

CALIFORNIA COASTAL COMMISSION

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Item M10b

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Staff: CP-LB
Staff Report: 6/19/02
Hearing Date: July 8, 2002
Commission Action:



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RECORD PACKET COPY**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBER: 5-84-638-A1

APPLICANTS: Robert & Debbie Singer 1989 Trust and McDemas Family Trust

AGENT: Jay B. Siegel, Siegel & Siegel, Attorneys at Law

PROJECT LOCATION: 27-31 Washington Boulevard, Venice, City of Los Angeles.

PARKING LOCATION: 104 E. Anchorage Street, Venice, City of Los Angeles.

LOCAL APPROVAL: City of Los Angeles Department of City Planning, Approval in Concept No. ZA-2002-817 (AIC), 2/20/02.

SUBSTANTIVE FILE DOCUMENTS:

1. 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 5-82-270 (Barry Levine).
4. Coastal Development Permit 5-82-865 (Barry Levine & M.M.McDemas).
5. Coastal Development Permit 5-84-090 (Barry Levine/Barry's Deli).
6. Coastal Development Permit 5-84-638 (Yoon Soo Ahn & M.M.McDemas/Barry's Deli).
7. Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley).

DESCRIPTION OF PROJECT APPROVED ON NOVEMBER 14, 1984 (5-84-638):

Convert portion of outdoor dining area of existing restaurant to five on-site parking spaces.

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-84-638-A1):

Replace an existing unpermitted mobile refrigeration unit/trailer with a new 8-foot high, 168 square foot permanent walk-in cooler/freezer, and construct a new connecting hallway and confined trash area within the on-site parking area at the rear of the existing restaurant. The displaced on-site parking supply will be mitigated by the restaurant's participation in the valet parking program (with off-site parking) approved for the project area as part of Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission approve the permit amendment request for the proposed development with special conditions to protect public parking facilities from the parking impacts of the restaurant. In addition, Special Condition Three requires the applicants to implement BMPs to prevent polluted runoff from adversely affecting marine resources. The applicants agree with the staff recommendation. **See page two for motion.**

PROCEDURAL NOTE:

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

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

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit Amendment 5-84-638-A1 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution to Approve a Permit Amendment

The Commission hereby **APPROVES** the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and subject to conditions 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 amendment 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 amended 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 amended development on the environment.

II. Special Conditions

1. On-site Parking and Loading Area

This permit amendment authorizes the installation of a 168 square foot walk-in cooler/freezer, connecting hallway, and a confined trash area within the on-site parking area of the existing restaurant. The remaining portion of the parking/loading area located behind the restaurant, as shown on **Exhibit #5 of the 6/19/02 staff report**, shall be maintained as the on-site parking and loading area, and shall include two reserved parking spaces to serve the two upstairs residential units at 31 Washington Boulevard (Lot No. 14, Block 24 of Short Line Beach Sub #3). All development must occur in strict compliance with the proposal as set forth in the application for permit amendment, subject to the special conditions. Any proposed change in use, or any deviation from the approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether another permit amendment is required.

2. Off-site Parking Program

The applicants shall provide and maintain a valet parking service, or participate in the valet parking program approved for the project area as part of Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley), during all evening and weekend hours that the restaurant is open for business: 5:30 p.m. to 2 a.m. Monday through Friday, and 9 a.m. to 2 a.m. on weekends. As proposed by the applicants, the off-site parking supply for the valet parking service is located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). The valet parking service shall be provided and managed in compliance with the following requirements and limitations:

a. Valet Stations. Two vehicle drop-off/pick-up stations are permitted (subject to the approval of the City of Los Angeles), each utilizing a maximum of two (2) public on-street parking spaces: one vehicle drop-off/pick-up station is permitted on the north side of Washington Boulevard between Pacific Avenue and Speedway alley in the vicinity of 31 Washington Boulevard, and the other drop-off/pick-up station is permitted by Coastal Development Permit A5-VEN-00-173/5-00-198 on the south side of the street in the vicinity of 31 Washington Boulevard. All participants in the off-site valet parking program shall share these two permitted drop-off/pick-up stations. All public on-street parking spaces located on Washington Boulevard shall be available for use by the general public on a first-come, first-serve basis consistent with all applicable City parking regulations at all times when the valet parking service is not in operation.

b. Vehicle Storage. The valet parking service shall store/park all vehicles in the proposed off-site parking area located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). Storage of vehicles by valets is prohibited in the public beach/pier parking lots, on public rights-of-way, and in on-street parking spaces (except for loading and unloading at the vehicle drop-off/pick-up stations described above).

- c. **Cost of Valet Parking Service.** 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 at the Venice Pier.
- d. **Employee Parking.** While working during evening and weekend hours, the employees of the restaurant shall be allowed to park/store their vehicles **for free** at the proposed off-site parking area.
- e. **Signage.** A double-faced portable sign shall be placed at each 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.

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 another permit amendment is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Protection of Marine Resources

PRIOR TO ISSUANCE OF THE PERMIT AMENDMENT, the applicants 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 applicants shall, on a weekly basis, sweep the on-site and off-site 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 applicants 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: i) The area should be self-contained, equipped with a grease trap or grease interceptor, and properly connected to a sanitary sewer; ii) if the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/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 90 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 applicants shall satisfy all requirements specified in the conditions hereto that the applicants are 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.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description

The applicants propose to replace an existing unpermitted mobile refrigeration unit/trailer with a new 8-foot high, 168 square foot permanent walk-in cooler/freezer, and construct a new connecting hallway and confined trash area within the on-site parking area situated behind an existing restaurant (Exhibit #5). Three of the previously required eight on-site parking spaces would be displaced by the proposed development (Exhibits #4-6).

The restaurant that is the subject of this permit amendment request, the **C&O Trattoria**, occupies Lot Nos. 13, 14 and 15 (Block 24 of Short Line Beach Sub #3) on the northern side of Washington Boulevard, one block inland of the Venice Pier (Exhibits #3&4). Washington Boulevard is a commercially zoned street lined with one and two-story restaurants, shops and cafes which cater to local residents and the thousands of coastal visitors who are attracted to Venice Beach. Both sides Washington Boulevard, where the restaurant is located, are lined with metered diagonal public parking spaces. The Washington Boulevard/Venice Pier public beach parking lot, administered by the Los Angeles County Department of Beaches and Harbors, is located on the south side of the pier at the terminus of Washington Boulevard (Exhibit #2). The area surrounding the Washington Boulevard commercial corridor consists primarily of residential neighborhoods.

According to the applicants, the proposed 168 square foot walk-in cooler/freezer is necessary to comply with Health Department's regulations. This permit amendment request, if approved, would enable the C&O Trattoria to comply with the County Health Department's requirements for food storage. The proposed walk-in cooler/freezer would replace an existing unpermitted mobile refrigeration unit/trailer that the restaurant has been using on a temporary basis. The unpermitted mobile refrigeration unit/trailer is parked in one of the eight-on-site parking spaces. Therefore, the requested permit amendment would legalize and make permanent the restaurant improvements (freezer and trash area) that exist in the on-site parking area.

Although, the proposed walk-in cooler/freezer and trash containment area would displace three on-site parking spaces, the remainder of the restaurant's existing on-site parking area (at rear of Lot Nos. 13 and 14) would be maintained for parking and for loading. At least five cars

would fit within the remaining area 17-foot by 41-foot parking and loading area (Exhibit #5). The two parking spaces that serve the two upstairs residential units on the property would be maintained on the site. Lot Nos. 13 and 14 have been effectively tied together by the on-site parking requirements of prior Commission approvals (See Part B: Restaurant's History).

The applicants propose to mitigate the displacement of the three on-site parking spaces by participating in the off-site parking and valet parking program that was approved for the project area as part of Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley). The off-site parking supply for the valet parking program is located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). The Los Angeles Unified School District already leases the school's paved playground for use as a parking lot for the area's valet parking program. The school is located approximately 300 feet southeast of the restaurant (Exhibit #3). Up to 120 cars are stored on the school site when school is not in session. A valet parking drop-off/pick-up station is proposed in front of the restaurant, in addition to the drop-off/pick-up station that was approved on the opposite side of Washington Boulevard pursuant to Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley).

B. Restaurant History

The restaurant use at the site has a long history, and has been the subject of several prior Commission actions which began in 1982 (Exhibits #7&8). Prior to 1982, a retail store with a street address of 31 Washington Street¹ occupied the ground floor of a two-story building on Lot No. 14 (Exhibit #8, p.32). On May 18, 1982, the Commission approved Coastal Development Permit 5-82-270 (Barry Levine) for the conversion of the ground-floor retail use to a take-out food use then known as Barry's Deli (Exhibit #8, ps.28-33). The Commission's records also indicate that two residential units occupied the second floor above Barry's Deli. The Commission's approval of Coastal Development Permit 5-82-270 stipulated that the applicant was required to maintain the three existing on-site parking spaces on the rear of Lot No. 14: two for the residential uses and one for the delicatessen. A fourth (off-site) parking space was supposed to be leased within two blocks of the approved delicatessen.

The restaurant was expanded in late 1982 when the owner at the time demolished the structures on the adjacent property (Lot No. 13, 27 Washington Street) and set up an outdoor dining patio to serve the delicatessen that was previously permitted on Lot No. 14 (Barry's Deli). On February 24, 1983, the Commission granted an after-the-fact approval for the demolition of one residential structure and one retail structure on Lot No. 13, and the establishment of an outdoor dining patio for the previously approved delicatessen [Coastal Development Permit 5-82-865 (Barry Levine & M.M.McDemas)]. The single special condition of Coastal Development Permit 5-82-865 required the applicant to provide and maintain nine on-site parking spaces on Lot Nos. 13 and 14 to serve the delicatessen, the two upstairs residential units, and the approved dining patio (Exhibit #8, ps.21-27).

On May 10, 1984, the Commission approved Coastal Development Permit 5-84-090 (Barry Levine/Barry's Deli) for the enlargement of the delicatessen's outdoor dining patio that was approved by Coastal Development Permit 5-82-865 (Exhibit #8, ps.10-20). The approved dining patio expansion displaced six of the nine on-site parking spaces that were being

¹ About ten years ago, the City of Los Angeles officially renamed this section of Washington Street to Washington Boulevard.

maintained at the rear of Lot Nos. 13 and 14 as required by Coastal Development Permit 5-82-865 (Exhibit #8, p.20). In order to mitigate the loss of the on-site parking spaces, Special condition One of Coastal Development Permit 5-84-090 required the applicant to lease eleven off-site parking spaces to serve the parking demands of Barry's Deli. The three on-site parking spaces that remained at the rear of Lot No. 14 were retained to serve the delicatessen and the two upstairs residential units (Exhibit #8, p.20).

Late in 1984, a new owner/operator took over Barry's Deli from the previous operator, Barry Levine. The new operator, Yoon Soo Ahn, applied to the Commission to remove that portion of the delicatessen's outdoor dining patio that was approved by Coastal Development Permit 5-84-090, and to restore the rear of Lot No. 13 as an on-site parking area. On November 14, 1984, the Commission approved Coastal Development Permit 5-84-638 (Yoon Soo Ahn & M.M.McDemas/Barry's Deli) for the conversion of part of the outdoor dining patio to five on-site parking spaces (Exhibit #8, ps.1-9). The Commission's approval and the applicant's implementation of Coastal Development Permit 5-84-638 effectively negated the off-site parking requirements of Coastal Development Permit 5-84-090 through the restoration of five on-site parking spaces.

Although Coastal Development Permit 5-84-638 has no special conditions, the findings for approval established that eight on-site parking spaces would be provided and maintained on Lot Nos. 13 and 14: six to serve the delicatessen and its outdoor dining patio, and two for the upstairs residential units. The ninth on-site parking space that was previously required by Special Condition One of Coastal Development Permit 5-82-865 was permitted to be displaced by a restroom (Exhibit #8, p.9).

The Commission's 1984 approval of Coastal Development Permit 5-84-638 was the last Commission action involving this restaurant. Coastal Development Permit 5-84-638 recognizes the following approved uses on Lot Nos. 13 and 14: the delicatessen and two upstairs residential units on Lot No. 14, a dining patio on Lot No. 13, and eight on-site parking spaces along the rear portion of both lots (Exhibit #8, p.9).

A few changes to the restaurant have occurred since 1984. In 1992 or 1993, the current restaurant operators/applicants took over Barry's Deli (Lot Nos. 13 and 14) and established the C&O Trattoria. The new restaurant owners annexed an existing dining patio on Lot No. 15 as part of their new restaurant (Exhibit #4). Since the dining patio on Lot No. 15 was an established restaurant use since 1969², its incorporation into the C&O Trattoria was not a change in intensity of land use and no coastal development permit was obtained.

Currently, the C&O Trattoria is operating out of the kitchen at 31 Washington Boulevard (Lot No. 14) that was Barry's Deli from 1982 until 1992. The C&O Trattoria's dining areas are located on Lot Nos. 13 and 15 (Exhibit #4). The former delicatessen's (Barry's Deli) outdoor dining patio on Lot No. 13 is now an enclosed indoor dining room (Exhibits #4&6). Two of the restaurant's eight required on-site parking spaces are currently occupied by the unpermitted mobile refrigeration unit/trailer and the restaurant's trash containers. As previously stated, approval of this permit amendment request would legalize and make permanent the restaurant improvements (freezer and trash area) that currently occupy part of the on-site parking area.

² The dining patio on Lot No. 15 was formerly part of the Cheese and Olive restaurant that operated from a kitchen on Lot No. 16 (37 Washington Street) until 1993 when it closed. Lot No. 16 is now a retail use with one on-site parking space.

C. 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 improvements would support an existing restaurant that provides coastal visitors and nearby residents with sit-down dining service. Therefore, the proposed project is consistent with Section 30222 of the Coastal Act because it allows for the continuance of the existing visitor-serving commercial use on the site.

The proposed project is also consistent with the land use designation for the site contained in the City of Los Angeles certified Land Use Plan (LUP) for Venice. The certified Venice LUP designates the site, as well as the adjoining commercial properties that line Washington Boulevard, with the Community Commercial land use designation.

Policy I.B.6.a. of the certified Venice LUP states:

• **Policy I. B. 6. Community Commercial Land Use.** *The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

Uses/Density: *Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.*

Community Commercial Areas of Special Interest

a. Marina Peninsula [Washington Blvd.] (Exhibit 9). *The commercial frontage on Washington Boulevard from Ocean Front Walk to Via Dolce is a mix*

of retail, restaurants, and small offices with an eight-story office structure. Office uses shall be discouraged in this popular coastal recreation area in favor of visitor-serving commercial 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. Residential uses are allowed on upper floors. Therefore, the existing land use and the proposed development is consistent with Section 30222 of the Coastal Act and the land use designation proposed for the site in the proposed Venice LUP.

D. Public Access/Parking

The site of the proposed development is one block inland of the Venice Pier, beach and Ocean Front Walk on the northern edge of the Marina Peninsula residential neighborhood (Exhibit #2). One of the most important coastal planning issues for this part of Venice is adequacy of public and private parking supplies to meet the often competing demands of beach goers, local residents, and the customers and employees of the local businesses.

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 the many recreational opportunities available at this highly popular coastal area. Section 30252(4) requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252(4) of the Coastal Act states:

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....

