

CALIFORNIA COASTAL COMMISSION

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W4d

Filed: 9/6/2007
49th Day: 10/25/2007
180th Day: 3/4/2008
Staff: Charles Posner - LB
Staff Report: 11/20/2007
Hearing Date: December 12, 2007
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-07-305**APPLICANT:** Richard Tong **AGENT:** Howard Robinson**PROJECT LOCATION:** 1915 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County**PROJECT DESCRIPTION:** Operate three open-air commercial vending stalls (totaling 726 square feet) in the front yard of an existing boardwalk-fronting lot developed with an existing two-story duplex and eight parking spaces.

Lot Area	4,005 square feet
Building Coverage	2,100 square feet
Pavement Coverage	1,905 square feet
Landscape Coverage	0 square feet
Parking Spaces	8
Zoning	R3-1
Plan Designation	Multi-family Residential - Medium
Ht above Street	24 feet (existing duplex)

LOCAL APPROVAL: City of Los Angeles Planning Department Zone Variance Case No. ZA-2006-10461-ZV (5/31/07).**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to permit compliance, provision and maintenance of on-site parking, protection of public access along the boardwalk, and trash removal. **See Page Two for the motion.** The applicant agrees with the staff recommendation. The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with certified Venice Land Use Plan (LUP) and the surrounding residential land uses. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare a Local Coastal Program (LCP).

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Land Use Plan for Venice, City of Los Angeles, 6/14/01.
2. Venice Specific Plan, City of Los Angeles Ordinance No. 175,693.
3. Coastal Development Permit 5-92-127 (Venice Family Clinic: Vending at 411 OFW).
4. Coastal Development Permit 5-96-025 (Grant: Vending at 419 OFW).

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

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

II. Standard Conditions

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

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

III. Special Conditions

1. Permit Compliance

Coastal Development Permit 5-07-305 approves, consistent with the following conditions of approval, the operation of three open-air commercial vending stalls (totaling 726 square feet) in the front yard of an existing boardwalk-fronting lot developed with an existing two-story duplex and eight parking spaces. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any proposed change or deviation from the approved plans, including change in the vending area, change to parking supply or change in use, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. On-site Parking

A minimum of eight (8) parking spaces shall be provided and maintained on the site, **as indicated by the applicant on Exhibit #4 of the 11/20/07 staff report.** Vehicular access to the site shall be taken only from the rear alley (Speedway). Vehicular access to the site is not permitted from the boardwalk (Ocean Front Walk). Two pairs of tandem parking spaces (four parking spaces) shall be reserved for the exclusive use of the two existing residential units on the property. Two pairs of tandem parking spaces (four parking spaces) shall be reserved for the exclusive use of the vending use permitted on the property. Each parking space shall be identified by a painting on the pavement indicating that the parking space is reserved for a residential unit or a vending space. All leases for residential units and vending spaces on the property shall reference this parking condition and shall identify which parking spaces are assigned for each residential unit and vending space. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit evidence, for the review and approval of the Executive Director, which demonstrates compliance with this condition.

3. Public Right-of-Way – Ocean Front Walk

The proposed project shall not interfere with public access and use of the public walkway (Ocean Front Walk) that fronts the project site. The development approved by this

coastal development permit is limited to the applicant's private property. Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to: vending activities, placement of tables or merchandise displays, and posting of signs.

4. Trash Removal

All trash generated by commercial activities on the project site shall be disposed of at the end of each day, or as soon as possible

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to operate three open-air commercial vending stalls (totaling 726 square feet) in the front yard of an existing boardwalk-fronting duplex (Exhibit #4). The project site is a 4,100 square foot residentially-zoned (R3-1) lot situated on the inland side of the Venice Boardwalk (Ocean Front Walk), between 19th and 20th Avenues (Exhibit #3). The existing two-unit residential structure on the property was built in 1934. Eight parking spaces are provided on the rear portion of the lot (Exhibit #4). The surrounding neighborhood inland of the boardwalk is primarily residential, but visitor-serving retail stores (facing the boardwalk) occupy most of the buildings on this block. The land seaward of the boardwalk is a public recreation area with a public beach, public parking lot, tennis and basketball courts, and a weight lifting gym.

The City of Los Angeles Planning Department has approved a variance to allow the proposed commercial activity on the residential zoned lot (Case No. ZA-2006-10461). No one appealed the City's issuance of the variance authorizing the vending use. In fact, the proposed vending activities have been operated on the property in prior years under earlier City approvals (but without a coastal development permit), so the proposed vending activities have been proven to be compatible with the existing character of the neighborhood. Public access along the boardwalk will not be adversely affected as a special condition prohibits any encroachments onto the boardwalk. The proposed project will provide additional visitor-serving uses in this highly popular coastal area and is consistent with the certified Venice Land Use Plan (LUP).

