

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 OceanGate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



July 6, 2010

**F8b****ADDENDUM**

**To:** Commissioners and Interested Parties

**From:** John Ainsworth, Deputy Director  
Gary Timm, Coastal Program Manager  
Charles Posner, Staff Analyst

**Re:** **Appeal A-5-VEN-10-138 (Fran Camaj - 1305 Abbot Kinney Blvd., Venice).**

**Second Appeal Received**

On July 6, 2010, the attached (second) appeal was received in the South Coast District Office in Long Beach. The twenty working-day appeal period for City of Los Angeles Local Coastal Development Permit No. APCW-2009-1738 will end on July 16, 2010.

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed because the City-approved project does not include a plan that will mitigate the parking impacts of the development.

RECEIVED

South Coast Region

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 590-5084

JUL 6 2010



CALIFORNIA  
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Arminda Diaz

Mailing Address: 1520 Andalusia Ave. #7

City: Venice

Zip Code: CA

Phone: 90291

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

Grant by City of Coastal Development Permit for construction of new 1,248 square foot restaurant in coastal zone

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1305 Abbot Kinney Blvd., Los Angeles, CA 90291

APN 4239-027-002

Cross Street - Santa Clara Ave.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-S-VEN-10-138

DATE FILED: 7-6-10

DISTRICT: So. Coast

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: May 13, 2010

7. Local government's file number (if any): APCW-2009-1738-SPE-CDP-ZV-SPP-MEL

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ADC Development, Inc.  
352 S. Almont Drive  
Beverly Hills, CA 90211

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) see attached list

(2)

(3)

(4)

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

I hereby incorporate by reference the statements in the appeal of this project filed by 1311 A.K. Properties, LLC, on June 3, 2010 (Commission Appeal No. A-5-VEN-10-138), and the supporting grounds for that appeal as described in the letter from John A. Henning, Jr., to Charles Posner dated June 22, 2010.

In addition, the following reasons are given for this appeal.

1. The City granted three variances from its usual code requirements. In addition to the loading space variance, which is discussed in the prior appeal, there is a second variance allowing compact parking spaces in lieu of full-sized spaces, and a third variance allowing tandem parking. The compact space variance in particular would allow the owner, under the original plan, to create at least one "fake," or "paper" parking space behind the proposed restaurant, by defining two undersized spaces as "compact" even though the City's code prohibits this in a lot with less than 10 spaces. Since only a fraction of cars are actually compact in size, the two spaces designated as "compact" would very possibly have been treated as one standard space, with the effect that there would be one less space available to the patrons and employees of the restaurant.

In fact, the City's compact space variance could have a much greater effect in a future redesign. The project approval is based on a hypothetical future project rather than the specific proposal made by the applicant, and the variance for compact spaces does not limit the use of such spaces in a future design to any particular number. (Specifically, condition (A)(5) states "A Variance is granted to permit compact parking stalls within an on-site parking area that contains less than 10 overall spaces.") As a result, a future design may contain even more "fake" or "paper" compact parking spaces than the original plan. For example, the owner could redesign the restaurant to have the same 400 feet of service floor area (requiring 9 parking spaces), but could provide the parking in a structure where the restaurant is on the second floor, or where the parking is underground. Under the City's approval, this design could include 100% compact spaces (9 out of 9), rather than just 2 out of 6 as proposed in the original plans. Again, since only a fraction of cars are actually compact in size, at least some of these spaces would be "fake" or "paper" spaces that would not be used in practice.

2. In condition (A)(4), the City allows the property owner to pay an \$18,000 "in-lieu" fee for up to 50 percent of "Beach Impact Zone" parking spaces, despite the fact that the property owner did not present evidence that the payment of this fee would mitigate the absence of these spaces or improve the public's access to the shore. The owner should be required to make this showing in order to use such a fee in lieu of any parking spaces.

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3. The project application does not include a parking study that demonstrates that the project will provide adequate parking to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities as required by the Venice Local Coastal Program Land Use Plan, Policy II.A.3, at pg. III-10.

