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May 8, 2015

RECEIVED
South Coast Region

MAY 08 2015

VIA FAX AND U.S. MAIL

(562) 590-5084

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast District Office
200 Oceangate
Long Beach, CA 90802

Re: Friday, May 15, 2015: Item 9.c
Appeal No. A-5-VEN-15-0025 (1697 Pacific Avenue, Venice, City of Los Angeles)

Dear Commissioners:

This letter is submitted on behalf of the Hotel Erwin regarding the above-referenced appeal. We urge the Coastal Commission to determine that no substantial issue has been raised by the appeals and to proceed immediately to schedule the hotel's Coastal Permit so that the project can be commenced in the summer months.

The Hotel Erwin provides 122 hotel rooms within walking distance of the Venice Boardwalk and Windward Circle. The hotel has a long history of providing visitor serving amenities in the heart of Venice Beach, and the hotel is supported by the Venice community. The Venice Neighborhood Council endorsed the current application in October 2014 (see attached letter). The hotel currently includes a 2,700 square foot roof deck where hotel guests, neighbors and visitors enjoy food and beverage and a magnificent coastal view. In December 2014, the City of Los Angeles approved the expansion of the food and beverage area on the roof deck to a total of 5,000 square feet. The Hotel Erwin is anxious to be able to provide this amenity in time for summer visitors this year.

The roof deck at the Hotel Erwin has, as anticipated when it was first approved by the Coastal Commission in 2009, become a valuable visitor-serving coastal amenity which is popular amongst local residents and visitors alike due to the combination of its prime location - just steps from a heavily utilized boardwalk and bike path - and the unparalleled views of the coastline it provides to patrons. The proposed expansion of this roof deck at issue would allow more local residents and visitors to

the coast to have access to and enjoy this coastal resource, as encouraged by the Coastal Act.

1. Public Access and Parking

As previous approvals for this property indicate, the Hotel includes a generous on-site parking facility with two subterranean levels which can provide up to 134 spaces with valet service. The hotel includes perhaps the largest supply of on-site parking for a visitor serving use anywhere in the Venice Beach vicinity. This ample supply of parking meets the current and anticipated demand for both the hotel and the roof deck, and as a result, there are no associated adverse impacts to public parking in the area.

The record includes parking studies conducted in both 2007 and 2014 that show that currently the Hotel operates with a surplus of parking at all times. Based on a projected parking utilization at 100% hotel occupancy, there would be at least 50 surplus parking spaces even at the peak period (Saturday at 9 p.m.). Actual operations as observed in March 2014 showed peak parking occupancy of 60 (out of 134) parking spaces on Saturday evening. The parking study concludes, in part, that the existing and proposed uses do not require additional on-site parking, because even with 100 percent guest room occupancy and the completion of the roof deck expansion, the maximum potential demand for parking would be approximately 84 parking spaces. As indicated in the 2007 and 2014 parking study, the low demand for parking can be attributed in part to the fact that guests at this hotel use vehicles at a lower rate than other hotels due to the high use of taxis and shuttles, especially from nearby Los Angeles International Airport. Further, due to the location of the hotel in the heart of Venice, many visitors do not need a car while staying at the hotel while visiting or working in the area and do not maintain a car while at the hotel.

The visitors to the roof deck include hotel guests already on site, community members who walk, and visitors to the Venice Boardwalk who walk or bicycle. In addition, the hotel operators observe that evening parking demand for the roof deck is reduced by the increasing popularity of Uber, Lyft, Sidecar and other ridesharing services, particularly amongst younger patrons who represent a large percentage of the clientele. Ridesharing use in the Venice area is very high and a ride can be obtained within less than one minute at most weekend times.

In addition, the City of Los Angeles approved the expansion of the roof deck based on a recent bicycle parking Ordinance that encourages the use of alternative means of transportation to reduce traffic and pollution and minimize the need to dedicate valuable land for parking by - as is the case here - allowing for reductions in

code parking requirements through the provision of bicycle parking to replace car parking. The provision of bicycle parking at this particular site for the proposed deck expansion is consistent with various Chapter Three policies of the Coastal Act and should be recognized as good planning especially since this site is adjacent to a heavily utilized bike path. Thus, the proposed project will not impact public access, because patrons will be encouraged to either walk or arrive by bike, and bicyclists already in the area could enjoy the views afforded by the roof deck knowing that ample secure bicycle parking is provided at the hotel. This project presents the Coastal Commission with an opportunity to endorse the City of Los Angeles' bicycle parking Ordinance rather than prohibit its use in the Coastal Zone.

2. Neighborhood Issues

The proposed project expands an established visitor-serving use for enjoyment by additional community members and visitors. Purported impacts on the surrounding neighborhood have previously been addressed by the City, including the West Los Angeles Area Planning Commission and the Council Office, as well as by the Venice Neighborhood Council, through carefully crafted conditions to ensure that potential impacts to nearby residents are mitigated.

In fact, the appellant's objections regarding noise was raised during the previous Commission action regarding the roof deck in 2009 (5-03-071-A2). The Commission properly found that noise was not an issue and approved the project, in part, because pursuant to Section 30222 of the Coastal Act, the roof deck is deemed a priority use. In addition, the 2009 staff report acknowledged that "[r]estaurant noise is not a Coastal Act issue . . ." and that the applicant and the City developed a suitable set of mitigation measures that will minimize impacts on the surrounding neighborhood.

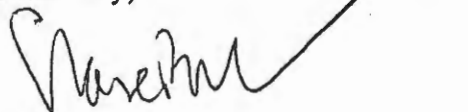
Appellant's contentions regarding structure height and views should do not create a substantial issue, because this project only proposes to increase the useable area of the existing roof deck by adding deck and seating area at the rear of an existing publicly accessible roof top. The height of the structure will not increase as a result of this project, and the existing structure does not adversely impact public views to and along the coast.

In summary, neither of the appeals before you raises a substantial issue under the Coastal Act, and the Commission should do everything within its power to expedite a hearing on the Hotel Erwin application and expand the visitor-serving area of the hotel roof deck.

California Coastal Commission
May 8, 2014
Page 4

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clare Bronowski', with a long, sweeping flourish extending from the end of the signature towards the right.

CLARE BRONOWSKI
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

CB:ms

Attachment



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



October 30, 2014

BY EMAIL

kevin.jones@lacity.org

Kevin Jones

City Planner, Metro Venice Neighborhood Projects/Hearing Officer

L.A. Department of City Planning

200 N. Spring Street

Los Angeles, CA 90012

Project: 1697 Pacific Ave. ("Hotel Erwin"), North Venice Subarea

Case Nos: APCW-2008-317-SPE-CUB-ZV-CDP-SPP-PA1 and ENV-2014-0115-CE

Project Description: A Plan Approval proceeding to evaluate the Hotel's compliance with the existing conditions of approval, and to determine whether the conditions should be modified to be more effective in accomplishing their objectives, particularly noise, traffic, and parking issues. The Plan Approval process allows the Applicant to ask for an expansion of up to 20%, and the Hotel is asking to approximately double the size of its rooftop bar/restaurant, from 2,700 square feet to 5,000 square feet. The Hotel is seeking to provide no additional parking for this increase. In support of the request for reduced parking, the Hotel submitted a letter in July 2014, which summarizes a parking utilization study, and has proposed to add approximately 90 bicycle parking spaces on Hotel property along the alley known as Windward Court. Applicant proposes to eliminate the existing condition that prohibits a Happy Hour or reduced priced drinks at any time. Applicant also proposes to expand the hours of operation by eliminating the current distinction of Fall/Winter hours of operation, and Spring/Summer hours of operation, so that the expanded rooftop bar/restaurant can stay open one hour later, from 7 am to 12:30 am Sunday through Thursday, and from 7 am to 1:30 am on Friday and Saturday.

Dear Kevin,

Please be advised that at a regularly held public meeting of the Venice Neighborhood Council (VNC) Board of Officers, the following Motion was approved:

MOTION

The VNC Board recommends approval of the Plan Approval for expansion of the rooftop deck, with the conditions of approval as indicated below, as follows:

- 1) Seating and spaces between seating, including fixed planters and gates, shall be installed and maintained as set forth in the lower drawing of the page entitled "Decks" on the attached Exhibit "A." As it is essential to reduce noise from people congregating outside of the rooftop seating areas, no customer may be served at a counter or bar, and customers may only be served, by a

It's YOUR Venice - get involved!



Venice Neighborhood Council

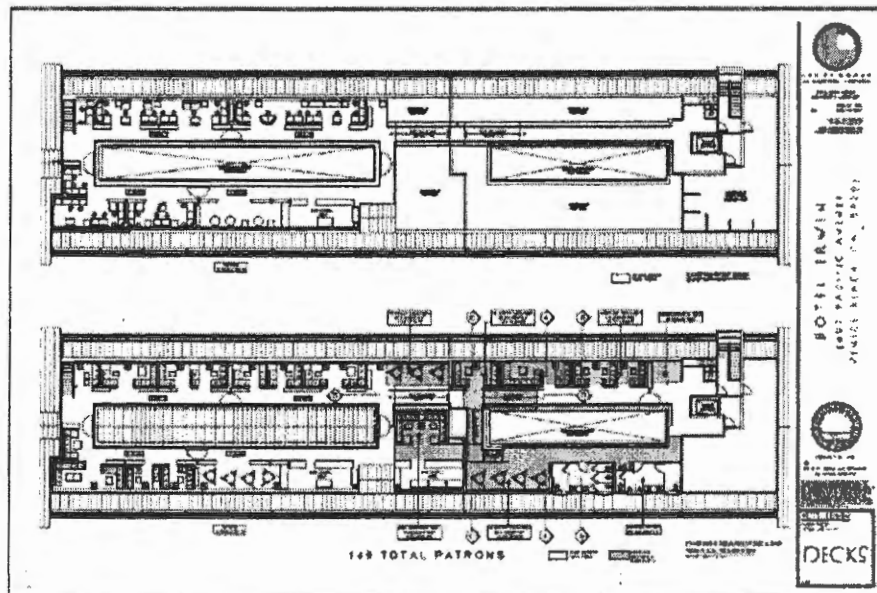
PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



server, while sitting inside of the seating areas designated in the lower drawing on the attached Exhibit "A."

- 2) To encourage employees and customers to use the hotel parking garage and to reduce the hotel's impact on street parking, Applicant shall provide free on-site parking for all employees, hotel guests, and persons who come to the hotel to attend weddings, events, and private parties, free on-site validated parking for a reasonable time for bar/restaurant customers; and shall offer free bus passes to all employees; and Applicant shall install prominent signage visible from the street to inform the public that there is free parking with validation.
- 3) Applicant shall record all concerns and complaints in a written Complaint Log.
- 4) Awnings, enclosures, covers, railings, wind screens, heat lamps, plants, trees, hedges, and umbrellas on the roof shall be distributed/disbursed so as to not in essence further increase the height or massing of the building.
- 5) Applicant shall not accept any deliveries from delivery vehicles parked anywhere on 17th Avenue.
- 6) For purposes of both increased safety and control over noise impacts, Applicant shall provide a roaming security guard on 17th Avenue and on Speedway adjacent to the hotel for at least 30 minutes, commencing at the closing time of the rooftop bar/restaurant.

EXHIBIT A



BOARD ACTION

It's YOUR Venice - get involved!



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



APPROVED 15-2-2, as amended, October 21, 2014

LUPC Staff Report available on the VNC's website:

<http://www.venicenc.org/1697-pacific-ave/>

Thank you, and please don't hesitate to contact me if you have any questions on this recommendation.