In regards to vending along the Venice Boardwalk, Policy I.B.10 of the certified Venice LUP states:

Policy I. B. 10. Open Air Sales Ocean Front Walk. *Ocean Front Walk is a significant tourist attraction where the operation of vendors shall be permitted at certain times of the year, with appropriate temporary use and parking requirements for vendors and their employees to ensure they are compatible with neighboring uses. Open air sales on private property shall be permitted through the City's conditional use permit/coastal development permit procedure. Constitutionally protected free speech activities on the seaward side of Ocean Front Walk shall be allowed and regulated by the Department of Recreation and Parks in order to ensure that public*

access and recreational opportunities are protected. Restaurant dining areas and other encroachments in front of commercial establishments on the inland side of Ocean Front Walk shall not be permitted to interfere with pedestrian access along the boardwalk.

In regards to parking requirements for vending activities along the Venice Boardwalk, Policy II.A.3 of the certified Venice LUP requires that "Open Air Vending" uses provide 1.25 parking spaces per vending stall or sales space. In this case, three vending stalls would require 3.75 parking spaces. Four parking spaces are proposed for the vendors' use. The Commission's parking standards for the Venice area, as set forth in the Parking Requirement Table of Policy II.A.3 of the certified Venice LUP, require the provision of two spaces per residential unit. Therefore, adequate on-site parking is proposed for the project, with four of the eight on-site parking spaces reserved for the two existing residential units, and four parking spaces reserved for the proposed vending activities.

As conditioned, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals, and approval of the project as conditioned would not prejudice the City's ability to prepare an LCP.

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Marine Resources and Water Quality

The proposed project is in a location where there is a potential for a discharge of trash and polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for adverse impacts to water quality, the Commission imposes a special condition requiring the appropriate disposal of waste generated by the proposed project to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

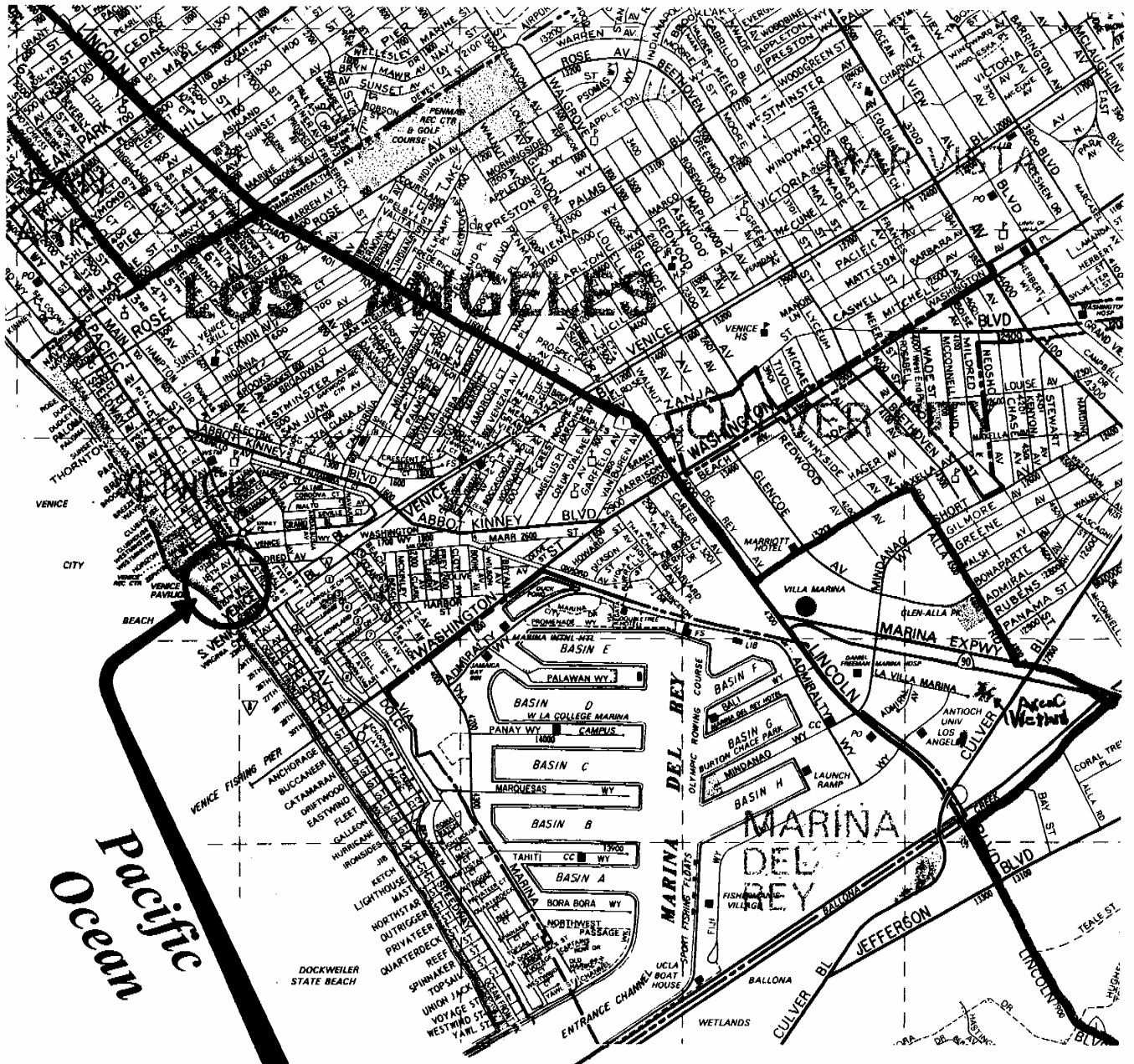
F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA

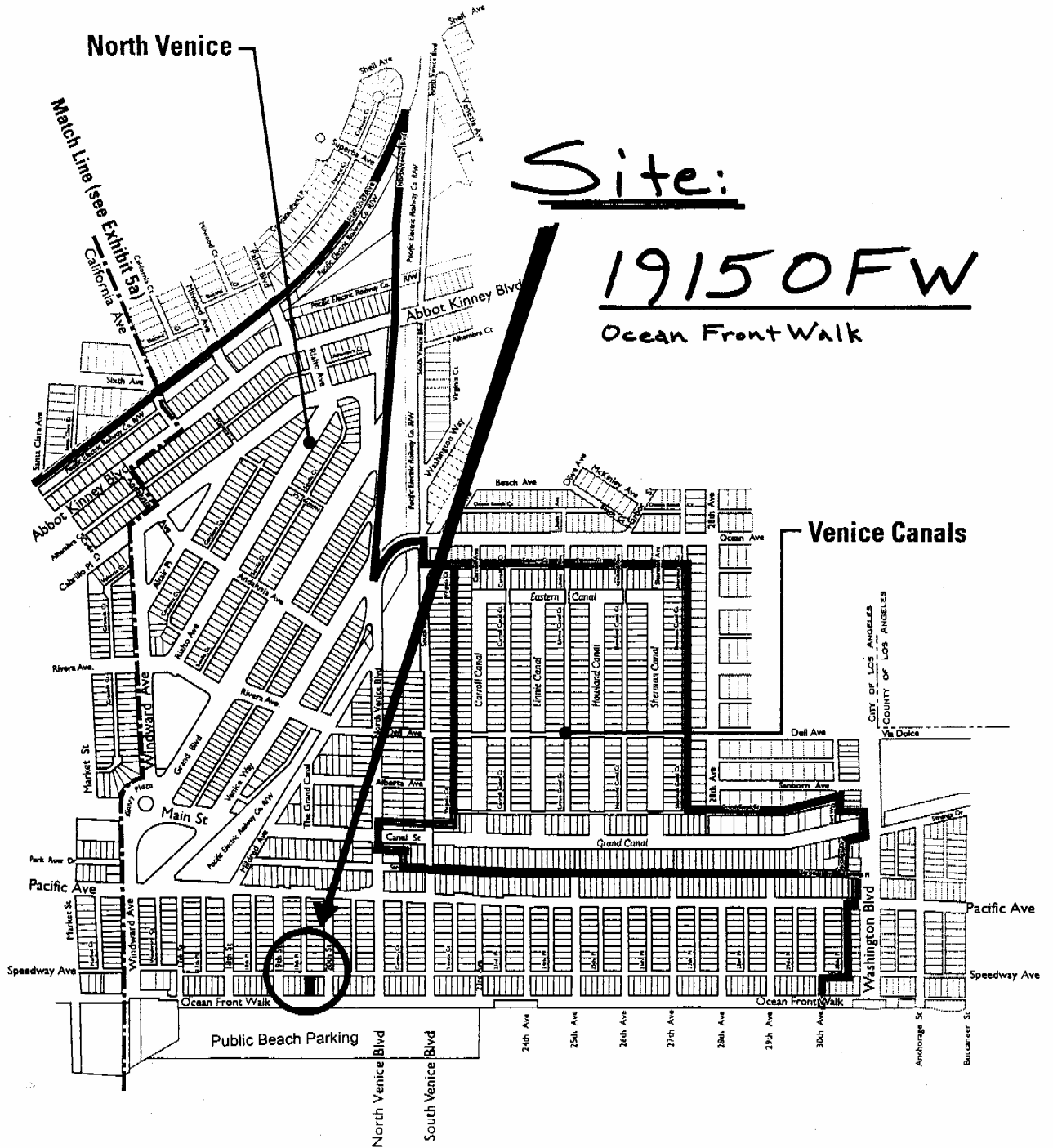


Pacific Ocean

Site: 1915 OFW



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EXHIBIT # 1
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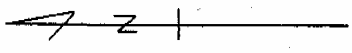
Site:
1915 OFW
 Ocean Front Walk

