

CALIFORNIA COASTAL COMMISSION

South Coast District Office  
301 E Ocean Blvd., Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



W15a

5-90-789-E27 and -E28  
(PACIFIC COAST MANAGEMENT, LLC)

JULY 22, 2021

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## Exhibit 1—Project Location

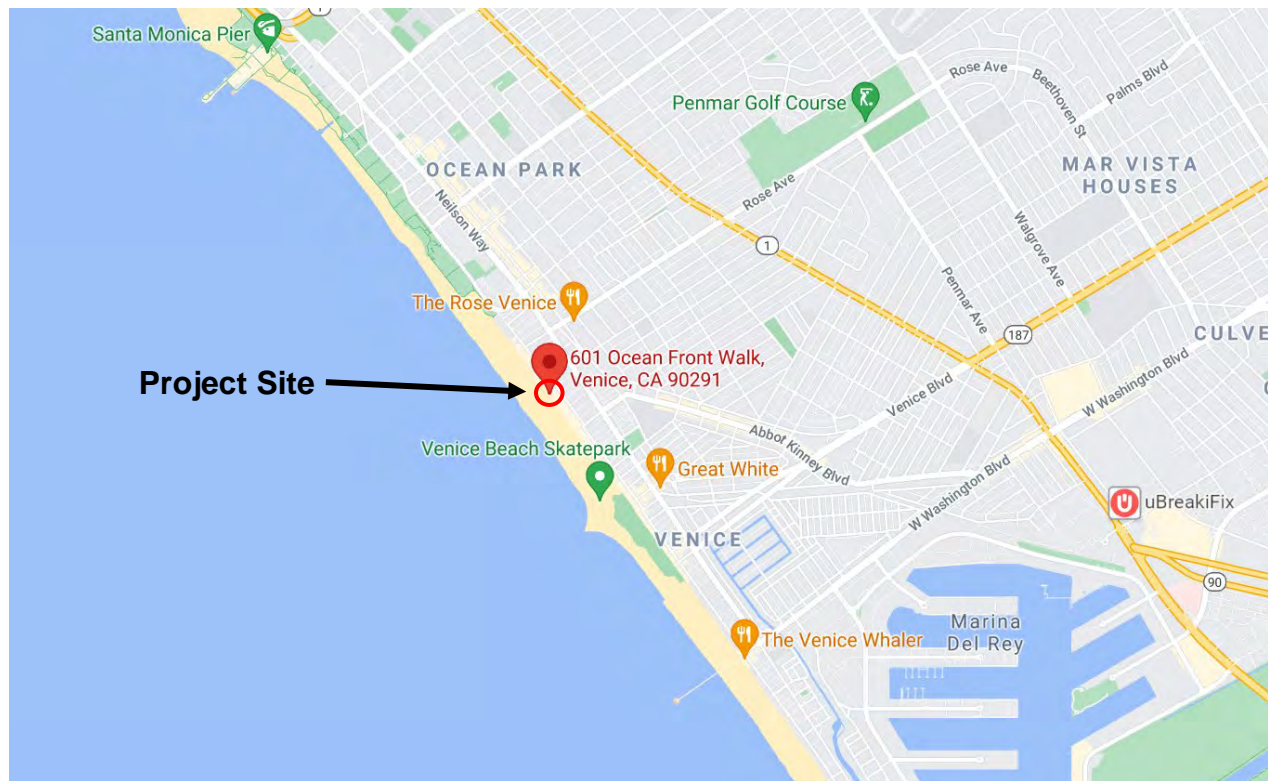
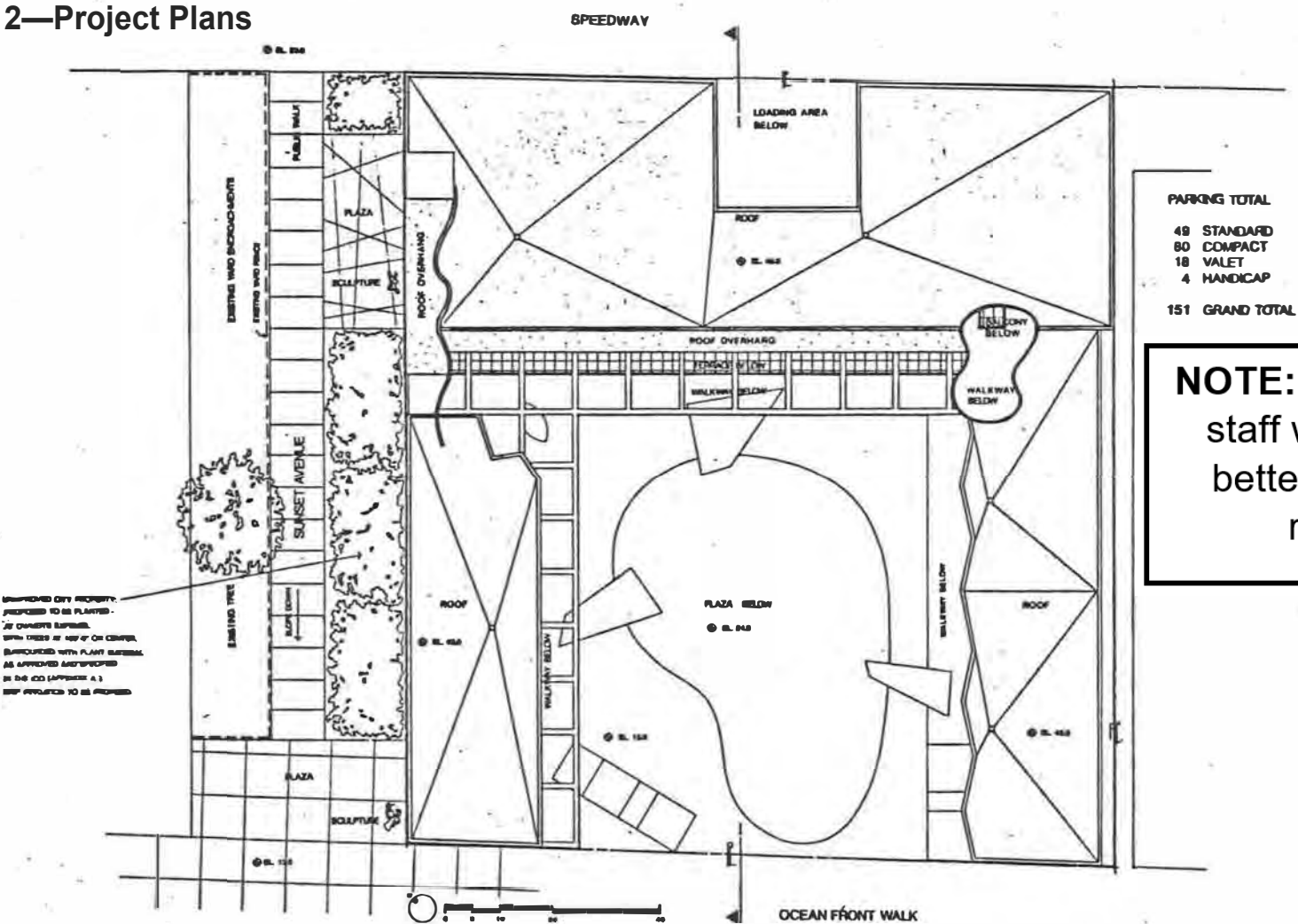


Exhibit 2—Project Plans



PARKING TOTAL

49	STANDARD
80	COMPACT
18	VALET
4	HANDICAP
151	GRAND TOTAL

**NOTE:** Plans are poor quality; staff were unable to obtain better quality from historic record or agents.

GROSS STRUCTURAL AREA CALCULATIONS PER CALIFORNIA COASTAL COMMISSION INTERPRETIVE GUIDELINES

	GROUND LEVEL	SECOND FLOOR	THIRD FLOOR	TOTAL
ENCLOSED CIRCULATION, MECHANICAL & TOILETS	1,766	894	827	3,487
RETAIL	9,438	2,019		11,457
THIRD FLOOR		2,019		2,019
OFFICE			4,909	4,909
TOTAL GROSS STRUCTURAL AREA	19,204	4,923	5,736	29,863

GROSS STRUCTURAL AREA CALCULATIONS PER CALIFORNIA COASTAL COMMISSION INTERPRETIVE GUIDELINES

OCEAN FRONT WALK/SUNSET BUILDING  
VENICE, CALIFORNIA

ARCHITECTURE PLANNING INTERIOR DESIGN

**ARQUITECTONICA**

INTERNATIONAL CORPORATION

1425 SOMMER STREET, SUITE 200, SAN FRANCISCO, CA 94115 (415) 398-9428

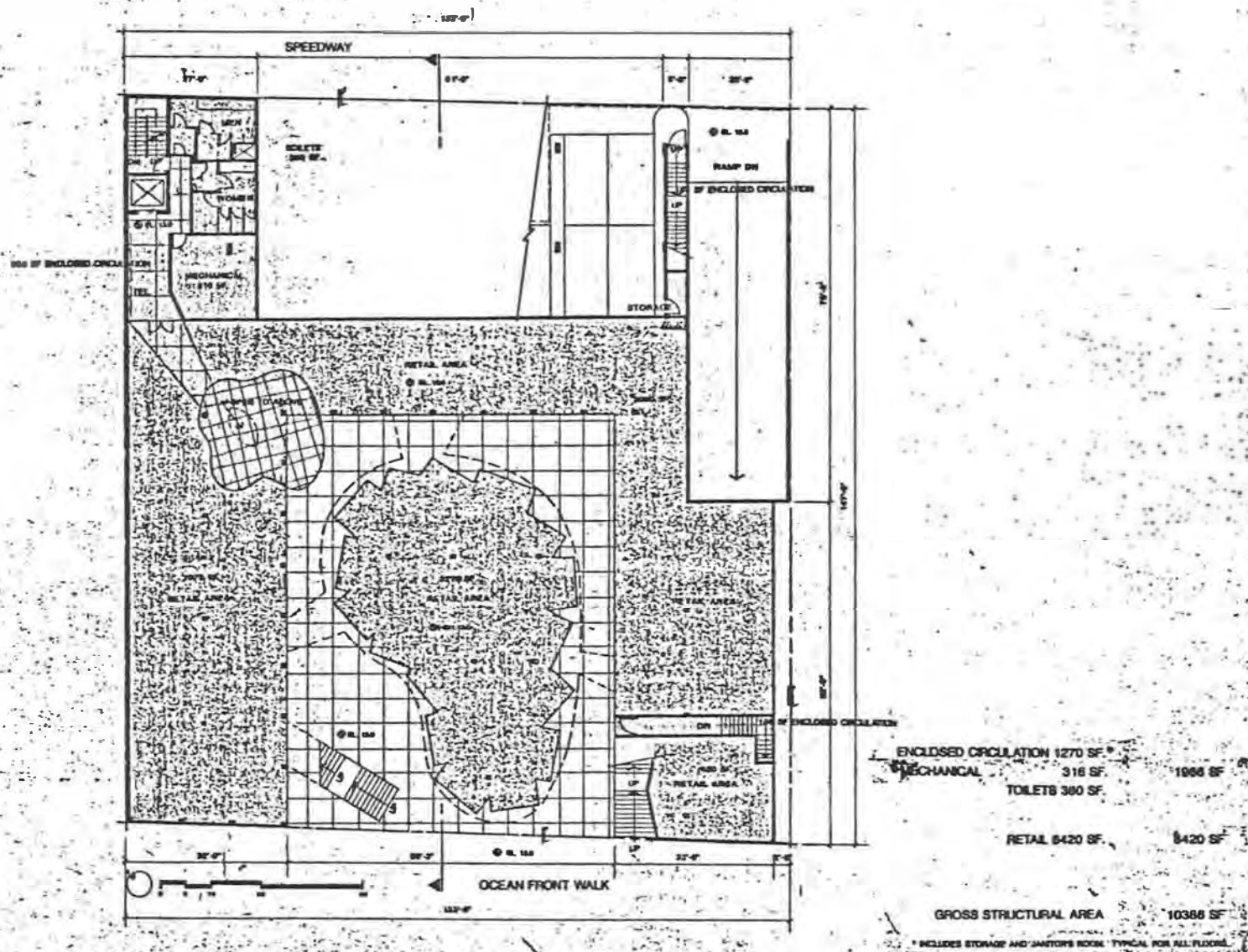
**SITE PLAN**

SCALE: 1" = 10'-0"

DATE: 8/24/88  
DRAWN BY: [signature]  
CHECKED BY: [signature]  
DATE: 8/24/88

NO. 88  
8807

NO. 11  
A1



GROSS STRUCTURAL AREA CALCULATIONS PER CALIFORNIA COASTAL COMMISSION INTERPRETIVE GUIDELINES

OCEAN FRONT WALK / SUNSET BUILDING

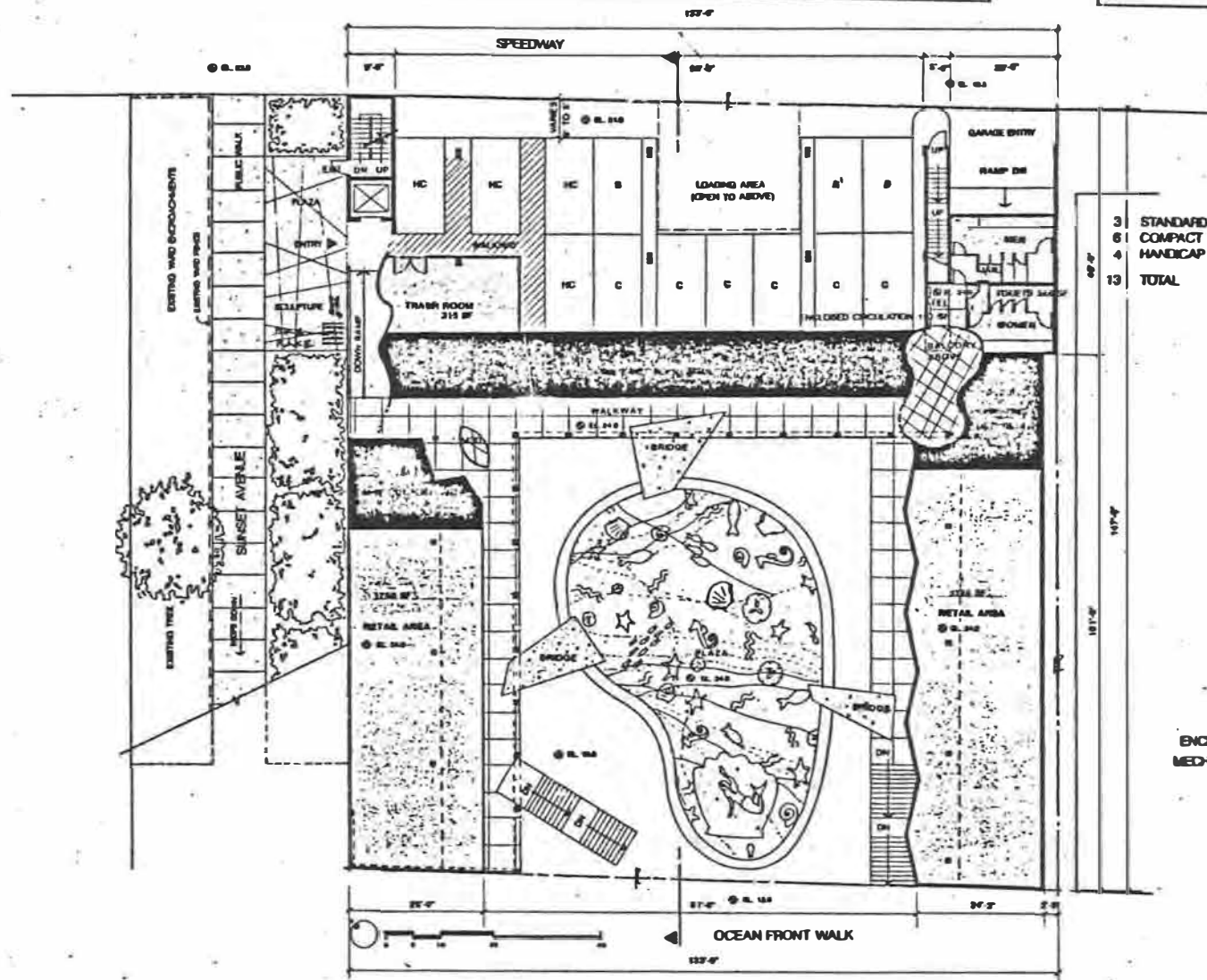
VENICE, CALIFORNIA

ARCHITECTURE PLANNING INTERIOR DESIGN  
**ARQUITECTONICA**  
 INTERNATIONAL CORPORATION

GROUND FLOOR PLAN

SCALE: 1" = 10'-0"

DATE: 8/25/88  
 DRAWN BY: 8807  
 REVIEWED BY: A4  
 CHECKED BY: A4



GROSS STRUCTURAL AREA CALCULATIONS PER CALIFORNIA COASTAL COMMISSION INTERPRETIVE GUIDELINES.