Yours truly,

Mike Newhouse
President
Venice Neighborhood Council

CC:

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CALIFORNIA COASTAL COMMISSION

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F9c

Filed:	4/14/2015
49th Day:	6/2/2015
Staff:	S. Vaughn – LB
Staff Report:	4/30/2015
Hearing Date:	5/15/2015

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number:	A-5-VEN-15-0025
Applicant:	Marina Pacific Hotel and Suites, LLC
Local Government:	City of Los Angeles
Local Decision:	Approval with Conditions
Agent:	Jonathan Lonner
Appellants:	1) Coastal Commission Executive Director (Dr. Charles Lester) 2) Joan Klotz
Project Location:	1697 Pacific Avenue, Venice, City of Los Angeles
Project Description:	Appeal by Coastal Commission Executive Director and Joan Klotz from decision by the City of Los Angeles granting permit amendment with conditions to expand food and drink service (from 2,700 sq. ft. to 5,000 sq. ft.) on the roof deck of a five-story, 122-room hotel.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the grounds on which the appeals have been filed for the following reason: the project, as approved by the City of Los Angeles, may adversely affect the public's ability to access to the coast because the additional parking demands generated by this project are not adequately mitigated, thereby resulting in increased competition for the limited supply of public parking. Approval of development that exacerbates the parking shortage in Venice will prejudice the City's ability to prepare a certified LCP.

IMPORTANT NOTE

The Commission will not take public testimony during the 'substantial issue' phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow at a subsequent Commission meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

I. MOTION AND RESOLUTION

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-15-0025 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-VEN-15-0025 presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

Two appeals have been filed (**EXHIBIT 3**). The Executive Director contends that the City-approved development may adversely affect public access and could prejudice the City's ability to prepare a Local Coastal Program (LCP). The local coastal development permit authorizes an increase in intensity of land use (2,300 sq. ft. of new service floor area) which will significantly increase parking demand on the project site and the local coastal development permit does not require adequate mitigation for the increased parking demand. The local coastal development permit would allow the applicant to provide bicycle parking stalls rather than provide any additional vehicle parking to meet the parking demands of the approved development. The result of the action is to increase the demand for parking in an area that currently does not have adequate parking supplies to meet the parking demand. The lack of adequate parking reduces the ability of the public to access the shoreline.

The City-approved development is not consistent with the terms and conditions existing Coastal Commission Coastal Development Permit (CDP) 5-03-071-A2. Specifically, Special Condition 2 of CDP 5-03-071-A2 states:

2. Parking Program

In order to protect nearby public parking facilities from the parking impacts of the proposed development and protect public access to the coast, the permittee shall:

- a) Provide all hotel guest, café patron, and hotel and café employee parking on the site within the hotel's parking garage.*

- b) Provide a parking attendant service on the premises at all times (for the proposed valet/assisted parking service) to maximize the parking capacity of the hotel's garage. Storage of vehicles by valets in the public beach/pier parking lots, on public rights-of-way, and in on-street parking spaces is prohibited.*
- c) Provide on-site vehicle parking for all overnight hotel guests at no extra charge.*
- d) Provide on-site vehicle parking for patrons of the rooftop cafe at no extra charge (a parking validation system is permitted).*
- e) Provide free on-site parking for hotel and cafe employees while they are working.*
- f) Provide hotel and cafe employees free bus passes or reimbursements for public transportation fees for transportation to and from work.*
- g) Maintain an area on the site for convenient bicycle parking (for customers and employees).*
- h) Not operate the parking garage as a general beach parking facility. The on-site parking supply shall be reserved for the customers and employees of the hotel and rooftop cafe.*

The required Parking Program shall be provided at all times consistent with the above-stated requirements and limitations. Any proposed change to the required Parking Program shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The existing permit already requires the provision of bicycle stalls to help mitigate the parking demands of the existing commercial uses on the project site. The existing permit requires the existing development to provide free on-site parking for hotel guests, employees, and patrons of the rooftop deck. The City approval allows parking fees to be charged, which may discourage customer use of the on-site parking supply.

The competition for the limited amount of public parking in the vicinity of the project has led to numerous requests for restricted "resident only" permit parking [Appeal Nos. A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343, & A-5-VEN-08-344]. The Commission's denials of the applications for "resident only" permit parking were based on adverse impacts to public access. The City's approval of increased commercial intensity in the coastal zone without mitigating the parking demands (by providing more parking or other means to access the area) will result in cumulative adverse effects to public access.

In addition to the Executive Director's contentions, Ms. Klotz (**EXHIBIT 3**) contends that "[t]he hotel's parking study does not reflect the actual, visible parking situation. The applicant has never provided free on-site parking to patrons of the rooftop bar or to its employees, or to hotel guests, as required by its [CDP]. Instead, hotel patrons, employees, and guests avoid the hotel's

expensive parking charges by repeatedly circling the neighborhood, and parking on the adjacent residential streets. On summer weekends, the hotel parking structure is often full, and the hotel parks cars bumper-to-bumper in the semi-circle driveway around the entrance to the hotel, causing cars arriving at the hotel to block Pacific Avenue because they can't turn into the driveway area. The parking study does not reflect reality when it concludes the hotel has sufficient parking capacity to service the proposed expansion. The parking study was done in March, and was not done in the summer on a weekend. The hotel proposes to nearly double the size of the rooftop bar from 2,700 square feet to 5,000 square feet. The hotel proposes to "relocate" seating on the ground floor to the rooftop bar, without actually removing any service floor area on the ground floor. Bicycle parking is not a meaningful replacement for required car parking, and is not permitted by the Local Coastal Program Land Use Plan. The hotel's [CDP] already requires the hotel to provide "convenient bicycle parking," but the hotel does not have any signage suggesting that bicycle parking is available. The proposed bicycle parking location is not visible from the hotel entrance. The proposed bicycle parking is in a very narrow and busy alley, yet using the bicycle racks requires standing in the path of travel of cars. The hotel has not complied with the conditions in its original [CDP], and the hotel has negatively impacted the neighborhood and coastal access. The hotel has not played by the rules and has not been a good neighbor."

Ms. Klotz further contends that the noise mitigation measures are not sufficient, that the height of the hotel obstructs neighbor's views, that the applicant misrepresented the change in intensity of use by citing the increase of available seats within the customer service areas rather than the increase in service floor area, and that there are several restaurants and bars within the vicinity of the hotel and the proposed rooftop expansion will not greatly contribute to visitor serving uses within Venice.

III. LOCAL GOVERNMENT ACTION

The existing 2,700 sq. ft. rooftop café was originally approved in 2008 by Local CDP APCW 2008-0317-CDP and Coastal Commission CDP 5-03-071-A2. The rooftop café is part of an existing five-story, 122-room hotel within the Dual Permit Jurisdiction (**EXHIBIT 2**).

On November 5, 2014, the West Los Angeles Area Planning Commission approved Permit Amendment APCW 2008-0317-CDP-PA1 (Marina Pacific Hotel and Suites, LLC) to expand the rooftop café from 2,700 sq. ft. to 5,000 sq. ft.; reduce seating at the ground floor café from 72 seats to 54 seats; increase the rooftop seating from 98 seats to 149 seats; make modifications to methods of serving alcohol; delete the condition to allow reduced price (Happy Hour) alcoholic beverages; add a condition that prohibits deliveries to the hotel from 17th Ave.; add a condition to provide security to patrons on 17th Ave. and Speedway for 30 minutes after closing of the bars on Fridays, Saturdays, Sundays, and holidays; and expand the hours of operation of the rooftop bar (**EXHIBIT 4**). The City determined that providing 92 bicycle parking stalls in lieu of additional vehicle parking would bring the proposed project into compliance with the parking requirements of the Venice Specific Plan (VSP), which is an uncertified City ordinance. The permit amendment is the subject of this appeal.

The Notice of Final Local Action for Local Coastal Development Permit Amendment No. APCW 2008-0317-CDP-PA1 was received in the Coastal Commission's Long Beach office on

March 16, 2015, and the Commission's required twenty working-day appeal period was established. On April 14, 2015, the Coastal Commission Executive Director and Ms. Joan Klotz submitted appeals of the City's approval of the local CDP to the Commission's Long Beach office (**EXHIBIT 3**). No other appeals were received prior to the end of the appeal period on April 14, 2015.

IV. APPEAL PROCEDURES

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

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

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

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

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is located within the *Dual Permit Jurisdiction Area*.

In this case, the permittee has submitted a permit amendment request (5-03-071-A3) for Coastal Commission review. The de novo hearing and hearing for the amendment request will be combined at a future Commission meeting.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

The project site is located in a commercially zoned neighborhood of North Venice within the Dual Permit Jurisdiction. The development fronts Pacific Ave. and runs along 17th Street to Speedway, one block inland of the Venice Boardwalk (Ocean Front Walk) (**EXHIBITS 1 & 2**). The site is developed with an existing five-story, 63.5-foot high, 122-room hotel with a two-level parking garage (134-car capacity including valet and carport parking spaces). The hotel also has a 504 sq. ft. ground floor café, a 1,035 sq. ft. meeting room, a small kitchen, a recreation room, an office, and a lobby.

The City of Los Angeles Department of Building and Safety issued the building permit for the existing structure in 1972, the year before coastal development permits were first required for development in the coastal zone (Permit No. WLA89209/72). The Department of Building and Safety issued the Certification of Occupancy for the hotel on January 8, 1975 (**EXHIBIT 5**).

On August 7, 2003, the Coastal Commission approved CDP 5-03-071/A-5-VEN-03-067 for the addition of a fifth floor and 33 new guest rooms to the existing (then 92-room) hotel for a total of 122 guest rooms and an increase in height from 52 ft. above grade to 63.5 ft. above grade. At that time, the hotel had 92 on-site parking spaces including 89 stalls in the parking garage located on the bottom two levels of the structure and three spaces in the carport at the hotel's entrance. Special conditions associated with that approval include: the requirement for the applicant to provide a parking attendant and valet services on the premises at all times; on-site parking for all overnight guests at no extra charge; free on-site parking for hotel employees; and to obtain Coastal Commission authorization for any future improvements or changes in use.

On April 6, 2005, the Coastal Commission approved Permit Amendment 5-03-071-A1 for structural improvements for seismic safety (e.g. add columns, beams, trusses, and sheer walls) and resulting change to previously approved roof profile (i.e. flat and stepped-back roof instead of a peaked roof). No height increase or change in the number of rooms, change in intensity of use, or changes in parking was proposed or approved at that time.

On April 8, 2009, the Coastal Commission approved Permit Amendment 5-03-071-A2 to establish food and drink service (2,700 sq. ft.) on the roof deck of an existing five-story, 122-room hotel. The permit amendment required the applicant to increase the capacity of the hotel's parking supply to 134 vehicle parking spaces (including five spaces in the carport) through the use of a valet program that would allow for additional tandem parking arrangements within the aisles of the 89-stall parking garage (**EXHIBIT 2**). Special conditions of the amendment include: the requisition of a parking attendant and the valet parking service on the premises at all times; on-site parking for all overnight hotel guests provided at no extra charge; free on-site parking provided to all employees; on-site vehicle parking for patrons of the café provided at no extra charge; and an on-site area for bicycle parking provided for customers and employees.

Currently, the applicant proposes to expand the existing roof deck café from 2,700 sq. ft. to 5,000 sq. ft., and install 92 bicycle parking stalls. Pursuant to the parking table in the certified Venice LUP, the proposed 2,300 sq. ft. hotel café expansion would require an additional 23 on-site

vehicle parking spaces. The City determined that the bicycle stalls can substitute for all of the additional required on-site parking spaces. No further vehicle parking mitigation was required by the City.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations if its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a substantial issue exists with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the project’s conformity with Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued or denied prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal relate to the proposed project’s potential adverse impacts on public access to the coast due to the lack of parking provided to meet the demands generated by the proposed expansion of the rooftop cafe. The appellants contend that the City-approved change in intensity of use will aggravate the parking impacts of the area and that the installation of bicycle parking stalls will not adequately mitigate for parking impacts. This contention raises the coastal access issue of whether the demands of the proposed change in intensity of use will adversely impact the public parking supply necessary to support access to Venice Beach.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (**B. Factors to be Considered in Substantial Issue Analysis**).

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Venice LUP Policy II. A. 3. Parking Requirements

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

<i>Hotel</i>	<i>2 spaces: plus 2 spaces for each dwelling unit; plus 1 space for each guest room or each suite of room for the first 30; plus 1 space for each two guest rooms or suites of rooms in excess of 30 but not exceeding 60; plus 1 space for each three guest rooms or suites of rooms in excess of 60; plus 1 space for each 100 feet of floor area used for consumption of food or beverages, or public recreation areas; plus 1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly</i>
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This appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision for Local Coastal Development Permit Amendment No. APCW 2008-0317-CDP-PA1 and accompanying findings issued by the City of Los Angeles state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**EXHIBIT 4**).

