

CALIFORNIA COASTAL COMMISSION

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



W29a

Filed: 8/7/15
Staff: Z. Rehm-LB
Staff Report: 8/20/15
Hearing Date: 9/9/15

STAFF REPORT: REQUEST FOR RECONSIDERATION

Application Number: A-5-VEN-10-138-A1-REC

Applicant: ADC Development Inc. (Fran Camaj)

Agents: Stephen Vitalich and Laurette Healey

Project Location: 1305 Abbot Kinney Boulevard, Venice, City of Los Angeles, Los Angeles County (APN 423-902-7002).

Project Description: Amend permit granted with conditions for new 25-ft. high 1,248 sq.ft. restaurant with rooftop parking deck, to reduce required vehicle parking spaces from 13 to 10, remove 3 vehicle lifts from project description, provide electric vehicle charging station, 14 bicycle parking spaces, and employee transit pass program.

Commission Action: On July 9, 2015, the Commission denied CDP Amendment Application No. A-5-VEN-10-138-A1.

Staff Recommendation: Deny the request for reconsideration.

SUMMARY OF STAFF RECOMMENDATION

On July 9, 2015, the Commission denied the applicant's permit amendment application on the grounds that it was not consistent with the Chapter 3 policies of the Coastal Act. On August 7, 2015, the applicant submitted a written request for reconsideration of the Commission's action, supported by two letters from MGM Consulting Structural Engineering, Inc., which the applicant describes as new information. The applicant submitted additional information on August 17, 2015. Having reviewed the applicant's submittals, staff recommends that the Commission **deny** the request for reconsideration on grounds that: (1) no new relevant evidence has been presented which, in the exercise of reasonable diligence, could not have been presented at the hearing on the permit amendment and (2) there has been no error of fact or law which has the potential for altering the Commission's decision.

Procedural Note:

The Commission’s regulations provide that at any time within thirty (30) days following a final vote upon an application for a coastal development permit, the applicant of record may request that the Commission grant a reconsideration of the denial of the application, or of any term or condition of a coastal development permit which has been granted. [Title 14 Cal. Code of Regulations Section 13109.2.] The regulations also state (*id.* at § 13109.4) that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627, which states, *inter alia*:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission’s initial decision.
[Cal. Pub. Res. Code § 30627(b)(3)]

Section 30627(b)(4) of the Coastal Act states that the Commission “shall have the discretion to grant or deny requests for reconsideration.”

The applicant submitted a request for reconsideration of the Commission’s July 9, 2015 decision on August 7, 2015, stating the alleged grounds within the 30-day period following the final vote, as required by Section 13109.2 of the regulations. If a majority of the Commissioners present vote to grant reconsideration, the permit application will be scheduled for a future public hearing, at which the Commission will consider it as a new application. [Title 14, Cal. Code of Regs., Section 13109.5(c).]

I. MOTION AND RESOLUTION

Motion:

“I move that the Commission grant reconsideration of Coastal Development Permit Amendment Application A-5-VEN-10-138-A1.”

Staff recommends a **NO** vote of the foregoing motion. Failure of the motion will result in denial of the applicant’s request for reconsideration and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies the request for reconsideration of the Commission’s decision on Coastal Development Permit Amendment Application A-5-VEN-10-138-A1 on the grounds that there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the July 9, 2015 public hearing, and that there were no errors in fact or law that have the potential of altering the Commission’s initial decision..

II. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

ADC Development Inc. requested an amendment, which the Commission denied, to reduce the required number of vehicle parking spaces from 13 to 10 at a Commission-approved restaurant at 1305 Abbot Kinney Boulevard in Venice, Los Angeles. The 1,248 square foot restaurant structure and rooftop parking area have been constructed consistent with the plans approved by Coastal Development Permit A-5-VEN-10-138, with the exception of the three vehicle lifts atop the roof originally proposed by the applicant and subject to the Commission's approval of the underlying CDP. The project site is a 3,400 square foot commercially zoned (C2-1) lot in North Venice, which fronts Abbot Kinney Boulevard approximately ½ mile inland of Venice Beach and boardwalk.

The approved one-story restaurant building is 25 feet high and has 550 square feet of indoor and outdoor customer service area. The approvals of the development granted by the City of Los Angeles limit the patron capacity to a maximum of 47 people. The applicant proposed, and the Commission denied, a revised parking plan with nine conforming tandem parking spaces on the rooftop deck and one ADA Accessible parking space at grade at the southeast corner of the property adjacent to the alley. The denied plan also noted the applicant's request to remove three vehicle lifts at the western edge of the roofdeck parking area from the project description and included an electric vehicle charging station at the northern edge of the roofdeck and bike racks at the western edge.

B. PROJECT HISTORY

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.

On June 17, 2010, 1311 A.K. Properties, LLC appealed the City's final action to the Coastal Commission. On July 9, 2010, the Commission determined that the appeal raised a substantial issue because the local approval did not include a plan to fully mitigate the parking impacts of the development. On October 13, 2010, the Commission approved Coastal Development Permit A-5-VEN-10-138 with conditions including a requirement to provide a minimum of 13 on-site vehicle parking spaces.

After Commission staff issued the coastal development permit for the restaurant with 13 vehicle parking spaces, the applicant received approval from the Los Angeles Department of Building and Safety to provide 12 bicycle parking spaces on the roof of the building in lieu of three of the required vehicle parking spaces. That action was permitted under amended Section 12.03 of the Los Angeles Municipal Code which allows up to 30% of required vehicle parking spaces to be replaced by bicycle parking spaces at a rate of 4:1; however, the action was inconsistent with the conditions of the approved CDP which is explicit in its requirement that any changes to the approved plans must be submitted to the Executive Director for review.

