

CALIFORNIA COASTAL COMMISSION

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



Tu 10a

Filed: 3/15/99
49th Day: 5/3/99
180th Day: 9/11/99
Staff: CP-LB
Staff Report: 3/24/99
Hearing Date: April 13-16, 1999
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NUMBER: 5-86-518-A4

APPLICANTS: Park Plaza Partnership

AGENT: Anne Trelease, Architect

PROJECT LOCATION: 801 Ocean Front Walk, Venice, City of Los Angeles.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (5-86-518):

Construction of a 9,021 sq. ft. commercial center with a plaza and 54 parking spaces.

DESCRIPTION OF PREVIOUS AMENDMENTS:

FIRST AMENDMENT (5-86-518-A): Rejected - No Change.

SECOND AMENDMENT (5-86-518-A2): Extinguish and re-record the deed restriction required by special condition one to revise section 1c regulating the operation of the 54 space subterranean parking garage (a parking attendant shall be on duty or a coin operated device shall be used during all hours development is open for business).

THIRD AMENDMENT (5-86-518-A3): Convert 1,499 square feet (4 units) of the 9,021 square foot, 14 unit, commercial retail center to walk-up food vending with no seating.

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-86-518-A4):

Revise special conditions of underlying permit and amendments to allow office uses in the previously approved 9,021 square foot commercial retail center.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission determine that the proposed amendment, subject to the condition below, is consistent with the Chapter 3 policies of the Coastal Act, and recommends approval of the proposed amendment with a special condition relating to permitted uses. The applicants agree with the recommendation.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept No. 99-017, 2/4/99.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-86-518 & amendments (Park Plaza).
2. Coastal Development Permit 5-92-338 & amendment (Elzas Family Trust).
3. Coastal Development Permit 5-90-789R (Blanchard).
4. Coastal Development Permit 5-92-203 (Dror).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change that would affect the conditions previously required for the protection of coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Condition

(Note: The following special condition supercedes and replaces the special conditions of amendment 5-86-518-A3 as approved by the Commission on January 10, 1996 (Exhibit #5). The special conditions of the underlying permit, as amended herein and by amendment 5-86-518-A2, still apply (Exhibit #6).

1. Permitted Uses

Prior to issuance of the coastal development permit amendment, the applicants shall submit a deed restriction for recording, subject to the review and approval of the Executive Director, which shall provide that:

- a) A maximum of 1,499 square feet of the structure may be used for walk-up food vending service with no seating;
- b) A maximum of 4,510 square feet of the structure may be used for office uses;
- c) The remainder of the structure is limited to general retail use only; and,
- d) There shall be no outdoor seating or tables provided in the plaza area or anywhere else on the site.

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 Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is required.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicants propose to amend Coastal Development Permit 5-86-518 in order to convert approximately half of a 9,021 square foot commercial building from general retail use to office uses (Exhibit #3). The applicants also propose to construct a gate and trellis structure in the plaza of the existing commercial building (Exhibit #4).

On January 10, 1996, the Commission approved amendment 5-86-518-A3 permitting the conversion of 1,499 square feet of the commercial building from general retail use to walk-up food vending service (Exhibit #5). The existing 9,021 square foot commercial building was

permitted by Coastal Development Permit 5-86-518, approved by the Commission on August 14, 1986 (Exhibit #6).

The existing commercial structure is situated on a 16,500 square foot commercially zoned lot on the corner of Ocean Front Walk and Park Avenue in North Venice (Exhibit #2). Ocean Front Walk is a popular commercial and residential pedestrian street on the beachfront which attracts many tourists and day visitors. Park Avenue is a pedestrian walk-street which provides vertical access to Venice Beach, the most popular beach in Los Angeles County. Vehicular access to the site is provided by Speedway, the rear alley. Parking spaces are always in great demand in the area. There are 54 parking spaces provided in the underground parking garage on the site.