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of the Local Coastal Development Permit Amendment No. APCW 2008-0317-CDP-PA1, because the City-approved project does not include a plan that will mitigate the parking impacts of the development. The proposed project provides 92 bicycle parking stalls for the proposed 2,300 square foot expansion of roof top service floor area. Using the parking standard set forth in the certified Venice LUP (noted above), the proposed development would need to provide 23 additional on-site vehicle parking spaces. No off-site parking plan or mitigation (other than the bicycle parking stalls) was approved or required by the City.

Currently the hotel provides a maximum of 134 vehicle parking spaces with 89 parking stalls, 40 spaces within the aisles ways, and five carport spaces at the hotel's entrance (**EXHIBIT 2**). The proposed expansion, pursuant to the parking standards set forth in the certified Venice LUP, would require the provision of 23 on-site vehicle parking spaces. The provision of 92 bicycle parking stalls and no other mitigation measures for the addition of 2,300 sq. ft. of new service floor area raises a substantial issue with regards to the public access policies of the Coastal Act because the proposed project would increase parking demand and intensify competition for parking in an area already suffering from an insufficient parking supply.

Additionally, the terms of the Commission-issued coastal development permit for the existing uses require the permittee to provide free on-site vehicle parking to all overnight guests and patrons of the cafes. The hotel's website states that parking for the café is \$11 with validation and that availability for café parking is limited (**EXHIBIT 6**). Additional evidence that the hotel charges as much as \$35 for overnight hotel guests has also been provided (**EXHIBIT 6**). The alleged imposition of these parking fees appears to be a violation of CDP 5-03-071. A parking plan is necessary to mitigate the additional parking demands of the proposed development so that public parking supplies that support coastal access are not adversely affected by the parking demands of the approved development. The City-approved project does not include a plan that will mitigate the parking impacts of the proposed development. Therefore, a substantial issue exists with respect to the grounds on which the appeals have been filed.

The issue of whether the proposed development can provide adequate parking for its patrons, for the life of the proposed use, without negatively impacting the public beach access parking supply, is an important and substantial issue. Section 30252 of the Coastal Act requires that new development provide adequate parking facilities to maintain and enhance public access to the

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

coast. Section 30213 of the Coastal Act requires that the numerous lower cost visitor and recreational facilities provided at Venice Beach shall be protected.

Public access is an important issue and as such, the Commission has carefully reviewed projects like the proposed development that are located near popular coastal recreational areas. The City's approval of this project and other similar projects, have collectively exacerbated the parking problems for which Venice is famous. The ongoing competition for limited parking resources has resulted in the City's adoption of resident-only parking permits (overnight parking districts). The City has failed to require provisions of adequate parking, thus creating additional pressure on the existing parking supply, which adversely impacts the public's ability to access the coast.

Only with careful review of the proposed project can the Commission ensure that public access to the coast is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit Amendment No. APCW 2008-0317-CDP-PA1.

Applying the five factors listed in the prior section clarifies that the appeal raises "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City's findings state that "The project...has been conditioned with all applicable provisions of the Venice Coastal Specific Plan. The proposed development is in compliance with the current regulations, policies of the Coastal Act and the adopted Venice Community Plan and as such will not prejudice the ability of the City to prepare a Local Coastal Program in conformity with Chapter 3 of the California Coastal Act." And that "The recommendation of the Planning Department has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan (LUP) adopted June 15, 2001." (**EXHIBIT 4**). The standard of review for the proposed project is the Coastal Act. The certified Venice LUP (November 14, 2000), serves as guidance. As noted above, there is no provision in the certified Venice LUP which allows only bicycle parking stalls to replace required vehicle parking spaces. The proposed project will increase demand for parking in an area that already does not have adequate parking. The lack of adequate parking reduces the ability of the public to access the coast. Therefore, the Coastal Commission finds that the City provided an inadequate degree of factual and legal support for the local government's decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The existing development is a hotel with two cafes, including one café on a rooftop deck, and on-site parking for a maximum of 134 vehicles. The proposed development will increase the demand for parking. The applicant is proposing 92 bicycle parking stalls to substitute for the required vehicle parking. The applicant does not provide a plan to supply the additional vehicle parking spaces that are required for the proposed change of intensity of use. The applicant fails to meet or adequately mitigate the parking requirement for the proposed

project. Therefore, the proposed development's consistency with the public access policies of Chapter 3 of the Coastal Act is an important and substantial issue.

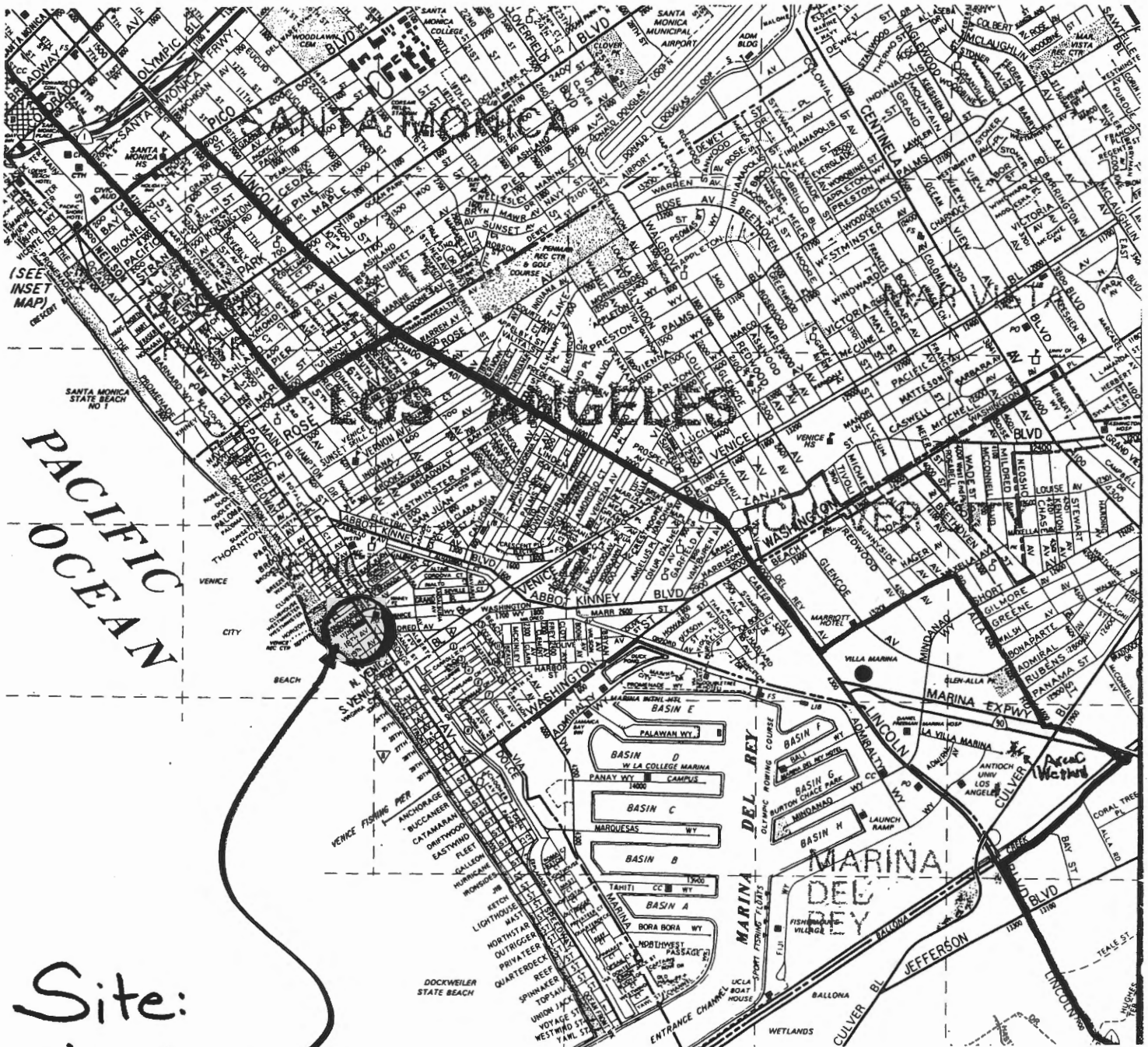
The third factor is the significance of the coastal resources affected by the decision. Public parking is explicitly called out in Section 30212.5 of Chapter 3 of the Coastal Act and in the Shoreline Access section of the certified Venice LUP. Many people who visit the coast, and especially Venice Beach, travel long distances and it is not practical for them to walk, ride bikes or take public transit. It is because of this reason that protecting the public parking supply to the coast is of significant importance. The project is located one block from the coast and it is a highly visited area with a very limited parking supply. The proposed project has the potential to negatively and cumulatively impact public beach parking supplies by increasing competition for limited public parking. Therefore, the proposed development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP. The proposed development is not consistent with the parking requirements set forth in the LUP. The City currently has several similar pending projects that have applied for a permit to substitute required vehicle parking with in-lieu parking fees and/or bicycle stalls to support a proposed change in use and/or change in intensity of use for a project. There is no provision in the LUP which allows for bicycle parking stalls to replace all of the vehicle parking spaces. This project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but without a proper action plan to mitigate the potential negative and cumulative public parking impacts to the coast, it may set a statewide precedent. Venice Beach is one of the most popular visitor destinations in the country making public access to Venice Beach a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to public parking that supports coastal access. In this case, the proposed project does not comply with all of the regulations of the certified LUP or the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

