

CALIFORNIA COASTAL COMMISSION

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Th8b

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Staff: CP-LB
Staff Report: 12/18/2003
Hearing Date: January 15, 2004
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-03-378**APPLICANT:** Mercedeh Ahrablov (Mercede's Cuban Grill)**AGENT:** N/A**PROJECT LOCATION:** 14-18 Washington Boulevard (Lot Nos. 25 & 26, Block 25, Short Line Beach Subdivision No. 3), Venice, City of Los Angeles.**PROJECT DESCRIPTION:** Expand an existing one-story restaurant into a former convenience store, and use part of the adjacent public sidewalk for outdoor dining.

Lot Area (2 lots)	3,780 square feet
Building Coverage	1,680 square feet
Pavement Coverage	2,100 square feet
Landscape Coverage	0 square feet
Parking Spaces	7 on-site
Zoning	C4-1
Plan Designation	Community Commercial
Building Height	17 feet above fronting street

LOCAL APPROVALS:

1. City of Los Angeles Project Permit, Case No. DIR-2003-2650, 6/20/2003.
2. City of Los Angeles Conditional Use Permit, Case No. ZA-2002-0630, 11/18/2002.
3. City of Los Angeles Revocable Permit for Sidewalk Dining No. 50745, 6/12/2002.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions to protect public parking facilities from the parking impacts of the expanded restaurant. The special conditions would require the applicant to: a) maintain the restaurant's existing on-site parking and loading area, b) secure a long-term (5 years) lease in order to ensure the provision of the proposed off-site parking supply to meet the increased parking demands of the proposed sidewalk dining area, and, c) provide free parking for restaurant employees at the proposed off-site parking supply. In addition, Special Condition Four requires the applicant to implement BMPs to prevent polluted runoff from adversely affecting marine resources. The applicant agrees with the staff recommendation. **See Page Two for motion.**

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, 6/14/01.
3. Coastal Development Permit 5-84-638 & Amendment Requests A1-2 (C&O Trattoria).
4. Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley).

STAFF RECOMMENDATION:

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

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-03-378 per the staff recommendation as set forth below."

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

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. On-site Parking and Loading Area

The on-site parking/loading area situated on the rear of the property located at 14-18 Washington Boulevard shall be maintained for customer parking, employee parking and loading, as shown on **Exhibit #4 of the 12/18/03 staff report**. 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, must be submitted for review by the Executive Director to determine whether another permit amendment is required.

2. Off-site Parking and the Sidewalk Dining Area

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall comply with the following conditions of approval:

- A. The applicant shall submit evidence, acceptable to the Executive Director, which shows that five (5) off-site parking spaces have been provided within nine hundred feet of 14-18 Washington Boulevard to meet the demands of the approved sidewalk dining area. No public parking spaces (e.g., beach parking lots or on public streets) shall be used to satisfy the parking requirements. The applicant shall submit a plan that identifies the specific location of the five required parking spaces and shall submit a long-term (minimum 5-years) lease agreement, for the review and approval of the Executive Director, that secures the applicant's (and the restaurant's employees and customers) legal ability to access and utilize the proposed off-site parking supply during hours when the sidewalk dining area is open for service. In addition, the applicant shall submit an inventory of all other parking spaces in the subject parking lot which are leased or rented, and shall demonstrate that the eight required parking spaces are not encumbered by a prior action, or leased by any other person or party.
- B. The five (5) required parking spaces must be provided for the life of the sidewalk dining use permitted in this action. The authorization to operate the approved sidewalk dining area granted by this permit amendment is contingent upon the continuing availability of the five required parking spaces to meet the expanded restaurant's parking demands during all hours when the sidewalk dining area is open for service. The proposed sidewalk dining area at 14-18 Washington

Boulevard is not permitted to be used or to operate without the provision of the required five parking spaces.

- C. Employee Parking. While working, the employees of the restaurant shall be allowed to park/store their vehicles for free in the required off-site parking spaces.

The permittee shall operate the comply with the terms of this condition.