LUP
 Exhibit 5b
 Subarea: North Venice • Venice Canal

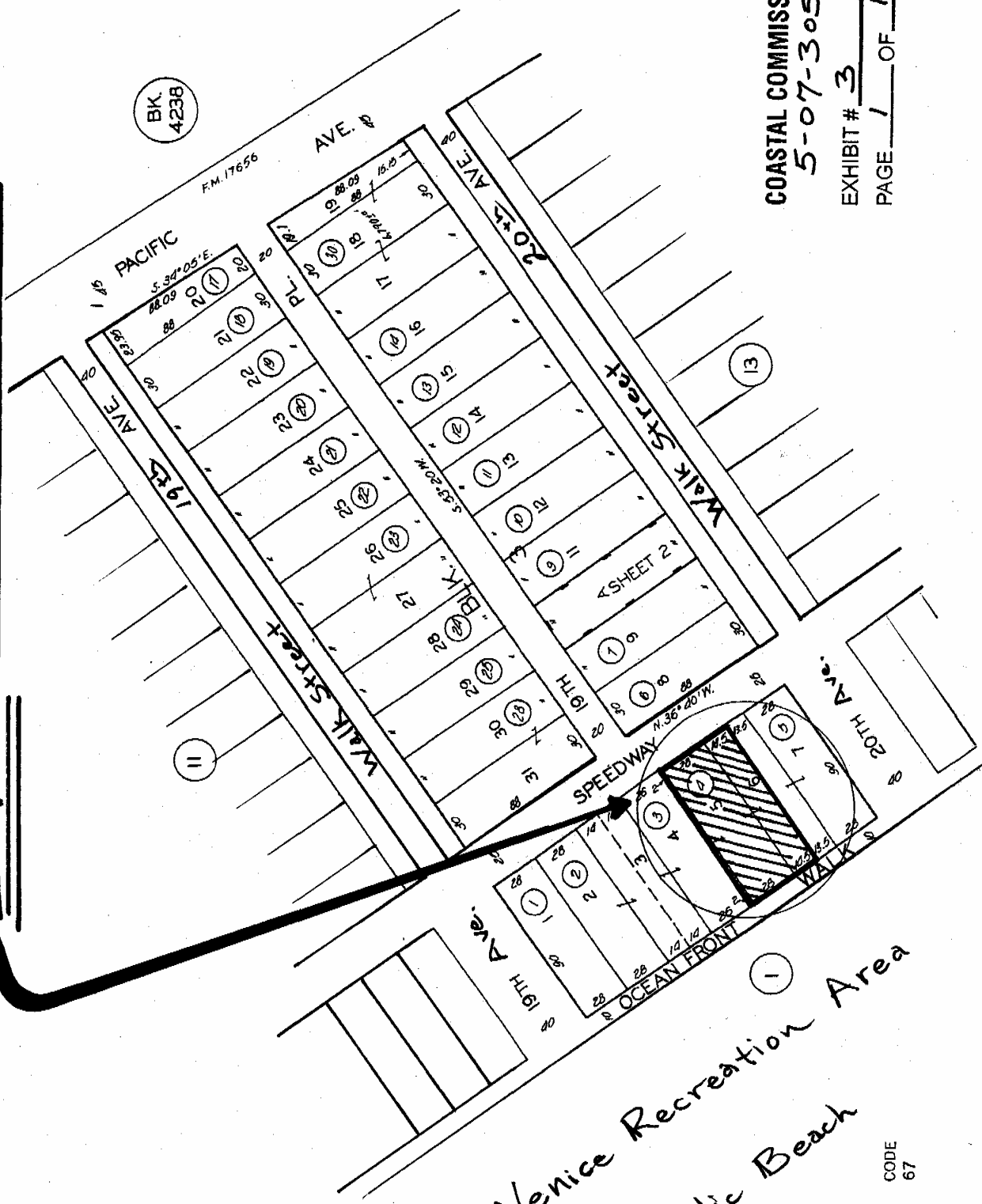
Not to Scale
COASTAL COMMISSION
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 EXHIBIT # 2
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4226 | 12
SHEET 1
SCALE 1" = 60'

1995 Site: 1915 OF W



BK.
4238



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EXHIBIT # 3
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CODE
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