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. The restaurants, cafes and shops that line Washington Boulevard have little or no on-site parking to serve their employees and customers. 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 peak use periods in the Venice Pier 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.

The largest parking reservoirs in the project area are the Venice Pier public beach parking lot (approximately 302 spaces) and the metered on-street parking spaces that line Washington Boulevard (approximately 50 spaces). The streets of the surrounding residential neighborhoods 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 with 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.

Project Parking Demand

Currently, the restaurant is grossly deficient in its parking supply with only eight on-site parking spaces. A portion of the on-site parking area (two spaces) is used for uses other than parking, such as trash storage and storage of a mobile refrigerator trailer. The provision of only eight on-site parking spaces, however, is permitted by Coastal Development Permit 5-84-638 (Exhibit #8, ps.1-9). In its approval of Coastal Development Permit 5-84-638, the Commission found that the permitted uses on Lot Nos. 13 and 14 would generate a demand for 26 parking spaces (Exhibit #8, p.5). The parking demand was calculated according to the parking requirement table contained in the Commission's Regional Interpretive Guidelines for Los Angeles County.

The Commission, however, approved Coastal Development Permit 5-84-638 with the provision of only eight on-site parking spaces: two spaces for the upstairs residential units and six spaces for the restaurant (Exhibit #8, p.6). In its November 14, 1984 approval, the Commission determined that:

"With only eight spaces proposed (two for the residential units and six for the deli), this project will be grossly deficient in parking required to meet Commission Guidelines. However, three prior permits on the same site have been recently approved by the Commission, all of which allowed less than the required parking. The present applicant seeks only to return to substantially the same (site) conditions approved by the Commission in 5-82-865, except that one less space will be provided due to construction of a Commission-required restroom. The Commission finds that even though the project is deficient in parking, to require the new owner to comply strictly with the parking guidelines would be unreasonable and inequitable, given the history of permit activity on the site. The Commission finds, therefore, that as proposed the project is consistent with Section 30252 of the Coastal Act."

The currently proposed installation of a 168 square foot walk-in cooler/freezer, connecting hallway, and a confined trash area will not increase the existing restaurant's demand for parking. The applicants are not proposing to increase the customer capacity or the size of the restaurant's existing dining areas. The restaurant's existing on-site parking supply, located at the rear of the restaurant, will be maintained for parking and loading purposes, except for the three spaces that will be displaced by the proposed improvements (Exhibit #5). The proposed walk-in cooler/freezer and trash area would replace trash storage area and the unpermitted mobile refrigerator trailer that currently occupy two of the on-site parking spaces.

The Commission finds that the same rationale exists today in regards to the restaurant's deficient parking supply, especially in light of the Commission's most recent action in the project area. On August 8, 2000, the Commission approved Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley) for a new two-story, 3,800 square foot restaurant at 30 Washington Boulevard, directly across the street from the restaurant that is subject to this

permit amendment request (Exhibit #3). The restaurant approved and built at 30 Washington Boulevard has no on-site parking. Instead, Coastal Development Permit A5-VEN-00-173/5-00-198 authorized the applicant's (Hartley) use of an off-site parking supply and participation in a valet parking program to meet the parking demands of the project.

Proposed Parking Plan

The applicants are requesting Commission authorization to participate in the same valet parking program that was permitted in order to meet the parking demands of the restaurant built at 30 Washington Boulevard (See Coastal Development Permit A5-VEN-00-173/5-00-198). The applicants' participation in the previously approved valet parking program would mitigate the displacement of the three on-site parking spaces where the proposed improvements would be installed. The remainder of the existing on-site parking area, a 17-foot by 41-foot area where at least five cars would fit, would be maintained as the development's parking/loading area (Exhibit #5). The 17-foot by 41-foot parking/loading area would include the two parking spaces that are necessary to serve the two upstairs residential units that exist on Lot No. 14.

The off-site parking supply for the valet parking program is located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles), approximately 300 feet southeast of the restaurant (Exhibit #3). The Los Angeles Unified School District currently leases the school's paved playground on an annual basis for use as a parking lot by the area's valet parking program. Up to 120 cars are stored on the school site when school is not in session. Self-parking by restaurant customers or others on school grounds is not authorized by the school district. A valet parking drop-off/pick-up station is proposed in front of the restaurant, in addition to the drop-off/pick-up station that was approved on the opposite side of Washington Boulevard pursuant to Coastal Development Permit A5-VEN-00-173/5-00-198.

The applicants assert that the proposed parking plan, which consists of the valet parking service (with parking at the school site) and the retention of the remainder of the development's on-site parking and loading area, would provide more than adequate parking for the existing restaurant. In fact, the proposed valet parking service would provide more than the required number of parking spaces for the existing restaurants located at 30 and 31 Washington Boulevard, and would also increase the overall parking supply for all visitors to the area. The valet parking service is available for use by any person, including beach goers and customers of any other commercial establishment, at the same rate of \$4.50 per vehicle. No parking validations or discounts are permitted that would give preference to any one group (i.e. restaurant customers, beach goers) over another.

Parking Plan Analysis

As previously stated, the proposed project will not increase the existing restaurant's demand for parking. However, the project site with its eight on-site parking spaces is currently deficient in its parking supply, and three of these spaces will be displaced by the proposed project. Therefore, the applicants need to mitigate the loss of three parking spaces. Additionally, the remaining parking and loading area on the site must be protected to serve the needs of the previously permitted uses.

In Venice, the small lots and non-conforming structures (that provide little or no on-site parking) make it very difficult for applicants to provide adequate on-site parking or create new off-site parking. New and existing commercial uses in Venice often depend on the development of creative solutions to the parking dilemma. Several proposed projects in Venice have been scaled down or have not been approved due to the lack of adequate parking facilities.

However, the Commission has authorized new commercial development and intensification of existing commercial uses that depend on off-site parking to meet new parking demands. Adequate parking can be provided at off-site locations, consistent with the requirements of Section 30252 of the Coastal Act, if the parking conforms to the following parameters:

1. The proposed off-site parking supply must provide an adequate capacity to meet the demands of the project.
2. The proposed off-site parking supply must be near the proposed project and be accessible for convenient use by the target group that the off-site parking serves.
3. The proposed off-site parking supply must be available for convenient use during the hours that the parking is needed to meet the demands of the project.
4. The proposed off-site parking supply must be available to meet the demands of the project on a permanent or long-term basis.

An off-site parking plan that does not conform to the above-stated parameters would result in an increased demand on the existing public parking supply and would therefore impede the public's ability to access the coast. In addition, the public beach parking supplies 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.

In regards to the proposed off-site parking and valet parking service, the certified Venice LUP includes the following relevant policies:

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.

Policy II. A. 10. Valet Parking. *Valet parking programs may be permitted and implemented in order to increase the amount of available public parking in parking impacted areas. In order to ensure that any valet parking program that is permitted to operate in the Venice Coastal Zone does not negatively impact coastal access opportunities, all approved valet parking programs shall comply with the following policies:*

- a. *The use of public parking areas for valet vehicle Drop-off/Pick-up stations shall be limited to the minimum area necessary and occupy the fewest number of public parking spaces.*
- b. *Vehicle Storage/Parking. The storage of vehicles by valets is prohibited in public parking lots, on public rights-of-way and in on-street parking spaces (except for loading and unloading) unless it is determined that use of the public parking area will not conflict with the need for public parking by beach goers.*
- c. *A valet parking program that utilizes public property in the coastal zone shall be available for use by the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers).*

Policy II. A. 11. Shared Parking. *Shared parking arrangements may be permitted to accommodate new commercial uses and intensification of existing commercial uses provided that a detailed parking study demonstrates that the proposed shared parking arrangement will not negatively affect coastal access or access to public recreational facilities. Public beach parking lots shall not be used for shared parking arrangements.*

The applicant's proposed off-site parking plan conforms to the parameters listed above. First, the proposed parking area at the Westside Leadership Magnet School can accommodate up to 120 vehicles. Therefore, the capacity of the proposed off-site parking reservoir can accommodate the parking impacts of the proposed project (replacement of three displaced parking spaces), as well as the parking demands of the existing use on the property (26 spaces) and the restaurant at 31 Washington Boulevard (38 spaces per Coastal Development Permit A5-VEN-00-173/5-00-198).

Secondly, the proposed off-site parking supply would be close and convenient. The Commission typically requires that off-site parking be within 300 feet of the commercial use that it supports. The Commission's 300-foot standard, however, is more applicable to self-parking areas where people would have to walk between the off-site parking and the commercial use. In this case, the proposed off-site parking supply is located approximately 300 feet from the proposed restaurant and would be easily accessible for convenient use by persons who utilize the proposed valet parking service. People will be encouraged to use the proposed valet parking service because: a) the proposed valet parking rate of \$4.50 is less than the \$6-9 charged for using the Venice Pier public beach parking lot, and b) there are very few opportunities to park elsewhere. Of course, the on-street metered parking spaces on

Washington Boulevard (approximately 50 spaces) would likely fill-up first because of the relative convenience of self-parking on the street.

Thirdly, the proposed off-site parking supply is available for convenient use during the hours that the parking is needed to meet the demands of the project. The terms of the school district lease allow valet parking on school grounds on Monday through Friday from 5:30 p.m. to 2 a.m., and on weekends from 9 a.m. to 2 a.m. These hours correspond to the restaurant's peak business periods which typically occur at dinner time and all day on weekends. On weekends, the parking supply would be available during all hours that the proposed restaurant would be open. On weekdays, however, the parking supply would not be available for use until 5:30 p.m., leaving customers and employees to compete with beach goers and others for the limited public parking supply. However, since the applicants are mitigating the loss of only three parking spaces, the lack of the off-site parking on weekdays before 5:30 p.m. is offset by the much greater increase in the restaurant's parking supply that will occur during weekday evenings and all day on weekends.

Finally, the off-site parking supply must be available to meet the demands of the project on a permanent or long-term basis. The Los Angeles Unified School District currently leases the school's paved playground on an annual basis for use as a parking lot by the area's valet parking program. Although the lease could be terminated within a year, the District has previously extended the lease each year. The applicant for Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley) has secured a five-year lease that allows the use of the parking lot until 2005. Therefore, there exists a reasonable expectation that the off-site parking supply will be available to meet the demands of the project on a long-term basis (more than two years).

Conditions of Approval

In order to protect coastal parking supplies (which support coastal access), and to ensure compliance with the proposed parking plan, the Commission is imposing special conditions on the permit amendment. First, the remaining parking area on the project site shall be maintained as the on-site parking and loading area, as shown on Exhibit #5. The on-site parking area shall include the two reserved parking spaces that serve the two upstairs residential units at 31 Washington Boulevard (Lot No. 14), as has been consistently required on all prior Commission actions for the project site. Special Condition One states:

1. On-site Parking and Loading Area

This permit amendment authorizes the installation of a 168 square foot walk-in cooler/freezer, connecting hallway, and a confined trash area within the on-site parking area of the existing restaurant. The remaining portion of the parking/loading area located behind the restaurant, as shown on **Exhibit #5 of the 6/19/02 staff report**, shall be maintained as the on-site parking and loading area, and shall include two reserved parking spaces to serve the two upstairs residential units at 31 Washington Boulevard (Lot No. 14, Block 24 of Short Line Beach Sub #3). All development must occur in strict compliance with the proposal as set forth in the application for permit amendment, subject to the special conditions. Any proposed change in use, or any deviation from the approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether another permit amendment is required.

Parking for residential uses must be available at all times in order to effectively meet the demands of the residential use. Therefore, because of the limited times that the off-site parking supply is available for vehicle storage, the proposed off-site parking supply would not provide a feasible parking supply for the residential units on Lot No. 14. As conditioned, the two parking spaces that serve the residential units would continue to be maintained at rear of Lot Nos. 13 and 14. These two lots are effectively tied together by the on-site parking requirements of this action and prior Commission approvals. Only as conditioned, does the proposed development and permit amendment conform to Section 30252 of the Coastal act and the prior Commission actions.

Special Condition Two imposes the off-site parking requirements and limitations that were adopted when the Commission approved the area's valet parking program as part of Coastal Development Permit A5-VEN-00-173/5-00-198. Therefore, in order to ensure that the applicants mitigate the project's parking impacts by participating in the Commission-approved valet parking program as proposed, the approval of the permit amendment is conditioned as follows.

2. Off-site Parking Program

The applicants shall provide and maintain a valet parking service, or participate in the valet parking program approved for the project area as part of Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley), during all evening and weekend hours that the restaurant is open for business: 5:30 p.m. to 2 a.m. Monday through Friday, and 9 a.m. to 2 a.m. on weekends. As proposed by the applicants, the off-site parking supply for the valet parking service is located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). The valet parking service shall be provided and managed in compliance with the following requirements and limitations:

- a. Valet Stations. Two vehicle drop-off/pick-up stations are permitted (subject to the approval of the City of Los Angeles), each utilizing a maximum of two (2) public on-street parking spaces: one vehicle drop-off/pick-up station is permitted on the north side of Washington Boulevard between Pacific Avenue and Speedway alley in the vicinity of 31 Washington Boulevard, and the other drop-off/pick-up station is permitted by Coastal Development Permit A5-VEN-00-173/5-00-198 on the south side of the street in the vicinity of 31 Washington Boulevard. All participants in the off-site valet parking program shall share these two permitted drop-off/pick-up stations. All public on-street parking spaces located on Washington Boulevard shall be available for use by the general public on a first-come, first-serve basis consistent with all applicable City parking regulations at all times when the valet parking service is not in operation.
- b. Vehicle Storage. The valet parking service shall store/park all vehicles in the proposed off-site parking area located at the Westside Leadership Magnet School (104 E. Anchorage Street, Venice, City of Los Angeles). Storage of vehicles by valets is prohibited in the public beach/pier parking lots, on public rights-of-way, and in on-street parking spaces (except for loading and unloading at the vehicle drop-off/pick-up stations described above).

- c. **Cost of Valet Parking Service.** 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 at the Venice Pier.
- d. **Employee Parking.** While working during evening and weekend hours, the employees of the restaurant shall be allowed to park/store their vehicles *for free* at the proposed off-site parking area.
- e. **Signage.** A double-faced portable sign shall be placed at each 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.

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 another permit amendment is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The Commission finds that, only as conditioned, the proposed project would provide an adequate parking supply and be consistent with the public access policies of the Coastal Act.

E. Control of Polluted Runoff

Section 30230 of the Coastal Act 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 of the Coastal Act 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 existing restaurant and proposed improvements pose a potential source of pollution due to contaminated runoff from the restaurant and its parking and trash areas. Runoff from the site enters the City's stormdrain system and is ultimately discharged into the marine

environment. Untreated wastewater from the site must be prevented from negatively affecting the marine resources in the adjacent waters of the Pacific Ocean.

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 applicants shall, on a weekly basis, sweep the on-site and off-site 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: i) The area should be self-contained, equipped with a grease trap or grease interceptor, and properly connected to a sanitary sewer; ii) if the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/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 same condition was imposed by the Commission when is approved small restaurant intensifications at 1401 Ocean Front Walk [Coastal Development Permit Amendment 5-93-389-A1 (10/8/01)] and 205 Ocean Front Walk [Coastal Development Permit 5-01-177 (10/8/01)]. The Commission, therefore, finds that, as conditioned, the development will be consistent with Sections 30230 and 30231 of the Coastal Act.