B. Permitted Uses

As stated above, the existing 9,021 square foot commercial building was approved by the Commission on August 14, 1986 (Coastal Development Permit 5-86-518). The primary issues addressed by the Commission in its original approval of the project were parking and permitted uses. The Commission required the provision of 54 on-site parking space: 10 replacement parking spaces and 44 spaces to serve the approved retail uses (Exhibit #6).

The Commission found that the on-site parking supply was adequate to serve 9,021 square feet of retail uses, but that there was not enough parking to permit more intense commercial uses like food service. In order to ensure that the commercial uses on the site did not overburden the parking supply, Coastal Development Permit 5-86-518 was approved with a special condition that limited the permitted uses in the building to general retail uses only. Special condition two of Coastal Development Permit 5-86-518 states (Exhibit #6):

2. This permit is for general retail use only. No area shall be devoted to the sale or consumption of food or beverage or any other non-general retail use without a new Coastal Development Permit.

Furthermore, special condition three of Coastal Development Permit 5-86-518 prohibits the approved commercial uses from expanding into the plaza or the adjacent public rights-of-way. Such expansion would require the provision of additional parking to meet the increased parking demand generated by the additional commercial uses. Special condition three states (Exhibit #6):

3. There shall be no sales, displays or other encroachment into the plaza area of the development other than landscaping. There shall be no encroachment onto the Park Avenue walk-street or onto Ocean Front Walk.

Special condition two of Coastal Development Permit 5-86-518 was replaced by the Commission on January 10, 1996 with the approval of the third amendment 5-86-518-A3 (Exhibit #5). Coastal Development Permit amendment 5-86-518-A3 permitted the conversion

of up to 1,499 square feet of the commercial building from general retail use to walk-up food vending service (Exhibit #5). Special condition two of Coastal Development Permit 5-86-518 was replaced by the following special conditions of the third amendment¹:

1. Use of Structure

Prior to issuance of the Coastal Development Permit amendment, the applicant shall record a deed restriction free of prior liens and encumbrances except for tax liens. The deed restriction shall be subject to the review and approval of the Executive Director, and shall run with the land, binding successors and assigns of the applicant or landowner, for the life of the project. The deed restriction shall provide that **a maximum of 1,499 square feet of the structure may be used for walk-up food vending service, and that the rest of the structure is limited to general retail use only.** No additional conversions to walk-up food vending, fast food or restaurant uses may occur in the subject structure without the review and approval of the Coastal Commission or its successor agency.

2. Outdoor Seating

There shall be no outdoor seating or tables provided in the plaza area or anywhere else on the site.

In approving the third amendment, the Commission found that the proposed conversion of up to 1,499 square feet of retail uses to walk-up food service would not overburden the on-site parking supply because: a) the 1,499 square feet of food service was a relatively small portion (16.6%) of the originally permitted commercial area, b) no outdoor seating or sit-down dining was permitted on the site, and c) small retail units and small walk-up food outlets generate equivalent parking and traffic impacts. In order to ensure that the permitted uses on the site did not overburden the parking supply, the third amendment was approved with the two above stated conditions that prohibit outdoor seating or tables on the site, and limit the amount of floor area used for food service to 1,499 square feet.

The applicants now propose a fourth amendment to Coastal Development Permit 5-86-518 for the conversion of approximately half of the 9,021 square foot commercial building from general retail use to office use (Exhibit #3). The proposed office uses would be in the rear units behind a gate and trellis structure proposed to be constructed in the plaza (Exhibit #4). The request for the proposed office uses is driven by economic factors. According to the applicants, they have had difficulty in maintaining retail uses in the rear of the commercial building. The applicants anticipate that the tenants in the proposed office space will be graphic designers, architects and similar small businesses.

¹ The first amendment (5-86-518-A1) was rejected. The second amendment (5-86-518-A2) affected only the requirement for the provision of a parking attendant (Special condition 1c of Coastal Development Permit 5-86-518). The second amendment allows either a coin operated device or a parking attendant on the site during business hours (Exhibit #5).