The Los Angeles Department of Building and Safety issued a building permit for the restaurant and rooftop parking area in 2014 and, with the exception of the vehicle lifts, the structure has been constructed consistent with both the Commission-approved plans of the underlying CDP and the City-approved construction plans. Following communication with Commission staff, the applicant

acknowledged that the City did not have jurisdiction to waive the requirement for three vehicle parking spaces and the applicant submitted Coastal Development Permit Amendment Application No. A-5-VEN-10-138-A1 to reduce the number of required parking spaces from 13 to 10 and provide a rigorous set of transportation related mitigation measures encouraging bicycling and transit.

In the amendment application, the applicant stated that it was no longer feasible or safe to provide the required 13 vehicle parking spaces on-site because three of the spaces were originally proposed atop vehicle lifts, atop the roof. According to the applicant, vehicle lifts weigh thousands of pounds and the roofdeck was not constructed to support their weight because the City-approved construction plans did not account for the added weight from the required vehicle lifts and the three additional vehicles that would be accommodated by the parking spaces the lifts would have provided.

At the July 9, 2015 public hearing on the amendment application, both Commission staff and the applicant's representative (architect Stephen Vitalich) indicated that the motivation for the amendment was to remove the vehicle lifts from the project because the roofdeck, as constructed, was not capable of supporting the vehicle lifts loaded with three additional vehicles. Several members of the public alleged that the applicant had never intended to install the vehicle lifts or comply with other conditions of the permit. One member of the public presented an email, dated March 19, 2015, from a staff member of Los Angeles City Councilman Mike Bonin, which stated: "After meeting with [the Los Angeles Department of] Building and Safety, the applicant has decided to move forward with the plan approved by Coastal. They are going to file a supplemental permit to revert back to the plan with the car lifts." (**Exhibit 1**). That email, and the applicant's responsibility to comply with the special conditions of the permit, was referenced a second time during the Commission's deliberation on the amendment application.

Following its deliberation, the Commission voted 6-5 to deny Coastal Development Permit Amendment Application A-5-VEN-10-138-A1, finding that reducing the required parking at the restaurant would adversely impact public access to the coast and to the Venice community, popular with coastal visitors. The Commission found that the applicant's proposed mitigation was inadequate and required the applicant comply with the conditions of the underlying permit.

C. APPLICANT'S GROUNDS FOR REQUEST FOR RECONSIDERATION

The applicant's submittals in support of the request for reconsideration (**Exhibit 2**) focus on written declarations from the structural engineering consultant indicating that the building, as built, cannot support 12 vehicles and 3 vehicle lifts. The structural engineering consultant indicates, in a letter attached to the applicant's request for reconsideration, that "the building as it has been constructed can support 9 cars on the deck" In a separate letter attached the applicant's request for reconsideration, the same structural engineering consultant writes: "I have included a drawing that shows the location of the additional 3 cars that the ramp can support." The applicant asserts that the written declarations from the structural engineering consultant should be accepted as relevant new evidence which could not have been presented at the time of the original hearing. The applicant argues that the new evidence has the potential of significantly altering the Commission's decision.

The applicant also requests reconsideration on the grounds that errors in fact or law may have been presented in an email from a staff member of Los Angeles City Councilman Mike Bonin that a member of the public presented to the Commission at the hearing which affected the Commission's decision, referenced in Section B of this report. The March 19, 2015 email states, in part: "They are

going to file a supplemental permit to revert back to the plan with the car lifts.” In fact, a supplemental permit to add the lifts back to the structure was filed with the Los Angeles Department of Building and Safety on the same day. The applicant’s letter states: “Central to the request for reconsideration is the weight given by the Commission at the time of the hearing to the content of an email alleging facts taken out of context and authored by a third party who was not a party to the appeal.” The applicant and his construction company have submitted written declarations indicating that neither party authorized the Los Angeles Department of Building and Safety to file the supplemental permit to add the lifts back to the structure (**Exhibit 2**).

D. ANALYSIS OF REQUEST FOR RECONSIDERATION

As stated on page two of this report, the Commission’s decision whether to accept or deny the applicant’s request for reconsideration shall be based on whether there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission’s initial decision. [Cal. Pub. Res. Code § 30627(b)(3)].

The following analysis considers separately each of applicants’ two arguments as grounds for reconsideration, as set forth in the previous section and the applicant’s submittals dated August 7, 2015 and August 17, 2015.

Issue 1: Structural Engineering

The applicant has not provided relevant new evidence related to the structural engineering of the restaurant and rooftop parking area which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter. In fact, at the July 9, 2015 hearing on the permit amendment application, the applicant’s representative (architect Stephen Vitalich) provided a detailed description of the history of the application and the process by which the building was designed and engineered: “In November, the applicant applied for a supplemental permit to remove the lifts off the building, to revise the structure of the building, to do some value engineering, to try to save some costs. It’s a very complicated small building.” The applicant’s representative also indicated that the ramp was capable of supporting an additional three vehicles. Additionally in both the June 19, 2015 staff report published in advance of the hearing and in staff’s presentation at the July 9, 2015 hearing, staff stated: “the applicant has constructed the restaurant and the rooftop parking area at the rear, but asserts that the structure cannot support the weight of three approved vehicle parking lifts.” The staff report and the staff presentation provided a detailed history of the application, similar to Section B of this report.

The applicant’s August 7, 2015 letter and attached declarations from MGM Consulting Structural Engineering, Inc. do not present new evidence related to the structural engineering of the restaurant and rooftop parking area. They merely reiterate, in more formal written documents, the same evidence provided by staff and by the applicant’s representative at the hearing on the matter. With reasonable diligence, the same information could have been provided in writing or in verbal testimony at the July 9, 2015 hearing on the matter.

Moreover, the Commission approved the original project as being consistent with the public access policies of the Coastal Act based on assertions and plans that the structure could be built in a manner to support the vehicle lifts on the roof to satisfy the parking requirements. The applicant chose to build a structure that did not comply with the Commission-approved plans, apparently in order to reduce construction costs, without the benefit of a Commission-approved amendment prior to construction.