F. Unpermitted Development

Prior to applying for this coastal development permit amendment, some of the development on the site occurred without the review or approval of the Commission. The unpermitted development includes: the placement of a mobile refrigeration unit/trailer and trash containers within the required eight-space on-site parking area.

The applicant is proposing to remove or replace all above referenced unpermitted development and construct a new permanent reirigeration unit and trash enclosure in approximately the same location. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition Four requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development has taken place prior to Commission action on this permit amendment, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit amendment 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 or permit amendment.

G. 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 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).

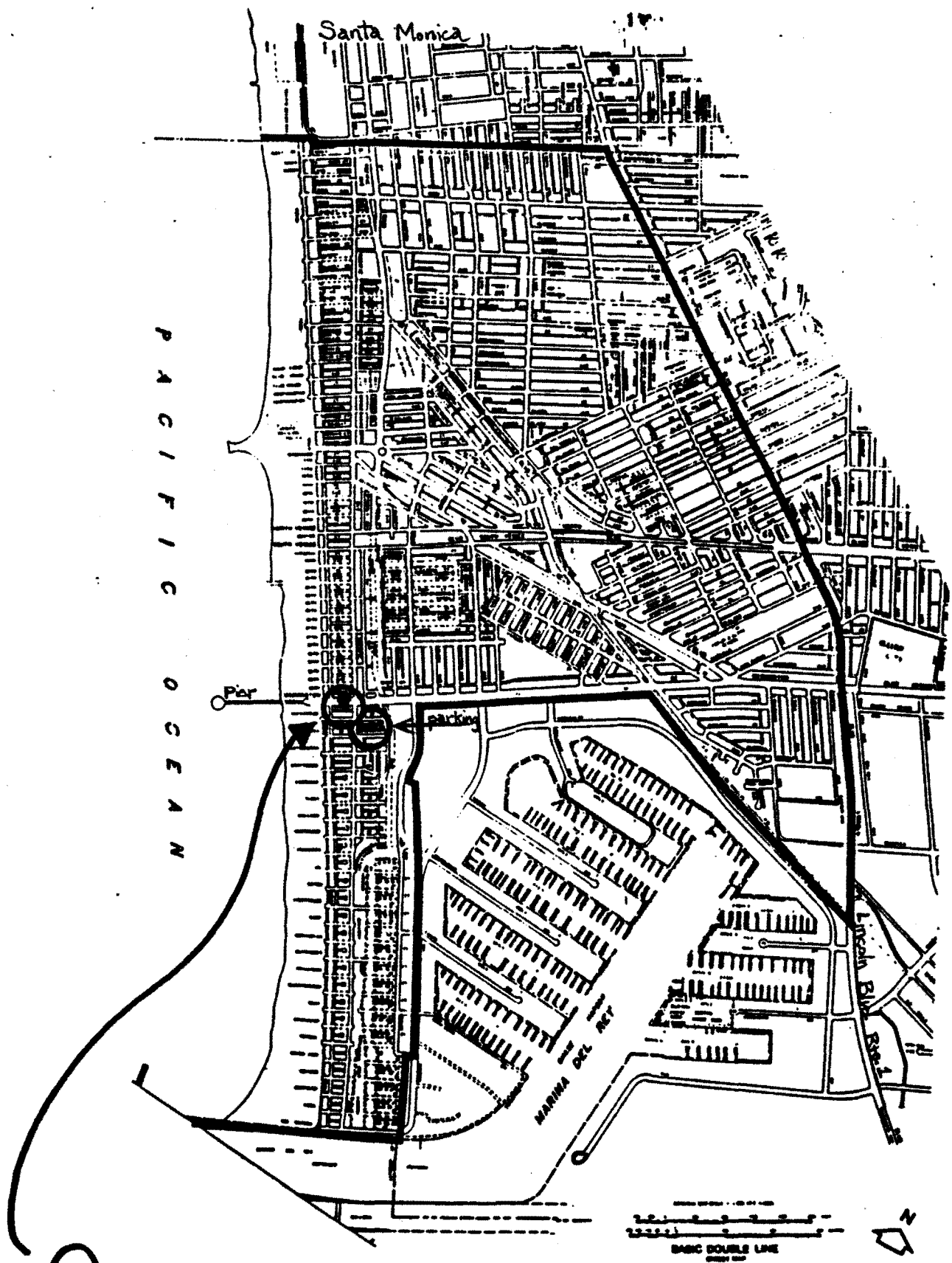
H. California Environmental Quality Act (CEQA)

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 and amendment, 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 development and permit amendment can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp



Site

27-31 Washington Blvd.

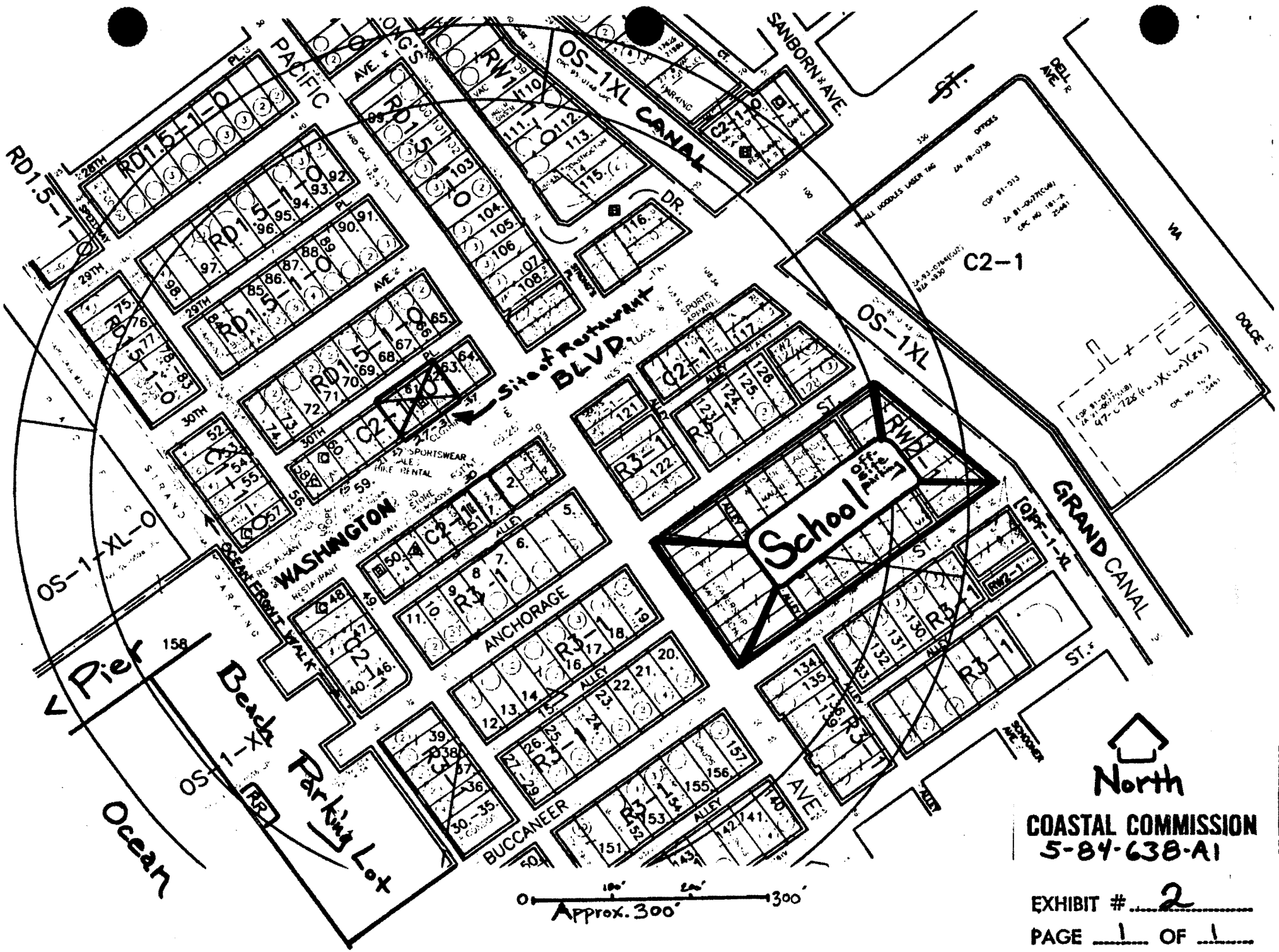
w/ parking @ 104 E. Anchorage St

VENICE COASTAL ZONE COASTAL COMMISSION

5-84-638-A1

EXHIBIT # 1

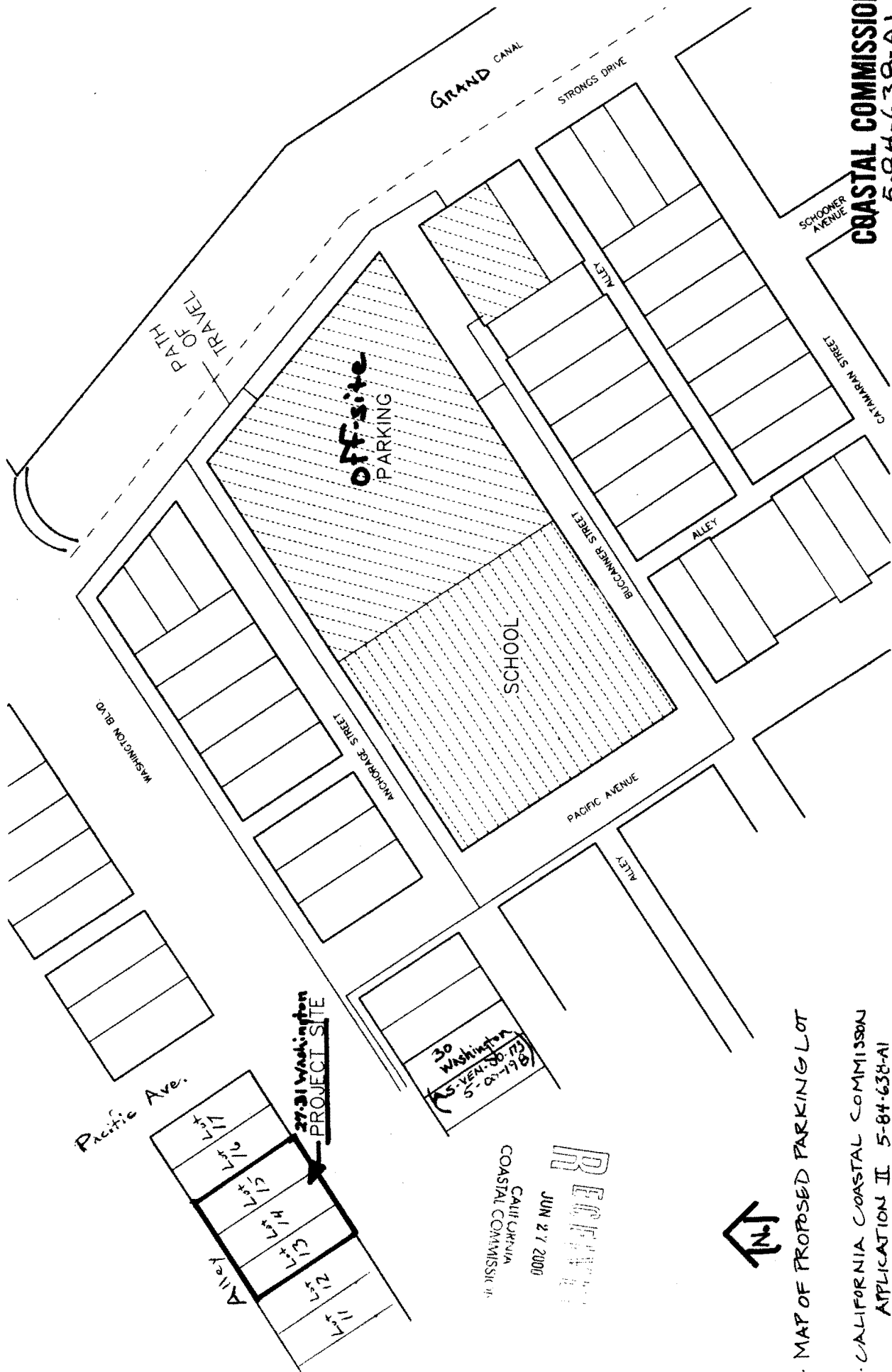
PAGE 1 OF 1



North

COASTAL COMMISSION
5-84-638-A1

EXHIBIT # 2
PAGE 1 OF 1



COASTAL COMMISSION
5-84-638-A1

EXHIBIT # **3**
PAGE 1 of 1

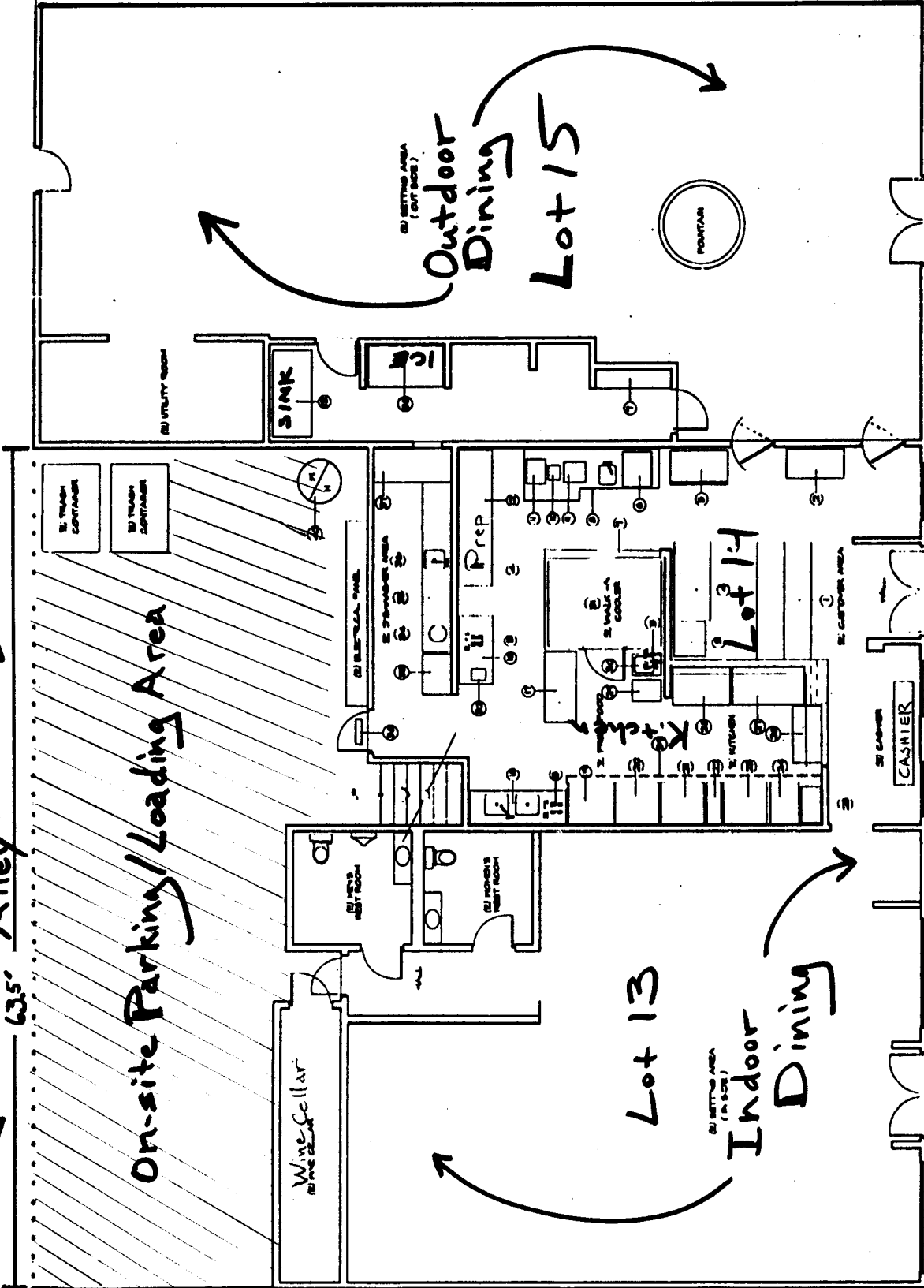


MAP OF PROPOSED PARKING LOT

CALIFORNIA COASTAL COMMISSION
APPLICATION II 5-84-638-A1

63.5' Alley

On-site Parking/Loading Area



Lot 16
Retail
(Not a part)