In addition to the parking issue addressed below in Section C of this report, one of this amendment's primary Coastal Act issues is the appropriate mix of uses in the existing commercial structure. The Coastal Act states that visitor-serving commercial uses have priority over general commercial development on private property.

Section 30222 of the Coastal Act states:

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

Venice Beach is the most popular beach in Los Angeles County. Ocean Front Walk, where the proposed project is located, is a popular pedestrian street/boardwalk on the Venice beachfront. The beach and public recreation areas are located on the seaward side of Ocean Front Walk (Exhibit #2). The inland side of Ocean Front Walk is lined primarily with retail shops, vendors, fast food outlets, and a few apartment units. The retail shops, vendors and fast food outlets support the public recreation experiences provided by Venice Beach and the boardwalk.

The currently permitted retail and food service uses on the applicants' site are the typical types of visitor-serving commercial uses that line the inland side of Ocean Front Walk in Venice. The question is: will the proposed conversion of the existing retail units to office use result in a lack of adequate visitor-serving commercial uses on the boardwalk?

The answer is no. The proposed conversion of the existing retail units to office uses will not result in the lack of adequate visitor-serving commercial uses on the boardwalk. Ocean Front Walk, as a whole, has numerous visitor-serving commercial uses to support the public recreation experiences that are available at Venice Beach. Some may argue that there are too many T-shirt shops, tattoo parlors, and fast food outlets on the boardwalk, but the market for such uses is clearly evident.

The applicants propose to convert approximately half of the 9,021 square foot commercial building from general retail use to office use (Exhibit #3). The remainder of the building would continue to provide the public with the types of visitor-serving commercial uses (retail and walk-up food service) that support the recreational activities in the area.

Because the Coastal Act gives priority to visitor-serving commercial uses, the Commission finds that at least half (50%) of the existing commercial structure should continue to be used for visitor-serving commercial uses. The remainder of the building may be used for offices if there is adequate on-site parking. Therefore, the proposed conversion of the rear portion of the existing commercial structure to office uses may be permitted with the condition that at least half (50%) of the building's permitted commercial floor area is used for visitor-serving commercial uses such as retail and walk-up food service, as previously permitted. Thus, the amendment is conditioned to permit the following mix of commercial uses:

- a) A maximum of 1,499 square feet of the structure (16.6%) may be used for walk-up food vending service with no seating as permitted by 5-86-518-A3;
- b) A maximum of 4,510 square feet of the structure (less than 50%) may be used for office uses;
- c) The remainder of the structure is limited to general retail uses only; and,
- d) There shall be no outdoor seating or tables provided in the plaza area or anywhere else on the site.

Only as conditioned does the Commission find the proposed amendment consistent with Section 30222 of the Coastal Act. The condition shall be recorded as a deed restriction on the property that will run with the land, binding all successors and assigns. The recording of the condition will require that the prior deed restriction required by the third amendment (5-86-518-A3) be extinguished because the prior deed restriction limits the permitted uses to retail and walk-up food service only (Exhibit #5).

C. Public Access/Parking

The applicants' commercial building is located in the North Venice area on Ocean Front Walk. The most important coastal planning issue for the North Venice area is the provision of adequate parking facilities to assure continued public access opportunities to the highly popular coastal area. Many of the existing commercial structures in this area were constructed decades ago at a time when the parking demands generated by commercial development were significantly less than they are today. In addition, many residential structures were converted to commercial uses without providing additional parking. Consequently, there is now a severe shortage of available parking spaces in the area. This situation has negatively impacted the availability of public access to the coast. There is competition for existing parking spaces in the area between commercial, residential, and recreational uses.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Therefore, in order to conform to the requirements of the Coastal Act, the proposed amendment must not negatively affect the area's parking supply by creating additional parking demand without supplying additional parking.

