

CALIFORNIA COASTAL COMMISSION

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Staff Report: 1/29/2004
Hearing Date: February 18, 2004
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NUMBER:** 5-84-638-A2**APPLICANTS:** Robert & Debbie Singer 1989 Trust and McDemas Family Trust**AGENT:** Jay B. Siegel, Siegel & Siegel Attorneys at Law**PROJECT LOCATION:** 27-33 Washington Boulevard (Lot Nos. 13, 14 & 15 of Block 24 of Short Line Beach Sub #3), Venice, City of Los Angeles.

LOCAL APPROVALS:

1. City of Los Angeles Department of City Planning, Approval in Concept No. ZA-2003-7006 (AIC), 10/6/2002.
2. City of Los Angeles Department of Public Works, Revocable Permit No. 50806 (for Sidewalk Dining), 2/12/2003.

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.

AMENDMENT REQUEST 5-84-638-A1 – WITHDRAWN BY APPLICANTS 12/12/2002:

Replace an existing unpermitted mobile refrigeration unit/trailer with a 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.

DESCRIPTION OF CURRENT AMENDMENT REQUEST 5-84-638-A2:

Install a new confined trash area and a new eight-foot high, 168 square foot walk-in cooler/freezer in parking area at rear of existing restaurant (to replace existing unpermitted mobile refrigeration unit/trailer), and after-the-fact approval for: the conversion of two second floor residential units to on-site restaurant office and storage space, construction of a 315 square foot (7'x 45') utility room and bus station within the Lot No. 15 patio dining area, and use of a 315 square foot portion of the public sidewalk for outdoor dining.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** the permit amendment request for the proposed development with special conditions that: a) require the applicants to maintain the restaurant's remaining on-site parking and loading area, b) limit the types of permitted uses on the second floor of the restaurant, c) limit the amount of public sidewalk area occupied by the restaurant's outdoor dining area, and d) require 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.**

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 5-82-270 (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).
8. Coastal Development Permit Application 5-03-378 (Mercede's Grill/18 Washington).

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. [4 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-A2 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 1/29/04 staff report**, shall be maintained as the on-site parking and loading area for the restaurant. 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. Conversion of Residences to On-site Restaurant Office and Storage Space

This permit amendment authorizes the conversion of the second floor residential uses located at 31 Washington Boulevard (Lot No. 14) to an on-site restaurant office and on-site restaurant storage area. The permitted office and storage uses on the second floor shall be directly associated with the existing permitted restaurant use on the ground floor of the structure. No customer service floor area or general office use is permitted on the second floor.

3. Encroachments – Dining Area on the Public Sidewalk

A six-foot wide (6') portion of the public sidewalk, abutting the restaurant property located at 27-33 Washington Boulevard, may be occupied by tables, chairs, benches, planters, portable patio heaters and umbrellas as part of the restaurant's dining area, provided that, a) the applicants have obtained all necessary local approvals, b) the remainder of the sidewalk is kept clear of obstructions to public pedestrian use of the sidewalk, c) all tables, chairs, portable patio heaters and umbrellas shall be removed from the sidewalk during non-business hours, and d) such encroachment shall not result in any expansion or enlargement of the existing restaurant's total amount of customer service floor area. The total amount of sidewalk area occupied by the restaurant encroachment shall not exceed 315 square feet, which is the amount of customer service floor area permitted to be converted to a 7'x 45' utility room and bus station within the Lot No. 15 patio dining area.

4. 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 parking and loading area, outdoor dining areas and other 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 permittees shall implement, maintain and carry out the plans for BMP's as approved by the Executive Director.

5. Deed Restriction

PRIOR TO THE ISSUANCE OF THE PERMIT AMENDMENT, the applicants 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 amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit amendment, 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 amendment 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 amendment. 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 amendment shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit amendment 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 permit amendment 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 are requesting Commission authorization for the following modifications to an existing restaurant/residential use that occupies three contiguous lots on the north side of Washington Boulevard near the Venice Pier:

1. Within the restaurant's rear on-site parking area: replace an existing unpermitted mobile refrigeration unit/trailer with a new eight-foot high, 168 square foot permanent walk-in cooler/freezer, and construct a new connecting hallway and confined trash area (Exhibits #4-6). Two of the previously required eight on-site parking spaces would be displaced by the proposed walk-in cooler/freezer and confined trash area.
2. Request for after-the-fact approval to convert two residential units, located on the second floor of the structure on Lot No. 14, to on-site restaurant office and on-site restaurant storage use. These two residential units are the only residential units on the site (Lot Nos. 13, 14 & 15). The resulting reduction in parking demand (one parking space per residential unit) would mitigate the loss of the two on-site parking spaces resulting from the construction of the proposed walk-in cooler/freezer and trash area in the on-site parking area (See Item #1 above).
3. Request for after-the-fact approval to convert a 315 square foot portion of the Lot No. 15 patio dining area to a 7'x 45' utility room and bus station, and to construct a wooden fence and wooden wall along the front and rear property lines of Lot No. 15 (Exhibit #5).
4. Request for after-the-fact approval to place tables, chairs, benches, planters, portable patio heaters and umbrellas for outdoor dining on a six-foot wide portion of the seventeen-foot wide Washington Boulevard public sidewalk. The applicants have a City-issued encroachment permit for sidewalk dining (Exhibit #7, p.4). In order to ensure that the proposed encroachment would not result in any expansion or enlargement of the existing restaurant's total amount of customer service floor area (and increase its parking requirements), the total amount of sidewalk area occupied by the restaurant encroachment would not exceed 315 square feet, which is the amount of customer service floor area proposed to be converted to a 7'x 45' utility room and bus station within the Lot No. 15 patio dining area (See Item #3 above).

The restaurant currently has a 170-seat capacity, not including seating on the public sidewalk (Exhibit #4). As proposed, the project would not result in any expansion or enlargement of the restaurant's customer service floor area, and therefore, would not result in any increase in

parking demand. The applicants have not included in this amendment request any proposal to utilize a valet parking program or any off-site parking supplies.

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

According to the applicants, the proposed conversion of the two residential units to office and storage and the proposed 168 square foot walk-in cooler/freezer are necessary to comply with the County Health Department's regulations for food storage. The two residential units are already being used for restaurant office and 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 restaurant's eight on-site parking spaces (Exhibit #4). This permit amendment, if approved, would legalize and make permanent the restaurant improvements (freezer and trash area) that exist in a portion of its rear on-site parking area (Exhibit #5).

Although, the proposed walk-in cooler/freezer and trash containment area would displace two on-site parking spaces, the remainder (17'x 41' area) 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 (Exhibit #5). The two parking spaces that would be displaced by the proposed development are the parking spaces that serve the two residential units on the property, as the residential parking would no longer be needed (the two residential units would be officially converted to on-site restaurant office and on-site restaurant storage use).

In regards to the proposed changes to the dining patio on Lot No. 15, the applicants are requesting an after-the-fact approval to permanently wall off a 315 square foot portion of the dining patio and convert the area to a 7'x 45' utility room and bus station (Exhibit #5). The proposed conversion of 315 square feet of customer service floor area on the Lot No. 15 dining patio to non-customer service area would give the restaurant credit for the proposed 315 square foot sidewalk dining area (and avoid an increase in parking requirements). The applicants have submitted photographs (c.1989) that document the fact that the area now occupied by the 7'x 45' utility room and bus station was formerly part of the customer service floor area on Lot No. 15.

B. Restaurant History

The restaurant and residential uses at the site have a long history, and have 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 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

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

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). The dining patio on Lot No. 15 was previously part of an established restaurant situated on Lot No. 16. The building on Lot No. 16 (not a part of this permit amendment), which formerly contained about sixty restaurant seats and one on-site parking space, was converted to retail use (t-shirt sales). 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 on the ground floor of 31 Washington Boulevard (Lot No. 14) that was Barry's Deli from 1982 until 1992. The C&O Trattoria's dining areas (approximately 170 seats) 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).

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, including the conversion of two residential units to restaurant accessory uses (office and storage) 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 residential uses on the site (which are proposed to be eliminated) are not given priority or other special protection by the Coastal Act, although their continued existence would not conflict with any provision of the Coastal Act.

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

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.

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, but not required. 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/Sidewalk Dining on the Washington Boulevard Sidewalk

The applicant is proposing to use a six-foot wide portion of the seventeen-foot wide public sidewalk for benches and sidewalk dining in front of the restaurant (Exhibit #5). The existing restaurant structure directly abuts the public sidewalk with no structural setback. Sidewalk dining areas exist on the public sidewalk in front of other restaurants along this block of Washington Boulevard. 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 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 six feet from the property line. The seventeen-foot wide sidewalk can, and already does, accommodate a six-foot wide sidewalk dining area. The remainder of the sidewalk must be kept clear of obstructions to public pedestrian use of the sidewalk. Also, since no additional parking is being provided for the restaurant, the sidewalk dining encroachment shall not result in any expansion or enlargement of the existing restaurant's total amount of customer service floor area (the sidewalk area occupied by the restaurant encroachment shall be offset by the closure/removal of an equal or larger amount of customer service floor area within the existing restaurant's property). Only as conditioned can the proposed project be found to be consistent with the public access policies of the Coastal Act.

