

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**W3a**

Filed: 10/30/06
 49th Day: 12/8/06
 180th Day: 4/28/07
 Staff: Teresa Henry-LB
 Staff Report: 1/25/07
 Hearing Date: 2/14/07
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER: 5-06-373****APPLICANT: Elly Nesis****AGENT: Melynda Eccles, William Adams Architects****PROJECT LOCATION: 1501 Pacific Avenue, Venice, City of Los Angeles**

PROJECT DESCRIPTION: Convert existing 2,100 sq. ft. one-story professional office space with two parking spaces to retail and walk-up restaurant use (no seating).

Lot Area	3,840.9 sq. ft.
Building Coverage	2,076 sq. ft.
Pavement Coverage ¹	714.9 sq. ft.
Landscape Coverage	50 sq. ft.
Parking Spaces	2
Zoning	CM-1
Ht above final grade	16' 6"

LOCAL APPROVALS RECEIVED:

- 1) City of Los Angeles, Venice Specific Plan Project Permit Compliance, Case # DIR-2006-7229-SPP, 9/22/06.
- 2) City of Los Angeles, CEQA exemption 6/15/06

SUMMARY OF STAFF RECOMMENDATION:

The proposed project raises a potential public access issue under Sections 30210 and 30211 of the Coastal Act because it is deficient in parking. However, the building was constructed prior to the Coastal Act with no on-site parking, and the proposed uses,

combined, require less parking than the previous use. The proposed development is a visitor-serving use, a priority use under the Coastal Act, and is primarily an interior remodel of the existing building. Because the proposed project improves the parking ratio over the previous project, the proposed restaurant is walk-up only (no seating), the two proposed on-site parking spaces and in-lieu-fee payment for an additional space is adequate. Staff recommends approval of the proposed project with special conditions requiring a permit for future improvements in order to review future parking needs and a water quality management plan to deal with potential impacts of restaurant operations.

SUBSTANTIIVE FILE DOCUMENTS

1. City of Los Angeles Certified Land Use Plan, 2001
 2. City of Los Angeles, Venice Specific Plan
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I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

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. Water Quality:

A. Prior to issuance of this coastal development permit the applicant shall provide a water quality protection plan for the review and approval of the Executive Director. The plan shall include the following:

- 1) During demolition, the applicant shall comply with City of Los Angeles rules for controlling escape of dust, and contaminants. Applicant shall cover debris piles, remove piles within 48 hours, and place sandbags to prevent silt, debris, and other material from escaping the site. The rules shall be incorporated into the plans or other documents available at the job site.
- 2) Post-construction runoff. After construction, on site runoff shall be filtered as much as possible. Drainage and runoff from all impervious areas including roofs shall be directed through a gravel filled well or filter before it is diverted to the street. If feasible, post-construction structural BMPs (or suite of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. If this is not feasible, applicant shall provide written

calculations to that effect and an estimate of the capacity of the drainage/filtration system.

- 3) On site plantings. The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species as identified on the California Native Plant Society publication "California Native Plant Society, Los Angeles – Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20, 1992" and /or by the California Invasive Plant Council (Cal-IPC) (formerly the California Exotic Pest Plant Council).
- 4) Restaurant, trash and other materials. The applicant shall install grease traps and debris control to reduce runoff and other discharges from the take-out restaurant. As part of this, the applicant shall provide a plan for managing waste from the kitchen take out restaurant areas that shall include:
 - (a) covering waste,
 - (b) covered sidewalk trash bins,
 - (c) recycle/compost plant waste,
 - (d) grease traps shall not discharge to the sewer,
 - (e) instruct tenants/employees on water quality issues,
 - (f) avoid use of toxic substances that are persistent in the water supply to control pests,
 - (g) avoid use of Styrofoam containers and plastic film,
 - (h) interior and exterior wash down areas shall not discharge to the storm drain or parking lot,
 - (i) all containers shall be designed to resist scavenging animals.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal permit unless the Executive Director determines that no amendment is required.

2. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-373. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-06-373. Accordingly, any future improvements to the mixed use building authorized by this permit, including but not limited to a change in the number of on-site parking spaces, in the density or intensity of use, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-373 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. Deed Restriction

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

IV. **FINDINGS AND DECLARATIONS:**

The Commission finds and declares as follows:

A. Project Description and Location

The applicant proposed to convert an existing 2,100 sq. ft. one-story professional office building to a 2,067 sq. ft. building containing a 320 sq. ft. walk-up restaurant (kitchen only) and a 1,756 sq. ft. retail store. The structure currently has no parking spaces; the applicant proposes to provide two parking spaces on the lot and to pay an in lieu fee into a local parking fund¹ for off-site parking. The current use of the structure is a real estate office. The structure was built prior to the Coastal Act as a dentist office with no parking. Nearly the entire site is paved; the applicant proposes to re-install two planters. There is a narrow, 8" by 50' gravel filled strip on the northern property line, which the applicant proposed to use to filter some storm water run off, but most storm water will flow from the roof through the parking area to Zephyr Court, the alley.

The proposed development is located on the southwestern corner of Pacific Avenue and Market Street, one block inland of the beach, in a node of visitor-serving commercial development and older multi-family residential structures. Windward Avenue, the main tourist

¹ The Beach Impact Zone (BIZ) as adopted in the Venice Specific Plan and in LUP Policy II.A.4 is an area within 4 to 8 blocks inland of the beach that is historically deficient in parking. To mitigate the direct and cumulative impacts of the intensification of the area on public beach parking, the City of Los Angeles requires new commercial, industrial and certain multi-family development in this zone to provide either additional parking spaces on site or to contribute to the Venice Coastal Parking Impact Trust Fund to be administered by the City of Los Angeles Department of Transportation for improvement and development of public parking facilities that support public access to the Venice Coastal Zone. Exhibit 4 is LUP Policy II.A.4 explaining the BIZ parking requirements.

route to Oceanfront Walk is located one lot to the south of the proposed development. Pacific Avenue is the principal north-south collector street in this part of Venice.

In Venice, which is historically deficient in parking, the Commission has been concerned with the provision of parking in new or intensified development in order to protect public parking opportunities for beach goers. The certified Land Use Plan (LUP) parking requirements mirror those of the Venice Specific Plan, which includes parking standards that are in most cases identical to the parking standards found in the Coastal Commission Interim Guidelines. In its review of the project's compliance with the Venice Specific Plan, the City of Los Angeles granted an exception to the Venice Specific Plan parking standards. The City agreed that the existing structure has no parking, and grandfathered the 14 space deficiency for purposes of the remodel and change in use. The City agreed that under the Specific Plan (and the LUP), the existing development would have been required to provide 14 on site parking spaces (for sit-down restaurant), and that the new development would have been required to provide 17 spaces, including 3 BIZ parking spaces, one of which can be provided through the payment of an in-lieu fee (Exhibit 3). Therefore the applicant is required to provide 2 parking spaces on site, which he is proposing.

The proposed development includes the conversion from a professional office to a small walk-up only (no seating) restaurant and retail use. These are visitor-serving uses which are preferred under the Coastal Act. The project is also located in an area where there is pedestrian traffic; only one block from the beach. As proposed to provide 2 on-site parking spaces and pay into the Venice Coastal Parking Impact Trust Fund for the BIZ required parking space the proposed project can be found consistent with the public access provisions of the Coastal Act.

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 work will be occurring in a location where there is a potential for a discharge of 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 construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. Development

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project lacks adequate parking based on the Commission's typically applied parking standards. Though the project does not project adequate parking, the extent of improvements do not warrant that the deficient parking situation be corrected at this time since the project will not increase the intensity of use of the project site. Nevertheless, the Commission finds that a future improvements special condition be imposed so that the parking deficiency can be reviewed in the future. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, and the public access provisions of the Coastal Act.