3 BLDG

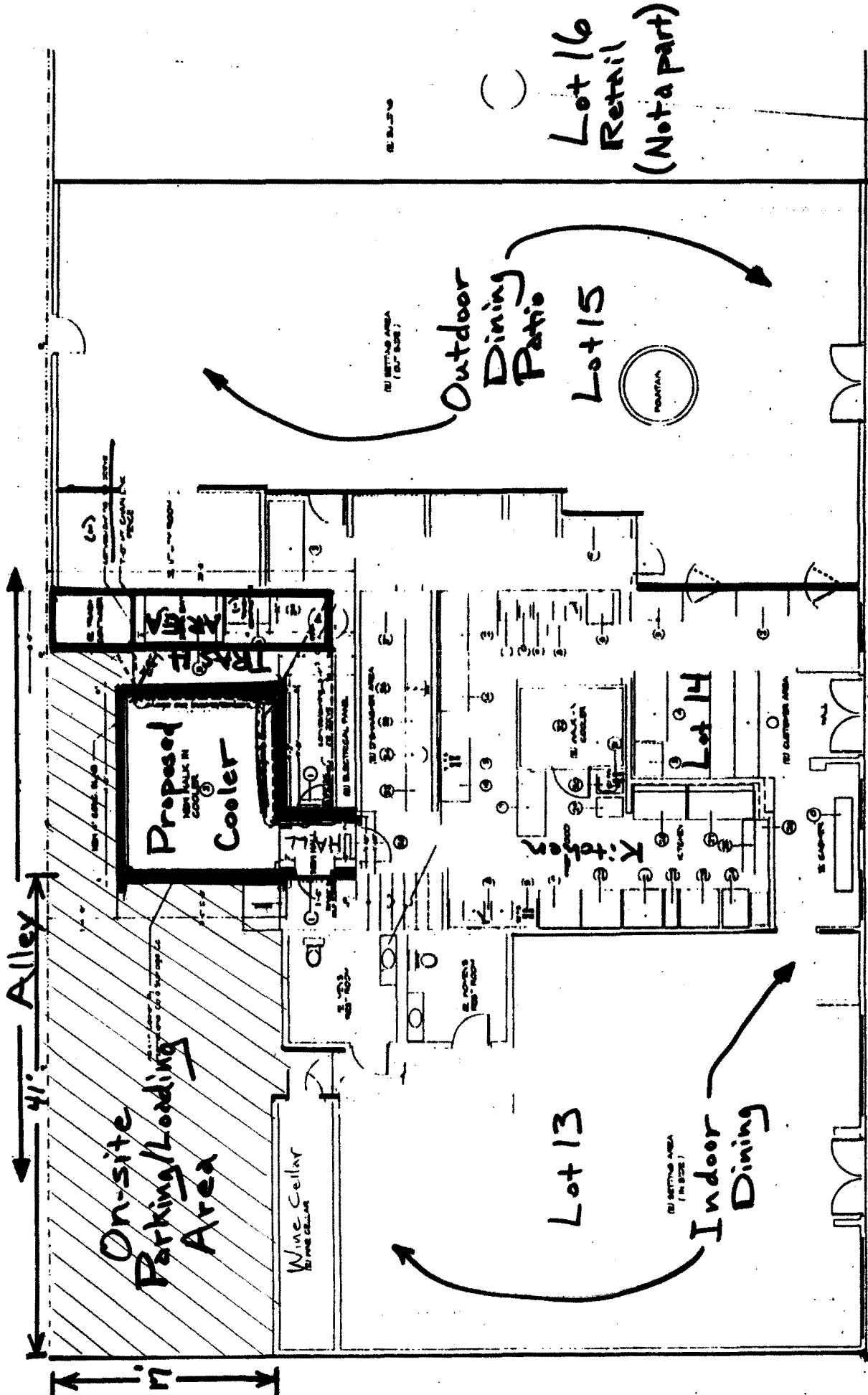
COASTAL COMMISSION
S-84-638-A1

EXHIBIT # 4

PAGE 1 OF 1

Existing Restaurant Plan
27-31 Washington Blvd.

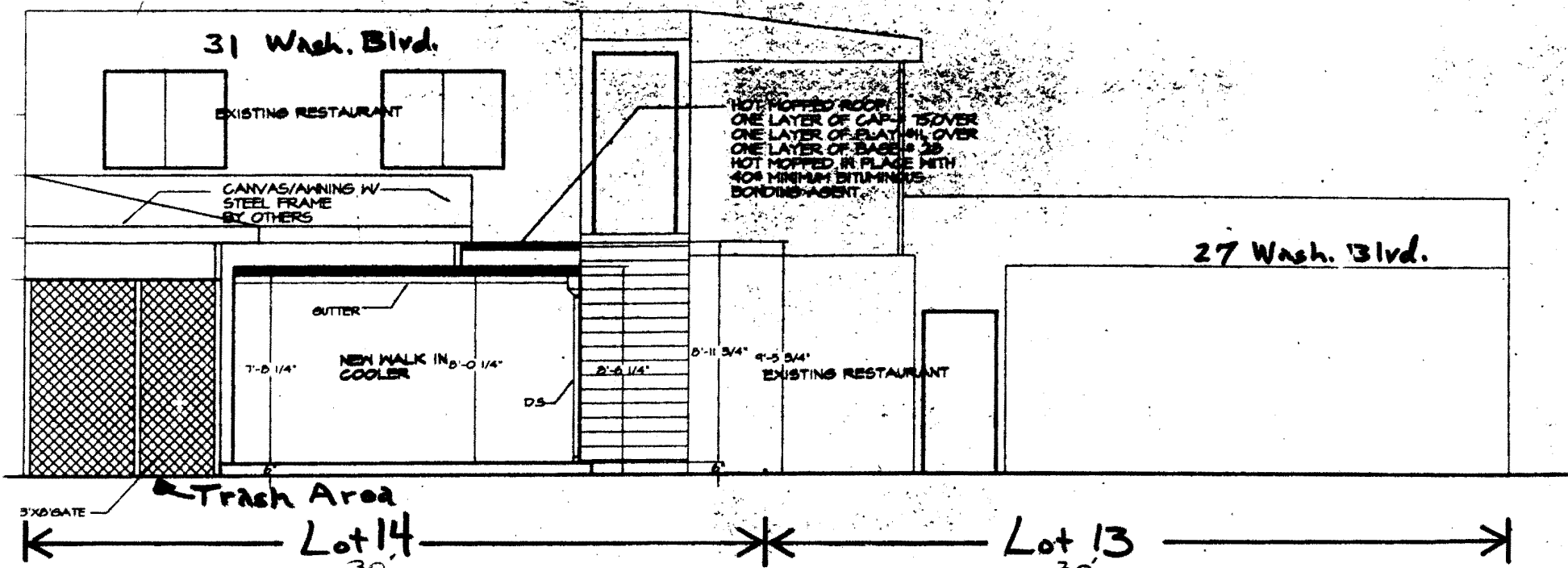
EXISTING FLOOR PLAN



COASTAL COMMISSION
 5-34-638-A1

EXHIBIT # 5
 PAGE 1 OF 1

Proposed Restaurant Plan
 (with new Cooler, hall & Trash Area @ rear)



Rear (Alley) Elevation

COASTAL COMMISSION
 5-84-638-A1

EXHIBIT # 6
 PAGE 1 OF 1

SIEGEL & SIEGEL

ATTORNEYS AT LAW

2727 MAIN STREET

SANTA MONICA, CALIFORNIA 90405

JAY B. SIEGEL
VIRGINIA L. SIEGEL

AREA CODE 310
392-9549
FAX 392-4686

May 31, 2002

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach CA 90802-4302
Attn: Chuck Posner

RECEIVED
South Coast Region

MAY 31 2002

RE:5-84-638-A
27-31 Ocean Front Walk, Venice Ca

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Posner:

This letter shall serve to confirm the following change to the Description of the proposed Amendment Request as follows:

Addition of 14' x 12.5' walk in Cooler/Freezer and 14' x 4.75' hallway to existing structure. Retention of remaining rear set back area for vehicle access and trash collection area (as shown on site plan). Off site valet parking at the Westside Leadership magnet School, Los Angeles Unified School District, located at 104 E. Anchorage St., Venice CA 90291 is proposed as an offset to the loss of formal parking spaces on site.

In response to your request for a brief historical perspective, please note that the subject premises have been operated as a restaurant since 1982, when the Commission approved Coastal Development permit 5-82-270 to convert 31 Washington from retail to food service. In 1983, the Commission approved Coastal Development permit 5-82-865 for an outdoor patio eating area at 27 Washington in conjunction with food service at 31 Washington. In 1984, the Commission approved 5-84-90 allowing eleven (11) off site parking spaces in lieu of six (6) of the on site spaces and in approving 5-84-638, the Commission approved conversion of a portion of the outdoor patio dining area to five on site parking spaces.

In or about 1992/1993, the current restaurateur took over possession of the premises and brought to the equation the lot next door at 33 Washington, which had been the patio dining area for 37 Washington since 1969 when it known as the "Cheese and Olive restaurant". That restaurant closed down and converted to retail in or about 1992/1993. The lot at 33 Washington then continued as patio dining for 27/31 Washington which is now known as the Trattoria.

COASTAL COMMISSION

5-84-638-A1

EXHIBIT # 7

PAGE 1 OF 3

SIEGEL & SIEGEL

California Coastal Commission
Attn: Chuck Posner
May 30, 2002
Page 2

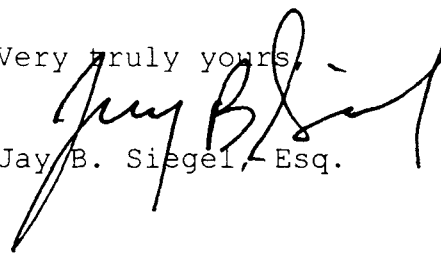
As the owner of 33 Washington, The Robert and Debbie Singer 1989 Trust, By: Rober E. Singer, Trustee, has executed the within Amendment Request Form as a co-applicant with the McDemas Family Trust, By: Constantine A. McDemas, Trustee, as the owner of 27/31 Washington.

Also enclosed are the owners and occupant list, envelopes and radius map for the off site parking at 104 E. Anchorage St., Venice CA 90291.

The current application to amend the existing permit was filed to allow the restaurant operator to construct a walk-in Cooler/Freezer on a portion of the rear set back area currently used for parking, loading and trash collection, to comply with County Health Department regulations.

If you have any questions, please feel free to call.

Very truly yours,


Jay B. Siegel, Esq.

JBS: slk
CC: Clients

COASTAL COMMIS
5-84-638-1

EXHIBIT # 7
PAGE 2 OF 3

Land Use History - 27-37 Washington Blvd.

[See Exhibit #3]
Map

Lot 16 37 WASHINGTON	Lot 15 33 WASHINGTON	Lot 14 31 WASHINGTON	Lot 13 27 WASHINGTON
<p>CHEESE AND OLIVE RESTAURANT FROM 1969 TO 1993</p>	<p>RESTAURANT PATIO USE FROM 1969 TO PRESENT. Pre-Coastal</p>	<p>SINCE 1983, 31 WASHINGTON HAS BEEN A RESTAURANT 5-82-270</p>	<p>RESTAURANT PATIO SEATING SINCE 1982</p>
<p>VACANT FROM 1993 TO 1995</p>			<p>PRIOR TO 1982 27 WASHINGTON HAS BEEN USED AS A RETAIL SPACE</p>
<p>FROM 1995 TO PRESENT 37 WASHINGTON HAS BEEN USED AS A T-SHIRT SHOP. (Not a part)</p>			<p>← 5-84-090 5-82-865 → ← 5-84-638 & 5-84-638-A1 →</p>

See Exhibit #8
for prior permits

COASTAL COMMISSION
5-84-638-A1

EXHIBIT # 7

PAGE 3 OF 3

California Coastal Commission
SOUTH COAST DISTRICT
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

FILE COPY

COASTAL DEVELOPMENT PERMIT

No. 5-84-638
Page 1 of 2.

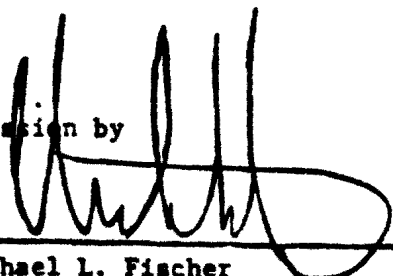
On November 14, 1984, the California Coastal Commission granted to
Yoon Soo Ahn c/o Barry's Deli

this permit for the development described below, subject to the attached
Standard and Special conditions.

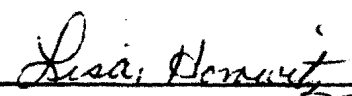
Description: Conversion of a portion of outdoor patio dining
area to five (5) on-site parking spaces.

Site: Barry's Deli
27 & 31 Washington St.,
Venice, CA

Issued on behalf of the California Coastal Commission by



Michael L. Fischer
Executive Director
and



Staff Analyst, Lisa Horowitz

**IMPORTANT: THIS PERMIT IS NOT VALID UNLESS
AND UNTIL A COPY OF THE PERMIT WITH THE
SIGNED ACKNOWLEDGEMENT HAS BEEN RE-
TURNED TO THE COMMISSION OFFICE.**

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of
this permit and agrees to the
conditions thereof.

COASTAL COMMISSION
5-84-638-A1

Date _____

EXHIBIT # 8

PAGE 1 OF 33



STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction 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 development during construction, 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.

