

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(2) 590-5071

**Tu 12g**

Filed: 10/19/2000
49th Day: 12/7/2000
180th Day: 4/17/2001
Staff: AM-LB
Staff Report: 10/26/00
Hearing Date: Nov. 14-17, 2000
Commission Action:

RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-00-375**APPLICANT:** Joseph Miller**PROJECT LOCATION:** 1023 Abbot Kinney Boulevard, Venice, City and County of Los Angeles

PROJECT DESCRIPTION: Addition to an existing restaurant by remodeling adjacent retail store, moving existing customer service area to the remodeled area, and extending kitchen area. The indoor seating capacity will decrease from 50 to 48 and the existing patio seating capacity will remain at 28. New service area will increase by 363 square feet and six new parking spaces will be added to the existing parking lot.

Lot Area	2,642 square feet
Total Floor Area	2,400 square feet
Total Service Area	928 square feet
Landscape Coverage	119 square feet
Parking Spaces	59
Zoning	C2-1CA
Plan Designation	Community Commercial
Ht above final grade	16 feet

LOCAL APPROVAL: Approval in Concept #ZA 2000-3811, September 6, 2000**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with a special condition relating to parking and coastal access. The applicant agrees with all conditions.

STAFF RECOMMENDATION OF APPROVAL

Motion:

I move that the Commission approve CDP No. 5-00-375 pursuant to the staff recommendation.

Staff Recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Approval with Conditions

The Commission hereby approves, subject to the conditions below, a 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, 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, 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

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

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Parking

A.1) The applicant shall comply with the long-term (minimum 5-years) lease agreement that secures the applicant's legal ability to access and utilize the proposed 16 designated parking spaces that have been allocated by The Venice Place (lessor) for the sole use of Joe's Restaurant (See Exhibit #7).

A.2) The authorization to operate the restaurant extension (363 square feet of customer service area) granted in the coastal development permit is contingent upon the continuing availability of no less than five additional parking spaces to meet the expanded restaurant's parking demands during all hours that it is open for business. The proposed restaurant addition is not permitted to operate without the provision of the required parking supply. The applicant must renew the lease agreement if he/she desires to maintain the additional service area granted in this permit No. 5-00-375.

B.1) The applicant, as proposed, shall re-stripe the Venice Place parking lot, creating a total parking supply of 59 spaces (See Exhibit #5).

B.2) Prior to the Issuance of the Coastal Development Permit, the applicant shall provide documentation, for the review and approval of the Executive Director, demonstrating that the proposed re-striping of the Venice Place parking lot has created no less than five additional spaces.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and History

The applicant proposes to add 363 square feet of customer service area to an existing restaurant by remodeling an adjacent retail space, moving the existing customer service area to the remodeled area, and extending the kitchen area (Exhibit #3). The indoor seating capacity will decrease from 50 to 48 and the existing patio seating capacity will remain at 28. The applicant also proposes to re-stripe the existing

53-space parking lot, creating 59 spaces (Exhibit #4). The applicant has received permission from the lessor (The Venice Place) to restripe the lot (Exhibit #5).

The proposed project is located on the north side of Abbot Kinney Boulevard between Broadway and Westminster Avenues in the Venice community of the City of Los Angeles. The project site is located three blocks from Ocean Front Walk and Venice Beach (Exhibit #2). Residents and visitors use Abbot Kinney and adjacent streets to access Ocean Front Walk and the beaches. Ocean Front Walk is used for recreation activities and access to the shoreline. It extends for approximately 5 miles, and connects with the Promenade in Santa Monica (Exhibit #1).

The existing restaurant is located on the 1000 block of Abbot Kinney (lot 9 and 10, block T, Tract Ocean PR Villa #2), which is owned by the Venice Place. Other restaurants, retail stores, and art studios surround the restaurant. These facilities have access to parking by means of a 53 space parking lot at the rear of the buildings. The parking lot is built over the Pacific Electric Railroad Right of Way. The Venice Place has provided proof of ownership on this portion of the right of way and has recorded a lot tie combining the parking lot to the commercial/restaurant lots (Exhibit #6).