E. 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.

Existing Parking Supply

Currently, the restaurant is deficient in its parking supply with only eight on-site parking spaces and a 170-seat capacity. A portion of the on-site parking area (two spaces) is being used for uses other than parking (e.g., 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 two spaces that will be displaced by the proposed improvements (Exhibit #5). The proposed walk-in cooler/freezer and trash area would replace the 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 above-stated findings from the Commission's November 14, 1984 approval of Coastal Development Permit 5-84-638 make it clear that the permitted restaurant and residential uses on the site may be maintained with the requirement to provide eight on-site parking spaces. The currently proposed development would eliminate the residential uses and reduce the on-site parking supply to six spaces. The two parking spaces that would be displaced by the proposed walk-in cooler/freezer and trash area are the parking spaces that serve the two residential units on the property, as the residential parking would no longer be needed (the two residential units would be officially converted to on-site restaurant office and on-site restaurant storage use). Although the proposal includes placing tables and chairs on the public sidewalk, there will be no net increase in the restaurant's total amount of customer service floor area. Since there would be no increase in customer service area, the applicants assert that there will be no increase in parking demand, and thus, no requirement to provide any additional parking supply. The remainder of the existing on-site parking area, a 17-foot by 41-foot area, would be maintained as the development's parking/loading area (Exhibit #5).

Parking Plan Analysis

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.

In this case, the proposed project will not increase the existing restaurant's demand for parking because there will be no increase in customer service floor area is being permitted. The parking requirements for restaurants in the Venice area, as set forth in the Commission's Regional Interpretive Guidelines for Los Angeles County and the certified Venice LUP, are based on how much customer service floor area or "service floor area" the restaurant uses.

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."

Policy II.A.3 of the certified Venice LUP requires that parking for restaurants be provided at the following rate: 1 parking space for each fifty square feet of service floor area, including outdoor service areas.

The applicant's plans show that the existing restaurant has approximately 3000 square feet of service floor area on Lot Nos. 13, 14 and 15, with a 170-seat capacity (Exhibit #4). This permit amendment, as conditioned, would not approve any enlargement or expansion of the restaurant's customer service floor area. Therefore, no additional parking is being required.

However, two of the restaurant's eight on-site parking spaces will be displaced by the new walk-in cooler/freezer and trash area proposed in the on-site parking area (Exhibit #5). This is permitted because the proposed elimination of the two residential units on the property will reduce the parking demand by two spaces (the Commission previously designated two of the on-site parking spaces as parking for the two residential units). Since the residential parking will no longer be needed when the two residential units are officially converted to on-site restaurant office and on-site restaurant storage use, these two parking spaces can also be eliminated. In order to ensure that the conversion of the residential uses does not result in any increase in service floor area or parking demand, Special Condition Two requires that the proposed restaurant office and storage uses on the second floor shall be directly associated with the existing permitted restaurant use on the ground floor of the structure, and that no customer service floor area or general office use is permitted on the second floor.

In regards to the proposed sidewalk dining area, Special Condition Three states that the sidewalk encroachment shall not result in any expansion or enlargement of the existing restaurant's total amount of customer service floor area, and that the total amount of sidewalk area occupied by the restaurant encroachment (315 square feet) is being offset by the closure/removal of an equal or larger amount of customer service floor area within the existing restaurant's property, specifically the 315 square foot utility room and bus station on Lot No. 15(Exhibit #5).

In order to protect the remaining on-site parking area Special Condition One requires that the remaining portion of the parking/loading area located behind the restaurant, as shown on **Exhibit #5 of the 1/29/04 staff report**, shall be maintained as the on-site parking and loading area for the restaurant. As conditioned, the on-site parking area that serves the restaurant 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.

F. 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 will minimize water quality impacts and is consistent with past Commission action with regards to water quality requirements. A similar 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)], 205 Ocean Front Walk [Coastal Development Permit 5-01-177 (10/8/01)], and 18 Washington Boulevard [Coastal Development Permit 5-03-378 (1/15/4)]. The Commission, therefore, finds that, as conditioned, the development will be consistent with Sections 30230 and 30231 of the Coastal Act.

G. Unpermitted Development

Prior to applying for this coastal development permit amendment, some of the development on the site occurred without the required coastal development permit. The unpermitted development includes: the conversion of the two residential units to restaurant office and storage (Lot No. 14); the placement of a mobile refrigeration unit/trailer and trash containers

within the required eight-space on-site parking area (Lot No. 14); the construction of a wooden fence, wall and a utility room/bus station within the Lot No. 15 patio dining area; and the placement of tables, chairs and benches on the Washington Boulevard public sidewalk.

This application was submitted by the applicants in response to direction by the Commission's Enforcement Division after the applicants withdrew their previous amendment application (Amendment Application 5-84-638-A1) which addressed some, but not all, of the unpermitted development on site.

In regards to the mobile refrigeration unit/trailer and trash containers, the applicants are requesting Commission approval to replace the unpermitted development with the proposed new permanent refrigeration unit and trash enclosure in approximately the same location (Exhibit #5). In regards to the sidewalk encroachment, the conversion of the residential units to office and storage, and the unpermitted improvements on Lot No. 15, the applicants are requesting Commission approval as part of this permit amendment request. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition Six requires that the applicants satisfy all conditions of this permit amendment which are prerequisite to the issuance of this permit amendment 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. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit amendment, the Commission imposes one additional condition requiring that the property owners to 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 amendment 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.

I. 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).

J. 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

VENICE, CA



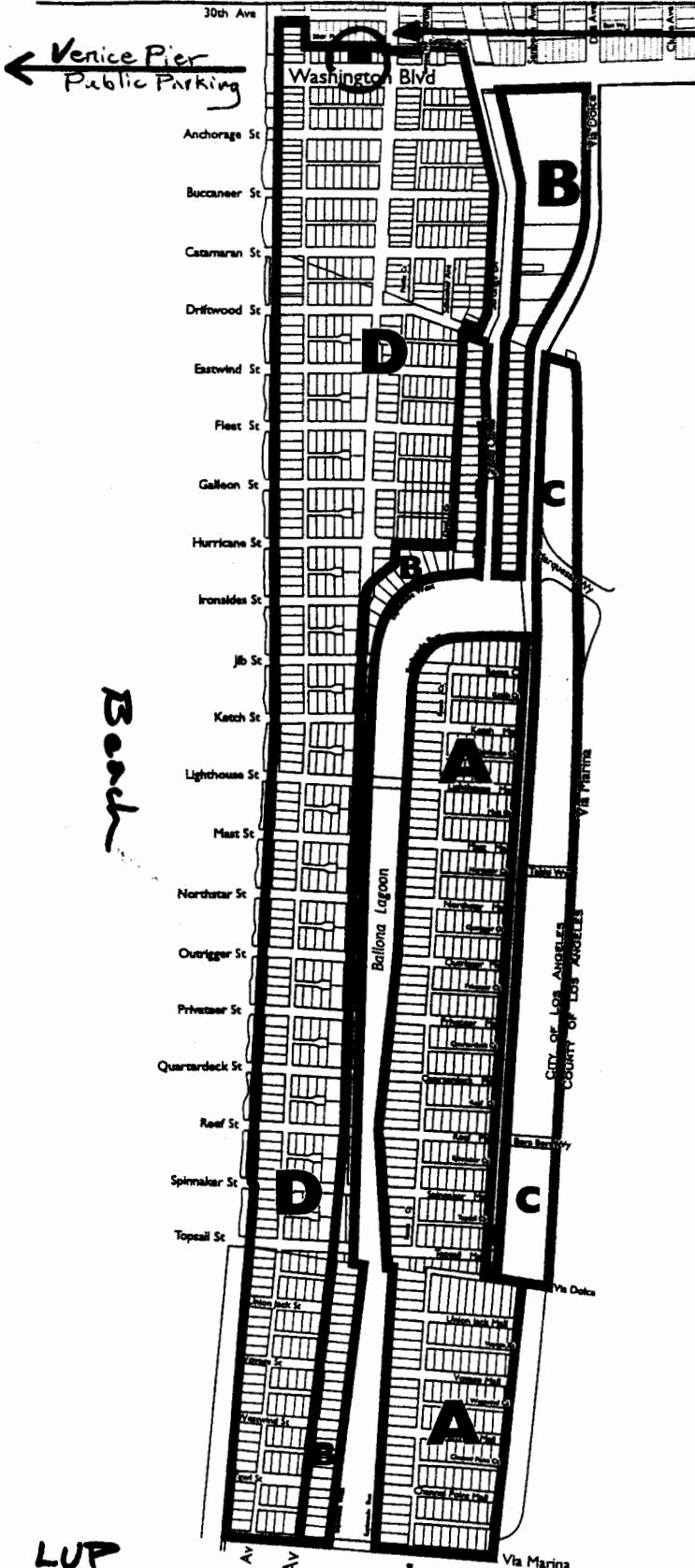
Site:

27-33 Washington Blvd.



