

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**W11a**

Appeal Filed: 6/13/2007  
49<sup>th</sup> Day: Waived  
180th Day: N/A  
Staff: Charles Posner-LB  
Staff Report: 12/20/2007  
Hearing Date: January 9, 2008  
Commission Action:

**STAFF REPORT: APPEAL - DE NOVO PERMIT**

**APPEAL NUMBER:** A5-VEN-07-200

**APPLICANTS:** Amuse Café Partners, LP (Max Trumpower & Jeanne Rosenberg)

**APPELLANT:** James Murez

**PROJECT LOCATION:** 796 Main Street, Venice, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** Convert an existing two-story single-family residence into a restaurant with seven on-site parking spaces.

Lot Area	1,000 square feet (approx.)
Building Coverage	630 square feet (approx.)
Landscape Coverage	0 square feet
Parking Spaces	7
Zoning	C2-1 Commercial
Plan Designation	Community Commercial
Building Height	20 feet above fronting street

**SUMMARY OF STAFF RECOMMENDATION**

On October 10, 2007, the Commission, after public hearing, determined that a substantial issue exists with respect to the grounds of the appeal because: a) the proposed off-site parking plan and valet parking service would adversely affect public parking resources that support coastal recreation, and b) the applicants' building encroachment onto the Main Street public right-of-way adversely affects public access along the public sidewalk.

Subsequent to the October 10, 2007 hearing, the applicants revised to the proposed project by: a) withdrawing the off-site parking and valet parking proposal, b) proposing an alternative parking plan with seven on-site parking spaces (Exhibit #5), and c) proposing to remove a portion of the building encroachment in order to provide a twelve-foot wide sidewalk on the Main Street right-of-way.

Staff is recommending **APPROVAL** of the coastal development permit with special conditions. The recommended special conditions, which begin on Page Three, would: a) require the submittal of revised floor plans which balance the amount of customer service area with the number of parking spaces provided at the rate fifty square feet of service area per parking space (350 square feet of customer service area would be permitted with the seven proposed parking spaces); b) require the removal of a portion of the applicants' building encroachment in order to widen the Main Street sidewalk to twelve feet (the daily placement of tables and chairs on part of the widened sidewalk for outdoor dining is permitted – provided that adequate parking is provided); c) impose best management practices for restaurant operation in order to protect water quality; d) limit signage; and, e) require the recordation of a deed restriction. As conditioned, the proposed project will protect coastal access and conform with the Chapter 3 policies of the Coastal Act. The applicants agree with the staff recommendation. **See Page Two for the motion.**

**LOCAL APPROVALS:**

1. City of Los Angeles Local Coastal Development Permit No. ZA-2005-2021.
2. City of Los Angeles City Council File No. 06-2476 [ZA-2005-2021(CDP)(ZV)(PAB)(SPP)].
3. City of Los Angeles Negative Declaration No. ENV-2004-7753-ND.
4. City of Los Angeles Conditional Use Permit No. ZA-2004-0099 (CUB).
5. City of Los Angeles Revocable Permit No. 50291 (1/29/1988).
6. City of Los Angeles Street Vacation Case No. 92-1400152 (July 1992).

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 175,693.
3. Coastal Development Permit 5-89-059 (Blanchard, 511-601 Ocean Front Walk).
4. Coastal Development Permit 5-90-789 (Blanchard, 601 Ocean Front Walk).
5. Commission Appeal Case A-5-VEN-00-173 (Hartley, 30 Washington Blvd.).
6. Commission Appeal Case A-5-VEN-06-156 (RAD Venice, 700 Main Street).

**STAFF RECOMMENDATION:**

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

**MOTION:** *"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-07-200 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

**I. Resolution: Approval with Conditions**

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

## II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. Special Conditions

1. Parking Program

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit revised floor plans for the restaurant, subject to the review and approval of the Executive Director. The revised restaurant floor plans shall balance the amount of customer service area (indoor and outdoor dining areas and waiting areas) with the number of on-site parking spaces provided at the rate fifty square feet of customer service area per parking space. In this case, seven on-site parking spaces are provided so the maximum amount of customer service area shall be limited to 350 square feet.

All development must occur in strict compliance with the special conditions and the final plans approved by the Executive Director. Any deviation from the approved plans, any proposed change in use, change in commercial floor area, change in number of parking stalls, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. Main Street Sidewalk Encroachments

- A. Within ninety (90) days of issuance of the coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall remove a portion of the structure (i.e., front patio, stairway and deck) that encroaches into the fronting Main Street public right-of-way and widen the sidewalk to twelve feet. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
- B. Provided that adequate parking is provided consistent with the requirements of Special Condition One above, and the applicants have obtained all necessary local approvals, the applicants are permitted to place (a day-to-day basis) tables, chairs and a removable barrier on a five-foot wide (5') portion of the twelve-foot wide public sidewalk for outdoor dining. The remainder of the sidewalk shall be kept clear of obstructions to public pedestrian use of the sidewalk.

3. Protection of Marine Resources

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit plans, subject to the review and approval of the Executive Director, for the implementation of appropriate source control, treatment, and both structural and non-structural Best Management Practices (BMPs) to mitigate the pollutant load of stormwaters and nuisance flows from the development site. The BMPs shall include, but are not limited to the following:

- A. The applicants shall, on a weekly basis, sweep the on-site parking and loading area, outdoor dining areas and other impervious surfaces to remove sediment, debris and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
- B. The applicants shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease and other pollutants in runoff.
- C. Wash down areas for restaurant equipment and accessories shall be designed as follows: i) The area should be self-contained, equipped with a grease trap or grease interceptor, or other BMP that prevents grease from reaching the sewer system, and properly connected to a sanitary sewer; ii) if the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

The permittees shall implement, maintain and carry out the plans for BMPs as approved by the Executive Director.

