

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
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original staff report

# W12a

## Addendum

July 11, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W12a**, Coastal Commission Permit Amendment Application No. **F8945-A5 (Eddie V's Restaurants)**, for the Commission Meeting of Wednesday, July 13, 2016.

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The purpose of this addendum is to make revisions to the staff report and attach a letter of support as Exhibit No. 3. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~striketrough~~ and additions shall be underlined:

1. On Page 5 of the staff report, Special Condition No. 6 shall be modified as follows:

6. **Parking Monitoring Plan**. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for Executive Director review and written approval a monitoring plan that shall include document, at a minimum, the following information:

- a. The exact hours of operation during weekday lunch periods;
- b. The total amount of restaurant square footage being operated each weekday lunch period;
- c. The total number of patrons visiting Eddie V's during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
- d. The usage rate of the 14 off-site parking spaces, and any observation of patrons using street parking, during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
- e. The total number of employees working at Eddie V's during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
- f. The manner in which the weekday lunch employees reached Eddie Vs and, if driving, where they parked;

g. Documentation of any reimbursement offered by Eddie V's to employees as incentive to utilize alternate transit and, if not, whether the employees would utilize such incentives;

h. A survey of patron parking usage.

i. Provisions for the submittal of a report to the Executive Director of the Coastal Commission on June 1<sup>st</sup> two years after the date of Commission approval of this CDP. The report shall summarize the data collected above and provide analysis of trends or parking deficiencies or surpluses noted.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. On Page 11 of the staff report, the first full paragraph shall be modified as follows:

However, on weekdays, it is likely that many patrons of the local businesses are from the nearby offices rather than visitors coming from out of the community, and thus walk to their destinations, lessening the demand for parking. The subject restaurant is one of many restaurants and retail shops located in the village, a popular coastal destination, and it is expected that many visitors to La Jolla would ~~to~~, once parked, visit multiple commercial and coastal sites, and thus, the demand for parking spaces is not generated individually, but is shared by a wide range of developments in the vicinity. Thus, impacts to public access associated with the expanded hours on weekdays may be less than otherwise anticipated. Restaurants are a visitor-serving use, which are a high priority under the Coastal Act. The applicant has proposed to secure 14 parking spaces for exclusive use of Eddie V's during lunch time hours. Eddie V's is not proposing to charge customers a fee to park in the required lunchtime parking spaces, and any revisions to the lunchtime parking arrangement would require an amendment to this permit. Thus, ~~W~~ while this 14-space requirement is less than the 27 spaces required for evening and weekend use, allowing expanded lunch hours for a limited period of time will give the Commission the opportunity to monitor the impacts of this expansion and reevaluate after the trial period.

3. Add the following Exhibit: Exhibit 3 – Public Letter of Support

W 12a  
July 13, 2016  
9:00 AM  
Application No. F8945-A5

■ Anthony A. Ciani 220 Walnut Street Pacific Grove, CA 93950

July 6, 2016

California Coastal Commission  
San Diego Area  
7575 Metropolitan, Suite 103  
San Diego, CA 92108-4421

RE: Eddie V's Restaurant Expansion

Dear Chairman and Members of the Commission:

As a property owner of a historically significant cottage in the village of La Jolla that is used as a restaurant I encourage you to approve the expanded use for lunch because it will provide residents and visitors the opportunity of enjoy the waterfront location and quasi-public views to the shoreline. However, I also request that you strengthen the special conditions regarding access and parking to require the applicant and property owner to provide the offsite 14 parking spaces for *free* to its patrons.

Since this restaurant was originally approved, many spaces of previously free public parking immediately adjacent to the restaurant have been converted into paid valet parking, resulting in the loss of affordable access (parking) within 300 - 500 feet from the shoreline. It is logical and fair that the restaurant who has benefited from exclusive use of the street and charged for that use, now afford free use of the proposed parking. The special conditions should include a provision for signage at the existing valet and within the restaurant indicating the free parking provision.

Also, this may provide a chance to encourage a shared parking arrangement for beach parking when the restaurant parking is not in use. Please use this opportunity to promote affordable public access this special area.

Respectively,

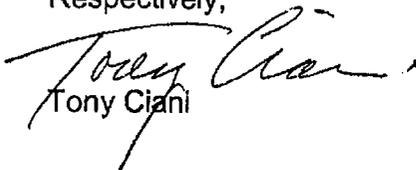
  
Tony Ciani

EXHIBIT NO. 3

APPLICATION NO.

**F8945-A5**

Public Letter of  
Support

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 (619) 767-2370

**W12a**

Filed: 3/1/16  
 180th Day: 8/28/16  
 Staff: A. Llerandi-SD  
 Staff Report: 6/24/16  
 Hearing Date: 7/13/16

**STAFF REPORT: AMENDMENT**

**Application No.:** F8945-A5

**Applicant:** Eddie V's Restaurants, Inc.

**Agent:** Tyler Womack

**Location:** 1270 Prospect Drive, La Jolla San Diego, San Diego County (APN: 300-050-17)

**Original Project Description:** Expansion of existing 3,566 sq. ft. restaurant into approximately 1,233 sq. ft. area formerly occupied by retail dress shop. Total restaurant area is approximately 4,799 sq. ft.