COASTAL COMMISSION
5-84-638-A2

EXHIBIT # 1
PAGE 1 OF 1



Project Site:
 5-84-638-A2
 27-33 Washington Blvd.

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.

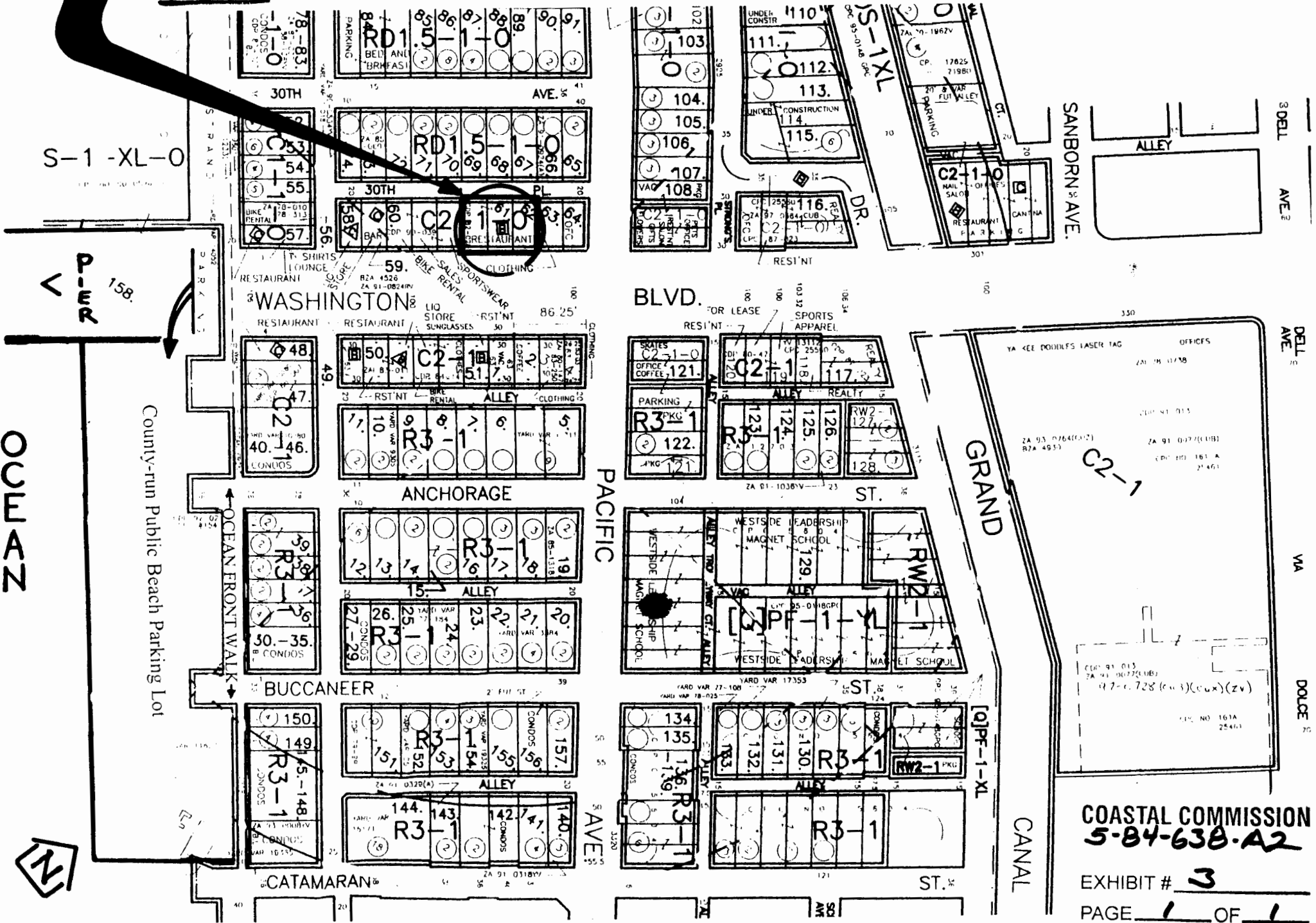
Boat

**LUP
 Exhibit 13
 Height**

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

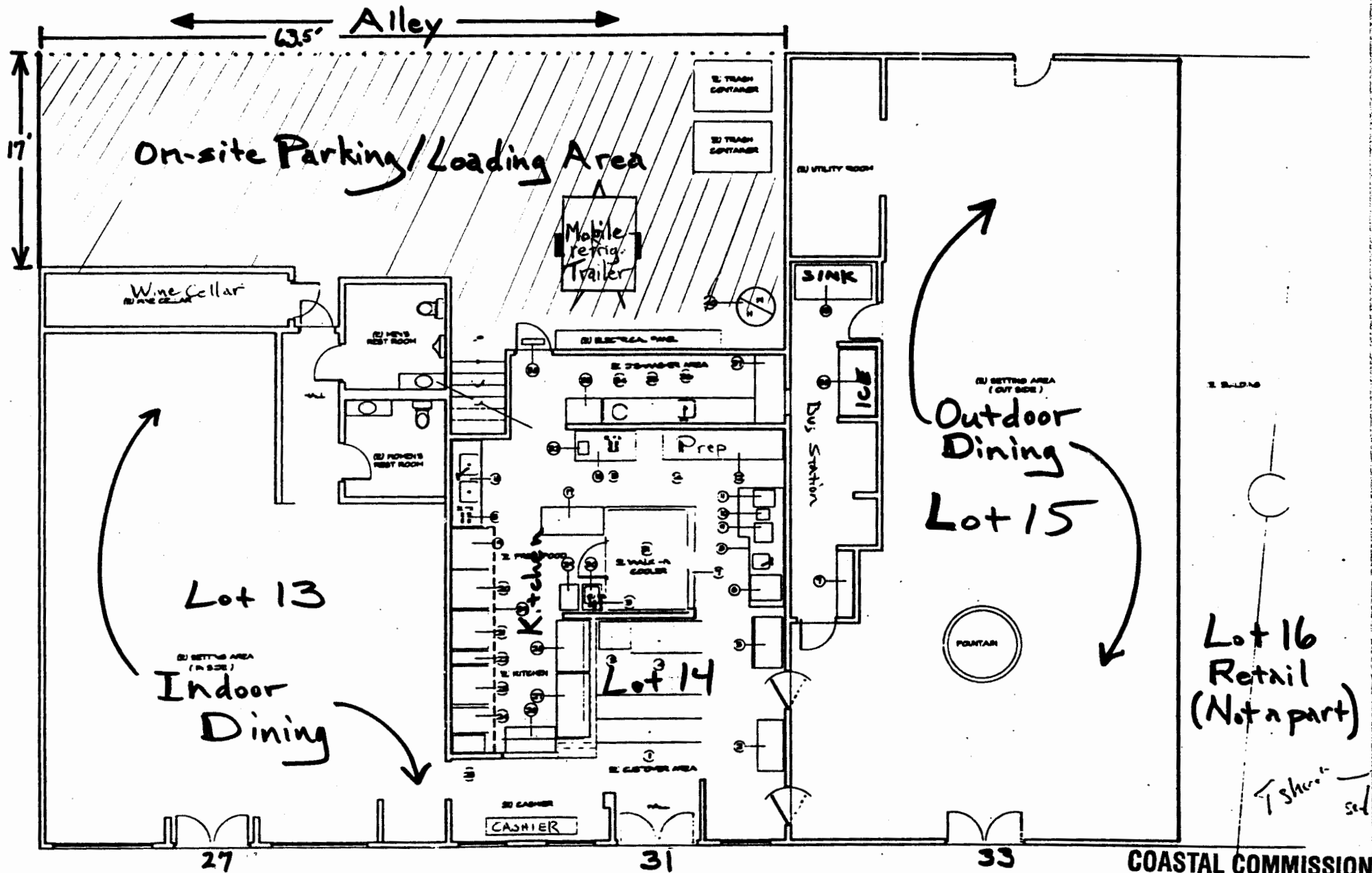


Site: 27-33 Washington Blvd.