Thus, the issue of whether or not the structure is capable of supporting the three vehicle lifts was not central to the Commission's decision to deny the permit amendment, since the Commission already decided in its original approval that building the vehicle lifts on the roof was feasible and the applicant proposed such a design. The Commission denied the amendment on grounds that the removal of the three parking spaces from the approved project would adversely impact public access to this coastal area and the applicant did not demonstrate that the proposed mitigation for the loss of the three spaces would adequately mitigate for the impacts to public access. Thus, structural engineering information related to the rooftop parking issue is not relevant evidence in the commission's consideration of the amendment to the parking requirements of the original permit since the commission already found that building the three vehicle lifts was feasible had the applicant constructed the building consistent with the Commission's approval of the original permit.

Issue 2: Context of the March 19, 2015 Email

The applicant has not demonstrated that an error of fact or law has occurred which has the potential of altering the Commission's initial decision. The applicant's request for reconsideration and written declarations allege that the March 19, 2015 email from a staff member of Los Angeles City Councilman Mike Bonin (**Exhibit 1**) misrepresented the applicant's intention to revert back to the plan with the vehicle lifts. The applicant acknowledges that he met with the Los Angeles Department of Building and Safety in March 2015, as stated in the email, but declares that neither he nor his construction company authorized the Los Angeles Department of Building and Safety to file the supplemental permit to add the lifts back to the structure. The applicant and the applicant's construction company each provided written declarations that they did not file a supplemental permit. In response to the applicant's request for reconsideration, Los Angeles Department of Building and Safety staff member Shahen Akelyan stated by email (**Exhibit 3**): "The supplemental permit application was generated based on the conversation with Mr. Camaj, in order to resolve the compliance issue and not to revoke the permit application number 11010-300000-00590. When he asked us what he needed to do in order finalize the permit, he was told that he has to comply with the Coastal Commission approval letter and provided the parking lifts. He agreed to do so (which required the supplemental permit) and later changed his mind. He was aware before and after the application was generated." A copy of the supplemental permit is included within **Exhibit 2**.

The applicant's request for reconsideration states: "Despite the credibility of the author of this email, the allegations made within the email must be substantiated and cannot be taken at face value as providing factual evidence determinative by the Commission without affording me the benefit of a response." The applicant's representative was present at the hearing on the amendment application on July 9, 2015 and indicated at the conclusion of his presentation: "I can answer any questions if you like." The Commission did not ask any questions of the applicant's representative related to the context of the email during the Commission's deliberation. Through the reconsideration process, the applicant has been afforded the benefit of a response to the email in question, and the applicant has not demonstrated that an error of fact or law has occurred which has the potential of altering the Commission's initial decision.

The applicant has demonstrated disagreement and miscommunication with the City of Los Angeles, which formed the entire basis of the permit amendment request. The email which was referenced at the July 9, 2015 hearing merely reinforced the idea that the City of Los Angeles and the applicant engaged in negotiations and authorizations related to the vehicle lifts which were not consistent with the conditions of Coastal Development Permit A-5-VEN-10-138. The City's initial action to approve the

restaurant with six vehicle parking spaces was appealed to the Coastal Commission, which required 13 parking spaces and explicitly identified its action in the special conditions of the permit, and required a deed restriction identifying the special conditions. After accepting the coastal development permit to construct the development, the applicant received approval from the Los Angeles Department of Building and Safety to provide 12 bicycle parking spaces on the roof of the building in lieu of three of the required vehicle parking spaces, but that approval was later found by the City to be invalid because it was not consistent with the conditions of the CDP. Whether or not the applicant agreed with the Los Angeles Department of Building and Safety's eventual directive to provide the 13 vehicle parking spaces and three vehicle lifts, it was required by the coastal development permit approved by the Coastal Commission. In its action, the Commission did not look to the City of Los Angeles Department of Building and Safety for guidance in approving or denying the amendment application. The Commission denied the amendment, finding that reducing the required parking at the restaurant would adversely impact public access to the coast and to the Venice community, popular with coastal visitors. The Commission found that the applicant's proposed mitigation was inadequate and required the applicant comply with the conditions of the underlying permit.

E. CONCLUSION

The applicant has not provided relevant new evidence which, in the exercise of reasonable due diligence, could not have been presented at the hearing on the matter. Additionally, the applicant has not proven that an error of fact has occurred which has the potential of altering the Commission's initial decision. Consequently, there is no basis for reconsideration, and the Commission denies the applicant's request for reconsideration pursuant to Section 30627(b)(4) of the Coastal Act.

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. Updated Parking Assessment for a Proposed 1,248 SF Restaurant Located at 1305 Abbot Kinney Boulevard in the Venice Community, Prepared by Overland Traffic Consultants, Inc. September 13, 2010.
4. City of Los Angeles Local Coastal Development Permit No. APCW-2009-1738.
5. City of Los Angeles Zone Variance to permit compact parking stalls within an on-site parking area that contains less than ten overall spaces (Case No. APCW-2009-1738).
6. City of Los Angeles Zone Variance to permit tandem parking (No. APCW-2009-1738).
7. City of Los Angeles Zone Variance to not provide a loading space that is otherwise required for commercial buildings which abut an alley (Case No. APCW-2009-1738).
8. City of Los Angeles Specific Plan Project Permit pursuant to the Venice Coastal Zone Specific Plan (Case No. APCW-2009-1738).
9. City of Los Angeles Negative Declaration No. ENV-2009-1739-MND, 8/24/2009.

EXHIBITS

Exhibit 1 – Email from Los Angeles City Councilman Representative

Exhibit 2 – Applicant's Request for Reconsideration

Exhibit 3 – Follow-up Email from Los Angeles Department of Building and Safety

Exhibit 1

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California Coastal
Commission

Posner, Chuck@Coastal

From: Chris Robertson <chris.robertson@lacity.org>
Sent: Thursday, March 19, 2015 2:48 PM
To: Elaine Spierer
Cc: Posner, Chuck@Coastal; Tricia Keane; marosi ilana; Robin Rudisill
Subject: Re: 1305AK

After meeting with Building and Safety, the applicant has decided to move forward with the plan approved by Coastal. They are going to file a supplemental permit to revert back to the plan with the car lifts. Glad we could catch this early.