**Proposed Amendment:** Amend Special Condition No. 4 of Coastal Development Permit Amendment No. F8945-A3 to permit operations during weekday lunch hours starting at 11:00 AM and provide 14 off-site parking spaces during weekday lunch hours.

**Staff Recommendation:** Approval with Conditions

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve the proposed permit amendment subject to special conditions. The proposed project is an amendment to a previous coastal development permit to permit operation of the Eddie V's Restaurant in La Jolla during weekday lunch hours starting at 11:00 AM. The subject restaurant was previously the site of the Chart House restaurant, which underwent significant renovation, expansion, and reconstruction pursuant to Coastal Development Permit (CDP) Nos. F8945, F8945-A1, F8945-A2, and F8945-A3.

The project raises concerns regarding public access, namely the availability of parking for the subject restaurant, as the existing restaurant does not currently include or have the ability to provide any on-site parking and is located within the downtown area of La Jolla, where parking is severely constrained. The Commission has traditionally required restaurants to secure exclusive off-site parking because the competing commercial and office uses that utilize the existing parking supply, particularly during weekdays, can impact the availability of parking for public and visitor-serving uses. Thus, the Commission limited the hours of operation for the existing restaurants to evening and weekends only, when those competing uses are closed.

In the case of the proposed lunch time operation, the restaurant currently has 27 off-site parking spaces secured for weekends and evening uses. As proposed and conditioned, the applicant would provide 14 off-site parking spaces during lunchtime hours. While this is less than the 27 spaces currently required to accommodate restaurant patrons for evenings and holidays, there may be less demand on weekdays during lunch hours, as it is likely that many patrons of the local businesses are from the nearby offices rather than visitors coming from out of the community, or are visitors to other destinations in the downtown area and thus walk to their destinations or share the demand for parking with other uses.

Besides the proposed amendments to Special Condition No. 4 of CDP Amendment F8945-A3, the proposed project is consistent with all previous special conditions and deed restrictions in effect on the subject site and will not expand the existing building footprint or height of the subject structure. Allowing the expanded lunch hours for a limited time period will allow for monitoring of parking usage by patrons, patronage numbers, and employee commutes to determine what impact the expanded hours have on public parking and access in the popular La Jolla Village area.

Therefore, Commission staff is recommending several special conditions. **Special Condition No. 1** would require that 14 exclusive parking spaces be provided during the weekday lunch hours approved in this permit. **Special Condition No. 2** requires signage identifying the location of parking currently required for Eddie V's other hours of operation, and this condition will be amended to require revised signage if the 14 parking spaces to be provided for the weekday lunch hours are in a different location. **Special Condition No. 3** makes clear that all prior special conditions not specifically modified in this permit amendment are still in effect. Because past actions by the Commission have noted that competing parking demands lessen during off-business hours, and the applicant wishes to conduct a trial run to measure the viability of weekday lunch hours, **Special Condition Nos. 4 and 5** extends the permissible operating hours of Eddie V's, but makes clear that this authorization is only for a period of two years from the date of Commission approval. Relatedly, **Special Condition No. 6** requires Eddie V's to conduct monitoring of restaurant patronage and the manner in which employees reach La Jolla so as to provide sufficient data to analyze future requests for changes to operating hours.

Commission staff recommends **approval** of coastal development permit amendment F8945-A5 as conditioned.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>4</b>
<b>II. SPECIAL CONDITIONS .....</b>	<b>4</b>
<b>III. FINDINGS AND DECLARATIONS.....</b>	<b>7</b>
A.    PROJECT HISTORY/ AMENDMENT DESCRIPTION .....	7
B.    PUBLIC ACCESS.....	9
C.    LOCAL COASTAL PLANNING.....	11
D.    CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	12

### APPENDICES

[Appendix A – Conditions of Approval](#)

[Appendix B – Substantive File Documents](#)

### EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial Map](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. F8945-A5 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the amendment 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 approves coastal development permit amendment F8945-A5 and adopts the findings set forth below on grounds that the development as amended and 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. 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.*

NOTE: Appendix A, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment no. F8945-A5. All of the Commission's adopted special conditions and any changes in the project description proposed by the applicant and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on amendment no. F8945-A5 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in ~~strikeout~~/underline format. This will result in one set of adopted special conditions.

## II. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Off-Site Parking. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and written approval, a La Jolla Planned District

Joint Use Parking Agreement or other agreement that conforms to the La Jolla PDO requirements for joint use parking for the provision of 14 off-site parking spaces during weekday lunch hours. Said parking agreement shall provide that the proposed off-site parking spaces are located within ¼ mile of Eddie V's restaurant, and are provided exclusively for use by Eddie V's restaurant during weekday lunch hours of operation (applicant must demonstrate the proposed off-site parking spaces are not currently required for any other use or business).

[Special Condition No. 2 of CDP No. F8945-A3 remains unchanged and in effect.]

