to be located in the Community Commercial land use designation. Therefore, the proposed land use complies with Section 30222 of the Coastal Act and the land use designation contained in the certified Venice LUP.

C. Public Access/Parking

The proposed project is located on Ocean Front Walk in North Venice (Exhibit #2). The most important coastal planning issue for the North Venice area is the provision of adequate parking facilities to protect coastal access and to meet the competing parking demands of the area's many uses. The area's existing public parking supplies, such as the Rose Avenue public beach parking lot (289 spaces), must be protected from additional parking demands that could displace the parking supplies that are necessary to support public access to the recreational opportunities that exist in this highly popular coastal area. Therefore, new developments are required to provide an adequate parking supply to meet the parking demands of the new development.

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. Most of the restaurants, cafes, vendors and shops that line the inland side of Ocean Front Walk have little or no on-site parking to serve their employees and customers. Most of the residential uses also have inadequate parking supplies to meet their needs. In addition, many residential structures were converted to commercial uses without providing additional parking. Consequently, there is a severe

shortage of available parking spaces in the area when the demand for parking peaks. Visitors and users of the various commercial, residential and recreational uses in the area must compete for the limited number of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast during peak-use periods.

The primary public parking supply that supports public access to Venice Beach is provided in the public beach parking lots. The streets of the surrounding residential neighborhood provide very few on-street parking spaces because most of the streets are walk streets with no vehicular access. Vehicular access to the residential areas is provided primarily by narrow alleys that provide no on-street parking. Therefore, the limited public parking reservoirs provide parking not only for beach visitors and customers of the commercial uses, but also for employees of the commercial uses and guests of the area's residents and some of the residents themselves.

The Rose Avenue public beach parking lot (289 spaces) is located on the beach directly in front of (across the boardwalk) the proposed project (Exhibit #2). This public beach parking lot must be protected so its parking supply is available to meet the demands of the public for public beach access. Therefore, the public beach parking supply cannot be used to meet the Commission's parking requirements for the adjacent commercial uses.

The certified Venice LUP states:

Policy II. A. 9. a. Beach Parking Lots. *The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4 (Parking Requirements in Coastal Zone)...*

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. New developments must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to recreational opportunities. 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....

Section 30252 of the Coastal Act requires that public access be protected by ensuring that adequate parking is provided to meet the increased parking demand generated by new development. Further intensification of uses in the project area will increase the demand for parking. The demand for parking already surpasses the supply during peak use periods. The peak use periods in the North Venice area are primarily summer days when beach attendance increases. Parking demand is lowest when beach attendance is low, although the restaurants in the area do generate a significant demand for parking during the dinner hours.

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide an adequate parking supply. The amount of parking that is "adequate" for a proposed project is determined by calculating the estimated parking demand of a specific use using a parking standard. The parking standard is typically part of a certified local coastal program or zoning ordinance and is based on studies of similar projects.

Parking Demand

The Coastal Commission Regional Interpretive Guidelines for Los Angeles County (adopted 10/14/80) contain a parking standards table that is often used for guidance when the Commission determines what amount of parking is adequate for a proposed project. The parking standards contained in the Commission's Interpretive Guidelines were derived from parking studies undertaken by the City of Los Angeles Planning Department in the 1970's. The parking studies used field data to determine the average parking demand for various types of land uses. While the data used in the 1970's to establish parking standards is old, driving behavior in Los Angeles has not changed appreciably (i.e. there has not been a significant increase in the public's reliance on public transportation or forms of transportation other than automobiles).

In Venice, the City and the Commission use the parking standards contained in the certified Venice LUP and the Venice Specific Plan, which both use the same parking requirement table. The parking standards contained in the certified Venice LUP are based on the parking standards contained in the Coastal Commission Regional Interpretive Guidelines for Los Angeles County which have been implemented in Venice for more than twenty years. Prior to the certification of the Venice LUP, the City implemented the same parking standards through the Venice Interim Control Ordinance (ICO).

The certified Venice LUP Parking Requirement Table, referred to in LUP Policy II.A.3 (see above) requires restaurants, bars and similar uses to provide parking at the following rate:

*Restaurant, Night Club, Bar,
and similar establishments...*

*1 space for each 50 square feet of service
floor area (including outdoor service areas).*

The parking standards contained in the Venice Specific Plan and the certified Venice LUP would require the proposed 900 square foot restaurant dining area expansion to provide 18 additional parking spaces. The 18 required parking spaces would be in addition to the twenty on-site parking spaces that currently exist behind the existing restaurant at 205 Ocean Front Walk (Lot Nos. 197, 199 & 201) (Exhibit #3).

The existing café's twenty-space on-site parking supply at 205 Ocean Front Walk serves the existing café (approximately 4,000 square feet of customer service area). Customer service area is defined in the certified Venice LUP as follows:

Service Floor: *All areas where the customer can be served, except the bathroom, including the indoor and outdoor dining area, bar, waiting room and tavern.*

The existing parking supply for the existing café is non-conforming below the amount required by current City and Commission parking standards. Using the current parking standards of the certified Venice LUP, the existing 4,000 square feet (approximate) of customer service area associated with the existing café would generate a parking demand of 80 parking spaces (1 space for per 50 square feet of service area). However, the existing café is permitted to maintain its non-conforming status in regards to its parking supply and customer service area because the existing use predates the Coastal Act requirements. Any expansion of customer service area, however, shall be required to conform to the current parking standards for North Venice.