OCEAN FRONT WALK /SUNSET BUILDING

VENICE, CALIFORNIA

ARCHITECTURE *ARQUITECTONICA* INTERIOR DESIGN

INTERIORS & FORMATION

1000 S. GARDEN STREET, SUITE 230, SAN FRANCISCO, CA 94113 (415) 398-0000

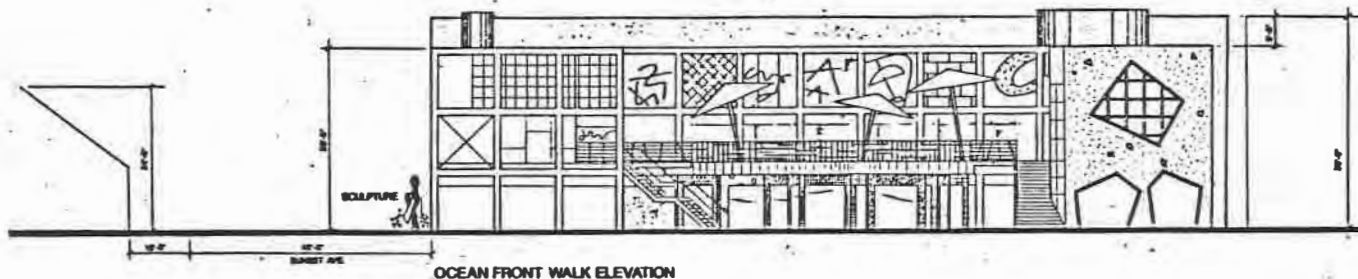
SECOND FLOOR PLAN

SCALE: 1" = 10'-0"

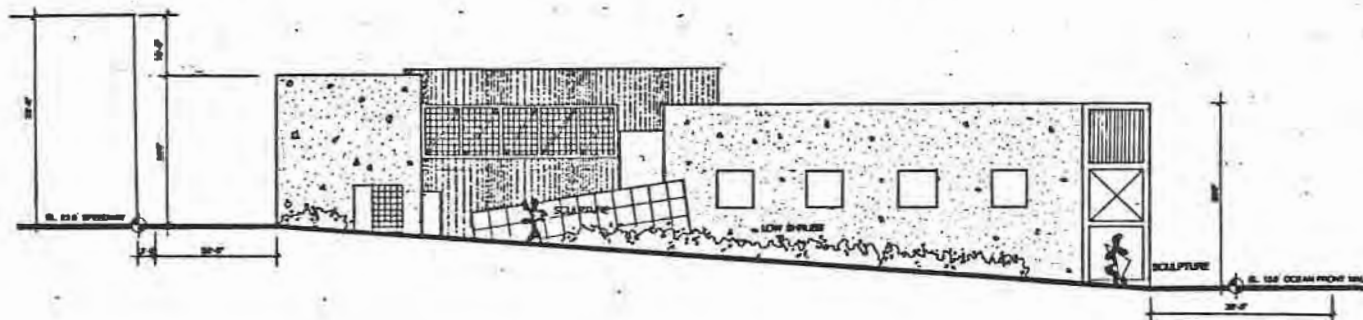
DATE: 8/23/04  
 DRAWN BY:  
 CHECKED BY: 4/2/05  
 1/3/06

SHEET NO.  
 8807  
 A5

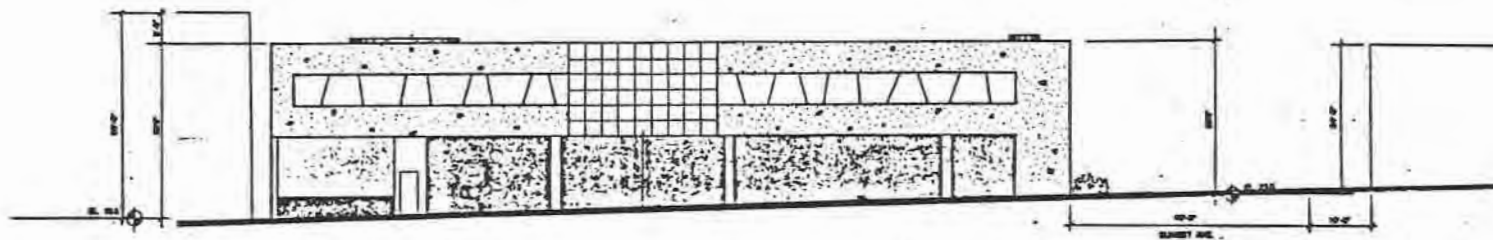




OCEAN FRONT WALK ELEVATION



SUNSET ELEVATION



SPEEDWAY ELEVATION



GROSS STRUCTURAL AREA CALCULATIONS PER CALIFORNIA COASTAL COMMISSION INTERPRETIVE GUIDELINES

OCEAN FRONT WALK/SUNSET BUILDING

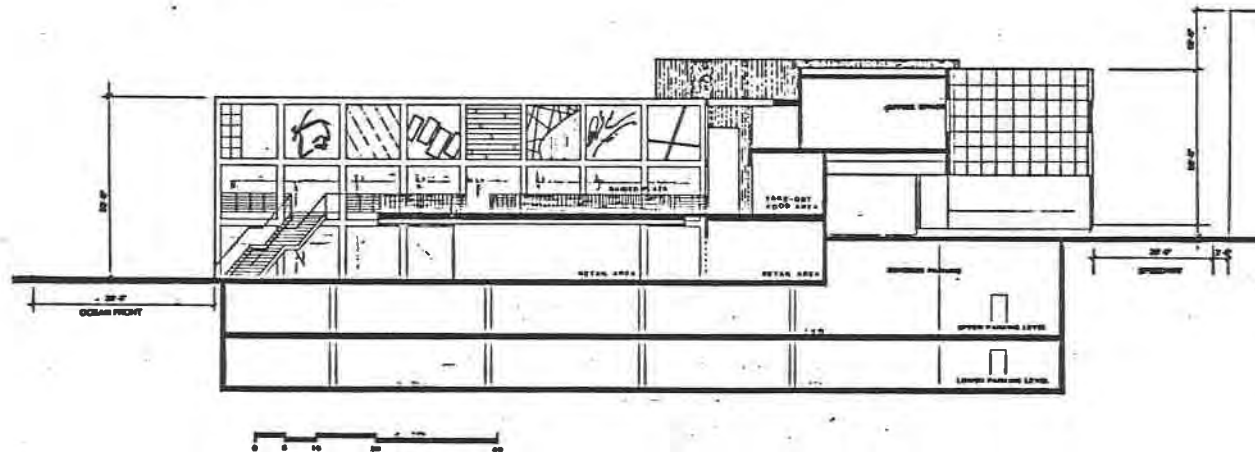
VENICE, CALIFORNIA

ARCHITECTURE PLANNING INTERIOR DESIGN  
**ARQUITECTONICA**  
 INTERNATIONAL CORPORATION  
 1225 Broadway Street, Suite 200, San Francisco, CA 94111 (415) 880-5400

ELEVATIONS

SCALE: 1" = 10'-0"

DATE: 1/25/08	JOB NO.: 8807
DRAWN BY:	
CHECKED BY:	
REVISIONS: 01/09	SHEET NO.: A7



GROSS STRUCTURAL AREA CALCULATIONS PER CALIFORNIA COASTAL COMMISSION INTERPRETIVE GUIDELINES

OCEAN FRONT WALK/SUNSET BUILDING

VENICE, CALIFORNIA

ARCHITECTURE

PLANNING

INTERIOR DESIGN

**ARQUITECTONICA**

INTERNATIONAL CORPORATION

1000 Broadway Blvd.

San Francisco, CA 94111 (415) 398-2400

SECTION

SCALE 1" = 10'-0"

DATE \_\_\_\_\_  
 DRAWN BY \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_  
 REVISIONS \_\_\_\_\_

PROJ. NO.  
**8807**

SHEET NO.  
**A8**

## Exhibit 3 – CoSMoS Figures

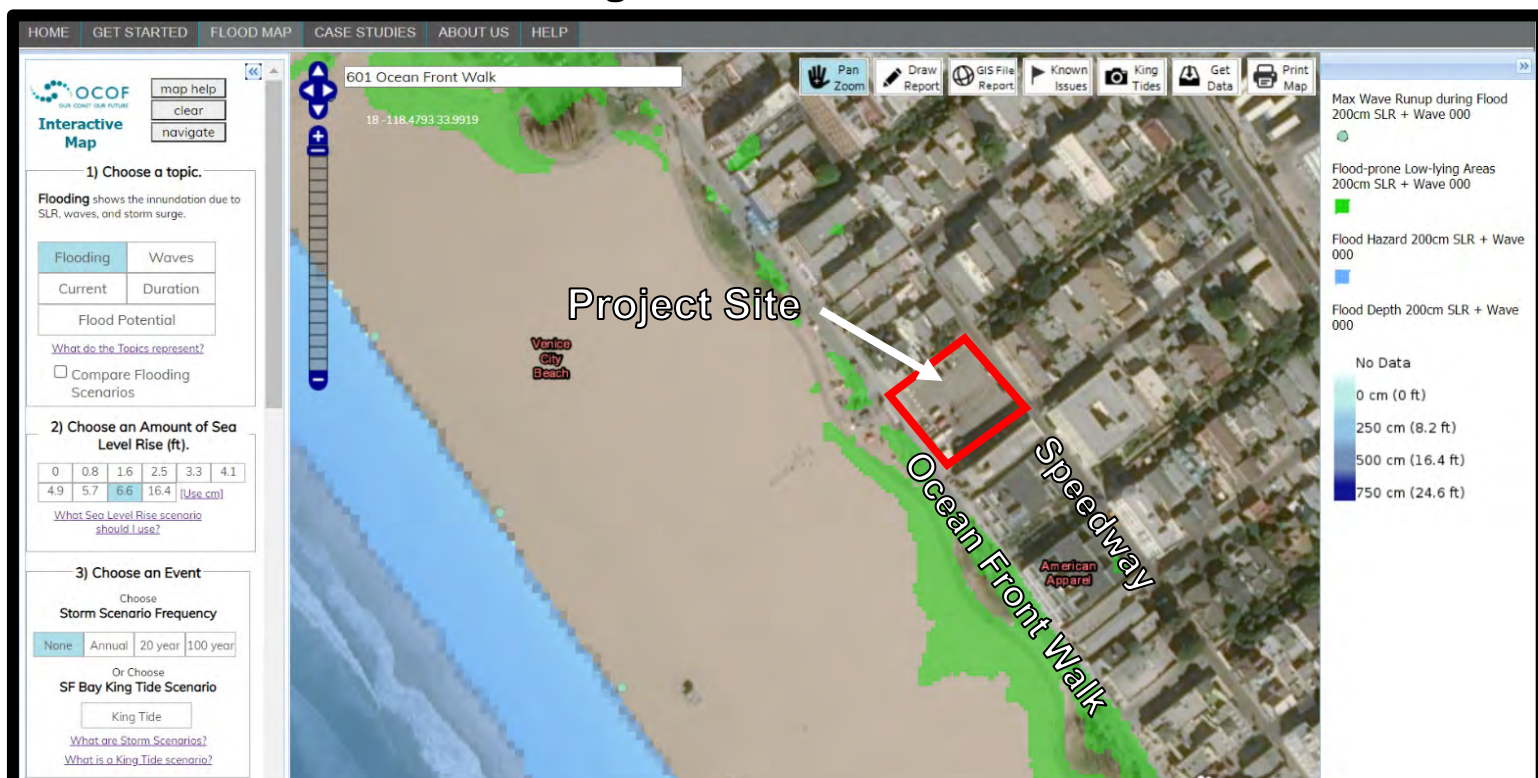


Figure 1—Site conditions with 6.6 ft. of sea level rise and no coastal storms.

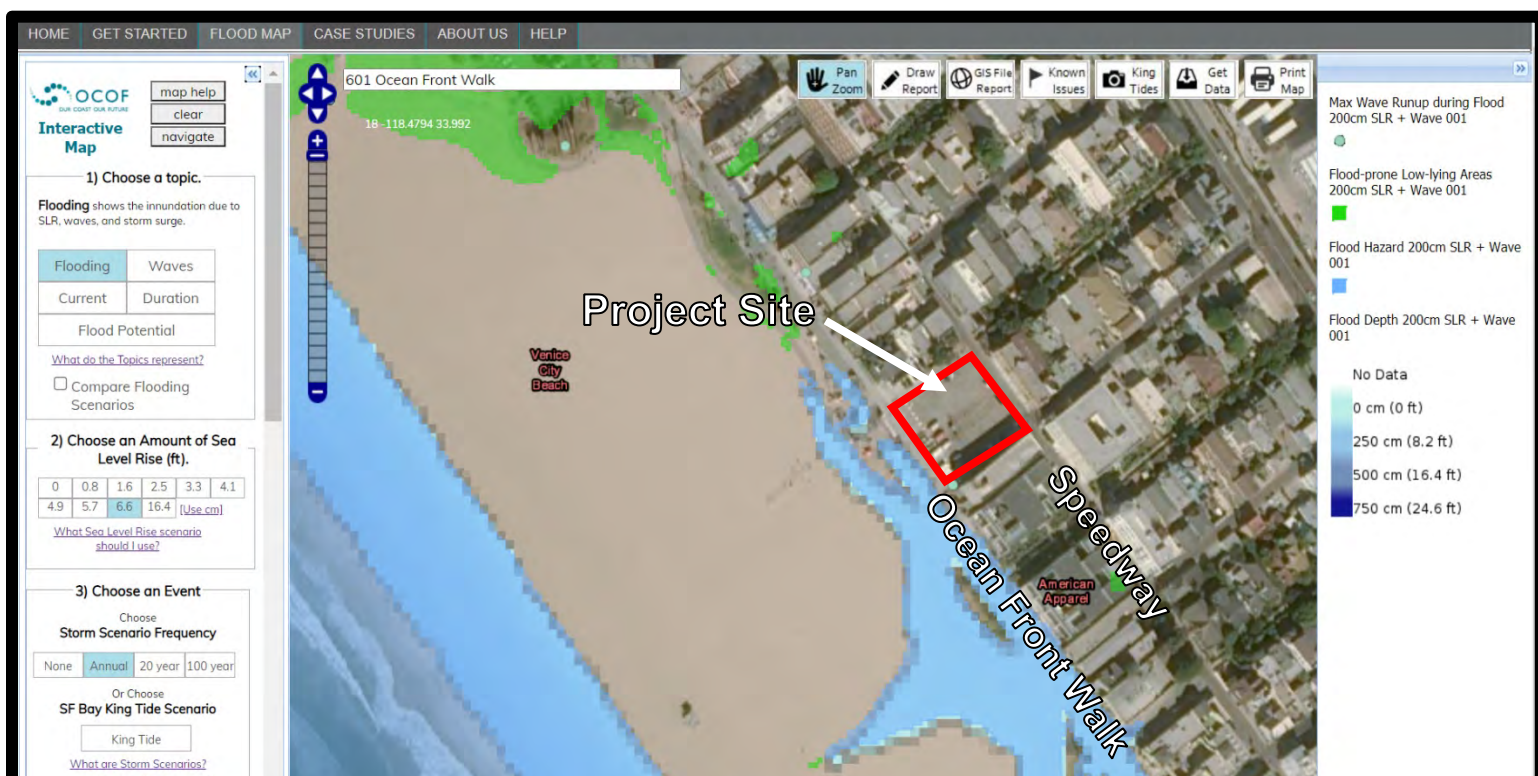
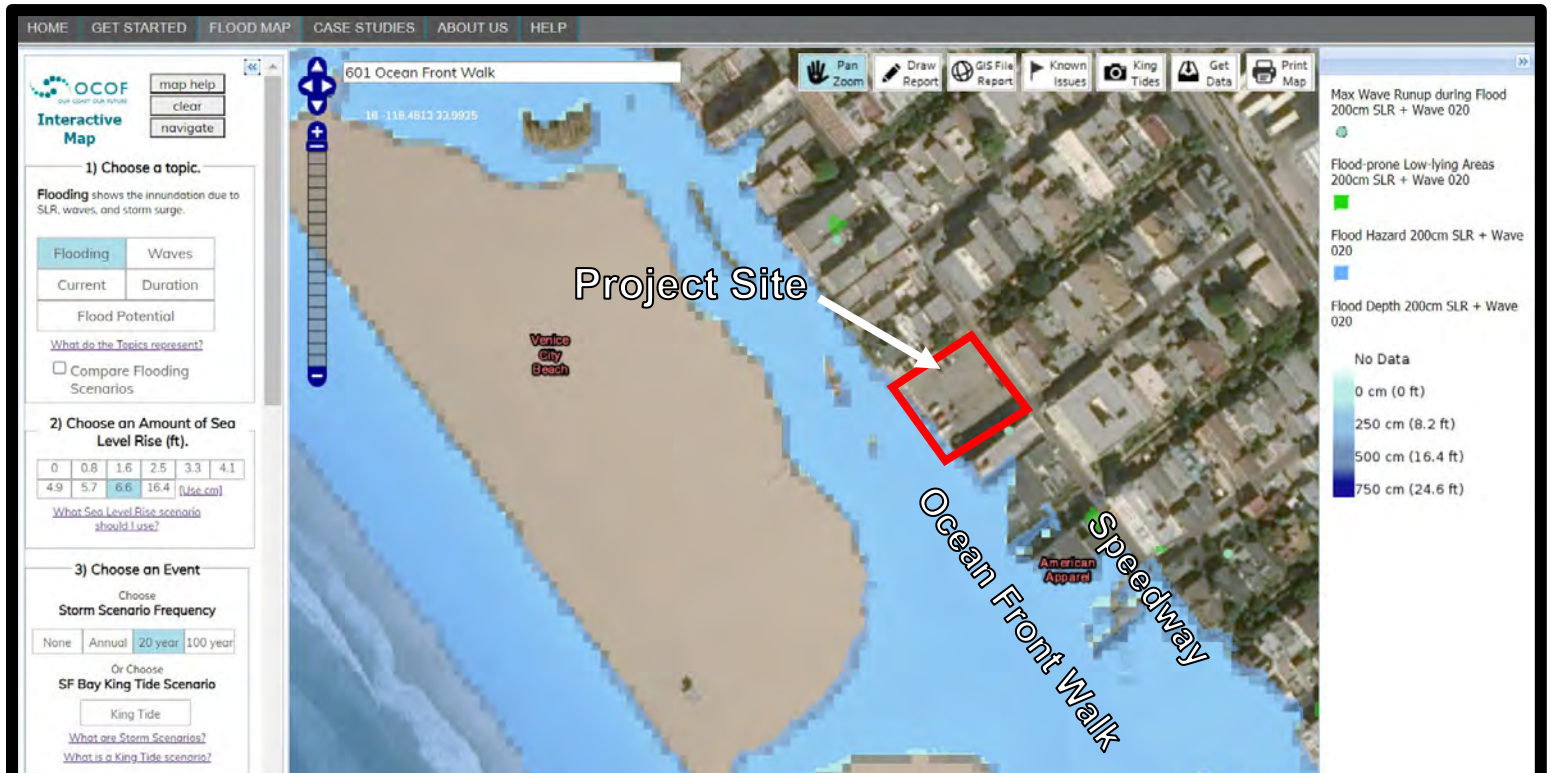