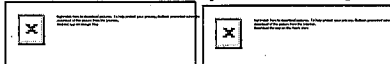
Thanks,

Chris Robertson, AICP, LEED AP
Deputy Director of Land Use & Planning

Councilmember Mike Bonin
City of Los Angeles
213-473-7011 | www.11thdistrict.com

[facebook.com/MikeBoninCD11](https://www.facebook.com/MikeBoninCD11)
[@mikebonin](https://twitter.com/mikebonin)

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Exhibit 2

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California Coastal
Commission

August 3, 2015

RECEIVED
South Coast Region

AUG 7 2015

CALIFORNIA
COASTAL COMMISSION

Dr. Charles Lester
Executive Director
California Coastal Commission
1121 L Street #503
Sacramento, CA 95814

Re: Request for Reconsideration of Amendments to CDP Permit #A-5-VEN-10-138-A1

Dr. Lester:

This letter confirms a written Request for Reconsideration of the determination made by the Coastal Commission at the hearing on July 9, 2015 to uphold the appeal on the amendment sought by me for CDP Permit #A-5-VEN-10-138-01. The amendment sought to reduce required vehicle parking spaces from 13 to 10, remove 3 vehicle lifts, provide an electric vehicle charging station and 14 bicycle parking spaces, and implement an employee transit pass program, at 1305 Abbot Kinney Blvd., Venice, Los Angeles, Los Angeles County.

The Commission's regulations provide that at any time within thirty (30) days following a final vote upon an application for a coastal development permit, the applicant of record may request that the Commission grant a reconsideration of the denial of the application, or of any term or condition of a coastal development permit which has been granted [Title 14 Cal. Code of Regulations Section 13109.2.].

The regulations also state (id. at § 13109.4) that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627, which states, inter alia: "The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision."

Central to the request for reconsideration is the weight given by the Commission at the time of the hearing to the content of an email alleging facts taken out of context and authored by a third party who was not a party to the appeal. Despite the credibility of the author of this email, the allegations made within the email must be substantiated and cannot be taken at face value as providing factual evidence determinative by the Commission without affording me the benefit of a response.

It is clear that the Commission has not had the benefit of performing its due diligence as to the intent and meaning of the email. The Commission has a fiduciary duty to determine if the email states errors of fact as it relates to this matter and before its content can be considered as evidence to uphold the appeal.

I wish to present relevant new evidence which could not have been presented at the time of the original hearing. This documentation is being provided in writing by Mariti Sunga, President and CEO of MJM Consulting Structural Engineering Inc. and it affirms the structural capacity of the fully constructed building at 1305 Abbot Kinney Blvd. This new evidence, which has come forth together with corroborating engineering reports, has the potential of significantly altering the Commission's original decision. This documentation is attached as Exhibit A.

Furthermore, Ms. Sunga of MJM Engineering Inc. provides a diagram showing that the parking ramp can support three additional cars. This documentation is attached as Exhibit B.

Lastly, when the Commission brought up the idea to reduce the service floor area as a means to meet the current parking quota, neither myself, nor my representative, were given an opportunity to respond.

Therefore, I respectfully request the right to present contravening evidence which has now come forth and could not have been presented at the time of the original hearing.

Sincerely,



Fran Camaj
Applicant

Cc: Charles Posner
Sr. Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Exhibit 2

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EXHIBIT A

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MJM

Consulting Structural Engineering, Inc.

1623 S. Hayworth Avenue, Los Angeles, CA 90035

Tel: (323) 931-9471 Fax: (323) 931-7212 E-mail: Projects@mjmeng.com

July 28, 2015

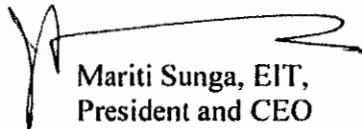
RE: 1305 Abbot Kinney Boulevard,
Venice, CA

To whom it may concern,

The original design of the parking deck was for 12 cars. 3 on car lifts and 9 on the parking deck. Per the direction of Sam Marshall of Marshall Projects, the designer and our client, and based on the revised parking deck plan which was approved and was issued a supplemental permit by the City of Los Angeles allowing our client to reduce the number of parking spaces, the car lifts were removed. The building as it is built according to the supplemental permit issued sometime in February 2013 cannot support 12 cars and 3 lifts. The building as it has been constructed can support 9 cars on the deck.

Should you have any questions, please feel free to call.

Sincerely,


Mariti Sunga, EIT,
President and CEO

Kamal Sadeghi, PE
Officer and Consultant



Exhibit 2

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EXHIBIT B

Exhibit 2

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California Coastal
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MJM

Consulting Structural Engineering, Inc.

1623 S. Hayworth Avenue, Los Angeles, CA 90035

Tel: (323) 931-9471 Fax: (323) 931-7212 E-mail: Projects@mimeng.com

July 28, 2015

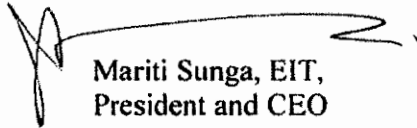
RE: 1305 Abbot Kinney Boulevard,
Venice, CA

To whom it may concern:

This letter is being written regarding the ramp conditions at 1305 Abbot Kinney. I have included a drawing that shows the location of the additional 3 cars that the ramp can support.

Should you have any questions, please feel free to call.