4. Since the approval is for a hypothetical future project, there are no actual plans for the project showing whether the project will have negative impacts on the visual qualities of this coastal area, such as excessive building heights and bulks, and unnecessary visual clutter. (Coastal Act, section 30251.) The public should be allowed to comment on these aspects of the project.

5. The Coastal Development Permit Findings made by the City on pages F-6 through F-8 of the May 13, 2008 determination letter in case no. APCW-2009-1738-SPE-CDP-ZV-SPP-MEL are not supported by substantial evidence in the record. In particular:

a. Finding 9(A) that "The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code)" and the subsidiary finding that "The new commercial building ... should not have significant adverse effects, either individually or cumulatively, on coastal resources" cannot be made based on the evidence in the record, because the development as proposed by the applicant would violate the Coastal Act in numerous respects (including by negatively affecting public beach access parking supply), and there is no other actual proposal from the applicant that would avoid this impact.

b. Finding 9(D) that "The decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code," and the subsidiary finding that "This request conforms with such known applicable decisions" of the Coastal Commission cannot be made based on the evidence in the record, because the project does not conform with the various decisions of the Commission in Commission Case No. A5-VEN-07-200 (796 Main Street, Venice). In that case the Commission required the applicant to present specific plans showing how the parking demands of the project were met by the parking provided. The Commission and its staff also recognized that a parking plan should "mitigate the parking demands of the development so that public parking supplies that support coastal access are not adversely affected by the parking demands of the approved development"; that a project that displaces parking spaces "would result in the loss of parking capacity and increased competition for the remaining parking supplies"; and that a local approval of one project has the potential to "set a significant precedent that could have wide-ranging effects on public parking supplies if and when other landowners petition the City to allow the conversion of other less intensive land uses to restaurants". It appears that the City was unaware of this decision and similar decisions when it approved the project here.

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**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

Appeal Filed: 6/17/2010  
49<sup>th</sup> Day: 8/5/2010  
180th Day: N/A  
Staff: Charles Posner-LB  
Staff Report: 6/24/2010  
Hearing Date: July 9, 2010  
Commission Action:

**F8b****STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE**

**APPEAL NUMBER:** A-5-VEN-10-138

**APPLICANT:** Fran Camaj – ADC Development, Inc.

**AGENT:** Lauren Madden

**APPELLANT:** 1311 A.K. Properties, LLC (Attn: Tom Hansen, Esq.)

**PROJECT LOCATION:** 1305 Abbot Kinney Boulevard, Venice, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** Appeal of City of Los Angeles Local Coastal Development Permit Case No. APCW-2009-1738 for demolition of a one-story 1,312 square foot building, and construction of a new 1,248 square foot restaurant with maximum capacity of 47 people (and on-site parking) at 1305 Abbot Kinney Blvd., Venice, City of Los Angeles, Los Angeles County.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed because the City-approved project does not include a plan that will mitigate the parking impacts of the development. Therefore, the local coastal development permit raises a significant issue with regard to the public access policies of the Coastal Act and the protection of the public parking supply necessary to support public access to Venice Beach.

**See Page Four for the motion to make the substantial issue determination.**

The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

## **I. APPELLANT'S CONTENTIONS**

The City of Los Angeles West Los Angeles Area Planning Commission's action to approve Local Coastal Development Permit No. APCW-2009-1738 for a new restaurant at 1305 Abbot Kinney Boulevard in the North Venice area has been appealed to the Commission by 1311 A.K. Properties, LLC. The grounds for the appeal are attached to this report as Exhibit #2. The appellant contends that the City-approved restaurant has an inadequate parking supply and the development will aggravate the parking impacts of the area (Exhibit #2).

## **II. LOCAL GOVERNMENT ACTION**

At its meeting on April 21, 2010, the City of Los Angeles West Los Angeles Area Planning Commission approved with conditions Local Coastal Development Permit No. APCW-2009-1738 for a new restaurant at 1305 Abbot Kinney Boulevard in the North Venice. The action was not appealed at the local level.