C. Public Access/Parking

As described above, the Venice area and surrounding beaches are a public recreational resource. The Commission has imposed Special Condition #1 to protect the quality of that recreational experience. The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast.

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....

Many of the older developments in the Venice area do not provide adequate on-site parking. As a result there is a parking shortage which has negatively impacted public access to the beach. The project site is located approximately three blocks from the beach. Visitors to the beach and surrounding shops use Abbot Kinney for parking, although there is a two hour time limit on this street. The customers of the retail stores and restaurants also use this small amount of parking that may be available for the general public on the surrounding streets.

The proposed net expansion of the restaurant is 363 square feet, which would require eight new spaces. Since the proposed restaurant is intended to replace the retail use, the required parking requirements for the retail is subtracted from the eight required parking spaces for the increased restaurant service area, as shown below. Therefore,

the parking requirement for the proposed restaurant expansion is five additional parking spaces.

<u>Use</u>	<u>Area</u>	<u>Parking Demand</u>
Retail	(-) 698.75 sq. ft.	(-) 2.79 [-3]
Net new area of restaurant	363 sq. ft. (of service area)	(+) 7.26 [+8]
Net number for expansion		5 parking spaces

The applicant has proposed to re-stripe the existing 53-space parking lot, increasing the total parking to 59 spaces (Exhibit #4). The net total new parking spaces will be six spaces. The applicant, through a lease agreement with the lessor (Venice Place), proposes to designate 16 of the 59 spaces for the sole use of Joe's Restaurant (Exhibit #7). None of the remaining parking spaces within the lot are marked specifically for the sole use of any of the other commercial business that use this lot. Although the applicant has been allocated 16 spaces, the applicant and the lessor have stated that the additional unmarked spaces are available to patrons of Joe's Restaurant if the designated spaces are all occupied. Also, the Venice Place has provided a parking attendant to double park cars if all 59 spaces are occupied. As spaces clear, the parking attendant will park the additional cars in those spaces. The attendant will be on duty seven days a week from 10:00 a.m. until 11:00 p.m. (Exhibit #8). The applicant has stated that the attendant does not park cars outside of the parking lot and only parks the cars of patrons to the businesses that utilize the Venice Place parking lot.

To mitigate the parking shortage in the area and conform to Section 30252 of the Coastal Act, Special Condition #1 is imposed to ensure that the applicant complies with the long term lease (minimum of five years) that gives Joe's Restaurant the ability to access and utilize the 16 spaces that have been allocated by the lessor (the Venice Place). The use of the proposed restaurant addition (363 square feet of service area) is contingent on the provision and utilization of no less than five additional spaces. The applicant shall renew the lease upon its expiration if he/she wants to continue the use of the proposed addition.

Also, Special Condition #1 requires the applicant to re-stripe the Venice Place parking lot, creating no less than five additional parking spaces. The applicant has proposed to increase the existing parking supply by creating six additional parking stalls, for a total of 59 spaces.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, documentation that demonstrates that the Venice Place parking lot was re-striped to provide for no less than five parking spaces. The net number of total spaces in the Venice Place lot shall be 59.

The proposed project provides an adequate parking supply for the proposed restaurant expansion that will mitigate the impact the restaurant will have on public beach access parking. The proposed project is consistent with prior Commission decisions for the area. The Commission finds that, only as conditioned is the proposed project consistent with section 30252 of the Coastal Act.