Applicant's Proposed Parking Plan

The applicant proposes to maintain the existing on-site parking supply (ten pairs of tandem spaces) that serves the existing café at 205 Ocean Front Walk. As stated above, the existing café is permitted to maintain its existing dining area and non-conforming parking supply because the café (and its parking supply) is an established use. Therefore, the applicant is only required to provide additional parking to meet the demands of the proposed café expansion.

In regards to the currently proposed café expansion (900 square foot outdoor dining area), the applicant asserts that the parking area behind the proposed dining area at 213 Ocean Front Walk (Lot No. 203) can accommodate the LUP required 18 parking spaces with the use of a valet parking program (Exhibit #5). With self-parking, the site can accommodate ten parked cars. The applicant proposes to use valet parking attendants at the following times:

Fridays	3:00 p.m. to 10:00 p.m.
Saturdays	12:00 p.m. to 10:00 p.m.
Sundays	12:00 p.m. to 10:00 p.m.

The applicant also asserts that the certified Venice LUP parking standard of one space for each fifty square feet of dining area should be reduced because, "the public's use of the restaurant is incidental to their visit to the beach." Therefore, the applicant believes that the

café's parking demand overlaps with the parking demand generated by the beach. While it may be true that many of the applicant's customers have come to Venice primarily to use the beach and not to eat at the café, these "overlap" customers very likely represent a bonus clientele which exceeds the café's base parking demand that is estimated to be one car per each fifty square feet of dining area. Although it is not the basis for the Commission's requirement to provide parking at the rate called for in the LUP, the existing café is substantially underparked (20 spaces in lieu of 80 parking spaces) and already benefits from its right to maintain its non-conforming status in regards to its on-site parking supply.

The Commission has consistently imposed the Venice LUP parking standard of one car per each fifty square feet of dining area for new restaurants and restaurant expansions [See Coastal Development Permit 5-93-389 (Goodfader) & Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley)]. Therefore, in order to prevent any further increase in the area's parking deficit, the proposed café expansion shall be required to provide adequate on-site parking consistent with the Commission's parking standards for North Venice.

Parking Program Conditions

Special Condition Two of the permit requires the applicant to implement a parking program, consistent with Section 30252 of the Coastal Act, in order to provide adequate parking to meet the café's increased demand for parking that would result from expansion of the dining area.

The Commission finds that, through the use of valet parking, the project site (213 Ocean Front Walk) can accommodate more than the ten cars that fit on the site when self-parked. The proposed stacking of 18 or 20 cars on the site, however, is not feasible unless the 20-foot wide alley (Speedway) is used for the temporary storing and queuing of vehicles (Exhibit #5, p.2). The use of the narrow alley for the movement of the stacked cars out of the proposed parking area would cause congestion and interfere with public use and access of Speedway. Such an obstruction of the alley would be a public safety hazard as Speedway is the primary vehicular access route for most of the buildings in the neighborhood, and the primary route for emergency and service vehicles. Such an obstruction would also interfere with public access to the shoreline. Therefore, Special Condition Two of the permit prohibits the use of Speedway for the parking or queuing of vehicles.

The Commission finds that 14 cars can be arranged on the site by valets without using Speedway alley as a queuing area (ten cars on the right half of the lot and four end-to-end on the left side of the lot). A limit of 14 cars on the site will leave an aisle in the middle of the lot for the valet's necessary vehicle maneuvering area. The provision of the 14 additional parking spaces, which is only feasible through the use of valet parking, would provide an adequate parking supply for a 700 square foot dining area expansion. Therefore, Special Condition One limits the approved outdoor dining area, which shall be located entirely on the applicant's lease area, to 700 square feet in area. Because the required on-site parking supply is dependent on the use of valet parking attendants, the outdoor dining area is permitted to be used only when the proposed valet parking service is being implemented. The applicant proposes to use the valet parking service only on Friday and weekend afternoons and evenings, but the valet service may be expanded in order to permit the use of the outdoor dining area at other times.

In order to encourage customers of the café to use the café's on-site parking supply rather than the public beach parking, the permit limits the fee charged for the valet parking service at the café. The fee shall not at any time exceed the rate charged for parking at the Los Angeles County public beach parking lot located on Venice Beach at the terminus of at Rose Avenue. In addition, the café's employees shall be provided with free parking so that they do not use the public beach parking supply while working. Special Condition One also states that no portion of the outdoor dining area, tables, chairs, signs or other object shall encroach onto or over the adjacent Ocean Front Walk right-of-way. Only as conditioned can the proposed project be found to be consistent with the public access policies of the Coastal Act.