Figure 2—Site conditions with 6.6 ft. of sea level rise and annual coastal storm.



**Figure 3—Site conditions with 6.6 ft. of sea level rise and 20-year coastal storm.**



**Figure 4—Site conditions with 6.6 ft. of sea level rise and 100-year coastal storm.**

# Exhibit 4 – CDP 5-90-789 and Amendment A1

## RECORD PACKET COPY

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

### CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(213) 590-5071

Reconsideration granted: 8/14/91  
Appeal Filed: 9/9/91  
Substantial issue on appeal 10/8/91  
180th Day from reconsideration: 2/10/92  
Staff: A PE-LB  
Staff Report: 10/31/91  
Hearing Date: 11/10/91  
Commission. Action on Findings: 1/14/92



### STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: A5-90-789 and 5-90-789R

APPLICANT: Stephen M. Blanchard AGENT: Sherman Stacey

PROJECT LOCATION: 601 Ocean Front Walk, Venice, Los Angeles County

PROJECT DESCRIPTION: Construction of 31 ft high, five-level 24,267 sq. ft. gross area (21,629 net area) retail/fast food center, with 2580 sq. ft. food service plaza, including offices, retail, food stands and food plaza, and including 38,592 sq. ft. two level subterranean parking lot, with 151 parking spaces.

COMMISSION ACTION: APPROVAL WITH CONDITIONS

DATE OF COMMISSION ACTION: November 10, 1991

COMMISSIONERS ON PREVAILING SIDE: Commissioners Cervantes, Giacomini, Glickfeld, MacElvaine, Malcolm, McInnis, Moulton-Patterson, Nathanson, Neely, Wright, Chairman Gwyn.

### SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on November 10, 1991, approving with conditions the permit for the Commercial/food service development.

### LOCAL APPROVALS RECEIVED:

1. Los Angeles City CDP 088-36
2. Proposed mitigation measures pursuant to Settlement Agreement between the City of Los Angeles and Stephen M. Blanchard on CDP 88-036; ZA 88-1300(PP)(CUZ)(CUB)(ZV).

SUBSTANTIVE FILE DOCUMENTS:

- 1) City of Los Angeles CDP 88-36;ZA 88-1300(PP)(CUZ)(CUB)(ZV); Coastal development permit, negative declaration, project permit, conditional use, mini shopping center (beer and wine variance, aisle parking variance, yard setback variance) Draft Staff report, Notice of permit issuance, correspondence.
- 2) Greer and Co, Traffic impact analysis for 601 Ocean Front Walk August 1988, Dec 1988, Jan 1989.
- 3) Regional Interpretive Guidelines; Calif. Coastal Commission.
- 4) Staff reports and Commission actions on 5-89-059 (Blanchard), 5-86-518 (Venice Park Assoc.); 5-86-16 (Blanchard); 5-87-787 (Rendon), 5-86-509 (Blanchard), 5-86-403 (Rendon); (5-85-701) (Safran), A-62-81 (Haskins and Slome), 5-87-130 (Galper Baldon), 5-87-031(Elzas), 5-84-211 (Monkarsh Family Trust), 5-85-249 (Keenan), A 197-80 (Christmas), 5-83-267 (Zapuyan), 5-82-819 (Mansour), 5-88-474 (Oheb), 5-82-670(Saxe); 5-90-213(Gould and Scharff)
- 5) City of Los Angeles LCP documents including 1978 work program, Preliminary draft North Venice LCP of June 1981, of December 1990.
- 6) City of Los Angeles, Interim Control Ordinance for the Venice Community.
- 7) Moran, Tom and Sewell, Tom Fantasy by the Sea, Peace Press 1979. Photograph used by permission.
- 8) Los Angeles City Ordinance 164555 (Zone change for 511, 517 and 523 Ocean Front Walk.)

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, 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 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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.

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. 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 project during its 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.

III. Special Conditions.

1. Conformance with City of Los Angeles Coastal Development Permit Conditions

The applicant shall comply with all conditions (mitigation measures) required by the City of Los Angeles under City of Los Angeles Local Coastal Development Permit Number CDP-88-36, except in the case of conditions that specifically differ from the conditions below. If conditions differ, or revised plans are required for this development by the Commission's action, the action of the Commission shall prevail.

2. Revised Plans.

Prior to transmittal of the permit the applicant shall submit revised plans for the review and approval of the Executive Director. The plans shall include the following modifications to the plans filed with the application:

- a. The third floor of the building shall be eliminated. The height of the building shall be reduced to 25 feet above Ocean Front Walk at the Ocean Front Walk elevation and 20 feet above Speedway Alley at the corner of Sunset Avenue and Speedway Alley. Architectural projections, stair and elevator housings and mechanical units may exceed this height. No portion of the structure except for handicapped car ports, parking entrance ramp, elevator and the approved stair wells may extend within 26 feet of Speedway Alley.
- b. Uses on the first floor shall be designated as general retail, and shall not exceed 9300 square feet of gross structural area. Uses on the second floor shall be limited to general retail and/or food service with no more than 450 square feet of interior food service area within no more than 5900 square feet of total enclosed area (gross structural area) and 2500 square feet of exterior food service area.
- c. A queuing area sufficient to accommodate two cars within the applicant's property shall be located adjacent to Speedway or within the entrance to the parking garage.
- d. The trees and shrubs the applicant selects from the ICO list for placement on Sunset Avenue shall have open structures and shall maintain public views and preserve defensible space for pedestrians along Sunset Avenue.
- e. Parking for the revised building plans shall be provided on the following basis:

Ground Floor:	General Retail @ 225:1	41 spaces
Second Floor:	Enclosed: General Retail &/or	
	Food preparation: 5450 sq. ft.	0 spaces
	Interior restaurant: 450 sq. ft.	
	service area	9 spaces
	2500 sq.ft. food patio	41 spaces
Off-site	511/517/523 spaces	43 spaces
Beach Impact Zone		14 spaces
Unallocated		3 spaces
TOTAL		151 spaces
Multiple use spaces (required by the		
City for Night-time use by residents		16 spaces

- f. The Executive Director shall approve an increase in the service area of the interior restaurant on the second floor at a ratio of 50 square feet of service area for each parking space in excess of 148 parking spaces in the project, if requested by the applicant. Such increase shall not increase the total floor area approved in this permit but shall be taken from the second floor general retail and/or food preparation area described in Special Condition 2b above.

**3. Building and Parking Operation**

Prior to transmittal of the permit the applicant shall submit for the review and approval of the Executive Director a deed restriction for recording, free of all prior liens and encumbrances except for tax liens, binding on all heirs and assigns of the applicant. The deed restriction shall run with the land for the life of the development approved in Coastal Development Permit 5-90-789 (5-90789R; A5-90789). The deed restriction shall provide:

- a. No fewer than 43 parking spaces on the subject property shall be made available to the owners, customers and tenants of 511, 517 and 523 Ocean Front Walk according to the allocation required by the terms and conditions of coastal development permit number 5-89-059 as recorded by the applicant. Upon issuance of the Certificate of Occupancy of the structure permitted under permit 5-90-789, the applicant shall give notice to the owners and lienholders of those properties that construction has been completed and that they now have a permanent right to use the allocated parking within the approved structure for the use of the aforementioned property. In the event of sale, hypothecation or transfer of any of the properties to a third party, the deed restriction shall provide that any owner of 511, 517 or 523 Ocean Front Walk shall have a right to use as well as the obligation to pay for and use, the number of parking spaces provided in Permit No. 5-89-059. The owner of 601 Ocean Front Walk shall not charge any amount for such use which exceeds the standard rates charged to lessees and users of parking at 601 Ocean Front Walk, and shall otherwise treat the use of parking by owners, and their patrons and tenants, of 511, 517 and 523 Ocean Front Walk on an identical basis to the use of parking by patrons and tenants of 601 Ocean Front Walk.
- b. The applicant shall agree that upon activation of this permit, no additional square footage, increases in intensity of use, increase in height, or of food service area or floor area other than described in condition 2 above will be permitted unless the Commission approves a subsequent Coastal Development Permit for this use.
- c. The applicant shall maintain an attendant at the parking lot during all hours in which any commercial business is open.
- d. Truck deliveries to the property or to 511, 517 or 523 Ocean Front Walk shall occur only between the hours of 9:00 am and 4:00 p.m. No

truck deliveries shall occur on weekends or holidays. The applicant shall either a) provide a 60 foot by 100 foot truck loading zone parallel to Speedway alley, in addition to a 400 square foot loading zone, or b) shall agree that during approved truck delivery hours, the three non-handicapped rear tandem parking spaces along Speedway Alley shall not be occupied. In the event the applicant elects b), above, in no event shall this provision be interpreted to mean that these spaces shall not be counted as a part of the total project parking.

- e. The applicant shall designate an area within his property adjacent to Speedway and the parking lot entrance for queuing of no fewer than two cars. The applicant shall permit no queuing of delivery trucks, of trash haulers or of cars entering the parking lot on Speedway Alley. The entry control and valet pick-up point for the parking lot shall be located at the bottom of the parking garage ramp.
- f. The applicant shall provide no fewer than 14 spaces for use by the general public for public access and replacement parking (also identified as BIZ spaces) on the premises. These spaces shall not be the spaces provided for 511, 517 and 523 Ocean Front Walk, or for development permitted pursuant to the subject permit.
- g. Patrons of the commercial establishments in 511, 517, 523 and 601 Ocean Front Walk shall be eligible for one hour of free parking with a validation from any commercial establishment at 511, 517, 523 or 601 Ocean Front Walk.
- h. The applicant and successors in interest at 511, 517, 523 and 601 Ocean Front Walk shall provide a parking management program applicable to the parking provided at 601 Ocean Front Walk for uses at 511, 517 and 523, and 601 Ocean Front Walk. The parking management program shall provide that all employees of the commercial establishments at 511, 517 523 and 601 Ocean Front Walk shall be eligible to participate in the Parking Car Pool and Transit Incentive Program outlined in condition number 5.
- i. Plaza level seating area and rest rooms shall be public spaces available to all members of the public without any requirement of purchase. The rest rooms may be keyed. All plaza or exterior food service area noted in condition 2 above shall be identified as open to the public by appropriate visible signs; there shall be no table service and no table sign-in required for use of the tables.
- j. Access to the second floor plaza from Ocean Front Walk shall be secured and the second floor plaza vacated no later than 10:00 p.m..
- k. The plaza food service area may be open from the hours of 7:30 a.m. to 10:00 p.m., and shall be closed between the hours of 10 p.m. and 7:30 a.m..

1. Interior restaurant food service seating may be open to the public from the hours of 7:30 a.m. to 12:00 p.m.

4. Conformance with interim parking provisions of permit 5-89-059.

Prior to transmittal of the permit the applicant shall provide a construction staging plan or a parking replacement plan for the review and approval of the Executive Director. The staging plan shall provide detailed schedules, leases, contracts and other methods that the applicant proposes to provide 43 parking spaces for the development on 511, 517 and 523 Ocean Front Walk during construction, as required by Coastal Development Permit 5-89-059. Pursuant to this requirement, the applicant shall either

- a. not begin construction until after September 15; and shall arrange the staging of construction so that parking may again be provided after Memorial Day weekend and throughout the summer; OR,
- b. if the parking structure is not usable for at least 43 spaces between Memorial Day Weekend and September 15, provide leases showing exclusive use of alternate parking sites to replace parking for those uses during the summer months. Temporary replacement parking may not be located on any lot that is presently used for beach, commercial or residential parking unless a parking plan that would increase the Parking on such lots is provided by the applicant and approved by the Executive Director.

5. Parking, car-pool and transit incentive program.

Prior to transmittal of the permit, the applicant shall record, free of all prior liens and encumbrances except for tax liens, a deed restriction or other suitable document, the form and content of which shall be subject to the review and approval of the Executive Director of the Commission. The document shall bind the applicant as landowner and all successors in interest, and run with the land for the life of the improvements approved in coastal development permit 5-90-789. The restriction or other document shall assure the following:

- a. The applicant shall actively encourage employee participation in the California Transportation Ride Sharing Program by providing up to 15 spaces free of charge to registered car pools of 3 or more employees of commercial establishments at 511, 517, 523 and 601 Ocean Front Walk.
- b. The applicant shall implement a public transit fare reimbursement program. The program shall be in effect for the life of the structure approved in coastal development permit 5-90-789. The applicant shall provide for (50%) fifty percent reimbursement of actual expenditures of public transit transportation to and from 511, 517, 523 and 601 Ocean Front Walk by any employee employed by any commercial establishment at these locations.

- c. The applicant shall provide, free of charge, space within the project for an exclusive, secure, bicycle parking area.
- d. The applicant shall implement a publicity program subject to the review and approval of the Executive Director that indicates how the future business owners and employees at 511, 517 523 and 601 Ocean Front Walk will be made aware of the Parking, Car Pool and Transit Incentive Program. The publicity program shall be commence during the first month of the occupancy of the development permitted in Permit Number 5-90-789.

6. Signs

The applicant's final revised plans shall include a sign program. The applicant shall provide signs that show clear directions to the parking area, and shall indicate that parking validations for customers of the four properties listed above are available. No sign located within the applicant's property shall be rotating, flashing or internally illuminated. With the exception of one building identity sign facing Ocean Front Walk, signs shall not exceed 12 square feet, and with the exception of directory signs located within the interior courts, and temporary A-frame signs in use during business hours, shall be mounted on the building. No sign shall extend above the roofline of the structure or over any public way or alley.