The City's Notice of Final Local Action for the Planning Commission's approval of the local coastal development permit was received in the South Coast District Office in Long Beach on June 17, 2010, and the Commission's required twenty working-day appeal period commenced. The appeal by 1311 A.K. Properties, LLC was filed on June 17, 2010, the first day of the appeal period. The Commission's twenty working-day appeal period will end on July 16, 2010.

## **III. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of substantial issue. If the Commission decides that the appellant's contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government stands. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

#### **IV. DUAL PERMIT JURISDICTION**

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed development is not located within the *Dual Permit Jurisdiction*.



## V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to whether the local government's approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

**MOTION:** *"I move that the Commission determine that Appeal No. A-5-VEN-10-138 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

### **Resolution to Find Substantial Issue for Appeal A-5-VEN-10-138**

The Commission hereby finds that Appeal No. **A-5-VEN-10-138** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

## VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

### A. Project Description

The project site, which fronts Abbot Kinney Boulevard Main Street, is about one-quarter mile inland of the beach and boardwalk (Exhibit #1). The project site is comprised of one lot developed (c. 1922) with a one-story, 1,312 square foot structure (Los Angeles County records indicate that two residential units exist on the property). The development authorized by the City of Los Angeles West Los Angeles Area Planning Commission's approval of Local Coastal Development Permit No. APCW-2009-1738 is the demolition the existing building, and construction of a new 1,248 square foot restaurant with maximum capacity of 47 people. The site plan for the proposed restaurant shows six on-site parking stalls, all accessed from the rear alley (Exhibit #3).

### B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with

Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist in the local government's approval of the project.

The appellant contends that the City-approved restaurant has an inadequate parking supply and the development will aggravate the parking impacts of the area (Exhibit #2). This contention raises the coastal access issue of whether the demands of the proposed restaurant will adversely impact the public parking supply necessary to support public access to Venice Beach.

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.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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.

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. APCW-2009-1738, because the City-approved project does not include a plan that will mitigate the parking impacts of the development. The proposed project provides only six parking spaces for a new 1,248 square foot restaurant. Using the parking standard for restaurants (one parking space for 50 square feet of customer service area) that is set forth in the certified Venice Land Use Plan (LUP), the 1,248 square foot restaurant would only have enough parking (six stalls) for 300 square feet of customer service area. The City's approval does not limit the approved customer service area to 300 square feet, and no off-site parking plan or other mitigation was approved or required. The City's approval (Condition 3) does state that: the applicant is permitted to pay the in-lieu fee of \$18,000 for up to fifty percent of the total number of the required Beach Impact Zone Parking spaces per Section 13E of the Venice Specific Plan. However, the local coastal development permit does not indicate what number of Beach Impact Zone Parking spaces are required, or whether the applicant is required (instead of