VENICE, CA

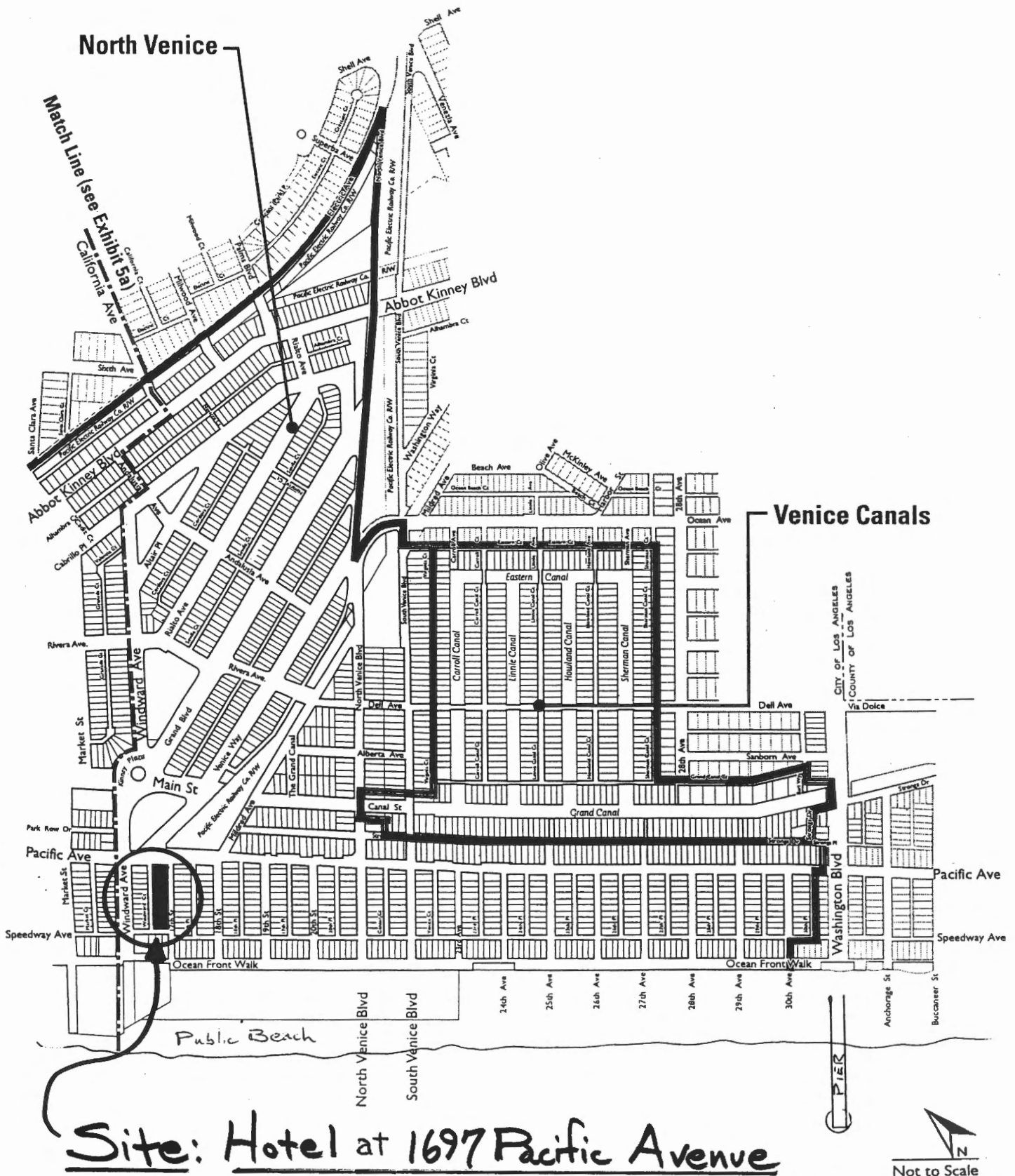


Site:
Hotel at
1697 Pacific Avenue

COASTAL COMMISSION
AS-VEN-15-0025

EXHIBIT # 1

PAGE 1 OF 2



LUP

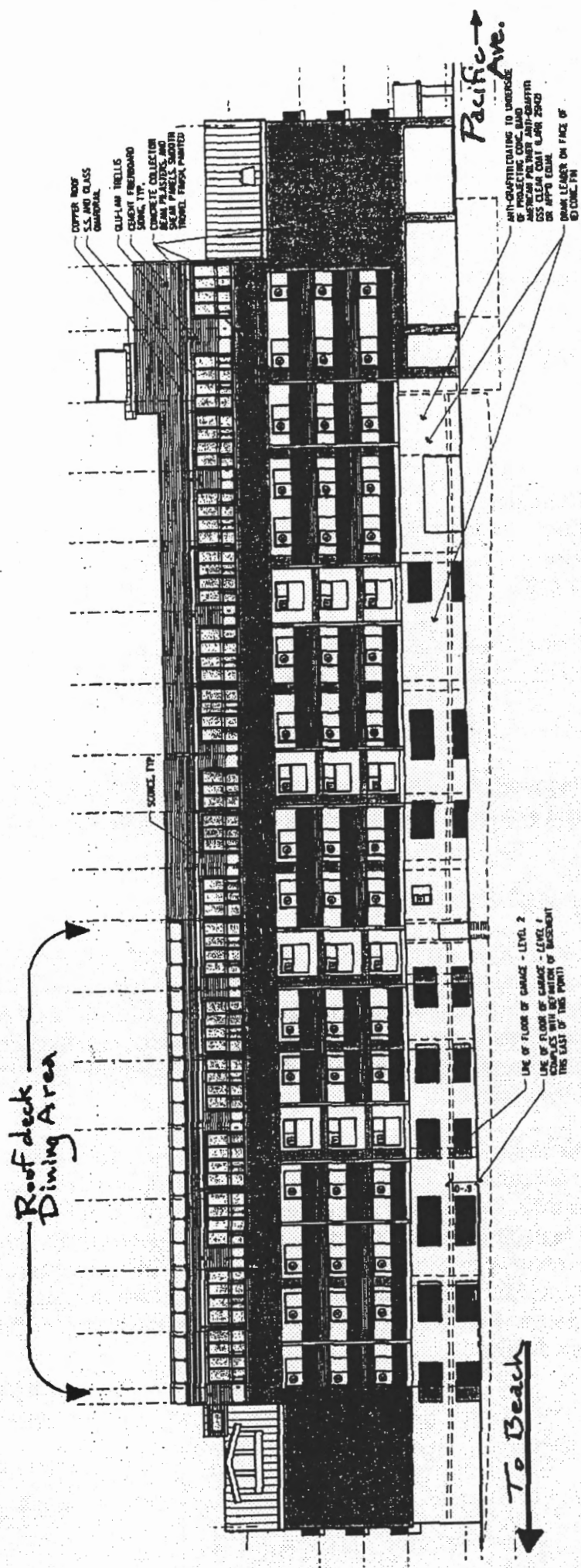
Exhibit 5b

Subarea: North Venice • Venice Canals

COASTAL COMMISSION
AS-VEN-15-0025

EXHIBIT # 1

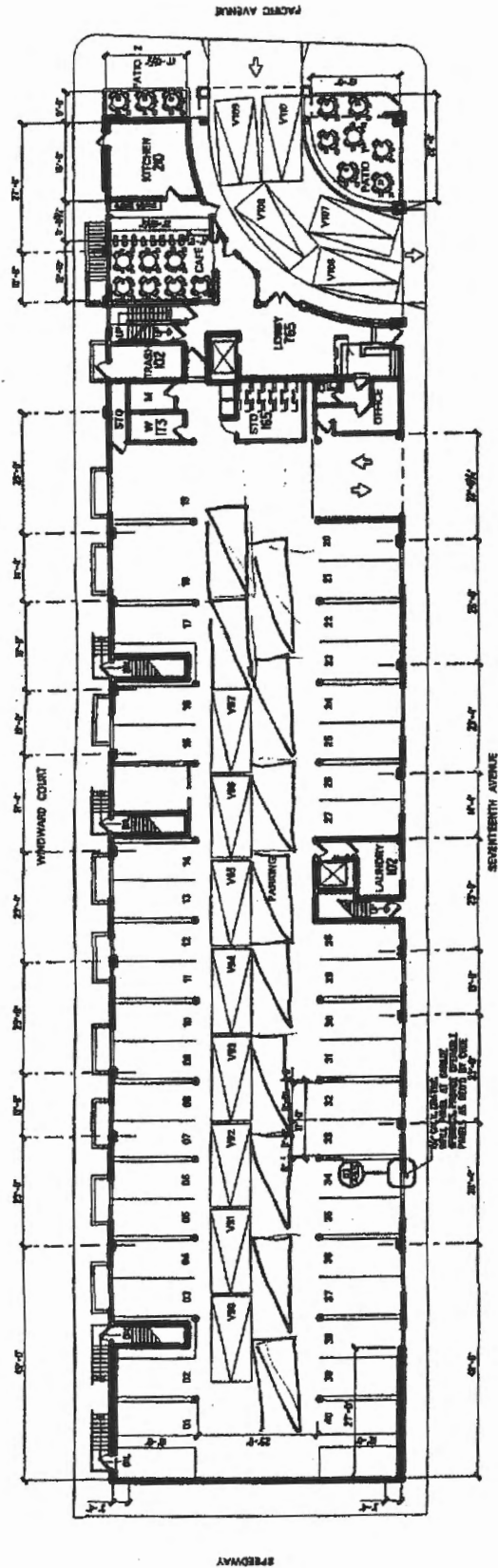
PAGE 2 **OF** 2



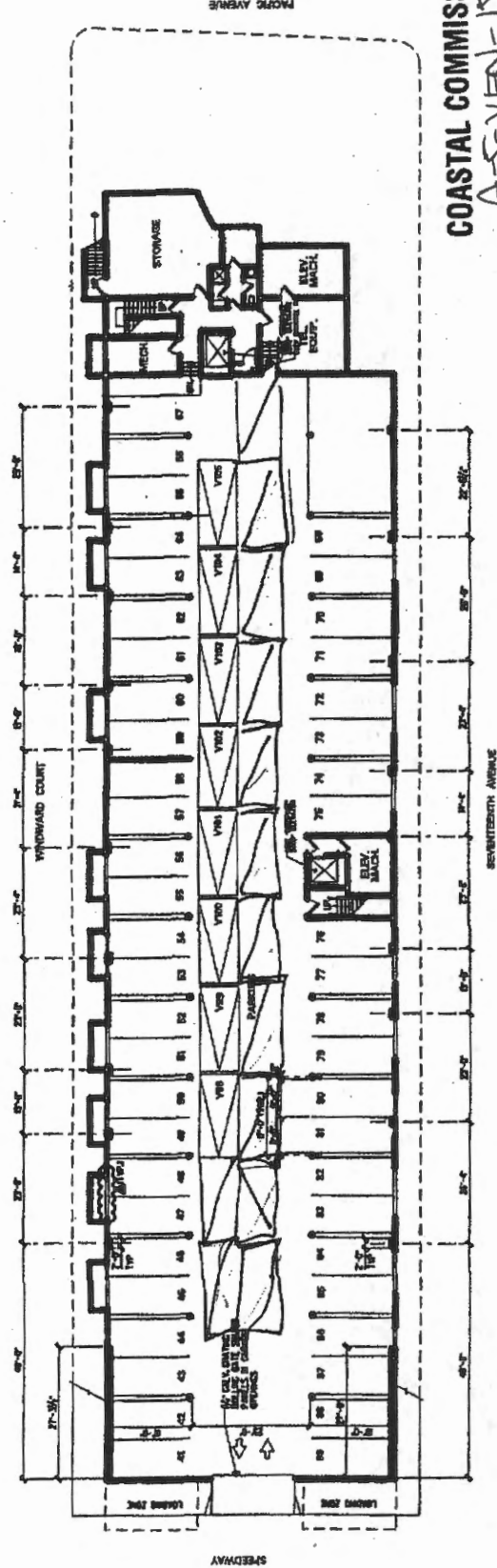
Existing Hotel

COASTAL COMMISSION
A-5-VEN-15-0025

EXHIBIT # 2
PAGE 2 OF 3



D3 1/2" = 1'-0" 1/2" = 1'-0" 1/2" = 1'-0"



COASTAL COMMISSION

A-5-VEN-15-0005

EXHIBIT # 2

PAGE 3 OF 3

Hotel Parking Layout - Two-level garage

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

APR 14 2015

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Joan Klotz

Mailing Address: 33 19th Avenue

City: Venice

Zip Code: 90291

Phone: (310) 821-2802

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

Erwin Hotel, 1697 Pacific Avenue, Venice, CA 90291

Prior Coastal Development Permit: 5-03-071

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

1697 Pacific Avenue, Venice, CA 90291

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

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

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

TO BE COMPLETED BY COMMISSION:APPEAL NO. A-5-Ven-15-0025DATE FILED 4-14-15DISTRICT South CoastCOASTAL COMMISSION
A-5-VEN-15-0025EXHIBIT # 3PAGE 1 OF 3

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

1. **Parking and coastal access:** The hotel's parking study does not reflect the actual, visible parking situation. The applicant has never provided free on-site parking to patrons of the rooftop bar or to its employees, or to hotel guests, as required by its Coastal Development Permit. Instead, hotel patrons, employees, and guests avoid the hotel's expensive parking charges by repeatedly circling the neighborhood, and parking on the adjacent residential streets. On summer weekends, the hotel parking structure is often full, and the hotel parks cars bumper-to-bumper in the semi-circular driveway around the entrance to the hotel, causing cars arriving at the hotel to block Pacific Avenue because they can't turn into the driveway area. The parking study does not reflect reality when it concludes the hotel has sufficient parking capacity to service the proposed expansion. The parking study was done in March, and was not done in the summer on a weekend. The hotel proposes to nearly double the size of the rooftop bar, from 2,700 square feet to 5,000 square feet. The hotel proposes to "relocate" seating on the ground floor to the rooftop bar, without actually removing any service floor area on the ground floor. Bicycle parking is not a meaningful replacement for required car parking, and is not permitted by the Local Coastal Program Land Use Plan. The hotel's Coastal Development Permit already requires the hotel to provide "convenient bicycle parking," but the hotel does not have any signage suggesting that bicycle parking is available. The proposed bicycle parking location is not visible from the hotel entrance. The proposed bicycle parking is in a very narrow and busy alley, yet using the bicycle racks requires standing in the path of travel of cars. The hotel has not complied with the conditions in its original Coastal Development Permit, and the hotel has negatively impacted the neighborhood and coastal access. The hotel has not played by the rules and has not been a good neighbor.