IV. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. Project Description and History

In the application before the Commission, the applicant originally proposed to construct a five-level 24,267 sq. ft. commercial structure on Ocean Front Walk in Venice. The project is located directly south of Sunset Avenue, between Ocean Front Walk and Speedway Alley. Only three levels will be above ground on the ocean side of the development; two of the levels consist of an underground garage. On the Speedway Alley side of the development, because of the slope, two levels will be above ground level. The project includes general retail on the first floor, retail and food booths on the second floor, a 2580 square foot second floor food and beverage consumption deck not included in the enclosed area calculations, and additional retail and a third level office and "loft storage area." The project extends over three lots of the original subdivision--132 feet by 147 feet.

The project is required by the terms of another Commission permit, 5-89-059 (Blanchard), to provide 43 parking spaces on this site for exclusive use of three buildings located to the north of the property. These spaces were required to enable the applicant to convert 20 nearby residential units,

including a residential court, to commercial use. For all these uses, the applicant proposes 151 parking spaces in a dense configuration which requires an attendant.

The applicant has now proposed a number of conditions (Exhibit 4) that would 1) reduce the structure to two stories above Ocean Front Walk and one story above Speedway Alley, 2) reduce the enclosed area on the ground floor by 1,300 square feet to a total of 9,300 square feet, and 3) convert the second story to food service, allowing one indoor restaurant of up to 450 square feet service area and about 450 square feet of preparation area, and a 2,500 square foot food service plaza, served by 5,000 square feet, for a total of 5,900 square feet of enclosed area on the second floor. The applicant proposed that within the 5,900 square feet enclosed area on the second floor the uses should include aforementioned 450 square feet of restaurant food service area, an unspecified amount of restaurant food preparation area and that the remainder be leased to either fast food preparation and sales or to retail operators. The applicant also requested with the concurrence of the Commission that additional area within the proposed 5,900 square foot enclosed second floor area be able to be approved by the Executive Director to be converted to sit-down food service as long as parking is available for such use within the building. The Commission found that as approved there were three unallocated parking spaces that could be used for additional interior sit-down food-service. A change of use from take-out food sales to retail sales would not require an amendment on the second floor, although a change from retail to food service would require an amendment on the first floor.

For the revised project, the parking will be calculated according to retail use guidelines for the enclosed areas of the first floor (1:225 square feet). On the second floor, the restaurant will be required to provide parking at 1:50 square feet for sit-down service area. The outdoor food service area, will be a publicly accessible open area, with no requirement for purchase to occupy the tables, no sequestered area, and no waiter service and no sign-in, will require one space per 60 square feet because it will be able to be used by the general public in addition to customers. The applicant has assured the Commission and the staff that he will not discriminate between customers and non-customers, will not interfere with members of the public who picnic using food brought in, and will not discriminate in any way, including economic status in allowing use of the area. However, the applicant has stated that he will reserve the right to eject people who engage in disorderly, intoxicated or threatening behavior, or whose behavior interferes with other visitors to the plaza. Parking for the second floor is based on the food service and consumption areas, and no additional parking will be required for the take-out food sales booths or the retail sales establishments on the second floor which under the guidelines would NOT require parking if they were kitchens, but would require parking if they were retail.

The applicant proposes to calculate parking on the basis of parking required by the food service areas, the first floor retail, the neighboring property and the BIZ spaces required by the City. The applicant also proposes to extend the hours of operation of the proposed outside food area until 10 p.m., and to extend the hours of operation of the restaurant until midnight. This

extension of hours is permitted under the terms of the applicant's settlement with the City only if the Commission imposes the changes as a condition. (Exhibit 5)

The Commission finds that the applicant's proposed elimination of the top floor, as conditioned, satisfactorily addresses the questions of scale that was one reason for the Commission's previous denial. The applicant has reduced the height of the structure along Ocean Front Walk and along Speedway Alley, and increased the actual set back along Speedway Alley. He has, by reducing the square footage of his structure, reduced the gap between the parking supplied and the parking that a literal interpretation of the Commission's Interpretive Guidelines would require to 20 spaces. (see pages 20, 22, and 23) The literal interpretation is derived by calculating the parking required by for each use, and adding up the amounts required with no presumption of shared parking or reduction for location as a walk-up facility, an additive approach. However, based on previous practice on Ocean Front Walk, some relaxation of parking for take out food service is warranted. Finally the Commission notes that even as modified by these new "conditions" the project still requires the Commission to extend a reduction in parking requirements for walk-up take-out to a large new structure, something it has not previously done. The applicant has presented a convincing case that the reductions flow from the project's status as a mixed use shopping center served by a pedestrian walk, and that the development, as conditioned, will result in no unreasonable burden on public parking or access.

This is the last of four actions for this same applicant handled by the Commission and the City. Coastal Development Permit 5-88-016 allowed the applicant to operate the western portion of the lot for weekend vendors. In 1987, the City approved a zone change on 511, 517 and 523 Ocean Front Walk, a property directly across Sunset Avenue to the north, to change the zoning on a lot occupied by of a single family house and a residential court from residential to commercial uses. The zone change was conditioned on the purchase of a nearby apartment structure for rehabilitation as low income housing. This zone change and rehabilitation did not require review by the Commission. The third action was a Coastal Development Permit for conversion of the aforementioned twenty residential units to commercial use 5-89-59(Blanchard), and the paving of the lot that is subject of the present permit request as parking for the new commercial uses. Both the City and the Commission required that parking be reserved on the lot subject to the present request for use of the converted structures at 511, 517 and 523 Ocean Front Walk. The Commission permit, 5-89-059 (Blanchard), required the 43 parking spaces at 601 Ocean Front Walk to be reserved for exclusive use of these properties by deed restriction by deed restriction.

Site visits on April 12 and 19 confirmed that the adjacent structures have been remodelled as stores, the stores are open, demonstrating that the applicant has taken advantage of permit 5-89-59. However, the lot is currently operated as a commercial parking lot, offering weekly, daily and monthly leases. There was an attendant on duty. The lot was not being operated for the exclusive use of those properties, as required in the Commission's condition, but as a commercial parking lot. Both the present

operation of the lot, and the conditions imposed in this permit would require an amendment to permit 5-89-059 with regard to the parking provided for these three adjacent properties.

In May, 1991, the Commission considered application 5-90-789(Blanchard), with a number of conditions proposed by staff. The condition subject to the most controversy would have increased the ratio of parking to floor area, and slightly reduced the project intensity. The applicant opposed any changes in the parking ratios. Opponents stated that the conditions did not sufficiently reduce the project's impacts, and also objected to the intensity of the commercial use at this site. The Commission denied the project based on parking, impact on the traffic system and cumulative impact. In addition to these Coastal Act issues, Commissioners were concerned that no local permit had been issued pending settlement of litigation. At the time the applicant had sued the City to require the city to release all permits based on Government Code 65950 et. seq..

In June of 1991, the City settled litigation with the applicant and issued the Coastal Development permit, in addition to a number of local variances and conditional approvals which were also subject to the litigation. This litigation was separate from litigation with neighborhood opponents which was not settled.

In June, 1991, the applicant applied to the Commission for a reconsideration of its denial of his permit. The Commission granted this reconsideration, 5-90-789R (Blanchard), in August of 1991. According to Section 13109.5(d) of the California code of Regulations, if the Commission grants the reconsideration, the permit is heard as a de novo matter. In September, 1991, the City's approval of the Coastal Development permit by the settlement was appealed to the Commission. The Commission found substantial issue in October, 1991. If the Commission finds substantial issue with a permit granted under Section 30600(b), the permit is then considered by the Commission as a de novo matter. In a dual permit area, as described in Section 30601(1) of the Coastal Act, both the appeal and the underlying permit are considered in one action. The Commission, in its present action, is considering both the appealed permit CDP 88-036, appeal number A5-90-789, and the Coastal Development permit denied in May 1991, 5-90-789, which it voted to reconsider (5-90-789R).

B. Area Description

Ocean Front Walk in North Venice is a heavily used public pedestrian way, adjacent to a public beach, that has become an international visitor attraction. Sunset Avenue is a walk street that connects a neighborhood of single family homes, duplexes and small apartment buildings to the beach. Speedway Alley is a twenty-foot wide one-way alley that provides the only vehicular access to the project. The homes along Sunset Avenue are served by narrow alleys that connect Speedway Alley to Pacific Avenue. (See vicinity map, Exhibit 1 and 2).

The linked pedestrian ways, Ocean Front Walk and the walk streets, have been identified in the draft Local Coastal Program as a recreational resource, and

also as the design feature that establishes the community character that attracts visitors to the area. Older development along Ocean Front Walk consists of tall narrow buildings and low long buildings. The taller structures that now are located on Ocean Front Walk are residential, for the most part older single-room-occupancy hotels. These older hotels and one story, small scale commercial buildings, constructed during the early years of the century have established a scale and an architectural flavor of Ocean Front Walk.

The growing popularity of Ocean Front Walk has resulted in many reconversions to commercial use, and the establishment of tourist oriented booths selling food, sunglasses, crafts, clothing and imported items.

C. Development--Intensification of use:

This development represents the third multi-level commercial structure that the Commission has considered on Ocean Front Walk. In three its previous approvals, of multiple story commercial structures, the Commission restricted retail commercial uses to the first floors of the approved structures and allowed offices and residential uses on the second and third floors of new commercial structures. It did not permit food service in any of these developments, because there was not sufficient parking to accommodate food service.

Section 30250(a) of the Coastal Act requires that development be concentrated in areas capable of accommodating it and that development be consistent with Chapter 3 policies and not have individual or cumulative impacts on coastal resources. Section 30251 requires that special neighborhoods that are visitor attractions be preserved; and Section 30252 requires that development provide adequate parking so that the parking needs generated by development do not reduce public access to the beach.

The Coastal Interpretive Guidelines (Exhibit 7) were developed to assure consistency with the Coastal Act, specifically, the access and development policies, including Sections 30210, 30211, 30250, 30251 and 30252.

The Interpretive Guidelines include parking standards for residential commercial and food service establishments, establish a height limit of thirty feet for commercial uses along Ocean Front Walk, prohibit residential construction in commercially zoned beach-front areas, and, in order to assure compatibility of scale, require a break in the structural facade of a building extending more than 60 feet along a walk street, and the provision of street level entrances and exits along walk streets.

Permit history for Ocean Front Walk

This project is one of seventy-five commercial projects on Ocean Front Walk in Venice that have been considered by the Commission. Some of these permits were never acted on, resulting in more than one action on the same address.

Most of the beach front north of 20th St in North Venice is zoned commercial. For many years, the area was developed with commercial uses including carnival attractions and Bingo games. In the late 1940's the City closed down the Bingo operations and public transit to the area was reduced. Tourist use declined, and many buildings were demolished or converted to residential use. In recent years Venice Beach has regained popularity as a destination for day use. Many owners of older store fronts and newer small apartment structures re-converted to commercial use, a use permitted by right in a commercial zone. Owners of property fronting Ocean Front Walk, including owners of the lots vacated by the demolitions, converted open areas to open-air vending, a use that has attracted many visitors to the area.

The majority of the projects the Commission considered were interim uses of land, involving no major investment or commitment of resources. They included (1) conversions of the first floors of existing buildings from residential to commercial use, (2) construction of small tilt-up structures or (3) open-air vending, the erection of temporary booths for sale of merchandise.

Three major commercial structures have been permitted and two have been constructed. These commercial structures were planned on large lots, like this one, that were the focus of a number of competing uses, including parking for visitors, and parking for the neighborhood. Permits for new structures included: 5-86-518 (Venice Park Assoc.); 5-85-701(Safran); A-62-81 (Haskins and Slome), 5-88-474 (Oheb), and, (on Windward Avenue) 5-82-670(Saxe). There are at least three additional large undeveloped frontages that could be developed to the intensity proposed by this applicant. In addition, there are numerous one story structures that could demolish and recycle to the intensity proposed in this project.

The Commission approved most of the applications with conditions that concentrated on parking issues. In fact, when parking could not be provided, usually in cases involving sit-down dining, the Commission denied applications: 5-87-130 (Galper Baldon), and 5-86-508 (Elzas). In all approvals, the Commission imposed conditions to require that the applicants provide parking for users of the development. In the case of the construction of new structures, that extended over more than two lots of the original subdivision, the Commission has required the provision of parking to replace the parking that previously was provided on the vacant lots, based on the general impact on the parking system in the neighborhood of large new development, and based on the previous use of these particular lots for commercially operated parking. This requirement was based in part on the cumulative impact of new commercial uses in attracting visitors and employees to the area.

1) Visitor Serving Uses. In approving the commercial conversions, vending or new commercial development, the Commission has relied heavily on Sections 30221 and 30223 of the Coastal Act that establish a priority for visitor serving uses over residential uses. The Commission has found that commercial enterprises provide accommodations to the public, and has therefore treated many retail and food-service uses as visitor-serving uses. The Commission has anticipated that there will be fewer conflicts between

commercial tenants and the beach-going public than it has seen between residents of beach-fronting homes and the public because commercial tenants require less privacy and quiet than residential occupants.

In Venice, the Commission has heard increasing neighborhood opposition to commercial development, based on the total amount of restaurant, fast food and commercial conversions that have taken place. In this instance too, the local residents contend that 1) the total amount of commercial development located in this neighborhood exceeds the total amount required of other residential neighborhoods in other coastal communities, 2) the level of commercial development has reached saturation point, 3) the traffic, noise and crowding resulting from this development has begun to affect the residential area on the east side of Speedway Alley, an area that is zoned RD 1.5. (limited duplex) for residential use, and not contemplated for commercial uses, 4) overcrowding on Ocean Front Walk will destroy the qualities that has made Ocean Front Walk a visitor attraction.

The applicant contends that commercial use is a priority under Sections 30221 and 30223. He also contends that he is entitled to the level of development other projects have received, argues that his three story development is identical to other three story mixed use developments the Commission has approved and states that there is no problem with cumulative impacts of commercial development because the number of projects that have actually been built is very small. The opponents contend that the project is not identical because it included second story retail and food service, which no other project contained resulting in more square footage dedicated to intense uses than have previously been permitted.

The Commission finds that while the Coastal Act favors visitor serving uses, the Coastal Act does not give unlimited priority to visitor commercial uses. No development is exempt from conformance with requirements of other sections of the Coastal Act. The Commission further finds that uncontrolled commercial development can destroy the ambience that has made an area attractive to visitors.

The Commission must consider both its record of approving commercial uses on site-by-site basis in this area, and what will emerge as the balance between commercial and residential uses in the Land Use Plan. The Commission notes that the LUP proposes a mixed residential and commercial area for Ocean Front Walk. It further notes that the height of the old hotels is not necessarily an appropriate standard for intensively used present-day commercial structures. In considering commercial uses that are of much greater intensity of use than the older hotels, at three times the height of the prevailing commercial structures, the Commission must examine the impacts of development at like intensity on the remainder of the commercially zoned lots.

While it cannot approve this structure at three stories, the Commission finds that it can approve this structure at two stories. However, in approving this development at two stories, the Commission finds that it must require that no future additions of height or other intensification occur at this site without additional, thorough Commission review as to the cumulative impacts of

development on community character and beach access. Issues related to the proper mix and intensity of use for commercial and residential development in the Venice community would be best addressed in the Local Coastal Program(LCP); however, it is not known when the Venice LCP will be submitted. In the meantime the applicant wishes to proceed with the project. The Commission finds that with the special conditions reducing the intensity of development that the project can be approved as conforming with Chapter 3 policies.

2) Parking standards.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on site recreational facilities to serve the new development.

This project, as originally proposed, and approved by the City, did not conform to the Commission's parking guidelines for three reasons. First, the City's calculations of the parking requirements were based on an area calculation that did not include all of the enclosed areas of the structure, and the Commission consistently bases parking calculations on all enclosed areas. Secondly, the parking calculations did not include calculations for the food service plaza, even though the Commission consistently requires parking for food service areas. Finally, the project as originally proposed also included a reduction in spaces from the strictest interpretation of the guidelines, based on a provision of the Venice Interpretive Guidelines that allows walk-up food service to provide fewer spaces than other take-out food service uses.

Most of the conditions imposed by the Commission on commercial projects in Venice have addressed parking. In Venice, re-opening old stores, the growth of vending operation, and concurrent gentrification, has resulted in chronic parking problems for residents and beach visitors. The older houses and stores were built in many instances without parking. In addition, the street distribution network does not provide street parking. The alleys and Pacific Avenue do not provide legal parking. Ocean Front Walk and the walk streets are limited to pedestrians. The absence of vehicular access and parking has created the public open spaces that attract visitors and residents to Venice. An increased number of cars over the capacity of the system would, the Commission has found, increase legal and illegal pressure to convert walk streets from public open space to parking lots.