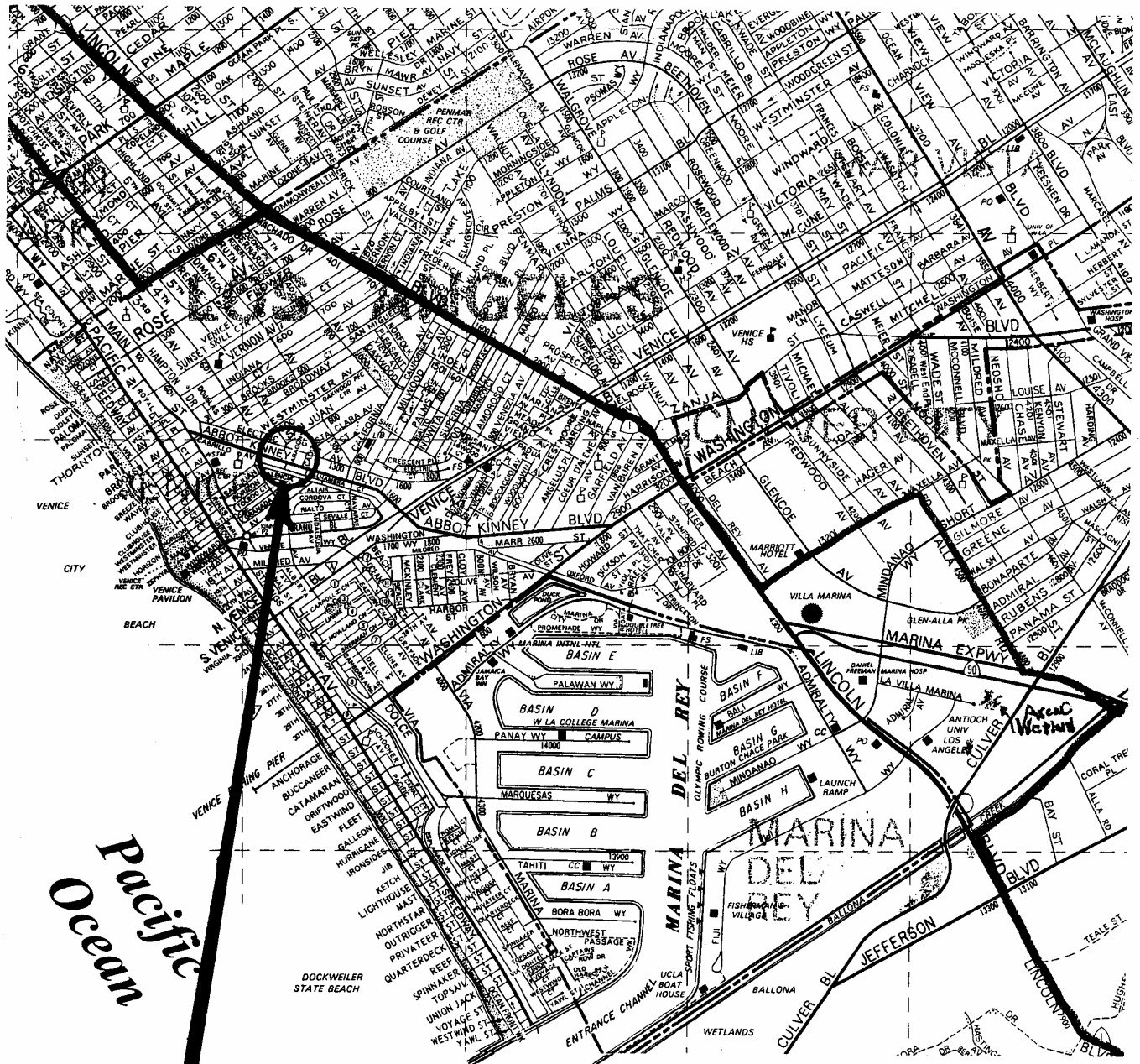
permitted) to pay the in-lieu fee. In addition, there is no evidence that the payment of a fee to the City in lieu of providing actual parking will mitigate the parking impacts of the project or improve access to the coast.

Therefore, the provision of only six parking spaces for a new 1,248 square foot restaurant raise a substantial issue in regards to the public access policies of the Coastal Act because six parking spaces is not enough parking to meet the parking demands of a 1,248 square foot restaurant. A parking plan for a commercial use is supposed to mitigate the parking demands of the development so that public parking supplies that support coastal access are not adversely affected by the parking demands of the approved development. The City-approved project does not include a plan that will mitigate the parking impacts of the development. Therefore, a substantial issue exists with respect to the grounds on which the appeal has been filed.

The issue of whether the proposed restaurant can provide adequate parking for its patrons, for the life of the proposed use, without negatively impacting the public beach access parking supply, is a very important and substantial issue. Section 30252 of the Coastal Act requires that new development provide adequate parking facilities to maintain and enhance public access to the coast. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected.

Because of the importance of the public access issue, the Commission has carefully reviewed projects like the proposed restaurant that are located near a popular coastal recreation area. Only with careful review of the proposed project can the Commission ensure that public access to the coast is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. APCW-2009-1738.

# VENICE, CA



Pacific Ocean

Site: 1305 Abbot Kinney N

COASTAL COMMISSION  
AS-VEN-10-13B

EXHIBIT # 1

PAGE 1 OF 1

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**SECTION IV. Reasons Supporting This Appeal**

**A-5-VEN-10-138**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The City approved construction of a new 1,248 square foot restaurant in the coastal zone, including a 600 square-foot service area. Under the City's applicable plan (the Venice Coastal Zone Specific Plan) and the Venice Local Coastal Program Land Use Plan certified by the Coastal Commission in 2001 (LUP), this development would require 14 parking spaces. As framed in the application, however, the development provided only 6 on-site parking spaces (most of them substandard) and zero off-site spaces.