SPECIAL CONDITIONS:

NONE.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 2 OF 33

California Coastal Commission
SOUTH COAST DISTRICT
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

COMMISSION ACTION ON 11/14/84
 Approved as Recommended
 Denied as Recommended
 Approved with Changes
 Denied
 Other

FILED: 9/28/84
49th DAY: 11/16/84
180th DAY: 4/27/85
STAFF: LH L.Horowitz:do
STAFF REPORT: 10/31/84
HEARING DATE: 11/14/84

REGULAR CALENDAR

STAFF REPORT AND RECOMMENDATION

Application No.: 5-84-638

Applicants: Yoon Soo Ahn M. M. McDemas
c/o Barry's Deli 2814 Clune Ave.
27 & 31 Washington St. Venice, CA 90291
Venice, CA 90291

Description: Conversion of a portion of outdoor patio dining area to five (5) on-site parking spaces.

Site: Barry's Deli, 27 & 31 Washington St., Venice

SUMMARY:

Staff recommends approval with no Special Conditions.

Substantive File Documents:

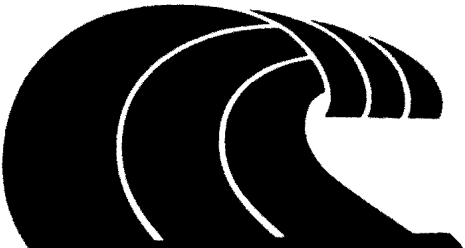
1. Permit No. 5-82-279 (Levine)
2. Permit No. 5-82-865 (Levine)
3. Permit No. 5-84-90 (Levine)
4. South Coast Regional Interpretive Guidelines for Los Angeles County

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

I. Approval

The Commission hereby grants a permit 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



COASTAL COMMISSION

EXHIBIT # 8
PAGE 3 OF 33

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. See Attachment X.
- III. Special Conditions. None.
- IV. Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Background.

Barry's Deli has had a long and complex permit history before the Commission, beginning in 1982, when the prior owner, Barry Levine, was granted an "after the fact" Coastal Development Permit to convert a bait shop to a deli/walk-up sandwich shop (5-84-270). The provision of 2 parking places was required as a condition of approval for employee parking. Standard Commission parking requirements for a take-out restaurant were waived, because the project was determined to be strictly pedestrian-oriented, provided no on-site seating and would not generate additional auto traffic.

While CDP 5-84-270 was being processed, Mr. Levine caused the demolition of 2 structures on the parcel adjacent to the deli for purposes of constructing and operating an outdoor patio dining area. A second "after the fact" permit (5-82-865) was issued for the patio with the condition that the applicant provide 9 on-site parking spaces and a restroom facility. Two of the 9 spaces were to be reserved for the 2 residential units located above the deli, 2 were for employee parking required in 5-84-270, while the other 5 represented a compromise reached between the Commission and Mr. Levine regarding the parking need generated by the patio seating area.

In February 1984, Mr. Levine applied for a third Coastal Development Permit to expand his outdoor patio dining area and provide eleven (11) off-site parking spaces in lieu of the 6 on-site spaces located in the area of the planned patio expansion. (The additional 5 were for the parking need generated by the patio expansion.) This permit (5-84-90) was approved by the Commission on May 10, 1984, with Special Conditions requiring a deed restriction specifying provision of 11 off-site parking spaces within 1,500 feet of the restaurant and valet service. CDP 5-84-90 also required that 2 residential parking spaces be provided on-site as well as a 6' by 30' "turn out" area for delivery trucks.

Since approval of 5-84-90, however, there has been an ongoing problem with non-compliance with the required conditions; and many complaints have been received from neighbors regarding traffic problems

COASTAL COMMISSION

caused by autos stopping in front of the deli for valet parking. The Commission's enforcement staff had been actively working with Mr. Levine to resolve these permit violations when Mr. Levine sold his interest in the deli to the present applicant, Yoon Soo Ahn. Mr. Ahn is now proposing to demolish that portion of the outdoor patio that was expanded under CDP 5-82-865 and reconvert the area to five (5) on-site parking spaces. A total of eight (8) on-site spaces are proposed, 3 behind the deli structure itself and 5 in the area adjacent to the structure where the expanded patio now exists. The effect of Mr. Ahn's application will be to return Barry's Deli to the conditions approved by the Commission in CDP 5-82-865, except that 8, rather than 9, on-site parking spaces will be provided. The reduced parking is due to the existence of a restroom facility required by the Commission as a condition of CDP 5-82-865, which was constructed in an area previously occupied by one of the parking spaces.

B. Coastal Access

Barry's Deli is located on Washington St. between Speedway and Pacific, one block from Venice Beach, a very heavily used public beach. The immediate area surrounding the deli consists of small shops, restaurants, and take-out food stores serving beachgoers and the general public. Public parking is extremely inadequate in this area, and traffic circulation, especially on weekends and holidays, is poor. These problems have been exacerbated in recent years by intensification of commercial uses along the Washington Street strip, especially the conversion of retail shops to sit-down or take-out restaurants. In most cases, available on-site parking for the new use has been either nonexistent or grossly inadequate. The Commission has attempted to deal with this problem through a variety of means, including requiring provision of off-site parking, relaxing the parking guideline requirements, or even denying permits that did not provide sufficient parking. However, the cumulative impact of commercial intensification has been severe, and parking and traffic problems continue to be a problem in this area.

Section 30252(4) of the Coastal Act requires that new development projects provide adequate parking facilities in order to enhance and maintain public access to the coast. According to the South Coast Regional Interpretive Guidelines, a restaurant, such as Barry's Deli with sit-down dining facilities, should provide at least one parking space for every 50 square feet of service area, while a take-out establishment (which Barry's also functions as) should provide at least one space for every 50 square feet of gross floor area. In addition, the Guidelines suggest that 2 spaces be provided for each residential dwelling unit.

The applicant proposes to reduce the size of the outdoor patio to that which was previously approved by 5-82-865, an area approximately 1,100 square feet in size. According to Commission Guidelines for a sit-down restaurant, 22 parking spaces would be required. In addition, 4 spaces for the 2 residential units upstairs would also be required for a total of 26 spaces.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 5 OF 33

With only eight (8) spaces proposed (2 for the residential units and 6 for the deli), this project will be grossly deficient in parking required to meet Commission Guidelines. However, 3 prior permits on this same site have been recently approved by the Commission, all of which allowed less than the required parking. The present applicant seeks only to return to substantially the same conditions approved by the Commission in 5-82-865, except that one less space will be provided due to construction of a Commission required restroom. The Commission finds that even though the project is deficient in parking to require the new owner to comply strictly with the parking guidelines would be unreasonable and inequitable, given the history of permit activity on the site. The Commission finds, therefore, that as proposed the project is consistent with Section 30252 of the Coastal Act.

Finally, with respect to the condition imposed in 5-84-90 for a 6' by 30' truck "turnout" area behind the existing patio, the Commission finds that this requirement is no longer appropriate or necessary given the change in use proposed for the site. The condition for a turnout was originally imposed because of staff's concern that the expanded patio service area would generate more frequent truck deliveries in the alley behind the deli, which would block traffic and exacerbate already severe traffic circulation problems. However, continued use of the designated turnout would encroach into 3 of the 8 proposed on-site parking spaces. In addition, according to information supplied by the applicant, Barry's Deli receives deliveries on Tuesdays and Fridays only, between 11:00 a.m. and noon, with each delivery lasting approximately 10 minutes. Although the Deli currently receives deliveries from approximately 6 companies, the applicant is currently negotiating to consolidate all deliveries with one company, which will require the presence of one truck behind the Deli for 10 minutes twice a week. The Commission finds that provision of 3 adequately-sized on-site spaces is far more important in this case than reserving a turnout area that will be used very infrequently for short periods of time only.

C. Violation Disclaimer

Consideration of the application by the Commission has been solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

COASTAL COMMISSION

EXHIBIT # 8
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Attachment X

To: Permit Applicants
From: California Coastal Commission, South Coast District
Subject: Standard Conditions

The following standard conditions are imposed on all permits issued by the California Coastal Commission.

I. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. 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 on which the Commission voted on the application. 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 development during construction, 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.

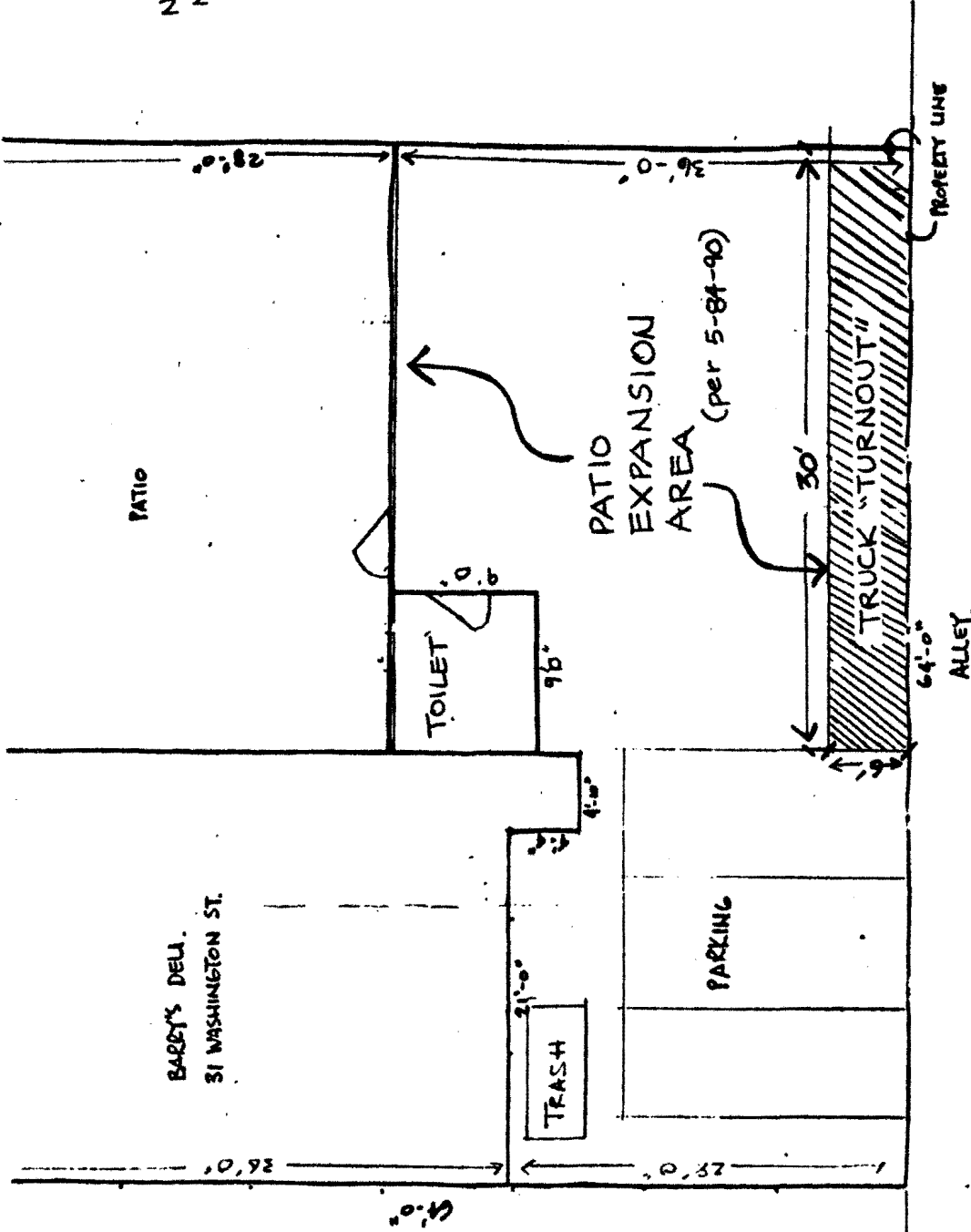
COASTAL COMMISSION

EXHIBIT # 8
PAGE 7 OF 33

NORTH



NOTE:
NOT TO SCALE



5-84-638
(EXISTING)

BARRY'S DELI.
31 WASHINGTON ST.

CHEESE N' OLIVE

TRASH

PARKING

TOILET

PATIO
EXPANSION
AREA
(per 5-84-90)

TRUCK "TURNOUT"

ALLEY

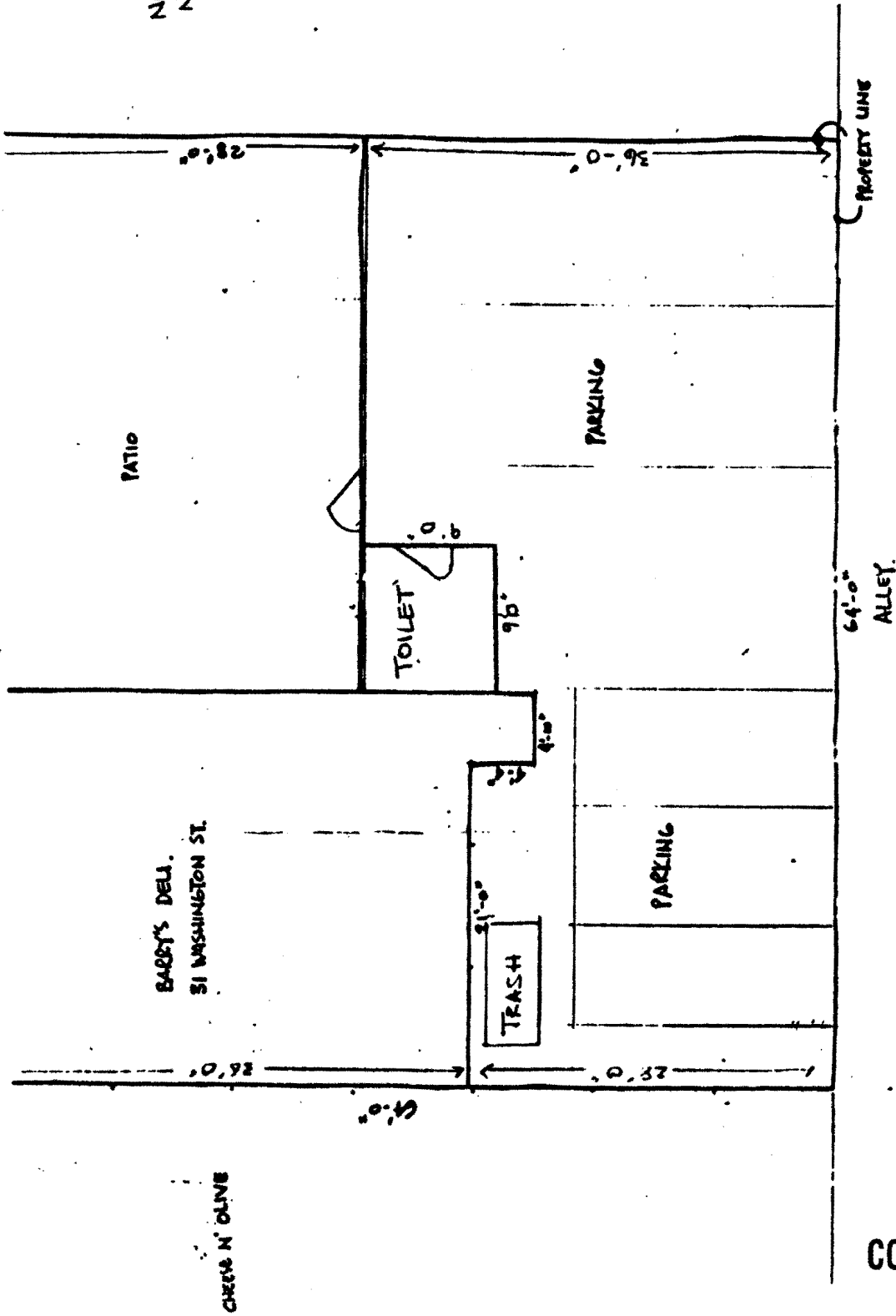
PROPERTY LINE

COASTAL COMMISSION

EXHIBIT # 8
PAGE 8 OF 33

NORTH

NOTE:
NOT TO SCALE



5-84-638
(PROPOSED)

COASTAL COMMISSION

EXHIBIT # 8
PAGE 9 OF 33

California Coastal Commission
SOUTH COAST DISTRICT
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

RECEIVED
JUL 12 1984
CA Coastal Commission

COASTAL DEVELOPMENT PERMIT

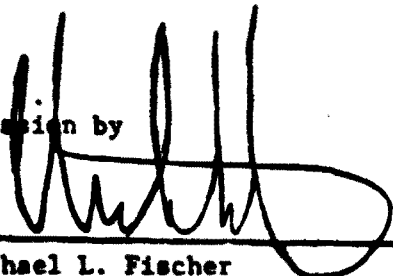
No. 5-84-90
Page 1 of 3

On May 10, 1984, the California Coastal Commission granted to
Barry Levine/Barry's Deli
this permit for the development described below, subject to the attached
Standard and Special conditions.