3. **Prior Conditions of Approval.** All prior conditions of approval of coastal development permit No. F8945, F8945-A1, F8945-A2, and F8945-A3, not specifically revised herein, shall remain in full force and effect.
4. [Amended Special Condition No. 4 of F8945-A3] **Hours of Operation.** The restaurant/lounge is authorized to be open for business evenings and lunch hours 7 days a week, ~~but shall only open for lunch on weekends and holidays.~~ On weekdays, lunch hours shall start no earlier than 11:00 AM.
5. **Time Limit.** This permit amendment shall be in effect for a period of two (2) years from the date of Commission approval, during which time the applicant may operate during weekday lunch hours, beginning at 11:00 AM. Should the applicant wish to continue operating during weekday lunch hours beyond the two-year period of this permit, an amendment must be approved and issued by the Coastal Commission prior to the expiration of this permit authorization period.
6. **Monitoring Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for Executive Director review and written approval a monitoring plan that shall document, at a minimum, the following information:
  - a. The exact hours of operation during weekday lunch periods;
  - b. The total amount of restaurant square footage being operated each weekday lunch period;
  - c. The total number of patrons visiting Eddie V's during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
  - d. The usage rate of the 14 off-site parking spaces, and any observation of patrons using street parking, during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
  - e. The total number of employees working at Eddie V's during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;

F8945-A5 (Eddie V's Restaurant)

- f. The manner in which the weekday lunch employees reached Eddie V's and, if driving, where they parked;
- g. Documentation of any reimbursement offered by Eddie V's to employees as incentive to utilize alternate transit and, if not, whether the employees would utilize such incentives;

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### **III. FINDINGS AND DECLARATIONS**

#### **A. PROJECT HISTORY/ AMENDMENT DESCRIPTION**

The amendment proposes to introduce weekday lunch service to the hours of operation of Eddie V's Restaurant in La Jolla. The existing restaurant, previously known as the Charthouse, is located in a structure constructed prior to the effective certification of the Coastal Act, that has been subsequently renovated and expanded pursuant to CDP Nos. F8945, F8945-A1, F8945-A2, and F8945-A3. The permits included special conditions regarding the parking requirements for the restaurant, deed restrictions, signage for parking and an adjacent public access stairway, landscaping, and construction staging and storing. Currently, the subject restaurant consists of approximately 7,277 sq. ft. of gross floor restaurant area and 27 off-site parking spaces in a nearby parking garage. The proposed amendment would not change the size or footprint of the restaurant, but rather expand the hours in which it is permitted to operate to include weekday lunch hours starting at 11:00 AM.

The Eddie V's Restaurant is located within 300 feet of the coast, on a sloping site that consists of three lots (Lots 30-32) which are bounded by Prospect Street to the southeast and Coast Boulevard to the northwest. The restaurant is largely situated on Lot 32 with a portion of the restaurant extending towards the south onto Lot 31 of the site. The Green Dragon Colony residences previously existed at the far northern portions of Lots 30 and 31 of the subject site, along Coast Boulevard. This part of the subject site currently remains vacant and undeveloped, though three new detached single family residences have been approved by past Commission action and are slated for construction in the future.

Coast Boulevard is the first public road paralleling the sea and a popular shoreline access route. Due to the configuration of the coastal bluffs and shoreline in this area, the ocean is northwest of the subject site. The site is located in the commercial core area ("Village") of downtown La Jolla in the City of San Diego, which is a major visitor destination point. The restaurant is located in a split-level structure (three levels) that contains retail and restaurant leaseholds, with its upper level fronting on Prospect Street, and the rear dining area overlooking Ellen Scripps Browning Park, La Jolla Cove, La Jolla Caves, and Goldfish Point to the west. The retail spaces are located at a lower level of the structure.

In 1981, the Regional Commission approved CDP No. F9655 for the replacement of a portion of the restaurant (1,233 sq. ft.) that was destroyed by a fire and a 391 sq. ft. addition. Because the proposed expansion exceeded the square footage of the destroyed portion of the restaurant by more than ten percent, the replacement and addition did not qualify for an exemption from permitting requirements pursuant to Section 30610(g) of the Coastal Act. That permit was subsequently appealed by the Sierra Club and the project was approved pursuant to CDP No. A-93-81 in May 1981. However, because the applicant did not comply with the prior to issuance conditions of the permit, the permit was not issued and subsequently expired.

## F8945-A5 (Eddie V's Restaurant)

Pursuant to CDP No. F8945, a 1,233 sq. ft. addition was permitted to the then existing 3,566 sq. ft. two-level restaurant for a total floor area of 4,799 sq. ft. No requirement for parking was required associated with the expansion because the Commission determined that the expansion would not result in a significant increase in intensity of use of the site beyond that of the existing restaurant. Specifically, the Commission found that the existing restaurant (prior to the expansion) contained 31 tables for dining and cocktails. After the proposed expansion, the restaurant would have 33 tables, which was not deemed a significant increase. In addition, because the Chart House was only proposing to be open in the evening hours after 5:30 PM, the Commission found that the parking supply in the area was adequate to accommodate both restaurant patrons and visitors to the shoreline, who are more likely to visit the area during daylight hours.