E. Local Coastal Program

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

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

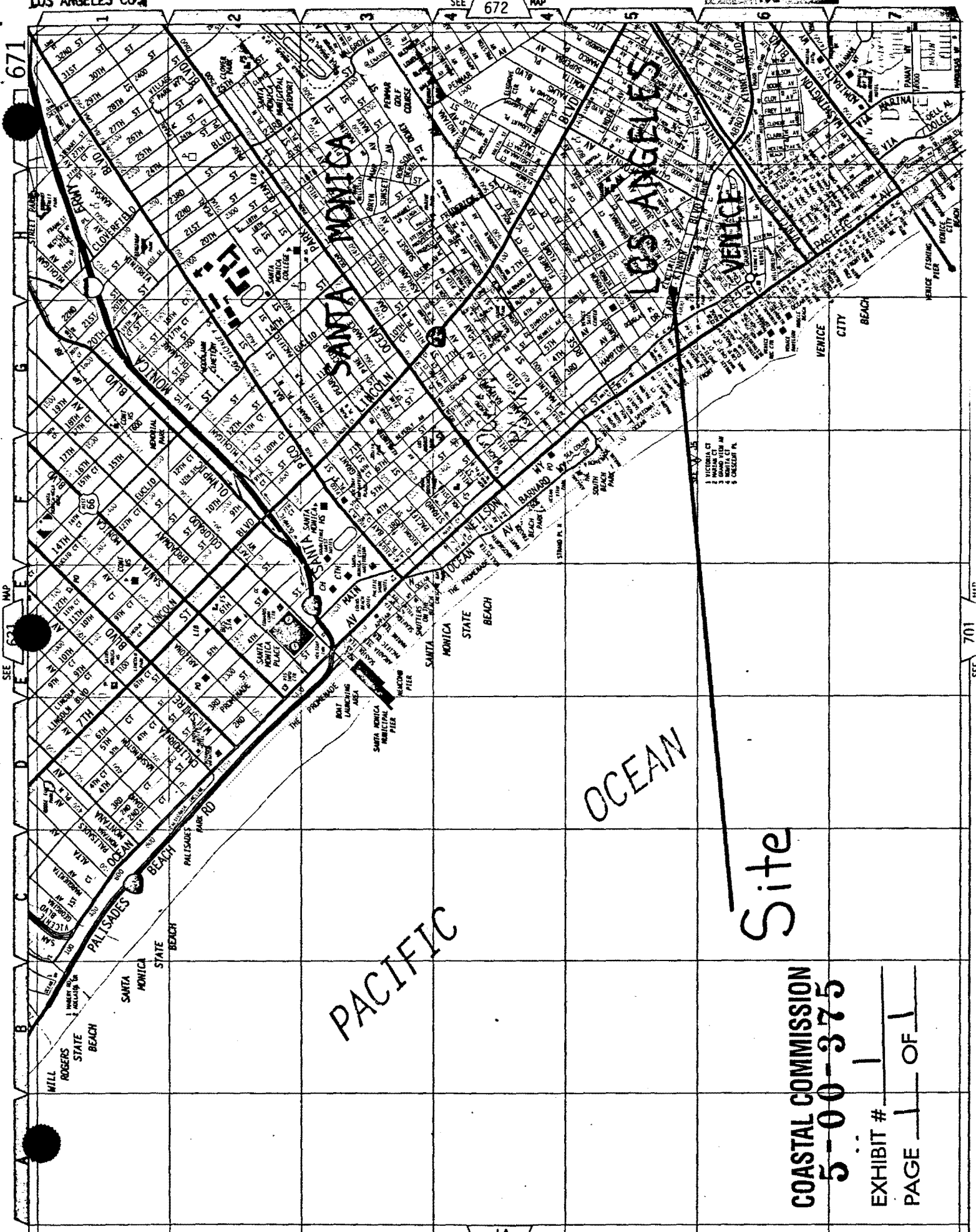
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a draft Land Use Plan (LUP) for Venice on October 29, 1999, and has submitted it for Commission certification. The proposed project, as conditioned, conforms with the draft Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The alternative to this project is denial of the restaurant addition. If the project were denied the restaurant would remain in the existing location and the parking lot would provide the existing 53 spaces. However, the proposed project, as conditioned to guarantee that the applicant provide 59 parking spaces and clearly mark the 16 spaces allocated for the sole use of Joe's Restaurant, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/am



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EXHIBIT # 1
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EXHIBIT # 2

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Match Line (see Exhibit 10b) California Ave