COASTAL COMMISSION
5-84-638-A2

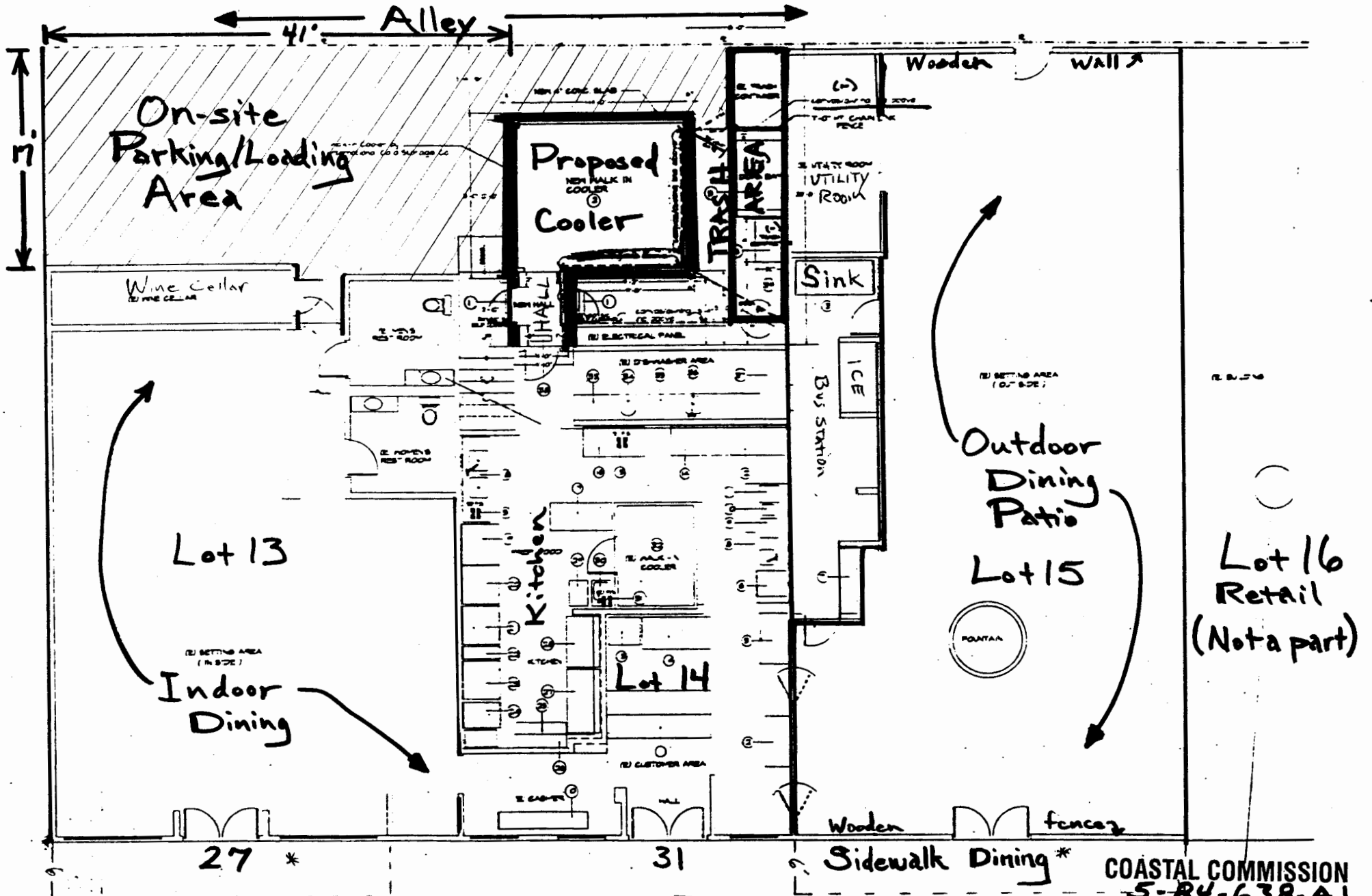
EXHIBIT # 3
 PAGE 1 OF 1



Existing Restaurant Plan
27-33 Washington Blvd.

COASTAL COMMISSION
5-84-638-A1

EXHIBIT # 4
PAGE 1 OF 1



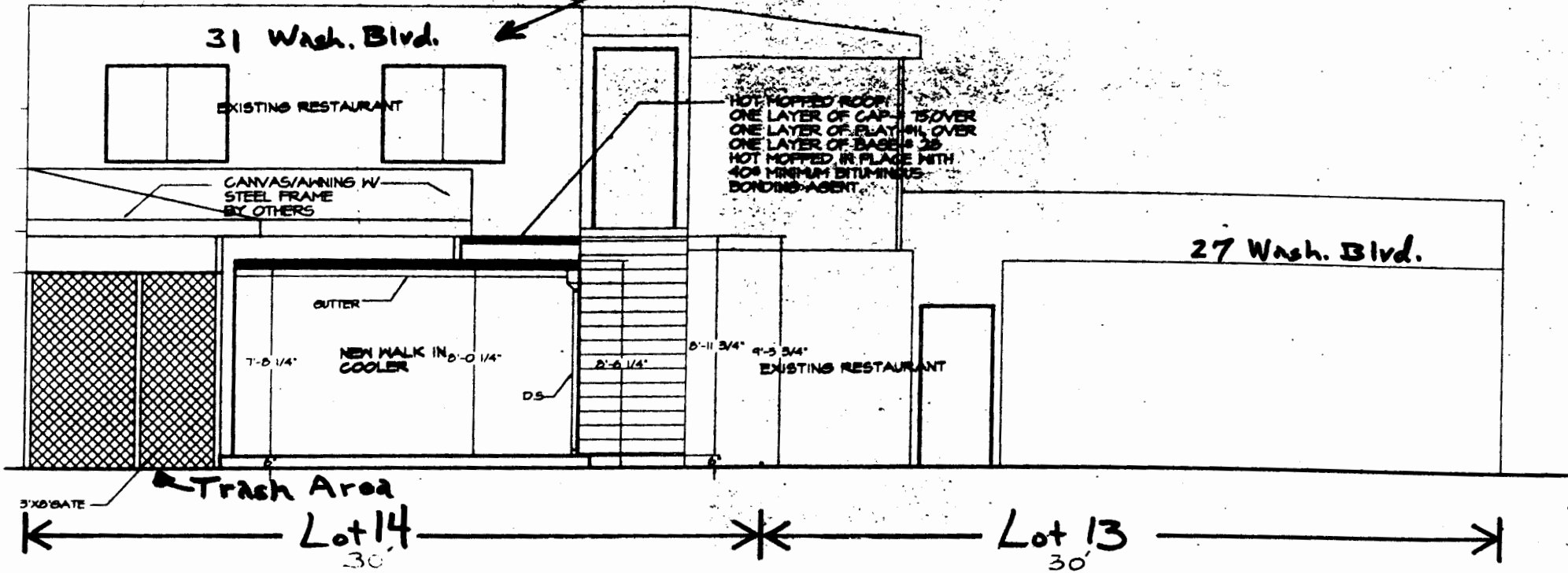
Proposed Restaurant Plan
 (with new Cooler, hall & Trash Area @ rear)

* Sidewalk dining area - 315 sq. ft. maximum

COASTAL COMMISSION
 5-84-638-A1

EXHIBIT # 5
 PAGE 1 OF 1

Two residential units to be converted to office & storage for restaurant.



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

October 8, 2003

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

RECEIVED
South Coast Region

OCT 15 2003

CALIFORNIA
COASTAL COMMISSION

5-84-638-A2

RE:5-84-638

Dear Mr. Posner:

Enclosed please find an Amendment Request Form to amend the existing permits to allow the Applicant restaurateur to construct a 14' x 12.5' walk in Cooler/Freezer and 14' x 4.75' hallway addition to the existing structure on a portion of the rear set back area currently used for parking, loading and trash collection; as more particularly shown on the attached plans as approved by the City and referenced in the Approval in Concept enclosed herewith.

The Amendment Request further addresses the issues raised in that certain Notice of Violation (Violation Number V-5-03-166) dated July 16, 2003 regarding alleged unpermitted development including: the placement of temporary walk in cooler/freezer and waste disposal units in rear on site parking area; dining area expansion and improvements including encroachment of sidewalk dining into public right of way; conversion of residential units; and unauthorized use of on-street parking as valet stations; by additionally seeking approval for:

1. The continued use of the existing temporary walk in cooler/freezer (pending approval and construction of the within proposed 14' x 12.5' walk in Cooler/Freezer and 14' x 4.75' hallway in rear on site parking area);

2. The continued use of the existing waste disposal units and trash compactor in rear on site parking area;

3. The continued use of the dining area and improvements including encroachment of sidewalk dining into public right of way w/copies of the City approval and Certificate of Occupancy enclosed;

COASTAL COMMISSION
5-84-638-A2

EXHIBIT # 7

PAGE 1 OF 6

California Coastal Commission
Attn: Chuck Posner
September 30, 2003
Page 2

4. Please note that use of on site parking spaces as valet stations has ceased;

5. The continued use of existing (since 1969) wood fences/walls located on 33 Washington as shown on Approval in Concept and plans.