CDP amendment Nos. F8945-A1 and F8945-A2 were submitted simultaneously in 2002 to address unpermitted development that had occurred, as well as to provide for improvements to the available public parking supply for the subject restaurant. F8945-A1 was for after-the-fact approval of 1,768 sq. ft. additions to the three-level restaurant and a reduction in height to 30 feet (of a small area of the addition) and reservation of 9 off-site parking spaces in an existing parking lot for the use of the restaurant. F8945-A2 involved an amendment to construct 2,760 sq. ft. of additional floor area to the southeastern side at the main level of the existing restaurant, resulting in a total square footage of 9,327 sq. ft. (including restaurant and retail space). F8945-A2 also allowed for construction of a 535 sq. ft. dining deck at the western portion of the main level of the restaurant and a 724 sq. ft. outdoor dining deck at the upper level of the restaurant. As part of F8945-A2, the applicant submitted a deed restriction stipulating that a public vertical accessway along the east side of the site would remain open to the public and that 14 off-site parking spaces for the proposed new addition would be provided in a parking garage across the street.

F8945-A3 was approved by the Commission in November 2011 to convert 710 sq. ft. of roof space into dining space and provide 4 additional parking spaces, for a total of 27 off-site parking spaces. F8945-A3 also required a signage program be installed on and off-site to direct patrons to exclusive Eddie V's Restaurant parking, which in turn was reserved by recorded Joint Use Parking Agreements as required in that amendment and conforming to the requirements of the certified La Jolla Planned District Ordinance. This current amendment proposal was originally submitted as F8945-A4, but due to timing issues while Commission staff and the applicant gathered and discussed the necessary information, the application was withdrawn and resubmitted by the applicant under the current amendment number.

The applicant is proposing to amend Special Condition No. 4 of CDP Amendment No. F8945-A3, which states:

4. Hours of Operation: The restaurant/lounge is authorized to be open for business evenings 7 days of the week, however, shall only open for lunch on weekends and holidays.

The proposed amendment would revise this special condition to allow Eddie V's to be open for business during weekday lunch hours, starting at 11:00 AM.

The City of San Diego has a certified LCP and has been issuing coastal development permits in La Jolla since 1988. However, because the subject application is an amendment to a Coastal Commission-issued CDP, the Commission has jurisdiction over the proposed amendment. The standard of review is the certified La Jolla-La Jolla Shores LCP Land Use Plan Addendum, the La Jolla Planned District Ordinance and the certified Land Development Code.

## **B. PUBLIC ACCESS**

The La Jolla-La Jolla Shores LCP Addendum contains the following policies addressing protection of public access, which state, in relevant part:

*“La Jolla’s relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved.”*

*“New development should not prevent or unduly restrict access to beaches or other recreational areas”*

*“The maximum use and enjoyment of La Jolla’s shoreline is dependent upon adequate public access. Major recreational areas include La Jolla Shores Beach, Ellen Scripps Park, Coast Boulevard Park, ....”*

The certified La Jolla-La Jolla Shores LCP states, “a key component of adequate access is maintenance of existing facilities, including stairways, pathways, and parking areas.” The La Jolla PDO contains detailed requirements concerning the provision of parking, in the case of restaurants requiring one parking space for every 200 sq. ft. of gross floor area (including outdoor dining). Past Commission action on development in the downtown La Jolla area has recognized that parking shortages and traffic circulation congestion are well documented (ref. CDP Nos. 6-83-433, 6-84-6, 6-84-219, 6-84-277). The area continues to be a highly popular tourist and visitor-destination area and parking is at a peak demand. When new development does not provide adequate parking to serve demand for the use, parking can spill over into surrounding public parking spaces previously available for public shoreline access and recreation.

Currently, there are no on-site parking spaces provided for the restaurant nor is there any room on the subject site to provide such spaces. The structure that houses the restaurant was constructed in 1904 and the restaurant has not had any on-site, off-street parking since it opened. However, with the most recently approved amendments, the Commission required that a total of 27 parking spaces be provided to accommodate the demand generated by the expanded restaurant area. Because there is no ability to provide those parking spaces on site, consistent with the certified LCP, the required spaces are located off-site in a below-grade parking garage facility located at 1299 Prospect Street, across the street from the subject restaurant (9 spaces are provided per F8945-A1, 14 spaces are provided per F8945-A2, and 4 spaces are provided per F8945-A3).

Unlike the previous Commission actions regarding this restaurant, the proposed project does not involve any physical changes to the restaurant. Rather, Eddie V's is seeking modification of the special condition currently limiting their operations to weeknights, weekends, and holidays so as to also permit offering weekday lunch time hours. The current special condition limiting operating hours was required by the Commission in its most recent action – CDP No. F8945-A3 – in recognition that downtown La Jolla is a parking-impacted community, and that businesses with no on-site parking, such as Eddie V's, may not be able to accommodate the demand for parking spaces during weekdays due to the competing demands of the existing commercial and office uses that either own the parking garages or have superseding rights to the parking spaces therein. Thus, there is a high likelihood that patrons will utilize public street spaces, impacting public access to nearby coastal destinations. However, during weeknights, weekends, and holidays, parking demand decreases due to most of the local office uses being closed, creating opportunities for restaurants and other visitor commercial uses to procure off-site parking agreements in the garages that normally serve the office uses during weekday business hours.