3. Encroachments – Sidewalk Dining Area

A five-foot wide (5') portion of the public sidewalk, abutting the restaurant property located at 14-18 Washington Boulevard, may be occupied by tables and chairs as part of the restaurant's dining area, provided that the remainder of the sidewalk is kept clear of obstructions to public pedestrian use of the sidewalk. The applicant shall obtain all necessary local approvals prior to placing any objects on the public sidewalk, and shall conform to all conditions of the local government. The off-site parking supply required by Special Condition Two shall be available for use by the restaurant's employees and customers during all hours when the sidewalk dining area is open for service.

4. Protection of Marine Resources

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

- A. The applicant shall, on a weekly basis, sweep the on-site parking area 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.

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

5. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

6. Condition Compliance

Within ninety (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 applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to expand an existing one-story restaurant into a former convenience store, and to use part of the adjacent public sidewalk for outdoor dining (Exhibit #4). The existing 1,500 square foot¹ restaurant building (Mercede's Cuban Grill at 14-16 Washington Blvd) and the vacant 650 square foot former convenience store (18 Washington Blvd.) are situated on a double lot (Lot Nos. 25 & 26) on the south side of Washington Boulevard, one block inland from the Venice Pier (Exhibit #3). 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.² Both sides Washington Boulevard are lined with metered diagonal public parking spaces. The 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 end of Washington

¹ Note: All building floor areas are approximate.

² About twelve years ago this section of Washington Street was officially renamed to Washington Boulevard.

Boulevard (Exhibit #3). The area surrounding the Washington Boulevard commercial corridor consists primarily of residential neighborhoods.

City records indicate that the vacant 650 square foot convenience store at 18 Washington Boulevard, which is located entirely on Lot No. 25, was part of a café use located at 14-16 Washington Boulevard from 1964 until 1972. In 1972, the City permitted the eastern portion of Lot No. 25 (18 Washington Blvd.) to be improved and used as a flower store. Retail uses have occupied the building (18 Washington Blvd.) since then; most recently a convenience store that sold beer, wine and unprepared food. There are no prior Coastal Commission permits for the site (Lot Nos. 25 and 26).

The current proposal would expand the existing restaurant eastward into the former convenience store at 18 Washington Boulevard, which includes two on-site parking spaces in the rear (Exhibit #4). The former store building would be remodeled and improved in order to provide the existing restaurant with additional office space and storage area and one hundred square feet of customer service area. In addition, the applicant is proposing to use a five-foot wide portion of the seventeen-foot wide public sidewalk for sidewalk dining in front of the expanded restaurant (Exhibit #4). The existing restaurant has five on-site parking spaces and approximately sixty seats.

Relevant Project Data:

Existing Restaurant - Mercedes's Cuban Grill at 14-16 Washington Blvd.

Occupies portions of Lot Nos. 25 & 26: 2,650 square feet total site area
 5 on-site parking spaces plus loading area: 1,150 square feet of paved area
 Internal building floor area: 1,500 square feet
 650 square feet of customer service floor area (approx. 60 seats)
 850 square feet of kitchen, office, storage and restroom floor area

Proposed Restaurant Addition – Former Convenience Store at 18 Washington Blvd.

Occupies eastern portion of Lot No. 25: 1,100 square feet total site area
 2 on-site parking spaces: 450 square feet of paved area
 Internal building floor area: 650 square feet
 100 square feet of customer service floor area (approx. 6 seats)
 550 square feet of office and storage floor area

Proposed Sidewalk Dining Area – 14-18 Washington Blvd.

50' long x 5' wide = 250 square feet (approx. 26 seats)
 8-10 proposed off-site parking spaces at 450 Washington Blvd. (Exhibit #5)

Approval of the proposed project would result in a restaurant with seven on-site parking spaces, a rear loading area, 750 square feet of interior customer service area, and 250 square feet of sidewalk dining area.

B. Land Use

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

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed project 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. 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.

C. Public Access/Sidewalk Dining on the Washington Boulevard Sidewalk

The applicant is proposing to use a five-foot wide portion of the seventeen-foot wide public sidewalk for sidewalk dining in front of the expanded restaurant (Exhibit #4). A few other restaurants on the block are using the sidewalk without obtaining a coastal development permit. The Washington Boulevard sidewalk provides direct pedestrian access from inland areas to Venice Pier and the beach. Therefore, the proposed project must not inhibit the use of the Washington Boulevard sidewalk as a pedestrian sidewalk. The existing restaurant structure directly abuts the public sidewalk with no structural setback.