The approvals sought by the applicant included:

- (1) an exception to the specific plan permitting six on-site spaces in lieu of the 14 required spaces;
- (2) a variance to permit compact parking stalls instead of the required full-size stalls;
- (3) a variance to permit tandem parking;
- (4) a variance to not provide a loading space that is otherwise required for commercial buildings;
- (5) a Coastal Development Permit;
- (6) a determination of compliance with the specific plan (Project Permit Compliance)
- (7) a determination of compliance with the Mello Act;
- (8) an approval of plans under the City's municipal code

The application was considered initially by the West Los Angeles Area Planning Commission. After hearing, the Commission granted all of the approvals except the specific plan exception for reduced parking. The approvals included numerous conditions. Specifically, Condition (1) requires the applicant to reduce the service floor area to comply with the parking standards of the specific plan; and Condition (4) allows the applicant to pay an in-lieu fee of \$18,000 per space for up to 50% of the parking required under a particular provision of the specific plan, known as Beach Impact Zone parking.

The City's approval of the Coastal Development Permit violated the coastal access policies set forth in the Coastal Act, and specifically reduced public parking near the beach, in at least these three respects:

- (1) it approved a hypothetical future design of the development that would conform to the parking standards of the specific plan and the LUP, without any actual plans or other showing by the applicant as to how these standards would actually be met;
- (2) it allowed payment of an \$18,000 in-lieu fee for parking when the LUP provides that such fees must be set "at a rate proportional to the cost of providing a physical parking space," a much higher amount.
- (3) it waived the City's regulations concerning tandem parking, compact parking and an on-site loading zone, thereby creating illusory on-site parking spaces that will not, in fact, actually be available to patrons, thereby aggravating the parking impacts of the project.

**COASTAL COMMISSION**  
**A-5-VEN-10-138**

EXHIBIT # 2  
PAGE 1 OF 3

► **IMPORTANT:** If possible, fax/email by Wednesday, July 6, 2010

**TO: California Coastal Commission**  
ATTN: Charles Posner, Coastal Program Analyst  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
Fax: (562) 590 5084  
Email: [cposner@coastal.ca.gov](mailto:cposner@coastal.ca.gov)

**RECEIVED**  
South Coast Region

JUN 23 2010

CALIFORNIA  
COASTAL COMMISSION

Re: Commission Appeal No. A-5-VEN-10-138 (Local Permit # APCW-2009-1738)  
(Proposed construction of restaurant at 1305 Abbot Kinney Blvd., Venice CA)

Honorable Commissioners:

We support the appeal of the coastal development permit for the above restaurant because the applicant has not presented a design to the City or the public that meets the City's parking requirements. The original 47-seat restaurant proposed by the applicant project provided only 6 of the required 14 spaces, and at least 3 of these were located where a loading space should be.

We also request that the Commission reaffirm that the Venice Coastal Zone Specific Plan and its functional equivalent, the Venice Local Coastal Program Land Use Plan (LUP) allow the applicant to use an "in-lieu" parking fee instead of actual spaces only for up to 50% of the parking spaces required for Beach Impact Zone (BIZ) parking, rather than for all required spaces.

In addition, we believe that the in-lieu parking fee of \$18,000 per space specified in the VCZSP is inadequate and that any in-lieu fee should be set "at a rate proportional to the cost of providing a physical parking space," as has been required by the Commission in the LUP.

Finally, we believe that in any future redesigned project, the applicant must present to the Commission "a detailed parking study that demonstrates that the project will provide adequate parking to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities," as required by the LUP certified by the Commission.