The applicant has suggested that the condition limiting the hours of operation of the restaurant applies only to the expanded areas of the restaurant that were the subject of the previous permit, and thus, if only the original pre-Coastal portion of the restaurant were to be used for dining during weekday lunch hours, no amendment would be required. However, none of the Commission's past actions requiring the provision of additional parking or limiting the hours of operation to weeknights, weekends, and holidays make any distinction that the conditions apply only when a particular portion of the restaurant is in operation. The previous Commission actions evaluated potential impacts to public access and recreation based on operation of the expanded restaurant as a whole, and as such, the plain language of the conditions limiting the opening hours clearly apply to operation of any portion of the restaurant.

With regard to the proposed request to expand the hours of operation to lunch time on weekdays, this request could have some adverse impact on public access and recreation, as it could generate a demand for parking during a time period when the demand for beach and shoreline access is typically high, especially in the summer, and the demand for parking associated with the surrounding businesses is unchanged. As described above, for projects involving a physical expansion of building area, the Commission typically required applicants to either provide on-site parking, or secure nearby off-site parking through a recorded deed restriction ensuring that off-street parking spaces dedicated to that development are available.

As stated earlier, the Commission has historically denied applications to expand restaurants where the applicants could not provide sufficient parking during operating hours to minimize adverse impacts to public access. However, with regards to Eddie V's and other restaurants to operate in the La Jolla Village area, the Commission chose to condition permits for restaurants to operate during weeknights, weekends, and holidays, when the opportunities for the restaurants to be able to secure shared parking agreements for exclusive off-site parking spaces increases. Thus, based on the previous parking

requirements for this restaurant, the Commission could conclude that 27 parking spaces should be secured for Eddie V's on weekdays after 11 am.

However, on weekdays, it is likely that many patrons of the local businesses are from the nearby offices rather than visitors coming from out of the community, and thus walk to their destinations, lessening the demand for parking. The subject restaurant is one of many restaurants and retail shops located in the village, a popular coastal destination, and it is expected that many visitors to La Jolla to, once parked, visit multiple commercial and coastal sites, and thus, the demand for parking spaces is not generated individually, but is shared by a wide range of developments in the vicinity. Thus, impacts to public access associated with the expanded hours on weekdays may be less than otherwise anticipated. Restaurants are a visitor-serving use, which are a high priority under the Coastal Act. The applicant has proposed to secure 14 parking spaces for exclusive use of Eddie V's during lunch time hours. While this is less than the 27 required for evening and weekend use, allowing expanded lunch hours for a limited period of time will give the Commission the opportunity to monitor the impacts of this expansion and reevaluate after the trial period.

Therefore, **Special Condition No. 1** requires that 14 exclusive parking spaces be provided during the weekday lunch hours and to clarify other provision of that condition do not apply to this permit amendment. **Special Condition No. 2** is unchanged, and continues to require a signage plan identifying the location of all provided parking. **Special Condition No. 3** makes clear that the previous special conditions of past amendments, not specifically modified in this permit amendment, are still in effect. **Special Condition No. 4** is amended to allow operation during weekday lunch hours starting at 11:00 AM. **Special Condition No. 5** places a two-year duration of this permit amendment, and clearly states that any continuation past that period will require another amendment. In anticipation of that amendment, and in recognition that the weekday lunch hours will overlap with additional competing demands for parking, **Special Condition No. 6** requires that Eddie V's conduct monitoring of its weekday lunch hour operations so that both the restaurant and the Commission will have the data necessary to provide a clearer understanding of the impacts that may arise from weekday lunch operations. Only as conditioned can the proposed development be found consistent with the certified LCP.

### C. LOCAL COASTAL PLANNING

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is located within the community of La Jolla within a segment of the City of San Diego's certified LCP. The subject site is located within the City of San Diego's permit jurisdiction which is within the Commission's area of appeal jurisdiction. However, the applicant is amending a previously-approved permit issued by the Commission prior to certification of the City's LCP. Therefore, the Commission retains permit jurisdiction over the amendment and the standard of review is the certified LCP.

The site is currently zoned "1A", a subarea of Zone 1, which includes the primary retail and visitor-oriented commercial area in the core of La Jolla. The area is characterized by high levels of pedestrian activity, as identified in the La Jolla PDO. Subarea 1A is comprised of the area on the seaward and north side of Prospect Street. This subarea has been created due to its unique orientation to the ocean. As such, the La Jolla PDO addresses development standards for the protection and enhancement of public ocean views in this area. As conditioned, the proposed project is consistent with the certified La Jolla PDO land use policies and development standards, and will not have any impact on public views. Therefore, the Commission finds that approval of the amendment, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the La Jolla area.