2. **Noise and Neighborhood Disturbance:** The acoustic engineer retained by the hotel to design the original rooftop configuration recommended that seating on the rooftop be grouped in small pods, with no patrons standing, no bar area, and no congregating of standing people. This was proposed as a mitigation measure to prevent noise disturbance to the residential neighborhood directly across the narrow street. The acoustic engineer was wrong, the hotel serves patrons standing in the aisles, and noise is a problem for the residential neighbors. For this proposed expansion of the rooftop bar, the hotel abandons the pod-seating recommendation. Instead, the hotel proposes to install a large bar area with open space for standing crowds to gather, in the worst possible location: on the railing nearest the adjacent apartment buildings. The acoustic engineer prepared a recent study which concludes that the noise from the rooftop will not disturb the residents of the adjacent apartment buildings when there are cars, crowds, and activity in the neighborhood. After sunset, when most beach visitors leave, there are no cars, crowds, or activity. The rooftop bar proposes to expand its hours to remain open until midnight Sunday through Thursday and until 1:00 A.M. on Friday and Saturday. The adjacent residential

neighbors are frequently disturbed by the noise of the patrons of the rooftop bar, and this will be significantly worse with a large bar area. Although neighbors have complained about the noise, there is no record because the hotel has never maintained a complaint log as required.

3. Height and View Obstruction: The hotel has constructed permanent bathrooms on the rooftop which exceed the allowable height of 63.5 feet for the building, and further obstruct the views of neighbors, without obtaining an amendment or an additional Coastal Development Permit. The hotel has also installed canopies, flame heaters, and other structures which, in effect, have added a sixth story, and exceeds the allowable height of the building.

4. Misrepresentation of Use, Expansion To Change Use: When the hotel applied to the Coastal Commission to open a rooftop cafe, the hotel promised that it would be primarily for the use of hotel guests, patrons would be seated in pods, and the rooftop would not be used for functions and events such as weddings. In a letter dated February 5, 2009, attached as Exhibit 4 to the Commission Staff Report dated March 20, 2009, the hotel stated: "First, the cafe is designed primarily to service hotel guests who are already on site and do not require additional parking." (page 2 of letter) The letter also stated "Thus, the rooftop cafe is not designed for high public use. The roof deck design has been further restricted by stringent Los Angeles City Fire Department requirements that limit the occupancy, and require seating in four designated areas separated by fixed planters and gates to avoid the possibility of high occupancy groups. This will further reduce parking demand by ensuring that the deck cannot be used for functions or large gatherings." (page 3 of letter) The hotel has violated each of these promises. The hotel rooftop is simply a bar open to the public, and it does not primarily service hotel guests, and it is neither a cafe nor a restaurant. There is no chance that the quarterly gross sale of food is greater than the sale of alcoholic beverages. The hotel has not required patrons to remain seated in the grouped pods. The hotel now proposes to use its rooftop deck and meeting room as an event center for weddings and large gatherings, yet there is insufficient parking to host large events and still provide parking for hotel guests. To obscure the extent of the expansion of the rooftop, the hotel specifies the number of seats instead of Service Floor area, and claims that it is eliminating seats on the ground floor.

5. Protection Of Residents vs. Visitor Serving Uses: In the Coastal Commission Staff Report dated March 20, 2009, it was stated: "The public beach and the Venice Beach Recreation Area are located just a few steps west of the hotel. Section 30222 of the Coastal Act gives this type of visitor-serving use priority over residential and other uses because the visitors to the coast need the services provided by facilities like restaurants and hotels." The Staff Report also states: "Restaurant noise is not a Coastal Act issue typically addressed by the Commission. The City, with the cooperation of the applicant, has developed a set of mitigation measures (e.g., limits on hours of operation, noise, dancing, live entertainment, lighting, parking, and alcohol service, etc.) that will minimize the cafe's impact on the surrounding neighborhood." The primary existing mitigation measures (parking plan, pod seating groups) have not been effectuated by the hotel and have failed, and the hotel intends to abandon the pod seating and install a large bar area in this proposed expansion. There are nearly a dozen visitor-serving bona fide restaurants and bars within one block of the hotel. Most of the visitors to the beach leave after sunset. Serving visitors to the coastal zone does not justify allowing the hotel to create a sixth story on this hotel and operate an outdoor bar on an open rooftop immediately adjacent to a residential neighborhood until midnight or 1:00 A.M. every night.



West Los Angeles Area Planning Commission

200 North Spring Street, Room 272, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

TO: California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Mailing Date: **March 13, 2015**
Case No.: **APCW 2008-0317-SPE-CUB-CDP-
ZV-SPP-PA1**
Address: **1697 Pacific Avenue**
Plan Area: **Venice**
Council District: **11**

RECEIVED
South Coast Region

MAR 16 2015

FROM: West Los Angeles Area Planning Commission

**CALIFORNIA
COASTAL COMMISSION**

MODIFIED NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Applicant name/address

Marina Pacific Hotel, Erwin H. Sokol
1697 Pacific Avenue 1880
Venice, CA 90291

Applicant Representative name/address

Jonathan Lonner, Burns & Bouchard, LLC
Century Park East, Suite 300
Los Angeles, CA 90067

The above-referenced Coastal Development Permit was granted effective **October 29, 2008**, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **September 17, 2008** and modified on **November 5, 2014**, effective **March 13, 2015**. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

Appeals must be filed within a 20 working-day appeal period, to be determined by the South Coast District Office of the Coastal Commission in accordance with said Commission's procedures.

- (X) The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.
- () The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20-working-day period the applicant may proceed with the subject project.

Attachments: Coastal Development Permit / Commission Determination Report
Zoning Administrator's Determination
Miscellaneous relevant documents

cc: Applicant and Applicant's Representative (Notice, Coastal Permit/APC Determination)
APC Determination Report mailing list (Notice & Coastal Permit/APC Determination)

COASTAL COMMISSION

A-5-VEN-15-0025

EXHIBIT # 4

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WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

DEC 08 2014

DETERMINATION MAILING DATE: _____

CASE: APCW-2008-317-SPE-CUB-CDP-ZV-SPP-PA1

CEQA: ENV-2014-0115-CE

Location: 1697 South Pacific Avenue

Council District: 11

Plan Area: Venice

Zone: C2-1-CA

Applicant: Marina Pacific Hotel and Suites, LLC

Representative: Jonathan Lonner, Burns & Bouchard, Inc

At its meeting on **November 5, 2014**, the following action was taken by the West Los Angeles Area Planning Commission:

REQUESTED ACTIONS:

1. Pursuant to Section 21084 of the California Public Resources Code, the project is Categorically Exempt (ENV-2014-0115-CE) for the above referenced project that has been determined not to have a significant effect on the environment.
2. Pursuant to Los Angeles Municipal Code Section 12.24-M, ~~and as required by Condition No. 7 of Case No. APCW 2008 317 SPE CUB CDP ZV SPP~~, a determination for

Approval of Plans to:

- A. **Permit** the continued operation of a five-story, 122-room hotel with the sale and dispensing of a full line of alcoholic beverages for on-site consumption within an existing ground floor café and a roof deck outdoor café;
- B. **Modify** Condition No. 1 to allow the expansion of an existing roof deck outdoor café from approximately 2,700 square feet to 5,000 square feet, increasing the total number of seats from 170 to 203 and modifying their locations by decreasing the seating at the existing ground floor café from 72 to 54 seats, and increasing seating at the roof deck outdoor café from 98 to 149 seats;
- C. ~~**Modify** Condition No. 3a by expanding the hours of operation of the ground floor café from 6 a.m. to 1 a.m. daily to 6 a.m. to 2 a.m. daily; Withdrawn by applicant by letter to Commission 11/5/2014~~
- D. **Modify** Condition No. 3b by expanding the October through April hours of operation for the expanded roof deck outdoor café from 7 a.m. to 11:30 p.m. Sunday through Thursdays and 7:30 a.m. to 12:30 a.m. Friday and Saturdays, to 7 a.m. to 12:30 a.m. Sunday through Thursdays and 7 a.m. to 1:30 a.m., Friday and Saturdays. Further, modify the condition to expand the May through September hours of operation from 7 a.m. to 12 midnight Sunday through Thursday and 7 a.m. to 1 a.m. Friday and Saturday to 7 a.m. to 1 a.m. Sunday through Thursday and 7 a.m. to 2 a.m. Friday and Saturday; *Revised by applicant by letter to Commission 11/5/2014.*
- E. **Modify** Condition No. 3c to expand the hours of the existing meeting rooms from 6 a.m. to 1 a.m. Sunday through Thursday and 6 a.m. to 1:30 a.m. Friday and Saturday to 6 a.m. to 2 a.m. Sunday through Thursday and 6 a.m. to 2:30 a.m. Friday and Saturday; *Withdrawn by applicant by letter to Commission 11/5/2014*
- F. **Modify** Condition No. 6 by installing 92 bicycle parking stalls to obtain parking credits that replace 23 required vehicle parking spaces;
- G. **Modify** Condition No. 8i by allowing alcoholic beverages to be served/delivered by restaurant and café employees only, which was previously allowed only from behind a counter;

EXHIBIT # 4
PAGE 2 OF 15

- H. **Delete** Condition No. 8j thereby allowing a "Happy Hour" or similar reduced price drink special, which was previously prohibited; and
3. Pursuant to Los Angeles Municipal Code Section 12.20.2.1 O, a **modification** of the previously approved **Coastal Development Permit** to include all modifications listed above.

APPROVED ACTIONS:

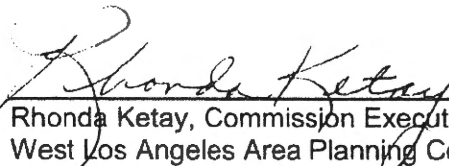
1. **Found** that Pursuant to Section 21084 of the California Public Resources Code, the project is Categorically Exempt, Class 5, Category 23, (ENV-2014-0115-CE) for the above referenced project that has been determined not to have a significant effect on the environment.
2. **Approved** the continued operation of a five-story, 122-room hotel with the sale and dispensing of a full line of alcoholic beverages for on-site consumption within an existing ground floor café and a roof deck outdoor café. **Found** that the Parking amounts and valet operation are adequate and have complied with the conditions of APCW-2008-317-SPE-CUB-ZV-CDP-SPP.
3. **Approved** the **Modification** of Condition No. 1 to allow the expansion of an existing roof deck outdoor café from approximately 2,700 square feet to 5,000 square feet increasing the total number of seats from 170 to 203 and modifying their locations by decreasing of seating at the existing ground floor café from 72 to 54 seats, and the increasing of seating at the roof deck outdoor café from 98 to 149.
4. **Approved** the **Modification** of Condition No. 2 the Site Plan. The development of the subject property shall be in substantial compliance with the revised site plan, floor plan, and landscape plan labeled "Exhibit D" dated November 5, 2014 and attached to the subject case file, except as may be revised as a result of this action.
Added a 2.A condition to prohibit deliveries to the hotel from 17th Avenue.
5. **Approved** the **Modification** of Condition No. 3b by providing consistent roof deck operating hours Sunday through Thursday from 7 a.m. to 12 midnight; Friday and Saturday to 7 a.m. to 1:00 a.m. throughout the year.
6. **Approved** the **Modification** of Condition No. 5 to require the hotel to provide free parking and bus passes for all employees, as well as a validation program for patrons to the café and roof deck at a market rate no higher than the rate charged at the parking lots owned/operated by the County of Los Angeles in the Venice Community Plan Area.
7. **Approved** the **Modification** of Condition No. 6 by installing 92 bicycle parking stalls to obtain parking credits that replaces 23 required vehicle parking spaces.
8. **Approved** the **Modification** of Condition No. 8. i. by allowing alcoholic beverages to be served/delivered by restaurant and café employees only, which was previously allowed only from behind a counter.
9. **Deleted** Condition No. 8. j. by allowing a "Happy Hour" or similar reduced price drink special, which was previously prohibited.
10. **Approved** the **Modification** of Condition 8 to **add** 8.L to require security services on Speedway and 17th Avenue on Fridays, Saturdays, Sundays and holidays.
11. **Approved** the **Modification** of the previously approved Coastal Development Permit to include all modification listed above.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Commissioner Margulies
Seconded: Commissioner Waltz Morocco
Ayes: Commissioners Halper and Donovan
Absent: Commissioner Merritt

Vote: 4 - 0


Rhonda Ketay, Commission Executive Assistant
West Los Angeles Area Planning Commission

Effective Date / Appeals: The Commission's determination will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

DEC 23 2014

LAST DAY TO APPEAL _____

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Revised Conditions of Approval and Findings

cc: Notification List
Kevin Jones

EXHIBIT # 4
PAGE 4 OF 15

CONDITIONS OF APPROVAL

The project continues to be subject to all conditions of approval as required by APCW-2008-0317-SPE-CUB-CDP-ZV-SPP except as modified below (strike-out denotes removed text and underline denotes added text):

Condition No. 1, Modified:

1. Use. The conditional use of the property shall be limited to the continued use and maintenance of a hotel and associated facilities in the C2-1 Zone. The project as approved is for the conversion of the outdoor rooftop area into a rooftop dining area for a maximum of 98 ~~149~~ patrons. The ground floor café and outdoor patio shall not exceed a maximum of ~~72~~ 54 patrons.