**Other Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Print Name: Alicia Daugherty**

**Address: 50 Breeze Ave, #15 Venice, CA 90291**

**Signature: Alicia Daugherty**

Digitally signed by Alicia Daugherty  
DN: cn=Alicia Daugherty, c=US,  
o=Arlo Creative,  
email=alicia@arlocreative.com  
Reason: I am approving this document  
Date: 2010.06.22 18:14:13 -0700

**Phone: 310.400.0368**

**Email: [Alicia@arlocreative.com](mailto:Alicia@arlocreative.com)**

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 2 OF 3

► **ALSO:** Please **fax, email or mail** a copy to Arminda Diaz at: FAX: (310) 943 1745;  
EMAIL: [arminda@d3architecture.com](mailto:arminda@d3architecture.com); MAIL: 1520 Andalusia Ave., #7, Venice, CA 90291

► **IMPORTANT: If possible, fax/email by Wednesday, July 6, 2010**

**TO: California Coastal Commission**  
ATTN: Charles Posner, Coastal Program Analyst  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
Fax: (562) 590 5084  
Email: [cposner@coastal.ca.gov](mailto:cposner@coastal.ca.gov)

**RECEIVED**  
South Coast Region

JUN 23 2010

CALIFORNIA  
COASTAL COMMISSION

Re: Commission Appeal No. A-5-VEN-10-138 (Local Permit # APCW-2009-1738)  
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We also request that the Commission reaffirm that the Venice Coastal Zone Specific Plan and its functional equivalent, the Venice Local Coastal Program Land Use Plan (LUP) allow the applicant to use an "in-lieu" parking fee instead of actual spaces only for up to 50% of the parking spaces required for Beach Impact Zone (BIZ) parking, rather than for all required spaces.

In addition, we believe that the in-lieu parking fee of \$18,000 per space specified in the VCZSP is inadequate and that any in-lieu fee should be set "at a rate proportional to the cost of providing a physical parking space," as has been required by the Commission in the LUP.

Finally, we believe that in any future redesigned project, the applicant must present to the Commission "a detailed parking study that demonstrates that the project will provide adequate parking to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities," as required by the LUP certified by the Commission.

**Other Comments:** \_\_\_\_\_

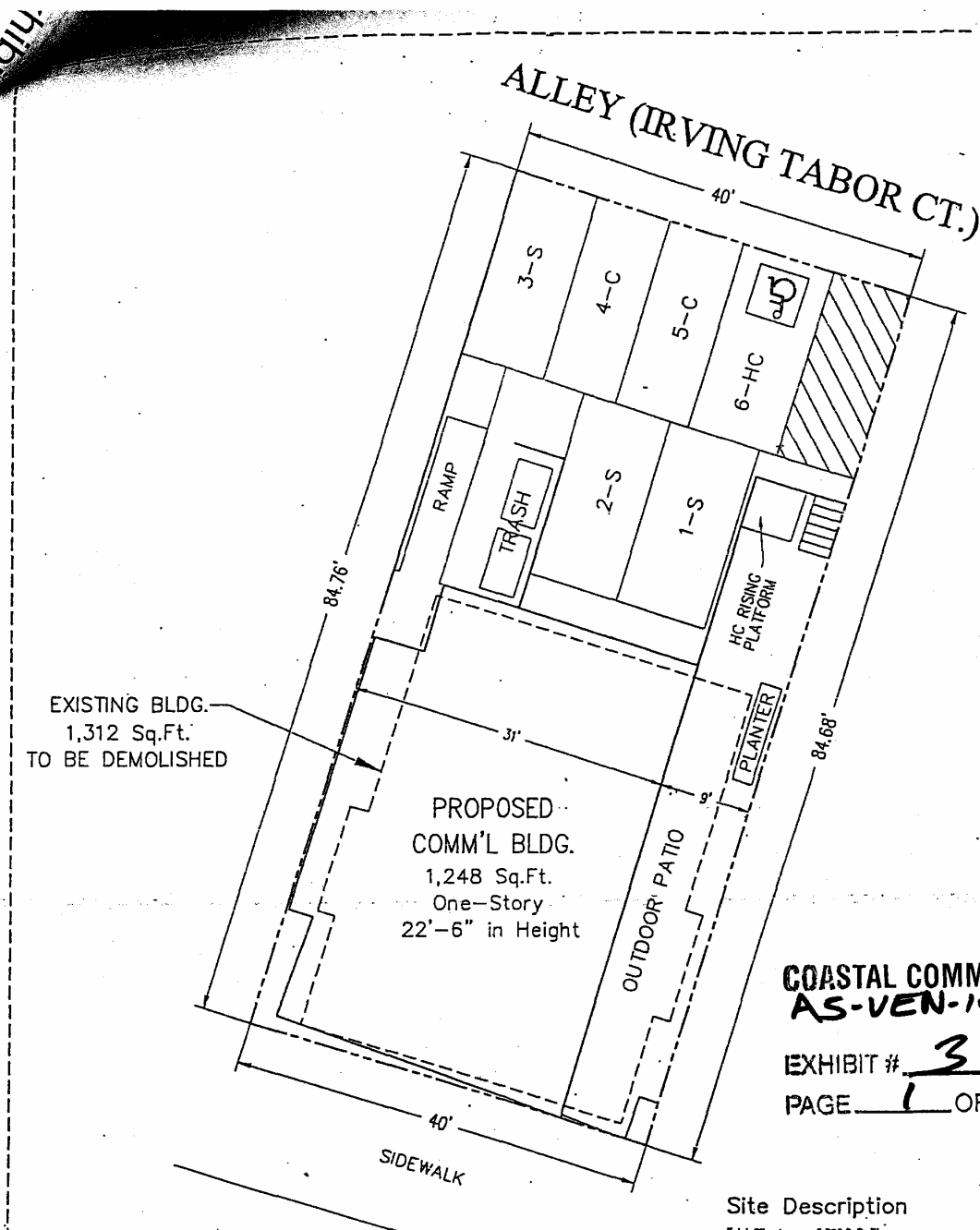
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**ARMINDA DIAZ , AIA LEED AP**  
**1520 ANDALUSIA AVE #7 VENICE CA 90291**