The Commission has routinely used the parking standards contained in the Commission's Interpretive Guidelines to determine the amount of parking required for commercial uses to ensure the protection of access to the coast. For general retail uses, the Commission's Interpretive Guidelines require the provision of parking at the rate of one space per 225 square feet of gross floor area (1/225 sq.ft.). For general office, technical services, and professional office uses, the Commission's Interpretive Guidelines require the provision of parking at the rate of one space per 250 square feet of gross floor area (1/250 sq.ft.). The parking requirement for general retail uses is slightly less than the requirement for general office uses.

The proposed amendment will not increase the commercial floor area of the existing commercial building. The only change is a one-to-one conversion of less than half of the commercial floor area to office uses. Therefore, the proposed amendment will not overburden the existing commercial building's on-site parking supply because the proposed office uses have a slightly less parking demand than the permitted general retail uses. In addition, the parking spaces used by the proposed office uses will be more likely to be available for general public and beach access parking on the weekends when demand for parking is highest in Venice. Therefore, the Commission finds that the proposed amendment, as conditioned to limit the uses on the site, is consistent with the coastal access policies of the Coastal Act.

The parking supply for the existing commercial building is provided by its 54-space underground garage. The on-site parking is required by the underlying permit (5-86-518) to be made available to employees and customers of the businesses during all operating hours, and to parking permit holders at all times. Access to the parking supply is controlled by a coin operated electric gate system. Fourteen quarters must be inserted into the gate system in order to access the parking garage.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3

(commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

A preliminary draft of the North Venice Land Use Plan was prepared by the City of Los Angeles in 1980. However, no action was taken by the City or by the Commission to approve the draft Land Use Plan. Therefore, the City has not yet developed a Local Coastal Program or a Land Use Plan that has been certified by the Commission. The City, however, is currently preparing a new LCP for the Venice area. It may be submitted to the Commission for certification within the next twelve months.

As conditioned to limit the allowable uses within the subject structure the proposed amendment is consistent with the coastal access policies of the Coastal Act. The proposed amendment, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, the proposed project and permit amendment will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp



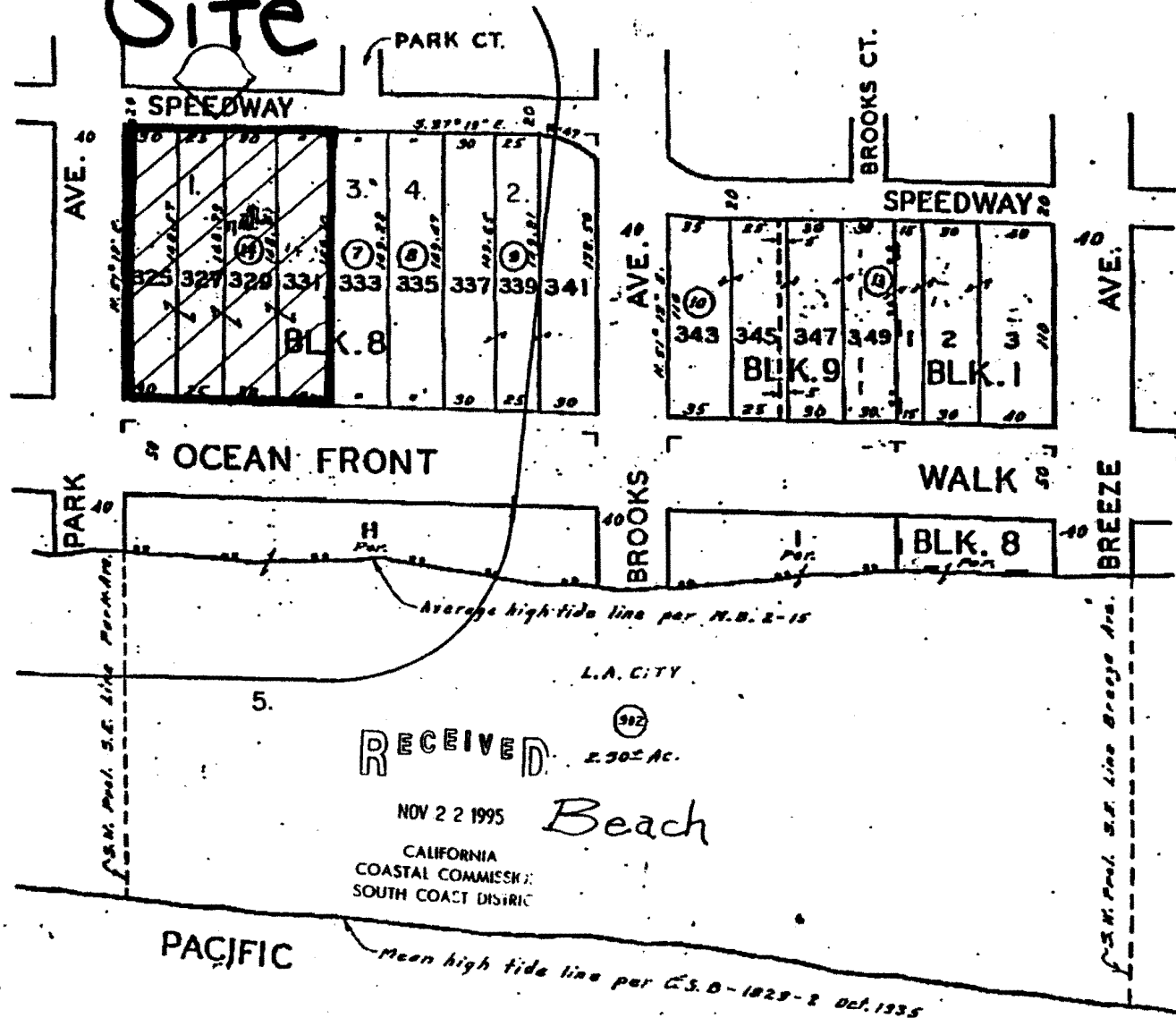
Site

North

COASTAL COMMISSION
5-86-518-A4

EXHIBIT # _____
PAGE _____ OF _____

Site



CODE
07

FOR PREV. ASSMT. SEE 570-17

GOLDEN BAY TRACT
M.B. 2-1-15

COUNTRY CLUB TRACT
M.B. 3-76

OCEAN TRACT

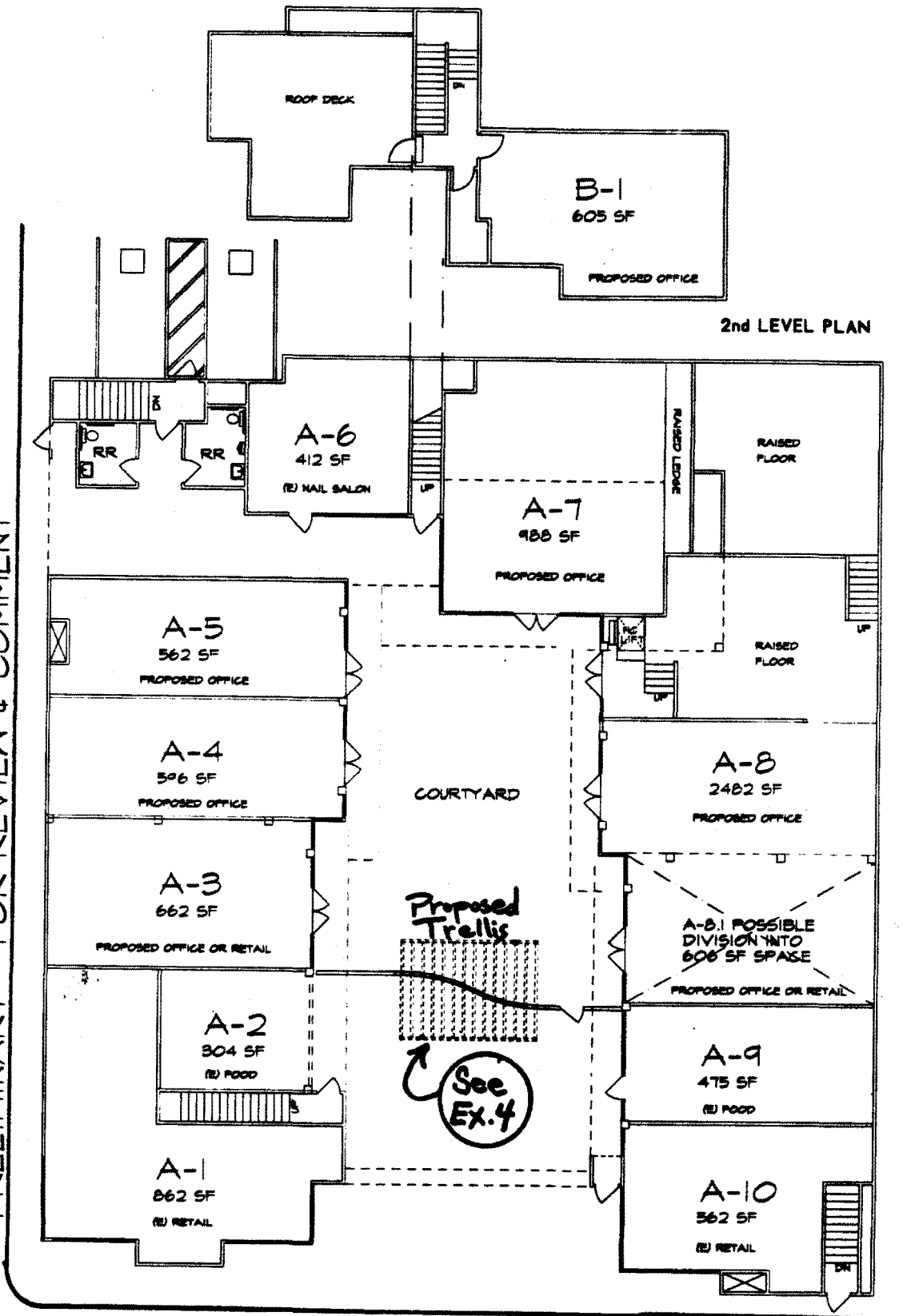
North Venice Beach

COASTAL COMMISSION
5-86-518-A4

EXHIBIT # 2
PAGE 1 OF 1

← Park Ave. →

PRELIMINARY - FOR REVIEW & COMMENT



801 OCEAN FRONT WALK
SCALE: 1/8" = 1'-0"

GROUND LEVEL PLAN

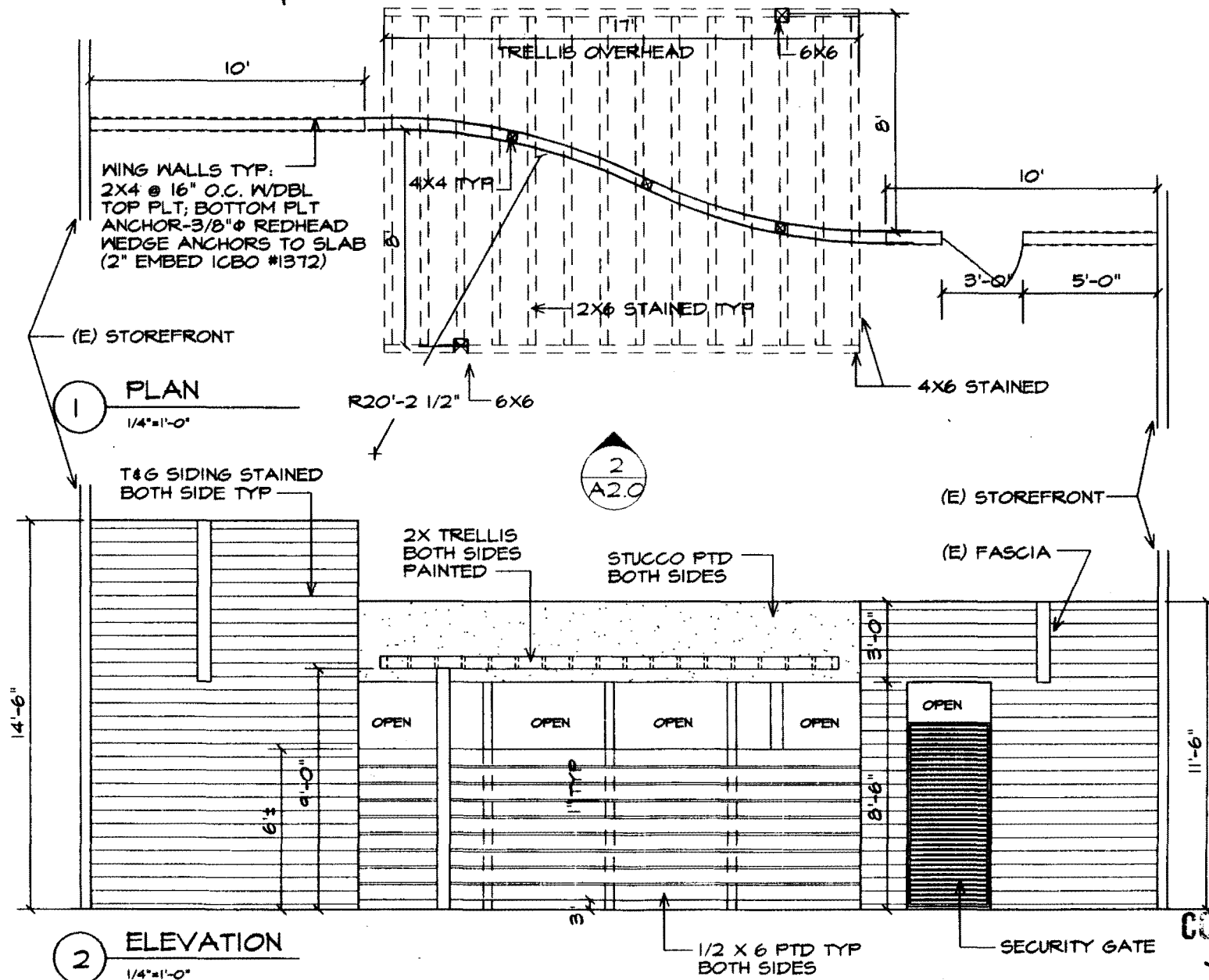
← OFW →

COASTAL COMMISSION
5-86-518-A4

EXHIBIT # 3

PAGE 1 OF 1

Proposed Trellis & Wall in Plaza



**PARK PLAZA
PARTNERSHIP**

801 Ocean Front Walk
Venice, CA 90291