In addition, the applicant is required to secure a long-term (5 years minimum) lease in order to ensure the continuing provision of the proposed parking supply, and to provide the proposed valet parking service during all hours that the outdoor dining area is being used. Special Condition Two states:

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a long-term (minimum 5-years) lease agreement, for the review and approval of the Executive Director, that secures the applicant's legal ability to access and utilize the proposed project's parking supply located at 213 Ocean Front Walk, Venice, City of Los Angeles. The authorization to operate the approved outdoor dining area granted by this coastal development permit is contingent upon the continuing availability of no less than fourteen (14) additional parking spaces (in addition to the restaurant's twenty existing parking spaces located at the rear of 205 Ocean Front Walk) to meet the expanded restaurant's parking demands during all hours that it is open for business. The proposed outdoor dining area at 213 Ocean Front Walk is not permitted to be used or to operate without the provision of the required fourteen (14) parking spaces located at 213 Ocean Front Walk.

A valet parking program shall be implemented as follows:

- A) A valet parking service shall be provided at 213 Ocean Front Walk at all times when the outdoor dining area at 213 Ocean Front Walk is being used or operated.
- B) Vehicular Access: The use of Speedway Alley for the parking or queuing of vehicles is prohibited. The valet parking service shall not obstruct or interfere with traffic circulation on Speedway Alley.
- C) Cost of Parking: The fee charged for the valet parking service shall not at any time exceed the rate charged for parking at the Los Angeles County public beach parking lot located on Venice Beach at the terminus of at Rose Avenue. Restaurant employees shall be provided with free parking.

- D) Signage: A double-faced portable sign shall be placed at the valet vehicle drop-off/pick-up station during all hours that the valet parking service is in operation. The sign shall clearly announce the availability of the valet parking service for customer use and the cost of valet parking. Each face of the sign shall not exceed 15 square feet in area, and the sign shall not rotate, flash, or be internally illuminated.
- E) The valet parking service shall be provided consistent with the above-stated requirements and limitations. Any change in the operation of the valet parking service shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Only as conditioned will the public parking facilities be protected from the parking impacts of the proposed restaurant expansion. Therefore, the applicant is required, as a condition of approval, to provide and maintain on-site parking for the proposed restaurant expansion at the rate of one space for per fifty square feet of additional customer service area. The applicant's ability to safely increase the parking supply by 14 parking spaces (with valet parking) would provide an adequate parking supply for an additional 700 square feet of outdoor dining area. The proposed 14 additional parking spaces is not adequate to serve the proposed 900 square feet of additional outdoor dining area. Therefore, the applicant shall reduce the size of the proposed outdoor dining area so that the proposed parking supply and amount of additional dining area comply with the parking requirement table contained in the certified LUP. The Commission finds that a 700 square foot dining area expansion, as conditioned to provide 14 parking spaces (with valet parking), is consistent with the public access policies of the Coastal Act.

BIZ Parking Requirements

The proposed project is located within the Beach Impact Zone (BIZ) of the Venice area as defined in the City of Los Angeles Venice Specific Plan and the proposed Venice LUP. The BIZ parking requirements apply to new developments in the BIZ area, and are in addition to the standard parking requirements. The parking spaces generated by the BIZ parking requirements help offset the cumulative impacts on public access opportunities caused by the intensification of commercial enterprises in the Venice area. The City allows applicants to pay fees into the Venice Coastal Parking Impact Fund in lieu of providing up to fifty percent of the actual number of required BIZ parking spaces. The Venice Coastal Parking Impact Fund is administered by the City of Los Angeles Department of Transportation.

The certified Venice LUP states that commercial uses in the BIZ zone shall be required to "provide one additional parking space for each 640 square feet of floor area of the ground floor." In this case, because there is no new "ground floor area" proposed (or, y outdoor dining area), the applicant is not required to provide additional parking for the BIZ zone.

D. Public Access on Ocean Front Walk

Ocean Front Walk provides direct pedestrian access along Venice Beach and to Venice Pier. Therefore, the proposed project must not inhibit the use of Ocean Front Walk as a pedestrian accessway. Therefore, Special Condition One limits the approved outdoor dining area, which shall be located entirely on the applicant's lease area, to 700 square feet in area. The condition also states that no portion of the outdoor dining area, tables, chairs, signs or other object shall encroach onto or over the adjacent Ocean Front Walk right-of-way. Prohibited encroachments include, but are not limited to, signs, tables, chairs, racks, or other objects. Only as conditioned can the proposed project be found to be consistent with the public access policies of the Coastal Act.

E. Control of Polluted Runoff

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project poses a potential source of pollution due to contaminated runoff from the parking area and from the proposed restaurant use. Runoff from the site would enter the City's stormdrain system and would ultimately be discharged into the marine environment.

To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, Special Condition Three requires the applicant to incorporate best management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site. The BMPs shall include, but are not limited to the following:

- A) The applicant shall, on a weekly basis, sweep the parking areas and impervious surfaces to remove sediment, debris, and vehicular residues. Washing-down of

impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.

- B) The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
- C) Wash down areas for restaurant equipment and accessories shall be designed as follows: 1) The area should be self-contained, equipped with a grease interceptor (minimum capacity of 750 gallons), and properly connected to a sanitary sewer. 2) If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer. 3) The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

As conditioned, the proposed project is consistent with past Commission action with regards to water quality requirements and will minimize water quality impacts. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

F. 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:

- (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 City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los

Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

The proposed Venice LUP designates the project site as a Community Commercial land use. The proposed project, as conditioned, conforms to the proposed Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 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).