6. The continued use of the two upstairs residential units as office and storage space for use by the existing on site restaurant w/ copies of the City approval and Certificate of Occupancy enclosed. The Applicant further seeks a reduction in the onsite parking requirements from eight parking spaces to six parking spaces reflecting the elimination of the corresponding condition that requires the applicant to provide one parking space for each of the two upstairs residential units;

Please note that historically one parking space has been required to be provided for each of the two upstairs residential units. 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 5-82-270 for an outdoor patio eating area at 27 Washington in conjunction with the existing food service at 31 Washington with a condition of Nine on site parking spaces. In 1984, the Commission approved 5-84-90 allowing eleven (11) off site parking spaces in lieu of six (6) of the required 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, which together with the three parking spaces provided at the rear of the building totaled eight 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 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 C & O Trattoria.

COASTAL COMMISSION
5-84-638-A2

EXHIBIT # 7
PAGE 2 OF 6

SIEGEL & SIEGEL

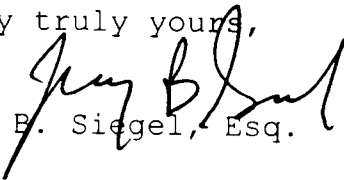
California Coastal Commission
Attn: Chuck Posner
September 30, 2003
Page 3

Robert Singer, as President, has executed the Amendment Request Form on behalf of the El Jay Corporation as the Lessee of the entire premises known as 27/31 Washington. Robert and Debbie Singer have also executed the Amendment Request Form as the Trustees of the Robert and Debbie Singer 1989 Trust, the owner of the premises known as 33 Washington. Mr. Tino McDemas has also executed the Amendment Request Form as the Trustee of the McDemas Family Trust.

Also enclosed are the certified owners and occupant list, envelopes and radius maps.

If you have any questions, or desire further information, please feel free to call.

Very truly yours,


Jay B. Siegel, Esq.

JBS: slk
CC: Clients

COASTAL COMMISSION
5-84-638-A2

EXHIBIT # 7
PAGE 3 OF 4

CITY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING

REVOKED

REVOCABLE PERMIT

Date Issued: 3/27/2003

Application No: 640

Revocable Permit No: 50806

<p>Permittee Robert E. Singer and Debbi Singer, Trustees of the Robert and Debbi Singer 1989 Trust</p>	<p>Street or R/W Affected, Street Classification, Item(s) Encroaching, Width of Street Border, Depth of Encroachment(s). Place outdoor dining facilities consisting of 16 tables, 32 chairs, 8 benches, 10 planters, 5 portable patio heaters and 5 umbrellas and encroaching a maximum of 6 feet (as per attached Exhibit "A") into the public right-of-way. NOTES: 1. All tables and chairs, heaters and umbrellas are to be re- moved from the sidewalk during non-business hours. 2. The vertical distance from the sidewalk to the bottom of the umbrellas must be at least 7 feet. <i>Ref. No. 2003-0000-37</i></p>
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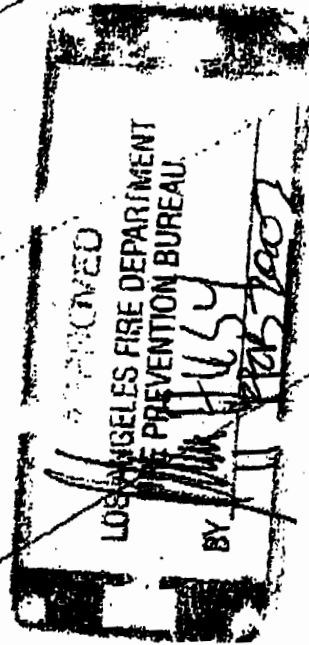
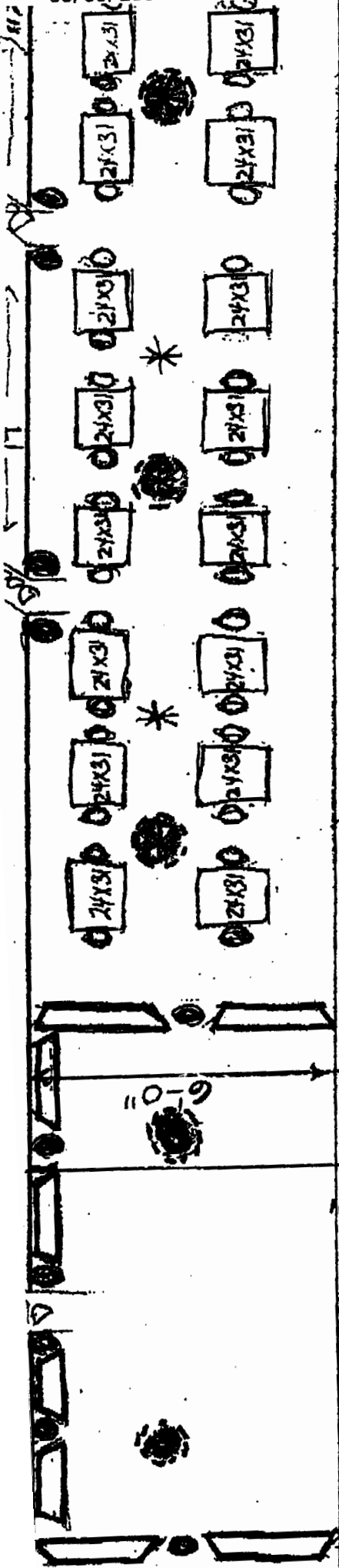
WEST LOS ANGELES DISTRICT OFFICE

<p>By: <i>[Signature]</i> Bernardo C. Nery</p>	<p>BPW Authorization Date 2/12/03</p>	<p>DESCRIPTION OF LAND PARCEL(S) Hse No Dir Street Name or Location 33 E Washington Blvd.</p>
<p>Construction Permit: _____ Street Plan: _____</p>	<p>Waiver No: 14808 Document No: 03-0685702</p>	<p>Pin No or District Map: 105 A 145 <input type="checkbox"/> Multiple land parcels involved Zone: _____</p>
<p>SFC: C-2003-850187</p>	<p>Insurance: BPW # 013858</p>	

*33 Washington Blvd.
6-foot sidewalk encroachment
for outdoor dining.
See Attachment "A" (next page).*

COASTAL COMMISSION
5-84-638-A2

EXHIBIT # 7
PAGE 4 OF 6



SIDEWALK

29-33 Washington Bl
(Three 30' lots)

COASTAL COMMISSION

EXHIBIT # 7
PAGE 5 OF 6

Attachment "A"
EXHIBIT "A"

* Where umbrellas are located
toilet enclosures they are replaced
by heaters. (See specs)

- 5 - * Umbrellas 33" dia.
- 10 - * Heaters 25" dia.
- 8 - * Benches
- 32 - * Stacking meters
- 16 - * Tables
- 5 - * Heaters 33" dia.

Land Use History - 27-37 Washington Blvd.

[See Exhibit #4]
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>VACANT FROM 1993 TO 1995</p> <p>FROM 1995 TO PRESENT 37 WASHINGTON HAS BEEN USED AS A T. SHIRT SHOP. (Not a part)</p>	<p>RESTAURANT PATIO USE FROM <u>1969</u> TO PRESENT.</p> <p>Pre-Coastal</p>	<p>SINCE 1983, 31 WASHINGTON HAS BEEN A RESTAURANT</p> <p>5-82-270</p>	<p>RESTAURANT PATIO SEATING SINCE 1982</p> <p>PRIOR TO 1982 27 WASHINGTON HAS BEEN USED AS A RETAIL SPACE</p>
		<p>← 5-84-090 — 5-82-865 →</p> <p>← 5-84-638 →</p> <p>* 5-84-638-A1</p>	
		<p>See Exhibit #8 for prior permits</p>	

C & D TRATTORIA

COASTAL COMMISSION
5-84-638-A2

EXHIBIT # 7

PAGE 6 OF 6

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.

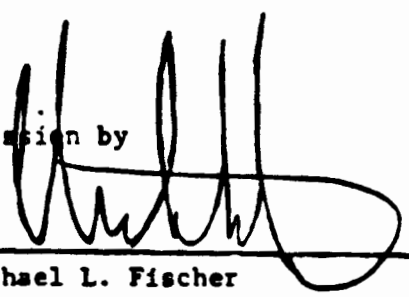
On November 14, 1984, the California Coastal Commission granted to
Yoon Soo Ahn c/o Barry's Deli

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

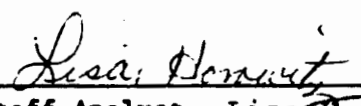
Description: Conversion of a portion of outdoor patio dining
area to five (5) on-site parking spaces.

