

TU 8 i

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(213) 590-5071

Filed: 5/18/92
49th Day: 7/6/92
180th Day: 11/14/92
Staff: CP-LB
Staff Report: 5/27/92
Hearing Date: June 9, 1992
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-92-137

APPLICANT: Werner Scharff

AGENT: Delphi Associates, Mark Ryavec

PROJECT LOCATION: 1 Washington St., Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a 25 seat outdoor dining area in the public right-of-way. Project includes widening of the sidewalk, relocation of two metered parking spaces, a removable canopy, a bike rack, and new trees.

Lot Area	2,520 sq. ft.
Public Area	1,270 sq. ft.
Building Coverage	2,130 sq. ft.
Pavement Coverage	1,630 sq. ft.
Landscape Coverage	30 sq. ft.
Parking Spaces	0
Zoning	C1-1
Plan Designation	Commercial
Ht abv fin grade	15 feet

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Approval in Concept #92-0035.
2. City of Los Angeles Board of Public Works Provisional Permit to occupy public right-of-way, Communication No. 110053, 3/31/92.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of proposed project with special conditions regarding seating capacity, loading area, public improvements, and future improvements.

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, 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. Seating Capacity

The total seating capacity of the restaurant shall not exceed 67 persons at any time.

2. Loading

The restaurant shall not use any public parking spaces for loading or unloading purposes at any time.

3. Public Park Benches

Prior to the issuance of the permit, the applicants shall submit plans in a form and content acceptable to the Executive Director, which show the design and location of two new public park benches in the subject public right-of-way. The plans must be approved by the City of Los Angeles and may not contain any form of advertisements. After review and approval of the submitted plans by the Executive Director, the applicants shall provide and maintain the two public park benches in the right-of-way. The benches shall remain in the right-of-way and be maintained by the restaurant at least as long as the outdoor dining area remains in the right-of-way.

4. Future Improvements

Prior to issuance of a Coastal Development Permit, the applicant shall record a Deed Restriction on the property, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-92-137 is for the approved development only, and that any future additions or improvements to the property will require a new Coastal Development Permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 25 seat outdoor dining area on the front of an existing restaurant on Washington Street in Venice. Under an agreement with the City of Los Angeles, the applicant is constructing the outdoor dining area addition in the public right-of-way in exchange for developing a portion of the public right-of-way for public use. The development of the

right-of-way includes the restaurant addition, a new realigned sidewalk, a bike rack, a bike lane extension, relocation of two metered public parking spaces, and three palm trees. The realignment of the sidewalk will align the new sidewalk with the current sidewalk on the opposite side of Speedway (Exhibit #2).

The existing restaurant currently has a seating capacity of 67 persons. There is no parking supply for the restaurant. The restaurant precedes the Coastal Act and therefore is not required to provide parking for the customers. The proposed project will not increase the seating capacity of the restaurant. The 25 new outdoor seats will be removed from the indoor dining area and the seating capacity will remain at 67 persons.

The existing restaurant is located on Washington Street near the intersection of Ocean Front Walk. Washington Street is a beach oriented commercial area. The Venice Pier extends from the terminus of Washington Street in this area. Ocean Front Walk, in this area of Venice, is a very popular walk street. The beach is on the seaward side of Ocean Front Walk, and commercial stores, restaurants, and vendors, as well as some residences, line the landward side of the walk.

B. Public Access/Parking

One of the main goals of the Coastal Act is to protect coastal access. The Coastal Act contains following policies which protect the public's right to access 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.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

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....

The proposed project involves the addition of a 25 seat outdoor dining area and the improvement of a public right-of-way for both private and public

uses. There are two coastal access issues. One issue is the parking supply and the other is public access to the publicly owned right-of-way on which the restaurant expansion is proposed.

The current 67 seat restaurant does not provide any parking because it predates the Coastal Act and was not required to provide any parking. The proposed project is not increasing the seating capacity of the restaurant, and is therefore not increasing the parking demand. Therefore, no additional parking is required from the applicants. However, the project is conditioned to limit the seating capacity of the restaurant to its existing capacity which is 67 persons. This will ensure that the parking demand is not increased over and above its current level.

The project is also conditioned to require the recordation of a deed restriction which requires a new Coastal Permit for any improvements to the property. This condition will give the Commission an opportunity to analyze any future improvements for their possible impacts on coastal access.