F. Deed Restriction

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

G. 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.

H. 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.

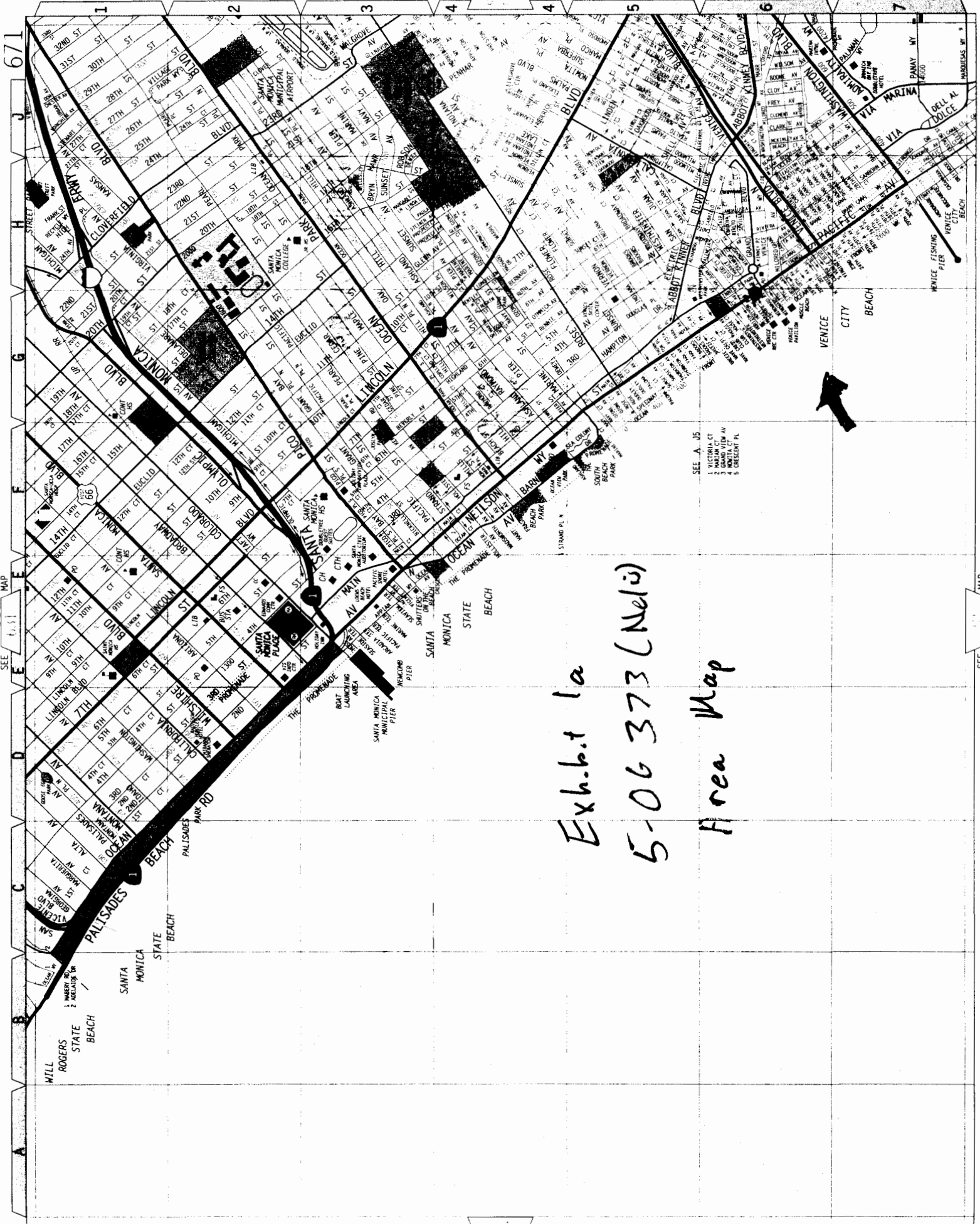
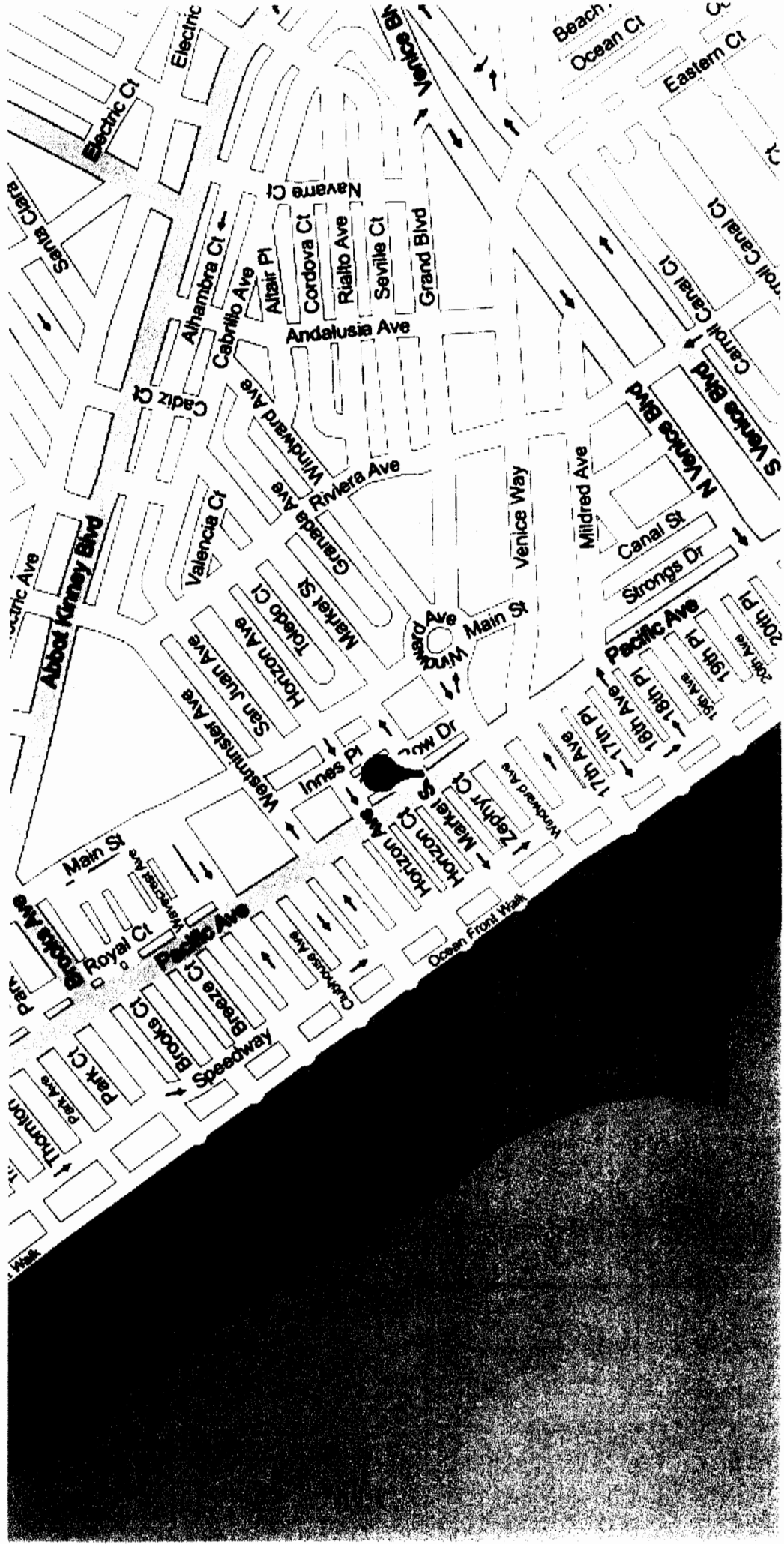