Enlarge an existing outdoor patio utilized in conjunction with
an existing deli for outdoor sit-down dining (CCC P #5-82-270
& 5-82-865) and provide eleven (11) off-site parking spaces,
pursuant to lease agreement, at 3402 Pacific Ave. in lieu of
six (6) on-site spaces currently located at rear of that
portion of premises intended to be utilized for extended patio.

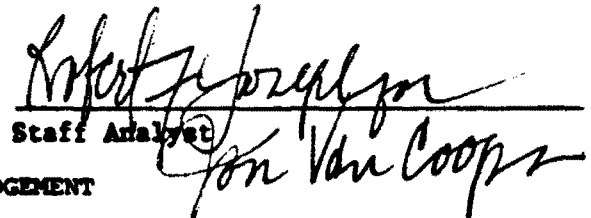
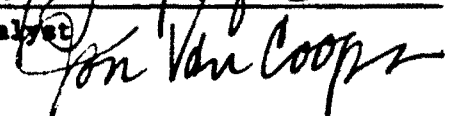
Site: 27 and 31 Washington St., Venice, City of Los Angeles.

Issued on behalf of the California Coastal Commission by



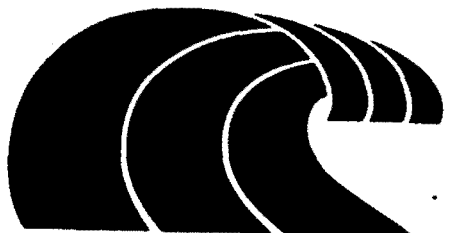
Michael L. Fischer
Executive Director
and

**IMPORTANT: THIS PERMIT IS NOT VALID UNLESS
AND UNTIL A COPY OF THE PERMIT WITH THE
SIGNED ACKNOWLEDGEMENT HAS BEEN RE-
TURNED TO THE COMMISSION OFFICE.**


Staff Analyst


ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of
this permit and agrees to the **COASTAL COMMISSION**
conditions thereof.



6/11/84
Date
[Signature]
Signature of Permittee
PAGE 1 OF 11
Coast 11-7/81
P. 10 . F 33

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction 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 development during construction, 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.

SPECIAL CONDITIONS:

SEE PAGE 3

COASTAL COMMISSION

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PAGE 11 OF 33

W

SPECIAL CONDITIONS:

The permit is subject to the following special conditions:

1. Prior to transmittal of a permit, the applicant shall submit for the review and approval of the Executive Director, a lease agreement of not less than 10 years duration, that provides for 11 parking spaces within approximately 1500 feet of the proposed project. The lease shall specify that the parking be available exclusively for restaurant parking during all hours of operation. To facilitate use of the parking area, the applicant shall also provide for one or more parking attendants during all times when the restaurant is open to the public, for the duration of the restaurant use of the site.

In the event of the termination of the parking lease or in the event that the applicant, for any reason, loses the right to use some or all of the parking spaces provided for in the lease, the applicant agrees to do following:

- a. Notify the Coastal Commission, in writing, within 30 days of the termination of the lease or loss of the parking spaces that the parking spaces are no longer available;
- b. Within 60 days of the loss of the parking spaces, submit for approval of the Executive Director, a new or amended lease or agreement granting the applicant the use of at least the same number of parking spaces within 1500 feet of the restaurant/deli for exclusive restaurant use during all hours of operation, and including provision of attendant parking for the duration of the restaurant use of the site. Such a new or amended lease shall be for no less than 10 years duration; and
- c. If, with 60 days of the loss of the parking spaces, the applicant fails to provide parking in accordance with subparagraph (b), the applicant shall restrict operation of restaurant and patio to that portion authorized by the Commission prior to approval of this permit.

The applicant shall execute and record an agreement subject to review and approval of the Executive Director whereby he agrees to and binds successors, assigns and lessees of the subject properties to compliance with the requirements of this condition.

2. Prior to transmittal of a permit, the applicant shall submit for the review and approval of the Executive Director, a revised site plan that provides for two residential parking spaces at the rear of the deli, and an area six feet by 30 feet adjacent to 30th Place at the rear of 27 Washington Street to be used as a delivery truck parking area. The applicant shall execute and record an agreement subject to the review and approval of the Executive Director whereby he agrees to and binds successors, assigns, and lessees of the subject properties to the requirements of this condition.

EXHIBIT # 8

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COASTAL COMMISSION

California Coastal Commission
SOUTH COAST DISTRICT
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

Filed: Feb. 14, 1984
49th Day: April 3, 1984
180th Day: August 10, 1984
Staff Report: 5/1/84
Meeting of: 5/9-11/84
Staff: JVC-SF

awc 12-0
5/10/84

STAFF REPORT: CONSENT CALENDAR

APPLICANT: Barry Levine/Barry's Deli

PERMIT NO.: 5-84-90

PROJECT LOCATION: 27 and 31 Washington Street, Venice, City of Los Angeles
Los Angeles County

PROJECT DESCRIPTION: Enlarge an existing outdoor patio utilized in conjunction with a existing deli for outdoor sit-down dining (CCC P #5-8-270 & 5-82-865) and provide eleven (11) off-site parking spaces, pursuant to lease agreement, at 3402 Pacific Av in lieu of six (6) on-site spaces currently located at rear of that portion of premises intended to be utilized for extended patio.

LOT AREA 1,890 sq. ft.

ZONING C-2-1-0

BLDG. COVERAGE ---

PLAN DESIGNATION Commercial
G.P., LUP draft, LUP adopt, LUP cert., LCP
PROJECT DENSITY ---

PAVEMENT COVERAGE 1,890 sq. ft.

LANDSCAPE COVERAGE 0

HEIGHT ABV. FIN. GRADE 20'

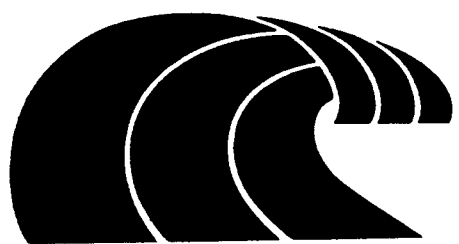
LOCAL APPROVALS RECEIVED: Approval in Concept, City of Los Angeles

COASTAL ISSUES: Parking, Access

SUBSTANTIVE FILE DOCUMENTS: Draft LUP, Venice Canals Segment, City of Los Angeles
Permit Application No. 5-82-270 and 4-82-865

SUMMARY Staff recommends approval with conditions.

COASTAL COMMISSION



STAFF RECOMMENDATION

The staff recommends 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 of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See Attachment X.

III. SPECIAL CONDITIONS:

The permit is subject to the following special conditions:

1. Prior to transmittal of a permit, the applicant shall submit for the review and approval of the Executive Director, a lease agreement of not less than 10 years duration, that provides for 11 parking spaces within approximately 1500 feet of the proposed project. The lease shall specify that the parking be available exclusively for restaurant parking during all hours of operation. To facilitate use of the parking area, the applicant shall also provide for one or more parking attendants during all times when the restaurant is open to the public, for the duration of the restaurant use of the site.

In the event of the termination of the parking lease or in the event that the applicant, for any reason, loses the right to use some or all of the parking spaces provided for in the lease, the applicant agrees to do following:

- a. Notify the Coastal Commission, in writing, within 30 days of the termination of the lease or loss of the parking spaces that the parking spaces are no longer available;
- b. Within 60 days of the loss of the parking spaces, submit for approval of the Executive Director, a new or amended lease or agreement granting the applicant the use of at least the same number of parking spaces within 1500 feet of the restaurant/deli for exclusive restaurant use during all hours of operation, and including provision of attendant parking for the duration of the restaurant use of the site. Such a new or amended lease shall be for no less than 10 years duration; and

COASTAL COMMISSION

- c. If, with 60 days of the loss of the parking spaces, the applicant fails to provide parking in accordance with subparagraph (b), the applicant shall restrict operation of restaurant and patio to that portion authorized by the Commission prior to approval of this permit.

The applicant shall execute and record an agreement subject to review and approval of the Executive Director whereby he agrees to and binds successors, assigns and lessees of the subject properties to compliance with the requirements of this condition.

2. Prior to transmittal of a permit, the applicant shall submit for the review and approval of the Executive Director, a revised site plan that provides for two residential parking spaces at the rear of the deli, and an area six feet by 30 feet adjacent to 30th Place at the rear of 27 Washington Street to be used as a delivery truck parking area. The applicant shall execute and record an agreement subject to the review and approval of the Executive Director whereby he agrees to and binds successors, assigns, and lessees of the subject properties to the requirements of this condition.

IV. FINDINGS AND DECLARATIONS:

A. Project Description: The subject property is located along Washington Street between Speedway and Pacific Street in the town of Venice, a portion of the City of Los Angeles (See Exhibit 1). The applicant proposes to enlarge a patio-eating area located adjacent to the deli/restaurant which he presently operates (see Exhibit 2).

B. Project History: The previous permit activity involving both the applicant and this particular site is lengthy, and only those portions of the development history that bear directly on the issue of concern in the instant application are described.

In 1982, the applicant was granted an "after the fact" Coastal Development Permit to convert a bait shop to a deli/walk-up sandwich shop. The provision of two parking places was required as a condition of approval. During the period in which this Permit (5-82-270) was being processed, the applicant caused the demolition of two structures on the parcel adjacent to the deli, for purposes of operating a patio sit-down eating area. A second "after the fact" permit (5-82-865) was issued for the patio, with the condition that the applicant provide 9 on-site parking spaces, and a restroom facility. Two of the nine on-site spaces were "earmarked" for the two residential units located above the deli. The justification for seven additional spaces was that two were originally required in 5-82-270 for the deli, and five new spaces were required as a result of a compromise reached between the Commission and the applicant regarding the parking need generated by the patio seating area. The applicant sought reconsideration as a result of the parking condition, but was denied in May 1983. The applicant now seeks to enlarge the patio seating area, which would necessitate the provision of parking off-site to avoid a net decrease in the number of parking spaces available for restaurant patrons.

COASTAL COMMISSION

EXHIBIT # 8

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C. Conformance with Chapter 3 of the Coastal Act: Section 30252 of the Coastal Act provides, in part, that the location and amount of new development should maintain and enhance public access to the coast by...providing adequate parking facilities..." Section 30253 of the Coastal Act provides, in part, that new development "protect special communities and neighborhoods which because of their unique characteristics are popular visitor-destination points for recreational uses."

Because of its unique character -- small shops, eating establishments and wide expanse of beaches -- Venice is a major tourist attraction and beach recreational area. According to the County of Los Angeles Department of Beaches and Harbors, in 1982 more than seven million people flocked to Venice Beach. During the four summer months alone, from June through September, more than five million people enjoyed the recreational opportunities at Venice Beach.

Because Venice is such a popular destination point, a natural result is an excessive amount of automobile traffic for a community of its size. Parking space in the area is at a premium. Often beach users are forced to park blocks from the beach and must walk to the shore. This further impacts the nearby residential neighborhoods where residents and beachgoers must compete for the available street parking. Often the City, County and privately owned parking lots are filled to capacity, thus causing an overflow to the small amount of available street parking. For these reasons, the Commission has been concerned about the impacts new and expanded development will have on Venice, particularly the beach area.

Up until now, the Commission has permitted projects that could not provide adequate on-site parking due to site constraints to provide the required parking in the vicinity of the project. In general, this has been applied to small hot dog stands in existing structures where no on-site parking exists. Such an exception was given in 5-82-270, the first permit for the instant site. The applicant was required to enter into a long-term lease agreement for a given number of parking spaces in a nearby private parking lot. The applicant met the required parking for the delicatessen by applying a reduced parking standard of two spaces, one space on the lot with the delicatessen, and one space on the adjacent lot, the object of this application.

Because the deli/restaurant is located in close proximity to beach and Venice Pier, it is especially important that the applicant provide adequate off-street parking in conjunction with his deli and expanded patio-eating area. In the past, Commission staff has noted concerns with the provision of parking using off-site lease agreements, however Special Conditions 1 and 2 address these concerns, and provide the necessary mechanisms needed to avoid potential enforcement problems. It should also be noted that in 5-82-270 the applicant was given the option of using an off-site lease agreement to provide the required parking.

Special Condition 1 requires 11 rather than seven off-site spaces be leased and provided with valet service, so as to offset the loss of seven on-site spaces and the additional parking need generated by the patio-expansion. Special Condition 2 requires that, in addition to the two parking places remaining on-site for the upstairs units, the applicant shall maintain an area six feet by 30 feet adjacent to 30th Place at the back of 27 Washington Street, (the patio lot) so as to provide adequate space where delivery trucks can

COASTAL COMMISSION

rear of the deli without impeding or blocking traffic on 30th Place. The Commission's intent in requiring this special condition is not to provide a full-size, head-in, truck loading ramp, but rather to simply reserve enough area for a truck to use as more of a "turn out". 30th place is a narrow 20 foot alley, and trucks block it completely while double parked, preventing residents from reaching their driveways and generally adding to the often intolerable traffic congestion in the area. Given the expanded eating area and its potential to increase both the frequency and duration of deliveries, the Commission cannot find the project consistent with either Section 30252 or Section 30253 of the Coastal Act without this special condition. The Commission finds that as conditioned, the proposed project is in conformity with Chapter 3 of the Coastal Act (see Exhibit 2).