Condition No. 2 Modified

2. Site Plan. The development of the subject property shall be in substantial compliance with the site plan, floor plans, and landscape plans labeled Exhibit A" dated September 17, 2008, and attached to the subject case file, except as modified by this action for height. Prior to the issuance of any permits for the subject project, detailed development plans shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The location of the fixed planters and dividers to maintain ~~four~~ separate seating areas shall be maintained at all times. The roof deck shall have a maximum area of 5,000 square feet of area. The floor plans shall reflect the revised seating amounts described in modified Condition 1 Use above and shall be located approximately as shown on plans marked "Exhibit D" dated November 5, 2014. Awnings, enclosures, covers, railings, wind screens, heat lamps, plants, trees, hedges, and umbrellas on the roof shall be distributed/distributed so as to not in essence further increase the height or massing of the building.

- a. Deliveries from 17th Avenue to the hotel are prohibited.

Condition No. 3, Modified.

3. Hours of Operation. Hours of operation for the rooftop dining, ground floor café and patio with alcohol service shall be limited to the following:

- a. **Café (Ground Floor).** Monday through Sunday, 6:00 a.m. to 1:00 a.m.

- b. **Roof Deck Dining.**

Sunday through Thursday, 7:00 a.m. to midnight
Friday and Saturday, 7:00 a.m. to 1:00 a.m.

- c. **Meeting Rooms.** Sunday through Thursday, 6:00 a.m. to 1:00 a.m.
Friday and Saturday, 6:00 a.m. to 1:30 a.m.

- d. **Room Service and Mini Bars.** 24 hours or as permitted by State License

Condition Number 5 modified:

5. Automobile Parking. The hotel shall maintain 110 on-site parking spaces including aisle spaces. Valet parking shall be available during operating hours. The hotel shall provide free parking and bus passes for all employees, as well as a validation program for patrons to the café and roof deck at a market rate no higher than the rate charged at the parking lots owned/operated by the County of Los Angeles in the Venice Community Plan Area. Applicant

shall install prominent signage visible from the street to inform the public of the availability of validated parking.

Condition No. 6, Modified:

6. Bicycle Parking. The hotel shall provide a validated bicycle check service for all hotel guests and restaurant patrons. A maximum of 92 Bicycle parking stalls to obtain parking credits of 23 required vehicular parking spaces is permitted, pursuant to LAMC Sec No. 12.21.A.16.

Condition No. 8.i. Modified

8.i. Sales of alcoholic beverages shall only be ~~made from behind a counter where an employee of the restaurant/café obtains the product~~ served/delivered by restaurant and café employees only. No self-service of alcoholic beverages shall be permitted.

Condition No. 8.j. Deleted:

8.j. ~~No "Happy Hour" or reduced price drinks shall be permitted.~~

Condition No. 8.l. Added

Security guard services shall provide a patrol service on 17th Avenue and Speedway adjacent to the hotel for at least 30 minutes commencing at the closing time of the rooftop bar/restaurant on Fridays, Saturdays, Sundays and holidays.

Condition No. 11 Modified:

11. Amplified Music. Amplified music on the roof deck or outdoor patios is limited to low level background music with a maximum volume of 60dBA at three feet or less. Speakers shall be installed as recommended by the applicant's acoustical consultant to minimize off site noise impacts. A maximum of 20 speakers are permitted as identified in the Acoustic Report dated July 30, 2014.

Administrative Condition of Approval

19. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

20. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.

21. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

22. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

- 23. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 24. Project Plan Modifications.** Any correction and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yard or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission or Board.
- 25. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 26. Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Venice Community Plan area, which was adopted by the City Council on September 29, 2000 (pursuant to Council File 2000-1505 and CPC-97-0047-CPU). The Plan Map designates the subject property for Community Commercial land use with corresponding zones of CR, C2, C4, RAS3, and RAS4. The subject site is zoned C2-1 and consistent with the land use designation. Hotel uses are permitted in the Community Commercial designation and the C2 Zone however conditional use approval is necessary when located within 500-feet of a residential zone. Conditional Use approval was granted in 2002 for the expansion of the hotel to its current configuration. The Conditional Use approval of 2002 included applicant volunteered conditions prohibiting "Happy Hour" reduced pricing of alcoholic beverages.

2. **General Plan Text.**

Chapter III of the Venice Community Plan contains the following Goal, Objectives, and Policies regarding the commercial sector of the plan area:

GOAL 2 A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.

Objective 2-1 To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

The proposed approximate 2,300 square foot roof deck expansion and modifications of the Conditions of Approval are for an existing hotel that has been at the present location since 1975. The hotel, which is locally owned and operated, contributes to the commercial and pedestrian activity of 17th Avenue and the nearby Ocean Front Walk, a recognized commercial and tourist district in the Venice community as well as the greater Los Angeles area. The expansion will allow the hotel restaurant to expand its restaurant service and thereby strengthening the economic vitality of the commercial corridor.

3. **The Transportation Element** of the General Plan will not be affected by the recommended action herein. The hotel is constructed and the proposed project will require only tenant improvements.
4. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. Sewer facility connections to serve the subject hotel are already in place.
5. **Street Lights.** No new street lights are required as no new construction or increase in floor area is proposed. If street widening per BOE improvement conditions is required, then the Applicant will also be required to relocate any pre-existing street lights that may be affected by the improvements.

- ~~6. **Charter Findings.** Pursuant to Section 556 of the City Charter, the subject Conditional Use is in substantial conformance with the purposes, intent and provisions of the General Plan. The Los Angeles Municipal Code permits the filing, review, and determination of conditional use applications as outlined in Section 12.24, provided findings of fact are made herein for the subject case action.~~

B. Plan Approval Findings

Pursuant to Los Angeles Municipal Code Section 12.24.M, I hereby accept and incorporate the original findings of the City West Los Angeles Area Planning Commission's action for this conditional use case, find that the continued use conforms to the purpose and intent of the findings required for a conditional use, and adopt the following additional findings:

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The subject site is located at 1697 Pacific Avenue, situated one block east of Ocean Front Walk on the westerly side of Pacific Avenue. It is bounded by Windward Court on the north, Speedway to the west and 17th Avenue to the south. The property is situated on a parcel zoned C2-1-CA within the Venice Specific Plan.

Neighboring properties are developed with one- and two-story commercial buildings with zero setbacks and (predominantly) with no on-site parking spaces. There is commercial development to the north, west, and east with multi-family residential development immediately to the south.

As presently operated, the hotel consists of a 122-room hotel, a 1,035 square foot (sq. ft.) meeting room, a 504 sq. ft. dining room, a small kitchen, a recreation room, office and lobby, 2,700 sq. ft. roof deck, and parking for 134 vehicles through parking stalls and valet program.

The hotel was originally constructed in 1972 (permit No. WLA89209/72) and was issued its Certificate of Occupancy in 1975. The finished hotel consisted of a total of 92-rooms and 92 parking stalls. Since its completion the hotel has undergone substantial construction and reconfiguration after receiving approvals of entitlements from the City of Los Angeles in 2002 and a Coastal Development Permit in 2003. A modification to those entitlements to add a rooftop deck was approved by the City in 2008 and by the California Coastal Commission in 2009.

The requested Plan Approval is to review compliance measures associated with the development and operation of the hotel as identified in Condition no. 7 of APCW-2008-317-SPE-CUB-ZV-CDP-SPP, a reconfiguration and increase in seating/patrons for the hotel of approximately 57 seats and an extension of its hours of operation by one (1) hour each day. As a component of this application, the applicant is adding bicycle parking stalls per Ordinance No. 182,386. Additionally, the applicant is requesting the following:

- Modifications of the seating amounts and locations as identified in "Entitlement Condition A.1". Currently the total number of seats is 170. The applicant is requesting 203 seats within the hotel. The overall seating number consists of the following:
 - Ground floor café and patio: Existing approval 72, requested reduction to 54.
 - Roof deck seating: Existing 98, requested increase to 149.

- To clarify the maximum square footage of the hotel, restaurants, café, and roof deck per APCW-2001-5955-SPE-ZV-CU-CDP-SPP and APCW-2008-317-SPE-CUB-ZV-CDP-SPP.
- Modify methods of serving alcoholic beverages.
- Delete a condition to allow reduce priced (Happy Hour) alcoholic beverage service.
- Add a condition that prohibits deliveries to the hotel from 17th Avenue.
- Add a condition to provide security service patrols on 17th Avenue and Speedway for 30 minutes after the closing of the bars on Fridays, Saturdays, Sundays and holidays.

The hotel has been operating in its current form since 2009. It provides a service to the community by offering hotel lodging within one block of the beach and the Venice Boardwalk. The design is compatible with the character of the surrounding area and the community as a whole.

In addition to the benefits the hotel has brought to the built environment and surrounding community, the roof deck area has developed into a desirable setting for visitors to Venice and the local residents. The roof deck has views of the ocean, combined with food and beverage service that is in limited supply in the Venice community. The hotel with its roof deck has drawn visitors and local residents in a manner that has contributed to the revitalization of the immediate neighborhood while encouraging appreciation of the neighborhood's historic roots. Security in the neighborhood has been improved by the increased pedestrian activity generated by the hotel and its amenities along with improved lighting around the perimeter of the building.

Therefore, the continued use and proposed expansion of the hotel and roof deck will provide a service that is beneficial to the surrounding neighborhood and greater Venice community.

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject ownership is a level, rectangular, approximately 21,919 square-foot assemblage of land comprised of ten contiguous lots. The property has a 311-foot frontage along Windward Court to the north, a 315-foot frontage along 17th Avenue to the south, a 62-foot frontage along Pacific Avenue to the east, and a 73-foot frontage along the Speedway to the west. The site is one block from the Venice Beach Boardwalk and is located in the Venice Community Plan Area, Los Angeles Coastal Transportation Corridor, Dual Jurisdiction Permit Coastal Zone, and Venice Specific Plan (North Venice Subarea).

The subject property is zoned C2-1-CA and developed with an approximately 122-room, 68,757 square-foot hotel (Hotel Erwin) with 110 vehicular parking spaces. A restaurant is located at the ground floor of the hotel, while a deck of approximately 2,700 square feet (sq. ft.) is located at the rooftop of the building. The ground floor restaurant provides seating for 72 patrons while the deck provides seating for 98 patrons.

The hotel's design, size, height and operations are aesthetically compatible and both the design and character of the hotel fit well within the community. The hotel has not degraded adjacent properties, nor the surrounding neighborhood or the public welfare/safety. The hotel has brought about public safety improvements and has contributed to the welfare of the community by stimulating economic development in an area that some thought was in serious need of revitalization. The hotel has added lighting in the area at night, making surrounding streets safer for pedestrians; and has attracted greater numbers of people during off-hours, further enhancing public safety.