The issues raised by the developer and the public about parking in this case represent the same issues that have been raised in similar cases in the past: a) whether the development is providing sufficient parking on site to mitigate the demands of the project and the impacts of occupation of previously vacant lots that were in the past used for public parking; b) whether because Ocean Front Walk is heavily used by pedestrians it is appropriate to reduce food service parking standards that are based on vehicular access standards to reflect the pedestrian traffic on the walk; c) whether commercial activity along Ocean Front Walk has reached a point of over-use resulting in collapse of the parking and traffic system and overcrowding on Ocean Front Walk; d) the appropriate mitigation for the direct and cumulative impacts on parking, e) whether the cumulative impact of commercial conversions has served to make Ocean Front Walk an attraction in itself, which requires additional parking, f) whether the use of Speedway Alley for access to these projects will have an impact on access along Speedway Alley, and g) whether the configuration and operation of the lot will be consistent with the Commission's intent to reduce cumulative and direct impacts of the development. However, the Commission notes, as described in detail below, that the project can be found to conform with Chapter 3 policies of the Coastal Act.

#### Replacement Parking

In ascertaining the appropriate amount of parking to provide for new development, the Commission has found that development on large lots along Ocean Front Walk may have more impact than similar development on smaller lots or in other locations. These large lots typically include three or more lots of the original subdivision. For development on these lots, the Commission has required applicants to provide additional parking spaces over and above the parking required for the needs of the development itself by guideline standards. In cases of existing commercial lots the Commission has required the applicant to provide half of the parking supplied by the lot in its present form. In this case, the lot was developed specifically to provide parking for the exclusive use of a nearby structure, and was previously undeveloped. However, the applicant has operated the lot as a commercial lot for general use, providing no more than 1/2 hour validation for customers, a validation that the staff was unable to verify on field visits. If the Commission finds that this lot is a commercial parking lot, this lot would need to supply half of 43 spaces, or 22 spaces.

The purpose of the replacement parking requirement is to 1) mitigate the cumulative impacts of the extraordinary number of visitors that are attracted by commercial use in Venice, 2) reduce the impacts on the immediate neighborhood caused by the withdrawal of the lot from the parking system, and by its replacement by a commercial, traffic-generating development. Double and triple lots accommodate development so large that the development itself increases the number of people attracted to Ocean Front Walk seeking commercial attractions. Development on Ocean Front Walk also benefits by its location between the first public road and the sea because it can draw customers from recreational crowds who have already parked in publicly owned lots. Because of the additional burden development at this location has on

the limited parking and access system and because of the benefits these applicants receive from public parking lots, the Commission has required spaces available to the general public in addition to parking normally required, generally limiting the price to the amount charged at the county lots. The intention of the condition was that increased cars brought in by the development would not impede beach access or impact the walk streets and the existing on-street parking which now serves the beach and the existing development.

The Commission has imposed this condition on three major commercial developments in Venice, including 5-86-518 (Venice Park Assoc.; (5-85-701) (Safran), A-62-81 (Haskins and Slome) In two instances the buildings have been built. This replacement parking has generally been required to be available on a daily or monthly lease basis, and in most instances at a fee no more than is currently charged on the County's beach parking lots. Many lots are operating in violation of this provision of their conditions, which, as the applicant has noted, in no way establishes a precedent for operation in that manner. A site visit revealed that the parking in these two buildings is being operated as commercial lots, with the operators charging all users of the spaces 8-10 dollars a day for use of the spaces.

The Commission, in one instance, 5-85-701(Safran), also permitted the developer to design a parking lot in a configuration that required an attendant. The Commission then justified the configuration on the grounds that the spaces gained by the configuration would be available to the general public as replacement parking; and also justified the replacement parking condition, in part, on the grounds that the commission had permitted a configuration that it would not had permitted if the development had not provided extra parking. The Commission then required that these spaces (in the aisles and on parking machines) be used for replacement parking purposes. In approving the Safran project with this condition, the Commission allowed the applicant to provide the "replacement" parking in the aisles of the parking lot to be operated by an attendant, provided that an appropriate local variance was granted. That applicant ultimately was not able to obtain a parking variance which also included the use of tandem, aisle and car-lift spaces from the City of Los Angeles. In the present case, the applicant received a variance from the City of Los Angeles by operation of law for 18 aisle spaces, and a condition that required 14 BIZ spaces. In the case of 5-86-518 (Park Place), the parking spaces were not in the aisle, but were allowed to be tandem.

The Commission finds that the development is located on streets that provide no street parking. Many of the small commercial developments that it has approved use parking on lots such as this one to provide parking. The cumulative effects of development of lots like this at this intensity has not been examined. The proposed development consists of small high intensity shops that will have many employees and that may attract more visitors to the area than a similar store located outside of the Coastal Zone.

Based on the foregoing, an additional reason to require BIZ and replacement spaces is that if there is a defect in the calculations for parking, the

project will have a cumulative and direct impact on local parking, which will have an impact on community character. According to figures supplied by the City of Los Angeles Draft staff report, which estimates that the parking demand for the development as proposed ranges between 164 and 207 spaces, the impact on local parking will be the equivalent of 14 spaces. The applicant contends that the impact will be less than this ;the opponents have provided evidence to the Commission that the impact will be more. The settlement establishes a parking ratio and adopts certain mitigation measures with respect to traffic, including hours of operation, 14 BIZ spaces and 16 night-time neighborhood spaces. These spaces are required by the applicant's agreement with the City of Los Angeles to be available for lease or rent on a daily or monthly basis, at a rate comparable to the County Beach lots.

The Commission finds that this development must be conditioned to mitigate cumulative effects of commercial development on the traffic and parking system of the Ocean Front Walk neighborhood. The Commission accepts the BIZ and neighborhood spaces required by the City as a reasonable number of spaces needed to mitigate the cumulative impact of the intense commercial use on the parking system.

Only as conditioned, to provide no fewer than 14 BIZ/replacement parking spaces, significantly less square footage, and parking supplied for all portions of the project conforming to Commission standards, can the Commission find that this project mitigates cumulative impacts on the parking system, public beach access, and community character as required under Coastal Act policy.

Obligation to supply parking for commercial conversions.

As noted above, the Commission approved the conversion of three structures immediately to the north, representing the development on three lots to mixed use commercial and residential, 5-89-059 (Blanchard). As a condition of that conversion, the applicant agreed to provide 43 spaces on the lot subject to this application for exclusive use of the other three properties. The applicant now contends that this condition requires him to offer these spaces for lease at market rates to any future owners of his property on the three adjacent lots. The Commission finds that while its is reasonable for each of the properties to assume a proportionate share of the management cost of the lot in this structure, it was its intent to create a right for parking for the future owners of the applicant's other structures. As conditioned, the applicant and its successors in interest are required to operate the lot on this building for the tenants of all four structures on an equal basis. The Commission, in condition 3(a) has attempted to protect future buyers of 511, 517, and 523 Ocean Front Walk from being subject to surcharges for this service, while allowing the owner of this building to levy reasonable charges for operation and maintenance of the lot.

The applicant has presented a convincing argument that supplying free parking to all employees would be inconsistent with air quality guidelines, and requests permission to operate an alternate system for employees of the development at 601 Ocean Front Walk. As conditioned, based on previous

commitments, the applicant will provide an alternate system for employees of all four structures, including the employees at 511, 517 and 523 Ocean Front Walk. The Commission finds that the alternative would be to allow no amendment to the standards of the previous permit and to maintain the 43 spaces for exclusive use of those properties and not make them available for common management with the rest of the spaces on this property.

The conversion of 511, 517 and 523 Ocean Front Walk has taken place, and this lot subject to the present permit is required to supply parking for those commercial uses. Therefore, conditions 1 and 2 provide that the applicant continue to provide 43 parking spaces for these approved uses. However, the condition has now been modified so that the applicant does not have to reserve these spaces for exclusive use of the development at this address. The applicant should, for consistency, apply for an amendment to permit 5-89-059. The Commission finds that in relieving the applicant from the requirement of operating two management systems for the properties, it is appropriate to extend all features of the management of the lots to apply to all properties. Condition 2 provides that customers of these establishments shall not have to pay for parking while they are shopping on the premises. It also provides that in lieu of providing unlimited free parking to the employees that will work in the proposed development, the applicant may operate a transit incentive program. This program must apply to all employees of the development dependent on this parking structure. Exhibit 4 includes the exact wording of the previous condition.

Finally, the previous project allowed for temporary alternatives to the use of this lot during construction. Condition 4 provides for such alternatives.

Parking and Use calculations for this development.

In approving development within the Coastal Zone, the Commission has consistently required parking to be provided. In Los Angeles and Orange Counties, the Commission adopted and imposed standards which were developed by the City of Los Angeles in the early 1970's based on actual parking generation throughout the City. These standards are adopted in the Regional Interpretive Guidelines. The Commission's normal practice is to calculate parking based on all enclosed areas, and on all areas, enclosed or not allocated for any use, such as sales, or sit-down food service.

The parking standards used by the Commission provide for one space per 225 gross square feet for general commercial, one space per 250 gross square feet for office and one space per 50 sq. feet of customer area for sit-down restaurants. Service patios and outdoor food seating are calculated the same as indoor seating in the case of restaurants. Gross square feet includes circulation, mechanical and support uses, but not courtyard and garden spaces. If there were no patio area, the Commission standards also provide for one space per 50 square feet of total gross area for take-out food service. Because this take-out standard is based on drive-in restaurant use, it has been consistently reduced in areas, like Venice, where take-out is walk up. How much should it be reduced, however, has never been consistently determined. It has been the practice to calculate either the sit-down service

area of restaurants or the preparation area and customer waiting area of take-out establishments. In this case, where the sit-down area has been calculated to provide maximum parking, the applicant is proposing to increase the potential preparation area and not supply parking for it; the applicant also requests that the area be used for a retail purposes because a retail use is less intense.

The reduction of the project from three levels over Ocean Front Walk to two levels over Ocean front walk, and the reduction of the first level to 9,300 square feet gross enclosed area has significantly reduced the parking demands of the project. As approved with the conditions proposed by the applicant, it now supplies only 17 spaces fewer than required by the strictest, additive, parking calculation. These 17 spaces can be accounted for by 1) considering the entire second floor food preparation for the food service plaza and exempting it from supplying parking (with the exception of the restaurant), and by 2) reducing the parking required for the food service plaza (area) on grounds that the food plaza will be open to the general public for seating and picnicking, and will not be operated in the same way as a restaurant seating area.

The applicant justifies this reduction on the grounds that the second story food court will be a walk-up establishment, and that unlike sit-down service patios, will operate more like a food court in a shopping mall, open to all visitors, available to customers of the fast food booths, but that does not require a purchase for use of the tables for viewing or picnicking. The Commission has imposed conditions that control the operation of the property to require this method of operation.

The maximum parking calculations for project as revised by the applicant in the document titled "revised conditions of 10/25/91" are:

511--523 Ocean Front Walk.		43 spaces
BIZ spaces		14 spaces
Retail use first floor (including mechanical and storage and circulation except for open passages between structures.	9,300 sq. ft.	41 spaces
Restaurant second floor 450 sq.ft. customer service (about 900 sq. ft.)		9 spaces
Food service plaza	2,500 sq. ft	50 spaces
previously proposed food preparation for plaza:	2,900 sq. ft.	0 spaces
Second floor remainder--		
as retail or	2,100 sq. ft	9 spaces
as food preparation	2,100 sq. ft.	0 spaces)
MAXIMUM TOTAL.		157 spaces
Parking provided		151 spaces

Applicant suggests that this figure may be reduced by :

Calculating the parking for the food service area at 1:60 because it also

serves the public; considering all second floor areas except for the restaurant are food preparation for the the plaza, and therefore not requiring parking for those second floor uses. Based on these ratios, with these adjustments the parking calculations become:

511--523 Ocean Front Walk.		43 spaces
BIZ spaces		14 spaces
Retail use first floor (including mechanical and storage and circulation except for open passages between structures.	9,300 sq. ft.	41 spaces
Restaurant second floor 450 sq.ft.		
customer service (about 900 sq. ft. gross		12 spaces
Food service area at 1 per 60 sq. ft.	2,500 sq. ft.	41 spaces
Food preparation for plaza	2,900 sq. ft.	0 spaces
Second floor remainder--		
as retail or	2,100 sq. ft.	0 spaces
as food preparation	2,100 sq. ft.	00 spaces
ADJUSTED TOTAL		148 spaces
Parking provided		151 spaces
Available for intensification		3 spaces

Project as originally proposed.

The Commission has found that the project as initially proposed did not conform to the Interpretive Guidelines standards for parking. As initially proposed, 69% of the structure was retail, 8.6% was food preparation and 21.6% was office. In the application originally submitted, 2,680 square feet of "loft storage" and 3,404 sq. feet of "circulation, toilets and mechanical" are proposed which were not included in the applicant's calculation of parking requirements. The numbers in the summaries below are then higher than the applicant's calculation because these areas, the lofts, circulation and mechanical areas, are counted and allocated proportionately to proposed uses.

The applicant's initial proposal was to build a three level above grade "U" shaped building around a central courtyard and a separate, one story, kidney-shaped structure within the "U" with a patio dining area on the roof. The applicant is proposing to locate retail stores on the first floor of all sides of the "U" shaped building courtyard and on the first floor of the the kidney-shaped building. The total area of the first floor of the building was 10,386 sq. ft., including mechanical, circulation and other enclosed areas, but not including an open patio area between the two structures. This area will be calculated as commercial retail for parking purposes. In the revised plan, this area will not be more than 9,300 square feet.

On the second level, the applicant originally proposed to provide 3,505 sq. feet of general retail and twelve food service and preparation bays totalling 1,800 sq. feet. The food service and retail was to be connected to lofts above, on the third level, totalling 2,638 sq. feet. The seating for this food service would be located on the roof of the kidney shaped structure which

is proposed to be 2,580 sq. feet, connected by ramps to the balcony that provides access to the food stands. The circulation, mechanical and other enclosed space on this floor totalled 851 sq feet, of which 66% has been allocated to commercial retail and 34% of which is allocated to food service. The original proposal provided for storage lofts above these shops which were allocated for parking purposes to the uses directly below, because the applicant states that the provision of storage will reduce deliveries to the commercial uses. This use of the area for storage for food service and commercial uses indicates that the use of the loft storage should be calculated as retail, and not, as proposed by the applicant, office. Therefore the second floor accounted for 5,807 sq. ft of commercial use and 2,987 sq. ft. of food preparation take out facility area (including lofts above, and 2,580 sq. ft of food service.

Finally, the applicant proposed to locate 4,500 sq. ft. of offices on the third floor at the back of the "U". (this was the second level above Speedway alley, a level that has been removed in the final plans). The applicant proposed a loft or attic on the sides of the "U" connected to the retail and food service below it: the Commission considers this area as counted in the square footage of the second floor areas directly beneath it because it is described as loft in the plans and under the terms of the settlement this entire area was permitted to become improved by tenants to commercial or other uses with no further permits. The applicant also originally proposed 5,087 sq. ft. of office use and related enclosed area on the third floor. The Commission notes page 9, paragraph 2(a)(i) of the settlement stated:

Building and related mechanical, electrical heating and refrigeration, plumbing and other ancillary permits for completion of the development of the Project, including without limitation, (emphasis added), tenant improvement work within the Project.

The Commission notes that the applicant could interpret that language to mean that adding to and finishing these loft spaces would not require a coastal development permit or a CUP amendment from the City. The Commission notes that as calculated to provide parking as if they were finished uses, these loft spaces would need no additional permits from the Commission if they were finished to provide storage for the commercial uses. As conditioned above, any "roof garden", interior loft, intensification, third level, second level over the alley, or other development, would require an amendment to this permit as an intensification of use.

The two level garage and the alley parking provide 46 primary parking spaces, 84 paired tandem spaces, 18 "valet" spaces located in the parking garage aisles, and 3 spaces located between the loading zone for trucks and the rear of the building (Exhibit 3). These spaces do not include a stacking area for waiting cars. They occupy much of the rear setback. There is a 700 square foot loading zone provided, which is 27 feet wide and 20 feet deep. Although this loading zone exceeds city zoning code standards, it will not accommodate a 38 foot truck, a size commonly used by suppliers of such goods as soft drink syrup and beer.