TIRELEASE ARCHITECTS
726 Santa Monica Blvd.
Suite 200
Santa Monica
CA 90401
310/451 9883

DATE	ISSUED FOR
JAN 94	PERMIT

ELEVATIONS

DATE: 1/94

COASTAL COMMISSION
5-86-518-A4

EXHIBIT # **4**

PAGE **1** OF **1**

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1430
LONG BEACH, CA 90802-4416
(310) 590-3071

AMENDMENT TO COASTAL DEVELOPMENT PERMITDate 5 February 1996Permit Number 5-86-518 issued to Park Plaza Partnership

for

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (5-86-518):

Construction of a 9,021 square foot commercial center with a plaza and 54 parking spaces. The four contiguous lots are currently developed with 26 paved parking spaces and has a trailer/office on-site. The construction of the subterranean garage will require 4,900 cubic yards of grading and export. [Note: The originally approved project has been constructed.]

DESCRIPTION OF PREVIOUS AMENDMENTS:

FIRST AMENDMENT (5-86-518-A): Rejected - No Change.

SECOND AMENDMENT (5-86-518-A2): Extinguish and re-record the deed restriction required by special condition one in order to revise section 1c of special condition one. Special condition one is a deed restriction regulating the operation of the 54 space subterranean parking garage. Section 1c of special condition one currently states:

- c. A parking attendant shall be on duty during all hours the development is open for business.