LCP Preparation. The Commission denied the LUP for the Venice Segment of the City of Los Angeles' Local Coastal Plan in July of 1983. While one of the issues for denial was parking, the Commission notes the LUP correctly recognizes parking as a significant problem in the area. Requiring parking conditions in the instant permit application is consistent with the Commission's action in 1983 on the LUP and the Commission therefore finds that approval of this project as conditioned will not prejudice the ability of the City of Los Angeles to prepare a Land Use Plan and Implementing Ordinances in conformance with the provisions of Chapter 3 of the Coastal Act.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 17 OF 33

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and construction 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 on which the Commission voted on the application. Construction 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 conditions will be resolved by the Executive Director of the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, 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.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 18 OF 33

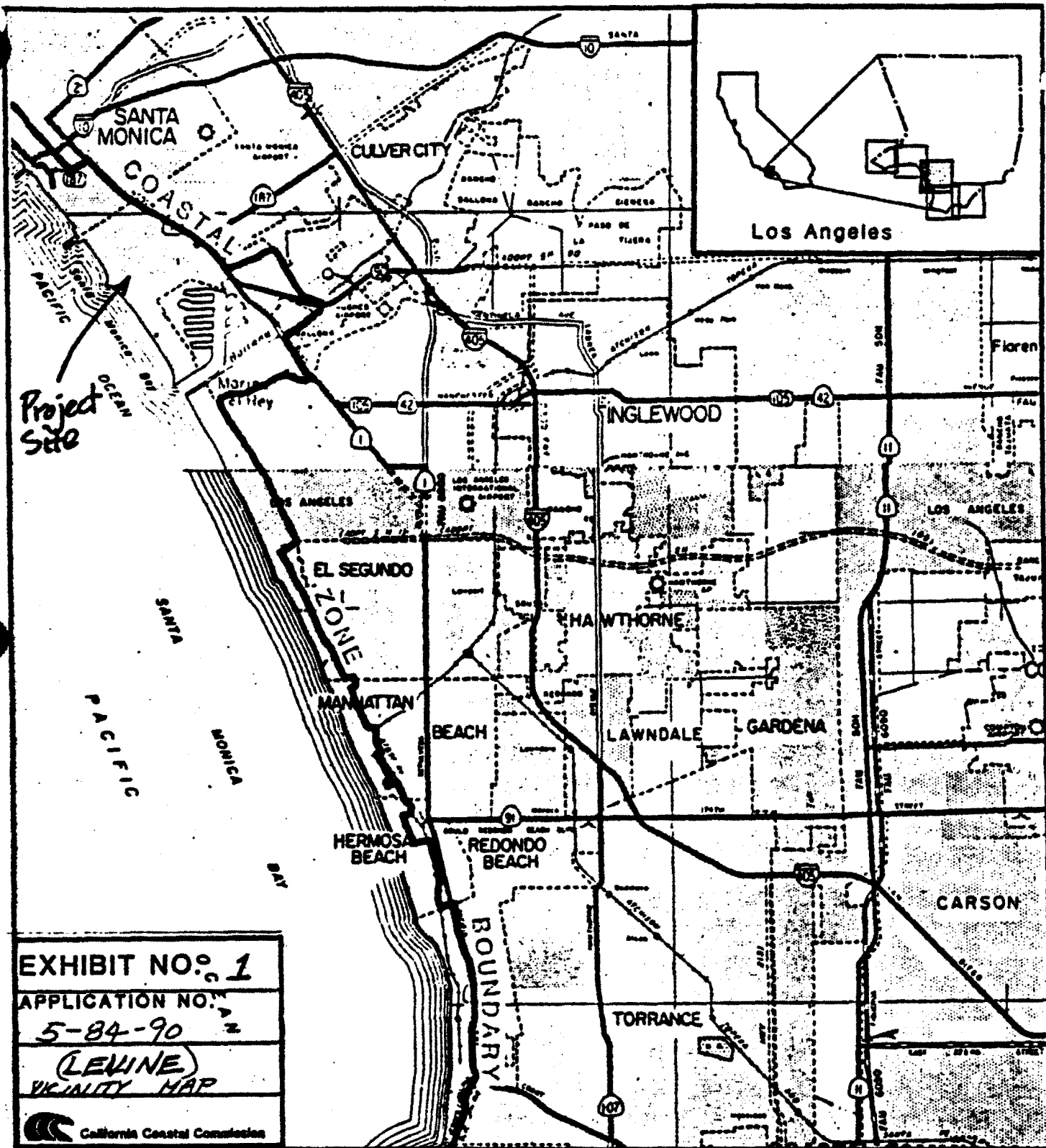


EXHIBIT NO. 1
 APPLICATION NO.
 5-84-90
 (LEVINE)
 VICINITY MAP
 California Coastal Commission

COASTAL COMMISSION



LOCATION MAP

PAGE 19 OF 33

County of Los Angeles

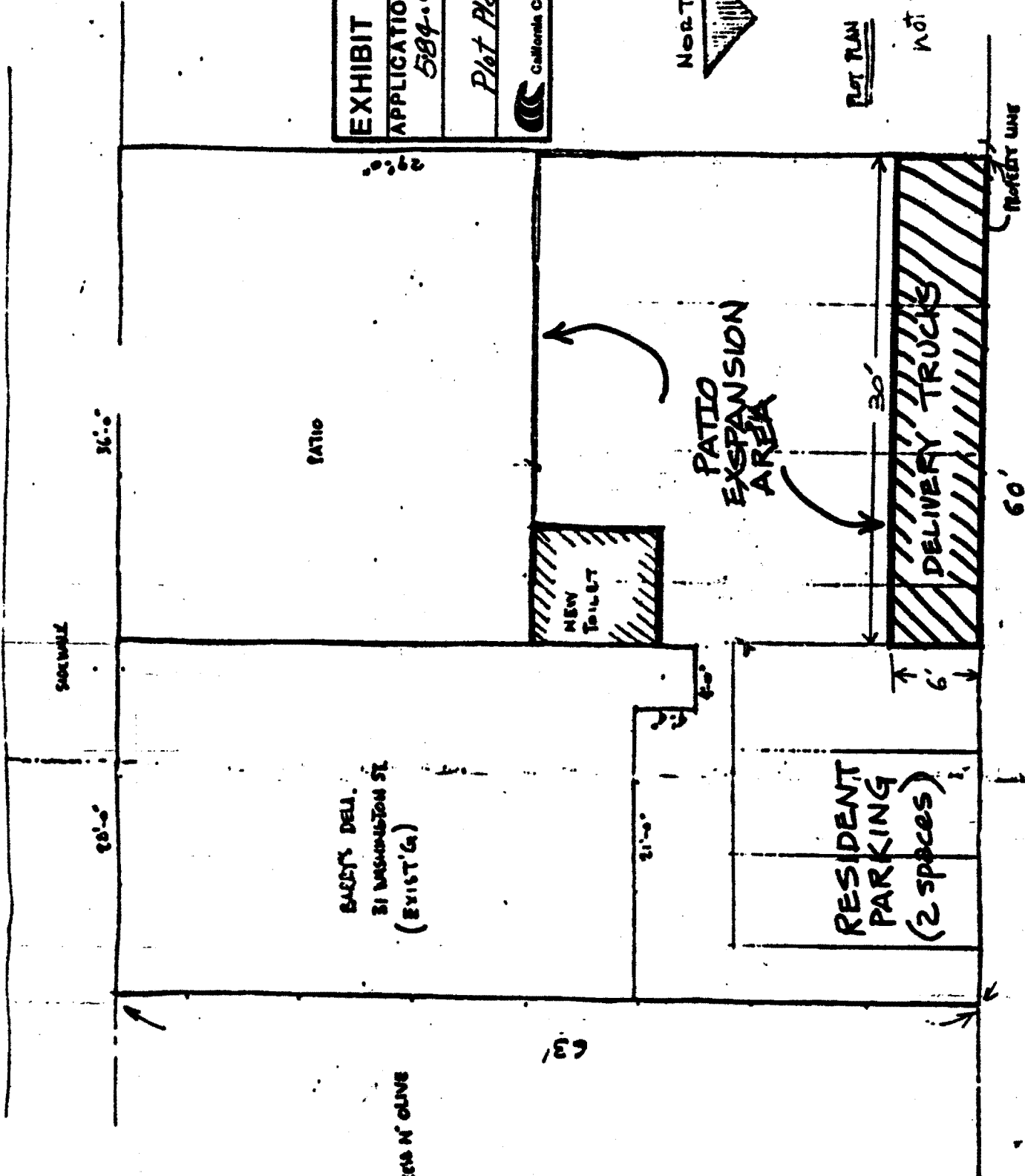
EXHIBIT NO. 2
APPLICATION NO.
589-90/Lev.

Plot Plan



PLAT PLAN

NOT to SCALE
JVC



EXIST'G DEL. 31 WASHINGTON ST (EXIST'G)

PATIO EXPANSION AREA

RESIDENT PARKING (2 spaces)

DELIVERY TRUCKS

NEW TOILET

PATIO

CORNER N OLIVE

COASTAL COMMISSION

EXHIBIT # 8
PAGE 20 OF 33

4/5/83

State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
South Coast District
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

COASTAL DEVELOPMENT PERMIT NO. 5-82-865

Page 1 of 2

FILE COPY

On March 25, 198, The California Coastal Commission granted to
Barry Levine & M.M. McDemas 31 Washington Street, Venice, CA

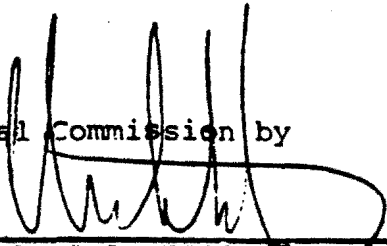
this permit for the development described below, subject to the attached
Standard and Special conditions.

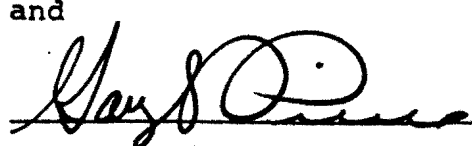
Demolition of one residential and one retail structure and construct
an outdoor patio (eating area) for the existing, adjacent delicatessen.

SITE: 27 and 31 Washington Street, Venice

Issued on behalf of the California Coastal Commission by

**IMPORTANT: THIS PERMIT IS NOT VALID
UNLESS AND UNTIL A COPY OF THE PERMIT
WITH THE SIGNED ACKNOWLEDGEMENT HAS
BEEN RETURNED TO THE COMMISSION OFFICE.**



MICHAEL L. FISCHER
Executive Director
and
 GP/rm

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to be bound by all terms and conditions thereof.

COASTAL COMMISSION



EXHIBIT # 8
Date _____ Signature of Permittee _____
PAGE 21 OF 33
5/781

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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.
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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.

SPECIAL CONDITIONS:

1. Prior to transmittal of permit, the applicant shall submit revised plans for the review and approval of the Executive Director. Said revised plans shall provide for on-site parking for nine cars, a restroom facility and dining patio in addition to the existing 2-story, mixed use structure at 27 and 31 Washington Street. The size of the patio shall be reduced, if necessary, to accomplish the objective of this condition. A maximum of two of the nine on-site parking spaces will continue to be reserved for tenants of the two on-site residential units. The balance of the parking spaces must be available to restaurant patrons and beach users. If the revised parking plan includes tandem parking, then the applicant shall also provide for a parking attendant to facilitate use of the parking area during all daylight hours of operation for the duration of restaurant use of the site. Furthermore, if a parking attendant is required pursuant to the terms of this condition, and no parking attendant is present on the site as required herein, a violation of the terms of this permit will be deemed to have occurred and the Executive Director will initiate action necessary to revoke the permit. Should attendant parking be required, to insure future operators are informed of the requirement for a parking attendant, the applicant shall execute and record an agreement subject to the review and approval of the Executive Director whereby he agrees to disclose the requirements of this condition to any future buyer or lessee of the subject properties (27 and 31 Washington Street).

COASTAL COMMISSION

EXHIBIT # 8

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State of California, ~~Department of Fish and Game~~
George Deukmejian, Governor
California Coastal Commission
South Coast District
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071
~~8~~

FILED: N/A
49th DAY: N/A
180th DAY: N/A
STAFF: Gary Pierce *WP*
EDITED BY: Dixie Nowell
STAFF REPORT: 3-11-83 (bp)
HEARING DATE: March 22-25, 1983

FILE COPY

REVISED CONDITIONS AND FINDINGS

Application No. 5-82-865 (Levine)

Applicant: Barry Levine/Tino McDemas Agent: Jay Siegel
31 Washington Street
Venice, CA 90291

Description: Demolition of one residential and one retail structure and construct an outdoor patio (eating area) for the existing, adjacent delicatessen. The applicant also requests an amendment to Coastal Permit 5-82-270 to allow the applicant to relocate the employee parking now located at the rear of 27 Washington Street.

Site: 27 and 31 Washington Street, Venice, City of Los Angeles, Los Angeles county. APN 422-023-012 & 013

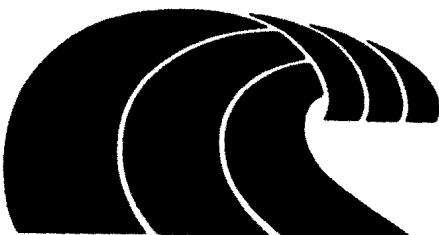
Date of Action: February 24, 1983

Commissioners Voting:
Yes: Callahan; Franco; Grossman; Bellerue; MacElvaine; McNeil; Shipp; Wright; Chairman Nutter.
No: None

ADOPTED 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.



COASTAL COMMISSION

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II. Standard Conditions

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction 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 development during construction, 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

This permit is subject to the following special conditions:

1. Prior to transmittal of permit, the applicant shall submit revised plans for the review and approval of the Executive Director. Said revised plans shall provide for on-site parking for nine cars, a restroom facility and dining patio in addition to the existing 2-story, mixed use structure at 27 and 31 Washington Street. The size of the patio shall be reduced, if necessary, to accomplish the objective of this condition. A maximum of two of the nine on-site parking spaces will continue to be reserved for tenants of the two on-site residential units. The balance of the parking spaces must be available to restaurant patrons and beach users. If the revised parking plan includes tandem parking, then the applicant shall also provide for a parking attendant to facilitate use of the parking area during all daylight hours of operation for

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the duration of restaurant use of the site. Furthermore, if a parking attendant is required pursuant to the terms of this condition, and no parking attendant is present on the site as required herein, a violation of the terms of this permit will be deemed to have occurred and the Executive Director will initiate action necessary to revoke the permit. Should attendant parking be required, to insure future operators are informed of the requirement for a parking attendant, the applicant shall execute and record an agreement subject to the review and approval of the Executive Director whereby he agrees to disclose the requirements of this condition to any future buyer or lessee of the subject properties (27 and 31 Washington Street).

IV. Findings and Declarations

The Commission finds and declares as follows:

A. Project Description. The applicant is seeking a Coastal Development Permit for the demolition of one vacant residential structure and one retail structure and the construction of an outdoor patio (eating area) to be used in conjunction with an adjacent delicatessen, approved in 1982. The applicant is also requesting that Coastal Permit No. 5-82-270, which was for the delicatessen, be amended to allow the relocation of required parking to a vacant lot adjacent to 3402 Pacific Avenue, approximately 4 blocks from the proposed development.

B. Project History. On May 18, 1982, the applicant received a coastal permit approval, with conditions, to remodel and change the use of a vacant retail store from the bait shop to a take-out delicatessen. The conditions of that permit are that (1) the applicant shall provide 2 employee parking spaces, on on-site and one leased off-site and (2) by acceptance of permit no. 5-82-270, the applicant stipulated that no seating or sit-down food service is approved as part of that permit due to a lack of parking. (See Exhibit 2) This was a reduction of the guideline parking requirement, because no parking was possible on site. In late May, 1982, without benefit of any local or coastal permits, the applicant caused the demolition of the two structures that are the subject of this report. At that time he informed staff that the demolition was in error and he agreed to apply for a permit. By August, 1982, the applicant had placed three umbrella covered picnic tables on the now vacant lot and established the sit-down eating area.