4. Signs

Rooftop signs and signs that exceed the height of the structure are prohibited. No sign shall rotate, flash, or be internally illuminated. No freestanding signs are permitted.

5. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Los Angeles Case No. ZA-2005-2021 (Alcohol Sales, Venice Specific Plan Project Permit, etc.). In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-VEN-07-200 shall prevail.

6. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

7. Deed Restriction

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

8. Condition Compliance

Within ninety (90) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### **IV. FINDINGS AND DECLARATIONS FOR THE DE NOVO PERMIT**

The Commission hereby finds and declares:

##### **A. Project Description**

The proposed project is the conversion of the two-story single-family residence to a restaurant with seven on-site parking spaces, and the widening of the Main Street sidewalk to twelve feet. A portion of the front of the structure (about three feet of the deck, balcony and stairway) would be removed in order to widen the existing sidewalk to twelve feet. Five on-site parking spaces are provided on the applicants' driveway easement and a portion of the Main Street public right-of-way (not on the sidewalk), and two parking spaces are provided in the rear yard of the restaurant property (Exhibit #5, p.3). The applicants have a Revocable Permit issued by the City of Los Angeles City Department of Public works (Revocable Permit No. 50291, 1/29/1988) that allows them to utilize part of the right-of-way that is situated between the sidewalk and their front property line (Exhibit #4).

The C2-1 zoned lot, where the proposed restaurant is located, is situated on the east (inland) side of Main Street, about three blocks inland from the Venice Boardwalk and beach (Exhibit #2). The project site is comprised of one lot (portion of Lot 15) developed (c. 1908) with a two-story single-family residence, part of the Main Street public right-of-way, and an easement (Los Angeles County Recorded Instrument No. 93-2035479, 10/19/ 93) over part of the adjacent property on which the applicants have been granted the right to use as a vehicle parking area (Exhibit #4).

This segment of Main Street is dominated by residential and industrial uses (e.g. the Metropolitan Transportation Authority bus yard), but much of the industrial land is being redeveloped with high-density residential uses [Commission Appeal Case A-5-VEN-06-156 (RAD Venice, 700 Main Street)]. The City is currently considering two hotel proposals on sites near the intersection of Main Street and Abbot Kinney Boulevard. Both sides of Main Street, where the proposed restaurant is located, are lined with public parking spaces.

##### **B. Land Use**

The proposed restaurant is an appropriate land use for the project site (if the parking demands are adequately mitigated) as the certified City of Los Angeles Land Use Plan for Venice (Venice LUP) designates the site with the "Community Commercial" land use category, the lot is zoned by the City as C2-1 (Commercial), and the Coastal Act requires that visitor-serving commercial uses be given priority over residential and other non-priority land uses. Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

In addition, Coastal Act Section 30252(2) states that new development should provide commercial facilities within or adjoining residential development as a way to reduce vehicular traffic. Coastal Act Section 30252(2) states:

The location and amount of new development should maintain and enhance public access to the coast by (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed restaurant project would provide coastal visitors and nearby residents with sit-down dining service. The certified Venice LUP specifically calls for visitor-serving commercial uses, such as restaurants, to be located in the Community Commercial land use designation. Therefore, the proposed land use complies with Section 30222 of the Coastal Act and the land use designation set forth by the certified Venice LUP because it would provide a visitor-serving commercial use on the site.

### **C. Public Access/Parking**

New development must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available in Venice. The proposed restaurant is required to provide adequate on-site parking as required by the certified Venice LUP and Section 30252 of the Coastal Act.

Certified LUP Policy II.A.1 states:

**Policy II. A. 1. General.** *It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.*

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 nonautomobile 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 onsite recreational facilities to serve the new development.

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 of the Coastal Act requires that public access be protected by ensuring that adequate parking is provided to meet the increased parking demand generated by new development. Further intensification of uses in the project area will increase the demand for parking. The demand

for parking already surpasses the supply during peak use periods. The peak use periods in the Venice area are primarily summer days when beach attendance increases. Parking demand is lowest when beach attendance is low, although the restaurants in the area do generate a significant demand for parking during the dinner hours.

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project is required to provide adequate parking facilities. The amount of parking that is “adequate” is determined by calculating the parking demand of a specific project using a parking standard. The parking standard is typically part of a certified local coastal program or zoning ordinance.

The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development, including conversions of uses, shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table.

Policy II.A.3 of the certified LUP states:

**Policy II. A. 3. Parking Requirements.** *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for restaurants as follows:<sup>1</sup>

Restaurant: 1 space for each 50 square feet of service area (including outdoor).

The proposed project includes seven on-site parking spaces and 350 square feet of customer service area (fifty square feet of service area per parking space). Special Condition One requires the applicants to provide floor plans, for the review and approval of the Executive Director, that balance the amount of customer service area (indoor and outdoor dining areas) with the number of on-site parking spaces provided at the rate fifty square feet of customer service area per parking space. In this case, seven on-site parking spaces are provided so the maximum amount of customer service area shall be limited to 350 square feet. As conditioned to mitigate the parking demands of the proposed restaurant at the rate of one space per fifty square feet of customer service area can the proposed restaurant be found to be consistent with the public access policies of the Coastal Act and the parking requirements of the certified Venice LUP.