G. California Environmental Quality Act (CEQA)

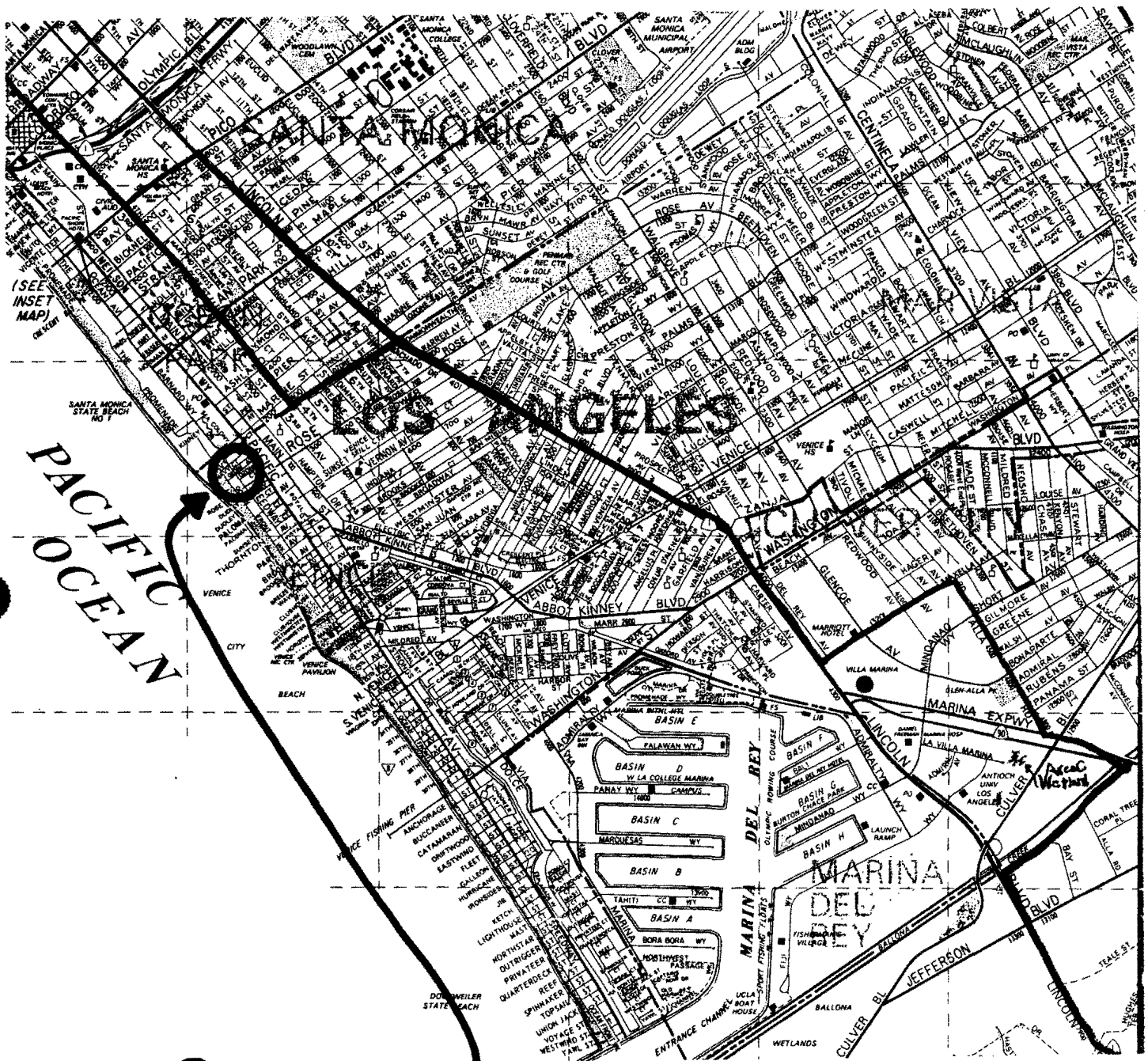
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

H. Unpermitted Development

Prior to applying for the required coastal development permit for the proposed project, the applicant received a building permit from the City of Los Angeles Department of Building and Safety and installed the proposed 8-foot fence. Although development has taken place prior to Commission action on this coastal development permit, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