The opponents contend that the absence of a large loading zone will result in impacts on the traffic on Speedway. As conditioned, so that there is no third floor cantilevered over the area adjacent to the alley, and as conditioned so that the rear tandem spaces remain open during the week, and the trucks do not deliver during the weekends when these spaces might be needed, the Commission finds that there will be no conflict between loading trucks for the proposed establishments and traffic on Speedway.

To summarize, the parking burden for the initially proposed project as approved by the City includes:

USE	AREA	PARKING SPACES
Food preparation and storage and mechanical and circulation prorated to those uses:	2,987 sq. ft. (see below)	none if parking is provided for food service areas.
<u>Food service</u> area at 1:50	2,580 sq. ft.	51.6
<u>General retail</u> and mechanical and circulation prorated to those uses:	16,193 sq. ft.	72
<u>Office</u> and mechanical and circulation prorated to those uses:	5,087 sq. ft.	20
Previously committed parking:		43
Replacement/Beach impact parking		14
Total Parking Demand		<u>200</u>

Parking Summary

143	by this use
43	by previously approved use
14	cumulative replacement (BIZ)
200	Total needed
151	Total provided
149	Less queuing area--total available.
<u>51</u>	Parking Deficit of originally approved project

The City, in its settlement, adopted a parking design proposed by the applicant. The applicant states that he proposed this ratio after a series of initial community meetings. In its May action, the Commission found that the amount of floor area used by the City in calculating the parking differed from

the amount of floor area the Commission would ordinarily use. The amount of circulation and support area and unfinished floor area changed the amount of parking required by the project. The applicant has also contended that no unenclosed area, including both the food service patio and the paved patio setbacks between the two structures ought to be counted in square footage when the parking needs of the development is being considered. With respect to patio setbacks between the structures, the Commission concurs. However, patios that include tables and chairs for the consumption of food or beverages have been consistently counted as food service area in calculating the parking demands of development. The Commission rejected both the applicant's proposed parking ratio, and the staff's recommendation to tighten the parking requirements.

The guidelines provide for one space per 50 square feet of customer service area for sit-down food. Because the seating area is shared among 12 establishments, the applicant argues that the development should provide parking based on take-out standards, which are one space per 50 square feet of gross floor area, which may be modified for beach front walk-up establishments. The matter is complicated because if these take out stores serve alcohol, the customers are required by the mitigation measure on the Alcohol CUP portion of the City of Los Angeles permit to be served on the premises, and cannot take their purchases out. The City determined that the patio seating area would not require parking because the food-booths would be walk-up, but the Commission has determined that all seating areas will require parking. The Commission also found that the calculations used in the food service establishment and patio seating area were not consistent with the Commission's actions in other cases, where the Commission has consistently considered outdoor seating area in determining food service parking demand. Clearly the sit-down patio is a major generator of parking demand. As now conditioned, the development will provide parking at a ratio of 1:60 for the sit-down patio, a ratio that was reduced because, as noted above, the service area will not be reserved for exclusive use of customers, and no table service will be available and no check-in will be required.

With regard to calculating the need for parking generated by walk-up food preparation and sales, the City noted that the Interpretive Guidelines allow parking to be reduced for walk-up establishments on Ocean Front Walk. The Interpretive Guidelines do not specify how much to reduce parking, but some previously issued permits do reduce parking requirements for conversions of existing buildings. The City applied a reduced parking standard for take-out food at one per 150 square feet of take-out establishment, and, as noted above, did not require parking for the food service patio.

In Venice, the Commission has reduced the amount of parking required in walk-up food service establishments. This reduction was applied by the Commission in several early actions that were adjusted to the situations of buildings constructed prior to 1920, generally buildings with service areas that were less than 1200 square feet. In 5-83-267 and 5-83-604, Zapuyan, the Commission found that reductions were appropriate not only because the standard of 1:50 gross square feet for take-out establishments was generated for drive-ins but because it was necessary to take into account the need to :

"1) Provide incentive to beach serving uses; 2) Address the problems of older, small structures with no current parking; 3) Address the cumulative impact of approximately 200,000 sq. ft. of existing commercially zoned structures; 4) Address the ephemeral nature of the current parking lots and the impermanent quality of hot dog stands ... The Executive Director recommends the lowest ratio of parking to square footage for the smallest businesses and would increase the numbers per square foot and the business became bigger and more likely to be a draw in themselves." (Excerpt from 5 83-604) (Exhibit 9) 5-83-604A; 267; (Zapuyan)

The standard found in Exhibit 10, was applied to the applicant in that case, Zapuyan, and again to the present applicant in 5-89-059 (Blanchard), when he was converting an older structure with no parking to commercial and take out food. This standard is more relaxed the smaller the establishment that is being considered for food use. In considering cases involving older commercial structures, the Commission also permitted the use of interim solutions including the use of rented off-site spaces, and investigated a parking district or other long term solution in cooperation with the City to address the intensification problem as a long term solution. The Commission notes that the exception was not intended to be an incentive to construct large new complexes but rather was intended to enable owners of older nonconforming buildings a use of their property. The Commission made it clear that a stricter standard would be applied to new construction and to larger buildings. The Commission found that a relaxation in standards was appropriate because it allowed priority uses to operate on an interim basis.

As noted above, even if the Commission applied the reduced, older structure walk-up standards to this development, the development would require more parking than originally proposed because the applicant failed to take into account area allocated for food establishment storage. In this case, the first 1,400 square feet of walk up food sales would require 4 spaces, but if the first 1,400 square feet required fewer spaces, the remaining 1,575 feet would require 16 spaces. The total amount required approaches one space per 150 square feet of total food sales and preparation area as proposed in May of 1991. With relatively fewer accommodations, or with accommodations with a truly smaller net area, parking would be proportionately reduced--as would the need for employees, and as would the tendency of the center to become a traffic generator in itself. The project as finally proposed does have a significantly smaller net area. In addition, the entire issue of reduction of parking for walk-up take-out food is avoided because parking is provided for the food-service area.

One reason the appropriate level of parking to require for food stands on Ocean Front Walk has been difficult to ascertain is that there has been no data on the number of trips or of cars that can be tied to each stand. Clearly a Drive-in standard is not appropriate, but there has been little data to establish how many cars such a business will attract.

The applicant supplied a traffic study. This study did not address the expected number of employees for each food stand, and did not contain new data

on the parking demand generated by developments such as this use.

The opponents interviewed employees along Ocean Front Walk. They indicate (Exhibit 7) that the average number of employees is 4.61 per fast food unit. They contend that the answers to their questions of "how many people work here" and "where do you park" (Exhibit 6) would lead to the conclusion that there will be more than one employee per food stand, because that was the observed pattern. They further contend that of the employees they interviewed, about one-half drove to work. Based on this questionnaire the opponents contend that 12 establishments would require 30 spaces to accommodate employees only. In addition to those 30 spaces, additional spaces would be required to accommodate customers of the establishment. The "reduced" walk up calculations would require the applicant to supply 20 spaces for employees and for patrons, a number above that suggested by the applicant.

In response to the staff report, the applicant did a survey, (Exhibit 6) showing that there were approximately 3.81 employees per establishment, or one employee per 282 square feet. The applicant originally proposed 12 establishments, or 2,987 sq. feet of food preparation area. By the applicant's ratios, the original proposal would have 10 employees by square footage, plus two additional employees to reflect the number of establishments proposed, for a total of 12 employees. The current application proposes 5,450 square feet of food preparation would by the applicant's ratio, requires 19 employees presuming fewer establishments of more realistic size. Given the incentive program, employees would require 6 spaces (at three per car).)

The Commission finds that commercial development has attracted traffic to Venice and worsened the parking situation. The Commission finds that the parking generation figures used in the past may not reflect the true parking needs of development. Along Ocean Front Walk, development may attract more cars and traffic than the guidelines indicate and a higher parking ratio, based on employees and deliveries in addition to customers, may be appropriate. Such standards are most appropriately developed in the LUP. The Commission finds that the project as originally proposed did not meet the parking standards imposed on previous applicants, and could burden the fragile parking and traffic system.

As modified by the applicant, to remove approximately 9,200 square feet, including all the third floor and third floor lofts and to remove, in addition, about 1300 square feet of retail on the ground floor, the entire development parking burden will be reduced. The Commission finds that with 50 parking spaces provided for the second floor: 12 spaces for a sit-down restaurant and 41 spaces at one space per sixty square feet of sit-down public patio and food consumption area, the development will conform to the Commission's parking standards and will not generate excessive numbers of automobiles.

The Commission finds that as modified, the project will be consistent with the reduced standards for take-out and fast food applied by the Commission to walk up development. The Commission notes that the patio will provide 41 spaces,

and that if the 5,000 square feet allocated to fast food were to be calculated in lieu of the patio at the take out ratio of 1:150 applied to large scale take-out on Ocean Front walk, 33 spaces would be required.

The Commission finds, that the development, as conditioned, will provide spaces to mitigate the cumulative impact on the system of the conversion of the beach front from primarily residential uses to primarily commercial uses. The Commission finds that the design and management changes as conditioned, will reduce parking impacts on Speedway Alley, significantly reduce the traffic and parking impacts of this project, and as conditioned this project is consistent with Sections 30250 and 30252 of the Coastal Act.

Parking lot design:

The opponents contend that the presence of aisle spaces, and of tandem spaces in the alley, and also the short length of the loading area will result in jamming of Speedway Alley. The opponents note that Speedway Alley is only 20 feet wide, and that development on the property line will reduce the turn radius of existing garages on the inland side of Speedway Alley to 20 feet, which is not adequate. With respect to the turn radius, while two stair wells extend to the property line, the parking spaces are set back five feet from the alley, leaving the turn radius within the alley intact over the majority of the project.

The opponents contended that the 27-foot-long loading area will not accommodate food delivery trucks, which will park in the alley and impede emergency and other access. The opponents also note that a food delivery truck is 38 feet long, which will result in trucks parking within the right-of-way for Speedway Alley. The Commission notes, however, that the 700 sq. ft. loading zone is consistent with the requirements of the Zoning ordinance, which requires 400 square feet.

As redesigned, with the removal of the upper level (the third story over Ocean Front Walk, which was the second story over Speedway Alley) the Commission finds that the upper level no longer extends to within 6 and 8 feet of the alley. Therefore there is room for trucks to pull into the rear tandem spaces next to the alley. The Commission has now imposed a condition requiring that these spaces are not to be used during the times set aside by the conditions above for truck deliveries, unless the applicant provides a 60 X 10 foot loading zone. As conditioned, there will be no negative effect from delivery trucks on public access and access for emergency vehicles.

With respect to aisle and tandem alley parking, at a hearing about the operation of a valet lot nearby, 5-90-213 (Gould and Scharff), the Commission heard testimony about the stacking of cars waiting for valets, and the impacts on traffic of such cars. At a Sunday site visit by staff to Speedway Alley (April 12, 1991), there was such stacking on Speedway that it took one half hour to drive from Rose Avenue to North Venice Boulevard--one mile. The obstruction was caused in part by cars queuing to go into lots.

Therefore the Commission examined the alternative of requiring the applicant

to supply two queuing spaces on its property, off of Speedway, so that access along Speedway is not obstructed due to operation of the valet lot. The applicant suggested placing this queuing area within the setback adjacent to Speedway alley, which is now required in a condition. The condition similarly requires the entry control point to be off the alley, and within the building so that no stacking of cars in the alley will occur.

When the Commission has required replacement parking, it has permitted valet service, the use of aisle parking, and other devices to accommodate more cars, such as operating the BIZ parking as commercial day use lot with validation for the project's patrons and free parking for the employees while they are at work.

#### Parking operation

As noted above, the Commission considered a condition that the applicant provide free parking to employees and customers so that the employees and customers would not park on the streets and compete with beach goers. The Commission also considered a condition to limit the fees charged for spaces to the general public to the amount charged by the County beach lots.

In response to a requirement that the parking be free for employees and customers, the applicant argued that the lot as designed could not be operated without an attendant and an attendant could only be financed by operating the lot as a commercial lot and charging everybody. He further contended that by offering free parking to employees, there would be a disincentive to carpools and other alternative transportation, which would increase the number of cars coming to the beach. Finally, the applicant contends that the Commission has never limited the amount charged for parking spaces.

A review of the files shows that the Commission and the City have each imposed limits on fees, but the Commission's limits have applied only to the replacement (surplus) spaces. The Commission has allowed charging for replacement parking, so long as the charge does not exceed that charged for nearby publicly operated beach lots. It has not addressed a permit that included the applicant's suggestion of charging all users, including employees and customers for the use of its lots. The applicant objected to a condition requiring all parking for customers to be free, saying that it made the project un-economic.

The Commission concurs that several lots were operating primarily as commercial beach lots. These commercial lots observed did supply parking to beach visitors. The lots were easy to find, busy and the patrons had picnic baskets, towels, children, and other indications of a beach visit. Therefore the Commission will permit the lot to be used for day use parking, in addition to commercial parking, as long as employees and customers are provided for. The Commission finds that as long as validated free parking is provided to customers of all four properties that the applicant is required to serve, the applicant has no obligation to keep artificially low fees for parking for other visitors. It finds that the market, in a private operation, will keep the parking available to all segments of the community.

With regard to other lots, it further finds that the practice of charging day use fees for all parking required as part of a development may not conform with its intention in its former actions, and may constitute development by adding another use, that of a commercial parking lot, to a development that was not contemplated in its action in approving the other compatible projects.

However, the Commission finds that if parking is not provided free to people who are specifically attracted by the development, who would take advantage of a validation system, the development could directly impact beach parking. In conditions 2, 3 and 5 the Commission has therefore required validation for customers, and, as described above, provision for employee parking or transit reimbursement incentives for employees.

The Commission finds that as conditioned, the lot will provide for employees and will be able to be operated in such a manner as to provide funds for its operation. As conditioned, the project will be consistent with Sections 30210, 30213 and 30252 of the Coastal Act.

### 3) Cumulative Impacts on Traffic.

The opponents argue that if all the commercial lots served by Speedway Alley develop to the density allowed by zoning, Speedway Alley will not be able to accommodate it. Since Speedway Alley is twenty feet wide, this is not illogical. The opponents further contend that design details of the project, such as the six to eight foot setback along Speedway Alley and a loading area that will not accommodate a truck longer than 24 feet will necessarily result in congestion of the alley and impedance of emergency vehicles. The opponents further contend that if all the vacant larger parcels build out there will be more traffic than this alley can accommodate.

The applicant responds that the rate of turnover in Venice has been very slow so that build-out is unlikely to happen. The applicant supplied a traffic study that examined the traffic effects of the development on major intersections near the project. The study did not examine the patterns of parking and auto generation of similar projects in Venice, nor did it specifically study impacts on Speedway.

While no analysis was provided, the City did impose conditions on the project to reduce cumulative impacts on Speedway Alley. These conditions were: 1) to provide BIZ spaces, 2) provide a traffic light on Rose Avenue, 3) reservation of night-time spaces for residents, 4) restricting alley parking to handicapped and employee parking, and 5) time restrictions on deliveries so that deliveries would not occur at night. The applicant's study suggested the elimination of a number of street parking spaces on Rose Avenue (which are used by neighbors for parking and by beach goers) in order to accommodate turn lanes onto Speedway. The City's alternative was manipulation of traffic lights, and as noted above, provision of extra parking.

Because the applicant's study does not address the weekend patterns of Speedway or cumulative impacts on traffic or car generation of Venice Beach Front commercial uses, it supplies little information that can be used to evaluate these issues.

The Commission finds that there is sufficient evidence to require time limits and operation of the lots so that the cars do not queue on Speedway Alley. Because the most crowded time is weekends and holidays, the Commission finds that it is reasonable to restrict the development from deliveries during these times. During off-peak times, when deliveries will occur, the alley tandem spaces can be used as back-up loading areas, so that no truck need to stop on Speedway Alley. As noted above the Commission finds that this project does not, as proposed, conform with the Development, Recreation, and Access policies of the Coastal Act and is not consistent with Sections 30221, 30223, 30250 and 30252 of the Coastal Act. With the conditions imposed to modify the project, it does conform to these sections of the Coastal Act.

4) Community character and scale.

The opponents contend that allowing a building of this size could result in the cumulative replacement of many smaller older structures along Ocean Front Walk by larger new structures. The opponents also contend that the cumulative impact of these new commercial structures would be a change in character from a smaller scale, mixed residential/commercial area to a large scale shopping area. Opponents finally contend that the structure is "too big" and provides so much commercial floor space that the impact of the customers on Ocean Front Walk will be overwhelming.