Sincerely,



Mariti Sunga, EIT,
President and CEO

Kamal Sadeghi, PE
Officer and Consultant



Exhibit 2

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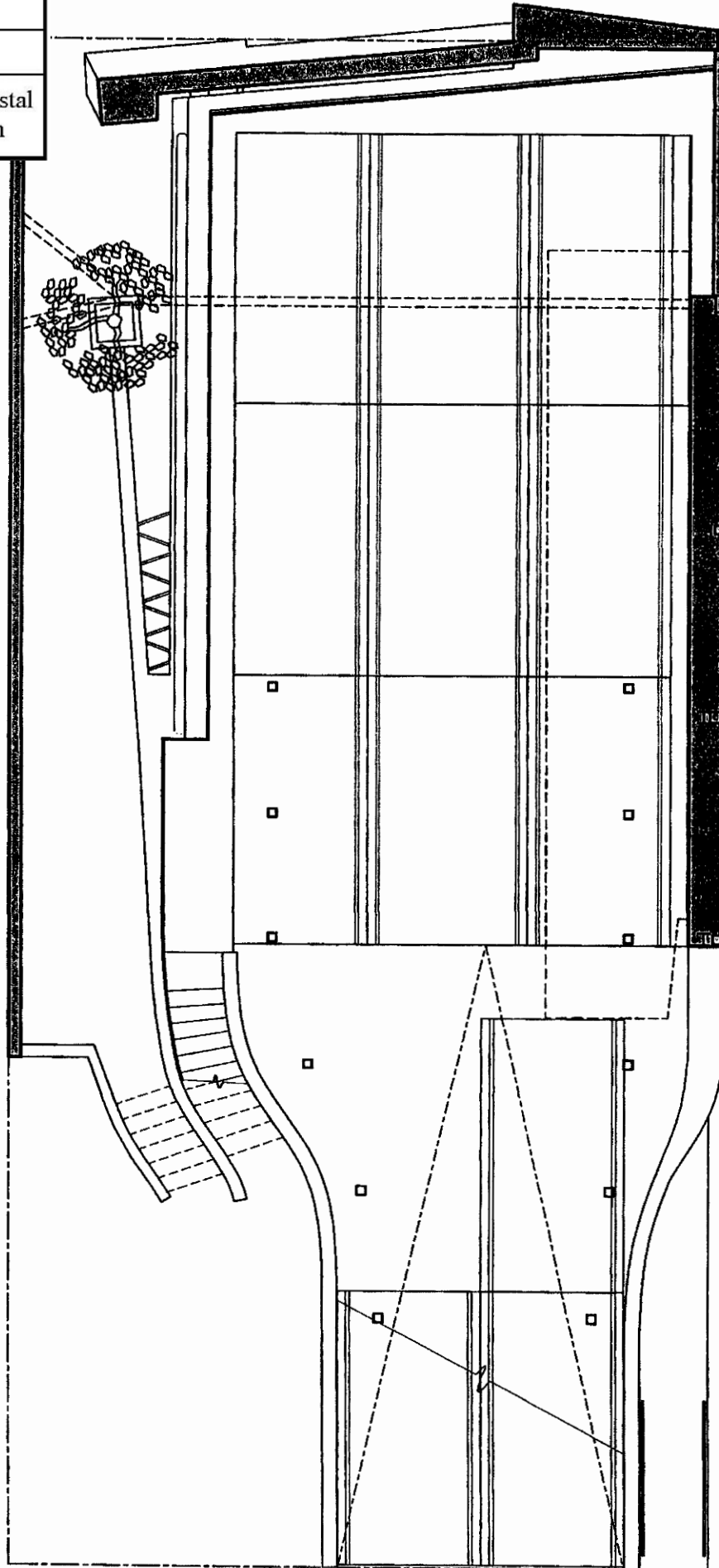


Exhibit 2

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California Coastal
Commission

Laurette Healey <healeylaurette@gmail.com>

Monday, August 17, 2015 4:00 PM

Rehm, Zach@Coastal

To:

Cc:

Subject:

Posner, Chuck@Coastal; Fran Camaj; Christiane Ingenthron

Exhibits - Request for Reconsideration of Amendment Request A-5-VEN-10-138-A1.

1305 Abbot Kinney Blvd. Venice, CA 90291

Attachments:

8062015 Request for Reconsideration letter with attachments - Mr Charles Lester.pdf;

Take Off Sheet C-210.pdf; LADBS application permit submitted by Chiharu

Suzuki03192015.png; CalAsia Signed statement 08172015.pdf; Fran Camaj signed

statement.pdf; Fran Camaj signed statement.pdf

Zach:

Thank you for taking the time this past Friday to speak with Fran Camaj and me about the development of the staff report concerning the Request for Reconsideration of the the Amendment Request for A-5-VEN-10-138-A1.

As we discussed during our conversation there is substantive new evidence that has come forth since the time of the first hearing on July 9, 2015 which could not have been reasonably obtained in time, though efforts had been made. Secondly, it appears that there is evidence of unauthorized permit applications submitted with LA City Building and Safety that may have biased the full understanding of this matter. Therefore it is in the interest of affording due process to the applicant, I am submitting the following attached documentation and the following brief explanation below for both the staff's and Commissioner's consideration.

The attachments include:

1. Req. ltr. w/Exhibit A & B (previously submitted 08/06/15)
2. Take off Sheet | C-210 | structural design changes 03/07/13
3. LADBS permit application submit by Chiharu Suzuki 03/19/15
4. Cal Asia Construction statement 08/17/15
5. Fran Camaj statement 08/15/15

The Take off Sheet attachment makes clear that a design change was made in March 2013 that removed the 6 weight bearing beams from the design plans for the building. The beams were the load bearing beams for the carlifts. The building's construction was completed with design change.

As structural engineer, Mariti Sunga states in her letter " The building as it has been constructed can support 9 cars on it's deck."

You referenced a permit application submitted on 3/19/2015 to LADBS to replace the carlifts on the building. At the time of our initial conversation it was your belief that this application was submitted by Fran Camaj or his construction contractor.

I am presenting new evidence to help clarify this matter.

The LADBS permit application was submitted by an LADBS staff employee on 3/19/2015 to re instate the carlifts. Evidence is attached that will verify that this permit application was submitted by a staff

employee at LADBS and was not authorized by Fran Camaj nor his contracted construction company, Cal Asia.

I am confirming again that the Commission hearing on this matter will be taking place at the September 9-11, 2015 Commission hearing which will be held at Humbolt State University, 1 Harpst Street, Arcata, CA 95521. Please list me as Representative for the Applicant on the Agenda.