The certified Venice LUP does not prohibit sidewalk dining, so long as public pedestrian access is protected, and such encroachments do not interfere with transportation and visual quality. Policy I.C.9 of the certified Venice LUP states:

- **Policy I. C. 9. Public Rights-of-Way.** *Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.*

In order to protect public access and visual resources, the permit is conditioned to limit sidewalk dining to the area in front of the restaurant, not to exceed five feet from the property line. The seventeen-foot wide sidewalk can, and already does, accommodate a five-foot wide sidewalk dining area. The remainder of the sidewalk must be kept clear of obstructions to public pedestrian use of the sidewalk. Also, the applicant shall obtain all necessary local approvals prior to placing any objects on the public sidewalk, and shall conform to all conditions of the local government. The off-site parking supply required by Special Condition Two shall be available for use by the restaurant's employees and customers during all hours when the sidewalk dining area is open for service. Only as conditioned can the proposed project be found to be consistent with the public access policies of the Coastal Act.

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....

Policy I.B.11 of the certified Venice LUP states:

- **Policy I. B. 11. Intensification of Commercial Uses.** *Intensification of existing commercial uses, including, but not limited to additions to commercial structures, expansion of indoor or outdoor dining areas, and conversions of retail uses to sit-down restaurants, shall be required to provide adequate parking to meet the demands of the intensification consistent with LUP Policies II.A.3 and II.A.4.*

Policy II.A.3 of the certified Venice LUP requires that parking for restaurants be provided at the following rate: 1 space for each fifty square feet of service floor area, including outdoor service areas. The certified Venice LUP defines service floor area as, "All areas where the customer can be served, except the bathroom, including the indoor and outdoor dining area, bar, waiting room and tavern."

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 existing restaurant is deficient in its parking supply with only five on-site parking spaces, although it provides more on-site parking than any of the other restaurants situated within one block of the Venice Pier. The existing restaurant use and on-site parking supply are considered to be "grandfathered" because the project site and restaurant use remain unchanged since the requirements of the Coastal Act went into effect.

The currently proposed restaurant expansion, however, must provide additional parking in order to conform to the requirements of Section 30252(4) of the Coastal Act. For the one hundred square foot increase in customer service floor area proposed to be added by incorporating the former convenience store (18 Washington Blvd.) into the restaurant, the applicant is required to provide two additional parking spaces (pursuant to the parking table set forth by Policy II.A.3 of the certified Venice LUP – one space per fifty square feet of service floor area). The two existing on-site parking spaces situated at the rear of the former convenience store (18 Washington Blvd.) satisfy the parking requirement for the proposed increase in interior service area (Exhibit #4). The applicant purposely designed the proposed restaurant expansion plan to balance the increase in interior service area (100 sq. ft.) with the increase in the on-site parking supply (2 spaces).

In regards to the proposed 250 square feet of sidewalk dining, the applicant had originally requested approval with no increased parking, asserting that the City does not require additional parking for outdoor patio dining. Also, at least three other restaurants on the same block of Washington Boulevard are serving customers on tables and chairs placed on the public sidewalk, and are doing so without the necessary coastal development permits and additional parking supply. When the policies of the certified Venice LUP that require parking for all service area were brought to the applicant's attention, the applicant revised the proposed project to include off-site parking that would be leased from the office building located at 450 Washington Boulevard, about 850 feet east of the restaurant (Exhibit #5).

For the 250 square foot increase in customer service floor area proposed to be added by using the public sidewalk for dining, the applicant is required to provide five additional parking spaces (pursuant to the parking table set forth by Policy II.A.3 of the certified Venice LUP – one space per fifty square feet of service floor area).

The use of an off-site parking supply for the proposed restaurant use is consistent with past Commission actions in the area and is consistent with the parking policies of the certified Venice LUP. In 2000, the Commission approved a new 3,800 square foot restaurant at 30 Washington Boulevard with no on-site parking [Coastal Development Permit A5-VEN-00-173/5-00-198 (Hartley)]. A valet parking program with off-site parking was approved for a new in lieu of providing the required parking (38 spaces) on the site.