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<sup>1</sup> The parking standards in the certified Venice LUP are identical to the parking standard contained in the Commission's Regional Interpretive Guidelines for Los Angeles County, adopted 1980.



**D. Public Access on the Main Street Sidewalk**

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The proposed development must be designed to avoid any adverse impacts on public access to the coast or to nearby recreational facilities.

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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The Main Street sidewalk is part of the public sidewalk system that provides direct pedestrian access from inland areas to Venice Beach. The front patio, stairway and deck of the proposed restaurant encroach about eight feet into the fronting Main Street public right-of-way. Although the City Department of Public works issued an encroachment permit for 796 Main Street in 1988 (Revocable Permit No. 50291, 1/29/1988), the applicants have not obtained a coastal development permit for the encroachment.

The segment of Main Street near the proposed project, from the project site (796 Main Street) to 808 Main Street (intersection with Abbot Kinney Blvd.), includes seven properties on the east side of the street. The width of the sidewalk (from curb to building front or fence) in this segment varies from six feet to twelve feet. The width of the sidewalk in front of the project site (796 Main Street) is currently nine feet. On part of the sidewalk in front of the project site, there is one tree, a newspaper rack and a bicycle rack that restrict the usable sidewalk width to six feet.

The proposed project includes the applicants' offer to widen the Main Street sidewalk to twelve feet by removing a portion of the front of the structure (about three feet of the deck, balcony and stairway). Special Condition Two of the permit requires the applicants to remove a portion of the structure (i.e., front patio, stairway and deck) in order to widen the sidewalk to twelve feet. If adequate parking is provided, the applicants are permitted to place (on a day-to-day basis) tables and chairs on the widened sidewalk existing decks in part of the encroachment area for outdoor dining. Only as conditioned to widen the sidewalk to twelve feet, as proposed by the applicants, is the proposed project consistent with the public access policies of the Coastal Act.

## **E. Community Character**

As required by the Coastal Act and the certified Venice LUP, the visual qualities of this coastal area shall be protected from negative impacts such as excessive building heights and bulks, and unnecessary visual clutter.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Policies I.D.4 and V.A.5 of the certified Venice LUP state:

**Policy I. D. 4. Signs.** *Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.*

**Policy V. A. 5. Streetscapes.** *Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors.*

The proposed widening of the Main Street sidewalk to twelve feet will improve the quality of the sidewalk experience and enhance the pedestrian activity in this changing neighborhood.

The local community and the Commission are also concerned about the design and appearance of the commercial structures. Exterior signs and other advertising on structures can negatively impact the visual quality of the area. Therefore, in order to protect against excessive visual impacts caused by signs, the approval of the project is conditioned to limit the type of exterior signs that are permitted to be attached to the proposed structure. Rooftop signs and signs that exceed the height of the structure are prohibited. No sign shall rotate, flash, or be internally illuminated. No freestanding signs are permitted.

Therefore, only as conditioned, does the proposed project adequately protect the scenic and visual qualities of the Venice area consistent with Section 30251 of the Coastal Act and the provisions of the certified Venice LUP.

## **F. Control of Polluted Runoff**

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will

maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed restaurant poses a potential source of pollution due to contaminated runoff from the restaurant and its parking and trash areas. Runoff from the site enters the City's stormdrain system and is ultimately discharged into the marine environment. Untreated wastewater from the site must be prevented from negatively affecting the marine resources in the adjacent waters of the Pacific Ocean.

To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, a special condition requires the applicants to incorporate best management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site.

As conditioned, the proposed project will minimize water quality impacts and is consistent with past Commission action with regards to water quality requirements. A similar condition was imposed by the Commission when it approved small restaurant intensifications at: 1401 Ocean Front Walk [Coastal Development Permit Amendment 5-93-389-A1 (10/8/01)], 205 Ocean Front Walk [Coastal Development Permit 5-01-177 (10/8/01)], 18 Washington Boulevard [Coastal Development Permit 5-03-378 (1/15/4)] and Coastal Development Permit Amendment 5-84-638 (2/18/04)]. The Commission, therefore, finds that, as conditioned, the development will be consistent with Sections 30230 and 30231 of the Coastal Act.

#### **G. Unpermitted Development**

Prior to applying for this coastal development permit, some of the development on the site occurred without the required coastal development permit. The unpermitted development includes: building encroachments onto the Main Street public right-of-way and a partial street vacation. The street vacation matter is not before the Commission at this time, as the City of Los Angeles would need to be the applicant in order to vacate a public right-of-way in the coastal zone.

A condition of the permit requires the applicants to remove (within ninety days of permit issuance) a portion of the structure (i.e., front patio, stairway and deck) that encroaches into the fronting Main Street public right-of-way in order to widen the sidewalk to twelve feet. To ensure that the matter of unpermitted development is resolved in a timely manner, a special condition requires that the applicants satisfy all conditions of this permit amendment which are

prerequisite to the issuance of this permit amendment within ninety days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development has taken place prior to Commission action on this permit application, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit or permit amendment.