The existing site has two metered public parking spaces and a loading zone space in front of the restaurant on Washington Street. The proposed project includes the replacement of those two metered public parking spaces as part of the right-of-way development. The two spaces will be replaced in front of the restaurant on Washington Street in the same vicinity as they were before. The loading zone space will not be replaced. The loss of the loading zone space will have little effect on the public's ability to access the coast unless other public parking spaces are used for loading and unloading purposes. Therefore, the project is conditioned to prohibit the restaurant from using public parking spaces for loading or unloading purposes.

The proposed project involves the use of a publicly owned right-of-way for private business purposes. The non-paying public will be excluded from the portion of the right-of-way which is developed as an outdoor seating area for the restaurant. In exchange for the private use of public land, the applicants are improving part of the right-of-way for public use. The mitigation improvements include construction of a new sidewalk, a bike lane extension, a bike rack, replacement of two public metered parking spaces, and three new palm trees. The approval of the proposed project is conditioned to require that the applicants also supply two park benches for the public to sit at in the newly improved right-of-way. The park benches will enable the non-paying public to sit and enjoy the public area just as the paying customers have an opportunity to do in the restaurant.

The Commission finds that, as conditioned, the proposed project will not negatively impact coastal access in the area. Only as conditioned to limit seating capacity, prohibit loading in public parking spaces, provide public improvements, and require a future improvements deed restrictions is the project consistent with Sections 30210, 30212.5, 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 Permit only if the project will not prejudice the ability of the local

government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

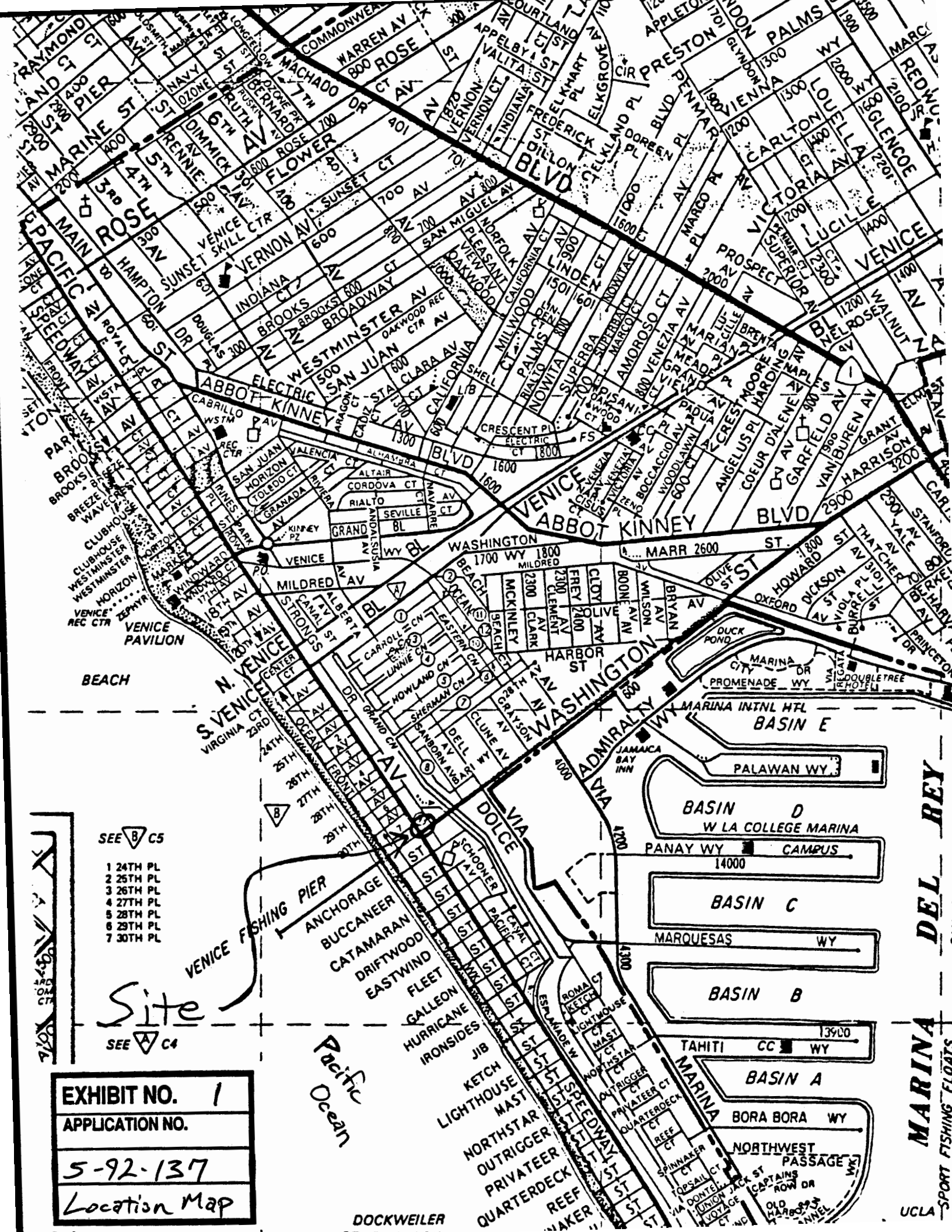
(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The proposed project, only as conditioned, is consistent with the coastal access and other policies of the Coastal Act. The use of public land for private purposes has been adequately mitigated. Therefore, the Commission finds that approval of the proposed development as conditioned will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

D. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

The proposed project, as conditioned, will not increase parking demands or traffic in the area. The proposed project, only as conditioned, is consistent with the coastal access and other policies of the Coastal Act. The use of public land for private purposes has been adequately mitigated. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.



SEE B C5

- 1 24TH PL
- 2 25TH PL
- 3 26TH PL
- 4 27TH PL
- 5 28TH PL
- 6 29TH PL
- 7 30TH PL

Site
SEE A C4

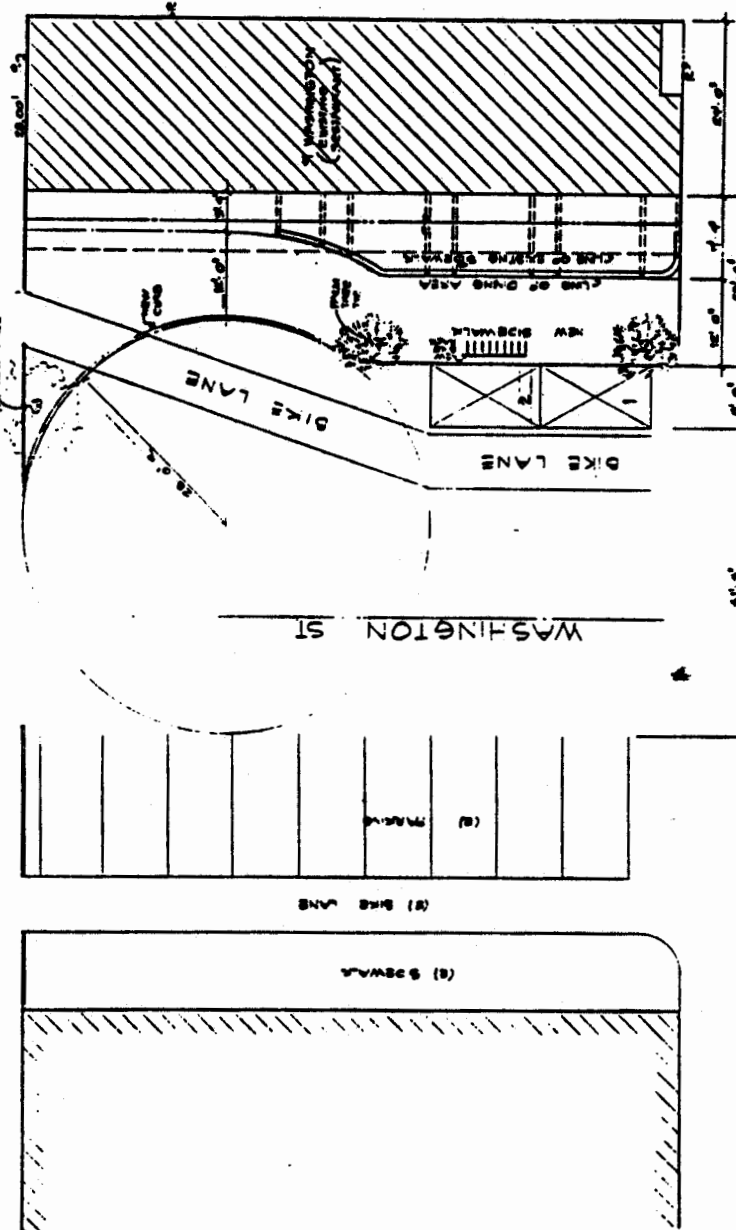
EXHIBIT NO.	1
APPLICATION NO.	
5-92-137	
Location Map	