Project Site

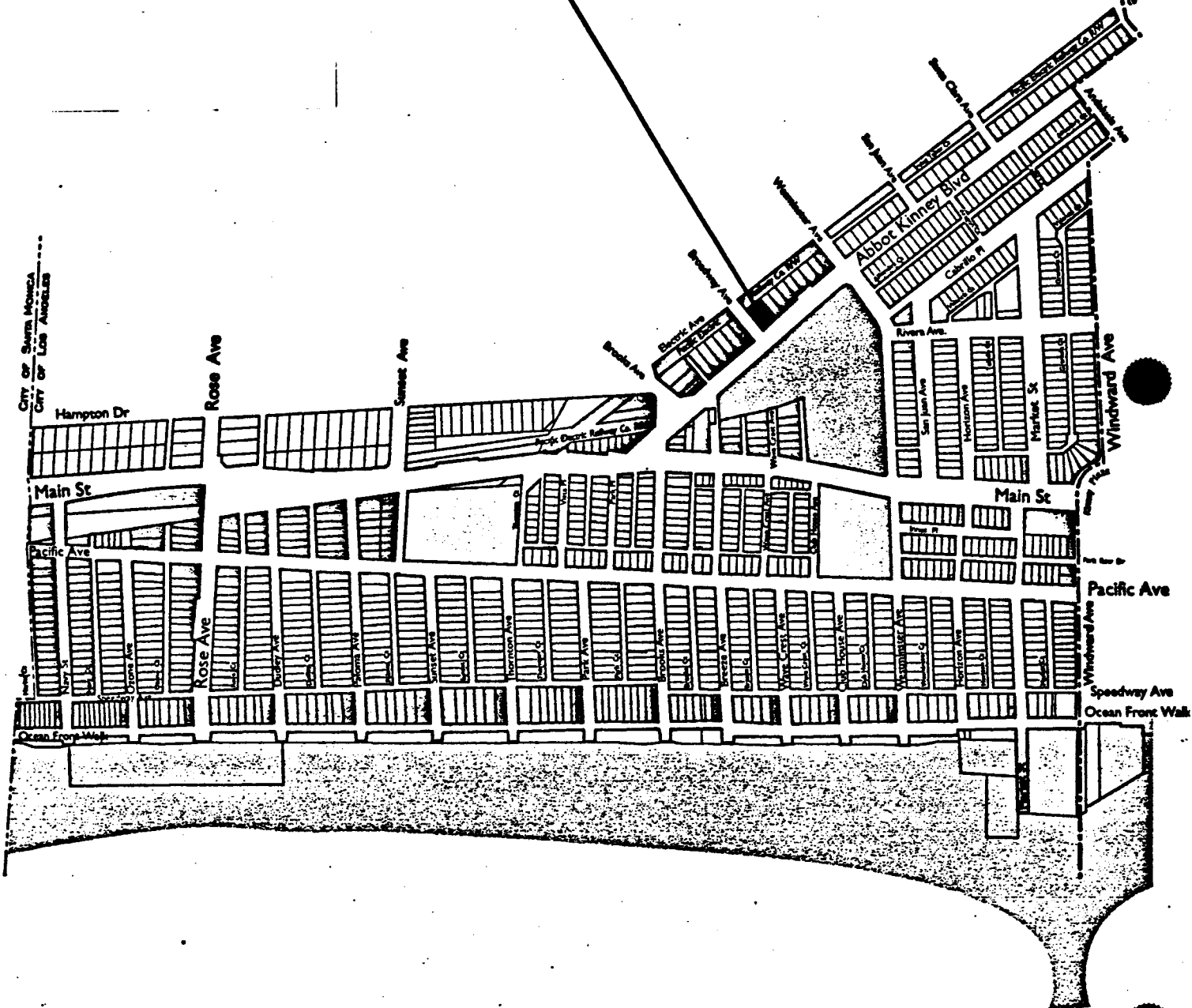


Exhibit 10a