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-A2

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: LD 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:

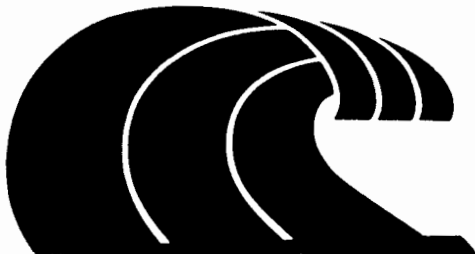
1. Permit No. 5-82-279 (Levine)
2. Permit No. 5-82-865 (Levine)
3. Permit No. 5-84-90 (Levine)
4. South Coast Regional Interpretive Guidelines for Los Angeles County

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

EXHIBIT # 8
PAGE 4 OF 33

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

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
PAGE 6 OF 33

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

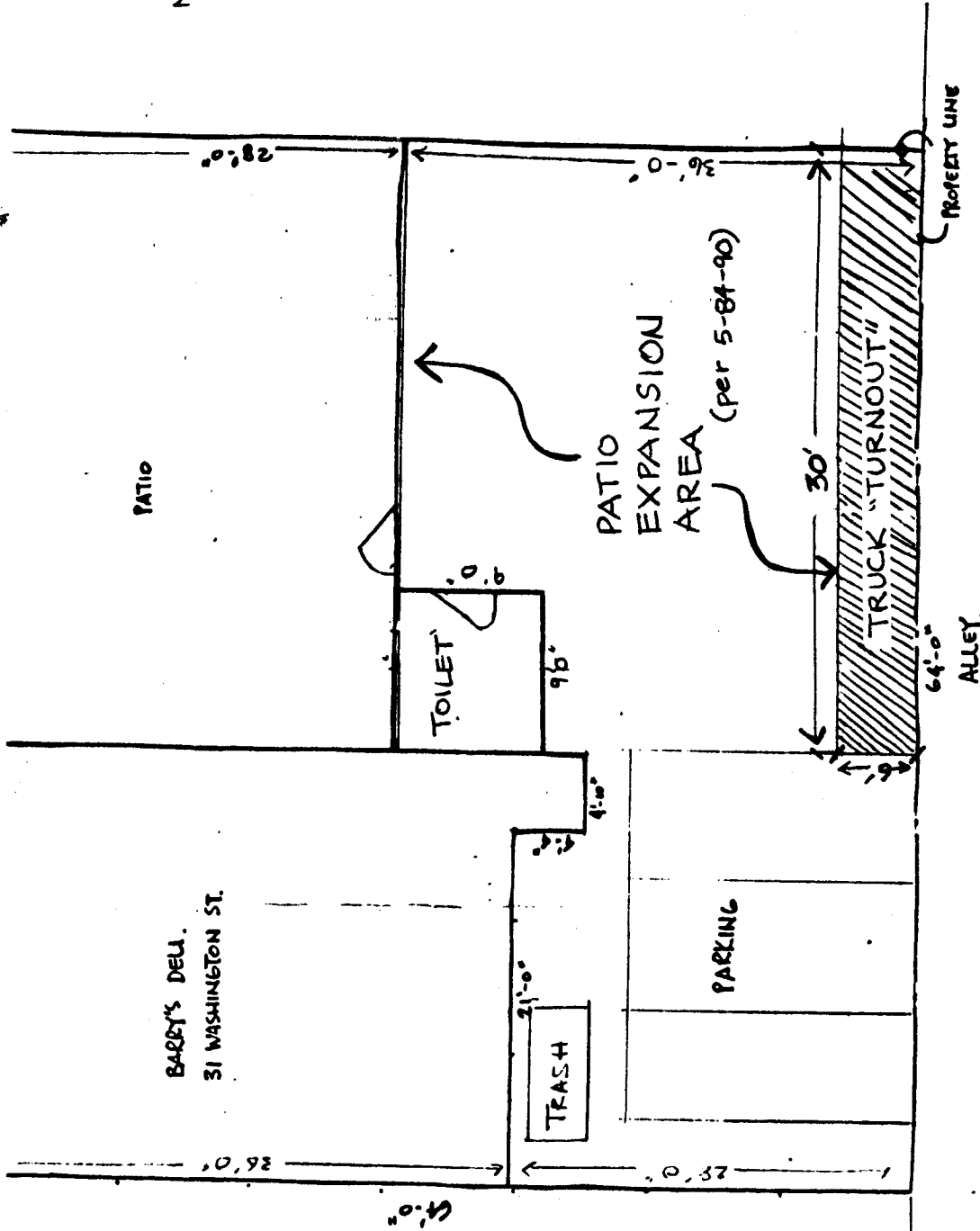
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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



NOTE:
NOT TO SCALE



PATIO

BARRY'S DELI.
31 WASHINGTON ST.

TOILET

TRASH

PARKING

PATIO
EXPANSION
AREA
(per 5-84-90)

TRUCK "TURNOUT"

64'-0"
ALLEY

PROPERTY LINE

CHEESE N' OLIVE

COASTAL COMMISSION

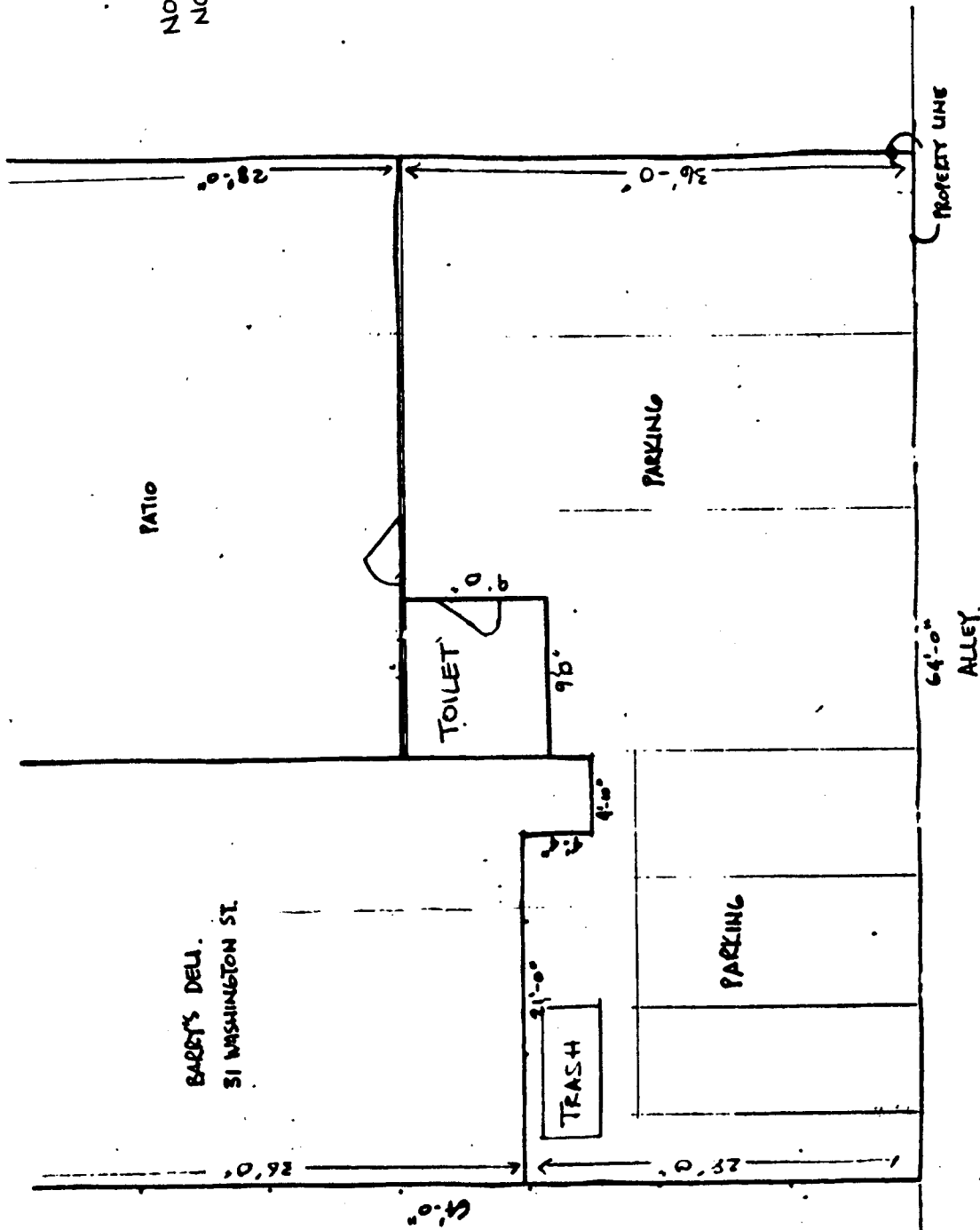
EXHIBIT # 8
PAGE 8 OF 33

5-84-638
(EXISTING)

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
JUN 12 1984
CA Coastal Commission

COASTAL DEVELOPMENT PERMIT

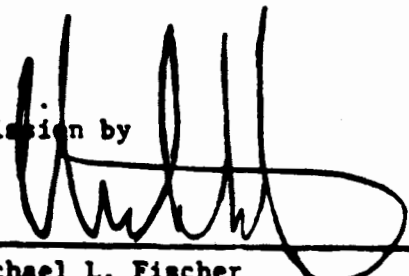
No. 5-84-90
Page 1 of 3

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.