The project, as approved by the City, exceeds the guidelines with respect to height along Ocean Front Walk by only one foot. A second guideline developed to address the apparent mass of structures states that no building should extend across more than 60 feet without a break. This building extends 132 feet along Ocean Front Walk and 144 feet along the Sunset Avenue Walk Street. There is a break in the facade along Ocean Front Walk, but no break along the Walk Street leading to the beach. This is the largest retail structure that the Commission has considered along Ocean Front Walk. Two previous large scale (for Venice) buildings supplied, in addition to retail, one floor of entirely public parking A62-81(Haskins and Slome) and several floors of residential including moderate and low income housing 5-85-701(Safran). These additional features were presented to the Commission at the time to justify increases in height over the guidelines. While the Commission may take a number of different actions for or against the project, including requiring no changes or requiring extensive changes, the Commission notes that even with the visual relief in the design, the plane of new construction facing Ocean Front Walk and Sunset Walk Street is extensive and, as approved by the City raises questions with respect to community character and scale.

The Commission also notes that large new structures have been required to set back off of Speedway and Ocean Front Walk and this structure has no setback from Ocean Front Walk and a reduced set back off Speedway.

The Venice ICO and the Guidelines for North Venice limit heights to 30 feet unless the applicant has received housing incentive variances from the local government and has provided additional floors in his structure devoted to a use that would be otherwise unprofitable and difficult to provide. Three other applicants who received height incentives provided extra parking, or housing for low and moderate income senior citizens. The application of height increases only on the basis of incentives creates variation in heights, rather than creating a new maximum. This applicant has not provided additional levels devoted to public purposes and therefore has no grounds for his exception to the height limit of one foot.

The opponents contend that the applicant is not adequately set back from the Ocean Front Walk, Speedway and the Walk Street. The Commission notes that the face of the building on Ocean Front Walk is not massive, but contains ground level entrances. The structure to the north is set back, but other structures are constructed to the property lines. Even though the applicant contends that the building does not present a flat, enclosed face toward Ocean Front Walk the Commission finds that its total scale must be considered in relationship to the existing development. As originally proposed, the building would have been both as high as the narrow high residential hotels that were developed before the First World War, which include no parking, and as wide as some of the newer apartment structures. The Commission finds that the subject development is the largest retail commercial structure it has yet considered in this area and must be examined in relationship to the precedents it sets for the recycling of older structures along Ocean Front Walk. The Commission cannot find that this building as originally proposed is consistent with the concerns of maintaining the sense of small scale in the beach area called out in the guidelines.

As conditioned, to remove the third floor of the development, the bulk of the structure as seen from the Walk Street and from Ocean Front Walk will be significantly reduced. The front edge of the structure and about two thirds of the side of the structure will not extend above 25 feet above Ocean Front Walk (two stories). The rear of the structure will be below a point twenty feet above Speedway Alley at the north-east corner of the lot. As the applicant describes it, if a line were drawn at right angles from the line from the ground to this point 20 feet in the air, all portions of the rear of the structure will lie below this line. This does mean that portions of this story will be as high as 23 feet above Speedway Alley at the southern (south-east) end of the building, because of the hill. The third level, (the second level above Speedway Alley) which was six to eight feet from Speedway Alley, will be removed, allowing more light and air along Speedway Alley.

The Commission notes however, that the development is on the property line on Sunset Avenue, and the houses behind it have been required by the Commission to maintain a 15 foot set back. The applicant also proposes to place bushes and trees in the public right of way. One of the public views to be protected in Venice is the view of the ocean that appears to a pedestrian walking down the walk street. Bushes and trees within the right of way will block this view. Neighbors have also expressed concern that clumps of bushes would

result in a spot where some one could hide at night, so that the day time advantage of the landscaping would be in conflict of the neighborhood need for defensible space on the Walk Street.

Finally the Commission has imposed limits on the construction of signs, specifically signs which may extend out over the right of way or add apparent height to the structure. The Commission finds that as conditioned, to reduce the height and the number of stories and to have sign control will preserve community character and scale will be consistent with Section 30251 of the Coastal Act.

As part of the applicant's proposal, the applicant is asking the Commission to add a condition relating to noise, and to relax certain conditions imposed by the City with respect to night time operations. Opponents agreed that noise of night time operation was an issue, and a reason for their opposition to beach front commercial uses. The opponents questioned whether "closing at 10:00" meant vacating the patio area at ten p.m. or merely accepting no further fast-food orders, and vacating at 11:00. The City imposed time limits in its conditions that can only be modified by the action of the Commission. The applicant contends that such modification from the City's standard of one hour after sunset is necessary to enable the lower intensity structure to operate successfully. City officials has indicated verbally that if the Commission modifies its times limits, the City will still enforce the time and noise conditions, which are designed to improve compatibility of the proposed commercial with the nearby residential uses. If the extended hours are necessary to the operation as a beach serving use, the City will cooperate with the Commission.

Neighbors have expressed general opposition to any food service, and more specifically pointed out that vacating the patio at 11:00 will result in noise at night and incompatibility with residential uses. The Commission finds that these local conditions are only its concern due to the special circumstances with this approval. In order to make the use feasible, it is appropriate to extend the time for interior restaurant use. In order not to undermine the intent of the City's condition, it requires, for compatibility with neighborhood uses, that if the plaza be closed, patrons vacated and lights extinguished at 10:00 p.m.

The Commission finds that this change in conditions is necessary only to assure that the project can operate, and agrees that the hours of operation are primarily a local issue and will be the responsibility of local government to enforce.

As conditioned to reduce the height of the structure to two stories, and to limit noise and hours of operation, the proposed development conforms with the development, recreation, and access policies of the Coastal Act and is consistent with Section 30250.

E. CEQA

This project does not have an EIR, but was processed on the basis of a mitigated negative declaration that, as noted above, has been challenged because it did not analyze the cumulative impact of commercial build-out on Speedway, a narrow one-way alley that could theoretically serve another 200,000 square feet of commercial development.

The Commission's regulations provide the Commission must examine the environmental impacts of development, and find that no feasible alternative could be approved that would cause less environmental damage. The Commission finds that approval of a residential project would, as the opponents contend, cause much less traffic impact, but would have other impacts in terms of bringing a use incompatible with the Ocean Front Walk crowds onto Ocean Front Walk. The Commission notes that it has received letters and petitions as part of this project that outline the conflict between residential and commercial use but also the conflict between residential use and the beach front recreation that takes place on Ocean Front Walk. On site visits on April 12 and April 19, 1991, the staff observed few extra parking spaces, traffic jams on Speedway, little parking, and large and very lively crowds on Ocean Front Walk engaged in standing in queues for fast food, walking and observing each other. In some spaces the crowds were so large it was difficult to walk. It was difficult to conclude that there was too much fast food on Ocean Front Walk, in fact a number of places, notably the Meatless Messhall and the Venice Car Barn, that had rights to food use had converted to T shirt distribution.

Ocean Front Walk was full, lively and an attractive visitor destination. It would be difficult to live on Ocean Front Walk with the level of crowds that were present. Traffic on Speedway was slow and the beach traffic, including the cars looking for parking did obstruct, the flow of traffic into the alleys that served the existing residential areas.

No conclusion could be drawn about whether Ocean Front Walk was too full, whether commercial development caused "overcrowding" on the walk or whether commercial operations merely were attracted by the number of potential customers.

Staff did observe that the mitigation programs imposed by the Commission were not operating as the Commission had required. None of the parking required as off site parking for commercial development was identified or available, and all commercial establishments with on-site parking were renting their spaces as commercial beach parking all-day spaces, with no validation for customers (one exception, \$5.00 validation for the Sidewalk Cafe). Staff observed heavy cumulative impacts on parking. Beach goers, however, were parking in City lots four and five blocks from the beach and going to the the beach.

The Commission has now considered and approved a recommendation to allow limited development and require parking provided to accommodate the development and additional spaces to provide for cumulative impacts. The Commission found that for this scale of development, which is a large scale project for this community, it must look at the cumulative impacts of all this

possible development along Speedway alley. It examined material that indicated that some existing commercial development would be made uneconomic by the development of the larger lots, and it examined maps indicating that many of the remaining lots were either vacant, or developed with one-story buildings. The Commission considered the possibility that the remaining lots were likely to develop to the scale of the original proposal. It found that there was not yet adequate information to evaluate the cumulative impacts of the originally proposed development of either the large lots or the recycling of all the commercial lots on public access, and on the traffic system, which it noted, was not designed for vehicular access.

On the other hand, the Commission was reluctant to deny the owner of a commercially zoned parcel the development of a visitor serving, commercial use. The Commission finds that a two-level, lower, building, with adequate parking could be approved. The Commission finds that as conditioned to construct a two story development, with no future improvements, there is a feasible alternative. In order to make it feasible, it has allowed some additional food uses and extended the hours of operation. Secondly, it examined the conditions imposed by the Los Angeles City traffic department in lieu of traffic studies and has imposed conditions to provide cumulative impact parking, city required neighborhood night-time parking, and to limit the use of Speedway for truck delivery to weekdays and to operate the parking lot without allowing queuing.

Based on the cumulative impacts of future development, the City may impose stricter conditions on other projects. This applicant has stated that it is not feasible for him to wait until the planning process is over. As it has in numerous other occasions of this sort, the Commission is allowing development now but requiring that no future additions occur, which means that if in the future larger structures are approved, the applicant has traded both the risk of stricter regulations and the potential opportunity of a larger project for development now.

The Commission acknowledges that there is no cumulative impact analysis of build-out along Speedway Alley of the existing commercially zoned vacant lots. However, the Commission in the past has allowed limited commercial development without such an analysis. As now conditioned to remove significant square footage from the project, to include numerous other conditions addressing cumulative impact parking, operation of parking, reservation of public rights, and limiting local impacts by limiting the hours of operation, the project is consistent with other commercial projects the Commission has approved and will not have cumulative or individual impacts on parking or traffic.

The development as now conditioned is the least environmentally damaging feasible alternative, and will not cause cumulative impacts on resources under the definition of the California Environmental Quality Act.

F. Unpermitted Development

Although some of the uses of land and development observed existing on this lot is not in conformity with the terms and conditions of the Commission's former permit; and uses on other lots in the vicinity observed showed both unpermitted development and violations of the terms and conditions of the Commission's past permits, the Commission's review of this development was based solely upon Chapter 3 policies of the Coastal Act. The Commission's review of its former conditions was based on its need to analyze 1) the effectiveness of those conditions, 2) precedents in the area and 3) the applicant's obligations under past Commission actions. Approval or denial of this permit or citation of unpermitted development or of development that was not in conformity with the Commission's conditions by this applicant or other applicants or owners does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

G. Local Coastal Program

One of the issues in the Local Coastal Program will be balancing the commercial and residential uses on Ocean Front Walk and determining the proper intensity of use in the area. The draft available to the Commission raises the issue, much in the same terms as the opponents have raised the issue, and also raises the access and coastal support issue. The process of resolving the issue has not yet taken place. The applicant contends that even if the intensity of future development is limited under the LUP, he has taken two years to get through the City and should not be delayed until such a difficult issue is resolved.

The opponents contend that there is such a cumulative impact on the beach-front now, that no more commercial development should be allowed, or if commercial development is allowed it should not include fast food, which because of its odors and trash is a particularly difficult problem. The opponents finally contend that at least no more alcohol serving establishments should be permitted on the beach front, where it is illegal to drink on public property.

The Commission reviewed the most recent drafts of the Land Use Plan, which provided for Commercial Art/Craft, a use of mixed commercial and residential, and other materials submitted by opponents to the project, including a letter from the City Councilwoman addressing the issues raised by the project. Evidence before the Commission indicates that the LUP may require mixed uses or limit future development so that the potential for future commercial build-out is reduced and a mix which includes more residential units can emerge.

The Commission notes that more information on future uses and on cumulative impact could emerge from the planning process. Such information may indicate that cumulative impacts will be less than asserted and that other methods of limiting intensification of use other than some of the more stringent suggestions made by opponents to this project may also be developed within the LUP process.

While the LUP may yet limit commercial development, or require mixed use, indications are that it will incorporate the Interpretive Guidelines with respect to parking. The Venice ICO Interim Control Ordinance limits heights and requires parking according to local guidelines that are almost identical to Coastal Commission Guidelines, although the City reserves the right to adjust these standards if a hardship is involved or if looser application of the guideline would result in the achievement of other of the Land Use Plan goals, including goals that are related to the City's enforcement of the Government Code with regarding the displacement of low and moderate income housing. In this case, the project as recommended for approval is considerably smaller, and as conditioned to include a publicly accesssible commercial plaza, limit heights, and control operations, will not prejudice the LUP.

The Commission finds that the LUP may develop parking standards that address location and arrangement of parking and set backs and size of loading areas appropriate to this heavily used area. The Commission has now reviewed the locally approved permit for this project, and finds that as conditioned by the Commission and the City, the project as now amended does conform to the parking requirements of the guidelines.

The Commission finds that approval of the project as originally proposed will limit the abilities of the City to develop an LUP that addresses all of the forgoing issues, but that as conditioned, the project is consistent with Chapter 3 of the Coastal Act, and will not prevent the development of an LUP that addresses the issues of commercial uses along Ocean Front Walk.

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## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
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LONG BEACH, CA 90802-4416  
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Filed: 5/18/94  
49th Day: 7/6/94  
180th Day: 11/14/94  
Staff: CP-LB CP  
Staff Report: 11/1/94  
Hearing Date: November 17, 1994  
Commission Action:



## RECORD PACKET COPY

STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: 5-90-789-A

APPLICANT: Stephen Blanchard AGENT: Sherman L. Stacey

PROJECT LOCATION: 601 Ocean Front Walk (APN 4286-28-1), Venice, City of Los Angeles, Los Angeles County.

## DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Construction of 31 foot high, five-level, 24,267 square foot gross area (21,629 square foot net area) retail/fast food center, with a 2,580 square foot food service plaza; including offices, retail, food stands and food plaza; and including a 38,592 square foot two-level subterranean parking lot with 151 parking spaces. [Note: As conditioned by the Commission, the scale of the project has been substantially reduced.]

## DESCRIPTION OF AMENDMENT REQUEST:

- 1) Revision of the parking requirements contained in the special conditions of the underlying permit to reflect a revised project resulting from the *elimination of a sit-down restaurant* with 450 square feet of service area, the *addition of five parking spaces* for a total of 156 on-site parking spaces, and minor reductions in floor area.
- 2) Revise the special conditions of the underlying permit to allow for more efficient management of the affected properties with mixed ownership.

COMMISSION ACTION: Approval with special conditions.

DATE OF ACTION: October 14, 1994

COMMISSIONERS ON Calcagno, Hisserich, Doo, Flemming, Glickfeld, Vincent,  
PREVAILING SIDE: Rynerson, Rick, Wright, and Chairman Gwyn.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on October 14, 1994, approving with conditions the permit amendment for Stephen Blanchard.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the 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.

II. SPECIAL CONDITIONS

NOTE: The following special conditions replace the special conditions of Coastal Development Permit 5-90-789 (Blanchard).

1. Conformance with City of Los Angeles Coastal Development Permit Conditions

The applicant shall comply with all conditions (mitigation measures) required by the City of Los Angeles under City of Los Angeles Local Coastal Development Permit Number CDP-88-36, except in the case of conditions that specifically differ from the conditions below. If conditions differ, or revised plans are required for this development by the Commission's action, the action of the Commission shall prevail.

2. Revised Plans

Prior to transmittal of the permit the applicant shall submit revised plans for the review and approval of the Executive Director. The plans shall include the following modifications to the plans filed with the application:

- a. The third floor of the building shall be eliminated. The height of the building shall be reduced to 25 feet above Ocean Front Walk at the Ocean Front Walk elevation and 20 feet above Speedway Alley at the corner of Sunset Avenue and Speedway Alley. Architectural projections, stair and elevator housings and mechanical units may exceed this height. No portion of the structure except for handicapped car ports, parking entrance ramp, elevator and the approved stair wells may extend within 26 feet of Speedway Alley.
- b. Uses on the first floor shall be designated as general retail, and shall not exceed 9,300 square feet of gross structural area. Uses on the second floor shall be limited to general retail and/or walk-up food service with no more than 5,236 square feet of total

enclosed area (gross structural area) and 2,155 square feet of exterior food service area. No interior restaurant seating or restaurant service is permitted.