#### **D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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. Upon review, the City of San Diego determined that the proposed development was categorically exempt under CEQA (§ 15301, existing facilities).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing hours of operation and monitoring will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or 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 project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**Appendix A – Conditions of Approval**

Permit No. F8945

**STANDARD CONDITIONS**

1. **Strict Compliance:** Permittee is under obligation to conform strictly to permit under penalties established by California Coastal Act of 1976.
2. **Timely Development and Completion:** Permittee shall commence development within two years following final approval of the project by the San Diego Coast Regional Commission. Construction shall be pursued in a diligent manner and completed within a reasonable period.
3. **Request for Extension:** Permittee may request an extension of time for the commencement of construction provided the request is applied for prior to expiration of the permit.
4. **Assignability of Permit:** This permit is not assignable unless the permittee's obligations under the permit are assumed by assignee in writing within one year and a copy of the required assumption agreement delivered to the Regional Commission or State Commission if there is no Regional Commission.
5. **Appeal:** Unless appealed to the State Commission within ten (10) working days following final action by the San Diego Coast Regional Commission, all terms and conditions are final.
6. **Disclaimer:** The permit is in no way intended to affect the rights and obligation heretofore existing under private agreements not to affect the existing regulations of other public bodies.
7. **Permittee to Return Copy:** This permit shall not be valid unless within ten (10) working days permittee returns a signed copy acknowledged contents to San Diego Coast Regional Commission.

Permit As Amended No. F8945-A1

**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 on which the Commission voted on the application. 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.

## **SPECIAL CONDITIONS**

1. Off-Site Parking. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a La Jolla Planned District Joint Use Parking Agreement that conforms to the La Jolla PDO requirements for joint use parking for the provision of 9 off-site parking spaces approved by the City of San Diego Planning Director. Said parking agreement shall provide that the proposed off-site parking spaces are located within ¼ mile of the Chart House, are provided exclusively for use by the Chart House during hours of operation (applicant must demonstrate the proposed off-site parking spaces are not currently required for any other use or business), and include the recordation of a deed restriction on both sites (Chart House site and off-site parking site) documenting the reservation of the required parking spaces.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant and the landowners of the Chart House site and the parking garage site shall execute and record deed restrictions, in form and content acceptable to the Executive Director, documenting the reservation of parking spaces as required by the terms of this condition. The deed restrictions shall include a legal description of the entire parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed restrictions shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Conditions Imposed by Local Government. This action has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act.

3. Reduction in Height of Existing Structure. The applicant shall reduce the height of the portion of the structure identified as the “Kellogg Addition” (shown in Exhibit Nos. 6 & 7—to no more than 30 ft. in height within 90 days of the issuance of this amendment. The Executive Director may grant additional time for good cause.

4. Condition Compliance. Within 180 days of Commission action on this coastal development permit amendment application, or within such additional time as the

Executive Director may grant for good cause, the applicant shall satisfy all requirements of Special Condition #1 of this amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

Permit As Amended No. F8945-A2

## **SPECIAL CONDITIONS**

### 1. Vertical Access.

A. The applicant shall construct a 5-foot wide vertical accessway along the east (northeast) boundary of the property extending from Prospect Street to Coast Boulevard. The accessway shall remain open to the general public from 8:00 a.m., to sunset daily and may incorporate retractable gates. Said gates shall be composed of transparent materials to enhance public views in the visual access corridor.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, reflecting the above requirements.

The deed restriction shall include legal descriptions of the landowners' entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Off-Site Parking. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval, a La Jolla Planned District Joint Use Parking Agreement that conforms to the La Jolla PDO requirements for joint use parking for the provision of 14 off-site parking spaces approved by the City of San Diego Planning Director. Said parking agreement shall provide that the proposed off-site parking spaces are located within ¼ mile of the Chart House, are provided exclusively for use by the Chart House during hours of operation (applicant must demonstrate the proposed off-site parking spaces are not currently required for any other use or business), and include the recordation of a deed restriction on both sites (Chart House site and off-site parking site) documenting the reservation of the required parking spaces.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant and the landowners of the Chart House site and the parking garage site shall execute and record deed restrictions, in form and content acceptable to the Executive Director, documenting the reservation of parking spaces as required by the terms of this condition. The deed restrictions shall include a legal description of the

entire parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed restrictions shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Conditions Imposed by Local Government. This action has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act.

4. Previous Conditions of Approval CDP #A-6-LJS-91-168-R. By acceptance of this permit, the applicant acknowledges that this permit does not change the requirements to incorporate all design elements that have been determined to be historically and/or architecturally significant and worthy of incorporation by the Executive Director in consultation with the State Historical Building Safety Board into future development in the restricted area of the site (Lots 30 and 31) pursuant to Special Condition No. 1 and 2 of CDP #A-6-LJS-91-168-R (Green Dragon Colony) which was subsequently amended pursuant to CDP #A-6-LJS-91-168-R-A2.

5. Landscaping Plan/Deed Restriction. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall be in substantial conformance with the draft landscape plan submitted 1/3/02 by Mosher Drew Watson Ferguson, and shall including the following:

- a. A plan showing the type, size, extent and location of all trees on the site with special emphasis on the installation of new landscaping in a manner that does not obstruct public views toward the ocean in the west and east side yard setback areas.
- b. Drought tolerant native or non-invasive plant materials shall be utilized.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan and that public views are maintained in the side yard setback areas as approved pursuant to this

Special Condition. The monitoring report shall include photographic documentation of the view corridors, plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping shall be implemented in accordance with Special Condition #5 and consistent with those plans approved with CDP #F8945-A2. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit.