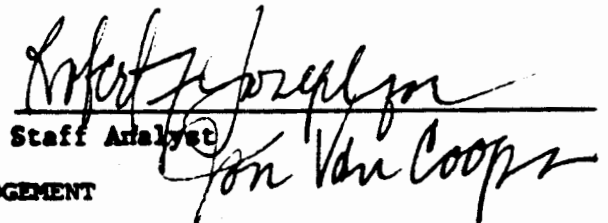

Site: 27 and 31 Washington St., Venice, City of Los Angeles.

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 of Permittee

PAGE 1 OF 1
Coast 11: 7/81

D. 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

EXHIBIT # 8
PAGE 11 OF 33

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.

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

PAVEMENT COVERAGE 1,890 sq. ft.

G.P., LUP draft, LUP adopt, LUP cert., LCP

PROJECT DENSITY —

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

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

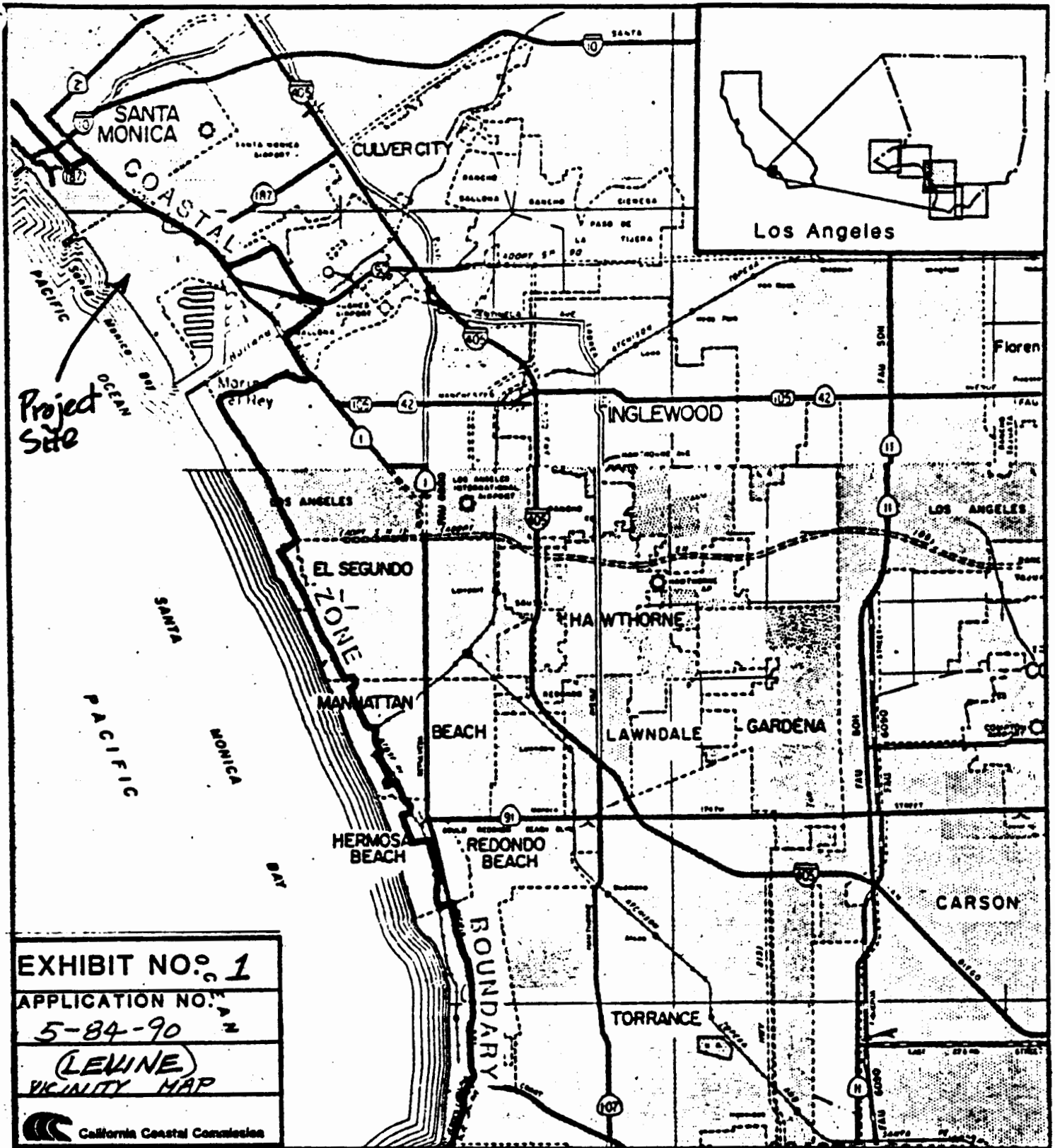



EXHIBIT NO. 1
 APPLICATION NO. **5-84-90**
(LEWINE)
 VICINITY MAP
 California Coastal Commission

 California Coastal Commission

LOCATION MAP


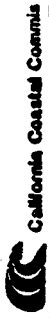
COASTAL COMMISSION

 EXHIBIT # **8** IN

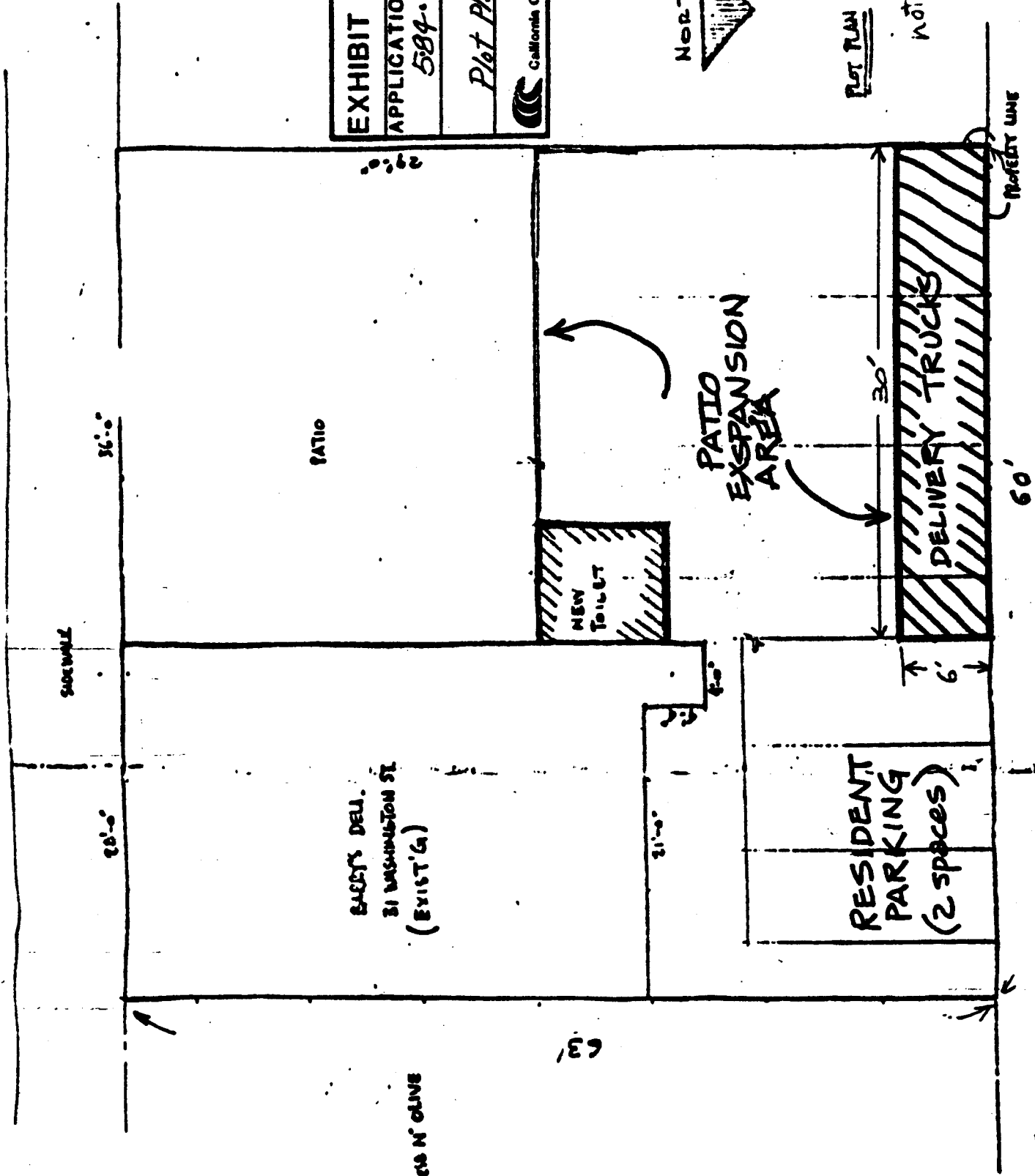
EXHIBIT NO. 2
APPLICATION NO.
584-90 (Levin)

Plot Plan



PUT RUN

NOT TO SCALE
JVC



COASTAL COMMISSION

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

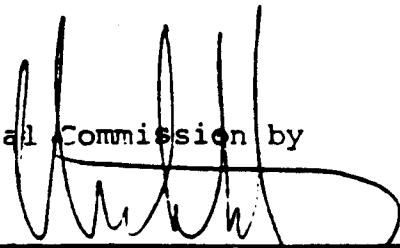
this permit for the development described below, subject to the attached Standard and Special conditions.