The current entitlement request does not alter the project's location, mass, height, etc. as the roof deck expansion is open to the sky.

The alterations proposed under the current entitlement request have been submitted along with documentation outlining the applicant's existing compliance with previous approvals on the property. The applicant's traffic consultant has reviewed the existing parking program during a peak period of the summer and identified that, as originally approved and conditioned, the parking lot functions as expected and at no time requires additional stalls to comply with its occupancy. In addition, the applicant hired an acoustic consultant to review the noise associated with activity on the roof deck. The acoustic engineer's report identifies that the roof deck complies with the noise conditions previously identified for the site and provisions of the LAMC. Given these items, and the scope of work identified by the applicant for this modification, the alterations in operations will be compatible with adjacent properties, the surrounding neighborhood, and the public health, welfare, and safety.

Parking Utilization Study

The applicant has submitted a parking utilization survey prepared by Hirsch/Green Transportation Consulting, Inc. dated July 16, 2014. This survey concluded that the existing 110 on-site parking spaces are adequate to accommodate the current parking demands of the site with a minimum of 50 unoccupied spaces present at all times throughout the parking survey periods. Factoring the current parking utilizations to reflect the unlikely event of 100 percent guest room occupancy, and completion of the proposed expansion of the seating facilities, the maximum potential vehicular parking demand would be anticipated to be approximately 84 spaces, and as such the existing parking supply will continue to provide adequate parking to meet the potential forecast demands. The hotel will provide 92 bicycle parking spaces, which will far exceed the "worst case" requirements for such spaces and will supplement the vehicular parking to avoid potential parking shortages. Therefore the existing vehicular spaces and the proposed addition of bicycle parking spaces are adequate to accommodate potential increases in parking associated with the proposed expansion and no off-street "overflow" into adjacent residential or commercial areas is expected.

Extended Hours

The Hotel Erwin food and beverage service has hours of operation on the ground floor café from 6 a.m. to 1 a.m. daily. The roof deck has varying operating hours as follows: Fall/Winter Hours (October through April) Sunday through Thursday, 7:00 a.m. to 11:30 and Friday and Saturday, 7:00 a.m. to 12:30 a.m. Spring/Summer Hours (May through September) Sunday through Thursday, 7:00 a.m. to midnight and Friday and Saturday, 7:00 a.m. to 1:00 a.m. The applicant would like to revise these hours to use the Spring Summer Hours for the entire year for consistent hours of operation. The information and documents in the case record indicate that there would be minimal changes to the current use of hotel, restaurants, or roof deck or other activities that would typically generate impacts related to noise, traffic and parking. Concerns were raised by seven (7) opponents, in communications, regarding noise and the impacts on their quality of life. It should be noted that two of the opponents were previously appellants to the earlier entitlements.

The Hotel Erwin has been in compliance with the conditions of approval. Extending the operating hours does not indicate that they would generate additional impacts.

Conditional Use approval was granted in 2002 for the expansion of the hotel to its current configuration. The Conditional Use approval of 2008 included applicant volunteered conditions prohibiting "Happy Hour" reduced pricing of alcoholic beverages and television equipment on the roof deck. Subsequent to that 2008 approval, the Department of City Planning has been not

been imposing conditions regarding the pricing of alcoholic beverages to avoid potential conflicts with the California Department of Alcoholic Beverage Control.

Additional Questions (Alcohol):

- i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.

The proposed rooftop expansion from 2,700 sq. ft. to approximately 5,000 sq. ft. of rooftop area will not adversely affect the welfare of the community and will be proper in relation to the adjacent uses. The expanded area is being located predominantly on the northern side of the roof and away from the multi-family residential located to the south. In addition a previously approved bathroom expansion is providing for a structure between the service floor area and the multi-family residential further buffering the use (and its expansion) from any nearby residential use.

Additionally, the expansion of service area is being made to an existing and established hotel already serving a full line of alcohol. There are no violations on file with the California Department of Alcoholic Beverage Control or the City of Los Angeles. The case record contains a California Department of Alcoholic Beverage Control License Query System Summary dated July 29, 2014 that shows no "Disciplinary Action" has been taken at the site. The Los Angeles Police Department submitted a letter of non-opposition from for the expansion request dated July 29, 2014 and July 31, 2014.

The hotel is located just east of Ocean Front Walk (Venice Boardwalk) and is surrounded by cafes, retail shops, and restaurants. Multi-family residential uses exist across the street from the hotel (south) and east of Pacific Avenue. There will be no exterior signage advertising or promoting the sale of alcoholic beverages at the hotel.

- ii. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.

The hotel currently has approval for alcohol sales and on-site service. Alcohol is not sold for off-site consumption. The application is to expand a rooftop deck area from 2,700 sq. ft. to 5,000 sq. ft. Irrespective of the size of the rooftop area, the hotel would continue to serve a full line of alcohol within its rooms, meeting spaces, restaurant and rooftop deck.

- iii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

The hotel currently has approval for alcohol sales and on-site service. Alcohol is not sold for off-site consumption. The application is to expand a rooftop deck area from 2,700 sq. ft. to approximately 5,000 sq. ft. Irrespective of the size of the rooftop area, the hotel would continue to serve a full line of alcohol within its rooms, meeting spaces, restaurant and rooftop deck. The hotel continues to be a valued community asset and its adherence to longstanding conditions of approval validate that it will not be detrimental to the nearby residential zone or use.

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The update to the hotel completed in 2009 was designed to bring the hotel into line with a hospitality market that had changed significantly since its initial 1975 opening. The changes

made and approved by both the City of Los Angeles and the Coastal Commission were in conformance with the purpose, intent, and provisions of the General Plan, the Venice Community Plan and the Coastal Specific Plan. The modifications requested herein forward the goals of that previous approval and maintain the hotel's ongoing compliance with the General Plan, Community Plan and Specific Plan.

The proposed modifications to the Conditions of Approval will support the continued operation of the Hotel in conformance with the Venice Community Plan, Venice Coastal Zone Specific Plan and the West Los Angeles TIMP Specific Plan. The applicant is requesting an increase in the roof deck area to 5,000 sq. ft. and an increase in the number of seats for patrons from 170 to 203. The applicant is adding bicycles parking stalls per Ordinance No. 182,386 now part of the LAMC. This provides for the installation of 92 bicycle parking stalls to obtain parking credits that replace 23 required vehicle parking spaces. The revising the operating hours to be consistent throughout the year will not increase noise or traffic impacts, as all activities will not include a large number of people. The case records indicate that the Hotel operator has been responsible in meeting all Conditions of Approval from the previous entitlements. Considering this information, it is reasonable to allow modifications to the Conditions of Approval regarding the serving of alcoholic beverages, reduced priced beverages (Happy Hour), and the installation of television equipment.

Therefore, the continued use, proposed roof deck area increase and proposed changes in operations regarding hours, parking and traffic studies will be in conformance with the purpose, intent and provisions of the General Plan, the Venice Community Plan, the Venice Coastal Zone Specific Plan and the West Los Angeles TIMP Specific Plan.

- C. **Coastal Development Permit Findings.** In order for a Coastal Development Permit to be granted, all of the requisite findings contained in Section 12.20.2-G of the Municipal Code must be made in the affirmative:

1. *The development is in conformity with Chapter 3 of the California Coastal Act of 1976.*

Chapter 3 of the California Coastal Act provides standards by which "the permissibility of the proposed development subject to the provision of this division are determined". In this case, the Coastal Act provides that: "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, will not have significant adverse effects, either individually or cumulatively on coastal resources".

The proposed project is consistent with the above referenced policy as it is an existing hotel surrounded by other commercial and residential structures. Public services including sewage connection, water, and electricity are available to the site. The proposed project abuts three improved streets.

2. *The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.*

Currently there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan, and the Venice Coastal Specific Plan serve as the functional equivalent plan. The Venice Community

Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4. The property is zoned C2-1, consistent with the Plan land use designation.

A Specific Plan Exception, Conditional Use Permit, a Zone Variance, and Project Permit Compliance for the Venice Coastal Specific Plan are being processed simultaneously with the Coastal Development Permit. The project as excepted by this instant and concurrent action and by previously approved entitlements has been conditioned with all applicable provisions of the Venice Coastal Specific Plan. The proposed development is in compliance with the current regulations, policies of the California Coastal Act and the adopted Venice Community Plan and as such will not prejudice the ability of the City to prepare a Local Coastal Program in conformity with Chapter 3 of the California Coastal Act.

3. *The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination*

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of a Local Coastal Plan, most specifically associated with new development. The proposed project is located in the North Venice Subarea as noted in the Coastal Commission's Regional Interpretive Guidelines. The Guidelines encourage visitor serving commercial facilities and the proposed project as a hotel implements such guideline.

4. *The decision herein has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.*

The recommendation of the Planning Department has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan (LUP) adopted on June 15, 2001. No outstanding issues have emerged in this case which would indicate any conflict with any other decision of the Coastal Commission.

5. *If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development shall be in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.*

Section 30212 of the California Coastal Act requires public access from the nearest public roadway to the shoreline for new development. Exceptions are made for specific types of projects including military, agriculture, and in cases where there is adequate access. The subject property is in the dual jurisdiction zone and is not located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone. The hotel does front onto 17th Avenue a public road that ends at Venice Beach. The parcel itself is not situated on a waterfront, and there are public roads and access ways between the subject property and the sea or shoreline of a body of water. The proposed project will not interfere with access to these areas and is in conformance with public access policies.

6. *An appropriate environmental clearance under the California Environmental Quality Act has been granted.*

On June 30, 2008, the City Planning Department issued Mitigated Negative Declaration No. ENV 2008-318-MND and determined that by imposing mitigation measures, any identified environmental impact could be reduced to a level of insignificance. Mitigation measures have been made conditions of approval.

D. Environmental Findings (CEQA).

The previously issued Mitigated Negative Declaration (MND), ENV-2008-318-MND, adopted by the West Los Angeles Area Planning Commission on October 29, 2008, analyzed a project consisting of the Expansion of alcohol service area and restaurant dining from the existing indoor and outdoor ground floor café (serving 72 patrons) and a proposed conversion of an existing roof deck to a 1,700 square foot dining area that will accommodate an additional 92 patrons, for a total of 164 patrons and to permit an upgrade of an existing beer and wine license to a full line of alcoholic beverages for on-site consumption all in conjunction with an existing 5-story, 122 room hotel. The project is located on a 28,052 square foot site classified in the C2-1 Zone and also located within the boundaries of the Venice Coastal Zone Specific Plan.

A Plan Approval application is requested for the modification, reconfiguration, and expansion of the existing roof deck outdoor, and the conditions regarding seating for 203 patrons all in conjunction with the continued operation of a hotel on a site in the C2-1-CA Zone. The applicant requests condition modifications to use bicycle parking stalls to obtain parking credits to replace required vehicle parking stalls as allowed by the LAMC provisions, expand the hours of operations, allow serving of beverages by restaurant/cafe staff, allow "Happy Hour" or similar reduced priced beverage special, allow television screens on the roof deck, and modification of the previously approved Coastal Development Permit to include all modifications listed above. Pursuant to Section 21084 of the California Public Resources Code, the project is Categorically Exempt, Class 5 (Alterations in Land Use Limitations), Category 23 (Granting or renewal of a variance or conditional use for a non-significant change of use of land), (ENV-2014-0115-CE) for the above referenced project that has been determined not to have a significant effect on the environment.

Address of **1697 Pacific Avenue**
Building

CITY OF LOS ANGELES
CERTIFICATE OF OCCUPANCY

NOTE: Any change of use or occupancy must be approved by the Department of B
This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address con
requirements of the Municipal Code, as follows: Ch. 1, as to permitted uses, Ch. 9, Arts. 1, 3, 4, and 5; and wit
of State Housing Law—for following occupancies:

Issued **1-8-75** Permit No. and Year **WLAB9209/72**

**Four story, Type III/1, 63' x 290', apartment
with 98-car subterranean garage, 35 apartment
57 guest rooms, restaurant dining 33 maximum
recreation room 58 maximum occupants, 98 park
required and provided, U-1/U-2/J-1/H-4/F-1/B-
occupancy.**

EXCEPT FOR DEVIATION APPROVED PER SECTION 98.0403 L.A.M.C.