6. Sign Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director a plan for signage related to the vertical accessway and to the location of the off-site parking. The accessway signage shall consist of two monument or wall signs and shall clearly indicate the availability of the public vertical accessway for use by the public. The signs shall be placed near the subject stairway along both the Prospect Street and Coast Boulevard frontages of the site in a location visible to members of the public.

Additional signage shall also be installed on the Chart House restaurant site directing the public to the location of the off-site parking. Signage shall also be installed at the parking lot where the off-site parking is proposed to be located identifying the hours and use of the lot for Chart House patrons. All the above-described signage shall consist of monument or wall signs only. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Use of Outdoor Dining Area Near Front Entrance to Restaurant. The outdoor patio at the main entrance to the restaurant on Prospect Street may not be used as dining area. Any changes to the patio area for the serving of food and beverages shall require a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Construction Staging/Storage. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing all locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall first be approved by the City of San Diego and submitted for review and written approval of the Executive Director. The plans shall also include the following provisions:

- a. Use of public walkways and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted.
- b. Care shall be taken during construction to assure that equipment and stored materials protect and preserve existing landscaping and structures on the site and adjacent properties.

The permittee shall undertake development in accordance with the approved staging/storage plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. Visual Access Corridor: Prior to occupancy of the proposed new additions to the restaurant, the applicant shall remove the gate and fencing west of the existing restaurant to provide a 7-foot wide visual access corridor across the subject site.

Permit As Amended No. F8945-A3

## **SPECIAL CONDITIONS**

1. Off-Site Parking. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and written approval, a La Jolla Planned District Joint Use Parking Agreement that conforms to the La Jolla PDO requirements for joint use parking for the provision of 4 off-site parking spaces approved by the City of San

Diego Planning Director. The subject parking agreement shall document that the cumulative number of off-site parking spaces to be provided for use of Eddie V's restaurant patrons now totals 27 spaces. Said parking agreement shall provide that the proposed off-site parking spaces are located within ¼ mile of Eddie V's restaurant, are provided exclusively for use by Eddie V's restaurant during hours of operation (applicant must demonstrate the proposed off-site parking spaces are not currently required for any other use or business), and include the recordation of deed and lease restrictions on both sites (Eddie V's site and off-site parking site) documenting the reservation of the required parking spaces.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant and the landowners of the Eddie V's site and the parking garage site shall execute and record deed and lease restrictions in a form and content acceptable to the Executive Director, documenting the reservation of four additional off-site parking spaces, as required by the terms of this condition. The deed and lease restrictions shall include a legal description of the entire parcels. The deed and lease restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed and lease restrictions shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Sign Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director a plan for signage related to the location of the off-site parking. Signage shall be installed on the Eddie V's restaurant site directing the public to the location of the off-site parking. Signage shall also be installed at the parking lot where the off-site parking is proposed to be located identifying the hours and use of the lot for Eddie V's patrons. All the above-described signage shall consist of monument or wall signs only. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Prior Conditions of Approval. All prior conditions of approval of coastal development permit #F8945, F8945-A1 and F8945-A2, not specifically revised herein, shall remain in full force and effect.

4. Hours of Operation: The restaurant/lounge is authorized to be open for business evenings 7 days of the week, however, shall only open for lunch on weekends and holidays.

Permit As Amended No. F8945-A5

**SPECIAL CONDITIONS**

1. **Off-Site Parking. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and written approval, a La Jolla Planned District Joint Use Parking Agreement or other agreement that conforms to the La Jolla PDO requirements for joint use parking for the provision of 14 off-site parking spaces during weekday lunch hours. Said parking agreement shall provide that the proposed off-site parking spaces are located within ¼ mile of Eddie V's restaurant, and are provided exclusively for use by Eddie V's restaurant during weekday lunch hours of operation (applicant must demonstrate the proposed off-site parking spaces are not currently required for any other use or business).

[Special Condition No. 2 of CDP No. F8945-A3 remains unchanged and in effect.]