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

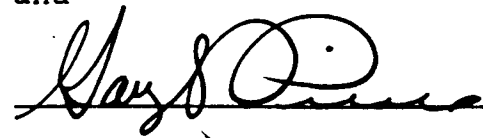
SITE: 27 and 31 Washington Street, Venice

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 signed by all terms and conditions thereof.

EXHIBIT # 8

Date

Signature of Permittee

PAGE 21 OF 33
5781



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.
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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:

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
PAGE 22 OF 33

State of California, ~~██~~
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

FILE COPY

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

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

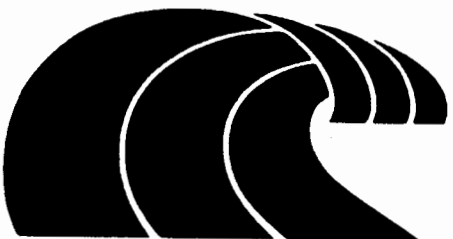
Date of Action: February 24, 1983

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 unque 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

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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.

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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

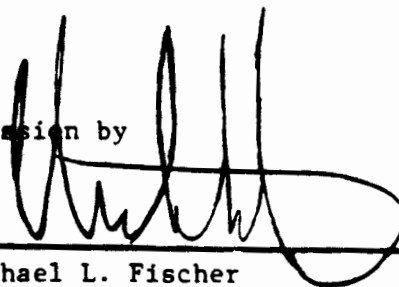
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On May 18, 1982, the California Coastal Commission granted to
Barry Levine 31 Washington Street, Venice, CA
this permit for the development described below, subject to the attached
Standard and Special conditions.

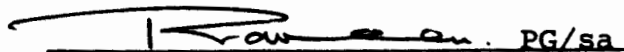
Necessary interior alteration of an existing retail shop to convert
it for take-out food service.

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

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Date

Signature of Permittee



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.

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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 *FG*
STAFF REPORT: 4/21/82 *mm*
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
PROJECT DENSITY n/a

LANDSCAPE COVERAGE 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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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.
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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

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(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:

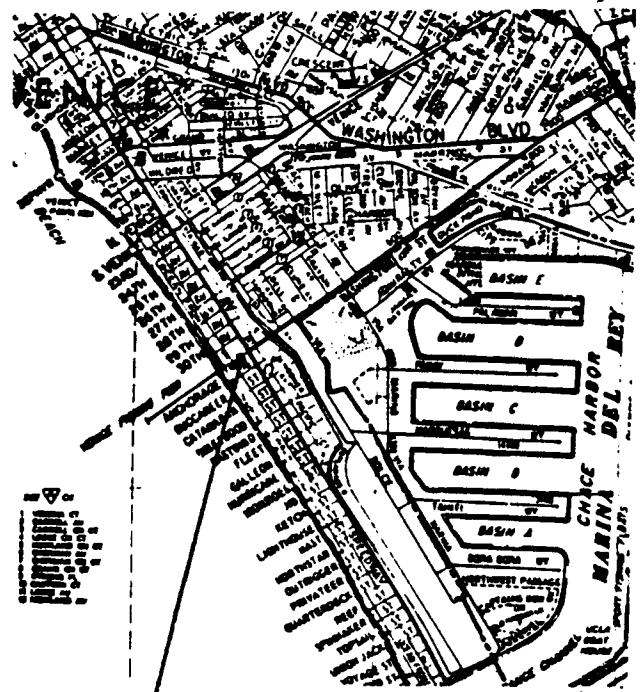
<p>Drive-In and Window Service Restaurants Providing Outdoor Eating Area or Walk-Up or Drive- Up Window Service</p>	<p>1 space for each 50 sq. ft. of gross floor area, but not less than 10 spaces for any such use. The above may be modified for walk-up facilities with no seating area (and beach-front 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.

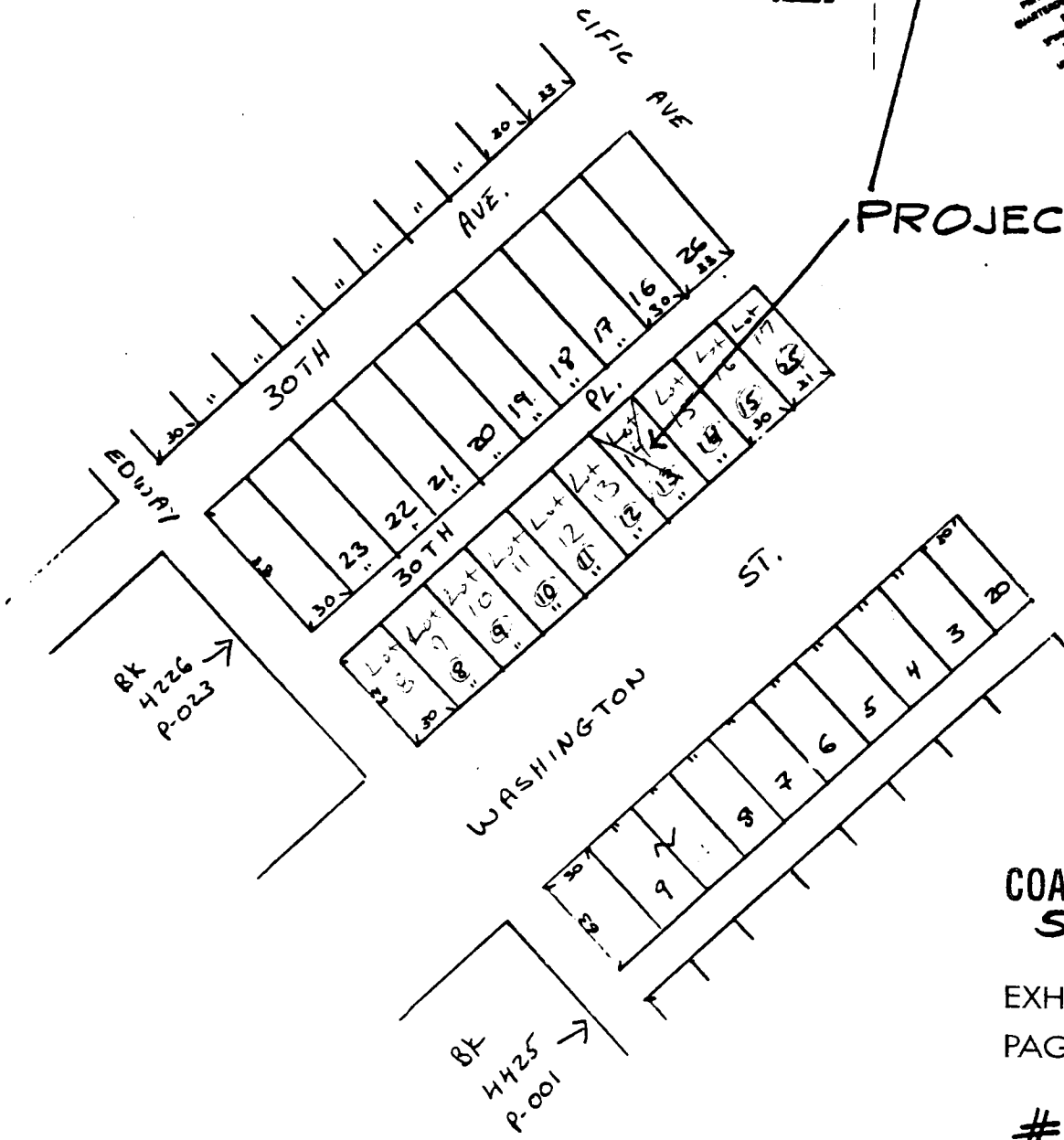
Therefore, the Executive Director determines that the project, as conditioned to provide 2 employee parking spaces and no sit down food service, will not have any adverse impact on public access and will be consistent with the policies of chapter 3 of the Coastal Act.

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PROJECT SITE

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COASTAL COMMISSION
5-84-638-A1

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VENICE