DOCKWEILER

MARINA DEL REY
SPORT FISHING FLOATS
UCLA

PUBLIC PARKING

OCEAN FRONT WALK



SPEEDWAY
(one way) →

Sidewalk Alignment

SITE PLAN

PROJECT SCORE:

1. SATURD THE WTDN OF EXISTING
SUDWALK TO W23.4' TO MATCH
OPPOSITE SIDE OF SPEEDWAY
2. REMOVE EXISTING (2) PARKING
SPACES WITHIN 10' ZONE
ADJACENT WITH (2) PARKING
CONCRETE PARKING SPACES
3. PROVIDE NEW THREELANE
NEW ONE LANE
4. PROVIDE 20' Ø RADIUS
TURNING CIRCLE
5. NEW ONE LANE

RECEIVED

MAY 16 1992

CALIFORNIA
COAST GUARD

EXHIBIT NO. 2

APPLICATION NO.

5-92.137

Site Plan

FLOOR PLAN:

SCALE: 100 = 1" = 4'

NOTE:	
PERMISSIBLE NUMBER OF SEATING	67
APPL SEATING PROVIDED	67

EXISTING INDOOR DINING AREA
= 432 S.F.
NEW OUTDOOR DINING AREA
= 205 S.F.
TOTAL OUTDOOR AREA 340 S.F.

SOUTHELEVATION.