#### **H. Deed Restriction**

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

#### **I. 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 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.

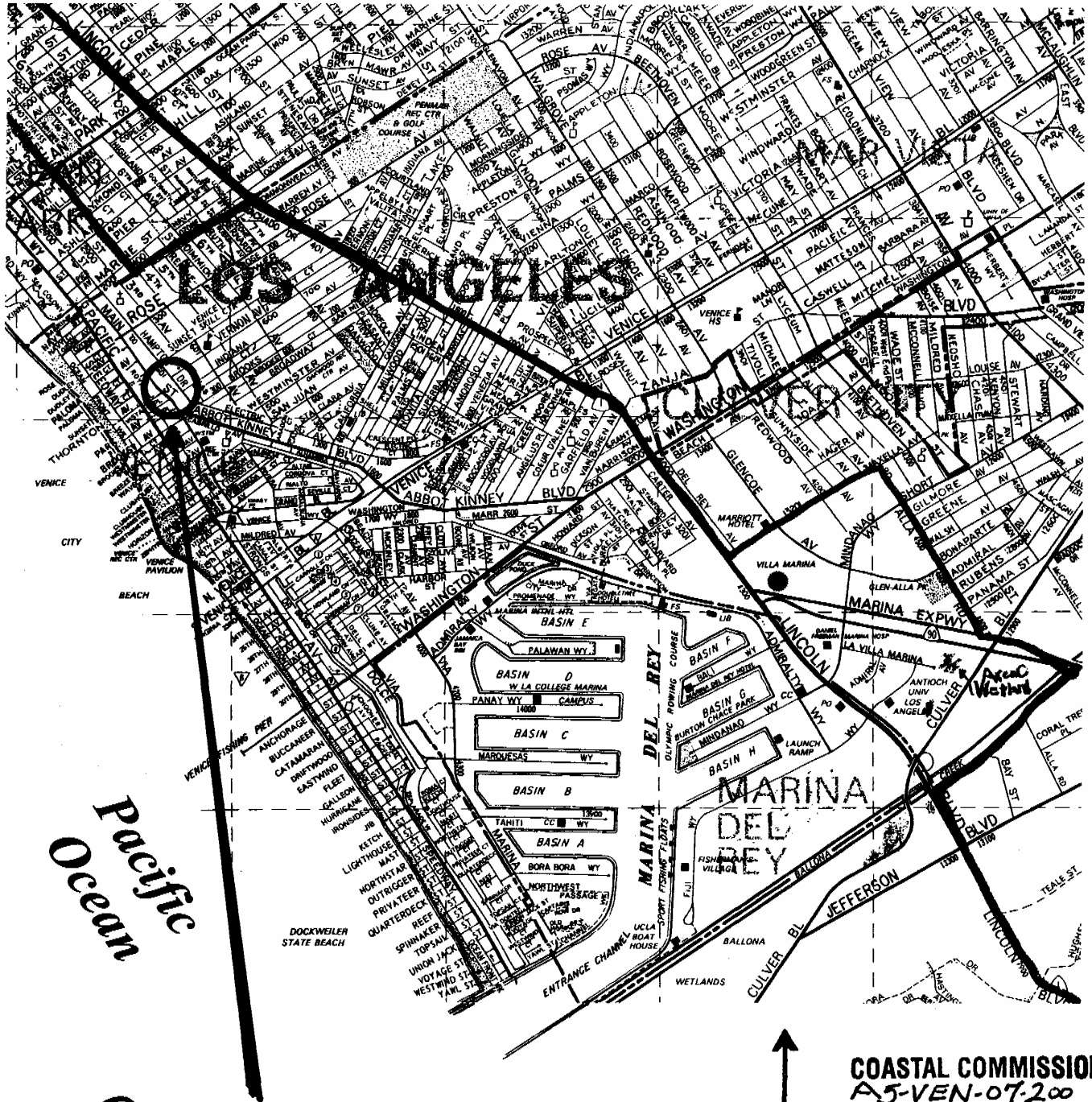
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The proposed project, as conditioned, conforms to the proposed Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. 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).

**J. California Environmental Quality Act (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a 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)(A) 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 effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed development and permit amendment can be found consistent with the requirements of the Coastal Act to conform to CEQA.