Parking Plan Analysis

As previously stated, the project site (14-16 Washington Blvd.) with its five on-site parking spaces is currently deficient in its parking supply. Even with the two additional on-site parking spaces (at 18 Washington Blvd.) and the proposed off-site parking spaces (at 450 Washington Blvd.), the existing restaurant and the proposed expansions will still not have all the parking

that would be required by today's standards (parking table set forth by Policy II.A.3 of the certified Venice LUP).

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. Therefore, at a minimum, the on-site parking and loading area on the site must be protected to serve the needs of the expanded restaurant.

Also, the off-site parking must be provided for the proposed sidewalk dining area. 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 parking, 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. 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.*

Only with the appropriate special as conditions will the applicant's proposed off-site parking plan conform to the parameters listed above and the certified Venice LUP.

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 coastal development permit. First, the remaining parking area on the project site shall be maintained as the on-site parking and loading area, as shown on Exhibit #4.

Special Condition Two imposes the off-site parking requirements that are necessary to meet the added parking demands generated by the proposed 250 square feet of added service area on the public sidewalk. Special Condition Two states:

2. Off-site Parking and the Sidewalk Dining Area

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall comply with the following conditions of approval:

- A. The applicant shall submit evidence, acceptable to the Executive Director, which shows that five (5) off-site parking spaces have been provided within nine hundred feet of 14-18 Washington Boulevard to meet the demands of the approved sidewalk dining area. No public parking spaces (e.g., beach parking lots or on public streets) shall be used to satisfy the parking requirements. The applicant shall submit a plan that identifies the specific location of the five required parking spaces and shall submit a long-term (minimum 5-years) lease agreement, for the review and approval of the Executive Director, that secures the applicant's (and the restaurant's employees and customers) legal ability to access and utilize the proposed off-site parking supply during hours when the sidewalk dining area is open for service. In addition, the applicant shall submit an inventory of all other parking spaces in the subject parking lot which are leased or rented, and shall demonstrate that the eight required parking spaces are not leased or used by any other person or party.
- B. The five (5) required parking spaces must be provided for the life of the sidewalk dining use permitted in this action. The authorization to operate the approved

sidewalk dining area granted by this permit amendment is contingent upon the continuing availability of the five required parking spaces to meet the expanded restaurant's parking demands during all hours when the sidewalk dining area is open for service. The proposed sidewalk dining area at 14-18 Washington Boulevard is not permitted to be used or to operate without the provision of the required five parking spaces.

- C. **Employee Parking.** While working, the employees of the restaurant shall be allowed to park/store their vehicles for free at the proposed off-site parking area.

As conditioned, the proposed off-site parking area must provide five parking spaces; one for each 50 square feet of service area on the public sidewalk. Secondly, the proposed off-site parking supply would be within nine hundred feet of the restaurant, although the Commission typically requires that off-site parking be within three hundred feet of the commercial use that it supports. The Commission's three hundred-foot standard, however, is more applicable to self-parking areas where customers would have to walk between the off-site parking and the commercial use. In this case, the proposed off-site parking supply is required to be available for free parking by the restaurant employees. The employees will be more likely to use the off-site parking at this distance than any customer.

Also, the proposed off-site parking supply is required to be available for use during all hours when the sidewalk dining area is open for service. Finally, the off-site parking supply must be available to meet the demands of the project on a permanent or long-term basis. The applicant is required to obtain a minimum five-year lease that allows the use of the off-site parking area so 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). 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 Four 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. 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 it 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. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

G. Unpermitted Development

Prior to applying for this coastal development permit, some of the development on the site occurred without the review or approval of the Commission. The unpermitted development includes: expansion of the customer service area by placing tables and chairs on the public sidewalk. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition Six requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within ninety 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.

H. 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 City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 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).

I. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

VENICE, CA



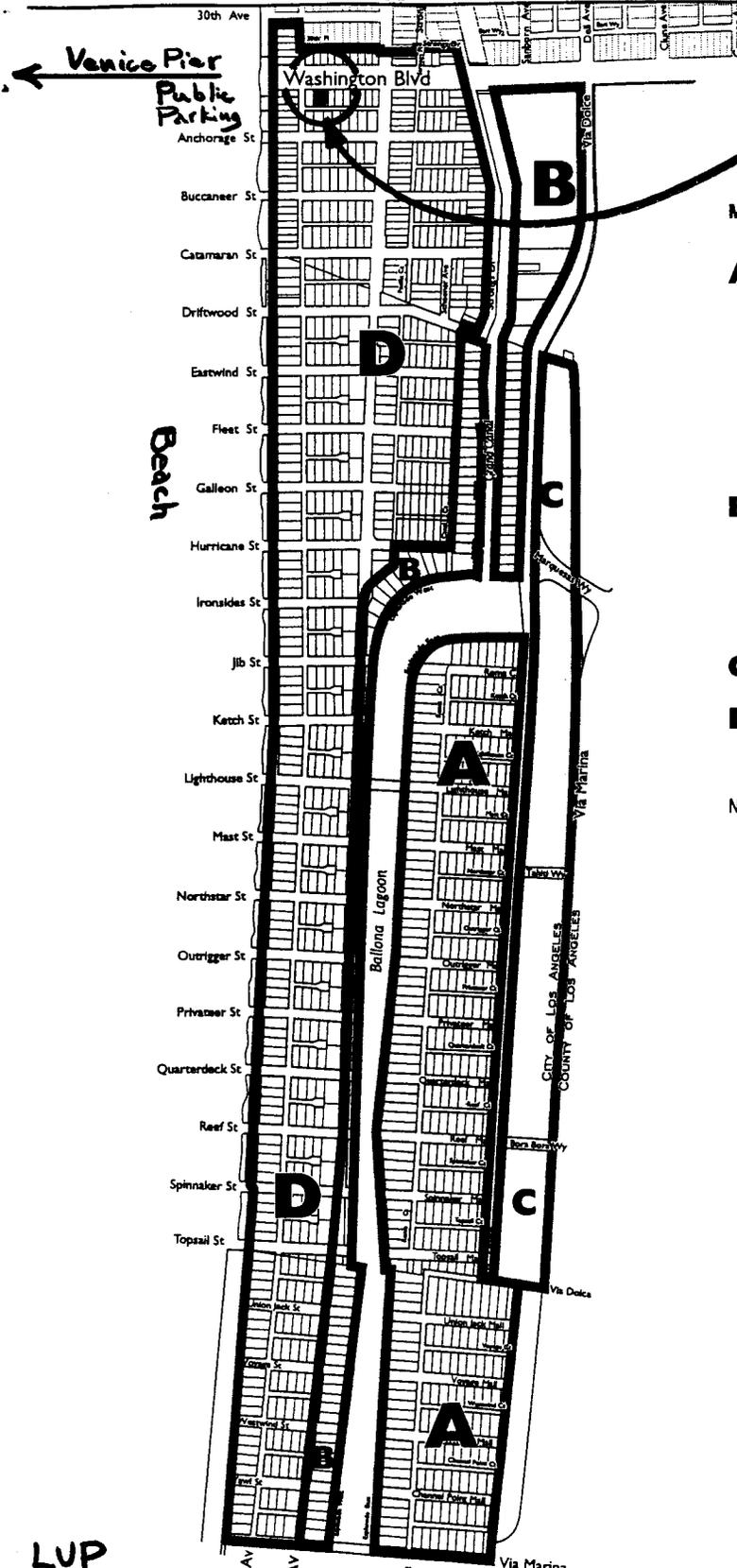
Site:

14-18 Washington Blvd.



COASTAL COMMISSION
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Project Site
5-03-378

Maximum Building Height

- A** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.
- B** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet.
- C** 45'
- D** 35'; 28' along Walk Streets.

Notes:

*All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.

*No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).

*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

*See Policy I.A.1 for policy limiting roof access structures.

*See Policy I.B.7 for commercial and mixed-use development standards.

LUP
Exhibit 13
Height

Subarea: Marina Peninsula • Silver Strand •
Ballona Lagoon West • Ballona Lagoon (Grand Canal) East



MERCEDES CUBAN GRILL 14-18 WASHINGTON BLVD

← Washington Blvd. →
BLOCK 25

Lots 25+26

SHORELINE BEACH TRACT

Proposed Sidewalk Dining

14 Wash.

± 43'-0"

16 wash.

Former store

± 18'-0"

18 wash.