PC-019, 1022-1100

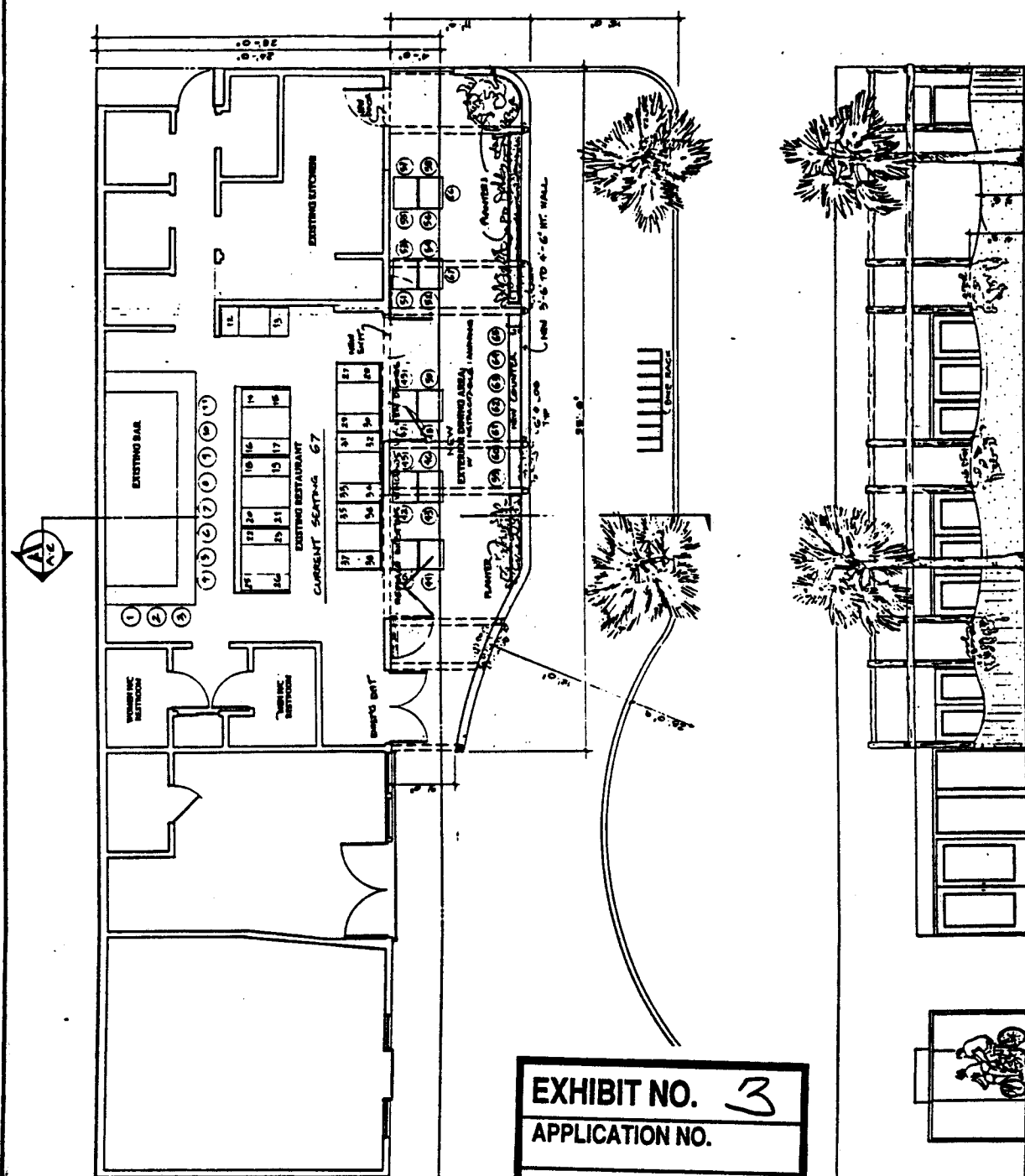


EXHIBIT NO. 3
APPLICATION NO.

5-92-137
Floor Plan

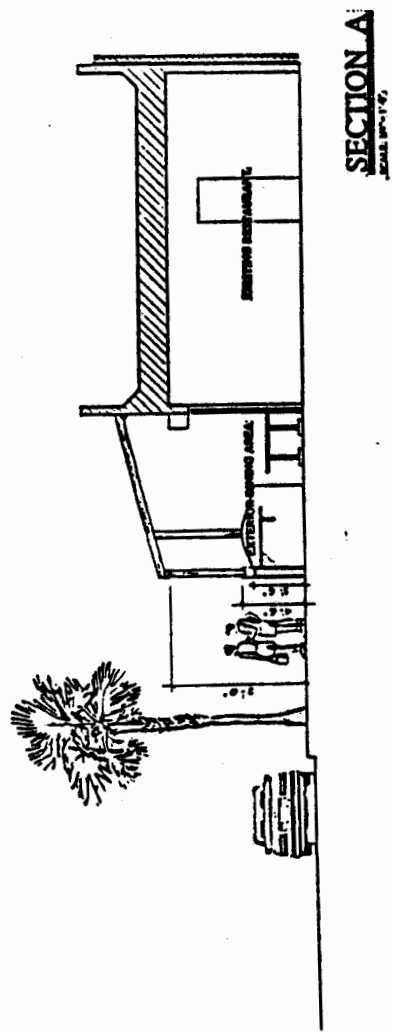


EXHIBIT NO. 4
APPLICATION NO.
5-92-137
Section



RUTH GALANTER
COUNCILWOMAN
SIXTH DISTRICT

City Council
of the
City of Los Angeles
City Hall
80012

200 N. SPRING ST.
ROOM 239, CITY HALL
LOS ANGELES, CA 90012
485-3357
FAX (213) 237-0549

February 26, 1992

Stan Sysak
District Engineer
West Los Angeles District
1645 Corinth Avenue
Mail Stop: #499

Dear Stan:

RE: 1 Washington Boulevard, Venice

A Public Works application for the above address is currently pending before Bob DeWidt in your office.

In October 1991, the Venice Community Planning Advisory Committee discussed a proposal by Snow's Oasis, a restaurant located at 1 Washington Boulevard in Venice, to widen a sidewalk and permit limited outdoor seating.

After reviewing the proposal thoroughly, including its implications for pedestrian and vehicular congestion, the Committee voted overwhelmingly to support the request on the conditions that bicycle parking be provided and that the indoor seating be reduced by the same number of seats as are provided outdoors.

The Committee advises me on planning and development issues in the Venice area, and I feel their guidance on this matter is correct and appropriate. I have no problem with the request going forward as long as it is consistent with what was approved by the Committee.

Thank you for considering my views.

Sincerely,

RUTH GALANTER
Councilwoman, Sixth District

RG/jes

EXHIBIT NO. 5
APPLICATION NO.
5-92-137
Council Support