# VENICE, CA



Pacific  
Ocean

Site: 796 Main Street

COASTAL COMMISSION  
A5-VEN-07-200

EXHIBIT # 1

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**Maximum Building Height**

**E** 22'-30'

**F** 30' with a flat roof  
35' with varied or stepped back roofline  
28' along walk streets

**Notes:**

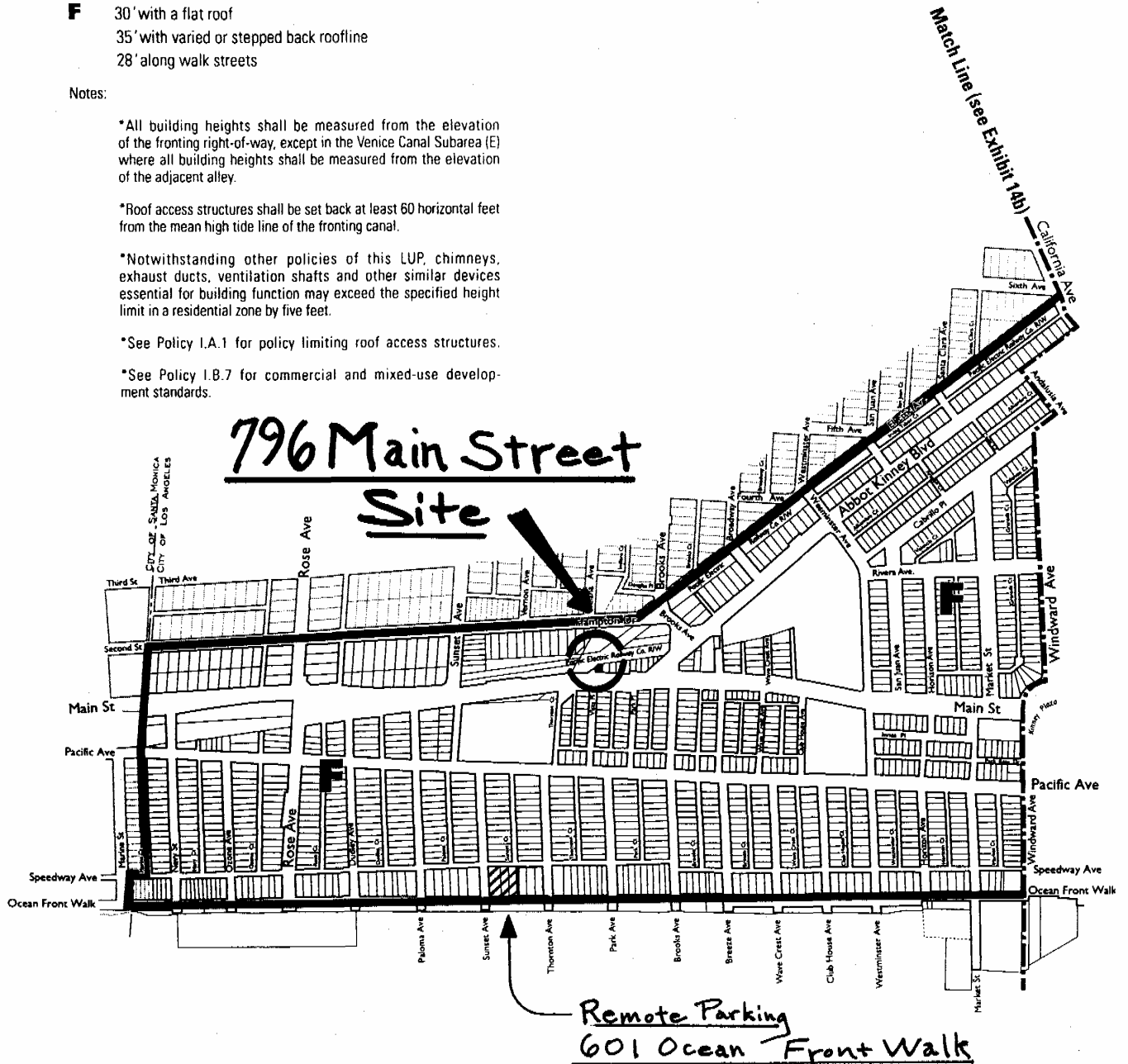
\*All building heights shall be measured from the elevation of the fronting right-of-way, except in the Venice Canal Subarea (E) where all building heights shall be measured from the elevation of the adjacent alley.

\*Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal.

\*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

\*See Policy I.A.1 for policy limiting roof access structures.

\*See Policy I.B.7 for commercial and mixed-use development standards.