Exhibit la
 5-06373 (Ned)
 Area Map

SEE A. J5
 1. VICTORIA CT
 2. MARINA CT
 3. SANTA MONICA AV
 4. SANTA MONICA AV
 5. CRESCENT PL.



1501 Pacific ave
Los Angeles CA 90291

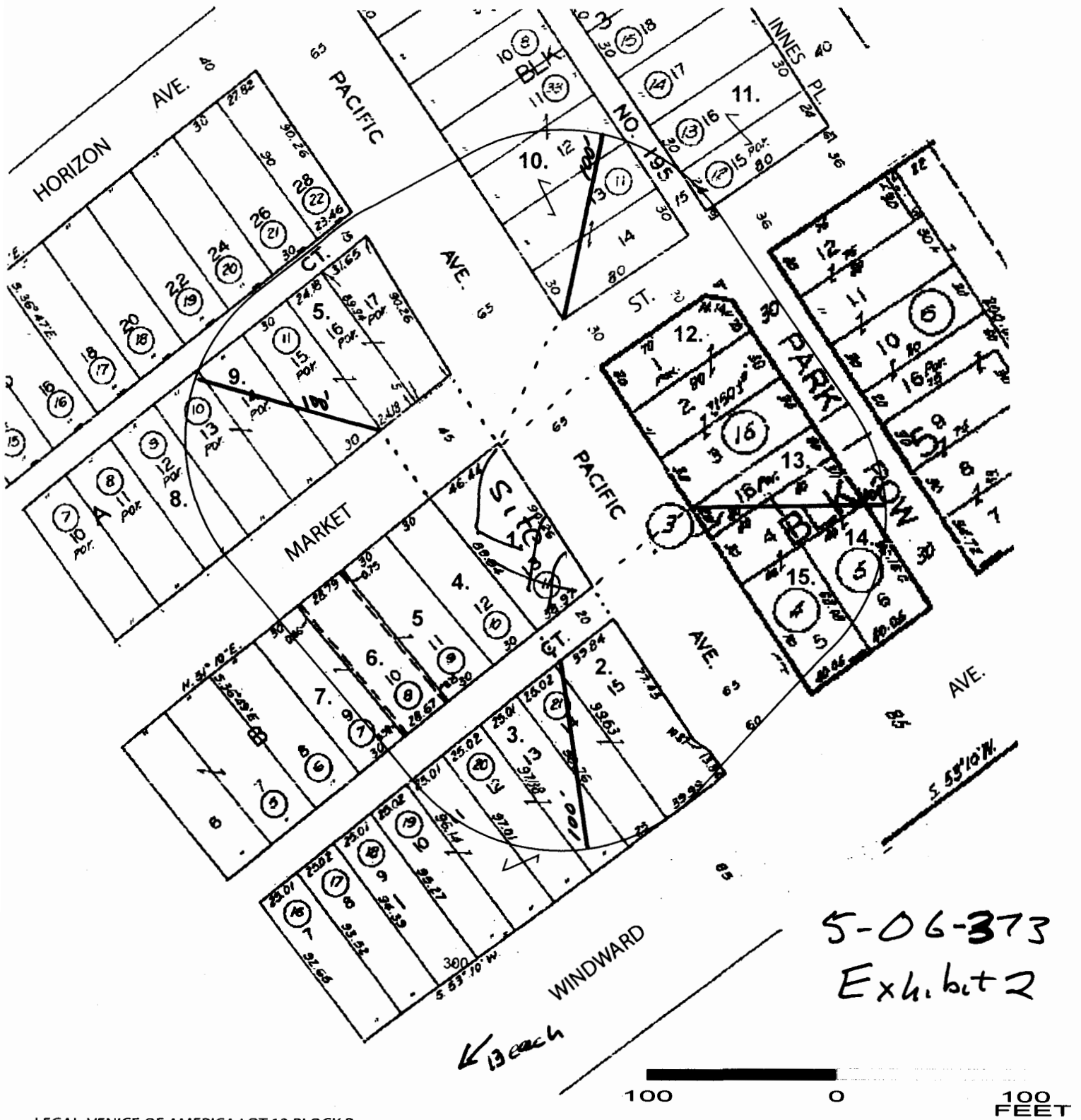


VICINITY MAP

JPL Zoning Services, Inc
6263 Van Nuys Blvd
Van Nuys, CA 91401

JPL # 5057

5-06-373 Exhibit 1 b



LEGAL: VENICE OF AMERICA LOT 13 BLOCK B

SITE ADDRESS:

1501 PACIFIC AVENUE
78 1/2 MARKET ST
LOS ANGELES CA 90291

LEGEND:

1. - 15. OWNERS

COASTAL DEVELOPMENT RADIUS MAP



JPL Zoning Services, Inc.
6263 Van Nuys Blvd
Van Nuys, CA 91401
(818)-781-0016

CASE NO:

DATE: 02-09-2006

USES: FIELD

CONTACT PERSON

MELYNDA ECCLES

PHONE: (310)-458-9397

JPL # 5057 AF



william adams
a r c h i t e c t s

450 san juan ave.
venice, ca.
90291
310.458.9397

RECEIVED
South Coast Region

OCT 30 2006

CALIFORNIA
COASTAL COMMISSION

MEMO

DATE: 10.25.2006
TO: California Coastal Commission
Pam Emerson, Chuck Posner
FROM: Carl Smith
RE: Coastal App # 5-06-373
ATTN: Pam/Chuck

Pan, Chuck:

Per your request, here is a description of the parking requirement/calculation for our project at 1501 pacific, Venice, CA.

The project involves a remodel of an existing 2100 sf building (we are actually reducing the square-footage to 2076 sf. The building was originally permitted as a dentist office (professional office) with no parking, see enclosed permit.

Per the Los Angeles Planning code and the parking requirements of the Venice Specific plan:

Professional office has a parking ratio of 1/150sf or, $2076/150 = 14$ spaces.
Since none were provided or exist, we have a **14 space parking credit** on the project.

The new use of the building will be 320sf restaurant and 1756sf retail space.
Restaurant parking ratio is 1/50 or, $320/50 = 6$ spaces
Retail has a parking ratio of 1/225 or $1756/225 = 8$ spaces
Also, the VSP requires BIZ spaces at a ratio of 1/640 or, $2076/640 = 3$ spaces
(you can pay an in lieu of fee for up to 50% of required BIZ spaces or, in this case, 1)

Therefore, $6 + 8 + 3 = 17$ required total, minus 14 credit and 1 BIZ (in lieu of)
 $17 - 14 - 1 = 2$

This means that 2 spaces are to be provided on-site.
(this calculation has been reviewed and approved by city planning, community planning and Building and Safety)

If you have any questions or comments, please feel free to contact me at: 310.458.9397
Thank You,

Carl Smith
William Adams Architects

5-06-373
Exhibit 3
parking

Venice certified LUP

- **Policy II. A. 4. Parking Requirements in the Beach Impact Zone.** Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund.

Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:

- a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.
- b. Multiple family residential projects in the BIZ shall provide an additional parking space for each 1,000 square feet of floor area of the ground floor for multiple dwelling projects of three units or more. Up to 100% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces. The recommended rates shall be established based upon the development cost study of the area.
- c. All in-lieu fees shall be paid into the Venice Coastal Parking Impact Trust Fund to be administered by the City of Los Angeles Department of Transportation for improvement and development of public parking facilities that support public access to the Venice Coastal Zone.
- d. In no event shall the number of BIZ parking spaces (over and above those spaces required by the parking requirements set forth in Policy II.A.3) required for projects of three or more dwelling units, or commercial or industrial projects, be less than one (1) parking space for residential projects and two (2) parking spaces for commercial and industrial projects.

Implementation Strategies

The in lieu fee for a BIZ parking space shall be established in the (LIP) at a rate proportional to the cost of providing a physical parking space.

5-06-373
Exhibit 4
BIZ Policy from the LUP