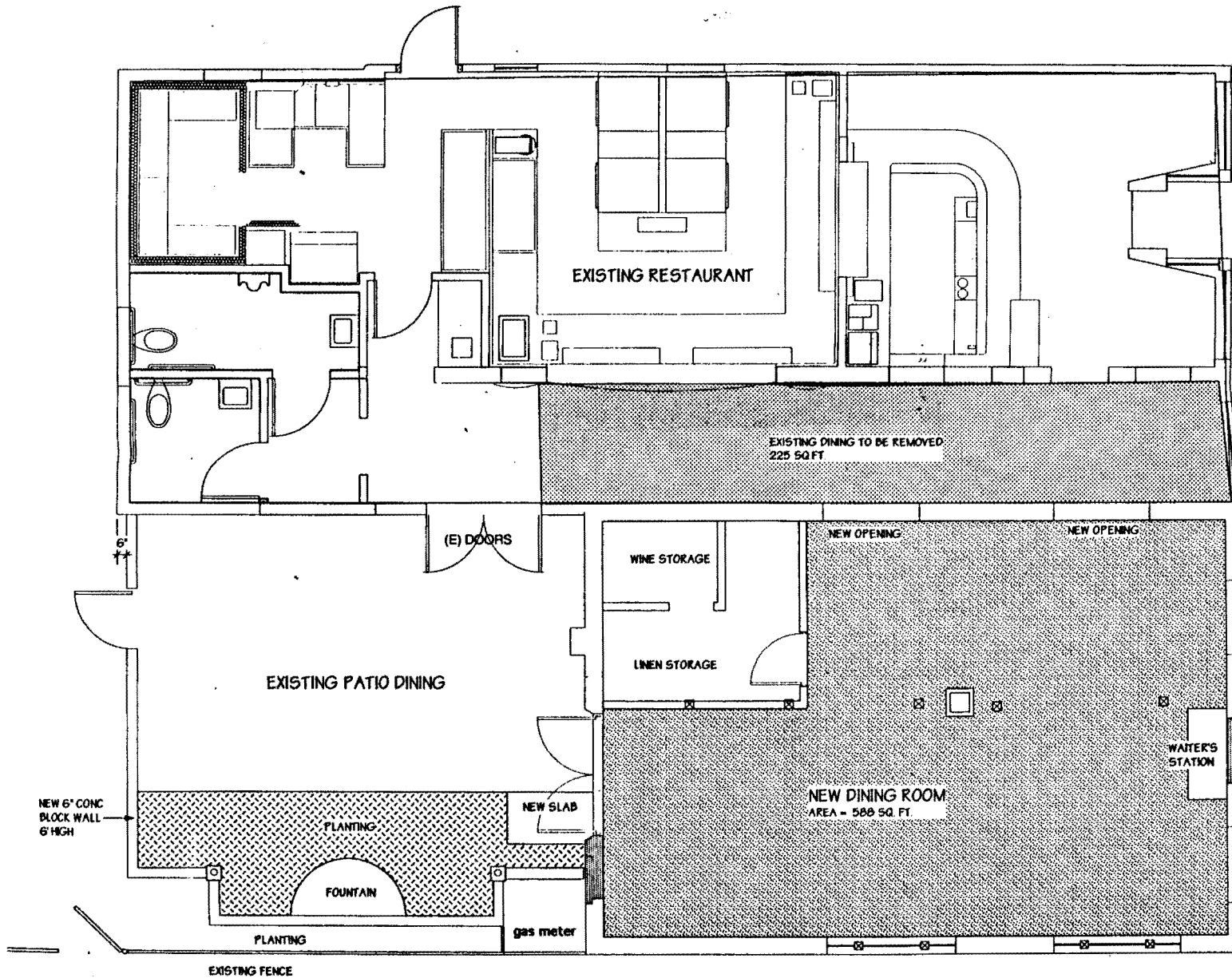
Land Use Plan (Map): North Venice • Venice Canals