The applicant received approval from the City of Los Angeles for the patio with off-site parking and the demolition. Because this is in a dual permit area, the applicant has also applied to the Commission for the patio service area and the amendment to the parking condition for Coastal Permit No. 5-82-270.

In the subsequent staff report, staff recommended that the applicant should provide on on-site parking space per 100 square feet of gross floor area of the existing delicatessen and proposed patio area. This would have required approximately 18 on-site parking spaces. The Commission felt that 18 on-site parking spaces would be prohibitive and difficult for the applicant to provide. The Commission reached a compromise with the applicant in that the applicant would provide nine

on-site parking spaces for the patio area, delicatessen and two residential units. The parking spaces would consist of two existing residential spaces, two spaces previously approved for the delicatessen and five new spaces for the proposed patio for a total of nine on-site parking spaces. Also included in the approval of the project was a restroom facility that was inadvertently omitted in the application.

The project was then approved 9 to 0 with the above amended condition.

C. Parking. Section 30252 of the Coastal Act provides, 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 30253(5) of the Coastal Act provides:

"New development shall:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

Because of its unique character -- small shops, eating establishments and wide expanse of beaches -- Venice is a major tourist attraction and beach recreational area.

According to the County of Los Angeles Department of Beaches and Harbors, in 1982 more than seven million people flocked to Venice Beach. During the four summer months alone, from June through September, more than five million people enjoyed the recreational opportunities at Venice Beach.

Because Venice is such a popular destination point, a natural result is an excessive amount of automobile traffic for a community of its size. Parking space in the area is at a premium. Often beach users are forced to park several blocks from the beach and must walk to the shore. This further impacts the nearby residential neighborhoods where residents and beachgoers must compete for the available street parking.

Often the City, County and privately owned parking lots are filled to capacity, thus causing an overflow to the small amount of available street parking.

For these reasons, the Commission has been concerned about the impacts new and expended development will have on Venice, particularly the beach area.

Up until now, the Commission has permitted projects that could not provide adequate on-site parking due to site constraints to provide the required parking in the vicinity of the project. In general, this has

been applied to small hot dog stands in existing structures where no on-site parking exists. Such an exception was given in 5-82-270. The applicant would be required to enter into a long-term lease agreement for a given number of parking spaces in a nearby private parking lot. The applicant met the required parking for the delicatessen by applying a reduced parking standard of two spaces, one space on the lot with the delicatessen, and one space on the adjacent lot, the object of this application.

Because the applicant's delicatessen is only a half block from the beach and the Venice Pier, it is important that he provide adequate off-street parking for his delicatessen and patio. The staff has received photographs showing that the use as developed has generated more than two employees and more than two automobiles. It has become apparent that when parking is provided away from a project that there is no guarantee that the parking will still be there in the future.

Because the property that is the subject of this permit is now vacant, the Commission has the rare opportunity, for this area of Venice, to obtain on-site parking. This will guarantee that adequate parking will be provided for the life of the project and will mitigate the project's impact on coastal access and a unique community character.

The Commission's Statewide Interpretative Parking Guidelines provide for a parking ratio for take-out food facilities of one parking space per 50 square feet of gross floor area, but not less than ten spaces for any such use. The above may be modified for beachfront walk-up with seating depending upon the particulars of the individual case.

The Commission finds that, because of the project's proximity to the beach, most of the customers for the delicatessen will be walk up. A reduced parking ratio, for this project, can therefore be utilized and still be consistent with Sections 30252 and 30253 of the Coastal Act.

The Commission, therefore, also finds that approval of the project, with the above amended condition, will be consistent with Sections 30252 and 30253 of the Coastal Act and will not prejudice the ability of the City of Los Angeles to implement a certifiable Local Coastal Program that is consistent with Chapter 3 of the Coastal Act.

COASTAL COMMISSION

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State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
SOUTH COAST DISTRICT
666 E. Ocean Blvd., Suite 3107
P.O. Box 1450
Long Beach, CA 90801-1450
(213) 590-5071
(714) 846-0648

FILE COPY

COASTAL DEVELOPMENT PERMIT

No. 5-82-270

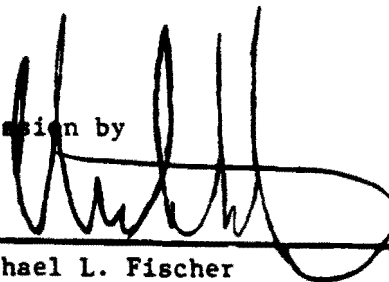
Page 1 of 2

On May 18, 1982, the California Coastal Commission granted to
Barry Levine 31 Washington Street, Venice, CA
this permit for the development described below, subject to the attached
Standard and Special conditions.


Necessary interior alteration of an existing retail shop to convert
it for take-out food service.

SITE: 31 Washington Street, Venice, CA

Issued on behalf of the California Coastal Commission by



Michael L. Fischer
Executive Director
and


Staff Analyst

**IMPORTANT: THIS PERMIT IS NOT VALID UNLESS
AND UNTIL A COPY OF THE PERMIT WITH THE
SIGNED ACKNOWLEDGEMENT HAS BEEN RE-
TURNED TO THE COMMISSION OFFICE.**

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of
this permit and agrees to abide by all terms and
conditions thereof.

COASTAL COMMISSION

EXHIBIT # 8

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Date _____

Signature of Permittee _____

Coast 11: 7/81



COASTAL DEVELOPMENT PERMIT NO.

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STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 on which the Commission voted on the application. Construction 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 development during 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.

SPECIAL CONDITIONS:

1. Prior to issuance of the permit, the applicant shall submit to the Executive Director for his approval, a revised plan showing 2 parking spaces (one is already provided on-site), or a lease, of not less than 10 years duration, for one additional private parking space within two blocks of the project, to be used by the owner/employee of the shop.
2. By acceptance of this permit, the applicant shall stipulate that no seating or sit down food service is approved as part of this permit due to lack of parking.

COASTAL COMMISSION

EXHIBIT # 8
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State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
SOUTH COAST DISTRICT
666 E. Ocean Blvd., Suite 3107
P.O. Box 1450
Long Beach, CA 90801-1450
(213) 590-5071 (714) 846-0648

FILED: 4/9/82
49th DAY: 5/28/82
180th DAY: 10/2/82
STAFF: Praveen Gupta *FE*
STAFF REPORT: 4/21/82 km
HEARING DATE: 5/18-20/82

STAFF REPORT: ADMINISTRATIVE ^{ITEM} COPY

APPLICANT: Barry Levine AGENT: Jay Siegel

PERMIT NO.: 5-82-270

PROJECT LOCATION: 31 Washington Street, Venice

PROJECT DESCRIPTION: Necessary interior alteration of an existing retail shop to convert it for take-out food service.

LOT AREA 1890 sq. ft. ZONING C2-1-0

BLDG. COVERAGE 1053 sq. ft. PLAN DESIGNATION Commercial

PAVEMENT COVERAGE 837 sq. ft. G.P., LUP draft, LUP adopt, LUP cert., LCP

LANDSCAPE COVERAGE n/a PROJECT DENSITY n/a

HEIGHT ABV. FIN. GRADE 20'

LOCAL APPROVALS RECEIVED Approval in Concept, City of Los Angeles

SITE CHARACTERISTICS : Flat and developed

SURROUNDING LAND USE: Commercial/residential

COASTAL ACT ISSUES: Public Access

COASTAL COMMISSION

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(continued)



EXECUTIVE DIRECTORS ACTION

Approval with Conditions

The Executive Director hereby issues 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.

I. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction 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 development during construction, 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 property to the terms and conditions.

COASTAL COMMISSION

EXHIBIT # 8PAGE 31 OF 33
(continued)

II. SPECIAL CONDITIONS

1. Prior to issuance of the permit, the applicant shall submit to the Executive Director for his approval, a revised plan showing 2 parking spaces (one is already provided on-site), or a lease, of not less than 10 years duration, for one additional private parking space within two blocks of the project, to be used by the owner/employee of the shop.
2. By acceptance of this permit, the applicant shall stipulate that no seating or sit down food service is approved as part of this permit due to lack of parking.

III. EXECUTIVE DIRECTORS DETERMINATION

A. Project Description. The project is to convert an existing 1053 sq. ft. bait shop to a take-out food shop. One parking space is provided on-site for the shop and two additional spaces for the residential use above.

B. Public Access. The proposed project is less than a block away from the the beach and is only for take-out food service. It does not provide any seating for customers. Washington Street has metered parking in this area.

The Commission adopted the guidelines to interpret Sections 30252 of the the Coastal Act, which states:

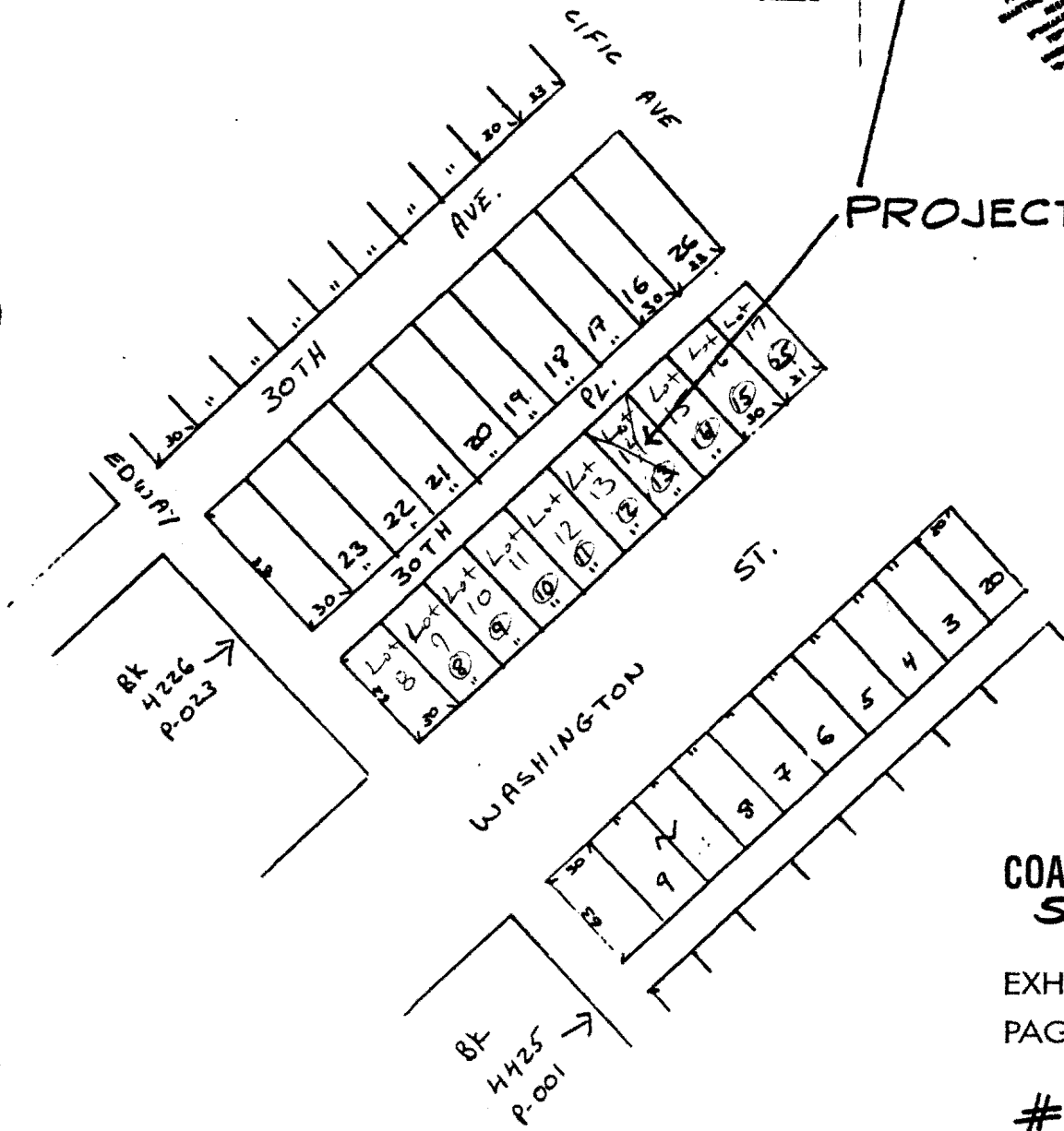
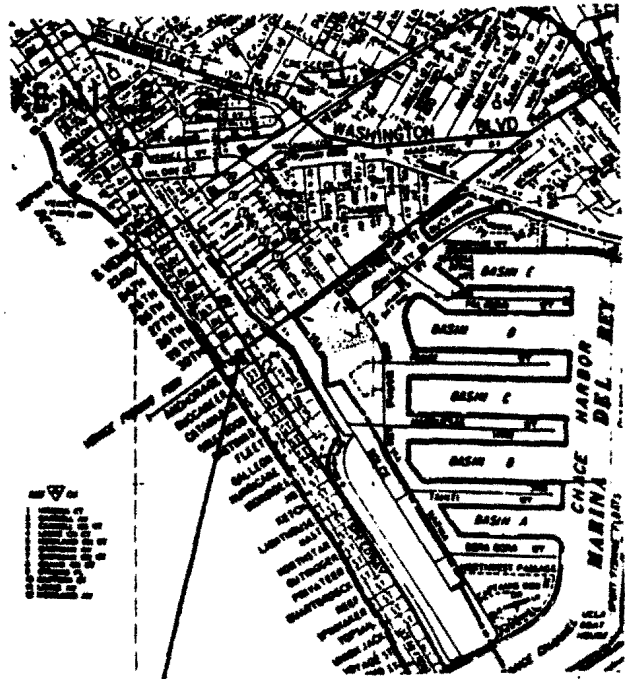
<p>Drive-In and Window Service Restaurants Providing Outdoor Eating Area or Walk-Up or Drive- Up Window Service</p>	<p>1 space for each 50 sq. ft. of gross floor area, but not less than 10 spaces for any such use. The above may be modified for walk-up facilities with no seating area (and beach-front walk- up with seating) depending upon the particulars of the individual case.</p>
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However, during its decision for 5-81-352, New Venice, on January 20, 1982, the Commission found that a walk-up window service generates no additional parking requirement and it serves the walking population. If a restaurant has adequate parking for employees and seating facilities, a project with a walk up service, can be found consistent with Section 30252 and 30211 of the Coastal Act.

Therefore, this project will need adequate parking for employees. According to the applicant there will be two persons working in the shop, and he can in addition to an on-site existing parking space, provide another parking space within a walking distance. If the applicant adds any seating facilities, a additional Coastal permit will be required.

Therefore, the Executive Director determines that the project, as conditioned to provide 2 employee parking spaces and no sit down food service, will not have any adverse impact on public access and will be consistent with the policies of chapter 3 of the Coastal Act.

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PROJECT SITE

COASTAL COMMISSION
5-84-638-A1

EXHIBIT # 0
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5-82-270
VENICE