203 SQ FT

20 Seating Public Sidewalk

52 SQ FT

6 seats

SEATING AREA I 163 SQ FT
9 SEATING

LINE REFRIGERATOR + STEAMER

- KITCHEN - 1216 SQ FT

FRYER GRILL STOVE OVEN

RESTROOM

OFFICE

WALK IN REFRIGERATOR

RESTROOM

SHELVES

STORE ROOM

PREP TABLE SHELVES

EMPLOYEE PICK UP AREA

REFRIGERATOR

REFRIGERATION

FOOD COUNTER

OFFICE

DRY Store room

New interior dining

EXISTING PARKING

1

2

3

4

5

LOT N. 26
LOT N. 25

6

7

On-site parking & loading area

Alley

60'

North

EXHIBIT # 4
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5-03-378



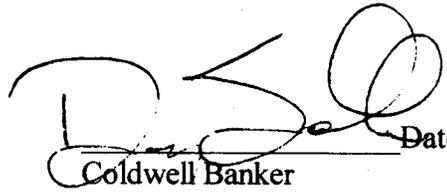
RESIDENTIAL BROKERAGE

450 WASHINGTON BLVD.
MARINA DEL REY, CA 90292
BUS. (310) 301-3500
FAX (310) 301-9097

11/21/2003

To whom it may concern,

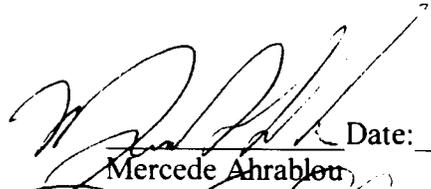
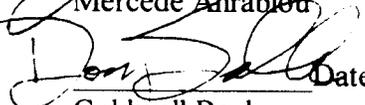
This letter is to show that Coldwell Banker has leased 8 to 10 parking spaces to Mercedes's Grille on a monthly basis for the fee of \$125 per month.


Date: 11/21/03
Coldwell Banker

AGREEMENT FOR PARKING AT COLDWELL BANKER

This agreement defines the arrangement between Mercedes's Grille and Coldwell Banker Real Estate.

- Hours of operation for Mercedes's Grille- 7 days per week, 7:30am to 10:30 pm.
- Number of parking spaces that Mercedes's will have access to- 8 to 10.
- Compensation for the spaces-Five \$25 gift certificates per month. Mercedes's Grill will provide these certificates on the 1st of each month.


Date: 11/22/03
Mercede Ahrablou

Date: 11/21/03
Coldwell Banker

COASTAL COMMISSION
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OCEAN

VIA MARINA

Wells Fargo

Coldwell Banker

450 WASHINGTON BLVD
MDR, CA 90292

21 SPACES E-W

11 SPACES N-S

ISLAND PARKING LOT

entrance

ISLANDS RESTAURANT

Alley ↑

VIA DOICE →

300-320 Large office Building

Adult Day Care

Strong's Drive

Beauty Salon & Retail Store

Skateys

LOT

20V

WASHINGTON BLVD

Proposed
OFF SITE PARKING

450 WASHINGTON BLVD

MDR CA 90292

COASTAL COMMISSION
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EXHIBIT # 5

PAGE 2 OF 2

REVOKED

**CITY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING**

REVOCABLE PERMIT

Date Issued: 6/12/02

Application No: 559

Revocable Permit No: 50745

Permittee

Mercedes Grille; c/o Jean Guy Couture
and Pierre Denerome as Tenants in
Common

Street or R/W Affected, Street Classification, Item(s) Encroaching,
Width of Street Border, Depth of Encroachment(s).

Place outdoor dining facilities (full serve) consisting of 10 tables and
20 chairs and encroaching a maximum of 5 feet (as per attached
Exhibit "A") into the public right-of-way.
NOTE: All tables and chairs are to be removed from sidewalk during
non-business hours.

WEST LOS ANGELES DISTRICT OFFICE

By:



Bernardo C. Nery

BPW Authorization
Date

1/3/02

DESCRIPTION OF LAND PARCEL(S)

Hse No Dir Street Name or Location
14 E Washington Boulevard

Construction Permit: n/a

Waiver No: 14637

Street Plan: n/a

Document No: 02-1182104

Pin No or District Map: 103.5 A 145

SFC: C-2002-850-255

Insurance: F0154Q511501

Multiple land parcels involved

Zone:

10/06/03

RECEIVED
South Coast Region

OCT 6 2003

CALIFORNIA

COASTAL COMMISSION
5-03-378

EXHIBIT # 6

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