Thank you for your consideration,

Laurette Healey
Sr. Advisor
Gjelina Group, Inc.
(310) 968-7887

Exhibit 2

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California Coastal
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Application / Permit 11010-30005-00590

Plan Check / Job No. B15WL01511

Group Building

Type Bldg-Alter/Repair

Sub-Type Commercial

Primary Use (17) Restaurant

Work Description Supplemental to permit 11010-30004-00590 to revise parking to the original design and provide 13 automobile parking spaces.

Permit Issued No

Current Status Application Submittal on 3/19/2015

Permit Application Status History

No Data Available.

Permit Application Clearance Information

Coastal Zone	Not Cleared	3/19/2015	CHIHARU SUZUKI
ZA Case	Not Cleared	3/19/2015	CHIHARU SUZUKI

Contact Information

Contractor	Calasia Construction Inc; Lic. No.: 938255-B	3050 FLETCHER DRIVE LOS ANGELES, CA 90065
Engineer	Mirmohammadsadeghi, Kamaledin; Lic. No.: C53468	1377 S BEVERLY GLEN BLVD 308 LOS ANGELES, CA 90024

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California Coastal
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August 17, 2015

To Whom It May Concern:

This letter is being written to confirm that at no time was CalAsia Construction, Inc. given instruction to secure a permit with the Los Angeles Department of Building and Safety regarding adding parking lifts back onto the structure at 1305 Abbot Kinney Blvd, Venice, CA 90291. Additionally, CalAsia Construction Inc. did not apply for, or attempt to acquire any authorization from the City to add parking lifts back onto the structure at 1305 Abbot Kinney Blvd, Venice, CA 90291.

Please do not hesitate to contact me directly if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myrna Murawski'.

Myrna Murawski
CFO

CalAsia Construction, Inc.
3050 Fletcher Drive
Los Angeles, California 90065
323-256-2943

Exhibit 2

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California Coastal
Commission

August 15, 2015

Fran Camaj
1425 Abbot Kinney Blvd
Venice, CA 90291

Re: 1305 Abbot Kinney Blvd, Venice CA 90291

To Whom It May Concern:

This letter is being written to confirm that I never authorized the submission of an application to the City of Los Angeles Department of Building and Safety to replace the car lifts at 1305 Abbot Kinney Boulevard, Venice, CA 90291. The person who submitted the application had no authority to do so.

Please do not hesitate to contact me directly if you have any questions.

Regards,

A handwritten signature in black ink, appearing to be 'F. Camaj', written over a horizontal line.