VENICE, CA



Site

205-213 Ocean Front Walk
On the Waterfront Cafe

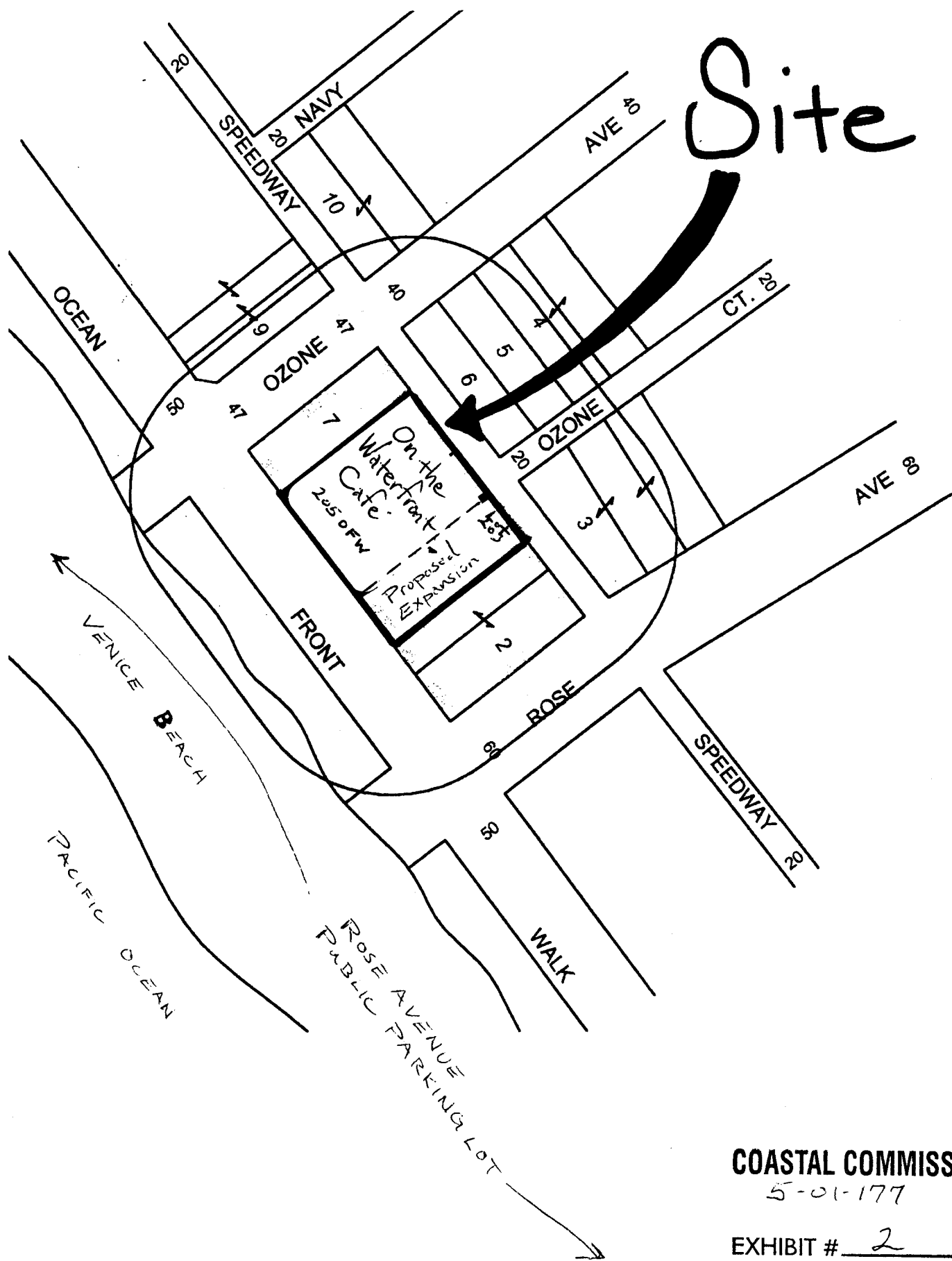
COASTAL COMMISSION

5-01-177

EXHIBIT # 1

PAGE 1 OF 1

Site

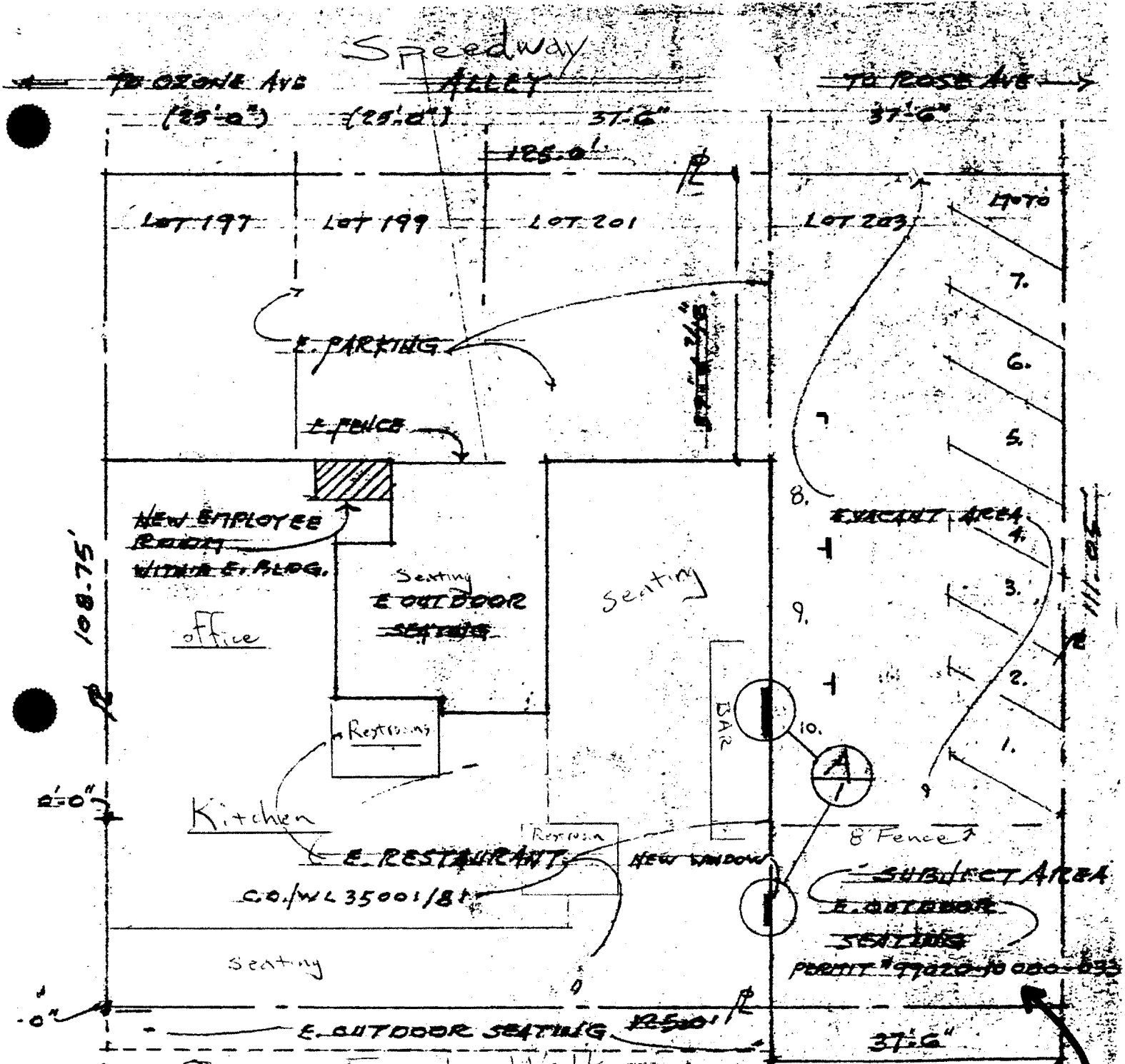


COASTAL COMMISSION

5-01-177

EXHIBIT # 2

PAGE 1 OF 1

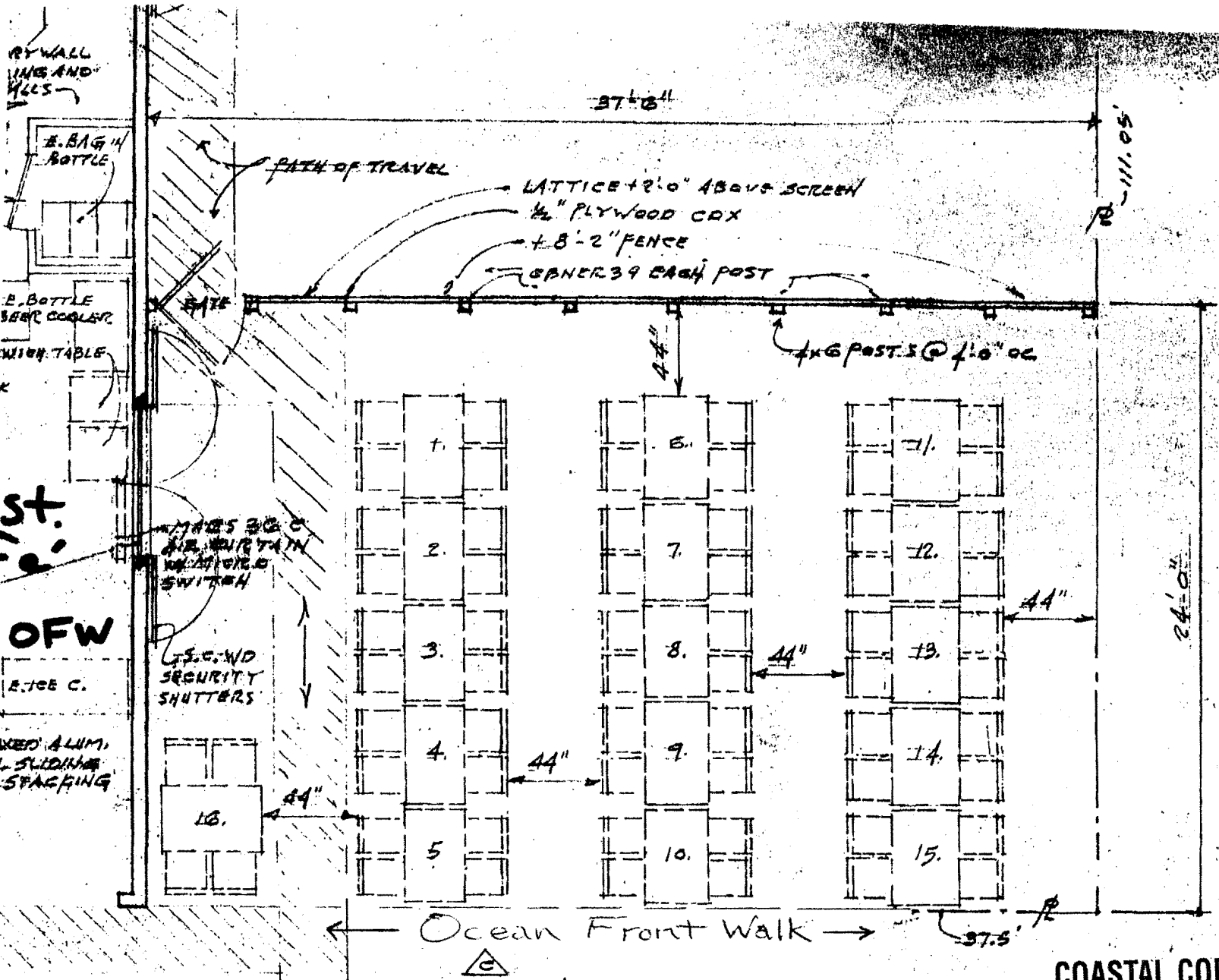


SITE PLAN

On the Waterfront Cafe

**Proposed
900 sq. Ft.
Expansion**
COASTAL COMMISSION
5-01-177

EXHIBIT # 3
PAGE 1 OF 2



Exist. Cafe
205 OFW

Ocean Front Walk → 37.5'

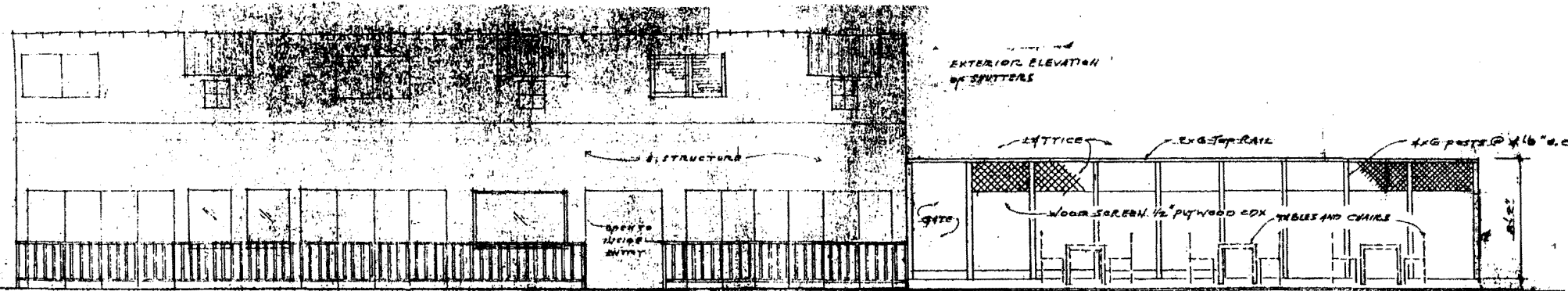
△
 SUBJECT AREA
 SEATING AREA

$37.5 \times 24 = 900 \#$

COASTAL COMMISSION
 5-01-177

EXHIBIT # 3
 PAGE 2 OF 2





205 Ocean Front Walk

Existing Cafe