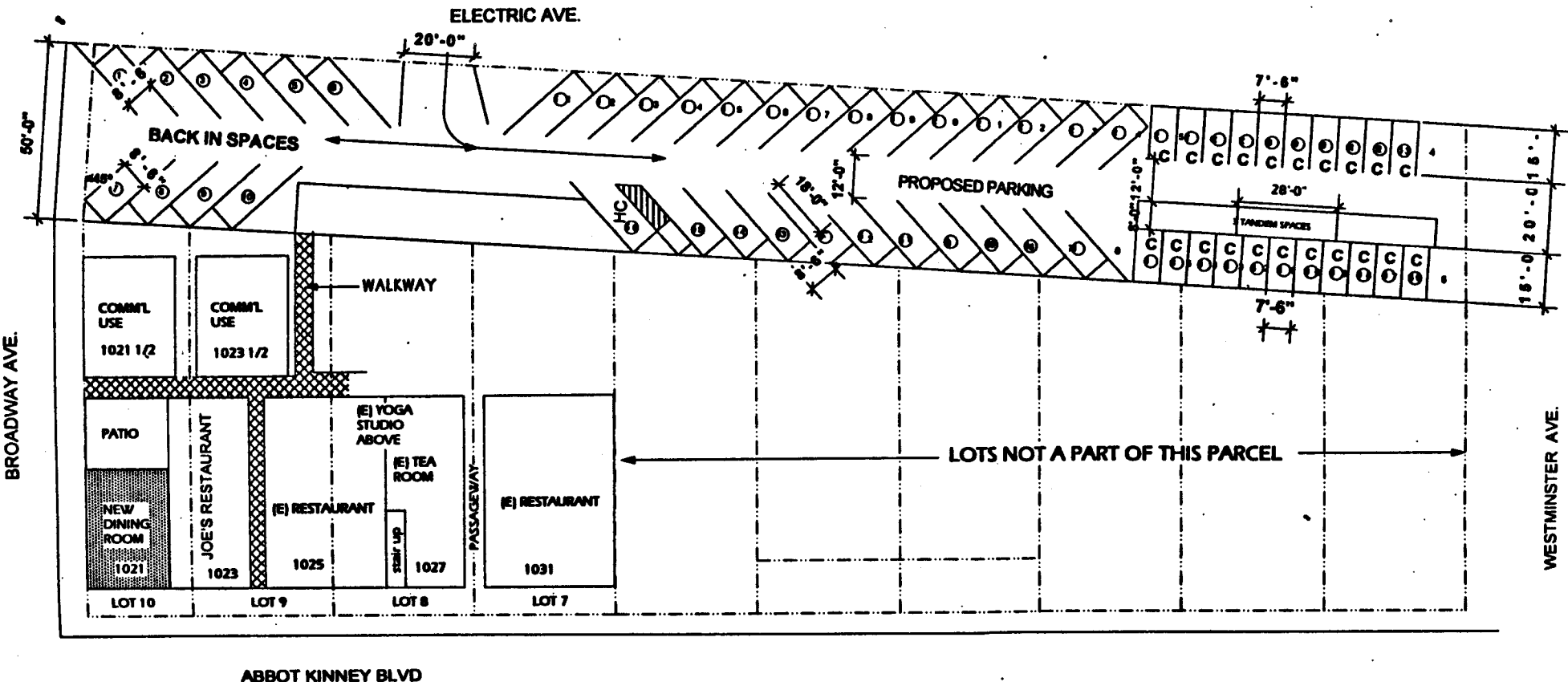


ADJACENT BUILDING

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EXHIBIT # 3
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EXHIBIT # 4
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VENICE PLACE

SOUTH WESTGATE
LOS ANGELES, CALIFORNIA 90049

RECEIVED
OCT 5 2000

CALIFORNIA
COASTAL COMMISSION

October 3, 2000

Joe's Restaurant
1023-1021 Abbot Kinney Blvd.
Venice, California 90291

To whom it may concern,

The Venice Place management hereby grants Monjoe Inc., dba Joe's Restaurant, the permission to restripe the Venice Place Properties parking lot located in Block T of Ocean Park Villa tract number 2 and Pacific Electric Railway Easement.

In accordance with the City of Los Angeles, Building and Safety's approved plans, the restriping allows Joe's Restaurant the four (4) additional parking spaces needed for expansion.


Dr. Jerome Rowitch
Venice Place General Partner

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Recorded at the request of and mail to:

EXHIBIT # 6

(Name)

PAGE 1 OF 1

(Address)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT
TO PROVIDE PARKING ATTENDANT

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles, State of California.

LEGAL DESCRIPTION: LOTS 7, 8, 9 10 BLOCK T OF OCEAN PARK VILLA
TRACT # 2 AND PACIFIC ELECTRIC RAILWAY & 1011 ELECTRIC AVE

as recorded in Book 1088195, Page , Records of Los Angeles County, which property is located and known as (ADDRESS): 1021 - 1031 ABBOT KINNEY BLVD +
1011 ELECTRIC AVE

And, that in consideration of the issuance of a building permit by the City of Los Angeles for which the required parking is allowed to be provided in a tandem arrangement as regulated by Section 12.21-A, 5(h) of the Los Angeles Municipal Code, the undersigned do hereby covenant and agree with said City that the parking will be supervised by an attendant at such times as the building for which the tandem parking is being provided is in active operation.

This covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners, encumbrances, the successors, heirs or assignees and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

SIGNATURES

MUST BE

NOTARIZED

Owner's Name JEROME ROWITCH GEN PARTNER JENIC RACE

(Please type or print)

Signature of owner *Jerome Rowitch* (Sign)

Two Officers' Signatures
Required for Corporations _____ (Sign)

Name of Corporation _____

Dated this _____ day of _____ -19 _____

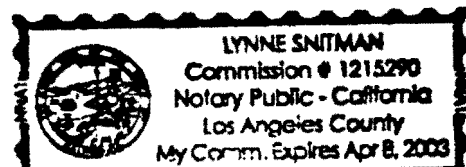
(STATE OF CALIFORNIA, COUNTY OF Los Angeles)

On MAY 26-2000 before me, LYNNE SNITMAN, Notary Public, personally appear JEROME ROWITCH, personally known to me (or proved to me the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Lynne Snitman



FOR DEPARTMENT USE ONLY:

MUST BE APPROVED BY Dept. of Building & Safety prior to recording

District Map _____ Branch Ofc _____

VENICE PLACE

SOUTH WESTGATE
LOS ANGELES, CALIFORNIA 90049

RECEIVED
OCT 5 2000
CALIFORNIA
COASTAL COMMISSION

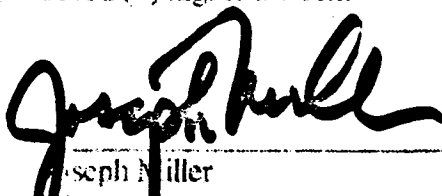
ADDENDUM TO THE LEASE

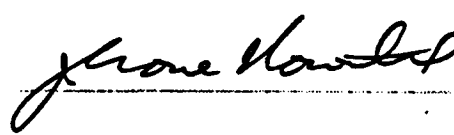
This addendum to the lease, dated the 25th day of September 1999,
between the Venice Place, a California Limited Partnership, hereinafter termed
"landlord" and Monjoe Inc., dba Joe's Restaurant LP, hereinafter termed "tenant".

WHEREAS, the parties hereto desire to continue the Lease dated August
4th, 1999 between the Venice Place and Monjoe, Inc. of the premises located at
1023 & 1021 Abbot Kinney Blvd., Venice, California.

NOW THEREFORE, in consideration of the mutual promises and
covenants contained herein, the parties hereby clarify as follows.

There are 62 spaces available for the Venice Place customers during
working hours of the day. Sixteen (16) parking spaces have already been made
available for Joe's Restaurant parking needs for both lunch and dinner hours of
service. Four (4) additional spaces are made available for the enlarged Restaurant
and space. In addition valet parking is now available for restaurant customers
seven (7) nights a week.


Joseph Miller
Monjoe Inc. General Partner
Oba. Joe's Restaurant

 10/5/00
Dr. Jerome Rowitch,
Venice Place, General Partner

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CONTINENTAL PARKING SERVICE

16161 VENTURA BLVD., #C-308
ENCINO, CA 91436
(818) 990-9063

April 26, 2000

RECEIVED
OCT 5 2000

CALIFORNIA
COASTAL COMMISSION

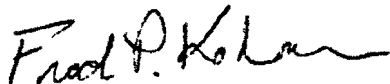
To whom it may concern:

This is to confirm that Continental Parking Service is managing the parking facility at 1011 Electric Ave., Venice, CA 90291 (License #: 956937-43) for Venice Place and Joe's Restaurant located at 1023-1021 Abbot Kinney Blvd.

There is a parking attendant on duty every day from 10:00am until 11:00pm Monday through Sunday. If at any time the parking lot becomes full (60 marked spaces) the attendant may utilize the spaces between the two rows for any additional cars. As spaces become available the attendant will park the additional cars in those spaces.

Please feel free to call me @ (818) 990-9063 with any questions.

Truly Yours,



Fred P. Kohan
President

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