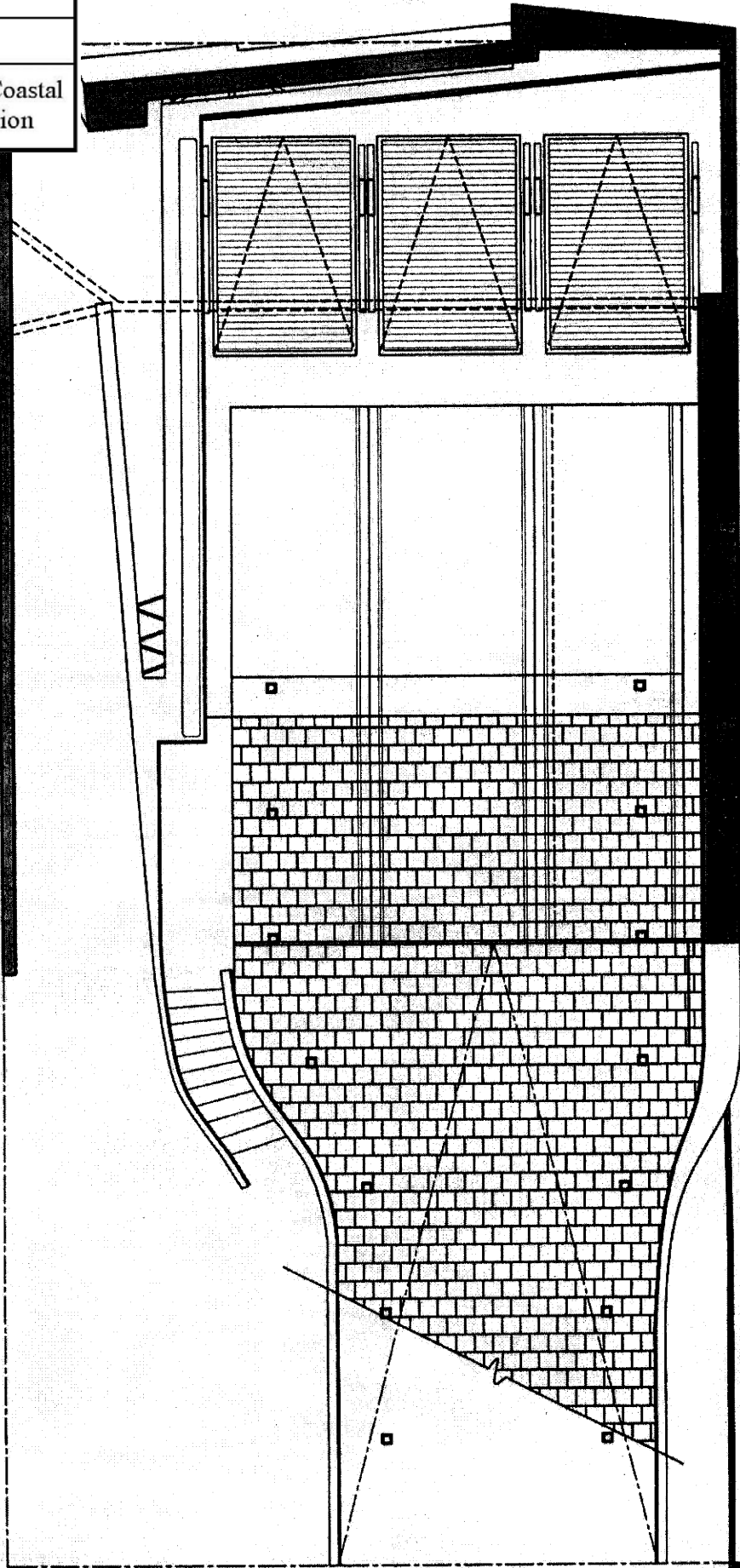
Fran Camaj
310-880-9260

Exhibit 2

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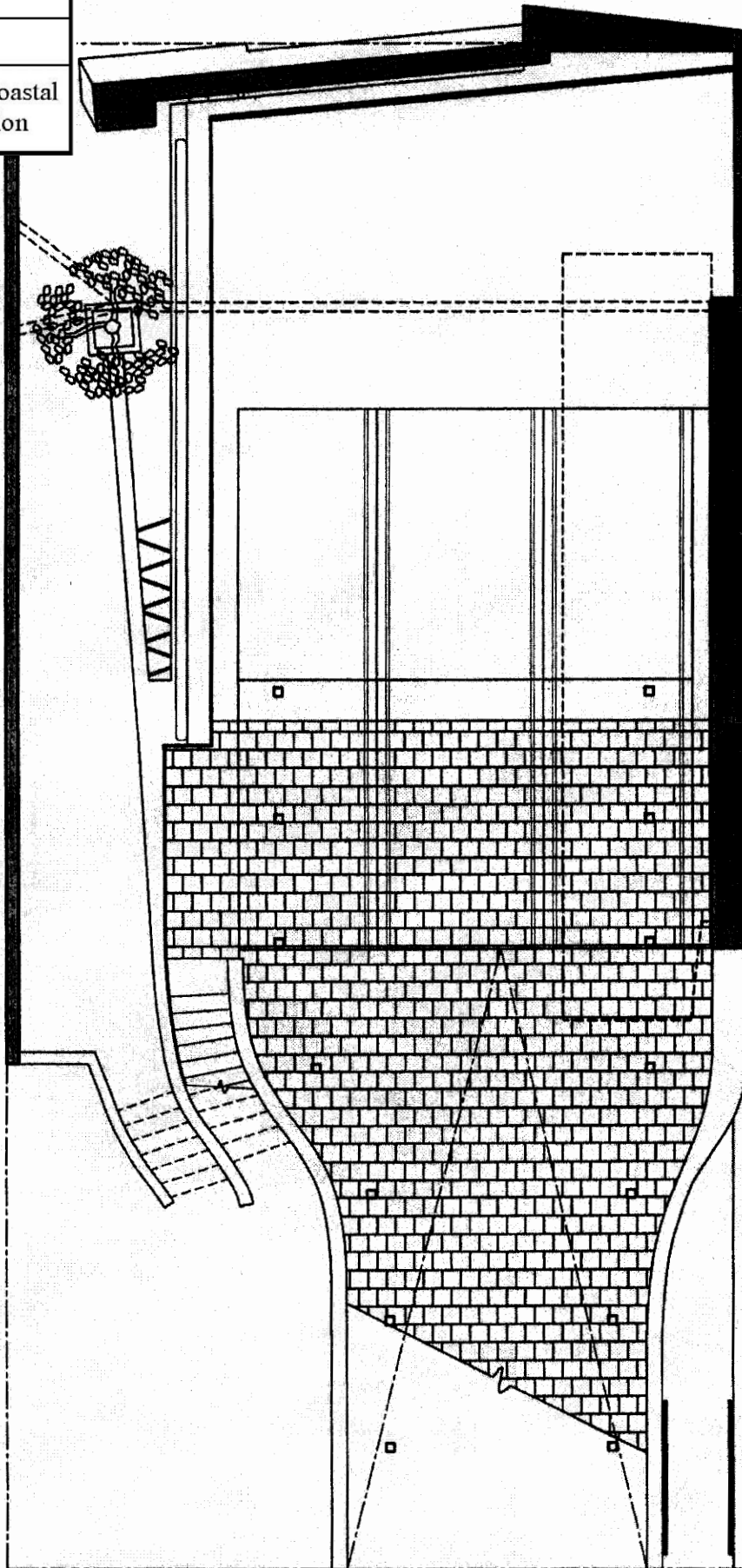
7.12.11 & 7.25.11 & 8.29.11
9 parking spaces
+ CARRIAGES
12.06.12

Exhibit 2

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2.28.12
6 parking spaces
NO CURB CUTS