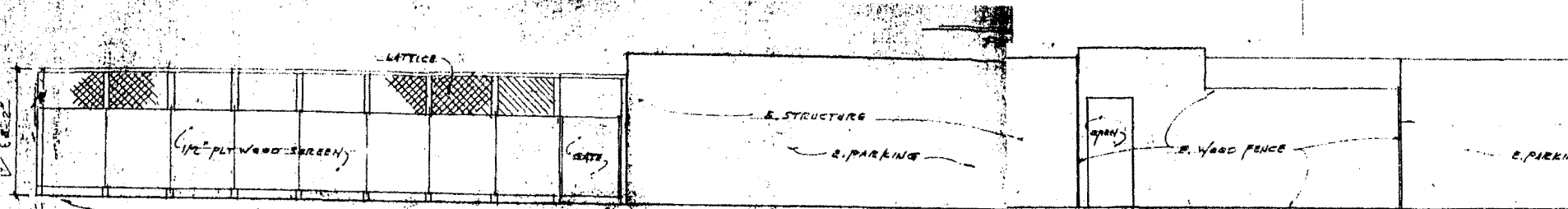
ON THE WATERFRONT CAFE
(BOARD WALK SIDE)

WEST ELEVATION
(Beach View)

SEATING AREA 900 sq ft

SUBJECT AREA
Proposed Expansion

200'



SUBJECT AREA BEYOND SCREEN
Proposed Expansion

EAST ELEVATION
(Speedway Alley)

On the Waterfront Cafe'
205 Ocean Front Walk

COASTAL COMMISSION

5-01-177

EXHIBIT # 4

PAGE 1 OF 1

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ALAN ROBERT BLOCK

A PROFESSIONAL CORPORATION

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RECEIVED
South Coast Region

SEP 6 2001

CALIFORNIA
COASTAL COMMISSION

September 4, 2001

VIA FAX (562) 590-5084
& FIRST CLASS MAIL

Mr. Chuck Posner
South Coast District Area
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

**Re: Coastal Development Permit (CDP) No. 5-01-177
(The Waterfront Café)**

Dear Chuck:

As we previously discussed last month, the applicant herein, Stefan Bachofner, proprietor of the "Waterfront Café", hereby amends the project description of the above captioned CDP to provide as follows:

"Construct a 6 foot fence and 900 square foot outside dining area adjacent to existing restaurant. Rear portion of the dining area will provide valet parking for up to a maximum of 20 cars. Valet parking attendants will be on duty Fridays 3:00 p.m. to 10:00 p.m., Saturdays and Sundays from 12:00 p.m. to 10:00 p.m."

