

REPORT OF GENERAL MANAGER

NO. 05-244

DATE September 21, 2005

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VENICE BEACH OCEAN FRONT WALK OUTDOOR DINING PERMIT (ODP):
AMENDMENT TO PERMIT NO. 555.

J. Combs	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
B. Jensen	_____	*M. Shull	<u>MS</u>



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

1. Approve the Amendment to Venice Beach Ocean Front Walk (OFW) Outdoor Dining Permit (ODP) No. 555, substantially in the form as attached (Exhibit A), granting the Café Venicia (Permittee), located at 827 Ocean Front Walk, an exemption from the Board approved ODP Guidelines and Procedures, as related to the permit area size and based on the Permittee's preexisting use of the subject area; and,
2. Direct the Board Secretary to transmit the draft permit to the City Attorney for review and approval as to form and content.

SUMMARY:

On January 7, 2004, the Board of Recreation and Park Commissioners (Board) adopted the Venice Beach Outdoor Dining Permit (ODP) Guidelines and Procedures (Board Report No. 04-06), authorizing the Department to issue outdoor dining permits at the administrative level to qualified restaurants located along Ocean Front Walk (OFW) at Venice Beach. Since then, seven (7) OFW restaurants have been issued ODPs. All seven had historically conducted outdoor dining activities on OFW prior to the development and implementation of the ODP process.

The Cafe Venicia was issued ODP No. 555 on June 23, 2004. To staff's knowledge, Permittee has since remained in good standing with the Department. At present, the Café Venicia's outdoor dining area, authorized under ODP No. 555, measures approximately 24' x 10' (approximately 240 square feet). However, because the Permittee is located at the corner of OFW and a side street, Brooks

REPORT OF GENERAL MANAGER

PG. 2

NO. 05-244

Avenue, the Permittee has historically used a portion of OFW which measures approximately 30' x 10' (300 square feet). Permittee has requested that the Board amend ODP No. 555, allowing Permittee to include that 6'x10' area which has always been used but is currently not authorized under ODP No. 555. The subject area is located immediately adjacent to the existing outdoor dining area approved under ODP No. 555.

The Department's ODP Guidelines and Procedures impose certain restrictions and requirements on restaurants who conduct outdoor dining activities on OFW. Permittee's request for an amendment pertains to a restriction which limits the size of a permit area. Under current Guidelines, a permit area may not extend seaward (west) more than ten (10) feet from the property line which divides City property and private property, and must remain within the width of the subject restaurant's front facade to the north and south. Permittee's current permit area configuration complies with the "10 foot seaward requirement," but extends approximately 6 feet beyond the business' front facade because of the corner location. Permittee is requesting that the Board grant an exception to this restriction, so that Permittee may continue to use the 30' x 10' area that has been used by Permittee since the inception of the Café Venicia's operations on OFW.

Staff's recommendation for the Board to approve the proposed amendment is primarily based on Permittee's pre-existing use of the subject area. Permittee has historically used the entire 300 square foot portion of OFW which is immediately in front of the Café Venicia. At the time of the Department's original development of the ODP Guidelines and Procedures, the specific configuration and circumstances of the corner lot restaurants along OFW were not fully considered. Therefore, the ODP's current Guidelines inappropriately limit certain uses of OFW for corner businesses. In the particular case of the Café Venicia, due to how the Guidelines were originally written, Permittee's use of the entire subject 300 square foot portion of OFW is being forced to be reduced. The proposed amendment would be a good faith measure to correct that. The proposed amendment would allow Permittee to "officially" continue using the patio dining area that has always been used. The attached aerial photo (Exhibit B) provides an overhead view of the site, illustrating the 24' x 10' area authorized under ODP No. 555, and the 6' x 10' space being requested for inclusion under the same permit.

The consolidation of the 6' x 10' space and permitted space will not impede pedestrian traffic as OFW is approximately forty (40) feet wide at this point of the walkway, nor will it present any hazards to the public, and will not impact emergency vehicle access to OFW. Brooks Avenue is primarily used by pedestrians and is used by vehicles only for delivery purposes, so access to OFW and the beach will not be affected. Furthermore, there is no authorized parking on Brooks Avenue, so pedestrian access will remain free and clear. Objections from neighboring businesses or the public are not anticipated, since Permittee has historically used the subject area without any conflicts or interference.

REPORT OF GENERAL MANAGER

PG. 3

NO. 05-244

The attached photos (Exhibits C-1 and C-2) show the permit area, including the subject 6' x 10' area included in the proposed amendment, as it has been used historically and is being used currently. The Café Venicia's outdoor dining is compatible with Venice Beach's OFW design and provides an obvious benefit to the public by enhancing the Venice Beach experience for tourists, local Southern California visitors, and the Venice community. It is requested that the Board approve the proposed Amendment to ODP No. 555, authorizing an exception to the relevant ODP restriction pertaining to permit area boundaries.

It should be noted that Permit No. 555 was issued for a maximum term not to exceed three (3) years. Upon expiration of the ODP term, the Café Venicia will be required to reapply for a Subsequent ODP, as required by the ODP Guidelines and Procedures. Subsequent Board approval shall also be required for any future permit exceptions, including the subject exemption discussed in this report. The ODP is revocable on thirty (30) days notice to the Permittee, including all associated amendments.

FISCAL IMPACT STATEMENT:

There is no fiscal impact associated with this amendment for either the Department or Permittee. The required ODP fee paid by the Permittee will not be affected, as the proposed 300 square foot permit area will remain below the threshold for the next fee level, which begins at 301 square feet.

Staff has consulted with the Offices of Councilmember Bill Rosendahl and the Superintendent of the Department's West Region regarding this matter, and each concur with staff's recommendations.

This report was prepared by Joel Alvarez, Management Analyst II, Real Estate and Asset Management.