- c. A queuing area sufficient to accommodate two cars within the applicant's property shall be located adjacent to Speedway or within the entrance to the parking garage.
- d. The trees and shrubs the applicant selects from the ICO list for placement on Sunset Avenue shall have open structures and shall maintain public views and preserve defensible space for pedestrians along Sunset Avenue.
- e. Parking for the revised building plans shall be provided on the following basis:

Ground Floor: General retail @ 225:1	41 spaces
Second Floor: General retail &/or walk-up food preparation: 5,236 sq. ft.	0 spaces
Food patio: 2,155 sq. ft.	35 spaces
Off-site 511/517/523 OFW spaces	43 spaces
Unallocated	23 spaces
Beach Impact Zone	<u>14 spaces</u>
TOTAL	156 spaces
Multiple use spaces (required by the City for nighttime use by residents)	16 spaces

### 3. Building and Parking Operation

Prior to transmittal of the permit the applicant shall submit for the review and approval of the Executive Director a deed restriction for recording, free of all prior liens and encumbrances except for tax liens, binding on all heirs and assigns of the applicant. The deed restriction shall run with the land for the life of the development approved in Coastal Development Permit 5-90-789 (5-90-789R; A5-90-789). The deed restriction shall provide:

- a. No fewer than 43 parking spaces on the subject property shall be made available to the owners, customers and tenants of 511, 517 and 523 Ocean Front Walk according to the allocation required by the terms and conditions of Coastal Development Permit 5-89-059 as recorded by the applicant. Upon issuance of the Certificate of Occupancy of the structure permitted under Coastal Development Permit 5-90-789, the applicant shall give notice to the owners and lienholders of those properties that construction has been completed

and that they now have a permanent right to use the allocated parking within the approved structure for the use of the aforementioned property. In the event of sale, hypothecation or transfer of any of the properties to a third party, the deed restriction shall provide that any owner of 511, 517 or 523 Ocean Front Walk shall have a right to use as well as the obligation to pay for and use, the number of parking spaces provided in Coastal Development Permit 5-89-059. The owner of 601 Ocean Front Walk shall not charge any amount for such use which exceeds the standard rates charged to lessees and users of parking at 601 Ocean Front Walk, and shall otherwise treat the use of parking by owners, and their patrons and tenants, of 511, 517 and 523 Ocean Front Walk on an identical basis to the use of parking by patrons and tenants of 601 Ocean Front Walk.

- b. The applicant shall agree that upon activation of this permit, no additional square footage, increases in intensity of use, increase in height, or of food service area or floor area other than described in condition 2 above will be permitted unless the Commission approves a subsequent Coastal Development Permit for this use.
- c. The applicant shall maintain an attendant at the parking lot during all hours in which any commercial business is open.
- d. Truck deliveries to the property or to 511, 517 or 523 Ocean Front Walk shall occur only between the hours of 9:00 am and 4:00 p.m. No truck deliveries shall occur on weekends or holidays. The applicant shall either a) provide a 60 foot by 10 foot truck loading zone parallel to Speedway alley, in addition to a 400 square foot loading zone, or b) shall agree that during approved truck delivery hours, the non-handicapped rear tandem parking spaces along Speedway Alley shall not be occupied. In the event the applicant elects b), above, in no event shall this provision be interpreted to mean that these spaces shall not be counted as a part of the total project parking.
- e. The applicant shall designate an area within his property adjacent to Speedway and the parking lot entrance for queuing of no fewer than two cars. The applicant shall permit no queuing of delivery trucks, of trash haulers or of cars entering the parking lot on Speedway Alley. The entry control and valet pick-up point for the parking lot shall be located at the bottom of the parking garage ramp.
- f. The applicant shall provide no fewer than 14 spaces for use by the general public for public access and replacement parking (also identified as BIZ spaces) on the premises. These spaces shall not be the spaces provided for 511, 517 and 523 Ocean Front Walk, or for development permitted pursuant to the subject permit.
- g. Patrons of the commercial establishments in 511, 517, 523 and 601 Ocean Front Walk shall be eligible for one hour of free parking with

a validation from any retail establishment at 511, 517, 523 or 601 Ocean Front Walk and two hours of free parking with a validation from any sit-down restaurant at 523 Ocean Front Walk.

- h. The applicant and successors in interest at 511, 517, 523 and 601 Ocean Front Walk shall provide a parking management program applicable to the parking provided at 601 Ocean Front Walk for uses at 511, 517, 523 and 601 Ocean Front Walk. The parking management program shall provide that all employees of the commercial establishments at 511, 517, 523 and 601 Ocean Front Walk shall be eligible to participate in the Parking Car Pool Program outlined in condition number 5.
- i. Plaza level seating area and rest rooms shall be public spaces available to all members of the public without any requirement of purchase. The rest rooms may be keyed. All plaza or exterior food service area noted in condition 2 above shall be identified as open to the public by appropriate visible signs; there shall be no table service and no table sign-in required for use of the tables.
- j. Access to the second floor plaza from Ocean Front Walk shall be secured and the second floor plaza vacated no later than 10:00 p.m.
- k. The plaza food service area may be open from the hours of 7:30 a.m. to 10:00 p.m., and shall be closed between the hours of 10 p.m. and 7:30 a.m.

4. Conformance with Interim Parking Provisions of Permit 5-89-059

Prior to transmittal of the permit the applicant shall provide a construction staging plan or a parking replacement plan for the review and approval of the Executive Director. The staging plan shall provide detailed schedules, leases, contracts and other methods that the applicant proposes to provide 43 parking spaces for the development on 511, 517 and 523 Ocean Front Walk during construction, as required by Coastal Development Permit 5-89-059. Pursuant to this requirement, the applicant shall either:

- a. Not begin construction until after September 15; and shall arrange the staging of construction so that parking may again be provided after Memorial Day weekend and throughout the summer; OR,
- b. If the parking structure is not usable for at least 43 spaces between Memorial Day Weekend and September 15, provide leases showing exclusive use of alternate parking sites to replace parking for those uses during the summer months. Temporary replacement parking may not be located on any lot that is presently used for beach, commercial or residential parking unless a parking plan that would increase the parking on such lots is provided by the applicant and approved by the Executive Director.

5. Parking, Car-pool and Transit Incentive Program

Prior to transmittal of the permit, the applicant shall record, free of all prior liens and encumbrances except for tax liens, a deed restriction or other suitable document, the form and content of which shall be subject to the review and approval of the Executive Director of the Commission. The document shall bind the applicant as landowner and all successors in interest, and run with the land for the life of the improvements approved in Coastal Development Permit 5-90-789. The restriction or other document shall assure the following:

- a. The applicant shall actively encourage employee participation in the California Transportation Ride Sharing Program by providing up to 15 spaces free of charge to registered car pools of 3 or more employees of commercial establishments at 511, 517, 523 and 601 Ocean Front Walk.
- b. The applicant shall implement a public transit fare reimbursement program for the employees of 601 Ocean Front Walk. The program shall be in effect for the life of the structure approved in Coastal Development Permit 5-90-789. The applicant shall provide for (50%) fifty percent reimbursement of actual expenditures of public transit transportation to and from 601 Ocean Front Walk by any employee employed by any commercial establishment at this location.
- c. The applicant shall provide, free of charge, space within the project for an exclusive, secure, bicycle parking area.
- d. The applicant shall implement a publicity program subject to the review and approval of the Executive Director that indicates how the future business owners and employees at 601 Ocean Front Walk will be made aware of the Parking, Car Pool and Transit Incentive Program. The publicity program shall commence during the first month of the occupancy of the development permitted in Coastal Development Permit 5-90-789.

6. Signs

The applicant's final revised plans shall include a sign program. The applicant shall provide signs that show clear directions to the parking area, and shall indicate that parking validations for customers of the four properties listed above are available. No sign located within the applicant's property shall be rotating, flashing or internally illuminated. With the exception of one building identity sign facing Ocean Front Walk, signs shall not exceed 12 square feet, and with the exception of directory signs located within the interior courts, and temporary A-frame signs in use during business hours, shall be mounted on the building. No sign shall extend above the roofline of the structure or over any public way or alley.

### III. FINDINGS AND DECLARATIONS

The Commission finds and declares:

#### A. Amendment Description

The applicant has requested that the parking requirements contained in the special conditions of the underlying permit be revised to reflect a revised project resulting from the elimination of a sit-down restaurant with 450 square feet of service area, the addition of five parking spaces for a total of 156 on-site parking spaces, and minor reductions in floor area. One of the purposes of the proposed amendment is to free up parking in the project so that adequate parking can be made available for a proposed sit-down restaurant with 1,399 square feet of service area on the adjacent lot at 523 Ocean Front Walk (Exhibit #2). [See Coastal Development Permit amendment 5-89-059-A (Blanchard)].

The amendment request also proposes to revise the special conditions of the underlying permit to allow for more efficient management of the affected properties if they are held under separate ownership.

The property is currently used as a parking lot. However, on November 10, 1991, the Commission approved Coastal Development Permit 5-90-789 (Blanchard) for the construction of two-story retail/fast food center with two levels of subterranean parking. Coastal Development Permit 5-90-789 has not been issued. The first floor of the approved project was approved with 9,300 square feet of general retail area. The second floor of the project was approved with 5,900 square feet of enclosed general retail or walk-up food service area. A 2,500 square foot patio with seating for the walk-up food services was also approved on the second floor. A 450 square foot sit-down restaurant was permitted within the 5,900 square feet of enclosed second floor area. This amendment eliminates that 450 square foot sit-down restaurant from the project. The two levels of subterranean parking were approved with 151 parking spaces. This amendment incorporates the addition of five more parking spaces for a total of 156 parking spaces.

This amendment also includes the following changes: 1) the second floor enclosed general retail and walk-up food service area will be reduced from 5,450 square feet to 5,236 square feet (in addition to the elimination of the 450 square feet of sit-down restaurant area); 2) The 2,500 square foot second floor patio will be reduced to 2,155 square feet; 3) the previously unallocated three parking spaces, in addition to the parking spaces formerly required for the 450 square foot sit-down restaurant, the five newly proposed parking spaces, and six parking spaces formerly required for the larger food patio, will become unallocated or will be leased to provide parking for a sit-down restaurant proposed to be located on the adjacent property at 523 Ocean Front Walk. [See Coastal Development Permit amendment 5-89-059-A (Blanchard)].

The proposed project is situated on three commercially zoned lots at the corner of Ocean Front Walk and Sunset Avenue (Exhibit #2). Ocean Front Walk is a popular commercial and residential pedestrian street on the beachfront which attracts many tourists and day visitors. The public beach and a public beach parking lot are located across Ocean Front Walk in front of the site. California Coastal Commission  
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**B. Public Access**

The primary Coastal Act issue is the proposed project's impacts on the public's ability to access the coast. One of the basic goals of the Coastal Act is to protect and maximize public access to the coast.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

One of the methods commonly used to maximize public access to the coast is to ensure that there is enough parking available for visitors of the coast. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

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....

Five new parking spaces will be provided within the approved project to increase the total number of parking spaces provided in the project from 151 to 156 parking spaces. In addition, the proposed amendment will reduce the parking demand of the previously approved project as follows:

Elimination of the 450 square foot sit-down restaurant:      -9 spaces

Reduce food patio area by 345 square feet:                      -6 spaces

Reduce second floor enclosed area by 214 square feet:        -0 spaces

Total Reduction:      15 spaces

In addition to the reduced parking demand resulting from the amendment, five new parking spaces will be added to the project and there are three parking spaces in the project which were previously unallocated:

Reduced parking demand as a result of this amendment:      15 spaces

Five newly proposed parking spaces:                              5 spaces

Three previously unallocated parking spaces:                    3 spaces

Unallocated parking spaces:                                      23 spaces

As a result of the changes proposed in this amendment, there are 23 parking spaces which are unallocated. The applicant may use these 23 parking spaces to serve the proposed sit-down restaurant with 1,399 square feet of service area on the adjacent lot at 523 Ocean Front Walk [see Coastal Development Permit amendment 5-89-059-A (Blanchard)]. Forty-three other parking spaces within the approved structure are already required by the underlying permit to serve uses approved at 511, 517 and 523 Ocean Front Walk. To reflect the above changes in the project's parking demand and supply, the special conditions of approval of the underlying permit will be amended. The amended parking demand for the revised project area as follows:

Ground Floor: General retail @ 225:1	41 spaces
Second Floor: General retail &/or walk-up food preparation: 5,236 sq. ft.	0 spaces
Food patio: 2,155 sq. ft.	35 spaces
Off-site 511/517/523 OFW spaces	43 spaces
Unallocated	23 spaces
Beach Impact Zone	<u>14 spaces</u>
TOTAL	156 spaces
Multiple use spaces (required by the City for nighttime use by residents)	16 spaces

As previously stated, the applicant may use the 23 unallocated parking spaces to serve a proposed sit-down restaurant on the adjacent lot at 523 Ocean Front Walk [see Coastal Development Permit amendment 5-89-059-A (Blanchard)]. If the restaurant parking is provided at 601 Ocean Front Walk, there must be assurance that the patrons of the proposed restaurant at 523 Ocean Front Walk will use the parking provided at 601 Ocean Front Walk instead of competing with the beach visitors for public beach parking. In order to do so, the applicant shall provide two hours free parking with validation when the restaurant is in use. Two hours is enough time for patrons to visit the restaurant and enjoy a meal. Also, because the parking is off-site, a signage plan must also be submitted which includes directional and informational signs which inform the public of the location and availability of the off-site parking supply at 601 Ocean Front Walk. The signs must also announce the availability of two hours of free parking with a validation from the restaurant at 523 Ocean Front Walk. The two hours of free parking with validation, in conjunction with the required informational signs, will reduce competition for the area's public beach parking spaces by directing customers of the proposed restaurant to the parking lot at 601 Ocean Front Walk. This will protect the public's ability to access the coast.

The applicant has also requested that the limitations on truck deliveries to 511, 517 and 523 Ocean Front Walk contained in special condition 3d be

eliminated. The applicant contends that requiring delivery trucks to use 601 Ocean Front Walk for deliveries to 511, 517 and 523 Ocean Front Walk may cause conflicts between future owners of the properties. He further states that Ocean Front Walk is the best delivery truck route to 511, 517 and 523 Ocean Front Walk. However, Ocean Front Walk is a pedestrian oriented accessway, and delivery trucks are incompatible with its pedestrian orientation. Ocean Front Walk is very popular with strollers, skaters, and large groups of people which often include small children. The proliferation of delivery trucks on Ocean Front Walk has created safety hazards and conflicts between people and trucks. Public access along Ocean Front Walk is also impacted because people may be intimidated by the large trucks and avoid using the walk.

Because of these conflicts and impacts, the Commission finds that limitations on truck deliveries are necessary to protect coastal access. The previously required shared loading zone at 601 Ocean Front Walk protects the public's ability to use Ocean Front Walk as a coastal pedestrian accessway. Therefore, the Commission's previous action limiting truck deliveries is not amended. In order to address the impacts on access caused by the use of Ocean Front Walk by delivery trucks, the Commission has directed the Executive Director to pursue a solution to the problem with the City of Los Angeles instead of burdening the applicant with a prohibition on Ocean Front Walk deliveries which does not apply to other property owners on the walk.

Special conditions 3h and 5b have been amended so that the applicant is only required to provide a fifty percent fare reimbursement for public transportation to the employees at 601 Ocean Front Walk and not reimburse the employees at 511, 517 and 523 Ocean Front Walk. This is necessary for the applicant to avoid paying other person's employees (at 511, 517 or 523 Ocean Front Walk) for transportation costs. The Commission can approve this change because the responsibility for providing the fifty percent fare reimbursement for public transportation to the employees of 511, 517 and 523 Ocean Front Walk has been transferred to the respective owners of those properties as a condition of Coastal Development Permit amendment 5-89-059-A (Blanchard).

As previously stated, Section 30252 of the Coastal Act requires the provision of adequate parking facilities in new development to maintain and enhance public access to the coast. The above revisions are consistent with the Commission parking standards for the area and the standards applied to the previously approved project. Therefore, as conditioned, the proposed project is consistent with Sections 30210 and 30252 of the Coastal Act.

### C. 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

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Exhibit 5

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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 has not yet developed a Local Coastal Program or a Land Use Plan for the Venice area that has been effectively certified by the Commission. The revisions in the project and parking requirements are consistent with the Commission's parking standards for the area and the parking standards applied to the previously approved project. Therefore, the Commission finds that approval of the proposed amendment, as conditioned, will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit amendment 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)(i) 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 impact which the activity may have on the environment.

There are no feasible alternatives which would lessen any significant adverse impact on the environment. The revisions in the project and parking requirements are consistent with the Commission's parking standards for the area and the parking standards applied to the previously approved project. Therefore, the proposed amendment, as conditioned, will not create negative environmental impacts which have not been mitigated. The Commission finds that the amendment, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

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