**LUP  
Exhibit 14a  
Height**

**Subarea: North Venice • Venice Canals**

**COASTAL COMMISSION  
A5-VEN-07-200**

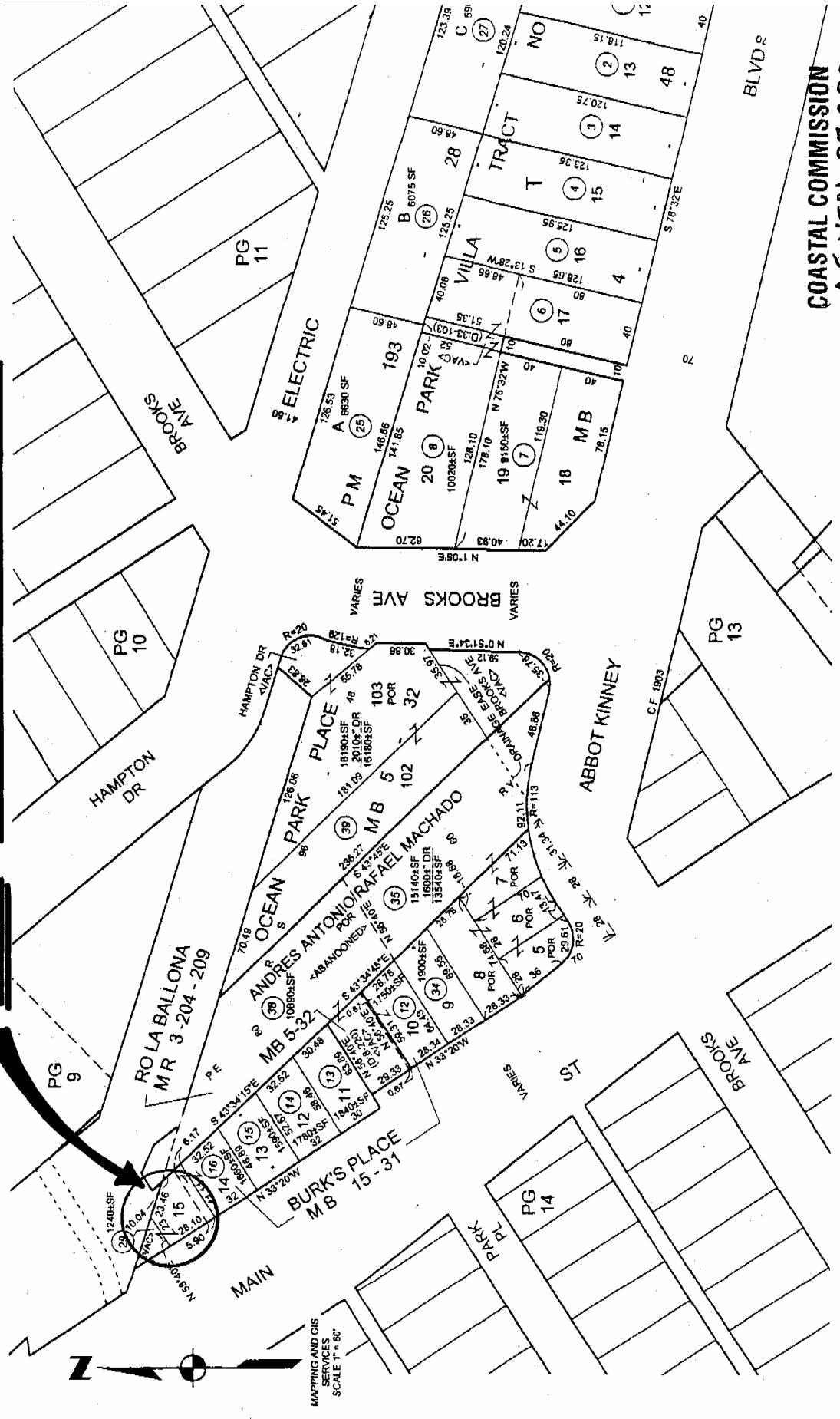
EXHIBIT # 2

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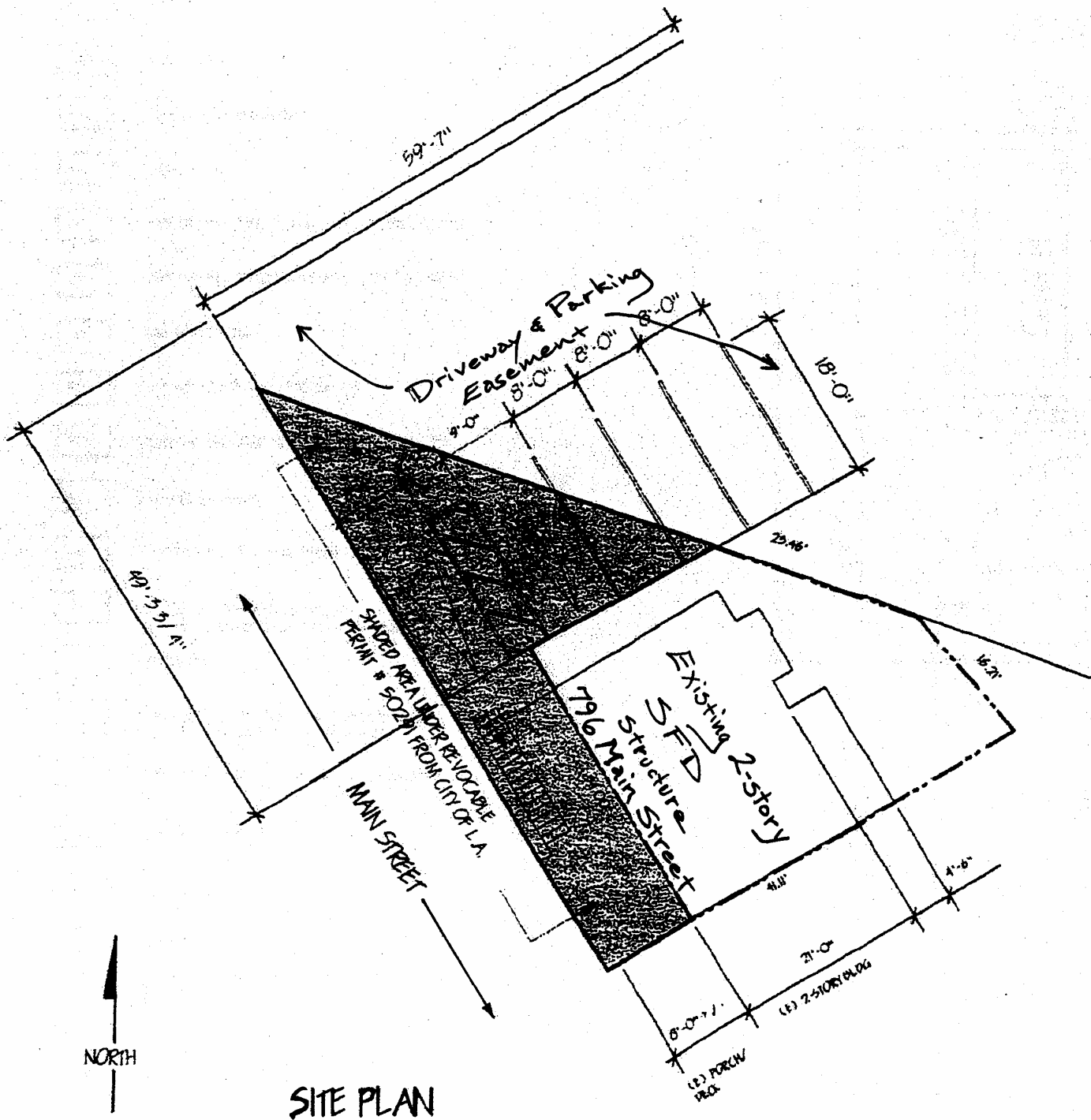
2007 Site: 796 Main Street



COASTAL COMMISSION  
A5-VEN-07-200

EXHIBIT # 3  
PAGE 1 OF 1





# **SITE PLAN**

**COASTAL COMMISSION**  
**A5-VEN-07-200**

EXHIBIT # 4  
 PAGE 1 OF 1

## APPLICATION AMENDMENTS

In conjunction with our earlier application, the Applicants submit the following revisions, amendments and alternative measures incorporating suggestions from the Coastal Commission and Staff to insure that the development will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Issues addressed here concern questions raised about Parking and Encroachment.