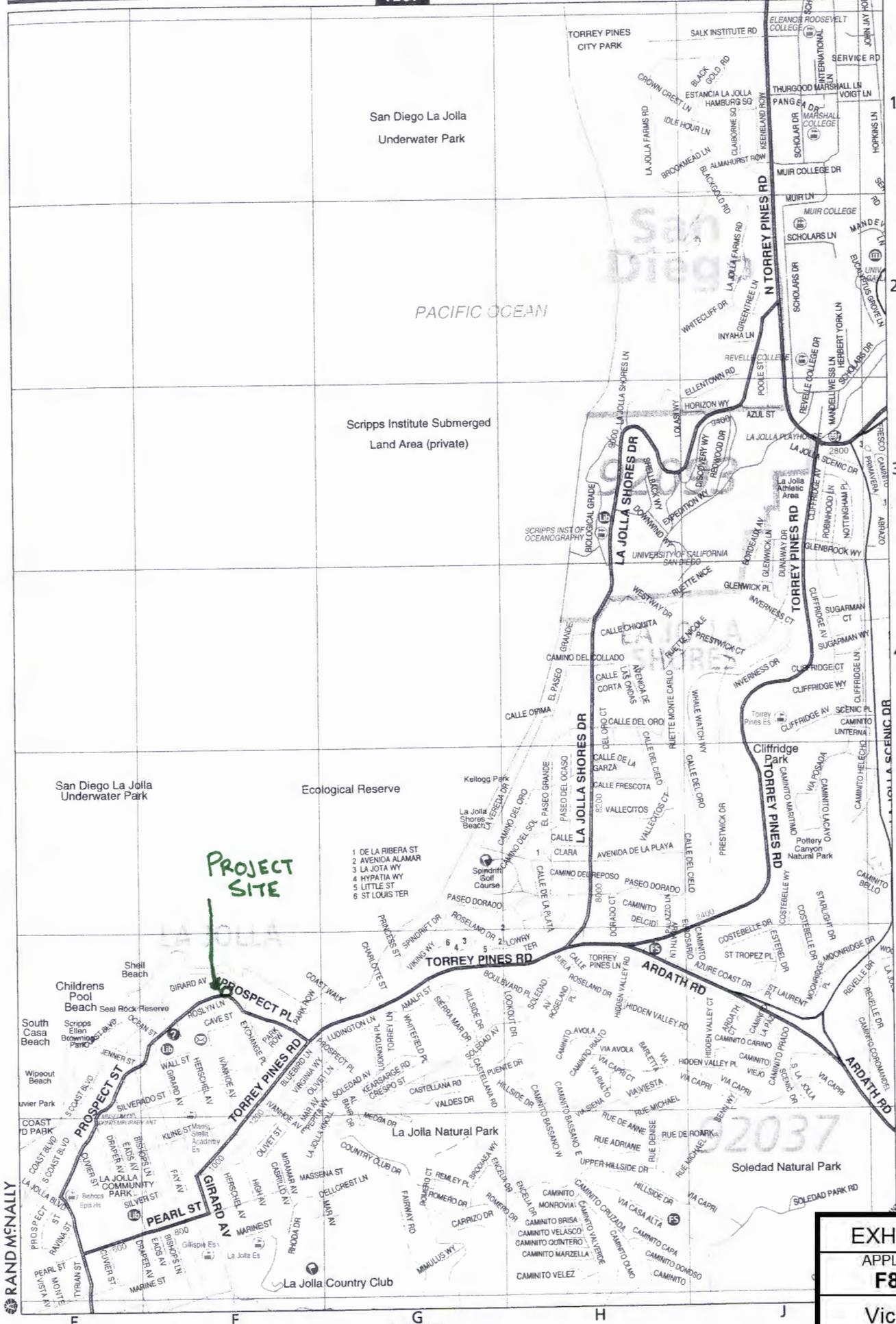
3. **Prior Conditions of Approval.** All prior conditions of approval of coastal development permit No. F8945, F8945-A1, F8945-A2, and F8945-A3, not specifically revised herein, shall remain in full force and effect.
4. [Amended Special Condition No. 4 of F8945-A3] **Hours of Operation.** The restaurant/lounge is authorized to be open for business evenings and lunch hours 7 days a week, but shall only open for lunch on weekends and holidays. On weekdays, lunch hours shall start no earlier than 11:00 AM.
5. **Time Limit.** This permit amendment shall be in effect for a period of two (2) years from the date of Commission approval, during which time the applicant may operate during weekday lunch hours, beginning at 11:00 AM. Should the applicant wish to continue operating during weekday lunch hours beyond the two-year period of this permit, an amendment must be approved and issued by the Coastal Commission prior to the expiration of this permit authorization period.
6. **Monitoring Plan. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for Executive Director review and written approval a monitoring plan that shall document, at a minimum, the following information:
  - h. The exact hours of operation during weekday lunch periods;
  - i. The total amount of restaurant square footage being operated each weekday lunch period;
  - j. The total number of patrons visiting Eddie V's during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;

- k. The usage rate of the 14 off-site parking spaces, and any observation of patrons using street parking, during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
- l. The total number of employees working at Eddie V's during weekday lunch hours between 11:00 AM and 5:00 PM on every Friday;
- m. The manner in which the weekday lunch employees reached Eddie Vs and, if driving, where they parked;
- n. Documentation of any reimbursement offered by Eddie V's to employees as incentive to utilize alternate transit and, if not, whether the employees would utilize such incentives;

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**Appendix B – Substantive File Documents**

SAN DIEGO CO.



SEE 1228 MAP

EXHIBIT NO. 1  
 APPLICATION NO.  
**F8945-A5**  
 Vicinity Map



270 Prospect St

Girard Ave

Coast Blvd

Herschel Ave

Ivanhoe Ave

Roslyn Ln

Prospect St

Cave St

Silverado St

Exchange Pl

© 2016 Google

Imagery Date: 3/22/2016

32°50'57.12" N 117°16'16.65" W elev 116 ft

GOO

EXHIBIT NO. 2  
APPLICATION NO.  
F8945-A5  
Aerial View