Exhibit 2

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F SHEET | Design Changes

GC: CalAsia

DELETION OF ROOF
SUPPORTING CAPLIPS 3-07-13

PROJECT NAME : 1305 AK

PROPOSAL NO: C-210

LOCATION : 1305 ABBOT KINNEY BOULEVARD, VENICE, CA 90291

DATE: 03/07/13

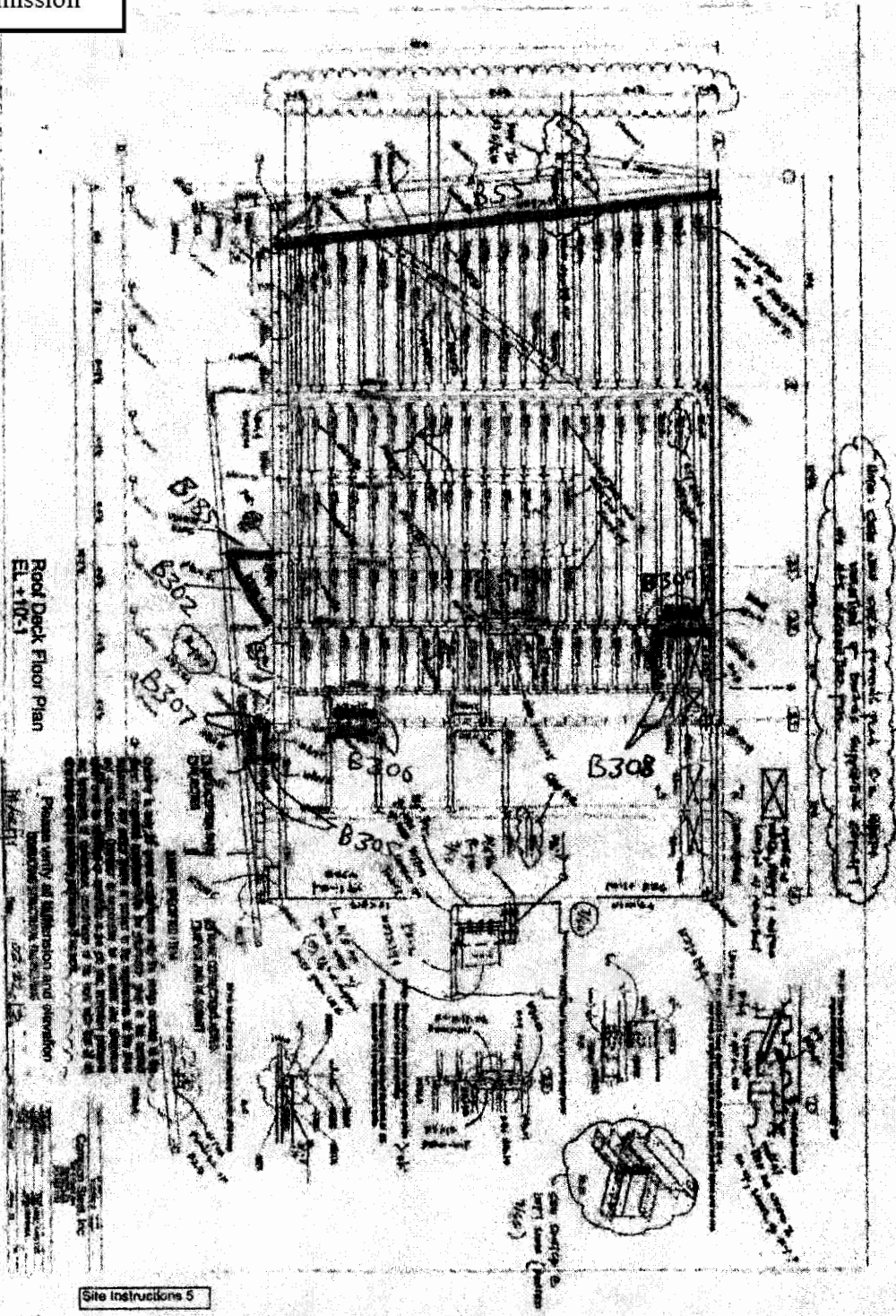
NO.	DESCRIPTION	LENGTH	LB/FT	QTY	UNIT	TOTAL WT.	REMARKS
DELETED COLUMNS/BEAMS							
C6	W 8 X 28	15	28	1	EA	420	
B100	W 8 X 18	5.5	18	1	EA	99	
B101	W 8 X 18	7.5	18	1	EA	135	
B102	W 8 X 18	8	18	1	EA	144	
B185	C 3 X 5	2	5	1	EA	10	
B26	W 8 X 21	18	21	1	EA	378	
B38	W 8 X 21	13.5	21	1	EA	284	
B40	W 8 X 21	5	21	3	EA	315	
B41	W 8 X 21	5.5	21	3	EA	347	
B42	W 8 X 21	5.5	21	1	EA	116	
B44	W 8 X 21	5.5	21	2	EA	231	
B55	W 30 X 173	30	173	1	EA	5,190	
B61	W 8 X 15	4.5	15	1	EA	68	
B89	W 8 X 15	2	15	1	EA	30	
B96	W 8 X 18	5.5	18	1	EA	99	
B97	W 8 X 18	4.5	18	1	EA	81	
B98	W 8 X 18	4	18	1	EA	72	
B99	W 8 X 18	5	18	1	EA	90	
B126	S 6 X 17.25	4.5	17.25	1	EA	78	
B301	W 8 X 21	1.5	21	1	EA	32	
TOTAL				25		8,216	
ADDED COLUMNS/BEAMS							
C3	HSS 5 X 5 X 1/2	28.5	28.43	1	EA	810	
C6	W 10 X 30	15	30	1	EA	450	
C14A	HSS 4 X 4 X 1/2	12.5	21.63	1	EA	270	
C301	HSS 2 X 2 X 1/4	3	5.41	2	EA	32	
B26	W 10 X 54	18	54	1	EA	972	
B55	W 27 X 194	30	194	1	EA	5,820	
B185	W 8 X 21	4	21	1	EA	84	
B302	W 8 X 21	6.5	21	1	EA	137	
B303	W 8 X 21	18.5	21	1	EA	389	
B305	W 8 X 15	1.5	15	2	EA	45	
B306	W 8 X 15	2	15	2	EA	60	
B307	W 8 X 15	2.5	15	2	EA	75	
B308	W 8 X 15	4	15	2	EA	120	
B309	S 6 X 17.25	2	17.25	1	EA	35	
TOTAL				19		9,299	
DESIGN CHANGE TOTAL				(6)		1,082	

Exhibit 2

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Roof Deck Floor Plan
EL. +100.1

Site Instructions 5

DELISION OF PARTS
SUPPLEMENTAL CAPLIPS
3.07.13



From: Shahen Akelyan [mailto:shahen.akelyan@lacity.org]

Sent: Monday, August 17, 2015 5:05 PM

To: Posner, Chuck@Coastal

Cc: Chris Robertson (chris.robertson@lacity.org); Rehm, Zach@Coastal

Subject: Re: FW: Exhibits - Request for Reconsideration of Amendment Request A-5-VEN-10-138-A1. 1305 Abbot Kinney Blvd. Venice, CA 90291

Chuck,

The supplemental permit application was generated based on the conversation with Mr. Camaj, in order to resolve the compliance issue and not to revoke the permit application number# 11010-300000-00590. When he asked us what he needed to do in order finalize the permit, he was told that he has to comply with the Coastal Coastal Commission approval letter and provided the parking lifts. He agreed to do so (which required the supplemental permit) and later changed his mind. He was aware before and after the application was generated.

Do you need LADBS to be present or speak on this matter at the hearing?

Thanks