Owner

Owner's **A. Sokol**

Address **6200 Warner Drive
Los Angeles, Calif.**

90048

Form B-95b—2M Sets—1-72 (C-10)

A.R. MEN

COASTAL COMMISSION

A-5-VEN-15-0025

EXHIBIT # **5**

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

Hotels.com guest reviews

Genuine Hotels.com guest review

2 night trip in
Oct 2014

rick
US

3.0 / 5 Good "Nice Hotel"

Cleanliness	4.0
Service	4.0
Comfort	4.0
Condition	4.0
Neighborhood	3.0

The room was fine, the \$32 for parking per day was a bit high. I like the front desk staff a lot and the rooftop bar was nice. However the menu only offered appetizers which would have been fine but it took forever to get them as the staff kept taking the food to the wrong tables??? And the quality was only fair. I would go back to the bar but would only order drinks.

[Read less](#)

Genuine Hotels.com guest review

Hotels.com guest reviews

1 night
business trip
in Sep 2014

Diane
US

4.0 / 5 Excellent "Totally hip hotel"

Cleanliness	5.0
Service	5.0
Comfort	5.0
Condition	5.0
Neighborhood	3.0

Definitely not for the old folks, although I'm 52 and loved the place... We checked in about 7pm on a Saturday and the line was out the door for the Rooftop Bar. What an amazing place to hang out! Of course the view was spectacular, but to see that the tables and bar areas were kept very clean and the style was trendy made it a perfect place to hang out for a while. High energy, younger crowd and dress code was typical evening-out-to-party-but-I-still-want-to-be-comfy style. Didn't really see anybody dressed like slobs which was what I kind of expected at a beach hotel bar. The rooms were retro 60's/70's style and everything was in great condition and very clean. The beds were so comfortable - the comforters were NOT those old fashioned polyester quilt like bedspreads you see in most hotels. They had the softest white cotton comforters I've ever felt. Reminded me of the St. Regis in Dana Point. And you get two pillows each - one firm and the other soft; nice to have a choice. And finally a hotel bathroom that has a working fan with vent! The only downside, and not really that big of a deal, was that the bathroom door was a sliding door and there was a gap about an inch wide away from the wall so if you walked past the closed door you could see the person inside through the crack - but only if you intentionally looked. The staff was so positive and helpful! The older gentleman that worked the front desk answered every question we had and gave us plenty of tips regarding the bar, restaurant reservations, etc. Parking was confusing at first so hope this tip helps: use the hotel parking! You have to valet, it's \$35 but so worth knowing your car is safe. Plus, we had to check out at noon but they let us keep the car there while we walked around Venice Beach and ate lunch. They even put our bags in the car for us! Street parking is not really an option if you're there for a weekend stay - none to be found anywhere close by. And do NOT opt for the public parking lot that's

[Read less](#)

Genuine Hotels.com guest review

COASTAL COMMISSION

A-5-VEN-15-0025

EXHIBIT # 6

PAGE 1 OF 4



Jindol I.
Los Angeles, CA
0 friends
7 reviews

★★★★★ 8/30/2014

I used to live in the apt. next door when this place was a nondescript Best Western, so I was very pleasantly surprised by its positive transformation when I had recently stayed there with my child.

I can't say enough about the A+ professional staff at Hotel Erwin including the front desk clerks guest services, doormen, etc. that makes a world of a difference to frequent travelers like myself who have encountered all types of service, both good and bad. The front desk clerk, Grace, was particularly accommodating to my requests (i.e. late checkout) and she, along with the rest of the staff, was very sweet to my child and they gave her a sand bucket and a fake tattoo.

The hotel's location is top-notch but unless you want to pay \$\$ for valet service, try to find street parking which is readily available if you look around during the weekdays. Good luck trying to find free parking during the weekends but then again, you'll encounter the same problem with most hotels in popular areas. The rooftop bar has a great view of Venice Beach and it wasn't too crowded during the day. I just wished they had served dessert on the rooftop.

I will most certainly look to staying here again in the future when I am in the area. Kudos again to the great staff.

Was this review ...?

Useful 2 Funny 1 Cool



Michelle L.
Vancouver, Canada
6 friends
35 reviews

★★★★★ 4/24/2014

1 check-in

In gist, a Nice but old hotel with friendly staff in a so-so neighbourhood.

Neighbourhood (3 stars) Venice area maybe a popular destination but I didn't feel so safe around this area. The venice beach is right in the front. If you like to relax and chill out this is not a bad location. But if you are up for sight-seeing etc, you might want to stay less distanced from hollywood.

Hotel itself (4 stars): Hotel has a nice interior design but seems to be aged a bit. Nothing particularly being a trouble except noise from street or next room can wake you up. Also, they only had ONE ELEVATOR which took forever to get a ride up or down. The room is spacious and clean.

There is no free parking. Valet parking is \$35 with in and out previllage. There's another parking lot accross the street but no in-and-out previllage, no coverage/fence - which is why we ended up parking our car just on the street. (you just have to not park on Tuesday 11am-2pm due to weekly street cleaning).

Was this review ...?



Siri A.
Seattle, WA
5 friends
9 reviews

★★★★★ 12/23/2013

I didn't stay at the hotel, but the roof top bar was amazing!!! Great drinks, breath taking views, and friendly staff. They even got us blankets when it started to get cold!

Downfall: parking was hard to find

Venice Beach is quite possibly the most laid-back place in the United States, and the Hotel Erwin does its level best to fit in. With a rooftop lounge called High, it's obviously taking its cues from Venice's notoriously weird vibes.

Venice, and especially the funky old boardwalk, is no place for white-glove luxury, and the Erwin is suitably budget-conscious — though you'd never guess it from the décor, with its bold, cheery colors and its stylish modern furniture. The better rooms have sea views, but even the ones that look out over the town of Venice come with private balconies and HDTVs.

The name of the rooftop bar, High, is a bit more literal than you might think; it's the highest rooftop lounge in Venice Beach, and the views range up and down the coast and far out to sea. The cozy restaurant, Barlo, serves a fine home-style breakfast, as well as a slightly upscale American bistro-style dinner. With the beach just steps from the door, and the boardwalk even closer, it's the quintessential Venice experience — which is a different animal entirely from the typical Southern California beachfront hotel.

How to get there:

Hotel Erwin is a 15-minute drive from Los Angeles International Airport. Valet parking is available for \$28 per night.

119 Rooms

Style: **Modern Design**

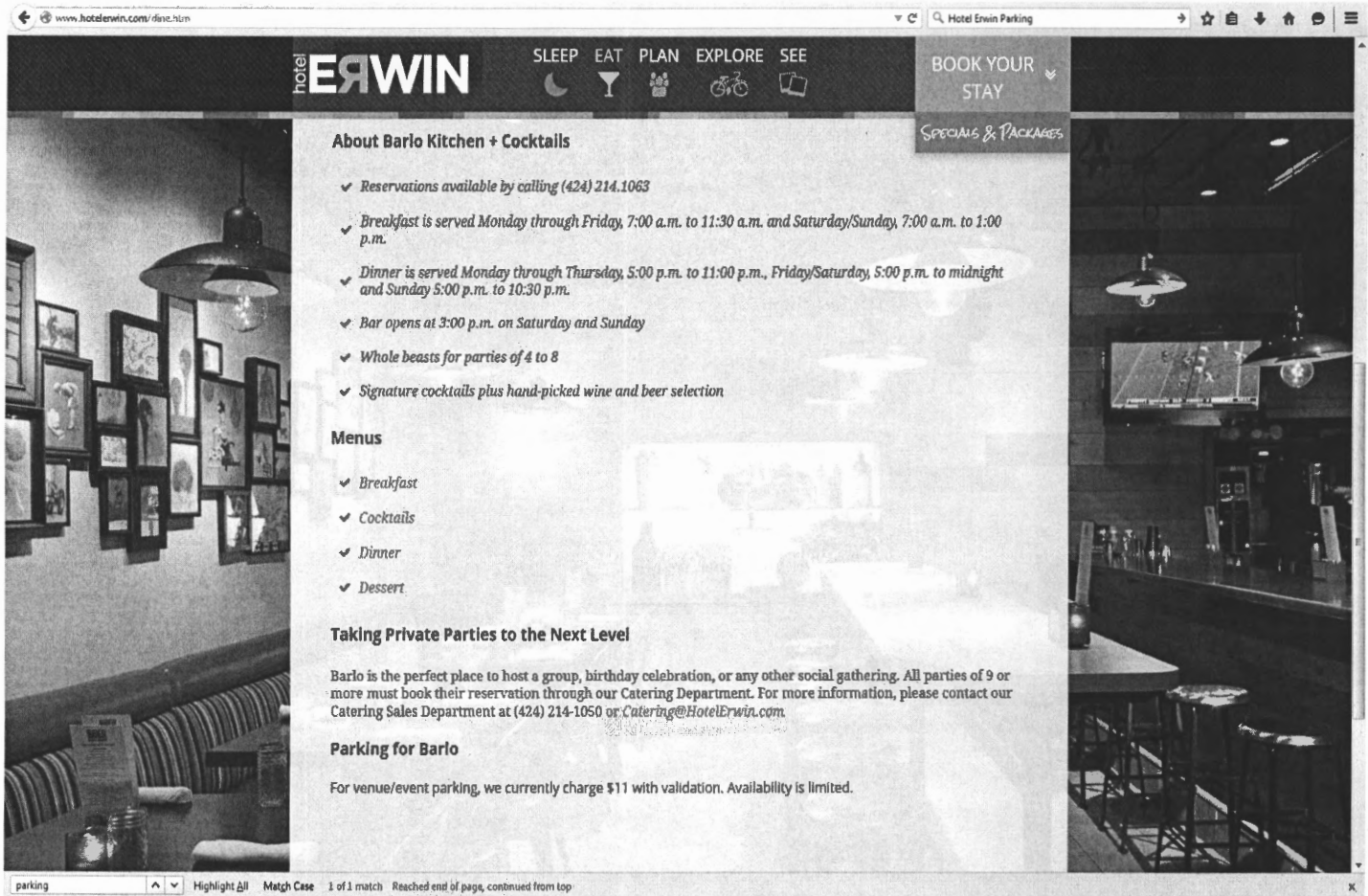
Atmosphere: **Lively**

41 Guest Reviews



↓ Cons

- No pool or spa
- Breakfast and dinner only at on-site restaurant
- Room service available only when restaurant is open
- Long lines at check-in and checkout
- Pricey valet parking



www.hotelErwin.com/dine.htm

Hotel Erwin

SLEEP EAT PLAN EXPLORE SEE

BOOK YOUR STAY

SPECIALS & PACKAGES

About Barlo Kitchen + Cocktails

- ✓ Reservations available by calling (424) 214.1063
- ✓ Breakfast is served Monday through Friday, 7:00 a.m. to 11:30 a.m. and Saturday/Sunday, 7:00 a.m. to 1:00 p.m.
- ✓ Dinner is served Monday through Thursday, 5:00 p.m. to 11:00 p.m., Friday/Saturday, 5:00 p.m. to midnight and Sunday 5:00 p.m. to 10:30 p.m.
- ✓ Bar opens at 3:00 p.m. on Saturday and Sunday
- ✓ Whole beasts for parties of 4 to 8
- ✓ Signature cocktails plus hand-picked wine and beer selection

Menus

- ✓ Breakfast
- ✓ Cocktails
- ✓ Dinner
- ✓ Dessert

Taking Private Parties to the Next Level

Barlo is the perfect place to host a group, birthday celebration, or any other social gathering. All parties of 9 or more must book their reservation through our Catering Department. For more information, please contact our Catering Sales Department at (424) 214-1050 or Catering@HotelErwin.com.

Parking for Barlo

For venue/event parking, we currently charge \$11 with validation. Availability is limited.

parking Highlight All Match Case 1 of 1 match Reached end of page, continued from top