Section 1c of special condition one is revised to state:

- c. A parking attendant shall be on duty or a coin operated device shall be used during all hours development is open for business.

at 801 Ocean Front Walk, Venice, Los Angeles County

has been amended to include the following change:

Convert 1,499 square feet (4 units) of the existing 9,021 square foot, 14 unit, commercial retail center to walk-up food vending with no seating.

This amendment will become effective upon return of a signed copy of this form

COASTAL COMMISSION
5-86-518-A

EXHIBIT # 5
PAGE 1 OF 2

to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

PETER M. DOUGLAS
Executive Director

By: 

Title: Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by the conditions as amended of Permit No. 5-86-518.

Date _____

Signature _____

II. Special Conditions *of 5-86-518-A3*

(Note: The special conditions contained in the underlying permit, as amended by 5-86-518-A2 and 5-86-518-A3, still apply.)

1. Use of Structure

Prior to issuance of the Coastal Development Permit amendment, the applicant shall record a deed restriction free of prior liens and encumbrances except for tax liens. The deed restriction shall be subject to the review and approval of the Executive Director, and shall run with the land, binding successors and assigns of the applicant or landowner, for the life of the project. The deed restriction shall provide that a maximum of 1,499 square feet of the structure may be used for walk-up food vending service, and that the rest of the structure is limited to general retail use only. No additional conversions to walk-up food vending, fast food or restaurant uses may occur in the subject structure without the review and approval of the Coastal Commission or its successor agency.

2. Outdoor Seating

There shall be no outdoor seating or tables provided in the plaza area or anywhere else on the site.

CP:b11

6264F

COASTAL COMMISSION
5-86-518-A4

EXHIBIT # 5
PAGE 2 OF 2

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071



August 11, 1987:TH/do

COASTAL DEVELOPMENT PERMIT NO. 5-86-518
Page 1 of 3

On August 14, 1986, the California Coastal Commission granted to Park Plaza Partnership this permit for the development described below, subject to the attached Standard and Special Conditions.

DESCRIPTION AND SITE:

Construct a 9,021 square-foot commercial retail center with plaza and 54 parking spaces. The four contiguous lots are currently developed with 26 paved parking spaces and has a trailer/office on-site. The construction of the subterranean garage will require 4,900 cubic yards of grading and export.

Site: 801 Ocean Front Walk, Venice, Los Angeles County.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: *Jessie Honey*
Coastal Program Analyst

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

COASTAL COMMISSIONDateSignature of PermitteeEXHIBIT # 6PAGE 1 OF 3

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the ~~proposal as~~ set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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. Prior to transmittal of permit, the applicant shall submit, subject to the review and approval of the Executive Director, a deed restriction binding on all heirs and successors, which states that:
 - a. Ten (10) on-site parking spaces shall be available at all times for daily public coastal access and/or overnight replacement parking. The fee charged for this parking shall not exceed the rates charged at the County beach parking lots.
 - b. Prior to transmittal of permit, applicant shall submit a plan, for the review and approval of the Executive Director, indicating the method to be used for publicizing and allocating the 10 replacement and coastal access parking spaces.

COASTAL COMMISSION

5-86-518-A4

EXHIBIT # 6PAGE 2 OF 3

- c. A parking attendant shall be on duty during all hours the development is open for business. (See 5-86-518-A2)
2. This permit is for general retail use only. No area shall be devoted to the sale or consumption of food or beverage or any other non-general retail use without a new Coastal Development Permit. (See 5-86-518-A3)
3. There shall be no sales, display or other encroachment into the plaza area of the development other than landscaping. There shall be no encroachment onto the Park Avenue walk street or onto Ocean Front Walk.
4. Prior to transmittal of permit, the applicant shall submit, subject to the review and approval of the Executive Director, revised plans which show the maximum height of development at 30 feet above Ocean Front Walk elevation.

3448A

COASTAL COMMISSION

5-86-518-A4

EXHIBIT # 6

PAGE 3 OF 3