► **ALSO:** Please **fax, email or mail** a copy to Arminda Diaz at: FAX: (310) 943 1745;  
EMAIL: [arminda@d3architecture.com](mailto:arminda@d3architecture.com); MAIL: 1520 Andalusia Ave., #7, Venice, CA 90291

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 3 OF 3



EXISTING BLDG.  
1,312 Sq.Ft.  
TO BE DEMOLISHED

PROPOSED  
COMM'L BLDG.  
1,248 Sq.Ft.  
One-Story  
22'-6" in Height

**COASTAL COMMISSION**  
**AS-VEN-10-138**

EXHIBIT # 3  
PAGE 1 OF 1

**ABBOT KINNEY BLVD**

**Site Description**

Total Site Area = 3,369.2 Sq.Ft.

Total Proposed Floor Area = 1,248 Sq.Ft.

**Legal Description**

Lot 2, Block C, Ralph Rogers Subdivision of Block "Y"  
Ocean Park Vllg Tract No. 2, M.B. 4-81, See Application

**Parking Required for Proposed Restaurant**

Per Section 13 D of Venice Specific Plan  
Proposed Outdoor Food Service Area, 225 Sq.Ft. (1 per 50 Sq.Ft.) = 4 Spaces

Proposed Interior Food Service Area, 375 Sq.Ft. (1 per 50 Sq.Ft.) = 8 Spaces

Per Section 13 E of Venice Specific Plan  
Beach Impact Zone, 1,248 Sq.Ft. (1 per 640 Sq.Ft.) = 2 Spaces

**Total Spaces Required for Proposed Restaurant = 14 Spaces**

**Parking Provided for Proposed Restaurant**

Standard Spaces (8'-4" x 18' Typ.) = 3 Spaces

Handicapped Spaces (14' x 18' Typ.) = 1 Space

Compact Spaces (7'-6" x 15' Typ.) = 2 Spaces

**Total Spaces Provided for Proposed Restaurant = 6 Spaces**

APCW 2009-1738

**PLOT PLAN**

north

THE TROUBLE SHOOTER  SITUS:  CASE No:  CABLE No: SP001-PP