- The total interior and exterior dining area of the restaurant will be downsized from 685 sq ft to **350 sq. ft.** (approx) with the rear patio converted from dining to parking area.
- **2** additional parking spaces will be created by the rear patio conversion increasing the total number of on-site spaces from **5 to 7.**
- All parking will be **ON-SITE.**
- There will be **NO valet parking.**
- The front upstairs patio deck will be scaled back to allow future widening of the public sidewalk to 12 feet.
- There will be limited exterior dining on the 5' of public sidewalk area adjacent to the front of the building on a day to day basis.

### **1. REVISED PARKING PROGRAM**

- A. Parking for the restaurant will consist of **seven (7) ON-SITE** spaces (**without valet service**) instead of the previously requested and city approved five (5) on-site spaces and seven (7) off-site parking spaces at a distant location (beyond a 750 ft radius). Tandem parking arrangements will be utilized. (See Exhibit **5 p.3**)
- B. The existing rear, ground floor patio will be used for on-site parking rather than restaurant seating as had been previously approved and designated. This will create **2** new on-site parking spaces. (See Exhibit **5 p.3**)
- C. Revised restaurant floor plans (reflecting the rear patio and front deck dining areas no longer in use) correctly balance the amount of customer service area (all indoor and outdoor dining areas) with the number of on-site parking spaces at the approved rate of fifty (50) sq. ft. of customer service area per parking space.
- D. If or when space becomes available, and with the approval of the Executive Director, the Applicants may also acquire long term off-site parking spaces situated entirely within 750 feet of the proposed restaurant to meet the parking requirements of this permit (one parking space per fifty square feet of customer service area).

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EXHIBIT # 5  
PAGE 1 OF 3

## 2. MAIN STREET SIDEWALK ENCROACHMENTS

- A. A portion of the structure at 796 Main St that encroaches into the fronting Main Street public right-of-way (i.e. part of the front patio deck and stairway) will be removed by the Applicants in order to allow for any future widening of the sidewalk to twelve (12) feet. **There will be no dining on the remaining front patio deck.**
- B. A five (5) foot wide portion of the public sidewalk adjacent to the property will be utilized for outdoor dining. Tables, chairs, a removable barrier and other paraphernalia associated with restaurant service may be placed on the five (5) foot wide area on a day to day basis while the remainder of the public sidewalk will be kept clear of obstructions to pedestrian use. Applicants will provide adequate parking consistent with the provisions stated above to utilize this portion of the public sidewalk for restaurant outdoor dining. (See Exhibit 5 p.3)

### SUMMARY

Interior seating and dining area for the restaurant (50 sq. ft. of dining downstairs; 250 sq. ft. of dining upstairs) remain unchanged from the previous application.

The exterior, back patio dining area will be converted into a parking area creating 2 new on-site parking stalls and eliminating 249.5 sq. ft of rear patio dining space.

In addition, the Applicants will remove the encroachment of a portion of the front upstairs patio deck to allow for a 12 ft. wide public sidewalk, eliminating the upstairs front exterior dining area.

Applicants will utilize a portion of the five foot wide exterior public sidewalk area adjacent to the front of the building as additional dining area on a day to day basis. (50 sq. ft. approx)

Applicants will utilize the property's 7 on-site parking spaces with tandem stacking to service the restaurant.

In accordance with the required 'one parking space per 50 sq. ft. of dining area' the restaurant includes (approx) 50 sq. ft. interior dining area downstairs; (approx) 250 sq. ft. interior area upstairs; plus (approx) 50 sq. ft. exterior front dining area on the 5 feet of public sidewalk fronting the building on Main Street.

As per the survey map and indications marked 'EXHIBIT 5 p.3' - the building's 300 sq. ft of indoor dining area plus 50 sq. ft. of day to day usable dining area on the 5 sq. ft. of sidewalk adjacent to the building on its Main Street frontage is serviced for parking by the 7 available on-site parking spaces.