As we have discussed, the applicant vigorously contends that the restaurant serves a valuable need of the public in providing food and beverage service. The public's use of the restaurant is incidental to their visit to the beach. Only a very small portion of the restaurant's customers comes to the beach only to eat at the restaurant. As such, the applicant contends that the Commission's parking requirements of one parking space for every 50 feet of serviceable area should be reduced for the over-lapping use.

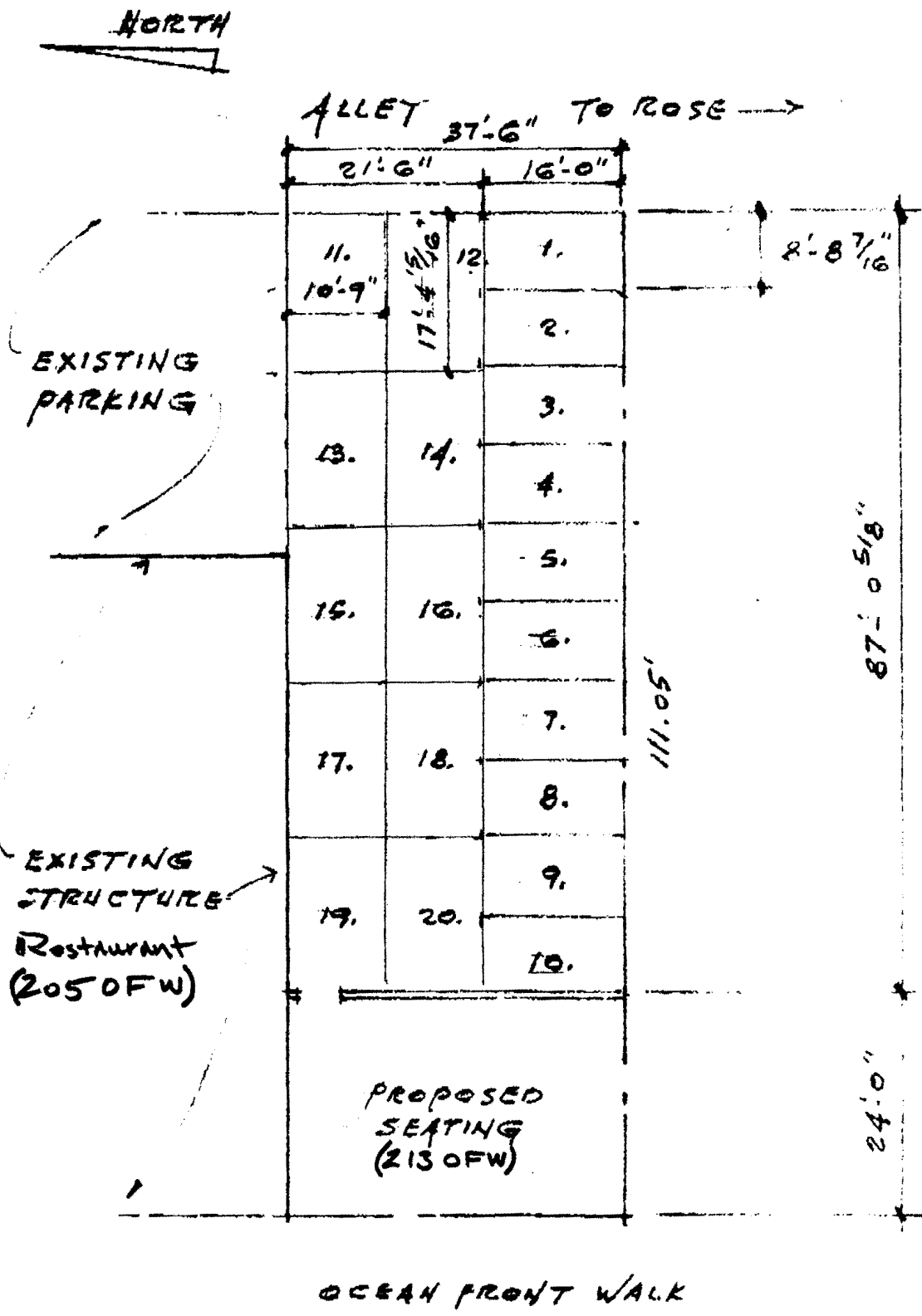
Staff has presently indicated its belief that the parking area, with valet attendant's, can easily provide parking for 14 vehicles. The applicant clearly agrees with staff's assessment, but believes, further, that with adequate attendants up to 18 cars can be reasonably provided.

COASTAL COMMISSION

5-01-177

EXHIBIT # 5

PAGE 1 OF 2



Proposed Valet Vehicle
Stacking Plan for
20 cars.



205-213 OCEAN FRONT WALK, VENICE

Exhibit # 6