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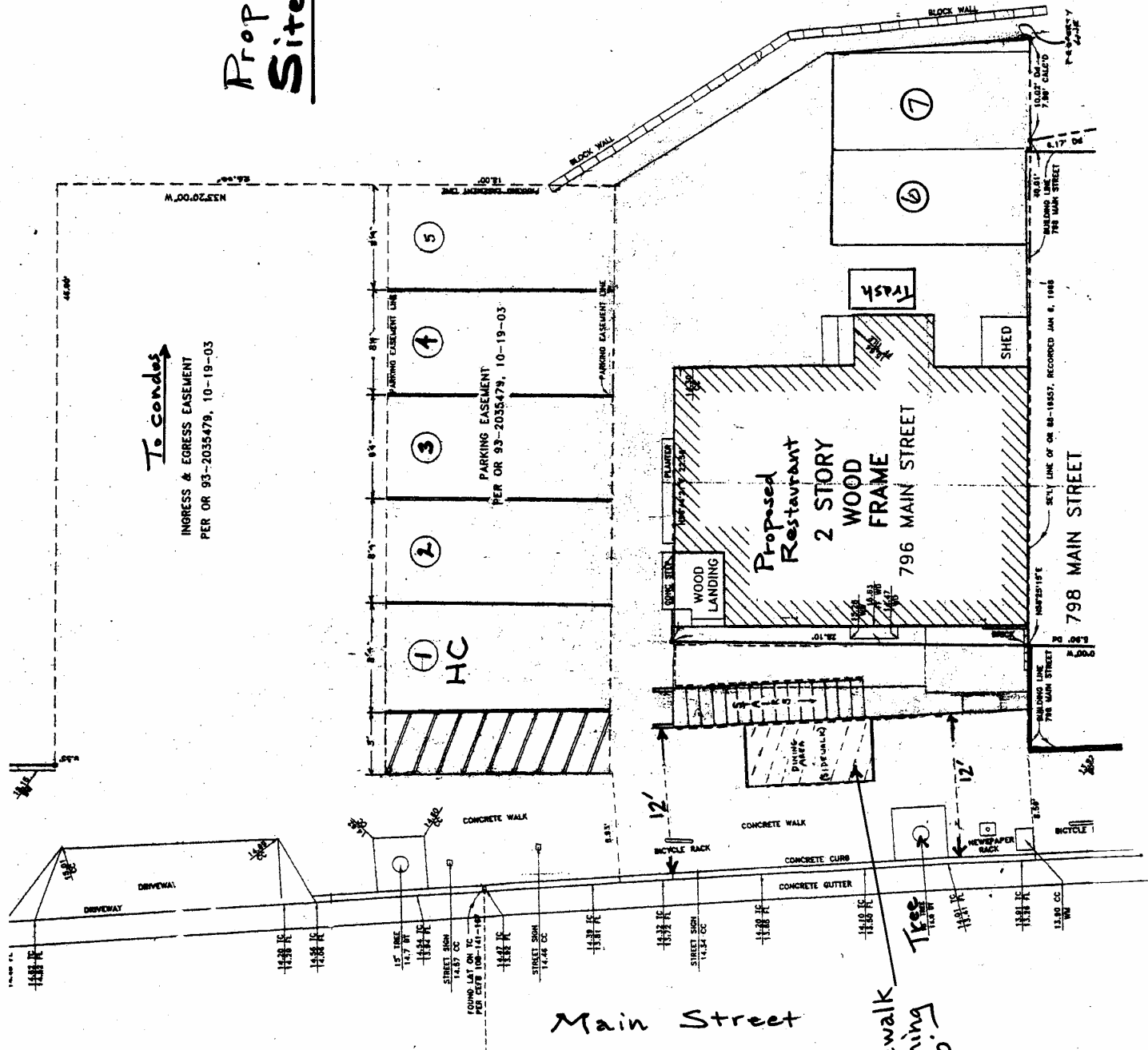
EXHIBIT # 5  
PAGE 2 OF 3

Sidewalk  
Dining  
5'x10'

**COASTAL COMMISSION**  
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**EXHIBIT # 5**

PAGE 3 OF 3



May 16, 2005

RE: Case No. ZA2005-2021 (CDP)(ZV)(PAB)(SPP)

Venice Planning Area

APPLICANT: MAX TRUMPOWER

District Map NO. 109.5A13

Council District No. 11

DEAR SIRS:

I live at 798 Main Street, Venice adjacent to the 796 Main Street property and Restaurant. As a neighbor who would be most directly affected I have no objections to granting the Coastal Development Permits and Variances as requested and applied for by Mr. Max Trumpower and the existing restaurant in CASE NO. ZA 2005-2021(CDP)(ZV)(PAB)(SPP).

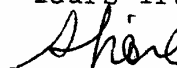
For many years a number of different restaurants have occupied the premises and they have all been allowed, without restriction, to use the upper deck and rear patio for food service with no adverse effects or protests from me or the neighborhood. The Deck and Patio are a main part of the charm and ambiance of the restaurant. I can see no reason to deny their use now for seating and food service as requested.

The existing restaurant, the Amuse, has Valet Parking so granting a variance to locate the required off street parking on a lot more than 750 feet away from the premises would not present a problem or concern to me.

I have no objection to the restaurant, The Amuse, continuing to serve Beer and Wine with their food. I have not experienced any problems from the restaurant doing so in the past with their existing Conditional Use Permit.

I do not have any objections to granting the permits and variances as applied for by Mr. Max Trumpower and the Amuse restaurant and as stated in CASE NO. ZA2005-2021(CDP)(ZV)(PAB)(SPP). I am in support of the application.

Yours Truly

 Signature on file

Shirley Scully  
798 Main Street  
Venice, California  
90291

COASTAL COMMISSION  
A5-VEN-07-200

EXHIBIT # 6  
PAGE 1 OF 1

May 5, 2005

Office of Zoning Administration  
221 N. Figueroa Street  
Los Angeles, CA 90012


Re: 796 Main Street  
Lot 15; Burk's Place Tract

To Whom It May Concern:


I am writing to support Mr. Max Trumpower and Amuse Cafe in their Zoning Administrator application to allow the following:

1. PLAN APPROVAL as permitted under Section 12.24 m of the Zoning Code and as allowed under Condition 7 of Conditional Use Permit ZA 2004-0099 to allow 10 additional seats on the upper floor deck/patio area. (As stated, ZA 2004-0099 approved 20 seats and alcohol sales for the rear patio, so no Plan Approval is required for the rear patio.)
2. ZONE VARIANCE as permitted under Section 12.27 of the Zoning Code to allow required parking for the upper patio/deck and rear patio through lease rather than covenant and to permit the parking to be located more than 750 feet away.
3. COASTAL DEVELOPMENT PERMIT as permitted under Section 12.20.2 of the Zoning Code.
4. PROJECT PERMIT to certify compliance under the Venice Specific Plan as allowed under Section 11.5.7 C of the Zoning Code.

Regards,

  
Name

5/22/05  
Date

 18<sup>th</sup> St  
Address Santa Monica, CA  
90402

Typical- 1 of 67

COASTAL COMMISSION  
A5-VEN-07-200

EXHIBIT # 7

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